

IndiaCode

The Administrators-General Act, 1963

(ACT NO. 45 OF 1963)

[*As on the* 19*th June*, 2026]

LIST OF AMENDING ACTS

1. The Central Laws (Extension to Jammu and Kashmir) Act, 1968 (25 of 1968).
2. The Administrators-General (Amendment) Act, 1983 (18 of 1983).
3. The Administrators-General (Amendment) Act, 2012 (33 of 2012).
4. *The Jan Vishwas* (Amendment of Provisions) Act, 2026 (8 of 2026).

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LIST OF ABBREVIATIONS USED

Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE ADMINISTRATORS-GENERAL ACT, 1963

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THE ADMINISTRATORS-GENERAL ACT, 1963

ACT NO. 45 OF 1963

[11*th December,* 1963.]

An Act to consolidate and amend the law relating to the office and duties of Administrators-General.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Administrators-General Act, 1963.

(*2*) It extends to the whole of India [1]***.

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

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "assets" means all the property, movable and immovable, of a deceased person, which is chargeable with and applicable to the payment of his debts and legacies, or available for distribution among his heirs and next-of-kin;

(*b*) "letters of administration" includes any letters of administration whether general or with a copy of the will annexed or limited in time or otherwise;

(*c*) "next-of-kin" includes a widower or widow of a deceased person, or any other person who by law would be entitled to letters of administration in preference to a creditor or legatee of the deceased; and

(*d*) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

THE OFFICE OF THE ADMINISTRATOR-GENERAL

3. Appointment of Administrator-General.—(*1*) The State Government shall appoint an Administrator-General for the State:

Provided that nothing herein contained shall be deemed to bar the appointment of the same person as Administrator-General for two or more States.

(*2*) No person shall be appointed to the office of Administrator-General unless he has been for at least—

(*a*) seven years an advocate; or

(*b*) seven years an attorney of a High Court; or

(*c*) ten years a member of the judicial service of a State; or

(*d*) five years a Deputy Administrator-General.

4. Appointment and powers of Deputy Administrator-General.—(*1*) The State Government may appoint a Deputy or Deputies to assist the Administrator-General; and any Deputy so appointed shall, subject to the control of the State Government and the general or special orders of the Administrator-General, be competent to discharge any of the duties and to exercise any of the powers of the Administrator-General, and when discharging such duties or exercising such powers shall have the same privileges and be subject to the same liabilities as the Administrator-General.

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1. The words "except the State of Jammu and Kashmir" omitted by Act 25 of 1968, s. 2 and Sch. (w.e.f. 15-8-1968).
2. 1st March, 1964, *vide* notifn. No. S.O. 588, dated 11th February, 1964, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

(*2*) No person shall be appointed as a Deputy under this section unless he has been for at least three years—

(*a*) an advocate; or

(*b*) an attorney of a High Court; or

(*c*) a member of the judicial service of a State.

5. Incorporation.—The Administrator-General shall be a corporation sole by the name of Administrator-General of the State for which he is appointed, and, as such Administrator-General, shall have perpetual succession and an official seal, and may sue and be sued in his corporate name.

CHAPTER III

RIGHTS, POWERS AND DUTIES OF THE ADMINISTRATOR-GENERAL

(a) *Grant of letters of administration and probate*

6. Jurisdiction of High Court for the whole State.—So far as regards the Administrator-General of any State, the High Court shall be deemed to be a Court of competent jurisdiction for the purpose of granting probate or letters of administration under any law for the time being in force, wheresoever within the State the estate to be administered is situate:

Provided that nothing in this section shall be construed as affecting the jurisdiction of any district court.

7. Administrator-General entitled to letters of administration, unless granted to next-of-kin.—Any letters of administration granted by the High Court shall be granted to the Administrator-General of the State unless they are granted to the next-of-kin of the deceased.

8. Administrator-General, entitled to letters of administration in preference to creditors, certain legatees or friends.—The Administrator-General of the State shall be deemed by all the courts in the State to have a right to letters of administration other than letters *pendente lite* in preference to that of—

(*a*) a creditor; or

(*b*) a legatee, other than a universal legatee or a residuary legatee or the representative of a residuary legatee; or

(*c*) a friend of the deceased.

