

**DOMINIUM POPULY DOMINIUM TERRA:
SOCIAL CONSTRUCTION OF PROPERTY RIGHT IN
PRE-MODERN KERALA (A.D.1200-1800 A.D.)**

Thesis

**Submitted to the University of Calicut
for the award of the Degree of
DOCTOR OF PHILOSOPHY IN HISTORY**

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DOMINIUM TERRA: SOCIAL CONSTRUCTION OF PROPERTY
RIGHT IN PRE-MODERN KERALA (A.D 1200 - 1800 A.D)** submitted
for the award of the Doctor of Philosophy of the University of Calicut is a
record of bonafide of research done by **MISHITHA.K** under my supervision.
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DECLARATION

I, MISHITHA. K., do hereby declare that this dissertation entitled **“DOMINIUM POPULY DOMINIUM TERRA: SOCIAL CONSTRUCTION OF PROPERTY RIGHT IN PRE-MODERN KERALA”** is a bonafide record of research work done by me under the supervision of Dr. K.N. Ganesh, and that it has not previously formed the basis for the award of any degrees.

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ACKNOWLEDGEMENT

I deem it my pride and privileges to reward my deep sense of gratitude to my supervising teacher Dr. K.N. Ganesh, Professor, Department of History, Calicut University for his valuable suggestions and inspirations. This work would have been impossible without the help by him.

I take this opportunity to thank Dr. Muhammed Mahin the Head of the Department and the teaching facilities of our Department.

It is with a lot of gratitude that I remember those people who have been help to me in the completion of my Ph.D thesis in directly or indirectly. Thanks are due to my all friends like, Shiji,Shihab,Sujatha ,my husband and my family members.

I wish to record my sincere thanks to the staffs of different libraries for their help. Last but not least, I remember the services given to me by Mr. Balu and his team Bina Photostat, Chenakkal for neatly typing and setting the Dissertation.

MISHITHA.K

CONTENTS

CHAPTER I	INTRODUCTION	1 – 18
CHAPTER II	DEBATE ON LANDED PROPERTY IN MEDIEVAL KERALA	19 – 55
CHAPTER III	NOTICES OF LANDHOLDING AND LAND TRANSACTION IN INSCRIPTION	56 – 73
CHAPTER IV	TRANSITION IN LAND HOLDING AND LAND TRANSACTION PATTERN AS REVEALED IN GRANDHAVRI	74 – 117
CHAPTER V	PROBLEM OF LANDED PROPERTY IN PRE-MODERN KERALA	118 – 150
	CONCLUSION	151 – 159
	GLOSSARY	160 – 163
	BIBLIOGRAPHY	164 – 176

CHAPTER I

INTRODUCTION

In pre-modern Kerala one of the crucial problems was related with the system of property rights. There is no unanimous opinion among the scholars about property rights in pre-modern Kerala. It was British who brought significant changes in the land system in Kerala. It is argued that the British misinterpreted the property rights in pre-modern Kerala. The Europeans mainly concentrated on rights on soil than the people. But in Medieval Kerala gave more important to people and their rights over the soil. This view may be examined in the light of British company records.

The English East India Company appointed a joint commission to enquire into the conditions of the province of Malabar. On the basis of the recommendations of the commission, the British introduced the land settlement throughout the province and a revenue system. There were a number of commissioners and they submitted their report regarding the nature of landscape, society and economy of Malabar during 1794. During that time in Malabar British introduced the most significant changes including the introduction of individual proprietary rights.

Actually there was a system of landed property in Kerala, but this was not accepted by the British.¹ In pre-colonial Kerala some words which indicate the right to property such as '*swam*', *avakasom*, and *janmi* etc. *Swam* indicates the nature of personal or institutional right. *Avakasom* was held by the household, which was transferable on the basis of customary laws and practices. Joint Commission considered *janmi* as the owner of soil and the *kanakkaran* the owner's lessee.² By the end of 19th century, William Logan suggested that the *kanakkar* or supervisors were the real proprietors of the soil. Crucial problems arose regarding the British perception on the *janmis* and *kanakkars* because of the position taken by the Logan. After this, Malabar Tenancy Bill was submitted in July 1884. Here judicial interpretation of *janmi* as full owner of the soil was persisted with. In 1900, though the Government re-enacted the 1884 Act, this tenancy act again favoured the *janmi*. However the peasant struggles started after 1900. It was during this time struggles developed against the *janmi* by *Mappila* holders who were generally ordinary tenants or *verumpattakkar* and the *kanakkars*, who held lands from the *janmi's* under a mortgage cum lease tenure. The

¹ M.P. Mujeeb Rahman, "Formation of Society and Economy in Malabar, 1750-1810", Unpublished Ph.D Thesis, Calicut University, Calicut, 2009, p.14.

² William Logan, *Malabar Manual Vol-1*, Madras, 1951, p.612.

kanakkar were organized under Deseeya Karshaka Samajam during the beginning of 20th Century. Social instability created after the First World War and the brutal suppression of Malabar rebellion as well as the increased pressure mounted by the Nationalist movement resulted in the passing of the Tenancy Act of 1930. This Act favoured the *kudiyans* or lease holders. But the main beneficiaries of the 1930 Act were the *kanakkar* themselves, and actual cultivators, *verumpattakkar*, *kudiyans* and *adiyalas*, were not benefited. The *kanakkars* who were able to demonstrate their continuous occupation of lands for many years were given proprietary rights. In order to ensure the military services of the *Nairs* they were granted the *kanam* rights, which made them gradually regular occupants of lands under most of the owners. This problem was compounded by the British concepts regarding *janmi* and *kanakkars*.

The traditional land system in Kerala has been called *janmi kudiyan-sampradayam* or *janmam-kanam- maryadai*. That means land lord and tenancy relations.³ *Janmam* means hereditary right or birth right. *Maryadai* means custom. Another was *kanam*, which is a mortgage cum lease tenure. *Kanam* and the associated *Kuzhikkanam*

³ K.N.Ganesh, "Ownership and Control of Land in Medieval Kerala: *Janmam-Kanam* relations during the 16th -18th Centuries", *Indian Economic and Social History Review*, 28, 1991, p.3.

tenure gave birth to an intermediary class called *kanakkar* along with the growth of money economy.

During the medieval period the growth of intermediaries such as *uralar* who had the overlordship right over temples, *Brahmins*, temples and *karalar* or tenants led to new forms of land control. The tenant settlers or *kudiyans* came under the control of customary land lord and intermediaries. Mortgage and lease transactions became common. An outright sale of land was absent. Extension of ownership to non-*Brahmins* also contributed to the growth of *janmi* system. *Nair* chieftains possessed proprietorship over vast areas of land from early times. The *Nambuthiris* have never asserted their rights over their lands. The *Nair* chiefs or *Madambies* were the full proprietors of their holdings. In North Malabar there were more *Nair janmies* than *Nambuthiri janmies*.⁴ Generally, they were tax free. However, a light assessment called '*Rajabhogam*' was imposed on lands belonging to non *Brahmin janmies*.⁵

During the later Chera period that is 9th and 12th centuries the *Brahmins* came to establish hereditary rights over the land. The rulers

⁴ T.K.Velupillai, *Travancore State Manual*, Vol.3, p.143.

⁵ *Ibid.*, p.144.

made land grants and other allotments as permanent right to temples that were being established. During the 10th and 11th centuries onwards temples and *Brahmins* became the large land owners. These lands were cultivated by tenants who held lands under *pattam* and *varam*. By 12th century, gradation of rights over lands had emerged, that is *Naduvazhi* chief on the top, then *uralar*, *karalar* and *adiyars* at the bottom level. During that time the legal codes were arranged (*kaccams*) that protected the interests of the temples. It sustained the authority of the land owners over the tenants and the servile class. In later times the *kaccams* replaced by custom or *maryadas*. The term *maryada* is used regularly from 15th century and it denotes customary payments.

The land mortgages were growing towards the end of the Chera period. Mortgages were called *otti* or *kanam*. *Otti* was found mainly in Tiruvitamkur area. Another right came into prominence during the medieval period, called *kuzhikkanam*. That means if a virgin land is brought under paddy cultivation or a new tree planted, the land would be treated as *kuzhikkanam* and a remission in rent will be made on such lands for a stipulated period of time, or until the plant or tree begins to provide yield. *Kuzhikkanam* was developed during 16th century. The land tenure system in pre-modern Kerala is a product of historical

process of evolution. By 18th century mortgages of various kinds were becoming permanent land holding.

During the middle ages in Kerala the lands were generally considered as *brahmaswam*, *devaswam* and *cherikkal* land. The term *swam* indicated the form of personal or institutional rights over land. Another term was *avakasom*, which was determined on the basis of the position of a person in the kinship group or familial group. In simple terms we can define *avakasom* as denoting any kind of right over a resource, profession or ritual. The rights are determined not only on land but also in land transactions. Through the land transactions the rights were held by those occupying tax free lands. The land of *devaswam*, *brahmaswam* cannot be considered strictly as private property as in the present day legal system. The lands were distributed not to any individual but to temples or a group of *Brahmins* both having the character of body corporate. *Cherikkal* land can be considered as private property of the *Naduvazhi* chiefs, though it lacks sufficient evidence.

It was from the *janmam* rights or birth right that the *janmi* came to being. But the *janmi's* right over land will be lost, if he transfers or sell his land. But the colonial perception of Kerala land tenure was different. Property was defined in terms of inheritance. We can say that medieval

property was considered as family holding and it was different from that of individual property in modern times. British documents say that the *janmi* had absolute right over the land. They mainly viewed this on the basis of European land tenure system. The European had misinterpreted our property right. This difference of opinion arises regarding the economic relations in Western Europe and other countries like India. Therefore the conception of feudalism was introduced by the historians on the basis of Western feudalism. Many studies have been conducted on the basis of feudalistic theories both in the Indian and South Indian context. The main propounder of feudalism theory in India was D.D. Kosambi, who adopted the idea of feudalism in the Indian context.⁶ The Feudalism theory was mainly promoted by R.S. Sharma and B.N.S. Yadava. Niharranjan Ray also introduced this theory⁷. In South India Kesavan Veluthat has given the feudal model.

However, the feudalism theory has come under serious criticism from various scholars like Burton Stein, Herman Kulke, and Harbans

⁶ D.D. Kosambi, *An Introduction to the Study of Indian History*, Bombay, 1956.

⁷ R.S. Sharma, *Indian Feudalism*, Delhi, 1965, B.N.S. Yadava is the eminent propounder of Indian Feudalism thesis and Niharranjan Roy also advocates this theory.

Mukhiya⁸ etc. According to Burton Stein the lord-vassal relationship was completely absent from medieval South India, he presented a theory of 'segmentary state' where in political integration of 'segments as a state is not actual but only ritualistic', however, Stein put forward the theory based on the patterns discovered in the tribal society of Alur in Africa. D.N. Jha, Kesavan Veluthat, R. Champakalakshmi and others have indicated this model. Kesavan Veluthat and M.G.S. Narayanan put forward this concept of feudalism in to medieval Kerala, mainly following the work of Kosambi, R.S.Sharma and D.N.Jha.

But there are many historians who have studied the land tenure system of medieval Kerala. A number of collections of records, such as *grandhavaris* have been published, which throw light on the land system. The *Vanjeri granthavari* consists of several documents highlighting the importance of *parambu* land, *fields* etc. The records like *Vanjeri*, *Kavalappara*, *Koodali* etc mainly speak about the land transaction system in medieval Kerala. These records also speak about what kind of rights had existed here and obligations involved.

Grandhavaris such as *Koodali*, *Vanjeri* discuss the affairs of the

⁸ Burton Stein, *Peasant State and Society in Medieval South India*, Delhi, 1980, Burton Stein theory properly elaborated in the page of 129, Herman Kulke, *The State in India 1000-1700*, Delhi, 1995, Harbans Mukhia (ed.), *The Feudalism Debate*, New Delhi, 1999.

desavazhi or chief of the local unit or *desam* and their sources of income and expenditure. For clear understanding of land ownership in medieval Kerala these *granthavaris* will be very helpful but in Travancore area more Kovilakam *grandhavaris* are located but it does not give clear picture about the land ownership middle ages in Kerala. Through this family chronicle we can find evidence on the existence of property during medieval times. In order to examine the system of property rights during the middle ages these records will be helpful.

Objectives of Research

The present study attempts to analyse the problem of property rights in medieval Kerala. Many studies about these have appeared, all are on the basis of popular genealogical texts, and legal codes such as *vyavaharamala* but no one has enquired this on the basis of *grandhavari* tradition. Now I am trying to understand property right in pre-modern Kerala on the basis of existing epigraphic information particularly by using *granthavari* tradition.

Research questions

The study is being conducted on the basis of the following research questions.

- How did private property develop in the context of Kerala?
- What are the property rights that prevailed in pre modern Kerala?
- What distinguishes between possession right and ownership right?
- What are the gradation of rights within the family household and locality?
- Did the modern concepts like sale, partition, inheritance, transfer etc. have any legal validity during the middle ages?
- What is the relationship between household right and property right?
- What is the difference between *karam* and *pattam*? Was there any system of taxation? If there were a system of taxation, what was the form of collection of taxes?
- What kind of property right system existed in pre-modern Kerala?
- Why British should come to the argument that there was the lack of land revenue in pre-modern Kerala?

Preliminary Hypothesis

Through this work we can understand the formation of private property right system in the medieval Kerala on the basis of *grandhavari* tradition. The private property right with the right to

alienate land at will, that we identify today was absent during the middle ages. We can infer that there were no free land markets then. During the medieval period, social rights were more prominent than individual rights. This study is based on the existing theories and arguments regarding land rights, and the questions as well as objectives stated above and based on the inference arrived at.

Review of Literature

Many sources discuss the ownership on land in medieval Kerala. So many historians have been interested in this area and they have worked on this area.

Janmi sambradayam Keralathil by Prof. Elamkulam Kunjan Pillai was one of the earliest books which dealt with property right. He argued for the existence of private ownership on land in medieval Kerala. According to him, *brahmaswam* and *devaswam* were the first signs of the emergence of private property in Kerala. Their expansion took place in the background of the *Chera-Chola* war when a large amount of lands were transferred to the temples and *Brahmins* acquired lands held by the *Nair* soldiers. Many of these transfers were permanent grants and this gave rise to the *janmi* system. *Janmi* system became

powerful after the *Chera* period when the *Brahmins* acquired power even over temples and temple lands.

Perumals of Kerala by M.G.S. Narayanan stated that, the presence of three kinds of tenure in land, *janmam*, *kanam* and *kutimai*. He contested the arguments by Kunjan Pillai by pointing out that the *brahmaswam* and *devaswam* existed before the *Chera-Chola* war and they had more to do with the expansion of the *Brahminical* agrarian organization. According to him during the medieval times there was no idea of the total revenue of the state, but various types of taxes existed, that is professional tax, house tax, land tax, protection fee etc.

South Indian History and Society Studies from Inscriptions AD850-1800 by Noboru Karashima mainly argues that the landholding system in South India and also deals with developments and changes in landholding and the revenue system also.

The Early Medieval in South India by Kesavan Veluthat argues that land revenue system existed in medieval Kerala, and it was fixed by king. A kind of land ownership existed during *Chera* period and *Brahmanas* were the primary landlords. He also argues that the property

rights were regulated by the *Dharmic* and *Shastric* principles for property and inheritance.

Keralacharithram by Raghava Varier and Rajan Gurukkal is the most important book regarding the medieval Kerala land tenure system. The last part of this deal with the medieval Kerala land system in which it is argued that *Brahmins* were the holders of property rights in Kerala, a process that was furthered by development of landed hierarchy based on exploitation of labour and *Brahmanic* ideology.

Kerala Temple and Medieval Agrarian System by Rajan Gurukkal discusses the role of the temple in the formation of medieval land rights, particularly the hierarchical relationship.

Jativyavasthayum Keralacharithravum by P.K. Balakrishnan mainly deals with the *janmi* system in Kerala and argues that caste system in Kerala had a stagnating influence on the transformation of the land system.

South India under the Cholas by Y. Subharayalu describes the *Chola* state and its revenue and taxation system, along with studies on its agriculture and army.

'Land Control and Social Structure in Indian History' is a collection of articles edited by Robert Eric Frykenberg that looks in to the nature of land control in India. It contains articles that raise issues regarding the British conceptions on the India land system and possible alternatives to their perceptions.

'Ownership and Control of Land in Medieval Kerala: *Janmam-Kanam* relations during the 16th-18th centuries' by K.N. Ganesh are notable. This article tries to distinguish between the owner and controller of land and argues that while the *janmi* remained as the land owner, while the actual control of land in terms of cultivation and distribution of the product and agricultural practice was passing in to the hands of *kanakkar*.

'Colonial perception of land ownership in Kerala: The case of *janmam*' by M.P. Mujeeb Rehman is an attempt to understand the colonial perception of land ownership in medieval Kerala.

Vanjeri Grandhavari, (ed.) by M.G.S. Narayanan is the family chronicle of the *Brahmana* house of *Vanjeri*, called *Mortalaccheri*. This mainly deals with the land transactions in the *Tiruvur desam*. The

introduction to the *grandhavari* provides important insights into the working of land relations in medieval Kerala.

Koodali Grandhavari, (ed.) by K.K.N. Kurup is a collection of manuscripts records from the *Koodali Thazhath* family of Kannur District of Kerala dealing with legal rights and properties of the *Koodali taravadu*.

Kavalappara papers, (ed.) by K.K.N.Kurup deals with the land transaction system among the *Kavalappara* family, a major landlord house near Shornur at Palakkad.

Methodology

This is the study of property right system in medieval Kerala by using *grandhavari* tradition. This thesis period covers from A.D. 1200 to 1800 A.D. The *grandhavari* documents dealing with various kinds of land transactions in medieval Kerala. The documents in the *granthavari* dealing with various transaction entered in to by the different families are analysed in the background of the available information on property rights in medieval Kerala. *Granthavaris* are the family chronicles. Such as procedure appears to be useful as the *grandhavari* contains documents from 16th to 18th centuries and shows the transitions in the landholdings in the areas of *Tiruvur desam*, *Kavalappara*, *Koodali desam* in a clear manner. I am trying to put forward my argument mainly on the basis of *grandhavari* tradition. I refer to inscriptions only with reference the early medieval period and more over it deals mainly with the corporate property system. But the family property is referred in *grandhavaris*. I also try to analyse certain standard technical terms related to the property right in *grandavaris*, such as *janmavakasam*, *rakshabogam*, *sanketam* and so on. In order to examine the system of property rights during the middle ages the *grandhavaris* will be helpful.

Chapterization

It has to be divided in to five chapters with introduction and the conclusion.

First chapter is introductory part. It includes problem of research, methodology, objectives of research, research questions, review of literature etc.

Second chapter entitled, 'Debate on Landed property in Medieval Kerala'. This chapter deals with traditional land system in Kerala. During the middle ages in Kerala there were three types of ownership on lands. It discusses the ownership problem in medieval Kerala. Another problem discussed in this chapter is the problem related to the existence of land revenue in pre-modern Kerala. So many British historians interpreted the land revenue in their own view.

Third chapter entitled 'Notices of Landholding and Land Transactions in Inscriptions'. There are a number of inscriptions that appeared during the Chera period. The inscriptions of Chera period gave more information on the right on land position of different sections of the society. Majority of these inscriptions deals with the grant of land to

temples for conducting *pooja*, burning of lamp and other temple expenses.

Fourth chapter entitled ‘Transition in Landholding and Land transaction Pattern as Revealed in *Granthavari*’. This chapter mainly highlights the land transactions in *granthavaris*. During the medieval period most of the *taravad* households kept the *granthavari* documents. Mainly three *granthavari* documents are highlighted in this chapter that is *vanjeri*, *koodali*, *kavalappara*. In these three records we can see that all the lands were under the control of *karanavar* of the *taravadu*. *Vanjeri* family was *Brahmin* family at the same time other two were *Nayartaravadu*. Most of the documents say that lands were transferred with rights and obligations.

Fifth chapter is entitled ‘Problem of Landed Property in Pre-Modern Kerala’. We know that the property right had existed in pre-modern Kerala. During that time British introduced land settlement and property right in their own view. European concept of land rights was different. Pre-colonial land law in Kerala was different. In medieval Kerala they gave importance to customary rights. However, through the *granthavari* documents we can find the existence of the household property right in medieval Kerala.

Last is the concluding part. It deals with conclusion and findings of the thesis. A particular type of property right system had existed in Medieval Kerala. Customary rights were more important here. During that period Kerala society gave importance to position in social hierarchy, which determined the nature of rights as higher and lower.

CHAPTER II

DEBATE ON LANDED PROPERTY IN MEDIEVAL KERALA

The present chapter attempts to analyse the importance of landed property in medieval Kerala. The pre-colonial society in medieval Kerala was described as *jati-janmi-Naduvazhi* system. During that time the temple played a significant role among the medieval society.¹ The agrarian economy had developed in early medieval period under the temple based *Brahmin* oligarchy.² During the medieval period the agrarian settlements are considered to be the base of the establishment of *swaroopams*.³ At that time the territorial units of the *naduvazhi* chiefs are called *swaroopams*. During the middle ages in Kerala there were three types of ownership on lands were existed, namely, *devaswam*, *brahmaswam* and *Cherikkal* land⁴. Here *devaswam* were temple

¹ Elamkulam P.N.Kunjan Pillai, *Studies in Kerala History*, Kottayam, 1970, p.32.

² Rajan Gurukkal, *The Kerala Temple and Early Medieval Agrarian System*, Sukapuram, 1992, p.32.

³ K.N.Ganesh, 'Agrarian Society in Kerala (1500-1800)' in P.J.Cheryan, (ed.), *Perspectives on Kerala History, Kerala Gazetteer, Vol.II*, Trivandrum, 1999, p.123.

⁴ M.G.S. Narayanan, *Perumals of Kerala: Political and Social Conditions of Kerala under the Chera Perumals of Makotai (800-1124 A.D)*, Calicut, 1996, p.174.

property, *brahmaswam* were *Brahmin* property and *Cherikkal* land was royal land of *Naduvazhi* chiefs.⁵ *Brahmaswam* and *devaswam* are permanent tenure as their lands were transferred as *nirattipper* or lands granted with libation of water. There was right to property and right of succession. More over, the land which was given with the wording '*aachantratarame santhathi pravesame*' indicated the permanent hereditary right over land. *Cherikkal* lands were lands held by rulers, and such lands transferred their dues directly to the ruler. But some of the temple lands were also called *Cherikkal* as in Thiruvananthapuram temple and Peruvanam temple.⁶ The lands directly seized by the rulers in Travancore area were called *Pandaravaka* or *Kandulavu*.

Gradually, hierarchy of land rights was developed in medieval Kerala, that is land lord, *kudiyar*, and *adiyar* and this kind of hierarchy was strengthened by caste. At that time *Brahmins* performed very powerful customs and traditions to occupy the highest position among the society. During that time the land lord and tenancy relations

⁵ *Ibid.*, p.174.

⁶ K.N.Ganesh, *Agrarian Society...*, *op.cit.*, p.123.

involved customary and traditional rights⁷ in which *varna-jati* system had played a significant role.

The growth of an agrarian system in medieval Kerala goes back to the establishment of the *Brahmin* settlements during the early medieval times.⁸ To know the early history of *Brahmin* communities is very difficult and as there is very few sources to understand the process of *brahminisation* in Kerala. So many scholars have viewed that the migration process of *Brahmins* into Kerala was closely connected with the growth of agriculture and it began by 4th century A.D. According to Raghava Varier and Rajan Gurukkal, the *brahminisation* process was affected not by the force of arms but by peace⁹. According to Parasurama legend, the *Brahmins* were brought to the South West coast of India by Parasurama and they settled in thirty two *gramas* in the South Kanara and thirty two *gramas* in Kerala¹⁰. Those who settled in Kerala were called *Nambuthiri Brahmins*. Elamkulam Kunjan pillai thought that the *Brahmins* migrated to Kerala much later. The *Brahmins*

⁷ K.N. Ganesh, ownership and control..., *op.cit.*, p.3.

