

CHAPTER 2

Guardians and Wards

Part A GENERAL

1. Sub-Judges empowered to try cases under the Act—Under Section 4A(1) of the Guardians and Wards Act, 1890, as amended by Act IV of 1926, the High Court may, by general or special order, empower any officer exercising original Civil Jurisdiction subordinate to a District Court, or authorise the Judge of any District Court to empower any such officer subordinate to him, to dispose of any proceedings under this Act transferred to such officer under the provisions of this section. The Hon'ble Judges have decided that with a few exceptions all the work under the Guardians and Wards Act should be entrusted to a Special 1 Class Sub-Judge in each district.

2. Minors interest is the main consideration in appointing guardians—In appointing guardians, Courts should work on the principle that the interest of the minor is the main consideration (Section 7). Very often it will be found that an application for the appointment of a guardian has been made in the interest not of the minor but of the applicant, especially when the application is for the guardianship of an unmarried girl.

3. Discretion of Court in appointing a guardian and issuing notices of application—It does not follow that because an application is made for the appointment of a guardian, one must necessarily be appointed. Every application for guardianship should be laid at once before the Judge, who should only issue notice if he is satisfied after examination of the applicant (except when the applicant is the Collector) that there is ground for proceedings on the application under Section 11 of the Act, and even then, he should exercise a careful discretion as the persons to whom notice should be issued [Section 11(1)(a)(iv)]. It should also be noted that in certain cases a guardian cannot be appointed under the Act (Section 19).

In appointing a guardian the Court shall be guided by the provisions of Section 17.

4. Reasons for rejecting an application *in limine* should be recorded—If any application is rejected *in limine* the Court must give its reasons for rejection as an appeal lies under Section 47(a) of the Act.

5. No need to appoint a guardian of a deceased military servant for purposes of pension—Court should not appoint a guardian, under the Guardians and Wards Act, merely in order to

enable the heir of a man who has died in military service to draw a pension. A certificate signed by a Revenue Officer of or above the rank of a Naib-Tahsildar is accepted as sufficient authority for the payment of such pensions to *de facto* guardians.

6. Petty cases, proceedings should terminate appointment of guardian—By Rule 8 of the rules framed under the Guardians and Wards Act, 1890, accounts are required (*vide* Part B of this Chapter) from guardians only when the annual income of the estate is likely to exceed Rs. 500 and in other cases only if the Court thinks fit to order. Having regard to the petty sums involved in the vast majority of cases, it should be the rule and not the exception that the latter class of proceeding should terminate with the appointment of the guardian. Continuous control is desirable only in the case of large properties.

7. Forms of Bank account for current expenses—Attention is drawn to Rule 13 of the rules framed under the Guardians and Wards Act, 1890 (*vide* Part B of this Chapter). With respect to money required for the current expenses of the estate and of the ward's maintenance, which is not to be invested, that rule lays down no restriction as to the form of account, *i. e.*, current account, saving account or fixed deposit account in which it may be placed. Such money should be placed in such form of Bank account as will be to the best interest of the minor.

8. Restrictions regarding withdrawal from Bank account—When permitting the opening of an account in a Bank, the Court may direct that no withdrawal should be made by the guardian from the account except under the orders of the Court. If such restrictions are imposed on the powers of a guardian, they should be embodied in the guardianship certificate; or if a separate order to this effect is recorded, an attested copy of it should be forwarded to the Bank for registration alongwith an attested copy of the guardianship certificate. The Court should see in particular that the amounts kept in the Bank are no larger than are sufficient for current expenses and that all surplus money is invested in accordance with Rule 13 of the rules framed under the Guardians and Wards Act, 1890, (*vide* Part B of this Chapter).

9. Cases in which money for current expenses are to be deposited in treasury—In case falling under Rule 14, money required for current expenses must be deposited in the treasury and the surplus money invested in Government Promissory Notes as laid down therein.

10. Pass books etc. to be kept by guardian—All pass books, Government Promissory Notes and Post Office Cash Certificates relating to Accounts of minors should be kept by their guardians and inspected by the Court at least once a year.

