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# Maintenance of Parents under Christian Laws

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## ABSTRACT

*India's diverse religious communities are represented through distinct personal laws that often embody unique cultural and ethical elements. This research paper investigates the framework of parental maintenance within Indian Christian Law. Notably, while other personal legal codes like Hindu and Muslim laws outline the responsibilities of children towards their parents, Indian Christian Law does not have a direct statutory stipulation in this context.*

*Drawing from Christian theological doctrines and traditional teachings, there is a pronounced emphasis on family values and the responsibility of caring for one's parents. However, this moral directive is not directly mirrored in the legal statutes pertaining to Indian Christians. This might give rise to assumptions that Christian parents are devoid of legal protections regarding maintenance. Yet, the broader Indian legal structure provides safeguards.*

*Section 125 of the Code of Criminal Procedure (CrPC) is central to this protection. While it operates independently of religious affiliations, it ensures that parents, regardless of their faith, can seek maintenance from their children if they find themselves in financial distress. Anchored in universal principles of fairness, justice, and human rights, Section 125 underscores the inherent right of the elderly to lead a life marked by dignity and economic assurance.*

*Through this paper, by juxtaposing legal mandates, court rulings, and foundational Christian principles, we endeavour to offer a holistic view of the scenario of parental maintenance within the purview of Indian Christian Law. This exploration accentuates the delicate equilibrium the Indian legal framework maintains between overarching secular mandates and specific religious guidelines.*

**Keywords:** Maintenance, Christian laws, parents.

## I. INTRODUCTION

In the Indian context, the idea of parental maintenance within the framework of Christian laws is significant because it reflects the fusion of religious values with legal and social obligations.

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The duty to assist and look after elderly parents is ingrained in the cultural fabric of India's diverse Christian communities and is rooted in the ethical teachings of Christianity. The deep significance of parental maintenance under Christian laws within the Indian socio-legal framework is highlighted by the moral and historical foundations of filial duty that are entwined with legal provisions.

Christianity is not just a religion in India; it is a vibrant part of the nation's diverse cultural fabric. Indian Christians preserve the teachings of Christ, stressing the values of compassion, family devotion, and respect for elders. They come from a wide range of denominations and traditions. These values also include respect for and duty to parents, especially as they age. These values serve as the cornerstone of social cohesiveness and familial harmony in Christian communities around the country.

The way that Indian law governs parental maintenance and Christian teachings converge reflects the complex interplay between state regulations and religious beliefs. Christians have specific rights and obligations regarding inheritance, family property, and the care of elderly parents thanks to laws such as the Indian Christian Marriage Act of 1872, the Indian Succession Act of 1925, and other relevant laws. To guarantee that parental responsibilities are both morally and legally mandated, these legal frameworks are designed to conform to Christian ethical doctrines.

This study aims to explore the various aspects of parental maintenance in India under Christian laws. This study aims to shed light on the complex interactions between religious ethics, legal frameworks, and social norms governing the sacred duty of caring for aging parents within the Indian Christian context. It will do this by looking at the historical evolution, legal provisions, a case study and societal implications. Comprehending these dynamics not only advances our understanding of family responsibilities but also clarifies the peaceful coexistence of religious values in the larger legal system of a multicultural country such as India.

## **II. HISTORICAL OVERVIEW**

Within Christian societies, the evolution of legal developments, societal norms, and theological doctrines have shaped the evolution of parental maintenance and familial obligations over centuries. These duties have their roots in early Christian beliefs and biblical teachings, which have progressively changed through time in response to historical, cultural, and legal developments.

- **Biblical Foundations:** Christian doctrine emphasizes the value of respecting and taking care of parents. It is primarily derived from the Bible. According to Exodus 20:12, the

fifth commandment in the Old Testament, believers are to "Honor your father and your mother." In the New Testament, Jesus Christ reaffirmed this idea, highlighting the moral obligation to support one's parents in verses like Mark 7:9–13 and Matthew 15:3–9.

