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LEGAL STATUS OF AI-GENERATED EVIDENCE IN INDIAN COURTS

Vansh Srivastava[1] & Dr. Arvind Kumar Singh[2]

I. ABSTRACT

The swift progression of Artificial Intelligence has changed the character of evidence in judicial proceedings. AI-generated content, including deepfake videos, synthetic audio, and AI-made digital content, poses serious and new challenges to the basic rules of admissibility, authenticity, and reliability of evidence. Although Indian law has been updated through the Bharatiya Sakshya Adhiniyam, 2023, which formally acknowledges electronic records as evidence, it does not specifically deal with the unique problems of AI-generated content. This paper looks at how Indian courts can deal with this problem before it gets worse. This paper examines the legal position of AI-generated evidence before Indian courts by looking at existing laws, court decisions and legal rules on electronic evidence. It also studies the challenges created by such evidence, including difficulties in authentication, the widely discussed "black box" problem of AI systems, break in chain of custody, and the potential for deliberate misuse. A comparative study of approaches adopted in jurisdictions such as the United States, the European Union, and the United Kingdom is conducted to identify international best practices. The paper argues that the existing Indian legal framework is not equipped to handle the specific dangers of AI-generated evidence and calls for clear changes, including explicit statutory recognition, better verification methods, required disclosure rules, and training for judges and courts. The study concludes that while AI can genuinely help justice, its uncontrolled use can destroy the very idea of truth that courts depend on.

II. KEYWORDS

[1] Student at Amity University, Lucknow Campus, Uttar Pradesh (India). Email: vanshism707@gmail.com
[2] Associate Professor at Amity University, Lucknow Campus, Uttar Pradesh (India). Email: aksingh12@lko.amity.edu

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AI-generated evidence, deepfakes, Bharatiya Sakshya Adhiniyam, electronic evidence, admissibility.

III. INTRODUCTION

The law of evidence has always evolved in response to prevailing social and technological conditions. Each phase of development, from exclusive reliance on oral testimony and written instruments to the eventual recognition of electronic records, has required the legal system to revise and adjust its rules for determining truth. The advent of Artificial Intelligence, however, introduces a shift of a completely different kind. It does not merely create new categories of evidence; it challenges the basic assumptions on which courts work.

Generative AI systems are now capable of producing content that is, to the human eye and ear, impossible to tell apart from real content. AI-generated evidence may take the form of deepfake video recordings, fabricated audio, algorithmically modified images, or entirely constructed documents. Crucially, such content does not merely distort existing material; it can fabricate representations of events that have no basis in reality. The technology has advanced to a stage were detection, even by trained experts, cannot be guaranteed.

The justice system operates on a basic assumption: that evidence corresponds, at least indirectly, to events that actually occurred. Documentary, testimonial, and electronic evidence have historically possessed identifiable origins and verifiable chains of custody. AI-generated content breaks the assumptions completely by introducing material that may have no connection whatsoever to any real-world occurrence and may instead be the output of machine learning models trained on vast datasets.

This development gives rise to what may be called a crisis of authenticity. Courts are no longer solely engaged in determining how an event unfolded; they must now also ask whether the evidence before them reflects any genuine event at all. The boundary

between truth and constructed fabrication becomes uncertain, weakening how courts find facts.

The consequences of this crisis are far-reaching. If courts accept fabricated AI-generated content as genuine, wrongful convictions may follow, going against the basic legal principle that it is preferable for a guilty person to escape punishment than for an innocent person to suffer. Conversely, excessive scepticism directed at all digital evidence may lead to the exclusion of genuine material, permitting the culpable to evade accountability. The legal system must therefore find a careful balance.

India's evidentiary framework has recently been modernised through the Bharatiya Sakshya Adhiniyam, 2023, which replaces the Indian Evidence Act, 1872. The new legislation formally recognises electronic records as admissible evidence and tries to modernise evidence law. However, it does not directly address the specific challenges arising from AI-generated evidence. Such content is instead grouped under the broad category of electronic records, an approach that does not fully address the problems.

Landmark judicial decisions such as Anvar P.V. v. P.K. Basheer and Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal have reinforced the importance of authentication and procedural compliance in the context of digital evidence. Yet these pronouncements were rendered in response to conventional electronic material and do not fully address the problems.

