CHAPTER IV

CORPORATE LAND OWNING UNITS

The economic, relations agrarian and commercial relations which strengthened the matrilineal family structures evolved out of the basic production units of the earlier tribal setting. The ownership was held jointly by all the members of the family and the progenies of all females had membership in the family called the tarawad. These tarawad were the basic landowning units in the society and with the progress of times started gathering many complexities in their functional content. When the expansion of agriculture witnessed sub-infeudations and replications, many of the operational progresses assumed ritualistic connotations. These family units were also influenced by the subsequent political, marital, commercial and colonial institutions that emerged in the region. This chapter delineates the evolution of the kinship-based economic networks that got established within the framework of the matrifocal families. In the analysis we are indebted profusely to the word pictures and episodes projected in Vadakkan Pattukal.

An attempt is made here to trace the evolution of the land rights in Kerala through the ages. Such an attempt is made with a view to look at the emergence of the class of intermediary functionaries who later on are identified as forming the nayar caste. An attempt is made to place the tarawad in a historical context to understand what the tarawad meant to the people of the locality and how the tarawad exerted its influence on the people through the various institutions attached to it.

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The first reference to a Brahmadaya village comes by the 4th A.D. in the Pullankurichi Rock inscription. Prof. MGS Narayanan and Kesavan Veluthat have suggested that the epigraphic records of the 9th, 10th and 11th centuries show the changing nature of Brahmin village councils. These councils received donations in the form of land and gold not only from chieftains and princess but also from merchants, Brahmins, devadasis and others. Some of the members of the council surrendered their *brahmaswam* property to the temple. Gold was invested in land that was then leased out to tenants on liberal terms. These transactions made Brahmin *uralars* of the settlements, the biggest landlords in Kerala in their corporate capacity.

In the socio-economic hierarchy, the *uralars* was at the top. They had the proprietary right over the *Ur* (the *Uranmai*). Below them came the leaseholders or the *karalars* who held the *karanmai* or the right of cultivation. Then came the right of artisan-cum-craftsmen groups called the *kutimai*. At the bottom came the primary producers or the actual cultivators with the *atimai* right. These were the *pulayas* and the agrarian labourers of the society. Thus the vast amount of land gave the *Uralar* with great authority over the tenants. The skilful blending of the sense of obligation to the landlord and devotion to the deity certainly made the lord-tenant relationship doubly strong and secure. Setting down conditions of tenancy with punitive clauses reinforced by priestly implications illustrate the degree to which the alliance between rulers and priests tightened feudal ties of dependence. It is also possible that the traditional Nayar militia of the Middle Ages in Kerala came to be recruited largely from these tenants of the temple. To avoid complications it was often prescribed that members of the council or their close relatives were unwelcome as tenants of the temple. That the members of the *Sabha* at Avittattur and Sukapuram were prohibited

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from counting alliance with the women of the tenants implies the existence of clandestine Brahmin-Sudra relations inspite of Orthodox Brahmin sentiment and strictures in Dharmasastra literature.

Thus two aspects of the relations between Nambuthiris and Nayars can be seen which later becomes deeply embedded in the Kerala society. Thus the secret of Successful development of settlements in Kerala lay partly in the good relations they established with the tenant class and the close contact through Sambandham. The confidence generated among the non-Brahmin population of tenants, coupled with the support of political authority, ensured peace and material prosperity for the Brahmin settlers. In due course the association of the Nayars which began in agriculture as leaseholders and in conjugal relations through Sambandham enhanced the socio-economic status of the former.

Nayars emerged as the next most important caste to the Nambuthiris after the antralajati or those who were employed in the temples. The inscriptions of the period mention bodies like the Ayiram (Thousand) Arunurrurvar, Onnu Kurai Ayiram, Patinayiram, Arunnuravar etc. They were in charge of not only the protection of the rulers but were also the law and order institutions of the community. For service rendered, they were paid in the form of land grants and could raise tax called irai, non-payment of which could lead to obstruction of cultivation by koyil-manuccar (king servants) as seen from the Tirunelli Copper plate. By now they were called chavers or suicide squads who vowed to protect the person of the rulers. They were

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4 K.N.Ganesh, Op-cit, p.422
5 M.G.S.Narayanan, Perumals of Kerala, Kozhikode, 1996, p.113
6 K.N.Ganesh, Structure of Political Authority in Medieval Kerala, in perspectives on Kerala History, Tvm, p.227 also see K.N.Ganesh Keralathinte Innalakal Op-cit, p.54
the fighting forces under the *natuvazhis* of the region that had as dependents their *canagar* groups.

**Rise of Natuvazhi Swarupams**

By the first quarter of the 12th century the Perumal was no longer mentioned. Instead we hear of different *natus*. *Natus* and *Natuvazhis* had become more powerful after the breakdown of the Perumal regime. Some of the *natuvazhis* soon rose to the position of *swarupam* (Kolladu Nedumangadu) or were able to establish their independent status while remaining under the *natuvazhis* (Mangattu Achan, Timayanchera Elayattu) or as prominent Nayar families of the area (Kavalappara Nayar, Karappurathe Madampi). The *Natuvazhis* under the various groups of *nurruvar* (hundreds) functioned as companions of honour and wielded local authority. The *natuvazhi* was in charge of law and order in the *natu* and he collected *rakshabhoga* in the form of various dues. The *natuvazhis* belonged to the Nayar community and was called as *Raja, Accha, Kaimal* or merely Nayar⁷.

This period also saw the emergence of *swarupam* which later became the lineage of *natuvazhis*. The two powerful arms of the political authority of the *swarupams* were the Brahmins who exercised ritual power over the people and the non-Brahmins who exercised military and administrative powers, the latter evolving into the Nayar caste. The *swarupi* Nayar served the ruler in various capacities from minister, collector of dues, accountant and army commanders. They commanded large areas of land and a number of tenant cultivators and were thus able to provide the ruler with resources. The other service that they provided was that of militia called

⁷ M.S.A Rao, *Social Change in Malabar*, Op-cit, p.185
Akampadikkar or jannam. This was also a period of expansion of agriculture and the Brahmin settlements started spreading their authority over these newly cultivated areas. Bringing new lands under plough cultivated areas. This is also meant the transformation of major chunks of tribal population into peasants. Land grants were assigned to minor chiefs by way of service tenure, and this resulted in their exercising military administrative and judicial control over it. A large number of Nayar samanta chiefs arose during this period like Nayanars, Nambiars, Moopil Nayar, Achan, Tampans, Menons, Kurups, Panikkars, Kaimals and the like. They were all big landlords with some military pretensions. Enjoying control over large amount of land and people and ready to wield swords, they had all the features of feudal nobility and in the peripheral areas the real authority was in their hands. They further encouraged the agricultural expansion leading to strengthening of their position at the cost of major powers. Another reason for the emergence of these people was in the lineage system. The swarupam soon became fragmented into different tavazhis and soon feuds arose among them as succession was according to muppi lineage system and there were frequent quarrels in which these retainers took sides. Hence every member of the family and major swarupi chiefs maintained their own service system—Karyakkar, accountants and militia leading to increasing militarization and segmentation of political authority.

By the end of the 12th century the organizations of the Hundred seems to have given way to the cangatams or kaval cangatams who were entitled to receive a share of production as rakshabhogam or kaval panam. By the beginning of 12th century

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8The swarupams usually brought them along to the new areas in which they settled to bring it under their control. For more details see K.N.Ganesh, Structure of Political Authority in Medieval Kerala, in P.J.Cheriyan, ed., Perspectives on Kerala History, Tvm, 1999, Pp226-227
9 Kesavan Veluthat, Political Forms in Ibid, Pp.73-74
almost the entire land of Kerala had come under the control of Nambuthiris. They controlled temple administration and temple property. Temples fulfilled the role of today’s schools, teaching rooms, religious centres, cinema houses, theatres, parks and even brothels\textsuperscript{11}.

It is enough for our present purpose to observe that a major part of the land came under the control of the Nambuthiris by the 12\textsuperscript{th} century and that exemption from taxation helped them to further consolidate their position during the subsequent period. Ranked the highest in caste hierarchy and in ritual status and regarded as repository of Vedic knowledge and scholars of Sanskrit, their authority was supreme in all religious matters. Probably at the initial stage they also had some technical expertise like the knowledge of the calendar and ability to forecast weather cycles\textsuperscript{12}. They were “the holiest of human beings, representatives of God on earth”, whose person and property were sacred. They also wielded considerable political influence and acted as neutral channels of communication between various chieftains. Enjoying immunity from the normal processes of law, they were subject only to the authority of the head of their own community\textsuperscript{13}.

The influence of the Nambudiri value system and of their material position is best reflected in the marriage system and law of inheritance. The Nambudiris followed patriliny and primogeniture with only the eldest son being allowed to marry within the caste, which was obviously intended to preserve the family property intact. The younger sons established liaisons, known as \textit{Sambandham}, with matrilineal Nayar women which were not regarded as marriages by the Nambuthiris, though the

\textsuperscript{12} D.D.Kosambi, ‘\textit{Basis of Ancient Indian History}’ Journal of American Oriental Society, 1955, p.36
\textsuperscript{13} Francin Buchanan, \textit{A Journey from Madras through the Countries of Mysore, Canara and Malabar}, II London, 1807, p.425
Nayars matriliny and Nambudiri primogeniture denied to the offspring of these alliances any share in their father’s property even for their daily needs. Reinforcing this was the popular belief that accepting brahmaswam (Brahmin property) was a great sin. Thus the Sambandham system met the sexual needs of the Nambuthiris without any obligation on their part.

