

In not be minor (b) he  
must



In case he has a wife living, he shall not adopt except with the consent of his wife. The consent may be dispensed with if the wife has finally renounced the world or has ceased to be a Hindu (by conversion to any religion other than Hinduism, Jainism, Buddhism, Sikhism) or if she has been declared to be of unsound mind by a court having jurisdiction to pass a declaratory decree to that effect. This section has effected an important innovation in the old Hindu law.

Now the consent of the wife or the wives, as the case may be would be necessary for a valid adoption. The Act permits the adoption not only of a male but also of a female. It has lost its religious aspect and only its secular character remains unaffected as it is found among the Jains and Sikhs.

Recently in *Sarabjeet Kabir v. Gurumal Kaur*, the Court upheld that if adoption taken by the husband without consent of the wife, that adoption will be illegal. There are two points to enable a male Hindu to adopt a child namely—(a) he must not be minor (b) he must be of sound mind.

Under old Hindu Law, for purposes of adoption the age of majority according to Mitakshara School was 15 years but under the present Act the age of majority shall be counted on the completion of 18 years. Adoption by a male Hindu who is himself a minor is void ab initio and cannot become valid by mere ratification. Adoption by a person of unsound mind is no adoption at all.