

**DISCIPLINING THE SOCIETY: REGULATORY
MECHANISMS IN PRE-MODERN KERALA
(A.D. 800 – A.D. 1750)**

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of the requirements for the Degree of
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By
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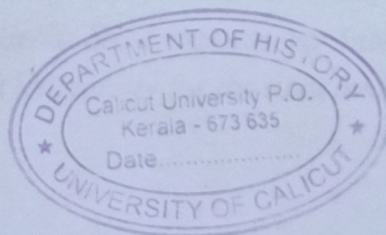
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This is to certify that the thesis titled '**DISCIPLINING THE SOCIETY: REGULATORY MECHANISMS IN PRE-MODERN KERALA (A.D. 800 – A.D. 1750)**' is the result of bonafide research carried out by **SHIJL.K.P.**, at the Department of History, University of Calicut, under my supervision and submitted to the University of Calicut in partial fulfilment of the requirements for the degree of **DOCTOR OF PHILOSOPHY IN HISTORY**; and that the thesis has not previously formed the basis for the award of any Degree, Diploma or other similar titles.

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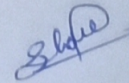
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DECLARATION

I hereby declare that the thesis entitled '**DISCIPLINING THE SOCIETY: REGULATORY MECHANISMS IN PRE-MODERN KERALA (A.D. 800 – A.D. 1750)**' is a bonafide record of research work done by me under the supervision and guidance of Dr. V.V Haridas, Associate professor of history, University of Calicut and it has not previously formed the basis for award of any degree, Diploma or any other similar title or recognition.

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INTRODUCTION

The thesis titled ‘Disciplining the Society: Regulatory Mechanisms in Pre-modern Kerala (A.D.800-A.D.1750)’, intends to examine the indigenous legal practices of medieval Kerala. During the early medieval period, with the migration of Brahmins from other parts of India they controlled the social life through various methods. The surfacing of temples as a centre of religion and power is the main trait of early medieval Kerala society. The temple centred laws and regulations produced during that period. But the evidence related to the coercive practices of that period was principally related to the temple related groups. Only a few pieces of evidence refer to the lower castes of society. There we can see the whole domination and influence of Namboothiri Brahmins of the society. The temple regulation of early medieval Kerala was known as *Kaccam*. There were no sufficient sources of the capital punishments practised during that time. But then things changed with the decline of the Cēra kingdom and the temple regulations paved the way for *nāṭṭumaryādas* and *dēśamaryādas*.

After the Perumāḷ period, we can see the gradual decline of the power of the Namboothiri Brahmins in Kerala society, and the steady growth of the power of the Nāyar community and a few trading groups. The chieftains encouraged the growth of these groups by giving sufficient considerations to them. The Nāyars became the military group of medieval society and the traders were the wealthy groups also. In certain cases, the temple *Sankētams* compelled to conduct *paṭṭini* against these two groups. The *Kūṭṭams*, managed the coercive mechanisms of Kerala society and the *Kāraṇavar*, *Dēśavāḷi* and *Nāṭuvāḷi* became the judicial administrators of the country. They were supported by the

Namboothiris with their knowledge of Dharmasastric rules and regulations. Separate caste bodies emerged to deal with their issues.

The coercive practice in all over Kerala was not uniform in nature, but it changed in accordance to caste and gender. These two are the discriminatory aspects of early society. The caste-based, patriarchal society tried to implement the Smriti based laws on the two groups. But we can not obtain any more shreds of evidence related to the punishments of lower caste people. The evidence accessible is mainly associated with the upper strata of society. Because the sources available are within the temples and most of them are related to Namboothiri Brahmins, *Ampalavāsis* and Nāyars. But the coercive practices related to common people are accessible from the contemporary travel accounts and ballads of that period.

The religious texts played a decisive role in the formulation of norms and practices of Kerala society. The Brahmanic traditions formulated the origin myth of Kerala and the configuration of Brahmin settlements in Kerala also. The *Kēraḷōlpatti* tradition includes most of the norms and practices of medieval Kerala. *Śāṅkarasmṛiti* and *Vyavahāramāla*, the later additions to the textual traditions of Brahmins in Kerala, became the legal texts of medieval Kerala. There we can see the Brahmanic power and their initiative to control the legal system of Kerala. The rulers and other nobles fully acknowledged their customs and practices implemented in Kerala, because these strengthened the noble caste status in society also. The ordinary people, who believed in God and life after death, were not ready to question the 'holy' Brahmanic norms and practices. They followed these customs and rituals with reverence and fear of deviation in observance if any.

The trial played an important role in judicial administration all over the world. The practice of trials or ordeals played a crucial role in the coercive practices of medieval Kerala. We have not able to find out sufficient evidence

related to all ordeals practised in Kerala. But the Hindu religious texts explained about the fire ordeal, water ordeal, poison ordeal, and balance ordeal. But in the Kerala context, the fire ordeal and balance ordeal are evident in the temple records and travel accounts. These ordeals were also discriminatory based on caste. The trial connected to the adultery of Brahmin women called *Smārttavicāram* was a long process of trial under the learned Brahmins of the society by the permission of the ruler. But that kind of a detailed trial is not found in the similar situation of Nāyar women. There the women and outcaste men are punished severely without any trial. These are evidence of the power of caste in medieval Kerala society in the judicial administration.

The inheritance practices are diverse to different caste groups, within the family, in accordance with certain caste interests. The *Makkattāyam* and *Marumakkattāyam* are the two inheritance practices of Kerala society. The practice of *Makkattāyam* by the Brahmins and *Marumakkattāyam* by Nāyars were also legitimized by the legal texts and indigenous traditions of Kerala. These inheritance forms regulate the gender aspects of the family. The *Makkattāyam* resulted in the utter inferior status of the females of Namboothiri family, but *Marumakkattāyam* provides little freedom to Nāyar ladies. But patriarchy was the ultimate decisive force in both forms of families. The laws connected to marriage also prescribed the religious text of Hindu tradition. The practise of child marriage was common among all communities. The laws related to marriage and chastity of women was formulated according to the interests of Namboothiri Brahmins. The space of the women was confined to the four walls of the house and the upper caste males enjoyed all freedom.

The caste discrimination was more noticeable in Kerala by the practice of untouchability, unapproachability and unseeability. The lower castes and outcastes had severe constrains in all public spaces. Even their shadow was considered as impure in that society. Their deteriorated condition was explained

in the travel accounts of that period. But there was no evidence related to any rebellion or revolts from the part of lower castes against these laws during the early medieval period. But they silently accepted it due to their submissive faith in norms and practices of that time. The Brahmanic texts created a type of faith among the subordinate castes and women regarding the customs and practices created by God for their worth. So, the fear of sin compelled them to oblige with this type of disciplinary methods based on religion and caste. It is argued that custom is a crystallized common sense.¹

Objectives

The main objective of the study is to reconstruct the native legal practices of medieval Kerala. The study intends to analyze different types of punishments existed in Kerala. How coercive practices are influenced by customs, traditions, and religious texts has to be put into perspective. The nature of *Dēśavyavastha* (local established custom) existed in the medieval period, will be examined in the study. The influence of the caste system in the practice of law and the involvement of the priestly class and the ruling class in the customs and tradition are an area to be examined. The nature of medieval tradition, culture, and rituals in the context of social regulation in medieval Kerala may provide fresh insights into the power dynamics of the pre-modern period. The study covers the period from 800 AD to 1750 AD. From 800 AD onwards Varna ideology became dominant in Kerala, which was the period of Cēra rulers. From 1750 AD onwards the social structure and power structure of Kerala society underwent certain changes. The Mysorean invasion under Haider Ali and Tipu Sultan took place during that time. The present study pertains to the social group of Hindu community only.

¹ K.P. Padmanabha Menon, *History of Kerala*, Vol II, Ernakulam, 1983, p.291.

Methodology

The methodology used in this study is analytical and descriptive. Textual criticism of medieval religious texts, *Granthavaris*, and inscriptions are used in the present study. The theoretical works, which provide us insights into the mechanism and techniques of social dynamics of power, will be useful in this study.

Research questions

The proposed study raises many problems, the major issues can be framed as follows:

- How *Dēśavyavastha* controlled the medieval law and order?
- Who were the legal authorities in medieval Kerala?
- How *jāti* affected coercive practices?
- What is the role of culture, tradition and rituals in the legal aspects?
- How the concepts of *punyam*, *pāpam*, *guṇam*, *dōṣam* etc. related to the legal aspects of the medieval period?
- How the mentalities, collective and individual, influenced the form of ordeals?
- Whether prisons existed in medieval Kerala?
- What are the types of trials practised in medieval Kerala?
- Who constituted the coercive force in medieval Kerala?
- What was the role of temples in legal practices?
- What was the role of caste councils in coercive practices?

- What do the defilement practices exist among lower castes?
- How defilement practices resulted in caste hierarchy?
- Which do the purificatory rites exist in medieval Kerala?
- How knowledge and power controlled medieval legal practices?

Hypothesis

The law and justice in medieval Kerala are normally carried on according to the precedents, customs and tradition. In the judicial activities especially in the case of punishments, caste differences and social status were crucial. Medieval social practices were generally controlled by Brahman ideology. The unequal punishment shows the influence of Varna ideology in the customs, rituals and practices. Different types of coercive practices were linked to the temple and deity for legitimacy. *Puṇyam, pāpam, śuddhi, aśuddhi* etc decides social practices. In fact, at primary level, medieval ordeals are a type of psychological treatment by the lawmakers. But in a deeper level, they are discriminating one based on Varna. The *Dēśavyavastha* existed in that time chiefly influenced the coercive practices. Social commitment and liability to the local society was an important factor for the practice of law and justice during that time. The *Dharmaśāstras* are the important law books of Brahminic ideology. The interpretations of the rules are usually done by the Brahman themselves and they have shown a bias to favour their fellow men. They exploited fully the manpower of low caste and later they imposed strict rules on them regarding purity and impurity. In short medieval society is a vertical type of society, where unequal laws practised.

Sources

Both primary and secondary sources are utilised for the present study. The primary sources include *Granthavaris*, inscriptions, medieval travel

accounts, medieval religious texts, and early law books and its commentaries. Secondary sources are also utilised for this study.

Review of Literature

The works on Kerala history includes a simple note on punishments and coercive practices in medieval Kerala. Most of them concentrate on trial by ordeal. The early scholars did not examine its various aspects. The relation between law and order with customs, rituals and traditions were not taken up by early scholars. The role and influence of the caste system on various regulatory mechanisms are not examined in early studies.

Crime and Punishment in Ancient India by Ramaprasad Das Gupta gives a detailed picture of the development of the Hindu Criminal Law. The second part of the book explains the offences against the various aspects, institutions, and so on. The various types of punishments explained related to those crimes. The crime and punishments explained in the early period by Manu, Yājñavalkya, Nārada, Brihaspati, Kātyāyana and Kautīlya. These lawgivers provide rules for the all-round guidance of man. Their period is regarded as the formative period of the Hindu criminal law. These Smriti laws were honoured by the Hindu rulers. According to the Hindu law of punishment, the main end of punishment is the maintenance of society and the protection of all creatures.² The most common punishment in ancient India was fine, mutilation and capital punishment. Imprisonment as a punishment was not common, but there are frequent references about lock up (under trial prisoners were kept), and jails (convicted persons were kept there). Exile and branding were also a type of punishment given to certain offenders. The influence of the caste system on criminal law is also elaborated. In ancient India, a distinction was drawn between the high and low castes. But in other parts of the world, the distinction

² Ramaprasad Das Gupta, *Crime and Punishment in Ancient India*, Varanasi, 1973, p.13.

was drawn between the noble and the common people. But no one was exempted from the punishment. There was no innocent person punished by the ruler. As a general rule, an individual was not allowed to take the law in his own hands but exceptions the this is also found. The duty of the king was to maintain peace and order in his kingdom and to ensure the security of the life and property of the people.

The work called *Kauṭilya on Crime and Punishment* by K.M Agrawal, says that one of the earliest treatises on the crime and punishment in India more than two thousand years ago is in the form of Kauṭilya's *Arthaśāstra*. In many places *Arthaśāstra* proves himself to be an orthodox follower of Brahmanism and he instructs to follow certain religious rites. Accordingly, the important feature of crime is the change in its nature from time to time and place to place.³ According to Kauṭilya, punishment is not an end in itself but only a means to an end - the maintenance of society and the protection of all creatures.⁴ He emphasized the ultimate power and responsibility of the ruler to punish the evildoers. To him, there are three types of punishments, i.e. verbal, corporal and pecuniary. He argued that the simple form of punishment was fine. The amount of fine was varied by the gravity of the offences. The death penalty was given for very serious offences. The various offences against the state, other living beings, religion etc. are explained by Kauṭilya elaborately in the text.

The work called *Kēraḷam Paraśurāmanilūṭe* by Krishna Kurup explains different punishments related to Sudras.⁵ The work says that Sudras received severe punishment for little offences. But the Brahmins were free from severe punishments. To him, the law and order in the medieval period is the creation of Brahmins. They imposed *Smṛiti* laws on common men. The work of

³ K.M. Agrawal, *Kauṭilya on Crime and Punishment*, Bodh Gaya, 1983, p.1.

⁴ *Ibid.*, p.16.

⁵ Krishna Kurup, *Kēraḷam Paraśurāmanilūṭe*, (Mal.), Kottayam, 1962.

Kanippayyur Sankaran Namboothiripad called *Āryanmāruṭe Kuṭiyēṙram Kēraḷattil* includes two chapters on the legal aspect.⁶ He says on the aspect of the absence of jails, and *vaidika* form of punishment. He tried to differentiate between *vaidika* and *laukika* punishments. The text explained about the famous Suchindram *Kaimukku* conducted in Suchindram temple at Southern Travancore. The detailed process of rituals in connection with Suchindram *kaimukku* elaborated in the text. Accordingly, this was a chance for the men involved in *aṭukkaḷadōṣam* to be free from the crime.⁷

M.R. Raghava Varier, explained about Valayanadu *Kaimukku*, in an article published in *Rēvati Paṭṭattānam Smaraṇika*. In this article, he elaborated about the importance of medieval sources to reconstruct the judicial administration of medieval Kerala. Ordeals were a means to produce evidence in legal matters. The ordeals have some regional variations. The article shows that the evidence related to the Valayanadu *Kaimukku* are related to murder cases, sorcery and theft of *Bhaṇḍāra*. The persons who participated in Valayanadu *Kaimukku* and the articles needed for the rituals are elaborated in this article. The political phase of this *Kaimukku parīkṣa* is also elaborated by the author. He emphasized the role of customs and rituals in the *kaimukku* ordeals conducted in all parts of Kerala. This physical torturing was celebrated like a festival within the temple. During the medieval period, the serious crimes were equated with *mahāpātakas* and the crime was regarded as a sin and who committed it was a sinner. This indicates the influence of *Dharmaśāstra* texts in the practice of law and order in medieval Kerala.

⁶ Kanippayyur Sankaran Namboothiripad, *Āryanmāruṭe Kuṭiyēṙram Kēraḷattil*, (Mal.), Kunnankulam, 1968.

⁷ Kanippayyur Sankaran Namboothiripad, *Enṙe Smaraṇakaḷ*, (Mal.), Part.3, Kunnankulam, 1974, pp.144-145.

The work called *Kerala Charitram*, by M.R. Raghava Varier and Rajan Gurukkal includes a detailed description of punishments.⁸ To them, *Maṅṅāppēṭi*, and *Pulappēṭi* are a type of punishment imposed on high caste women by men to restrict their movement. To them, the documentation came into existence during the time of *Swarūpams* called *Granthavaris* to include details related to all aspects of society including ordeals, royal orders, law and order and different punishments. To them, *Janmi Nāṭuvāli* system decides the social organization in society.

Institutions and Movements in Kerala History by T.K Ravindran includes the practice of traditional justice in Malabar. According to him, during that time the law and myth have gone hand-in-hand. To him, the customs, conventions, and traditions went under the names of *Maryāda*, *Mārgam*, or *Ācāram*, which signifies established rules.⁹ The codes of Manu and the laws expounded in other Smriti texts were followed in Malabar like other parts of India. The Namboothiri Brahmins interpreted the rules and regulations in medieval Kerala. The king was always bound to follow the established customs and order in society.¹⁰ The role of Paraśurāma tradition in the formation of particular customs and practices is also discussed in the text. The role of popular assemblies in the execution of judicial administration was explained by the author. The role of arbitration methods in judicial matters is a problem taken up for discussion in this text. But the author was more concerned with the judicial administration under the British rule.

The Suchindram Temple by K.K. Pillai gives a detailed picture of the Suchindram *Kaimukku*. It was a peculiar mode of testing the innocence of a

⁸ M.R. Raghava Varier, and Rajan Gurukkal, *Keralacharitam*, Vol.II, (Mal.), Sukapuram, 2012.

⁹ T.K. Ravindran, *Institutions and Movements in Kerala History*, Trivandrum, 1978, p.27.

¹⁰ *Ibid.*, p.31.

suspected offender. It is believed that the Divine Will or confidence was ascertained regarding the particular offence.¹¹ Various types of ordeals practised in Kerala are explained in the text. The article of Kunjikuttan Thampuran also elaborated about the *Suchindram Kaimukku* and its detailed process.¹²

The work *Ammavaḷi Kēraḷam* by M.R. Raghava Varier refers to the caste and gender inequalities based on medieval ballads.¹³ In which the chastity issues related to low caste women and the related punishments given to them were explained. In certain instances, the low caste women and men protested against that type of biased punishments and criticized these unequal practices. Though rarely found in the sources of the elites the protest and voice against the upper caste men by the downtrodden groups are found in the medieval Kerala society. The work of K.N. Ganesh, *Kunjan Nambiar: Vākkum Samūhavum*, point out the caste and gender dominated society reflected in the work of Kunjan Nambiar. The medieval poems of Kunjan Nambiar depict women as a subordinate and marginalized group of people without any voice to question caste and male domination in medieval society. K.N. Ganesh criticises these types of attitudes in the work of Kunjan Nambiar.

The literature covered the regulatory mechanisms of the medieval period shows that most of the works were not emphasized on the disciplinary mechanisms in an overall view including the institutions like caste, gender, marriage, inheritance, legality, customs and practices and so on.

¹¹ K.K. Pillai, *Suchindram Rēkhakaḷ*, (Mal.), Madras, 1953, p.299.

¹² S.K. Vasanthan,ed., *Kunjikuttan Thampurāṅre Lēkhanangaḷ*, (Mal.), Kottayam, 1983.

¹³ M.R. Raghava Varier, *Ammavaḷi Kēraḷam*, (Mal.), Thrissur, 2006.

Chapterization

The thesis divided into five chapters excluding the introduction and conclusion. The introduction of the thesis includes the problem of the thesis, objectives, research questions, hypothesis, scheme of the thesis into chapters, and the sources utilized for the study.

The first chapter entitled ‘Social norms in religious texts’ discuss the role of religious texts in the formation of social norms and customs of medieval Kerala. The influences of religious texts like *Kēraḷōlpatti*, *Kēraḷa Māhātmyam*, *Śāṅkarasmṛiti*, and *Vyavahāramāla* in the creation of various social norms are analyzed. The influence of North Indian religious texts in Kerala society also discussed in the chapter.

The second chapter entitled ‘Super-ordinating the Brahmins in Social Hierarchy’ analyzed the role of caste as a regulatory mechanism in medieval Kerala. The role played by temple *Sankētams* and *Kaccams* in the medieval period is analyzed in this chapter. The emergence of Brahmin settlements and their increasing influence in society is also examined. The development of Brahmanical institutions in the judicial organization of medieval Kerala also elaborated in this chapter.

The third chapter entitled ‘Subordinating Social Groups in Caste Hierarchy’ analyses the regulatory aspects imposed on the life of the subordinating social groups of medieval Kerala including the castes below the first three Varna and their women. The practice of *Maṅṅāppēṭi*, and *Pulappēṭi*, existed in the medieval period are reappraised in this chapter.

The fourth chapter ‘Safeguarding Chastity: Trial of Women in Kerala’ is an attempt to interpret the concept of chastity in medieval Kerala and the prevalent methods to discipline women. The marriage system and inheritance practices acted as methods to establish patriarchal dominance in society. The

related customs and practices attempted to regulate the movements of women and disciplined them within a restricted space.

The fifth chapter titled 'Crime and Punishment in Pre-modern Kerala' analyses the coercive practice existed in medieval Kerala. This chapter examines the role of customs and *maryādas* in the formation of law and order. The various punishments practised in medieval Kerala like ostracism, fines, imprisonment, capital punishments, etc. are taken up in this chapter. The arbitration methods practised during that time is also analysed. The findings of the study are provided as a conclusion.

CHAPTER 1

SOCIAL NORMS IN RELIGIOUS TEXTS

Every society has a notion of past and its traditions that were religious in early periods of Indian society.¹ Studying a tradition involves some indices, firstly, a point in history at which the need to generate and keep a tradition becomes imperative; secondly the social status of the keepers of a tradition; thirdly whether the tradition was rooted in sacred literature to ensure its continuity; fourthly the genres that emerged to record the tradition independent of their literary forms; fifthly the social circumstance in which the historical tradition was composed and the changes that it underwent when society itself changed; sixthly the audience for which any specific text of which that tradition was intended; seventhly the social groups which used to manipulate the tradition and their reasons for doing so and lastly such traditions legitimizes the present and gives it sanction.²

Kēraḷōlpatti and *Kēraḷamāhātmyam* are the two historical traditions related to the origin of Kerala. These two texts tell the story of the origin of Kerala and the social formations related to Varna, caste, marriage, inheritance and so on. The ideology and norms are the unwritten rules about how to act in society, which provide order in society. But most of them expose through regional traditions. Later norms became part of religious texts also. In the Kerala context, the social norms reflected through *Kēraḷōlpatti* tradition, and

¹ Romila Thapar, *The Past Before Us: Historical Traditions in Early Northern India*, Ranikhet, 2013, p.4.

² *Ibid.*, p.6.

that got a formal framework or fixity of the regulation through religious texts like *Śāṅkarasmṛiti* and *Vyavahāramāla*.

People need norms to guide and direct their behaviour to give an order in social relationships and make sense and understanding of each other's actions.³ Norms are the standards of conduct, and these values are usually shared by all members of society. It is a rule or standard that defines what people should do and should not do. Most of the norms such as traditions, customs, fashions etc., are unwritten. The society is always anxious to make sure people continue to obey social values and norms; this is achieved by various positive and negative sanctions, rewards and punishments.⁴ Social disapproval is one reason for the approval of the norms. So, it acts as a means of social control. Norms can regulate the behaviour of individuals in society.

Social norms are informal rules that govern the behaviour in groups and societies. The religious texts put forward certain social norms in the context of Indian society. The Hindu religious texts like *Dharmaśāstras* give special emphasis to various norms in Indian society. The indigenous traditions like *Kēraḷōlpatti* and *Kēraḷamāhātmyam* also contain several social guidelines to discipline society. The religious texts and legal texts of Kerala like *Śāṅkarasmṛiti* and *Vyavahāramāla* provide norms in the form of laws to society. Most of the customs elaborated in religious texts, only the learned would be able to understand them, and they were handed down from generation to generation.⁵

³ Kan Browne, *An Introduction to Sociology*, (2005), Cambridge, 2007, p.8.

⁴ *Ibid.*, p.192.

⁵ Ludo Rocher, 'Father Bouchet's Letter on the Administration of Hindu Law', in Richard. W. Lariviere, ed., *Studies in Dharmaśāstra*, Calcutta, 1984, p.20.

Varna Theory in Religious Texts

Varna and caste were the basic elements that regulate the lifestyle of the people in Indian society from the ancient period onwards. Most of the Hindu religious texts describe the norms of life-related with religion, duty, law, right, justice, practice and principle. This upholds the importance of Varna theory, and most legitimize the practice of caste hierarchy through origin theories of the Varna system.

The text of Manu called *Manu Dharmasāstra* or *Manusmriti* is a key text of the dominant form of Hinduism. The text of Manu attained complete acceptance and became a standard source of authority in the orthodox tradition of Hinduism.⁶ Manu describes the four races of society as a priest, warrior, trader and farmer and finally a menial section, the Śūdras. He uses the term *Chāṇḍāla* to denote a group of human beings below the Śūdras. The society was hierarchically arranged in *Manusmriti*. In *Manusmriti*, Manu elaborates the creation of four Varnas as who born from the mouth, arm, thigh, and feet of Brahma, the creator. The four Varnas are Brahmin, Kshatriya, Vaiśya and Śūdra.⁷

The Brahmins are the priestly class, and they uphold the highest status of priests in society. To Manu, a man is said to be purer above the navel. So, the Brahmins were born of the highest part of the body, thus he upholds *Vēda*. The priest is the eternal physical form of religion and he is born for the sake of religion.⁸ A priest purifies the rows of seven generations in the past and seven in the future, and he alone deserves this entire earth.⁹ The root of religion is the entire *Vēda* and the tradition and customs of those who know the *Vēda*, and the

⁶ Wendy Doniger and Brian K. Smith, *The Laws of Manu*, New Delhi, 2000, p. xvii.

⁷ *Ibid.*, pp.12-13.

⁸ *Ibid.*, p.13.

⁹ *Ibid.*, p.14.

conduct of virtuous people and what is satisfactory to oneself.¹⁰ The man who has the qualities of truthfulness, restraint, *tapas*, generosity, freedom from hatred, and wickedness, humility and kindness is known as a Brahmana.¹¹ The *Dharmaśāstrakāras* also supported the Varna theory, which is the creator produced the four Varnas - Brahmins, Kshatriyas, Vaiśyas and Śūdras respectively from his mouth, arms, thighs, and feet. The superiority of the Brahmins is because of origin from the mouth of Brahma.¹² So they are always the authorities of learning and teaching *Vēdas*.

The *Smritikāras* symbolically say that the lower classes are 'food' for their superiors. The law of fishes, that 'the bigger fish eat smaller ones', is followed by the lawgivers of the ancient and medieval period.¹³ The same code of Varna is followed by the religious texts of Kerala also. *Śāṅkarasmṛiti* is one of the medieval texts that support *chāturvarṇya* system based on the theory of four Varna from the four parts of the body of Brahma.¹⁴ This text also explains about certain *Dharmas* of each Varna. The author of *Śāṅkarasmṛiti* claims that work as the epitome of *Bhārgavasmṛiti*.¹⁵

The ancient legal text, *Arthaśāstra* itself explains the Varna theory related to Brahma. This strictly prescribed rights and duties to each varna, and the punishments for those who violate these *dharmas*. In the context of Kerala *Vyavahāramāla* is regarded as the official law book of Kerala. The author of

¹⁰ *Ibid.*, p.16.

¹¹ P.V. Kane, *History of Dharmaśāstra*, Vol. II, Part.1, Poona, 1974, p. 101.

¹² *Ibid.*, pp.138-39.

¹³ Wendy Doniger and Brian K. Smith, *Op. Cit.*, p. xxxvii.

¹⁴ N.P. Unni, *Śāṅkarasmṛiti*, Torino, 2003, p.171.

¹⁵ *Ibid.*, p.16.

the text himself acknowledges that work as merely based on the words of Manu, Yājñavalkya and other sages.¹⁶

This shows that the schemes put forward by sages in ancient India influenced the religious texts of medieval Kerala. The aspects related to Varna theory was simply copied in those texts, with minor variations in the duties of particular castes and so on. There are various regional influences visible in those works. These legitimize the power of Brahmins, and many traditions were also created in every region. *Kēraḷōlpatti* and *Kēraḷamāhātmyam* traditions are the best examples of this. In these texts, the authority of Brahmins and their origin in Kerala and the formation of Kerala were elaborated with the support of Vedic images of ancient India.

Historical Tradition of Kerala on Varna System

The term Kerala in early literature stands for the region, between Gōkarṇam in the north and Kanyakumari in the south. The inhabitants of Kerala have certain peculiar norms and practices which differ from those of the people of other parts of India. The dominant position of Brahmin in Kerala was firmly rooted in a long history of political and cultural authority and material dominance.¹⁷ Their influence was greatest in the fertile river valley zones of Kerala. It is believed that the Brahmins migrated to Kerala between the third and eighth centuries.¹⁸

The origin of the landscape of ancient Kerala was legitimized through *Kēraḷōlpatti* and *Kēraḷamāhātmyam* traditions. These traditions are not

¹⁶ *Vyavahāramāla: Bhāshā Vyākhyānam*, (Mal.), Unpublished palm leaf manuscript volume, Manuscript Library, University of Calicut, 1563, palm leaf (hereafter *p.l.*) Nos.2-3.

¹⁷ Devaki Nilayamgode, *Antharjanam: Memories of a Namboodiri Women*, New Delhi, Oxford University Press, p. xix.

¹⁸ *Ibid.*

regarded as an authoritative historical source for the re-construction of Kerala history, but we are not able to discard it either. The text includes some mythical stories of Kerala, but certain social aspects are accepted by the scholars as collective memory.

The text called *Kēraḷamāhātmyam* and *Kēraḷōlpatti* are products of the elite castes, as these texts overemphasized the prominent status of Namboothiri Brahmins in Kerala.¹⁹ Both these texts say that the land of Kerala was a gift of the Arabian Sea to Paraśurāma, one of the incarnations of Lord Vishnu.²⁰ This strip of land was known as *Bhārgavadēśam* or *Paraśurāmakṣētram* in the early period. The *Kēraḷōlpatti* tradition says that Paraśurāma donated all his wealth to Brahmins to free from the sin of matricide and the mass killing of Kshatriyas.²¹ This legend makes the Brahmins as *Bhūdēvas*. The early Indian texts show the importance of cattle as wealth, but land grants show the gradual attainment of land as wealth in that period. The supernatural power of Brahmins to heal the sins is also emphasized in this story.

Kēraḷōlpatti

The historical tradition of the native people called *Kēraḷōlpatti* was treated variously by the earlier scholars. It was regarded as ‘legendary nonsense’ by Logan and as a useful text embedded with historical consciousness by Kesavan Veluthat.²² We also use this text as a valuable source of social norms and ideologies of medieval Kerala, particularly those of the elite section.

¹⁹ M.R. Raghava Varier, ed., *Kēraḷōlpatti Granthavari: Kōlattunāṭu Tradition* (Mal.), Kottayam, 2013, p. 23.

²⁰ *Ibid.*; V. Rajeev, ed., *Kēraḷamāhātmyam*, (Mal.), Kottayam, 2012.

²¹ M.R. Raghava Varier, *Op. Cit.*, p. 23.

²² For a detailed discussion of the text see, Kesavan Veluthat, *The Early Medieval in South India*, New Delhi, 2009, pp.129-46.

Thus, a detailed discussion of this text is relevant in the present context of our study.

After the formation of a new strip of land, Paraśurāma brings Brahmins to Kerala from outside. He built 24,000 temples all over Kerala.²³ Sixty-four Brahmin villages were formed and particular *ācāramaryādas* (customary norms) prescribed for the Brahmins.²⁴ The Brahmins make use of authority over these villages and he brought other castes to serve the Brahmins. It was the Brahmins who appointed the rulers, to administer justice, subject to their tacit approval. According to *Śukasandēśa*, the capital city shines with great Brahmins by whose words the king becomes the lord, these Brahmins who are equal to Paraśurāma in the command of weapons as well as *Śāstras* and who live in *sthalis* having rows of big houses control the sixty-four *grāmas* and are paragons of accepted activity.²⁵ According to indigenous tradition, Paraśurāma was responsible for the colonization of this newly born land.²⁶ The legends show that the Brahmin settlers who have come from outside must have been led by warrior sage Paraśurāma. The colonizers settled here in the early centuries of the Christian era, certainly before the fourth century AD. Then, some socio-religious norms followed by the Brahmins of Kerala testify to the fact that they separated from the original stock at an early date before those rites underwent a drastic transformation in the north due to the impact of several factors.²⁷

Paraśurāma brings Kshatriyas to Kerala from east to rule over the country for twelve years. Accordingly, twenty-four Perumāḷṣ ruled the country

²³ V. Rajeev, *Op. Cit.*, p. 49.

²⁴ *Ibid.*, p. 65.

²⁵ N.P. Unni, *Op. Cit.*, pp.4-5.

²⁶ *Ibid.*, p.5.

²⁷ *Ibid.*

and they brought affluence to the land and people. Later, Paraśurāma created a dynasty for a stable rule in the region.²⁸ He commanded the ruler to respect the Brahmins, protect the temples and save the serpents to continue his lineage without decline. Paraśurāma also prescribed certain rules to the rulers like, recite the *mantras* of Rāma, protect the temples, and respect the Brahmins, not to acquire the land of Brahmins (*Brahmaswam*) and not to disgrace the Brahmins.²⁹ The strict adherence of his regulations will lead to the prosperity of the region. *Kēraḷamāhātmyam* says that during the time of Paraśurāma, there was no anxiety, diseases, *adharma* and *varṇasamkara* in the country.³⁰ *Kēraḷamāhātmyam* envisaged a utopian world.

The Brahminic predominance is sufficiently illustrated in the numerous references in the *Śāṅkarasmṛiti* dealing with the upper states of Namboothiri Brahmins in Kerala. This text explains about specific *dharmas* of each Varna. But there are so many regional differences identified in *Śāṅkarasmṛiti* and other texts of ancient India.

The religious texts of India uphold the origin of Varna theory for building a hierarchy in society that was followed by the religious traditions in Kerala itself. Moreover, the religious texts of Kerala legitimized the Brahminic domination in Kerala through some legends based on Vedic images. Paraśurāma is a mythological hero, that is, the sixth incarnation of Vishnu. According to *Kēraḷōlpatti* tradition, Paraśurāma is the creator of Kerala and he brought all occupational groups into Kerala. But the caste or Varna based differentiation or untouchability was not explained in these texts. Even though, *varṇasamkara* was not promoted by them. To them, *varṇasamkara* leads to the

²⁸ V. Rajeev, *Op. Cit.*, p. 218.

²⁹ *Ibid.*, p. 225.

³⁰ *Ibid.*, p.46

degeneration of the territory. So, strict *ācāramaryādas* were prescribed for Brahmins to maintain the norms and values in life.

Kēraḷamāhātmyam and Kēraḷōlpatti on caste

Manusmriti and *Dharmaśāstra* formulated a static Varna order in society. Besides the four Varnas, castes had been originated. Owing to cultural advance, division of labour arose and several arts and crafts had been developed, contributing to the complexity of the system by creating numerous castes and sub-castes.³¹ The outcastes like *Chāṇḍālas* are also mentioned in *Dharmaśāstra*.³² *Dharmaśāstra* presents a long list of castes and sub-castes in the Hindu religion.³³ These texts emphasized the formation of several castes purely based on their occupational functions in society. Many castes mentioned in religious texts of the medieval period in the context of Kerala.

Kēraḷamāhātmyam explains that, after the coming of Brahmins and Kshatriyas into Kerala, Paraśurāma invited several occupational groups into Kerala, including, *Vaṇiks*, *Śūdras*, *Thaṭṭān*, *Kollan*, *Taccan*, *Mūsāri*, leather workers, carpenters, *Chāṇḍālas* and so on.³⁴ The outcaste group referred in *Dharmaśāstra* and *Manusmriti* are mentioned in *Kēraḷamāhātmyam* also. *Kēraḷōlpatti* legitimized the subordination of certain castes through various stories.

Veḷuttēṭan (washerman of high castes) and *Jyōtsyan* (astrologer) are mentioned as castes in this text. The text says that they belong to the Brahmin descent group, but the deviation of caste duties resulted in the degradation of this group. In the case of astrologer, the relationship between a well-educated

³¹ P.V. Kane, *History of Dharmaśāstra*, Vol. II, Part. I, *Op.Cit.*, p. 48.

³² *Ibid.*, p. 45.

³³ *Ibid.*, pp. 69-104.

³⁴ V. Rajeev, *Op. Cit.*, pp. 69-70.

Brahmin man in astrology and a Śūdra woman brings a son, who is well versed in astrological knowledge. That group later regarded as astrologers or *Jyōtsyans*.³⁵ Like this, many castes mentioned above have emerged through the *varṇasamkara* or the deviation from caste duties.

Kēraḷōlpatti tradition claims that the Śūdra women of Kerala, mainly the temple castes and Nāyars, were descended from heavenly *apsaras* and as the offspring of these divine women of pleasure.³⁶ According to *Kēraḷōlpatti*, they were duty-bound to give pleasure to the Brahmins or *Bhūdēvas*. The religious texts legitimized the subordination of each caste through some mythological stories. According to *Kēraḷōlpatti* tradition, Paraśurāma brings Brahmanas, Kshatriyas and Śūdras into Kerala. But later he brought the *Ainkuṭikammālar* and other groups into Kerala to give service in the Brahmin villages, and serve them in all aspects of life. For example, Paraśurāma brought Śūdras to Kerala to follow *Marumakkattāyam* system and to give pleasure to the Brahmin group. Thus, the text ascribes that the Śūdras were descended from heavenly, *apsaras* or the women of pleasure. The caste groups like Taccan were essential for the construction of temples in all Brahmin villages and so on. The text cunningly established the subordinate status of each caste, under Brahmins and Kshatriyas. The traditions of Kerala do not mention a Vaiśya group in society. The absence of that group in early texts of Kerala is perplexing in Kerala history. The caste group called *Vaṇiks* is mentioned in *Kēraḷamāhātmyam*, which shows the presence of a trading group in society.³⁷ The *Maṇipravāḷam* works also mention the trading groups in society. The Brahmanical texts try to present a general picture of the varied caste structure of society in medieval Kerala.

³⁵ *Ibid.*, p.291.

³⁶ Devaki Nilayamgode, *Op. Cit.*, p. xix.

³⁷ V. Rajeev, *Op. Cit.*, pp. 69-70.

Legitimization of Brahmin Domination

The religious texts of all groups provide the codes of disciplines for the people. The Hindu religious texts, *Manusmriti* and *Dharmaśāstra* provide code of discipline for the Hindus, and strictly regulate the Varna order in society and particular ceremonies, privileges, duties and responsibilities provided for each Hindu caste. In *Dharmaśāstra* texts, the four Varna that is Brahmins, Kshatriyas, Vaiśyas and Śūdras are arranged in descending order of social status.³⁸

The general duties for all human beings irrespective of castes are put forward by religious texts. Patience, truthfulness, control of sense organs, purity of body and mind, non-violence, abstinence from theft, courteous and modest words, keeping away from inciting others, absence of greed and humility, freedom from jealousy, feeling of equality for both friends and enemies. Kind heartedness and offering of alms according to one's financial capacity are the general duties of human beings.³⁹ The practice of these duties enables them to reach a world of prosperity after their death where they enjoy many pleasures unavailable in the earth.⁴⁰ The expectations of an excellent life keep the people to lead a meritorious life which ultimately is essential for the prosperity of society.

The fulfilment of the duty of four Varnas and intermediary castes in the society, handed down hereditarily is called as the good conduct of people. Most of the religious texts consider Brahmin as the divine Varna. *Manusmriti* says that all humans on earth should learn their practices from a priest of that society.⁴¹ A twice-born man should always offer the daily sacrifice at the

³⁸ P.V. Kane, *History of Dharmaśāstra*, Vol. II, Part. I, *Op. Cit.*, p.51.

³⁹ N.P. Unni, *Op. Cit.*, pp.172-73.

⁴⁰ *Ibid.*

⁴¹ Wendy Doniger and Brian K. Smith, *Op. Cit.*, p.19.

beginning and end of the day and night.⁴² He should daily chant verses of *Vēda*. He should observe good conduct, maintain self-control, subjugate his sensory pleasures, should not be disobedient to his teacher, the one who describes the *Vēda*, his father, mother, *guru*, priests and cows. He should evade from atheism, reviling *Vēda*, contempt of deities, hatred, obstinacy, pride, anger and sharpness. He should not warn any man of punishment or strike him down in anger, except his son or pupil. The latter two, he may beat for their sake.⁴³

The duties and privileges of different Varnas occupy a prominent place in *Dharmaśāstra* texts. The study of *Vēdas*, offering sacrifices and giving offerings are said to be the duties enjoined on the Brahmana, Kshatriya and Vaiśya.⁴⁴ But each of the Varna has definite privileges and obligations which are the means of livelihood. Teaching *Vēdas*, officiating at sacrifices and receiving gifts are the livelihood of Brahmans. The profession of arms and security of the people are the privileges of Kshatriyas. The means of the livelihood of Vaiśyas are agriculture, cattle rearing, trade and money lending.⁴⁵ According to ancient authorities, the special duty of the Śūdra was to serve the twice-born classes to acquire his livelihood from them. Serving a Brahmin granted greater happiness or benefit on the Śūdra than serving a Kshatriya, and serving a Kshatriya conferred greater good than serving a Vaiśya.⁴⁶ All of this referred to the power and status of high castes to subordinate the low castes.

The indigenous texts of Kerala refer to the formation of Varna and caste order in society. The legendary texts like *Kēraḷōlpatti* and *Kēraḷamāhātmyam*, which are texts compiled as a result of some centuries in the medieval period,

⁴² *Ibid.*, p.76.

⁴³ *Ibid.*, pp.88-89.

⁴⁴ P.V. Kane, *History of Dharmaśāstra*, Vol. II, Part.1, *Op.Cit.*, p.105.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*, p.120.

produce a theoretical Varna order in medieval Kerala society. *Śāṅkarasmṛiti*, one of the codes of disciplines for Hindus in Kerala, says that Kerala was created by Paraśurāma, and the warrior sage said to have formulated certain customs in Kerala, which are considered to be distinctive to that strip of land in the extreme South India that is considered as the *ācāras* of Kerala.⁴⁷ It is said that the code of disciplines for four Varnas described in these religious texts are corroborated with *Manusmṛiti*, *Yājñavalkyasmṛiti*, *Nāradaśmṛiti* and so on. But there are many differences found between religious ideologies in Kerala and Indian religious ideologies put forward by Manu, Yājñavalkya and Nārada.

Kēraḷamāhātmyam and *Kēraḷōlpatti* tried to legitimize the power of Brahmins over Kerala. Brahmins were regarded as the custodians of the entire knowledge. These texts show that the sage Paraśurāma brought Kshatriyas and Śūdras to serve the Namboothiri Brahmanas of Kerala. He established a corporate body of four Brahmin villages and ensured its authority on Namboothiri Brahmins. Kshatriyas, Śūdras and other occupational groups were brought to Kerala to guarantee all material facilities to Brahmins. The priestly class called Brahmins could assert their intellectual superiority over the other caste groups in various ways. The text *Kēraḷamāhātmyam* says that Paraśurāma brought many caste groups into Kerala for various purposes, that newly emerged groups are the products of the concubine relationship between Brahmana with *dēva*, *asura* and *rākṣasa* women of the heavenly world. Another noticeable feature in this text is that it does not mention about Vaiśya Varna. But other Hindu religious texts of India refer this group as twice-born of *traivarṇikas* or *dvijas*.

All of the religious texts of Kerala attribute the Brahmanisation of Kerala to sage Paraśurāma, who is celebrated as the creator of Kerala from the

⁴⁷ N.P. Unni, *Śāṅkarasmṛiti*, *Op. Cit.*, p.6.

western sea in *Trētāyuga*. The ‘colonizers’ of Kerala arrived here at the early periods of the Christian era, certainly before eighth century AD.⁴⁸ It is pointed out that the Namboothiri Brahmins of Kerala moved away from their original land due to several factors. They adopted many indigenous customs and manners of Kerala and a cultural diffusion took place here, which is evident in the norms and values of medieval Kerala.

Śānkarasmṛiti put forward the specific dharma of each varna. *Śānkarasmṛiti* mentions the four-fold Varna order in society. The duty of Brahmins is the performance of penance. The creator Brahma has fixed the duties for Brahmins, which are, *Aditi* and *Adhyāpana* (learning and teaching), *Dāna* and *Ādāna* (giving and receiving gifts) and *Yajña* and *Yajana* (offering and conducting sacrifices).⁴⁹ According to *Śānkarasmṛiti*, the Brahmin should live by *Rita*, *Amrita* and *Mrita* mean gathering grains leftover and lying scattered in the bazaar, using grains discarded by the owner in a field after the harvest and by begging alms respectively.⁵⁰ The Lord Viṣṇu and Brahma prescribed particular dress codes, customs, and rituals for Brahmins.⁵¹ Paraśurāma prescribed '*Munkuṭuma*' (tying the hair knot in front) for the people of sixty-four Brahmin villages, and allowed them to wear '*orrapūñūl*' (single sacred thread). He disciplined their life through the practice of *Varṇāśramadharmā*. The text says that among the Kerala Brahmins, the elder male member only is allowed to marry from their caste and young brothers have to follow *Niṣēdham*.⁵² Paraśurāma instructed Namboothiri Brahmins of the sixty-four villages to follow the matrilineal form of inheritance, which no one except Payyannūr Brahmins was ready to follow. Later he brought Śūdras to

⁴⁸ *Ibid.*, p.5.

⁴⁹ *Ibid.*, p.174.

⁵⁰ *Ibid.*

⁵¹ V. Rajeev, *Op. Cit.*, p. 77.

⁵² *Ibid.*, p.77.

Kerala from outside and directed them to follow *Marumakkattāyam* form of inheritance.⁵³ The Śūdras mentioned in this text is the Nāyar caste group. Later the matrilineal form of inheritance was mainly followed by *Sāmantas* and Nāyars of Kerala, where the maternal uncle got a prominent position than the father.⁵⁴

Paraśurāma provided certain *ācārams* for Brahmins, the four *Kaḷakams* - Perumchellūr, Payyannūr, Paṛappūr and Chengannūr - to ensure the prosperity of sixty-four villages. Then he appointed Āḷvāñcēri Tamprākkaḷ to solve the disputes within the Brahmin villages, who was the judge of the Namboothiri Brahmins and they were regarded as the *Brahmana Śrēṣṭha* of Kerala.⁵⁵ The arbitration method called *paṭṭiṇi* also mentioned in *Kēraḷōlpatti* to solve the problems of people.⁵⁶ The tradition emphasized the dominant status of Namboothiri Brahmins in judicial matters.

The importance of the institution called temples is pictured in the religious texts of medieval Kerala. Paraśurāma formed sixty-four Brahmin villages for Brahmins and he established 24,000 temples all over Kerala.⁵⁷ The Brahmins were appointed as the priests of each temple, who were well versed in *Vēdas*, Vedic rites, rituals and ceremonies. The *pūjas* and other rituals related to temple were performed by the Brahmins.⁵⁸ The Paraśurāma tradition says that the deviation from the right paths of *Varṇāśramadharmā* resulted in increasing the disputes and gradual decline of the territory.⁵⁹ The text predicted the reasons for that as in future, the Brahmins interested in sensual pleasures

⁵³ *Ibid.*, p.197; M.R. Raghava Vaier, *Op. Cit.*, p.6.

⁵⁴ V.Rajeev, *Op. Cit.*, p.197.

⁵⁵ M.R. Raghava Varier, *Op. Cit.*, pp.39-40.

⁵⁶ *Ibid.*, p.40.

⁵⁷ V. Rajeev, *Op. Cit.*, p.49.

⁵⁸ *Ibid.*, p.183.

⁵⁹ *Ibid.*, p.244.

and the Brahmin houses accommodate the low caste people and the Brahmin men sought the favour of the *Chāṇḍāla* women and so on.⁶⁰ The writers of the text feared the mingling of *traivarṇikas* and out-castes and growing affection of Brahmins towards sensual pleasures. Through these customs and regulations, the religious texts tried to ensure or uphold the purity of Brahmins and their status in caste order.

The analysis of the religious texts like *Dharmaśāstra*, *Manusmṛiti* and the religious traditions of Kerala strictly banned *Varṇasamkara*. *Dharmaśāstra* allowed Brahmins to follow the occupations of Kshatriyas and Vaiśyas for livelihood.⁶¹ *Kēraḷōlpatti* and *Kēraḷamāhātmyam* say that Brahmins were the *Bhūdēvas* or the owners of all territory. Manu also declares that ‘whatever wealth exists on this earth belong to Brahmin; the Brahmin justifies everything on account of his superiority due to his descent’.⁶² The text eulogizes the Brahmins. The Brahmins were superior to all Varnas by the mere fact of birth. Manu says that the superiority of a Brahmin is because of the superiority of the origin from the mouth of Brahma, the creator.⁶³

Śāṅkarasmṛiti strictly prohibited the deviation from *Varṇāśramadharmā*. It is one among the sixty-four unusual practices or *anācāras* prescribed in the text, which says that a Brahmin should not spin cotton doing the act of the weaver, and he should not wash clothes as a washerman.⁶⁴ The description in *Kēraḷamāhātmyam* shows that if a Brahman *Brahmachāri* washes his and others clothes, he would be excommunicated from the caste and downgraded as a *Veḷuttēṭan*, and his successor became the

⁶⁰ *Ibid.*

⁶¹ P.V. Kane, *History of Dharmaśāstra*, Vol.II, Part.I, *Op.Cit.*,p. 122.

⁶² *Ibid.*, p. 135.

⁶³ *Ibid.*, p. 139.

⁶⁴ N.P Unni, *Śāṅkarasmṛiti*, *Op.Cit.*,p. 304.

washermen of high caste groups.⁶⁵ These prescriptions show that the duties assigned to particular Varna are not supposed to be practised by the other varnas.

Another *anācāra* prescribed by Bhārgava for Brahmins was, a Brahmin should not bless each other and they should not salute each other, they were not permitted to practice anything other than those prescribed by the *Śaiva* and *Vaiṣṇava tantras*, and a Brahmin who drinks liquor would fall from his caste.⁶⁶ Another *Anācāra* was, only the eldest son would be allowed to marry from the caste and lead a householder's life. They were allowed to wear a single sacred thread also.⁶⁷

The Hindu religious texts say that purity of custom and food is essential for mental peace and only in such a mind the Supreme Being would appear.⁶⁸ The Brahmins were not allowed to eat the flesh of animals and kill the animals without proper religious rites of purification. When a Brahmin eats meat and that leads to the ex-communication from the caste.⁶⁹ *Manusmṛiti* also upholds vegetarianism as a crucial aspect, which was followed by Brahmins in India. Accordingly, vegetarianism was put forward as the only way to liberate one's self from the bonds of natural violence that negatively affected one's karma. Vegetarianism and non-violence became signifiers of 'purity' and the non-violent principles regulated the ideal personal diet as well as ideal social order.⁷⁰ Here purity of a caste equated with vegetarianism also.

⁶⁵ V. Rajeev, *Op. Cit.*, pp. 290-91.

⁶⁶ N.P. Unni, *Śāṅkarasmṛiti, Op. Cit.*, p. 305; *Rig Vēda* mentioned the Brahmins drink *sura*.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, p. 295.

⁶⁹ *Ibid.*, p. 294.

⁷⁰ Wendy Doniger, Brian. K Smith, *Op. Cit.*, p. xxxvii.

The Second Varna – Kshatriyas

The Kshatriyas maintained a higher position in the caste hierarchy, but only second to the Brahmins. According to Dumont, ‘purity’ and ‘power’ are the basics that established the high caste position of priests and rulers respectively.⁷¹ Dumont noted, in theory, power is eventually subordinate to the priesthood, whereas in practice priesthood submits to power.⁷² *Puruṣasūkta* mentions the second Varna as *Rājanya*.⁷³ The king was regarded as keeping the people within the bounds. When a king was crowned, it was thought that a Kshatriya was produced, a lord of all beings, the protector of Brahmanas and dharma.⁷⁴ *Manusmriti* emphasized the power of the king to give penalties to the undisciplined people.⁷⁵ *Manusmriti* and *Śāṅkarasmṛiti* say that the combination of the Brahmana and the Kshatriya was most desirable and enabled to uphold the honesty in society.⁷⁶ A king wishes to hear legal cases with priests.⁷⁷ The king does not hear the case himself, but he should choose a learned priest to hear who know the *Vēdas*. The king sits in a court with a scholarly priest, and that place is known as the court of Brahma.⁷⁸ These two Varnas respect each other to preserve discipline in society. But there were debates regarding the power of Brahmins and Kshatriyas in ancient society as well as the sages had divergent opinions regarding that.

⁷¹ *Ibid.*, p. xxxix.

⁷² Louis Dumont, *Homo Hierarchicus*, *Op.Cit.*, pp.71-72.

⁷³ P.V. Kane, *Op. Cit.*, p.27.

⁷⁴ *Ibid.*, p. 39.

⁷⁵ Wendy Doniger, Brian. K Smith, *Op. Cit.*, p.134.

⁷⁶ P.V. Kane, *History of Dharmaśāstra*, Vol.II, Part.I, *Op.Cit.*, p. 40.

⁷⁷ Wendy Doniger and Brian K. Smith, *Op. Cit.*, p.152.

⁷⁸ *Ibid.*, p.158.

According to *Dharmaśāstra*, the profession of arms and security of people was the duty of Kshatriyas.⁷⁹ *Śāṅkarasmṛiti* notes that the Bhārgava had bestowed three obligations to Kshatriyas, which are *Adhyayan* (learning), *Dāna* (giving of gifts) and *Yajana* (conducting sacrifices). Along with these, they carried the task of administering the people of the land.⁸⁰ The Kshatriyas attained the expertise of archery to guard the land and people. The Kshatriya should live by the revenue and tax from the land as well as from the forest or by his power for protecting the people with single-minded dedication.⁸¹

According to *Kēraḷōlpatti* tradition, Paraśurāma brought the Kshatriyas into Kerala from outside. Paraśurāma believed that the Brahmins were incapable to manage the law and order of the country.⁸² Thus Paraśurāma brought the Kshatriyas to Kerala from the east to rule over the country for twelve years. Twenty-four rulers ruled the country and they also brought affluence to the land and people.⁸³ They protected the temples also. The temple administration came into the hands of *Sāmantas* and became more powerful in the country. In Kerala, the law and order were handled by the Nair warriors. The *Sāmantas* and Nāyars (Śūdras) were talented in archery.⁸⁴ The children born from the relationship of Kshatriya and Brahmin known as Sūrya Kshatriya later became the rulers of Kerala.⁸⁵ *Kēraḷamāhātmyam* mentions the formation of four *Swarūpams*, namely, Kōlam, Vēṇāṭu, Perumpaṭappu, and Ēranāṭu.⁸⁶

⁷⁹ P.V. Kane, *History of Dharmaśāstra*, Vol. II, Part. I, *Op. Cit.*, p.105.

⁸⁰ N.P. Unni, *Śāṅkarasmṛiti*, *Op. Cit.*, p.174.

⁸¹ *Ibid.*, p.175.

⁸² M.R. Raghava Varier, *Op. Cit.*, p.38.

⁸³ V. Rajeev, *Op. Cit.*, p.218.

⁸⁴ *Ibid.*, p.183.

⁸⁵ *Ibid.*

⁸⁶ M.R. Raghava Varier, *Op. Cit.*, p. 40. This description shows that the text *Kēraḷōlpatti* was originally compiled in 16th Century.

A king crowned on the throne should look after the subjects as his children. Śankarāchārya prescribed proper rules for kings and sees that they follow the same since he is the guardian of virtue. He persisted that the king should live in fertile land, consisted of full of vegetation and the people of the locality should consist of three fourth Brahmins and one fourth having Vaiśyas and Śūdras put together. The natural or manmade fortification was also essential for his country.⁸⁷ He was supported by different officers to rule the country properly. The educational, military, financial and judicial matters are controlled by special officers.⁸⁸ According to *Śānkarasmṛiti*, a king, who protects the people without collecting tax from Brahmins would reach *Brahmalōka* after death.⁸⁹ The text always tried to protect the Brahmins in many ways. It is always offered a heavenly life after death for those who obey and properly please the Brahmins.

The people imitate the ruler in their habits and behaviour. So, if the king had noble qualities, the people will also be noble. If the people were sinners, the king would also have to share their sins. So, it was the responsibility of the ruler to create a well-disciplined group of people within the country. It was the sole responsibility of the ruler to protect his people and those who seek his help; especially cattle, Brahmins etc.⁹⁰ *Vyavahāramāla* says that the time of Manu was considered as the period of Dharma.⁹¹ *Kēraḷamāhātmyam* insists that the time of Paraśurāma was the age of complete prosperity, sans *adharmas*, diseases and disputes.⁹² *Vyavahāramāla* says in the later times *dharma* had lost its importance and the king takes action against *adharmas*. He was supported by

⁸⁷ N.P. Unni, *Śānkarasmṛiti*, *Op.Cit.*, p.280.

⁸⁸ *Ibid.*, p.281.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*, p.282.

⁹¹ *Vyavahāramāla*, p.l. Nos.2-3.

⁹² V. Rajeev, *Op. Cit.*, p. 218.

learnt Brahmins and ministers. The ruler had no right to deviate from the laws of *Dharmaśāstras*.⁹³ He emphasised the importance of *Nāṭṭumaryāda*. These social norms formed under the rules of *Vēdas* and *Smritis*.⁹⁴ So it was the duty of the ruler to rule the country by the *Nāṭṭumaryādas* existed in his country.

Śānkarasmṛiti put forward certain unusual practices or *anāchāras* for Kshatriya group. According to that Kshatriyas should practice the *Śrāddha* of a deceased uncle. For the Kshatriyas, the right of inheritance falls into the hands of nephews. Their sons had no right of inheritance.⁹⁵ This system in Kerala is known as *marumakkattāyam*. All the religious texts of Kerala insist that a ruler must follow the *Dharmaśāstric* laws to maintain prosperity within the country. The ruler was always regarded as a role model for all people to follow *Nāṭṭumaryādas*.

All religious texts of Hindus emphasized the duty of Kshatriyas to protect the people, especially cattle and Brahmanas. They must consider the rules of religious texts - *Dharmaśāstras* to rule the country by protecting dharma itself.

The Trading Group

The religious texts of medieval Kerala refer to Brahmin, Kshatriya and Śūdra groups, and elaborated their duties and privileges in society. *Kēraḷamāhātmyam* refers to the term *Vaṇiks* to mention the trading group.⁹⁶ There was no further reference regarding that group in the text. But *Śānkarasmṛiti* describes that the Vaiśya Varna existed in medieval society. The Hindu religious texts - *Manusmṛiti* and *Dharmaśāstra* - had explained the

⁹³ *Vyavahāramāla*, p.l. No.6.

⁹⁴ *Ibid.*, p.l. No.7.

⁹⁵ N.P. Unni, *Śānkarasmṛiti*, *Op.Cit.*,p. 305.

⁹⁶ V. Rajeev, *Op. Cit.*, p. 69.

duties and privileges of Vaiśya group. The word Vaiśya was first mentioned in *Puruṣasūkta*.⁹⁷ Agriculture, cattle rearing, trade and money-lending were their means of livelihood. *Aitarēya Brāhmaṇa* says that the Vaiśya was the food of others and paid taxes to others. They lived apart from the Brahmanas and Kshatriyas and were obedient to them.⁹⁸

The third Varna, Vaiśyas should do *Adhyayana*, *Dāna* and *Yajana* and along with these, they did the protection of the cows also.⁹⁹ The Vaiśya group earned income by the breeding of the cattle, engaging in agriculture, or by trade. *Śāṅkarasmṛiti* used the word *Satyānṛta* as the livelihood of Vaiśya.¹⁰⁰ Here *Satyānṛta* meant the practice of truth and false, meaning business or trade.¹⁰¹ Vaiśyas belonged to the twice-born people, so they performed *upanayana* ceremony; investiture of the sacred thread.¹⁰² So the sale of various goods like salt, leather, lac, sacred thread, girdle, Sālagrāma stone, meat, honey, oil and red arsenic, cattle, maiden, *Vēdas*, cooked food and *sōma* juice were prohibited.¹⁰³ The *smṛiti* law insisted that they should not expect profit from a Brahmin, but may demand it from the ruler.¹⁰⁴

Rearing cattle was considered as their main occupation. So, there were strict regulations regarding the caring and maintaining of cattle wealth. The proper caring of cows was strictly instructed by the *Smṛitikāras*.¹⁰⁵ Without the consideration of caste, all struggle for agricultural progress. Brahmins helped

⁹⁷ P.V. Kane, *History of Dharmaśāstra*, Vol. II, Part. I, *Op.Cit.*,p.33.

⁹⁸ *Ibid.*, p.105.

⁹⁹ *Ibid.*, p. 42

¹⁰⁰ N.P. Unni, *Śāṅkarasmṛiti*, *Op.Cit.*,pp. 174-75.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ *Ibid.*, p.287.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*, p. 288.

them by their penance and the king tried to guard the vegetation by driving away from wild animals. The Śūdras gave proper assistance in agricultural works also.¹⁰⁶ They also attained education and conducted sacrifices also. The text strictly instructed that the people of lower caste should not perform the activities of the upper castes.¹⁰⁷

The description related to Vaiśya group is very little in the religious traditions of medieval Kerala. A trading group is not referred in *Kēraḷamāhātmyam* and *Kēraḷōlpatti* by the term Vaiśyas. But the group mentioned as *Vaṇiks* may be a trading group of that period. The medieval *Maṇipravāḷam* texts mentioned the wealth and power of trading communities also. There they are referred to as rich groups in society called *Chetṭis* and they used a mass amount of wealth to please the *dēvadāsis* of the society.

Śūdras

Brahmanical traditions in the Purāṇas connect the term Śūdra with the root *suc*, to be grieved. The Śūdras, is “those grieved and ran, and were addicted to manual works, and were dishonourable and weak, were made Śūdras”.¹⁰⁸ The insignificant status of the Śūdra Varna at the time of its origin is not borne out by the references of *Rig Vēda* and *Atharva Vēda*. The early literature did not submit to the wide distinction between Śūdras and higher Varnas. There is nothing to show that Śūdras were considered impure or that their touch conveys pollution to the food or the body of the associates of the higher Varnas.¹⁰⁹ In later Vedic society, there is a tendency to claim a special position for the

¹⁰⁶ *Ibid.*, p. 289.

¹⁰⁷ *Ibid.*, p. 176.

¹⁰⁸ R.S. Sharma, *Śūdras in Ancient India: A Social History of the Lower Order down to Circa A.D. 600*, (1958), Delhi, 2016, p. 43.

¹⁰⁹ *Ibid.*, pp. 44-45.

Brahmana and Kshatriya, distinguishing them from Vaiśya and Śūdra.¹¹⁰ The latter two were excluded from *upanayana* because it was a Vedic ritual.¹¹¹ They were denied education also. The Śūdra had no right for sacrifice on account of his low birth.

In *Manusmriti*, Śūdra is said to have been created by Brahma for service of Brahmana, which is repeated in all religious texts.¹¹² *Dharmaśāstra* refers to them as ‘dark Varna’.¹¹³ *Śatapatha Brāhmaṇa* says that ‘Śūdra is untruth’.¹¹⁴ According to all ancient authorities, the special duty of the Śūdra was to render service to the twice-born classes, to obtain his livelihood from them. According to that serving a Brahmin give greater happiness and benefit to the Śūdra, than serving a Kshatriya or Vaiśya.¹¹⁵ Gautama, Manu, and other *Dharmaśāstrakāras* say that Śūdra had to wear the old dress or cast-off clothes, Umbrella, Sandals, Mattresses etc of his patron and the leftover food (*Ucchiṣṭa*) were to be given to him.¹¹⁶ Later the *Smritikāras* allowed them to perform the work of Kshatriyas and Vaiśyas in the time of misery.¹¹⁷

Śūdras were not allowed to study *Vēda* but did not prohibit them from hearing *Itihāsa* and *Purāṇas*.¹¹⁸ Śūdras were not allowed to make holy sacred fires nor co-perform the solemn Vedic sacrifices.¹¹⁹ The birth and death impurities of a Śūdra continue for a month, while a Brahmin had to observe ten

¹¹⁰ *Ibid.*, p. 64.

¹¹¹ *Ibid.*, p. 77.

¹¹² Wendy Doniger and Brian K. Smith, *Op. Cit.*, p.81.

¹¹³ P.V. Kane, *History of Dharmaśāstra*, Vol. II Part. I, *Op.Cit.*,p.33.

¹¹⁴ *Ibid.*, p.34.

¹¹⁵ *Ibid.*, p.120.

¹¹⁶ *Ibid.*, p.120.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*, p.154.

¹¹⁹ *Ibid.*, p.156.

days of impurity only.¹²⁰ The *Dharmaśāstrakāras* consider the life of a Śūdra as valued rather low.¹²¹ They were regarded as a polluting Varna in all religious texts.

When we examine the position of Śūdras in medieval Kerala, we can see a different picture. Paraśurāma, the legendary creator of Kerala, brings Kshatriyas and Brahmanas into the land. Later he instructed the Brahmanas to follow the matrilineal form of inheritance, to please his mother. But except Brahmins of Payyannūr village, none obey the instruction. Thus, he brings Śūdras from outside Kerala and instructed them to follow the matrilineal form of inheritance.¹²² *Kēraḷamāhātmyam* claims that Śūdra women of Kerala were descendants of *apsaras*, who were duty-bound to give enjoyment to the *Bhūdēvas* of Kerala.¹²³

The Śūdras of medieval Kerala mainly included Nāyars and temple castes. According to *Dharmaśāstra* texts they were impure. But in Kerala context, they were the caste groups, have close relation with Brahmanas, Kshatriyas and temples. The Brahmins engage concubine relation with Śūdra women and they continuously visit their homes for *Sambandham* relations. But they did not partake the food prepared by Nāyars, which was considered as impure to them. They were also closely connected with temples. The *Ampalavāsis* perform all jobs related to temple except *pūja*, which indicates that there was no strict impurity to the Śūdras of Kerala.

The Śūdras of Kerala accompanied Kshatriyas also. The former was the martial group of medieval Kerala. *Kēraḷamāhātmyam* emphasises the

¹²⁰ *Ibid.*, p.160.

¹²¹ *Ibid.*, p.163.

¹²² M.R. Raghava Varier, *Op. Cit.*, p.6.

¹²³ V. Rajeev, *Op. Cit.*, p. 206.

importance of martial practices to protect temples and Brahmins.¹²⁴ The major group of militia in Kerala was Śūdras or Nāyars. They wage war against the enemies to protect the country or people. They had the power to give punishment, which shows their judicial power in medieval society. The foreign accounts mention that the Nāyars always held weapons and punish the persons who commit a crime or who deviate from the customs. All of this indicates the power and status of Śūdras in Kerala society. This is extremely contradictory to the rules and restrictions prescribed by the *Dharmaśāstras*.

Śāṅkarasmṛiti, the Smṛiti text of Kerala, points out that the Śūdras are expected to serve the Brahmins and present gifts on them. Śūdras have to perform the menial works of the upper castes or selling crafts.¹²⁵ He may also live by the balance of income over and above the rentals due to the landlord. After all the Smṛiti text insist that even in emergency one caste should not do the activities of high caste people.¹²⁶ All castes gain benefits from the practice of their duties.

The duties of Śūdras are explained in *Śāṅkarasmṛiti*. A Śūdra always possessed the qualities of calmness, self-discipline and absence of greed etc. They are earning a livelihood from the Brahmins by serving them. If that money was not enough to sustain his family, he may engage in agricultural activities in the land of the Brahmin after getting permission.¹²⁷ But he must be conscious of the duty, to serve the Brahmin without fail. A Śūdra should not use any foul words to a Brahmin, even if he is insulted. It was his duty to please them by his action.¹²⁸ It shows the extreme subordination under the Brahmins.

¹²⁴ V. Rajeev, *Op. Cit.*, p.204.

¹²⁵ N.P. Unni, *Śāṅkarasmṛiti, Op.Cit.*,p.176.

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*, p.289.

¹²⁸ *Ibid.*, p.290.

The Smṛiti prescribes that the Śūdras are banned to listen *Vēdas* and is not permitted to use any Sanskrit words himself. He was not permitted to wear a forehead-mark of the perpendicular type using the ashes prepared from the cow dung. Instead, he may use the ashes collected from the kitchen of a Brahmin house for purification. The Śūdras were prohibited to read *Ithihāsas* and *Purāṇas*, but allowed to listen that narrated by others.¹²⁹ In short, Brahmins alone are the authority to give instructions to Śūdras. If a Śūdra followed these instructions, he attains heaven after death. Most of these rules are applicable in the case of the Śūdras of medieval Kerala.

The duties and privileges explained in the ancient Indian religious texts related to Śūdras do not apply to the Śūdras of medieval Kerala. The condition and rights and duties of Śūdras in Kerala were fully different from northern India. The Śūdras including Nāyars and *Ampalavāsis* had a high status in the society. They were closely associated with Brahmins and Kshatriyas. But they were banned to read *Vēdas* and *Purāṇas* and practice sacrifices. They had to keep a distance from the Brahmins and Kshatriyas. The food prepared by them was not permitted to eat by a high caste person. But Brahmin men kept a kind of relation called *Sambandham* with Śūdra women and the religious texts legitimise it in the context of Paraśurāma legend. So, we can see certain variations in the status of Śūdras depending on the region.

The Practice of Inheritance – *Makkattāyam*

Patrilineal system of inheritance and matrilineal system of inheritance practised in Kerala. The inheritance of a Brahmin householder continued through a male child.¹³⁰ Payyannūr Brahmins were the only group that practised matrilineal form of the inheritance among Namboothiri community. The

¹²⁹ *Ibid.*, p.291.

¹³⁰ *Ibid.*, p.243.

religious texts prescribe that only the eldest son should lead the life of a householder in a family of twice-born Brahmins. If the elder son fails to have a son, the next younger member should marry to beget a son.¹³¹ This custom of Kerala is believed to have created by Paraśurāma.¹³² According to this system, ownership of family property was confined in the hands of the eldest son. Brahmins promoted this practice as the family property would not get divided and each Namboothiri family always sustained as a land holding group. Their power and economic status remained intact by preventing the partition of property. So, the Brahmanical texts maintained this custom as a strict rule of marriage among Namboothiris.

The property was not shared to *Apphans* (younger brothers who are denied marriage within the Namboothiri caste) and *Antarjanams* (Namboothiri ladies) among the Namboothiri Brahmins. After marriage women had no right in their *illam* (Brahman house) and its property. It was only during the time of marriage; an amount of dowry would be given to them with some ornaments. That was their only right in the *illam* of their birth.

Matrilineal form of Inheritance

Marumakkattāyam, the matrilineal form of inheritance was followed by Nāyars, *Ampalavāsis* and *Sāmantas* of Kerala. *Marumakkattāyam* was legitimized in the *Kēraḷōlpatti* tradition. Accordingly, Paraśurāma was the originator of *Marumakkattāyam*. Paraśurāma brought Śūdras from outside Kerala to follow *Marumakkattāyam*.¹³³ *Śāṅkarasmṛiti* instructed that the people other than Brahmins in Kerala should follow the matrilineal system.¹³⁴ The text says that, among the Kshatriyas, Vaiśyas, and Śūdras, the nephews would

¹³¹ *Ibid.*, p.186.

¹³² V Rajeev, *Op. Cit.*, p.77.

¹³³ M.R. Raghava Varier, *Op. Cit.*, p.6.

¹³⁴ N.P. Unni, *Śāṅkarasmṛiti, Op.Cit.* p.179.

inherit the property of the family.¹³⁵ The system of *Marumakkattāyam* was considered as a peculiar feature of Kerala society. The sixty-four *anācāras* prescribed by *Śāṅkarasmṛiti* says that the right of the inheritance among Kshatriyas goes to the nephews and their sons have no right of inheritance.¹³⁶ So the Kshatriyas and other castes should perform the *Śrāddha* of the maternal uncle.¹³⁷

Adoption was practised in medieval Kerala in the matrilineal and patrilineal families. In the case of the matrilineal system, a lady was adopted for perpetuating the lineage; her brother also should be adopted along with her. But if a nephew was already available, the adoption of a lady to keep the lineage was permitted.¹³⁸ The reference to the matrilineal system of inheritance in *Śāṅkarasmṛiti* indicates that the work was composed after the 12th century AD.¹³⁹

Marriage as a Social Institution

Marriage was considered as a sacred ceremony in the life of Hindus. It was the only Vedic ritual related to the entire life of women.¹⁴⁰ The *Mantras* chanted in front of the sacred fire in the marriage ceremony. The eight types of marriage are explained in most of the Hindu religious texts. *Brahma*, *Daiva*, *Ārṣa*, *Prājāpatya*, *Āsura*, *Gāndharva* and *Rākṣasa* were considered as auspicious types of marriages and *Paiśāca* was regarded as inauspicious.¹⁴¹ *Brahma*, *Daiva*, *Ārṣa* and *Prājāpatya* forms of marriage were auspicious to the

¹³⁵ *Ibid.*, pp. 238-47.

