

60. Widow's right to adopt not exhausted by previous exercise.—A widow may, subject to the provisions of this Part, adopt several sons in succession, one after the death of another, unless the authority, if any, conferred upon her by her husband otherwise provides.

(64)

(65)

61. Termination of widow's right.—(1) A widow's right to adopt terminates—

(a) when she remarries, or

(b) when any Hindu son of her husband dies leaving him surviving a Hindu son, widow or son's widow, or

(c) if she ceases to be a Hindu.

Explanation.—In this sub-section, son means a son, son's son, or son's sons's son, whether by legitimate blood relationship or by adoption.

(2) The widow's right to adopt shall not revive after it has once terminated.

(66)

Capacity to give in adoption

62. Persons capable of giving in adoption.—(1) No person except the father or mother of the boy shall have the capacity to give the boy in adoption.

(2) Subject to the provisions of clauses (b) and (c) of sub-section (3), the father, if alive, shall alone have the right to give in adoption, but such right shall not be exercised save with the consent of the mother where she is capable of giving consent.

(3) The mother may give the boy in adoption—'

(a) if the father is dead,

(b) if he has completely and finally renounced the world in any of the modes set forth in sub-section (1) of section 110 of Part VII,

(c) if he has ceased to be a Hindu, or

(d) if he is not capable of giving consent:

Provided that the father has not prohibited her from doing so by an instrument registered under the Indian Registration Act, 1908 (XVI of 1908), or by a will executed in accordance with the provisions of section 63 of the Indian Succession Act, 1925 (XXXIX of 1925).

(4) The father or mother giving a boy in adoption must be of sound mind and must have completed the age of eighteen years.

Explanation.—For the purpose of this section,—

(i) the expressions “father”, or “mother” do not include an adoptive father or an adoptive mother; and

(ii) a father or mother shall be deemed to be incapable of giving consent if he or she, as the case may be, is of unsound mind or has not completed the age of eighteen years.

61. Termination of widow’s right.—(1) A widow’s right to adopt terminates—

(a) when she remarries; or

(b) when any Hindu son of her husband dies leaving him surviving a Hindu son, widow or son’s widow; or

(c) if she ceases to be a Hindu.

Explanation.—In this sub-section, son means a son, son’s son, or son’s son’s son, whether by legitimate blood relationship or by adoption.

(2) The widow’s right to adopt shall not revive after it has once terminated.

(65)

Part V,
sec. 10,
page 25.

Part V,
sec. 12,
page 25.

Capacity to give in adoption

62. Persons capable of giving in adoption.—(1) No person except the father or mother of the boy shall have the capacity to give the boy in adoption.

(2) Subject to the provisions of clauses (b) and (e) of sub-section (3), the father, if alive, shall alone have the right to give in adoption, but such right shall not be exercised save with the consent of the mother where she is capable of giving consent.

(3) The mother may give the boy in adoption—

(a) if the father is dead;

(b) if he has completely and finally renounced the world in any of the modes set forth in sub-section (1) of section 110 of Part VII;

(c) if he has ceased to be a Hindu ; or

(d) if he is not capable of giving consent:

Provided that the father has not prohibited her from doing so by an instrument registered under the Indian Registration Act, 1908 (XVI of 1908), or by a will executed in accordance with the provisions of section 63 of the Indian Succession Act, 1925 (XXXIX of 1925).

(4) The father or mother giving a boy in adoption must be of sound mind and must have completed the age of eighteen years.

Explanation.—For the purposes of this section,—

(i) the expressions “father”, or “mother” do not include an adoptive father

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or an adoptive mother; and

(ii) a father or mother shall be deemed to be incapable of giving consent if he or she, as the case may be, is of unsound mind or has not completed the age of eighteen years.

(66)

(67)

Capacity to be taken in adoption

63. Who may be adopted.—(1) No female shall be adopted by or to any male or female Hindu.

(2) No boy shall be capable of being taken in adoption, unless the following conditions are satisfied, namely, that—

- (i) he is a Hindu;
- (ii) he has not been married;
- (iii) he has not been already adopted;
- (iv) he has not completed the age of fifteen years.

