CHAPTER-II

RELIGION AND CASTE IN THE ISLANDS

In pre-modern societies, law and social stratification were identified with religion. At times maverick societies do not base itself on the accepted norms of a religion instead, they synthesize new legal domains based upon their environment and religion. It is often found this synthesis happens when the religion is foreign.

Law is inseparably rooted in society. It is an aspect of the total civilization. It is characterized by the psychological and ideational features, structural and functional features of the fostering people. To comprehend the culture, it is imperative to study the philosophies and religious beliefs of the people. In modern times the major problem is the universalisation of the western model jurisprudence. The analysis of customary law in every society confronts with the struggle between the indigenous law and super imposed foreign system. The study of influences and changes within the society is possible only if the social stratification and social institutions are fully assimilated. It necessitates a deep insight into religion and religious practices of the people, especially when a particular religious group is following practices quite contrary to their religious fundamental tenet. The concept of justice in every society is submerged in the substratum of the culture, which has religious, ethical, spiritual and religious dimensions. Legal positivism in its attempt to make it a science isolates law from all other disciplines and values such as history and ethics. The empirical focus of sociological pragmatism eliminates the ethical and ideological elements. Fed up with this, Scandinavians negate the very notion of justice, the authority of law and its binding force. But the early Indian
laws never identified law in isolation to social life. For them law, religion and ethics are part and parcel of the same system. In all ages, law has travelled towards justice. The route of justice is through conflict resolution within the society. This will be revealed through the study of people, religion and their stratification. All the natives of the islands are Muslims. The majority of the islanders belong to the Shafi School of the Sunnis.¹ A peculiarity of Lakshadweep islands is the caste among Muslims.

CASTE SYSTEM IN THE ISLANDS

Caste system is alien to Islamic religion. Koyas, Malmis and Melacheris are the castes in the Laccadive group of islands. This is the system prevalent in all the islands except Minicoy². In Minicoy Island their caste-like classification is Manikfans, Thakrufans, Thakrus and Raveries. All these caste-like ethnic groups are placed in a hierarchical order with Koya, at top and Melacheri at the bottom and the Malmi in between. In Minicoy Manikfan corresponds to Koyas of Lakshadweep islands. Thakrufans considered being higher social status than Thakru. The lowest class, the Raveri, which corresponds to the Melacheri in the Lakshadweep islands. They maintain endogamy at the caste level and exogamy at the tharawad level. Intercaste marriage is still not common.

² Mannadiar has mentioned the classification or castes in Amini is Tharawadi Tankampranaver, Kudiatis and Melacheris. But the researcher has found these separate names are not in use now. Now a days Amini islanders are also using the caste name Koya, Malmi and Melacheris as other islanders. These tharawadi and ThankamPranavar is the other name which they used to refer the Koyas and Kudiatis is for referring Malmis. See Mannadiar, id, at p. 90.
Koyas

They were the aristocratic lands owing class of this society. Formerly they were known as tharawadis or the Karanavar class. They are claiming that their predecessors were either Nambodhiris or Nairs of the mainland or they are the successors of Nambodhiris or Nairs who first migrated to these islands. Traditionally, they were the proprietors of the unmechanised sailing vessels known as Odam. Till recently entire trade and commerce were their monopoly. The other two lower classes were the tenants in the feudal setup that existed in the islands for centuries. They belong to the original principal families or Tharawads of these islands. In olden days heads of these principal families who were known as Karanavans sat as groups in the community Panchayat known as kootom. The entire islands were treating this group as a superior class. In those days this landowning and boatowning class was the real masters of the island with voice even in day to day administration of islands.

Malmis

They are sailors or pilots of vessels. Malmis were the tenants of Koyas. They were the sailors of Koya classes' boats. The word Malmi is having Arab origin, which means who in connected with signs of ways. In the olden days only the Malmi class were supposed to pilot a vessel.

