

TAMIL NADU ALIYASANTANA ACT, 1949

1949 : T, N. Act Aliyasan tana 11 ot ILTAMIL NADU] ACT No. OF 1949.2 THE 11 TAMIL NADU ALIYASANTANA ACT, 1949. (Received t/ze assent of the Governor-General on the 13th April 1949; first published in the Fort, St. Georg, G, on the 26th April 1949.) An Act to define and amend in certain respects the law relating to marriage, maintenance, guardianship, intestate succession, family management and partition applicable to persons governed by the Aliyasantana Law of inheritance. WHEREAS it is to define and amend in certain the law relating to marriage, maintenance, guardianship, intestate succession, family management and partition applicable to persons govenred by the Ali" yasantana Law of inheritance ; It is hereby enacted as follows CHAPTER 1 Preliminary. 1. (1) This Act mv.y be called the 1[Tamil Nadu] Ali- Short title, application yasantana Act, 1949. and • commenc mente (2) It shall apply- (a) to all Hindus and Jains who are goverped by the Aliyasanlana L?.W of inheritance ; and (b) to all Hindu and Jain males, whether governed by the said law or not, who have contracted or may contract marital alliances with Hindu and Jain females governed by the said law : Provided that the provisions of Chapter IV shall not apply to Jains. (3) It shall come into force atonce. 1 These words were substituted for the word "Madras", bym the Tami) Nadu Adaptation of Laws Order, 1969, as an-ended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969 2. For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 9th 1947, Part IV-A, Page 592. 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 of 1949). 8 Aliyasantana [1949 T, N, ActBIX 2, The Malabar Marriage Act, 1896, in so. far as it Madras. Rep3al of Madras has,not been already rere. • led, and section 6 of the Jaina Act IV of 'AbtsIV of 1896 Succession Act, 1928, are hereby repealed. 1896 I [Tamil and 111 of 1929. Nadu] 3. in this Act, unless there is anything repugnant Act Definitioar, in the subject or comext— of 1920 (a) "Aliyasanf ana" means the system of inheritance in which descent is Graced in the female line, but does not include thc system of inheritance known as the Maru- makkattaye,m ; (b) (i) "k l.venu" used in rclation (o a female, means I he group of pe sons consisting of that her children and, all her descendants in the female line , (ii) "kavaru", used in relation to a male, means the k4varu of the mother of that male ; (c) "kutumba" means the group of per sons forming a joint fam.ily with community of properl y gover ned by the Aliyasantana Law of inheritance , (d) "mahr" means a person who has completed the age of eighteen years , (e) "minor" means a person who has not completed the age of eighteen years ' (f) " nissanthathi k*.varu" means a kavaru which is not a santhathi lavaru (g) "prescrib?d" means by :ules made this . (h) - A...rxtir.th; k; v-;ru" mec-üs a cf which at least one is a female who has not comple(ed the age of fifty years , (i) ' 'Yajumn" means the oldest member, male or female, of a killumba or kavaru, as tie case may bc, in whom the right to manage its properties vests, or any other member or members in whom such right is vested by family con%ract, decree of court or otherwise, 1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Aqaptation of Laws (S •.co nd • Amendment) Order, 1969, T.N. Act IX] Aliyasantana 9 m ICHAPTER 11, Marriage and its Dissolution. at; 5' the CONjugal union Marriages valid under the Act, (i) a male belonging to the same community as 8uch tomalo, or (ii) a male not belonging to such community and whether governed by the Aliyasantana Law or not, but being a Hindu or Jain, shall be deemed for all purposes to be a legal marriage, if— (a) the parties to the union are not related to each other in such degree of consanguinity or affinity that conju- gal union between them is prohibited by any custom or usage of the community to which they belong ; and (b) the union— (i) was before the date on which this Act comes into force openly solemnized in accordance with the custo- mary ceremonies prevailing the community to which the parties belong or recognized by the community as a .valid marriage , or (ii) is openly solemnized on or after the date aforesaid and, where either or both the parties are minors, with the consent of the guardian ot guardians of such minor or minors , or (iii) was registered as a marriage under the Malabar Madras Act IV Marriage Act, 1896, before the date aforesaid, of 1896. (2) A conjugal union between minors or between a minor and a major which would otherwise be a valid marriage under sub-section (l) shall not be deemed to be invalid merely on the ground that the consent of the guardians or guardian of such minors or minor was not obtained to the union. The Hindu Marriage Act, 1955 (Central Act 25 of 1955), has an overriding effect over any other law infarce immediately before the commencemen(of that Act in so. far as it is