(68)

64. Certain persons declared capable of being adopted.—For the avoidance of doubt, it is hereby declared that the adoption of the following persons is permissible, namely :—

- (i) the eldest or the only son of his father;
- (ii) the son of a woman whom the adoptive father could not have legally married, and in particular, is daughter's son, sister's son, or mother's sister's son: and
- (iii) a stranger although near relatives of the adoptive father exist.

(69)

Essential ceremonies

65. Completion of adoption.—An adoption is not valid and binding unless the boy to be adopted is physically given and taken by the parents concerned or under their authority, with intent to transfer him from the family of his birth to the family of his adoption.

Explanation.—The performance of the *Datta homam* is essential to the validity of an adoption.

Capacity to be taken in adoption

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(2) No boy shall be capable of being taken in adoption, unless the following conditions are satisfied, namely, that—

- (i) he is a Hindu;
- (ii) he has not been married ;
- (iii) he has not been already adopted;
- (iv) he has not completed the age of fifteen years.

(67)

Part VI,
sec. 14,
page 26.

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- (i) the eldest or the only son of his father;
- (ii) the son of a woman whom the adoptive father could not have legally married, and in particular, is daughter's son, sister's son, or mother's sister's son; and
- (iii) a stranger although near relatives of the adoptive father exist.

(68)

Part VI,
sec. 15,
page 26.

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concerned or under their authority, with intent to transfer him from the family of his birth to the family of his adoption.

Explanation.—The performance of the *Datta homam* is not essential to the validity of an adoption.

(69)

(70)

Other conditions for adoption

66. Other conditions.—(1) In every adoption, the following conditions must be complied with :—

(i) The adoptive father by or to whom the adoption is made must have no Hindu son, son's son, or son's son's son (whether by legitimate blood relationship or by adoption) living at the time of adoption.

Explanation.—A person not actually born at the time of adoption, although he may then be in the womb and is subsequently born alive, is not said to be living at the time of adoption for the purposes of this clause.

(ii) The same boy may not be adopted simultaneously by or to two or more persons nor may two or more boys be simultaneously adopted by or to the same person.

(iii) Every adoption must be made with the free consent of the person giving and of the person taking in adoption.

(2) Where the consent of the person giving or of the person taking in adoption has been obtained by coercion, undue influence, fraud, misrepresentation or mistake, either party may sue for a declaration that the adoption is invalid:

Provided that the Court shall dismiss such suit—

(a) if the suit is filed more than two years after the coercion or undue influence had ceased or the fraud, misrepresentation or mistake had been discovered; or

(b) if the person whose consent has been so obtained has confirmed the adoption after the coercion, undue influence has ceased, or after

the fraud, misrepresentation or mistake has been discovered, as the case may be, and such confirmation does not prejudice the rights of others.

Part VI,
sec. 16,
page 26.

(3) Where no suit is brought within the time limit specified in clause (a) of sub-section (2) or where an adoption has been confirmed under clause (b) of the said sub-section it shall be deemed to be valid and effectual for all purposes as from the date of adoption.

Other conditions for adoption

66. Other conditions.—(1) In every adoption, the following conditions must be complied with:—

(i) The adoptive father by or to whom the adoption is made must have no Hindu son, son's son, or son's son's son (whether by legitimate blood relationship or by adoption) living at the time of adoption.

Explanation.—A person not actually born at the time of adoption, although he may then be in the womb and is subsequently born alive, is not said to be living at the time of adoption for the purposes of this clause.

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Provided that the Court shall dismiss such suit—

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case may be, and such confirmation does not prejudice the rights of others.

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(70)

(71)

CHAPTER II

Effects of adoption

67. Effects of adoption.—An adopted son shall be deemed to be the son of his adoptive father for all purposes with effect from the date of the adoption and from such date all his ties in the family of his birth shall be deemed to be severed and replaced by those created by the adoption in the adoptive family.