9. Right of Administrator-General to apply for administration of estates.—(*1*) If—

(*a*) any person has died leaving within any State assets exceeding rupees [1][ten 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 (39 of 1925)], no person has taken other proceedings for the protection of the estate,

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.

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1. Subs. by Act 33 of 2012, s. 2, for "two lakhs" (w.e.f. 1-7-2012).

10. Power of Administrator-General to collect and hold assets where immediate action is required.—(*1*) Whenever any person has died leaving assets within any State exceeding rupees [1][ten 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.

11. Grant of probate or letters of administration to person appearing in the course of proceedings taken by Administrator-General.—If, in the course of proceedings to obtain letters of administration under the provisions of section 9 or section 10,—

(*a*) any person appears and establishes his claim—

(*i*) to probate of the will of the deceased; or

(*ii*) to letters of administration as next-of-kin of the deceased, and gives such security as may be required of him by law; or

(*b*) any person satisfies the High Court that he has taken and is prosecuting with due diligence other proceedings for the protection of the estate, the case being one in which the obtaining of such probate or letters of administration is not obligatory under the provisions of the Indian Succession Act, 1925 (39 of 1925); or

(*c*) the High Court is satisfied that there is no apprehension of misappropriation, deterioration, or waste of the assets and that the grant of letters of administration in such proceedings is not otherwise necessary for the protection of the assets;

the High Court shall—

(*1*) in the case mentioned in clause (*a*), grant probate of the will or letters of administration accordingly;

(*2*) in the case mentioned in clause (*b*) or clause (*c*), drop the proceedings; and

(*3*) in all the cases award to the Administrator-General the costs of any proceedings taken by him under those sections to be paid out of the estate as part of the testamentary or interstate expenses thereof.

12. Grant of administration to Administrator-General in certain cases.—If, in the course of proceedings to obtain letters of administration under the provisions of section 9 or section 10, and within such period as to the High Court seems reasonable, no person appears and establishes his claim to probate of a will, or to a grant of letters of administration as next-of-kin of the deceased, or satisfies the High Court that he has taken and is prosecuting with due diligence other proceedings for the protection of the estate, the case being one in which the obtaining of such probate or letters of administration is not obligatory under the provisions of the Indian Succession Act, 1925 (39 of 1925), and the High Court is

1. Subs. by Act 33 of 2012, s. 2, for "two lakhs" (w.e.f. 1-7-2012).

satisfied that there is apprehension of misappropriation, deterioration, or waste of the assets or that the grant of letters of administration in such proceedings is otherwise necessary for the protection of the assets;

or if a person who has established his claim to a grant of letters of administration as next-of-kin of the deceased fails to give such security as may be required of him by law;

the High Court may grant letters of administration to the Administrator-General.

13. Administrator-General not precluded from applying for letters within one month after death.—Nothing in this Act shall be deemed to preclude the Administrator-General from applying to the High Court for letters of administration in any case within the period of one month from the death of the deceased.

(b) *Revocation of grants*

14. Recall of Administrator-General's administration and grant of probate, etc., to executor or next-of-kin.—If an executor or next-of-kin of the deceased, who has not been personally served with a citation or who has not had notice thereof in time to appear pursuant thereto, establishes to the satisfaction of the High Court a claim to probate of will or to letters of administration in preference to the Administrator-General, any letters of administration granted in accordance with the provisions of this Act to the Administrator-General—

(*a*) shall be revoked, if a will of the deceased is proved in the State;

(*b*) may be revoked, in other cases, if an application for that purpose is made within six months after the grant to the Administrator-General and the High Court is satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application is made;

and probate or letters of administration may be granted to such executor or next-of-kin, as the case may be.

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15. Cost of obtaining administration, etc., may, on revocation, be ordered to be paid to Administrator-General out of estate.—If any letters of administration granted to the Administrator-General in accordance with the provisions of this Act are revoked, the High Court may order the costs of obtaining such letters of administration, and the whole or any part of any fees which would otherwise have been payable under this Act, together with the costs of the Administrator-General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator-General out of the estate:

Provided that nothing in this section shall affect the provisions of clauses (*c*) and (*d*) of sub-section (*2*) of section 10.

