

Evolution of land tenures in Kerala

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ABSTRACT

The State of Kerala which is located in the Southernmost tip of India, was divided into the princely State of Travancore, Cochin and British Malabar. The agrarian relations in the region were mixed up with to a greater extent with the caste system that prevailed. It was the ascendancy of the Brahmins to the region that led to the introduction of feudalistic agrarian relations. The traditional tenurial concept in Kerala was that the landed property was owned by the Brahmins with their ascendancy to Kerala. . As the Brahmins were considered superior to others in scholarship, the community below them in rank as well as the sovereigns entrusted the management of the land with them. The Brahmins who administered the land were popularly called urallors or trustees of land. Some of the urallors in course of time began to oppress the tenants or actual cultivators. This forced the rulers to enact regulations to ensure security to the tenants. This trend in the field of land relations continued in the later years also. By the twelfth century A.D when Brahmin jenmies became very powerful, the landlord-tenant relations began to get deteriorated. The land relations in North Kerala underwent changes with the Mysorean interlude.

It is widely acknowledged that Kerala is ahead of India in implementing agrarian reforms. Abolition of tenancy and protection of the rights of agricultural labourers are achievements for which Kerala can legitimately claim credit. So Kerala has even been cited as a model for others to follow.

It is therefore important to understand the conditions that contributed to Kerala's progress in this field. The forces and persuasions which cumulated overtime infavour of diffusion of land ownership is to be understood in its historical setting.

The history of agrarian reforms in Kerala, is not a success story all along. There has been set backs, most glaring being with regard to redistribution of surplus land. The specific leasons for much set back in a region which is known for its militant peasant and agricultural movements is also to be analyzed with reference to the special origins of the forces which opposed such reforms.

Evolution of tenurial conditions and agrarian structure in the erstwhile three regions of Malabar, Cochin and Travancore which constitute present day Kerala were not uniform „substantial differences which have a bearing upon the contemporary situation can be traced. Nevertheless, were some common features such as the predominance of the upper castes in the higher echelons of the hierarchy of the rights and land. It is presented in three sections covering the precolonial, colonial and post independent periods.

The tenure relations that existed in Kerala have some peculiarities. It was largely a caste based *jenmi* system. For a long time, it resembled the feudalism in Europe, except for the differences introduced by the caste system . This type of relation is mainly attributed to the peculiar geographical characteristics and the relative predominance of small chieftaincies and independent principalities that survived for longer times¹. It has also been observed that no other parts of India and few other places in the world presented such a bewildering variety of land tenures as Kerala.²

The details of land ownership pattern, land tenures, and organization of agriculture in ancient Kerala is still largely unknown. But with the finding of Tamil literary works known as Sangam works, new light has been thrown on the state of society which prevailed during Sangam age, dated roughly between the first and fifth century A.D. . Agriculture figured as one among the main economic pursuits of the people which included hunting, fishing and shepherding .Sangm works describe mainly the society found in centres of utilization and in those areas where settled agriculture and class relations were developed. But in other larger tracts of Tamizhakam there are evidence to suggest that more primitive tribal organization prevailed even at that time.

Though we don't know much about the agrarian structure which prevailed during Sangam age, we have some information regarding land ownership and inheritance. The private ownership of land began in Kerala prior to Sangam age, and owners of land were Pulayas, Idyas, Vedas, Villavas all belonging to the categories of either cultivators or local chieftains.³ Even as early as Sangam age Kings used to donate land to poets scholars and Brahmins in the Court of King though the precise nature of the gifts and the functions of the land are not known. This is one of the process through which land ownership had its genesis not only in Kerala but elsewhere in India. In this context, it can be pointed out that the process of Aryan Brahmin migration and settlement had began in Kerala as early as the age of Sangam. Coming to inheritance, Kings as well as ordinary people followed the patrilineal system of inheritance in centres where skilled agriculture and clan relations have been developed.

