

AI and Digital Evidence in Family Proceedings: Transforming the Adjudication and Access to Justice

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ABSTRACT

Family conflicts are often described as the battleground of human emotions, capacities, histories, and even human complexity, within which legal reasoning alone struggles to capture the full spectrum of lived realities. Building on this aspect, the integration of AI, i.e., Artificial Intelligence, which has made a mark in family law, has played a pivotal role, particularly in a sensitive domain for child custody. In the Indian jurisdiction, it is seen that the custody determination, which is deeply influenced by socio-cultural dynamics, is exercised with judicial discretion and often encounters challenges related to subjectivity and the potentiality of secondary evidence. By leveraging a large dataset, which includes case histories, bank balances, behavioural aspects, and economic background, AI can assist the court in determining parental fitness by forecasting the child's welfare as well as the spouse's best interest. The study will undertake a comparative analysis of all the jurisdictions. The paper will argue on the issue that while AI holds substantial promises, it is arguable for promoting fairness. In conclusion, AI and all the digital footprint from social media play a significant aid for the family proceedings, particularly in assessing the financial capacity and other maintenance obligations. Family maintenance records claims shall not overshadow the algorithmic inference, which may be selective or misleading. The court here can retain a cautious as well as balanced approach for ensuring the AI-driven insights, as the social media evidence is merely based on assistance in strengthening the fact-finding, which would be without disregarding the judiciary scrutiny, secondary evidentiary standard, and also the fundamental objective for securing the fair and equitable maintenance outcome and welfare of the child.

Keywords- AI, Judicial discretion, Maintenance obligation, Algorithmic, and Welfare.

INTRODUCTION

Family related dispute is usually represented with one of the most sensitive notions and emotional charges within the field of law. Unlike the area of commercial and contractual disputes, the conflicts within families extend beyond legal rights and other separate types of obligations. It includes a wide variety of aspects such as fiduciary relationships, emotional bonds, security, financial assistance, dignity & integrity of the person, and welfare of an individual.¹ The matter which will be related to marriage, divorce, separation, child custody, maintenance, nomination, and guardianship, and lastly division of the family property, often involve complex dynamism which are usually interpersonal in nature. Consequently, all family justice requires not only the correct application of the legal principle but also considers the sensitivity of the matter towards the emotional as well as social realities, following up with individual development.²

Traditionally, if we look back, litigation was primarily a mechanism wherein disputes were resolved and mediated. However, as the generations passed, the constitutional commitment towards justice became

¹ Kurlekar, A. (2026, July 4). A false start – Uncertainty in the determination of arbitrability in India. Kluwer Arbitration Blog. <https://legalblogs.wolterskluwer.com/arbitration-blog/a-false-start-uncertainty-in-the-determination-of-arbitrability-in-india/>

² Surden, H. (2019). Artificial intelligence and law: An overview. Georgia State University Law Review, 35(4), 1305–1335. <https://schar.law.colorado.edu/faculty-articles/1234/>

conventional in the Indian Judiciary. The main goal of adjudication has become a frequent struggle towards time management and satisfactory resolution; even in some matters, judicial delays create shortcuts to solve the matter as soon as possible. Procedural complexities, high litigation and other court costs, overcrowded dockets and departments, and even the inherently adversarial nature of the courtroom as well as proceedings have intensified the existing family conflict rather than resolving the same.³ An extended form of litigation may deepen all the emotional trauma, strain the familial relationship and even adversely affect the vulnerability of the family, especially children and senior citizens of the family. In many of the cases, the process itself becomes prolonged and damaging as it underlies the conflict, which results in uncertainty, cost, and even emotional distress for all the concerned parties.⁴

In recognition of this challenge, courts have adopted many alternatives, such as secondary evidence priority, Artificial Intelligence, and ADR, i.e., Alternative Dispute Resolution, which play a vital role in resolving family dispute more effective and collaborative manner. “Technology, particularly Artificial Intelligence (AI) and Online Dispute Resolution (ODR), is also expected to play a greater role in family justice by assisting in case management, document review, scheduling, and online mediation. However, AI cannot replace judicial discretion in child custody matters. In *Jai Shankar v. State of Rajasthan* (2023), the Supreme Court observed that AI tools such as ChatGPT may assist legal research but cannot substitute judicial reasoning or be treated as an authoritative source of law.

Encompassing several dispute-resolving methods, all the alternative modes have only one goal, which is seeking to reduce the adversarial character while providing minimum time and maximum relief to the parties. Nevertheless, the implementation of all the secondary evidence should have some obligation as well, which can distinguish between the arbitrary nature and rights in rem.⁵ Usually in Indian jurisprudence, it is targeted that all matters related to matrimonial issues (divorce, restitution of conjugal right, judicial separation, child custody, adoption, guardianship and even the marital status) continue to be outside the scope of ADR because they involve the question of public interest, following up with the statutory obligation. Thus, this position was consistently highlighted by the Supreme Court in the ruling of “*Booz Allen and Hamilton Inc. v. SBI Home Finance Ltd.*,”⁶ wherein the Court clarified the distinction between arbitrable and non-arbitrable disputes. Accordingly, while arbitration offers significant potential for resolving financial and property-related family disputes, its applicability remains carefully circumscribed within the broader framework of family law.”

The integration of AI into the dispute related matter have given rise to many new possibilities, which are particularly effective in terms of procedural aspects. Automated routine of the administrative functions, even streamlining the case management part, facilitating virtual hearings, organising the documentary evidence, following up with the electronic proof for supporting and assisting the court with the analytical tool for improvement in consistency of litigation.⁷ Moreover, AI is one of the important heads, i.e., “Online Dispute Resolution that prepare a platform which have the potential to make arbitration more accessible to parties residing in remote or underserved regions by reducing geographical barriers, travel expenses, and procedural costs. For individuals who may otherwise struggle to access formal legal institutions, technology offers a practical means of obtaining timely dispute resolution.”⁸

“The present study adopts a doctrinal research methodology to examine the emerging legal dimensions of Artificial Intelligence (AI), digital evidence and their application in family proceedings in India. The research

³ Clio. (2025). AI in law: Top applications and considerations for lawyers. <https://www.clio.com/resources/ai-forlawyers/lawyer-ai/>

⁴ Muralidharan, V., Burgart, A., Daneshjou, R., et al. (2023). Recommendations for the use of pediatric data in artificial intelligence and machine learning (ACCEPT-AI). *npj Digital Medicine*, 6, Article 166.

<https://doi.org/10.1038/s41746-023-00898-5>

⁵ Mahawar, S. (2026, July 4). Artificial intelligence and constitutional morality: The complementary elements. iPleaders. <https://blog.iplayers.in/artificial-intelligence-constitutional-morality-complementary-elements/>

⁶ *Booz Allen & Hamilton Inc. v. SBI Home Finance Ltd.*, (2011) 5 SCC 532.

⁷ Komoda. (2023). Designing AI for courts. *Richmond Journal of Law & Technology*, 29, 145.