¹³⁶ *Ibid.*, p. 305.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*, p. 239.

¹³⁹ *Ibid.*, p. 23.

¹⁴⁰ *Ibid.*, p. 238.

¹⁴¹ *Ibid.*, p.192; Wendy Doniger and Brian K. Smith, *Op. Cit.*, p.516.

Brahmins and Kshatriyas. For Kshatriyas, the *Gāndharva* and *Rākṣasa* types were more suited. *Āsura* form of marriage suited well for Vaiśyas.¹⁴²

According to *Dharmaśāstras* the marriage between a male of higher Varna with a woman of a lower Varna was permissible. But the union of a woman of higher Varna with a male of lower Varna was not allowed.¹⁴³ In the absence of a female of same Varna, a type of marriage called *Anulōma* where the male was of higher Varna was allowed and in case of the union of a woman of a higher Varna with a male of a lower Varna, it was known as *pratilōma*.¹⁴⁴ These marriage forms were against the proper order of society. The same norm was practised in the context of Kerala that is explained in *Śāṅkarasmṛiti* also.

Monogamy was the ideal form of marriage by rule, but the Vedic literature is full of citation to polygamy.¹⁴⁵ The word *dharmapatni* which often occurs in *Rig Vēda* conveys the idea of monogamous marriage in several places.¹⁴⁶ According to *Aitarēya Brāhmaṇa*, a man may have many wives, but a wife cannot have many husbands simultaneously.¹⁴⁷ This shows that in the early period, polyandry was an unheard practice. Not a single Vedic phrase can be cited which refers to the practice of polyandry. The example of polyandry in Sanskrit literature is that of Draupadi, as the wife of *Pāṇḍavas*.¹⁴⁸ *Mahābhārata* shows that all were shocked by the action of Yudhiṣṭhira to accept Draupadi as the wife of five brothers.¹⁴⁹

¹⁴² *Ibid.*

¹⁴³ P.V. Kane, *History of Dharmaśāstra*, Vol. II, Part. I, *Op.Cit.*,p.51.

¹⁴⁴ *Ibid.*, p. 51.

¹⁴⁵ *Ibid.*, p. 550.

¹⁴⁶ *Ibid.*, p. 550.

¹⁴⁷ *Ibid.*, pp. 550-51.

¹⁴⁸ *Ibid.*, p.554.

¹⁴⁹ *Ibid.*

There are references to polyandry practised in the south. There were two types of polyandry called matriarchal and fraternal.¹⁵⁰ In matriarchal polyandry, woman forms union with two or more men who were not necessarily aware of each other and therefore succession was traced through the female. In fraternal polyandry, a woman becomes the wife of several brothers. The former practice prevailed among Nāyars of the Malabar Coast.¹⁵¹ The latter was practised among the *Kammālar* of Kerala in early periods also.

Child marriage was widely prevalent from early period onwards in Indian history. Baudhāyana says that a father, who did not give his daughters in marriage before her first menstruation was considered as a sinner.¹⁵² The age for marriage of a girl varies according to the family and caste, for some it was twelve and for others eight. Twelve years seemed to be the upper limit. Manu argues that the bride should be of one-third age of the groom thus, a male of twenty-four should marry a girl of eight years.¹⁵³ This type of age difference was practised in medieval Kerala also. *Manusmriti* insists that the men must make their women dependent day and night, and keep under their control as they are attached to sensory objects. He says that her father guards her in childhood, her husband guards her in youth, and her sons guards her in old age. That means a woman is not fit to be free.¹⁵⁴ This rule which subjugates the status of woman was practised in Kerala also.

Marriage intended to select a proper maiden fit into one of the three classes like *Kanya* (ten-year-old), *Rōhiṇi* (nine-year-old) or *Gouri* (eight-year-

¹⁵⁰ *Ibid.*, p. 555.

¹⁵¹ *Ibid.*, pp. 555-56.

¹⁵² Achala Sharma, 'Status of Women: A Socio- Historical Analysis in Different Ages in Indian Society', in *Research Journal of Language, Literature, And Humanities*, Vol. I, 2014, p.11.

¹⁵³ *Ibid.*

¹⁵⁴ Wendy Doniger, *Op. Cit.*, p.197.

old) but not a *Madhyama* (already attained the puberty). But according to *Śāṅkarasmṛiti*, in *Rāmakṣētra* (i.e., Kerala) a maiden who had attained puberty could be considered fit for marriage.¹⁵⁵ Child marriage was prevalent in Kerala till the 20th century. The eight types of marriages mentioned in *Dharmaśāstras* have explained in *Śāṅkarasmṛiti* also.¹⁵⁶ A peculiar custom of Kerala called *tālikeṭṭukalyāṇam* refers in *Kēraḷamāhātmyam* in which a man tied *tāli* on the neck of women in a particular situation, but he had no right to live with her.¹⁵⁷ This mock marriage practised in Kerala till the 20th century, which is legitimized through *Kēraḷamāhātmyam* tradition. The *Brāhmaṇi* songs of the medieval period mention that marriage (*peṅkoṭa*) of a Namboothiri girl, even if she attained puberty, was conducted. Later she and her children were separated from the Namboothiri community and they were not allowed to do Vedic practices. Then they became a group of *Ampalavāsis* for making garlands of flowers for the God in the temple. They emerged as Nambīsa group and called as *Brāhmaṇis*. They also sing songs in the temples, Brahmin *illams*, and during the occasions of *Keṭṭukalyāṇam* in Śūdra houses.¹⁵⁸

The Smṛiti code said that a Brahmin boy should marry a girl from his community for the sake of offspring. If he married again, that should be from the castes of Kshatriyas and Vaiśyas. But the selection of maiden was not allowed from Śūdra castes.¹⁵⁹ The maiden should be noble, of good habits, of attractive speech, having a brother and belonging to a different *gōtra* and

¹⁵⁵ N.P Unni, *Śāṅkarasmṛiti, Op.Cit.*, p.186.

¹⁵⁶ *Ibid.*, p.192.

¹⁵⁷ V. Rajeev, *Op.Cit.*, p. 200.

¹⁵⁸ A.N. Nambisan, *Brāhmaṇipāṭṭukaḷ* (Mal), Trichur, 1969, p.11.

¹⁵⁹ N.P. Unni, *Śāṅkarasmṛiti, Op.Cit.*, p.192.

without having *sapiṇḍa* relationship (*sapiṇḍa* implies having the same *Piṇḍa* or rice ball offering to the manes).¹⁶⁰

Bride price was not encouraged in the Smṛiti texts from early period onwards. In *Āsura* form of marriage, the bridegroom possessed the bride from her relatives by paying a considerable amount. According to *Śāṅkarasmṛiti*, such a girl was not considered as a wife, but only as a maidservant. Hence this rule was not applicable for the three castes of the twice-born.¹⁶¹ According to *Śāṅkarasmṛiti*, the second marriage of a girl was not permitted in Kerala.¹⁶² The horoscopes of the bride and bridegroom were examined before marriage to ensure a good married life.¹⁶³

Marriage is considered as a sacred institution, Vedic ritual performed in front of the sacred fire. So, this is considered as an auspicious ceremony in the life of people. Exogamy was the widely practised form of marriage in society. Child marriage and prohibition of remarriage were the worse factors related to marriage. The analysis in the texts of Smṛitis, *Dharmaśāstras* and Kerala historical traditions shows that there was no fundamental difference in the marriage practices of early Indian society and medieval Kerala society.

Women in Texts

In the early Vedic period, women had good status in society. They were considered as a mother goddess. Women had got freedom in their personal life and had the right to education and highly respected in society. Women were co-partners of their husbands in their life, all pleasures, joys, enjoying and bearing

¹⁶⁰ *Ibid.*, pp.186-87.

¹⁶¹ *Ibid.*, p.192.

¹⁶² *Ibid.*, p.193.

¹⁶³ *Ibid.*, p.194.

pains and sorrows together.¹⁶⁴ The status of women began to decline with the time of Smritis. With the emergence of Brahmanism and due to conflicting religious and social thoughts, the place of the woman remained subordinate and unsatisfactory. During the Post-Vedic period, women lost their independence and subjected to the protection of males.

Manusmriti refers that divine souls take birth in each house where women are respected, and all works became useless when they are not respected.¹⁶⁵ A girl, young woman, or even an old woman was not permitted to do anything independently, even in her own house.¹⁶⁶ In different stages of life, she was under the control of men including father, husband and son. There was no right for a woman to think of separation from these male protectors in various phases of life.¹⁶⁷ The law says that a woman should always be joyful, clear at household affairs; she should keep the household utensils neat and well and should not free a hand in spending. The law instructed that a virtuous wife had the responsibility to serve her husband like a god, even if he behaved badly or he had no good qualities.¹⁶⁸ A virtuous wife should not do anything that displeases her husband. She should always serve her husband like a god. The laws did not allow a woman to perform a sacrifice for anyone apart from her husband because obeying her husband helped her to reach heaven.¹⁶⁹

The condition of the woman was not different in medieval Kerala context. *Kēraḷōlpatti* and *Kēraḷamāhātmyam* did not have any comments on the freedom of women. But these texts give extreme freedom to Brahmin men to

¹⁶⁴ Achala Sharma, *Op.Cit.*, p.10.

¹⁶⁵ Edward W. Hopkins, *The Ordinances of Manu*, (1884), New Delhi, 1971, p.131.

¹⁶⁶ Wendy Doniger and Brian K. Smith, *Op.Cit.* , p.115.

¹⁶⁷ *Ibid.*, p.115.

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

engage in sexual relationships with Śūdra women.¹⁷⁰ These texts argue that Paraśurāma brought these *Gandharva* women to Kerala for the sensual pleasure of *Bhūdēvas*. But at the same time, Smṛiti texts restricted the marriage of a Brahmana with Śūdra woman. Here we can see the regional variations with regard to caste rules. The laws distorted for the favour of the high castes in society, who were the makers of these laws. *Kēraḷamāhātmyam* states that Paraśurāma brought so many ladies from the world of *Gandharvas* who were dancers also. They had the responsibility to please the Brahmin men.¹⁷¹ It is said that Paraśurāma prohibited chastity to Śūdra women. He restrained women from wearing upper clothes also. All of these laws were peculiar only to Kerala women. The mock marriage called *Tālikeṭṭukalyāṇam* also legitimized in the text in the guise of some stories.¹⁷²

Śāṅkarasmṛiti upholds the importance of chastity of women. According to this, the husband is the lord of the wife. There was no need to practice fasting and other deeds to attain heaven, but a chaste lady would achieve it through serving well her husband.¹⁷³ The wife had the responsibility to worship her husband like the deities in *pūja* room. A chaste wife need not go on a pilgrimage to holy places. The text says that for her the water used for washing the feet of her husband itself form the holy water and none else.¹⁷⁴ The duties of a wife are clearly explained in the text. Her daily routine, starting from morning to night, is elaborated in the text and states that she should worship sacred fire as well as her husband.¹⁷⁵ A chaste wife should not eat before her husband. The text

¹⁷⁰ V. Rajeev, *Op.Cit.*, p.197.

¹⁷¹ *Ibid.*, p. 204.

¹⁷² *Ibid.*, p. 198.

¹⁷³ N.P. Unni, *Śāṅkarasmṛiti*, *Op.Cit.*,p. 234.

¹⁷⁴ *Ibid.*, p. 300.

¹⁷⁵ *Ibid.*

promotes polygamy, refers to the good treatment towards co-wives and the liberal attitude to create a pleasant atmosphere in the family.¹⁷⁶

The dress code of women is explained in *Śānkarasmṛiti* and *Kēraḷamāhātmyam*. *Kēraḷamāhātmyam* says that Paraśurāma instructed certain laws to regulate chaste women in Kerala society. He prohibited the women of Kerala from wearing upper cloths.¹⁷⁷ A Brahmin woman was allowed to wear only white coloured clothes, to wear bangles made of bell-metal and silver only, and prohibited golden bangles. Wearing nose studs and rings on the toes and anklets, and crest jewel was prohibited.¹⁷⁸ *Śānkarasmṛiti* says Brahmin men were obstructed to see a woman of bare breasts.¹⁷⁹ This statement is contradictory to the rules of *Kēraḷamāhātmyam* mentioned above. The rule of *Śānkarasmṛiti* shows that the women of all castes wore upper clothes during the time of Bhārgava which was treated as a crime in the later period in Kerala history. Women practised strict untouchability during the time of menstruation. Her movements, touch, speech etc. were controlled during that time.¹⁸⁰

A chaste woman was allowed to move only along with the company of a maidservant and by partially covering her body with an umbrella.¹⁸¹ This was only applicable in the case of Brahmin women. She was not permitted to go out in the night and not allowed to go to temples during the festival seasons. *Śānkarasmṛiti* allowed Namboothiri girls to educate but barred the lessons of

¹⁷⁶ *Ibid.*

¹⁷⁷ V. Rajeev, *Op. Cit.*, p. 204.

¹⁷⁸ N.P. Unni, *Śānkarasmṛiti, Op. Cit.*, p. 305

¹⁷⁹ *Ibid.*, p.297

¹⁸⁰ *Ibid.*, p. 301.

¹⁸¹ *Ibid.*

dance and music. They were not permitted to listen to Vedic chants.¹⁸² A chaste woman was restricted from the gaze of a person other than her husband.¹⁸³

Administration of Justice

The traditional legal system of Kerala was closely related to the Brahminic ideology. But the administration of justice was under the ruler in the country. He protected the life of the people and property. The *Kēraḷōlpatti* tradition says that the warrior sage Paraśurāma provided certain *Ācārams* for each group of people. He formed four *Kaḷakams* – Perumchellūr, Payyannūr, Paṛappūr, Chenganniyūr – to ensure the prosperity of four Brahmin villages.¹⁸⁴ He appointed Āḷvānchēri Tamprākkaḷ as an authority to solve disputes within the Brahminic villages.¹⁸⁵ Paraśurāma provided particular *Maryādas* for the Śūdras of various places also.

After the creation of 64 Brahmin settlements in Kerala, Paraśurāma identified that the Brahmanas were incapable to look after the *Śikṣa* and *Rakṣa* (Law and order) of the land.¹⁸⁶ Then he brought Kshatriyas from outside to look after the administrative matters and judicial matters.¹⁸⁷ The children born from the Kshatriya and Brahmin union become the rulers of the land called Sūrya Kshatriyas.¹⁸⁸ The direct agencies that looked after the *Śikṣa* – *Rakṣa* power were given to the Nāyar soldiers.¹⁸⁹ The text emphasized the protection of

¹⁸² *Ibid.*, p. 301.

¹⁸³ *Ibid.*

¹⁸⁴ M.R. Raghava Varier, *Op. Cit.*, pp. 39-40.

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*, p.40

¹⁸⁷ *Ibid.*, p. 21.

¹⁸⁸ *Ibid.*, p. 23.

¹⁸⁹ *Ibid.*, pp. 32-33.

Brahmins and cow.¹⁹⁰ This indicated the importance of Brahmins and cows in medieval Kerala society.

The importance of *Sankētam* is explained in the text. According to that, the ruler had no power to interfere in the jurisprudence of *Sankētam*.¹⁹¹ The persons, who committed *Pañcamahāpātakam* were severely punished and must observe penance for that.¹⁹² The different steps of *Smārttavicāram*, like *Dāsīvicāram*, and *Suddhabhōjanam* are mentioned in the text.¹⁹³

Kēraḷamāhātmyam ensured the protection of Brahmins and cows of medieval Kerala society. The ruler and the country attained prosperity through this *karma*. They were not allowed to capture the *Dēvaswam* and *Brahmaswam* property. The protection of law and order of a country means the non-deviation from the customs and manners of each group in the society. The *Kēraḷamāhātmyam* mentions various cases of punishments related to the deviation from the caste rules by various groups of people in medieval Kerala society. There were no physical punishments related to the deviations of caste rules, but only the degrading of caste status prescribed for such crimes. For example, when a Brahmin *Brahmachāri* washes his and others clothes, he became degraded to *Veḷuttēṭan* caste, washermen caste of high castes.¹⁹⁴ This type of caste degradation is mentioned many times in *Kēraḷamāhātmyam*. *Śānkarasmṛiti* legitimized these through the sixty-four *anāchāras*. *Śānkarasmṛiti* also observed that washing and spinning were prohibited to Brahmins of Kerala.¹⁹⁵

¹⁹⁰ *Ibid.*, p.34.

¹⁹¹ *Ibid.*, pp. 61-62.

¹⁹² *Ibid.*, p.64.

¹⁹³ *Ibid.*, p.69.

¹⁹⁴ V. Rajeev, *Op. Cit.*, pp. 290-91.

¹⁹⁵ N.P. Unni, *Śānkarasmṛiti, Op.Cit.*,p. 304.

In dispensing justice, the punishment was by the gravity of the offence. A second offence was not to be condoned again. The king had the right to take action against the people, who fail to perform their duties, those who deviate from the caste duties etc.¹⁹⁶ According to the rule of law prescribed by *Śānkarasmṛiti*, a Brahmin who had committed a serious crime should be excommunicated from the country often branding him with a mark of punishment. The punishment was implemented by the ruler.¹⁹⁷ If a Brahmin commits a murder, he may be branded by a hot image of iron without a head on his forehead before banishing him from the country of his birth. The image of branding was different per the nature of the crime. If Brahmin drinks liquor, the image was pot; for committing theft, it may be the dog's foot and for sexual relation with the elder's wife was the image of the womb.¹⁹⁸

Vyavahāramāla was considered as the official law book of Kerala.¹⁹⁹ The author himself says that the work was purely based on the words of Manu, Yājñavalkya and other sages. The time of Manu was considered as the period of dharma and there no one practised *adharmā*.²⁰⁰ Later dharma lost its importance and the king took actions against *adharmā*. The ruler was supported by learned Brahmins and ministers. The text argues that the ruler had no ultimate authority to do anything against the laws of *Dharmaśāstra*.²⁰¹ The significance of *Nāṭṭumaryāda* is emphasized in the text, according to that *Nāṭṭumaryāda* formed by the rules of *Vēdas* and *Smritis*.²⁰²

¹⁹⁶ *Ibid.*, p. 286.

¹⁹⁷ *Ibid.*

¹⁹⁸ *Ibid.*

¹⁹⁹ *Vyavahāramāla, Op. Cit.*

²⁰⁰ *Ibid.*, p.l. Nos.2-3.

²⁰¹ *Ibid.*, p.l. No.6.

²⁰² *Ibid.*, p.l. No.7.

According to the code of law, if the ruler became very busy with other affairs of state administration, the Brahmins who were well versed in *Vēdas* and *Smritis* conducted the trial in the court.²⁰³ If there was no Brahmin well versed in *Dharmaśāstra*, the king would select a Kshatriya or Vaiśya to conduct the trial.²⁰⁴ But the Śūdras were not permitted to conduct *Vyavahāra* within the state. This light upon the *Traivarṇikas* were the custodians of the law of the medieval period and if the Śūdras dealt with legal matters with the ruler, the state will be destroyed.²⁰⁵

Vyavahāramāla instructs that a judicial court includes seven Brahmanas, who were well versed in *Vēdas Sūktas*, *Nāṭṭumaryādas*, or *Nāṭṭunaṭappu*.²⁰⁶ It is believed that Brahmins always followed the path of dharma in judicial matters. This text emphasized the importance of *Jātimaryāda* and *Nāṭṭumaryāda*. No caste men were allowed to deviate from caste duties.²⁰⁷ If anyone deviated from caste principles, he must perform penance for that. Excommunication from caste was the most heinous punishment. The excommunicated people were called as *patita*, and they were not allowed to give suits regarding any crimes.²⁰⁸ The Varna order -Brahmana, Kshatriya, Vaiśya, and Śūdra - was followed in the case of taking the cases for trials also.²⁰⁹ The concept of Varna ideology was crucial in judicial matters.

The prominence of cow and agriculture were the important aspects of discussion in medieval Kerala society. The suits related to agrarian land and

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*, p.l. No.9.

²⁰⁵ *Ibid.*

²⁰⁶ *Ibid.*, p.l. No.13.

²⁰⁷ *Ibid.*, p.l. No.27.

²⁰⁸ *Ibid.*, p.l. No.36.

²⁰⁹ *Ibid.*, p.l. No.46.

cow were taken immediately for trial.²¹⁰ The punishments connected with these issues were very severe. The cases of *Savarṇas* also were taken for immediate trial without any lag. Different types of the questioning method during the time of trial are explained in *Vyavahāramāla*. *Daṇḍōpāyam* and *Bhēdōpāyam* were the two methods used by the lawyers to reveal the truth from the criminals.²¹¹ If a man filed a suit against another man, he got a chance to write the exact happenings in a paper. But a blind man, old man, woman, boy, mentally disordered man, a drunkard and a person who did *Mahāpātakas* were not permitted to have this consideration.²¹² The nature of different types of witnesses is explained in *Vyavahāramāla*. Asceticism, kindness, nobility, richness etc. were the main criteria for a good witness.²¹³ According to the code, a Brahmana was not allowed to say witness for a Kshatriya, Vaiśya, or Śūdra. This was applicable in the case of four Varnas. The various proceedings of legal matters mentioned in the court show that a certain group of people including, women, yogis, and non-believers of *Dharmaśāstra* were excluded from the list of witnesses. To tell lie was a severe crime, and they suffered its effects through the death of close relatives, sickness and so on.²¹⁴ Adultery was considered a major crime of the medieval period.

The livelihood of different varnas who lived upon different occupations was explained in *Vyavahāramāla*. Teaching the *Vēdas* and *Śāstras* and wage was the main livelihood of Brahmanas and Kshatriyas respectively. The Vaiśya groups earned wealth through, cattle rearing, agriculture, and trade. The Śūdras earned by serving the *Traivarṇikas*.²¹⁵ *Vyavahāramāla* prohibited the deviation

²¹⁰ *Ibid.*, p.l. No.52.

²¹¹ *Ibid.*, p. 64.

²¹² *Ibid.*, p.l. No.66.

²¹³ *Ibid.*, p.l. No.82.

²¹⁴ *Ibid.*, p.l. No.98.

²¹⁵ *Ibid.*, p.l. No.116-17.

from caste duties. Each caste was not allowed to follow the occupations of other castes. That was regarded as *adharmā*. If anyone was not able to follow his caste occupation because of many reasons, the text allowed them to do the occupations of other castes for livelihood. But the text strictly prohibited the *Traivarṇikas* from doing the occupation of Śūdras.²¹⁶ The land transaction and related disputes are also discussed in *Vyavahāramāla*. The issues related to interest and debts are discussed in detail.²¹⁷ *Satyamchollal* (pledging truth) was regarded as one of the methods of revealing the truth. The detailed process of *Satyamchollal* is explained in *Vyavahāramāla*.²¹⁸ It explains the nine types of *Satyapramāṇas* in detail.²¹⁹ This shows that the unwritten norms became formulated as laws in every society. The analysis from *Kēraḷōlpatti* tradition to *Vyavahāramāla* indicates the social transformation of customs taken place in medieval society.

All of these show that there were varieties of texts those reflect a consciousness of history and reveal that forms of historical writing were used in the early times to reconstruct the past and were drawn up on a cultural, political, religious or other such resources at various times, in various situations, and for a variety of reasons.²²⁰ In the context of medieval Kerala, *Kēraḷōlpatti* and *Kēraḷamāhātmyam* were the main historical traditions. These two legitimized the myth of the creation of Kerala and the migration of Brahmins. The other religious texts like *Śāṅkarasmṛiti* and *Vyavahāramāla* provide information regarding the social norms and institutions of the medieval period.

²¹⁶ *Ibid.*, p.l. No.117-18.

²¹⁷ *Ibid.*, p.l. No.120-27.

²¹⁸ *Ibid.*, p.l. No. 144-65.

²¹⁹ *Ibid.*, p.l. No.133-38.

²²⁰ Romila Thapar, *Op. Cit.*, p.4.

A historical tradition has to claim what it narrates are events that happened in the past, a claim which differentiates it from fiction. The tradition seeks to provide origins, and it claims that its explanations are valid for all time. But it can change over time, partly on account of the many ways in which the past is used in the present.²²¹ The other problem in using early historical traditions as historical sources is that they cover vast areas and their chronology is uncertain. Many historical traditions claim a long history, but most of them were included additions and alternations, that had special intentions including religious, political and so on. Thus, the next chapter will analyze the institution of caste in the medieval period with the help of travel accounts, inscriptions, *Granthavaris*, *Maṇipravālam* literature and folk tradition.

²²¹ *Ibid.*, p.7.

CHAPTER 2

SUPER-ORDINATING THE BRAHMINS IN SOCIAL HIERARCHY

The division of village into several castes is one of the most fundamental features of Indian social structure. The institution of caste acts as one of the regulatory mechanisms to discipline the life of the people of Indian society. Individuals are always bound to caste-based norms, practices and rituals. The violation of these regulations is considered as a sin in medieval Kerala society. Most of these are based on Hindu religious texts, and that interpreted in accordance to each social system. The influences of these are visible in medieval Kerala society. The early temple inscriptions, medieval *Granthavaris*, travel accounts, and medieval ballads provide evidence of the caste practices of medieval Kerala. This chapter is an attempt to analyze the role of caste and related institutions to discipline the medieval society of Kerala.

Theoretical Aspects of Caste

Caste is the basic identity and fundamental framework of Indian society. Hindu religion includes a large number of castes and sub-castes. The period from 500 B.C to 500 A.D, is widely regarded as the period of the formation of the caste system in India. With the composition of four Vedas, the Varna ideology came into existence in India. The elaborate thought in the later period resulted in the consolidation, interpretation, additions and alterations through *Sūtras* and *Śāstras*. This also gave birth to the Brahmanical system.¹ There the

¹ Debi Chatterjee, *Up Against Caste: Comparative Study of Ambedkar and Periyar*, New Delhi, 2004, p.6.

flexible Varna system was replaced by the rigid caste system, through *Dharmaśāstras*, *Smritis* and *Purāṇas*.

The caste system is viewed by many orthodox Hindus as a pre-ordained institution in society. According to Varna theory, the Indo-Aryan community was divided into four classes, that three categories of twice-born, Brahmana, Kshatriya, Vaiśya and the fourth the Śūdra, below who were the outcasts and untouchables.² The classical Varna theory of four-fold division has its religious sanction, in the laws of Manu.³ The essential principles of the caste system are, unchangeable inequality based on birth, the gradation and differences of vocational professions and restriction on marriage outside one's group.⁴ The most influenced contribution to the study of caste is made by Louis Dumont. The caste system is socially comprehensive, hierarchical system that stratifies Indian society. This has influenced social, economic, political, ritual and religious aspects of the life of Indian people for centuries.

According to Dumont, the heart and soul of *jāti* system is the theory of hierarchy, which is the opposite of pure and impure. The phenomenon of caste centred on the idea of purity and pollution. Separation, interdependence and hierarchy are the common elements of the Indian caste system.⁵ Elestine Bougle argued that the caste groups were formed as a system based on three fundamental doctrines - hereditary specialization, hierarchy and repulsion or isolation of one group from another.⁶ These three ethics made the institution of caste as a unique feature in India. E.R. Leach argued that caste is a system of

² V.T. Samuel, *One Caste, One Religion, One God: A Study of Sree Narayana Guru*, New Delhi, 1977, p.21.

³ *Ibid.*

⁴ *Ibid.*

⁵ Louis Dumont, *Homo-Hierarchicus: The Caste System and Its Implications*, New Delhi, 2010.

⁶ Elestine Bougle, *Essays On the Caste System*, London, 1971.

labour division.⁷ Morton Klass refers that the members of a caste, who live in various villages within a region, maintain a close social, economic and political relationship. Klass refers to this as localized or effective caste. He emphasized the important role of differential access to basic assets and economic inequality of communal groups in the emergence of the caste system.⁸

Emile Senart attributes occupational factors to be the origin of caste and differentiate Varna as class and caste as *jāti*, and *jāti* engrafted to Varna by the Brahmins to maintain their superiority.⁹ Nesfield regarded caste as having its origin in the division of labour and the occupation as the stable shaping factor in the system.¹⁰ A group of scholars argued that *jāti* and *chāturvarṇya* emerged based on occupation. This type of labour-related caste formation is visible in Kerala society from the Sangam period onwards.

The occupation-based caste formation theory was more applicable to caste formation in Kerala. The caste formation from the Sangam period onwards legitimized this theory. In Kerala, we can see many castes based on their occupation. Caste-based occupations are usually hereditary, particularly among artisans and service *jātis*.¹¹ D.D. Kosambi argues caste as a system of labour division.¹²

M.N. Srinivas argued that caste is a hereditary and endogamous, usually localized group having a traditional connection with occupation and particular

⁷ Leach. E.R. ed., *Aspects of Caste System in South India, Ceylon, and North Western Pakistan*, Cambridge, 1971.

⁸ Morton Klass, *The Emergence of South Asian Social System*, Philadelphia, 1980.

⁹ Emile Senart, *Caste in India*, (1896), London, 1930

¹⁰ Nesfield. J.C., *A Brief View of the Caste System of the North West Province and Oudh*, Alahabad, 1885.

¹¹ Declan Quigley, *The Interpretation of Caste*, (1993), New Delhi, 1999, p.1.

¹² D.D. Kosambi, *An Introduction to the Study of Indian History*, Mumbai, 1956.

place in the local hierarchy of castes.¹³ The members of a caste who reside in several villages within a region and maintain close social economic and political relationships with each other. M.N. Srinivas considered this relationship as a horizontal unity of a single caste spread in several villages within a region, as distinguished from vertical unity of several castes residing in a single village.¹⁴

Some scholars put forward the theory of the tribal origin of caste. Ibbetson and Max Webber are the supporters of this view. To Ibbetson, the tribes involved into guilds and later into caste. He argued that the Aryan population invaded South Asia at a particular time, dominated the indigenous population and maintained themselves as different from the conquered.¹⁵ Max Webber argued that the tribal in connection and religious aspects also influence the origin and growth of the caste system. To him, economic issues, social position and social elements influence the origin of the caste system.¹⁶ Kosambi says that the tribal factors fuse with the common society and that is the main base of the particular institution called caste.¹⁷ According to this theory, the tribal groups transformed as specific castes and became part of the society.

M.G.S. Narayanan argues that the transformation of the tribe into caste was the characteristic of the pre-colonial period.¹⁸ To Rajan Gurukul, the purity and impurity concept invented from tribes became part of caste

¹³ M.N. Srinivasan, *Caste and Modern India, and Other Essays*, Bombay, 1977, p.3.

¹⁴ Satadal Das Gupta, *Caste, Kinship, and Community: Social System of Bengal Caste*, Calcutta, 1993, p.3.

¹⁵ Ibbetson, *Panjab Castes*, Lahore, 1916.

¹⁶ Max Webber, *The Religion of India: The Sociology of Hinduism and Buddhism*, Glencoe, 1958.

¹⁷ D.D. Kosambi, *The Culture and Civilization of Ancient India in Historical Outline*, London, 1956.

¹⁸ M.G.S. Narayanan, *Calicut: The City of Truth*, Calicut, 2006.

hierarchy.¹⁹ Rajan Gurukkal and M.G.S. Narayanan put forward the view that monopoly of the knowledge of Brahmins facilitated them to control social production.

Many scholars argue that caste is experienced as a specific and unique kind of stratification in entire India. But the debates related to the origin and transformation of caste proves the complexity of this institution. The caste system includes vertical as well as horizontal elements.²⁰ The vertical aspect consisted of ritual hierarchy, mediated by Brahmanical Sanskrit ideology. The horizontal aspect incorporated various occupational groups, caste groups, in every form of production and exchange.²¹ The development of the agrarian sector creates fundamental variations in social relations, and society changed into hierarchical order. The transformations in the agrarian sector create new occupational groups which transformed as *jāti*s. The vertical position of castes denotes the hierarchical order of caste, which is not universal. This hierarchy changed from time to time and place to place.

William Logan argues that the term *jāti* is of Aryan origin and the term is not aboriginal.²² The term caste is originated from the foreign language that is from the Portuguese word 'Casta' means 'pure'.²³ Elamkulam Kunjan Pillai can be considered as the pioneer, who examined the origin and growth of the caste system in Kerala. To him, the Sangam period is characterized by its casteless nature.²⁴ There existed geographical divisions called *Tiṇais*. Evidence

¹⁹ Rajan Gurukkal, 'Formation of Caste in Kerala: Historical Antecedents' in K.L. Sharma, ed., *Caste and Class in India*, Delhi, 1994.

²⁰ Mujeebu Rehiman M.P., *Formation of Society and Economy in Malabar, 1150-1810*, Unpublished Ph.D. Thesis, Calicut University, 2009, p.49.

²¹ *Ibid.*

²² William Logan, *Malabar*, (1887), Trivandrum, 1981, p. 136.

²³ Ursula Sharma, *Caste*, New Delhi, 2002, p. 1.

²⁴ Elamkulam P.N. Kunjan Pillai, *Kēraḷam Añcum Ārum Nūṛraṇṭukaḷil* (Mal), Kottayam, 1967, p.10.

related to the *jāti* transformation in the Sangam period is meagre. Scholars argue that different occupational groups like *Kuṛavar*, *Āyar*, *Uḷavar*, *Maṛavar* and *Paratavar* are different caste groups. G.L. Hart linked this view and he put forward the view that the institution of caste was not portrayed in the early Tamil society and what has been listed as castes by scholars in the past are clan names.²⁵ In the early historiography of South India, the dilemma of caste is confused with clan surnames and juxtaposing them with the Varna system.²⁶ *Puṛṇānūru* refers to clan names such as *Kūttan*, *Mullan*, *Pāṇan*, *Kadamban*, *Tuṭṭiyān*, *Paṛayan*, *Pulayan* and so on. They were doing different occupations, which later became hereditary and transformed as *jāti* divisions.

The later Sangam texts like *Cilappatikāram* and *Maṇimēkhalai* provide evidence of untouchability, purity and pollution.²⁷ *Tolkāppiyar* refers to Brahmanas, *Aracar*, *Vāṇiyar* and *Vellālar* as priests, rulers, traders and agricultural labourers respectively.²⁸ This categorization made in the first century AD is similar to the Brahmanical Varna system. *Puṛṇānūru* denotes that not birth in a particular Varna, but the required education and knowledge decides the position in society.²⁹ That tendency indicates the infiltration of Brahmanical ideas into Sangam society. The reference of four-fold division in *Tolkāppiyam* may be the imitation of North Indian *Chāturvarṇya* system in South Indian Society. The rulers may have supported the specialization of occupations which led to the configuration of different castes.

²⁵ Rajan Gurukkal, *Cultural History of Kerala*, Vol. II, Trivandrum, 1999, p.25.

²⁶ *Ibid.*

²⁷ Nenmara P. Viswanathan Nayar, ed., *Cilappatikāram*, (Mal), Thrissur, 1975. ; Janardhanan Pillai, ed., *Maṇimēkhalai*, Thrissur, 1971.

²⁸ Ilakkuvanar, *Tholkappiyam With Critical Studies*, Madurai, 1963, pp.470-471.

²⁹ V.R. Parameswara Pillai, ed., *Puṛṇānūru*, (Mal), (1969), Thrissur, 1997.

M.G.S. Narayanan argues that the advent of Brahmins and the propagation of their ideology started during the Sangam period.³⁰ The migration of the Brahmanas along the west coast towards the south from the north is referred in the *Kēraḷōlpatti* tradition.³¹ The Paraśurāma tradition shows that the Brahmins came to Kerala from Saurashtra to Kerala.³² The power, leadership, initiatives etc. passed into the hands of these Brahmins with the formation of the Cēra kingdom.³³ The emergence of Brahmin settlements is considered as the reason for the emergence of traditional types of the caste system in Kerala.

The period between the ninth century and 12th century Kerala enjoyed a political constancy under Perumāḷs. The transformation of lands to the *Brahmaswam* was the main result of the Brahmanic influence of Kerala starting from seventh century A.D.³⁴ During the Cēra period, the growth of *Nāṭus* and emergence of *Swarūpams* caused the formation of *jātis*.³⁵ With the blessings of Brahmins, *Nāṭuvāḷis* became Kshatriyas. The men who associated with them or remained loyal to Brahmins appeared as landlords.³⁶

The slow and gradual migration of Brahmins to the south continued for centuries. The newcomers as well as the old inhabitants seem to have recognized that the process worked out to their mutual advantage.³⁷ The *Kēraḷōlpatti* tradition was used as a legitimizing aspect for Brahmin migration.

³⁰ M.G.S. Narayanan, *Perumāḷs of Kerala*, Calicut, 1996, p.149.

³¹ M.R. Raghava Varier, ed., *Kēraḷōlpatti Granthavari: Kōlattunāṭu Tradition*, (Mal.), Calicut, 1984, p. 1.

³² *Ibid.*

³³ M.G.S. Narayanan, *Perumāḷs of Kerala, Op. Cit.*, p. 149.

³⁴ Elamkulam P.N. Kunjan Pillai, *Cēra Sāmrājyam Onpatum Pattum Nūṛraṇṭukaḷil* (Mal), Kottayam, 1961, p.8.

³⁵ K.N. Ganesh, *Kēraḷattinte Innalekaḷ* (Mal), (1990), Trivandrum, 1997, p. 183.

³⁶ *Ibid.*

³⁷ M.G.S. Narayanan, *Cultural Symbiosis in Kerala*, Trivandrum, 1972, p.2.

The immigrant Brahmins formed thirty-two settlements to the south of the Nētrāvati between third and eighth centuries of the Christian era.³⁸ According to M.G.S. Narayanan most of the scholars supported the theory of socio-cultural infiltration rather than military occupation.³⁹ To him, the Brahmin settlements had the patronage of native rulers, who been Kshatriyas undertook to champion the cause of *Chāturvarṇya*.⁴⁰

The newcomers had a thorough knowledge of agriculture and related activities. They were well versed in Vedic knowledge too. That provided them with a moral superiority over the indigenous population. The moral and material superiority of newcomers manifested itself, the majority of indigenous people gradually acquired in the caste system, which demoted many of them to the outer darkness of poverty and slavish obedience.⁴¹ A large number of temples sprang up in all over Kerala and that increased emphasis on theological principles like *puṇyam* and *pāpam*, *guṇam* and *dōṣam*, *śuddham* and *aśuddham* and *dharma* and *adharma*. All of these concepts centred on God. Temples and temple authorities became the supervising agencies of these types of religious principles. A new theological project to sustain caste and caste-based inequalities acted as a balm to soothe the harshness of communal conflict and class struggle.⁴² M.G.S. Narayanan argues that a fatalistic view of life foiled all progress in the modern sense, but it paved the way for stability and social harmony through the ages.⁴³ The indigenous people were subordinated by the migrant people, and the former believed as powerless to change their destiny. The Karma theory related to Varna is emphasized by Brahmins. K.M. Paṇikkar

³⁸ M.R. Raghava Varier, *Kēraḷōlpatti Granthavari*, *Op.Cit.*,p. 2.

³⁹ M.G.S. Narayanan, *Cultural Symbiosis in Kerala*, *Op.Cit.*, p. 2.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*, pp.2-3.

argues that in the medieval period different communities lived without resistance and absolute religious tolerance existed. The law and order were strictly forced in the country.⁴⁴ In fact among the Hindus the Namboothiris, though numerically small, formed a theocratic oligarchy which managed its communal affairs without any considerable interference of any temporal power.⁴⁵

Brahmins in Medieval Society

The Brahmins were the ritual authority of Kerala society from the early medieval period. The process of Brahmin migration started in Kerala between 7th and 8th century A.D.⁴⁶ Later a series of migration took place in Kerala. Elamkulam Kunjan Pillai argues that the study of inscriptions in the temples of the period between the ninth century and 12th centuries reveals that the entire land of Kerala belongs to non-Brahmins.⁴⁷ The later Sangam texts also show that there was no *Brahmaswam* or *Dēvaswam* land in Kerala during that time. Most of the lands of that period belonged to the *Kuravas*, *Pulayas* and *Cherumas*.⁴⁸ Several temples sprang up in different parts of Kerala with the Brahmin migration. Temples were the main intermediaries between Brahmins and common people. Brahmins established their control over medieval Kerala society as the custodians of temples. Many inscriptions refer to various caste groups and their role in that particular society. The Brahmin settlements of

⁴⁴ K.M. Panikkar, *Malabar and the Portugese*, New Delhi, 1997, pp. 24-25.

⁴⁵ *Ibid.*, p.19.

⁴⁶ Elamkulam P.N. Kunjan Pillai, *Studies in Kerala History*, Kottayam, 1976, p.342.

⁴⁷ Elamkulam P.N. Kunjan Pillai, *Janmi Sampradāyam Kēraḷattil* (Mal.), Kottayam, 1959, p.8.

⁴⁸ *Ibid.*

Kerala were also mentioned in the temple inscriptions of medieval Kerala. The *Kēraḷōlpatti Granthavari* mentioned many Brahmin settlements.⁴⁹

	Brahmin settlement mentioned in <i>Kēraḷōlpatti</i>	Present name
1	Payyannūr	Payyannūr
2	Peruñcellūr	Taliparampa
3	Ālattūr	Ālattiūr
4	Karikkāṭu	Karikkāṭu
5	Cōkiram	Śukapuram
6	Pan̄iyūr	Panniyūr
7	Kārittōḷa	Kārattūr
8	Īsānamangalam	Isanamangalam
9	Triśśivapērūr	Trissur
10	Perumanam	Perumanam
11	Paravūr	Parur
12	Airāṇikkaḷam	Airāṇikkaḷam
13	Mūṣikkakkaḷam	Mūḷikkaḷam
14	Iraṅgānikkūṭal	Iringālakkuṭa
15	Aṭavūr	Aṭūr
16	Cenganāṭu	Cengamanāṭu
17	Uḷḷiyannūr	Uḷiyannūr
18	Kaḷutanāṭu	Trippūñittura
19	Kalayūr	Kuḷūr
20	Iḷibhyam	Tirumuppattu
21	Cāmuṇṭa	Cēmaṇṭa
22	Āvattiputtūr	Avittattūr
23	Kiṭangūr	Kiṭangūr

⁴⁹ Kesavan Veluthat, *Brahmin Settlements in Kerala, Historical Studies*,(1978), Thrissur, 2013, pp.142-150; S.M. Santhi, *Temples in Kerala: A Socio-economic Analysis (800-1200 A.D)*, Unpublished Ph.D. Thesis, Nagpur University, 1990, pp. 28-29.

	Brahmin settlement mentioned in <i>Kēraḷōlpatti</i>	Present name
24	Kaṭumana	Kaṭamuṇi
25	Karanellūr	Kumāranellūr
26	Kaviyūr	Kaviyūr
27	Ērrumānūr	Ērrumānūr
28	Niramana	Niramankatu
29	Annamaṇi	Veṇmaṇi
30	Aranman	Āranmuḷa
31	Cengannūr	Cengannūr
32	Tiruvalluvāy	Tiruvalla

These Brahmanical villages are referred in *Sandēśakāvya*s and temple inscriptions also. The genealogy (*Vamśāvalicharitam*) of *Mūṣakavamśa* called *Mūṣakavamśakāvya*, also provide details regarding the influence of Brahmins in society. The *Sandēśakāvya*s underline the increasing influence of Brahmin oligarchy in medieval Kerala society. Moreover, the travel accounts also included the dominant position of Brahmins in Kerala society.

Brahmin Ideology in *Mūṣakavamśa*

Mūṣakavamśakāvya of 12th century AD narrates the legend of Paraśurāma and his annihilation of Kshatriyas.⁵⁰ The story explains that because of the mass slaughtering, a lot of kings fled away from the country. A pregnant queen of a late king was attempted to commit suicide (*sati*) but a Brahmin *purōhita* discouraged her from her determination. He took her with him and hid her in a cave and provided food. Later she gave birth to a baby boy called Mūṣika-Rāmaghaṭa.⁵¹ The boy learnt all *Samskāras* and all branches

⁵⁰ T.A. Gopinatha Rao, ed., *Travancore Archaeological Series*, (Hereafter *T.A.S*), Vol. II, Part I and II, Trivandrum, 1920, p. 107.

⁵¹ *Ibid.*

of knowledge prescribed for the Kshatriyas from the Brahmin *Purōhita*.⁵² All of this indicates that the Brahmins were the custodians of all fields of knowledge in the medieval period.

Later the Kshatriya boy was invited to the *yāga* of Paraśurāma. Paraśurāma conducted *yāgas* with the help of Vasishta and other priests, to wipe off the sin of slaughtering Kshatriyas. Paraśurāma was pleased with the prince and crowned him as the king of the country in which Mount Eli stood. Later the boy became the founder of Mūṣaka dynasty and known as Rāmaghaṭa Mūṣika. Thus, all the rulers returned to their respective kingdoms and ruled over them.⁵³

The story implies Brahmins as the custodians of knowledge and Kshatriyas as the rulers. These two Varnas were interrelated with the administration. The *Mūṣakavamśakāvya* shows that the ruler Rāmaghaṭa Mūṣika selected Mahanavika, who belongs to Vaiśya Varna and a native of Mahishmati, as his minister.⁵⁴ This shows that the *traivarṇikas* dominate the administration of the territory and were the power centres of the society from the medieval period onwards. The story describes the conquest of the dynastic founder and his successors. The story refers to the role of rulers in building and repairing various temples in the country. For example, Īśāna Varma erected Śiva figures at several temples⁵⁵ and Vikrama Varma strengthened the boundary and saved the *Jina* temple from destruction.⁵⁶ This shows Kshatriyas as protectors of all religious beliefs in the country.

⁵² *Ibid.*

⁵³ *Ibid.*, p.107.

⁵⁴ *Ibid.*, p.108.

⁵⁵ *Ibid.*, p.111.

⁵⁶ *Ibid.*, p.112.

The Brahmin village of Chellūr is mentioned in the *Kāvya*. This is a village of learned Brahmanas, where they performed various rites and ceremonies. The famous Brahmins, Bhava and Nandi, were once lived in this village. Another Brahmin village mentioned in the *Kāvya* is Śambarapura. Vaḷabha, the Yuvaraja of Mūṣaka dynasty, visited these two Brahmin villages and temples in that village. He helped to repair the temples, and his fine attitude towards them pleased the Brahmins.⁵⁷ This is indicative of the attitude of the rulers towards Brahmins and temples. They believed in God and the blessings of Brahmins to prosper in their life.

The ruler Vaḷabha assumed the sovereignty of the kingdom of Mūṣakas. The Brahmin priests performed *abhiṣēka* (anointment) ceremony on an auspicious day by bathing him with sanctified water poured from golden vessels. He erected a great idol of the God Arya (*Śāsta*) at Vaḷapaṭṭaṇam fort. Later the king was renowned.⁵⁸ After Vaḷabha, Śrīkaṇḍa ascended the throne and he also repaired many temples and recovered the lands belonging to the temples from those who had misappropriated them. He also granted lands to the temples. He also tried to please the Brahmins through his activities. The *Kāvya* not only refers to the worship of Śiva, Viṣṇu, *Śāsta*, but also *Jina* and Buddha. This shows the usual attitude towards heterogeneous religions during that time.

The *Kāvya* refers to the dominance of Brahmins in all fields of social life. They were the custodians of knowledge and were the ultimate authority of rituals in medieval society. The Kshatriyas or the rulers were closely related to the Brahmins and highly respected them. The Vaiśyas is also mentioned in the

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, p.113.

Kāvya, but there was no further reference regarding their role in the administration process.

The Brahmins and the *Sandēśakāvya*s

From the eighth century onwards the roots of *Chentamil* are shackled, and Cēra kingdom declined in 12th century AD. The period between these two incidents marked the emergence of Brahmin domination in Kerala society, which was visible in the temple inscriptions of that period. The changes that occurred during that time helped in the emergence of *Maṇipravāḷam* literature. This literary form is the mixture of Malayalam (indigenous language) and Sanskrit (the language of migrants).⁵⁹ The emergence of *Sambandham* relations between Brahmins and Śūdra women helped in the growth of the intermixture of the two languages.⁶⁰ The migrated people became the advisors of rulers and founders of various temples. Their ritual superiority established in Kerala society by the 10th century.⁶¹ The *Maṇipravāḷam* literature itself is the product of the initiation of Brahmins, rulers, lords and other *Antarāḷa* group in society.

Most of the *Sandēśakāvya*s give a picture of the luxurious life of the Namboothiri Brahmins. *Maṇipravāḷam* texts represented the dominance of Namboothiri Brahmins with their norms of socio-cultural practice and sexuality called as ‘orgiastic season of the Namboothiris’.⁶² *Uṇṇunīlisandēśam* refers to a caste group called *Paṭṭar*, they were considered as foreign Brahmanas. The description of *Paṭṭar* shows that they eat the food prepared in the previous

⁵⁹ Anil Vallathol, *Maṇipravāḷa Mālika* (Mal), Trivandrum, 2013, p.13.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, p.14.

⁶² Elamkulam P.N. Kunjan Pillai, *Studies in History*, Kottayam, 1970, pp.281-82.

day.⁶³ It indicates the habits of foreign Brahmins as different from indigenous Brahmins. The Smṛiti text prohibits this habit among Namboothiris.

Uṇṇiyacci Caritam refers to various caste groups in medieval society. The Tirumarutūr temple and Triśśīlāśśēri Śiva temple are mentioned in the text.⁶⁴ The text shows that Triśśīlāśśēri temple belongs to Kāmbṛattu Illam. They were the teachers of Kottayam Raja.⁶⁵ *Uṇṇiyacci Caritam* gives information regarding the various rituals performed by the royal priests to convert non-Kshatriya to Kshatriya (*Tampurān*).⁶⁶ This indicates the ritual power of Namboothiri Brahmins to upgrade the social status of people. They read *Mahābhārata* in front of the house of Uṇṇiyacci.

The Brahmins are always boastful of their superiority in the Varna ladder.⁶⁷ The text provides a reference of the untouchability practised by the Brahmins in medieval society also. The text mentions that the *pūṇṇūl* wearers, i.e., the Brahmins, were not ready to share seats with the non-brahmin community.⁶⁸ *Uṇṇiyacci Caritam* does not elaborate on the life of Namboothiris but gives a clear indication of their supremacy in medieval society.

Uṇṇicirutēvi caritam of 13th century Kerala provides a detailed description regarding the two rival Brahmin settlements of Kerala that is, Cōkiram and Panniyūr. The *pramāṇis* of Cōkiram village were Ālvāñcēri Tamprākkaḷ and Akavūr Tampurān.⁶⁹ The poet of *Uṇṇicirutēvi caritam*

⁶³ Elamkulam P.N. Kunjan Pillai, ed., *Uṇṇunīli Sandēśam*, (Mal), (1954), Kottayam, 1976, p.

⁶⁴ N. Gopinathan Nair, ed., *Uṇṇiyacci Caritam*, (Mal), Kottayam, 2016, p.69.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*, p.70.

⁶⁷ *Ibid.*, p.85.

⁶⁸ *Ibid.*, p.134.

⁶⁹ Sundaram Dhanuvachapuram, ed., *Uṇṇicirutēvi caritam* (Mal), Trivandrum, 2005, p.35.

belongs to Cōkiram village. He vehemently criticises the activities of Panniyūr villagers. Cōkiram village was under Vaḷḷuvakkōnātiri and Panniyūr was under Zamorin.⁷⁰ By the middle of the 13th century, Zamorin defeated Vaḷḷuvakkōnātiri and destroyed the Cōkiram village.⁷¹ The description infers that the Brahmins of Cōkiram village was a well-organized group, and had great knowledge in Vedas.⁷²

The Brahmin group called *Sōmayāji* Brahmins and their domination in Cōkiram village was a noticeable factor. *Sōmayāji* Brahmins were the ritually dominant group and well educated in Vedic knowledge. The *Sōmayāji* Brahmins always protested against Panniyūr villagers and were enthusiastic about the protection of Cōkiram village.⁷³ The Brahmins of Cōkiram and Panniyūr villages are visitors of the house of Uṇṇicirutēvi.⁷⁴ The *Kēraḷōtpatti* tradition says that the Panniyūr Brahmins practised *Marumakkattāyam* and their differences in inheritance pattern also may be a reason for Cōkiram Brahmins treating them as inferior.

Another group of Brahmins described in *Uṇṇiyāṭi caritam* is Chenganniyūr Brahmins. They were an elite group of people having a noble hood in society.⁷⁵ The Brahmins wear only white colour dresses and chew betel leaf. They had a *kuṭuma* (top knot) also.⁷⁶ The Namboothiri Brahmins of medieval times regarded themselves as the *Devan* of Kerala.⁷⁷ Another group

⁷⁰ *Ibid.*, p.8.

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*, pp.42-43.

⁷⁴ *Ibid.*, p.112.

⁷⁵ Sundaram Dhanuvachapuram, ed., *Uṇṇiyāṭi caritam*, (Mal), Trivandrum, 2007, p. 169.

⁷⁶ *Ibid.*, p.172.

⁷⁷ *Ibid.*, p.13.

of Brahmins visited the home of Uṇṇiyāṭi were Vaḷḷikkōl Brahmins.⁷⁸ They tried to bribe the maid of Uṇṇiyāṭi to visit her at her *illam*. The work shows that Uṇṇiyāṭi belongs to Cherukara *illam*.⁷⁹ It indicates that the women belong to Brahmin *illams* also accept the profession of *dēvadāsi* system.

The text *Candrōlsavam* of 16th century AD describes the crucial and prestigious role of Namboothiri Brahmins in medieval Kerala society. The blessings of Namboothiri Brahmins were regarded as auspicious. *Candrōlsavam* indicates that the *dēvadāsis* of medieval society tried to please the Namboothiris by giving sumptuous feast and precious gifts, to beget a baby girl as offspring.⁸⁰ They believed that the blessings of Namboothiri Brahmins enable them to achieve their desire. This indicates the supreme status of Namboothiri Brahmins in medieval Kerala.

The Namboothiri Brahmins engaged in marital relations with *dēvadāsis* also. For instance, Punam Namboothiri married Māralēkha.⁸¹ The relationship with *dēvadāsis* was considered as prestigious for Namboothiris during this time. The people invited for *Candrōlsavam* (Moon festival) included mainly the aristocratic Namboothiri men with their wives. They were leading patrons of *dēvadāsi* system in medieval Kerala. The poet of *Candrōlsavam* is a Namboothiri Brahmin. They eulogized the profession of *dēvadāsis*. Elamkulam argues that the period of *Candrōlsavam* (i.e., the period close to Portuguese invasion) was the orgiastic period of the Namboothiris in medieval Kerala history.⁸² But that reference does not suffice to argue that Namboothiri Brahmins were morally degenerated people during the entire medieval period.

⁷⁸ *Ibid.*, pp.158-63.

⁷⁹ *Ibid.*, p.14.

⁸⁰ Elamkulam P.N. Kunjan Pillai, ed., *Candrōlsavam*, (Mal), (1962), Kottayam, 2016, p.38.

⁸¹ *Ibid.*, p.15.

⁸² *Ibid.*, p.12.

They were well educated, a well-disciplined intellectual group in the early medieval period of Kerala history.⁸³ However, the *Maṇipravāḷam* literature illustrates the lustrous and sensual life of Namboothiri Brahmins.

Śukasandēśa of Lakshmidasa gives an elaborate picture of the prominent status of Namboothiri Brahmins of Kerala.⁸⁴ The text points out that Panniyūr and Śukapuram were under Matilakam.⁸⁵ It mentions the boundary disputes related to Matilakam temple and the decline of Matilakam temple and the growth of Iringālakkuṭa.⁸⁶ All the villagers participated in the *Mahāyōgam* of Brahmins conducted at Matilakam and they discussed the subjects like education, religion, state administration, customs, and so on.⁸⁷ *Śukasandēśa* refers to the instruction of Paraśurāma to Brahmins to rule the country by giving arms. The text mentions that Kerala was ruled by Brahmins before the coming of Perumāḷs in the country.⁸⁸ The four *Kaḷakams* called Payyannūr, Panniyūr, Paravūr and Chengannūr are also referred to in the text.⁸⁹ According to *Śukasandēśa*, because of buying graft and bad rule, the Namboothiri rule came to an end in Kerala.⁹⁰ The important temples of Kerala like Trikkattānam, Tiruvāranmuḷa, Tiruvanmaṇṭūr, Trippuliyūr, Chingapuram Taḷi, Trikkulaśēkharapuram, Trikkākkara, Matilakam, Suchīndram Kīḷtaḷi, Mēḷtaḷi, Vaṭataḷi, etc, are mentioned in the text.⁹¹ The famous fire ordeal conducted at

⁸³ *Ibid.*, p.13.

⁸⁴ Kunhikuttan Thamburan, ed., *Bhāṣa Śukasandēśam*, (Mal.), Trivandrum, 1958.

⁸⁵ *Ibid.*, p.31.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*, pp.55-56.

⁸⁹ *Ibid.*, p.56.

⁹⁰ *Ibid.*, p.57.

⁹¹ *Ibid.*, pp.89-90, 107.

Suchīndram temple also elaborated in *Śukasandēśa*.⁹² This *Sandēśakāvya* gives a vivid picture of the life of Namboothiri Brahmins related to the temple.

Temples as a Power Centre

Temples acted as the main intermediaries between Brahmins and the common people in medieval Kerala society. There are two kinds of temples in south India; one is dedicated to the higher Gods of Hindus and others in honour of the village deities.⁹³ The indigenous people worshipped the ancestral spirits and the village Gods. It was modified by the contact of the indigenous inhabitants with the migrant people. As a result of this Brahmin migration of Kerala, the indigenous Gods were completely brahmanised. In some cases, the Gods of the two groups united together and formed a single caste hierarchy.⁹⁴ Their ritual spirituality, knowledge in Vedas, astrology, agriculture etc. of Brahmins helped them to attain good status in society. Most of the medieval copper plates are found in various temples all over Kerala. Most of them mentioned the functions of Brahmins in Kerala society also. The Aviṭṭattūr inscription of 903 AD elaborates the interference of priests of Aviṭṭattūr Śiva temple to solve the grievances of people in that particular area.⁹⁵ Aviṭṭattūr is identified as one of the Brahmin settlements of Kerala. So, Brahmins were the most influenced group of that area. The Poṙangāṭṭiri document of Kōta Ravi (910 AD) is the first document mentioning the terms, *Dēvaswam* and *Brahmaswam*.⁹⁶ The landed power of Brahmins and temples are indicated in

⁹² *Ibid.*, pp.61-62.

⁹³ N. Venkata Ramanayya, *An Essay on the Origin of the South Indian Temple*, New Delhi, 1985. p.77.

⁹⁴ *Ibid.*

⁹⁵ Puthussery Ramachandran, *Kēraḷa Caritrattinte Aṭishāna Rēkhakaḷ*, (Mal), Trivandrum, 2007, p. 31.

⁹⁶ M.G.S. Narayanan, Index to the Cēra Inscriptions, (C.800 A.D to 1124 A.D), A Companion Volume to Thesis on *Political and Social Conditions of Kerala Under the Kulasekhara Empire*, Ph . D Thesis, University of Kerala, 1972, A.14, p.15.

this document. Temples are the main power centres of medieval Kerala. The integration of landed households into corporate settlements and the formation of a largely agrarian society in Kerala correspond to the emergence of temples in Kerala between 800 A.D to 1200 A.D.⁹⁷ The emergence of temples marked the expansion of wetland agriculture, by the domination of Brahmins and the emergence of temples as power centres a society based on hierarchical divisions was created. Elamkulam argues that the Brahmanas accumulated land through their private holdings and exploiting the wealth of temples.⁹⁸

Kumāranallūr inscription is one of the important documents elaborates about the social inequality between Brahmana and Śūdra castes. If a Śūdra talks contemptuously of a Brahman or physically attacks him, he should be liable to pay a fine.⁹⁹ This type of punishment indicates the upper hand of Brahmins over other groups in medieval Kerala society.

Akakōyama and *Purakōyama* are the chief officers of the temple. *Akakōyama* means an internal chief. The duty of *Akakōyama* was to maintain internal discipline and arrange for and regulate ordinary and extraordinary worships, for recognizing the new medium.¹⁰⁰ *Purakōyama* was the protector of the temple against invaders from outside and lawbreakers inside.¹⁰¹ Every temple had its Brahmin militia. But with the extinction of the Brahmin families, the militia disappeared, and the temple state and village republics sought the service of the ruling chief.¹⁰²

⁹⁷ Rajan Gurukkal, *The Kerala Temple and Early Medieval Agrarian System*, Sukapuram, 1992, p.29.

⁹⁸ Elamkulam P.N. Kunjan Pillai, *Janmi Sampradāyam Kēraḷattil*, (Mal), Kottayam, 1959, pp. 14-16.

⁹⁹ T.A. Gopinatha Rao, ed., *T.A.S*, Vol. III, *Op.Cit.*,pp.191-92.

¹⁰⁰ K.V. Krishna Ayyar, *A Short History of Kerala*, Trivandrum, Ernakulam, 1996 p.118.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

***Kaccams* as a Regulatory Mechanism**

During the 10th and 11th centuries onwards the legal codes were arranged in Kerala, called *Kaccams*. The *Kaccams* protected the interests of the temple. It sustained the authority of the landowners over the tenants and their servile class.¹⁰³ There are several inscriptions of the 10th and 11th centuries from different parts of Kerala which refer to various *Kaccams*. The most famous *Kaccam* is *Mūlikkaḷam Kaccam*, and other important *Kaccams* are *Kaṭāṅgāṭṭu Kaccam*, *Tavaranūr Kaccam*, *Śankaramangalattu Kaccam* and *Kaitavārattu Kaccam*.

According to Elamkulam, *Mūlikkaḷam Kaccam* had been made by the representatives of all the temples of Kerala under the presidentship of Perumāḷ or his representative, the *Kōyiladhikāri*.¹⁰⁴ The *Kaccams* imposed certain restrictions on all kinds of authorities.¹⁰⁵ The *Kōyiladhikāri* was the supreme arbiter in all matters relating to the temples. The office in charge of temples (*Kōyiladhikāri*) was superior in status to the chieftains and the ministers.¹⁰⁶ They are often referred to in the temple inscriptions. The records of 10th and 11th centuries show the trustees of the temple were everywhere effectively and completely controlled by *Nāṭṭukūṭṭams* (popular assemblies), local chieftains and the *Kōyiladhikāri*.¹⁰⁷ No one who violated the laws of the temples was exempt from punishment. The *Mūlikkaḷam* code was applicable in entire Kerala.¹⁰⁸

¹⁰³ K. Mishitha, Arbitration Process in Village Society During Medieval Kerala, in *South Indian History Congress*, Calicut, 2018, p.833.

¹⁰⁴ Elamkulam P.N. Kunjan Pillai, *Studies in Kerala History*, *Op. Cit.*, p.336.

¹⁰⁵ N.P. Unni, ed., *History of Mūśakavamsā Kāvya*, Trivandrum, 1980, p.20

¹⁰⁶ Elamkulam P.N. Kunjan Pillai, *Studies in Kerala History*, *Op.Cit.*,p.340.

¹⁰⁷ *Ibid.*, p.336.

¹⁰⁸ *Ibid.*

Certain rules followed at Mūlikkaḷam regarding the management were accepted as a model in several other settlements. The anxiety to protect the right of *Kārāḷar* (tenants), attributed to the makers of the *Kaccam*, is also outside the realm of evidence. The regulations must have been designed by the assembly of Mūlikkaḷam village, probably meeting under Perumāḷ or *Kōyiladhikāri* as usual. As Mūlikkaḷam happened to be one of the four leading Brahmin settlements their leadership could have been accepted in the matter of this code of conduct in other places too.¹⁰⁹

The original Mūlikkaḷam code has not been recovered, though the record of Bhaskara Ravi, in his 48th year (1010 AD), from the Mūlikkaḷam *Grāmakṣētra* itself quotes it as a model.¹¹⁰ The 11th-century *Vamśāvali caritam* mentions about Mūlikkaḷam *Kaccam*.¹¹¹ According to that affording protection to the Brahmin, the village was considered as the duty of *Kōyiladhikāri*.¹¹² The earliest inscription refers to Mūlikkaḷam *Kaccam* is Chōkkūr inscription of Kōta Ravi (898 AD).¹¹³ There the fine is prescribed for offences by Mūlikkaḷam *Vyavasthai*.¹¹⁴ M.G.S. Narayanan argues that the *Kaccam* had been established earlier and that it continued to be in force at least up to the end of the Cēra kingdom of Makōtai.¹¹⁵ The northernmost temple inscription to refer Mūlikkaḷam *Kaccam* is Narayankaṇṇūr at Ēḷimalai in Kōlattunāṭu and the southernmost is Tirunandikkara in Āynāṭu.¹¹⁶ This indicates the wide acceptance of the *Kaccam* in Kerala.

¹⁰⁹ M.G.S. Narayanan, *Perumāḷs of Kerala, Op. Cit.*, p. 214.

¹¹⁰ M.G.S. Narayanan, *Index to the Cēra Inscriptions, Op. Cit.*, A;37, p.42.

¹¹¹ N.P. Unni, *History of Mūṣakavamśa Kāvya, Op. Cit.*, p.201.

¹¹² *Ibid.*

¹¹³ M.G.S. Narayanan, *Index to the Cēra Inscriptions, Op.Cit.*,p.8.

¹¹⁴ *Ibid.*

¹¹⁵ M.G.S. Narayanan, *Perumāḷs of Kerala, Op. Cit.*, p.214.

¹¹⁶ *Ibid.*

Elamkulam argues that the regulations were made to prevent *Ūrāḷar* from obstructing *Kārāḷar*.¹¹⁷ The inscriptions refer donations of land and gold to temples by persons with obviously non-Brahman names. Elamkulam suggests that before the arrival of Brahmins the ownership of land was with the *Pulayas*, *Īlavas*, *Vēlas*, *Villar* and other indigenous cultural groups of Kerala.¹¹⁸ In course of time, it became the *Brahmaswam* cum *Dēvaswam* and later purely *Brahmaswam* property.¹¹⁹ The Brahmins acquired wealth in two ways, that are, as the property of the temple and as their private holdings.¹²⁰

Elamkulam argues that a conference of representatives of all the temples in Kerala met at Mūḷikkaḷam temple under the presidentship of the Perumāl, or his representative, the *Kōyiladhikāri* and drew up a code of regulations intended to ensure that the trustees did not appropriate to themselves the properties of the temples or exhort high rents from those who tilled the temple lands.¹²¹ The code was accepted from the northernmost to the southernmost ends of Kerala.¹²²

M.G.S. Narayanan argues that Mūḷikkaḷam *Kaccam* was a standard set by the council of Mūḷikkaḷam temple and its acceptance by other temples of the time owed to the popularity of Mūḷikkaḷam as a significant Brahmanic centre.¹²³ This laid down general doctrines governing the procedure of the village councils. If somebody from the *Pariṣad* or *Sabha* violated the terms of decisions of the council, severe punishments were imposed upon them, which included the imposition of fines, confiscation of properties and removal from a

¹¹⁷ Elamkulam P.N. Kunjan Pillai, *Studies in Kerala History, Op. Cit.*, p.337.

¹¹⁸ Rajan Gurukkal, *Kerala Temple, Op. Cit.*, p.2.

¹¹⁹ Elamkulam P.N. Kunjan Pillai, *Studies in Kerala History, Op. Cit.*, p.337.

¹²⁰ Rajan Gurukkal, *The Kerala Temple, Op.Cit.*,p.2.

¹²¹ *Ibid.*

¹²² *Ibid.*

¹²³ *Ibid.*

seat in the *sabha* and even Brahmin banishment from the village such abrogates were often equated with men guilty of the *pañcamahāpātakas*.¹²⁴ Kesavan Veluthat views that this council was not democratic and popular, but oligarchic caste council of a feudal character.¹²⁵ Tirumarrakkōṭu document of 1028 AD was the last one mention about Mūlikkaḷam *Kaccam*.¹²⁶ With the end of Perumāḷ period, the prominence of that *Kaccam* disappeared. The following table shows the inscriptions mentioning Mūlikkaḷam *Kaccam*.¹²⁷

Mūlikkaḷam *Kaccam* in Inscriptions

Sl. No.	Name of Inscriptions	Year
1	Cōkkūr	898 AD
2	Porangāṭṭiri	910 AD
3	Trikkākkara	959 AD
4	Trikkākkara	999 AD
5	Tirunelli	1008 AD
6	Tirumulikkalam	948 AD and 1010 AD
7	Tirumarrakkōṭu	1028 AD
8	Panniyankara	1028 AD
9	Tiruvalla	955 AD
10	Rāmantaḷi	929 AD
11	Kaviyūr	951 AD
12	Kaviyūr	952 AD
13	Tiruvanmaṅṭūr	973 AD
14	Trikkākkara	958 AD
15	Tiruvanmaṅṭūr	10 th century AD

¹²⁴ Kesavan Veluthat, *Brahmin Settlements*, *Op. Cit.*, p.29.

¹²⁵ *Ibid.*

¹²⁶ M.G.S. Narayanan, *Index to Cēra Inscriptions*, A.52, *Op. Cit.*, p.59.

¹²⁷ *Ibid.*; Puthussery Ramachandran, *Op. Cit.*; M. Maheswaran Nair, *Epigraphia Malabarica*, Trivandrum, 1972. All volumes of Travancore Archaeological Series used for preparing the table.

Sl. No.	Name of Inscriptions	Year
16	Tirunandikkara	10 th century AD
17	Nāvāykkūlam	11 th century AD
18	Kumāranellūr	11 th century AD
19	Triprayār	10 th century AD
20	Aalanallūr	11 th century AD
21	Aalanallūr	11 th century AD
22	Pūkkōṭṭūr	10 th century AD
23	Rāmanāṭṭukara	11 th century AD
24	Māṇiyūr	11 th century AD

Other *Kaccams* in Inscriptions

Sl. No.	<i>Kaccam</i>	Year	Inscriptions
1	Tavaranūr <i>Kaccam</i>	9 th c 9 th c 910 AD	Cōkiram inscriptions Cōkiram inscriptions Triprangōṭṭu inscription
2	Kaitavārattu <i>Kaccam</i>	10 th c	Airāṇikkūlam
3	Śankaramangalattu <i>Kaccam</i>	11 th c	Tiruvalla inscription

Tavaranūr *Kaccam* is an important code of regulation existed in medieval Kerala mentioned in Triprangōṭṭu inscription and Cōkiram inscriptions. The Triprangōṭṭu inscription of Kota Ravi in 944 AD refers it governing the Ūrāḷar's relations to the entire property of the temple set apart for routine worship, possibly a *Cērikkal* or common village.¹²⁸ Those who violated the agreement were to be fined and sent out of the settlement. It is the first document that impedes the corruption of officers of concerned government

¹²⁸ M.G.S. Narayanan, *Index to Cēra Inscriptions, Op. Cit.*, A.13, p. 14.

jobs.¹²⁹ This document tries to protect the interest of peasants and prohibit the imprudence of officers on them.¹³⁰ If anyone violated the law; they were to be fined and ostracized from the community. It may be the misrule of the *Ūrālar* and officers, leads to the formation of this type of code by the rulers of that particular territory. This enabled the peasants to establish their permanent right on the land.¹³¹ According to this inscription, a village offered as *Kīlītu* by Iravi Tevi Amman for which the Brahmin assembly of Cōkiram received two *nāli* of rice and *tiruvīlakku* as protection fee. The officer in charge of collecting this is called Tavarānūr *Pāṭṭāvaḷan*, means the rent collector of Tavarānūr.¹³² These inscriptions include a series of prohibitions related to the *Ūrālar*. According to Tavarānūr *Kaccam*, the *Ūrālar* were prohibited from hindering cultivation, confiscating property, taking over the cultivation, collecting more rent, settling families, climbing the bed (procuring concubines), acquiring land or abusing the settlers or interfering with the actions of the overlords of the villages.¹³³ All of these regulations prove the absolute power which the rulers possessed concerning the ordinary villages.¹³⁴

Another Cōkiram inscription is in a fragmentary form.¹³⁵ This mentions an agreement arrived at by the temple *paraṭaiyār*, temple *Iḷaiyar* (Junior-probably the elder's forms a committee here) and Rajasekhara, the *Vaḷḷuvar*, who was a patron of the settlement, settling aside and all the lands belonging to

¹²⁹ M.G.S. Narayanan, *Kēraḷa Caritrattinte Aṭishāna Śilakaḷ*, (Mal), Kozhikode, 1971, p. 50.

