



## **RIGHTS OF CHILDREN BORN OUT OF ILLEGITIMATE MARRIAGE TO CLAIM PROPERTY**

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### **ABSTRACT**

This exploration examines the property rights of children born out of illegitimate marriage and analyses the complex legal frame and its social consequences. Historically, similar children have been discriminated against and barred from inheriting property, but developing legal systems and transnational mortal rights norms aim to correct this injustice. This study examines the global legal geography, indigenous differences and ongoing challenges, particularly related to social stations and attestation issues. The study also highlights the central part of legal aid and law enforcement in icing respect for these rights. Eventually, this study highlights a abecedarian shift towards social justice and gender equivalency, as the property rights of children born out of connubiality come an integral part of ultramodern legal systems.

**KEYWORDS-** Illegitimate marriage, Property rights, Discrimination

### **INTRODUCTION**

In the complex shade of mortal relations, the legal and social treatment of children born out of connubiality has long been a reflection of social morals, religious beliefs and artistic traditions. Historically, similar children were frequently left on the point of heritage and property rights. Demarcation and smirch were far and wide because they carried social

disapprobation embedded in prevailing customs and an archaic legal system. still, the current legal world is witnessing profound changes, championing the equal treatment of all children, anyhow of the connubial status of their parents, and feting their essential right to claim property. Feting the rights of children born out of connubiality is an expression of the evolving principles of social justice, gender equivalency and mortal rights.

In a literal environment, societies around the world, including India, frequently followed rigid customs and traditions that denied these children a licit heritage. The circumstances of their birth were considered illegitimate and similar discriminative treatment eternalized a heritage of inequality, particularly for women and girls, who suffered disproportionately. This composition examines the legal frame that supports the property rights of children born out of connubiality. The end is to reveal the literal environment, the complexity of the current legal system, indigenous differences, the challenges faced by these children and the central part of legal aid and legal protection.

The development of property rights of similar children is characterized by a abecedarian change in legal paradigms. Legal delineations, which frequently varied and were full of nebulosity, have now evolved to reflect a further inclusive and egalitarian approach. This change is supported by the recognition that the connubial status of parents shouldn't be a determining factor in the evaluation of the rights of children. The legal frame emphasizes the principles of equivalency and non-discrimination. It gives these children



the same property rights as children of marriage, therefore easing the achievement of social justice. A significant moment in this change was the development of transnational covenants on mortal rights, which cover the rights of children singly of their parents; connubial status. Despite these legal advances, still, indigenous differences remain, reflecting the influence of original customs and particular laws.

This document also highlights the important part of legal aid and law enforcement in supporting these children as they navigate the legal system and claim their due means. NGOs and advocacy groups play a crucial part in raising mindfulness, furnishing support and changing policy. The right of children born out of connubiality to claim property underlines the ever-evolving trip towards social justice and gender equivalency. It reflects society and its commitment to dismembering discriminative morals and icing that every child has an equal occasion to inherit and succeed. The purpose of this study is to contribute to a deeper understanding of this abecedarian change in the legal terrain, the ultimate thing of which is to promote addition and equivalency in society.

## **LEGAL FRAMEWORK**

### ***Legal Delineations***

To understand the legal frame girding the property rights of children born out of illegitimate marriages, it's pivotal to define crucial terms and generalities.

An "illegitimate marriage" generally refers to a union that isn't fairly honoured or praised under the prevailing marriage laws of a governance. In numerous legal systems,

children born out of similar unions are considered "illegitimate."

**Children Born Out of Wedlock** This term refers to children born to parents who aren't fairly wedded or in a marriage that's considered illegitimate.

The literal environment of property rights for children born out of illegitimate marriages has been marked by demarcation and rejection in numerous societies. Traditionally, these children frequently faced severe limitations in claiming property and heritage. Societal morals, religious beliefs, and artistic traditions contributed to their marginalization.

### ***Heritage Practices***

Historically, heritage laws frequently favoured licit children, leaving those born out of connubiality with little or no claim to family property. Illegitimate children were frequently stigmatized, which further marginalized them and reduced their openings for property power and profitable security. Demarcation against children born out of illegitimate marriages frequently disproportionately affected women and girls, who had smaller avenues for claiming property and heritage.

### ***International norms***

In recent times, significant progress has been made in feting the property rights of children born out of illegitimate marriages, driven by transnational mortal rights norms. These norms emphasize equivalency and non-discrimination, emphasizing that the connubial status of parents shouldn't determine a child's access to property rights. Conventions similar as the United Nations



Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) have played a vital part in promoting the rights of children, irrespective of their parents' connubial status. The Universal Declaration of Human Rights (UDHR), which affirms the principle of equivalency and non-discrimination, has been a foundation in championing for the equal treatment of all individualities, including children born out of illegitimate marriages. International norms also place a strong emphasis on achieving gender equivalency, feting that discriminative heritage practices can immortalize gender difference.

