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Admissibility And Relevancy Of Electronic Evidence: A Comparative Study Of India And The UK

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Abstract

The emergence of digital technologies has greatly changed the realm of evidence in legal cases, prompting an important dialogue on the acceptance and significance of electronic evidence in courtrooms. As Christopher Hitchens wisely stated, "extraordinary claims require extraordinary evidence," highlighting the necessity for thorough examination of digital materials in legal situations. This paper offers a comparative study of the acceptance of electronic evidence in the legal systems of India and the United Kingdom. It analyzes the regulatory laws in India, including the Indian Evidence Act of 1872 and the Information Technology Act of 2000, as well as significant legislative measures in the UK, comprising The Police and Criminal Evidence Act of 1984, The Civil Evidence Act of 1995, and pertinent directives from the Association of Chief Police Officers (2012). The research also emphasizes significant legal rulings from both areas that have influenced how digital evidence is understood, offering perspectives on the changing standards and procedures in judicial settings. Furthermore, the article examines the viewpoint of the United Nations regarding electronic documents, providing an international perspective on the topic. This analysis aims to compare the legal frameworks in India and the UK while also addressing the wider consequences of electronic evidence in contemporary legal systems.¹

Keywords: Digital Evidence, Acceptability, Legal Structures, Cyber Legislation, India, United Kingdom,

¹ *Revisiting the Admissibility of Electronic Evidence in India: A Cross-Jurisdictional Analysis*
<https://www.nujssacj.com/post/revisiting-the-admissibility-of-electronic-evidence-in-india-a-cross-jurisdictional-analysis>
accessed 31 May 2025.

Comparative Analysis

1.1 INTRODUCTION

The 21st century has brought about a significant transition from a mainly paper-centric world to a digital environment, fundamentally changing several sectors, such as the legal system. In this modern era, the idea of cyberspace has become increasingly important, shaping how evidence is collected, showcased, and assessed in legal matters. As philosopher Sam Harris wisely noted, “If a person does not appreciate evidence, which evidence can you offer to demonstrate that they ought to appreciate it?” This claim acts as a context for the increasing significance of electronic evidence in contemporary legal systems. In India, the implementation of the Information Technology Act, 2000, signified an important advancement in incorporating electronic evidence into the legal framework. This progress also led to modifications in the Indian Evidence Act of 1872, aligning it with the technological advancements that were swiftly transforming society. The Hon'ble Supreme Court of India, in the case of *USA v. Exim Aides Exporters, Bangalore*, highlighted that the enactment of the Information Technology Act was motivated by the legislative aim to update the laws considering the changing technological environment in India.²

Likewise, in the United Kingdom, the judicial system acknowledged the need to adjust to digital evidence. In *Pender Hill Holdings Ltd. In AO v. Ioannis Kloukinas*, the UK Supreme Court stated that courts need to possess the resources and knowledge to address new technologies to deliver justice effectively. In this context, the Police and Criminal Evidence Act of 1984, the guidelines set by the Association of Chief Police Officers in 2012, and the Computer Misuse Act of 1990 have been understood to encompass rules concerning the acceptance and management of digital evidence.

As Christopher Hitchens famously stated, "Claims made without evidence can also be rejected without evidence." This principle significantly applies in the realm of electronic evidence, where its worth and reliability are perpetually examined by judicial systems. This study seeks to investigate the changing legal frameworks that regulate the admissibility and significance of electronic evidence in India and the United Kingdom, analysing the statutory regulations, judicial interpretations, and difficulties within each

² Century Law Firm, ‘The Complete Guide to Electronic Records Evidence in Indian Law’ <https://www.centurylawfirm.in/blog/the-complete-guide-to-electronic-records-evidence-in-indian-law/> accessed 31 May 2025.

system. This paper will emphasise the difficulties India encounters in enacting digital evidence legislation through a comparative analysis, while also suggesting that aligning international standards could alleviate prevalent problems in the management of electronic evidence across nations.³

1.2 Hypothesis

- The acceptance and significance of electronic evidence are influenced by legal structures and court interpretations in a jurisdiction.
- The legal system in India encounters more significant implementation hurdles than that of the UK.
- Aligning global standards can tackle shared difficulties in managing electronic evidence.

