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## Changing Dimensions of Victims' Rights in The Era of Technology and Innovation within the Criminal Justice System

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### Abstract

The current study investigates how victims' rights are changing, as the technology advances. The incorporation of innovation and technology into legal systems is critical for ensuring international peace and order in accordance with Sustainable Development Goal 16, which emphasises universal access to justice. Governments must regulate social behaviour and ensure the safety and property of their constituents. In India, incidents arise in which accused persons gain from a lack of evidence or evidence that has been tampered with, leaving victims with unfair outcomes, and potentially disrupting social order. This study seeks to investigate the underlying causes of maladministration of justice and violations of victims' rights. It will also investigate potential cures, particularly in terms of technological improvements. This study uses a doctrinal legal research technique to investigate relevant national and international laws and policies. This study contributes to the discussion on improving legal mechanisms by shining a light on existing justice delivery systems and pushing for technological integration. The study acknowledges and expands on prior scholarly work in this topic to provide comprehensive insights.

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### 1. Introduction

In the ever-changing world of criminal justice, the measure passed during the August 2018 monsoon session paved the way for a more technologically advanced approach to crime-solving and justice administration. These Regional Data Banks, tasked with maintaining complete indices covering crime scenes, suspects, offenders, missing persons, and unidentified deceased individuals, were set to transform evidence management and investigation operations. Despite the promise of technological improvement, a major worry emerged: evidence mismanagement and the continued use of antiquated methodologies in criminal investigations. Despite India's progress in implementing technological breakthroughs, a significant number of police cases—approximately 7.5 lakh per year—continued to be closed due to 'lack of evidence,' according to statistics <sup>[1]</sup> from the National Crime Records Bureau reviewed in this article. This growing trend since 2016 has emphasised the critical need for institutional improvements to close the gap between technical capability and investigative

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<sup>1</sup> Shreehari Paliath IndiaSpend.com, 'Why 7.5 Lakh Police Cases Are Closed Every Year in India for "Lack of Evidence"' (Scroll.in, 28 October 2021) <<https://scroll.in/article/1008630/why-7-5-lakh-police-cases-are-closed-every-year-in-india-for-lack-of-evidence>> accessed 16 February 2024.

Efficacy <sup>[2]</sup>.

Furthermore, amidst these obstacles, law commission reports delved into the complicated subject of evidence procurement, notably the legitimacy of evidence gathered illegally or inappropriately. Despite its crucial importance, this issue had received insufficient attention in Indian judicial rulings, necessitating a reconsideration of the legal framework controlling evidence acceptance. Recent legal processes, including as the one regarding the 2020 North-East Delhi riots, for which Justice B.N.

Srikrishna's report <sup>[3]</sup> served as a prologue, revealed significant flaws in the investigation system. Allegations of evidence manipulation and procedural anomalies have exposed systemic faults in law enforcement processes, prompting fundamental reform to ensure accountability and fairness in criminal investigations. Drawing parallels to previous miscarriages of justice, such as the Aarushi Talwar-Hemraj murder case <sup>[4]</sup>, highlighted the importance of impartiality and careful examination in the legal process. Against this environment, the need for reform went beyond investigations to address deeper systemic weaknesses in law enforcement and the courts. The allocation of significant monies from the Nirbhaya Fund to the Safe City Project demonstrates a coordinated effort to strengthen technology infrastructure for improved monitoring and crime prevention. Similarly, the Standing Committee on Home Affairs recommended incentivizing states to use sophisticated technologies, indicating a trend towards tech-driven policing techniques <sup>[5]</sup>.

However, as technology became more widely used in police enforcement, questions about privacy and legality grew. Cases of unregulated monitoring and facial recognition technologies generated important considerations about individual rights and due process, prompting a rethinking of the legal structure to protect against potential abuses of power.

