

Quadrant II – Notes

Paper Title : Family Law II
Programme : B.A.LL.B
Semester : V
Paper Code : FML0510
Module Name : Debts - Doctrine of Pious obligation and antecedent debt
Module No : 05

Why must son pay father's debt?

Payment of one's debt necessary for the salvation of the soul. The duty of a person to pay his debts personally and during his lifetime has religious significance. Liability to pay debt is of son, the grandson and the great grandson. The Doctrine of Pious Obligation is a son's birth right. Doctrine not recognized by Dayabhaga School.

Avyavaharika Debt

Payment of debts that were avyavaharika was not spiritual or religious duty of sons. Sons shall not pay debt incurred by father for spiritual liquor, idle gifts, for promises made under influence of love or wrath.

Hindu Succession Amendment Act, 2005 – The Doctrine of Son's Pious obligation to pay father's debt is not enforceable in courts.