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77.

THE POWERS-OF-ATTORNEY ACT, 1882

ACT No. 7 OF 1882

An Act to amend the law relating to Powers-of-Attorney.

[24th February, 1882.]

For the purpose of amending the law relating to Powers-of-Attorney; It is hereby enacted as follows:-

INDIA CODE, VOL-III.A.

1. Short title.

1. Short title.-This Act may be called the Powers-of-Attorney Act, 1882.

Local extent. It applies to the whole of India 1*[except the State of Jammu and Kashmir] ;

Commencement. and it shall come into force on the first day of May, 1882.

2*[1A. Definition. In this Act, "power-of-attorney" include any instrument empowering a specified person to act for and in the name of the person executing it."

2. Execution under power-of-attorney.

2. Execution under power-of-attorney.-The donee of a power-of-attorney may, if he thinks fit, execute or do any3*** instrument or thing in and with his own name and signature and his own seal, where sealing is required, by the authority of the donor of the power; and every3*** instrument and thing so executed and done, shall be as effectual in law as if it had been executed or done by the donee of

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the power in the name, and with the signature and seal, of the donor thereof.

This section applies to powers-of-attorney created by instruments executed either before or after this Act comes into force.

3. Payment by attorney under power, without notice of death, etc., good.

3.Payment by attorney under power, without notice of death, etc., good.-Any person making or doing any payment or act in good faith, in pursuance of a power-of-attorney, shall not be liable in respect of the payment or act by reason that, before the payment or act, the donor of the power had died or become 4* of unsound mind, 4***or insolvent, or had revoked the power, if the fact of death 4* unsoundness of mind4*** of insolvency or revocation was not at the time of the payment or act, known to the person making or doing the same.

But this section shall not affect any right against the payee of any person interested in any money so paid ; and that person shall have the like remedy against the payee as he would have had against the payer, if the payment had not been made by him.

This section applies only to payments and acts made or done after this Act comes into force.

4. Deposit of original instruments creating powers-of-attorney.

4.Deposit of original instruments creating powers-of-attorney.-
(a) An instrument creating a power-of-attorney, its execution being verified by affidavit, statutory declaration or other suffi-

1 Subs. by Act 3 of 1951, s. 3 and Sch., for except Part B States

The Act shall come into force in the state of Sikkim on 1-9-1984, vide Notifn. No. s.o. 650(E),dt. 24-8-1984, Gaz. of India, pt.II Exty. Sec.3 (ii).

Extended to and brought into force in Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1963, s.2 & Sch.I.

Extended to the Union territory of Pondicherry by Act 26 of 1968, s.3 and Schedule.

Extended to Laccadive, Minicoy and Amindivi Islands (w.e.f. 1-10-1967): vide Reg.8 of 1967: vide Reg. 8 of 1965, s. 3 & Sch.

2. Ins. by Act 55 of 1982, s. 2.

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3. Omitted by s. 3, *ibid.*

4. Omitted by s. 4, *ibid.*

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cient evidence, may, with the affidavit or declaration, if any, be deposited in the High Court within [or District Court]^{1*} the local limits of whose jurisdiction the instrument may be.

(b) A separate file of instruments so deposited shall be kept; and any person may search that file, and inspect every instrument so deposited; and a certified copy thereof shall be delivered out to him on request.

(c) A copy of an instrument so deposited may be presented at the office and may be stamped or marked as a certified copy, and, when so stamped or marked, shall become and be a certified copy.

(d) A certified copy of an instrument so deposited shall, without further proof, be sufficient evidence of the contents of the instrument and of the deposit thereof in the High Court. [or District Court]^{1*}

(e) The High Court may, from time to time, make rules for the purposes of this section, and prescribing, with the concurrence of the State Government, the fees to be taken under clauses (a), (b) and (c).

2* * * * *

(g) This section applies to instruments creating powers-of-attorney executed either before or after this Act comes into force.

5. Power-of-attorney of married women.

^{3*}5. Power-of-attorney of married women.-A married woman of full age shall, by virtue of this Act, have power, as if she were unmarried, by a non-testamentary instrument, to appoint an attorney on her behalf, for the purpose of executing any non-testamentary instrument or doing any other act which she might herself execute or do; and the provisions of this Act, relating to instruments creating powers-of-attorney, shall apply thereto.

This section applies only to instruments executed after this Act comes into force.

6. Act 28 of 1866, s. 39, repealed.



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6.[Act 28 of 1866, s. 39, repealed.] Rep. by the Amending Act, 1891 (12 of 1891).

1 Ins. by Act 55 of 1982, s. 5.

2 Cl. (f) was rep. by Act 6 of 1900, s. 48 and Sch. II.

3 Subs. by s.6, *ibid*.
