LEX GAZETTE
International Multidisciplinary Research Journal

ISSN: 3049-3536 (O)

SPECIAL ISSUE: I
2026

Lex Gazette International Multidisciplinary Research Journal

OPEN ACCESS

DOUBLE BLIND PEER REVIEWED

Admissibility and Evidentiary Value of AI-Generated Evidence in Civil Proceedings

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ABSTRACT

The growing integration of Artificial Intelligence (AI) into legal and adjudicatory processes has introduced a new category of evidentiary material in civil litigation—AI-generated evidence. Such evidence may include predictive analytics, automated reports, digital reconstructions, and pattern-recognition outputs generated through algorithmic processing of data. This paper examines the admissibility and evidentiary value of AI-generated evidence in civil proceedings, with special reference to the Indian legal framework.

The study adopts a doctrinal methodology to analyse statutory provisions, judicial decisions, and scholarly literature concerning electronic and digital evidence. It evaluates whether existing provisions of the Indian Evidence Act, 1872—particularly Sections 65A and 65B relating to electronic records—are sufficient to govern AI-generated outputs. The paper argues that although AI-generated evidence may be accommodated within the existing framework as a form of electronic record, such treatment remains conceptually inadequate because AI outputs are not merely stored data but algorithmically inferred conclusions.

The paper identifies key concerns relating to authenticity, source verification, reliability, algorithmic bias, transparency, and the "black box" nature of AI systems. It further highlights the role of expert evidence in establishing the credibility of AI-generated outputs and the difficulties courts may face in assigning probative value to such material. Comparative references to the approaches in the United States and the United Kingdom demonstrate the need for reliability-based standards and judicial guidance in India.

The paper concludes that while AI has the potential to enhance efficiency in civil adjudication, its evidentiary use must be regulated through legislative reform, AI-specific evidentiary standards, judicial training, and ethical safeguards. A balanced framework is essential to ensure that technological innovation supports, rather than undermines, fairness, transparency, and due process in civil justice.

KEYWORDS

Artificial Intelligence, AI-Generated Evidence, Admissibility of Evidence, Electronic Evidence, Algorithmic Bias, Evidentiary Value

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1. Introduction

1.1 Background: Digital Transformation in Civil Justice

The administration of civil justice has undergone a significant transformation with the integration of digital technologies. Courts that traditionally relied on paper-based filings, oral submissions, and physical records are increasingly adopting electronic systems for filing, case management, and adjudication. This shift has been accelerated by the need for efficiency, transparency, and accessibility, particularly in jurisdictions facing heavy case backlogs such as India.

Digital transformation has enabled the use of electronic records, virtual hearings, and online dispute resolution mechanisms. While these developments have enhanced procedural efficiency, they have also introduced complex questions relating to the nature and admissibility of digital evidence. The evolution from simple electronic records to technologically generated outputs has created a new category of evidentiary material that challenges traditional legal doctrines.

1.2 Emergence of Artificial Intelligence in Legal Processes

Artificial Intelligence (AI) has emerged as a powerful tool within the legal ecosystem, influencing multiple stages of civil litigation. From legal research and document review to predictive analytics and automated decision-support systems, AI technologies are increasingly being utilized by lawyers, litigants, and even courts.

AI systems are capable of processing vast amounts of data and generating outputs such as risk assessments, damage estimations, forensic reconstructions, and pattern-based predictions. These outputs are now being relied upon in legal proceedings, either as supporting material or as primary evidence. However, unlike traditional evidence created by human actors, AI-generated outputs are produced through complex algorithms, often lacking transparency in their functioning.

This raises critical concerns regarding the reliability, accountability, and legal recognition of such evidence within the framework of civil procedure and evidence law.

1.3 Scope and Objectives of the Study

This study examines the admissibility and evidentiary value of AI-generated evidence in civil proceedings, with particular reference to the Indian legal framework. It seeks to analyze whether existing laws governing evidence are adequate to address the challenges posed by AI-generated outputs.

