Bill No. 147 of 2026

THE BANKERS' BOOKS EVIDENCE BILL, 2026

A

BILL

to provide for law relating to evidence with respect to bankers' books and to align it with contemporary digital banking practices and for matters connected therewith or incidental thereto.

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

Short title and commencement.

1. (*1*) This Act may be called the Bankers' Books Evidence Act, 2026.

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

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "bank" and "banker" mean—

(*i*) any company or corporation carrying on the business of banking;

(*ii*) any entity or class of entities operating in financial sector, to whose books the provisions of this Act shall have been extended as hereinafter provided;

(*iii*) any post office savings bank or money order office;

(*b*) "bankers' books" include ledgers, day-books, cash-books, account books and all other records used in the ordinary course of business of the bank, whether kept in written or physical form or stored in any form of data storage mechanisms such as electronic or digital form, or otherwise, either onsite or at any offsite or virtual or cloud location, including a back-up or disaster recovery site, or both;

(*c*) "certified copy", in relation to any entry or information contained in the bankers' book, shall mean the following, namely:—

(*i*) where the bankers' book is maintained in written or physical form, a copy of any entry or information in such books together with a certificate referred to in sub-section (*1*) of section 3; and

(*ii*) where the bankers' book is maintained in any other mode of data storage mechanisms, such as, electronic or digital form or otherwise, a copy of any entry or information in such bankers' book, which is printed on paper, stored, recorded or copied in optical or magnetic media or semi-conductor memory, or otherwise stored, recorded or copied in any electronic or digital form, together with the certificate in accordance with the provisions of sub-section (*2*) of section 3;

(*d*) "company" means any company as defined in clause (*20*) of section 2 of the Companies Act, 2013 and includes a foreign company within the meaning of clause (*42*) of the said section; 18 of 2013.

(*e*) "corporation" means any body corporate established by or under any law for the time being in force in India and includes the Reserve Bank of India, the State Bank of India or any corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980; 5 of 1970. 40 of 1980.

(*f*) "legal proceeding" means—

(*i*) any proceeding or inquiry in which evidence is or may be taken;

(*ii*) an arbitration; and

(*iii*) any investigation or inquiry under the Bharatiya Nagarik Suraksha Sanhita, 2023, or under any other law for the time being in force for the collection of evidence, conducted by a police officer, or by any other person (not being a Magistrate) authorised in this behalf by a Magistrate or by any law for the time being in force; 46 of 2023.

(*g*) "notification" means a notification published in the Gazette of India and the expression "notify" with its grammatical variation and cognate expressions shall be construed accordingly; and

(*h*) "trial" means any hearing before the Court at which evidence is taken.

(*2*) Words and expressions used herein and not defined but defined in the Arbitration and Conciliation Act, 1996, the Information Technology Act, 2000, the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023, shall have the same meanings as assigned to them in the said Acts. 26 of 1996. 21 of 2000. 46 of 2023. 47 of 2023.

Conditions for a certified copy.

3. (*1*) Every copy of any entry or information of the bankers' books, maintained in written or physical form, as referred to in sub-clause (*i*) of clause (*c*) of sub-section (*1*) of section 2, shall be accompanied by a certificate stating the following, namely:—

(*a*) that the said copy is a true and correct copy of such entry or information;

(*b*) that such entry or information is contained in one of the ordinary books of the bank and was made in the usual and ordinary course of business of the bank;

(*c*) that such books are still in the custody of the bank, but where the book from which such copy was prepared was destroyed, it was destroyed in the usual course of business of the bank after the date on which the copy had been so prepared;

(*d*) that such copy itself ensures its accuracy, if that copy was obtained by mechanical or other process; and

(*e*) such other conditions as may be notified by the Central Government,

in such form as specified in the First Schedule.

(*2*) Every copy of any entry or information of the bankers' books, maintained in any mode of data storage mechanisms, such as, electronic or digital form or otherwise, as referred to in sub-clause (*ii*) of clause (*c*) of sub-section (*1*) of section 2, shall be accompanied by a certificate stating the following, namely:—

(*a*) the particulars of the computer system or device involved in the production of the said copy from bankers' books as may be appropriate for the purpose of showing that the said copy was produced by a computer system or device referred to in clauses (*a*) to (*e*) of sub-section (*2*) of section 7; and

(*b*) specifying any of the matters to which the conditions mentioned in section 7 relate,

in such form as specified in the Second Schedule.