¹³⁰ *Ibid.*

¹³¹ M.G.S. Narayanan, *Perumāls of Kerala, Op.Cit.*, p.217.

¹³² M.G.S. Narayanan, *Index to Cēra Inscriptions, Op.Cit.*, C. 17, p.130

¹³³ *Ibid.*; M.G.S. Narayanan, *Kēraḷa Caritrattinte Aṭishāna Śilakaḷ*, (Mal), *Op. Cit.*, pp.45-60; M.G.S. Narayanan, *Index to the Cēra Inscriptions, Op. Cit.*, A. 13, p. 14.

¹³⁴ M.G.S. Narayanan, *Perumāls of Kerala, Op.Cit.*, p.217.

¹³⁵ M.G.S. Narayanan, *Index to Cēra Inscriptions, C. 20, Op.Cit.*, p.133.

it for expenses of Cōkiram temple.¹³⁶ According to this inscriptional reference, the *Ūrāḷars* were openly prohibited from obstructing cultivation, selling paddy, confiscating property, entering the village with such motives, enjoying the proceeds of these lands, and obstructing cultivation, *Bali*, daily worship, and priest in the temple.¹³⁷ Those who violate the agreement were to be excommunicated from the *Ūrāṇmai* (village).¹³⁸ The rules of the *Kaccam* show that the rulers tried to protect the peasants from the government officials and *Ūrāḷars*.

Tiruvalla copper plate refers to Śankaramangalattu *Kaccam*, in connection with the surrender of Kalavūr village as a *Kīlīṭtu* to the Brahmin assembly of Tiruvalla by Ravi Śrīkaṇḍan, Governor of Vempolināṭu. The *Ūrāḷar* were asked to protect the village from the discontent of kings and feudatories in return for the payment of protection fee.¹³⁹ Śankaramangalattu *Kaccam* deals with the conditions of submission of the whole village as *Kīlīṭtu* to an Aryan Brahmin village. Māmpaḷḷi copper plate of Śrīvallabhan Kōtai is concerned with the same matter.¹⁴⁰ But it does not mention any particular *Kaccam*. The *Ūrāḷars* were protecting the temple and its property and receive 200 *para* of paddy per year as *Rakṣābhōga*.¹⁴¹ Those who violated the agreement by obstructing cultivation or confiscating property in the *Kīlīṭtu*, and their accomplices, were to pay 200 *Kalañcu* of gold as fine.¹⁴²

An undated record of Airāṇikkuḷam refers to a *Kaccam* known as Kaitavārattu *Kaccam*. This 10th-century record refers to a union between

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ M.G.S. Narayanan, *Perumāḷs of Kerala, Op. Cit.*, p.218.

¹⁴⁰ M.G.S. Narayanan, *Index to Cēra Inscriptions*, B.11, *Op. Cit.*, p.100.

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*

Tiruvallavāl and Airāṇikkūlam - two villages 'inhabited by noble Brahmins'- agreed to buy the *Ūr* and *Potuvāl* of both villages. They agreed to share their wealth and disciplinary measures, glory and humiliation and everything else to form a *ēkagrāma*. It was the duty of the *Ūrālar* to share happiness and misery whenever grievances were reported. Those who refused to do so and their supporters lost their power in both villages and the right to settle there. The permanent union of Brahmin settlements must have been a common practice which led to their expansion in power and prestige.¹⁴³

There are some records of the Brahmin settlements in which punishment in the form of temporary loss of rights, or loss of tenancy or office or fine are prescribed for certain offences. According to a record from Neṭumpuṛam Taḷi, the *Taḷiyār* and *Adhikārar* guilty of violating the agreement were not to exercise their powers until they paid their fine.¹⁴⁴ A similar injunction that others shall not work with the *Paraṭayār* until they paid fine is found in Trippūṇittara inscription.¹⁴⁵ A Trikkākkara inscription prevents the *Śānti* (priest), who violated an agreement, from touching the deity and officers of the temple.¹⁴⁶ A Tirunelli inscription also prohibits the entry into the temple by person guilty of violating the rules until they pay the fine.¹⁴⁷

An undated Kumāranallūr inscription of the 11th century, which mentions *Perumāṇaṭikaḷ* in the text, gives interesting information about some judicial aspect of local government.¹⁴⁸ Any dispute or violence in the temple was prohibited. The *Ūr* meeting at the temple laid down certain rules for the

¹⁴³ M.G.S. Narayanan, *Perumāls of Kerala, Op. Cit.*, p.218.

¹⁴⁴ M.G.S. Narayanan, *Index to Cēra Inscriptions, A.9, Op.Cit.*,p.9.

¹⁴⁵ *Ibid.*, A.16, p.17.

¹⁴⁶ *Ibid.*, B.9, p.98.

¹⁴⁷ *Ibid.*, A.46, p.52.

¹⁴⁸ T.A. Gopinatha Rao, *T.A.S.*, Vol. II, Part. I, *Op.Cit.*,p.191.

Ūrālar as well as others in the village. It records certain regulations made in respect of criminal offences such as meddling with the constitution of the assembly of *Ūrālar*, unlawful entry into private and communal properties, employing abusive language and causing hurting or death. It prohibits the *Ūrālar* from increasing the members of the assembly or dissolving them, from slopping the expenses of temples, from entering on communal lands on the banks of tanks, from trespassing on the premises of houses, compounds and lands from intimidating the tenants or ejecting from unlawfully. The penalty imposed for the commission of such illicit actions is expulsion from the *Sthānam* (position), the assembly and the judiciary.¹⁴⁹ This document records that if a Śūdra talks scornfully of a Brahmana he should be liable to pay a fine of 12 *kaṇam* of gold, and if he hit a Brahmana with an arrow, he should pay a fine of double the amount i.e., 24 *kaṇam* of gold, and that if a Śūdra abused another Śūdra, he should pay a fine of six *kaḷaṅcu* of gold, and that if he caused his death, he should be fined double, the amount i.e., 12 *kaḷaṅcu* of Gold. The amount realized by these fines should go to the temple of the goddess. The persons who have transgressed the regulations lay down in this inscription should suffer social ostracism. They should be liable to the payment of a fine of 100 *kaḷaṅcu* of gold to the king.¹⁵⁰ The use of *Durvācakams* or worst language against a person who belongs to a superior rank should be punished. According to *Arthaśāstra*, if the persons abused happen to be of superior rank the amount of fine should be doubled; and if a lower rank, it should be halved. According to Yājñavalkya, if a Śūdra commits the above-said offence against any one of twice-born classes, he shall have his tongue cut off.¹⁵¹

¹⁴⁹ *Ibid.*, p.192.

¹⁵⁰ *Ibid.*, p.192.

¹⁵¹ *Ibid.*, p.192.

Aram is the Tamil for Dharma and stands the inscription for *Dharmāsana* or *attankuravai* which is the court, where judges assemble to hear cases, discuss law and render out justice.¹⁵² Inscriptions state that the fines forced on offenders should be paid in the court of justice. The persons, who transgress the rules, had no seat in *Pariṣad* and *Aram* and they were not eligible to become a member of the *Sthānam*, the assembly or the judiciary. In total, the Cēra inscriptions demonstrate how the Brahman settlements, organized under the leadership of *Nālu Taḷi* and following a common code of conduct called *Mūlīkkaḷam Kaccam* in routine affairs, were enjoying high status and power in the Cēra administration.¹⁵³

Nālu Taḷi

The *Kēraḷōlpatti* tradition gives incidental information regarding the important feature of Kerala government called *Nālu Taḷi*. It is here stated that the Brahmanas fearful of the encroachment of the Perumāḷs renewed a former division of their sixty-four *grāmas* into four circles represented by the four chief villagers, and there had four *taḷis* or temples for sitting of their representatives constructed near to the Perumāḷ's palace, called as *Mēlittaḷi*, *Kīlittaḷi*, *Neṭiyataḷi* and *Chingapurattutaḷi*.¹⁵⁴ Mushikakolam was *Mēlittaḷi*, Airāṇikkōṭu was *Kīlittaḷi*, Parappūr was *Neṭiyataḷi* and Iringālakkuṭa was *Chingapurattutaḷi*.¹⁵⁵ The members of the parliament of this *Nālu Taḷis* were known as *Taḷiyātiris*. Every government measure had first discussed and approved by the *Taḷiyātiris*.¹⁵⁶

¹⁵² *Ibid.*

¹⁵³ M.G.S. Narayanan, *The Perumāḷs of Kerala*, *Op.Cit.*, p.220.

¹⁵⁴ M.R. Raghava Varier, *Kēraḷōlpatti Granthavari*, *Op.Cit.*, p.11.

¹⁵⁵ *Ibid.*, p.15.

¹⁵⁶ M.R. Raghava Varier, Kesavan Veluthat, ed., *Tarisāppaḷli Ceppētu* (Mal.), (2013), Kottayam, 2015, p.30

Kollam Rāmēśvaram inscription says that the *Nālu Taḷis* were present in 1102 AD when the last Kulaśēkhara Perumāḷ was punished. It is argued that he might have been faced the opposition of the Brahmins to hand over his throne and go to exile.¹⁵⁷ After the Cēra-Cōḷa war the Namboothiri Brahmins, the feudal lords of the land, became dominant enough to force the last Perumāḷ to do *Prāyaścitta* (atonement) for the sin of having offended the Brahmins. Later the Nāyar suicide squads emerged.¹⁵⁸ From 11th to 16th centuries even the Namboothiris were a minority of the population, no one had the valour to do anything against the wishes of Namboothiri Brahmins.¹⁵⁹

The *Taḷis* have emerged as the custodians of temple and temple lands in early medieval Kerala. *Taḷiyātiris* were the administrative group of the *Taḷis*. The two important Namboothiri families, where the temples located, became the *Taḷiyātiris* of that particular *Taḷi*.¹⁶⁰ According to *Kēraḷōlpatti* tradition in early times the Brahmin villages were under the *Kaḷakams* and Payyannūr, Peričcellūr, Panniyūr, and Paravūr were the earliest *Kaḷakams*.¹⁶¹ Later its number increased and it integrated Airāṇikkūḷam, Mūṣikakuḷam, and Iringālakkuṭa.¹⁶² The Cēra inscriptions refer to *Taḷi*, *Taḷiyātiris*, and *Kaḷakams*. With the decline of Cēra power, their administrative mechanism itself declined. There was no evidence related to the law and order mechanism under the Perumāḷ rule. There was only reference about the *Āyiram*. *Āyiram* and *Nālu Taḷi* were not mentioned in the later Cēra period. From 13th century onwards

¹⁵⁷ Elamkulam P.N. Kunjan Pillai, *Studies in Kerala History, Op.Cit.*, p.313.

¹⁵⁸ A.S Ramanatha Ayyar, *T.A.S*, Vol. V, Trivandrum, 1924, p.44.

¹⁵⁹ Elamkulam, *Studies in Kerala History, Op.Cit.*, p.313.

¹⁶⁰ K.N. Ganesh, *Kēraḷattinte Innalekaḷ, Op.Cit.*, p.305.

¹⁶¹ *Ibid.*

¹⁶² M.R. Raghava Varier, *Kēraḷōlpatti Granthavari, Op.Cit.*, p.15.

Nālu Taḷi and *Kaccams* completely disappeared. The local *Kaccams* include new codes of conduct for particular *Sankētam*.

Sankētam

During the post Perumāḷ period the fragmented nature of political authority assisted the growth of *Dēvaswams* and individual Namboothiri Brahmins as power centres. They began to control the entire temples of medieval Kerala.¹⁶³ The emergence of the temples as sovereign power centres was evident with the emergence of *Sankētam*.¹⁶⁴ *Sankētam* included the temple and its lands. The *Sankētams* exercised judicial rights and powers. The *Sankētams* could not be disturbed by any outside agency including *Swarūpam*.¹⁶⁵ The produce of *Sankētam* could not be forcibly collected by any powers outside the *Sankētam*.¹⁶⁶

The *Sankētam* was to be accepted as a separate power centre. The *Swarūpams* had to pay *Daṇḍaparihāram* (retribution) in many weights of gold, silver or an elephant for intrusions.¹⁶⁷ The *Daṇḍaparihāram* imposed on *Swarūpams* implied that *Sankētam* was to be acknowledged as a separate power centre, and the refusal to pay the *parihāram* or perform the ritual duties to the temple implied the refusal of the temple to perform its honest service to the *Swarūpam*.¹⁶⁸ For instance, in 18th century, Mārttāṇḍavarma of Tiruvitāmkūr had to pay a heavy amount as *Daṇḍaparihāram* to Padmanābhaswāmi temple for various excesses committed by the previous *Tiruvāṭis* of Vēṇāṭu, before he

¹⁶³ K.N. Ganesh, 'Polity and Society in Medieval Kerala' in K.K.N. Kurup, ed., *New Dimensions in South Indian History*, Calicut, 1996, p.116.

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.*, p.107.

could persuade the temple authorities to perform their ritual services for the *Swarūpam*.¹⁶⁹

Sankētams were small districts consisting of several villages owned and administered by the Brahmin trustees of the temples.¹⁷⁰ The disappearance of the Cēra power and the disintegration of territory and authority, the continuous struggle among them and growing weaknesses of the Nāṭuvālis accelerated the growth of *Sankētams* or 'Temple states'. During that time most of the temples were sovereign states with a well-defined territory of their own.¹⁷¹

The *Sankētams* were nominally under the patronage of some chieftains or other or a number of them who supported them with Nāyar warriors in the enforcement of law and order.¹⁷² Apart from *Kāval*, *Sankētam* had the privilege of the administration of justice in cases like theft, housebreaking, manhandling, pollution, murder, boundary disputes etc. The communal courts were maintained by the temple organization.¹⁷³ The temple council exercised the authority on collecting taxes, punishing crime, settling disputes and entering into treaties and alliances.¹⁷⁴ The temple *Sankētam* looks up the role of legal courts.¹⁷⁵ The growth of *Sankētams* created a condition of feudal anarchy in Kerala. The first-time references of the constitution and various functions of *Sankētam* got from the *Vaññēri Granthavari*.¹⁷⁶

¹⁶⁹ *Ibid.*

¹⁷⁰ K.A. Muhammed Anwar, *Naduvazhi and Sanketham in Medieval Kerala*, Unpublished M.Phil. Dissertation, University of Calicut, 1988, p.38.

¹⁷¹ Krishna Ayyar, *History of Kerala*, (Mal.), Coimbatore, 1968, p.270.

¹⁷² K.A. Muhammed Anwar, *Op. Cit.*, p.38.

¹⁷³ *Ibid.*, p.8.

¹⁷⁴ *Ibid.*, p.38.

¹⁷⁵ *Ibid.*, p.8.

¹⁷⁶ M.G.S. Narayanan, (ed.), *Vaññēri Granthavari*, (Mal.), Calicut, 1987.

K.V. Krishna Ayyar argues that like all the states the temple states were also independent states with sovereign powers of self-assessment and jurisdiction within their *Sankētam*.¹⁷⁷ Many of the important *Dēvaswams* had their *Sankētams*. Most of the land and temples attached to them were the creation of Brahman lords and communities.¹⁷⁸ It has the nature of a theocratic state. The Brahman lords along with the secular leader and other persons attached to the temple collectively termed *Yōgam* managed the temple lands and ruled the tracts lying within the limits of the *Sankētam*.¹⁷⁹ P.K.S. Raja argues that most of the temples and lands attached to them were originally the creation of the Brahman lords and communities.¹⁸⁰

The *Sankētams* possessed independent jurisdiction.¹⁸¹ According to K.P. Padmanabha Menon, the term *Sankētam* applied to a tract over which no sovereign has any right or jurisdiction.¹⁸² There are two *Sankētams*, that is, those self-existent as remnants of Brahman supremacy of old, and those created under concessions made by sovereigns in favour of pagodas or Brahman communities from motives of religion.¹⁸³ The sovereign whose territories surround a *Sankētam* has no authority of any kind over it. The civil and criminal jurisdiction over *Sankētams* vest in the constituent members elected or in the sovereign protector of their choice, that the *Kōyama*, *Akakōyama*, *Samudāyam* apply to the managing members who are generally sovereigns elected for the purpose.¹⁸⁴ The *Sankētams* are an independent constitution governed by its

¹⁷⁷ K.V. Krishna Ayyar, *History of Kerala, Op. Cit.*, p.278.

¹⁷⁸ K.P. Padmanabha Menon, *History of Kerala*, Vol. IV, New Delhi, 1989, p.87.

¹⁷⁹ *Ibid.*

¹⁸⁰ P.K.S. Raja, *Medieval Kerala*, Calicut, 1966, p.241.

¹⁸¹ *Ibid.*

¹⁸² K.P. Padmanabha Menon, *History of Kerala*, Vol.IV, *Op.Cit.*, p.89.

¹⁸³ *Ibid.*

¹⁸⁴ *Ibid.*

members and presided over by a sovereign elected by them.¹⁸⁵ The *Vaikkam Granthavari* shows that the committee of management possessed the right to punish all offenders within their jurisdiction.¹⁸⁶ The sovereigns were liable to be punished for acts of autocracy within the *Sankētam*.¹⁸⁷ The *Sankētams* possessed the right to punish offences including capital punishment and to collect the various kinds of land revenue from the villages and levy house tax on the houses of certain classes of the inhabitants.¹⁸⁸ These show that the *Sankētams* are self-governing units.

The *Vaññēri Granthavari* shows that the *Sankētams* carry out cases like theft, manhandling, murder, housebreaking, insubordination, pollution and boundary disputes.¹⁸⁹ *Vaññēri illam* was closely associated with the management of Trikkāṇṭiyūr Śiva Temple, the *Vaññēri* chief being the executants of the *Sankētam*.¹⁹⁰ The period of *Vaññēri Granthavari* is from 1541 AD to 1886 AD and during that time temple *Sankētams* were common in Kerala.

Vaññēri Granthavari includes some cases like theft, murder, manhandling, arson and violence, insubordination, pollution and boundary disputes.¹⁹¹ The power of the judicial organization of *Sankētams* was illustrated through the analyses of many cases referred to in the *Granthavari*. The ritual

¹⁸⁵ *Ibid.*

¹⁸⁶ P.K.S. Raja, *Medieval Kerala, Op.Cit.*, p.243

¹⁸⁷ *Ibid.*

¹⁸⁸ *Ibid.*, p.244.

¹⁸⁹ M.G.S. Narayanan, ed., *Vaññēri Granthavari, Op. Cit.*, Document Number: 43A, 56A, 38A, 61A, 54A, 77A, 41A, 82A, and 66A, pp. 20, 22-23, 27, 30, 32, 41.

¹⁹⁰ *Ibid.*, p.XIII.

¹⁹¹ *Ibid.*, Document Number: 43A, 56A, 54A, 38A, 61A, 77A, 41A, 82A, 66A, pp. 20, 22-23, 27, 30, 32, 41.

superiority of Brahmins in Veṭṭam region over the central authority is visible through the procedure of many cases in the *Granthavari*.

The two cases of theft are cited in the context of *paṭṭiṇi*. In 1602, an individual called Kanniyakath Kumarappan had stolen a cow from the area of Trikkāṇṭiyūr *Sankētam*.¹⁹² The *yōgam* had to conduct two *paṭṭiṇis* to bring the culprit under law. Then he and his companions got capital punishment.¹⁹³ Another theft mentioned in *Granthavari* was taken place in 1609 AD. According to that, Putukūḷangara Iṭṭi Uṇṇi was arrested by the functionaries of Veṭṭattu Rāja, who sent him along with the stolen property to the *yōgam* at Trikkāṇṭiyūr. Then he accepted that he was responsible for the theft. Cēnnaṅ was summoned by the *yōgam* and *kāryakkār* and asked to give an account of the involved. According to his account, 201 *paṇam*, one sword, one small plate, one *Kaccam*, pieces of cloth and grinding stone had been removed. Iṭṭi Uṇṇi states that he had taken only 84 *paṇam* and he agreed with the rest of the catalogue. He says that all objects except the *Kaccam* had already been transferred to another's control and then the *Kaccam* was recollected from Orikkare Uṇṇirāman with whom it was deposited. That was handed over to Cēnnaṅ. Iṭṭi Uṇṇi was executed by the *Kōvil Nampī* with the help of Ūrakattu Nāyar and Mukkūṭṭil Nāyar. The *Janam* of Taṭṭāparambattu and others jointly gave *Jāvana* (maintenance) to the Nāyars of the different villages. The *Samudāyam* paid *Jāvana* to Mukkūṭṭil Nāyar and Ūrakattu Nāyar and also to those who were sent from the place.¹⁹⁴ These two incidents indicate the severe nature of punishments, even for theft in medieval Kerala society. The ruling chieftain and temple organization had combined power to punish the criminals.

¹⁹² *Ibid.*, Document Number. 43A, p.23.

¹⁹³ *Ibid.*

¹⁹⁴ *Ibid.*

Another case discussed in *Vaññēri Granthavari* was related to boundary disputes happened in 1618 AD.¹⁹⁵ The document entitled ‘Veṭṭuvañcēri's account’ refers to an agreement between Vaññēri Namboothiri as the first party and Tiruvūr Veḷḷuvaccēri Karuṇākaran, Uṇṇirāman, Uṇṇakkam Ceriyatu and their brothers as the second party.¹⁹⁶ It lays down the eastern and southern boundaries of the plot in the ownership of the latter. The areas lying beyond that were fixed as the property of Namboothiri, and the latter had no right over there. This agreement was the result of an amendment held on the day between the two parties. Both of them agreed to resolve by its terms in the presence of *Dēśakōyma* and Vaṭakkumpāṭṭu Iṭṭirārappan who was the scribe. This section of the document was prepared for Vaññēri Namboothiri, the first party. Following this, the counterpart of the second party is provided. A fresh measurement of *Kāval* fee is the purpose of the document.¹⁹⁷ The *Granthavari* mentions this boundary issue.

A murder case of 1607 AD was discussed in the *Vaññēri Granthavari*.¹⁹⁸ In this Ūrakattu Uṇṇāman, who was the *Maniṣam* of the Zamorin for *Kāval* in the Tiruvūr area, murdered a person called Karippan near the tank in the south of victim's place. Karippan, one of the tenants of the Tiruvūr area, was the victim. After that crime, he ran away, and many people followed and caught him. He was imprisoned in the western house of Triikkaṇṭiyūr. After that Vaññēri Namboothiri went to Vanmenāṭu, met the Zamorin and reached an agreement. Then he has acquired permission from Zamorin to deal with the culprit according to the protocol of the *Sankētam* by the Triikkaṇṭiyūr Kōyma. Then on Makaram 19, 1607 AD Matilakattu, Iṭamana, Kōngāṭu, Vaññēri,

¹⁹⁵ *Ibid.*, Document Number:66A, p35.

¹⁹⁶ *Ibid.*

¹⁹⁷ *Ibid.*

¹⁹⁸ *Ibid.*, Document Number:54A, p.29.

Mangalacēri Kaṭiyakōl, Pātamūlam, Kommāli, Cēramangalam and Nāyars of Pantīraḷam assembled to take up the case for discussion. Since the *Kōvil Nampi* was sick and he was unable to walk, his sanction was also obtained in writing. After that Kommāli and Nāyars of Karunāṭṭu and Pantīraḷam took the culprit to Porraṭakkal and Kommāli, the Tevar's representative of Panniyūrkuuru, kills him. Then the *Samudāyam* handed over his dress and weapon to his heirs. The Zamorin was intimated about the release of the belongings. This was done on behalf of the *Samudāyam*. An approval regarding the execution of the culprit, addressed to the *Samudāyam* also received from the Zamorin.¹⁹⁹ This incident also shows the joint authority of *Sankētam* and ruler in dealing with the cases.

This murder case shows that the offender was one of the *Kāval* of Zamorin. The *Sankētam* is not able to deal with the case on its own, even though the victim Karippuṟam was one of the tenants in the Tiruvūr area. Similarly, the Zamorin had no territorial authority in the region of Veṭṭam Rāja.²⁰⁰ Since he had the status of Nāṭuvāli, and the offender happened to be of his *Kāval*, prior permission was obtained from him, and he was posted with all information.²⁰¹

In 1631, a crime case happened in Vaññēri area was referred to in the *Granthavari*.²⁰² The case was involving two families, Nāṭuvāli *Sankētam*, *Kāval* and some leading people of the area. In which, Aḷakappali Paṇikkar and his Nāyars vigorously entered the Eṇṇaccēri house of Kaṇṭattil Chāttappan in Tiruvūr village. They ruined the mud walls of the house and fired a few shots at the door with a gun. The victim in the house raised voice, some of the

¹⁹⁹ *Ibid.*

²⁰⁰ K.A. Muhammed Anwar, *Feudal Society in Medieval Kerala*, Unpublished Ph.D. Thesis, University of Calicut, 2002, p.165.

²⁰¹ *Ibid.*

²⁰² M.G.S. Narayanan, *Vaññēri Granthavari*, *Op. Cit.*, Document No:77A, p.41.

Kāvalkkār - Müttēṭattu Kōman, the nominee of Mukkūṭṭil Nāyar, Māṭampattu Vikkiravan, the nominee of Candrattil Paṇikkar, Candrattil Uṇikkaṇṭa Paṇikkar, and Viriyan Nambiar, the nominee of Ārangōṭṭu Rāja or Vaḷḷuvanāṭu Rāja followed the criminals. Then Paṇikkar and Nāyars took shelter in his own house. The *Kāval* personnel stayed outside. Paṇikkar managed to escape through the backdoor along with his escort and set fire to another house belonging to Cāttappan. Then he collected his Nāyars and female folk and escaped to another village. The *Kāvalkkār* were unable to capture them and so they were fully dissatisfied. Then they reported this matter to Vaññēri Namboothiri. They want to go to *Paṇikkar's* abode and 'die fighting there'. The Namboothiri tried to support them and persuaded them to wait for some time. Then he informed the matter to Veṭṭattu Rāja, who ordered that the Paṇikkar's house might be destroyed on receipt of this order from Veṭṭattu Rāja, and Vaññēri Namboothiri permitted the *Kāvalkkār* to do their duty. Then they completed the ruin of the house. Uṇṇi Mādhavi, the women of the house, stayed as a refugee in Trikkāṇṭiyūr *Maṭham*. Later Vaññēri Namboothiri returns their house. He ordered her to surrender part of their property to Trikkāṇṭiyūr temple. They did so and certain complexes were offered to the *Tēvan* by way of *Prāyaścitta*.²⁰³

The administrative mechanism of power-sharing is fully visible through these incidents. These issues show the nominal authority of the Nāṭuvāḷi, the maintenance of *Kāval* system and the judicial powers of *Sankētam*, which underlined the feudal expansions of this period.²⁰⁴ The law and order executed by the *Sankētam* confirm its influence as a feudal lord and its ultimate power in that particular area. An ancient law of 'tooth for a tooth and an eye for an

²⁰³ *Ibid.*

²⁰⁴ K.A. Muhammed Anwar, *Feudal Society in Medieval Kerala, Op.Cit.*,p.168.

eye' was followed in medieval Kerala society concerning civil and criminal laws.²⁰⁵

***Paṭṭiṇi*: Hunger Strike of Brahmanas**

The jurisprudence of medieval Kerala was closely related to the Brahminic ideology. *Paṭṭiṇi* as an institutionalized hunger strike was a device observed by the Namboothiri Brahmins of Kerala for the redressal of grievances during the medieval period.²⁰⁶ The institution of *Paṭṭiṇi* belongs to a category of customary practice in the local traditional jurisprudence.²⁰⁷ The present study intends to discuss how the Brahminic community used their 'power of divinity' to solve their grievances and analyse the role of *Puṇyam* and *Pāpam* concepts in this practice. Brahmins tried to defend the offenders of medieval Kerala through 'the spiritual power'. The punitive power of Namboothiri Brahmins was unlimited and possessed civil and criminal jurisdiction in society. Among the Hindus, the Namboothiris formed a theocratic oligarchy, which managed its communal affairs without any considerable intervention of any temporal power. The mode of judicial organisation depended on the dominant ideology called Namboothiri ideology.

The network of Brahmin settlements acted as one of the unifying forces in Kerala in the post Cēra period. Most of the settlements had *Sankētams* which are called "legally constituted political sub-region".²⁰⁸ *Sankētams* have unlimited temporal power within the jurisdiction independent of the local chieftain.²⁰⁹ If any crime was committed within the *Sankētam*, it was held to

²⁰⁵ *Ibid.*

²⁰⁶ M. Vijayalekshmi, 'Paṭṭiṇi-An Institution of Fasting Observed for the Redressal of Grievances in Pre-Colonial Kerala', *Proceedings of the Indian History Congress*, Vol.60, Calicut, 1999, p.413.

²⁰⁷ *Ibid.*, p.416.

²⁰⁸ Kesavan Veluthat, *Brahmin Settlements in Kerala*, *Op. Cit.*, p.30.

²⁰⁹ *Ibid.*

be dissolved. Except for the routine, the daily worships, all feasts and festivals including the annual *utsava* for reinforcing the divine energy or *Caitanya*, were suspended.²¹⁰ Before the formal announcement of the festival, an officer of the temple calling out, inviting all those who had any complaint to come forward, and it was only after their grievances were redressed the flag was hoisted. If a single offender remained unpunished the festival could not be celebrated.²¹¹ If the *Kōyma* had conspired with the offender the *Yōgam* has resorted to *Paṭṭiṇi* or fasting.²¹²

Procedure of *Paṭṭiṇi*

The exact period of the beginning of *Paṭṭiṇi* is not identified, but it is believed that from 16th century onwards *Paṭṭiṇi* widely practised in Kerala. The *Kēraḷōlpatti* tradition refers to *Paṭṭiṇi* as an institution to solve the grievances of the Namboothiri Brahmins of medieval Kerala.²¹³ *Kēraḷōlpatti* tradition refers that Paraśurāma gives a sword to Eṭappaḷli Nampiyātiri to cut off and win in the struggles.²¹⁴ Then he gave *Camata*²¹⁵ to practice *Paṭṭiṇi* when he fails in any protests.²¹⁶ Paraśurāma ordered the people of Kerala to follow the customs without any fail.

According to indigenous custom, the act to give food to the Brahmins was a pious act and the negation of food to them, even it was by themselves,

²¹⁰ Krishna Ayyar, *History of Kerala*, Coimbatore, 1968, p.272.

²¹¹ *Ibid.*, p.273.

²¹² *Ibid.*

²¹³ M.R. Raghava Varier, ed., *Kēraḷōlpatti Granthavari: Kolathunadu Tradition, Op.Cit.*, pp.2,9,40,48.

²¹⁴ *Ibid.*, p.40.

²¹⁵ Fuel created chiefly from Buted Frandosa, for *yāgas*. *Camata* used by Brahmins for rituals connected with *Paṭṭiṇi* also.

²¹⁶ M.R Raghava Varier, ed., *Op. cit.*, p.40.

was believed to be a great sin.²¹⁷ The curse connected with this was believed to be capable of destroying the family responsible for the displeasure of Brahmins.²¹⁸ This fear of sin and curse was used as an effective mechanism to restrain the offenders and to get the grievances to compensate.²¹⁹ This hunger strike observed at last resort when all attempts at reconciliation failed.²²⁰ The *Paṭṭiṇi* was of two kinds *Oṙra Paṭṭiṇi* and *Kūṭṭa Paṭṭiṇi*.²²¹ The *Paṭṭiṇi* was observed by the Namboothiris either for themselves or for the sake of others on request.²²²

The socio-cultural status of the priestly class was used as an effective method against the ruler, chieftains and lords and so on. The hunger strike was used by the Brahmins to defend the rule of power of the chieftains and lords of Kerala. They used their spiritual power to create fear among those groups. The *Oṙra Paṭṭiṇi* observed either before the houses of the offender or in front of the temple. A learned Brahmin would go to the house of the offender at the request of the aggrieved and would observe fasting which in effect was *Paṭṭiṇi*. For the fear of the curse, nobody would dare to take food while the Namboothiri was fasting.²²³ This usually leads to the settlement of the problem between two parties.

The effect of *Kūṭṭa Paṭṭiṇi* was believed to be more disastrous than *Oṙra Paṭṭiṇi*. It aimed to annihilate the enemies, and it was associated with

²¹⁷ M. Vijayalekshmi, *Op. Cit.*, p.413.

²¹⁸ *Ibid.*

²¹⁹ *Ibid.*

²²⁰ M.G.S. Narayanan, ed., *Vaññēri Granthavari*, *Op.Cit.*,p.233.

²²¹ *Oṙra Paṭṭiṇi* was observed by a single person and *Kūṭṭa Paṭṭiṇi* was observed by a group of Brahmins to solve their grievances; P. Bhaskaranunni, *Pattonpatām Nūrrāṇṭile Kēraḷam*, (Mal.), Trissur, 2012, p.819.

²²² *Ibid.*

²²³ M. Vijayalekshmi, *Op. Cit.*, p.413.

sorcery.²²⁴ The *Kūṭṭa Paṭṭiṇi* was observed in the temple of the *Sankētam*. It was against the ruler or chieftain in most of the cases.²²⁵ *Paṭṭiṇi* would be officially intimated by the ruler and would be observed with elaborate rituals.²²⁶ The learned Brahmin called *Paṭṭiṇi Nampi* has guided all the procedure of the hunger strike.²²⁷ His office *Paṭṭiṇi Nambittānam* also intervened in the procedure.²²⁸ Those who participated in the *Paṭṭiṇi* were given *dakshina* every day.²²⁹ The venue of *Paṭṭiṇi* is called *Paṭṭiṇipura*.²³⁰ The *Paṭṭiṇipura* and *Paṭṭiṇi Nampithanam* at Vaṭakkunnātha temple still exist. The blowing of *Paṭṭiṇi śamkhu* (Conch) performed in connection with the festival of Kuṭṭanellūr temple at Thrissur, is reminiscent of the medieval *Paṭṭiṇi*.²³¹ Some *Paṭṭiṇis* observed without any ritual or *hōma*.²³² *Paṭṭiṇi Sadya* (feast) or *Paṭṭiṇi ūṭṭu* were also conducted for the people those who helped the Namboothiris for practice rituals during the time of *Paṭṭiṇi*.²³³ All of this light upon the importance of *Paṭṭiṇi* in medieval Kerala.

When *Paṭṭiṇi* was started, every morning after bathing, the Namboothiris would assemble before the temple of the *Sankētam* and invoke

²²⁴ P. Bhaskaranunni, *Op. Cit.*, p.819.

²²⁵ M. Vijayalekshmi, *Op. Cit.*, p.413.

²²⁶ *Ibid.*

²²⁷ Gundert says that *Paṭṭiṇi Nampi* is a Brahmin who duns by sitting on his umbrella before debtors house, starving himself, and those with in if not satisfied, he perform a funeral ceremony for the inmates, a curse more dreaded than death; Herman Gundert, *Malayalam English Dictionary*(1872), Kottayam, 2013, p.565; M.R Raghava Varier, ed., *Op. Cit.*, p.9.

²²⁸ M. Vijayalekshmi, *Op. Cit.*, p.415.

²²⁹ *Ibid.*

²³⁰ M.G.S. Narayanan, *Vaññēri Granthavari* , *Op.Cit.*, p.237.

²³¹ M. Vijayalekshmi, *Op. Cit.*, p.415.

²³² K.N. Ganesh, ‘*Paṭṭiṇi Oru Samararūpam*’ in P. Śivadasan, ed., *Viśappinte Raṣṭrīyam* (Mal.), Kottayam, 2017, p.19.

²³³ *Ibid.*, p.20.

the deity by chanting *Mantras*.²³⁴ This would continue till noon. At the noon all the hungry Brahmins would be invited for the feast and food would be served. But before taking food some Namboothiris would rise and intimate about their grievances. Then the entire people assembled there would decline the food and leave the hall. The hungry Brahmins would start chanting *Mantras* like *Atharvaṇa hōma* to annihilate the enemy. This continued up to dusk. After the evening ritual, the Namboothiris would consume some fruit and water only to preserve their life. This was repeated until the problem was solved.²³⁵ The society feared the ritual power of Brahmins and in most of the cases, the dispute was settled amicably in favour of the Brahmins. But later the rulers and lords were not ready to yield before the Brahmanical pressure and it continued for several days and some of them even ended unsuccessfully. This indicates the changing nature of medieval society.

Observance of *Paṭṭiṇi*

The fall of the famous town of Trikkāṇāmatilakam is explained in a traditional story related to *Paṭṭiṇi*. After the fall of Perumāls of Mahodayapuram, Matilakam came under the control of Patinnarettu Namboothiri. But the de facto power was in the hands of two Nāyar nobles – Vadakketathu and Thekketathu Nambutiri.²³⁶ Matilakam town contained Trippēkkūḷam temple. The rulers of Matilakam decided to build six more outer walls, but the sixth one would trespass the territories of Iringālakkuṭa, a Brahmin settlement of medieval Kerala. So, the people of Iringālakkuṭa objected it. But the Matilakam rulers decided to build the sixth wall first and began the construction. Thereupon the inhabitants of Iringālakkuṭa went to the site of the wall and lay there to obstruct the construction. The Brahmins in this

²³⁴ M. Vijayalekshmi, *Op. Cit.*, p.415.

²³⁵ *Ibid.*

²³⁶ *Ibid.*

group were forcibly caught and imprisoned in a nearby *Agrahāra* as the murder of the Brahmins was considered as a most heinous crime.²³⁷ The wall was built over the non-Brahmins who were lying there obstructing the construction.²³⁸

Then the Namboothiris of Iringālakkuṭa planned *Paṭṭiṇi* for the annihilation of the Nāyar nobles of Matilakam.²³⁹ This is regarded as a type of sorcery or *Ābhicāram* by using *śatrusamhāra mantras* and tries to please their *Paradēvata*, (family deity) from early morning to noon. At noon all hungry Brahmins, including the participants of *Paṭṭiṇi* and people come from long distance was invited for the feast. But just before taking food a few Namboothiris of Iringālakkuṭa stood up and intimated their grievances.²⁴⁰ Then the entire group refused food and the hungry Brahmins again start chanting *Mantras* to annihilate the enemy. This observance of *Paṭṭiṇi* continued for 41 days.²⁴¹ Following this, an internal conflict arose among Matilakam Nāyars regarding a silly issue. The riot and mob-fighting fully destroyed the two Nāyar families and the temple. The walls were raised to the ground and the Matilakam town was set to fire.²⁴² It is believed that the end of Matilakam city was due to the curse of Namboothiris. Later the temples coming under Trikkāṇāmatilakam, including Trippēkkuḷam, Antikkāṭu, Guruvāyūr became independent.²⁴³ This incident underlined the ritual power and the effect of their curse, which created fear among other social groups related to the observances of *Paṭṭiṇi*.

A *Paṭṭiṇi* related to Trikkāṇṭiyūr temple was connected with a dispute related to the use of Trikkāṇṭiyūr *Paṭiññāre Cira* (pond in the west) by the

²³⁷ *Ibid.*

²³⁸ *Ibid.*

²³⁹ M.G.S. Narayanan, *Vaññēri Granthavari Op. Cit.*, p.233.

²⁴⁰ *Ibid.*

²⁴¹ *Ibid.*

²⁴² *Ibid.*

²⁴³ *Ibid.*, p.235.

children of Paṭiññāre Ciṛayil Arayan Mūppan, a non-Brahmin.²⁴⁴ The temple *Samudāyam* and other servants obstructed this. They informed it to the ruler also. But he has not taken any action against them. Then the temple was purified by the Brahmins with sacred water. But Arayan Marakkār repeated the crime of polluting the pond. The ruler did not take further action to prevent this. Then the *Samudāyam* started *Paṭṭiṇi*.²⁴⁵ This incident indicates that the ruler was not ready to punish and offend rich traders like Marakkār, who violated the *Sankētam* laws, as he was not ready to solve the grievances of the Namboothiris by taking action against a wealthy trader.

In another incident, Venadu ruler tried to collect tax from temple *Kuṭiyāns* to maintain his cavalry imported from Tamil Nadu.²⁴⁶ Then the Namboothiris objected and tried to foil this attempt. But the ruler was not bothered by the grievances of Namboothiris. Thus the *Yōgakkār* started *Paṭṭiṇi* at Kōyikkal at Kalkkuḷam. Even then the ruler was not ready to stop tax collection and do penance.²⁴⁷ These two hunger strikes show the decreasing importance of Brahmins in late medieval society and increasing authority of the ruler.

A historic *Paṭṭiṇi* was observed during the time of Rama Varma Saktan Tampurān, at Vaṭakkunnātha temple.²⁴⁸ He was not friendly with the Namboothiri Brahmins and he abolished some privileges enjoyed by them. A *Paṭṭiṇi* was started in the eastern Gōpuram of the Vaṭakkunnātha temple due to such grievances.²⁴⁹ There beginning of *Paṭṭiṇi* was proclaimed by blowing the

²⁴⁴ *Ibid.*, p.44

²⁴⁵ *Ibid.*

²⁴⁶ K.N. Ganesh, 'Paṭṭiṇi Oru Samararūpam' *Op. Cit.*, p.21.

²⁴⁷ *Ibid.*

²⁴⁸ M. Vijayalekshmi, *Op. Cit.*, p.415.

²⁴⁹ M.G.S. Narayanan, *Vaññēri Granthavari Op. Cit.*, p.235.

conch. The priest of the temple itself participated in *Paṭṭiṇi*, and he did not provide *Nivēdyam* (cooked food) to the deity,²⁵⁰ which implies that God also joined in *Paṭṭiṇi*. The ruler was not ready to oblige for several days. Because of the request of Amma Tampurān, the senior-most lady in the female line of Cochin, the ruler decided to yield.²⁵¹ According to the temple record of 1782 AD, Saktan Tampurān seems to have borrowed 50,000 *Putuppaṇam* from the temple trustees to expiate the sin for causing harm to the Namboothiris.²⁵²

A *Paṭṭiṇi* was observed by Namboothiri Brahmins in connection with the non-observance of *Ārāṭṭupulapūram*.²⁵³ Another one was observed at Padmanābha Swāmi temple. The Namboothiris of Padmanābha Swāmi temple and the soldiers of the king of Vēnāṭu were conflicted each other and one of the soldiers was wounded by a Brahmin. Then the soldiers of the ruler of Vēnāṭu collectively attacked the Brahmins. Later the *Yōgakkār* of Padmanābha Swāmi temple observed *Kūṭṭa Paṭṭiṇi* to solve the issue. Later the king of Vēnāṭu punished some of the soldiers responsible for the offence, and *Paṭṭiṇi* successfully ended.²⁵⁴

Paṭṭiṇi was observed even in connection with theft also. The cattle theft from Tiruvūr Putiya Teruvattu Tālappoli Pālakkal of Triikkaṇṭiyūr *Sankētam* area was done by one Kanniyakatu Kumārappan.²⁵⁵ This was considered as an offence against Triikkaṇṭiyūr *Sankētam*. Then Triikkaṇṭiyūr *Janam* (a representative body of Brahmins in the temple) took to *Paṭṭiṇi* to get the culprit released from the custody of *Ilayakōvil*. Then the culprit was brought before

²⁵⁰ *Ibid.*, p.231.

²⁵¹ *Ibid.*

²⁵² *Ibid.*

²⁵³ *Ibid.*, p.232.

²⁵⁴ *Ibid.*

²⁵⁵ *Ibid.*, p.23.

the Trikkāṇṭiyūr *Sankētam*. Finally, the culprit was executed. The *Kōvil Nampi, Janam*, Nāyars and others led the trial and punishment. One of the documents in the *Granthavari* mentions the account of money paid as sitting fee to *Kōvil Nampi*, Nāyars and other servants.²⁵⁶

All of these incidents mentioned above shows that the period from 15th century AD witnessed the diminishing status of Brahmin authority and enhancing the power of chieftains and lords of the country. The unquestioned authority of *Sankētams* came to an end and the upper classes of the society began to question them. This tendency resulted in increasing the number of observances of *Paṭṭiṇi* from 15th century onwards. The lords and rulers used their physical and military power to settle problems, at the same time the Namboothiri Brahmins used their ritual status in society to redress their grievances. The hunger strike of Brahmins in medieval Kerala is not considered as a weapon of weak against the strong, but a tool of the Brahmin elite making use of customs and beliefs. *Paṭṭiṇi*, the medieval form of *Satyāgraha* was an important tool in the hands of *Yōgam* (an assembly of Brahmins) for the amelioration of its grievances. It was a safety valve intended to protect the interests of *Yōgam* and was based on the tacit assumption of Brahmin superiority exerted through pressure tactics.

Perspectives of Foreigners on Brahmins

The travel accounts of the medieval period depicted the exact picture of various castes and communities and their role in society as depicted in inscriptions, *Granthavaris* and other texts of that age. The Arab accounts of Ibn Khurdadhbeh, Abu Sayd and Idrisi give information on the social life of Kerala.²⁵⁷ They mention the caste called *Brahima*. Abu Sayd says that they

²⁵⁶ *Ibid.*

²⁵⁷ S.M.H. Nainar, *Arab Geographers: Knowledge of Southern India*, (1942), Calicut, 2011.

were the men of piety and learning among the people of Hind.²⁵⁸ Idrisi says that, after Kshatriya caste, comes the *Brahima*. He regarded them as the religious class. To him, they worship idols considered as able to mediate with God.²⁵⁹ Ibn Khurdadhbeh and Idrisi mention that the *Brahima* never drink wine or any kind of fermented liquors. To Khurdadhbeh, the *Brahima* do not provide their daughters in marriage to Kshatriyas but marry from this caste.²⁶⁰ But Idrisi says that Kshatriya may marry *Brahima* women, but *Brahima* cannot accept Kshatriya women as a wife.²⁶¹ The notes of Arab travellers indicate that the Brahmanas had the second position in the caste hierarchy. Abdur Razzak says that the tribes are infidels. To him, every tribe had a particular occupation and custom. He also states that the Brahmanas and others engaged in idol worship and were polytheists.²⁶² Ibn Battuta argues the same.²⁶³ The accounts of Arab scholars show that they considered the people of Kerala as infidels and idol worshippers. They did not mention *Cāturvarṇya* system, pollution and purity and hierarchy of society. The Brahmanas are regarded as a religious group, who conduct speech on religious aspects. According to them, Brahmins came next to the Kshatriyas. Their accounts provide an alien perspective and they categorize people based on their occupation, customs, lifestyle, and social practices.

Ludovico-di-Varthema of Bologna visited Kerala in 1500 AD observes that the caste systems practised by the people of Kerala during that time.²⁶⁴ He observes that Brahmanas are the chief persons of faith. The king honoured the

²⁵⁸ *Ibid.*, p.110.

²⁵⁹ *Ibid.*

²⁶⁰ *Ibid.*

²⁶¹ *Ibid.*, p.111.

²⁶² *Ibid.*, p.57.

²⁶³ H.A.R. Gibb, ed., *The Travelers of Ibn Battuta, AD 1325-1354*, Vol. III, Cambridge, 1971.

²⁶⁴ John Winter Jones, *Op. Cit.*, p.57.

Brahmans. To him, the first group of pagans in Calicut was known as Brahmins.²⁶⁵ He gives a clear picture of untouchability. He mentions that outcastes did not come near a Brahman or Nāyar within fifty paces.²⁶⁶

Duarte Barbosa, the Portuguese traveller who visited and stayed at Malabar during 1500 A.D to 1516 A.D mastered the local language and collected the first-hand information on Malabar.²⁶⁷ His emphasis was on ethnographic aspects of Malabar, in which he discusses in hierarchical order, with special reference to occupations and customs.²⁶⁸ To him, each caste group is separate from the rest. He did not call the people of Kerala as devil worshippers, instead says that all people have their customs and idol worship.²⁶⁹ Barbosa mentions about religious groups, but caste is considered as the basic classificatory category. Barbosa reports eighteen castes in Malabar, and he identified twenty-one castes in Kerala.²⁷⁰ Barbosa uses the term '*Casta*' for the first time. The twenty-one castes identified in Kerala divided into three groups, which are six high comprising castes, eleven low comprising castes and four outlandish castes.²⁷¹ To him, Brahmans were hereditary priests of Kerala.²⁷² Barbosa did not mention the Varna division in Kerala society. The account of Barbosa on Malabar is useful in evaluating the changes of later periods.

²⁶⁵ *Ibid.*

²⁶⁶ *Ibid.*

²⁶⁷ Mansel Longworth Dames, ed., *The Book of Duarte Barbosa*, Vol.II, New Delhi, 1989, p. xxiv.

²⁶⁸ *Ibid.*

²⁶⁹ *Ibid.*

²⁷⁰ *Ibid.*, p.7. Eighteen castes reported by Barbosa are, Brahmin, Nāyars, Vyaperi, Covicavan, Mainattu, Caletan, Tivas, Manens, Conaquas, Ageres, Moyeres, Monuers, Betuvans, Pneens, Pareans, Chats, and Gazaroter,

²⁷¹ *Ibid.*

²⁷² *Ibid.*, p.33.

Tuhafat-ul-Mujahiddin of Sheik Zainuddin, provide a detailed description regarding the practice of caste system of 16th century Kerala.²⁷³ According to him the people of Malabar loyally preserve the caste system. They did not endeavour to violate the norms of the caste system or to do away with the system. The people of Malabar include so many castes, including high castes, low castes, and castes of other degrees in between. The people who wear *pūñūl* (sacred thread) are considered as high castes.²⁷⁴

The Dutch traveller John-Huyghen-Van-Linschoten also considers the people of Malabar as idol worshippers, and superstitious people who practised various rituals and ceremonies.²⁷⁵ He examines that the Brahmans are the people of words and ceremonies and they do idolatrous services.²⁷⁶ The book of Francisco Rodrigues refers that the chief people of Malabar are Brahmins, from whom the kings are descended. They were considered as noble people and priests. He ranked the Namboothiris below the Kshatriyas and *Paṭṭars*. Their duty was to pray in the temples. They do not wear arms and wage wars because they were the people of faith. He believed that the kings of Malabar were Brahmins with the sacred thread. He was confused with the castes of Malabar. He was not able to produce a true picture of the caste hierarchy of Malabar.²⁷⁷

Inscriptions, *Granthavaris*, *Sandēśakāvya*s and Foreign accounts of the medieval period give evidence of the spiritual life and dominance of Namboothiri Brahmins of Kerala. They were dominating the economic, political and social spheres of life. The regulatory mechanism of Kerala was

²⁷³ S.M.H. Nainar, (ed.), *Tuhafat-ul- Mujahiddin*, pp.40-41.

²⁷⁴ *Ibid.*, p.43.

²⁷⁵ Arthur Coke Burnell, ed., *The Voyages of John Van Huyghen Van Linschoten to the East Indies*, Vol. I, New Delhi, 1988.

²⁷⁶ *Ibid.*, p.281.

²⁷⁷ *The Suma Oriental Of Tome Pires and The Book of Francisco Rodrigues*, Vol. I, New Delhi, 1990, pp.67-68.

controlled by them in various ways. The customs and practices prepared by them were used to regulate the medieval society. The other groups of people were subordinate to this priestly class.

Conclusion

In short, caste played a fundamental role in medieval society as a regulatory mechanism. Caste and temple are the institutions that discipline medieval society. The Brahmanical customs and rituals influenced the indigenous traditions by Brahmin immigration. The inscriptions of medieval Kerala produced the life of a certain group of people who depend on the temple. Some of them explain the low castes and outcastes of Kerala society itself. But they do not provide details of the social life of that period. They are mere temple documents concerned with the affairs related to the temple and the temple laws called *Kaccams* and the punishments prescribed by the temple authorities. The historical traditions like *Kēraḷōlpatti* and *Kēraḷamahātmyam* try to legitimize the Brahmanical domination and temple centred society and the subordination of low caste people. The account of travellers shows that the medieval society was enormously caste and temple-based society. The accounts of travellers and *Sandēśakāvyas* of medieval period light upon the institutions existed during that time including the caste system, *Sambandham* form of marriage, mock marriage called *Tālikeṭṭukalyāṇam*, customs like *Maṅṅāppēṭi* and *Pulappēṭi*, untouchability practised between castes, the temple related *Sankētams*, and the judicial bodies like *Tarakūṭṭam*, *Nāṭṭukūṭṭam*, and so on. The medieval *Granthavaris* light upon the details of temple *Sankētams* and their related functions in society. In short, the practice of caste hierarchy and related institutions disciplined the society of medieval Kerala.

The concepts like purity and impurity prevalent in Kerala society are the creation of Brahmanical castes. The inscriptions and *Granthavaris* of the medieval period are mainly concerned with upper castes, especially Brahmins.

The Kshatriyas, Ampalavāsis and Śūdras were also mentioned in those accounts. But the outcastes were beyond those accounts. But the travel accounts and folk literature were discussed about those groups of society. The life and condition of the subordinate groups in caste hierarchy mentioned in medieval sources are taken up in the next chapter.

CHAPTER 3

SUBORDINATING SOCIAL GROUPS IN CASTE HIERARCHY

Kerala society was caste-based and temple centred, and the society experienced untouchability, unapproachability and unseeability in a wider sense from centuries ago. Early historians praised the social harmony that existed in Kerala in the past. Five hundred years before the Common Era, the land fairly well settled by Dravidians in semi-tribal state of civilization.¹ That period generally called in Kerala earlier as Sangam age and recently as early historic period. There was a casteless community vertically divided into different groups based on topography and related occupation.² The whole Sangam society was divided into five geographical regions. The *Aintiñais*, *Kuṛiñci*, *Mullai*, *Marutam*, *Neytal* and *Pālai*, represent the hilly forest, plain, littoral and dry and arid regions.³ The dry and arid region, called *Pālai*, exist in any of the four geographical regions.⁴ The inhabitants of each region practised professions suited to each ecological region. The people lived in *Kuṛiñci* region known as *Veṭṭavar*, *Eyinar*, or *Kuṛavar* and *Kānavar*, occupied in hunting. The people who lived in *Mullai* or forest region were engaged in cattle rearing and were called as *Kōvalar*, *Antar* and *Iṭaiyar*. The inhabitants of the *Marutam* region practised agricultural works were known as *Uḷavar*. *Mīnavar* and *Paratavar* were the people of *Neytal* region, those who went to the sea. The

¹ M.G.S. Narayanan, *Cultural Symbiosis in Kerala*, Kozhikode, 1972, p. 1.

² *Ibid.*

³ K.R. Hanumananthan, 'Evolution of Untouchability in Tamil Nadu up to A.D 1600' in Aloka Parasher-Sen, ed., *Subordination and Marginal Groups in Early India*, (2004), New Delhi, 2007, p.128.

⁴ *Ibid.*

martial race such as *Maṛavar*, *Mallar* and *Mallavar* were the population of *Pālai* region.⁵ There were differences based on occupation as referred to in early Tamil texts. The *Pāṇar*, *Koṭṭiyar*, *Taṭiyar*, *Paṛaiyar*, *Vaḷḷuvar* etc., were other social groups engaged in fine arts.⁶ There was no social group as untouchables in early Sangam works.

Transformation of Inequality as Castes

The later Sangam period (Third century CE to Sixth century AD) onwards some elements of discrimination was visible among the social groups. Some of the social groups treated as untouchables during the later Vedic period were virtually occupying dignified positions in the early period. The group called *Antaṇar* or Brahmana mentioned in early Sangam texts.⁷ In one poem, the fourfold caste system is mentioned only to be condemned, that is the king called Āriyappaṭai Kaṭanta Neṭunceliyan declares, among the four castes based on differences if the low born is learners the high born shall pay courtesy to him.⁸ This implies that the status of man in the society was based on education and character and not on birth alone.

The term *cēri* mentioned in Sangam texts denotes the place where a particular group of people gathered together. There was *cēris* for all occupational groups. Though different occupational groups lived in separate streets, there was no professional taboo and separation of the low castes during the early Sangam period.⁹ But later period the term *cēri* denote the slums occupied by untouchables. The city population of later Sangam society included the four classes namely *Antaṇar* (hermits), *Araśar* (royal families),

⁵ *Ibid.*, p.129.

⁶ *Ibid.*

⁷ K.A. Nilakanta Sastry, *Sangam Literature: Its Cult and Culture*, Madras, 1972.

⁸ K.R. Hanumananthan, *Op. Cit.*, p.132.

⁹ *Ibid.*

Vaiśyar (traders) and *Velanmar* (agriculturalists).¹⁰ The agricultural group called *Uḷavar* is the only people who could be an independent group, but other groups depended on others for food products.¹¹ That shows the increasing importance of agricultural activities in the Sangam period.

The later Sangam texts are influenced by the Dharmaśāstra principles of North Indian Society. There are so many references of untouchability included in *Maṇimēkhalai*, *Cilappatikāram*, etc. The term *Pulai* (impurity) mentioned in later texts. For instance, Apputtiran, the son of Brahmin lady and Śūdra male is called as Pulaimahan. The Brahmanas are not ready to touch him because of the concern of pollution.¹² The reference shows that the progeny of a Brahmana lady and a Śūdra male is untouchable. The early texts refer to *Pāṇas* as messengers of love, and their songs inspiring the heroes in battlefields and flattering the kings and so on. They were essential groups in Sangam society. Later they were treated as untouchables. There is a reference that the water touched by a *Pulaya* is defiled and thereby becomes unfit for the drinking of high caste people, for whom the touch of a *Pulaya* leads to pollution.¹³ The low caste people were asked to keep away from the Brahmanas. All these show that purity concept and untouchability are coming into practice in the later Sangam period onwards. Later that strengthened in early medieval Kerala society with the formation of Brahman settlements.

Purity and Impurity

The rigid caste observances began to be followed by the early part of the Middle Ages in Kerala society. The Brahmanas occupied high status in society

¹⁰ Ilakkuvanar, *Tholkappiyam With Critical Studies*, Madurai, 1963, pp.470-71

¹¹ K.G. Chandrasekharan Nair, *Thirukkural by Thiruvalluvar*, Kottayam, 2003, pp.564-66.

¹² K.R. Hnumanathan, *Op. Cit.*, p.134.

¹³ *Ibid* p.136.

and they established their power in sixty-four Brahmin villages.¹⁴ The next two ranks occupied by Kshatriyas and Nāyars. The hierarchy ranks the people into superior or inferior.¹⁵ The two extreme categories in medieval Kerala societies are Brahmins and outcastes. The Brahmins were the priests, who occupy the highest rank for the whole set of castes.¹⁶ The untouchables or outcastes in the Kerala context are impure servants. Untouchables were a group of people outside the four Varnas.

There are two kinds of impurity, that is temporal impurity and permanent impurity.¹⁷ After giving birth to a child, fifteen days of impurity was followed by the women of Kerala. The number of days of death impurity varied from caste to caste. The Brahmins followed only ten days of impurity, but the *Tīyyas* followed fifteen days of impurity. A menstruating woman also considered as impure for seven days. But these are temporal impurity, and that extends for a few days only. The nearest relatives and friends become untouchables for him for an assured time as a result of this event.¹⁸

The impurity with untouchables is considered as a permanent impurity.¹⁹ They were secluded people doing jobs like disposing of the dead cattle and so on. They were not allowed to use public wells and were not permitted to enter the temples. Most of the travellers who visited Kerala during the medieval period refer to the practice of untouchability. The Arab traveller Ibn Khurdadhbeh refers to a group called *Śāṇḍaliya (Caṇḍāḷa)*. Idrisi and Ibn

¹⁴ P.K.S. Raja, *Medieval Kerala*, Chidambaram, 1966, p.240.

¹⁵ Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India*, New Delhi, 2012, p.20.

¹⁶ *Ibid.*, p.47.

¹⁷ *Ibid.*, p.48.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

Khurdadbeh state them as musicians and singers may be referring to *pānar*.²⁰ They did not mention the practice of untouchability.

Ludovico-di-Varthema mentions that the *Poliar* and *Hirava* (*Vettuvan*) are the untouchable group in the caste hierarchy.²¹ They did not approach a Brahman or Nāyar within fifty paces.²² He refers that, when the *Poliar* or *Hiravas* were passing through the places, they always go crying out loudly and this they do so that they may not meet the Nāyar or the Brahmana.²³ According to him, when the untouchables not to be crying out and any of the Nāyar should be going that way and see their fruits, or meet any of the untouchable people, Nāyar may slay them without incurring any punishment. So, this group always cries out to inform their arrivals.²⁴ Because of this dilemma, they always go by private ways through the marshes.²⁵ This reference gives clear evidence to the practice of untouchability and unapproachability in medieval Kerala society.

The account of Duarte Barbosa also gives a vivid picture of the practice of untouchability, unapproachability and unseeability. He referred to the *Paneens*, *Revoleens*, *Poleas* and *Pareens* as the lowest-ranked group in the caste hierarchy.²⁶ *Paneens*, mentioned in the text are great sorcerers.²⁷ It is believed that they were openly communing with demons that take possession of them and cause them to utter amazing things. Barbosa refers that these races

²⁰ S.M.H. Nainar, *Arab Geographers Knowledge of Southern India*, (1942), Calicut, 2011, p. 112.

²¹ John Winter Jones, *The Itinerary of Ludovico-Di- Varthema of Bologna from 1502 to 1508*, (1863), New Delhi, 1997, p.57.

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*, pp.57-58.

²⁵ *Ibid.*, p.57.

²⁶ Mansel Longworth Dames, *The Book of Duarte Barbosa*, Vol. II, New Delhi, 1989, pp.66-70.

²⁷ *Ibid.*, p.66

live apart from all communication with those high rank, and they touch none of the other castes.²⁸ Another lower-caste group mentioned was the poor folk, who live by carrying firewood and grass to the towns called *Revoleens*. They were also regarded as untouchables.²⁹ He mentions about *Paṛappēṭi* existed in medieval society. *Poleas* and *Pareens* group are the two castes involved in *Paṛappēṭi*. According to him, in certain months of the year *Poleas* (*Pulaya*) do their utmost to touch some *Nayre* (Nāyar) woman by night as secretly as they can and this only for the sake of doing evil. They go by to get into the houses of the Nāyars to touch women, and during these months the women guard themselves carefully, and if he touches any woman, even though none have seen it, and there may be no witness, yet she announces it at once, crying out, and she will stay no longer in her house that her caste may not be destroyed. She escapes to the house of some other low caste folk, and hides, that her kinsfolk may not stay her; and then she may help herself and be sold to foreigners, which are oftentimes done.³⁰ In this custom in some instance, they throw a stone or a stick at her, and if it touches her, she is touched and ruined. The *Poleas* were considered as a very evil race by him.³¹

Pareens were another outcast group, who resided in the most desert places away from all other castes. They were not combined with any other caste men. They were regarded as worse than the devil in medieval society.³² Even to see them is considered to be impure. According to Barbosa, the difference between the eighteen castes, each one separate and unable to touch others or

²⁸ *Ibid*, p.67.

²⁹ *Ibid.*, pp.68-70.

³⁰ *Ibid.*

³¹ *Ibid.*, p.69.

³² *Ibid.*

marry with them.³³ These references indicate the rigidity of caste-based differentiation in medieval Kerala society.

The account of Sheik Zainuddin shows that the Hindus of Malabar were loyally maintaining their caste system.³⁴ They were not ready to go away with the caste system. The wide practise of untouchability in medieval Kerala is explained by Zainuddin in his work. He refers to the practice of *Maṅṅāppēṭi* and *Pulappēṭi* practised in medieval Kerala society.³⁵ The marriage relation with high caste and low caste was strictly prohibited by custom. If anyone who violates the custom, they will become an outcast. But that was not applicable in the case of the Brahmin community.³⁶ If any high caste man eats the food prepared by a low caste Hindu, he will be excommunicated from the community.³⁷ This leads to the people of Malabar opting Islam religion. The extremity of caste norms forced people to convert into the Islamic faith.³⁸

John Huyghen Van Linschoten, the first Dutch traveller who visited Kerala, also give information regarding the untouchability and distance pollution practised by high castes towards *Pulayas*.³⁹ The *Pulayas* were agricultural labourers or men of occupations. They live very miserably and they were not to touch the upper caste men. To him, when Nāyars go on the streets and these *Pulayas* see them come from far and hear them call, they step

³³ *Ibid.*, p.70.

³⁴ S.M.H. Nainar, *Tuhafat-ul- Mujahiddin: A Historical Epic of the 16th Century*, (2006), Calicut, 2009.

³⁵ *Ibid.*, pp.43-44.

³⁶ *Ibid.*, p. 44.

³⁷ *Ibid.*, p.43.

³⁸ *Ibid.*, p.44.

³⁹ Arthur Coke Burnel, ed., *The Voyages of John Van Linschoten to the East Indies*, Vol. I, New Delhi, 1988, p.281.

aside, bowing their arms, and bend down with their heads down to the ground, not daring so much as once look up before the Nāyars be passed.⁴⁰

The travel account of Hamilton notes that the original manners and customs of the Hindus have been preserved in greater purity by the people of Malabar.⁴¹ He provides a detailed description of Malabar castes in hierarchical order. The first five ranks occupied by Namboothiris, Nāyars, *Teers* or *Tiars*, *Malears* and *Poliars* respectively.⁴² The concept of pollution purity is explained through the account of Hamilton. He explains the distances to be observed by these castes as follows.⁴³

- I. a) The Nāyar may approach, but must not touch, a Brahman.
 b) A *poliar* 96 steps off.
- II. a) A *Tīyyar* is to remain 12 steps distance from a Nāyar.
 b) A *malear* three or four steps further from a Nāyar.
 c) A *poliar* 96 steps from a Nāyar.
- III. A *malear* may approach but not touch a *Tīyyar*.
- IV. A *poliar* is not to come near even to a *Malear*, or to any other caste.

Hamilton notices that if a *Pulaya* wants to speak a Brahmin, Nāyar, *Tīyyar*, or *Malear*, he must stand at the above-prescribed distance and cry aloud to them.⁴⁴ If a *Pulaya* touches a Brahmin, the latter must make penance by bathing, reading much of the divine books, and changing his Brahmanical

⁴⁰ *Ibid.*, p.284.

⁴¹ Walter Hamilton, *The Description of Hindustan and the Adjacent Countries*, Vol. II, New Delhi, 1971, p.278.

⁴² *Ibid.*

⁴³ *Ibid.*, pp.278-79.

⁴⁴ *Ibid.*, p.279.

thread.⁴⁵ He also used the term *Cherumar* to denote slave castes. Even among the *Pulayas* itself, the pride of caste has full influence, that is if a *Pulaya* is touched by another slave caste of the *Paraya*, he is defiled and must wash his head and pray.⁴⁶ This shows the wide practice of pollution and purity among all castes of Malabar.

The *Parayar* and *Nāyāṭis* were other lower castes of Malabar. The *Parayar* was the lowest strata of the caste hierarchy. But they acknowledge the superiority even of the *Nāyāṭis*.⁴⁷ The *Nāyāṭis* were an out-caste tribe common in Malabar. They were reckoned as very impure; even a slave caste will not touch them.⁴⁸ He refers that the slave castes sold with the land, and two slaves being equal to four buffaloes.⁴⁹ They were always regarded as slave labourers in medieval Kerala. The description of Hamilton shows the extremely deplorable condition of *Parayar*, *Nāyāṭis*, *Pulayars* etc., in medieval society of Malabar.

All of these account show that caste groups are unequal, ranked on a scale of hierarchy based on their ritual status, from pure to impure.⁵⁰ Their status or position in the system determines with whom they can interact and with whom they cannot.⁵¹ The idea and practice of untouchability is an integral part of the caste system.⁵² According to Dumont, the opposition of the pure and impure was the single true principle of the caste system. Hierarchy defines as

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, p.282.

⁵⁰ Surinder S. Jodhaka, *Caste*, New Delhi, 2012, p. xi.(Introduction).

⁵¹ *Ibid.*

⁵² Louis Dumont, *Homo- Hierarchicus: The Caste System and Its Implications*, New Delhi, 2010, pp.46-47.

the superiority of the pure over the impure. He says that the two extremes of the system of caste hierarchy are the Brahmin at one end and untouchable at the other.⁵³ The use of coercive violence to discipline untouchables was a usual practice of hierarchical power.⁵⁴ The coercive sanctions are all in the hands of upper castes.⁵⁵

The medieval travel accounts show that the most critical feature of the medieval caste system is the practice of untouchability. The line of purity and pollution has divided the untouchables from the rest. The idea of untouchability is an extension of the notion of purity and impurity.⁵⁶ The practise of untouchability in medieval Kerala shows that of ostracizing a group of people by segregating them from the mainstream of social system. The *Pulayas*, *Paṛayas*, *Maṇṇān*, etc. were the main group of people, isolating from the medieval Kerala society. The reference of Barbosa and Sheik Zainuddin regarding *Maṇṇāppēṭi*, *Pulappēṭi* and *Paṛappēṭi* is the evidence for their complete ostracism from the mainstream.⁵⁷

The idea of untouchability does not have a long history. It is believed to have been first mentioned in *Dharmaśāstra*, which is not considered as a part of Varna system. The untouchables were termed as *Caṇḍālas* in later Vedic literature, like *Dharmaśāstras*, *Dharmasūtras* and *Brahmanas*.⁵⁸ Manu states that Brahmana, Kshatriya and the Vaiśya are twice-born ones, the fourth called Śūdras has one birth only, and there is no fifth one.⁵⁹ The early travellers who

⁵³ *Ibid.*

⁵⁴ Andre Beteillie, *The Caste System and Its Implications*, (1988), New Delhi, 2010, p.268.

⁵⁵ F.G. Bailey, *Tribe, Caste, and Nation*, New Delhi, 1960. p.258.

⁵⁶ Surinder S. Jodhaka, *Op. Cit.*, p. 70.

⁵⁷ Mansel Longworth Dames, ed., *The Book of Duarte Barbosa*, Vol. II, *Op. Cit.*, pp.68-69; S.M.H. Nainar, ed., *Tuhafat-ul-Mujahiddin*, *Op. Cit.*, pp.43-44.

⁵⁸ Surinder S. Jodhaka, *Op. Cit.*, p.126.

⁵⁹ Wendy Doniger and Brian K. Smith, *The Laws of Manu*, New York, 2000, p. XXVI

visited India, and they had developed the idea of Indian society and the caste system from scriptural texts. But they found it hard to identify untouchability in those texts as they understood by its practice in Indian society. The formation of caste, purity and pollution are developed not only based on scriptural texts, but customs also determined who could plough and/or own land and who could not.⁶⁰

The foreign accounts of medieval Kerala, like the accounts of Arab travellers like Idrisi, accounts of Duarte Barbosa, Sheik Zainuddin, Varthema, Hamilton, and so on give a detailed picture of the medieval practice of untouchability. Their accounts show that caste always been a source of 'humiliation' and that reinforced the subordinate status of people who located below, like *Pulayas*, *Parayas*, etc. in Kerala society. The people located at the bottom of the caste hierarchy were as much involved and committed to the reproduction of the order of purity and pollution as those at the top. Even they were unhappy about their social position, but they simply accepted it.⁶¹ That may be due to the fear of the customs and practices of the social system.

The foreign notices refer that the medieval Hindu society of Kerala keep away many castes from touching, or coming near their persons, houses, temples, tanks, and sometimes even public roads. A. Ayyappan calls it 'contact taboo', by which persons by reasons of their birth or psychological and ritual state pollute others by their contact, either directly or with a prescribed distance, which impurity has to be removed by ritual means to re-establish those polluted to their original condition.⁶² Most of the travel accounts mention only permanent pollution, and they were unaware of the temporary pollution. Because most of them were not settled here for a long time and most of their

⁶⁰ Surinder S. Jodhaka, *Op. Cit.*, p. 72.

