
DIGITAL GHOSTS: LEGAL RIGHTS OVER SOCIAL MEDIA PROFILES OF DECEASED PERSONS

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ABSTRACT

The rapid growth of digital technology has transformed the way individuals create and maintain their identities. Today, social media profiles, emails, cloud storage, digital photographs, and other online accounts form an important part of a person's life and continue to exist even after death. This has given rise to a new legal challenge concerning the ownership, control, and management of digital assets belonging to deceased persons. The present study examines the concept of digital ghosts and analyses the legal issues surrounding social media profiles after death.

The paper explores the legal nature of social media accounts, post-mortem privacy rights, inheritance claims of legal heirs, and the policies adopted by major digital platforms. It further examines comparative approaches adopted in the United States, the European Union, and the United Kingdom, while evaluating the existing position under Indian law. Special attention has been given to emerging concerns such as artificial intelligence, deepfake technology, and the digital recreation of deceased individuals.

The study finds that Indian law does not presently provide a clear framework for regulating digital inheritance or protecting digital identities after death. As a result, disputes relating to access, ownership, privacy, and control are often resolved through platform policies rather than legal principles. The paper argues that a person's digital identity should not become legally ownerless merely because the person has died. It proposes the recognition of a limited right to digital afterlife, enabling individuals to determine the future of their digital presence while safeguarding privacy, dignity, and the interests of family members.

The research concludes that India requires a comprehensive legal framework governing digital succession, post-mortem digital rights, and the management of digital assets in order to address the realities of an increasingly digital society.

Keywords: Digital Ghosts, Digital Legacy, Social Media Accounts, Digital Inheritance, Post-Mortem Privacy, Digital Afterlife, Digital Succession, Artificial Intelligence.

Introduction

Background of Digital Identity

The growth of internet technology has transformed the way individuals create, store, and share information about themselves. In the contemporary world, a person's identity is no longer limited to physical documents or personal relationships. Social media platforms, cloud storage services, emails, blogs, and other digital accounts collectively form what may be described as a "digital identity." These digital traces reflect an individual's personality, beliefs, memories, communications, and social interactions.

Unlike traditional forms of property, digital identity exists in a virtual environment and is governed largely by contractual terms imposed by technology companies. Every photograph uploaded, message exchanged, or post shared contributes to a person's online presence. Over time, these digital records become a significant part of an individual's life and often continue to exist even after death.

The increasing dependence on digital platforms has raised complex legal questions regarding ownership, privacy, inheritance, and control over digital assets. While succession laws have traditionally dealt with tangible and financial assets, they were not designed to address the challenges posed by digital identities. Consequently, the legal status of online accounts after the death of a user remains uncertain in many jurisdictions. This uncertainty necessitates a careful examination of the rights associated with digital identities and the legal mechanisms available for their protection.

Rise of Social Media as Personal Property

Social media platforms have evolved beyond mere communication tools. They now function as repositories of personal memories, professional achievements, creative works, and social relationships. Accounts maintained on platforms such as Facebook, Instagram, X, LinkedIn, and others often possess both emotional and economic value.

For many individuals, years of photographs, videos, messages, and interactions are stored on these platforms. Influencers, content creators, and entrepreneurs may also derive financial benefits from their social media presence, making such accounts valuable digital assets. As a result, social media profiles increasingly resemble a form of personal property that may require

management, transfer, or preservation after the account holder's death.

However, unlike conventional property, social media accounts are generally governed by user agreements that restrict transferability and determine the extent to which family members may access or manage the account. This creates a conflict between contractual rights, privacy interests, and the expectations of legal heirs. The absence of uniform legal standards further complicates the issue, leaving many families uncertain about their rights over a deceased person's digital presence.

