EXTRA MARITAL CHILD’S INHERITANCE RIGHTS ON PARENTS INTESTATE PROPERTY UNDER SRI LANKAN LAW

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ABSTRACT

Sri Lanka is a Multi-Cultural country where the General Law of the country emphasizes on the moral values from a historical period. General Law is influenced by Roman Dutch law and English law norms. During the early years of British rule, the proclamation of 23rd September 1799, the continued operation of the customary laws was guaranteed. In the present context, the Constitution of 1978 has guarantees all existing written and unwritten laws continued operation after the enactment of the Constitution. Institution of marriage plays a vital role in Family Law of Sri Lanka and creates the legal relationship between parents and children. This paper attempts to discuss legal issues relating to intestate succession right of children under the Sri Lankan laws. The research is mainly based on the literature review in relation to the legal status of extra marital children’s Intestate Succession right. The research is particularly based on statutes, academic expressions and judicial decisions. Modern Roman Dutch Law is studied with a view to suggest recommendations to change intestate inheritance rights of extra marital children. The status of the illegitimate children has been improved by the adaptation of Legitimacy Act No. 3 of 1970 and Maintenance Act No. 37 of 1999. Sri Lankan Courts have also adopted the concept of the best interest of the child as a guiding norm. Despite such positive measures, discrimination in the area of inheritance rights continue to exists in General Law, Thesawalamai Law and Muslim Law. However, Kandyan law recognises children’s right to intestate inheritance of the acquired property of their father’s intestate property with some limitations. It is a well-known phenomenon that customs and usages should be changed to extent necessary in order to be in line with the modern legal and social set up.

INTRODUCTION

Introduction To The Legal System Of Sri Lanka

The General Law of Sri Lanka, which is applicable to majority of Sri Lankans, is amalgamation of principles of the Roman Dutch Law and Statutory provisions based on English Law. Apart from the General Law, Sri Lanka has three Special Laws; Kandyan Law, Muslim Law and Thesawalamai Law. During the early years of British rule, the proclamation of 23rd September 1799 ensured the continued operation of Dutch Law and the indigenous laws applicable to the native inhabitants in Sri Lanka. In the present context, Article 16 (1) of the 1978 Constitution of Sri Lanka guaranteed the continued operation of all existing written and unwritten laws even after the enactment of the Constitution. Kandy law and Muslim Law are purely personal in nature. The Thesawalamai is both personal and territorial law in nature. The General Law is applicable to all except those who are governed by Kandyan Law, Thesawalamai Law and Muslim Law.

Institution of marriage plays a vital role in Family Law of Sri Lanka and creates the legal relationship between parents and children. Roman Dutch Law, subject to modifications introduced by legislation and the court is the major source of law on family relations in Sri Lanka. Colonial legislations recognize only monogamous marriages. Under the General Law of Sri Lanka marriage is governed by General Marriage Ordinance No 47 of 1947. Their inheritance rights are governed by Matrimonial Rights and Inheritance Ordinance. This law is applicable to matrimonial rights of persons with regard to property and inheritance. The Thesawalamai Law continues to apply to Sri Lanka Tamils who are deemed inhabitants of the Jaffna Province1. Since this Code does not provide for all matters related to the subject of marriage, the Tamils who are subjected to Thesawalamai are governed by the General Law of marriage in relation to certain elements of marriage. However, the Code addresses the issues of matrimonial property. The case law establishes that Tamils governed by the Thesawalamai can contract a valid customary marriage. Yet the provisions relating to age and prohibited relationships in the General Law cannot be circumvented by such a customary marriage. Kandyan Law is applicable to the population that could claim descent from the original inhabitants of the Kandyan provinces at the date of the Convention. It is possible for any Sinhalese to register their marriage under the Kandyan Law on the basis that there are persons subject to this law2. Mohammedian Code of 1806 itself was considered as a collection of local customs governing the Muslims in the country. This Code contained provisions which were not endorsed in Islamic Law. It is a collection of local customs applicable to some Muslims in Ceylon3.

Who Is An Extra Marital Child?

