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Government of His Highness the Maharaja of Mysore.

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THE  
MYSORE REVENUE MANUAL

VOLUME III

MISCELLANEOUS REVENUE  
LAWS AND RULES



BANGALORE:

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THE MYSORE VILLAGE OFFICES  
REGULATION AND RULES  
THEREUNDER.

C. R. M.

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## REGULATION No. V OF 1911.

(Received the assent of His Highness the Maharaja on the 9th day of May 1911.)

### **A Regulation to consolidate and amend the law relating to Guardian and Ward.**

WHEREAS it is expedient to consolidate and amend the law relating to guardian and ward; His Highness the Maharaja is pleased to enact as follows:—

#### CHAPTER I.

##### PRELIMINARY.

1. (1) This Regulation may be called "the Guardians and Wards Regulation, 1911." Title, extent and commencement.
  - (2) It extends to the whole of Mysore; and
  - (3) It shall come into force on the first day of July 1911.
2. (1) On and from that day the enactments mentioned in the schedule shall be repealed to the extent specified in the third column thereof. Repeal.
  - (2) But all proceedings had, certificates granted, allowances assigned, obligations imposed, and applications, appointments, orders and rules made under any of those enactments shall, so far as may be, be deemed to have been respectively had, granted, assigned, imposed and made under this Regulation; and
  - (3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.
3. In this Regulation, unless there is something repugnant in the subject or context, — Definitions.
  - (1) "minor" means a person who has not completed the age of eighteen years or, if he is not domiciled in Mysore, has not attained majority according to the law to which he is subject:
  - (2) "guardian" means a person having the care of the person of a minor or of his property, or of both his person and property:
  - (3) "ward" means a minor for whose person or property, or both, there is a guardian:

*Section 4.*

(4) "District Court" includes a Court invested with the functions of a District Court under the provisions of section 4 of this Regulation and also the Chief Court when exercising original civil jurisdiction, under section 12 of the Mysore Chief Court Regulation :

(5) "The Court" means the District Court having jurisdiction to entertain an application under this Regulation for an order appointing or declaring a person to be a guardian ; and, where a guardian has been appointed or declared in pursuance of any such application, it means the Court which appointed or declared the guardian, or, in any matter relating to the person of the ward, the District Court having jurisdiction in the place where the ward for the time being ordinarily resides :

(6) "Deputy Commissioner" includes any officer whom the Government, by notification in the official Gazette, may, by name or in virtue of his office, appoint to be a Deputy Commissioner in any local area, or with respect to any class of persons, for all or any of the purposes of this Regulation :\*

(7) "prescribed" means prescribed by rules made by the Chief Court under this Regulation.

Investiture of inferior Courts with jurisdiction of District Court for purposes of this Regulation.

4. (1) The Government may, by notification in the official Gazette, invest any Court inferior in grade to a District Court with the functions of a District Court under this Regulation.

(2) Any inferior Court so invested shall, within the local limits of its jurisdiction have concurrent jurisdiction with the District Court in the exercise of all the powers conferred by this Regulation upon the District Court ; and the provisions of this Regulation relating to the District Court shall apply to such an inferior Court as if it were a District Court.

(3) The District Court may withdraw any proceedings under this Regulation from an inferior Court and may either itself dispose of them or transfer them to another such Court established within the local limits of the jurisdiction of the District Court and having authority to dispose of the proceedings, or re-transfer them for trial or disposal to the Court from which they were withdrawn.

(4) A notification under sub-section (1) may specify any inferior Court specially or any class of such Courts in any local area.

(5) Any Civil Court which for any of the purposes of any enactment is subordinate to, or subject to the control of, a District Court shall, for the purposes of this section, be deemed to be a Court inferior in grade to a District Court.

\* Under Section 3, Sub-Section (6) of the Guardian and Wards Regulation, 1911, the Government of His Highness the Maharaja are pleased to direct that Assistant Commissioners in charge of Revenue Sub-Divisions and Amildars of taluks shall perform the functions of a Deputy Commissioner within their respective revenue jurisdictions for purposes of the said Regulation. Govt. Notn. No. J. 55—Cts. 140-14-d, dated 6th July 1916.

Sections 5-8.

CHAPTER II.

APPOINTMENT AND DECLARATION OF GUARDIANS.

5. In the case of a minor, nothing in this Regulation shall be construed to take away or derogate from any power to appoint a guardian of his person or property, or both, which is valid by the law to which the minor is subject.

Saving of certain powers.

6. (1) Where the Court is satisfied that it is for the welfare of a minor that an order should be made—

Power of the Court to make order as to guardianship.

(a) appointing a guardian of his person or property, or both, or,

(b) declaring a person to be such a guardian, the Court may make an order accordingly.

(2) An order under this section shall imply the removal of any guardian who has not been appointed by will or other instrument or appointed or declared by the Court.

(3) Where a guardian has been appointed by will or other instrument or appointed or declared by the Court, an order under this section appointing or declaring another person to be guardian in his stead shall not be made, until the powers of the guardian appointed or declared as aforesaid have ceased under the provisions of this Regulation.