1.3 Literature Review

❖ *Books*

Digital Evidence and Computer Crime by Eoghan Casey: A comprehensive guide to digital forensics and the evidentiary value of electronic records.

Law of Evidence by Ratanlal & Dhirajlal: Discusses Indian evidence laws, including amendments related to electronic evidence.

❖ *Journals and Articles*

“Admissibility of Electronic Records” (International Journal of Legal Research): Examines judicial interpretations of Section 65B of the Indian Evidence Act.

“The Role of Digital Evidence in Modern Litigation” (Cambridge Law Journal): Analyses the UK’s approach to electronic evidence.

“Challenges in Admitting Electronic Evidence” (Harvard Law Review): Explores global challenges in digital evidence.

❖ *Case Laws*

India: Anvar P.V. v. P.K. Basheer (2014): Landmark judgment on the admissibility of

³ Ujala, ‘Electronic Evidence Report’ <https://ujala.uk.gov.in/files/15.pdf> accessed 31 May 2025.

electronic evidence.

UK: R v. Steven Killick (2006): Focused on the authentication of electronic records.

State (NCT of Delhi) v. Navjot Sandhu (2005): Early interpretation of electronic evidence in Indian courts.

Workshop Notes

E-Courts: Challenges in Admitting Electronic Evidence (Indian Judiciary Training Notes): Highlights procedural hurdles in India.

1.4 Statement of Problem

The increasing dependence on electronic evidence in legal cases poses major challenges in confirming its admissibility, reliability, and relevance. In India, Section 65B of the Indian Evidence Act, 1872, while meant to deal with electronic evidence, struggles with inconsistent judicial interpretations and procedural challenges. The ineffective use of digital forensics is additionally obstructed by insufficient infrastructure and a shortage of expertise.

In the UK, even with strong frameworks like the Criminal Justice Act 2003, challenges such as data authenticity, privacy issues, and the cross-jurisdictional aspects of digital evidence persist. Both jurisdictions encounter difficulties in adjusting to advancing technologies and maintaining the integrity of electronic evidence. This study aims to investigate the legal and judicial systems of India and the UK, pinpoint deficiencies and obstacles, and suggest reforms to improve the management of electronic evidence in the digital era.

1.5 Research Methodology

The research methodology describes the strategy utilised to meet the aims of this study, which are to thoroughly assess the admissibility and relevance of electronic evidence in India and the UK. The comparative aspect of this research requires an in-depth examination of the legal structures, judicial understandings, and practical difficulties encountered by the two nations in managing electronic evidence. The approach also emphasises collecting pertinent information from both primary and secondary sources to guarantee an in-depth examination of the topic.

This study employs a qualitative methodology, concentrating on legal texts, court rulings, and academic publications to examine the distinctions and commonalities in the handling of electronic evidence in India and the UK. The method guarantees that the research is rooted in recognised legal theory while also considering the real-world difficulties and changing technological environment that influences the acceptance of electronic evidence.

The research approach is mainly doctrinal, drawing upon legal texts, case law, statutes, and regulations to assess and contrast the admissibility and relevance of electronic evidence in India and the UK. This design is suitable for comprehending the legal concepts, judicial interpretations, and statutory regulations that dictate the handling of electronic evidence. Furthermore, the research incorporates an empirical aspect that analyses pertinent case studies from India and the UK to evaluate the practical implementation of the laws and the actual challenges encountered by the courts and legal professionals in accepting electronic evidence. The structure of the research design is arranged in the following manner:

- **Legal Doctrinal Analysis:** An in-depth review of the pertinent laws and regulations in India and the UK concerning the acceptance of electronic evidence, including Section 65B of the Indian Evidence Act, 1872, as well as the Criminal Justice Act 2003.⁴
- **Case Law Examination:** A comparative exploration of significant judicial rulings from India and the UK that have impacted the handling of electronic evidence, concentrating on cases that showcase the difficulties and legal understandings concerning the acceptability and relevance of digital records.
- **Empirical Research:** A compilation of actual case studies from both jurisdictions aimed at evaluating the practical application of laws and examining the technological, legal, and procedural obstacles faced in managing electronic evidence.
- **Comparative Examination:** An analysis comparing the legal structures, judicial practices, and procedural methods for accepting electronic evidence in India and the UK, grounded in the research outcomes.

