



# **SOCIO LEGAL STUDY: KARTA 'S ROLE POSITION AND RESPONSIBILITIES.**

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## **ABSTRACT:**

The Hindu joint family's Karta plays a significant role. He is in a prominent position and is in charge of the family. One could describe him as the person with great power. The senior male member of a Hindu joint family is referred to as the Karta. Without any senior most male individual from the family the lesser male part is considered as the Karta. In excellent cases the female can likewise go about as the Karta and furthermore in uncommon cases there can be two Kartas in a family. The Karta can likewise look after the judicial actions of the family and he can likewise address the family in such circumstances.

In the Hindu Progression Act that came into force on June 17, 1956 worked for the reason for ladies' on the right track to acquire property. Many changes were also made over time to improve the situation of women in a Hindu joint family. Distance alludes to the exchange of property. For eg: In Hindu law, property alienations have additional significance because typically neither the Karta (the head of a joint family) nor the properties of such a joint family are involved. He also takes care of the family's customary expenses and protects the joint family property. Neither he nor any other Coparcener has the full force of alienation over the joint family property or his advantage over it.

**KEYWORD:** Hindu sucession Act , Karta, Hindu Joint Family , Responsibility, Role.

## **INTRODUCTION :**

The research paper is an attempt to understand the different roles and position of Karta in Hindu Undivided Family (HUF) which is an integral part of the in context of Hindu Succession Act or HSA 1956. The paper tries to explain the different aspects of the role Map in the form of readability becomes one, his various powers and tasks and his duties and responsibilities through various case laws and their actual application.

## **WHO IS AN KARTA:**

Karta 's position is like the head in the Hindu Undivided Family (HUF) who is responsible for matters related to family property<sup>1</sup>. It was founded in Karta is thus the director of the whole world of a family represented by several systems for managing the family and its corresponding wealth as seen in the case of "Suraj Bunsu Koer V. Sheo Prasad (1880) ILR 5 Cal 148."

## **KARTA'S ELIGIBILITY :**

Normally it is the senior most male individual from the family who is a co-parcener and who is able of becoming Karta and can keep on leftover so at his own prudence and decision. A Karta hasto be genuinely and intellectually capable. The place of Karta isn't simply that of a director however, is something converged with the idea of birth and should be possible away with throughabdication or surrender and the post isn't considered indefeasible<sup>2</sup>.

However, there are some exceptions to this seniority rule that allow junior members to become Karta<sup>3</sup>.

I. Non accessibility of the Karta to take significant decesions.

II. Relinquishment of rights by Karta, either explicitly or implicitly, which means that Karta freely gives up his rights.

III. Due to the fact that he is typically the Karta, the senior father in a family is absent

IV. Unanticipated, bothered and excellent circumstances have emerged and that have constrained the Karta to be missing.

V. Karta is in a remote spot in view of significant reasons and can't be back inside an sensible time span.

VI. The father's ongoing status or spot of home isn't known and in this way he can't be reached or reached through any means.

### **KARTA AS MINORS :-**

Under section 21 of the Guardians and Wards Act of 18977, a minor can become Karta if there are no other Karta-capable members of a Hindu Undivided family left. However, this only applies if the minor has an adult guardian who acts as his representative and helps him make decisions.

### **KARTA AS FEMALE:-**

The idea of Karta was constantly viewed as a male overwhelmed idea since the old society was male overwhelmed. This prompted just guys prevailing as Karta in HUF families and this pattern gone on in the post autonomy period also. . This was the norm prior to 2005; however, as a result of a 2005 amendment to section 6 of the Hindu Succession Act, where women are now permitted to serve as coparceners and are eligible to serve as Kartas of their families if they are the most senior members. The courts ruled in cases like Commissioner of Income Tax v. Govindram Sugar Mills 1966 AIR 244 and Sahdeo Singh v. Ramchabila Singh AIR 1978 Pat 2585 that women were barred from being Karta because they were not coparceners which took the revolution change that resulted in the change in the ammendment to section 6.

### **MULTIPLE KARTA:-**

The right to take necessary decisions to protect the interests of the joint family and thus manage the property is granted after due deliberation among all coparceners, but ultimately they are co-managers and not joint Karta, as established in Nemi Chand V. Hira Chand (1) HLR 250 (Raj)<sup>8</sup>. However, HUF cannot have multiple that is more than one Karta. However, provisions can be made to ensure that there are multiple managing members who are coparceners.

### **KARTA :REMUNERATION TO HIS/HER SERVICES**

A Karta is a specific position that typically entitles the holder to manage the wealth of a family and, in turn, to his or her own share of it. Anyway generally that doesn't imply that a Karta is given compensation/compensation. In certain circumstances, this rule may be violated in certain ways. A salary may be paid to the Karta in the event that he left another job to take on this responsibility, resulting in a loss of opportunities to earn greater financial rewards. This is viewed as a generosity signal to see the value in the significance of Karta's part in the HUF<sup>10</sup>.

