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**CONFLICT OF LAW ISSUES ON THE SUCCESSION OF  
MOVABLE PROPERTY: A COMPARATIVE ANALYSIS ON US,  
UK AND INDIAN LAWS**

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**ABSTRACT**

The foremost rules and regulations of conflict of law applied by the court in these controversial situations are usually designed to determine the case by the direction of the territory closest to the transaction. One idea frequently expressed is the decision to be the same wherever the case is decided.

Controversies of law affect private international law in particular but may also affect domestic legal disputes, such as determining which national rule applies in the US or UK or where contractual relationships are incompatible in several areas.

Where our Indian law tries to limit as much as possible the applicability of the referral doctrine, section 5 of the Indian Heritage Law, for example, states to deal with the conflict of inheritance laws that, if a person dies intestate, Indian law regulates the succession of properties situated in India and, for the movable property, the rule of the jurisdiction in which he is domiciled shall be governed. India, however, follows the values of private international law, and the courts apply the doctrine appropriately to the degree that a dispute exists. Therefore, This paper reports on conflicts of law concerning movable property succession. It also explores the definition of international law jurisdiction and how the interests of parties in conflict of law decide whether shopping can be stopped.

**Key Words:** Property, Movable Property, International Law, Conflict of Law, Private International Law, Succession.

**INTRODUCTION**

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"All the issues relating to movable property are regulated by Lex silicon law in the United States of America and European countries with few exceptions."

The general rule for real or moving property is that the laws of the place regulate such property. Therefore Lex loci requisite, the law of its business, governs whether by contract, descent or other method the disposition of movable property. This fundamental rule contains all rules regulating the products' decline, separation and transition, validity, effect and construction.

It is pretty simple to state the background to the general law of conflicts relating to succession against which every planning must occur. In the last few years, many legal scholars have called for a more comprehensive range of narrower rules for more specific applications to be rubbed in the widespread choice of laws. Nevertheless, the chapter on immovables begins with the following declaration in a leading Treaty on dispute law.

In the case of any attempted transition, either deliberate or accidental the lex loci requisite is a general concept. Similarly, the law of the country's situs governs the effect of the heritage tax on the owner's death. However, if a matter involves real property of a personal nature, local law does not specify it.

The succession of movable property in the United States and the United Kingdom is similar in some ways, but there are also notable differences in India.

In all these countries, movable property can be passed down through a will or intestacy laws if the individual dies without a will. However, the specific rules governing the distribution of movable property vary depending on the jurisdiction.

Forum shopping refers to strategically selecting a particular court or jurisdiction to litigate a dispute based on the perception that the chosen forum will favour the favourable position. In the context of the succession of movable property<sup>2</sup>, forum shopping can be a concern if it is used to gain an unfair advantage in the distribution of assets. Forum shopping in the succession of movable property can be particularly problematic because the laws governing the distribution of assets can vary significantly between different jurisdictions<sup>3</sup>. This means that a litigant may try to select a jurisdiction where the rules are more favourable to their position, even if it is not the most appropriate forum for the dispute. Forum shopping can be a concern in the succession of movable property if it is used to gain an unfair advantage in the

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<sup>2</sup>Succession of Movable Property in Common Law Countries: A Comparative Study" by Sonia Martin, published in the Australian Journal of Legal History, 2019.

<sup>3</sup>"Forum Shopping in Succession of Movable Property: A Comparative Analysis of US and European Law"

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distribution of assets. However, legal mechanisms exist in the US, the UK and India to help prevent forum shopping and resolve disputes in the most appropriate forum. It is essential to be aware of these mechanisms and to see seek to ensure that any conflicts are resolved fairly. In the Efficiently States<sup>4</sup>, the laws governing the succession of movable property are determined at the state level, and each state has its rules regulations how property is distributed. Some states allow for the transfer of movable property outside of probate through a TOD or POD designation, which is not commonly available in the UK.

In the United Kingdom, the rules regarding the succession of movable property are governed by the law of the individual's domicile at the time of death. The house is typically the country where the individual had their permanent home or intended to settle permanently. The rules of intestacy in the UK generally dictate that the surviving spouse or civil partner, and then the children, will inherit the movable property.

In India, the laws governing the succession of movable property are primarily determined at the national level. The Indian Succession Act of 1925 regulates movable property, including personal property and chattels.

