LAND RELATIONS IN MALABAR AND BRITISH PERCEPTIONS

CHAPTER IV

LAND RELATIONS IN MALABAR AND BRITISH PERCEPTIONS

The present chapter is an enquiry into various problems with regard to the earliest phase of colonial intervention on the coast of Malabar. After the Company established its dominance over this land by 1792, many fundamental changes were introduced towards developing a systematic and organised form of state power. Initially, the British introduced a land settlement throughout the province along with a judicial and revenue system that led to the process of commercialisation of agriculture and transformation occurred in almost every sphere of the political economy.

Among many other changes introduced in Malabar, the most significant was the introduction of the land holding or proprietary rights, which was presumed by the British administrators to be non-existent for many centuries. Actually there was a form of property in land in Kerala, which was not recognized by the British. The basis of the property in pre-colonial Kerala such as swam was in the nature of right; or avakasam held by the household, which was only transferable as per the customary laws or practices. The owner of land was generally known as janmi and his power was a graded one. It means that the power of the janmis was shared by many other sections of people as well. But when the British introduced a property right in the British
sense in Malabar, the *janmi* became the single person having the ownership in land. The British were only concerned about the tax payers of land. As a result, the *avakasams* or customary rights were come to an end. The British actually failed to understand the land owner and land controlling class.

By 1780's, following the passing of Pitt's India Act in 1784, the Company was largely transformed into a governing establishment and thereafter its servants no longer were traders but magistrates and judges. In 1784, the Company's directors retained control of patronage and day today administration in India. But a Board of control subordinate to the parliament was created in London. This Board of Control, whose president was effectively an India Secretary, supervised all activities of the company and had to approve in advance all activities of the company and despatches sent to India. The Indian Governor General similarly was appointed by the company, but subject to recall by the crown.1

When the English started to study the land tenurial system in India, they initially tried to find who "owned" the land, so that that person could be made responsible for payment of revenue. In theory, it seemed simple but in practice, it was fraught with difficulties.2 An understanding of various theoretical underpinnings may help us to get a picture of the background of colonial policies introduced in various parts of India.

As mentioned, the land settlements of the 18th and 19th centuries are to be understood as exercises in application of theory but at the same time to ignore the extensive examination of the nature of property that went on in England from about the third decade of the 17th century, until the beginning of the 19th century is surely to miss the significance of much that happened in India.³

For James Grant, who wrote "Political survey of the Northern Circars", in Eastern Societies, the proprietary right of the soil was constitutional and solely vested in the sovereign. Thomas Hobbes' argument on property right also is more or less the same. He argues that "no private man can claim a property in any lands, or other goods, from any title from any man but the king of them that have the sovereign power. But the thoughts offered by John Locke were dominant in the 18th Century British society. For Locke, private ownership was a law of nature, while the earth was given in common to all men, nevertheless, "every man has property in his position", and no one else had any claim on this property but himself. Locke was probably insisting on the right of the individual against the state but his argument was used to exalt private property as an inalienable human right. One's human rights included,

along with liberty, that of owning and disposing of the property that one had gained by mixing one's labour with the land.\textsuperscript{4}

The belief that property was a natural right was one of the ideas that the Company's servants took with them into rural Bengal in the 1770's and 1780's as they faced the problem of translating political power into administrative control. Lockean concept of private property found restatement in the very end of the 19\textsuperscript{th} century in the works of B. H. Baden Powell.\textsuperscript{5}

According to Neeladri Bhattacharya, prior to the publication of the work of Eric Stokes,\textsuperscript{6} the British land revenue settlements were often seen as the outcome of a series of experiments, of trial and error that had little relation to the ideas internalised by officials from the European heritage of the time. Eric Stokes' work was the first to analyse the ideological influence of Europe on the British policies.\textsuperscript{7} The ideas of utilitarianism, liberalism and the doctrine of rent developed by Malthus, James Mill and Ricardo shaped the British legislation in the 19\textsuperscript{th} century.

\textsuperscript{4} Ibid, p.39.


\textsuperscript{6} Eric Stokes, \textit{Utilitarians in India}, New Delhi, 1959.

For Ricardo, rent was the surplus produced on fertile soils: the poorest land yielding the normal rate of profit but no rent. Since this rent which was appropriated by the landlords did not help the process of productive accumulation, and since the landlords were the unproductive class, it was necessary for the state to appropriate this rent and abolish the intermediaries between the state and producers. For Mill, even further the rent in fact belonged to the state because the state was the actual owner of all land. And the collection of this rent did not constitute taxation as long as normal profit and production were not affected.

This doctrine of rent according to Stokes, provided the rationale for a high revenue demand and its periodical revisions to prevent the appearance of an unappropriated rent-fund with landlords. Hence there was a rejection of the Permanent Settlement and a shift to *ryotwari* or *mahalwari* settlements.8

According to Ranajit Guha, the complex interaction of mercantilist and physiocratic ideas and faith in the doctrine of private property defined the outlook of those who conceived of the Permanent Settlement. The central theme of this policy 'assessment for ever' had already been vaguely anticipated by some of the junior officials in the E.E.I.C’s service during the period separating the assumption of Warren Hastings to the governorship of Bengal. It was first formulated as a policy recommendation by Alexander

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Dow in 1770. He shared a mercantilist concern with trade, saw agriculture as auxiliary to commerce. British rule in Bengal, he felt, had led to a drain of wealth, scarcity of money, decline in production, rise in prices and collapse of internal trade and industry.\(^9\)

Dow, Pattullo, Philip Francis, Thomas Law and Cornwallis were the leading champions of Permanent Settlement in the 18th century. In spite of their differences, they had between them some common area of agreement in two respects: first in conceiving of the Permanent Settlement as a clear break with what was the basic agrarian policy of the Company's Government in Bengal up to 1785; and Secondly, in justifying their alternative as an indispensable measure to ensure the right of private property in land.\(^{10}\)

One section of the advocates of Permanent Settlement were more influenced by the Physiocrats, who saw agriculture as the source of all wealth; for them, trade was important only as an outlet for agriculture goods. For the production of a surplus within agriculture they felt that a Permanent Settlement was essential.\(^{12}\)

The Physiocrats treated land as the chief source of wealth and their works were written in the interest of the landed classes, containing arguments

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\(^{9}\) R. Guha, \textit{op. cit.}, pp. 11-12.