⁶¹ Louis Dumont, *Homo Hierarchicus*, *Op. Cit.*, pp.46-47.

⁶² K.R. Hanumananthan, *Op. Cit.*, p.125.

readings are hear and say accounts. In the case of untouchables, pollution is permanent. It is inherited by birth. Once a person is born as untouchable, he always carries the disability to the grave and no propitiatory ceremony will enable him to get rid of it.⁶³ In the context of Kerala, the outcastes like *Maṅṅān*, *Pulayan* and *Paṛayan* are isolated from others and they forced to select their own space. Intermarriage and inter dining with them was strictly prohibited by custom. They may touch a cat; they may touch a dog, but the touch of these human beings cause pollution.⁶⁴

Water is the great pacificator and a bath in running water fully clothed is required in certain cases to recover from impurity.⁶⁵ A bath is obligatory on high caste in the event of any physical contact with the members of the low castes or they happen to be together within the boundaries and limits prescribed for intercourse.⁶⁶ The importance of bath is more applicable in the case of temporal impurity. In Hindu society, a man becomes temporarily untouchable because of many reasons. The men become impure if a person touches or goes near a dead body, a menstruating woman, or a woman who just delivered a child etc., but become pure after taking a ceremonial bath.⁶⁷

The concepts like *Śuddha*, and *Aśuddha*, *Puṇya* and *Pāpa* are interrelated with the concept of purity and impurity. *Mangaḷa* and *Amangaḷa* (Auspiciousness and inauspiciousness) also are related to purity and pollution.⁶⁸ The high caste Brahmins constructed particular law, which

⁶³ *Ibid.*, p.126.

⁶⁴ Surinder S. Jodhaka, *Op. Cit.*, p.74.

⁶⁵ Nicholas B. Dirks, *Op. Cit.*, p.51.

⁶⁶ S.M.H. Nainar, *Tuhafat-ul- Mujahiddin*, *Op. Cit.*, p.42.

⁶⁷ K.R. Hanumananthan, *Op. Cit.*, p.126.

⁶⁸ Hiroyuki Kotai, 'Dōṣa (sin)- Prāyaścitta (penance): The Pre-dominating Ideology in Medieval Deccan', in Masaki Kimura and Akimo Tanabe, eds, *The State in India: Past and Present*, New Delhi, 2006, p.103.

prescribed these concepts and related practices of Hindus. The illiterate low caste people were compelled to follow the existing customs and practice that purely based on religious texts. The *ásuddhi* happened through a touch of a low caste man, is removed through a ceremonial bath (*snāna*) or ablution.⁶⁹ In another case, a low caste man shouting towards a Brahmana or humiliating him has considered as *Pāpa karma* and a man respects a Brahman with *Namaskāra* was considered as *Puṇya karma*. To see a widow was considered as *Amangaḷa* or *Aśubha* and to see a *Pativrata* with happy mood was *Mangaḷa* or *Śubha*. These practices are very common in India including Kerala. The religious text of Kerala, *Śāṅkarasmṛiti*, elaborated these types of customs and practices in medieval Kerala.⁷⁰ The remnants of this practise followed in 20th century itself in Kerala. But the foreign accounts are not much concerned about this type of practices.

The sin-penance ideology weighed much more heavily than the pollution purity ideology in maintaining social order and stability.⁷¹ The concept of sin related to the concept of pollution in Indian culture.⁷² The various purification ceremonies related to sin was known as *prāyaścitta*. *Manusmṛiti* elaborated five moral sins (*Mahāpātakas*).⁷³ 1. Killing a Brahmana, 2. Drinking liquor, 3. Stealing the gold of a Brahman, 4. Entering the bed of a Guru's wife and 5. Associating with such offenders.

The concept of *samsarga* is the association with an ostracized person because of his crime or violation of communal rules also considered as

⁶⁹ *Ibid.*, p.104.

⁷⁰ T.C. Parameswaran Moosathu, ed., *Śāṅkarasmṛiti*, Kottayam, 2017.

⁷¹ Hiroyuki Kotai, 'Dōṣa (sin)- Prāyaścitta(penance): The Pre-dominating Ideology in Medieval Deccan', *Op. Cit.*, p.104.

⁷² *Ibid.*, p.103.

⁷³ Wendy Doniger, *Op. Cit.*, pp.160-161.

Samsargadōṣa.⁷⁴ *Samsarga* with the criminals, the people, who violated the existing custom etc., is also regarded as a sin in the context of medieval Kerala. One who has *Samsarga* with an outcaste became *Patita* in medieval society.

The sin-penance concept functioned as the ideological cover of crime-punishment relationships sustained by the physical power of coercion enjoyed by the state and the communal control exerted by the local society.⁷⁵ The *prāyaścittas* are prescribed by the well-versed Brahmana. The *Prāyaścittas* were prescribed for petty cases or the violation of some caste rules and so on. But in some cases, caste penalty was in the form of ex-communication.

The term *Sparśa* had more importance in medieval Kerala society. The Hindu law book views the *Sparśa* (physical contact) with a certain kind of person or an object as causing pollution. The physical contact with an outcaste was considered as a crime that is regarded as the violation of religious laws, state laws and the laws of local society.⁷⁶ During that time suicide was considered as a *Samsargadōṣa* to the entire family members of the victim which removed only through *prāyaścitta*.⁷⁷ The people of the medieval period lived in abject fear of punishments from state and society, so they strictly followed the customs and regulations practised in medieval Kerala Society.

Kshatriyas as the Protectors of Dharma

In medieval Kerala, the administration of justice consisted in the implementation of the customary law of the community or the country. The duty of the sovereign was to protect dharma and maintain the *maryāda* and *ācāram* of each caste and locality. The *Sandēśakāvya*s of medieval period

⁷⁴ Hiroyuki Kotai, *Op. Cit.*, p.105.

⁷⁵ *Ibid.*, p.104.

⁷⁶ *Ibid.*, p.109.

⁷⁷ *Ibid.*, p.110.

mention about the ruling groups of Kerala called Kshatriyas and *Sāmantas*. *Uṇṇiyāṭi caritam* of 14th century describes the picture of Kerala as the land protected by five Kshatriyas and eight *Sāmantas* lived at Mahōdayapuram.⁷⁸ The text refers that the Oṭanāṭu ruler was Kerala Varma.⁷⁹ He was supported by the ministers.⁸⁰ *Uṇṇiccirutēvi Caritam* of 13th century describes the rivalry between Cōkiram and Panniyūr villages. The Cōkiram village was under Vaḷḷuvakkōnātiri and Panniyūr under the Zamorin.⁸¹ The text refers that in the second half of the 13th century, Zamorin defeated Vaḷḷuvakkōnātiri.⁸² The text mentions about the *Sāmanta* rulers of Vaḷḷuvanāṭu region. It says that the *Sāmantas* fought against the enemies and built the cities and were people of energetic nature and observe the customs and rituals properly. They were well versed in archery. They protected the land and people of that country. They had Kshatriya spirit also. They were called as *Tiruvaṭikal*.⁸³ The 12th-century Tirunelli inscription of Bhāskara Ravi refers to the ruler of Puṛakiḷā Nāṭu called Śankaran Kōṭa Varman.⁸⁴ The name of Kottayam *Rājavamśam* is called Puṛakiḷār.⁸⁵ The non-Kshatriyas called Kuṛumpuṛayār were considered as equal to a king but called as *Tampurān*. They were changed from *Tampān* to *Tampurān* through the rituals conducted by the priests.⁸⁶ The text refers to the *Aḷḷaṭam Swarūpam*, *Neṭiyiruppu Swarūpam*, and *Kōlattiri Swarūpam*.⁸⁷

⁷⁸ Sundaram Dhanuvachapuram, ed., *Uṇṇiyāṭi caritam*, (Mal.), Trivandrum, 2007, pp.77-78.

⁷⁹ *Ibid.*, p.108.

⁸⁰ *Ibid.*, p.139.

⁸¹ Sundaram Dhanuvachapuram, ed., *Uṇṇiccirutēvi Caritam*, (Mal.), Trivandrum, 2005, p.8.

⁸² *Ibid.*, p.8.

⁸³ *Ibid.*, p.42.

⁸⁴ N. Gopinathan Nayar, ed., *Uṇṇiyacci Caritam*, (Mal.), Kottayam, 2016, p.69.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*, p.70.

⁸⁷ *Ibid.*, p.88.

Śukasandēśa refers to the second Perumāl called Parami Perumāl.⁸⁸ He started the *Mahayōgam* of the Matilakam temple. Veṇāṭu rulers and Zamorins were mentioned in the text.⁸⁹

The Kshatriyas were considered as the ruling caste of Kerala during the medieval period. The Arab travellers like Ibn Khurdadhbeh and Idrisi, both mention the *Shakthriya* caste.⁹⁰ Ibn Khurdadhbeh says that they are the most illustrious caste and the kings are from among them. Ibn Khurdadhbeh and Idrisi argue that all other castes bow down to Kshatriyas but they bow down none.⁹¹ Arab travellers argue that the kings of Hind are only chosen from the Kshatriya caste.⁹² They also mention *Bayshiyya* (Vaiśya) caste as artisans and workmen.⁹³

The Kshatriyas of Kerala were not formed as a large community. *Kēraḷamahātmya* says that Paraśurāma is said to have brought certain Kshatriya families of the *Sōmavamśa* from Āryapura.⁹⁴ Then these groups spread all over Kerala. Kshatriyas were brought to Kerala to rule over the tracts assigned to the temples and to supervise and govern the religious institutions.⁹⁵ According to William Logan, ‘the ruling race’, who under the system of the Aryans, ought to be being to the Kshatriya caste. The Brahmins were indeed their intellectual superiors, and had, by the sheer force of their intellect, obtained complete ascendancy over the ruling race. They had to depend upon the Nāyars to defend

⁸⁸ Kunhikuttan Tampuran, ed., *Bhasha Sukasandesam*, (Mal.), Trivandrum, 1958, p.31.

⁸⁹ *Ibid.*, p.97.

⁹⁰ S.M.H. Nainar, *Arab Geographers: Knowledge of South India*, Calicut, 2011, p.110.

⁹¹ *Ibid.*

⁹² *Ibid.*, p.121.

⁹³ *Ibid.*, p.112

⁹⁴ Rajeev, ed., *Kēraḷamāhātmyam*, (Mal.), Kottayam, 2012, p. 233.

⁹⁵ *Ibid.*

the country against aggression from outside.⁹⁶ The Kshatriyas take position next to the Brahmins so far as their religious ceremonies, ablutions, habits of cleanliness, discipline, food and drink are concerned.⁹⁷

The important feature of the administration of medieval Kerala is the absence of any incident of killing or imprisonment by father or son and between brothers for the crown. It was due to the blind belief in the customs and practices of the country. However, we have certain cases regarding the issue of *mūppiḷama*. One such instance was found in the northern ballads. Uṅṅikkōran and Uṅṅichandrōn struggled to get power and they solved the issue by conducting the *Ankam*. But there also importance to the existing customs in society is shown to attain power.

Temple Castes as a Rising Group

The Cōkkūr inscription of Kōta Ravi (900 AD) refers to a group of temple castes.⁹⁸ The castes like *Vaḷañciyar*, *Cōnāṭan tirukkai*, *Perumtaccan*, *Cūliyilil Cīr̄rarayil Nangaiyār*, *Cēravarnāṭtu Ceṭṭiyār*, etc. are mentioned in this document. *Vaḷañciyar*, *Cōlanāṭtukāran*, and *Cēravan Nāṭtuceṭṭiyār* may be *Vaṅiks* or traders of that time. The carpenter related to the temple called *Perumtaccan* also mentioned. *Nangaiyārs* were temple dancers of the medieval period. It is the first document mentioning temple dancer as *Nangaiyārs* who had the good financial capacity to give donations to temples like *Vaṅiks*. It was the *Sandēśakāvyas* explained their life and living status in medieval Kerala.⁹⁹

⁹⁶ K.P. Padmanabha Menon, *History of Kerala*, Vol. II, New Delhi, 1983, p.184; William Logan, *Malabar, Vol. I, (1887), Trivandrum, 1981*, p.143.

⁹⁷ *Ibid.*, p.141.

⁹⁸ Puthussery Ramachandran, *Op. Cit.*, p. xlvii.

⁹⁹ The dancers of various places like Uṅṅunīli, Uṅṅiyacci, Uṅṅiyāṭi, Uṅṅicirutēvi, Mēdinivenṅilāvu, Māracandrika, Mārakēli, Māracēmanti, Puṣparēkha, Tenmanavi, Eṭṭicci, Kēḷilata, Cutakēli, etc. were referred in various *Sandēśakāvyas*.

The people who associate with them like different groups of Namboothiris and rulers and the traders like *Cettis* also mentioned in those texts.

The Venṅāyūr documents of Bhāskara Ravi give information about Vāriyar caste of medieval Kerala.¹⁰⁰ The caste name Vāriyar is mentioned in Kollūrmaṭham plates of Udayamārttāṇḍa Varman.¹⁰¹ Vāriyar was considered as supervisor or manager or controller of garden lands attached to houses. The term *Vāriyar* was used for temple servants of Kerala. This inscription refers to the synonym of *Brahmaswam* as *Paṅṭāgāram*, indicates the property given to Brahmins for their enjoyment. It is said that the original form of *Paṅṭāgāram* was *Bhaṭṭahāra*.

The Veḷḷāni inscription of Rāmavarma refers to the groups connected with inner apartments of the temple.¹⁰² This record refers to *Ampalavāsis* that is the persons depending on the temple for maintenance. The Māmpaḷḷi plate of Śrīvallabhan Kōtai refers to *Potuvāḷ*.¹⁰³ The term *Potuvāḷ* indicates a class of officials or arbitrators or middlemen. The term occurs in Tamil inscriptions as *Madhyasthar*. There are several ranks of *Potuvāḷs* that is *Akapotuvāḷ*, *Puṛapotuvāḷ*, *Ūrpotuvāḷ*, and so on. It is believed that they were connected with the temple, and then developed into castes falling under the category of *Ampalavāsis*. Another term was *Mūttatu* or *Perummūttatu*, who appears to have sprung from the temple officials called *Perumuṭṭiyan*. Another caste name mentioned is Piṣāraṭi. The Tiruvālūr inscription of Kulaśekhara Perumāḷ refers to the term *Potuvāḷ*.¹⁰⁴ The Aviṭṭattūr inscription mentions the restrictions

¹⁰⁰ *Ibid.*, p.57

¹⁰¹ V.Subrahmanya Ayyar, Travancire Archaeological Series, (hereafter *T.A.S.*), Vol. IV, Part I,2,Trivandrum, 1923, p.25.

¹⁰² T.A Gopinatha Rao, *T.A.S.*, Vol. III, Part I, Trivandrum, 1908,p.164.

¹⁰³ V S Subrahmanya Ayyar, *T.A.S.*, Vol. IV, Part 1,2, *Op. Cit.*,pp.8-11.

¹⁰⁴ *Ibid.*, p.145.

imposed on *Ūrālar*, *Potuvāl*, and *Śāntiyaṭikaḷ*.¹⁰⁵ The growth of *Maṇipravāḷam* literature was with the support of Namboothiris, lords and *Antarāḷa* groups. The dancers called as *Nangaiyārs*, *Cākyārs* and the drummers called as *koṭṭikaḷ* are mentioned in *Sandēśakāvya*s. The close relation of rulers, wealthy traders, lords, Namboothiris, Paṭṭar etc. indicates the prominence of *dēvadāsis* in society. For example, the *Sandēśakāvya* called *Candrōlsavam* mentions the close relation of Maṇakkulattu Rāja with Mēdiniveṇṇilāvu. The famous poet Punam Namboothiri had a close relationship with the *dēvadāsis*.¹⁰⁶ The *Sandēśakāvya*s of medieval times mentions the *Ampalavāsis* of that time.¹⁰⁷ These references show the emergence of several caste groups related to temple service and the growing importance of that profession. These professions have grown from hereditary official positions connected with temples.

Ambiguous Śūdras

In Kerala, the Śūdras were the prominent group of people, who control the administration. Unlike other parts of India, Śūdras occupied comparatively high status in medieval Kerala society. In Kerala, Nāyars belongs to the Śūdra Varna. The Nāyar soldiers referred to in *Sandēśakāvya*s. *Kaḷari* referred to as the place of martial spirit.¹⁰⁸ The text refers to Vaḷaṅṅiyam ruled by the Vaḷaṅṅiyar, the group who had the power of protection of that place.¹⁰⁹

According to Idrisi and Ibn Khurdadbeh, *Shudriyyas* (Śūdra) are cultivators and farmers.¹¹⁰ Ludovico di Varthema recognizes the second rank

¹⁰⁵ Puthussery Ramachandran, *Op. Cit.*, p.31.

¹⁰⁶ Elamkulam P.N. Kunjan Pillai, ed., *Candrōlsavam*, (Mal), (1962), Kottayam, 2016, pp.113,139.

¹⁰⁷ N. Gopinatha Nāyar, *Op. Cit.*, p.133.

¹⁰⁸ Sundaram Dhanuvachapuram, *Uṇṇiccirutēvi Caritam*, *Op. Cit.*, p.110.

¹⁰⁹ *Ibid.*, p.109.

¹¹⁰ S.M.H. Nainar, *Arab Travellers*, *Op. Cit.*, p.112.

to *Naeri* (Nāyar) in Kerala society and they always bear arms.¹¹¹ Barbosa says that Nāyars were the most prominent group of caste in the kingdom and controlled administration.¹¹² He writes on their marriage rituals, death ceremony, *Maṅṅāppēṭi* and *Pulappēṭi*, matrilineal form of inheritance, *Sambandham* type of marriage, *Tālikeṭṭukalyāṇam*, and so on.¹¹³ In fact, in his account, he elaborated about the customs and practices of Nāyars. Sheik Zainuddin also gives the second position to Nāyars in the caste hierarchy. According to him, they were known for their physical strength.¹¹⁴ He identifies so many subdivisions among the Nāyars. According to the inheritance pattern of Nāyars, they were denying inheritance right to male children. In which the diseased will be inherited by his or her brothers on the mother side, sister's children, aunts and other relatives of his or her mother. According to that inheritance right, whether it is the right to property or the political power of kinship, does not go to one's children, but one's nieces and nephews.¹¹⁵

John Huyghen Van Linschoten says that among the people one is the noblemen called Nāyars. The Nāyars were soldiers and they always bear arms or weapons. They did service to the king.¹¹⁶ He mentions that untouchability and distance pollution practised by Nāyars on *Pulayas*.¹¹⁷ He argues that Nāyar men were good soldiers, when the kings, rulers, and other captains and leaders go abroad are protected and accompanied by other Nāyars.¹¹⁸ He considers

¹¹¹ John Winter Jones, *Op. Cit.*, p. 57.

¹¹² Mansel Longworth Dames, *The Book of Duarte Barbosa*, Vol. II, *Op. Cit.*, pp.38-39.

¹¹³ *Ibid.*

¹¹⁴ S.M.H. Nainar, *Tuhafat-ul Mujahiddin*, *Op. Cit.*, p. 42.

¹¹⁵ *Ibid.*, p.40.

¹¹⁶ Arthur Coke Burnell, *Op. Cit.*, p.278.

¹¹⁷ *Ibid.*, p.281.

¹¹⁸ *Ibid.*, p.280.

Nāyars as gentlemen or noblemen. They always hold arms and were ready to obey the command and will of the king.¹¹⁹

Kēraḷōlpatti describes, the Nāyars were the people of the eye, the hand and the order and it was their duty to preserve the rights of the people from being curtailed or infringed.¹²⁰ It is said that Paraśurāma gave the executive power to the Nāyars. Logan observes that the ruling class had no sufficient body of ‘protectors’ to their race and so they depend on the indigenous groups called Nāyars. The Nāyars were designated as Śūdras in religious texts but in reality, they were treated as Kshatriyas in medieval society.¹²¹ Gundert also denied the view of Nāyars as Śūdras of Kerala. To him, they were raised to the rank of Kshatriya by their intimate connection with the Brahmanas.¹²² Nāyars were the Gentry and no other duty than to carry on the war, and they continually carry arms with them, which are swords, bows, arrows, bucklers, and lances. They live with the kings, and lords of the country and with salaried governors.¹²³ They were also very full of revenge, and they fought against their enemies either by water or land.¹²⁴ Nāyars were very bold and brave and they were addicted to robbing up on the highway and will kill the travellers. Most of the people who studied about Nāyars considered them as Kshatriyas of the land. So, they were the military body and holding lands and serving as militia. Nāyars “the warriors of the land” hold a position next to the Brahmins and Kshatriyas. The *Ambalavāsi* group claimed superiority to the Nayars.

¹¹⁹ *Ibid.*, p.279.

¹²⁰ M.R. Raghava Varier, ed., *Kēraḷōlpatti*, (Mal.), Calicut, 1984, pp.32-33.

¹²¹ William Logan, Malabar, Vol. I, Trivandrum, 1981, p.143.

¹²² K.P. Padmanabha Menon, *Op. Cit.*, p.185.

¹²³ Thurston, *Castes and Tribes of South India*, Vol. V, Delhi, 1909, p.288.

¹²⁴ Arthur Coke Burnell, ed., *Op. Cit.*, p.282.

The inheritance and succession of property are always in the maternal line descending through females. The Nāyar family speaks through its head called Kāraṇavan.¹²⁵ The custom required Nāyar women in Travancore to remove the cloth covering the upper part of the body in the presence of Nāyar and Nambutiri family. This abolished in 1856. It was a mark of respect not only in the case of women but also men to throw off the upper clothes in the presence of their superiors or elders.¹²⁶

The Intermediate Castes: *Ezhavas* and *Ainkuṭikkammālas*

The copperplates like Tarisapalli copperplate and Syrian Christian Copper plates mention the intermediary groups like Ezhavas (*Īlavas*) and Kammālas.¹²⁷ The medieval *Sandēśakāvya*s refer to the *mukkuva* group of society as fishermen.¹²⁸ The intermediate castes like *Tīyyar*, Goldsmiths, *Karuvan*, Carpenters, *Mukkuvans* etc. also mentioned in the Arab travel accounts. The Arab traveller Sulayman says that the people of *Tilwa*, who attain mastery over others. But the Arab traveller does not mention about coconut production nor does he specify the occupation of *Tilwa* group. Ludovico di Varthema argues that the third class of pagans is *Tiva* (*Tīyan*), who were artisans.¹²⁹ Sheik Zainuddin specifies the occupation of *Tīyya* as to climb the coconut trees. To him, they were the third in caste rank.¹³⁰ These accounts show that the *Tīyya* group occupied high status in medieval Kerala.

The other major groups occupied more attention by foreign travellers are *Mukkuvans*, Carpenters, Ironsmiths and Goldsmiths. Sheik Zainuddin

¹²⁵ K.P. Padmanabha Menon, *Op. Cit.*, p.234.

¹²⁶ *Ibid.*, p.203.

¹²⁷ T.A Gopinatha Rao, ed., *T.A.S.*, Vol. II, *Op. Cit.*, pp.62-70.

¹²⁸ N. Gopinathan Nayar, *Op. Cit.*, p.100.

¹²⁹ John Winter Jones, ed. *Op. Cit.*, p. 57.

¹³⁰ S.M.H. Nainar, ed., *Tuhafat-ul Mujahiddin*, *Op. Cit.*, pp.42-43.

elaborates on the different customs and taboos existed among these caste groups. To him Brahmins, Goldsmiths, Carpenters, Blacksmiths, *Tīyyas* and fisherman communities followed the patriarchal form of inheritance.¹³¹ He refers the marriage practice among Carpenters, *Karuvas* and Goldsmith, for all brothers to marry just one woman. All husbands ought to be, if not brothers, at least of the same family. This custom is referred by him as *Pāṇḍavācāram*.¹³² To him, this custom is followed strictly to avoid disputes over the inheritance of properties. According to Sheik Zainuddin, the people of Malabar loyally maintain their caste system. They do not attempt to violate the norms of the caste system or do away with the system. He believes that the people of Malabar were ignorant. The Islam religion reached here and many people attracted to Islam because of the burden of these customs and practices.¹³³

The medieval *Granthavaris* show that the major temples and related families controlled the local people of that region. For example, the *Kūṭāḷi Granthavari* shows that the Kūṭāḷi Tāḷattu family had control over the village communities of that particular locality. The service groups like the *Kuśavan* (potter), *Āśāri* (carpenter), *Taṭṭān* (goldsmith), *Vāṇiya* (oil monger), *Vaṇṇāttān* (washermen), and *Vaṇṇān* (*Teyyam* dancer) are enlisted among the leaseholders. These service groups also paid their annual rent in favour of the Tāḷattu family.¹³⁴

¹³¹ *Ibid.*, p. 41.

¹³² *Ibid.*

¹³³ *Ibid.*, p.44

¹³⁴ K.K.N. Kurup, ed , *Kūṭāḷi Granthavari*, (Mal.), *University of Calicut*, 1995, p.XV (Introduction).

Out Castes: Beyond the Varna Society

The caste groups in medieval Kerala are referred in temple inscriptions of the medieval period. The inscriptions referring the donations of land and gold to the temples by personages with actually non-Brahmana names suggest that before the arrival of Brahmins the ownership of lands was with the *Pulayas*, *Īlavas*, *Velas*, *Villalas*, and other indigenous groups of Kerala.¹³⁵ The Tiruvitāmkōṭu inscription of 1696 CE refers to *Maṅṅān*, *Pulayan* and *Parayan*. It elaborates on the attempt of Kerala Varma to end the custom called *Maṅṅāppēṭi* and *Pulappēṭi*.¹³⁶ The inscription of Sthāṇu Ravi mentions the caste names *Īlavar* and *Vaṅṅān*. This document gives information regarding the harsh treatment of high castes towards low castes and this mentions their conversion to alien faiths like Mohammedan and Christian community.¹³⁷ These two categories of low caste people were compelled to give tax to the authority. The Airāṅikkūḷam temple document of 896 CE belongs to the 13th regnal year of Kōta Ravi, mentions about *Pulayas*.¹³⁸ The medieval *Sandēśakāvya* texts do not refer to the life and social life of outcastes but mention *Pulaya* and *Cherumar* as the people work in famous markets of particular areas.¹³⁹ They are represented as the people using abusive language and uncultured group in society. They were depicted as people eat cow meat and drink toddy.¹⁴⁰

¹³⁵ Rajan Gurukkal, *The Kerala Temple and Early Medieval Agrarian System*, Sukapuram, 1992, p.2.

¹³⁶ A.S. Ramanatha Ayyar, ed., *T.A.S*, Vol. VII, Part II, (1930), Trivandrum, 2004, pp.26-29. Puthussery Ramachandran, *Op. Cit.*, p.346.

¹³⁷ *Ibid.*

¹³⁸ Puthussery Ramachandran, *Op. Cit.*, p.21.

¹³⁹ Sundaram Dhanuvachapuram, ed., *Uṅṅicirutēvi Caritam*, *Op. Cit.*, pp.91-92.

¹⁴⁰ N. Gopinathan Nayar, *Uṅṅiyacci Caritam*, *Op. Cit.*, pp.100-01.

Outcastes were the most oppressed group of medieval society. Idrisi and Khurdadbeh mention *Sandaliyya (Caṇḍāla)* group of medieval society. To them, they are musicians and singers. Another group mentioned by them is *Dhunbiyya*. They state them as pleasant companions for conversation; their men are fond of amusement and games of talent.¹⁴¹ According to Ludovico di Varthema, *Poliar (Pulaya)* were the fifth class, who collect pepper, nuts, and wine. To him, the sixth class is *Hirava (Veṭṭuvan)* who sow and gather rice.¹⁴² To him, the *Poliar* and *Hirava* are untouchable castes.¹⁴³ Sheik Zainuddin also refers to the practice of *Maṅṅāppēṭi* and *Pulappēṭi* as existed in medieval Kerala.¹⁴⁴

Dutch traveller John Huyghen Van Linschoten refers to the common people called *Pulayas*.¹⁴⁵ They were agricultural labourers, men of occupations, fishers and so on. They live very miserably and were not wearing any weapons. They were not to touch the upper caste men. To him, when Nāyars go on the streets and these *Pulayas* see them come from far and hear them call, they step aside, bowing their arms, and stooping with their heads down to the ground, not daring so much as once look up before the Nāyars be passed.¹⁴⁶ The *Pulayas* followed the occupation of elders and that was hereditary.

The account of Tome Pires refers to the untouchability practised towards the *Pulayas* of Kerala. He mentions the custom called *Maṅṅāppēṭi* or *Pulappēṭi*. If a *Pulaya* touches a Nāyar woman with his hand or stone she was excommunicated from her house. If he who touches her is caught, he dies for

¹⁴¹ S.M.H. Nainar, *Arab Geographers, Op. Cit*, p.112.

¹⁴² John Winter Jones, *Op. Cit.*, p.57.

¹⁴³ *Ibid.*

¹⁴⁴ S.M.H. Nainar, *Tuhafat-ul-Mujahiddin, Op. Cit.*, p. 44.

¹⁴⁵ Arthur Coke Burnell, ed., *Op. Cit.*, p. 278.

¹⁴⁶ *Ibid.*, p.284.

his crime.¹⁴⁷ To him, the lowest castes are the Parayans and they were regarded as sorcerers, *Pulayas* (play music), *Vettuvan*, *Vannathamars*, etc.¹⁴⁸

Buchanan mentions that under native Rajas, Nāyars thought nothing of cutting down on the spot of a member of the lower castes who had approached within a polluting distance of his person.¹⁴⁹ This shows in ancient times the *Nāṭuvālis* and *Dēśavālis* were supported by their armed Nāyar retainers to maintain discipline in the society. Up to early 20th century, when the higher caste men walking along the road utters a warning voice to persons of any lower castes, who thereupon go away to the necessary distance. In the matter of food, the common rule is that no one will eat anything cooked by a person whose touch would pollute him.¹⁵⁰

C.A. Innes argues that during the medieval period everyone considers himself polluted by the touch of one of the lower castes; and there are castes below in the social level which mutually convey pollution to each other. There is an accepted scale of distances at which members of each of the polluting castes must stand from a man of higher caste or his house, the distance increasing as we descend the social scale.¹⁵¹ The terms like *Tīyya-pāṭu* or a *Cheruma-pāṭu* (that is the distance at which a *Tīyyan* or a *Cheruman* has to keep away from a higher caste man) were widely used in pre-modern and modern Kerala society. The distance is about 24 feet in the case of a member of an artisan group and 74 feet in the case of the native *Nāyāṭis*.¹⁵²

¹⁴⁷ Tome Pires, Amado Cortesao, Francois Rodrigues, *The Suma Oriental Tome Pires: An Account of the East, From the Red Sea to China, Written in Malacca and India in 1512-1515*, Asian Educational Services, New Delhi, 2005, p.71.

¹⁴⁸ *Ibid.*, p.72.

¹⁴⁹ Francis Buchanan, *Journey Through Mysore, Malabar and South Canara*, Vol. I, p.388.

¹⁵⁰ C.A. Innes, *Malabar: Kerala Gazetteers*, (1908), Trivandrum, 1997, p.104.

¹⁵¹ *Ibid.*, p. 103.

¹⁵² *Ibid.*

The *Sandēśakāvya*s and other temple related works were not giving a proper picture of the people below the *Traivarṇikas*. But that is depicted in the Ballads of medieval Kerala. Different castes like Nāyars, *Ezhavas*, *Tīyyas*, *Chōkar*, *Vāriyar*, *Ceṭṭi*, *Kaṇiyān*, *Taccan*, *Taṭṭān*, *Kollan*, *Kuśavan*, *Kammālan*, *Veḷuttētan*, *Enagan*, *Kurup*, *Maṇṇātti*, *Vayarrāṭṭi*, *Arayan*, *Mukkuvan*, *Kaṇakkan*, *Vēlan*, *Pāṇan*, *Malayan*, *Jōnakar*, *Nasrāṇi* etc. are mentioned in Northern Ballads.¹⁵³ The songs illustrate the subordinate status of lower caste people in society. Most of the songs describe the caste discrimination that existed in that time. The song named ‘Taccōḷi Ōtēnanum Parambu Kurukkattu Cēranum’ also raised the issue of caste. It describes a story that Ōtēnan killed a *Tīyya* man who did not respect him on the way.¹⁵⁴ In another song *Karumalakunnummal Kuṇṇikkōran*, a *Tīyya* man requested her for *ūlamporukkal*. When Ōtēnan knew the incident, he killed that *Tīyya* man and his relatives also ran away because of his threat.¹⁵⁵ These examples show the domination of high castes over the lower castes. It shows that not only the Brahmins punished the lower castes, but also all the dominant castes punished their subordinate castes.

Discriminatory Punishments

In the medieval period, the clannish loyalties were broken down and disappeared. Hierarchically caste-based society was formed. The new caste identities influenced the administrative mechanism and legal system of Kerala. In legal administration, the caste differentiation was more visible. The authorities had introduced defilement practices to establish a hierarchy among themselves and regulate their social interrelationship.¹⁵⁶ Each caste had their

¹⁵³ Somasekharan, *Kēraḷapaḷama: Oru Caritra Sañcāram*, (Mal.), Thrissur, 2010, p.105.

¹⁵⁴ M.R. Raghava Varier, *Ammavaḷi Kēraḷam*, (Mal.), Thrissur, 2006, p.68.

¹⁵⁵ *Ibid.*, p.69.

¹⁵⁶ Genevieve Lamercinier, *Religion and Ideology in Kerala*, Trivandrum, No year p.121.

caste committees, which had quasi-legal powers to discipline. Rajas were the ultimate authority of justice, but they were assisted by *Kāryakkār* and Brahmins. Caste offences were left to the caste assemblies or by three or four credible persons.¹⁵⁷

During medieval Kerala, there was no written code of law and no uniform law. The travel accounts show that Brahmins and women were exempted from a death sentence by law. They got the punishment of excommunication and sold as slaves.¹⁵⁸ The religious texts justify the caste differentiation in punishments. Mostly the Brahmanical code of law was implemented in the medieval period, so caste differences in the use of coercive methods were promoted by them. Sheik Zainuddin mentions the practice of purity and pollution among the caste Hindus of medieval Kerala. If a high caste man sees a low caste man, that was considered as impurity and a bath is required to purify. The high caste man does not eat the food prepared by a low caste man. Those who disobey the caste rules must be ostracized from the community or sold to other religious people.¹⁵⁹ The punishment for low caste people disobeying the rules was very severe; mainly death was the preferred punishment. The religious texts say that the low castes were restricted to read Vedas, those who disobey the order was punished by burning the tongue by boiled oil. The main punishment for low castes was the death and mutilation of the body. The Namboothiri scholar well versed in Sanskrit, Vedic Smritis, and *Dharmaśāstras* functioned as an advisory authority to the native chieftains in executive and judicial matters.¹⁶⁰ Most of the punishments and trials were based on Dharmaśāstric laws.

¹⁵⁷ C.A. Innes, *Op. Cit.*, p.381

¹⁵⁸ *Ibid.*, p.382.

¹⁵⁹ S.M.H. Nainar, *Tuhafat-ul- Mujahiddin, Op. Cit.*, p. 42.

¹⁶⁰ K.K.N. Kurup, *Aspects of Kerala History and Culture*, Trivandrum, 1977, p.39.

The *Gramam* was presided over by six *smārttans*. They conducted enquiry related to the issue and for that, they required the permission of the ruler.¹⁶¹ Caste offence was punished by Brahmin judges through ex-communication from the community, prevent to enter temples, *eṭtu-mārru viḷakku*, and prevent to enter the public ponds and rivers, and so on.¹⁶² Though the Brahmins were free from the death sentence and physical harassments, the trial of the caste offences among the Namboothiris was also very curious and brutal. When a Namboothiri woman was suspected by her kinsmen or by neighbouring Brahmanas of having been guilty of light conduct, she is under the hurt of ex-communication or all kinsmen, placed under restraint.¹⁶³ The persons accused by the women are never allowed to negate the charges against them, but the women she is closely cross-examined, and probabilities carefully weighed.¹⁶⁴ The brutal custom called *Maṅṅāppēṭi* and *Pulappēṭi* related to Nāyar women also ended in the ostracism of the accused women. If the males of her *Taravāṭu* caught her, they killed her and the out-caste man without any trial.¹⁶⁵ The Chieftain of the Nāṭu permits that type of punishment.

There are caste-based differences in ordeals also. The principal ordeals for Brahmana, Kshatriya, Vaiśya and Śūdra are those by scale and weights (*tula*), by fire (*agni*), by water (*jala*) and by poison (*viṣa*) respectively.¹⁶⁶ The caste hierarchy was purely based on social and legal inequalities. The marked feature of Hindu social system was its legal sanction for an extreme expression of social stratification in which women and low castes have been subjected to

¹⁶¹ William Logan, *Op. Cit.*, p. 148

¹⁶² K. Krishna Kurup,, *Kēraḷam Paraśurāmanilūṭe*, (Mal.), Kottayam, 1962, p.140.

¹⁶³ William Logan, *Malabar*, Vol.I, *Op. Cit.*,p.149.

¹⁶⁴ *Ibid.*

¹⁶⁵ Elamkulam, *Annatte Kēraḷam*, (Mal.), Kottayam, 1970, p.109. Barbosa and Sheik Zainuddin referred about this custom, which is analysed in detail below.

¹⁶⁶ Abbe J.A. Dubois, *Hindu Manners and Customs and Ceremonies*, New Delhi, 1999, p.717.

humiliating conditions of existence.¹⁶⁷ The high castes got very little punishments for most of the crimes done by them. The common punishment for high castes was fine and ex-communication. If a Brahmin killed a low caste man, he was punished by imposing fine. At the same time, the relationship between low caste man and high caste woman was punished by death sentence of low caste man. The low caste man got death sentence even for theft. Mutilation and beating were other common punishments for low caste man. The caste issues were trialled by Brahmin judges.¹⁶⁸ One of the documents shows the *Vellāṭan* caste of Travancore area, violates the caste laws and they were punished by death.¹⁶⁹ *Lokar* had the highest power in the legal administration of medieval Kerala. They had the right to punish the people who violate the caste laws. The Nāyar soldiers had the power to kill the low caste men, who pollute him, without further query.¹⁷⁰ For that, the Nāyar man was not punished by the Brahmanical society. That was their caste privilege to enforce law and order in society by tradition.

Kerala folklore represents the colourful picture of the glorious past of the socio-cultural life of medieval Kerala society. The Englishmen used the term folklore to denote the customs of the rustic people.¹⁷¹ Most of them light up on the Namboothiri landlord exploitation on the lower caste *kuṭiyans*. The downtrodden status of the lower castes elaborated through the ballads of early periods. The feudal exploitation on the lower caste women was depicted

¹⁶⁷ Mayadevi, *Notions of Womenhood, Family, Marriage and Morality Among Namboothiris and Nairs in Late 19th Century and Early 20th Century Malabar*, Unpublished Ph.D. Thesis, University of Calicut, 2017, p.37.

¹⁶⁸ C. Achyutha Menon, *Kēraḷa Samskāram*, (Mal.), (2003), Trivandrum, 2012, p.139.

¹⁶⁹ A. S Ramanatha Ayyar, *T.A.S.*, Vol. V, *Op. Cit.*, p.60.

¹⁷⁰ Travellers of Kerala including Barbosa, Zainuddin, Varthema etc. mentioned about this ultimate power of Nāyars of medieval society.

¹⁷¹ E.H. Devi, *Medieval Society reflected in the Ballads of Northern Malabar*, Unpublished M.A. Dissertation, University of Calicut, 1975.

through the songs. There was no one able to raise their voice against this type of exploitations made by the upper caste landlords. Some ballads refer to the indifferent attitude of the upper caste *Janmis* against the lower caste people. The attitude of *Ōtēnan* against a *Tīyya* man was explained as an example of the cruelty of high castes against the people of lower strata. Their attitudes towards the women of lower castes are also exposed in these texts.¹⁷²

With the coming of Europeans into Kerala, they also followed a discriminatory law and order in Kerala. The Portuguese followed a severe and uncivilized form of punishments in Kerala against the natives. They followed discriminatory law in the case of natives and Europeans.¹⁷³ The punishment imparted by Vasco-da-Gama to the Brahmin envoys of Zamorin was extremely uncivilized. He cut the lips of those Brahmins and stitched the ears of dogs.¹⁷⁴ They installed a *kaḷumaram* (scaffold) to punish the natives in front of the Santacruz church in Kochi.¹⁷⁵ A special officer appointed to give other punishments to the natives of Kerala. The discrimination concerning law and order existed in medieval Kerala society in a wide manner.¹⁷⁶

Maṅṅāppēṭi and Pulappēṭi

The society in medieval Kerala was stratified, held its tradition, culture and rituals. The indigenous practices like *Mārgam* (old custom), *Maryāda* (obligation) and *Ācāram* (established custom) have taken care of the rule of law. The absolute subjection of people to their age-old customs and traditions resulted in the recognition of customs as laws. Thus, customs were

¹⁷² This aspect discussed in the next chapter of the thesis.

¹⁷³ V.R. Parameswaran Pillai, *Prācīna Likhitaṅgaḷ*, (Mal.), Kottayam, 1963, p.245.

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*; K.P. Padmanabha Menon, *History of Kerala*, Vol. II, *Op. Cit.*, p.281.

¹⁷⁶ The fourth chapter of the thesis includes the details of crime and punishment of medieval Kerala.

institutionalized by continuous observances. The people of medieval Kerala followed *Cāturvarṇya* (four *varṇas* i.e., Brahmana, Kshatriya, Vaiśya and Śūdra) ideals of the medieval Indian social system. The social status and hierarchy of every caste were specifically delineated which were bound on them.

Peculiar customs and practices observed in medieval Kerala, particularly related to high caste groups to maintain moral code. *Smārttavicāram*, *Maṅṅāppēṭi*, *Pulappēṭi* and *Parappēṭi* are the foremost regulatory mechanisms of women based on the concept of chastity.¹⁷⁷ These regulatory measures are directly related to the caste and gender principles of medieval Kerala. Earlier scholars such as Elamkulam Kunjan Pillai argue *Maṅṅāppēṭi* and *Pulappēṭi* as customs in favour of low castes against high castes.¹⁷⁸

Foreign and Indigenous Accounts on *Maṅṅāppēṭi* and *Pulappēṭi*.

According to the indigenous tradition of Kerala, the womanhood represented as to be gentle, polite, self-sacrificing, sexually passive and monogamous. There was a belief that the status and position of a woman enhances basically with the proper maintenance of chastity.¹⁷⁹ Chastity is not depended upon class, caste and social status. It was the sole responsibility of women to maintain chastity. *Smārttavicāram* was a trial of Namboothiri women for adultery from the late medieval period to the early 20th century.¹⁸⁰ The

¹⁷⁷ *Maṅṅāppēṭi* and *Pulappēṭi* literally mean fear of the Pulayas and fear of Maṅṅāns. It refers to a popular belief prevalent in some parts of Kerala roughly till the middle of the 20th century that men of the outcastes like Maṅṅān, Paṛayan and Pulayan could approach young women of the Nāyar caste and pollute them on a particular day.

¹⁷⁸ Elamkulam P.N. Kunjan Pillai, *Annatte Kēraḷam* (Mal.), *Op. Cit.*, p.114.

¹⁷⁹ Parakkal Gauri Amma, 'Strīkaḷum Pātivratyavum' (Mal.), *Lakshmi Bai*, Vol.18, 1934 October, p.146.

¹⁸⁰ Parameswaran Moosath, *Śāṅkarasmṛiti*, (Mal.), 1905, Kottayam, 2017, pp.132-37; Bhaskaranunni, *Smārttavicāram*, (Mal.), Kottayam, 2009, pp.148-209.

punishment for such an offence was ex-communication. The women thus punished became outcastes in that particular social system.

Nāyar women were forced to practice customs like *Maṅṅāppēṭi* and *Pulappēṭi*. However, it was not based on any Brahmanical texts such customs were practised.¹⁸¹ Values prescribed by Brahmin tradition are amended in the case of sexual relation between Brahman men and Nāyar women. The practice of *Sambandham* (a form of marriage among matrilineal castes) was a prominent feature of Nāyar society.¹⁸² The Nāyar women had concubinage relation with many Nāyar, Namboothiri and other high caste men. Thus, the application of the concept of chastity in the case of Nāyar women is intriguing.

The foreign travellers visited Kerala in the medieval period, refer to *Maṅṅāppēṭi* and *Pulappēṭi*. Duarte Barbosa, the Portuguese traveller who visited Malabar in the 16th century, is the first to mention *Maṅṅāppēṭi*.¹⁸³ Sheik Zainuddin, the indigenous scholar who wrote in Arabic, also refers to this

¹⁸¹ The significant texts of Brahmanical ideology in medieval Kerala are *Kēraḷōlpatti*, *Śāṅkarasmṛiti* and *Vyavahāramāla*. These texts do not speak of these customs. Even in medieval chronicles called *Granthavaris* these customs are not recorded.

¹⁸² *Sambandham* was a form of marriage practiced by high caste Hindus till middle of the 20th century in Kerala. The matrilineal family of high castes including Nāyars opted this form of marriage. In this form of marriage, the lady married a man of higher caste particularly Brahman. But the children born in this relationship had no property right of his father. Generally, in this form of marriage the women opted polyandry.

¹⁸³ “In certain months of the year they do their utmost to touch some Nayre woman by night as secretly as they can, and this only for the sake of doing evil. They go by in order to get into the houses of the Nayres to touch women, and during these months the women guard themselves carefully, and if they touch any woman, even though none have seen it, and there may be no witnesses, yet she declares it at once, crying out, and she will stay no longer in her house that her caste may not be destroyed; in general she flees to the house of some other low caste folk, and hides herself, that her kinsfolk may not slay her; and that thence she may help herself and be sold to foreigners, which is oftentimes done. And the manner of touching is this, even though no words are exchanged, they throw something at her, a stone or stick, and if it touches her she is touched and ruined. These people are also great sorcerers and thieves; they are a very evil race”. M.L. Dames, ed., *Op. Cit.*, pp. 68-69.

practice.¹⁸⁴ The foreigners mention this as the most abominable and unbelievable custom of the Kerala Hindus. This custom had varied names in different places. In South Travancore, it was called as *Pulappēṭi* or *Parappēṭi*.¹⁸⁵ The details of *Maṅṅāppēṭi* and *Pulappēṭi* also varied in foreign accounts.

Barbosa elaborates that on certain days of a year, an outcast man can throw a stone or twig at a woman or touch her. In most of the cases, there was no witness. But the women herself revealed the truth and ran away with the outcaste who polluted her. If she refuses to run away with that man, her relatives will kill her to save their honour. In certain cases, she requested the help of the outcaste man to sell her to foreigners.¹⁸⁶ This description shows that there was no need for touch by an out-caste man for pollution. At the same time, Sheik Zainuddin says that every year there is a certain day, when an out-caste person would enter the sleeping room of a high caste lady or would dare to touch her, becomes polluted and is forced to ran away with him. If not, she would be sold as a slave by the Nāṭuvāḷi, or she gets converted to Muslim or Christian sects.¹⁸⁷ Herman Gundert says that the period of *Pulappēṭi* is in the Malayalam month of Karkkiṭakam corresponding to July-August.¹⁸⁸ M.G.S. Narayanan, M.R. Raghava Varier and Rajan Gurukkal were use the term *Maṅṅāpiṭi* (grasp by

¹⁸⁴ “If a woman of a higher caste, on certain particular nights of the year, happens to be hit with a stone or something else from the hands of a man of inferior caste and she was not at that time accompanied by any man, she will be turned out of her caste. In such circumstances, she has no alternative other than embracing Islam, Christianity or become a yogi. Otherwise she will be sold by the local ruler”. S.M.H. Nainar, ed., *Tuhafat-ul-Mujahiddin, Op. Cit.*, pp.43-44.

¹⁸⁵ S. Achutha Varier, *Kēraḷa Samskāram* (Mal.), Trivandrum, 2003, p.139.

¹⁸⁶ M.L. Dames, ed., *Op. Cit.*, pp. 68-69.

¹⁸⁷ S.M.H. Nainar, *Tuhafat-ul-Mujahiddin, Op. Cit.*, pp.43-44.

¹⁸⁸ Gundert says that during the month of *Karkkiṭakam* high caste women may lose caste, if a slave happens to throw a stone at them after sunset. Hermann Gundert, *Malayalam English Dictionary*, (1872), Kottayam, 2013, p.632.

Maṅṅān) and *Pulapīti* (grasp by *Pulayan*) to denote the custom.¹⁸⁹ It is argued that it was a type of 'kidnapping' of high caste women by outcaste men.¹⁹⁰ The description shows that the outcaste men entered into the room of high caste lady. No accounts mention molestation in the case of *Maṅṅāppēti* and *Pulappēti*. Thus, high handedness from the part of outcaste men not seems to be the reason for the practice. The origin and development of such a custom seem to be more complex.

Elamkulam Kunjan Pillai made a detailed study of the practice of *Maṅṅāppēti* and *Pulappēti*. According to him, this practice originated after the 11th century CE as a result of the Cēra-Cōḷa war.¹⁹¹ To him, before the seventh century CE or before the coming of Brahmins to Kerala, the society was egalitarian. The Brahmin ideology created a stratified society of castes. He thinks that *Pulappēti* was a privilege granted to low castes after the origin of the caste system and it was a way to increase the number of slaves in Kerala.¹⁹² No evidence related to the origin and development of this custom in medieval Kerala is found. Elamkulam explains about a pleasant atmosphere of *Pulappēti* practised in medieval Kerala. The Nāṭuvāli declared a particular date of *Pēti*, which may be related to the festivals or other rituals of outcastes. During that time the outcastes like *Maṅṅān*, *Pulayan* and *Paṛayan* attain supernatural power and kidnap the ladies of high castes.¹⁹³ The oral tradition on this custom may probably have created fear among Nāyar women. It is argued that *Maṅṅāppēti* and *Pulappēti* were not practised as a custom in medieval

¹⁸⁹ M.G.S. Narayanan, *Cultural Symbiosis in Kerala*, Thiruvananthapuram, 1972, p.3.

¹⁹⁰ Raghava Varier and Rajan Gurukkal, *Kēraḷacaritram*, Vol.II, (Mal), Sukapuram, 2012, p.155.

¹⁹¹ Elamkulam P.N. Kunjan Pillai, *Annatte Kēraḷam*, *Op. Cit.*, p.123.

¹⁹² *Ibid.*, pp.116-17.

¹⁹³ *Ibid.*, p.113

Kerala.¹⁹⁴ But this argument is not convincing as we have evidence to it in the accounts of Duarte Barbosa, in *Tuhafat-ul-Mujahiddin* and also in the inscription of Vīra Kēraḷa Varma abolishing this practice in Travancore. It is also argued that it was only an attempt to create an atmosphere of fear among Nāyar women. He considers it a ploy by the eldest members of *Taravāṭu* (the matrilineal joint family of the Nāyars) making use of the outcaste servants, and also a technique to punish particular outcaste men who incurred their displeasure.¹⁹⁵

Disciplining the women

Nāyar society practised matrilineal form of inheritance in Kerala. However, in practice, the society was not matriarchal. Nāyar women had no right to partition the property, exchange the land, sale the profits from the property and so on. This type of economic transactions was controlled by *Kāraṇavar* (a senior-most male member of the *Taravāṭu* in the maternal line). The young ladies were under the strict control of *Kāraṇavar* and *Kāraṇavatti* (the senior-most female member of the *Taravāṭu*). They were the kingpins of *Taravāṭu*, especially in matters of young ladies including their *Sambandham*, childbirth, divorce etc. *Kāraṇavar* and *Kāraṇavatti* decide the *Sambandham* of their female family members with appropriate Nāyar or high caste men. They decide the number of *Sambandham*, its time and continuance of the relationship.¹⁹⁶ The senior members of the Nāyar family made use of *Maṅṅāppēṭi* and *Pulappēṭi* as a disciplinary mechanism to suppress the daring Nāyar ladies on the pretext of custom. So, the atmosphere of obedience was maintained in the Nāyar family by these customs.

¹⁹⁴ P.P. Sudhakaran, 'Pulappēṭi Putiyoru Anvēṣaṇam' (Mal.), *Kēraḷa Paṭhanangaḷ*, IV, January-March, 1994, p.385.

¹⁹⁵ *Ibid.*, 385.

¹⁹⁶ *Ibid.*, 508

The tradition related to *Maṅṅāppēṭi* and *Pulappēṭi* may have created a fear psychosis among the Nāyar women in the medieval period. They have enjoyed the right to visit temples and attend festivals at that time. But when a woman travels outside, should be accompanied by a man like Nāyar soldier, or at least a boy above three-year-old, depending on the financial position of each *Taravāṭu*.¹⁹⁷ The social system, in multiple ways, restricted the movements of women. Elamkulam argues that the *Nāṭuvāḷi* announced a particular date for *Pēṭi* in every year.¹⁹⁸ However, this view is at best a hypothesis as there is no evidence for such a declaration by any *Nāṭuvāḷi* in Kerala.¹⁹⁹ *Maṅṅāppēṭi* and *Pulappēṭi* gained wide popularity as the oral tradition. The fear psychosis of such social ostracism has sinister effects on Nāyar women of productive ages. Thus, their space restricted within the compound of *Taravāṭu* itself. The punishments related to this *pēṭi* are of unalterable in the medieval period. Nāyar woman excommunicated without trial from the community in case a *Pulaya* or *Maṅṅān* touches. The only options left for her was to run away with that outcaste man or convert to Islam, Christianity or lead an ascetic life.²⁰⁰ The relatives generally opt the honour killing if she prefers not to leave the family after such pollution.²⁰¹ The fear of execution or a life of outcaste compelled the Nāyar women to be concerned of purity.

The women were vulnerable to *pēṭi* only after evening. The companionship of at least a three-year-old boy protected her from *pēṭi*, and

¹⁹⁷ A.S. Ramanatha Ayyar, ed., *T.A.S*, Vol. VII, Part II, (1930), Trivandrum, 2004, pp.26-28.

¹⁹⁸ Elamkulam P.N. Kunjan Pillai, *Annatte Kēraḷam* (Mal.), *Op. Cit.*, p.113.

¹⁹⁹ There were a number of Nāṭus and Nāṭuvāḷis in medieval Kerala. Many of them such as Zamorin, Kōlattiri, Vēṅāṭu ruler and Cochin Raja attained the position of independent rulers in late medieval period. V.V. Haridas, *Zamorins and the Political culture of Medieval Kerala*, New Delhi, 2016, pp.24-25.

²⁰⁰ S.M.H. Nainar, *Tuhafat-ul-Mujahiddin*, *Op. Cit.*, pp.43-44.

²⁰¹ P.P. Sudhakaran, '*Pulappēṭi Putiyoru Anvēṣaṇam*', *Op. Cit.*, p.509.

safely guarded her purity.²⁰² This custom openly announces that if a woman was accompanied by a male 'representative', she would be immune to any sort of 'pollution'. This upholds men as protector of women from all sorts of hazards.

The social regulations restricted the free movement of low caste people in medieval Kerala. They were even prohibited to see, approach and touch an upper-caste man. The custom called *Maṅṅāppēṭi* and *Pulappēṭi* was practised during a period when pollution to any high caste person by low castes or outcastes was met with severe punishment. Thus, the possibility of any such act voluntarily from the side of an outcaste man was generally truncated.²⁰³ On the other hand, aristocratic family head or chieftain occasionally would have instigated his outcaste servant to touch the disobedient woman of his *Taravāṭu*. Hence the woman was punished in the pretext of the custom itself.

Seclusion of Outcastes

According to tradition, all outcaste men have the right to pollute Nāyar ladies by this medieval custom. But a few outcastes like *Maṅṅān*, *Pulayan* and *Paṛayan* had particularly created fear psychosis to the Nāyar women. The Brahminic ideology of seclusion of outcastes from the Varṇa society seems to be detrimental in such practices.²⁰⁴ The outcastes were identified with sorcery and witchcraft, such as *Oṭividya*, *Kūṭōtram* and *Mantravādam*. A social stigma may have formed upon particular outcastes by such practices. The elite class would have taken advantage of the situation by utilising the service of the outcastes as practitioners of sorcery to settle their scores with the opponents. Such practices would have enabled the outcastes to take advantage of the situation against their immediate oppressor and even the estranged masters.

²⁰² Elamkulam P.N. Kunjan Pillai, *Annatte Kēraḷam*, *Op. Cit.*, p.113.

²⁰³ *Ibid.*, p.123.

²⁰⁴ P. P. Sudhakaran, '*Pulappēṭi Putiyoru Anvēṣaṇam*', *Op. Cit.*, p.509.

Fear is considered as a major regulatory mechanism in the entire period of Kerala history. The practice of sorcery and witchcraft by the outcastes created fear among the high castes which is exploited to control their women.

The account of Barbosa shows that even in the absence of any witness to the incident woman voluntarily informed it and ran away with the outcast man.²⁰⁵ It may be either due to the fear of the custom or in a bid to save the life from execution. The woman considered it as her responsibility to ensure the caste purity of her *Taravāṭu* and so suffered the pain of ex-communication in silence. Another possibility is the elopement of the woman with her outcaste lover taking advantage of the custom. Thus, it may be either a sacrifice of her life for the honour of her family or a selfish act to fulfil her desire. But the evidence is scanty to ascertain the reason behind the actual practice of this custom. Some ballads mention the marriage of upper-caste women by low caste men, but of course not in the context of *Maṅṅāppēṭi* and *Pulappēṭi*.²⁰⁶ The caste rules prescribed and practised in medieval Kerala denies any possibility of lower or outcaste men marrying upper-caste women. Thus, the reappraisal of the custom of *Maṅṅāppēṭi* and *Pulappēṭi* will throw light on the implications of this practice.

Elamkulam suggested another possibility that the Nāyar woman herself created the circumstances for this custom to live with her outcaste lover.²⁰⁷ To him, during that time, it was tough to touch a Nāyar woman by a *Pulayan* or *Maṅṅān*, as she was under the strict vigilance of Nāyar militia.²⁰⁸ But this argument holds no water, as all upper castes were not in highest glory during that period. So, unlike the aristocratic women, the ladies belong to poor families

²⁰⁵ M.L. Dames, ed., *The Book of Duarte Barbosa*, Vol. II, *Op. Cit.*, pp.68-69.

²⁰⁶ Raghava Varier and Rajan Gurukkal, *Kēraḷa Caritram*, Part II, *Op. Cit.*, p.158.

²⁰⁷ Elamkulam P.N. Kunjan Pillai, *Annatte Kēraḷam*, *Op. Cit.*, p.113.

²⁰⁸ *Ibid.*, p.123.

were not protected by militia, but were only accompanied by a small boy or maids. The social status of Nāyars and outcastes were in the extremes. Thus, it is argued that the possibility of a love relation between upper-caste women and lower caste men seems to be unusual if not improbable in those social circumstances.²⁰⁹ According to Hindu law, the exogamous marriage was strictly prohibited. The medieval texts on caste rules and customs like *Śāṅkarasmṛiti*²¹⁰ and *Vyavahāra Māla*²¹¹ preach against inter-caste marriage. But the prescription against such *Varṇasankara* implies such occurrences in medieval Kerala.

In medieval Kerala, the *jāti* regulations were not the creation of rulers like *Nāṭuvāli*. The formal order for conducting *Smārttavicāram* was announced by the ruler, but the outcome of the trial was nothing to do with the ruler as it was entirely managed by the community leaders.²¹² There was no evidence regarding the royal proclamation of a particular date for the practice of *Maṅṅāppēṭi* and *Pulappēṭi* by the ruler.

Elamkulam argued that the freedom of adultery was permitted once in a year.²¹³ But this argument is in contravention to the social system of that period. During that time adultery was considered as a serious offence which resulted in severe punishment. It seems that the custom called *Maṅṅāppēṭi* and *Pulappēṭi* existed not to promote adultery, but to prohibit adultery and ensure the chastity of Nāyar women. However, it is relevant in this context to reappraise the concept of chastity among Nāyar women. The practice of *Sambandham* makes polygamy an accepted norm. Thus, monogamy is not a

²⁰⁹ P.P. Sudhakaran, '*Pulappēṭi Putiyoru Anvēṣaṇam*', *Op. Cit.*, p.507.

²¹⁰ N.P. Unni, ed., *Śāṅkarasmṛiti*, Torino, 2003, p.192.

²¹¹ *Vyavahāramāla*, (Mal.), Unpublished Manuscript, Manuscript Library, University of Calicut, Book No.1563.

²¹² N.P. Unni, ed., *Śāṅkarasmṛiti*, *Op. Cit.*, pp.260-61.

²¹³ Elamkulam P.N. Kunjan Pillai, *Annatte Kēraḷam* (Mal.), *Op. Cit.*, p. 115.

necessary norm of chastity in the case of Nāyar woman. Here the concept of pollution and purity gained more emphasis. The male-dominated ideology of caste always forbade and condemns the *pratilōma* type of marriage, which may be true in the case of medieval Kerala as well. In a matrilineal inheritance system, the elder male members ensured the purity of their successors. They were proud of begetting progeny from upper-caste men but frightened on any possibility of adulteration by lower or outcaste men. *Maṅṅāppēṭi* and *Pulappēṭi* seem to be the institutionalization of the fear of *Varṇasankara* by the elite males.

The heinous part of *Maṅṅāppēṭi* and *Pulappēṭi* was the award of a punishment without trial. Thus, at the very moment of such occurrence, they ran away from the *dēśam* due to the fear of execution. The woman involved in this solely bore the brunt of social ostracism. In most of the case, the external agency did not implement the punishment but accepted themselves by the victims.

K.N. Ganesh analyses *Maṅṅāppēṭi* and *Pulappēṭi* based on the class theory of Marx. To him, the Nāyars and Pulayas were two distinct classes and exists the possibility of class struggle between these two groups. He says that, in a traditional society, the class struggle is visible through the customs and beliefs and the violation of traditional *Maryādas*. He says that the low castes expressed their discontent against high castes through the customs of *Maṅṅāppēṭi* and *Pulappēṭi*.²¹⁴ But in medieval Kerala history, we have not found any pieces of evidence of conflict between outcastes and upper castes. Purity and pollution practice seem to be abided by the people of Kerala. The outcastes are not dared to challenge their impurity and they kept away from the public sphere. They perceived untouchability and unapproachability as a result

²¹⁴ K.N. Ganesh, *Kēraḷathinre Innalekaḷ* (Mal.), (1990), Trivandrum, 2011, p.169.

of their actions in a previous life. In that social context, the class struggle seems to be a distant dream. M.G.S. Narayanan refutes the view of K.N. Ganesh. To him, during the medieval period, no one imposes customs and traditions on people, but themselves accepted it.²¹⁵ However, this argument of people voluntarily following customs and traditions in the medieval period is contentious. The circumstances in which people became so subservient is only a matter of conjecture. They were not conscious of class exploitation and simply considered it as their fate. It is argued that they were not bothered about the freedom from that social system.²¹⁶ However, such oversimplification of customs and practices in the medieval period can be challenged. Brahminic ideology works in a social and political system, where power is used visibly or invisibly upon the common people by the elite.

Re-appraisal of *Maṅṅāppēṭi* and *Pulappēṭi*

In the case of *Maṅṅāppēṭi* and *Pulappēṭi*, adultery was not practised like *Aṭukkaḷadōṣam*. According to medieval travel accounts, even pollution by personal contact was not required for ex-communication in the case of these customs. In some cases, *Pulayan* or *Maṅṅān* had seen the Nāyar women from a distance and howled out 'Seen! Seen!' which resulted in the ex-communication of the latter.²¹⁷ Native accounts of 16th century mention that in some cases, a *Pulayan* or *Maṅṅān* thrown a stone or twig at a woman of higher caste or touched her.²¹⁸ In any of these cases, women were not allowed to stay back in her house. So, it was a case beyond chastity. It seems that it was a tool of gender discrimination devised by the aristocratic class to restrict the freedom of their women. The concept of purity and pollution is utilized for this.

²¹⁵ M.G.S. Narayanan, *Cultural Symbiosis in Kerala*, *Op. Cit.*, p.3.

²¹⁶ *Ibid.*

²¹⁷ M.L. Dames, ed., *The Book of Duarte Barbosa*, Vol. II, *Op. Cit.*, pp.68-69.

²¹⁸ S.M.H. Nainar, ed., *Tuhafat-ul-Mujahiddin*, *Op. Cit.*, pp. 43-44.

The social structure of medieval Kerala places the *Maṅṅān*, *Pulayan* and *Paṛayan* as a servile group of outcastes far below the upper castes. They never challenged their masters and generally remained loyal. In such a social condition how far the outcastes might have enjoyed such a custom to touch the Nāyar women is highly debatable as the existing social system deprived the outcastes any social space. It may be due to external compulsion, if it all, they practised it. It is argued that the Kāraṇavar of Nāyar *Taravāṭu* compelled his outcaste servants to do that.²¹⁹ The Kāraṇavar made use of this custom to discipline the audacious ladies in his family, who disobeyed him. Here the outcast men and high caste women became the victims of existing social customs. Caste differences and gender inequality acted as a weapon to regulate certain groups of society. The power of patriarchy and caste system acted as a tool against the outcastes and women in medieval Kerala society.

Even in a matrilineal Nāyar *Taravāṭu*, males dominated the family structure. The mobility of women was regulated by the elder male member of the family. The space of women confined within the wall of *Taravāṭu*. But a few references related to *Maṅṅāppēṭi* shows that she was threatened within this limited space itself.²²⁰ If any outcaste man touches high caste woman by entering the house, the family members of the latter supported the former. *Maṅṅāppēṭi* and *Pulappēṭi* were not accidental incidents, but a well-planned conspiracy to discipline the women.

The daring attempt to abolish *Maṅṅāppēṭi* and *Pulappēṭi* was made by Vīra Kēraḷa Varma in 1696 CE. In Kalkulam inscription the King orders that *Pulappēṭi* and *Maṅṅāppēṭi* shall not be practised in the territory lying from the west of Tovāḷa, to the east of Kannēri and between the mountain range and the

²¹⁹ P.P. Sudhakaran, 'Pulappēṭi Putiyoru Anvēṣaṇam', *Op. Cit.*, p.485.

²²⁰ Velayudhan Panikkassery, *Kēraḷam Patinañcum Patinārum Nūṛrāṅṭukaḷil*, (Mal), Kottayam, 1963, p.79.

sea. If in transgression of this order, *Pulappēṭi* and *Maṅṅāppēṭi* practised the very embryo in the womb of the *Pulayan* and *Maṅṅān* shall be extracted and slain. It is also ordered that if the *Pulappēṭi* and *Maṅṅāppēṭi* occurred to the woman, the pollution shall be considered as removed if the woman bathes in a tank.²²¹ This stone inscription was placed at the northern entrance of Keṅṭappaṭaiṽiṭu. But most of the Nāyar *Taravāṭus* were not ready to accept the order, as they were bound to traditional customs and rituals, which they considered more sacrosanct than the royal proclamation. This royal order protects the upper castes. Here cruel punishments are prescribed to *Maṅṅān*, *Pulayan* and *Paṛayan*. The entire family of the outcaste would be killed if anyone practised *Maṅṅāppēṭi* and *Pulappēṭi*. This punishment itself is directed against women. Here the victim was an outcast woman, who had no involvement in this practice. It indicates that the proclamation of Kerala Varma protected only the interests of upper caste people in society.²²²

Even after the royal proclamation *Maṅṅāppēṭi* and *Pulappēṭi* practised in Kerala by Nāyar families. *Putuvapāṭṭu* depicts the story of the courageous ruler of Kottayam called Kēraḷa Varma who stopped the custom *Maṅṅāppēṭi* and *Pulappēṭi* on Kollam Era 871 *Makaram* 25 (23 January 1696).²²³ But his

²²¹ The relevant portion of Kalkulam inscription are as follows: “The King having been pleased to order that *Pulappēḍi* and *Maṅṅāppēḍi* shall not be in practice in the territory lying to the west of Tōvāḷa, to the east of Kaṅṅēṛri and between the mountain range and the sea, the two popular assemblages of Mahājanas met in deliberation and had this order (kalpana) engraved on stone. If, in transgression of this order, *Pulappēḍi* and *Maṅṅāppēḍi* should again become prevalent, the very embryo I the womb among the Pulayar and Maṅṅār shall be extracted and slain. It was also ordered that if (the pollution consequent on) *Pulappēḍi* and *Maṅṅāppēḍi* should happen to a woman, the pollution shall be considered as removed if the woman bathe (in a tank) and come out”.

A.S. Ramanatha Ayyar, ed., *T.A.S*, Vol. VII, Part I, *Op. Cit.*, pp.28-29.

²²² M.R. Raghava Varier and Rajan Gurukkal, *Kēraḷa Caritram*, Vol. II, *Op. Cit.*, p.157.

²²³ M.R. Raghava Varier, ed., *Kēraḷōlpatti Kīḷipāṭṭu*, (Mal.), Kottayam, 2016, p.38.

daring attitude led to his assassination by nobles with the consent of Umayamma Rāṇi.²²⁴

The present study makes it evident that *Maṅṅāppēṭi* and *Pulappēṭi* was one of the regulatory mechanisms to discipline the women of Nāyar community by the patriarchal society. They tried to ensure the purity of their women by restricting their mobility and free will with this custom. The public space was fully restricted to Nāyar women by this custom. Their free movements and independent actions were controlled by a fear psychosis of social ostracism. Thus, *Maṅṅāppēṭi* and *Pulappēṭi* can be considered as a disciplinary mechanism, to curtail the freedom of Nāyar women within a matrilineal community. This custom also used as a tool to alienate the outcasts from the rest of society.

Representation of Women in Ballads

Most of the medieval sources of Kerala history are mainly concerned with religious, administrative and economic matters in the society. To some extent, these omitted the social life of people, especially the life of the people coming under Sudra Varna. Even the *Sandēśakāvya*s itself concentrated on the life of the upper strata of society. The omission of the life of low caste women is full in those sources. The *Sandēśakāvya*s described the beauty of the temple women of medieval Kerala. Some of them like, *Candrōlsavam*, and *Vaiśika tantram* elaborated the life of courtesans of medieval Kerala only. However, the texts of early Tamil literature also concerned with the daily life of people including men and women. The mutual relations between husband and wife, girl and mother, girl and maid, and lovers etc. are picturised in those texts.

The folk songs of the medieval period followed the path of *Sangam* texts. These oral songs picturised the relationship between the man and woman

²²⁴ *Ibid.*, p.39.

lived in medieval society. The social customs followed by the Sudras and other castes below Sudras were also clearly depicted in those songs. The influence of feudalism in social life was depicted in those songs. The male and female had suffered exploitation from feudal lords in various ways. The folk songs of medieval Kerala mentioned the exploitation of women faced from the feudal lords. The practice of *Ūlam vaḷangal* or *Ūlam porukkal* was continuously mentioned in these texts.

The northern ballads continuously mentioned the practice of *Ūlam vaḷangal*. If a man liked a woman (he or she may be already married or not), he would stay with her by her consent, for a short period. Later he would go back to his place. That was not a formal marriage or permanent relationship. In northern ballads, we can see the heroes like Taccōḷi Ōtēnan, Taccōḷi Cantu and others proposed the ladies for *Ūlam porukkal*. They even proposed married women also. In most of the cases, the women accepted the proposal and lived together for a short time.²²⁵ In some cases, it was considered as a real marriage with the consent of parents without any elaborate rituals.²²⁶ '*Puṭamuṛi*' form of marriage was the formal form of marriage practised during that period.²²⁷ The songs mention the *Nūlācāram vānguka*, *Ācāram koṭukkal* and *Vākkoliyuka*, the last means divorce.²²⁸ These songs show that men and women had the freedom to demand a divorce.²²⁹ Adultery was considered as one of the reasons for divorce during that time.²³⁰ The children of that relation either stayed with

²²⁵ K.Sreekumar, *Vadakkanpattukal*, (Mal.), Thrissur, 2013, pp. 328-347, 414-422, 424-429, 432-443, 488-495, 568-584, 676-686, 690-695, 698-707, 722-733, 752-760, 828-837, 1116-1131.

