CHAPTER VII
DECLINE OF THE INSTITUTION

The early 20th century witnessed the decline and disintegration of many a matrilineal tarawad in Kerala. The issues involved in the decline and disintegration were complex. They were not sudden developments. The cause of the decline lay deep rooted in the structure of the marumakkathayam system. It was affecting Kerala society and culture by the close of the 19th century. It was a result of changes came in the wake of colonialism. It was the result of the colonial perception of family and culture. There were powerful economic reasons behind the decline of the matrilineal system and the disintegration of the tarawads.

The opposition to the matrilineal system and joint family became resolute by the beginning of the 20th century. It was not a simple question of contesting against the power of the tarawad. It was loss of faith in marumakkathayam, that became the dominant issue. The matter of abolition of the system had become a legal issue and a large number of cases related to the same was going in the court of law. There was the issue of the interest of the discrete groups like the younger members of the tarawad and the tenants.
The state also did not consider it necessary to protect the power of the tarawad any longer.¹

The changes in the matrilineal tarawad were part of the reform movements among the Nayars and Nambuthiries that were going on. These reform movements rejected loyalties centered on tarawad. The attitude of the state towards the matrilineal tarawad has been contemptuous for the tarawad. By 1902 the government had systematized the process of land survey and resettlement. This process was almost completed during the first three decades of the 20th century. The tarawad had been reduced to the position of the revenue paying intermediary to the government. The state did not recognize the traditional rights of the tarawad that provided it with immunity from taxation. The Tenancy Act of 1930s had directly led to the curtailing of power of the tarawad. These acts were the products of popular pressure. They also show conscious attempts on the part of the colonial state to reduce the power of the tarawad. The Malabar Tenancy Act of 1930 provided security of tenure to the dependent of the tarawad. The Madras Marumakkathayam Act of 1933 provided for the partition of the joint property of the tarawad.² Landlords were liable for making revenue payments to the government. System of polygamy and the sambandham

system of marriage were looked down. The reformers were eager to stop them. The spread of English education has been powerful element in the social reform movement in Kerala, as in other parts of India. The newly educated groups began to look down upon the *sambandham* system and other practices in the matrilineal *tarawad* as undignified. The English educated had a western perspective towards family and kinship and naturally they wanted to do away with the system of inheritance through the mother and welcomed the one through the father. Certain leaders found it a disgrace to follow the matrilineal system because there was no identity of the father. Those who viewed society through the Victorian morality found it a disgrace to have no certainty of the father. Above all there were economic reasons.

English education has been an important factor in leading to the break up of matrilineal Nayar *tarawads*. Nayars were in the forefront of accepting English education. This was in the expectation of getting a government job. The newly educated groups among the nayars found many a custom in the nayar *tarawad* as out of date and full of evils. Among other things they wanted legality for some customs and regulations of marriage. English education more or less ensured jobs and cash income. The possibility of cash income and self acquired property were new phenomenon within the *tarawad*. The nephews were more or less idle. But now they began to have their own income and it was natural that they wanted to bequeath their self acquired property to their own wife and children. By this time the *karanavars* began to
appropriate portions of joint family income for bequeathing the same to their wife and children. Some *karanavars* began to bring their own wives and children to the *tarawad* and enrich them. This created dissension in the *tarawad*. The younger generation began to question the authority of the *karanavar*. In the Koodali family as early as 1834 we see a *karanavar* conferring power and giving property to his own children instead of the nephews. *Karanavar* Kelappan Nambiar nominated his son to the post of the *adhikari* of Koodali and not any of his nephews.\(^3\) The demand for having English education became stronger. The differences of opinion between the *karanavar* and *anantiravans* became a common feature. There was difference of opinions between one *tavazhi* and the other. At the same time the *karanavar* was not able to meet the demands of all the *anantiravans* even for maintenance. As the property of the *tarawad* was impartible, it was mortgaged and re-mortgaged. Such practices resulted in heavy debts for the family. *Karanavar* as the tax paying authority was supported by the British. But inspite of this favourable attitude of British government internal forces were shaking the *tarawads*. The demand for education has been an element of discord. Earlier all were provided formal coaching in reading and writing by the tutors which did not involve much expenses. But now the demand for English education necessitated regular classes in the schools and other centres.

of higher education which were expensive. The *tarawad* property was impartible and was ineffective of any investment in trade or other activities. The newly educated got jobs and independent position but they were not ready to share their income with other members of the *tarawad*. They wished to move out of the *tarawad* and bring up the children in a new way. The introduction of commercial agriculture, the development of money economy and the new social responsibilities affected the *tarawads*. During the period of nationalism many educated and employed members of the *tarawad* were attracted towards nationalist movement. They were against imperialism and the *tarawads* which did not encourage individual enterprise or growth. The legal sanction to *tavazhi* partition was a blow to the age old power of the *karanavars*. The *anantiravans* were particular in challenging the authority of the *karanavars* who could not be impartial and failed to execute their responsibilities successfully. Suits were filed against the *karanavar*

