

Guardianship under Hindu Law

Guardianship under Hindu Law

Under the Hindu Minority & Guardianship Act “minor means who has not completed the age of eighteen years.”

Natural Guardian

- ✓ Father is the natural guardian of a minor son and daughter.
- ✓ Mother is the natural guardian only when father is dead or incapable of acting as guardian.
- ✓ The Act does not recognise the principle of joint guardian.

Guardianship under Hindu Law

Testamentary Guardian

- ✓ Under Sec. 9 of Hindu Minority & Guardianship Act, testamentary guardian can be appointed only by a WILL.
- ✓ Appointee under the WILL becomes a guardian, only in case of absence of both, father and mother, who are natural guardian.
- ✓ If mother (the surviving natural guardian) appoints testamentary guardian, her appointee will become the testamentary guardian. Deceased father's appointment will be ineffective. If mother does not appoint, father's appointee will become guardian.

Guardianship – Legal Aspects

Guardian appointed by Court (Certified Guardian)

- ✓ Courts are empowered to appoint guardians under the Guardianship & Wards Act.
- ✓ District Court may appoint or declare any person as the guardian whenever it considers it necessary in the welfare of the child.
- ✓ The District Court has the power to appoint or declare a guardian in respect of separate property or separate functions of the minor.

Guardianship – Legal Aspects

Guardianship Certificate for persons with disabilities

- ✓ Under National Trust Act guardian can be appointed for adults with certain disabilities.
- ✓ Local Level Committee (LLC), appoints, monitor or remove a legal guardian.
- ✓ Local Level Committee (LLC) provides Legal Guardianship Certificate in co-ordination with National Trust.

Guardianship – Immovable Assets



Guardians cannot –

- mortgage or charge or transfer by sale, gift, exchange or otherwise any part of the immovable property of the minor.
- lease any part of such property for a term exceeding 5 years or for a term exceeding more than one year beyond the date on which the minor will attain majority.

Exception

The above does not apply to a Testamentary Guardian who can deal in respect of the immovable property of a minor received under a Will where the Testamentary Guardian is appointed.

Thanks...



ASHUTOSH®



We are an
ISO 9001:2015
certified company

ASHUTOSH FINANCIAL SERVICES PVT. LTD.

• INVESTMENTS • INSURANCE • FUNDING • INCOME TAX & SUCCESSION PLANNING • NRI SERVICES

Our Divisions



Ashutosh Investment Advisory

• Mutual Funds • Bonds • FDs • PMS
• REITs & InvITs • AIF

Email: aiacoordinator@ashutoshfinserv.com
Mo.: +91 704 389 3388.



Ashutosh Capital Advisors

• All types of Loans • Project Finance

Email: capital@ashutoshfinserv.com
Mo.: +91 960 100 6464



Ashutosh Insurance Services

• Insurance for your Life, Health & Assets
• Retirement Planning

Email: insurance@ashutoshfinserv.com
Mo.: +91 972 521 9090



Kothari & Co.

• Income Tax & Succession Planning
Consultants

Email: lawserve@ashutoshfinserv.com
Mo.: +91 937 696 2244



Ashutosh NRI Services

• Investments • Indian Income Tax • FEMA
• Foreign Tax Compliance

Email: nris1@ashutoshfinserv.com
Mo.: +91 722 884 8181



www.ashutoshfinserv.com



[ashutoshfinserv](https://www.ashutoshfinserv.com)

ASHUTOSH®