From Conquest to Control: East India Company Rule in Malabar, 1792-1858

Thesis submitted to the
UNIVERSITY OF CALICUT
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DOCTOR OF PHILOSOPHY IN HISTORY
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Submitted by

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DECLARATION

I hereby declare that this Thesis entitled **From Conquest to Control: East India Company Rule in Malabar, 1792-1858**, being submitted to the Calicut University for the award of the Degree of Doctor of Philosophy in History is an authentic record of research work carried out by me under the supervision of Dr. Sajan. R, Professor, HOD, PG& Research Department of History, NSS College Manjeri. I further declare that this has not previously formed the basis for the award of any degree, diploma, associateship, fellowship or any other similar titles or recognition.

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CERTIFICATE

This is to certify that this thesis entitled **From Conquest to Control: East India Company Rule in Malabar, 1792-1858** submitted for the award of Degree of Doctor of Philosophy in History to the Calicut University is a record of bonafide research carried out by Sri. ANITHA.M under my supervision and guidance. No part of the thesis has been submitted for the award of any degree before.

I also certified that the corrections/ suggestions from adjudicators have been incorporated in the revised thesis.

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UNIVERSITY OF CALICUT

CERTIFICATE ON PLAGIARISM CHECK

1.	Name of the Research Scholar	ANITHA. M	
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CHAPTER I

INTRODUCTION

The present Thesis entitled "**From Conquest to Control: East India Company Rule in Malabar, 1792-1858**" is the outcome of a dedicated attempt undertaken to develop a close and detailed understanding of the different stages through which the colonial administrative system developed in the frame work of the intercede of British colonialism in Malabar from 1792 to 1858. One can never perceive an administrative system completely by mere study of the existing administrative system unless he has a clear-cut knowledge of the history. The main intention of the present study is to unravel the governing system to acquaint the research scholar with the evolution of the colonial administrative system in Malabar in the fields of Police, Army, civilian bureaucracy, Law, Education, administration of justice, Jail reforms, and Land revenue and health administration. The British period inaugurates a fundamental break from our traditions of the hoary past. The importance of a region in history can be understood only by using a voyage or voyages through the pages of the past. We need to have an unbiased approach or an objective historical approach to do justice to the past. No history could be taken as a regular or 'in-built' one, free from the continuous process of making and remaking. We need a 'third eye' to know the whole process that gave shape to a specific identity in a region.

British colonial expansion in the first half of the 18th century in India was a great turning point of India's history. Malabar as a region has to reveal a story of its making and remaking. With its rich and diversified historical experiences during the pre-colonial times, the region moved into the age of colonialism. 'Being a commercial enterprise the immediate aim of the company in this period was to make it a profitable concern and to exploit the East Indies for the benefit of its shareholders'.[1] The Malabar region has had the uniqueness of being the place where the footprints of the first colonialists were marked. The finding of new maritime routes by Vasco da Gama has heralded a new episode in global colonialism. Though Dutch and French followed them, the British could take over to hold the administration of Malabar for quite a long time. They annexed Malabar from the Mysoreans under Tippu Sultan in1792 and by 1800, they

1. K.K.N. Kurup, E. Ismayil, *The Keyis of Malabar; a Cultural study*, The Malabar Institute for Research and Development, Vadakara, Calicut,2008, p.9

made it a part of the Bombay presidency, which was later handed over to Madras. The landscape of Malabar more or less remained unharmed even during the British times. The geographical factors including, a long coastline, an extensive river system, periodical monsoons, mountain passes, streams, etc., blessed Malabar to have a hospitable environment, even the alien Europeans could not withstand that temptation.

Malabar had a unique colonial experience, unlike other segments which made the modern state of Kerala in 1956. The formation of Malabar as a distinct region within the Malabar coast is arguably a development that took place after the European arrival; it became a concrete administrative entity when it became a district in the British Madras presidency. 'British set out to make space for themselves as the rulers of India they had to devise novel, and exceptional theories of governance.'[2] Malabar largely benefitted from its colonial rulers over the period. She even provided necessary revenue for the nourishment of the colonial state system. The unparalleled colonial experience of Malabar reshaped the history of the land in the later years. Due to the direct control of the land by the British from Madras, the region had shown intense political activism and proactive towards progressive movements.

Colonialism, at least in the situation of Malabar, acted as an agency of cementing the landscape by a process of administrative integration. Their governmentality could not be restricted to issuing orders of a purely political nature, instead most of the colonial state decisions had unforeseeable consequences on the social fabric of the land. They were the agents of a leveling procedure, in which educational avenues were opened up for all. For that matter, the British success in the Third Anglo-Mysore War and the Treaty of Srirangapattanam, followed then, was pivotal as it handed over politically united Malabar to them.

The British period of Indian History is considered to start in 1757 with the Battle of Plassey. India, particularly on the Malabar coast was attractive to the European merchants because it offered an abundance of goods that were not available in Europe.[3] In the age of geographical discovery, the sea route to India around the Cape of Good Hope was also

2. Thomas R Metcalf, *Ideologies of the Raj,* Cambridge University Press, New Delhi, 1998, p.1
3. Margret Frenz*, From Contact to conquest Transition to British rule in Malabar; 1790-1805*, Oxford University
Press, New Delhi, 2003, p. 67

rediscovered. Trade structures in the Indian ocean were to change drastically as a result of the European trade and their attempts to control trade by monopolies. Within the century, the British converted their economic supremacy in India into territorial supremacy, preparing the ground for the conflict that arose between the Europeans and the local people on the Malabar coast.[4] The economic factor continued to be the intention behind the British foundation in India. The main purpose of the EEIC was to gain political concessions from the local rulers so that the British could trade profitably. Since the establishment of the EEIC, Malabar has been one of the most important destinations for British traders, primarily because of spices.

The term 'Malabar' has been used in different ways to inform the locality, the culture, and even historical developments. 'Malabar coast' in historical contexts, is in current to shows the land stretched from Goa to Cape Camerin. Such a narration is often misleading in the present context. 'Malabar' in the case of Kerala is used to denote the Malabar district as part of the Madras Presidency. The British ascertained the political control of Malabar in 1792 as a consequence of the Third Anglo-Mysore War. One of the momentous and decisive historical changes that occurred because of the war was the annexation of Malabar as a province of Bombay Presidency in the year 1792. The credit for making Malabar a politically unified segment could be vested with Tipu Sultan. [5] Much before the British assumption of political control over Malabar, several English businessmen and explorers had maintained and monopolized lucrative easterly trade. The British political control over Malabar could be seen as an extension of British mercantilism coupled with political ambitions. Under the British, there were nine taluks in Malabar as political divisions despite several other micro-political units before it. Chirakkal, Kottayam, Kurumbranad, Calicut, Eranad, Ponnani, Valluvanad, Palakkad and Wayanad were the nine taluks in Colonial Malabar. Malabar the northern districts of Kerala in peninsular India, well-known to the outside world from time immemorial, finally became the prize of the British East India Company as one of their colonies in the southeast, in the course of the Anglo-Mysore wars.[6]

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4. *Ibid.*, p.69
5. C. K. Kareem, *Kerala under Haidar Ali and Tipu Sultan*, Kerala History Association, Cochin, 1973, pp.91-93
6. K.N. Panikkar, *Against Lord and State Religion and Peasant Uprisings in Malabar 1836 -1921*, Oxford University
Press, New Delhi, 1989, p.1

Malabar came under British rule in 1792 after the third Anglo–Mysore War with Tipu Sultan. [7] This subjugation was the climax of the E I C's expedition to manage the Malabar spice trade, for which the European powers had fight over almost three centuries. From the beginning of the 17th century itself, the Company had pursued its trading interests, but effective trading operations had not begun before 1664.[8] The Malabar district integrated to Madras presidency on May 21, 1800. 'A principal Collector assisted by nine subordinate Collectors was put in charge of its administration and Major Macleod took charge as the first principal Collector of Malabar on October 1 1801'.[9] The Malabar district for this reason made improvement as a separate administrative unit of the Madras presidency. 'By the middle of the 18th century, the company had almost cornered the lucrative spice trade of Malabar and also had acquired unrivaled political influence among the local rulers.' [10]

After the EIC founded its supremacy over this land by 1792, numerous alterations were inaugurated in Malabar, the most important was the inauguration of the land holdings or proprietary rights. There was a kind of proprietary land in Kerala, which was not admitted by the British. In pre-colonial Kerala, the owner of the land was usually known as *janmi* and his power was a graded one. Conventionally, two major property ownership included in *janmam* and *kanam* tenurial rights. 'The origin of these rights was linked to the control over land established by the Namboodiri Brahmins between the 9th and 12th centuries when they took advantage of their position in the sabhas which administered temple property.'[11] The obligation of revenue demand on the peasants increased. Several land revenue experiments were started by the British government in haste to maximize revenue. After the colonial acquisition of India, the East India Company's earliest attempt was directed at the introduction of a modern administrative system in India to maximize returns.

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7. Stephen F. Dale, *The Mappilas of Malabar;1498-1922, Islamic society on the South Asian Frontier*, Oxford University, Newyork,1980, p.94
8. William Logan, *Malabar Manual*, Vol .1, Gazetteers Department, Thiruvananthapuram, 1998, p. 383
9. A Sreedharan Menon, *A Survey of Kerala History,* DC Books, Kottayam,2007, p.279
10. K. N Panikkar, *Op.cit.*, p.2
11. Kesavan Veluthat, *Brahmin Settlements in Kerala*, Sandhya Publications, Calicut, 1978, p.3

Life in Malabar before the coming of the British rulers was represented by the absence of political machinery to exercise necessary control and guidance in the activities of the people. Moreover, the society after the occupation of Mysore rulers was in confusion and turmoil, which increased the difficulty of the company's administrators. The primary objective of the British in Malabar in those days was to set up the law-and-order situation in the society. In addition, the company's prime aim was to guarantee the collection of revenue without any obstacles and hindrances.

Review of Literature

Inspite of the fact that the history of Kerala has become important on account of the major contributions of Indian as well as foreign scholars, no ample concentration has been paid to the presentation of the administrative history of Malabar. Until now no thorough historical work dealing with the administrative system in colonial Malabar has been published. Now, only a few scholarly writings on certain aspects of the administrative system like the judiciary and land revenue of Malabar are available. Of these, C.A. Innes and Evans were the pioneers who studied the administrative reforms in Malabar through their work "*Malabar Gazetteers*". C.A. Innes was a pioneer who studied the administration in Malabar in his works *Malabar District Gazetteer* and *Malabar and Anjengo*. The work entitled *Madras Manual of Administration*, Vol. 1 Madras, 1888 authored by Maclean, C.D. who made some pertinent and valuable comments and observations on the administration of Madras.

William Logan, who was the collector of the British Malabar in the last quarter of the nineteenth century, should be assigned with the first endeavor to write a complete history of the region. *Malabar Manual,'* [12] which was published in 1879, was the first scholarly venture to create a history of this region based on both mythological and other sources. Probably the most famous treatise dealing with Malabar dating back to the 19th century is Malabar Manual written by William Logan, the principal Collector [1875-1884] and Malabar Special Commissioner [1881- 1982]. The exhaustive and informative work is divided into two volumes [Madras, 1951]. In the first volume,

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12. William Logan, *Malabar Manual, ……. Op.cit.,*

Logan presents the history of Malabar from ancient times with special reference to the British period and the second volume contain a large collection of data as an appendix. This work is noted for the very vivid and clear account of the affairs of Malabar that the author could gather and present an account of his close and extensive knowledge of and acquaintance with the region and the people. In this work, Logan has incorporated a good collection of data related to the revenue and land system of the province.

There is a subsequent collection, which can be regarded as the third volume known as '*A Collection of Treaties, Engagements and other papers of importance relating to British Affairs in Malabar*.'[13]This work provides some important original letters, proclamations, orders, etc. related to the revenue affairs of the company and the British colonial government in India. Though these volumes shed much light on the state of the region in its manifold aspects certain areas of the subject covered require further investigation and research.

William Logan's "*Malabar"*[14] was another significant work. Logan's straight presentation was limited only to the first volume. It was published in 1887. This could be treated the most clarified and impartial work on the Company's rule in Malabar handling land revenue administration and peasant problems. It deals with Malabar geography, wild life, inhabitants, faith and beliefs, their past, convention and traditions, and a clear picture of Malabar land tax administration under Mysorean administration and the Company. He ascribed to Mappila disturbances to peasant dissatisfaction and misuse of the peasant by the landowner.

Ashin Das Gupta's *Malabar in Asian Trade 1740-1 800* (1967)[15] is a pioneering national and world-renowned work. It deals with the history of 1 8th century activity concerned with the supplying and distribution of commodities in Kerala, as he denoted the term Malabar for the entire Kerala. He rebuilt the appearences of the 18th-century trade like trading

13. William Logan, *A Collection of Treaties, Engagements, and Other Papers of Importance Relating to the British Affaires in Malabar,* Trivandrum, Kerala Gazetteer Department. 1998
14. William Logan, *Malabar*, Asian Educational Service, Thiruvananthapuram, 2000
15. Ashin Das Gupta, *Malabar in Asian Trade 1740-1 800*, Cambridge University Press, London, 1967

communities, and trading centers, with the help of the Dutch and the British sources. And interestingly, influenced by the colonial writers he concluded that the important cause for the disintegration of trade in 18th century Malabar was the occupation of Tippu Sultan.

