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# **A CRITICAL EVALUATION OF THE LEGAL FRAMEWORK OF SECTION 65B: ADMISSIBILITY OF ELECTRONIC EVIDENCE**

AUTHORED BY - SAMRUDDHI VARMA

## **ABSTRACT**

According to section 65(B)(4) of the Evidence Act, 1872, a certificate stating that a piece of evidence was generated by a computer must be provided by the official responsible for operating the relevant equipment or the person in charge of managing related operations. Several legal interpretations have shed light on the Act's Section 65B and its original meaning. The provisions have been reviewed several times, with the certificate requirement being upheld as required on a few instances and waived on others.

In this article, we examine previous rulings on the topic and describe the current state of affairs on the need to provide a certificate in accordance with Section 65B of the Indian Evidence Act, 1872. Some foreign jurisdictions have started using this method, and this research examines why. The author will make an effort to investigate the various justifications offered by various courts for the use of certificates and electronic proof.

**Keywords-** Section 65B, electronic documents, computer, certificate.

## **INTRODUCTION**

Evidence is defined as either oral or documented under **Section 3** of the Indian Evidence Act of 1872. Oral testimony is defined as the declarations that witnesses make in front of the honorable court, while documentary testimony is any evidence that is presented to the court for review, including electronic data.

Evidence plays a major role in deciding every case. However, the categories of evidence might be as follows:

1. Oral or documentary.

2. Primary or Secondary.

Documentary evidence is again divided into two types, **primary evidence and secondary evidence**. The Indian Evidence Act, 1872 addresses documented evidence in **Sections 61 to 90A**. The method outlined in Sections 61 to 90A of the Indian Evidence Act governs the admission of any documents offered as evidence in both civil and criminal trials.

**PRIMARY EVIDENCE:** It means Production of the original electronic record means the production of the document itself.

**SECONDARY EVIDENCE:** It means production of computer-output of the contents of the electronic record; Secondary evidence is a certified copy or counterparts of documents which the party is unable to produce in the court and statement of an expert or person who has himself seen that document.

One of Mankind's greatest accomplishments is the development of computers and digitalization. Many governments have embraced digitization in their administration in the age of the digitalized world. The Indian government has launched the "Digital India" campaign to encourage the use of digitalization in everyday life as well, which would undoubtedly assist to hasten the growth of our nation. Digitalization has dramatically increased in government, economic, private, and personal activities, becoming the main pillar of documentation, processing, and communication. The importance of electronic devices in human existence is enormous. If it complies with the rules outlined in the Indian Evidence Act, the Indian court has recognized and accepted the electronic records as evidence.

Electronic records are convenient, but they also present special difficulties when it comes to accurate verification and accommodating the various viewpoints. Online has expanded quickly, and at the same time, there has been a huge rise in cyberspace abuse; as a result, the risk of cybercrime has increased. Because of this, the admissibility of electronic records presents difficulties for both judicial systems and investigative organizations (greater chances of manipulation). Electronic records have a significant influence on the result of civil, criminal, and other legal processes at the trial stage. Therefore, it is very important to comprehend electronic

documents, their kinds, admissibility, evidentiary value, and function as proof.

## **DIFFERENT KINDS OF ELECTRONIC RECORDS**

Electronic records are defined under the Information Technology Act of 2008, which also includes a broad variety of data production forms. There are many of them, including DVDs, CDs, pen drives, telephone recordings, hard drives, e-mails, photos, video recordings, sound recordings, etc. Regarding their evidential value and legal admissibility in a court of law, each of the aforementioned electronic record formats deals with a range of diverse situations.

### **OBJECTIVES**

- 1) To understand as to why is there a growing importance of E-Evidence in the field of law with reference to the main components of the provision electronic evidence.
- 2) To investigate the judicial trend followed by Indian courts over the admissibility of electronic evidence in courts.
- 3) To study in detail as what were the radical changes were brought in form of development in the field of E-Evidence with the help of the case law **Arjun v. Kailash (2020)**

### **RESEARCH QUESTION**

- 1) Why is there a growing importance for E – Evidence in the field of law?
- 2) Are E – Evidence admissible in Indian Courts?
- 3) What were some of the radical changes brought by the recent precedents in the domain of E – Evidence?