In the absence of specific legal guidance, significant uncertainty persists regarding admissibility standards, burden of proof, verification requirements, and the appropriate use of expert testimony. The potential for deliberate fabrication using AI tools poses a serious and continuing threat to the fairness of trials and the integrity of the judicial process. It should nonetheless be acknowledged that AI is not naturally harmful to justice. When deployed responsibly and within appropriate legal constraints, it can assist in evidence analysis, event reconstruction, and investigative processes. The goal is therefore not to categorically exclude AI-generated evidence, but to construct a robust legal regime that controls its use through clear rules.

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This paper examines the legal status of AI-generated evidence in Indian courts through a structured analysis of existing law, judicial trends, and emerging challenges. It further undertakes a comparative study of international approaches and suggests reforms aimed at equipping India's evidentiary framework to meet the demands of the AI era. The ultimate aim is to ensure that technological progress does not come at the expense of justice. The law must evolve not merely to accommodate innovation, but control how that innovation is used.

A. Research Objectives

This study aims to examine the legal status of AI-generated evidence within the Indian judicial system, with particular reference to the Bharatiya Sakshya Adhiniyam, 2023. It seeks to analyse the adequacy of existing evidentiary principles in addressing issues of authenticity, admissibility, and reliability in relation to AI-generated content. The research further aims to identify the practical and doctrinal challenges posed by such evidence and to evaluate comparative legal approaches adopted in jurisdictions such as the United States, the European Union, and the United Kingdom. Ultimately, the study intends to propose legal and institutional reforms to ensure that the Indian evidentiary framework remains effective in the context of advancing artificial intelligence technologies.

B. Research Questions

This paper is guided by the following research questions:

1. How does the current Indian legal framework, particularly the Bharatiya Sakshya Adhiniyam, 2023, address AI-generated evidence?
2. What challenges do AI-generated materials pose to traditional evidentiary principles such as authenticity, admissibility, and burden of proof?
3. To what extent are existing judicial precedents on electronic evidence applicable to AI-generated content?

4. How have foreign jurisdictions approached the regulation and admissibility of AI-generated evidence?

C. Research Methodology

This study adopts a primarily doctrinal method of legal research, focusing on the analysis of statutory provisions, judicial decisions, and established principles of evidence law. It closely examines the Bharatiya Sakshya Adhiniyam, 2023, along with relevant case law including Anvar P.V. v. P.K. Basheer and Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, to assess the current legal position regarding electronic evidence.

In addition, the research incorporates a comparative analytical approach by examining legal developments in jurisdictions such as the United States, the European Union, and the United Kingdom. Secondary sources, including academic literature, law commission reports, and policy documents such as those of NITI Aayog, are also utilised to provide contextual understanding and support critical analysis.

The methodology is therefore a combination of doctrinal and comparative analysis, supplemented by a review of secondary sources, with the objective of identifying gaps in the existing framework and proposing legally sound reforms.

D. Literature Review

Research on into AI-generated evidence has increase a lot in recent years, particularly as deepfake technology and digital manipulation have become real problems. Robert Chesney and Danielle Citron have examined how synthetic media threatens democratic institutions and legal frameworks alike, showing how fabricated content can weaken evidence in court and mislead public opinion. Their scholarship shows the urgent need for laws that can keep up with these growing risks.

In a related context, Bryce Goodman and Seth Flaxman have studied the legal and ethical side of AI based decision making within the European Union, focusing mainly on transparency and accountability. Their analysis is directly useful for understanding the

problem of unclear AI processes in legal settings, commonly described as the "black box" phenomenon, where the system cannot be easily understood or explained from outside.

Within India, research on the connection between AI and evidence law is still quite limited. Existing scholarship has mostly focused on the admissibility of electronic records under the Indian Evidence Act and its successor legislation. Authors such as Sarkar and Ratanlal & Dhirajlal have written detailed studies on electronic evidence doctrine, though their works were written before modern AI became this advanced. Institutional reports from bodies such as NITI Aayog have recognised how much AI is changing things in governance and law enforcement have not seriously addressed how it affects evidence in court. This paper tries to fill this gap in Indian legal scholarship by directly looking at the legal status of AI-generated evidence and suggesting practical legal reforms that work for India.