⁸ Kesavan Veluthat, *Brahmin Settlements in Kerala, Historical Studies*, Calicut, 1978, p.5.

⁹ Raghav Varier and Rajan Gurukkal, *Kerala Charithram*(mal), Sukapuram, 1991, p.110.

¹⁰ Kesavan Veluthat, *Brahmin settlements...*, *op.cit.*, p.5.

settled near the river valleys and they formed a village society based on agriculture. There are so many reasons to believe that the *Brahmins* migration to Kerala started by the 4th Century A.D. The main features of *Brahmin* settlements of Kerala were all the *Brahmin gramas* of Kerala were flourished on the banks of different rivers.

The integration of *Brahmin* households in the corporate settlements and the development of a larger agrarian society in medieval Kerala resulted in the emergence of temples. During the medieval time *Brahmin* settlements emerged with the help of local chieftains or *Naduvazhis* who probably gave the lands to *Brahmins* and settled them. In pre-modern period temples became the biggest landed magnates in medieval Kerala.¹¹ It became the main centre of agrarian control and economic life of early medieval South India.¹² The Chera inscriptions said that the the majority fertile agrarian regions of medieval Kerala were possessed by the temples.¹³ The temple records of medieval Kerala provide the details of the expansion of agriculture under the *Brahmin*

¹¹ *Ibid.*,

¹² Rajan Gurukkal, *The Kerala Temple and the Early Medieval Agrarian System*, Sukapuram, 1991, p.32.

¹³ M.G.S. Narayanan, *Consolidation of Agrarian...*, *op.cit.*, P.189.

controlled temples.¹⁴ During the medieval period “most of the forested valleys of Eastern hillocks and fertile uplands were brought under cultivation by the temple corporations”.¹⁵ By the time of *Perumals* of Mahodayapuram the *Nambuthiris* had got a significant position among the society and that *Brahmins* constituted the real power behind the throne. However, the *Perumal* kingdom disintegrated in 12th century and the *Brahmins* influence continued.

The growth of Kerala in the pre modern period could be seen as the beginning of the political and social order in which ‘*uralar*’ (*Brahmins*) and ‘*karalar*’ (*Nairs*) probably occupied major position¹⁶. By the end of the 12th century A.D the organizations of the ‘hundred’ involved in land control seem to have given way to the *cangatams* or *kaval*.¹⁷ The *kavalpalam* for the protection of *kaval* was collected and given by the *sanketam*. *Sanketam* of the temple was a centre of power and authority in medieval Kerala. According to K.P. Padmanabha Menon "they were independent republics free from the control of kings

¹⁴ Rajan Gurukkal, *The Kerala temple...*, *op.cit.*, pp.32-35.

¹⁵ *Ibid.*,

¹⁶ Kesavan Veluthat, *Brahmin Settlements...*, *op.cit.*, p.68.

¹⁷ M.R.Raghava Varier, ‘Further Expansion of Agrarian Society, Section (B), Socio Economic Structure’, in P.J. Cheriyan (ed.), *perspectives on Kerala History*, Trivandrum, 1999, p.96.

from outside”.¹⁸ P.K.S. Raja says *Sanketams* as "independent jurisdictions possession protectors of this jurisdiction”.¹⁹ This is an area under independent jurisdiction and its affairs were managed by the *yogam*, which consisted of the *uralar* of the temples. Evidence shows that the temple *sanketam* depended on the neighbouring chief for everything including the constitution of their *yogam* and maintenance of law and order. According to M.G.S.Narayanan, “these *sanketams* were technically self-governing units but really very much subservient to the neighbouring chiefs”.²⁰ *Sanketams* had existed in many parts of Kerala in medieval times. In medieval period in Kerala the ruling families enjoyed all rights on land, except temple *sanketams*, where they held the over lordship right (*melkoima*) over the *sanketam* and the entire right were left to be the autonomous domain of the temple authority.

During medieval times, Europeans mainly enquired about the importance of Malabar region and they realized that this region quite different from the general Indian features. Europeans understood that different kinds of customary laws and practices were maintained by the Malabar people in their systems of land control. Here the landed

¹⁸ K.P. Padmanabha Menon, *Kochi Rajya Charithram*, Kozhikode, 1989, p.90.

¹⁹ P.K.S. Raja, *Medieval Kerala*, Annamalai, 1953, p.241.

²⁰ M.G.S. Narayanan (ed.), *Vanjeri Granthavari*, Calicut, 1987, pp.xvii-xviii.

properties were either at the tenorial or on the family inheritance level. Medieval period in Malabar the land was never subjected to division or partition. According to Elamkulam Kunjan Pillai, the private ownership of land was familiar to the people of Malabar as early as the *sangam* age when land remained in the hands of the indigenous population, mostly cultivators enjoyed customary proprietary rights till the sixth century A.D.²¹ However, other historians do not agree with this position. According to them the property rights began with the arrival of the *Brahmins* and it began during the Christian era from the Northern regions²². This arrival resulted in a whole change in the primeval communal ownership and the primitive agricultural system based on co-operative labour²³. During that time the land transfer called *attipper* grants. Medieval period in Kerala the complete land, cultivated and uncultivated, including all its grass, stone, shrubs, snakes and everything else became the absolute property of the temples²⁴.

The social change that marked in medieval Kerala was the birth of the *janmi* system and *Nambuthiris* converted this title on the land to

²¹ Elamkulam P.N. Kunjan Pillai, *Janmisampradayam Keralathil* (mal), Kottayam, 1967, p.8.

²² Kesavan Veluthat, *Brahmin Settlements...., op.cit., pp.12-17.*

²³ Rajan Gurukkal, *The Kerala temple...., op.cit., p.28.*

²⁴ *Ibid.*, p.34.

janmam or hereditary right. The whole authority over the temple lands and the agricultural lands in the form of corporate property as *brahmaswam* and *devaswam* made the *Brahmins* as a power factor in medieval Kerala and all the *Brahmins* held their lands were under their absolute control. For cultivating the land of the *janmi* as well as for occupying them, the *kanakkars* had to pay regular rent or *pattam* to the *janmi* which became the share of the produce. At that time either as security to the lands leased or as loan, the *janmi* was taking advance from the *kanakkar* and this was taken what the *janmi* was in need of money. It was the duty of *kanakkar* to advance loans, which were refunded by the *janmi* with interest (*palisa*), the interest on the amount, was compensated with the reduction rent paid from the cultivated land. For the landholding tenants, out of the yield from the land in his control, the amount after paying the rent, that is *janmi's* share of the produce and meeting the expenses of the cultivation, including the share of those working under them as actual tillers of the soil, became his share. The *karalar* and *kudiyar* were the actual tillers of the soil whose rights were far inferior to those of the upper classes. In *Keralolpathi* the right of these inferior groups is referred to as *kizhkur*²⁵. An absolute transfer of

²⁵ Raghava Variar (ed.), *Keralolpathi Granthavari*, Calicut, 1984, p.10.

the rights of the *janmi* is called *attipper*, which terminates his *janmam* right on the land.

During 18th century, the Malabar society had its feudal characteristics. But it was not in the sense of European model. That is the local chieftains called the *Naduvazhis* had lands belonging to their *kovilakoms* called *Cherikkal* land, which is different from *brahmaswam* and *devaswam* and the *janmam* properties of *Nambuthiris* called *brahmaswam* and *devaswam* were attached to temples. The land under the *kanakkars* appeared as their permanent property because of their continuous stay in them for so many years. The customary tenurial co-existence is defined as *kana janma maryada* in *keralolpathi*²⁶. When the title of *janmam* was absolute, the soil as such was never absolutely owned by anybody. Property in medieval Kerala was never in the Roman model. Roman land lord's right over the soil was absolute, the right he was giving the tillers of the soil was only for cultivation²⁷.

According to William Logan, the most important customs in which the Malabar people differ from the people elsewhere is that

²⁶ *Ibid.*,

²⁷ H.A. Davis, *An Out line History of the World*, London, 1969, p.304.

connected with the inheritance of property²⁸. Landed property in Malabar was either connected with the agrarian product or with the family inheritance. The inheritance system was mainly two types *makkathayam* or patrilineal succession and *marumakkathayam* or matrilineal succession.

In medieval period almost all *Nambudiri* household had their property and they came to be known as *brahmaswam*. Some inscription as mentioned above about *Brahmin* settlement was founded in the *Chera* period in Kerala. The *Kollur madam* copper plate mentioned the details of grants to the temple built by the Venad chief, Sri. Vallabhan Kotai's mother. This copper plate was issued to give routine expenses of a temple and for the maintenance of a *Brahmin* settlement around the temple. Another arrangement is made by setting apart land for *Akanalikai* expenses of *vilas* or festivals, *Viruthi* of hereditary temple servants and *Jivita* (livelihood share) for casual employees and *brahmaswam* for 23 families.²⁹ Another term *padakaram* also mentioned in this inscription. The owners of *devaswam* and *brahmaswam* land referred to as *patakaram* in the the records were

²⁸ William Logan, Malabar Manual..., *op.cit.*, p.153.

²⁹ *Kollur Madam Copper Plate* published in Dr. Puthussery Ramachandran, *Keralacharithrathinte Adisthana Rekhakal*, Trivandrum, 2007, pp.141-145.

Brahmins by caste.³⁰ Another inscription of *Tiruvadur* mentioned *Brahmin* settlements. This record reveals the practice of selecting *Brahmins* from different older *gramas* when a *grama* settlement is enlarged.³¹ After the 10th C and the word *brahmaswam* was used extensively. The *brahmaswam* property rights were held by the eldest member or the *Muzamburi* of a *Nambutiri brahmana* household. They followed patrilineal system of inheritance, according to their legal and genealogical texts. Before the 18th C the titular ownership of most of the arable lands was under the control of *Brahmins*. However, the ownership problem was very complex one. Prof. Elamkulam argued that the private ownership of land began in Kerala long before the *sangam* age.³² According to him the landlords and local chieftains were the *Pulayas*, *Idayas*, *Villavas* and other agriculturalists. From them, ownership was passed to the present class of landholders during periods from 9th to 13th centuries.³³ But recent scholars do not accept this view.

In the opinion of K.P. Padmanabha Menon, *Nambudiris* were the original *janmis*. This *janmi* did not cultivate the land directly. They

³⁰ M.G.S. Narayanan, *Perumals of Kerala...*, *op.cit.*, p. 210.

³¹ *Ibid.*, p.480-481.

³² Elamkulam P.N. Kunjan Pillai, *Janmi Sambradayam...*, *op.cit.*, p.103. Already mentioned this statement in the page 25.

³³ *Ibid.*, p. 325.

appointed supervisors who generally belonged to the *Nairs*. Then this *janmi* gave the right to the *Nairs* to supervise their lands.³⁴ Elamkulam argued that the *janmam* right originated in the period between 9th and 12th centuries that is during the later Chera period.³⁵ He argued that the term *janmam* originally meant permanent right and applied to the position of temple *uralar* during the 11th century when the position became hereditary.³⁶

According to M.G.S Narayanan, the *Brahmin* settlements of the medieval period were spread in many fertile valleys between the Western Ghats and the Arabian Sea and they occupied this land for cultivation³⁷. The *Brahmin* settlers were largely interested in cultivation and we know before the modern period almost all cultivated lands in Kerala was *brahmaswam* except the forest in the high ranges³⁸. In the opinion of M.G.S during the medieval period all land seems to have belonged to the Chera king in theory and the governors were his feudatories and they enjoyed the lands in their districts in return for

³⁴ K.P. Padmanabha Menon, *op.cit.*, p.4.

³⁵ Elamkulam P.N. Kunjan Pillai, *Studies in Kerala...*, *op.cit.*, p.348.

³⁶ Elamkulam P.N.Kunjan Pillai, *Janmi Sambradayam...*, *op.cit.*, p. 103.

³⁷ M.G.S. Narayanan, *Perumals of Kerala...*, *op.cit.*,p.264.

³⁸ *Ibid.*,P.265.

payment of tribute³⁹. The lands enjoyed by the *Brahmin* cultivators also appeared to have been leased out by rulers in perpetuity to the *uralar* or village proprietors. The right of proprietorship in this category is not called *kanam* but *uranmai* and some of the lands in *gramas* were set apart as *devaswam* and *brahmaswam* which may be described as *eleemosynary* tenure⁴⁰.

In medieval Kerala the “ownership and control of lands were exercised by the dominant classes. Hereditary customary right over the land enjoyed by the traditional land lord was called *janmam* or birth right. Temples and *Brahmana* chiefs held the *janmam* right. The term 'landowner' is used to signify hereditary titular rights over land as applied to *janmam* and *swam*. This ownership was birth right or customary right”.⁴¹ The term 'control' indicates actual control over the production and distribution process.⁴² This in later period was often vested in the hands of *kanakkaran*. It was from the *janmam* right that the *janmi* came to being. In due course of time the entire *urayma* or overlordship right over a village or a temple became part of the system

³⁹ *Ibid.*, p.316.

⁴⁰ *Ibid.*, p.317.

⁴¹ K.N. Ganesh, *Agrarian Society...*, *op.cit.*, p.140.

⁴² *Ibid.*, p.141.

of *janmam*. During the middle ages the majority of the *janmam* rights remained the property of *Nambuthiri Brahmins*. Generally the landed property of the temples was managed by the *Brahmins* who were the members of the governing body of the temples.

The term *janmi* is equivalent to the landlords. *Janmam* means hereditary right or birth right, ie, the right that the landlord comes to occupy by descent from his predecessors, who held the land.⁴³ The birth right of *janmi* was legitimised by the *Brahmins* with their legal and genealogical texts like *Keralolpathi* and *Vyavaharamala*. His ownership of the land does not signify any service or dues that he has to pay to an overlord for maintaining his right.⁴⁴ The *janmi* loses this right only if he transfers or sells his land, and the new owner has to pay rent as dues because he does not come to own the land as a birth right.⁴⁵ Such a 'sale' therefore, took the form of a mortgage cum lease tenure, where the lease holder enjoyed the right in permanence called *kudijanmam* or *chora otti*. Such holder continued to pay a small amount as dues to the *janmi*, sometimes called *janmikaram*.

⁴³ K.N. Ganesh, *Ownership and Control...*, *op.cit.*, p.300.

⁴⁴ *Ibid.*,

⁴⁵ *Ibid.*,

During the later Chera period that is 9th to 12th centuries the *Brahmins* came to establish hereditary rights over the land. The rulers made land grants and other allotments as permanent right to temples that were being established. Then during the 10th and 11th centuries onwards temples and *Brahmins* became the large land owners. These lands were cultivated by tenants who held lands under *pattam* and *varam*. *Pattam* and *varam* means share of produce or tenant's dues⁴⁶.

The growth of the *janmam* right has been traced to the formation of a stratified agrarian society between the 9th and 12th centuries that is the later Chera period.⁴⁷ The lands held by the land owners were cultivated by large and small tenants. Medieval the period in Kerala the legal codes or *kaccams* were arranged that protected the interests of the temples. *Kaccam* is a strict code of rules and regulations. It is a legal code. It helps to maintain temple affairs and the administration of temple properties. During the 9th C A.D, the *Naduvazhis* and representatives of temple committees arranged these legal codes. These emerging agrarian relations were sustained by forms of regulations based on customs

⁴⁶ *Ibid.*,

⁴⁷ K.N. Ganesh, Ownership and Control..., *op.cit.*, p. 301.

which became popular in form of *kaccams*.⁴⁸ *Kaccam* prescribed the nature of procurement of the expenses to be incurred out of the produce, type of judicial control to be exercised and fines to be realized, duties and obligation of temple functionaries including the *uralar* etc⁴⁹. *Muzhikalam kaccam* referred in the *Chokur* inscription of the late 9th century came to be accepted as a model *kaccam* throughout Kerala.⁵⁰ During the post-*Chera* period, *kaccams* were replaced by custom or *maryadai*.

By the 12th century, gradation of rights over lands had emerged, that is *Naduvazhi* chief at the top, followed by *uralar*, *karalar* and *adiyars* at the bottom level. The term *maryadai* begins during the time of 15th century onwards and it denotes customary payments. From this time onwards the *janmi's* land rights over land were related to traditionally accepted norms of the village that is '*kiliyakkam*' or *maryadai*. This '*kiliyakkam*' term appears in Malabar in the *Vanjeri granthavari*.⁵¹ The rights of the *janmi* over the land were expressed by

⁴⁸ M.G.S.Narayanan, *Perumals of Kerala...*, *op.cit.*, pp.114-115.

⁴⁹ *Ibid.*,

⁵⁰ *Ibid.*,

⁵¹ M.G.S. Narayanan(ed.), *Vanjeri Granthavari*,(here after *V.G*), Document Nos. I A (AD 1541), 2 A (A.D 1541), 3 A (AD 1541), 17 A (AD 1567), 23 A (AD 1572).

kiliyakkam and the obligations of the tenants were determined by custom.⁵² The *kiliyakkam* or *maryadai* had no standardised form all over Kerala.

In medieval Kerala a particular type of property right system had existed when compared to other parts of India. The traditional form of land control that existed in medieval Kerala was based up on customary rights. Familial property had existed in Kerala during medieval times.⁵³ During that time property was held by households such as *Nayar taravads* and *Nambuthiri illams* and even the holdings of the *Naduvazhis* were by their familial residences or *kovilakams*. *Nambuthiris* did not take direct possession of the donated land, but they directly controlled only those lands where their *illams* were located. In the Malabar *Kovilakams* properties, they formed tenure by themselves; same portions were set apart for the individual enjoyment of Senior *Rajas*, called *Sthanam* properties. The '*Kuruvazhcha*' was a dignity attained by the senior *Rajas* in Malabar *Kovilakams* in the order of rank (*kuru*) as first, second, third, fourth etc. Those who attained any of these

⁵² K.N. Ganesh, *Ownership and Control...*, *op.cit.*, p. 303.

⁵³ Rajan Gurukkal, 'The Socio-Economic role of Kerala Temple A.D. 800-1200', *Journal of Kerala Studies Vol. XVII*, 1990, p. 60.

ranks were allotted separate properties called *Sthanam* properties and do not share in the general *Kovilakam* properties.⁵⁴

By the late medieval period in Kerala three types of tenure on lands had existed. These were *janmam*, *kanam* and *pattam*. *Janmi* had birth right over the lands granted as "*attipper*" or complete grant and this could be transferred to the next generation. *Janmi* could never sell their property but they could transfer it or give it for rent. During that time there was no concept of partition. But they had a right to *kuravakasom* that is in order of rank as first, second, third etc. Another is the mortgage cum lease tenure called *kanam*. *Kanam* was lease and mortgage tenure, which involved mortgaging land to certain *kanam* holders on the basis of prior payment of money or valuables (*artham*). This is deemed as being held under lease. They acted as the intermediaries between the *janmi* and the ordinary tenant or *pattakkaran*. Sometimes they were the executors of *janmi*'(*karyasthan*). The last tenure *pattam* was lease holding of actual cultivator under *janmi* or under *kanakkaran*. Lastly there were the labouring *adiyala* in some cases this groups who tilled the soil without any right, except *kutimai* rights (occupancy rights).

⁵⁴ Moore, Lewis, *Malabar Law and Custom*, Madras, 1905, p.340.

During the medieval period temple had become the main landed magnates .The land gifted to the temple included the crown lands held by the ruling aristocracy which gained various levels of land rights as those of owner of all revenue from land, protector with all political rights and temporary revenue ownership with *karanmai* rights.⁵⁵Temples distributed its rights among the members of the corporation, members in their turn to the *karalar* and *karalar* to *kutikal*.⁵⁶ This elaborate system of distribution and redistribution of land rights, with the temple as its nucleus, provided in integrated organization of economic activities.⁵⁷ Temples became the focal points for social life and creativity as deities received from pious donors.⁵⁸ Some historians said that the importance of temple in rural economy is elaborate and the temples act as institutional money lenders, employers, bankers, consumers, local tax receivers and centers of production and retail enterprises.⁵⁹

⁵⁵ Rajan Gurukkal, *The Kerla Temple...*,*op.cit.*,p.32-35.

⁵⁶ *Ibid.*,p.38.

⁵⁷ *Ibid.*,pp.130-131.

⁵⁸ David Ludden, *Peasants in SouthIndia*, Delhi, 1989, p.30.

⁵⁹ A.Appadorai, *Economic Conditions in South India(1000-1500 A.D)*, Madras, 1936, pp.274-301.

The *Brahmin* settlements in river valleys, the expansion of agrarian settlements, the emergence of temples, *brahmaswam*, and *devaswam* etc generated a new agrarian setting in Kerala with a new type of society.⁶⁰ The astronomical knowledge and invention of calendar provided an edge to the *Brahmins* which facilitated them to plan and control agricultural authorities.⁶¹ But there is no evidence showing the direct involvement of the *Brahmins*, in agriculture but they have tried to cultivate the lands with the help of existing cultivators.⁶² This led to the formation of new social groups engaged in agriculture during that time three types of settlements appeared, which is *Brahmin* settlements, non-*Brahmin* settlements, and ruler's of *Cherikkal* territories.⁶³

The land ownership was the fundamental factor which determined the nature of agrarian relations. Lands were mostly possessed by *Brahmins*, temples and chieftains and *uralars*.⁶⁴ *Uralar* is identified as large land holders. *Uralar* functioned as the managing body of the temple centre that emerged in their *ur*. The separate rights of each

⁶⁰ Rajan Gurukkaland Raghava Varier ,*Cultural History of Kerala Vol-I*, Trivandrum, 1999, p.245.

⁶¹ *Ibid.*,

⁶² *Ibid.*,

⁶³ *Ibid.*,

⁶⁴ Rajan Gurukkal, *The Kerala temple...*, *op.cit.*,pp.38-40.

Brahmins over his land were called *patakaram*. The term apparently indicated a fragment allotted to each *Brahmin* from the total land granted, which means that the *Brahmins* were being settled as a body corporate, and not as individual allottees. The body corporate was thus made to act as the *uralar* of the temple. *Uralar* leased the land to *karalar* on *pattam*. The basic structure of the agrarian system was the *Aladiyar* mainly the *Pulayas* who were the actual tillers of the soil. The status of *kuti* lies in between the *karalar* and *Aladiyar*, *Vannar*, *Thatcher* etc, mentioned in the *Tharisappilly* copper plate belonged to this category.⁶⁵ *Aladiyars* continued to be the tillers of the soil. They were always found attached to the arable lands and they were also transferred along with the lands.⁶⁶ This seems to imply that they were the main source of agricultural labour. They had no right over the produce.

The temple employed a large number of people in various services on the system of service tenure. The number of people employed in temples varied according to the prosperity of the temples.⁶⁷ Drummers, dancers, musicians and others in temple service received lands for their living. These rewards, as share of land, were known as *viruthi* (service

⁶⁵ Rajan Gurukkal and, Raghava varier, Cultural History..., *op.cit.*, p.118.

⁶⁶ Raghava Varier, Further Expansion..., *op.cit.*, p.94.

⁶⁷ Rajan Gurukkal, The Kerala temple..., *op.cit.*, pp.50-59.

grant) and *jivitham*.⁶⁸The institution of *kuti* was also very prominent during this period. They included cultivators, instrument makers, physicians etc, some of them were *karalar* also. *Kuti* is also explained as early settlements of the people.⁶⁹But gradually the people of *kuti* came to be regarded as cultivators. The right to live in the agricultural area gradually came to be known as *kutima* or *kutiyayma*.⁷⁰

Temple records and other inscription of the medieval period provide information on the rights and duties of different social groups engaged in agriculture. The *Perumal* and *Naduvazhis* were supposed to be the protectors of the life and properties of the life of the people for which they received due shares of the produce. Being the owners of the land they received *pattam* or rent from the *karalar*. The *Thiruvalla copper* plates mention different rates of *pattam* like 2/5, 1/3, 1/5, from the *karalar*.⁷¹

Mobilization and distribution of the resources which was mainly paddy were carried out by the *Perumal*, *Naduvazhis* and temples. The

⁶⁸ Kesavan Veluthat, *Brahmin Settlements...*, *op.cit.*, p.39.

