

MARRIAGE REFORMS IN MALABAR
1881—1933

MARRIAGE REFORMS IN MALABAR,

1881-1933

SWARNA KUMARI B. K.

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CENTRE FOR HISTORICAL STUDIES
School of Social Sciences
JAWAHARLAL NEHRU UNIVERSITY

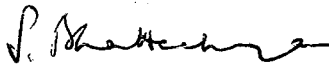
New Mehrauli Road
New Delhi-110067

DECLARATION

Certified that the dissertation entitled
"Marriage Reforms in Malabar, 1881-1933" submitted
by E.K. Swarna Kumari is in fulfilment of eight
credits out of the twenty four credits for the
degree of Master of Philosophy of this University.
This dissertation has not been previously submitted
for any other degree of this University and is her
own work.

We recommend that this dissertation be
placed before the examiners for evaluation.


SATISH SABERWAL
SUPERVISOR


S. BHATTACHARYA
CHAIRMAN

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P R E F A C E

PREFACE

The modern state of Kerala was formed on 1st November 1956 by integrating the erstwhile princely states of Travancore and Cochin with Malabar on linguistic basis. Till 1956, Malabar was a district of Madras Presidency.

This study is mainly concerned with the changes taking place in the marriage as well as inheritance systems of Nairs in Malabar in the 19th and 20th centuries in the light of the general socio-economic transformation occurring in Malabar.

An integrated exposition of social, economic and political history is absent in Kerala history but efforts are being undertaken by scholars to fill up the gap as well as to bring out a consolidated exposition. Though the term 'Nairs' has evoked much interest to historians, socio-

logists and anthropologists in recent times because of their peculiar marriage and inheritance systems and the position they had in the traditional society, unfortunately much concentration had been given to interpret their social practices and customs and not much effort has been taken to understand the aspects which led to the reformation among their community or the changing status they acquired. To talk about some of the work done by scholars on Nairs, William Logan's Malabar provides a good deal of information about them and as such stands out prominent even today. The availability of several works by scholars interested in Nair customs, manners, inheritance system etc. help us to have an understanding of the respective topic to an extent. To mention a few, "Studies in Kerala History", by Elankulam

Kunjan Pillai, containing several articles on the traditional structure of Kerala is an excellent work helping us to understand the relevant society. Foreign scholars also have devoted considerable attention to study about Nairs. Robin Jeffrey's "Decline of Nayar Dominance" is an interdisciplinary analysis of the social and political history of Travancore from 1848-1908. His main concentration is on Nairs. Though his conception of the Nayar dominance before the 19th and their decline by 20th centuries cannot be accepted fully, still his work gives a picture of the contemporary society and the role of Nairs there.

Schneider and Kathleen Gough (eds.), "Matrilinal Kinship" while discussing generally about matrilineal communities, has devoted two chapters containing details about the family structure of

Nairs as well as Namboodiris and tries to analyse the factors responsible for the later changes affecting both these communities.

Joan P. Mencher's articles have discussed more about the customs and usages prevalent among both Namboodiris and Nairs of Malabar.

This attempt therefore is directed towards analysing the factors responsible for the changes in the 19th and 20th centuries.

Malabar was ceded to the British in 1792 by Tippu of Mysore according to the Treaty of Seringapatam and in 1800 it was made a district of Madras Presidency.

The British connection and rule brought about some far-reaching changes in the political, social and economic fields of Malabar life.

Nairs who had for centuries comfortably adjusted to a subservient role started re-

evaluating their social practices and institutions and engaging an ideological struggle, slowly adopting another value system and ideology which suited the contemporary trends. Their immediate demands were to legalize their marriages, bestow the right to inherit the property of father which so far was denied and the legal right to partition the Tarawad.

To understand this movement, we have to study in detail the traditional social structure and the later changes in it.

Primary sources like native Newspaper reports (Madras) from 1872 to 1936, Legislative Department proceedings, Madras Legislative Council Proceedings, Malabar Marriage Commission Reports, Gazettes, Tenancy Bills have been consulted.

This dissertation is divided into four chapters. The first chapter deals with the

traditional social structure. The caste organization with Namboodiris at the top of caste hierarchy, their consolidation of power and dominance in political, social and economic levels of life and their exploitation and their marital relationship with Nairs, land tenure system, Nair's social practices and institutions which remained till 20th century are discussed.

The second chapter relates to the changes overcoming to the society of Malabar since the commencement of European trading activities and the establishment of British rule and how the Nairs emerge as a socio-economic force by the 19th century.

The third chapter elucidates the reforms introduced in response to the Nair community's demands and the effects of these. The conclusion reviews the findings in this study.

Chapter - I

TRADITIONAL SOCIAL STRUCTURE

Malabar which was made a district of Madras Presidency in 1800 covered an area of 5,795 square miles, and was made up of nine taluks, namely, Chirakkal, Kottayam, Kurumbranad, Calicut, Wynad, Ernad, Valluvanad, Ponnani and Palghat.¹

In 1891, the population was 2,648,172 and in 1931 it was 3,533,944.² Out of these, Hindus were 2,303,754, Muslims 1,163,453 and Christians 65,898.

Caste organization existed with Brahmins (Nambudiris) at the top. They were 26,333 in

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1. C.A. Innes, Malabar and Anjengo, Madras, p.2
The present day Palghat, Malappuram, Calicut and Cannanore districts roughly constitute the the former Malabar.
 2. In 1871, the population was 2,261,250 and in 1881, 2,365,035 - Logan, William, Malabar, p.81. Population was steadily increasing.

1931³ Kshatriyas as usual came next in hierarchy and were the ruling class. Nairs who were Sudras numbered 537,618⁴ and were mostly tenants though some were landlords or Jammies.⁵ The caste rigidity in Malabar kept the lower castes like Cherumars and Parayas as untouchables and complete pollution was observed. They were 207,816 and 11,730 respectively.⁶

Literacy was comparatively high in Malabar with 509,051 literate persons in 1931 out of which

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3. Census of India 1931 — Madras, Vol.XIV, part II, p.308.
 4. Ibid., p.98. (Kshatriyas are numbered together with Nairs in 1891 and their number not mentioned separately in 1931 Census).
 5. Nairs were made up of a large number of sub-castes. According to the 1891 Census they numbered 130 and no intermingling was allowed between the higher and lower subcastes.
 6. Census of India 1931 — Madras, Vol.XIV, part II, Table XVII, p.306.

51,821 were literate in English.⁷

The major occupation was agriculture and according to the 1881 Census there were 575,499 whose occupation was agriculture and in 1931 there were 431,263.⁸

As mentioned earlier, Nairs consisted of several subcastes and a Nair lady was never allowed to have any connection with a lower sub-caste man whereas the alliance with a high caste-man was practised and encouraged. This was called Sambandham. The Nair lady even after Sambandham stayed in her joint family house, known as Taravad, with her children. This temporary liaison never kept or imposed any restriction on

7. Census of India 1931, vol.XIV, part II, Madras, pp. 4 & 21.

8. Census of India - 1881, Madras, Vol.V, pp.116-17.

the father of the children i.e, he had no responsibility to maintain his children or the wife. All the expenses were meted out from her Tarawad.

The inheritance system was such that the property was handed down through the female line and the children had no right to claim father's property. In the traditional set up of family organisation, all these went on smoothly. But in the 19th century the Nairs started re-evaluating and appraising their social practices and institutions and putting forth demands to legalize their Sambandham, thereby demanding the right to inherit father's property and also for the partition of Tarawad property.

