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WHEN THE EVIDENCE DISAPPEARS: THE ACCOUNTABILITY GAP IN THE PRESERVATION OF DIGITAL EVIDENCE IN CUSTODIAL VIOLENCE CASES IN INDIA

-Vani Jain

ABSTRACT

*Custodial violence is among the hardest forms of State abuse to investigate and prosecute, since the person alleging violence is often placed at a considerable evidentiary disadvantage. While in custody, the individual is under the State's control, and the State may at the same time control much of the evidence that could establish what took place. As CCTV cameras, audio-video recording, and other digital technologies become more common in police stations, there is potential to lessen this evidentiary imbalance. Yet the mere presence of digital surveillance does not automatically ensure accountability. CCTV cameras may be out of order, recordings may be overwritten automatically, storage systems may be insufficient, or relevant footage may fail to be preserved or produced even when judicial directions require it. This paper examines the accountability gap that results within the Indian legal framework governing digital evidence in cases of custodial violence. It analyses the constitutional safeguards against custodial violence, the Supreme Court's jurisprudence on CCTV surveillance, especially *Paramvir Singh Saini vs Baljit Singh*, the evidentiary framework for electronic records under the *Bharatiya Sakshya Adhiniyam 2023*, and the procedural framework under the *Bharatiya Nagarik Suraksha Sanhita 2023*. It also considers the importance of *Tomaso Bruno vs State of Uttar Pradesh* and recent judicial proceedings involving CCTV footage that was non-functional or unavailable. The paper contends that although Indian law has developed substantial obligations regarding the creation and retention of digital evidence, it remains relatively fragmented on the precise moment when a preservation obligation arises, which authority is responsible for preservation, how digital evidence is independently verified, and what follows when it disappears. The paper proposes a preservation-based framework built around an identifiable preservation trigger, independent duplication of relevant footage,*

technical audit trails, and proportionate evidentiary and institutional consequences for failures to preserve.

KEYWORDS: custodial violence, digital evidence, CCTV, evidence preservation, police accountability, Article 21, electronic evidence, adverse inference, Paramvir Singh Saini.

I. INTRODUCTION

The exercise of coercive State power entails a corresponding obligation of accountability. This principle takes on particular importance in cases of custodial violence, where an individual is placed under the State's control. They may later allege physical or psychological abuse suffered while in custody. Unlike many ordinary criminal incidents, custodial violence often occurs in spaces controlled by the very authorities whose conduct is in question. As a result, the person alleging abuse may have only limited access to independent witnesses or documentary evidence that could establish what happened. This produces a fundamental evidentiary imbalance. The detainee may have direct knowledge of the alleged incident but lack the means to prove it, whereas the State may hold records that could corroborate or refute the allegation. Such records may consist of arrest and custody paperwork, medical files, station diaries, and, with growing frequency, digital evidence like CCTV footage and audio-video recordings.

The rise of digital surveillance could potentially shift this imbalance. CCTV footage can offer a real-time account of events and may confirm the presence of individuals, movements inside a police station, how long detention lasted, and interactions between police officers and detainees. In contrast to testimony given after the fact, these recordings are made at the moment the event occurs and thus can serve as an independent evidentiary reference point. Yet the mere presence of a camera does not guarantee that evidence will exist at the moment it is needed. Digital recordings are, by their nature, susceptible to vanishing. Storage systems have finite capacity, and footage can be overwritten automatically. Cameras can break down. Recording systems may be unplugged or poorly maintained. Footage might exist without ever being produced. More gravely, recordings may be intentionally erased or tampered with. The difficulty is especially severe when the authorities accused of committing custodial violence are also the ones tasked with preserving the relevant digital evidence. As a result, the State can find itself in two roles at once: the alleged perpetrator of the violation and the guardian of the evidence needed to determine whether that violation took place.