⁶⁹ K.N.Ganesh, *Agrarian Society...*, *op.cit.*, p.74.

⁷⁰ *Ibid.*, p.75.

⁷¹ *Thiruvalla Copper plate*, Travancore Archeological Series (hereafter T.A.S) Vol.II, p.47.

social relations between *uralar*, *karalar*, intermediaries and occupational groups exhibited in the form of their rights to the means of production and share of production were established by *kadamai*⁷² or obligatory right. The *uralar* had to pay annual *pattam* or *attaikol* to the *perumal*. *Karalar*, *kudiyalar* and others had to satisfy similar obligations.⁷³

The post-Chera period witnessed the disappearance of a central authority and the rise of numerous *Naduvazhis* on the ruins of *Perumals*. Decline of the *Perumal* accelerated certain tendencies that were developing under the *Perumal* rule itself.⁷⁴ The *Naduvazhis* assisted by their militia and the *Brahmins* started consolidating and extending their territorial control.⁷⁵ The *Brahmins* asserted their power against the ruling chieftains. New temples were being established and the *Brahmins* acquired more lands in their own capacity and as members of the temple management councils. New sections of population entered in to an agricultural production. The spread of agrarian settlements, increase

⁷² Raghava Varier and Rajan Gurukkal, *Kerala Chari...*, *op.cit.*, p.154.

⁷³ Raghava Varier, *Further Expansion...*, *op.cit.*, p.95.

⁷⁴ *Ibid.*,

⁷⁵ K.N. Ganesh, 'Agrarian Relations in Kerala-An Over view(1100-1600)' in E.K.G.Nambiar (ed.), *Agrarian India: Problems and Perspectives*, Calicut, 1999, p.65.

in trade and commerce, proliferation of castes and sub-castes and crystallization of a regional idiom which was distinct from neighbouring cultures of Karnataka and Tamilnadu were other major developments in Kerala society during the post-Chera period.⁷⁶

Among the numerous *nadus*, Kolathunadu, Kozhikode, Kochi, venad etc, became prominent in the subsequent centuries.⁷⁷ *Swaroopams*, the ruling houses, ruled over the nadus. The *swaroopams* were large joint families and their political authority was organized on the basis of *kuru* or the order of seniority.⁷⁸ The *swaroopams*, being the land lords, received dues from their lands and tolls from trading centers. Besides these larger political units called *desam* were controlled by *desavazhis*⁷⁹. Thus the *Naduvazhi*, *desavazhi* and the *Brahmins* asserted political as well as economic control over the entire society

Agrarian relations became very complex with varying layers of rights over land. The *kudiyar* who received land in lease paid for it shares of produce as *pattam*, *melvaram*, or *melodi*.⁸⁰ When the temple

⁷⁶ *Ibid.*,

⁷⁷ Raghava Varier, Further Expansion..., *op.cit.*, p.63.

⁷⁸ *Ibid.*,

⁷⁹ *Ibid.*,

⁸⁰ K.N. Ganesh, Agrarian Relation..., *op.cit.*,p.123.

was the owner of the land, the *kudiyar* were to remit dues for specific rituals and other expenses to the temple. During that time temple properties were managed and controlled by the *Brahmins* and they were the members of the governing body of the temples. These *Brahmins*, in course of time, became the *karalar* and received the temple land as lease. The institution of *sanketam* acquired much popularity during this period. In this chapter the role *sanketam* in medieval period has already been mentioned. Most of the temples became *sanketams*.⁸¹ *Sanketams* were governed by the *Brahmin* land owners who enjoyed great powers. The *Brahmin* assembly called *yogam* was very important here for many of the *sanketams* were governed by it. The protection of the property of the *sanketam* was entrusted with local military groups.⁸² The former hundred organizations like Venad six hundred, Nanrulaiad three hundred etc, of the *Perumal* period were gradually replaced by groups or *cangathams*.⁸³ The *cangatham* were entitled to receive a fee named *rakshabogam* or *kavalpalam*. During the 14th and 15th centuries

⁸¹ M.G.S. Narayanan, *V.G* ,Document, *op.cit.*, pp.22-27.

⁸² *Ibid.*,

⁸³ M.G.S. Narayanan, *Perumals of Kerala...*,*op.cit.*,p.235.

organization like *arisippadijanam* and *akambadi janam* became very popular.⁸⁴

The *Naduvazhis* and *Desavazhis* as mentioned earlier owned or controlled land in their respective areas. This entitled them to receive a share of the produce of the cultivators besides their dues from the *Cherikkals*.⁸⁵ The agrarian order and the formation of economic ties gradually became more and more complex with the emergence of new intermediaries. The old *kaccams* gave way to local customary laws and practices like *desamaryada*, *kilmaryada*, *kiliyakam* etc,⁸⁶ thus the customary relations among *uralar*, *karalar* and the cultivator were replaced by relation among the chiefs or the temple managing committee, the intermediaries, the temple servants and royal servants and tenant cultivators and bonded labourers. New form of land control started appearing as a result of the growth of intermediaries. Several *Brahmin* families emerged as land owners in their independent capacity and some among them gained the title of *madambi* for their services to their rulers. Autonomous non-*brahmin* lords were also developing in

⁸⁴ K.N. Ganesh, *Agrarian Society...*,*op.cit.*,p.132 .

⁸⁵ Raghava Varier, *Further Expansion...*,*op.cit.*,p.96.

⁸⁶ M.G.S. Narayanan, *Perumals of Kerala...*,*op.cit.*,pp.29-30.

Northern and Central Kerala, who sometimes served the local chiefs and thus gained various positions and titles.⁸⁷

By the beginning of 16th century the agrarian society of Kerala had consolidated. Temples remained the largest *janmis* in the beginning of this century. Large temples owned a number of lands in river valleys and there are several references to temple servants or representatives directly supervising cultivation in some temple lands and collecting dues from the cultivators.⁸⁸ During that time a number of lands were leased out to tenants, under various forms of lease. It is very difficult to make any calculation regarding the lands under lease and lands under direct supervision.

In medieval times simple leases were the wide spread form of landholdings. Most of the *kudiyars* were simple lease holders. Naturally the leaseholders paid rent for their right to hold the land and the temple of royal servants converted the rent to be paid to the land owner to the form of service.⁸⁹ The rent to be paid was fixed as a share of produce

⁸⁷ K.N.Ganesh, *Agrarian Society...*,*op.cit.*,p.69.

⁸⁸ The servants are referred to as Manushyam, M.G.S. Narayanan, *Vanjeri Grandhavari*, refers Samudayam, Manishshan, Managing the affairs of the temple including control of temple lands.

⁸⁹ K.N. Ganesh, *Agrarian Society...*, *op.cit*, p. 142.

usually taken after every crop.⁹⁰ The rent from grain fields was paid in kind at the same time garden lands had a mixed form of payments both kind and cash.

During the 16th century new land tenures emerged like lease cum *panayam*, *kulikanam* etc. It resulted in the introduction of cash along with this and it is the main feature of late medieval agrarian society. The people like *Ilavar*, *Canavar*, and *Paravar* etc related to cash crop cultivation and they were treated as *adiyars*. But the rights enjoyed by the *Ilavas* were denied to the *Pulayas* and *Parayas*. It is a complex nature of agrarian relations and it was followed by further proliferation of society in the subsequent period. These developments showed that there was stress and strain for income from landed property. It is also important that the above changes were taking place within the customary law or *kilmayada* which ensured the old ties of dependence and service obligations.

During 16th C another form of holdings called *kuzhikkanam*, which became a popular form of holding by 18th century. *Kuzhikkanam* was associated with lease-cum-mortgage holdings. *Kuzhikkanam* referred to a special assessment that extended to lands newly brought

⁹⁰ *Ibid.*,

under cultivation, or trees newly planted, where a reduction was allowed for the initial period when the land was cultivated or the trees were growing.⁹¹ Lands could be rendered *kuzhikkanam* for payment of a certain amount called *kuzhikkanapponnu*.⁹² Spread of *kuzhikkanam* indicated that new trees and new gardens were coming to be established all over Kerala. *Kuzhikkanam* lands were used for cultivating coconut; arecanut etc.⁹³ During medieval period *kuzhikkanam* became popular along with the expansion of agriculture. The reduction in assessment amount which may be one fourth or one third of the rent collected came to be known as *kuzhikkur* or *naduvakkur*.

There is a variation that developed during 17th and 18th century in the lease holding involving cultivating rights that is *ulavupattam* or *maryadapattam*.⁹⁴ The variation shows that the simple lease tenure or *verumpattam* was undergoing changes and a section lease holders were acquiring rights of different degrees of permanency.⁹⁵ In the tenorial pattern the bottom level holders were *verumpattakkar*. *Kanam* was an

⁹¹ *Ibid.*, p.144.

⁹² *Ibid.*,

⁹³ *Ibid.*,

⁹⁴ *Ibid.*, p. 142.

⁹⁵ *Ibid.*,

intermediary tenure and the *kanakkaran* sublet their lands to the subtenants known as *verumpattakkaran*. The *verumpattam* tenure was simple lease usually of one year duration and most of the *verumpattakkaran* were mere tenants-at-will.

During medieval period the land tenurial pattern was complex one. The simple lease system of the *Perumal* period was gradually relegated to the background and lease-cum-mortgage tenure became more prominent.⁹⁶ The lease holders were expected to pay a lumpsum in cash as *artham* to the land owners to possess temporarily the land for cultivation. The land lord received a share of produce after deducting the interest on the *artham*.⁹⁷ The lease holder could control the land and he could renew his contract if he fulfilled the demands made by the landlords. During that time the absence of the sale of land ensured that the *janmam* right of the land owners was preserved and protected against permanent possession of land by the newly growing intermediaries.⁹⁸ The rights of the intermediaries called *uluvapattam*, *kanam* and *otti* and held after paying the *artham* were overseeing

⁹⁶ Raghava Varier, *Further Expansion...*,*op.cit.*,p.97.

⁹⁷ *Ibid.*,

⁹⁸ Raghava Varier and Rajan Gurukkal, *Kerala Cha...*,*op.cit.*,p.209.

rights.⁹⁹ Mortgage tenures called *kanam* or *otti* existed in early medieval times.

By 16th century, transaction in land either by paying cash or kind was on increase. Land mortgages were initially for a period from three to twelve years and redeemable by the land lord. But during 18th century the stipulated period of the land mortgage began to increase. The security given for the land amounted to about three-fourths of the value of the land, but never equal to its value. It is clear that the land was not to be sold, at any rate. The interest on the security was deducted from the rent realised from the land and the remainder paid as *michavaram*.¹⁰⁰ During the 18th C the land *mortgaged* became larger, and the security was paid in cash. Land mortgages in the early medieval period were initially for a period of three to twelve years, but during the 18th century it is found that the stipulated time was increased to 36 to 48 years and sometimes even more.¹⁰¹

⁹⁹ *Mathilakam Records*, Kerala State Archive, Trivandrum, Curuna (roll), Ola, 1527,546,502,1686,94.

¹⁰⁰ *Ibid.*, p.143.

¹⁰¹ K.N.Ganesh, *Agrarian Society...*,*op.cit.*,p.143.

Rights over forest land are indicated by *kuttikkanam* and *kuttikkuru*.¹⁰² Lease-cum-mortgage tenures and simple lease tenure was the birthright of the original landlord. Lands were held as *viruthi*, and *viruthi* holding had acquired a permanent character. During medieval time large number of dues was paid to the rulers as customary obligations which were both in cash and in kind. The holders of *verumpattam*, *kanam*, *kuzhikkanam*, etc apparently recognized the birth right of the original land lord. The chieftains apart from *cherikkal* claimed a share of the produce from other land holders in the form of customary dues. The ruler of Venad collected *rajakaram* for maintaining cavalry and the ruler of Kolathunad collected an additional amount during the invasion of Bednore Nayaks.¹⁰³

In medieval period property in the form of land, cash and gold are involved in most of the transactions in which customary conduct of the *sanketam* or *desam* known as *Sanketa maryada* or *Desa maryada*.¹⁰⁴ After the emergence of new customary laws (*maryada*) resulted the early *kaccams* disappeared and *maryadai*, *kiliyakam* and the institution

¹⁰² M.G. S Narayanan, V.G, Document, Nos. 21A, 22A.

¹⁰³ Elamkulam P.N.Kunjanpillai, Studies in Kerala..., *op.cit.*,p.359.

¹⁰⁴ M.G.S. Narayanan, V.G. Document, P. XVII.

of *nattuvar*¹⁰⁵ or local judicial arbitrators who settled disputes and determined the nature and amount collected by the land owner.¹⁰⁶

Another problem is related to the existence of land revenue in pre modern Kerala. This is till an unsettled problem. The Britishers like Mr. Thackeray, and Buchanan introduced the concept of lack of land tax in Kerala. Mr. Thackeray said that there is no proof that any land tax existed in Malabar.¹⁰⁷ Buchanan was also of the view that there was no land tax under the rulers of Kerala. In the opinion of Buchanan, the *Nambudiris* had possessed all the landed property in *Malayalam*, before the conquest of Hyder. They acted as the actual lords of the soil except in some small areas appropriated to the support of religious ceremonies called *devasthanam*, and other portions called *cherikkal*, which were appropriated to the supporting families of the Rajas.¹⁰⁸ Therefore, all these lands were tax free lands. According to W. Robinson, the private property in land was an old established institution in Malabar. According to him the land revenue system had existed in medieval

¹⁰⁵ The term *Nattuvar* mentioned in *Vanjerigranthavari Documents* .

¹⁰⁶ K.N. Ganesh, *Agrarian Society...*,*op.cit.*,p.147.

¹⁰⁷ C.A. Innes, *Malabar district Gazetteer*, Malabar, 1951, p.308.

¹⁰⁸ Francis Buchanan, *A Journey from Madras through the countries of Mysore, Canara and Malabar Vol.II*, Madras, 1988, p.360.

Kerala. That means the *janmi*, *kanakkars* and *pattamdar* all of whom paid land revenue in the form of *pattam*.

However several historians have rejected the possibility of the existence of land tax in medieval times. But another form of share of produce had existed there, which was known as *melvaram*, *melodi* or *pattam*. Elamkulam argued that there was no organised form of land tax in Kerala till the 13th C. By then all landed property in Kerala had become either *brahmaswam* or *devaswam*. These two lands were tax free lands.¹⁰⁹ This has led to the conclusion that the tax system was absent in Kerala from 13th to 18th century.¹¹⁰ M.G.S. Narayanan has not clearly stated his position with regard to the land revenue in medieval Kerala. According to him during the medieval times there was no idea of the total revenue of the state, but various types of taxes existed that is professional tax, house tax, land tax, protection fee etc.¹¹¹ Sheikh Zainudhun, medieval observer and chronicler, said about the existence of revenue system. According to him there was no form of land tax or

¹⁰⁹ Elamkulam P.N.Kunjan Pillai, *Janmi Sambradayam...* *op.cit.*, p.45.

¹¹⁰ P.K.Gopalakrishnan, *Keralathinte Samskarika Charithram* (mal), Trivandrum, 1994, pp. 270-71.

¹¹¹ M.G.S. Narayanan, *Perumals of Kerala...*, *op.cit.*, p.129.

revenue extraction in 15th or 16th century in Kerala, though there were such dues imposed on traders.¹¹²

This difference of opinion arises because most of the collection of dues recorded has not been dues on land. But dues are collected in various forms like protection tax, occupational tax or various forms of share of the produce from the cultivators, and not tax directly on land holding as such. In medieval time Kerala has no standard form of land measurement before coming of British. Measurement is on the produce, on the basis of the amount of seed sown (*vithupadu*) or the number of pits dug for planting trees (*kuzhi*). This means that the taxes could be levied only on the actual produce. *Naduvazhis* collected the share of produce from the cultivators. However, the British viewed the Kerala situation on the basis of their concepts developed in the light of the land right in English society. In Medieval Kerala the existence of a systematic collection of land revenue is less. But the term *pattam* is often noted as a share of produce to the overlord. The share of the produce to be paid by the *pattam* holders was normally a fixed amount.¹¹³ *Pattam* and *varam* has some similarity that is it is an

¹¹² Velayudhan Panikkassery, *Keralam Pathinanjum Pathinarum Noottandukalil*, Kottayam, 1983, p.89.

¹¹³ P.K.Gopalakrishnan, *op.cit.*, p.265.

overlord's share of the produce. The terms like *melvaram*, *melpathi*, *melodi* etc signified collection of a fraction of the produce from different types of land, usually by the rulers, the temples or chieftains.¹¹⁴ In the case of *pattam*, *melvaram* were fixed assessment during the medieval period. *Melvaram* and *pattam* was the two forms of rent, it collected twice a year in the month of *Kanni* and *Kumbham*¹¹⁵. The dues collected from the garden lands were also called *pattam* or *pattakanam*; it is more commonly used in 18th C.¹¹⁶ The general term for the share of produce similar to tax is found from southern Kerala, where the term *tandal* was used. During medieval time rent means share of produce. During that time the share of produce was determined on the basis of the conditions of production, such as actual yield, type of crop, fertility and cultivating of land and the time of harvest. Here the possession rights were only on land not to production or cultivation. The rent of pre-colonial Kerala was different from revenue introduced by Mysoreans. The establishment of mysorean power paved the way for the existing agrarian relations during the colonial period. During that time land survey was conducted

¹¹⁴ K.N.Ganesh, "Agrarian Relations and Political Authority in Medieval Travancore, (A.D.1300-1750)", unpublished Ph.D Thesis, Jawaharlal Nehru University, New Delhi, 1987,p.130.

¹¹⁵ *Ibid.*,s

¹¹⁶ *Ibid.*,p.132.

and land tax was fixed on the basis of production. Settlement was made not with the traditional *janmis* but with the cultivators.¹¹⁷ Buchanan said that the tax was imposed only on lands which possessed irrigation facilities and *devaswam* and dry lands were exempted from land tax.¹¹⁸

In this chapter we can see that the *brahmaswam*, *devaswam* and *cherikkal* lands were owned and controlled by a group of persons and it was tax free lands, in the sense that the landholders were not to pay regular taxes, but only certain dues and presentations as part of customary obligations to the overlord. The rights of *janmam* and *kanam* were prevalent and ownership problem was more complex one. Simple leases were widespread form of land holdings. This chapter mainly deals with the land relations in medieval Kerala. Chera inscription gave the clear picture of the accurate form of land relations in Kerala. Chera inscription gave the information of the rights on lands in Kerala and the details of this will be discussed in next chapter.

¹¹⁷ C.K.Kareem, *Kerala under Hyder Ali and Tippu Sulthan*, Cochin, 1973, pp.147-48.

¹¹⁸ Francis Buchanan, *op.cit.*, p.135.

CHAPTER III

NOTICES OF LANDHOLDING AND LAND TRANSACTION IN INSCRIPTIONS

The later Chera period also called *Perumal* period, it starts from A.D. 800 to A.D 1122 .There are a number of inscriptions that appeared during the Chera period. These inscriptions provide detailed information of socio-political and economic conditions of later Chera period. During Chera period the *Brahmins* had got prominent role among the society and temple became the centre of social life. The inscriptions of Chera from 9th to 12th century A.D gave more information on the rights on land and position of different sections of the society. During that time *Brahmins* had got lands from *Naduvazhi's*. There was no need to transfer the rights over land to the donees. In medieval Kerala the donee was often the temple deity and temple deity never cultivates the land. Alternative arrangements were made for the cultivation of the land through tenant cultivators or intermediary farmers, *karalars* or *idaiyidan*.

According to M.G.S. Narayanan and Kesavan Veluthat, “the inscriptions of the 9th, 10th and 11th centuries show the changing nature

of *Brahmin* villages in Kerala. They received donations in the form of land and gold not only from chieftains but also from *merchants*, *Brahmins*, *devadasis* and others. Some of the members of the councils surrendered their *brahmaswam* property to the temple and became tenants of the temples”.¹

The very first of the inscriptions the *Vazhappalli* inscription the date of which is determined as 820 A.D, provides information on the practice of agriculture and subsequently the products that came to the temple. The major agriculture products in those days were paddy, coconut, arecanut, while pepper was produced on the forest regions of the Northern *nadus* and in some parts of Venadu. *Purayidam* land produced both paddy and other products. In Kerala, the piece of land which was given to temples were fertile productive lands, sometimes their produce, the saving capacity was clearly mentioned in the inscriptions than that of other parts of South India, where the land granted to *Brahmins* were unsettled lands which was to be cultivated with the help of others.²

¹ M.G.S.Narayanan and Kesavan Veluthat, ‘History of the Nambudiri Community in Kerala’, in Frits Staal (ed.), *Agni The Vedic Ritual of the Fire Altar, Vol-II*, Berkley, 1983, pp.256-79.

² *Travancore Archaeological Series*, Vol. VII, No.40, p.58.

Veluthat presented the picture of traditional land system in Kerala. The *perumal* or king was at the top with his own land known as *Cherikkal*. This land included *karalar* or tenants and *kutiyalar* or the occupants. Below the *karalar* situated the *kutiyalas* the labourers attached to the land. Besides this, a portion of the *cherikkal* land was given as *viruthi* or service tenure to religious and secular functionaries.³ And the structure is *karalar - kutiyalar - adiyalar*. He adds that “the local chieftains also had their own *Cherikkal* lands which had the same structure as that of the land of the *Perumal*. Besides these two groups there are other two groups like *brahmaswam*, *devaswam* and *nagaram* all these had the same structure of intermediaries. Thus the picture of stratified peasantry subjected to several superior rights”.⁴ Rajan Gurukkal and Raghava Varier noticed that the land in Kerala the owner of land was the temples and the *pallis*.⁵ Many inscriptions gave the information about many land transactions had taken place in between individuals and temples. The process of the emergence of locally influential and land lords is indicated also by the remarkable increase in the number of people towards the end of the Chera rule who held such

³ Kesavan Veluthat, *The Early Medieval in South India*, New Delhi, 2009, p.87.

⁴ *Ibid.*,

⁵ Raghava Varier, Rajan Gurukkal, *Kerala Charithram...*, *op.cit.*, p. 119.

significant titles such as *utaiyar*, *desavazhi*, etc. From the inscriptions we can collect a large number of information regarding the various rights on land and correspondingly the positions of different sections in the society. Majority of the Kerala inscription records the grant of land to temples for conducting puja burning of perpetual lamps, feeding of *Brahmins* on certain festival occasions and so on. Majority of the grants were made by individuals, non-*Brahmins* and even *Naduvazhis* to the temples while the numbers of grants by *Perumal* or his relatives were rare. Sometimes uncultivated lands were also granted to the temples that imply a provision that the granted lands were to be cultivated. In Kerala, majority of the land were given to the temples. The lands granted to the *Brahmins* were unsettled lands which was to be cultivated with the help of others. Majority of the inscriptions speaks of various rights over land. The number of inscriptions available in Kerala was too limited to make an accurate generalization on the nature of land relations.