The transformation in the economy and politics of Malabar was the main cause for the decline of the *marumakkathayam tarawad*. These changes were seen through legislative acts, social reform movements and the relation between the colonial state and the *tarawads*. The Tenancy Legislation of 1930 was injurious to the *janmis*. The depression following the first world war especially in the late 1920s and early 1930s also adversely affected the income from the cultivated lands to the *janmis*. More over now the state
became able to encroach upon the property of the *janmi*. All these made the future of the *tarawad* look bleak.\(^4\)

We have seen that with the advent of colonialism the government began to interfere more and more into the internal affairs of the *tarawad*. A law enjoining the percapita division of the property of the *tarawad* would not strictly practiced. Even from the beginning of the 19\(^{th}\) century and before there were separatist tendencies among the members of the certain families. For example the Valiya Kava Nethiyar Amma of Kavalappara *tarawad* managed to have her share from the family and establish a separate branch somewhere else in the realm of the Nayar.\(^5\) This was with the help of the court of law. Much before this the mother of this Nethiyar Amma also had involved in a similar situation. This kind of tendencies began to be strong during the last decades of the 19\(^{th}\) century. The dissensions inside the *tarawad* became common. That is why a large number of litigations were made. Judiciary became a solace to those who were discontent in the existing conditions in the *tarawad*. The decisions made in certain cases became precedence for taking decisions in many other cases. Side by side with this

\(^4\) G. Arunima, *op. cit.*, pp 185-6

\(^5\) Judgement of suit No.992 of 1817, Valiya Kava Nethiyar (Mother of Kavalappara third Nayar) Vs Kavalappara Valiya Nayar, dt. 31.1.1818 in the Court of the Tekkey Pakuthi Zilla Adalathu, Vettanadu Thukkidi Munciff.
there were growing unrest in the agrarian field. This affected the revenues of the government and compelled it to reassess land relations in Malabar.⁶

The increase in liquid money has been an incentive to the development of the matrilineal tarawad. It enabled the heads to invest this money more and more in land as in the case of Koodali. Further the karanavar of the tarawads like Koodali used to have melama income or duties collected from the Muslim traders who had set up shops in his realm. This kind of incomes from non-agricultural activities increased through the years. The younger members of the tarawad might have been naturally drawn to such activities which brought money to them. This was even before the advent of colonialism. Such occupation like trade and commerce by the members of the family has been an incentive to come out of the tarawad and establish their own branches.⁷ This might have made themselves shift from the tarawad have an independent life. This was even before the advent of English education and modernity. The tendency among the younger members of the family was to move off and set up independent residence. Often the karanavar allowed it and this lessened the legal battles with the tarawads.

The practice of setting up independent tavazhis was considered rightful by the court of law. It comprised of a group of the descendants in the female

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⁶ Also see G. Arunima, op. cit., p.106.
common ancestor. It may own separate property as distinct from the *tarawad.* The separation of one or a few members of a *tarawad* does not bring about its disruption. The remaining members may continue as members of the *tarawad.* But the individual members are not entitled to enforce partition. The partition may be effected by the common consent. This is clear from the verdict in the case of Mooppil Nayar vs States in 1960. But if an asset of the *tarawad* was fraudulently alienated by the *karanavar* it was open for the junior members to question the same.

Chapter VI of the Madras Marumakkathayam Act is on the partition of *tarawads.* The unanimous opinion of all major members is necessary to effect a partition. The Marumakkathayam Act of 1932 was modified and amended in 1958.

The amendment became inevitable by the Hindu Succession Act of 1956. The partition of a property valued of hundred and above may be effected orally. But if partition is effected by way of deed it must be

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12 Ibid
registered.\textsuperscript{13} This is best seen in the case of the partition of Koodali tarawad.\textsuperscript{14}

In connection with the partition of the tarawad property the temples owned by it and their property and administration are significant. Even though these temples were the private property of the tarawads, the general public were allowed to worship in these temples. Certain “private” temples were used by the Hindu public for centuries with the effect that they came to be considered as public temples. The uralan or custodian of these temples was considered to be its owner. The uralanship was not vested in the tarawad but in the karanavar. When the karanavar dies or vacates his office this uralanship also goes to his successor. But the karanavar was not entitled to dispose the property of the temple in the same manner he could deal with the property belonging to the tarawad.\textsuperscript{15} If a tarawad which own a private temple does not put an end to the endowment before it came to affect a partition. It will be decided to keep it as a common trust endowment for all the branches. The number of the trustees may be increased. The karanavar of each tarawad may be considered as co-uralan. If this is not stipulated in the partition deed the trust continuous as a common trust of all the branches.