This paper terms the resulting difficulty the accountability gap. The phrase does not imply that Indian law offers no remedies when evidence goes missing. Instead, it captures the distance

between acknowledging digital evidence as a tool of accountability and the lack of a sufficiently thorough framework governing its preservation, independent verification, and the consequences when it vanishes.

The Supreme Court's ruling in *Paramvir Singh Saini v Baljit Singh* supplies the key legal framework for grasping this problem.¹ The Court ordered that CCTV cameras be installed in police stations and laid down specific requirements regarding coverage, audio-video recording, storage, and mechanisms for safeguarding footage in cases involving human-rights violations. Later judicial proceedings have shown that implementation is still an unresolved matter. The Supreme Court has kept monitoring compliance, and recent proceedings have dealt with the issue of cameras that are installed yet not operational.²

The matter has also come before High Courts in specific cases. In *Sanu @ Rashid v State of Uttar Pradesh*, the Allahabad High Court examined the failure to produce CCTV footage concerning an alleged illegal detention, after repeated orders had been issued for its preservation and production.³ In *Prashant Satyawar Kokane vs State of Maharashtra*, the Bombay High Court looked into the preservation of CCTV footage tied to a police-station incident and later ordered a wider review of CCTV functionality and preservation practices.⁴

These developments show that the central legal issue has changed over time. The question is no longer simply whether CCTV cameras should be present in police stations. The harder question is whether the law guarantees that the evidence produced by those cameras stays available when an allegation of custodial violence is investigated or adjudicated.

This paper thus examines four questions that are interconnected. First, which constitutional principles govern the State's obligations towards persons in custody? Secondly, what legal duties regarding CCTV recording and preservation have arisen from Supreme Court jurisprudence? Thirdly, what evidentiary consequences should result when relevant digital evidence vanishes or is not produced? Finally, what reforms could reinforce the preservation framework without establishing an automatic presumption of guilt against police authorities? The paper follows a doctrinal methodology, drawing on constitutional provisions, legislation, judicial decisions and materials issued by human-rights institutions. Its central argument is that

¹ *Paramvir Singh Saini v. Baljit Singh*, (2021) 1 SCC 184 (India).

² *Paramvir Singh Saini v. Baljit Singh*, S.L.P. (Crim.) No. 3543 of 2020, order dated Apr. 18, 2023 (India); *In re: Lack of Functional CCTVs in Police Stations*, Suo Motu Writ Petition (Civ.) No. 7 of 2025 (India).

³ *Sanu @ Rashid v. State of U.P.*, Criminal Misc. Bail Application No. 3821 of 2026, order dated Feb. 19, 2026 (Allahabad H.C., India).

⁴ *Prashant Satyawar Kokane v. State of Maharashtra*, Criminal Writ Petition No. 1196 of 2026, orders dated June 22, 2026 & July 15, 2026 (Bombay H.C., India).

the effectiveness of digital surveillance as a mechanism of custodial accountability depends not only on the creation of recordings but also on their preservation through a legally enforceable and independently verifiable process.

II. CUSTODIAL VIOLENCE AND THE EVIDENTIARY PROBLEM

The constitutional jurisprudence on custodial violence rests on the recognition that detention does not suspend fundamental rights. Article 21 of the Constitution protects life and personal liberty, while Article 22 provides procedural safeguards concerning arrest and detention. The Supreme Court has repeatedly stressed that the authority to arrest does not grant unrestricted power over the person detained.

In *D.K. Basu vs State of West Bengal*, the Supreme Court dealt with the problem of custodial violence and laid down procedural safeguards intended to make arrest and detention more transparent.⁵ The Court recognised custodial violence as a serious threat to the rule of law and stressed the need for mechanisms capable of preventing abuse and facilitating accountability. The Court's decision in *Nilabati Behera vs State of Orissa* further developed the constitutional response to custodial abuse. The Court recognised that compensation could be awarded in public law proceedings for violations of fundamental rights arising from custodial death.⁶ The decision was significant because it showed that constitutional accountability could operate independently of the outcome of an ordinary criminal prosecution.