These arguments were taken up by the British government who set up the Malabar

Marriage Commission in 1891 to investigate into the prevailing system of Nair marriages and inheritance and also to recommend reforms in these lines. Thus Malabar Marriage Act was passed in 1896 giving provision to Nair kkathayam and Alivasanthana people to register their marriages and also the right to inherit half of the self-acquired property of father. But it was only in 1933 that the right to partition the Taravad was provided.⁹

Some of the relevant questions which arise here are — Why did the Nair community demanded changes and reforms in their prevailing marriage and inheritance systems? What made them re-evaluate their existing social practices and

9. For details of the Act, see, ch.III of this dissertation.

institution? To analyse these, we have to understand the traditional social structure as well as the later trends affecting the Malabar life. Since the 16th century, the European trading activities, growing importance of cash over kind, development in communication and transport, open markets, changes in land tenure, Western system of education and urbanization were changing the atmosphere of Malabar.

History of ancient Kerala is so much mingled with legend that it is difficult to find any historical event without contact with legend. One such legend tried to explain the creation of Kerala by Parasurama, an incarnation of Vishnu who threw an axe to the sea from where came up the land of Kerala. Parasurama brought brahmins to

Kerala, bestowed all the land to them and instructed the Nairs to serve them in all capabilities.

These have been deliberately concocted by persons or classes who had a vested interest in the perpetuation of particular social systems or economic arrangements and who sought to secure the willing acquiescence of other people and classes by investing that particular system with the halo of tradition.¹⁰

Keralpathi and Kerala Mahatmyan are obvious illustrations of the creation of an ideology by the Brahmins.¹¹

By 12th century, Namboodiris had probably established their position completely in Kerala.¹²

10. Kankulam Kunjan Pillai, Studies in Kerala History, p.324.

11. These works are discussed on page 15

12. For details, see Rajan Gurukul, Socio-Economic Role of the Kerala Temples.

The field of their activity were the temples. Ranking highest in caste hierarchy, they had full access to the temples and the other castes could not even go near these people who taught themselves as the holiest of the holy. The corner stones of the socio-economic structure of Kerala in the early centuries of Kollam era were the temples which sprang up throughout the length and breadth of the country. Towns grew around temples.

The temples in those days function of present day schools, libraries, religions seminaries, cinema houses, theatres and public parks.¹³

Important temples like those in Kandiur, Tiruvanchikulam, Trivandrum, ~~Tiruvandrum~~, Tiruvandur, Tiruvanmala, Tiruvalla, Trikkathanan, Trikkakkara were set up during this period.

13. Elankulam Kunjan Pillai, op.cit., p.332.

It was usual for the kings and people to contribute and endow gifts of land and gold to the temples for the maintenance. They had extensive landed property as well as gold and other valuables in abundance, contributed by rulers and other devotees.¹⁴ Lands and gold were bestowed on Parthivapuram, Trikkakkara, Tiruvalla temples by the rulers for maintenance, feeding of brahmans, students etc.¹⁵

The protection of the temples was considered to be one of the duties of the state and community. The temples of this period encouraged education, arts, etc. "All expenses

14. Rajan Gurukkal, op.cit.

15. Elankulam Kunjan Pillai, op.cit., pp.328-332.

of brahmin students including food and accomodation were met by the temples.¹⁶ Devadasis who danced and raised money for the temples were also encouraged by the temple authorities. Art forms like Kathu, Koodiyattam, sculpture and painting inseparable from temples also flourished during this period.

Since the temples came to possess immense property, an efficient and administrative machinery was essential and thus each temple was placed under the management of a board of Trustees called Ooralars. Naturally as the Namboodiris were the only group who handled the affairs of the temples directly, they became the trustees also.

16. Ibid., p. 268.

In fact a temple was synonymous with a brahmin settlement.¹⁷ The association of brahmins with the temples was mainly because of their efficiency and merit and the confidence people had in them,¹⁸ and it was checked and controlled as is evident from the Mooshikkala-kkocham or code, whose formulation is discussed by Elankulam Kunjan Pillai:

A conference of representatives of all the temples in Kerala met at Mooshikkulam under the presidency of the Perumal or his representative, Koyiladhikarikal and drew up a code of regulations intended to ensure that the trustees did not appropriate to themselves the properties of the temples or to extort high rents from those who tilled the temple lands.¹⁹

17. Veluthat Essavan, "Role of Temples in Kerala Society" in Journal of Kerala Studies vol.III, p.193.

18. Elankulam Kunjan Pillai, op.cit., p.333.

19. Ibid., p.336.

There seem to have been other kachams also like Kadankathu Kacham, Kothuvayiraveli kacham, Tavannur kacham which also laid down rules governing landlord-tenant relations in regard to temple properties. In spite of these controls and restrictions preventing Coralars from misappropriating the temple properties as well as oppressing the Karalars (tenants) we find the whole Devaswam property becoming Brahmaswam (Brahmin's own) gradually. In any case by 12th century, these brahmins had emerged as the actual proprietors of land. The temple lands were exempt from tax. Simultaneous with the emergence of the landowning class was that of the intermediaries. "This class neither owned the land nor cultivated it but it was to them that the land was leased out by the temple."²⁰

20. Veluthat Kesavan, op.cit., p.192.

This was called kanam which means supervision or protection. "The Nayars....constituted the protectors."²¹ The land was actually cultivated by another set of people who were either the low castes or Nairs who held no kanam.

The produce of the soil was divided in equal shares between:
 (a) the farmer the kanakkaran i.e, the protector; (b) the actual cultivator; (c) the Janni - the landlord.²²

All these people remained loyal and subservient to the owners of the Devaswam and Brahmaswam.²³

21. William Logan, Malabar Special Commission Report , para-27, p.17.

22. Ibid., para-48, p.23.

23. V.Kesavan, op.cit., p.192.

and even

Samanta chieftains took their coronation oath to protect cows and brahmins.²⁴

"The jenni (landlord), the kanakkaran (protector) and the peasant shared the produce equally working out a social equation, on the basis of mutual dependence and reciprocal interest, within the confines of a feudal system of exploitation."²⁵

The efficiency and honesty with which the Namboodiris as corollars handled the affairs of temples gradually disappeared and after appropriating the temple property as brahmaswan, they soon realised that their dominance should

24. Jean P. Mencher and Helen Goldbug, "Kinship and Marriage Regulations Among the Namboodiri Brahmins of Kerala" Man Now Series Vol.II, pp.89-90.

25. K.H. Panikkar, "Peasant Revolts in Malabar in the 19th and 20th Centuries" A.R.Desai (ed.), Peasant Struggles in India, p.604.

be supreme in all fields. While spiritually they were considered the unquestioned leaders, the monopoly on land gave them the material stability. Soon they were to calculate and create an ideology which for centuries was made to dominate in the social, economic, and political spheres of Kerala society. Kerala Mahatmyam and Kerolpathi in all probabilities created by these Bhudevans speak out this ideology.²⁶

The legend of Parsurama was made the

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26. i) Kerala Mahatmyam is a poem in Sanskrit and purports to be a monologue addressed by Rishi Garga to Yudhishthira, the eldest of the Pandus. Namboodiris used to justify their alliance with Nair women, quoting from this.
- ii) Kerolpathi means origin of Kerala. It is a work in Malayalam, said to be translated from Sanskrit. It is a brahmin version about the origin and history of Kerala.

basis of all these. Since he brought these brahmins and endowed them with all lands and instructed all other classes to serve them, others were bound to serve.

