

The Administrator General s (Bengal Amendment) Act, 1940

WEST BENGAL

India

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Act 11 of 1940

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The Administrator General s (Bengal Amendment) Act, 1940. Bengal Act 11 of 1940 [8th August, 1940.] An Act to amend the Administrator General's Act, 1913, in its application to Bengal. Whereas it is expedient to amend the Administrator General's Act, 1913, in its application to Bengal, in the manner hereinafter appearing; It is hereby enacted as follows:-

1. Short title and commencement. -

(1) This Act may be called the Administrator General's (Bengal Amendment) Act, 1940. (2) It shall come into force on such date as the [State] [Word was substituted for the word 'Provisional' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, appoint.

2. Application of Act. -

The Administrator General's Act, 1913 (hereinafter referred to as the said Act), shall, in its application to [West Bengal] [Words substitutes for the word 'Bengal' by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.], be amended in the manner hereinafter provided.

3. Amendment of section 10 of Act 3 of 1913. -

In section 10 of the said Act for the words commencing "Whenever any person" and ending "at a Presidency-town" the following shall be substituted, namely. - "Whenever any person, not being an exempted person, has died leaving assets within [West Bengal] [Words substitutes for the word 'Bengal' by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.], or being an exempted person, has died leaving assets within the local limits of the ordinary original civil jurisdiction of the High Court or within any area notified by the [State] [Word was substituted for

the word 'Provisional' by the Adaptation of Laws Order, 1950.] Government in this behalf in the Official Gazette".

4. Amendment of section 11. -

In sub-section (1) of section 11 of the said Ac. -(a)for the words commencing "Whenever any person" and ending "the said High Courts" the following shall be substituted, namely. -"Whenever any person, not being an exempted person, has died leaving assets within [West Bengal] [Words substituted for the word 'Bengal' by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.], or being an exempted person, has died leaving assets within the local limits of the ordinary original civil jurisdiction of the High Court or within any area notified by the [State] [Word substituted for the word 'Province' by the Adaptation of Laws Order, 1950.] Government in this behalf in the Official Gazette", and(b)for the words "such Court" the word "the Court" shall be substituted.

5. Amendment of section 16. -

In section 16 of the said Act for the words "rupees one thousand" the words "two thousand rupees" shall be substituted.

6. Amendment of section 32. -

In section 32 of the said Act after the words "in the Official Gazette, the Administrator General may" the following words shall be inserted, namely. -"after the lapse of the said three months, or if he is required so to do in writing under the hand of the executor or the widow or other person entitled to administer the estate of the deceased, before the lapse of the said three months".

7. Insertion of new section 36A. -

After section 36 of the said Act the following section shall be inserted, namely. -"36A. Payment to holder of certificate before it is revoked. - When a certificate is revoked in accordance with the provisions of section 35, all payments made bona fide under such certificate to the holder thereof before such revocation, shall, notwithstanding such revocation, be a legal discharge to the person making the same; 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."

8. Amendment of section 40. -

In sub-section (2) of section 40 of the said Act after the word "payment" the words "of the amount decreed or ordered by the court to be paid" shall be inserted.

9. Amendment of section 45. -

For clause (a) of section 45 of the said Act the following clauses shall be substituted, namely:- (a) whether the accounts have been audited in the prescribed manner, (aa) whether, so far as can be ascertained by such audit, the accounts contain a full and true account of everything which ought to be inserted therein, ".