Kesavan Veluthat who had studied the details regarding the early *Brahmin* settlements of Kerala. He identified the 32 traditional Brahmin settlements that spread all over Kerala.⁶ He observed that the affairs of

⁶ Kesavan Veluthat, *Brahmin Settlement...*, *op.cit.*, p.51.

the settlement were managed by a council known as *ur* or *sabha*. The *Brahmins* who were the members of the king's council called *Nalu Thali*.⁷ The village administration was looked after by a body called *ur,urar* or *uralar* and the administration of the temples was carried out by the *urar* whom all the *Brahmin* inhabitants were members of this assembly.⁸ The terms like *tali*, *tali adhikarkal*, *thaliyar*, *sabhar*, *sabhair* etc were also used to denote *urar*. An executive committee called *paratai* , *paratair* etc, looked after the day to day affairs of the temple.⁹

An exclusive *brahmadeya* village had not existed in Kerala. The *Brahmins* in Kerala were liable to pay dues to the *Perumal* and *Naduvazhi* from the days of Kota Ravi. This shows that the *brahmaswam* or *Brahmin* owned lands had been non-existent in medieval period and such a system had surfaced in the later days. The later records also proved this that is the reference of the later records from *Kilimanur* says that the lands were granted to *Brahmins* from the traditional *gramas* as *brahmaswam*. From this, it said that two kinds of property rights were enjoyed by the *Brahmins* in Kerala in those days. One is a kind of conditional property for which certain obligation to

⁷ *Ibid.*,p. 52.

⁸ *Ibid.*, p.54.

⁹ *Ibid.*, p. 55.

both temple and the king were inherent in them and the second one is absolute '*swam*' property of the *Brahmins*.

The dwelling places of the *Brahmins* were the *mangalams*. Some of the *mangalams* might have been place names while others were house names. The term *mangalam* was mainly seen in Central Kerala and it was not found in the inscriptions from Northern Kerala. The dwelling sites of the *brahmanas* such as *mangalam*, *illam* etc are rarely distributed in the productive regions of the majority of the *nadu* area. The terms *mangalam*, *patakaram* etc are seen in the *Tiruvalla* copper plate. It would mean that these terms had been popular in the area around *Tiruvalla* temple and adjoining areas as well as the *Kalkarainadu* region. It was from this region that the *Brahmins* were brought and settled in the Northern and Southern areas. The *mangalams* were very rare in the Southern areas.

The *Kollur madam* copper plate reveals a typical temple centred *Brahmin* settlement founded in the Chera period in Kerala, and the term *patakaram* is also mentioned in this record.¹⁰ The *Kaviyur* inscription says that Mangalattu Narayanan Kesavan and Mangalattu Narayanan

¹⁰ *Travancore Archaeological Series*, Vol. IV, No.7, pp. 22-65.

Kirittan granted land to the *Kaviyur* temple.¹¹ Majority of the grants were made by individuals, non-*brahmins* and even *Naduvazhis*, to the temples while the number of grants by *perumal* of his relatives was rare. In Kerala, majority of the lands were given to the temples.

The term *udaiyar* appears in an inscription from *Trikkakara* during the reign of Indu Kota. The term *udaiyar* means 'possessor'. Chera inscription used this term several times. That is *nadudaiyar* and *parambutaiya* simply implies the possession of land. Parambataiya Keralan Sirikumaran, Parambutaiya Kumara Narayanan, Kunriyarudiya Kandan Puraiyan appears as witness to the deed to *Trikkakarai* temple.¹² The *nadudaiyar* first appears in *Trikkakarai* record during the region of Indu Kota. The detail of this record is *Kalkkarai Nadudaiya Kannam Puraiyan Vaykkal Ciraikkumel idaicciraikkukil vettikkaraikk attaikkolam, bhoomiyum pulaiyaniyumkuda timkkalkarai pattakkara tiruvatikku attikuduttana*.¹³ Here we can see that by this time a group of persons with certain rights over land began to emerge. During the reign of Bhaskara Ravi Venadudaiya Marthandan who was the *vazhunnor* of *Nanrulainatu* appears in *Trikkadithanam* record. *Mampalli* plate of 973

¹¹ *Travancore Archaeological Series*, Vol. I, No. XVI.

¹² *Travancore Archaeological Series*, Vol. III, p.67.

¹³ Dr, Puthussery Puthussery Ramachandran..., *op.cit.*, p.49.

A.D, the *Venatudiya Sree Vallaban Kotai* appeared and he gave land to *Adiccan Umaymmi* as *attipper*. The *Nallur* record mentions the *Naduvazhi* that is *Venadudaiya Kovarthana Marthandan Nanrulainattu vazhka*.¹⁴ This is damaged record, but this inscription mentions some land grants to temple servants.

During the medieval time the lands were mainly transferred for temple offerings, and during that period the land with rights were transferred. The *Tiruvalla* copper plate says, the donations made at different times by different persons for different types of offerings in the temple like *Tiruvilaku*, *Tiruvamritu*, *Tiruvakkiram*, *Nirattupalli*, *Akkaratalai*, *Snapanam*, *Onam* celebration etc are registered along with the details of lands or gold contributed or leased out, and the conditions of tenure and service. *Mulikulam Kaccam* and *Sankara Mangalattu Kaccam* are quoted in this record.¹⁵ The *Irinjalakkuda* inscription mentions that the *Parataiyar* and *Ilaiyar* met and decided to lease out land for some purpose.¹⁶ The *Nedumpuram Thali* inscription says, *taliyar* and *tali adhikarikal* meeting in the presence of *Kotai Iravi*, Governor of *Venpolinatu*, to accept the land grant of *Ukkiramangalam*

¹⁴ *Ibid.*, p.97.

¹⁵ *Travancore Archaeological Series*, Vol- II, III, pp. 131-207.

¹⁶ Dr.Puthussery, *op.cit.*,98.

and *Iyanamangalam* for the routine expenses of the temple including payments.¹⁷

In the Chera period record many land rights related terms were appeared. *Pattam, kanam, kudimai, pathi, patavaram* etc were a kind of dues paid which had the character of periodical obligatory payments. *Attaikkol, irai* etc were the taxes mentioned, main source of income of the Chera period were these forms of payments. The terms indicating land tax is not mentioned in the inscriptions and the references indicate that the share of produce was collected in the form of *irai* or in the form of different obligatory payments. According to M.G.S. Narayanan, he divided the source of revenue in three categories that is from trade centres, *Brahmin* villages and ordinary villages.¹⁸ But we do not get any direct evidence regarding the revenue from the records, but records simply say amount collected in the form of various kinds of dues to the over lord. Many records speak about the terms *irai, patavaram, kadamai, kutimai, arantai, and attaikkol*¹⁹. *Perumal* received income from various fines on offences. *Vazhappilli* inscription mentioned these offences. Those who are responsible for the failure of daily offering in

¹⁷ *Travancore Archaeological Series, Vol- VIII*, pp. 43-45.

¹⁸ M.G.S. Narayanan, *Perumals of Kerala...*, *op.cit.*, p.239.

¹⁹ Tiruvannur Inscription and Perunna Inscription mainly says about this dues

temple should give fines or *pizha* to the *Perumal*.²⁰ *Porangattiri* records mentioned the terms like *koyil*, *alkoyil*, *brahmaswam*, *devaswam*, *Mulikalam kaccam* etc are this.²¹ The significance of *kaccam* has already been discussed. During the reign of Bhaskara Ravi, *Panthalayani kollam* inscription refers that something was given as *attipper* by *Koyiladhikarikal*.²² A *Trikkadithanam* record mention a person named Mulakkadu Iyakkan Kovinnan granted his land as *attipper*, 400 *kalam* of *nilam* and *tarawas* given as *attipper* to the temple.²³

Another term *kadamai* appears in the Tamil record which means obligation. One *Trikkakarai* inscription says '*kadamai kuda karanmai kanpatal*' that is *kadamai* right is included *karanmai* right. This means that the tenants were to pay their *kadamai* to the temple, which was including of the conditions of their tenancy right.

The Chera inscription from 8th to 12th century A.D provides more information regarding the rights on land and position of different section of the society. The persons have not permanent right on land. They have

²⁰ *Travancore Archaeological Series*, Vol-II, pp.8-14.

²¹ M.G.S. Narayanan, *Perumals of Kerala...*, *op.cit.*, p.441.

²² Dr. Puthussery Ramachandran, *op.cit.*, p.60.

²³ *Ibid.*, p.83.

only the possession right on land. During that time different persons enjoyed particular rights on land. Chera inscriptions help us to find out the nature of land relations in medieval Kerala. Many inscriptions gave details of land grant to *brahmanas*. The *Vazhappilli* inscription provides information on the practice of agricultural activities in medieval Kerala. There are so many lands were mentioned in this inscription including *vayal*, *parambu*, and *thottam*. During that time the temple played an important role in the process of accumulating landed property for *Brahmin* settlement. The example of this will be found in *Tiruvalla* copper plates which indicate the extent of property owned by the *Brahmin* assembly of a single village on behalf of the temple. *Kaviyur* inscription says that two brothers from the *Mangalam* family, Narayanan Kesavan and Narayanan Krishnan, donated lands to the temple and it shall be cultivated joint by the two eldest members of the family in association with the eldest members of *Cirakkara*²⁴. *Trikkakara* inscription shows the four brothers; Teva Narayanan, Tevan Subramanyan, Tevan Cuvakaran and Tevan Kantan received gold and

²⁴ *Ibid.*, p.269.

mortgaged their common property to the temple.²⁵ It indicates this is family property.

The formation of ownership rights over land occurred in the early medieval time. The *cherikkal* land of *Naduvazhis*, *brahmaswam* the land owned by the *Brahmins*, and *devaswam* land owned by the temples were the three types developed in this period.²⁶ This land has already been discussed. The *Thirunelli* inscription mentioned the *cherikkal* land of Kurumbranad ruler. Accordingly *Keezhattipozha Cherikkal* was under the sway of Kunjikutta Varman Kurumbiyathiri.²⁷ The process of the land grants on *attipper* to the temple functionaries was also evident in the inscriptions.²⁸ But there are not many indications on the development of the *brahmaswam* land except a few traces from the *Thiruvattur* and *Thiruvalla* records. *Thiruvattur* inscription mentioned the name of certain *Brahmin* settlements. Along with these three types, the *janmam*, *kanam* ownership types were also developed in medieval North Kerala. Rajan Gurukkal argues that the *janmam* and *kanam* forms of possession of land seem to have begun only at the later phase of the

²⁵ *Ibid.*,

²⁶ M.G.S. Narayanan, *Perumals of Kerala...*, *op.cit*, pp.108-111.

²⁷ *Thirunelli Inscription*, 5,11,18, published in V.R. Parameswaran Pillai, *Pracheena likhithangal*, Kottayam, 1963, p.122.

²⁸ *Ibid.*,

evolution of the land system.²⁹ The land grant received as *attipper* with libation of water was later transformed into hereditary land ownership right, which was inherited by birth. The term *janmam* appear in the later records. It was actually hereditary titular rights over the production units, the process of production and distribution. Such lands are mainly made for *Brahmins*, temples, and church. The major agrarian settlements were developed in the river valleys in connection with the temples and *Brahmin* centers. Such process has already started in the Chera period. The concept of individual ownership was not developed in that period.

Another feature was the development of mortgagesystem. The term *otti* and *kanam*, which already appears in the Chera inscription, shows the development of mortgage tenure. This involved obtaining land or any service for a stipulated period of time after paying a certain amount of money as security. At the same time another term *panayam* appeared in the North Kerala context. *Perumchellur* inscription refers to the *panayam* of land, which include wet, garden and dwelling plots along with *aladiyar* to obtain *Anaiachu*.³⁰

²⁹ Rajan Gurukkal, *The Kerala Temple...*, *op.cit*, p.87.

³⁰ *Perumchellur* Copper Plate inscription gives detailed about this.

Unlike the Tamil country there are not many evidences to prove the formation of *brahmadeya* villages in Kerala, *Kollur Madam Plates*, *Mampalli* inscription and *Thiruvatur* inscription. But there are frequent references about the *Brahmin* settlement which were named as *mangalam*, *madam*, *illam*. As the *Vedic* ritual performers, the *Brahmins* had received land as grant or gift from the ruling chiefs. These lands or settlement areas were managed through the councils like *ur* and *sabha*.³¹ The *Kilimanur* and *Kollur madam Plates* throw light on the nature of the country *ur* and *sabhai* had two different functions.³² In the Tamil Nadu inscriptions the *ur* was the organization of non-*brahmin* villages and the *sabhai* was the *Brahmin* councils. But in Kerala both have been considered as the *Brahmin* councils or organizations.³³ The functionaries of *ur* and *sabha* were *Brahmins*. There are a number of place names ending with the term *ur* like *Kulathur*, *Viyyur*, *Thalakupathur*, *Tiruvattur* etc where the *Brahmins* have been settled. This may show that though earlier these *urs* seems to be non-*brahmin* villages later they were occupied or incorporated by the *Brahmins*.

³¹ Kesavan Veluthat, *Brahmin Settlement in Kerala...*, *op.cit*, p.7.

³² *Ibid.*,

³³ *Ibid.*, p.55.

However, there are indications about the non-*brahmin* settlement in the *nadus*. *Thirunelli* inscription and *Tharisappilli* Copper plate mention about a group called *Vellalas*. On the basis of these epigraphs, Raghava Varier and Rajan Gurukkal argued that the *Vellalas* in the Kerala context were the *karalar* who held the *karanmai* rights. In Chera period a socio-economic hierarchy was developed. That is the *uralar* was the top. They had the overlordship over the *Ur* (the *uranmai*). Below the *uralar* were the landholders called *itaiyitar* who were to comply with obligations to the chiefs or the temple. Below them were the leaseholders or the *karalar* who held the *karanmai* or the right of cultivation.³⁴ The next was the right of the artisan-cum-craftsmen group called the *kutimai*. At the bottom were the primary producers or the *atiyalar*. These were the *pulayas* and the agrarian labourers of the society.³⁵ The term *Velalalas* could be seen in the *Tharisappalli* records³⁶. During that time the highest authority resided with the *Perumal*. His authority was called *Koyma*. Below were the *uranmai*,

³⁴ K.N. Ganesh, *Keralathinte Inaalekal*, Department of cultural publication, Government of Kerala, 1997, p.69.

³⁵ Rajan Gurukkal, *Kerala Temple....,op.cit*, p.67.

³⁶ According to Rajan Gurukkal and Raghava Varier, the term '*vellalar-s*' of *Tarissappilli* copper plates were intermediary land holders and they occupied the status of '*karalar-s*'.

karanmai and *kutimai* in the descending order.³⁷ The *uranmai* became the *janmam* right. The inscriptional sources of the Chera period refer to 'al' or labourers who were always attached to the arable lands and were transferred along with the land. They included *pulayas*, *parayas*, *Ilavas* who were engaged in various types of manual labour.³⁸

The nature of *Brahmin* centres had changed in the post Chera period from the 12th century onwards. It is suggested that the political decentrality of *nadus* corresponded to the change in the nature of *Brahmin* settlements gradually transformed in to complete autonomy.³⁹ The *Thiruvvlla* copper plate clearly mentions about the land grants to the *Brahmins* with complete benefits including the right to collect taxes and the market duties.⁴⁰ This period also witnessed the proliferation of 'upagramas' throughout *nadu*.⁴¹

The formation of large agrarian tracts, as well as the *Brahmin* centres in the *nadu* leads to the emergence of temples. It has been suggested that the temples had developed in the agrarian belt which

³⁷ Rajan Gurukkal, Kerala Temple...., *op.cit*, p.68.

³⁸ M.R.Raghava Varier, further Expansion...., *op.cit*, p.94-95.

³⁹ *Ibid*, p.83.

⁴⁰ *Ibid*, p.87.

⁴¹ *Ibid*, pp.69-74.

marked the expansion of agriculture.⁴² Most of the temples were developed in the surroundings of the *Brahmin* settlements. The temples had large amount of land as *devaswam* which was ruled by the *uralar* or *sabhaiyar*.⁴³ The *uralars* or *sabhaiyar* generally belonged to the *Brahmin* community.

After the disintegration of Chera rule *nadus* and *Naduvazhis* became more powerful. Some of the *Naduvazhis* arose to the position of *swaroopams* and they established their independent status in the *nadus*. The two powerful arms of the political authority of the *swaroopams* were the *Brahmins* who exercised ritual power over the people and the non-*brahmins* who exercised military and administrative power, for example of this was *Kavalappara Nair* and *Koodali Gurukkalachan*.

In this chapter we can see that during the Chera period many transactions were made to *Brahmins* and the temples and they established their power over the people. A number of lands were transacted as *attipper*. Mortgage tenure developed during that period. But at the end of Chera period *Naduvazhi swaroopams* emerged. At that time with the emergence of the *Naduvazhi swaroopams Nambuthiris*

⁴² Rajan Gurukkal, Kerala Temple....,op.cit,p.16.

⁴³ *Ibid*,pp.50-55.

and *Nairs* become the big land holding families and they controlled their respective areas. Examples of these families are *Vanjeri Nambuthiri* family, *Kavalappara* and *Koodali Nair* families. These families maintained *granthavari* records which were mainly related with land transactions in respective area. The next chapter gives the details of these records.

CHAPTER IV

**TRANSITION IN LAND HOLDING AND
LAND TRANSACTION PATTERN AS
REVEALED IN GRANDHAVARI**

By the 9th Century A.D. the Chera king called *Perumal* had control over Kerala land. The *Perumal* and his officials called *Koyil Adhikarikal* were directly involved with temple management as they were entitled to a major share of fines and also collected an annual tribute from the temple. By the 9th Century

A.D the corporate *Brahmin* household had dominated the agrarian economy and the temples began to emerge as a major institution in the agrarian localities of Kerala.¹ The *Brahmins* controlled the administration of the temples and the villages. They controlled land as their individual holdings and as corporate custodians of the temple holdings. During that time the two important functionaries of the temple were the *Potuval* and *Variyar* who belonged to the non-*brahmins*. During the Chera period the *Brahmins* received lands from the *Naduvzhis*.

¹ Rajan Gurukkal, *The Kerala Temple...*, *op.cit*, p.29.

By the 12th century, onwards, the *Perumal* was not mentioned. With the origin of *Naduvazhi swaroopams* in Kerala described during the 12th century, centralized authority under the second Chera kingdom began to decline.² The formation of *swaroopam* was an important feature of medieval Kerala society. During that time *swaroopam* became the “semi autonomous region controlled by the secular authority of ruling joint family”³, “self forming and self governing political body etc”⁴. The coronation ceremony of *swaroopam* was known in different names like *Ariyittuvazhcha*, *Hiranyagarbha* etc⁵. The disintegration Chera kingdom was accompanied by the autonomous development of the *nadu* divisions who tried to get control and authority over land. At that time the *Brahmin* houses controlled temples or corporate property, for example *Vanjeri* family. At the same time the *Nair taravad* also controlled the *taravad* property, the *Kavalappara* papers and *Koodali granthavari* gave more details about this. “The *Naduvazhis* and *desavazhis*

² Elamkulam P.N. Kunjan Pillai, *Studies in Kerala...*, *op.cit*, pp.240-241.

³ K.N.Ganesh, *Keralathinte innalekal*, pp362-368.

⁴ S.Raju, “Political Organisation of Medieval Self Forms: Svarupam and Muppu Valca” in *Lateral Studies Series No.15*, School of Social Science, M.G. University, Kottayam, 1998.

⁵ *Ibid.*,

established their property units known as *taravads*”.⁶ During that time *nadus* and *Naduvazhis* had become more powerful. Some of the *Naduvazhi* arose to the position of *swaroopams*. At that time powerful persons of the political authority of the *swaroopams* were the *Brahmins* who exercised the ritual power over the people, and the non-*brahmin Nairs* who exercised military and administrative power.

During the medieval time these *Naduvazhi swaroopams* managed all the landed property in that area. At that time the minor chiefs received land grants by way of service tenure and these *Nair samanta* chiefs arose during this period like *Nambiars, Moopil Nairs* etc. They became big land lords in their area and they developed some features of feudal model. They encouraged the agricultural expansion and it lead to the strengthening of their position at the cost of major powers.⁷ Another reason for the emergence of these people was in the lineage system. “The *swaroopams* became fragmented into different *tavazhis* or mother’s lineages and later feuds arose as to the seniority among them as sucession was according to the *muppu* or the seniority order within

⁶ V.V. Kunjkrishnan, *Tenancy Legislation In Malabar(1880-1970)*,New Delhi, 1993, p.2.

⁷ Kesavan Veluthat, *Further Expansion of Agrarian Society-Political Forms....*, *op.cit*, pp73-74.

the *taravad*. During that time the installation of a new *karanavar* or custodian in each wealthy *taravad* was observed along with certain ceremonies of coronation”⁸. The coronation ceremonies were reflective of their power and prestige. They were in accordance with certain customs and practices. Generally the ritual conducted at the time of a king’s accession to power was called *Ariyittuvazhcha* in Kerala. Like the heads of the ruling families in charge of the administration of the temples, ritual authority etc., also had installation ceremonies and they were known in different names. In the case of *Kavalappara* family the ritual and ceremonies connected with the assumption of office of the *karanavar* was called *Tandetam*⁹ or *Ariyittuvazhcha*. The installation ceremony of the *karanavar* of the *Koodali taravad* was called *Paathilirikkal*.¹⁰

Medieval period witnessed a large number of *samanta* chiefs arose like *Nayanars*, *Nambiar*, *Mooppil Nayar*, *Kurup*, and *Panikkars* etc. They eventually became big land lords with military power. The major land owning families also maintained their own service system

⁸ *Ibid.*,

⁹ K.K.N. Kurup (ed.), *Kavalappara papers*, (here after *K.P*), Document no.84A, Calicut, 1989.

¹⁰ K.K.N. Kurup (ed.), *Koodali Granthavari*, (here after *K.G*), Calicut, 1995.

that is *karyakkār* or accountants etc. These *swaroopi nairs* commanded large numbers of tenant cultivators. The other services they provided were the militia called *Akambadi janam*.¹¹ At that time *swaroopams* brought them along with new areas and they settled there and to bring it under their control. This period witnessed the expansion of agriculture.

The decline of Chera kingdom witnessed the emergence of chieftains. The *taravad* or *illams* functioned as an agency of land monopoly in medieval Kerala. The head of the different houses looked after the village lands and supervised the cultivation of the lands of their lords. By the later period of the Chera rule different ruling groups came to establish their control over the *nadus*. “The habitations in the form of villages were called *desams*. Like *nadu*, the *desam* also had *desavazhi* and village assemblies. The *nattudayavar* or the head of the *nadus* had maintained his representatives and tax collectors in those villages”.¹² During that time the *nadus* developed and the people in particular areas divided by hills, rivers and mountains and it became small groups. “The gatherings of the *taravad* dwellers came to be called *tarakoottams*. In *tara* no private property right system existed. The control and

¹¹ K.N. Ganesh, ‘Structure of Political Authority in Medieval Kerala’ in P.J. Cheriyan (ed.), *Perspectives on Kerala History*, Trivandrum, 1999, pp 226-7.

¹² K.N. Ganesh, *Keralathinte...*, *op.cit*, p.50.

cultivation of the land became a collective responsibility of the *tara* dwellers. The growth of *taras* led to the establishment of hegemony over land and resources”¹³. “The hegemony over resources came to be called *per. per* denotes permanent right. It is equivalent to the word *janmam*. This right by birth given to their succeeding generations was sometimes transferred. This is indicated by the system by which land was given as *attiper*”.¹⁴ In course of time the *Brahmins* and non *Brahmins* group developed and they dominate over the areas like *Koodali, Kavalappara* and *Vanjeri* areas. According to K.N.Ganesh that is only after the formations of *taras* that the non-*brahmin* land lords emerged in many part of Kerala,¹⁵ like *Koodali Nairs* and *Kavalappara Nairs*.

Janmis had ownership of land by *janmam* or birth. When the *janmi* owned large area of land, he used to give the land under his control as *kanam* to his subordinates. But in course of time the *janmam* land came to be the land of *kanakkar*. Land transaction called *otti* and *panayam* benefited the *janmi*. All these kinds of land transactions like *kanam* and *panayam* transactions are mentioned in the *granthavari*

¹³ *Ibid.*,

¹⁴ *Ibid*, pp.51-52.

