

Admissibility of Electronic Evidence Under Bharatiya Sakshya Adhiniyam, 2023

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Abstract: *The Bharatiya Sakshya Adhiniyam, 2023 modernizes Indian evidence law by recognizing the growing importance of digital and electronic records in legal proceedings. With increasing reliance on technology, courts now frequently deal with emails, digital documents, CCTV footage, and online communications. The Act provides a structured legal framework for determining the admissibility and reliability of such evidence..*

Keywords: *Bharatiya Sakshya Adhiniyam.*

I. INTRODUCTION

The Bharatiya Sakshya Adhiniyam, 2023 modernizes Indian evidence law by recognizing the growing importance of digital and electronic records in legal proceedings. With increasing reliance on technology, courts now frequently deal with emails, digital documents, CCTV footage, and online communications. The Act provides a structured legal framework for determining the admissibility and reliability of such evidence. The Bharatiya Sakshya Adhiniyam, 2023 modernizes Indian evidence law by recognizing the growing importance of digital and electronic records in legal proceedings. With increasing reliance on technology, courts now frequently deal with emails, digital documents, CCTV footage, and online communications. The Act provides a structured legal framework for determining the admissibility and reliability of such evidence. The Bharatiya Sakshya Adhiniyam, 2023 modernizes Indian evidence law by recognizing the growing importance of digital and electronic records in legal proceedings. With increasing reliance on technology, courts now frequently deal with emails, digital documents, CCTV footage, and online communications. The Act provides a structured legal framework for determining the admissibility and reliability of such evidence.

Meaning of Electronic Evidence

Electronic evidence refers to any information stored or transmitted in digital form. This includes emails, text messages, social media content, audio and video recordings, databases, and files stored on computers or cloud systems. Such evidence plays a crucial role in both civil and criminal litigation. Electronic evidence refers to any information stored or transmitted in digital form. This includes emails, text messages, social media content, audio and video recordings, databases, and files stored on computers or cloud systems. Such evidence plays a crucial role in both civil and criminal litigation. Electronic evidence refers to any information stored or transmitted in digital form. This includes emails, text messages, social media content, audio and video recordings, databases, and files stored on computers or cloud systems. Such evidence plays a crucial role in both civil and criminal litigation.

Legal Recognition

under BSA The Act treats electronic records as documents and gives them the same legal status as traditional documentary evidence, subject to compliance with specific conditions. This ensures that modern forms of communication are fully recognized in courts. The Act treats electronic records as documents and gives them the same legal status as traditional documentary evidence, subject to compliance with specific conditions. This ensures that modern forms of communication are fully recognized in courts. The Act treats electronic records as documents and



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Primary and Secondary Evidence

Primary electronic evidence refers to the original device or source of data, such as a mobile phone or server. Secondary evidence includes copies such as printouts or screenshots. Most electronic evidence is produced in secondary form due to practical constraints. Primary electronic evidence refers to the original device or source of data, such as a mobile phone or server. Secondary evidence includes copies such as printouts or screenshots. Most electronic evidence is produced in secondary form due to practical constraints. Primary electronic evidence refers to the original device or source of data, such as a mobile phone or server. Secondary evidence includes copies such as printouts or screenshots. Most electronic evidence is produced in secondary form due to practical constraints.

Certificate Requirement

The Act mandates a certificate for admissibility of secondary electronic evidence. This certificate must identify the record, describe the manner of production, provide details of the device, and confirm proper functioning. It must be signed by a responsible person in control of the system. The Act mandates a certificate for admissibility of secondary electronic evidence. This certificate must identify the record, describe the manner of production, provide details of the device, and confirm proper functioning. It must be signed by a responsible person in control of the system. The Act mandates a certificate for admissibility of secondary electronic evidence. This certificate must identify the record, describe the manner of production, provide details of the device, and confirm proper functioning. It must be signed by a responsible person in control of the system.

Important Case

Laws In Anvar P.V. v. P.K. Basheer, the Supreme Court held that electronic evidence is admissible only if it complies with certification requirements. In Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, the Court reaffirmed that the certificate is mandatory unless the original device is produced. In Anvar P.V. v. P.K. Basheer, the Supreme Court held that electronic evidence is admissible only if it complies with certification requirements. In Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, the Court reaffirmed that the certificate is mandatory unless the original device is produced. In Anvar P.V. v. P.K. Basheer, the Supreme Court held that electronic evidence is admissible only if it complies with certification requirements. In Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, the Court reaffirmed that the certificate is mandatory unless the original device is produced.

Conditions for Admissibility

Electronic evidence must satisfy conditions such as proper functioning of the device, regular use, data integrity, and lawful acquisition. These safeguards ensure authenticity and prevent misuse. Electronic evidence must satisfy conditions such as proper functioning of the device, regular use, data integrity, and lawful acquisition. These safeguards ensure authenticity and prevent misuse. Electronic evidence must satisfy conditions such as proper functioning of the device, regular use, data integrity, and lawful acquisition. These safeguards ensure authenticity and prevent misuse.

Challenges

Electronic evidence faces issues such as tampering risks, technical complexity, difficulty in obtaining certificates, and privacy concerns. Courts must carefully balance admissibility with fairness. Electronic evidence faces issues such as tampering risks, technical complexity, difficulty in obtaining certificates, and privacy concerns. Courts must carefully balance admissibility with fairness. Electronic evidence faces issues such as tampering risks, technical complexity, difficulty in obtaining certificates, and privacy concerns. Courts must carefully balance admissibility with fairness.



Importance in Modern Law

With the rise of digital transactions and cybercrimes, electronic evidence has become central to legal proceedings. It provides accurate and objective information, often serving as crucial proof. With the rise of digital transactions and cybercrimes, electronic evidence has become central to legal proceedings. It provides accurate and objective information, often serving as crucial proof. With the rise of digital transactions and cybercrimes, electronic evidence has become central to legal proceedings. It provides accurate and objective information, often serving as crucial proof.