The objectives of the study are:

a) To understand the concept and nature of AI-generated evidence

b) To examine the applicability of existing evidentiary rules to such evidence

c) To analyze issues relating to admissibility, reliability, and evidentiary weight

d) To identify legal gaps and challenges in the current framework

The study is limited to civil proceedings and does not extensively cover criminal law, except where principles overlap.

1.4 Research Questions

The paper is guided by the following research questions:

1. What constitutes AI-generated evidence in the context of civil litigation?
2. Can AI-generated outputs be admitted under existing evidentiary laws in India?
3. How should courts assess the reliability and probative value of such evidence?
4. What challenges arise due to the use of AI in evidentiary processes?
5. Is there a need for reform in the legal framework governing evidence?

1.5 Methodology

This study adopts a doctrinal research methodology, focusing on the analysis of statutes, judicial decisions, and academic literature. Primary sources include legislative provisions and case law, while secondary sources include scholarly articles, commentaries, and reports on AI and law.

The research also involves a conceptual analysis of technological aspects of AI to understand its interaction with legal principles. Comparative references are made where necessary to provide contextual understanding.

2. Conceptual Framework of AI-Generated Evidence

2.1 Meaning and Nature of Artificial Intelligence

Artificial Intelligence refers to the capability of machines or computer systems to perform tasks that typically require human intelligence, such as learning, reasoning, pattern recognition, and decision-making. AI systems operate through algorithms, which are sets of instructions designed to analyze data and produce outputs.

Modern AI systems, particularly those based on machine learning, can improve their performance over time by learning from data inputs. However, the complexity of these systems often results in limited transparency, making it difficult to understand how specific outputs are generated. This characteristic is commonly referred to as the “black box” nature of AI.

2.2 What Constitutes AI-Generated Evidence

AI-generated evidence refers to any information or output produced by an artificial intelligence system that is presented in a legal proceeding to establish or disprove a fact in issue. Unlike traditional evidence, which is created or recorded by human actors, AI-generated evidence is the result of automated computational processes.

Such evidence may include:

a) Predictive models estimating outcomes or risks

b) Automated reports generated from data analysis

c) Image or video reconstructions based on AI processing

d) Pattern recognition outputs derived from large datasets

The defining feature of AI-generated evidence is that it is not merely stored or transmitted electronically but is actively created or inferred by an intelligent system.

2.3 Types of AI Evidence

AI-generated evidence can take various forms depending on its application:

1. **Predictive Analytics:**
   These systems analyze historical data to predict future outcomes, such as the likelihood of breach of contract or financial loss.
2. **Automated Reports:**
   AI tools can generate reports summarizing large volumes of data, often used in financial disputes, audits, or compliance matters.
3. **Digital Reconstructions:**
   AI is used to recreate events, such as accident simulations or property damage assessments, based on available data.
4. **Pattern Recognition Outputs:**
   These include identification of anomalies, fraud detection, or behavioral patterns in large datasets.

Each type raises distinct legal issues in terms of admissibility and reliability.

2.4 Distinction Between Electronic Evidence and AI-Generated Evidence

It is important to distinguish between electronic evidence and AI-generated evidence, as the two are often conflated.

Electronic evidence refers to data that is stored or transmitted in digital form, such as emails, documents, or electronic records. Such evidence is generally a direct representation of human input or activity.

In contrast, AI-generated evidence is derived from the processing and analysis of data by an algorithm. It involves an additional layer of interpretation or inference by the system. While electronic evidence is primarily concerned with authenticity and integrity, AI-generated evidence raises further concerns regarding the accuracy, reliability, and explainability of the output.

This distinction is crucial because existing legal frameworks are primarily designed to address electronic records, not algorithmically generated conclusions.

