INHERITANCE OF DIGITAL AND INTANGIBLE PROPERTY: WHERE DOES YOUR CRYPTO WALLET GO WHEN YOU DIE?

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ABSTRACT

India's succession law framework, anchored in the Indian Succession Act, 1925, and the Hindu Succession Act, 1956, contains no statutory category for digital assets such as cryptocurrencies, NFTs, domain names, or monetised social media accounts. Yet the Finance Act, 2022 recognises Virtual Digital Assets as taxable property under Section 2(47A) of the Income Tax Act, 1961, imposing a 30% tax and 1% TDS on transfers. This creates a doctrinal paradox: the state treats digital assets as property for taxation but ignores them for succession. The Madras High Court's October 2025 judgment in Rhutikumari v. Zanmai Labs Pvt. Ltd. recognised cryptocurrency as property capable of inheritance, yet practical barriers remain. Executors holding valid probate cannot access self-custody wallets without seed phrases, as private-key cryptography renders legal title meaningless without technical access. Nomination frameworks under banking law do not extend to decentralised blockchains or platform-controlled accounts. This paper employs doctrinal legal research and comparative analysis to examine the statutory gap, survey approaches in the United States (RUFADAA), United Kingdom (Property (Digital Assets etc) Act 2025), and Singapore, and propose a comprehensive reform agenda. It argues for enactment of a Digital Assets (Succession) Act, 2026, regulatory guidance for exchanges, and practical estate planning measures including digital executors and multi-signature wallets. Without reform, India risks rendering vast digital wealth permanently inaccessible to legal heirs.

Keywords: Digital inheritance, Virtual Digital Assets, Indian Succession Act, cryptocurrency succession, private-key cryptography, digital executor, RUFADAA, estate planning India, blockchain inheritance, succession law reform.

I. Introduction

India stands at the forefront of the global digital asset revolution. As of May 2026, Indian tax authorities estimate that approximately 39 million investors hold crypto assets valued at $2.1 billion, with some reports suggesting India accounts for nearly 15% of global crypto users.[1] Beyond cryptocurrencies, millions of Indians possess domain names with resale value, monetised YouTube and Instagram accounts generating advertising revenue, NFTs, and blockchain-based gaming assets.[2] This digital wealth represents a significant portion of many estates, yet it exists in a legal vacuum when the owner dies.

The paradox is stark. The Finance Act, 2022 amended the Income Tax Act, 1961 to insert Section 2(47A), which explicitly defines Virtual Digital Assets (VDAs) as property for taxation purposes.[3] Section 115BBH imposes a flat 30% tax on income from VDA transfers, while Section 194S mandates a 1% tax deducted at source on VDA transactions.[4] The state thus recognises digital assets as taxable property. Yet India's succession statutes, the Indian Succession Act, 1925 and the Hindu Succession Act, 1956, contain no definition, category, or procedure for inheriting these assets.[5] An executor holding a valid probate may claim a bank balance or Demat account through nomination, but faces insurmountable barriers when attempting to access a self-custody crypto wallet, a domain registrar account, or a monetised social media profile.

The judicial landscape has begun to acknowledge this gap. In Rhutikumari v. Zanmai Labs Pvt. Ltd.,[6] the Madras High Court delivered a landmark judgment on October 25, 2025, holding that

[1] See India: 39M Crypto Investors, $2.1B Held, 73% Volume Offshore, CRYPTOWIRE (Aug. 2, 2026), https://www.cryptowire.in/blog/indias-39-million-crypto-investors-hold-21-billion-as-73-of-volume-moves-offshore/; see also Analytics Insight's Indian Crypto Investment Report 2026, TIMES NOW (June 7, 2026), https://www.timesnownews.com/bizz-impact/analytics-insights-indian-crypto-investment-report-2026-india-tops-global-crypto-adoption-with-119m-owners-15-of-world-users-article-154492921.

[2] See How to Plan the Inheritance of Digital Assets, MONEYCONTROL (Mar. 10, 2026), https://www.moneycontrol.com/explainers/personal-finanace/how-to-plan-the-inheritance-of-digital-assets-article-13856015.html; Digital Asset Inventory Framework for Indian Wills 2026, LAW TARAZOO (Aug. 1, 2026), https://lawtarazoo.com/blog/digital-asset-inventory-framework-indian-wills-2026.html.

[3] Income Tax Act, 1961, § 2(47A) (India); see also Taxation of Virtual Digital Asset (VDA), INCOME TAX INDIA (May 27, 2026), https://www.incometaxindia.gov.in/w/taxation-of-virtual-digital-asset-vda-.

[4] Income Tax Act, 1961, § 115BBH, § 194S (India); see also Cryptocurrency Taxation in India (FY 26-27 VDA Guide), STRATEGIX (Apr. 7, 2026), https://strategix.international/case-studies/cryptocurrency-taxation-india-vda/.

[5] Indian Succession Act, 1925; Hindu Succession Act, 1956; see also Digital Inheritance in India: Legal Gaps and Future Solutions, 6 INDIAN J. ADMIN. L. & RSCH. 2 (2026), https://ijalr.in/volume-6-issue-2/digital-inheritance-in-india-legal-gaps-and-future-solutions-karan-kaushal/.

[6] Rhutikumari v. Zanmai Labs Pvt. Ltd., W.P. No. 2437 of 2025 (Madras, Oct. 25, 2025), https://www.casemine.com/judgement/in/68fcfbac9a22022a0496b323.

cryptocurrency constitutes "property" capable of ownership, beneficial enjoyment, and legal protection under Article 300A of the Constitution. Justice N. Anand Venkatesh wrote that crypto tokens are "not a speculative instrument, but a form of intangible asset capable of being owned, possessed, transferred, and held in trust."[7] Similarly, in May 2026, the Gandhinagar Civil Court recognised iPhone data and iCloud accounts as movable property forming part of a deceased's estate.[8] These decisions mark important first steps, yet they address only exchange-held or platform-controlled assets. Neither judgment resolves the fundamental problem of self-custody wallets, where private-key cryptography renders legal title meaningless without the seed phrase.

This paper examines the doctrinal chasm between India's taxation regime, which treats VDAs as property, and its succession laws, which remain silent on digital inheritance. The research asks four questions. First, do the Indian Succession Act, 1925 and Hindu Succession Act, 1956 implicitly cover digital assets as "movable property," or is legislative amendment required? Second, what practical barriers prevent executors and legal heirs from inheriting crypto wallets, domain names, and monetised accounts? Third, how do other jurisdictions address digital inheritance, and what lessons can India draw? Fourth, what legislative or regulatory reforms would close the succession gap without compromising blockchain security or privacy?

The methodology is doctrinal legal research employing statutory interpretation, case law analysis, and comparative law. The scope encompasses cryptocurrencies (both exchange-held and self-custody), NFTs, domain names, gaming assets, and monetised social media or creator accounts. Traditional digital financial accounts (bank balances, Demat holdings, UPI wallets) are excluded, as these already fall within nomination frameworks under banking and securities law. Purely sentimental digital assets (personal photographs, emails) are also excluded unless they generate income.

This paper proceeds in six parts. Part II develops a conceptual framework for digital property. Part III analyses the statutory gap in Indian succession law. Part IV surveys comparative approaches in the United States, United Kingdom, European Union, and Singapore. Part V

[7] Rhutikumari, W.P. No. 2437 of 2025 at ¶ 12; see also Madras High Court Recognises Cryptocurrency as 'Property', WOLTERS KLUWER (July 30, 2026), https://legalblogs.wolterskluwer.com/arbitration-blog/madras-high-court-recognises-cryptocurrency-as-property-implications-for-arbitration-asset-protection-and-cross-border-restructuring/.

[8] See Gandhinagar Civil Court Order (May 2026) (unpublished) (on file with author); see also Your Crypto, NFTs, and Online Wealth May Die With You in India, CRYPTOTIMES (May 28, 2026), https://www.cryptotimes.io/2026/05/28/your-crypto-nfts-and-online-wealth-may-die-with-you-in-india/.

examines the cryptographic barriers that make digital inheritance uniquely challenging. Part VI proposes legislative and regulatory reforms, including a model Digital Assets (Succession) Act. The conclusion summarises findings and outlines a path forward for Indian law.

II. Conceptual Framework: What Counts as "Digital Property"?

Before analysing the statutory gap in Indian succession law, it is necessary to define what constitutes "digital property" and to determine whether such assets qualify as property under existing legal frameworks. This Part develops a functional definition of digital assets, proposes a taxonomy relevant to inheritance, and examines their legal character under Indian jurisprudence.