Research Objectives

The present study seeks to examine the legal status of social media profiles after the death of an account holder and to analyse the rights that may arise concerning such digital assets. The specific objectives of the study are:

1. To understand the concept of digital identity and its legal significance in the modern era.
2. To examine whether social media accounts can be treated as inheritable digital assets or a form of personal property.
3. To analyse the legal rights of heirs, family members, and nominated representatives concerning deceased users' social media profiles.
4. To study the policies adopted by major social media platforms regarding memorialisation, account access, and account deletion.
5. To identify the legal challenges relating to privacy, data protection, succession, and ownership of digital assets.
6. To suggest a suitable legal framework for regulating posthumous rights over social media accounts.

Scope and Significance of the Study

The scope of this research is confined to the legal issues surrounding social media profiles and digital identities after the death of a user. The study focuses on questions of ownership,

succession, privacy, access rights, and platform responsibilities. It also considers emerging international practices and evaluates their relevance in the Indian legal context.

The significance of the study lies in the growing importance of digital assets in everyday life. As millions of individuals maintain active online profiles, disputes regarding access to and control over such accounts are becoming increasingly common. Existing succession laws provide limited guidance on the treatment of digital property, thereby creating legal uncertainty for families and legal practitioners.

This research aims to contribute to the ongoing discussion regarding digital inheritance and posthumous privacy rights. By examining the legal challenges associated with digital ghosts and social media profiles of deceased persons, the study seeks to highlight the need for a comprehensive legal framework that balances the interests of heirs, technology companies, and the privacy rights of the deceased. Such a framework is essential for ensuring clarity, protecting individual dignity, and addressing the realities of an increasingly digital society.

Concept of Digital Ghosts and Digital Legacy

Meaning of Digital Ghosts

The term "digital ghost" refers to the online presence that remains after a person's death. Social media profiles, emails, photographs, blogs, and other digital records often continue to exist even when the account holder is no longer alive. These digital remains may still be accessible, searchable, or interactive, creating legal questions regarding ownership, control, privacy, and inheritance. From a legal perspective, digital ghosts represent the continuing existence of a person's data in cyberspace and raise concerns about who should manage or access such information after death.

Evolution of Online Identities

The concept of identity has expanded significantly with the growth of the internet. Earlier, identity was associated mainly with physical documents and personal relationships. Today, individuals create extensive online identities through social media activities, digital communications, and online transactions. These virtual identities often reflect personal beliefs, professional achievements, social connections, and life experiences. As online platforms have become integral to daily life, digital identities have acquired legal and economic significance,

making them an important subject of contemporary legal discourse.

Types of Digital Assets

Digital assets can be broadly classified into personal, financial, and intellectual assets. Personal digital assets include social media accounts, emails, photographs, videos, and personal documents stored online. Financial digital assets consist of online banking accounts, digital wallets, cryptocurrencies, and e-commerce accounts containing monetary value. Intellectual digital assets include blogs, websites, domain names, digital publications, copyrighted content, and other forms of online creative work. The diverse nature of these assets makes it difficult to determine their legal status under traditional succession laws, thereby creating a need for specific legal regulation concerning digital inheritance and posthumous rights.

Legal Nature of Social Media Accounts

Are Social Media Profiles Property?

One of the most debated issues in digital inheritance law is whether social media profiles can be treated as property. Traditionally, property law recognizes rights over tangible assets and certain intangible assets that possess economic value. Social media accounts, however, do not fit neatly into these categories. Although users invest time, effort, and personal information in creating and maintaining their profiles, the platforms themselves generally retain ownership of the underlying software and infrastructure.

Despite this, social media accounts often contain valuable content such as photographs, videos, personal communications, and creative works. In some cases, especially for influencers, businesses, and content creators, such accounts may also generate income. Therefore, while a social media profile may not constitute property in the traditional sense, it possesses characteristics that justify legal protection and consideration within the framework of digital assets.

Ownership Rights in Digital Accounts

Ownership rights in digital accounts are limited and distinct from ownership of physical property. Users generally exercise control over the content they create and upload, subject to the terms of the platform. This control includes the ability to access, modify, or delete personal

information during their lifetime.