### **RESEARCH ANALYSIS**

#### *ELECTRONIC RECORDS AS EVIDENCE*

Secondary evidence is only admissible in certain circumstances, according to Section 65 of the Indian Evidence Act. The process for demonstrating the contents of electronic documents that have been prescribed under Section 65B is outlined in Section 65B.

Section 65B of the Indian Evidence Act, which deals with the admissibility of electronic records, states that copies of electronic records that have been printed on paper or created on optical or

magnetic media shall also be considered secondary evidence documents if they meet the requirements set forth in section 65B. The original source of the information, an electronic device, shall also be admissible without further proof in any proceeding.<sup>1</sup>

According to the Indian Evidence Act, the main components of electronic evidence are as follows:

- 1) The person who is legally permitted to have control over such electronic equipment must provide such created information of electronic records.
- 2) The storing of the information must occur as part of the person's regular daily activities.
- 3) This information was saved during the user's normal daily activities while using the electronic gadget.
- 4) To prevent any potential harm to its operation or to distort the accuracy and authenticity of its material contents, the aforementioned electronic equipment must be in a functional condition while storing or duplicating such material information.
- 5) Any type of information storage, copying, or counterpart creation that is necessary for the production in a court of law as electronic evidence must be free from any distortion, manual editing, or manipulation, and it must be true and reliable information that can be admitted as evidence in a court of law.

## **THE JUDICIAL TREND FOLLOWED BY INDIAN COURTS OVER THE ADMISSIBILITY OF ELECTRONIC EVIDENCE.**

### **1) STATE (NCT OF DELHI) V. NAVJOT SANDHU (2005)<sup>2</sup>**

The earliest notable decision of the Supreme Court in relation to admissibility of electronic records is *State (NCT of Delhi) v. Navjot Sandhu*, which held that irrespective of compliance with the requirements of Section 65B, there is no bar to adduce secondary evidence under Sections 63 and 65, of an electronic record.

### **2) ANVAR P.V. V. P.K. BASHEER (2014)<sup>3</sup>**

It was held that secondary evidence in the form of an electronic record is exclusively controlled

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<sup>1</sup> A.VENKATESWARA RAO, ADMISSIBILITY OF ELECTRONIC EVIDENCE, (2020), <https://districts.ecourts.gov.in/sites/default/files/Webinar%20on%20Admissibility%20of%20Electronic%20Evidence%20By%20Sri%20A%20Venkateshwara%20Rao.pdf> (last visited Oct 4, 2022).

<sup>2</sup> (2005) 11 SCC 600

<sup>3</sup> (2014) 10 SCC 473.

by Sections 65A and 65B and is not subject to the provisions of Sections 63 and 65. The Court determined that Sections 65A and 65B constitute a comprehensive code governing the admissibility of information found in electronic records, and that an electronic record offered as secondary evidence shall not be admitted unless Section 65B requirements, including a written certificate under Section 65B, are satisfied (4). It was also ruled that if the conditions under Section 65B are not met, the Evidence Act does not anticipate or authorize the demonstration of an electronic record by oral testimony. However, if an electronic document is utilized as principal evidence in accordance with Section 62, it may be used in court without having to meet the requirements outlined in Section 65B.

Therefore, the only alternative to show electronic evidence as main or secondary evidence, respectively, is to provide the original, its copy, or its counterpart coupled with a certificate under Section 65B.

### **3) SHAHFI MOHAMMAD V. STATE OF HIMACHAL PRADESH (2015)<sup>4</sup>**

After that, the Supreme Court ruled in Shafhi Mohammad (above) that Section 65B(4) obligation )'s to provide a certificate is only procedural and not always required. A certificate according to Section 65B may not be demanded from a person who is not in possession of the equipment from which the document is created (4). According to the Court, the procedural requirement under Section 65B(4) should only be used where electronic evidence is created by a person who is in charge of the relevant equipment and is therefore qualified to do so. However, Sections 63 and 65 cannot be omitted if the individual is not in possession of the equipment.

### **4) TOMASO BRUNO. STATE OF UTTAR PRADESH (2018)<sup>5</sup>**

In this case, a three-judge Supreme Court bench ruled that Section 65 permits the leading of secondary evidence on a document's contents. However, neither Section 65B(4) nor the legislation established in the Anvar case were cited by the Supreme Court in its ruling. The Supreme Court, however, cited Navjot Sandhu (supra), which was expressly overturned in the Anvar case.