IV. LEGAL FRAMEWORK GOVERNING AI-GENERATED EVIDENCE IN INDIA

Any analysis of AI-generated evidence within the Indian legal order must begin with the recognition that no specific law currently covers this category of material. Courts are consequently required to apply general laws, principally the Bharatiya Sakshya Adhiniyam, 2023 and the Information Technology Act, 2000, to situations they were not specifically designed to govern. The result is a regime in which traditional legal doctrines are applied to an often-creating confusion and problems.

A. Bharatiya Sakshya Adhiniyam, 2023: Scope and Limitations

The Bharatiya Sakshya Adhiniyam, 2023 (BSA) is a legal attempt to bring Indian evidence law into the contemporary technological era. It formally recognises electronic records as admissible evidence, building on the framework established by the Indian Evidence Act, 1872, particularly its Section 65B provisions.

Under the BSA, the category of electronic records encompasses any information stored, transmitted, or produced in digital form. Taken literally, AI-generated content qualifies

for inclusion within this definition. However, the inclusion is more formal than meaningful. The statute makes no real difference between electronic evidence that captures an actual occurrence and synthetic content that may be an entirely artificial construction with no basis in reality.

This not distinguished between them creates serious problems. Conventional electronic evidence, such as email correspondence or CCTV recordings, typically derives from an underlying event. AI-generated content, by contrast, may be fabricated without any real-world antecedent. Treating both as equivalent under the same statutory category risks lowering the standard of proof.

The BSA retains the certification requirement for electronic evidence, which was clearly interpreted by the Supreme Court in Anvar P.V. v. P.K. Basheer as a mandatory precondition for admissibility rather than a procedural technicality. The Court subsequently reinforced this position in Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, calling certification an important protection for reliability.

When applied to AI-generated content, however, this requirement raises difficulties that the existing framework is ill-equipped to resolve:

1. What constitutes the "device" responsible for the production of AI-generated evidence?
2. Does certification apply to the hardware, the software, or the underlying algorithm?
3. Can any certificate verify authenticity when the content itself may have been artificially fabricated?

These questions reveal a serious gap. The certification mechanism was designed to confirm that evidence has not been tampered with after its creation; it does not address whether the evidence actually reflects what happened. In the context of AI, this distinction is not merely theoretical.

B. Nature of Electronic Evidence: Judicial Interpretation

Indian courts have consistently upheld high standards of authenticity and reliability for electronic evidence. In Anvar P.V. v. P.K. Basheer, the Supreme Court declined to admit secondary electronic evidence that did not comply with certification requirements, establishing that compliance with Section 65B is a mandatory precondition for admissibility. This position was reaffirmed and clarified in Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, which also expressly disapproved contrary approaches adopted in earlier decisions.

In Tomaso Bruno v. State of Uttar Pradesh, [3] the Court recognised the increasing significance of electronic material such as CCTV footage in criminal investigations, noting that modern technology had become an important instrument of truth-finding. However, it must be noted that the observations in Tomaso Bruno on the admissibility of electronic evidence were subsequently declared per incuriam by the Supreme Court in Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, for failing to properly apply the mandatory requirement of certification under Section 65B as laid down in Anvar P.V. v. P.K. Basheer. Consequently, while Tomaso Bruno may be referred to for its recognition of the growing role of electronic evidence, its legal reasoning on admissibility is no longer good law.

This underlying assumption cannot be made in relation to AI-generated evidence. A deepfake recording may be visually identical to genuine CCTV footage yet bear no relation to any real event. The judicial principles developed in earlier cases require substantial revision to account for this new technological reality.

C. Information Technology Act, 2000: Foundational but Insufficient

The Information Technology Act, 2000 established the basic legal foundation electronic records and digital signatures in India. Its provisions accord legal validity to electronic documents allowing them to be used in court. However, the Act was enacted before AI technologies had achieved their present level of sophistication, and it does not address:

1. The generation of synthetic media

2. Deepfake production technology
3. Algorithmic manipulation and falsification of digital content

The IT Act rests on the premise that electronic records are the products of human activity. It does not consider system that can create content on their own without direct human intervention. Accordingly, while it supports the admissibility of electronic evidence in a general sense, it provides no mechanism for assessing the authenticity of material produced by AI processes.

D. Concept of "Document" and "Evidence" in the AI Context

Under conventional evidence law, a document is understood to encompass any matter expressed or described by means of letters, figures, or marks on any surface. This definition has been interpreted broadly to include electronic records. AI-generated content, however, challenges these definitions.