inconsistent with any of the provisions of that Act—vide section 4 (b) thereof, But under section 29 (2) of (he Central Act nothing contained in that Act shall be deemed to affect any right recognised by custom or con- ferred by any special enactment to obtain the dissolution of a Hindu marriage whether solemnised before or aftc.,• the commencement of that Act. 10 Aliyasantana [1949: T.N. Act IX (3) Notice of every marriage contracted on or after the data on which this Act comes into force shall be given by such person, to such authority, in such form, and within such time, as may be prescribed, Failure to give such notice shall be punishable with fine which may extend to fifty rupees but such failure shall not invalidate the marriage or affect the legal rights of the parties to, or the issue of, such marriage. 5, During the continuance of a prior marriage which is Marriage 49d4uring,con• valid under section 4, any marriage contracted by either of Of the parties thereto on or after the date on which this Act prior comes into force shall be void, marrigge void. Dissolution 6. A marriage which is. valid under section 4 may be Of marriage' dissolved on or after ! he date on which this Act comes into force— (a) by a registered instrument of dissolution executed by the parties thereto , or (b) by an ordot of dissolution as hereinafter provided : Provided that if either or both the parties is or are minors, the marriage shall not be dissolved until after tho party has become a major or both the parties have become majors, as the case may be. Nothing contained in this section shall be deem td to invalidate any dissolution of the marc iage effected before the date on which this Act comes into forc in accordance with the custom prevailing in community to which the parties belong. 7, The dissolution ofa marriage which is valid under Rights of children of section 4, whe: hev by death or otherwise and marriage before or after the commencemeni of this Act, shall not etc. not adecte'd by. affect in any way the legal status or rights under this Act dissolution of the children Df such marriage or of their descendants, of marriage. 8, (1) A husband or wife may present a petition for Petition for dissolution. dissolution of the marriage— (a) if the place— (i) where the marriage was contracted, or (ii) where the respondent or peti ioner at the time of lthe marriage, had a permanen'. dwelling or actually and volum arily re•eided or carried (jn or personally for gain, 1949: T.N. Act IX] Aliyasantana (iii) where the respondent or petitioner at the time when the petition is presented has a permanent dwelling or actually and voluntarily resid.es or carries on business or personally works for gain, is situated within the local limits of the jurisdiction of the Court of a District Munsif, in any such Court ; (b) if such place is not situated within the local limits of the jurisdiction of the Court of any District Munsif, in the Court of the Subordinate Judg.), or if there is no such Court, in the Court of the Distric.t Judge, within the local limits oi' wlzusv Jd&xcdiction such place is situated ; and (c) if such place is situated within the local •limits for the time being of the ordinary original civil jurisdiction of the High Court of Madras, in the Madras City Civil Court. (2) The petition shall specify the place where, and the date on which, the marriage was contracted ind if the respondent was a minor at the time of the marriage, the name and address of the guardian, if any, with whose consent the marriage was coo.tracted. 9, A copy of such petition shall be served on the respoi- Notice of, petition. dent at the cost of the petitioner. 