Part B RULES

Rules made by the High Court with the approval of the State Government under the power conferred by Section 50 Sub-section (1), clause (j), of the Guardians and Wards Act, 1890, for the guidance of Court in carrying out the purposes of the Act).

1. Application for appointment of a guardian shall be in Form A—Applications for the appointment of a guardian of the person or property, or both, of a minor under Section 10 of the Act shall, subject to such variation as the circumstances of each case may require, be in Form A annexed to these rules.

2. Notice required by Section 11 shall be in Form B—The notice required by Section 11 of the Act shall be in Form B annexed to these rules.

3. Form and time for filing statement of property and debts. Further statements when to be put in—The statement showing the property and the debts of a ward, as required by clause (b) of Section 34 of the Act, shall be in Form C annexed to these rules.

Only one such statement shall ordinarily be exhibited by the guardian, on or before such date, subsequent to the assumption of guardianship, as the Court may fix, unless for any special reason, to be recorded in writing the Court shall subsequently think it necessary to call for another statement or statements. The guardian shall, however, inform the Court of any subsequent accrual of property to the minor, *e. g.*, by inheritance, etc., and submit any statement with respect to it that may be called for. The Court shall carefully examine the statements, submitted under this rule and pass any further orders that may appear necessary for the proper management of the property.

4. Guardian Certificate points to be noted thereon—When a guardian is appointed under the Act, he should be furnished with a certificate of guardianship, in Form F, and his attention should be drawn in particular to the provisions of Sections 26, 27, 28, 29, 32, 33, 35, 36, 39, 44 and 45 of the Act which shall be printed in full on the back of the said certificate. The certificate shall also state any special restrictions imposed by the Court on the powers of the guardian at the time of his appointment.

5. Bonds required from guardian—their forms and amount—Except in cases in which, for reasons to be recorded in writing, the Court directs otherwise, every guardian of property appointed by the Court (other than the Collector of the District) shall be required to execute a bond, with or without a surety or sureties as the Court may think fit to direct, in a sum not less than the total estimated value of the said certificate. The certificate shall also state any special restrictions. Bonds shall be in Form D annexed to these rules with such variations or modifications as will suit the circumstances of each case.

6. Time to be fixed for filing bonds. Allowance of Guardians and other orders—Orders in respect of (a) the execution, or otherwise, of such bond, and (b) the amount, if any, of the allowance to be paid to the guardian, shall be made by the Court at the time of appointing the guardian, when a bond is required the Court shall fix the time within which such bond is to be furnished and the order of appointment shall be made conditional on furnishing the bond.

7. Entry of application in register No. 2. Cases in which periodical accounts are to be put into be entered in Register E—(i) Every application for appointment of a guardian shall be entered in Civil Miscellaneous Register No. 2.

(ii) Every case, in which a guardian of property is appointed and the guardian is directed to file accounts periodically, shall be entered in register No. XXVI (Form E) and the particulars prescribed therein shall be entered from time to time as soon as orders are passed by the Court, or the particulars are available. Cases should be entered in this register chronologically and an alphabetical index thereof given in the beginning of the register.

8. Accounts should be scrutinized once a year in cases of large income—When the annual income of the ward's estate appears likely to exceed Rs. 500, and in other cases if the Court thinks fit to so order, the guardian should be directed to submit to the Court once a year and on a fixed date an account of the income and expenditure of the estate together with a list of the property, movable or immovable, sold or purchased, and of the amounts due to and from the ward.

Such account shall be scrutinised by the Judge, who should certify that he had done so and should record such remarks thereon as may be necessary.

9. Such cases to be treated as pending—minor to be produced before Court in such cases—When a guardian is required to submit yearly accounts to the Court, the case should, until the ward concerned attains his majority, be treated as pending and the ward should be produced before the Court on the dates on which returns have to be furnished by the guardian, such dates to be reckoned as dates of hearing and entered as such in the cause book of the Court.

