



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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A COMPARATIVE STUDY OF OLD AND NEW ELECTRONIC EVIDENCE

~ *Megha Sharma*

ABSTRACT

This research paper aims to investigate the existing legal framework for electronic evidence in India and its implications. Recent technological innovations have greatly influenced society, with electronic records now part of everyday life for people from all walks of life, ranging from the poor and the rich to businessmen and even criminals. All activities and transactions are presently recorded electronically, and the increasing number of cybercrimes, in which criminals take advantage of electronic equipment, has also emphasized the increasing significance of electronic evidence in legal proceedings. Thus, it is imperative to restructure, transform, and modify the laws regarding electronic evidence, as the legal system must evolve to match technology's development. The electronic evidence law was incorporated into the Indian Evidence Act via an amendment in 2000, while the Information Technology Act, of 2000, which also has provisions for electronic records, was enacted. Some amendments have then been added to Indian laws to respond to electronic records. Thus, the existing legal framework for electronic evidence in India must be critically assessed. The present paper strives to evaluate recent advancements in electronic evidence law and analyze the challenges concerning the current legal provisions.

KEYWORDS: Electronic Evidence, Technological Innovations, Society, Electronic Records, Cybercrimes, Indian Evidence Act, Information Technology Act.

INTRODUCTION

We are living in a global village where Information and Technology-driven new business ideas like e-commerce, internet banking, Unified Payments Interface (UPI), virtual reality, artificial intelligence, data science, natural language processing, non-fungible tokens, blockchain technology, cryptocurrency, 3D printing, and the metaverse are emerging at a record rate.¹

With technology increasingly becoming a part of our day-to-day life, its exploitation by criminals is also increasing. Criminals are using advanced technology more and more to perpetrate crimes, and hence the application of scientific equipment in investigations is

¹ Kelly Johnstone, Defining Digital Technology, Digital Child (Mar. 10, 2025, 09:15 AM), <https://digitalchild.org.au/defining-digital-technology/>.

important to detect offenses timely and accurately. Forensics is an integral part of almost every criminal investigation, ranging from taking blood samples at crime scenes to tracking electronic footprints in cases of financial fraud over the internet. When used properly, these scientific techniques can be strong weapons to deliver final proof in criminal proceedings. Thus, forensic expertise is instrumental in enhancing crime management.²

Digital forensics is a forensic science specialty that concerns itself with recovering, preserving, and examining electronic data, which may be crucial in criminal investigations. Such data encompasses computers, hard disk, cell phones, and other information storage media. Electronic data may take various forms such as emails, SMS/Instant message applications like WhatsApp, hard disk, call detail, tape recordings, pictures, compact discs (CDs), bank statements, etc.³

In *D. K. Basu v. State of West Bengal*⁴, the Supreme Court emphasized the need for the development of scientific methods of interrogating and examining the suspects since the custodial killing and torture of persons are a blatant denial of the rule of law. The importance of using forensic methods in criminal investigation was officially recognized in India in 2010 when the Hon'ble Home Affairs Minister declared the year 2010 as the "Year of Forensic Science". The Information Technology Act of 2000 and the Indian Evidence Act of 1872 are the two primary acts that regulate the legal process of electronic evidence. The Bharatiya Sakshya Bill, 2023 (BSB) seeks to replace the Indian Evidence Act of 1872. The Indian Evidence Act is a landmark criminal law of India, one of the earliest acts of the British Raj post-Charter Act of 1833 and the Indian Penal Code of 1862. Constitutional principles shaped post-independence, the legal framework of India. The following is a comparative analysis of the 'Electronic Evidence' provisions of the former law (IEA) and the proposed new bill (BSB).⁵

THE BHARATIYA SAKSHYA ADHINIYAM, 2023 (BSA)

Recently, the Indian Evidence Act, 1872 was repealed and substituted by the Bharatiya Sakshya Adhinyam, 2023, which took effect from 01.07.2024. Although the majority of provisions of the Indian Evidence Act have been carried over in the BSA with some slight changes, the definition of "Document" has been expanded to include electronic and digital records. The definition of "evidence" now also includes electronic and digital records. This entails that both documents and evidence now constitute electronic and digital records, such as statements made electronically to the Court. Under the previous Act, digital records were not within the definition of documentary evidence. In addition, a new subsection (2) has been included in Section 2, which says that the expressions defined in the Information Technology Act, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Nyaya Sanhita, 2023, shall be interpreted to mean the same thing under the BSA. Consequently, some of the words and expressions defined in these Acts or Sanhitas will now bear the same meaning under the BSA.