⁸ Cáceres, E. (2008). EXPERTIUS: A Mexican judicial decision-support system in the field of family law. In *Proceedings of the Jurix Conference* (pp. 78–87). IOS Press. <https://doi.org/10.3233/978-1-58603-952-3-78>.

is primarily based upon the systematic examination and interpretation of primary and secondary legal sources. The primary sources include the Constitution of India, relevant statutory provisions governing evidence and family proceedings, procedural laws, rules and regulations, and judicial decisions of the Supreme Court of India and High Courts. Secondary sources, including books, research articles, academic commentaries, reports, policy documents and other scholarly literature, have been examined to understand the technological and legal developments concerning the use of AI in the administration of justice and the evaluation of digital evidence.”

“The doctrinal approach adopted in this research is further supplemented by explanatory and analytical methods of legal research. The explanatory method is employed to explain the nature, functioning and increasing application of AI in judicial proceedings, particularly in relation to electronic and digital evidence, legal research, case management, evidence analysis and decision-support systems. It also explains the existing legal principles governing admissibility, authentication, relevance, reliability, privacy and evidentiary value of digital material in judicial proceedings. The analytical method is employed to critically examine the adequacy of the existing Indian legal framework in addressing the challenges arising from AI-processed digital evidence. The study analyses judicial precedents, statutory provisions and constitutional principles to identify the legal gaps and potential conflicts concerning algorithmic bias, transparency, explainability, privacy, procedural fairness and judicial independence. Particular emphasis is placed upon the need to maintain a balance between technological efficiency and the fundamental requirements of natural justice, fair procedure, privacy, dignity, equality, judicial application of mind and the welfare of the child. The study ultimately seeks to develop a human-centred legal framework under which AI may assist judicial processes without replacing the independent judgment and constitutional responsibility of the human judge.”

Furthermore, the challenge is not whether AI should be incorporated into the family related dispute or not; the primary concern should be that, rather than searching for alternatives, the Indian judicial system should incorporate a few norms for developing the balance frame words for enhancing administrative efficiency without replacing human discretion. This aspect will ensure that technological innovation serves as the facilitator for justice, not as a substitution for judicial wisdom.

Artificial Intelligence In Matrimonial Legal Proceedings

To understand artificial intelligence following up on secondary evidence, first we need to concentrate on what aspects are concerned with this digitalisation and how it emerged in Indian society. AI is considered one of the most transformative technological dynamics that has been used for assistance in the twenty-first century, which is a fundamental reshaping method for delivering justice across the globe. Although the legal profession has traditionally relied on human reasoning, interpretation, advocacy and also all judicial discretion have intrigued the rapid devilmint for computation of the judicial tasks, but it cannot be totally substituted by humans.⁹ Introducing intelligent systems that are capable of performing several tasks in one go also considers the exclusive domain of the legal profession, but AI cannot replace advocates, lawyers and even judges; rather, it can perform functions such as assisting for assisting purposes. As the legal system is consistent, AI should only be used for collaborating with the rising workload, procedural delay, and even growing demand for affordable services, which can be resolved by AI.¹⁰

⁹ An AI companion is technology that relies on machine learning, natural language processing, and deep learning to provide users with conversation, advice, sexual intimacy, and more through texts and voice chats. It is hard to define an AI companion precisely, but the distinctive features are direct engagement with, and adaptation to, the user. See Ayanda Rogge, *Defining, Designing and Distinguishing Artificial Companions: A Systematic Literature Review*, 15 *INT’L J. SOC. ROBOTICS* 1557, 1573–74 (2023). AI companions take different forms, including chatbots on phones, tablets, or computers, as well as social robots and holograms. See *infra* text accompanying notes 74–77. This will all be familiar, of course, from science fiction, which is now becoming real life. See, e.g., KAZUO ISHIGURO, *KLARA AND THE SUN* (2021) (depicting a dystopian view narrated from the perspective of an AI companion); *HER* (Annapurna Pictures 2013) (telling a story where a man falls in love with an AI companion); *Black Mirror: Be Right Back* (showcasing a scenario of a woman recreating her deceased partner with an AI companion); *WEIRD SCIENCE* (Universal Pictures 1985) (containing a story of two teens who create a female AI companion).

¹⁰ Cáceres, E. (2008). *EXPERTIUS: A Mexican judicial decision-support system in the field of family law*. In *Proceedings of the Jurix Conference* (pp. 78–87). IOS Press. <https://doi.org/10.3233/978-1-58603-952-3-78>

AI are broadly referred to as the set of computer systems that are capable of performing the functions that ordinarily require human intelligence. Without human assistance, AI which will not be able to function. The functions include reasoning, making predictions, and even generating recommendations; it would be incomplete to process. Unlike traditional systems, there are a few which enable AI to process the vast volume of legal matter within a fraction of the time, and therefore it is considered to be significant for the improvement of legal research and case management.¹¹

- “One of the most significant branches is Machine Learning (ML), a subset of AI through which computer systems learn from historical data and improve their predictive capabilities without being explicitly programmed for every situation. Machine learning algorithms identify recurring patterns within previous judicial decisions, statutory interpretation, litigation outcomes, and contractual disputes to generate predictive insights. In legal practice, ML is increasingly used to forecast litigation risks, estimate the probability of success in pending cases, evaluate settlement options, and identify inconsistencies across judicial precedents.¹²
- Another important component is Natural Language Processing (NLP), which enables computers to understand, interpret, organise, and generate human language. Since legal practice primarily revolves around statutes, judicial decisions, pleadings, contracts, evidence, and legal opinions, NLP has become particularly valuable within the legal sector. AI-powered NLP systems can rapidly analyse thousands of pages of judgments, extract relevant legal principles, identify statutory provisions, summarise lengthy documents, classify legal issues, and even generate preliminary drafts of legal documents.
- A further dimension of AI involves Pattern Recognition, through which algorithms identify relationships and recurring trends hidden within large datasets. In judicial administration, pattern recognition assists courts and legal practitioners in detecting similarities among cases, identifying frequently cited precedents, analysing sentencing trends, and recognising procedural irregularities.
- India began its e-court initiatives in 2021 with the launch of SUPACE (Supreme Court for Assistance in Court’s Efficiency), an AI-based portal designed to aid judges in legal research. SUPACE helps by collecting and customising relevant case data but does not make decisions. Given India’s large population of over 1.4 billion, AI tools like SUPACE4 are crucial for accelerating case resolution and reducing errors. The pandemic has also raised unique child safety concerns and complicated visitation rights, forcing parents to juggle children’s health with legal requirements. The shift to online hearings and arbitration has helped address the case backlog but introduced challenges for those with limited technical skills. The pandemic highlighted inefficiencies in the legal system and may prompt discussions on reforming family and divorce laws to better meet current needs.¹³
- Closely associated with these technologies is Algorithmic Decision-Making, whereby AI systems generate recommendations or predictions based upon predefined computational models and historical information. It is important to distinguish algorithmic assistance from autonomous decision-making. Within democratic legal systems, AI does not possess legal authority to determine rights or liabilities independently. Instead, it

¹¹ Hopipah, E. N., Aidah, Y., Restu, C. E. N., Jamarudin, A., & Saepulla, U. (2023). The nature of divorce in various perspectives (Philosophical, juridical, sociological, and psychological reviews on the meaning of divorce). *ARRUS Journal of Social Sciences and Humanities*, 3, 288–294.