16. After revocation letters granted to Administrator-General to be deemed, as to him, to have been voidable only.—If any letters of administration granted to the Administrator-General in accordance with the provisions of this Act are revoked, the same shall, so far as regards the Administrator-General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable, except as to any act done by any such Administrator-General or other person as aforesaid, after notice of a will or of any other fact which would render such letters void:

Provided that no notice of a will or of any other fact which would render any such letters void shall affect the Administrator-General or any person acting under his authority in pursuance of such letters unless, within the period of one month from the time of giving such notice, proceedings are commenced to prove the will, or to cause the letters to be revoked, and such proceedings are prosecuted without unreasonable delay.

17. Payments made by Administrator-General prior to revocation.—If any letters of administration granted to the Administrator-General in accordance with the provisions of this Act are revoked, upon the grant of probate of a will, or upon the grant of letters of administration with a copy of the will annexed, all payments made or acts done by or under the authority of the Administrator-General in pursuance of such letters of administration, prior to the revocation, which would have been valid under

any letters of administration lawfully granted to him with a copy of such will annexed, shall be deemed valid notwithstanding such revocation.

(c) *General*

18. Administrator-General's petition for grant of letters of administration.—Whenever any Administrator-General applies for letters of administration in accordance with the provisions of this Act, it shall be sufficient if the petition required to be presented for the grant of such letters states,—

(*i*) the time and place of the death of the deceased to the best of the knowledge and belief of the petitioner;

(*ii*) the names and addresses of the surviving next-of-kin of the deceased, if known;

(*iii*) the particulars and value of the assets likely to come into the hands of the petitioner;

(*iv*) particulars of the liabilities of the estate, if known.

19. Name in which probate or letters to be granted.—All probates or letters of administration granted to any Administrator-General shall be granted to him by that name.

20. Effect of probate or letters granted to Administrator-General.—(*1*) Probate or letters of administration granted by the High Court to the Administrator-General of any State shall have effect over all the assets of the deceased throughout [1][India] and shall be conclusive as to the representative title against all debtors of the deceased and all persons holding such assets, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such assets to such Administrator-General.

(*2*) Whenever a grant of probate or letters of administration is made by a High Court to the Administrator-General, the High Court shall send to the High Courts for the other States a certificate that such grant has been made, and such certificate shall be filed by the High Court receiving the same.

[2][(*3*) Any probate or letters of administration granted by the High Court for the State of Jammu and Kashmir* before the commencement of the Central Laws (Extension to Jammu and Kashmir) Act, 1968 shall, after such commencement, be as effective as if such probate or letters of administration had been granted under this section.]

21. [*Effect of grant by the High Court of Jammu and Kashmir.*] *Omitted by the Central Laws* (*Extension to Jammu and Kashmir*) *Act,* 1968 (25 *of* 1968), *s.* 2 *and Sch.* (*w.e.f.* 15-8-1968).

22. Transfer by private executor or administrator of interest under probate or letters.—(*1*) Any private executor or administrator may, with the previous consent of the Administrator-General of the State in which any of the assets of the estate, in respect of which such executor or administrator has obtained probate or letters of administration, are situate, by an instrument in writing under his hand notified in the Official Gazette, transfer the assets of the estate, vested in him by virtue of such probate or letters to the Administrator-General by that name or any other sufficient description.

(*2*) As from the date of such transfer, the transferor shall be exempt from all liability as such executor or administrator, as the case may be, except in respect of acts done before the date of such transfer, and the Administrator-General shall have the rights which he would have had, and be subject to the liabilities to which he would have been subject, if the probate or letters of administration, as the case may be, had been granted to him by that name at the date of such transfer.

23. Distribution of assets.—(*1*) When the Administrator-General has given the prescribed notice to creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims as he has notice of.

(*2*) The Administrator-General shall not be liable for the assets so distributed to any person of whose claims he had no notice at the time of such distribution.