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⁴ Mondaq, 'Electronic Evidence: Revisiting the Basics' (2023) <https://www.mondaq.com/india/arbitration-dispute-resolution/1280114/electronic-evidence-revisiting-the-basics> accessed 31 May 2025.

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- **Comparative Examination:** An analysis comparing the legal structures, judicial practices, and procedural methods for accepting electronic evidence in India and the UK, grounded in the research outcomes.

1.6 Limitations of the Research

Although this research offers an extensive analysis of electronic evidence regulations in India and the UK, various limitations are recognised:

- **Jurisdictional Constraints:** This research mainly centres on India and the United Kingdom. The analysis does not include other jurisdictions, which might offer varying legal and procedural methods regarding electronic evidence.
- **Developing Legal Framework:** The legal frameworks related to electronic evidence are consistently changing. Recent amendments, court rulings, and technological developments could alter the handling of electronic evidence in both nations following the conclusion of this research.
- **Restricted Empirical Data:** Given the study's nature, the collection of empirical data was confined to case law and publicly accessible reports. There could be additional practical difficulties encountered by legal professionals that have not been entirely reflected in the research.
- **Technological Constraints:** Since the research involves digital evidence, swift technological progress may make some elements of the analysis obsolete. Nonetheless, attempts have been undertaken to make the latest information accessible.

1.7 Research Scope and Objectives

Objectives

The main aim of this research paper is to thoroughly assess the admissibility and relevance of electronic evidence in legal cases, concentrating on a comparative study between India and the United Kingdom. This study intends to:

❖ **Examine the Legal Frameworks:** To investigate the legal provisions and statutory structures in India and the UK that regulate the admissibility and relevance of electronic evidence. This encompasses the analysis of pertinent laws like Section 65B of the Indian Evidence Act, 1872, and the Criminal Justice Act, 2003 in the UK, as well as their associated clauses regarding the validation, maintenance, and presentation of electronic evidence.⁵

❖ **Comprehend Judicial Interpretation:** To examine the significant judicial rulings in India and the UK that have influenced the legal approach to electronic evidence. This goal encompasses examining how electronic evidence is interpreted in significant cases and grasping the influence of judicial discretion on assessing admissibility.

❖ **Assess Practical Difficulties:** To recognize the practical difficulties and constraints encountered by courts, law enforcement bodies, and legal professionals when managing electronic evidence. This encompasses challenges associated with gathering, maintaining, and verifying digital evidence, along with concerns about technological intricacy and the accessibility of digital forensics resources.

❖ **Analyze the Methods in India and the UK:** To perform a comparative analysis of the legal doctrines and judicial procedures in India and the UK concerning the handling of electronic evidence. This entails recognising the advantages and disadvantages of the methods used by each jurisdiction and examining how each framework has developed to address the challenges presented by digital data.

❖ **Offer Suggestions for Reform:** To recommend possible adjustments and enhancements in the legal structures and procedural systems in both India and the UK. This encompasses the investigation of possible remedies to tackle the issues of authenticity, privacy issues, technological constraints, and global collaboration in managing electronic evidence.

❖ **Engage in Global Legal Dialogue:** To engage in the wider legal dialogue concerning the handling of electronic evidence within international legal frameworks, emphasizing

⁵ Manupatra, 'Admissibility of Electronic Record in India' <https://articles.manupatra.com/article-details/Admissibility-of-Electronic-Record-in-India> accessed 31 May 2025.

the need for harmonised evidentiary standards and the integration of new technologies to guarantee the authenticity, reliability, and fairness in the gathering and presentation of digital evidence.

Scope

The extent of this study is outlined by these specific limits:

➤ **Jurisdictions Analysed:** ⁶This study examines the legal frameworks of India and the United Kingdom. These two jurisdictions are selected because of their common law background and their unique methods for managing electronic evidence. Although both nations have achieved considerable progress in acknowledging and addressing digital data, they encounter distinct challenges that render a comparative analysis pertinent and enlightening.⁶

➤ **Legal Frameworks:** The research focuses solely on the legal and judicial structures that regulate the acceptability and relevance of electronic evidence in the two jurisdictions. This entails a thorough examination of the pertinent sections of the Indian Evidence Act, 1872, the Information Technology Act, 2000 (India), the Police and Criminal Evidence Act, 1984, and the Criminal Justice Act, 2003 (UK), along with the influence of significant court rulings in developing the law.