¹² Article 14 of the Constitution of India guarantees equality before the law and equal protection of the laws. Any AI-assisted legal system or algorithmic decision-support mechanism must therefore operate in a manner that is free from arbitrariness, discrimination, and unjustified bias. Since machine-learning models derive conclusions from historical data, there exists a possibility that they may perpetuate existing social or institutional biases.

¹³ Article 21 guarantees that no person shall be deprived of life or personal liberty except according to the procedure established by law. The Supreme Court has consistently interpreted Article 21 to include the right to privacy, procedural fairness, dignity, and access to justice. Accordingly, AI systems processing litigants’ personal information, family records, financial details, or sensitive personal data must adhere to the constitutional requirements of due process and fairness.

functions as a decision-support mechanism that assists judges, arbitrators, lawyers, and administrative authorities by organising information, highlighting relevant legal issues, identifying applicable precedents, and evaluating alternative outcomes.”¹⁴

The scope of the present study is specifically confined to the application of Artificial Intelligence in the context of family proceedings and the treatment of digital evidence arising therein. Although AI is increasingly being utilised across different aspects of the justice system, including automated case management, transcription, translation, legal research, document classification and administrative decision-support, an exhaustive examination of judicial technology would extend beyond the principal objective of this research. The study therefore focuses on those applications of AI which have a direct or indirect bearing upon the collection, processing, analysis, authentication, presentation and evaluation of digital evidence in family disputes. This includes digital communications, electronic records, photographs, videos, social-media material, location data and other electronically generated information which may subsequently be processed or analysed through AI-based tools.

The narrower focus is particularly significant in family proceedings because such litigation frequently concerns highly sensitive matters relating to matrimonial relationships, maintenance, domestic violence, custody, guardianship, parental responsibility and the welfare of children. The use of AI in these circumstances may create legal concerns that extend beyond ordinary questions of technological efficiency. AI-assisted processing of personal and family data may affect the privacy, dignity and autonomy of the parties, while algorithmic assessments relating to parental conduct or child welfare may influence judicial outcomes in matters having long-term consequences for family relationships. Accordingly, the present research examines AI not merely as a technological innovation but as a legal and evidentiary phenomenon requiring judicial scrutiny and procedural safeguards.

In the research chapter – “AI has also transformed the document reviewing process and due diligence related to the legal aspect, mostly covering commercial, matrimonial, and contractual litigation. In country like India, there many backlogs which are lacking to consider the alternative electronic mode for family dispute such as – procuring all the social media details for knowing the truth, financial details for the liabilities and asset form, knowing about the secondary evidence which should be set as the most powerful weapon for getting the justice and lastly the field of the digitalization – the people can use in a very efficient manner for strengthening the judicial administration.”¹⁵

Essentials Of Ai In Indian Judiciary System

As everyone know that Indian judiciary has progressively embraced Artificial Intelligence (AI), following up with digital technologies for enhancing judicial efficiency, even for improving transparency, reducing delays, and lastly in strengthening access towards justice. Although AI is not considered in the present era to be able to replace judicial decision-making power, it serves as a crucial tool for decision-support as well as case-management. Thus, the “eCommittee of the Supreme Court of India” and the “Department of Justice, Ministry of Law and Justice” have initiated several technology-driven methods for modernising the court administration, later facilitated digital access towards the judicial records, and even simplified all the procedural functions involved in the court proceedings. These innovations were demonstrated for India's transition towards a technology-driven and enabled Indian justice delivery system, which will later ensure that the ultimate and exclusive adjudicatory role continues to remain in the hands of judges.

¹⁴ Calo, R. (2015). Robotics and the lessons of cyberlaw. *California Law Review*, 103(3), 513–563 (describing the evidence from the fields of human-robot interaction and human-computer interaction, which establishes how humans respond to social robots; arguing that the law must account for this social meaning).

¹⁵ The field of Human-Computer Interaction (HCI) confirms the insight that people will treat AI companions as fellow humans. See, e.g., Emily M. Bender et al., On the Dangers of Stochastic Parrots: Can Language Models Be Too Big?, 2021 *PROCS. ASSÊN COMPUTING MACH. CONF. FAIRNESS, ACCOUNTABILITY & TRANSPARENCY* 610, 617 („The ersatz fluency and coherence of LMs raises several risks, precisely because humans are prepared to interpret strings belonging to languages they speak as meaningful and corresponding to

“AI Initiative	Brief and Significance
e-Courts Project	The e-Courts Mission Mode Project, implemented by the Department of Justice, Ministry of Law and Justice, is one of India's largest judicial digitisation initiatives. It enables online access to court orders, judgments, case status, cause lists, and filing services. The project has significantly improved transparency, reduced delays, strengthened record management, and enhanced public access to justice.
e-SCR (Electronic Supreme Court Reports)	Launched by the e-Committee of the Supreme Court of India, e-SCR provides free digital access to the official reports of Supreme Court judgments. It enables lawyers, judges, researchers, and citizens to retrieve authoritative judgments quickly, thereby improving legal research and reducing dependence on printed reports.

the communicative intent of some individual or group of individuals%). For a discussion of this phenomenon in the context of social robots, see Calo, *supra* note 33, at 532, 545–47; see also ARI EZRA WALDMAN, *PRIVACY AS TRUST* 134– 47 (2018) (exploring the human-robot social connection).

SUPACE (Supreme Court Portal for Assistance in Court's Efficiency)	SUPACE is an AI-assisted research tool developed by the Supreme Court to assist judges by identifying relevant precedents, statutory provisions, and legal issues. It does not decide cases but acts as a research assistant, helping judges analyse large volumes of legal material more efficiently while preserving judicial independence.
SUVAS (Supreme Court Vidhik Anuvaad Software)	SUVAS is India's first AI-based judicial translation platform. It translates judgments and legal documents from English into several Indian languages, thereby promoting linguistic accessibility and ensuring that justice becomes more inclusive for citizens across different regions.
Virtual Courts	Virtual Courts enable complete online adjudication of specified categories of cases without requiring the physical presence of litigants or lawyers. Through e-Filing and online payment facilities, parties can pay fines or contest cases electronically, thereby reducing litigation costs and improving convenience.
NSTEP (National Service and Tracking of Electronic Processes)	NSTEP is a digital process-serving application that electronically tracks the delivery of summons, notices, and warrants. It minimises delays associated with manual service of process and improves accountability in judicial administration.
National Judicial Data Grid (NJDG)	NJDG serves as a national database containing information relating to pending and disposed cases across district courts, subordinate courts, and High Courts. It enables policymakers, judges, researchers, and court administrators to monitor pendency, analyse judicial performance, and formulate effective case management strategies.
JustIS Mobile Application	JustIS is a digital case management application designed for judges. It provides instant access to case files, hearing schedules, judicial statistics, and analytical reports, thereby
	facilitating efficient court administration and informed judicial management.
Digital Courts 2.0	Developed under the e-Courts Project, Digital Courts 2.0 provides electronic court records and incorporates AI enabled speech-to-text transcription, allowing court proceedings to be transcribed in real time, thereby improving documentation and reducing administrative burden.
e-FIR System	The e-FIR platform allows citizens to register First Information Reports online for specified offences through digital police platforms. It enhances accessibility, reduces procedural delays, and strengthens citizen-centric policing.
e-Challan System	The e-Challan platform digitises traffic enforcement by enabling electronic issuance of challans, online payment of penalties, maintenance of offence history, and nationwide integration of traffic records. It promotes transparency, accountability, and efficient enforcement of traffic laws.