It is generally accepted that the Sambandham system came into vogue only after the arrival of the Brahmins, prior to which the Nayars followed communal or group marriages. Did its origin represent the stage of transition from group marriages to separate marriages and did ecological and agrarian factors necessitate this change? Was it that the Brahmins, who had migrated to Kerala in the period when this transition was taking place, became a part of this system in the absence of enough women with them as well as due to the immediate need of preserving their family property from disintegration? Whatever its origin, during the post-twelfth century period, the Nambuthiris, aided by their control of land and a value system based on their scriptural knowledge and spiritual powers, succeeded in rationalising it as the ideal marital arrangement for the Nayars, but it was in reality a system of privileges for themselves.

The Nayar acceptance of Nambudiri privileges as a social deal was the result of the latter’s ideological hegemony and control of land. The sexual morality of the Nayars, as laid down by the Nambuthiris, did not emphasize chastity as a virtue. According to Keralolpathi, for instance, the duty of Nayar women was to satisfy the desires of the Brahmins. Quoting Smritis, Ashtamurthi Nambudiri told the marriage commission that “if a Brahmin wished to have sexual intercourse with a Sudra’s wife,
the Sudra would be bound to gratify the wish. Apart from this religious rationale, the Brahmanic traditions propounded the idea that the Nambuthiris, living in accordance with Vedic rites, were the ideal sexual partners from whom alone brave and intelligent progeny could be conceived. Buchanan observed in 1800 that “they were the most favoured lovers, the young women of rank and beauty seldom admitting any person to bed, but a Brahmin, and more especially a Nambudiri”. The ideological influence was so strong that the privileges of the Nambuthiris arising out of their social dominance were perceived by the Nayars as a matter of prestige and privilege for themselves. Where ideology failed, the Nambuthiris had their material position to fall back upon.

Being landlords with absolute proprietary rights, they could assign lands to the families of women whose favours they sought, or in the event of refusal, cancel the assignment if one already existed. Mencher and Goldberg have noticed cases where a Nambudiri took a fancy for a pretty Nayar girl whose family held land on some form of subsidiary tenure from his illom, and was able to force her to become his mistress, even if she was already married and devoted to her Nayar husband. Thus the traditional pattern of family organization, the system of marriage and the law of inheritance of the Nayars were closely linked with the nature of land relations and the over-riding influence of the values and ideology of the Nambuthiris. European trading activities considerably altered the pattern of traditional property relations and the

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14 Malabar Marriage Commission Report (M.M.C.R) 1891, p.11
15 Buchanan, Op cit, p-426
16 “If a Nambudiri takes fancy” wrote a correspondent in Kerala Sanchari, for a girl in the family of any of his unhappy tenants and is not allowed to have her as his concubine, the consequences to the tenant are disastrous. He will either be ejected from his holdings or his lands put on melchart (overlease) Madras Native Newspaper Report. Kerala Sanchari 27 May 1876). Mencher and Goldberg, ‘Kinship and Marriage Regulations’, Nambudiri Land Lords successfully we their influence that their wealth and position in Malabar give then to seduce Nayar women, Memorandum of O.Chandumenon, MMCR, P.10.
related ideological system, expansion of trade and the emergence of new urban centres. More important factors of social significance were the extension of commercial agriculture, the expansion of money economy, and the increasing use of cash transactions especially by the aristocratic elements in villages\textsuperscript{17}. These paved the way for major changes in the traditional agrarian structure and relations the full impact of which, however, was felt only after the British conquest of Malabar in 1792.

The traditional agrarian structure was based on a three-tier relationship between \textit{Janmis} (landlords), \textit{Kanakkar} (tenants) and \textit{Verumpattakkar} (sub-tenants). Nambuthiris lived on rent received from their tenants, mostly Nayars to whom they leased out or mortgaged their lands. Most of the Nayars, who were military retainers of feudal chieftains, also did not cultivate on their lands. They sub-leased the lands to Nayars of inferior economic position and to untouchable castes like Tiyyas or to Mappilas, extracting obviously, a higher rent from them. The customarily enforceable three-tier hierarchical relationship crystallized only during the post fifteenth century period under the immediate impact of money economy and greater occupational mobility. In the traditional system, the net produce of land was shared equally by Janmis, Kanakkar, and actual cultivators. If Logan’s opinion about the role of Kanakkar is true, the distribution of surplus was based on the principle of mutual dependence within the framework of feudal exploitation. But certain erosion of this monopoly, both of \textit{janmam} and of \textit{kanam}, was taking place during the post 1500 period, Thomas Warden noted in 1801\textsuperscript{18}.

\textsuperscript{17}K.M. Panicker, \textit{Malabar and Portuguese}, Bombay, 1924, Pp 58, 206-208
\textsuperscript{18}``The Nambudiris are the principal landholders of the country. The lands which belong not to Nambudiris are either the property of the pagodas, rajas or naduwazhis. There are ryots who have become by purchase the rightful owners of landed property, but they are few in proportion to the number of the others''. See Thomas Warden, \textit{Report to the Board of Revenue}, 1815.
During the post-1500 period changes also occurred in the nature of kanam tenure. In the traditional system, the kanam was a simple lease, stipulating an annual rent payment mainly in kind. With the expansion of money economy, the landlords, hard pressed for cash, resorted to the device of leasing land against an initial payment of a lump sum, which along with its interest, was adjustable against rent during the lease period\textsuperscript{19}. The section of Kanakkar who benefited thus was not the old Nayar aristocracy but a new group which readily grabbed the opportunities offered by the administration of the East India Company\textsuperscript{20}. Most of the important Nayar families whose members became prominent in political and administrative fields had built up their fortunes through this process during the course of the nineteenth century. While the old aristocracy continued to cherish feudal values, the new group gave their children English education and sought and obtained employment in the administration of the British. Nayars were recruited in the offices – government jobs were given to them.

In many Nayar families the first generation in the beginning of the nineteenth century began as petty village officials, but the second generation rose to the high post of munsiffs, magistrates and judges\textsuperscript{21}. It was the members of this class, who had on the one hand a certain degree of economic independence and, on the other, a new cultural and ideological perspective that initiated a critical evaluation of their social customs and institutions. The first expression of social awakening among the Nayars was a struggle against the existing value system as reflected in the tarawad.

\textsuperscript{20} R.M.S.L. Para 329
\textsuperscript{21} Sir C.Sankaran Nair once told Lord Hardinge that his family had the honour of holding highest as well as the lowest post under the government. His ancestor was a village official and he was a member of the Viceroy’s Executive Council. His father was a Tahsildar, and father’s brother was a Sheristadar. See K.K.S. Menon, C.Sankaran Nayar, New Delhi, 1967, Pp.10-11.
organization and marriage arrangement. During the second half of the 19th century, these two institutions were increasingly subjected to critical evaluation. The educated section of Nayars had by then begun to perceive the connection between land control and their “symbiotic life” with the Nambudiri landlords and their family organization and marriage customs. Therefore, their reform efforts were directed at all these aspects, namely, the tarawad organization, marriage customs and tenurial relations.

The emergence of money economy and socio-economic changes during British rule considerably undermined the cohesion and utility of Nayar tarawad. The karanavan, being the manager of the property controlled this income and most of them spent it on himself, his wife and children. The junior members, whose needs had considerably increased due to changes in the social climate and in the nature of the internal market, soon perceived the disparity between what was due to them what was actually received by them. The existence of the tarawad and the joint management of property were no more to their advantage. Therefore their loyalty and sense of belonging to the family and faith in the principle of impartibility were being rudely shaken.

22 MNNR, Kerala Patrika, 23 May 1891. Almost everyone who was involved with the question of marriage reform viewed the Nair law of inheritance, family organization and marriage custom as linked with Nambudiri dominance either in their origin or in their perpetuation. K. Kannan Nair. The Matrimonial Custom of the Nayars', Malabar Quarterly Review, 1903; Gopala Panikkar, Malabar and its folk, p. 36; and Kerala Patrika,31 May 1890. A correspondent wrote in Kerala Patrika of 23 May 1891: 'Several tenants in Malabar are afraid to give evidence before the Marriage Commission for their landlords threaten them with evictions and melcharts, if they were to do so. Any reformation in the Malayali marriage customs is impossible unless it is made compulsory that all Nambudiri Brahmins should marry girls of their own caste.

23 The tenancy movement was a struggle for a larger share of rent between the landlords and intermediary kanakkar. See K.N. Panikkar, Against Lord and State, New Delhi, 1989, pp. 120-21. M. Othena Menon, Remarks on C. Karunakara Menon's Observation on the Malabar Marriage Bill, Madras, 1890, p. 22.

24 One of the witnesses reported to the marriage commission: "Karanavans misappropriate the tarawad property and alienate it in favour of their wives and children. The anantharavan misbehave are disobedient and will not work" (MMCR p.30)
Individual Income for junior members also affected the solidarity of the *tarawad*. Eager to provide better facilities to the members of their immediate kin group, they were reluctant to pool their income in the common fund. The *tarawad* organization also militated against the newly acquired ideas of individual freedom and equality. These “marginal men” viewed the *tarawad* as an impediment to their progress rather than as a source of security and strength. These comparatively more affluent and ‘modern’ *tavazhis* became catalysts for the dissolution of *tarawad*, not simply because of their desire for independence but equally, if not more, due to the sense of deprivation they created in other units of family. In the absence of support coming from the *tarawad*, some of them depended upon the income of their fathers, which, in turn, affected their loyalty to and sense of solidarity with the *tarawad*.