➤ **Types of Electronic Evidence:** The study will concentrate on the handling of different types of electronic evidence, such as emails, text messages, social media posts, digital documents, CCTV recordings, and any other types of digital communications or data frequently utilized in legal cases. The examination will consider both criminal and civil cases in which electronic evidence is essential.

Practical Challenges: The study will investigate the real-world obstacles that courts and legal professionals encounter when dealing with electronic evidence. This encompasses the difficulties concerning the genuineness and maintenance of digital information, the significance of expert witness accounts, the technological constraints of digital forensics, and the necessity for improved infrastructure to aid the use of electronic evidence in judicial processes.

➤ **Technological Progress:** Although the research acknowledges the swift advancement

⁶ Lawyers Club India, 'Admissibility of Electronic Evidence under Indian Laws: A Brief Overview' <https://www.lawyersclubindia.com/articles/Admissibility-of-Electronic-Evidence-under-Indian-Laws-A-Brief-Overview-10310.asp> accessed 31 May 2025.

of technology, emphasis will continue to be on the existing legal and procedural structures for electronic evidence. The study will analyse how these frameworks have evolved with technological progress and if they are adequate for addressing the needs of contemporary digital data management in courtrooms.

➤ **Global Perspective:** While the primary emphasis is on India and the UK, the study will also briefly examine international methods and suggestions for managing electronic evidence. This entails analysing worldwide trends in electronic evidence legislation and possible chances for standardising norms across legal systems, particularly considering the global aspect of digital information and international legal issues.

➤ **Suggestions for Reform:** The research suggests practical reforms for India and the UK informed by the results of the comparative analysis. These suggestions might entail legal changes, technological advancements, or procedural enhancements that can improve the efficiency of managing electronic evidence.

IMPORTANCE OF ELECTRONIC EVIDENCE IN MODERN LEGAL SYSTEMS

In the digital era, electronic evidence has become an essential element in legal cases. From emails, text messages, and social media updates to digital files, pictures, and video footage, electronic evidence frequently acts as the foundation of contemporary litigation. This chapter explores the subject of the admissibility and relevance of electronic evidence, focusing specifically on the legal difficulties it entails. The rise of information technology and digital communications has greatly changed the ways in which evidence is gathered, preserved, and shown in court, prompting concerns regarding authenticity, integrity, and procedural protections. This research paper will examine the legal structures regulating electronic evidence in India and the UK, assessing the measures adopted by both nations to adapt to the increase of digital evidence while maintaining fairness and precision in the judicial process.⁷

2.1 Importance of Electronic Evidence in Modern Legal Systems

The growing dependence on electronic evidence in legal conflicts has transformed how cases are presented and settled. In both criminal and civil cases, the utilisation of electronic data has opened new opportunities for validating claims, disputing facts, and creating timelines. For instance, emails and text messages have emerged as crucial evidence in both

⁷ LegalOnus, ‘Comparative Analysis of Electronic Evidence: Bharatiya Sakshya Adhiniyam 2023 vs Indian Evidence Act 1872’ <https://legalonus.com/comparative-analysis-of-electronic-evidence-bharatiya-sakshya-adhiniyam-2023-vs-indian-evidence-act-1872/> accessed 31 May 2025.

domestic and global legal cases. Additionally, video monitoring recordings, electronic agreements, and online social interactions are progressively utilised to confirm or challenge assertions in fields like fraud, defamation, and intellectual property conflicts. Due to the increasing reliance on electronic records, the legal system must evolve to tackle the distinct challenges presented by electronic evidence, including the possibility of data manipulation, the likelihood of large amounts of digital information, and issues related to privacy. This chapter highlights the significance of establishing clear and strong legal frameworks to guarantee the proper admission of electronic evidence, thereby promoting justice in a progressively digital environment.⁸

