

**Bill No. XXXIV of 2008**

THE HINDU MINORITY AND GUARDIANSHIP (AMENDMENT)  
BILL, 2008

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*further to amend the Hindu Minority and Guardianship Act, 1956.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Minority and Guardianship (Amendment) Act, 2008. Short title and commencement.

5 (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

32 of 1956. 2. In section 6 of the Hindu Minority and Guardianship Act 1956, (hereinafter referred to as the principal Act in sub-section (a), for the words "and after him" the word "or" shall be substituted. Amendment of section 6.

10 3. In section 7 of the principal Act, for the words "and after him" the word "or" shall be substituted. Amendment of section 7.

## STATEMENT OF OBJECTS AND REASONS

The Hindu Minority and Guardianship Act, 1956 was enacted as a supplement to the Guardians and Ward Act, 1890 and deals with natural guardians and testamentary guardians incidentally abolishing the *de facto* guardians. The Act, however, does not treat men and women equally which has to be corrected.

Hence this Bill.

BRINDA KARAT

ANNEXURE

EXTRACTS FROM THE HINDU MINORITY AND GUARDIANSHIP  
ACT, 1956

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**6.** The natural guardians of a Hindu minor, in respect of the minor's person as well as in respect of the minor's property (excluding his or her undivided interest in joint family property), are— Natural guardians of a Hindu minor.

(a) in the case of a boy or an unmarried girl—the father, and after him, the mother, provided that the custody of a minor who has not completed the age of five 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 becoming a hermit (vanaprastha) or an ascetic (yati or sanyasi).

*Explanation:* In this section, the expression "father" and "mother" do not include step-father and a step-mother.

**7.** The natural guardianship of an adopted son who is a minor passes, on adoption to the adoptive father and after him to the adoptive mother. Natural guardianship of adopted son.

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RAJYA SABHA

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further to amend the Hindu Minority and Guardianship Act, 1956.

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*(Shrimati Brinda Karat, M.P.)*