### ***Evolving Legal Delineations***

One significant aspect of the legal frame is the evolving description and recognition of the rights of children born out of illegitimate marriages. Numerous legal systems have readdressed these rights to insure that they align with principles of equivalency and non-discrimination. In colourful authorities, legal delineations have been revised to admit the equal rights of children, anyhow of their parents' connubial status. These legal changes also contribute to the protection of women's rights, as they historically bore a disproportionate burden in cases of illegitimate births. Equality Before the Law emendations to legal delineations emphasize that all children have equal standing before the law, buttressing the principle of non-discrimination.

Some legal systems have also acclimated to fete and cover the rights of children born out of illegitimate marriages by admitting and attesting lineage through colourful legal

procedures. This evolving legal frame underscores the shift towards social justice and gender equivalency, where property rights for children born out of illegitimate marriages have come an integral hand of contemporary legal systems. It reflects a commitment to dismembering discriminative morals and icing that every child has an equal occasion to inherit and prosper.

### **PROPERTY RIGHTS OF CHILDREN BORN OUT OF ILLEGITIMATE MARRIAGES**

#### ***Equality and Non-Discrimination***

The recognition of property rights for children born out of illegitimate marriages is predicated in the principles of equivalency and non-discrimination. These legal foundations accentuate the idea that all children, anyhow of the connubial status of their parents, should have equal access to property rights.

Within this frame, legal vittles have been established in numerous countries to grant children born out of connubiality the same property rights as their counterparts born within licit marriages. These vittles admit that the circumstances of a child's birth shouldn't affect their capability to inherit and claim property.

#### ***Applicability of Legal Changes***

These legal changes aren't simply emblematic but have profound counteraccusations for the rights and future of children born out of illegitimate marriages. The equal property rights for these children emphasize society's commitment to social justice and the



dismantling of literal demarcation grounded on birth circumstances.

Similar legal reforms frequently have a significant impact on gender equivalency. Historically, women and girls were disproportionately affected by discriminative heritage practices, and these legal changes aim to amend those differences. Property rights are naturally tied to profitable security. By granting these rights to all children, irrespective of the connubial status of their parents, society aims to give equal profitable openings and security.

### ***Part of Legal Systems***

The legal frame plays a vital part in icing the property rights of children born out of illegitimate marriages. Amendments to heritage laws frequently explicitly state that legality isn't a determining factor in heritage and property claims. This change shifts the legal paradigm from rejection to addition. The legal frame decreasingly adopts a child-centred approach, feting the stylish interests of the child as consummate. This shift acknowledges that children aren't responsible for the circumstances of their birth and shouldn't be disadvantaged by it. Legal systems insure that discriminative practices and unstable treatment grounded on birth circumstances are banned. This prohibition promotes a more indifferent and inclusive society.

### ***Regional perpetration***

While the legal frame sets the stage for equal property rights for children born out of illegitimate marriages, indigenous variations frequently live due to the influence of

original customs, particular laws, and artistic traditions.

In some regions, original customs and traditional practices may persist, affecting the practical perpetration of these legal rights. This can affect in challenges for children trying to claim property. In numerous countries, particular laws, told by religious customs and artistic traditions, play a significant part in family and heritage matters. These laws can occasionally discord with the overarching legal frame, leading to complex legal dynamics.

### ***Challenges and controversies***

Despite legal changes, challenges and controversies girding property rights for children born out of illegitimate marriages persist. Deeply hardwired societal stations and spots may hamper the effective exercise of these legal rights. Discriminative mindsets can be flexible, posing walls to property claims.

Proving lineage can be a contentious issue, particularly in cases involving children born out of illegitimate marriages. Some situations bear the intervention of advanced technologies like inheritable testing to resolve controversies. As mentioned before, the interplay between particular laws told by religious customs and the overarching legal frame can present complex dynamics. These complications can affect the property rights of children.

### ***The part of Legal backing and Advocacy***

The effective exercise of property rights for children born out of illegitimate marriages



frequently depends on the part of legal backing and advocacy.

Non-governmental organisations (NGOs) and advocacy groups play a vital part in raising mindfulness about these rights, furnishing support to affected children, and championing for policy changes to exclude remaining difference. Legal professionals play a pivotal part in guiding children through the legal process of claiming their due property. Legal backing is frequently necessary to navigate complex legal systems and overcome challenges.