Caste system was probably introduced and imposed on this society by brahmins, keeping their position at top. Till then social stratification was based on functions and not on birth .

Functions became birth-rights and holders thereof entitled for their service to certain portions of the produce of the lands within the limits of their birth right.²⁷

The rigidity of caste system which soon followed and spread prescribed that the lower castes should not even appear before a brahmin whereas a Kair could see him but not touch.

27. William Logan, op.cit., para-29, p.18.

Although they formed only about $\frac{1}{4}$ of the population, the Brahmins by virtue of their proficiency in the Sastras as well as in the martial arts and their mastery of the secret arts by which the Gods could be won over, were objects of veneration and awe for all people.²⁸

No one dared to question them and there is one instance that these Jenmis instructed the last Perumal to do penance because he offended the Namboodiris.²⁹ Though a mutual understanding existed between the jenmi, kanakkaran and cultivator, these jenmies were always careful to consolidate and preserve their property

28. Elankulam Kunjan Pillai, op.cit., p.313.

29. Quilon Rameswaram Temple inscription — Travancore Archaeological Survey - Vol.V, p.44. Quoted in Elankulam Kunjan Pillai, Studies in Kerala History, p.312.

and prevent it from partition or split.

It is in this context that we have to see the Namboodiri-Nair relationship.

Regarding the family structure of Namboodiris they were patrilineal and followed primogeniture with only the eldest son allowed to marry within the community. The younger members established temporary alliances known as sambandham with Kshtriya or Nair women³⁰ while this was considered a virtual marriage by the lady, for Namboodiris this was only a temporary arrangement. Nothing could restrict them from changing the first lady or having liaisons with a number of them. The unfortunate result of this

30. For a detailed information about the Namboodiri family structure, see, Kathleen Gough, "Nayar : Central Kerala" in Schneider and Kathleen Gough (eds.), Matrilineal Kinship, pp.319-20.

was that, this kind of relationship never kept any obligation or responsibility on the father towards his children. The children neither inherited any property from the father's side nor had any claim to it. Surely this was a device to preserve the Namboodiri property intact without alienation. The brahmin ideology had not failed to convince the Nairs that accepting Brahmaswam was a sin. The question naturally arises -- Why did the Nairs accept such an unequal partnership and whether it was beneficial in any respect? The answer lies in the ideology that Namboodiris were Gods on earth and to have Namboodiri children was a blessing. In fact, for the Nair women, it was a prestige and pride. Kerala Mahatmyam laid out that Nair women should please the Namboodiris.

These two books (Kerala Mahatmyam and Kerolpathi) are works of Namboodiri

Brahmins who from interested motives, have always wished to make out that our women do not and need not practise chastity.³¹

Again the position of Namboodiris as Jennies and the tenants' dependence on the Jennies never allowed the tenants to question the activities of Namboodiris. In the beginning stages when the Namboodiris were settling down it is seen that this kind of relationship was forbidden.

Some inscriptions of the Gera period, in a seal to safeguard the common interests of the Brahman settlement and the corporate character of the temple committee had strictly prohibited this sort of relationship for a member of the committee with women of the

31. O. Chandu Menon, 1891 Malabar Marriage Commission Report - Memorandum, p.1, NAT.



tenants family.³²

But gradually the corporate character broke up and no control was there on the life of the brahmins. This give validity to the argument that Kerala Mahatmyam was composed later and this sort of liaison was made accepted in a later stage. This was all possible for them since, where ideology failed, the Namboodiris had their material position to fall back upon:

"Being landlords with absolute proprietary rights they could assign lands to the families of the women whose favours they sought, or in the event of refusal, cancel the assignment if one already existed." ³³

32. M.G.S. Narayanan, Kerala Charithrathile Chila Adisthana Silakal, pp.53-55. Inscription Nos. 208-11 of 1875.

33. K.N.Panikkar, "Land Control, Ideology and Reform : A Study of the Change in Family Organization and Marriage System in Kerala" Indian Historical Review vol.IV, no.1, July 1977, p.35.

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An evil and drastic effect of the code of marriage of Namboodiris was that while Namboodiri bachelors enjoyed with Nair or Kshtriya women, 'the Namboodiri spinsters, secluded and vigilantly guarded in the privacy of their homes must live and die unmarried'.³⁴

Nairs had matrilineal joint family and system of inheritance. All the members claiming descent through a female ancestress lived together in the joint family house known as Taravad. The senior male member of the family Karanavan managed the whole affairs of the Taravad acting as a trustee. Though every member had a share in the Taravad property, no one could effect an

34. Malabar Marriage Commission Report - 1891, p.9 para-21 - This could happen since only the eldest Namboodiri married a Namboodiri lady and it might have been difficult to get eldest Namboodiris for all Namboodiri ladies.

individual partition.³⁵ The income from the property was spent for the maintenance of all its members without discrimination. The expenses were rather limited to food and clothing. The Nair women, whether married or not spent time in the taravai only and their husbands visited them only at night and gifts given to them only during Onam, Vishu, and Tiruvathira.³⁶ We find instances where the father of the child presents gifts or money at childbirth, but this was to

35. Partition was rare and occurred only when the property of the taravai became unmanageable.

36. Onam, Vishu and Tiruvathira are the festivals of Kerala.

acknowledge the paternity.³⁷ Apart from these, they had no obligation, their duty being to enhance their own parami.

The term 'Nairs' had been generalised much and they are always seen as a group of nobility born to protect other communities. But they were never :

"a monolithic egalitarian group. There were among them a number of subcastes or lineages. There were local chiefs, village headman, menials, washerman and oil mongers among them. Nor were all Nayers equally wealthy. From very large landlords, they ranged through moderate landholders down to the poorest of them (who) are day labourers."³⁸

37. See Kathleen Gough, "Interpersonal Kinship Relationships in Schneider and Kathleen Gough (eds). Matrilineal Kinship .p.595.

38. Robin Jeffrey, Decline of Nayar Dominance p.14.

This is corroborated by other scholars' statements who have identified many subcastes following different occupations.³⁹

Most of the foreign travellers⁴⁰ who had been to Malabar believed that the Nair ladies practised polyandry. Regarding the customs in the ancient period, the only available sources for the travellers were Kerolpathi and Kerala Mahatmyam — which laid down that the Nair ladies need not be chaste and should

39. See, Thurston, Castes and Tribes of South India, vol.V, pp.296-97; K.Kannan Nair, "The Nayars" in Malabar Quarterly Review vol.I, no.2, p.229; Fuller, C.J., Nayars Today, p.34.

40. Barbosa, Book of Durate Barbosa, vol.II, p.47. Buchanan, A Journey from Madras Through Mysore, Canara and Malabar, vol.III, p.14; S.Sen (ed.), Indian Travels of Thevenot and Careri, chap.I, p.122; Hamilton, Description of Hindustan and the adjacent Countries, vol.I, p.172.

satisfy any brahmin who desires her. This might have given them an impression about Nair ladies. Above all, they might have found a different atmosphere where the meaning of marriage could not be compared with Nair Sambandham. The fact that any woman who gains the displeasure of a brahmin by resisting him, suffered drastic consequences is true.⁴¹ The mere indefiniteness of Namboodiri love might have compelled the Nair women to have a permanent alliance with a Nair

41. For example; when a Namboodiri took a fancy to a pretty Nayar girl whose family hold land in some of subsidiary tenure from his Iliam and was able to force her to become his mistress, even if she was already married and devoted to her Nayar husband, otherwise he would cancel the assignment.