Despite these safeguards, proving custodial violence remains difficult. The problem is partly structural. The alleged incident might take place at a location the detainee cannot access on their own. Police officers may be the only witnesses available. Other detainees might be unable to testify, or may refuse to do so. Physical injuries may show that harm was inflicted, without definitively proving the circumstances under which it happened.

This is precisely where digital evidence takes on particular significance.

CCTV footage can potentially show whether a person was present at a given location, when they arrived or left, which officers dealt with the detainee, and whether specific events took place within the camera's field of view. Audio recording can supply additional information when the system is able to capture sound. Electronic records may also help in piecing together the sequence of events. Digital evidence can thus lessen the evidentiary imbalance that is inherent in custodial cases. Yet this advantage holds only if the evidence endures.

⁵ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416 (India).

⁶ *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746 (India).

The legal system must therefore distinguish between creating digital evidence and preserving it as evidence that is legally usable. A CCTV camera that captures an event but automatically erases the recording before the allegation can be investigated offers little help to the person seeking accountability. So the mere existence of technology does not, on its own, resolve the evidentiary problem.

III. THE CONSTITUTIONAL BIAS FOR DIGITAL SYSTEM

The constitutional importance of preserving CCTV footage can be seen as an extension of the safeguards that custodial jurisprudence has developed. The principle behind *D.K. Basu* is that when the State exercises power over an individual's liberty, mechanisms must accompany that exercise so it remains open to later scrutiny.⁷ Documenting the arrest, notifying relatives, conducting medical examinations and other procedural safeguards all serve one underlying aim: they build a record against which the legality of State conduct can subsequently be judged. CCTV surveillance can perform a comparable function by technological means.

A written police record is produced by an official and may reflect that official's version of events; a properly working CCTV system, by contrast, can offer contemporaneous visual evidence. It is not necessarily neutral or complete, but it may supply information that would otherwise not be available. This does not imply that CCTV should be treated as conclusive evidence. Cameras may suffer from blind spots, inaccurate timestamps, low resolution and technical faults. The lack of footage cannot by itself prove that an allegation is true. In the same way, the existence of footage cannot by itself prove that no misconduct took place beyond the camera's field of view. Even so, when the State has itself set up a surveillance system to protect persons in custody, it takes on a corresponding duty to ensure that the system works effectively and that the relevant recordings are not permitted to vanish without adequate justification.

The constitutional principle is thus wider than a mere right to be recorded. It takes in a practical interest in keeping the records needed to establish whether constitutional rights were respected.

IV. PARAMVIR SINGH SAINI AND THE DEVELOPMENT OF CCTV OBLIGATIONS

The Supreme Court's judgment in *Paramvir Singh Saini v Baljit Singh* stands as the most significant judicial development regarding CCTV surveillance in police stations.⁸ The Court instructed States and Union Territories to install CCTV systems in police stations and

⁷ *D.K. Basu, supra note 5*

⁸ *Paramvir Singh Saini, supra note 1*

pinpointed the locations that required surveillance. The directions envisaged audio as well as video recording, night-vision capabilities and storage arrangements able to retain recordings for set periods.

More significantly, the Court did not regard CCTV as merely an internal administrative tool. It tied the system to the protection of human rights and set up mechanisms by which relevant footage could be secured whenever allegations of serious human-rights violations emerged.

The importance of the judgment can be grasped through three interconnected obligations.

The first is an obligation of creation. The State must keep suitable recording infrastructure and make sure that the relevant areas of police stations are covered. The second is an obligation of retention. Recordings must stay available for the period envisaged by the Court's directions. The third is an obligation of specific preservation. When a human-rights violation is alleged, and relevant footage is pinpointed, the usual practice of overwriting has to yield to a dedicated preservation mechanism. This third obligation carries particular weight for the present paper.

