

Administrators-general Act, 1963

Chapter IV - Grant of 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 whole¹[two 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 whole¹[two 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 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.

1 . Substituted for "fifty thousand " by The Administrators-General (Amendment) Act, 1999 (34 of 1999) w.e.f 16.12.1999.

Section 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 & 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.

Section 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.

Section 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.

Section 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.

Section 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 imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Section 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.

Section 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 ¹[two lakhs"] rupees.

Section 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 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 general-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 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.