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3 See for details, infra Ch. III.
4 See for details, infra Ch. IV.
5 Copra (Coconut), Coir and other island produce were exported to the mainland and rice and other provisions imported to the islands. See also R.H. Ellis A Short Account Of The Laccadive Islands And Minicoy (1924), p. 70.
Melacheris

They are the labour class of Amini and Laccadive group of islands. They were also tenants of Koyas. Traditionally, their occupation was climbing coconut trees for plucking nuts, tapping neera/meera, and processing coir and rope making.

RELIGION

Though the social stratification based on above castism is still working in the islands, it is not as strong as olden days. The islanders send their children, irrespective of their sex, for religious education to madrassa at the age of five or six. This study will extend till they are able to read Koran and know their religious doctrines. The girls stop going to madrassa once they complete reading the Koran six times. The study of Arabic is linked in Lakshadweep to religious association rather than to cultural contacts with the Arabs.

Sunnis

The Sunnis are the traditionalists of the Muslim world. As popularly known today, Sunnis is the term generally applied to the large sect of Muslims who follow the traditional mode of faith. They are considered as orthodox Muslims. The word Sunni is derived from the term Sunnah which means, a tradition, path, custom or status. It usually signifies, those who follow prophets' Sunnah, his path or standards set by him. The word Sunni is usually understood in contrast to the term ‘Shia’ which is the principal

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6 See infra Ch. III.
10 Encyclopaedia of Islam, London, 1913, p.555 see also Mannadiar supra n. 1 at p.89.
heterodoxy in the Muslim world, though the Shias claim to base their claims on traditional evidence to a greater degree than even the Sunnis.\textsuperscript{11}

All Sunnis belong to one of the four Madhabs (Schools) of Islamic Jurisprudence founded by Imam Abu Hanifah, Imam Ash Shafi'i, and Imam Malik and Imam Ahmad Ibn Hanbal\textsuperscript{12}. The majority of the inhabitants of the islands belong to the Shafi Madhab of the Sunnites. This is similar to the situations in mainland of Kerala where the Shafi Sunnis form a two-thirds of the Mapila Community followed by the Wahabism\textsuperscript{13}. This is an indicator that Islam come to islands from the Malabar Coast, not from Arabia directly\textsuperscript{14}.

Wahabism

Though the number of Wahabis are small their impact on Lakshadweep society is important. The Wahabis have separate mosques in Agatti and Kavaratti.\textsuperscript{15} Wahabis are Muslim purists. They reject all traditional teaching except that of the prophet. They prohibit pilgrimage to the shrines or tombs and try to restore Islam to the condition of its primitive purity. Theodore P.C. Gabriel identifies Wahabism as a growing force in the islands and the number of adherents of these puritans of Islam is increasing in all islands and especially in Minicoy island. Many intellectuals including Arabic teachers who had their study in Arabic Colleges of Kerala and Tamilnadu are behind this movement.\textsuperscript{16} The founder of Wahabism, Mohammed-Ibn-al Wahab born in AD 1791 at the town of

\textsuperscript{12} Roland E. Miller, Mapilla Muslims of Kerala, Orient Longmans, Madras, 1976, p.252.
\textsuperscript{13} Roland E. Miller, id., p. 232.
\textsuperscript{14} Theodore P.C.Gabriel, supra n. 8 pp.116-119.
\textsuperscript{15} N.S. Mannadiar, supra n. 1 at p.89.
\textsuperscript{16} Theodore, P.C.Gabriel supra n. 8 p.199.
Wahib was alarmed by the lactates and non-conformist cults, which had crept into Islam. So he initiated a movement to take back Islam to the purity of its original faith. Wahabism is a return to the “Arab Idea” in the Islamic world. Some of the present religious oriented trends in the social change of this island society is very much related to or have deep roots in Wahabism. Thus inorder to assess the direction of the social movement which stubbornly imposes marks on islands’ cultural identity is highly relevant in this multi-dimensional legal thesis, especially in a caste-ridden Muslim social structure.