While affluence acted as a catalyst for change, inadequacy of resources also became an equally important factor in the dissolution of *tarawad* ideology. The socio-economic changes resulting in the concentration of *kanam* land in the hands of a few intermediary *kanakkar*, and the increase of population during this period led to severe economic distress for a majority of Nayar families which, in turn, adversely affected *tarawad* solidarity. In other words by the second half of the 19th century, the economic and ideological props of the *tarawad* system had come under severe strain. The strife and litigation between the *Karanavans* and junior members of the family became the order of the day. “A house divided against itself cannot stand,” reported the Marriage Commission, “and most tarawad in Malabar are in this condition”\(^{25}\).

The Malabar Marriage Act of 1896 was passed which provided that when a *Sambandham* was registered it would have the incidence of a legal marriage, the wife

\(^{25}\) M.M.C.R, P.31
and children would be entitled to maintenance by the husband and father respectively and would succeed to half his self-acquired property, if he died intestate. The Act was the result of a long struggle by the enlightened section of Nayars, but it did not, as feared by the conservatives, destroy the tarawad system. It indeed made the first breach, but the most crucial demand, namely, the partition of property, was not incorporated in the Act. Even the provision for marriage registration, the Act being a permissive law, was not very effective. However the pressure of legislation was kept up and consequently the Marumakkathayam Act was passed in 1933 which provided for partition of family and inheritance of the father’s self acquired property.

In the 13th century Kerala witnessed expansion of garden lands. An increase in population must have led to pressure on the land, which led people to reclaim forest lands. By this period wetland cultivation was almost entirely under the Brahmin landlords and ruling families. This led to the expansion of garden land or parambu along the red soil terraces that were only partly cultivated. The fragmentation of productive lands through reclamation of parambu was a simultaneous process of the proliferation of puraidams and expansion of parambus. It led to the loosening of ties of the landlords, as they did not have control over the newly reclaimed parambu. In these newly recovered parambu the kani right (full ownership) was with the reclaimers who were mostly Karalar. So the janmis staked a claim by virtue of being

26 Legislative Department Proceedings June, 1896 Nos.1-27
27 In the first fourteen months of the Act’s operation only 51 sambandham were registered and after that interest rapidly declined. During the first ten years, fewer than 100 people registered their marriages. Robin Jeffrey, The Decline of Nair Dominance, New Delhi, 1976, Pp.186, 313
28 MNNR, West Coast Reformer, 7 April, 1910, Manorama, 1 November, 1912, and Kerala Sanchari, 25 March 1914, also see K.N.Panicker, Culture, Ideology and Hegemony: Intellectual and Social Consciousness in Colonial Kerala, Delhi, 1995, Pp 196-197
the janmi of that particular place and the Karalar started making the customary obligatory presents to them on Vishu and Onam etc.

Trade with Arabs, Chinese, Jews and Christians helped to accelerate the development of a market oriented agricultural economy in Kerala. With the arrival of the Portuguese, Kerala was initially linked with the world economy and later on, more extensively with the Dutch, French and the English. The period saw the full expansion and consolidation of parambu – puraidam Sampad Vyavastha. The period 16th – 18th centuries saw the growing importance of the parambu. It was expanded to the forest, sandy areas and fields. Coconut, arecanut, pepper, ginger, turmeric and tamarind were the important cash crops, which were exported. People also grew crops needed for daily use in them, like vegetables, roots and cereals. If conditions were favourable paddy too was grown. Thus it not only bought income but also helped families to subsist without outside help\textsuperscript{30}.

As puraidams increased we see that familial labour alone was not sufficient. Thus we see the development of labourers for daily wages on activities like plucking of coconuts, arecanut and ploughing the parambu. As the work force related to the parambu increased it soon became a hereditary occupation with certain rights. The climbers of coconut, arecanut and palm tree were the ezhavas or tiyyas. As monetary transactions increased people felt the need for money and the institution of mortgages or panayam developed. The lower orders started mortgaging their various rights for money, for example the right to pluck coconut or their importance of work that could be mortgaged. The Kerala started mortgaging their kanom right by pledging these lands. Thus kana-panayam came into being. But as loans could not be paid back the

land got alienated. This land thus became the leased land called *kanam* land and was then leased by the *karaler* from the *janmi* to be cultivated. At times even the *janmis* had to borrow money from the hands of traders, as it was they who had money with them. Soon these mortgage and transactions became more complex.

By the beginning of the 10th century temples emerged as a major land holding institution, which were controlled by the Brahmans. Land directly held by the rules were called *cerikkal* lands. Simple leases were the most wide spread form of land holdings. Most of the tenant cultivators (*kudiyor*) were simple landholders paying *pattam* or rent for their right to hold the land. *Pattam* was fixed as a share of the produce usually taken after every crop and paid in kind. This period saw the growth of lease-cum-mortgage tenures that could be differentiated from *verumpattam*31.

*Kanam* seems to be wrongly understood. It is actually a unit of weight and by extension stood for so much of gold or gold in general. When land was leased out, gold or *kanam* was deposited as the security. From out of the total rent from that land, interest on this deposit was deducted and what remained was the due of the landlord. In leaseholds which had not such security, it was *verumpattam*. *Kanam* was a little more than mortgage. Mortgages were initially for a period from 3 to 12 years and redeemable by the landlords. By the 18th century these periods increased to 36 and 48 years. During this period, *kanam* and *otti* had become the pre-dominant form of tenure in Malabar. We have evidence about the growth of *kanam* and its variations with a class of intermediaries who held positions as servants, militia and accountants. The class of intermediaries were mostly from the class that were to form the Nayar caste later on. This indicated that though the land was with the hands of the customary

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owner the actual control had by then passed on to the hands of the intermediaries who had made themselves indispensable.

Soon these organizations came to be associated with the Nayar. The heads of the taras were called Karanavans Mutkhyastans or pramanis or Mudalali or Tandane. Every desam or tara had a kalari, which imparted training to the young Nayar boys. Almost all the tarawads had a place in the organization and functioned as a village community co-ordinating and serving the different strata of society. It was as intermediaries that Karakkudiyans established a hierarchial relationship with the rulers and the Nayars and tarawad emerged. A similar form of hierarchical relationship can be found in the temples affairs also where too the Tarawad emerged as intermediate like temples collectives and warriors. Thus those intermediaries in the 16th to the 18th centuries grew in number as attested by the various documents of the Samutiri, and became centres of political, social, economic, cultural and ritual power.

Some of the bigger tarawads had temples or kavus like the Koodali and Vanjeri tarawad. The deities of these kavus involved not only ancestors of the tarawad, tribal gods, local heroes and heroines but also Brahmanical deities at times. This was a sacred space for not only the members of the tarawad but also to the people of the locality. There were three kinds of festivals of these kavus (I) involving different castes in separate stages in rituals, emphasizing the interdependence of the tarawad, shrine and worshippers (2) going on pilgrimages to different shrines by the upper and lower castes together (3) festivals that emphasized both community as well

32 By the 18th century in Travancore and Cochin these intermediaries were brought under control by the rulers. In Malabar however, their customary sway was disrupted by Mysore invasion and a new type of revenue settlement was imposed on the people. This loss of customary sway according to Dr.Ganesh led to the control of lands in to the lands of kanam and kulikkanam holders, Paradavara, devaswam and Brahmawswam. A small portion of land was held as dual property which in Kerala was called the kanom land. This was held by the Nayars. See K.N.Ganesh, Keralathinte Innalakal, (mal) Tvm, 1990.

33 M.S.A.Rao, Social Change in Malabar, Bombay, 1957, Pp.50-67
as relations of power within the rural society. Thus through these temples and *kavus* the *tarawad* was able to exert certain power over the people of the locality\(^3^4\). These temples also soon became financial institutions and centres administration of justice\(^3^5\).

Usually a *Kalari* attached to the *tarawad*. In the case of the Kootali family the uncle or *Karanavan* who maintained the *kalari* was called the Gurikkalacham, a title bestowed by the chieftain, the Kottayam Raja for the Nayar commandant who maintained a *kalari* training centre\(^3^6\). The *Karanavans* of such *tarawad* controlling the temple also enjoyed privileges attached to it. Such dignities attached were the *uraiyama, Ambalappati, desadhipatyam* and *desam*. *Uraiyma* meant management of all the lands of the temples and its servants\(^3^7\). As an *Ambalappati*, he could direct temple festivals and get a seat of honour in public places or temples. The person who attained the right of *Ambalappati* in variably held the dignity of *uraiyama* but not necessarily vice versa. Supreme authority was signified by the title *Desadhipatyam*. It meant that the person could recruit men for fighting. These dignities were often attached to the *tarawad* and the hereditary position of the *karanavars* of the *tarawad*. Sometimes a *tarawad* could possess all the above dignities and manage the civil and military affairs of the *desam*\(^3^8\).

Thus by the beginning of the colonial period, the Nayar *tarawads* had grown to become powerful controlling the surplus appropriation and distribution of the resources of the *taras*. A *tarawad* was related to other *tarawads* as *enangars* who

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\(^3^4\) Dilip Menon, *Caste, Nationalism and Communalism in South India, 1900-1948*, New Delhi, 1994, p.4.