\(^{10}\) Neeladri Bhattacharya, \textit{op. cit.}, p. 114.

\(^{11}\) R. Guha, \textit{op. cit.}, p 12.

\(^{12}\) Neeladri Bhattacharya, \textit{op. cit.}, p. 114.
in favour of high prices for grain.\textsuperscript{13} Only agriculture, they said, including mining, fishing and other extractive industries, is able to increase the wealth of a nation.\textsuperscript{14} The only branch of production on which taxes could rightly be levied was that which created value - i.e., agriculture. For them to tax industry was only to tax the land in a roundabout and therefore uneconomical way.\textsuperscript{15}

According to its thinkers, 'natural order' was the chief concept of that theory. Human society, according to the Physiocrats was ruled by natural laws which could never be altered by the positive laws of state crafts. For Quesnay the natural laws should be taught with the 'tableau'(means table) forming presumably an important part of the instruction. The essential aspect of the \textit{natural order} were the rights to enjoy benefits of property, to exercise one's labour, and to have such freedom as was consistent with the freedom of others to follow their self-interest.\textsuperscript{16} There is an almost feudal air about the Physiocratic attitude to land which is reinforced by their passionate defence of landed property.

The basic idea of Permanent Settlement came from France, from the writings of Physiocrats. It was sponsored in England in the 1770's and 1780's

\textsuperscript{14} \textit{Ibid}, p. 182.
\textsuperscript{16} \textit{Ibid}, p. 135.
by several persons but most particularly by the highly controversial Sir Philip Francis. What was hoped and intended was that the Permanent Settlement would have the effect of promoting the development in Bengal of a prosperous capitalist type of agriculture of the kind that had just grown up in England. Land, according to Physiocrats, was the source of all wealth.  

As a part of developing an argument in support of zamindari rights, Francis had to contend with a stream of interpretation of Indian history. In the 17th early 18th centuries many European travellers had come to believe that, in India all land belonged to the king. Bernier had indeed made very definite statement to that effect, and his authority was often quoted in support of the view that under the Mughals there was no private property in land.  

Here again Francis drew largely upon the French Philosophers. The security of private property was according to them, an essential characteristic of good society. They had also been writing about the oriental governments particularly of India and China.  

According to Francis, the structure of rural society in Bengal before the English conquest was similar to that of England in the 18th century. But there was a gentle farmer at the centre in English agrarian scene, he was the agent of all improvement - it was his capital that made it productive, and often his

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17 R. Guha, op. cit., p 97.
19 Ibid.
inventiveness that provided it with new techniques. Francis's new zamindar was conceived after this image.\textsuperscript{20}

Therefore, it was the role of the zamindar was to promote improvements. For that he would require capital, and there were two ways in which Francis thought this might be available. First, he expected the permanent settlement to revive the collaboration between the landed and monied property. Secondly, the sale of lands, he was sure, would further facilitate the flow of capital. He conceded on the one hand that 'investments in land must turn it into a commodity; but on the other, he was not quite prepared to face the consequences except that the laws of demand and supply must inevitably tend to eliminate an effete aristocracy and replace it by monied interests' having no hereditary connection with the land and often described by Francis as 'strangers' and 'adventurers'.\textsuperscript{21}

Francis, a Physiocrat saw in landed property, and the figure of the gentleman-entrepreneur, the source of English prosperity; and he consequently cast the Bengal zamindar in this same image. Cornwallis too sought to 'restore' the principal land holders' to what he conceived of as their previous position of prosperity and influence.\textsuperscript{22}

\textsuperscript{20} Ibid.

\textsuperscript{21} Ibid, pp. 106-107.

\textsuperscript{22} Thomas R. Metcalf, op. cit., p. 21.
Under a Permanent Settlement, Cornwallis thought that landed property unknown in Hindustan with the result that 'the large capitals possessed by the natives' now employed in usury, will be applied the 'more useful purposes of purchasing and improving lands'. Guided by this ideal of 'improvement', Cornwallis thus set on foot what was meant to be an agrarian revolution in Bengal.\(^23\)

The particular emphasis on the relationship between private property secured by the civil government and the general peace and prosperity of society is the assumption that underlies much of the discussion in the late 1780's over the Permanent Settlement in Bengal and is especially evident in Cornwallis' minutes.\(^24\) Though he had realised the possibility of injustice in the proposed settlement, he emphasised the fact that only when property was defined and ownership known and respected, could the foundation be laid for a peaceful and prosperous state.\(^25\)

Once the right of personal ownership of property was upheld, of necessity require a system of law and courts to safeguard it. The law courts that the British inherited in Bengal did have as one of their functions, the settling of disputes between landlords and tenants but they did not survive for long. New concepts and definitions of property and new courts were required

\(^{23}\) Ibid.  
\(^{24}\) Anslie T. Embree, *op. cit.*, p. 41.  
\(^{25}\) Ibid, p. 42.
to adjudicate them. It was the context in which new courts were introduced by the British all over India.

The reforms done by the British in land, as Holt Mackenzie observed, was a 'melancholy revolution'. It destroyed the old land control system and established an absolute, heritable and saleable right in land on the part of the person. Under the British, men who had been tax farmers and traders obtained control of the land, first at acquisition of the rights of delinquent revenue payers and later through money lending activities.\textsuperscript{26} With the emergence of this new class of landlords, the cultivators and smaller intermediaries became economically and politically less significant. Many cultivators lost their hereditary rights to cultivate particular lands, and the number of tenants-at-will increased.\textsuperscript{27}

As Nicholas B. Dirks comments, by implementing the Permanent Settlement, it was meant to regularise Company revenue through a steady tax rather than by extortion to normalise administration by setting high public standards for the service of the Company officers and to create a loyal elite based on landed property rather than military alliance, by restoring the putatively traditional landholders their rightful position.

\textsuperscript{26} Bernard S. Cohn, 'Structural Change in Indian Rural Society 1596 – 1885', in R. E. Frykenberg ed., \textit{op. cit.}, p. 55.

\textsuperscript{27} \textit{Ibid.}
The Company authority, including Court of Directors, and the Board of Commissioners for the control of India which represented the Parliament, and its representatives in India, believed that the Bengal system (Cornwallis System) of administration should be extended to other areas of India also. The Permanent Settlement was seen by many as a measure 'which was effected to naturalise the landed institutions of England among the natives of Bengal; without pretence that such institutions were already there awaiting recognition.