7. An order shall not be made under the last foregoing section except on the application of—

Persons entitled to apply for order.

(a) the person desirous of being, or claiming to be, the guardian of the minor, or

(b) any relative or friend of the minor, or

(c) the Deputy Commissioner of the district or other local area within which the minor ordinarily resides, or in which he has property, or

(d) the Deputy Commissioner having authority with respect to the class to which the minor belongs.

8. (1) If the application is with respect to the guardianship of the person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides.

Court having jurisdiction to entertain application.

(2) If the application is with respect to the guardianship of the property of the minor, it may be made either to the District Court having jurisdiction in the place where the minor ordinarily resides, or to a District Court having jurisdiction in a place where he has property.

(3) If an application with respect to the guardianship of the property of a minor is made to a District Court other than that having jurisdiction in the place where the minor ordinarily resides, the Court may return the application if, in its opinion, the application would be disposed of more justly or conveniently by any other District Court having jurisdiction.

## Sections 9-10.

Form of application.

9. (1) If the application is not made by the Deputy Commissioner, it shall be by petition signed and verified in the manner prescribed by the Code of Civil Procedure for the signing and verification of a plaint, and stating, so far as can be ascertained,—

(a) the name, sex, religion, date of birth and ordinary residence of the minor ;

(b) where the minor is a female, whether she is married, and, if so, the name and age of her husband ;

(c) the nature, situation and approximate value of the property, if any, of the minor ;

(d) the name and residence of the person having the custody or possession of the person or property of the minor ;

(e) what near relations the minor has, and where they reside ;

(f) whether 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 ;

(g) whether an application has at any time been made to the Court or 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 result ;

(h) whether the application is for the appointment or declaration of a guardian of the person of the minor, or of his property, or of both ;

(i) where the application is to appoint a guardian, the qualifications of the proposed guardian ;

(j) where the application is to declare a person to be a guardian, the grounds on which that person claims ;

(k) the causes which led to the making of the application ;

and  
(l) such other particulars, if any, as may be prescribed, or as the nature of the application renders it necessary to state.

(2) If the application is made by the Deputy Commissioner, it shall be by letter addressed to the Court and forwarded by post, or in such other manner as may be found convenient, and shall state as far as possible the particulars mentioned in sub-section (1).

(3) The application must be accompanied by a declaration of the willingness of the proposed guardian to act, and the declaration must be signed by him and attested by at least two witnesses.

10. If the Court is satisfied that there is ground for proceeding on the application, it shall fix a day for the hearing thereof, and cause notice of the application and of the date fixed for the hearing—

(a) to be served in the manner directed in the Code of Civil Procedure on—

(i) the parents of the minor, if they are residing in Mysore,

Procedure on admission of application.

*Sections 11-14.*

- (ii) the person, if any, named in the petition or letter as having the custody or possession of the person or property of the minor,
  - (iii) the person proposed in the application or letter to be appointed or declared guardian, unless that person is himself the applicant, and
  - (iv) any other person to whom, in the opinion of the Court, special notice of the application should be given ; and
- (b) to be posted on some conspicuous part of the Court-house, and of the residence of the minor, and otherwise published in such manner as the Court, subject to any rules made by the Chief Court under this Regulation, thinks fit.

11. (1) The Court may direct that the person, if any, having the custody of the minor shall produce him or cause him to be produced at such place and time and before such person as it appoints, and may make such order for the temporary custody and protection of the person or property of the minor, as it thinks proper.

Power to make interlocutory order for production of minor and interim protection of person and property.

(2) If the minor is a female who ought not to be compelled to appear in public, the direction under sub-section (1) for her production shall require her to be produced in accordance with the customs and manners of the country.

(3) Nothing in this section shall authorise—

(a) the court to place a female minor in the temporary custody of a person claiming to be her guardian on the ground of his being her husband, unless she is already in his custody with the consent of her parents, if any, or

(b) any person to whom the temporary custody and protection of the property of a minor is entrusted, to dispossess otherwise than by due course of law any person in possession of any of the property.

12. On the day fixed for the hearing of the application, or as soon afterwards as may be, the Court shall hear such evidence as may be adduced in support of, or in opposition to, the application.

Hearing of evidence before making order.

13. If proceedings for the appointment or declaration of a guardian of a minor are taken in more Courts than one, each of those Courts shall, on being apprised of the proceedings in the other Court or Courts, stay the proceedings before itself, and shall report the case to the Chief Court ; and the Chief Court shall determine in which of the Courts the proceedings with respect to the appointment or declaration of a guardian of the minor shall be had.

Simultaneous proceedings in different Courts.

14. (1) If the law to which the minor is subject admits of his having two or more joint guardians of his person or property, or both, the Court may, if it thinks fit, appoint or declare them.

Appointment or declaration of several guardians.

(2) Separate guardians may be appointed or declared of the person and of the property of a minor.

*Sections 15-19.*

(3) If a minor has several properties, the Court may, if it thinks fit, appoint or declare a separate guardian for any one or more of the properties.

Appointment or declaration of guardian for property beyond jurisdiction of the Court.