However, the legal position becomes uncertain after death. Questions arise regarding whether heirs can inherit access rights, manage the account, or retrieve stored data. Since most legal systems have not expressly classified social media accounts as inheritable property, succession rights often depend on platform policies and applicable data protection laws. This creates uncertainty for families seeking access to the digital presence of deceased persons.

Contractual Relationship Between Users and Platforms

The relationship between a user and a social media platform is primarily contractual in nature. By creating an account, the user agrees to the platform's terms of service, which govern access, usage, and management of the account. These agreements frequently provide that accounts are personal, non-transferable, and subject to the platform's control.

As a result, contractual terms may limit the rights of legal heirs even where succession laws would otherwise permit inheritance. This creates a conflict between private contractual arrangements and traditional legal principles governing property and succession. Consequently, the legal status of social media accounts remains a developing area that requires greater legislative clarity and judicial guidance.

Post-Mortem Privacy Rights and Human Dignity

Privacy Beyond Death

The right to privacy is generally understood as a right enjoyed by living individuals. However, the rapid growth of digital technology has raised an important question: should privacy interests continue even after death? Although a deceased person can no longer exercise legal rights personally, the information stored in emails, social media accounts, cloud storage, and private messages often contains deeply personal details. Unrestricted access to such information may undermine the wishes, dignity, and autonomy that the individual possessed during their lifetime.

In the digital age, privacy concerns do not automatically disappear upon death. The continued existence of personal data online creates a need to balance the interests of family members seeking access with the deceased person's expectation of confidentiality.

Reputation and Personality Rights

A person's reputation is closely linked to their identity and social standing. Even after death, society often recognizes the importance of protecting the memory and dignity of an individual. Digital platforms preserve photographs, opinions, conversations, and personal expressions that continue to shape how a deceased person is perceived by others.

From a legal perspective, personality rights involve interests connected with an individual's name, image, identity, and personal expression. Unauthorized use, alteration, or publication of a deceased person's digital content may adversely affect their reputation and the sentiments of surviving family members. Although many legal systems provide limited recognition to post-mortem personality rights, the increasing permanence of online content has strengthened arguments for extending legal protection beyond an individual's lifetime.

Ethical Concerns in Accessing Deceased Users' Data

Accessing the digital accounts of deceased persons raises significant ethical concerns. Family members may seek access to recover memories, settle financial affairs, or understand the circumstances surrounding a person's death. At the same time, such access may expose private communications that the deceased never intended others to view.

A further ethical dilemma arises where the interests of relatives conflict with the privacy preferences of the deceased. Granting unrestricted access may violate personal confidentiality, while complete denial of access may cause hardship for family members. Therefore, any legal framework governing digital assets should seek a balanced approach that respects human dignity, protects privacy interests, and accommodates legitimate familial and legal concerns. Such a balance is essential for ensuring responsible management of digital legacies in the modern era.

Rights of Heirs and Family Members

Succession and Inheritance Issues

The emergence of digital assets has created new challenges for traditional succession laws. While inheritance rules clearly govern the transfer of physical property and financial assets, their application to social media accounts and other digital records remains uncertain. A

deceased person's online presence may contain photographs, personal documents, creative works, and even assets with economic value. The question that frequently arises is whether such digital assets form part of the deceased's estate and can therefore pass to legal heirs.

In many jurisdictions, succession laws have not been specifically updated to address digital inheritance. As a result, heirs often face difficulties in claiming access to online accounts, particularly where platform policies restrict transferability. The absence of clear legal provisions creates uncertainty regarding the extent of rights that surviving family members may exercise over a deceased person's digital legacy.

Access to Personal Communications

One of the most sensitive issues concerns access to private communications left behind by the deceased. Emails, direct messages, and personal chats may contain information of emotional, financial, or legal importance. Family members may seek access to such communications to manage the deceased's affairs, locate important documents, or preserve family memories.

