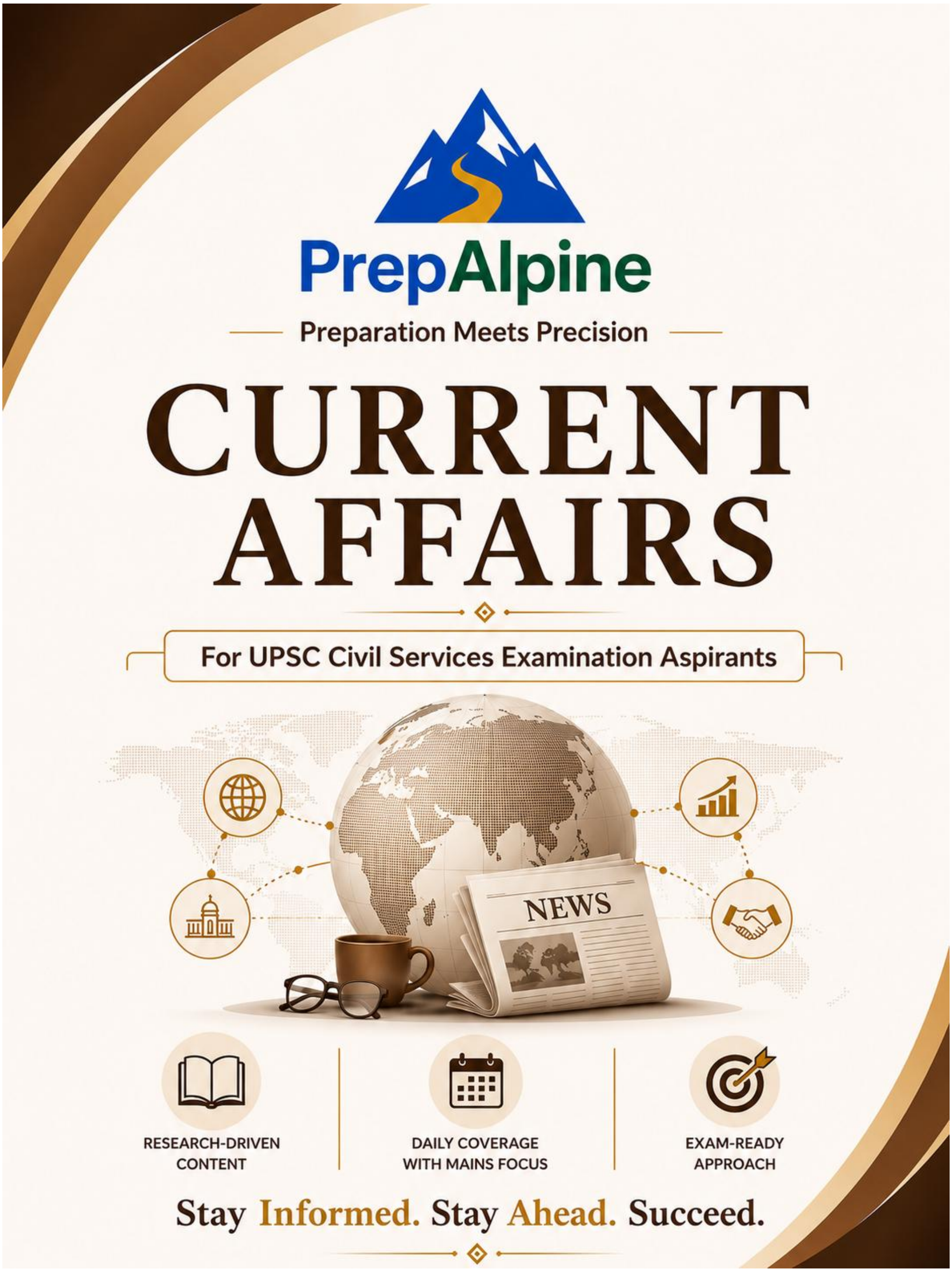
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DAILY CURRENT AFFAIRS DATED 10.08.2026

