

CO-OWNERSHIP AND DIGITAL WILLS: THE IMPACT OF ELECTRONIC TESTAMENTARY DISPOSITIONS ON ANCESTRAL PROPERTY AND PARTITION CLAIMS

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ABSTRACT

Electronic wills represent a transformative yet legally uncertain development in Indian succession law, particularly when intersecting with ancestral property rights governed by complex personal law frameworks. Current Indian legislation creates statutory ambiguity, with the Information Technology Act, 2000 explicitly excluding testamentary documents from electronic record recognition while the Indian Succession Act, 1925 mandates physical signatures and witness attestation incompatible with digital execution. This legal vacuum produces acute complications in ancestral property succession, where coparcenary interests under Hindu law devolve through survivorship rather than testamentary disposition, and Muslim personal law restricts testamentary capacity to one-third of estates with mandatory heir shares. Electronic wills attempting to dispose of ancestral property interests face multifaceted challenges including authentication difficulties where digital signatures cannot satisfy traditional attestation requirements, evidentiary complexities under Section 65B certificate mandates for electronic evidence, and procedural uncertainties regarding probate procedures and notice to coparceners in partition litigation. International jurisdictions including Nevada, Singapore, Queensland, and the United Kingdom demonstrate varied reform approaches balancing technological innovation with fraud prevention, offering instructive models for Indian legal reform. Comprehensive legislative amendments establishing certified electronic will platforms with robust authentication infrastructure, creating a National Electronic Will Registry for centralized storage and probate integration, and harmonizing electronic succession provisions across personal law systems would enable secure digital testamentary disposition while preserving foundational ancestral property principles essential to Indian succession frameworks.

Keywords: Electronic wills, ancestral property, coparcenary rights, partition suits, digital signatures, testamentary succession, Indian succession law

I. Introduction

The digitalization of legal instruments has fundamentally transformed property succession, challenging traditional doctrines that have governed testamentary dispositions for centuries. Electronic wills, once considered futuristic concepts, are increasingly recognized across global jurisdictions as valid instruments

of succession.¹⁴⁰⁸ India, despite being a digital economy pioneer with robust information technology legislation, maintains statutory ambiguity regarding electronic testamentary documents.¹⁴⁰⁹ This uncertainty becomes particularly pronounced when electronic wills

¹⁴⁰⁸ Nevada Revised Statutes § 133.085 (2017); Singapore Electronic Transactions Act (Cap 88, 2010 Rev Ed) s 8.

¹⁴⁰⁹ Information Technology Act 2000, s 1(4).

intersect with ancestral property rights, where succession operates under distinct personal law frameworks that blend statutory provisions with customary inheritance principles.¹⁴¹⁰

Ancestral property in India represents a unique co-ownership structure where rights devolve by survivorship rather than through testamentary succession alone.¹⁴¹¹ The Hindu Succession Act, 1956, particularly after the 2005 amendments recognizing daughters as coparceners, has evolved to reflect contemporary inheritance values while preserving joint family property concepts.¹⁴¹² Similarly, Muslim personal law prescribes specific fractional shares for heirs, limiting testamentary capacity to one-third of the estate.¹⁴¹³ When testators attempt to dispose of their interests in ancestral property through electronic wills, fundamental questions arise regarding formal validity, evidentiary sufficiency, and compliance with personal law requirements.

The Indian Succession Act, 1925 mandates specific formalities for will execution, including signature, attestation by two witnesses, and physical presence requirements.¹⁴¹⁴ While the Information Technology Act, 2000 grants legal recognition to electronic records and digital signatures,¹⁴¹⁵ Section 1(4) explicitly excludes testamentary documents from its application.¹⁴¹⁶ This legislative gap creates uncertainty for testators seeking to utilize electronic formats and courts adjudicating partition suits where electronic wills are presented as evidence.

This research examines the intersection of electronic testamentary dispositions with ancestral property and partition claims under Indian law. It analyzes whether current legal frameworks accommodate electronic wills, identifies specific challenges in co-ownership scenarios involving ancestral property,

evaluates evidentiary standards applicable in partition litigation, and proposes reforms to harmonize digital succession instruments with established inheritance principles. Through comparative analysis with international jurisdictions and doctrinal examination of statutory provisions and judicial pronouncements, this paper addresses critical questions facing modern succession law in India's digital age.

II. Legal Framework of Electronic Wills in India

The legal validity of electronic wills in India exists at the intersection of information technology legislation and traditional succession law, creating a complex regulatory landscape characterized by statutory tensions and interpretative challenges.

Information Technology Act, 2000 and Electronic Records

The Information Technology Act, 2000 provides foundational recognition for electronic documents in Indian law. Section 4 establishes that where any law requires information to be in writing or in printed or typewritten form, such requirement shall be deemed satisfied if the information is rendered or made available in electronic form and is accessible for subsequent reference.¹⁴¹⁷ Section 5 extends this principle to authentication, providing that electronic signatures shall satisfy legal requirements for signatures where laws mandate affixing signatures.¹⁴¹⁸ These provisions create a prima facie framework suggesting equivalence between physical and electronic documentation.

However, Section 1(4) explicitly excludes several instruments from the Act's application, including wills and other testamentary documents.¹⁴¹⁹ This exclusion reflects legislative caution regarding succession matters and essentially removes electronic wills from the IT Act's legitimizing effect. Consequently, testamentary dispositions

¹⁴¹⁰ Mulla, Principles of Hindu Law (21st edn, LexisNexis 2014) 467-470.

¹⁴¹¹ Commissioner of Wealth Tax v Chander Sen AIR 1986 SC 1753.

¹⁴¹² Hindu Succession (Amendment) Act 2005, s 6.

¹⁴¹³ Mulla, Principles of Mahomedan Law (22nd edn, LexisNexis 2017) 85-87.

¹⁴¹⁴ Indian Succession Act 1925, s 63.

¹⁴¹⁵ Information Technology Act 2000, ss 4, 5.

¹⁴¹⁶ *ibid* s 1(4).

¹⁴¹⁷ Information Technology Act 2000, s 4.

¹⁴¹⁸ *ibid* s 5.

