

LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Bill, 2022

(Bill No. 12 of 2022)

(To be introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT ASSEMBLY HALL, PORVORIM JYULY, 2022

The Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Bill, 2022

(Bill No. 12 of 2022)

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BILL

further to amend the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 (Goa Act 23 of 2016).

- 5 BE it enacted by the Legislative Assembly of Goa in the Seventythird Year of the Republic of India as follows:-
 - 1. Short title and commencement.— (1) This Act may be called the Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Act, 2022.
- 10 (2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.
- 2. Amendment of section 2.— In section 2 of the Goa Succession, Special Notaries and Inventory Proceeding Act, 2012 (Goa Act 23 of 2016) (hereinafter referred to as "the principal 15 Act"), in clause (z), after the words "a written account", the expression ", either electronic or manual including online procedure" shall be inserted.
 - **3. Amendment of section 35.** In section 35 of the principal Act,-
- 20 (i) for sub-section (1), the following sub section shall be substituted, namely:—
 - "(1) Renunciation of an inheritance shall be made before the Court or before the Special Notary having jurisdiction over the place where the succession opens.";

(ii) afte	r sub-	section	(4),	the	following	sub	section	shall	be
inserted,	name	ly:—							

"(4A) All such files shall be bound in volumes containing 200 pages each, numbered consecutively and each volume maintained annually shall be numbered serially starting from 5 Volume I of year......".

4. Amendment of section 52.— In section 52 of the principal Act, in sub-section (1),—

(a) after item (i), the following item shall be inserted, namely:—

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- "(ia) on the surviving spouse;";
- (b) for item (iii), the following item shall be substituted, namely:—
 - "(iii) on the brothers and sisters and their descendents;";
 - (c) item (iv) shall be omitted.

5. Insertion of new section 307A.— After section 307 of the principal Act, the following section shall be inserted, namely:—

"307A. Jurisdiction to draw instruments and deeds.— The special Notary shall have jurisdiction to draw instruments and deeds including wills as below:—

- (i) The Special Notary having jurisdiction over the place where the succession opens shall be competent to draw deed of declaration of heirship and deed of renunciation.
- (ii) The Special Notary having jurisdiction over the place of permanent residence of the Testator/Testatrix, Donor or 25 the executing party shall draw a will, consent or power of attorney respectively:

Provided that whenever owing to medical disability condition the Testator/Testatrix is admitted to hospital or

restricted at a place other than his permanent residence, then on production of valid medical documents, the will can be drawn by the Special Notary having jurisdiction over such place.".

- 5 **6. Amendment of section 308.**—In section 308 of the principal Act, in sub-section (2), for the expression "District Judge of the respective district court or an additional district judge nominated by him, as the case may be", the words "District Special Notary of the respective District" shall be substituted.
- 7. Amendment of section 310.— In section 310 of the principal Act, for the expression "District Judge of the respective District Court or an Additional District Judge nominated by him, as the case may be", the words "District Special Notary of the respective district" shall be substituted.
- 15 **8. Amendment of section 320.** In section 320 of the principal Act, in sub-section (3), for the expression "within 3 days", the expression "within 30 days after hearing all the parties" shall be substituted.
- Amendment of section 324.— In section 324 of the principal
 Act.—
 - (i) in sub-section (i), in clause (iv), for the expression "The power of attorney executed abroad shall be counter-signed by the Indian Diplomatic Agent or the Consular services and shall be duly stamped by the competent Collector in Goa;", the expression "The Power of attorney executed abroad except where a certificate called an Apostille has been issued thereto, shall be counter-signed by the Indian Diplomatic Agent or the Consular services and shall be duly stamped by the competent Collector in Goa;" shall be substituted;
- (ii) in sub-section (2), the words "or certified copy thereof" shall be omitted.
 - 10. Amendment of section 333.— In section 333 of the principal Act, in sub-section (7), for the words "District Judge", the words "District Special Notary" shall be substituted.