'T.K. Ravindran's monograph, *Malabar under Bombay Presidency* (1969),[16] is one of the relevant studies connected to the British annexation of Malabar. The work pointed on the investigation of the commencing of judicial reforms of the British in Malabar when in the clutches of the Bombay presidency. He takes from 1792- 1802 as a duration of study that disclose the significant interchanges that happened as a result of the inauguration of colonial legality in this land. This work includes a single chapter with an introduction and conclusion, inattentive to the social or economic aftereffect of the British administration. His work *Cornwallis System in Malabar* is very valuable and deals with the Cornwallis code introduced in Malabar under Bombay and Madras Presidency.

Kerala under Haidar Ali and Tipu Sultan (1973) [17] by C.K. Kareem can be treated as the first scholarly writing on the history of Mysorean subjugation in Malabar. It is a vast work composed into twenty-one chapters. He wrote about all the aspect of the history of the Mysorean invasion in a simple and lucid language. However, the author's enthusiasm to glorify the Mysorean rulers deviates from the scientific methodology of history. This the book includes a wider area, but the author does not address many important issues. Prof. N. Rajendran's *Establishment of British Power in Malabar 1664 to 1799* (1979), [18] deals with the beginning of the establishment of British rule on the Malabar Coast. This book written with the help of archival sources, which is very useful for researchers.

The latest work on this region is of a young German scholar Margaret Frenz, titled *From*

16. K. Ravindran, *Malabar under Bombay Presidency A Study of the Early British Judicial System in Malabar, 1792-1802*, Calicut, Mascot Press, 1969
17. C.K. Kareem, *Op.cit.,*
18. N. Rajendran, *Establishment of British Power in Malabar 1664 to 1799,* Penguin books, Allahabad, 1979.

Contact to Conquest: Transition to British Rule in Malabar 1790-1805 (2003).[19] This book is divided into six parts, it covers a wide area from pre-colonial social order to the conversion of colonial administration in Malabar. Although the book covers the history of a short period from 1790 and 1805, the author goes onto great detail about the issues like the struggle between the Portuguese, the Dutch, the French, and the British and the invasion of Mysore rulers on Malabar. Margaret Frenz, is eagerly introduce the "little Kingdom" model of Nicholas B. Dirks to know about Malabar. While Dirks use this mode of "little Kingdom" and "great Kingdom" to examine the pyramidical structure of the pre-colonial South Indian state, the same model is also applied by Frenz but it shows beyond doubt to be not relevant in the case of Malabar. Another model she discusses is 'contact zone1, which also fails to generalize in the discourse on l8th century Malabar.

Francis Buchanan's "*A Journey from Madras through the Countries of Mysore, Canara and Malabar,* 3 vols. (1807)"[20] is one of the important books about British Malabar. This journey was begun on the instruction of the government so this is considered an official work. He mainly concentrated on the topography, social conditions, cultivation, land tenure, trade, population, nature of agriculture, Malabar. This work mainly talks about economic life of Malabar, but it did not elaborately discuss the land revenue system during that period. Buchanan obtained most of the information from the Company's revenue officers of Malabar, but they themselves did not have much knowledge about the situation in Malabar.

Another significant works representing on the society and economy of 18th-century Malabar is the doctoral thesis of Bonaventure Swai, titled "*Trade and Politics in 18th-century Malabar*" submitted to the University of Tanzania, (1979). The thesis helps to unearth the complexities of the 18th-century political structure as well as the colonial interference in the spices trade. In one chapter, Swai discusses the roots of the British merchant capital in the hinterland of Malabar, which may be the first study of its kind. However, like many other foreign writers, Swai fails to

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19. Margaret Frenz, *Op.cit.,*

20. Francis Buchanan, *A Journey from Madras through the Countries of Mysore, Canara and Malabar (1800-01)* in 3 Volumes, Vol. II, (1807). Asian Educational Services, New Delhi, 1998

analyze the complexities of deeper socio-economic element in the region. Still, this study is one of the most informative sources in many stages of current research.

Another significant work that deals with the establishment of the British rule in India and the transition to 18th century is *From Plassey to Partition* written by Sekhar Bandopadhyaya [21] (2009). The whole work contained eight chapters. The second chapter is highly informative for the researcher as it deals with the colonial apparatus of rule like civil service, Land Revenue, army, education, the judiciary, colonial law, etc. *History of Modern India* written by Bipan Chandra[22] gives details about the colonial administrative system in India. The work consisted of fourteen chapters. The third Chapter deals with European penetration and the British conquest of India and discusses the period of Governor Generals in India. It has given a detailed account of the administrative reforms introduced by Lord Cornwallis. The fifth chapter is administrative organization and social and cultural policy of the British which unravels the important changes that occurred in the fields of judiciary, police, education, army, civil service, etc.

An outstanding work on the trade on western coast, 'Pamela Nightingale's *Trade and Empire in Western India, 1784 -1806* (1970) [23] is a collection of information on the spice trade and pepper politics during the early phase of colonial administration throughout the coast.' Out of the whole contents, only two chapters are deals with Malabar, in which the author has discusses various issues. He elaborately discusses conflict between the French and the British for pepper, the political structure of the coast, activities, and the private business of the Company's people like Murdoch Brown, etc. are portrayed very clearly. However, the well-researched two chapters are very informative and will be very useful for the students studying this area.

There are some notable works of Legal History produced in the Malabar region. One such work is *Judiciary and Social Change in British Malabar 1792-1940* written by C. Vasanthakumari.[24] The work covers the existing practices of law in Malabar, the social condition that existed in British

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21. Sekhar Bandopadhyaya, *From Plassey to partition,* Orient Black swan, New Delhi, 2009
22. Bipan Chandra, *History of Modern Inda,* Orient Black swan, New Delhi, 2009
23. Pamela Nightingale, *Trade and Empire in Western India, 1784 -1806*, Cambridge University Press,NewDelhi,1970
24. C. Vasanthakumari, *State and Social Change the Role of Judiciary, A Case Study of Malabar 1792-1940,* Unpublished PD Thesis, University of Calicut, 2003

Malabar, the evolution of judicial institutions in Malabar, and the prominent judgments necessitating legislative action. In the last chapter, the author moves to the crux of the work which is how the judiciary in Malabar worked as a tool of social change during the British period. The author substantiates her idea with the help of local laws and judgments. Various court records and case studies were used in this study. The book consisted of six chapters excluding the introduction and conclusion. Sajan. R, in his *Evolution of Judicial System in British Malabar* (1792-1858) has given a detailed account of the judicial system in British Malabar.

Henry Davidson Love, 'in his great historical work, known as *The Vestiges of Old Madras* has given a detailed account of the administration of justice at the beginning of the Company's administration at Madras.'[25] Apart from references and 20 allusions in works, a full-fledged treatise wholly based on judicial records as the seminal source of information is yet to be written. One thing is clear from the previous literature that none of the historians has conducted very special or in-depth study focusing on the emergence of the judiciary under the British administrators in the Malabar region. Through this work a sincere and humble attempt is made to present a detailed and comprehensive account of the history of the introduction of law and legal system, the prevailing law and order situation, and the establishment of civil and criminal courts in Malabar through this present study.

Anand A Yang in his scholarly article '*Disciplining Naives: Prisons and Prisoners in Nineteenth Century India* [26] written by analyzing the resistances in colonial Bihar in the nineteenth century states that Indian prison does not suit Foucault's concept of prison. The subaltern studies addressed the crime, criminality, prisons, and other aspects of colonial India'. David Arnold in his article entitled '*The Colonial Prison in Subaltern Studies* states that Indian prison was very different from Foucault's concept of prison discipline and panopticon concept of surveillance'. The prison was considered as a tool of political surveillance right from the beginning. The resistance in prison was considered from the very beginning of the nineteenth century itself, which was frequently adopted, followed by the political prisoners in the nationalist period. The prisoners used a variety of methods of resistance including hunger strikes, which rejects the notion of discipline by Foucault.

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25. Henry Davison Love, *Vestiges of Old Madras 1640-1800*, Vol. I, Mittal Publications, London,1913
26. Anand A Yang, *Disciplining Natives: Prisons and Prisoners in Nineteenth-Century India* in South Asia, vol. X, no.
2, December 1987, pp. 29-45

"History of Tellicherry Factory (1985) authored by K.K.N. Kurup [27] is an exclusive study of the British power in Malabar." This work discusses the activities that took place in the factory since its starting in the year 1794. He has done a praiseworthy task by rebuilding the early phase of British rule in Malabar. Even so, as the work was concluded at too early date, it could not elaborately discuss the after-effects of British colonialism in Malabar. Thomas R. Metcalf's '*Ideologies of the Raj* [28] helps to construct a theoretical framework for the study. It deals with the relationship of British political ideologies and its aftermath on the administration of India'.

Many Europeans, especially the British Indian administrators, have written in their reports and writings, comment on the administrative affairs and the establishment of British power in Malabar. The earlier reports like '*Joint Commissioners Report of 1792-93,'* 'Munroe's Report', 'Graeme's Report', 'T. L Strange's Report', 'Frazer Report', etc., have explains everything about the police, judicial, and revenue governing system of Malabar during the period of East India Company. The book titled, '*The Administration of the East India Company'* by J. W. Kaye provide all the information about the general approach of the Company towards India and Indian affairs. The third volume of the' *History of the Madras Army* 'by W. J. Wilson published in 1883, includes some information of the events of Malabar.

The second volume of the '*Manual of the Administration of the Madras Presidency* published in 1885 detailed the revenue administration and village structure of Malabar, before and during the British period'. '*Police Power and Colonial Rule: Madras 1859- 1957*, is a work written by David Arnold.[29] It discusses the history of colonial police in Madras. It also deals with the system of rural policing in the Madras province'. William Wilson Hunter, '*The Indian Empire, its People, History and Products*,'[30] twenty-five chapters (1886) is a comprehensive study of India, Covering its history from ancient times to the British Raj, diverse cultures and religions, and the products and resources of the region. It provides a detailed description of India during the colonial period. John William Kaye *Administration of The East India Company*; *A History of Indian Progress,*

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27. K.K.N. Kurup, *History of Tellicherry Factory 1683-1794,* Sandhya Publications, Calicut, 1985
28. Thomas R. Metcalf, *Op.cit.,*
29. David Arnold, *Police Power and Colonial Rule: Madras 1859- 1957,* Oxford University Press, Delhi, 1986
30. William Wilson Hunter, *The Indian Empire, its people, History and products,* WH Allen & co Ltd, London, 1893

(1853)[31] was a British military historian, civil servant, and army officer. It is a contribution to the general stock of information relating to India and her affairs. The author has made an in-depth study focusing on the subject of Indian administration. W. J Wilson, *History of the Madras Army,* 1882, contains Nine chapters dealing with the Seringapatam treaty, the commencement of the Maratha war in 1803, and military operations in Madras presidency in 1804. J. Tallboys Wheeler, '*India under British Rule from the foundation of the East India Company,'* [32]1886. Provides a detailed account of British rule in India, starting from the foundation of Company rule. It also sheds light on the policies and strategies adopted by the British Government in India, and the impact of these policies on the Indian people.

'Santhosh Abraham*: Colonial Law in Early British Malabar; Transparent Colonial State and Formality of Practices*, 2011'. [33] This scholarly writing analyses the improvement of colonial law in Malabar between 1792-1810. Within the historical context of developing colonialism as an important factor, it shows that there was no simple unilinear action in the creation of colonial law in this region of India, but rather a series of continuities and discontinuities of practices. A clear shift in the logic of administration is recognized, however, as new technologies of power, especially writing and documentation, raised in several formalities of practices in the making of the colonial state and legal system in India. '*The Pazhassi Rekhakal* and *Thalasseri Rekhakal*, two important works edited by Dr. Skariah Joseph [34] are highly useful to know about the history, social life, state, and judiciary of Malabar during the early years of the colonial period.' Both these works are the collection of transactions between the Company official s and native chiefs of Malabar.

The review of the available literature sources reveals that studies on the evolution of the administrative system under the English East India Company in the Malabar region remain limited

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31. John William Kaye, *Administration of the East India Company*; *A History of Indian Progress*, R Bentley, London, 1853
32. J. Talboys Wheeler, *India under British Rule from the foundation of the East India Company,* Honfcon, Mac Millan and Co., 1886
33. Santhosh Abraham*,* Colonial Law in Early British Malabar; Transparent Colonial State and Formality of Practices, *Sage Journal, South Asia Research*, Vol. 31, issues 3, December 2, 2011.pp. 249-264
34. Joseph Scaria (ed.), *Thalassery Rekhakal*, (Mal), D.C Books, Kottayam,1996

both scope and depth. The Existing works have focused on some of the aspects of British Colonial administrative history like Judiciary, Prison administration and Land Revenue, but no serious approach to the problem as a whole. Consequently, the historical reconstruction of Malabar region under the English East India Company remains limited. This imbalance highlights the need for a further investigation, integrating all the aspects in the evolution of the Company administrative system, like land revenue, and the establishment of prison, Army, police, Education, rule of law, judiciary and health administration in Malabar to build a more comprehensive picture of Colonial Malabar.

