

curable means; we have to see that they do not suffer in their marital life. After their marriage, they should not go in for divorce.

[THE VICE-CHAIRMAN (SHRI SANATAN BISI) IN THE CHAIR]

Therefore, in order to save, especially, the life of women—the women are more affected because males take this as an issue—we are bringing in this legislation. Therefore, I once again request the hon. Members to support this Bill and pass this unanimously.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): The question is:

“That the Bill further to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954 be taken into consideration.”

*The Motion was adopted*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 and 3 were added to the Bill.*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): On clause 1, there is one amendment by the hon. Minister.

#### CLAUSE 1

SHRI M. THAMBI DURAI: Sir, I move:

That at page 1, line 3, for the figure “1997”, the figure “1998” be substituted.

*The question was put and the motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): On Enacting Formula, there is one amendment by the Minister.

#### ENACTING FORMULA

SHRI M. THAMBI DURAI: Sir, I move:

That at page 1, line 1 for the word “Forty-eighth”, the word “Forty-ninth” be substituted.

*The question was put and the motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

SHRI M. THAMBI DURAI: Sir, I move:

“That the Bill, as amended, be passed.”

*The question was put and the motion was adopted.*

#### THE INDIAN MAJORITY (AMENDMENT) BILL, 1997

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (SHRI M. THAMBI DURAI): Sir, I beg to move:

“That the Bill further to amend the Indian Majority Act, 1875 be taken into consideration.”

As the Hon'ble Members are aware, the Indian Majority Act, 1875 contains the general law respecting the age of majority in India. The general age for attaining the age of majority is eighteen years. However, there are certain exceptions. One of the exceptions is contained in section 3 of the Act. For the convenience of the Hon'ble Members I would like to read out section 3 of the Act:

“Age of Majority of persons domiciled in India.—Subject as aforesaid every minor of whose person or property or both, a guardian, other than a guardian for a suit within the meaning of Chapter XXXI of the Code of Civil Procedure, has been or shall be appointed or declared by any Court of Justice before the minor has attained the age of eighteen years, and every minor of whose property the superintendence has been or shall be assumed by any Court or Wards before the minor has attained that age, shall notwithstanding anything contained in the Indian Succession Act or

any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before.

Subject as aforesaid, every other person domiciled in India shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before."

From this provision it is clear that in case of those children in case of whose person or property, or both, guardian other than a guardian for suit, has been appointed or declared by any Court of Justice or in case of persons whose property the superintendence of which has been or shall be assumed by any Court of Wards before the person attained the age of eighteen years, the age for attaining majority is twenty-one years. In all other cases the age of attaining majority of all persons domiciled in India is eighteen years.

The Central Government have received representations bringing to its notice the disadvantages a minor under guardianship may be having as compared to his counterpart. The reasons for the age discrimination for those who are in charge of the Court of Wards was to properly administer their estates and to protect the Government revenue. These reasons which existed during the colonial time have no relevance now when the youth have to go out of the jurisdiction of the Court to study, in search of job, etc. Now the youth of our country is much enlightened and can decide the political destiny of our country. At the age of 18 years, they can vote. They have been given this right. We feel that there is no justification in continuing the age difference. Then, why 21 years. This is what we are raising here. The Government reviewed the entire Act and decided to remove the discrimination by suitably amending it. The expression "Indian" occurring in the short title of the Act is also proposed to be removed as it has no relevancy now. In other Acts

also, where the short title contains "Indian", efforts will be made to remove the same as and when any amendment in such an Act is undertaken. It has also been decided to avail of the opportunity to remove the redundant and archaic expressions in the Act. The Act is thus proposed to be restructured.

I would like to bring to the notice of the Hon'ble Members that as the subject-matter of legislation is relatable to the Concurrent List we consulted the State Governments also. The measure has been welcomed by all the State Governments who have responded to. The Department-related Parliamentary Standing Committee on Home Affairs to which the Bill was referred to for examination and report has, in its Forty-sixth Report presented to this House on the 2nd December, 1998 recommended passing of the Bill as introduced. However, certain formal amendments are necessary due to passage of time.

As the proposed legislative measure is a positive legislation to remove discrimination meted out to certain children, I fervently hope that this August House will unanimously support the same.

I commend the Bill for the consideration of this August House and I am sure that the Bill will receive the support from all quarters.

