

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

“A STUDY ON THE CHALLENGES OF ADMISSIBILITY OF DIGITAL EVIDENCE IN INDIAN”

AUTHORED BY - P.DINESH SACHIN KUMAR

LL.B, School of Law, VISTAS

CO-AUTHOR - DR.S.JENIFER STELLA

Assistant Professor, School of Law, VISTAS

ABSTRACT

The rapid advancement of digital technology and the increasing integration of Artificial Intelligence (AI) into everyday life have significantly transformed the nature of evidence in legal systems across the world, including India. Traditional forms of evidence, which primarily consisted of oral testimony and physical documents, are now being supplemented—and in many cases replaced—by digital and electronic records such as emails, social media communications, CCTV footage, metadata, and cloud-based information. While this transformation has enhanced the efficiency and scope of judicial processes, it has also introduced complex challenges concerning the admissibility, authenticity, reliability, and integrity of digital evidence. This research critically examines the challenges associated with the admissibility of digital evidence in Indian courts within the framework of the Indian Evidence Act, 1872, as amended by the Information Technology Act, 2000. Particular emphasis is placed on Sections 65A and 65B, which provide the legal basis for the admissibility of electronic records. The study explores the procedural requirements, especially the mandatory certification under Section 65B, and analyzes the practical difficulties encountered in complying with these provisions. The research further investigates the evolving role of Artificial Intelligence in the evidentiary landscape, highlighting issues such as lack of transparency, algorithmic bias, and the emergence of deepfake technologies. These developments pose significant threats to the credibility of digital evidence and challenge traditional principles of evidence law. Through a doctrinal methodology, relying on statutory provisions, judicial precedents, and scholarly literature, the study evaluates the judicial approach adopted by Indian courts, particularly in landmark cases such as *Anvar P.V. v. P.K. Basheer* and *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*. It identifies key gaps

in the existing legal framework, including procedural rigidity, lack of technical expertise, and absence of specific regulations governing AI-based evidence.

The study concludes that while digital evidence is indispensable in modern legal proceedings, the current legal framework in India is inadequate to effectively address emerging technological challenges. It recommends comprehensive legal reforms, flexible evidentiary standards, enhanced technical training for legal professionals, and the development of specific guidelines for AI-generated evidence. Such measures are essential to ensure that the administration of justice remains fair, reliable, and consistent with the principles of due process in the digital era.

RESEARCH PAPER

1. INTRODUCTION

In the contemporary digital era, the nature and scope of evidence have undergone a profound transformation. The proliferation of digital technologies, coupled with the rapid development of Artificial Intelligence (AI), has significantly altered the functioning of legal systems worldwide. In India, courts increasingly rely on digital evidence in both civil and criminal proceedings, marking a shift from traditional evidentiary methods to technologically driven mechanisms. Digital evidence encompasses a wide range of data, including emails, instant messages, call records, GPS data, CCTV footage, and cloud-based information. While such evidence offers efficiency and precision, it also presents unique challenges. Unlike physical evidence, digital data is intangible, easily replicable, and highly susceptible to manipulation. These characteristics raise serious concerns regarding its authenticity, reliability, and admissibility in courts. The Indian legal system has attempted to address these challenges through legislative measures, particularly the introduction of the Information Technology Act, 2000, which amended the Indian Evidence Act, 1872. Sections 65A and 65B were introduced to provide a structured framework for the admissibility of electronic evidence. However, the practical implementation of these provisions has proven to be complex and often problematic. Furthermore, the emergence of AI technologies has added a new dimension to evidence law. AI-generated evidence, including deepfakes and algorithmic outputs, challenges traditional legal principles and raises questions about transparency, accountability, and fairness.

This study aims to critically analyze the challenges associated with the admissibility of digital evidence in Indian courts, evaluate the effectiveness of the existing legal framework, and

propose necessary reforms.

2. CONCEPT OF DIGITAL EVIDENCE AND AI

Digital evidence refers to any information of probative value that is stored or transmitted in digital form. It includes structured and unstructured data generated through electronic devices and systems.

Key characteristics:

- Intangible nature
- Easily duplicable
- Vulnerable to tampering
- Dependent on technology

Artificial Intelligence plays a growing role in:

- Facial recognition
- Predictive policing
- Automated forensic analysis
- Data pattern detection

However, AI introduces risks:

- Black box problem (lack of transparency)
- Bias in algorithms
- Difficulty in verification

3. LEGAL FRAMEWORK IN INDIA

3.1 Indian Evidence Act, 1872

Originally designed for traditional evidence, the Act now includes electronic records under “documents.”

3.2 Sections 65A & 65B

These sections provide:

- Special procedure for electronic evidence
- Requirement of 65B certificate
- Authentication mechanism

Problems:

- Difficult to obtain certificate
- Overly technical compliance
- Practical limitations

3.3 Information Technology Act, 2000

- Recognizes electronic records
- Legal validity for digital signatures
- Supports admissibility framework

4. JUDICIAL APPROACH

Indian judiciary played a major role:

Important Cases

- State v. Navjot Sandhu → Flexible approach
- Anvar P.V. v. P.K. Basheer → 65B mandatory
- Shafhi Mohammad case → Relaxation
- Arjun Panditrao case → Final clarity

5. CHALLENGES IN ADMISSIBILITY

5.1 Technical Challenges

- Data manipulation
- Cyber attacks
- Data volatility

5.2 Legal Challenges

- Rigid laws
- Conflicting judgments
- Lack of AI regulation

5.3 Procedural Issues

- Improper collection
- Weak chain of custody
- Delay in forensic analysis

5.4 Privacy Concerns

- Data misuse
- Surveillance issues
- Fundamental rights impact

5.5 AI Challenges

- Deepfakes
- Algorithm bias
- Lack of explainability

6. ANALYSIS

The current framework shows:

- Strong legal base
- Weak implementation
- Lack of tech knowledge

7. SUGGESTIONS

Legal Reforms

- Flexible 65B rules
- AI-specific laws

Technical Training

- Judges & police training
- Digital literacy

Standard Procedures

- Uniform forensic guidelines
- Proper chain of custody

Expert Involvement

- Digital forensic experts

Privacy Protection

- Strong data protection laws

International Cooperation

- Cross-border data access

8. CONCLUSION

Digital evidence has become an essential component of the modern judicial system. However, its admissibility presents complex challenges that require a careful balance between technological advancement and legal principles.

While India has made significant progress through legislative amendments and judicial interpretation, the existing framework remains inadequate to address emerging issues, particularly those related to Artificial Intelligence.

A reformed and adaptive legal system, supported by technological expertise and clear guidelines, is essential to ensure that digital evidence contributes to the delivery of justice without compromising fairness, reliability, and constitutional values.