Case Information System (CIS)	CIS is an integrated judicial software platform used extensively by district and subordinate courts. It automates routine judicial and administrative functions, thereby reducing manual workload and improving efficiency. Major AI-assisted features include: (a) automatic generation of Roznama (daily order sheets); (b) preparation of bail order templates; (c) generation of remand orders; (d) digital templates for framing charges; (e) automated framing of issues in civil cases; (f) preparation of certificates for set-off of detention under Section 468 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 428 CrPC); (g) management of daily court proceedings, including video conferencing; (h) automatic generation of summons and warrants; and (i) preparation of work-done
	statements for judicial officers based on prescribed performance indicators.”
“Artificial Intelligence (AI) has become an important tool in governance and judicial administration by enhancing the efficiency, transparency, and accessibility of the justice delivery system without replacing judicial discretion. In India, AI-based initiatives such as SUPACE (Supreme Court Portal for Assistance in Court's Efficiency) assist judges in legal research by identifying relevant precedents and summarising case records, while SUVAS (Supreme Court Vidhik Anuvaad Software) facilitates multilingual translation of judicial documents. Legal research platforms including SCC Online, Manupatra, CaseMine, LexisNexis, and e-SCR enable rapid legal research and analysis. AI-powered tools such as Kira Systems, Luminance, and LawGeex assist in document review, contract analysis, and due diligence by identifying key clauses and legal risks. The e-Courts Mission Mode Project, National Judicial Data Grid (NJDG), and Case Information System (CIS) support digital case management through e-filing, automated scheduling, case tracking, and workflow management, while Virtual Courts, video conferencing platforms, AI-enabled transcription, and speech-to-text technologies facilitate remote hearings and digital court proceedings. AI-based legal analytics and tools such as Harvey AI, ROSS Intelligence, and Lex Machina further support decision-making by analysing precedents, assessing litigation risks, monitoring case progress, and assisting lawyers in drafting, compliance, and follow-up of cases. However, AI functions solely as a decision-support mechanism, and the ultimate responsibility for interpreting law and delivering judgments continues to rest with judges, thereby preserving judicial independence and the principles of natural justice. Likewise, in <i>Jai Shankar v. State of Rajasthan</i> (2023)¹⁶, the Supreme Court observed that AI platforms may be useful for research purposes but cannot be treated as authoritative legal sources or substitutes for judicial reasoning. This approach reflects the broader principle that while technology can improve efficiency, constitutional adjudication ultimately requires human wisdom, empathy, contextual understanding, and ethical judgment.”	

The above initiatives which were categorised by the courts to demonstrate and see whether -

Artificial Intelligence benefits the Indian legal system or not and is primarily deployed to improve judicial administration, several legal research tools, document and case management, language & order translation, case monitoring through the proceedings, and even after that, also overlook the procedural efficiency. However, this set of technologies functions only as decision-support mechanisms rather than replacing the whole constitutional role of the advocates and judges in adjudicating conflicts.

However, “for a proper legal analysis, it is necessary to distinguish between the different forms in which Artificial Intelligence may be utilised within the justice system. AI-assisted judicial administration primarily concerns administrative functions such as scheduling, transcription, translation, document management and classification of cases and ordinarily does not involve determination of the substantive rights of litigants. AI-assisted legal research, on the other hand, may assist judges and legal practitioners in identifying statutory provisions, precedents and relevant legal materials; however, the interpretation and application of law remain matters of human judicial determination. Electronic or digital evidence refers to information existing in electronic form, whereas AI-processed digital evidence involves the application of an AI system to analyse, classify, correlate, extract or interpret such information. The distinction becomes more significant where AI is utilised for algorithmic decision-making, whereby an algorithm may generate a risk assessment, prediction or

¹⁶ [2025:RJ-JD:38699]

classification capable of influencing the determination of a person's legal rights. A further category is AI-generated recommendations, such as recommendations concerning parental fitness, custody arrangements or potential child-welfare risks. These categories cannot be treated as legally equivalent because the degree of human involvement and the potential impact upon individual rights differ substantially.”

Thus, in Indian judiciary, there has been consistently and effectively maintained, that, while suage of the AI will simultaneously enhance all different kind of efficiency, authenticity and accessibility, it is the ultimate responsibility of all the individual to make sure that there is proper set of interpreting law, implementation of law, appreciating all the evidence, and later delivering justice who have fought for the truth, must remain within the hand of human judges, thereby it will strictly preserve the basic principles of natural justice, setting up of unbiased treatment, fairness towards judiciary, judicial independence, and finally rule of law.

Legal Framework For Safeguarding Of Rights

The “Digital Personal Data Protection Act, 2023 (DPDP Act) further strengthens these constitutional protections. Under Section 4, personal data may be processed only for a lawful purpose based upon valid consent or another legitimate use expressly recognised by the Act. Section 6 prescribes the conditions for obtaining free, specific, informed, unconditional, and unambiguous consent from the Data Principal. Furthermore, Section 8 imposes obligations upon every Data Fiduciary to implement reasonable security safeguards, ensure data accuracy where necessary, and protect personal information against unauthorised processing. Since family arbitration frequently involves highly confidential information concerning marriage, children, finances, inheritance, and domestic relationships, AI-enabled legal platforms must comply with these statutory safeguards before processing such data.”¹⁷

Furthermore, if there is a discussion over the alternative methodology, the “Arbitration and Conciliation Act, 1996 also contains provisions that are relevant to AI-assisted arbitration, although it does not expressly regulate Artificial Intelligence. Section 18 mandates equal treatment of parties and requires each party to be given a full opportunity to present its case. If AI tools are utilised during arbitral proceedings—for example, in evidence management, document review, scheduling, or legal research—they must not prejudice either party or create procedural inequality.¹⁸ Similarly, Section 19 grants arbitral tribunals considerable procedural autonomy by providing that they are not bound by the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872 (now substantially replaced by the Bharatiya Sakshya Adhiniyam, 2023).¹⁹ This procedural flexibility allows tribunals to adopt AI-assisted technologies, provided that the principles of natural justice are preserved.” Following up with “Section 24 empowers arbitral tribunals to determine whether proceedings should be conducted through oral hearings or based upon documentary evidence. This provision provides statutory support for digital hearings, virtual proceedings, and AI-enabled case management systems, particularly in Online Dispute Resolution (ODR) frameworks. Nevertheless, the tribunal remains responsible for ensuring procedural fairness and independent adjudication.”²⁰

The “Information Technology Act, 2000 also provides an enabling legal infrastructure for digital legal services. Section 4 grants legal recognition to electronic records, while Section 5 recognises digital signatures as legally valid. These provisions facilitate electronic filing, digital documentation, and virtual arbitration proceedings, thereby enabling AI-powered legal platforms to function within a legally recognised digital environment. In addition, Section 43A (applicable in specified circumstances) imposes liability for failure to implement

¹⁷ Hunt, A. (2010). Marxist theory of law. In D. Patterson (Ed.), *A companion to philosophy of law and legal theory* (2nd ed., pp. 350–360). Wiley-Blackwell.