After the age of Sangam literature we start getting records such as inscriptions of Tamil and Sanskrit literature only by about 9th century. During the 6th, 7th and 8th centuries rapid changes had taken place in socio cultural fronts of Kerala society. The geographical area covered under the present Kerala State was controlled by the Chera Empire in ancient times. The superiority of this empire continued up to 600 A.D. The second Chera Empire which came to power in 800A.D. had lesser powers and the chieftains controlled most of the lands.⁴ Hinduism emerged as a powerful religion consequent to the influx of large number Brahmin immigrants. By the close of the 8th century Brahmin settlements had become a vital force in society to such an extent that society itself was completely reoriented with these groups as the superior elements. Historians attribute the expansion of cultivations in river valleys due to Brahmins migration. The opening up of river valleys in a big way with a forest clearing and irrigated paddy cultivation was achieved between the 5th and 10th centuries after Christ under the leadership of the incoming Brahman settlers who established their 32 large settlements and other subsidiary settlements with political patronage. The second Chera Empire disintegrated by the 11th century mainly due to the superiority of Brahmins in the socio-political spheres of Kerala. In the field of land relations Brahmin domination started and a new form of feudal land lord-peasant relationship emerged. Large scale construction of temples around which the early settlements of Brahmins were centred began. They received extensive gifts of land from the kings for building temples and institutions

of learning. It led to the emergence of a temple centric agrarian economy. Such temple centred Brahmin settlements became well developed by the 9th century with vast control over the fertile areas of Kerala.⁵ Using their knowledge, ideology, institutional devices and magico-religious power the Brahmins began to enjoy the position of exploitative leadership in the society⁶ They began to enjoy the status of influential and powerful landlords or jennies.⁷ This superiority of the Brahmins led to the feudalistic agrarian relations in Travancore.⁸ The Brahmins occupied the top most position in the caste dominant society and were the representatives of a new mode of agrarian organization in Kerala.

In the agrarian scene these changes had gradually altered the prevailing land ownership structure and created favorable conditions for the emergence of Brahminical land lordism in Kerala. A significant change witnessed during the period in the social front was the growing importance given to temples and donation of large areas of paddy land to them. We have information to show that temples of modern type arose in Kerala by about 50 A.D. The corner stones of socio-economic structures of Kerala, during the period were temples. The temples performed the functions of present day schools, libraries, religious seminaries, the theatres and public praks. When a temple was built it was usual to endow it with property, the revenues of which would suffice to defray the expenses of daily worship, festivals, schools and feeding places. Besides kings and chieftains ordinary cultivators also donated land to these temples. The management of the temple properties were vested with a council known as ur or sabha consisted of uralars and regulations were formulated to avoid misappropriation of temple properties. The temple lands were known as Devaswam and the families of hereditary temple trustees were also endowed with private land known as Brahmaswam. The uralar who jointly supervised the temple lands had several advantages. They enjoyed the patronage of the perumals and Naduvazhis, who nominated members of their military groups as protectors of the temple properties. The name and halo of spiritualism and the varied learning of the Brahmans guaranteed the support of the people. As the Brahmans didn't undertake cultivation directly the lands were leased out to Sudra tenants (Karalars) under certain conditions. There was also lands assigned as service tenures (Viruthi or Jivitham) to the temple servants and artisans (Kamalar, Ilavar Vannar etc) received only occupational rights (Kutiymi). Below these groups were the serfs (atiyar) like the Pulayar curumar etc who were transferred along with land.

The age of Kulasekharas (800 A.P to 1124 A.D) saw the decline of Jainism and Buddhism and establishment of Hinduism as the predominant religion of Kerala. As part of popularization of Hinduism more structural temples were constructed and vast acres of land were donated to the temples for its maintenance. All the land seem to have belonged to the Chera Kings in theory. The governors were his feudatories and as such they enjoyed the lands in their districts in return for payment of tribute. The land possessed by the King or his feudatories and inhabited and cultivated by native population are known as 'Cherikkal' in the records of the age.⁹ It is from such land that Nagaras and Gramas were carved out and leased out to the foreign and native merchants or the Aryan Brahmin cultivators. These people enjoyed the lease in perpetuity.