The fundamental of the Wahabi ideology can be summarized that the Allah is the only object of worship and those who worship any other are deserving of death. They consider the worshipers of saints and those who visit their graves are like the Mushrikin (idolaters). Referring the name of any prophet, saint or angel in a prayer or seeking intercession from them or making vows to them is tantamount to polytheism. Illumination of the shrines of saints, prostrating before their tombs, perambulating round them or making offerings there are unlawful. The prophet’s tomb at Medina also is not exempted from these prohibitions. The mosques of Wahabis are too simple in design and without minarets or ornamentation. Taking food in public places is not allowed in Wahabism. To profess knowledge not based on Quaran, the Hadith or the interference of the intellect from these scriptures is unbelief. Women should not be allowed to attend funerals and visit the graves of the dead on account of their immoderate weeping. Only

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17 Hughes, supra. n. 7, p.659.
four festivals, namely, Id-ul-Fiter, Id-ul-Adha Ashura and Al-Lailatu L-Mubarakah should be observed\textsuperscript{17a}.

This society is having a different religious and cultural heritage, totally different from the later embraced religion. The vestiges of past faith and tradition are preserved there willfully or unknowingly so as to cause lesser transition in the social set up. The geographical and cultural isolation formed a strong reason for these islanders to preserve the philosophies and customs of the olden traditions\textsuperscript{18}.

This movement has to be contra distinguished with the peculiarities of Islamic practices in Amindivi and Laccadive Islands. Veneration and propitiation of Saints is very common. Prayers are made to them to cure diseases, for example, and for other benefits. Vows of offerings to saints are undertaken for obtaining favours. Almost every mosque is associated with a saint and vows are fulfilled on the day of annual ceremony held in the mosque in honor of the saint\textsuperscript{19}. A number of Maulud and Andu ceremonies (birth and death anniversaries) for the Saints and Martyrs are held. This is done in a lavish way with much pomp. Arabic verses in praise of the Saint are chanted on these occasions. These anniversaries are celebrated in individual houses also. The elements of ancestral worship is also seen in elaborate celebrations held in Tharawad in honor of Local Saints who happen to be its ancestors. Large number of people are attending this ceremonies. Sufi elements are also observed in the performance of Ratib or Tikkar by followers of the Quadiri order founded by the great Sufi leader, Abdul-Quadir Jilani and

\textsuperscript{17a} Supra n.8, p.199.
\textsuperscript{18} See Chs. II, III, VII, VIII, X and XI.

\textsuperscript{19} A.R.Kutty, Marriage and Kinship in an Island Society (1972), National Publishing House Delhi, P.72.
the Rifai order of Ahmad-ar-Rifai. The practice of reciting Quran over the graves of the recently dead also is against the Wahabi ideologies. The Wahabism reached in the islands from Kerala. This movement taking the religion “back to the book” to the days of the prophet.

Achievement of Reformists from the Mainland

Orthodox Sunni leaders opposed the Wahabi movement. The Wahabis were even ex-communicated from the Islamic society of the Laccadives. The Sunni leaders brought scholars of the orthodox school from the main land to attack the Wahabis publicly. After obtaining highest degree in Arabic of that time, the Afzal-ul-Ulama, in 1956, K.P. Shamsuddeen reached Agatti and found the conflict between Wahabis and Sunnis is very dangerous. The majority Sunnis was persecuting the Wahabis in all ways possible, mainly by social discrimination. Most of the conflict took the form of civil suits ostensibly for land and property disputes but actually provoked by the ideological rift.

In Agatti Island, Thalekkade Mohammed Moulavi (a Melacheri) the originator of the Wahabi movement there, had to face difficulties from orthodox Sunnis. In 1948 the Sunnis brought a learned Ulama from Calicut, Abdullakutty, to conduct the counter propaganda at Agatti. In the public discourses he declared that all Wahabis were (Kafirs) (Unbelievers) and advised the islanders to ostracize them from the Muslim community. He exhorted them to Isolate them socially and also to prevent their participation in prayers at the local mosques. That culminated in great difficulties to Wahabis, which made them objects of all sorts of calumny. The Koyas owned the mosques at Agatti and