² Ibid.

³ Ravi Sharma, Revolutionising digital forensic: India's new legal frontiers, Bar and Bench (Mar. 10, 2025, 10:00 AM), <https://www.barandbench.com/columns/revolutionizing-digital-forensics-indias-new-legal-frontiers>.

⁴ *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610

⁵ Prachi Kathane, The Development, status and future of forensics in India, Science Direct (Mar.10, 2025, 11:30 AM), <https://www.sciencedirect.com/science/article/pii/S2665910721000463>.

Section 57 of the BSA has also widened the ambit of primary evidence, with four new explanations (explanations 4 to 7) included in this section.⁶

The explanations issued under the BSA state that in case an electronic or digital record is developed or saved in many files, then each one of these files amounts to primary evidence, as laid down by Explanation 4. Explanation 5 says that where an electronic or digital record arises from sound custody, such a record would qualify as primary evidence unless contested. Explanation 6 explains that where a video recording is both stored electronically and sent to someone else, every one of the stored recordings constitutes primary evidence. Explanation 7 also adds that where any electronic or digital record is stored in more than one storage location on a computer, each automatically stored file, such as a temporary file, constitutes primary evidence. These clarifications have broadened the definition of primary evidence to include electronic or digital documents—which were not previously regarded as primary evidence—to be regarded as primary evidence. Thus, these electronic or digital records will no longer have to comply with Section 63 of the BSA.⁷

Section 61 of the BSA adds a new provision that "nothing in this Adhiniyam shall be used to deny the admissibility of an electronic or digital record as evidence simply because it is an electronic or digital record." Such records, as per Section 63, will be given the same legal effect, validity, and enforceability as paper records. Section 62 of the BSA also lays down that the contents of an electronic record can be established under Section 59, which provides that documents are to be established by primary evidence except where secondary evidence is unavoidable. Section 63 of the BSA is a replica of Section 65B of the Indian Evidence Act, 1872, with certain minor changes.⁸

The BSA also provides for a form to be used to obtain the required certificate for electronic evidence, absent in the Indian Evidence Act. The format of the certificate requires the hash value of the electronic or digital record to be furnished by both the owner-manager of the record and an expert witness. Whereas Section 65B of the Indian Evidence Act provided for the owner's or the person in charge of the instrument's certificate, Section 63 of the BSA provides a second certificate issued by an expert. Thereafter, there were no considerable modifications made to any of the remaining provisions under the BSA.⁹

THE INDIAN EVIDENCE ACT, 1872

When the Information Technology Act, 2000, came into force, it was required to modify the Indian Evidence Act, 1872, to include provisions regarding electronic records. Therefore, new sections were introduced in the Indian Evidence Act in 2000 and in 2009, and certain existing sections were modified.¹⁰

⁶ Saurabh Bindal, What's new in Indian Evidence law? A look at BSA, 2023, Fox Mandal (Mar.10, 2025, 11:45 AM), <https://www.foxmandal.in/whats-new-in-indian-evidence-law-a-look-at-bsa-2023/>.

⁷ Bharatiya Sakshya Adhiniyam, 2023, § 63, No. 47, Acts of Parliament, 2023 (India).

⁸ Bharatiya Sakshya Adhiniyam, 2023, § 61, No. 47, Acts of Parliament, 2023 (India).

⁹ Indian Evidence Act, 1872, § 65(B), No. 1, Acts of Parliament, 1872 (India).

¹⁰ Astitva Kumar, Indian Evidence Act,1872: an exhaustive overview, Ipleaders (Mar. 10, 2025, 4:00 PM), <https://blog.ipleaders.in/indian-evidence-act-1872-an-exhaustive-overview/>.

Section 3 of the Indian Evidence Act, 1872, also defines "document," and after the amendment, this definition now encompasses electronic records. This new meaning of "document" covers anything that has been reduced to electronic form, thereby falling under electronic evidence. For example, items like CDs, pen drives, CCTV records, micro clips, memory cards, computers, mobile phones, hard disks, and laptops are all types of electronic records and may be handled as electronic evidence.¹¹

Section 34 of the Indian Evidence Act initially addressed entries in books of account, providing that entries habitually made in the ordinary course of business are relevant where they relate to a matter that the court is investigating. Seeing the necessity to include electronic records, this section was modified to add entries made in electronic form.¹²