²²⁶ Chelanattu Achyutha Menon, *Ballads of North Malabar*, *Op. Cit.*, pp. 179-80.

²²⁷ *Ibid.*, p. 179.

²²⁸ *Ibid.*, p. 162.

²²⁹ *Ibid.*, p. 163.

²³⁰ *Ibid.*

father or mother, by their inheritance practice.²³¹ The story of Ārōmal Cēkavar mentions '*vākkoliyuka*', in which, Uṇṇiyārcca gives promise to Cantu that if Ārōmal won in *Ankam*, Uṇṇiyārcca would be ready to *vākkoliyal* (divorce) from Ārūmmaṇamēlu and marry him.²³² The custom *Nūlācāram vānguka* was also referred to in the same song.²³³

Most of the northern ballads show gender equality practised during that period. Women also had the right to attain formal education and to learn '*payarru*' also. Uṇṇiyārcca received education and she was practised *payarru* from *Kaḷaris*.²³⁴ Koṭamalar Kunki was also well versed in martial arts.²³⁵ One of the documents of CE 1503 shows that the army of Vēnāṭu Raja included 300 women soldiers who were well versed in fencing.²³⁶ This document supports the historical veracity of these stories.

The women had shown the courage to uphold their position even in public. Uṇṇiyārcca had decided to visit the *pūram* conducted at Allimalar *Kāvu*, but all the elders obstructed her. But she stood by her desire and ultimately won over others. Koṭamalar Kunki decided to live with Taccōḷi Cantu, rejected her husband and accepted Cantu as her husband.²³⁷ All of these indicate the independent status of women among Nāyars and *Ezhavas* of that time. Intriguingly, at the same time, the chastity of women was also considered as very significant. The song of Pālāṭṭu Kōman and Uṇṇiyamma shows that the brothers of Uṇṇiyamma tried to kill her suspecting adulterous relation with an

²³¹ *Ibid.*

²³² *Ibid.*

²³³ *Ibid.*, p. 157.

²³⁴ *Ibid.*, p. 147.

²³⁵ *Ibid.*

²³⁶ *Ibid.*, p. 147.

²³⁷ *Ibid.*, p. 151.

outcast man.²³⁸ It indicates that the love relation with a high caste woman and low caste man was not tolerated. But the relation with high caste or their caste was accepted by Nāyars and *Ezhavas*.

The Ballads indicate the wide practice of *Marumakkattāyam*. Most of the scholars argued that the father had no upper hand in *Marumakkattāyam* families. But the story of Taccōli Ōtēnan shows that Ōtēnan was proud of his father being a warrior (*Paṭakuruppu*).²³⁹ The women of *Marumakkattāyam taravāṭu* had right to her hereditary property and she also got the wealth (of her husband) in various ways. If the husband was dead, the *Kāraṇavar* of his family gives essential things for her livelihood.²⁴⁰ This indicates that women of *Marumakkattāyam* families were always protected in the system.

Many of the oral songs of outcastes refer to the exploitation of women in the feudal social system. The proclamation of the chieftain of Kārttikappalli says that no women of his kingdom would submit to men of their own or high castes and it would be considered as immorality and should be immediately killed.²⁴¹ This theme represented in the oral songs of that time itself. The indigenous traditions and travel accounts say that the non-Brahmin ladies had no right to cover their breasts and they should not be chaste.

The oral songs show that if any low caste women disobeyed the feudal lords, they were severely punished by accusing certain crimes on them. The story of Pūmātai Ponnamma in *Vaṭakkan Pāṭṭukaḷ* is an example.²⁴² The Chieftain of Kadalungara was infatuated to the beauty of Pūmātai Ponnamma,

²³⁸ *Ibid.*, p. 170.

²³⁹ *Ibid.*, p. 96.

²⁴⁰ *Ibid.*, p. 93.

²⁴¹ The Portugese Traveller Arch Bishop Menezes (1600 CE) and Dutch traveller Neuhoff (1664 CE) also recorded that all people obeyed this decree.

²⁴² K.Sreekumar, *Op.Cit.*, pp.1085-1104.

but she was not ready to submit and obey him. Then adultery was accused of her by the *Nāṭuvāli* with the help of an *aṭiyāḷa* woman. Later, Pūmātai Ponnamma was burnt alive. She became the goddess of that particular community.²⁴³ The story indicates the brutality of the feudal system which oppressed the low caste women. On the other hand, the *Nāṭuvāli* practised polygamy and his consort practised polyandrous relations as his wife Kuṭṭittēyi Keṭṭilamma had a relation with many partners at the same time.²⁴⁴ So, the chastity concept of upper castes and lower castes were varied by power and position in society.

Another example of feudal exploitation was portrayed in the song of Karumparambil Kaṇṇan.²⁴⁵ In this, the *Tampurān* raped the wife of Kaṇṇan in his absence. Hence, Kaṇṇan decided to avenge the *Nāṭuvāli*. He disguised as a *Paṭṭar* and spent a day with *Keṭṭilamma* (wife of *Tampurān*). But that was revealed, and the *Nāṭuvāli* ordered to punish him. But Kaṇṇan raised his voice against the *Nāṭuvāli* and demanded to punish the *Nāṭuvāli* before him.²⁴⁶ The theme of the song was the protest of *aṭiyāḷa* group against *Nāṭuvāli*. The oral songs of Kerala society show that only the wealthy Nāyar and Ezhava women had a good status in society. At the same time, the *aṭiyāḷa* women were exploited in the feudal social system.

Despite the dispersed spatial pattern of settlement, there is a definite social nucleus and the castes are highly ranked in the ritual hierarchy, each separated not only by endogamy, commensality, language variation and ritual pollution but by spatial distance as well.²⁴⁷ The caste ranking places the

²⁴³ *Ibid.*

²⁴⁴ *Ibid.*, pp.1202-1212.

²⁴⁵ *Ibid.*

²⁴⁶ *Ibid.*

²⁴⁷ Robert. L. Hardgrave J R, 'Caste in Kerala: A Preface to the elections', *The Economic Weekly*, November.21, 1964, p.1841.

Namboothiris at the peak of the ritual hierarchy. They command ritual status. There are a few Kshatriyas and there was no indigenous Vaiśyas. Most prominent caste ranking below the Namboothiris is the Nāyar, the traditional warrior group of the land. Tīyyas and other depressed castes were below the Nāyars. The ritual hierarchy of caste reflects the traditional relationship of each caste to the land, which was a fundamental determinant of wealth, power and social status in medieval Kerala.²⁴⁸ Kathleen Gough has characterized the traditional system as a “relationship of servitude”.²⁴⁹ In the elaborate hierarchy of rights, each function was fulfilled by particular caste. The inferior provides economic and ritual services to the superior. The superior exercised judicial authority over the inferior.

Conclusion

The inscriptions and *Granthavaris* of the medieval period are mainly concerned on a section of society called males. The females were beyond those historical accounts. But the *Maṇipravālam* literature and the travel accounts makes passing reference to the social life of women. The issues of chastity and related trials were widely found in Kerala. The concept of chastity, related trials and punishments and the other regulatory mechanisms enforced on women are taken up in the next chapter.

²⁴⁸ *Ibid.*, p.1843.

²⁴⁹ *Ibid.*, p.1844.

CHAPTER 4

SAFEGUARDING CHASTITY: TRIAL OF WOMEN IN KERALA

The gender relations were structured within the household. The life of males and their duties and functions were projected in all aspects of life. But during the medieval period, women were confined to the home. So that was not recorded properly. Medieval inscriptions, *Sandēśakāvya*s and *Granthavaris* not properly represented the life and condition of women except *Nangais* or *dēvadāsis*. But the early literature produced during Sangam age does represent the feelings of women. The life and condition of medieval women were only reflected through the accounts of travellers and medieval ballads. The religious texts produced in the medieval period like *Kēraḷamāhātmyam*, *Kēraḷōlpatti* and the legal texts like *Śāṅkarasmṛiti* and *Vyavahāramāla* include several instructions regarding the duties of women. Those texts always tried to regulate the movements of women and through instructions they limited their functions within the house under the patriarchal dominance. Those disciplinary rules influenced the lives of women of medieval Kerala. In this chapter, we analyse the problem of chastity and trials related to it. These chapters also discuss the nature of marriage and inheritance pattern, which are the main factors that discipline the women of the medieval period.

Concept of Chastity in Early Tamil Society

Sangam age represents an important chapter in the history of South India that spanned from third century BCE to third century CE. Early Tamil literature provides information regarding the society. Most of the early Tamil literary works are concerned often with the daily life of women. We can see that all *Akam* texts of Sangam period are connected to love. The five moods of

situations or *Tiṇais* in *Akam* texts are shown in the table below.¹ These themes are concerning the various feeling of females of that society.

<i>Kuṛiñci</i>	:	Expressions of a women's love and lover's meeting
<i>Mullai</i>	:	Patient waiting
<i>Pālai</i>	:	Pining for the warrior lover
<i>Neytal</i>	:	The women's sorrows and secret meeting
<i>Marutam</i>	:	Her sulkiness and anger against marital unfaithfulness

Most scholars argue that Sangam society provides intense freedom and security to women. However, that is only a partial view. Mother's anxiety related to the growth of girl was one of the main concepts of *Akam* texts. She was worried about the love relations of girl, which prompted her to confine the daughter in a room under her surveillance called *Koṭumkāval*.² The mother feared the elopement of the daughter with her lover. This reference shows that the selection of partner was not widely practised by society. But many scholars argue that the institution of free love before marriage was the main feature of the Sangam period, and love marriage was not restricted by the elders in society. They argued that women and men enjoyed autonomy in identifying their marriage partners.

Kaḷavu and *Kāṛpu* were the two types of marriage that existed in that society. *Kaḷavu* means elopement. The *Akam* texts elaborate about the love relation of youngsters and their secret meetings to exchange the words of love and warmth of feelings.³ The maid of the girl looked at this meeting with suspicion and was afraid of the blame from the society regarding the affair of

¹ Vinita Chandra, *Gender Relations in Early India*, Jaipur, 2010, p.235.

² Nenmara P. Viswanathan, ed., *Akanānūru*, (Mal.), Vol.I, Thrissur, 1981, p.37

³ K.A. Nilakanta Sastri, *Sangam Literature: Its Cult and Cultures*, Madras, 1972, p.52.

the girl. She was also anxious about the attitude of the man towards the girl. Some songs show that man was not interested to marry the girl but would like to elicit sensual pleasures through these secret meetings. In most of the songs, the girl was only 11 or 12 years old, so there were chances to misuse the girl by man. So, the maid of the girl and mother were always anxious about the love affair of girl. Some songs are about the elopement of the girl with the man and the sorrow of the mother regarding that. This *Kaḷavu* form of marriage was common in that society. But the secrecy and the anxiety show that it was not a socially accepted form of the institution during that period.

Another form of marriage was called *Maṭal Erutal* in which, if no one accepts the love relationship with the girl, the lover voluntarily demonstrated his undying love for the maiden by the process of *Maṭal Erutal*.⁴ In most of the cases, the girl and her parents would feel pity for him and arrange marriage. In certain rare cases, he committed suicide in the name of love. It was not a fully accepted marriage by male and female, when the girl did not like to marry him, he would commit suicide. But later the society would blame her for his death. The girl was compelled to marry him to free from such blames. In certain cases, it was a kind of forceful marriage.

Kāṛpu was an ideal form of marriage practised in the Sangam period. Some scholars relate *Kāṛpu* with chastity because *Kāṛpu* was a socially accepted form of marriage.⁵ They were honoured in both the families. Here the woman was considered as a role model and maker of the home, and she received wide acceptance from all. Marriage was considered as a sacred

⁴ *Maṭal Erutal* means, it consists of a horse- like object made out of woven palm leaf, which decorated with beads, flowers etc. and the lover riding on this dummy horse and keeping his hand the figure of his own self and his beloved drawn on a cloth; he puts on the appearance of a semi-demented person for whom life without his beloved would be meaningless. *Ibid.*, p.53.

⁵ Vinita Chandra, *Op. Cit.*, p.236.

contract. *Māngalya Sūtram* was tied at the time of marriage and which was not removed from their wife's neck until the death of her husband.⁶ Dowry was absent in Sangam society, but bride price existed. Dowry was considered as a symbol of women's subordination within the patriarchal society. The *Dharmaśāstra* texts condemned the giving of bride price in Asura form of marriage.⁷ So the indigenous practice of bride price was not accepted by the Brahminic culture.

During the Sangam period, the virtues of a wife were considered as love, modesty, courtesy, chastity, nobility and hospitality.⁸ The woman considered husband as their real light of life and they did not remarry after either deserted or widowed.⁹ *Kuruntōkai* regarded a loving and faithful wife as the light of a family.¹⁰ *Cilappatikāram* explained about the importance of chastity and love towards husband.¹¹ The Sangam work shows that an ideal wife would not enjoy in the absence of the husband.¹² In Sangam society, the man was also disciplined in public life. There was difficulty in giving up the worldly attachment and family ties to a householder.

In the Sangam period, the chaste wife was regarded as a spiritual goddess. The chief power of a woman was her chastity and spiritual power obtained through marriage. Chaste women were called as *Pattini Daivam* means wife-goddess.¹³ The example of the spiritual power of women is visible

⁶ Nilakanta Sastri, *Sangam Literature, Op. Cit.*, p.54.

⁷ P.V. Kane, *History of Dharmaśāstra*, Vol.II, Part. I, Pune, 1974, pp. 503-05.

⁸ K.A. Nilakanta Sastri, *Sangam Literature, Op. Cit.* p.90.

⁹ *Ibid.*

¹⁰ K.N. Ezhuthachan, *Kuruntōkai*, (Mal) Thrissur, 1999, p.115.

¹¹ Nenmara P. Viswanathan, ed., *Cilappatikāram*, (Mal.), (1975), Thrissur, 1989, p.32.

¹² K.A. Nilakanta Sastri, *Sangam Literature, Op. Cit.*, p.56.

¹³ Vinita Chandra, *Op. Cit.*, p.242.

in the story of Kōvalan and Kaṇṇaki in *Cilappatikāram* text.¹⁴ There the chastity of a wife equalled to divinity and spirituality. There, the practice of chastity empowered women. But there were no indications regarding it as a force to control her. After marriage, an ideal chaste wife got a respected state in society. Polygamous marriage was also referred to in Sangam texts. Some poems referred about *sapatnis* of a householder.¹⁵ The textual representation of Sangam society shows that in the early Sangam period chastity was not that much concerned by society. But the text regards beauty, shame, chastity, respect, humble nature etc. as virtues of women.¹⁶ The activeness, honouring the guests, love towards relatives etc. is considered as the core values of a housewife.¹⁷ The later Sangam texts *Cilappatikāram*, *Maṇimēkhalai*, *Patineṅ kīlkaṇakku* etc. give indications of over-emphasis to chastity and chaste women considered as *Pattini Daivam*.

Widowhood was a miserable reality of women in all periods of history. After the death of husband, remarriage was not possible in Sangam society. After the death of husband, wife discards good food, sleep in the bed, colourful dresses, ornaments and so on.¹⁸ The widows should eat the only *nīrcōru* and sleep on the rough floor sans the bed.¹⁹ Because of the pathetic condition widows prefer Sati (self-immolation). Sangam works refer to Sati as *Malaipalai*²⁰ and *Teypāṭal*.²¹ There are references about the wife of Bhūtapāṇḍyan to follow *Sati*.²² *Puṛanānūru* refers to the practice of *Sati* of the

¹⁴ Nenmara P. Viswanathan, ed., *Cilappatikāram Op. Cit.*

¹⁵ V.R. Parameswaran Pillai, ed., *Puṛanānūru*, (Mal.), (1969), Thrissur, 1997, p.368.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ K.A. Nilakanta Sastri, *Sangam Literature, Op. Cit.*, p.60.

¹⁹ V.R. Parameswara Pillai, *Puṛanānūru, Op. Cit.*, pp.99-100.

²⁰ *Ibid.* p.246.

²¹ *Ibid.*, pp. 327, 333.

²² *Ibid.*, p.333.

wife of Āntiran.²³ Importance of Sati enhanced in later Sangam period.²⁴ *Cilappatikāram* refers to the *Mahāsati* of Kaṇṇaki. Kaṇṇaki was regarded as the chaste wife of Kōvalan. She burnt the city of Madura by the power of chastity and later practised Sati. Kaṇṇaki is considered a heroic goddess due to *Mahāsati*.²⁵ A *Nāṭṭukal* (hero stone) was installed by ruler Cenukṭṭuvan called *Māsati* meaning *Mahāsati*. A temple of Kaṇṇaki was also built by the ruler and she became the goddess of the lineage or *Kulam*.²⁶ Kaṇṇaki is the role model of chaste women in South India. Kaṇṇaki is referred in *Maṇimēkhalai* and *Cilappatikāram* as *Paridēvata*.²⁷ This indicates the increasing importance of chastity in later Sangam period. These texts encourage or appreciate the practice of Sati and uphold the value and power of chastity of an ideal wife.

Sati was never imposed on women by society. Thus, all widows did not practice Sati. Some practised Sati due to the fear of tragic conditions of widowhood or for the extreme love of a husband. Sati system seems to be the creation of a patriarchal social order. Like precious metals, women were also the private property of patriarchy. So, in his death also, men ascertained his social power by the Sati system.²⁸ The aspirations of women had no say in this. From 10th to 11th centuries, the practice of Sati became regular as the women had right on the property of the husband. According to Rajan Gurukkal, the orthodox people encouraged Sati as they were not ready to part the family property.²⁹

²³ *Ibid.*, p.327.

²⁴ *Cilappatikāram* was regarded as a later Sangam work belongs to ninth century CE

²⁵ Nenmara P. Viswanathan Nayar, *Cilappatikāram*, *Op. Cit.*, p.607.

²⁶ *Ibid.*, p.683.

²⁷ *Ibid.*, p.41; Janardhanan Pillai, ed., *Maṇimēkhalai*, (Mal.), Thrissur, 1971, p.680.

²⁸ M.R. Raghava Varier and Rajan Gurukkal, *Mittum Samūhavum*, (Mal.), Kottayam, 2013, p.160.

²⁹ *Ibid.*, p.161.

The travel accounts of the pre-modern period refer to the practice of Sati. Pliny refers to Sati in India.³⁰ Ibn Battuta refers to Sati in India in the 14th century.³¹ Burnier and Tavernier also refer to this practice in Kerala.³² Rajan Gurukkal and Raghava Varier argue that the reason for this practice was private property and its related inheritance pattern. The orthodox social system artfully removed the real persons of inheritance by the practice of *Sati*, and for that, they used religious beliefs, customs and practices. But the aspect of private property is not applicable in the case of early Sangam society while the early texts itself elaborated regarding that practice. There was no private property and inheritance pattern. So, the extreme conditions of widows or their extreme love towards their husbands might be the reason behind the practice of *Sati* in the early Sangam period. The *Sati* of Kaṇṇaki itself came from her revenge and frustration of life. The *Puṛanānūru* refers to the condition of the husband after the death of his wife. He was not ready to commit suicide, but his sorrows are depicted in the song.³³

Sati of Kaṇṇaki is related to chastity. She is regarded as a chaste woman and that enabled her to destroy the city through supernatural power. After that, she practised Sati. Thus, the moral of the story is that Kaṇṇaki is the chaste and ideal wife, and her *Mahāsati* was a model for other women in society also. So, this provides an ideological base to this practice.

³⁰ Velayudhan Panikkassery, *Saṅcārikaḷ Kaṇṭa Kēraḷam*, (Mal.), 2001, Kottayam, 2012, p.31.

³¹ H.A.R. Gibb, ed., *Ibn- Battuta: Travels in Asia and Africa, 1325-1354*, (1921), New Delhi, 1997.

³² M.R. Raghava Varier and Rajan Gurikkal, *Mittum Samūhavum*, *Op. Cit.*, p.160.

³³ V.R. Parameswaran Pillai, *Puṛanānūru*, *Op. Cit.*, p.368.

Courtesans in Sangam Society

According to the Random House Dictionary of English Language, a courtesan is, “a prostitute or Paramour, especially one associating with noblemen or men of wealth”.³⁴ This definition was applicable in the case of the courtesans of the Sangam period. The works, *Cilappatikāram*, *Maṇimēkhalai*, *Akam* and *puṛam* works etc. describe the courtesans. They enjoyed a free status in society. They were well-practised dancers and musicians of Sangam society. They tried to attract gullible and moneyed youngsters.³⁵ The fickle character of courtesans and the complaints of housewives regarding their husband's relation with them were elaborated in most of the *Akam* texts. The prostitutes were known as *parattaiyar* or *Kanigaiyar*. The *Akam* texts mention the street of courtesans in Madurai called *Panattaiyar cere*.³⁶

Some scholars argue that prostitution was an accepted institution in that period.³⁷ But, the description in *Akam* songs shows that the relation with courtesans was not socially accepted as in *Akam* songs, the wife complains about the relation of her husband with a courtesan girl.³⁸ She fears the blame also. The wife was too angry towards his activity, and she shares her trouble with her maid. But the maid reminds the result of the separation of lady and husband. The lady also feared that the anger towards him might end up in her separation of husband that might result in the bad condition of her and children.³⁹ She was compelled to pretend joyous in front of him and society due

³⁴ Jess Stein, *Random House Dictionary of English Language*, New York, 1966.

³⁵ K.A. Nilakanta Sastri, *Sangam Literature*, *Op. Cit.*, p.55.

³⁶ Nenmara P. Viswanathan Nayar, *Akanānūru*, Vol.I, *Op.Cit.*, p. 49.

³⁷ V. Balambal, *Studies in the History of Sangam Age*, Delhi, 1998, p.54.

³⁸ Nenmara P. Viswanathan Nair, *Akanānūru*, Vol. I, *Op. Cit.*, p. 275.

³⁹ *Ibid.*

to that fear. This is light upon the insecurity feeling of the housewives of that time.

Though monogamy was the common practice of that time among common people, men were pleased to be in the company of harlots. Vaḷḷuvar indeed condemned the life of those who took to the company of harlots, saying that the insincere embrace of a prostitute is like the broaching of a corpse in a dark room.⁴⁰ There was no intense relationship or love between prostitutes and men. The chieftains and rulers practised polygamy during that period. They also engaged in the company of courtesans. Prostitution was a permitted institution. Even kings and nobles used to hold some harlots in high esteem and lavished them high status in society. The Sangam works refer to the prostitutes of low grade also. They stood at their doors or in bazaar streets and invited customers by clapping hands.⁴¹

In *Cilappatikāram*, a very good description is given about the clients who visited the house of Mādhavi, a renowned courtesan. She ordered her stooped maid to stand on the street where rich merchants pass and offer them a garland saying “He who buys this wreath of leaves for a 1000 gold *kaḷaṅcus* shall become the master of my mistress, more supple, and lithe than liand”.⁴² Kōvalan presented that garland to Mādhavi and she lives with him and gives birth to *Maṇimēkhalai*.⁴³ The later story of Kōvalan makes it clear that the courtesans gave a grand reception to the clients who had a large sum with them, and denounce them when the money with them had been exhausted. On the other hand, Kaṇṇaki, the wife of Kōvalan, patiently bore the separation of her

⁴⁰ V. Balambal, *Op. Cit.*, p.53.

⁴¹ Nenmara P. Viswanathan, *Cilappatikāram, Op. Cit.*, p.90.

⁴² *Ibid*; V. Balambal, *Op.Cit.*, p. 53.

⁴³ V. Balambal, *Op. Cit.*, p.53.

husband and expresses her joy when he returned home, similar may be the plight of all wives in that society.

The courtesans were very learned and well versed in fine arts. So, they were respected by the learned people. The courtesans had their own rules and regulations. They were expected to keep up their professional manners. If the courtesans neglected their profession, they were strictly punished.⁴⁴ The references in early Tamil literature point out that the courtesans obtained a prominent place in society. Their excellence was appreciated by rulers by gifts etc.⁴⁵ The Sangam works depict that they performed *Iruvaikūttu*.⁴⁶ The *Kūttu* performance for rulers called as *Vetiyal* and for common people called as *Potuviyal*. There is no indication of their relationship with the belief system of that period. The courtesans were an accepted group in society, but lovemaking without payment was considered as humiliation.

The early Tamil literature shows that the role of women was not restricted in the domestic sphere. There was no visible differentiation between public and domestic spheres in the case of women. She had a similar role in public and private spheres of life. The manual labours like hunting and long-distance trade etc. were done by men. Women engaged in all other aspects of labour in early historic society.

The family system in *Marutam* area was more complex. The *Kurīñci*, *Mullai*, *Pālai* and *Neytal Tiṇais* followed the simple family and sexual relations. But in *Marutam*, the complex family structure included polygamy, disputes, divorce etc. There, the word chastity got prominence.⁴⁷ The people of *Marutam* followed official marriage called *kārpū*. In late Sangam age, the

⁴⁴ N. Subrahmanian, *Sangam Polity*, Bombay, 1966, p.306.

⁴⁵ *Ibid.*, p.67.

⁴⁶ *Ibid.*

⁴⁷ K.N. Ganesh, *Kēraḷathinte Innalekaḷ*, (Mal.), (1990), Trivandrum, 2011, p.181.

concepts of chastity and purity are more noticeable. Men had the right to engage in a relationship with many women, but the same was restricted to women. The later Sangam text *Patinenkīlkaṇakku* includes many indications regarding male domination and deteriorated condition of women where their space was restricted to a domestic area. Men became authoritative persons on production relations. The changes in production techniques also ensure the physical domination of men over that. Thus, the social system gradually paved the way for patriarchal forms. Also, the sexuality of women was gradually redefined.⁴⁸

Representation of Female Sexuality

Sexual pleasure or *kāma* is sanctified in the Upanishads as one of the four things a man must pursue and attain - the other three being wealth, religious duty, and liberation from the cycle of birth and death. These four together constitute *Puruṣārthā*, the true purpose of being a man.⁴⁹ But, the religious texts do not propagate the sensual pleasure attained through prostitution. Most of those texts considered it as a sinful activity. The society always approaches the concept of sexuality in a repugnant manner. So, any activity related to sensual pleasure was included in the list of prostitution. When we look at the early practice of *dēvadāsi* system, which itself came to the list of activities related to prostitution in the later periods.

Indian classical dance was performed by young girls in Brahman temples in early periods, in North and South India. According to that system, young girls performed ritualistic worship of Gods through dance and music. Sometimes, kings and rich persons endeavoured to appease the Gods for some favour by arranging ritualistic dance by girls.⁵⁰ The temples itself maintained

⁴⁸ *Ibid.*, p.186.

⁴⁹ Akhileswar Jha, *Sexual Designs in Indian Culture*, New Delhi, 1979, p.7.

⁵⁰ *Ibid.*, p.97.

young girls for this purpose. Those ladies were compared with *Apsaras*, who were blessed with eternal youth and sexual charm. In South India, the dancers in the temples and court were maintained by the treasury of king. The state patronised the dancers employed in the temple as well as in the court.

A courtesan was less than a mistress, and more than a prostitute. She was less than a mistress because she sold her love for material benefits; she was more than a prostitute because she chooses her lovers. The courtesan was a woman whose profession was love and whose clients might be more or less distinguished.⁵¹ In South India, the *dēvadāsis* attached to the temple were professional dancers. In many cases, a *dēvadāsi* might be a respectable woman, a woman of humble birth, whose only hope of fortune seemed to be her physical attraction. Whatever her origins and purpose, the courtesan's profession were to sell her favours well, to practice her particular arts with skill.⁵²

The courtesan was a type as old as humanity itself; she would last as long as men were fascinated by the sexual arts, as long as women choose to exploit their powers. She would last long as men want to love without responsibility, as long as they were ready to buy experience.⁵³ The groups of courtesans were mentioned in Vedic texts, the Buddhist tradition, Jain literature, Epics, Purāṇas, *Arthaśāstra* and *Dharmaśāstras*. *Kāmasūtra* of Vātsyāyana and *Nāṭyaśāstra* of Bharata are important works related to this institution. However, in many cases, the attachment of courtesans to the temple is not clear from sources, but their association with high caste people is evident. It is argued that sexual license had always been a privilege of the aristocracy.⁵⁴

⁵¹ Joanna Richardson, *The Courtesans: The Demi-Monde in 19th Century France*, London, 1967, p. I.

⁵² *Ibid.*

⁵³ *Ibid.*, p.221.

⁵⁴ *Ibid.*

Art in a feudal society is purely for entertainment, and in the feudal society of Kerala itself, the *dēvadāsis* were also made an instrument of entertainment. The *dēvadāsis* acted as an agency which attracted people to the temple. The *dēvadāsi* system was flourished in Kerala at the beginning of ninth century CE. During that time, the Cōḷas subjugated South Travancore and they started the *dēvadāsi* system in Kerala temples. From 10th century onwards, North Kerala temples also adopted *dēvadāsis* and by 11th century that expanded all over Kerala.⁵⁵ M.G.S. Narayanan uses the term 'handmaids of God' to denote the *dēvadāsis* of that period because they were attached to the temples and performed the dance.⁵⁶ But, in the case of the majority, their adherence to the temple is not clear. Even though, their rapport with noblemen is visible in medieval texts.

Elamkulam P.N. Kunjan Pillai pointed out that *Kūttaccis* or dancing girls were prominent members of upper-class society. He calls the culture around the temple theatre as *Kūttampalam* culture and the medieval period in Kerala as the orgiastic period of the Namboothiri elite group.⁵⁷ The new art forms like *Kūttu* and *Kūṭiyāṭṭam* came to be an essential feature of temple centred society.

The *dēvadāsi* system in the medieval period was connected with ritual dancing. The *traivarṇikas* donate their girls to temple to please the God through rituals, dance, cure diseases or attain prestige to the family and so on.⁵⁸ The Brahmin and Kshatriya girls were included in that category. Ullur S.

⁵⁵ Elamkulam P.N. Kunjan Pillai, *Studies in Kerala History*, Kottayam, 1970, pp.280-81.

⁵⁶ V. Bharathi Harishankar, M. Priyamvada, 'Exploitation of Women as Devadasis and its Associated Evils', *National Commission for Women*, New Delhi, No Year, p.1.

⁵⁷ Elamkulam P.N. Kunjan Pillai, *Kēraḷa Caritrattinre Iruḷaṭaṅṅa Ēṭukaḷ*, (Mal.), Kottayam, 1963, p.85; Elamkulam P.N. Kunjan Pillai, *Candrōlsavam*, (Mal.), (1962), Kottayam, 2016, introduction.

⁵⁸ Anil Vallathol, ed., *Maṇipravāḷa Kavya Mālika*, (Mal.), Trivandrum, 2013, p.31.

Parameswara Aiyar argued that the heroines of *Sandēśakāvya*s were Nāyar ladies.⁵⁹ Buchanan refers that the Nāyar ladies were included among the *dēvadāsis* of Kerala, but the prettiest among them in Kerala and Tuḷunāṭu were Brahmin ladies, and most of them were widows.⁶⁰ To him, Brahmin widows had the right to follow two types of life, in which, one was to live in obedience of the Brahmins and second was to obey all the *Savarṇa* Hindus. When they accepted the second one, they gave a particular amount to the temple and gave two days earning to the state.⁶¹ This indicates that the state itself supported the institution for economic benefits. But, the argument of Buchanan is dubious, as the text *Candrōlsavam* says that the unmarried women and widows were not welcomed to participate in *Candrōlsavam* festival.⁶² Moreover, none of the medieval literature mentions widows practising *dēvadāsi* system.

If the view of Buchanan is correct, there would be no logic behind the practice of *Smārttavicāram* among the Brahmins, a trial to prove the chastity of Namboothiri women. Brahmins uphold the importance of chastity among their women, and adultery was considered as a crime in society. They were not allowed to see any other man than their husband and father. Thus, the opinion of Buchanan seems to be in contradiction to the social practice of Brahmin community during the medieval period.

Up to 15th century CE, *dēvadāsis* had a better status in society. Most of them were well educated and proficient in Sanskrit. They were professional dancers and singers. They had a cordial relation with rulers and other members of the ruling family. Most of them were lovers or wives of rulers or members

⁵⁹ Elamkulam P.N. Kunjan Pillai, *Uṇṇunīli Sandēśam*, (Mal), (1954), Kottayam, 2016, p.19.

⁶⁰ Francis Buchanan, *Journey from Madras Through the Countries of Mysore, Canara, and Malabar*, Vol.II, New Delhi, 1988, p.174.

⁶¹ *Ibid.*

⁶² Elamkulam P.N. Kunjan Pillai, *Candrōlsavam*, (Mal), *Op. Cit.*, p.148.

of royal families.⁶³ The following are a few examples of those relations. 1) The Ōṭanāṭu king Iravi Kēraḷa Varma married the famous *dēvadāsi* Cherukara Kuṭṭatti, 2) the famous *dēvadāsi* Uṇṇiyāṭi is married by Rāma Varma of Mahōdayapuram and 3) the lover of Ampalappuḷa ruler Dēvanārāyaṇan was a famous dancer named Tayyil Vīṭṭil Eḷayacci.⁶⁴ Neṭumpuṛam Taḷi inscription of Bhāskara Ravi mentions the name of a *Nangacci* called Cirīṭara Nangacci.⁶⁵ She is considered as the wife of Bhāskara Ravi. The inscription mentions the *dāna* made by Cirīṭara Nangacci to the Śiva temple, which includes landed property and a house.⁶⁶ These marriage relations light upon their elite connection in society.

K.N. Ganesh argues that the dancing girls mentioned in *Sandēśakāvyas* were ordinary women in society.⁶⁷ Their beauty might have attracted the rulers, and other high-class group and they married them. Their dance performances attracted the local people also, and they got a good status in society. The *dēvadāsis* had the right to sit with the king and queen and eat betel with them. The term *tiru* was attached with their names and *trippādam*, *tiru nayanam*, *tiruvaṭi*, *tirunāl* etc. were attributed to them.⁶⁸ The poets of different courts changed their real names and gave beautiful names like ‘Malliveṇṇilāvu’, ‘Māracēmantika’, ‘Māralēkha’, ‘Uttarācandrika’, ‘Pūmēnaka’ and so on.⁶⁹ Most of the *Maṇipravāḷam campus* and *Sandēśakāvyas* depict the hero as a *Gandharva*, who got attracted by the beauty of the heroine. The fact is that it

⁶³ Anil Vallathol, ed., *Op. Cit.*, , p.30.

⁶⁴ *Ibid.*

⁶⁵ M.G.S Narayanan, *Index to Chera Inscriptions (A.D 800-1124)*, A.9, University of Kerala, 1972, p.9; Puthussery Ramachandran, *Kēraḷa Caritrattinṛe Aṭishhāna Rēkhakaḷ*, (Mal.), Trivandrum, 2007, p.62.

⁶⁶ *Ibid.*

⁶⁷ K.N Ganesh, *Kēraḷathinṛe Innalekaḷ*, *Op. Cit.*, p.197.

⁶⁸ Anil Vallathol, *Maṇipravāḷa Mālika*, *Op. Cit.*, p.31.

⁶⁹ *Ibid.*

must have been a symbolic representation of the rich man who used to visit the courtesan.

Peṅkeṭṭu was the most important celebration that was connected with *dēvadāsis*. It was the celebration of the conferral of girls to the temple or Dēvan as *dēvadāsi*. On that occasion, special gifts like cloth, money, diamond, gold and other precious things were given by the merchants, kings, and *Jenmis* to that particular girl.⁷⁰ After that ceremony, the girl invites all the rulers to their home and pleases them. Sangam literature mentions the *arangēṛram* of courtesan girls, where the ruler and other viewers give valuable gifts to the girl after she becomes a courtesan.⁷¹ The *arangēṛram* festival has some relation to the *Peṅkeṭṭu* ceremony mentioned in *Candrōlsavam*.

Candrōlsavam mentions Varakapalli Namboothiri and Maṅakkuḷattu Rāja as the *ācāryan* and *Rakṣādhikari* of all *dēvadāsis*.⁷² They believed that Maṅakkuḷattu Rāja was the real protector of all *dēvadāsis* in Kerala.⁷³ The *dēvadāsis* came to the festival of *Candrōlsavam* with their lovers or admirers. One of the prominent *dēvadāsis*, Paṛakkāṭṭu Uṇṇiyacci was carried on shoulders by young poets.⁷⁴ Kanakavalli came with rich people of her palace, and Puṣpalēkha was carried on shoulders by her lovers.⁷⁵ This show that these *dēvadāsis* are related to rich persons in the society who go to any extent to please these ladies and were not bothered about any type of humiliation.

The high-class groups and middle-class groups like astrologers, doctors, Nāyars, poets etc. were the main patrons of *dēvadāsis* of medieval Kerala. The

⁷⁰ Elamkulam P.N. Kunjan Pillai, *Candrōlsavam, Op. Cit.*, p.76.

⁷¹ Nenmara P. Viswanathan Nayar, *Cilappatikāram, Op. Cit.*, pp.88-89.

⁷² Elamkulam P.N. Kunjan Pillai, *Candrōlsavam, Op. Cit.*, p.107.

⁷³ *Ibid.*, p.113.

⁷⁴ *Ibid.*, p.131.

⁷⁵ *Ibid.*, p.134.

rich Namboothiris, kings, poets and their wives were the other participants of *Candrōlsavam*.⁷⁶ The Namboothiri men came with their wives, showing that there was a belief that the relation with *dēvadāsis* provides more glory to their family. These ladies perhaps may have merely obeyed the dictates of their husbands without question. In medieval Kerala, there was a belief that the *dēvadāsis* had no widowhood. So, their sight was considered as auspicious.⁷⁷ The aristocratic women believed that the arts of dance and music were related to prostitution, and kept away from those art forms. They respected the *dēvadāsi* as the consort of deity and considered her relationship with deity as propitious which provide prosperity to them.⁷⁸

Elamkulam called the whole culture around the temple theatre as *Kūttampalam* culture. He calls the middle ages as the orgiastic season of the Namboothiri elites because of the ideal women of Śūdra caste practice *Sambandham* relation with Namboothiri men.⁷⁹ This kind of matrimonial relations increased the power of Namboothiris by developing the priest-king concord and promoting a mixed Namboothiri, Nāyar elite class in society. The powerful Namboothiri began to encourage the idea that there was no need for Śūdras to observe chastity.⁸⁰ But, on the other hand, they strictly prohibited the practice of polyandry of Namboothiri ladies. This indicates that they were concerned with paternity than maternity. According to Raghava Varier and Kesavan Veluthat, in the medieval period, the social order was redefined by applying *Aśanam*, *Rājasēva*, *Vēśyāvinōdam* and *Vañcanam* in place of

⁷⁶ Elamkulam P.N. Kunjan Pillai, *Candrōlsavam*, *Op. Cit.* pp.155-56.

⁷⁷ Elamkulam P.N. Kunjan Pillai, *Uṇṇunīli Sandēśam*, *Op. Cit.*, p.18.

⁷⁸ *Ibid.*, p.17; Abbe Dubois, *Hindu Manners, Customs, and Ceremonies*, New Delhi, 1978, pp.585-87.

⁷⁹ Elamkulam P.N. Kunjan Pillai, *Kēraḷa Caritrattinte Iruḷaṭaṅṅa Ēṭukaḷ*, (Mal), *Op. Cit.* , p.85.

⁸⁰ Elamkulam P.N. Kunjan Pillai, *Janmi Sampradāyam Kēraḷattil*, (Mal.), Kottayam, 1959, p.87.

Dharma, Arttha, Kāma and *Mōkṣa*. This type of re-ordering is explained in *Puruṣārththa Kūttu*.⁸¹ The main purpose of conducting *Puruṣārththa Kūttu* was to explain the *Puruṣārththas* in accordance to particular social order and was performed in temples by *Cākyārs* in medieval Kerala, in which *Aśanam*, *Rājasēva*, *Vēśyāvinōdam* and *Vañcanam* are explained.⁸² These concepts elaborated in *Kūṭiyāṭṭam* are considered as the way to reach *mōkṣa*.⁸³ This increased in the 13th century and continued up to the 16th century. The dancing women connected with temples were mentioned in some inscriptions as *tēviṭṭicikaḷ*. Its Sanskrit version is '*dēvadāsi*'. The term *tēviṭṭicci* is used not in a bad taste, but as *Accis* of *Dēva*, Kiḷimānūr copper plate of 1168 CE mentions the term *tēviṭṭicci*.⁸⁴

The caste affiliation of the *dēvadāsis* is not easily distinguishable. Their close interaction or association with Namboothiris, Nāyars, *Ceṭṭis*, *Sāmantas* and so on shows that they might have belonged to those upper caste groups. Most of the scholars argue that they were Nāyar ladies. They relate *dēvadāsi* system with *Sambandham*. K.N. Ganesh argues that most of the dancing girls of Kerala temples belonged to *Nangaiyār* groups and most of them were ordinary women, who were well versed in dance and music.⁸⁵ Supporting evidence for that view is available from inscriptions. The Cōkkūr inscription was the first one that refers to *Nangaiyār*.⁸⁶ This inscription belongs to the 15th regnal year of Kōtaravi, and its relative period is 900 CE. This inscription gives a clear picture of the people who were connected with the temple community,

⁸¹ M.R. Raghava Variar, Kesavan Veluthat, *Manipravala Charcha*, (Mal.), SPCS, Kottayam, 2016, p.52.

⁸² *Ibid.*

⁸³ *Ibid.*, p.71.

⁸⁴ Puthussery Ramachandran, *Op. Cit.*, p.197.

⁸⁵ K.N. Ganesh, *Kēraḷathinre Innalekaḷ*, *Op. Cit.* p.196.

⁸⁶ M.G.S. Narayanan, *Index to Chera Inscriptions*, A.8, *Op. Cit.*, p.8; Puthussery Ramachandran, *Op. Cit.*, pp.24-27.

which included dancers, carpenters, and traders and so on. Cōkkūr inscription refers to the name Cīrrayil Nangayār. She might be the dancer of Kumāranārāyaṇapuram temple built by Kaṭamman Kumāran.

Neṭumpuṛam Taḷi inscription of Kōtaravi (900 CE) was another inscription that refers dancers or *dēvadāsis* of temples as *Nangayār*.⁸⁷ Neṭumpuṛam Taḷi inscription of Bhāskara Ravi mentions the name of a *Nangacci* called Cīrītara Nangacci.⁸⁸ Tiruvalla copper plates (9th -11th century CE) also give some indication regarding *Nangaiyār* as a temple dancer. But the dancing girls mentioned in *Sandēśakāvyas* did not belong to *Nangaiyār* groups. Their caste affiliation is not clear in the texts of that period. Still, a few among them like Uṇṇicirutēvi and Uṇṇiyacci belonged to *Nangaiyār* group.⁸⁹ The other heroines like Mēdinīcandrika, Ceṛiyacci, Kauṇōttara and Mallinilāvu mentioned in *Candrōlsavam* and *Sandēśakāvyas* did not belong to *Nangaiyār* group.⁹⁰ According to K.N. Ganesh, there was no particular hamlet for *dēvadāsis* in Kerala. Yet, they had some *Viruttis* like *Cākkaimār Virutti*, *Nangaimār virutti* and so on. According to him, there were no hereditary *dēvadāsi kulams* in Kerala.⁹¹

The *Accikāvyas* in medieval Kerala were the creation of a male-dominated group that includes mainly the beauty of dancing women. The poets were not trying to say anything about their other occupations and abilities. They looked at them as a sexual being only. But, *Candrōlsavam* elaborates the desires and ambitions of that group of women and says that the main desire of

⁸⁷ M.G.S. Narayanan, *Index to Chera Inscriptions*, A.9, *Op. Cit.*, p. 9; Puthussery Ramachandran, *Op. Cit.*, p.28.

⁸⁸ *Ibid.*, p.62.

⁸⁹ M.G.S. Narayanan, *Index to Chera Inscriptions*, A.80, *Op. Cit.*, p.87; Puthussery Ramachandran, *Op. Cit.*, p.262.

⁹⁰ K.N. Ganesh, *Kēraḷathinre Innalekaḷ*, *Op. Cit.*, p.196.

⁹¹ *Ibid.*

a *dēvadāsi* was to give birth to a baby girl as her successors.⁹² *Candrōlsavam* refers to the *dēvadāsi* giving gifts to Brahmins to share the happiness of the birth of a baby girl and for blessings to her child from Brahmins to attain *Cakravarttini* position among the *dēvadāsis*.⁹³ The gifts given to Brahmins included not only food but also a load of gold.⁹⁴ This shows that they had acquired a lot of wealth from their profession. This work also elaborates on the function called *Peṅkeṭṭu* the celebration of handing over girls to the temple. On that occasion, a particular girl gets many precious things from merchants, rulers etc. as gifts.⁹⁵ The organizing power of a *dēvadāsi* called Mēdinī Veṅṅilāvu for conducting moon festival was elaborated in the work. A huge celebration was organized by her and invited all the *dēvadāsis* in Kerala and all the prominent rulers, Brahmins, *Sāmantas*, merchants, poets and so on where they elaborately spoke the immensity of prostitution in the society. This shows the proper planning and organisation of the function. The poet also elaborates on the importance of prostitution and he argues that through this divine profession, the *dēvadāsis* would attain *Puṇyam*.⁹⁶ He argues that the main livelihood of women in society was *Vaiśika Vritti* that helped to attain wealth and richness in society.⁹⁷ The poets of *Sandēśakāvya*s and *Campus* merely looked upon the women sexuality and upheld these women's only profession as prostitution. They merely neglected the other occupations related to these women, who were connected with the temple which was reflected through the inscriptions of medieval Kerala produced in temples.

⁹² Elamkulam P.N. Kunjan Pillai, *Candrōlsavam*, *Sloka*. 64, *Op. Cit.*,p.56.

⁹³ Elamkulam P.N. Kunjan Pillai, *Candrōlsavam*, *Sloka*. 45, *Op. Cit.*,p.61.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

The inscriptional pieces of evidence of medieval Kerala provide adequate information regarding the real-life of dancing women in medieval Kerala. This includes details regarding the donations given to the temple by *dēvadāsis* also. Their economic condition was available through these inscriptions. Kōtaravi's Cōkkūr inscription dated in 898 CE records the donations of land to the Cōkkūr temple by Cirrayil Nangayār.⁹⁸ She might be a dancer of Kumāranārāyaṇapuram temple and was regarded as a professional dancer like other occupational communities related to temples like carpenters, *vaṇiks* and so on. The donations given to the temple shows her economic capability also.

Neṭumpuṛam Taḷi inscription of Kōtaravi (900 CE) mentions the prescribed payments to the *Nangaimār* of the temple at Neṭumpuṛam Taḷi.⁹⁹ The Neṭumpuṛam Taḷi inscription of Bhāskara Ravi mentions Cirītara Nangacci. She gave a landed property and a house to the Śiva temple as *dāna*.¹⁰⁰ This is light upon the economic status of that particular lady during that time. The Tiruvalla copper plate (12th century CE) also gives some indications regarding the *Nangaiyārs*.¹⁰¹ Trikkāṇṭiyūr inscription (1218 CE) mentions Tirukāṇṭiyūr *Tēviṭicci* Kurugudi Uṇṇikaḷattiram.¹⁰² The word *Kaḷattiram* means wife. So, the inscriptional reference lights up on the position of that *dēvadāsi* as a wife of a ruler Ravi Kēraḷa, King of Vēṇāṭu. This indicates her high status in society. Another Neṭumpuṛam Taḷi inscription of the 17th year

⁹⁸ M.G.S. Narayanan, *Index to Chera Inscriptions, Op. Cit.*, A.8, p.8; Puthussery Ramachandran Nayar, *Op. Cit.*, pp.24-27.

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*, p.62.

¹⁰¹ *Ibid.*, p.262.

¹⁰² *Ibid.*, p.224.

of Indukōta mentions Mettalippurattu Cankara Nangacci as one of the donors of *Uttamākkiram*.¹⁰³

The Kīlimānūr copper plate of 1168 CE also mentions *tēviṭicci*, who pound rice and hold the lamp for *Tiruvamritu*, would get a reward of two *Nāli* (measurement) rice for meals for their work.¹⁰⁴ The Triśśivapērūr inscription of Vaṭakkunnātha temple refers to some regulations regarding the temple servants including *dēvadāsis* who were restricted to take benefits from temple wealth.¹⁰⁵ The Huzur treasury plates belonging to the Viṣṇu temple at Tiruvalla in the 11th-century record the special payment of rice to the four *Tēviṭiccis* for *Ōṇam* performance.¹⁰⁶

All the inscriptional references show that the dancers of medieval temples called as *Nangaiyār*, *Tēviṭicci* or *dēvadāsi* had influence in different aspects of society. Some of them were the wives of certain rulers also. The evidence in inscriptions indicates that they were not only dancers in temples but also did other manual works for the temples. They earned from these works also. Some of them attained a better financial position which helped them to give donations or *dānas* to temples as money, goods, landed property, and house. It is said that the *Nāṭakaśāla* of Suchindram was the benefaction of certain *dēvadāsis* attached to the temple.¹⁰⁷ The dancers of the temple in the early period are not *Kūttaccikaḷ* or *dēvadāsis* in a bad taste of the later period, but their sphere of activity and influence was highly esteemed.

¹⁰³ M.G.S. Narayanan, *Index to Cera Inscriptions, Op. Cit.*, A.27, p.29.

¹⁰⁴ T.A. Gopinatha Rao, *T.A.S.*, Vol. II, Part. II, Trivandrum, 1920, p.196., Puthussery Ramachandran, *Op. Cit.*, p. 197.

¹⁰⁵ *Ibid.*, p.380

¹⁰⁶ Puthussery Ramachandran, *Op. Cit.*, pp.379-80.

¹⁰⁷ K.K. Pillai, *The Suchindram Temple*, Madras, 1961, p.141.

The inscriptions bear testimony that all *tēviṭiccis* were not artists with an aristocratic title. There must have been poor and rich among them. *Arthaśāstra* had made to different grades of courtesans or prostitutes, who paid money to the state by the way of taxes. *Arthaśāstra* classified the *gaṇikas* into the first, the middle, and the highest rank depending on the beauty and the jewels they possessed.¹⁰⁸ *Arthaśāstra* mentions about a superintendent (*Gaṇikādhyakṣa*) appointed to look after the smooth functioning of the system and they enjoyed full power over *gaṇikas*, who looked after their welfare and gave pensions when they had lost their beauty and profession.¹⁰⁹ There are so many rules included in *Arthaśāstra* to regulate them.

In South India, the dancers were employed in the court as well as in the temple maintained by the King's treasury. With the decline of the power of important kingdoms as a result of war or attacks from the north, the temple dancers lost their profession but lived by the patronage of devotees and priestly, who often used them for sexual gratification.¹¹⁰ The *dēvadāsis* acted as an agency for attracting people to the temple.

Chastity is in contradiction to the ideals of *dēvadāsi* system. The chastity concepts upheld by Brahmins of medieval Kerala were the propagators of *dēvadāsi* system also. That was a contradictory phenomenon. The Namboothiri Brahmins gave over importance to the chastity of their women. They had no right to see men except their husband and father. But the Namboothiri men on the other hand spent their leisure time at temples with dance and music.

Temple culture, Bhakti Movement and feudalism are the factors for the origin of *dēvadāsi* system in Kerala. As a result of the Bhakti movement, *manya*

¹⁰⁸ R. Shyamasastri, *Kautilya's Arthasastra*, Mysore, 1929, pp.136-139.

¹⁰⁹ *Ibid.*

¹¹⁰ Akhileswar Jha, *Sexual Designs in Indian Culture*, New Delhi, 1979, p.100.

girls were dedicated to the temple deity by their parents belong to the ruling class and other high caste groups. Primarily, they gained honour from society. In course of time, they might have degraded into courtesans, which the poets of *Maṇipravāḷam* literature celebrate. The poets were not concerned with the life desires and ambitions of these ladies but limited their attention to women sexuality. *Dēvadāsi* system was a sort of sexual slavery.

Perceiving Chastity: Contrasting Approaches

Gender was considered as one of the major axes of internal regulation among different caste people. The overemphasis of chastity was a crucial element that restricts the considerable amount of freedom to Namboothiri women. The Śūdra group of people enjoyed a restricted amount of freedom in their daily life. This difference was strictly based on the customs related to each caste groups. According to Brahmanical tradition, chastity was an essential matter in the case of *Antarjanams*, but that need not to be the case of Śūdra women. The contrasting approach appeared in this thinking that only a patrilineal society upholds the purity of their primogeniture, while the matrilineal groups were not concerned in this aspect.

Scholars argue that the Nāyars were at first recruited domestic servants, tenants and soldiers, gradually rose to the position of ruling and fighting class. They formed a large intermediary group by keeping Brahmans away from the rest providing a link between agricultural and industrial workers including serfs and slaves. While feudal tenure inland provided the male members of high-class Nāyar families virtual ownership of land, the loose pattern of *Sambandham* between Namboothiris and Nāyar women gave these females certain respectability and independence.¹¹¹ These *Sambandham* relations merged as a status issue of Nāyar *taravāṭus*. So, the aristocratic Nāyars and

¹¹¹ M.G.S. Narayanan, *Kerala Through the Ages*, Trivandrum, 1976.

Sāmantas approached the Namboothiris, may be rich or poor, for *Sambandham* relations. The senior male members of the family considered it as the problem of their prestige. The Nāyar ladies were also proud of their number of *Sambandham* relations, especially with Namboothiri men. This institution called *Sambandham* gave the women folk some element of freedom. The children born from these relations became soldiers or rulers in the society and the Namboothiris got full freedom of power to look after the administration. They were always regarded as dominant personalities in state affairs and so on.

The Malayalam proverb, ‘the Nāyar house has eight doors’ implies the existence of many husbands to Nāyar ladies. It was possible through the social system called *Sambandham*. *Sambandham* is a loose liaison for sexual relation with Nāyar women with any higher caste men. *Sambandham* is a civil contract, by which, a man and a woman surrender their sexual right to each other. This system had no legal credibility, but yet, it has religious credibility. Kathleen Gough called it a ‘visiting husband system’.¹¹² The mock-marriage called *Tālikeṭṭukalyāṇam* gave social sanction for starting *sambandham* relation with any high caste men in that social system. Even though, *Tālikeṭṭukalyāṇam* was a mock-marriage that gave license to women to start sexual relation with any man from her community or any upper caste. According to C.J. Fuller, *Sambandham* is a social contract and it is a conjugal union among *Marumakkattāyees*.¹¹³ The Portuguese traveller Duarte Barbosa considered it as concubinage, not a real marriage.¹¹⁴

According to the apocryphal *Kēraḷamāhātmyam*, Nāyars were the descendants of the divine courtesans whom Paraśurāma had brought for the

¹¹² Alexander Moore, *Cultural Anthropology*, New York, 1978, p.77.

¹¹³ C.J. Fuller, *Nayars Today*, New Delhi, 1976, p.106.

¹¹⁴ M.L. Dames, ed., *The Book of Duarte Barbosa*, Vol.II, New Delhi, 1989.

sexual glorification of the high born Namboothiris.¹¹⁵ According to Brahmin customs and tradition, only the eldest male member could marry from their community, and inherit the family property.¹¹⁶ He could marry any number of Namboothiri women. Moreover, he could engage in *Sambandham* relation with Nāyar women also.

According to Namboothiri custom the younger members condemned by customary law to lifelong celibacy had to seek their fortune in the Nāyar or Kshatriya families. There they entered into *Sambandham* unions.¹¹⁷ The marriage practice among Nāyars was called *Puṭamuṛi*. The marriage among Nāyars was loose relations, where Nāyars had extreme freedom to accept or reject a man. In the legal sense, divorce was not practised in medieval Kerala. But that was common among Nāyars and Namboothiris in *Sambandham* relations, the adverse effects were faced by children born of such relations. In a medieval social system, physical beauty gained more importance among high caste women, whereas wealth and courage were crucial aspects in the case of men. The *Maṇipravāḷam* works are eloquent on the preference of women towards gold ornaments and sex. She submitted to the material aspects of society.

Tuḷḷal poems of Kunjan Nambiar elaborate the life of Nāyars in medieval Kerala. He was not interested to narrate the beauty of ladies, instead, depicted their thoughts. However, he was not sympathetic to the cause of females but upheld the dominance of males by wealth, knowledge, high status and power.¹¹⁸ Kunjan Nambiar upheld the significance of chastity in his poems. To him, the husband is the head of family and chastity is the most essential

¹¹⁵ V. Rajeev, ed., *Kēraḷamāhātmyam*, (Mal.), Kottayam, 2012, p.206.

¹¹⁶ Elamkulam P.N. Kunjan Pillai, *Studies in Kerala History*, *Op. Cit.*, p.297.

¹¹⁷ *Ibid.*

¹¹⁸ K.N. Ganesh, *Kunjan Nambiar: Vākkum Samūhavum*, (Mal.), Sukapuram, 1996, p.194.

virtue of a good wife. His *Śīlāvāṭīcaritram* elaborates the importance of chastity. He favours polygamy also.¹¹⁹ In *Śīlāvāṭīcaritram*, a wife was not protested against the relation of husband with other women, and it was the duty of the wife to help him to go to meet a prostitute.¹²⁰ In that patriarchal society, polygamy was accepted, but polyandry strictly prohibited. The life of women regulated in the name of chastity. High caste men used certain group of women for their sexual pleasure but restricted the mobility of their wives due to the fear of adultery.

Among Namboothiris, elder Namboothiris called *Mūsāmbūri* had right to marry many times from their community. Moreover, they engaged in *Sambandham* connection with Nāyar ladies also. Namboothiri *illams* contained many Nāyar ladies in the name of *Accis*. *Hiraṇisvayamvaram* of Kunjan Nambiar mentions the protest of a Namboothiri wife against her husband and she was not ready to give food for *Accis* lived in the *Pattāyappura* of that *illam*.¹²¹ Then she quarrelled with her husband and threatened to leave to her *illam*. Here a woman protests against male dominance and their immorality. All the *Accis* in Nambiar poems were not prostitutes, but Nāyar ladies, who had *Puṭamuṛi* relation with Namboothiri men.¹²² They belonged to *Marumakkattāyam* families. They had no rights towards husbands in the name of inheritance or procreation. The chastity concept of medieval feudal age did not affect them, and the male and female relations were not maintained by real love, but sexual interests. Nambiar light upon the life of common people. The concepts like *Strīdharmam* and *pātivṛityam* were not the concern of the common people. Poems of Nambiar reveal the possibility of the permanent

¹¹⁹ *Ibid.*, p.192.

¹²⁰ P.K. Siva Sankaran Pillai, ed., *Kunjan Nambiāruṭe Tuḷḷal Kathakaḷ*, (Mal.), (1970), Thrissur, 2000, p.504.

¹²¹ *Ibid.*, p.201.

¹²² *Ibid.*

relationship among Nāyars. Nāyar men protected their ladies. Nāyar ladies accepted that permanent relationship due to his high financial capacity to provide material benefits to her.¹²³ Women of that society needed wealth, high status and protection from high castes. But the poems show that she was not ready to accept him exclusively, and in certain cases, she had a secret relation with other men. There, the woman cleverly uses the opportunity to make relation with him in the presence of her Nāyar husband in a disguised manner.¹²⁴

Most of the foreign travellers who visited Kerala from the medieval period onwards elaborated about the life of Nāyars and their customs and practices. Most of them considered *Sambandham* as a barbarous and strange custom. Hindu law does not favour marriage between Śūdra women and Brahmin men.¹²⁵ *Sambandham* is regarded as one of the *Anācārams* (bad habits) in *Śāṅkarasmṛiti*.¹²⁶ Robin Jeffrey argues that the customs and practices in Nāyar society were too barbaric.¹²⁷ Soman connected *dēvadāsi* system with the practice of *Sambandham* among Nāyars. To him, *dēvadāsi* system did not exist in medieval Kerala.¹²⁸ He argues that the heroines of *Maṇipravāḷam* literature were not *dēvadāsis*, but they were Nāyar women who followed the matrilineal system. The admirers came to their house were *Sambandhakkār* of Nāyar ladies.¹²⁹ It is most probable that the literary works of each period represent the customs and practices of that particular time. Thus, *dēvadāsis* in *Sandēśakāvya*s may be Nāyar ladies who practised *Sambandham* relation with

¹²³ *Ibid.*, p.198.

¹²⁴ *Ibid.*, p.202.

¹²⁵ Wendy Doniger, Brian. K, Smith, *The Laws of Manu*, London, 2000, p.45.

¹²⁶ N.P. Unni, ed., *Śāṅkarasmṛiti*, *Op. Cit.*, p.293.

¹²⁷ Robin Jeffrey, *The Decline of Nayar Dominance: Society and Politics in Travancore, 1857-1908*, London, 1976.

¹²⁸ P. Soman, *Dēvadāsikaḷum Sāhitya Caritravum*, (Mal.), Trivandrum, 2009, p.35.

¹²⁹ *Ibid.*, pp.84-109.

high class and castes in medieval society. Pappanamkottu Prabhakaran alleges that almost all poets of *Maṇipravāḷam* works were sexual perverts who enjoy the depiction of voluptuous ladies.¹³⁰ So, the real-life Nāyar ladies might have been exaggerated to be presented as more than life-size. There are chances of perceiving them as *Apsaras*. The matrilineal way of life relates to *Sambandham* appears in poetic imagination as that of *dēvadāsis*.

Most of the travellers elaborated the life of Nāyars in medieval society. Duarte Barbosa, a Portuguese traveller, who visited and stayed in Kerala between 1500 and 1516 CE, refers *Tālikeṭṭukalyāṇam*, *Sambandham* and *Marumakkattāyam* among Nāyars.¹³¹ According to him, Nāyar women engaged in *Sambandham* relation with three or more men at a time. Those *Sambandhakkār* provided money and other gifts to Nāyar ladies to please them. The status of a Nāyar lady in the society was proportional to the number of *Sambandhams*.¹³² Her children were protected by her mother or brothers. They revere mother than father. It is believed that a Nāyar woman without *Sambandham* relation will not attain heaven after death.¹³³

Traveller Sheik Zainuddin, who visited Kerala in the 16th century refers to the practice of polyandry in medieval Kerala.¹³⁴ To him, *Janmi* system is the main reason for the exploitation of low caste women, particularly Nāyar ladies through *Sambandham* relation of Namboothiri men.¹³⁵ He notices that in Namboothiri community only the eldest son gets married from their community

¹³⁰ Pappanamkottu Prabhakaran, 'Grantha Nirūpaṇam: Madhyakāla Malayāḷma', in P.V. Velayudhan Pillai, ed., *Viśālakēraḷa* (Mal.), Vol.21, No.12, 1969, p.60.

¹³¹ M.L Dames, *The Book of Duarte Barbosa*, Vol.II, *Op. Cit.*, pp.40-44.

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ S.M.H. Nainar, *Tuhafat-ul- Mujahiddin*, Madras, 1942, p. 41.

¹³⁵ *Ibid.*

and others enter into temporary marital relation with Nāyar ladies, known as *Sambandham*. This is to avert quarrels on *illam* property.¹³⁶

In a *Marumakkattāyam* family, the Nāyar ladies would not leave their house to join the husband's family. The Nāyar ladies had no right in the property of Namboothiri or *Sāmanta Sambandhakkār*. The children of Nāyar lady were known as the son or daughter of that particular lady. The *Sambandham* relations of *Aphans* of Namboothiri community began in the 14th century. Except for *Uṇṇunīlisandēśam*, no other works refer to this practice among Nāyars.

An English-Traveler, Hamilton, who visited Kerala in 1688-1723, also gives information regarding polyandry and *Marumakkattāyam* practice among Nāyars.¹³⁷ Hamilton explains the rights of Nāyar women to marry many men, who cohabit with her in turns. During this temporary arrangement, the sword of the inmate is placed over the door of the houses to prevent the intrusion of another *Sambandhakkāran*.¹³⁸ These accounts show the flexibility of the marriage system among Nāyars. When the Nāyar lady gets pregnant, she informs who the father of that child is. It is the responsibility of that man to protect that child and give education to him and so on.¹³⁹ But, the child has no right in the property of the Nāyar or Namboothiri father. The Namboothiri men were irresponsible about the education and other needs of their children born of *sambandham* relations. The Nāyar men also married from their community. They had no right to marry from high castes like Namboothiris and others.

¹³⁶ *Ibid.*

¹³⁷ Walter Hamilton, *Description of Hindustan and Adjacent Countries*, Delhi, 1971, p.280.

¹³⁸ *Ibid.*, Albert Gray, ed., *The Voyage of Francois Pyrard of Laval to the East Indies, The Maldives, The Mauccas, and Brazil*, Vol.I, 1887, New Delhi, 2000, p.384.

¹³⁹ Walter Hamilton, *Op. Cit.*, p.280.

Linschoten, who travelled through Kerala, elaborates on the complete independence of Nāyar women in sexual relation.¹⁴⁰ To him, they had no particular marriage form. He observes that the medieval Kerala society has degenerated in nature. There was no chastity rule and even small girls at the age of seven or eight got married in that society.¹⁴¹

Kēraḷamāhātmyam says that the Nāyars are said to be the descendants of the union of the junior members of the Namboothiri families with the *deva*, *Gandharva* and *rākṣasa* women brought in by Paraśurāma from extra-terrestrial regions.¹⁴² *Kēraḷōlpatti* also describes the same story related to Nāyars in Kerala. *Kēraḷamāhātmyam* prescribes chastity for Brahmin women while the Śūdra women have to please the men of Namboothiri and *Sāmanta* families.¹⁴³ The word *sambandham* was not used in this work. The post-Cēra inscriptions mention the term *sambandham*, as a right of Namboothiri men. A 14th-century Vēnātu inscription explains that one of the punishments for Namboothiris for the certain crime was to remove *ūrāyama* right and *sambandham*.¹⁴⁴ That shows the importance of *Sambandham* in medieval Kerala. The *Vaṭakkan Pāṭṭukal* also refer the terms '*Kaṭṭilēruka*', '*Ūḷamporukkuka*' etc. which are equal to *sambandham* of that time.¹⁴⁵ The sixteenth-century Portuguese traveller Barbosa also used the term *Ūḷamporukkal* in his account.¹⁴⁶

According to K.N. Ganesh, *sambandham* was not regarded as a formal marriage, which was only a temporary arrangement for the union between

¹⁴⁰ Arther Coke Burnel, ed., *The Voyage of John Huyghen Van Linschoten, to the East Indies*, Vol.I, New Delhi, 1988, p.280.

¹⁴¹ *Ibid.*

¹⁴² V. Rajeev, *Op. Cit.*, p.201.

¹⁴³ *Ibid.*, pp.196-206.

¹⁴⁴ Puthussery Ramachandran, *Op.Cit.*, pp.30-32.

¹⁴⁵ K. Sreekumar, *Vadakkan Pattukal, Op. Cit.*, p.328-347,414-422,424-429,432-443,488-495,568-584,676-686,690-695,698-707,722-733,752-760,828-837,1116-1131.

¹⁴⁶ M.L Dames, *The Book of Duarte Barbosa, Vol II, Op. Cit.*, p. 43.

Namboothiri men and Śūdra women.¹⁴⁷ There are so many caste rituals in connection with *sambandham*, which differentiates it from adultery. *Sambandham* was common among *Samantha* and Nāyar *Taravāṭus*. The Nāyars and *Sāmantas* depended on *sambandham* of Namboothiris as a way to attain high position and prestige in society.¹⁴⁸ *Sambandham* union helped to create new feudal upper classes and concrete relations between the Brahmins and *Nāṭuvālis*.¹⁴⁹ *Sambandham* form of marriage existed with the Kerala Brahmins and the *Upajātis* (sub-castes) related to temples for their benefits. At the same time, Brahminic religious texts prescribed customs for Brahmin women to follow strictly chastity and were confined in the private sphere built by the patriarchal society.

Namboothiri Brahmins became the dominant caste group in Kerala by 8th century and lived in highest glory in all fields of life. In a Namboothiri *illam*, men got priority in the household and were the decision-makers. From birth, women suffered partiality in the family and society. The birth of a baby boy in an *illam* was considered as the happiest moment, but the birth of a girl was regarded as a misfortune and a burden to the family. The birth of a boy was rejoiced by making a cheering sound called *Kuravayīṭal*.¹⁵⁰ Because Namboothiri community was patrilineal and patriarchal, they wanted to get a baby boy to continue the tradition of that family. Even in the case of wearing a dress and ornaments, we can see the discrimination. The *Uṇṇi Namboothiris* (Namboothiri boys) wore gold ornaments and eat good food etc., whereas the girls wore brass or bronze bangles.¹⁵¹ Girls are not permitted to use colourful

¹⁴⁷ K.N. Ganesh, *Kēraḷathinre Innalekaḷ*, *Op. Cit.*, p.193.

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

¹⁵⁰ Kanippayyur Sankaran Namboothiripad, *Enre Smaraṇakaḷ*, (Mal.), Vol.I, Kunnankulam, 1964, p. 17.

¹⁵¹ *Ibid.*

dresses also. In fact, from childhood onwards, their life was confined into a gloomy and strictly controlled space.

The religious text, *Śāṅkarasmṛiti* elaborated a code of morality for Namboothiri women. The text prescribes *Anācārams* for women like, not to look men other than their husband, should go out only in the company of a maidservant (*dāsi*), would wear an only white coloured dress, not to get their nose pierced. Brahmins should forfeit their caste if they have intercourse with another Brahmin woman than their wives.¹⁵² By following this law, when she went out of the *illams*, especially to temples or houses of relatives, she had to wear *Ghōṣa*. It means, she must cover herself from head to toe with a cloth, and carry a *Maṛakkuṭa* or cadjan umbrella. Also, she was accompanied by a women servant, *dāsi*.¹⁵³ Through these types of rules and regulations, the patriarchal community tried to ensure the purity of their women. They always tried to control the sexuality of women and maintained the purity of their race.

Marriage was considered as a sacred institution among Namboothiri Brahmins. That was the only Vedic ritual involved with women. Child marriage was common among them. The marriage of a girl was decided by the eldest members of the family, and she had no say in that decision. Only one marriage was allowed to a Brahmin woman and was not permitted to remarry. Widow remarriage was prohibited by the community. One of the main concerns of marriage was about dowry. The poor Brahmin families suffered the impacts of the dowry system. The religious texts prohibit dowry among their community. An inscription records an agreement among the Brahmins of a locality that they should perform marriage only in *Kanyādāna* form. Those who paid or received

¹⁵² N.P. Unni, *Śāṅkarasmṛiti*, *Op. Cit.* p.257.

¹⁵³ P. Bhaskaranunni, *Pattompatām Nūṛrāṅṅile Kēraḷam*, (Mal.), Thrissyr, 1988, p.471; V. Rajeev, *Kēraḷamāhātmyam*, *Op. Cit.*, p. 78.

money shall be excommunicated and punished by the King.¹⁵⁴ But, it was not the case of Kerala Brahmins; as a result, many poor Namboothiri girls lived as lifelong spinsters. In some families, the girl's father was compelled to remarry to acquire money for the marriage of his daughter. The exchange of marriage was also followed by many families to solve the problem of dowry. The practice of dowry was one of the reasons for the deteriorated plight of women in Namboothiri community.

There was a custom practised among Namboothiri Brahmins that the elder male member called *Mūsāmbūri* only had the right to marry from their caste. By custom, a Namboothiri was permitted to have four wives at a time. Beyond that, they engaged in concubine relation with Nāyar ladies. The formal marriage among Namboothiris was called *Vēḷi* and the Namboothiri wife was called as *Antarjjanam*. In this formal marriage, chastity of the wife was a very crucial element. After that ritual, the *Antarjjanam*'s life was confined within the inner walls of *illam*. She had no freedom to talk with any men other than her husband and father. A slight suspicion regarding chastity leads to *Aṭukkaḷadōṣam*. The main purpose of a *Vēḷi* was to give birth to a son. Marriage was simply a ritual to satisfy the religious need of the family and community.

The Namboothiris practised polygamy, which created a dread feel to the Namboothiri women. Among Namboothiris, men married many times for several purposes, to solve financial troubles by getting a dowry, or for domestic needs or sexual pleasure etc. According to Namboothiri custom, the younger brothers of an *illam* called *Aphans* were not permitted to marry from their caste. Thus, they engaged in *sambandham* relation with Nāyar or *Sāmanta* women. This created a situation of the majority of Namboothiri girls remain as spinsters. So, they were compelled to marry seventy or eighty years old Namboothiris.