\(^3^6\) Ibid, P.X

\(^3^7\) Thomas Monrok, Report on the Revision of the Judicial System in the Province of Malabar, 1912, p.4

\(^3^8\) K.K.N.Kurup, William Logan, Kozhikode, 1987, Pp 3-4
participated in the ceremonies of each other. Thus the leadership of the *tara* organization was in the hands of their *enangers*.

**Tarawad and Land Relations**

In the beginning of the colonial period the *tarawad* as an institution had grown to become the focal point in the local affairs. The British conquered Malabar with the help of the prominent local chieftains among whom the majority were Nayars. Once the conquest was completed, they entered into agreements with the various chieftains, Mukhyasthans and principal landlords regarding the collection of revenue and other administrative affairs of Malabar\(^39\).

A look at the treaties signed and other agreements entered with the native chieftains and other prominent warriors shows the prominence of Nayars in the society. Out of 63 such people with whom such agreements were signed, 41 were Nayars. On going through many documents complied, we can see that the Nayars played a prominent role in the civil, military and judicial functions. The areas ceded to the British a significant number belonged to the Nayars. John Shore talks of them as being the primary landholders along with the Nambuthiris leasing out their *jenmam* to cultivating farmers or *kanakkars*\(^40\).

Thus the *jenmam* right from the beginning was equated with freehold lease prevalent in England. The majority of the Nayars who were *karalar* were seen as the intermediaries and the army of Nayars was replaced with the army of the British. Landlords being reduced to the position of intermediaries. “British made these

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\(^40\) John Shore, Governor General’s Minutes on Malabar Records 1797 Para.3, p.1 para 3 and 4 p.2.Refer Report of the Joint Commissioners. They gave the British a clear picture of their possession.
*tarawads* absolute land-controlling units. In Bengal, farmers of revenue were converted into absolute proprietors. In the same way, in Malabar, the share-cropping feudalistic nobility of the *tarawad* were converted into private proprietors with a right of land monopoly. This consolidation of feudalistic land ownership introduced new agrarian relations in a colonial context. The landlords now abrogated the traditional rights of the peasantry and started to encroach upon the tenant’s share of produce as an absolute owner enjoying the right in the Roman concept of dominion."^41^.

Some of the powerful Nayar *tarawads* had *jenmom* right on land. In the late 18th and early 19th centuries pioneering Nayar *tarawads* managed to carve out areas of influence with the opening up of forests and expanding into the interior regions through the setting up of the *tavazhis*. The younger members who were sent established contact with the tribal groups and through the Cherikallu systems their cultivation was brought under the Nayar *tarawad*. The younger members of the *tarawad* were allotted land in the *tarawad* with a Maniyani Tribal as supervisor. Rice and pepper were the main crops that were cultivated. Tarawad thus emerged as major landholders by subordinating tribal labour in the forest and through marriage alliances with other powerful *tarawad* ^42^. In Kasargod Taluk, when the females of the prominent Nayar families contracted a *Sambandham* alliance, the men were allotted certain number of agristic labourers and slaves along with wastelands for bringing it under cultivation. Thus the *tarawads* consolidated their hold over land and increased the extent of cultivated land through kinsmen and affairs.

Wayanad, Mannarghat and all other regions came under important Nayar families. The prominent families had marriage relations with other such families of

^41^ K.K.N.Kurup, Op-Cit, p.8  
^42^ Dilip Menon, Op-cit, p.11, 14
the region. The Kootali Thazhathu Veedu had marriage relations with all the major landholding families of the region like Kalliat, Vengayil, Echikkanath Chirakkara Tarawad and others. Thus we can see that the Tarawad had controlled large areas of land in Malabar and this position continued for a long time even after Malabar came under the British. With the establishment of the colonial rule, though the Nayars lost their traditional role as militia and other privileges, they soon adopted very well to the changed circumstances. Right from the beginning they were incorporated into the administrative hierarchy due to the exigencies arising in 1801 with the pensioning off of the Rajahs. In 1822 when H.S.Greame organized districts into revenue divisions called *amsoms* and *desoms* and the *adhikari* who was made responsible for the collection of revenue was chosen from the influential landholding families. Often the revenue division was congruent with the spheres of influence of the family. They took to western education and soon acquired a foothold in the colonial administration. This proved advantageous to them as it helped them to manipulate the rules and regulations.43

Thus the caste that came to be identified as Nayars can be initially traced to the *karalars* who had the *karanmai* right. The superior right of myatei got superimposed with the coming of the Brahmins and the establishment of a temple centred society. The close relationship they had with the higher Nambuthiris caste enhanced their status, power and prestige. The relationship between these two castes could be compared to that between the church and baronage in the medieval European history. The Nayars or the Sudra caste included not only the agriculturalists but also militia, artisans and craftsmen. In fact they included all those people whose services were

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43 The educated Nayar professionals began to invest money on land. They could make profit by utilizing the labour of parayats or pulayas or by sub-leasing it to the tiyyas. See Govt. of India Legal proceedings No.9, 26-10-1885 cited by K.T.Thomas op.cit. Pp.187-188.
essential to the Nambuthiris. But through these various functions in the socio-political spheres, they were able to emerge as a class to reckon with. As militia they were close to the ruling aristocracy whom they served as retainers, accountants, ministers and collectors of dues, thereby making their presence felt in both administrative and military wings. With the emergence of the natuvazhis the nayars soon made their presence felt as chieftains. Big landholding families emerged that commanded sway over their respective areas. By the colonial period the majority of the intermediary kanakkars were able to take maximum advantage of the situation by taking to western education and getting a foothold in the colonial administrative machinery. They were able to manipulate the rules to their favour, their presence in judiciary helped them to get favourable decisions in cases relating to eviction and compensation of improvements, thereby reducing the verumpattakars to the position of tenants-at-will. Thus by the early 19th century the Nayars had emerged as a caste to reckon with.

The expansion of kingdoms, ‘royal’ households and landowing families occurred not only through land colonization, but also through the sale and purchase of land. By the eighteenth century there seems to have been an established trend for the sale of lands and the authority vested in them, which went alongside the ordinary sale and purchase of arable lands. This is evident from both the attipettolakaryam deeds which registered the sale and purchase of nadus and desams (administrative units) and the attepetolakaranam deeds that dealt merely with land or houses. For instance, in the seventeenth century, Puthuvaypa (known as Vypin from the colonial period onwards), an island situated between Cochin and Kodungallur, was sold by the Raja of Cochin to Paliath Raman Iravi and his family. The latter, though a branch of the Talapilli rajas, maintained their separate freehold estate. By this sale, everything that
was included in the property and all the rights, economic and others, were transferred from the Cochin raja to the Paliath Achan.\textsuperscript{44}

The sale of lands or houses executed through \textit{attipetolakaranam} deeds on the other hand, would demarcate the exact location of the lands, and would include a detailed description of the property, ‘stones, nux vomica, thorn clump, cobras, holes, mounds, treasure, wells, skies, underground, water-course, in order to indicate that the sale represented a complete transfer of ownership, and that the property right was exhaustive\textsuperscript{45}.

Some of the early eighteenth-century deeds reveal that such sales transferred rights over markets, rivers and ferries for transporting produce\textsuperscript{46}. At other times rights to the \textit{tarawad}, desam and the temple complex, along with ritual and political suzerainty over these were transferred\textsuperscript{47}. The new owners became at one stroke both lords and landowners. Not only did they obtain right to the lands and its produce, but exclusive rights to forests and waters, as well as ritual authority (\textit{urayma}), and the rights to manage the temple in that desam. The rights being transferred through sales, such as these, provided purchasers with a complex of resources, all of which enhanced their ritual, political and economic status. It is significant that these rights were vendible in the 18\textsuperscript{th} century\textsuperscript{48}. By the 19\textsuperscript{th} century, the colonial authorities, as a part of their redefinition of the \textit{tarawad}, were to interpret the rights in these properties as both immemorial and impartible.

\textsuperscript{44} The roster of items included “Canals, washing places, roads used by persons, streams, forests with deer … desam, desadhipatyam (authority over the desam) ansam, sthanam (title), ankam (battle wager), chunkam (customs duty) with everything else”. See William Logan, \textit{Malabar}, Vols.II, Madras, 1887, Deed 15, 1622, II Appendix XII, XXXII,-XXXIII
\textsuperscript{45} Ibid, Deed 21, 1677, cxxxvi-vii
\textsuperscript{46} Ibid, cxl, Deed 26, 1712
\textsuperscript{47} Ibid, cxl, exli, Deed 27, 1713
Taking the two kinds of vendible rights—one in land, and the other in authority—in conjunction, one can see that there were two different, yet coexisting notions of private property in Malabar. This can be one way of investigating the implications of political decentralisation in Malabar. Earlier it was argued that even though by the 18th century the powerful sections of local Nayar chiefs had appropriated ‘royal’ status, many definite characteristics of a state (for example, land revenue extraction) could not be identified in Malabar. If we were to examine this once again in the light of the present discussion of the privatisation of rights, this might begin to seem clearer. The right to own and exercise political authority over the territories acquired granted naduvazhis and desavazhis the ability to consolidate their powers as suzerains. However, the existence of nirattiper or freehold property sales meant that there could exist a rung of landowners who could possess complete rights over pieces of arable property within the former’s territory, without the need to pay tax. As long as there was no single source of power that held the monopoly of force, or, more importantly, of legality, ‘the state’ in Malabar was akin to a loose confederacy of households. Moreover, the absence of a central power meant not only that a system of revenue payments was non-existent but also that military obligations could not be enforced. The difference that emerged under the British was that the colonial state represented the overarching source of authority which could reinterpret laws in order to suit their military and fiscal needs.

