



## THE GUARDIANS AND WARDS ACT, 1890



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# THE GUARDIANS AND WARDS ACT, 1890

<sup>1</sup>ACT No. VIII OF 1890

[21st March, 1890]

## An Act 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; It is hereby enacted as follows:—

### CHAPTER I

#### PRELIMINARY

**1. Title, extent and commencement.**—(1) This Act may be called the Guardians and Wards Act, 1890.

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1886 Pt. V, p. 77; for Report of the Select Committee, see *ibid.*, 1890, Pt. V, P. 77, and for Debates in Council, see *ibid.*, 1886, Supplement, pp. 419 and 666, and *ibid.*, 1890, Pt. VI, pp. 33 and 45.

This Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P, subject to certain modifications and; also extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N. W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

Extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

Extended to the Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953), as amended.

Extended to the Khairpur State by the Khairpur (Federal Laws) (Extension) Order, 1953 (G.G.O. 5 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadar with effect from the 8th September, 1958, by the Gwadar (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

The Act, as in force in the North-West Frontier Province immediately before the commencement of N.W.F.P. Regulation No. II of 1974, has been applied to the Provincially Administered Tribal Areas of Chitral, Dir, Kalam, Swat and Malakand Protected Area, by N.W.F.P. Regulation, No. II of 1974, s. 3.

<sup>1</sup>[(2) It extends to the whole of Pakistan ;] and

(3) It shall come into force on the first day of July, 1890.

2. *[Repeal.] Rep. by the Repealing Act, 1938 (I of 1938), s.2 and Schedule.*

**3. Saving of jurisdiction of Courts of Wards and Chartered High Courts.** This Act shall be read subject to every enactment heretofore or hereafter passed relating to any Court of Wards by <sup>2</sup>[any competent legislature, authority or person] in <sup>3</sup>[Pakistan], and nothing in this Act shall be construed to affect, or in any way derogate from, the jurisdiction or authority of any Court of Wards, or to take away any power possessed by <sup>4</sup>[any High Court <sup>5</sup>\* \* \*].

**4. Definitions.** In this Act, unless there is something repugnant in the subject or context,—

(1) “minor” means a person who, under the provisions of the Majority Act, 1875 ([IX of 1875](#)), is to be deemed not to have attained his majority:

(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:

(4) “District Court” has the meaning assigned to that expression in the <sup>6</sup>[Code of Civil Procedure, 1908] ([Act V of 1908](#)) and includes a High Court in the exercise of its ordinary original civil jurisdiction:

<sup>7</sup>[(5) “the Court” means—

(a) the District Court having jurisdiction to entertain an application under this Act for an order appointing or declaring a person to be a guardian; or

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<sup>1</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the existing sub-section (2), which was amended by the Burma Laws Act, 1898 (13 of 1898), s. 18 and Sch. V, A.O., 1949, Arts. 3 (2) and 4, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

<sup>2</sup>Subs. by A.O., 1937, for “the G. G. in C. or by a Governor or Lieutenant-Governor in Council”.

<sup>3</sup>Subs. by Ord. 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for “the Provinces and the Capital of the Federation”, which had been subs. by A.O., 1949, Arts. 3(2) and 4, for “British India.”

<sup>4</sup>Subs. by A.O., 1937, for “any High Court established under the Statute 24 and 25 Vict, c. 104 (an Act for establishing High Courts of Judicature in India)”.

<sup>5</sup>The words “established in [the Provinces and the Capital of the Federation] by Letters Patent” omitted by Ord. 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955). The words in crotchets were subs. by A. O., 1949, Arts. 3(2) and 4, for “British India.”

<sup>6</sup>Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and 2nd Sch., for “Code of Civil Procedure”.

<sup>7</sup>Subs. by the Guardians and Wards (Amdt.) Act, 1926 (4 of 1926), s. 3, for the original cl. (5).