- 11. Amendment of section 337.— In section 337 of the principal Act, the expression "The testator may keep the closed will with himself or hand it over to a person of his confidence" shall be added at the end.
- **12. Omission of sections 338, 339 and 340.** In the principal 5 Act, sections 338, 339 and 340 shall be omitted.
- **13. Amendment of section 346.** In section 346 of the principal Act,-
 - (i) in sub-section (4), the words "or a certified copy issued by an institution maintaining such records" shall be omitted;
 - (ii) after sub- section (4), the following sub-section shall be 10 inserted, namely:—
 - "(4A) In the event when a party to succession deed produces documents of his identity and the names on the documents produced are different, the parties may produce a certificate issued by the Mamlatdar for certifying the names 15 appearing in different certificates are that of one and the same person.".
- **14. Insertion of new section 346A.** After section 346 of the principal Act, the following section shall be inserted, namely:—
- "346A. Printed Deed of Declaration of Heirship.— (1) The 20 Declarants and interested parties as specified in section 346 may opt to present to the Special Notary, a computer generated printout in black ink of the unsigned Deed of Declaration of Heirship, written in the language of the Court, complying with all the legal formalities as specified under section 346 and other 25 provisions under this Act on a standard ledger paper (Legal Size) leaving a margin of 5 cm. on left side, 3 cms on top and the bottom and 2 cms. on the right side of the paper. The print shall be in Times New Roman Script with double spacing and continuous without break between words and numbers shall be 30 written in words, accompanied by all the documents required for registration of said deed.

- (2) Upon submission of printed Deed of Declaration of Heirship, all the parties shall put their name, sign and thumb impression by appearing in the office of the Special Notary, and thereafter the Special Notary shall sign the said deed.
- 5 (3) All the printed Deeds of Declaration of Heirship registered before the Special Notary alongwith all the supporting documents, until they are preserved in a form of a bound book, as provided in sub-section (4), shall be maintained in a provisional file. In the same file, all the Deeds of Declaration of Heirship so presented 10 shall be kept as per the serial order of its presentation and their pages numbered serially.
- (4) At the end of every 200 sheets, the District Special Notary of the concerned district shall initial all the pages of the Deed of Declaration of Heirship contained in the file and ensure that the 15 sheets are bound in a book."

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend section 2 (z) of the Goa Succession, Special Notaries and Inventory Proceedings Act, 2021 (Goa Act 23 of 2016) (hereinafter referred to as the 'said Act') so as to introduce the concept of digital record i.e. electronic form of making or drawing a record by the Special Notary.

The Bill further seeks to amend section 35 of the said Act so as to introduce jurisdiction based on section 9 and lay down procedure for filing the documents submitted to Special Notary.

The Bill also seeks to amend section 52 of the said Act so as to rectify the order of legal succession.

The Bill also seeks to insert new section 307A in the said Act to lay down jurisdiction, as there is no provision for entertaining the applications for drawing of various instruments and deeds including wills based on jurisdiction.

Various books, indexes, etc., and printed wills have to be countersigned by the District Judge or Additional District Judge nominated by him. This process is time consuming and sometimes cumbersome for offices situated at distance and therefore the Bill seeks to amend section 308 and section 310 of the said Act, to authorise District Special Notary with these powers.

The Bill also seeks to amend section 324 of the said Act as the matters regarding power of attorney executed outside India to be countersigned by Indian Diplomatic Agent is governed by International Law which changes from time to time, and at present, the power of attorney may not be required to be countersigned by Indian Diplomatic Agent, as Republic of India is a party to Hague Apostille Convention. Amendment is also proposed for removing the option of certified copy of power of attorney and the original power of attorney has to be submitted in office for authenticity of the record and as provided in other sections for other Notarial acts;

The Bill also seeks to amend section 337 of the said Act so as to include the option of either keeping the closed will with the testator or with person of his confidence, when it is delivered to him after completing the formalities by the Special Notary;