## **RECENT PRECEDENT**

A recent judgement in the case of *Revanasiddappa & Anr. Vs Mallikarjun & Ors*, On 01 September 2023, a three-judge bench of the Hon'ble Supreme Court of India ("Court"), led by the Chief Justice of India, Dr. Dhananjaya Y Chandrachud, while answering a reference, in Revanasiddappa and another versus Mallikarjun and others put a quietus to the issue girding heritage rights of an illegitimate child to the parents' property whose marriage is null and void under Section 11 of the Hindu Marriage Act, 1955 ("HMA") or voidable under Section 12 of HMA.. The common judgment and order was passed in a group of matters. The Hon'ble Court held that, a child of an 'invalid marriage' is entitled to a share in the parents' property, both tone-acquired and ancestral, after catching on the rights of similar parent as per the accreditation specified under the Hindu Succession Act, 1956. Similar child, still, doesn't come a coparcener in the Hindu Mitakshara Joint Family.

The reference was needed due to divergent views taken by two benches of the Court in

Jinia Keotin v Kumar Sitaram Manjhi and Revanasiddappa v Mallik Arjun. Jinia Keotin held that simply because a child born out of a void and illegal marriage has been shielded under Section 16 of HMA, he or she cannot be equated with the illicit seed or form part of a co-parcenary. But to the contrary, Revanasiddappa held that once an illegitimate child is sanctioned with legislative legality under Section 16 of HMA, he or she ought not to be discriminated against and he or she is on par with other licit children in respect of all the rights in the property of their parents, including tone-acquired and ancestral property.

## **SOCIAL IMPLICATIONS AND FUTURE DIRECTIONS**

### ***Impact on Society***

Feting and guarding the property rights of children born out of illegitimate marriages has profound social counteraccusations. By admitting these rights, society takes a significant step toward reducing the literal smirch and demarcation that has girdled similar children and their families. This not only promotes social justice but also contributes to a further inclusive and compassionate society. It can reshape family dynamics by promoting a sense of equity and belonging among all family members. This, in turn, can lead to stronger, more harmonious family connections.

Granting equal property rights to all children, anyhow of the connubial status of their parents, directly supports gender equivalency. Historically, women and girls have been disproportionately affected by discriminative heritage practices, and these legal changes work to amend those differences.



The property rights of children born out of illegitimate marriages are naturally tied to profitable security. Icing these rights can help alleviate profitable vulnerabilities that similar children and their families may face. When children have a stake in their family's property, it can motivate them to pursue education, achieve their target, and contribute appreciatively to society.

### ***Policy Recommendations***

The recognition of property rights for children born out of illegitimate marriages opens up several unborn policy directions. There's a need for continued public mindfulness juggernauts and educational programs to inform both the general public and affected families about these legal changes and their counter accusations. This can help overcome deep-seated spots and conceptions.

Legal aid programs should be expanded to give guidance and backing to children and families seeking to exercise these rights. This includes icing access to affordable legal counsel and information on heritage laws. Non-governmental associations and advocacy groups should continue to play a critical part in championing for policy changes, covering the perpetration of these rights, and intermediating in cases of demarcation or denial.

In regions where particular laws play a significant part in family and heritage matters, efforts should be made to align these laws with broader legal fabrics that cover the property rights of all children. Legal reform is essential to insure thickness and equity. Promoting social acceptance and understanding is vital. Society must evolve to

completely embrace and support the property rights of all children. This entails changing societal stations, prostrating conceptions, and gruelling discriminative beliefs.

### ***Future Research***

Unborn exploration in this field can explore colourful aspects of property rights for children born out of illegitimate marriages. Research can claw into the practical challenges and walls that children and families face when trying to exercise these rights. relating and addressing these challenges is critical for successful perpetration. Relative studies across different countries and regions can give perceptivity into the effectiveness of legal reforms and highlight areas where farther enhancement is demanded.

Research can concentrate on the evolving stations and comprehensions of society towards children born out of illegitimate marriages and their property rights. Understanding these shifts can inform strategies for social acceptance. Farther exploration can dissect the gender impact of these legal changes. Monitoring the elaboration of legal fabrics in different authorities and tracking legal reforms is important to assess the progress in guarding the property rights of these children.

### ***CONCLUSION***

In conclusion, the recognition and protection of property rights for children born out of illegitimate marriages represent a monumental step towards social justice and gender equivalency. Historically, these children faced marginalization, demarcation, and limited access to family heritage. still,



legal reforms have steered in a new period, where the circumstances of a child's birth no longer mandate their right to property.

In sum, these legal changes epitomize society's commitment to dismembering discriminative morals and fostering a more inclusive and indifferent world where every child, anyhow of their parents' connubial status, has the occasion to inherit, prosper, and contribute appreciatively to society. This is a testament to the ongoing trip towards a more just and egalitarian global community.

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