

VALIAMMA THAMPURAN KOVILAKAM ESTATE AND PALACE FUND (PARTITION) ACT, 1961 (NO.16 OF 1961)

441 THE VALIAMMA THAN(PURAN KOVLAKAM ESTATE AND Preamble Sections 1. 2. 3. 5. 6. 7. 8. 9. IO, 11. THE PALACE FUND (PARTITION) ACT, 1961. (ACT 16 OF 1961) CONTENTS Short title and commencement, Definitions. Maharaja of Cochin to order partition. Share of members. Power to exclude properties from partition. Execution and registration of partition deed, Suit for partition barred. Personal pnvileges of the Maharaja not to be affected. Pay, pension etc., of employees to be a charge. Amendment of the Hindu Succession Act, 1956. Amendment of the Proclamation. ACT 16 OF 1961 THE VALIAMMA THAMPURAN KOVILAKAM ESTATE AND THE PALACE FUND (PARTITION) ACT, 1961* An Act to make Proviszon for the Partition of the Valtamma ThamPuran Kovzlakam Estate and the Palace Fund Preamble.—WHEREAS It IS considered necessary to make provision for the partition of the Vahamma Thampuram Kovilakam Estate and the Palace Fund belongmg to the family.ofthe Maharaja of Cochin; BE it enacted in the Twelfth Year of the Republic of India as follows:— 1. Short title and commencement.—(1) This Act may be called the Valiamma Thampuram Kovilakam Estate and the Palace Fund (Partition) Act, 1961. (2) It shall come Into force at once. * Received rhe assent of the President on 6th May 1961 and published in the gazette Extraordinary dated 18th May 1961, 34/4095 442 2. Definttttons.—In this Act, unless the context otherwise iequires,— (a) "Board" means the Board of Trustees appointed under Section 3 of the Proclamation; (b) "Estate" means the Valiamma Thampuram Kovilakam Estate and all properties belongmg to the said Estate; (c) "Maharja of cochin" means the Ruler of the former State of Cochin within the meaning of clause (22) of Article 366 of the Constitution of India, (d) "Member" means a member of thc family of the Maharajä• of Cochin; .. (e) "Palace Fund" shall have the same meaning as in clause (c) of section 2 of the Proclamation; (f) "Proclamation" means the moclamation (IX of 1 124) dated 29th June, 1 949 P 1 omulgated by the Maharaja of Cochin, 3. Maharaja of Cochin to order Partitzon. (1) Notwithstanding anything contained In section 22 of the Proclamation, Ifa request m writing IS made by the majority of the major members, and the Maharaja of Cochin IS satisfied that in the interests of the family It would be desirable to partition the Estate and the Palace Fund, among all the members, he may declare his decision to effect a partition under his supervision and control, and direct the Board to proceed With the partition. (2) The decision of the Maharaja of Cochin under subsection (1) shall be published by the Board In the Gazette In English and Malayalam, and a copy of the notification shall be affxed In a conspicuous place at the office of the Board

4. Share of members.—(1) Each member shall be entitled to an equal share of the Estate and the Palace Fund. (2) The share obtained by a member on partition shall be the separate property of the member. (3) A child who IS in the womb on the date of the publication of the decmszon under section 3 and who IS subsequently born alive shall have the same right for a share In the Estate and thc Palace Fund as any other Inember as If he or she had been born on or before the date of such publication

5. Power to exclude Properties from Notwithstanding anything contained m section 3, the Maharaja of Cochin may, If he IS satisfied that any specified property or properties of the Estate and the Palace Fund shall not be partitioned, but shall remam as common property for the benefit of the family, exclude such propa ty or proper- t les from being partitioned.(2) Any property excluded under sub-section (1) shall be su12iect to the management of the Boald and the provisions of the Proclamation shall apply to such p: operty.

6. Execution and regtstration of Partition deed.—The deed of partition shall be executed on behalf of all the members by the Maharaja of Cochin and the membe rs of the Board and shall be binding on ill the members of the family and shall be registered under the provisions of the Indian Registration Act, 1908 (Central Act 16 of 1908)

7. Suit jor Partition barred.—Nothmg m this Act shall be deemed to confer on any member the right to institute a suit for partition of the Estate and the Palace Fund

8. Personal prtileges of the Maharaja not to be affected.—The partition of the Estate and the Palace FuFd under the provisions of this Act shall not be deemed to affect the personal rrghs, privileges, dignities

and titles guaranteed to the Maharaja of Cochin and to the members of his family by the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the State of Travancore-Cochin

9. Pay, pension etc., of employees to be a charge.—The partition of the Estate and the Palace Fund under the provisions of this Act shall not affect the claims of any employee for the pay, gratuity or provident fund due to him immediately before partition and suitable provision shall be made in partition for payment of such amounts out of the Estate and the Palace Fund. The amounts due to the employees by way of pay, gratuity or provident fund shall be a charge on the Estate and the Palace Fund.

10. Amendment of the Hindu Succession Act, 1956.—Clause (iii) of section 5 of the Hindu Succession Act, 1956 (Central Act 30 of 1956), shall be omitted with effect on and from the date of the execution of the partition deed under section 6.

11. Amendment of the Proclamation —In the Proclamation (IX of 1949) dated 29th June, 1949, promulgated by the Maharaja of Cochin— (i) in section 4, for the words "so as to secure representation for each of the four main thavazhies", the words "so as to secure representation, as far as possible, for each of the four main thavazhies" shall be substituted ; (ii) sub-section (2) of section 21 shall be omitted.