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<sup>4</sup> (2015) 7 SCC 178

<sup>5</sup> (2018) 2 SCC 801.

**5) ARJUN PANDITRAO KHOTKAR V. KAILASH KUSHANRAO GORANTYAL  
(2020)**

The Supreme Court reversed the decisions in Tomaso Bruno and Shafhi Mohammad and said the following:

The law established in Anvar need not be reviewed; a certificate under Section 65B(4) is required and a condition prior to the acceptance of evidence by means of electronic record. However, the phrase "if an electronic record as such is used as primary evidence under Section 62 of the Evidence Act, the same is admissible in evidence, without compliance with the conditions in Section 65-B of the Evidence Act" should be omitted from the final clause of paragraph 24 of the aforementioned judgment.

It is made obvious by the non-obstante wording of Section 65B(1) that, with regard to information included in an electronic record, admission and evidence thereof must adhere to the procedure of Section 65B, which is a specific provision in this regard. For this reason, sections 62 and 65 are not applicable.

In the event that the original document is produced, the requirement under Section 65B(4) is not required. The owner of a laptop, tablet, or even a mobile phone may do this by testifying in court and demonstrating that the device in question, where the original information was first saved, is his or hers to own and/or run. The only way to provide information included in such an electronic record when the computer is on a system or network and it is impossible to physically transport that system or network to court is in accordance with Section 65B(1), together with the necessary certificate under Section 65B (4).

A certificate required by Section 65B(4) cannot be replaced by oral testimony, and a person in control of a computer system cannot provide testimony in lieu of the required certificate (4).<sup>6</sup>

If the person or authority requested the necessary certificate but refused to provide it or did not respond to the request, the party requesting the certificate may apply to the court for its production

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<sup>6</sup> The Court overruled the Madras High Court's decision in *K. Ramajyam v. Inspector of Police (2016) CrI. LJ 1542*, in this regard.

in accordance with the provisions of the Evidence Act,<sup>7</sup> the Code of Civil Procedure, 1908<sup>8</sup>, and/or the Code of Criminal Procedure, 1973.

The party requesting the certificate has done all within his power to get the necessary certificate by the time such a court application is submitted and the court orders or directs that the necessary certificate be delivered by the person to whom it issues a summons in this respect.

It suffices that the certificate is either to the best of the issuer's knowledge or belief since the certificate under Section 65B(4) may be issued a considerable time after the electronic record has actually been formed by the computer.

Therefore, Both of the requirements outlined in Sections 65B (2) and 65B(4) must be met.

#### **6) RAVINDER SINGH KAKU VS. STATE OF PUNJAB<sup>9</sup>**

The Supreme Court noted that the certificate required by Section 65B (4) of the Evidence Act must be produced in order to create electronic evidence and that oral testimony cannot reasonably substitute for such a certificate.

In this instance, the Trial Court executed three defendants after finding them guilty of kidnapping and murder. The High Court upheld the two accused's appeal and declared them innocent. The death penalty for one of the defendants was overturned, but their conviction was affirmed. This defendant appealed the High Court's decision to the Supreme Court.

The bench of Justices Uday Umesh Lalit and Vineet Saran made the following observation in reference to the ruling in Arjun Panditrao Khotkar case "For the electronic evidence presented to the High Court to be admissible in a court of law, it had to be in compliance with the law and meet the certification requirements. As correctly mentioned above, Section 65B(4) is a condition of the law and cannot possibly be satisfied by oral testimony in the lieu of such a certificate, as is the situation in the current issue."

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<sup>7</sup> Section 165 of the Evidence Act.

<sup>8</sup> Order XVI Rules 6, 7 and 10 of the Code of Civil Procedure, 1908.

<sup>9</sup> Ravinder Singh Kaku vs State of Punjab (2022) 5 SCC 461

### *COMPARISON WITH LEGAL POSITION IN UNITED KINGDOM*

Apart from a few minor changes, Justice Nariman and Justice V Ramasubramanian recognized that Section 65B was a replication of Section 5 of the UK Civil Evidence Act, 1968. In 1995, Section 5 of the UK Civil Evidence Act was abolished. As a result, India adopted a clause that had been eliminated in the UK when Section 65B was inserted to the Evidence Act in 2000.