10, (1) On the motion of the petitioner made, not Order of ,earlier than six months, and not later than one year, after dissolution ofnmarriageo the service of the copy of the petition aforesaid, if the petition is not withdrawn in the meantime, the Court shall, on being satisfied after such inquiry as it thinks fit that a marriage which is valid under section 4 was contracted between the parties, by order in writing, declare the marriage dissolved. (2) The dissolution shall take effect from the date of the order. Application 11, The provisions of the Code of Civil Procedure, of Civil Of 1908, shall, go far as may be, apply to petitions under Code to 1908' this Chapter, petitions, of 12. No Court shall entertain a suit for restitution of for restitution conjugal r.igh<s between the parties to a marriage which of conjuga is valid under section 4. 12 Aliyasantana [1949: T.N. Act tx ICHAPTER 111, Maintenance and Guardianship, 13. (1) The wife, and minor children other than married Maintenance . of wife and daughters, shall be entitled to be maintained by the husband minor or the father, as the case may be : children. Provided that the wife shall not be entitled to main• tenance, from her husband, if she refuses to live with him without just cause. (2) Nothing contained in sub-section (1) shall affect the right of any person to maintenance from his or her kutumba or kavaru properties. (3) iu •warding maintenance under sub-section (1), the Court shall have due regard to the means and circums• tances of the person against and by whom maintenance is claimed and to the reasonable wants of the person claiming maintenance, 14. The husband shall be the guardian of his minor wife Guardian- ship of minor in respect of her person and property ; and subject to the wife and provisions of section 15, the father shall be lthe guardian of children, his minor chil&en other than married daughters,

in respect of their person and property : Provided that such guardianship shall not extend to the right and interest of the wife or children in respect of their kutumba or kavatu properties : Provided further that the custody of a minor child who has not completed the age of three years shall ordinarily be - with the mother. 15, The mother shall be the guardian of the person and -Mother to be guardian property of her minor children. if the father is dead or her tof. minor marriage with him has been dissolved. if *fathse is dead *ot-natriage is »k3in6&dissolved Saving, 16. Nothing contained in sections 14 and 15 shall be Central deemed to affect the operation of the Guardians and Wards Act VIII Act* 1890. 1 The Hindu Minority and Guardianship Act, 1956 (Central Act 32 of 1956), h"S, by virtue of section 5 (b) thereof, an over-riding effect over any other law in force immediately before the commenco- meat df that Act in so far as it is incyasistent with any of the Provi- siongcontained in that Act, T.N. Act IX] Aliyasantana I CHAPTER IVO intestate Succession. {13 17, A person is deemed to die intestate in respect of all Property as to property of which he has not made a testamentary disposi- which a tion which is capable of taking effect, person is deemed to die intestate. 18, On tho death intestate of an Aiiyas'db,tana male, his Devolution of property, which is self-acquired or separate, shall devolve property left by in the order and according to the rules contained in sections Aliyasantana 19, 20, 21, 22, 23 and 24. male intestate. 19. (1) Where the intestate has left surviving hill. any Devo:ation lineal descendant or descendants and also his l)ther or a where intestate has left lineal widow or widows or both his mother and a widow or descendant. widows, the whole of the property shall devolve on them. (2) In the absence of the mother and any widow, the whole of the property shall devolve on the lineal descendant or descendants. 