

**JOINT/SELECT  
COMMITTEE REPORT  
LEGISLATIVE  
ASSEMBLY  
1925**

**The Indian Succession (Amendment ) Bill  
(Sec.27)**

List of Reports of Select or Joint Committees  
presented to the Legislative Assembly in 1925.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Soldiers (Litigation) Bill.	2.2.25.	
2.	The Obscene Publications Bill.	11.2.25.	
3.	The Code of Civil Procedure (Amendment) Bill.	13.2.25.	Copy not available
4.	The Indian Penal Code (Amendment) Bill (Age of Consent) by Dr. Hari Singh Gour.	23.2.25.	- do -
5.	The Cotton Gining and Pressing Factories Bill.	23.2.25.	
6.	The Indian Tariff (Amendment) Bill.	5.3.25.	
7.	The Indian Succession Bill.	26.8.25.	Report of the Joint Committ.
8.	The Indian Succession (Amendment) Bill (Sec. 27).	26.8.25.	- do -
9.	The Code of Criminal Procedure (Amendment) Bill (Use of firearms) by Dewan Bahadur T. Rangachariar.	26.8.25.	
10.	The Indian Trade Unions Bill.	31.8.25.	
11.	The Indian Carriage of Goods by Sea Bill.	31.8.25.	- do -
12.	The Coal grading Board Bill.	31.8.25.	
13.	The Indian Limitation (Amendment) Bill.	3.9.25.	
14.	The Court-fees (Amendment) Bill.	14.9.25.	
15.	The Contempt of Courts Bill.	16.9.25.	

LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Joint Committee to which the Bill to amend the provisions of section 27 of the Indian Succession Act, 1865, was referred, have considered the Bill and the paper noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Paper No. 1.

2. The Committee assembled on the 4th of July, the following members being present :—

The Honourable Sir Narasimha Sarma,  
" " Sir Alexander Muddiman,  
" " Sir Henry Moncrieff Smith,  
" " Saiyid Raza Ali,  
" " Sir Deva Prasad Sarvadhikary  
" " Sir Arthur Froom,  
Rai Sahib Harbilas Sarda,  
Mr. K. C. Neogy, and  
Mr. Abdul Haya.

Sir Henry Moncrieff Smith was elected Chairman.

A final meeting was held on the 17th August to consider the redraft of the Bill at which Diwan Bahadur M. Ramachandra Rao also was present.

3. The one question of substance which we were called upon to consider was whether the proposed amendment should apply to Indian Christians. The proposal has evoked considerable opposition from the community concerned, and we have, therefore, exempted them from the provisions of the Bill.

We have also made it clear that the Bill applies only to cases of total intestacy.

4. As regards the form of the Bill, it has been framed as an amendment of the Indian Succession Act, 1865. That Act with other enactments is now being consolidated, and we recommend that the proposed new section 27A should be inserted after clause 33 of the consolidated Indian Succession Bill as reported by the Joint Committee in the following adapted form :—

" 33 A. (1) Notwithstanding anything contained in section 33, where the intestate has left a widow but no lineal descendants and—  
Special provision where intestate has left widow and no lineal descendants.

(a) the nett value of his property does not exceed five thousand rupees, the whole of his property shall belong to the widow ;

(b) the nett value of the property exceeds the sum of five thousand rupees, the widow shall be entitled to five thousand rupees thereof and shall have a charge upon the whole of such property for such sum of five thousand rupees, with interest thereon from the date of the death of the intestate at four per centum per annum until payment.

(2) The provision for the widow made by this section shall be in addition and without prejudice to her interest and share in the residue of the estate of such intestate remaining after payment of the said sum of five thousand rupees with interest as aforesaid ; and such residue shall be distributed in accordance with the provisions of section 33, as if it were the whole of such intestate's property.

(3) The nett value of the property shall be ascertained by deducting from the gross value thereof all debts and all funeral and administration expenses of the intestate, and all other lawful liabilities and charges to which the property shall be subject.

(4) This section shall not apply—

(a) to the property of any Indian Christian ;

(b) unless the deceased dies intestate in respect of all his property."

This new section may be inserted in the consolidated Bill after it becomes law.

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.

H. MONCRIEFF SMITH.

B. N. SARMA.

A. H. FROOM.

RAZA ALI.

M. RAMACHANDRA RAO.

K. C. NEOGY.

ABDUL HAYE.

A. P. MUDDIMAN.

DEVAPRASAD SARVADHIKARY.

HARBILAS SARDA.

*The 21st August, 1925.*

As amended by the Joint Committee.)

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

▲

## BILL

TO

*Amend the provisions of section 27 of the Indian Succession Act, 1865.*

WHEREAS it is expedient to amend the provisions of section 27 of the Indian Succession Act, 1865, so as to provide more liberally for the ~~X~~ of 1865. surviving widow or husband where there are no lineal descendants in the case of a total intestacy; It is hereby enacted as follows:—

1. This Act may be called the Indian Succession (Amendment) Act, 1925.

Short title.

2. To the second paragraph of section 27 of the Indian Succession Act, 1865 (hereinafter ~~referred to as the said Act~~ of 1865. referred to as the said Act), before the words "If he has left no lineal descendant" there shall be prefixed the words "Save as provided by section 27A".

3. After section 27 of the said Act the following section shall be inserted, namely:—

Insertion of new section 27A in Act X of 1865.

"27A. (1) Where the intestate has left a widow but no lineal descendants and the nett value of his property does not exceed five thousand rupees, the whole of his property shall belong to the widow.

(2) Where the nett value of the property exceeds the sum of five thousand rupees, the widow shall be entitled to five thousand rupees thereof and shall have a charge upon the whole of such property for such sum of five thousand rupees, with interest thereon from the date of the death of the intestate at 4 per cent. per annum until payment.

(3) The provision for the widow made by this section shall be in addition and without prejudice to her interest and share in the residue of the estate of such intestate remaining after payment of the said sum of five thousand rupees, with interest as aforesaid in the same way as if such residue had been the whole of such intestate's property.

(4) The nett value of the property shall be ascertained by deducting from the gross value thereof all debts, and all funeral and administration expenses of the intestate, and all other lawful liabilities and charges to which the property shall be subject.

(5) This section shall not apply—

(a) to the property of any Indian Christian;

(b) unless the deceased dies intestate in respect of all his property."

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

---

Report of the Joint Committee on the Bill  
to amend the provisions of section 27  
of the Indian Succession Act, 1865,  
with the Bill as amended.