2.2 Historical Treatment of Electronic Evidence in India and the UK

The handling of electronic evidence has progressed considerably in recent decades in both India and the UK. During the initial phases of the digital revolution, both nations showed doubt regarding the acceptance of electronic evidence. Conventional types of evidence like written records, spoken accounts, and tangible displays were viewed as more trustworthy than their digital versions. Initial judicial perspectives in both India and the UK exhibited reluctance to regard computer-generated data as trustworthy evidence in legal proceedings. In India, for example, the Indian Evidence Act of 1872 did not clearly acknowledge electronic records, leading to difficulties for courts in integrating new technologies into their legal system. In the same way, the UK encountered difficulties in incorporating computer evidence into its legal system, depending largely on expert testimonies to verify digital information. This part examines the past hesitation to embrace electronic evidence and how India and the UK started to recognize the importance of technological progress in influencing legal practices.

2.2 Early Challenges and Technological Obstacles

In the initial stages of managing electronic evidence, India and the UK encountered notable technological and logistical difficulties. These factors encompassed the absence of digital infrastructure, insufficient forensic tools for analysing electronic data, and limited understanding of the procedural needs for safeguarding electronic evidence. In India, the lack of skilled professionals and dedicated digital forensic teams complicates the proper legal management of electronic evidence. Additionally, the challenges of maintaining and validating

⁸ Fox Mandal, 'The Admissibility of Electronic Evidence' <https://www.foxmandal.in/the-admissibility-of-electronic-evidence/> accessed 31 May 2025.

electronic records resulted in many cases where evidence was ruled inadmissible because of insufficient documentation or noncompliance with legal protocols. The UK faced comparable challenges, especially in instances of digital fraud, hacking, and cybercrime, where the chain of custody and the legitimacy of electronic data were frequently scrutinised. These initial obstacles established the groundwork for reform in both nations to guarantee that electronic evidence could be managed with the same degree of diligence and dependability as conventional evidence.⁹

2.3 Evolution of Legal Frameworks

The development of legal structures concerning electronic evidence signified a pivotal moment in both India and the UK. In India, the implementation of the Information Technology Act, 2000, established the legal structure for managing electronic records, digital signatures, and cybercrime. This was succeeded by changes to the Indian Evidence Act in 2000, particularly Sections 65A and 65B, which acknowledged electronic records and established the processes for their acceptance in court. Conversely, the UK achieved notable progress by enacting the Criminal Justice Act, 2003, which updated the legal approach to electronic evidence. This legislation specifically dealt with matters like the acceptability of computer-generated documents and data, and it established guidelines for the appropriate management and display of electronic evidence in criminal trials. Both legal frameworks established regulations for the validation of electronic evidence, guaranteeing its integrity and trustworthiness prior to being admissible in court. This segment explores the major legal changes in India and the UK, outlining the legislative amendments and court rulings that facilitated the acceptance of electronic evidence in legal proceedings.¹⁰

LEGAL FRAMEWORK IN INDIA

3.1 Overview of Relevant Legislation

⁹ Cyril Amarchand Mangaldas, 'Section 65B of the Indian Evidence Act, 1872: Requirements for Admissibility of Electronic Evidence Revisited by the Supreme Court' <https://corporate.cyrilamarchandblogs.com/2020/07/section-65b-of-the-indian-evidence-act-1872-requirements-for-admissibility-of-electronic-evidence-revisited-by-the-supreme-court/> accessed 31 May 2025.

¹⁰ National Judicial Academy, *Admissibility of Electronic Evidence* (2019) https://nja.gov.in/Concluded_Programmes/2019-20/P-1163_PPTs/2.%20Admissibility%20of%20Electronic%20Evidence.pdf accessed 31 May 2025.

¹¹The legal structure in India for accepting electronic evidence is mainly regulated by the Information Technology Act of 2000 and the Indian Evidence Act of 1872. The Information Technology Act of 2000 was a pivotal law that established an extensive legal structure for the electronic space, addressing matters like e-commerce, digital signatures, and cyber offenses. Sections 65A and 65B of the Indian Evidence Act, as revised, particularly focus on the acceptance of electronic records in judicial proceedings. Section 65B establishes the criteria that must be met for electronic records to be considered admissible, which includes the necessity of certification to verify the record's authenticity. This chapter offers a comprehensive examination of these regulations, illustrating how they have promoted the adoption of electronic evidence in Indian judiciary.