The saleability of rights to title and authority in the 18th century did not impede the growing of the tarawads. In fact, the increasing market in titles and territory was consolidating the power of many petty potentates in the interior. Unlike

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49 By the end of 18th century, many of the powerful local potentates had the right to extract customs and similar commercial taxes from people. See G.Arunima, ‘Multiple Meanings: Changing Conceptions of Matrilineal Kinship in nineteenth and twentieth century Malabar’, The Indian Economic and Social History Review 33, 3C 1996, Pp.290-295
the Samuthiri, many of them showed a great proclivity for entering into treaties with foreign companies, thereby entering into direct trade relations, and ensuring the promise of political recognition in return.

Thus, till the 18th century there seems to have been two distinct processes that shaped the evolution of the matrilineal family. The first was the combination of familial upheavals and disruptions that led to new political formations among the Samanthar families in the shape of the ‘royal’ matrilineal families all over Malabar. The second was the integration of sections of both Samanthars and Nayars into existing commercial networks and the purchase of title of lord and landowner, thereby establishing their tarawads as the locus of authority in the region.

A third aspect regarding the emergence of tarawads in the 18th century was that by now most new tarawads were established by women. It was suggested earlier that there is no concrete historical evidence to the fact that the Nayars or the Samanthar had always followed matrilineal kinship. Here the object is not to explore why a shift occurred from patrilineal to matrilineal kinship in the 16th or 17th centuries, but to examine extant customs of kinship, residence and inheritance that were in evidence by the 18th century, in order to investigate the nature of power relations. A striking difference between the tarawads and matrilineages of the 18th from their mid-19th century counterparts was that these could have been set up in a variety of ways. Moreover, similar processes during both periods could have very distinct political implications.
Take for instance, the common enough strategy of establishing *tarawads* through elopement or marriage\(^5^0\). While the 18\(^{th}\) century sources suggest that women moving off in this manner did not forfeit their rights in the *tarawad* property, this was definitely not the case by the late 19\(^{th}\) century. Another way of setting up a new *tarawad* was for women–either just with family retainers, or with their siblings – to move out to one of the granaries in the outlying areas of the property. This was often because the women had access to their own separate revenues and properties in far flung areas and setting up a new residence on one of these could tantamount to creating a new *tavazhi*\(^5^1\). Contrary to anthropological wisdom, it was not necessary for a woman and her brother, as a unit, to separate from the main family to be able to start a new branch. The critical difference lay in the fact that whether the new *tarawad* was set up by a woman along with her paramour or husband, her brother, or just several trainers, descent would be traced matrilineally through her. Besides, properties like *cherikal* lands and *sthanums* (a particular status within the *tarawad* which could have a monetary value too) demarcated specially for women within a *tarawad* would be inherited unilineally by them\(^5^2\).

Nevertheless, while differences on grounds of gender favoured women in the context of residence, descent and, to some extent, property, the situation regarding formal administrative authority in the public sphere differed. Positions within the local administrative hierarchy, like that of *vazhunnor, desavazhi, naduvazhi* or raja were held mainly by men (the exception being the Bibi or the queen of Arackal in

\(^5^0\) In the case of the Nileshwaram Royal Family, a princes from the Samuthiri’s Family alopred with a prince from Kolathanad to establish her own dynasty. Sreedhara Menon, *A Survey of Kerala History*, p.181

\(^5^1\) This was evident especially in the case of *Samanthar* women, who had special *cherikal* lands set apart for themselves. Dames, *The Book of Durate Barbosa: An Account of the Countries Bordering on the Indian Ocean*, vol.2, London, 1921, p.11. In many of the larger Nayar *tarawads* too this was very common. *Kavalapra Records*

\(^5^2\) *Sthanams*, such as Naitear Amma, were reserved for the older women in the Palghat Royal Tarawads and these represented status and power for these women. Francis Buchanan: *A Journey from Madras Through the Countries of Mysore, Canara, and Malabar*, London, 1807, vol.II, p351.
Cannanore, belonging to the Arackal *tarawad* who were matrilineal Muslims). In the light of available evidence, it is difficult to evaluate the transformative impact of gendered differences in formal political power of this nature on the relations within the household. It appears that despite formal political power being weighted in favour of men, the nature of authority or property rights within the *tarawad* were not affected significantly.

This is particularly interesting in the case of the *karanavasthanum* - the status of *Karanvar* that could be seen in some of the larger families. One such was the ‘Coyotorical Carnaver’ (Koyitara Karnavar) identified by Barbosa, in the sixteenth century, as the governor of the Calicut kingdom. These were probably administrative functionaries who were given the title of *Karnavar*. There is nothing to suggest yet that the existence of a special *sthanum* of *karnavan* implied that the incumbents to this position were all male, or were the heads, or had greater and undisputed privileges than other members of the *tarawads*. In fact, in 1807, Buchanan noted with special reference to north Malabar that the Nayar *tarawads* were managed by older women and that this right was generally inherited through the female line\(^53\). Therefore, until the early 19\(^{th}\) century it could be argued that power differences within the household were more along lines of *generation* than gender.

The coexistence of a highly commercialized land market with separate rights to property, especially for women of large *tarawad*, implied that the principle of coreidence could not have been enforced. Similarly, movable properties of an intestate owner were divided equally among the surviving members, irrespective of their sex\(^54\), unlike court dicta to the converse in the colonial period. Thus, the identifiers of

\(^{53}\) Ibid, p 511
\(^{54}\) Ibid, p 412
matrilineal kinship according to mid-19th century colonial jurists and judges, such as co-residence, impartiability and the inalienability of property, were definitely not an essential part of the customary practice in pre-colonial Malabar.

**Colonial Redefinitions of the Tarawad**

With the defeat of Tipu Sultan in 1792, Malabar was officially incorporated into the East India Company’s dominions. The legal changes that ensued in the following decades of the Company’s and later the Crown’s rule had a profound effect on the changes in the matrilineal tarawad. It is argued here that Anglo-Indian law and its operation, both procedural (as in case-laws) and textual (as in law books and high court judgements) redefined the tarawad in the 19th century. Three broad changes occurred in the first four decades of the nineteenth century. These were the formal identification of a hierarchy of property rights and the legal definition of tenurial statuses; the redefinition of the tarawad as a impartible and corporate unit with inalienable rights in land, with the simultaneous selection of a single individual with whom revenue could be settled; and the choice of the eldest male on grounds of age and gender as the individual responsible for managing its economy and making revenue payments. All these changes affected both the internal structure of the tarawad and its relation with its external dependents.

In the first four or five decades of the Company’s rule there was no clear consensus on how to treat the Nayar tarawad or its branches. At the level of the higher courts there was emerging a tendency to curtail the division of family property. This was often done on grounds of upholding matrilineal law on the basis of Nambudiri Brahmin opinion, which chose to vest greater rights in the property with

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55 Lewis Moore, *Malabar Law and Custom*, Madras, 1900, Pp 6-7
the eldest male\textsuperscript{56}. In Malabar, as in Bengal, court officials solicited Brahmin opinion on questions of customary practice in the belief that their origin lay in religious laws. It is interesting that Nambudiri interventions reflected their own customary familial arrangements.

In general, it could be said that lower-level courts had not yet begun to follow the precedents set by the sudr court. Court cases demonstrate that both in north and south Malabar it was local usages, and not Nambudiri precepts, that were paramount\textsuperscript{57}. Therefore, in the lower courts, if it could be demonstrated that all members of the \textit{tarawad} were aware of, and had consented to, the division, it was considered legally permissible\textsuperscript{58}. This was to change by the latter half of the 19\textsuperscript{th} century.

Nevertheless, in the early decades of the 19\textsuperscript{th} century, even in the absence of a clear legal principle regarding either the treatment of the household or of matrilineal kinship there was beginning to emerge a distinctive difference in the state’s treatment of the \textit{tarawad}. The changes in the structure of authority within the \textit{tarawad} affected the manner in which members within a landholding family could have control over land or as the head of the family, invested with incontrovertible rights over the management of the family property. The further recognition of these men as the figures to settle with bolstered their strength\textsuperscript{59}.

\textsuperscript{56} AS 28, 1814, I Sudder Decisions, p.118. Also see G.Arunima, Op.cit, p 293
\textsuperscript{57} Valia Kava Naitear Amma v Kavalappara Valia Nayar, Suit no. 992, 1817, Thekke Pakuthi Zilla Adalat, Vettathnad Thukkidi Munsif's court, Kavalappara Documents.
\textsuperscript{59} Olivia Harris, 'Households as natural units', ,11 K, Young, C. Walkowitz and R.Mc Cullagh, eds of Marriage and the Market: Women's Subordination in an International Perspective, London, 1981, pp. 49-66, argues conclusively that in most state formations household heads are made responsible in law for other household members, and that it is usually a male head who negotiates contracts, makes share-cropping arrangements, leases land or other property, and thereby exercises control over the lives of the dependent kin.
It is argued that redefining the *tarawad* in relation to its property was tantamount to reinterpreting property itself. Besides, gender rights and privileges within the *tarawad* had implications for economic and non-economic matters. The investiture of putative rights on men, to headship and to represent the *tarawad*, was akin to a sexual contract between these men and the state. It is argued here that such a sexual contract⁶⁰ not only altered power relations within the *tarawad*, by allowing for the evolution of a patriarchal figure in the person of the eldest uncle, it also helped to freeze the fluid cultural practices hitherto understood as integral to the Nayar community. For the first time the status of the mother’s brother begins to acquire greater political significance, with the mother-child unit being represented as purely domestic or a political, transforming the meaning of matrilineal kinship. By the late 19th century sexual practices within the matrilineal community would itself come under severe criticism.