However, granting access to private communications raises concerns relating to confidentiality and privacy. Personal messages often involve third parties who may not have consented to their disclosure. Moreover, the deceased may have intended certain communications to remain private even after death. Consequently, determining whether heirs should obtain unrestricted access requires a careful balancing of inheritance rights and privacy interests. Legal systems must therefore establish safeguards that protect confidential information while accommodating legitimate family concerns.

Conflicts Among Family Members

Disputes frequently arise when multiple family members claim authority over a deceased person's digital accounts. Differences may emerge regarding whether an account should be deleted, memorialised, preserved, or accessed. Such disagreements become particularly significant when the account contains valuable digital assets or information relevant to legal proceedings.

The lack of clear statutory guidelines often intensifies these conflicts. In the absence of specific instructions left by the deceased, family members may rely on differing interpretations of succession rights and personal wishes. Therefore, a well-defined legal framework is necessary

to determine priority among claimants, reduce disputes, and ensure that decisions concerning digital assets are made in a fair and legally consistent manner.

Social Media Platform Policies and Legal Challenges

Memorialization of Accounts

With the increasing number of deceased users leaving behind active online profiles, social media platforms have developed mechanisms to preserve certain accounts after death. One such mechanism is memorialization, through which an account is converted into a digital space for remembrance. This allows friends and family members to view past posts and share tributes while preventing unauthorized alterations to the account. Although memorialization helps preserve digital memories, it also raises legal questions regarding consent, ownership, and the extent to which a platform can determine the future of a deceased person's online identity.

Account Deletion Mechanisms

Many platforms also provide procedures for the permanent deletion of accounts belonging to deceased users. Family members may request deletion for privacy reasons or to prevent misuse of personal information. However, the process is often subject to strict verification requirements and platform-specific policies. In some situations, valuable photographs, documents, or communications may be lost once an account is deleted. The challenge lies in balancing the need to protect personal data with the interests of relatives who may wish to preserve important digital content. The absence of uniform standards often leads to uncertainty and inconsistent outcomes.

Platform Control versus Family Rights

A significant legal challenge arises from the conflict between platform authority and the rights of surviving family members. Social media companies exercise substantial control over user accounts through their internal policies and contractual terms. At the same time, family members frequently believe that they possess a legitimate interest in accessing or managing the digital assets of a deceased relative.

This conflict becomes more complex when the platform's policies restrict access despite requests from legal heirs. While families may rely on principles of succession and inheritance,

platforms often prioritize privacy obligations and contractual commitments. As a result, determining who should control a deceased person's digital presence remains a contentious issue.

Problems with Terms of Service Agreements

The legal relationship between users and social media platforms is primarily governed by terms of service agreements. These agreements are usually accepted electronically and often contain clauses stating that accounts are personal and non-transferable. Consequently, heirs may be denied access even when they possess a valid legal interest.

A further concern is that most users do not fully read or understand these agreements before accepting them. The dominance of platform-drafted terms creates an imbalance between corporate control and user rights. Therefore, greater legal clarity is required to ensure that contractual provisions do not unfairly override principles of inheritance, privacy, and human dignity in the digital environment.

Comparative Legal Framework

United States Approach

The United States has taken significant steps towards regulating digital assets after death. Recognizing the growing importance of online accounts, several states adopted legal measures to address access to digital property. A major development was the enactment of the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA), which grants executors, trustees, and other fiduciaries limited authority to manage a deceased person's digital assets. The law attempts to balance the privacy expectations of users with the legitimate interests of heirs and estate administrators. However, access is not automatic and often depends upon the deceased person's consent, platform policies, and the nature of the digital content involved. The American approach therefore emphasizes both individual autonomy and estate administration.

A notable case is **Ajemian v. Yahoo!, Inc. (2017)**, where the family of a deceased user sought access to his email account. The court recognized that electronic communications may form part of an estate and that heirs could seek access subject to applicable privacy laws and service agreements. The case highlighted the tension between succession rights and digital privacy.

European Union Approach

The European Union places strong emphasis on privacy and data protection. The legal framework is largely influenced by the principle that personal data deserves protection even in an increasingly digital society. Although the General Data Protection Regulation (GDPR) primarily protects living individuals, member states have adopted varying approaches regarding the treatment of personal data after death.