10. Notice of application under Sections 28 and 29 to be given to persons affected by it—When an application is made by a guardian for any of the purposes referred to in Sections 28 and 29 of the Act, the Court should, before disposing of it, cause notice thereof to be given to such persons, whether relatives of the ward or otherwise connected with him, as the Court may consider to be affected by the application.

11. Annual Inspection of Wards by Courts—In the absence of sufficient reason to the contrary, all male wards should be produced before the Court once a year, and the Court should, so far as is possible, examine their physical, intellectual and moral conditions, and ask them whether they have any remarks to make on the subject of the management of their estates. To facilitate this arrangement the Court should maintain a list of all such wards.

12. Inspection of statements and accounts filed by the guardian—All statements and accounts submitted by a guardian should be kept with the records of the case to which they relate; and may, with the permission of the Court, be inspected by any person legitimately interested in the same, on payment of the ordinary inspection fee. Such statement and accounts and relevant extracts from Audit Notes and objections together with annotated copies of the same and relevant correspondence on the subject, should be kept on part 'A' of the records.

13. Opening of accounts in approved banks in the name of minors for current expenses. Investment of surplus money in Government securities—Where the Court deems necessary to direct the guardian to open an account in a bank, the account shall be in the name of the minor through his guardian in the Post Office Savings Bank, or in the State Bank of India, or in any other bank approved by the High Court. If after payment of the current expenses of the estate and

of the ward's maintenance, there should be any balance, such balance should be invested by the guardian in Government Promissory Notes, Post Office Cash Certificates, or in any other securities mentioned in clauses (a) (b), (c) and (d) of Section 20 of the Indian Trusts Act.

Note 1—A list of banks approved by the High Court is supplied to subordinate Courts and additions and alterations made therein are communicated from time to time.

Note 2—In order to enable a bank to open an account in the name of a minor through his guardian, an attested copy of the guardianship certificate should be supplied to it for registration.

14. (i) In cases in which the ward's estate is under the management of Government, in the person of the District Judge, the Collector or other Government officer, surplus moneys may be invested in Government Promissory Notes, purchased through and held in the safe custody of the Reserve Bank of India, in accordance with the procedure laid down in paragraph 110(b) and note 1 to paragraph 101 of Chapter IX of the Government Securities Manual 3rd edition. The income of the estate required for current expenses of the management of the estate, the maintenance, and education of the ward, should be deposited in the treasury.

(ii) The deposit of money in a private bank in the name of the District Judge or other Government Officer, as a guardian of a ward's estate, is prohibited,—*Vide* Rule 7 *et seq.* Section V of the Treasury Rules (Punjab).

15. Court may pass order for proper education of the ward in certain cases—When it appears to the Court, at the annual inspection of the ward or otherwise, that orders are required as to the education of the ward, the Court should pass such orders as appear to suit the case, regard being had to the present position and future prospects of the ward's family and the intellectual capabilities of the ward himself.

16. Management of Ward's estates to be noted in annual report—The management of ward's estates should be specially noted in the Annual Civil Report submitted by each District Judge and detailed mention should be made of the main facts relating to the more important estates.

FORM A									
[In the Court of] <i>In the matter of guardianship of son of caste resident of</i>									
1	2	3	4	5	6	7	8	9	

FORM A

[In the Court of] *In the matter of guardianship of son of caste resident of*

<p>The name, sex, religion, date of birth, and ordinary residence of the minor</p>	<p>Where the minor is a female, whether she is married, and, if so, the name</p>	<p>The nature, situation, and approximate value of the property, if any, of the minor. (For details see schedule on reverse</p>	<p>The name and residence of the person having the custody or possession of the</p>	<p>What near relations the minor has, and where they reside</p>	<p>Where a guardian of the person or property or both of the minor, has been appointed by any person entitled or claiming to be entitled by the law to which the minor is subject to make such an appointment</p>	<p>Whether an application has at any time been made to the Court to any other Court, with respect to the guardianship of the person or property, or both, of the minor and if so, when to what Court and with what</p>	<p>Whether the application is for the appointment or declaration of a guardian of the person or of his property, or</p>	<p>Where the application is to appoint a guardian, the qualification of the proposed guardian</p>	<p>Wh app is to dec per be gua the gro on tha clai</p>
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FORM A

[In the Court of] *In the matter of guardianship of son of caste resident of*

Signature of petitioner or of a person duly authorized by him in this behalf.

