

# Role of Judiciary in Evolution of Jurisprudence on Law and Technology

**Prathamesh Ramesh Bhosale**

Research Scholar

Bharati Vidhyapeet, Deemed University, Pune, India

**Abstract:** *The use of technology in the legal field has a number of advantages that enhance both the practice of law and the administration of justice. It has transformed the current legal environment by substituting contemporary techniques for more conventional ones. Increased productivity, better teamwork, quick processing, better information access, a lot of data storage space, better legal research, cost savings, ease of use, greater transparency, data analytics, predictive insights, and better case management are a few advantages of legal technology. Legal practitioners can operate more productively thanks to technology, which automates time-consuming and repetitive processes like scheduling, document management, and legal research. This results in increased productivity, less administrative work, and the capacity to manage more cases.*

**Keywords:** legal field

## I. INTRODUCTION

The use of technology in the legal field has a number of advantages that enhance both the practice of law and the administration of justice. It has transformed the current legal environment by substituting contemporary techniques for more conventional ones. Increased productivity, better teamwork, quick processing, better information access, a lot of data storage space, better legal research, cost savings, ease of use, greater transparency, data analytics, predictive insights, and better case management are a few advantages of legal technology. Legal practitioners can operate more productively thanks to technology, which automates time-consuming and repetitive processes like scheduling, document management, and legal research. This results in increased productivity, less administrative work, and the capacity to manage more cases.

Over the past few years, the Hon'ble Supreme Court of India, Hon'ble High Courts, and numerous other legal organizations have taken some crucial actions to accept and adapt to technology in order to accomplish their tasks promptly and easily. In **Swapnil Tripathi vs. Supreme Court of India**<sup>1</sup> Hon'ble Supreme Court addressed question was, "Whether there should be live streaming of court proceedings or not?" The Supreme Court held that "Live-streaming of court proceedings is manifestly in the public interest. It is important to re-emphasize the significance of live-streaming as an extension of the principle of open justice and open courts. However, the process of live-streaming should be subjected to carefully structured guidelines."

Since long Judiciary has emphasised over the technology specially in and as digital evidence. In **Bharat Jatav vs State of Madhya Pradesh**<sup>2</sup> Hon'ble High Court while hearing the matter with regards to grant of bail under Section 439 of the Criminal procedure Code emphasized the importance of technology in forensic science and held that the scope of forensic science extends beyond the DNA reports and blood samples.

**State (N.C.T of Delhi) vs. Navjot Sandhu @ Afsan Guru**<sup>3</sup> popularly known as the Parliament attack case. In this case, Hon'ble Supreme Court decided on a very significant aspect of the admissibility of the electronic records as evidence in court. This case revolved around the 2001 terrorist attack on the Indian Parliament. The issue arose when the prosecution wanted to present call records as evidence. However, the defence objected on the ground that the

<sup>1</sup> AIR 2018 SUPREME COURT 4806

<sup>2</sup> MISCELLANEOUS CRIMINAL CASE NO.17346/2021

<sup>3</sup> (2005) 11 SCC 600

records didn't have the required certificate as per Section 65B of the Indian Evidence Act. The Hon'ble Supreme Court of India had made an important ruling in this case. It was held that the electronic records could be accepted as evidence even without a specific certificate mentioned in Section 65B of the Indian Evidence Act. The court further states the admissibility of electronic record as evidence depends on the details of each case. Facts like the reliability of evidence, where it came from and how it was presented had to be considered.

**Manu Sharma vs. The State (NCT of Delhi)**<sup>4</sup> The case is known as the Jessica Lal murder case. The Hon'ble court had the opportunity of delving into the intricacies of digital evidence while deciding this case. In 1999, Jessica Lal, a model, was shot dead at a party. The case gained nationwide attention due to the accused's influential background and the perceived lack of justice for the victim. One of the pivotal aspects of the case was the court has given recognition to the electronic evidence during the trial. The court acknowledged the admissibility of electronic evidence, including call records and CDs. It had played an important role in establishing the involvement of the accused in the crime. The court had given prominence in adopting technological advancement and incorporated such evidence in criminal proceedings.

**Konnadan Abdul Gafoor vs. The State of Kerala**<sup>5</sup>. In this case, Hon'ble High Court of Kerala ruled that electronic evidence in the form of probative information is stored in digital form in a Court. However, the court has recognized the delicate and easily manipulable nature of digital evidence. Digital evidence such as electronic files or data which can be easily altered, damaged or destroyed. Hence, there must be special care needed to protect such information. To address these concerns for the admissibility of such evidence in court, the court had ruled that electronic evidence must meet certain specific requirements, which are outlined in Section 65B of the Indian Evidence Act. The court upheld the significance of digital evidence in this case.

There are many case laws where judiciary has highlighted importance of technology in administration of justice. One of the significant step taken by central government that they have introduce new criminal laws where in each and every amendment was done and made in the consonance of consonance of Hon'ble Supreme Court and High Court. Where we can see that these new criminal laws provided with very important provisions, which allows to introduce technology into administration of criminal justice system in India. most of the changes made in new criminal system with respect to advanced technology. According to law, led down by Hon'ble Supreme Court in various case laws. Indian justice system is still spreading her wings to achieve new heights in administration of justice. For the same, the Indian Judiciary, contributing for enhancement of smooth justice delivery system by way of advancement of technology and introduction of a digital era in justice delivery system.

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<sup>4</sup>(2010) 6 SCC 1

<sup>5</sup>(2015) SCC OnLine Ker 35800