
The Position of the Father in Hindu Succession: Responsibilities vs Legal Rights

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Abstract

*“A father carries responsibilities in life that the law often
fails to recognize in death”*

In Hindu society, the father has traditionally been the pillar of the family protector, provider, and guide. From the birth of a child, both parents share responsibilities, yet the father often bears the primary duty of securing a better future through education, sustenance, and overall well-being, while the mother nurtures and cares for the child. Throughout childhood and adulthood, the father frequently sacrifices personal needs to ensure the welfare of his family. Paradoxically, under modern Hindu succession laws, particularly the Hindu Succession Act, 1956, the father is classified as a Class II heir, subordinated to his children and spouse in inheritance matters. This legal position creates a stark disparity between the father's lifelong responsibilities and his rights, sometimes leaving him vulnerable in family property disputes. This research critically examines this imbalance through historical analysis, doctrinal study of statutes such as the Hindu Adoption and Maintenance Act and the Hindu Minority and Guardianship Act, and judicial interpretations. The paper highlights the inadequacy of current laws in recognizing the father's central role in family life and argues for reforms that harmonize legal recognition with social responsibilities, ensuring justice, fairness, and equitable protection for fathers in contemporary Hindu succession.

Keywords: *Father, Hindu Succession Act, Class II Heir, Property Rights, Family Responsibilities.*

INTRODUCTION

In Hindu culture, the father has long been seen as the family's protector, provider, and moral compass. A father must fulfil his dharma by taking care of and mentoring his children, according to ancient writings that emphasise his holy duties: "*Pitṛdharmaṃ kurvīta putraṃ tu pālanaṃ ca kartavyam.*" While the mother fosters and directs the child's emotional development, he takes on the primary duty of insuring the child's future from birth by providing food, education, and protection. Notwithstanding these lifetime efforts, the Hindu Succession Act of 1956 places the father in an inferior position as a Class II heir, frequently ranking below the spouse and children in inheritance concerns.

Even after performing all of their family responsibilities, dads are left exposed in property disputes due to this legal position's glaring contradiction between statutory rights and social expectations. This disparity is rigorously examined in the current study by following judicial interpretations, statutory requirements, and historical viewpoints. In order to ensure that fathers' rights in property succession reflect the crucial role they play in upholding and fostering the family in contemporary Hindu culture, it emphasises the urgent need to balance legal recognition with moral and social obligations.

RESEARCH QUESTIONS

1. Why is the father placed as a Class II heir under Hindu succession laws despite his lifelong responsibilities?
2. What are the challenges fathers face in securing their inheritance rights under the Hindu Succession Act, 1956?
3. How can Hindu law be reformed to better align a father's legal rights with his social and familial duties?

RESEARCH METHODOLOGY

This research employs a doctrinal methodology to analyse and understand the complex interplay between the sacred traditions and the evolving legal, social, and cultural dynamics of Hindu marriage. The findings of this study technique focused on analysing qualitative information that came through a range of sources of information, such as texts, papers, court decisions, web pages, and legal journals. Databases available on the internet including JSTOR, Heinz Online, and SCC Online were used to compile these sources of information. By including the thoughts and perspectives of other scholars and sociologists, the sources provided a more comprehensive view. This all-encompassing strategy made it possible to analyse the topic matter more thoroughly and identify any fundamental difficulties or flaws. The research was capable of helping to increase the reader's understanding of what was chosen and reach more solid recommendations by utilizing this methodology. For that reason, doctrinal study is the best method for researching.

RESEARCH OBJECTIVES

1. To observe the role of the father under modern Hindu law.
2. To evaluate the comparative rights of the father against his familial responsibilities.
3. To analyse the legal classification of the father as a Class II heir.
4. To examine judicial interpretations affecting fathers' property rights.
5. To suggest reforms aligning legal recognition with social responsibilities.

LITERATURE REVIEW

1. **Doon Journal of Multidisciplinary Research – Mrs. Jayshree Gautam Kanchanpurkar (2022)**

This paper examines the disparity between the obligations of fathers under Hindu laws and their legal rights, particularly concerning succession. It addresses the Hindu Adoption and Maintenance Act, which mandates support for minor sons and unmarried daughters, and the

Hindu Minority and Guardianship Act, assigning fathers as primary guardians with extensive responsibilities. However, in succession matters, fathers' property rights are frequently secondary or conditional compared to their duties. The author advocates for legislative reforms to enhance fathers' succession rights.