20, The distribution of the property among the heirs Rules of referred to in section 19 shall be made in accordance with bution in such the following rules :— cases, (i) The widow, or if there is more than one widow, each of the widows, shall be. entitled to a share equal to that of a child. (ii) The mother shall be entitled to a share equal to that of a child, (iii) (a) Each child (son or daughter) shall be entitled to an equal share, (b) Where the child had predeceased the intestate, the lineal descendants of such child sh subject to the provisions of clause (vi), be entitled to the share which the child wcuki havo ha.d he or she survived the intestate, (iv) (a) Grand children of the intestate by a deceased child shall be entitled in equal shares to what the deceased child would have taken, had he or 'she survived tho intestate, The Hindu Succession Act, 1956 (Central Act 30 of 1956), has, by virtue of section 4 (b) thereof, an over-riding effect over any other law in force immodiately before the commencement of that Act in so far as it is inconsistent with any of the provisions of that Acta, fit tygsumana 1 (b) Where any such grand child has predeceased the intestate, the lineal descendants of such grandchild shall subject to the provisions of clause (vi), be entitled to the share which the grandchild would have taken, had he or she survived the intestate. (v) The property shall devolve in like manner on the remoter surviving lineal descendants of the intestate. (vi) The descendants of a child, grandchild or other lineal descendant of the "'intestate shall not be entitled to any share in his property if such child, grandchild or other descendant is alive at the time of the death of the intestate, Illustrations. (1) Z dies intestate leaving two widows A and B, his mother C, a son D, and a daughter E, a granddaughter F by such daughter, the lineal descendants of a decased daughter G, and the lineal descendants of a deceased son H. A, B, C, D and E will each get one-seventh of the property; the lineal descendants of G will get one-seventh; the lineal descendants of H will also get one-seventh, The granddaughter F will not get any share. (2) Z dies intestate leaving no mother or widow, but leaving a son A, a daughter B, a grandson E and a grand- daughter F by a deceased daughter C, a granddaughter G by a deceased son D and two great granddaughters, H and J, by a deceased daughter of D. A and B will each be entitled to one-fourth of the pro- perty; E and F will aach be entitled to one-eighth; G will be entitled u., one-eighth; H and J will each be entitled to one-sixteenth. (3) Z•dios intestate leaving no tnothor, widow or child, but leaving three grund children A, B and C by a daughter X who has predeceased hini and two grandchildren D and E by a son Y who has also predeceased him. A, B and C will each be"entitled to one-sixth of Z's property and D and, B to one-tourth each* : Act. IX] Aliyasantana 21. Where the intestate has not left surviving him any Devolution where descendant but has left his mother and a widow or intestate has left -widows, one-half of the property shall devolve on his mother no lineal des- C the other half on his widow or widows in equal shares. cendant but has left his •anthe absence of a widow, the whole of the property shall mother. on the mother, (1) Where the intestate has not left surviving him Devoluticn lineal descendant or his mother but has left his mother's where tikavaru and a widow or widows, one-half of the property intestate has left only shall devolve-on his mother's kavaru and the Other half on mother's kavaru his widow or widows in equal

shares. or wiftdw., or both. (2) In the absence of the mother's kavaru the whole of the property shall devolve on the widow or widows in . equal shares; and in the absence of any widow the whole of the property shall devolve on the mother's kavaru, 23, (1) Where the intestate has not left surviving him Devolution any of the heirs mentioned in sections 19, 21 and 22 but has where intestate left his father and his maternal grandmother's kavaru, one- has left only half of the property shall deVolve on his father and the father or other half on his maternal grandmother's kavaru. maternal grandmother's (2) In the absence of. the maternal grandmpther's kavaru or kavaru, the whole of the property shall devolve on the both• father; and in the absence of the father, the whole of the property shall devolve on the maternal grandmother's kavaru

24. Where the intestate has not left surviving him any of Devolution the heirs mentioned in sectionR 19, 21, 22 and 23 the whole in other of the property shall devolve on the kavaru of his mother's cases• maternal grandmother or other female ascendant in the female line, the nearer excluding the more remote.