In this changing scene, recent judicial rulings have served as a rallying cry for meticulousness and adherence to investigative norms. The Supreme Court's review of police investigations highlighted the critical importance of evidence collecting in maintaining the integrity of the criminal justice system, echoing previous reports pushing for change and more coordination among law enforcement. Considering these developments, the current research seeks to investigate the changing features of victims' rights in the criminal justice system. It will look at the intersection of technology, innovation, and legal frameworks in shaping the pursuit of justice, delving into legislative initiatives, judicial pronouncements, and policy recommendations to understand the shifting contours of victims' rights in an era defined by

technological advancements and systemic reform.

### **Evidence Mishandling in Investigation and use of Technology in Administering Justice**

In addition to regional data banks, the legislation <sup>[6]</sup>, which was introduced during the monsoon session in August 2018, provides the groundwork for the establishment of a national DNA data bank. The maintenance of numerous indices, including those pertaining to crime scenes, suspects or undertrials, offenders, missing persons, and unidentified deceased individuals, falls under the purview of these regional data banks. In addition, it appoints a national DNA Regulatory Body charged with overseeing the application and utilisation of DNA technology and certifying DNA laboratories. Both the misuse of evidence during investigations and the implementation of technology in the administration of justice are critical issues. Notwithstanding advancements, approximately 7.5 lakh police cases are adjourned annually <sup>[7]</sup> in India due to "lack of evidence." Since 2016, the National Crime Records Bureau (NCRB) has documented a consistent upward trend in this phenomenon. In addition, the 37% increase <sup>[8]</sup> in conviction rates from 2021 to 2022 underscores the critical need for technological advancements to enhance the efficacy of legal procedures. Nevertheless, the continued closure of cases on the grounds of insufficient evidence serves as an indication of systemic problems that require attention. In addition to these concerns, Law Commission Report <sup>[9]</sup> No. 94 explores the intricate topic of evidence acquired in a fraudulent or improper manner. Section 166A of the Indian Evidence Act of 1872 is the subject of this paper's proposal. It assesses the degree to which criminal proceedings should permit courts to exercise discretion in disregarding such evidence. This issue has not received the same degree of attention in Indian court decisions as it has in decisions from other countries, despite its significance. The most recent instance pertaining to the North-East Delhi disturbances <sup>[10]</sup> of 2020, wherein three men were acquitted by a Delhi court <sup>[11]</sup>, reveals concerning flaws in the investigative procedure. The court's doubt regarding the investigating officer's conduct, specifically the purported manipulation of evidence and the premeditated and mechanised submission of chargesheets, exposes systemic deficiencies within law enforcement operations.

Considering the court's admission that the reported incidents were improperly investigated and the subsequent attempts to conceal initial errors that were subsequently uncovered, comprehensive reform in criminal investigations is an absolute necessity to ensure accountability and justice. The

<sup>2</sup> Ibid.

<sup>3</sup> B.N. Srikrishna, Chander Uday Singh Jcbs (2020) rep <[https://www.livelaw.in/pdf\\_upload/pdf\\_upload-3824\\_65.pdf](https://www.livelaw.in/pdf_upload/pdf_upload-3824_65.pdf)> accessed February 2024.

<sup>4</sup> Dr (Smt) Nupur Talwar vs State of UP And Anr [2017] IndianKanoon (High Court of Judicature at Allahabad.

<sup>5</sup> Parihar DS (2022) rep <[https://www.mha.gov.in/sites/default/files/2022-11/7ModelAct2006\\_11112022%5B1%5D.pdf](https://www.mha.gov.in/sites/default/files/2022-11/7ModelAct2006_11112022%5B1%5D.pdf)> accessed 15 February 2024.

<sup>6</sup> Chishti AJ, 'Centre Withdraws DNA Technology Regulation Bill 2019 from Lok Sabha' (Live Law, 25 July 20 23) <<https://www.livelaw.in/news-updates/centre-withdraws-dna-technology-bill-lok-sabha-233563>> accessed 15 February 2024.