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1. Subs. by Act 25 of 1968, s. 2 and Sch., for "the territories to which this Act extends" (w.e.f. 15-8-1968).
2. Ins. by s. 2 and Sch., *ibid.* (w.e.f. 15-8-1968).

*. *Vide* notifn. No. S.O. 3912(E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

(*3*) No notice of any claim which has been sent in and has been rejected or disallowed in part by the Administrator-General shall affect him, unless proceedings to enforce such claim are commenced within one month after notice of the rejection or disallowance of such claim has been given in the prescribed manner and unless such proceedings are prosecuted without unreasonable delay.

(*4*) Nothing in this section shall prejudice the right of any creditor or other claimant to follow the assets or any part thereof in the hands of the persons who may have received the same respectively.

(*5*) In computing the period of limitation for any suit, appeal or application under the provisions of any law for the time being in force, the period between the date of submission of the claim of a creditor or other claimant to the Administrator-General and the date of the final decision of the Administrator-General on such claim shall be excluded.

24. Appointment of Official Trustee as trustee of assets after completion of administration.—(*1*) When the Administrator-General has, so far as may be, discharged all the liabilities of an estate administered by him, he shall notify the fact in the Official Gazette, and he may, by an instrument in writing, with the consent of the Official Trustee and subject to any rules made by the State Government, appoint the Official Trustee to be the trustee of any assets then remaining in his hands.

(*2*) Upon such appointment, such assets shall vest in the Official Trustee as if he had been appointed trustee in accordance with the provisions of the Official Trustees Act, 1913 (2 of 1913), and shall be held by him upon the same trusts as the same were held immediately before such appointment.

25. Power of High Court to give directions regarding administration of estate.—The High Court may, on application made to it by the Administrator-General or any person interested in the assets or in the due administration thereof, give to the Administrator-General of the State any general or special directions as to any estate in his charge or in regard to the administration of any such estate.

26. No security to be required from Administrator-General.—No Administrator-General shall be required by any Court to enter into any administration bond, or to give other security to the Court, on the grant of any letters of administration to him by that name.

27. Manner in which petition to be verified by Administrator-General.—No Administrator-General shall be required to verify, otherwise than by his signature, any petition presented by him under the provisions of this Act, and, if the facts stated in any such petition are not within his own personal knowledge, the petition may be subscribed and verified by any person competent to make verification.

28. Entry of Administrator-General not to constitute notice of a trust.—The entry of the Administrator-General by that name in the books of a company shall not constitute notice of a trust, and a company shall not be entitled to object to entering the name of the Administrator-General on its register by reason only that the Administrator-General is a corporation, and in dealing with assets the fact that the person dealt with is the Administrator-General shall not of itself constitute notice of a trust.

CHAPTER IV

GRANT OF CERTIFICATE

29. In what cases Administrator-General may grant certificate.—(*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 (19 of 1925), apply, did not at the date of death exceed in the whole [1][ten 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 [1][ten lakhs] rupees.

(*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

1. Subs. by Act 33 of 2012, s. 2, for "two lakhs" (w.e.f. 1-7-2012).

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 (19 of 1925), apply.

STATE AMENDMENTS

Uttar Pradesh

Amendment of section 29 of Act no. 45 of 1963.—In section 29 of the Administrators-General Act, 1963, in sub-section (1) for the words "two lakhs rupees" wherever occurring the words "ten lakhs rupees" shall be substituted.

[*Vide* the Uttar Pradesh Act 18 of 2011, s. 2]

30. Grant of certificate to creditors and power to take charge of certain estates.—(*1*) If, in cases falling within section 29, no person claiming to be interested otherwise than as a creditor in such assets or in the due administration thereof obtains, within three months of the death of the deceased, a certificate from the Administrator-General under that section, or probate of a will or letters of administration of the estate of the deceased, the Administrator-General may administer the estate without letters of administration, in the same manner as if such letters had been granted to him.

(*2*) If the Administrator-General neglects or refuses to administer such estate, he shall, upon the application of a creditor, grant a certificate to him in the same manner as if he were interested in such assets otherwise than as a creditor; and such certificate shall have the same effect as a certificate granted under the provisions of section 29, and shall be subject to all the provisions of this Act which are applicable to such certificate.