- **Early Christian Values:** Family unity, mutual support, and providing for the weak were valued by early Christian communities. Early Church fathers like Augustine and Chrysostom emphasized the importance of familial responsibilities, especially the duty to parents, as essential elements of Christian virtue in their writings.
- **Medieval and Renaissance Eras:** Christian ideals persisted in shaping societal perspectives on familial responsibilities in medieval and Renaissance Europe. Taking care of elderly parents and practicing filial piety were seen as moral obligations that were frequently backed by church doctrine.
- **The Protestant Reformation:** Spearheaded by leaders such as Martin Luther and John Calvin, altered theological interpretations, ushering in the Reformation and the Post-Reformation Era. The Reformation brought fresh viewpoints on familial duties while also reiterating the value of family. Max Weber's Protestant ethic, which placed a strong emphasis on the value of individual accountability and the dignity of labor, shaped attitudes toward family responsibilities and caregiving.
- **Modern Context:** Religious teachings, social conventions, and legal requirements continue to influence parental maintenance and family responsibilities in contemporary Christian societies, such as India. Christian inheritance rights and familial responsibilities are shaped and regulated by laws like the Indian Christian Marriage Act and Indian Succession Act.
- **Difficulties and Solutions:** Conventional family structures and caregiving dynamics are put to the test by evolving societal structures, greater mobility, and economic changes. Practical interpretations and adaptations of filial responsibilities have changed to meet the needs of modern lifestyles, caregiving services, and social support networks, while Christian teachings have remained constant.

### **III. SECTION 125 OF THE CRPC AND ITS RELEVANCE WITH CHRISTIAN LAW**

The maintenance of spouses, children, and parents is covered under Section 125 of the Indian Code of Criminal Procedure (CRPC). In the event that a person is unable to support themselves, it gives parents and other individuals the legal right to maintain themselves through their children. All people, including Christians, are covered by Section 125 CRPC, which provides

assistance to needy parents who are unable to support themselves financially.

Christian law places a strong emphasis on the concepts of parental maintenance and filial responsibility. While Christian inheritance and maintenance are specifically covered by personal laws like the Indian Christian Marriage Act and Indian Succession Act, Section 125 CRPC acts as a general provision that any parent, regardless of religion affiliation, can use to request maintenance from their children.

- **Complementary Support:** By giving parents requesting maintenance from their children an extra-legal avenue, Section 125 CRPC can support Christian personal laws. This clause acts as a safety net, particularly in situations where parents' financial needs may not be sufficiently addressed by particular personal laws.
- **Universal Applicability:** The CRPC's Section 125 covers all people, regardless of their religion, guaranteeing that parents of Christian faiths, like those of other faiths, have the right to request maintenance if they are unable to support themselves. Regardless of the specific legal details, this is consistent with the Christian value of providing for aging parents.

#### **IV. LEGAL PROVISIONS FOR PARENTAL MAINTENANCE IN CHRISTIAN LAWS**

It's important to note that while these laws indirectly touch upon the concept of familial obligations and support within Christian communities, they may not explicitly outline detailed provisions solely dedicated to parental maintenance. The legal aspects related to parental maintenance among Christians in India are somewhat intertwined with broader provisions under inheritance and family laws, leaving room for interpretation and case-based application.

Additionally, the enforcement and interpretation of these laws can also vary, and the practical application of provisions concerning parental maintenance may depend on individual circumstances, the financial capacity of the children, and other relevant factors.

The absence of explicit and comprehensive provisions solely dedicated to parental maintenance within Christian laws in India may lead to the use of broader legal avenues, such as Section 125 of the CRPC, as a recourse for parents seeking maintenance from their children when specific personal laws are insufficient or when immediate relief is required.

#### **V. BRIEF STUDY ON THE CASE OF CHANDI SAMUVAL VS SAIMON SAMUVAL**

The Kerala High Court reviewed this case where an elderly Christian father sought maintenance from his children. Initially, the court agreed with the Family Court's decision that no law obliged Christians to provide past maintenance. However, the High Court questioned if a specific law

was needed for such claims, stating that legal principles should consider fairness and justice.

Though there's no law explicitly mandating support for elderly parents in Christian laws, the court referred to other laws like the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. It noted that this law allowed claims only from the date of application.

The Court emphasized that laws are based on societal practices and traditions. While there might not be explicit laws, societal norms influencing relationships should be recognized. This implies that even if there's no specific law in Christian practices, the court could consider customary norms in deciding maintenance claims.

The Court's discussion highlighted the significance of honoring parents as outlined in the Holy Bible. It referenced passages emphasizing the importance of respecting and caring for one's parents, citing Ephesians 6:2-3, Proverbs 23:22, and Timothy 5:8.