2. Dr. Hari Dev Kohli – Supreme Court on Hindu Law (2010)

Dr. Kohli, cited in the above work, analyzes case law regarding the father's dual status as both maintainer and potential successor. He finds that the Hindu Minority and Guardianship Act and the Hindu Adoption and Maintenance Act focus on the father's duty to his children, but there is scant legal recognition of a father's rights in the child's property after their death, especially compared to other heirs.

3. Dr. Paras Diwan,(2019)

In his book the author attempted to explain the ancient Hindu Law, Anglo-Hindu Law and the Modern Hindu Law. The book highlights the basic concepts of Hindu Law such as Dharmasastra and Dharmasutras. Further the author attempted to explain the role of Father and son, including the rights and obligation towards each other in the Joint Hindu Family. The book also explains the obligation on father as the modern Hindu Law.

A. Hindu Succession Act, 1956

In order to establish a thorough legal framework for intestate succession among Hindus, Buddhists, Jains, and Sikhs, the historic Hindu Succession Act of 1956 was passed. When a deceased individual leaves no will, the Act seeks to modernise and codify the laws regulating inheritance in order to facilitate a fair and orderly disposal of their assets. It strikes a compromise between customs and the necessity to methodically specify the rights of heirs and the extent of property inheritance. The Hindu Succession Act, 1956, lays down the general rules governing intestate succession, and the father's position within this framework reveals the limitations of his legal recognition.

If a male dies intestate, the Act's **Section 8** specifies the succession sequence. The heirs specified in Class I of the Schedule, which comprises the widow, mother, sons, and daughters, are the first to **inherit the property**. Property passes to the **Class II heirs**, where the father is named, only in the event that there are no Class I heirs. This arrangement effectively lowers the father's prospects of receiving his son's property because he is totally excluded if there is even one Class I heir.

Section 15 of the Act, on the other hand, addresses the succession to a female intestate's property. In this case, the deceased woman's spouse and children including any offspring of a deceased son or daughter are given precedence. If they are not present, the property passes to her husband's heirs. The fact that the mother and father only come after the husband's heirs in the third line of succession further illustrates how little the father's rights are legally recognised. Instead of acknowledging the father as the direct heir, even in exceptional circumstances where the property is inherited from the woman's parents, it still passes to her father's heirs.

Despite his crucial role in providing for and nurturing both sons and daughters throughout their lives, the father is placed in an inferior position relative to other heirs under this legislative framework, which exhibits a distinct hierarchy of succession. These clauses lay the groundwork for the problem at hand, which is that although the father is subject to social and familial obligations, his legal rights in succession are nevertheless restricted and of secondary importance.

Heir Classification under the Act: Primary and Secondary Successors

The Act categorizes heirs into two distinct groups: Class I and Class II heirs, determining the order and priority of inheritance.

Class I heirs include immediate family members such as sons, daughters, widows, and mothers. These heirs have the first claim to the deceased's property.

Class II heirs comprise extended family members, including brothers, sisters, and notably the father. As a Class II heir, the father inherits only if no Class I heirs are alive.

This classification underscores the hierarchical inheritance structure prescribed by the Act.

Entitlements of the Father as a Class II Heir

Under intestate succession, the father's inheritance rights as a Class II heir emerge under particular conditions. According to Section 8 of the Hindu Succession Act, the father is entitled to inherit the entire estate or it may be divided among other Class II heirs if the dead leaves no Class I heirs. This indicates that tighter blood ties take precedence over the father's conditional legal claim to the deceased's property.

2 Socio-Familial Obligations and the Father's Role in Hindu Society

2.1 Traditional Paradigm of the Father's Role in Hindu Families

The father has always been seen as the pillar of the Hindu family, serving as the provider, guardian, and moral leader. Being the main provider, the father takes charge of the household's financial stability and makes sure that everyone in the family is happy. In addition to his financial responsibilities, he is seen as the protector of family honour and custom, charged with instilling morals, making important choices, and protecting the family from outside dangers. The father is positioned as a key player in social and religious rituals, and this archetypal role has a profound impact on family dynamics.