Similarly, both Henry Dundas, the President of Board of Control, and Wellesley in India were convinced that the Bengal methods should be extended to every region under the Company's authority and in 1798 Wellesley sent instructions to Madras for introduction of revenue and judicial arrangements modelled on those of Bengal.

Madras Board of revenue came to the conclusion that no zamindari existed in Madras. So that the Board proposed to group the villages in order to form the estates of convenient size and to be sold by auctions to the highest bidders. [But it is a fact that, though similar type of zamindari was non-existent in the south, it doesn't mean that there was no big landlords]. As a result an assessment on these lines was begun in the districts of Baramahal, Dindigal and the Northern Circars. In 1802, a judicial system was introduced


in those districts that had been permanently settled and by 1806. The courts had been established even outside the permanently settled areas.\(^{30}\)

In the meanwhile, however, the opinion of the Home authorities of England, both in the Board of Control and the Court of Directors, had been undergoing a stark change. This change was initially due to some, 'practical inconveniences', 'mistakes', 'injustices' and evils of the Bengal Permanent Settlement which were experienced or discovered within the few years of its conclusion.\(^{31}\) The defects of the Permanent Settlement were described as 'grave', serious and enormous' and extended to all branches of the British administration viz., the revenue, the judicial and the police.\(^{32}\)

Interestingly, one firm voice of dissent raised against the policy of Permanent Settlement in its hours of triumph was by John Shore. He had hailed the appointment of Cornwallis with great enthusiasm, but after three years of collaboration emerged as his most formidable critic.\(^{33}\) He had urged the Company to take a more cautious stance also.

In London, there was a group of people with strong criticism against the Cornwallis system and they believed that it was wrong for Bengal. There

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\(^{30}\) Ibid, p. 7.


\(^{32}\) Ibid.

\(^{33}\) R. Guha, op. cit., p. 187.
were strong critics like Adam Smith and Edmund Burke against the E.E.I.C.
administration in India but whose concerns were not answered properly.\textsuperscript{34} All
the criticism might be on the basis of its failure to achieve the objectives of
the Cornwallis System viz., a regular and steady flow of revenue, by security
and protection of the rights of all agricultural classes, and the permanency of
the demands of land proprietors on the rights etc.\textsuperscript{35}

In 1802 Henry Dundas left the Board of Revenue, and the Court in a
despatch had ordered that in those districts where the settlement had not been
made its conclusion should be suspended until the Madras Government were
able to find out whether all possible information had been obtained on the real
value of their resources, and until this had been specifically reported to the
court with the relevant information. In Madras also there was a growing
opinion that the Cornwallis system was not suited to those territories.

Within a short period it was exposed that many of the claims made by
the prophets of Permanent Settlement were absolutely false. The Permanent
Settlement failed to demonstrate that zamindars were by and large, interested
in promoting cultivation on their estates by investing their capital.\textsuperscript{36} As a
result, the British authority firmly believed that it was the paramount duty of

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\textsuperscript{34} Burton Stein, \textit{Thomas Munro, the Origins of the Colonial State and His Vision of Empire}, Delhi, 1989, p. 2.
\textsuperscript{35} Sulekha Chandra Gupta, \textit{op. cit.}, p. 66.
\textsuperscript{36} \textit{Ibid}, p. 82.
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the government to give protection to the occupant proprietors from the zamindar's oppression, exactions, and maintaining them in their tenures. And this was a paternalistic view of the utilitarians of the time. The utilitarian legacy in India was different from its influences in England. What triumphed in India was its underlying conservatism, latent authoritarianism and paternalism.37

When the ceded territories were (Including Baramahal and Salem) handed over to the British, Capt. Read the Superintendent and collector was appointed to survey, assess and to formulate a settlement in the period between 1792 and 1799. He was assisted by Munro, Graham and Macleod. The same theory was actually applied, by Thomas Munro during his administration of ceded districts from 1801 to 1807.

The British Government was reforming or modifying the existing form of revenue settlement. In his extensive survey, Read had identified various causes due to the deplorable state of administration in the regions under his purview: the lack of exertion and ability to collect a fair share of government due, the corruption prevailed among from all classes from amildar to the ploughmen, the insecurity of husband man with regard to his property or the enjoyment of the fruits of his labour.38 The evils which characterised Tipu's

land revenue administration according to the British were heavy taxation, inadequate revenue to the state, administrative inefficiency, departmental corruption and the misery of the ryots.\textsuperscript{39}

Read had acquainted manifold sectors, when he was working formerly in Kolar and Haskote districts. He was well informed that how far the ryots were oppressed by the renters. Considering all problems, Read and his assistants were expected to restore the sense of security. On the whole, they were supposed to build up a simple but effective revenue organisation which would not be burdensome for the government and at the same time acceptable to the people.

The ultimate objective of read was to avoid the existing evils by an individual settlement - that is exclusion of intermediaries. It had neither a preconceived plan of a ryotwari settlement, nor was this the result of a sudden brain wave. As his aim was to build up an efficient administrative system beneficial to the ryots, and advantageous to the government, the ryotwari system, although it was hardly mentioned as such in the voluminous Baramahal records, was forced upon Read by the logic of acts. Primary objective of Read's survey was the equalization of rents, so that he didn't forget to come to close contact with the ryots. Mr. Read had visited even

\textsuperscript{39} \textit{Ibid}, p. 7.
small villages and walked in the fields without any attendants, and he concluded a triennial or quinquennial settlement at an earlier date.

Interestingly, Thomas Munro, one of the assistants of Read, initially raised severe criticism against Read, but later on became the most ardent champion of *ryotwari* settlement. In the course of his surveys from 1802 to 1806, Munro identified the *patels* and the principal cultivators as the landowning class and they were not to be expected to promote improvement by assisting the poorer classes with advances or allowing them to participate in the remissions granted by the government.40

Munro preferred *ryotwari* to Permanent Settlement due to its advantages: He thought that the *ryotwari* would provide the *ryots* more independence as proprietors holding directly from the Company while at the same time diffusing more widely than any other system the benefit of private property in land. He expected that the produce of the country under *ryotwari* system would be greater and the chances of revenue defect would be less. He also believed that the authority of government and of the court of justice would be more respected under *ryotwari* than under any other system. Besides, the minutes of William Bentic and the report of Thackeray were against the introduction of Permanent Settlement in Madras.

