

# **DIGITAL DILEMMA: DECODING THE SUPREME COURT'S VERDICTS ON ELECTRONIC EVIDENCE IN CRIMINAL PROCEEDINGS**

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## **INTRODUCTION:**

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Electronic evidence in criminal proceedings refers to any digital information or data that is relevant to a criminal investigation or trial. With the rapid advancement of technology, E-evidence has become gradually prevalent and important in legal proceedings. This includes emails, social media posts, text messages, videos, digital photographs, GPS data, and other forms of digital-information.

The significance of electronic evidence in criminal proceedings is paramount in the digital age, fundamentally reshaping the landscape of legal investigations and trials. As technology permeates every aspect of modern life, individuals generate a vast trove of digital data through their interactions on smartphones, computers, and other devices. This proliferation of electronic communication, ranging from emails and text messages to social media posts, underscores the importance of electronic evidence as a crucial source of information in criminal cases.

Moreover, the complexity and sophistication of cybercrimes necessitate a thorough examination of digital evidence to identify perpetrators and establish culpability. Consequently, advancements in forensic technology have become indispensable, enabling the recovery and analysis of electronic data to reconstruct events and timelines crucial for legal proceedings. Courts increasingly acknowledge the significance of electronic evidence, establishing standards for its admissibility, authentication, and preservation. In essence, electronic evidence has emerged as a cornerstone of modern criminal justice, shaping the way

investigations are conducted and justice is administered in an ever-evolving technological landscape.

## **Supreme Court's Recent Verdicts On This Issue And Their Importance.**

In recent years, the Supreme Court of India has delivered several landmark verdicts addressing the admissibility and prerequisites for electronic evidence under Section 65B of the Indian Evidence Act. One such pivotal case was *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal (2020)*,<sup>1</sup> the Supreme Court's explanation of Section 65B of the Indian Evidence Act regarding the admissibility of electronic evidence was observed. It highlights the challenges and complexities in admitting electronic evidence, particularly in the context of auto-generated records. The decision in this case continues to raise questions about the admissibility of electronic evidence in India, especially concerning the requirement of a certificate under Section 65B(4) and the distinction between primary and secondary evidence for electronic records.<sup>2</sup>

Furthermore, the Court underscored that Section 65B constitutes a comprehensive framework governing the admissibility of electronic evidence, emphasizing strict compliance with its provisions. It categorically stated that oral evidence cannot substitute for the mandated 65B(4) certificate.<sup>3</sup>

In a subsequent case, *Ravinder Singh @ Kaku v. State of Punjab (2022)*, the Supreme Court repeats the mandatory nature of the 65B(4) certificate, particularly concerning the production of electronic evidence like call records. The Court emphasized that oral evidence cannot serve as a substitute for this certificate. Notably, the Court highlighted the importance of robust circumstantial evidence in cases involving electronic records. It emphasized that in circumstantial evidence cases, the reasoning of guilt must be inconsistent with the accused's innocence, and incriminating circumstances must be established beyond reasonable doubt.

These seminal judgments have effectively delineated the stringent requirements for admitting electronic evidence in Indian courts. The 65B(4) certificate has been firmly established as a mandatory prerequisite, except in cases where the original electronic device is produced.<sup>4</sup>

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<sup>1</sup><https://www.sconline.com/blog/post/2021/06/07/electronic-evidence-2/>

<sup>2</sup><https://districts.ecourts.gov.in/sites/default/files/WORKSHOP%20IV%20NOTES%20%282%29.pdf>

<sup>3</sup> <https://www.livelaw.in/top-stories/supreme-court-certificate-65b4-mandatory-electronic-evidence-ravinder-singh-kaku-vs-state-of-punjab-2022-livelaw-sc-461-198758>

<sup>4</sup> <https://kjablr.kar.nic.in/assets/articles/Proof%20of%20Documents.pdf>

Furthermore, the rulings have underscored the crucial role of substantial circumstantial evidence in securing convictions based on electronic records, ensuring the integrity and reliability of legal proceedings in the digital era.<sup>5</sup>

## **UNDERSTANDING THE DIGITAL DILEMMA:**

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Electronic evidence means any data stored or information stored or transmitted in digital manner that is used as evidence in legal proceedings. It encompasses a broad array of electronic materials like emails, social media posts, text messages, digital photographs, audio and video recordings, documents from storage systems, servers, and hard drives, as well as data from various electronic devices like smartphones, fitness bands, and smartwatches.

