

## THE PUNJAB COURT OF WARDS RULES, 1904

(Published in Financial Commissioner Punjab Notification No. 55 dated 12<sup>th</sup> March 1904 published in the Punjab Gazette, Part-III, dated 17<sup>th</sup> March 1904, as amended)

In exercise of the powers conferred by Section 54 of the Punjab Court of Wards Act (II of 1903), the Financial Commissioner of the Punjab as Court of Wards for the Punjab with previous sanction of the Local Government is pleased to make the following rules:

- (i) As soon as practicable after the issue of a notification assuming the superintendence of the person or property of any person under any of the provisions of the Act, the Deputy Commissioner of the District specified in the that Notification shall draw out a scheme providing for the management of the property, and, where necessary, for the guardianship and education of the Ward or Wards.
- (ii) The scheme shall be submitted to the Commissioner of the Division who shall forward it, with his recommendation, to the Court of Wards, who shall pass such orders on it as it thinks fit.
- (iii) In all cases in which the Court of Wards has assumed superintendence of the person of a minor or of a person adjudged by a competent Court to be of unsound mind and incapable of managing his or her affairs, a guardian of the person shall be appointed. Provided that no guardian of the person shall be appointed in the case of married female.
- (iv) When a Ward is an adult female of sound mind and is competent to receive and disburse the amount fixed for her maintenance, no guardian of her person need be appointed; the guardian of a female Ward shall always be a female.
- (v) The Manager of the property, if eligible under the Act and rules for the time being in force, may also be appointed guardian of the person of a Ward.
- (vi) When the guardian is not also Manger of the property, he shall unless the Court of Wards otherwise directs, have charge of the premises in which the Ward is to reside and of all moveable property requisite for his use; and the Manager shall pay to him the amount fixed for the maintenance of the Ward, the member of his family an his personal attendants.
- (vii) All male minor Wards, when of an age for instruction, shall receive education in accordance with any general or special instructions which may be issued by the Court of Wards in this behalf.
- <sup>1</sup>[(viii) \* \* \* \* \*]
- (ix) The Manager of the property of a Ward shall, unless he be a Government servant managing an estate in addition to his ordinary duties, or in charge of several separate estates, reside on or near the estate of which he is Manager. The leave of officials who are on Foreign Service with the Court of Wards shall be governed strictly by the Civil Service Regulations.
- (x) The assets of an estate shall be applied in the following order:-
  - 1<sup>st</sup>.- Current Land Revenue, taxes, cesses or other Government revenue.
  - 2<sup>nd</sup>.- Arrears of ditto.

<sup>1</sup> Cancelled through Financial Commissioner Punjab Notification No. 254 published in the Punjab Gazette, Part-III, dated December 4, 1908

3<sup>rd</sup>.- Maintenance and (in the case of a <sup>2</sup>[\*\*\*] minor Ward <sup>3</sup>[whose person is under the superintendence of the Court of Wards]) education of the Ward, maintenance <sup>4</sup>[Education] or remuneration of his dependents, expenses of management and expenses incurred in any Government revenue office on account of the estate.

4<sup>th</sup>.- Payment of debts.

5<sup>th</sup>.- Investments.

(xi) No debt shall be paid or investments made except in accordance with the sanctioned scheme of management or of any general or special rules or directions issued by the Court of Wards in this behalf.

(xii) Wards' estates shall not be let in farm without the sanction of the Court of Wards.

<sup>5</sup>[(xiii) \* \* \* \* \*]

(xiv) Inventories of all moveable property in an estate shall be made when the Court of Wards first assumes superintendence and revised from time to time, and shall be signed by the Manager or other person in charge of the estate on behalf of the Court of Wards.

(xv) Title deeds, Government securities, certificates of Guaranteed Railway Stock, all deeds or other documents purporting to convey a title or claim to any valuable security and all valuables not required for the immediate use of the Ward or his estate, shall be deposited in the district treasury under Article 2 (2) of the Civil Account Code, and shall not be deposited in a Private Bank or placed in other custody without the sanction of Government.