**Agrarian Crisis and Legal Intervention**

Mid-nineteenth century changes in agrarian relations further affected power relations within the *tarawad*. Between the 1840s and the 1870s the powers of the Hindu landowners were strengthened by the state’s intervention in land rights. The 1840s in Malabar was a period of acute agrarian strife and political unrest, which

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⁶⁰ Carole Pateman, *The Sexual Contract* (Polity, 1988) argues that readings of classic contract theories have tended to repress the 'sexual' aspects of what is actually a sexual-social pact. She argues, on the contrary, that patriarchal right exists throughout civil society. Therefore, modern civil society is the result of a contract between the state and men which excludes women on the grounds of 'individuality'. Pateman's argument is here used in two ways. One, her reading of fraternal patriarchy offers one a possibility of analysing patriarchal relations in a context where the locus of attention is not a patrilineal family. Therefore, the specific strengthening of the matrilineal karnavan can be seen as increasing the fraternal patrilineal power of Nayar men as men. Second, within the context of Malabar, the incorporation of the eldest male within the *tarawad* into a contractual sphere of interaction with the state can be seen as a close parallel to the story of the contract theory in western Europe, except that under colonialism even they did not possess complete civil freedom.
particularly affected the two southern taluks of Ernad and Walluvanad. It is argued here that while the spate of agrarian violence or the Mappila outbreaks of the mid-19th century provided an immediate reason for the judicial redefinition of the *tarawad*, these in turn were a result of the changing economic fortunes of the landed families.

The period between 1825-50 in Malabar had been, unlike the rest of the Presidency, a period of agricultural boom, which allowed the *tarawad* to regain their monetary status to some extent. This allowed the *tarawad* to redeem lands leased to tenants and cultivators, leading to evictions. Besides the continuation of revenue collection in this period aggravated the distressed condition of the cultivating populations. The violence against the *janmis*, bulwarks of the Company’s rule, caused panic amongst the British administrators.\(^{61}\)

In February 1852, Thomas Lumisden Strange was appointed as Special Commissioner to enquire into the causes of the Mappila ‘outrages’. Strange’s intervention in the agrarian relations of Malabar was the first step providing inalienable rights on lands to the Hindu proprietors. He argued, on the basis of ‘Hindu law’, that the landlords of Malabar could not part with their family estates as their religious duty bound them to it. The fact that landlords always parted with their estates, on mortgages or sales, was interpreted by Strange as a seasonal relinquishment, and he argued that it would, sooner or later, revert to them.\(^{62}\) He went

\(^{61}\) There were a series of violent attacks on Hindu landowners by their Muslim cultivators, especially in the decades of the 1830s, ’40s and ’50s, culminating in the death of landowners and cultivators alike, Between 1836 and 1854, there were 16 outbreaks against mostly Nayar and Numbudiri *janmis*, leading to the ‘Moplah outbreak’ of 1855. Conrad Wood, ‘Peasant Revolt: An Interpretation of the Nineteenth and Twentieth Centuries’, in Clive Dewey and A.G. Hopkins, eds, *The Imperial Impact: Studies in the Economic History of Africa and India*, London. 1978, p. 138.

\(^{62}\) Letter, dated M October 1853, from Conolly to Pycroft, containing details of Strange’s views on the subject of tenants’ rights and family property, ‘Correspondence regarding the relations of landlord and tenants’, n.p
on to refine his opinions regarding the property laws of Malabar and emphasised that the head of the family had exclusive control over the family and its property.

“Hindus suffer by the idea which has been introduced that a joint share in property involves a number of individual shares any of which may be divided off from the estate and forfeited to a creditor of the assumed shareholder, *whereas the theory of a Hindu family in Malabar is that the head of a family has entire control*, his signature alone can be taken for exigencies of the family for due support of the whole, for whom he is responsible”63.

From the latter half of the 1860s there was appreciable difference in the ways in which the courts treated the *tarawad*. Increasingly, it was being represented as an indivisible and co-residential unit of the members who lived together as part of a *tarawad*. Paradoxically, this meant undermining the power of the larger *tarawads*, as the higher courts tended to treat each branch as a house- and-land unit64. These decisions were challenged by both the household heads and the junior branches. Most *karanavans*, in this period of their increasing power, did not welcome separation of the branches from the main *tarawad*, as they could not dictate terms to them or even hope to control their assets. Soon a novel strategy was evolved for subverting court orders that forbade the unity of material interests between the Tarawad *tarawad* and its branches. This was to establish formal leases with the branches, or with members of the family who had moved off to the outlying areas of the estates, and to appoint bailiffs to look after these lands. In other words, many of the younger members of the

63 Ibid, Letter, 25 September 1853, Strange to Pycroft
64 This term was coined by Melinda Moore, to signify the impact of British Legislation on the Malabar Tarawad. Melinda Moore, *A New Look at Nayar Tarwad*, Pp.527, 531-37
*tarawad*, or its branches, were treated as tenants of the family. Similarly, bailiffs appointed by the family could be its own members—thereby converting a family member into an employee, and providing his maintenance in the form of a salary.

The strategy of leasing lands to members of their own *tarawads* afforded the heads with many advantages in the latter half of the 19th century. Since the head’s own powers were being legally bolstered during this period, this provided a good opportunity for keeping a tight rein over the management of the *tarawad* and the branches. Second, by reducing several members to the status of tenants, the power of the head over the family and agrarian economy grew significantly. Finally, as the improvements made by the members of the family on lands leased to them were not treated as part of the *tarawad* property, it could constitute a part (and often the whole) of their maintenance, reducing the burden on the *tarawad karanavan* to provide them with separate maintenance.

The changed notions of headship from the mid-19th century had critical repercussions for a redefinition of matriliny, especially regarding the guardianship, the rights of women to headship, and the rights of younger members within the family. The creation of the *Karanavan* as a natural, all-powerful figure of authority meant relegating all others within the *tarawad* to the status of dependents. In a representative dispute of 1872, the courts granted the *Karanavan* the authority to act as the guardian of two children within the *tarawad*, on grounds of natural right. By the principles of the laws of Malabar, the mother herself, while alive and her children too, were under the guardianship of the head of the family, the *Karanavan*. Their

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65 Kallati Kunju Menon v Palat Erracha Menon, Madras High Court Report (Hereafter M.H.C.R) 1862, p.62
66 Chemmanathatti Chappunni Nayar v Meyene Itiyachi, Appeal No.64 1861, in judgement of Sudder part in Regular and Special Appeals, n.p.
position was precisely analogous to that of a guardian and representative for all purposes of property, of every member within the Tarawad, as the Roman father or grandfather\textsuperscript{68}.

Such a patriarchal interpretation of the customs of the matrilineal community had its roots in the steady process of transforming Malabar’s customary practices which used not only Brahmanical precepts, but also Roman law and laws of equity in equal measure, and otherwise twisted procedure to fit the case. However, the legally bolstered powers of ‘natural’ headship granted to the karnavan were constantly put to test, and it was in the resolution of legal conflict that many new cultural practices evolved in Malabar\textsuperscript{69}.

An example of this was the contested right of women to head tarawad. The trouble was not related so much to the actual absence of female heads or karanavattis, but that now their authority required external, or judicial, legitimation. Also, the problem was to decide whether the right of headship was inherent in the eldest woman of the family by virtue of her age, or if it was to be granted to her in the absence of any adult males, or if it was simply a stand-by arrangement till a minor son came of age. In 1878, Herbert Wigram (the civil judge at the District Court) argued, “the management of [by] a female, like the management of [by] an Anandaravan [nephew]......

\textsuperscript{68} Thathu Baputty v Chakyath Chathu, Civil Miscellaneous Regular Appeal No.406, 1872, 7 MHCR, p 181.

\textsuperscript{69} Lucy Caroll, in the context of Hindu Widow Re-marriage Act of 1856, argues that the interpretation of this Act at the three High Courts of Calcutta, Bombay and Allahabad utilised three different categories of law—Hindu, customary, and statutory—which over the years succeeded in introducing a pattern of behaviour that would never have been recognised within ‘customary’ law, and in fact invalidated customs prevalent a few generation ago, see Carroll, ‘Law, Custom and Statutory Social Reform: The Hindu Widow Re-marriage Act of 1856’, IESHR. Vol. 20(4), 1983, Pp. 363-88.
must, in my opinion, always be with the consent of those on whom the law confers the rights of management, i.e., the senior male, and by at any time be resumed. In other words, while headship by men had come to be seen as normative among the matrilineal Nayars, women who had held comparable rights in an earlier period had to take recourse to courts to prove it. What this also implied was that it was easier to contest the power of a female head than a male’s, as the former’s rights to the position was made much more conditional, while the latter was seen as a natural right. By the 1870s and 80s such gendered asymmetries of power began to become noticeable among the younger kin in *tarawads* too. While younger men could question a *karanavan’s* decision regarding the sale or management of property in an individual capacity, women could do so only if they represented the family. This meant that young men, who possessed putative rights to headship as a gendered right were, in addition, regarded as capable of questioning the legitimate authority of the *karanavan* as individuals. Thus, here one has access to a very legal understanding of individuality that privileged men in property disputes.

