

Digital Evidence and the Law: The case of WhatsApp chats

Introduction

WhatsApp chats can be used as evidence in Indian courts, but they are subject to strict rules of admissibility and must be authenticated. Their use is governed primarily by Sections 65A and 65B of the Indian Evidence Act, 1872, which lay down special provisions for electronic records. Since WhatsApp messages are digital communications, these sections determine how such chats can be admitted, proved, and relied upon during court proceedings.

Relevant Laws Governing Electronic Evidence

Information Technology Act, 2000

India officially recognized electronic records as “Documents” as valid. Law that deals with online activities, cybercrime, hacking data theft, online fraud and legal validity of digital documents. But these rules were not meant to protect all personal data. **Section 65A** and **65B** were inserted by the IT Act, 2000, to specifically address how electronic records can be proved in court.

Before 2014

Electronics evidence rules were confusing and not only clearly explained court accepted digital records, but; there was no clear standard, it was difficult to prove authenticity of chats, screenshot alone was considered weak evidence.

After 2014

WhatsApp started in 2009, but its use as evidence became clearly recognized only after 2014. Since a 65B certificate is a technical requirement, people used to think that WhatsApp chats were not valid evidence. Supreme court Judgement ([Anvar P.V vs P.K Basheer](#)) The supreme court clearly declared WhatsApp chats, emails, SMS, images, videos valid electronic evidence but must be accompanied by a *section 65B*.

WhatsApp chats were formally treated as “documents” under electronic evidence law. Courts recognized that chats contain timestamps, clear sender-receiver details, server backups, and digital footprints. Because of these features, WhatsApp messages became strong evidence provided the proper legal procedure, especially the *section 65B* certificate, is followed.

2020

Constitution bench judgement (Arjun panditrao khotkar case) Supreme court reaffirmed that 65B Certification is mandatory for WhatsApp chats to be admitted in court.

Conclusion

The recognition of WhatsApp chats as legal evidence marks a major turning point in India’s digital justice system. By treating these messages as authentic electronic documents and enforcing the Section 65B certification requirement, the courts have ensured that only genuine, verifiable digital records are admitted. This shift not only strengthens the reliability of electronic evidence but also reflects the judiciary’s adaptation to modern communication, making digital proof a powerful and indispensable tool in today’s legal proceedings.