15. If the Court appoints or declares a guardian for any property situate beyond the local limits of its jurisdiction, the Court having jurisdiction in the place where the property is situate shall, on production of a certified copy of the order appointing or declaring the guardian, accept him as duly appointed or declared and give effect to the order.

Matters to be considered by the Court in appointing guardian.

16. (1) In appointing or declaring the guardian of a minor, the Court shall, subject to the provisions of this section, be guided by what, consistently with the law to which the minor is subject, appears in the circumstances to be for the welfare of the minor.

(2) In considering what will be for the welfare of the minor, the Court shall have regard to the age, sex and religion of the minor, the character and capacity of the proposed guardian and his nearness of kin to the minor, the wishes, if any, of a deceased parent, and any existing or previous relations of the proposed guardian with the minor or his property.

(3) If the minor is old enough to form an intelligent preference, the Court may consider that preference.

(4) The Court shall not appoint or declare any person to be a guardian against his will.

Appointment or declaration of Deputy Commissioner in virtue of office.

17. Where a Deputy Commissioner is appointed or declared by the Court in virtue of his office to be guardian of the person or property, or both, of a minor, the order appointing or declaring him shall be deemed to authorise and require the person for the time being holding the office to act as guardian of the minor with respect to his person or property, or both, as the case may be.

Guardian not to be appointed by the Court in certain cases.

18. Nothing in this chapter shall authorise the Court to appoint or declare a guardian of the person—

(a) of a minor who is a married female and whose husband is not, in the opinion of the Court, unfit to be guardian of her person, or,

(b) except in accordance with the law to which he is subject, of a minor whose father is living and is not, in the opinion of the Court, unfit to be guardian of the person of the minor.

## CHAPTER III.

## DUTIES, RIGHTS AND LIABILITIES OF GUARDIANS.

*General.*

Fiduciary relation of guardian to ward.

19. (1) A guardian stands in a fiduciary relation to his ward, and, save as provided by the will or other instrument, if

*Sections 20-25.*

any, by which he was appointed, or by this Regulation, he must not make any profit out of his office.

(2) The fiduciary relation of a guardian to his ward extends to, and affects purchases by, the guardian of the property of the ward and by the ward of the property of the guardian, immediately or soon after the ward has ceased to be a minor, and generally all transactions between them, while the influence of the guardian still lasts or is recent.

20. A minor is incompetent to act as guardian of any minor except his own wife or child, or where he is the managing member of an undivided Hindu family, the wife or child of another minor member of that family.

Capacity of minors to act as guardians.

21. (1) A guardian appointed or declared by the Court shall be entitled to such allowance, if any, as the Court thinks fit, for his care and pains in the execution of his duties.

Remuneration of guardian.

(2) When an officer of the Government, as such officer, is so appointed or declared to be guardian, such fees shall be paid to the Government out of the property of the ward as the Government, by general or special order, directs.

22. A Deputy Commissioner appointed or declared by the Court to be guardian of the person or property, or both, of a minor shall, in all matters connected with the guardianship of his ward, be subject to the control of the Government or of such authority as the Government, by notification in the official Gazette, appoints in this behalf.

Control of Deputy Commissioner a guardian.

*Guardian of the Person.*

23. A guardian of the person of a ward is charged with the custody of the ward and must look to his support, health and education, and such other matters as the law to which the ward is subject requires.

Duties of guardian of the person.

24. (1) If a ward leaves or is removed from the custody of a guardian of his person, the Court, if it is of opinion that it will be for the welfare of the ward to return to the custody of his guardian, may make an order for his return, and for the purpose of enforcing the order may cause the ward to be arrested and to be delivered into the custody of the guardian.

Title of guardian to custody of ward.

(2) For the purpose of arresting the ward, the Court may exercise the power conferred on a Magistrate of the first class by Section 100 of the Code of Criminal Procedure.

(3) The residence of a ward against the will of his guardian with a person who is not his guardian does not of itself terminate the guardianship.

25. (1) A guardian of the person appointed or declared by the Court, unless he is the Deputy Commissioner 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, re-

Removal of ward from jurisdiction.



*Sections 26-30.*

move 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.

*Guardian of Property.*

Duties of guardian of property.

26. 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.

Powers of testamentary guardian.

27. 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 Regulation 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.

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

28. When a person other than a Deputy Commissioner, or 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 extending more than one year, beyond the date on which the ward will cease to be a minor.

Voidability of transfers made in contravention of sec. 27 or sec. 28.

29. A disposal of immovable property by a guardian in contravention of either of the two last foregoing sections is voidable at the instance of any other person affected thereby.

Practice with respect to permitting transfers under sec. 28.

30. (1) Permission to the guardian to do any of the acts mentioned in Section 28 shall not be granted by the Court except in case of necessity or for an evident advantage to the ward.

(2) The order granting the permission shall recite the necessity or advantage, as the case may be, describe the property with respect to which the act permitted is to be done, and specify such conditions, if any, as the Court may see fit to attach to the permission; and it shall be recorded, dated and signed by the Judge of the Court with his own hand, or, when from any cause he is prevented from recording the order with his own hand, shall be taken down in writing from his dictation and be dated and signed by him.