As a prelude to the introduction of the settlement, Read undertook a project of survey to get an idea of the physical features of the territory. It led to the preparation of maps and sketches giving all necessary geographical information. It was followed by a demographic and economic survey of the region affording information about the inhabitants, their peculiar ways of life, the products and tenures, the state of cultivation and other facts of the agrarian economy. The objective of which declaredly was the good of the ryots as well as the advantage of revenue.

According to Dirks, Munro entrusted with the task of settling the Baramahal, Canara and the Ceded Districts, found himself often followed in Tipu Sultan's footsteps. Indeed, in these assignments he often contained Tipu Sultan's efforts to suppress the power of Paliyakkars (Poligars) and to introduce in its stead regularised bureaucratic procedures designed for civil administration and revenue collection.  

Earlier almost a similar view was maintained by Nilmani Mukherjee with regard to Munro's position. To him, the ryotwari system was resulted in the destruction of private property. Conditioned as it was by the system of Tipu and other princes who took steps to destroy all privileged tenures, the ryotwari system in many instances completed the process. But when the ryotwari settlement was re-introduced in a revised form to rectify its errors,

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41 Nicholas B. Dirks, *op. cit.*, p. 113.
42 Nilmani Mukherjee, *op. cit.*, p. 199.
the private property was recognised. The nature of the land revenue was transformed in many cases when *warrum* or share of the produce was forcibly changed into *teerwa* or money assessment.

The benefits of the *ryotwari* settlement, as highlighted by the historians, are as follows. Firstly, the benefits of remissions went to primary producers, who were most keen to increase their production and wealth were the principal payers of revenue to the state. These independent farmers with greater wealth and food production would add to the sparse population of the ceded districts. Other benefits were specified. One is that with the principle of variable taxation under the *ryotwari* system, the great number of revenue payers would assure that failures of individual farmers would not affect the income of the state. Secondly, as the general wealth of the *ryots* increased, their cultivation would become restricted to irrigated lands, assuring fewer revenue failures and increased well being. Finally, under *ryotwari* system, government retained possession of all waste land and thus, as wealth and population increased so would revenue proceeds without adding to the burdens of cultivators. Thus the *ryotwari* settlement was hailed by the British as the most suited settlement for South India in general and Ceded District in particular.

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44 B. Stein, *op. cit.*, p. 133.
The discussion reproduced above was the background in which new challenges in land were introduced throughout India as a whole and in Malabar as well. The British plan of making a propertied class was according to the Physiocratic conceptions. For the British, the Physiocratic conception of propertied class in land was a pre-requisite for peace and prosperity of the people.

In the very early phase of colonial subjugation, the British in Malabar, as in many other regions in India had tried to introduce new land ownership rights. In order to understand the complexities and relations and structures of an agricultural economy, as mentioned, the British had appointed a series of commissions with an objective of preparing survey reports. As a matter of fact, the British pre-occupations with regard to the land ownership were seriously influenced by the ideological strands of predominant class, the Brahmins.

As they were depending upon the Sanskritic texts like Keralolpathi and Vyavaharamala, the British came to the general conclusion that, the

45 See, for example, Report of a Joint Commission, 1793; Jonathan Duncan's Report, 1793; Major Walker's Report, 1800; Francis Buchanan A Journey from Madras through the countries of Mysore Canara and Malabar, 1800-01, William Thackeray, Report on Revenue Affairs Malabar and Canara, 1807, etc. are of historical significance.

46 For more details, see, Chapter I.
Brahmins were proprietors of the whole land and as they were exempted from land revenue, there was no systematic land revenue in Malabar prior to the Mysorean invasion.

Before we go to the validity of this type of arguments, an examination of the observations made by various British commissions with regard to ownership or property is worthwhile. Starting from the very beginning, the first report of William Gamul Farmer (who was one among the Joint Commissioners) had accepted the brahmanic tradition of land ownership and tenures in Kerala. He found that there were two types of possessions of land, in Malabar; firstly \textit{jemn-kars} or free holders who hold their land either by purchase or by hereditary descent. And the second group, he notes, known as the \textit{kanam-kars} or mortgagees, to whom an actual delivery of the land appeared to be made, although the money taken upon it was not at all proportioned to the value of the land.\footnote{Cited in C. A. Innes, \textit{Malabar Gazetteer} (reprint), Trivandrum, 1997 (1908), p. 306; R. Mahadeva Iyer, \textit{Land Revenue History}, 1915, pp. 33-34.}

The earlier British position was reinforced by subsequent officials like Major Walker. He held the view that the \textit{jemn-karan} possessed the entire right to the soil and no earthly authority can with justice deprive him of it. But his right was confined to the property, and he possesses neither judicial nor political authority.\footnote{Major Walker, \textit{Report on the Land Tenure of Malabar}, 1801.} Almost whole of land in Malabar, according to William
Thackeray, was held by *jenm* right, having full absolute propriety right in the soil.\(^4^9\) They had enjoyed a landlord's rent, which they borrowed on the security of the land, and it has been taken as good security. The *jenm* right conveys full absolute propriety right in land.\(^5^0\) Mr. Warden (1815) also reiterated the other British officials' position that 'the *jenm* right of Malabar vests in the holder an absolute property right in the soil.\(^5^1\)

By Warden's time itself, the policy of considering the *janmis* as the sole owners of the whole landed property in Malabar was accepted by the British administrators unconditionally and steps were taken to implement it. But according to Munro, intermediaries were not necessary for the purpose of securing revenue which is essential to the attainment of the higher objectives of good government and the future improvement of the people.

William Logan, after almost a century of its introduction, presented his views that the idea of property in the soil, the Western or British perception of land ownership, was evidently not the idea uppermost in the minds of the person who executed the *janmam* deed. He went on to argue that the Malayali was "looking chiefly to the people" located on the contrary to the European

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\(^5^0\) *Ibid.*

view of looking to the soil". Logan maintained that the essential difference between a Roman *dominus* and a Malayali *jenmi* was unfortunately not perceived at the commencement of the British administration.