<sup>7</sup> Shreehari Paliath IndiaSpend com, 'Why 7.5 Lakh Police Cases Are Closed Every Year in India for "Lack of Evidence"' (Scroll.in, 28 October 2021) <<https://scroll.in/article/1008630/why-7-5-lakh-police-cases-are-closed-every-year-in-india-for-lack-of-evidence>> accessed 15 February 2024.

<sup>8</sup> TNN / Dec 6 2023, 'Conviction Rate Rose 33% in 2022, Shows NCRB Data: Delhi News - Times of India' (The Times of India) <<https://timesofindia.indiatimes.com/city/delhi/conviction-rate-rose-33-in-2022-shows-ncrb-data/articleshow/105767996.cms>> accessed 15 February 2024.

<sup>9</sup> Thirteenth Law Commission: Law Commission of India (India) <[https://lawcommissionofindia.nic.in/repor\\_thirteenth/](https://lawcommissionofindia.nic.in/repor_thirteenth/)> accessed 15 February 2024.

<sup>10</sup> Thapliyal N, 'Delhi Riots: Court Pulls up Delhi Police for Filing "predetermined" Chargesheets, Suspects Ma insulation of Evidence; Discharges 3' (Live Law, 18 August 2023) <<https://www.livelaw.in/news-updates/delhi-court-delhi-riots-delhi-police-manipulating-evidence-chargesheets-predetermined-manner-discharges-235493>> accessed 15 February 2024.

<sup>11</sup> Umar Khalid v State of National Capital Territory of Delhi (2022/DHC/004325).

case is associated with the heinous 2008 homicides<sup>[12]</sup> of Aarushi Talwar, a young girl, and Hemraj, a domestic worker<sup>[13]</sup>. The case became unsolvable due to the mismanagement of forensic evidence by the Noida police. The situation was further complicated by the inconsistent stance taken by the Central Bureau of Investigation. After initially acquitting the parents, Dr. Rajesh and Nupur Talwar, the CBI subsequently reversed its stance and imposed a life sentence on them. The trial judge's biased approach and erroneous conclusions were subject to criticism by the high court. This underscores the critical significance of impartiality and meticulous examination within the judicial system. These instances underscore the critical necessity for systemic reforms in law enforcement and the judiciary that enhance transparency, integrity, and accountability. In the absence of these reforms, the integrity of the legal system is compromised, which impedes the pursuit of truth and justice and erodes public confidence. It is of the utmost importance to rectify these systemic deficiencies to preserve the principles of equity and impartiality for all participants in legal proceedings.

The Nirbhaya Fund<sup>[14]</sup>, established in response to the tragic Delhi gangrape incident, has been allocated Rs 2,919.55 crore by the Women and Child Development Ministry at the national level. This allocation is for the implementation of the Safe City Project, an initiative of the Ministry of Home Affairs that centres on Closed-Circuit Television (CCTV) surveillance. In addition, the Standing Committee on Home Affairs recommended on February 10, 2022, in its report titled "Police—Training, Modernization, and Reforms," that states be incentivized to implement cutting-edge technologies like big data and artificial intelligence in law enforcement<sup>[15]</sup>. The proceedings of the committee illuminated the increasing dependence of state and local police forces on technological advancements such as artificial intelligence and personal data repositories. Significantly, the construction of a 20-story command and control centre<sup>[16]</sup> by the Hyderabad Police Department, which was furnished with Chinese digital surveillance equipment and data garnered from cordon searches, serves as an unmistakable example. Police departments in Chennai and Kolkata are also adopting facial recognition systems that are equipped with pre-existing photographs of individuals whom they suspect of committing crimes. However, due to their resemblance to a form of general warrant that is prohibited by substantive interpretations of the Code of Criminal Procedure and Supreme Court precedents, such activities present legal complications<sup>[17]</sup>.