*The question was proposed.*

SHRI JOHN F. FERNANDES (Goa): Mr. Chairman, Sir, this is a very innocuous Bill. As rightly mentioned by the hon. Minister, it is a piece of legislation handed over to us from the colonial past. This Bill is 123 years old and is still on the statute book. Though we were free in 1947; for 51 years it has been on the statute book. Now, the hon. Minister has mentioned in the Statement of Objects and Reasons that he has received representations against this particular Section in this Act. Now, the hon. Minister has not clarified as to whether it is a recommendation of some

court or the Law Commission, or just a mere representation from a citizen of this country.

Secondly, the hon. Minister has not explained to the House as to what was the reason; what was the purpose of the principal legislation—The Indian Marriage Act of 1875. This discrepancy, this anomaly, was introduced by the colonial masters. Subsequently, when the hon. Minister replies, he can explain to us as to what was the reason—there must have been some reason due to which they kept this discrepancy in the age 18 and 21; 21 for a guardian who is appointed by the Court; and 18 otherwise.

Sir, my intention in speaking on this is that, we have statutes and statutes handed down from the colonial past. They have become obsolete. Those have been scrapped even by those countries; the so-called colonial masters. Now, besides this legislation, we have the Land Acquisition Act. The British used this Act against us, Indian. The very word "Indian" in the statute is also objectionable. Then we have the PWD Manual. That was again used by the colonial masters against us to get work done, treating Indians as second-class citizens. So, I want to know from the hon. Law Minister whether he will consider setting up a Law Review Commission in the country to see that our laws are modified because we are going in for globalisation and liberalisation also. So many laws are on the statute. For example, the patents law. We have to bring it in consonance with international standards because we are also a party to the agreements on different protocols and conventions internationally. So, I would like to know from the hon. Minister whether they would consider this. As they are talking of reviewing the Indian Constitution...

THE VICE-CHAIRMAN (SHRI SANATAN BISI): No, no: They have dropped the idea of reviewing the Constitution.

SHRI JOHN F. FERNANDES: Have they dropped the idea? I am sorry.

Therefore, I am giving a new suggestion to them to consider appointing a Law Review Commission. It can sit in the Parliament House or in the Annexe so that Members of Parliament also can attend it.

Off and on the Government comes with piecemeal legislations. This is not the only legislation. Today on the agenda we have one more. You keep on making amendments, giving powers under the statute to the executive. So, will you see that all the laws are brought under one statute book? Otherwise, these are all piecemeal legislations spread out everywhere.

Speaking on the previous Bill, the hon. Minister said, "We have different laws for different communities." I am not talking of a common civil code like the one we have in Goa at the moment, but what I am saying is that there should be uniformity. There will again be another law on our statute because the age of majority for a girl to marry is 18 years, and the age of majority for a boy is 21 years. I am not suggesting that it should be brought down. There are such flaws in our statute. We have ourselves incorporated them. But there can be other recourses sought for. We can give incentives to people who marry late. I don't think that even 18 years have been appropriately fixed. It can be much more than that. But I am not saying that we have to do it by law. The age of majority can be at the same level. Say eighteen. But you give incentives to people. If a girl marries at the age of 24 or a boy marries at the age of 28, we can give incentives. Through incentives, I think, we can enforce the welfare principle of the State.

Mr. Vice-Chairman, this is an innocuous Bill. Surprisingly, it was on the statute for 123 years. Better late than never. I also suggest that similar laws which are on the statute, should be

reviewed, and all these should be brought under one statute book.

Thank You.

SHRI GOPAL SINH G. SOLANKI (Gujarat): Sir, this Amendment to the Indian Majority Act has been brought with a view to remove the disparity between persons who or whose properties are superintended by an order of a court of justice and others. This disparity has to be removed through this particular amendment.

I suggest that there are many things which require consideration. When this Act was enacted, during those days the social conditions, the social thinking and the political thinking were different. But now this age which we are passing through, is an age of computers. It is an age of high technology. It is an age of better understanding. It is an age when the youth of 18 years have been given the right to exercise their franchise to determine the political course of the nation. So, it does require uniformity about the age of majority. Therefore, this Bill or Amendment has been brought forward.

At the same time, of course, as my friend has suggested, there were some observations on the part of the judiciary also, particularly in the case of *Gopeshwar Vs. State of Bihar* in 1951. But that observation is very old. I do not refute it. It has been taken into consideration. It was upheld then. The idea behind keeping the age as 21 years was to save the interests of the minors. Now, it is not 21 years, but 18 years.