¹⁵⁴ T.V. Mahalingam, *South Indian Polity*, Madras, 1954, p.198.

The newly married young wife faced the anger of *Sapatnis* and there existed competition for satisfying the husband. These Namboothiri women suffered so many physical or mental harassments within the *illams*.¹⁵⁵ Because of these customs, the number of spinsters and widows increased in the community, and many Namboothiri women lived and died as spinsters. The marriage of young girls by old Namboothiris led to the increasing number of Namboothiri widows. The condition of these two groups was miserable in the darkness of *illams*.¹⁵⁶ On the contrary, Namboothiri men had complete freedom for polygamous marriage.

In all patriarchal societies, the wife's sexuality was controlled by the husband through which, they ensured the purity of their race. Women were regarded as gateways into the caste system; women needed to be carefully guarded against the sexual desire of lower caste men.¹⁵⁷ Because of the fear of adultery, her all movements were restricted by a patriarchal society. The pollution that got through sexual intercourse of a woman was internal, whereas that of men was external.¹⁵⁸ The patriarchal Namboothiri society was always concerned with the chastity of their women, so even a slight suspicion about the chastity of women led to the trial to reveal the truth.

The marriage practice of Namboothiris created many spinsters and widows in the *illam*. They followed a life of celibacy. They were not allowed to participate in celebrations and ritual ceremonies. Their life was always confined to the *illam* and domestic duties. They wore only white dresses

¹⁵⁵ P. Bhaskaranunni, *Op. Cit.*, p.483

¹⁵⁶ T.K Anandi, Home As the Sacred Place- The Household Rituals and the Namputiri Women of Kerala, in K.N Ganesh ed., *Culture and Modernity Historical Explorations*, Publication Division, Calicut University,2004, p.146.

¹⁵⁷ Mayadevi, *Notions of Womenhood, Family, Marriage, and Morality Among Namboothiris and Nayars in Late Nineteenth Century Malabar*, Ph.D. Thesis, University of Calicut, 2017, pp.97-98.

¹⁵⁸ *Ibid.*, p.98.

without any ornaments and ate simple food. All types of material pleasures were prohibited to them.¹⁵⁹ Not the widows or spinsters, but the married women were also dissatisfied in the family life of Namboothiri community. They were barred from social life. Distress, the unequal family set up etc. might have led to adultery. It was called *Aṭukkaḷadōṣam* among Namboothiris.

Smārttavicāram: A Trial of Antarjanams

Śānkarasmṛiti, one of the legal-texts of Kerala, refers to the term *Aṭukkaḷadōṣam*.¹⁶⁰ The sexual intercourse with a man other than the husband is *Aṭukkaḷadōṣam*. The word *aṭukkaḷa* means kitchen of a house and *dōṣam* denotes demerit. As the word indicates, the Namboothiri women were always confined in *aṭukkaḷa* and *dōṣam* means the adultery of women. In all cases, a slight suspicion of the eldest family members or neighbours was reported to the ruler. Then, the ruler would order to conduct a trial called *Smārttavicāram*. The suspected woman was called as *Sādhanam*.¹⁶¹ From that time onwards, the suspected woman was not a human being, but only a thing.

Śānkarasmṛiti and *Vyavahāramāla* elaborate on the custom called *Smārttavicāram*.¹⁶² These texts prescribe particular *acārams* for Namboothiri women concerned with their daily life. They uphold strict chastity for Namboothiri women. *Kēraḷamāhātmyam* also narrates some incidents of adultery conducted by Namboothiri women and the curse given by the sages for that. The story of Paraśurāma's mother itself is related to his father's suspicion towards her chastity. A slight deviation towards Kārttavīryan was

¹⁵⁹ T.K Anandi, *Op. Cit.*, p.146.

¹⁶⁰ N.P. Unni, *Śānkarasmṛiti, Op. Cit.* p.259.

¹⁶¹ P. Bhaskaranunni, *Op. Cit.*, p.102

¹⁶² N.P Unni, *Sankarasmṛiti, Op. Cit.*, pp.259-62 ; *Vyavahāramāla*, (Mal.), Unpublished manuscript Volume, Manuscript Library, University of Calicut.

considered as a big crime and he ordered his son to kill her. This legend itself propagates the importance of chastity of Namboothiri women.

The Perumal and post-Perumal inscriptions do not refer to *Smārttavicāram* and related aspects. We have reference to *Smārttavicāram* only from the later medieval documents. The *Kōlikkōṭan Granthavari* includes some incidents of *Smārttavicāram* conducted in Kerala.¹⁶³ The documents related to *Smārttavicāram* describe the detailed process of trial and punishment. The unequal status of male and female in the family set up of Namboothiris are visible in this custom. A woman should not dress well or wear ornaments due to the fear of infertility.¹⁶⁴ The separate codes for women include a wife should eat only after her husband, should sleep only after he sleeps and wake up before he gets up and such are the ideal women. A slight suspicion of a Namboothiri woman led to a prolonged trial called *Smārttavicāram*. This sort of trial brings out the contradiction within the community about the moral code prescribed for men and women. While Namboothiri men indulged in a loose lifestyle, could have *sapatnis* and *sambandhams*, severe restrictions were imposed on women. Their social status was inferior and was never expected to have any identity and voice. The rigid moral code was to ensure them as the procreators of Namboothiri progeny.¹⁶⁵ The trial, *Smārttavicāram* was conducted by patriarchal society to ensure the purity of their women.

The responsibility to conduct *Smārttavicāram* was imposed on that particular *illam*. In most of the cases, *Smārttavicāram* continued for months and years that might have led to the heavy financial burden on that *illam*. The husband and children of the suspected women also suffered ex-communication.

¹⁶³ *Kozhikodan Granthavari*, (Mal.), Unpublished manuscripts, Vallathol Vidyapeetham, Edappal, Vols. No.38, 53, 45, and 26.

¹⁶⁴ Swarnakumari. E.K, *Op. Cit.*, pp.38-39.

¹⁶⁵ *Ibid.*, p.42.

In some cases, the family tried to hide the *Aṭukkaḷadōṣam* and treacherously killed that particular woman.¹⁶⁶ It was mainly due to the fear of humiliation to that *illam* or due to the fear of financial burden. The Nāyar maid of the particular woman was also suspected of helping her mistress in the adultery. So, she also had to bear the brunt of it, the particular Nāyar *Taravāṭus* related to that *illam* were also in the shadow of suspicion. *Aṭukkaḷadōṣam* of a particular Namboothiri woman not only affected her, but its impact was on all people who were attached to her routine affairs. The maid of that particular woman would lose her job and no one would give her any job. After the *Smārttavicāram* and ex-communication of woman, she was prone to an insecure life. The statement of the maid in the trial (*Dāsīvicāram*) was the ultimate and after that, the *Sādhanam* was physically separated and confined in *Añcāmpura*.

Smārttavicāram was conducted by learnt Namboothiris presided over by the ruler. The inquiry commission was led by a man who knows Smṛiti laws called *Smārttan* and two *Mimāmsakāras*, which included the representative of the family called *Akakōvil* and representative of a ruler called *Purakōvil* and respectable neighbours.¹⁶⁷ The trial had six stages i.e., (1) *Dāsīvicāram*, (2) To keep the *Sādhanam* in the room called *Añcāmpura*, (3) *Smārttavicāram*, (4) *Svarūpam Collal*, (5) *Udakavicchēdam* and (6) *Śuddhabhōjanam*.¹⁶⁸

In the first stage, the inquiry of the maid was held. The *dāsi* or maid was the companion of Namboothiri woman in her life. Whenever she went outside, the maid accompanied her. So, in most of the cases, the maid knows all the secrets of the Namboothiri lady. So, the Juries would ask so many questions to

¹⁶⁶ Kanippayyur Sankaran Namboothiripad, *Ente Smaraṇakaḷ*, (Mal.), Vol.III, Kunnampulam, 1968, p.115.

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.*

dāsi related to *Antarjjanam*. If the suspicion was confirmed through the answers of *dāsi*, the suspected woman was kept under custody. This process of the trial was called as *Dāsīvicāram*.¹⁶⁹ The maids generally speak the truth regarding the *Aṭukkaḷadōṣam* and never tried to protect her mistress due to the belief in customs and rituals.

After *Dāsīvicāram*, the suspected woman was kept away from the relatives and shut up in *Añcāmpura*. That room was detached from the house and was generally attached to the paddy threshing room, where the ashes of the kitchen were stored for agricultural operations. Thus, she had no contact with any persons, and no one would be able to advise her. Then, two persons called *Enangar* would inform about the *Aṭukkaḷadōṣam* of that particular Namboothiri woman to the king.¹⁷⁰

In the next stage of the trial, a *Smārttan*, *Akakōvil*, *Purakōvil* and two *Mīmāmsakāras* would conduct the *Smārttavicāram*.¹⁷¹ The king would send soldiers to the *illam* for the protection of *Añcāmpura*.¹⁷² During the time of *Smārttavicāram*, all the relatives of that particular woman were prohibited to interact with other people of the community. They were prohibited to enter into the temples also. In the early period, the king himself acted as *Purakōvil* for *Smārttavicāram*. But the official engagements compelled him to assign that duty to his functionaries. The long period for the trial also would have prompted the ruler for this. However, the *Purakōvil* appointed by the king must be a Kshatriya.¹⁷³

¹⁶⁹ Kanippayyur Sankaran Namboothiripad, *Enre Smaraṇakaḷ*, Vol.III, *Op. Cit.*,p. 119.

¹⁷⁰ *Ibid.*

¹⁷¹ N.P. Unni, *Śāṅkarasmṛiti*, *Op. Cit.*, p. 259.

¹⁷² Kanippayyur Sankaran Namboothiripad, *Enre Smaraṇakaḷ*, Vol.III, *Op. Cit.*, pp.120-21.

¹⁷³ *Ibid.*

During the process of *Smārttavicāram*, the *Smārttan* would ask continuous questions to the suspected woman till she accepts the *dōṣam*. In that trial, the *Akakōvil* had no right to ask questions. But, when the *Smārttan* asked unnecessary questions or the questions raised were not clear, the *Akakōvil* would take the cloth on his shoulder and put it in the ground. Later, the *Smārttan* would again properly ask that question and then he would take that cloth and put it on his shoulder.¹⁷⁴ If the suspected woman did not accept the crime, the trial would be continued for several months or years. Even after she accepted the *dōṣam*, the Juries would cross-question her to get more evidence and details about that. The year, month, time and place of *Aṭukkaḷadōṣam* were asked and examined and ensure its veracity.

If the suspected woman is not willing to divulge the name of a man engaged in adultery, then she would be mentally and physically harassed by several methods like depriving food and water for many days or rolling up the accused in a piece of the mat or putting snakes inside her room and so on.¹⁷⁵ Sometimes, the *Smārttan* would give assurance of a peaceful future to her. Through these techniques, they tried to change her mind and reveal the name of males who involved in it and get the confession of a suspected woman.

After the confession, the next stage of the trial, *Svarūpam Collal* was conducted. There, the proceedings of *Smārttavicāram* were elaborate.¹⁷⁶ The reason for suspecting the women, the name of persons who tried, the *dāsi* and her answers, the date of the enclosed in *Añcāmpura* and related evidence, the details of the *Tiṭṭūram* (order) of the ruler, details of *Mīmāmsakar* etc. were elaborated by the *Smārttan*. But, the names of the men who had a relation with women were revealed by the *Paṭṭar*, a disciple of the *Smārttan* and he was

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

called as *Kuṭṭipattar*.¹⁷⁷ After that, the Juries would take a bath to purify them. After *Svarūpam Collal*, all of her worldly relations with relatives were removed. *Vaidika* relations like *Pula*, *Vālāyama*, *Sēṣakriya* etc., were only removed through the process of *Udakavicchēdam*.¹⁷⁸ Some *Vaidika* rituals would be performed to end all of her relationships with family, village and community. With *Udakavicchēdam*, the woman and men involved in adultery were excommunicated from the community. The woman would lose all her caste privileges including an umbrella. The relatives of woman including husband and children would perform *Koṭṭubali*.¹⁷⁹ That is the last rites done for the dead relatives. According to them, she was virtually dead in their mind. *Koṭṭubali* was a symbolic ritual that means she had no right in her *illam*, *dēśam* and region.¹⁸⁰

Excommunication was the most severe punishment given to the high castes who committed heinous crimes and adultery was considered as a heinous crime. Especially, the Namboothiri Brahmins gave more importance to the purity of chastity. Any suspicion regarding the purity of women would reach in a long process of the trial called *Smārttavicāram*. In the trial, the suspected woman and her maid had the right to explain their side. The detailed enquiry would reveal the truth and the Juries would decide between them. In some exceptional cases, the innocence of *Antarjjanam* was proved. If the woman survived the trial, she would be accepted by the family and society and later, she would get an honourable position in the society. The function of declaring her innocence was called as *Aḷivucollal* (pronouncing her innocence).¹⁸¹ The

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*

¹⁸¹ *Ibid.*

Śuddhabhōjanam was conducted by the family and the *Antarjjanam* also participated in it.¹⁸²

After *Koṭṭubali*, *Śuddhabhōjanam* was the last stage of *Smārttavicāram*. It was a feast conducted in the *illam* for all relatives and neighbours. One old aged person among the family would wash the legs of invited people and give food and *Dakṣiṇa* to them.¹⁸³ After this feast, the society would accept that particular family. Through this ritual, all the *dōṣams* related to the family were removed.

After the trial of *Smārttavicāram*, all persons involved in adultery were excommunicated. After *Svarūpam Chollal*, all the men involved would usually run away from the *dēśam*. Otherwise, their life would be deplorable. The society would deny them food and shelter.¹⁸⁴ So, he was not able to stay in that *dēśam*. He would lose all of his rights in family and community. After the loss of caste, he would not be considered as a human being. In most of the cases, they ran away from there to escape from humiliation. But in many cases, persons gave petitions to prove their innocence. *Smārttan* permitted to prove their innocence through the trial called Suchindram *Kaimukku*. That permission letter of *Smārttan* was called as *Pambu*.¹⁸⁵ Then the hand dipping ordeal was conducted at Suchindram temple with the permission of the ruler. From the time from *Pambu Koṭukkal* to *Suchindram Kaimukku*, the victim had the right to use the ponds and wells, live at his *illam* and enter the temple. The only restriction was not to touch the relatives and others. Through that ordeal, some of them were able to prove their innocence. The trial was usually conducted

¹⁸² Kanippayyur Sankaran Nambuthirippad, *Enre Smaraṇakaḷ*, Vol.III, *Op. Cit.*, p.128. He records the five *Smārttavicāram* conducted during his time, and one ended in *Aḷivu collal*.

¹⁸³ *Ibid.*

¹⁸⁴ *Ibid.*

¹⁸⁵ Bhaskaranunni, *Op. Cit.*, pp.146-47.

strictly till the woman was excommunicated, but there were many escape routes for men involved in the affair.¹⁸⁶ *Smārttavicāram* was an open declaration of Namboothiri community's anti-women conviction.¹⁸⁷

Power Relations with in the Family

There are many varieties of domestic family, varying in their form, size and manner of their common life. The kinship system practised by families differentiates the power relations with the family. The domestic family includes a group of persons who at a particular time are living together in one dwelling or collection of dwellings with some sort of economic arrangements that may call joint housekeeping.¹⁸⁸ Most of the families in the medieval period were joint families in structure. A joint family may include a large number of persons containing fifty or more persons. It was common among the Nāyar and Namboothiri castes, which followed matrilineal and patrilineal kinship patterns respectively. *Kēraḷōlpatti*, *Kēraḷamāhātmyam* and *Mūṣakavamśa Kāvya* mention these two types of inheritance patterns among Kerala people.¹⁸⁹ According to *Kēraḷamāhātmyam* and *Kēraḷōlpatti*, Paraśurāma ordered the people of Kerala to follow the matrilineal form of inheritance. But the Namboothiri Brahmins except in the Payyannūr village did not follow the order of Paraśurāma and they followed the patrilineal form of kinship pattern.¹⁹⁰ In the matrilineal form of kinship, the *Ammāvan* (uncle) got more prominence in the family. But, in patrilineal family, the elder male member got prominence and he had the power of landholding and management of the property. K.N. Ganesh argues that patrilineal system and matrilineal system are the two sides

¹⁸⁶ Alankode Leelakrishnan, 'Oru Smārttavicārattinge Niḷal Vaḷikaḷil', (Mal.), *Mathrubhumi Weekly*, 30/11/1997, Calicut, p. 26.

¹⁸⁷ Mayadevi, *Op. Cit.*, p.102.

¹⁸⁸ A.R. Radcliff Brown, *Structure and Function in Primitive Family*, London, 1976, p.53.

¹⁸⁹ V. Rajeev, *Op. Cit.*, p.197; N.P. Unni, *History of Musakavamsa*, p.103,109.

¹⁹⁰ *Ibid.*

of the same coin in which, the power was male-oriented. The difference was in the pattern of kinship only.¹⁹¹

The structure of the family would be based upon the pattern of kinship adopted by each community. The institution of marriage is the basic element that creates a household. Marriage is a union between a man and a woman, where the children born to the women are recognized legitimate offspring of both parents.¹⁹² There are two types of inheritance system followed by the people of Kerala in accordance to their caste tradition. First one is a patrilineal form of inheritance, in which, a property shared by the males, the other one is a matrilineal form of inheritance, by which the devolution is through the females and their issues.¹⁹³ The Namboothiri Brahmins followed the *Makkattāyam* law, where the eldest male member of the family was the head or manager of all family property and the younger members of the family entitled to nothing beyond maintenance.¹⁹⁴ Sometimes, the eldest member of the family might be a female, but the power was always controlled by the eldest male member. According to the Namboothiri marriage rule, the eldest son alone was entitled to marry from the same caste and the married women also become a member of the husband's family.¹⁹⁵ Where the *Taravātu* was the unit and the senior male succeeded in the management, it may happen when a man's son did not succeed directly as his heir. According to this arrangement, the material property of the family was not dispersed.¹⁹⁶

¹⁹¹ K.N. Ganesh, *Kēraḷathinte Innalekaḷ*, *Op. Cit.*, , p.197.

¹⁹² Kathleen Gough, 'The Nayars and the Definition of Marriage', in Patricia Uberoi, ed., *Family, Kinship And Marriage in India*, (1993), New Delhi, 2010, p.237.

¹⁹³ Fred Fawcett, *Namboothiris*, (1900), New Delhi, 2001, p.45.

¹⁹⁴ *Ibid.*, p.46.

¹⁹⁵ V. Rajeev, *Op. Cit.*, p. 77.

¹⁹⁶ F. Fawcett, *Op. Cit.*, p.46.

This marriage form and patrilineal form of inheritance show that the *illam* was structured based on male primogeniture. While only the eldest son could marry within the Namboothiri community, all others entered into *sambandham* relation with Nāyar or *Sāmanta* women. But the children born from that relationship had no right in the paternal property. The eldest Namboothiri had right to engage up to four legitimate relationships within the community.¹⁹⁷ Moreover, he could engage in concubine relation with Nāyar ladies also.

The Namboothiri household was not only patrilineal but also patriarchal, where the male members had more priority in households and they were decision-makers also. Male-female differentiation was very strong within the Namboothiri *illam*. The Namboothiri *Taravāṭu* needed to get a boy child to continue their family tradition. The boy child had the right to attain education from the *Ōttupallis* from where they attained Vedic knowledge.

The life of younger Namboothiris was the worst. They had no specific role in their *illam* and Nāyar or *Sāmanta* family. They lived in royal families or the *Taravāṭus* of wealthy Nāyars as the consort of the concerned family. They had no right on the children born of Nāyar or *Sāmanta* ladies.¹⁹⁸ The caste rules and regulations restrict and keep them away to care about their wife and children. *Aphans* were the only day time visitors of their *illam*. They were merely a wandering group of medieval Kerala society.

The marriage forms of Namboothiris encouraged polygamy while polyandry was strictly prohibited. The verses of Kunjan Nambiar shows that there were so may 'Achis' within a Namboothiri *illam*. *Hariṇisvayamvaram* of

¹⁹⁷ Velayudhan Panikkassery, *Keralam Pathinanjum Pathinarum Noottandukalil*, (Mal.), Kottayam, 1963, p.79.

¹⁹⁸ Koramangalam Narayanan Nambuthiri, *V.T. Jeevithavum Krithikalum*, (Mal.), Kozhikode, 2010, p.26.

Kunjan Nambiar mentions about some Namboothiri *Antarjjanams* quarrelled with their husbands due to his relation with Nāyar ladies. Their husbands allowed these Nayar ladies to live within the *Pattāyappura* and *Antarjjanam* was not ready to give food for them. She threatened him that she would go to her *illam*.¹⁹⁹ Here, we can see a female protest against male domination and their concubine. The *Accis* mentioned in Nambiar poems were not prostitutes but the Nāyar ladies, who had *Puṭamuṛi* relation with Namboothiri men. They belonged to *Marumakkattāyam* families and they had no responsibility towards their husbands in the name of inheritance or procreation. Another work of Kunjan Nambiar, *Śīlāvati Caritam* shows the husband's relation with others as an accepted thing and it was the duty of the wife to help him to visit concubines.²⁰⁰ The poems of Kunjan Nambiar reflect the real picture of Nāyar and Namboothiri relations of that time.

Women, as the preservers of purity of caste, were to be married only to the men belonging to *Nampiyār* caste or their caste. By custom, a Namboothiri man was permitted to have four wives at a time.²⁰¹ Even though married, many of the Namboothiri women were deprived of conjugal life and only one or two of the wives had proper marital life. The eldest wife got more power within the *illam*. Domestic works would be divided among other wives and supervised by the eldest wife. A form of marriage existed among them was the exchange marriage in which *Grahasphans* married several times and in exchange, their sisters or daughters would be married by the relatives of *grahasphan's* new wife. Their marriage system shows that the Namboothiri women had no pleasant married life. The women were married only for begetting sons, which was the chief concern of the community. The newly wedded wife had to do all

¹⁹⁹ P.K. Siva Sankara Pillai, *Kunjan Nambiārute Tuḷḷal Kathakal*, (Mal.), (1970), Thrissur, 2000, p.201,

²⁰⁰ *Ibid.*, p.504.

²⁰¹ Narayan Ayyar, *Op. Cit.*, p. 258.

kinds of work demanded by the religion and customs of the household. She became coopted member of a new *illam* and had to live there till her death. The newly wedded wife lived among a group of people who never accepted her wholeheartedly.²⁰²

A married woman has to appear only in front of her husband and not even should show her face in front of her brothers-in-law. An *Antarjjanam* was not to be called by her name by a male other than her husband; if it happened her chastity would be doubted.²⁰³ That led to chastity trials called *Smārttavicāram*. For an *Antarjjanam* there was only one marriage in her life. Divorce and remarriage were not permitted. The power relations in *illams* were hierarchically ordained and all interactions were decided based on these considerations.

Among the males, the Junior-Senior segregation was very powerful. *Mūsāmbūri* had the ultimate authority of each *illams*. Among the women, senior *Antarjjanams* were more dominant. Seniority was determined according to the date of marriage and not based on *Antarjjanam*'s age.²⁰⁴ The life of a widow within the *illam* was miserable. After the death of Namboothiri husband, they continued with the husband's *illam* where they had to work as domestic maids. In Brahminic patriarchy, widows were exposed to severe hardships. A widow was regarded as an ill omen and had to live as invisible for the males of the *illam*.²⁰⁵

The Brahmanical tradition upholds their texts that deteriorated the condition of women. According to *Kēraḷamāhātmyam*, Namboothiri women should not look at any man other than her husband, and they should not go out

²⁰² Mayadevi, *Op. Cit.*, p. 77.

²⁰³ Madambu Kunjikuttan, *Bhraṣṭu* (Mal), Kottayam, 1973, p. 98.

²⁰⁴ Mayadevi, *Op. Cit.*, p.77.

²⁰⁵ *Ibid.*

without being accompanied by their maidservants. *Kēraḷamāhātmyam* allowed polygamy for Namboothiri men, and that permitted only for the elder members of the family.²⁰⁶ This law was the main reason behind the deteriorated condition of Namboothiri women within the family. The younger members were allowed to engage in relationships with the women of Śūdra family. In the Brahmanical patriarchy, women of the upper castes were regarded as gateways into the caste system

In short, in the Brahmanical patriarchy, women of the upper castes were regarded as gateways into the caste system. The Brahmanical patriarchy made women a subordinate gender and regulated them into the status of 'Śūdra' of the traditional Varna order. Under the patriarchy, women were regarded as the custodians of the tradition and to preserve the purity of the caste, women were kept under strict seclusion.

Matrilineal form of Household

A matrilineal family was characterized by the existence of the plural force of authority, contrasting with the monolithic single patriarch in a patrilineal family. The structural difference occurred in connection with the position of the *Kāraṇavan*, the person who manages *Marumakkattāyam taravātu* of Kerala.²⁰⁷ A female member of a *taravātu* does not change her family by marriage. *Taravātu* exercised the power of attribution over inferiors, and there was no local authority above them capable of regulating their relation with their inferiors. The actual power wielded by a *Kāraṇavan* in medieval society might be usually abundant and not restricted externally.²⁰⁸ The *taravātu*

²⁰⁶ V. Rajeev, *Op. Cit.*, p.77.

²⁰⁷ U.R. Vonehrenfels, 'Matrilineal Joint family pattern in India' in George K Kiran ed., *The family in India*, Paris, 1974, p.100.

²⁰⁸ Anjana V.K., *Matrilineal Kinship and Power structure: A study of Nayar caste in Medieval Kerala*, Unpublished M.Phil. Dissertation, University of Calicut, 2013, p.61.

property was collective, and no individual member had any right to claim his or her share of it. The *Kāraṇavan* was the head of the family and he maintained the property of the *taravāṭu*. The maternal uncle or *Kāraṇavan* had a close resemblance to the father of a Namboothiri family.

Kēraḷōlpatti shows that the Cēra rulers followed the matrilineal form of inheritance.²⁰⁹ *Mūṣakavamśa Kāvya* and *Kēraḷamāhātmyam* emphasized the same aspect.²¹⁰ *Kēraḷamāhātmyam* explained that the right of the inheritance among Kshatriyas, Nāyars etc., goes towards nephews, and that cherished the importance of uncle among Kshatriyas and Nāyars. Later, it was emphasized in *Śāṅkarasmṛiti* also.

According to *Kēraḷōlpatti* tradition, Paraśurāma ordered the people of Kerala to follow matriliney. But except Payyannūr Brahmins, no one obeyed that order, and then Paraśurāma brought different groups of Śūdras into Kerala and ordered them to follow matrilineal kinship.²¹¹ Thus, two forms of inheritance pattern came into existence in Kerala with Paraśurāma. Matrilineal kinship practice is relatively unknown in India, though it was not unusual in Kerala itself. The westerners look matrilineal kinship as an uncivilized form of inheritance pattern. So, this practice is restricted in the non-western world.

There are so many theories regarding the matrilineal kinship practised by the Nāyars. One of them argues that the absence of Nāyar men within the *taravāṭu* was the main reason for the emergence of matrilineal kinship among Nāyars. According to that, most of the Nāyar men were involved in military activities or part of the local militia. So, the women within the family were the

²⁰⁹ M.R. Raghava Varier, *Kēraḷōlpatti Tradition, Op. Cit.*, p. 56.

²¹⁰ Rajeev, *Kēraḷamāhātmyam, Op. Cit.*, p.197; N.P. Unni, *History of Mooshaka Vamsa*, Trivandrum, 1980, pp.103,109

²¹¹ M.R. Raghava Varier, *Kēraḷōlpatti: Kolathunad Tradition* (Mal.), Calicut University, 1984, p.6.

main decision-makers or power groups in Nāyar *taravāṭus*.²¹² Another argument was that the matriliney was connected with the hypergamous relation between the Nāyars and Namboothiri elites. The Nāyars were dependent on the Namboothiris in the medieval period. So, the Nāyars were forced to accept the terms and condition enforced by Namboothiris about marriage, property relations and so on.²¹³ Kathleen Gough characterised Nāyar *taravāṭus* as an ‘exogamous matrilineal lineage’, of a segment, whose members jointly held lands and a house constituted the most elementary link within it.

The matrilineal household was composed of the people reflected each other in the female line, or the family relationship traced through the mother. Membership of a household would consist of all the women, and their children and grandchildren. They would live and eat together, and they had joint rights in property and the *taravāṭu*. Inheritance was through the mother’s line.²¹⁴ The man of the household is the brothers, sons or nephews, had a right over a share of the family property only while living in it, which they could not bequeath to their wives or offspring.²¹⁵

A person belongs to a Nāyar *taravāṭu* means, he possesses wealth, status, power and privilege. According to Brahmanical texts, *Kēraḷamāhātmyam* and *Kēraḷōlpatti*, Nāyar women were meant to be polyandrous, and one time, they could have many lovers or husbands. The children born from Nāyar-Namboothiri relationship had the right on the family property of the mother. But they had no right to inherit it in a patrilineal way.

²¹² K.V. Achuthanandan, *24 Vaṭakkan Pāṭṭukaḷ*, (Mal.), Thrissur, 2014.

²¹³ *Ibid.*

²¹⁴ G. Arunima, *There Comes Papa: Colonialism and the Transformation of Matriliney in Kerala, Malabar, c. 1850-1940*, New Delhi, 2003, p. 10.

²¹⁵ *Ibid.*

The significant feature of *taravāṭu* formation was the women as central to the creation of such a system. The women in matrilineal families had the right to property and decision making in *taravāṭu* matters. Most of the *Taravāṭus* had a distinct position of *Kāraṇavattis* instituted within them. The decision making was moreover a matter of generational privilege rather than a gendered right available only to men.²¹⁶ In most of the cases, the decision-making power of females was always restricted to the *taravāṭu* compound. The power of *Kāraṇavan* had no such restrictions in private and public spaces. He had his power and functions within the *taravāṭu* and the *Tara* itself.

The increased power of *Kāraṇavar* within the *taravāṭu* was later changed under colonial rule, thus strengthening the power of gender than age within the household.²¹⁷ The *Kāraṇavan* was the oldest male member of a *taravāṭu* as the case may be in whom the right to management of its properties rested or in the absence of a male member or where by custom or family usage, the right to such management vested in the hands of the oldest female member.²¹⁸ The *Kāraṇavan* would keep true and correct accounts of the income and expenditure of the *taravāṭu*. The accounts of each year would be available for inspection by the major *Anantiravans*.²¹⁹

According to Mayne, the *taravāṭu* and the domestic system represented the most perfect form of the joint family system. Each *taravāṭu* lived in its mansion, nestling among its palm trees and surrounded by its rice lands, but apart from and independent of its neighbours. This family structure traced its origin in each generation of females, who lived on in the same ancestral house

²¹⁶ G. Arunima, *Op. Cit.*, , pp. 26-27.

²¹⁷ *Ibid.*

²¹⁸ *The Madras Marumakkattāyam Act No. XXII of 1933*, Regional Archives, Calicut, p.10.

²¹⁹ *Ibid.*, p.11.

and not to males.²²⁰ The Nāyar matrilineal joint family consisted of women, her children, her brothers, descendants through her sisters and her relations through her dead female ancestors. The members of the *taravāṭu* were co-partners of *taravāṭu* property; *Kāraṇavar* was the manager of all properties of *taravāṭu*. He had the power of a patriarch in *taravāṭu* in all periods.²²¹ Many *Tāvaḷis* were also formed with *taravāṭu*. *Tāvaḷis* were formed from a female within the *taravāṭu*, consisting of a group of persons consisting of that female, her children, and all her descendants in the female line. Most of the *Tāvaḷis* was formed because of the growth of population in a *taravāṭu*. But, the *Kāraṇavan* had more power over that new *Tāvaḷi*.

Marriage among Nāyars involved very limited rights and responsibilities. Among the Nāyars, marriage gave the man exclusive rights of sexual access to his wife, but he did not acquire rights to her productive labour or domestic services. The Nāyars had extreme freedom to accept or reject a man. The Nāyar women accepted gifts and present from her *sambandhakkārs*. In many cases, the Nāyars engaged *sambandhams* with the males of wealthy Nāyars or Namboothiris. In the legal aspect, divorce was not practised in medieval Kerala. But that was common among Nāyars and Namboothiris through ending the relationship with any man by women and with a woman by a man. In most cases, the result affected the children, as they had no protectors. The man had scanty authority over his children. They were the members of their mother's descent group and had the right of inheritance over her property. A father had no legal responsibility of looking after his children. The children had no right to even touch his/her Namboothiri father because of the fear of pollution. So, the children lived under the strict restrictions of *Kāraṇavan* in

²²⁰ Joan D., Mayne, *A Treatise on Hindu Law and Usage* quoted in P.V. Balakrishnan, *Matrilineal Systems in Malabar*, Cannanore, 1981, p. 33.

²²¹ Tapan Roy Chaudhuri, *Perceptions, Emotions, Sensibilities. Essays on India's colonial and post colonial experience*, Delhi, 1991, p. 181.

the *taravāṭu*. All the expenses of children including clothes, ornaments, education etc. were given by the *Kāraṇavan*. The Nāyar children were passed through the process of complete insecurity.²²²

The Brahmanical society regulated their servants and subordinates through certain customs prescribed by Brahmanical texts. The foreign travellers had also elaborated about the customs of Kerala people, which itself shows the subordination of *Sāmantas* and Nāyars for material benefits. Hamilton noted that when a Zamorin got married, he must not cohabit with his bride till the Namboothiri or chief priest has enjoyed her for two or three days, and the first fruit of her nuptials must be a holy oblation to the God he worships.²²³ This is the best example for the subordination of *Sāmantas* under Namboothiris. The beliefs of people regulated their daily lifestyle.

In short, the matrilineal family was not exactly matriarchal. A Nāyar *taravāṭu* consisted of a mother and her children with her maternal uncles, her sisters and their sons and her brothers. In this joint family, mothers framed the stock of descent and kinship. Foreign scholars of medieval Kerala observed that the Nāyar women enjoyed much freedom in their life. But that was only a partial perspective. The property right was traced through women, and in practice, they had no right over the property. The family property was controlled and maintained by the eldest male member of the family. His power was ultimate because he had the power not only in material aspects, but he decided the crucial aspects of family-like *Tālikeṭṭukalyāṇam*, *Puṭamuṛi* and so on. The prominent Nāyar families like *Kūṭāḷi Tāḷattu* family and *Kavalappāra*

²²² Velayudhan Panikkassery, *Kēraḷam Patinañcum Patināṛum Nūṛṛāṇṭukaḷil*, (Mal.), Kottayam, 1963, p. 74.

²²³ Walter Hamilton, *Geographical, Statistical, and Historical Description of Hindostan and the Adjacent Countries*, Vol. II, Delhi, 1971, p.294.

Mūppil Nāyar family followed the matrilineal form of succession in the later medieval period.²²⁴

Restriction of Space

The whole Kerala was stratified into various regions and castes in the medieval period. Caste and caste hierarchy limited the social mobility of both upper caste and the lower caste people. Namboothiri Brahmins belonged to the apex of the caste hierarchy. They were regarded as aristocratic and wealthy landlords of society. Their ritual knowledge enabled them to guide the people in both spiritual and temporal matters and attaining a commanding position in the councils of the king.²²⁵ The Namboothiris engaged in many professions as astrologers, physicians, and performers of Vedic and *Tantric* rituals, magical rites and the advisors of kings. As the reservoirs of knowledge, they controlled the temples and land and that helped them to sustain at the apex of social hierarchy.²²⁶

According to the medieval social system, the Brahmins alone could enter everywhere though it was evident that they would never risk themselves except in the houses of the ritually neutral castes, i.e., those of Kshatriyas and the Nāyars.²²⁷ All roads were open for them. But, the condition of their women was different from that. Namboothiri household was patriarchal. Namboothiri woman is called *Antarjjanam*, means 'people inside'. The word itself denotes the special restriction imposed on them. Primogeniture in marriage was followed by Namboothiri Brahmins of medieval times. Only the elder son called *Mūsāmbūri*'s marriage was called *Vēli* and all others engaged in conjugal

²²⁴ K.K.N. Kurup, ed., *Koodali Granthavari*, (Mal.), University of Calicut, 1995; K.K.N. Kurup, *Kavalappara Papers*, Calicut University, 1984.

²²⁵ T.K. Anandi, 'Home as a Sacred Space', *Op. Cit.*, p. 145.

²²⁶ *Ibid.*

²²⁷ Genevieve Lemercinier, *Religion and Ideology in Kerala*, Trivandrum, 1994, p. 126.

relation (*Sambandham*) with Nāyar or Kshatriya women. The elder brother could conduct more than one *Vēḷi*. All these increased the number of widows, aged *kanyakas* (spinsters) and the unceasing internal problems between co-wives. The co-wife rivalry disturbed the peaceful atmosphere of Namboothiri household. The young girls were given in marriage to old Namboothiris, and which resulted in early widowhood among them. The condition of widows of Namboothiri families was extremely worst. After the death of her husband, she remained in his house. Later, she has followed an ascetic form of life. Her space within the family became more confined and her presence was considered as inauspicious in ritual celebrations. She had to sleep on the ground, and eat simple meals once in a day and should not wear coloured ornaments; even garments. Her head would shave and she had to maintain their austere regime to the end of her former husband in her next life. The second marriage of a widow was not mentioned in the rules of marriage. A widow should follow chastity throughout her life. *Śāṅkarasmṛiti* says that when the husband is dead, the wife should never immolate herself, but practice strict chastity.

In a patrilineal and patriarchal household, the birth of a male child was very much welcomed with a sort of sound created by women through their vocal cord called *kūkkurava*. The birth of a girl was informed by clapping the hands. The birth of a girl was considered a burden to the family and a misfortune.²²⁸ In a patrilineal form of household, they wanted to get a boy to continue their family tradition. The *Uṇṇi Namboothiris* would wear gold ornaments in their childhood onwards and girls were allowed only brass or bronze bangles. They were not allowed to cover the upper part of the body while inside the house and to wear colourful dresses. But, strict *Ghōṣa* was practised among Namboothiri ladies when they go out. Apart from a considerable length of cotton cloth, she should wrap another *muṇṭu* around her,

²²⁸ T.K Anandi, *Op. Cit.*, p.146.

which would cover the upper part of the body including hands. The blanket was for covering the body from neck to toe, and the umbrella to hide the face.²²⁹

The formal education was given to boys at *ōttupalli*, where they learnt Vedic education. A type of education was given to girls at the house to recite Puranas. They heard the stories of *pativrītas* in Purāṇas and epics including Sīta, Śīlāvati and so on. These were done to create a character among them.²³⁰ A traditional *illam* was situated in acres of land with temple and pond inside the compound. The men and women of the *illam* used this pond and worshipped the deity of *illam* temple. The women were to enter into the *kuḷam* (pond) through the kitchen side where there is access to *kuḷapura*, where the women cannot see or interact with anybody outside the compound. A particular space was reserved for women within the *illam*. They were not allowed to enter the portico (*Pūmukham*) of the house. Their space was confined to the interior backyard of the house. A Namboothiri *illam* was not a homogeneous space; instead, there was spatial segregation between men and women, married and unmarried, and elders and youngsters.²³¹ Within the *illam*, the space for men and women were separate. The alignment of space within the *illams* indicates the nature of woman's work, her family position, and her ritual position connected with purity and pollution.²³²

The movement of *Antarjjanams* was always restricted by the fear of pollution. They had controlled movement to temples and relatives' houses. A maid Nāyar woman would always walk with her, announcing the coming of *Antarjjanam* to avoid pollution by other castes. But even such social mobility was rare in their life. They worshipped at the *illam* temple, so there was no need

²²⁹ *Ibid.*, pp. 146-47.

²³⁰ *Ibid.*, p. 147

²³¹ *Ibid.*

²³² *Ibid.*

to go out for that purpose. The females of Namboothiri community lived in a gloomy atmosphere.

Marriage was regarded as an auspicious ceremony in Kerala social system. The well being of her husband was considered as the well being of her. *Śāṅkarasmṛiti* says that the only duty of the wife in the *pūja* rituals is to arrange all materials for *puja* for husband, and she has to be with him when he does the *hōma* (fire oblations).²³³ Most of the rituals were conducted in *illams*, but the women had no independent right to perform rituals. While performing *Sōmayāgam* and *Atirātram*, the presence of wife along with the *Yajamānan* was inevitable. Through these performances, men attained titles like *Aditi*, *Sōmayāgi* and so on. But there was no particular change in case of *Antarjjanam* who accompanied her husband in all these *yāgas*.²³⁴ Namboothiri patriarchy was not ready to accept women with higher ritualistic status.

One of the domestic rites observed with the women were known as *vritas*. That was not only for her prosperity but also for the prosperity of her husband and *illam*. That was regarded as her duty. *Dharmaśāstra* states that religious women should not do any ritual practices without the participation of the husband. All of this shows the gender discrimination in ritual aspects. Namboothiri women were suppressed and exploited within the household, and they were denied even the right to mobility.

Conclusion

The equal status of men and women is entirely a modern feminist idea which is in vain to search in medieval Kerala society. The matrilineal form of inheritance prevailed during that time is not proof to the upper hand of women in society. In the patrilineal and matrilineal family men were the dominating group and pivot of the power structure in the family. The differentiation

²³³ Parameswaran Moosath, *Śāṅkarasmṛiti*, *Op. Cit.*, p.48.

²³⁴ Mayadevi, *Op. Cit.*, p.70.

between men and women was further widened by the caste rules. All castes give undue emphasis to chastity and formulated strict regulations to control their movements. Thus, they framed certain customs and practices. The evidence related to the life and condition of women in the medieval period shows that gender was one of the major axes of internal regulation. The social customs and traditions did not provide an independent personality to women.

The dominant caste group likes Namboothiri Brahmins freely interpreted and tailor-made the rules and regulations prescribed by the *Smriti* texts for their convenience. Thus, they promoted *Sambandham* form of marriage also. But at the same time, they followed the patriarchal system and regulated the freedom of their women in the name of chastity. During the medieval period, caste stood as an indirect mechanism to regulate or discipline the movements of women. *Maṅṅāppēṭi* and *Pulappēṭi* were the major customs that prevented the mobility of Nāyar women in medieval society. There was no trial to punish those women but were punished by the eldest member of the family. But in the case of the adultery of Namboothiri women, a long process of the trial was conducted to ostracize the women and the men involved in the crime. The religious texts itself prescribed the duty of women as the maid of husband. She was restricted to interact with men other than her husband. Her life from birth to death was strictly controlled and monitored by the male-dominated social system. The surveillance of male gazes always regulated her movements and activities. The inheritance pattern of medieval society was entirely under the control of men. Even in the matrilineal families, the person who looks after the internal and external affairs of the family was the eldest male member of the family called *Kāraṇavar*. He is the authority to look after the moral character of women in his *taṛavāṭu* and he had the punitive power. In the case of *Aṭiyāḷa* women, they enjoyed the freedom of movement but were exploited by the *jenmis* (landlords) of that time, which is evident in various stories of the contemporary ballads. Thus, the chastity of women was always a point of discussion in any period in the history of Kerala.

CHAPTER 5

CRIME AND PUNISHMENT IN PRE-MODERN KERALA

The violation of customs, traditions and rituals were considered as a crime in medieval Kerala. Crime has its origin in the conflict of the self-seeking habits of the individual with the common customs of any social groups that guarantee its survival in the struggle for existence.¹ Crime is defined as the violation of rules and regulations which were imposed by the state and society on individuals.² So in every culture, it was the duty of the state and society to discipline the individuals, who violate the existing social customs and *maryādas*. In Sanskrit '*Daṇḍa*' means a stick staff or rod, which is a symbol of power and punishment.³ That authority was controlled by the dominant groups in society. M.N. Srinivas argued the numerical strength, economic power and political power as the main aspects that show the dominance in society.⁴ But this argument was not applicable in the case of every society. In medieval Kerala, Namboothiri Brahmins controlled the regulatory mechanism of Kerala, but they were the minority population of Kerala. Early times they had no economic and political power, but they had sway over the knowledge. Through the power of knowledge, they regulated the medieval society in various ways. Through knowledge, they attained the economic power and political power in medieval Kerala society. Ultimately the mode of judicial organization depended on the dominant ideology called Brahmin ideology.

¹ Sulka Das, *Crime and Punishment in India, A.D. 300-A.D. 1100*, New Delhi, 1977, p.13.

² *Ibid.*

³ *Ibid.*, p.54.

⁴ M.N. Srinivas, 'The Dominant Caste in Rampura', *American Anthropologist*, 1959, 61(1), pp.1-16.

During the 10th and 11th centuries, *Kaccams* played a prominent role in the regulatory mechanism of Kerala. During that time, Perumāḷs were the ultimate authority, but the real functions were carried out by the chieftains of the *Nāṭus*.⁵ During the Perumāḷ period, theoretically, the Perumāḷ was the fountainhead of the law and the supreme authority, but in practice, the local caste councils decided cases, both civil and criminal.⁶

During that time the standard code of conduct for the members of *Sabha* was the code of Mūḷikkaḷam. That was the authority and force of law and that was quoted all over Kerala during the days of the Perumāḷs. That was regarded as a *Vyavastha*.⁷ That type of *Vyavasthas* lay down by *Dharmaśāstra* literature. The Mūḷikkaḷam *Vyavastha* appeared as proceedings of a Brahmin *Sabha*, and it followed as a model by other *Sabhas* for its comprehensiveness, it was supported by the political authority of the Perumāḷs.

When the authority of Perumāḷs disappeared in 12th century AD, the wide acceptance of Mūḷikkaḷam *Kaccam* also disappeared. During that time a large number of *Granthavaris* created in relation with many prominent temples. Among them, *Vaññēri Granthavari* referred to many civil and criminal disputes. The local magnates dealt with the offenders, but they needed the assistance of local Rajas.⁸ According to Kesavan Veluthat, the location and communalization of the legal process are reproduced in the evolution of local legal codes.⁹

⁵ Kesavan Veluthat, 'Political Forms' in P.J. Cheriyan, ed., *Perspectives on Kerala History*, Trivandrum, 1996, p.77.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*, p.78.

The emergence of regional texts like *Śāṅkarasmṛti* and *Kēraḷōlpatti* are produced after the Perumāḷ period. The legal code called *Vyavahāramāla* also formulated during that period. Those texts tried to legitimize the privileges of the upper strata of society. They claim their authority and legitimize the caste hierarchy through these texts. *Śāṅkarasmṛti* and *Kēraḷōlpatti* include a large number of sanctions and injunctions, evidently a result of the adaptation of the changing socio-political situation. The evidence of trial by ordeal was available during that period. The references of *Smārttavicāram*, hand dipping ordeal and so on also originated during that time. *Śāṅkarasmṛti* is the first text refers to *Smārttavicāram* that is a trial by caste council, of Namboothiri woman accused of adultery. The texts also reflect the oligarchic authority of Namboothiris of that period related to the temple and other institutions. The Sanskrit text *Śukasandēśam*, of 15th century AD, refers to the Śucīndram *Kaimukku*.¹⁰ The references of folk traditions also indicate that the ballads are also the product of the post-Perumāḷ period. The texts depict the autocratic behaviour of *Jenmis* and their atrocities towards the lower strata of society.

Most of the travellers, elaborated on the socio-cultural, political and legal aspects of Kerala belonged from 15th to 19th centuries. The interconnections and disparities between these sources create the picture of the exact social system of Kerala during the medieval period. But the main defect of these sources was the lack of its credibility. The Brahmanic texts like *Śāṅkarasmṛti*, *Vyavahāramāla* and *Kēraḷōlpatti* were created in a special context of Brahminic oligarchic time. *Sandēśakāvya*s reflects the social scenario of that period. The accounts of foreign travellers included their views and perspectives of society. But the analytical study of these texts produces a clear picture of the medieval society of Kerala.

¹⁰ Kunhi Kuttan Thampuran, ed., *Bhāṣā Śuka Sandēśam*, (Mal.), Trivandrum, 1958, pp.61-62.

Judicial System in Sangam Age

According to Engels, the tribal social system was a wonderful constitutional set up. There was no police, army, lords, kings, regents, courts, judges, prisons and cases. But all things functioned properly. The disputes and debates were solved within the tribe or between the tribe. *Ācāramaryādas* regulate society. The Sangam society was not considered as a pure tribal society. There were a king and an administrative body. The ruler has received the suggestions and arguments of the lords and others. The centre of social life was *Manṛam* or *Putiyil*, which is a legal body. The king and other leaders were assembled under a tree to solve various disputes. Many scholars considered this *Sabha* as a democratic institution and the base of modern democratic society. Nilakanta Sastri was also not in favour of this and he instead argued that *Manṛam* or *Sabha* was the highest judicial organization.¹¹ The king depended on the *Sabha* to solve disputes and they had the right to give suggestions to the king concerning the administration. Each village had a *Manṛam* and the daily affairs of it influenced by the decisions of *Manṛam*. He traced the origin of the village community system of Chola period from the assembly called *Manṛam*. *Tirukkural* also accepted the ultimate power of *Manṛam*.

During the time of *Cilappatikāram*, *Imperumkuḷu* and *Enṇērāyam* also emerged as decision making bodies. During the later Sangam period, the administrative system became more complicated and the importance of lords and officials increased. The members of *Imperumkuḷu* included the prime minister, *purōhita*, *sēnāpati*, leader of spy and *kāvīti*. These *Sabhas* helped the ruler in administrative matters and that helped to avoid the autocratic rule of the king.¹²

¹¹ K.N Nilakanta Sastri, *A History of South India*, London, 1971,p.27.

¹² K. Damodaran, *Kēraḷa Caritram*, (Mal.), Thrissur, 1965, p.239.

The text *Cilappatikāram* refers that the Pāṇḍyan king, Neṭuñceliyan is said to have guilt when he realized that he had meted out indefensible punishment to an innocent subject called Kōvalan.¹³ According to the story, hoping for new beginnings, the couples- Kōvalan and Kaṇṇaki - move to Madurai where Kōvalan tried to sell Kaṇṇaki's gold anklet filled with rubies, is beheaded without a trial as he is mistaken for the robber who stole the queen's anklet. The epic highlights the honesty of the king and his wife, who give up their lives when they recognize the injustice meted out to Kōvalan and the insatiable anger of Kaṇṇaki, who burns the whole city of Madurai to ashes. This story light upon the cruel nature of the death penalty practised during the late Sangam period. The possibility of error in the delivery of justice also highlights this story. This shows that the king who considered being the personification of justice and were concerned about the victims and their rights. The Sangam texts show criminal justice in a developed form and equal justice for all.

Ācāram, Mārgam and Maryāda

The early medieval inscriptions recorded the terms like *Kaccam*, *Vyavasthai*, *Oḷukkam* etc. to denote the regulatory mechanisms of temples of that time.¹⁴ But its influence all over Kerala was not recognised properly. These codes were mentioned rarely in the post-Cēra documents. During that time the terms like *Maryāda*, *Kīlmaryāda*, *Kīlvalakkam* etc., are used in connection with the code of conduct of medieval Kerala society.¹⁵ The whole socio-political and judicial functions were controlled by these customary practices. These customs and practices were the governing forces of medieval society. The violation of *Maryāda* caused the social crisis. *Taramaryāda*, *dēśamaryāda*, *nāṭṭumaryāda*,

¹³ Nenmara P. Viswanadhan, ed., *Cilappatikāram*, (Mal.), (1975), Thrissur., 1989. p.435.

¹⁴ M.G.S. Narayanan, *Perumāls of Kerala*, (1966), Thrissur, 2013. p.114.

¹⁵ K.N. Ganesh, *Kēraḷattinṛe Innalekaḷ*, (Mal.), (1990), Trivandrum, 1997, p.133.

sankētamaryāda, *jātimaryāda* were the prominent *Maryādas* practised in the pre-colonial period.

In medieval society, the social, political, ritual and family systems are closely connected. The family was the basic unit of the social order. The relation between individuals was restricted by *Nāṭṭumaryāda*.¹⁶ Margret Frenz argued that *Taravāṭu* can be regarded as a macrocosm of a principality.¹⁷ The *Taravāṭus* were run by the eldest male member of a family, the *Kāraṇavar* who had the duty to see that the prescribed religious ceremonies of the *Taravāṭu* were carried out.¹⁸ The eldest male and female member of the family called *Kāraṇavar* and *Kāraṇavatti* were regulating the affairs of the *Taravāṭu*. From birth to death every individual was under strict customs and *Maryādas*. All of them accepted the laws and regulations without any questions.

The law of medieval Kerala was dominated by the private interests of the local lawgivers of the land called Namboothiris. The *Maryādas* and *Ācārams* were considered as sacred by creating some legal myths. The *Kēraḷōlpatti*, *Kēraḷamāhātmyam*, *Śāṅkarasmṛti* and *Vyavahāramāla* are the main texts that justified the base of all customs and practices existed in medieval Kerala. *Kēraḷōlpatti* and *Kēraḷamāhātmyam* tradition includes the myth of Paraśurāma. Paraśurāma brought Brahmins into Kerala and formed 16 *grāmas* and instructed particular customs, rituals, *Maryādas* and particular occupations to each group.¹⁹ Through this myth and related stories, they legitimized the domination of Brahmins in Kerala. The customs like

¹⁶ Hathika K., *Legality and Communal Conflicts: A Study of the Settlements of Disputes in Malabar (A.D 1850-1947)*, M.Phil. Dissertation, University of Calicut, 2015, p.10.

¹⁷ Margret Frenz, *From Contact to Conquest: Transition to British Rule in Malabar, 1790-1805*, New Delhi, 2003, p.12.

¹⁸ *Ibid.*

¹⁹ M.R. Raghava Varier, ed., *Kēraḷōlpatti Kōlattunāṭu Tradition*, (Mal.), Calicut University, 1984.

sambandham, *tālikeṭṭukalyānam*, *marumakkattāyam*, the Namboothiri marriage system, the chastity concept of Namboothiri women, the polygamy of Nāyars, etc. are included in the *Kēraḷōlpatti* tradition. According to this tradition, Paraśurāma ordered the Namboothiri men of Kerala should have a frontal turf of hair, the women should not cover the breasts and declared that for the non-Brahmin women chastity was not a necessary virtue.²⁰

Another myth was related to the creation of 64 *anācāras* or malpractices envisaged by the sage Śankarācārya. This explained in the text called *Śānkarasmṛti*. These 64 *anācāras* includes the customs related to women, Namboothiri Brahmins, other lower castes, and so on.²¹ Through this, the customs of Namboothiris were regarded as different from the other Brahmins of India. These customs became sanctioned customs in Kerala. These customs were grown out of the social, political, moral, economic, ethical, psychological and other necessities of the existing social system. The untouchability, unapproachability and unseeability are also envisaged by the *Śānkarasmṛti*.²² These strange customs created a different socio-economic and legal tradition in Kerala. *Śānkarasmṛti*, the text created by the Namboothiris became considered as the source of most of the customs practised in Kerala. The lower caste people also followed these customs without any question and the state also promoted these customs produced by *Śānkarasmṛti* and gives strict punishments to people those who violate the customs. These led to the increasing decline of the status of lower castes in society.

Vyavahāramāla was another law book created by the Brahmanic society during 15th century Kerala. The text says that it was compiled based on the

²⁰ *Ibid.*

²¹ N.P. Unni, ed., *Śānkarasmṛti*, Torino, 2003, *Op. Cit.* These are already elaborated in the first chapter of the thesis.

²² T.K. Ravindran, *Institutions and Movements in Kerala Society*, Trivandrum, 1978, pp.41-42.

Smṛti texts of North India. The text includes a detailed description of the evidence and procedure followed in the courts.²³ This says that the king must be assisted by learned Brahmins well versed in Vēdas. The court summoned witnesses and defendants by issuing writs on palm leaves and watch the psychological signs of both to understand the truth. Impatience, touching the back of the hard palate with the top of the tongue, contortions in the face, trembling of the lips, fluency, looking down and drawing figures on the floor with toe, is considered as the mark of treachery.²⁴

The travellers who visited Kerala in medieval period wondered about the customs and practices followed by the people of Kerala. Sheik Zainuddin says that the customs and rituals practised by the people of Kerala are not seen in any other world.²⁵ All of this considered the role of theology in medieval society. He wondered about the practice of *Cāvēr* system practised in Kerala. The *Cāvērs* struggled in the battlefield and at last, they fought till death for the Raja. The rituals practised in connection with death rites were surprising to him. The people of Malabar believed that the post-cremation activities helped the dead to attain heaven and *puṇyam*.²⁶ The inheritance practice called *Marumakkathayam* and the practice of *Sambandham*, mock marriage called *Tālikeṭṭukalyānam*, the Namboothiri form of marriage called *Vēḷi* also mentioned in his text as wonderful practices. The practice of caste system and related untouchability, unapproachability and unseeability in medieval Kerala are mentioned in the work of Sheik Zainuddin. He also wondered about the

²³ *Vyavahāramāla*, (Mal), Unpublished Palm leaf Manuscript Volume, (palm leaf hereafter *p.l.*), Manuscript Library, University of Calicut, 1563. The laws described in the text are explained earlier in the first chapter.

²⁴ *Ibid*; T.K. Ravindran, *Op. Cit.*, p.42.

²⁵ S.M.H. Nainar, *Tuhafat-ul-Mujahiddin*, (2006), Kuala Lumpur, 2009; Velayudhan Panikkassery, *Kēraḷam Patinañcum Patinārum Nūrṛāṇṭukaḷil*, (Mal), Kottayam, 1963, p.75.

²⁶ S.M.H. Nainar, *Tuhafat-ul-Mujahiddin*, *Op. Cit.*, p.40; Velayudhan Panikkassery, *Op. Cit.*, p.77.

custom called *Manṅāppēṭi* and *Pulappēṭi*.²⁷ Like this most of the foreign travellers who visited Kerala are mentioned about the customs and *Maryādas* practised in medieval Kerala.²⁸

Human and divine are the two kinds of pieces of evidence explained in *Vyavahāramāla*.²⁹ The divine evidence got predominance over the human evidence. That indicates the importance of divine aspects of society. It is believed that when a person gives witness to the court and within seven days after giving evidence a witness lost one of his intimate relatives, or his house caught fire or he fell seriously ill, he was considered as a false witness. Perjury was considered as the most severe crime and give capital punishments.³⁰

The Judicial Administration of *Kūṭṭams*

The popular basis of administration of justice is the significant feature of the early system of administration. The early legal system was very simple but the mode of punishment was crude and primitive. According to T.K. Ravindran, the most prominent nature of medieval administration was the privileged status guaranteed to Brahmins and their ethnocentric activities to establish their superiority. So that ‘creative minority’ enjoyed the benefits of that discriminative nature of law.³¹ *Kēraḷōlpatti* refers to the three kinds of *Kūṭṭams*, as *Kūṭṭams* of the *Tara* or village, *Kūṭṭams* of the *Nātu* or district, and the *Kūṭṭam* of all Kerala. According to *Kēraḷōlpatti* tradition, all Kerala *Kūṭṭam* met only once in 12 years at Tirunāvāya on the time of *Māmānkam* festival.

²⁷ *Ibid*; Velayudhan Panikkassery, *Op.Cit.*, p.83.

²⁸ Barbosa, Hamilton, Marco Polo, Ibn Battuta, Buchanan, Varthema, Nieuhoff, Logan and others elaborated on the customs and practices of Kerala.

²⁹ *Vyavahāramāla*, p.l. Nos.70-74.

³⁰ *Vyavahāramāla*, p.l. Nos. 89-93. ; T.K. Ravindran, *Institutions and Movements, Op. Cit.*, p.43.

³¹ T.K. Ravindran, ‘History of Judicial Organization in Malabar Under British Rule-1792-1861’, in *Kerala History Association, Proceedings of the History Association*, Ernakulam, 1965, p.227.

During that time there was no hierarchy of courts existed and no uniform law practised.

During the medieval ages, justice was administered at different levels by the local assemblies like *Tarakūṭṭams*, and *Nāṭṭukūṭṭams*. *Dēśavāli*, *Nāṭuvāli* and *Kāraṇavar* are the persons in charge of judicial administration. In many cases, moral force and individual initiatives are taken for settling disputes. The intermediary groups like *Madhyasthar* and *Taṭasthar* (*Kāraṇavars* of the family) existed during the medieval period. When two powerful persons quarrel each other, someone takes the stand of a mediator to solve the problem.³² The decision of *Tarakūṭṭam* was practised by the *Mukhyasthar*, *pramāṇis*, and so on.³³ The arbitration methods like *Ankam* and *Poittu* played an important role in solving the disputes. Ordeals and *Satyamcollal* are also used as a mechanism to discipline the people.

The *Tara* organization takes an important role in judicial administration. Many *Taras* formed as a *Dēśam* and two or more *Dēśams* constituted a *Nāṭu*. Each *Tara* had their *Kāraṇavars* to manage the administration of justice of that particular village. They were known as *Mukhyasthan* or *Pramāṇi*. The *Nāṭuvālis* and *Dēśavālis* had their share in the privilege of justice in the *Nāṭus* and *Taras*. The persons who discharged the judicial administration like *Kāraṇavar*, *Nāṭuvāli* and *Dēśavāli* were not paid, officers. They seized their offices hereditarily.³⁴ They were only receiving certain fees and gifts at certain festivals in the village or temple. But this was not directly connected with their duty of administering justice.

³² Kunhi Kuttan Thampuan, *Bhāṣā Śuka Sandēśam*, *Op. Cit.* p.81.

³³ P.K. Gopalakrishnan, *Kēraḷattinṛe Sāmskārika Caritram*, (Mal.), (1974), Trivandrum, 2012, p.402.

³⁴ T.K Ravindran, *History of Judicial Organization in Malabar*, *Op. Cit.*,p.248.

1. *Tarakūṭṭam*

The basic unit of the local government in medieval Kerala was *Tara* and its assembly called *Kūṭṭam*. The *Tarakūṭṭam* was the assembly of the elders of the village in the vicinities of the temple, under the shade of a banyan tree. The *Tarakūṭṭams* had administrative and judicial functions. These popular assemblies came from within, not from without. They were not forced upon the people by their rulers but sprang up in an answer to their internal urge to have shared in the government of their country.³⁵

As related to the caste issues, offences against religion, and in the morality issues, the issues related to festivals of temples, the elders of the *Tara* were the judges.³⁶ But the cases related to Namboothiri Brahmins, the judges were the Brahmins themselves and they inform it to the ruler also. The *Kāraṇavar* required the help of learned Brahmins in the case of the disposal of cases of the non-Brahmins. If the *Tarakūṭṭam* decides to give any corporal punishment to the offender, the ruler or his representatives were involved in the case with *Kāraṇavars* and Brahmins. The dispute related to land issues also solved by these group of judges themselves.³⁷ All the minor case, not the interference of ruler or chieftain, was decided by the *Tarakūṭṭam* according to the vote of the majority. They try the offenders and give apt punishments for them. The early inscriptions and *Granthavaris* contained many cases of land disputes. The land encroachment or boundary issues and misuse of temple property and the corruption were dealt with by the temple authorities and the elders of the village.

³⁵ *Ibid*

³⁶ T.K Ravindran, *Institutions and Movements*, *Op. Cit.*, p.34.

³⁷ T.K Ravindran, *History of Judicial Organization in Malabar*, *Op. Cit.*, p.249.

When a tenant failed to pay the rent punctually, the landlord had the right to punish him by preventing cultivating in that land and he had no right to enjoy the crops or fruits from that place. Here the lord was not concerned about the issue for the failure to pay rent. That may be due to the failure of crops or bad season. The lord prevents the tenant to take any products from the land by a simple action. The lord sent a servant with a bundle of leaves of several trees and a handful of clay, which the servant was to place in the middle of the land or garden, from which rent was due. This is an order from the lord to prohibit the tenant to gather profits from the garden.³⁸ The records show that the *Satyam collal* had a great significance in that period. When the tenant complained to the elders of the village concerning that action of the lord, they involved in the issue. Where the immediate payment was not possible, the *Kāraṇavar* were settled the time and condition of payment. Thereby the *Satyam collal* everything was faithfully adhered to by both landlord and tenant.³⁹

The decisions of the *Tarakūṭṭam* were normally accepted by all the members of the society with respect. The *Tarakūṭṭam* had right to ostracize the persons for certain crimes, mainly the morality issues. The fear of social ostracism implemented by the elders prevented the people to accept the *Maryādas* of that particular society related to morality concepts. The power of elders is visible in the punishment related to *Maṅṅāppēṭi* and *Pulappēṭi*. Some women of the Nāyar community, who punished in the name of *Maṅṅāppēṭi* and *Pulappēṭi* were the real victims of the authoritative nature of *Kāraṇavars* of family.

The elders belonged to three villagers included in a civil tribunal to try caste and civil affairs. The judges assembled in front of the village temple, or under a shelter of banyan tree to investigate the matters coming before them to

³⁸ *Ibid.*, p.250.

³⁹ *Ibid.*, p.251.

solve. The process of investigation was extremely simple.⁴⁰ The minor cases were not directly gone to the king's court. Most of the small cases were settled in the *Kūṭṭams*. These assemblies mainly protect the interests of high castes, especially the interests of Brahmins. The Brahmins had their caste assembly; with its councils with semi-sovereign authority. This strictly endogamous group was wielding enormous power over other divisions of the society. The *yōgam* was the main assembly to solve the issues related to Brahmins and the *yōgakkār* were the selected members who administer justice.

The Nāyars had their *Kūṭṭams* in the *Taras* exercising authority not only over their caste men but also over the lower caste men. Their martial power helps them to maintain authority within the medieval social system. The *Aṛannūrravar* and *Aññūrravar* were the major martial group among the Nāyars.⁴¹ The *Kūṭṭams* were dominated by these men. The members of *Tarakūṭṭams* were under the strict control of Brahmins, the owners and masters of the land of medieval Kerala society. These high castes oppressed the lower castes and the cultivators of land had no privilege and rights over their land. Through the Brahmin influence in all fields of life, they modified the social structure and the thought process of the land. The *Kēraḷōlpatti* tradition justified the authority of the Brahmins and according to that the Perumāḷ, had to take an oath on the time of his incarnation to acknowledge the authority of the Brahmin and to do nothing against their interests and without their consensus.⁴² The medieval assemblies called *Kūṭṭams* were not democratic but theocratic and fostering the interests of Brahmins.

The political body up from the *Tara* was the *Dēśam*. Its head called as *Dēśavāli*. *Dēśam* was the territorial unit of military organization in the ancient

⁴⁰ *Ibid.*, p.249.

⁴¹ T.K. Ravindran, *Institutions and Movements*, *Op. Cit.*, p.36.

⁴² M.R. Raghava Varier, *Kēraḷōlpatti Granthavari*, *Op. Cit.*, pp.21-22.

regime.⁴³ The *Dēśavāli* sometimes called as *Vāḷkaivāli*. The administration of civil, religious and military affairs of the *Dēśam* vested in the *Dēśavāli*. He was the military chief of the *Dēśam* and waged war for the King and he had the direction of the police as well as the power to decide petty suits.⁴⁴ The *Dēśavāli* possessed certain rights such as *Ambalapati* or the person who direct the religious ceremonies in the village temples, the *Ūrāyama* or the management of the temple lands and temple servants, the right to control marriage functions and religious ceremonies and the general superintendents of all offences of the *Dēśam*.⁴⁵ In the police and judicial matters, he was aided by the small *pañcāyat* of respectable persons called *Pramāṇis*. *Dēśa Kūṭṭam* generally checked the power of the *Dēśavāli*, though they were not as powerful as *Kūṭṭams* of *Tara* or *Nāṭu*.⁴⁶

2. *Nāṭṭukūṭṭam*

Two or more *Dēśams* constituted a *Nāṭu*. It is a kind of district or small province. The head of the *Nāṭu* called as chief or *Nāṭuvāli*. The status of the *Nāṭuvāli* was in between *Dēśavāli* and the Rāja. *Nāṭṭukūṭṭam* is the assembly of the representatives of several *Taras* met for discussing the matter of more significant and chaired by the *Nāṭuvāli*.⁴⁷ He collected all the revenue from the district, with the assistance of accountants called *Pāṭṭālis*.⁴⁸ He has military power also but he was not enjoyed unlimited powers. The *Nāṭuvāli* take decisions by consulting the *Nāṭṭukūṭṭam*. *Nāṭṭukūṭṭam* controlled his ultimate power. The position of the *Nāṭuvāli* was hereditary. The *Nāṭu* was an assembly

⁴³ N.R. Visalakshi, *Administration of Village Panjayats in Kerala*, Trivandrum, 1967, p.20.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Ibid*, p.21.

⁴⁷ T.K. Ravindran, *Institutions and Movements*, *Op. Cit.*, p.34.

⁴⁸ Visalakshi, *Op. Cit.*, p.21.

of *Taras*. The *Nāṭuvāli* or chieftain was the highest judicial authority over the *Tarakūṭṭam* and he was assisted by the learned Brahmins. The well experienced, learned Brahmin who well versed in customs and practices of the land advice the ruler and at last, the ruler confirms the punishment. All of the society had respect and fear towards the court of the ruler. The punishments for the same crime were different in *Tarakūṭṭams* and the court of *Nāṭuvāli*. There was no uniformity in the treatment of various cases. The *Tarakūṭṭams* enjoyed a large degree of autonomy.

According to Logan, “the *Nadu* or country was a representative body of immense power which when necessity existed, set at nought the authority of the Raja and punished his ministers when they did unwarrantable acts”.⁴⁹ The *Nāṭtukūṭṭams* played a significant part in organizing public opinion against the autocratic acts of the ruler.⁵⁰ The *Munnūravar*, *Aññūravar*, *Aṛannūravar*, etc. protected the people. The trade guilds like *Añcuvanṇam* and *Maṇigrāmam* were given special privileges to them.⁵¹

3. Malabarkūṭṭam

Malabarkūṭṭam was the assembly of the Rajas.⁵² From 13th century onwards the *Malabarkūṭṭam* was under the chairmanship of Zamorin. The association of Rājas convened every 12 years during the *Māmānkam* festival conducted at Tirunāvāya. The affairs related to the whole Malabar were discussed in this assembly. But *Malabarkūṭṭam* was not considered as the highest level of *Kūṭṭam* because that only assembled once in 12 years. *Nāṭtukūṭṭam* was the highest level of *Kūṭṭam* that referred in *Kēraḷōlpatti* also. *Nāṭtukūṭṭam* had been established initially by the Brahmins as a monitoring

⁴⁹ William Logan, *Malabar*, Vol.1, New Delhi, 1981, p.88.

⁵⁰ Visalakshi, *Op. Cit.*, p.22.

⁵¹ *Ibid.*

⁵² Margret Frenz, *Op. Cit.*, p.15.

body for the Rāja to put a rapid check on the theoretically believable situation of Rāja pursuing a tyrannical way of rule.⁵³ The ruler had no right to make decisions without the consent of *Kūṭṭams*. Thus, the ruler was not the ultimate power over the people.

***Kāval*: Military system of Kerala**

After the decline of the Cēra kingdom, the new emerging *Nāṭuvālis* made some small changes in the quasi-feudal organization of the *Nāṭus* they conquered.⁵⁴ *Kāval* is the deployment of personnel for the maintenance of law and order in the territory. They undertook the protection duty of the different villagers. They were the regular militia of the particular ruler with multi-level duties. Though a decision-making authority the *Sankētams* depend on the *Nāṭuvāli* for executive power and police machinery. There are so many records mentioned about the military groups of medieval Kerala in which the inscriptions refer to the *Aṛannūrravar* to engage in the function of protection of the country. The *Nāṭuvālis* of medieval Kerala maintained their warrior groups. The bodyguards like *nilal* and *prakṛti* were mentioned in medieval inscriptions.⁵⁵ *Āyiram* and *nūrravar* were the martial groups of the chiefs of *Nāṭu* like *Ko*, *Kōtai*, *Kōyiladhikāri*, *Kōyil*, *Aṭikaḷ*, *Tiruvaṭikaḷ*.⁵⁶ The inscriptions refer about ‘hundreds’ such as *Munnūrravar* (three hundred) of Nanruḷaināṭu, *Aṛannūrravar* (six hundred) of Valluvanāṭu, *Aññūrravar* (five hundred) of Puṛaikiḷanāṭu, and *Eḷunnūrravar* of Kuṛumpoṛaināṭu.⁵⁷ The warrior group of kings was known as *Āyiravar* or the Thousands. The warrior group

⁵³ *Ibid.*

⁵⁴ K.V. Krishna Ayyar, *A Short History of Kerala*, (1965), Coimbatore, 1968, p.123.