25, On the death intestate of an Aliyasantana female, her Devolution property which is self-acquired or separate shall as of property left Aliya- follows santana female intestate. (1) The whole of the property shall devolve on her lineal descendants, distribution among such descendans ts being made in accordance with the rules laid down in section 20, clauses (iii) to (vi), (2) (a) In the absence of such descendants, one-half of the property shall devolve on the ka.varu of the intestate's mother and the other half on her husband, (b) In the absence of her mother's kavaru, the whole of the property shall devolve on her husband; and in the absence of her husband, tho whole of the property shall de- volve on her mother's kavaru. (3) In the absence of any of the relatives aforesaid, the property shall devolve on the kavaru of the maternal grandmother or other female ascendant of the intestate, the - nearer excluding the more remote, 26, (1) On the death intestate of a male not governed Devolution of property by the Aliyasantana law— left by non- Aliyasantana wmalqintestate. (i) who— (a) has, before the date on which this Act comes into force, contraoted a marriage with an Aliyasanthana., female which is valid under section 4; or (b) has contracted on or after such date a marriage with an Aliyasanthana female •which is valid under that section; and (ii) who has left surviving him by such marriage or marriages one or moro of the following relations, namely (a) a widow or widows, (b) children, (c) lineal descendants, such relation or relations shall be entitled, if the intestate has also left relations who are heirs according to the personal law by which he is governed, to one-half of his property which is separate or self-acquired and if the intestate has {left, no such heirs, to the whole of such property : Provided that the reasonable funeral expenses of the intestate shall •first be deducted such separate or self- acquired property. (2) The property dgvolving on tho relations referred to in sub-clauses (a), (b) and (c) of clause (ii) of sub-section (1) shall be distributed among them in accordance with the rules contained in clauses (i), (iii), (iv), (v) and (vi) of section 20. 2949 : T.N. IX] Æiyasantanä 27. (1) Where the whole of the property of any male or Possession female intestate devolves under the foregoing provisions of and mana- thischapter on any kavaru as such, the ygi Iman of the kavaru gement of shall be entitled to the possession and management of such property until property until division thereof is effected. division is (2) In all other cases, the oldest among the heirs of effected' such intestate (including all the members of any kavaru on whom any portion of the property may have devolved) shall entitled to the possession and management of such property until division thereof is effected

CHAPTER V. Kutumba and its Management, 28, (1) The yajaman shall keep true and correct accounts Yajaman of the income and expenditure of the kutu•nba; and every to keep accounts major member of the kucun-lba shali have the right to inspect and allow the accounis of each fasli year at the kutumba house at any inspection, time in the months of August and September in the imme- etc. diately succeeding fasli year, and also to take copies of, or extracts from , such accounts : Provided tha.t nothing contained in this sub-section shall apply to any kutumba, the gross income of which from all sources, in any one year, does not exceed three thousand rupees, (2) Ifthe accounts are not made available for inspec- tion as pprovided for in sub-seçion (1), the Civil Court of the lowest yade having oriÅnal -jurisdiction over the place where the whole or any part of the immovable pro- perty of the kutumba is situated or where the yajaman resides may, on application by any major membef of the kutumba and after notice to the yajaman, pass an order causing the accounts to be in Court and allow- ing such member to inspect and also to take copies of, of extracts from, such accounts. (3) Whoever knowingly disobeys an order of the Court under sub-section (2) shall be punishable with imprisonment which may extond to three T.i onths, or with fine which may extend to five hundred rapees, or with both: Provided that no Court shall take cognizance of an offence

