

Ancestral property and family feud

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The system of inheritance of property started when the concept of family came into existence. The wealth accumulated by parents would make life easier for their children. One of the most significant ideas behind the evolution of family was to provide security to its members. The recent dramatic rise in the value of land has infused avarice among individuals, hence expanding rift among brothers and sisters in Nepal.

The recent study by U.S. Trust 2013 shows that the majority of wealthy individuals feel it important to leave an inheritance of some kind to their children. About 64 percent of those aged 49 to 67, and 72 percent of those aged 68 and older say they want to leave money to the next generation. The inheritance law in Hindu principle nominates the eldest son as the heir to the ancestral property in exchange of caring for parents, fulfilling social obligations, and performing final rituals after death in the hope of proffering clear passage to heaven. It was thought that if women were given charge of any property, they would have neglected all the duties accorded to them under traditional law. This notion was so ingrained in the society that women in eastern society are still struggling for their property rights even after amendments to inheritance laws.

In Nepali society, every son is expected to look after his aging parents and get their property and assets in return. In case of multiple siblings, parents may initially distribute their property keeping aside some for themselves for future use when they seek aged care. Ideally, the parents' share should guarantee their proper care covering medical and after-death expenses though it is a son's duty to take care of their parents irrespective of property inheritance.

Thinking that one will get a share of parental property might provide a sense of security to an individual. However, when it is viewed as birthright, it can impede the attempt to secure one's own future. The dependence on property can also become the breeding ground for greed that can disrupt family values. The discontent starts during the distribution of property. In general, parents favor their weaker offspring and desire to live with them. The high value of property is enticing sons to welcome their aging parents through manipulation overriding their preferences. The predilection for money is superseding the tenderness for parents or family members.

Family feud is becoming common in almost every household in Nepal. In its worst form, it is corrupting the mind and even producing murderers. Siblings forget about growing up and playing together, loving and being there for each other. There are even cases where parents have been conned or coerced to sign off or thumbprint the property papers. Instead of children feeling blessed to have their parents stay with them, they feign love only for parental property. Such insidious actions have put a question mark on our rich eastern family values that we cherish and are proud of.

Interestingly, in no time, outsiders become more trustworthy than family members. They usually have the egregious motive to take revenge or are jealous about other family's success. Initially, they start fueling negative, often fabricated message and win their hearts. So, the strife, which could have been watered down through candid communication, can get festered beyond the point of reconciliation despite no direct confrontation.

The repercussions of bad blood can go deep down to descendants. The cousins of the bickering parents, who have nothing to do with it, can be in the awkward position. Their parents do not like them mingling with their siblings' children which can keep their long-term relationship in limbo.

If the parents wish their children to inherit property after death, it is their responsibility to communicate their intentions on succession plans openly without feeling hindered by short-term uneasiness and unhappiness. It actually can prepare their children what to expect and then get used to it. Even the assets and things that appear insignificant can be emotional minefield if parents leave it for their children to work out. They fail to recognize the sentimental part that can flare up after their death in spite of harmony among their children when they are alive. The pragmatic parents can not only avoid impending family feud but can boost progeny's self-esteem by continuously conveying succinct message that parental property is a backup for emergency but not the birthright. Moreover, parents can also set-up the trust fund for better control of their property.

In a capitalist system, there is the inalienable right to property i.e. parents can leave their property to anyone at will, trust, joint ownership device, or other estate planning device in contrast to Nepal where children are automatic heirs to their parents' property. In the US, person's biological or legal child may be entitled to receive income from Social Security, government or pension benefits, or possibly a private insurance company. In the absence of state-instituted social security, having parental property provides a necessary cushion for Nepalese. In economic tantrums, the inherited property has helped in many ways. Unfortunately, the most common trend in Nepal - selling property, building houses for rental purpose, and using that income for the living - is sapping entrepreneurial and innovative minds.

To protect elderly, increase youth productivity, and minimize family feud, the law can prevent adults from claiming parent's property granting discretion to parents to give and take back their property as they wish. By pledging the disputed property and assets in trust fund as an emergency fund for all, family feud can be obviated. Also, by immortalizing parents as role models through donation in their name can help the descendants to follow their footsteps preserving legacy.