So far as this Bill is concerned, it will bring in many ambiguities in other laws. For example, so far as the question of marriage is concerned, it has been decided by a statute that a male who has attained the age of 21 years can only solemnise his marriage while a female can do so after attaining the age of 18 years. This point of disparity has to be considered and this disparity has to be

removed. In the case of the Mohammedan law, when the girl attains puberty, she is considered major and is entitled to go in for marriage. Her guardians' consent is not required. But, in the case of Christians, in the case of the Special Marriage Act, in the case of Indian Penal Code and in the case Civil Procedure Code, this aspect has also been considered. So far as the Civil Procedure Code is concerned, this aspect has been considered in Chapter 31. But, I would like to say that the Government has to come forward with several amendment to remove all these peculiarities so that its implementation can be done in a proper way.

Sir, a Committee was set up to go into all this constitutionally. The Committee had invited comments from various States. There has been no objection to it yet. The removal of this disparity has justified the stand of the BJP Government that there will be no appeasement, but justice to all.

Sir, I support the Bill.

SHRI C.O. POULOSE (Kerala): Sir, we have a lot of old generation Acts, which need updating. The Majority Act is one which also needs revision. This Act came into force 123 years ago in 1875. During this period, India has witnessed a lot of changes, especially, in the field of knowledge and education. Understanding of nature, natural laws, science, technology, sociology etc. has substantially improved, so that the understanding of the common man, including that of the youths has improved a lot. The youth of today is much more advanced in knowledge, when compared to his predecessor a century ago. This has been acknowledged by our political system. The youth of India has been given the authority and the right to vote, to elect the Parliament, State Assemblies, Panchayats, Municipal Committees and the like. The youth is using this authority in a judicious manner. Eighteen years of age is considered to be fit for employment. There are other reasons

also to state that the youth of 18 years is fit for being considered as a major. My point is that, in the old Act, there was a discriminatory provision to grant majority status at 21 years of age. It should go. The Amendment bill seeks to do away with this discrimination. Hence I support this Bill. Thank you.

मौलाना ओबैदुल्ला खान आज़मी (बिहार): सर, 8 अगस्त, 1997 को श्री रमाकान्त खलप जी यह संशोधन बिल लाए थे जो इतेफाक से उस वक्त पास नहीं हो सका था। देर आयाद दुस्त आयाद के मुताबिक आज वह पास होने की मंज़िल में है। मैं अपने सारे साथियों के सुर में सुर मिलाते हुए इस संशोधन बिल की हिमायत करने के लिए खड़ा हुआ हूँ। जहां तक 21 साल और 18 साल की उम्र का फर्क है, यह उम्र का फर्क आज के ज़माने में कोई बड़ा फर्क नहीं है। तालीम, हुनर, जागृति के ज़माने में डवलप करने की रफ़्तार इन्सानी समाज में बहुत तेज़ी के साथ उभरी है। उसमें 18 साल की उम्र का आदमी अगर वोट दे कर मुल्क की कानूनसालियत की ज़मानत ले सकता है तो कोई वजह नहीं कि वह अपनी जायदाद की हिफाज़त के लिए सक्षम न हो। इसलिए इस संशोधन बिल का मैं समर्थन करता हूँ। शुक्रिया।

۱۱ مولانا عبید اللہ خان اعظمی :  
سر۔ ۸ اگست ۱۹۹۷ کو شری راما کانت  
خالپ جی سنشور دھن بل لائے تھے  
جو اتفاق سے اس وقت پاس نہیں  
ہو سکا تھا۔ دیر آید درست آید  
کے مطابق آج وہ پاس ہونے کی منزل  
میں ہے۔ میں اپنے سارے ساتھیوں  
کے سر میں سر ملاتے ہوئے اس منشور  
بل کی حمایت کے لئے غور و اہواں کروں گا۔ جہاں  
تک ۱۸ سال اور ۲۱ سال کی عمر کا فرق  
ہے یہ عمر کا فرق آج کے زمانے میں