(*3*) The Administrator-General may, if he thinks fit, before granting a certificate under sub-section (*2*), require the creditor to give reasonable security for the due administration of the estate of the deceased.

31. Administrator-General not bound to grant certificate unless satisfied of claimant's title, etc.—The Administrator-General shall not be bound to grant any certificate under section 29 or section 30 unless he is satisfied after making such inquiry as he thinks fit of the title of the claimant and of the value of the assets left by the deceased within the State.

32. Effect of certificate.—The holder of a certificate granted in accordance with the provisions of section 29 or section 30 shall have in respect of the assets specified in such certificate the same powers and duties, and be subject to the same liabilities as he would have had or been subject to if letters of administration had been granted to him:

Provided that nothing in this section shall be deemed to require any person holding such certificate,—

(*a*) to file accounts or inventories of the assets of the deceased before any court or other authority; or

(*b*) save as provided in section 30, to give any bond for the due administration of the estate.

33. Revocation of certificate.—(*1*) The Administrator-General may revoke a certificate granted under the provisions of section 29 or section 30 on any of the following grounds, namely:—

(*i*) that the certificate was obtained by fraud or misrepresentation made to him;

(*ii*) that the certificate was obtained by means of an untrue allegation of a fact essential in law to justify the grant though such allegation was made in ignorance or inadvertently.

(*2*) No certificate shall be revoked under this section unless the holder of the certificate has been given a reasonable opportunity of showing cause why the certificate should not be so revoked.

34. Surrender of revoked certificate.—(*1*) When a certificate is revoked in accordance with the provisions of section 33, the holder thereof shall, on the requisition of the Administrator-General, deliver it up to such Administrator-General, but shall not be entitled to the refund of any fee paid thereon.

(*2*) If such person wilfully and without reasonable cause omits to deliver up the certificate, he shall be punishable with [1][fine which may extend to ten thousand rupees].

35. Payment to holder of certificate before it is revoked.—When a certificate is revoked in accordance with the provisions of section 33, all payments made in good faith under such certificate to the holder thereof before such revocation, shall, notwithstanding such revocation, be a legal discharge to the person making the payment and the holder of such certificate may retain, and reimburse himself in respect of, any payments made by him which the person to whom a certificate or probate or letters of administration may afterwards be granted might lawfully have made.

36. Administrator-General not bound to take out administration on account of assets for which he has granted certificate.—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 [2][ten lakhs] rupees.

37. Transfer of certain assets to executor or administrator in country of domicile for distribution.—Where—

(*a*) a person not having his domicile in any State [3][in India] has died leaving assets in any State and in the country in which he had his domicile at the time of his death, and

(*b*) proceedings for the administration of his estate with respect to assets in any such State have been taken under section 29 or section 30, and

(*c*) there has been a grant of administration in the country of domicile, with respect to the assets in that country,

the holder of the certificate granted under section 29 or section 30, or Administrator-General, as the case may be, after having given the prescribed notice for creditors and others to send in to him their claims against the estate of the deceased, and after having discharged, at the expiration of the time there in named, such lawful claims as he has notice of, may, instead of himself distributing any surplus or residue of the deceased's property to persons residing out of India [4]*** who are entitled thereto, transfer, with the consent of the executor or administrator, as the case may be, in the country of domicile, the surplus or residue to him for distribution to those persons.

CHAPTER V

LIABILITY

38. Liability of Government.—The Government shall be liable to make good all sums required to discharge any liability which the Administrator-General, if he were a private administrator, would be personally liable to discharge, except when the liability is one to which neither the Administrator-General nor any of his officers has in any way contributed, or which neither he nor any of his officers could, by the exercise of reasonable diligence, have averted, and in either of those cases the Administrator-General shall not, nor shall the Government, be subject to any liability.