20 Theodore P.C. Gabriel, supra n. 8 at pp. 123-130-131.

21 Id. at pp.126-127.
they being the section to lose most by Wahabi egalitarian and fraternal ideals, prohibited
the reformers from attending their mosques. The very existence of the Wahabis at Agatti
was threatened. Later the Wahabi movement gained momentum and attracted many
more adherents, especially among the younger generation. Later the Sunni brought
another leader, Porkoya Moulavi, for their cause, this time from Androth Island, the
Mecca of Laccadives. By that time, the Wahabis had gained quite a sizeable number of
followers and Porkoya Moulavi took a compromising approach rather than a direct assault
on the Wahabis. He invited the Wahabi leader and requested him not to aggravate the
situation further by propagation of Wahabi doctrines in the island. Mohammed Koya
agreed to this proposition provided the Sunni withdrew the social and religious boycott of
the Wahabis. But Porkoya's attempt at reconciliation of the two parties failed. The
belligerence of Sunnis towards the Wahabis has continued unabated. They decided to
establish their own mosque. The construction of the Mosque, which commenced in 1950,
was completed in 1951.22

**Sunnis Vs Wahabis**

The establishment of this Mosque augmented Sunni animosity towards the
Wahabis, and they could not prevent them from attending public Salat. The fury of the
Sunnis found expression in an attach on the Mosque in which it was destroyed. The
Wahabis filed a criminal suit at the Amin's Court. (No executive-judiciary separation
was there at that time and Amins were not having any legal qualification) Due to the
gravity of the case, it was referred by the Amin to the Deputy Collector (Additional
District Magistrate) of Malabar District. While the case was pending at the Collector's

Court, the Wahabis repaired their Mosque. But this was again demolished by the Sunnis. Consequently Wahabis filed another criminal case against the Sunnis. The District Collector heard the cases in 1953, during his visit to the Island. The Collector tried for an amicable settlement. Collector pointed out to the Sunnis that since they had disallowed access by the Wahabis to their mosque it was only just to allow them to construct their own mosques in their own land. The Sunnis could not ignore the Collectors request in view of his administrative and judicial authority and they had to accept that proposition. On his return from Calicut, the leadership of the Wahabis was entrusted upon Mr. Shamsuddeen. On 1st November 1956, the Lakshadweep islands became a Union Territory. To end the controversy between the two sects, the first Administrator of islands, Shri S. Mony, convened a meeting of prominent leaders of both factions and was able to effect reconciliation. According to this, a separate Quazi was appointed for Wahabis. Mr. Shamsuddeen was the first incumbent. Naturally, the Wahabis had refused to recognise to Sunni Quazi who is the judge in religious matters and most social affairs such as divorce. So by the efforts of civil administrators the Wahabis got religious liberty and freedom of worship as enshrined in our Constitution. Now Wahabis are having their own Mosques and Madrassa as (religious schools). Their first Mosques “Issattul Islam Juma Masjid” and the first Madrassa Miftanul – Ulum were started at Agatti island.

23 Id. at p.128.

24 Id. at p.130.
Ahamadiyyas

The Ahamadiyyas movement refutes the claim that prophet Muhammed was the last prophet. It sets up as a prophet Hazrat Mirza Ghulam Ahamad, who was born in a family of Mughal chiefs in Qyuadian, a village in the Gurdasput District of Punjab, in 1835. The followers of this sect islands are confined to Kalpeni islands. It is true that they had characteristic missionary zeal and attempted constantly to gain coverts to their sect from all islands. But the movement could not take off any remarkable achievement in the Quadiriyya and Rifai Sects

Another sect is the followers of the great Sufi sant Abdul Quyudir al-Gila and his disciple. Ahmad-ar-Rifai, known popularly as Mohindeen Sheik and Rifai Sheik in the islands. The adherents of these Sufi orders are noted for the ceremony of Tikkar the Dikr of the howling Rifai dervishes. Shri Sathikumaran Nair opines that the ceremony of Ratib was introduced in the islands by one Sheik Mohammed Kasim Tangal, whose Makbara (tomb) is to be seen in Kavaratti island near the famous Ujjra mosques. Shiek belongs to the lineage of Kavaratti Tangals who are held in high esteem throughout the island. They are well known for their magical powers, especially in connection with healing the self-mortifying

25 N.S. Mannadiar, supra n. 1 p.89.
26 A.R. Kutty, supra n. 19 p.80.
ecstatic dancers of Tikkar ceremony. The Ujjra mosque in Chetlat Island was constructed in honor of the Riphai Saint and commemorates the death anniversaries of many of his descendents. The Quadiri order is a very tolerant and progressive one, though not differing very much from orthodoxy. Its important characteristics are philanthropy, piety, humility and aversion to fanaticism – religious or political.