Research Problem.

Malabar was an administrative district within the British Raj, on the southwestern coast of India. A geographical region in the northern part of Kerala, India, stretching north of the Bharathapuzha river. It is situated between the Western Ghats and the Arabian Sea. It includes parts of the modern districts of Thrissur, Palakkad, Malappuram, Kozhikode, Wayanad, Kannur, and Kasaragod. It has been a source of spices, coir, and coconuts and has a long history of trade and cultural exchange. But the region remains largely unexplored in academic research with no comprehensive studies undertaken to reconstruct its historical developments.

Recently several studies have been conducted on some of the aspects of British Colonial administrative history like Judiciary, Prison administration, Land Revenue and some research articles related to colonial Law have yielded significant findings, but no serious approach to the problem as a whole. What is obvious from the earlier literature is that as part of their arguments, they made only some passing mention of this particular subject. So far, the British governing system and its legacy in Malabar have not been subjected to serious research. It is to be admitted that the scattered references to the administrative systems like the judiciary, Prison administration and land revenue provided inspiration and turned out to be a platform to a certain extent for the present study. From the literature review it is clear that none of these researchers has made in-depth study concentrating on the emergence of the administrative system under the English East India Company in the Malabar region. The present study focusing on the emergence of EEIC's

administrative system, like land revenue, and the establishment of prison, Army, police, Education, rule of law, judiciary and health administration in Malabar. Owing to the limitations such as the vastness of the topic and the limited time within which the thesis should be finalized, the present study is confined to the regional study of a wider topic so that greater clarity and precision could be attained.

Period of the Study

The period of 66 years covered in the inquiry beginning from the evolution of the administrative system in British Malabar in 1792 to 1858 has been intentionally selected because in 1792 Malabar was occupied by the British through Srirangapatanam treaty and for the administrative purpose it was made a part of Bombay Presidency. As for the importance of 1858, the year 1857 saw the first war of independence in India that was repressed with an iron hand after which the British crown directly seized the administration of India from the East India Company there by starting the formation of a new era in the British colonialism in India. Hence, 1858 can be seen as the year in which vast historical processes and forces reached a culmination so that it takes a new turn showing the commencement of a new era in British India. The geographical extent of the present research is the Malabar districts of Madras Presidency in the British period. Malabar is geographically and historically one of the most important regions, not only in Kerala but also in the Indian subcontinent.

Objectives of the study

- Through this study, the present scholar trying to learn about Malabar, its landscape, people and society existed in Malabar.
- To unravel the pre-colonial administrative system that existed in Malabar during Mysorean rule.
- Here the present attempt is to highlight how East India Company conquered Malabar and introduced an effective administration.
- To make out the theoretical background of the administration of civil service in colonial Malabar.

- To identify the role of the Army in maintaining the Company rule in Malabar.
- The present study aims to bring out the Land Revenue system introduced in Malabar by English East India Company.
- To recognize the very colonial nature of the legal system in the 18th and 19th century Malabar.
- Throughout these studies, the present scholar trying to trace out the reforms introduced by the EEIC in the fields of police and prison administration in Malabar.
- To classify the educational system introduced in colonial Malabar.
- The focus of the study is to find out the administrative reforms introduced by Cornwallis for better administration.

Hypothesis

The following hypotheses are the basis of the present study –

1. Mysoreans carved out Malabar and the British were simply following their model without any

noticeable alterations.

2. The Company formed a civil service system in India and later it emerged into a well-organized

set up to take care of all the administrative matters of India's newly occupied territories.

3. The East India Company started the judicial, legal and political administration in Indian

territories.

4. In the initial stage the functions of the police force were to assist the revenue authorities in the

revenue collection, to prevent crimes, and to administer law and order.

5. After the arrival of the British, there were changes in the field of health administration in India.

Many new hospitals and dispensaries established.

6. The making of law was the central concern of the European colonizers in the colonies and was 'central to the civilizing mission of British imperialism'.

7. Cornwallis was the founder of police system and judicial administration in Indian provinces.

8. Cornwallis 'the father of civil service in India', was the first to introduce civil service system in India.

Methodology

In this research, historical methodology is employed for examining the sources and to reach at historical inference. For data collection, the exploratory method has been utilized. All the data and source materials are cautiously collected, critically verified, and presented in detail. The scientific and objective approach is followed to avoid any bias and prejudice while writing this thesis. Primary as well as secondary sources were collected from various archives and libraries. The whole thesis was done keeping it within the framework of the colonial administrative system in Malabar for which the descriptive and interpretative approach became quite suitable. This thesis is mainly on the basis of the primary data. In addition, to all this, whenever necessary the secondary sources have been carefully considered and used. In order to reach conclusions pertinent to the present thesis historical and deductive method is utilized.

Sources

The present study uses a rather diverse collection of sources. About the thematic and theoretical aspects of the thesis, this study intends to encompass and delineate a host of problems, ideas, and issues related to the colonial administrative system represented by the English East India Company. The archival sources such as the *Malabar District Records*, Reports of different *Commissions,* the papers and records of the colonial administration, etc. have been utilized in connection with the research. Various texts and documents like '*Madras Correspondence Files', "Judicial Consultations*,' *'Report on Vaccination in Madras Presidency',* '*Statement of the Progress of Education,'* "*Annual Report on the civil Hospitals and Dispensaries in the Madras Presidency", 'Madras*

District Gazetteers,' 'Manual of the administration of Madras Presidency', 'Joint commission reports' etc. have been taken and studied as source materials for this research. Tamil Nadu Archives, Chennai, and Regional Archives, Calicut provided a major part of primary source materials. Calicut University Department Library, C.H. Muhammed Koya Library Calicut, and NSS Collage Manjeri Library also provided some valuable historical documents.

The relevant reports, which are available in archives, were consulted wherever necessary as primary source materials for the preparation of the thesis. In addition to these, the special reports prepared by various commissioners who were sent to the province to conduct an inquiry related to the affairs in the province were also of immense value and use for this study. In this category of sources, the *Reports* prepared by the *Joint Commissioners of Malabar*, *Second Commissioners* Tackery, H.S. Graeme, Sullivan, and T.C. Strange are very significant for this present work. The reports they wrote must be very credible and reliable. Mainly, they have depicted original perspectives and outlook of the administrators and the reaction of the government towards the issues of the people. There are a few primary materials that are available in printed form such as works like William Logan's '*A Collection of Treaties and Engagements and other papers of importance relating to British Affairs in Malabar'*, C.A. Innes & F.B. Evans '*Malabar District Gazetteers'* are also used. As for the secondary sources for this work, some of the contemporary works from Francis Buchanan's '*A Journey from Madras through the Countries of Mysore, Canara, and Malabar*,' which provide revealing light on different aspects of Malabar which are of equal value and relevance making them immensely useful for this work. Moreover, several books and articles are also used as secondary source materials for this thesis. The authenticity of the facts incorporated in this thesis and the reliability of the secondary sources cited were verified by Comparing and verifying them with other credible documents and sources to ensure a maximum measure of authoritativeness and credibility.

Chapterisation

The present study consists of six chapters including introduction and conclusion. The thesis ends with a detailed glossary, bibliography, and appendix in alphabetical order.

Chapter 1- Introduction

The first Chapter deals with the aim and importance of the study, a review of literature on the topic, Objectives of the study, period of study, methodology, hypothesis, sources of the study, and chapterisation. The study aims to develop a close and detailed understanding of the different stages through which the colonial administrative system developed as part of the intercede of British Colonialism in Malabar from 1792 to 1858. With the advent of the East India company, they founded its supremacy over this land by 1792, brought many changes were introduced in Malabar. This study concentrates on the played by the British colonial masters to initiate effective administrative machinery in India, especially in Malabar. With the possession of India, the East India Company's first attempt was to initiate a modern administrative system in India. Here the present attempt is to highlight how East India Company conquered Malabar and introduced an effective administration. The period of 66 years covered in the enquiry beginning from the evolution of the administrative system in British Malabar in 1792 to 1858 has been intentionally selected because in 1792 Malabar was occupied by the British East India Company as part of the Treaty of Srirangapatanam and for the administrative purpose it was made a part of Bombay Presidency. As for the importance of 1858, the year 1857 saw the first war of independence in India that was repressed with an iron hand after which the British crown directly seized the administration of India from the East India Company thereby starting of a new phase in the History of British Colonialism in India. Various texts and documents like travel accounts of foreigners, etc. have been taken and studied as source materials for this research. Hypotheses are the basis of the present study.

Chapter 2 - Malabar: Landscape, people and society.

The second chapter focuses on understanding the geography of Malabar and its influence on the region's history, society, and caste system. During the 18th century, Malabar was not a unified political entity but consisted of several small kingdoms and principalities. The British later created Malabar as a district, which was first part of the Bombay Presidency before being annexed to the Madras Presidency in 1800. The term "Malabar" refers to the northern parts of present-day Kerala, including the districts of Kasargod, Cannanore, Wayanad, Calicut, Malappuram, and Palghat. Malabar was joined with the former native states of Travancore and Cochin to form the state of Kerala. Before independence, Malabar formed part of British India and subsequently of Madras state. The British, who assumed control over the region in 1792, incorporated the land with the Madras Presidency. With its rich and diversified historical experiences during the pre-colonial times, the region passed into the age of colonialism. Though the Dutch and the French followed them, the British could succeed in holding the administration of Malabar for quite a long time. They usurped Malabar from the Mysoreans under Tippu Sultan in 1792 and by 1800, they made it a part of the Bombay presidency, which was later handed over to Madras. The treaties of Srirangapatam, after the defeat of Tippu Sultan in the third edition of the Anglo-Mysore conflict and signed on 22nd February and 18th March 1792, provisioned to transfer the region of Malabar to the English. On May 20, 1800, the control of Malabar was handed over to Madras from the Bombay presidency. The society of Malabar with its diversified profession-based caste system was primarily featured by the notion of 'purity and pollution'. The societal structure was horizontally and vertically segmented on caste lines. It could be witnessed even in habitation patterns.

Chapter 3 – Governance and Administration in Malabar during the Mysorean period.

The Third chapter discusses the Mysorean invasion of Kerala from 1766 to 1792 under HaiderAli and Tippu Sultan during the second half of the 18th century, it brought about remarkable changes in the political, social, and economic life of people. With the invasion of Mysore rulers, the British had to face the most serious opposition to their monopoly of the coastal spice trade in Malabar than ever before. It was they who actually carved out Malabar and the British were simply

following their model without any noticeable alterations. During the 200-year-long British occupation, no other local king in India had such a strong defense. By 1792, Tippu Sultan, the ruler of Mysore, had abdicated and the British East India Company established its rule in Malabar. For the British, the Treaty of Srirangapatnam in principle marked their absolute dominance over Malabar. The main purpose of the Mysorean invasion of Malabar was to seize the vast wealth of the rulers of Malabar. Malabar Coast was prominent for its foreign spice trade from times immemorial. Tipu was the first ruler to survey the land to assess the revenue in the modern sense. The first land survey of Malabar by Srinivasa Rao on the order of Hyder Ali popularized the concept of Malabar. He surveyed the entire area and fixed taxes based on the produce. 'Arshadbeg', implemented good land settlement in Malabar and took charge in Malabar during the time of Tippu. Tipu Sultan had established a wide road network to enlarge the commercial as well as political ambitions of the Sultan. He organized the first tax assessment in Malabar, using pattam as the basis for the calculation of taxes. The credit for making Malabar a politically unified segment could be vested with Tippu Sultan. The first action of the Mysore revenue organization was to end the janmam system. The Mysorean invasion brought new changes to Malabar. Several people irrespective of their status migrated from Malabar. The most important political result of the Mysorean invasion was the disappearance of the feudal system of administration and the emergence of a centralized system of government. The policies and programs that Tippu Sultan had insisted on and implemented heralded modernity in Malabar. The chapter fundamentally is the basis of the study and attempts to uncover the policies and programmes of Mysore Sultans, they were the first ruling class to establish a centralized administrative system.

Chapter 4. Reorganization of Malabar Administration under Cornwallis.

The fourth chapter focuses on Lord Cornwallis, a warrior statesman, who succeeded Warren Hastings as Governor-General in 1786. The rule of Lord Cornwallis marks an epoch in the history of British enterprises in India. He first entrusted Criminal jurisdiction to Europeans. He separated the functions of the district collector and judge. Under Cornwallis, an English officer filled every responsible post, and Indians were employed only in subordinate capacities. During his time, the progress made in the internal administration was great and striking. He gathered up the scattered fragments of

government, that he found, and reduced them to one comprehensive system. Lord Cornwallis believed in the superiority of races. He never accepted that Indian talent may be equal to that of Europeans. On May 1, 1793, Lord Cornwallis announced his "Cornwallis Code." This 'Cornwallis system' was formally established in Madras in 1805. Cornwallis also laid the groundwork for the modern police system. His most significant contribution was reforming the civil service by employing efficient and honest officers, emphasizing simplicity, economy, and integrity. He removed the judicial powers of revenue collectors, making them responsible only for tax collection, and appointed District Judges to handle legal matters. For his administrative reforms, Charles Cornwallis is regarded as the “Father of Civil Service in India.”

