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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Judicial Department

Writers' Buildings

Kolkata-700 001

No. 1663-JL/JD/L/16M-20/2025

Date : 12.08.2025

NOTIFICATION

In exercise of the power conferred by section 2 (1) (a) and other enabling provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Governor is pleased hereby to make the following rules, namely:—

1. Short title and commencement :

- (1) These rules may be called “West Bengal e-Sakshya Application (Collection and Management of Evidence by Audio-Video Electronic means) Rules”, 2025.
- (2) The rules shall come into force from the date of publication in Official Gazette.
- (3) The rules shall be applicable throughout the State of West Bengal.

2. Definitions:

- (1) In these rules, unless the context otherwise requires,—

- a) “e-Sign” means authentication of any electronic record by a subscriber or Court by means of the electronic technique specified in the Second Schedule of the Information Technology Act 2000 (21 of 2000), as amended, and includes digital signature. Also, when a process or report generated in electronic form is authenticated by means of electronic signature, it shall be deemed to be authenticated by signature of the person who affixed the electronic signature.
- b) “High Court” means the High Court of Judicature at Calcutta.
- c) “Investigating Officer” means any Police Officer or any other person authorized by the Officer-in-Charge of a Police Station or any competent authority to investigate any offence.

- d) **“Sakshya”** means and includes any evidence video recording(s), audio recording(s) and photograph(s) collected /recorded through West Bengal e-Sakshya Application. **Each sakshya stored will have a unique hash value and should preferably be geotagged.**
 - e) **“Sanhita”** means the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023)
 - f) **“Data Centre”** (DC) means standard storage facility for keeping digital records.
 - g) **“West Bengal e-Sakshya Application”**, hereinafter referred as application, means a digital solution developed or prescribed by Government of West Bengal for collection, preservation, authentication, viewing and management of evidence by audio-video electronic means. The Application shall record the evidence in immutable storage through a secure packet of the events (hereinafter referred to as e-Sakshya packet).
- (2) Words and expressions used, but not defined in these rules shall have the same meaning as assigned to them in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023); the Bharatiya Nyaya Sanhita, 2023 (46 of 2023); the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023) and the Information Technology Act, 2000(21 of 2000).
3. Every Investigating Officer so assigned/authorized to investigate any case may log in to the Application and record the audio-video and photo evidences as required under section 105 & 185 of the Sanhita through the Application. The Investigation officer may also record evidence as required under section 173, 176 and 180 through the Application. This application may also be used for taking photographs and for videography under section 183 (6) (a) and section 497 of the Sanhita.
 4. As per section 63(4)(C) of the Bharatiya Sakshya Adhiniyam, 2023, the investigating officer shall generate Part A certificate solely through the application and shall e-Sign the certificate using the application.
 5. Every evidence uploaded through this Application shall be stored in an immutable form in the Data Centre (DC).
 6. Magistrate/Court having jurisdiction of the case shall have proper access to all Sakshya in the Application related to the case.
 7. IO shall inform the Magistrate empowered to take cognizance of the offence about uploading of the Sakshya in immutable form in the Data Centre. Such intimation shall be construed to be sufficient compliance *of forwarding the Sakshya to the concerned court as required under Sections 105 and 185(5) of the Sanhita.*
 8. The Court may permit sharing of Sakshya with accused and the victim (if presented by an advocate) as per section 230 of the Sanhita.
 9. e-Sakshya Packet will be archived after completion of trial in a storage facility as identified by the State Government.
 10. These rules shall be in addition to, and not in derogation of any other Law, Rules or procedure for time being in force for accepting and managing Sakshya by the Court in terms of the provisions of Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023).

By order of the Governor,

SIDDHARTHA KANJILAL

Principal Secretary to the Government of West Bengal.