

# [The under muslim law by which a](https://assignbuster.com/the-under-muslim-law-by-which-a/)

The Hanafis do not take such a rigid stand and adopt the view that an illegitimate child, for certain purposes, such as for feeding and nourishment, is related to the mother. For these purposes the Hanafi law confers some rights on its mother. Macnaughten said : “ A bastard child belongs, legally speaking, to neither of the parents and it is in every sense of the word filius nulius-, it should, until it has attained the age of seven years, be left in the charge of the mother. After that age, it may make its own election with which of the parties it will reside, or it may live apart from them altogether”. The mother has the right of custody of her children till they attain the age of seven.

Probably, in respect of daughters it extends upto the age of puberty. Muslim law, it seems, confers no obligation of maintenance of illegitimate children on either parents, though the Hanafis recognize the obligation of nurture till the child attains the age of seven: the Shias do not recognize even this obligation. Under no school of Muslim law an illegitimate child has any right of inheritance in the property of his putative father. Under the Hanafi law, it seems, the mother and her illegitimate children have mutual rights of inheritance. There is no process recognized under Muslim law by which a status of legitimacy may be conferred on an illegitimate child. Muslim law also does not provide for the guardianship of illegitimate children, but, it seems, in modern India, by judicial legislation, it has come to be established that guardianship Of an illegitimate child vests in its mother.