Chapter 5. From trade to rule; East India Company’s Administration in Malabar.

The fifth chapter describes the formation of a colonial state in Malabar. The English East India Company acquired Malabar from Tipu Sultan through the Treaty of Srirangapatnam in 1792, after which it became part of British India. This marked the first time Malabar came under foreign colonial rule. When the British established control in India, their main objective was to exploit the region’s resources. During the 18th century, the East India Company introduced judicial and political systems in its territories to strengthen its rule. Law making became a key element of European colonial governance and was considered essential to the so-called “civilizing mission”of British imperialism. Prisons played a significant role in shaping social order under colonial rule, and the modern Indian prison system largely evolved from these British reforms. Different wings of the British army were the major instruments to counter the challenges against their rule. Despite the presence of many indigenous educational institutions, modern education reached Malabar only in the first half of 19th century with the arrival of missionaries.

Chapter 6 – Conclusion.

The sixth chapter is Conclusion in this my findings are finalized. The British policy aimed to achieve greater control over the land and its people and attain the most effective economic exploitation possible in the form of trade monopolies and revenue collection at the lowest possible cost. The British gradually developed an efficient model of the Indian Civil Service.

The establishment of a regular police force was another feature of the Company's reform. In the initial stage, the functions of the police force were to assist the revenue authorities in the revenue collection, to prevent crimes, and to administer law and order. Basel Mission in Malabar, founded by Herman Gundert, actively engaged in educational activities in the middle of the 19th century. British Indian education was conceived in India as an act of securing and consolidating colonial power.

CHAPTER 2

MALABAR: LANDSCAPE, PEOPLE AND SOCIETY

Anitha.M. From conquest to control East India company rule in malabar 1792 1858.
Thesis 2026. NSS, College Manjeri, University of Calicut.

'Malabar, one of the two districts of the Madras Presidency, is situated on the West Coast of India and stretches along the shores of the Arabian Sea for a distance of 150 miles. Bounded on the north by South Canara and Coorg; on the South by Cochin and Travancore; on the east by Coorg, Mysore, the Nilgiris and Coimbatore, and on the West by the sea. The district consisted of Taluks like Calicut, Chirakkal, Kottayam, Ernad, Kurumbranad, Palghat, Ponnani, Walluvanad and Wynad.'[1] It is divided into 9 Taluks or Districts, containing 2,222 Deshoms or villages, few or none of which are compact, the houses scattered on the skirts of the cultivation. 'Its superficial area is 6,262 square miles, 788 is estimated to be under rice cultivation, and 120 square miles by extensive gardens and enclosures of cocoanut, areca, jack, and other productive trees, the remainder by low hills, separately by narrow valleys, in general with sleep sides, and level summits.'[2] The present chapter is an attempt to understand the geographical features of Malabar and how it determined the history of the region and also to know about the society and caste that existed in Malabar.

Malabar had a distinctive colonial occurrence unlike other parts of India, which made the modern state of Kerala in 1956. 'The breadth of the district varies from less than five miles in the extreme south of the Ponnani taluk to upwards of seventy miles in the middle, where Palghat taluk penetrates the line of the ghats. In the 18th century, Malabar was not a single political unit but comprised several small principalities and kingdoms.[3] 'The whole of the coast of Southern India west of the Ghats is fabled to have been recovered from the sea by *Parasurama,* who coupled the new territory with Brahmanas from the north, promulgated all the laws and regulations, and established all the peculiar manners and customs, which now characterize the inhabitants. The Malabar District was a portion

1. C.A. Innes & F. B Evans, *Malabar Gazetteers,* Vol. I, State Editor Kerala Gazetteer, Thiruvananthapuram, 1997, p.1
2. Ward and Conner, *A Descriptive Memoir of Malabar*, State Editor, Kerala Gazetteers, Government of Kerala,1995, p. 2
3. Margret Frenz*, From contact to conquest Transition to British rule in Malabar, 1790-1805*, Oxford University Press, New Delhi, 2003, p. 63

of the land so recovered.'[4]

The term Malabar refers to the Northern parts of the state of Kerala. The region is now formed by the six northern districts of the state- Kasargod, Cannanore, Wayanad, Calicut, Malappuram, and Palghat. Malabar was joined with the former native states of Travancore and Cochin to form the state of Kerala. Before independence, Malabar formed part of British India and subsequently of Madras state.[5]The British, who assumed control over the region in 1792, incorporated the land with the Madras Presidency. In their records, they marked the boundaries of Malabar. They record South Canara in the north, Coorg, Mysore, Nilgiris, and Coimbatore in the east, Kochi in the south, and the Arabian Sea in the West. The most notable aspects of the tract of land are the Western Ghats and Arabian Sea. The name of the region could be assigned to its proximity to the Western Ghats or Malai. The geographical features of a region are intrinsically associated with the making of its history and culture. In the case of Malabar, the Western Ghats did play an important role in shaping its distinctiveness from the rest of the regions. The Western Ghats run parallel to the coast from the extreme north of the region. As part of the administration, the colonial administrators surveyed the existing monuments. Thalassery was the prime center of the British in Malabar. It is stated that "Malabar is the most densely populated district in the Madras Presidency, the average number of inhabitants to the sq. mile was 481, being exceeded only in the Tanjore district and being much above. Only 8% lived in the town, and Malayalam is the language of 94% of the people. The mappilas are most numerous in Ernad and Ponnani taluks.[6] Malabar includes 67% of the Mappila population.

With its rich and diversified historical experiences during the pre-colonial times, the region passed into the age of colonialism. The region has had the uniqueness of being the place where the footprints of the first colonialists were marked. Vasco da Gama's discovery of a new sea

4. Robert Sewell, *List of the Antiquarian remains in the presidency of Madras*, Indological book, house, New Delhi,1882, p.240
5. P.T. Sebastian, Remembering the Uprooted: The Fate of Peasant Migrants to Malabar, in C. Balan (ed.), *Reflections on Malabar: Society, Institution& Culture*, post-graduate department of History, Nehru Arts & Science College, Kanhangad, 2000, pp. 64-69
6. C.A. Innes & F. B Evans, *Op.cit.*, p.95

route has heralded a new episode in global colonialism. Though they were followed by the Dutch and the French, the British could succeed in holding the administration of Malabar for quite a long time. They usurped Malabar from the Mysoreans under Tipu Sultan in 1792 and by 1800, they made it a part of the Bombay presidency, which was later handed over to Madras. The landscape of Malabar more or less remained unharmed even during the British times. The geographical factors include a long coastline, and the extensive river system, periodical monsoons, mountain passes, streams, etc., blessed Malabar to have a hospitable environment; even the alien Europeans could not resist that temptation. Economically Malabar remains rather stagnant, and it has been classified as a backward area by the government. Agriculture, dependent on the vagaries of the monsoon winds, is the base of the economy. Marine and timber products and the import-export trade are also important to the economy.[7]

The etymology of the name Malabar has given rise to much controversy. Malabar is an ancient name for the entire Malyalam territory, stretching from the northern landmark of Mt Deli to Cape Camorin.[8] The Arab geographer, Yaqut is the first to give us the names 'Malabar' and 'Ma'bar'. Malabar is the combination of mali, derived from the first syllable of Malayalam, and the Persian word bar, country.[9] Malibar, Manibar, and the Melibar of Marcopolo are perhaps the most common among the many variants of the name found in the ancient Muhammadan and European writers.[10] The origin of the word 'Malabar' could be ascribed to the travelers who visited the land even from ancient times onwards. Al Biruni (970-1039 AD) appears to have been the first to call the country Malabar, but long before his time the Egyptian merchant, Cosmos Indecopleustes, who is believed to have visited the land during 522 AD-547 A D mentioned a town Male on the West coast of India, as a great emporium of the pepper trade.[11] He names the principal seaports on this coast, famous for trade, Parti, Mangarvuth, Solapattanam,

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7. Rolland E Miller, *Mappila Muslims of Malabar: A Study in Islamic Trends*, Orient Long man, New Delhi, 1976, P. 19
8. *Ibid.,* p .18
9. *Ibid.,*
10. Innes & F. B Evans, *Op.cit.*, p. 2
11. *Ibid*., p.4

Nalopattanam, and Pondupatan.[12] Malibar, Manibar, and the Melibar of Marcopolo are perhaps the most common among the many variants of the name found in the ancient Muhammedan and European writers. According to Marcopolo 'Melibar is a great kingdom lying towards the west. The people are idolaters; they have a language of their own and a king of their own, and pay tribute to nobody.[13] It was repeated with slight variations by the travelers up to the twelfth century AD. The later Arab travelers used words like Manibar, Mulibar, Munibar, etc. to denote the land. The Europeans who visited the land in the succeeding period had used the same term. They used Minubar, Minibar,Milibar, Mulibar, Melibar, Melibaria, Malabaria, etc. William Logan, derives the name from Mala or Malai, 'a hill" and bar, being an Arabic suffix.[14] These terms could be identified as the corrupted form of the word Malabar that was an outcome of the combination of Dravidian and Persian terminologies. The term Mala is of Dravidian origin, meaning heap hill or mountain. Bar is a Persian word meaning land or country and Arabic Barr means a continent. The origin of the term Malabar was an outcome of the trans-marine contact maintained by the land and geographical features were of great role in naming the region.

Eventually, Malabar became the land of hills and it is indicative of the geographic determinant of the region. The location of the region of Malabar is also problematic. The Arab geographers had used the term to denote the land that existed from Goa to Cape Camorin, because, there is no evidence of Arabs' knowledge about the high ranges of Kerala. They might have used the term to call a huge strip of land, from the Goan coast to Cape Camorin. The identification of Malabar with the northern districts of Kerala is of colonial origin. It is observed that the name is reminiscent of the word Malanadu which means 'the hill country'.[15] Malabar may therefore be taken to mean the hill or mountainous country, a name well suited to its physical characteristics. But when it comes to the modern times, the name Malabar was ascribed to denote the northern segment of the present Kerala state, and its formation was essentially related to the campaigns of Tipu Sulthan. Shaik Ibn

12. Robert Sewell, *Op. cit.*, p. 240
13. William Logan, *Malabar Manual*, Vol. I, Gazetteers Department, Thiruvananthapuram, 1998, p. 285
14. Robert Sewell, *Op. cit.*, p. 240
15. A. Sreedhara Menon, *A Survey of Kerala History*, D C Books, Kottayam, 2007, p.12

Batuta (1342- 47 A.D) came into Malabar in the Fourteenth century A.D. and said 'Malabar is the country of black pepper.[16] Hippalus of Greece while sailing with the southwest monsoon trade winds, found a direct route to the pepper-bearing country of Malabar. [17]

By gaining considerable political influence among the local chieftains, the company succeeded in well guarding their trading interests and establishing a near monopoly in the lucrative spice trade of Malabar.[18] It was this advantageous position, which was put to trial with the conquest of Malabar by the Mysore Sultans, Haidar Ali, and his son, Tipu Sultan. This high-handedness of the Mysore Sultans only helped to precipitate the already hostile situation existing between the company and the Sultans in the context of the Anglo-Mysore wars going on since 1767. Negotiations did not work, and the company's army, with the support of the Rajas of Malabar who were on friendly terms with the company's officials, fought against the Sultan's army, ending in the latter's defeat, and the political supremacy over Malabar passing into the hands of the British. Put under the Madras Presidency in 1800 for administrative and judicial purposes, the status of Malabar in the administrative map of British rule in India was never that of an excellent territory with multiple interests. Outside being treated as a revenue source, the British administrators had no great passion for this territory, which, in their view, was never even familiar with a well-developed native powerful statecraft. For the same reason the stupendous material remains of the British administrative machinery, characteristic of many of the Indian cities cannot be seen anywhere in Malabar.