Differences in gendered rights of men and women were not restricted to questions of property alone. These began to be reflected in the changing patterns of residence where women could increasingly move away only after marriage. This was in contrast to both precolonial period and the early years of Company rule, when women could move out, either with a few retainers or with their siblings, in order to create new branches. In the case of property disputes where married women living

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70 AS 434, 1878 quoted in Moore, *Malabar Law ana Custom*, Pp. 77-78
72 Manika v Krishnan, *ILR*, 7, 1884.
73 Of course, in this period virilocal residence did not necessarily imply patrilineal descent. Women moving off to live with their husbands after marriage were often seen an terming a new *Tavazhi* or branch. By the mid-twentieth century this would be severely in dispute.
away from home demanded a partition of property, the resolution was dependent on whether the karanavan approved of the union. Therefore, if it could be proved that a woman’s relationship was promiscuous or without the tarawads assent it was tantamount to her forfeiting her right in the family property. Moreover, linking up residence and property issues shows how difficult it would have become for women to move away from the tarawad house, or claim their share of tarawad property, except when it was with the karnavan’s consent.

Meanwhile, men were beginning to move away from the tarawad for a variety of reasons–from professional to educational. Besides, they were becoming increasingly successful in property disputes and received their share while living, and working, away form the tarawad. In addition, young professional men also had access to self-acquired incomes to support themselves. Therefore, while women’s income, mobility and residence patterns were controlled largely by tarawad elders, for many young men the burgeoning educational and occupational opportunities of the period provided significant outlets. This naturally had important consequences for the constitution of the late nineteenth century matrilineal tarawad.

It has been to be stressed that it was from the corpus of mid-nineteenth century legal ideas that the contours of the matrilineal tarawad in the post 1860s period was shaped. The main source for this was from the judicial codification and consequent legal proceedings that utilized legal forms and precedents to settle domestic disputes.

74 AS 675, ILR, 1879, in this particular dispute the woman was forced to forfeit her share of the tarawad property because her relationship with their lover was described as ‘promiscuous intercourse’ by her karnavan, and accepted as such by the court; in AS 59, ILR, 1879 the woman was outcasted, and her property not given to her because her relationship with a lower caste man was deemed to be an alliance without the tarawad’s assent.

75 Teyan Nair v Raghavan Nair, ILR, Peru Nair v Appu Nair, ILR, 2, 1880; Kunhambu v Paidal, AS 23, ILR, 5. 1882.
Family documents and contracts reveal the absorption of ideas of and changes introduced by the British courts in everyday language and practice, and its influence in transforming social values and conventions. The literature of the period reflects the concern of the times—laws, litigation and the discourse, reveals the contest between different ideas, ideologies and practices for ascendance. It is through this contest that a dominant strain of thought, and overtime practice, regarding matriliny and Malabar law emerged which helped to transform the matrilineal *tarawad*.

**Land Legislations and Marital Disputes**

By the 1880s the authority of the heads of the households in this period, both within the *tarawad* as the *karnavar* and on land as the *janmis*, was coming under increasing criticism. Here the *Tarawad* that was being attacked at this point was a young creature—a product of ‘court-made law’, especially of the 1850s onwards. The attack on the *tarawad* was almost a logical climax of its strengthening over the past decades. The sources of opposition against the land-owning *tarawad* were diverse and predictable—from the younger members of the *tarawad* to the dependent agricultural workers. The only unusual combatant was the colonial state itself.

The 1880s witnessed changes in attitudes of cultivators and tenants towards the *tarawad* as a land-owning force. The mid–century redefinitions of property rights had secured to the *tarawads* the right to redeem or renew tenures, which affected adversely the bargaining power of the tenants, cultivators and other dependents. The response was embodied in such diverse ways as the barrage of property disputes,

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76 Apart from family karars (contracts) which were being modified so as to utilise procedural elements of case law (like using the laws of limitation) Eacharattil ms., Malayalam language itself began to incorporate the translated equivalents of words such as ‘plaintiff’, ‘defendant’, ‘court’, and so on within its vocabulary. These became a part of common parlance, stories and general folk wisdom fairly soon.

petitions to the government to implement tenancy legislation, and in the Mappila riots of the 1870s.

The agrarian crises of the 1870s put the government into a predicament. Not only had the rights of dominium secured to the *tarawads* by the state-created tensions in the countryside, it had also given landowners immunity against colonial officials in such critical matters as the exaction of revenue, or failing that in the sale of land. As early as the 1805 settlement the revenue administrators had recognized the private rights of the landholders, while at the same time entering either them or their dependent cultivating tenants as revenue payers. By the latter half of the nineteenth century, this was beginning to create serious problems for the government. Tenants were becoming economically weaker and insecure and were beginning to find it difficult to meet revenue claims. In response to this situation, the state began an attempt to curtail the powers of the *tarawad*. Legislative measures, such as the Land Registration Act of 1896 and the Compensation for Tenants Act of 1897 were as much a product of state anxiety for undermining the authority of the *tarawad*, as a response to the agrarian crises of the preceding years.\(^7\)

It is in this context that one needs to examine late nineteenth century debates on marriage which formed yet another part of the strategy evolved by the younger members to redefine and undermine the extant power relations within the *tarawad*. In 1896, "the Malabar Marriage Bill of 1887 brought in the liberal principles of contract among a section of the educated minority of Malayali men. Marriage, as the prime

\(^7\) Peter Robb has argued for a similar trend in the rent law and tenancy debates of eastern India in the same period, where officials were ranged against one another in *pro-raiyat* and *pro-zamindar* positions. This was clearly a time in colonial rule when official policy was avowedly *pro-raiyat*; the motivations of course could be various. Robb, 'Law and agrarian society: the case of Bihar and nineteenth-century tenancy', *Modern Asian Studies* (hereafter *MAS*). Vol. 22(2), 1988.
example of contract, was seen as offering a panacea for the predicament of the tarawad, a means of contracting themselves out of the trammels of the joint family system"79. They wished to achieve the status of individuals and it was to this end that they engaged with the colonial state.

The ideas of dividing the matrilineal tarawad along the lines of patrivirilocal residence, with concomitant rights to property, was located in the evolutionary social theories of late nineteenth century. Theorists, for example, John McLennan and John Lubbock, who perceived marriage as a natural union, and represented the conjugal, co-residential unit with common rights over heirs and property as the legitimate domestic unit, were gaining greater popularity in this period. The young professional men who supported the demand for marriage reform for ensuring the partibility of the tarawad utilized the idea of marriage to gain control over the sexuality and fertility of women. More importantly, the deployment of such a notion of family when tarawad relations were already strained spelt the end of matrilineal kinship, even in its highly transformed late nineteenth century form. In Malabar, the slow process of social change succeeded in transferring rights over women to new figures of authority within the family- the father/husband. The Marriage Act of 1896 was a failure with respect to its inability to enforce the registration of all matrilineal marriages. However, the scene was set for the seduction of the matrilineal community with the lure of the natural morality of monogamous marriage, conjugal couples and patrilineal descent.

79 Extract from the Malabar and Travancore Spectator. 15 August 1895, in Legislative, 0.0. No. 118, 8 November 1895, National Archives of India (hereafter NAI).
Towards Abolition: c.1900-1940

The first three decades of the twentieth century witnessed the critical transformation of the tarawad that led to its eventual legal abolition in 1933. The demand for marriage, property divisions and tenants’ rights had been voiced in a variety of ways—through court rooms, newspapers and in Legislative Council chambers by the 1890s. The changes in the twentieth century, however, were of a different order and scale. It was only that matrilineal customs seemed undesirable, but that the immemorial powers of the tarawad were no longer legally supported. The three important factors that form the framework within which the legal abolition of the matrilineal tarawad took place are the survey and resettlement of Malabar, begun in 1902 and completed in 1936, effectively reducing the tarawad to the position of revenue paying intermediaries; the Tenancy Act of 1930 that strengthened the erstwhile dependents of the tarawad by giving them security of tenure; and the Matriliny Act of 1933 that guaranteed the legitimate partition of joint property and provided for individual inheritance. These circumstances, in conjunction, provided for individual inheritance. These circumstances, in conjunction, created the conditions under which the tarawad was eventually dismantled.

During the same period another issue dominated the politics of the region, which had consequences for the changing attitudes towards matriliny. This was the emergence of caste organizations which voiced the need for community identity – one that was, both in the case of the Nayars and the Nambuthiris, centred on issues of marriage, family and tenurial relations. A critical component of the rhetoric of both these caste movements was the attempt to create a homogenous community, defined in opposition to the other. This helped to transform the perceived iniquities of the
matrilineal system by offering an alternative source of identity for members of the tarawad – that of caste. The process of creating a putative community centred on caste gave the schisms within the agrarian community and landholding tarawad a new direction. Attempts to minimize the differences between the subcastes, and strategies to overcome disparities caused by age were among the central aims of the caste organizations.

The main issues that were discussed by the Nambuthiri reformers all the way to the late 1920s were those of tarawad reform, education and the relationship between landlord and tenant. According to the rules of patrilineal descent and inheritance, and strict rules of primogeniture followed by the Nambuthiris, only the eldest son could marry within the community (up to four wives), as well as manage the family property. As all the other members (younger sons and unmarried daughters) could merely have residence and maintenance rights in the family home, and be maintained at a subsistence level, none of them could expect a share of the joint property. Only in the case of the extremely wealthy families was education accessible to more than one son – that too was mainly Vedic learning.