punishable under this sub-section, except on the complaint in writing of the Court whose order has been disobeyed or of some other Court to which such Court subordinate. 1[29, (1) No mortgage of any immovable property of a kutumba, and no lease of any such property for a term exceeding five years, shall be valid, unless it is executed by the yajaman, for consideration, for kutumba necessity or benefit, and with the written consent of the majority of the major members of the kutumba. (2) No lease of any immovable property of a kutumba (2) in cases not referred to in sub-section (1) shall be valid unless it is executed by the yajaman and where the Malabar Act XIV of 1930.) Tenancy Act, 1929, confers fixity of tenure on the lessee unless also the written consent of the majority of the major members of the kutumba has been obtained to the lease, (3) Nothing contained in sub-section (1) or sub-section (2) shall be deemed to affect the validity of any mortgage or lease executed on or before the 27th July 1950 in accordance with the law in force at the time of such execution.] Validity of 30, (1) No mortgage without possession of any kutumba mortgaged property and no debt shall bind the kutumba unless the mortgage is executed, or the debt is contracted, by the possession and debts, yajaman and for kutumba necessity, 34 (1) Every member of a kutumba whether reside in the kutumba house or not, shall be entitled to maintenance separate maintenance consistent with the income and of kutumba circumstances of the kutumba and with due regard to the reasonable wants of such member. share that a member of a kutumba would be entitled to, on a partition under this Act, shall not be the criterion in determining the maintenance payable to him, (2) The maintenance payable to a member of a kutumba shall be paid only out of the income realised from the kutumba properties and shall be a charge on such income. 1 This section was substituted for the original section 29 by section 51 of the Malabar Tenancy (Amendment) Act, 1951 (Tamil Nadu of which into the 23rd 1951. vatas for word s' Madras Laws Ordz, 1969, as amended by Ad. z*atiae- of Orde, 1969!!) 9c Act Aliyasanti. if u] (3) After this Act comes into force, no suit shall lie for arrears of maintenance for a period exceeding two years, 32. (1) Any member of a kutumba may institute a suit in a Civil Court for the removal of the yajaman— remove yajaman (i) for any malfeasance, misfeasance, breach of trust or neglect of duty in respect of the kutumba; or (ii) for any misappropriation or improper dealing with the income or the properties of the kutumba; or (iii) for unsoundness of mind or any physical or mental infirmity which unfits him for discharging the functions of a yajaman; or (iv) for any other sufficient cause which, in the opinion of the Court, makes his continuance as yajaman injurious to the interest of the kutumba, (2) A Court trying a suit under sub-section (1) may, if it considers that it is not necessary to direct the removal of the yajaman, pass such orders as it thinks fit having regard to the welfare of the kutumba and the circumstances of the case. 33, Any yajaman may, by a registered document, give Relinquish- up his right of management, management of right of management by yajaman

34. The provisions of this Chapter shall apply to every Applicant kavaru possessing separate properties as if it were a partition of kutumba. Chapter to kavaruse CHAPTER VI. Partition. 35. (1) Any kavaru represented by the majority of its members may claim to take its share of all the properties of the kutumba over which the kutumba has power of disposal and separate from the kutumba: Provided that— (i) where a kavaru consists of only two persons, such a claim may be made by either of them; (ii) no kavaru shall make such a claim during the lifetime of any ancestress common to such kavaru and to any other kavaru or kavarus of the kutumba, who has not completed fifty years of age unless— (a) she has signified her consent in writing, or (b) two-thirds of the major members of the kavaru join in making the claim for partition; (iii) the common ancestress may on her own volition claim a partition. (2) The share obtained by the kavaru shall be taken by it with all the incidents of kutumba property. Explanations—For the purposes of this Chapter— (a) a male member of a kutumba or a female member thereof who has no living descendant in the female line, shall be deemed to be a kavaru if he or she has no living female ascendant who is a member of the kutumba; (b) such male member, or such female member if she has completed the age of fifty years, shall be deemed to be a nissanthathi kavaru, Ascertainment 360 (1) Any kavaru entitled to partition under section 35 of shares at shall be allotted a share of the kutumba properties in partition. accordance with the provisions of sub-section (2). (2) (a) If, on the date on which a partition is claimed, any of the members of the kutumba who are nearest in degree to their common ancestress is removed four degrees or more from such ancestress, then, the division shall be effected in the following manner (i) In three-fourths of the kutumba properties, the