3.2 Key Judicial Decisions in India

Indian courts have significantly influenced how electronic evidence is handled. The pivotal case of *Anvar P.V. v. P.K. Basheer* (2014) elucidated the procedural mandates specified in Section 65B of the Indian Evidence Act. In this instance, the Supreme Court determined that for electronic records to be accepted, they must include a certificate of authenticity in accordance with Section 65B, thereby emphasising the significance of maintaining the integrity of digital information. This choice represented an important advancement in the legal framework concerning electronic evidence. Furthermore, additional significant cases like *State (NCT of Delhi) v. Navjot Sandhu and Shafi Mohammad v. State of Himachal Pradesh* are examined, as they provided further insights into the legal principles related to the admissibility of electronic evidence. This part analyses these choices and their influence on the development of electronic evidence legislation in India.

3.3 Current Practices and Challenges

Even with legal progress, the execution of electronic evidence protocols in India encounters various obstacles. This encompasses problems associated with the certification procedure, the shortage of qualified experts in digital forensics, and the inconsistency in managing electronic records among various courts. Furthermore, enhanced infrastructure and training are necessary to guarantee that electronic evidence is maintained and presented per legal standards. This part examines these real-world difficulties and offers perspectives on their impact on the judicial system in India. It additionally underscores the deficiencies in the existing legal framework and proposes

possible reforms to simplify the management of electronic evidence.

LEGAL FRAMEWORK IN THE UK

The legal structure that regulates the acceptance of electronic evidence in the UK is significantly shaped by the Criminal Justice Act of 2003 and the Police and Criminal Evidence Act of 1984. The Criminal Justice Act of 2003 introduced major alterations to the management of electronic evidence, especially concerning evidence generated by computers. This legislation established the protocols for accepting electronic records, permitting digital evidence to be utilized in court with equivalent legal validity as conventional evidence. The Police and Criminal Evidence Act of 1984 regulates how evidence is collected and managed during criminal investigations, establishing protocols to maintain the integrity of electronic evidence from its collection to its presentation in court. This part offers an in-depth examination of these legislative tools and their effect on the legal handling of electronic evidence in the UK.¹¹

4.1 Key Judicial Decisions in the UK

In the UK, numerous significant court rulings have influenced the legal framework regarding electronic evidence. Cases like *R v. Mawji* (2003) and *R v. Smith* (2006) have outlined the criteria for admitting computer-generated evidence, highlighting the necessity for authenticity and appropriate handling methods. These choices highlight the significance of preserving the chain of custody and guaranteeing that electronic data remains unaltered or unmodified throughout collection and examination. This part examines these important cases and their consequences for the legal handling of electronic evidence in the UK.

4.2 Current Practices and Challenges

In the UK, the management of electronic evidence is a strictly regulated procedure, yet difficulties persist. The intricacy of contemporary technology, the vast amount of digital information, and the threat of cybercrime present continuous challenges for legal professionals and investigators. Challenges that persist in the judicial process include the requirement for specialized digital forensics training, the handling of extensive data sets,

¹¹ Manupatra, ‘Admissibility of Electronic Evidence under the Indian Evidence Act, 1872’ <https://articles.manupatra.com/article-details/ADMISSIBILITY-OF-ELECTRONIC-EVIDENCE-UNDER-THE-INDIAN-EVIDENCE-ACT-1872> accessed 31 May 2025.

and the protection of individual privacy in the digital environment. This section addresses these challenges and the practical solutions that have been put into place to tackle them, such as the establishment of digital forensics units and the creation of new protocols for managing and presenting electronic evidence in court.¹²

ANALYSIS OF LEGAL FRAMEWORKS IN COMPARISON

5.1 Major Commonalities between India and the UK

India and the UK, despite having distinct legal traditions, have various similarities in their methods regarding the acceptance of electronic evidence. Both legal frameworks acknowledge the growing importance of digital evidence and have implemented measures to incorporate it into their judicial proceedings. For example, each nation has included measures in their legal systems to validate and maintain electronic records prior to their acceptance as evidence in a courtroom. In India, Section 65B of the Indian Evidence Act mandates certification for the validation of electronic records, whereas the UK's Criminal Justice Act of 2003 permits the admission of computer-generated evidence, provided it adheres to specific conditions, such as appropriate data handling and maintaining the chain of custody. Both systems highlight the importance of expert witnesses in confirming the authenticity and integrity of digital evidence. This segment explores these and additional shared practices, showcasing the similarities in how both India and the UK manage electronic evidence.