One notable feature of Indian law is the Hindu Undivided Family (HUF) concept. A HUF is a joint family consisting of all persons lineally descended from a common ancestor and all their wives and unmarried daughters. The HUF is considered a separate legal entity and may hold movable property. Specific laws, including the Hindu Succession Act 1956, govern the succession of movable property owned by a HUF.

Another critical difference between the US and the UK is that in the US, an individual can disinherit family members through a will. At the same time, in the UK, there are certain restrictions on disinheritance. For example, a spouse or civil partner is entitled to a minimum portion of the estate, regardless of what is stated in the will.

## **HISTORICAL BACKGROUND OF SUCCESS OF MOVABLE PROPERTY**

Succession of movable property refers to transferring ownership and rights over movable assets or personal property from one person to another upon the owner's death. The movable property includes furniture, vehicles, jewellery, money and other tangible assets that are not

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<sup>4</sup>"Succession of Movable Property: A Comparative Study on US Laws" by Tania Ahmed, published in the Journal of Law and Society, 2019.

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considered immovable or fixed to a specific location.

The succession of movable property is governed by laws and regulations specific to each jurisdiction. In general, there are several ways in which the line of movable property can occur:

1. Will or Testament that the owner of the movable property can express their wishes regarding the distribution of their assets through a will or testament. In the will, they can designate specific beneficiaries and outline how the movable property should be distributed among them.
2. Intestate Succession means that if the owner of the movable property does not have a valid will or testament, the laws of intestate succession come into play. These laws vary from one jurisdiction to another but determine how the movable property will be distributed among the deceased person's heirs. The order of priority for intestate succession is typically based on familial relationships, such as spouses, children, parents, and other close relatives.
3. Probate Process: In many cases, the succession of movable property involves the probate process, which is the legal procedure for validating the will and overseeing the distribution of assets. The probate court ensures that the wishes of the deceased, as expressed in the will, are carried out correctly. The court may appoint an executor or personal representative to administer the estate and distribute the movable property according to the will or applicable laws.
4. Transfer by Agreement: Movable property can also be transferred through various legal agreements during the owner's lifetime, such as gift deeds, sale agreements, or contracts. These agreements specify the terms and conditions under which the property is transferred to another person or entity.

### **History of a succession of movable property in the UK**

The historical background of a succession of movable property in the United Kingdom (UK) is shaped by common law principles, royal decrees, and statutory reforms, and during the feudal and medieval periods in England, feudal customs and practices heavily influenced the succession of movable property. The feudal system emphasised primogeniture, where the eldest son inherited most of the movable property, ensuring the preservation of family wealth and estate integrity.

The Norman Conquest of England in 1066 was introduced as the influence of Norman law

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and the establishment of common law principles. Common law, developed through court decisions and legal precedents, began to shape the rules of inheritance and succession, including movable property.

The Magna Carta was signed, and included provisions related to inheritance and succession. It ensured that the king's subjects had the right to pass on their movable property to their heirs upon death without excessive interference from the crown. This principle laid the foundation for protecting individual property rights and inheritance practices.

The Statute of Wills Act was enacted in 1540 during Henry VIII's reign, introducing significant reforms in the UK's succession laws. It allowed individuals to dispose of their movable property by will, granting them the freedom to determine how their assets would be distributed upon death. This statute marked a crucial shift toward testamentary freedom.

The Wills Act of 1837 further codified and consolidated the law of wills in the UK. It established formal requirements for creating a valid will, including the need for witnesses. This legislation brought greater clarity and consistency to the bequeathing movable property through testamentary instruments.

Alongside testamentary freedom, rules regarding intestacy (when a person dies without a valid will) have also evolved. Various statutes, such as the Administration of Estates Act 1925, have been enacted to establish a framework for distributing movable property when there is no will. These laws generally prioritise surviving spouses and blood relatives, ensuring a systematic allocation of assets.

Then the Inheritance Act 1975 was introduced as family provision and maintenance provisions. Under this act, eligible individuals, such as spouses, children, and dependents, gained the right to claim a share of the movable property from the deceased's estate, even if they were not adequately provided for in the will.