39. Creditor's suit against Administrator-General.—(*1*) If any suit be brought by a creditor against any Administrator-General, such creditor shall be liable to pay the costs of the suit unless he proves that not less than one month previous to the institution of the suit he had applied in writing to the Administrator-General, stating the amount and other particulars of his claim, and had given such evidence

1. Subs. by Act 8 of 2026, s. 2 and Sch., for "imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both" (w.e.f. 19-6-2026).
2. Subs. by Act 33 of 2012, s. 2, for "two lakhs" (w.e.f. 1-7-2012).
3. Subs. by Act 25 of 1968, s. 2 and Sch., for "to which this Act extends" (w.e.f. 15-8-1968).
4. The words "or in the State of Jammu and Kashmir" omitted by s. 2 and Sch., *ibid*. (w.e.f. 15-8-1968).

in support thereof as, in the circumstances of the case, the Administrator-General was reasonably entitled to require.

(*2*) If any such suit is decreed in favour of the creditor, he shall, nevertheless, unless he is a secured creditor, be only entitled to payment of the amount decreed or ordered by the court to be paid out of the assets of the deceased equally and rateable with the other creditors.

40. Notice of suit not required in certain cases.—Nothing in section 80 of the Code of Civil Procedure, 1908 (5 of 1908), shall apply to any suit against the Administrator-General in which no relief is claimed against him personally.

CHAPTER VI

FEES

41. Fees.—(*1*) There shall be charged in respect of the duties of the Administrator-General such fees, whether by way of percentage or otherwise, as may be prescribed by the State Government.

(*2*) The fees under this section may be at different rates for different estates or classes of estates or for different duties, and shall, so far as may be, be arranged so as produce an amount sufficient to discharge the salaries and all other expenses incidental to the working of this Act, (including such sum as the State Government may determine to be required to insure the Government against loss under this Act).

42. Disposal of fees.—(*1*) Any expenses which might be retained or paid out of any estate in the charge of the Administrator-General, if he were a private Administrator of such estate shall be so retained or paid and the fees described under section 41 shall be retained or paid in like manner as and in addition to such expenses.

(*2*) The Administrator-General shall transfer and pay to such authority in such manner and at such time as the State Government may prescribe, all fees received by him under this Act, and the same shall be carried to the account and the credit of the Government.

CHAPTER VII

AUDIT OF THE ADMINISTRATOR-GENERAL'S ACCOUNTS

43. Audit.—The accounts of every Administrator-General shall be audited at least once annually and at any other time if the State Government so directs, by the prescribed person and in the prescribed manner.

44. Auditors to examine accounts and report to Government.—The auditors shall examine the accounts and forward to the State Government a statement thereof in the prescribed form, together with a report thereon and a certificate signed by them showing—

(*a*) whether the accounts have been audited in the prescribed manner;

(*b*) whether, so far as can be ascertained by such audit, the accounts contain a full and true account of everything which ought to be inserted therein;

(*c*) whether the books which by any rules made under this Act are directed to be kept by the Administrator-General, have been duly and regularly kept; and

(*d*) whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or by any rules made thereunder;

or (as the case may be) that such accounts are deficient, or that the Administrator-General has failed to comply with this Act or the rules made thereunder, in such respects as may be specified in such certificate.

45. Power of auditors to summon and examine witnesses, and to call for documents.—(*1*) Every auditor shall have all the powers vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of witnesses and examining them on oath;

(*b*) discovery and inspection;

(*c*) compelling the production of documents; and

(*d*) issuing commissions for the examination of witnesses.

(*2*) Any person who when summoned refuses, or, without reasonable cause, neglects to attend or to produce any document or thing or attends and refuses to be sworn, or to be examined, shall be deemed to have committed an offence within the meaning of, and punishable under, section 188 of the Indian Penal Code (45 of 1860), and the auditor shall report every case of such refusal or neglect to the State Government.

46. Costs of audit, etc.—The costs of and incidental to such audit and examination shall be determined in accordance with rules made by the State Government, and shall be defrayed in the prescribed manner.

CHAPTER VIII

MISCELLANEOUS

47. General powers of administration.—The Administrator-General may, in addition to, and not in derogation of, any other powers of expenditure lawfully exercisable by him, incur expenditure—

(*a*) on such acts as may be necessary for the proper care and management of any property belonging to any estate in his charge; and

(*b*) with the sanction of the High Court, on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property.

