

**Bill No. XXXII of 2011**

THE ADMINISTRATORS-GENERAL (AMENDMENT) BILL, 2011

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**BILL**

*further to amend the Administrators-General Act, 1963.*

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Administrators-General (Amendment) Act, 2011.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

5 **2.** In sections 9, 10, 29 and 36 of the Administrators-General Act, 1963, for the words "two lakhs", wherever they occur, the words "ten lakhs" shall be substituted.

Amendment of sections 9, 10, 29 and 36 of Act 45 of 1963.

## STATEMENT OF OBJECTS AND REASONS

The Administrators-General Act, 1963 is an Act to consolidate and amend the law relating to the office and duties of Administrator-General. Section 29 of the said Act empowers the Administrator-General to grant certificate to any person, interested in the assets of a deceased person, claiming otherwise than as a creditor and such certificate can be granted only in cases where the assets left by the deceased person (except the assets of certain specified nature) do not exceed in value in the whole the monetary limit specified in that section. Originally, the monetary limit specified in the said section 29 was only ₹ 5,000. On account of considerable decrease in money value and to protect the interests of the poor persons and legal heirs especially widows, minor children and other dependents of the deceased persons from protracted and expensive litigation in civil courts, the monetary limit in the said section was enhanced to ₹ 15,000 in 1972, to ₹ 50,000 in 1983 and to ₹ 2,00,000 in 1999.

2. Certain representations have been received by the Central Government requesting for enhancement of the monetary limit specified in section 29 of the Administrators-General Act, 1963 from ₹ 2,00,000 due to the escalation in the value of assets and on account of considerable decrease in money value. The Maharashtra State Legislature has amended the aforesaid Act in its application to that State by enhancing the monetary limit from ₹ 2,00,000 to ₹ 10,00,000. Similarly, the Uttar Pradesh State Legislature has also taken steps to amend the Act in its application to that State for enhancing the monetary limit from ₹ 2,00,000 to ₹ 10,00,000.

3. In view of the position stated above and having regard to the decrease in money value and escalation of prices of properties, it is considered necessary to increase the monetary limit of jurisdiction of the Administrator-General from ₹ 2,00,000 as at present, to ₹ 10,00,000 by suitably amending the references to the monetary limit specified in sections 9, 10, 29 and 36 of the said Act.

4. The Bill seeks to achieve the above objects.

NEW DELHI;

SALMAN KHURSHID.

*The 4th August, 2011.*

ANNEXURE

EXTRACTS FROM THE ADMINISTRATORS-GENERAL ACT, 1963

(45 OF 1963)

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9. (1) If—

(a) any person had died leaving within any State assets exceeding rupees two lakhs in value, and

(b) (whether the obtaining of probate of his will or letters of administration to his estate is or is not obligatory), no person to whom any court would have jurisdiction to commit administration of such assets has, within one month after his death, applied in such State for such probate, or letters of administration, and

(c) (in cases where the obtaining of such probate or letters of administration is not obligatory under the provisions of the Indian Succession Act, 1925), no person has taken other proceedings for the protection of the estate,

39 of 1925.

the Administrator-General of the State in which such assets are, may, subject to any rules made by the State Government, within a reasonable time after he has had notice of the death of such person, and of his having left such assets, take such proceedings as may be necessary to obtain from the High Court letters of administration of the estate of such person.

(2) The Administrator-General shall not take proceedings under this section unless he is satisfied, that there is apprehension of misappropriation, deterioration or waste of such assets if such proceedings are not taken by him or that such proceedings are otherwise necessary for the protection of the assets.

10. (1) Whenever any person has died leaving assets within any State exceeding rupees two lakhs in value, and the High Court for that State is satisfied that there is imminent danger of misappropriation, deterioration or waste of such assets, requiring immediate action, the High Court may, upon the application of the Administrator-General or of any person interested in such assets or in the due administration thereof, forthwith direct the Administrator-General—

(a) to collect and take possession of such assets, and

(b) to hold, deposit, realise, sell or invest the same according to the directions of the High Court, and, in default of any such directions, according to the provisions of this Act, so far as the same are applicable to such assets.

(2) Any order of the High Court under sub-section (1) shall entitle the Administrator-General—

(a) to maintain any suit or proceeding for the recovery of such assets;

(b) if he thinks fit, to apply for letters of administration of the estate of such deceased person;

(c) to retain out of the assets of the estate any fees chargeable under rules made under this Act; and

(d) to reimburse himself for all payments made by him in respect of such assets which a private administrator might lawfully have made.

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Right of Administrator-General to apply for administration of estates.

Power of Administrator-General to collect and hold assets where immediate action is required.

## CHAPTER IV

## GRANT OF CERTIFICATE

In what cases  
Administrator-  
General may  
grant  
certificate.

**29.** (1) Whenever any person has died leaving assets within any State and the Administrator-General of such State is satisfied that such assets, excluding any sum of money deposited in a Government Savings Bank or in any provident fund to which the provisions of the Provident Funds Act, 1925, apply, did not at the date of death exceed in the whole two lakhs rupees in value, he may grant to any person, claiming otherwise than as a creditor to be interested in such assets or in the due administration thereof, a certificate under his hand entitling the claimant to receive the assets therein mentioned left by the deceased within the State, to a value not exceeding in the whole two lakhs rupees. 19 of 1925.

(2) No certificate under this section shall be granted before the lapse of one month from the death unless before the lapse of the said one month the Administrator-General is requested so to do by writing under the hand of the executor or the widow or other person entitled to administer the estate of the deceased and he thinks fit to grant it.

(3) No certificate shall be granted under this section,—

(i) where probate of the deceased's will or letters of administration of his estate has or have been granted; or

(ii) in respect of any sum of money deposited in a Government Savings Bank or in any provident fund to which the provisions of the Provident Funds Act, 1925, apply. 19 of 1925.

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Administrator-  
General not  
bound to take  
out administra-  
tion on  
account of  
assets for  
which he has  
granted  
certificate.

**36.** The Administrator-General shall not be bound to take out letters of administration of the estate of any deceased person on account of the assets in respect of which he grants any certificate under section 29 or section 30, but he may do so if he revokes such certificate under section 33, or ascertains that the value of the estate exceeded two lakhs rupees.

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RAJYA SABHA

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BILL

further to amend the Administrators-General Act, 1963.

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*(Shri Salman Khurshid, Minister of Law and Justice and Minister of Minority Affairs)*