

**THE KERALA NAMBU DIRI ACT, 1958**

**(27 of 1958)**

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**ACT 27 OF 1958 \***

**THE KERALA NAMBU DIRI ACT, 1958**

*An*

*Act*

*to provide for the family management and partition of illom properties among Nambudiris.*

*Preamble.*—WHEREAS it is expedient to provide for the family management and partition of illom properties among Nambudiris in the State of Kerala;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Nambudiri Act, 1958.

(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. *Definitions.*—In this Act, unless the context otherwise requires, -

(a) "anandaravan" means any member of the illom other than the karanavan;

(b) "illom" means all the members of a Nambudiri joint family with community of property and includes a 'mana'.

*Explanation.*—A female shall on her marriage cease to be a member of the illom in which she was born if she marries in her community and becomes a member of the illom of her husband;

(c) "karanavan" means the oldest major male member of an illom in whom the right to management of its properties vests or in the absence of such male member, the senior major female member.

*Explanation.*—The seniority as between two or more females, who become members of the illom by marriage, shall be determined according to the priority in time of their marriages;

(d) "major" means a person who has attained eighteen years of age;

(e) "minor" means a person who has not attained eighteen years of age;

(f) "Nambudiri" means a member of the Nambudiri Brahmin community and includes—

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\* Received the assent of the President on 8<sup>th</sup> May, 1958 and published in the Gazette Extraordinary dated 13<sup>th</sup> May, 1958.

(i) the members of the following communities, namely, Pottis, Adigals, Elayads, Moosads, Pitarans, Nambiars, Nambissans, Unnis and Embrandiris (including Sivolli, Haviek and other similar Brahmins known and recognised as Nambudiris) who follow customs, manners and usages similar to those of the Nambudiris and who are not marumakkattayees; and

(ii) members of such other communities who follow customs, manners and usages similar to those of the Nambudiris and who are not marumakkattayees, as may be notified by the Government from time to time in the Gazette.

3. *Proprietary right of members in illom properties.*—Every member of an illom, whether male or female, shall have an equal proprietary interest in its properties.

4. *Duty of karanavan to keep accounts.*—(1) The karanavan shall keep true and correct accounts of the income and expenditure of the illom. The accounts of each year shall be available for inspection at the illom house by the major anandaravans once in a year throughout the month of February following such year and any such anandaravan may take copies of or extracts from such accounts.

(2) If the accounts are not made available for inspection as provided for in sub-section (1) the Court of a Munsiff having jurisdiction over the place where the illom is situated may, on application by any major anadaravan, and after notice to the Karanavan, pass an order causing the accounts to be produced in Court and allowing the anandaravan to inspect or to take copies of, or extracts from, such accounts. The order passed by the Munsiff shall be executable as a decree passed by the Court.

5. *Sales, mortgages and leases.*—(1) No sale or mortgage of any immovable property of an illom and no lease of any such property shall be valid, unless it is executed by the karanavan for consideration, for illom necessity or benefit and with the written consent of the majority of the major members of the illom.

(2) Nothing contained in sub-section (1) shall be deemed to affect the validity of any sale mortgage or lease executed before the commencement of this Act in accordance with the law in force at the time of such execution.

6. *Powers of the Karanavan.*—Subject to the other provisions of this Act and subject to any arrangement that may be entered into between the major members of the illom or any order of a Court of competent jurisdiction, the Karanavan has the right to be in possession and management of the properties of the illom including the exercise of 'uraima' or such other rights over Devaswoms and other institutions vested in the illom.

7. *Debt contracted or transaction entered into by Karanavan when binding on illom.*—It shall be lawful for the Karanavan to contract, or enter into, debts or transactions other than those falling under section 5, without the written consent of the majority of the members of the illom:

Provided that the debts or transactions so contracted or entered into are for illom necessity or benefit.

8. *Burden of proving illom necessity.*—The burden of proving illom necessity or benefit shall be on the purchaser, mortgagee, pledgee, or other alienee, or creditor, as the case may be. But the court may presume such necessity where the majority of the major members of the illom are parties to or have given their written consent to the transaction.

9. *Maintenance of members of illom.*—(1) Every member of an illom, whether living in the illom house or not, shall be entitled to maintenance consistent with the income and the circumstances of the illom.

(2) *Right to separate allotment of properties.*—Any member of an illom shall be entitled to get a separate allotment of properties of the illom for his or her maintenance, as the case may be, provided there is just and sufficient cause for such allotment.

10. *Relinquishment of karanavanship.*—Any karanavan may by a registered document give up his rights as karanavan.

11. *Receiver to be appointed when illom consists of minors only.*—Where an illom consists only of minor members, the principal civil court of original jurisdiction within the local limits of which it is situated may, on the application of any one interested in it, appoint on such terms as the court deems fit a receiver to manage its affairs till any one of the minor members attains majority.

12. *Right of Nambudiri female to recover the marriage expenses and dowry.*—(1) Any unmarried major female member of an illom who marries, or any unmarried female member of an illom who has completed the age of fifteen years at the time of marriage marries with the consent of her guardian in marriage, a male belonging to her community shall be entitled to recover from the illom properties the reasonable expenses of such marriage as well as her marriage settlement:

Provided that not less than three months' previous notice in writing of the marriage shall be given to the Karanavan.

*Explanation.*—A guardian in marriage for the purpose of this sub-section means the person entitled to give consent to the marriage under Section 6 of the Hindu Marriage Act, 1955.

(2) The amount recoverable under sub-section (1) shall be one-third of the value of the share which would fall to such female member if a division *per capita* of the properties of the illom were made among all the members thereof living on the date of the marriage:

Provided that where an illom consists of females only, the amount recoverable under this sub-section may extend to the full value of her share.

13. *Right of member to claim partition.*—(1) Any member of an illom, male or female, may claim to take his or her share of all the properties of the illom over which it has power of disposal and separate from the illom.

(2) A member of an illom separating from it under sub-section (1) shall be entitled to such share of the illom properties as would fall to him or her if a division *per capita* were made among all the members of the illom then living.

(3) No claim to separate from an illom made on behalf of a minor member shall be allowed by any court unless it is satisfied that such separation would be to the benefit of such minor.

14. *Partition on change of religion.*—(1) Any member of an illom who has changed his or her religion may claim, or be compelled by any other member of the illom, to take his or her share of the illom properties and separate from the illom.

(2) The member who claims or is compelled to divide from the illom under sub-section (1) shall be entitled to such share of the illom properties as would fall to him or her if a division *per capita* were made among all the members of the illom then living.

15. *Character of property taken on partition.*—The share obtained by any member separating from an illom under sub-section (1) of section 13 or under section 14 shall be the separate property of such member.

16. *Repeal.*—The Travancore Malayala Brahmins Act of 1106 (III of 1106), the Cochin Nambudiri Act, XVII of 1114 and the Madras Nambudiri Act, 1932 (XXI of 1933), as in force in the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), are hereby repealed.

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