The Supreme Court expressed displeasure in a recent murder and abduction case when it was forced to acquit three defendants on account of glaring deficiencies in the police investigation<sup>[18]</sup>. Two of the defendants' death sentences were overturned by the court on the grounds that the police disregarded fundamental investigative standards and failed to establish a coherent sequence of events. This case highlights the critical importance of comprehensive police investigations in preserving the trustworthiness of the criminal justice system. In highlighting the significance of meticulous and diligent evidence gathering to prevent miscarriages of justice, the Court cited a 2003 report<sup>[19]</sup> by the "Committee on Reforms of the Criminal Justice System" led by Dr. Justice V.S. Malimath. Likewise, the Law Commission of India identified ineffective and unscientific police investigations as a significant factor contributing to the nation's low conviction rates in a 2012 report. This report underscored the critical nature of the situation and called for enhanced collaboration between the prosecution and law enforcement agencies.

### Top Policies and Laws on a Global and Domestic Scale

The 2013<sup>[20]</sup> Set of Principles on Combating Impunity highlights the importance of state investigations into human rights breaches. Principle 3 of the Basic Principles and Guidelines on the Right to Remedy and Reparation of Victims of Serious Violations of International Humanitarian Law and Gross Violations of International Human Rights Law (2005) emphasises states' obligations to conduct thorough, timely, and unbiased investigations into alleged transgressions. Such investigations, in compliance with both domestic and international legal frameworks, should result in appropriate punishments imposed on anyone found to be culpable.

Similarly, the rapid advancement of technology in recent years has had a significant impact on security protocols. Technology has facilitated the advancement and deployment of cutting-edge police services, while also strengthening relationships between law enforcement agencies and the communities they serve through collaboration and trust. Intelligent solutions such as biometrics, facial recognition, smart cameras, and video surveillance systems are becoming increasingly popular<sup>[21]</sup>. Research indicates that these solutions have the potential to drastically reduce crime rates and emergency response times.

Furthermore, to increase public safety, municipalities have begun investing in technology such as crowd control, gunshot detection, real-time crime mapping, and facial recognition

<sup>12</sup> Aarushi Talwar-Hemraj Case Is a Perfect Example of Why India's Criminal Justice System Needs Reform' (The Wire) <<https://thewire.in/government/aarushi-talwar-criminal-justice-system-reform>> accessed 15 February 2024.

<sup>13</sup> Dr. Nupur Talwar vs State of UP And Anr [2017] IndianKanoon (High Court of Judicature at Allahabad).

<sup>14</sup> Nirbhaya Fund, Press Information Bureau, <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1843810> (last visited Apr 17, 2024).

<sup>15</sup> How 'digital India' has transformed the landscape of policing <<https://thewire.in/tech/digital-india-police-democracy-freedom>> accessed 15 February 2024.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Kumar S, 'High Time to Have Code of Investigation for Police so That Guilty Don't Walk Free on Technical cities: Supreme Court' (Live Law, 23 September 2023) <<https://www.livelaw.in/supreme-court/code-of-investiga>

tion-for-police-so-that-guilty-dont-walk-free-due-to-technicalities-supreme-court-238500> accessed 15 February 2024.

<sup>19</sup> Vishnoi K, 'Expounding the Contours for Victim Participation in Criminal Justice System' (Live Law, 22 July 2022) <<https://www.livelaw.in/columns/victim-participation-in-criminal-justice-system-code-of-criminal-proced-ure-section24-crpc-malimath-committee-204526>> accessed 15 February 2024.

<sup>20</sup> Equipo Nizkor - updated set of principles for the protection and promotion of human rights through action to combat impunity. <<http://www.derechos.org/nizkor/impu/principles.html>> accessed 15 February 2024.

