

Official Trustees (Amendment) Act, 1964

48 of 1964

[25 December 1964]

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An Act further to amend the Officer Trustees Act, 1913. BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows :-

1. Short Title :-

This Act may be called the Official Trustees (Amendment) Act, 1964.

2. Omission Of Preamble :-

In the Official Trustees Act, 1913 (2 of 1913) (hereinafter referred to as the principal Act), the Preamble shall be omitted.

3. Amendment Of Section 2 :-

In section 2 of the principal Act, clause (2) shall be omitted.

4. Insertion Of New Section 3 :-

In Part I of the principal Act, after section 2, the following section shall be inserted, namely :-

"3.Extent of jurisdiction of High Court.- The High Court shall, in respect of proceedings instituted by or against the Official Trustee under this Act or the Indian Trusts Act, 1882 (2 of 1882), be a competent Court throughout the territories in relation to which it exercises civil appellate jurisdiction :

Provided that nothing in this section shall be construed as affecting the jurisdiction of any district court."

5. Amendment Of Section 4 :-

For sub-section (2) of section 4 of the principal Act, the following sub-section be substituted, namely :-

" (2) No person shall be appointed to the office of Official Trustee unless he has been for at least-

(a) seven years, an advocate; or

(b) seven years, an attorney of a High Court; or

(c) ten years, a member of the judicial service of a State; or

(d) five years, a Deputy Official Trustee."

6. Amendment Of Section 5 :-

Section 5 of the principal Act shall be re-numbered as sub-section (1) of that section, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :-

" (2) No person shall be appointed as a Deputy unless he has been for at least three years-

(a) an advocate; or

(b) an attorney of a High Court; or

(c) a member of the judicial service of a State."

7. Amendment Of Section 10 :-

In sub-section (3) of section 10 of the principal Act, the words and figures "the Trustees" and Mortgagees Powers Act, 1866 (23 of 1866), or" shall be omitted.

8. Amendment Of Section 12 :-

In section (1) of section 12 of the principal Act, for the word "infant", the word "minor" shall be substituted.

9. Amendment Of Section 13 :-

In sub-section section (2) of section 13 of the principal Act,-

- (a) the words "or Deputy Official Trustee" shall be omitted;
- (b) for the words "the Official Trustees personal knowledge", the words "his personal knowledge" shall be substituted.

10. Amendment Of Section 15 :-

In section 15 of the principal Act, the words "revenues of the ", wherever they occur, shall be omitted.

11. Amendment Of Section 17 :-

In section 17 of the principal Act,-

- (a) the proviso to sub-section (1) shall be omitted.
- (b) in sub-section (2), the words "the revenues of" shall be omitted.

12. Amendment Of Section 19 :-

In section 19 of the principal Act, for clause (a) of sub-section (2), the following clause shall be substituted , namely :-

" (a) whether the accounts have been audited in the prescribed manner, and whether, so far as can be ascertained by such audit, the accounts contain a full and true account of everything which ought to be contained therein;"

13. Amendment Of Section 25 :-

In section 25 of the principal Act, for the word "interest" the word "income" shall be substituted.

14. Amendment Of Section 30 :-

In section 30 of the principal Act, after sub-section (30), the following sub-section shall be inserted, namely :-

" (4) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two

successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."