¹⁸ Berman, D. H., et al. (1989). The potential of artificial intelligence to help solve the crisis in our legal system. *Communications of the ACM*, 32(8), 928–938.

¹⁹ Bourreau-Dubois, C., Jeandidier, B., & Deffains, B. (2005). Pay scale for child support in divorce cases. *Revue Française des Affaires Sociales*, 31, 101–128.

²⁰ Qureshi, G. (2023). Transforming legal practice: The role of AI in modern law. *Journal of Strategic Policy and Global Affairs*, 4(1), 36–39.

reasonable security practices where sensitive personal data is negligently handled, reinforcing the importance of cybersecurity in AI-enabled legal systems.”²¹

“The legal treatment of AI-processed digital evidence in family proceedings requires a framework which distinguishes between the questions of admissibility, authentication, relevance, reliability and evidentiary weight. The fact that a digital record has been processed or analysed through an AI system cannot, by itself, establish its evidentiary validity. The court must first determine whether the underlying electronic material is legally admissible and whether its origin and integrity can be established. Thereafter, the court must examine whether the AI methodology employed in processing the material is sufficiently reliable and whether the resulting output has a rational connection with the fact sought to be established. The evidentiary value of AI-generated or AI-processed material should therefore be determined based on its provenance, integrity, methodology, accuracy, possibility of manipulation, limitations and corroboration by other evidence.”²²

The recently enacted Act, which was substituted by the Indian Penal Code as “Bharatiya Sakshya Adhiniyam, 2023 modernises the law relating to electronic evidence. Section 2(1)(d) recognises electronic and digital records as documents, while Section 61 expressly recognises electronic records as documentary evidence. These provisions facilitate the admissibility of electronically generated documents and digital evidence that may be processed, organised, or analysed through AI-assisted technologies. However, admissibility does not eliminate the judicial obligation to evaluate the authenticity, reliability, and evidentiary value of such material.”²³

Judicial Pronouncement

There are few of the constitutional foundation which is correlated with informational privacy, which were firmly established and highlighted in “Justice K.S. Puttaswamy (Retd.) v. Union of India²⁴, wherein a nine-judge Bench of the Supreme Court unanimously recognised the Right to Privacy as a fundamental right under Article 21. The Court held that informational privacy forms an integral component of personal liberty and that any collection, storage, processing, or dissemination of personal information must satisfy the tests of legality, necessity, and proportionality. Since AI systems depend heavily upon data collection and algorithmic processing, the principles laid down in Puttaswamy constitute the constitutional benchmark for AI governance in India.”²⁵

In the judgment of “Anil Kumar Jain v. Maya Jain (2009)²⁶: This case discusses the importance of stability and continuity in family law proceedings and child custody decisions. While it does not involve AI, it highlights the principles that AI tools would need to adhere to in evaluating custody arrangements. Furthermore, in K.K.

²¹ Ebers, M. (2021). Regulating explainable AI in the European Union: An overview of the current legal framework(s). SSRN. <https://ssrn.com/>

²² In family proceedings, these evidentiary considerations must additionally be examined alongside the constitutional principles of privacy, dignity, equality and fair procedure. Digital evidence may contain intimate communications, personal photographs, location information, financial records, information concerning children and other sensitive material. Consequently, the court must consider not merely whether such evidence is technically capable of being produced but whether its collection, processing and disclosure are legally justified and proportionate to the purpose for which it is relied upon. The authors should therefore develop a structured judicial test under which AI-processed digital evidence is subjected to independent verification before it is assigned substantive evidentiary weight. Such an approach would ensure that technological sophistication does not create a presumption of accuracy and that the court remains responsible for determining the legal significance of the evidence.

²³ Bodemer, O. (2024). AI and family law in the European Union: Assessing the impact, ethical dimensions, and perceptions in divorce proceedings. ResearchGate, 9, 1–15.

²⁴ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

²⁵ Leavy, S., O'Sullivan, B., & Siaper, E. (2020). Data, power and bias in artificial intelligence. arXiv. <https://arxiv.org/abs/2008.07341> ²⁶ AIR 2010 SC 1974.

Verma v. Union of India (2014)²⁶ the Supreme Court of India addressed the issue of delays in judicial proceedings, emphasising the importance of timely justice, particularly in sensitive matters such as family law. The court highlighted how protracted delays negatively affect the welfare of the parties involved, including children in custody disputes. This case is relevant to discussions on the potential use of AI tools in expediting case management and reducing delays in custody evaluations, as AI can streamline tasks like document analysis and scheduling, thereby contributing to the efficient administration of justice.”²⁷

In the judgment of “Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal²⁹: A Constitutional Bench of the Supreme Court clarified the mandatory requirement for a Section 65B certificate (now Section 63 under the Bharatiya Sakshya Adhiniyam, 2023) for the admissibility of electronic records as secondary evidence. Following up with Lumeshwari @ Pinky v. Rajesh Dubey²⁸: The High Courts, drawing upon Section 14 of the Family Courts Act, have interpreted that family courts are not strictly bound by the technical requirements of the Evidence Act (such as Section 65B certificates) when reviewing electronic evidence (like WhatsApp chats) to discover the truth. Anvar P.V. v. P.K. Basheer: A landmark Supreme Court ruling that established Section 65B compliance as mandatory to prove the authenticity of electronic records and secondary evidence.”²⁹

In the judgement of “Subhash Desai v. Governor of Maharashtra³⁰ - One of the most significant milestones in the adoption of AI by the Indian judiciary occurred during the hearing of the Maharashtra political crisis, commonly referred to as the Shiv Sena dispute. The Constitution Bench of the Supreme Court employed an AI-based transcription software known as TERES (Transcription Engine for Real-Time Speech-to-Text) for the first time during live court proceedings.”

In the mode of TERES, it has been developed under the scrutiny and supervision of the E-Committee, which was established by the Supreme Court of India to assist the officials and members in converting the oral courtroom submissions into digital transcripts. The court authorities have also adopted a few software programs that automatically record, procure, and even transcribe all the submissions that were made by the advocates and Judges during the ongoing proceedings. This particular innovation has significantly tried to reduce the time, efficiency and effectiveness which were required for preparing all the official transcripts, while other measures were engaged to enhance the accuracy and authenticity following up with the accessibility of the court records.