⁵⁵ M.G.S. Narayanan, *Perumāls of Kerala*, *Op. Cit.*, pp.73-89.

⁵⁶ *Ibid.*, pp.78-80.

⁵⁷ Rajan Gurukkal, *The Kerala Temple and the Early Medieval Agrarian System*, Sukapuram, 1992, p. 72.

referred in the inscription as *Nīlal* or *Kāval*.⁵⁸ The dawn of the 11th century witnessed the birth of the powerful Nāyar corporations like the *Munnūravar* and *Aṛannūravar*. From early medieval time onwards, they were the hereditary militia of the country, including Malabar, Cochin and Travancore.⁵⁹ The arrivals of Brahmins paved the way for the origin of feudalism, and consequently the emergence of the feudal military organization of Nāyar militia.⁶⁰ The state of emergency and the climate of war prevailed in the 11th century compelled to create a militia.⁶¹

Even though Nāyars were regarded as of Śūdra Varna, they were granted privileged status in medieval society. During that time the most important duty of a king was the protection of land and its people. Thus, the Nāyars rose into the status of Kshatriyas by the Namboothiri Brahmins.⁶² Moreover, the militia of the ruler, the *Kāval* of *Nāṭuvālis* had in charge of the protection of the temples and their agrarian localities also.⁶³ So the concerned *sabhas* were to pay the *Nāṭuvālis Kāvalpalam* or *Rakṣābhōga* for the protection offered by the *Āyiravar*.⁶⁴ This *Rakṣābhōga* was considered as the chief source of income to the *Nāṭuvāli*. The immediate junior of *Nāṭuvāli* had his *Kāval nūravar*, normally the *Munnūravar*.⁶⁵ But the king had not maintained a well-disciplined army sufficient to rule a large territory. The temple-based corporations were very strong and they were the centres of political power.

⁵⁸ *Ibid.*

⁵⁹ G. Krishnan Nadar, *Socio- Economic Background of the Military System of Travancore*, Trivandrum, 1993, p.10.

⁶⁰ *Ibid.*, p.11.

⁶¹ *Ibid.*, p.12.

⁶² *Ibid.*, p.7.

⁶³ K.V. Krishna Ayyar, *A Short History of Kerala*, *Op. Cit.*, p.123.

⁶⁴ Rajan Gurukkal, *The Kerala Temple*, *Op. Cit.*, p.72.

⁶⁵ *Ibid.*

All the important decisions of temples were taken by, *Paraṭai*, *Sabha*, and *Potuvāḷ*.⁶⁶ A viṭṭattūr inscription of Kōta Ravi mentions that certain important decisions of the temple were taken by *Āyiravar*, *Irupatteḷuvar* (twenty-seven), and two *kuṭis* of *Potuvāḷ*.⁶⁷ The reference of *Āyiravar* indicates the representative of the security guard of *Nāṭuvāḷi* was presented in the temple village.⁶⁸ But the presence of these *Āyiravar* groups in temple committee meetings was not a common phenomenon.⁶⁹

Later the *Granthavaris* also provide ample references related to the protection guards of the ruler. *Vaññēri Granthavari* makes some references regarding the *Kāval*.⁷⁰ One of *Vaññēri* documents refers to the *Kāvalpalam* means *Kāval* fee is collected for the maintenance of *Kāval* system. It is also known as *Rakṣābhōgam*.⁷¹ In other documents, the protection fee collected as an item of revenue. In many records, it was governed by the *Dēśa Ācāram* and *Maryāda*.⁷²

During the medieval period they have taken the institution of *Kāval* as a corollary of the *Nāṭuvāḷi* system. In the days of *Nāṭuvāḷis* and *Dēśavāḷis*, the law and order were made by the armed *Nāyars*. Later their place controlled by the military.⁷³ The *Nāyars* were the hereditary militia of the country and practically they alone enjoyed the privilege of carrying weapons. But some

⁶⁶ *Ibid.*

⁶⁷ M.G.S, *Index to Cēra Inscriptions*, A - 10, *Op. Cit.*, p.11.

⁶⁸ *Ibid.*

⁶⁹ Rajan Gurukkal, *The Kerala Temple*, *Op. Cit.*, pp.75-76.

⁷⁰ The *Vaññēri Granthavari* refers about *Kāval* in many documents such as Document No. 1A, 2A, 3A, 17A, 23A, 4C, 5C, 7C, 9C, 10C, 12C, 21C. M.G.S Narayanan, ed., *Vaññēri Granthavari*, (Mal.), Calicut University, 1987.

⁷¹ *Ibid.*, 40A, p.45.

⁷² *Ibid.*, 17A, p.18.

⁷³ C. Achyutha Menon, *Ancient Kerala, Studies in History and Culture*, Thrissur, 1962, p.457.

Brahmins, Kshatriyas and *Ampalavāsis* carried arms, but their number was very small.⁷⁴ Some Ezhava groups also took up arms as a profession. The quasi-military militia, armed with conventional weapons, formed the backbone of the army. The sling and arrow were the most common weapons used by them. But later the rulers were able to bring firearms like guns. In 1500 AD Zamorin was able to collect some big guns and he employed two Italians to teach his ironsmiths the art of casting guns in European fashion. In course of time, they can create a good knowledge of firearms.⁷⁵

The *Kaḷaris* played a crucial role in the growth of the military power of the people of Kerala. Every *Dēśam* had a *Kaḷari* to impart military training to the youths. The hereditary instructors called Paṅikkar or Kurup gave instructions to the pupils. They underwent training for several years from childhood. After leaving the institution every young man appeared before the king or *Nāṭuvāli* and received his sword from him. Later he becomes the member of the protection guard and bound to fight and die for the chieftain. After this, he always carried a sword in his hand.⁷⁶

Most of the travellers visited Kerala during the medieval period mention about the military of the *Dēśam*. Duarte Barbosa, who visited Kerala during the 16th century mentions about the Nāyars as a military group of the country. To him, when the Nāyars of Malabar accept the service with the ruler, they are always ready to die for their master who paid for them.⁷⁷ Sheik Zainuddin of 16th century refers to the *Cāvērs* of medieval Kerala. The number of *Cāvērs* is directly proportionate to the power of the Chieftain. The *Cāvērs* always took

⁷⁴ *Ibid.*

⁷⁵ K.V. Krishna Ayyar, *Op. Cit.*, p.124.

⁷⁶ *Ibid*, p.70.

⁷⁷ Mansel Longworth Dames, *The Book of Duarte Barbosa*, Vol. II, New Delhi, 1989, pp. 49-50.

revenge on the person or family of the offender of his lord. Alexander Hamilton also referred to the *Māmānka Cāvērs* who fought to defeat the Zamorin and tried to ensure the victory of the Vaḷḷuvakkōnātiri.⁷⁸ All of these references show the military spirit of Nāyars of that period. In the medieval period, the police arrangements were done by the village themselves in their particular areas. The major portion of the Hindu population was either in the immediate service of the Rājas or in the service of *Dēśavāli*, and *Nāṭuvāli*. These irregular bands helped the ruler to maintain the law and order.⁷⁹ These protecting groups were remunerated for their services by assignment of lands.⁸⁰

***Ankam*: Arbitration Method of Medieval Kerala**

Heroism and chivalry played an important role in the history of Kerala from early historic period onwards. The heroes got an aristocratic status in ancient and medieval society. They were promoted by the existing political authorities of that period. During the medieval period, *Ankachēkōns* were the real heroes of society. The state promotes this duel as an arbitration method of the medieval period is a significant aspect of the discussion. *Ankam* was a custom of settling disputes, both public and private character, through a fight between two men of higher valour for each party concerned, as common in Kerala.⁸¹

Ankam was fought between two persons directly for settling disputes among persons, who rival each other in connection with any issue.⁸² According to Herman Gundert, *Ankam* was the ordeal for Nāyars, a royal privilege for

⁷⁸ Walter Hamilton, *The Description of Hindostan*, Vol.II, Delhi,1971, pp.306-8.

⁷⁹ K. Ramesan Nayar, *Kēraḷa Police Nūrrāṇṭukalilūṭe*, (Mal.), Trivandrum, 1985, p. 100.

⁸⁰ *Ibid.*, p.99.

⁸¹ E.H. Devi, *Medieval Society as Reflected in the Ballads of Northern Malabar*, Unpublished M.A. Dissertation, University of Calicut,1975, p.11.

⁸² Chelanattu Achyutha Menon, *Ballads of Northern Malabar*, (Mal.), Tirur, 2017, p.110.

which each combatant had to pay, sometimes fought by hired champions.⁸³ Logan remarks that, when a physical offence was done by one person to another, solemn contract used to be entered before the *Nāṭuvāli* of the locality to fight *Ankam*, the chief himself being an umpire.⁸⁴ The *Nāṭuvāli* was the ultimate authority to the settlement of disputes, who adjudicated as to what disputes should be referred to the decision by *Ankam* and asked rival parties to choose their champion who fought the battle for them.⁸⁵ *Ankam* was a very strange institution practised for arbitration of issues, in which sometimes two rival persons themselves fought each other for victory. But in most of the cases, *Ankam* experts called *Chēkōr* were hired by parties, and the *Nāṭuvāli* supervised the fight.⁸⁶ The subject matter of the famous folk song of Ārōmal Cēkavar in Malayalam is the tragic story of an *Ankam* fighter called Ārōmal Cēkavar, who lost his life while fighting for settling a dispute over management of the property between two members of the family.⁸⁷ Most of this type of stories related to *Ankam* was found in Northern Ballads. These songs had been composed mostly in between the 16th and 19th centuries, particularly in Kaṭattanāṭu region.⁸⁸ They depict the chivalry and heroism of several heroes and heroines of medieval and late medieval periods.

Cēkōn

Cēkōn means a hired champion, who belongs to *Ezhava* or *Nāyar* community. He was ready to submit his life for others. They had got an honourable place in society. According to custom, a real *Cēkōn* is one who

⁸³ Herman Gundert, *Malayalam English Dictionary*, (1872), Kottayam, 2013, p.34.

⁸⁴ William Logan, *Op. Cit.*, p.201.

⁸⁵ *Ibid.*, p.170.

⁸⁶ A. Ayyappan, *The Personality of Kerala*, Trivandrum, 1982, p.199.

⁸⁷ Chelanattu Achyutha Menon, *Op. Cit.*, p.63.

⁸⁸ K.K.N. Kurup and M.R. Raghava Varier, *Kaḷaripayattu; The traditional Martial Art of Kerala*, Malappuram, No date of publication, p.22.

fights in a duel. They were the slaves of the customs, which tempted them to fight the *Ankam* just to increase their family prestige even if they did not want to fight.⁸⁹ A *Cēkōn* must fight *Ankam*. To retreat from the *Ankam* was considered as a humiliation and such disrepute even affected his family for generations. So, a *Cēkōn* was always ready to accept the request to fight from anyone.⁹⁰ The defeat was also considered to be a matter of disgrace not only to the *Cēkōn* but also to the members of the family.⁹¹

According to custom, to uphold *Dharma* is the duty of a *Cēkōn* in a society.⁹² Through this social custom, society ensures the availability of *Cēkōns* in the medieval social context. A *Cēkōn* acted as a member of the Suicide Squad. The families of the *Cāvēr* were given the land on service tenure known as *Cāvēr̥ruvirutti*.⁹³ This system protected the heirs of suicide squad from insecurity. On fixing the *Ankam*, the *Cēkōn* had a free hand to claim his dues. The fighters were very well paid for their services, as one of the two was bound to be killed or defeated. The loss of the life of a *Cēkōn* was to be compensated by separate gifts to the family by the party for which he took part in the fight.⁹⁴ The *Vīṭṭukilī*, *Nāṭṭukilī*, and *Ankakilī* were the three forms of money related to *Ankam*.⁹⁵ *Vīṭṭukilī* was given to the *Taravāṭu* of *Cēkōn*, it may be taken by his son or nephew in accordance to their inheritance pattern.⁹⁶ The *Ankakilī* was given to the *Cēkōn*, who fought a duel. If he was killed the amount goes to his

⁸⁹ E.H. Devi, *Op. Cit.*, p.22.

⁹⁰ Chelanattu Achyutha Menon, *Op. Cit.*, p.57.

⁹¹ E.H. Devi, *Op. Cit.*, p.24.

⁹² M.R. Raghava Varier and Rajan Gurukkal, *Kēraḷacaritram*, Vol.1 (Mal.), (1991), Sukapuram, 2011, p.275.

⁹³ Elamkulam P.N. Kunjanpillai, *Studies in Kerala History*, Kottayam, 1970, p.286.

⁹⁴ E.H. Devi, *Op. Cit.*, p.22.

⁹⁵ Chelanattu Achyutha Menon, *Op. Cit.*, p.110.

⁹⁶ *Ibid.*

heirs.⁹⁷ The third one called *Nāṭṭukilī* was the money, the *Nāṭuvāli* received as umpire between two combatants and for the arrangements of *Ankam*.⁹⁸ The consent of *Nāṭuvāli* was necessary for conducting *Ankam* in a particular *Nāṭu*.

Apart from the heroic aspect of the *Ankam*, there was also a sentimental aspect. As the slaves of the customs, *Cēkōns* were tempted to fight the *Ankams* just to enhance their family prestige. The song of Ārōmal Cēkavar shows that his wife, sister, brother, and parents persuaded him to withdraw from *Ankam*. He does not concede their request as he feared the humiliation of retreat.⁹⁹ The *Cēkōn* bade farewell to all his relatives in a formal way and gives the domestic obligations to his nearest successor, as he was not sure whether he would return alive.¹⁰⁰ This insecure nature of the institution compelled the *Cēkavan* to demand a high amount of money as *Ankakilī*. The best example is found in the song of Ōtēnan where he demanded exorbitant money from Uṇikkōnār.¹⁰¹ The *Ankapaṇam* depended on the power and prestige of *Cēkōn*.

Kaḷari was the prominent institution that existed during the medieval period as mainly for imparting military training. Duarte Barbosa refers to the custom of sending boys to *Kaḷaris* at the age of seven. Boys and girls have undergone military training.¹⁰² Uṇṇiyārcca, Koṭumala Kunki and others were examples of women learned fighting techniques.¹⁰³ The main weapon of *Cēkōn* was sword and shield. Most of the *Nāyars* and *Cēkōns* regularly practised in *Kaḷari*. Most of the *Cēkōn* families had possessed a *Kaḷari* to practice *payarṛu*.

⁹⁷ *Ibid.*

⁹⁸ *Ibid*, p.68.

⁹⁹ *Ibid.*

¹⁰⁰ E.H. Devi, *Op. Cit.*, p.24.

¹⁰¹ Chelanattu Achyutha Menon, *Op. Cit.*, p.56.

¹⁰² Mansel Longworth Dames, ed., *Op.Cit.*, p.39.

¹⁰³ Chelanattu Achyutha Menon, *Op. Cit.*, pp.64-67.

Paṅikkar or Kuṛup was the teacher who practised *Kaḷari*.¹⁰⁴ The *Nāṭuvāli*s gave all facilities to promote *Kaḷari*. *Kēraḷōlpatti* tradition mentions about *Kaḷaris* and *Kaḷari paradēvatas*.¹⁰⁵

The unique feature of *Ankam* was that they followed a fair method to a great extent. Sheik Zainuddin says that the people of Malabar are never treacherous in their wars. When the fight was unavoidable, they fixed a date for it in advance. Nobody acts against the terms of this mutual agreement.¹⁰⁶ Whenever a *Cēkōn* starts a non-technical feat he proclaims it to the opponent and asks him to be cautious. Each soldier believes that the violation of strict principles of war was against his own Dharma.¹⁰⁷ But rare instances of treachery and malpractices in the *Ankams* were depicted in Ballads. For example, in the duel between Ārōmal Cēkavar and Aringōṭar, we can see the treachery of Aringōṭar.¹⁰⁸ *Cēkōns* was accompanied by a person called *Mārra Cēkōn*, to support him in *Ankataṭṭu*, for giving weapon and so on. If the *Cēkōn* needs to take rest, *Mārra Cēkōn* must wage *Ankam* for that time.¹⁰⁹

The place of duel called *Ankataṭṭu* or *Ankakaḷari*, which is constructed under the supervision of *Nāṭuvāli* made out of wood for combat. The *Cēkōns* assembled in *Ankataṭṭu*, at the specific time declared by the *Nāṭuvāli*.¹¹⁰ The ballad shows that the duel was performed in the centre of the town where the local chieftains and other important personalities and the people of that locality met for deciding local matters.¹¹¹ In most of the cases the fight between

¹⁰⁴ *Ibid*, p.101.

¹⁰⁵ M.R. Raghava Varier, ed., *Kēraḷōlpatti Granthavari*, (Mal.), Kottayam, 2013, p.62.

¹⁰⁶ S.M.H. Nainar, *Tuhafat-ul-Mujahiddin, Op. Cit.*, p.39.

¹⁰⁷ *Ibid*.

¹⁰⁸ Chelanattu Achyutha Menon, *Op. Cit.*, p.62.

¹⁰⁹ *Ibid.*, p.34.

¹¹⁰ *Ibid*, p.34.

¹¹¹ *Ibid*.

different groups and *Nāṭuvālis* rather than those found between Kingdoms.¹¹² When *Ankam* started, the two rival parties come into the *Ankataṭṭu* with their combatants. They explain the reason of *Ankam* in front of the audience. The *Kōliyankam* (cockfight) was conducted to understand the decision of God. The winning party in the *Kōliyankam* had got a psychological advantage in the *Ankam*. During that time there is a chance of retreat of two parties from *Ankam* by settling their issues.¹¹³

Nāyars and Tiyyas or *Cēkōn* were the dominant group of population in medieval Kerala. Nāyars were regarded as an aristocratic community and they enjoyed high status in society. Most of the *Dēśavālis* and *Nāṭuvālis* were from the Nāyars and most of the soldiers of the territory also belong to the Nāyar caste. Taccōli Ōtēnan and Taccōli Chandu belong to the Kaitēri Nāyar family. Another caste group engaged as soldiers was Tiyya community. Ārōmal Cēkavar and Uṇṇiyārcca belong to this caste group.¹¹⁴ The *Cēkōn* were always ready to uphold Dharma of their own *Nāṭu* for the ruler.¹¹⁵ The society and state always tried to ensure the availability of suicide squads by giving sufficient support to them.

Political Background of *Ankam*

After the disintegration of the Cēra kingdom, there was no centralized political power in Kerala. This condition exploited by the ambitious chieftains who consolidated their authority in their territorial divisions.¹¹⁶ The lack of centralized political power and continuous hostility between kingdoms emphasise on personal bravery than on collective military heroism. The various

¹¹² E.H. Devi, *Op. Cit.*, p.13.

¹¹³ Chelanattu Achyutha Menon, *Op. Cit.*, p.34.

¹¹⁴ *Ibid.*, p.126.

¹¹⁵ M.R. Raghava Varier, ed., *Raṅṅu Cāvēr Pāṭṭukaḷ*, (Mal.), Kottayam, 2016, p.31.

¹¹⁶ E.H. Devi, *Op. Cit.*, p.10.

petty principalities under the governance of the local chieftains always engaged in feuds and disputes. Medieval principalities and chiefly families maintained military groups of their own. The practice of maintaining local militia can be traced back to the period of *Nāṭu* formation in Kerala during the Perumāḷ rule.¹¹⁷ The fighter's function was not to solve the rivalry between political authorities only. But they were invited for settling disputes between ordinary people. This practice of using fighters for judicial purposes resulted in the emergence of a peculiar institution of *Ankam*.¹¹⁸ They had their ways of solving internal problems and maintaining justice and order.

During the medieval period, the relations between individuals were controlled by *Nāṭṭumaryāda*. The local assemblies like *Kūṭṭams - Nāṭṭukūṭṭam*, *Tarakūṭṭam* etc. were committed with the administration of justice in medieval society.¹¹⁹ Most of the disputes in the *Taravāṭu* were settled by the *Kāraṇavan*. The *Tarakūṭṭam* is considered as the lowest body of judicial administration. In the institutions of crisis, the members of *Tara*, *Dēśam* or *Nāṭu* met in an assembly and took decisions regarding the issue.¹²⁰ The local institutions check the royal deficiency and protecting the rights and privileges of the people of the locality may be upheld. In most of the cases, the *Nāṭuvāḷi* or *Dēśavāḷi* solved the problems. But some cases remained as unsettled, and later that was settled through *Ankam*, *Poyttu* and *Kuṭippaka*.¹²¹ The disputes on inheritance were solved by certain trials in the temples, and only if all those met with failure, direct *Ankam* was conducted for deciding the person. The rivalry between Uṇicandrōr and Uṇikkōnār was at last solved by an *Ankam*, even though the

¹¹⁷ K.K.N. Kurup, *Op. Cit.*, p.5.

¹¹⁸ *Ibid.* p.6.

¹¹⁹ K.N. Ganesh, 'Polity and Society in Medieval Kerala-Preliminary Consideration' in K.K.N. Kurup, ed., *New Dimensions in South Indian History*, Calicut, 1996, p.108.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*, p.109.

trials based on divine justice employed.¹²²

The institution of *Kaḷari* is generally traced to the period immediately after the disintegration of the Perumāḷs in the first quarter of the twelfth century AD.¹²³ The scattered nature of land into many principalities and minor chieftains promotes the escalation of quarrels. They tried to encourage military training to large groups of people through *Kaḷaris*. The primitive aspect of the military system and warfare compelled the *Nāṭuvālis* to promote these heroes. There was no shortage of individual heroes, but no efficient military organization during that time. This compelled the *Nāṭuvālis* to promote *Ankam*.

The evidence shows that the *Nāṭuvālis* gave special power and privileges to *Anka Cēkōns*. On many occasions, Taccōli Ōtēnan was appointed by the Rājas to punish their unruly feudatory chieftains. In return for these services, they granted some privileges to this *Anka Cēkōns*. One of the songs shows that Taccōli Ōtēnan killed a woman, who did injustice to her husband and relatives.¹²⁴ The *Anka Cēkōns* were regarded as the lords of their community rather than mere fighters. The *Cēkōns* of medieval Kerala belong to different communities and regarded as companions of honour and bodyguards of the local authorities. Later these bands of soldiers developed into a landed aristocracy supporting the established order with military power.

During the medieval period, the state promoted *Ankam* as an arbitration mechanism to solve disputes. The various procedures of *Ankam* show this mechanism as independent of the Brahmanic tradition. The shift of the importance from the early medieval *Śālai* to the medieval *Kaḷaris* implies a transfer of emphasis from the temple-oriented Brahmin settlements to newly

¹²² E.H. Devi, *Op. Cit.*, p.55.

¹²³ K.K.N. Kurup, *Op. Cit.*, p.2.

¹²⁴ Chelanattu Achyutha Menon, *Op. Cit.*, p.59.

developed agrarian settlements. This newly emerged localization enhanced the role of Nāyars and Ezhavas in society.¹²⁵ They played a prominent status in the military system also. There was no permanent legal system and no well-organized army as a regulatory mechanism. The military system of Kerala of the medieval period was a continuation of the ancient military institutions. The traditional *payarru* or military training given in *Kaḷaris* was suitable only for *Ankam*.¹²⁶ *Ankam* considered as one of the main sources of revenue of the state. State accumulated a large amount of money through *Ankam* in the name of *Nāṭṭukili*. The presence of *Nāṭṭukili* in *Ankams* ensured the sanction of royal power.¹²⁷ During that time the state identified law with physical force. The practice of *Ankam* implies that the whole legal system itself is maintained by physical force. Tradition directed citizens to accept law simply because it was a part of their tradition. So *Ankam*, *Poyttu*, and *Kuṭippaka* were practices of society as part of their tradition.

Kuṭippaka

Kuṭippaka means blood feud. The principle of personal revenge exists throughout the history of law. *Kuṭippaka* got the sanction of state authority.¹²⁸ It was an institution which tended to excite the martial spirit of the Nāyars and *Cēkōns* of post- Perumāḷ period. According to this when a man is killed, it is an obligation on his family to accomplish the death of a member of the assassin's family.¹²⁹ The aggrieved party assumed the role of the final arbiter and administered justice in the form of *Kuṭippaka* as he was strong enough to

¹²⁵ K.K.N. Kurup, *Op. Cit.* p.4.

¹²⁶ K.K.N. Kurup, *Aspects of Kerala History and Culture*, Trivandrum, 1977, p.44.

¹²⁷ P.J. Cherian, ed., *Perspective on Kerala History*, Trivandrum, 1999, p.321.

¹²⁸ T.K. Ravindran, *Institutions and Movements, Op. Cit.*, p.63.

¹²⁹ K.P. Padmanabha Menon, *History of Kerala*, Vol. 1, Trivandrum, 1986, p.471.

take.¹³⁰ According to this system, every man was his judge and policemen. The body of the deceased was taken into the house of the enemy's house, were burnt together. There was a common saying that, 'the slain rests in the yard of the slayer'.¹³¹ *Kuṭippaka* was continued from generation to generation. They believed that the departed soul would attain salvation only after the revenge was accomplished by the living relatives.¹³² The ruler of the land gave the credential to the members of the slain to kill the family members of the slayer.¹³³

Northern Ballads explain the stories of blood feud of that period. The song of Pālāṭṭu Kōman is the best example of *Kuṭippaka* of that period, which narrates rivalry between the Pālāṭṭu family and the family of Toṇṇūrām Vīṭṭil Kuṟuppanmār.¹³⁴ Kōman was the sole surviving youth of Pālāṭṭu family. Who was hidden by his mother from the murderous attention of Kuṟuppanmār. Then the feud was ended with the romantic marriage of Uṇṇiyamma, youngest lady of Toṇṇūrām Vīṭṭil Kuṟuppanmār's family and Kōman, the surviving youth of Pālāṭṭu family.¹³⁵ The song of Ārōmaluṇṇi and Candu also narrates the story related to a blood feud.¹³⁶

The death of a king in battle also culminated in a feud. As the followers survived in battle being bound to become *Cāvērs*. *Cāvēr* means the man who devotes themselves to death. Thus, these *Cāvērs* tried to accomplish the rivalry.¹³⁷ They shaved their eyebrows as a sign of mourning, and often taken

¹³⁰ T.K. Ravindran, *Institutions and Movements, Op. Cit.*, p.63.

¹³¹ K.P. Padmanabha Menon, *Op. Cit.*, p.471.

¹³² T.K. Ravindran, *Institutions and Movements, Op. Cit.*, p.63.

¹³³ *Ibid.*, p.64.

¹³⁴ Chelanattu Achyutha Menon, *Op. Cit.*, p.122.

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*, p. 121.

¹³⁷ K.P. Padmanabha Menon, *Op. Cit.*, p. 471.

sedate leave of their family and friends, made way to their enemy's country, attacking and killing as many of the enemies they could, till in turn they were themselves killed off one by one sooner or later.¹³⁸ The example of feud practised by the rulers of medieval Kerala was between Vaḷḷuvakkōnātiri and Zamorin in connection with the right to conduct *Māmānkam* festival at Tirunāvāya.¹³⁹

Māmānkam was a great festival celebrated once in twelve years on the banks of Pērār at Tirunāvāya. The *Kēraḷōlpatti* tradition mentions about this grand festival.¹⁴⁰ Alexander Hamilton and William Logan gave an account of the *Māmānkam* in detail.¹⁴¹ According to *Kēraḷōlpatti* tradition, Cēraman Perumāḷ instituted the festival after consulting the Brahmins, and since the twelve years tenure of the Perumāḷs was started when Jupiter was in cancer, the festival also was celebrated in such years, Vaḷḷuvakkōnātiri was made its protector. *Kēraḷōlpatti* speaks about the conquest of Tirunāvāya by the Zamorin and his usurpation of the protectorship of the *Māmānkam*.¹⁴² *Kēraḷōlpatti kiḷippāṭṭu* also gives an account of *Māmānkam*.¹⁴³ K.N. Ganesh considers *Māmānkam* festival as predominately political and he regarded it as a festival of feudal lords.¹⁴⁴ There was no exact source regarding the origin of *Māmānkam* and the reason for the rivalry between Zamorin and Vaḷḷuvakkōnātiri. But *Māmānkam* is considered as the best example of *Kuṭippaka* in medieval Kerala.

¹³⁸ *Ibid.*

¹³⁹ V.V. Haridas, *Op. Cit.*, p.260

¹⁴⁰ M.R. Raghava Varier, ed., *Kēraḷōlpatti Granthavari, Op. Cit.*, pp.91-92.

¹⁴¹ Walter Hamilton, Vol.I, *Op.Cit.*, pp.306-8; William Logan, *Malabar*, Vol.1, *Op. Cit.*, pp.165-69.

¹⁴² M.R. Raghava Varier, *Kēraḷōlpatti Granthavari, Op. Cit.*, pp.91-92.

¹⁴³ M.R. Raghava Varier, *Kēraḷōlpatti Kiḷippāṭṭu*, (Mal.), SPCS, Kottayam, 2016, p.32.

¹⁴⁴ K.N. Ganesh, *Kēraḷattinṛe Innalekaḷ, Op. Cit.*, pp.155, 322-23.

William Logan refers that *Kuṭippaka* was another institution that tended to brace up the martial spirit of the Nāyars of Kerala. He refers to sham fights took place in Malabar in the early sixteenth century. In 1519, Sequeria, the Portuguese Viceroy, with a band of more than 500 Portuguese, witnessed a duel on a very big scale between a chieftain of the Zamorin and a chieftain of Cochin. 4000 men were engaged on each side and while the fighting was in progress, one of the Portuguese struck in with the Zamorin's men, whereupon the Cochin men sent a flight of arrows into the Portuguese spectators and killed five of them, putting the rest to flight. This sham fights continued to take place periodically almost up to the period of the Mysorean conquest of Malabar.¹⁴⁵

Pañcamahāpātakas

The *Kēraḷōlpatti* tradition mentions the *Pañcamahāpātakas* as worst crimes and the severe punishments incurred for that. Accordingly, if any person committed *Pañcamahāpātakas* with in the country, the ruler investigates that and punishes him. The accused person must do certain *Prāyaścittas* to recover from the sin. In the period of the later Cēra kings of Mahōdayapuram who ruled over Kerala from 800 AD to 1124 AD, we come across many inscriptions dealing with the decisions of *Ūrālar* (village councillors) belonging to the Brahman settlements of this region.¹⁴⁶ Some of these temple resolutions contain passages threatening those among the *Ūrālar* who violated the agreements or disturbed the agreements. They tried to create horror in the minds of readers by suggesting a strange awareness of different kinds of *Pātakas*.¹⁴⁷

The Vāḷappaḷḷi copper plate of the 12th year of Rājaśēkhara (c. 820 AD) lays down that one of the councillors who obstructs the daily *Bali* in the temple

¹⁴⁵ William Logan, *Op. Cit.*, p.471.

¹⁴⁶ M.G.S Narayanan, 'Socio-Economic Implications of the *Mahapataka* in the Feudal Society', *Proceedings of the IHC*, Vol.37, 1976, p.111.

¹⁴⁷ *Ibid.*

was liable to pay 100 *dināra* as fine to the *Perumāṇaṭikal*. Those who do violate the rules were considered as the persons who cohabit with their mother.¹⁴⁸ An inscription of the Sthāṇu Ravi Kulaśērkhara of 855 AD says that the *Ūrāḷar* who violate the temple committee resolutions were considered as the persons who did matricide.¹⁴⁹ These are considered as sin and its after-effects would be found in the *paralōka* (another world). This created fear of hell among the people and it was a period of faith in Kerala history.

Manu and Yājñavalkya explained the five worst sins in the law books. They are 1) killing of a Brahmin, 2) drinking liquors 3) stealing gold 4) committing incest with the wife of Guru or with one's mother 5) associating with anyone guilty of these crimes. These are adopted in south India, as the reference in the inscriptions indicates. Sins were mainly classified into three categories, viz. 1) major sins causing loss of caste, 2) minor sins causing the loss of caste (*upa-patakas*) and 3) sins causing impurity (*aśoucika*).¹⁵⁰

Early inscriptions suggested that the offenders who violated the temple committee resolutions were treated as being guilty of committing *mahāpātakas*. According to the Hindu law books, there is no *Prāyaścittas* (atonement) to free from these sins. Those who violate the socio-economic resolutions were equated to the persons who do *mahāpātakas*. They lost the caste and caste status.

Prāyaścitta

A *Prāyaścitta* is an act conducted in a sacred precept as the only means of removing sins. *Prāyaścitta* (penance), a highly technical term coined by the

¹⁴⁸ T. A Gopinatha Rao, ed., *Travancore Archaeological Series*, Vol.II, (hereafter *T.A.S*), Trivandrum, 1908, pp.8-14.

¹⁴⁹ M.G.S Narayanan, '*Socio-economic Implications*', *Op. Cit.*, p.112.

¹⁵⁰ *Ibid.*

Indian sages and lawgivers and accepted everywhere in India from the earliest times onwards.¹⁵¹ There are two types of sins, one is committed unintentionally and the same sin committed intentionally, both can be destroyed by *Prāyaścitta*. But scholars expressed different opinions regarding this.¹⁵² Manu and Yājñavalkya argued that sin committed unintentionally is destroyed by penance or by the study of the Vēda. Regarding sins committed intentionally, Gautama states two views, one holding that *Prāyaścitta* should not be performed since deeds are not destroyed, the other view holding that *Prāyaścitta* should be performed (for the removal of the effect of sin).¹⁵³ When a person has the feeling that he has sinned, he should go and describe his deed to a committee (*Pariṣad*) of ten learned Brahmanas and ask for their guidance regarding the appropriate form of atonement.¹⁵⁴ According to Parāśara such bodies may consist of persons belonging to Brahmana community well versed in Vēdas and *Dharmaśāstras* who devoted to their duties.¹⁵⁵ The *Prāyaścitta* should be decided by considering the circumstances of time, place, nature of the lapse and age. The penance could be reduced if the offender is too weak, a child or an old man. After *Prāyaścitta*, the merit earned through the fast, *vrata* and sacrifices.¹⁵⁶ The caste of the offender as well as of the victim also decides a difference in the *Prāyaścitta*.¹⁵⁷ The Brahmana who unknowingly took water from a pot used by a *Caṇḍāla* had to undergo the penance known as *santāpana vrata*.¹⁵⁸

¹⁵¹ Narottam Vinit, 'Prāyaścitta as Gleaned from Late Ancient Smṛtis', *Proceedings of Indian History Congress*, Vol.67, 2006-2007 p.202.

¹⁵² *Ibid.*

¹⁵³ *Ibid.*, pp.202-03.

¹⁵⁴ *Ibid.*, p.203.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*, p.203.

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

According to the classification of sins, almost all ancient sages and lawgivers from Gautama downwards have divided sins into two groups, *mahāpātakas* (mortal sins) and *upapātakas* (minor sins). The *mahāpātakas* are: killing a Brahmana, drinking wine, stealing gold, and adultery with guru's wife and relation with these sinners.¹⁵⁹ For the first four *mahāpātakas*: the sinner should bathe thrice every day, should erect a cottage thatched with leaves in a forest, should sleep on the ground, should subsist on leaves, roots, and fruits, should enter a village for alms all the time declaring his misdeeds, should eat only once a day for *brāhmaṇahatya*. The third *mahāpātaka* is theft of gold from a Brahmana. The offender of all Varna except a Brahmana offender, clad in rags was to undergo penance in a forest for twelve years in the same way as for *brāhmaṇahatya*. The digests contain numerous and varying expiations for theft depending upon the weight of gold stolen, upon the qualities of man-robbed and of the thief, upon the caste of both, upon whether it is a first offence or a repeated one and so on. Adultery with the guru's wife and other sex offences are considered *mahāpātaka* by the Smṛti-writers. Parāśara prescribes three *Prāyaścitta* for committing sexual relation with mother or sister or daughter. The sinner should perform three *Kṛcchra*, three *candrāyana* and his male organ should be cut off. Sexual intercourse with a friend's wife or a maiden of a higher caste and the wives of one's son or *sagōtras* and women born of the same womb or with an *antyaja* woman was equal to *gurutalpagamana* and the penance is only a little less than for the latter.

If a Brahmana, Kshatriya, Vaiśya and Śūdra sin intercourse with a *Caṇḍāla* or *svapaka* woman, they have to observe fasts for three days and also undergo the penance of *Prājāpatya* and make a gift of two cows, two *Prājāpatya* and make a gift of two cows with two oxen, *Prājāpatya* and make

¹⁵⁹ *Ibid.*, p.204.

a gift of four oxen respectively.¹⁶⁰ Apart from these four *mahāpātakas*, there are many *upapātakas* also. *Gōvadha* is considered as *upapātaka*.¹⁶¹ *Smṛtis* provide different *Prāyaścittas* for the sin of killing a cow. To Parāśara, the sinner should undergo shaving of the head including top-knot. He should take bath thrice in a day. If they fall in a pit of mud, he should pull them out without thinking of his life. He should give up his life in the protection of cows and Brahmanas. Then he becomes free from the sin of killing a cow. When a person hits a cow with a bigger stick than the prescribed one, he has to observe double the penance, which is provided for an offender who has done the sin unknowingly. Among other *upapātakas*, *parādārya* (adultery with another's wife), *vratyāta* (failure to have *upanayana* performed at the right time), *vratālōpa* (non-observance of the vow of celibacy on the part of a *bahmacārin*), the murder of Varnas as other than Brahmana are some aspects which occupy an important place in the late ancient *Smṛtis*.¹⁶² If a Brahmin woman happens to feed an outcast or provides food, she would attain purity by the observance of *Prāyaścitta*. A woman who has been raped or violated through superior cunning would pure by observing penance.

In the Kerala context, *Prāyaścitta* means punishment or solution. This is considered as a *Vaidika* form of punishment. According to *Vaidika* form of crimes, that was only affected to the person itself. Through *Prāyaścitta* he can be free from those sins. Those who break *sandhyāvandanam*, *śrāddham*, in proper time and way was regarded as a *vaidika* form of crime.¹⁶³ Through certain *Prāyaścittas*, he was recovered from those sins. In early periods there was no distinction between *Vaidika* and *Laukika* form of crimes. Murder, theft,

¹⁶⁰ *Ibid.*, p.205

¹⁶¹ *Ibid.*

¹⁶² *Ibid.*

¹⁶³ Kanippayyur Sankaran Namboothiripad, *Āryanmāruṭe Kuṭiyēṛam Kēraḷattil*, Part 3, (Mal.), Kunnankulam, 1966, pp.159-60.

break *sandhyāvandanam*, drinking alcohol, etc. are against religious norms. *Prāyaścitta* means to do meritorious deeds to destroy the sin. If a Brahmin commits any *Vaidika* form of crimes, reveals himself about that to Brahmin *Vaidikas* who prescribed particular *Prāyaścittas* to free from the sins.¹⁶⁴ If anyone had any evasion about the cremation and related rituals, he must repeat the cremation and rituals, which is called *punarsamskāra* to free from the sin.¹⁶⁵

If anyone did any *Vaidika* form of crimes and did not complete *Prāyaścittas*, then the other people of the community would not cooperate with him in any affairs. That is called *jjhathisāsyam*, by which neither his relatives visit his *illam* nor allow him to enter their *illam*. As one was isolated, he would be ready to do *Prāyaścitta*.¹⁶⁶ He was not able to free from that crime at any space out of his country. He always haunted by the after-effects of that *pāpam*.

Kṛcchra indicates a kind of penance which lasted for 12 days. Those persons were required to chant 1000 times the *Gāyatri mantra* before the evening prayers followed by a ceremonial bath. As per the rule at the beginning, they were supposed to have meals twice in a day. In the next following, 3 days consumption of meals were restricted in to once in a day. From the seventh day onwards, they were compelled to have a meal through *bhikṣa* only. As per the rule, they were supposed to undergo strict fast which even prohibited the consumption of water too. On the 13th day, they had to chant evening prayers followed by a ceremonial bath. The end of the penance was with the washing of the feet of less than 12 Brahmins and gives a grant feast to them as a token of gratitude. At last, they give a certain amount as *Dakṣiṇa* to those Brahmins.¹⁶⁷ Through *Kṛcchra*, the person would attain purity of mind, good

¹⁶⁴ *Ibid.*, p.163.

¹⁶⁵ *Ibid.*, pp.163-64

¹⁶⁶ *Ibid.*, p.167.

¹⁶⁷ *Ibid.*, p.168.

intellect, and devotion to god, calmness and patience. Through this, he became free from *pāpam* and attains *puṇyam*.

During that time most of the punishments were related to temples. If anyone did any minor crimes, he punished by lighting the lamp of the temple, give offerings to god such as *pāyasam*, ghee, etc. The *Vaidikan* prescribed to pray god of a certain temple per their condition.¹⁶⁸ These are regarded as *Vaidika* punishments, but we know that these are a simple method to attain *puṇyam* by attachment to god through *pūjas*, offerings and prayers.

Slavery as a form of Punishment

The institution of slavery was practised from early periods in Indian society. Dharmaśāstric laws provide strict laws and regulations regarding the maintenance of slaves. According to *Dharmaśāstra* the lord had no right to give severe punishments to the slaves. He gives punishments to the slaves as like he punishes his son and wife.¹⁶⁹ He had no right to sexually misuse the slave girls. If that happened, he must release her and give ample compensation for her loss. The slave, who gives all debited money to the lord, must release him and the lord had no right to misuse the slave to accumulate wealth.¹⁷⁰ During that time slavery was controlled.

During the Sangam age *Mēlōr*, *Kīlōr* division existed. From Sangam period onwards the rulers used the physical strength of slaves to construction purposes.¹⁷¹ Slavery is attributed to Paraśurāma, who is said to have organized the slave caste as for the agricultural purpose when he gave the country to the Brahmins. Domestic slavery was unknown in India because the slave groups of

¹⁶⁸ *Ibid.*, p.171.

¹⁶⁹ P.V. Kane, *History of Dharmaśāstra*, Vol.III,Poona,1973,pp.401-402.

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.*

people were polluting caste. The sources of slave supply were various, by birth, by operation of law or custom and by purchase.¹⁷² Certain castes are considered to be born slaves, such as *Pulayas*, *Vēṭṭuvas*, *Paṛayas*, *Vēṭars*, etc. They are attached to the soil and are said to be born in bondage.¹⁷³

The inscriptions contain indications regarding the practice of slavery in medieval Kerala. An inscription of Vēṅāṭu ruler Ayyanaṭikaḷ Tiruvaṭikaḷ (849 AD) refers to *Aṭimai Kāśu*.¹⁷⁴ The term *Aṭimai Kāśu* indicates the existence of a type of slavery in that time. The person, who maintain slaves give *Aṭimai Kāśu* to the ruler as tax.¹⁷⁵

Slavery imposed as a form of punishment for violating caste rules and custom. It was mainly reserved for women reprieved from execution. The women of higher castes convicted of caste offences of a serious nature were ostracized from the caste and condemned to slaves. According to that, a Brahman woman found guilty of adultery becomes the Raja's slave.¹⁷⁶ The accounts of Duarte Barbosa and Sheik Zainuddin explain the practice of *Maṅṅāppēṭi* and *Pulappēṭi*. Felons and criminals liable to capital punishment were sold into slavery. A low caste woman allowing any improper relationship with a Brahman was sold to the Muslims.¹⁷⁷ This was discriminatory. Medieval traveller, Varthema mentions about the practice of slavery in Malabar. The Nāyar soldiers kill the low caste, when seen them in front.¹⁷⁸ The main caste

¹⁷² K.P. Padmanabha Menon, *Op. Cit.*, p.272.

¹⁷³ *Ibid.*

¹⁷⁴ Puthussery Ramachandran, *Keralathinte Adisthana Rekhakal*, (Mal), Trivandrum, 2007, p.16.

¹⁷⁵ *Ibid.*

¹⁷⁶ K.P. Padmanabha Menon, *Op. Cit.*, p.273.

¹⁷⁷ P.K. Gopalakrishnan, *Kēraḷattinṅe Sāmskārika Caritram*, (Mal.), Ernamkulam, 1974, p.58.

¹⁷⁸ *Ibid.*, p.54. ; Jones John Winter, ed., *The Itinerary of Ludo- Vico di Varthema of Bologna from 1502-1508*, (1863), London, 1928, p.68.

groups included in the group of slaves are *Ezhavas*, *Pulayas* and *Paṛayas*. Hamilton, Buchanan and Bartholomeo also referred about slaves in Kerala. The *Cengamanāṭu Granthavari*, during the period of Dharma Rāja (1758-1798) points to the practice of slavery during that time. It shows the right of landowners to punish the slaves including death sentence on their whims and fancies.¹⁷⁹ Later due to the influence of British, Queen Rani Gauri Lakshmi Bai abolished slavery in Travancore in 1812 AD.

Punishments for women

The ballads of Kerala indicate the punishments for adultery during that period. A high caste woman who made intercourse with low caste man was considered to be a culprit and was given severe punishment like a death sentence. The song of Kuññikanni of Bynery *kōṭṭa* explains how she was accused of being co-habited with a *Pulaya* and she was confined to the outhouse.¹⁸⁰ Then a date was fixed by the chiefs of the locality to burn her alive. In the outhouse, she had to suffer tortures. They gave her last food and she was brought for a death sentence by wearing the best dresses and ornaments. However, she escaped with her lover Kuññikaṇṇan.¹⁸¹ This song shows the significance of chastity and the severity of punishments for those crimes.

In a song, the *Pulaya* girl Pūmātai, who became a scapegoat to the desire of the chieftain of Kaṭlumkara, reveals the custom of the burning of unmarried girl for prostitution. She was compelled to wear *maccittōl* as a token of her offence and was chained to a mango tree. Further her breasts and head were scrupulously burned.¹⁸² These songs show that capital punishments were not only given to men but also women. The modes of punishing women for adultery

¹⁷⁹ P.K. Gopalakrishnan, *Op. Cit.*, p.64.

¹⁸⁰ K.Sreekumar, ed., *Vadakkan Pattukal*, (Mal.), Thrissur, 2013, pp.586-612.

¹⁸¹ *Ibid.*

¹⁸² E.H. Devi, *Op. Cit.*, p.53.

might have been adopted by the people of Kerala from the code of Manu which instructs severe punishments for sexual immorality or adultery. But the travellers recorded that in Kerala no female is liable to capital punishment. Barbosa says that however heinous her crime may be “no death sentence is inflicted on women-only fines”.¹⁸³ Bartholomeo says that to touch a woman against her will is not allowed to any person, not even the kings, ministers and officers unless the king expressly commands it. If women are guilty of anything that deserves punishment, they may be deprived of their liberty and sold as slaves, but to hang them, or put to death in any other manner, is contrary to the laws of India.¹⁸⁴ But these references are contrary to the references in the Northern Ballads of Kerala. The reference of Sheik Zainuddin related to *Pulappēti* shows that the accused women killed by her relatives without the consent of any ruling authority. If she ran away before that she was excommunicated from the territory.¹⁸⁵ All of these references are contradictory.

The legal texts like *Śāṅkarasmṛti* and *Vyavahāramāla* do not prescribe the death sentence of a woman accused of adultery. The texts itself insisted on the punishment of ex-communication to women.¹⁸⁶ No death sentence is inflicted on women, only fines. Nāyar women offending against the laws of their sect are sold to Moors and Christians if the king knows of it before the male relatives. If they know of it before the king they shut-up and kill with dagger or spear saying that, if they did not do so, they would remain greatly dishonoured and the king holds this to be well done.¹⁸⁷

¹⁸³ Mansel Longworth Dames, *Op. Cit.*, p. 68.

¹⁸⁴ K.P. Padmanabha Menon, *Op. Cit.*, p. 285.

¹⁸⁵ S.M.H. Nainar, *Tuhafat-ul-Mujahiddin*, *Op. Cit.*, pp.43-44.

¹⁸⁶ N.P. Unni, *Sankara Smṛti*, *Op. Cit.*, p.259.; *Vyavahāramāla*, *Op. Cit.*, p.l. No. 43.

¹⁸⁷ Mansel Longworth Dames, *Op. Cit.*, p.32 ; K.P. Padmanabha Menon, *Op. Cit.*, p.288.

***Pīla*: Monetary Penalty of Medieval Kerala**

The medieval inscriptions provide some long-awaited information regarding the wide range of legal activities of early medieval Kerala. The temples of medieval Kerala served as a regulatory institution with civil and criminal jurisdiction. The rules regarding the functioning of temple committees were vague. The most commonly referred code of early medieval times is the *Mūlikkaḷam Vyavastha*. According to M.G.S. Narayanan, *Kaccams* were legally regulations which prevented any act that may prove detrimental to the corporate character of the Brahmin bodies, the community and their properties.¹⁸⁸ The social and economic interests of the high castes were safeguarded by punishing offences according to *Mūlikkaḷam Kaccam* or other local *Kaccams* like *Śankaramangalattu Kaccam*, *Tavanūr Kaccam*, and *Kōṭṭuvāyiravēḷi Kaccam* and so on. These bodies are constituted and controlled by the upper class of society and they protected and consolidated their interests ultimately.

The temple inscriptions of medieval Kerala light upon the judicial procedure of bodies like *Ūr* and *Sabha*. The decisions put forward by these assemblies were strictly followed by the society, and those who violated the regulations were defiled severely.¹⁸⁹ According to some rules, a convict being excommunicated from *Ūrāyma* and his properties are confiscated by the authorities.¹⁹⁰ Most of the inscriptions indicate that fine is the widely followed form of punishment of that period. Inscriptions show that fines are prescribed against violation of rules and regulations. The present chapter attempts to analyze the use of fine as a punitive mechanism of the early medieval period. The major reasons for imposing fines and the people involved in it also try to

¹⁸⁸ Kesavan Veluthat, *Brahman settlements in Kerala*, (1978), Thrissur, 2013, p.78.

¹⁸⁹ *Ibid.*, p. 79

¹⁹⁰ *Ibid.*

analyze through this paper. Most of the crimes are equated with those who have “married their mother”,¹⁹¹ and “slain their father and married their mother”.¹⁹²

The medieval inscriptions show that the fines were imposed to protect the *Dēvaswam* land and ensure the daily routine of temples with the help of selected people. The regulations were to check the *Ūrālar* against their aristocratic attitude and to ensure the protection of tenants. The fine was imposed as a punishment for the offender and the person who supported him also. Related to temple affairs and problems, fine was considered as the main punishment. The inscriptions indicate that fine has emerged as the main form of punishment from ninth century AD. Most of them were prescribed under certain *Kaccams*, especially *Mūlikkaḷam Kaccam*. The abundance of fines was followed during the ninth and tenth centuries. After the decline of *Kaccams*, the importance of fines also began to decrease. The chief item of the fine is gold; the value of gold is different by the nature of cases. *Kaḷañcu* and *Kāṇam* are the measuring value of gold of medieval inscriptions.

The Cōkkūr inscription of Kōta Ravi belongs to 898 AD, Karkkōṭṭupurattu Kaṭampan Kumāran made land grants for the routine expenses of temple like *Nivēdya*, *Viḷakku*, *Śānti*, *Akkiram*, *Aṭai*, and *Bali* in Kumāranārāyaṇapuram temple. Those who violated the routines, fine are prescribed according to *Mūlikkaḷam Kaccam*.¹⁹³ The Neṭumpuṛam Taḷi inscription of Kōta Ravi of 900 AD shows that according to the Neṭumpuṛam Taḷi committee resolution, *Nityavicārēśvarattu Taḷiyar* and *Taḷi adhikārar* meeting in the presence of Kōta Iravi, Governor of Vempolināṭu, to accept the

¹⁹¹ Puthussery Ramachandran, *Op. Cit.*, p.245.

¹⁹² *Ibid.*, p.392.

¹⁹³ M.G.S. Narayanan, ‘Index to Cēra Inscriptions (c.800 A.D. to 1124 A.D.)’, A Companion Volume to Thesis on *Political and Social Conditions of Kerala under the Kulasekhara Empire*, Ph.D. Thesis, University of Kerala, 1972, p.8.

land grant of Ukkāramangalam and Īsānamangalam for the routine expenses of the temple. The expenses include payments to *Kāntarpikan*, *Nangaimār*, *Karaṇan*, *Ōrviyan*, and *Naṭṭuvanār*. The violation of this routine was an offence, and certain *Kalañcu* of gold was prescribed as fine for offenders.¹⁹⁴

The Tirukkākkarai inscription of Kēraḷa Kēsari, of 10th century AD, shows the offerings of certain *nāli* of paddy, ghee, sandal, coconut, tamarind, salt, sugar, betel leaves, areca nut, lime, etc., for various functions of the temple. The *Adhikāris* shall pay for all these expenses. If any default is made, a double quantity of fine shall be paid. If the default is made for five consecutive days, the *Adhikāris* shall pay a fine of 12 *Kalañcu* of gold to the God.¹⁹⁵ The Tiruvanvaṅṭūr inscription of Śrī Vallavan Kōtai prohibits the *Ūrālar* from interfering with the income set apart for many temple functions, and if they did, they were subjected to a fine of certain value of gold to the deity in the temple, and 25 *Kalañcus* and five *Kāṇams* to the then ruling king.¹⁹⁶ The fines for remittances of the part of someone in performing these duties are also mentioned. If the duties were not performed for a period of five days, the person should pay double the amount that would have been spent during those days, if however, the relapsing of duty extended to ten days, he would be made bound to pay fine of sixty *Kalañcus* of gold. It is stated that all those who obstruct this activity would be subjected to the *Mūlikkaḷam Vyavastha*.¹⁹⁷ The Pūkkōṭṭūr inscription of 10th century AD explained about the violation of *Mūlikkaḷam Kaccam* and fine as a punishment.¹⁹⁸

A Tirukkaṭṭānam inscription of Bhāskara Ravi Varma indicates the

¹⁹⁴ *Ibid*, p.9.

¹⁹⁵ T.A. Gopinatha Rao, ed., *T.A.S*, Vol.3, (1908), Travancore, 1992, pp.186-88.

¹⁹⁶ T.S. Ramanatha Rao, ed., *T.A.S*, Vol.2, *Op. Cit.*, pp.22-25.

¹⁹⁷ *Ibid*.

¹⁹⁸ Puthussery Ramachandran, *Op. Cit.*, p.136.

gradation of the various authorities: he who interfered with the feeding of the Brahmins and stopped it was to pay a fine of 25 *Kalañcus* of gold to the *Kōyiladhikārikaḷ*, 12 *Kalañcus* and five *Kāṇams* to the ruler, six *Kalañcus* and two and half *Kāṇams* to the *Vālkaivāli* (the officer in immediate charge of the village) and one *pon* to the collector of the annual impost.¹⁹⁹ Another Tirukkaṭṭānam record, of Ravi Varma, maintains the same gradation of authorities and proportion of fines to be paid to them for default but has the *Perumānaṭikaḷ* or king in the palace of the *Kōyil Adhikāri*.²⁰⁰

Kumāranallūr inscription includes some regulations made in respect of criminal offences such as interfering with the constitution of the assembly of *Ūrār*, the illicit entry into private and communal properties, using abusive language or causing hurt or death. It prohibits *Ūrār* from increasing the number of members of the assembly or break up them, from stopping the expenses of the temples, from entering on communal lands, from intruding on the premises of houses, compounds and lands from intimidating the tenants or ejecting them unlawfully. The penalty imposed for the commission of such restricted actions is ejections from the *Sthānam*, the assembly and the judiciary. The inscription records that if a Śūdra talked disrespectfully of a Brahman, he should be liable to pay a fine of 12 *Kāṇam* of gold, and if he strikes him with an arrow, he should be bound to pay a fine double the amount that is 24 *Kāṇam* of gold. If a Śūdra maltreated another Śūdra, he should pay a fine of six *Kalañcu* of gold, and that if he caused his death, he should be fined double the amount, that is 12 *Kalañcu* of gold. The fine should go to the temple of *Bhagavati*.²⁰¹

It is said that the *Ūrālar* should not interpose when fines are being

¹⁹⁹ A.S. Ramanatha Ayyar, ed., *T.A.S.*, Vol.5, (1924), Thiruvananthapuram, 1999, pp.176-78.

²⁰⁰ *Ibid.*, p.180.

²⁰¹ T.A. Gopinatha Rao, ed., *T.A.S.*, Vol.3, *Op. Cit.*, pp.191-93.

gained from persons who have entered on the villages of Vempolinātu and caused good or bad to the people. From the houses of offenders, who have violated the regulations laid down in the inscription, *bhikṣa* should not be taken. It means that such persons suffered social ostracism. These persons should further be regarded as coming under the class of persons who have offended the good men belonging to the *Oḷukkavi* of Mūlikkaḷam and be bound to the payment of a fine of 100 *Kaḷaṅcu* to the king, *Perumāṇaṭikaḷ*. If the fines were given in favour of the goddess, the inscription would have used the term *Paraṭaiyār*.²⁰²

Tiruvalla copper plate of Sthānu Ravi explained about a sacred arrangement made by Nirannapada Bhatarar-Tiruvadi. According to that inscription “the following practices shall be adopted by the greater men of the inner shrine. The wearing of clothes gruelled must cease. In the inner shrine, worship shall not be made without the offering of boiled rice with ghee, flower and sandal paste. The chewing of betel leaves in the presence of the Bhaṭārar Tiruvaṭi shall stop. If the great men of the *Mēlsānti* do not observe these rules, they shall be liable to a fine of 24 *Kāṇam* of gold; and the other persons, who do not follow the same, shall be liable to pay a fine of 24 *nāḷi* of good rice”.²⁰³ The objective of this inscription is to regulate the conduct of priests performing worship in the temples. This record aims at reforming certain bad practices prevalent among that class of servants, such as wearing gruelled cloth: not having *pavitrās*; feeding persons who had not been following the ancient custom: not offering to the deity rice with ghee, flower and sandal paste: and chewing betel leaves in the presence of the Bhaṭārar Tiruvaṭi (god or *sanyāsin*). In this inscription rice also an object to pay fine.

In most of the cases, we can see that fine or *Piḷa*, levied for intentional

²⁰² *Ibid.*

²⁰³ *Ibid.*, pp.31-33.

crimes. The medieval inscriptions show that imposing fine was a widely practised method of punishment. The temple *Adhikāris* and *Nāṭuvālis* had the power to impose fines. A major item of the fine was gold. *Kaḷañcu*, or Kāṇam was the measuring value of gold. This shows the increasing value of gold and its wide use in society. Kumāranallūr inscription shows that fine was imposed on the low castes and high castes.²⁰⁴ That creates doubts on the financial capacity of low castes to give that much high value of gold to the authorities. But in the post-Perumāḷ period evidence related to the imposing of fines began to be dried out. In certain instances, fines imposed on the high castes only. Later, the imposing of severe punishments increased in Kerala. The Kumāranallūr inscription shows that when a low caste man touches an upper-caste man or use abusive language against him, he punished only with a fine.²⁰⁵ But later it was punished with death.

The inscriptions of medieval Kerala show that most of the fines were imposed on people, who violated the daily functions and rituals of temples. Those who do not perform their functions related to *pūjas* and other rituals of the temple were punished by imposing fines.²⁰⁶ Fine was imposed on persons who misuse the *Dēvaswam* property.²⁰⁷ *Ūrāḷar* impeding to give the annual profit from *Dēvaswam* land to temple also punished by a fine.²⁰⁸ Fine is prescribed for offences and witnesses and the scribe is mentioned in various inscriptions. Those who help the offenders must pay fine to free from the crime.²⁰⁹ The encroachment of *Dēvaswam* property by certain persons related

²⁰⁴ *Ibid.*, pp.191-93.

²⁰⁵ *Ibid.*

²⁰⁶ Puthussery Ramachandran, *Op. Cit.*, p.9.

²⁰⁷ A.S. Ramanatha Ayyar, ed., Vol.5, *Op. Cit.*, pp.172-76.

²⁰⁸ Puthussery Ramachandran, *Op. Cit.*, p.93.

²⁰⁹ M.G.S. Narayanan, '*Index to cera Inscriptions*', *Op. Cit.*, p.26.

to the temple also treated as a crime.²¹⁰ Most of these regulations were included in the *Mūlikkaḷam Vyavastha*. Those who violated *Kaccam* laws were considered as a criminal and large amount of fine imposed on them. The clear evidence of it found in the Cēra inscriptions. The main punishments referred in the inscriptions are expulsion from the property and imposing of fines per the severity of crimes. There were no indications of capital punishments related to caste offences and so on in inscriptions. Later period the importance of fines as well as the reference to *Kaccams* decreased.

THE REFERENCE OF FINES IN INSCRIPTIONS

Sl. No.	Name of inscription	Period c.AD	Ruler	Related <i>Kaccam</i>
1	Cōkkūr	898	Kōta Ravi	Mūlikkaḷam
2	Neṭumpuṛam Taḷi	900	Kōta Ravi	-
3	Triprangōṭu	910	Kōta Ravi	Tavanūr
4	Porangāṭṭiri	910	Kōta Ravi	Mūlikkaḷam
5	Trippūnittuṛa	913	Kōta Ravi	-
6	Trikkākkara	913	Kēraḷa Kēsari	-
7	Trikkākkara	953	Indu Kōta	-
8	Trikkākkara	959	Indu Kōta	Mūlikkaḷam
9	Neṭumpuṛam Taḷi	960	Indu Kōta	-
10	Trikkāṭittānam	991	Bhāskara Ravi	-
11	Neṭumpuṛam Taḷi	996	Bhāskara Ravi	-
12	Trikkākkara	999	Bhāskara Ravi	Mūlikkaḷam
13	Trikkākkara	1009	Bhāskara Ravi	-
14	Trikkāṭittānam	988?	Bhāskara Ravi	-
15	Trikkāṭittānam	1004?	Bhāskara Ravi	-
16	Tiruvañcikkaḷam	1036	Rāja Simha	-

²¹⁰ A.S. Ramanatha Ayyar, ed., Vol. 5, *Op. Cit.*, pp.178-80.

Sl. No.	Name of inscription	Period c.AD	Ruler	Related <i>Kaccam</i>
17	Tiruvaṇṇūr	1044	Rāja Rāja	-
18	Trikkāṭittānam	1050	Ravi Varma	-
19	Neṭumpuṛam Taḷi	1090	Rāma ———	-
20	Talakuḷattūr	883	——Tiruvaṭi	-
21	Tiruvangūr	11 th c	-	-
22	Tiruvalla	907	Vīracōḷa Parāntaka	Mūlikkaḷam, Śankaramangalatu kaccam
23	Rāmantaḷi	929	-	-
24	Kaviyūr	952	Indu Kōta	Mūlikkaḷam
25	Trikkākkara	950	Indu Kōta	-
26	Māmpaḷli	973	Bhāskara Ravi	-
27	Tiruvanmaṇṭūr	973	Śrīvallavan Kōtai	Mūlikkaḷam
28	Tiruvanmaṇṭūr	973	Śrīvallavan Kōtai	-
29	Dēvidēvēśvaram	973	Mother of Śrīvallavan Kōtai	Mūlikkaḷam
30	Tiruvaṇḍūr	1020	Śrīkaṇṭha?	-
31	Vēlam	12 th c	-	-
32	Karikkāṭu	11 th c	-	-
33	Pulparra	11 th c	-	-
34	Cikkiram	9 th c	Kōta Ravi	Taviranūr
35	Pūkkōṭṭūr	10 th	-	Mūlikkaḷam
36	Alanallūr	11 th c	-	Mūlikkaḷam
37	Gōdapuram	11 th c	-	-
38	Vāḷappaḷli	832	Rājasēkhara Dēvar	-

Sl. No.	Name of inscription	Period c.AD	Ruler	Related <i>Kaccam</i>
39	Tiruvārruvāi	861	Sthāṇu Ravi Kulaśēkharan	-
40	Aviṭṭattūr	-	-	Kaṭāṅgāṭṭu
41	Tarisāpalli	883 (?)	Sthāṇu Ravi Kulaśēkharan	-
42	Putukkōṭu	946 (?)	Indu Kōta	-
43	Veṇṇayūr	962-1021	Bhāskara Ravi	-
44	Iringālakkuṭa	11 th c	Bhāskara Ravi	-
45	Panniyankara	1021-1036	Ravi Kōta Rāja Simhan	-
46	Tāḷakkōṭu	1021-1036	Ravi Kōta Rāja Simhan	-
47	Tiruvālūr	1089-1122	Rāma Kulaśēkharan	-
48	Rāmeswaram	1102	Śrī Kulaśēkharan	-
49	Airāṇikkulam	1089-1122	Rāma Kulaśēkharan	Mūlikkaḷam
50	Pārthivapuram	866	Karunantadakkan	-
51	Māmpalli	1206?	Rāma Kēraḷa Varma	-
52	Kiḷimānūr	1168	Udayamārthāṇḍa Varma	-
53	Tiruvambāṭu	1196	Udayamārthāṇḍa Varma	-
54	Mitrānandapuram	1196	Maṇikaṇḍa Rāma Varma	-
55	Vellāyaṇi	1196	Maṇikaṇḍa Rāma Varma	-

Sl. No.	Name of inscription	Period c.AD	Ruler	Related <i>Kaccam</i>
56	Paṛamban Taḷi	-	-	Mūḷikkaḷam
57	Painkaṇṇūr	-	-	Mūḷikkaḷam
58	Māṇiyūr	-	-	Mūḷikkaḷam
59	Paṛamban Taḷi	11 th c	-	-
60	Triprayār	10 th c	-	Mūḷikkaḷam
61	Trikkulaśēkharapura m	11 th c	-	-
62	Airāṇikkaḷam	9 th c	-	-
63	Uḷiyannūr	11 th c	-	-
64	Tiruvanmaṇṭūr	10 th c	-	Mūḷikkaḷam
65	Kumāranallūr	11 th c	-	Mūḷikkaḷam

The *Matilakam* records refer to the practice of fine during the medieval period. One of the records relates to a fine paid to the temple by *Dēsi* Brahmins for quarrelling within the temple premises. A statement from those concerned was taken by Iravi Varma.²¹¹ Another record refers that the payment of the fine by Iravi Varma, head of Trippāppūr, to the temple of Śrīpadmanābha for letting loose of his horsemen on the temple servants congregated near the northern tower of the temple, etc. in 670 Kollam Era (1495 AD).²¹² Another document refers to the arrangement made for the safe custody of the fine paid by Iravi Varma for the fault of his servants in the destruction of the temple estates by fire in Chirayinkizh.²¹³ The *Kūṭāḷi Granthavari* shows that most probably the punishments were decided by the eleven members of the *Swarūpam* as a

²¹¹ *Pradhānappetta Matilakam Recordukaḷ* (A.D 1375-1728), (Mal.), Documents No.240, Churuna 1691, Ola.33, Thiruvananthapuram, 2010, p.255.

²¹² *Ibid.*, Documents Number. 46, Ola. 1, Churuna. 1722, p.75.

²¹³ *Ibid.*, Documents No.53, Ola.6, Churuna. 1408, p.81.

political or social dominant agency. The administration of justice was based on a forced gift of property to the temple. One of the *Kūṭāli* documents evidenced that how a particular property of a family was attached as compensation for an offence committed by one of its members. They were compelled to make the property a gift to the Kūṭālikkāvu.²¹⁴ This type of practice was prevalent in the pre-colonial period. Oil ordeal also observed in this temple to prove guilt as a matter of administration of justice.

***Bhraṣṭu* as a Method of Punishment**

There are several punishments practised in the medieval society like death, mutilation, whipping, imprisonment, reduction to slavery, ex-communication and sale. Among this, the hardest punishment for Namboothiri Brahmins and women for the most heinous crime was *Bhraṣṭu* from the community. Ostracism was one of the most severe forms of punishment practised in India from early period onwards. *Bhraṣṭu* is a term in Sanskrit related to ostracism of persons from a particular community. According to indigenous tradition, the Brahmins and women were not allowed to part death. The main punishment to them was ex-communication or loss of caste and sold as slaves to others.²¹⁵ Scholars argued that the most serious offence of the Brahmins and the women, and the crimes which disgraced the reputation of caste in the case of other men, were a punishment by ostracism inflicted by the elders of the caste.²¹⁶ Both the verdict and the penalty, however, had to be approved by the Rāja or Nāyar chiefs in the case of Hindu castes.²¹⁷ In medieval

²¹⁴ K.K.N. Kurup, *Kūṭāli Granthavari*, (Mal.), University of Calicut, 1995, Documents No.53 (B), p.XIII.

²¹⁵ Mansel Longworth Dames, *Op. Cit.*32-33.

²¹⁶ Lemercenere, *Caste Ideology and Practice*, Trivandrum, no year of Publication, p.130.

²¹⁷ *Ibid.*

Kerala society, chastity problems, doing *Pañcamahāpātakas* and caste offences are the main reasons for ex-communication.

Adultery

Bhraṣṭu was a punishment mainly for the men and women practised adultery in medieval Kerala. The women who have suspected of *Maṅṅāppēṭi* or *Pulappēṭi* and *Aṭukkaḷadōṣam* were ostracized from the community. When a Brahmin woman was suspected guilty of immorality, she will be ostracized from their community. According to Brahminic philosophy, the hardest punishment for their most heinous crime was expulsion from the community with all material, moral and personal losses.²¹⁸ *Bhraṣṭu* was severe than the death penalty.

A Brahman woman, who committed adultery or *Aṭukkaḷadōṣam* was excommunicated through a long process of the trial called *Smārttavicāram*. The women confessions were accepted as true and male defendants had no chance to defend or cross-examine the common culprit. After the statement of facts (*Swarūpam collal*), the name of the victims was pronounced by a *Paṭṭar* (Tamil Brahman). After declaring the name of the victims, he ran away to the nearest pond and bath to wash off all sins of an unholy undertaking.²¹⁹ Later the *Antarjanam* and victims were declared as untouchable or outcaste. Some were banished from the state and some were excommunicated.²²⁰ The women are then deprived of their umbrella, and her funeral rites are performed. The husband, children and other close relatives were going through purificatory ceremonies which ended with a *śuddhabhōjanam*. It was the duty of the state to protect her by giving food and accommodation. But if she quits this shelter,

²¹⁸ William Logan, *Malabar*, Vol.I, *Op. Cit.*, p.149.

²¹⁹ A.M.N. Chakiar, *Op. Cit.*, p.101.

²²⁰ *Ibid.*

she is no more entitled to this indulgence.²²¹ In some cases, the excommunicated Brahmin women were sold to the coastal *Ceṭṭis* and others, and Rāja thus made a profit out of their misconduct.²²² After *Bhraṣṭu* men and women had no right over their *illam*, even on their children. They were ostracized from the mind of their relatives. The victims belong to Namboothiri community had lost their name, family name, caste and privilege. A mere change of name and address would not be enough and that for fully completing the ex-communication proceedings, and stamp a person as *Cākyār*, he should be made to perform *Kūttu* in the public temple, that being the customary profession of *Cākyārs*.²²³

When women were ostracized, it was the duty of the particular ruler belongs to her area to protect her by providing shelter and livelihood in particular places. In some cases, she went with wealthy traders like *Ceṭṭis*. The male victims belonged to Namboothiri community became *Cākyār*. The children of the expelled Namboothiri were changed as *Cākyār* or *Nangiyār* sections of *Ampalavāsi* community. Innocent children suffered from parental misconduct. The wife of the victim was exempted from ostracism. This type of punishment was to maintain the purity of their caste. The co-respondents are excommunicated on the statement of women and are not allowed to offer any defence or cross-examination of the women.²²⁴ But they had the right to challenge the trial by giving request to the *Smārttan*. This was known as *Pambukoṭukkal* for a chance to reveal the truth by *Śucīndram Kaimukku*. One

²²¹ C. Achyutha Menon, *The Cochin State Manual*, *Op. Cit.*, p.443.