3. Legal Framework Governing Evidence in India

3.1 Overview of the Indian Evidence Act, 1872

The Indian Evidence Act, 1872 forms the foundation of evidentiary law in India. It lays down rules relating to the admissibility, relevance, and proof of facts in judicial proceedings. The Act was enacted in a pre-digital era and was primarily designed to govern oral and documentary evidence.

Over time, the Act has been interpreted and amended to accommodate technological advancements, particularly with respect to electronic evidence. However, it does not explicitly address the complexities associated with AI-generated outputs.

The fundamental principles of the Act relevance, admissibility, and proof—continue to guide the evaluation of all forms of evidence, including those arising from modern technologies.

3.2 Admissibility of Electronic Records (Sections 65A & 65B)

Sections 65A and 65B of the Indian Evidence Act, 1872 specifically deal with the admissibility of electronic records. Section 65A provides that the contents of electronic records may be proved in accordance with the provisions of Section 65B.

Section 65B lays down the conditions under which electronic records are admissible as evidence, including the requirement of a certificate confirming the authenticity and integrity of the record. This certificate must identify the electronic record and describe the manner in which it was produced.

While these provisions address issues of authenticity and reliability for electronic data, their applicability to AI-generated evidence is not straightforward. AI outputs are not merely records of data but are the result of algorithmic processing, raising questions about whether they can be adequately certified under Section 65B.

3.3 Relevancy, Reliability, and Proof Standards

Under Indian evidence law, the admissibility of evidence depends on its relevance to the facts in issue. However, admissibility alone does not determine the weight of evidence; courts must also assess its reliability and probative value.

AI-generated evidence presents unique challenges in this regard. The reliability of such evidence depends on factors such as:

a) Quality and source of input data

b) Accuracy of the algorithm

c) Absence of bias or errors in processing

The traditional standards of proof may need to be adapted to account for these technological variables. Courts may also need to rely more heavily on expert testimony to evaluate the functioning and reliability of AI systems.

3.4 Judicial Interpretation of Digital Evidence

Indian courts have progressively recognized the importance of electronic evidence and have developed jurisprudence to address related issues. Judicial decisions have emphasized strict compliance with statutory requirements, particularly under Section 65B.

Courts have also acknowledged the need to ensure authenticity and prevent tampering of digital records. However, judicial interpretation has largely been confined to electronic evidence and has not yet fully addressed the complexities of AI-generated outputs.

As AI continues to evolve, courts will be required to develop new principles and guidelines to ensure that such evidence is evaluated in a manner consistent with the principles of fairness and justice.

4. Admissibility of AI-Generated Evidence

4.1 Applicability of Existing Legal Provisions

The admissibility of AI-generated evidence in India must presently be examined within the framework of the Indian Evidence Act, 1872, which does not explicitly recognize artificial intelligence as a source of evidence. Consequently, courts are compelled to interpret AI-generated outputs through existing provisions governing electronic and documentary evidence.

AI-generated material may be treated as an extension of electronic records, thereby attracting the requirements under Sections 65A and 65B. However, this approach is not entirely satisfactory because AI outputs are not merely stored data but are processed conclusions derived from algorithms. Therefore, while existing provisions may permit admissibility in a limited sense, they do not adequately address the complexities associated with algorithmic generation.

This creates a situation where admissibility is technically possible, but doctrinal clarity remains lacking.

4.2 Issues of Authenticity and Source Verification

Authenticity is a foundational requirement for admissibility. In the context of AI-generated evidence, determining authenticity becomes significantly more complex due to multiple layers of data processing.

Unlike traditional evidence, where the source can be directly identified, AI outputs depend on:

a) Input datasets (which may be vast and dynamic)

b) Algorithmic models (which may evolve over time)

c) System configurations and training processes

Verifying the origin and integrity of such evidence requires establishing not only that the output was generated by a particular system but also that the system itself was functioning reliably. Any deficiency in the data or algorithm may compromise authenticity.

Furthermore, proprietary AI systems often restrict access to their internal processes, making independent verification difficult. This creates tension between evidentiary requirements and commercial confidentiality.