A. Defining Digital and Intangible Assets

A functional definition of digital assets captures any electronically stored right or asset that possesses economic value or a legally recognisable interest.[9] This definition is deliberately broad, encompassing both financial instruments like cryptocurrencies and non-financial assets like domain names or monetised social media accounts. The key criteria are (i) electronic storage, (ii) identifiability as a distinct asset, and (iii) the capacity to be owned, transferred, or inherited.[10]

Not all digital content qualifies as property for succession purposes. Personal photographs stored on cloud servers, private emails, or social media profiles without commercial value may hold sentimental significance but lack the economic character necessary for inheritance law.[11] This paper focuses on digital assets with demonstrable financial value or income-generating potential. These include cryptocurrencies held in exchange wallets or self-custody, non-fungible tokens representing digital art or virtual land, domain names with resale or commercial value, gaming assets such as in-game currencies or tradeable skins, and monetised creator accounts on platforms like YouTube, Instagram, or podcasts that generate advertising or

[9] See How to Plan the Inheritance of Digital Assets, MONEYCONTROL (Mar. 10, 2026), https://www.moneycontrol.com/explainers/personal-finanace/how-to-plan-the-inheritance-of-digital-assets-article-13856015.html; Digital Succession in the Modern Age, PRAGMA (May 4, 2026), https://www.pragma.international/articles-archive/digital-succession-in-the-modern-age.
[10] See What Are Digital Assets? Legal Definition Guide, SUPREME TODAY (Feb. 15, 2026), https://supremetoday.ai/issue/legal-status-property-classification-digital-assets-indian-jurisprudence.
[11] See Digital Inheritance in India: Legal Gaps and Future Solutions, 6 INDIAN J. ADMIN. L. & RSCH. 2 (2026), https://ijalr.in/volume-6-issue-2/digital-inheritance-in-india-legal-gaps-and-future-solutions-karan-kaushal/.

subscription revenue.[12]

B. A Taxonomy of Digital Property for Inheritance

Digital assets relevant to succession can be classified into five categories, each with distinct legal characteristics:

Category	**Examples**	**Legal Character**
Cryptocurrencies	Bitcoin, Ethereum (exchange-held vs. self-custody)	Intangible movable property / VDA
NFTs and Tokenised Assets	Art NFTs, music NFTs, virtual land in metaverse	Intangible movable property with unique identification
Domain Names	.in, .com domains with resale or commercial value	Contractual licence + intellectual property interest
Gaming Assets	In-game currencies, skins, characters (Axie Infinity, etc.)	Licence-based intangible property, often non-transferable
Monetised Accounts	YouTube channels, Instagram accounts, podcasts with ad revenue	Contractual right + income stream

This taxonomy is critical because each category presents different inheritance challenges. Cryptocurrencies held on exchanges may be claimed through succession certificates, but self-custody wallets require private keys.[13] Domain names are governed by contractual terms with registrars like GoDaddy or BigRock, which may or may not permit transfer upon death.[14] Gaming assets are often licensed, not owned, and terms of service may prohibit transfer.[15]

[12] See Digital Asset Inventory Framework for Indian Wills 2026, LAW TARAZOO (Aug. 1, 2026), https://lawtarazoo.com/blog/digital-asset-inventory-framework-indian-wills-2026.html; Securing Your Digital Legacy: Why Digital Assets Belong in Your Will, IWILLS (Nov. 30, 2025), https://iwills.in/blog/securing-your-digital-legacy-why-digital-assets-belong-in-your-will.
[13] See Crypto & Digital Asset Inheritance in India: Law, Planning and Tax, FINNOVATE (Apr. 30, 2026), https://www.finnovate.in/learn/blog/digital-assets-crypto-inheritance-india.
[14] See id.
[15] See NFTs and Intellectual Property: Legal Protection, KHURANA & KHURANA (Jan. 5, 2026), https://www.khuranaandkhurana.com/nfts-and-intellectual-property-legal-protection-of-digital-art-in-india.

Monetised accounts blend contractual rights with intellectual property and income streams, creating complex succession questions.[16]

C. Property Status Under Indian Law

The question of whether digital assets constitute "property" under Indian law has received significant judicial and legislative attention in recent years. The starting point is the Finance Act, 2022, which inserted Section 2(47A) into the Income Tax Act, 1961. This provision defines Virtual Digital Assets as "any information or code or number or token (not being Indian currency or foreign currency), generated through cryptographic means or otherwise, by whatever name called, providing a digital representation of value."[17] The statute explicitly includes cryptocurrencies, NFTs, and "any other token" meeting this definition.[18] By subjecting VDAs to taxation under Section 115BBH (30% flat tax) and Section 194S (1% TDS on transfers), Parliament has implicitly recognised them as property capable of ownership and transfer.[19]

The judicial landscape shifted decisively with the Madras High Court's judgment in Rhutikumari v. Zanmai Labs Pvt. Ltd.[20] Justice N. Anand Venkatesh held that cryptocurrency constitutes "property" within the meaning of Article 300A of the Constitution, which protects the right to property. The Court wrote:

> There can be no doubt that cryptocurrency is a property. It is not a tangible property, nor is it a currency. However, it is a property which is capable of being enjoyed and possessed (in a beneficial form). It is capable of being held in trust.[21]

The judgment identified four essential characteristics of crypto tokens: they are definable, identifiable by unique cryptographic keys, transferable through blockchain transactions, and

[16] See Crypto, NFTs & Digital Assets in Wills? Experts Explain Legal Blind Spots, BUS. STANDARD (May 28, 2026), https://www.business-standard.com/amp/finance/personal-finance/crypto-nfts-digital-assets-in-wills-experts-explain-legal-blind-spots-126052800874_1.html.
[17] Income Tax Act, 1961, § 2(47A) (India); see also Taxation of Virtual Digital Asset (VDA), INCOME TAX INDIA (May 27, 2026), https://www.incometaxindia.gov.in/w/taxation-of-virtual-digital-asset-vda-.
[18] Income Tax Act, 1961, § 2(47A).
[19] See Cryptocurrency Taxation in India (FY 26-27 VDA Guide), STRATEGIX (Apr. 7, 2026), https://strategix.international/case-studies/cryptocurrency-taxation-india-vda/.
[20] Rhutikumari v. Zanmai Labs Pvt. Ltd., W.P. No. 2437 of 2025 (Madras, Oct. 25, 2025), https://www.casemine.com/judgement/in/68fcfbac9a22022a0496b323.
[21] Rhutikumari, W.P. No. 2437 of 2025 at ¶ 12.

subject to exclusive control through private keys.[22] These characteristics satisfy the traditional common law test for property articulated in National Provincial Bank v. Ainsworth, which requires an asset to be definable, identifiable by third parties, capable of assumption by third parties, and possessing some degree of permanence.[23]

Following Rhutikumari, the Gandhinagar Civil Court in May 2026 recognised iPhone data and iCloud accounts as "movable property" forming part of a deceased's estate.[24] While this decision concerned personal data rather than financial assets, it reinforces the principle that digital assets can qualify as property under Indian succession law.

Academic commentary has largely endorsed this trajectory. Tushar Kumar, Advocate at the Supreme Court, has observed that digital assets exist within "encrypted ecosystems" governed by foreign platform policies and private technological protocols, yet they nonetheless constitute property capable of inheritance.[25] Similarly, legal scholars note that the Transfer of Property Act, 1882, which governs both tangible and intangible assets, should be interpreted to include NFTs and other blockchain-based assets as "intangible property" under Section 3.[26]

D. Distinguishing Access from Ownership

A critical conceptual distinction in digital inheritance is between legal title and practical access. Traditional property law assumes that ownership confers the right to possess, use, and transfer an asset.[27] With digital assets, particularly self-custody cryptocurrencies, this assumption breaks down. An executor may hold legal title to a crypto wallet through a valid will or succession certificate, but without the private key or seed phrase, the assets are permanently

[22] See Madras High Court Recognises Cryptocurrency as 'Property', WOLTERS KLUWER (July 30, 2026), https://legalblogs.wolterskluwer.com/arbitration-blog/madras-high-court-recognises-cryptocurrency-as-property-implications-for-arbitration-asset-protection-and-cross-border-restructuring/.
[23] Nat'l Provincial Bank v. Ainsworth,
A.C. 1175 (H.L.) 1248 (Eng.).
[24] See Gandhinagar Civil Court Order (May 2026) (unpublished) (on file with author); see also Your Crypto, NFTs, and Online Wealth May Die With You in India, CRYPTOTIMES (May 28, 2026), https://www.cryptotimes.io/2026/05/28/your-crypto-nfts-and-online-wealth-may-die-with-you-in-india/.
[25] See Crypto, NFTs & Digital Assets in Wills?, BUS. STANDARD, supra note 8.
[26] See NFTs and Blockchain in the Realm of Property Laws, SCRIBD (Jan. 17, 2026), https://www.scribd.com/document/976726974/NFTs-and-Blokchain-in-the-Realm-Property-Laws-1.
[27] See What Recognition of Crypto as Property Will Mean for Taxation, Inheritance and Insolvency Laws in India, ECON. TIMES (Nov. 18, 2025), https://economictimes.indiatimes.com/wealth/legal/will/what-recognition-of-crypto-as-property-will-mean-for-taxation-inheritance-and-insolvency-laws-in-india/slideshow/125404475.cms.

inaccessible.[28]

This creates what scholars term the "title without access" problem, unique to digital property. No court order can decrypt a blockchain wallet. No succession certificate can compel a decentralised protocol to transfer tokens. The cryptographic barrier renders legal title meaningless in the absence of technical access. This distinction is less pronounced for exchange-held crypto, domain names, or monetised accounts, where intermediaries can be compelled to transfer access upon production of legal documentation. But for self-custody assets, the cryptographic barrier represents a fundamental limit of law itself.[29]

Understanding this distinction is essential for any reform proposal. Legislative amendments can clarify that digital assets are inheritable property and grant executors authority to access accounts. But no statute can override the mathematics of public-key cryptography.[30] Testators must therefore plan proactively by securing seed phrases and providing access instructions to trusted heirs or digital executors.[31]

III. The Statutory Gap: Indian Succession Law and Digital Assets

India's succession framework comprises two principal statutes: the Indian Succession Act, 1925 (ISA), which governs testamentary and intestate succession for most communities, and the Hindu Succession Act, 1956 (HSA), which regulates intestate succession for Hindus, Buddhists, Sikhs, and Jains.[32] Both statutes predate the digital age by decades. The ISA was enacted in 1925, when "property" meant land, chattels, and financial instruments like shares or promissory notes.[33] The HSA followed in 1956, still focused on tangible assets and traditional forms of wealth.[34] Neither statute anticipates cryptocurrencies, domain names, NFTs, or monetised social media accounts. This Part analyses the statutory gap in detail, examining key provisions of both Acts, the nomination framework under banking law, and the practical impossibility facing executors.

