

THE



Bombay Government Gazette

Published by Authority.

THURSDAY, 28TH MARCH 1901.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill further to amend the Administrator General's Act, 1874, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th March 1901 :—

We, the undersigned, Members of the Select Committee to which the Bill further to amend the Administrator

General's Act, 1874, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

From Government, Madras, No. 766 Judicial, dated 15th May 1899; from ditto, No. 962, dated 20th June 1899, and enclosures; to ditto, No. 1322, dated 11th September 1899; to Local Governments and Administrations (except Madras), Nos. 1323—1331, dated 11th September 1899; from Government, Madras, No. 142, Judicial, dated 30th January 1900, and enclosure; from Government, Bombay, No. 636, dated 25th January 1900, and enclosures; from Government, Bengal, No. 665, J. D., dated 10th May 1900; from Government, North-Western Provinces and Oudh, No. 128, dated 9th February 1900, and enclosures; from ditto, No. 163, dated 19th February 1900, and enclosure; from Government, Panjáb, No. 275, dated 10th February 1900, and enclosures; from Government, Burma, No. 820—3-D.—20, dated 28th December 1899, and enclosure; from Chief Commissioner, Central Provinces, No. 10365, dated 21st December 1899, and enclosure; from Chief Commissioner, Assam, No. 163 L. & L. 4191-J., dated 5th October 1899; from Chief Commissioner, Coorg, No. 2601, dated 31st October 1899; from Resident, Hyderabad, No. 371, dated 9th December 1899, and enclosures [Papers No. 1].

From Indian Christian Association, North-Western Provinces and Oudh, to the Hon'ble Kunwár Sir Harnam Singh, Ahluwalia, K.C.I.E., No. 21, dated 28th January 1901 [Paper No. 2].

Office memorandum by Private Secretary to Viceroy, No. 325, dated 11th March 1901, and enclosure (memorial of Indian Christians of Bellary) [Papers No. 3].

2. It will be seen that we have considerably enlarged the scope of the Bill as introduced, which, for the reasons explained in the Statement of Objects and Reasons, was restricted to the exemption of Native Christians from the operation of certain provisions of the Administrator General's Act, 1874, from the operation of which Hindus, Muhammadans, Parsis and Buddhists are exempt. In the provisions which were designed to confer this exemption we have no amendments to suggest; but, after giving further consideration to the matter, and after hearing the arguments of our Hon'ble colleagues (Mr. Ananda Charlu and Sir Harnam Singh) who represented the views of the Native Christians, we have come to the conclusion that, though the reasons for not exempting Native Christians from the provisions of Section 187 of the Indian Succession Act, 1865, which make the probate of a will a condition precedent to establishing any rights as an executor in a Court of Justice, still hold good, strong arguments exist for giving Native Christians exemption from the provisions of Section 190 of the same Act, which relates to the grant of letters of administration. It seems to us further that, if Native Christians are to be relieved of the necessity for taking out letters of administration by being exempted from the provisions of Section 190 of the Succession Act, they ought also

to get the benefit of the Succession Certificates Act, 1889, to a like extent by being empowered to take out a certificate under that Act on payment of duty on the amount of the debt comprised in the certificate, instead of being compelled, whenever they have to resort to a Court for the recovery of a debt, to take out letters of administration on payment of duty practically on the entire estate.

3. We have given effect to these views in clauses 3 and 5 of the revised Bill appended to this Report. Clause 3 exempts Native Christians from Section 239 as well as Section 190 of the Succession Act, as the exemption from that section, which enables the District Judge to intervene for the protection of property until an administrator of the estate of a deceased person is constituted, seems to follow, as a matter of course, on the exemption from Section 190. Clause 5 declares that certificates may be granted to representatives of deceased Native Christians under the Succession Certificates Act, notwithstanding that the debt or security is one in respect of which a right could be established by letters of administration under the Indian Succession Act, 1865, as it obviously could be in the case of Native Christians, who, though exempted from Section 190, will still remain governed by the other provisions of that Act.