Under the English Common Law, the children of those parents who have not contracted a valid marriage was imposed with illegality of their parents union. He/ She was denied the status of legitimacy conferred on the issue of a valid marriage and was

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2 Article 16 of 1978 Constitution of Sri Lanka
3 The Kandyan Law Ordinance No 15 of 1872 Section-15
4 King V Perumal 1911 Middleton J @ 508
5 Chellappa V Kumaraswamy (1915) 18 NLR 435 at page 437
6 Kandyan Marriage and Divorce Act No 44 of 1952 Section 16 -21 & section 66
7 Peria Abdul Rahuman V Ussan Umma Per Ennis J @ p.178
also deemed a children of nobody or fullius nullius, with no legal relationship to his/ her parents (T.E. James, Child Law 1962 P.95). Under English Law illegitimacy is stated as he is a bastard that is born before the marriage of his parents (Resources – 1788 Before European Settlement). This definition applied to situation when a child’s parent could not marry, as when one or both were already married or when the relationship is incestuous. Children born from such a union will be considered as an extra marital child. The non-recognition of a general relationship to father and exclusive legal bond with mother is reflected in the law of inheritance.

Roman Dutch Law presented that the child of a valid marriage was legitimate and denied the illegitimates relationship to his father. It is accepted that the mother makes no bastards consequently, Roman Dutch Law maintained that there was a legal relationship between the extra marital and his mother (Spiro, parent and Child, op.CH 1959 P.03). The discrimination on children to inherit from their natural father was only introduced only during the colonial period. Due to the influence of Roman Dutch Law and English Law concepts Sri Lanka legal system also defined a distinction between the children born by a legal marriage and Children born out of legal marriage. Normally child is defining as the person below the age of eighteen. In Sri Lankan legal system if a child is born out of the wedlock that child is define as extra marital child. Therefore children born to the parents who are married are considered as legitimate children and children born from out of wedlock are illegitimate children. This discrimination is still continuing in Sri Lanka in the area of intestate inheritance right.

Kandyan Marriage Ordinance No-13 of 1859 set out the requirements to a valid marriage. Accordingly, the monogamous registered marriage became the only form of valid marriage in Kandyan Law and the issues of other unions became illegitimate. A new definition for illegitimacy was introduced by this Act.

The Mohammedan Code of 1806 recognized that a man could contract valid polygamous marriages but restricted this right by permitting him to marry maximum of four wives. Children of polygamous unions will be legitimate according to Muslim law in Sri Lanka since a Muslim male may contract a polygamous marriage. However, the children born outside lawful marriage were prohibited from inheriting any property belonging to their parents.

According to the Sri Lankan legal system marital status of the parents play an important role in deciding children’s inheritance right to their parents intestate property. The General Law vests in the marital father some considerable rights and responsibilities in relation to the children of the marriage. By contrast, illegitimacy is connected with parent’s legal obligation towards their children not only with regard to maintenance but also to the inheritance. In the case of an extra-marital child it is the mother who is in the General law is recognized as the natural guardian of the child and vest with all the rights and the responsibilities of bringing up the child.

**Inheritance Laws In Sri Lanka**

Inheritance is a valid way for disposition of properties; it is among the basics of human right. Inheritance is the process by which goods or properties are transmitted to the heirs of the descendants after the death of a person who possessed them (Concise Law Dictionary). The legal definition of inheritance is the right of the deceased’s survivor or heir to inherit property depending on the type of inheritance of the estate (Black Law Dictionary 4th Edition p@ 30).

In Sri Lankan legal system Law of succession may be divided in to two the law of testate succession and the law of intestate succession. Testate succession where a person dies and leave a last will the properties will divided according to his will. Intestate succession is where a person dies without leaving a last will the properties will divided according to the law of inheritance. The Wills Ordinance 1844 supersedes the Roman Dutch law and introduced the concept of freedom of testation. Thus, an illegitimate child will become entitled to inherit under the Will of either parent.

General Law on Matrimonial Rights and inheritance Ordinance 1847, which is derived on the applicable principles in England, recognizes the concept of equal inheritance right for spouse, female and male children. According to Section 24 of this Act all children shall inherit equally from their parent’s intestate property. Children mean those for whom you are a legally recognized as a parent. That is a child you have biologically fathered or legally adopted. The Common Law presumption that “Children” in any disposition prima facie means legitimate children is adopted in the Sri Lankan legal system.