\textsuperscript{13} Ibid., p.126

\textsuperscript{14} C. Sankaran Nambiar, M.A.B.L, The Arbitrator of the partition of Koodali Family, retired Dt. & Sessions Judge. He has published the partition deed of Koodali.

\textsuperscript{15} 1911 (21) MLJ (Madras Law Journal) 585, cited by Kaleeswaram Raj and Suchithra, \textit{op. cit}, p.56.
together and the senior most members of all the branches taken together will be the *uralan* of the temple. If the temple is a public one and its *uraymaship* is vested with a *karanavar* no arrangements can be made with regard to the *uraymaship*. In such cases also the *urayma* would go to the senior most member of all the branches taken together.\(^{16}\)

The trustees must act collectively. Proper consultation with the member of the trust was compulsory for the *karanavar*. No suit could be made by any one of the trustees without properly discussing the same with others. A *Samudayee* is only a servant appointed by *uralan*. If there are several hereditary trustees the person who is appointed as the managing trustee can manage the affairs of the trust. But in the case of a suit all the trustees must be parties.

When Koodali *tarawad* was partitioned the Koodalikavu and the *Poovathur devaswoms* had been the private temples of the *tarawad*.\(^{17}\) The *karanavar* or the *Gurikkalachan* was made the *uralan* of the two *devaswams*. The *karananvar* for the time being could collect the rents and profits of the *devaswam* property. He was liable to pay the government revenue and other public charges connected with the temple property. He was entitled to grant ordinary leases. But he was not entitled to alienate the *devaswam* property.


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Five of the senior most *ananthiravans* were to form an advisory committee of the *devaswam*. The *karanavar* was to consult with this committee in all matters pertaining to the administration of the *devaswam*. But this was only an advisory body and it was not expected to interfere in the management of the temple and its property. *Karanavar* was not to misappropriate *devasam* fund. The *pooja*, ceremonies and festivals in the temples were to be continued as before.\(^\text{18}\)

The Madras Marumakkathayam Act made the law that the *karanavar* had complete power of alienating the *tarawad* property for necessity and he was the sole judge of the necessity. But it was conditional.\(^\text{19}\) The alienation was permitted only if it was actually needed for the benefit of the estate. Under the Amendment Act of 1858 for the lease or mortgage of any property it should have been executed by the *karanavar* with the written consent of the majority of the major members of the *tarawad*. The existence of a debt to be repaid was held to be a necessity for justifying alienation. If it was possible to get the money by mortgage or hypothecation, there was no justification for the sale of the property. If an asset of the *tarawad* was fraudulently alienated by the *karanavar* the junior members could question the same.

Many a *marumakkthayam tarawad* had their partition without filing any litigation. In these cases arrangements were made by peaceful\(^\text{18}\) *Ibid*

\(^\text{19}\) Kaleeswaram Raj and Suchithra, *op. cit.*, p.58.
reconciliation among the members of the family. The partition of Koodali tarawad has been through this kind of a ‘family arrangement’. A family arrangement is an “agreement between the members of the same family intended to be generally and reasonably for the benefit of the family either by compromising doubtful disputed rights or preserving family properties, for the peace and security of the family by avoiding litigation or by saving its honour.”\(^{20}\)

This kind of arrangements are generally made for the purpose of the well being and harmony in the family. Reconciliation would be made with regard to dispute if any so that the outer world would not come to know of the disharmony among the members. This would save the honour of the family. This family arrangement will be valid and binding on the members. It would operate as a bridle preventing the parties from withdrawing from the same or trying to revoke it. In this there is an implication that if one accepts this arrangement he must adopt the whole of it conforming to all its provisions. The family arrangement made on the eve of the partition of Koodali tarwad is kept as a family document.\(^{21}\) This family arrangement has legal validity. The courts used to uphold it. A mere agreement to divide the property generally did not need any registration. But if it was to effect a division of


\(^{21}\) C. Sankaran Nambiar, *op. cit.*
property it must be registered. Allotment of shares to a person who is not legally entitled to it may be included in the arrangement.

During the period of Kunhi Kammaran Nambiar, in December 1954 it was decided to divide the tarawad property of Koodali family. The division of tarawad property was in accordance with the Madras Marumakkathayam Act of 1932. All the members of the tarawad including the karanavar signed the agreement dated 12th December 1954 appointing justice C. Sankaran Nambiar as the arbitrator to effect the division of tarawad property and agreeing to abide by his allotment of shares. The members of the family thought it wise to divide the property without going to court. The agreement was signed by all the members.

The arbitrator made an elaborate inspection of the property. He prepared about hundred survey plans inorder to effect the division of property with reference to good and bad soil. Shares were allotted to various members according to his plan. Altogether there were 131 members among whom the property was divided.