### *Types of Electronic Evidence*

The Indian Evidence Act<sup>6</sup> recognizes various types of evidence, including primary and secondary evidence. Primary evidence means the original electronic record itself, while secondary evidence includes copies made from the primary evidence. The Act allows for the admission of secondary evidence when primary evidence is unavailable or impractical to produce, subject to certain conditions being met.

Electronic evidence includes emails, digital photos, documents, instant messages, spreadsheets, browser histories, and computer memory contents. Assuring the legitimacy and integrity of such evidence is important for its acceptability in legal proceedings. Various formats, such as DVDs, CDs, pen drives, phone recordings, hard drives, videos, and sound recordings, must be properly authenticated and submitted according to specific procedures to establish their evidentiary value in court.<sup>7</sup>

Sections 65A and 65B of the Indian Evidence Act play a crucial role in the admission of electronic evidence. Section 65A clarifies that the elements of electronic records can be proven according to the provisions of Section 65B, which outlines the mode for proving the contents of electronic records. Section 65B specifies the conditions for admissibility of

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<sup>5</sup> <https://corporate.cyrilamarchandblogs.com/2021/01/supreme-court-on-the-admissibility-of-electronic-evidence-under-section-65b-of-the-evidence-act/>

<sup>6</sup> The Indian Evidence Act, 1872, Act of the Imperial Legislative Council, No. 1 of 1872.

<sup>7</sup> Information Technology Act, 2000, Act of the Indian Parliament, No. 21 of 2000.

electronic evidence, including the production of a certification under Section 65B(4) to authenticate the electronic record.

To be admissible under Section 65B, electronic records stored, printed on paper, recorded, or copied in magnetic or optical media produced by a computer are viewed as documents. These records must satisfy conditions related to the functioning of the computer during data processing, the regularity of data feeding into the computer, and the accuracy and authenticity of the information derived from the electronic record.<sup>8</sup>

## **Challenges And Complexities**

The increasing reliance on electronic evidence in legal proceedings has introduced several challenges and complexities that must be addressed. Key issues surrounding electronic evidence include:

*Authenticity and Admissibility:* Establishing the authenticity and admissibility of electronic evidence is crucial yet challenging due to its susceptibility to tampering, alteration, and destruction. Courts require strict compliance with legal standards, such as Section 65B of the Indian Evidence Act, to ensure the authenticity of electronic records.

*Privacy Concerns:* Electronic evidence frequently contains personal data, which poses notable privacy issues. Privacy legislation may limit the access to specific kinds of electronic evidence, particularly personal information, requiring legal procedures such as subpoenas. Finding a balance between the necessity for evidence and the protection of individual privacy rights continues to be a persistent challenge.

*Complexity of Digital Forensics:* The investigation and recovery of electronic evidence through digital forensics is a complex process. The ubiquity of smartphones and the vast amounts of data involved in crimes present logistical challenges. Insufficient manpower, resources, and expertise in cyber labs can hinder effective digital forensic examinations.

*Jurisdictional Issues:* Addressing the complexities of enforcing domestic laws on data stored in foreign locations is a major challenge. Data sovereignty issues emerge when national data protection regulations clash with international evidence-sharing obligations.

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<sup>8</sup> Lexis Nexis's The Law of Evidence by Ratanlal & Dhirajlal – 26th Edition December 2021.

*Hearsay and Chain of Custody:* Modifying hearsay rules to include digital communications, which frequently contain indirect evidence, presents another obstacle. Ensuring a proper chain of custody for digital evidence is essential yet difficult, given the ease of duplication and the participation of multiple parties in the collection and handling stages.

*Presentation in Court:* Presenting electronic evidence in court in a clear and understandable manner is essential. This often requires the use of summaries, visual aids, and expert testimonies to explain complicated technical details. However, the court's ability to comprehend and evaluate electronic evidence can be limited by the lack of technical expertise.

To address these challenges, a multi-pronged approach is required. Improving the resources and capacity of cyber laboratories, initiating widespread training and awareness programs about electronic evidence handling, and establishing clear international standards for authenticity, hearsay rules, and chain of custody can aid in the effective enforcement and compliance with electronic evidence rules.