*Sections 31-33.*

(3) The Court may, in its discretion, attach to the permission the following among other conditions, namely :—

(a) that a sale shall not be completed without the sanction of the Court;

(b) that a sale shall be made to the highest bidder by public auction, before the Court, or some person specially appointed by the Court for that purpose, at a time and place to be specified by the Court, after such proclamation of the intended sale as the Court, subject to any rules made under this Regulation by the Chief Court, directs;

(c) that a lease shall not be made in consideration of a premium or shall be made for such term of years and subject to such rents and covenants as the Court directs;

(d) that the whole or any part of the proceeds of the act permitted shall be paid into the Court by the guardian, to be disbursed therefrom, or to be invested by the Court on prescribed securities, or to be otherwise disposed of as the Court directs.

(4) Before granting permission to a guardian to do an act mentioned in section 28, the Court may cause notice of the application for the permission to be given to any relative or friend of the ward who should, in its opinion, receive notice thereof, and shall hear and record the statement of any person who appears in opposition to the application.

31. Where a guardian of the property of a ward has been appointed or declared by the Court and such guardian is not the Deputy Commissioner, 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.

Variation of powers of guardian of property appointed or declared by the Court.

32. (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.

Right of guardian so appointed or declared to apply to the Court for opinion re management of property of 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.

33. Where a guardian of the property of a ward has been appointed or declared by the Court and such guardian is not the Deputy Commissioner, he shall—

Obligations on guardian of property appointed or declared by the Court.

(a) if so required by the Court, give a bond as nearly as

*Sections 34-35.*

may be in the prescribed form, to the Judge of the Court, to ensure for the benefit of the Judge for the time being, with or without sureties, as may be prescribed, engaging duly to account for what he may receive in respect of the property of the ward.

(b) if so required by the Court, deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such other time as the Court directs, a statement of the immovable property belonging to the ward, of the money and other movable property which he has received on behalf of the ward up to the date of delivering the statement, and of the debts due on that date to or from the ward;

(c) if so required by the Court, exhibit his accounts in the Court at such times and in such form as the Court from time to time directs;

(d) if so required by the Court, pay into the Court at such time as the Court directs, the balance due from him on those accounts, or so much thereof as the Court directs; and

(e) apply for the maintenance, education and advancement of the ward and of such persons as are dependent on him, and for the celebration of ceremonies to which the ward or any of those persons may be a party, such portion of the income of the property of the ward, as the Court from time to time directs; and, if the Court so directs, the whole or any part of that property.

34. 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 to the Judge of the Court, and shall be entitled to recover thereon as trustee for the ward in respect of any breach thereof.

35. (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 his 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 Order XXXII, Rule 4, sub-rule (2), of the Code of Civil Procedure.

Suit against guardian where administration bond was taken.

Suit against guardian where administration bond was taken.

*Sections 36-39.*

36. Nothing in either of the two last foregoing sections shall be construed to deprive a ward or his representative of any remedy against his guardian, or the representative of the guardian, which, not being expressly provided in either of those sections, any other beneficiary or his representative would have against his trustee or the representative of the trustee.

General liability of guardian as trustee.

*Termination of Guardianship.*

37. On the death of one of two or more joint guardians, the guardianship continues to the survivor or survivors, until a further appointment is made by the Court.

Rights of survivorship among joint guardians.

38. 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:—

Removal of guardian.

(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 Regulation 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 Regulation or not, shall not be removed—

(a) for the cause mentioned in clause (g) unless the adverse interest accrued, after the death of the person who appointed him, or it is shown that that person made and maintained the appointment in ignorance of the existence of the adverse interest; or

(b) for the cause mentioned in (h), unless such guardian has taken up such a residence as, in the opinion of the Court, renders it impracticable for him to discharge the functions of guardian.

39. (1) If a guardian appointed or declared by the Court desires to resign his office, he may apply to the Court to be discharged.

Discharge of guardian.

*Sections 40-42.*

(2) If the Court finds that there is sufficient reason for the application, it shall discharge him, and, if the guardian making the application is the Deputy Commissioner and the Government approves of his applying to be discharged, the Court shall in any case discharge him.

Cessation of  
authority of  
guardian,

40. (1) The powers of guardian of the person cease—

(a) by his death, removal or discharge;

(b) by the ward ceasing to be a minor;

(c) in the case of a female ward, by her marriage to a husband who is not unfit to be guardian of her person, or, if the guardian was appointed or declared by the Court, by her marriage to a husband who is not, in the opinion of the Court, so unfit; or,

(d) in the case of a ward whose father was unfit to be guardian of the person of the ward, by the father ceasing to be so; or, if the father was deemed by the Court to be so unfit, by his ceasing to be so in the opinion of the Court.

(2) The powers of a guardian of the property cease—

(a) by his death, removal or discharge;

(b) by the ward ceasing to be a minor.

(3) When for any cause the powers of a guardian cease, the Court may require him or, if he is dead, his representative to deliver, as it directs, any property in his possession or control belonging to the ward, or any accounts in his possession or control relating to any past or present property of the ward.