The land revenue policy adopted by the company hurt traditional land relations, bringing about fundamental changes like land rights. The paradox in the Malabar acquisition was that it was not achieved at the end of a war between the English and a chieftain of Malabar but in the process of checking the political designs of the chieftains of the neighboring territory of Mysore. The Treaty of Srirangapattanam simply affected the transfer of paramountcy of Malabar from the

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16. William Logan, *Op.cit.*, p. 86
17. *Ibid.*, p. 288
18. K.N Panikkar, *Against Lord and State: Religion and peasant Uprisings in Malabar 1836 -1921*, Oxford University Press, New Delhi, 1989, p.2

Mysoreans to the British; for all the subsequent relations the company had to reach a working arrangement with the native chieftains of Malabar. In the absence of a central chieftain to plan for the whole of Malabar, the general approach of the territory towards the Anglo-Mysore rivalry was neither on the offensive nor on the defensive, rather passive. The local chieftains favored the company's friendship, which was a century old, then the overlordship of the Mysore Sultans whose actions forced some of them to flee their country in terror to Travancore. The local Rajas gave word to stand on the side of the British and the latter agreed to restore their lost kingdoms once the Mysore chieftain was expelled. The treaties of Srirangapatam, after the defeat of Tipu Sultan in the third edition of the Anglo-Mysore conflict and signed on 22nd February 1792, provisioned to transfer the region of Malabar to the English. Consequently, based on the recommendations of General Abercrombie, Governor of Bombay, two commissioners, Mr. Farmer and Major Dow were appointed to carry out administration in Malabar. Since then, the region witnessed the progressive development of an administrative structure, which initiated their active intervention in all aspects of life. In 1792, Jonathan Duncan and Charles Boddam were appointed as Joint Commissioners. On 30th March 1793, Malabar was divided into two administrative divisions called Northern and Southern with headquarters at Tellicherry and Cherpulasserri respectively. Each division was placed under the control of a superintendent, a supervisor, and a Chief Magistrate was appointed for the whole of Malabar with a quarter at Calicut and he was to exercise general control over the superintendent.[19] In May 20, 1800, the control of Malabar was handed over to Madras from the Bombay presidency and Major Macleod the principal collector took charge of the district on 1st October, 1801. [20]

For administrative convenience, the British divided Malabar into nine taluks: Chirakkal, Kolathunad, Kurumbranad, Wynad, Calicut, Ernad, Ponnani, Valluvanad, and Palakkad. Chirakkal was the northernmost taluk in Malabar district. It was on the frontiers of Coorg and South Canara and it was included in the northern division of British Malabar. The region was well known for its geographical features. The region has been marked with general terrain with

19. A. Sreedhara Menon, *Op.cit.,* p. 25
20. William Logan, *William Logan's Malabar Manual* Vol. I (ed.), P.J. Cherian, Vol. I, Kerala gazetteers Department, Thiruvananthapuram, 2000, pp.1-12

limited ups, notably Ezhimalai, the prominent place found frequent references in both literary as well as oral traditions. The Valapattanam River is the most important in the northern division of British Malabar. It is “noted that the river has discharged the greatest volume of water into the sea”.[21] The river played a crucial role in the elevation of Valapattanam as an important trade center. In terms of connectivity, the Chirakkal taluk experienced the benefits of colonial governance, as there were several railway stations. The important stations in Chirakkal taluk were Edakkad, Cannanore, Baliapattanam and Azhikkal Baliapattanam or Azhikkal (present-day Valapattanam),Kannapuram, Madayi (present day Pazhayangadi) Kunnimangalam (present day Ezhimala) and Payyannur. From there the southern railway runs to South Canara.

Unlike the development of the railway, the roads in the Chirakkal taluk were not in good condition. The intra-connection of roads inside the taluk comprised only a small percentage. To Innes and Evans, "the taluk is badly off for roads, its 93 miles being only a small fraction of the total mileage of the district".[22] The taluk has enjoyed a significant position in the economic life of British colonialism in Malabar. Anjarakkandi, being the renowned British plantations in Malabar had produced spices of high quality.[23] It is also noted, "the pepper grown in the north and north-east called as 'Taliparamba pepper' had great demand in the European market. Since the taluk has extended even up to the high ranges, fine-quality cardamoms are also produced. It is noted that such spices have attracted even the attention of international markets in Europe and elsewhere. Punam cultivation had been practiced for subsistence. The taluk has had certain centers of popular attraction the first notable being the Anjarakkandy plantation and it is in the amsam of the colonial plantations in Malabar.

The evolution of the plantation was the outcome of the British decision to set up a multi-crop spice plantation. In 1797, the English East India Company opened a plantation of coffee, cinnamon, pepper, nutmeg, cassia, sugarcane, and sandalwood plants. It was an after-effect of the Company's desire to make use of the climatic condition of Malabar, which was conducive

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21. C.A. Innes & F. B Evans, *Op.cit.*, p.4
22. *Ibid.*, p. 417
23. K. Ravi Raman, *Bondage in Freedom*, *Colonial Plantations in Southern India c.1797-1947,* (Working Paper No. 327), Centre for Development Studies, Thiruvananthapuram, 2002, pp. 8 -17

to cultivating spices, which had high demand in the European market. The idea of having a multi-spice plantation was the brainchild of Murdoch Brown. However, the Company recognized that having a plantation was an expensive endeavor, and in 1799 decided to hand over it to Murdoch Brown. In 1802, Major Macleod, the then Collector of Malabar, undertook the survey and leased out the plantation to Murdoch Brown for 99 years. Anjarakkandy plantation was instrumental in spreading the habit of spice cultivation all across Malabar and elsewhere. It is noted that coffee was first grown here (Anjarakkandy) in Malabar and from there, it seems to have been introduced into the Wynad at Mananthavady sometime before 1825. In this plantation, lower caste people were used as workers. Despite the geographical differences, each of these taluks had a similar habitual pattern.

The Western Ghats are very rich with a great variety of fauna and flora. Along with that, there are certain peaks in the Western Ghats at Malabar and they include Mukurti Peak(8380 feet), Nilgiri Peak (8118 feet, Gulikal Hill (8096 feet) Anginda Peak (7828 feet), Vavul Mala (7677 feet) and Vellari Mala (7677 feet). Along with these 13 hills, there are certain Outlying hills. The most important among them are: Pranakkod (1792 feet), Ananga Mala (1298 feet), Pandualur Hill (1533 feet), Urot Mala (1533 feet), Ezhimala (720 feet). The historical importance of these peaks and hills lies in the fact that they housed several ruling groups. Along with that, several tribal groups dwelled in these areas. Further, certain rivers and rivulets originated from these hills. In that sense, they had determined the course of the history of the region. The Western Ghats act as the barrier, which restrained the easy entry of outsiders. But the passes of the Western Ghats like Palakkad Gap, Thamarasseery Pass, Cherambadi Pass, etc. permitted the outsiders to access the land and shape the culture and history of the land.

The next crucial factor that shaped the culture and history of Malabar is the Arabian Sea and its coast. The western coastal line has roughly been measured at the length of nearly one hundred and 150 miles. The Arabian Sea prevented the easy entry of outsiders and historians say it was an 'instrument to ensure the isolation of the mainland'[24]. But despite its isolating mission, the coastal region of the Arabian Sea performed the role of 'integrating agent'. The lengthy coastal line of

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24. T.K. Gopal Panikkar, *Malabar and its Folk*, Asian Educational Services (Reprint), Madras, 1995, p.214

the Arabian Sea is connected with rivers and backwaters in the interiors. They in turn created a littoral-riverine network of connectivity. Up to the time of Mysorean invasion, the rivers and backwaters of the district were the main channel of trade. The commercial importance of the inland waterways was not lost upon the foreigners who centuries ago came to Malabar in quest of spices.[25] From the time immemorial, travelers and traders recognized the region of Malabar and they even frequented the land. Several strategic locations like Ezhimala, could be found in the coastal line of Arabian Sea.[26]

The most notable aspect of the geography of Malabar is its river system. It consisted of rivers, backwaters, and canals. The river system in Malabar was notable in respect of the connectivity and the trade carried out by using them.[27] They offered an easily accessible mode of conveyance and cargo transportation during the colonial period and before. Logan has noted that the river system in Malabar was "the easiest and cheapest and almost only means of communication in times when wheeled traffic and pack-bullock traffic was unknown".[28] The important colonial centers of Malabar had also been useful from the river system of the region. The pre-British European powers like the Portuguese, the Dutch, and the French etc., did establish their domination in the riverine regions of the Kolathiris.[29]

A detailed description of the river system of Malabar is indispensable to understanding their role in shaping the history and culture of the region.[30] The northernmost of the rivers in the British Malabar is the Nileswaram River, which is about forty-seven miles long and most parts of the river remain in the South Canara. The river and the areas flooded by it created the northernmost of the Kolathiri kingdom. The next noteworthy river in the northern part of

25. C.A Innes & F. B Evans, *Op.cit.*, p. 267
26. A. Sreedhara Menon, *Kerala History and its Makers*, DC Books, Kottayam, 2000, p.29
27. Jineesh. P.S, *On Reading a Descriptive Memoir of Malabar,* Ishalpaithrukam, Peer-Reviewed Academic Journal Published by Mahakavi Moyinkutty Vaidyar Mappila Kala Academy, Kondotty, 2024, Articles 156, Issue 26, pp.231-239
28. P.J. Cherian (ed.), *Op.cit.*, p.4
29. Binu John Mailaparambil, *Lords of the Sea: The Ali Rajas of Kannur and the Political Economy of Malabar,* 1663-1723, Penguin Books, Leiden, 2012, p.44
30. A. Sreedhara Menon, *Kerala History and its Makers ……., Op. cit.*, p. 16

Malabar is the Ezhimala River. Taliparamba River is comparatively a less significant river in the region and it is 41 miles in length. It finally meets the stronger current of the Valapattanam River. It has been noted "a large tract of fertile garden land has been formed by the continuous action of the littoral currents damming up the mouth of this river".[31] Valapattanam River is the most notable river in the north Malabar region. The river was of great commercial concern both to the indigenous ruling houses as well as to the Europeans and it could be evidenced in the form of forts built by them. On the south bank of the river at Valapattanam, for instance, Kolattiri had erected a fort. The fort supposed to be designed by the Europeans as its architectural features do attest it. In the west, at a place called Madakkara, the British had built a fort and it was meant to protect the commercial interest of the English East India Company. It is a historical fact that the British did implement their administration in India, primarily by centering on the forts. The primary settlements of the British in India like Calcutta, Bombay, and Madras did have forts for administration of the British settlements.[32]

Anjarakandy River is of prime significance in the Malabar area. The river, indeed, originates in the heavy forest land on the western face of Waynad ghat slopes. At Anjarakandy, the British had made some experimental works in crop cultivation. The British had initiated an experimental garden for the growth of various spices. The British even did propose to plan a factory at Dharmadam by giving up their settlement at Tellicherry.[33] Mahe River was another significant river in Malabar. Having originated from the dense forests of Waynad Ghats, the river falls into the sea at Mahe. The Vadakara canal, constructed in 1843 connected to the commercial town of Vadakara. The same is being done by the Payyoli Canal to Payyoli. One of the most notable man-made canal in Malabar is the Conolly Canal. The canal was constructed by and under the directions of H V Conolly, the then Collector of Malabar, and was completed in the year 1848. The Kallayi River is another significant stream in Malabar. The river is of prime importance to the timber industry that emerged on its banks. Beypore River is one of the most notable rivers in Malabar. The Velliyankod and Chavakkad backwaters are of great importance in shaping the

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31. P.J.Cherian (ed.), *Op.cit.,* p.10
32. M.S. Naravane, *The Maritime and Coastal Forts of India*, APH Publishing Corporation, New Delhi, 2002, p.154
33. P.J. Cherian (ed.), *Op.cit.*, p.18

political and social life of the people in Malabar. The region of Malabar has benefitted from having a good coastline. It is noted that "the seaboard of Malabar trends north, north-west by south and south-east throughout its length of 150 miles".[34] The notable ports on the Malabar Coast are Valapattanam, Kannur, Thalassery, Mahe, Calicut, Ponnani etc.

The region was largely connected through the water networks and it has had a great impact in shaping the history and culture of Malabar. The river system consisted of rivers, lakes, natural canals, and artificial canals that played a pivotal role in shaping the history of Malabar. The major habitation settlements in Malabar could be recognized on the banks of these rivers. Several megalithic monuments have already been discovered. Several megalithic burial sites have already been documented and reported from the northern part of Malabar. The path-breaking discoveries in Malabar were made under the initiative of the British.[35] William Logan excavated Megalithic monuments at Banglamotta Paramba and Trichchambaram near Taliparamba in the Kannur district and unearthed typical megalithic assemblages including pots and iron implements.[36] Robert Sewell has furnished a taluk-wise distribution list of Iron Age burials.[37] This is the only available comprehensive list of the archaeological sites of Malabar.[38]

During the colonial period, this river network in Malabar ensured connectivity even to the hinterlands which ensured the supply of spices needed in the European markets. It is noted that "the plains of Malabar consist for the most of a low laterite table land".[39]Colonial records do show that in most of the taluks of Malabar except Ponnani, the chief soil type is loam.[40]In

34. C.A. Innes & F. B Evans, *Op.cit.*, p.21
35. J. Babington, "*Description of the Pandoo Coollies in Malabar",* in Transactions of the Literary Society of Bombay, London, 1823, pp.324-330
36. P.J. Cherian (ed.), *Op.cit.*, pp.181-183
37. Robert Sewell, *Op. cit.*, pp.241-243
38. *Ibid.,* p.243
39. C.A. Innes & F. B Evans, *Op.cit.*, p.23
40. P.J. Cherian (ed.), *Op.cit.*, p.52

Malabar, we could see garden crops like coconuts, areca nuts, jack fruits, mango, etc. Spices like pepper, cardamom, etc., are normally cultivated in the high ranges. It is evident that the soil types did determine the items of cultivation and in turn the means of livelihood of the people in the area.

