

# Postmodern hindu law

Religion



**ASSIGN  
BUSTER**

The Hindu law has been a guiding principle for our society, especially in certain matters like the conjugal affairs or the responsibilities of kinship. The Kutia Kandha customs are also based on the lines of Hindu law but they seem to be more systematic.

### Maintenance

As per the Hindu law, regardless of ownership of property, a person is morally obliged to take over the responsibility of his wife, old parents and minors. This norm is followed by the Kutia Kandha people with some further inclusions. Accordingly, the inheritance of a property should not become the basis of a son's commitments towards his parents or his wife. It's the duty of sons to look after their parents even if they don't inherit the property in return.

But the nuance is that the responsibility of staying with the old parents comes down to the youngest one. He has to take care of everything, even the funerary rights of his parents. Same rule applies on an adopted son; no property will be inherited if he fails to fulfill his responsibilities. Similarly, maintenance of minors and unmarried or handicapped children is a responsibility that parents cannot avoid.

In circumstances like death of parents, the duty is accorded to near male kin, if he is inheriting the property. In another situation, if the husband dies, the widow has to maintain the minors until the eldest one turns a major.

And in case, she marries some outsider, the responsibility of the minors and the property, everything goes under the control of the family of deceased

husband, basically a male kin of his. Guardianship Whether a minor is legitimate or illegitimate, there should be a guardian to take over his responsibilities.

The Kutias have elucidated certain points that are needed for the consideration of guardianship. Father is the natural guardian of a child, and in case of his death, the mother becomes one. A major child may become a guardian of his minor siblings in case both the parents are dead. In absence of such a major child, the responsibility goes to either of the grandparents.

Grandparents to next full brother and then to half brother, this process continues until and unless there is some male kin of their father available for such guardianship. Else the process is repeated in maternal clan. Illegitimate child goes with the legitimate husband of the deceased woman, and in case he denies, the family of woman is supposed to take care of the child. Adopted father of an adopted son is his guardian and not the real father, in such a case. Lastly, in case of a divorce, the children stay with father.

If they are small enough not to live without mother, they remain with the mother and go to the father once they grow up. Adoption There are many reasons, for which a person may want to adopt a child; some childless couple may want an old age support or some may not be willing to have their own kids and just go for adoption.

Whatever the reason maybe, anyone can adopt a child. The Kutia Kandhas have delineated the conditions of adoptions. One can adopt a child of any gender but he should start choosing from his paternal kinsmen, if not available then from an outsider, whether from same clan or not.

<https://assignbuster.com/postmodern-hindu-law/>

The adopted son is entrusted with all the responsibilities of a real son (ibid) thereafter and becomes the inheritor of his adopted parents' property, too. Even the responsibility of minors, widow, old grandparents etc is invested on him. Failing to which, his property may be forfeited.

If a situation arises wherein the adopted son and father separate, the question of inheritance of property depends upon the case of separation.

If the adopted son is guilty, he may not get anything; otherwise he can claim the rights. Not every rule is just for adopted son, even the adopter have some duties towards him, like looking after his welfare, marriage and every other aspect that he may do or have done for his real son.