کوئی بڑا فرق نہیں ہے۔ تعلیم ہنر اور جاگرتی  
کے زمانے میں ڈیولپ کرنے کی رفتار انسانی  
سماج میں بہت تیزی کے ساتھ ابھری ہے۔  
اس میں ۱۸ سال کی عمر کا آدمی اگر وٹ  
دیگر ملک کی قانون سازیت کی ضمانت  
لے سکتا ہے تو کوئی وجہ نہیں کہ وہ اپنی جائیداد  
کی حفاظت کے لئے سیکشن نہ ہو۔ اسلئے اس  
سنشور دھن بل کا میں سمرقون کرتا ہوں۔  
”ختم شد“  
شکریہ۔

#### SHRI DRUPAD BORGOHAIN

(Assam): Mr. Vice-Chairman, Sir, the Indian Majority (Amendment) Bill was brought before this House last year also. Now, we are going to discuss and pass it. There is some discrimination about the Indian majority. The original Act was enacted in 1875 during the British period. In fact, it ought to have been amended long time ago. Anyway, though it could not be brought forth earlier, now it has been brought. So, I support it very much. There is a discrimination about the majority in the original Act. That discrimination should not be there because every person attains the majority at the age of 18. So, this discrimination should be removed. Since this Bill aims at removing this discrimination, I support the Bill fully. Thank you.

THE VICE-CHAIRMAN (SHRI SANATHAN BISI): Mr. Duraisamy. Not present. Mr. Margabandu.

SHRI R. MARGABANDU (Tamil Nadu): Mr. Vice-Chairman, Sir, while bringing an amendment to the Indian Majority Act, the hon. Law Minister should have brought forth all other corresponding Acts for consideration by this House. If the Government amends this Act, then, it would be in contradiction with the other Acts. For

example, in this Bill, the amendment sought is in clause 3. I quote: "In section 1 of the principal Act, the word "Indian" shall be omitted." So, if the word "Indian" is omitted, then, it will be called as the Majority ACT. In the Guardian and Wards Act, section 4 (i) says, "A minor means a person who under the provisions of the Indian Majority Act, 1875, is to be deemed not to have attained his majority." So, unless this corollary Act is amended, the word "Indian" cannot be removed from this Bill. If it is removed from this Bill, then, it should be removed from this Act also. Otherwise, it will remain as the Indian Majority Act. Similar to that, several other Acts, connected with that also should be taken into consideration.

Naturally under the Guardian and Wards Act, the court appoints a guardian for the administration of the property. Twenty-one years had been fixed under that Act. In view of the amendment to the Indian Majority Act, necessary amendment is also required to the Guardian and Wards Act. Section 3 of this Act says, "Notwithstanding anything contained in the Indian Succession Act." So, the Indian Succession Act also requires an amendment. So, my respectful submission is that all corresponding Acts should be amended before the Indian Majority Act is amended. The officers or any authority who is bringing in this amendment should think over all other corresponding Acts and a comprehensive amendment should be brought in. That is my request. Thank you.

श्री ईश दत्त यादव (उत्तर प्रदेश): उपसभाध्यक्षजी, मैं इस इंडियन मेजॉरिटी अमेंडमेंट बिल, 1997 का समर्थन कर रहा हूँ। यह अच्छा है क्योंकि दो तरह की व्यवस्था थी। एक तो किसी माइनर की सम्पत्ति या उसकी स्वयं की भी सुरक्षा करने की बात थी तो उसमें 21 साल का प्राविजन था और न्यायालय में अगर कोई विवाद सीपीसी के अंतर्गत था तो उसके लिए 18 साल की व्यवस्था थी। यह एक तरह से विसंगति थी क्योंकि 18 साल की आयु प्राप्त कर लेने के बाद कोई भी माइनर जो है वह सोचने समझने लायक होता है

और अपने विवेक से काम कर सकता है। इसलिए इस विसंगति को दूर करने का प्रयास किया गया है।

गार्जियन दो तरह के होते हैं। एक तो नेचुरल होते हैं जिसमें मां है, बाप है, नाना-नानी या जितने संबंधी लोग होते हैं जो कानून में बताए गए हैं और जब इनमें से कोई नहीं मिलता तब कोर्ट को गार्जियन एप्पॉइंट करना पड़ता है। तो इस तरह के गार्जियन के एप्पॉइंटमेंट में या माइनर के मेजॉरिटी अटैन करने की बात में जो विसंगति थी इसको दूर किया जा रहा है। मैं इसका पूरा समर्थन करता हूँ। केवल, मान्यवर एक बात करना चाहता हूँ। इसके लिए कानून मंत्री जी और सरकार को व्यवस्था करनी पड़ेगी क्योंकि यह जो बिल है इसके पृष्ठ 2 पर धारा 3 की जो उप-धारा सब क्लाज 2 है उसमें यह है—

"In computing the age of any person, the date on which he was born is to be included as a whole day and he shall be deemed to have attained majority at the beginning of the eighteenth anniversary of that day."