2.2 Contemporary Societal Expectations Versus Legal Framework

The role of the father in contemporary Hindu society has expanded beyond providing for material needs to encompass caring, emotional support, and active involvement in raising children. Although these all-encompassing responsibilities are becoming more and more recognised by society, the legal system has not kept pace with this change. The Hindu Succession Act and related laws largely define the father's responsibilities in terms of guardianship and property rights, with very little focus on his wider familial responsibilities. This discrepancy between statutory recognition and societal perception draws attention to a complicated interaction in which dads may have many duties without corresponding legal rights, laying the groundwork for further discussions about family law and legal reform.

Legal Responsibilities of Father under Indian Law

The Indian legal framework consistently places substantial responsibilities on the father, particularly regarding the welfare and upbringing of children.

Constitutional Duties:

Introduced by the 86th Amendment Act in 2002, Article 51A(k) of the Indian Constitution enshrines a fundamental obligation that requires parents and guardians to give children aged six to fourteen access to education. The state's larger commitment under Article 21A, which ensures free and compulsory education within this age range, is reinforced by this article, which clearly sets a duty on fathers and other guardians to uphold the child's right to an education. However, the lack of a comparable legal requirement on the part of children to care for their elderly parents contrasts sharply with the constitutional duty on parents to provide for and educate minors. This asymmetry highlights a notable imbalance in the legal responsibilities prescribed by the Constitution, where the emphasis is on parental duties toward children, but reciprocal duties for children are not constitutionally mandated.

Hindu Minority and Guardianship Act, 1956:

Fathers are deeply entrusted with the delicate position of natural guardian for their minor sons and unmarried daughters under the Hindu Minority and Guardianship Act, 1956. Fathers are entrusted with the sacred task of nurturing, protecting, and guiding their children during the vulnerable childhood years. A father's care is the cornerstone of a child's development, and it is a role that is respected with great trust. However, this admirable obligation is punctuated by a heartbreaking silence: there is no law mandating children to take care of their elderly fathers in exchange. The law is mute on reciprocation, despite the fact that fathers diligently carry out their responsibilities to ensure the welfare and education of their children.

Hindu Adoption and Maintenance Act, 1956:

According to the Hindu Adoption and Maintenance Act of 1956, the father is required to give his minor children and unmarried daughters with maintenance, which includes housing, food, clothes, medical treatment, and education. Children's rights to help during their formative years are guaranteed by this legal framework. The Act does not, however, place any obligation on

children to provide their father with financial, emotional, or physical care as he ages. This leads to a significant imbalance in legal obligations: dads are required to provide for and safeguard their children, while the law provides little protection or acknowledgement for the father's well-being after he becomes dependent.

Maintenance and Welfare of Parents and Senior Citizens Act, 2007:

These requirements mostly concentrate on guaranteeing financial support, even though Parliament has passed regulations to protect older parents, especially fathers, such as the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Although financial upkeep is crucial, it begs the question of whether financial aid on its own can offer sufficient social, emotional, and physical care. Even after they have done their best to raise, educate, and care for their children, fathers may still be vulnerable as they age. As a result, the law only addresses one facet of parental welfare, leaving more general concerns about daily care, emotional health, and dignity unprotected.

3 Critical Issues and Gaps in Father's Legal Position

3.1 Disparity Between Duties and Legal Rights

One of the main problems with Hindu succession law is the obvious discrepancy between fathers' broad responsibilities and their very small legal rights. The Hindu Succession Act of 1956 designates fathers as Class II heirs, despite the fact that they are socially and traditionally obliged to support, guard, and nurture the family.

According to this classification, dads only receive inheritance when there are no Class I heirs (mother, widow, or children). As a result, a father who has dedicated his life to providing for his family can be at a legal disadvantage when it comes to property division. A situation like this raises concerns about equity and justice within the judicial system by highlighting a conflict between statutory entitlement and social contribution.

The Supreme Court in *Vineeta Sharma v. Rakesh Sharma (2020)* affirmed daughters' equal rights in coparcenary property, representing a significant advancement toward gender equality in succession law. However, this progressive stance contrasts sharply with the

persistent neglect of fathers, who continue to hold a subordinate Class II status despite their lifelong responsibilities, indicating a legal undervaluation of their role.

3.2 Consequences of the Current Legal Framework

The statutory positioning of the father as a secondary heir within the inheritance hierarchy under the Hindu Succession Act, 1956, carries several significant consequences with practical and social implications.