Following the recommendations of the Law Commission, which stated that the framework under Section 5 had become out of date due to advancements in computer technology and that there was no need for having a different regime for computer-generated documents, Section 5 of the UK Civil Evidence Act was repealed. Given that India adopted a provision that the UK found to be out-of-date, a similar evaluation is required in India as well to address any practical issues with Section 65B compliance.

### **FINDINGS AND SUGGESTION**

Section 65B of the Indian Evidence Act states that in order for an electronic record to be accepted as evidence, it must be accompanied by a certificate signed by a responsible person that explains the computer or device used to create the record and the steps taken to create it.

When this provision was initially added to the Evidence Act (in 2000), regulators main concern was making sure that physical printouts of electronic documents kept on computers were accurate representations of the originals<sup>10</sup>. Before the advent of platform technologies, it made sense for the law to demand certification from the person in charge of the computer system/ electronic device that it was being used regularly to store and process information of the kind contained in the electronic record and that it was not down for any reason that could compromise the integrity of the record.

When applied to the realities of today's electronic transfers, the criteria of Section 65B<sup>11</sup> have proven difficult for Indian courts to interpret in a way that is both practical and effective. A broad range of judgments has been made in the numerous cases that have considered this subject<sup>12</sup>. And

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<sup>10</sup> Prerita Aggarwal & Kamal Taneja, Relevancy and admissibility of evidence, 10 VIDHIGYA: The Journal of Legal Awareness 40 (2015).

<sup>11</sup> Indian Evidence Act, 1872.

<sup>12</sup> G. V. Nath, Evidence relating to electronic record - challenges in admissibility, SSRN Electronic Journal (2017).

is still confused with what more can be done, as situation changes from case to case depending on the nature of the same. The gravity and facts of the crime decide whether the amount of evidence should be more or less.

In 1995, Article 5 of the United Kingdom's Civil Evidence Act was scrapped. In 2000, India included a provision that had been previously deleted in the UK when Section 65B was inserted to the Evidence Act. The Law Commission recommended that Section 5 of the United Kingdom Civil Evidence Act be abolished because its framework had become outmoded due to advances in computer technology and because a separate system for computer-generated documents was unnecessary. The adoption by India of a provision that has been declared out of date in the UK necessitates a comparable evaluation in India in order to address the multiplicity of practical challenges that may emerge in trying to adhere to Section 65B.

Other precautions must be formulated to maintain the privacy and confidentiality of the information contained in electronic records, even if the issue of a certificate under Section 65B(4) is a required protection to establish validity.

Authorisation of electronic evidences should be made as much as possible. Benefits may be realised by extending the variety of authentication procedures for electronic evidence in this way. They will serve to bolster the credibility of the evidence and, in many cases, provide details that certifications do not. Better authentication mechanisms are almost certain to emerge as technology develops further. In such case, it would be backwards and unhelpful to force users to use an outmoded means of authentication like the Section 65B(4) certificate, which should not happen. The development of Indian evidence law, which is essential, would be stunted as a result. Moreover, the electronic evidence requested to be admitted will be held to a higher reliability standard if various authentication techniques can be used to confirm the Section 65B certificate. If this is implemented, it will greatly enhance the judicial system's ability to pursue justice based on the facts<sup>13</sup>. A certificate may not be always possible, but it can act as a important document to verify the authorisation. Some case laws mentioned above might state that certificate should be made compulsory and some might conclude that it is should not be made compulsory as it might

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<sup>13</sup> D. Yadav, M. Mishra and S. Prakash, "Mobile Forensics Challenges and Admissibility of Electronic Evidences in India," (2013) 5th International Conference and Computational Intelligence and Communication Networks, 2013, pp. 237-242, doi: 10.1109/CICN.2013.57.

not be possible for attaining a certificate by everyone. It should be definitely added to the essential documents list.

A large number of people in India are presently forced, under the watchful eye of Indian courts, to comply with section 65B if they desire postings, forums, or internet recordings in a civil or criminal case. With electronic records being more susceptible to manipulation and adjustment, the Indian Supreme Court must guarantee that their trustworthiness and precise verification are taken into account.