Also, the Indian Evidence Act Section 45 rendered expert evidence relevant, but to cater to the new subject matter of electronic evidence 2009, Section 45A was introduced by adding it through an amendment by Act No. 10 of 2009.¹³

Section 47 of the Indian Evidence Act provides for the admissibility of opinions regarding an individual's handwriting and signature. Likewise, considering the need to provide for electronic signatures, Section 47A was added in the year 2000 for including provisions on the opinion of electronic signatures.¹⁴

In 2000, new Sections 65A and 65B were incorporated into the Indian Evidence Act, defining the procedure for establishing the contents of electronic records. Section 65B specifically defines the procedure for establishing electronic records. When the original electronic evidence is produced before the court, it is accepted as primary evidence, similar to any other form of ordinary evidence under the Indian Evidence Act. However, if only a reproduction of the electronic evidence is provided rather than the original, it has to be established by the procedure given in Section 65B.¹⁵

As per Section 65B, a certificate has to be presented along with the electronic evidence. This certificate should be issued by the person who possesses, controls, or is responsible for the original electronic device, not by anyone else. Though the certificate alone does not prove the electronic evidence to be genuine, it needs to be admissible. Unless the certificate accompanies the electronic evidence, it would not be admissible before the courts, and no presumptions under the Indian Evidence Act can be raised on the evidence.¹⁶

¹¹ Shivi Khanna, All you need to know about section 3 of the Indian Evidence Act, 1872, Ipleaders (Mar.10, 2025, 4:30 PM), <https://blog.ipleaders.in/all-you-need-to-know-about-section-3-of-the-indian-evidence-act-1872/>.

¹² Priyanka Preet, Ledger in itself does not have evidentiary value under section 34 of Evidence Act unless corroborated by other Evidence: Gujarat High Court, Live Law (Mar.10, 2025, 4:45 PM), <https://www.livelaw.in/news-updates/gujarat-high-court-ledger-evidentiary-value-evidence-act-section-34-191004>.

¹³ Yash Mittal, Section 45 Evidence Act| Opinion of handwriting expert must be treated with caution: Supreme Court, Live Law (Mar. 10, 2025, 5:00 PM), <https://www.livelaw.in/supreme-court/s-45-evidence-act-opinion-of-handwriting-expert-must-be-treated-with-caution-supreme-court-285732>.

¹⁴ M.S. Shri Sai Kamalini, Various provisions relating to opinions in the Indian Evidence Act, Ipleaders (Mar.10, 2025, 5:15 Pm), <https://blog.ipleaders.in/various-provisions-relating-opinions-indian-evidence-act/>.

¹⁵ Indian Evidence Act, 1872, § 65(B), No. 1, Acts of Parliament, 1872 (India).

¹⁶ Ibid.

Section 73 of the Indian Evidence Act permits the comparison of signatures, writings, or seals with other admitted or established signatures. A similar provision was felt necessary in the case of digital or electronic signatures. Consequently, Section 73A was enacted in 2000, which states that, to ascertain whether a digital signature is of the person from whom it is alleged to be, the Court may require any person to produce the concerned digital signature certificate.¹⁷

The Indian Evidence Act contains presumptions about the genuineness of different documents. Such presumptions were found necessary to be made about electronic records as well. Therefore, many new sections were incorporated in 2000.

Section 81A was incorporated to provide that the Court would presume the genuineness of electronic records printed in the Official Gazette. Section 85A provides that the Court will presume that an electronic record, which appears to be an agreement with the electronic signatures of the parties, was concluded with the affixing of such signatures. Section 85B addresses presumptions on secure electronic records and signatures, providing that the Court shall presume that a secure electronic record is not altered after its secure status has been established and that the electronic signature was applied by the subscriber to sign or authenticate the record. Section 85C was enacted to deal with presumptions under electronic signature certificates. It states that the Court is to presume that the facts contained in an electronic signature certificate are accurate if the certificate was accepted by the subscriber.¹⁸

Section 90A, introduced in 2000, provides for presumptions regarding electronic records five years and older. It provides that when an electronic record five years or more in age is produced from a custody which appears to the Court to be appropriate, the Court can assume that the electronic signature that it carries was affixed by the person it claims to represent. All these presumptions are rebuttable.¹⁹

THE CONCEPT OF ELECTRONIC EVIDENCE UNDER THE INDIAN EVIDENCE ACT,1872 (IEA)