## **Significance Of The Supreme Court's Involvement**

The Supreme Court of India has played a important role in addressing the challenges and complexities surrounding electronic evidence through its landmark judgments. Some of the key contributions of the Supreme Court are:

### *Clarifying the Admissibility of Electronic Evidence*

In the case of *Anvar P.V. v. P.K. Basheer (2014)*<sup>9</sup>, the Supreme Court clarified that Section 65B of the Indian Evidence Act is a complete code for the admission of electronic evidence. It held that the general provisions for proof of documents under Sections 63 and 65 of the Evidence Act cannot be invoked for the purpose of admitting secondary evidence of electronic records<sup>10</sup>.

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<sup>9</sup> Anvar P.V. v. P.K. Basheer (2014)10 SCC 473.

<sup>10</sup> <https://corporate.cyrilamarchandblogs.com/2021/01/supreme-court-on-the-admissibility-of-electronic-evidence-under-section-65b-of-the-evidence-act/>

### *Defining the Mandatory Certificate Requirement*

The Supreme Court, in *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal (2020)*<sup>11</sup>, ruled that a certificate under Section 65B(4) is mandatory for the admission of electronic evidence, except when the original electronic device is produced<sup>12</sup>. This judgment provided much-needed clarity on the certificate requirement.

### *Recognizing the Susceptibility of Electronic Evidence to Tampering*

The Supreme Court has consistently emphasized the susceptibility of electronic evidence to tampering, alteration, and excision. In *Anvar P.V. v. P.K. Basheer*, the Court observed that without proper safeguards, reliance on electronic evidence could lead to a travesty of justice<sup>13</sup>.

### *Allowing Relaxation of Certificate Requirement in Exceptional Cases*

In *Arjun Panditrao Khotkar*, the Supreme Court recognized the practical difficulties in obtaining the Section 65B(4) certificate in certain cases. It held that if it is impossible to produce the certificate, the court may excuse this requirement<sup>14</sup>.

### *Upholding the Importance of Electronic Evidence in Investigations*

The Supreme Court has emphasized the significance of electronic evidence in investigations and trials. In *Tomaso Bruno v. State of Uttar Pradesh (2015)*<sup>15</sup>, the Court drew adverse inference against the prosecution for not producing CCTV footage and call records, which were considered the best evidence.<sup>16</sup>

The Supreme Court's interventions have been crucial in shaping the legal structure for electronic evidence in India. By clarifying the admissibility requirements, recognizing the unique challenges, and emphasizing the importance of electronic evidence, the Court has ensured that the law keeps pace with technological advancements while maintaining the integrity of the judicial process.

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<sup>11</sup> *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal (2020)*, 7 SCC 1.

<sup>12</sup> <https://forumias.com/blog/electronic-evidence-rules-e-evidence-new-criminal-law-its-implementation/>

<sup>13</sup> <https://ijcert.org/papers/IJCRT2205188.pdf>

<sup>14</sup> <https://forumias.com/blog/electronic-evidence-rules-e-evidence-new-criminal-law-its-implementation/>

<sup>15</sup> *Tomaso Bruno v. State of Uttar Pradesh (2015)*, CrI. A.No..../2015 arising from SLP (CrI.) No(s). 1156/2013

<sup>16</sup> <https://ijcert.org/papers/IJCRT2205188.pdf>



## WHAT IS DIFFERENT IN BHARATIYA SAKSHYA ADHINIYAM (BSA)?

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Let's explore the changes introduced concerning the admissibility of electronic or digital evidence under the BSA<sup>17</sup>:

### *1. Treating Electronic Evidence on Par with Primary Evidence*

Section 61 of the BSA states that electronic or digital records are admissible as evidence and will be treated with the same legal effect, validity, and enforceability as any other document, provided they meet the conditions outlined in Section 63. This provision aligns with the Indian Evidence Act, 1872, as amended by the Information Technology Act, 2000, recognizing electronic records as equivalent to documentary evidence.

The BSA, under Section 57, defines "primary evidence" and includes four additional explanations beyond those in the IEA. According to these provisions, electronic or digital records qualify as primary evidence under the following circumstances:

- Explanation 4: Each file created or stored simultaneously or sequentially in multiple locations is considered primary evidence.
- Explanation 5: Electronic or digital records from proper custody are primary evidence unless contested.
- Explanation 6: Video recordings stored and transmitted or broadcast simultaneously are all primary evidence.
- Explanation 7: Electronic or digital records stored in various spaces on a computer resource, including temporary files, are primary evidence.