Unlike traditional documents, which originate in some form of human authorship, AI-generated material may be produced entirely by machine learning systems without direct human input at the point of creation. This raises a basic legal question: can content produced autonomously by a machine, without direct human authorship at the moment of generation, properly be characterised as a "document" in the conventional legal sense?

While the current law would answer this question affirmatively by putting all electronic record in one category, this approach may be too wide. A more differentiated classification system is needed, distinguishing between:

1. Records created directly through human action
2. Records produced with AI assistance
3. Fully synthetic content generated autonomously by AI systems

Such a classification would enable courts to apply appropriate and appropriate proof standards to each category.

E. Burden of Proof and Presumptions

The general principle under Indian evidence law places the burden of proof on the party asserting a fact. In the context of electronic evidence, this requires the producing party to establish authenticity. AI-generated evidence changes this in important way.

Where evidence appears visually or aurally convincing, there is a practical risk that courts may require the opposing party to disprove authenticity rather than requiring the producing party to clearly prove it. This reversal of the burden would be particularly problematic in criminal proceedings, where the presumption of innocence demands that the prosecution carry the burden of establishing every element of its case, including the reliability of the evidence it advances.

F. Role of Expert Evidence

Given the technical complexity of AI-generated content, courts will rely more and more on expert opinions. Existing law permits expert opinions to be placed before courts on matters requiring specialised knowledge. However, this creates its own set of difficulties:

1. Experts may hold different options, producing conflicting testimony.
2. Courts may lack the technical background to independently evaluate competing opinions.
3. Extensive expert involvement may substantially increase the duration and cost of proceedings.

While expert participation is a necessary component of any workable regime for evaluating AI-generated evidence, it cannot serve as a complete or self-sufficient solution. The legal framework itself must provide clearer standards to guide both courts and parties.

G. Need for Doctrinal Evolution

The current Indian legal framework, by treating AI-generated evidence as a general part of electronic evidence, represents a technology-neutral approach that is no longer suited to today's reality. The law must transition from this position toward a technology-aware

approach, which acknowledges that different categories of digital evidence carry distinct risks and require correspondingly distinct legal standards.

V. ISSUES AND CHALLENGES POSED BY AI-GENERATED EVIDENCE

The incorporation of artificial intelligence into the evidentiary landscape has done more than introduce technical complications; it changed the very nature of proof itself. The challenges are not confined to questions of procedure or admissibility but go beyond just procedure, procedural protections, and constitutional guarantees that underpin the legal system. Unlike conventional evidentiary concerns, which focus on credibility and procedure, AI-generated evidence raises more searching questions about whether truth, in any reliable way, can be established at all within judicial proceedings.

A. Crisis of Authenticity and Verification Deficit

The most immediate challenge is the difficulty of establishing authenticity. Traditional evidentiary authentication involves tracing evidence to its source and verifying its integrity through recognised methods. AI-generated content often does not fit this approach, as it may have no clear and traceable source.

Deepfake technology, for instance, can generate highly convincing video recordings depicting individuals performing acts they never committed. Such content can be constructed from publicly accessible photographs and audio samples, making source identification extremely difficult. Courts then face with evidence whose appearance of authenticity provides no reliable indicator of its actual reliability.

This situation may be described as a verification gap: the legal system presupposes that evidence can be subjected to established methods of verification, but when those methods are made unreliable by how advanced fake technology has become, the system is put under serious strain. If courts become broadly sceptical of all digital evidence, the credibility of evidentiary processes may erode. Conversely, uncritical acceptance of such evidence risks serious miscarriages of justice.

B. The "Black Box" Problem and Absence of Explainability

A closely related challenge arises from the built-in opacity of many AI systems. Machine learning models, and particularly deep neural networks, operate through mathematical processes that cannot easily be explained to non-experts. This is what is commonly called the "black box" problem.

Judicial proceedings require transparency. Judges are expected to reasoned decisions based on evidence that can be understood, examined, and challenged. Where the process by which evidence was generated cannot be explained, courts are unable to properly assess its reliability and may risk placing blind trust in outputs they do not fully understand.

This problem is compounded by the right of the opposing party to challenge evidence through cross-examination. Effective cross-examination depends on a degree of comprehension of the methods that produced the evidence in question. When that comprehension is denied by opacity, fairness in court is affected.