²²² *Ibid.*, p.443

²²³ A.M.N. Chakiar, *Avasanathe Smarthavicharam*, (Mal.), *Trivandrum*, 2001, p.112. According to A.M.N. Chakiar, Nedumparambil Illathu Cheriya Krishnan Namboothiri's son Krishnan Namboothiri became Ayiniyil Muringothu Neelakanta Ckakiar (A.M.N. Chakiar).

²²⁴ C. Achyutha Menon, *The Cochin State Manual*, Thiruvananthapuram, 1995, *Op. Cit.*, p.443.

of the *Matilakam* documents recording the punishment meted out to a temple servant by the *sabha* for discourteous behaviour towards a maid-servant. He punished by obstructing to do the *Kāval*.²²⁵ This shows that misbehaviour towards high caste women was strictly punished by the *Sabha* under the ruler without any leniency.

Caste and Ostracism

The medieval inscriptions are mostly concerned with the temple rules and regulations. Most of them mentioned about *Kaccams* and the punishments related to the violation of *Kaccam* rules. Some of them provide information regarding the ostracism as a punishment. The Airāṅikkuḷam inscription of ninth century AD refers to ostracism as a punishment for violation of rules. The offenders shall be considered as those who murdered their *Upādhyāya* and father and kept the mother as a wife.²²⁶ The Trikkulaśēkharapuram inscription of 11th century establishes the joint administration of *Nālu Taḷi* or the four temples of the capital and their system of sharing revenue from certain sources. It highlights the practice of ostracizing offenders with drum beating and proclamation.²²⁷

The Kumāranallūr inscription throws information on the criminal laws and the relation between Brahmin *Ūrāḷar* and the Śūdra settlers in their village. This inscription records certain regulations made in respect of criminal offences such as meddling with the constitution of the assembly of the *Ūrār*, unlawful entry into private and communal properties, using abusive language and causing hurt or death. The penalty imposed for the commission of such prohibited action is ejection or expulsion from the *sthānam*, the assembly and

²²⁵ *Pradhānappetta Matilakam Recordukaḷ, Op. Cit., Documents No.14, pp.36-37.*

²²⁶ *M.G.S. Narayanan, Index to Cēra Inscriptions, Op. Cit., C.36, Op. Cit., p. 145.*

²²⁷ *Ibid., C.32, p.142.*

the *Aram* (judiciary).²²⁸ If a Śūdra used abusive words against a Brahmana, or he caused his death or hit him with an arrow, a large amount of fine imposed on him. From the houses of persons who have transgressed the regulations laid down in Kumāranallūr inscription, *bhikṣa* should not be taken.²²⁹ This means that such persons should suffer from social ostracism. These persons were regarded as the socially ostracized group of the society

The Painkaṇṇūr inscription of 11th century, mentions that *Paraṭaiyar* and Ūrār of Painkaṇṇūr and Aṭikaḷ Irāyacelakarar agree in the effect that those who obstruct or plunder property set apart for *Nalpanku*, *Nantāviḷakku*, *Pali*, etc. would be ostracized from the village. Even though this inscription does not mention any *Kaccam*, it clearly states that the offenders will be ostracized from the village.²³⁰

The inscriptions of Airāṇikkūḷam and Poṙangāṭṭiri refer to the punishment of ostracism given to the Ūrāḷar, who violated the rules and regulations of the temple. According to Airāṇikkūḷam record the Tiruvalla temple, Airāṇikkūḷam temple Cērakēśvara temple joined together as *Ēkagrāmam*. The inscription instructs that the temple authorities forget the rivalries existed in early times.²³¹ Otherwise, they would lose their Ūrāyṁa and will be ostracized from the village. The Poṙangāṭṭiri record refers to the loss of Ūrāyṁa right for the violation of Mūḷikkaḷam *Vyavastha*.²³²

The details in inscriptions show that the punitive clauses of *Kaccams* prescribe severe punishments like ex-communication, expulsion from

²²⁸ T.A. Gopinatha Rao, *T.A.S.*, Vol.3, *Op. Cit.*, pp.191-93.

²²⁹ *Ibid.*, p.191.

²³⁰ Puthussery Ramachandran, *Op. Cit.*, p.183

²³¹ *Ibid.*, p.11.

²³² *Ibid.*, p.35.

positions, confiscation of property and social and political ostracisation.²³³ The persons who violate the *Kaccam* laws had to face the consequences like ex-communication and confiscation of properties by the temple corporation.²³⁴ When a Brahmana commits *Pañcamahāpātakas*, he would be deprived of all his caste privileges and positions which made him highest in social ranking.²³⁵

The account of Sheik Zainuddin says that the Hindus of Malabar loyally maintain caste system.²³⁶ According to Hindu tradition, it is taboo to take food before the bath.²³⁷ Bath is obligatory on high caste in the event of any physical contact with the members of the inferior castes, or they happen to be the boundaries and limits prescribed for intercourse.²³⁸ The punishment of ex-communication was given to high caste member, if he or she eats the food prepared by low caste Hindus.²³⁹ If upper-caste men do not follow the custom, he will be degraded from his rank and it will result in his being ostracized.²⁴⁰ He elaborated about the after-effects of ostracism. According to him, after ostracism the person had no option other than to leave the place and go to a remote and unknown place, where he will not be recognized, to spend the remainder of his life. Otherwise, the local ruler will seize him and sell him to an inferior rank; or he accepted Islam and Christian religion or followed a yogic life.²⁴¹ All of these references show that ex-communication was a common practice in medieval Kerala.

²³³ Rajan Gurukkal, *The Kerala Temple, Op. Cit.*, p.77.

²³⁴ *Ibid.*

²³⁵ *Ibid.*

²³⁶ S.M.H. Nainar, *Tuhafat-ul-Mujahiddin, Op. Cit.*, p.42.

²³⁷ *Ibid.*

²³⁸ *Ibid.*

²³⁹ *Ibid.*, p.43.

²⁴⁰ *Ibid.*, p.42.

²⁴¹ *Ibid.*

Vaṭṭam Varakkal

The individual effort was more recognized in the civil disputes of medieval Kerala. The relation between persons was such that much freedom was left with each one to impose his rights were legally and not in contravention with those of others.²⁴² The village assemblies tried to settle disputes but, in some cases, individuals could lay the property of another in arrest, without waiting for a warrant of an officer or representatives of *Nāṭuvāli*. In most of the cases, it came to an end in success.

Vaṭṭam varakkal was an interesting form of justice practised during the medieval period. The accounts of medieval travellers and the ballads also referred to this legal practice. This curious custom prevalent in medieval Kerala was enabled a creditor to arrest a debtor or to seize his property without the intervention of any tribunal.²⁴³ The creditor had only to draw a circle round the debtor by his God and his king that the latter should not move out of the circle without paying his debt or otherwise satisfying his claim. If the debtor moved out of the circle without paying his debt, he became an outlaw and anyone has the liberty to kill him.²⁴⁴

Like that the property might be seized by planting a few twigs with green leaves on the property concerned with a notice attached thereto, stating that it was the seizure laid by so and so on account of a debt due by the owner. If after this anyone removed the crops, he would be guilty of a grave crime. If on the other hand the arrest was made by a bogus creditor to worry a man or exert money from him, he would be liable to a serious punishment on the victim proving to the satisfaction of the judges that the debt was not a Bonafede one.

²⁴² T.K. Ravindran, *Institutions and Movements, Op. Cit.*, p.53.

²⁴³ Achyutha Menon, *Op. Cit.*, p.440.

²⁴⁴ *Ibid.*

Arrest and seizures of this kind were resorted to by the judges themselves, with they were satisfied that the claim made by a plaintiff was valid.²⁴⁵

Visscher describes the mode of proceeding by the individual against a defaulter, that is the token of this arrest is a leaf of cashew nut or other trees which is tied on the article thus arrested, or if it is land, it is stuck up on a stick, the party exercising this privilege announcing ‘this is the Rāma or arrest of the Rāja.’ This is commonly called as *Rāmavilakku*. No one had the right to remove the token and no one permitted to take the fruits of the particular land. Such acts regarded as a crime and the violation of custom.²⁴⁶

The foreign travellers like Ludovico di Varthema, Barbosa, Hamilton, Marco Polo, and Canter Visscher and others mentioned this custom practised in medieval Kerala as a method to solve grievances by themselves. The account of Varthema described this practice conducted at Calicut that is “when one ought to receive money from another merchant there appearing any writing of the scribes of the king, they observe this practice: Let us suppose the case that someone has to pay me twenty-five ducats and the debtor promises me to pay them many times and does not pay them. I am not willing to wait any longer, nor to give him any indulgence shall take a green branch in my hand, shall go softly behind the debtor and with the said branch shall draw a circle surrounding him and if I can enclose him in the circle, I shall say to him these words three times, *Brahmini raza pertha polle*, that is I commanded you by the heads of the Brahmins and the king that you should not depart hence until you have paid me and satisfied me as much as ought to have from thee. And he will satisfy or truly he will die there without any other guard. And should he quit the said

²⁴⁵ *Ibid.*

²⁴⁶ K.P. Padmanabha Menon, *History of Kerala*, Vol.2, *Op. Cit.*, pp.250-51.

circle and not pay me; the king would put him to death”.²⁴⁷ Hamilton and Barbosa explained the same in their accounts.²⁴⁸

This practice was equal to all the individuals in the society including the king and common men. Marco Polo, the Venetian traveller who visited Malabar in 12th century AD explained an incident. In which the king himself submitted to the demands of his creditor. The king owed to a foreign merchant for a certain amount of money. But the king did not pay back to him. One day when the king was riding through the city, the merchant found his chance and drew a circle around both the king and horse. Then the king had no other option, and he pleased the merchant by giving the amount.²⁴⁹ This indicates that there was no difference between the king and the servant. The individual initiatives had a high role in medieval Kerala society. These moral precepts help the ruler to enforce rules and to create a good society.

Trial by Ordeal

The institution of ordeals was not peculiar to Kerala, but it existed all over the world. The *Dharmaśāstra* texts and the legal texts of later times refer to *Agniparīkṣa*, *Jalaparīkṣa*, *Viṣaparīkṣa* and *Tūkkuparīkṣa*.²⁵⁰ But these trials were not widely mentioned in our early inscriptional sources. The most available sources were related to fire ordeals only. Each ordeal has local variations. The travel accounts and the ballads of Northern Kerala refer to various types of ordeals practised during that time. Some records related to temples also contain references regarding various types of ordeals. The custom of observing this type of ordeals existed since an early period in Kerala and

²⁴⁷ Ludovico-di-Varthema, *Op. Cit.*, p. 60.

²⁴⁸ Walter Hamilton, *A New Account of East Indies*, Vol. I, New Delhi, 1971, p. 172. ; Mansel Longworth Dames, *The Book of Duarte Barbosa*, Vol. II, *Op. Cit.*, p. 31.

²⁴⁹ K.P. Padmanabha Menon, *Kēraḷa Caritram*, Vol.2, *Op. Cit.*, p.254.

²⁵⁰ P.V. Kane, *The History of Dharmaśāstra*, Vol. 3, Poona, 1973, pp.361-378.

Śucīndram Kaimukku has been noted in inscriptions. These trials were not always confined strictly to the Hindus. All groups of people pass through the same examination to reveal the truth.²⁵¹ The trial by ordeal was originally resorted to mostly in criminal cases. It was not used in the case of civil matters, but the practice gradually applied in civil disputes also. Most of the trial was in respect of heinous crimes, such as murder, theft and so on. In such cases, the accused takes an oath and the truth of the oath is tested by the ordeal.²⁵² There is various form of ordeals practised in medieval Kerala. Those are the water ordeals, fire ordeals, ordeals by poison, the ordeal of the balance, and other minor forms. Different castes had assigned to different ordeals. For example, the Brahmins were tried by the balance, the Kshatriyas by fire, the Vaiśyas by water, and the Śūdras by poison.²⁵³

1. Fire Ordeal

The most common ordeal practised in medieval Kerala was the fire ordeal. The fire ordeals have regional variations. In some places finger dipping and in other places hand dipping was common. The *Kēraḷōlpatti* tradition mentions about *Kaimukku* or *virmukku* ordeal. In which the debates with inheritance and property issues were solved by practising *kaimukku* or *virmukku*.²⁵⁴ The reference of the practice of *Agniparīkṣa* practised in the 17th century had a connection with age-old Indian tradition. The relation of the ordeal with the temple turns the whole procedure, religious as well as a sacred affair. King or judges did not participate in *Kaimukku* ritual, which indicates the influence of *Ācāram* and *Maryādas* in the judicial administration of medieval Kerala. This could remind one of the *Dharmaśāstra* concepts of the

²⁵¹ Mansel Longworth Dames, *Op. Cit.*, pp.27-28.

²⁵² K.P. Padmanabha Menon, *History of Kerala*, Vol.2, *Op. Cit.*, p.257.

²⁵³ Abe J. Dubois, *Hindu Customs and Manners*, Vol.II, New Delhi, pp.717-722.

²⁵⁴ M.R. Raghava Varier, ed., *Kēraḷōlpatti Granthavari*, *Op. Cit.*, p.3.

ordeal as divine.²⁵⁵ In the case of *Agni parīkṣa* the investigation mixed with punishment. In Kerala, the *Kaimukku parīkṣas* were conducted in places like Kaḷarivātukkal in Kōlattunāṭu, Lōkanārkāvu in Kaṭattanāṭu region, Tiruvaḷayanāṭu kāvu in Kozhikode region and Śucīndram in Travancore region.

a) *Śucīndram Kaimukku*

In the case of ostracism for intimacy with a Namboothiri woman, *Śucīndram Kaimukku* was the only means available to the accused to establish his innocence.²⁵⁶ At Śucīndram, the accused should dip his hand in the boiling oil and take out an object, usually, a Vriṣabha image put in the boiling pot and place it on the *maṇḍapa*.²⁵⁷ Some accounts show that dipping of the fingers was enough. After that his hand covered by some leaves and stamped. After three days the cover of the hand was removed. If the hand was found burnt, he was considered as committed crime and will be ostracized. Otherwise, he was honoured by participating in *sahabhōjanam* with *Yōgakkār*.²⁵⁸ The oil ordeal usually held in the Śucīndram temple in south Travancore is the most famous one. The legend says that the killing of Vratrāsura by lord Indra culminated into the sin of *Brahmahatya*. Later he visited Śucīndram temple and free from the sin through pleasing Śiva.²⁵⁹ In another story explained in *Kēraḷa Māhātmyam*, Lord Indra had a relation with Ahalya, and that sin was removed from Śucīndram temple.²⁶⁰ Kunchan Nambiar also explained about the *Śucīndram Kaimukku* in his work *Kumbhakarṇṇavadham*. In that, he says that with the

²⁵⁵ M.R. Raghava Varier, 'Vaḷayanāṭu Kaimukku', in *Rēvatipaṭṭattānam Smaraṇika*, (Mal.), 2002, p.34. M.R. Raghava Varier, 'A Fresh Look at Ordeals in Pre-Colonial Kerala' in K.K. Kusuman, ed., *Issues in Kerala Historiography*, Trivandrum, 2003, p.89.

²⁵⁶ Kunhi Kuttan Thampuran, *Op. Cit.*, p.62.

²⁵⁷ *Ibid.*, p.62; Kanipayyur Sankaran Namboothiripad, *Enre Smaraṇakaḷ*, Vol.3, *Op. Cit.*, p.138.

²⁵⁸ Kunhi Kuttan Thampuran, *Op. Cit.*, p.62.

²⁵⁹ Kunhi Kuttan Thampuran, *Op. Cit.*, p.61.

²⁶⁰ V. Rajeev, *Op. Cit.*, pp.309-313.

practice of *Śucīndram Kaimukku* by Indra, its fame spread all over the world and people believe in that ordeal to relieve from various sins.²⁶¹ There are different legends in connection with *Śucīndram Kaimukku*. In one story a Namboothiri did not obey to dip his hand and he argued that dipping hand on boiled ghee result in the burn of hand for all persons including criminals and non-criminals. So, he wanted to dip his hand in cool ghee and the temple committee permits that. After three days his hand was fully burnt and he was excommunicated.²⁶² The earliest documents regarding the hand dipping ordeal were got from the *Śucīndram* temple dated 1627 AD in which a writ directing a Namboothiri Brahmin, Kēsavan Tuppan alleged to have committed adultery to undergo the hand dipping ordeal at the *Śucīndram* temple before 15th Makaram 803 KE (1628 AD).

One of the *Matilakam* records relates to a *Śuddhapatra* (judgement of acquittal) granted to Dēvan Paramēśvaran after he underwent the hand dipping ordeal at *Śucīndram* to prove his innocence in the case of theft alleged to have been committed by him in the temple at Śrīpadmanābha. It mentions that Uṇṇi Kēraḷa Varma of Dēśinganāṭu gave the necessary sanction from his place at Kalliṭa in Quilon.²⁶³

b) *Kaimukku* in other places

Lōkanārkāvu at Vadakara, Vaḷayanāṭu temple at Kozhikode and *Śucīndram* temple are the main centres of *kaimukku* in Kerala.²⁶⁴ Among this, the references related to Vaḷayanāṭu *viralmukku* shows that the two about

²⁶¹ P.K. Sivasankarapillai, *Kunjan Nambiarude Thullal Kathakal*, (Mal.), (1970), Thrissur, 2000, p.1234.

²⁶² Kunhi Kuttan Thampuran, *Op. Cit.*, p.63.

²⁶³ *Pradhānappēṭṭa Matilakam Recordukaḷ*, *Op.Cit.*, Documents No.236, Ola. 109, Curuna 94, p.249.

²⁶⁴ M.R. Raghava Varier, 'A Fresh Look at Ordeals', *Op. Cit.*, p.92

murder cases and some of them related to *maraṇakriya*, sorcery, and one refers to the theft of temple treasure casket. Some incidents are not specifying the reasons behind the ordeal.²⁶⁵ The record of Lōkanārkāvu is related to a woman called Kumkamma of Kāppiḷli *Taravāṭu* house of Kōman in Northern Ballads.²⁶⁶ That record shows that she was rejected to conduct *Kaimukku* at Lōkanārkāvu temple at Kaṭattanāṭu region. And for that, she compelled to give nine paddy fields to the temple as *Prāyaścitta*. Later she dipped her hand in boiled ghee and convicted as criminal as her hand was burnt.²⁶⁷ Those documents do not mention the crime committed by Kumkamma, but they were more concerned about the income to the temple through these ordeals. The references show that, though the crimes are of different types the punishment was the same. The elaborate ritual participation is the main feature of *kaimukku parīkṣa*.

The Māṭāyikkāvu records also include details of *Kaimukku* rituals conducted in that temple. It shows that so many commodities given to the temple related to ordeals. That includes ghee, betel leaves, and areca nut. There is a certain amount of money given for the *pūja* of Tiruvangāṭu Bhagavati, and Kaḷariyil Bhagavati. A certain amount was given to the *Kōyma*, or Bhaṇḍāra kāppān (the guard of the temple treasury), Kāvakkāran Aṭiyōṭi, Cangātakār Nāyars, *kaṇiṣan*, and for six *kaḷakams*.²⁶⁸

Most of the sources related to the *kaimukku* of Lōkanārkāvu and Vaḷayanāṭu were in the form of accounts of income and expenditure of

²⁶⁵ *Ibid.*, p.91.M.R. Raghava Varier, ‘Vaḷayanāṭu Kaimukku’, *Op. Cit.*, p.34.

²⁶⁶ M.R. Raghava Varier, ‘A Fresh Look at Ordeals’, *Op. Cit.*, p.91; *Lōkanārkāvu Granthavari*, Manuscript Library, University of Calicut, Grantham.32.

²⁶⁷ *Lōkanārkāvu Granthavari*, Grantham. 32, *Op. Cit.*

²⁶⁸ *Chirakkal Palavaka Kanakkukal*, (Mal.),Record No. 12990, The Manuscript Repository, Oriental Research Institute, Karyavattam Campus, University of Kerala, Trivandrum, pp.11-13.

virmukku rituals. The event conducted in the temple like a festival occasion, with special lamps, temple orchestra, special sweet offerings and payments to the functionaries and official participants.²⁶⁹ The *Virmukku* ordeal at Vaḷayanāṭu kāvu was conducted before a large gathering of various temple servants, such as *pūjāris*, drummers, garland makers, pipers, etc. village functionaries like washermen, oil mongers, and the representatives of the Vaḷayanāṭu *nagaram* in addition to the palace officers and temple accounts. The articles supplied by different functionaries are *mārru* that is the purifying cloth for the accused to wear at the time of the ritual, flower and the *darbha* grass for the pūja thread for making the wicks, and also covering the dipped hand and *iṅgali* of coconut oil and also provisions for rice and other special offerings.²⁷⁰ There was an official of the king to give a *Navipatram*, which is a palm-leaf containing the *Satyavācakam*. The suspect, after taking bath in the temple tank, comes to the temple wearing the *mārru* cloth supplied by the washerman. The *Navipatram* will be fastened to his waist and then he is taken to the spot in the temple where the boiled oil is ready. The suspect should dip his hand, fingers of the right hand in the boiling oil and go round the shrine in *pradakṣiṇa*, circumambulation, holding up his dipped hand. After the circumambulation, the dipped hand of the accused is covered with cloth and tied with thread. After three days the cover will be removed and if the suspect is innocent, it is believed that his hand will have no injury. If he is guilty his hand will have burn injuries, in which case he has to remit a fine to the temple probably for causing impurity to the temple by his entry into it.²⁷¹

The presence of the king's representatives indicates a royal involvement in the judicial system. The law and justice of God become the law and justice

²⁶⁹ M.R. Raghava Varier, 'A fresh look at ordeals', *Op. Cit.*, p.92.

²⁷⁰ *Ibid.*, p.92.

²⁷¹ *Ibid.*; M.R. Raghava Varier, 'Vaḷayanāṭu Kaimukku', *Op. Cit.*, pp.38-40.

of the king.²⁷² The ordeals have a political aspect and in effect, the spectacular event of a ritual-ordeal complex becomes a site of power production to the royal authority.²⁷³ The presence of different officials and accounts and functionaries along with local bodies like *Nagaram* are trying here to transform the event of an ordeal to their site of power. *Kūṭāḷi Granthavari* refers to *Kaimukku* ritual conducted at that place.²⁷⁴ This also refers to the economic transaction related to the *Kaimukku* punishment conducted at Kūṭāḷi area. The documents refer to the rights of the amount to the *kōlavāḷca*, *eḷamkūr*, *daivattār*, *svarūpam*, *paṭṭar*, *embrāntiri*, *parikarmmi*, etc. related to *Kaimukku*.²⁷⁵

Matilakam records also refer to the practice of hand dipping ordeal at Śucīndram temple.²⁷⁶ One of the documents was related to the *śuddhapatra* (judgment of acquittal) granted to the Devan Parameswaran after he underwent the hand dipping ordeal at Śucīndram temple to prove his innocence in a case of theft alleged to have been committed by him in the temple of Śrīpadmanabha. It may be inferred that Uṇṇi Kērala Varma of Dēśinganāṭu gave the necessary sanction from his palace at Kallīṭa in Quilon.²⁷⁷

2. Water Ordeal

There are several forms of water ordeal, one in which was the suspected being was made to swim across the river full of crocodiles before the chief.²⁷⁸ If he carried over safe, they account him as innocent, if devoured as guilty. In another form mostly used in theft was, the name of all inmates of the house

²⁷² Kesavan Veluthat, *The Political Structure of Early medieval South India*, Delhi, 1993, p.57.

²⁷³ M.R Raghava Varier, 'A Fresh Look at Ordeals', *Op. Cit.* p.93.

²⁷⁴ K.K.N. Kurup, *Kūṭāḷi Granthavari*, (Mal.), Calicut University, 1995, p.129.

²⁷⁵ *Ibid.*

²⁷⁶ *Pradhānappetta Matilakam Recordukaḷ (A.D 1375-1728)*, *Op. Cit.*

²⁷⁷ *Ibid.*, Churuna 94, Ola.109, p.249.

²⁷⁸ K.P. Padmanabha Menon, *History of Kerala*, Vol.2, *Op. Cit.*, p.258.

written on slips of paper, each enclosed in a ball of wax and all are thrown into a vessel full of water. It was believed that the ball containing the name of the guilty individual would float on the surface while other balls of wax would sink to the bottom.²⁷⁹ The next form of water ordeal was the accused to take three draughts of water, in which the representation of some Hindu deity had been washed for the purpose. If he remained quite well for 14 days, he was considered innocent, but if any sickness or internal pain occurred, he was proved guilty.²⁸⁰ In another one, the image of God of justice was made of silver and another of iron and clay. These were then thrown into a vessel of water, if the accused picked up the silver one, he was adjudged innocent.²⁸¹ But we have no evidence of the practice of water ordeal in Kerala.

3. Poison Ordeal

These also are of two kinds, and in one the Brahmanas mixed three barley-corns of poisons root or white arsenic in 32 times its weight of ghee, and the accused had to eat it from the hands of a Brahman. If he did not injuriously affect him, he was innocent, otherwise, he was declared guilty.²⁸² The second one is that, putting a cobra into a pot and wrapping it in a mantle, and the accused had to draw out of it either the snake itself or a coin or other thing dropped in the pot. If he was bitten, he was considered as guilty and otherwise he was innocent.²⁸³

²⁷⁹ *Ibid.*, pp.259-60.

²⁸⁰ *Ibid.*, p.260.

²⁸¹ *Ibid.*, p.261

²⁸² *Ibid.*, p.266.

²⁸³ *Ibid.*

4. Ordeal of Balance

This ordeal was mainly related to Namboothiri Brahmins of Kerala. This consisted of the accused being weighed in the balance to ascertain his guilt or innocence. He and a Brahmin fasted for 24 hours before the ordeal. Then they bathed in a sacred pool, and the accused, after making his offering to the deity, was weighed and his weight recorded. The accusation was then written out and fastened to the forehead of the accused, and the Brahman, after exhortations before the scales, got into them. After the lapse of six minutes the accused was once more weighed and if he showed greater weight, he was condemned; if lesser he was considered guiltless.²⁸⁴

The traditional penal mechanism the investigation carried out by the royal officials was mingled with the methods of ordeals performed by the accused. The significant aspect of the performance of ordeal is that the investigation is mixed with punishment. Every ordeal involves some amount of torture of the body. The traditional jurisprudence shows that serious crimes were equated with *Mahāpātakas*. The crime was considered as a sin and criminal was a sinner. Through ostracism, the criminal was expelled from the society. In the system of the production of evidence by ordeals, the criminal is not immediately excommunicated from the community.²⁸⁵

O. Chandu Menon, a Sub-Judge in Canara, witnessed the performance of a balance ordeal in 1876 at Calicut. '*Dhata*' or the weighing ordeal was conducted in connection with a suit. According to Menon's written account of this event, the ordeal was performed and paid for by a Nambudiri Brahmin, who had lost his caste-status for some unspecified reason and had been living as an outcast for a long period - nearly 30 or 40 years. Although the account

²⁸⁴ *Ibid.*, p.267.

²⁸⁵ M.R. Raghava Varier, 'Fresh Look at Ordeals', *Op. Cit.*, p. 94.

does not explicitly mention the absence of a culprit, this fact can easily be inferred, for why would anyone bring a charge against a person who had already been experiencing the punishment for many years? Instead, the Nambudiri almost certainly underwent the ordeal on his initiative to establish his innocence and, thereby, restore his previous social standing. Menon's description provides clear evidence of the actual practice of restorative ordeals in late nineteenth-century Kerala. Moreover, the balance ordeal he describes closely resembles that found in the *Dharmaśāstras*. For instance, Menon states that the performer of the balance ordeal (1) was a Brahmin, (2) had fasted the day before the ordeal, and (3) wore wet clothes during the ordeal, all details exactly in accord with Dharmaśāstric injunctions. Furthermore, according to Menon, in the aftermath of the Namboothiri's ordeal, a debate ensued concerning whether the rising or the lowering of the balance indicates innocence, an ambiguity that is reflected in Dharmaśāstric literature. Hence, the Nambudiri Brahmin's ordeal and the events surrounding it have a pronounced Dharmaśāstric character and, therefore, a connection can reasonably be drawn between them. In addition to this, compelling – although less direct – evidence for the practice of restorative ordeals can be found in several other texts.

Prison

The practice of imprisonment in pre-modern Kerala is vague. Most of the scholars argued the absence of prison in Kerala during the medieval period. They argued that it was a colonial experiment. But later Sangam texts refer to prisons. *Pattupāṭṭu* refers to the prison breaking of Tirumalavan. He escaped from the jail of his enemy.²⁸⁶ Some scholars argued its practice in pre-modern Kerala.²⁸⁷ C. Achyutha Menon says that the Brahmanas and noblemen were

²⁸⁶ Melangathu Narayanan Kutty, ed., *Pattupāṭṭu*, (Mal.), Thrissur, 2000, p.273.

²⁸⁷ C. Achyutha Menon, *The Cochin State Manual*, *Op. Cit.*, p. 439.

never punished with imprisonment or whipping, nor were Brahmanas and women sentenced to capital punishment.

The prisons were called as *Ara*. These were small cells of the size of a man in length. The account of Duarte Barbosa refers to lock-up. According to him, if a thief denies his guilt, and the goods are not found on him, they take him to lock-up and keep him there imprisoned for nine or ten days. They were compelled to confess because they are too badly treated and badly fed. Even after the end of this short imprisonment if he has not confessed then they call upon the accuser and tell him that as the thief was not confessed, he must say whether he is to be sworn, or whether they shall release him.²⁸⁸ According to him, the nobles cannot be taken in irons for any offence.²⁸⁹

Later Francois Pyrard, who visited Kerala in 1607 AD, refers his prison experiment from Kerala. He experienced the ill-treatment in prison.²⁹⁰ According to him, the prison is the only one, in all towns of Cochin, and that is called as Tronco. It is built in the form of a large and lofty square tower, and high above in, in the middle of the floor, is a large square hole, like a very trap or the hatches of a ship, which is closed and locked, there they let down the prisoners in a scale or wooden table which they lower with a rope, and draw up again by a pulley. It is six or seven fathoms in-depth, like a well and below there is no door, but only a large square window in the wall, of an arm and a half's length in thickness, to admit some light. This hole or window is trellised with thick, square-cut bars of iron, through which they can pass a two-pound of bread, and through which the galore does pass whatever he gives to the prisoners, just as one would put bread into an oven with a long-hafted shovel.

²⁸⁸ Mansel Longworth Dames, ed., *Account of Duarte Barbosa*, Vol.2, *Op. Cit.* pp.28-29.

²⁸⁹ *Ibid.*; K.P. Padmanabha Menon, *Op. Cit.*, pp.286-87.

²⁹⁰ Albert Gray, ed., *The voyages of Francois Pyrard of Laval to the East Indies, Maldives, The Moluccas and Brazil*, vol 1, (1887), A.E.S., New Delhi, 2000, pp.429-31.

This grill is triple, for there is one within, one without, and one betwixt. This prison is the most frightful and cruel that exists in any part of the world. The upper prison was set apart such as give a good sum of money to the galore. There were about six or seven prisoners including Portuguese, Indians, Christians, Mohammedans, and Gentiles, of all sorts and conditions. Among the prisoners, there was an elderly person that was a kind judge over the rest, who obeyed him. Everyone gives him entrance fee, for his goodwill, half of which he gives the galore.²⁹¹

To him, the prison is the filthiest, stinking and noisome place imaginable for the prisoners performs all their necessities one after another in vessels, which are voided only in the evening. This engenders a close and stifling, that one can hardly to breathe. For the night the grill is shut with a trap-door from above, so that the heat of the climate added to that of the place where so many people are huddled up pell-mell, engenders a close and stifling atmosphere, wherein it is impossible to survive long without sick. A lamp is allowed to hang there light all night, get even that full often for want of air goes out. Gaolers are always on the watch to guard against any enterprises, and every night they search the goods and clothes of every inmate and there is a great iron chain reaching from one end to the prison to the other, to which is fastened the foot of everyone imprisoned for crime; they did not, however, subject us to this treatment. Everyone is constrained to remain naked, both day and night, because of the heat, and one has even to lie sideways for want of room and because of the great number of persons there, yet for all that one must perforce touch one's neighbour in such wise, the sweat exudes in large drops. Some slaves employed in refreshing the company with a large fan, both day and night, for which service the elder or judge of the person gives them something, without that it is impossible to through it. We are in the pitiful condition in the

²⁹¹ *Ibid.*, p. 429.

world to witness after we had been there four or five days. Water was given for washing and bathing. Once a day, some waked rice and badly prepared fish, about as much as would serve one for single meat, with some water to drink. This was given every morning, to last till the next day at the same hour. Because of the heat and the infection were insupportable, and caused their whole bodies to be covered with large boils and eruptions, which gave them very grievous pain.²⁹²

Capital Punishments

During the medieval period, capital punishment was awarded to persons convicted of heinous crimes such as sacrilege, slaying, wounding, a Brahman or cow, robbery and theft.²⁹³ The medieval travellers referred that the low castes were given severe punishments like trampling underfoot by an elephant, nailing to a wooden board, and mutilation of limbs for even minor offences. They argued that the punishments were cruel because of the primitive nature of society and its insecure nature. It is believed that the nature of punishment would indicate the degree of civilization and progress attained by the people.²⁹⁴ So when the social organization became more stable and civilization improved, punishment became less severe. During the medieval period, the magnitude of the crime was decided by the magnitude of the caste status of the criminal in society.²⁹⁵ Each caste was unequal in the matter of rights and obligations. So, each Varna has a *swa-dharma* or its dharma.

For less heinous crimes, mutilation was a common form of punishment but all forms of punishment, fines were the commonest. The capital sentences were carried out by sword or by impalement. Hanging was not common until

²⁹² *Ibid.*, pp.431-32.

²⁹³ C. Achyutha Menon, *The Cochin State Manual*, *Op. Cit.*, p.69.

²⁹⁴ T.K. Ravindran, *Institutions and Movements in Kerala Society*, *Op. Cit.*, p.67.

²⁹⁵ *Ibid.*

the later period. The law was not common for all castes but varied according to the caste and status of the culprit.²⁹⁶ According to medieval custom, even for the worst heinous offence, a Brahmin could not be killed.²⁹⁷ Death punishment for them was equated as '*Brahmahatya*', which was considered as *Mahāpātaka*. The Brahmins were punished for grave crimes only but the highest punishment reserved to them was the loss of caste and banishment and their women sold as slaves.²⁹⁸

The Nāyars also enjoyed certain privileges related to punishments. The travellers point out that when the Nāyar killed a low caste man, he was not punished severely, but only fined for the first offence.²⁹⁹ Varthema refers that when the *Pulayas* or *Vēttuvās* pass through the public places, they always cry out in a loud voice. This is done to evade meeting with the Nāyar or Brahmin. If any of them did not cry out and met any of the upper castes, the Nāyar may kill them.³⁰⁰ All contemporary accounts agree that crime especially that of theft, was rare in those days, and the people enjoyed the security of life and property.³⁰¹

Kaḷu

According to Barbosa, if any low caste person commits any crime or theft, or if any person complaint so to the Governor, he sends to arrest him, and if he confesses, if he is a heathen, they carry him to the spot where justice should be administered. A small platform they raise through to pass the point of the stake. There they behead him with a sword, and then impale him on the stake

²⁹⁶ *Ibid.*, p.69

²⁹⁷ Elamkulam, *Studies in Kerala History, Op. Cit.*, p.318.

²⁹⁸ T.K. Ravindran, *Institutions and Movements, Op. Cit.*, p.69.

²⁹⁹ John Jones Winter, ed., *Op. Cit.*, pp.58-58.

³⁰⁰ *Ibid.*

³⁰¹ Elamkulam, *Studies in Kerala History, Op. Cit.*, p.318.

between the shoulder blades, making it, pass out through the belly and project a cubit or more beyond it and his head is put on another stake, and they tie ropes to his legs and arms and fasten them to four posts so that the limbs are stretched out, and body on its back on the stand. If the criminal is a Moor, they take him to a wide-open space and there they slay him with sword cuts.³⁰² Impalement on the *kalu* was considered as a recognized form of execution in the medieval period. One of the *Matilakam* records refers that the penalty of death inflicted on certain persons by senior Tiruvāṭi of Trippāppūr for murdering the Nampyatiris. The death sentence was implemented through *Kaluvērral*.³⁰³ The rebel Paḷaśsi employed the *kalu* in 1795.

Varthema gives a detailed account of impalement existed during the medieval period.³⁰⁴ The punishment called *Citravadham* if one kills another, the king causes a stake to take four paces long and well pointed at on the end and has two sticks fixed across the said sticks two spans from the top, and then the said wood is fixed in the middle of the back of the malefactor and passes through his body, and in this way he dies. This torture called as *Uncalvet* or the punishment of impalement.³⁰⁵ Francis Day also mentions this kind of punishment and he pointed out that “an iron spike was thrust through the criminal’s skin, in the lower part of the back, where the cross-cut had been previously made for its insertion: then the point of the spike was guided by the executioner’s finger, to bring it out at the neck or shoulder, carefully avoiding injuries of any large arteries or vital organs such as would afford the poor victim speedy relief. The lowest extremity of the spike was then made fast to a wooden post, which was raised perpendicularly and fixed into the ground and thus the

³⁰² Mansel Longworth Dames, *Op. Cit.*, p.28.

³⁰³ *Pradhānappetta Matilakam Recordukaḷ*, *Op. Cit.*, Documents No.36, *Op. Cit.*, p.65.

³⁰⁴ Ludovico- di-Varthema, *Op. Cit.*, pp.59-60.

³⁰⁵ K.P. Padmanabha Menon, *Op. Cit.*, p.288; Ludovico-di-Varthema, *Op. Cit.*, pp.59-60.

culprit was supported, partly by the iron spike under the skin, and partly by a small bench, placed underneath his feet and raised about ten inches from the ground”.³⁰⁶ The culprit was tortured by thirst, scorched by the severe heat of the sun and devoured by insects. At last, that ended in the death of the culprit maybe after two or three days. A shower of rain was hailed as the greatest blessing because that caused the wound to mortify and death rapidly ensured.³⁰⁷ In the case of homicide, the aggressor was required to pay the Rāja a fine of 200 rupees (1000 *fanams*). If the crime was repeated in the future, his property was confiscated by the Rāja and would suffer death.³⁰⁸ If a Brahmin killed other caste men, he performed *Upavāsa*, prayer and *Bhikṣa* to recover from that sin. But if the victim was a Brahmin, that was considered as a greater sin, which badly affected him in this worldly life and the next life. There was no scope for *prāyaścitta* to recover from *Brahmahatya* sin. The murder of a Brahmin called *Vajrahatya*.³⁰⁹

The Northern Ballads mention the people sentenced for capital punishment killed by a slow and gradual process called *Kaḷukuyērral* or putting on the special gallows. The making of the *kaḷu* for executing men is seen in the Ballads. Kuññikanni of Karumala fort tried to put Ōtēnan on the *Kaḷu* when the later was treacherously imprisoned by the former.³¹⁰ This shows that the punishments in the time of ballads were very severe. An eye for an eye was the dictum and order of social justice.³¹¹

³⁰⁶ Francis Day, *The Land of Perumāḷs* in T.K. Ravindran, *Institutions and Movements*, *Op. Cit.*, p.171.

³⁰⁷ LudoVicodi Varthema, *Op.cit.*, p.147.

³⁰⁸ T.K. Ravindran, *Institutions and Movements*, *Op. Cit.*, p.71.

³⁰⁹ The words of Al-Biruni quoted by Rajendran Cherupoyka, ed., *Vidēśikaḷ Kaṇṭa Kēraḷam*, Calicut, 2012, p.35.

³¹⁰ E.H. Devi, *Op. Cit.*, p..55.

³¹¹ *Ibid.*

Capital punishment for theft

Ibn Battuta write about the capital punishments imposed on the man who does theft in the 14th century.³¹² He refers “for stealing a single nut, or even a grain of seed of any fruit: hence theirs are unknown among them, and should anything fall from a tree, none except its owner would attempt to touch it”.³¹³ This indicates that there was no mercy to a thief though the thing stolen is of no value. They believe that these things are leaves for the birds to eat. The theft of lower castes also ended in execution.³¹⁴

In the case of theft, the complaint was made by the *Pramāṇi* of the village and he informed the *Dēśavāli* and both of them together informed it to the *Nāṭuvāli*. If the thief was caught, they carried him to the court of *Nāṭuvāli*. If it was the first offence, the punishment was fine and restoration of the stolen property; and if the third, severe punishment or death.³¹⁵ Report of the Rāja of Kaṭattanāṭu shows that the degree of punishment increased according to the number of times the offence was repeated. In the case of theft, “the criminal is in the first instance to be confined and receive corporal punishment; if the guilty of the like crime a second time, to be deprived of a member and if guilty a third time, to be put to death with a sword”.³¹⁶

The nature of the punishment was varied from time to time and place to place. In the area of the Rāja of Chirakkal, the robber was punished by cutting hands, cutting of finger, death or sometimes by fine. That changed by the

³¹² K.P. Padmanabha Menon, *Op. Cit.*, p.167.

³¹³ *Ibid.*

³¹⁴ *Ibid.*, pp.286-87.

³¹⁵ K. Ramesan Nāyar, *Op. Cit.*, , p.99

³¹⁶ Duncan, Joint Commissioners report, in T.K Ravindran, *Institutions and Movements, Op. Cit.*, p.72.

circumstances of the defendant.³¹⁷ The Rāja of Cochin reported in 1793 as if anyone commits a small theft, he punished for six months or one-year confinement. After he repeated the same, he again punished and a fine imposed on him and a little of his flesh or his nose are cut off and he is released.³¹⁸

According to *Dharmaśāstra* laws the lord had no right to give physical punishment to the slave. The lord had the right to punish the slaves like he punishes his wife and children. If the lord brutally punished a slave, the lord had got severe punishment and he compelled to free the slave by settling all the financial interactions of the slave. The rape of the slave girl by the lord was considered as a crime and the lord must release her by giving all compensations.³¹⁹ From later Sangam period onwards mutilation was practised in Kerala. *Cilappatikāram* mentioned one who trespassed into another's dwelling house intending to commit adultery, had his legs cut off. But that law was not practised in medieval Kerala. The slaves under the lords were severely punished without any mercy.

Conclusion

The confinement practice of medieval Kerala was very primitive. The inscription of Cēra period includes the details of various regulatory mechanisms related to temple and temple functionaries. The punishments like *Bhraṣṭu* and *Piḷa* are the major forms of punishments imposed on the accused. After the Perumāḷ period, the role of Namboothiris came to decline and that paved the way to the increasing importance of *Ācāramaryādas* in Kerala society. The *Kūṭṭams* became the judicial authorities of that time. Later the customs and practices were regulating the daily life of all groups of people in

³¹⁷ *Ibid.*, p.73.

³¹⁸ *Ibid.*, p.73.

³¹⁹ P.K. Gopalakrishnan, *Kēraḷa Caritram*, Vol.2, (Mal.), Ernamkulam,1976, p.48.

various ways. The Brahminical norms and practices influence the customs and practices of Kerala. The lack of uniformity in law and punishment is the main feature of the medieval judicial system. The women and Brahmins were free from capital punishments, but they were punished by excommunication from the community and some times from the country. This punishment pronounced the death sentence of their social life. The lower caste people were punished severely by the law. In the case of upper castes, temples always played an intermediary role to administer the law. But the local bodies were the judicial authorities in the case of lower caste people. There was no evidence available for prisons in early medieval records, but the evidence of prisons was available from the travel accounts of the later medieval period. The arbitration method like *Ankam* and *Poyttu* also played a prominent role in society. *Vaṭṭam varakkal* or *Rāmavilakku* is also one of the arbitration methods to settle the disputes related to land. The capital punishments like mutilation and *kaluverral* were practised during that time. In short, the crime and punishment of medieval Kerala were very severe and unequal in most of the cases.

CONCLUSION

Members of every society are expected to act by its customary norms and practices. When a person finds it difficult to satisfy his wants in a socially acknowledged manner, he violated the customs and practices that existed in society. Crime is the violation of the rules and regulations imposed by the state and society from time to time and definite punishments are prescribed by law.¹ Criminal nature was considered an anti-social activity. In every society, the law and order were based on religious ideas and values. In the Indian context, the *Dandanīti* was merely based on religious texts. According to Manu 'the only friend that accompanies man after death is justice.'² According to him, there are three sources of law, i.e., Vedas, Law treatise or *Dharmaśāstra*, Customs of holy men and conscience.³ All of the Hindu religious texts were based on the Varna order. The Brahmins and Kshatriyas were regarded as the ultimate authority on rule and law in ancient India. The Varna groups below them were compelled to follow the customs and traditions created by them. The jurisprudence of India was different from time to time and place to place. But most of the regional laws were influenced by *Dharmaśāstra* principles. The laws of Manu, Yājñavalkya, Nārada and Parāśara influenced the Indian legal tradition.

In the Kerala context, the Sangam society was based on occupational divisions. But the condition was transformed with the coming of Brahmins from other parts of India. Brahmin migration resulted in the gradual changes to

¹ Ram Mohan Das, *Crime and Punishment in Ancient India*, Bodh-Gaya, 1978, p.12.

² Deepali Bhargava, *Manusmrithi: A Sociological Analysis*, Jaipur, 1989, p.XIV.

³ *Ibid.*

the existing social order. Then sixty-four Brahmin villages formed and a large number of temples erected in all parts of early Kerala. Many Brahminic deities erected within that worshipping places. The knowledge of Brahmins in astrology, calendar, other technologies etc changed the agrarian pattern of the land. That created a dominant status to them among the indigenous people of Kerala. Later large acres of land came under the temples presented by the indigenous people. That strengthened the power of Namboothiri Brahmins over the indigenous society. Gradually they formed particular norms and practices to regulate the society based on Hindu *Dharmaśāstra* laws. Their knowledge and power were accepted by the indigenous people with respect. Their Vedic knowledge and *Dharmaśāstra* aspects were gradually adapted by the people of Kerala.

A strict Varna order was not identified in Kerala. The absence of a clear-cut Kshatriya and Vaisya division was the main feature of medieval Kerala society. With the emergence of temples, the Namboothiri Brahmins and *Ampalavāsi* groups became dominant in society. The *Ampalavāsis* like *Koṭṭikaḷ*, *Pūjāris*, *Cākyārs*, *Nangyārs Potuvāls*, etc. is mentioned in the early temple records. During the time of Cēra, power temple laws were formulated as *Kaccam*. *Kaccam* means temple regulations to ensure the proper functioning of temple administration. *Mūlikkaḷam Kaccam* got wide acceptance all over Kerala. Through this law, they tried to end the misappropriation of land by the *Ūrāḷar* and check the corruption related to temple property. Through this *Kaccam*, they spread the concept of *Mahāpātakas* into Kerala society. The violation of *Kaccam* rules is equated with *Mahāpātakas*, which created a fear among the people. The increasing number of references of *Piḷa* or fine is found in the temple records. Most of the crimes related to the violation of temple laws were punished by *Piḷa* and *bhraṣṭ* or exiling from that particular area. There was no reference related to the practice of capital punishments during that time.

The records of the later Perumāl period indicate the gradual decline of *Kaccams* and *Nālutaḷis*. This period witnessed the emergence of *Sankētams*. The *Granthavaris* produced during that time hints the independent power of *Sankētams* related to various temples. They had their militia and punishment mechanisms. *Nūravar*, *Munnūravar*, *Aṛannūravar*, etc. were prominent military groups, who protected the temples. The chieftains of particular *Dēśams* also depended on these military groups. Nāyars emerged to a dominant status as the militia of the land during this period. During the 15th century onwards *Paṭṭiṇi* emerged as the main method of settling grievances of Namboothiri Brahmins. They used their spiritual power to resolve the issues with the ruler, other *Sankētams* and communities. They resorted to this method due to their diminishing status in society. However, there is evidence for the noncompliance of their rules by the ruler and other members of the community even after such protests by the Brahmins. The *Vaññēri Granthavari* provides many such references. But most of the time their problems were amicably settled. But on certain occasions, they were not able to win their demands.

The temples played a major role in the society of medieval Kerala. The regulatory mechanism of medieval Kerala was controlled by the strict laws propounded by the temples. The temple *vyavasthas* were coordinated by the Brahmin priests and the people who were well versed in Vedas and *Dharmaśāstras*. So, these laws were based on the *Dharmaśāstra* laws and principles. The temple *Kaccams* produced Dharmaśāstric text-based rules and regulations. *Śāṅkarasmṛiti* and *Vyavahāramāla* strictly followed the principles of ancient sages.

We can see that most of the religious traditions of Kerala like *Kēraḷōlpatti* and *Kēraḷamāhātmyam* were produced during this time. *Śāṅkarasmṛiti* and the law text of Kerala called *Vyavahāramāla* also produced during this time. These texts tried to legitimize the Brahmanical tradition in the

land of Kerala. *Kēraḷamāhātmyam* and *Kēraḷōlpatti* legitimized the emergence of a caste-based society in Kerala. That includes so many stories to legitimize the emergence of various non-Brahmin castes. Through the wide acceptance of this tradition, they created a caste-based society. Various customs like *Tālikeṭṭukalyāṇam*, *Sambandham*, and so on legitimized through the legendary stories. A strict caste hierarchy formulated consciously through these Brahminic traditions. Viṣṇu, Śiva and Bhagavati emerged as the main deities of medieval society.

The religious text called *Śāṅkarasmṛiti* includes several norms related to society. This text disseminated a clear caste and gender differentiation in Kerala society. The duties of four Varnas are envisaged in the text purely based on Dharmaśāstric tradition. *Śāṅkarasmṛiti* instructs particular rules and regulations for women. The issue of chastity is also dealt with in the text and a particular trial called *Smārttavicāram* was also proposed. But at the same time, the Namboothiri men were engaged in *Sambandham* relation with many Nāyar ladies. The gender discrimination and caste discrimination were evident in this text. Through various norms and regulations, they tried to discipline society. *Pulappēṭi* and *Maṅṅāppēṭi* was a custom that existed during this time, which restricted the movement of Nāyar women of medieval Kerala. In this practice, there was no trial or method of assessment of the crime. The women were simply excommunicated from society without any trial or fair opportunity to present their side. However, we can see the contradiction that the Brahmins used Nāyar women as concubines and polygamy was widely practised by them with the permission of Brahmanical laws. Here the touch of the outcaste was the main problem and, in some cases, the *Kāraṇavar* of particular Nāyar family may be consciously trapped the innocent Nāyar women of their family because of certain personal revenge and so on.

The legal text of Kerala called *Vyavahāramāla* was formulated during the 15th century. That was strictly based on Brahmanical principles. Particular laws were prescribed for various offenders, including civil and criminal. *Satyam collal* accepted as a method of trial. The crimes related to economic aspects also explained in the texts. *Vyavahāramāla* is a replica of ancient Hindu legal texts of India. All of this literature indicates that caste is the main regulatory mechanism of medieval Kerala and all the functions within the society were regulated by caste. These texts disciplined women and give importance to chastity based on caste. *Kēraḷamāhātmyam* and *Śāṅkarasmṛiti* emphasized the importance of chastity of the Brahmin community. But those texts do not give any importance to the chastity of Sudra women. These show the difference of caste in social institutions.

The literature produced in medieval society called *Sandēśakāvya*s depicted a picture of medieval Kerala society, not much different from the religious traditions. It also stressed the dominance of temples and Brahmins in society. The social classes like rulers, doctors, astrologers, Brahmins, *Paṭṭar*, *Nāyars*, *Cheṭṭis* etc. are referred to in these texts. They compete to visit the famous devadasis of that time. This text also provides a picture of the upper strata of medieval society. *Pulayas* and *Cherumas* were referred to as the labourers. This literature is not considered as depicting the life of the whole society. This *Sandēśakāvya*s do not deal with the political, economic and legal matters related to medieval society.

The travel accounts of the medieval period give a picture of the regulatory mechanisms of medieval Kerala. All of them emphasized the nature of punishments, which were purely based on caste differences. The capital punishments were not given to Brahmins and nobles of the society even for major crimes. But the lower castes were punished by death for minor crimes itself. Thus, it is evident that the Brahmins were freed from capital

punishments, but punished by ex-communication for adultery and other major caste offences. Ostracism was equal to death in their case during the medieval period. The travel accounts show that caste differences and related untouchability, unapproachability and unseeability were practised in that society. Purity and impurity concept had got wide acceptance in the medieval social system. Impurity by touch was mainly removed through *snānam* or purificatory bathe. Water is considered as the main purificator. *Prāyaścittam* or penance was the main punishment to free from various minor caste offences.

The practice of ordeals was the other interesting aspect related to the punitive method of medieval Kerala of which the fire ordeal was mostly conducted in a temple. This trial was conducted in front of a big crowd. The accused get the chance to run away from there without revealing the truth. But then he had no right to enter his native land. In some cases, the accused run away after the *Kaimukku* ritual with the permission of *Smārttan* to free from the humiliation. All of these show that the ordeals created a fear psychosis among the people. The performing of ordeals was the main earning of temples. Through the elaborate rituals, various offerings collected by the temple and the related functionaries. So, this practice continued in Kerala in the 19th century even after the abolition of *Kaimukku* ritual of Suchindram temple.

Kēraḷōlpatti tradition refers to the three kinds of *Kūṭṭams*, as *Kūṭṭams* of the *Tara* or village, *Kūṭṭams* of the *Nadu* or district, and the *Kūṭṭam* of entire Kerala. The *Tarakūṭṭams* played a major role in the regulatory system of medieval Kerala. These are the primary bodies of the judicial administration of medieval Kerala. The assembly of *Kāraṇavars* of different *Taravāṭus* took decisions regarding the legal matters of that particular *Tara*. They had the right to give capital punishments to the accused. *Dēśavāli*, *Nāṭuvāli* and *Kāraṇavar* were the persons in charge of judicial administration of medieval Kerala. In many cases, moral force and individual initiatives are taken for settling

disputes. The intermediary groups like *Madhyasthar* and *Taṭasthar* (*Kāraṇavars* of the family) existed in medieval Kerala society.

All of the regulatory mechanism shows that the caste element was very strong in medieval Kerala society. All of the customs, rituals, and institutions are practised in that society was purely under the restriction of caste. The *Kāraṇavar* or elders of the family had the disciplinary power over the youngsters. They were supported by the customs and *maryādas* of that particular group. No one had the right to violate the customs and practices of that social group. The references related to the punitive mechanisms of the people below the Nāyars was very rare. The ballads of northern and southern Kerala provide some information regarding this. The life of the *Cēkavar* was elaborated in the songs. The group of *Cēkavar* includes Nāyar and Ezhava caste men. They were valiant people, and they even dared to threaten the chieftain of the territory. Different types of ordeals also mentioned in the texts. The martial power of the women also mentioned in the songs. The main arbitration method of medieval Kerala called *Ankam*, *Poittu* and *Kuṭippaka* also mentioned in the *Taccōḷi* songs and *Puttūram* songs.

The nature of medieval society shows that the freedom of women was always restricted. The movements of Namboothiri women were strictly restricted. But the Nāyar women had freedom of movement except on particular days of the year. They adorned themselves with good dress and ornaments. The Brahmin women had no right to use gold ornaments except particular days. The lower caste women including Nāyars were restricted to wear *Mēlmuṇṭu* or upper garments. Women were regarded as a subordinate group under male domination. The religious texts promoted child marriage and pre-puberty marriage.

The inheritance pattern of medieval Kerala society was varied by caste. The Namboothiri Brahmins practised patrilineal form of inheritance. Only the

elder member of the family had the right to marry from their caste and other young brothers engaged in concubine relation with Nāyar women. This marriage system ensured the property as undivided. The Nāyars of medieval society practised matrilineal form of inheritance. But the ultimate authority of the *Taravāṭu* was the *Kāraṇavar*. He controlled the entire affairs of the *Taravāṭu*. But the property was inherited through mother's line. Here also the division of property was very rare. They tried to maintain the economic aspect of *Taravāṭus* of Namboothiris and Nāyars under the strict control of male domination making use of customs and traditions. The *Kēraḷōlpatti*, *Kēraḷamāhātmyam*, *Śāṅkarasmṛiti* and *Vyavahāramāla* created the idea of patriarchal dominance in society. The travel accounts, ballads, and the literature of this period have evidence for that type of affairs. The inheritance practised among other castes of Kerala was also patrilineal. In some places, the *Tiyya* community followed matriliney, which was an exception to the general rule.

All of these show that caste was the main factor of social regulation in medieval Kerala. All customs, rituals and institutions were based on caste rules. Even the mobility of persons who belong to various castes was restricted according to the caste laws. The concept of purity and impurity, or *śuddham* and *aśuddham*, virtue and sin or *puṇyam* and *pāpam* are the creation of Brahmanical laws. A type of Sanskritization process took place in Kerala with the large migration of Brahmins into Kerala and the contemporary literature propagated these aspects. The myth and tradition related to Kerala society promoted and legitimized the caste-based divisions in medieval Kerala society.

The religious texts played a crucial role in the implication of Brahmanical elements in Kerala society. The influence of *Dharmaśāstra* and *Manusmṛiti* were visible in the religious laws of Kerala as explained in *Śāṅkarasmṛiti* and *Vyavahāramāla*. The trials and punishments were applied to Kerala social order. The concept of purity and pollution and the subordination of women were emphasized in these texts. With the domination of Brahmanical

social order, they formed a large number of regulatory mechanisms in Kerala, which was purely based on *Dharmaśāstra* and *Manusmṛiti*.

We can summarise that caste and gender are the regulatory mechanisms of medieval Kerala to discipline the people of medieval Kerala. From the early medieval period onwards, various social institutions tried to maintain the social system of medieval Kerala. Temple was the major institution that regulates society in various ways. During the medieval period people were subordinate to temple rules and all of them feared the power of the temple to punish the people by various means. The belief in God was the major aspect that creates fear among the people of medieval Kerala. Caste and the related regulations disciplined society in various ways.

The temple inscriptions not elaborated about the implementation of punishment in a detailed manner. But the later medieval *Granthavaris* and oral songs give a picture of the implementation of punishments. But most of the sources except oral sources did not mention the capital punishments. This indicates the low caste groups were the people incurred capital punishment and others were mostly punished by ex-communication and fines. The nature of the punishment mechanisms of medieval Kerala indicates that it varies from place to place and time to time. In most of the cases, the *kīlvalakkam* and *murai* are the regulating aspects of medieval Kerala.

In short, the regulatory mechanism of medieval Kerala was strictly based on religious principles of Hinduism. The local customs and *maryādas* were influenced by these religious principles and ideals of the Hindu texts. The local people were compelled to obey these disciplinary laws in connection with religious beliefs of medieval Kerala. The indigenous people obeyed the local customs and rituals due to its close connection with religion and God. The indigenous people were feared the violation of existing laws because of their fear in God.

GLOSSARY

<i>Ābhicāram</i>	: Sorcery
<i>Ācāram</i>	: Traditional custom
<i>Acci</i>	: Woman, Aristocratic woman
<i>Agni parīkṣa</i>	: Fire ordeal
<i>Agrahāra</i>	: Settlement of Brahmins
<i>Ainkuṭīkammāḷar</i>	: Artisanal castes
<i>Akapotuvāḷ</i>	: The person in charge of the internal administration of the temple
<i>Akakōvil</i>	: Representative of family in <i>Smārttavicāram</i>
<i>Amma Tampurān</i>	: Senior most lady of the ruling family
<i>Anācāra</i>	: Customs not to be allowed to practice, irregular custom
<i>Añcāmpura</i>	: Fifth home to keep the women who committed adultery
<i>Antarjanam</i>	: Namboothiri woman
<i>Anulōma</i>	: Marriage of an upper caste man with a lower caste woman
<i>Apphan</i>	: Younger men of the Namboothiri family
<i>Apsaras</i>	: Heavenly women
<i>Ankattattu</i>	: The platform where the duel is conducted
<i>Arangērram</i>	: The first stage performance by a student of classical dance
<i>Atharvaṇa Hōma</i>	: A type of sacrificial ritual conducted by the Brahmins of medieval Kerala in connection with hunger strike for the decay of enemies

<i>Avarṇa</i>	: Low caste
<i>Aḷivucollal</i>	: Pronouncing innocence
<i>Bhūdēvas</i>	: The owners of land in medieval Kerala
<i>Brahmacāri</i>	: The person who observe celibacy
<i>Brahmalōka</i>	: World of the creator Brahma
<i>Brahmana śrēṣṭha</i>	: Superior Brahmana
<i>Brahmaswam</i>	: The land of Brahmins
<i>Bhraṣṭ</i>	: Ostracism
<i>Caitanya</i>	: Absolute consciousness
<i>Camata</i>	: The plant for the rituals
<i>Cākyār</i>	: An Ampalavāsi group performs <i>Kūttu</i>
<i>Caṇḍāla</i>	: An out caste
<i>Ceṭṭi</i>	: Textile merchant, Trader from Coromandel coast
<i>Dāsi</i>	: Maid
<i>Dāsīvicāram</i>	: Interrogation of the maid as part of the trial of a Namboothiri woman
<i>Dēśam</i>	: A local settlement unit
<i>Dēśamaryāda</i>	: Rule of <i>dēśam</i>
<i>Dēśavāḷi</i>	: The chief of the <i>Dēśam</i>
<i>Dēvaswam</i>	: The land under the ownership of temple
<i>Dharma patni</i>	: A lawful wife
<i>Dōṣam</i>	: Demerit
<i>Dwijas</i>	: Brahmin, Kshatriya and <i>Vaiśya</i> Varnas
<i>Gandharva</i>	: Celestial singer
<i>Gaṇika</i>	: Courtesan
<i>Daṇḍa</i>	: Punishment
<i>Grahasathan</i>	: Householder

<i>Guṇam</i>	: Merit
<i>Grāmam</i>	: The Brahmin village
<i>Granthavaris</i>	: Chronicle, The household records of medieval Kerala
<i>Hōma</i>	: Sacrifice
<i>Ezhava</i>	: Toddy tapping caste
<i>Eḷayatu</i>	: Junior member
<i>Illam</i>	: Namboothiri home
<i>Jala parīkṣa</i>	: Water ordeal
<i>Janam</i>	: The administrative body
<i>Kaccam</i>	: This term appears mainly in the medieval inscriptions to denote traditional code of conduct
<i>Kaḷavu</i>	: A form of marriage practiced in Sangam age
<i>Kammālar</i>	: A group of crafts men consisted of <i>Āśāri</i> , <i>Mūsāri</i> , <i>Taṭṭān</i> , and <i>Kollan</i>
<i>Kāraṇavan</i>	: Senior male member of <i>Taravāṭu</i>
<i>Kāraṇavatti</i>	: Senior female member of <i>Taravāṭu</i>
<i>Kārppu</i>	: A form of love marriage during the Sangam age
<i>Kaṭṭilēruka</i>	: A form of <i>Sambandham</i>
<i>Kāval</i>	: Police of medieval Kerala
<i>Kaḷakam</i>	: Association of temples
<i>Kaḷañcu</i>	: A weight (Weight of 12 gold coins, <i>ponpaṇam</i>)
<i>Kollan</i>	: Black smith
<i>Kōṭṭa</i>	: Fort
<i>Kurava</i>	: A special tone of voice especially of women in connection with marriage and birth of child
<i>Kōvilakam</i>	: Palace
<i>Kōyiladhikāri</i>	: The representative of the <i>Nāṭuvāli</i> or first minister

<i>Kīlśāntis</i>	: The junior priest
<i>Kōlattiri</i>	: The chief of the <i>Kōlaswarūpam</i>
<i>Kūttacci</i>	: The lady who perform <i>Kūttu</i> in the temple, dancer
<i>Kūttampalam</i>	: Temple theatre to perform <i>Kūttu</i>
<i>Kūttu</i>	: An art form
<i>Koṭṭikaḷ</i>	: Drummers of temple
<i>Koṭṭubali</i>	: A stage of trial related to <i>Smārttavicāram</i>
<i>Kōvil Nampi</i>	: Manager of the temple
<i>Kōyma</i>	: right or dominant power
<i>Kulam</i>	: A small unit of popular assembly
<i>Kuṭiyān</i>	: Tenant
<i>Kūṭṭam</i>	: A judicial body
<i>Kūṭṭapaṭṭiṇi</i>	: Hunger strike by a group
<i>Kuṭṭipaṭṭar</i>	: A disciple of the <i>Smārttan</i> in connection with <i>Smārttavicāram</i> , who had the right to declare the names of accused persons
<i>Lōkar</i>	: Martial group
<i>Mahāsati</i>	: A lady who has committed Sati
<i>Masāti</i>	: A stone erected in memory of a Sati
<i>Makkattāyam</i>	: Patriline
<i>Mangalyasūtram</i>	: <i>Tāli</i> , sacred thread/chain tied to the bride during marriage
<i>Maṇṇān</i>	: An out caste
<i>Manuṣyam</i>	: The protection groups of the <i>Nāṭuvālis</i> and other ruling chiefs, representative
<i>Mēlkōyma</i>	: Overlord-ship
<i>Maṇṇāppēṭi</i>	: Fear of the out caste called <i>Maṇṇān</i>
<i>Mantra</i>	: Hymns

<i>Mārgam</i>	: Law
<i>Marumakkattāyam</i>	: Matrilineal system
<i>Maryāda</i>	: A traditional code of conduct
<i>Mātruhatya Pāpam</i>	: Sin related to the killing of Mother
<i>Mēlsānti</i>	: Senior priest of the temple
<i>Mīmāmsakāras</i>	: An investigator
<i>Mūppil</i>	: The eldest member of the matrilineal family
<i>Mūsāmbūri</i>	: Elder son of Namboothiri family
<i>Munkuṭuma</i>	: The front lock of hair worn by Brahmin castes of medieval Kerala
<i>Nāṭu</i>	: A local body of administration or the grouping of agrarian settlement, a settlement unit and territorial division
<i>Nāṭtukūṭṭam</i>	: The executive body of the <i>Nāṭu</i>
<i>Nāṭuvāli</i>	: Chieftain
<i>Nangaiyār</i>	: The lady who perform <i>Kūttu</i>
<i>Nāṭṭunaṭṭappu</i>	: Custom of the <i>Nāṭu</i>
<i>Nāṭṭukal</i>	: Hero stone
<i>Nāṭṭumaryāda</i>	: A custom of a particular locality
<i>Niṣēdham</i>	: Obstinacy
<i>Nivēdyam</i>	: Food offered to a Hindu deity as a part of worshiping ritual before eating it
<i>Pūṇūl</i>	: Sacred thread
<i>Orrapaṭṭiṇi</i>	: Hunger strike practiced by a person
<i>Paṭiññāre Chira</i>	: Pond in the west
<i>Pambu koṭukkal</i>	: To give a written order for taking an oath
<i>Pañcamahā pātakam</i>	: Five great sins
<i>Pāpam</i>	: Sin

<i>Paradēvata</i>	: Female household deity
<i>Paraṭṭaiyār</i>	: The term for <i>dēvadāsi</i> in Tamil
<i>Paṛayar</i>	: A downtrodden community
<i>Patita</i>	: Degraded woman
<i>Paṭṭiṇi</i>	: Hunger strike
<i>Pattini daivam</i>	: Chaste woman
<i>Peṅkeṭṭu</i>	: Marriage
<i>Piḷa</i>	: Fine
<i>Pūja</i>	: A ritual in honour of the gods, performed either at home or in the temple
<i>Pūmukham</i>	: Setout of a home
<i>Prāyaścitta</i>	: Penance
<i>Putamuri</i>	: <i>Sambandham</i> form of marriage
<i>Pula</i>	: Pollution or defilement, especially by a case of birth or death
<i>Pulappēṭi</i>	: Fear of <i>Pulaya</i> people
<i>Pulaya</i>	: An out caste or a downtrodden community who were the actual tillers of Kerala
<i>Puṇyam</i>	: Merit
<i>Puṛakōvil</i>	: Representative of the king
<i>Rakṣa</i>	: Protection
<i>Rakṣādhikāri</i>	: The protector of temple or land
<i>Sabha</i>	: The body of Brahmins, which deals with the affairs of the Brahmin settlements
<i>Śānti</i>	: Temple priest
<i>Sūryavamśa</i>	: Lunar lineage
<i>Sādhanam</i>	: The accused women of <i>Smārttavīcāram</i> , Literally means a thing

<i>Śaiva Vaiṣṇava tantras</i>	: Śiva Viṣṇu chants
<i>Sāmantas</i>	: Ruling class
<i>Sambandham</i>	: Marriage between Nāyar lady and Namboothiri man
<i>Samudāyam</i>	: An assembly of Brahmins for managing common property or the concerns of temple
<i>Sankēta maryāda</i>	: Rule of <i>Sankētam</i>
<i>Sankētam</i>	: Temple trustees governed by Brahmins
<i>Sapatnis</i>	: Co-wives, A women, whose husband has other wives
<i>Sapiṇḍa</i>	: A relation with in the sixth degree, fellow mourner and co-heir
<i>Śatrusamhāra Mantras</i>	: A type of chants to annihilate the enemies
<i>Satya parīkṣa</i>	: Trial ordeals
<i>Satyāgraha</i>	: Fasting
<i>Satyam collal</i>	: Pledging
<i>Savarṇa</i>	: High caste
<i>Śēṣakriya</i>	: funeral ceremonies
<i>Siksha</i>	: Punishment
<i>Smārttavicāram</i>	: Trial for Namboothiri women who suspected of adultery
<i>Smārttan</i>	: A person in charge of conducting <i>Smārttavicāram</i>
<i>Sōma</i>	: Wine
<i>Śuddha bhōjanam</i>	: One of the stages of <i>Smārttavicāram</i>
<i>Svarūpam</i>	: Matrilineal household political system of the medieval <i>Nadus</i> in Kerala
<i>Svarūpam collal</i>	: One of the stages of <i>Smārttavicāram</i> , in which all the worldly relations of the accused with relatives were removed by certain rituals

<i>Tāli</i>	: Sacred thread tying during the time of marriage on the neck of bride by groom
<i>Taccan</i>	: Carpenter
<i>Tālikeṭṭukalyāṇam</i>	: A mock-marriage or ceremony performed for every Nāyar girl before puberty in medieval period
<i>Taravāṭu</i>	: Joint household
<i>Tara</i>	: The basic settlement unit of the medieval time
<i>Taṭṭān</i>	: Goldsmith
<i>Tāvaḷi</i>	: Matrilineal junior lineage
<i>Tiṭṭūram</i>	: A writ, or documents
<i>Theypadal</i>	: A particular distance kept in connection with untouchability
<i>Tiruvatikaḷ</i>	: Ruler
<i>Traivarṇikas</i>	: Three varnas including Brahmin, Kshatriya and Vaisya
<i>Tūkkuparīkṣa</i>	: Ordeal by balance
<i>Ucchiṣṭa</i>	: Food remains after meal
<i>Udakavicchēdam</i>	: One of the stages of <i>Smārttavicāram</i> , in which the woman and men involved in adultery were excommunicated through certain rituals
<i>Upanayana</i>	: Investiture ceremony of the Brahmins
<i>Ūr</i>	: The traditional agrarian unit and the basic settlement unit of the early time
<i>Ūrāḷar</i>	: Temple Trustees
<i>Ūrāyṃa</i>	: Ownership of a land
<i>Ūrāyṃa vilakku</i>	: To excommunicate a person from a particular <i>Ur</i>
<i>Ūlam porukkuka</i>	: A sort of <i>sambandham</i> form of marriage
<i>Vaṇṇān</i>	: Washerman
<i>Vaidika</i>	: In relation to the Vedas

<i>Vālāyama</i>	: Untouchability related with death and birth
<i>Veḷḷāḷa</i>	: The agrarian community
<i>Vaṇṇasaṁkara</i>	: Intermixing of different castes through marriage
<i>Vēḷi</i>	: Namboothiri marriage
<i>Veḷuttēṭan</i>	: Washer man of high castes
<i>Virutti</i>	: Service grants
<i>Viṣa parīkṣa</i>	: Poison ordeal
<i>Yōgakkār</i>	: An executive Brahmin organization, which became powerful with the emergence of <i>Sankētam</i>

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