As the Special Notary Offices are not well equipped with latest security protocol, such as, fire extinguishers, fire proof vaults and boxes, etc., it is risky to take custody of closed wills and keep them in the office, moreover, if the closed wills remains with the party it will be more safe and testator will take due care of it. Therefore, sections 338, 339 and 340 of the said Act are proposed for omission;

The Bill also seeks to amend section 346 of the said Act as the same is ambiguous and allows party to submit any document issued by any institution, legally not empowered to maintain the same;

The Bill also seeks to insert a new section 346A in the said Act for providing a printed Deed of Declaration of Heirship, in similar line of printed open will.

This Bill seeks to achieve the above objects.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Financial Memorandum

No financial implications are involved in this Bill.

Porvorim -Goa NILESH CABRAL

Dated: 14-07-2022 Hon. Minister for Law and Judiciary

Assembly Hall,

Porvorim-Goa Namrata Ulman

Dated: 14-07-2022 Secretary to the Legislative Assembly of Goa

ANNEXURE

Name of The Bill: The Goa Succession, Special Notaries and Inventory Proceeding (Amendment) Bill, 2022.

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Sr. No.	Existing Provision	Amendment proposed in the Bill	Justification for amendment		
1	2	3	4		
1.	Section 2(z) "to make a record" or "to draw a record" means to draw up a written account of an act or a series of acts under authority of law by the Special Notary and designed to furnish permanent authentic evidence of the matters to which it relates;	Amendment of section 2.— In section 2 of the Goa Succession, Special Notaries and I n v e n t o r y Proceeding Act, 2012 (Goa Act 23 of 2016) (hereinafter referred to as "the principal Act"), in clause (z), after the words "a written account", the expression ", either electronic or manual including online procedure" shall be inserted.	As to introduce the concept of digital record i.e. electronic form of making or drawing a record by the Special Notary.		
2.	Section 35. How renunciation is	Amendment of section 35 In	35 of the said Act		

effected.— (1)Renunciation of an inheritance shall be made before the Court having jurisdiction over the place where the succession opens or before any Special Notary. (2) When made before the Court, it shall

section 35 of the principal Act,-(i) for sub-section (1), the following sub section shall be substituted, filing namely: — "(1) Renunciation of an submitted inheritance shall be made before the

so as to introduce jurisdiction based on section 9 and lav down procedure for documents Special Notary.

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be drawn in a book which shall have it's pages duly numbered, and initialled by the Court and when made by the Special Notary, it shall be drawn in his respective Book. The deed or record of renunciation by the heir shall be written in indelible black ink in a and legible clear handwriting. (3) It is the duty of the court to inspect the book once a vear and record a certificate of inspection on the page immediately following the last page used. The register shall be maintained in the chronological order and shall be preserved as a permanent record of the court. (4) When an heir renounces the inheritance through his attorney, the power of attorney shall be also preserved in a separate file maintained for the purpose and the page at which the power of attorney is placed shall be mentioned at the bottom of the deed. The file shall have an index of the powers of attornev.

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Court or before the Special Notary having jurisdiction over the place where the succession opens.": (ii) after sub-section (4), the following sub section shall be inserted, namely: "(4A) All such files shall be bound in volumes containing 200 pages each, numbered consecutively and volume each maintained annually shall be numbered serially starting from Volume 1 of year...".

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3. Section 52. Order of legal succession.— (1) The legal succession shall devolve in the following order:—(i) on the descendants; (ii) on the ascendants, subject to the provisions of subsection (2) of section 72: (iii) on the brothers and their descendants; (iv) on the surviving spouse: (v) on the collaterals not comprised in clause (iii) upto the 6th degree; (vi) on the State, provided that, in the absence of testamentary intestate heir of a beneficial owner or of an emphyteusis, the property shall revert to the direct owner. (2) In respect of persons referred to in clauses (i), (ii) and (iii) of sub-section (1), the agricultural produce or fruits, gathered or growing, meant and necessary for the maintenance of the couple shall be deemed to be the personal property of the surviving spouse, provided that on the date of the opening of the inheritance there is no suit for divorce or separation of persons and properties, pending or decreed.

