



FACULTY OF JURIDICAL SCIENCES

COURSE NAME : LLB

SEMESTER : IIIrd

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Status, Liability and Powers of the Karta in the Hindu Joint Family:

The Joint Hindu family is a patriarchal body, and the head of the family is called Karta. Karta is the senior most male member of the family who acts as the representative of the family and acts on behalf of the family. There is a fiduciary relationship between the Karta and the other family members because every family needs a head member who can look after the welfare of minor members and females in a Joint Hindu Family. The position of Karta is unique in a joint Hindu family. Karta takes care of the whole family and its property and the decision given by the Karta is bound to be followed by the members of Hindu Joint Family. No one is equal to Karta in a Hindu Joint Family. The powers and position of a Karta are wider than any of the members of the Hindu Joint Family. No one can be compared with Karta among the other members of the joint family.

Who can be a Karta?

Senior most Male Member

The senior most male member is entitled to become a Karta and it is his right. Karta is always from the members of the family; no outsiders or stranger can become a Karta. If the senior most male member of the family is alive then he will continue as Karta, if he dies then the second senior most member of the family will take the charge of Karta. Karta takes his position by consent or agreement of all the coparceners.

Junior Male Member

If the coparceners agree, then a junior can also become a Karta of the family. By making the agreement with the coparceners, a junior male member can be a Karta of the family.

Female Member as Karta

According to Dharmashastra, if there is an absence of the male member in a family then in that situation female can act as a Karta. If in case male members are present but they are minors, at that time also, females can act as a Karta.

Characteristics of Karta

The characteristics of a Karta are:

Karta's position is unique (*sui generis*). His position is independent and no one can be compared with him among the family members.

He had unlimited power but even if he acts on behalf of other members, he can't be treated as a partner or agent.

He controls all the affairs of the family and has wide powers.

He is responsible to no one. The only exception to this rule is, in case of fraud, misappropriation or conversion, he is held responsible.

He is not bound to invest, save or economize. He has the power to use the resources as he likes, unless he is not responsible for the above mentioned charges.

He is not bound to divide the income generated from the joint property equally among the family members. He can discriminate one with another and is not bound to be impartial. The only thing is he should pay everyone so that they can avail some basic necessities like food, clothing, education, shelter etc.

MCQ

1. property is a coparcenary .
 Jointly acquired property by the member of joint family
 Ancestral property
 A and B both
 None of the above
2. Right of a coparcenary are –
 Right to joint possession
 Right of common possession
 Right to enforce partition
 all the above
3. Who can be a Karta?
 Male Member as Junior Male
 Male Member as Karta Member
 all the above
4. The characteristics of a Karta are:
 Unique (sui generis).
 Independent
 Agent.
 all the above
5. The matter of a joint family are managed by the head of the joint family known as –
 Boss
 Manager
 Karta
 Chief member