Herein, the Supreme Court's use as well as demonstrates all the online platform is demonstrated effectively, which assists all the judicial administration even without interference in the adjudicatory procedure. Furthermore, it is importantly considered that TERES has merely performed administrative tasks related to speech recognition, recording of important facts and even transcription; it is neither being used to interpret the legal arguments nor to influence judicial decision-making. However, the constitutional responsibility that aids in appreciating all the requisite facts, decisions, interpreting law, understanding the consequences, and later delivering the judgments continues to be the exclusive right which was upheld by the judges.

“Jaswinder Singh @ Jassi v. State of Punjab & Another³¹- Perhaps the most widely discussed judicial use of Artificial Intelligence in India occurred before the Punjab and Haryana High Court, where Justice Anoop Chitkara referred to ChatGPT while deciding a bail application. The case involved allegations of a brutal

²⁶ (2014) 3 SCC 1.

²⁷ Borges, L., & Darvesh, Z. (n.d.). Impact of artificial intelligence and automation on legal practice and the Indian judicial system.

ANB Legal. <https://mandjsservice.com/blogs/blog/impact-of-artificial-intelligence-andautomation-on-legal-practice-and-the-indian-judicial-system> ²⁹ (2020) 10 SCC 274.

²⁸ 2025:MPHC-JBP:56736

²⁹ Pusthey, S. (2021). Family law and artificial intelligence: Navigating the ethics and regulations of AI in family disputes.

International Journal of Legal Expatiate, 1, 2–5.

³⁰ 2023 SCC OnLine SC 607

³¹ CRM-M No. 17918 of 2023, 2023 LiveLaw (P&H) 48

assault resulting in the death of the victim. During the hearing, the Court sought to understand the broader principles governing bail in cases involving allegations of exceptional cruelty. Instead of relying upon ChatGPT as a legal authority, the Court used the AI platform to obtain a general comparative overview of international bail jurisprudence and the factors ordinarily considered by courts while deciding such applications. ChatGPT identified several general considerations commonly examined in bail proceedings, including the seriousness of the alleged offence, the nature of the accusations, the strength of the prosecution evidence, the possibility of the accused absconding, previous criminal antecedents, the likelihood of influencing witnesses, and the overall interests of justice. Most importantly, Justice Anoop Chitkara expressly clarified that the AI-generated response did not constitute a judicial opinion, did not form part of the ratio decidendi, and should not be treated as a precedent by subordinate courts. The Court emphasised that the reference to ChatGPT was made solely to obtain a broader understanding of comparative legal principles and that the final determination of the bail application rested entirely upon the applicable statutory provisions, judicial precedents, and the facts of the case. The judgment therefore establishes an important principle regarding the responsible use of Artificial Intelligence in judicial proceedings. AI may assist judges in conducting preliminary research or obtaining comparative legal perspectives, but it cannot substitute judicial reasoning, appreciation of evidence, or the exercise of judicial discretion. The ultimate responsibility for deciding disputes always remains with the constitutional court.”

Lastly, in “Md. Zakir Hussain v. State of Manipur & Others³² - The Manipur High Court became one of the first constitutional courts in India to openly acknowledge the use of ChatGPT as a legal research aid during judicial proceedings. The matter concerned issues relating to the Village Defence Force (VDF) and the service conditions governing its personnel. While examining the legal framework applicable to the Village Defence Force, the Court utilised ChatGPT to obtain preliminary background information regarding the organisation, its objectives, historical development, and administrative structure.³³

During this research process, the AI system referred to an Office Memorandum dealing with the service conditions of VDF personnel, which enabled the Court to identify relevant governmental material for further verification. However, the High Court exercised considerable judicial caution. It did not treat the AI-generated information as legal evidence or as an authoritative statement of law. Instead, the Court independently verified the relevant statutory provisions and official government documents before relying upon them. The judgment therefore illustrates that AI may serve as a useful starting point for legal research but cannot replace independent judicial verification.”

Future Goal for Matrimonial Dispute and Custody Decisions

Family law is still ongoing few of the significant transformations, which in response have led to rapid social, technological and even legal development. As the structure of society becomes increasingly diverse and more interconnected, the courts are required to adopt more effective approaches that are not only legally sound but also responsive in nature to change the basic forum of the family. The future of the matrimonial law, particularly divorce, separation and custody, shall be shaped by the present need for technological innovation, evolving all the judicial principles, globalisation, and growing use of consensual dispute resolution

³² WP(C) No. 70 of 2023, 2024 LiveLaw (Man)

³³ The judicial principles emerging from constitutional and evidentiary jurisprudence provide an important foundation for regulating the use of AI in family proceedings. Although Indian courts may not yet have developed a comprehensive doctrine specifically governing AI-generated recommendations concerning parental fitness or child welfare, established principles relating to natural justice, non-arbitrariness, privacy, evidentiary reliability, reasoned decision-making and judicial application of mind provide the necessary legal framework. An algorithmic output which materially affects the rights of a litigant cannot be treated as an unquestionable or conclusive determination merely because it is generated through technologically sophisticated means. Where an AI system produces a risk assessment or recommendation concerning custody or parental fitness, the affected party must have a meaningful opportunity to understand and challenge the material relied upon against them, subject to legitimate confidentiality and privacy requirements.

mechanisms. These all development indicate and need to overlook the shift from rigid legal formalism towards a society which should be tilted towards children's growth and human welfare.³⁴

One of the most crucial developmental factors that influence the future of children's growth and custody adjudication is globalisation. The increase in international migration, cross-border marriage, dual citizenship, and also transnational employment have resulted in a growing number of the child dispute custody. The question lies in whether there is parental abduction, jurisdiction, or even enforcement towards the foreign custody order for recognition of rights, which becomes more challenging in today's aspect. "These disputes require greater judicial cooperation and adherence to internationally accepted principles concerning child welfare. In *Nithya Anand Raghavan v. State (NCT of Delhi)*³⁵, the Supreme Court held that the welfare of the child is the paramount consideration, and foreign custody orders cannot automatically bind Indian courts if they are inconsistent with the child's best interests." The Court observed:

"The welfare of the child is of paramount consideration and overrides the rights of the parents."³⁶

"Another emerging development is the growing reliance on technology and digital evidence. Courts increasingly consider electronic records, social media posts, emails, text messages, and digital communications while determining parental fitness and the child's welfare. The admissibility of such evidence is recognised under the *Bharatiya Sakshya Adhiniyam, 2023*, particularly Sections 2(1)(d) and 61, which recognise electronic records as documentary evidence."³⁷