Joan Mancher and Goldberg, op.cit., p.

man. Nair landlords also adopted same attitude as that of Nanboodiris.

It is interesting to note that Taccoli Othenan a hero of Taccoli ballads⁴² had contacts with many girls, many of whom were already wives of other persons. Women gave themselves upto persons like Othenan who wielded great influence in the society on account of his military exploits. The husbands of such

42. Taccoli ballads form a part of Northern ballads or Vadakkan Pattukal, one of the important sources of medieval history and which reflects a lot about the then socio-economic life.

women did not dare to question this.⁴³ All these show that in the ancient and medieval period, there were rare cases of polyandry which might have been compelled by circumstances and influential persons did live a carefree life and no one could protest against it.

G. Chandu Menon⁴⁴ and K.M. Panikkar⁴⁵

strongly feel that Nairs were not polyandrous.

43. K.S. Mathew, Society as Reflected in the Vadakkan Pattukal, p.64.

44. G.Chandru Menon, Malabar Marriage Commission Report, 1891, Encl-C, p.10, - Chandu Menon was a member of the Commission.

45. K.M. Panikkar, "Some Aspects of Nayar Life" J.R.A.S., 1918, pp.254, Vol.XLVIII.

The Malabar Marriage Commission which was set up to make an elaborate study of the contemporary customs and usages of Marumakkathayam people and also to recommend proposals of change reported.

If by polyandry we mean a plurality of husbands publicly acknowledged by each other as sharing between a woman's favours by mutual agreement, the legal and regulated possession, it may be said that no such custom is now recognised by the marumakkathayam castes in Malabar and again nine-tenth of our informants would have it believed that polyandry amongst the Nayars is extinct.⁴⁶

All these show that even if some had practised it in earlier times it had gradually died out throughout Malabar. Another argument prevalent

46. Malabar Marriage Commission Report - 1891, p.12, para-25.

is that Nairs had no system of marriage. But from the restrictions imposed on them, we have to presume that Nairs had a system of marriage. Marriage was forbidden between members of same lineage and relations were completely prohibited between a Nair woman and a man of lower subcaste or caste so that the children were not degraded in social status.⁴⁷ Chandu Menon who defended the system of marriage of Nairs argued that Sambandham in its peculiar sense, conveys the same idea as the word marriage etymologically conveys in the English language viz, the union of man and woman as husband and wife.⁴⁸ The

47. Ido, see, p.2 of this dissertation.

48. Chandu Menon, Memorandum : Malabar Marriage Commission Report - 1891, p.5.

whole question behind the Malabar Marriage Act was to make the already existing marriage system of Nairs legal and the President of Malabar Marriage Commission reported different forms of marriage existing in Malabar of which Sambandham was one.⁴⁹

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49. See, Malabar Marriage Commission Report, p.6 - The other forms were Pudamuri, Vidaram Kairuga or Usham Porukka, Kidakkora Kalyanam and Mangalam.

Pudamuri was a costly ceremony - The day is fixed after the examination of horoscopes of bride and bridegroom by an astrologer and on the day, the bridegroom proceeded to the house of the bride after sunset with a number of friends. There, amidst ceremonies, he presented few pieces of new cloth to the bride.

Usham Porukka or Vidaram Kairuga was celebrated on a smaller scale. No cloth was presented to the bride. The husband should visit the wife's house and not permitted to take her to his house unless and until he celebrates the regular Pudamuri ceremony.

In Sambandham and Kidakkora Kalyanam, money was presented instead of cloth.

Mangalam is the type of marriage prevalent among the Thiyya castes of Malabar (rather the term used by them).

Till 19th century Nair life in many ways was affected by the ideological grip on them and no one in those days could think of escaping from it. Thus the:

"traditional pattern of family organization, the system of marriage and the law of inheritance of the Nairs were closely linked with the nature of land relations and the over-riding influence of the values and ideology of the Namboodiris."⁵⁰

But the 19th century saw the Nairs asserting themselves, challenging the brahmin rights, thus leading to a reformation.

50. K.H. Panikkar, "Land Control, Ideology and Reform" Indian Historical Review, p.35.

Chapter - II

BASIS FOR THE DEMAND OF REFORMS

The European trading activities since the 15th century and the subsequent colonial rule were changing the atmosphere of Malabar. Expansion of trade which led to the establishment of new urban centres and growing importance of cash transactions were steadily affecting the traditional agrarian structure as well as the dominant ideological system. Malabar came under the British in 1792 with the fall of Tippu Sultan of Mysore and soon it was made a part of Madras presidency.

The traditional agrarian structure based on a three tier system of jennies, kanakkar and cultivators was based on a mutual understanding. Since the jennies did not undertake cultivation they leased or mortgaged their lands to kanakkars, mostly Nairs who usually subleased it to the

cultivators, who were either lower castes or other Nairs who held no karam. At the commencement of British rule, the Jenmi was entitled to not more than his proper share, $\frac{1}{3}$ of the net produce of the soil:

"In addition to this share of the produce of the soil, the jenmi was also entitled to various ranks and dignities of sorts."⁵¹

But a certain erosion of this monopoly was taking place during the post 1500 period.⁵² A small

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51. William Logan, Malabar Special Commission Report, p.24, para 50-51.
52. K.N. Panikkar, "Land Control, Ideology and Reform" Indian Historical Review, Vol.IV, No.1, p.36.

group of ryots was becoming the rightful owners of landed property by purchase.⁵³ A gradual process was bringing forth atleast a few Nairs to the position of landlords.

"Originally kanam right was the right to supervise or to protect all the inhabitants of the particular nad or country where in the land lay and to enjoy for this service a portion of the actual produce of the soil."⁵⁴

According to the British interpretation⁵⁵

kanakkaran and verumpattakaran came under the category of tenant or kudiyan. Kanam tenure had

53. Thomas Warden, 19 March 1801 - Report on the Conditions of the Palghat, Conged, Mavoor, Edathanah, Kavilparah divisions of the district of Malabar. para 36, quoted in K.N.Panikkar, op.cit., p.36. Also see, Table-I.

54. William Logan, op.cit., para 106, p.51.

55. The Sadar Courts decision of 1854 had recognized the Jenmi as the sole proprietor of land while the other categories were considered as tenants.

to be renewed at the expiry of every 12 years.

The Verumpattakkaran held land on a simple lease either directly from the jenni or the kanakkaran.

"In either case he was a tenant at will without any occupancy right."⁵⁶

In the 19th century, this rent paying and rent receiving agency of Kanakk emerged as a powerful socio-economic force. This was possible for them since they extracted a higher rent from the actual cultivator than what they paid to the jenni.⁵⁷ Table-1 corroborates this. Again

56. K.N. Panikkar, "Agrarian Legislation and Social Classes in Malabar" Economic and Political Weekly (forthcoming)

57. See, Table-I on next page. The table shows how they managed this.

Table - I

Name of the Jenmi	Rent received by the Jenmi	Rent received by the Kanakkaran
Zamurin	194 paras of 8 paddy	5786 paras of paddy
Kavalappara Nair	200 paras of paddy	1000 paras of paddy
Kizhakke kovilakam	Rs 16,046	Rs 29,764
Chirakkal devaswam	Rs 1,450	Rs 9,707
Tiruvashiyed devaswam	Rs 230	Rs 2,410

Source: Sir Vasudeva Raja, A Note on the History of Malabar Tenancy Bill of 1924, (Madras: 1925), pp.64-65.

the jennies, when they were in need of money borrowed from kanakkar who collected the share of the produce of the jenmi. Interest was deducted and only the balance went to the jenmi.