The study says that there were 3 kinds of tenure in land such as Kanam, Karanmai and Kutimai were in existence during the period. The terms may be translated as the rights of proprietorship, tennancy and occupancy respectively. The lands enjoyed by the Aryan Brahmin cultivators also appear to have been leased out by rulers in perpetuity to the Uralar (Village proprietor) on similar lines. The right of proprietorship in this category is not Kanam but Uranmai in the records of the age. Some of the lands in the grama were set apart as Devaswam (temple property) which may be described as eleemosynary tenure sometimes the royal or feudal proprietors of land placed a cherikkal or a smaller plot of land as Kilitu or subordinate property of the temple corporation. In some cases when lands were donated to the temples the donor specifies that Karanmai had to be given to a particular person whom he nominated.

The lands of the Ur were leased out again to Karalar or tenants who undertook to pay a portion of the produce as pattom or tenant dues. Sometimes the tenant dues were stated to be one third of the produce or 1/5 of the produce. In some cases the tenants are obliged to the tax also.

There are many reasons which prompted the donation of land. The usual conditions laid down in all the deeds show that Uralar are generally prevented from obstructing cultivation, confiscating the property of tenants and taking up the cultivation by themselves. The Uralar were also instructed not to mortgage the landed property of the temple. They were also not permitted to employ the land donated for one purpose for something else even with the Unanimous consent of the assembly at a later date. The most important development in the field of land tenure in this period was the gradual acquisition of thousands of acres of

paddy land by the Brahmin Village Corporation through the process of Attipperu (land owners placing their land under the protection of the temple) and outright purchase.¹⁰ Gradually this led to the domination of economic and social life by the Aryan settlers who succeeded in improving their culture on Kerala. It was in this period that the traditional Kerala land system which lasted for centuries until Mysore British era took shape.

Historians widely differ with regard to the developments taken place in the agrarian ownership structure during the 11th century. The hundred years was between Cholas and Cheras in the 11th century created favorable conditions for the emergence of Janmi System and Marumamakathayam System. ¹¹ Because of the war the temples which had been the focal point of all cultural educational and economic activities gradually receded from the glorious status. The properties entrusted to the trustees for management became source of income without corresponding expenditure and the trustees began to act as the owners of temple property. It was during this period that it became customary for a trustee's legal heir to be appointed as his successor to the trusteeship, thus becoming the office hereditary. Thus from the 12th century onwards the trustees became land lords and monopolists of wealth and power. The emergence of Marumakkathayam was attributed to the abnormal conditions created by the war, the formation of Chaver army to meet the threat of Chola invasion and legislation of Brahmin practice keeping concubines from the lowest castes.

By the 12th century the Brahmin settlers were able to establish themselves as the most dominant group in the society. Brahmins by using their traditional position as religious leaders and managers of temple properties gradually became powerful land lords by a gradual process of transferring their management rights to ownership rights. This process of emergence of Feudalism was in all probability confined to areas where there was Brahmanical control or ascendancy. The other group of land lords who possessed vast areas of land were Rajas, Naduvazhis and other chieftains. The emergent feudal system had both a hierarchy of rights in land and a social or caste hierarchy which broadly conceded in the following manner.

Janman- Rajas, Brahmins, Temples, Chieftains.

Kanom- Nairs, and Subgroupss of Nayiards.

Verumpattom -Nairs, Moplah, Syrian Christians, Ezhavas.

Agrestic Slaves – Pulayas, Cherumar, Parayas etc.