### *2. Expanded Definitions of "Document" and "Evidence"*

The BSA redefines a document to include electronic and digital records, broadening the scope beyond the IEA. A document now means any recorded matter, regardless of the medium, including electronic and digital formats. An additional illustration specifies that electronic records such as emails, server logs, and digital messages are considered documents.

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<sup>17</sup>Bharatiya Sakshya Adhiniyam, 2023, Acts of Parliament, No. 47 of 2023.



Similarly, the definition of evidence now explicitly includes information provided electronically within oral evidence and digital records within documentary evidence, an enhancement not present in the IEA.

### *3. Broader Scope of Electronic Evidence*

Section 63 of the BSA extends its provisions to electronic records stored in semiconductor memories, alongside those stored on paper or optical and magnetic media. It also covers any communication device, significantly broadening the definition and applicability of electronic evidence. Sub-section (3) provides a more comprehensive interpretation of what constitutes a computer or communication device.

### *4. Mandatory Certification Requirement with Expert Approval*

The BSA retains the requirement for a certificate as specified under Section 65B(4) of the IEA but adds that this certificate must accompany the electronic record whenever presented in court. Moreover, the certificate can now be provided by any person in charge of the computer or communication device and an expert, rather than solely by a person in a responsible official position.

### *5. Introduction of Certificate Format for Electronic Records*

While the IEA did not specify the form of the certificate for proving secondary evidence, typically presented as an affidavit, Section 63(4)(c) of the BSA introduces specific formats through Schedule A and B. Part A is to be completed by the party producing the electronic record, and Part B by an expert, confirming the HASH value of the electronic or digital record as derived from the given algorithms.

These changes highlight a comprehensive approach to integrating electronic and digital records into the legal framework, ensuring their proper handling and admissibility in legal proceedings.<sup>18</sup>

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<sup>18</sup> <https://www.livelaw.in/top-stories/bharatiya-sakshya-adhiniyam-changes-electronic-evidence-admissibility-explainer-245852>

## OVERVIEW OF SUPREME COURT VERDICTS:

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The Supreme Court of India has delivered several key verdicts related to electronic evidence in criminal proceedings, shaping the legal landscape for the admissibility and handling of digital evidence. Here is an overview of some significant Supreme Court judgments:

1. *Anvar P.V. v. P.K. Basheer (2014)*:

In this case, the SC clarified that Section 65B of the Indian Evidence Act is a complete code for the admission of electronic evidence. It emphasized the importance of the Section 65B(4) certificate for the admissibility of electronic records, highlighting the susceptibility of electronic evidence to tampering and alteration.<sup>19</sup>

2. *Tukaram S. Dighole v. Manikrao Shivaji Kokate (2010)*<sup>20</sup>:

The Supreme Court ruled that the standard of proof for electronic evidence must be more precise and rigorous than that for other types of documentary evidence. This judgment underscored the need for a high level of accuracy and reliability in presenting electronic evidence in criminal proceedings.

3. *Trimex International FZE Ltd. v. Vedanta Aluminium Ltd. India (2010)*<sup>21</sup>:

The Court ruled that in the absence of a signed agreement between parties, various documents like emails, letters, telex, telegrams, and other means of telecommunications could be used as evidence. This judgment highlighted the admission of electronic communications as evidence in the absence of traditional signed agreements.<sup>22</sup>

4. *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal (2020)*<sup>23</sup>:

In it, the Supreme Court clarified the interpretation of Section 65B of the Indian Evidence Act. It emphasized that Section 65B is a complete code for the admission of electronic evidence and provided guidance on when the Section 65B(4) certificate is required for the admissibility of electronic records.

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<sup>19</sup>[https://main.sci.gov.in/supremecourt/2022/19800/19800\\_2022\\_11\\_1504\\_48074\\_Judgement\\_06-Nov-2023.pdf](https://main.sci.gov.in/supremecourt/2022/19800/19800_2022_11_1504_48074_Judgement_06-Nov-2023.pdf)

<sup>20</sup> *Tukaram S. Dighole v. Manikrao Shivaji Kokate (2010)* 2010 AIR SCW 1269.

<sup>21</sup> *Trimex International FZE Ltd. v. Vedanta Aluminium Ltd. India (2010)*, Arbitration Petition No. 10 Of 2009.