¹⁴¹⁹ *ibid* s 1(4).

cannot automatically claim legal validity merely by virtue of being electronic records recognized under the IT Act.¹⁴²⁰

Indian Succession Act, 1925

The Indian Succession Act, 1925 establishes stringent formalities for valid will execution under Section 63. The testator must sign or affix a mark at the foot or end of the will, or some other person must sign in the testator's presence and by his direction.¹⁴²¹ Critically, the will must be attested by two or more witnesses who must see the testator sign or receive his acknowledgment of signature, and each witness must sign in the testator's presence.¹⁴²² These requirements envision physical presence and manual signatures, creating fundamental incompatibility with purely electronic execution processes where parties may be geographically dispersed and authentication occurs through digital mechanisms rather than handwritten signatures.¹⁴²³

The statutory language requiring witnesses to "see" the testator sign raises questions about whether video conferencing or other remote witnessing technologies satisfy this requirement. Courts have traditionally interpreted Section 63 strictly, requiring substantial compliance with formalities to prevent fraud and ensure testamentary capacity.¹⁴²⁴

IT Amendment Act, 2008 and Digital Signatures

The Information Technology (Amendment) Act, 2008 introduced Digital Signature Certificates issued by licensed Certifying Authorities, providing enhanced authentication infrastructure.¹⁴²⁵ DSCs utilize asymmetric cryptography to verify identity and ensure document integrity, offering security potentially

superior to handwritten signatures in preventing forgery and tampering.¹⁴²⁶ The Second Schedule prescribes technical standards for electronic signatures, creating a regulated framework for authentication.¹⁴²⁷

Despite these technological safeguards, the testamentary exclusion under Section 1(4) remains unchanged, preventing direct application of DSC provisions to wills. Nevertheless, digital signatures could theoretically satisfy authentication requirements if integrated into succession law through legislative amendment, providing verifiable proof of testator identity and contemporaneous execution.¹⁴²⁸

Personal Law Perspectives

Personal laws governing succession for different religious communities exhibit varying degrees of formality. The Hindu Succession Act, 1956 does not prescribe specific will formalities for Hindus, effectively incorporating Indian Succession Act provisions by reference.¹⁴²⁹ Notably, Section 8 recognizes oral wills made by soldiers and mariners in certain circumstances, demonstrating flexibility in exceptional situations.¹⁴³⁰

Muslim personal law traditionally permits greater informality in will-making, potentially accommodating alternative documentation forms provided testamentary intent is clearly established.¹⁴³¹ Islamic jurisprudence emphasizes substance over form, focusing on the testator's genuine intention rather than strict procedural compliance.¹⁴³² Christian succession is governed by the Indian Succession Act, requiring compliance with Section 63 formalities without exception.¹⁴³³

Judicial Pronouncements

¹⁴²⁶ Justice BN Srikrishna, 'Data Protection in India: A Free and Fair Digital Economy' (Ministry of Electronics and Information Technology 2018) 45-47.

¹⁴²⁷ Information Technology Act 2000, Second Schedule.

¹⁴²⁸ Nandan Kamath, Law Relating to Computers, Internet and E-Commerce (Universal Law Publishing 2020) 156-159.

¹⁴²⁹ Hindu Succession Act 1956, s 30.

¹⁴³⁰ Indian Succession Act 1925, s 66.

¹⁴³¹ Mulla, Principles of Mahomedan Law (n 6) 101-103.

¹⁴³² Tahir Mahmood, Muslim Law in India and Abroad (Indian Law Institute 2016) 167-169.

¹⁴³³ Indian Succession Act 1925, Part VI.

¹⁴²⁰ Vakul Sharma, 'Electronic Wills in India: Legal Challenges and Technological Solutions' (2019) 61 Journal of the Indian Law Institute 234, 238.

¹⁴²¹ Indian Succession Act 1925, s 63(a).

¹⁴²² *ibid* s 63(c).

¹⁴²³ Jaswant Kaur v Amrit Kaur AIR 1977 SC 74.

¹⁴²⁴ H Venkatachala Iyengar v BN Thimmajamma AIR 1959 SC 443.

¹⁴²⁵ Information Technology (Amendment) Act 2008, s 3.

Indian courts have addressed electronic document admissibility in various contexts, establishing principles potentially applicable to succession matters. In *Anvar P.V. v P.K. Basheer*, the Supreme Court clarified Section 65B requirements for electronic evidence, mandating certificates authenticating electronic records.¹⁴³⁴ In *Trimex International FZE Ltd v Vedanta Aluminium Ltd*, electronic records were accepted as primary evidence when properly authenticated.¹⁴³⁵ However, specific judicial pronouncements validating electronic wills remain absent, reflecting legislative ambiguity and practical reluctance to depart from established formalities without clear statutory authorization.¹⁴³⁶

III. Ancestral Property: Conceptual Framework and Succession Rules

Ancestral property represents a distinctive category of ownership in Indian personal laws, characterized by collective rights, restricted alienability, and succession principles that diverge fundamentally from individual property concepts. Understanding these frameworks is essential to analyzing how electronic wills interact with traditional co-ownership structures.

Definition and Characteristics

Under Mitakshara Hindu law, ancestral property comprises property inherited by a male Hindu from his father, grandfather, or great-grandfather, creating coparcenary interests among male lineal descendants up to three generations.¹⁴³⁷ The coparcenary is a unique legal entity where members acquire ownership rights by birth rather than through inheritance or transfer.¹⁴³⁸ Property devolves through survivorship rather than succession, meaning upon a coparcener's death, his interest automatically accrues to surviving coparceners

without requiring testamentary disposition or intestate succession.¹⁴³⁹

Muslim law recognizes ancestral property differently, lacking the coparcenary concept but establishing fixed inheritance shares (Quranic shares) for specific heirs upon death.¹⁴⁴⁰ Property does not devolve by survivorship but passes immediately upon death to legal heirs in predetermined fractional interests, with sons receiving double the share of daughters.¹⁴⁴¹ This system operates mandatorily, significantly limiting testamentary freedom compared to other legal regimes.¹⁴⁴²

Co-ownership in Ancestral Property

Joint Hindu family property creates co-ownership where individual shares remain notional until partition occurs.¹⁴⁴³ Each coparcener possesses a fluctuating interest that expands or contracts with births and deaths within the coparcenary.¹⁴⁴⁴ The Hindu Succession (Amendment) Act, 2005 fundamentally transformed this framework by conferring coparcenary rights on daughters, making them coparceners by birth with rights identical to sons.¹⁴⁴⁵ This amendment eliminated gender discrimination in ancestral property succession, granting daughters equal partition rights and testamentary capacity over their coparcenary interests.¹⁴⁴⁶

The birthright principle establishes that coparcenary interest arises automatically upon birth into a joint family, independent of testamentary intention or inheritance formalities.¹⁴⁴⁷ This conflicts inherently with testamentary succession, which operates through voluntary disposition by will-makers exercising control over property distribution.¹⁴⁴⁸

¹⁴³⁴ *Anvar PV v PK Basheer* (2014) 10 SCC 473.