Amendment οf section 52.— In section 52 of the principal Act. in sub-section (1).— (a) after item (i). the following item shall be inserted. namely:- "(ia) on the surviving spouse;": (b) for item (iii), the following item shall be substituted, namely:- "(iii) on the brothers and sisters and their descendents;"; (c) item (iv) shall be omitted.

To amend section 52 of the said Act so as to rectify the order of legal succession.

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Insertion of new section 307A.—
After section 307 of the principal Act, the following section shall be in serted, namely:—

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" 3 0 7 A . Jurisdiction to draw instruments and deeds.—The special Notary shall have jurisdiction to draw instruments and deeds including wills as below:—

(i) The Special

Notary having

iurisdiction over

the place where

the succession

opens shall be competent to draw deed of declaration of heirship and deed of renunciation.(ii)
The Special Notary having jurisdiction over the place of permanent residence of the Testator/Testatrix, Donor or the executing party

To insert new section 307A in the said Act to lay down jurisdiction, as there is no provision for entertaining the applications for drawing of various instruments and deeds including wills based on jurisdiction.

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shall draw a will. consent or power of attornev respectively: Provided that whenever owing to medical disability condition Testator/Testatrix is admitted to hospital restricted at a place other than his permanent residence, then on production of valid medical documents. the will can be drawn by the Special Notary having iurisdiction over such place.".

5. 308. Obligation of the State to provide books to the Special Notary.— (1) The State Government shall provide for the office of every Special Notary, District Special Notary and State Special Notary the books necessary for the purposes of this Act. (2) The books so provided shall contain the forms

Amendment of section 308.—In section 308 of the principal Act, in sub section (2), for the expression "District Judge of the respective district court or an additional district judge nominated by him, as the case may be", the

Various books, indexes, etc., and printed wills have to be countersigned by the District Judge or Additional District Judge nominated by him. This process is time consuming and s o m e t i m e s cumbersome for offices situated at distance

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prescribed and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the District Judge of the respective district court or an additional district judge nominated by him, as the case may be. (3) The State Government shall supply to the office of the Special Notaries with a fire proof box, and shall in each subdistrict make suitable provisions for the safe custody of the records connected with the State Special Notary. (4) The State Government shall provide the embossed seals to the Special Notaries, District Special Notaries and the State Special Notary.

words "District Special Notary of the respective District" shall be substituted.

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therefore the Bill seeks to amend section 308 and section 310 of the said Act, to authorise District Special Notary with these powers.

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6. 310. Requirement of the notarial books.— The notarial books shall have a record of their opening and closing, signed by the District

Amendment of section 310.—In section 310 of the principal Act, for the expression "District Judge of

As stated in above para 5

Judge of the respective District Court or an Additional District Judge nominated by him, as the case

may be.

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the respective District Court or an Additional District Judge nominated by him, as the case may be", the words "District Special Notary of the respective District" shall be substituted.

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7. Section 320. Refusal to perform an act.— (1) Order of refusal to record reasons.— When the Special Notary refuses in writing to perform an act. which he is empowered to do, he shall make an order of refusal expeditiously and record his reasons for such order in his Book No. IX and endorse the words "refused to draw" on the draft document, if anv. is presented, and. on an application made by any person who has an interest in causing it to be drawn, shall, without payment and unnecessary delay, give him a copy of the

reasons so recorded.(2)

Amendment of section 320.— In section 320 of the principal Act, in sub- section (3), for the expression "within 3 days", the expression "within 30 days after hearing all the parties" shall be substituted.

The period is extended from 3 to 30 days.

