

**A COMMENTARY
ON MALABAR LAW
AND CUSTOM**

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A Commentary on Malabar Law and Custom by Herbert Wigram

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HERBERT WIGRAM

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ON MALABAR LAW
AND CUSTOM**

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ON
MALABAR LAW AND CUSTOM.

BY
HERBERT WIGRAM, M. A.,
Late District Judge of South Malabar.

—♦—

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PREFACE.

More than a year ago, Mr. M. Subramania Iyen, Translator of the District Court of North Malabar, placed in my hands four bulky manuscript volumes of decisions on Malabar Law and Custom which he had collected and arranged with considerable labor and research. With this material which he has from time to time supplemented, I undertook the task of compiling a Commentary. To this I have added a short Introduction, descriptive of the country and the people who inhabit it.

The plan of the Commentary is to state as concisely as possible at the commencement of each Chapter the existing law on the subject with which the Chapter deals, and then to support the statement piecemeal by quotations from decided cases and other official sources.

Every attempt thus to reduce unwritten law and custom to propositions must necessarily be imperfect, but I venture to hope that the book will be of use to those who are engaged in administering the law not only as a collection of precedents but as a guide to principles.

In criticizing the decisions of superior Courts, I have endeavoured to avoid a controversial tone and I trust that I have nowhere exceeded the bounds of fair criticism. In conclusion, I wish to

acknowledge the obligations I am under to Mr. M. Subramania Iyen, Translator of the District Court of North Malabar, who furnished the material; to Mr. T. Kunhi Ramen Nayar, late District Munsif of Calicut, now Puisne Judge of the Sudr Court of Travancore, who revised a great portion of the work and made some valuable suggestions; to Mr. Logan, Collector of Malabar, who allowed me to peruse some interesting papers on Malabar land tenures which are to form Appendices to his forthcoming report as Commissioner; to Mr. P. Appavu Pillai, the Record-keeper of the High Court, Appellate Side, who volunteered to correct the proof-sheets for the press and to many other native friends who have assisted me with criticisms and suggestions:

COIMBATORE, }
August 1882. }

H. W.

CONTENTS.

	<i>Page.</i>
INTRODUCTION	i—xvi
Part I.—The Family.	
CHAPTER I. Partition, Inheritance, Adoption... ..	3— 16
„ II. Rights and Obligations of Karnavan	17— 41
„ III. Removal of Karnavan	42— 51
„ IV. Alienations by Karnavan	52— 81
„ V. Separate and Self-acquired Property	82— 89
Part II.—Land Tenures.	
CHAPTER VI. Introductory	98— 97
„ VII. The Kanam	98—129
„ VIII. The Otti	130—134
„ IX. The Kuri-kanam and Improvements	135—142
„ X. Perpetual Leases	143, 144
Part III.—Miscellaneous.	
CHAPTER XI. Lotteries	147—150
„ XII. Moplas... ..	151—155
„ XIII. Pymash Accounts	156—160
„ XIV. Stánams	161—174
„ XV. Temples	175—184
APPENDICES.	
1. Notes of decisions on procedure in Malabar suits	185, 186
2. Chronological table of events connected with Malabar history	187, 188
3. Note on the administration of justice in Malabar from 1792, A. D... ..	189, 190
4. Lists of Devasams, Nambudri houses, Prabhus, Nádválas, Stánis and Tarwards in Malabar	191—196
5. Glossary of terms	197—202

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part outlines the various methods and tools used to collect and analyze data. This includes the use of surveys, interviews, and focus groups to gather insights from stakeholders. The analysis of this data is then used to identify trends and areas for improvement.

3. The third part of the document focuses on the implementation of strategies and initiatives. It details the steps involved in developing a plan, allocating resources, and monitoring progress. This section also discusses the challenges that may arise and how they can be effectively managed.

4. The final part of the document provides a summary of the key findings and conclusions. It highlights the overall impact of the research and offers recommendations for future work. This section is intended to provide a clear and concise overview of the entire study.

INTRODUCTION.



EVEN if the materials were available, it would be impossible within the limits of an Introduction to write anything like a History of Malabar. All that I have here attempted is to give a short sketch of the races peculiar to the Province and of their social and political organization. Where I have put forward new theories, I would simply ask that they may be sifted before they are discarded.

The aboriginal inhabitants of Malabar must be looked for among the Cherumars and Poliyars—the slaves of the soil who, until recently, were bought and sold with the land, and among the jungle tribes, such as the Kurumbas, Panniyars and Kurichiyars. These represent respectively the pastoral, agricultural and hunting tribes. They have disappeared from the low country, but representatives of each race are still to be found in the forests of the Wynâd, and the Kurumbas have left their name behind them on the coast.

The first wave of immigration perhaps brought the cultivators of the palm who are known by different names, such as Tiers, Iluvers, Chogans, Shanars. It is commonly supposed that the word Tier is derived from *Dvîpa* and signifies an islander, and that Iluvan is derived from *Sîlam* or Ceylon, but, if so, the names indicate a later period of immigration, as the name by which Ceylon was known to the ancients was *Taprobane* (*Tambraparni*) and Lanka.

The next wave of immigration brought the Nayars, which is now the generic name for the Sudras of Malabar. It is commonly supposed that the word Nayar, Nayak, Nayudu, originally denoted the military as opposed to the agricultural division of the Dravidian tribes. The Nayars of Malabar have always been essentially a martial people, and, except in language, have but slight affinity to the

ordinary Tamil Vellalars—the Mudaliyars, the Pillais and the Goundans. Probably, they bear a closer resemblance to the Telugu Reddis.

They appear to have entered Malabar from the north and to have peopled first the Tulu and then the Malayalam country. They were probably the offshoot of some colony in the Konkan or the Deccan. All that can be predicated of them with any degree of certainty is that they were serpent-worshippers, that they practised polyandry, and that their land tenures in common with their other customs point to a distinctly military organization.

Malayalam is the language spoken along the Malabar coast on the western side of the Ghauts or Malaya range of mountains from the vicinity of Chandragiri, where it supersedes Canarese and Tulu, to Trevandrum where it begins to be superseded by Tamil. These are the ancient limits of the Sanscrit Kérala, *viz.*, from Chandragiri to Kannetti, though in its more comprehensive sense, Kérala denoted the whole Western Coast from Gokarnam near Goa to Cape Comorin. It has always been a matter of controversy whether Malayalam is the mother or sister or daughter of Tamil. The better opinion seems to be that it is the archaic form of Tamil before it became a written language, and this corresponds with the information we derive from the Greek writers that the country was known by the name of Limurikê, *i. e.*, Tamilikê or the Tamil country.

That the original Nayars were serpent-worshippers is attested by the fact that to this day a form of serpent-worship is maintained in every wealthy Tarwad, and a corner of the compound is set apart for the snakes. Further, we have the tradition that at the time of the Aryan immigration, the country was peopled by serpents or serpent-faced men. Can the Nayars be in any way connected with the Dravidianised Scythians of whom we at present know so little?

All European writers, Lubbock, Mayr, McLennan and others agree in the conclusion that the system of inheritance