All the property was not divided. Among the undivided property was the Koodali Thazhathu Veedu house, the padimalika, pathayapura, kalari

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22 Madhavan Ezhuthassan Vs Sreedharan Ezhuthassan and others (1) KLJ 380, cited by Kaleeswaram Raj and Suchithra, op. cit., p. 139.
23 Interview with K. T. Kunhikrishnan Nambiar, present karanavar of Koodali family, on 10.6.2008.
24 See appendix I for the names of 131 members.
and other *Daivastanams*. These were in the plot Re-survey of No.32/1 of Koodali *desam* and the *Madham paramba* No.35/1, Re-survey of Koodali *desam*. The *tarawad* compound was to be continued as a common property. The *karanavars* on his death was to be cremated in the *tarawad paramba*. The other *tarawad* members on their death were expected to be cremated in the common cremation ground No.2/1 Re-survey of Thattiotte *desam*.25

Property was set apart for the maintenance of the *tarawad* and its temples. This property was to be in the possession and management of the senior most male member of the *tarawad*. He was entitled to take the profit from this and utilise the same for performance of the customary rites in the *kalari* and *madham*. The senior most man or the *karanavar* was to have the title *Gurikkalachan* even after the partition of the property. But he was not entitled to lease or alienate any part of this property. Any such act shall be null and void and not binding to those who succeed him. The other members of the family were entitled to take suitable legal action if the *karanavar* alienated or misused it. The *tarawad* and the *madham* could be used by all members of the *tarawad* for get together and celebrations of ceremonies like marriage and observance of rituals like *Sraddhams*. The *karanavar* was to be the custodian of all the ornaments belonging to the *Kalari* and the Koodali kavu. He was to take special care of the same. He was not entitled

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appropriate any of them for himself. On proper written application to the *karanavar* all the members were entitled to have inspection of the same ornaments every year. It was on the eve of the *Daivathar* ceremony of the *tarawad* between the 12th and 15th *Makarm* of each year.

The High School, and its compound were vested with the High school Education Society which has been already registered. An educational committee was appointed for the school. It consisted of the *karanavar* of the *tarawad*, who was to be president and the other members of the *tarawad*, the head master of the school, a relation who has married from the *tarawad* and an outsider. Rules and regulations were made for the management of the school. The profits out of the usufructs from the school compound was to be formed into a fund and utilised for giving fees concessions to deserving *tarawad* members who study in the Koodali High School. Along with the partition the temples of Koodalikavu and Poovathur were decided to be private *devaswams*. Their property was to be under the custody of the *karanavar* as the *uralan* of the *devaswams*. They were to be managed by the *karanavar*. The *karanavar* was entitled to collect the rents and profits of the *devaswam* property. He was to pay government revenue and other public charges for the same. He was entitled to grant ordinary leases of those

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properties with ordinary rights of management. He was not entitled to alienate or encumber the *devaswam* property. The income from the property would be sufficient for the day to day functions and ceremonies of the temples. For the administration of the *devaswam* affairs an advisory committee was formed. This committee consisted of five senior most *anantiravans*. The *karanavars* was not entitled to misappropriate any of the *devaswam* funds. If he does so he will be removed from the office of the manager of the *devaswams* and the post of the manager could go to the next senior most member of the *tarawad*.

When the partition of the property was effected clear arrangements were made for the customary *poojas*, ceremonies and festivals of the temples. The *devaswam* fund could be used for the performance of *Aswathi Sradham* of the deceased *karanavar* Kunjamman Nambiar who passed away on the Aswathy star of *Thulam* 1006 K.E. All the rites in the *kalari* and *madhom* were to be performed out of the *devaswam* income. All the members of the family had right to attend all these functions. The *tarawad* was to be continued as the venue for the get together of all the members.\(^{27}\)

The *karanavar* was to maintain correct accounts of the *devaswam* property. The accounts are to be opened for inspection to all the members of the *tarawad* if they apply for the same, during the period from 1st to 15\(^{th}\)

\(^{27}\) *Ibid*, p. 9.
Kanni of every year. An amount not exceeding 10% of the income can be used as the management allowance by the karanavar. If any alterations were to be made in the customary ceremonies of the temples, it must be in a meeting held for the purpose at the Koodali Thazhathu veedu tarawad house.