*The above particulars are true to the
except as to matters stated on information
he believes them to be true.*

1. The guardian proposed in the above application, do hereby declare that I am willing to act as such.

Attested by (i) *Signature of the person verifying*

(ii) *Signature of the proposed guardian*

SCHEDULE TO FORM A

1	2	3
Details of property belonging to ward	Value	Name of persons in present possession of the property mentioned in column 1
(1)		(1)
(2)		(2)
(3)		(3)
(c)		& c

FORM B

Form of Notice under Section 11 of Act VIII of 1890

In the Court of District Judge at

Present

Case No of 19

Petitioner.

Inhabitant of.

Application for the¹ of a guardian to the² of

..... a minor inhabitant of.

Whereas the petitioner above-named has applied to the³ the guardian of the²
..... of the aforesaid minor, and the day of 19 has been fixed
for the hearing of the application; notice is hereby given to⁴ that if any other relative, friend, kinsman or
well-wisher of the aforesaid minor desire to be appointed or declared as guardian of the²
. of the said minor, or desire to oppose the application of the petitioner aforesaid, he should appear personally in the
Court on the aforesaid date, and adduce any documentary and oral evidence in support of his claim to such
appointment or declaration, or in support of his opposition to the application of the petitioner aforesaid.

Given under my hand and the seal of this Court, this day of 19

FORM C

A—Statement under Section 34 showing particulars in regard to immovable and movable property belonging to minor, taken over by appointed as guardian under order of the Court, dated 19

Immovable Property							Mo	
Serial No.	Land building or vacant side	Particulars ¹	How occupied ²	Known or supposed value ³	Profit or rent realizable	Period for which realizable	Household goods or other property. Supposed value ¹	Jewels, gold and silver
1	2	3	4	5	6	7	8	9

1. Here state whether land is nahri, chai or barani, proprietary or occupancy, and as to building whether kacha or pacca, one-storeyed or double-storeyed, etc.

2. Here state whether cultivated through servants or relatives, or let on rent, or cultivated by tenants, and in case of building whether occupied by minor or family let on rent, or hire etc.

3. This will assist the Court in determining the amount of security to be taken from the guardian.

FORM D
Form of Bond under Section 34 of Act VIII of 1890

Know all men by these presents that I¹ of² of in the² District am held and firmly bound to³ the District Judge of his successors in this office or his or their assigns in the sum of rupees. to be paid to the said³ District Judge, to his successors in this office or to his or their in the sum of rupees. to be paid to the said³ District Judge, to his successors in this office or to his assigns and we⁴ of⁴ in the⁴ District and⁴ District are jointly and severally held and firmly bound to the said³ or his successors in office or his or their assigns in the sum of Rupees to be paid to the said³ or his successors in office or his or their assigns for the payment of which said sum of Rupees. to be faithfully and truly made. I the above bounden¹ bind myself and my heirs, executors, administrators and representatives and for the payment of the said sum of rupees we the above-bounden⁵ and bind ourselves and each of us jointly and severally and one each of our heirs, executors, administrators and representatives firmly by these parents signed by ourselves and sealed with our respective seals this. day of 19

Whereas by an order of the Court of the District Judge of made on the day of 19 under Section 7 of the Guardians of Wards Act (VIII of 1890) the above-named¹ has subject of his entering into a

bond in rupees with⁶ sureties in been

appointed guardian of the property movably and immovably of⁷ minor son of⁷ and whereas the said¹ has agreed to enter into the above-written bond and the said⁵ and have agreed to enter into the above-written bond as sureties for the said¹ Now the condition of the above-written bond is such that if the said¹ do and shall justly and truly account whenever called upon to do so for what he may receive in respect of the property of the said⁸ and shall carefully observe, perform and obey all orders and directions of the said Court of the District Judge of touching of concerning the estate and effects of the said minor and his property and touching and concerning all such money and estates as he said² shall receive as such guardian as aforesaid and in things conduct himself properly, then the above-written bond or obligation shall be void and of no effect otherwise the same shall remain in full force and virtue.

