

AS INTRODUCED IN LOK SABHA

Bill No. 28 of 2025

THE INFORMATION TECHNOLOGY (AMENDMENT) BILL, 2025

By

SHRIMATI BHARTI PARDHI, M.P.

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BILL

further to amend the Information Technology Act, 2000.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Information Technology (Amendment) Act, 2025. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

21 of 2000.

2. In section 2 of the Information Technology Act, 2000 (hereinafter referred to as the principal Act), after clause (o), the following clauses shall be inserted, namely:— Amendment of section 2.

“(oa) “digital asset” means an electronic record in which an individual has a right or interest and excludes an underlying asset or liability unless such asset or liability is an electronic record and includes all electronic records of the user, email accounts, social media accounts, cryptocurrencies, photos and videos posted to the internet, websites and online purchasing accounts; 5

(ob) “digital asset will” means any electronic document containing the details regarding acquisition and distribution of digital asset of any person amongst his appointees and legal heirs; and

(oc) “digital executor” means a person authorised to execute digital asset in a digital asset will of a deceased person;”. 10

Insertion of
new section
43B.

3. After section 43A of the principal Act, the following section shall be inserted, namely:–

Management
of Digital
Assets of a
deceased
person.

“43B. Every intermediary shall, upon receiving a certified copy of the death certificate and proof of the appointment of a digital executor or legal heir, in case of digital asset of the deceased person, as the case may be– 15

(a) allow access to the digital assets of the deceased person as per the instructions provided in the digital asset will to the digital executor or legal heir, as the case may be; and

(b) provide options for data transfer, account deletion or closure of the digital asset of the deceased person as requested by the digital executor or legal heirs, as the case may be: 20

Provided that in case of digital executor, the authority to access, manage, transfer or deletion of the digital asset of the deceased person *prima facie* lies with the digital executor:

Provided further that in absence of the appointment of the digital executor, the legal heirs of the deceased person may access, manage, transfer or delete the digital asset of the deceased person upon obtaining order of a competent court in this behalf: 25

Provided also that in absence of digital executor or legal heirs the digital asset of the deceased person shall be managed in such manner as may be prescribed.”. 30

Insertion of
new section
66G.

4. After section 66F of the principal Act, the following section shall be inserted, namely:–

Punishment
for
unauthorized
access to
the digital
assets of a
deceased
person.

“66G. Whoever intentionally gains unauthorized access to the digital assets of a deceased person shall be punished with imprisonment which may extend upto two years or fine which may extend upto rupees fifty thousand or with both.”. 35

Amendment
of section
87.

5. In section 87 of the principal Act, in sub-section (2), after clause (ob), the following clause shall be inserted, namely:–

“(oc) the manner of the management of the digital asset of the deceased person in absence of digital executor or legal heirs under section 43B;”.

6. In FIRST SCHEDULE to the principal Act, at Sl. No. (4), for the words “including any other testamentary disposition by whatever name called”, the words
5 “including any other testamentary disposition by whatever name called but excluding digital asset will” shall be substituted.
- Amendment
of First
Schedule.

STATEMENT OF OBJECTS AND REASONS

In the digital age, individuals accumulate significant digital assets, such as social media profiles, email accounts, cloud storage, and cryptocurrencies, which hold financial, sentimental, and legal value. However, the absence of a legal framework for managing these assets posthumously often leads to disputes, privacy violations, and loss of valuable data.

At present, the Information Technology Act, 2000 is applicable to all digital information, data and assets. However, the Act does not have specific provisions pertaining to access, management and transfer of digital assets of the deceased.

This Bill seeks to address these challenges by amending the Information Technology Act, 2000 to introduce the concept of digital assets, digital wills and digital executors. It provides legal validity to digital wills and defines the responsibilities of digital executors, ensuring the testator's wishes are respected. Additionally, it mandates intermediaries and online service providers to cooperate with digital executors or legal heirs to facilitate the smooth transition, transfer, or deletion of digital assets after death.

The Bill prescribes penalties for unauthorized access or non-compliance by intermediaries and online service providers, ensuring the protection of user data.

This progressive legislation is a vital step towards addressing the complexities of digital asset management, benefiting individuals, families and the digital economy.

Hence this Bill.

NEW DELHI;
January 20, 2025

BHARTI PARDHI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill *vide* proposed amendment to section 87 that empowers the Central Government to make rules regarding the manner of the management of the digital asset of the deceased person in absence of digital executor or legal heirs. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

ANNEXURE

[EXTRACT FROM THE INFORMATION TECHNOLOGY ACT, 2000]

(ACT No. 21 OF 2000)

	*	*	*	*	*
Definitions.	2. (1) In this Act, unless the context otherwise requires,—				
	(o) data means a representation of information, knowledge, facts, concepts or instructions which are being prepared or have been prepared in a formalised manner, and is intended to be processed, is being processed or has been processed in a computer system or computer network, and may be in any form (including computer printouts magnetic or optical storage media, punched cards, punched tapes) or stored internally in the memory of the computer;				
	87. (1) *	*	*	*	*
Power of Central Government to make rules.	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—				
	(ob) the reasonable security practices and procedures and sensitive personal data or information under section 43A;				
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THE FIRST SCHEDULE

[See sub-section (4) of section 1]

DOCUMENTS OR TRANSACTIONS TO WHICH THE ACT SHALL NOT APPLY

Sl. No.	Description of documents or transactions
1.	A negotiable instrument (other than a cheque) as defined in section 13 of the Negotiable Instruments Act, 1881. (26 of 1881)
2.	A power-of-attorney as defined in section 1A of the Powers-of-Attorney Act, 1882. (7 of 1882)
3.	A trust as defined in section 3 of the Indian Trust Act, 1882. (2 of 1882)
4.	A will as defined in clause (h) of section 2 of the Indian Succession Act, 1925 (39 of 1925), including any other testamentary disposition by whatever name called.
5.	Any contract for the sale or conveyance of immovable property or any interest in such Property.

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further to amend the Information Technology Act, 2000.

(Shrimati Bharti Pardhi, M.P.)