Typically, a CCTV system runs on a rolling basis. Fresh footage is captured while older footage is gradually overwritten. As a result, a general retention period sets only a baseline. It cannot take the place of a mechanism that safeguards specific footage once its legal relevance comes to light. The Supreme Court's directions therefore amount to more than a technological requirement. They lay the groundwork for a preservation framework in which CCTV footage can become a protected evidentiary record once an allegation of a human-rights violation emerges. The implementation proceedings that followed reveal the persistent difficulty of putting this principle into practice. In 2023, the Supreme Court examined how far States and Union Territories had complied and noted substantial shortcomings in implementation.⁹ The Court's subsequent suo motu proceedings regarding non-functional CCTV cameras further show that the problem goes beyond installation to the actual operation and dependability of the systems. This distinction matters. A camera that is physically installed but not working does not serve the evidentiary purpose envisioned by Paramvir Singh Saini. Formal installation, then, cannot be treated as the same thing as substantive compliance.

V. ELECTRONIC EVIDENCE UNDER THE BHARATIYA SAKSHYA ADHINIYAM, 2023

⁹ *Paramvir Singh Saini, supra note 2*

With the enactment of the Bharatiya Sakshya Adhiniyam, 2023,¹⁰ the legal handling of electronic and digital records has been further formalised.

Sections 61 to 63 of the BSA set out the statutory framework that governs electronic records and their proof. These provisions recognise electronic and digital records as legally relevant evidence and lay down requirements for their production and certification.

The Schedule to Section 63 also envisages information about the electronic record, the device or source from which it was generated and its integrity, including information about hash values. These requirements bear directly on CCTV footage. The evidentiary worth of a recording rests not only on what is visible on the screen but also on whether the court can establish that the recording is authentic and has not been tampered with. Questions may arise about the identity of the camera, the accuracy of the timestamp, the continuity of recording, the storage device, the method used to copy the footage, and the chain of custody after extraction. As a result, the BSA reinforces how significant digital integrity is.

Conversely, the BSA reveals a notable shortcoming within the current framework. Rules about admissibility are unable to safeguard evidence that has already vanished. Hence, a chronological gap exists between preservation and admissibility. Preservation has to happen before the court is able to give meaningful consideration to admissibility. Where CCTV footage has been automatically overwritten, the issue of whether it meets the requirements for proving an electronic record might never come up. This shows why the legal framework that governs electronic evidence has to go beyond admissibility in the courtroom. The earlier phases of creation, storage, preservation and extraction matter just as much to the integrity of the evidentiary process.

VI. AUDIO-VISUAL RECORDING UNDER THE BHARATIYA NAGARIK SURAKSHA SANHITA

The Bharatiya Nagarik Suraksha Sanhita 2023 mirrors the wider shift towards incorporating technology into criminal procedure.¹¹

Section 105 requires that the process of search and seizure be recorded by audio-video electronic means and forwarded to the Magistrate. This provision shows that audio-video documentation is increasingly viewed as an element of procedural transparency rather than simply a discretionary technological tool. This development underscores how important

¹⁰ Bharatiya Sakshya Adhiniyam, No. 47 of 2023, §§ 61–63, sched. to § 63 (India).

¹¹ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023 (India).

preservation is. When legislation demands that significant investigative events be recorded electronically, the legal system must likewise guarantee that the resulting records stay available for later judicial scrutiny. If not, a procedural duty to record may carry only limited practical value. The same logic applies with particular strength to police-station CCTV. If surveillance is meant to document the exercise of coercive State power, the resulting footage ought to be treated as part of the evidentiary record that can be examined whenever that power is challenged.

VII. TOMASO BRUNO AND THE POSSIBILITY OF ADVERSE INFERENCE

The Supreme Court's ruling in *Tomaso Bruno vs State of Uttar Pradesh* is essential to grasping the evidentiary consequences of missing CCTV footage.¹²

In such a scenario, CCTV footage that could have been relevant to the prosecution's case was never produced. The Supreme Court regarded the footage as important evidence and analyzed what its non-production meant under Section 114(g) of the Indian Evidence Act 1872.[11]

The idea behind an adverse inference is that a party holding material evidence should not normally be allowed to gain from withholding it without a sufficient explanation.