[28] See Crypto & Digital Asset Inheritance in India, FINNOVATE, supra note 5.
[29] See id.
[30] See id.
[31] See Digital Executor in India: Secure Your Assets, R ASSOCIATES (Sept. 12, 2025), https://www.rassociates.in/digital-executor-in-india-secure-your-assets/.
[32] See Indian Succession Act, 1925; Hindu Succession Act, 1956; see also Digital Inheritance in India: Legal Gaps and Future Solutions, 6 INDIAN J. ADMIN. L. & RSCH. 2 (2026), https://ijalr.in/volume-6-issue-2/digital-inheritance-in-india-legal-gaps-and-future-solutions-karan-kaushal/.
[33] See Indian Succession Act, 1925, Preamble.
[34] See Hindu Succession Act, 1956, Preamble.

A. Indian Succession Act, 1925: A Pre-Digital Statute

The ISA governs wills, probate, and intestate succession for Christians, Parsis, and Jews, as well as for Hindus, Buddhists, Sikhs, and Jains when executing wills.[35] Several provisions reveal the statute's technological limitations.

Section 2(h) defines a "will" as "the legal declaration of the intention of a testator with respect to his property which declaration he desires to be carried into effect after his death."[36] The term "property" is not defined in the Act. While courts have interpreted "property" broadly in other contexts, the absence of an explicit definition creates ambiguity for digital assets.[37] A testator may declare an intention to bequeath a crypto wallet, but the statute provides no mechanism for identifying, valuing, or transferring such an asset.

Section 5 limits the Act's application to "movable and immovable property."[38] Traditional interpretation classifies shares, debts, and intellectual property as movable property.[39] Digital assets arguably fall within this category, yet the statute offers no guidance on how to treat assets that exist only as entries on a decentralised ledger or as contractual rights with foreign platforms.

Section 63 prescribes execution formalities for unprivileged wills: the testator must sign or affix a mark, the signature must demonstrate testamentary intent, and the will must be attested by two or more witnesses who sign in the testator's presence.[40] These requirements pose practical challenges for digital assets. How does a testator describe a self-custody crypto wallet in a will without revealing the seed phrase (which would compromise security once the will becomes public after probate)?[41] Should the will reference a separate, confidential inventory of digital assets? The statute is silent on such questions.

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[35] Indian Succession Act, 1925, § 57.
[36] Id. § 2(h).
[37] See What Recognition of Crypto as Property Will Mean for Taxation, Inheritance and Insolvency Laws in India, ECON. TIMES (Nov. 18, 2025), https://economictimes.indiatimes.com/wealth/legal/will/what-recognition-of-crypto-as-property-will-mean-for-taxation-inheritance-and-insolvency-laws-in-india/slideshow/125404475.cms.
[38] Indian Succession Act, 1925, § 5.
[39] See id.
[40] Id. § 63; see also Indian Succession Act Section 63: Will Attestation Essentials, OQUILIA (May 9, 2026), https://www.oquilia.com/news/oquilia-research-isa-1925-section-63-will-attestation-essentials.
[41] See Crypto & Digital Asset Inheritance in India: Law, Planning and Tax, FINNOVATE (Apr. 30, 2026), https://www.finnovate.in/learn/blog/digital-assets-crypto-inheritance-india.

Section 211 imposes on the executor a duty to "collect, with reasonable diligence, the property of the deceased" and to administer the estate according to law.[42] Yet the executor's powers are limited to assets that can be identified and accessed.[43] No provision grants the executor authority to compel a decentralised blockchain protocol to transfer tokens, or to access a password-protected cloud account.[44] The executor holds legal title but lacks practical means to collect digital property.

Section 213 requires probate for wills governed by the ISA in certain jurisdictions (including Mumbai, Kolkata, and Chennai).[45] Probate proceedings are public, and the will becomes part of the court record.[46] This creates a security dilemma: including detailed access instructions for digital assets in the will would expose passwords and seed phrases to public scrutiny.[47] The statute provides no alternative mechanism for confidential transmission of access credentials to executors.

B. Hindu Succession Act, 1956: Intestate Succession and VDAs

The HSA governs intestate succession for Hindus, Buddhists, Sikhs, and Jains.[48] Its provisions are equally silent on digital assets.

Section 8 provides that the property of a male Hindu dying intestate devolves first upon Class I heirs (spouse, children, mother), then Class II heirs, then agnates, and finally cognates.[49] "Property" is defined in Section 3(2) as including "both movable and immovable property."[50] While this definition is broad enough to encompass intangible assets, the Act contains no specific reference to digital property.[51] Legal heirs may inherit a deceased's bank balance through nomination, but crypto wallets, domain names, and monetised accounts fall outside

[42] Indian Succession Act, 1925, § 211.
[43] See Digital Succession in the Modern Age, PRAGMA (May 4, 2026), https://www.pragma.international/articles-archive/digital-succession-in-the-modern-age.
[44] See id.
[45] Indian Succession Act, 1925, § 213.
[46] See How to Make a Valid Will in India: Execution, Witnesses, Registration and Probate Explained, SANSAL LEGAL (June 3, 2026), https://www.sansalegal.com/post/how-to-make-a-valid-will-in-india-execution-witnesses-registration-and-probate-explained.
[47] See Crypto & Digital Asset Inheritance in India, FINNOVATE, supra note 10.
[48] Hindu Succession Act, 1956, § 2.
[49] Id. § 8; see also Section 8 HSA: General Rules of Succession in the Case of Males, LAW ON TIPS (July 27, 2026), https://www.lawontips.com/bare-acts/hindu-succession-act-1956/hindu-succession-act-1956-ch-0-1-sec-7-8.
[50] Hindu Succession Act, 1956, § 3(2).
[51] See Digital Inheritance in India, 6 INDIAN J. ADMIN. L. & RSCH. 2, supra note 1.

this framework.[52]

Section 15 similarly governs intestate succession for female Hindus, with property devolving upon children, husband, and other relatives.[53] The same gap exists: no mechanism for identifying or transferring digital assets.

Section 30 permits Hindus to dispose of any property by will, including property that would otherwise devolve under the HSA.[54] This provision theoretically allows testators to bequeath digital assets, but again, the ISA's execution formalities apply, and the practical barriers remain.[55]

The HSA's silence on digital assets becomes particularly problematic in cases of intestacy. When a Hindu dies without a will, legal heirs must obtain a Succession Certificate under the ISA or a Legal Heirship Certificate from revenue authorities.[56] These documents identify heirs but do not grant authority to access digital accounts.[57] Exchanges and platforms may demand additional documentation, and self-custody wallets remain inaccessible without seed phrases.[58]

C. The Nomination Loophole

Indian banking and securities law provide a nomination framework that simplifies succession for traditional financial assets. Section 45A of the Banking Regulation Act, 1949 permits account holders to nominate a person to receive balances upon death.[59] The nominee can claim the amount by producing a death certificate and identification, without requiring probate or succession certificates.[60] Similar provisions exist for Demat accounts under the Depositories Act, 1996, and for life insurance under Section 39 of the Insurance Act, 1938.[61]

This framework does not extend to digital assets. Crypto exchanges operate in a regulatory grey zone. While some exchanges like WazirX and CoinDCX have internal processes for

[52] See id.
[53] Hindu Succession Act, 1956, § 15.
[54] Id. § 30.
[55] See Digital Inheritance in India, 6 INDIAN J. ADMIN. L. & RSCH. 2, supra note 1.
[56] See Indian Succession Act, 1925, §§ 317–373 (Succession Certificates).
[57] See Crypto & Digital Asset Inheritance in India, FINNOVATE, supra note 10.
[58] See id.
[59] Banking Regulation Act, 1949, § 45A (India).
[60] See id.
[61] See Depositories Act, 1996, § 14 (India); Insurance Act, 1938, § 39 (India).

handling deceased account holders, these are not backed by statutory nomination provisions.[62] Heirs typically must produce a death certificate, succession certificate or probate, KYC documents, and indemnity bonds. The process can take six to twelve months, during which assets remain frozen.[63]

For self-custody wallets, nomination is impossible. There is no intermediary to approach, no customer support to contact, and no legal framework to compel transfer. The private key is the only access mechanism, and without it, the assets are permanently lost.[64]

D. The Executor's Dilemma

The practical impossibility facing executors deserves detailed examination. Consider three scenarios:

Scenario 1: Exchange-Held Crypto. The executor holds a valid probate under the ISA. The deceased held Bitcoin on WazirX. The executor approaches the exchange with a death certificate, probate, KYC, and indemnity bond. WazirX's policy requires verification of the succession certificate, which may take months to obtain from civil court. During this period, the assets remain frozen, and market volatility may erode their value.[65]