The society of Malabar with its diversified profession-based caste system was primarily featured by the notion of 'purity and pollution'.[41] The societal structure was horizontally and vertically segmented on caste lines. It could be witnessed even in habitation patterns. The caste groups akin to the temples and their owners had to live as clusters in the vicinity of the temples themselves. But most of the populace was outside the purview of temples as they were ousted by branding as 'untouchables'. Societal life was marked with intense complexity and chaos. The then native administrative system also encouraged it. The British had to deal with such a complex and caste-ridden society. They formulated a method of understanding the people of Malabar thoroughly and for that matter, they conducted surveys and documentation of the landscape. Though several such endeavors were done, the most important one was under the leadership of Lt. Benjamin Swain Ward. His documentation of Malabar could be found in A Descriptive Memoir of Malabar, in which he carved out a landscape out of obscurity.

Malabar is one of the most densely populated districts in the Madras presidency. Malayalam is the language of 94% of the people. Other languages are practically only spoken by the foreigners. In Malabar, as in other parts of Kerala, social life was largely controlled by caste values. It could be evidenced in their habitation practice also. The caste groups in service to the temples lived as clusters and they did not intermix with the people on a large scale. Those who engaged in agriculture largely lived intermingled with other caste groups. That could be the most important aspect of the settlement pattern in Malabar. The district of Malabar under the British did show a settlement pattern in which most of all religious communities had set up their habitation centers. The geographical features played a leading role in determining the settlement pattern featured by the inter-mixing of various religious and intra-religious groups.[42] The region has had mixed territories in terms of the density of population, as it had areas

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41. C.A. Innes & F. B Evans, *Op.cit.*, p.24

42. K.S. Mathew, *Society in Medieval Malabar: A Study based on Vadakkan Pattukal*, J B Books, Kottayam, 1979, p.3

with densely populated places like Ponnani taluk and least populated regions like Wayanad. Barring the clusters of castes like Brahmins (agraharams) and Saliyas (theru), most of the other caste and religious groups did dwell together. It is evident that Malabar exhibited a mixed culture and it was primarily due to the mixed population.[43] The human geography of Malabar would be of pivotal significance as it is a marker of the total culture of Malabar. The census of 1901, for instance, records that 68 percent of the people were classified as Hindus, 30 percent as Muslims, and 2 percent as Christians. The Settlement Reports of various *desams* do speak of the nature of property ownership in British Malabar. In the case of Malabar, they further attest to the property ownership of the people of the lower strata of the society. Malabar, like any other part of Kerala, during the colonial period exhibited a museum of castes and religions.

The British, in a sense, brought Malabar polity in modern lines. They established a system of governance based on well-accepted principles. Instead of the 'mouth orders' of the past ruling houses, written canons and laws showed a path in administration. Though the common people did not benefit much due to the new Raj, they could at least see the changes around them from a close distance. Exclusive residence of the caste Hindus and intermixed habitation centers of low caste people paralleled in each of these taluks in the Malabar region. The economic landscape of Malabar during the period under discussion was marked by tilling and trading. Professional specialization gave sustenance to the caste system. In the social landscape, we could see the caste hierarchy again divided horizontally as sub castes. The sacred or ritual landscape was characterized by the presence of various centers of worship, i.e., temples, mosques, and churches. Being a region with devotional learning the worshipping centers in Malabar attracted people from all over Malabar and even outside.

Several educational centers of the Christian missionaries, under the colonial aegis, encouraged the spreading of education to all. The monopoly of certain caste groups on education became a tale of the past. The curriculum was shaped in tune with the pragmatic needs of the people. Similarly, colonialism stitched up the broken landscape of Malabar using roads, railways, and

43. C.A. Innes & F. B Evans, *Op.cit.*, p.105

waterways. In Malabar, the British had performed the making and up keeping of these connectivity modalities with the help of their revenue. These constructions were preceded and even paralleled with the British documentation of the land of Kerala, which has much importance to the documentation of landscapes. The presence of the British had brought a 'connectivity raj' in the region of Malabar. [44]

With the fulfillment of Indian independence, Malabar did not experience any structural change. It continued to remain as part of the Madras presidency. In Thiruvithamkur and Kochi, there were demands and even movements for a unified Kerala. On 1st July 1949, both Thiruvithamkur and Kochi became joined and formed Tiru-Kochi state. Such developments did not have any impact in Malabar. In the general elections held in 1951, the Congress could not successfully deal with the alliance formed between the Communists and the Kissan Mazdur Praja Party. Congress could win only four seats out of thirty seats to the Madras assembly from Malabar. When states were reorganized on a linguistic basis in 1956, Malabar was also integrated with Tiru-Kochi to form the modern state of Kerala. In the general elections to Kerala Legislative Assembly held in February-March 1957, the communists won the majority and EMS Nambootiripad became the first Chief Minister of Kerala on 5th April 1956 and thus marked the beginning of a new state.

There is an entire hierarchy of castes peculiar to Malabar. Sir H. Risely suggested that the basis of fact underlying the idea of caste is the psychological instinct of race distinction, which encourages hyper gamy, or the rule which forbids women to marry a man of an inferior race or group and tends to separate the progeny of mixed marriages into distinct endogamous groups. The Hindu community is divided into Brahmans, Kshatriyas, Vaisyas, Sudras, and Outcastes. Dr. Cornish observed that 'the whole caste system, as it has come down to us, bears unmistakable evidence of Brahmanical origin.[45] In Malabar, the primal race distinctions can readily be traced in the broad divisions of Brahman, Nayar, Tiyan, Artisans, and the supposed aboriginal tribes. A Nayar differentiated by his social position and strict observance of hypergamy with Nambodiris, and that many at least of the intermediate temple serving castes are, as tradition relates, the result of violation of the rule of hypergamy by Brahmins.

44. Jineesh. P.S. *Historical Atlas of Malabar from 1800 to 1956,* Minor Research Project (MRP) Report submitted to University Grants Commission (UGC), Govt. College, Madappally,2015, pp.85 - 92
45. William Logan, *Malabar Manual, Op.cit.*, p.109

Every man considers himself polluted by the touch of one of a lower caste, and there are low castes in the social scale that mutually express pollution to each other. At that time the higher caste man when walking along the road announced a warning grunt or hoot to persons of any lower castes, who thereupon retire to the necessary distance. The caste exclusively in Malabar manifests itself principally in the fact that the touch or approach of persons of substantially lower class carries pollution and that women may marry only with equals or superiors, while men though for the most part restricted to their caste or class, may in some cases form *sambandham* with inferiors.[46]

The generic name for Malabar Brahman is Namboodiri. Namboodiris are polluted by the touch of all castes below them and by the approach of all lower than Namboodiri by years. The Nayars as a class are the best educated and most advanced of the communities in Malabar. The Nayars were no doubt spread over the whole face of the country securing all rights, and at the same time supervising the cultivation of the land and collecting the king's share of produce – the public land revenue.[47] Many of them have risen to the highest posts in Government service, and the caste has supplied many of the leading men of the learned professions.[48] The Nayars, are the proud martial class so often described by early travelers like Duarte Barbosa. The root of the word jati is the Sanskrit '*Jan'* and it simply means *'birth'*. As applied in the law of the land it was the 'customs' connected with 'birth'.[49]

'The operation of the caste system is to isolate completely the members of each caste or sub-caste and whatever a native may know of his peculiar branch, he is, as a rule, grossly ignorant of the habits and customs, or the origin, of those outside the pale of his section of the community '. In early times almost innumerable subdivisions of caste did not exist and intermarriages were banned. A certain class called the planters –now known as Tiyar (Dwipar, Simhalar=Cingalese)- were entrusted with the duty of planting up the wastelands. The Tiyar caste is numerically the strongest section of the Hindu population.

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46. C.A. Innes & F. B Evans, *Op.cit.*, p. 105
47. William Logan, *Malabar Manual, Op.cit.,* p.602
48. C.A. Innes & F. B Evans, *Op.cit.*, p .115
49. William Logan, *Malabar Manual, Op.cit.*, p. 110

. The *Nayars* were the protectors of the country. The *Nayars* were, until the British occupied the country, the militia of the district. They were originally the supervisors of the nadu, and they seem to have been employed in this capacity as the collectors of the share of the produce of the land originally reserved for Government purposes. They follow the *Marumakathayam* system of inheritance. Of the Malayali castes the most exclusive, and the most conservative, and, in the European sense, nearly the most enlightened, is that of the indigenous Malayali Brahmans called *Nambutiris*.[50]

The *Nambutiris* are vedic Brahmans. Ambalavasis (dwellers in ambalam or temples), form a sort of intermediate class between *Nambutiris* and Nayars. The Gurukkal class wears the sacred thread. The name seems to suggest that they were originally teachers, but their proper functions, as understood now a days are to supply milk, ghee, and flowers to temples and to sweep and clean them. They are governed by the *Marumakathayam* system of inheritance. The Chakkiyars sing and play in the temples, and sometimes, on occasions of festivals, improvise verses of their own. Their women are called *Nangiyar*—the Variers function in the lower temple services and funeral ceremonies. In Malabar, they continued the *Marumakathayam* system of inheritance. The *Marars* are the temple sweepers and musicians and play various kinds of instruments like Chenda, Timila, Idakka, etc.[51]

The next caste to be observed is formed of the *Cherumar* or *agrestic slaves.* These were in all probability the aborigines of the country when it passed under the rule of the *Nayars.* The name is now written *Cherumar,* and as such is supposed to be derived from *cheru*, small. In many places, the men do not wear cloth at all around their waists but alternate a fringe of green leaves. In later also, in outlying parts, both men and women are still afraid to utilize themselves of the privilege of using public roads. They work very hard for the pittance they receive, in fact nearly all the rice land cultivation used to be in former days carried on by them.[52] Of the Nayadis or lower caste among the Hindus –the dog eaters they are most persistent in their clamor for charity, and will follow at a respectable distance for miles together any person walking, driving,

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50. William Logan, *Malabar Manual, Op.cit.*, p.118
51. Jineesh, P.S, *Historical Atlas of Malabar……..., Op.cit.*, p.64
52. William Logan, *Malabar Manual, Op.cit.*, p.148

or boating.[53] Barbosa described 18 castes of natives in all of Malabar, besides immigrant merchants and traders with customs of their own. Brahmins described by Barbosa are the Namboodiris, who ranked first in the traditional caste hierarchy in Malabar. As noted by Logan, they settled most largely in the Valluvanad, Ponnani, Ernad, and Calicut taluks of south Malabar and sparsely in the Kurumbranad, Kottayam, and Chirakkal taluks of north Malabar. Despite their small size, their highest ritual ranking, hereditary land rights as jammies, and as a caste they were the most privileged and influential of all social groups. From the available literature on the history of Kerala land tenures it is possible to discern three distinct interpretations of the caste-based, Brahmin–centered, and upper caste dominated land system in pre-British Malabar. Brahmins extended their sway further when they made the caste system and the *janmi centered* land system more complex and rigorous.[54]

Below these castes, the Brahmin caste ranked the lineages of the loyalty and chiefs whom Barbosa described as kings and placed above the Namboodiris. Below this lineage ranked the tiny groups of Ambalavasis, they did not have any direct right to land, and lived as temple functionaries. Ranking below the Ambalavasis were the Nayars who accounted for the bulk of the nonpolluting caste. Innes, one of the British collectors in Malabar, noted that the term Nayars in its widest sense includes a very large number of caste that are now distinct, all between the Ambalavasis on the one hand, and the polluting castes on the other. Their traditional occupation is by no means military, though there is little doubt that Nayars proper were primarily a military class, probably a sort of yeomen militia, who devoted themselves to agriculture in times of peace.[55] The Nayar castes may be classified into two broad groups high caste Nayars and low caste Nayars. The former groups such as Menon, and Logan described the Nayars as the 'protector guild '. The low-caste Nayars comprised the mercantile, artisan, and service sections of the Nayars. Ranking below the Nayars were the numerous polluting castes, which about one another could be grouped into higher and lower. The higher polluting castes comprised the Tiyyas, artisans fishermen, barbers, and washermen. The remaining lower polluting castes pulayas, panas, and cherumas were

53. C.A. Innes & F. B Evans, *Op.cit.*, P.113
54. A. Sreedaramenon, *A Survey of Kerala History*, ..., *Op.cit.,* pp.325-369
55. C.A. Innes & F. B Evans, *Op.cit.*, P.115

the agrestic serfs of the Namboodiris and Nayars.

The emergence of Mappilas has to be understood in the context of the commercial activities of the Arabs in Malabar. They became most numerous in the Eranad and Valluvanad taluks in South Malabar. The Mappilas were either the descendants of Arab traders or Hindu converts to Islam. The Arabs had the trade monopoly in Malabar till the advent of the Portuguese. The Europeans looked upon Mappilas as the allies of the Arabs and hence their natural enemies. During the 19th and 20th centuries, the growth rate of the Mappila population was much higher than other communities. The majority of Mappila were cultivating tenants, landless laborers, Petty traders, and fishermen.[56] Landowning Mappilas were very few. Mappilas were educationally backward so they depended mainly on agriculture for their livelihood.