(4) When he has delivered the property or accounts as required by the Court, the Court may declare him to be discharged from his liabilities, save as regards any fraud which may subsequently be discovered.

Appointment  
of successor  
to guardian  
dead, dis-  
charged or  
removed,

41. When a guardian appointed or declared by the Court is discharged, or, under the law to which the ward is subject, ceases to be entitled to act, or when any such guardian or a guardian appointed by will or other instrument is removed or dies, the Court, of its own motion, or on application under Chapter II, may, if the ward is still a minor, appoint or declare another guardian of his person or property, or both, as the case may be.

## CHAPTER IV.

## SUPPLEMENTAL PROVISIONS.

Orders for  
regulating  
conduct or  
proceedings of  
guardians,  
and enforce-  
ment of those  
orders.

42. (1) The Court may, on the application of any person interested, or of its own motion, make an order regulating the conduct or proceedings of any guardian appointed or declared by the Court.

(2) Where there are more guardians than one of a ward, and they are unable to agree upon a question affecting his welfare any of them may apply to the Court for its direction, and the

*Sections 43-44.*

Court may make such order respecting the matter in difference, as it thinks fit.

(8) Except where it appears that the object of making an order under sub-section (1) or sub-section (2) would be defeated by the delay, the Court shall, before making the order, direct notice of the application therefor, or of the intention of the Court to make it, as the case may be, to be given, in a case under sub-section (1), to the guardian, or in a case under sub-section (2), to the guardian who has not made the application.

(4) In case of disobedience to an order made under sub-section (1) or sub-section (2), the order may be enforced in the same manner as an injunction granted under Rule 1 or Rule 2 of Order XXXIX of the Code of Civil Procedure, in a case under sub-section (1), as if the ward were the plaintiff and the guardian were the defendant; or, in a case under sub-section (2), as if the guardian who made the application were the plaintiff and the other guardian were the defendant.

(5) Except in a case under sub-section (2), nothing in this section shall apply to a Deputy Commissioner who is, as such, a guardian.

43. 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 25, 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.

Penalty for removal of ward from jurisdiction.

44. (1) In the following cases, namely:—

Penalty for contumacy.

(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 11, sub-section (1), or to do his utmost to compel the minor to return to the custody of his guardian in obedience to an order under section 24, 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 33, a statement required under that clause, or to exhibit accounts in compliance with a 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 guardian, or the representative of such a person, fails to deliver any property or accounts in compliance with a requisition under section 40, 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

*Sections 45-47.*

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 re-committed to the civil jail.

Report by Deputy Commissioner and subordinate Courts.

45. (1) The Court may call upon the Deputy Commissioner, or upon any Court subordinate to the Court, for a report on any matter arising in any proceeding under this Regulation and treat the report as evidence.

(2) For the purpose of preparing the report, the Deputy Commissioner or the Judge of the subordinate Court, as the case may be, shall make such inquiry as he deems necessary, and may, for the purposes of the inquiry, exercise any power of compelling the attendance of a witness to give evidence or produce a document which is conferred on a Court by the Code of Civil Procedure.

Orders appealable.

46. An appeal shall lie to the Chief Court from an order made by a District Court,—

(a) under section 6, appointing or declaring or refusing to appoint or declare a guardian; or,

(b) under section 8, sub-section (3), returning an application; or,

(c) under section 24, making or refusing to make an order for the return of a ward to the custody of his guardian; or,

(d) under section 25, refusing leave for the removal of a ward from the limits of the jurisdiction of the Court, or imposing conditions with respect thereto; or,

(e) under section 27 or section 28, refusing permission to a guardian to do an act referred to in the section; or,

(f) under section 31, defining, restricting or extending the powers of a guardian; or,

(g) under section 38, removing a guardian; or,

(h) under section 39, refusing to discharge a guardian; or,

(i) under section 42, regulating the conduct or proceedings of a guardian, or settling a matter in difference between joint guardians, or enforcing the order; or,

(j) under section 43 or section 44, imposing a penalty.

Finality of other orders.

47. Save as provided by the last foregoing section and by sections 114 and 115 of the Code of Civil Procedure, an order made under this Regulation shall be final, and shall not be liable to be contested by suit or otherwise.

*Sections 48-50.*

48. The costs of any proceedings under this Regulation including the costs of maintaining a guardian or other person in the civil jail, shall, subject to any rules made by the Chief Court under this Regulation, be in the discretion of the Court in which the proceeding is had. Costs.

49. (1) In addition to any other power to make rules conferred expressly or impliedly by this Regulation, the Chief Court may from time to time make rules consistent with this Regulation,— Power of Chief Court to make rules.

(a) as to the matters respecting which, and the time at which, reports should be called for from Deputy Commissioners and subordinate Courts;

(b) as to the allowances to be granted to, and the security to be required from, guardians, and the cases in which such allowances should be granted;

(c) as to the procedure to be followed with respect to applications of guardians for permission to do acts referred to in sections 27 and 28;

(d) as to the circumstances in which such requisitions as are mentioned in clauses (a), (b), (c) and (d) of section 33 should be made;

(e) as to the preservation of statements and accounts delivered and exhibited by guardians;

(f) as to the inspection of those statements and accounts by persons interested;

(g) as to the custody of money, and securities for money, belonging to wards;

(h) as to the securities on which money belonging to wards may be invested;

(i) as to the education of wards for whom guardians, not being Deputy Commissioners, have been appointed or declared by the Court; and,

(j) generally, for the guidance of the Courts in carrying out the purposes of this Regulation.