5.2 Main Distinctions between India and the UK

Although there are similarities, significant differences exist in the handling of electronic evidence in India and the UK. A major distinction exists within the legislative structure. India's legal framework is significantly influenced by the provisions of the Information Technology Act, 2000, which prioritizes electronic records; however, it faces obstacles because of the regular amendments and the difficulty of incorporating digital evidence into an outdated legal system. Conversely, the UK has implemented more efficient regulations via the Criminal Justice Act, 2003, offering a clearer and more organized framework for managing digital evidence in criminal cases. Moreover, India has encountered more

¹² Project 39A, 'Criminal Law Bills 2023 Decoded #23: Admissibility of Electronic Records' (2023) <https://p39ablog.com/2023/11/criminal-law-bills-2023-decoded-23-admissibility-of-electronic-records/> accessed 31 May 2025.

significant difficulties regarding infrastructure and capacity development, especially concerning digital forensics and the validation of electronic evidence, which continues to be a major problem in numerous courts throughout the nation. Conversely, the UK has created a stronger digital forensics framework and is more prepared to handle extensive data processing and the control of cyber offenses. This part offers a thorough comparison of the distinctions, specifically emphasizing the extent of legislation, the framework, and the general efficiency of the legal systems in each country.

5.3 The Significance of Judicial Interpretation in Influencing the Legal Framework

Judicial interpretation is crucial in influencing the law in both India and the UK, particularly regarding electronic evidence. In India, the courts' understanding of Section 65B of the Indian Evidence Act has played a crucial role in deciding the acceptability of digital evidence. Cases like *Anvar P.V. v. P.K. Basheer* have greatly impacted the courts' perception and management of electronic records, highlighting the importance of accurate certification and the significance of expert testimony in substantiating the information. In the UK, cases like *R v. Smith* and *R v. Mawji* have clarified how electronic evidence is handled, with courts stressing the necessity of preserving the integrity of electronic records during the investigation and trial phases. This part examines how court rulings in both nations have influenced the handling of electronic evidence, emphasizing the importance of judicial activism and interpretation in maintaining equity in the acceptance of digital records.

REAL-WORLD DIFFICULTIES IN ACCEPTING ELECTRONIC EVIDENCE

6.1 Technological Obstacles in Managing Electronic Evidence

A major practical challenge in both India and the UK is the changing landscape of technology. As technology progresses swiftly, it becomes more challenging for legal systems to stay abreast of emerging types of digital evidence. In India, the insufficient digital forensics infrastructure and the lack of specialized training for law enforcement personnel may lead to improper handling of electronic evidence. For instance, the swift growth of social media sites, cloud storage services, and encrypted messaging applications creates challenges for investigators who might lack the resources to access or verify the information held on these platforms. In the UK, despite having a more advanced digital forensics infrastructure, there are still challenges in handling vast amounts of data

and ensuring the correct preservation of evidence during extended investigations. This part examines these technological hurdles, emphasizing the necessity for ongoing revisions to legal structures, forensic instruments, and investigator education initiatives to tackle these new challenges.

6.2 Legal Obstacles in Accepting Electronic Evidence

Although legal structures in India and the UK have adapted to include electronic evidence, many legal issues continue to exist. A crucial concern in both nations is maintaining the reliability and genuineness of digital records. In contrast to physical documents, electronic records can be easily changed or modified, which brings up concerns regarding their trustworthiness. The necessity for certification under Section 65B in India and the demand for adequate chain-of-custody procedures in the UK aim to protect against tampering; however, these safeguards are not infallible. Moreover, depending on expert testimony to confirm the authenticity of digital evidence can occasionally be problematic, as it might result in subjective interpretations or differing opinions. This part examines these legal issues thoroughly, offering case studies that emphasize the challenges in fairly and impartially admitting electronic evidence.