Sometimes the interest on the sum borrowed was sufficiently large to wipe out the whole of the jenmis' share of the produce.⁵⁸

The growth and advancement of the kanakkars was noticed and viewed seriously by the jenmis who turned to measures which would harm and

58. William Logan, Malabar, vol.I, p.608.

eliminate the intermediary class. In 1793, the British government misinterpreting the word jenman had conferred full ownership rights on the landlords.

The Sadar Court's decision of 1854 that the kanam was terminable at the expiry of the 12 year lease period was effectively used by the jenmis to evict the tenants.⁵⁹

The harsh and oppressive treatment to which the tenants are at present subjected by their landlords of whom Namboodiris form the majority

59. K.N. Panikkar, "Agrarian Legislation And Social Classes in Malabar", Economic and Political Weekly (forth coming) p.11. The motive behind the Government's policy in favouring the jenmis was to acquire their support.

has no parallel, that for every
frivolous reason..... tenants
will be punished with ejection.⁶⁰

Another measure adopted by the jenni to harm
the kanakkaran was to give overlease or melcherts
to a third party on the land which the kanakkaran
held. This finally brought the kanakkaran to
the Court.

Melcherts give rise to quarrel-
ing, outbreaks, murder, and suicide.⁶¹

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60. Kerala Nithram - 26 February 1881.
Madras native newspaper reports, (hereafter
referred to as MNNFR) National Archives
of India - New Delhi.
61. Kerala Sanchari - 27 March 1895.
MNNFR Evictions and melcherts increased
year by year. Though a bill was submitted
in this connection in 1924, Tenancy Act
to redress their grievances was passed only
in 1929. See, Table-II on next page.

Table - II

STATEMENT SHOWING THE MELCHARTS EXECUTED
FROM 1916—1926

Year	Number of melcharts executed	Number of Kerars to lease in a form of melchart executed
1916	3248	38
1917	3366	53
1918	3405	41
1919	3789	45
1920	3520	23
1921	3419	13
1922	3424	99
1923	3496	184
1924	3634	269
1925	3731	285
1926	3653	280

Source: Report of the Malabar Tenancy Committee - 1927-28, Vol. I, chap. X, p. 68. Tamil Nadu Archives.

Evictions and meloharts were on the increase -

Table - II illustrates. The landlords unnecessarily interfered in the social and domestic matters of the tenants and created dissensions among them for their own profit.

Sometimes they do not allow the tenants to cultivate their lands at the proper session, if they have any grudge against them.⁶²

The contemporary newspapers played the medium of bringing to light the inhuman treatment and action directed against the tenants. The peasant uprisings of the 19th and 20th centuries and

62. Kerala Sobhini - 9 July, 1903,
MNNFR.

the Tenancy movement of the 20th century were aimed against this oppressive attitude.⁶³

In spite of the harassment in many ways, kanakkar had emerged as a new group with a new vigour and ideology. It was this group that turned to the new resources of British education which in turn led them to service under the

63. The oppression and exploitation by jennis on the tenants finally resulted in the peasant uprisings of the 19th century and 20th century in Malabar (there were as many as 45 in the 19th century itself), though these are more often interpreted as communal riots or religious disturbances and conveniently labelled as fanatical outbreaks. See, K.N.Panikkar, "Peasant Revolts in Malabar" A.R.Desai (ed.), op.cit., p.608.

government.⁶⁴

Quick to discern the importance of education in the new political set up, they had sent their children to schools and colleges who in turn were absorbed in judicial and revenue administration, where as the Namboodiri and Nair landlords lived within the security of feudal privileges and the Mappilas and Tiyyas did not have necessary resources to meet the expenses of education.⁶⁵

By the 19th century, the significance of taravad was slowly disappearing. The Nair

64. A comparison with brahmins shows that Nairs were far ahead in the educational aspect. See Table - III, on next page.

65. K.N. Panikkar, "Land Control, Ideology and Reform : A Study of the Changes in Family Organization and Marriage System in Kerala", Indian Historical Review , p.38.

Table - III

STATEMENT SHOWING LITERACY BY SELECTED COMMUNITIES

Race, Tribe or Caste	Total	Illiterate	Literate	Literate in English
BRAHMINS				
Male	12055	2920	9135	2082
Female	10043	6581	3462	163
Total:	22098	9501	12597	2245
NAIRS				
Male	210314	94253	116061	18225
Female	232482	182800	49682	2461
Total:	442796	277053	165743	20686

Source: Census of India - 1931 (Madras) Vol.XIV, Part II, Table XIV, p.276.

tarawad where a "harmony in variety" existed among all members gradually became a scene of internal dissensions. Tarawad found it difficult to stand the waves of contemporary tendencies which by degrees only worsened the situation. The karanavan supposed to be responsible for the wellbeing and maintenance of all members often turned despotic, being partial to one tavazhi and trying to enrich his wife and children.

It is doubtful whether there is a tarawad in Malabar where there is no enmity between the karanavars and anandaravars. It is quite incredible that a man will love anyone more than his wife and children. The karanavars also try to extract as much as they can from the tarawad property in order to give to their children. ⁶⁶

66. Kerala Patrika : 20 April 1893, MNFR.

Karanavar's misuse of the power intensified the situation in tarawads. The junior members never had a say in the management of tarawad affairs.

Not a day passes without any fight or other.⁶⁷

A house divided against itself cannot stand and most tarawads in Malabar are in this condition.⁶⁸

In 1891, the President of Malabar Marriage Commission, Muthuswami Iyer wrote:

"The number of graduates, undergraduates and matriculates

67. A witness. Malabar Marriage Commission Report - 1891, p.30.

68. Ibid., p.31.

in the district is about 1,000 and the number of officials drawing a salary of more than Rs 10, Rs 20 and Rs 50 a month are respectively 1063, 245 and 90.⁶⁹

But education itself was creating troubles in the tarawad. Tarawad consisted of many members, young and old and all these young members wanted to get educated without any distinction. We must bear in mind that in the olden days, the expenses of the tarawad were comparatively limited to food and clothing. Again, not all tarawads were wealthy enough to grant the wishes of all these members.

"It is difficult enough for a father to educate half a dozen or

69. President's Memorandum -- Malabar Marriage Commission Report - 1891, p.9.

so sons but what is the karanawan to do whose family may number two or three score of boys? The tendency is to educate none of them, on the plea that he cannot make invidious distinction."⁷⁰

This was surely to bring discontentment in the minds of these young people who in turn might have started thinking of their shares which was not beneficial in any respect. At the same time, we find several instances of children educated by their fathers and living with him.⁷¹ This must

70. Ibid., p.29.

71. By 19th century, in Malabar, it was becoming the general recognized custom for the women to leave their tarawad house on marriage and to reside with their husbands. Almost all the contemporary newspapers as well as the Malabar Marriage Commission have noted this change.

have been instrumental in creating a feeling and attachment to the father than to the tarawa members.

