



FACULTY OF JURIDICAL SCIENCES

COURSE NAME : LLB

SEMESTER : IIIrd

SUBJECT : FAMILY LAW II

SUBJECT CODE: LLB -304

LECTURE : 19

FACULTY NAME: Mr JP Srivastava

Liabilities of a Karta

Liability to maintain- Karta is to maintain all the members of the Joint Family. If he does not maintain any member then he can be sued for maintenance and also can be asked for compensation.

Liability of render accounts- As far as the family remains joint, Karta is not supposed to keep accounts of the family, but when partition takes place at that time he will be liable to account for family property. If any of the heir is not satisfied with his accounts, then he can constitute a suit against Karta to bring the truth and to know any misappropriation is done by Karta or not.

Liability of recovery debts due to the Family- He has the liability to realize the debts due to the family.

Liability to spend reasonably- He has the liability to spend the joint family funds only for the family purposes.

Liability not to eliminate coparcenary property- It is the liability of the Karta not to alienate the coparcenary property without any legal necessity or benefit to the state.

Liability not to start new Business- It is the liability of the Karta not to start a new business without the consent of other coparceners.

Responsibilities of Karta

The duty of a Karta is to provide clothing, food, shelter etc, to the members of the joint family. There are several responsibilities of Karta which include:

Maintenance

Every member of the family including Karta has the right to maintenance. The Responsibility of Karta is to maintain all the members of the family. If he does not maintain any member properly, then he can be sued for both maintenance and dues of maintenance.

Marriage

The Karta is responsible for the unmarried members especially the daughters. The expenses for the marriage will be taken out of the Joint Family property.

Representation

Karta acts as a representative on behalf of the family. This is because he must perform some responsibilities and liabilities on account of the family. He must pay all the dues and the taxes. He can be sued on behalf of the family during any agreement or dealings.

Accounts at the time of Partition

Status of a joint family comes to an end due to the partition. Under Mitakshara Law, it means:

Severance of status and interest

It's an individual decision, where a member wants to divide himself from the joint family and enjoy undefined and unspecified share separately.

Actual division of Property

It is the consequence of the declaration of the desire to cut off. However, it is a bilateral action.

Opening of assets means the inquiry of the assets of joint family. This includes all the items of family property. Karta under Mitakshara Law is required to disclose the accounts only if there are any charges of fraud, misappropriation or conversion of assets or property of the joint family against him. If there is no proof of misappropriation, fraud or conversion against the Karta, the coparceners who follow the partition process cannot demand the disclosure of the past dealings of Karta with joint family property or assets. After the severance of status, the Karta must give the accounts of the expenditure and income in a manner similar to which a Trustee or agent has to render accounts. This implies that Karta has to report all the profits.

Karta in a Joint Hindu family holds an extraordinary position with reference to its understanding and complexity. The concept of Karta has its origin centuries back and it still works due to some functional elements. Every joint family should have a Karta to boost the cohesive aspect of such a family with reference to its dealings and ventures. Looking at the position of the Karta, it can be said that he has fewer liabilities and more powers. When it comes to determining the position of Karta, he holds a unique position. The decisions or statements given by the Karta are binding on the parties and they are bound to do it. Section 6 of the Hindu Succession Act, 1956 gives equal rights to the daughters as sons have. Hindu Succession Act, 1956 does not accept woman as a Karta, except two circumstances- if there is an absence of the male member of the family or in case there is a male member in the family but he is a minor. These two circumstances are also mentioned in the Ancient Hindu Law, Dharmasutras. The government should take some steps to raise the position of women in other personal laws.

MCQ

1. Powers are karta are –
Power over income and expenditure
Power to manage joint family bussieness
Power to contract
all the above
2. Duties and liabilities of karta are –
Realise debt due to family
Spend reasonlly
Render accounts
all the above
3. Wha are the powers karta ?
Power over income and expenditure
Power to manage joint family bussieness
Power to contract
all the above
4. Responsibilities of Karta
Maintenance
Marriage
Representation
all the above
5. Liabilities of karta are –
To maintain
Realise debt due to family
Render accounts
all the above