In cochin state, by the beginning of the 16th century Kings owned extensive areas land as crown land. The chief sources of revenue of the King were from crown lands and revenue from trade. The Government was more or less similar to feudal system existed in Europe and the king was only the nominal ruler of the country. The Kingdom was divided into a number of nadus or districts each presided over by a hereditary chief called Naduvazhi and each nadu was further divided into desams presided over by hereditary desavazhis. Majority of Naduvazhis and desavazhis were nayars, who owned large acres of land need not pay land tax to the King but had to help the King with fighting men at the times of war. The Kings, naduvazhis and Desavazhis, leased most of their land of favorable terms to their military retainers, mainly nayars as remuneration for their military service. Another class of people who owned lands was Brahmins. The religious institutions founded by them also received large areas of land as devotions from Kings and chieftains. The religious institution founded by them also received grants of land. Thus in course of time, the land became distributed among the king, the chiefs of Nadus and Desams, the Brahmins and Devaswams but the actual cultivation was carried out with slave's labour.

In Malabar the socio-political system that existed was similar in many respects to other parts of Kerala in the 18th century prior to the invasion of Haidar Ali in 1766. The region was divided into a number of Petty Rajas, often fighting each other, and the Governmental form was similar to a feudal set up. The society has been divided on caste basis in a hierarchical order in which Nambuthiri Brahmins stood at the top land owned by four categories of jemies viz Rajas, temples, Nambuthiri Brahmins and Naduvazhis crown lands were known as cheral lands, which was the main source of income of the Rajas. The 'Deva Stanum' or temple lands belonged to the temple. The Nambuthiris had acquired large areas of land through religious grants. The Naduvazhis who kept Nayar fighting man varying from 200 to 3000, who supported the Kings at the time of war, also held lands in proportion to the number of men held by each of them. The three types of land tenures that were common were Verumpattom, Kanam and Kuzhikanam, under the verupattom tenure, the Kudiyan gets only a measure of produce that is equivalent to the quantity of seed plus an equal quantity as the sole

share and the rest of the share to the janmi. In this tenure, he is entitled produce equivalent to the quantity of seed plus and equal quantity as the sole share and the rest of the share goes to the janmi. In this tenure, for his labour and all efforts, he is entitled to get a very small share of the total produce equivalent to 10 % of the interest on the money he advanced usually the balance due to janmi was fixed in money or a certain portion of the gross produce in kind. According to this tenure, the land lord had the right to take back the land at any time, by paying back the principal amount, without paying any compensation. However, the evictions were very rare and the mortgages most of them were Nayars, continued to hold the land for generations. A third tenure was Kuzhikanam tenure, in which, the Kanakaran was allowed to take the full produce from his land for two or more years and at the expiry of tenure, he was entitled to get a compensation for improvements besides the amount he advanced. The lands of Nambuthiris, temple land, lands of Rajas and chieftains were given to cultivation under the above type of tenure. In a society the upper castes especially Nambuthiris and Nayars holding the view that doing agricultural work was below their status, the greater part of the cultivation was carried out with the help of slaves.

The Mysorean conquest in the middle of the 18th century brought about many significant changes in the socio-economic and political front. With the motive of extracting more land revenue, Mysorean Kings reintroduced a land tax to be collected directly from the cultivators. The Mysorean Sultans wanted to draw forth as much revenue as possible from land and for this purpose a comprehensive land revenue assessment was introduced in Malabar for the first time.¹² During the time of the annexation of Malabar by the English East India Company the state had the land tenure system introduced by the Mysore sultans. The cultivators had to pay more amount as tax and no proper assessment or land regulation was made for the purpose of land revenue collection in the state.¹³ . In the agrarian structure, the conquest contributed to the weakening of the firm hold and authority of Janmis and created simple opportunities for the Muslims to purchase land at low cost or to seize land rights held by fleeing land lords. The rule has resulted in a change in ownership of land in favour of Muslims because till then, they were prevented from becoming land owners due to the rigidity of the system of land tenures prevailed in Malabar.

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