That said, this principle does not amount to an automatic presumption of guilt.

What matters are the circumstances in which the evidence is absent. A court must ask whether the evidence was in fact available, whether the party controlled it, whether its production could reasonably be expected, and whether its absence has a satisfactory explanation.

This is what makes the principle especially apt in the custodial setting.

When the police are in control of CCTV footage and a complaint of custodial violence arises while the recording is still within the prescribed retention period, the authorities' duty to preserve the material takes on real importance. If the footage later vanishes with no satisfactory explanation, the court may reasonably weigh the circumstances of that disappearance when it assesses the evidence.

The position grows even stronger when the authorities had received a specific request to preserve the footage, or a judicial direction to do so, before it disappeared.

The correct legal principle, then, is not that missing CCTV amounts to proof of custodial violence, but that the unexplained disappearance of evidence under a party's control may, depending on the circumstances, influence how that party's case is assessed evidentially.

This distinction safeguards both accountability and the presumption of innocence.

¹² *Tomaso Bruno v. State of Uttar Pradesh*, (2015) 7 SCC 178 (India).

VIII. THE ACCOUNTABILITY GAP IN PRACTICE

Simply having legal obligations about CCTV does not guarantee that those obligations are carried out effectively. The National Human Rights Commission has in the past voiced concern about shortcomings in CCTV implementation, such as cameras that do not work, inadequate coverage, insufficient storage, and weak monitoring and maintenance. Findings like these matter because they show the problem is institutional, not merely hypothetical.

The accountability gap can emerge at several distinct stages. At the first stage, a camera may not exist at all, even though the law requires one to be installed. At the second stage, the camera may exist but fail to function. By the third stage, the camera might still work, yet recordings could be overwritten since there is not enough storage capacity. By the fourth stage, the relevant footage might be there, but it may not be kept after a complaint is made. By the fifth stage, the footage might be kept, but it may not be handed over. Lastly, the footage might be intentionally deleted or altered. These circumstances cannot reasonably be treated as identical. The 2026 decision in *Sanu @ Rashid vs State of Uttar Pradesh* highlights difficulties caused by insufficient retention practices. The case concerned claims of illegal detention and repeated references for production of CCTV footage. Subsequently, the police authorities indicated that the footage was deleted because the system only retained material for approximately two months.¹³

The case demonstrates that a general retention period may not be sufficient, once the authorities are aware that specific footage is potentially relevant to a legal dispute.

The Bombay High Court's decision in *Prashant Satyawar Kokane vs State of Maharashtra* offers another example.¹⁴ Here, the Court ordered preservation of CCTV footage relating to an incident in a police station. The subsequent proceedings raised questions about actual availability and length of retention of the footage, and triggered an investigation by the Court into CCTV practices and recording functionality at various police stations. The cases reveal that it is not always a question of whether the authorities have a right to CCTV footage. The problem may be that the evidence may not survive long enough for that right to be exercised.

IX. WHEN SHOULD THE PRESERVATION DUTY BEGIN?

¹³ *Sanu @ Rashid v. State of U.P.*, supra note 3

¹⁴ *Prashant Satyawar Kokane*, supra note 4

The issue of when a duty to preserve arises appears to be the most critical unresolved question. As CCTV systems of an ordinary kind are designed for routine retention rather than litigation preservation, footage will continue to be overwritten unless there is a specific action to prevent that happening. A system of legal preservation therefore needs to identify the event that triggers the transformation of ordinary CCTV footage into protected evidence. A duty to preserve should arise where the authorities know, or ought to know, that specific footage may be relevant to a legal proceeding or human-rights inquiry. In cases of custodial violence, such a trigger could include an allegation of physical assault, custodial death, serious injury during custody, registration of an FIR reporting custodial misconduct, a complaint before a Magistrate or human-rights institution, or an express judicial direction.