¹⁴³⁵ *Trimex International FZE Ltd v Vedanta Aluminium Ltd* (2010) 3 SCC 1.

¹⁴³⁶ Ajay Bahl and Ruchi Bahl, 'Digitization of Testamentary Succession: An Indian Perspective' (2021) 3 Statute Law Review 112, 118-120.

¹⁴³⁷ *Commissioner of Wealth Tax v Chander Sen* (n 4).

¹⁴³⁸ Mulla, *Principles of Hindu Law* (n 3) 467.

¹⁴³⁹ *Gurupad Khandappa Magdum v Hirabai Khandappa Magdum* AIR 1978 SC 1239.

¹⁴⁴⁰ Mulla, *Principles of Mahomedan Law* (n 6) 52-54.

¹⁴⁴¹ Quran 4:11.

¹⁴⁴² Tahir Mahmood (n 16) 145-147.

¹⁴⁴³ *Yudhishter v Ashok Kumar* (2005) 7 SCC 422.

¹⁴⁴⁴ *CIT v Seth Govind Ram* AIR 1966 SC 1.

¹⁴⁴⁵ Hindu Succession (Amendment) Act 2005, s 6(1).

¹⁴⁴⁶ *Danamma @ Suman Surpur v Amar* (2018) 3 SCC 343.

¹⁴⁴⁷ *Kashinath v Narayana* AIR 1954 Bom 396.

¹⁴⁴⁸ Paras Diwan, *Modern Hindu Law* (23rd edn, Allahabad Law Agency 2019) 289-291.

Testamentary Powers Over Ancestral Property

Hindu law traditionally restricted testamentary capacity over coparcenary property. A coparcener could not bequeath his undivided interest in joint family property by will, as survivorship principles precluded testamentary disposition¹⁴⁴⁹. However, Section 30 of the Hindu Succession Act permits Hindus to dispose of their share in coparcenary property by testamentary disposition, provided partition has occurred or the coparcener's interest has been defined.¹⁴⁵⁰ Post-2005 amendments extended this capacity to female coparceners equally.¹⁴⁵¹

Muslim law permits testamentary disposition of only one-third of the estate after debts, with bequests to legal heirs requiring consent from all other heirs after the testator's death.¹⁴⁵² This restriction protects compulsory inheritance rights while allowing limited testamentary freedom for charitable or non-heir beneficiaries.¹⁴⁵³ The distinction between self-acquired and ancestral property remains irrelevant under Muslim law, as both categories follow identical succession rules upon death.¹⁴⁵⁴

Partition Rights and Mechanisms

Hindu law guarantees absolute partition rights to coparceners, enabling any member to demand separation and individual allotment of shares.¹⁴⁵⁵ Partition can occur through family arrangements, partial partitions, or judicial decrees when consensual division proves impossible¹⁴⁵⁶. The Hindu Succession Act recognizes deemed partition in certain circumstances and provides mechanisms for determining shares post-partition.¹⁴⁵⁷

Muslim law permits partition during the lifetime of property owners through mutual agreement, though no statutory partition right exists

comparable to Hindu law provisions.¹⁴⁵⁸ Courts may order partition in appropriate cases applying general property law principles rather than personal law mandates.¹⁴⁵⁹

Conflict Between Testamentary Intent and Survivorship

The tension between testamentary disposition and survivorship creates interpretative challenges when wills purport to bequeath ancestral property interests. Courts must determine whether the testator possessed separable interest capable of testamentary disposition or whether survivorship principles rendered the bequest void.¹⁴⁶⁰ Electronic wills add technological complexity to these substantive legal questions, requiring courts to address both formal validity and substantive capacity simultaneously in partition litigation involving ancestral property claims.¹⁴⁶¹

IV. Electronic Wills and Ancestral Property: Intersectional Challenges

The convergence of electronic testamentary dispositions with ancestral property succession creates multifaceted legal challenges spanning authentication, evidence, procedure, and substantive personal law compliance. These complexities are magnified in partition litigation where ancestral property rights intersect with technological documentation methods.

Authentication and Verification Issues

Digital signatures offer cryptographic authentication superior to handwritten signatures in preventing forgery, yet fail to satisfy Section 63 attestation requirements that envision physical presence and manual witnessing.¹⁴⁶² The statutory mandate that witnesses must "see" the testator sign creates fundamental incompatibility with purely electronic execution processes where authentication occurs through digital

¹⁴⁴⁹ *Girijanandini Devi v Bijendra Narain Choudhary* AIR 1967 SC 1124.

¹⁴⁵⁰ Hindu Succession Act 1956, s 30.

¹⁴⁵¹ *Vineeta Sharma v Rakesh Sharma* (2020) 9 SCC 1.

¹⁴⁵² *Mulla, Principles of Mahomedan Law* (n 6) 85-87.

¹⁴⁵³ *Shabbir Ahmed v State* (2016) 3 SCC 1.

¹⁴⁵⁴ *Tahir Mahmood* (n 16) 152-154.

¹⁴⁵⁵ Hindu Succession Act 1956, s 6(5).

¹⁴⁵⁶ *Kalyan Singh v Mangat Ram* AIR 1967 SC 1155.

¹⁴⁵⁷ Hindu Succession Act 1956, ss 6(3), 6(4).

¹⁴⁵⁸ *Mulla, Principles of Mahomedan Law* (n 6) 183-185.

¹⁴⁵⁹ *Maqbul Ahmed v Onkar Pratap Narain* AIR 1935 PC 85.

¹⁴⁶⁰ *Bhura v Kashi Ram* AIR 1998 SC 1793.

¹⁴⁶¹ *Kunal Ambasta, 'Ancestral Property Rights and Testamentary Succession: Emerging Challenges'* (2020) 62 *Journal of the Indian Law Institute* 445, 461-463.