Sheik Mohammad Khasim the founder of the Quadiri orders in the islands was an Arab Sufi Sayyid. He was responsible for constructing the 300-year-old Ujjra mosque at Kavaratti. It is famous for its fine woodcarving. The Saint also established mosques at Agatti and Amini, where he introduced Ratib ceremony. The Khalifa of the Amini mosques has jurisdiction over all the Quadin mosques of the Amindivi groups. Shiek Mohammad Khasim died at Kavaratti in A.H.1140. His tomb near the Ujjra a holy place for islanders. The celebration of the Anniversary of the Sheik’s death is important for them. The Sheik’s cap, walking stick and flag are still preserved at the Ujjra mosques. The prayers to the Sheik are believed to be highly fruitful in healing diseases and redressing calamities. The Kavaratti Tangals is considered as owner and patronage of all the Mohindeen and Ujjra Mosques in the whole of Lakshadweep. Their representatives in each island are called Khalifas and are the heads of the Sufi orders in the particular island. The Kavaratti Sheik visit the islands once or twice every year. Then the Khalifa of the respective order receives him ceremoniously on the seashore and escorts him to the

29 Id., supra n. 27 at p.215.
31 K.P. Ittaman, supra n. 22 p.93.
32 This is based on a manuscript written by the Late Mohammed Moula of Kavaratti, an ardent devotee of Sheik. This record is now in possession of his son. see also Theodore P.C.Gabriel, supra n. 8 p.139.
33 K.P. Ittaman, supra n. 22 p.94.
34 Kutty, supra n. 19, pp 80-82.
mosques accompanied by resetting of thicker and the beating of tambourines by the members of the order. During the stay of the Sheik in the island Ratib is performed regularly every Sunday and Thursday night\(^{35}\). Formerly even without the presence of Sheik the ceremony used to be held invariably every Friday and Monday night, but now it is performed only when Sheik present.

There is very small distinction the Quadiri and Rifai orders in the islands. The main difference is in the songs of praise recited during ceremonies in honor of the respective grand masters of the order. Rifai order is known for thaumaturgical exercises like piercing of face and body with awls. During this ceremony in which the participants reach a frenzied state, which is known as Tikkar and is practiced by Rifais. The Quadiris on the other hand are content with beating Tambourine. In that rhythm slowly rising to a present crescendo and a very fast climax. The two orders are distinguished by the terms Tikkar – Kar and Daff–kar\(^{36}\). Theodore P.C. Gabriel had mentioned that there were no Quadiris and Rifais in Minicoy\(^{37}\).

In 1950 some Melacheri youths learnt Baith (The Ratiba songs surreptitiously) and went in an occasion of Ratiba being performed at the mohiddin mosque of Amini in the company of some able bodied men and forcibly participated in the Baith. The Koyas, the upper class were highly incensed at this intrusion into their prerogatives, but they did not indulge in any violent reaction. When they lodged a protest with the Tangal, who was the Khalifa of the Quadiri order in the island, took the stand that caste distinctions

\(^{35}\) That is Monday and Friday night for Muslims, since they consider night to precede the day. see Theodore P.C. Gabriel, supra n. 8 p.130.

\(^{36}\) Daff (Malayalam - a tambourine). see also Theodore P.C. Gabriel, id. at p.142.

