

## ORISSA ACT XIII OF 194

THE COURT OF WARDS (ORISSA AMENDMENT)  
ACT, 1946

[Received the assent of the Governor on the 30th November  
1946, first published in the Orissa Gazette on the  
6th December 1946]

AN ACT TO AMEND THE COURT OF WARDS ACT, 1879,  
IN ITS APPLICATION TO THE PROVINCE OF ORISSA

WHEREAS it is expedient to amend the Court of Wards Bengal Act  
Act, 1879, in its application to the Province of Orissa IX of 1879.  
for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Court of Ward<sup>s</sup>  
(Orissa Amendment) Act, 1946.

(2) It shall come into force at once.

Amendment  
A section 6,  
Bengal Act  
IX of 1879.

2. In section 6 of the Court of Wards Act, 1879  
(hereinafter referred to as the said Act), the following Bengal Act  
amendments shall be made, namely:— IX of 1879

(1) Section 6 shall be renumbered as sub-section (1  
of the said section and for clause (d) of the said sub-section  
the following clause shall be substituted, namely :—

“(d) persons declared by the Provincial Government to  
be incapable of managing or unfitted to manage their own  
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 having entered upon a course of wasteful  
extravagance, or

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

Provided that no declaration under sub-clauses (iii) and  
(iv) shall be made unless the Provincial Government is  
satisfied—

(i) 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

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

(2) After sub-section (1) the following sub-sections shall be inserted :—

“(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 under sub-section (1)—

(a) by the Court under clause (a), (b) or (e) ;

(b) by the Provincial Government under clause (d).”

Repeal of  
sections 32,  
33 and 34,  
Bengal  
Act IX of  
1879.

3. Sections 32, 33 and 34 of the said Act shall be omitted.

Amendment  
of section  
34-A,  
Bengal  
Act IX of  
1879.

4. In section 34-A of the said Act, the words and figures “section 32 or section 33” shall be omitted.