

The Government Savings Certificates Act, 1959

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Act 46 of 1959

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1350.

The post Office National Saving Certificates Ordinance, 1944 (42 of 1944), issued under Section 72 of the Ninth Schedule to the Government of India Act, 1935, as originally enacted and continued in force by virtue of the provisions of the India and Burma (Emergency Provisions) Act, 1940 (3 and 4 Geo. 6, Ch. 33) regulates the sale and discharge of National Savings Certificates issued through the Post Offices. Suggestions have made from time to time that as the production of legal proof of succession involves considerable delay and expenses, the holders of saving certificates in the event of their death without the production of succession certificate or other proof of title. In seeking to amend that Ordinance for the above purpose, opportunity is taken to replace it by an Act of Parliament.² The certificates to which the Ordinance applies are at present being issued and discharged only through Post Office. It is however, becoming increasingly necessary that facilities should be provided for the sale of the certificates through agencies other than the Post Offices as well. The Bill as framed will now enable the Government to prescribe suitable authorities for the sale or discharge of the certificates. - Gazette of India, Extra, 27-8-1959, Pt. II, section 2, page 873. [18th September, 1959.] An Act to make certain provisions in respect of Government Savings Certificates. Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:-

Extended to the Union territory of Goa, Daman and Diu (w.e.f. 1-9-1979,) vide Notification No. S.O. 2734, see Gazette of India, Extraordinary, Pt. II, Section 3 (ii), p 1991. Extended to and brought into force in Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1963. s. 2 and Sch. This Act came into force in Pondicherry on 1-10-1963: vide Reg. 7 of 1963, Section 3 and Sch. I. 2 1st August. 1960 : vide Notification No. G.S.R. 709. dated 25th June. 1960, Gazette of India, 1960, Pt. II Section 3 (i). p. 968. 3 For such notification see Notification No. G.S.R. 710, dated 25th June, 1960, p. 968, ibid.

1. Short title, commencement and application.

(1) This Act may be called the Government Savings Certificates Act, 1959. (2) It shall come into force on such [date] [1st August, 1960 : vide Notification No. G.S.R. 709. dated 25th June, 1960, Gazette of India, 1960, Pt. II Section 3 (i). p. 968.] as the Central Government may, by notification in the Official Gazette, [appoint] [1st August, 1960 is the day so appointed - see Gazette of India, 1960, Pt. II, Section 3(i), page 968]. (3) It applies to such class of savings certificates as the Central Government may, by [notification] [Inserted by Act 56 of 1985, S.3.] in the Official Gazette, specify in this behalf.

2. Definitions.

In this Act, unless the context otherwise requires, - (a) "minor" means a person who is not deemed to have attained his majority under the Indian Majority Act, 1875 ; (9 of 1875.) (b) "prescribed" means prescribed by rules made under this Act; (c) "savings certificate" means a savings certificate to which this Act applies ; (d) "transfer" means a transfer inter vivos, and does not include transfer by operation of law

3. Restrictions on transfer savings certificates.

Notwithstanding anything contained in any law for the time being in force, no transfer of a savings certificate, whether made before or after the commencement of this Act, shall be valid unless it has been made with the previous consent in writing of the prescribed authority.

4. Holdings by or on behalf of minors.

Notwithstanding any provision in any law for the time being in force, - (a) a minor may apply for and hold savings certificates and any other person may apply for and hold savings certificates on behalf of a minor; (b) where any savings certificate is held by or on behalf of a minor, the minor shall, whether the savings certificate was applied for and issued before or after the commencement of this Act, be bound by the provisions of this Act and of any rules made thereunder applicable to such savings certificate and by the terms of any declaration made by the applicant for the savings certificate in pursuance of the said rules.

5. Payment where certificate is held by or on behalf of a minor.

Payment of the sum for the time being due on a savings certificate held by or on behalf of a minor may be made (a) to him personally, if he himself applied for the savings certificate, or (b) for the use of the minor, if the application for the savings certificate was made by any person other than the minor, - (i) to any such person, being a parent of the minor or guardian of his property, as may be specified in that behalf in the form of application; (ii) if no such person has been specified, to any guardian of the property of the minor appointed by a competent court, or where no such guardian has been so appointed, to either parent of the minor, or where neither parent is alive, to any other

guardian of the minor.

6. Nomination by holders of savings certificates.

(1)Notwithstanding anything contained in any law for the time being in force, or in any disposition, testamentary or otherwise in respect of any savings certificate, where a nomination made in the prescribed manner purports to confer on any person the right to receive payment of the sum for the time being due on the savings certificate on the death of the holder thereof and before the maturity of the certificate, or before the certificate having reached maturity has been discharged, the nominee shall, on the death of the holder of the savings certificate, become entitled to the savings certificate and to be paid the sum due thereon to the exclusion of all others 31 persons, unless the nomination is varied or cancelled in the prescribed manner.(2)Any nomination referred to in sub-section (1) shall become void if the nominee predeceases, or where there are two or more nominees all the nominees predecease, the holder of the savings certificate making the nomination.(3)Where the nominee is a minor, it shall be lawful for the holder of the savings certificate making the nomination to appoint in the prescribed manner any person to receive the sum due thereon in the event of his death during the minority of the nominee.(4)A transfer of a savings certificate made in the prescribed manner shall automatically cancel a nomination previously made:Provided that where a savings certificate is held by or on behalf of any person as a pledgee or by way of security for any purpose, such holding shall not have the effect of cancelling a nomination but the right of the nominee shall be subject to the right of the person so holding it.

