

The Central Provinces Court of Wards Act, 1899

[Act, No. 24 of 1899]

[13th October, 1899]

PREAMBLE

An Act to consolidate and amend the law relating to the Court of Wards in the Central Provinces.

WHEREAS it is expedient to consolidate and amend the law relating to the Court of Wards in the Central Provinces; It is hereby enacted as follows: --

1. Am. In Orissa by Orissa Act 14 of 1946. Am. In Madhya Pradesh by M.P. Act 6 of 1958.

Part I

Section 1. Short title, extent and commencement

(1) This Act may be called the Central Provinces Court of Wards Act, 1899.

(2) It extends to1[* * *] the Central Provinces ; and

(3) It shall come into force at once.

1. The words "the territories for the time being administered by the L. G. of" rep. by the A. O. 1937.

Section 2. Definitions

Inthis Act, unless there is anything repugnant in the subject or context,--

(a)the expression "Government ward" means any person of whose property,or of whose person and property, the Court of Wards may, for the time being,have the superintendence under this Act:

(b)"land" includes the rights of a land-holder in respect of the land ofwhich he is the malguzar or zamindar or the muafidar, jagirdar, ubaridar orother assignee of land-revenue, or in which he is interested: and

(c)"land-holder" means a malguzar as defined in the 1 [CentralProvinces Land-revenue Act, 1881 XVIII of 1881, and the zamindar of anyzamindari in a Scheduled District, and includes a muafidar, jagirdar, ubaridaror other assignee of land-revenue, and any person not hereinbefore specified whois interested in land and belongs to a class of which the 2 [3 [State]Government] 4 [* * * *] has declared the members to be land-holdersfor the purposes of this Act.

1.Act 18 of 1881 has been rep. and re-enacted by the Central Provinces LandRevenue Act, 1917 (C. P. 2 of 1917), but the definition of "malguzar" is not reproduced in the latter Act.

2. Substituted by the A. O. 1937 for " L. G. ".
3. Substituted for "provincial" by the A.O. 1950.

4. The words " with the previous sanction of the G. G. in C. ", rep. by the Devolution Act, 1920 (38 of 1920), section 2 and Schedule I.

Section 3. Commissioner to be Court of Wards

Subject to the provisions of section 9, the Commissioner shall be the Court of Wards for the limits of his division.

Section 4. Superintendence by Court of Wards of property of disqualified land-holder

The Court of Wards may, with the previous sanction of the 1 [2 [State] Government], assume the superintendence of the property of any land-holder owning land within the local limits of its jurisdiction who is disqualified to manage his property.

1. Substituted by the A. O. 1937 for "L.G."
2. Substituted for "provincial" by the A.D. 1950.

Section 5. Land holders to be deemed disqualified in certain cases

1 [5. Land holders to be deemed disqualified in certain cases

(1) The following persons shall, for the purposes of section 4, be deemed to be disqualified to manage their own property, namely:--

(a) minors ;

(b) persons adjudged by a competent Civil Court to be of unsound mind and "incapable of managing their affairs ;

(c) persons not being zamindars of zammdaris in a Scheduled District, declared by the District Judge on the application of the Deputy Commissioner of the district in which any part of the property of such persons, is situated and after such judicial enquiry as he thinks necessary, to be incapable of managing or unfitted to manage their own property owing to their having entered upon a course of wasteful extravagance likely to dissipate their property ;

(d) persons declared by the 2 [3 [State] Government] to be incapable of managing their property owing to--

(i) any physical or mental defect or infirmity;

(ii) their having been convicted of a non-bailable offence and being unfitted by vice or bad character ;

(iii) their being females; and

(e) zamindars of zamindaris in a Scheduled District declared by the 2 [3 [State] Government] to be incapable of managing or unfitted to manage their own property owing to--

(i) their having entered upon a course of wasteful extravagance ; or

(ii) their failure without sufficient reason to discharge the debts and liabilities due by them:

Provided that no such declaration shall be made unless the 2 [3 [State] Government] is satisfied--

(a) that the aggregate annual interest payable at the contractual rate on the debts and liabilities due by the zamindar exceeds one-third of the average annual profits of the preceding five years ; and

(b) that such extravagance or such failure to discharge the said debts and liabilities is likely to lead to the dissipation of property.

(2) No declaration under clause (e) of sub-section (i) shall be made until the zamindar has been furnished with a detailed statement of the grounds on which it is proposed to disqualify him and has had an opportunity of showing cause why such declaration should not be made.

(3) No appeal shall lie against any declaration made by the District Judge under clause (c) of sub-section (i).

(4) No suit shall be brought in any Civil Court in respect of any declaration made by the 2 [4 [State] Government] under clause (d) or clause (e) of sub-section (i).]

1. Substituted by the Central Provinces Court of Wards (Amdt.) Act, 1929 (C. P. 5 of 1929), section 2, for the original section.

2. Substituted by the A. O. 1937 for "L.G."

3. Substituted for "provincial" by the A.D. 1950.

4. Substituted for "provincial" by the A.O. 1950.

Section 6. Superintendence by Court of Wards on application of proprietor

(1) Any land-holder may apply to the 1 [2 [State] Government] to have his property placed under the superintendence of the Court of Wards, and the 1 [2 [State] Government] may on such application, if it thinks it expedient in the public interests, order the Court of Wards to assume the superintendence of the property.