(2) Rules under clauses (a) and (i) of sub-section (1) shall not have effect, until they have been approved by the Government; nor shall any rule under this section have effect, until it has been published in the official Gazette.

50. A guardian appointed by or holding a certificate of administration from a Civil Court under any enactment repealed by this Regulation shall, save as may be prescribed, be subject to the provisions of this Regulation, and of the rules made under it, as if he had been appointed or declared by the Court under Chapter II. Applicability of Regulation to guardians already appointed by Court.



**THE SCHEDULE.**  
**ENACTMENTS REPEALED.**

(See Section 2.)

Description, number and year	Title or subject	Extent of repeal
Notification by the Government of India, Foreign Department, No. 75—J., dated the 25th April 1872.	Rules relating to the Custody and Guardianship of Minors, Idiots and other disqualified persons in the Province of Mysore.	The whole, except Rule 22 and so much of Rule 23 as relates to orders passed under Rule 22, and except so far as may be necessary to give effect to Rule 22.
Regulation III of 1900 ...	The Mysore Court Fees Regulation, 1900.	Section 28, and Article 2 of Schedule I.

WEIGHTS AND MEASURES REGU-  
LATION AND THE RULES  
THEREUNDER.

# REGULATION No. III OF 1902.

(Passed on the 8th day of July 1902.)

## **The Mysore Weights and Measures Regulation, 1902.**

WHEREAS it is expedient to regulate the use of Weights and Measures of Capacity in Mysore; Her Highness the Maharani-Regent is pleased to enact as follows:—

1. This Regulation may be called the "Mysore Weights and Measures Regulation, 1902;" it extends to the whole of Mysore; and it shall come into force at once.

2. (1) The Government may from time to time, by notification in the official Gazette, prescribe, either generally for Mysore, or for any specified district or portion of a district, the standards of weight and measure of capacity that shall be followed therein.

(2) It may also, in like manner, make rules to regulate—

- (a) the shapes, dimensions and designations of all or any of the weights and measures of capacity that may be permitted to be used, and the materials of which the same shall be made;
- (b) the method of testing weights and measures of capacity, and of certifying to their correctness by means of stamping or otherwise; and
- (c) generally, any other matters connected with the carrying out of the purposes of this Regulation.

3. Copies of the standards of weight and measure of capacity, declared by the Government to be correct, shall be kept in the office of the Inspector-General of Police, in the offices of the Deputy Commissioners of Districts, and in such other offices as may from time to time be prescribed by the Government, and shall at all reasonable times be available for public inspection.

4. Any weight or measure of capacity, which is not in accordance with a copy of the standard of weight or measure of capacity kept under section 3, shall be deemed to be a false weight or measure of capacity, within the meaning of Chapter XIII of the Indian Penal Code.

Preamble.

Title, extent and operation.

Standards of weight and measure to be fixed by Government.

Power to make rules.

Copies of standards to be kept in certain offices.

What are false weights and measures.

## NOTIFICATION.

No. J. 864—Legis. 16-09-37, dated 11th September 1911.

**Rules under the Mysore Weights and Measures Regulation, III of 1902.**

*Preamble.*—In exercise of the powers conferred by Regulation III of 1902, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following rules for regulating the use of weights and measures of capacity in all parts of the State from and after the 1st day of July 1912. \*

Nothing in these rules is intended to have application to, or to interfere with, the use of the British or the metric system of weights and measures, or any other recognized system not based on a weight or measure called the "seer", or any sub-division or multiple thereof, as a unit.

*Rule 1.*—(1) The standard of weight shall be the "seer" weight, which is a mass of metal in the possession of Government, equal to the weight of 24 rupees (of 180 grains Troy each) of the British Indian currency.

(2) The standard of measure of capacity shall be the "seer" measure, which is a hollow bronze cylinder in the possession of Government, capable, when filled to the brim, of holding just 108 tolas (of 180 grains Troy each) weight of distilled water, at its maximum density and under the normal atmospheric pressure.

*Rule 2.*—(1) The standard seer weight and seer measure aforementioned shall be carefully secured in the State Huzur Treasury in the personal custody of the Officer in charge of the Treasury.

(2) A duplicate copy of the standard seer weight and a duplicate copy of the standard seer measure shall be kept in the Bangalore Central Jail in the personal custody of the Superintendent of the Jail; and the same shall be compared and, if necessary, corrected not less often than once in five years with the standard preserved in the State Huzur Treasury.

The Superintendent shall keep a register in which the fact of such comparison and correction shall be entered and certified to by him and the Officer in charge of the State Huzur Treasury.

\* Came into force throughout the State from 1st October 1912. (Govt. Notn. No. J. 3591—Legis. 16-19, dated 6th June 1912.)

