



DISCRIMINATORY PROPERTY INHERITANCE AND ILLEGITIMATE HARM FOR NON-MARITAL CHILDREN IN SRI LANKA: A CRITICAL ANALYSIS OF SRI LANKAN LAWS IN THE LIGHT OF CONVENTION ON THE RIGHTS OF THE CHILD.

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A non-marital child is a child whose biological parents weren't married to each other when the child was born. Inheritance means a property received from a decedent and it can be happened in two ways, by a will or without a will. Non marital children in Sri Lanka are not treated in the same way as legitimate children and considered as a product of a non-marital union, which is morally unaccepted within the society. Accordingly, non-marital children are discriminated under the general law and also under personal laws, in the area of intestate succession of the father.

The main objective of this research is to critically analyse Sri Lankan Laws which is applicable to intestate property rights of non-marital children in Sri Lanka. The objectives also includes to examine the adequacy of the protection given by Sri Lankan laws, in the light of the provisions in the Convention on the Rights of the Child, and the legitimacy of retaining a discrimination in the area of intestate property inheritance for non-marital children in Sri Lanka.

Statutes, journal articles, international conventions, academic expressions and books in the area of intestate property inheritance have been taken into consideration to examine the legitimacy of retaining a discrimination for children, who have born outside the legally recognised family unit. Researcher has identified that, there's no uniformity in the personal laws in Sri Lanka, in the area of inheritance of the father's intestate property. Even the existing intestacy laws are inflexible in nature with regard to non- marital children in Sri Lanka, countries such as South Africa and India have taken steps to uplift the status of non- marital children by abolishing the discriminatory classifications. As the Convention on the Rights of the Child guarantees non-discrimination and ensures best interest of the child in all matters relating to children, this research proposes some recommendations which can minimize the existing discriminations, also by emphasizing the necessity of DNA testing in the area of intestate property inheritance, to uplift the standard of non-marital children in Sri Lanka.

Keywords: *Intestate, property, inheritance, discrimination, best interest*