

Circular No.: NeSL/FC/2022/0065

Date: 10th October, 2022

Amendment of the First Schedule of the Information Technology Act, 2000

In a significant step towards enhancing the scope of digitization in the country, the Ministry of Electronics and Information Technology (MeitY) has amended the First Schedule of the Information Technology Act, 2000 (“Act”) (vide gazette notification dated 26th September, 2022 and published on 06th October, 2022) (Enclosed).

2. Prior to the amendment, the First Schedule of the Act consisted of five documents/transactions to which the Act did not apply. With the introduction of this amendment, the Act is now applicable to these permitted documents (Items i, ii and v of the table below), and the restriction placed by the Act on the digital execution of these documents has now been removed. The position pre and post amendment is as follows-

First Schedule			
S. No.	Pre-Amendment	Post-Amendment	Impact of the Amendment
i.	A negotiable instrument (other than a cheque) as defined in section 13 of the Negotiable Instruments Act, 1881 (26 of 1881).	A negotiable instrument (other than a cheque, a Demand Promissory Note or a Bill of Exchange issued in favour of or endorsed by an entity regulated by the Reserve Bank of India, National Housing Bank, Securities and Exchange Board of India, Insurance Regulatory and Development Authority of India and Pension Fund Regulatory and Development Authority) as defined in section 13 of the Negotiable Instrument Act, 1881 (26 of 1881).	<ol style="list-style-type: none"> 1. Demand Promissory Note (“DPN”) issued in favour of or endorsed by an entity regulated by the Reserve Bank of India, National Housing Bank, Securities and Exchange Board of India, Insurance Regulatory and Development Authority of India and Pension Fund Regulatory and Development Authority can be digitally executed; 2. Electronic signature on DPN (<i>of the categories specified in point no. 1 hereinabove</i>), shall be valid; 3. Electronic version of DPN (<i>of the categories specified in point no. 1 hereinabove</i>) shall have equivalence with the physical version.
ii.	A power-of-attorney as defined in section 1A of the Powers-of-Attorney Act, 1882 (7 of 1882).	A power-of-attorney as defined in section 1A of the Powers-of-Attorney Act, 1882 (7 of 1882) but excluding those power-of-attorney that empower an entity regulated by the Reserve Bank of India, National Housing Bank, Securities and Exchange Board of India, Insurance Regulatory and Development Authority of	<ol style="list-style-type: none"> 1. Power-of-attorney (“POA”) that empower an entity regulated by the Reserve Bank of India, National Housing Bank, Securities and Exchange Board of India, Insurance Regulatory and Development Authority of India and Pension Fund Regulatory and Development Authority to act for, on behalf of, and in the name of

		India and Pension Fund Regulatory and Development Authority to act for, on behalf of, and in the name of the person executing them.	the person executing them, can be digitally executed; 2. Electronic signature on POA (<i>of the categories specified in point no. 1 hereinabove</i>), shall be valid; 3. Electronic version of a POA (<i>of the categories specified in point no. 1 hereinabove</i>) shall have equivalence with the physical version.
iii.	A trust as defined in section 3 of the Indian Trust Act, 1882 (2 of 1882	No change	NA
iv.	A will as defined in clause (h) of section 2 of the Indian Succession Act, 1925 (39 of 1925), including any other testamentary disposition by whatever name called	No change	NA
v.	Any contract for the sale or conveyance of immovable property or any interest in such property.	Omitted	1. Contract for conveyance of interest in immovable property' includes mortgages. Thus, documents such as the Memorandum of Deposit of Title Deeds (" MODT ") can be digitally executed; 2. Electronic signature on MODT shall be valid; 3. Electronic version of an MODT shall have equivalence with the physical version.

4. With this amendment, the NeSL-Digital Document Execution ("NeSL-DDE") platform has expanded the scope of its services offered by it, to ensure-

- a) Complete digitization of the execution of loan documents, where documents such as DPN and POA (as specified in the amendment) can now be digitally executed;
- b) Digital e-stamping and execution of mortgage-related documents, such as MODT (wherever optionally registrable), which were earlier outside the ambit of digitization.

The list of states where NeSL-DDE has enabled the digital execution of the above documents is being advised separately.