kavaru shall be allotted such share as would fall to it, if a division thereof were made per capita among all the members of the kutumba then living. (ii) In the other one-fourth of the kutumba properties, the kavaru shall be allotted such share as would fall to it, if a division thereof were made among the kavarus per stirpes. *ther cases, the division shall be effected in the following manner (i) In one-half of the kutumba properties, kavaru shall be allotted such share as would fall to it if a division thereof were made per capita among all the members of the kutumba then living. 1949 TON. IX] Aliyasantana 21 (ii) In the other half of the kutumba properties, kavaru shall be allotted such share as would fall to it, if a division thereof were made per stirpes among the kavarus, (c) In a stirpital division under clause (a) (ii) or (b) the common ancestress if alive shall be entitled to the same share as a child of hers. (d) Where the kavaru seeking a partition is not a kavaru of the kutumba, the share of the main kavaru shall first be ascertained in accordance with the provisions of the foregoing clauses, and the share so ascertained shall thereafter be divided and sub-divided according to the provisions of clause (b) until the Kavaru seeking partition is reached. (e) The provisions of clauses (a) to (d) shall apply only to partitions claimed before the expiry of a period of fifteen years from the commencement of this Act. (f) In a partition of a kutumba claimed after the expiry of the period aforesaid, a kavaru shall be allotted such share as would fall to it if a division of the kutumba properties were made per stirpes among all the kavarus. (g) In a partition under clause (f), where the kavaru seeking partition is not a main kavaru of the kutumba, the share of the main kavaru shall first be ascertained in accordance with that clause and the share so ascertained shall thereafter be divided and subdivided in the same manner until the kavaru seeking partition is reached. (h) The share of a kavaru at a partition shall be ascertained as on the date on which it makes a claim for partition. Explanation.—For the purposes of this sub-section, the date on which partition is claimed shall be— (a) where the claim is made by a suit for partition, the date of the institution of the suit (whether the is prosecuted or not); and (b) where the claim is made otherwise than by a suit, the date on which such claim is made. (3) If, at the time of the partition, any kavaru taking a share is a nissanthathi kavaru, it shall have only a life interest in the properties allotted to it, if the kutumba from which it separates has at least one female member who has 22 Aliyasantana [1949 : Act IX not completed the age of fifty years, or where the kutumba breaks up into a number of kavarus at the partition, if at least one of such kavarus a santhathi kavaru and if there is no such female member or santhathikavaru, the kavaru shall have an absolute interest in the properties allotted to it, (4) In the case referred to in sub-section (3), the life interest of the nissanthathi kavaru in the properties allotted to it at the partition shall become absolute, if the kutumba concerned ceases to have among its members a female who has not completed the age of fifty years or if all the kavarus into which the kutumba broke up, whether at the same or at a subsequent partition, become nissanthathi kavarus. (5) The properties allotted to a nissanthathi kavaru at a partition in which it had only a life interest at the time of the death of the last of its members, shall devolve upon the kutumba, or where the kutumba has broken up, at the same or at a subsequent partition, into a number of kavarus, upon the nearest santhathi kavaru or kavarus. (6) A registered family settlement (by whatever name called) or an award, to which all the major members of a kutumba are parties and under which the whole of the kutumba properties have been or were intended to be distributed* or purport to have been distributed, among all the kavarus of the kutumba for their separate and absolute enjoyment in perpetuity, shall be deemed to be a partition of the kutumba properties notwithstanding any terms to the contrary in such settlement or award, Application of 37. The provisions of this Chapter shall apply to every Chapter kavaru possessing separate properties as if it were as to kavarug. kutumbe CHAPTER VTT. Miscellaneous. 38, (1) The Government may make rules consistent with this Act to carry into effect the purposes thereof. 1 This word was substituted for the word '\$ Provincial ' by the Adaptation of Laws Order, 1950. Aliyasantana 1949 Act IX] 23 (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all matters expressly required or allowed by this Act to be prescribed. (3) All rules made under this section shall be published in the *Fort St. George Gazette and on such publication shall have effect as if enacted in this Act. 39, Nothing contained in this Act shall be deemed to Saving, affect any rule of Aliyasantana Law, custom or usage, except to the extent expressly laid down in this Act, * Now the Tamil Nadu Government Gazette,