4.3 Role of Expert Evidence in AI Systems

Given the technical complexity of AI systems, expert evidence assumes a central role in establishing admissibility. Courts may rely on expert testimony to explain:

a) The functioning of the AI system

b) The methodology used to generate the output

c) The reliability and limitations of the system

Experts act as intermediaries between complex technology and legal reasoning. However, this reliance also introduces challenges. The credibility of the expert, potential bias, and differing expert opinions can influence judicial outcomes.

Additionally, excessive dependence on expert interpretation may undermine judicial independence, as courts may be required to accept technical conclusions without full comprehension of the underlying processes.

4.4 Burden of Proof and Presumptions

In civil proceedings, the burden of proof generally lies on the party asserting a fact. When AI-generated evidence is relied upon, the burden extends to demonstrating:

a) The reliability of the AI system

b) The accuracy of the output

c) The absence of material errors or bias

Unlike conventional evidence, there are no statutory presumptions supporting the correctness of AI outputs. Therefore, the party producing such evidence must satisfy a higher threshold of proof.

Courts may also need to reconsider existing presumptions relating to electronic evidence, as AI-generated outputs involve interpretative processes rather than mere reproduction of data.

4.5 Challenges in Meeting Evidentiary Standards

AI-generated evidence faces several challenges in satisfying traditional evidentiary standards:

a) **Lack of Transparency:** Difficulty in understanding how conclusions are derived

b) **Data Dependence:** Outputs are only as reliable as the input data

c) **Dynamic Nature:** AI systems may change over time, affecting consistency

d) **Absence of Human Accountability:** No direct human author to be examined or cross-examined

These factors complicate the application of established legal principles and may lead courts to adopt a cautious approach in admitting such evidence.

5. Evidentiary Value and Weight of AI Evidence

5.1 Reliability and Accuracy of AI Outputs

The evidentiary value of AI-generated material depends primarily on its reliability and accuracy. While AI systems are capable of processing large datasets with precision, their outputs are contingent on the quality of data and the robustness of the algorithm.

Errors in data, flawed model design, or improper training can result in inaccurate conclusions. Therefore, courts must critically evaluate the reliability of AI outputs rather than assuming technological infallibility.

5.2 Algorithmic Bias and Its Impact

Algorithmic bias is a significant concern in evaluating AI evidence. Bias may arise due to:

a) Skewed training data

b) Incomplete datasets

c) Embedded assumptions within the algorithm

Such bias can lead to discriminatory or misleading outcomes, thereby affecting the fairness of proceedings. In civil disputes, this may result in incorrect assessments of liability, damages, or risk.

The presence of bias undermines the neutrality expected of evidentiary material and necessitates careful judicial scrutiny.

5.3 Transparency and Explainability (“Black Box” Problem)

Many AI systems operate as “black boxes,” meaning their internal decision-making processes are not easily explainable. This lack of transparency poses a serious challenge for evidentiary evaluation.

Courts rely on the ability to examine and question the basis of evidence. If the reasoning behind an AI output cannot be explained, its probative value becomes questionable.

Explainability is, therefore, a critical factor in determining the weight to be assigned to AI-generated evidence.

5.4 Judicial Discretion in Evaluating AI Evidence

Judges retain discretion in assessing the weight of evidence. In the case of AI-generated material, this discretion becomes particularly significant.

Courts may consider:

a) The credibility of the source

b) The presence of corroborative evidence

c) The degree of transparency and reliability

Judicial caution is likely to prevail, with AI evidence being treated as supplementary rather than conclusive, especially in the absence of clear statutory guidance.

5.5 Comparative Weight vis-à-vis Human Evidence

AI-generated evidence differs fundamentally from human testimony. While human evidence can be tested through cross-examination, AI outputs cannot be directly interrogated.

This limits the ability of opposing parties to challenge such evidence effectively. As a result, courts may assign lesser weight to AI-generated evidence unless supported by independent verification or expert testimony.