<sup>21</sup> 'Need for Responsible AI in Policing and Crime Detection' (Forbes India) <<https://www.forbesindia.com/article/isbinsight/need-for-responsible-ai-in-policing-and-crime-detection/86965/1#:~:text=Smart%20solutions%20such%20as%20biometrics%2C%20facial%20recognition%2C%20smart,for%20emergency%20services%20by%2020%20to%2035%20percent.>>> accessed 16 February 2024.

and biometrics. In addition, police deploy in-car and body cameras, drones for aerial surveillance, and crowdsourced crime reporting and emergency apps. Despite the broad availability of technical tools, data-driven policing remains substantially underutilised, presenting a potential route for law enforcement operations to be improved and optimised. The 1984 Convention<sup>[22]</sup> against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment mandates nations to prohibit the use of torture-induced comments as evidence in court processes, except for cases involving individuals accused of torture. Furthermore, nations must prohibit cruel, inhumane, or humiliating treatment or punishment, even if it does not meet the threshold for torture as outlined in Article 16 of the Convention<sup>[23]</sup>.

In a similar line, the International Covenant on Civil and Political Rights (ICCPR)<sup>[24]</sup>, founded in 1966, protects persons from acts of brutality committed by law enforcement officers. According to Article 7 of the ICCPR<sup>[25]</sup>, torturing or subjecting anybody to cruel, inhumane, or degrading treatment is unacceptable. This section emphasises the importance of respecting individuals' autonomy and safeguarding them from unwarranted damage, such as scientific or medical experiments done without their voluntary agreement.

Article 5 of the Universal Declaration of Human Rights (UDHR)<sup>[26]</sup>, which was adopted in 1948, is critical in ensuring that people are protected from torture, cruel, inhuman, or degrading punishments or treatment, particularly while dealing with law enforcement. Despite its lack of legal authority, the UDHR outlines an all-encompassing system of civil and political rights, including protection against discrimination, freedom of thought, and privacy, among other essential liberties. The significance of these rights in connection to the use of artificial intelligence (AI) in law enforcement emphasises the importance of ethical consideration and adherence to human rights principles.

In the sphere of law dealing to the exact monitoring of facial recognition technology, the Facial Recognition Technology Warrant Act<sup>[27]</sup>, 2019 emerges as a remarkable concept in the US. In the absence of federal regulations governing face recognition technology, the goal of this legislation is to establish clear standards that would require law enforcement to obtain warrants before using such technology in current criminal investigations. This is done to protect individuals' privacy and civil liberties.

Similarly, the Electronic Communications Privacy Act<sup>[28]</sup> (ECPA), enacted in 1986, governs law enforcement

surveillance technologies as well as electronic communication interception and monitoring. Although the ECPA does not specifically reference artificial intelligence, its rules limit the use of wiretaps, pen registers, and other monitoring methods, protecting individuals' privacy rights. The Investigatory Powers Act<sup>[29]</sup> of 2016 sets a comprehensive legislative framework in the United Kingdom for regulating intelligence and law enforcement organisations' surveillance capabilities, including the use of artificial intelligence technologies. This Act establishes the legal boundaries that regulate communication interception, data gathering, and the use of covert surveillance technologies, emphasising the importance of adhering to legal safeguards and standards. Furthermore, in the United Kingdom and in Australia, domestic laws like the Police and Criminal Evidence Act<sup>[30]</sup> (PACE) of 1984 and the Law Enforcement (Power and Responsibilities) Act<sup>[31]</sup> of 2002 govern different aspects of police authorities and procedures, including the use of AI technology in investigations. These acts govern the process of seizing, retaining, and using evidence obtained using AI systems, assuring conformity to legal standards, and protecting persons' rights. Furthermore, under the Protection of Human Rights Act<sup>[32]</sup> of 1993, India established the National Human Rights Commission (NHRC) to preserve and promote human rights. By establishing laws that ensure police investigations respect to human rights safeguards and standards, this legislation emphasises the importance of law enforcement organisations conducting themselves ethically and responsibly. According to Sections 105 and 176 of the BNSS<sup>[33]</sup> (Bhartiya Nagarik Suraksha Sanhita), using audio-visual recording methods during legal processes improves the transparency and accountability inherent in law enforcement activities. These regulations, particularly in delicate circumstances such as rape charges, demand the documentation of police investigative statements as well as search and seizure processes. This protects individuals' rights and assures the implementation of due process. In conclusion, the convergence of technical breakthroughs, national legislation, and international instruments underlines a collaborative effort to uphold ethical norms and human rights values in the field of law enforcement. Stakeholders work to create a judicial system that is both efficient and respectful of individual rights by carefully managing legislative safeguards and technology improvements.

