

ORISSA ACT XIV OF 1946

THE CENTRAL PROVINCES COURT OF WARDS
(ORISSA AMENDMENT) ACT, 1946

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AN ACT TO AMEND THE CENTRAL PROVINCES COURT OF WARD
ACT, 1899, IN ITS APPLICATION TO THE DISTRICT OF
SAMBALPUR IN THE PROVINCE OF ORISSA

WHEREAS it is expedient to amend the Central Provinces
Court of Wards Act, 1899, in its application to the district
of Sambalpur in the Province of Orissa for the purposes
hereinafter appearing ; ^{Act XXIV}
of 1899.

It is hereby enacted as follows :—

Short title
extent and
commence-
ment.

1. (1) This act may be called the Central Province
Court of Wards (Orissa Amendment) Act, 1946. ^s

(2) It extends to the whole of the district of Sambalpur

(3) It shall come into force at once

Substitution
of new
section for
section 5,
Act XXIV
of 1899.

2. For section 5 of the Central Provinces Court of
Wards Act, 1899 (hereinafter referred to as the said Act), ^{Act XXIV}
the following section shall be substituted, namely :—
of 1899.

“5.(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 declared by the Provincial 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 ; or

(iii) their being females ; and

(d) persons declared by the Provincial 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 Provincial Government is satisfied—

(a) that the aggregate annual interest payable at the contractual rate on the debts and liabilities due by such persons 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 (d) of sub-section (1) shall be made unless such a person has been furnished with a detailed statement of the grounds on which it is proposed to disqualify him and has been given a reasonable opportunity to be heard and to adduce evidence.

(3) No suit shall be brought in any Civil Court in respect of any declaration made by the Provincial Government under clause (c) or (d) of sub-section (1)".