Provided that—

(a) he cannot marry any person whom he could not have married if he had continued in the family of his birth;

(b) any property which vested in him before the adoption shall continue to vest in him subject to the obligations, if any, attaching to the ownership of such property, including the obligation to maintain relatives in the family of his birth;

(c) the adopted son shall not divest any person of any estate which vested in him or her before the adoption, except in the manner and to the extent specified in section 68.

(72)

68. Divesting of estates by adoption.—*Where, after the commencement of this Code, a widow makes an adoption, the adopted son shall take—

(a) one-half of the estate inherited by her and her co-widows, if any, as the heirs of the adoptive father * * * *;

(b) if the adoption is made after the death of a son, son's son, son's, son's son of the adoptive father, one-half of the estate the adoptive mother and her co-widows, if any, inherited from the adoptive father, and in addition, one-half of the estate inherited by the adoptive mother as the heir of her son, son's son, or son's son's son,

the share in the estate in each case being determined as it stood immediately before the adoption:

Provided that if the whole estate or any part thereof inherited by her or them is impartible by custom, usage or by the terms of any grant or enactment, the adopted son shall have the whole of such impartible estate as it stood immediately before the adoption in addition to what he may be entitled to under clause (a) or clause (b).

* * * * *

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Provided that—

(a) he cannot marry any person whom he could not have married if he had continued in the family of his birth;

(b) any property which vested in him before the adoption, shall continue to vest in him subject to the obligations, if any, attaching to the ownership of such property, including the obligation to maintain relatives in the family of his birth;

(c) the adopted son shall not divest any person of any estate which vested in him or her before the adoption, except in the manner and to the extent specified in section 68.

(71)

68. Divesting of estates by adoption.—(1) Where, after the commencement of this Code, a widow makes an adoption, the adopted son shall take—

(a) one-half of the estate inherited by her and her co-widows, if any, as the heirs of the adoptive father as it stood immediately before the adoption;

(b) if the adoption is made after the death of a son, son's son, son's son's son of the adoptive father, one-half of the estate the adoptive mother and her co-widows, if any, inherited from the adoptive father, and in addition, one-half of the estate inherited by the adoptive mother as the heir of her son, son's son, or son's son's son,

the share in the estate being determined as it stood immediately before the adoption:

Provided that if the whole estate or any part thereof inherited by her or them is impartible by custom, usage or by the terms of any grant or enactment, the adopted son shall have the whole of such impartible estate as it stood immediately before the adoption in addition to what he may be entitled to under clause (a) or clause (b).

(2) The provisions of sub-section (1) shall apply in respect of agricultural land, wherever situate in the Provinces of India.

(72)

(73)

69. Right of adoptive to dispose of their properties.—Subject to any agreement to the contrary, an adoption does not deprive the adoptive father or mother of the power to dispose of his or her property by transfer *inter vivos* or by will.

(74)

70. Determination of the adoptive mother in case of adoption by widower.—(1) Where a Hindu who has a wife living adopts a son, she shall be deemed to be the adoptive mother.

(2) Where a Hindu has more than one wife living—

(i) that wife in association with whom or with whose consent he makes the adoption, or

(ii) if more than one wife has been so associated or has so consented, the seniormost in marriage among the wives so associated or consenting;

shall be deemed to be the adoptive mother, and the other wives the stepmothers, of the adopted son.

(3) Where a widower adopts at any time after his wife's death, the wife who died last immediately preceding the adoption, shall be deemed to be the adoptive mother, and any other predeceased wife or any wife

subsequently married by him shall be deemed to be the step-mother, of the adoptive son, unless the adoptive father has directed or given a clear indication that some other of such wives shall be deemed to be the adoptive mother; in which case, any predeceased wife who is not the adoptive mother and any wife subsequently married by the adoptive father shall be deemed to be the stepmothers of the adopted son.

Part VI,
sec. 21(2),
page 27.

(4) Where a bachelor adopts, any wife subsequently married by him shall be deemed to be the step-mother of the adopted son.