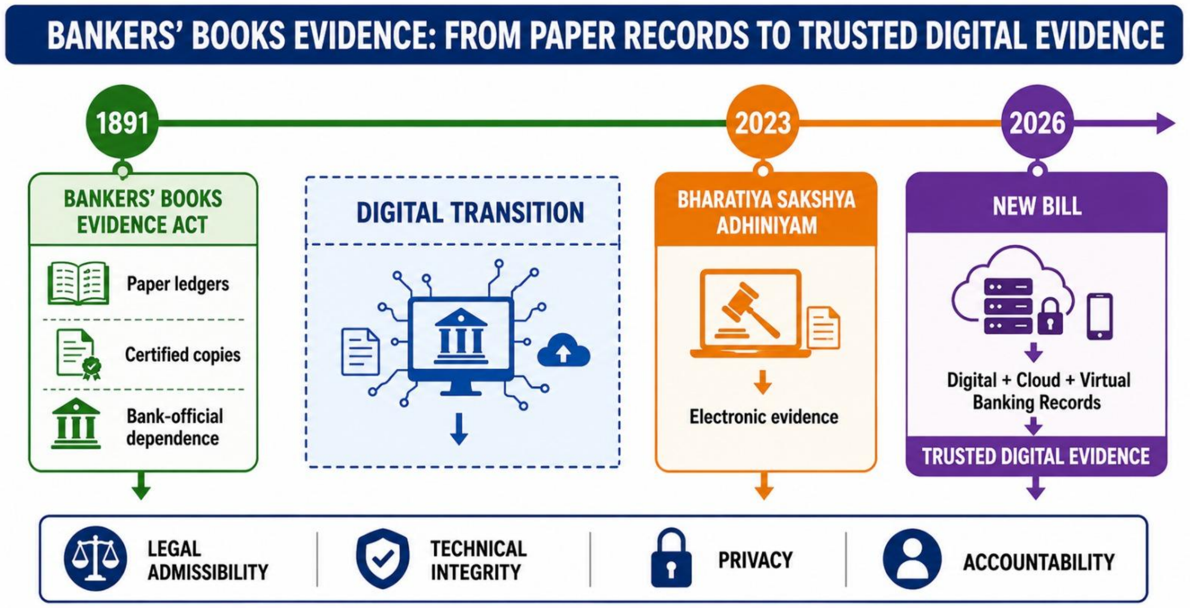
GS Paper II: Current Affairs

1. Bankers' Books Evidence Bill, 2026: Modernising Financial Evidence

a. Introduction

The Lok Sabha has passed the Bankers' Books Evidence Bill, 2026, replacing the colonial-era Bankers' Books Evidence Act, 1891. It updates the admissibility of bank records for an era in which financial data is increasingly stored electronically, including on cloud and virtual infrastructure.

The 1891 Act enabled certified copies of banking records to be admitted as evidence without routinely requiring original ledgers or appearance of bank officials. The new framework interacts with the Bharatiya Sakshya Adhiniyam, 2023, which governs electronic evidence more generally. The reform raises the wider governance challenge of balancing digital efficiency, evidentiary integrity and informational privacy.



b. Key Changes

Provision	Significance
Expanded definition of "bankers' books"	Covers electronic/digital records stored onsite, offsite, virtually or on cloud
Standardised certification	Establishes formats/conditions for proving authenticity
Defines "special cause"	Clarifies when bank officials/records may be specifically required
Digital production of records	Can reduce dependence on physical documents and witnesses
SP-rank investigative power retained	Police access provision continues from the 1891 law
Wider coverage	Centre may extend provisions to other financial entities through notification

c. Analysis/ Observations

Adapting evidentiary law to digital banking

Modern banking generates enormous quantities of digitally native evidence—transactions, electronic statements, payment trails and cloud-based records.

Recognition of such records can:

- simplify commercial litigation;
- reduce unnecessary court appearances by bank officials;
- lower administrative costs;
- accelerate cases such as cheque-related disputes; and
- improve judicial efficiency.

It therefore represents a necessary transition from paper-based evidentiary procedures to digital justice infrastructure.

Digital convenience simultaneously increases privacy risks

The same feature that makes electronic evidence efficient—ease of copying and transmission—also increases its vulnerability.

Digital banking information can reveal an individual's transactions, financial relationships and behavioural patterns. Easier investigative access therefore creates risks of:

- unauthorised dissemination;
- excessive collection;
- secondary use of information;
- cybersecurity breaches; and
- infringement of informational privacy.

After K.S. Puttaswamy v. Union of India (2017) recognised privacy as a fundamental right under Article 21, State access to sensitive personal information must satisfy principles such as legality, legitimate purpose, necessity and proportionality.

Authenticity is different from accessibility

Making electronic records legally admissible does not automatically establish that they have remained unaltered.

Modern digital-evidence frameworks can employ hash values, metadata, timestamps and audit trails to establish integrity.

Thus:

Digital record → Authentication → Integrity verification → Chain of custody → Evidentiary reliability

The absence of sufficiently strong technical safeguards could create disputes over manipulation or tampering.

Accountability must match technological architecture

Requiring a local branch head to certify the security of an entire banking network may be problematic because modern banking infrastructure is often centrally managed through data centres, cloud providers and cybersecurity teams.

Responsibility should therefore follow actual technical control. A layered certification framework, involving authorised technical personnel for system-integrity certification, may provide greater reliability.

Delegated legislation and regulatory equivalence

The power to extend the framework to additional financial entities through executive notification raises another concern.

Traditional banks operate within relatively mature regulatory and audit structures. Automatically giving fintech or other financial intermediaries an equivalent presumption of evidentiary reliability without equivalent governance standards could be problematic.

Central Governance Dilemma

The Bill reflects a wider challenge of India's digital transformation:

Digitisation → Faster access + Lower transaction costs + Judicial efficiency

but also

Digitisation → Easier replication + Privacy risks + Cyber vulnerability

Hence, legal modernisation must be accompanied by technological safeguards, rather than merely recognising electronic formats.

d. Way Forward

- Incorporate technical integrity safeguards such as hash verification, secure timestamps and immutable audit trails.
- Establish strict access logging and chain-of-custody requirements for financial evidence.
- Align investigative access with privacy principles of necessity and proportionality.
- Assign system-security certification to technically competent and accountable officials rather than imposing unrealistic responsibilities on branch managers.
- Extend evidentiary presumptions to new financial entities only after ensuring equivalent regulatory, cybersecurity and record-keeping standards.
- Provide transitional clarity for pending proceedings to minimise interpretative litigation.

Conclusion:

The Bankers' Books Evidence Bill is a necessary modernisation of a 135-year-old evidentiary framework. However, in digital governance, ease of access cannot substitute for authenticity, security and privacy. The durable solution is a framework of "trusted digital evidence" — combining legal admissibility with technical integrity, proportional access and clear accountability.

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While every effort has been made to balance depth with brevity, please keep the following in mind:

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This compilation is curated primarily from the UPSC Mains perspective — with emphasis on conceptual clarity, analytical depth, and interlinkages across GS papers.

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- factual coverage
- data recall
- Prelims-style MCQs
- objective pattern analysis

This Prelims Edition will be released separately as a standalone publication.

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