Signed and sealed by the above-named.

..... Seal

..... Names of

..... Guardian and sureties

In the presence of seal

..... seal

FORM E

Statement Relating to the Property of Minor of Annual Income and Expenditure

Part I—Statement Relating to Property

Serial No. (with corresponding No. of Miscellaneous Register II) ²	Name and description of minor ²	Date of birth	Name and description of the guardian of person with date of appointment ³	Name and description of the guardian of property with date of appointment	Date and amount of security bond (if any) taken from guardian	Date fixed for filing of accounts every year	Brief Description of the property of the minor with its estimated value	
							Immovable property	
1	2	3	4	5	6	7	8	

Part II—Statement of Accounts and Abstract of Important Orders

Accounts				Abstract of other Important orders, e.g., Relating to the Person or	
Year	Date of filing accounts	Brief statement of income, expenditure and balance	Remarks of the Judge after examination of the accounts	Date of order	

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FORM F

A.—Form of Appointment under Section 7 of Act No. VIII of 1890

(Guardians and Wards Act)

Whereas this Court has, under the provisions of Section 7 of Act No. VIII of 1890, been pleased to appoint you, . . . (or to declare you to be) guardian of (*the property or the person and property*) of during the person of his minority, to wit till the day of the month of.19. . . . , subject to the provisions contained in the Act and the rules framed thereunder and particularly those provisions contained in Sections 26, 27, 28, 29, 32, 33, 35, 36, 39, 44 and 45 of the Act aforesaid (which are printed on the back of this certificate) you are hereby authorised to take charge of the property of the minor in trust, to collect and pay all just debts, claims and liabilities due to or by the estate of the minor, to institute or defend suits connected with that estate and generally to do and perform all acts which may be necessary to the due discharge the trust vested in you, provided always that you shall not mortgage, or charge or transfer by sale, gift, exchange or otherwise, any part of the immovable property of your ward, or lease any part of that property for a term exceeding five years, or for any term extending more than one year beyond the date on which your ward will cease to be a minor, without the express sanction of this Court previously obtained; and that you shall keep regular accounts of your receipts and disbursements, with all vouchers and other documents necessary to establish their correctness, and shall carry out all orders issued to you by this Court under the aforesaid Act.

Given under my hand and the seal of the Court this day of

19.

Extracts from the Guardians and Wards Act

26. Removal of the ward from jurisdiction—(1) A guardian of the person appointed or declared by the Court, unless he is the Collector or is a guardian appointed by will or other instrument, shall not without the leave of the Court by which he was appointed or declared, remove the ward from the limits of its jurisdiction except for such purposes as may be prescribed.

(2) The leave granted by the Court under sub-section (1) may be special or general, and may be defined by the order granting it.

27. Duties of guardian of property—A guardian of the property of a ward is bound to deal therewith as carefully as a man of ordinary prudence would deal with it if it were his own, and, subject to the provisions of this chapter, he may do all acts which are reasonable and proper for the realisation, protection or benefit of the property.

28. Powers of testamentary guardian—Where a guardian has been appointed by will or other instrument, his power to mortgage or charge, or transfer by sale, gift, exchange or otherwise, immovable property belonging to his ward, is subject to any restriction which may be imposed by the instrument, unless he has under this Act been declared guardian and the Court which made the declaration permits him by an order in writing, notwithstanding the restriction, to dispose of any immovable property specified in the order in a manner permitted by the order.

29. Limitation of powers of guardian of property appointed or declared by the Court—

Where a person other than a guardian appointed by will or other instrument, has been appointed or declared by the Court to be guardian of the property of a ward, he shall not, without the previous permission of the Court,—

(a) Mortgage or charge, or transfer by sale, gift, exchange or otherwise, any part of the immovable property of his ward, or

(b) Lease any part of that property for a term exceeding five years or for any term exceeding more than one year beyond the date on which the ward will cease to be a minor.