Among the movable property of the tarawad were two elephants Abhimanue and Sreedevi. They were sold for rupees 10000, on 18-9-1955 during the life time of the karanavar Kunhikammanaran Nambiar.28 This amount was utilised for the expenses of the partition including their registration fees, stamp papers etc. The other moveables in the tarawad on the eve of the partition were left under the custody of the karanavar and were kept in the Koodali Tazhathu veedu house. All the members of the tarawad were entitled to use the same when occasion comes. The karanavar was not to misappropriate or dispose of the property in the form of bank deposits shares in bank etc. It had shares in the Tellichery Bank and 500 shares in Mattannur Co-operative Rural Bank Ltd. The share money is deposited in the Mattannur Rural Bank Ltd.. It was specified in the partition document that the deposit in the Mattannur Rural Bank was to be utilised for repairing the nada of Koodalikavu and paving the same nada with stone. The interest and profits from the shares in the Tellicherry Bank were to be utilised every year for the payment of scholarship in the name of Koodali Thazhathu veedu

28 Ibid.
to the best student among the children of the members of the tarawad studying in the Koodali High school. The tarawad consisted of two tavazhis Komath and Keloth. The members of the Komath tavazhi alone were entitled to the properties. If any litigation was pending on the divided property the same was to be continued by the respective allotties. If any tarawad properties have been accidentally left out from partition the karanavar shall be entitled to the possession of the same along with the undivided properties. The rules and regulations of the undivided properties shall be binding on this kind property also. The common cremation ground is in Keloth paramba (Survey No.2/1 of Thattiott desam). All the records connected with the partition were to be kept in the tarawad record room. Each document can be separated and given to members for reference.

Kelappan Nambiar who belonged to the Keloth family had passed away without becoming the karanavar. But he had built a house and planted improvements in Re-survey No. 44/1 of Thattiott desam. This house and the improvements in that compound came to be regarded as those of Keloth tavazhi. K.T.V. Narayanan Nambiar the resident of this paramba was to be entitled to a right of residence for five years from the date of agreement. He was to vacate it at the end of five years. Those who were allotted this paramba as the share were entitled to work in the paramba and plant improvements their in without any objection from K.T. Madhavan Nambiar.

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29 Ibid.
Madhavan Nambiar was entitled to take the usufructs from the *paramba* during his residence in the house. The Keloth *tarawad* house and compound shall not be sold to outsiders except after giving registered notice to the *karanavar* and three of the senior most members of the *tarawad*. The members of the *tarawad* were to be preferred to strangers for having the right of purchase. This was mainly because there is a sanctity attached to that *paramba* and a common cremation ground existed inside the *paramba.*

For registration purposes the properties actually divided have been valued as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total revenue of the <em>tarawad</em> properties partitioned</td>
<td>Rs.6179.00</td>
</tr>
<tr>
<td>25 times the revenue (Rs 6172x25)</td>
<td>154475.00</td>
</tr>
<tr>
<td>Value of <em>tarawad</em> buildings</td>
<td>3350.00</td>
</tr>
<tr>
<td>Value of the unassessed dry lands 2378.76 acres</td>
<td>23788.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>181613.00</strong></td>
</tr>
<tr>
<td>Value of I share when divided among 104 as per agreement</td>
<td>Rs. 1746.00</td>
</tr>
<tr>
<td>Value of 21 shares at that rate</td>
<td>Rs.36666.00</td>
</tr>
<tr>
<td>Balance after deducting 21 shares</td>
<td>Rs. 144947.00</td>
</tr>
<tr>
<td>Value of each share when divided among the remaining 112 shares</td>
<td>Rs. 1294.00</td>
</tr>
<tr>
<td>Difference in deviation</td>
<td>Rs. 19.00</td>
</tr>
</tbody>
</table>

Out of which Rs. 10/= added to J schedule and Rs. 9/= to R schedule value of the biggest share of 12 shares of schedule J (Rs. 1294x12)

Deducting the value of the major share of schedule J the

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The arbitrator had expressed his hope that even after the partition all the members of the tarawad would live in peace with amity and good will to one another, in the partition document. The dictum “United we prosper and divided we fall” has been sited in the document. The unity of all the members would maintain the prestige of the Koodali tarawad.\textsuperscript{32}

The present Gurikkalachan Kunhikrishnan Nambiar is 91 year old. He resides in the tarawad along with his wife and daughter. He has all rights and privileges as mentioned in the partition document of the tarawad as shown above. The karanavar he is held in great esteem by the members of the family as well as the people of the locality. On ceremonial occasions in the kalari and Koodali temple he performs the traditional rituals. He is the head of the managing trust of the Koodali High school. He is the head of the devaswam committee of Koodali temple and kalari. Even though the tarawad properties have been partitioned, there exist perfect good will and bonding among the members. The institution of the tarawad and its building stand undivided as symbol of the old glory and grandeur of the tarawad.