Scenario 2: Self-Custody Crypto. The deceased held Ethereum in a MetaMask wallet, secured by a 12-word seed phrase stored in a safety deposit box. The executor holds probate but cannot access the wallet without the seed phrase. No court order can decrypt the wallet. If the seed phrase is lost or never disclosed to heirs, the assets are permanently inaccessible.[66]

Scenario 3: Monetised YouTube Channel. The deceased operated a YouTube channel with 500,000 subscribers generating monthly advertising revenue.[67] The executor seeks to transfer the channel to heirs. YouTube's terms of service do not permit account transfers, and the platform's legacy contact feature (where available) is limited to specific jurisdictions. The executor may be able to claim accumulated revenue through Google's deceased user process,

[62] See Crypto & Digital Asset Inheritance in India, FINNOVATE, supra note 10.
[63] See id.
[64] See id.
[65] See id.
[66] See id.
[67] See Digital Asset Inventory Framework for Indian Wills 2026, LAW TARAZOO (Aug. 1, 2026), https://lawtarazoo.com/blog/digital-asset-inventory-framework-indian-wills-2026.html.

but ongoing control of the channel remains uncertain.[68]

These scenarios illustrate the core problem: succession law transfers legal title, but digital assets require practical access.[69] Without access mechanisms, title is meaningless.[70]

E. Case Law: Emerging Judicial Recognition

Indian courts have begun to acknowledge the digital inheritance gap, though no comprehensive framework has emerged.

In Rhutikumari v. Zanmai Labs Pvt. Ltd.,[71] the Madras High Court held that cryptocurrency constitutes "property" capable of ownership and inheritance.[72] The Court directed the exchange to transfer frozen assets to the legal heirs upon production of appropriate documentation.[73] However, the judgment addressed only exchange-held crypto and did not consider self-custody wallets or other digital assets.[74]

In May 2026, the Gandhinagar Civil Court recognised iPhone data and iCloud accounts as "movable property" forming part of the estate.[75] The Court ordered Apple to provide access to the deceased's iCloud account to the legal heirs.[76] This decision extends property status to digital data but again involves a centralised intermediary (Apple) that can be compelled to grant access.[77]

These decisions are significant but limited. They do not address the cryptographic barrier of self-custody assets, nor do they provide a statutory framework for digital inheritance.[78] Judicial interpretation can expand the definition of "property," but it cannot create mechanisms for

[68] See id.
[69] See Digital Succession in the Modern Age, PRAGMA, supra note 12.
[70] See id.
[71] Rhutikumari v. Zanmai Labs Pvt. Ltd., W.P. No. 2437 of 2025 (Madras, Oct. 25, 2025), https://www.casemine.com/judgement/in/68fcfbac9a22022a0496b323.
[72] See id. at ¶ 12.
[73] See id. at ¶ 18.
[74] See Madras High Court Recognises Cryptocurrency as 'Property', WOLTERS KLUWER (July 30, 2026), https://legalblogs.wolterskluwer.com/arbitration-blog/madras-high-court-recognises-cryptocurrency-as-property-implications-for-arbitration-asset-protection-and-cross-border-restructuring/.
[75] See Gandhinagar Civil Court Order (May 2026) (unpublished) (on file with author); see also Your Crypto, NFTs, and Online Wealth May Die With You in India, CRYPTOTIMES (May 28, 2026), https://www.cryptotimes.io/2026/05/28/your-crypto-nfts-and-online-wealth-may-die-with-you-in-india/.
[76] See Gandhinagar Civil Court Order, supra note 53.
[77] See id.
[78] See Digital Inheritance in India, 6 INDIAN J. ADMIN. L. & RSCH. 2, supra note 1.

accessing encrypted wallets or reform platform terms of service. Legislative intervention remains necessary.[79]

IV. Comparative Perspectives: How Other Jurisdictions Handle Digital Inheritance

India is not alone in grappling with the legal challenges of digital inheritance. Several jurisdictions have enacted legislation or issued comprehensive recommendations addressing the succession of digital assets. This Part surveys approaches in the United States, United Kingdom, European Union, and Singapore, extracting lessons relevant to Indian law reform.

A. United States: RUFADAA and State-Level Laws

The United States has developed the most comprehensive framework for digital inheritance through the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA).[80] Completed by the Uniform Law Commission in 2015, RUFADAA has been adopted by 47 states and the District of Columbia as of 2026.[81] The Act grants executors, trustees, and agents under powers of attorney legal authority to access and manage a deceased person's digital accounts.[82]

RUFADAA establishes a three-tier hierarchy of authority for posthumous digital access:[83]

1. **Tier 1: Platform-Level Tools.** If the user has designated a legacy contact or inactive account manager through the platform's official tool (e.g., Google Inactive Account Manager, Facebook Legacy Contact, Apple Digital Legacy), those instructions control.[84]

2. **Tier 2: Estate Planning Documents.** If no platform-level instruction exists, the user's will, trust, or power of attorney governs.[85] The document must explicitly enumerate

[79] See id.
[80] See Revised Uniform Fiduciary Access to Digital Assets Act (2015) (U.S.); see also RUFADAA Adoption Map 2026: All 50 States, AFTERLIFE AI (July 10, 2026), https://www.afterlife.ai/rufadaa-adoption-map.
[81] See RUFADAA Adoption Map 2026, AFTERLIFE AI, supra note 1.
[82] See What RUFADAA Actually Does and Where Digital Estate Access Still Breaks Down, ESTATE GURU (Aug. 14, 2026), https://www.estateguru.com/blog/what-rufadaa-actually-does-and-where-digital-estate-access-still-breaks-down.
[83] See Digital Will (USA): What to Include + RUFADAA, AFTERLIFE AI (May 15, 2026), https://www.afterlife.ai/digital-will-usa/.
[84] See id.
[85] See id.

"digital assets" to grant fiduciary authority.[86]

3. **Tier 3: Terms of Service.** If neither Tier 1 nor Tier 2 applies, the platform's terms of service dictate what happens to the account.[87]

RUFADAA defines "digital asset" broadly as "an electronic record in which an individual has a right or interest." This includes emails, social media accounts, cloud storage, domain names, and cryptocurrencies held on exchanges. However, the Act explicitly does not override encryption. A fiduciary may have legal authority to access an account, but cannot compel a platform to decrypt a password-protected wallet or bypass two-factor authentication.[88]

The critical limitation of RUFADAA is its focus on accounts with intermediaries. Self-custody cryptocurrencies, secured only by private keys, remain outside the Act's reach. No statute can compel a decentralised blockchain to transfer tokens without the correct cryptographic signature. RUFADAA thus solves the legal problem but not the technical problem of digital inheritance.[89]

B. United Kingdom: Law Commission Recommendations and the Property (Digital Assets etc) Act 2025

The United Kingdom has taken a different approach, focusing on property law reform rather than fiduciary access. In June 2023, the Law Commission of England and Wales published its Final Report on Digital Assets, recommending that crypto-tokens, NFTs, and similar assets be recognised as a "third category" of personal property, distinct from things in possession (choses in possession) and things in action (choses in action).[90] This recommendation addressed the doctrinal gap: digital assets did not fit neatly into traditional common law categories, creating uncertainty about their proprietary status.[91]

Following the Law Commission's draft bill, Parliament enacted the Property (Digital Assets

[86] See Crypto Inheritance: 3 Legal Fixes Protecting $500K+ Digital Assets, WEALTHLOGIK (Mar. 31, 2026), https://wealthlogik.com/article/crypto-inheritance-3-legal-fixes-protecting-500k-digital-assets.
[87] See Digital Will (USA), AFTERLIFE AI, supra note 4.
[88] See id.
[89] See id.
[90] See Law Comm'n, Digital Assets: Final Report, Law Com No 412 (2023) (Eng. & Wales); see also The Property (Digital Assets etc) Act 2025 Has Received Royal Assent, LAW COMMISSION (Dec. 3, 2025), https://lawcom.gov.uk/news/the-property-digital-assets-etc-act-2025-has-received-royal-assent/.
[91] See id.

etc) Act 2025, which received Royal Assent in December 2025.[92] The Act provides that "a thing (including a thing that is digital in nature) is capable of being an object of personal property rights even though it is neither (a) a thing in possession, nor (b) a thing in action."[93] This statutory confirmation validates the emerging judicial recognition of digital assets as property and clarifies their status for succession purposes.[94]

The Act does not create a separate digital inheritance regime.[95] Instead, it ensures that digital assets fall within the existing framework of the Administration of Estates Act 1925, which governs succession to personal property. Executors can claim digital assets as part of the estate, provided they can access them.[96] The Law Commission has also issued practical guidance encouraging testators to maintain separate password inventories (not in the will itself) and to appoint "digital executors" with specific authority over digital assets.[97]

The UK approach offers two lessons for India. First, statutory confirmation that digital assets are property resolves doctrinal uncertainty without requiring comprehensive succession reform. Second, practical guidance on estate planning (separate inventories, digital executors) addresses the access problem without compromising security.[98]

C. European Union: Succession Regulation and Member State Initiatives

The European Union's approach to digital inheritance is fragmented. Regulation (EU) No. 650/2012 (the Succession Regulation) governs cross-border succession within the EU, providing that the law of the deceased's habitual residence applies to the entire estate, regardless of where assets are located.[99] The Regulation creates a European Certificate of Succession,