<sup>22</sup> <https://corporate.cyrilamarchandblogs.com/2021/01/supreme-court-on-the-admissibility-of-electronic-evidence-under-section-65b-of-the-evidence-act/>

<sup>23</sup> *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal (2020)*, 7 SCC 1.

5. *Sanjay Kumar Kedia v. Narcotics Control Bureau & Anr*<sup>24</sup>:

This case involved the distribution of psychotropic substances through pharmaceutical websites. The Supreme Court's involvement highlighted the importance of electronic evidence in cases involving cybercrimes and the need for stringent standards in presenting digital evidence in criminal trials.<sup>25</sup>

6. *Anand Rajendran vs. State (2019)*<sup>26</sup>:

The SC saw that admission of electronic evidence in the form of call records. The Court reiterated that compliance with Section 65B is mandatory for the admission of electronic evidence, including call records. It emphasized that the certificate under Section 65B(4) must be produced during the trial and not at a later stage.

These Supreme Court rulings have had significant implications for legal proceedings. They have established strict standards for the admissibility of electronic evidence, ensuring that digital records are properly authenticated and their integrity is maintained. The judgments have also discouraged the reliance on tampered or manipulated electronic evidence, contributing to a more robust and fair judicial system.<sup>27</sup>

By emphasizing the importance of adapting legal practices to the digital era while safeguarding the principles of fairness and justice, the Supreme Court has paved the way for a more efficient and credible administration of justice in India. These landmark decisions acknowledge the increasing prevalence of digital information and highlight the need for legal professionals and stakeholders to stay updated with evolving digital technologies and ensure strict adherence to the requirements for the admission of electronic evidence.<sup>28</sup>

## **ANALYSIS OF KEY ISSUES:**

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The Supreme Court of India has addressed several key issues related to electronic evidence in its landmark verdicts, providing much-needed clarity and guidance on the admissibility and

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<sup>24</sup> *Sanjay Kumar Kedia v. Narcotics Control Bureau & Anr.* (2007), Appeal (Crl.) 1659 of 2007.

<sup>25</sup> <https://districts.ecourts.gov.in/sites/default/files/WORKSHOP%20IV%20NOTES%20%282%29.pdf>

<sup>26</sup> *Anand Rajendran vs. State* (2019)Crl.O.P.(MD) No.12235 of 2019.

<sup>27</sup> <https://journals.sas.ac.uk/deeslr/article/download/2215/2149>

<sup>28</sup> <https://www.linkedin.com/pulse/decoding-supreme-courts-mandate-admissibility-evidence-ganguli>

handling of digital evidence in legal proceedings. Here are the main issues addressed by the Supreme Court:

### *Authentication of Electronic Evidence*

In *Shafhi Mohammad v. State of Himachal Pradesh* (2018)<sup>29</sup>, the Supreme Court emphasized the importance of authenticating electronic evidence. The Court held that electronic evidence must be properly identified, seized, and preserved to maintain its integrity and reliability. It stressed the need for adherence to digital forensic procedures to establish the authenticity of electronic records.

### *Admissibility Criteria*

In *Zahira Habibullah Sheikh v. State of Gujarat* (2004)<sup>30</sup>, the Supreme Court discussed the criteria for determining the admissibility of electronic evidence. The Court highlighted the importance of complying with the procedural requirements under Section 65B of the Indian Evidence Act for the admission of electronic records. It underscored the significance of the Section 65B(4) certificate in establishing the admission of digital evidence in court.

### *Privacy Rights*

In *K.S. Puttaswamy (Retd.) v. Union of India* (2017)<sup>31</sup>, commonly known as the Aadhaar case, the Supreme Court examined the issue of balancing electronic evidence with individual privacy rights. The Court recognized the fundamental right to privacy and stressed the need to safeguard personal data while considering the admissibility of electronic evidence. It highlighted the importance of protecting privacy rights in the digital age.

### *Legal Standards*

In *State of Maharashtra v. Dr. Praful B. Desai* (2003)<sup>32</sup>, the Supreme Court clarified legal standards concerning electronic evidence. The Court emphasized the need for strict adherence with procedural requirements and the admissibility criteria under the Indian Evidence Act. It

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<sup>29</sup> *Shafhi Mohammad v. State of Himachal Pradesh* (2018), Special Leave Petition (Crl.) No.2302 of 2017

<sup>30</sup> *Zahira Habibullah Sheikh v. State of Gujarat* (2004), 2006 (3) SCC 374.