These complexions are necessity strangers with the international cooperation and also harmonisation of the legal principles which govern custody matters, child welfare and partner aspect. Instruments like the "Hague Convention on the Civil Aspects towards the International Child Abduction" have provided an essential aspect towards the framework for resolving international custody conflicts by promoting the prompt for retuning the wrongful removal and retained children while protecting their welfare.³⁸ Although India has not yet acceded to this particular convention, Indian courts have increasingly started relying upon the principle of international comity and also the paramountcy of the child's best interest and guardianship welfare for transnational custody disputes.³⁹

Technological Development and Assistance Towards Indian Judiciary

Technology has also transformed many of the family law proceedings, as digital communication has become one of the most integral parts of modern family relations. Even in courts, there has been increasing usage and requirement of evaluating digital/secondary evidence ('including emails, text messages, social media posts, call records, photographs, GPS data, and electronic financial records') which simultaneously helps to determine the severity of the offence.⁴⁰

Such type of evidence often assists the advocate as well as courts to emphasise and examine the parental conduct, communication & behavioural pattern, capacity of the protection, domestic violence and compliance which was taken by the societal arrangement. Legal recognition for the electronic record was identified under *Bhartiya Sakshya Adhiniyam 2023*, which further elaborate about the strengthening of the admissibility and

³⁴ Mitchell, G. (n.d.). The role of legal AI in family law. AI Lawyer. <https://ailawyer.pro/blog/the-role-of-legal-ai-in-family-law>

³⁵ (2017) 8 SCC 454

³⁶ Courts and Tribunals Judiciary. (2023). AI guidance for judicial office holders. <https://www.judiciary.uk/wpcontent/uploads/2023/12/AI-Judicial-Guidance.pdf>

³⁷ Juan, Y., Chen, C.-C., Chen, H.-H., & Wang, D.-W. (2023). CustodiAI: A system for predicting child custody outcomes. <https://aclanthology.org/2023.ijcnlp-demo.2.pdf>

³⁸ The Hague Convention on the Civil Aspects of International Child Abduction (concluded on October 25, 1980) Convention on the Civil Aspects of International Child Abduction, October 25, 1980, 1343 U.N.T.S. 89.

³⁹ Emery, R. E., Otto, R. K., & O'Donohue, W. T. (2005). A critical assessment of child custody evaluations: Limited science and a flawed system. *Psychological Science in the Public Interest*, 6(1), 1–29.

⁴⁰ Herman, S. P. (1997). Practice parameters for child custody evaluation. *Journal of the American Academy of Child & Adolescent Psychiatry*, 36(10 Suppl.), 57S–68S.

admissibility about the digital evidence in electronic proceedings. At the same time, in many situation courts must ensure and rely on the electronic evidence, overlook the authenticity and reliability and obtain all the principles, considering the facts.⁴¹

Another emerging trend which is also increasing over time is the recognition of parental alienation. In a few custody disputes, one of the parents has to deliberately influence the child to either reject the custody or justification. Such type of conduct can even severely damage the child's emotional, psychological and even mental development, which undermines the healthy parent-child relationship. Although in many situations courts have not recognised parental alienation, as per the independent doctrine, the Indian judiciary has given the option of guardianship and welfare of the non-custodial parent.⁴² "The recognition of parental alienation has also become increasingly significant. Courts are now more vigilant where one parent intentionally attempts to damage the child's relationship with the other parent. In *Vivek Singh v. Romani Singh*⁴³, the Supreme Court acknowledged the harmful effects of parental alienation and stressed that children should not become victims of parental conflict." The Court observed:

"A child requires the love, affection and company of both parents for healthy growth and development."⁴⁴

"Family courts are also moving towards gender-neutral parenting. Instead of presuming that custody should ordinarily remain with one parent, courts now focus on the parenting abilities of both parents. This approach reflects the constitutional guarantee of equality under Articles 14⁴⁵ and 15⁴⁶ of the Constitution of India, while ensuring that custody decisions remain centred on the child's welfare."⁴⁷

Challenges

In a diverse and developing country like India, the adoption of Artificial Intelligence (AI) in the legal system has improved judicial efficiency, legal research, and case management. However, the integration which were presented several legal, ethical, and even technological challenges which must be addressed to ensure that justice is delivered in a fair and transparent manner. The major challenges are discussed below:

- I. Firstly, AI and other relative secondary systems were trained on the historical data, which may or may not contain the existing social, economic or even the institutional biases. Consequently, if we overlook that AI have generated a discriminatory or unfair suggestions, that were particularly in predictive analytics. Such partiality may undermine the right which is prescribe under "Article 14 of the Constitution of India"⁴⁸ which will make a regular auditing, proper supervision and unbiased datasets essential.

⁴¹ Himachal Pradesh National Law University. (2025). AI in international arbitration and ODR: The emerging role of technology (Unpublished manuscript). <https://www.hpnlu.ac.in/PDF/93a729dc-55d2-41fe-aaf017cb1e3dbcf8.pdf>

⁴² Barton, R. (2025). 2025 PAW: Early insights from the 2025 Queen Mary University of London Arbitration Survey in partnership with White & Case. Kluwer Arbitration Blog. <https://legalblogs.wolterskluwer.com/arbitration-blog/2025-paw-early-insights-from-the-2025-queenmaryuniversity-of-london-arbitration-survey-in-partnership-with-white-case/>

⁴³ (2017) 3 SCC 231

⁴⁴ Saied-Tessier, A. (2024). AI in the family justice system. Nuffield Family Justice Observatory.

<https://www.nuffieldfjo.org.uk/news/briefing-paper-ai-in-the-family-justice-system>

⁴⁵ Article 14 of the Indian Constitution guarantees the Right to Equality, ensuring that the State shall not deny to any person "equality before the law" or "equal protection of the laws" within the territory of India.

⁴⁶ Article 15 of the Indian Constitution is a fundamental right that prohibits the state from discriminating against citizens on grounds of religion, race, caste, sex, or place of birth. It also mandates equal access to public spaces like shops, hotels, and wells, while allowing the state to create special affirmative action programs for marginalized groups

⁴⁷ Oliver Bodemer, AI and Family Law in the European Union: Assessing the Impact, Ethical Dimensions, and Perceptions in Divorce Proceedings, 9 ResearchGate 1, 1 (2024).

⁴⁸ Courts and Tribunals Judiciary, 2023

- II. Secondly, in the courts with highly sensitive personal, confidential and financial information. AI would be processing such type of data which are vulnerable in nature and prone to cyberattacks, data breaches, and even unauthorised website access. Subsequently, the compliance which undermine “Article 21 of the Constitution⁴⁹, the Digital Personal Data Protection Act, 2023”, have robust all the cybersecurity measures for protecting the litigants' privacy.
- III. Thirdly, AI systems or any other secondary site is not immune to errors. Even if any incorrect programming, or any outdated legal databases, following up with incomplete datasets, and software technical glitches may produce few sorts of inaccurate legal analysis.⁵⁰
- IV. Lastly, one of the most effective integrations related to the Artificial Intelligence is eventually constrained by many interconnected challenges that are sometime identified and most of the time anonymous. Additionally, it vary from different types of levels for the acceptance among all the judges as well as court personnel which includes - particularly due to the relative concerns that AI might lack human qualities inclusion of empathy, sympathy to understand any type of arguments, moral reasoning, and sometimes contextual understanding that may impede their widespread adoption for reducing any further type of public confidence related to the AI-assisted justice.

