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JOINT/SELECT COMMITTEE REPORTS OF LEGISLATIVE ASSEMBLY - 1926

The Transfer of Property (Amendment) Bill

3624 (4)
30-3 17

Act & Bills section

FB-60, PLB

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1926.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Naturalization (Amendment) Bill.	28.1.26.	
2.	The Insolvency (Amendment) Bill.	2.2.26.	
3.	The Indian Registration (Amendment) Bill by Dewan Bahadur T. Rangachariar.	9.2.26.	
4.	The Code of Civil Procedure (Amendment) Bill (Section 102 and 103).	9.2.26.	
5.	The Legal Practitioners (Amendment) Bill.	9.2.26.	
6.	The Hindu Religious and Charitable Trusts Bill by Dr. Hari Singh Gour.	10.2.26.	
7.	The Coparceners Liability Bill. by Dr. Hari Singh Gour.	19.2.26.	<i>Coparceners</i>
8.	The Indian Tariff (Amendment) Bill.	23.2.26.	
9.	The Transfer of Property (Amendment) Bill by Sir Hari Singh Gour.	4.3.26.	
10.	The Indian Factories (Amendment) Bill.	8.3.26.	
11.	The Indian Income-tax (Amendment) Bill.	8.3.26.	
12.	The Indian Bar Councils Bill.	18.8.26.	

LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to explain certain provisions of the Transfer of Property Act, 1882, was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. We have re-drafted the definition of attestation in such a manner that it now corresponds with the provisions of clause (c) of section 63 of the Indian Succession Act, 1925. Considerable discussion took place in regard to the advisability of retaining the provision requiring the attesting witnesses to sign in the presence of the executant. It was suggested that the inclusion of such a provision would perpetuate, though in a less aggravated form, the very evil which the Bill is designed to prevent. We are not, however, of opinion that a denial by an attesting witness

of the presence of the testator at the time the witness signed the instrument is likely often to be made or, when falsely made, to be successful. At the same time, we think that the provision gives a real safeguard to an executant, and we are not aware of any precedent which would support its omission.

3. We have omitted as unnecessary the commencement and extent clauses of the Bill as introduced, and have made some purely drafting amendments in the inducement of clause 2.

4. The Bill was published in the Gazette of India, dated the 7th February, 1925.

5. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

K. C. NEOGY.

M. A. JINNAH.

HARCHANDRAI VISHINDAS.

SARFARAZ HOSAIN KHAN.

H. S. GOUR.

The 1st March, 1926.

[Words printed in italics indicate the amendments suggested by the Committee.]

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BILL

TO

Explain certain provisions of the Transfer of Property Act, 1882.

WHEREAS it is expedient to explain certain provisions of the Transfer of Property Act, 1882; IV of 1882. It is hereby enacted as follows :—

1. This Act may be called the Transfer of Property (Amendment) Act, 1926.
Short title.
2. In section 3 of the *Transfer of Property Act, 1882*, after the IV of 1882. definition of the word "*instrument*", the following Amendment of section 3, Act IV of 1882. shall be inserted, namely :—

“*attested*, in relation to an instrument, means attested by two or more witnesses each of whom *has* seen the executant sign or affix his mark to the instrument, or *has* seen some other person sign the instrument in the presence and by the direction of the executant, or *has* received from the executant a personal acknowledgment of his signature or mark, or of the signature of such other person, and each of *whom has signed the instrument in the presence of the executant*; but it shall not be necessary that more than one of *such witnesses shall have been present at the same time, and no particular form of attestation shall be necessary.*”

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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the
Bill to explain certain provisions of
the Transfer of Property Act, 1882.

(With Bill as amended.)