### **KARTA LIABLITIES AND RESPONSIBILITIES:**

The Karta's liabilities or responsibilities include:-

**Right of representation:** In all legal, social, religious, and revenue-related situations and litigations involving the HUF's immovable property, a Karta is supposed to represent the HUF. A suit against Karta likewise ties all individuals, coparceners and minors as found on account of Rajayya V. Singa Reddy AIR 1956 Hyd 200. In the event that a Karta doesn't battle a case with truthfulness or loses it since he energetically needed so such a pronouncement can't be switched on such grounds raised by different individuals from the HUF-Krishnamurthi V.Chidambaram (1946) ILR Frantic 67014.

**Deliver details of accounts at the time of partition:** A karta is not required to keep records of money received or spent unless other coparceners demand it in a partition request; in that case, the coparcener can compel the karta to produce such records. This was laid out in Girijanandini Devi V. Brijendra Narain AIR 1967 SC 1187. It was established in the case of Gopal v. Trimbak AIR 1953 Nag 195 that only present accounts can be provided on the date of a family member's demand. Anyway when charges or allegations of extortion, misappropriation or on the other hand transformation of joint family into individual acquisitions are involved or the idea of business requires this, the equivalent should be possible as laid out in Suryanarayana V. Sugamanathi AIR 1961 AP 39313.

**Maintenance-** Karta of a HUF should guarantee that all individuals from the joint Hindu family- coparceners, minors and different individuals like girls in regulation have their vital consumptions kept up with by means of pay got from property. Assuming that a part feels that his support privileges are not being met, he/she can move toward the court and sue for accumulated support overdue debts and for future necessities as well<sup>12</sup>.

### **POWERS OF A KARTA:**

**Power to manage family affairs-**A Karta is the formal and casual top of a HUF.

his powers with issues connected with estrangement are qualified and restricted, his powers are to some degree boundless with regards to deal with the family and its connected issues. It is his verifiable hold that permits him to expel problematic or aggravation causing relatives. This choice is dependable and irrefutable however a coparcener can all things considered take his assigned offer and leave from the family. A Karta shouldn't be fair or unbiased. His privileges in this respect permits him to take any choice he needs to, regardless of whether a relative hauls the Karta to counts over his favoritism, the courts can't structure or request that he retouch his methodologies and as needs be take a bunch of additional fair choices.

**Ability to distance property-**Karta's ability to abandon his property is fairly restricted. He is expected to consider all individuals from HUF for renunciation. In the event that consent was not obtained or that a person, such as a minor, was unable to give consent, he may be sued. Along these lines, in the event that estrangement is managed without appropriate approval, such departure can be tested what's more, property recuperated.

However, when it is done for:-

- a) legal necessity, such alienation is legal.
- b) Performing strict or magnanimous obligations.
- c) The estate benefited from this kind of alienation.

**Power to receive and spend family income—**This right grants Karta maximum financial power to do things primarily at his will. It comes with Karta's authorship. According to Bhowani v. Jagannath (1909) 13 CWN 309, he is not expected to perform as well as a trustee or agent.

He could also use it for other things, like taking care of family members, minors, and other members of the HUF.

- II. Lawful necessities that is exercises important to be proceeded according to the overall set of laws.
- III. Valuable exercises for the bequest.
- IV. Execution of beneficent, strict or other associated obligations.
- V. Give spot of stay to relatives.
- VI. Maintain a daughter who is in need or struggling with poverty.

### **CONCLUSION:**

The position of Karta has been transformed from an ancient concept to a fully functional modern one thanks to the codified Hindu family laws, which have done a great job of making it more organized, equitable, and accountable. Women can now become kartas under this system, which has also altered the requirements for becoming one. This has guaranteed that females likewise get an amazing chance to deal with their families and demonstrate that they are not ailing in abilities and capacity opposite their male partners in a HUF. This will go quite far in countering male bullheadedness and guarantee that a female's right isn't lost in that frame of mind of legacy and the executives of family property.

Subsequent to talking about the idea of Karta and its associated highlights exhaustively, it appears to be that the HUF is an likeness an organization whose administration and working untruths enormously with the Karta. Because of the abundance of his powers, liabilities, and responsibilities, it is even more important for him to be completely and completely dedicated to his job of managing the HUF, its properties, and other constituents well and bringing them into harmony and cohesion. His job is in this manner heavenly and prime as it directs the



family to better progress or complete disappointment or breakdown that might bring about the family picking parcel.

In addition, the system has become more adaptable by providing minors with the opportunity to become Karta in certain specific circumstances. This demonstrates that the law has become more adaptable and focuses on empowering various sources to deal with their properties. The system will become more need- and purpose-based thanks to these systems. A Karta won't stay obsolete however go about as an natural construction answering different changes in the general public. This will empower more noteworthy number of Hindu families to follow this procedure for dealing with their abundance.

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