

**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).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third 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.
(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 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,-
 - (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) 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 each volume maintained annually shall be numbered serially starting from 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:-

“(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 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.”.
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.
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.
9. **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 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 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 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 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 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 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.

(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 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.”.