



**KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
FIFTH SESSION**

THE INDIAN SUCCESSION (KARNATAKA AMENDMENT) BILL, 2014
(L.A. Bill No. 59 of 2014)

A Bill further to amend the Indian Succession Act, 1925 in its application to the State of Karnataka.

Whereas it is expedient further to amend the Indian succession Act, 1925 (Central Act 39 of 1925) in its application to the State of Karnataka for the purpose hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty fifth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Indian succession (Karnataka Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of section 306.- In section 306 of the Indian succession Act, 1925 (Central Act 39 of 1925),-

- (a) the words, figures and brackets “ assault, as defined in the Indian Penal Code (Central Act 45 of 1860) or other personal injuries not causing the death of the party” shall be omitted;
- (b) in the Illustration, clause (i) and entries relating thereto shall be omitted.

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Indian Succession Act, 1925 (Central Act 39 of 1925) in its application to the State of Karnataka in order to enable legal representative of the deceased person to recover both pecuniary damages for pain and suffering as well as compensation under the Head "Loss to the estate".

Hence, the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

T.B. JAYACHANDRA

Minister for Law, Parliamentary Affairs,
Animal Husbandry and Muzarai

P. OMPRAKASHA

Secretary
Karnataka Legislative Assembly

ANNEXURE**EXTRACT FROM THE INDIAN SUCCESSION ACT, 1925
(CENTRAL ACT 39 OF 1925)****XX****XX****XX**

306. Demands and rights of action of or against deceased survivor to and against executor or administrator.—All demands whatsoever and all rights to prosecute or defend any action or special proceeding existing in favour of or against a person at the time of his decease, survive to and against his executors or administrators; except causes of action for defamation, assault, as defined in the Indian Penal Code, (45 of 1860.) or other personal injuries not causing the death of the party; and except also cases where, after the death of the party, the relief sought could not be enjoyed or granting it would be nugatory.

Illustrations

(i) A collision takes place on a railway in consequence of some neglect or default of an official, and a passenger is severely hurt, but not so as to cause death. He afterwards dies without having brought any action. The cause of action does not survive.

(ii) A sues for divorce. A dies. The cause of action does not survive to his representative.

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