C. Disruption of Chain of Custody

The chain of custody doctrine requires that evidence presented in court can be shown to have been preserved in its original state and to have been handled by known and responsible people. AI-generated evidence complicates this in two significant respects. First, unlike conventional evidence, which is collected from a pre-existing source, AI-generated content may be produced at any stage of proceedings. Second, such content can be easily modified, replicated, and distributed across digital platforms without generating a clear and reliable record of these alterations.

A fabricated video, for example, might be generated, edited, and disseminated across multiple devices and platforms before it is introduced in court. Establishing a continuous and reliable custody record in such circumstances creates very serious problems for courts.

D. Weaponisation of Evidence and Potential for Misuse

Advances in AI have greatly lowered the difficulty to creating convincing false evidence. Things that once needed expert skills are now achievable through widely accessible software. This has given rise to a risk of deliberate misuse as a weapon, where fabricated material is deployed to:

1. Implicate innocent individuals in criminal conduct
2. Distort the outcome of civil disputes including matrimonial or property litigation
3. Manipulate judicial proceedings through false evidentiary narratives

The consequences of such misuse are particularly grave in criminal matters, where the effects of a wrongful conviction are severe, irreversible, affect a person's freedom and dignity.

E. The "Liar's Dividend": Denial of Genuine Evidence

A surprising but equally serious challenge is the so-called "liar's dividend." As public awareness of deepfake technology grows, individuals may seek to dismiss real evidence by claiming it has been artificially fabricated. This creates a defensive strategy takes advantage of doubt about technology to undermine otherwise reliable evidence.

A genuine video recording of criminal conduct, for instance, may be dismissed as a deepfake, thereby raising doubt over material that is in fact authentic. The liar's dividend thus represents a fundamental paradox: the mere existence of AI-generated evidence weakens the credibility of all digital evidence, genuine and fabricated alike.

F. Ambiguity in Burden of Proof

The absence of clear legal standards for AI-generated evidence creates confusion about who must prove what. If the opposing party is required to disprove the authenticity of apparently credible AI-generated content, the practical burden of doing so may require technical resources and expertise that are not equally available to all litigants. In criminal

proceedings, these risks undermining the presumption of innocence by effectively compelling the accused to rebut fabricated evidence.

G. Judicial and Institutional Capacity

Evaluating AI-generated evidence with the necessary care demands a working understanding of fields including machine learning, data science, and digital forensics, disciplines in which most judges and legal practitioners have no formal training. Reliance on expert witnesses, which becomes necessary as a result, introduces further complications: experts may disagree, courts may be not able to choose between conflicting expert views, and the overall process may become long and costly.

Without the development of institutional capacity and standardised forensic infrastructure, the judiciary will continue to depend on case-by-case expert help without the benefit of consistent methodological standards.

H. Ethical and Constitutional Dimensions

The challenges described above are not merely procedural; they raise fundamental constitutional questions. The right to a fair trial, enshrined in Article 21 of the Constitution of India, demands that evidence admitted in judicial proceedings be both reliable and open to examination. Admission of fabricated or unverifiable AI-generated content directly compromises this guarantee.

Beyond the right to a fair trial, AI-generated evidence may also impinge upon:

1. The right to reputation, if false material implicates an individual in wrongdoing they did not commit.
2. The right against self-incrimination, if synthetically generated confessions are produced.
3. The principles of natural justice, where parties are unable to meaningfully challenge evidence, they cannot understand.

I. Erosion of Public Confidence

The broader institutional consequence of AI-generated evidence is its potential to undermine public trust in the justice system. Judicial authority rests on the public's belief that courts are capable of separating truth from fabrication. If AI-generated evidence leads to recurring authenticity disputes or, more gravely, to unjust outcomes, the public trust in courts may seriously fall. A legal system that cannot reliably determine facts risks becoming one in which justice is understood as uncertain and arbitrary.

VI. COMPARATIVE ANALYSIS: INTERNATIONAL APPROACHES TO AI-GENERATED EVIDENCE

The difficulties associated with AI-generated evidence extend beyond any single jurisdiction. Legal systems around the world dealing with similar questions of authenticity, admissibility, and reliability as synthetic media becomes increasingly accessible and sophisticated. Examining how different jurisdictions have responded to these challenges shows both the options available and how urgent it is of developing a coherent framework in India.