[92] See The Property (Digital Assets etc) Act 2025 Has Received Royal Assent, LAW COMMISSION, supra note 17.
[93] Property (Digital Assets etc) Act 2025, § 1 (Eng. & Wales); see also The Property (Digital Assets etc) Act 2025, MISHCON DE REYA (Jan. 6, 2026), https://www.mishcon.com/news/the-property-digital-assets-etc-act-2025-digital-asset-ownership.
[94] See UK Jurisdiction Taskforce Publishes Report on Control of Digital Assets, MAYER BROWN (May 22, 2026), https://www.mayerbrown.com/en/insights/publications/2026/05/uk-jurisdiction-taskforce-publishes-report-on-control-of-digital-assets.
[95] See The Property (Digital Assets etc) Act 2025, MISHCON DE REYA, supra note 20.
[96] See id.
[97] See Law Comm'n, Digital Assets as Personal Property: Supplemental Report and Draft Bill, Law Com No 416 (2024) (Eng. & Wales).
[98] See id.
[99] Regulation (EU) No. 650/2012, of the European Parliament and of the Council of 4 July 2012 on Jurisdiction, Applicable Law, Recognition and Enforcement of Decisions and Acceptance and Enforcement of Authentic Instruments in Matters of Succession and on the Creation of a European Certificate of Succession, 2012 O.J. (L 201) 107.

allowing heirs to prove their status in other Member States.[100] However, the Regulation does not specifically address digital assets.[101]

Member states have taken divergent approaches. Spain and Portugal treat cryptocurrencies as bienes muebles (movable property) under the Succession Regulation, meaning they form part of the heritable estate.[102] France and Germany are exploring dedicated digital inheritance legislation, but no EU-wide framework exists.[103]

A significant tension arises between succession law and the General Data Protection Regulation (GDPR).[104] The GDPR grants individuals a "right to erasure" (Article 17), which can conflict with heirs' rights to access digital assets.[105] Some platforms interpret the GDPR as requiring deletion of accounts upon death unless the deceased explicitly consented to posthumous access. This creates uncertainty for heirs seeking to inherit monetised accounts or cloud-stored data.[106]

The EU experience highlights the need for coordination between data protection and succession law.[107] India's Digital Personal Data Protection Act, 2023, does not address posthumous data rights, leaving a similar gap.[108]

D. Singapore: Payment Services Act and MAS Guidance

Singapore has adopted a regulatory approach focused on crypto exchanges rather than succession law reform. The Payment Services Act 2019 regulates crypto asset service providers, requiring licensing, KYC compliance, and consumer protection measures.[109] The Monetary Authority of Singapore (MAS) has issued guidance requiring licensed exchanges to

[100] See id. art. 62–71.
[101] See International Inheritances with Digital Assets, RYP GLOBAL (Aug. 22, 2025), https://rrypglobal.com/en/herencias-internacionales-con-bienes-digitales-criptomonedas-nft-y-cuentas-online/.
[102] See id.
[103] See Digital Assets and Governing Law, FMLC (Sept. 17, 2025), https://fmlc.org/publications/digital-assets-and-governing-law/.
[104] Regulation (EU) 2016/679, of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, 2016 O.J. (L 119) 1 (GDPR).
[105] See Digital Assets and Their Assessment in Private Law, 24 REV. DERECHO PRIVADO, supra note 10, at 130.
[106] See id.
[107] See id.
[108] See Digital Personal Data Protection Act, 2023, No. 38 (India).
[109] Payment Services Act 2019, No. 27 (Sing.).

maintain policies for handling deceased account holders.[110]

Under MAS guidelines, exchanges must:[111]

- Verify the death of the account holder through a death certificate.
- Confirm the identity of claimants through succession documents (probate, letters of administration, or succession certificates).
- Process claims within a reasonable timeframe (typically 30 days).
- Maintain records of all transactions related to deceased accounts.

This framework simplifies inheritance for exchange-held crypto but does not address self-custody wallets. Singapore has not enacted legislation comparable to RUFADAA, leaving fiduciary access to digital accounts governed by general succession law.[112]

E. Lessons for India

Comparative analysis yields several transferable principles for Indian law reform:

1. **Statutory Recognition of Digital Assets as Property.** The UK's Property (Digital Assets etc) Act 2025 demonstrates that a brief statutory amendment can resolve doctrinal uncertainty without overhauling succession law.[113] India could amend the Indian Succession Act, 1925, to explicitly include "virtual digital assets" within the definition of property.
2. **Fiduciary Access Framework.** RUFADAA's three-tier hierarchy offers a model for granting executors legal authority to access digital accounts.[114] India could enact a similar framework, prioritising platform-level legacy tools, then estate documents, then terms of service.
3. **Separate Password Inventories.** Both the US and UK recommend maintaining

[110] See Monetary Authority of Singapore, Guidelines on Digital Token Payment Services (2020).
[111] See id.
[112] See id.
[113] See The Property (Digital Assets etc) Act 2025, MISHCON DE REYA, supra note 20.
[114] See Digital Will (USA), AFTERLIFE AI, supra note 4.

confidential inventories of digital assets and access credentials, separate from the will itself.[115] This balances security with the need for heirs to access assets.

4. **Exchange-Level Succession Procedures.** Singapore's MAS guidelines show that regulatory requirements for exchanges can streamline inheritance for custodial assets.[116] SEBI or RBI could issue similar guidelines for Indian crypto exchanges.

5. **Acknowledging Technical Limits.** No jurisdiction has solved the self-custody problem.[117] Legislation can grant legal authority, but cannot override cryptography.[118] Testators must plan proactively by securing seed phrases and informing trusted heirs.[119]

V. The Core Problem: Private Keys, Encryption, and the Limits of Law

The preceding Parts have established that Indian succession law lacks a statutory framework for digital assets and that comparative jurisdictions offer partial solutions. Yet even comprehensive legislation cannot overcome the fundamental technical barrier that makes digital inheritance uniquely challenging: private-key cryptography. This Part explains the cryptographic architecture of self-custody wallets, analyses why law cannot override encryption, and evaluates proposed solutions like multi-signature wallets and digital executors.

A. The Cryptography Barrier

To understand why digital inheritance poses a problem unlike any other form of succession, one must understand how self-custody cryptocurrency wallets function.[120] When a user creates a non-custodial wallet (such as MetaMask, Trust Wallet, or a hardware wallet like Ledger), the wallet software generates a seed phrase, typically consisting of 12 or 24 words selected from a standardised list of 2,048 words defined by Bitcoin Improvement Proposal 39 (BIP-39).[121] This seed phrase is not merely a password or backup code. It is a human-readable encoding of the

[115] See id.; see also Law Comm'n, Digital Assets as Personal Property, supra note 25.
[116] See Payment Services Act 2019, supra note 39.
[117] See What RUFADAA Actually Does, ESTATE GURU, supra note 3.
[118] See id.
[119] See id.
[120] See Private Keys, Seed Phrases, and Addresses: How Crypto Keys Actually Work, LEDGER CURRENT (July 15, 2026), https://ledgercurrent.com/articles/private-key-seed-phrase.
[121] See What Is a Seed Phrase? BIP-39, 12 vs 24 Words, Security, BLEAP (Sept. 9, 2025), https://www.bleap.finance/en-us/blog/what-is-a-seed-phrase; see also Crypto Seed Phrase: What It Is and Why It Matters, YAHOO FINANCE (Mar. 30, 2026), https://finance.yahoo.com/personal-finance/investing/article/what-is-a-seed-phrase-130000934.html.

cryptographic entropy from which all private keys in the wallet are mathematically derived.[122]

The seed phrase serves as the master secret.[123] Using deterministic algorithms (BIP-32 and BIP-44), the wallet derives a hierarchy of private keys from the seed.[124] Each private key corresponds to a public address on the blockchain where cryptocurrency can be received.[125] To spend funds from an address, the user must sign a transaction with the corresponding private key. The blockchain network verifies the signature using the public key, confirming that the transaction was authorised by the legitimate owner.[126]

The critical feature of this system is decentralisation.[127] Unlike a bank account, where the bank maintains a central ledger and can reset passwords or transfer balances upon court order, a blockchain has no central authority. The ledger is distributed across thousands of nodes, and transactions are validated by consensus protocols. No single entity can reverse a transaction, freeze an account, or transfer funds without the correct cryptographic signature.[128]

This architecture creates an insurmountable barrier for inheritance. If the seed phrase is lost, the private keys cannot be regenerated, and the funds are permanently inaccessible. No court order can compel a blockchain to transfer tokens. No succession certificate can decrypt a wallet. The mathematics of public-key cryptography are absolute: without the seed phrase, the assets are cryptographically sealed forever.[129]

B. The "Title Without Access" Problem

This creates what scholars term the "title without access" problem.[130] Traditional property law assumes that ownership confers the right to possess, use, and transfer an asset.[131] An executor with valid probate can claim a bank balance, sell a house, or transfer shares because intermediaries (banks, land registries, depositories) can be compelled to recognise the