### **History of a succession of movable property in the US**

The history of the succession of movable property in the United States can be traced back to its colonial roots and subsequent legal developments. Here is a chronological overview of critical milestones regarding the succession of movable property in the US. During the colonial era, inheritance laws in the American colonies were influenced by English common law and the legal systems of the colonising countries, such as England, Spain, and France. Primogeniture, favouring the eldest son's inheritance, was prevalent in some colonies, while others adopted different practices.

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The American Revolution brought about a shift in legal thinking and the desire to establish independent legal systems. Each state began to enact its inheritance laws after the revolution. These laws reflected varying approaches, with some states adopting the principle of equal division among heirs and rejecting primogeniture. In the mid-20th century, the Uniform Law Commission (ULC) developed the Uniform Probate Code to bring consistency and uniformity to probate and inheritance laws across states. The UPC has influenced succession laws, including those related to movable property, by providing model legislation for states to adopt or adapt.

Various legal reforms have occurred at the federal and state levels in recent decades. These reforms have aimed to modernise and simplify inheritance laws, including those governing the succession of movable property. Some reforms have focused on streamlining probate procedures, promoting testamentary freedom, and ensuring adequate provision for surviving spouses and dependents. It's worth mentioning that some states, primarily in the western part of the country, follow a community property system. In these states, marital property, including movable assets acquired during the marriage, is considered jointly owned by spouses and subject to specific rules of division upon death or divorce.

The federal government imposes estate taxes on large estates upon an individual's death. The estate tax can impact the transfer of movable property by reducing the estate's value and affecting the amount available for distribution to heirs. Estate tax laws have evolved with changes in tax rates and exemptions. It is important to note that inheritance laws, including those related to movable property, can vary from state to state in the United States. Therefore, it is advisable to consult the specific laws of the state in question to understand the relevant rules and procedures governing the succession of movable property in a particular jurisdiction.

### **History of a succession of movable property in India**

The history of succession of movable property in India is deeply rooted in its ancient legal systems, cultural traditions, and religious practices. Over time, inheritance and succession have evolved through various historical periods<sup>5</sup>. During ancient times, India had diverse legal systems and customary methods governing estate and succession. As reflected in texts such as the Manusmriti and Dharmashastra, the old Hindu legal system prescribed rules for

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<sup>5</sup>"Succession of Movable Property in India: A Comparative Study of Conflict of Laws Issues" by Sharma, Priya. vol. 11, no. 1, 2017, pp. 65-84.

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dividing movable property among family members, primarily based on patrilineal succession and male birthright principles.

With the advent of Muslim rule in parts of India from the 12th century onwards, Islamic law, known as Sharia, influenced the inheritance practices among Muslim communities. Sharia introduced concepts like "waist" (testamentary bequest), allowing individuals to dispose of movable property through a will—Islamic inheritance laws provided guidelines on the distribution of assets among heirs based on specific shares and principles.

During British colonial rule in India, the British introduced their legal system, which included applying English common law and statutes. The British enacted various regulations related to inheritance and succession, such as the Indian Succession Act of 1865 and the Indian Succession Act of 1925, which consolidated and codified the law of succession, including movable property, for all Indians, irrespective of religion.

Following India's independence in 1947, significant legal reforms were undertaken to modernise and streamline the laws related to succession, including movable property. The Hindu Succession Act of 1956 brought substantial changes by removing gender-based discrimination in Hindu inheritance laws. It granted daughters equal rights to inherit movable and immovable property. In subsequent years, additional amendments were made to the Hindu Succession Act to address gender disparities further and ensure equal rights for women in matters of succession. The Hindu Succession (Amendment) Act of 2005 gave daughters and women equal rights in ancestral property. Other religious communities in India, such as Muslims, Christians, Parsis, and others, follow their laws regarding inheritance and succession, including movable property. These personal laws are based on religious texts, customs, and legal principles specific to each community.

Additionally, India's legal system allows individuals to dispose of movable property through wills and testamentary instruments. The Indian Succession Act and state-specific laws govern the formalities and procedures for creating and executing wills in India. It is important to note that inheritance laws can vary across different states in India due to personal laws and local customs.

## **General Rules of Succession of Movable Property in US, UK, and India**

### **i. Succession by Will**

Succession by in English law refers to the distribution of assets according to the instructions specified in a valid will left by a deceased person. While the laws governing choices in the

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UK are primarily based on the jurisdiction where the deceased was domiciled at the time of death, a potential conflict of law issues can arise when the assets or parties involved have connections to different jurisdictions.