48. Power to summon and examine witnesses.—(*1*) The Administrator-General may, whenever he desires, for the purposes of this Act, to satisfy himself regarding any question of fact, exercise all the powers vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of witnesses and examining them on oath;

(*b*) discovery and inspection;

(*c*) compelling the production of documents; and

(*d*) issuing commissions for the examination of witnesses.

(*2*) The provisions of sub-section (*2*) of section 45 shall apply in relation to a person summoned by the Administrator-General under this section as they apply in relation to a person summoned under that section.

49. Power of person beneficially interested to inspect Administrator-General's account, etc., and take copies.—Any person interested in the administration of any estate which is in the charge of the Administrator-General shall, subject to such conditions and restrictions as may be prescribed, be entitled at all reasonable times to inspect the accounts relating to such estate and the reports and certificates of the auditor, and on payment of the prescribed fee, to copies thereof and extracts therefrom.

50. False evidence.—Whoever, during any examination authorised by this Act, makes upon oath a statement which is false and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

51. Assets unclaimed for twelve years to be transferred to Government.—All assets in the charge of the Administrator-General which have been in his custody for a period of twelve years or upwards, whether before or after the commencement of this Act, without any application for payment thereof having been made and granted by him shall be transferred, in the prescribed manner, to the account and credit of the Government:

Provided that this section shall not authorise the transfer of any such assets as aforesaid, if any suit or proceeding is pending in respect thereof in any court.

52. Mode of proceeding by claimant to recover principal money so transferred.—(*1*) If any claim is hereafter made to any part of the assets transferred to the account and credit of the Government under

the provisions of this Act, or any Act hereby repealed, and if such claim is established to the satisfaction of the prescribed authority, the State Government shall pay to the claimant the amount of the principal so transferred to its account and credit or so much thereof as has been found by the said authority to be due to the claimant.

(*2*) If the claim is not established to the satisfaction of the prescribed authority, the claimant may, without prejudice to his right to take any other proceedings for the recovery of such assets, apply by petition to the High Court against the State Government and such Court, after taking such evidence as it thinks fit, shall make such order in regard to the payment of the whole or any part of the said principal sum as it thinks fit, and such order shall be binding on all parties to the proceedings.

(*3*) The High Court may further direct by whom the whole or any part of the costs of each party shall be paid.

53. Succession Act or Companies Act not to affect Administrator-General.—Nothing contained in the Indian Succession Act, 1925 (39 of 1925), or the Companies Act, 1956 (1 of 1956), shall be taken to supersede or affect the rights, duties and privileges of any Administrator-General.

54. Savings of provisions of Police Acts for presidency-towns.—Nothing contained in the Indian Succession Act, 1925 (39 of 1925), or in this Act, shall be deemed to affect, or to have affected, any law for the time being in force relating to the movable property under four hundred rupees in value of persons dying interstate within any of the presidency-towns which shall be or has been taken charge of by the police for the purpose of safe custody.

55. Order of court to be equivalent to decree.—Any order made under this Act by any court shall have the same effect as a decree.

56. Provision for administration by Consular Officer in case of death in certain circumstances of foreign subject.—Notwithstanding anything in this Act, or in any other law for the time being in force, the Central Government may, by general or special order, direct that, where a subject of a foreign State dies in [1][India], and it appears that there is no one in [2][India], other than the Administrator-General, entitled to apply to a court of competent jurisdiction for letters of administration of the estate of the deceased, letters of administration shall, on the application to such court by any Consular Officer of such foreign State, be granted to such Consular Officer on such terms and conditions as the Court may, subject to any rules made in this behalf by the Central Government, thinks fit to impose.

57. Letters of administration not necessary in respects of small estates administered by Administrator-General in accordance with certain Acts.—It shall not be necessary for the Administrator-General to take out letters of administration of the estate of any deceased person which is being administered by him in accordance with the provisions of the Army and Air Force (Disposal of Private Property) Act, 1950 (40 of 1950), or the Navy Act, 1957 (62 of 1957), if the value of such estate does not, on the date when such administration is committed to him, exceed rupees two thousand, but he shall have the same power in regard to such estate as he would have had if letters of administration had been granted to him.