\textsuperscript{32} Ibid, p. 14.
In many a colonial country social change occurred as part of a general liberalization process which was more or less influenced by the culture of their colonial masters.\textsuperscript{33} When the disintegration had started there developed two groups in the \textit{tarawads}. One group who wished to maintain the institution of \textit{marumakkathayam} and to avert the partition of \textit{tarawads} and the other who wanted to end the institution and partition the \textit{tarawads}. The \textit{sthanis, naduvazhis} etc., were opposed the measures that would adversely affect \textit{marumakkathayam}.\textsuperscript{34}

The changes that were setting in would affect marriage system and certain other institution in the \textit{tarawad}. It has been pointed out that it was the acquisition of individual members that developed the Malabar \textit{tarawad} and maintained it for centuries.\textsuperscript{35} Those who opposed partition justified themselves on the ground that fragmentation of property would decrease the income of all the members. These people were afraid that if \textit{tarawad} were partitioned the age old traditions and institutions like \textit{marumakkathayam} would be in danger. It might affect ancestral worship, family deities and

\textsuperscript{34} C. Sankaran Nair, Memorandum in MMCR, Paragraph, 13, Cited by G. Arunima, \textit{op.cit}.
temples etc.\textsuperscript{36} It was on this ground that a member of the Zamorins of Calicut and President of \textit{Janmi Sabha} made an opinion that the inheritance will was unnecessary and injurious to the community.\textsuperscript{37} The high status of many an affluent Nayar \textit{tarawad} of Malabar was due to the property of the \textit{tarawad} held in common. It was on this ground also that the Diwan of Cochin opposed the legislation against \textit{marumakkathayam}. The Diwan of Travancore approved the proposals to introduce reform in marriages. At the same time he was of the opinion that it should not affect the \textit{marumakkathayam} system.\textsuperscript{38} Those who opposed the partition tried to give a religious colour to it by raising the question of funeral rites.\textsuperscript{39} According to custom of the \textit{marumakkathayam} it was the nephews who were to conduct the funeral rites of the uncles. If the \textit{tarawads} were divided the uncles and the nephews might live apart. There may be occasion when the nephews did not get their expected share of the property. In such a case the nephews might fail to do the funeral rites to their uncles.\textsuperscript{40}

In the wake of the decline of the \textit{tarawads} there were numerous instances of the misuse of power by the \textit{karanavar} especially for the sake of

\begin{footnotesize}
\textsuperscript{36} Jyothi. P. K., \textit{ibid}, p.112.
\textsuperscript{37} \textit{Ibid}, p. 119.
\textsuperscript{38} \textit{Ibid}.
\textsuperscript{40} \textit{Ibid}, p.114
\end{footnotesize}
his own wife and children. Here the *karanavars* were exploiting the collective wealth of the family to which all other members were entitled. The *Jeevitha Patha* of Cherukkad speaks of such instances. Similar happenings were found at the Kaliyat *tarawad* of North Malabar which had close connection with the Koodali *tarawad*. This is clear from a memorandum submitted by the members of the Kaliyat *tarawad*.

The collapse of the economic conditions of the *tarawads* necessitated social reform movement. Among other things the reformers stood for the partition of the *tarawad* property and attacked the traditional laws of inheritance and many a custom associated with marriage. The reformers wanted to purge the Nayar society of customs like *talikettukalyanam* which involved huge expenditure. The decline in the cross cousin marriage adversely affected the *tarawads*. The cross cousin marriages were a cohesive force among its members. So also it averted the alienation of the property. There was territorial restriction with regard to the marriages. In the system of exchange cross cousin marriages there was a merging of kinship relationships. Thus the mother’s brother was also the husband of father’s sister.

The maternal uncle’s daughter was to be the wife of a member of the Nayar *tarawad*. She was called as the *Murappennu* or the customary wife. Formerly river Korapuzha was the point of division between North Malabar

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and South Malabar. The marriage across the boundaries were not common which restricted the choice of mates to certain territories. This restriction along with the cross cousin marriage had restricted mobility among the Nayars. But with the decline of this marriage they were no longer limited to the circle of the familial relations. When was no merging of the relationship like this there was every possibility of the exchange of land inherited by each person, after the partition of the properties.\textsuperscript{42} These accelerated the breakdown of tarawads.

The decline of Kavalappara tarawad as a social and political institution had begun with the very establishment of colonialism. Among the privileges enjoyed by Kanhumalpada Nayar, the British withheld the right to ankam, chunkam, ezha and kozha.\textsuperscript{43} According to the customs of ankam if disputes between two parties were not satisfactory settled in the local assemblies the parties concerning would have them settled in military combats of ankam. The participants in the combats usually would not be parties to the quarrel but the champions who were paid for that purpose. The naduvazhi was to be informed much in advance of the ankam and he was to be given fees called nattukizhi by which he would make arrangements for the conducting of the