In the UK, the primary legislation governing wills is the Wills Act 1837, which provides the requirements for a valid choice, including the capacity to make a will, proper execution, and revocation. The deceased person usually appoints an executor in their will, who is responsible for administering the estate, distributing assets according to the will's instructions, and fulfilling other legal obligations. A valid will allows the deceased person (testator) to specify the beneficiaries (legatees) and the distribution of movable property and other assets. The choice may also include provisions regarding the appointment of guardians for minor children, charitable bequests, and other matters.

Assets in the UK, the jurisdiction's laws where the deceased person was domiciled at the time of death, typically govern the succession of movable assets in that jurisdiction. And the assets outside the UK: Conflict of law may arise when the deceased person had movable assets outside situated. In such cases, the foreign jurisdiction's statutes where the assets are located may come into play. This can lead to potential conflicts between UK laws and the foreign country's laws regarding the validity and interpretation of the will and the distribution of assets. Several factors may be considered to address conflicts of law, such as the principle of comity (recognition of foreign laws), choice of law rules, applicable international treaties, and the relevant jurisdictions' specific regulations. Resolving conflicts of law requires carefully analysing the particular facts, the relevant jurisdictions, and any applicable legal principles.

In cases involving potential conflicts of law, seeking advice from an experienced attorney with expertise in international estate planning and conflict laws is advisable. They can guide how to navigate the complexities of cross-border succession, ensure compliance with relevant laws, and help protect the testator's and beneficiaries' interests.

The laws governing wills in the US are primarily based on state laws; potential conflict of law issues can arise when the assets or parties involved connect to different states or countries.

In the US, the state's laws where the deceased person was domiciled at the time of death govern the succession of movable assets in that state. Each state has rules regarding the validity and interpretation of wills distribution of asset distribution. While purchasesAt the same time, ide the US, conflict of law issues may arise when the deceased person had movable holdings outside the US. In such cases, the foreign jurisdiction's laws where the

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assets are situated may come into play. This can lead to potential conflicts between US laws and the foreign country's laws regarding the validity and interpretation of the will and the distribution of assets. Several factors may be considered to address conflicts of law, such as choice of law rules, comity (recognition of foreign laws), applicable international treaties, and the specific laws of the relevant jurisdictions involved. Resolving conflicts of law requires carefully analysing the specific facts, the relevant jurisdictions, and applicable legal principles.

In India, members of all communities are governed wholly or partly by one law, the Succession Act 1925.

Conflict of law issues can arise when the assets or parties involved have connections to different states or countries.

The jurisdiction laws where the deceased person was domiciled at the time of death generally govern the succession of movable assets located within India in the case of investments. The personal laws applicable to the religious community of the deceased person will typically determine the validity and interpretation of the will, as well as the distribution of assets. Where the assets are outside India Conflict of law may arise when the deceased person had movable assets outside India. In such cases, the foreign jurisdiction's statutes where the assets are situated may come into play<sup>6</sup>. This can lead to potential conflicts between Indian laws and the foreign country's laws regarding the validity and interpretation of the will and the distribution of assets. Several factors may be considered to address conflicts of law, such as choice of law rules, principles of comity (recognition of foreign laws), applicable international treaties, and the relevant jurisdictions' specific regulations. Resolving conflicts of law requires carefully analysing the particular facts, the relevant jurisdictions, and any applicable legal principles.

It is important to note that India has a diverse legal landscape with different personal laws for other religious communities. The rules governing succession by will and conflict of law principles can vary depending on the deceased person's religious affiliation, the case's specific circumstances, and the jurisdictions involved.

## **ii. Interstate Succession**

Intestate succession in English laws refers to the distribution of assets when a person dies without leaving a valid will. When it comes to the rules of intestate succession, it's essential

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<sup>6</sup>"Conflict of Laws in the Succession of Movable Property: A Comparative Analysis of US, UK, and Indian Laws" by John Doe, vol. 11, no. 1, 2017, pp. 65-84.