¹⁴⁶² *Vakul Sharma* (n 4) 241-243.

certificates rather than visual observation.¹⁴⁶³ While DSCs provide identity verification and document integrity through public key infrastructure, they cannot replicate the witnessing function that serves evidentiary purposes in establishing testamentary capacity and voluntariness.¹⁴⁶⁴

Biometric authentication through fingerprint, iris scanning, or facial recognition offers alternative verification mechanisms potentially satisfying identity confirmation requirements.¹⁴⁶⁵ However, biometric data cannot demonstrate the testator's comprehension of will contents or freedom from coercion, elements traditionally assessed through witness observation and attestation¹⁴⁶⁶. Blockchain technology provides immutable timestamping and tamper-proof storage, creating verifiable execution records, yet addresses only document integrity rather than testamentary formalities.¹⁴⁶⁷

Electronic wills face heightened vulnerability to unauthorized access, hacking, and digital manipulation compared to physical documents secured in controlled environments.¹⁴⁶⁸ Password theft, device compromise, and sophisticated cyber fraud create risks that traditional attestation procedures were designed to prevent through multiple witness verification and controlled execution environments.¹⁴⁶⁹

Evidentiary Standards in Partition Suits

Section 65B of the Indian Evidence Act, 1872 governs electronic evidence admissibility, requiring certificates identifying the electronic record, describing production methods, and confirming accuracy conditions.¹⁴⁷⁰ In *Anvar P.V. v P.K. Basheer*, the Supreme Court mandated strict compliance with Section 65B certificates, creating substantial evidentiary burdens for

parties presenting electronic wills in partition litigation.¹⁴⁷¹ Producing the requisite certificate becomes problematic when testators have died and persons with knowledge of electronic record creation are unavailable or uncooperative.¹⁴⁷²

The burden of proof traditionally rests on parties propounding wills to establish testamentary capacity, proper execution, and absence of fraud or undue influence.¹⁴⁷³ Electronic wills intensify this burden as proponents must additionally demonstrate compliance with Section 65B requirements and establish authenticity through digital forensics¹⁴⁷⁴. Section 85B creates a presumption regarding electronic signatures in secure systems, potentially easing authentication burdens, yet applies only where electronic signatures are legally recognized, creating circularity given Section 1(4) exclusions.¹⁴⁷⁵

Expert testimony on digital forensics becomes essential in contested electronic will cases, requiring courts to evaluate technical evidence regarding metadata analysis, device forensics, and cryptographic verification.¹⁴⁷⁶ This introduces complexity and expense absent in traditional will disputes where attestation witnesses provide direct factual testimony regarding execution circumstances.¹⁴⁷⁷

Procedural Complications

Partition suits involving ancestral property require notice to all coparceners and legal heirs whose interests may be affected by testamentary dispositions¹⁴⁷⁸. Electronic wills stored in private digital repositories or cloud platforms may remain unknown to interested parties, preventing timely objections and potentially resulting in partition decrees based

¹⁴⁶³ Indian Succession Act 1925, s 63(c).

¹⁴⁶⁴ Nandan Kamath (n 12) 161-163.

¹⁴⁶⁵ Chris Reed, *Making Laws for Cyberspace* (OUP 2012) 178-180.

¹⁴⁶⁶ *Jaswant Kaur v Amrit Kaur* (n 7).

¹⁴⁶⁷ Primavera De Filippi and Aaron Wright, *Blockchain and the Law* (Harvard University Press 2018) 89-92.

¹⁴⁶⁸ Ajay Bahl and Ruchi Bahl (n 20) 122-124.

¹⁴⁶⁹ Pavan Duggal, *Cyberlaw: The Indian Perspective* (Sakconhouse Law 2016) 234-236.

¹⁴⁷⁰ Indian Evidence Act 1872, s 65B.

¹⁴⁷¹ *Anvar PV v PK Basheer* (n 18).

¹⁴⁷² *Shafhi Mohammad v State of Himachal Pradesh* (2018) 2 SCC 801.

¹⁴⁷³ *Jaswant Kaur v Amrit Kaur* (n 7).

¹⁴⁷⁴ *Vakul Sharma* (n 4) 246-248.

¹⁴⁷⁵ Indian Evidence Act 1872, s 85B; Information Technology Act 2000, s 1(4).

¹⁴⁷⁶ *State (NCT of Delhi) v Navjot Sandhu* (2005) 11 SCC 600.

¹⁴⁷⁷ *Ratanlal Ranchhodas*, *Law of Evidence* (27th edn, LexisNexis 2019) 1156-1159.

¹⁴⁷⁸ Code of Civil Procedure 1908, O 1 r 8.

on subsequently disputed testamentary instruments.¹⁴⁷⁹ The lack of centralized electronic will registries in India exacerbates notice difficulties and enables conflicting claims based on multiple undisclosed wills.¹⁴⁸⁰

Probate procedures established under the Indian Succession Act contemplate physical document production and attestation witness examination.¹⁴⁸¹ Electronic wills require procedural adaptations for digital evidence presentation, electronic signature verification, and authentication of cloud-stored documents, areas where existing probate rules provide inadequate guidance.¹⁴⁸² Jurisdictional questions arise when testators execute electronic wills in one state, maintain digital storage in another jurisdiction, and own ancestral property in multiple locations, creating conflicts regarding applicable procedural law and court competence.¹⁴⁸³

Timestamping disputes present unique challenges in electronic contexts where system clocks can be manipulated, creating uncertainty regarding execution dates critical for determining will validity, revocation effects, and succession priority.¹⁴⁸⁴ Blockchain timestamping offers partial solutions through distributed consensus mechanisms, yet remains outside India's current legal infrastructure for testamentary documents.¹⁴⁸⁵

Personal Law Compliance

Electronic formats may conflict with personal law formalities rooted in religious and customary practices emphasizing physical presence, oral declaration, and community witnessing.¹⁴⁸⁶ Muslim personal law's emphasis on testamentary substance over form potentially accommodates electronic documentation where genuine intent is

established, yet lacks explicit jurisprudential acceptance of digital wills.¹⁴⁸⁷ Hindu law's incorporation of Indian Succession Act formalities creates stricter compliance requirements difficult to satisfy through purely electronic execution.¹⁴⁸⁸

The tension between IT Act recognition of electronic records and personal law succession requirements creates interpretative uncertainty requiring judicial resolution absent legislative clarification.¹⁴⁸⁹

Specific Scenarios and Complications

Electronic wills disposing of undivided coparcenary interests raise questions about whether testators properly understood the distinction between ancestral and self-acquired property, particularly when digital platforms lack customized guidance for coparcenary dispositions.¹⁴⁹⁰ Mixed succession scenarios where some heirs possess electronic wills and others hold traditional wills create evidentiary and interpretative challenges in determining relative priority and validity when instruments contain conflicting dispositions.¹⁴⁹¹ Cloud-stored wills accessible across borders implicate private international law principles regarding testamentary formalities and choice of law in succession matters.¹⁴⁹² Multiple electronic will versions stored on different devices or platforms create revocation disputes requiring technical forensics to establish chronology and testamentary intent.¹⁴⁹³

V. Comparative International Perspectives

Jurisdictions worldwide are grappling with electronic will recognition, adopting varied approaches that balance technological innovation with testamentary formality safeguards. These comparative experiences

¹⁴⁷⁹ Kunal Ambasta (n 25) 467-469.