Non - Muslims have a right to choose the contract marriage under the General Law. However their property rights are derived in deal according to Kandyan law and Thesawalamai Law automatically. Under the general law of Sri Lanka, Matrimonial Rights and Inheritance Ordinance is applicable to intestate succession right in Sri Lanka. Jaffna Matrimonial Rights and Inheritance Ordinance is applicable to people governed by Thesawalamai Law. Inheritance right of Kandyans are governed by the Kandyan Law Ordinance No-39 of 1938. The Muslims are governed by the Muslim Marriage and Divorce Act No 13 of 1951 and the intestate succession is governed by the Muslim Intestate Succession Ordinance, No 10 of 1931. According to the Section 2 of the Muslim Intestate Succession Ordinance law applicable to intestacy is the law governing the sect to which the deceased Muslim belong. This is the law applicable to the plafie sect of which sunnis to which the Muslims in Sri Lanka belong.

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8 Article 01 of the Convention on the Rights of the Child
9 Attorney General V. Reid 1964
10 Mohammedan Code of 1806 ss.100,101
11 Jaffna Matrimonial rights and Inheritance Ordinance No 01 of 1911 Chapter 58
12 Ali Thamby and four others V Bastian Pillai 1984 1SLR 243
However there is no provision for intestate succession right of an illegitimate child to inherit the intestate property of their natural father. Section 33 of the Matrimonial Rights and Inheritance Ordinance provides that, an illegitimate child inherit the property of their mother but not of the father and also illegitimate child is not permitted to succeed to the estate of any relative on the maternal side other than the mother herself. This discrimination is justified based on the basic legal values derived from the perception pater estquemupniaedemonstrat and that the mother makes no bastard. Such discrimination is exercised by the law against those innocent children who are born out of wedlock. In the case of Koronchihamy V Angohamy the Supreme Court held that an illegitimate could not inherit from their father. Illegitimate Children are viewed as children with one lawful parent. But there is no justification to treat the children in this manner. No distinction is made between degrees of “illegitimacy”, such as incestuous, adulterous or mere “out of wedlock”- children

Thus, under the Hindu Law and Roman Dutch Law extra marital children are considered as illegitimate children and they have the right to inherit from their mother, but they are deprived of the right to inherit from their father. Thesawalamai Law has also adopted the same approach. Jaffna Matrimonial Right and Inheritance Ordinance reaffirmed the principle of customary law that in the event of parent’s intestacy an illegitimate could only inherit from the mother not from the father. In Islamic Law adultery is considered as an offence and they cannot convert to a lawful relationship by a subsequent marriage. When the Mohammedan Code was repealed by later legislation the Muslim Intestate Succession Ordinance No-10 of 1931 introduced the law of the sect, in matter pertaining to intestate succession and donations. The Supreme Court decided that the Quazi Court exercise jurisdiction under the Act only in respect of claim between parent and illegitimate children, when the children are illegitimate because the marriage of the parent is void. The Holy Quran on the Law of Succession gives specific shares to certain individuals but illegitimate children are not given a right to inherit the property of their father. Except in Hanafi law which recognizes an illegitimates relationship with his mother for certain purposes, such a child is deemed filius nullo or son of neither parent Fyzee (op.cit.1964ed.p.19-206).

The Kandyan Law Ordinance No-39 of 1938 which defined legitimacy for the purpose of intestate succession exclusively to the issues of legally and registered marriage. The Kandyan Law, when compared to General Law of the country recognizes illegitimate children’s right to intestate inheritance on their natural father’s intestate property with some limitations. However traditional Kandyen Law recognizes that an illegitimate child has to be treated as not filius nullo but as a child whose natural relationship to both parents has been recognized. Sri Lankan court recognized this right during the early period of British rule in the Kandyan Province. The children who were of adulterous union but not born from incestuous or unauthorized intercourse were considered of irregular marriage or non-customary co-habitation and concubine. The illegitimate child of a binna married women could not succeed to her paraveni property, but generally an illegitimate child has equal right to succeed to the property of the mother. Apart from that they even shared the father’s acquired property equally with legitimate and were entitled to entire acquired property if there were no legitimate children.

DISCUSSION

Object

This research paper intends to examine the efficacy of inheritance laws for the protection and maintenance of extra marital children in Sri Lanka. Also author will focus on whether customary and general laws conform to the provisions of various International Human Rights Instruments ratified by Sri Lanka which guarantee the right of children. Object of this research is to find out whether inheritance rights conferred on children are effective in protecting inheritance of extra marital children. The research questions which sought to be addressed in this paper are; Do the customary and the general law protects the inheritance right of an illegitimate child in Sri Lanka? Do the customary and general Law of Sri Lanka adhere to the principle of the laws of the child right convention? Do inheritance laws conform to the principles of the Constitution of Sri Lanka?