A. United States: The Daubert Standard and Scientific Validation

The United States legal system has developed a structured approach to the admissibility of expert and technical evidence through the Daubert standard, established in Daubert v. Merrell Dow Pharmaceuticals, Inc. Under this framework, courts assess whether proposed expert evidence meets criteria including:

1. Whether the underlying methodology can be tested.
2. Whether it has been reviewed by other experts and publication.
3. The known or potential rate of error associated with the technique.
4. The degree to which the methodology is accepted within the relevant scientific community

This framework has direct relevance to AI-generated evidence. United States courts increasingly require that digital and AI-based evidence be accompanied by expert

testimony meeting these criteria. Forensic analysis of a deepfake recording, for instance, would typically involve demonstrating the detection methodology used, its reliability, and its acceptance among digital forensic specialists.

The American approach also places significant weight on cross-examination of expert witnesses, making sure that opposing parties have an effective mechanism for challenging the validity of AI-generated content. This support fairness in court and reduces the risk of uncritical reliance on technical output.

The limitations of this approach are still real. The pace of AI development frequently exceeds the capacity of courts to formulate and apply consistent standards. Furthermore, dependence on expert testimony may produce "battles of experts" in which conflicting opinions generate additional uncertainty rather than resolving it.

B. European Union: Risk-Based Regulatory Framework

The European Union has pursued a proactive approach through the EU AI Act, which classifies AI systems according to the level of risk they present and sets corresponding obligations for each category. The Act entered into force on 1 August 2024 and provides for phased implementation extending to 2026. AI systems employed in contexts such as law enforcement and judicial proceedings are classified as high-risk systems and are therefore subject to strict requirements including:

1. Transparency in operation and design.
2. Comprehensive documentation of processes.
3. Mandatory human oversight.
4. Rigorous testing and independent validation

A key feature of the EU AI Act is its emphasis on transparency obligations in relation to synthetic media. Developers and deployers of AI systems are required to disclose when content has been generated or altered by artificial means, with certain obligations already becoming applicable in early phases of implementation. This requirement directly

addresses the deceptive nature of AI-generated evidence by ensuring that courts are not presented with synthetic material without adequate notice.

The EU AI Act also underscores accountability by distributing responsibility between those who develop and those who deploy AI systems. This regulatory approach goes beyond evidence evaluation to address the governance of the underlying technology itself, reflecting a shift from a purely anticipatory model to an operational regulatory regime.

C. United Kingdom: Cautious Judicial Adaptation

The United Kingdom has adopted a slower and court driven approach. In the absence of specific legislation addressing AI-generated evidence, courts have demonstrated a growing awareness of the risks associated with digital manipulation and have applied existing principles with particular caution. The hallmarks of the UK approach include:

1. Rigorous scrutiny of digital evidence before admission.
2. Reliance on forensic verification techniques.
3. Judicial discretion exercised with awareness of emerging technological risks

Legal bodies and parliamentary committees have begun examining the implications of deepfake technology, suggesting a move toward future legislative intervention. The UK approach, while not formally codified, shows court recognise the problem of treating all digital evidence as presumptively reliable.

D. China: Technological Integration with Regulatory Oversight

China presents a distinctive model that combines technological integration within the legal process alongside regulatory oversight. In addition to the judicial acceptance of AI-generated and blockchain-based evidence, China has developed a targeted regulatory framework addressing synthetic media through the Administrative Provisions on Deep Synthesis of Internet Information Services, which came into effect on 10 January 2023. These Provisions specifically regulate deepfake and AI-generated content. Chinese courts

have accepted AI-generated and blockchain-based evidence under set conditions including:

1. Verification of the origin and provenance of data.
2. Integrity checks through technological mechanisms such as blockchain.
3. Authentication of the methods used to generate the evidence

The recognition of blockchain-stored electronic evidence as admissible in certain Chinese courts, on the basis of its resistance to tampering, demonstrates a willingness to use technology in the service of evidentiary reliability. At the same time, the Deep Synthesis Provisions impose mandatory labelling obligations for AI-generated content, require prior consent for the creation or manipulation of biometric data, and prohibit the use of such technologies to disseminate false information. These measures have direct evidentiary implications, particularly in enhancing transparency and reducing the risk of deception associated with synthetic media. However, the centralised and regulatory-intensive nature of this model means that it is not directly transferable to the Indian constitutional context.