<sup>22</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - Main Page (United Nations, 10 December 1984) <<https://legal.un.org/avl/ha/catcidtp/catcidtp.html>> accessed 16 February 2024.

<sup>23</sup> Ibid.

<sup>24</sup> Council of Europe, International Covenant on Civil and Political Rights | OHCHR (Oct 04, 2023).

<sup>25</sup> Ibid.

<sup>26</sup> UDHR, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (Last Visited on Oct 5, 2023).

<sup>27</sup> Is Delhi Police's use of facial recognition to screen protesters "lawful"? , The Wire, [https://thewire.in/tech/facial-recognition-delhi-police-lawful#:~:text=A%20proposed%20framework%20of%20this%20nature%20is%20the,order%20%28unless%20it%20is%20impractical%20to%20do%20so%29.\(last%20visited%20Apr%2017,%202024\).](https://thewire.in/tech/facial-recognition-delhi-police-lawful#:~:text=A%20proposed%20framework%20of%20this%20nature%20is%20the,order%20%28unless%20it%20is%20impractical%20to%20do%20so%29.(last%20visited%20Apr%2017,%202024).)

<sup>28</sup> 'Electronic Communications Privacy Act of 1986 (Ecpa)' (Bureau of Justice Assistance) <<https://bja.ojp.gov/program/it/privacy-civil-liberties/authorities/statutes/1285>> accessed 15 February 2024.

<sup>29</sup> 'Investigatory Powers Act 2016' (Legislation.gov.uk) <<https://www.legislation.gov.uk/ukpga/2016/25/contents/enacted>> accessed 15 February 2024.

<sup>30</sup> Participation E, 'Police and Criminal Evidence Act 1984' (Legislation.gov.uk, 31 October 1984) <<https://www.legislation.gov.uk/ukpga/1984/60/contents>> accessed 15 February 2024.

<sup>31</sup> 'Law Enforcement (Powers and Responsibilities) Act 2002 No 103' (New South Wales - Parliamentary Council's Office) <<https://legislation.nsw.gov.au/view/html/inforce/current/act-2002-103>> accessed 15 February 2024.

<sup>32</sup> (Home | Ministry of Home Affairs) <<https://www.mha.gov.in/en>> accessed 15 February 2024.

<sup>33</sup> 'The Bharatiya Nagarik Suraksha (Second) Sanhita, 2023' (PRS Legislative Research, 15 February 2024) <<https://prsindia.org/billtrack/the-bharatiya-nagarik-suraksha-second-sanhita-2023>> accessed 15 February 2024.

## Evaluations of Foul Investigation and Technology Utilisation

In a case that was decided not too long ago, *Rajesh v. State of MP* <sup>[34]</sup> (2023), the Supreme Court of India voiced its displeasure with the necessity of acquitting three individuals who had been convicted of murder and kidnapping due to major faults in the investigation that was conducted by the police. Two of the defendants had their death sentences overturned by the Supreme Court of the United States. In its conclusion, the court found that the investigation conducted by the police violated key principles for the prosecution and the gathering of evidence. They did not conduct any investigations into the most important leads, and they disregarded those that did not support their preconceived conclusion. In the end, they were unable to present a sequence of events that was rational, plausible, and verifiable, which resulted in the court concluding that the accused should be granted the presumption of innocence. Furthermore, according to him, "Perhaps the time has come to establish a reliable and consistent investigation code that includes a comprehensive and obligatory procedure for law enforcement to follow and implement throughout their investigations; this will prevent the guilty from evading punishment on technicalities, as is the case in the majority of cases in our nation <sup>[35]</sup>.