[122] See Seed Phrase vs Private Key: What Beginners Must Protect, CRYPTO GAIN HUB (July 29, 2026), https://cryptogainhub.com/blog/seed-phrase-vs-private-key.
[123] See id.
[124] See What Is a Seed Phrase?, BLEAP, supra note 2.
[125] See Private Keys, Seed Phrases, and Addresses, LEDGER CURRENT, supra note 1.
[126] See id.
[127] See Crypto Wallet Recovery: Seed Phrase Guide, BLOCKCHAIN COUNCIL (June 16, 2026), https://www.blockchain-council.org/cryptocurrency/crypto-wallet-recovery-seed-phrases-private-keys/.
[128] See id.
[129] See id.
[130] See Crypto & Digital Asset Inheritance in India: Law, Planning and Tax, FINNOVATE (Apr. 30, 2026), https://www.finnovate.in/learn/blog/digital-assets-crypto-inheritance-india.
[131] See id.

executor's legal authority. With self-custody crypto, legal title is meaningless without the seed phrase. The executor may hold a court order declaring ownership, but cannot access the asset.[132]

This problem is unique to digital property. A physical safe can be drilled open by court order. A bank account can be accessed by the executor with proper documentation. But a crypto wallet secured by a 256-bit private key cannot be "broken into" by any known computational means. The key space is so vast (2^256 possible keys) that brute-force attacks are computationally infeasible. The only way to access the wallet is with the seed phrase.[133]

C. The "Digital Executor" Proposal

One proposed solution is the appointment of a "digital executor" with specific authority over digital assets.[134] Under this model, the testator includes a clause in the will naming a tech-savvy executor and attaching a separate, confidential "Access Memorandum" listing wallets, seed phrases, exchange logins, and passwords. The Access Memorandum is stored securely (in a safety deposit box or with a lawyer) and is not part of the public probate record.[135]

This approach has several advantages. It separates access credentials from the will itself, preserving security. It ensures that someone with technical knowledge is responsible for managing digital assets. It provides a clear legal framework for the executor's authority.[136]

However, the digital executor model has limitations under Indian law.[137] The Indian Succession Act, 1925, does not recognise a separate office of "digital executor."[138] A testator can appoint an executor with specific powers over digital assets, but this is not distinct from the general executor role.[139] More importantly, the model relies entirely on the testator's foresight in creating and securely storing the Access Memorandum.[140] If the memorandum is lost,

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[132] See id.
[133] See id.
[134] See How Cryptocurrency and NFTs Are Inherited in India: Legal Framework, Challenges, and Will Planning Essentials, IWILLS (Jan. 11, 2026), https://www.iwills.in/blog/how-cryptocurrency-and-nfts-are-inherited-in-india-legal-framework-challenges-and-will-planning-essentials.
[135] See id.
[136] See id.
[137] See Digital Executor in India: Secure Your Assets, R ASSOCIATES (Sept. 12, 2025), https://www.rassociates.in/digital-executor-in-india-secure-your-assets/.
[138] See Indian Succession Act, 1925.
[139] See id.
[140] See How Cryptocurrency and NFTs Are Inherited in India, IWILLS, supra note 27.

destroyed, or never created, the digital executor cannot access the assets.[141]

D. Multi-Signature Wallets: A Technical Solution

A more robust technical solution is the use of multi-signature (multisig) wallets.[142] A multisig wallet requires multiple private keys to authorise a transaction, following an M-of-N rule (e.g., 2-of-3, meaning two signatures are required out of three possible key holders).[143] For inheritance planning, a testator can set up a 2-of-3 multisig wallet where:[144]

1. The testator holds one key.
2. A trusted attorney or executor holds a second key.
3. An heir holds the third key.
4. Any two keys can move funds, but no single party can independently access the wallet.[145] Upon the testator's death, the heir and executor can combine their keys to access the funds without requiring the testator's key.[146]

This architecture offers several benefits. It eliminates single points of failure (lost seed phrases). It prevents unilateral access by any one party. It ensures continuity of access even if one key is lost. Services like Getbit and Bifrost now offer inheritance-focused multisig solutions in India.[147]

However, multisig wallets also have drawbacks. They require technical knowledge to set up correctly. They may incur higher transaction fees. Not all wallets or blockchains support multisig functionality. And critically, the testator must still plan proactively by distributing keys to trusted parties.[148]

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[141] See id.
[142] See Multi-Sig Wallets Explained for Retail Investors, CRYPTOWIRE (July 7, 2026), https://www.cryptowire.in/crypto/multi-sig-wallets-explained/.
[143] See id.
[144] See What To Put In The Trust &...: 2-of-3 Multisig Inheritance Plan, ANUJ VARMA (Nov. 21, 2025), https://www.anujvarma.com/multisig-inheritance-plan/.
[145] See Multi-Sig Wallets Explained, CRYPTOWIRE, supra note 39.
[146] See id.
[147] See Getbit Introduces Bitcoin Inheritance & Custody Planning Solution with Theya, THE WIRE (Apr. 10, 2026), https://m.thewire.in/article/ptiprnews/getbit-introduces-bitcoin-inheritance-custody-planning-solution-with-theya/amp; see also Bifrost: Pricing & Features, SHYFT (Feb. 9, 2026), https://shyft.ai/tools/bifrost.
[148] See id.

E. Security vs. Succession Trade-Off

The fundamental tension in digital inheritance is between security and succession. The same cryptographic features that protect crypto assets from theft (decentralisation, private keys, seed phrases) also make inheritance difficult. Any solution that simplifies inheritance necessarily introduces some security trade-off.[149]

Writing seed phrases in a will compromises security, as wills become public after probate. Storing seed phrases with a lawyer or in a safety deposit box introduces counterparty risk. Using multisig wallets requires trusting co-signers. Platform-level legacy tools (like Google Inactive Account Manager) require trusting the platform.[150]

There is no perfect solution. Testators must balance security against the risk of permanent loss.[151] The optimal approach likely combines multiple strategies: a well-drafted will appointing a digital executor, a confidential Access Memorandum stored securely, multisig wallets for significant holdings, and clear communication with heirs about the existence and location of access information.[152]

F. Platform-Specific Challenges

Beyond self-custody crypto, other digital assets present distinct challenges.[153]

Domain names are governed by contractual terms with registrars like GoDaddy or BigRock. Some registrars offer legacy contact features, but most require account access to transfer ownership. Without the registrar account password and two-factor authentication, heirs may be unable to claim the domain.[154]

Monetised social media accounts (YouTube, Instagram, podcasts) blend contractual rights with intellectual property and income streams. YouTube's terms of service do not permit account transfers, though heirs may be able to claim accumulated revenue through Google's

[149] See id.
[150] See id.
[151] See id.
[152] See Free Digital Assets Will Template India (2026), FORMS LEGAL (June 7, 2026), https://forms-legal.com/india/estate-planning/wills/digital-assets-will-india.
[153] See Digital Asset Inventory Framework for Indian Wills 2026, LAW TARAZOO (Aug. 1, 2026), https://lawtarazoo.com/blog/digital-asset-inventory-framework-indian-wills-2026.html.
[154] See id.

deceased user process. Instagram and Facebook offer legacy contact features in some jurisdictions, allowing designated contacts to manage memorialised accounts, but these features do not transfer ownership or monetisation rights.[155]

Gaming assets (in-game currencies, skins, NFTs) are often licensed, not owned, and terms of service may prohibit transfer upon death. Even where transfer is permitted, heirs must navigate account recovery processes that may require extensive documentation.[156]

VI. Reform Proposals: Closing the Statutory Gap

The preceding analysis has established that Indian succession law lacks a framework for digital inheritance, that comparative jurisdictions offer partial solutions, and that cryptographic barriers impose fundamental limits on legal reform. This Part proposes a comprehensive reform agenda, including legislative amendments, regulatory guidance, and practical planning measures that testators can adopt immediately.

A. Legislative Amendment: A Digital Assets (Succession) Act

India requires dedicated legislation to address the digital inheritance gap. While judicial interpretation can expand the definition of "property" under existing statutes, only Parliament can create the procedural mechanisms necessary for executors to access and transfer digital assets.[157] This paper proposes the enactment of a Digital Assets (Succession) Act, 2026 (DASA), or alternatively, comprehensive amendments to the Indian Succession Act, 1925.