Before electronic evidence was legally acknowledged, Sections 63 and 65 of the Evidence Act mainly dealt with the grounds for the admissibility of the said evidence. Under these sections, electronic evidence acquired through various means of cyber forensics was held to be a secondary "document," and printed versions of this evidence were regarded as secondary evidence. For secondary evidence of such nature to be acceptable, it had to be certified as genuine by an authorized person, who in turn could be cross-examined about the certified

¹⁷ Tellmy Jolly, [Section 73 Indian Evidence Act] courts and compare and verify disputed signature with admitted evidence to arrive at conclusion based on other supporting evidence: Kerala HC, Live Law (Mar. 10, 2025, 6:00 PM), <https://www.livelaw.in/high-court/kerala-high-court/kerala-high-court-section-73-evidence-act-courts-could-compare-verify-disputed-signatures-with-admitted-evidence-arrive-conclusion-other-supporting-evidence-250146>.

¹⁸ Anubhab Banerjee, Presumption as to electronic agreements under the Indian Evidence Act,1872, Ipleader (Mar. 10, 2025, 6:30 PM), <https://blog.ipleaders.in/presumption-as-to-electronic-agreements-under-the-indian-evidence-act-1872/>.

¹⁹ Upasana Sajeev, Presumption U/S 90 of Evidence Act,1872 applies when which is over 30 years old is produced from proper custody: Madras High Court, Live Law (Mar. 10, 2025, 7:00 PM), <https://www.livelaw.in/high-court/madras-high-court/madras-high-court-section-90-evidence-act-will-30-year-old-produced-proper-custody-270697>.

document. Such sections laid down the parameters for the admissibility and evidence of electronic documents in court proceedings.²⁰

The Evidence Act was modified by Section 92 of the Information Technology Act, 2000, by widening the definition of "evidence" to include "electronic records," thereby making electronic evidence admissible. The failure to include the term "electronic records" in Sections 61 to 65 of the Evidence Act and its absence from Section 59 suggests an explicit legislative intent not to make these sections applicable to electronic records. This is also explained by the general provision of Section 65B of the Evidence Act, which explicitly deals with the admissibility of electronic records.²¹

Electronic records can be admitted as evidence under the provisions of Section 65B of the Evidence Act. Thus, any documentary evidence in the form of an electronic record will only be presented as per the procedures set out in Section 65B. This provision provides that any data present in an electronic record—whether printed on paper, stored, recorded, or copied on optical or magnetic media generated by a computer—is deemed to be a "document" and is admissible in court without the requirement of producing the original, if the requirements of Section 65B (2) and (5) are satisfied. Section 65B prescribes both technical and non-technical requirements for the admissibility of electronic evidence.²²

The certificate that should be issued for this intent is signed by someone in a responsible position who has a relationship to the device from which the data was created. The certificate indicates the electronic record that contains the statement, states how it was created, and gives details about any device involved in generating the record, and confirms that it is computer-generated. Also, the certificate should speak to any conditions for the admissibility of evidence. The certificate aims to guarantee the integrity and authenticity of the data so the court may depend on it. This is important since electronic data is prone to alteration and tampering.²³

CONCEPT OF ELECTRONIC EVIDENCE UNDER THE BHARATIYA SAKSHYA BILL, 2023 & ITS COMPARISON WITH THE INDIAN EVIDENCE ACT

On 11th August 2023, three bills were moved in the Lok Sabha by the Ministry of Home Affairs, which were later referred to the Standing Committee. These are the Bharatiya Nyaya Sanhita Bill, 2023, the Bharatiya Nagarik Suraksha Sanhita Bill, 2023, and the Bharatiya Sakshya Bill, 2023. Although these bills are yet to be passed into law, it is important to consider how they can make a difference in administering justice in India and visualize the future of Bharat's legal system. The Bharatiya Sakshya Bill, 2023 (BSB) seeks to modify the Indian Evidence Act of 1872, which is presently operative. The BSB deals with the admissibility of evidence before courts in civil and criminal matters in India and will supersede the Indian

²⁰ Shivi Khanna, All you need to know about section 3 of the Indian Evidence Act, 1872, Ipleaders (Mar.10, 2025, 7:30 PM), <https://blog.ipleaders.in/all-you-need-to-know-about-section-3-of-the-indian-evidence-act-1872/>.

²¹ Indian Evidence Act, 1872, § 65(B), No. 1, Acts of Parliament, 1872 (India).

²² Ibid.