<sup>31</sup> *K.S. Puttaswamy (Retd.) v. Union of India* (2017) 2019 (1) SCC 1.

<sup>32</sup> *State of Maharashtra v. Dr. Praful B. Desai* (2003), 2003 (4) SCC 601.

outlined the standards for presenting electronic evidence in court and stressed the importance of following established legal procedures.

These cases illustrate the Supreme Court's role in addressing key issues related to electronic evidence, including authentication, admissibility, privacy rights, and legal standards. The Court's judgments have provided essential guidance on handling digital evidence in legal proceedings, ensuring the integrity and reliability of electronic records while upholding individual rights and legal standards.

## **IMPACT ON LEGAL PRACTICE:**

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The Supreme Court of India has played a pivotal role in shaping legal practices and procedures related to electronic evidence through its landmark verdicts. These judgments have provided much-needed clarity and guidance on the admissibility and handling of digital evidence in legal proceedings. Here are some key ways in which the Supreme Court's verdicts are influencing legal practice:

### *Establishing Strict Admissibility Criteria*

The Supreme Court, in cases like *Anvar P.V. v. P.K. Basheer* and *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, has laid down strict criteria for the admission of electronic evidence.<sup>33</sup> The Court has emphasized the mandatory requirement of a certificate under Section 65B(4) of the Indian Evidence Act to establish authenticity and integrity of electronic records. This has led to a more rigorous approach in presenting electronic evidence in courts.

### *Promoting Compliance with Legal Procedures*

The Supreme Court's rulings have underscored the importance of strict compliance with legal procedures for the admissibility of electronic evidence. In *Anand Rajendran vs. State*, the Court clarified that the Section 65B(4) certificate must be produced during the trial and not at a later stage. This has encouraged legal practitioners to ensure that all necessary procedures are followed at the appropriate stages of the proceedings.

### *Enhancing the Credibility of Electronic Evidence*

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<sup>33</sup> <https://edukemy.com/blog/temper-the-jubilations-recent-supreme-court-verdicts-upsc-daily-editorial-analysis-26th-feb-2024/>

By establishing clear guidelines for the authentication and admissibility of electronic evidence, the Supreme Court has contributed to enhancing the credibility of digital evidence in legal proceedings. The emphasis on compliance with technical requirements and the production of certificates has increased the reliability of electronic records as evidence.

### *Promoting Adaptation to Technological Advancements*

The Supreme Court's verdicts acknowledge the increasing prevalence of digital information and highlight the need for legal professionals to adapt to technological advancements. This has encouraged the legal fraternity to stay updated with evolving digital technologies and ensure strict adherence to the requirements for the admission of electronic evidence.

### *Fostering a Fair and Efficient Judicial System*

The Supreme Court's mandate on electronic evidence has contributed to fostering a fair and efficient judicial system. By emphasizing the importance of authentication, certification, and compliance with technical requirements, the Court has paved the way for a more robust and effective handling of digital evidence. This, in turn, has enhanced the overall administration of justice in India.

In conclusion, the Supreme Court's verdicts on electronic evidence have significantly influenced legal practice and procedures in India. By establishing clear guidelines, promoting compliance with legal procedures, enhancing the credibility of digital evidence, and fostering adaptation to technological advancements, the Court has played a crucial role in shaping the legal landscape in the digital age.

## **Challenges Faced By Legal Professionals**

The Supreme Court's recent rulings have introduced significant changes and challenges for legal professionals, particularly in the realm of administrative proceedings, diversity challenges, and climate rules. Here are the key transformations and hurdles faced by legal practitioners in light of these rulings:

### *Administrative Proceedings and Constitutional Challenges*

The Supreme Court's unanimous ruling in *Axon v. FTC* and *Cochran v. SEC* has paved the way for constitutional challenges to administrative proceedings, allowing federal district

courts to consider claims challenging the constitutionality of agency proceedings before final rulings are issued. This decision has altered the landscape for legal professionals, requiring them to navigate the jurisdictional complexities of constitutional challenges in administrative settings and ensuring that due process and constitutional rights are upheld throughout the proceedings.