As a gradual process, by the installation of civil courts, *jenmi* has been converted to the position of a *dominus*. Actually, this conferred position of *janmis* as *dominus* indeed, was a matter of convenience. Though initially they settled with the Rajas, they found that it was a great fault and British then made settlements with the *janmis*. In 1805-06, Mr. Warden carried out a [preliminary to new] settlement which was called as the *janmi pymash*, according to which the role of *janmis* as the proprietors of land was re-affirmed.

Logan's final conclusion which is often termed as 'remarkable' and 'profound' is that 'it is erroneous to assure that the *jenmi* was the *dominus*, it is equally inaccurate on the other hand, to say of the *Kanakkar* or supervisors that they were the real proprietors of the soil.' There was nothing new in this stand, but it was actually the replication of the Mysorean settlement already introduced in Malabar. Some historians had 'celebrated' the contributions of Logan as the champion of the intermediary landholders. Logan was a

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champion of land holders and was never the champion of producers. By the introduction of the British proprietorship in Malabar, there originated a wide gulf between the cultivators and the proprietors. One who pays the tax was considered to be the owner of land. Apart from those who belonged to atiyar, there were pattakkaran and verumpattakkaran, who constituted the producing class. Majority of the verumpattakkars were in the lower strata of a caste society and the Muslims. The kanakkaran did not participate in production, but was elevated. Eventually, his recommendations directed the British government to empower the tenants by rendering them the right of ownership on land. The recommendations, however, were unacceptable to the Company. More importantly, the British found that the kanakkars were most ambitious group of people and whose greed and dreams of expansion have prompted them to be 'cautious'.

The British policy in India was to consider the state as the superior landlord; hence they didn't accept the allodial right claimed by the janmis, which ruled out (through Parasurama legend) the recognition of any superior power over them. The British government went a little farther than the case of the zamindars of Bengal in accepting even the whole of waste lands of the region as the private property of the janmam and recognising every inch of land in Malabar as janmam land.

But on the basis of the scheme introduced in 1805, the Company was not able to assess the waste lands that were gradually put under cultivation by the ryots. Primary to solve this problem and to make revenue collection easier, a variant of Sir Thomas Munro's Madras ryotwari was extended to Malabar, which was by then had been a district under Madras Province.57

According to the Madras ryotwari settlement, the state's share was fixed as the half of the net produce of the land after deducting the expenses of cultivation, the actual cultivator would, in turn be assured of the other half of the net produce. Munro's recommendations, favouring the reduction of expenses on army and the government, and by which he thought to increase the share of the actual cultivator, however was not favoured by the company. The Malabar ryotwari settlement was something different from that of the Madras settlement, according to which the janmis were considered as the sole legal proprietors of the whole land.

As we have seen, the customary rights and practices in Malabar were completely misunderstood by the earlier British civil servants. In order to understand the interventions of British in land, a few words about the features of land ownership and land revenue system in the pre-British and pre-Mysorean period would be worthwhile. The landownership in pre-modern Kerala is always considered as a distinctive one, which was inextricably

57 Ibid, p. 27.
bound with the age-old customs and traditions. It was popularly known as
janmi-kudiyan sampradayam or janmam-kanam-maryadai.58

As discussed in detail in the first chapter, the landlord in pre-modern
Kerala, the janmi, whose right was based upon janmam, the hereditary right
or birth right. The land was occupied by the descent from his predecessor.
Hence his ownership of land doesn't imply any services or dues that he has to
pay to an overlord for maintaining his right. In this sense, his right over the
land was autonomous. The janmi loses his right only if he transfers or sells
his land and the new owner has to pay rent or dues because he does not come
to own the land as a birth right.59 This birth right, as already mentioned, was
legitimized by the brahmans with the support of their sanskritic, legal and
genealogical texts.

The dominant view regarding the existence of land revenue in Kerala is
that there was no systematic land tax prior to the introduction of the Mysorean
administration. While some historians prefer to reject the possibility of
existence of land revenue in pre-modern Kerala, Prof. Elamkulam has
emphatically argues that there was an organised form of land tax in Kerala till
13th century A.D.60

58 K. N. Ganesh, ‘Ownership and Control of Land in Medieval Kerala: Janmam
59 Ibid.
60 Elamkulam, op. cit., p. 343.
Baden Powell also shares almost similar view on the matter. He maintains that so long as there was a king or overlord, he levied the grain share as land revenue when the rule of the supreme overlord broke up and the country was divided into a number of smaller chieftains, we cease to hear of the revenue shares.  

It may be in such a context that the medieval chronicles Sheikh Zeinuddin categorically stated that the medieval state had never extracted any kind of land revenue from the cultivators. Buchanan also is of the view that there was no land tax under the local rulers of Kerala. But the recent explorations have succeeded in shedding much light on this issue. Those explorations prove that the medieval court records like Grandhavaris reinforce the view that there was a system of land revenue in medieval Kerala, especially in Malabar. The following paragraphs discuss the various forms of revenue prevailed in the course of Medieval times in Kerala and which underscore the fact that there was a revenue system even though not well organised.

There were more than one form of surplus extraction prevailed in the pre-modern societies. In Kerala, as mentioned elsewhere, both the overlords

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and overseers had rights to collect various dues from the producers. Those dues were collected either by the temple custodians or by the royal coffers. *Kavalpalam* or *Rakshabhogam* was to be paid to the temple servants (*Changatams*) who were in charge of the protection of land. Some rulers of Kerala had collected *Rajakaram* during the early 18th century.

*Pattam*, the share of produce to the land holder by the *pattam* holders was normally a fixed amount and the amount was to be fixed on the basis of sowing capacity of the land. *Pattam* as a mode of payment has similarity to *varam*, usually the overlord's share. The terms such as *Melvaram*, *Melpathi*, *Melodi*, etc. signified the collection of a fraction of land usually collected by the rulers, the temples or chieftains. *Melvaram*, *Melpathi*, etc. were considered the owners' share of produce but generally enjoyed by the ruling family or the temples. These dues are better identified as rent-tax.64

The mode of extraction of surplus produce in pre-Modern society, as it is identified as ‘tax-rent’, showed the features of both rent and tax. It was like tax, which was collected in the Malayalam month of *kanni* after the harvest. Rent was extracted to meet the needs of the state, and it was exempted by tolls and customs. Rent was collected normally in kind and rarely in cash. The rent received in kind was often redistributed in the form of daily *oottu*.

