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KARTA: IN HINDU JOINT FAMILY

~Mansi

The position of the karta is a peculiar position in the Hindu Joint Family and it is 'suigeneris' i.e. of its own kind. The fact that the person is the senior most coparcener in the family and is the last male holder of the family per se makes him the "Karta". His position is very pivotal as he is the eldest male member of the family. He has to manage the entire family property and has to take decisions with respect to the joint family property.

Can there be more than one karta in the family?

Answer to this is no. In the case of [Union of India v. Shri Ram Bohra \(1965 SC\)](#) it was held that the existence of two or more karta can lead to confusion and there cannot be smooth functioning, management of the joint family property and other affairs.

Can karta delegate his kartaship to another member of Joint Hindu Family?

In the case of [Narendra Kumar J Modi v. CIT \(1976 SC\)](#) it was held that if the existing karta becomes incapable due to extreme illness or extreme old age then in their physical presence and with the consent of all the other coparceners including the consent of the guardian of the minors or unsound person, he can delegate the kartaship to the next senior most coparcener.

Can a younger member of joint Hindu family act as a karta?

In the case of [Nopany Investment \(Pvt.\) Ltd. v. Santok Singh \(2008 SC\)](#) the court observed that under the Classical Hindu Law karta would be the senior most male coparcener. However in the following circumstances the younger member of Hindu Joint Family who is the coparcener can deal with the joint family property as a karta :-

1. If the senior most member i.e. Karta is not available.
2. Where the karta relinquished his right expressly or by necessary implications
3. In the absence of manager in exceptional and extra ordinary circumstances such as distress or calamity affecting the whole family and for supporting the family.
4. Where the whereabouts of the father are not known.
5. The senior most member is away in the remote place due to compelling circumstances and his return within a reasonable time was unlikely or not anticipated.

Can a Women become a Karta?

- Widow as karta

In the case of *Shreya Vidyarthi v. Ashok Vidyarthi* (2015 SC) the main issue that arise was whether a Hindu Widow can become a karta of the family on death of her husband. The court held that the Hindu Widow is not a coparcener in her husband's family she can't be the karta however she can act as a manager of the Hindu undivided family of her husband.

- Daughter as Karta

Before the Hindu Succession (Amendment) Act,2005, only male members of the family were considered as coparceners. However, after the Amendment was passed, there were significant changes to the law that allowed daughters to be included as coparceners of the Hindu Undivided Family. Section 6 of the Act was amended to provide daughters equal rights and liabilities as the sons to be the coparceners of their Hindu Joint Family property. Therefore, she may become a Karta of Mitakshara coparcenary, provided she is seniormost coparcener.

Powers of Karta:

1. Complete control over the income and expenditure of the family.
2. Power to alienate coparcenary property under following situations:
 - a) Legal Necessity
 - b) Benefit of estate
 - c) Acts of indispensable duty for religious, pious or charitable purpose.
3. Power of the manager to contract debts

4. Power of the manager to acknowledge debts.
5. Power to give a valid discharge.
6. Power to refer a dispute to arbitration.
7. Power to represent the joint family in suit or other proceedings.
8. Power to enter into a compromise.

Duties of Karta:

1. To render accounts- Karta is duty bound to render amounts to the other coparceners regarding his dealing with the coparcenary property and income thereof.
2. To recover debts due to the family
3. To spend reasonably
4. Not to start a new business without the necessary consent.
5. Not to alienate the coparcenary property unless circumstances demand as mentioned above.

Conclusion :

The role of the Karta in a Hindu Joint Family is both unique and indispensable, rooted deeply and recognized in the society and by the judiciary. As the senior most member of the Joint Hindu Family, the Karta holds significant authority and responsibility in managing family affairs and property. The powers conferred upon the Karts are substantial, but they come with corresponding duties aimed at protecting the interests of the entire family. Thus, the institution of the Karta reflects a fine balance between authority and accountability.