The increasing integration of Artificial Intelligence into judicial processes necessitates a human–AI governance framework that clearly defines the permissible and impermissible functions of AI in family adjudication. The fundamental principle underlying such a framework should be that AI may assist the judicial process but cannot replace the constitutional and legal responsibility of the human judge. AI may appropriately be utilised for administrative and assistive functions, including document classification, transcription, translation, legal research, organisation of large volumes of digital material and preliminary identification of potentially relevant information. However, functions directly affecting substantive family rights should remain within the exclusive domain of the human adjudicator. AI should not independently determine parental fitness, witness credibility, matrimonial fault, entitlement to maintenance, custody or guardianship, or the ultimate welfare of a child.

Where AI-generated or AI-processed material is placed before the court, mandatory judicial verification should be undertaken before the material is relied upon for determining disputed rights. Such verification should include examination of the source and integrity of the underlying data, the methodology used by the AI system, its reliability and limitations, the possibility of manipulation or error, the relevance of the output and any potential algorithmic bias. Parties should, subject to legitimate confidentiality requirements, have a meaningful opportunity to challenge material AI-generated findings that may adversely affect their rights. The court should also record, where material to the decision, the nature and extent of AI assistance relied upon and should independently articulate the reasoning supporting its ultimate conclusion. This framework would preserve technological efficiency while ensuring that the principles of natural justice, privacy, procedural fairness, judicial independence and the welfare of the child remain paramount.

RECOMMENDATIONS

1. As a part of suggestions, the Indian legislature should have a set of legal frameworks which should specify all the guidelines which would regulate the use of AI and its verification, analysis, investigation and presentation of all the secondary electronic evidence in matrimonial proceedings.
2. Uniform and efficient standards would be enhanced to create high reliability, effectiveness, consistency, and also judicial confidence for operating all the AI-assisted evidence.

⁴⁹ Article 21 of the Constitution of India guarantees the fundamental right to protection of life and personal liberty. It states: "No person shall be deprived of his life or personal liberty except according to procedure established by law."

⁵⁰ Hill & Rocha, 2025

3. AI should be functioning only as a decision-support tool for determining the Family Court evidence and direction stage, which will ensure the discretion of the court and maintain the discretion of the principles of natural justice.
4. Since all matrimonial disputes involve a high level of sensitive data/personal information, AI systems must be compliant with all types of “Digital Personal Data Protection Act, 2023” and also all the aspects of privacy safeguards which are highlighted under “Article 21 of the Indian Constitution”.

CONCLUSION

Artificial Intelligence has emerged as a transformative force in the legal system, offering significant opportunities to improve the efficiency, accessibility, and transparency of justice delivery. In the context of matrimonial disputes, AI can assist courts by facilitating legal research, managing digital records, authenticating electronic evidence, supporting online dispute resolution, and streamlining case management. As family disputes increasingly involve digital communications, social media records, emails, and other forms of electronic evidence, AI has the potential to strengthen the evaluation of secondary evidence and reduce delays in adjudication. The Indian judiciary has already taken important steps through initiatives such as the e-Courts Project, SUPACE, SUVAS, e-SCR, and Virtual Courts, demonstrating that technology can effectively support judicial administration without compromising the independence of judges.

However, the use of AI in matrimonial disputes must always remain subject to human supervision and constitutional safeguards. Family disputes involve sensitive questions of marriage, child custody, maintenance, domestic relationships, and personal dignity, which require empathy, contextual understanding, and judicial discretion—qualities that cannot be replicated by artificial intelligence. Challenges relating to algorithmic bias, privacy, transparency, accountability, and data security must be addressed through a comprehensive regulatory framework, judicial training, and ethical standards. The future of AI in family justice, therefore, lies in a balanced human-AI partnership where technology serves as an aid to judges rather than a substitute for judicial decision-making. Such a calibrated approach will ensure that innovation strengthens the administration of justice while preserving the fundamental values of fairness, natural justice, and the rule of law.

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3. **Certificate for Electronic Evidence:** *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, (2020) 7 SCC 1, is the leading authority concerning certification and admissibility of secondary electronic evidence.
4. **Technological Evidence:** *Tomaso Bruno v. State of Uttar Pradesh*, (2015) 7 SCC 178, recognises the increasing significance of electronic and technological material in judicial fact-finding.
5. **Family Court's Evidentiary Discretion:** *Deepali Santosh Lokhande v. Santosh Vasantrao Lokhande*, 2017 SCC OnLine Bom 9877, is particularly relevant to matrimonial proceedings because it examines the wider evidentiary discretion available to Family Courts under **Section 14 of the Family Courts Act, 1984**.
6. **WhatsApp Evidence in Matrimonial Disputes:** *Ravishankar Yadav v. Neha Kumari* (2025) examines the evidentiary significance of WhatsApp communications and the interaction between electronic evidence requirements and proceedings before the Family Court.
7. **Pen Drive and Electronic Evidence:** *Prakash Bari v. Poonam Champia* (2025) considers electronic material stored in a pen drive and the relationship between the requirements for secondary electronic evidence and the special evidentiary jurisdiction of the Family Court.

8. **Digital Communications in Matrimonial Litigation:** *Manish Minda v. Alka Minda* (2025) concerns CDs, WhatsApp chats, transcripts of conversations and other electronic material sought to be produced in matrimonial proceedings.
9. **Call Records and WhatsApp Chats:** *Kailash Menaria v. Yashoda Menaria* (2026) is relevant to the evidentiary treatment of call-detail records and WhatsApp communications in Family Court proceedings, particularly in relation to certification and privacy.
10. **Digital Photographs and Electronic Records:** *Sri Mangena Sri Venkataramana v. Smt. Mangena Sri Anusha Devi* (2026) concerns WhatsApp screenshots, e-mail printouts, digital photographs and other electronic material relied upon as secondary evidence in family proceedings.
11. **Privacy in Matrimonial Proceedings:** *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1, provides the constitutional foundation for examining privacy, dignity and informational autonomy when private digital material is introduced as evidence.
12. **Electronic Recordings in Matrimonial Disputes:** *Vibhor Garg v. Neha*, 2025 INSC, is significant for examining electronic recordings in matrimonial proceedings alongside questions of authenticity, privacy, relevance and evidentiary value.
13. **Bharatiya Sakshya Adhiniyam, 2023:** Sections 58, 61, 62 and 63 provide the contemporary statutory framework for secondary evidence and electronic/digital records. These provisions are essential for analysing AI-generated and AI-manipulated evidence under the present Indian evidentiary regime.
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19. **Deepfakes and Judicial Proceedings:** “**Threat of Deepfakes to the Criminal Justice System: A Systematic Review,**” *Crime Science* (2024), provides an interdisciplinary assessment of the impact of deepfakes upon evidence, investigations, judicial fact-finding and the criminal justice system.”