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(serving of food to destitute or Brahmins), but the British, who were not at all bothered about the customs, strictly demanded the money rent. There was no uniform form of rent. Traditionally, the relationship remained untouched for centuries. When the British intervened in the practices of a graded society, the relations of production was subjected to change.

*Melvaram* and *Pattam*, the two forms of rent, were generally collected twice a year (in the Malayalam months of Kanni and Kumbham) in the case of double crop lands, and once in the case of single crop lands. In the case of *melvaram*, the realisation differed from half of the total yield to one fifth to one-sixth of the total yield. Lands yielding *melpathi* or *pativaram* might have been held on a share-cropping basis. Collection of a fixed amount per crop was more common than the collection of a fraction of the produce. Apart from the land revenue, there were also other sorts of dues like *chungams*, *kuthira panthi* and for maintenance of the ports. So the general perception of the absence of land revenue in pre-colonial Malabar was rather a construction.

Baden Powell has attempted to find a suitable answer for this type of stereotypical understanding about the revenue. He states, "When the chiefs were overthrown by the Mysore conquest, and afterwards regained their place as a sort of local zamindars, those who retained lands or acquired them as 'land lords from time immemorial', having paid no revenue under their former organisation, naturally claimed that, until the Mysorean conquest, they had
not paid land revenue. Hence the idea at one time prevailed that the land revenue was unknown in Malabar.\textsuperscript{65}

The general perception that Mysoreans were first to introduce an organised land revenue system demands further enquiries. But one thing is obvious that the Mysorean revenue system known as \textit{jamabandy} was the first revenue system organised and implemented by a sophisticated bureaucracy.\textsuperscript{66} In this system, the Mysoreans imposed a fixed amount of \textit{jamma} on the intermediaries after examining the value of property by each holder.\textsuperscript{67} It had thus happened because the Mysoreans misunderstood the Nairs and other intermediary classes as the actual owners of land. As a result, the Nair chiefs were reduced to being local revenue contractors of the Mysore state. According the settlement of Arshadbeg Khan, one \textit{para} of seed sown will on a medium, produce in each year, whether from one or more harvest, 10 \textit{parahs}; whereof 5 \(\frac{1}{2}\) will go to the cultivator, and 4 \(\frac{1}{2}\) remain to be divided between the \textit{janmkar} or land holder and government; on which 4 \(\frac{1}{2}\) remaining \textit{para} of produce, 1 \textit{fanam} was fixed as the payable \textit{jumma} or money value per \textit{para}, 1 \(\frac{1}{2}\) of which went to the \textit{janmkar}, and three to government\textsuperscript{68}.

\textsuperscript{65} Baden Powell, \textit{op. cit.}, pp. 159-60.
\textsuperscript{66} It is a known fact that the beneficiary of the \textit{jamabandy} system was the British, as they subsequently founded upon their own systems.
\textsuperscript{68} \textit{R. J. C.}, Vol.II, p.222.
There are significant versions of histories, with regard to the Mysorean settlements in Malabar. According to one of the versions, when the Mysoreans came, the janmis mostly fled, or refused to appear so that the revenue settlements were made with the Kanakkars and others in managing or cultivating possession.\textsuperscript{69} It is important to note that there is no clear evidence testifying to these migrations. The Mysorean collections were arbitrary, and varied from time to time from place to place. The Mysore rulers, according to some reports, took nearly all the produce and the cultivators' profit and subsistence and the costs of cultivation and wages of farm servants. They converted the state grain-share into money at certain rates. And also with the garden produce: they valued the fruits of the different kinds, the arecanut, the coconut and the jack fruit etc.

The Mysoreans introduced \textit{hobali} as the administrative unit of revenue. When the British felt it unsuitable further purposes, they adopted a sort of 'parish' grouping called, \textit{amisham (amshom)} for each of which there was a headman (\textit{adhikari}) and an accountant called \textit{Menon}. In the time of Mysoreans, the role of \textit{Menons} was conferred to some titles called \textit{Moopans}.

The Mysorean administrators surveyed the land and fixed the land tax on the basis of the produce where such a practice was exotic and unfamiliar to

\textsuperscript{69} Baden Powell, \textit{op.cit.}
the people of Malabar.\textsuperscript{70} As mentioned, they made settlements not with the landlords but with the intermediary \textit{kanakkars}. A certain portion of \textit{pattom} or rent paid by the husband men paid to the \textit{janmis} was extracted by the government as revenue. With the introduction of this new revenue system, they thought, the intermediaries between the cultivators and the landholders were eliminated.

They surveyed the land, the government's share was fixed on the actual produce, and above all the government made direct relations with the tenants. This system of \textit{huzur niguti}, as the Mysoreans called it, was collected on the \textit{janmi}'s share of rent. This was the period from which direct intervention of the state into production and its assessment in Malabar was begun. And more importantly, since Haidar's time the right of \textit{janmkars} had been taken or absorbed by the government and the Mappila \textit{kanamkkars} were started to disregard the dominance of the \textit{janmis}.\textsuperscript{71}

What the British did in this domain, in some respects was quite different and in many others were imitation of the existing, the Mysorean measures. The 'observational modalities'\textsuperscript{72} of the colonial state was found


\textsuperscript{71} Details on the basis of interaction between J. Duncan and influential Mappilas; reproduced in Logan, \textit{op. cit.}, p. 611.

\textsuperscript{72} B. S. Cohn, \textit{op. cit.}
functioning when the Joint Commissioners appointed the native inspectors (to monitor), under the name of Seristadars, who were sent to all districts “with an instruction to the rate or proportion of the collection on Arshad Beg’s Jumma, as well how it was rated on the different articles of produce, as also to prepare the lists of janmkars or landholders, and a statement of the collections of the preceding years, together with all such other information as might tend to enable us to form a just estimate of the true state of the country”.73

The proclamation of the Joint Commissioners as janmis, the owner of the soil and the kanakkaran as the owners' lessee,74 was followed by the land disputes and troubles. The reason behind these, according to Logan, was not only the proclamation but also the newly appointed chiefs as a sort of ‘temporary zamindars” (Logan’s term) avidity to amass wealth more as the sourgers and plunders but as the protectors of their respective little states.75

The pre-colonial land deeds are important evidences to state that the nature of ownership of land in Kerala was customary and no absolute proprietary right was exercised; but only the right to use the land. Some of the typical deeds are mentioned to get a picture:

"Attipettolakkaranam, executed in Karkadaka Nyar (solar month) of the year (which has) advanced to 800 [AD 1625].