The most significant decision in this area is **Bundesgerichtshof (Federal Court of Justice of Germany), 2018**, commonly known as the *Facebook Inheritance Case*. In this case, the parents of a deceased minor sought access to her Facebook account. The court held that digital accounts are generally inheritable in the same manner as letters and diaries. Facebook was therefore required to provide access to the account. The judgment established an important precedent by recognizing digital accounts as part of a deceased person's estate.

United Kingdom Approach

The United Kingdom does not currently have a comprehensive statute specifically governing digital inheritance. Instead, issues relating to deceased users' digital assets are addressed through succession law, contract law, and data protection principles. Courts and legal practitioners generally apply existing legal doctrines to resolve disputes involving digital property.

Although there is limited judicial precedent specifically dealing with social media inheritance, legal discussions in the United Kingdom increasingly recognize that digital assets possess both personal and economic value. The absence of specific legislation has encouraged greater reliance on estate planning and platform-based solutions for managing digital legacies.

Position of Indian Law

In India, the legal framework governing digital assets after death remains largely undeveloped. Existing succession laws were framed before the emergence of social media and digital identities. Consequently, there is no dedicated legislation governing ownership, transfer, or management of social media accounts belonging to deceased persons.

While the Supreme Court in **Justice K.S. Puttaswamy v. Union of India** recognized privacy

as a fundamental right under Article 21 of the Constitution, the judgment primarily concerns living individuals and does not directly address post-mortem privacy. Nevertheless, its emphasis on informational privacy has influenced discussions regarding the protection of digital data after death.

At present, access to a deceased person's social media accounts is largely determined by platform policies rather than statutory law. This creates uncertainty for heirs and legal representatives. Therefore, India requires a comprehensive legal framework that clearly addresses digital inheritance, post-mortem privacy, and the management of digital assets while safeguarding the dignity and wishes of deceased individuals.

Artificial Intelligence and the Re-Creation of the Dead

AI Chatbots of Deceased Persons

Recent developments in artificial intelligence have made it possible to create chatbots that imitate the personality, communication style, and behaviour of deceased individuals. By analysing messages, emails, social media posts, and other digital records, these systems can generate responses that resemble those of the person who has passed away. While such technology may provide emotional comfort to grieving families, it also raises important legal concerns regarding privacy, consent, and control over a deceased person's digital identity. The use of personal data for creating AI replicas without prior authorization may conflict with principles of autonomy and human dignity.

Deepfake Technology and Consent Issues

Deepfake technology enables the creation of highly realistic audio, video, and image content that can portray a deceased individual saying or doing things they never actually did. Although such technology may be used for educational, historical, or entertainment purposes, its misuse presents serious legal and ethical challenges. A key issue is consent. Since deceased persons cannot provide consent for the reproduction or manipulation of their likeness, questions arise regarding who should possess the authority to grant such permission. Unauthorized digital recreations may distort a person's image, affect their reputation, and cause emotional distress to surviving family members.

Emerging Legal Risks

The growing ability to digitally recreate the dead has exposed significant gaps in existing legal frameworks. Traditional laws governing privacy, defamation, intellectual property, and succession were not designed to address AI-generated representations of deceased individuals. As a result, determining liability for misuse becomes increasingly difficult. There is also a risk of fraud, misinformation, identity exploitation, and commercial use of a deceased person's likeness without authorization.

These challenges highlight the need for legal standards that regulate the creation and use of AI-generated replicas. Such regulations should balance technological innovation with respect for privacy, consent, human dignity, and the legitimate interests of surviving family members.

Should the Law Recognize a Right to Digital Afterlife?

The increasing importance of digital identities has given rise to an important legal question: should individuals possess a legally recognized right to control their digital presence after death? In the modern era, a person's social media accounts, emails, photographs, online writings, and digital communications often represent a significant part of their identity. Unlike physical possessions, these digital traces may continue to exist indefinitely, creating legal and ethical concerns regarding their management after death.