7. Payment on death of holder.

(1)If the holder of a savings certificate dies and there is in force at the time of his death a nomination in favour of any person, payment of the sum due thereon shall be made to the nominee.(2)Where the nominee is a minor, payment of the sum due thereon shall be made--(a)in any case where a person has been appointed to receive it under sub-section (3) of section 6, to that person, and(b)where there is no such person, to any guardian of the property of the minor appointed by a competent court, or where no such guardian has been so appointed, to either parent of the minor, or where neither parent is alive, to any other guardian of the minor.(3)Where the sum due on a savings certificate is payable to two or more nominees, and either or any of them dies, the sum shall be paid to the surviving nominee or nominees.(4)If a person dies and is at the time of his death the holder of a savings certificate and there is no nomination in force at the time of his death and probate of his will or letters of administration of his estate or a succession certificate granted under the Indian Succession Act, 1925, (39 of 1925.) is not within three months of the death of the holder produced to the prescribed authority, then, if the sum due on the savings certificate does not exceed [such limit as may be prescribed the prescribed] [Substituted for the words " five thousand rupees" by the Government Savings Laws (Amendment) Act (56 of 1985), Section 3 (4-9-85)], authority may pay the same to any person appearing to 32 it to be entitled to receive the sum or to administer the estate of the deceased.(5)Nothing contained in this section shall be deemed to require any person to receive payment of the sum due on a savings certificate before it has reached maturity or otherwise than in accordance with the terms of the savings certificate.

8. Payment to be a full discharge.

(1) Any payment made in accordance with the foregoing provisions of this Act to a minor or to his parent or guardian or to a nominee or to any other person shall be a full discharge from all further liability in respect of the sum so paid. (2) Nothing in sub-section (1) shall be deemed to preclude any executor or administrator or other representative of a deceased holder of a savings certificate from recovering from the person receiving the same under section 7 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. (3) Any creditor or claimant against the estate of a holder of a savings certificate may recover his debt or claim out of the sum paid under this Act to any person and remaining in his hands un-administered, in the same manner and to the same extent as if the latter had obtained letters of administration to the estate of the deceased.

9. Security for due administration.

The prescribed authority may take such security as it thinks necessary from any person to whom any money is paid under sub-section (4) of section 7 for the due administration of the money so paid and may assign the said security to any person interested in such administrations.

10. Power to administer oath.

(1) For the purpose of ascertaining the right of a person claiming to be entitled to payment under sub-section (4) of section 7, the prescribed authority may take evidence on oath or affirmation according to the law for the time being in force relating to oaths and affirmation. (2) 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 Indian Penal Code.

11. Protection of action taken in good faith.

No suit or other legal proceeding shall lie against any officer of the Government or any prescribed authority in respect of anything which is in good faith done or intended to be done under this Act.

12. Power to make rules.

(1) The Central Government may, by notification in the Official Gazette, make [rules] [For the Post Office Savings Certificates Rules, 1960, see Gazette of India, 1960 Pt. II, Section 3 (i) pp. 968-983] to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—(a) the form of application for savings certificates and the issue and discharge of such certificates; (b) the maximum limits of holdings; (c) the conditions as to payment of interest or discount relating to any class of savings certificates and the recovery of any interest paid on any amount held in excess of the maximum limits in the same manner as an arrear

of land revenue or in any, other manner;(d)the transfer and conversion of savings certificates and the fees to be levied in respect thereof ;(e)the replacement of savings certificates mutilated, lost or destroyed and the fees payable in respect thereof ;(f)the form of nominations, the manner in which and the conditions subject to which nominations may be made and the registration of nominations ;(g)the manner in which any person may be appointed for the purposes of sub-section (3) of section 6 ;(h)the variation or cancellation of nominations and the registration of such variations or cancellations ;(i)the fees that may be levied for registration, variation or cancellation of nominations;(ia)[the limit under sub-section (4) of section 7;] [Inserted by the Government Savings Laws (Amendment) Act (56 of 1985), S.3, (4-9-1985)](j)any other matter which has to be, or may be prescribed.(3)Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both-Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

13. Repeal and savings.

(1)The Post Office National Savings Certificates Ordinance, 1944 (42 of 1944), is hereby repealed.(2)Notwithstanding the repeal of the said Ordinance, any rules made or deemed to have been made or anything done or any action, taken in exercise of any of the powers conferred by or under the said Ordinance shall be deemed to have been made, done or taken in exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such rules were made, such thing was done or such action was taken.