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74 Logan, Treaties, part II, No. LXVIII.
75 Logan, Malabar, p. 616.
The blessed name of Nallattat Uralan of Kuruvalleri Ur (village). The Uralan of the God paid the current market value, joined the interst Anantiravas for the time being, paid the full value in gold, settled the price obtained *attipper* and water of the Kurumani house belonging to Perunkillat Pilarat Chattu Nambiar. In this way, the boundaries south as far as the fields, west and far as Katakandam, north as far as Aviyaram kandi (eastern boundary not given); thorns, good and bad stones, the stump of *Nux vomica*, and cobras included in the circle of the above boundaries, are granted on *attiper* and water, after fixing the price. The witness in behalf of the grantor and grantee is ... written by Valli".76

Another example of *attipper ola karanam* of the closing of solar month of the *Chingam* of the year 951(A.D.1776) is given below:

"Pilaparambil Kelan Koman and heirs having received the current market *attipper* value as found at the time by four people granted (wrote and gave) the *attipper* with pouring of water of the plot lying east to west on the northern slope of the hill in the western *odi* (*odi* = division or range of fields) of Karaka Akathutta belonging to them in Kutuvur *desam* so as to extinguish the (right in) mango tree, the (right in) sand the right in water and to convey

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the right of ceremony without any dispute respecting this and touching that. In this way Iluvan Tharayolil Kalavan Maman and heirs obtained the attipper with pouring of water of the plot lying east to west on the northern slope of the western hill and belonging to Kelan Koman and heirs, in a manner to extinguish the (right in) mango tree; (the right in) sand and the (right in) water and to convey the right of ceremony and without any dispute respecting this and touching that. Thus the witness who knows this is Otaparambatt Kuttan Nair written by Poringellil Chennan.77

The above mentioned deeds are clear evidences which lead us to the conclusion that the ownership right transferred was never considered to be a commodity at all. The current value of the land (which is the corrupted by Logan's translation as market price) was decided by a panel of four men and according to which the land was written and given with libation of water. The Malayalam term, which is recurrent in deeds, "annu perum artham" doesn't mean the price of the land but only the value measured according to the value of the yields or seeds.78 Price ( vila) was understood as a negotiated form

77 Ibid, Appendix No. 43, p. ci.

78 See another Attippetolakkaranam which states, "Nirattipper of two pieces of land sowing 20 para and lying above Vakappatat Aryakka Chira lands sowing 45 paras down from Eluvat Potta in Kalayam Kolumbu and above Ankarat Nilam, others sowing 20 paras above Talatte teru Niram, and others sowing 20 paras above Karakkatan chira in Kosavan kuli, making a total of land sowing 105 pars, and parambas on the side, together with upper and lower produce …" cited in Logan, Malabar, Vol. II, Appendix, XII, No. 18 p. cxxxiv.
By the new system introduced by the British, the transfer of land from one owner to another was considered to be transfer of *janmam* as *janmam theeru*. According to which, the property on land were actually transferred along with the transfer of land. No redeemable right to the *janmi* existed and every fruit was to be enjoyed without any objection. While the pre-colonial land right was giving right only for using the land, the British introduced absolute right - saleable, transferable and mortageable right on land.

The newly installed administration of the Joint Commissioners launched a plan of two sets of codes, the civil code of 12th June 1793 with its supplementary articles of 9th July 1793 with a separate code of *Foujdari* Regulations.\(^79\) As it was found unviable, several reforms were suggested and effected in this administrative machinery before it was finally supplemented by the Cornwallis System (reforms in judiciary) in 1802.

The Cornwallis System featured the separation of the revenue and judicial functions of the district collector and it also inaugurated a regular system of appeals from the lower to the higher tribunals. It was on the basis of understanding that there is a chain to tyrannise the people by the officer in charge of revenue and justice administration. Only a strict administration of justice by officers wholly unconnected with revenue collection could check abuses and violations of the rulers. Cornwallis was aware of the fact that "the

prosperity of the people" according to him "largely depended upon the
effectiveness with which the law protected the rights of property.\textsuperscript{80} In the
words of Thomas Munro, who later improved the system, a greater degree of
protection and security in their persons and property than they had before
enjoyed. The basis of such a judicial system was the emerging sense of
property rights evolved in Europe and protection of which was also
considered as a pre-requisite for transforming the proprietary rights into a
capitalist one.

Obviously, everywhere the British made the local aristocracies as the
"natural proprietors" of land in India. Based entirely on contemporary Whig
doctrines about land and society of Britain, that assumption was soon to be
dressed up as a fact of Indian history and used as an argument in favour of a
zamindari settlement.\textsuperscript{81}

By the introduction of this colonial legality, the courts were
empowered to take cognizance of all suits and complaints respecting
succession or right to real or personal property, land rents, revenues, debts,
accounts, contracts, partnerships, marriages, claims to damage for injuries and
generally to all suits and complaints. With the accumulated experience of
several years of operation, in unison with the western ideas of justice and
property, this organisation contributed abundantly sufficient to the

advancement of legal system.\textsuperscript{82} Thus primary objective of colonial legality was establishment and sustenance of the newly emerged landed aristocracy whom the British depended largely though the latter also cherished the fruits of this "collaboration." But a long-term basis, a large section of the landed class also suffered due to many pressures of the time.

As mentioned, soon after the British became the overlord of the territory of Malabar, they had appointed commissioners and observers in order to understand the features of land, resources and its people. Apart from the commissions' reports of the Company, the travelogue of Francis Buchanan has a great significance with regard to its colonialist perceptions and 'valuable suggestions towards the establishment of the colonial administration. This kind of work can be considered as an exemplary model for what Bernard Cohn has termed as the 'survey modality'. In more than one reasons, Buchanan's observations and suggestions were seen as a hand book of the colonial administrators.