69. Right of adoptive parents to dispose of their properties.—subject to any agreement to the contrary, an adoption does not deprive the adoptive father or mother of the power to dispose of his or her property by transfer *inter vivos* or by will.

Part VI,
sec. 22,
page 27, 28.

(73)

70. Determination of the adoptive mother in case of adoption by widower.—(1) Where a Hindu who has a wife living adopts a son, she shall be deemed to be the adoptive mother.

Part VI,
sec 22(3),
page 28.

(2) Where a Hindu has more than one wife living—

(i) that wife in association with whom or with whose consent he makes the adoption, or

(ii) if more than one wife has been so associated or has so consented, the seniormost in marriage among the wives so associated or consenting; shall be deemed to be the adoptive mother, and the other wives the step-mothers of the adopted son.

(3) Where a widower adopts at any time after his wife's death, the wife who died last immediately preceding the adoption, shall be deemed to be the adoptive mother, and any other predeceased wife or any wife subsequently married by him shall be deemed to be the step-mother, of the adopted son, unless the adoptive father has directed

or given a clear indication that some other of such wives shall be deemed to be the adoptive mother; in which case, any predeceased wife who is not the adoptive mother and any wife subsequently married by the adoptive father shall be deemed to be the step-mothers of the adopted son.

(4) Where a bachelor adopts, any wife subsequently married by him shall be deemed to be the step-mother of the adopted son.

(74)

(75)

71. Determination of the adoptive mother in case of adoption by widow.—(1) Where one of several widows of a deceased Hindu makes an adoption, she shall be deemed to be the adoptive mother, and the other widows the step-mothers, of the adopted son.

(2) Where two or more widows jointly make an adoption, the seniormost in marriage among the widows shall be deemed to be the adoptive mother, and the other widow or widows the step-mother or step-mothers, of the adopted son.

(76)

72. Valid adoption not to be cancelled.—No adoption which has been validly made can be cancelled by the adoptive father or mother or any other person, nor can the adopted son renounce his status as such adopted son and return to the family of his birth.

**Part VI,
sec. 23,
page 28.**

(77)

73. Certain agreements to be void.—An agreement not to adopt, or curtailing the rights of an adopted son, is void.

71. Determination of the adoptive mother in case of adoption by widow.—(1) Where one of several widows of a deceased Hindu makes an adoption, she shall be deemed to be the adoptive mother, and the other widows the step-mothers, of the adopted son.

(2) Where two of more widows jointly make an adoption, the seniormost in marriage among the widows shall be deemed to be the adoptive mother, and the other widow or widows the step-mother or step-mothers, of the adopted son.

(75)

72. Valid adoption not to be cancelled.—No adoption which has been validly made can be cancelled by the adoptive father or mother or any other person, nor can the adopted son renounce his status as such and return to the family of his birth.

**Part VI,
sec. 20,
page 27.**

(76)

73. Certain agreements to be void.—An agreement not to adopt, or curtailing the rights of an adopted son, is void.

(77)

(78)

CHAPTER III

Registration or record of adoptions

74. Registration and proof of adoptions.—(1) The State Government may, by notification in the Official Gazette, direct that in the State or in such areas as may be specified in the notification, no adoption made under the provisions of this Part shall be valid unless evidenced by a document in writing duly registered under any law for the time being in force relating to the registration of documents.

(2) Where an adoption is required to be evidenced by a registered document under sub-section (1) no evidence shall be given in proof of such adoption except the document itself.

74A. Recording of adoptions in cases to which section 74 does not apply.—Where no notification has been issued under section 74, the State Government may, for the purpose of facilitating the proof of any adoption made under the provisions of this Part, by rules, provide that particulars relating to such adoption shall be entered in the Register of Adoptions maintained in this behalf by such authority as may be appointed for this purpose by the State Government:

Provided that an application is made to such authority in the manner specified in section 75.