¹⁵ *Ibid*, p.52.

documents and land records like *Kavalappara* papers. Thus many families enjoyed the *kanam* lands as hereditary. Details of this are follows.

During the 16th century onwards new landlords emerged and they maintained landed records. These landed families were *Brahmins* and non-*Brahmins*. They maintained family chronicles to write down the day to day activities of that period. During the 16th century onwards the *grandhavari* tradition became well established. The *grandhavari* tradition continued till the 19th century also. It is a method of recording the events on a day today basis (*naalvazhi*). During the medieval period most of the *taravad* or *illam* kept these *grandhavari* documents. Many *grandhavari* documents were found different parts of Kerala. That is *Vanjeri grandhavari*, *Koodali grandhavari*, *Kozhikoden grandhavari*, *Mathilakam grandhavari* etc. These *grandhavaries* mainly highlighted the land transactions in medieval Kerala, the rights of the families over the village lands. *Grandhavari* contains a variety of documents that shows different types of land transactions. These documents include *Pattolakaranam*, *Karanma Kozhuvola Karanam*, *Attipettolakaranam*, *Veppolakaranam*, *NerPattola Karanam*, *Panayam* etc. Here we can see that many lands were transacted with different kinds of rights. Here the

land transactions are made between two persons that is loaner and loanee. Most of the *grandhavari* documents say about the loaner borrowing money from loanee, instead of this money the loaner transferred his land to the loanee with his right. Examples of such documents are given below.

During 1543 A.D, *Thulam* 1871, an agreement was made between Mecceri Rayiran Raman and Nambukulath Manivarambath Raman Kotha and his brothers. Here Nambukulath Manivarambath Raman Kotha and his brothers borrowed 10½ *accuputapanam* from Mecceri Rayiran Raman for interest. Instead of this, Manivarambath family transferred certain fields and compounds to Mecceri Rayiran Raman for *pattam* and also transferred their rights. The right was to give paddy to the *Trikandiyur* temple.¹⁶ Here the loaner was Nambukulath Manivarambath Raman Kotha and his brothers and loanee was Mecceri Rayiran Raman. Here we can see that the loaner transferred his lands to the loanee along with his rights and obligations. Such transactions are the main features of majority of the documents that become part of *grandhavaris*.

¹⁶ V.G. Document No. 54, p.8.

The *Vanjeri grandhavari* helps us to understand the land relations in medieval period. These palm leaf records relate to an aristocratic land lord family called *Vanjeri illam* located in *Trikkandiyur* village of *Tirur* Taluk. These records cover a period from 1541 A.D to 1886 A.D. Here majority of the records were connected with land transactions.

Another one is *Koodali grandhavari*, the record of the *Koodali* family located in *Cannanore* district. It deals with agrarian system of North Malabar during the pre-British period. The family known as '*Koodali Thazhath Veedu*' was an aristocratic feudal household in North Malabar. The *Kavalappara* papers are modern one. The *Kavalappara* family is located in *Kavalappara desam* in the former *Valluvanad* taluk. The *Kavalappara Nair* family is a prominent feudal house of Malabar. There are so many land deeds were maintained by *Kavalappara* family. The *Kavalappara* family claims that it was an independent chieftainship after the fall of later Chera Kingdom. Here the family head was *Naduvazhi samanta* of Palaghat Raja. . Later this family held land grants from Cochin. In certain villages the *Moopil Nayar* was the *Naduvazhi* and in certain others he was only a *desavazhi*. During the closing decades of 19th century the *Kavalappara taravad* and its property were brought under the court of wards. Here majority of the records related to

the family were involving to land control and land transactions. The *Kavalappara* and *Vanjeri* deal with transactions in the Southern part of Malabar. Here we can see that majority of the records were connected with land transactions and its rights.

The *Koodali granthavari* is an important source for the study of many judicial and social practice of medieval North Kerala. The nature and functioning of martial institution of the *kalari*, the nature of military training imparted are all reflected in them. It also denotes the rituals connected with the *kalari*. As land lords these landed families had military duties and for this they maintained a *kalari* or traditional military training centre. The *Koodali granthavari* reveals facts regarding the *kalari* of *Koodali* family. Document No.1 and 5 of section A of the *Koodali granthavari* are related to the *Koodali kalari*. The rituals in the *kalari* are referred to a *kalari* and *kavu* or shrine was attached to every land owning *Nair* family of North Malabar. The *karanavar* of *Koodali Kunnath* house maintained the *Koodali kalari* and enjoyed the traditional rights in connection with the same¹⁷.

In medieval Kerala the *taravads* formed their own hereditary militia. During that time militia of that period was the monopoly of

¹⁷ *Koodali granthavari* gives the detail about this.

Nairs. In the hierarchical set up of medieval Kerala each *desam* had its own hereditary militia training centres. It was called *kalari* and was maintained by hereditary instructors for the military training of the *Nair* youths of Kerala.¹⁸ *Desavazhi* was to supply troops to *Naduvazhi* in times of their needs. For maintenance of the *kalari* they received land from his superior. During the medieval period the *Koodali* family maintained the *kalari* for their own purpose.

The senior male member of the *taravad* or *illam* was generally called *karanavar*. The *karanavar* had many forms of power and a series of responsibilities. The *karanavar* supervised and decided on all matters connected with the *taravad*. But the *karanavar* had no right to alienate the property of the family as a permanent transfer. The *karanavar* of the *Koodali* family, *Vanjeri* family and *Kavalappara* family had various rights and responsibilities as the heads of the aristocratic landed families.

There are different kinds of tenurial deals had existed in these three documents ranging from *pattam*, *panayam*, *kanam*, *vepp*, *nade ide cholli panayam*, *attipperum neerum* etc. The term *attipperum neerum* is

¹⁸ C.AchyuthaMenon, *The Cochin State Manual*, (1908), Thiruvananthapuram, 1995, p.70.

the transfer of absolute rights, other transactions included advances of loans, payments of interest, obligations of *kuzhikuru*, *kuttikkuru* etc. Different types of land rights had existed during the medieval period, *kuzhikkanam*, *kuzhikkuru*, *kuttikkuru*¹⁹ etc are among these. Another term used regularly was *ubhayam*, which indicated commutation between cash and kind. The amount of *kaaval palam*, protection fee to be collected from an area is considered as *ubhayam* when the right was transferred of the current value of property. Another was service tenure like *viruthi*, *kaaval viruthi* etc. During the 18th century the *kuzhikkanam* tenure involving the remission of rent for new trees planted was most prominent. During the medieval times all these land transactions were under the control of the temple *sanketam*.

During the medieval times most of the important temples were maintained as *sanketam*. “Within the boundaries of the *sanketam* all the administrative powers were under the control of *yogakar*. Here the king had only the position of protector. However, during the medieval period the *kaaval* or protection duty in the Tiruvur *desam* was within the

¹⁹ V.G. Document Nos. 34A, 28A.

jurisdiction of the *sanketam*".²⁰ But *Kavalappara* and *Koodali* documents do not mention the institution of *sanketam*.

Different types of records have been maintained in these documents regarding land transactions. All these records say that they had maintained the village lands and different types of lands have existed in these villages. They are fields, compounds, *parambu* etc. The agricultural land was measured on the basis of their seed capacity. Major items of productions were paddy from the fields and coconut from compounds. Others are arecanut, jackfruits, vegetables etc.²¹

The varieties of documents in the *Vanjeri grandhavari* are indicated below.

VEPPOLAKARANAM DOCUMENT

In this collection there are forty deeds mentioned as *Veppolakaranam*. The period ranges from 1547 A.D to 1886 A.D. Among this thirty four of them are dated and for the others, correct date is not available. In these land transactions the Mortalacceri family is represented by four different individuals. From 1547 to 1581 A.D. we

²⁰ M.G.S.Narayanan, *Vanjeri...*, *op.cit*, p. Xvii.

²¹ *Kavalappara, Vanjeri, Koodali* records gives the details of this.

find Mortalacceri Kandam Tamotiran.²² From 1593 to 1632 A.D we can see that Mortalacceri Tamotiran Tamotiran is mentioned.²³ From 1820 A.D we find Mortalacceri Tamotiran Raman²⁴ and in all the undated documents there is Mortalacceri Kandam Tevan. Among these documents we can see that Mortalacceri family appears as loaner and they obtained lands from the loanee. For example during 1630 A.D, *Karkkidakam* 805th, Pothval Krishnan Kumaran and Raman Iravi borrowed 10 *accuputupanam* from Mortalacceri Tamotiran Tamotiran. Instead of this loanee transferred certain fields with right of *kaaval* fee, *ney*, *kari* and proprietary share of the field and also gives *kuzhikkanam*.²⁵ Majority of the other documents follow the same pattern. However, during 1650 A.D, *Mithunam* 871, Mortalacceri Tamotiran Tamotiran borrowed 10001 *putupanam* from Chaliyam Muthalali Kakkaveetil Mammad Atheetha. Apparently Mammad Atheetha was a merchant and money lender. Instead of this the loanee gave certain fields with right of *kaavalpalam*, *kari* etc to the loaner.²⁶

²² V.G. Document Nos.9A, 11A, 12 A .

²³ V.G. Document Nos. 28A, 29A, 30A.

²⁴ V.G.Document No. 114A.

²⁵ V.G, Document No. 73A.

²⁶ V.G, Document 105A.

VILAYOLAKARANAM DOCUMENT

Vilayolakaranam is another type of document found in *Koodali grandhavari*. *Vilayolakaranam* signified *janmam* right. The document says during 1601 A.D. *Edavam* 776, Eerancheri Narayanan Chuvaran gave Poravoor Palakalamakunna Kandam measured 903 paddy field to *Koodali Daivatharuralar* as *janmam* right. This land is given on the basis of current value of property during that period.²⁷ This is given as *attipper* right. The word *attipper* means absolute right of ownership on land; it is equivalent of the transfer of *janmam* rights,²⁸ although no direct sale is indicated their involves a price(*vila*).

ATTIPETTOLA KARANAM DOCUMENT

Attippettola karanam is a palm leaf documents recording the transfer of absolute proprietary right over the land. The document was A.D 1642 *Idavam* 817th Thiruvur Karipurath Kesavan Kesavan and brothers transferred certain fields in *Thiruvur desam* to Mortalacceri Tamotiran Tamotiran as *janmam* rights. During A.D 1644, *Vrischikam* 820th Kanakaveli Chuvaran and brothers transferred certain fields, compounds with well in *Tiruvur desam* to Mortalacceri Tamotiran

²⁷ K.G, Document No.7B.

²⁸ Kesavan Veluthat, *The Early Medieval in South India*, New Delhi, 2009, p.286.

Tamotiran as *janmam* right. During 1649 A.D, *Mithunam* 824th Padikkal Konnan and brothers transferred certain fields and compound in *Panangattur desam* to Mortalacceri Tamotiran Tamotiran as *janmam* right.²⁹ During 1728 A.D. *Medam* 903rd, Paravara Kooruvattil Punmotha Kalliyadan Kumaran and brothers transferred his land to *Koodali Daivatharuralar* as *janmam* right.³⁰ Another document says that A.D 1737, 912th *Vrischikam*, Kanda Mangalath Kalliyadan Oraviledathil Chathu Kammaran transferred certain paddy fields to *Koodali Daivatharuralar* as *janmam* right.³¹ Here we can see that most of the lands were transacted through the system of *attipper* and *nir*.

One *Attipettola karanam* deed in *Kavalappara* papers gave the details of, during 1828 A.D, *Vrischikam*, 1004th seated at the Bhagavat Mangalam temple Tharuvayoorutaya Marumakan Kunthassiri Varuvaythal Elathil Kunchu Achan and *ananthiravar* received the current market value from the hands of Kanhumeludaya Kumaran Raman, the object of thus receiving the current market value being Kanhumeludaya Kumaran Raman, by thus paying the current value obtained on *nir attipper*, the lands above mentioned with everything of

²⁹ V.G, Document No. 96 A.

³⁰ K.G, Document No.58 B.

³¹ K.G, Document No.64 B.

whatever description contained therein with pouring of water to the knowledge of Alayil Athikanna.³² They transacted these lands through the system of *attipper* and *nir*.³³ In this record the word mentioned that is *annu perum artham* (according to the value determined on that day).

PANAYAM AND KANAM DOCUMENT

In these documents most of the transactions are based on *panayam* or mortgage. Some of them are shown *kanam*. A.D. 1532, 707th *Meenam*, Edavalath Neythalacheri Naranan Madhavan bought 800 *Cannanore Puthiyapanam* from *Koodali taravad* or *Daivatharuralar* on interest. For this money, Naranan Madhavan transferred his *Koodali Thazhath* land to *Koodali Daivathararular* as *panayam*.³⁴ In these transactions there is no mention about rights or any other obligations. Another *panayam* documents says, during 1634 AD, 809, *Vrischikam*, Thirumaruthur Nadakkathazhath Makarakiriyathil Paniyara Thotathil Hassan Chekka borrowed 681 *Cannanore puthiy panam* from *Koodali Daivatharuralar*, instead of this money Hassan Chekka transferred his

³² K. P, Document No.34.

³³ *Ibid.*,

³⁴ K. G, Document No.1B.

land to *Koodali Daivatharuralar* as *panayam*.³⁵ Another one, it is a *kanam* transaction says, during A.D. 1602, 777th *Meenam*, Neythalacceri Naranan Madhavan borrowed 1400 *Cannanore puthiyapanam* from *Koodali Daivatharuralar*. Instead of this money and Naranan Madhavan transferred his land to *Koodali Daivatharuralar*. The land was Alaparambil Poovathinkeezhthaya Poombaka *Ulpathi* and Koodathilthaya Kandam. Here Thayapoombaka *Ulpathi* measure 300 paddies and *Koodathil Thaya* measured 400 paddies from these fields.³⁶

Another one is A.D. 1612, 877th *Vrischikam* says Mayyodan Pulikkal Raman Chanthu borrowed 101 *Cannanore puthiyapanam* from *Koodali Daivatharuralar*. Instead of this money Raman Chanthu transferred Muttannur land to *Daivatharuralar* the land measured as 75 paddies.³⁷ This is *kanam* document. Some of the *panayam* transactions of properties in the 16th century are still found in 19th century documents also. But *kanam* transaction also continued in the same way. It shows

³⁵ *K.G*, Document No.30 B.

³⁶ *K.G*, Document No.9B.

³⁷ *K.G*, Document No.15B.

that these properties were not redeemed by the original holders after repaying the advance payments received by them from the temple³⁸.

NERPATTOLA KARANAM DOCUMENT

In the *Nerpattola karanam* document says Mortalacceri family appears as loaner. Loanee is Nellicheri Cheku Kondaran. Loanee's share of the right to pluck coconut from certain compounds is the object of lease. Here the loaner paid twenty five *putupanam* to loanee. There is no indication of interest, but the right of transaction is mentioned here and land was not transferred and only the right to pluck coconut from the land was transferred.³⁹ The same pattern is followed in four other documents also.

One *Nerpattolakaranm* document is different from that of other *Nerpattolakaranam* documents. Here the loanee was Mortalacceri Tamotiran Tamotiran and the loaner was Raman Changaran. In this document there is an indication of *rakshabhogam*. Here the loanee had to pay *rakshabhogam* that is he could receive the produce from the land after the deduction of *rakshabhogam* and *kadan*.⁴⁰ *Rakshabhogam*

³⁸ *Ibid.*,

³⁹ *V.G*, Document No.10A.

⁴⁰ *V.G*, Document No.59 A.

collected from leases of fields belonging to various *desams* are found in other documents.⁴¹ *Rakshabhogam* was a protection fee from the village. Dues from certain fields in *Tiruvur desam* included *rakshabhogam* and *pattam*. In this deed we can find that Mortalacceri family became the proprietors of a large share of lands belonging to *Tiruvur desam*.

KARANMA

Another deed was known as *karanma*. Here also Mortalacceri family appeared as loaner and they got some many compounds and fields with the price fixed at the current rate from the loanee.⁴² Two documents are described as the *muri*. *Muri* means an agreement. Another one is *Karanma Kozhuvola Karanam*. *Kozhu* means plough here the loanee transferred his right to loaner the right was to cultivate the fields.⁴³ *Karanma* transaction was not mentioned directly in other two records. *Karanma* transactions are rare in *Vanjeri granthavari*.

NADE IDE CHOLLI PANAYAM

Another document of *Vanjeri grandhavari* indicates the phrase of *nade ide cholli panayam*. Here the right transferred and the customary

⁴¹ V.G, Document No. 107 A.

⁴² V.G, Document No.33 A.

⁴³ V.G, Document No. 6A.

right *nellu*, *churutanellu*, *varatenga* was object of lease. In the case of *nade ide cholli panayam* category, the Motalacceri family appears as loanee. Here we can see that the prominent role of Mortalacceri family in the case of land as well as in cash transaction. The *Trikkandiyur* temple was the custodian of all cash transactions within the *sanketam* and Mortalacceri family had superior role in all this. In these records, besides cash transactions a number of transactions offered paddy as dues to the temple.

BONDED LABOUR

The *Kavalappara* papers show the existence of bonded labour as an institution attached to the land. One document says that along with the transaction of 450 paras of land, the *Nair* had mortgaged kori, Kannanathu Chakkan Kannan and Chathan from among the *Valliyalars* (bonded labourers) to one Abhisheka pattar.⁴⁴ It happened in A.D. 1770. Another document A.D. 1771 the transaction with “Rama Sinku pattar he assigned on *pattom* certain lands and a family of *Valliyalars* i.e., Chathi and his son Paralakadan and his younger brother Chathan among the *Kanakkar* caste”.⁴⁵ In the same year he mortgaged to Subban pattar

⁴⁴ *K.P*, Document No.9.

⁴⁵ *K.P*, Document No.10.

certain properties along with *Valliyalars*. The labourers included Chathan, Komban, Rakkan and Komban's son Chathan from among the *Parayan* caste and Chakkirakkal Chathan, Kannan and Puthukodalan from among the Erala Cherumakkal.⁴⁶ From these available documents it is difficult to understand the nature of slavery as an institution. William Logan referred these documents and he highlighted at *Adiyar*, *Valliyalar*, *Vallichathammar* etc, were transferred along with the land. Logan translated 'Al' as retainers and 'Adiyan' as slaves. But another two documents did not mention this type of slavery. The history of the feudal family of *Kavalappara Mooppil Nayar* reveals agrestic labour in the colonial and pre-colonial period. The *karanavar* used to mortgage *Valliyalars* along with the land. The documents of 1771 the Kavalappara family seems to have transferred a family of agrestic labour along with the lands mortgaged to a Tamil Brahmin called Rama Sinku Pattar. These labourers belong to the caste of *Kanakkars*.⁴⁷ *Kavalappara* papers say the *Cherumars* were attached to the soil and transferred along with land. The word 'Valli' mainly used in Palakkat area is connected with bonded labour. But in southern part of Kerala the word 'Uzhiyam' related with bonded labour. This was not slavery.

⁴⁶ *K.P*, Document No.11.

⁴⁷ *Ibid.*,

ARBITRATION PROCESS IN MEDIEVAL KERALA

All the *attipper* transaction we can see that an interesting word that is '*annu nalar kandu perum vila arttham*'. Actually this means a price fixed at the current rates assessed by four people of importance in the village that is price at the current rate.⁴⁸ During the medieval period the land record and settlement was placed under the local official called *adhikari*. He was the supervisor of land and also he settled disputes and collected dues on land.⁴⁹ At that time *karyakar* or executives and accountants were growing because of the problem faced on the collection of dues and the need for regular accounting system.⁵⁰ In the medieval times customary practice or *maryadai* and local tradition and the institution of *natuvar* or *madyasthar* (arbitrators) determined the nature and amount collected by the land owner.⁵¹ At that time if there is an important transaction related with land, this *naluper* or *natuvar* fixed the price of land on the basis of current value of that period.⁵² This practice is also called arbitration by *naduvar* or *madhyasthar* found in

⁴⁸ Kesavan Veluthat, *Early Medieval...*, *op.cit.*, p. 286.

⁴⁹ K.N. Ganesh, *Agrarian Society...*, *op.cit.*, p.168.

⁵⁰ K.N.Ganesh, *Ownership and control...*, *op.cit.*, p. 156.

⁵¹ *Ibid.*,

⁵² Raghava Varier and Rajan Gurukkal, *Kerala Charithram...*, *op.cit.*, p.137.

several medieval records like *Vanjeri grandhavari*, *Kavalappara papers*, *Koodali grandhavari* etc. Thus the fixing of land value was a social act not dictated by the market. At that time arbitration process was common among the village society. Land transactions were common in medieval Kerala. The temples themselves mortgaged lands to private land holders. The mortgagee bought the lands he previously held as mortgage, there the additional amount paid being fixed by four eminent persons.⁵³

These four eminent persons played an important role among the village society. This is a local level settlement. This people also known as *thadasthar*, *madhyastar* or *naluper*. It was an institution along with four eminent members of the prominent family. Medieval period the ownership was based on customary right. At that time there was no standardised procedure to fix the value of land and also calculating the rent. Normally, rent or the amount to be paid as security for mortgages were fixed by this four eminent persons of the community (*naluper*) which became the custom for the succeeding generation.⁵⁴ Numerous records have mentioned about this institution the example are as follows:

⁵³ K.N.Ganesh, *Agrarian Society...*, *op.cit.*, p.157.

⁵⁴ *Ibid*, p.146.

Most of the above records used the word "*annu nalar kandu perum vila artham*". So this record indicated the interference of nalar or naluper in these land settlements. These people settled the land problems and they had fixed the rate of land. All these records mentioned the nalar and at last the donor received cash in terms of current value of money in that period. According to K.N.Ganesh, "the assessment of dues underwent a change mainly with respect to mortgaged land and lands under *kuzhikkanam*. The security or artham paid for mortgaged lands entailed an estimate of the land and its yield, which was important for the calculation of the amount and the *michavaram* to be paid. In the case of *kuzhikkanam* lands the reduction of rent, also involved a similar calculation. This meant that the relative indetermination of the land and yield held as birth right and collected according to *mariyada* had to be replaced by some concrete form of assessment, which was crucial for the *janmi* also, if he did not want to lose his rights over lands. This gave more importance to the institution of the *naluper*, who were involved in estimating the *artham* to be paid".⁵⁵

According to Kesavan Veluthat "in large number of documents transferring *attipper* rights, transfer of *attipper* rights is done with

⁵⁵ *Ibid*, p. 147.

libation of water and for a consideration, a price fixed at the current rate determined by four people 'or more simply' price at the current rate. (*Annu nalar kanduperum vila artham or annu perum artham*). It is interesting that the way in which price, *vilaor artham* is linked to the property is by the verb *perum*, lit,'bearing'. *Peru* meaning "birth" is its noun and translates in to Sanskrit as *janmam*.⁵⁶ Here we can see that this *janmam* right is done with libation of water and for a consideration, a price fixed at the current rate determined by four people or simply 'price at the current rate'.⁵⁷

This arbitration process was a local level settlement, these naluper were not supervisors. These people mainly interfere with only civil disputes like fixing dues, obligation etc. All these transactions are legal. Sometimes these people were explained the documents regarding land. They were either *Brahmins* or *Nairs*. This system is a kind of customary practice that existed in medieval Kerala. This is a practice of assessing the value of the land by four respectable persons. Actually this is the current value of *artham* in terms of money.

⁵⁶ Kesavan Veluthat, *Brahmin Settlements...*, *op.cit.*, p.123.

⁵⁷ Kesavan Veluthat, *Early Medieval...*, *op.cit.*, p.286.