*Rule 3.*

*Rule 3.*—The use of the following weights and measures of capacity is hereby recognized:—

*(A) Weights—*

Tola (=180 grains, Troy), equal to one twenty-fourth of a seer, as defined in Rule 1 (1).

Half tola; quarter-tola; and smaller sub-divisions of a tola.

Multiples of a tola to be described as so many tolas.

Seer, equal to the standard seer weight, as defined in Rule 1 (1).

Half-seer (*Achcheru*), equal to 12 tolas.

Quarter-seer (*Pavu*), equal to 6 tolas.

One-eighth seer (*Arapavu*), equal to 3 tolas.

Maund (*Mana*), equal to 40 seers.

Lower multiples of a seer, to be described as so many seers (with or without fractional parts), or as such fraction of a maund; e.g., 5 seers (*Pancheru*); 10 seers (*Dhadiah*); half maund; quarter maund, etc.

Multiples of a maund, to be described as so many maunds (with or without fractional parts); e.g., 2 maunds;  $2\frac{1}{2}$  maunds, etc.

Bengal seer (*Bengal seru*), equal to 80 tolas.

Bengal maund (*Bengal mana*), equal to 40 Bengal seers of 80 tolas each.

Multiples of the Bengal seer and Bengal maund, to be described as so many Bengal seers or Bengal maunds.

Pound (*Avoirdupois lb.*) equal to 7,000 grains Troy [108 pounds=175 seers, as defined in Rule 1 (11)].

Half-pound; quarter-pound; and smaller sub-divisions of a pound.

Multiples of a pound to be described as so many pounds with or without fractional parts.

A *stone* equal to 14 lbs. A *quarter* equal to 28 lbs. A *cwt.* equal to 112 lbs. And a *ton* equal to 2,240 lbs or 20 cwt.

*(B) Measures—*

Seer, equal to the standard seer measure, as defined in Rule 1 (2).

Sub-division of a seer, as follows:—

Half-seer (*Achcheru*); quarter-seer (*Pavu*); one-eighth seer (*Arapavu*); one-sixteenth seer (*Chataku*).

Balla, equal to 4 seers.

Kolaga, equal to 8 seers.

Lower multiples of a seer, to be described as so many seers (with or without fractional parts), or such fraction of a kolaga.

Palla, equal to 100 seers.

Khandi, equal to 20 kolagas or 160 seers.

*Rules 4-10.*

Lower multiples of a *kolaga* to be described as so many *kolagas* (with or without fractional parts), or such fraction of a *palla* or *khandi*.

**Rule 4.**—The Superintendent of the Bangalore Central Jail shall manufacture copies of the more commonly used weights and measures which, after being carefully verified and stamped with the stamp of verification, shall be available for sale, at prices not exceeding 10 per cent over and above the cost of manufacture.

**Rule 5.**—Correct copies of the standards of weight and measure, and also of the more commonly used weights and measures, shall be supplied by the Superintendent of the Central Jail, Bangalore, to the offices mentioned in Section 3 of the Regulation, as well as to every Amildar's Office and Police Station. These shall be verified not less often than once in ten years by the Superintendent of the Central Jail, and shall be replaced, whenever necessary.

**Rule 6.**—In the absence of usage or an express or implied understanding to the contrary, it will be assumed that in measuring an article by any of the recognized measures of capacity, the measure is not heaped, but either is stricken with a round stick or roller, straight and of the same diameter from end to end, or, if the article sold cannot from its size or shape be conveniently stricken, is filled in all parts as nearly to the level of the brim, as the size and shape of the article will admit.

**Rule 7.**—Weights and measures of capacity shall be made of metal: provided that measures below a seer in capacity may be made either of metal or of wood or of bamboo.

**Rule 8.**—The shape of weights, except where handles or depressions for lifting occur, shall, as far as possible, be such that both the upper and under surfaces shall be flat and the horizontal sections circular or rectangular.

Measures shall be hollow cylinders, with as nearly as possible, a plane base, and internal diameter equal to not less than two-fifths and not more than three-fifths of the depth.

**Rule 9.**—Every weight, except where the small size of the weight renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof, in legible figures and letters.

Every measure of capacity shall have the denomination thereof stamped on the outside of such measure, in legible figures and letters.

A weight or measure not in conformity with this rule shall not be stamped with a stamp of verification under these rules.

**Rule 10.**—Every weight, except where the small size of the weight renders it impracticable, and every measure of capacity, manufactured in the Bangalore Central Jail or presented for verification thereat, or at such other place as the Government may

*Rules 11-13.*

appoint for this purpose, shall be verified and stamped with a stamp of verification in the form given below.



*Form of stamp.*—The form of the stamp shall be as in the margin, the figures denoting the year of stamping.

**Rule 11.**—Subject to any directions that may be given by Government, a Deputy Commissioner may empower one or more officers in his district to act as Inspectors of Weights and Measures, whose duty will be to inspect weights and measures and weighing instruments in use. For this purpose and for the purpose of Section 153 of the Code of Criminal Procedure,\* they shall be deemed, in regard to the whole of the local area under their jurisdiction, to have been appointed officers in charge of a Police Station.