(*3*) Every certificate referred to in sub-sections (*1*) and (*2*) shall bear the date of its issue, be signed or authenticated, either manually or by means of digital or electronic signature in accordance with the provisions of the Information Technology Act, 2000, by the branch head or the office head or any other officer of the bank duly authorised by the bank in this behalf, and shall state therein the full name and official designation of the officer so signing or authenticating:

21 of 2000.

Provided that for the purposes of this section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it in the certificates specified in the respective Schedule.

Power to extend provisions of Act.

4. The Central Government may, if it considers necessary or expedient so to do, from time to time, by notification, extend the application of the provisions of this Act to the books of any entity or class of entities operating in the financial sector, subject to such conditions, exceptions or modifications as may be specified in the notification, and the Central Government may, in like manner, rescind, vary or modify any such notification.

Mode of proof of entries in bankers' books.

5. Subject to the provisions of this Act, a certified copy of any entry in a banker's book shall in all legal proceedings be received as *prima facie* evidence of the existence of such entry and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is now admissible by law, but not further or otherwise.

Admissibility of electronic or digital records.

6. Notwithstanding of anything contained in any other law for the time being in force, the admissibility of an electronic or digital record of a banker's book in evidence, shall not be denied on the ground that it is an electronic or digital record and such record shall, subject to the conditions specified in section 7, be admissible, valid and legally enforceable, as other evidence.

Conditions for admissibility of records maintained in electronic or digital form.

7. (*1*) The conditions to be satisfied, in relation to the information or record of banker's book maintained in electronic or digital form, for its admissibility, validity and enforceability as evidence, shall be following, namely:—

(*a*) the copy of the record was produced by a computer system or communication device during the period over which such computer system or communication device was used regularly to create, store, or process information for the purposes of any activity regularly carried on over that period by the person having lawful control over the use of the computer system or communication device;

(*b*) during the said period, information of the kind contained in such copy of the record or, of the kind from which the information so contained is derived, was regularly fed into the computer system or communication device in the ordinary course of the said activities;

(*c*) throughout the material part of the said period, the computer system or communication device was operating properly, or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the said record or the accuracy of its contents;

(*d*) the information contained in such copy of the record reproduces, or was derived from, such information fed into the computer system or communication device in the ordinary course of the said activities;

(*e*) the said copy is a true copy of such entry or information and was prepared from all the relevant records, and it correctly represents, or is appropriately derived from, such records;

(*f*) the data entry or any other operation had been performed only by authorised persons after taking adequate safeguards and no unauthorised alteration or change of the data is observed or detected during the relevant time;

(*g*) adequate safeguards were taken to transfer the data relating to such entry or the information accurately from the computer system or communication device to an identifiable removable media, including but not limited to optical or magnetic media, semiconductor memory, discs or otherwise, in any electronic or digital form, and all steps for safe storage and custody of such removable device were taken;

(*h*) no tampering with the system or other event which may be essential for establishing the integrity and accuracy of the system is observed or detected;

(*i*) the network, devices and the data contained therein were secure and equipped to meet the challenge of cyber risks or threats; and

(*j*) such other conditions as may be notified by the Central Government.

(*2*) Where over any period, the function of creating, storing or processing entry or information for the purposes of any activity regularly carried on over that period as mentioned in clause (*a*) of sub-section (*1*) was regularly performed by means of one or more computer systems or communication devices, whether—

(*a*) in standalone mode; or

(*b*) on a computer system; or

(*c*) on a computer network; or

(*d*) on a computer resource enabling information creation or providing information processing and storage; or

(*e*) through an intermediary,

all such computer system or communication device used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer system or communication device and the references in this Act to a computer system or communication device shall be construed accordingly.

Case in which officer of bank not compellable to produce books.

8. (*1*) No officer of a bank shall, in any legal proceeding to which the bank is not a party, be compelled to produce any banker's book, the contents of which may be proved under this Act, or to appear as a witness to prove the matters, transactions and accounts recorded therein, unless by order of the Court made for special cause, to be recorded in writing.

(*2*) For the purposes of sub-section (*1*), the expression "special cause" means the following, namely:—

(*a*) where accuracy or genuineness of the entry or information in the bankers' book is doubtful; or

(*b*) where any event has occurred, which suggest that the regularity or ordinary nature of record keeping in the bank is interrupted; or

(*c*) where the bank does not comply with any order made under section 9.

Inspection of books by order of Court.

