

**Title:** Discussion on the Administrators-General (Amendment) Bill, 1999. (Bill passed).

14.38 hrs.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): Sir, I beg to move:

"That the Bill further to amend the Administrators-General Act, 1963, as passed by Rajya Sabha, be taken into consideration."

Sir, this is a Bill which deals with a Administrators-General certificate. It is a very cheap and inexpedient remedy which short-circuits on the death of a person the requirement of going to a probate court for obtaining letters of administration which is a complicated process. When this Act was originally passed, it covered assets of only up to Rs.5000. Then in 1983, because of the fall in the value of money, it was raised to Rs.50,000. Now we are raising it to Rs.2 lakh. I think this is a very sensible measure. Again this was originally also passed by the Rajya Sabha. It has again been passed by the Rajya Sabha. I claim no credit for this sensible measure. It is also something which I have inherited.

MR. CHAIRMAN : Motion moved:

"That the Bill further to amend the Administrators-General Act, 1963, as passed by Rajya Sabha, be taken into consideration."

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Mr. Chairman, Sir, the functions of the Administrators-General appointed under the Act are two-fold. One is to obtain letters of administration in case a person dies where the total assets left behind him at the time of his death exceed that specified amount. After the present amendment -- which, of course, we support -- it would be Rs.2 lakh. This function of Administrators-General, normally he is not called upon to perform because there are always, in fact, cases where there is unending fight between the people claiming to be heirs and claiming to be the next of kin for the assets of the deceased.

">What this Bill really attempts, as the Minister was pleased to refer to, is the grant of the certificate by the Administrator-General himself in order to avoid all the hassles which the claimants to the property of the deceased often have to go through, face or suffer even in petty matters where the total assets of the State left behind by the deceased do not exceed that specific amount, which of course now would be Rs.2 lakh. Since this Bill as such seeks to enhance that limit, obviously it would again be accepted by all sections of the House; so do we.

">There is one point which I would like to make. Keeping in view the enormous erosion in the value of rupee, this amount of Rs.2 lakh also would sound insignificant when we come to the question of the Administrator-General granting the certificate under Section 29 of the Act. If you kindly permit me to read the first part of the Section to make my point, Section 29 (1) of the Administrators-General Act, 1963, reads:

">"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, apply, did not at the date of death exceed in the whole fifty thousand rupees (now two lakh 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 thereon mentioned left by the deceased within the State, to a value not exceeding in the whole fifty thousand rupees (now two lakh rupees)."

">Any property today if owned by any person, would mostly be above Rs.2 lakh. Despite the fact that we have a salutary law like this on the statute book which entitles the heirs to avoid going to court, avoid going in for probate, avoid going in for letters of administration, etc., from the court which takes inordinately long time and also because we are today concerned about the delays in the courts, about the pendency of cases in the courts, should we not make an endeavour that Administrators-General really become an alternative dispute-resolution forum? The qualification for the appointment as Administrators-General is good enough. A person can perform that role by considering the claims and the counter-claims of the claimants. Should we not make an amendment - this is my suggestion - to decide those cases up to a reasonable limit? If a person owns a car and he leaves this world, the value of the car will be more than that amount fined.

">Similarly, if there could be any piece of other property which would exceed Rs.2 lakh, application of the provisions of this Act would not be extended to that case. That is the suggestion which I would like to make to the hon. Minister. When we are in the midst of an exercise to cut down delays, this one forum should really be made very effective and working.

">My experience over the years is that since a law like this exists, part-time Administrators-General are appointed. I do not have an objection to the appointment of part-time Administrators-General because I would in fact suggest that measure. People from amongst lawyers could be given this job and they can perform it very well.

">But the powers have to be enhanced to make it a veritable and dynamic forum for dispute-resolution and for dispute-settlement.

">The other thing may not strictly fall within the scope of this Act. But I would like to make that point also for consideration of the hon. Minister. Whenever there is any appropriate meeting of the State Chief Ministers or of the State representatives, ensure that some reasonable and respectable conditions of service including the honorarium that is paid to the Administrator-General of the State are prescribed. The name sounds quite big "Administrator-General of the State". But I have seen that is not the status enjoyed by the incumbent of this Office. Something commensurate with the work assigned to him and the role expected of him should be provided for.

">With these words, I support this Bill.

SHRI SURESH KURUP (KOTTAYAM): Sir, I support this Bill. This should have been brought earlier and the amount should have been enhanced much earlier. This helps the legal heirs of the deceased person without going through the court process to get the certificate of administration. It is an easy way of getting an heirship certificate. So, I support this Bill. I also support the point made by the hon. Member that the functions of the Administrator-General are very important. So, the emoluments he gets should also be fixed. A direction should be given to the States that it should be commensurate with the respectability of the post.

">With these words, I support this Bill.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I would like to say a word. While supporting the Bill, I have to bring to the attention of the hon. Minister that there are a lot of complaints regarding the issuance of certificates by the Administrator-General. Inordinate delay is one of the reasons alleged. Even in spite of repeated requests, it is not being issued at the proper time for proper use. So, if at all any fault or default is there in the procedure adopted, it may kindly be changed so that it may change the conditions. We are now especially following a liberal policy. Hence, the Government should make it more liberal so that the man who is applying for a certificate may get it without much difficulty.

">With these words, I support the Bill.

SHRI RAM JETHMALANI: Sir, this Bill was very carefully examined by the Standing Committee of Parliament. They did not recommend anything more than rupees two lakh. Left to myself, I would have probably done it a little more. But now that the Standing Committee has unanimously recommended this figure, let us rest content with it. Let us make this experiment now. At some future date, we will try to improve things.

">As regards the other suggestion about the working of the Office and the stature of the Administrator-General, I would carefully bear this in mind and examine it. Whatever is possible to be done will be done.

">With these words, I move that the Bill be passed now.

">MR. CHAIRMAN : The question is:

">"That the Bill further to amend the Administrators-General Act, 1963, as passed by Rajya Sabha, be taken into consideration."

">The motion was adopted.

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">Clause 2 and 1

">MR. CHAIRMAN: The House will now take up clause by clause consideration of the Bill.

">MR. CHAIRMAN: The question is:

">"That clause 2 stand part of the Bill."

">The motion was adopted.

">Clause 2 was added to the Bill.

">MR> CHAIRMAN: The question is

">The question is

">"That Clause 1, the Enacting formula

">and Title stand part of the Bill

">The motion was adopted.

">Clause 1, the Enacting Formula and the Title were added to the Bill.

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">SHRI RAM JETHMALANI: Sir, I beg to move:

">"That the Bill be passed."

">MR. CHAIRMAN: The question is:

">"That the Bill be passed."

">The motion was adopted.

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