

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT
LOK S A B H A
UNSTARRED QUESTION No. 585
TO BE ANSWERED ON WEDNESDAY, 5TH FEBRUARY, 2020.**

PROBATE PROCESS OF WILL

585. SHRI P. RAVEENDRANATH KUMAR

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Union Government proposes to abolish the “Probate Process” of a WILL, which is still mandatory as well as discriminatory in places of Madras, Calcutta and Bombay keeping in view the need of reducing unnecessary burden to the High Court of Madras, Mumbai and Calcutta; and
- (b) if so, the details thereof ?

ANSWER

**MINISTER OF LAW & JUSTICE,
COMMUNICATIONS AND ELECTRONICS & INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

- (a) & (b) The Law Commission of India, in its 209th Report titled “*Proposal for omission of section 213 from the Indian Succession Act, 1925*” has proposed for omission of section 213 of the Indian Succession Act, 1925(39 of 1925) which, *inter alia*, necessitates grant of probate of the Will or letters of administration with the Will or with its authenticated copy annexed, by a court of competent jurisdiction in order to establish the right as executor or legatee. As the subject matter “intestacy and succession” falls under entry 5, list III Concurrent List of the Seventh Schedule to the Constitution, the said Report was examined in consultation with the State Governments/Union territories. A proposal to amend the Indian Succession Act, 1925 on the basis of the recommendations made by the Law Commission is under consideration of the Government.