यह बहुत सही चीज बनायी जा रही है। लेकिन जिस दिन वह पैदा हुआ उस दिन को भी जोड़कर 18 साल पूरे किए जाएंगे—इसका विवाद इस देश में बहुत चलता है। इसको अपने अनुभव से मैं बतला रहा हूँ। इसलिए चलता है कि इस देश में 60 फीसदी से ज्यादा लोगों की एज के बारे में पता नहीं चलता कि वह कब पैदा हुआ क्योंकि वे गांव में रहते हैं, बिना पट्टे-लिखे मां-बाप होते हैं। पहले प्राविजन यह था कि उस गांव का जो चौकीदार था वह थाने पर जाकर रिकार्ड में दर्ज करता था कि फलों आदमी की फलों संतान पैदा हुई है। वही उसकी डेट आफ बर्थ मानी जाती थी। बाद में संशोधन हो गया आजादी मिलने के बाद। फिर गांव पंचायतों को अधिकार दिया गया और नगरपालिकाओं तथा महापालिकाओं को दिया गया कि कोई बच्चा पैदा होता है तो उसकी जन्म तिथि रिकार्ड करें। यह रिकार्ड नहीं हो पाता है। जब रिकार्ड नहीं हो पाता है तो अंदाज से लगड़ाई होती है। इसमें लम्बा लियोगेशन हो जाता है और कभी-कभी न्याय का अन्याय हो जाता है। इसलिए मैं आपके माध्यम से सरकार से और कानून मंत्री जी से यह कहना चाहूंगा कि बच्चे की जन्म तिथि रिकार्ड करने के लिए आप सख्ती से कानून का पालन करें ताकि कब बच्चा पैदा हुआ कब वह मेजर हुआ इसकी सही-सही जानकारी हो सके जब कभी इस तरह का कोई विवाद उपपन्न हो तो, क्योंकि 60 फीसदी से ज्यादा बच्चों की

जन्म तिथि की सही जानकारी नहीं होती। जो दो विटनेस कोर्ट में जाकर बयान दे दें वहीं मान लिया जाता है अगर उन्होंने सही बयान दिया है। दो ने जाकर कह दिया कि नहीं इसकी डेट आफ बर्थ यह है तो फिर वह मान लिया जाता है। कभी-कभी न्यायालय को ऐसी स्थिति में निर्णय करने में बड़ी कठिनाई होती है। इसलिए मेरा यह सुझाव है। इसमें तो कुछ नहीं हो सकता है—यह जो बिल आया है। लेकिन कानून मंत्री जी इस पर गंभीरता से विचार करें ताकि देश में 60 फीसदी से ज्यादा लोगों के जो बच्चे पैदा होते हैं उनकी सही जन्म तिथि का रिकार्ड, सरकारी रिकार्ड मौजूद रह सके।

इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI V.P. DURAISAMY (Tamil Nadu): Mr. Vice-Chairman, Sir, the Indian Majority Act has been existing from 1875. This Central Act has come to be amended after a lapse of 123 years, with regard to the age of majority. Sir, by this amendment to the Act, the long-felt need of the people has been fulfilled. As per various Acts, a minor has been defined as a person who has not attained the age of 18 years. The Indian Majority Act prescribes the age of minor up to 18 years. At the same time, the Government of India has received representations against the prescription of different ages for attaining the age of majority in respect of minors under guardians appointed or declared by a Court of Law, etc. at 21 years and others at 18 years. This discrimination is being removed by way of this amendment. There is a confusion among the people of India. The Election Commission says that after crossing the age of 18 years, he is eligible to cast his vote. But the Act says, a person after crossing the age of 21 years, can be called a major. It was absolutely necessary to remove the confusion with regard to the Indian Majority Act. So, I support this Bill.