The medieval households were the signs of economic and political power of the medieval period and they acted as an important land controlling agency. The *Kavalpapra* papers clearly reveal the centralised political authority of that period. We know that the “*Kavalappara desam* the family head was *Naduvazhi*, he also possessed the authorities of *desavazhis* in several villages. Here the family head enjoyed the four rights of *desam*, *desadhipatyam*, *Ambalam* and *Ambalappadi*”.⁵⁸ The family was a huge landowning one, and they held lands in both positions as samanta of Palaghat Raja and also as subordinate of Cochin Raja. In these positions they held assignments of land. These assignments were a village or two or three villages. In some areas the *Kavalappara Nayar* had civil, judicial, and military authorities. It was the land held by them that facilitated to enjoy these powers. Land was the source of power and basis of social relations.⁵⁹ Power was closely related with the land during the pre-colonial period. This kind of relations had been compared with feudalism in Europe and some scholars stated that both of them are same characteristic features. But it was not feudalism. The hierarchichal relations in land rights

⁵⁸ *K.P.*, Document, p. XVI.

⁵⁹ S. Ramachandran Nair, *The state and Economy in Colonial British Kerala*, Thiruvananthapuram, 1998, p.16.

characteristics of feudalism was replaced by a more complex set of relations among land holders, tenants, cultivators and bonded labourers as shown by the variety of deeds mentioned above. Like this, during the medieval period the Mortalacceri family (Vanjeri) controlled majority of the temple property of *Tiruvur desam*, and *Koodali grandhavari* shows that they controlled most of the land in *Koodali* region.

During the medieval period the Rajas of Kerala had only a small standing army and the local chieftains were to serve him in times of need. The armies of the local chieftains were known after their numerical strength like the *anjuttuvar* (five hundred) and *aranuttuvar* (six hundred). The local chieftains used to supply the troops for protection of others in return for money. This kind of troops was called *Cangatham*.⁶⁰ The army or *Cangatham* give service to the temple it was the privilege of the *Nair* caste. Other lower groups or depressed groups were generally not involved with the military system.⁶¹ The growth of *Brahmin – Naduvazhi* relation strengthened the position of *Nairs*. At that time *Brahmins* were the custodians of the temple property and for the

⁶⁰ K.P. Padmanabha Menon, *History of Kerala, Vol-II*, Ernakulam, 1998, p.334.

⁶¹ K.K.N. Kurup, *Peasantry Nationalism and Social Change in India*, Allahabad, 1991, p.2.

protection of this property the *Brahmins* maintained *Nair* militia. As result of this the *Nair* had got larger landed property for their service.

During medieval period in Kerala the senior member of the *taravad* was known as *karanavar*, already mentioned this and at that time *Koodali* family maintained huge landholdings and the *karanavar* of this family looked after this property. As the trustees of *Koodalikavu*, the *Koodali taravad* was the single custodian of the temple and its property. The *karanavar* of the *taravad* received the temple land as *kanam*. He used to have land on mortgage from others. The absolute transfer of land was called *attipper* in North Malabar also. The straight purchase of land based on market rate or *annuperum artham* was a rare transaction. All the details of these transactions are given in this chapter. The *Koodali taravad* also used to have *panayam* and *kanam* land as noted before. “The *karanavar* of this family was known as *Gurikkalachan*, a term representing the title of a *Nair* commandant who maintained a *kalari*. The *Koodali* family maintained a temple or *Koodali kavu*. The *Koodali kavu* is a traditional worship centre of *Daivattar*”⁶². Gradually the *Koodali* family had enjoyed the privileges in the village temple or *Koodali kavu*.

⁶² *Koodaligranthavari* gives the detail of this.

By the end of 16th century this particular house as one of the village elders enjoyed a prestigious place in the temple management and began property management on behalf of the local elders and their community. Through the *grandhavari* documents we can identify that how they accumulated the property of *Koodali desam*. “The *Koodali Tazhath* family has become the prominent *uralar* or trustee of this *Koodali* temple and being the custodian of the temple property. Even in the 16th c the land management had become active in this region and every plot of paddy field had been give names and their boundaries had been recorded”.⁶³ Most of these documents identify land mortgage, particularly of the *ulpathi* land or paddy cultivating wet lands.

In the *Koodali granthavari* there are 75 documents regarding *kanam* agreement. The *panayam* or mortgages were 71 in number. The number of absolute transfer is 78. These documents reveal the nature of land relations and transactions and they show the evolution of *Koodali taravad* as landed magnates. Some times those who gave land on *panayam* to the *taravad* would not redeem if for centuries with the

⁶³ *K.P.*, Document, p. XI.

effect that it was difficult to differentiate between *kanam* land and *panayam* land held by *Koodali taravad*.⁶⁴

The *Koodali* family has been the trustee of the temple and they had control over the landed property of that temple. Every transaction related with the temple was recorded in writing by the *Nizhal Menoki* the accountant of the family. There are number of documents in the *Koodali grandhavari* related to the mortgage of land. The lands used to be mortgaged to the temple for particular amounts of money. Such lands were under the control of *Koodali* family.

Koodali taravad received landed property also as compensation for the offence committed by the members of a family who owned that property. “Document No.53 section B of *Koodali granthavari* gives as example to this. During 1717 A.D.the loanee was Mattannur Puthiyadath Mayyodan, he made an offence. As a result of this he gave fine in the form of land”.⁶⁵ This document was *vilayola karanam*, which give details of the fine placed before the *Daivataruralar* in the form of land. During that time cultivation of land was more important. We will take one record from *Koodali granthavari*, document No.4Section B of

⁶⁴ *Ibid.*,

⁶⁵ *K.G*, Document No.53 B.

Koodali granthavari refers to a *panayam* land in return for 900 *Cannanore puthiyapanam* from the *Koodali* family who was the *Daivatharuralar*.⁶⁶ Here sometimes interest was given as service, like ploughing.⁶⁷ In this document one Naranan Permmman and his brothers agree to give the interest for 200 *Cannanore puthiyapanam* at a rate of 5 percentage for ploughing a particular wet land belonging to the *Daivatharuralar*. The *Koodali taravad* as the trustee of the temple of *Koodalikavu* enjoyed the annual rent payment in kind from that property for the loan's interest.⁶⁸ During that time loan of money was advanced to a property owner by the temple trustees in return for the surrender of a paddy land in favour of the temple.

Another point is that in late 17th century Muslim traders reached *Koodali*. The *karanavar* of the *Koodali taravadu* used to collect *Melama* (rent) from the Muslim traders of *Koodali*.⁶⁹ This *Melama* or fee imposed on *Parambu* land.⁷⁰ Another document of A.D 1797, lists 36 payers of *Melama* and *Palisa*, (the interest on *kanam* or cash advances),

⁶⁶ *K.G*, Document No.4 B.

⁶⁷ *K.G*, Document No.5 B.

⁶⁸ *Ibid.*,

⁶⁹ *K.G*, Document p.xv.

⁷⁰ *K.G*, Document No. 34B.

oil measure in five out of its seven *melama* contents⁷¹ , all respective remitters being local *parambu* holders. There are many forms of property maintained by these *Koodali* families.

Panayam is another important category. We have already discussed the *panayam* transaction. There are many *panayam* transactions mentioned in *Koodal granthavari* and *Vanjeri granthavari* and *Kavalappara* also. It is a particular kind of transaction in which the land owner mortgaged his land and also he received a certain amount of cash. Here we can see that the loaner did not transact his right and this transaction is only through mortgage of land in lieu of cash.

In the case of *Kavalappara* papers, the *Kavalappara Nayar* had maintained many temples under his control. *Kavalappara Nayar* had control over 25 temples.⁷² The most famous temples under the control of *Kavalappara* family were *Eruppe*, *Aryankavu*, and *Anthimahakalan kavu*. Here the *Kavalappara* family maintained land monopoly in *Kavalappara desams* and the *Moopil Nayar* held *stanams* and enjoyed landed properties appertaining to those *stanams* in several villages from

⁷¹ Abhilash Malayil, “Credit and Worth: Country-Merchants, Commodity Frontiers and the Land Regime in Late 18th Century North Malabar”, p.125.

⁷² *K.P.*, Document, p. XII.

his overlords like Rajas of Cochin and Palaghat.⁷³ Later this family held land grant from Cochin.

Here the *Kavalappara* families enjoyed the *kanam* lands hereditary by *Kavalappara Nayar* used to give land on mortgage or *panayam*. This *panayam* land was given to a pattar and the document was known as *Palisa Matakkola karanam*. A.D 1770, the Itunni Kumaran, the Moopil Nayar received 12700 new *panam* from Abhisheka Rama pattar, and who received certain lands from *Mooppil Nayar*.⁷⁴ Here the land transactions of *panayam* benefitted the land owners. The land owners received land as *panayam* by giving certain amount of money. However, the *panayam* will continue for centuries the land would be in their possession. For example some of the *panayam* transactions of property in the 16th century are found in the *Koodali granthavari* of 19th century. It shows that the property was not redeemed by the original holders.⁷⁵

Thus we can see that most of the lands of *Trikandiyur* temple that were held by several persons came to be acquired by the Mortalacceri

⁷³ *K.P*, Document, p.XV.

⁷⁴ *K.P*, Document, No.9.

⁷⁵ *K.G*, Document, p.Xi.

family. Then this temple totally depended on this Mortalacceri family for their income and functioning. All the documents mentioned the transfer of land along with certain customary rights held by the landholder, which came to play a role in the transaction. In some documents we have references to certain rights like *kuttikkooru*, *kuzhikkuru*, *ney*, *kari* etc.⁷⁶ Another customary right was *kadan*, *talavari* etc. Another was the right to pluck coconut from the garden lands (*parambu*).⁷⁷ Another customary right was associated with fields like *vaaranellu*, *churutta nellu* etc.⁷⁸ In certain documents the seed capacity of land is indicated. Some documents described *kanam* and *pattam* at the same time.⁷⁹

We have seen that the land was leased under *pattam* in majority of the documents. But in another document the rent is mentioned in terms of cash or kind that is *ubhayam*.⁸⁰ Certain documents show that the right was to pluck coconut from certain compounds. One document

⁷⁶ V.G, Document No.12 A, 27A, 28 A.

⁷⁷ V.G, Document No.9A.

⁷⁸ V.G, Document No. 6 B.

⁷⁹ V.G, Document No.22 A.

⁸⁰ V.G, Document No. 15 A.

refers to the transfer of *pattam* rights of certain fields in *parambil desam* to *Vanjeri*.

In these records we can see that most of the transactions are based on *panayam* or mortgage. During the 16th century most of the documents indicate all the land transactions were merely land transactions with transfer of rights. Here there is a social contract between loanee and loaner. That is, during 1565 A.D, *Dhanu* 741, Kochiri kattil Chakkan Athi borrowed 3½ *accuputupanam* from Mortalacceri Kandan Tamotiran. Instead of this money, Chakkan Athi gave certain fields and lands to Mortalacceri Kandan Tamotiran along with the rights on them.⁸¹ Most of the records say that the loanee transferred not only land but also the rights to the loaner. *Attipettola Karanam* document says it is a total occupancy right. That is, one document in 1640 A.D, *Mithunam* 824th says, Padikkal Konnan and brothers transferred certain fields and compounds in *Panangattur desam* to Mortalacceri Tamotiran Tamotiran as *janmam* right. They transacted these lands through the system of *attipper* and *nir*.⁸² It means absolute rights over land. *Vilayolakaranam* document is a kind of *attipper*

⁸¹ *Ibid.*,

⁸² Al ready mentioned this.

transaction. One document from Koodali grandhavari says, A.D 1610, *Meenam* 785th, here the loanee was Kunnath Kannan Kelu and his brothers, and the loaner was Kayaloor Arthan Chiruthai. Here Kannan Kelu and brothers transacted certain lands to Arathan Chiruthai as *attipper* on the basis of *annuperumartham*.⁸³

In *Vanjeri grandhavari* there are only three documents indicating proper *panayam* transactions. One document from *Vanjeri grandhavari* says, A.D 1632, *Dhanu* 808th, and Kothakuripatha Chathan borrowed 160 *putupanam* from Mortalacceri Tamotiran Tamotiran. Instead of this money, Chathan gave his land to Mortalacceri as *panayam*.⁸⁴ Another document of *Koodali grandhavari* says A.D. 1730, *Karkkidakam*, 905th here Kandamangalath Kalliyadan Oraviledathil Chathu Chanthu borrowed 101 *puthiyapanam* from Koodathinkal Kunnath Kalliyadan Chindan Koran. Instead of this the loanee transferred his certain lands and fields to loaner as *panayam*.⁸⁵ *Koodali grandhavari* maintained most of the documents of *panayam* or mortgage.⁸⁶ *Vanjeri*

⁸³ K.G, Document No.4C .

⁸⁴ V.G, Document No.81A.

⁸⁵ K.G, Document No.108C.

⁸⁶ *Ibid.*,

grandhavaripanayam transactions starts from 16th century, but it has some limit. In *Koodali grandhavari* some of them are shown as *kanam*.

From these three *grandhavaris* we can see how they became the huge land owners of medieval Kerala. The *Koodali taravad* had large holding of land as *janmam*. As the holders of land of various natures the land owning families used to give or receive money through land transactions. Here we can see that how the *Kavalappara Nayar* used to give land as mortgage to the Tamil Brahmins and how the *Koodalitaravad* used to give money by accepting land as mortgage and *Vanjeri* documents also to give land as mortgage. The mortgages of land by the land owning families were often for the discharge of the financial obligations to their superior. The *Koodalikavu* had considerable access to liquid money when compared with other landed groups. Actual beneficiary of this liquid money was the custodian of *Koodalikavu*, the *Koodali taravad*. More landholding was acquired with this money. Thus the land was accumulated in the hands of the large families. *Koodali taravad* always had access to the coined money acquired by the temple under its custody. Interests to the money advanced to the tenants were given in paddy. At the same time *Vanjeri* also became huge land owners and they became the custodian of the *Trikandiyur temple*.

In these three records we can see that all the lands were under the control of *karanavar* of the *taravadu*. *Vanjeri* family was *Brahmin* family at the same times other two were *Nayar taravadu* that is *Koodali* and *Kavalappara*. There are different kinds of tenurial deeds maintained these three documents. Most of the documents say the lands were transferred with rights and obligations. Here the right over land is most important.

Here we can see that the three families that are *Vanjeri*, *Kavalappara*, and *Koodali* who enjoyed the monopoly over land also had their own temples. *Trikandiyur* temple was under the control of *Vanjeri* family, *Koodalikavu* was under the control of *Koodalitaravad*, the important temples under the control of *Kavalappara* family were *Puthukulangarakavu*, *Aryankavu*, *Trikkunyavu*, *Eruppa*, *Kunnakattkavu*, *Mulamkunnukavu*. The property of all these temples were administered by the *Kavalappara* family.

During the 16th and 17th centuries the land mortgage-cum-leases were growing. Mortgages called *kanam* were already visible in the later Chera period.⁸⁷ Land was being held in mortgage from the same years on payment of a certain amount in cash or kind as *artham*, on the

⁸⁷ K.N.Ganesh, *Ownership and control...*, *op.cit.*, p. 307.

condition that the interest on the *artham* would be deducted from the rent paid.⁸⁸ This system is also seen in the *grandhavari* records. Last part of these records mainly deals with mortgage tenures. From the 16th - 18th centuries the land mortgages were increased.⁸⁹ By the 18th century, mortgages with thousands of *fanams* as *artham* paid for duration of 30 to 48 years were not uncommon.⁹⁰ The number of permanent mortgages was also growing.

During that time direct dealings in cash were also growing. Money was pledged with land as security (*panayam*).⁹¹ Some of the *panayam* transactions of properties in the 16th century are still found in the *Koodali grandhavari* copied in the 19th century. It shows that these properties were not redeemed by the original holders after the repaying the advance payments received by them from the temple.⁹² In fact *kanam* transactions of the same century had also continued in the same way. Therefore it can be perceived that both *kanam* and *panayam*

⁸⁸ *Ibid.*,

⁸⁹ Kavalappara Mooppil Nayar for holding certain lands under mortgage, Vanjeri Grandhavari, records a mortgage for 10001 Putuppanam Doc-105 A, Koodali shows the mortgages of land.

⁹⁰ K.N. Ganesh, Ownership and Control..., *op.cit.*, p.307.

⁹¹ Panayam appears in numerous records like *Vanjeri Grandhavari*, *Koodali Grandhavari* etc.

⁹² K.G, Document, p.xi.

transactions continued as a transfer of absolute right and the temple enjoyed much profit out of this situation. Direct money-lending with interest paid in cash or kind from land (*nerpalisa*) was also common.⁹³ In the case of *kanam* the rent received by the *Kavalappara Nayar* from a *kanam* holder was two hundred *paras* of paddy in a particular year. At the same time the *kanam* holder received thousands of *paras* of paddy from his sub-tenants.⁹⁴ The *Kavalappara Papers* shows that the *Mooppil Nayar* was both *janmi* and *kanam* holder.⁹⁵ He was a *kanam* holder of Palakkad Raja and Kochin Raja. The *Koodali granthavari* also shows that the *Koodali* family was both *janmi* and *kanam* holder.⁹⁶ The *Koodali taravad* used to have the temple land of *Koodali kavu* as *kanam* land. During medieval time in Malabar the bulk of land was under the control of few families in the form of *janmam* land. These *janmies* were the Zamorin of Calicut, Raja of Nilambur, *Kavalappara Nayar* and so on.⁹⁷

⁹³ K.N. Ganesh, Ownership and Control..., *op.cit.*, p.307.

⁹⁴ K.N.Panikkar, "Agrarian Legislation and Social Classes in Malabar" *Economic political Weekly*, Vol.13, No.21, May1971, pp.880-855.

⁹⁵ K.P, Document, p.Xii.

⁹⁶ K.G, Document No.3B, 4B, 5B.

⁹⁷ K.N. Panikkar, *Op.cit.*, p.885.

During this period the wet lands or *vayals* and upland or *parambus* were given as *panayam* along with attached labourers. Attached labourers are mainly mentioned in *Kavalappara* papers. In certain parts of Kerala *panayam* lands was called *otti* and the documents of the same as *Ottiyolakaranams*.⁹⁸

During 18th century the *kuzhikkanam* were growing. If a land is brought under paddy cultivation, or a new tree planted, the land would be treated as *kuzhikkanam*. *Kuzhikkanam* indicated a holding, where a reduction in rent from one-third to one-fourth was given as *naduvukkur* or *kulikkur*.⁹⁹ The term *kuzhikkanam* was found in *Vanjeri* records¹⁰⁰ and *Kavalappara* papers. *Kavalappara Nayar* used to give land on *kuzhikkanam* and *verumpattom*. In the case of *verumpattom* in *Kavalappara* record shows that the Madathil Kanniyil Narayanan received land as *verumpattom* from the *Kavalappara Amma Nethiyar* in 1868. *Verumpattam* has been a simple rental agreement. This is evident from the document of *Kavalappara* papers Document No.43 which reveals the details of the *verumpattam* deed of Madathil Kanniyil

⁹⁸ K.G, Documents, p.69.

⁹⁹ *Ibid.*,

¹⁰⁰ V.G, Document No.98A, 88B.

Narayanan and his brother Kunnar.¹⁰¹ In these agreement written on the occasion the details of the land transferred including the extent of land, nature of crops etc were shown. It was specified that the loaner would cultivate the land and give the share to the loanee without putting forward any excuse like failure of rain, drawbacks of cultivation, etc. The rent fixed for the wet land received was 1601 *paras* and 3 *edangalis* of paddy, 10 *paras* of millets, 1 *para* of dry turmeric, 1*para* of blackgram etc. Thus the rent were not included only paddy but various kinds of cereals, chama etc.¹⁰² From this document we can see that the form rent and what kind of items to be given as rent that is it is not calculate in the form of British concept.

Kuzhikkanam was fixed according to the *Desamariyadai*. *Kuzhikkanam* appears on a large scale in the records of Tiruvitamkur during 17th and 18th centuries. *Kanam* and *kuzhikkanam* tenures were growing within the customary framework. At the same time *janmam* lands alienated on payment of a *vilaiartham*.¹⁰³ This shows that the right to alienate lands was vested with the customary owner.¹⁰⁴ Here the lands

¹⁰¹ K.P, Document No.43.

¹⁰² K.P, Document, No.43, p.47.

¹⁰³ K.N. Ganesh, Ownership and control....*op.cit.*, p. 308.

¹⁰⁴ V. G, Document No. 55A, 86A.

were transferred as *attipperum neerum* on payment of *artham* fixed by four eminent persons. Growth of the *kanam* tenure denoted the rise of a new intermediary wealth. They were temple servant's militia etc. By the 18th century, *kanam* holdings had become the major form of landholding in central Kerala and several communities like *Christian* and *Muslims* are mentioned as *kanam* holders.¹⁰⁵ During the 18th century Malabar showing that large number of *kanam* transactions was taking place. With the growth of *kanam* tenures and intermediary landholdings, medieval land ownership based on *kiliyakam* and *kilmayadai* entered into a period of serious crisis.

Vanjeri grandhavari mentioned *rakshabhogam* or *kaval palam*. These documents said about three persons who were entrusted with the *kaval* of the *desam* that is Urakath Unnama Panikar, Chandrathil Rama Panikkar, and Mukkutil Unni Ravi.¹⁰⁶ The *kavalpalam* was collected and given by the *sanketam*. The remuneration given for *kaval* was called *kavalpalam*, *kaval viruthi*, *kaavl padu*, *rakshabhogam* etc.

This chapter discussed about the kind of land relations developed in pre-modern Kerala and what kind of rights and obligations existed

¹⁰⁵ K.N. Ganesh, *Ownership and Control...*, *op.cit.*, p.308.

¹⁰⁶ V.G, Document, p.XXIV.

here. Through the *grandhavari* tradition we can understand the pre-modern land system existed in Kerala. It is entirely different from European concepts of land rights. It can be seen that with *granthavari* of a number of mortgage deeds, a number of families like *Mortalacceri*, *Kavalappara*, *Koodali* had become large land lords and occupied the positions both *janmi* and *kanakkars* with respect of their various land holdings. The actual control over various lands had become more dispersed as shown by the numerous varieties of land transactions. Next chapter will discuss the pre-modern Kerala property right system and its problem.

CHAPTER V

PROBLEM OF LANDED PROPERTY IN PRE-MODERN KERALA

Property right had existed in pre-modern Kerala. The scholars are not of the same opinion about the nature of property rights in pre-modern Kerala. The British introduced land settlement and property right in their own view. Therefore, the property rights that had existed in Kerala were not identified by the British. The European concept of land was different from that of medieval Kerala. According to European concept land as an area to be farmed or owned. There is land as the sum total of natural resources.¹ The European considered land as a resource and they gave more importance to soil or land than people. The Western idea of ownership is on the soil alone; *Malayalis* were exchanging and transacting not the soil, but a position in land relation with emoluments.²

During the 18th C, the French economists called physiocrats considered land as the only source of wealth. The Physiocrats gave more

¹ Walter C. Neale, "Land is to rule", in Robert Eric Frykenberg (ed.), *Land control and social structure in Indian History*, New Delhi, 1979 (1969), p.7.

² William Logan, *Malabar Manual Vol.I*, Madras, 1951, p.603.

importance to protection of persons or individual property.³ When the English started to study the land tenorial system in India firstly they tried to find who the 'owner' of land is.

The English East India Company appointed a joint commission to enquire in to the conditions in the province of Malabar. There were a number of commissions and they submitted their report regarding the nature of landscape, society and economy of Malabar during 1794. Joint commission considered *janmi* as the owner of the soil and the *kanakkaran* the owner's lessee.⁴ But by the end of 19th C William Logan suggested that the *kanakkars* or supervisors were the real proprietors of the soil⁵. The land under the *kanakkar* appeared as their permanent property because of their continuous stay in them for many years. During the medieval period the *Naduvazhis* were sending their *Nair* militia during times of external threats and required the *janmis* to mobilise their army. The *janmis* were indebted to the *Nair kanakkars* for organizing the army. This allowed for the continuous stay of the *kanakkar* and the dependence of the *janmi* on them. Later the *kanakkar*

³ Lewis H. Haney, *History of Economic Thought*, 1949, p.173.