9. (*1*) On an application by any party to a legal proceeding, the Court may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceeding, or may order the bank to prepare and produce, within such period as may be specified in such order, the certified copies of all such entries, accompanied by a further certificate that no other entries are to be found in the books of the bank relevant to the matters in issue in such proceeding, and such further certificate shall be dated and signed or authenticated in the manner specified in sub-section (*3*) of section 3.

(*2*) An order under this section or section 8 may be made either with or without summoning the bank and shall be served on the bank three clear days (exclusive of bank holidays) before the same is to be complied with, unless the Court otherwise directs.

(*3*) The bank may, at any time before the expiry of the period provided for compliance of any order in sub-section (*2*), either offer to produce their books at the trial or give notice of their intention to show cause against such order and thereupon the same shall not be enforced without being heard before making any further order.

Costs.

10. (*1*) The costs of any application to the Court under or for the purposes of this Act and the costs of anything done or to be done under an order of the Court made under or for the purposes of this Act shall be in the discretion of the Court, which may further order that such costs or any part thereof be paid by the party to the bank, or by the bank to any party where such party had incurred expenditure in consequence of any fault or improper delay on the part of the bank.

(*2*) Any order made under this section for the payment of costs to or by a bank, may be enforced as if the bank were a party to the proceeding.

(*3*) Any order under this section awarding costs may, on an application to any Civil Court designated in the order, shall be executed by such Court as if the order were a decree for money passed by itself.

(*4*) Nothing contained in sub-section (*3*) shall be construed to derogate from any power, which the Court making the order may possess for the enforcement of its directions with respect to the payment of costs.

Order of Court to be construed as order made by specified officer.

11. (*1*) Where the provisions of section 8, 9 or 10 are applied for conduct of any investigation or inquiry referred to in sub-clause (*iii*) of clause (*f*) of sub-section (*1*) of section 2, the order of Court referred to in the said sections shall be construed as referring to an order made by an officer not below the rank of a Superintendent of Police or such other officer as may be specified in this behalf by the appropriate Government.

(*2*) In sub-section (*1*), the expression "appropriate Government" means the Government by which the police officer or any other person conducting the investigation or inquiry is employed.

Power of Central Government to amend Schedules.

12. The Central Government may, by notification, modify the certificates specified in the Schedules from time to time, as may be necessary, to give effect to the provisions of this Act.

Protection of action taken in good faith.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Power to remove difficulties.

14. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Laying before Parliament.

15. Every notification issued under this Act shall be laid, as soon as may be after it is issued, before each House of Parliament.

Repeal and savings.

16. (*1*) The Bankers' Books Evidence Act, 1891 is hereby repealed. 18 of 1891.

(*2*) Notwithstanding the repeal of the enactment referred to in sub-section (*1*), such repeal shall not affect—

(*a*) the previous operation of the enactment so repealed and orders or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability, acquired, accrued or incurred under the enactment so repealed; or

(*c*) any investigation, inquiry, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment; or

(*d*) the previous operation of any certificate in respect of any entry or information in a banker's book, or notification or order so issued, amended, repealed, superseded or rescinded or anything duly done or suffered under the enactment so repealed; or

(*e*) any proceeding including that relating to an appeal, review or reference, instituted before, on, or after the date of commencement of this Act under the repealed enactment and such proceeding shall be continued under the said enactment as if this Act had not come into force and the said enactment had not been repealed; or (*f*) any reference to the repealed enactment in any other legislation, rule, order, or any other legal instrument shall, in so far as it is not inconsistent with the provisions of this Act, be construed as a reference to this Act or its corresponding provisions; or

(*g*) revive anything not in force or existing at the time of such repeal.

10 of 1897.

(*3*) Without prejudice to the provisions of sub-section (*2*), the provisions of section 6 of the General Clauses Act, 1897 shall apply with regard to the effect of repeal.

THE FIRST SCHEDULE

[*See* section 3(*1*)]

CERTIFICATE

(To be filled by the Branch Head or Office Head or such other officer of the bank duly authorised by the bank in this behalf)

I, ____________________(Name), Son/daughter/spouse of ______________ residing/employed at_____________________________ (Branch/Office Address) do hereby solemnly affirm and sincerely state and submit to the best of the knowledge and belief as follows:—

(*a*) that the copy of the entry or information is a true and correct copy of such entry or information;

(*b*) that such entry or information is contained in one of the ordinary books of the bank and was made in the usual and ordinary course of business of the bank;

(*c*) that such books are still in the custody of the bank, but where the book from which such copy was prepared was destroyed, it was destroyed in the usual course of business of the bank after the date on which the copy had been so prepared; and

(*d*) that such copy itself ensures its accuracy, if that copy was obtained by mechanical or other process.