58. Powers to grant Administrator-General letters limited for purpose of dealing with assets in accordance with the Army and Air Force (Disposal of Private Property) Act, 1950, or the Navy Act, 1957.—If the Administrator-General applies in accordance with the provisions of the Army and Air Force (Disposal of Private Property) Act, 1950 (40 of 1950), or the Navy Act, 1957 (62 of 1957), for letters of administration of the estate of any person subject to the Army Act, 1950 (46 of 1950), or the Air Force Act, 1950 (45 of 1950), or the Navy Act, 1957, the Court may grant to him letters of administration limited to the purpose of dealing with such estate in accordance with the provisions of the Army and Air Force (Disposal or Private Property) Act, 1950, or, as the case may be, the Navy Act, 1957.

59. Act not to affect Army and Air Force (Disposal of Private Property) Act, 1950, or the Navy Act, 1957.—Nothing in this Act shall be deemed to affect the provisions of the Army and Air Force (Disposal of Private Property) Act, 1950 (40 of 1950), or the Navy Act, 1957 (62 of 1957).

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1. Subs. by Act 25 of 1968, s. 2 and Sch., for "the territories to which this Act extends" (w.e.f. 15-8-1968).
2. Subs. by s. 2 and Sch., *ibid*., for "the said territories" (w.e.f. 15-8-1968).

60. Saving of provisions of Indian Registration Act, 1908.—Nothing in this Act shall be deemed to affect the provisions of the Indian Registration Act, 1908 (16 of 1908).

61. Power of Central Government to make rules.—The Central Government may, by notification in the Official Gazette, make rules as to the terms and conditions on which letters of administration may be granted to Consular Officers under section 56.

62. Power of State Government to make rules.—(*1*) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act, and for regulating the proceedings of the Administrator-General.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the accounts to be kept by the Administrator-General and the audit and inspection thereof;

(*b*) the safe custody, deposit and investment of assets and securities which come into the hands of the Administrator-General;

(*c*) the remittance of sums of money in the hands of the Administrator-General in cases in which such remittances are required;

(*d*) subject to the provisions of this Act, the fees to be paid under this Act and the collection and accounting for any such fees;

(*e*) the statements, schedules and other documents to be submitted to the State Government or to any other authority by the Administrator-General, and the publication thereof;

(*f*) the realization of the cost of preparing any such statements, schedules or other documents;

(*g*) the manner in which and the person by whom the costs of and incidental to any audit under the provisions of this Act are to be determined and defrayed;

(*h*) the manner in which summonses issued under this Act are to be served and the payment of the expenses of any person summoned or examined under the provisions of this Act, and of any expenditure incidental to such examination; and

(*i*) any other matter which is required to be, or may be, prescribed under this Act.

[1][(*3*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made before the State Legislature.]

63. Laying of rules made by Central Government before Parliament.—Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or [2][in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

64. Repeal and savings.—(*1*) The Administrator-General's Act, 1913 (3 of 1913), is hereby repealed.

(*2*) Without prejudice to the generality of the provisions of the General Clauses Act, 1897 (10 of 1897), relating to the effect of repeals, the repeal effected by this section shall not affect the incorporation of any person holding the office of Administrator-General at the commencement of this Act.

1. Ins. by Act 18 of 1983, s. 3 (w.e.f. 26-8-1983).
2. Subs. by s. 4, *ibid*., for certain words (w.e.f. 26-8-1983).

(*3*) Notwithstanding anything contained in this section, the provisions of section 59B of the Administrator-General's Act, 1913 (3 of 1913), shall continue to apply as if that Act had not been repealed.

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STATEMENT OF OBJECTS AND REASONS

This Bill seeks to implement the recommendation of the Law Commission contained in its Ninth Report on the Specific Relief Act, 1877, except in regard to section 42 which is being retained as it now stands. As earlier Bill on the subject introduced in the Lok Sabha on the 23rd December, 1960, lapsed on its dissolution. The notes on clauses, extracted from the Report of the Law Commission, explain the Changes made in the existing Act.

NEW DELHI;

The 5th June, 1962. ASOKE K. SEN.

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