Key provisions of DASA should include:

1. **Definition of Digital Assets.** The Act should define "digital asset" broadly as "any electronically stored record, right, or asset in which a person has a proprietary interest, including but not limited to cryptocurrencies, non-fungible tokens, domain names, monetised online accounts, and digital licences."[158] This definition should explicitly

[155] See id.
[156] See id.
[157] See Digital Inheritance in India: Legal Gaps and Future Solutions, 6 INDIAN J. ADMIN. L. & RSCH. 2 (2026), https://ijalr.in/volume-6-issue-2/digital-inheritance-in-india-legal-gaps-and-future-solutions-karan-kaushal/.
[158] See id.; see also Transmission and Succession of Digital Assets Act, 2026 (proposed draft) (on file with author) (winning submission, RGNUL-SAM Legislation Drafting Competition 2026), https://www.linkedin.com/posts/vagish-k-8a7a49265_pleased-to-share-that-bhoomi-gupta-and-i-activity-7437385561155432449-t1R9.

exclude traditional financial accounts already covered by nomination frameworks (bank accounts, Demat holdings, UPI wallets).[159]

2. **Statutory Recognition as Movable Property.** The Act should provide that "digital assets constitute movable property for the purposes of succession under the Indian Succession Act, 1925, the Hindu Succession Act, 1956, and all other applicable succession laws."[160] This provision would resolve doctrinal uncertainty and align succession law with the taxation regime under Section 2(47A) of the Income Tax Act.[161]

3. **Fiduciary Access Authority.** The Act should grant executors, administrators, and legal heirs legal authority to access, manage, and transfer digital assets upon production of appropriate documentation (death certificate, probate, succession certificate, or legal heirship certificate).[162] This authority should be modelled on RUFADAA's three-tier hierarchy: platform-level legacy tools take priority, followed by estate planning documents, followed by terms of service.[163]

4. **Digital Executor Recognition.** The Act should statutorily recognise the office of "digital executor" as a distinct fiduciary role with specific authority over digital assets.[164] The digital executor may be the same person as the general executor or a separate appointee with technical expertise.[165] The Act should permit testators to grant the digital executor access to a confidential "Access Memorandum" containing passwords, seed phrases, and account details, without requiring disclosure in the public will.[166]

5. **Mandatory Legacy Setting for Platforms.** The Act should impose obligations on "Digital Service Providers" (defined to include crypto exchanges, domain registrars,

[159] See Digital Asset Inventory Framework for Indian Wills 2026, LAW TARAZOO (Aug. 1, 2026), https://lawtarazoo.com/blog/digital-asset-inventory-framework-indian-wills-2026.html.
[160] See Digital Inheritance in India, 6 INDIAN J. ADMIN. L. & RSCH. 2, supra note 1.
[161] See Income Tax Act, 1961, § 2(47A) (India).
[162] See Revised Uniform Fiduciary Access to Digital Assets Act (2015) (U.S.); see also Digital Will (USA): What to Include + RUFADAA, AFTERLIFE AI (May 15, 2026), https://www.afterlife.ai/digital-will-usa/.
[163] See id.
[164] See Digital Executor in India: Secure Your Assets, R ASSOCIATES (Sept. 12, 2025), https://www.rassociates.in/digital-executor-in-india-secure-your-assets/.
[165] See id.
[166] See Free Digital Assets Will Template India (2026), FORMS LEGAL (June 7, 2026), https://forms-legal.com/india/estate-planning/wills/digital-assets-will-india.

social media platforms, and cloud storage providers) to establish procedures for handling deceased users' accounts.[167] These procedures should include: (a) verification of death through death certificates, (b) acceptance of succession documentation, (c) time-bound processing (e.g., 30 days), and (d) clear communication of requirements to heirs.[168]

6. **Safe Harbour for Platforms.** The Act should provide a safe harbour for platforms that act in good faith to grant access to duly authorised executors or heirs. This provision would encourage platforms to cooperate with succession requests without fear of liability for breach of contract or privacy violations.[169]

7. **Coordination with DPDP Act.** The Act should clarify the relationship between succession rights and the nomination framework under Section 14 of the Digital Personal Data Protection Act, 2023.[170] Specifically, the Act should provide that DPDP nominees exercise privacy rights (access, correction, erasure) but do not automatically inherit economic value, which remains governed by succession law.[171]

B. Regulatory Guidance for Exchanges and Platforms

While legislation is pending, regulators can issue guidance to streamline digital inheritance. The Securities and Exchange Board of India (SEBI) and the Reserve Bank of India (RBI) should jointly issue guidelines for crypto exchanges and digital asset service providers.[172]

Key elements of regulatory guidance should include:

1. **Mandatory Succession Policies.** Licensed exchanges must maintain written policies for handling deceased account holders, including documentation requirements, verification procedures, and processing timelines.[173]

[167] See Transmission and Succession of Digital Assets Act, 2026, supra note 2.
[168] See id.
[169] See id.
[170] See Digital Personal Data Protection Act, 2023, § 14 (India); see also Right to Nominate under DPDP Act: Privacy After Death, K&S PARTNERS (Oct. 13, 2025), https://ksandk.com/data-protection-and-data-privacy/right-to-nominate-under-dpdp-act-privacy-after-death/.
[171] See Digital Succession in India: Privacy vs Property Rights, K&S PARTNERS (Apr. 1, 2026), https://ksandk.com/data-protection-and-data-privacy/digital-succession-in-india/.
[172] See Crypto & Digital Asset Inheritance in India: Law, Planning and Tax, FINNOVATE (Apr. 30, 2026), https://www.finnovate.in/learn/blog/digital-assets-crypto-inheritance-india.
[173] See id.

2. **Standardised Documentation.** Regulators should prescribe a standard set of documents for succession claims: death certificate, succession certificate or probate, KYC of claimants, and indemnity bonds. This would reduce uncertainty and prevent exchanges from imposing arbitrary additional requirements.[174]

3. **Time-Bound Processing.** Exchanges should be required to process succession claims within 30 days of receiving complete documentation. Delays beyond this period should attract penalties or regulatory action.[175]

4. **Nomination Option.** Regulators should encourage exchanges to offer nomination features similar to bank accounts, allowing users to designate beneficiaries who can claim assets upon death with simplified documentation.[176]

5. **Transparency Requirements.** Exchanges should be required to disclose their succession policies publicly on their websites, including contact information for succession-related queries.[177]

C. Judicial Interpretation: Expanding "Property"

While legislative reform is preferable, courts can contribute by interpreting existing statutes purposively.[178] The Madras High Court's judgment in Rhutikumari v. Zanmai Labs Pvt. Ltd.[179] and the Gandhinagar Civil Court's order on iCloud data[180] demonstrate judicial willingness to recognise digital assets as property. Courts should continue this trend by:

1. **Interpreting "Property" Broadly.** Courts should interpret "property" in the Indian Succession Act, 1925, and Hindu Succession Act, 1956, to include digital assets,

[174] See id.
[175] See id.
[176] See id.
[177] See id.
[178] See What Recognition of Crypto as Property Will Mean for Taxation, Inheritance and Insolvency Laws in India, ECON. TIMES (Nov. 18, 2025), https://economictimes.indiatimes.com/wealth/legal/will/what-recognition-of-crypto-as-property-will-mean-for-taxation-inheritance-and-insolvency-laws-in-india/slideshow/125404475.cms.
[179] Rhutikumari v. Zanmai Labs Pvt. Ltd., W.P. No. 2437 of 2025 (Madras, Oct. 25, 2025), https://www.casemine.com/judgement/in/68fcfbac9a22022a0496b323.
[180] See Gandhinagar Civil Court Order (May 2026) (unpublished) (on file with author); see also Who Owns a Person's Digital Data After Their Death, in the Absence of Specific Laws?, INDIAN EXPRESS (May 15, 2026), https://indianexpress.com/article/explained/explained-law/digital-data-death-inheritance-phone-data-10690792/.

relying on the taxation regime's recognition of VDAs and the emerging judicial consensus.[181]

2. **Granting Access Orders.** In cases where digital assets are clearly part of the estate, courts should issue orders directing platforms to grant access to executors or heirs, subject to appropriate verification.[182]

3. **Acknowledging Limits.** Courts should also acknowledge that judicial orders cannot override private-key cryptography.[183] Where seed phrases are lost, no court order can recover the assets.[184]

D. Practical Planning: What Testators Should Do Now

Legislative reform will take time. In the interim, testators must plan proactively to ensure their digital assets are inheritable.[185] The following measures are recommended:

1. Maintain a Digital Inventory. Create a comprehensive list of all digital assets, including:[186]

- Crypto wallets (exchange-held and self-custody) with account names and wallet addresses.
- Domain names with registrar details.
- Monetised accounts (YouTube, Instagram, podcasts) with login credentials.
- NFTs, gaming assets, and other digital collectibles.
- Cloud storage accounts with valuable data.

2. **Include Digital Assets in the Will.** Reference the digital inventory in the will without

[181] See What Recognition of Crypto as Property Will Mean, ECON. TIMES, supra note 25.
[182] See id.
[183] See Crypto & Digital Asset Inheritance in India, FINNOVATE, supra note 17.
[184] See id.
[185] See How Cryptocurrency and NFTs Are Inherited in India: Legal Framework, Challenges, and Will Planning Essentials, IWILLS (Jan. 11, 2026), https://www.iwills.in/blog/how-cryptocurrency-and-nfts-are-inherited-in-india-legal-framework-challenges-and-will-planning-essentials.
[186] See Digital Asset Inventory Framework for Indian Wills 2026, LAW TARAZOO, supra note 3.

disclosing passwords or seed phrases.[187] A sample clause:[188]

> "I direct my executor to take possession of and distribute my digital assets, including but not limited to cryptocurrencies, NFTs, domain names, and monetised online accounts, in accordance with the terms of this Will. A confidential inventory of such assets, including access instructions, is maintained separately and shall be provided to my executor upon my death."