Financial Vulnerability and Economic Impact

When a deceased person leaves behind Class I heirs, including spouses or children, the father's designation as a Class II heir frequently puts him at danger of financial vulnerability. In intestate succession, the father might not be legally entitled to inherit the family's joint property, even if he may have helped build and maintain it. In shared family situations, this situation is particularly severe since the father's share may be disproportionately reduced or non-existent, jeopardising his financial stability and ownership rights.

Diminishing Social Recognition through Legal Mechanisms

The law subtly reduces the father's traditional and social authority within the family structure by placing him in a lower legal position than other heirs. The father's acknowledged role and contribution in family governance and property problems may be symbolically undermined as a result of this legal undervaluation. This could therefore have an impact on wider society views, indicating a change in the recognition of paternal duties and rights in the context of modern inheritance.

Catalyst for Familial Disputes

Intra-family conflicts may worsen due to the strict hierarchical structure imposed by the legislation, which gives priority to the husband and immediate descendants over the father. Conflicts between fathers and their children or other heirs may stem from perceived disparities in property rights. Because of the rigidity of the legislative schema, there is little room for mediation or modification, which exacerbates conflicts in family connections during delicate succession proceedings.

3.3 Outdated Legal Framework

Fathers are currently categorised as Class II heirs, which represents a legal system that is out of step with modern social reality. Even while men still have a lot of family duties to fulfil, the law devalues their efforts by putting spouses and children ahead of them in intestate succession. “This outdated hierarchy ignores the father’s central financial and social role.”

4 Comparative Insights on Paternal Inheritance Rights

4.1 Paternal Succession Rights in Other Personal Law Systems

The legal status of fathers in inheritance matters is approached differently in other personal law systems than in Hindu succession law. The Quranic shares firmly specify inheritance rights under Muslim personal law, with fathers having a more direct and prioritised inheritance claim because they are acknowledged as the major heirs, especially in the absence of sons. Western inheritance systems, like those derived from common law traditions, typically grant the surviving parent the right to inherit through testamentary freedom or statutory intestacy rules, giving parents more legal protection and a fair entitlement based on caregiving responsibilities and family contributions. In acknowledgement of both parental responsibilities and the wellbeing of surviving family members, these systems frequently place an emphasis on equitable distribution.

4.2 Lessons for Reforming Hindu Succession Law

Hindu succession law can learn a lot from comparative legal systems, which emphasise the possible advantages of relating inheritance rights more closely to familial duties and socioeconomic contributions rather than strict genealogical hierarchies. Hindu succession rules should develop to better handle the intricacies of contemporary families by incorporating ideas found in both Muslim and Western law, such as the importance of parental rights balanced with the requirements of other heirs. Such changes could promote equity and lessen family strife in succession procedures by guaranteeing fathers are given credit that is appropriate for their fundamental responsibilities as carers and providers.

5. Proposed Solutions and Reforms

Under the Hindu Succession Act of 1956, the father's status as a Class II heir presents important issues regarding how to strike a balance between social obligations and legal rights. Legislative modification is one of the main solutions that can solve this inequality. In order to recognise the lifelong support, direction, and obligations that dads provide, the Hindu Succession Act of 1956 might be amended to include fathers as Class I heirs, particularly in situations where the children are grown and financially independent. In order to guarantee that fathers can assert equal rights alongside other legal heirs, including the daughter, her husband, and children, a distinct clause for the devolution of daughters' self-acquired property should also be included.

The judiciary has the ability to interpret current laws in a way that strikes a balance between social reality and justice standards. In situations when the rigid application of the statutory hierarchy leads to unfair results, judicial decisions highlighting could support claims by the

father's crucial position as the family's principal provider and carer. This judicial method enables courts to provide equitable remedies without waiting for legislative modifications, thereby bridging the gap between social fairness and legal formalism.

To strengthen the father's position in the family, governmental measures and social interventions are essential, in addition to judicial and legislative reforms. While mediation programs and consulting services within family courts can allow amicable settlements that reflect both legal mandates and social realities, awareness campaigns can be crucial in bringing fathers' major contributions to society to the public's attention. By bridging the gap between stated rights and their actual implementation, these supplementary mechanisms make sure that dads' efforts are valued and recognised in both the legal system and daily family life.

