



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

DIGITAL EVIDENCE AND ITS ADMISSIBILITY IN INDIAN CRIMINAL LAW: CHALLENGES AND REFORMS

AUTHORED BY - GURPREET SINGH

Advocate

Abstract

In the digital age, the nature of crime has evolved significantly. Cybercrimes, online fraud, social media-based offenses, and the increasing reliance on electronic records have transformed the criminal justice system. The Indian Evidence Act recognizes digital evidence; however, several legal and practical challenges exist regarding its admissibility in courts. This research paper analyzes the validity, collection, preservation, and admissibility of digital evidence and suggests necessary reforms.

Introduction

In the 21st century, crime has shifted from traditional forms to digital platforms. Electronic devices such as mobile phones, emails, CCTV footage, WhatsApp chats, and social media posts have become crucial sources of evidence.

Although Indian law acknowledges digital evidence, there are several technical and procedural challenges in its effective implementation. This study aims to explore these issues and provide practical solutions.

Objectives of the Study

1. To understand the legal status of digital evidence in India
2. To analyze its admissibility in the criminal justice system
3. To examine important judicial pronouncements
4. To identify practical challenges and suggest reforms

Legal Framework

1. Indian Evidence Act, 1872

- Section 65B: Admissibility of electronic records
- It lays down the conditions under which digital evidence is considered admissible

2. Information Technology Act, 2000

- Provides legal recognition to electronic records and digital signatures

Types of Digital Evidence

- Emails
- Call recordings
- CCTV Footage
- Social media communications (WhatsApp, Facebook, etc.)
- GPS location data
- Data stored in hard disks, pen drives, and servers

Challenges in Admissibility

1. Requirement of Section 65B Certificate

- A certificate under Section 65B is mandatory
- Often unavailable or improperly prepared

2. Risk of Tampering

- Digital evidence can be easily altered or manipulated
- Authenticity becomes difficult to establish

3. Lack of Technical Expertise

- Police officers and legal professionals often lack technical knowledge
- Leads to errors in investigation and presentation

4. Chain of Custody Issues

- Improper handling and storage of evidence
- Weak documentation of evidence movement

Important Case Laws

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

- The Supreme Court held that a Section 65B certificate is mandatory for admissibility

2. *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal (2020)*

- Reaffirmed the requirement of the 65B certificate

Critical Analysis

While Indian law formally recognizes digital evidence, its practical application remains complex.

- There is a gap between legal provisions and technological realities
- Lack of uniform standards across courts
- Investigative agencies are not adequately trained

Suggestions and Reforms

1. Simplification of Section 65B Procedures

- Reduce procedural complexity

2. Establishment of Special Cyber Courts

- Dedicated courts for digital and cyber-related cases

3. Training for Police and Legal Professionals

- Enhance technical knowledge

4. Involvement of Forensic Experts

- Mandatory use of digital forensic specialists

5. Strengthening Chain of Custody Rules

- Ensure integrity and security of evidence

Conclusion

Digital evidence has become an essential component of modern criminal justice. Although Indian law provides a framework for its admissibility, there is a pressing need for reform. Strengthening procedures, improving technical expertise, and simplifying legal requirements can significantly enhance the reliability and efficiency of digital evidence in courts.

References

- Indian Evidence Act, 1872
- Information Technology Act, 2000
- Supreme Court Judgments
- Legal Journals and Articles