

BOMBAY COURT OF WARDS RULES, 1908

CONTENTS

1. Extent of application
2. The court of wards may remove any guardian
3. Remuneration of guardians
4. Appointment and remuneration of managers
5. Removal of Manager
6. Security to be furnished by the manager.
7. Returns to be furnished by managers.
8. Annual consolidated report
9. To whom are the securities sent
10. Notification of the delegation of powers to managers
11. Recovery of the expenses
12. Notice in newspapers
13. Schedule of debts and liabilities and the report
14. Every manager shall keep the following accounts
15. Inventory in Form II
16. Revenue year
17. Revenue year
18. Permanent advance
19. Expenditure to be drawn from the treasury
20. Records and Documents to be made over to the land-holder
21. Directions of the Court of wards in case of certain records and documents.
22. Records or documents not be made over without the express sanction of the Court of wards
23. Delegation of powers by the Court of wards

BOMBAY COURT OF WARDS RULES, 1908

In exercise of the powers conferred by Section 46 of the Bombay Court of Wards Act, 1905, (Bom. I of 1905), the Governor in Council is pleased to make the following rules, namely

1. Extent of application :-

- (1) These rules may be called the Bombay Court of Wards Rules, 1908.
- (2) These rules shall extend to all parts of the State of Bombay to which the said Act extends but shall not apply to estates within the area to which the Gujarat Talukdar's Act, 1888, extends, which are

or may be hereafter, under the management of the Talukdari Settlement Officer as the Court of Wards within that area.

(3) In these rules "the Act" means the Bombay Court of Wards Act, 1905.

2. The court of wards may remove any guardian :-

The Court of Wards may remove any guardian appointed for the person of a Government ward for any of the following causes

- (a) for abuse of his trust;
- (b) for continued failure to perform the duties of his trust;
- (c) for incapacity to perform the duties of his trust;
- (d) for ill-treatment, or neglect to take proper care of his ward ;
- (e) for contumacious disregard of any provision of the Act or of any order of the Court of Wards ;
- (f) for conviction of an offence implying, in the opinion of the Court of Wards, a defect of character which unfits him to be the guardian of his ward;
- (g) for having an interest adverse to the faithful performance of his duties;
- (h) for ceasing to reside within the local limits of the jurisdiction of the Court of Wards ;
- (i) in the case of a female ward, upon her marriage to a husband who is not, in the opinion of the Court of Wards, unfit to be guardian of such ward:

Provided that the Court of Wards shall not remove a guardian appointed by will or other instrument or appointed or declared under the Guardians and Wards Act, 1890, except with the previous consent of the District Court.

3. Remuneration of guardians :-

The Court of Wards may award to a guardian such remuneration as, having regard to all the circumstances of the case, it thinks fit.

4. Appointment and remuneration of managers :-

Any person interested in the good management of the property of a Government ward under the superintendence of the Court of Wards may be appointed manager of such property. Where for any reason

there is no such person available, any person qualified by character, merit, industry and knowledge may be appointed manager. A manager may be appointed for property comprising a single estate or comprising a group of estates within the limits of a single district, as the Court of Wards, having regard to the size and other circumstances of the estate or estates may deem suitable. The remuneration of such manager shall be fixed by the Court of Wards with due regard to the financial condition and other resources of the estate or estates placed under this management.

5. Removal of Manager :-

A manager appointed under the Act may be removed for any of the causes for which a guardian may be removed under rule 2 and for bankruptcy or insolvency and for any special cause rendering it desirable in the opinion of the Court of Wards that he should be removed.

6. Security to be furnished by the manager. :-

(1) The amount of security to be furnished by a manager shall not be less than is sufficient to cover the maximum receipts which it is estimated may be in the hands of the manager at any one time.

(2) Such security may consist of a deposit in the Post Office Saving Bank or of a deposit of Government Promissory Notes or a security bond may be executed in Form A as the Court of Wards shall deem fit in each case.

(3) The Manager shall, if the amount of the security does not exceed one thousand rupees, furnish atleast one surety; in any other case he shall furnish atleast two sureties.

(4) Servants of the estate, whose duties require them to deal with money, shall furnish such security as the Court of Wards shall deem fit. Such security shall consist either of a deposit in the Post Office Savings Bank or, with the approval of the Court of Wards any such servant may execute a security bond in Form A.