In the case of *Paramvir Singh Saini v. Baljit Singh* <sup>[36]</sup> (2023), the court decreed that the parties must comply with the ruling that was granted in 2020. The court has decided that the directives, which mandated the installation of police cameras, must be carried out "immediately in spirit and letter" by the competent administrative, executive, or police authorities. This decision was made regarding the installation of the cameras. This was done in accordance with Article 21 of the Constitution of India, which ensures that all citizens are entitled to universally recognised fundamental rights <sup>[37]</sup>.

Concurrently, the judicial system has acknowledged the significance of body-worn camera footage as evidence in several cases, so indirectly opening the way for the approval of surveillance systems that are powered by artificial intelligence. As an illustration of the incorporation of technology into investigations, one example is the use of body-worn cameras by law enforcement officers who deal with traffic <sup>[38]</sup>.

The decision that the Supreme Court made in the case <sup>[39]</sup> of *Anvar P.V. v. P.K. Basheer & Ors* (2014) about the acceptance of electronic evidence in court under Section 65B of the Indian Evidence Act, 1872, is extremely important in the environment that we live in today, which is driven by technology. By providing an interpretation of the application of articles 63, 65, and 65B of the Indian Evidence Act of

1872, the Supreme Court of India overturned its prior ruling in the case *State (National Capital Territory of Delhi) v. Navjot Sandhu* <sup>[40]</sup>, which was heard in 2005. In the case of *Ram Padarath Singh v. The State of Bihar* <sup>[41]</sup>, which took place in 2014, the Patna High Court stated that both the accused and the victim have a fundamental right to a fair trial and investigation by the State machinery. This right is a natural extension of Article 21 of the Indian Constitution<sup>42</sup>. Since this is the case, the state is obligated to conduct a fair investigation, which is contingent upon the state conducting a fair trial. According to the Punjab and Haryana High Court, "a fair investigation and trial are fundamental components of the criminal justice system." This statement was made in reference to the *Babubhai* case. The investigation should not be seen as merely a procedural exercise; rather, it should be carried out in accordance with the fairness standard, which is a constitutional safeguard that is afforded to all individuals. To address the problems that are associated with the commission of a particular offence, it is not appropriate to delegate the authority of a court to the public safety agency <sup>[43]</sup>.

The decision <sup>[44]</sup> that was reached in the case of *Lalita Kumari v. Government of Uttar Pradesh and Others* (2014) was that the police do not have the authority to conduct a preliminary inquiry to gather information concerning the commission of a cognizable offence. The wording "shall deduce in writing" makes it obvious that neither the police nor the magistrate, when it comes to filing a First Information Report (FIR), have any leeway from the law. The standards that the court has developed for assigning liability to law enforcement and magistrates if they fail to carry out their tasks in accordance with the legislation and precedent that has been established have been developed. Incorporate the proforma that the investigating police officer and the magistrate were required to fill out to assume jurisdiction over the case and decide regarding whether to grant custody bonds. Investigations conducted by the police frequently make use of artificial intelligence <sup>[45]</sup>.

One example of this is the *Nirbhaya* case <sup>[46]</sup>, which was solved seven years later with the assistance of DNA, bite marks, and fingerprint impressions recovered from the victim's body and the location of the assault. All the forensic evidence was acknowledged and utilised in the appropriate manner by the judicial system. The evidence that was produced by forensic analysis with the assistance of artificial intelligence technology has been admitted and evaluated by the courts in several other criminal cases.