Thus, AI evidence is more likely to complement rather than replace traditional forms of evidence.

6. Judicial Approach and Case Law Analysis

6.1 Indian Judicial Trends on Electronic Evidence

Indian courts have progressively adapted to technological developments by recognizing electronic evidence as admissible, subject to statutory safeguards. Judicial decisions have emphasized strict compliance with procedural requirements to ensure authenticity and reliability.

This cautious yet evolving approach provides a foundation for addressing AI-generated evidence, though specific jurisprudence in this area is still emerging.

6.2 Key Case Laws

The decision in Anvar P.V. v. P.K. Basheer marked a significant development in the law relating to electronic evidence. The Supreme Court held that compliance with Section 65B is mandatory for the admissibility of electronic records.

This judgment underscored the importance of authenticity and procedural compliance, principles that are equally relevant to AI-generated evidence.

Subsequent cases have reaffirmed the necessity of adhering to statutory requirements, indicating a strict approach toward admissibility.

6.3 Emerging Judicial Concerns Regarding AI

Although Indian courts have not extensively dealt with AI-generated evidence, concerns are gradually emerging regarding:

a) Reliability of automated outputs

b) Lack of transparency

c) Potential misuse of technology

Courts are likely to approach AI evidence with caution, emphasizing fairness and due process.

6.4 Need for Judicial Guidelines

The absence of clear guidelines necessitates judicial intervention. Courts may need to develop principles addressing:

a) Standards for admissibility

b) Role of expert evidence

c) Evaluation of reliability and bias

Such guidelines would provide consistency and predictability in the treatment of AI-generated evidence.

7. Comparative Legal Perspective

7.1 Approach in the United States

In the United States, the admissibility of scientific and technical evidence is governed by standards emphasizing reliability and relevance. Courts assess whether the methodology underlying the evidence is scientifically valid and properly applied.

AI-generated evidence may be admitted if it satisfies these criteria, often requiring expert validation and rigorous scrutiny.

7.2 Approach in the United Kingdom

The United Kingdom adopts a similar approach, focusing on the reliability and probative value of evidence. Courts exercise discretion in admitting expert and technical evidence, with emphasis on transparency and fairness.

There is increasing recognition of the need to address challenges posed by AI, particularly in ensuring accountability.

7.3 Lessons for India

India can draw several lessons from comparative jurisdictions:

a) Adoption of reliability-based standards

b) Greater emphasis on expert validation

c) Development of guidelines for transparency and accountability

These measures can help bridge gaps in the current legal framework.

8. Challenges and Legal Issues

8.1 Lack of Specific Regulation for AI Evidence

The absence of dedicated legal provisions for AI-generated evidence creates uncertainty and inconsistency. Existing laws are not designed to address the unique characteristics of AI systems.

8.2 Data Privacy and Ethical Concerns

AI systems often rely on large datasets, raising concerns about data privacy and ethical use. Unauthorized use of personal data may have legal implications and affect admissibility.

8.3 Risk of Manipulation and Deepfakes

Advancements in AI have enabled the creation of highly realistic but fabricated content, commonly referred to as deepfakes. Such material poses a serious threat to the integrity of evidence.

Courts must be vigilant in distinguishing genuine evidence from manipulated content.

8.4 Accountability and Liability Issues

Determining responsibility for errors in AI-generated evidence is complex. Liability may arise at multiple levels, including developers, operators, and users.

The absence of clear legal standards complicates the attribution of responsibility and may affect the credibility of such evidence.

9. Reform and Recommendations

9.1 Need for Legislative Amendments

The existing legal framework under the Indian Evidence Act, 1872 was not designed to address the complexities introduced by artificial intelligence. While judicial interpretation has attempted to bridge certain gaps, reliance on outdated statutory provisions creates uncertainty and inconsistency.