Date (DD/MM/YYYY): _____ (Full name and signature)

Place: ____________ Official Designation

THE SECOND SCHEDULE

[*See* section 3(*2*)]

CERTIFICATE

(To be filled by the Branch Head or Office Head or such other officer of the bank duly authorised by the bank in this behalf)

I, ________________(Name), Son/daughter/spouse of ________________ residing/employed at __________________________ (Branch/Office Address) do hereby solemnly affirm and sincerely state and submit to the best of the knowledge and belief as follows:—

(*a*) the copy of the entry or information is produced from the computer system or communication device (hereinafter referred to as "the system") being described as ____________________________________ (*brief particulars of the system be provided* (*see* section 3(*2*)(*a*));

(*b*) the said copy of the record was produced by the system during the period over which the said system was regularly used to create, store, or process information for the purpose of any activities regularly carried on over that period by the person having lawful control over its use;

(*c*) during the said period, information of the kind contained in such copy of the record or of the kind from which the information so contained is derived was regularly fed into the system in the ordinary course of the said activities;

(*d*) throughout the material part of the said period, the system was operating properly or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the record or the accuracy of its contents;

(*e*) the information contained in such copy of the record reproduces or is derived from such information fed into the system in the ordinary course of the said activities;

(*f*) the said copy is a true copy of such entry or information and is prepared from all the relevant records, and correctly represents or appropriately derived from such record;

(*g*) data entry or any other operations had been performed only by authorised persons and no unauthorised alteration or change of the data is observed or detected during the relevant time;

(*h*) adequate safeguards were taken to transfer the data relating to such entry or the information accurately from the computer system or communication device to an identifiable removable media, including but not limited to optical or magnetic media, semiconductor memory, discs or otherwise, in any electronic or digital form, and all steps for safe storage and custody of such removable device were taken;

(*i*) no tampering with the system or other event which may vouch for the integrity and accuracy of the system, were observed or detected; and

(*j*) the network, devices, and the data contained therein are secure and equipped to meet the challenge of cyber risks or threats.

Date (DD/MM/YYYY): _____ (Full name and signature)

Place: ____________ Official Designation

STATEMENT OF OBJECTS AND REASONS

The Bankers' Books Evidence Act, 1891 was enacted to facilitate the use of certified copies of bank records as evidence in legal proceedings without requiring production of the original records. The Act was enacted at a time when banking records were predominantly maintained in physical form. With the advancement of technology and growth of digital banking, bank records are increasingly created, stored and maintained using contemporary technology. It has, therefore, become necessary to modernise and strengthen the existing legal framework to meet the requirements of the present banking system.

2. Accordingly, it is proposed to repeal the Bankers' Books Evidence Act, 1891 and introduce the Bankers' Books Evidence Bill, 2026, which, *inter alia*, provides for the following:—

(*a*) to expand the scope of the definition of "bankers' books" to include all forms of records maintained by banks, whether in physical, electronic, digital, virtual, cloud-based or in any other form, thereby providing a comprehensive, technology-neutral and future-ready legal framework;

(*b*) to provide for standardised certificate formats and authentication by manual or digital or electronic signature;

(*c*) to expressly recognise admissibility of electronic bank records and permit their production in either physical or electronic form;

(*d*) to empower the Central Government to extend applicability of the proposed legislation to any entity or class of entities operating in the financial sector subject to certain conditions; and

(*e*) to define the expression "special cause", for which a Court may, by order in writing, compel an officer of the bank to produce any bankers' books or to appear as witness to prove matters, transactions or accounts, in any legal proceeding where the bank is not a party.

3. The Bill seeks to achieve the above objectives.

NEW DELHI; NIRMALA SITHARAMAN.

The 28*th July*, 2026.

FINANCIAL MEMORANDUM

The provisions of the Bill do not involve any expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Every notification issued under this Act shall be laid, as soon as may be after it is issued, before each House of Parliament.

2. The matters in respect of which notification may be issued are matters of procedure and administrative detail, and as such, it is not practical to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

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to provide for law relating to evidence with respect to bankers' books and to align it with contemporary digital banking practices and for matters connected therewith or incidental thereto.

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(*Smt. Nirmala Sitharaman, Minister of Finance and Corporate Affairs*)