\(^{37}\) Theodore P.C. Gabriel, id. at p.143.
were not relevant to the Islamic faith and would not admonish the Melacheri devotees. Humiliated by this unexpected reply the Koyas subsequently established their own mosques for conducting Ratib ceremonies. The approach of the Kavaratti Tangals in this controversy is interesting. Traditionally the Tangals have more affinity with the higher class Koyas than with the lower class Melacharies owning to the Tangals elevated social position. But, in religious matters they adopted strict neutrality and almost Wahabi like charm. The Kavaratti Tangals attitude to the caste system is on the whole rather more democratic than that of the Tangals of Androth Island. The former is more popular with all sections of the island society inspite of their higher social status. The separation of Ratib ceremonies for the Koyas and the Melacharies led to so many law and order problems. On festive occasions, such as Id-ul-Adha, Id-ul-Fitr and Bakr-id, the devotees of Quadiri and Rifai orders used to go round from house to house soliciting gifts for the mosques and performing Ratib. The question that who should lead the Ratib procession led to clashes. The Deputy Tahsildar, who was the then administrative head of the Amindivi Islands, issued a prohibitory order prevailing the procession being taken out, to prevent a disturbance of peace in the island. The traditional heads of the Sufi orders continued to officiate at ceremonies in the Melacharies owned Ratib mosques, in conformity with their stand an equality of all devotees. K.P. Ittaman mentions of two Ratib mosques each for Tangals and Koyas at Amini. Earlier in a similar incident in 1940 the Melacharies forcibly participated in recitation of Baith. This took place in Agatti, but that was amicably settled by the intervention of Aranikkat Tangal of Kavaratti.

38 Id. at pp.147-150.
39 Id. at p.142.
Tangals

Tangals, though belonging to the Sunni sect, is being treated as a special category among them. The Tangals are the direct descendants of the Prophet (through his daughter Fatima) and are highly revered in the islands as elsewhere throughout the Islamic world. The Prophets descendants in Mappila community of Kerala are also known as Tangals. In other Muslim communities they are known a Sayyid (also spelt Syed or Saiyis), Sharif, Wali, Pir and Mirza. Tanglas of the islands are mostly concentrated in the Androth Island. They are considered to be the descendants of Ubaid – Allah the Hijazi Sayyid who is believed to have converted the islanders to Islam. The Tangals of Androth Island exhibit different physical characteristics like fairer complexion a better build, which perhaps indicate their Arab lineage. The Tangals from Lakshadweep have a high reputation in the mainland and many of them, especially those from Androth island, earn a very good living by visiting Kerala and even foreign states like Sri Lanka and Singapore where they are held in much esteem for their practice of healing and other magical rites. These periodic journeys are known as Saphar (from the Urdu word for travel). Though witchcraft and sorcery are not acceptable to orthodox Islam, many Tangals practice magical rites, with the help of amulets and charms. These charms are usually verses from the Koran written in Arabic or codified into numbers on pieces of

40 K.P.Ittaman, supra n. 22 p.217.
41 Similar practices are by Dunkns (local Shamans) borrowed from pre-Islamic, native Abangan Pagan cults are wide spread. In the Maldives there are numerous Fanditamen (sorcerers) whose main tool for working their spells is the amulet called Tavidu. For detailed discussion on Indonesian magical practice, see Clifford Geertz, Religion of Java, Free Press of Glencoe, Illinois, (1960), pp. 86-111.
paper or engraved on metal and enclosed in containers, *Urukku* and tied on the person of the individual expecting benefit from the against.

The island society is a predominantly matrilineal, but the Tangal Community is an exception of this. Here inheritance passes from father to son through the head of the line\textsuperscript{42}. Matriliney in the Islands is a vestige of the Hindu ancestry of the islanders, the fact that they are descended from *Nairs* and *Tiyyers* who originally emigrated from the South Malabar, where a matrilineal and matrilocal forward system existed. They follow patriliney a predominant inheritance mode\textsuperscript{43}. This is in tune with the predominant Islamic ideology.

The reformist movements in the religion could help in removing social and religious disabilities. But they could not totally divorce the islanders from the Hindu bases of the society namely matriliney, joint family, caste consciousness and ancestral worship. The number of mosques in proportion to population and land area is much higher than any other part of India. But there are so many long pending civil suits and criminal cases before judicial courts on the issue of control over mosques. There are repeated law and order problems to be handled in some areas. One can attribute their roots in the social stratification the islanders followed earlier.

CHAPTER –III

CONCEPT OF PROPERTY, LAND TENURES AND LAND REFORMS