E. Comparative Lessons for India

The approaches surveyed above shows three broad approaches: the scientific validation model of the United States, the regulatory compliance model of the European Union, and the cautious judicial adaptation model of the United Kingdom, along with China's hybrid of technological integration and administrative oversight.

India currently operates largely in a reactive and technology-neutral mode, treating AI-generated evidence as an ordinary subset of electronic evidence without targeted guidelines. This approach is not enough for several reasons:

1. It fails to account for the distinctive risks posed by AI-generated content
2. It provides no clear or consistent standards for admissibility

3. It places an excessive burden on judicial interpretation without the support of legislative guidance

The international experience suggests that India should develop a hybrid model that draws on scientific validation, regulatory transparency requirements, and careful judicial scrutiny together.

F. The Imperative of Proactive Legal Development

A central lesson from international practice is the importance of anticipatory rather than reactive regulation. Jurisdictions that have begun to engage with AI-related challenges before they become acute are clearly better placed to manage their impact on legal systems. India risks falling into a pattern of reactive reform, in which legislative responses arrive only after serious harm has already been caused. A forward-looking approach requires the recognition of AI-generated evidence as a distinct legal category, the development of specialised standards, and the organised use of technical knowledge into judicial processes.

VII. RECOMMENDATIONS AND REFORMS

Addressing the challenges posed by AI-generated evidence requires deep structural reform, not surface-level changes. The objective must be a rethinking of evidence law that acknowledges the distinctive character of artificial intelligence while preserving the foundational principles of a just legal order. Reform must not aim at resisting technological progress but at bringing it under legal control.

A. Statutory Recognition of AI-Generated Evidence as a Distinct Category

The most basic reform required is statutory recognition. The current treatment of AI-generated evidence as an undifferentiated subset of electronic evidence is insufficient because it ignores the key difference between evidence that records reality and evidence that artificially constructs it.

A clear statutory definition of AI-generated evidence should be incorporated within the Bharatiya Sakshya Adhiniyam, 2023. This definition should differentiate between:

1. Evidence produced directly through human action.
2. Evidence generated with AI assistance.
3. Fully synthetic content produced autonomously by AI systems

This classification has direct practical effects for the applicable admissibility standards. Evidence that is synthetically generated must be examined more carefully than evidence that merely records an occurrence.

B. Development of Robust Authentication Standards

The existing certification mechanism for electronic evidence, as interpreted in Anvar P.V. v. P.K. Basheer, is insufficient for AI-generated content because it deals with procedure not actual truth. Multiple levels of verification need to be developed, encompassing:

1. Verification of the provenance and origin of the content.
2. Forensic examination of metadata and digital fingerprints.
3. Use of recognised forensic tools capable of detecting manipulation.
4. Independent validation by accredited technical specialists

Courts must move from simply accepting of certified evidence toward active verification of its actual reliability. The question must extend beyond whether evidence exists in a particular form to whether it truthfully represents any underlying reality.

C. Mandatory Disclosure Obligations

Any party seeking to rely on AI-generated evidence should bear a be legally required to disclose: the fact of AI involvement in the creation or modification of the evidence, the specific tool or system used, and the method by which the content was generated. Failing to disclose should affect either the admissibility of the evidence or the weight accorded to it. This requirement serves the two purposes of preventing deception and preserving the ability of the opposing party to effectively challenge the evidence.

D. Clarification of Burden of Proof

The ambiguity surrounding the burden of proof in AI-generated evidence cases must be resolved through legislative intervention. A clear rule should be established: the party relying on AI-generated evidence bears the burden of proving its authenticity and reliability. This rule is consistent with established evidentiary principles and is especially important in criminal proceedings, where the presumption of innocence requires that the accused not be compelled to disprove fabricated material.

E. Institutionalisation of Expert Involvement

The complexity of AI-generated evidence makes expert participation indispensable. However, disorganised reliance on individually retained expert's risks producing inconsistent and possibly biased opinions. The legal framework should therefore provide for:

1. The creation of accredited panels of forensic specialists in AI and digital evidence.
2. The establishment of government-recognised digital forensic laboratories with standardised facilities.
3. The development of consistent protocols for forensic evaluation of AI-generated content

Access to neutral, court-appointed experts would reduce dependence on partisan witnesses and improve fairness and trust of judicial findings.