An advantage of such a system is that preservation duties would no longer be conditioned upon technical familiarity. A person seeking to use CCTV footage in a claim concerning custodial violence cannot reasonably be expected to know how much footage a particular police station retains, and when its storage system will overwrite the relevant recording.

The State, by contrast, has control over the CCTV system and knows its technical specifications. The burden of preservation should therefore not be placed entirely on the person least capable of understanding the technical aspects of retention.

X. THE PROBLEM OF STATE CONTROL OVER DIGITAL EVIDENCE

The most serious institutional problem is that the State may simultaneously control the individual, the institution where the alleged violence took place, and the evidence derived from that institution. This creates the potential for a conflict of interest between institutional accountability and evidentiary preservation. If footage disappears, the victim may not be able to determine whether the cause lies in routine overwriting, technical malfunction, negligence or deliberate action. The explanation may come solely from the institution that is responsible for the alleged violence. A reliable system of preservation must include a mechanism for independent verification. One option is to create an independent digital repository where relevant footage is automatically duplicated as soon as a preservation trigger is activated. While the police station will continue to control the operating system, an independently stored duplicate will prevent the evidence being entirely dependent upon the viability of the local system. Another option is to require the mandatory generation of technical audit logs. These would indicate when a camera had become non-functional, when storage capacity had been reached, when footage had been accessed or exported, and when data had been deleted or

overwritten. This would enhance accountability, since the explanation for missing footage could then be tested against an independent technical record.

XI. WHAT SHOULD HAPPEN WHEN THE EVIDENCE DISAPPEARS?

The legal consequences for missing CCTV footage should depend on the reason for its disappearance. If no camera was installed although a legal requirement existed for its installation, that failure should carry administrative or judicial consequences. If a camera was installed but became non-functional, the focus should be on maintenance records, awareness and responsibility. If the malfunction was promptly recorded and repaired, the consequences should be considerably different from those that would arise if authorities knowingly allowed a camera to be non-functional while serious allegations were made.

If footage was automatically overwritten before any preservation duty arose, it may not be possible to draw an adverse inference. The situation is different if authorities had already received a complaint or preservation request. In such a case, the ordinary operation of the storage system should not fully justify the evidence disappearance. If a court specifically ordered preservation or production, yet that order was not followed, an even more serious issue arises. Finally, if evidence has been deliberately deleted, altered or concealed, legal consequences should be correspondingly greater and may include disciplinary or criminal liabilities if the factual situation meets the conditions of the applicable law. A graduated approach is preferable to a rigid rule, since it acknowledges that digital evidence can disappear for different reasons, and that not every technical malfunction indicates misconduct.

XII. REFORMING THE INDIAN FRAMEWORK

The existing framework could be supplemented by developing the following mechanisms:

First, there should be a specific preservation trigger at statute or procedural level for custodial violence cases. Once an allegation of custodial violence, custodial death or serious injury has been recorded, the relevant CCTV footage should be automatically placed on a preservation hold. This mechanism should operate independently of the victim's awareness of retention periods.

Secondly, the relevant footage should be capable of being duplicated securely to an independent repository. This would mitigate the risk created by putting full control of digital evidence in the hands of the institution that is being investigated.

Thirdly, CCTV systems should keep mandatory technical audit trails. They should record any system malfunction or maintenance, footage access, copying and deletion or overwriting. This

information would enable courts to assess whether a technical failure was genuinely involved in an unexplained disappearance of evidence.

Fourthly, a graded system of consequences should be developed. Non-installation, technical malfunction, failure to preserve after notice and deliberate destruction should not all be treated identically. The clearer the knowledge and responsibility of the authority, the stronger the potential evidentiary and institutional consequences should be.

Finally, judicial mechanisms for preservation should take into account the temporary nature of digital storage. Preservation applications should be able to be dealt with urgently because a late order may no longer be valid once the relevant footage has been overwritten.