Statement Of The Problem

International Conventions, in particular Article 24 of International Covenant on Civil and Political Rights No 7 of 1979 (ICCPR) provide that all children have the right to measures for the protection needed for their status as minors provided by the family, society, or the state without any discrimination by birth. Article 26 provides that the law guarantees equal and effective protection to all, against discrimination on any grounds including birth or other status. Article 2 of the Universal Declaration of Human Rights (UDHR), emphasizes the principle of non - discrimination. Sri Lanka has ratified the Child Right Convention (CRC) and the core principle of this Convention is the non – discrimination. Sri Lanka’s Children’s Charter 1992 substantively reflects the Convention of the Right of Child. The state has accepted its commitment to guarantee the rights granted by the Conventions. The Child Right Convention Article 17 (1) obliges its members to take serious measures against any traditional, customary, cultural or religious principle that is inconsistent with the best interest of the child.

13 1896 per Boncer C.J.at p.281
14 Section 34 of the Jaffna Matrimonial Right and Inheritance Ordinance 1911
15 Muslim Intestate Succession Ordinance No-10 of 1931 Sec 2& 3
16 Kandyan Law (Declaration and Amendment) Ordinance No-39 of 1938 see 14
17 The Kandyan Law Ordinance No-39 of 1938 Section-15
18 Silva V Carolihamy 1856
19 Ranikiri V Ukkhu 1907 10NLR 129, Ranhamy V Menik Ethana 1907 10 NLR 157
Furthermore, in the Sri Lankan Constitution the non justiciable directive principles of state policy declares that, any form of discrimination on children must be avoided. Especially Article 12 (1) of the constitution guarantees the equality before for the law and the equal protection of the law.

Due to the influence of English Law and the South African Law principles in Sri Lanka the status of the illegitimate children has been improved by the adaptation of Legitimacy Act No. 3 of 1970 and Maintenance Act No. 37 of 1999. Similar development can be found in South Africa in relation to the Natural Fathers of Children born out of wedlock Act No 86 of 1997. Also section 07 of the Marriage and Divorce Act (Kandyan) recognized the legitimation of illegitimate children. Sri Lankan Courts have also adopted the concept of the best interest of the child as a guiding norm. Despite such positive measures, discrimination in the area of inheritance rights continue to exists in Thesawalamai Law. Legitimacy Act Section 2(1) (a), 2 (2) declare that its provisions do not apply to person professing Islam. Therefore, an illegitimate Muslim in Sri Lanka cannot acquire the status of a legitimate child by the legal device of legitimation. The persons subjected to Thesawalamai are governed by the Maintenance Ordinance. Under Mohammedan Code 1806 the father of an illegitimate child has no obligation to maintain them. In Hanafi, mother is liable to maintain even an illegitimate child.

If a parent of an illegitimate child dies without a will most states do not protect the child’s right of inheritance as strong as if the child were born to married person or otherwise legally legitimated. Even though our country has ratified various International Human Rights instruments regarding the protection of the children’s right, there are still discriminations based on marital status of children under the General Law and the special laws which deny inheritance rights of illegitimate children.

Sri Lanka draws an important distinction between children born of a lawful marriage and those born outside this institution. Both English Common Law and the Roman Dutch Law concepts support for the institution of monogamous marriage. The law considered the sexual relationship between parties to an illicit union as not a marriage and their children were identified as illegitimate. Accordingly, the child’s legal status was determined according to the legality or the relationship between the parents.

**Illegitimate Child’s Inheritance Right In Other Jurisdictions**

More recent reforms on family law in developed countries administrating common law and civil law recognized the illegitimate as an individual capable of asserting legal rights. The Common Law presumption that “Children” in any disposition prima facie means legitimate children only has been reversed by Section 15 of the Family Law Reform Act 1969 now replaced by Family Law Reform Act 1987.This section was passed despite the views of Russell Committee on the law of Succession in relating to illegitimate persons. Under the English Law neither the 1926 nor 1956 Act changed the law of succession. Section 14 and 15 of the Family Law Reform Act 1969 allowed illegitimate to inherit of the intestacy of his parents. It provide either parent of illegitimate died intestate the Illegitimate child can take any interest in his property to which he or such issues if he had been born legitimate. In 1969 New Zealand abolished the concept of legitimacy and declared “for all the purposes of the law of New Zealand the relationship between every person and his father and mother shall be determined irrespective of whether the father and the mother are or have been married to each other.

