



The Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition)
and the Kerala Joint Hindu Family System (Abolition) Amendment Act, 1978

Act 15 of 1978

Keyword(s):
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**THE VALLIAMMA THAMPURAN KOVILAKAM ESTATE AND THE PALACE
FUND**

**(PARTITION) AND THE KERALA JOINT HINDU FAMILY
SYSTEM (ABOLITION)**

AMENDMENT ACT, 1978 [\[1\]](#)

(Act 15 Of 1978)

An Act to amend the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 and the Kerala Joint Hindu Family System (Abolition) Act, 1975.

Preamble.— Whereas it is expedient to amend the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 and the Kerala Joint Hindu Family System (Abolition) Act 1975, for the purposes hereinafter appearing;

Be it enacted in the Twenty-ninth Year of Republic of India as follows: -

1 *Short title.* - This Act may be called the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Act, 1978.

2. *Amendment of section 2.*—In section 2 of the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 (16 of 1961) (hereinafter referred to as the principal Act),—

(a) for clause (c), the following clause shall be, and shall be deemed to have been, substituted with effect on and from the 28 th day of December, 1971, namely: -

“(c) ‘family’ means the Marumakathayam joint family consisting of the four main thavazhies of the Ruler of the former State of Cochin within the meaning of clause (22) of article 366 of the Constitution of India;”;

(b) in clause (d), the words “of the Maharaja of Cochin” shall be, and shall be deemed to have been, omitted with effect on and from the 28 th day of December, 1971.

3. *Substitution of new section for section 3.*— For section 3 of the Principal Act, the following section shall be substituted, namely:—

“3. *Partition of the Estate and the Palace Fund.*—(1) The senior most male member of the family shall, within sixty days from the date of commencement of the Valiamma Thampuran Kovilakam Estate and the Palace Fund.

(Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Ordinance, 1978, direct the Board to effect partition of the Estate and the Palace Fund

among all the members entitled to a share of the Estate and Palace Fund under section 4 of the Kerala Joint Hindu Family System (Abolition) Act, 1975 (30 of 1976), and such direction shall be published by the Board in the Gazette.

(2) If the seniormost male member fails to direct the Board as required by subsection (1), the Board shall, on the expiry of the period specified in that subsection, proceed to effect the partition of the Estate and the Palace Fund among the members referred to in subsection (1), and the partition so effected shall be valid notwithstanding anything contained in section 17 of the Proclamation.”.

4. *Omission of sections 4 and 5.*— Sections 4 and 5 of the principal Act shall be, and shall be deemed to have been, omitted with effect on and from the 1st day of December, 1976.

5. *Amendment of section 6.*—In section 6 of the principal Act, for the words “Maharaja of Cochin”, the words “seniormost male member” shall be, and shall be deemed to have been, substituted with effect on and from the 28 th day of December, 1971.

6. *Amendment of section 8.*— In section 8 of the principal Act,—

- in the marginal note, the words “of the Maharaja” shall be, and shall be deemed to have been, omitted with effect on and from the 28 th day of December, 1971;

- for the words “Maharaja of Cochin”, the words “former Ruler of Cochin” shall be, and shall be deemed to have been, substituted with effect on and from the 28 th day of December, 1971;

- the words “and subsisting at the time of the partition” shall be inserted at the end.

7. *Substitution of new section 11.*—For section 11 of the principal Act, the following section shall be, and shall be deemed to have been, substituted with effect on and from the 28th day of December, 1971, namely: —

"11. *Amendment of proclamation .* —In the proclamation (IX of 1124) dated the 29th June, 1949 , promulgated by the Maharaja of Cochin, —

(i) In section 2 , the word "and" at the end of clause (b) shall be omitted and, after that clause, the following clause shall be inserted, namely: —

"(bb) `family' means the Marumakkathayam joint family consisting of the four main thavazhies of the Ruler of the former State of Cochin within the meaning of clause (22) of article 366 of the Constitution of India";

(ii) for the words "Our family", wherever they occur, the words "the family " shall be substituted;

(iii) for the word "Us", wherever it occurs, the word "the seniormost male member of the family " shall be substituted;

(iv) in section 12, for the words "Our previous sanction", the words "the previous sanction of the seniormost male member of the family" shall be substituted;

(v) in section 17 and 20, for the words "Our approval", the words "the approval of the seniormost male member of the family" shall be substituted;

(vi) in section 22, the words "the estate and the palace fund shall be impartible and shall be omitted";

(vii) section 224 shall be omitted."

8. *Amendment of Act 30 of 1976* . —In the Kerala Joint Hindu Family System (Abolition) Act, 1975 (30 of 1976), after section 7, the following section shall be, and shall be deemed always to have been, inserted, namely: —

"8 . Proclamation IX of 1124 and Act 16 of 1951 to continue in force . — Notwithstanding anything contained in this Act or in any other law for the time being in force, proclamation (IX of 1124) dated 29th June, 1949, promulgated by the Maharaja of Cochin, as amended by the Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) Act, 1961 (16 of 1961), as amended by the said Act, shall continue to be in force and shall apply to the Valiamma Thampuran Kovilakam Estate and the Palace Fund administered by the Board of Trustees appointed under section 3 of the said proclamation."

9 . *Repeal and saving* .—(1) The Valiamma Thampuran Kovilakam Estate and the Palace Fund (Partition) and the Kerala Joint Hindu Family System (Abolition) Amendment Ordinance, 1978 (1 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act or the Proclamation (IX of 1124) dated the 29 th June, 1949, promulgated by the Maharaja of Cochin or the Kerala Joint Hindu Family System (Abolition) Act, 1975 (30 of 1976), as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act or the said Proclamation or Act, as the case may be, as amended by this Act as if this Act had come into force on the 6 th day of January, 1978.