

Kerala Joint Hindu Family System (Abolition) Act, 1975

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Act 30 of 1976

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Kerala Joint Hindu Family System (Abolition) Act, 1975(Act No. 30 of 1976)Last Updated 6th December, 2019[Dated 17.08.1976]An Act to abolish the Joint family system among Hindus in the State of Kerala.Preamble. - Whereas it is expedient to abolish the Joint family system among Hindus in the State of Kerala,Be it enacted in the Twenty-sixth Year of the Republic of India as follows -

1. Short title, extent and commencement.

(1)This Act may be called the Kerala Joint Hindu Family System (Abolition) Act, 1975(2)It extends to the whole of the State of Kerala.(3)It shall come into force on such date as the Government may, by notification in the Gazette, appoint,

2. Definition.

- In this Act, "Joint Hindu Family" means any Hindu family with community of property and includes. -(1)a tarwad or thavaa governed by the Madras Marumakkathayam Act, 1932, the Travancore Nayar Act, II of 1100, the Travancore Ezhava Act, III of 1100, the Nanjmad Vellala Act of 1101, the Travancore Kshatriya Act of 1108, the Travancore Knshnanvaka Marumakkathayee Act, VII of 1115, the Cochin Nayar Act, XXIX of 1113, or the Cochin Marumakkathayam Act, XXXIII of 1113,(2)a kutumba or kavaru governed by the Madras Ahayanthana Act, 1949,(3)an illom governed by the Kerala Nambudni Act, 1958, and(4)an undivided Hindu family governed by the Mitakshara law.

3. Birth in family not to give rise to rights in property.

- On and after the commencement of this Act, no right to claim any interest in any property of an ancestor during his or her lifetime With is founded on the mere fact that the claimant was born in

the family of the ancestor shall be recognised in any court.

4. Joint tenancy to be replaced by tenancy in common.

(1) All members of an undivided Hindu Family governed by the Mitakshara law holding any coparcenary property on the day this Act comes into force shall, with effect from that day, be deemed to hold it as tenants-in-common as if a partition had taken place among all the members of that undivided Hindu family as respects such property and as if each one of them holding his or her share separately as full owner thereof. Provided that nothing in this sub-section shall affect the right to maintenance or the right to marriage or funeral expenses out of the coparcenary property or the right to residence, if any of the members of an undivided Hindu family, other than persons who have become entitled to hold their shares separately, and any such right can be enforced as if this Act had not been passed.

(2) All members of a Joint Hindu Family, other than an undivided Hindu family referred to in sub-section (1), holding any joint family property on the day this Act comes into force, shall, with effect from that day be deemed to hold it as tenants-in-common, as if a partition of such property per capita had taken place among all the members of the family living on the day aforesaid, whether such members were entitled to claim such partition or not under the law applicable to them, and as if each one of the members were holding his or her share separately as full owner thereof.

5. Rule of pious obligation of Hindu son abrogated.

(1) After the commencement of this Act, no court shall, save as provided in sub-section (2), recognise any right to proceed against a son, grandson or great-grandson for the recovery of any debt due from his father, grandfather or great-grandfather or any alienation of property in respect of or in satisfaction of any such debt on the ground of the pious obligation under the Hindu law, of the son, grandson or great-grandson to discharge any such debt.

(2) In the case of any debt contracted before the commencement of this Act, nothing contained in sub-section (1) shall affect—(a) the right of any creditor to proceed against the son, grandson or great-grandson, as the case may be, or (b) any alienation made in respect of, or in satisfaction of, any such debt, and any such right or alienation shall be enforceable under the rule of pious obligation in the same manner and to the same extent as it would have been enforceable if this Act had not been passed.

Explanation. - For the purposes of sub-section (2), the expression "son", "grandson", or "great-grandson" shall be deemed to refer to the son, grandson or great-grandson, as the case may be, who was born or adopted prior to the commencement of this Act.

6. Liability of Members of Joint Hindu Family for debts contracted before 'Act not affected.

- Where a debt binding on a Joint Hindu Family has been contracted before the commencement of this Act by the Karanavan, Yejman, Manager or Kartha, as the case may be, of the family, nothing herein contained shall affect the liability of any member of the family to discharge any such debt and any such liability may be enforced against all or any of the members liable therefor in the same

manner and to the same extent as it would have been enforceable if this Act had not been passed

7. Repeal.

(1) Save as otherwise expressly provided in this Act, any text, rule or interpretation of Hindu Law or any custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act. (2) The Acts mentioned in the Schedule, in so far as they apply to the whole or any part of the State of Kerala, are hereby repealed. The Schedule [See section 7 (2)] Acts repealed (1) The Madras Marumakkathayam Act, 1932 (XXII of 1933), (2) The Madras Alxyasanthana Act 1949 (IX of 1949), (3) The Travancore Nayar Act, II of 1100, (4) The Travancore Ezhava Act, III of 1100, (5) The Nanjmad Vellala Act of 1101 (VI of 1101), (6) The Travancore Kshatrya Act of 1108 (VII of 1108), (7) The Travancore Krishnanvaka Marumakkathayee Act, VII of 1115, (8) The Cochin Thiyya Act, VIII of 1107, (9) The Cochin Makkathayam Thiyya Act, XVII of 1115, (10) The Cochin Nayar Act, XXIX of 1113, (11) The Cochin Marumakkathayam Act, XXXIII of 1113, (12) The Kerala Nambudiri Act, 1958 (27 of 1958)