5. With this amendment to the Act, Home Loans, which constitute an important segment of all loans to the individual segment, can also be done through the DDE platform of NeSL.

6. Your feedback is important to us and we welcome any suggestions to improve our services on a continuous basis. Please write to us at suggestions@nesl.co.in with your suggestions, if any.


सत्यमेव जयते

भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-06102022-239378
CG-DL-E-06102022-239378

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 4510]
No. 4510]

नई दिल्ली, मंगलवार, अक्टूबर 4, 2022/आश्विन 12, 1944
NEW DELHI, TUESDAY, OCTOBER 4, 2022/ASVINA 12, 1944

इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय

अधिसूचना

नई दिल्ली, 26 सितम्बर, 2022

का.आ. 4720(अ).—केंद्रीय सरकार, सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) की धारा 1 की उप-धारा (4) की परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिनियम की पहली अनुसूची में निम्नलिखित संशोधन करती है, अर्थात्:—

2. उक्त अनुसूची में,—

(i) क्रम संख्यांक 1 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टियां रखी जाएंगी, अर्थात्:—

"1. परक्राम्य लिखत अधिनियम, 1881 (1881 का 26) की धारा 13 में यथापरिभाषित परक्राम्य लिखत (चेक, डिमांड वचन पत्र या विनिमय पत्र से भिन्न जो भारतीय रिजर्व बैंक, राष्ट्रीय आवास बैंक, भारतीय प्रतिभूति और विनिमय बोर्ड, भारतीय बीमा विनियामक और विकास प्राधिकरण और पेंशन निधि विनियामक और विकास प्राधिकरण द्वारा विनियमित एक अस्तित्व के पक्ष में जारी या समर्थित है)।";

(ii) क्रम संख्यांक 2 से संबंधित प्रविष्टियों में, "मुख्तारनामा अधिनियम, 1882 (1882 का 7)" शब्दों, अंकों और कोष्ठकों के पश्चात्, "लेकिन उन मुख्तारनामा को छोड़कर जो भारतीय रिजर्व बैंक, राष्ट्रीय आवास बैंक, भारतीय प्रतिभूति और विनिमय बोर्ड, भारतीय बीमा विनियामक और विकास प्राधिकरण और पेंशन निधि विनियामक और विकास प्राधिकरण द्वारा विनियमित एक अस्तित्व को

उनकी ओर से और उन्हें निष्पादित करने वाले व्यक्ति के नाम पर कार्य करने के लिए सशक्त बनाते हैं।" शब्दों को अंतःस्थापित किया जाएगा ;

- (iii) क्रम संख्यांक 5 और उससे संबंधित प्रविष्टियों का लोप किया जाएगा।

[फा .सं. 1(3)/2022-सीएल]

डॉ. राजेंद्र कुमार, अपर सचिव

MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY

NOTIFICATION

New Delhi, the 26th September, 2022

S.O. 4720(E).—In exercise of the powers conferred by the proviso to sub-section (4) of section 1 of the Information Technology Act, 2000 (21 of 2000), the Central Government hereby makes the following amendments to the First Schedule of the Act, namely:—

2. In the said Schedule,—

- (i) for serial number 1 and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

“1. A negotiable instrument (other than a cheque, a Demand Promissory Note or a Bill of Exchange issued in favour of or endorsed by an entity regulated by the Reserve Bank of India, National Housing Bank, Securities and Exchange Board of India, Insurance Regulatory and Development Authority of India and Pension Fund Regulatory and Development Authority) as defined in section 13 of the Negotiable Instrument Act, 1881 (26 of 1881).”;

- (ii) in the entries relating to serial number 2, after the words, figures and brackets “the Powers-of-Attorney Act, 1882 (7 of 1882)”, the words “but excluding those power-of-attorney that empower an entity regulated by the Reserve Bank of India, National Housing Bank, Securities and Exchange Board of India, Insurance Regulatory and Development Authority of India and Pension Fund Regulatory and Development Authority to act for, on behalf of, and in the name of the person executing them.” shall be inserted;

- (iii) serial number 5 and the entries relating thereto shall be omitted.

[F. No. 1(3)/2022-CL]

Dr. RAJENDRA KUMAR, Addl. Secy.