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Application for reconsideration.— The aggrieved party may call upon such Notary to reconsider his refusal. (3) Duty to forward to the District Special Notary the application for reconsideration.— In the event the Special Notary does not reconsider the refusal within forty-eight hours, then he is bound to send the application for reconsideration to the District Special Notary as Appellate Authority, along with the respective documents and his report wherein he shall record reason for his refusal to perform the act. The District Special Notary shall give his decision affirming, reversing or altering such order within 3 days.

8. Section 324. Requisites of authentic documents.— (1) The requisites of the authentic documents are as follows:— (i) the hour, date, month, year

In section 324 of the principal Act, —(i) in subsection (i), in clause (iv), for the expression "The power of attorney To amend section 324 of the Act as the matters regarding power of attorney executed outside India to be countersigned by

and the place where the document was drawn or signed when drawn outside the office and the statement that the Special Notary went there at the express request of the party;(ii) full name of the Special Notary, his designation as such Special Notary, and the address of his office;(iii) full names, age, marital status. professions and addresses of the parties, and of their attorney or representatives, if the latter intervened directly in the deed:(iv) a reference to the powers of attorney and other documents which prove they are attornevs or representatives, so also other documents relating to the acts or which are part and parcel of the latter, with the dates and other details which identify them. The power of attorney executed abroad shall

executed abroad shall be countersigned by the Indian Diplomatic Agent or the Consular services and shall be duly stamped by the competent Collector in Goa;", the expression "The Power of attorney executed abroad except where a certificate called an Apostille has been issued thereto, shall be counter-signed by the Indian Diplomatic Agent or the Consular services and shall be duly stamped by the competent Collector in Goa:" shall he substituted;

Indian Diplomatic Agent is governed by International Law which changes from time to time, and at present, the power of attorney may not be required to be countersigned by Indian Diplomatic Agent, as Republic of India is a party to Hague Apostille Convention. Amendment is also proposed for removing the option of certified copy of power of attorney and the original power of attorney has to be submitted in office for authenticity of the record and as provided in other sections for other Notarial acts:

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be counter-signed by the Indian Diplomatic Agent or the Consular services and shall be duly stamped by the competent Collector Goa;(v) acknowledgement of the identity of the parties from his personal knowledge or from the statement of the identifiers who them;(vi) know reference of the oath bv taken the interpreters and the which reasons required their intervention and the manner in which the interpreters ascertained the wishes of the parties and explained to them the contents of the documents; (vii) full names, age, status, professions and address of the witnesses, interpreters identifiers and also of the persons who read the documents at the request of the parties;(viii) the statement of the party

that he does not know to sign or cannot sign: (ix) reference to the fact that the Special Notary has read aloud the document to the parties in the simultaneous presence of the parties, the witnesses and other persons who have intervened and of the reading by the interpreter or by any of the parties or any other person at their request, when compulsory;(x) the errata memo describing the corrections. interlineations. alterations, words struck through or if anv erasures before the signatures of parties, witnesses and Special Notary;(xi) signatures of the parties at the end of the text when they know or can sign and of the witnesses and other persons who have intervened; (xii) signature of the Special Notary which shall be made at the 1 2 3 4

end of the document: (xiii) the value of the notarial stamp affixed shall be mentioned in the instrument:(xiv) the instrument shall be recorded in the language of the court. Where the party does not know such language, the page where the instrument is written shall be divided into two columns and in left column the instrument shall be recorded in the language of the court and in the right in the language known to the party. The translator shall intervene in the instrument and shall solemnly declare that the translation is true and correct. The instrument shall be recorded continuously, without any blank space or blank line. (2) The originals of powers of attorney given by the parties to the for attornevs intervening in a Notarial act have to be

produced before the Special Notary who shall place them or certified copy thereof on record in his office.