32. Variation of power of guardian of property appointed or declared by the Court—Where a guardian of the property of a ward has been appointed or declared by the Court, and such guardian is not the Collector, the Court may from time to time, by order define, restrict, or extend his powers with respect to the property of the ward, in such manner and to such extent as it may consider to be for the advantage of the ward and consistent with the law to which the ward is subject.

33. Right of guardian so appointed or declared to apply to the Court for opinion in management of property of ward—(1) A guardian appointed or declared by the Court may apply by petition to the Court which appointed or declared him, for its opinion, advice, or direction on any present question respecting the management or administration of the property of his ward.

(2) If the Court considers the question to be proper for summary disposal, it shall cause a copy of the petition to be served on, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

(3) The guardian stating in good faith the facts in the petition, and acting upon the opinion, advice or direction given by the Court, shall be deemed, so far as regards his own responsibility, to have performed his duty as guardian in the subject-matter of the application.

35. Suit against guardian where administration bond was taken—Where a guardian appointed or declared by the Court has given a bond duly to account for what he may receive in respect of the property of his ward, the Court may, on application made by petition and on being satisfied that the engagement of the bond has not been kept, and upon such terms as to security, or providing that any money received be paid into the Court or otherwise as the Court thinks fit, assign the bond to some proper person, who shall thereupon be entitled to sue on the bond in his own name as if the bond had been originally given to him instead of the Judge of the Court, and shall be entitled to recover thereon, as trustee for the ward, in respect of any breach thereof.

36. Suit against guardian where administration bond was not taken—(1) Where a guardian appointed or declared by the Court has not given a bond as aforesaid, any person, with the leave of the Court, may, as next friend, at any time during the continuance of the minority of the ward, and upon such terms as aforesaid, institute a suit against the guardian, or, in case of his death, against the representative, for an account of what the guardian has received in respect of the

property of the ward, and may recover in the suit, as trustee for the ward, such amount as may be found to be payable by the guardian or his representative, as the case may be.

(2) The provisions of sub-section (1) shall, so far as they relate to a suit against a guardian, be subject to the provisions of Section 440 of the Code of Civil Procedure as amended by this Act.

39. Removal of guardian—The Court may, on the application of any person interested, or of its own motion, remove a guardian appointed or declared by the Court, or a guardian appointed by will or other instrument, for any of the following causes namely—

- (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 this Act or of any order of the Court;
- (f) for conviction of an offence implying, in the opinion of the Court, 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;
- (i) in the case of a guardian of the property, for bankruptcy or insolvency;
- (j) by reason of the guardianship of the guardian ceasing, or being liable to cease, under the law to which the minor is subject;

Provided that a guardian appointed by will or other instrument, whether he has been declared under this Act or not, shall not be removed—

- (a) for the cause mentioned in (g), unless the adverse interest accrued after the death of the person who appointed him or it is shown that person made and maintained the appointment in ignorance of the existence of the adverse interest; or
- (b) for the cause mentioned in clause (h), unless such guardian has taken up such a residence as, in the opinion of the Court, renders in impracticable for him to discharge the functions of guardian.

44. Penalty for removal of ward from jurisdiction—If, for the purpose or with the effect of preventing the Court from exercising its authority with respect to a ward, a guardian appointed or declared by the Court removes the ward from the limits of the jurisdiction of the Court, in

contravention of the provisions of Section 26, he shall be liable, by order of the Court, to fine not exceeding one thousand rupees, or to imprisonment in the civil jail for a term which may extend to six months.

