

डी वी सदानंद गौड़ा
D.V. Sadananda Gowda



D.O. No. 27 (21)/2014-Leg.III

मंत्री
कानून एवं न्याय
भारत सरकार

MINISTER
LAW AND JUSTICE
GOVERNMENT OF INDIA

New Delhi, dated the 15th January, 2015

Dear Shri Chanrdrasekhar ji,

Kindly refer to your letter dated the 9th December, 2014 regarding the request to amend the Indian Succession Act, 1925 (39 of 1925) to include native Christians of Mysore and Coorg in its ambit.

2. The matter has been examined. It is noted that section 332 of the Indian Succession Act, 1865 (X of 1965) empowers the Governor General to exempt any race, sect or tribe or any part of such race, sect or tribe from the operation of the Act. By resorting to these powers *vide* notification dated the 23rd July, 1868, all native Christians in the State of Coorg were exempted from the operation of specified sections of the Indian Succession Act, 1865 and it appears that later, the applicability of this notification was extended to the territory of Mysore thereby giving exemption to all native Christians in Mysore territory from the operation of the Indian succession Act, 1865, in the matters of testamentary and intestate succession.

3. The Indian Succession Act 1865 (X of 1965) was comprehensively amended and consolidated by the Indian Succession Act, 1925 (39 of 1925). However, a similar provision contained in section 3 of the Act empowers the State Government to exempt any race, sect or tribe in the State from the operation of sections 5 to 49, 58 to 191, 212, 213 and 215 to 369. Further, sub-section (3) of section 3 which is parallel to section 332 of the Indian Succession Act, 1865 refers to exempted persons. The notification exempting the native Christians of Mysore and Coorg is still in force in view of the exemption provided under sub-section (3) of section 3 of the Indian Succession Act, 1925 (39 of 1925) and the earlier notification is not expressly repealed, rather, it is being continued under the exemption clause. However, sub-section (2) of section 3 states that the State Government may, by a like notification, revoke any such order, but not so that the revocation shall have retrospective effect. Therefore, any such revocation of the earlier notification may be done by the concerned State Government.

4. In view of the above, there does not appear to be any need to amend the Indian Succession Act, 1925 (39 of 1925).

With regards,

Yours sincerely,


(D.V.Sadananda Gowda)

Rajeev Chandrasekhar,
Member of Parliament (Rajya Sabha),
211, North Avenue,
New Delhi - 110 001.