



Bharatiya Sakshya Act, 2023

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BHARATIYA SAKSHYA ACT, 2023 ↙

The Bharatiya Sakshya Act, 2023 has 170 sections, altering 24, adding two, and repealing six of 167 sections of the Indian Evidence Act 1872.

Retained Provisions

- ↳ Parties involved in a legal proceeding can only present admissible evidence
- ↳ Court accepts proven facts if evidence supports reasonable action in the given circumstances
- ↳ Police confessions generally inadmissible unless recorded by a Magistrate

Key Changes

- ↳ Electronic records hold equivalent legal status to traditional paper documents
 - ↳ Electronic records encompassing data stored in memory and communication devices
- ↳ Allows oral evidence to be given electronically
 - ↳ Electronic records are categorised as secondary evidence
- ↳ A joint trial means trying more than one person for the same crime
 - ↳ A trial of multiple persons, where an accused has not responded to an arrest warrant, will be treated as a joint trial

Key Issues

- ↳ **Electronic Records:**
 - ↳ Concerns regarding tampering of electronic records during the search, seizure and investigation process
 - ↳ Usually, Electronic records must be authenticated by a certificate to be admissible as documents
 - ↳ The Act classifies electronic evidence as documents (which may not need certification), creating a contradiction
- ↳ **Exclusion of Suggestion of SC and Law Commission**
 - ↳ Concerns about duress and torture as Act kept a rule allowing information from someone in police custody to be used if it's directly related to a discovered fact
 - ↳ Exclusion of the presumption of police responsibility for injuries to someone in custody



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