"The leaning towards married life with its attendant obligation to rear and educate the children is growing from day to day. The gradual advancement of the community towards patriarchal family life has already gone far to make the tarawa system unworkable in practice."⁷²

72. Malabar Marriage Commission Report - 1891.
p.37.

Legislative Deptt. Proceedings 1896 - No.1-27, p.11. 'It appears that the plea for legislation becomes strong when not withstanding the influence of the teaching of Namboodiris, the people have, or are adopting a paternal family life.

The father is the defacto guardian of his wife and children and educates the latter.⁷³

Namboodiri connections with Nair women gradually became rare not only because of Nair opposition to it but also because of the reformist pressure of the Namboodiris, with the demand from the younger sons to enable them to accept Namboodiri women.⁷⁴

The taravads where there were educated members and where still the old traditional beliefs lingered on, became a topic of reevaluation and reappraisal by these members. They

73. Malabar Marriage Commission Report - 1891, p.36 - para 61, Legislative Department Proceedings 1896, No.1-27, p.5.

74. See, Chapter III also.

thought that the traditional system of marriage and system of inheritance inappropriate, irrelevant and unsuitable. They even considered these injurious for the growth of the community.

Education, cash transactions, money economy, growth of markets had opened horizons for these members beyond the tarawad premises and a new ideological perspective had started dominating them. The vague promises or rights in the tarawad property could no longer attract or make them remain together and in its place arose the desire for private and individual property. Moreover, government jobs provided them a fixed, individual income and this differed from person to person.

"Formerly wealth acquired from any source either the males or the females of a tarawad was considered as the joint family property and was enjoyed equally by all the members of the family, but in these days this rule is entirely ignored. Property derived from a father or from anantaravans or karanavans or even property obtained by woman from their husbands is found to be considered private property - Not only so, endeavour is made to have, if possible, a separate house."⁷⁵

This was directly in contrast to the previous situation in tarawad and these members were unwilling to part with their income and make it shared by everyone. This individual enterprise and desire for private property started loosening

75. Kerala Patrika : 20 April 1893,
MNNPR

the old family bonds:

"The old pattern of family seems to be gradually passing away -- with the consequent enlargement of individual rights.....

Inequality of earning capacity due to the variety of careers which are open under modern conditions is a fruitful source of discord."⁷⁶

With urbanization, individualization was all the more increasing.

The immediate consequence of the educated sections' reevaluation of the community's problems was a memorandum submitted to the government in 1869.⁷⁷ But the Court did not consider Nair

76. K.K. Pillai, "British Educational Policy and Social Change" R.I. Craus (ed.), Technique and Method in Social History, (Bombay:1970).

77. Kerala Sanchari : 9 Sept. 1891. MNNFR.

sambandhams legal. This intensified the urge to reform and legalize the marriages as well as change the system of inheritance. In 1881, while submitting the Malabar Special Commission Report, William Logan, then Collector of Malabar had strongly argued for a change in the inheritance system of Nairs and also the need to bestow on the father, the right to give his self-acquired property to the wife and children. He observed the changes coming over:

Things are changed now that a Nayar usually marries one wife, lives apart with her in their own home and rears his children as his own also.....
 there is a very strong and most laudable desire for some legal mode of conveying to his own children and to their mother all his self-acquired property.⁷⁸

78. William Logan, Malabar Special Commission Report, 1881, para 483, p.218.

and argued that:

The first and most obviously necessary change is to confer on all adults, male or female, the power to regulate by will the succession to their self-acquired property. If a man dies intestate, the children should get $\frac{1}{3}$ of his separate estate.⁷⁹

These recommendations were examined by a Committee consisting of Sir Madhava Rao, William Logan, Wigram, C. Karunakara Menon and Sir C. Sankaran Nair. The Committee unanimously recommended a marriage and succession law on the lines suggested by Logan.⁸⁰ By this time,

79. Ibid., para 485-86, p.219.

80. Quoted in K.N. Panikkar, "Land Control, Ideology and Reform" Indian Historical Review, p.44.

the newspapers as usual carried on the propaganda to take the attention of the government as well as the public. In a zeal to make the marriage legal and to acquire the right to inherit the property of father, they often gave out exaggerated and exceptional instances also.

Reputations of wives by their husbands and husbands by their wives are so reprehensibly practised with impunity among Sudras who are not bound by any ties of matrimony that the necessity of some legislation on the subject in the present improved state of society has declared itself, as a continuance of existing conditions of things will undoubtedly work the downfall of the Sudras as a class⁸¹

Another report says:

A woman was married and taken

81. Kerala Mithram: 11 March 1882.

away by a certain Tampuran although she is married to another man. The beauty of this is that this was done through the consent of the male members of the house, of whom no less than four are graduates.⁸²

These reports were deliberately made as they could immediately rouse the interest and attention of the people and these implied the necessity of a legal marriage.⁸³

82. Kerala Patrika : May 16, 1891.

83. The contemporary newspapers stressed the expediency of such a measure. See, Kerala Patrika: Feb. 1886, March 1886; Kerala Mithram: April 1891.

Chapter - III

THE REFORMS

The arguments for reforms finally culminated in the Malabar Marriage Bill submitted to the Madras Legislative Assembly in 1890 by Sri C. Sankaran Nair. The Government instead of promptly sanctioning it, instituted a Commission to enquire into the prevailing systems and customs of the Nair community and also to recommend reforms. The Commission consisted of six members with Muthuswami Iyer as President.⁸⁴ The other members were Sri G. Sankaran Nair, Rama Varma Thampuran, O. Chandu Menon, Mundappa Bangira and Winter Botham. It had its first sitting at Calicut on 8 May 1891, and held its last one at the same place on the 27 June.

84. For further details, See, Malabar Marriage Commission Report - 1891, National Archives of India, New Delhi.

Between these dates the Commission sat for the purpose of recording evidence at Cannanore, Tellicherry, Calicut, Shoranur and Palghat. On the whole 121 witnesses were examined orally. Interrogatories were also sent to 474 persons of whom 322 forwarded replies. The Commission further received and considered representations from the Travancore Malayali Association and from twelve meetings held in various parts of Malabar and also 38 petitions signed by 4854 persons.⁸⁵

Out of 121 witnesses examined only ten are content with the existing law under which self-acquisitions

85. Legislative Department Proceedings, February 1894, Nos. 47-58, Part-B, National Archives of India, New Delhi.

lapse to the tarawad in case of intestacy. Thirtyone think that self-acquisitions should be divided between the tarawad and the children. Thirtythree would cut out the tarawad altogether. Out of the 322 persons who sent in answers to interrogatories, 178 are in favour of marriage, legislation, and no less than 105 would desire that the whole of a man's intestate self-acquisitions should go to his widow and children.⁸⁶

From this, it is clear that a section was in favour of legislation and especially wanted children to inherit the father's property. In fact the basic aspect behind the whole effort to make the marriage legal, was thereby to

86. Malabar Marriage Commission Report - 1891,
p.35, (National Archives of India; New Delhi).

acquire the right to inherit father's property which till then was not sanctioned by custom. But there was considerable opposition and unwillingness to come forward and express the opinion. Though the Commission claimed that they gave the widest publicity as to the nature of the enquiry by means of notices in District Gazette and otherwise the response was not appealing.⁸⁷ The simple reason may be that the common people are usually not acquainted with Gazettes and totally uninstructed on the subject and could form no opinion as to its desirability. Moreover, social reforms are usually not greeted enthusiastically by the whole section because of the general reluctance to shift over from an

87. See, President's Memorandum — Malabar Marriage Commission Report, 1891, p.24.

age old custom or practice. Though the Commission observed that the majority of Hindus desired no change in the marriage system, they recognized that it was a section of educated class who advocated reforms and this was a growing section.