In United States of America federal court and the 49 states use the legal system based on English common Law. In United States of America until 1991 illegitimate children did not inherit from their parents. In that year the Texas Supreme court held that the statute which deny inheritance right to illegitimate children violated the Constitution’s equal protection clause. In the case of Trimble V Gordon the Supreme Court made it clear that a father’s signing a paternity statement will normally be adequate to fully protect the inheritance right of children born out of wedlock if there is no will.

Japan is a Civil Law country. The Civil Code of Japan states who will inherit a deceased person’s estate, where the deceased person had children born out of wedlock as well as children born within a marriage. Article 900 of the Civil Code provides that a child born out of wedlock is entitled to any half of the share in the estate that a legitimate child is entitled to receive. A law suit was brought claiming that the Article 900 unreasonably discriminates against children born out of wedlock in violation of Article 14 of the Constitution (Japan) , which provides for equal treatment under law, and should therefore be declared null and void because of the discrimination on the grounds of the parent’s marital status at birth , for which a child is no way responsible. This is an instructive case for Sri Lankan courts.

In South Africa also, the law of succession was inspired by both English and Roman Dutch Law (For the Historical Background of the Dutch Law, the French Code Civil, the Germaanse Recht).Similar developments can be found in Republic of South Africa in the area of child rights. In the judgment of Zondi v. President of the Republic of South Africa it has been accepted that extra marital children has the same succession rights as a legitimate child. This judgment was delivered with

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20 Article 27(13) of the 1978 Constitution of Sri Lanka
21 Article -12(1) of the 1978 Constitution of Democratic Republic of Sri Lanka
22 Annapillai V Saravanamuttu see page 444
23 1966
24 430 U.S. 762 ( 1977)
25 Japan Supreme Court 5th July 1995
26 For the Historical Background of the Dutch Law, the French Code Civil, the Germaanse Recht
28(2002) 2 SA 49
reference to the Article 09 of the European Convention on the Legal Status of Children Born out of Wedlock 1979. Which provides “a child born out of wedlock shall have the same right of succession in the estate of it’s father and it’s mother and of a member of it’s father’s or mother’s family as if it had been born in wedlock”. In the case of Frans V Paschke and Others (15) The HC Keralagone No 25 of 1955 

“No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.” It was stated hereafter between the legitimate and illegitimate child id based of Social status is invalid.

To protect the children born out of void and voidable marriages, section 16(3) of the Hindu Marriage Act Amendment No 60 of 1976 and the Indian judgments in Jane Antony wife of Antony V V M Siyadh Vellooparambil (29) and Neelamma & Others v Sarojanam & others (30) recognize the extra marital children’s inheritance right to intestate property of self-acquired property of the parents. In Sri Lanka, Kandyen law recognizes children’s right to intestate inheritance of the acquired property of their father’s intestate property with some limitations (31).

Recent Incidents In Sri Lanka

Sri Lanka became involved in export processing in 1978 with the establishment the Tree Trade Zone in Katunayake. It is now estimated that there are 60,000 workers in that FTZ of whom approximately 52,000 are women. Majority of these are young women between 18 & 30 years of age. One of the main problems are some young women get involved in unprotected sexual activity. When they become pregnant the women want to get married and settle down the men often abandon them and disappear (Tilak Hattiarachchy & Stephen 2001). In these incidents if the women give birth to a child that child is considered as illegitimate, depending the marital status of its parents. Therefore, the child will deny the inheritance right of its father.

According to a recent research in year 2011 birth registered as illegitimate to female less than 19 the years as a percentage of all birth by sector. Illegitimate Children born in all sector in tear 2000 was 2.9 in year 2006 it was 2.5. In urban area in year 2000 statistic was 2.2 and in year 2006 it has increased to 2.3. In rural area in year 2000 statistic was 4.3 in year 2006 it has been increased. In estate in year 2000 statistic was 8.4 and in year 2006 it has been increased to 13.3. This statistic revealed that the number of illegitimate children is increasing.