²³ Astha Jain, Admissibility of electronic evidence under the Indian Evidence Act, 1872, Manupatra (Mar.10, 2025, 7:45 PM), <https://articles.manupatra.com/article-details/ADMISSIBILITY-OF-ELECTRONIC-EVIDENCE-UNDER-THE-INDIAN-EVIDENCE-ACT-1872>.

Evidence Act when enacted. A comparative analysis of the BSB and Indian Evidence Act is provided below.²⁴

REVISED DEFINITIONS AND THEIR CHANGES

The BSB also defines "document" within Section 2(1)(c) to include electronic records. Under this definition, a "document" means any matter noted on a substance by using letters, figures, marks, or another method, or in any combination of the above modes, to note the matter. The definition covers electronic and digital records as well. The provision's depiction further makes it clear that electronic files, like emails, server logs, files on computers, laptop or phones, messages, websites, locational data, and voicemail messages on digital equipment, are all documents.²⁵

The BSB considers electronic evidence as documentary evidence. Section 2(1)(e) states that "evidence" means documents, which also refer to electronic or digital records produced for the Court's inspection, and these are types of documentary evidence. In comparison, the Indian Evidence Act (IEA) under Section 3 defines 'electronic evidence' as documentary evidence, though the definition is narrower and less explicit than the BSB. The definition provided by the BSB provides a wider application, encompassing digital information and electronic devices.²⁶

THE ROLE OF PRIMARY AND SECONDARY EVIDENCE

Electronic records are primary evidence under the BSB, as provided in Section 57 of the Bill, as opposed to the Indian Evidence Act (IEA), where they are treated as secondary evidence. Under Section 57 of the BSB, when an electronic or digital record is made or stored and that storage is simultaneous or sequential in more than one file, each file shall be primary evidence. Hence, in the BSB, the electronic record itself can be submitted directly to the Court for inspection, in contrast to the IEA, which requires a special procedure under Section 65B for admitting electronic records.²⁷

This is a major change in the law regarding the admissibility of electronic evidence in Indian courts. If the bill is passed with this clause, it would be a revolutionary shift in criminal jurisprudence in India, rendering electronic and digital records as reliable and acceptable forms of evidence in court proceedings.²⁸

In criminal court trials, the investigative agencies usually face difficulties in identifying substantive physical evidence, which is classically regarded as primary, resulting in

²⁴ Ayush Chandra, Comparative analysis of electronic evidence: Bharatiya Sakshya Adhinyam, 2023 v. Indian Evidence Act, 1872, LegalOnus (Mar.10, 2025, 8:00 PM), <https://legalonus.com/comparative-analysis-of-electronic-evidence-bharatiya-sakshya-adhinyam-2023-vs-indian-evidence-act-1872/>.

²⁵ Taxman, [Comparative Study] Bharatiya Sakshya Adhinyam, 2023 & Indian Evidence Act, 1872, Taxman (Mar.10, 2025, 9:00 PM), <https://www.taxmann.com/post/blog/comparative-study-bharatiya-sakshya-adhinyam-bsa-indian-evidence-act/>.

²⁶ Ibid.

²⁷ Astha Jain, Admissibility of electronic evidence under the Indian Evidence Act, 1872, Manupatra (Mar.10, 2025, 9:30 PM), <https://articles.manupatra.com/article-details/ADMISSIBILITY-OF-ELECTRONIC-EVIDENCE-UNDER-THE-INDIAN-EVIDENCE-ACT-1872>.

²⁸ Ibid.

circumstances in which the defence gains an advantage through the absence of primary evidence despite the presence of electronic evidence. It is important to analyze different kinds of forensic findings and evidence, with special emphasis on electronic evidence, to critically evaluate the criteria that can render electronic evidence credible and conclusive in court cases. Considering electronic evidence as primary evidence under the BSB is a step in the right direction towards enhancing the legal framework for dealing with electronic evidence in the future.²⁹

RULES FOR ADMITTING EVIDENCE

The proposed changes by the BSB in the case of electronic evidence are substantive, especially in defining electronic records more precisely and permitting electronic or digital records to be dealt with as primary evidence. It is important to understand the admissibility of electronic evidence in light of the proposed reforms in the BSB. On comparing Section 65B of the IEA with Section 63 of the BSB, several significant changes in the provisions concerning the admissibility of electronic records can be identified. Under Section 63(1) of the BSB, "Information" also means electronic records stored, recorded or copied in semiconductor memory. The term "computer" is also defined to include output from any device of communication or any electronic form in which information is recorded, stored, or copied.³⁰

