

Administrators-general Act, 1963

Chapter VIII - Miscellaneous

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.
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Section 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:

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- (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.
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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 there from person summoned under that section.

Section 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.

Section 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.

Section 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.

Section 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 lights, duties and privileges of any Administrator-General.

Section 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 intestate within any of the presidency towns which shall be or has been taken charge of by the police for the purpose of safe custody.

Section 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.

Section 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 India, and it appears that there is no one in 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, think fit to impose.

Section 57 - Letters of administration not necessary in respect 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.

Section 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 of Private Property) Act, 1950, or, as the case may be, the Navy Act, 1957.

Section 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).

Section 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).

Section 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.

Section 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.]

1. Inserted by the Administrators-General (Amendment) Act, 1983.

Section 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 1[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.

1. Substituted for "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following", by the Administrators-General (Amendment) Act, 1983.

Section 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.

(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.