(5) A register of securities furnished shall be kept in the Huzur Treasury office in Form No. I.

7. Returns to be furnished by managers. :-

The following returns shall be rendered by managers to the Court of Wards

(1) An inventory of the property belonging to each estate on first

assumption of management in Form No. II.

(2) A yearly statement of increase or decrease in the property of each estate and the reasons therefor in Form No. II.

(3) A yearly return of demands, collections and balances for each estate in Form No. IX.

(4) A monthly return of receipts and payments on account of personal deposits in Form No. V.

(5) A monthly return of receipts and expenditure for each estate in Form No. IV and a monthly abstract thereof.

(6) A yearly budget estimate for each estate for the year beginning with the 1st August to be submitted on or before the 1st May in duplicate in Form No. VII.

8. Annual consolidated report :-

The Court of Wards shall submit to the State Government an annual consolidated report upon the estates under its superintendence in Form No. X, with such variations as may from time to time be prescribed in this behalf by the State Government.

9. To whom are the securities sent :-

(1) All Government securities and securities the interest whereon is guaranteed by the Central Government or State Government shall be forwarded to the Deputy Controller of the Currency, Bombay, for safe custody in cases where it is likely that they will be held for a period longer than five years and interest is intended to be drawn during the period. All such securities which are likely to be held for less than five years and more than 12 months and the interest thereon is intended to be drawn during the period shall be forwarded to the Treasury Officer of the District for safe custody.

(2) All securities of the kind referred to in sub-rule (1) which are likely to be deposited for 12 months or less or when they are deposited for more than 12 months and when interest is not intended to be drawn during the period, all securities other than those referred to in sub-rule (1), all title- deeds, all Savings Bank Pass Books in which deposits are completed, and all jewellery and ornaments, the use of which is not permitted to the ward, shall be deposited for safe custody in either the Taluka or District Treasury, as the Court of Wards may direct.

10. Notification of the delegation of powers to managers :-

The delegation of powers to managers shall be notified by notices posted at the offices of the Collector of the district and of the Mamlatdar of the taluka (and, where the property is situated in the limits of a petha or mahal, of the Mahalkari of the petha or mahal) and at the chavdi or other conspicuous place of the village or villages, in which the property concerned is situated.

11. Recovery of the expenses :-

All expenses lawfully incurred in respect of an estate shall be debited to and be recovered out of the income of the estate.

12. Notice in newspapers :-

The notice prescribed by sub-section (1) of section 14 of the Act shall also be published in one or, if the Court of Wards thinks it necessary, in more newspapers. A copy of such notice shall be sent to each of such persons as are known to be creditors and a copy of it shall be pasted at the offices of the Collector of the district, and of the Mamlatdar of the taluka (and, where the ward resides or any of his property is situated within the limits of a petha or mahal, of the Mahalkari of the petha or mahal) and at the chavdi or other conspicuous place of the village or villages, within which the ward resides or within which any portion of his immoveable property is situated.

13. Schedule of debts and liabilities and the report :-

The Schedule of debts and liabilities required to be submitted to the State Government by section 18 of the Act shall be accompanied by a report containing a careful review of the financial position of the estate and shall be accompanied by the following sub-schedules:-

(1) Sub-schedule of landed property consisting of villages, shares of villages etc., in the following form-

(2) Sub-schedule of house property and landed property other than that shown in sub-schedule (1).

(3) Sub-schedule of moveable property showing the value of personal property owned by the estate under the classes "(i) Cash, (ii) Jewels, (iii) Grain, (iv) Other," the total amount of the debts and arrears of rent due to the estate and the amount under each head which is probably recoverable.

(4) Sub-schedule of income and expenditure showing the probable

average income and expenditure, the establishment ordered to be employed in managing the estate and the scale of pay of such establishment, the sums allotted annually for the maintenance of the ward and his family and for their education, and the instalment by which the debts, if any, are to be liquidated .

14. Every manager shall keep the following accounts :-

- (1) A register of securities in Form No. I.
- (2) An inventory of all the property belonging to each estate on first assumption of management in Form No. II. Maintenance of accounts.
- (3) A day book of receipts and expenditure for each estate in Form No. III.
- (4) A classified register of receipts and expenditure for each estate in Form No. IV (Parts I and II) and a monthly abstract thereof.
- (5) A register of receipts and payments on account of personal deposits in Form No. V.
- (6) A register of advances in Form No. VI.
- (7) The budget as sanctioned from time to time by the Court of Wards in Form No. VII.
- (8) A statement showing the liabilities and progress made in liquidating the debt of each estate in Form No. VIII.

