

Mappilla Succession Act, 1918

TAMILNADU

India

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Act 1 of 1918

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Mappilla Succession Act, 1918(Tamil Nadu Act 1 of 1918)Statement of Objects and Reasons Mappilla Succession Act (1 of 1918). - During the last few years, there has been a feeling among the Mappillas of North Malabar and South Kanara, who are hitherto following the Marumakkattayam or the Aliasantana Law of Inheritance, that their properties should, on their dying intestate, devolve on their own children under the ordinary Muhammadam Law, and not the children of their sisters. This feeling has been growing intense with the advance of civilization as people have begun to realise the interests of their own family apart from the interests of tarwad, which comprises a large number of families among its fold. This customary Marumakkattayam Law is not followed by the Mappillas of South Malabar who follow the ordinary Muhammadan Law of Inheritance. Further, the Marumakkattayam Law is opposed to the teaching and tenets laid down in the holy koran. The Marumakkattayam Law seems to have been originally borrowed from their Hindu neighbours. The Muhammadan community now feels the incongruity of the usage and looks upon the prevailing custom as a discredit to their religion and to their community. There has been a consensus of opinion in favour of the Bill, and the Bill will be a most popular measure as the Mappillas who follow the Marumakkattayam custom of inheritance are practically unanimous in their opinion. Government are convinced of the wishes of the Mappilla community in this respect, and have already expressed their welcome to a Bill designed to carry the wishes of the community into effect, through the Collector of Malabar. The Bill is simple in itself and will apply only to the ordinary properties of a Muhammadan and will not apply to the tarwad properties, succession to which it is not proposed to disturb at present leaving them to devolve as usual under the existing law. Please see Fort St. George, Gazette, dated the 21st March 1916, pages 497-498, which was withdrawn, see page 379 of ibid, dated the 27th February 1917 and ibid, dated the 10th April 1917, page 526 for the Bill as amended. For Proceedings in Council, see ibid, dated the 26th March 1918, pages 119-120, and ibid, dated the 11th June 1918, pages 433-434. Received the assent of the Governor on the 3rd May 1918 and that of the Governor-General on the 25th May 1918 and the assent of the Governor-General was first published in the Fort St. George Gazette, dated the 11th June 1918. An Act to amend and define the law of intestate succession among Mappillas governed by the Marumakkattayam or the Aliasantana Law of Inheritance. Whereas it is expedient to amend and define the rules of law applicable to intestate succession among Mappillas governed by the Marumakkattayam or the

Aliyasantana Law of Inheritance; It is enacted as follows :-

1. Short title.

(1) This Act may be called the Mappilla Succession Act, 1918. (2) [It extends] [This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949). This Act was further extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), which came into force on the 1st April 1961 repealing the corresponding law in force in that territory.] to the whole of the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Order 1970, which was deemed to have come into force on the 14th January 1969.]. (3) It applies to Mappillas domiciled in the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Order 1970, which was deemed to have come into force on the 14th January 1969.] who are governed by the Marumakkattayam or the Aliyasantana Law of Inheritance, and also, in respect of immovable property situated within the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Order 1970, which was deemed to have come into force on the 14th January 1969.], to Mappillas domiciled outside the [said State] [Substituted for the words 'said Presidency' by paragraph 4 of, and the Schedule to, by the Tamil Nadu Adaptation of Laws Order 1970, which was deemed to have come into force on the 14th January 1969.] who are so governed.

2. Property in respect to which a deceased mappilla is considered to have died intestate.

- A person is considered to die intestate in respect of all property of which he has not made a testamentary disposition capable of taking effect. Explanation. - "Property" in this section does not include tarwad property unless the person dying intestate was exclusively entitled to it.

3. Devolution of such property.

- Such property shall, notwithstanding any custom to the contrary, devolve upon his heirs in the order and according to the rules of Muhammadan Law.