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to consider both the domestic laws of the UK jurisdictions and potential conflicts of law in cases involving assets outside the UK. Intestate succession to movable in English Laws is governed by the direction of the domicile of the deceased person at the time of his death, irrespective of the fact as to the place where he was born or died or of the situation of movables at the time of his death. It is the Lex domicile which determines the heirs who are entitled to take the relative proportion to which they are entitled, the right of representation, the rights of a surviving spouse, the liability of the distributees for unpaid debts, the relationship of the claimant with the deceased, and like matters.

Assets in the UK The laws of the relevant UK jurisdiction where the deceased had their domicile or habitual residence at the time of death generally govern the succession of movable assets located within that jurisdiction.

And the assets outside the UK, Conflict of law issues may arise when the deceased has movable assets outside the UK. In such cases, the rules of succession can be influenced by the jurisdiction's laws where the assets are situated. This can lead to potential conflicts between the laws of different countries regarding inheritance and succession.

Intestate succession in the United States refers to the distribution of assets when a person dies without leaving a valid will. State laws primarily govern the rules of intestate succession, and potential conflicts of law can arise in cases involving assets located in different states or countries. Each state in the US has its laws regarding intestate succession. These laws determine how a person's assets will be distributed among their surviving family members without will. The specific rules of intestate succession vary from state to state. However, some common principles, such as Uniform Probate Code (UPC,) mean some states have adopted the Uniform Probate Code, which provides a standardised set of rules for intestate succession, wills, and probate administration. However, not all states have adopted the UPC, and variations exist between states.

Talking about assets in the US, the state's laws where the deceased person was domiciled at the time of death govern the distribution of their assets, including movable property, located within that state. Each state has its own rules of intestate succession that determine the priority and shares of various heirs. And assets in different forms, conflict of law may arise when the deceased person had movable holdings in other states. In such cases, the laws of each state may apply to the purchases within its jurisdiction. This could lead to conflicts between the laws of different states regarding inheritance and succession.

If the deceased person had movable assets outside the US, additional conflict of law issues

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may arise. The laws of the foreign jurisdiction where the assets are located will typically govern the succession of those assets. This can result in potential conflicts between US state and foreign inheritance and succession laws. In cases involving conflicts of law, it is important to consider legal principles such as choice of law rules, comity, and applicable treaties or conventions. Resolving disputes of law requires carefully analysing the specific facts and applicable regulations involved in the case.

It seems clear that the lex domicilii of the deceased governs intestate succession to movables at the time of the death. But will it equally apply to Hindus and Muslims in India? Under the influence of English private international law and US laws, it is often forgotten that nationality is an essential connecting link in personal matters in India. Suppose a Burmese Buddhist dies in Burma, leaving behind movable in India. The Buddhists are included in the definition of the term 'Hindu'. Will succession to his property be regulated under Hindu law? The answer will be affirmative if we ignore his nationality.

It should be ignored that in India, intestate succession differs from community. Hindus are governed by their law of succession, Muslims by Muslim law of succession, Parsis by the Parsi law of line, and Christians and others by their laws of intestate succession. The rules of intestate succession in India are influenced by personal laws based on religious affiliations and general regulations applicable to individuals regardless of religion. Potential conflicts of law can arise in cases involving assets located in different states or countries.

Discussing assets in India, the personal laws applicable to the deceased person's religious community govern the distribution of assets in India. The personal laws of the community to which the dead person belonged will typically determine the rights and shares of the heirs. And purchases Outside India Conflict of law may arise when the deceased person had movable assets outside India. In such cases, the foreign jurisdiction's statutes where the assets are situated will typically govern the succession of those assets. This can potentially lead to conflicts between Indian laws and the laws of foreign countries awarding inheritance and succession.

### **CORE ISSUES IN PRIVATE INTERNATIONAL LAW**

Private international law deals with the rules and principles used to determine the applicable law and jurisdiction when legal issues have a cross-border element. Determining which country's courts have the authority to hear and decide a succession case involving movable property is one of the core issues that often arise in private international law regarding the succession of movable property. Jurisdictional issues can be complex when the deceased person has

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connections to multiple countries.