⁴ William Logan, *op.cit.*,p.612.

⁵ *Ibid.*,

became the supervisors and accountants for their respective *janmi*, which also enhanced their position.

But the crucial problems arose regarding the British perception on the *janmis* and *kanakkars* because of the position taken by the Logan. But Logan's knowledge about land tenure and patterns of land use in medieval Kerala was very limited. After this Malabar Tenancy bill was submitted in July 1884. Here Judicial interpretation of *janmi* as full owner of the soil was persisted with. But during 1900, the Government re-enacted the 1884 Act. This act again favoured the *janmi*. However, the peasant's struggles started after 1900. During that time struggles developed against the *janmi* by *Mappila* holders and the *kanakkars*, who held lands from the *janmis* under a mortgage cum lease tenure and were organized under Deseeya Karshaka Samajam. The conditions prevailing in the agrarian regions after the war, and the increasing pressure of the nationalist and peasant activists resulted in the adoption of the Tenancy Act of 1930. This Act favoured the *kudiyans*. But the main beneficiaries of the 1930 Act were the *kanakkars* themselves, and actual cultivators that are *verumpattakar*, *kudiyans* and *adiyalas* were not benefited. Here the *kanakkars* who were able to demonstrate their continuous occupation of lands for many years were given proprietary rights. In

order to ensure the military services of the *Nairs* they were granted the *kanam* rights, which made them gradually occupants of lands under most of the owners. This problem was compounded by the British concept regarding *janmi* and *kanakkars*. During that period the *Kudiyam Sangham's* role was very important. The Malabar *Kudiyam Sangham* was organized in 1922. Their objective was to enact a comprehensive tenancy legislation for Malabar tenants by giving the right of occupancy and fair rent to tenants and abolishing '*melcharth*' and granting the right to purchase homesteads.

However, the British misunderstood the medieval Kerala property right system. The differences of opinion arose because the system in Western Europe was different from other countries like India. Therefore the conception regarding property right system was introduced by the historians on the basis of Indian property right system. During that period British accepted the Mithakshara law of Indian property. Mithakshara law that regulated the *Dharmic* and *Shasthraic* concept of inheritance prevailed in the whole of India except Bengal and Assam and there Dayabhaga was adopted. However, in real terms property right in India is different from state to state. Both these have deals with inheritance of property. But it had some differences. The British wanted

to administer the people of India and they were interested to adopt already existed law among the people. Thus they searched for a text that could be used to help to solve disputes among the people. These disputes often involved property rights or inheritance. Thus they used Mitakshara ⁶ then they started to use this text as a direct resource regarding inheritance.⁷ Mithakshara deals with joint family property and here there is an equal right in family property. That is here the son had equal right to his father's property in the joint family by birth. But in Dayabaga system the son has right to property only after the death of father. But the Indian concept of land right was brought in to use by British on the basis of their own view. Therefore, the Europeans says that Indian and European property right has some similarities. However, some differences and similarities existed among the Indian and European land right system.

Some theoretical concepts regarding land rights help us to understand the various colonial policies introduced in various parts of India. The king granting lands to tenants and who had both territorial and royal power and it is one of the organizing concepts that the British

⁶ Lingat Robert, *The classical law of India*, NewYork, Oxford, UP, 1973, p.113.

⁷ *Ibid.*,

used for understanding Indian political and social life.⁸ The land settlement of 18th and 19th centuries are understood as the exercise in application of theory, but at the same time to ignore the extraordinary examination of the nature of property that went on England from about the third decade of 17thC until the beginning of 19th C is surely to miss the significance of much that happened in India.⁹

According to James Grant, in his book "political survey of the Northern Circars" declared "One of the first and most essential and the best ascertained principles of eastern legislation" is that the proprietary right of the soil is constitutional and solely vested in the sovereign.¹⁰ Thomas Hobbes argued that 'no private man claim a proprietary in any lands or other goods, from any title from any man but the King, or them that have sovereign power.¹¹ Here they introduce ideas that were the part of English inheritance. According to Grant the sovereign is the owner of the soil. British thought about property was found in the writings of John Locke during 18th C. Locke concepts of property ownership is

⁸ Ainslie T.Embree, "Land holding in India and British Institutions" in Frykenberg (ed.), *Land control and social structure in Indian History*, Delhi 1979 (1969), p.38.

⁹ *Ibid.*,

¹⁰ *Ibid.*, p.39

¹¹ *Ibid.*,

private ownership was a law of nature. Everyman has a property in his own person and no one else had any claim on this property but himself.¹² Lockean concept of property is derived from 'Mixing one's labour' received influential restatement in India in the works of B.H. Baden Powell.¹³

British land revenue settlement were often seen as the outcome of a series of experiments. British adopted land revenue settlements in different parts of India. Permanent settlement was more influenced by physiocrats. Physiocrats treated land as main source of wealth. In permanent settlement the agreement between the East India Company and Bengali land lords to fix revenues to be raised from land. Revenues were collected by zamindars that were treated as land owners. Land revenue or land tenure was the major source of British Empire in India, during 17th and 18th centuries so many travellers had come to India and believed that in India all land belonged to the king. According to Bernier, French traveller declared that "the great Mughal is the proprietor of every acre of land in the kingdom, but there was no private

¹² *Ibid.*,

¹³ *Ibid.*, p.40

property on land.¹⁴ But Irfan Habib said that European travellers were mistaken and documentary evidence shows that 'persons other than the king laid claim to a right upon land that in name was ownership.'¹⁵ Habib thought that the Mughal Jagirdars appeared to be the same as European land lords and Jagirs were transferable at the emperor's will, therefore the European concluded that there was no private property in India. But the individual property right system had existed only in Madras presidency called Ryotwari system. Here the agreement on the forms of taxation was made directly between the Government and cultivators of land. Here there were no intermediaries.¹⁶ This system continued to be prevalent during the 19th century. In this system the intermediaries were completely excluded. According to Nilmani Mukherjee the ryotwari system resulted in the destruction of private property.¹⁷ However, this difference of opinion arises from the Western Europe and any other countries like India. The medieval historians had accepted the notion of

¹⁴ Ranajith Guha, *Rule of Property in Bengal*, New Delhi, 1981, p.42.

¹⁵ Irfan Habib, *The Agriculture System of Mughal India*, Bombay 1963, p.112.

¹⁶ Nilmani Mukherjee & Frykenberg, "The Ryotwari System and social organization in the Madras Presidency", in Frykenberg (ed.), *Land control and social structure in Indian History*, Delhi 1979 (1969), p.238.

¹⁷ Nilmani Mukherjee, *The ryotwari system in Madras 1792-1827*, Calcutta, 1962, p.6

village community but mistakenly overlooked the differentiation within it¹⁸.

In the beginning historical study was besieged with the stereotyped notions of ‘stagnation’ and ‘changelessness’ of Indian society. Among these the prominent ones were the theories of oriental Despotism¹⁹. The notion of Despotism first occurred in Greek writing but it was later received in the 19th century in light of the reports of European travelers, particularly Francis Bernier²⁰. According to him there was no private property in land in India. In south Indian context the influence of Asiatic Mode of Production was apparent in the study of Kathleen Gough who tried to explain that the Chola state was despotic in nature and consisted of all the important features of Asiatic Mode of Production that is, absence of private owned land, existence of slavery, and state control of irrigation works²¹. However, Irfan Habib

¹⁸ B.D.Chathopadhyaya, *The Making of Early Medieval India*, New Delhi, 2005, p.27.

¹⁹ K.A.Wittfogel, *Oriental Despotism; A Comparative Study in Total Power*, Yale University press, 1970, p.112.

²⁰ Francis Bernier, *Travels in the Mogul Empire A.D.1656-1668*, revised V.A Smith, London, 1916.

²¹ Kathleen Gough, “Modes of Production in Southern India”, *EPW*, Feb, 1980, pp.337-364.

questioned the historicity of Asiatic Mode of Production²² and Romila Thapar evaluated the notions of Oriental Despotism and Asiatic Mode of Production in the light of Indian historical evidence and Western prejudices on Indian past²³.

Another descriptive notion of change that was debated by Indian historians was 'Indian Feudalism' derived from socio-political formation of Western Europe²⁴ it sought to explain the emergence of new socio-political formations in medieval times and changes in economy and society. R.N Nandi pointed out that fief holders and free-holders in rural society emerged as agents of social change in the later phase of early medieval society²⁵. At the same time D.D.Kosambi and R.S.Sharma took the first step towards the application of feudalism theory to Indian history. Kosambi introduced the theory of 'Feudalism from above and Feudalism from below' and he mentioned two stages of development that is the decentralization of administration by

²² Irfan Habib, 'Forms of Class struggle in Mughal India, 'in Irfan Habib, (ed.), *Essays in Indian History: Towards Marxist Perception*, New Delhi,1995,pp233-258.

²³ Romila Thapar, *The Past and Prejudice*,New Delhi,1975,p21-25.

²⁴ Marc Bloch, *Feudal Society*, London,1961.

²⁵ R.N.Nandi, '*Growth of Rural Economy in Early Feudal India*', Presidential Section 1, Indian History Congress, Annamalai, 1984.

subordinate rulers and the rise of intermediaries within village²⁶. Sharma's contribution in Indian Feudalism for the period between 4th and 12th century A.D. His theory of feudalism was followed by different scholars in India. One of the most important contributions in Indian feudalism came from the works of B.N.S Yadava, he described the decentralized political system based on the hierarchy of the king and subordinate rulers called *samanta*, and the agrarian economy and society based on the subjection of peasants by landed aristocracy as feudal²⁷.

Historical writings on South Indian history had began long ago during 1930. During that period the historians like Krishna Swami Aiyangar, K.A.Nilakanta Sastri, A.Appadorai, C.Meenakshi who gave valuable light on the social and economic conditions of pallava, Chola, and Vijayanagara period. From the 1970 onwards, the writings of Y.Subharayalu, M.G.S Narayanan, Burton Stein, Noboru Karashima and R. Champakalakshmi marked a new trend in terms of specialization and changes in South Indian society and history. But the turning point of South Indian historiography was the appearance of Burton Stein's 'Peasant State and Society in Medieval South India' which he presented

²⁶ D.D.Kosambi, *An Introduction to the...*, *op.cit.*, pp.9-10.

²⁷ B.N.S. Yadava, *Society and Culuture in Northern India in 12th Century*, Allahabad, 1973.

a theory of 'segmentary state' where in political integration of 'segments as a state is not actual but only ritualistic'²⁸. Borrowed from Aidan Southall's Alur Society this theory dispensed with the concept of centralized unitary state supported by powerful bureaucracy, and instead visualized Chola state as a 'segmentary state', comprising of number of independent segments, that is *nadus*, in which political authority and control was neatly localized. However, the formulation of Burton Stein and the application of 'Segmentary State' system to the Chola period was strongly contested and criticized by South Indian medievalists²⁹.

During medieval period in India the agricultural land was owned and cultivated by men grouped in village communities for their needs.³⁰ During that time village communities played a significant role in Indian society. According to Irfan Habib peasant agriculture was the main occupation of the population in majority of the village. In medieval times village was the prime source of revenue collection.³¹ Karl Marx considered Indian village to be the heart of the Indian social system.

²⁸ Burton Stein, *Peasant State and Society in Medieval South India*, New Delhi, 1985, p.254-365.

²⁹ R.Champakalakshmi, 'Peasant state and society in Medieval South India', A review, Article, *IESHR*, Vol.XVIII.no.384,1981, p.p.411-426.

³⁰ B.P. Chadhopadhyaya, *Land system and Rural society in early India*, New Delhi, 1997, p.95

³¹ Vandana Madan, *The village in India*, New Delhi, 2002, p.5

According to Sir Charles Metcalfe the village communities were 'little republics'. Land rent was collected by village headman in many villages. The Indian village community has been the subject of much discussion. Many British observers said the community as a small 'republic' self-sufficient co-operative body which had little connection with the outside world.³²

According to Fukazawa there were two types of cultivators in the village community, the Mirasdar who had established proprietary rights over the land he cultivated, another were Uparis, a tenant who rented land for cultivation either from the state or village body.³³ The village land was divided among the Mirasdars and Uparis. Mirasardar had permanent proprietary right over their land. Their right was hereditary and saleable. Uparis were tenants-at-will.³⁴

In medieval times Zamindars had traditional right over land. Here the primary Zamindars had immediate proprietary dominion over the soil. They had direct control over the cultivator of one or more

³² Hiroshi Fukazawa, *The medieval Deccan*, Delhi, 1991, p.XII.

³³ *Ibid.*, p.146.

³⁴ *Ibid.*, p.149

villages.³⁵ Zamindar had absolute rights in terms of property.³⁶ Zamindars were intermediaries between the state and the peasantry.³⁷ In medieval India the revenue collection was different from region to region and their land right also. In Bengal the land revenue was collected by zamindars from ryots.³⁸ In North India there is a particular variation of zamindari right, taluqdars, big zamindars was engaged on behalf of other zamindars to pay the revenue. His rights were usually hereditary, but not transferable. In Bengal the same term referred to a lower level of right.³⁹ In the case of ryotwari system there were no intermediaries and there the agreement was between Government and ryots. The ryot had no right to alienate his land freely. The lowest strata of agrarian society had only tenancy right is labour right on land and no private property right.

³⁵ Eric Stokes, "Agrarian relations-Northern and Central India", in Dharma Kumar (ed.), *The Cambridge Economic History of India*, 1983, p.37.

³⁶ Sayyid Nurul Hassan, *Thoughts on Agrarian relations in Mughal India*, New Delhi, 2000, p.2

³⁷ Nurul Hassan, "Zamindar under Mughals", in Robert Eric Frykenberg (ed.), *Land control and Social Structure in Indian History*, New Delhi, 1979, (1969), p.28.

³⁸ Ranajit Guha, *Rule of property in Bengal*, New Delhi, p.123.

³⁹ Eric Stokes, *op.cit.*, p.3

In the case of South India there were the village organization existed namely the *sabha* etc. Each village had a landholding community existed. During the Chola period the temples were the big land owners.⁴⁰ *Brahmadeya* and non-*brahmadeya* villages existed during the Chola-period. The *brahmadeyas* are villages granted to *Brahmins* by the rulers; there *Brahmins* lived as land lords.⁴¹ During the Chola period taxes were collected by the rulers namely, *kadamai, kudimai, vetti* etc.⁴² South India they maintained communal ownership on land and the *brahmadeyas* had *Brahmin* ownership. Collective ownership in *Vellala* lands changed in to private ownership during the Chola times. K.A. Neelakanta Sastri pointed out that *ur, sabha*, and *nadu* were the organization units. According to him the *nadus* were independent political units in earlier but after the conquest of kings they became subordinate units.⁴³ Y. Subharayalu said that the territorial and administrative unit called *nadus* that existed in the Chola country from AD 800-1300 A.D and the *nadus* were the basic components of the

⁴⁰ Y. Subharaylu, *The South India under the Cholas*, New Delhi, 2012, p.120.

⁴¹ Noboru Karashima, *South Indian History and society studies from inscription A.D. 850 to 1800*, New Delhi, p.XIII.

⁴² Y. Subharaylu, *The South India...*, *op.cit.*, p.92.

⁴³ T.V. Mahalingam, *South Indian Polity*, (*Madras University historical series*), Madras, 1967, p.302

socio-political structure of South India.⁴⁴ In Tamil Nadu, that is the major parts of south India, all villages were known by the term *ur*. These *ur* villages were enjoying customary rights and privileges.⁴⁵ The *ur* members primarily possessed the village land, and they were the leading people of their villages, and also they were the heads of the landholding households, which would be in those days mostly joint families.⁴⁶ *Sabha* was the assembly formed in *brahmadeya* villages. Its members were *Brahmins* who possessed a certain area of land in that village. At the same time *ur* was the assembly formed in non-*brahmadeya* village. They had been the responsible for the payment of tax or *irai* charged on the village land by the Government.⁴⁷ In *brahmadeya* villages the *urar* enjoyed an equal status with the *sabha* of the same village and both the *sabha* and the *urar* acted together in many public transactions of that village.⁴⁸ An important territorial unit was

⁴⁴ Y. Subharaylu, *The Political Geography of the Chola country*, Madras, 1973, p.32.

⁴⁵ Y. Subharaylu, *The South India...*, *op.cit.*, p.124.

⁴⁶ *Ibid.*, p.127.

⁴⁷ Noboru Karashima, *The South Indian History...*, *op.cit.*, p.5.

⁴⁸ Y. Subharayla, *The South India...*, *op.cit.*, p.128.

nadu, the term '*nattar*' meaning those of the *nadu* is mostly used.⁴⁹ An agrarian production unit was called *nadu*.⁵⁰

During the Chola period in Tamil Nadu that is 9th and 13th centuries many villages were granted to *Brahmins* known as *brahmadeya*.⁵¹ These villages were inhabited by *Brahmins* and for the village administration they formed an assembly called *sabha*.⁵² According to Karashima at the end of the Chola period many land transfers took place in the south-eastern part of the present Tanjavur district.⁵³ For comparative study Karashima took two villages in Cholamandalam, Allur and Isanamangalm, non-*brahmadeya* and *brahmadeya* villages. The non-*brahmadeya* villages were more important than *brahmadeya* villages.⁵⁴ Karashima said that the land ownership in most of the pre-eleventh century villages in the south was communal in nature in contrast to the *brahmadeya* or *brahmana* villages

⁴⁹ *Ibid.*, p.129

⁵⁰ Noboru Karashima, *A concise History of South India, issues and interpretations* (ed.), New Delhi, 2014, p.135.

⁵¹ Noboru Karashima, *The South Indian History...*, *op.cit.*, p.3.

⁵² *Ibid.*,

⁵³ *Ibid*, p.33.

⁵⁴ *Ibid*, p.35.

which practiced private ownership.⁵⁵ On the basis of further studies he extended this argument that the communal ownership broke down in the eleventh century and after leading to private ownership and emergence of bigger and bigger land owners.⁵⁶ Karashima said that in Tamil Nadu the land was held in common by the community in the non-*brahmadeya* villages, during the early years of Chola period,⁵⁷ The *ur* members were land holders and cultivators also. There was no separation between landholders and cultivators in early non-*brahmadeya* villages.⁵⁸ During the end of Chola period private land holding became common and it led to the emergence of big landlords. Early Chola inscriptions of Kumaravayalar on the Southern bank of the river Kaveri recording land sale or donation, transactions were made by *ur* and not only by individual villagers. The lands were sold or donated to the temple or utilized for public purposes not for private enjoyment.⁵⁹ The Cholas imposed assessments in lump on the whole village and the individual rights and obligations of various farmers were safeguarded by the

⁵⁵ Y.Subharaylu, *Karashima's contribution to the study of Agrarian History*, p.39.

⁵⁶ *Ibid.*,

⁵⁷ Noboru Karashima, *South Indian History...*, *op.cit.*, p.12.

⁵⁸ Noboru Karashima, "The prevalent of private landholding in the lower Kaveri valley in the late Chola period and its Historical implication", in D.N. Jha (ed.), *Feudal Order*, New Delhi, 2000, p.127.

⁵⁹ *Ibid.*,

village elders. Weights and measures differed widely in different villages and the system of assessment was most complicated. All areas were measured and separately assessed to revenue. The imperial Cholas were the forerunners of the modern land revenue system. There existed many kinds of lands that were exempted from taxation. Based up on the fertility of the soil, nature of the crop and facilities of irrigation, land revenue was fixed under the Cholas. It was paid either in grain or in cash or in both.

The Vijayanagara rulers collected taxes depending up on the nature of the fertility of the soil. They fixed the land revenue based on the assessment made after a careful survey of the land. The land tax was paid either in kind or in cash. “The *nayakas* recognized the revenue administration in a systematic manner. The period between 1650 and 1760 saw the unprecedented growth of the influence of the *poligars*”.⁶⁰ The *poligars* exercised military powers and acted in independently.

The central feature of the agrarian system under the Mughals was the alienation from the peasant of his surplus produce in the form of land revenue which was the main source of state’s income. Early British administrators regarded the land revenue as rent of the soil because they

⁶⁰ T.V. Mahalingam, South Indian...,*op.cit.*, p.218.

had as notion that the king was the owner of the land. During the Chola period also in other periods the land revenue was the chief item of income. Forced and free labour was also extracted from workers which was a saving. *Irai* generally meant tax, as already mentioned. When some land was exempted from tax it was *irayili nilam*. *Dandam* was penalty or fine. The *brahmadeya* and the *devadhanams* were tax free lands. Normally tax was collected by the officials by the autonomous village.

Noboru Karashima's study of different types of land-holding in different villages is helpful in ascertaining changes in Kaveri Valley.⁶¹ Kathleen Gough's argument that Asiatic Mode of Production in Tanjavur provides greater social change than allowed by Marx's model is quite informative for study of change in peninsular India.⁶²

Early medieval Tamil Nadu's economy was mainly depended on land. The revenue came from land tax to the Government.⁶³ Tamil inscriptions refer some units of land measurement terms such as *kuli,ma*,

⁶¹ Noboru Karashima, *South Indian History...*, *op.cit.*, p.15.

⁶² Kathleen Gough, *op.cit.*, pp.337-364.

⁶³ Y. Subbarayalu, *The South India...*, *op.cit.*, p.77.

veli, *patti* and *patakam*.⁶⁴ Among these *patti* is found only in the Northern districts of Chengalpettu, North Arcot and South Arcot and adjoining districts in Andhra. The unit *patakam* is found only in a few *brahmadeya* villages while *patakam* in Northern India of the Gupta times was a big unit, an area of 24-32 hectares but here it is small unit.⁶⁵ *Kuli* and *veli* were the popular land units. *Kuli* was the smallest basic units of measurement. These land measurement unit was different from region to region. The largest land measurement unit was *veli*. It was use from early times also.

During the Chola period different kinds of taxes were existed namely *kadamai*, *irai*, *kudimai*, *antarayam* , *vetti*, *muttaiyal*, *tattar pattaam* etc.⁶⁶ At that time tax terms classified in four major categories. That is primary land tax called variously *irai*, *kadamai*, and *otti*, levied on landowners or land lords. Labour or service denoted by term *kudimai* levied from the cultivators of land they were the actual producers. *Pattam* and *āyam* denoted non-agricultural professions. Miscellaneous taxes including presents tolls on merchandise and judicial fines.⁶⁷

⁶⁴ *Ibid.*,

⁶⁵ *Ibid.*, p.78

⁶⁶ *Ibid.*, p.92

⁶⁷ *Ibid.*,p.93.

Kadamai is the major land tax. During the latter half the term *kadamai* became more popular. The rent paid by the tenant-cultivators to the land lords was also denoted by the terms *kadamai* and *melvaram*.⁶⁸ Another was *kudimai*, it levied directly from the actual producers or cultivators. The term *kudimai* mean the 'nature' of *kudi*.⁶⁹

Another thing is that the Chola inscription throws a new terminology called '*kani*'. The word *kani* means a right of possession or proprietorship essentially hereditary. The word *kani* originally means 'hereditary right'⁷⁰. Another term '*mirasi*' it is Persian term, also used in the British administrative records of colonial India. The owner of a *kani* land is called *kaniyalai* who enjoys the authority of '*kaniyatei*' over his holding.⁷¹

According to Karashima, private landownership became widely common during the latter half of the Chola period. Private land ownership prevailed in *brahmana* villages. There are many copper plate inscriptions recording the grants of land to *brahmins* by the *Chalukyas*,

⁶⁸ *Ibid.*, p.94.

⁶⁹ *Ibid.*,

⁷⁰ Noboru Karashima, South Indian History..., *op.cit.*, p.26.

⁷¹ Aparajitha Bhattacharya, 'Dynamics of economic changes in the Agrarian system of South India between 8th to 13th Century', *The International journal of Humanities and social studies*.