(79)

75. Application when to be made and particulars to be set out therein.—The application under section 74A shall be signed by the person taking, and the person giving, in adoption and shall be made within ninety days of the adoption. It shall state the following particulars and such other particulars as may be prescribed:—

- (i) the date of the adoption;
- (ii) the form of the adoption;
- (iii) the name or names, and the age or ages, of the person or persons taking in adoption;
- (iv) if the adoptive father is a married man, the name of his wife; and if he is a widower the name of his pre-deceased wife;

If there are two or more wives or pre-deceased wives, their names, the order in which, and the dates on which, they were married to him, and the name of the wife or pre-deceased wife who is the adoptive mother, if any;

(v) if the person adopting is a woman, the name of her husband and the names of her co-wives or co-widows, if any;

(vi) the name and age of the person giving in adoption;

(vii) the name of the adopted boy in the family of his birth;

(viii) the age of the adopted boy; and

(ix) the name of the adopted boy in the family of his adoption.

CHAPTER III

Record of adoptions

74. Application for recording of adoption.—When an adoption has been made under the provisions of this Part and the parties thereto desire to have the adoption recorded in the Register of Adoptions maintained for this purpose, they may apply in this behalf to such authority as may be appointed for this purpose by the Provincial Government, by notification in the official Gazette, and who has jurisdiction in the place where the adoption was made

Part VI
sec. 31,
page 29.

(78)

75. Application when to be made and particulars to be out therein.—The application shall be signed by the person taking, and the person giving, in adoption and shall be made within ninety days of the adoption. It shall state the following particulars and such other particulars as may be prescribed:—

(i) the date of the adoption;

(ii) the form of the adoption;

(iii) the name or names, and the age or ages, of the person or persons taking in adoption ;

(iv) if the adoptive father is a married man, the name of his wife; and if he is a widower the name of his pre-deceased wife;

If there are two or more wives or pre-deceased wives, their names,

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the order in which, and the dates on which, they were married to him, and the name of the wife or pre-deceased wife who is the adoptive mother, if any;

(v) if the person adopting is a woman, the name of her husband and the names of her co-wives or co-widows, if any;

- (vi) the name and age of the person giving in adoption;
- (vii) the name of the adopted boy in the family of his birth ;
- (viii) the age of the adopted boy; and
- (ix) the name of the adopted boy in the family of his adoption.

(79)

(80)

76. Recording of adoption.—If the authority appointed under section 74A is satisfied that the application has been signed by the person taking and the person giving in adoption and that the adoption has taken place as stated, he shall cause a record of the adoption to be made in the Register of Adoption.

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(80)

(81)

PART IV—MINORITY AND GUARDIANSHIP

77. Definitions.—In this Part—

(a) “minor” means a person who has not completed the age of eighteen years;

(b) “natural guardian” means any of the guardians referred to in section 78, but does not include a guardian—

(i) appointed by the will of the minor’s father, or

(ii) appointed or declared by a court, or

(iii) empowered to act as such by or under any enactment relating to any court of wards.

(82)

78. Natural guardians of a Hindu minor.—The natural guardians of a Hindu minor, in respect of the minor’s person as well as in respect of the minor’s property are—

(a) in the case of a boy or unmarried girl—the father, and after him, the mother : provided that the custody of a minor who has not completed the age of three years shall ordinarily be with the mother;

(b) in the case of an illegitimate boy or an illegitimate unmarried girl—the mother and after her, the father;

(c) in the case of a married girl—the husband:

Provided that no person shall be entitled to act as the natural guardian of a minor under the provisions of this section—

- (a) if he has ceased to be a Hindu ; or
- (b) if he has completely and finally renounced the world in any of the modes set forth in sub-section (1) of section 110.

Part V,
sec. 1,
page 22.

(83)

79. Natural guardianship of adopted son.—The natural guardianship of an adopted son who is a minor passes, on adoption, from the family of his birth to the family of his adoption.

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- (a) “minor” means a person who has not completed the age of eighteen years;
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- (ii) appointed or declared by a court, or
- (iii) empowered to act as such by or under any enactment relating to any Court of Wards.

Part V,
sec. 4,
page 22.