\textsuperscript{43} K.K.N. Kurup (ed.), \textit{Kavalappara Papers, op. cit.}, pp. xix – xx.
ankam. The right to impose penalty on the culprits also were taken away. Chungam has been an inland customs duty. Its abolition by the Company in 1793 put an end to an important source of income to the naduvazhi. The kozha means bribes and ezha means presents. The naduvazhis used to have those presents from their Vassals on festive occasions like Onam and Vishu. So also they used to get a considerable income in the form of what may be called bribes. All these were abolished by the Company. They adversely affected this status of Kavalappara Nayar as a naduvazhi. These remind one of the anti-feudal measures of Henry VII in England. However the Company retained feudal privileges of desavazhis only if they were not against its interest. They made it a point that when the tarawad leased their lands to the tenants, such payments and presents must be shown in the rent rules. Through this the British authorities were perpetuating feudal relations in the agrarian system of Malabar. Thus on one hand the British were destroying the power of naduvazhis. On the other they were perpetuating the power of the janmis. But the changes in the international economy and the changes in market system affected agriculture which in its turn affected the

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46 Ibid., p. 173.
structure of the feudal families. As noted above by the end of the 19th century as a result of modern education in the wealthy families there developed a small group of government employees and professionals who found the matrilineal system and joint ownership of property against their personal interest. This led to the decline of marumakkathayam and the development of individualism. The activities of this new group of professional and employed persons from Malabar had acted behind the introduction of the Marumakkathayam Act of 1932. It was under the provisions of this act that many a suit was filed in law courts against the karanavars. Under the provision of this act Kuttanunni Elaya Nayar and other members of Kavalappra family filed a suit in the Sub Court of Ottappalam against Kochunni Mooppil Nayar in 1934. As the members of a marumakkathayam tarawad these plaintiffs claimed joint possession of the Kavalappara Estate. In the verdict of the case it was stated that the estate was a stanam property and as such it belonged to Kochunni Mooppil Nayar and not a tarawad. So the Kuttanunni Elaya Nayar and others could not get the tarawad property partitioned even if they wished for it. Against this verdict Kuttanunni Elaya Nayar and others filed an appeal before the High Court. The High Court found that the properties of the estate belonged to the tarawad and that it was not a stanam but a tarawad governed by marumakkathayam. Against this

49 Ibid., p. XLIV.
verdict of the High Court Kochunni Mooppil Nayar filed an appeal suit in the Privy Council, London and he won the case. The verdict of the Privy Council found that the estate was a *stanam* and that it would not come under the jurisdiction of the *marumakkathayam* act. Then the Mooppil Nayar could consolidate his authority over the estate.

After a few years K. Appunni Nayar, a junior member of the family became Mooppil Nayar and took initiative for getting over the effects of this decision of the Privy Council. Appunni Nayar had connections with many an eminent person and according to their advice, he began to put pressure on the government. Appunni Nayar approached Advocate U. Gopala Menon who was a friend of C.Rajagopalchari, Chief Minister of Madras State. Gopala Menon drafted a memorandum against the decision of the Privy Council regarding the Kavalappara Estate. This was submitted to Sri Rajagopalachri in person by Appunni Nayar. In his efforts Appunni Nayar was supported by nationalist leaders like K. Kelappan, K.P.Kesava Menon. K.P.Kutti Krishnan Nayar, a minister from Malabar in the Rajagopalachari government supported the cause of this memorandum. But Rajagopalachari government fell down. When the government under K.Kamaraj was sworn in Appunni Nayar continued his efforts. He got the assistance of C. Subrahmaniam, the law minister of Kamaraj ministry. C. Subrahmaniam made M. Narayana Kurup, a

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member of the Legislative Assembly of Madras from Malabar move a bill prepared by the law department regarding this. C. Subrahmaniam had assured the support of the government to this bill. These affairs led to a legislation called Madras Marumakkathayam Removal of Doubts Act (32 of 1955).\(^{52}\)

Then in 1955 itself Kochunni Nayar filed as appeal before the Supreme Court of India against this legislation. Kochunni Mooppil Nayar won the case and the act was declared unconstitutional in 1960.\(^{53}\) Appunni Nayar continued his efforts for getting legal sanction for the marumakkathayam tarawad nature of the property of Kavalappara and against the stanam nature of the estate. At this time in the Parliament discussion was going on regarding the Hindu Succession Act which was passed 1956. Appunni Nayar was successful in getting help from Dr. Ambedkar, C. Subrahmaniam and Supreme Court judges like Justice P. Govinda Menon and Justice Alagiriswami. He was given able support by V.R. Krishna Iyer, G. Sankaran Nayar and K.A. Damodara Menon to have his case incorporated in the proposed legislation of the Hindu Succession Act.\(^{54}\) Among other things this Act enjoined that when a stanamdar dies the stanam property held by him shall devolve upon the members of the family to which the stanamdar belonged and all the members of their family then living were entitled for

\(^{52}\) Ibid., p. XLVI.

\(^{53}\) Ibid.

