

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II — खण्ड 2
PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 41] नई दिल्ली, बुधवार, नवम्बर 22, 2001 / कार्तिक 1, 1923
No. 41] NEW DELHI, THURSDAY, NOVEMBER 22, 2001 / KARTIKA 1, 1923

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 22nd November, 2001:—

I

BILL NO. LXXV OF 2001

A Bill further to amend the Passports Act, 1967.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Passports (Amendment) Act, 2001.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 23rd day of October, 2001.

15 of 1967.

2. After section 10 of the Passports Act, 1967 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

Insertion of
new sections
10A and 10B.

‘10A. (1) Without prejudice to the generality of the provisions contained in section 10, if the Central Government or any designated officer is satisfied that the passport or travel document is likely to be impounded or caused to be impounded or revoked under clause (c) of sub-section (3) of section 10 and it is necessary in the public interest so to do, it or he may, —

Suspension of
passports or
travel
documents in
certain cases.

(a) by order, suspend, with immediate effect, any passport or travel document;

(b) pass such other appropriate order which may have the effect of rendering any passport or travel document invalid,
for a period not exceeding four weeks:

Provided that the Central Government or the designated officer may, if it or he considers appropriate, extend, by order and for reasons to be recorded in writing, the said period of four weeks till the proceedings relating to variation, impounding or revocation of passport or travel document under section 10 are concluded:

Provided further that no order under this sub-section shall be passed unless a notice in writing to show cause has been issued to the holder of the passport or travel document:

Provided also that the Central Government or the designated officer may, for reasons to be recorded in writing and in the public interest, waive the requirement of issue of notice referred to in the second proviso:

Provided also that every holder of the passport or travel document, in respect of whom an order under this sub-section had been passed without giving him a prior notice, shall subsequently be given an opportunity of being heard and thereupon the Central Government may, if necessary, by order in writing, modify or revoke the order passed under this sub-section.

(2) The designated officer, shall immediately communicate the orders passed under sub-section (1), to the concerned authority at an airport or any other point of embarkation or immigration, and to the passport authority.

(3) Every authority referred to in sub-section (2) shall, immediately on receipt of the order passed under sub-section (1), give effect to such order.

Validation of intimations.

10B. Every intimation, given by the Central Government or the designated officer, before the commencement of the Passports (Amendment) Act, 2001, to any immigration authority at an airport or any other point of embarkation or immigration, restricting or in any manner prohibiting the departure from India of any holder of the passport or travel document under sub-section (3) of section 10, shall be deemed to be an order under sub-section (1) of section 10A and such order shall continue to be in force for a period of three months from the date of commencement of the Passports (Amendment) Act, 2001 or the date of giving such intimation, whichever is later.

Explanation.—For the purposes of sections 10A and 10B, the expression “designated officer” means such officer or authority designated, by order in writing, as such by the Central Government or the State Government.’.

Repeal and saving.

3. (1) The Passports (Amendment) Ordinance, 2001 is hereby repealed.

Ord. 8 of 2001.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 10 of the Passports Act, 1967, *inter alia*, contains provisions for variation, impounding and revocation of passports and travel documents. There was no statutory provision in the said Act to prevent a person indulging in criminal or anti-national activities from leaving the country during the period when action to revoke or impound his passport was initiated. For some time past, the concerned authorities were issuing Look Out Circulars to prevent such person from leaving the country.

2. In view of the above, it was decided to amend the Passports Act, 1967 conferring powers upon the concerned authorities to suspend the passports or travel documents in appropriate cases and to validate the intimations issued by way of Look Out Circulars. Accordingly, the Passports (Amendment) Ordinance, 2001 (Ord. 8 of 2001) was promulgated on the 23rd day of October, 2001, so as to—

(a) insert new section 10A in the Passports Act, 1967 conferring power upon the Central Government or the designated officer to suspend the passport or travel document for a period not exceeding four weeks if it or he is satisfied that the passport or travel document is likely to be impounded or caused to be impounded or revoked under clause (c) of sub-section (3) of section 10 of the said Act;

(b) confer power upon the Central Government or the designated officer to extend the said period of four weeks till the proceedings relating to variation, impounding or revocation of passport or travel document under section 10 of the Passports Act, 1967 are concluded;

(c) insert new section 10B in the Passports Act, 1967, validating the intimations given, before the commencement of the Passports (Amendment) Ordinance, 2001, by the Central Government or the designated officer to any immigration authority restricting or in any manner prohibiting the departure from India of any holder of the passport or travel document under sub-section (3) of section 10 of the Passports Act, 1967.

3. The Bill seeks to replace the said Ordinance.

JASWANT SINGH.

II

BILL No. LXXIV OF 2001

A Bill further to amend the Indian Succession Act, 1925.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

- | | |
|---------------------------|--|
| Short title. | 1. This Act may be called the Indian Succession (Amendment) Act, 2001. |
| Amendment of section 32. | 2. In section 32 of the Indian Succession Act, 1925 (hereinafter referred to as the principal Act), the <i>Explanation</i> shall be omitted. 39 of 1925. |
| Amendment of section 213. | 3. In section 213 of the principal Act, in sub-section (2), after the word "Muhammadans", the words "or Indian Christians" shall be inserted. |

STATEMENT OF OBJECTS AND REASONS

The Indian Succession Act, 1925 was aimed at consolidating the Indian law relating to testamentary and intestate succession. Section 32 of this Act recognises the Christian widow as one of the heirs to succeed to the property of her deceased husband dying intestate. However, the Explanation to the said section provides that a widow would not be entitled to succeed to such distributive share if there is a valid contract made before her marriage to that effect. The Kerala Women's Commission and some non-governmental organisations have pointed out that this provision of the Act excluding a Christian widow from her distributive share on the basis of the contract is discriminatory and they have suggested that she should be entitled to succeed to her distributive share notwithstanding any contract to the contrary.

2. Section 213 of this Act requires that no person claiming right as executor or legatee of a will can establish such right in any Court of Justice under the will unless he has been granted a probate or letter of administration or a copy of an authenticated copy of that will by a Court of competent jurisdiction. No such probate or letter of administration is required for a Muhammadan to establish his rights under a will nor there is any such requirement in the case of other communities on an all-India basis. The Law Commission of India, Kerala Women's Commission, Members of Parliament belonging to Christian community and various other individuals and organisations have pointed out and represented to the Government that this provision is discriminatory and should not apply to Christians alone.

3. The matter has been examined by the Government and it has been decided to—

(a) delete Explanation to section 32; and

(b) make section 213 inapplicable to Indian Christians, by amending the Indian Succession Act, 1925.

4. The Bill seeks to achieve the above objects.

ARUN JAITLEY.

R.C. TRIPATHI,
Secretary-General.

