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THE GOVERNMENT SAVINGS BANKS ACT, 1873
'ACT No. V OF 1873

[28° January, 1873]

An Act to amend the law relating to Government Savings Banks

Preamble: WHEREAS it is expedient to amend the law relating to the payment of deposits in Government Savings Banks; It is hereby enacted as follows:—

PRELIMINARY

1. Short title. —This Act may be called the Government Savings Banks Act, 1873.

Local Extent: *[It extends to the whole of Pakistan.]

2. “[Repealed]

3. Interpretation-clause.— In this Act—

“depositor” means a person by whom, or on whose behalf, money has been heretofore, or shall be

hereafter, deposited in a Government Savings Bank; and “deposit” means money so deposited:

' This Act has been applied—

(i) to Baluchistan, see the Baluchistan Laws Regulations, 1913 (Bal. Reg. 2 of 1913), s. 3 ;

(ii) to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O.3 of 1950);

(iii) in the Federated Areas of Baluchistan, see Gazette of India, 1937, pt. I, p. 1499.

It has also been extended to—

(a) the Baluchistan States Union, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 5 of 1953), as amended;

(b) the Khairpur State, see 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 Gwadur (with effect from the 8th day of January, 1960) (Application of Central Laws) Ordinance, 1960 (Ordinance No. XXXVII of 1960), s.2.

?Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (Ordinance No. XXI of 1960), s.3 and 2nd

*Commencement clause rep. by the Repealing Act, 1874 (Act No. XVI of 1874).

Rep. by the Repealing Act, 1873 (Act No. XII of 1873).

“Secretary” means, in the case of a Post Office Savings Bank, the Postmaster-General appointed for the area in which the Savings Bank is situate *[or if that area is in India,*[*] the Postmaster-General for such area in Pakistan as the “[Federal Government] may by general or special order specify in this behalf :]

5[“minor” means a person who is not deemed to have attained his majority under the Majority Act, 1875 (IX of 1875).]

DEPOSITS BELONGING TO THE ESTATES OF DECEASED PERSONS

6[4. Nomination and payment on death of depositor.—(1) A depositor may, in such manner and form as may be prescribed by rules of the Government Savings Bank, make nomination conferring upon any person or persons the right to receive on the death of the depositor the whole or any part of the deposit standing to his credit.

(2) The person or persons nominated under sub-section (1) shall, notwithstanding anything contained in any other law for the time being in force or in any disposition, whether testamentary or otherwise, by a depositor of the deposit or any part thereof, be entitled, to the exclusion of all other persons, to receive the deposit or part to which the nomination relates.

(3) Where any person nominated under sub-section (1) dies before the death of the depositor or before he has received any sum thereunder, the nomination shall cease to have any effect.

(4) A depositor may, by a notice to the Postmaster concerned in such form as may be prescribed for the purpose, at any time vary or cancel any nomination made by him under sub-section (1).

(5) In any case where—

(a) a depositor dies without making any nomination under sub-section (1) in respect of the whole of the deposit standing to his credit, or after any such nomination if made, has ceased to have effect under sub-section (3) ;

(b) the deposit, or the part of the deposit in respect of which no nomination has been made, does not exceed twenty-five thousand rupees ; and

(c) the probate of the will of the depositor, or the letters of administration of his estate, or a succession certificate under the Succession Act, 1925 (XXXIX of 1925) is not, within three months of the death of the depositor, produced to the Secretary of the Government Savings Bank concerned,

payment of the deposit, or the part as aforesaid, may be made to the person appearing to be entitled to receive it or to administer the estate of the deceased by the Secretary or by any officer employed in the management of the Government Savings Bank who is empowered in this behalf by a general or special order of

'Subs. by Act No. XVI of 1923, s. 2.

"Ins. by A. O., 1949, Sch.

3Rep. by the Federal Laws (Revision and Declaration) Act, 1951 (Act No. XXVI of 1951), s. 3 and II Sch.

4Subs. by Federal Adaptation of Laws Order, 1975 (President's Order No. 4 of 1975), Art. 2 and Table.

SSubs. by the Amending Act, 1916 (Act No. XIII of 1916), s. 2 and Sch.

Subs. by Act No. XXIV of 1965.