## Conclusion

In conclusion, this study emphasises the urgent need for

<sup>34</sup> *Rajesh v The State of Madhya Pradesh* [2023] Latest Caselaw 12303 MP.

<sup>35</sup> Ramkumar JV, 'Rajesh and Another V. The State of MP: A Patently Erroneous Interpretation of Section 27 of Evidence Act by Supreme Court' (Live Law, 1 October 2023) <<https://www.livelaw.in/articles/recovery-evidenc e-admissibility-section-27-indian-evidence-act-rajesh-vs-state-of-madhya-pradesh-judgment-analysis-239103>> accessed 15 February 2024.

<sup>36</sup> *Paramvir Singh Saini v Baljit Singh* [2023] SLP (CrI) No 2302 (India).

<sup>37</sup> (Livelaw) <[https://www.livelaw.in/pdf\\_upload/134-paramvir-singh-saini-v-baljit-singh-21-feb-2023-460517.pdf](https://www.livelaw.in/pdf_upload/134-paramvir-singh-saini-v-baljit-singh-21-feb-2023-460517.pdf)> accessed 15 February 2024.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Anvar P.V. v P.K. Basheer* [2014] 10 SCC 473.

<sup>40</sup> (*Anvar P.V vs P.K.Basheer & Ors* on 18 September, 2014) <<https://indiankanoon.org/doc/187283766/>> accessed 15 February 2024.

<sup>41</sup> *Ram Padarath Singh v The State of Bihar & Ors* [2016] Pat HC LPA 600.

<sup>42</sup> 'Bare Acts Live' (Constitution of India, 1950) <<https://www.bareactslive.com/ACA/ACT401.HTM?AspxAut oDetectCookieSupport=1>> accessed 16 February 2024.

<sup>43</sup> (*Ram Padarath Singh vs the state of Bihar through the principal ... on 22 October, 2014*) <<https://indiankanoon.org/doc/68856497/>> accessed 15 February 2024

<sup>44</sup> *Lalita Kumari v Govt. of U.P. & Ors* [(2014) 2 SCC 1]

<sup>45</sup> (*Lalita Kumari vs govt.of U.P.& Ors* on 12 November, 2013) <<https://indiankanoon.org/doc/10239019/>> accessed 15 February 2024

<sup>46</sup> Tripathi K, 'Nirbhaya Case: How Disturbingly Clamour for Death Manifested Itself in Courtroom' (Live Law, 6 February 2020) <<https://www.livelaw.in/columns/nirbhaya-case-how-disturbingly-clamour-for-death-manifest ed-itself-in-courtroom-152380>> accessed 15 February 2024

criminal justice system reform in India to preserve victims' rights considering technology advancements. Although innovations such as the creation of DNA data banks represent progress towards modernization and efficacy, hurdles remain, most notably in the form of poor evidence management and reliance on antiquated investigative methodologies. The high frequency with which cases are rejected for lack of evidence highlights the crucial need for structural improvements that can successfully bridge the gap between technology capabilities and investigative efficacy. Furthermore, recent judicial proceedings and publications have exposed flaws in law enforcement procedures and practices, such as evidence manipulation and procedural anomalies. This highlights the need of guaranteeing accountability and impartiality. The deployment of technology infrastructure funding and the promotion of tech-driven policing tactics indicate a favourable trajectory; nonetheless, concerns about invasions of privacy and legality must be addressed to avoid potential abuses of authority. In this dynamic climate, judicial rulings serve as a poignant reminder of the crucial importance that evidence collecting plays in maintaining the credibility of the criminal justice system. From this point on, it is proposed that a comprehensive approach be undertaken that includes legislative frameworks, technological breakthroughs, and innovation to protect victims' rights and promote universal justice. This study contributes to the ongoing scholarly debate about the improvement of legal systems and the formation of approaches to justice in an era of technological progress and systemic change by examining legislative efforts, judicial decisions, and policy proposals.