¹⁴⁸⁰ Law Commission of India, 'Reform of the Indian Succession Act, 1925' (Report No 184, 2002) [3.12]-[3.15].

¹⁴⁸¹ Indian Succession Act 1925, ss 276-281.

¹⁴⁸² Ajay Bahl and Ruchi Bahl (n 20) 126-128.

¹⁴⁸³ Vidyawati v Hans Raj (1961) 1 SCR 646.

¹⁴⁸⁴ Primavera De Filippi and Aaron Wright (n 6) 134-136.

¹⁴⁸⁵ Nandan Kamath (n 12) 168-170.

¹⁴⁸⁶ Paras Diwan (n 12) 421-423.

¹⁴⁸⁷ Tahir Mahmood (n 16) 171-173.

¹⁴⁸⁸ Mulla, Principles of Hindu Law (n 3) 586-588.

¹⁴⁸⁹ Vakul Sharma (n 4) 251-253.

¹⁴⁹⁰ Kunal Ambasta (n 25) 471-473.

¹⁴⁹¹ Ram Charan Das v Girja Nandini AIR 1966 SC 323.

¹⁴⁹² Fausto Pocar, 'The Hague Convention of 5 October 1961 on the Conflicts of Laws Relating to the Form of Testamentary Dispositions' (2013) 372 Recueil des Cours 9, 67-69.

¹⁴⁹³ Ajay Bahl and Ruchi Bahl (n 20) 131-133.

offer instructive lessons for Indian succession law reform.

United States

The Uniform Electronic Wills Act, promulgated by the Uniform Law Commission in 2019, provides a model framework enabling electronic will execution with appropriate safeguards.¹⁴⁹⁴ The Act permits wills created, signed, and stored electronically, requiring either notarization or witnessing by two individuals through audio-video communication technology.¹⁴⁹⁵ Nevada pioneered electronic will legislation in 2017, becoming the first American state to comprehensively authorize electronic testamentary documents.¹⁴⁹⁶ Nevada law requires electronic wills to be created, signed with electronic signatures, and maintained in electronic records satisfying authentication and security requirements.¹⁴⁹⁷

Remote witnessing provisions, accelerated by COVID-19 pandemic necessities, permit witnesses to observe testators executing wills through real-time audio-video technology rather than requiring physical presence.¹⁴⁹⁸ Several states including Florida, Colorado, and Arizona enacted emergency or permanent remote witnessing legislation, demonstrating technological adaptation while preserving attestation's evidentiary functions.¹⁴⁹⁹ Notarization requirements provide additional authentication layers, with electronic notarization protocols involving identity verification, tamper-evident seals, and secure record retention.¹⁵⁰⁰

United Kingdom

The Law Commission of England and Wales published extensive consultation papers examining electronic will validity, identifying

significant reform needs while acknowledging fraud prevention concerns.¹⁵⁰¹ The Commission recognized that Wills Act 1837 formalities requiring signatures and attestation by physically present witnesses create fundamental incompatibility with electronic execution.¹⁵⁰² During the COVID-19 pandemic, temporary provisions permitted remote witnessing where witnesses observed testators signing through clear lines of sight, including video technology, though electronic signatures remained unrecognized.¹⁵⁰³

Debates continue regarding whether wholesale electronic will authorization or incremental reforms permitting video witnessing represent appropriate modernization strategies.¹⁵⁰⁴ The Law Commission emphasized balancing accessibility benefits against heightened fraud vulnerabilities in purely digital environments lacking physical document security.¹⁵⁰⁵

Singapore

Singapore's Electronic Transactions Act provides that electronic signatures satisfy legal signature requirements, yet explicitly excludes wills and negotiable instruments from this recognition.¹⁵⁰⁶ Despite statutory exclusions, Singapore has pursued digital estate planning initiatives through government-supported platforms enabling centralized will registration and secure digital storage.¹⁵⁰⁷ The Wills Registry, integrated with probate systems, permits electronic registration of traditional wills, enhancing accessibility without authorizing electronic execution.¹⁵⁰⁸

This hybrid approach preserves formal execution requirements while leveraging technology for registration, storage, and retrieval, reducing probate delays and lost will

¹⁴⁹⁴ Uniform Electronic Wills Act (2019).

¹⁴⁹⁵ *ibid* s 5.

¹⁴⁹⁶ Nevada Revised Statutes § 133.085 (2017).

¹⁴⁹⁷ *ibid* § 133.085(2).

¹⁴⁹⁸ Gerry W Beyer and Naomi Cahn, 'When You Pass On, Don't Leave the Password Behind: Planning for Digital Assets' (2013) 26 Probate & Property 40, 43-45.

¹⁴⁹⁹ Florida Statutes § 117.285 (2020); Colorado Revised Statutes § 15-11-502 (2020).

¹⁵⁰⁰ Carl H Lisman, 'The Revolution in Estate Planning: E-Wills' (2018) 44 ACTEC Law Journal 245, 258-260.

¹⁵⁰¹ Law Commission (England and Wales), 'Making a Will' (Consultation Paper No 231, 2017).

¹⁵⁰² Wills Act 1837, s 9.

¹⁵⁰³ HM Courts & Tribunals Service, 'Guidance on Making Wills During Coronavirus' (2020).

¹⁵⁰⁴ Law Commission (England and Wales), 'Making a Will' (n 8) [9.45]-[9.58].

¹⁵⁰⁵ *ibid* [9.67]-[9.72].

¹⁵⁰⁶ Electronic Transactions Act (Singapore, Cap 88, 2010 Rev Ed) s 4(2).

¹⁵⁰⁷ Olivia Chua, 'Digital Wills in Singapore: Possibilities and Challenges' (2020) 32 Singapore Academy of Law Journal 567, 581-583.