\(^{54}\) Ibid.
shares of the property. These shares can be held by the heirs of the *stanamdar* as their separate property. This section of the act made it clear that after the death of Kochunni Nayar the properties of Kavalappara estate would become *tarawad* property.\(^{55}\)

In 1965 Sathyanathan Unni Mooppil Nayar filed a case against the *karanavar* for the partition of *tarawad* property.\(^{56}\) The procedures of court dragged on. In 1980 another petition was submitted.\(^{57}\) Procedures connected with this petition are still going on. There are sixty heirs to the property.\(^{58}\) A Commission was appointed for measuring the property and dividing the same among them and the estate was placed under a Receiver in 1965-66. It was a Joint Receivership and consisted of SankaraNarayanan Nayar and T.A. Kalyana Krishna Ayyar.\(^{59}\) The receivership was made a joint one because of the vastness of the property owned by the *tarawad*. With the introduction of land reforms the *tarawad* lost the bulk of its property and thereafter there was only a single Receiver. Following the Joint Receivers T.M.P. Nambuthiripad became the Receiver and he was followed by P. Govindankutty. As the

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56 Case No. OS 26/1965 Sub Court, Ottappalam, Interview with Advocate Mohan Kumar, present Receiver Kavalappara Estate, on 20.9.2009.

57 Case No. IA 469/1980 Sub Court. Ottappalam and Interview with Advocate Mohan Kumar, present Receiver, Kavalappara Estate, on 20.9.2009

58 Interview with Advocate Mohan Kumar, Present Receiver in Kavalappara Estate, on 20.9.2009.

59 Interview with Venkiteswara Embranthiri, aged 85, priest of Eruppe Temple on 22.3.2010.
problem of partition became complex a Commissioner was appointed for looking into it and arranging the partition. The officers of the Commissions and the Receiver were the same. E.P. Ramachandran was the first Receiver cum Commissioner. After E.P. Ramachandran the posts Commissioner and Receiver became separate. Following Ramachandran, M. V. Haridas became the Commissioner. The present Commission is K. Sankaran kutty. The title of the Commissioner is Partition Final Decree Commission.\(^\text{60}\)

The estate has not yet been partitioned. Now it is Vatsala Menon the daughter of Kochuuni Mooppil Nayar who stands against the partition.\(^\text{61}\)

The office of the present Receiver consists only of the Receiver and a clerk. The main source of income to the tarawad had been the michavaram, pattam, etc. received as a feudal lord. But in 1970 following the abolition of feudalism this income was stopped. Certain buildings at Menakathodikalam and Kacheripura are rented out and the income from the same goes to the estate account. Certain dilapidated buildings were sold out and the income from this is used for the maintenance work of others buildings. Among the temples owned and maintained by the Kavalappara tarawad, Aryankavu, Eruppe, Antimahakalankavu and Cherumalayan Kailyatkavu are under the

\(^{60}\) Interview with Advocate Mohan Kumar, \textit{op. cit.}

\(^{61}\) Interview with Indira Nethiyar, a senior member of Kavalappara family, on 25.8.2009.
rule of Receiver.® The employees of these temples are paid from the estate account. There payments are equivalent to their old payments in terms of paddy. The other temples which had been under the tarawad are now under the committees of the local people, which are functioning with the permission of the government. Still the Mooppil Nayar continues to be the uralan of these temples. The main income of these temples has been from the land owned by them. But it also stopped with the abolition of feudalism. The tarawad had a Kottaram at Panniyankara at Kozhikode. Part of the compound of this Kottaram was acquired by the government for constructing a building of telephone office. The rest continues to be under the tarawad.® The schools established and owned by the tarawad also have been sold in public auction. These Schools were ALP School Vadakkekkara and AUP School Kavalappara.

The decline and fall of the Kavalappara tarawad had been inevitable. It was partly due to the development of forces beyond the control of its members. Its decline has been part of the general decline of the tarawads. The Governmental laws had a leading part in its decline. The abolition of marumakkathayam put an end to the joint family system in Kavalappara family also. The family lost its vast landed property with the introduction of land reforms in 1970 that abolished feudal land relations. It is only the rest of

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62 Interview with Advocate Mohan Kumar, op. cit.
63 Ibid.
the property that is to be partitioned. The expected partition of the same would result in the complete disintegration of the *tarawad*.

The forgoing accounts show the decline of the two *marumakkathayam tarawads* of Koodali and Kavalappara. They give a good example to the fall of a system constituting of land religion and power which developed in Kerala through centuries. What we see in these micro studies are the miniature form of the macro history of land.\(^{64}\) The decline of the joint family institution was historical requirement for the growth of individualism and capitalism. It incorporated the seeds of a historical process.

\(^{64}\) Also see T. Sundararaj "Micro History for Spiral Historical Consciousness Towards Macro History", Endowment Lecture delivered to the 30\(^{th}\) Annual Session of South Indian History Congress, Kannur, 6 – 8 February 2010, pp. 2-4.