(xvi) No suit exceeding Rs. <sup>6</sup>[5,000] in value, as estimated for Court Fee purposes, shall be instituted or defended on behalf of a Ward's estate without the sanction of the Court of Wards and the rules for the conduct of Government suits, as contained in Revenue Circular No. 45, shall, as far as possible, apply to the institution or defence of such suits.

<sup>7</sup>[(xvii) \* \* \* \* \*]

<sup>8</sup>[(xviii) \* \* \* \* \*]

(xix) The notice necessary under Section 26 of the Act shall be published in English and Vernacular in the Government Gazette. It shall be posted up in a conspicuous place outside the Deputy Commissioner's Court, and in each tahsil office in the District, and a copy forwarded to the District Judge for similar publication. It may further be published in any English or Vernacular Newspaper that the issuing officer thinks fit and may also be posted up in all or any of the villages in which any part of the Ward's property is situated. The notice shall be in the following form:-

Notice under Section 26 of the Punjab Court of Wards Act II of 1903.

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<sup>2</sup> The word "male" deleted through Financial Commissioner Punjab Notification No. 106, dated 19 June, 1916 published in the Punjab Gazette, Part-III, dated June 23, 1916.

<sup>3</sup> Added through Financial Commissioner Punjab Notification No. 7, dated 6<sup>th</sup> January, 1915 published in the Punjab Gazette, Part-III, dated January 8, 1915

<sup>4</sup> Inserted through Financial Commissioner Punjab Notification No. 106, dated 19 June 1916 published in the Punjab Gazette Part-III, June 23, 1916

<sup>5</sup> Cancelled through Financial Commissioner Punjab Notification No. 254 published in the Punjab Gazette, Part-III dated December 4, 1908

<sup>6</sup> Substituted for "500" through Financial Commissioner Punjab Notification No. 254 published in the Punjab Gazette Part-III dated December 4, 1908

<sup>7</sup> Cancelled through Financial Commissioner Punjab Notification No. 254 published in the Punjab Gazette, Part-III, dated December 4, 1908

<sup>8</sup> Ibid.

Whereas, by Notification No. \_\_\_\_\_ dated \_\_\_\_\_ and published in the Punjab Government Gazette of the \_\_\_\_\_, 19, it was notified that the Court of Wards had assumed superintendence of the person and property of \_\_\_\_\_, \*[son of ]\* of \_\_\_\_\_ in the District of \_\_\_\_\_,

Only to be used when a Deputy Commissioner other than the Deputy Commissioner specified in the order of assumption is appointed by the Court of Wards under Section 26 (1)

And whereas the undersigned, being Deputy Commissioner of the District, has been duly appointed by the Court of Wards under Section 26(1) of the Punjab Court of Wards Act (II of 1903) in this behalf.

Only to be used when the notice is given not by the Deputy Commissioner of the District specified in the order of assumption, but by a person invested by the Local Government under Section 34 with the powers of a Deputy Commissioner for the purposes of Chapter VI and has thereafter been appointed by the Court of Wards under Section 26 (1)

And whereas the under signed has been invested by the Local Government under Section 34 of the Punjab Court of Wards Act (II of 1903) with the powers of a Deputy Commissioner for the purposes of Chapter VI of the said Act and has been appointed by the Court of Wards in this behalf under Section 26(1) of the said Act

Notice is hereby given, under Section 26 of the Punjab Court of Wards Act (II of 1903), that all persons having claims, including decrees, against the said \_\_\_\_\_ or his property are required to notify the same in writing to the undersigned together with the particulars required by Section 27 of the said Act within six months from the date of published of this notice in the Gazette.

**Signed**

**Dated**

N.B.- The attention of all persons having claims against the Ward or against his property is hereby directed to the provisions of Chapter VI of the Punjab Court of Wars Act (II of 1903).

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\* To be altered according to circumstances, if the Ward is a female.