Furthermore, the Court drew attention to human rights principles, particularly Article 25 of the Universal Declaration of Human Rights and Article 41 of the Constitution of India. While acknowledging that it might be seen as the State's responsibility to ensure the welfare of senior citizens, the Court underscored the social and moral obligation placed upon children to support their parents in old age.

Drawing insights from legal scholar Ronald Dworkin's perspective in "Taking Rights Seriously," the Court highlighted the role of judges in making decisions and exercising discretion within the framework of the law. It emphasized that adherence to social rules and obligations, particularly those rooted in faith and enshrined in international instruments and the Constitution, cannot be disregarded.

In essence, the Court's reference to religious scriptures, human rights principles, constitutional provisions, and legal theories underscores the interconnectedness of moral, religious, and legal obligations concerning parental care and maintenance within the societal and legal framework.

## **VI. SOCIETAL PERSPECTIVES IN PROVIDING MAINTENANCE TO PARENTS UNDER CHRISTIAN CULTURE**

In the fabric of a Christian family, providing maintenance to parents intertwines religious teachings, cultural traditions, and familial expectations, shaping various societal aspects that influence caregiving dynamics.

Central to Christian values is the doctrine of filial piety, echoing biblical commands that emphasize the reverence and support owed to parents, particularly in their later years. This concept of honoring parents is deeply ingrained in Christian teachings, fostering a sense of duty

and responsibility among family members to ensure the well-being of elderly parents.

Within Christian societies, cultural expectations and family traditions reinforce the significance of familial bonds. The provision of maintenance to parents isn't just a moral obligation but a cultural imperative, woven into the fabric of family customs and societal norms.

Community and church support also play a pivotal role. Christian communities often extend a supportive network, offering pastoral care and communal assistance to families, fostering a collective approach to caring for aging parents.

Yet, generational dynamics can influence interpretations of familial duties. Younger generations, straddling traditional values and contemporary realities, may encounter challenges in reconciling cultural expectations with economic constraints and modern lifestyles, impacting their ability to provide comprehensive support.

Financial considerations significantly shape the ability to offer parental maintenance. Economic pressures, increasing living costs, and familial financial responsibilities can impede children's capacity to extend adequate support to aging parents.

Effective communication and understanding within the family are crucial. Open dialogues about parental care, financial planning, and shared expectations regarding support form the bedrock for navigating familial responsibilities.

Moreover, legal and social support systems act as supplementary aids. While societal and cultural norms underscore the importance of providing maintenance, governmental assistance programs and legal provisions offer additional guidance and aid in meeting the needs of aging parents.

Balancing religious precepts, cultural traditions, financial realities, and evolving family dynamics, Christian families endeavor to navigate the multifaceted societal aspects in ensuring the care and well-being of their elderly parents, all while upholding the values ingrained in their faith and culture.

## **VII. CONCLUSION**

In conclusion, the concept of maintenance of parents within Christian laws in India encapsulates a complex interplay of religious principles, cultural norms, legal provisions, and societal expectations. Rooted in the teachings of filial piety and compassion emphasized by Christian faith, the obligation to honor and support aging parents holds significant importance.

While specific statutes within Christian personal laws in India might not explicitly outline comprehensive provisions dedicated solely to parental maintenance, the broader principles

enshrined in religious doctrines and cultural values advocate for the care and support of elderly parents. The absence of explicit laws dedicated to parental maintenance underscores the need for a holistic approach that combines legal frameworks with societal expectations and moral obligations.

Challenges such as changing family structures, economic constraints, generational shifts, and limited awareness of legal provisions contribute to the complexity of implementing parental maintenance laws within Christian communities. Despite these challenges, the resilience of family bonds, communal support, and the recognition of ethical responsibilities towards elderly parents remain ingrained in Christian societal norms.

Efforts to address these challenges require a harmonious blend of legal education, social support systems, effective communication within families, and a nuanced understanding of evolving societal dynamics. Bridging the gap between legal mandates, cultural expectations, and changing realities becomes pivotal in ensuring the well-being of aging parents within the context of Christian laws in India.

Ultimately, the fulfilment of parental maintenance obligations within Christian families involves a delicate balance between upholding religious teachings, respecting cultural values, navigating legal frameworks, and adapting to contemporary societal dynamics, all while ensuring the dignity and care of elderly parents.

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