(81)

78. Natural guardians of a Hindu minor.—The natural guardians of a Hindu minor, in respect of the minor’s person as well as in respect of the minor’s properly are—

- (a) in the case of a boy or unmarried girl—the father, and after him, the mother: provided that the custody of a minor who has not completed the age of three years shall ordinarily be with the mother,
- (b) in the case of an illegitimate boy or an illegitimate unmarried girl—the mother and after her, the father;
- (c) in the case of a married girl—the husband:

Part V,
sec. 5,
page 22.

Provided that no person shall be entitled to act as the natural guardian of a minor under the provisions of this section—

- (a) if he has ceased to be a Hindu ; or

(b) if he has completely and finally renounced the world in any of the modes set forth in sub-section (1) of section 110.

(82)

79. Natural guardianship of adopted son.—The natural guardianship of an adopted son who is a minor passes, on adoption, from the family of his birth to the family of his adoption.

(83)

(84)

80. Power of natural guardian.—(1) The natural guardian of a Hindu minor has power, subject to the provisions of this section, to do all acts which are necessary or reasonable and proper for the benefit of the minor or for the realization, protection or benefit of the minor's estate; but the guardian can in no case bind the minor by a personal covenant.

(2) The natural guardian shall not, without the previous permission of the court—

(a) mortgage or charge, or transfer by sale, gift, exchange or otherwise, any part of the immovable property of the minor; or

(b) lease any part of such property for a term exceeding five years or for a term extending more than one year beyond the date on which the minor will attain majority.

(3) Any disposal of immovable property by a natural guardian, in contravention of sub-section (1) or sub-section (2), is voidable at the instance of the minor or any other person affected thereby.

(4) No court shall grant permission to the natural guardian to do any of the acts mentioned in sub-section (2) except in case of necessity or for an evident advantage to the minor.

(5) The Guardians and Wards Act, 1890 (VIII of 1890), shall apply to, and in respect of, an application for obtaining the permission of the court under sub-section (2) in all respects as if it were an application for obtaining the permission of the court under section 29 of that Act, and in particular—

(a) proceedings in connection with the application shall be deemed to be proceedings under that Act within the meaning of section 4A thereof;

(b) the court shall observe the procedure and have the powers specified in sub-sections (2), (3) and (4) of section 31 of that Act; and

(c) an appeal shall lie to the High Court from an order of the court refusing permission to the natural guardian to do any of the acts mentioned in sub-section (2) of this section.

(6) In this section, "court" means the district court within the local limits of which the immovable property in respect of which the application is made, or any part thereof, is situated, or a court empowered under section 4A of the Guardians and Wards Act, 1890 (VIII of 1890).

80. Power of natural guardian.—(1) The natural guardian of a Hindu minor has power, subject to the provisions of this section, to do all acts which are necessary or reasonable and proper for the benefit of the minor or for the realization, protection or benefit of the minor's estate; but the guardian can in no case bind the minor by a personal covenant.

Part V,
sec. 6,

page 23.

(2) The natural guardian shall not, without the previous permission of the court—

(a) mortgage or charge, or transfer by sale, gift, exchange or otherwise, any part of the immovable property of the minor; or

(b) lease any part of such property for a term exceeding five years or for a term extending more than one year beyond the date on which the minor will attain majority.

(3) Any disposal of immovable property by a natural guardian, in contravention of sub-section (1) or sub-section (2), is voidable at the instance of the minor or any other person affected thereby.

(4) No court shall grant permission to the natural guardian to do any of the acts mentioned in sub-section (2) except in case of necessity or for an evident advantage to the minor.

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(a) proceedings in connection with the application shall be deemed to be proceedings under that Act within the meaning of section 4A

thereof;

(b) the court shall observe the procedure and have the powers specified in sub-sections (2), (3) and (4) of section 31 of that Act; and

(c) an appeal shall lie to the High Court from an order of the court refusing permission to the natural guardian to do any of the acts mentioned in sub-section (2) of this section.

