

## THE KERALA ILLEGITIMATE CHILDREN BILL

To regulate the rights and privileges of Illegitimate Children

Be it enacted in the 59th year of our Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Illegitimate Children Act, —.

(2) It extends to the whole of Kerala.

(3) It shall come into force at once.

2. *Definitions* :—

(a) “Child” means a boy or a girl who has not attained the age of 18 years.

(b) “Illegitimate Child” means a child born out of wedlock between a man and a woman whose marriage had been declared Null and void or whose marriage is voidable or who, though living as husband and wife had not gone through a ceremony of marriage.

3. *Right of inheritance to the properties of putative parents.*— Every illegitimate child is entitled to inheritance in the properties, whether movable or immovable, of his putative parents just as a legitimate child with an equal share to which a legitimate child is entitled under law irrespective of the community or religion of either of the parents.

4. *Privileges and either facilities of illegitimate children.*—Every illegitimate child shall be entitled to the same privileges and facilities regardless of the community or religion to which the parents or either of his parents belong, which a legitimate child is entitled to under the law.

5. *Illegitimate children entitled to the rights and privileges even after ceasing to be a child.*— Notwithstanding anything contained in any provision of law, an illegitimate child shall continue to have all the rights and privileges even after ceasing to be a child.

6. *Rights not settled before the commencement of this Act.*—An illegitimate child shall be entitled to the rights and privileges conferred by this Act, if at the commencement of this Act, such rights have not been settled among the legal heirs of the putative parents.

Provided that the rights to inheritance settled prior to the commencement of this Act shall not be reopened for the purpose of claiming rights conferred by this Act on illegitimate children.

### **Statement of Objects and Reasons:**

Adequate provisions of law do not exist at present to secure the rights and privileges of illegitimate children. The status of children, whether legitimate or illegitimate, is determined by the nature of relationship between a man and a woman out of whom the children are born. If a marriage is valid, the children born out of them are legitimate; if not, the children are illegitimate. The children are illegitimate if a man and a woman live as husband and wife without going through a ceremony of marriage. There are several instances of a man and a woman living together as husband and wife and beget children. There is no reason why the illegitimate children should suffer for no fault of theirs without being able to inherit the properties of their putative parents. A recent Division Bench decision in MACA has suggested the enactment of a suitable law to protect and secure the interests of illegitimate children putting them on the same status as of legitimate children to succeed to the estate of their deceased parents. Hence the Bill.