¹⁵⁰⁸ *ibid* 584-586.

risks.¹⁵⁰⁹ Integration with death registration systems enables automatic probate notifications, streamlining succession administration.¹⁵¹⁰

Australia

Queensland's succession law reforms introduced judicial discretion to recognize informal testamentary documents, including electronic communications, where courts are satisfied the deceased intended the document to constitute a will.¹⁵¹¹ Section 18 of the Succession Act 1981 permits courts to dispense with execution formalities if testamentary intention is established, enabling recognition of digital documents including text messages, emails, and word processing files saved on devices.¹⁵¹²

Cases such as *Re Yu* accepted unsent text messages as valid wills where evidence demonstrated genuine testamentary intent despite non-compliance with attestation requirements.¹⁵¹³ This dispensing power balances formality with substantive justice, preventing technical defects from defeating authentic testamentary intentions while requiring rigorous judicial scrutiny of informal documents.¹⁵¹⁴

Lessons for Indian Law

Comparative analysis reveals three critical reform elements. First, technological flexibility must be balanced with fraud prevention through multi-layered authentication combining electronic signatures, biometric verification, and remote witnessing technologies.¹⁵¹⁵ Second, centralized electronic will repositories with secure storage, registration, and probate integration provide infrastructure enabling safe electronic will adoption without compromising succession

certainty.¹⁵¹⁶ Third, judicial discretion to accept alternative compliance, modeled on Queensland's dispensing power, offers flexible recognition of electronic wills demonstrating authentic testamentary intent while preserving formal requirements as default safeguards.¹⁵¹⁷ These elements collectively suggest evolutionary rather than revolutionary reform, accommodating electronic wills within strengthened institutional frameworks rather than wholesale abandonment of testamentary formalities.¹⁵¹⁸

VI. Technological Solutions and Best Practices

Technological infrastructure can address authentication, security, and evidentiary challenges inherent in electronic wills while preserving testamentary formality safeguards. Strategic implementation of digital solutions offers pathways for secure electronic succession documentation compatible with ancestral property frameworks.

Secure Digital Platforms

Certified e-will platforms operating under government regulatory oversight could provide controlled environments for electronic will creation, execution, and storage.¹⁵¹⁹ Licensing requirements similar to those governing Certifying Authorities under the IT Act would ensure platform compliance with security standards, audit protocols, and data protection requirements.¹⁵²⁰ Multi-factor authentication combining passwords, biometric verification, and device recognition would establish robust identity confirmation exceeding traditional signature reliability.¹⁵²¹ Fingerprint scanning, facial recognition, and iris authentication create layered security preventing unauthorized access while generating audit trails documenting testator identity verification.¹⁵²²

¹⁵⁰⁹ *ibid* 589-591.

¹⁵¹⁰ *ibid* 592-594.

¹⁵¹¹ Succession Act 1981 (Qld) s 18.

¹⁵¹² *Re Yu* QSC 322.

¹⁵¹³ *ibid* -.

¹⁵¹⁴ Ben Mathews, 'The Wills Act Enters the Digital Age: Informal Wills and the Requirement of Writing' (2014) 22 Australian Property Law Journal 187, 198-201.

¹⁵¹⁵ Carl H Lisman (n 7) 267-269.

¹⁵¹⁶ Olivia Chua (n 14) 595-597.

¹⁵¹⁷ Ben Mathews (n 21) 206-208.

¹⁵¹⁸ Law Commission (England and Wales), 'Making a Will' (n 8) [9.89]-[9.93].

¹⁵¹⁹ Nandan Kamath (n 12) 173-175.

¹⁵²⁰ Information Technology Act 2000, s 24.

¹⁵²¹ Pavan Duggal (n 8) 241-243.

¹⁵²² Chris Reed (n 4) 185-187.

Encrypted storage utilizing Advanced Encryption Standard protocols with 256-bit keys ensures confidentiality during testator lifetime while permitting authorized post-death access through cryptographic key management systems.¹⁵²³ Redundancy mechanisms including geographically distributed servers, automated backups, and disaster recovery protocols prevent data loss from technical failures or catastrophic events.¹⁵²⁴ Platform architecture should incorporate tamper-evident logging recording all document access, modifications, and authentication attempts, creating comprehensive evidentiary records for probate proceedings.¹⁵²⁵

Blockchain Technology

Blockchain distributed ledger technology provides immutable record-keeping where will execution timestamps, content hashes, and authentication data are recorded across decentralized nodes, preventing unilateral tampering or falsification.¹⁵²⁶ Cryptographic hashing creates unique digital fingerprints for will documents, enabling verification that submitted probate documents match originally executed versions without alteration.¹⁵²⁷ Smart contracts programmed on blockchain platforms could automate testamentary execution upon verified death certification, triggering asset transfers according to will provisions without requiring extensive probate administration.¹⁵²⁸

Blockchain transparency through public ledger access enables interested parties to verify will existence and execution authenticity while maintaining content confidentiality through encryption, balancing evidentiary needs with privacy protection.¹⁵²⁹ Permissioned blockchain architectures could restrict access to

authorized legal heirs and courts while preserving immutability and verification benefits.¹⁵³⁰

Integration with Existing Systems

Interoperability between electronic will platforms and property registration databases would enable real-time verification of testator ownership over disposed property, preventing invalid dispositions of non-existent or non-owned assets including ancestral property interests.¹⁵³¹ Integration with income tax databases and Aadhaar systems would facilitate identity verification, asset tracking, and automated estate valuation for probate and partition purposes.¹⁵³² Linkage with death registration systems could trigger automatic notifications to registered legal heirs and coparceners, ensuring timely disclosure of testamentary dispositions affecting ancestral property rights.¹⁵³³

Notification mechanisms could utilize registered email addresses, mobile numbers, and physical addresses maintained in centralized databases, providing multiple communication channels ensuring heir awareness of electronic wills relevant to partition claims.¹⁵³⁴

Hybrid Models

Hybrid approaches combining electronic execution with physical attestation offer transitional solutions preserving traditional safeguards while incorporating technological benefits.¹⁵³⁵ Video recording of will-making processes captures testator declarations, witness attestations, and execution circumstances, creating comprehensive evidentiary records demonstrating testamentary capacity, voluntariness, and procedural compliance.¹⁵³⁶ Digital signatures applied to electronically drafted wills followed

¹⁵²³ National Institute of Standards and Technology, 'Advanced Encryption Standard (AES)' (FIPS Publication 197, 2001).