According to Section 63(4) of the BSB, where a statement about electronic evidence is needed, a certificate of admissibility should be provided upon presentation of the electronic record for admission. The provision provides clearer direction than Section 65B(4) of the IEA, which is not as clear.³¹

According to Section 65B(4) of the IEA, the certificate is required to be signed by a person holding a responsible official position in relation to the operation of the concerned device or the control of the associated activities. According to Section 63(4)(c) of the BSB, however, the certificate is required to be signed by the head of the computer or communication device and an expert in the manner prescribed.³²

This is a positive change which explains the procedural; however, the wording "whichever is appropriate" still appears in the BSB, as it does in the IEA, and leaves residual doubt about the signing authority. The Standing Committee mentioned that the provisions relating to the certificate by an expert or the individual responsible for the electronic record, necessary for the admissibility of electronic evidence, suffer from some inadequacies. These loopholes can compromise the authenticity, reliability, and integrity of the electronic and digital files introduced as evidence and be susceptible to tampering.³³

²⁹ Santosh Subhash Pawar, Admissibility and evidentiary value of electronic records, Ipleaders (Mar.11, 2025, 9:00 AM), <https://blog.ipleaders.in/admissibility-evidentiary-value-electronic-records/>.

³⁰ Sarah Williams, Evidence: The concept of 'Admissibility', Find Law (Mar.11, 2025, 9:15 AM), <https://www.findlaw.com/criminal/criminal-procedure/evidence-the-concept-of-admissibility.html>.

³¹ Indian Evidence Act, 1872, § 63(4), No. 1, Acts of Parliament, 1872 (India).

³² Indian Evidence Act, 1872, § 65(B), No. 1, Acts of Parliament, 1872 (India).

³³ Saurabh Bindal, What's new in Indian Evidence law? A look at BSA, 2023, Fox Mandal (Mar.11, 2025, 11:30 AM), <https://www.foxmandal.in/whats-new-in-indian-evidence-law-a-look-at-bsa-2023/>.

The committee has noted that electronic evidence can be tampered with and has suggested the addition of a mandatory provision for ensuring the secure preservation of electronic records, processed through an appropriate chain of custody during the investigation in order to preserve the authenticity of the evidence. This protection is important in the BSB as electronic records are accepted as primary evidence. The suggested steps are necessary to maintain the credibility and conclusiveness of electronic evidence when it is produced as original documents in a court of law.³⁴

Under the IEA, electronic records are required to be authenticated by a certificate. The committee observed that the BSB provides that electronic records are to be established by primary evidence (Section 59). The Bill also maintains the IEA provision on the admissibility of electronic records (Section 63), which requires certificate authentication.³⁵

CONCLUSION

An orderly society is based on a strong criminal justice system, and sound investigations are most important to make sure that sound justice is served. Legal reform is needed to correct the loopholes and inadequacies in existing laws. With the universal presence of electronic records in nearly every legal case in the highly technologically equipped world today, there is a pressing need for reforms in the legal system concerning electronic evidence. The Bharatiya Sakshya Bill (BSB) demonstrates the lawmakers' intention to address matters concerning the admissibility of electronic evidence; however, it is not without some flaws. The Standing Committee has submitted its report on the Bharatiya Sakshya Bill, 2023, keeping these flaws in sight and making certain suggestions for modifications to the draft bill.

Eight members of the Committee also submitted dissenting notes on each of the three bills, articulating their fears that the bills are similar to the current laws but with Hindi-only titles. They also pointed out that the bills could end up contravening the Constitution and condemned the fact that there was not sufficient consultation of experts and the public in the process of formulating the bills.

It is vital to conduct a detailed analysis of different kinds of forensic evidence and findings, particularly electronic evidence, to be able to critically evaluate what can make the evidence credible or why it might be inconclusive in court. Although the Information Technology Act, 2000, is the main legislation dealing with the intricacies of electronic evidence, the need for extensive research in this field is still great to meet the dynamic legal challenges in the realm of information and technology.

³⁴ Lyle Therese A. Hilotin, What are the rules of Evidence?, Find Law (Mar.11, 2025, 9:45 AM), <https://www.findlaw.com/hirealawyer/choosing-the-right-lawyer/evidence-law.html>.

³⁵ Lyle Therese A. Hilotin, What are the rules of Evidence?, Find Law (Mar.11, 2025, 9:45 AM), <https://www.findlaw.com/hirealawyer/choosing-the-right-lawyer/evidence-law.html>.

