



THE GOVERNMENT MANAGEMENT OF PRIVATE ESTATES ACT, 1892



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THE PAKISTAN CODE

THE GOVERNMENT MANAGEMENT OF PRIVATE ESTATES ACT, 1892

¹ACT No. X OF 1892

[25th October, 1892]

An Act to provide for the levy of a rate on private estates under the management of the Government to meet the cost of supervision and management.

WHEREAS it is expedient to provide for the levy of a rate on private estates under the management of the Government to cover the cost of all Government establishments in so far as they are employed in the supervision and management of such estates, other than establishments specially entertained for any particular estate or group of estates, and to meet all contingent expenditure incurred by the Government in connection with such supervision and management; It is hereby enacted as follows :—

1. Title and extent.—(1) This Act may be called the Government Management of Private Estates Act, 1892.

[²(2) It extends to the whole of Pakistan.] ; ³*

³[* * * * *]

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

- (1) “immoveable property” includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth but not standing timber, growing crops or grass;
- (2) “gross income” includes all receipts of every kind in produce or cash, except money borrowed, recoveries of principal and the proceeds of sale of immoveable property or of moveable property properly classed as capital; and
- (3) “private estates under Government management” include—

¹For Statement of Objects and Reasons, see Gazette of India, 1892, Pt. V, p. 14; for Report of the Select Committee, see *ibid.*, 1892, Pt. V, p. 69 and for Proceedings in Council, see *ibid.*, 1892, Pt. VI, p. 73.

This Act has been 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.

This Act has been amended to the extent of Islamabad Capital Territory, see Ord. No. 27 of 1981, s. 5 and 4th Sch.

²Subs. 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 original sub-section (2), as amended by the Burma Laws Act, 1898 (13 of 1898), s. 18 and Sch. V, the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8, and A. O., 1949, Arts. 3 (2) and 4.

³The word “and” at the end of sub-section (2), and sub-section (3) rep. by the Repealing and Amending Act, 1914 (10 of 1914), s.3 and Sch. II.

- (a) estates under the Court of Wards;
- (b) encumbered estates under Government management;
- (c) estates attached for default of payment of Government revenue;
- (d) minors' estates placed under the guardianship of a revenue-officer of the Government by a Civil Court;
- (e) estates managed by a Collector in pursuance of any order made under the ¹[Code of Civil Procedure, 1908 (Act V of 1908)] (XLV of 1882) and
- (f) all other estates made over to or taken under the management of a revenue-officer of the Government as such under any law for the time being in force or in virtue of any agreement.

3. Power to levy rate. It shall be lawful for the ²[Provincial Government]—

- (1) to levy on all private estates under Government management a rate not exceeding five percent on the gross income, calculated, as nearly as may be possible, to cover
 - (a) the cost of all Government establishments in so far as they may be employed in the supervision or management of such estates other than establishments specially entertained for the supervision or management of any particular estate or group of estates, and
 - (b) all contingent expenditure incurred in consequence of such supervision or management;
- (2) from time to time to vary such rate; and
- (3) to reduce or remit such rate in any special case or cases as may be equitable:

Provided that, in deciding the amount of the rate to be levied under this Act on any particular estate or group of estates, the ²[Provincial Government] shall consider the expenditure incurred on special establishments for such estate or estates.

4. Power to levy special charges. In cases where an officer of the Government is employed to give legal advice or to audit accounts on behalf of any estate, the ²[Provincial Government], if it considers the services rendered to be of a special nature, may, in its discretion, direct a special charge to be made against that estate on account of such services, irrespective of the rate leviable under the last foregoing section.

¹Sub by Ord. XXVII of 1981, s.5 & Sch. IV (only to the extent of Islamabad Capital Territory).

²Subs. by A. O., 1937, for "L. G.".

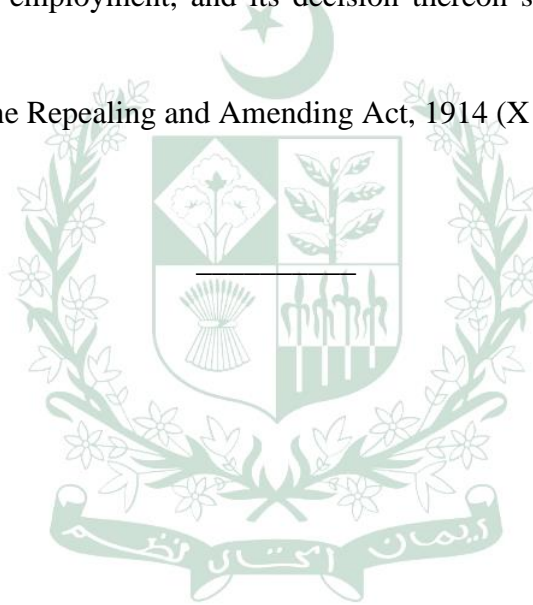
5. Saving as to special expenditure. Nothing in this Act shall apply to the cost of establishments specially entertained or to expenditure of any description specially incurred in respect of any particular estate or estates.

6. Validation of levy of past rates. All rates for general supervision or management levied by any ¹[Provincial Government] before the commencement of this Act shall be deemed to have been levied under this Act.

7. Powers to make rules. The ¹[Provincial Government] may make any rules² and issue any orders which may be necessary for carrying this Act into effect, and which are consistent therewith.

8. Exemption from jurisdiction of Courts. Where any Government establishment is employed in such supervision as aforesaid, the ¹[Provincial Government] shall be the sole judge of the cost attributable to such employment, and its decision thereon shall not be questioned in any Court of Law or otherwise.

9. [Repeal.] Rep.by the Repealing and Amending Act, 1914 (X of 1914), s.3 and Schedule II.



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¹Subs. by A. O., 1937, for "L. G.".

²For rules made under this section, see different local Rules and Orders.