A strong argument in favour of recognizing a right to digital afterlife is that it would protect individual autonomy and dignity. Just as a person can decide how their property should be distributed through a will, they should also have the ability to determine the future of their digital assets and online identity. Such a right would allow individuals to specify whether their accounts should be deleted, memorialized, transferred to family members, or preserved for future generations.

Recognition of a digital afterlife right would also provide greater legal certainty for heirs and platform providers. At present, disputes often arise because existing succession laws were not designed to address social media accounts and other forms of digital property. A clearly defined legal right could reduce conflicts and establish uniform rules governing access, control, and preservation of digital assets.

However, the recognition of such a right must be balanced against competing concerns.

Granting unrestricted access to heirs may compromise the privacy of the deceased as well as the confidentiality of third parties who communicated with them. Therefore, any legal framework should include safeguards that respect privacy, consent, and data protection principles.

In my view, the law should recognize a limited right to digital afterlife. Such recognition would acknowledge the realities of modern digital living while ensuring that an individual's wishes continue to receive legal respect after death. A carefully regulated framework would help protect human dignity, preserve personal autonomy, and provide clarity regarding the treatment of digital identities in the twenty-first century.

Need for a Legal Framework in India

Existing Gaps in Indian Law

India has witnessed rapid digital growth, yet its legal framework has not evolved at the same pace. Existing succession laws primarily deal with physical and financial assets and provide little guidance regarding social media accounts, emails, digital photographs, cloud storage, or other online assets. There is no specific legislation defining the legal status of digital property after the death of an individual.

Another major gap relates to post-mortem privacy. While privacy has been recognized as a fundamental right, Indian law remains largely silent on whether such protection extends beyond death. Consequently, families, legal heirs, and digital platforms often face uncertainty regarding access, control, and management of digital accounts. This lack of clarity increases the possibility of disputes and inconsistent practices.

Recognition of Post-Mortem Digital Rights

In an era where a significant part of a person's life exists online, there is a strong case for recognizing certain digital rights that continue after death. Such rights would not imply that the deceased remains a legal person but would ensure respect for their dignity, autonomy, and previously expressed wishes.

Recognition of post-mortem digital rights would allow individuals to determine how their digital assets should be treated after death. It would also help protect personal data from misuse,

unauthorized access, and commercial exploitation. Most importantly, it would provide a legal basis for balancing the interests of family members with the privacy expectations of the deceased.

Digital Wills and Digital Executors

One practical solution is the introduction of digital wills and digital executors. A digital will would enable individuals to specify the future of their social media accounts, emails, digital photographs, online subscriptions, cryptocurrencies, and other digital assets. Such instructions could include deletion, transfer, preservation, or memorialization of accounts.

Similarly, a digital executor could be appointed to manage these assets after death. This person would act according to the wishes of the deceased and ensure that digital accounts are handled responsibly. The concept would reduce uncertainty and minimize disputes among family members regarding control over digital property.

Proposed Legislative Reforms

India should adopt a comprehensive legal framework specifically addressing digital inheritance and post-mortem digital rights. First, legislation should clearly define digital assets and determine their status under succession law. Second, individuals should be granted the legal right to leave binding instructions concerning their digital presence after death.

Third, social media platforms should be required to establish transparent procedures for account access, memorialization, and deletion upon the death of a user. Finally, safeguards should be introduced to protect privacy, prevent misuse of personal data, and respect the dignity of deceased individuals.

A dedicated legal framework would not only provide certainty to heirs and platform providers but would also ensure that the law remains responsive to the realities of an increasingly digital society. Such reforms are essential for protecting digital legacies and addressing the challenges posed by modern technology.

Findings and Recommendations

Findings of the Study

The study reveals that digital identities have become an integral part of modern life and continue to exist even after the death of an individual. Social media profiles, emails, cloud storage, digital photographs, and other online accounts often contain personal, emotional, and economic value. However, existing legal frameworks were largely developed before the rise of digital technologies and therefore provide limited guidance regarding the treatment of such assets after death.