**Rule 12.**—(1) Any person having in his possession any weights and measures not manufactured by Government, may apply to the Superintendent of the Bangalore Central Jail or to such other officer as may be appointed by Government for this purpose, for the verification and stamping of such weights and measures. Any weight or measure once verified may be verified again on application.

(2) Every such application shall be stamped with a Court fee of the value of one anna for each weight or measure to be dealt with.

**Rule 13.**—(1) The Officer making the verification under the previous rule will, without any extra charge, make any slight adjustment that may be found necessary to make the weights and measures perfectly accurate.

(2) He is also empowered to deface, or render incapable of use, or refuse to verify, correct or stamp, any weight or measure brought to him for verification or correction, which appears to him unfit for verification or correction.

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\*Section 153 of the Code of Criminal Procedure.—(1) Any officer in charge of a Police Station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures, or instrument for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures, or instruments for weighing, which are false.

(2) If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

## APPENDIX.

## HINTS FOR TESTING WEIGHTS AND MEASURES.

*I. Testing of weights.—*

*Sensibility of balance.*—When weights have to be verified by standard weights and only common scales or balances are available, the first thing to be done is to try the balance as to its degree of sensibility, apart from the question of equilibrium. Suppose a maund weight of 40 seers is received for verification. Put a standard maund weight in a right-hand scale, and exactly counterbalance it by weights in the left. If 40 grains weight will make a difference when placed in either scale, the balance may be considered good enough for the verification of a common maund weight of commerce. If a balance does not turn with a part of the weight that may be in one scale, it cannot be used for very accurate purposes.

*Verification of weights.*—The maund weight received for verification should be examined thus:—

Place the standard maund weight in the right-hand scale and exactly counterbalance it; then take it out and put in its place the weight to be verified. If the beam shows an equipoise, the weight is correct. It is of no consequence whether the arms of the beam are equal or not; or in other words, whether the scales used for this test are or are not correct.

*Correctness of balance.*—To ascertain if the balance is correct, put a standard maund weight into the right-hand scale and exactly counter-balance it with stones, sand or any other material in the left-hand scale. Then take it out and put in other weights into the right-hand scale and produce exact equipoise. It is now evident that the two weights weighed in the right-hand scale are equal to one another; remove the weight from the left-hand scale and put therein the weight taken from the right-hand scale, and if the beam shows a true equipoise, the balance is correct; if not, the beam or the scales can only be adjusted by a competent workman. This applies to all beam balances.

*II. Testing of grain and liquid measures.—*

*Diameter of grain measures.*—When a grain measure is received for being stamped, the first thing to be done is to measure the diameter carefully. If the diameter of the measure is exact-



*Appendix.*

ly the same as that of the standard measures, the measure may be accepted for testing. If not, the measure should be rejected.

*NOTE.*—If a measure is not quite round, a mean between the longest and shortest diameters should be taken.

*Method of test employed.*—The only system of test to be employed in testing measures is that by volume of water, for the proper performance of which the officer is provided with either a specifically constructed set of standardized testing vessels, or with two test glasses, a twenty-ounce glass equivalent to a quart, and a five-ounce glass graduated to quarters of an ounce.

*Preliminaries to testing.*—The following preliminaries must be attended to, before the actual process of testing can be commenced. The best drinking water available should be obtained, as it is the clearest. The measure to be tested should be well washed out; and if it is of wood or bamboo, water should be allowed to stand in it for a quarter of an hour before testing, so as to guard against absorption during the testing, whereby the measure would be falsified. If the measure is found to be leaky, the leaks should be caulked on the outside only with pitch or sealing.

*Process of testing.*—The test should then be applied in the following manner:—The rim of the measure should be moistened, as otherwise water may stand without spilling quite a sixteenth of an inch above it; and in a measure of five inches diameter this will represent 1.39 tolas of rice. The measure should then be filled with water. This is done by pouring water into it from the test glass, either the large twenty-ounce glass or the small five-ounce one, or both being used, according to the size of the measure under examination. In pouring water from the test glass into the measure, care should be taken to prevent the water from over-topping the rim of the measure. The surface of the water must be exactly level with the rim. It can be easily ascertained how many ounces of water have been used to fill the measure. The quantity of water, if any, found to have been spilt should be deducted from the total quantity poured out from the test glass. If it be found impossible to staunch a leaky measure, reliable results may be obtained by catching the water which escapes by leakage, measuring it, and deducting the quantity from that poured into the measure from the test glass. The remainder represents the exact capacity of the measure in ounces of water. If this is equal to the proper capacity of the measure, calculated at 44.5 fluid ounces for the standard beer measure, the measure may be taken to be correct and stamped accordingly; otherwise, it should be rejected. The "correct copies" of measures themselves should on no account be used in the application of the test, as it is almost impossible to pour out the liquid from such measures filled to the brim without spilling. If however, special vessels of standard capacities are made with a narrow neck and broad lip for pouring, similar in shape to the

*Appendix.*

gallon pot used in the Excise Department, and standardized to fluid ounces, there is no objection to such measures being used for the purpose of testing. The use of ounce glasses will then be only required in the primary test of capacity of such special measures.

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