

**THE INDIAN SUCCESSION (EXTENSION TO PUDUCHERRY)
ACT, 1980**

(Act No. 10 of 1980)

ARRANGEMENT OF SECTIONS

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(13-9-1980)

AN
ACT

to extend the Indian Succession Act, 1925, to the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Thirty-first Year of the Republic of India as follows: -

Short title

1. This Act may be called the Indian Succession (Extension to Puducherry) Act, 1980.

Definitions

2. In this Act, unless the context otherwise requires, -

(a) "Administrator" means the Administrator of Puducherry appointed by the President under article 239 of the Constitution;

(b) "Puducherry" means the Union territory of Puducherry.

Extension of Central Act 39 of 1925 to Puducherry

3. The Indian Succession Act, 1925 (hereinafter referred to as the said Act), shall extend to the Union territory of Puducherry, subject to the following modifications, namely:-

- (i) Section 1 of the said Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

*"(2) It shall come into force in the Union territory of Puducherry on such date as the Administrator of that Union territory may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision";

+ This Act came into force w.e.f 1.11.1982 vide Notification published in EG pt. I No. 34 dt. 01.04.82.

- (ii) after section 1 as so amended, the following section shall be inserted, namely:-

Act not to apply to Renoncants

"1A. Nothing contained in this Act shall apply to the Renoncants of the Union territory of Puducherry."

Repeal and saving

4. (1) Any law in force in Puducherry or any area thereof corresponding to the said Act or any provision thereof (except in so far as such law continues to be applicable to Renoncants) shall stand repealed as from the coming into force of the said Act or provision, as the case may be, in Puducherry.

(2) Nothing in sub-section (1) shall affect –

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of said Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Rules of construction

5. (1) In the said Act, --

(a) any reference to any provision of law not in force, or to any functionary not in existence, in Puducherry shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that ---

- (i) if any question arises as to who such corresponding functionary is, or
- (ii) if there is no such corresponding functionary,

the Administrator shall decide as to who such functionary will be and his decision shall be final;

(b) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Administrator.

(2) For the purpose of facilitating the application in relation to Puducherry of the said Act, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

Power to remove difficulties

6. If any difficulty arises in giving effect in Puducherry to the provisions of the said Act, the Administrator may, as occasion may require, by order notified in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of the said Act, as appear to him to be necessary for the removal of the difficulty; and any such order may provide for the transfer of any matter pending before any court, tribunal or other authority immediately before the commencement of the said Act in Puducherry to any corresponding court, tribunal or authority for disposal:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO.10 OF 1980

The question of extending the Indian Succession Act, 1925 to the Union territory of Puducherry has been engaging the attention of this Administration for quite some time. Various seminars have been conducted by this Administration on the advice of the Government of India to elicit public opinion on the proposal. After examination, it is proposed to extend the Indian Succession Act, 1925, to fall in line with other parts of the country in the matter of succession, with provision that it shall not apply to "Renoncants" as in the case of other personal laws extended to this Union territory.

The Bill seeks to achieve the above object.