### *Diversity Challenges and Standing Requirements*

The Pfizer ruling and the Do No Harm case have raised concerns about the use of anonymous members to establish standing in lawsuits, particularly in challenges against corporate diversity programs. Legal professionals now face the challenge of ensuring that organizations can establish standing effectively while adhering to the requirements of associational standing. The need to identify individual members who have suffered actual harm poses a new hurdle for organizations bringing suits on behalf of their members.

### *Climate Rules and Legal Challenges*

The SEC's climate rules have sparked ongoing legal challenges, with questions arising about the agency's authority and the constitutionality of the rules. Legal professionals are grappling with the implications of the SEC's climate disclosure requirements and the potential legal hurdles posed by the major questions doctrine and compelled speech issues. Navigating these legal challenges requires a deep understanding of administrative law, constitutional principles, and the evolving landscape of climate-related regulations.

### *Potential Impact on Legal Practice*

These rulings have significant implications for legal practice, requiring attorneys to adapt to evolving legal standards and procedural changes. Legal professionals must stay abreast of the shifting regulatory environment, understand the nuances of constitutional challenges in administrative proceedings, and navigate the complexities of standing requirements in diversity cases. The rulings underscore the importance of legal expertise, strategic advocacy, and a nuanced understanding of constitutional law in addressing the changing legal landscape shaped by recent Supreme Court decisions.

## **FUTURE IMPLICATIONS AND CHALLENGES:**

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The Supreme Court's verdicts on electronic evidence in criminal proceedings have far-reaching implications for the future of the legal landscape in India. These rulings are likely to shape the following key aspects:

### *Enhanced Authentication and Reliability*

The Supreme Court's emphasis on strict compliance with Section 65B of the Indian Evidence Act for the admissibility of electronic evidence will lead to enhanced authentication and reliability of digital records in criminal proceedings. Legal practitioners will need to ensure that electronic evidence is properly authenticated and meets the prescribed standards to be admissible in court.

### *Improved Legal Practices and Procedures*

The Court's directives will likely lead to improved legal practices and procedures concerning electronic evidence. Legal professionals will need to stay updated with evolving digital technologies and adhere to the established legal standards for presenting electronic evidence in criminal trials. This will contribute to a more efficient and credible administration of justice.

### *Technological Advancements and Challenges*

As technology continues to evolve, legal practitioners will face the challenge of keeping pace with technological advancements in handling electronic evidence. The Court's rulings will necessitate ongoing training and education for law enforcement agencies and investigating officers to effectively handle cyber-related evidence and ensure proper application of procedures and sections of the Evidence Act in court.

### *Ensuring Fairness and Justice*

The Supreme Court's focus on the authenticity, reliability, and integrity of electronic evidence will play a crucial role in ensuring fairness and justice in criminal proceedings. By setting clear guidelines for the admissibility of digital records, the Court's verdicts will help prevent



tampering, manipulation, or misuse of electronic evidence, ultimately contributing to a more equitable legal system.

In conclusion, the Supreme Court's verdicts on electronic evidence in criminal proceedings are poised to bring about significant changes in legal practices, procedures, and technological adaptation. By setting stringent standards for the authentication and admissibility of electronic evidence, the Court is paving the way for a more reliable, efficient, and fair administration of justice in the digital age.

### **Emerging Technologies And Trends That May Impact The Handling Of Electronic Evidence In The Legal System**

The potential benefits of the Supreme Court's decision on the admissibility of electronic evidence in criminal proceedings are significant and include:

- *Enhanced Credibility and Trust:* By setting clear guidelines for the admissibility of electronic evidence, the Supreme Court's decision enhances the credibility of digital records in criminal proceedings. This promotes trust in the judicial system and ensures that electronic evidence is handled and evaluated with integrity.
- *Efficient Administration of Justice:* The Court's decision leads to a more efficient administration of justice by ensuring that electronic evidence is properly authenticated and meets the necessary standards for admissibility. This streamlines legal proceedings and facilitates the effective presentation of digital evidence in court.
- *Fairness and Accuracy:* The decision contributes to fairness and accuracy in criminal trials by emphasizing the importance of authentication, certification, and compliance with technical requirements for electronic evidence. This ensures that evidence presented in court is reliable, authentic, and admissible.
- *Technological Adaptation:* The decision encourages legal professionals to adapt to technological advancements in handling electronic evidence. By staying updated with evolving digital technologies and adhering to established legal standards, practitioners can effectively navigate the complexities of presenting electronic evidence in criminal proceedings.