F. Judicial Capacity Building

Legal reform cannot succeed in the absence of trained institutions to carry it out. Judges and legal practitioners require at least a basic understanding with artificial intelligence, its capabilities, and its limitations. Training programmes should be introduced covering the fundamentals of AI, the identification of deepfakes and manipulated content, and the principles of digital forensics. The goal is not to produce technical experts among the judiciary but to build enough understanding to enable courts to ask the right questions and critically evaluate the evidence before them.

G. Legislative Amendments to the Bharatiya Sakshya Adhiniyam, 2023

Targeted amendments to the BSA represent the clearest way to bring legal certainty. Such amendments should include:

1. Specific provisions governing the admissibility of AI-generated evidence
2. Presumptions in relation to manipulated or synthetic content
3. Judicial guidelines for the evaluation of AI-generated material

These changes would reduce dependence on judicial interpretation in the absence of legislative guidance and create more consistency in the treatment of AI-generated evidence across different courts.

H. Encouragement of Explainable AI

The "black box" problem identified earlier can be partly solved through the legal encouragement of explainable AI systems. The framework should establish a preference for evidence generated through processes that can be explained and scrutinised, while treating evidence produced by opaque systems with extra caution. This approach pushes AI developers to meet legal standards.

I. Penal Consequences for Fabrication

Deliberate creation and submission of false AI-generated evidence must be treated as a serious criminal offence. Existing provisions on the fabrication of evidence may not fully cover the extent of AI-enabled manipulation. Specific penal provisions should target:

1. The creation of deepfake content with intent to deceive a court
2. The submission of manipulated digital material in judicial proceedings
3. The use of AI systems to fabricate confessions or fabricate incriminating evidence

J. Adoption of a Hybrid Regulatory Approach

India should avoid the going too far with regulation, which may impede legitimate evidentiary use of AI, and insufficient regulation, which allows misuse. A hybrid approach that integrates judicial scrutiny, scientific validation, and regulatory oversight offers the best prospect of addressing the full range of challenges while maintaining appropriate flexibility.

VIII. CONCLUSION

The arrival of Artificial Intelligence has brought about a deep and lasting change in the nature of evidence and, by extension, in the administration of justice itself. The legal system was designed on the assumption that evidence reflects reality; it now faces a situation where reality can be faked very precisely that challenges human detection. AI-generated evidence does not merely complicate the processes of litigation; it calls for a rethinking of the basic ideas upon which evidentiary law is built.

This paper has demonstrated that the Indian legal framework, while significant in its recognition of electronic evidence, remains not properly prepared for the challenges posed by AI-generated content. The Bharatiya Sakshya Adhiniyam, 2023, though representing legislative progress, treats synthetic and recorded evidence as equivalent within the same broad category. The judicial precedents of Anvar P.V. and Arjun Panditrao Khotkar, valuable as they are for the doctrine of electronic evidence, were developed in a technological environment that did not contemplate the capabilities of modern generative AI.

The challenges identified in this paper, including the crisis of authenticity, the black box problem, the risk of fabrication and weaponisation, and the erosion of public confidence, together show the urgent need for legal reform. AI-generated evidence changes traditional ideas of proof by making it increasingly difficult to determine not merely how events occurred, but whether they occurred at all.

The comparative analysis reveals that while no jurisdiction has achieved a complete or complete answer, meaningful progress has been made through combinations of scientific

validation, regulatory oversight, and judicial caution. These international experiences offer India a valuable range of models from which to construct a framework suited to its own legal and constitutional conditions.

The recommendations advanced in this paper advocate for a complete and connected approach: statutory recognition of AI-generated evidence as a distinct legal category, enhanced authentication standards, mandatory disclosure obligations, clear allocation of the burden of proof, institutionalised expert involvement, judicial capacity building, and targeted legislative amendments. Each element is necessary; none is sufficient alone.

The relationship between law and technology must ultimately be one of careful and controlled engagement. The law must neither resist innovation as a matter of reflex nor surrender to it. It must assert its authority by establishing the conditions under which technology operates in the service of justice. The legitimacy of the legal system rests on its capacity to distinguish truth from fabrication. In an age when reality can be created with AI with great accuracy, that capacity must be carefully protected.

The future of adjudication will depend not on how advanced AI becomes, but on how firmly the law retains its authority over the uses to which AI is put. A legal system that develops its institutions with foresight will preserve the conditions of justice; one that responds only after the damage has been done may find itself left behind by the very technology it is trying to control.

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