In the case of Malabar, the caste values and other social practices did determine the nature of human inhabitation. The most notable dictum which ruled the social practices of people during the colonial period was purity and pollution.[57] It was strictly followed by the castes in the Hindu religion. Inter-caste and intra-caste pollutions were practiced. It is noted, "every man considers himself polluted by the touch of one of a lower caste, and there are cases of low in the social scale which mutually convey pollution to each other".[58] The upper stratum of the society consisted of the caste Hindus who had enjoyed control over the forms of social power like temples, land, state system, etc. The Brahmins or Nambutiris were at the top of the social hierarchy as they controlled most of the land resources as the custodians of both dewaswam and brahmaswam lands.

The Nambutiris had usually performed poojas and other ceremonial rituals to propitiate the almighty. The social power of the Nambutiris was ensured their identity as the custodians of temple property and mirror images of the almighty. Their power was mediated through social practices. They were subdivided into various like Pattars, Embrandiris, Tamburakkals, Adhyans, Visishta Nambutiris, Samanya Nambutiri etc. The Pattars were originally from the

56. K. N. Panikkar, *Op.cit.*, p.53
57. M.T. Narayanan, *Agrarian relations in late Medieval Malabar*, Northern Book Center, New Delhi, 2003, p.187
58. C.A. Innes & F. B Evans, *Op.cit.*, p.103

East Coast, but the majority of them settled in and around Palakkad. Most of the Pattar families were well educated and had owned large tracts of land. They lived in clusters like agrahara and it further provided a corporate nature to their life. The Embrandiris had performed Hiranyagarbha and settled at Arathil, Cheruthazham, Pilathara, and Chirakkal in the northern parts of Malabar.[59]

Tamburakkals were one of the important sub castes among the Nambutiris of Malabar and the most notable one is Azhvanchery Tamburakkal. There were Ashtagrihattil Adhyans, believed to have the eight important Nambutiri tarawadu, of which four (Kalakkandam, Mathur, Melattur, and Kulukkallur) were located in British Malabar. There were Visishta Nambuturis with two groups called Agnihotri and Bhattatiris. The former specialized in performing yagams and the latter engaged in the study of philosophy, logic, etc. The term Samanya Nambutiri was an indicator of their social position. They were the lowest of the Brahmin or Nambutiri hierarchy and were called "the Nambutiri proletariat.''[60]

Being the custodians of the temples and their property, the elites of the caste had enjoyed a respectable status, but the social condition of the lower groups like the Samanya Nambutiris was similar to that of the outcasted Hindus. Chakkiyars were another group in the ambalavasis who engaged in the recitation of and commentary on the passages from the Puranas and Itihasas. They performed Chakkiyarkuthu and the performance was exclusively done to amuse the elite castes.[61]

The temples had Koothambalams and the entry was restricted to the caste Hindus. Pothuvals were another group in the Ambalavasis and they were divided into two as Akapothuval and Purapothuval. The Akapothuval performed in temple services and the Purapothuval did the services outside the temple. The Variers were entrusted to sweep the temple premises. Their houses were called Variyam and the women folk were called Varassiars. It is noted that this group was "perhaps the most progressive among the Ambalavasis, some of the members having received

59. T.K. Gopal Panikkar, *Op.cit.*, p.54.
60. C.A. Innes & F. B Evans, *Op.cit.*, p.109
61. Biju Mathew (ed.), *Pilgrimage to Temple Heritage*, Info Kerala Publications, Ernakulam, 2010, p. 346

a western education and entered the learned professions.[62] The Marars or Marayars were the drummers who beat a kind of drum called pani in the temples. Arguments have been proposed that they had enjoyed control over large tracts of lands received instead of their services to the local rulers.[63]Samantas came next in the social structure and they were adorned by the ruling groups.

In Malabar, Samantas included groups like Nambiars, Unnitiris, Adiyodis, Eradis, Vallodis, etc. There were also Nairs with the title of Nambiyars and Adiyodis. The members of this caste were the rulers of Calicut, Valluvanad, etc. The *Nairs* constituted the middle class in the Hindu society and they were largely venerated in the Society.[64] Nearly All *Nairs* were concentrated in agriculture, and the upper sub castes were soldiers in the service of the local Rajas and all of these were 'caste Hindus'.[65] *Thiyyas or Ezhavas* constituted the next caste of importance in Malabar Hindu society. Though many of them were laborers, some engaged in small tenant cultivation. William Logan made a linguistic exercise to trace the etymology of *Thiyyas or Ezhavas*. To him 'tiyar' might be a corrupted form of dwipar, which means 'islanders'. Similarly, *Ezhavar* might be from Simhalar, or similar or, cingalese.[66] He was hinting that Thiyyas might have come from Sri Lanka. In the caste hierarchy the artisan castes like blacksmiths, carpenters, kammalars, etc., enjoyed similar to that of the *Thiyyas*. They largely performed adjunct to agriculture. Astrologers, traditional physicians, and launderers were 'upper polluting castes'.[67] Below them were the depressed castes, which form about fifteen percent of the Hindu population. They formed the primary producing class as they worked in the field. Despite their work, they were denied of right to use public roads and temples. They were 'polluting' castes.

In the pre-colonial and even during the initial years of colonialism, the settlement pattern in Kerala, of which Malabar was a part, was largely centered on temples. It has been explained

62. C.A. Innes & F. B Evans, *Op.cit.*, p.113
63. K.N. Ganesh, Polity and Society in Medieval Kerala: Some Preliminary Considerations, in K.K.N. Kurup (ed.), *New Dimensions in South Indian History,* Association for Peasant Studies, Calicut University, 1996, pp.110 -117
64. Eric. J. Miller, *Caste and Territory in Malabar*, in American Anthropologist, Vol.56, issue3, October1954, pp. 411-416
65. P. J. Cherian, *Op.cit.,* p.110
66. *Ibid.,*
67. Eric. J. Miller, *Op.cit.*, p. 411

in conjunction with the emergence and proliferation of caste identities.[68] It was alluded that most of the caste groups sprang up with having the temple as the nucleus. Temple administrators and the servitude caste groups around it were the backbone of societal life in Malabar as in other parts of Kerala. They normally lived as clusters, with the concentration of their caste groups. Their settlement centers could normally be found in the vicinity of temples. They did not and could not mingle with the people who performed 'non scriptural' professions. The servitude classes of the temple were normally venerated in society. Similarly, there was another world, rather a parallel universe, where we could see the 'polluting classes' did inhabit. They were denied rights for worship, travel on common roads, etc. Even their presence or sight could and did pollute the caste people. They were not included in the temple documents or any other scriptures. They were, in a sense, people beyond the scriptures or documents. They tilled the field and worked so hard. Despite their primary producing class identity, they were subjected to the exploitation of the caste Hindus.

Social tensions were the norms of the period and the British had to take over such a society in Malabar. They were, primarily, a mercantile community, who thought of making use of the condition of Malabar for their enrichment. The chaotic and complex social conditions in Malabar could not facilitate them to that end. They had to devise methodologies for conquering and taming the wild minds of Malabar. For that matter, they had to study land and people. They had to document and measure the land. Several colonial bureaucrats and 'servicemen' devoted their time and effort to creating an 'administrable Malabar' with specified geographical limits and documentation. They used trigonometrical knowledge in constructing Malabar out of its obscurity. Though several scholar-bureaucrats devoted their effort to that matter, it was Lt. Benjamin Swain Ward, who stood aloof from the rest in constructing Malabar with the help of trigonometric and cartographic understanding. He stood as an epitome of that spirit. [69]

British Colonialism had shown much interest in identifying the geographical distinctiveness of Malabar and such efforts, in effect, created the region of Malabar as a specified landscape out of the chaotic traditional understanding. Several colonial officers like C.A. Innes, F.B.

68. Rajan Gurukkal, Proliferation and Consolidation of the Temple-Centered Social Hierarchy in the Cera Period, in *Journal of Kerala Studies (JKS*), Vol.VI, Sept-Dec, 1979, pp.333-346

69. Jineesh, p.s, *Historical Atlas of Malabar……., Op.cit.,* p.64

Evans,William Logan, Lt. Peter E Conner, Lt. Benjamin Swain Ward, etc., were some of the figures who had conducted extensive studies on and of Malabar. Out of these studies, one of the most remarkable was that of Lt. Benjamin Swain Ward. He was a colonial surveyor who, indeed, surveyed the land of Malabar in July 1824 and the outcome of the survey came out under the title A Descriptive Memoir of Malabar in 1906. Being a colonial bureaucrat, Lt. Benjamin Swain Ward was assigned the task of surveying the land of Malabar, and his endeavors, in that direction, gave a specific identity to the land of Malabar in the political map of the British Empire. Francis Buchanan, who visited the land under the orders of Lord Wellesley during 1800-1801, did the most important study on the landscape of Malabar. K N Ganesh equates the study of Buchanan with that of 'survey modality' explained by Bernard S Cohn.[70] Buchanan visited the region through the land route.

The British political control over Malabar could be seen as an extension of British mercantilism coupled with political ambitions. Their governmentality could not be confined to issuing orders of a purely political nature. Instead, most of the colonial state decisions had unforeseeable repercussions on the social fabric of the land. They were the agents of a leveling process, in which educational avenues were opened up for all.[71] Calicut is the capital of Malabar, the largest and most important municipality in Malabar, and one of the principal ports of the Madras Presidency.[72] The forests in this province are very magnificent, and a great deal of valuable Teak timbers is obtained from these forests. Malabar is famous for pepper, which is grown in every district and exported in very large quantities. The trade of Malabar is chiefly seaborne. Tellichery is the headquarters of pepper trade, Calicut of that in ginger, the Malabar variety of which is of very high quality. It is a considerable source of revenue in this province; Cardamoms grow spontaneously in the mountains, especially in Wynad. The company fixed their better site for trade in Tellichery, where a factory was founded before 1699, apart from its proximity to the finest pepper and cardamom lands in Malabar, naturally a strong position. To attract trade, they paid for their pepper at full market prices, exempted for time all manufactured goods from duty, and afforded facilities for shipping.

70. K.N. Ganesh, European Perceptions of Kerala Landscape, in Kesavan Veluthat and P P. Sudhakaran (ed.), *Advances in History*, Prof. M.P. Sreedhran Memorial Trust, Calicut, 2003, pp.186 -192
71. Jineesh p. s, *Historical Atlas of Malabar……., Op.cit.,* p.45
72. C.A. Innes & F. B Evans, *Op.cit.*, p.408

The EEIC had established trade relations with Malabar (northern half of Kerala) as early as the 17th century itself. In 1683 British founded a factory at Tellicherry, in the northern part of Malabar and they pursued lucrative spice trade. When the trade prospered, the challenges also were in rise. The most significant rival powers of British were the French East India Company and the Mysore rulers Hyder Ali and his son Tipu Sulthan.[73]To maintain their control over trade, the Company slowly formed political alliances with local rulers. These efforts eventually resulted in the British establishing direct administration in Malabar in 1792. However, governing this region was not easy for them, as they were largely unfamiliar with the land and its people. After taking control of Malabar in 1792, the British realized that administering the region was far more difficult than expected because they knew very little about the land they had conquered. To address this, the Company began studying Malabar's history, economy, and culture. Their first step was to appoint a joint commission in 1792-1793 to enquire the affairs of Malabar, and it submitted the first report known as the *Report of a Joint Commission 1792–93 (RJC)*.[74] The *RJC* was the model of the successive reports and which served as the source material for later survey reports and historical writings on Malabar. In the following years, the Company appointed a number of commissions to study the land and its people and to submit reports.[75] Indeed, as Bernard Cohn maintained, these reports became one of the forms of colonial knowledge in the case of Malabar.[76] Most British reports reflected Orientalist stereotypes and presented a biased understanding of the region and its inhabitants.

73. M. P. Mujeeb Rahaman, *The other side of the story: Tippu Sulthan, colonialism and Resistance in Malabar,* Sahitya Pravarthaka cooperative society, Kottayam, 2016, p.52

74. William Gamul Farmer, Jonathan Duncan, Alexander Dow, Charles Boddam et al., *Reports of Joint Commission from Bengal and Bombay appointed to inspect into the state and Condition of the Province of Malabar in the years 1792 and 1793*, (JCR), Madras, Reprinted by H. Smith at the Fort St. George Gazette Press,1862.