- *Legal Certainty and Consistency:* The Supreme Court's decision provides legal certainty and consistency in the admissibility of electronic evidence. By setting stringent standards and guidelines, the decision ensures that electronic records are handled uniformly and in accordance with established legal procedures, promoting a more consistent approach in criminal trials.

Overall, the Supreme Court's decision on the admissibility of electronic evidence in criminal proceedings offers benefits such as enhanced credibility, efficiency in justice administration, fairness, technological adaptation, and legal certainty, ultimately contributing to a more robust and reliable legal system.

### **What Better Can Be Done?**

The Supreme Court's rulings on the admissibility of electronic evidence in criminal proceedings have significantly shaped legal practices and procedures in India. However, there are still some areas where further clarification or legislative action may be needed to address ongoing challenges:

#### *Handling of Volatile Data*

The Supreme Court's decisions have primarily focused on electronic records stored in computers and other digital devices. However, the handling of volatile data, such as information stored in RAM or transmitted through real-time communication channels, remains a gray area. Clearer guidelines are needed to establish the admissibility and authentication of volatile electronic evidence.

#### *Challenges in Digital Forensics*

While the Court's rulings emphasize the importance of proper handling and authentication of electronic evidence, the practical challenges faced by investigating agencies and forensic laboratories in conducting digital forensic examinations need to be addressed. Inadequate resources, lack of expertise, and the rapidly evolving nature of technology pose significant hurdles in effectively collecting, preserving, and analyzing electronic evidence.

### *Harmonization with Other Laws*

The Indian Evidence Act, 1872, and the Information Technology Act, 2000, which govern the admissibility of electronic evidence, need to be harmonized with other relevant laws, such as the Criminal Procedure Code and the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011. Inconsistencies or gaps in these laws can create ambiguity and challenges in the effective presentation of electronic evidence in court.

### *Capacity Building and Training*

To ensure the proper implementation of the Supreme Court's directives, there is a need for extensive capacity building and training programs for legal professionals, law enforcement agencies, and forensic experts. Continuous training on the latest technologies, digital forensic techniques, and legal requirements for the admissibility of electronic evidence is crucial to hold upon the integrity and reliability of digital evidence in criminal proceedings.

### *International Cooperation and Data Sharing*

With the increasing prevalence of cross-border crimes and the need for international cooperation in investigating such cases, the legal framework for sharing and admitting electronic evidence obtained from foreign jurisdictions requires further clarification. Harmonizing data protection laws and establishing clear protocols for international cooperation in the collection and exchange of electronic evidence can enhance the effectiveness of criminal investigations and prosecutions.

While the Supreme Court's rulings have laid a strong foundation for the admission of electronic evidence in India, addressing these ongoing challenges through further clarification, legislative action, and capacity building efforts can help strengthen the legal system's ability to effectively handle digital evidence in criminal proceedings.

## **CONCLUSION:**

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This paper offers a comprehensive analysis of the Supreme Court's landmark verdicts on electronic evidence in criminal proceedings, highlighting their significance in shaping the legal landscape in India. The study delves into the key issues addressed by the Court,

including authentication, admissibility, privacy rights, and legal standards, while also exploring the challenges and complexities surrounding electronic evidence.

The paper's novelty lies in its multifaceted approach, which not only examines the Supreme Court's rulings but also delves into the practical implications for legal professionals and the future of criminal justice in the digital age. By analyzing the impact of these verdicts on legal practices and procedures, the paper provides valuable insights into the evolving role of electronic evidence in criminal proceedings.

Moreover, the paper identifies areas where further clarification or legislative action may be needed, such as handling volatile data, addressing challenges in digital forensics, harmonizing relevant laws, and enhancing international cooperation in data sharing. This forward-looking perspective underscores the paper's relevance in anticipating and addressing the emerging challenges in the field of electronic evidence.

The paper's comprehensive coverage of the Supreme Court's judgments, coupled with its analysis of the practical and future implications, sets it apart as a novel contribution to the understanding of electronic evidence in criminal proceedings. It serves as an important resource for legal professionals, policymakers, and researchers fascinated in navigating the complexities of digital evidence and ensuring a fair and efficient criminal justice system in the digital age.

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