

**GOVERNMENT MANAGEMENT OF PRIVATE ESTATES ACT,  
1892**

**10 of 1892**

**[25th October, 1892]**

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STATEMENT OF OBJECTS AND REASONS "In several provinces a general rate is already levied on estates under the Court of Wards, and is credited to Government to meet the estimated costs of supervision and management by Government Officers. It is desirable to place the legality of these rates beyond doubt; and at the same time to limit their amount. It has been decided that other Local Governments should be empowered to levy similar rates, and that the rates should be leviable on all estates under Government management and not merely on those under the Court of Wards. Power has been given to the Local Governments to reduce or remit the rate in special cases. This provision is designed especially to meet cases in which Government officials are relieved of the supervision and management by the employment of special general managers. Under Section 4 of the Bill it is open to Local Governments either to charge special fees for legal advice and audit of accounts where these services are rendered by Government

Officials, or to debit the contribution for these services to the general rate."- Gazette of India, 1892, Part V, page 14.

### **1. Title and extent :-**

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

<sup>1</sup>[(2) It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States <sup>2</sup> [\* \* \*];

1. As a result of the amendment made by Burma Laws Act, 1898 (13 of 1898), Section 18 and Sch. V. and adaptations made by A.C.A.O., 1948, A.L.O., 1950 and 2 A.L.O.. 1956, sub-section (2) reads as above.

2. Word "and" at the end of sub-section (2) and entire sub-section (3) were repealed by the Repealing and Amending Act, 1914 (10 of 1914).

### **2. Definitions :-**

In this Act, unless there is something repugnant in the subject or context,-

( 1 ) "immovable 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 immovable property or of moveable property properly classed as capital; and

(3) "private estate under Government management" include-

(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 Code of Civil Procedure, 1908 ; 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 <sup>1</sup>[State 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 <sup>1</sup> [State Government] shall consider the expenditure incurred on special establishments for such estate or estates.

1. Substituted for "Provincial Government" by A.L.O., 1950.

### **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 <sup>1</sup> [State 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.

1. Substituted for "Provincial Government" by A.L.O., 1950

### **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 <sup>1</sup>

[State Government] before the commencement of this Act shall be deemed to have been levied under this Act.

1. Substituted for "Provincial Government" by A.L.O., 1950.

**7. Powerto make rules :-**

The <sup>1</sup> [State Government] may make any rules and issue any orders which may be necessary for carrying this Act into effect, and which are co.nsistent therewith.

1. Substituted for "Provincial Government" by A.L.O., 1950.

**8. Exemption from jurisdiction of Courts :-**

Where any Government establishment is employed in such supervision as aforesaid, the <sup>1</sup> [State 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.

1. Substituted for "Provincial Government" by A.L.O., 1950.

**9. Repeal :-**

(Repealed by the Repealing and Amending Act, 1914 (10 of 1914), Section 3 and Sch. II).