श्रीमती सरोज दुबे (बिहार): सर, भारतीय वयस्कता अधिनियम, 1875 में परिवर्तन लाने का यह जो संशोधन आया है, इसका मैं पूरी तरह से समर्थन करती हूँ, क्योंकि इस संशोधन से आयु और वयस्कता के संबंध में जो दो तरह का मतभ्रम था दूर हो जाएगा और

जो भी हमारे 18 साल के बच्चे हैं, उनकी वयस्कता की एक आयु निश्चित कर देनी चाहिए। चुनाव आयोग ने कहा कि 18 साल में लोग वयस्क हो जाते हैं, और मतधिकार मिल जाता है परंतु एक्ट में वयस्कता 21 वर्ष मानी जाती है तो यह 18 वर्ष और 21 वर्ष का फर्क नहीं होना चाहिए, एक ही आयु में वयस्कता की मान्यता होनी चाहिए। इस तरह से मैं अधिनियम का पूरी तरह से समर्थन करती हूँ। धन्यवाद।

SHRI M. THAMBI DURAI: Sir, the Indian Majority (Amendment) Bill, 1997 has been supported by the majority of Members of this House. Though some Members have not participated in the discussion, it has been unanimously supported by all the Members. Secondly, all the hon. Members have referred to the discrepancy of 18 years or 21 years in their speeches. Shri John. F. Fernandes has raised the point whether the Law Commission has recommended this or not. I would like to inform him that the Law Commission has not recommended it. We have brought this amendment on the basis of the representations of some hon. Members. It was a very old and colonial type of a thing. It had to be changed. Wherever the word Indian occurs, it has to be removed from all the places. In a similar legislation, if such a discrepancy is persisting, that too would be removed. Now, I request the House to pass this Bill.

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Now, the question is:

"That the Bill further to amend the Indian Majority Act, 1875 be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 to 4 were added to the Bill.*

THE VICE-CHAIRMAN (SHRI SANATAN BISI): Now, clause 1. There is one amendment by the hon. Minister.

**CLAUSE 1**

**SHRI M. THAMBI DURAI:** Sir, I beg to move:

That at page 1, line 3, for the figure "1997", the figure "1998" be substituted.

*The question was put and the motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

**THE VICE-CHAIRMAN (SHRI SANATAN BISI):** Now, the Enacting Formula. There is one amendment by the hon. Minister.

**ENACTING FORMULA**

**SHRI M. THAMBI DURAI:** Sir, I beg to move:

That at page 1, line 1, for the word "Forty-eighth", the word "Forty-ninth" be substituted.

*The question was put and the motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

**SHRI M. THAMBI DURAI:** Sir, I beg to move:

"That the Bill, as amended, be passed."

*The question was put and the motion was adopted.*

**THE ADMINISTRATORS-GENERAL (AMENDMENT) BILL, 1998**

**THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (SHRI M. THAMBI DURAI):** Sir, I beg to move:

"That the Bill further to amend the Administrators-General Act, 1963 be taken into consideration."

As the hon. Members are aware, the law relating to appointment of an Ad-

ministrator-General of every State and his duties is contained in the Administrators-General Act, 1963. Section 29 of the Administrators-General Act, 1963, provides for issue of a certificate to a claimant claiming assets of a deceased otherwise than as a creditor. However, a certificate can be granted by the Administrators-General under this section only in cases where the assets left by the deceased person, excluding any sum of money deposited in a Government Savings Bank or any provident fund to which the Provident Funds Act, 1925, applies, did not, at the date of the death, exceed in value in the whole the monetary limit specified in the section. In the Act, as originally enacted in 1963, the monetary limit specified in the section was only Rs. 5,000. In 1972, as a result of a representation made by the War Widows Association, Chandigarh, on behalf of the widows in general, and war widows in particular, the Act was amended to increase the monetary limit to Rs. 15,000. The monetary limit in the said section was further increased from Rs. 15,000 to Rs. 50,000 in 1983 on account of the escalation in the value of assets since the Act was last amended.

Representations have been received by the Government for raising the monetary limit in section 29 of the Act from Rs. 50,000 to Rs. 2 lakhs on account of considerable decrease in the money value. It has also been suggested that the enhancement of the statutory limit will be in the interest of the poor persons and legal heirs, especially widows, minor children and other dependents of the deceased persons, who will be spared of the long, protracted and expensive remedy in civil courts. It is, therefore, proposed to amend sections 9, 10, 29 and 36 of the Administrators-General Act, 1963, with a view to raising the monetary limit from Rs. 50,000 to Rs. 2 lakhs.

The Department-related Parliamentary Standing Committee on Home Affairs in its Forty-eighth Report presented to this