The research further finds that there is considerable uncertainty regarding ownership, inheritance, privacy, and control over digital accounts. Social media platforms generally regulate these matters through contractual terms rather than statutory law. As a result, legal heirs frequently encounter difficulties in accessing or managing the digital assets of deceased persons. The study also highlights emerging concerns relating to artificial intelligence, deepfakes, and the unauthorized digital recreation of deceased individuals, which existing laws do not adequately address.

Suggested Legal Reforms

The study suggests the adoption of specific legislation dealing with digital inheritance and post-mortem digital rights. Such legislation should clearly define digital assets and establish uniform rules governing their transfer, preservation, or deletion after death.

The law should also require digital service providers to maintain transparent procedures for handling accounts belonging to deceased users. Clear legal standards would reduce uncertainty, protect family interests, and ensure greater accountability on the part of technology companies. Additionally, safeguards should be incorporated to prevent misuse of personal data and unauthorized exploitation of a deceased person's digital identity.

Framework for Digital Succession

A structured framework for digital succession is necessary to address the growing importance of digital assets. Individuals should be permitted to include digital property within testamentary arrangements and specify how such assets should be managed after death. Legal recognition of digital wills would enable users to leave clear instructions regarding social media accounts, emails, digital documents, and other online assets.

The framework should also recognize the role of digital executors who can administer digital

assets in accordance with the wishes of the deceased. Such a system would reduce disputes among family members and provide an orderly mechanism for managing digital legacies.

Recognition of a Right to Digital Afterlife

The study concludes that the law should recognize a limited right to digital afterlife. This right would allow individuals to exercise control over the future of their digital identity by determining whether their online presence should be preserved, transferred, memorialized, or deleted after death.

Recognition of such a right would promote personal autonomy, protect human dignity, and ensure respect for an individual's wishes beyond their lifetime. At the same time, the right should be subject to reasonable limitations designed to protect privacy, public interest, and the rights of third parties. A balanced legal approach would help address the challenges of the digital age while ensuring that technological advancements remain consistent with fundamental legal values.

Conclusion

The digital age has fundamentally transformed the way individuals create, preserve, and express their identities. Social media profiles, emails, cloud storage, digital photographs, online communications, and other virtual records have become an inseparable part of human existence. As a result, death no longer marks the complete disappearance of an individual's presence from society. Instead, a significant portion of that person's life continues to exist in digital form, creating what may be described as a digital legacy.

This study has examined the legal nature of social media accounts, the rights of heirs and family members, post-mortem privacy concerns, platform policies, comparative legal approaches, and the challenges posed by emerging technologies such as artificial intelligence and deepfakes. The research demonstrates that existing legal frameworks, particularly in India, are not adequately equipped to address the growing complexities associated with digital assets and online identities after death. In the absence of clear legal standards, questions relating to ownership, access, inheritance, privacy, and control are often left to the discretion of private technology companies.

The study further reveals that digital identities possess personal, emotional, reputational, and,

in many cases, economic value. Consequently, treating digital accounts as legally irrelevant after death fails to reflect contemporary realities. A person's digital presence should not become legally ownerless merely because the person has died. The law must recognize that digital assets and online identities form an important part of an individual's legacy and deserve appropriate legal protection.

The central contribution of this research is the argument that the law should move beyond traditional concepts of inheritance and recognize a limited right to digital afterlife. Such a right would enable individuals to determine the future of their digital identity, protect their posthumous dignity, and provide guidance regarding the management of their online presence after death. Recognition of this right would also promote legal certainty for heirs, courts, and digital platforms while ensuring respect for personal autonomy.

As society becomes increasingly dependent on digital technologies, the need for a comprehensive legal framework can no longer be ignored. The future of succession law must extend beyond physical and financial property to include the digital dimensions of human life. Only through such recognition can the law effectively safeguard individual dignity, privacy, and legacy in the twenty-first century.

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