The significant judgment on admissibility of electronic records in the case of Anvar P.V. vs P.K. Basheer & Others in which, the court has been pleased to overrule its previous ruling on admissibility of secondary evidence in State vs Navjot Sandhu (2005) 11 SCC 600. The Court further held that provisions such as Section 45A of the Indian Evidence Act which provide for the opinion of examiner of electronic evidence can only be availed once the provisions of Section 65B are satisfied. Hence compliance with Section 65B is now mandatory for persons who intend to rely upon emails, websites or any electronic record in a civil or criminal trial to which provisions of the Evidence Act are applicable. To further elucidate admissibility of electronic records let us take a comparative view of both the judgments:

Rules of Admissibility as Per State vs Navjot Sandhu
The case of State vs Navjot Sandhu (parliament attack case), in which the Respondent was convicted under various provisions of the Indian Penal Code and the Prevention of Terrorism Act, 2002, the call records of the accused was an evidence which subsequently formed the basis of conviction for the prosecution. In appeal before the Supreme Court the admissibility of the call records as electronic evidence was adjudicated. The Court held that to make the call records admissible, the printouts obtained from the computers/servers and certified by a responsible official of the service providing Company can be led into evidence through a witness who can identify the signatures of the certifying officer or speak facts based on his personal knowledge. The Supreme Court stated that irrespective of the compliance of Section 65B of the Evidence Act, there is no bar to adduing secondary evidence under the other provisions of the Evidence Act, namely Sections 63 & 65. The Court held that merely because a certificate containing the details in Section 65B(4) is not filed in the instant case, does not mean that secondary evidence cannot be given even if the law permits such evidence to be given in the circumstances mentioned in the relevant provisions, namely Sections 63 & 65.

New Rules of Admissibility as per Anvar P.V. vs P.K. Basheer & Others
The Supreme Court in Anvar P.V. vs P.K.Basheer & Others has overruled the earlier judgment position in State vs Navjot Sandhu. The Court has now held that any documentary evidence in the form of an electronic record can be proved only in accordance with the procedure prescribed under Section 65B of the Evidence Act. The Court reasoned that Section 65B of the Evidence Act inserted by way of an amendment, is a special provision which governs digital evidence and will override the general provisions with respect to adduing secondary evidence under the Evidence Act. The Section 65B mandates that every electronic record will be admissible only if it is supported by an affidavit of the party, made by the person who has procured access to the electronic record or who is in control of the computer terminal (in case of an email). Such a person may be called as a witness at the stage of trial.

Conclusion
In my opinion it can be fairly concluded that the Anvar’s case neatly binds up electronic evidence and in doing so the Hon. Supreme Court has created a special law that overrides the general law of documentary evidence on the principle lex specialis derogat legi generali. I suggest law enforcement agencies and investigating officers need to be updated on the authentication process regarding the admissibility of electronic/digital evidences. Currently in the case Ratan Tata vs Union of India Writ Petition (Civil) 398 of 2010, a compact disc (CD) containing intercepted telephone calls was introduced in the Supreme Court without following procedure contained in the Evidence Act. This qualifies proper training in effective handling and storage of electronic evidences to ease the hiccups that arise in trial procedures. I appeal to complainants that please take a certificate made under Section 65B(4) along with the electronic/digital evidence like printouts of snap shots from mobile phones which you submit as documentary evidence in any matter.