

**Instruction to guardians. (Rule 357)**

**INSTRUCTION FOR THE GUIDANCE OF GUARDIANS AND MANAGERS OF MINORS AND PERSONS OF UNSOUND MIND**

Your attention is particularly invited to the following:-

1. You are in a fiduciary relation to the minor/lunatic and shall not make any profit for yourself out of your office, except such remuneration, if any, as the Court awards, or the will or other instrument appointing you allows.
2. You shall deal with the property of the minor/lunatic as carefully as a man of ordinary prudence would deal with it if it were his own. If you fail to do so, you are liable to make good the loss caused to the minor/lunatic.
3. Without the previous permission of this Court you shall not mortgage, charge, sell, exchange, or give away any of the property of the minor/lunatic nor shall you lease any part of it for a term exceeding five years or for any term extending more than one year beyond the date on which the minor will complete the age of 21 years.
4. For the maintenance, education and advancement of the minor/lunatic, and of such persons as are dependent on him, and for the celebration of ceremonies to which the minor/lunatic or any of those persons may be a party, you may apply such portion of the income of the property of the minor/lunatic as the Court from time to time directs, and, if the Court so directs, the whole or any part of that property.
5. You shall submit an inventory of all the minor's/lunatic's property and debts within six months from the date of the order of appointment.
6. You shall file accounts in the office of the Commissioner of this Honourable Court for Taking Accounts within three months from the expiry of a year from the date of your appointment and thereafter within three months from the expiry of each subsequent year.
7. You shall get your accounts passed by the Commissioner of this Honourable Court for Taking Accounts.
8. Your powers as a guardian or manager cease when the minor completes his 21st year or when the lunatic is declared by the Court to be sane.
9. If you desire to resign your office before the minor attains majority or before the lunatic is declared by the Court to be sane you must apply to the Court to be discharged.
10. Until you are discharged by the Court your responsibilities continue.
11. You are bound by the provisions of the Guardians and Wards Act (VIII of 1890). or of the Indian Lunacy Act (IV of 1912), and by the rules made thereunder, as the case may be, and by such orders as the Court may make from time to time.
12. You may at any time apply to the Court for directions.

13. If you are a guardian of the person, (a) you shall not remove the minor/lunatic from the Courts jurisdiction without its permission; (b) you are charged with the custody of the minor/lunatic and must look to his maintenance, health and education.
14. You shall not make any arrangement for the betrothal or marriage, of the minor/lunatic without the express sanction of the Court.
15. You shall not incur any expenditure for the betrothal or marriage of the minor/lunatic without the express sanction of the Court.
16. You should note that the Court can by order restrict your powers of management regarding the minor/lunatic's property.
17. In the absence of any special direction of the Court, it is incumbent on you-
  - (1) To invest the funds of the minor/lunatic in promissory notes, debentures stock or other securities of the Union of India or of the State of Maharashtra;
  - (2) Not to borrow without the sanction of the Court;
  - (3) Not to sell the ornaments and other valuables of the minor/lunatic without the Court's permission;
  - (4) To obtain the Courts permission for improvements and for repairs, other than ordinary to any property of the minor/lunatic in your charge;
18. You shall in the event of the death of any of your sureties immediately inform the Court of the fact and shall furnish another surety within one month of the death or such further time as the Court may grant.