These changes would not presume that every custodial violence allegation is true. Instead, they would ensure that the evidence to resolve an allegation is not lost simply because the system was designed for routine surveillance rather than legal preservation.

XIII. RECONCEPTUALISING CCTV AS EVIDENCE INFRASTRUCTURE

The key argument of this paper is that CCTV in police stations should no longer be seen merely as surveillance infrastructure. It should also be understood as evidence infrastructure.

Once CCTV is mandated as part of a system to protect fundamental rights, the recording that comes out of that system has potential evidentiary value in criminal proceedings, departmental inquiries, constitutional litigation and human-rights proceedings.

The evidentiary chain therefore consists of the following five stages: creation, retention, preservation, integrity and production. The first question is whether an appropriate and functional recording system was in place. The next is whether the resulting footage remained available for the prescribed length of time. Then we examine whether specific footage was preserved once its legal relevance was known. We then consider whether the authenticity of the recording can be established. Finally, we ask whether the evidence was made available to the relevant authority or court. A failure at any of these stages can undermine the evidentiary value of CCTV. At the same time, the mere fact of camera installation is inadequate. A police station may have extensive surveillance infrastructure yet be evidentially opaque if its cameras do not operate continuously, do not cover relevant areas, lack adequate storage or allow footage to disappear without auditable records. The true test of compliance therefore lies in whether the system creates a reliable, retrievable and independently verifiable record that can survive subsequent legal scrutiny.

XIV. CONCLUSION

Custodial violence poses a unique challenge to the Indian legal system in that the individual whose rights are allegedly violated may have the fewest practical opportunities to obtain evidence of that violation. The State, conversely, may be in the best position to prevent such violations from occurring, and may have control over evidence that can demonstrate what actually occurred. Digital surveillance can offer a solution to this imbalance. CCTV can generate contemporaneous evidence that supports or undermines competing allegations. Yet the value of CCTV depends upon its functionality, retention, timely preservation, authenticity, and subsequent production.

Indian constitutional jurisprudence has increasingly acknowledged the importance of these mechanisms. *D.K. Basu vs State of West Bengal* established safeguards against custodial abuse. *Nilabati Behera vs State of Orissa* recognised constitutional remedies for custodial violations. *Tomaso Bruno vs State of Uttar Pradesh* demonstrated the significance of CCTV as evidence and the possibility of adverse inference where relevant footage was withheld. Most importantly, *Paramvir Singh Saini vs Baljit Singh* transformed CCTV surveillance in police stations into an institutional obligation relating to human-rights protection. Yet the continued judicial proceedings indicate that serious problems remain. The fact that non-functional cameras, inadequate storage and failures of preservation are persistent issues suggests that the existence of a legal mandate does not always ensure the availability of evidence. The key accountability gap therefore lies between recording an event and preserving the record of that event. A preservation-based approach is needed. Once an allegation of custodial violence or other designated human-rights violation arises, relevant CCTV footage should be subject to an immediate and specific preservation mechanism. The duty to preserve should be clearly allocated. Where appropriate, relevant footage should be independently duplicated, and technical audit trails should be available to indicate what happened to the evidence if it subsequently disappears. Legal consequences should also be proportionate. Missing CCTV footage should not automatically establish custodial violence, since the reasons for the footage disappearing can range from technical failure to deliberate destruction. Equally, unexplained disappearance of evidence under State control must not be treated as legally insignificant, particularly if the authorities were under a duty to preserve it. The ultimate aim therefore is not to make CCTV footage conclusively determinative of every allegation of custodial violence. It is to ensure that the courts and authorities have access to the best evidence when considering such an allegation. The legitimacy of CCTV surveillance in custodial spaces depends not on the number of cameras installed, but on whether the evidence generated by those cameras survives when accountability is required. When the evidence disappears, therefore, the key

legal question is not so much where the footage went. It is whether the legal system ensured that someone was responsible for keeping it.