Pallava and *Pandya* kings and their feudatories. But in Kerala no record of royal grant of villages to *Brahmins* existed, but *Brahmin* settlement spread and temple construction was closely related and was in progress well before the 9th century.⁷²

According to T.V. Mahalingam a particular kind of feudal system that existed under the Vijayanagara period it is same as European Feudalism.⁷³ When the concept of feudalism was applied to the state in South India through the writings of D.N. Jha, R.Tirumalai, etc. and later developed in to South Indian Feudalism.M.G.S Narayanan and Kesavan Veluthat tried to explain this concept of feudalism to the Chera kingdom and explain that the nature of the Chera state under the *Perumal* was that of a feudal state with weak centre.⁷⁴ Kesavan Veluthat applied the concept of feudalism to South India in his book⁷⁵. He called it is a South Indian feudalism because some of the features of 'Indian Feudalism' could not be found in south India.⁷⁶ But Burten Stein did not accept of their concept of South Indian Feudalism and he stated that in his book,

⁷² Noboru Karashima, A concise History...,*op.cit.*,p.92.

⁷³ T.V. Mahalingam, South Indian...,*op.cit.*,p.302

⁷⁴ M.G.S. Narayanam, consolidation of Agrarian...,*op.cit.*,p.

⁷⁵ Kesavan Veluthat, The Political Structure of Early Medieval South India,New Delhi,2012.

⁷⁶ *Ibid.*,

'Peasant State and Society' put forward the theory of 'segmentary state' by viewing the *nadus* as the basic superstructure with a strong 'autonomous' and unchanging character.⁷⁷ The *nadus* are classified in three that is central or core, intermediate and third one is peripheral tracts. Stein defined it as a 'peasant micro region' and stressed on the ethnic coherence of such ecotypes.⁷⁸ Stein assigns greater importance to the peasant village (*Ur*) and the peasant region (*nadu*) although the *Uris* not highly visible in historical records.⁷⁹ Burten Stein believed that the *brahmadeyas* were supported by the most advanced conditions of agriculture, which would place the emergence of the *brahmadeyas* in regions of settled and advanced farming activities.⁸⁰ According to Noboru Karashima, Kenneth Hall and Herman Kulke, the *Brahmadeya* played a significant role in the peaceful and stable extension of royal power. Kesavan Veluthatt's study the *Brahmin* settlement in Kerala has shown that there were regional differences, especially in the nature of the dispersed *Brahmin* household of Kerala in contrast to the nucleated

⁷⁷ Aparajitha Bhattacharya, *op.cit.*,

⁷⁸ *Ibid.*,

⁷⁹ Kenneth R. Hall, *Structure and society in early South India*, (ed.), Oxford University press, New Delhi, 2001, p.60

⁸⁰ *Ibid.*, p.61.

villages in the rest of South India.⁸¹ Kerala's temples centered *Brahmin* villages had *Upagramas* and they followed the legal code of *Mulikkalam kaccams* in their organisation and functioning.⁸² However, in medieval Kerala there is no central control of land right system existed like Vijayanagara, Mughals and Chola period. In medieval time Kerala land control was based on *nattumaryada* system. The agrarian relations in early medieval Kerala has been assessed that the institution of gifts and redistribution slowly gave rise to many landed households as opposed to communal settlements. Redistribution of communal holdings, migrations and formations of individual households caused the gradual break down of the primitive agriculture which was based on kinship.⁸³

Pre-colonial land law in Kerala was termed as *janmakaran kudiyan sampradayam* or *janmam- kanam- maryada*. The first term refers to the relationship between land lord and tenant, and secondly to the relationship between the rights and obligation of the land lord with

⁸¹ *Ibid.*, p.62

⁸² *Ibid.*,

⁸³ Rajan Gurukkal, Raghava varier, *Cultural History...*, pp.238-40.

the tenant.⁸⁴ Kathleen Gough made an interesting interpretation that is, who claims that one could sell freely not only the rights of *janme* but also those of *kanam*.⁸⁵ In Malabar the *kanam* was the most common form of the land right by the later medieval period.

British had tried to introduce new land ownership rights in Malabar like other regions in India. On the basis of Western ideas they introduced ownership rights on land. According to them *Brahmins* were proprietors of the whole land and they were exempted from land revenue, the fact that there was no systematic land revenue in Malabar till the Mysorean invasion.

The ownership or property right was very complex and unsettled problem. So the British appointed various commissions to understand the situation of Malabar. William Gamul Farmer was first commissioner in Malabar, but, he had accepted the *Brahmin* tradition and land ownership right. According to him there were two types of possession of land in Malabar, firstly, *jenm-kars* or free holders, who hold their lands either by purchase or by hereditary descent. The second one is *kanam-kars* or mortgagees. When actual delivery of the land appeared to be

⁸⁴ Margret Frenz, *From Contact to Conquest: Transition to British rule in Malabar 1795-1805*, New Delhi, 2003, p.16.

⁸⁵ *Ibid.*,p.17.

made although the money taken upon it was not at all proportioned to the value of the land.⁸⁶ Buchanan also expressed his view on ownership rights on land. Another was Major Walker, he derived his information mainly from *Brahmins*, and also drew from *Vyavahara mala*, popular Sanskrit legal manual. According to him the *jenma-karan* possesses entire right to soil and no earthly authority can with justice deprive him of it. But his right is confined to the property and he possess neither judicial was political authority.⁸⁷

According to Thackeray, 'almost the whole of the land in Malabar cultivated and uncultivated is private property and held by *janmam* right, which conveys full absolute property in the soil.'⁸⁸ In the opinion of Mr. Warden, 'The *janmam* right of Malabar vests in the holder an absolute property in the soil. *Kanamkar* is a mortgagee. But by the end of 19th century William Logan suggested that the *kanakkars* or supervisors were the real proprietors of the soil. He refused to accept the theory of a *Brahmana* theocracy and monopoly of land.'⁸⁹ During the medieval time the centre of the Hindu Social System was the family not

⁸⁶ R.Mahadeva Iyer, *Land Revenue History*, 1951, pp. 33-34.

⁸⁷ *Ibid.*, pp. 34-35.

⁸⁸ *Ibid.*, p.35.

⁸⁹ *Ibid.*, p.36.

the individual. Each family formed a body corporate. Various commissioner studied land tenure in medieval Kerala and they accepted the *janmi* was the dominus or the land lord in the English sense. But it was incorrect in the case of *janmi*. Here the problem arose, who is the real owner of land *janmi* or *kanakkaran*. Land ownership in medieval Kerala was never in European model. European landlord's right over the soil was absolute the right over the soil and he was giving the tillers of the soil only for cultivation.

European property right system was entirely different from that of Indian property right systems. In India agriculture was the chief form of economic activity and the most important source of wealth from ancient times. Land was the chief means of wealth. According to Irfan Habib, the landed property in India begins with the Indus Civilization, but this is not fully supported by the evidence.⁹⁰ Indian property right system was more clearly prevalent in the post Mauryan period, especially from Gupta period.⁹¹ According the Bernier, Mughal Empire and other oriental states decayed because there was no private property in the soil. This land right system developed mainly through the practice of making

⁹⁰ Irfan Habib, *Essays in...*, *op.cit.*, p.100.

⁹¹ R.S. Sharma, *Early Medieval Indian Society*, Kolkatta, 2001,p.1.

land grants to the *Brahmins* and this paved the way for the rise of *Brahmin* land lords,⁹² who performed administrative functions independently. The land grants were visible from the times of Satavahana rulers. Some Indian scholars say that the soil was the property of the king.⁹³ This king made land grants to the *Brahmins*. Land grants therefore, played a crucial role in the transition from the ancient to medieval.

The medieval socio-economic formation was marked by the unequal distribution of land right and also of the agricultural produce. A large number of land lords were not directly engaged in cultivation, but lived on rent collected from the cultivators.⁹⁴ In India caste hierarchy and dominance are omnipresent in the case of land rights. Here the higher caste people got superior right over land and lower caste people were the adiyalas they did not get any right. But they had right to cultivate the lands of their lords. During this time the land ownership was found among the dominant castes. Caste hierarchy, where the rights

⁹² *Ibid.*, p.4.

⁹³ B.D. Chadhopadhyaya, *Land System and Rural Society in Early India*, New Delhi, 1997, p.95.

⁹⁴ R.S. Sharma, “*Problems of Peasant Protest in Early Medieval India*”, *Social Scientist*, Vol-16 ,No.9,1988, p. 343.

were over the people in the soil rather than rights over the soil determined the gradation of rights during the medieval period.

Thus the European observation on land system was incorrect in the case of India. The European looked mainly at the land not the forms of land right. An India caste played a very significant role in the case of land right system. In India gave more importance to position in the caste hierarchy. Gradation of rights over lands existed here, that is *Brahmins* were at the top and *adiyar* were at the bottom, but in the case of Europe they gave importance to status that is lord, knight etc. Here there was no fixed form of allotment of feudal land. There was no manorial system or serfdom in India in the European sense of the term. However, the British misinterpreted the different kinds of land right in India, through such words like zamindar, riot, peasant etc. Therefore, they tried to apply the notions of the land tenure in English society to the Kerala situation. This made their interpretation more and more Eurocentric.

In Kerala the original land owner is called *janmi* and his estate called *janmam*. He was the absolute free holder on the basis of custom and tradition. European said that *janmi* was the real owner of the soil

and the supervisors or *kanakakran* were owner's lessee.⁹⁵ And also the Europeans misunderstood the *Malayalam* and Tamil terms like *adima*, *adimai*.⁹⁶ They understood this term as very appropriate to the term of Europeans sense of slavery, in the absolute sense of the term, whereas in India, this referred to a position in the social hierarchy.

In medieval Kerala customary rights were practices that were transferable. The European introduced the property rights in the British sense that is *janmi* was a single person and he had single ownership on land, and the British converted the *janmi* to the position of European domains. In agrarian society supreme lord was the king and he had supreme proprietary ownership on land. When we take the collection of *Malayalam* records namely *Vanjeri grandhavari*, it is an important *Nambutiri Brahmin* family and the temple under its leadership, it provides information regarding a wide range of legal activities in late medieval Kerala. These records provide the similarity to legal ideas found in Dharmasastra texts. The comparison of the records and relevant dharma texts shows that landholding *Nambuthiri Brahmins* possessed political and economic power in that region, mediated the

⁹⁵ William Logan, *op.cit.*, p. 612.

⁹⁶ Dharma Kumar (ed.), 'South India', *The Cambridge Economic History of India*, London, 1983, p.212.

implementation of dharmasastra in to the legal system.⁹⁷ From this comparison arise new understandings of law and legal categories such as 'custom' and 'positive law'. Moreover such comparison begins to elucidate the problems involved in Western assumption that is textual law, not its interpretation and application by human, which control behaviour.⁹⁸ The *Vanjeri* records demonstrate not only the importance of dharma sastra as a historical document, but also the manner and extend to which dharmasastra provided the foundation for legal system in Kerala as well as in other regions of India But in medieval Kerala household property right system had existed. When we look at the *grandhavari* tradition household property right system had existed. The *janmi* held rights as the member of family (*illam* or *taravad*) and exercised his right as the *karanavar* or custodian of the family. In the case of Koodali the *karanavar* was also the custodian of his family deity. *Here* there is a kind of feudal form had existed, but it is not in the sense of European model. However the family chronicles like *Vanjeri grandhavari*, *Koodali grandhavari*, *Kavalappara papers* mainly highlighted the land transactions in medieval Kerala that held rights

⁹⁷ Donald.R. Davis, "Recovering the Indigenous Legal traditions of India: Classical Hindu Law in Practice in Late Medieval Kerala", *Journal of Indian Philosophy*, 27,1999.

⁹⁸ *Ibid.*,

over the village lands. Through this we can find the existence of the household property right in medieval Kerala. During that time individual private property has not existed.

CONCLUSION

There is a kind of property right system had existed in pre-modern Kerala. That is *jati janmi Naduvazhi* system which is notable one. During the early time corporate property right system had established by *Brahmins*. Details of this were from the inscriptions and other records. But later period this was changed and *taravad* or *illam* came to be established and they maintained household property or familial property right system in medieval Kerala. This was not individual property. After the coming of British rule in India marked the changes in land right system and they argued that individual property right system had existed in medieval period and they misunderstood our property right system. In medieval Kerala a particular type of property right system had existed. The traditional form of land control existed in Kerala which was based on customary right. *Janmi* had conditional rights over land transaction. The traditional form of land control system had existed in almost all regions of the medieval Kerala.

From the 16th century onwards the agrarian relations in Kerala began to change. Early forms of *kaccams* declined and customary rights had got importance. The new customary laws were known differently as

desamayada, kilmaryada, kiliyakam. Land grants to temple by rulers were stopped. Mortgage and lease transaction became common. Share of produce was collected in both cash and kind, and commutation of rent from kind to cash increased. Money transaction involving land as surety also increased.

British concepts of property were incorrect in the case of medieval Kerala. The European says that land as natural resources they gave more important to land. They looked mainly on the land not the land rights. In the pre- colonial period Kerala society concentrated on land rights. In medieval times, rights included a variety of privileges, duties and obligation, such the right pluck coconut, provide oil and ghee to the temple, conduct a certain type of temple expense, perform services in temple or land lord family etc, all these rights evolved from the possession of landholdings. However, these rights did not signify absolute property rights. Only form of transaction that signified something close to absolute proprietary right was that of *attipper* or *nirattipper*, mentioned in some of the documents like *Vanjeri* and *Koodali*.

British introduced property right in the British sense in pre-colonial Kerala that is *janmi* had absolute right over the land and *janmi* was single person or the head of the family and he had the ownership on land. But here Kerala society gave more important to position in the social hierarchy, which determined the nature of rights that one can have, that is higher, lower etc. Such rights were also related to the household (*taravad*) and kinship group (*kudi*). In medieval Kerala the land holding system was reflected in caste hierarchy. But in the case of Europe they gave importance to status that is lord, knight etc, which can be acquired by an individual on the basis of his service. Hence, we cannot say that the Kerala agrarian system and European land rights was similar. The medieval Kerala land right system was on the basis of the social relations like *janmi*, *uralar*, *karalar*, etc in accordance with their rights on the means of production and produce. *Brahmaswam* and *devaswam* property cannot be compared with European manor. It was a tax free land and had more the characteristics of corporate property. In medieval Kerala ownership of lands was complex one. Many historians treated this on their own view. No one has discussed the problem on the basis of *granthavari* tradition.

During medieval time different *taravad* or *illams* maintained documents related with day to day activities. Among these many of them were land related records. So many *taravads* followed *granthavari* tradition. The *granthavaris* like *Vanjeri*, *Koodali* etc are this and *Kavalappara* papers also helped to understand the land transaction system in medieval Kerala. Here one thing is to be noted. When we take three documents *Vanjeri*, *Koodali* and *Kavalappara* one that of *Vanjeri* follows *Brahminic* tradition and other two are non-*Brahmins* that are *Nair taravads*. These *Nair taravadu* established their power through the system of martial arts and physical might and they have not followed the *brahmanical* tradition. In Kerala the *Nayars* formed hereditary militia. It was called *kalari*. The *Koodali* and *Kavalappara* family maintained *kalari* system. Along with the *kalaries* there were worshipping centres. In *Koodali kavu* is a traditional worship centre of *Daivattar*. This temple later became property of the *Koodali* house. They used ritual and military (*kalari*) power. In medieval time they used *kalari* as a military institution for defence and offence and during that time *kalari* enjoyed considerable respect in the political system. In these documents clearly shows the land transaction system with customary laws and practices. It is entirely different from European concepts. They cannot practice this

kind of customary laws and practices in Europe. Here a kind of feudal hierarchy existed but it is not in the sense of European model. Here household property had existed and in Europe individual property system had existed. They misinterpreted our *janmi* and *janmi* was the single person and owned the property .But in medieval time in Kerala most of the property was maintained by *taravad* and *taravad* property was under the control of *karanavar*. He is only a custodian of that property because it is a household property. This property cannot sale or partition without the permission of family members and hence we do not find evidence for partition of property.

The *Vanjeri granthavari* belonging to 16th and 18th century consisting of so many documents showed land transactions. *Vanjeri granthavari* is the most important record that deals with the land transactions in *Tiruvur* desam. This record correctly says how the land became the property of the Mortalaccery family, and later this family owned or possessed most of the land of the *Trikandiyur* temple. During that time most of the lands in *Tiruvur desam* were under the control of *Trikandiyur* temple. But Mortalaccery family accumulated the same landed property through land transactions. In the last part of this document we can see that the huge amount of cash transactions had

existed. The *Vanjeri granthavari* highlighted the lease and *attipper* transactions here. Lease is a conditional transfer of certain rights for a period, whereas *attipper* is transfer of absolute proprietary rights over land. Here we can see that temple was the owner of the land but then the controlling power vested in the hands of Mortalacceri family. Gradually Mortalaccery family became the property holders and they had the rights like *pattavakasam*, *kanavakasam* etc within the temple lands. From the 16th and 18th century show that cash transactions increased. Most of the kanam payments were in cash. Direct dealing in cash was also growing. *Panayam* were more prevalent during that time.

In these documents we can see that the Mortalaccery family appeared as loaner and loanee. Firstly they accumulated somany lands from the loanee to give cash and then they borrowed money from certain persons by mortgaging these exchanged lands. Lastly the entire *Trikandiyur* temple lands became to be held by Mortalaccery family.

But in the case of Koodali granthavari the *Koodali* family also controlled their *taravad* property and *Koodali kavu* became to be held by this family. Their traditions and rules were different from *Vanjeri illam*, because these were *Nair taravad*. The *Koodali Thazhath* family has become the prominent *uralar* or trustee of this *kavu* and being the

sole custodian of this temple. At that time the control of land and resources helped this family enjoy high status as a *Nayar* taravad. Here the document highlights the activities of the temple as a financial institution and also as an administrator of justice. In the case of *Kavalappara* papers it is modern one. During that time *Kavalappara Nayar* had maintained many temples under his control. The famous temples were *Aryankavu*, *Eruppe* etc. *Kavalappara* family maintained land monopoly in that *desam*.

In these documents customary and contractual rights had existed. European concept was indifferent in the case of land rights. They cannot consider land rights but in Kerala right is more important that is land with rights and obligations held by the landholder. By the end of the 18th century onwards the traditional land rights were changing all over Kerala. The ownership and control developed within the customary relations, it resulted in the formation of a new landholding class. These documents say that by the end of the 18th C the Mortalaccery family became the landlord under the *Trikandiyur* temple. After this all the controlling rights were under the control of Mortalacceri family. They enjoyed all the controlling power related with *Trikandiyur* temple. Then the Mortalacceri family controlled all land of that *Tiruvur* *desam*.

Therefore, we can see that the British concept of *janmi* was incorrect in the case of Mortalacceri family, Koodali family, *Kavalappara* family because their concept was that *janmi* was a single person who acquired land control. Here Mortalacceri family possessed and controlled the land of that area, most of which were technically ‘owned’ by *Trikandiyur* temple and at the same time *Koodali* ‘ owned’ *Koodali kavu* and *Kavalppara* family ‘owned’ some temples.

In the agrarian system of Kerala the custom played an important role and some of the relations were based on customary practices during the pre-British period. All the relations were based on *nattumaryada* in all regions in medieval Kerala. We can see that all these documents were legal and technical documents. These records clarify the nature of several old practices like *kaval*, *talaviri*, *dessacaram*, *desamaryada*, *maavara neerara* etc. Different kinds of *karanam* or documents were found in these records like *Veppola*, *Nerpattola*, *Attipettola* etc.

Through these records the process by which the *Nambuthiri* family and *Nayar* families acquired, preserved and increased their wealth in terms of land and money and upheld their their prestige and power are clearly visible. Here many facts regarding rates of interest,

rent, prices and wages and different forms of rights on the soil like *janmam,kanam,kuzhikanam,otti,panayam,* and different types of land like *nilam,parambu,* fields etc have been seen in these documents. Here we can see that there is a kind of feudal hierarchy existed here that is Raja of the top and *dezavazhi* next, and below *Karyakkar,Nayars,* and further below the various tenants and servants etc. The various transactions in land leading to the development of a complex social structure with all kinds of overlapping rights and intermediary groups can be observed in the dated records.

In these documents we can find that household property system was came to exist. From the 18th C onwards land had become the basis of wealth. Customary property breaks down in 18th C and an intermediary class who actually controlled land had enough freedom to mortgage such land for large sums, as shown by the transactions of Mortalacceri with the Muslim merchants. In these records we can see that there is change occurred that is from land grant to land control system that came to exist. The land relations were gradually changing from custom to contract.

GLOSSARY

<i>Adiyalar</i>	- Slave labourers
<i>Annu Naalar Kanduperum Arthem</i>	- Current price fixed by four respectable persons
<i>Attipper</i>	- Janmam property
<i>Attippetola Karanam</i>	- Deed of transfer of Janmam
<i>Attipperum Neerum</i>	- Transfer of janmam rights
<i>Brahmaswam</i>	- Property of Brahmins
<i>Cherikkal</i>	- Land under raja
<i>Desam</i>	- Village
<i>Devaswam</i>	- Temple property
<i>Ezhavar</i>	- A caste among the Hindus, professional group of coconut tree climbers
<i>Ilayakovil</i>	- Junior member of a royal family
<i>Janmi</i>	- Hereditary landlord
<i>Janmikaram</i>	- Small dues of <i>janmi</i>
<i>Kanam</i>	- Mortgage or lease
<i>Karanma</i>	- A lease
<i>Kaaval</i>	- Protection
<i>Kaaval palam</i>	- Protection fee

<i>Kaaval Viruthi</i>	- Service tenure for protection
<i>Kadan</i>	- Loan
<i>Karanam</i>	- Deed
<i>Kedupizha</i>	- Extra allowed for damage
<i>Kizhkur</i>	- Rights of the inferior groups
<i>Kuttikkooru</i>	- Share of produce from planted trees
<i>kuru</i>	- Order of seniority
<i>Kuzhikkanam</i>	- Share of produce from trees
<i>Mana</i>	- The residence of lords especially Nambudiris
<i>Maryada</i>	- Custom
<i>Melkoima</i>	- Lordship right
<i>Moothakovil</i>	- Senior member of a royal family
<i>Naalvazhi</i>	- Day to day events
<i>Nerpattam</i>	- Lease money equal to interest
<i>Nerpalisa</i>	- Interest equal to rent
<i>Ney</i>	- Ghee
<i>Nilam</i>	- Paddy field
<i>Pandaravaka</i>	- Lands directly held by the rulers
<i>Pattam</i>	- Rent

<i>Paathilirikkal</i>	- Installation Ceremony
<i>Palam</i>	- Wages
<i>Palisa</i>	- Interest
<i>Panayam</i>	- Property pledged as security or lease
<i>Parambu</i>	- Compound
<i>Poli</i>	- Interest
<i>potuval</i>	- Non
<i>Poti</i>	- A measure of area in terms of seed capacity
<i>Putuppanam</i>	- Unit of cash
<i>Rakshabhogam</i>	- Share of protection fee
<i>Sanketam</i>	- Temple trustees governed by Brahmins
<i>Talaviri</i>	- Per head revenue dues
<i>Tarakkoottam</i>	- Taraward dwellers
<i>Tuni</i>	- Joint family house of aristocratic Nayars
<i>Ubayam</i>	- Cash or kind
<i>Uralar</i>	- Temple trustees
<i>Uzhava</i>	- Plough Land
<i>Vaaranellu</i>	- Customary collection of paddy
<i>Vaaratenga</i>	- Customary collection of coconut

Varikkettupanam	- A revenue collection as per schedule
Virtuthi	- Service grants
Viruthi nellu	- Paddy as service tenure
Vithu	- Seed
Yogakar	- trustees of Sanketam

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