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**Topic of Research:** “Relevance of Digital Evidence in Criminal Justice

**Administration:** A Comparative Study of USA, UK and India”

### **Findings**

In the digital age, while digital tools are widely used to perpetrate crimes, their use in criminal justice, particularly as evidence, is still limited. Digital evidence, such as mobile phone data, can be crucial in proving key legal elements like *actus reus* (the act of the crime) and *mens rea* (the intention or mental state). Despite the legal recognition of digital evidence under the Information Technology Act, 2000, issues of reliability and credibility still hinder its full acceptance and use in the justice system—unlike oral or traditional documentary evidence.

1. **Absence of Uniform Definition:** There is no universally accepted definition of digital evidence across jurisdictions; however, all recognize its growing significance in legal proceedings.
2. **Comparative Legal Frameworks:** The USA and UK have established frameworks that incorporate both legal and technical standards for assessing digital evidence. India, through the Indian Evidence Act (IEA), initially lacked clarity, but has evolved with the introduction of the Bharatiya Sakshya Adhiniyam (BSA), 2023.
3. **Harmonized Approach Recommended:** The study emphasizes the need for a harmonized framework integrating legal admissibility standards and technical authenticity measures to enhance reliability.
4. **Legal Evolution in India:** A comparison of the IEA and the BSA reveals a shift toward more inclusive and clear provisions for digital evidence. The BSA, 2023 incorporates several judicial recommendations and formally recognizes digital records as primary evidence, signifying legal modernization.
5. **Judicial Interpretations and Case Law:** Courts in India have played a critical role in interpreting the admissibility of digital evidence, often stepping in to fill legislative gaps prior to the BSA.

6. **Controversies Identified:** There remain procedural ambiguities and inconsistencies in how digital evidence is treated, particularly concerning certification requirements, authenticity checks, and chain of custody.
7. **Lack of Safeguards for Authenticity:** There are no specific provisions in the Indian Evidence Act or the Bharatiya Sakshya Adhiniyam, 2023 that ensure only authentic digital evidence is admitted in court. Thus, the hypothesis that the law provides sufficient safeguards was disproved.
8. **Authenticity Issues Remain Unresolved:** Procedural requirements under current laws are inadequate to resolve authenticity concerns, indicating a critical gap in the legal framework.
9. **Digital Evidence Not Conclusive:** The hypothesis that courts treat digital evidence as conclusive was disproved. The survey revealed that courts consider multiple factors—such as reliability, tampering risks, and context—before assigning evidentiary weight to digital records.
10. **Inadequate Procedural Laws for Collection:** Existing procedural laws are not sufficient for the effective collection and preservation of digital evidence. Therefore, the hypothesis regarding the efficacy of current laws in this area was also disproved.
11. The study finds that although digital data is technically a copy, it is treated as original in legal proceedings when properly extracted, qualifying as best evidence. However, Indian law lacks a clear definition of digital evidence, leading to inconsistent application. Additionally, procedural laws like the CrPC and BNSS do not offer specific guidelines for its collection and preservation, hindering effective handling.
12. A key challenge in handling digital evidence is the lack of infrastructure, expert personnel, and advanced training. While the Bharatiya Sakshya Adhiniyam, 2023, covers relevancy and admissibility well, it does not fully address reliability, making courts cautious. Still, digital evidence is increasingly accepted as primary evidence, even without traditional support in some cases.
13. Digital evidence has become a valuable tool in modern crime detection, though its accuracy is not always guaranteed. The BSA, 2023 replaces the outdated Indian Evidence Act of 1872, recognizing digital evidence as both documentary and primary evidence. However, digital evidence must meet specific legal and technical conditions for admissibility and often requires corroboration to be given full probative value in court.
14. A comparative review of international practices reveals that digital evidence requirements vary significantly across jurisdictions. In the United States, courts have adopted a flexible approach, admitting digital evidence despite flaws and recognizing computer data copies as best evidence. The United Kingdom also follows a relatively relaxed approach. In contrast, India maintains stricter standards for the admissibility of digital evidence. Lastly, one of the strengths of digital evidence lies in its durability—unlike paper records, which, once destroyed, cannot be restored, digital data stored on electronic devices can often be recovered or repaired, making it a more resilient form of evidence in legal investigations.