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the '[Federal Government] to the extent to which he is so empowered and subject to any general or special order of the Secretary in this behalf.]

5. Payment to be a discharge.—Such payment shall be a full discharge from all further liability in respect of the money so paid:

Saving of right of executor. But nothing herein contained precludes any executor or administrator, or other representative of the deceased, from recovering from the person receiving the same the amount remaining in his hands after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration.

Saving of right of creditor. And any creditor or claimant against the estate of the deceased may recover his debt or claim out of the money paid under this Act 7[* * *] to any person, and remaining in his hands unadministered, in the same manner and to the same extent as if the latter had obtained letters of administration of the estate of the deceased.

6. Security for due administration—The Secretary of any such Bank [or any officer empowered under “[sub-section (5) of section 4] may take such security as he thinks necessary from any person to whom he pays any money under “[sub-section (5) of section 4] for the due administration of the money so paid,

and he may assign the said security to any person interested in such administration.

7. Power to administer oath.—For the purpose of ascertaining the right of the Person claiming to be entitled as aforesaid, the Secretary of any such Bank °[or any officer empowered under “[sub-section (5) of section 4] may take evidence on oath or affirmation according to the law for the time being relating to oaths and affirmations.

Penalty for false statements. Any person who, upon such oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of an offence under section 193 of the Pakistan Penal Code (XLV of 1860).

8. Deposit when excluded in computing court-fees.—Where the amount of the deposit belonging to the estate of a deceased depositor does not exceed *[three thousand rupees,] such amount shall be excluded in computing the fee chargeable, under the Court-fees Act, 1870 (VII of 1870), on the probate, or letters of administration, or certificate (if any), granted in respect of his

property® :

Provided that the person claiming such probate or letters or certificate shall exhibit to the Court authorized to grant the same a certificate of the amount of the deposit in any Government Savings Bank belonging to the estate of the deceased. Such certificate shall be signed by the Secretary of such Bank, and the Court shall receive it as evidence of the said amount.

'Subs. by Federal Adaptation of Laws Order, 1975 (President's Order No. 4 of 1975), Art, 2 and Table.

Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance No. XVII of 1981), 3Ins. by Act No. XVI of 1923, s. 4.

4Subs. by Act No. XXIV of 1965, ss. 3 and 4.

Subs. by Act No. XVII of 1917, s. 2.

®Rep. by the Savings Banks Act, 1863 (26 and 27 Vict., c. 87).

9. [Omitted]

DEPOSITS BELONGING TO MINORS

10. Payment of deposits to minor or guardian.—Any deposit made by, or on behalf of, any minor may be paid to him personally if he made the deposit, or to his guardian for his use if the deposit was made by any person other than the minor, together with the interest accrued thereon.

The receipt of any minor or guardian for money paid to him under this section shall be a sufficient discharge therefor.

11. '[Omitted]

DEPOSITS BELONGING TO LUNATICS

12. Payment of deposits belonging to lunatics.—If any depositor becomes insane or otherwise incapable of managing his affairs,

and if such insanity or incapacity is proved to the satisfaction of the Secretary of the Bank in which his deposit may be,

such Secretary may, from time to time, make payments out of the deposit to any proper person,

and the receipt of such person, for money paid under this section, shall be a sufficient discharge therefor.

Where a committee or manager of the depositor's estate has been duly appointed, nothing in this section authorizes payments to any person other than such committee or manager.

DEPOSITS MADE BY MARRIED WOMEN

13. Payment of married women's deposits.—Any deposit made by or on behalf of a married woman or by or on behalf of a woman who afterwards marries, may be paid to her, whether or not ![section 20 of the Succession Act, 1925 (XXXIX of 1925)] applies to her marriage; and her receipt for money paid to her under this section shall be a sufficient discharge therefor.

RULES

14. Rules regulating certificates under section 8, and payments under section 10, 12 or 13.—All certificates under section 8, and all payments under section 10, section 12 or section 13, shall be respectively granted and made by the Secretary of the Bank, subject to such rules consistent with this Act as the ?[Federal Government] may, from time to time, prescribe.

'Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (Ordinance No. XXVII of 1981 Subs. by Federal Adaptation of Laws Order, 1975 (President's Order No. 4 of 1975), Art. 2 and Table.