

When person as well
as to his



**ASSIGN
BUSTER**

When the minors were in Gurukula or in the Ashram of the Guru, the Guru was their protector. It was on account of these factors that the ancient law viewers have not given an elaborate account of legal provisions. It was broadly recognised that the king was the supreme guardian of the minors and as such he was under an obligation to protect the person and property of the minors.

The modern law of guardianship has its basis in the incapacity which law attributes upon the minors and persons deficient in mental capacity in the matter of looking after themselves, their property or entering into contracts. The law recognised the sovereign authority of the state as the lawful guardian of all minors. The law of the guardianship has been evolved keeping in view the incapacity of the minors to look after the matters of their interest and to take proper care of their welfare. Although the primary responsibility was thrust upon the father under the Act to act as his guardian both with respect to his person as well as to his property. In the absence of the father the mother becomes next natural guardian.

In the absence of both father and mother, the court was required to appoint guardian from among the nearest blood relations firstly from the paternal side and in their absence from the maternal side. So far as the minor wife was concerned the husband himself whether a minor or a major was her natural guardian. The Guardian and Wards Act of 1890 more or less retain this position in the sense that if the father or the husband was not found fit to act as the natural guardian, their right could not be disturbed and it further preserved the right of the father to appoint a testamentary guardian. But the Guardian and the Wards Act made certain changes also in the

position of natural guardians. It is important to note that the Guardian and Wards Act of 1890 remains the basis of the rights and duties of a natural or a testamentary guardian or of a guardian appointed by a court although with certain necessary changes the present Hindu Minority and Guardianship Act, 1956 has been adopted.