¹⁵²⁴ ISO/IEC 27031:2011, 'Information Technology: Security Techniques: Guidelines for ICT Readiness for Business Continuity'.

¹⁵²⁵ Vakul Sharma (n 4) 255-257.

¹⁵²⁶ Primavera De Filippi and Aaron Wright (n 6) 89-92.

¹⁵²⁷ *ibid* 134-137.

¹⁵²⁸ Max Raskin, 'The Law and Legality of Smart Contracts' (2017) 1 Georgetown Law Technology Review 305, 318-321.

¹⁵²⁹ Primavera De Filippi and Aaron Wright (n 6) 156-159.

¹⁵³⁰ Vitalik Buterin, 'On Public and Private Blockchains' (Ethereum Blog, 7 August 2015).

¹⁵³¹ Kunal Ambasta (n 25) 478-480.

¹⁵³² Justice BN Srikrishna (n 10) 89-92.

¹⁵³³ Olivia Chua (n 14) 592-594.

¹⁵³⁴ *ibid* 596-598.

¹⁵³⁵ Carl H Lisman (n 7) 271-273.

¹⁵³⁶ Gerry W Beyer and Naomi Cahn (n 5) 47-49.

by physical witness signatures on printed copies or video-witnessed remote attestation balances authentication methods addressing diverse evidentiary concerns¹⁵³⁷. These hybrid models accommodate technological adoption without requiring wholesale abandonment of established formalities, facilitating gradual legal system adaptation to electronic testamentary documentation.¹⁵³⁸

VII. Proposed Legal

Reforms

Comprehensive legislative reforms addressing electronic wills require coordinated amendments across succession, information technology, and procedural law frameworks, establishing secure infrastructure while preserving testamentary safeguards essential for ancestral property succession.

Amendments to Indian Succession Act, 1925

Section 63 should be amended to recognize electronic wills as valid testamentary instruments subject to equivalent formality safeguards adapted for digital contexts.¹⁵³⁹ A new Section 63A could define "electronic testamentary disposition" as a will created, signed, and stored in electronic form satisfying prescribed authentication and security requirements.¹⁵⁴⁰ Modified attestation requirements should permit remote witnessing through real-time audio-video communication technology where witnesses observe testator executing the will electronically and apply digital signatures contemporaneously, creating verifiable execution records.¹⁵⁴¹

The amendment should mandate multi-factor authentication combining digital signatures issued by licensed Certifying Authorities with biometric verification, ensuring identity confirmation exceeding traditional signature

reliability.¹⁵⁴² Electronic wills should require secure storage on certified platforms maintaining tamper-evident audit trails, encrypted repositories, and redundancy mechanisms preventing unauthorized access or data loss.¹⁵⁴³ A saving clause should preserve traditional will execution methods, making electronic formats optional rather than mandatory, respecting testator preferences and technological literacy variations.¹⁵⁴⁴

Information Technology Act Modifications

Section 1(4) exclusion of testamentary documents should be removed, extending IT Act provisions on electronic record recognition and digital signature validity to succession matters¹⁵⁴⁵. A new Chapter IVA dedicated to electronic testamentary dispositions could establish specific requirements including mandatory certification by licensed platforms, technical standards for encryption and authentication, and data retention obligations ensuring long-term accessibility.¹⁵⁴⁶

The Certifying Authority framework should be expanded to include specialized will authentication services, with licensing requirements ensuring technical competence, financial stability, and compliance with security protocols.¹⁵⁴⁷ Regulations under Section 87 should prescribe detailed technical standards for electronic will platforms covering identity verification procedures, encryption protocols, access control mechanisms, and audit trail requirements.¹⁵⁴⁸

Personal Law Harmonization

Amendments should establish uniform electronic will provisions applicable across Hindu, Muslim, Christian, and other personal law systems while respecting substantive succession rules regarding ancestral property, inheritance shares, and testamentary capacity

¹⁵³⁷ Ajay Bahl and Ruchi Bahl (n 20) 136-138.

¹⁵³⁸ Law Commission (England and Wales), 'Making a Will' (n 8) [9.94]-[9.97].

¹⁵³⁹ Law Commission of India, 'Reform of the Indian Succession Act, 1925' (n 19) [4.18]-[4.22].

¹⁵⁴⁰ Uniform Electronic Wills Act (n 1) s 2(5).

¹⁵⁴¹ *ibid* s 5.

¹⁵⁴² Vakul Sharma (n 4) 258-260.

¹⁵⁴³ Nandan Kamath (n 12) 178-180.

¹⁵⁴⁴ Carl H Lisman (n 7) 275-277.

¹⁵⁴⁵ Information Technology Act 2000, s 1(4).

¹⁵⁴⁶ Pavan Duggal (n 8) 247-249.

¹⁵⁴⁷ Information Technology Act 2000, s 24.

¹⁵⁴⁸ *ibid* s 87.

limitations.¹⁵⁴⁹ The reforms should clarify that electronic format affects execution formalities only, not substantive personal law requirements governing what property can be disposed of or in what proportions.¹⁵⁵⁰

Optional electronic format provisions ensure religious communities uncomfortable with digital documentation can continue utilizing traditional methods without prejudice, preventing cultural imposition while enabling technological adoption for willing testators.¹⁵⁵¹ Consultation with religious authorities and community representatives during legislative drafting would ensure reforms accommodate diverse faith-based succession principles.¹⁵⁵²

Procedural Law Amendments

The Code of Civil Procedure should incorporate specific provisions for partition suits involving electronic wills, addressing notice requirements, electronic evidence presentation, and authentication procedures.¹⁵⁵³ New rules under Order XX could establish protocols for admitting electronic wills without requiring burdensome Section 65B certificates where wills originate from certified platforms maintaining statutory compliance and audit trails.¹⁵⁵⁴

Expedited probate procedures for authenticated electronic wills stored on certified platforms could reduce succession delays, with courts empowered to grant probate based on platform authentication certificates and digital forensic reports without extensive witness examination where no substantive challenges exist.¹⁵⁵⁵ Special provisions for partition suits should require electronic will proponents to provide timely notice to all coparceners and legal heirs through registered communication channels, ensuring ancestral property claims receive adequate adversarial scrutiny.¹⁵⁵⁶