Buchanan had attempted to quantify whatever he sees or gathers from other sources. His observations were intentional and aimed towards the transformation of traditional practices and systems. For example, Buchanan states that there existed no land measurement at Palaghat.\textsuperscript{83} Along with this statement, he had suggested certain changes in the measurement of land as

\textsuperscript{82} T. K. Ravindran, \textit{op. cit.}, p. 20.  
\textsuperscript{83} Buchanan, \textit{op. cit.}, vol. 2, New Delhi, 1988, p. 355.
well. Actually, there prevailed a traditional land measurement in Palaghat as well as the rest of Malabar known as parai-kandam, based upon the sowing capacity of land. The land cultivated to the prescribed number of parais of paddy seeds will have to be calculated on the basis of acres, for which he calculates that land sowing one parai of seed will come to 7622 square feet. Buchanan himself had understood the variations in the extension of parai-kandam in places such as in Chelakkara comes to 5825 sq ft and near Calicut on an average comes to 5113 sq. feet.

Apart from this, there were some significant developments. In the pre-colonial times, the procedure of measurement of land was depended on the type of land; that is the paddy fields were measured based on their sowing capacity, parambas and purayidams on the areas of tree planted or kuli and the areas of forests on the basis of the forest trees or kutti. This classification was replaced by the measurement by feet, square feet, acres and hectares, which made the measurement procedures uniform.

This uniformity of measurement enabled the British to quantify the landscape and bring all the lands into a common system of classification. Thus lands classified as nilam, purayidam, parambu, kadu, medu and so on under the traditional classification were now brought under a simple, uniform

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85 Ibid, see also Buchanan, op. cit., pp. 395-96, 478.
criterion, as so many square feet, acre or hectare of paddy field, garden lands and homesteads. It is argued that while the earlier classification was based on land use, the British classification was based on the physical extent of the land alone, while land use terms merely specified its use for the present. A nilam or vayal [paddy field] cannot be made a parambu as they signified two different landscape patterns, while under the British classification such transformations were possible, for the change would be only in the type of seed planted, and not in the nature of the land itself.  

The suggestion of Buchanan on the transformation of natural forests into teak plantations is also interesting. Buchanan had realised prospects of timber trade in Malabar. The conversion of forests, according to him was very profitable to the proprietor and the government, Buchanan laments that 'these people are so ignorant that without compulsion, it could not be expected that any such, plans would be carried in to effect'.

Buchanan's plan was conversion of forest into a monoculture plantation, and felling all the trees that are not remunerative. Buchanan notes that forests were considered as private property, and people interested in cutting down timber had to obtain a kuttikanam from the landlords. The forests spread all over Malabar, states Buchanan, were valuable in terms of

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86 K. N. Ganesh, op. cit.
various forest produce. No where in his description he refers to the capacity of the forests and trees to sustain the livelihood of a population but he considers their value in terms of the saleability or commercial values.

As a matter of fact, the British had taken the suggestions of Buchanan at its face value. That was reflected in the establishment of a colonial state in Malabar.

Conclusion

When the British East India Company was transformed in to an administrative establishment, the Enlightenment paradigm of 'civilizing mission' and the Orientalist perception of the East played a predominant role. The administrator historians like Alexander Dow have contributed much to portray the Indian state and thereby society as 'despotic'. Contrary to the general understanding of the British government and bureaucracy, it could not set a strong foundation in a short span of time. Instead the British administrative body had no ideal plan of government in India. And even if they had developed in a crude form, it was absolutely not workable throughout India.

In order to extract revenue completely and administer the land and people in an 'effective' manner, the British had to know the land, culture,

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87 Ibid., pp. 189-190.
custom of this vast land. Much of the new knowledge served instrumental functions of capitalist, military and administrative expansion by the company. It will be a great blunder to argue that the most important thing for the company was to create the orientalist knowledge about India rather than to collect the revenue. The knowledge also is important. Actually the British created a knowledge system primarily on the basis of their experiences with regard to the collection of revenue, in order to sustain the emerging colonial state. Then the learning of indigenous language also became very important. The result of this accumulated knowledge was preparation of travel reports, surveys enumeration, etc.

It was after the capture of Srirangapattanam that the Company started a systematic effort to explore and document India's past. It culminated in the preparation of maps and travel reports. Those activities laid the foundation stone of their future administration and served as an instrument of knowing the region closely and clearly.

The ideological debates on the property rights in Europe basically were influenced by Hobbes, Locke, Physiocrats, and mercantilists and which had been leading to the establishment of a rule of property in India. The basic ideological background of the land reforms was provided by Physiocrats, who found agriculture as the source of all wealth. The prime objective behind the introduction of rights of property was to promote the development of a
prosperous capitalist way of agriculture. Declaration of the right of property to zamindar was a gesture towards the capitalization of land-relations.

As the Permanent Settlement was found to be a mistake, Rōad and Munro developed the *ryotwari* system applicable to South India which was aimed at exclusion of intermediaries. It is believed that the *ryotwari* system was similar to the settlement followed by Tipu Sultan, who always tried to suppress the intermediaries.

In Malabar, the British introduced a variant of their policies. The British attempted to understand the intricacies of landownership and its relations, which led them to identify *janmis* as the sole owners of land in Kerala. In order to create the landed aristocracy as the supporters of the British, they made settlements with the *janmi*. The British converted *janmi* to the position of European *dominus*, which was for the British, "a matter of convenience." Thus the *ryotwari* system introduced in Malabar was not making settlement with the actual cultivator, but the proprietor. According to the traditional custom, there was no absolute right over land but only customary right to use the land.

The new concept of ownership and relations of land were assured by the introduction of a strong judiciary of British origin. As the British government was installing courts of inferior and superior powers, the
ownership right in land was defined and understood as something having a value and to be maintained and retained on the basis of this new legality.

The general/colonial understanding of the land revenue, that there was no land revenue in pre-Mysorean period in Malabar is explored to be false. There existed, of course a land revenue system in Malabar, but which was not in conformity with the modern concept of taxation. The tax system that existed in pre-modern Malabar can be aptly termed as 'tax-rent', which was a share of rent divided between the landlord and the state. But when the Mysoreans came, they surveyed, assessed and introduced system of revenue under the title of jamabandy settlement. It was the British, in later times, introduced the modern system of revenue following the footsteps of their predecessors that is, the Mysoreans.