You can't put your faith in the computer's record because it may be hampered in some way, and that makes it unreliable. Additionally, the Indian Evidence Act could be amended to prohibit interference—at least for the purposes behind believing at first sight the validity of the electronic record evidence—by including a provision that the record was created in the standard way by a person who was not involved in the procedures, and that the record protector did not control the record production. The possibility of record ownership might be drastically decreased by having it recorded by a meeting hostile to the record supporter and then using it against the hostile side. The legislation should also creatively grapple with the necessity for the defence's burden to identify with the author of a report whether the records were verified or updated, or whether the computer program that made them had trustworthy data, and whether they were completed or not. Section 65B of the Evidence Act does not address the courts' responsibility to ensuring evidence is properly created or altered<sup>14</sup>. When sending an email, the sender often makes changes to the text as it is being sent. In many cases, the receivers are unaware of these changes; hence, having an impartial third party verify the transaction may not be necessary.

## **CONCLUSION**

To summarize, the method outlined in Sections 65A and 65B of the Indian Evidence Act, 1872 should be followed when presenting electronic evidence. This act was passed in 1872. In order for electronic evidence to be admitted into court, it is necessary for there to be a certificate issued by either the owner of the device or the legitimate operator of the device. Additionally, in order

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<sup>14</sup> Soni Lavin Valecha & Sonika Bharadwaj, 4 Admissibility of Electronic Evidence under the Indian Evidence Act, 1872 15–20 (2020).

to present secondary evidence, the party must have a legitimate reason for doing so and must first make an effort to provide main evidence before they may file secondary evidence. In addition, the party must explain why they are submitting secondary evidence after using all of the methods outlined in Section 65 of the Indian Evidence Act. The judge has the authority to accept the same as supplemental evidence at his or her discretion.

The legislature passed Sections 65-A and 65-B to make electronic record proof easier. However, more issues have been raised than answered because to the Apex Court's procedural wraths and contradicting rulings. On the other hand, the law itself must be fluid and changeable. There has to be some kind of adjustment so that it can deal with the new environment. In the recent case of Arjun Vs. Kailash, the Supreme Court made it clear that a certificate under Section 65B(4) of the Evidence Act of 1872 is obligatory. In the modern world, it is normal practice to record a crime scene or a road rage incident using a cellphone camera. Making the same inadmissible, however, because of the complicated procedure envisioned by section 65B (4), is counter to the objective of the legislature. As a result, it is time for the Indian Parliament to reevaluate the current laws and provide easy provisions for using digital evidence to deliver justice quickly.

## REFERENCES

<sup>1</sup> A.VENKATESWARA RAO, ADMISSIBILITY OF ELECTRONIC EVIDENCE, (2020), <https://districts.ecourts.gov.in/sites/default/files/Webinar%20on%20Admissibility%20of%20Electronic%20Evidence%20By%20Sri%20A%20Venkateshwara%20Rao.pdf> (last visited Oct 4, 2022).

<sup>1</sup> (2005) 11 SCC 600

<sup>1</sup> (2014) 10 SCC 473.

<sup>1</sup> (2015) 7 SCC 178

<sup>1</sup> (2018) 2 SCC 801.

<sup>1</sup> *The Court overruled the Madras High Court's decision in K. Ramajyam v. Inspector of Police (2016) Crl. LJ 1542, in this regard.*

<sup>1</sup> *Section 165 of the Evidence Act.*

<sup>1</sup> *Order XVI Rules 6, 7 and 10 of the Code of Civil Procedure, 1908.*

<sup>1</sup> *Ravinder Singh Kaku vs State of Punjab (2022) 5 SCC 461*

<sup>1</sup> *Prerita Aggarwal & Kamal Taneja, Relevancy and admissibility of evidence, 10 VIDHIGYA:*

The Journal of Legal Awareness 40 (2015).

<sup>1</sup> Indian Evidence Act, 1872.

<sup>1</sup> G. V. Nath, Evidence relating to electronic record - challenges in admissibility, SSRN Electronic Journal (2017).

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<sup>1</sup> Soni Lavin Valecha & Sonika Bharadwaj, 4 Admissibility of Electronic Evidence under the Indian Evidence Act, 1872 15–20 (2020).