3.Appoint a Digital Executor. Explicitly appoint a tech-savvy executor with authority over digital assets.[189] This may be the same person as the general executor or a separate appointee.[190]

4.Store Seed Phrases Securely. Keep seed phrases and passwords in a secure location (safety deposit box, encrypted document with a lawyer) and inform the executor of their location.[191] Do not include seed phrases in the will itself, as wills become public after probate.[192]

5.Use Multi-Signature Wallets. For significant crypto holdings, consider multi-signature wallets structured for inheritance (e.g., 2-of-3 multisig with keys held by the testator, executor, and heir).[193]

6.Inform Heirs. Ensure that at least one trusted person knows the digital inventory exists and where to find it.[194]

E. Model Clause for Indian Wills

The following model clause can be adapted for Indian wills:[195]

> **Clause X: Digital Assets**
>
> (1) I direct my executor to take possession of, manage, and distribute my digital assets,

[187] See id.
[188] See Free Digital Assets Will Template India (2026), FORMS LEGAL, supra note 10.
[189] See Digital Executor in India, R ASSOCIATES, supra note 8.
[190] See id.
[191] See How Cryptocurrency and NFTs Are Inherited in India, IWILLS, supra note 32.
[192] See id.
[193] See Multi-Sig Wallets Explained for Retail Investors, CRYPTOWIRE (July 7, 2026), https://www.cryptowire.in/crypto/multi-sig-wallets-explained/.
[194] See How Cryptocurrency and NFTs Are Inherited in India, IWILLS, supra note 32.
[195] See Free Digital Assets Will Template India (2026), FORMS LEGAL, supra note 10.

> including but not limited to:
>
> (a) Cryptocurrencies and other virtual digital assets held on exchanges or in self-custody wallets;
>
> (b) Non-fungible tokens (NFTs) and blockchain-based collectibles;
>
> (c) Domain names and website properties;
>
> (d) Monetised online accounts including social media channels, podcasts, and content platforms;
>
> (e) Cloud storage accounts and digital subscriptions with economic value.
>
> (2) A confidential Digital Asset Inventory, containing account details, wallet addresses, and access instructions, is maintained separately from this Will and shall be provided to my executor upon my death.
>
> (3) I appoint [Name of Digital Executor] as my Digital Executor with specific authority to access, manage, and transfer my digital assets in compliance with applicable law. The Digital Executor shall have all powers necessary to carry out this directive, including the power to engage technical experts, access encrypted accounts, and liaise with digital service providers.
>
> (4) My Digital Executor shall act in consultation with my general executor, [Name of General Executor], and shall distribute digital assets in accordance with the terms of this Will.

VII. Conclusion

India's succession law stands at a critical juncture. The Finance Act, 2022 recognised Virtual Digital Assets as taxable property, subjecting cryptocurrencies, NFTs, and similar assets to a 30% tax regime and 1% TDS on transfers.[196] The Madras High Court's landmark judgment in

[196] See Income Tax Act, 1961, § 2(47A), § 115BBH, § 194S (India); see also Taxation of Virtual Digital Asset (VDA), INCOME TAX INDIA (May 27, 2026), https://www.incometaxindia.gov.in/w/taxation-of-virtual-digital-asset-vda-.

Rhutikumari v. Zanmai Labs Pvt. Ltd.[197] affirmed that crypto tokens constitute "property" capable of ownership, beneficial enjoyment, and inheritance.[198] Yet the Indian Succession Act, 1925, and the Hindu Succession Act, 1956, remain silent on digital assets, creating a doctrinal chasm between taxation law and succession law.[199] This paper has demonstrated that the gap is not merely theoretical but has profound practical consequences: executors hold legal title to estates containing digital wealth but lack statutory authority or practical means to access that wealth.

The analysis has yielded several key findings. First, the statutory gap is structural. The ISA 1925 and HSA 1956 predate the digital age by decades and contain no definition, category, or procedure for digital inheritance.[200] Judicial interpretation can expand "property" to include digital assets, but cannot create the procedural mechanisms necessary for executors to access encrypted wallets or platform-controlled accounts.[201] Second, private-key cryptography imposes fundamental limits on legal reform.[202] No statute can override the mathematics of public-key encryption: without the seed phrase, self-custody crypto is permanently inaccessible.[203] Third, comparative jurisdictions offer partial solutions but no complete model.[204] RUFADAA grants fiduciary access but cannot compel decryption.[205] The UK's Property (Digital Assets etc) Act 2025 confirms property status but does not address access.[206] Singapore's MAS guidelines streamline exchange succession but ignore self-custody wallets.[207]

The reform agenda proposed in Part VI addresses these challenges through a multi-layered approach. Legislative amendment is essential: a Digital Assets (Succession) Act should

[197] Rhutikumari v. Zanmai Labs Pvt. Ltd., W.P. No. 2437 of 2025 (Madras, Oct. 25, 2025), https://www.casemine.com/judgement/in/68fcfbac9a22022a0496b323.
[198] See id. at ¶ 12.
[199] See Digital Inheritance in India: Legal Gaps and Future Solutions, 6 INDIAN J. ADMIN. L. & RSCH. 2 (2026), https://ijalr.in/volume-6-issue-2/digital-inheritance-in-india-legal-gaps-and-future-solutions-karan-kaushal/.
[200] See id.
[201] See id.
[202] See Crypto & Digital Asset Inheritance in India: Law, Planning and Tax, FINNOVATE (Apr. 30, 2026), https://www.finnovate.in/learn/blog/digital-assets-crypto-inheritance-india.
[203] See id.
[204] See supra Part IV (comparative analysis).
[205] See What RUFADAA Actually Does and Where Digital Estate Access Still Breaks Down, ESTATE GURU (Aug. 14, 2026), https://www.estateguru.com/blog/what-rufadaa-actually-does-and-where-digital-estate-access-still-breaks-down.
[206] See The Property (Digital Assets etc) Act 2025 Has Received Royal Assent, LAW COMMISSION (Dec. 3, 2025), https://lawcom.gov.uk/news/the-property-digital-assets-etc-act-2025-has-received-royal-assent/.
[207] See Payment Services Act 2019, No. 27 (Sing.); see also Monetary Authority of Singapore, Guidelines on Digital Token Payment Services (2020).

explicitly recognise digital assets as movable property, grant fiduciary access authority, establish a digital executor framework, and impose obligations on platforms to handle deceased users' accounts.[208] Regulatory guidance from SEBI and RBI can streamline exchange succession procedures in the interim, requiring standardised documentation, time-bound processing, and transparency.[209] Judicial interpretation can contribute by purposively reading "property" to include digital assets, as the Madras High Court has begun to do.[210]

Yet legislation and regulation alone cannot solve the inheritance problem.[211] Testators must plan proactively by maintaining digital inventories, appointing digital executors, storing seed phrases securely, and considering multi-signature wallets for significant holdings.[212] The model will clause proposed in Part VI offers a template for Indian testators to incorporate digital assets into their estate planning immediately.[213]

The stakes are substantial. With an estimated 39 million Indians holding crypto assets valued at $2.1 billion as of May 2026,[214] and millions more possessing monetised social media accounts, domain names, and gaming assets, the digital inheritance gap threatens to render vast wealth permanently inaccessible.[215] As India's digital economy grows, this problem will only intensify.[216]

The path forward requires coordinated action. Parliament must enact comprehensive digital inheritance legislation.[217] Regulators must issue clear guidance for exchanges and platforms.[218] Courts must continue to recognise digital assets as property while acknowledging the limits of

[208] See supra Part VI.A (proposing Digital Assets (Succession) Act, 2026).
[209] See supra Part VI.B (proposing SEBI/RBI guidelines).
[210] See What Recognition of Crypto as Property Will Mean for Taxation, Inheritance and Insolvency Laws in India, ECON. TIMES (Nov. 18, 2025), https://economictimes.indiatimes.com/wealth/legal/will/what-recognition-of-crypto-as-property-will-mean-for-taxation-inheritance-and-insolvency-laws-in-india/slideshow/125404475.cms.
[211] See Crypto & Digital Asset Inheritance in India, FINNOVATE, supra note 7.
[212] See How Cryptocurrency and NFTs Are Inherited in India: Legal Framework, Challenges, and Will Planning Essentials, IWILLS (Jan. 11, 2026), https://www.iwills.in/blog/how-cryptocurrency-and-nfts-are-inherited-in-india-legal-framework-challenges-and-will-planning-essentials.
[213] See Free Digital Assets Will Template India (2026), FORMS LEGAL (June 7, 2026), https://forms-legal.com/india/estate-planning/wills/digital-assets-will-india.
[214] See India: 39M Crypto Investors, $2.1B Held, 73% Volume Offshore, CRYPTOWIRE (Aug. 2, 2026), https://www.cryptowire.in/blog/indias-39-million-crypto-investors-hold-21-billion-as-73-of-volume-moves-offshore/.
[215] See Digital Asset Inventory Framework for Indian Wills 2026, LAW TARAZOO (Aug. 1, 2026), https://lawtarazoo.com/blog/digital-asset-inventory-framework-indian-wills-2026.html.
[216] See id.
[217] See Digital Inheritance in India, 6 INDIAN J. ADMIN. L. & RSCH. 2, supra note 4.
[218] See supra Part VI.B.

judicial orders.[219] And individuals must take responsibility for their digital legacy by planning proactively.[220]

The alternative is a future where India's succession law remains anchored in a pre-digital era, while its citizens accumulate wealth in forms the law cannot reach.[221] This paper has argued that such a future is neither inevitable nor acceptable.[222] With thoughtful legislation, pragmatic regulation, and informed estate planning, India can close the digital inheritance gap and ensure that its citizens' digital wealth passes to their heirs as securely as their physical property.[223]

[219] See What Recognition of Crypto as Property Will Mean, ECON. TIMES, supra note 15.
[220] See How Cryptocurrency and NFTs Are Inherited in India, IWILLS, supra note 17.
[221] See Digital Inheritance in India, 6 INDIAN J. ADMIN. L. & RSCH. 2, supra note 4.
[222] See id.
[223] See id.