(2) An order made by the 1 [2 [State] Government] under sub-section (i) shall be sufficient to authorize the Court of Wards to assume the superintendence of the property referred to therein, and no suit shall be brought in any Civil Court in respect of any such order.

1. Substituted by the A. O. 1937 for "L.G."

2. Substituted for "provincial" by the A.O. 1950.

Section 7. Temporary provisions for custody of heirs and protection of property in certain cases

(1) Whenever the Court of Wards receives information that any land-holder has died and has reason to believe that the heir of the land-holder is a person who is, or should be adjudged or declared to be, dis-qualified under section 5, the Court may--

(a) take such steps and make such order for the temporary custody and protection of the property inherited as it thinks fit; and,

(b) if the heir is a minor, direct that the person (if any) having the custody of the minor, shall produce him or cause him to be produced at such place and time and before such person as the Court may appoint, and make such order for the temporary custody and protection of the minor as it thinks fit:

Provided that, where the minor is a female and belongs to a class the females of which do not usually appear in public, her production shall be required only in accordance with the manners and customs of the country.

(2) Whenever the Court of Wards proceeds under this section, it shall forthwith report its action for the information of the 1 [2 [State] Government.]

1. Substituted by the A. O. 1937 for "L. G."

2. Substituted for "provincial" by the A.O. 1950.

Section 8. Superintendence by Court of Wards of person of disqualified land-holder

Wherethe Court of Wards assumes the superintendence of the property of a minor or of a person who has been adjudged by a competent Civil Court to be of unsound mind and incapable of managing his affairs, it may, with the previous sanction of the 1 [2 [State] Government], assume the superintendence of his person also:

Provided that nothing in this section shall authorize the Court of Wards to assume the superintendence of the person of a female who is married to a man of full age and is in his custody.

1. Substituted by the A. O. 1937 for "L.G."

2. Substituted for "provincial" by the A.O. 1950.

Section 9. Superintendence by Court of Wards where disqualified land-holder owns land in more than one division

Where a land-holder owns land within two or more divisions, such one only of the Courts of Wards as the 1 [2 [State] Government] may determine in this behalf shall assume the superintendence of the property, or of the person and property, of the land-holder.

1. Substituted by the A. O. 1937 for "L.G."
2. Substituted by for "provincial" by the A.O. 1950.

Section 10. Assumption of superintendence to be notified and to extend to whole of government wards property

(1) Whenever the Court of Wards assumes the superintendence of the property of any person under this Act, the fact of such assumption, and the date on which it was sanctioned by the 1 [2 [State] Government], shall be notified in the 3 [Official Gazette].

(2) On and with effect from the date of such sanction, the whole of the property, moveable and immovable, of such person, whether the existence of any such property may be known to the said Court or not, shall be deemed to be under the superintendence of the Court of Wards.

(3) Any property which the Government ward may inherit subsequently to the date of such sanction, shall also be deemed to be under the superintendence of the Court of Wards.

(4) The Court of Wards may, in its discretion, assume, or refrain from assuming, the superintendence of any property which the ward may acquire, otherwise than by inheritance, subsequently to the date of such notification.

1. Substituted by the A. O. 1937 for "L.G."
2. Substituted by for "provincial" by the A.O. 1950.
3. Substituted by the A. O. 1937 for "local official Gazette".

Section 11. Barring of suits to contest authority to assume superintendence

No suit shall be brought in any Civil Court to contest the authority of the Court of Wards in respect of the property, or of the person and property, of any person under this Act on the ground that such person was not, or is not, a land-holder or a minor.

Section 12. Notices to claimants against government ward

(1) On the issue of a notification under section 10, the Court of Wards shall publish in the 1 [Official Gazette] and in such other manner as the 2 [3 [State] Government] may, by general or special order, direct, a notice, in English and also in the vernacular, calling upon all persons having claims against the Government ward or his immovable property to submit the same in writing to it within six-months from the date of the publication of the notice aforesaid.

(2) Every such claim (other than a claim on the part of the Government) not submitted to the Court of Wards in compliance with the provisions of sub-section (i), shall, save in the case provided for by

section 16, sub-section(2), clause (c), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provided that, if the Court of Wards is satisfied that the claimant was unable to comply with the provisions of sub-section (i), it may receive his claim at any time after the date of the expiry of the period aforesaid, but any claim so received shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the date of the expiry of the period aforesaid.

1. Substituted by the A. O. 1937 for "local official Gazette".

2. Substituted by the A. O. 1937 for "L.G.".

3. Substituted by for "provincial" by the A.O. 1950.

Section 13. Claimants to furnish full particulars and documents

(1) Every claimant submitting his claim in compliance with the provisions of section 12, sub-section (i), shall furnish, along with his written statement of claim, full particulars thereof, and shall, at the same time, produce all documents (including entries in books of account) on which he relies to support his claim, together with a true copy of every such document.

(2) The Court of Wards shall, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the claimant.

(3) If any document, which is in the possession or under the control of the claimant, is not produced by him as required by sub-section (i), the document shall not be admissible in evidence against the Government ward, whether during the continuance of the management or afterwards, in any suit brought by the claimant or by any person claiming under him.