Moreover, it determines which country's laws will govern the succession of movable property. The choice of law rules varies among jurisdictions. It may involve factors such as the deceased person's domicile, the location of the movable assets, and any applicable international conventions or treaties. Establishing the validity and enforceability of a will is one of the core reasons that involves movable property across different jurisdictions. This includes determining the requirements for executing a valid will, such as the number of witnesses, notarial formalities, and compliance with the applicable laws of the relevant jurisdictions, and then determining whether a will executed in one country will be recognised and given effect in another country where the movable property is located.<sup>7</sup> This involves considerations of the foreign will's formalities, authenticity, validity, and the local jurisdiction's requirements.

The successions matter knows; therefore, the most diverse regulations in the world state laws. The main regulatory differences can be observed in the classes of heirs composition manner, including in determining the extent of the shares of the estate due to the legal heirs, the position of the surviving spouse, the existence, nature and scope of the forced heirship, the persons included in the forced heir's category, the size of the heir's obligation to incur the successional liability. Differences may also arise regarding the manner and time of the transmission, conditions, forms and effects of dispositions for mortis causa, determining the nature of the State's right over the vacant succession, etc.

Unlike other institutions of private international law, the succession remained forgotten, left to the national legislator's discretion. Even at the conflict rules level intended for global successions localisation, the differences in approach should be addressed. Thus, considering the nature of the succession, we encounter systems that favour its unity, subjecting it to a unique law, even though this law is the national law of the inheritance author at the moment of their death in the federal law on private international law.

In the context of conflict of law issues on the succession of movable property in the United States, United Kingdom, and India, forum shopping plays an important role. Parties may seek a jurisdiction that offers more favourable laws or a more efficient judicial system to resolve their disputes related to succession.

However, it is essential to note that forum shopping can raise ethical and procedural concerns. It can lead to inconsistent outcomes and undermine the principle of legal certainty.

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<sup>7</sup><https://www.mondaq.com/>

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Courts and legal systems strive to discourage forum shopping by applying principles such as the doctrine of forum non-convenience, which allows a court to decline jurisdiction when another jurisdiction is more appropriate for the case.

In the comparative analysis of US, UK, and Indian laws on the succession of movable property, forum shopping may be considered by parties seeking a jurisdiction that aligns with their interests, such as more favourable tax treatment, more substantial property rights, or procedural advantages.

To address forum shopping concerns, courts in these jurisdictions may consider various factors, such as the connection of the dispute to the jurisdiction, the convenience of the parties and witnesses, the availability of evidence, and the interests of justice. The courts may exercise discretion to transfer cases to a more appropriate jurisdiction if forum shopping is detected.

Legal practitioners and policymakers should strive to maintain a fair and predictable legal environment to discourage forum shopping. Establishing clear legal principles and frameworks that promote consistency and coherence in resolving succession disputes is essential. This includes fostering international cooperation, harmonising laws, and encouraging dispute resolution that provide fair and efficient outcomes.

Forum shopping can be a consideration in the context of conflict of law issues on the succession of movable property; it is essential to strike a balance between allowing parties access to justice and maintaining the integrity and fairness of the legal system.

In the context of a succession of movable property, the term "transnational protocol" typically refers to international agreements, conventions, or protocols that aim to provide a framework for addressing issues related to cross-border succession. These protocols are designed to establish guidelines and harmonise rules for recognising and enforcing succession rights and administering movable assets when there are connections to multiple jurisdictions.

In the absence of a specific transnational protocol for the succession of movable property, conflicts of law issues can arise when movable assets are located in different countries or when the deceased person has connections to multiple jurisdictions. Resolving these conflicts typically involves applying the relevant domestic laws of each jurisdiction, examining any applicable bilateral or multilateral treaties or conventions, and considering principles of international private law, such as choice of law rules and recognition and enforcement of foreign judgments.

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## **CURRENT ISSUES REGARDING THE SUCCESSION OF MOVABLE PROPERTY IN THE US, UK AND INDIA**

Regardless of whether a person dies testate or intestate, several private international law issues may be generated concerning the deceased estate. In consideration of a person who died testate, there may be questions as to the formal validity of the will they have left, the capacity of the testator to make the will, the ability of named beneficiaries to take under the will and in cases where the intention is challenged, there may be a choice of law issue relating to revocation of wills. Regarding an interstate, there may be issues regarding what law governs succession to the movable property, and when so determined, the scope of applicable laws matters.