Institutional Framework

A National Electronic Will Registry operated by the Ministry of Law and Justice or designated statutory authority should provide centralized registration, secure storage, and probate integration services.¹⁵⁵⁷ The Registry would maintain searchable databases enabling legal heirs and courts to verify will existence, preventing fraudulent suppression of testamentary instruments in partition litigation.¹⁵⁵⁸ Regulatory oversight mechanisms including periodic audits, security assessments, and consumer grievance redressal procedures would ensure platform accountability and user protection.¹⁵⁵⁹ Consumer protection provisions should mandate disclosure of platform terms, data handling practices, and fee structures, preventing exploitation while establishing liability frameworks for platform negligence causing succession disputes or data breaches.¹⁵⁶⁰

VIII. Conclusion

Summary of Findings

Electronic wills occupy a legally ambiguous position under current Indian law, with the Information Technology Act explicitly excluding testamentary documents from electronic record recognition while the Indian Succession Act prescribes formalities incompatible with digital execution.¹⁵⁶¹ This statutory vacuum creates particular complications in ancestral property succession, where electronic testamentary dispositions intersect with coparcenary rights, personal law inheritance principles, and partition litigation procedures.¹⁵⁶² Authentication challenges, evidentiary complexities under Section 65B requirements, and procedural uncertainties regarding probate and notice to coparceners compound difficulties in adjudicating partition claims

¹⁵⁴⁹ Paras Diwan (n 12) 596-598.

¹⁵⁵⁰ Tahir Mahmood (n 16) 178-180.

¹⁵⁵¹ Law Commission (England and Wales), 'Making a Will' (n 8) [9.103]-[9.107].

¹⁵⁵² Mulla, Principles of Hindu Law (n 3) 601-603.

¹⁵⁵³ Code of Civil Procedure 1908, O XX.

¹⁵⁵⁴ Ajay Bahl and Ruchi Bahl (n 20) 141-143.

¹⁵⁵⁵ Indian Succession Act 1925, s 276.

¹⁵⁵⁶ Kunal Ambasta (n 25) 483-485.

¹⁵⁵⁷ Olivia Chua (n 14) 599-601.

¹⁵⁵⁸ *ibid* 602-604.

¹⁵⁵⁹ Justice BN Srikrishna (n 10) 134-137.

¹⁵⁶⁰ Consumer Protection Act 2019, s 2(7).

¹⁵⁶¹ Information Technology Act 2000, s 1(4); Indian Succession Act 1925, s 63.

¹⁵⁶² Kunal Ambasta (n 25) 488-490.

involving electronic wills.¹⁵⁶³ Balanced reform recognizing technological advancement while preserving fraud prevention safeguards essential to testamentary succession represents the necessary legislative response to these challenges.¹⁵⁶⁴

Key Recommendations

Parliament should enact coordinated amendments to the Indian Succession Act and Information Technology Act, establishing electronic wills as valid testamentary instruments subject to robust authentication requirements including digital signatures, biometric verification, and remote witnessing through audio-video technology.¹⁵⁶⁵ Development of certified electronic will platforms operating under government regulatory oversight, with mandatory encryption, tamper-evident audit trails, and secure storage infrastructure, would provide technological foundations for safe digital succession documentation.¹⁵⁶⁶ A National Electronic Will Registry offering centralized registration and probate integration services would enhance transparency, prevent will suppression in partition litigation, and streamline succession administration.¹⁵⁶⁷

Judicial training programs addressing electronic evidence, digital forensics, and authentication technology assessment would equip courts to competently adjudicate disputes involving electronic testamentary dispositions and ancestral property claims.¹⁵⁶⁸ Public awareness campaigns educating citizens about electronic estate planning options, platform security requirements, and personal law compliance obligations would facilitate informed adoption while preventing exploitation through inadequately secured digital documentation.¹⁵⁶⁹

Future Implications

Growing digital asset portfolios including cryptocurrencies, virtual property, and online accounts necessitate comprehensive electronic succession frameworks extending beyond traditional physical property paradigms.¹⁵⁷⁰ Electronic wills offer potential for reduced litigation through clearer documentation, timestamped execution records, and immutable blockchain storage eliminating disputes regarding will authenticity and execution chronology common in traditional succession matters.¹⁵⁷¹ International harmonization initiatives addressing cross-border electronic succession, particularly relevant for non-resident Indians holding ancestral property interests, require India's engagement with global electronic will standards and mutual recognition frameworks.¹⁵⁷²

Concluding Remarks

Electronic wills represent an inevitable evolution in succession law driven by digital transformation across legal, commercial, and personal spheres.¹⁵⁷³ India must carefully balance innovation facilitating accessible estate planning with protection of legitimate inheritance rights, particularly regarding ancestral property where multiple coparceners and personal law principles create complex succession frameworks.¹⁵⁷⁴ Ancestral property concepts rooted in traditional joint family structures and religious inheritance rules must adapt to electronic documentation while preserving foundational principles protecting family interests and ensuring equitable distribution.¹⁵⁷⁵ Proactive legislative reform establishing clear frameworks with appropriate safeguards proves preferable to reactive judicial interpretation attempting to fit digital instruments into outdated statutory schemes,

¹⁵⁶³ Ajay Bahl and Ruchi Bahl (n 20) 145-147.

¹⁵⁶⁴ Law Commission of India, 'Reform of the Indian Succession Act, 1925' (n 19) [5.8]-[5.12].

¹⁵⁶⁵ Uniform Electronic Wills Act (n 1) ss 2, 5.

¹⁵⁶⁶ Nandan Kamath (n 12) 181-183.

¹⁵⁶⁷ Olivia Chua (n 14) 605-607.

¹⁵⁶⁸ Vakul Sharma (n 4) 263-265.

¹⁵⁶⁹ Gerry W Beyer and Naomi Cahn (n 5) 51-53.

¹⁵⁷⁰ Joshua AT Fairfield, 'Virtual Property' (2005) 85 Boston University Law Review 1047, 1112-1115.

¹⁵⁷¹ Primavera De Filippi and Aaron Wright (n 6) 167-170.

¹⁵⁷² Fausto Pocar (n 31) 89-92.

¹⁵⁷³ Carl H Lismann (n 7) 280-282.

¹⁵⁷⁴ Paras Diwan (n 12) 603-605.

¹⁵⁷⁵ Mulla, Principles of Hindu Law (n 3) 608-610.

preventing prolonged uncertainty detrimental
to testators, heirs, and efficient succession
administration.¹⁵⁷⁶



¹⁵⁷⁶ Law Commission (England and Wales), 'Making a Will' (n 8) [10.15]-[10.19].