Though the minority that desires legislation is small, it is a growing and an educated minority and every year will add to its strength and influence and that the uninstructed majority will rapidly follow the lead of the enlightened classes.⁸⁸

One cause for the lack of enthusiasm regarding the response of the people might have been that in Malabar, they had already marriages as real as legal ones and set up of nuclear families with the father as the guardian. Because of this, they might

88. Malabar Marriage Commission Report, 1891 ,
p.2.

have felt uninterested to ask for what they had already achieved.

One interesting aspect noticeable was the four memorials by women, three of them signed by 245 ladies favouring legislation, while the fourth signed by 387 ladies objected to any change. As the Commission itself remarked, their opinion could not be considered genuine since it surely was a reflection of the views of male relatives.⁸⁹ Most of the memorials which came up during the procedure were from Brahmins who naturally stood against setting aside the traditional system of marriage and inheritance of property of father. This could deprive them of an age old carefree life and impose restrictions on their movements.

89. Ibid., p.2.

In all these memorials that have come up before the council, so far as one of the parties is concerned, that is, Brahmin, they seem to be averse to any legislation in the matter. That is only natural, because it is the Brahmins who regard these connections not in the light of marriages.⁹⁰

Differences of opinion were seen among the members themselves. Four out of five observed that though no change in the marriage systems was desired by the majority, however legislation was necessary to meet the needs of the educated and progressive minority.⁹¹ Chandu Menon, who from the very

90. Malabar Marriage Act, June 1896;
Legislative Department Proceedings
Nos. 1 to 27, Appendix - 8, National
Archives of India, New Delhi.

91. Malabar Marriage Commission Report,
1891, Appendix-VI, p.2.

outset defended the existing marriages as real and differed from other's views, wanted legislation only if the Courts failed to recognize Nair marriages as legal.

Thus in 1896, Malabar Marriage Act was passed as a permissive law.⁹² Those who were following Narumakkathayam and Aliyasantana law could register their marriages and the right to inherit half of the self-acquired property of father was provided. It provided that if a man registered his marriage, he should be responsible for maintaining his wife and children and if he

92. Malabar Marriage Act, June 1896; Legislative Department Proceedings Nos. 1 to 27, National Archives of India, New Delhi.

died intestate half of the property should go to them and half to the tarawad. In spite of all the initiative taken, we find a slow acceptance of the privileges given. Only 36 marriages were registered within one year.⁹³ The poor reception can be seen as the reluctance to overcome the old ideology and change over to a new pattern. Though the Act was hailed as a great step,⁹⁴ by some it was not a full realization for the people who demanded it. Anyway it was a first instalment of measures adopted for the growth of the community.

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93. Kerala Patrika; 30 September 1897.
Malabar Marriage Act received the assent of the Viceroy on 27 May 1896.
94. Karnataka Prakasika; 22 June 1896;
MNHPR.

To the section who urged for reforms, the Act was a complete disappointment because it neither legalized the Sambandham altogether nor touched on the partition problem. This was obvious from the number of marriages registered after the act. Those who were not satisfied with this intensified the agitation⁹⁵, and though by degrees, achieved what they intended for. The next reform Malabar Wills Act of 1898⁹⁶ conferred the right to dispose of one's self-acquired property. This surely was a great step because it facilitated the holder of private property to leave it to the persons of his choice, who were

95. By 1910, partition demand was common. See, West Coast Reformer - 26 February, 3 March, 7 April, 1910; Swadeshabhimani; 29th April 1910; MNFR.

96. Malabar Testamentary Act 1898; Legislative Department Proceedings, Nos. 1 to 21, National Archives of India, New Delhi.

mostly his wife and children and also because it was a right denied so far by custom. The Malabar Marriage Act by this time had become a dead letter whereas the Wills Act was used extensively. Table 4 indicates the steady rise in the wills executed by marumakkathayam people after the Act.⁹⁷ Out of 1445 wills executed by persons who are governed by marumakkathayam or aliyasantana law during the 14 years ending with 1909, 981 were in favour of wife and children, 260 in favour of anantaravans, 162 in favour of other relatives and 42 in favour of strangers, and the per centage being 67.96%, 17.48%, 11.65% and 2.91% respectively.⁹⁸

97. See, Table-IV, on next page.

98. Malabar Inheritance Bill - 1910, Legislative Department Proceedings - May 1912, Nos. 30-33, Appendix-R.

Table - IV

Statement Showing the Number of Wills Registered in Malabar by Persons Governed by the Marumakkathayam Law as Compared with the Number of Wills Registered in This District by All Other Classes Generally.

	Number of Wills Registered by Marumakkathayan people	Number of Wills by others	Number of Wills Registered by Marumakkathayan people	Number of Wills by others	Total of 1 + 3	Total of 2 + 4
	SOUTH MALABAR		NORTH MALABAR			
1898-1899	45	56	16	17	61	73
1899-1900	55	39	65	18	120	57
1900-1901	54	60	98	21	152	81
1901-1902	75	74	129	13	204	87
1902	81	61	140	7	221	68
1903	115	79	186	19	301	98
1904	81	67	234	20	315	87
1905	119	89	192	22	311	111
1906	151	99	256	30	407	129
1907	201	103	517	37	718	140
1908	207	99	554	44	761	143
1909	174	94	293	29	467	123

Source: Malabar Inheritance Bill - 1910; Legislative Department Proceedings; May 1912, Nos. 30-33, Appendix-R.

Efforts were continued to remedy the other conditions and find out a solution to the important problem of partition.

The overall changes affecting the society of Malabar in those days were making the Nairs realise that their age-old practices and institutions should be discarded. We have already seen how the reform movement started with the initiative of Nairs themselves. Introducing several bills in this connection⁹⁹, they were emphasising the urgent need for the changes needed at the moment. When Krishnan Nair's Malabar Partition Bill - 1910, was introduced in the Madras Legislative Council, the West Coast

99. See, next page, foot note no.101.

Reformer wrote:

We will have to convince the government that the great majority of the marumakkathayam people are for the bill and something more than that.¹⁰⁰

The spirit behind their movement was never subdued inspite of the vain struggle for years.¹⁰¹

100. West Coast Reformer: April 7, 1910;
MNNFR

101. Several bills were introduced in this connection since 1896. The first effort was made by Sir Vasudeva Raja of Kollengode in 1908 when he was a member of the Madras Legislative Council. Then Sir Krishnan Nair introduced another bill which also was in the same direction. Then again K.P. Raman Menon in 1913 introduced two bills. Later in 1918, Prabhakaran Tanjan as a member of the Council introduced a bill. In 1927 K. Madhavan Nair introduced another bill. Lastly Messers. Nambiyar and Patak's bill was put up for consideration.

For further details, See, Madras Legislative Council Proceedings vol. LVIII, p. 864.

When the Madras Marumakkathayam Bill was submitted, the atmosphere was such that the government could not ignore the demands.