The young marriage in North and East have brought many a trauma to their livelihood in which they were compelled to get married in order to avoid forcible recruitment to the movement that continued at that time in the North and East as a de facto movement. Most of these marriages were not registered according to the prevailing marriage customs or the prevailing law of the country. The marriages that they attained have brought them a worse situation. These marriages were conducted to protect those self’s from sexual exploitations and as a precaution. However, in the post conflict period validity of these marriages are questioned. There for the issues of these marriages will be considered as illegitimate.

Dumping of new born infants in public places such as in dustbins drains and in shrubs by mothers has become a common practice these days owing mostly to the increase in the number of illegitimate pregnancies hitherto not witnessed before. Obviously mothers resort to this heinous crime for various reasons. Children born out of wedlock are shunned in our society. In a recent case a three-day-old infant was found in a shrub behind a tourist hotel in Matara. A case reported to the Valachchenai police last January revealed that a mother was taken into custody for burying her new born infant. Another incident reported to the Samanthurai police January this year reveal that a woman was arrested for burying her newborn infant. Eight years ago garbage collectors found a body of an infant at a garbage dump at Tissamaharamaya. In 2010, a day-old-infant was found alive in a toilet pit at Ratnapura. During the same period police found a day-old-infant dumped on the Maskeliya-Norton Bridge Road (Sunday Observer 1st of April 2012). According to the latest police statistics, January 2012 recorded 26 incidents of abandoned babies, while in 2011, 206 incidents of abandoned babies were reported (Sunday Observer April 16th 2012).

RECOMMENDATIONS

General Law and Special laws are major sources of laws relation to children and inheritance law in Sri Lanka and they must therefore evaluated in the light of the principles articulated in the Conventions. Blackstone writing in relation to common Law in the early years refer to disability that an illegitimate suffer in the law of inheritance and comments that “any other distinction but that of not inheriting which Civil policy renders necessary would with regard odious, unjust and cruel to the largest decree “(cited by Savitry Goonesekara 2002 p.84). This discrimination is premised on a public policy that seeks to avoid spurious claims against the estate of a man wrongly alleged to be the father of an extramarital child. However, recent advances in scientific testing allow the determination of biological paternity to a near certainty. These advances eliminate the public policy justification for continued discrimination against extra marital children in the area of inheritance rights and implicate the need for a policy reevaluation and an overhaul of discriminatory inheritance laws.

As seen above, circumstance concerning the provisions on the share of inheritance of illegitimate children have considerably changed in countries which are governed by English law and Modern Roman Dutch Law as well as internationally. The rational
behind provision which existed at the time of the enactment has gradually lost validity. Discrimination against illegitimate children in relation to inheritance for the purpose of respecting and protecting marriage is against the principles of the respect of individual and their equality, and also lacks a substantial relationship between the purpose of legislation and means of achieving it.

The Kandyan Law, when compared to General Law of the Country recognizes illegitimate children’s right to intestate inheritance on their natural father’s intestate property with some limitations34. Law can permit the inheritance rights of the illegitimate children subject to certain limitations. Especially if an illegitimate child’s natural father registers his name as the father of that child or if the deceased intestate had in his lifetime been adjudged by any competent court to be the father of that child in these circumstance law should permit that child to be inherited from his or her natural father’s property.

There is a very restricted right to change the personal laws of the country. Customary laws and principles of natural justice can be harmonized in to a single legal system and be applied side by side where it is necessary. It is very difficult to define natural justice. Simply natural justice mean justice based on human principles or justice determined by human sense of justice or in a broad sense an inherent right to have fair and just treatment at the hand of law. Law makers should implement the principles of natural justice where injustice otherwise would result. This will shape the customary laws in a more civilized manner that respect the interest of all, in providing the customary law with regard to inheritance right of illegitimate should be a continuous process until the law seeks to produce a reasonable decision. Especially, Sri Lankan Muslim Law can be amended through following a proper procedure. However, that amendment should be in accordance to the Islamic canons.

CONCLUSION

It is a humanitarian concern that children should not be victimized merely because the parents violated the legal norms. Denying child’s inheritance rights on the basis of parents marital status is repugnant to natural justice or contrary to public policy. There is no justification for punishing an innocent offspring. The law must be reformed to redress the loopholes the inadequacies and the harsh consequences of some law application. A society can be socially engineered in an effective way only if the law is fair and humane. This will help to avoid discrimination as presently witnessed in this area of law.

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