15. Inventory in Form II :-

Every manager shall send to the Mamlatdar of the taluka,-

- (a) as soon as the inventory in Form No. II is completed, a copy thereof, and
- (b) at the end of each year, a copy of the yearly statement of increase and decrease in Form No. II.

16. Revenue year :-

The accounts to be kept by the manager shall be for the revenue year commencing with the 1st August and ending with the 31st July.

17. Revenue year :-

The manager shall promptly pay into the Treasury all collections of money.

18. Permanent advance :-

The manager shall be given a permanent advance to be fixed in each case by the Court of Wards.

19. Expenditure to be drawn from the treasury :-

All sums required for expenditure shall be drawn from the Treasury cheques.

20. Records and Documents to be made over to the land-holder :-

Where the Court of Wards withdraws its superintendence from the property of a Government ward, the following records and documents shall ordinarily, and subject to the provisions of rules 21 and 22, be made over to the land-holder, namely

- (1) Correspondence between the Court of Wards and the vendor regarding any purchase of property made on behalf of the estate, together with all documents affecting the purchase.
- (2) Correspondence between the Collector and the purchaser regarding the sale of any property belonging to the estate, together with all documents affecting the sale.
- (3) Correspondence between the Court of Wards and any persons who have any claims against or are indebted to the estate regarding such claims and all documents appertaining thereto.
- (4) Correspondence between the Court of Wards and lessees regarding leases granted by the Court of Wards.
- (5) Papers connected with proceedings in civil, revenue or criminal Courts relating to the person or property of a Government ward.
- (6) Pattas and all other documents entered into between the Court of Wards and farmers of forest or other revenue; and counterparts received from them.
- (7) Such statement of accounts as may suffice to show clearly the financial position of the estate at the time of its release from management.
- (8) Bonds and other documents securing repayment of money to the estate.

21. Directions of the Court of wards in case of certain records and documents. :-

The Court of Wards may, in its discretion, direct that any of the

records and documents referred to in rule 20 shall not be made over to the land-holder, and may in its discretion, on the application of the land-holder, direct that any records or documents not referred to in rule 20 shall be made over to the land-holder.

22. Records or documents not be made over without the express sanction of the Court of wards :-

Without the express sanction of the Court of Wards none of the following records or documents shall be made over to the land-holder, namely

- (i) Correspondence between the Court of Wards or manager and any superior authority and reports made by the Court of Wards or manager.
- (ii) Correspondence with and opinions of the Remembrancer of Legal Affairs or Government Pleader and copies of such correspondence or opinions.
- (iii) Correspondence reflecting in any way on the conduct of the Government servants or employees of the Court of Wards.
- (iv) Correspondence relating to the allowances made to or claims preferred by members of the family of the land-holder.

23. Delegation of powers by the Court of wards :-

The Court of Wards may from time to time delegate all or any of its powers to the Collector of any district in which any part of the property of a Government ward is situated, and may at any time revoke such delegation : Provided that the following powers shall not be delegated without the special sanction of the State Government, namely

- (i) the power to expend any sum or incur any liability exceeding Rs. 5,000 in amount or value;
- (ii) the power to compromise any claim exceeding Rs. 5,000 in value;
- (iii) the power to raise a loan of an amount exceeding Rs. 1,000;
- (iv) the power generally to revise tenant's rents;
- (v) the power to remove a manager in receipt of a salary of or exceeding Rs. 50 per mensem ;
- (vi) the power to sanction a budget for an estate yielding a gross

income or exceeding Rs. 20,000 per annum ;

(vii) the power to sanction expenditure which has not been provided for in a budget and which cannot be provided for by re-appropriation ;

(viii) the power to prescribe under rule 14 (8) forms of accounts to be kept by managers ;

(ix) the power to give sanction to making over to a land-holder records which may not be made over under rule 20 or records which under rule 22 may not without the express sanction of the Court of Wards be made over, and to refuse to make over any records referred to in rule 20;

(x) the power to write off irrecoverable amounts exceeding Rs. 100 due to an estate.