9. 333. Printed open In section 333 of the Power delegated to will.—(1)(a) A testator principal Act, in who knows to read, sub-section (7), for may opt to present to the words "District the Special Notary a Judge", the words computer generated "District Special printout of the Notary" shall be operative part of his substituted. will on a standard paper of the size 29.7 cms x 21 cms entitled 'open will' and declare before the Special Notary that the printout contains his last wish in the presence of two credit worthy witnesses, who shall identity the testator, and certify that the testator is in his perfect senses and free from coercion. (b) The will shall be printed in double line spacing on one side of the paper only leaving a margin of 5 cm. on left side, 3 cms on top and the bottom and one cm on the right

side of the paper. The

District Special Notary.

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continuous without break between words and numbers shall be written in words.(c) After the title, the testator shall set out full his name. occupation, marital status and description which shall contain the names of both the parents, his age and place of residence.(d) All the open wills brought before the Notary, until they are preserved in a form of a bound book, as provided in subsection (7), shall be maintained in a provisional file. In the same file, all the wills so presented shall be kept as per the serial order of its presentation and their numbered pages serially. (2) In the presence of the said witnesses, the Special Notary shall verify from the testator whether the will presented by him expresses his last wish according to his intention and whether

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the testator is in his perfect senses and free from coercion. The Special Notary shall. thereupon. record on the will the continuous numbers of the pages which it bears in the file maintained for preserving open wills. Every page shall be signed by the testator, and the two witnesses to the will just above the first line and below the last line in the presence of the Special Notary. The Special Notary shall then make a record thereof immediately next to the signatures on the last page of the will and it shall continue without interruption on the same page and on the subsequent pages. (3) The record to be made by the Special Notary in the presence of the testator and the witnesses shall the contain the following:— (a) that will the was presented by the

testator in person and that the testator declared that it was his last wish; (b) that all the pages of the will were signed by the testator and the witnesses in his presence;(c) state the number of pages the will contains; (d) make mention to any blot, interlineations, correction or marginal note in the will;(e) that the testator was identified by witnesses; (f) that the testator was in his perfect senses and wholly free from coercion;(q) the number which the pages will bear in the file containing open will. (4) The Special Notary shall read aloud in the presence of the witnesses the will presented by the testator and the record made, and after specifying the place, date month and year the record shall be signed by the testator, the witnesses and the Special Notary. (5) The

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Special Notary shall then affix a passport size photograph of the testator, supplied by the testator, just below the record made by the Special Notary and he shall also sign across the photograph and certify that the photograph is of the testator immediately after all the formalities are completed, the Special Notary shall issue a certified Photostat copy of the will with the record made by him, to the testator and then shall file the will in the file maintained for the purpose. (6) The Special Notary shall enter the particulars as provided in subsection (2) above and of the date of the open will in a book maintained for the purpose. (7) At the end of every 200 sheets, the District Judge of the concerned district shall initial all the pages of the wills contained in the file and ensure that the

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sheets are bound in a book. (8) The Special Notary shall reject the printed open will presented by the testator if the said will is not written in the language of the court or in a language commonly known in the district or is written in a language not known to the Special Notary. In this event, the testator may request the Special Notary to draw a public will.

10. 337. Delivery of the closed will.— Once the will is approved and closed in a cover. it shall be delivered to the testator and the Special Notary shall enter in his book a note recording the place where, and the day, month and year, when the will was approved and delivered.

himself or hand it testator or over to a person of person his confidence" shall be added at the end.

In section 337 of the to amend section 337 principal Act, the of the said Act so as expression "The to include the option testator may keep of either keeping the the closed will with closed will with the with of his confidence, when it is delivered to him after completing the formalities by the Special Notary:

11. 338. Custody of the In the principal closed will and its Act, sections 338, deposit with the 339 and 340 shall Special Notary.— (1) be omitted.