The need for a law for partition was urgent. The taravals have expanded beyond all natural limits so much that it is often difficult to trace the exact relationship of the members composing them. The consequence has been ruinous litigation.¹⁰²

The situation by this time had reached such an extent that:

even illiterate Malayalis were convinced of the necessity of

102. Madras Marumakkathayam Act, 1932, No. 126/33, Publication Legislative Deptt. Also See, F. Balakrishnan Nair, Matrilineal System in Malabar. As early as 1873 - J.D. Mayne had observed that in Malabar 'I have witnessed efforts on the part of the natives to cast off their own customs and to deal with either the Partition, alienation and devise as if it were governed by the ordinary Hindu law - quoted in M.S. A. Rao, Social Change in Malabar.

reforming the Marumakkathayam system and that the various public meetings and conferences held in various parts of Malabar loudly proclaim the necessity of legislation in this direction. ¹⁰³

They were eager to adjust the social system with the changing needs of the society.

Thus the Marumakkathayam Act was passed on 12th April 1933 by the Viceroy. The important features of the Act are: (i) it recognized sambandham as a legal marriage and provided the right to inherit a moiety of husband or father's self-acquired property, the other moiety going to his tarawad, provided the right of tarashi

103. Mathrubhoomi; (Calicut: Jan. 20, 1932).

partition and the curtailment of Karanavan's powers. He was instructed to keep correct accounts of income and expenditure and give maintenance to all members.¹⁰⁴ Though individual partition of taravad was not sanctioned, the long awaited legal sanctions were welcomed with open arms by the Malabar public.

In 1933, the Namboodiri Act was also passed as a result of the reformatory movement among the Namboodiris.¹⁰⁵ The Yogakshama movement

104. Madras Marumakkathayam Act - 1932.
No.126-33; Publication.
Legislative Deptt. Proceedings, National Archives of India, New Delhi.

105. Madras Legislative Council Proceedings,
Vol. LKV, p.72.

which started in 1908 gave every Namboodiri male, the right to marry from his own community leading to caste endogamy and slowly winding up the age old Nair Namboodiri alliance.

Travancore and Cochin, the neighbouring native states had in 1925 received such legal sanctions and the whole Kerala State was covered by an enactment in 1958 which included the provisions of the Hindu Succession Act, 1956.

Chapter - IV

C O N C L U S I O N

Because of several limitations this study deals only with the changing status of Nairs and the reforms in their marriage as well as inheritance systems in the light of the general socio-economic transformation in Malabar in the 19th and 20th centuries.

The undercurrents in the economic sphere which gradually became imminent, were elevating Nairs to a higher level of social life. As has been discussed in the second chapter, this community which was quick to turn to education in a fairly good proportion could enter into government service as well as independent professions. Many of them had the opportunities to rise high in social status and make a contribution to the welfare of their community. The Malabar Marriage Bill was introduced by

Sri C. Sankaran Nair, a barrister and a member of the Madras Legislative Council and who strongly advocated for urgent reforms. Chandu Menon who was a district Munsiff, was a member of the Commission set up by the Government to report about Nair marriage systems and recommend in these lines.¹⁰⁶ All these lead us to the conclusion that by 20th century they had helped themselves attain a satisfactory status in the

106. To mention some more - Krishnan Nair's role to introduce tenancy legislation; See, Legislative Deptt. Proceedings from 1910 to 1927 (Madras). The years from 1896 to 1933 saw the incessant efforts of some of the Nair leaders to bring about reforms in the marriage and inheritance systems as well for tenancy reforms - Malabar in 1920s witnessed the Congress movement, Khilafat movement as well as the Tenancy movement.

social, economic and political fields of life. Conscious of this advancement, they strived hard to adjust their social systems to the contemporary trends and the initiative taken and the agitation intensified by them.

One remarkable aspect deserving to be observed is that Nairs who had so much stratification among themselves corresponding to the number of sub-castes prevailing among them had by 20th century achieved sub-caste fusion to an extent though not full. The foundation of Nair Service Society in 1914 on community basis is relevant to be noted here.

The decline of the old, dominant ideology witnessed the rise of another value system based entirely on different ideas. Malabar which for centuries had preciously preserved an ideology

created by Brahmins and where caste rigidity dominated in its full form was to become a stronghold of the Communist Party by 1940s.

The taravad, once the pride and prestige of Nairs was to lose all its charm later. In the traditional structure, taravad was guided by three principles - viz., exogamy regarding marriages, impartibility and territorial restrictions. The members belonging to the same taravad if connected through the mother's line were not allowed to have marital alliances. This is even today followed by Nairs. But the key-word of taravad i.e., impartibility has lost its meaning. The marumakkathayan Act of 1933 provided the right to tavazhi partition. This is not to say that taravads were not at all partitioned before. Formerly taravads were partitioned when they grew unwieldy and it was

for convenience. But here it was not for convenience but claiming each tavazhis share of tarawad property. Though every member had share in the tarawad property, no one possessed or claimed his individual share. This right was not sanctioned even by Marumakkathayam Act of 1933 also. The social change in Malabar by 19th century had brought about remarkable changes and all aspired to possess one's own property and income rather than sharing it with other members of the family except his wife and children. The shifting values had led to the preference for nuclear families rather than the joint family. In Malabar there had been the growing trend towards patriarchal, elementary families and the Nairs were just demanding to legalize what they were already practising.

Another noteworthy aspect was the territorial restrictions imposed on the Nair ladies. The women were not allowed to cross Korapuzha river (a river seven miles north of Calicut) or she would forfeit her caste. Marital alliances therefore did not exist between the people of north and south Malabar. Modern amenities like transport facilities and communication and above all the realization of the meaningless idea behind this have completely washed away this imposition. Now the considerations and preferences have completely changed. Importance is given to those who are well educated and well employed rather than to the name of taravad to which he or she belongs.

Today taravads are the exceptions and patriarchal elementary families the rule.

Malabar by 1930s had assumed another shape and colour that it is apt here to hear from a contemporary visitor to Kerala:

Nair and Kshtriya ladies are the most lucky. There is no need of social reforms among them. Child marriage is rare. The fact that men are attached to their wives as well as family is most praiseworthy. Though marumakkathayam has started declining, property rights of ladies are permanent. 107

107. Observations of a Gujarat lady who visited Malabar in 1933 —
Mathrubhooni: 22 March, 1933 (Calicut).

GLOSSARY

- Aliyasantana** -- Canarese equivalent for sister's issue. System of inheritance through the female line. A man's legal heirs being the children of his sisters.
- Ananteravan** -- Male member of a Tarawad who is not the karanavan.
- Cherumars** -- A Harijan caste - Generally Agricultural labourers.
- Janman** -- A type of land ownership.
- Janmi** -- One who holds Janman land.
- Kanam** -- A customary tenure or lease, which was redeemable after a lapse of any number of years.
- Kanakkeran** -- One who holds the kanam.
- Karanavan** -- Senior male member and manager of Tarawad.

Marumakkathayam

-- System of inheritance through the female line. A man's legal heirs being the children of his sisters.

Melcharth

-- Over lease given by a Jenmi to a person at a higher rent than the existing one. i.e., while a customary tenure or lease was already existing, the jenmi at his discretion makes another lease at a higher rate on the same land.

Nair

-- A caste of Kerala who followed matrilineal system of inheritance.

Namboodiri

-- Malayali Brahmins who ranked highest in caste hierarchy.

Para

-- A grain measurement

Pattam

-- Rent

- Sambandham** -- Temporary liaisons between a Nair lady and man of the same caste or higher.
- Taravad** -- Joint family and house of Nairs.
- Tavashi** -- Subordinate divisions or branches of Taravad.
- Verumpattam** -- Ordinary lease for a year.
- Verumpattakaran** -- Holder of the ordinary lease, verumpattam.

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