There is a pressing need for legislative amendments that explicitly recognize AI-generated evidence as a distinct category. Such reforms should:

a) Define AI-generated evidence and its scope

b) Establish criteria for admissibility

c) Clarify standards for authentication and reliability

Codified provisions would ensure uniformity in judicial approach and enhance legal certainty.

9.2 Development of AI-Specific Evidentiary Standards

In addition to statutory reform, the development of specialized evidentiary standards is essential. Traditional standards focusing on authenticity and relevance are insufficient to address algorithmic processes.

AI-specific standards should include:

a) **Transparency requirements:** Disclosure of methodology and system functioning

b) **Auditability:** Ability to verify and test the AI system independently

c) **Accuracy benchmarks:** Minimum thresholds for reliability

d) **Bias assessment protocols:** Mechanisms to detect and mitigate algorithmic bias

Such standards would enable courts to evaluate AI evidence more effectively and consistently.

9.3 Judicial Training and Capacity Building

The integration of AI into legal processes necessitates a corresponding enhancement of judicial competence. Judges must possess a basic understanding of AI technologies to assess their evidentiary value meaningfully.

Judicial training programs should focus on:

a) Fundamental concepts of artificial intelligence and machine learning

b) Interpretation of technical reports and expert testimony

c) Awareness of risks such as bias, manipulation, and opacity

Capacity building would empower the judiciary to exercise informed discretion and reduce over-reliance on external expertise.

9.4 Incorporation of Technical Experts

Given the technical nature of AI systems, the involvement of experts is indispensable. Courts should institutionalize the use of neutral and court-appointed experts to assist in evaluating AI-generated evidence.

The role of such experts should include:

a) Explaining the functioning of AI systems in accessible terms

b) Assessing reliability and limitations

c) Assisting in identifying potential biases or errors

To maintain fairness, procedural safeguards must ensure that expert opinions remain subject to scrutiny and cross-examination.

9.5 Framework for Ethical AI in Judiciary

The adoption of AI in civil litigation must be guided by ethical principles to ensure fairness and accountability. A comprehensive framework for ethical AI should be developed, incorporating:

a) **Fairness:** Prevention of discriminatory outcomes

b) **Accountability:** Clear identification of responsibility for errors

c) **Transparency:** Openness in the use and functioning of AI systems

d) **Privacy protection:** Safeguarding personal and sensitive data

Such a framework would align technological advancement with constitutional values and principles of natural justice.

10. Conclusion

10.1 Key Findings

This study highlights that while AI-generated evidence is increasingly relevant in civil proceedings, the current legal framework is not fully equipped to address its complexities. Existing provisions under the Indian Evidence Act, 1872 allow for limited admissibility by treating AI outputs as electronic records, but this approach is conceptually inadequate.

Key findings include:

a) AI-generated evidence differs fundamentally from traditional and electronic evidence

b) Issues of authenticity, reliability, and transparency pose significant challenges

c) Judicial reliance on expert testimony is inevitable but must be carefully regulated

d) There is a lack of clear legal standards governing the evaluation of such evidence

10.2 Future of AI in Civil Litigation

Artificial intelligence is poised to play an increasingly significant role in civil litigation. Its ability to enhance efficiency, reduce delays, and assist in complex decision-making makes it a valuable tool for the justice system.

However, the future integration of AI will depend on the development of robust legal and institutional frameworks. Courts must strike a balance between embracing technological innovation and safeguarding fundamental legal principles.

AI is unlikely to replace human adjudication but will function as a supplementary tool, assisting judges and legal practitioners in decision-making processes.

10.3 Final Observations

The admissibility and evidentiary value of AI-generated evidence represent a critical intersection of law and technology. While the potential benefits are substantial, unregulated use poses risks to fairness, transparency, and justice.

A cautious yet progressive approach is required. Legislative reform, judicial innovation, and ethical safeguards must work in tandem to ensure that AI serves as an instrument of justice rather than a source of uncertainty.

Ultimately, the legitimacy of AI in civil proceedings will depend on the extent to which it aligns with established principles of due process and natural justice.

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