As the Special Notary Offices are not well equipped with latest security protocol,

The testator may keep the closed will with himself or hand it over to a person of his confidence or deposit it in safe custody of the Special Notary. (2) The testator who wishes to deposit his will in any Special Notary's office, shall hand it over to the Special Notary and the Special Notary shall make a record of deposit or cause such record to be drawn. The record shall be signed by him and the testator, in the respective book. (3) On receiving such cover, the Special Notary, if satisfied that the person presenting the same for deposit is the testator or his agent, shall record in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the

as. fire such extinguishers. fire proof vaults and boxes, etc., it is risky to take custody of closed wills and keep them in the office. moreover, if the closed wills remains with the party it will be more safe and testator will take due care of it. Therefore. sections 338, 339 and 340 of the said Act are proposed for omission;

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testator or his agent, and any legible inscription which may be on the seal of the cover.4) The Special Notary shall then place and retain the sealed cover in his fire proof box. 339. Who may deposit the will.-The will may be presented and deposited through any attorney, in which case, the Power of Attorney shall be annexed to the will. 340. Special power of attorney for return of the will.— Such special power of attorney shall be drawn by any Special Notary and signed by two witnesses in the concerned book.

heirship.— (1) After principal Act,the opens, and the law does not require that mandatory inventory proceedings instituted partition

certified issued by inheritance, heirship omitted;(ii) after

346. Declaration of In section 346 of the to amend section 346 of the said Act as the succession (i) in sub-section (4), same is ambiguous the words "or a and allows party to copy submit any document an issued by be institution institution, legally maintaining such not empowered to the records" shall be maintain the same;

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may be proved by a deed of declaration of heirship drawn by the Special Notary.(2) Three persons and at least one of the interested parties shall have to declare on oath before the Special Notary that the interested party or parties named by them are the only heir or heirs of the deceased. If such deceased person was married, the name of the spouse shall also be disclosed and whether the spouse is surviving or has expired. The interested party shall also declare in the act whether the value of the inheritance exceeds Rs. 10 lakhs or not shall disclose the names of the spouses of the heirs. if anv. (3) The declarants shall produce the following documents: - (a) death certificate of the deceased: (b) will or gift deed mortis causa, when the

sub- section (4). the following subsection shall be inserted, namely:-"(4A) In the event when a party to succession deed produces documents of his identity and the names on the documents produced are different. the parties may produce а certificate issued by the Mamlatdar for certifying the names appearing in different certificates are that of one and the same person.".

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succession is founded on such document: (c) document to prove the relationship of the heir or heirs to the deceased: (4) Where a party is unable to produce a birth certificate. death certificate or a marriage certificate issued bv the authorities, the party may produce an order or decree of the court certifying such birth. death or marriage or a certified copy issued bv an institution maintaining such records.

13.

Insertion of new section 346A.— After section 346 of the principal Act, the following section shall be inserted, namely:-"346A. Printed Deed of of Declaration Heirship.- (1) The Declarants and interested parties as specified in section 346 may

To insert a new section 346A in the said Act for providing a printed Deed of Declaration of Heirship, in similar line of printed open will.

all the documents

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opt to present to the Special Notary, computer generated printout in black of ink the unsigned Deed of Declaration of Heirship, written in the language of Court, the complying with all the legal formalities specified under section 346 and other provisions under this Act on a standard ledger paper (Legal Size) leaving a margin of 5 cm. on left side, 3 cms on top and the bottom and 2 cms. on the right side of the paper. The print shall be in Times New Roman Script with double spacing and continuous without break between words and numbers shall be written in words, accompanied by

required for registration of said deed.(2) Upon submission printed Deed of Declaration Heirship all the parties shall put their name, sign and thumb impression by appearing in the office of the Special Notary, and thereafter the Special Notary shall sign the said deed.(3) All the printed Deeds of Declaration of Heirship registered before the Special Notary alongwith all the supporting documents, until they are preserved in a form of a bound book, as provided in subsection (4), shall be maintained in a provisional file. In the same file, all the Deeds of Declaration of Heirship so

presented shall be kept as per the serial order of its presentation and their pages numbered serially.(4) At the end of every 200 sheets, the District Special Notary of the concerned district shall initial all the pages of the Deed of Declaration of Heirship contained in the file and ensure that the sheets are bound in a book.".