

ACT NO. IV OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 25th March, 1892.)

An Act to amend the Bengal Court of Wards
Act, 1879.

IX (B. C.) of
1879.

WHEREAS it is expedient to amend the Court of Wards Act, 1879, passed by the Lieutenant-Governor of Bengal in Council; It is hereby enacted as follows:—

1. (1) This Act shall be read with, and taken as part of, the Act aforesaid; and

Construction
commence-
ment.

(2) It shall come into force at once.

2. In section 3, at the end of the clause defining "estate" the following words shall be added, namely:—"and includes a share in or of an estate other than an undivided share held in coparcenary as the property of a Hindu joint family governed by the *Mitakshara* or *Mithila* law."

Addition to
section 3.

3. To section 6 the following clause shall be added, namely:—

Addition to
section 6.

"(e) persons as to whom the Local Government has declared, on their own application, that they are disqualified, and that it is expedient in the public interest that their estates should be managed by the Court."

4. To section 7 the following proviso shall be added, namely:—

Addition to
section 7.

"Provided that the Court shall not be empowered to take charge of the person of a proprietor disqualified on his own application under clause (e) of section 6."

5. At

Addition to
section 9.

5. At the end of section 9 the following shall be added, namely :—

“And in any case in which the Court has taken charge of the property of a person disqualified from managing his own estate under the provisions of section 6, clause (e), it may in its discretion—

(e) at any time withdraw from such charge, or

(f) retain such charge, notwithstanding the death of the proprietor, until all debts and liabilities incurred by, or due from, the said proprietor, or which are a charge upon the property or any part thereof, together with all interest due thereon, have been discharged :

Provided that, after the death of the proprietor, the Court shall not retain charge on account of any debt or liability which has been declared by a competent Civil Court not to be binding on the representative of such deceased proprietor.”

Amendment
of section 10.

6. In section 10, in the place of the first two clauses the following shall be inserted, namely :—

“Whenever a Civil Court is satisfied that an order should be made under section 7 of the Guardians and Wards Act, 1890, appointing a guardian of the person or property of a minor or both ;

whenever a Civil Court removes under section 39 of the same Act the guardian of a minor.”

Substitution
of new sec-
tion 11.

Procedure
when any of
joint proprie-
tors ceases
to be disqua-
lified.

7. For section 11 the following section shall be substituted, namely :—

“Whenever one or more of the joint proprietors of whose properties the Court has taken charge ceases to be subject to the jurisdiction of the Court, the Court may retain charge of the persons and properties of the still disqualified proprietors during the continuance of their qualification.

“And, in case any person entitled to any property jointly with any disqualified proprietor shall consent thereto, the Court may retain or resume the charge of the property of such proprietor or any part thereof

so long as the property of any such disqualified proprietor as aforesaid remains in charge of the Court."

8. In section 12, for the words "which before the commencement of this Act was placed," the following words shall be substituted, namely:— "which either before or after the commencement of this Act was or is placed;" and at the end of the first clause, after the figures 1858, the following words shall be added, namely:—"or under any other enactment for the time being in force."

Amendment of section 12.

9. In section 48 the proviso in class III is hereby repealed.

Repeal of proviso in section 48.

10. In section 49, for the words "remains under the charge of the Court with his consent under section 11," the following words shall be substituted, namely:—"is under the charge of the Court under clause (e) of section 6, or under the second clause of section 11."

Amendment of section 49.

11. In section 56, instead of the words "who has consented to leave his property under the charge of the Court of Wards, as provided in the second clause of section 11," the following words shall be substituted, namely:—"whose property is under the charge of the Court under clause (e) of section 6, or under the second clause of section 11."

Amendment of section 56.

12. To section 60 the following words shall be added, namely:—"or to assign over or charge any allowance to be received by him from the Court."

Addition to section 60.

13. After section 60 the following section shall be inserted, namely:—

Insertion of new section after section 60.

"60A. No property which is or has been under the charge of the Court shall be liable at any time, except with the leave of the Court, to be taken in execution of a decree made in respect of any contract entered into by the ward without the leave of the Court while his property was under such charge."

Exemption of ward's property from execution proceedings in certain cases.