

THE ORISSA



GAZETTE

REGISTERED No. P. 390

PUBLISHED BY AUTHORITY

No. 6

CUTTACK, FRIDAY, OCTOBER 22, 1943

SEPARATE PAGING IS GIVEN TO THIS PART, IN ORDER THAT IT MAY BE FILED AS A SEPARATE COMPILATION

PART VI

Bills introduced into the Council of the Governor General of India and
Bills published before introduction in that Council

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT

The following Bill was introduced in the Council of State
on the 3rd August 1943 :—

C. OF S. BILL No. 2 OF 1943

A Bill further to amend the Indian Succession Act, 1925

WHEREAS it is expedient to amend sections 213 and 370
of the Indian Succession Act, 1925 (XXXIX of 1925), in
regard to testamentary succession of Indian Christians;

It is hereby enacted as follows :—

1. *Short title*—This Act may be called the Indian
Succession (Amendment) Act, 1943.

2. *Amendment of section 213, Act XXXIX of 1925*—In
sub-section (2) of section 213 of the Indian Succession Act,
1925 (XXXIX of 1925) (hereinafter referred to as the said
Act), after the word "Muhammadans" the words "or
Indian Christians" shall be inserted.

3. *Amendment of section 370, Act XXXIX of 1925*—In
the proviso to sub-section (1) of section 370 of the said Act,
after the word "administration" the words "or probate"
shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Prior to 1901, Indian Christians laboured under a serious grievance, namely, that they were compelled to obtain probate of wills and letters of administration with liability to pay death duties on the death of every owner of property under the Indian Succession Act X of 1865, while Hindus and Muslims were exempt from the provisions of the Act. They have since been partially relieved by being placed practically on the same footing as their non-Christian countrymen in cases of intestacy under the Indian Christian Estates Administration Act VII of 1901; but where the deceased has left a will, they are still bound to obtain probate and pay probate duty as required by section 213 of the Indian Succession Act XXXIX of 1925, a section which does not apply to wills of Hindus, Buddhists, Sikhs or Jains except where such wills are of the class specified in clauses (a) and (b) of section 57 and to all wills of Muhammadans.

The necessity of making wills has been imposed upon Indian Christians by the provisions of the Indian Succession Act as to intestate succession being made applicable to them, which are far in advance of their usages and are derived from English law. It is felt as a serious hardship that in such circumstances Indian Christians should be compelled to obtain probate and should be made liable to pay death duties while their non-Christian countrymen to whom wills are a luxury are exempt. From this injustice they should be relieved by placing Indian Christians on the same footing as Hindus and Muhammadans in sections 213 and 370 of the Act.

MYLAPORE, MADRAS
The 13th May 1943

DAVID DEVADOSS

G. H. SPENCE
Secretary