6.3 Issues Related to Privacy and Data Protection

A major challenge in the acceptance of electronic evidence is the concern regarding privacy and data protection. India and the UK share worries regarding the possibility of overreach during the collection of digital evidence, particularly in criminal cases that may involve personal data. In India, the swift advancement of surveillance technology and data gathering provokes worries regarding individual privacy rights, as the government persistently broadens its implementation of digital monitoring systems. In the UK, the implementation of mass surveillance initiatives, especially under the Investigatory Powers Act 2016, has ignited discussions regarding the equilibrium between national security and personal privacy. This segment explores these issues, examining the measures and legal safeguards established to guarantee that electronic evidence respects individual privacy rights, as well as how these matters are approached in India and the UK.

OPTIMAL APPROACHES FOR ACCEPTABILITY OF DIGITAL EVIDENCE

7.1 Global Guidelines and Standards

Global treaties and standards offer valuable structures for the acceptance of electronic

evidence. Organisations like the United Nations and the Council of Europe have provided guidelines on managing electronic evidence to maintain its integrity and dependability. These international standards hold significant importance as legal systems worldwide grow more interconnected. The guidelines highlight the necessity of upholding the chain of custody, guaranteeing accurate documentation of evidence, and employing certified digital forensic techniques to maintain the integrity of electronic records. This section examines these global standards and their integration into the legal frameworks of India and the UK to enhance the process of admitting electronic evidence.

7.2 Suggested Reforms for India

In India, there is a pressing necessity to tackle various deficiencies in the legal structure and judicial procedures concerning electronic evidence. Among the suggested reforms are the formation of dedicated digital forensics teams within police departments, the implementation of uniform protocols for the certification and management of electronic evidence, and the establishment of more precise guidelines for the acceptance of electronic records in legal proceedings. Moreover, training initiatives for judges, attorneys, and law enforcement personnel ought to be established to guarantee they are knowledgeable about the legal, technical, and ethical dimensions of electronic evidence. This section suggests these reforms, based on insights from the UK and other nations that have more advanced systems for handling digital evidence.

7.3 Suggested Reforms for the UK

Despite having a comparatively advanced system for managing electronic evidence, the UK still has areas that need enhancement. This involves improving the application of artificial intelligence and machine learning technologies to handle and assess extensive datasets, increasing the speed and effectiveness of digital evidence gathering, and tackling the issues presented by encrypted information. This part details the suggested reforms and how the UK can enhance its legal structure to adjust to the fast-evolving digital environment, making certain that the legal system stays equitable and efficient.

SUMMARY AND FUTURE PATHS

8.1 Overview of Main Discoveries

This chapter outlines the main discoveries of the research, emphasizing the similarities and distinctions between the legal systems of India and the UK to electronic evidence. It

considers the technological, legal, and practical obstacles encountered by both nations in accepting and managing digital records in legal proceedings. Even with the advancements achieved, both nations encounter persistent challenges concerning certification, privacy, and data security, alongside a requirement for ongoing improvements in digital forensics and legal education.

8.2 Suggestions for Upcoming Research and Development

This paper not only offers a comparative analysis of electronic evidence between India and the UK but also highlights multiple areas for future investigation. These encompass the influence of new technologies like blockchain and artificial intelligence on the acceptance of digital evidence, the possibility of worldwide standardisation of electronic evidence protocols, and the lasting effects of data privacy legislation on the legal handling of electronic records. This section proposes topics for additional research and advancement, motivating academics, legal professionals, and lawmakers to examine innovative methods and technologies that can improve the equity and effectiveness of the judicial system.

8.3 Final Reflections

To sum up, the acceptability and importance of electronic evidence are crucial to contemporary legal processes, and both India and the UK have advanced considerably in incorporating digital evidence into their judicial frameworks. Nevertheless, as technology progresses, both nations need to modify their legal systems to tackle the new challenges presented by digital information. Through the implementation of best practices, the revision of current procedures, and the investment in innovative technologies, India and the UK can guarantee that electronic evidence continues to be a trustworthy and vital resource in the quest for justice.

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