45. Penalty for contumacy—(1) In the following cases, namely,—

(a) if a person having the custody of a minor fails to produce him or cause him to be produced in compliance with a direction under Section 12, sub-section (1), or to do his utmost to compel the minor return to the custody of his guardian in obedience to an order under Section 25, sub-section (1); or

(b) if a guardian appointed or declared by the Court fails to deliver to the Court, within the time allowed by or under clause (b) of Section 34, a statement required under that clause, or to exhibit accounts in compliance with the requisition under clause (c) of that section, or to pay into the Court the balance due from him on those accounts in compliance with a requisition under clause (d) of that section; or

(c) if a person who has ceased to be a guardian, or the representative of such a person, fails to deliver any property or accounts in compliance with a requisition under Section 41, sub-section (3), the person, guardian or representative, as the case may be, shall be liable, by order of the Court, to fine not exceeding one hundred rupees, and in case of recusancy to further fine not exceeding ten rupees, for each day after the first during which the default continues, and not exceeding five hundred rupees in the aggregate, and to detention in the civil jail until he undertakes to produce the minor or cause him to be produced, or to compel his return, or to deliver the statement, or to exhibit the accounts, or to pay the balance, or to deliver the property or accounts, as the case may be.

(2) If a person who has been released from detention. on giving an undertaking under sub-section (1) fails to carry out the undertaking within the time allowed by the Court, the Court may cause him to be arrested and recommitted to the civil jail.

B.—Certificate of Administration under Act VIII of 1890

I., Judge of the District, do hereby make known that on the, day of. 19., a certificate of administration of the property of. (*Place*) a minor subject to the jurisdiction of this Court under Act VIII of 1890, was granted by me to of (*Place*) he having undertaken to administer the same on behalf of the above-named.

2. I do further make known that the said has been appointed guardian, under Act VIII of 1890, of the person of the above-named minor.

Given under my hand and the seal of the Court, this day of 19

Judge of the. District.

Note—The holder of this certificate is empowered, Act VIII of 1890, to exercise the same power in the management of the estate as might have been exercised by the proprietor if not a minor and may collect and pay all just claims, debts or liabilities due to or by the estates : but he has not power to sell or mortgage any immovable property, or to grant a lease thereof for any period exceeding five years without an order of the Court previously obtained.

Clause 2 of the certificate will be omitted unless the Court sees fit to appoint some person to be administrator of estate and guardian of the minor.

Part C RULES

(Rules made by the High Court with the approval of the State Government, under the powers conferred by Section 50, sub-section (i) clause (ff) of the Guardian and Wards Act, 1890, regarding the levy of fee for the audit of Guardians and Wards Accounts).

(1) In order to meet the cost of audit of the guardians and minor accounts by Government, the Court shall require the guardian to credit one per cent of the estate's income into the treasury under the head "XLVI—Miscellaneous—Provincial fees for Government Audit". The audit fee thus credited and supported by the treasury challan shall be incorporated in the account of the estate concerned submitted to the Court annually by the guardian under Rule 8 of Chapter 2B, High Court Rules and Orders, Volume II. The Court will not pass accounts unless it is satisfied that requisite audit fee has been duly credited into the treasury.

(2) The guardianship Judge is authorised to waive recovery of audit fee up to a limit of Rs. 10 in each case, if he is satisfied that it cannot conveniently be recovered or that the cost of its recovery is likely to exceed the amount to be recovered. All cases of non-recovery of audit fee exceeding Rs. 10 must be reported to the Court.

These rules were enforced with effect from the 1st April 1944.

(High Court Notification No. 66. R/XV-B-8, dated the 20th April 1945).

Note—The rules contained in this part do not apply to Delhi State Fees for the audit of the guardians and minors accounts in Delhi are charged according to the daily rates fixed by the Government of India for the audit of non-Government funds.

(Chief Commissioner, Delhi's Letter No. 4(23)-A/45 General, dated the 13th July, 1945).

1. Appointment of declaration as the case may be.

2. State whether to the person or the property of the minor, or to both.

3. Appointed or declared.

4. Name of person in case of notice under clause (a) of section 11 of the public in case of general notice under clause(b).

5. Whether registered or mortgaged bond or deed or book account etc.

6. Name of guardian. 5. Names of sureties.

2. Parentage etc. and the residence of the guardian. 6. Number of sureties.

3. Name of District Judge. 7. Name of and parentage of minor.

4. Name Parentage, etc. and residence of sureties. 8. Name of minor.

7. Corresponding number of the case in the Miscellaneous Register should be given in red ink.

8. Give father's name, case and residence.