It's vital to recognise the possible disadvantages even though promoting dads to Class I heirs might balance out rights and obligations. There is a chance that expanding the Class I group will reduce the shares of current heirs, such as widows and children, who are frequently already economically and socially challenged. Therefore, reform needs to be planned properly.

The law could establish conditional recognition in place of automatically equating fathers with spouses and children. For example, providing a limited statutory share to ensure fairness without compromising the rights of immediate dependents, or giving preference to fathers only in cases where children are financially independent.

Why is the father placed as a Class II heir under Hindu succession laws despite his lifelong responsibilities?

Due largely to the effect of long-standing patriarchal and literary traditions that emphasise lineage continuity through direct descendants, including the spouse and children, the father is classified as a Class II heir under Hindu succession laws. By guaranteeing the seamless transfer of property to heirs who will carry on the family line, this legal structure seeks to keep family wealth within the immediate younger generation. As a result, the father is ranked second in the inheritance order even though he is considered a vital family member. Although this system recognises the importance of descendants, it does not sufficiently handle the substantial financial and social obligations that fathers have throughout the life of their children. This causes a gap between the practical reality of paternal contributions and the legal priority of heirs.

As a precaution, it is critical not to equate the father's social and economic obligations with legal rights without first addressing the greater goal of succession rules, which is to ensure lineage and family continuity. Avoid arguing for reforms that contradict established legal norms without first presenting balanced methods that take into account all familial relationships and equity.

What are the challenges fathers face in securing their inheritance rights under the Hindu Succession Act, 1956?

Fathers face numerous important hurdles in securing their inheritance rights under the Hindu Succession Act of 1956. Primarily, their legal standing as Class II heirs makes them subordinate to Class I heirs—such as children and spouses—meaning they inherit only when

no Class I heirs survive, limiting their property access. This hierarchical standing frequently complicates property claims, particularly posthumously, when conflicts occur over ancestral or self-acquired assets. These challenges are exacerbated in joint family contexts by complicated dynamics and competing claims from several heirs, which frequently marginalise the father's interests. Furthermore, the Act does not place reciprocal legal requirements on children to support or maintain their ageing fathers, putting fathers in a precarious situation despite their long-term financial and social commitments. There is a significant disconnect between legal rights and family obligations because of this asymmetry, which exposes many fathers to insecurity in their senior years.

How can Hindu law be reformed to better align a father's legal rights with his social and familial duties?

Legislative, judicial, and policy actions can be taken to change Hindu law in order to match a father's legal rights with his enduring obligations. To ensure equity, the Hindu Succession Act, 1956, should be amended to designate dads as Class I heirs and protect their claims to

daughters' self-acquired property. In addition to awareness-raising initiatives and family mediation, judicial acknowledgement of the father's caring role can reinforce paternal rights. By bridging the gap between social obligations and legal rights, these reforms would guarantee justice in both the legal system and family life.

“Any reform must walk a careful line: strengthening fathers' rights without weakening the protection already given to widows and children. A nuanced framework can ensure that equity is achieved without creating new imbalances in family succession.”

CONCLUSION

The analysis shows that, under contemporary Hindu law, fathers' legal rights and their social obligations continue to diverge. Although dads are supposed to provide for and support their children, the law does not ensure that they will be cared for or inherit anything from their children, which puts fathers in a difficult financial and legal position. Although they offer certain frameworks for parental rights, the Hindu Minority and Guardianship Act of 1956 and the Hindu Adoption and Maintenance Act of 1956 are still lacking, especially when it comes to the financial and emotional well-being of dads.

Fathers' claims are not sufficiently addressed by the Hindu Succession Act, 1956 in its current form, particularly with reference to the separate property of daughters or sons who die intestate. Fathers should be granted equal inheritance rights as Class I heirs in order to address this.

To further protect fathers who have made ethical, material, and social investments in their children's upbringing, a distinct provision should be passed to regulate the transfer of daughters' self-acquired property.

To ensure justice and fairness in the contemporary Hindu family structure, a balanced legal framework that balances fathers' legal rights with their social obligations must be created through a combination of legislative reform, judicial interpretations, and policy interventions. As it is often said, "When responsibilities and rights walk together, justice ceases to be a promise and becomes a reality." & "Succession law must evolve so that the rights of fathers are not merely promises on paper but realities in practice."