(6) In this section, "court" means the district court within the local limits of which the immovable property in respect of which the application is made, or any part thereof, is situated, or a court empowered under section 4A of the Guardians and Wards Act, 1890 (VIII of 1890).

(84)

(85)

81. Revocation of authority by natural guardian.—Where the natural guardian of a Hindu minor authorises another person to take charge of the minor, the authority is revocable except—

(a) where it is not in the interests of the minor to permit revocation; or

(b) where the natural guardian has ceased to be a Hindu; or

(c) where for any other sufficient cause, it is not desirable to permit revocation.

(86)

82. Testamentary guardian and his powers.—(1) A Hindu father may, by will, appoint a guardian for any of his minor legitimate children in respect of the minor's person, or in respect of the minor's property, or in respect of both;

Provided that nothing in this section shall be deemed to authorise any person to act as the guardian of the person of the minor if the mother is alive and is capable of acting as the natural guardian of her minor child.

(2) The guardian so appointed has, after the death of the father, the right to act as the minor's guardian, and to exercise all the rights of a natural guardian under this Part to such extent and subject to such restrictions, if any, as may be specified in the will.

(3) Subject to the provisions of this Part, a Hindu widow may, by will appoint a guardian for any of her minor children in respect of the

*Dr. Ambedkar's remarks, in his copy 'Not to be moved' —Ed.

person of the minor;

Part V,
sec. 7,
page 23.

Provided that her husband has not already by will appointed any person to be the guardian of the person of such child.

(4) The right of the guardian so appointed shall, where the minor is a girl, cease on her marriage.

(87)

***83. Duty of guardian regarding religious upbringing of minor.—**

It shall be the duty of the guardian of a Hindu minor to bring up the minor in the religion of the father of the minor.

(88)

84. De facto guardian not to deal with minor's property.—

Part V,
sec. 7,
page 23.

After the commencement of this Code, no person shall be entitled to dispose of, or deal with, the property of a Hindu minor merely on the ground of his or her being the *de facto* guardian of the minor.

81. Revocation of authority by natural guardian.—

Where the natural guardian of a Hindu minor authorises another person to take charge of the minor, the authority is revocable except—

(a) where it is not in the interests of the minor to permit revocation; or

(b) where the natural guardian has ceased to be a Hindu ; or

(c) where for any other sufficient cause, it is not desirable to permit revocation.

(85)

82. Testamentary guardian and his powers.—(1) Hindu father may, by will, appoint a guardian for any of his minor legitimate children in respect of the minor's person, or in respect of the minor's property, or in respect of both;

Provided that nothing in this section shall be deemed to authorise any person to act as the guardian of the person of the minor if the mother is alive and is capable of acting as the natural guardian of her minor child.

Part V,
sec. 9,
page 23.

(2) The guardian so appointed has, after the death of the father, the right to act as the minor's guardian, and to exercise all the rights of a natural guardian under this Part to such extent and subject to such restrictions, if any, as may be specified in the will.

Part V,
sec. 10,
page 23.

(3) Subject to the provisions of this Part, a Hindu widow may, by will, appoint a guardian for any of her minor children in respect of the person of the minor:

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Provided that her husband has not already by will appointed any person to be the guardian of the person of such child.

(4) The right of the guardian so appointed shall, where the minor is a girl, cease on her marriage.

(86)

83. Duty of guardian to bring up minor as a Hindu—It shall be the duty of the guardian of a Hindu minor to bring up the minor as a Hindu.

(87)

84. De facto guardian not to deal with minor's property.—Alter the commencement of this Code, no person shall be entitled to dispose of, or deal with, the property of a Hindu minor merely on the ground of his or her being the *de facto* guardian of the minor.

(88)

(89)

85. Welfare of minor to be paramount consideration.—In the appointment or declaration of any person as guardian of a Hindu minor by a court, the welfare of the minor shall be the paramount consideration and no person shall be entitled to the guardianship by virtue of the provisions of this Part or of section 24, if the Court is of opinion that his or her guardianship will not be for the welfare of the minor.