The rhetoric of family reform was couched in highly emotive language: “the degenerate state of the Nambuthiri community is worse than any other in the world. Exogamous marriages on the one hand, and lifelong dependence of the younger people on the other. With the sorrowful state of unmarried women, and bickering and strife within families, it is impossible to find if any family enjoyed married life.”

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80 Mathrubhumi, 18 December 1923
The reformers argued that there was nothing more vulgar than the exogamous relations that the younger men had to enter into with Nayar women. Reforming the structure of the tarawad was seen as the only way of ensuring endogamous and monogamous marriages. Thus the community, gently and subtly diverted the focus of the debate towards the partition of property and the reconstitution of the tarawad into nuclear units. It was stressed that while endogamy was essential for all Nambuthiris, it could not be realized until all members of the family could support themselves and their families according to the norms of patriliny. The ideal community was represented as comprising several natural families, each constituted by a man, woman and their children. Such natural ties were to imbue the community with a greater sense of unity and cohesiveness, impossible earlier as caste norms had been divisive, disallowing either the formation of a true sense of community, or the longevity of one. Therefore, all through this period, caste and community sentiments were being used to foster internal reform and reorganization.

Just as the Nambuthiris were attempting to reform the character of the household through appeals to the idea of community, sections of the Nayars were also involved in the same process. The attempt was to create a structure of the matrilineal Tarawad. Over time it would help to discredit the practices of the community that the Nayars increasingly considered immoral and retrogressive. The new notions of progress that the Nayars invoked were defined by the need for an identity that would be both patrilineal and broad-based enough to encompass the interests of its different subcastes, with their varied ritual and material statuses. They were, therefore, targeting a wide range of interest groups, from the younger members of the land-

81 Ibid
82 Ibid, 17 May 1924
holding Tarawad, non-kin Nayar tenants, and even to poorer sections of the Nayar subcastes – who were mainly cultivators – to menial workers, in the bigger tarawads.

The persuasiveness of the caste argument lay in its very inchoate nature which enabled it to represent the putative community as one shorn of all hierarchies and differences. It was asserted repeatedly that drastic reform was essential within the matrilineal community, and this was to begin within the household: ‘the practices on the increase in tarawads, the suits to get rid of the powers of the karnavar, the demands for maintenance, the attempts towards division – all shows the change in people’s hearts, and the move towards patriliny.

Several Nayar organizations started mushrooming all over Malabar in response to the need for internal organization and caste reform. Endogamy was an important issue among them, as it had been with the Nambuthiris. The other two important aims of the community were to create opportunities for employment for its men, and provide husbands for its women. Various aspects of marriage reform were discussed endlessly in this period, where some called for the abolition of talikettukalyanam, or the puberty ritual for girls, while others formed into organizations and collected funds to conduct proper marriage unions themselves.

It was argued increasingly that the colonial state was standing in the way of progress. All that was needed was to ‘change laws to accommodate the interests of people who show the desire to move from a matrilineal to a patrilineal system’. The only possible way [to achieve a patrilineal system] is individual partitioning and the

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83 Mathrubhumi 14 July, 1923.
84 Ibid, 11 September 1923.
86 Ibid, 15 May 1924.
87 Ibid
88 ‘Matriliny and Individual Division of Property’, Ibid, 19 April 1924.
opportunities of shares. With this it can be said that a new path for progress has been discovered in Kerala.\textsuperscript{89} Central to this process of transformation was the creation of a new familial ideology premised on conjugal love. ‘To achieve this new ideal type of female virtue and womanhood needed to be created, which would gently and without demur, accommodate itself to changing times. A perfect wife is the way to perfect marital happiness... Good behaviour, wealth and status make a woman an asset to the family...’\textsuperscript{90} Thus slowly the stage was being set for the eventual transformation of the matrilineal community into a patrilineal one. And for this, \textit{tarawad} reform and its substitution by nuclear family units remained essential. The Matriliny Act, enacted in 1933, was designed precisely with this end in mind. With their organizations and rhetoric, the young Nayar men had created the perfect idiom for the transformation of the old order into its new, progressive, form.

\textbf{Partition}

The Tenancy and Matriliny Acts were both passed in the 1930s. The first granted security of tenures to all \textit{kanam} tenants and restricted arbitrary evictions and rack-renting. The latter sealed the demise of the \textit{tarawad} by legitimizing partition into branches, by either male or female member. Three changes proposed under the Matriliny Act were legalizing of \textit{sambandham} marriages, granting the right of adoption, and allowing branches the right to demand partition\textsuperscript{91}. Each of these provisions were fundamentally at variance with the system of relationship then extant within the matrilineal community. Marriages and adoption together were to create the natural relationship that ensured under the patrilineal system, and the division of property was to sanction the first step towards individual partition.

\textsuperscript{89} Ibid, 19 April 1924.
\textsuperscript{90} Marital bliss, Ibid, 10 November 1923.
\textsuperscript{91} Department of Revenue, D.Dis, 11888, 14 January 1929, Kerala Regional Archives (hereafter KRA).
It was argued that the Act ought to be permitted to allow people to lead happier and better lives. The movement is a natural one and the expression of legitimate aspirations and progressive ideas. An interesting twist to this argument was that it favoured the rights of the creditors of Malabar households, as under the present system it was impossible for them to recover their loans. As no member had the right (other than the head) to sell their share, this increased the insecurity of the creditor who could be trapped into lending money, but not receiving timely repayment. Though the legislation would affect the big, rich and influential tarawads adversely, it was inevitable as the agitation would continue till individual partition became the law.

Transforming the political economy of Malabar: The changing balance of power between the janmis, tenants and the state was observable not only in the acts of legislation and caste movements of the twentieth century, but also in the transformation of the official discourse in relation to the tarawad. With the tenancy legislation of 1930, as well as a completely unstable and unpredictable market situation, as a result of the Depression, the future of the big tarawad was beginning to look gloomy. Of the greatest importance in the changing relationship between the tarvads and state in the post 1930s period was that the latter was able to encroach upon the former’s hitherto sacrosanct private rights with impunity, without making even minimal concessions.

MarEwen’s report on the settlement and resettlement of the eight talukas in the plains of Malabar district in 1936 formally transformed many of the piecemeal changes that had been effected over the past seven to eight years. Of chief importance

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92 Ibid
in this report were the changes in the terminology and definitions relating to land usages, which formed the quintessence of the changing power relations of the landed tarawad and the state, we the latter’s favour. The terms private janmam and government janmam were dispensed with, to be replaced with ryotwari and inam, respectively) were abolished, and a consolidated rate of assessment fixed.

Similarly, private lands held by Nambuthiri and Nayar tarawad temples were slowly brought within the ambit of state control, by being redesignated as government property. Thus, at least theoretically, all the private janmam rights of the Malabar landowners were destroyed, and they were equated with mere ryotwari holders. Besides, most of these changes were occurring during the greatest economic crisis of the period, the Depression; what was significant was that the government with its renewed efficiency had no trouble in collecting revenue from the people. Thus, MacEwan’s resettlement decisively altered the relation of the big tarawads with the state and put an end to most of the immemorial private rights of these families.

This study has examined the transformation of matrilineal kinship and inheritance amongst the Nayars of Malabar from the eighteenth to the twentieth centuries. Through focusing on the tarawad, it was possible to explore a variety of cultural and legal meanings of matriliny in different historical phases. The changing alignments within the tarawad-especially in relation to property, authority, gender and generational power underlay the changes in kinship. While the ties of reciprocity and

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93 Department of Revenue, R.Dis. 3431/36, 2 April, 1936, KRA.
94 Ibid. This was in accordance to the B.P.Misc.No.1814, 8 October, 1920 and Section 7, Malabar Land Registration Act, 1896, in B.P.Misc.No.640, dt 17 March 1926.
95 C.J.Beker, An Indian Rural Economy 1880-1955, Delhi, 1984, has argued that the main impact of the Depression was to create significant structural changes in the economy. It is useful to consider the Mid-1930’s in Malabar in this context. The Depression can be seen as an important catalyst in transforming the economic relation of the region. With changes in the tarawad structure already underway, the division and partition of property acquires a special significance. Not only did these process speed up, but the structural change is in the economy meant that relations between kin and dependent were evaluated and re-established on a different footing.
interdependence that bound the Nayar tarawad to the agrarian economy did not vanish suddenly, its slow and irretrievable transformation resulted in the creation of new identities for women and men, and for the Nayars as a caste in the twentieth century.

The statutory abolition of the matrilineal tarawad provided a vent for many resentments against perceived inequities. But the right to exercise an individual claim to erstwhile joint property was only the tip of the iceberg. Legal changes masked beneath its transparent surface a new legal and social morality that was welcomed, and soon became normative among the matrilineal populations. The rhetoric of modernization that had been adopted by the Nayar reformers of late nineteenth and early twentieth centuries had found its apotheosis in the political idioms of nationalism and communism. In 1976, the Kerala Legislature abolished matriliny. In the process of their incorporation into mainstream politics and in a bid to integrate themselves with the rest of India, the Nayars of Kerala dismantled the last vestiges of barbarism. Hindu laws and patrilineal descent had become almost tactual parts of Nayar life and for many among them an impossible dream had been realized.