4. The alterations made in the preamble and short title are consequential on the additions described in the two preceding paragraphs.

5. The publication ordered by the Council has been made as follows:—

				<i>In English.</i>	
<i>Gazette.</i>					<i>Date.</i>
Gazette of India...	19th January 1901.
Fort Saint George Gazette	29th January 1901.
Bombay Government Gazette	24th January 1901.
Calcutta Gazette	23rd January 1901.
North-Western Provinces and Oudh Government Gazette	26th January 1901.
Punjab Government Gazette	31st January 1901.
Burma Gazette	1st February 1901.
Central Provinces Gazette	26th January 1901.
Assam Gazette	2nd February 1901.
Coorg District Gazette	1st March 1901.
Sind Official Gazette	31st January 1901.

In the Vernaculars.

<i>Province.</i>		<i>Language.</i>		<i>Date.</i>
Madras	Telugu	5th February 1901.
		...	Kanarese	5th February 1901.
		...	Tamil	12th February 1901.
		...	Malayalam	12th February 1901.
Bombay	Marathi	21st February 1901.
		...	Gujarathi	21st February 1901.
		...	Kanarese	21st February 1901.
Bengal	Bengali	12th February 1901.
		...	Hindi	6th February 1901.
		...	Uriya	7th February 1901.
North Western Provinces and Oudh...	Urdu	16th February 1901.
Punjab	Urdu	14th February 1901.
Burma	Burmese	9th February 1901.
Coorg	Kanarese	1st March 1901.
Sindh	Sindhi	21st February 1901.

6. Though the alterations we have made in the Bill are important, inasmuch as they materially extend its scope, they are at the same time entirely in the nature of further concessions to the community in whose interests this legislation has been undertaken. For this reason we do not think that the Bill has been so altered as to require republication, and we recommend that it be passed as amended by us.

(Signal) C. M. RIVAZ.

(") T. RALEIGH.

(") P. ANANDA CHARLU.

(") HARNAM SINGH, AHLUWALIA.

(") A. WINGATE.

The 16th March 1901.

[The amendments proposed by the Select Committee are printed in italics.]

No. II.

A Bill to place Native Christians in the same position as Hindus, Muhammadans and Buddhists in the matter of obtaining letters of administration and for other purposes.

WHEREAS it is expedient to place Native Christians on the same footing as Hindus, Muhammadans and Buddhists in the matter of obtaining letters of administration; to exempt them from the operation of certain provisions of the Administrator General's Act, 1874, from which Hindus, Muhammadans, Parsis and Buddhists are exempted; and to enable them to obtain certificates under the Succession Certificates Act, 1889, in certain cases; It is hereby enacted as follows:—

1. (1) This Act may be called the *Native Christian Administration of Estates Act, 1901*; and

(2) It shall come into force at once.

2. In this Act, the expression "Native Christian" means a native of India who is or in good faith claims to be of unmixed Asiatic descent and who professes any form of the Christian religion.

3. Sections 190 and 239 of the Indian Succession Act, 1865, shall not apply to any part of the property of a Native Christian who has died intestate. X of 1865.

4. In sections 16, 17, 18, 37 and 64 respectively of the Administrator General's Act, 1874, before the word "Hindu" wherever it occurs, the word "Native Christian" shall be inserted: II of 1874.

Provided that nothing contained in this section shall affect any probate, letters of administration or certificate granted or vested under the said Act.

5. Nothing contained in section 1, sub-section (4), of the Succession Certificates Act, 1889, shall be deemed to prevent the grant of a certificate to any person claiming to be entitled to the effects of a deceased Native Christian, or to any part thereof, with respect to any debt or security, by reason that a right thereto can be established by letters of administration under the Indian Succession Act, 1865. VII of 1889.

J. M. MACPHERSON,
Secretary to the Government of India. X of 1865.