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(Act No. V OF 1873)

(As modified up to 31st August, 1968.)

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CHAPTER III

THE GOVERNMENT SAVINGS BANKS ACT, 1873

Act No. V of 1873¹

(As adapted in Bangladesh)

(28th 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.—²[It extends to the whole of Bangladesh.]

* * * * *

2. [Repeal of Act XXVI of 1855] Rep. by the Repealing Act, 1873 (XII of 1873).

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 ;

¹ For the Statement of Objects and Reasons to the Bill which was based upon the Trustee Savings Banks Act, 1863 (26 and 27 Vict. c. 87), s. 30, see Gazette of India, 1872, Pt. V, p. 575 ; for Proceedings in Council, see *ibid.*, 1872, Supplement, pp. 727, 743 ; *ibid.*, 1873, Supplement, pp. 150 and 221.

This Act has been applied to the Chittagong Hill-tracts with certain modifications, see Bengal Regulation III of 1944.

² 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 “all the Provinces and the Capital of the Federation” which had been subs. by A. O., 1949, Arts. 3(2) and 4, for “the whole of British India.”

³ Commencement clause rep. by the Repealing Act, 1874 (16 of 1874).

¹“Secretary” means in the case of a Post Office Savings Bank, the Postmaster General appointed for the area in which the Savings Bank is situated ²[or if that area is in India, ³the Postmaster General for such area in Bangladesh as the Government may by general or special order specify in this behalf];

⁴“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

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);

¹ Subs. by the Government Savings Banks (Amdt.) Act, 1923 (16 of 1923), s. 2, for the original definition.

² Ins. by A. O. 4 of 1949, Sch.

³ The word “by” rep. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 3, and II Sch.

⁴ Subs. by the Amending Act, 1916 (13 of 1916), s. 2 and Sch., for the original definition.

⁵ This section was subs. first by the Government Savings Banks (Amdt.) Act, 1923 (16 of 1923), s. 3 and then by the Government Savings Banks (Amdt.) Act, 1943 (2 of 1943), s. 2 and again by Government Savings Banks (Amendment) Act, 1965 (XXIV of 1965) s. 2 to read as above.

- (b) the deposit, or the part of the deposit in respect of which nomination has been made, does not exceed Taka twenty-five thousand, 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 the 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 or ^{1*} * Act No. XXVI of 1855², to any person, and remaining in his hands unadministered, in the same manner and to the same extent as if the latter had obtained letter of administration of the estate of the deceased.

6. Security for due administration.—The Secretary of any such Bank ³[or any officer empowered under ⁴[sub-section (5) of section 4] may take such security as he thinks necessary from any person to whom he pays any money under ⁴[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

1 The words "the said" rep. by the Amending Act, 1891 (12 of 1891), s. 2 and Sch. I. 2 Rep. by s. 2 of this Act.

3 Ins. by the Government Savings Banks (Amdt.) Act, 1923 (16 of 1923), s. 4.

4 Subs. by the Savings Banks (Amendment) Act, 1965 (XXIV of 1965), s. 3.

Bank 1[or any officer empowered under 2[sub-section (5) of section 4] may take evidence on oath or affirmation according to the law³ 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 Bangladesh 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 4[Taka Three thousand] 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 property⁵ :

Provided that the person claiming such probate or letters of certificate shall exhibit to the Court authorised 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.

9. Act not to apply to deposits belonging to estates of European soldiers or deserters.—Nothing hereinbefore contained applies to money belonging to the estate of any European officer, non-commissioned officer or soldier dying in 6[the service of the State] in 7[Bangladesh], or of any European who, at the time of his death, was a deserter from the said service.

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.

1 Ins. by the Government Savings Banks (Amdt.) Act, 1923 (16 of 1923), s. 4.

2 Subs. by the Savings Banks (Amendment) Act, 1965 (XXIV of 1965), s. 3.

3 See the Oaths Act, 1873 (10 of 1873).

4 Subs. by the Government Savings Banks (Amendment) Act, 1917 (17 of 1917), s. 2, for "one thousand rupees".

5 Cf. the Savings Bank Act, 1828 (9 Geo. 4, c. 92), s. 40, now rep. by the Savings Banks Act, 1863 (26 and 27 Vict, c. 87).

6 Subs. by A. G. O., 1961. Art. 2 and Sch., for "Her Majesty's service" (with effect from the 23rd March, 1956).

7 Subs. by A. O., 1949, Sch., for "India".

11. Legalisation of like payments heretofore made.—All payments of deposits heretofore made to minors or their guardians by any Secretary of a Government Savings Bank shall be deemed to have been made in accordance with law.

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 authorises 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 the Indian Succession Act, 1865 (X of 1865)¹ section 4 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 ²[Government] may, from time to time, prescribe³.

¹ See now the Succession Act, 1925 (39 of 1925).

² Subs. by the A. O., 1937, for "G. G. in C."

³ For such rules, see Gazette of India, 1895, Pt. I, p. 406, and *ibid*, 1897, Supplement, p. 158.