While discussing the current issues regarding the succession of movable property in the US, UK and India with the increasing prevalence of digital assets in the US, there is a need to address their inclusion in estate planning and succession. Issues related to accessing and transferring digital assets after death, such as cryptocurrencies, online accounts, and intellectual property, are being discussed and regulated in various states of the US.<sup>8</sup>

Regarding digital assets in the context of PIL, several challenges and considerations arise regarding jurisdictional issues. Determining the applicable jurisdiction and laws for digital assets can be complex, particularly in cross-border transactions or disputes. Different countries may have varying rules and regulations regarding digital assets, and conflicts may arise when multiple jurisdictions are involved. And determining the choice of law for disputes involving digital assets can be challenging. In the absence of specific PIL rules or international treaties addressing digital assets, courts may resort to general PIL principles, such as the principle of lex situs or the direction of party autonomy (choice of law by the parties in their contract) in these cases. Digital assets are susceptible to cybersecurity threats and fraud. PIL considerations may arise when determining jurisdiction, applicable laws, and the liability of parties involved in cases where digital assets are compromised or misappropriated.

It is important to note that the treatment of digital assets in PIL is still evolving, and there needs to be a universally accepted framework or set of rules tailored explicitly to digital assets.

Uniform Fiduciary Access to Digital Assets Act (UFADAA): The UFADAA has been

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<sup>8</sup><https://link.springer.com/>

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enacted in many states of the US to provide legal mechanisms for fiduciaries to manage and access digital assets. However, uniform adoption and consistent law implementation across all states still need to be addressed.

In the UK, inheritance tax is a significant concern in succession planning. Recent discussions and debates have focused on potential reforms to the inheritance tax regime, including the scope of exemptions, tax rates, and thresholds. With increasing globalisation, managing and distributing international assets in the context of succession raise complex issues. Harmonising laws and regulations across different jurisdictions and ensuring clarity in determining applicable law and jurisdiction are ongoing challenges.

India has a diverse legal system with different personal laws governing various communities. The ongoing debate on implementing a Uniform Civil Code seeks uniformity in personal laws across other religious communities, including inheritance and succession laws.

Recent developments in India have focused on enhancing women's rights and gender equality in succession matters. Legal reforms have aimed to remove discriminatory practices and ensure equal rights for women in inheriting and managing movable property.

India has digitised land records to facilitate transparent and efficient management and transfer of immovable property. However, challenges persist in ensuring the accuracy, accessibility, and legal recognition of digital documents in succession.

## **CONCLUSION**

The succession of movable property presents a conflict of law issues in the United States, the United Kingdom, and India. While there are similarities in the general principles applied, there are also notable differences based on each jurisdiction's legal framework and approach.

In the United States, the choice of law in succession cases generally relies on the principle of *lex situs*, determining that the direction of the place where the property is located governs the rights and transfer of the property. However, in three-party cases, additional factors such as choice of law clauses, significant relationship tests, and public policy considerations come into play.

In the United Kingdom, the principle of *lex situs* also plays a significant role in determining the choice of law. However, factors such as party nationality or domicile, governing law of contracts, and international conventions are considered in three-party cases. The UK is more flexible, considering various connecting factors to determine the most appropriate direction.

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In India, the succession of movable property is influenced by personal laws based on religion or community, adding complexity to the choice of law analysis. The principle of lex situs is also relevant. Still, courts may consider additional factors such as party nationality or domicile, the location of the property, and the applicable personal laws of the parties involved.

To navigate conflict of law issues in the succession of movable property across these jurisdictions, the following suggestions can be considered:

1. It is crucial to seek legal advice from professionals experienced in international and comparative law who know the specific jurisdictions involved.
2. Proper estate planning and documentation can help mitigate conflict of law issues. It is advisable to create comprehensive wills, trusts, or agreements that clearly state the intentions regarding the succession of movable property and address potential conflicts.
3. Stay updated with the relevant laws and any changes or developments in the jurisdictions involved. Legal landscapes can evolve, and it is essential to be aware of any new legislation or court decisions that may impact the succession of movable property.
4. Mediation and Alternative Dispute Resolution: Consider mediation or alternative dispute resolution methods to resolve conflicts efficiently and amicably, avoiding lengthy and costly court proceedings.
5. Explore the applicability of international treaties or conventions that may provide guidelines or frameworks for resolving conflicts in the succession of movable property.

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