75. Report such as Spencer, J., Smee & Walker, A., *Report on the Administration of Malabar*, *28th July 1801 (Report of Malabar Second Commission*), 1910; Starchy, J., - *A Report on the Northern division of Malabar,1801*; W. Wye, *A Report of the Southern Division of Malabar,1801;* Thomas Warden, *Report on the Condition of Palghat, Mannar,Eddterra, Kawilappara and Narinottam Divisions of the of District of Malabar,1801;* Major Macleod*, The Jamabandy report of the Division of Coimbatore and the Province of Malabar, Dated18th June,1802,* William Thackeray's *Report on the Revenue Affairs of Malabar and Canara, 1807*; Major Walker, *Report on the Land Tenures of Malabar,1806;* J. Smee, *Report on the survey and assessment of Malabar, 1809;* Thomas Warden, *Report on the Land Tenures in Malabar*, 1815; Thomas Warden, *Report on the Revenue Systems in Malabar dated 16th June 1813*, Thomas Munro, *A Report on the Revision of the Judicial Systems in the Province of Malabar,4th July 1817*, Graeme, H S*., Report of the Revenue Administration of Malabar District,1822, Mr. Graeme's Glossary of words and phrases relating to the land tenures and land assessment of Malabar, with notes and etymological Headings, 1818-1822;* J. Sullivan, - *Report of the Provinces of Malabar and Canara, dated 29th,January, 1841;* T.L. Strange, *Report on the Mappila Outbreaks of Malabar,1854* etc. are examples

The Judicial Report on Mappila conspiracy (1896) quotes from letter by H.V. Conolly, the then district Magistrate wrote three years before he was murdered by three Mappila fanatics (1855). According to Conolly, 'the Mappila insurgent is a fanatic, mad man, whose sole object is to throw away his life after doing all damage possible to his adversary'.[76] He adds that they will receive 'no quarter and fight like mad – man'. In the same letter he expresses his entire disruption of even being able to invent a method of capturing fanatics alive. Proclamation of general freedom of trade[77] in articles except pepper (20th December 1792) and prohibition of slave trade and establishment of two special courts of enquiry of justice etc. were the important measures introduced by the Commission. The new Commission was not satisfied with the way in which the treaties were concluded by the previous Commissioners and had criticized Mr. Farmers improper concessions given to the Northern Rajas.[78]

With the invasion of Mysore rulers, the British had to face the most serious opposition to their monopoly of the coastal spice trade in Malabar than ever before. The commercial operations of the British on the coast had been disrupted due to the stringent trade prohibitions imposed by the Mysoreans.[79] The first direct act from the Mysore ruler Haider Ali towards the introduction of pepper monopoly on the coast was in 1767, by which the Tellicherry country merchants lost their right to buy pepper from hinterland and sell whomsoever they wish.[80] As a result, the Tellicherry country merchants refused to sign contracts to supply EEIC with pepper as had been previously. During the 200-year-long British occupation, no other local king in India had such a strong defense. By 1792, Tippu Sultan, the ruler of Mysore, had abdicated and the British East India Company established its rule in Malabar. For the British, the Treaty of Srirangapatnam in principle marked their absolute dominance over Malabar. The main purpose of the Mysorean invasion of Malabar was to seize the vast wealth of the rulers of Malabar. The Mysorean invasion brought new changes to Malabar. The most important political result of the Mysorean invasion was the disappearance of the feudal system of administration and the emergence of a centralized system of government.

76. *Judicial Report on Mappila Conspiracy,1896*, p.4
77. *RJC*., Vol.II, Para155, p.181
78. *Jonathan Duncan's Report on Revenue settlements of Malabar*,1794, p.1
79. M. P. Mujeeb Rahaman, *The other side of the story……., Op.cit.,*
80. *Tellicherry Diaries (T.D.), No.1467,22nd January 1767*, p.103.

CHAPTER 3

Governance and Administration in Malabar during the Mysorean period

Anitha.M. From conquest to control East India company rule in malabar 1792 1858.
Thesis 2026. NSS, College Manjeri, University of Calicut.

The Mysorean invasion of Kerala under Haider Ali and Tippu Sultan during the second half of the 18th century irrefutably influenced the later-day history of Kerala. It brought about remarkable changes in the political, social, and economic life of people. No other period in the history of Kerala is so much controversial as that of the so-called `Mysorean period'. The period under discussion, generally known as 'Mysorean interlude' or `Mysorean interregnum' is a short period from the year 1766 to 1792. [1] The first phase of this period marks the voyages under Hydarali was a period of distrust and bewilderment essentially due to his expeditions and rebellions. However, the latter half under Tippu Sultan, is remarkable for significant political integration, economic initiatives, 'radical social reforms', and some experiments in the restructuring of the traditional statecraft.[2] So it can be seen that the period of Mysore rule in Malabar was exactly 16 years. 9 years of Hyder's rule and 7 years of Tippu Sultan's rule.

The historical man Tippu Sultan has always been a controversial figure in Indian history. Tipu Sultan was a brave patriot who ruled the kingdom of Mysore in the 18th century and fell to his death while leading a war against the British forces. During the 200-year-long British occupation, no other local king in India had such a strong defense.[3] Yet in the contemporary Indian public sphere, Tippu Sultan and his history are treated only with falsehoods, half-truths, and twisted truths.[4] It is a fact that the rulers of Mysore, Hyder Ali, and Tippu Sultan, were instrumental in unifying Malabar into a single administrative political unit. Malabar was originally shaped by Mysore kings. The British followed their example without any significant changes. By 1792, Tippu Sultan, the ruler of Mysore, had abdicated and the British East India Company established its rule in Malabar. For the British, the Treaty of Srirangapatnam in principle marked their absolute dominance over Malabar. Malabar became part of Mysore in 1776. Tippu's father Hyder Ali captured this place. In Tippu's history, Malabar had only a share of a small province which was

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1. William Logan, *Malabar*, Vol. I, Asian Educational Service, Thiruvananthapuram, 2000, p.399
2. A.P. Ibrahim Kunju, *Kerala- Mysore, Relation in the Eighteenth Century*, Kerala Historical Society, Trivandrum,1975, pp. 56-72
3. P.K Balakrishnan, *Tippu Suthan*, D.C Books, Kottayam ,1996, p.146
4. M.P Mujeeb Rahman, *Kerala charithrathile Tippu Sulthanum Britishukarum*, (Mal), DC Books, Kottayam, 2022, p.24

part of his kingdom for half the time.[5]

The invasion of Kerala by Haider Ali and Tippu Sultan of Mysore in the latter half of the 18th century left a profound influence on Kerala's polity and society. Though the attempted conquest fizzled out, the effects it produced profoundly influenced the future course of Kerala history.[6] The main purpose of the Mysorean invasion of Malabar was to seize the vast wealth of the rulers of Malabar. Malabar Coast was prominent for its foreign spice trade from times immemorial. From the information available, the most important reasons for the invasion of Malabar were, in fact, economic and strategic factors. Lucrative spice trade on the coast and possibility of an attack from the British from Malabar prompted Haidar and Tippu Sultan to attack and conquer Malabar.[7] It was the absence of a central authority in Kerala and the existence of widespread internal disagreement among the Kerala chieftains that provided the tempting bait to the determined rulers of Mysore to intervene in Kerala politics and make a courageous effort for the territorial conquest of the region. The invasion of Haider Ali and Tippu Sultan brought about great upheavals in the socio-economic and political structure of Malabar. [8]

Hyder was waiting for a chance to enter the Malabar zone. So, when he got a request from the King of Palakkad, he used it as a golden chance and started his invasion of Malabar. Tippu Sultan had assisted his father in the 1766 expedition onwards. In 1766, Hider Ali moved into Malabar through Mangalore with a force of 12,000 infantry, 4,000 cavalry, and a park of field guns. With the death of the ruling prince of Calicut (Zamorin) under these tragic circumstances, the country lay before the conqueror ready to be seized without any opposition. [9] Hyder Ali thus captured the whole of Malabar without much hardship. After the Second Anglo-Mysore War, the Mysoreans ruled Malabar and suffered numerous anti-Mysorean uprisings even by the local Mappila

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5. P.K. Balakrishnan, *Op.cit.,* p. 142
6. A. Sreedara Menon, *Kerala History and its Makers*, DC Books, Kottayam, 2000, P.157
7. M.P. Mujeeb Rahman, *The Other Side of The Story: Tippu Sultan, Colonialism and Resistance in Malabar,* Sahithya Pravarthaka Co-Operative Society, Kottayam, 2016, p.21
8. Margret Frenz, *From Contact to Conquest Transition to British rule in Malabar, 1790-1805,* Oxford University Press, New Delhi, 2003, p.83
9. M.P. Mujeeb Rehiman "*Formation of society and economy in Malabar 1750-1810,*" Unpublished PhD Thesis, Department of History, University of Calicut, 2009, p.32

population, against the new land taxes. C. K. Kareem opines, "No doubt Hyder Ali's achievements on the Malabar Coast were great. But he got only a few years without wars. The consolidation of his conquered territory was thus interrupted by hostilities. Hyder's death in the midst of the Second Anglo-Mysore War left Malabar in an unsettled political state".[10]

If we can believe the words of Vellamanakal Namboothiri, if we saw Hyderali's attacks directly, it was political and economic interests beyond religious interests that motivated the rulers of Mysore to invade Kerala.[11] Hyder Ali first invaded Malabar in 1757 when he was the Faujdar of Dindigul under the Wodeyar kings of Mysore. Then Hyderali marched to Kozhikode but he returned to his homeland on the assurance of Zamorin that he would pay 12 lakhs not to attack. Hyder, who became the Sultan of Mysore in 1761, invaded and subdued Canara in 1763. In 1764, he made a move to invade Malabar and requested the Europeans to cooperate with him. The reason for the second attack was the non-payment of the sum promised by the Zamorin earlier. While the Dutch and the British remained neutral to Hyder's attacks, French troops aided Hyder. Hyder succeeded in capturing Malabar after about five months of hard work. Hyder then went to Coimbatore and returned to Malabar for his army. It was under the leadership of his officer Srinivasa Rao that the first land survey was conducted in Malabar and the system of direct collection of taxes from the farmers was introduced through officials.[12]Although he was not able to rule for a long time; Hyder envisioned a system of governance in Malabar that integrated Mysore Mughal elements. Hyder adopted the method of collecting taxes directly from farmers through officials. The fact that the said system was later implemented by Munro in South India under the name of 'Riot Wari' adds to its importance.[13] Hyder was killed in a battle with the British in 1782. The second Anglo-Mysore ended in 1784. Tippu then led the war and became the ruler of a large territory including Malabar by the Treaty of Mangalore in 1784.[14]

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10. CK Kareem, *Kerala under Haider Ali and Tipu Sult*an, Kerala History Association, Cochin, 1973, p.62
11. N.M Namboodiri, *Vellayude Charithram*, Vallathol Vidyapeedam, Sukapuram, 1998, p.54
12. C.K Kareem, *Op. cit.*, p.147
13. *Ibid.*, p.147
14. William Logan*, A Collection of Treaties Engagements and other papers of Importance Relating to the British Affairs in Malabar*, Kerala Gazetteer Department, Thiruvananthapuram, 1998, p.83

Tipu Sultan, who lived only for 40 years by leading a secular and justice-enhanced rule, was a nightmare for the British and the upper castes.[15]He aimed to direct land tax on the farmers by classifying the land through bureaucrats.[16] As soon as he established his supremacy, Tippu planned to acquire a monopoly of pepper in Malabar. Tippu also continued the trade monopoly started by Hyder in 1766. In 1785, it was announced that Tippu acquired the monopoly of pepper and other spices. Gold ore, precious metals, tobacco, sandalwood, teak, etc. were all declared monopolies of the government. Apart from this, trading centers were also started in various centers in Malabar. The Sultan also worked to develop Beypur as a port. When we read all this together, we conclude that the Mysore rulers' invasion of Malabar was mainly driven by economic factors. Tippu's main objective was to control the pepper trade in Malabar and gain complete control over forest resources, ports, etc. Tipu's aim with the Malabar invasion was to lay the groundwork for the establishment of a South Indian empire capable of challenging the British administration and to gather the necessary resources for it.[17] Occupying the strategic west coast of Malabar was on the agenda. He was eyeing the valuable teak trees from Ernad and Valluvanad areas and the ease of travel to Beypore port through Chaliyar. The Sultan was thus able to ensure the supply of the best teak to the shipyard he had started. There were economic and military motives behind the selection of Farrukhabad on the Chaliyar coast as the capital of Malabar. Proximity to the port was key among them. According to Ashintas Gupta, who wrote the commercial history of Kerala in the 18th century, Tippu was responsible for the destruction of traditional trade in Kerala.[18]According to K Madhavan Nair, a leading nationalist in Malabar, Tipu's attack and subsequent conversion were the main reasons that led to the Malabar Rebellion of 1921.

According to MGS Tipu’s attack was the cause of Kerala's backwardness and Hindu-Muslim hostility. [19] Tipu's trade was transformed into a systematic one with many carpenters, laborers, and

15. M.P. Mujeeb Rahman, *Kerala charithrathile Tippu Sulthanum ……..*, *Op. cit.*, p.38
16. Irfan Habib, (ed.), *Resistance and Modernizations Under Haider Ali and Tippu Sulthan,* Tulika Books, New Delhi,1999, pp.21 -38
17. M.P. Mujeeb Rahman, *Kerala charithrathile Tippu Sulthanum ……..*, *Op. cit.*, p.39
18. Ashin Das Gupta, *Malabar in Asian Trade 1740-1800*, Cambridge University Press, London, 1967, p.103
19. Madhavan Nair, *Malabar Kalapam*, (Mal), Mathruhbumi books, Kozhikode, 1993, pp.13-14

Elephants.[20] During his rule in Malabar, Tipu Sultan established regional reservations at various places. He monopolized the trade and established the main factory at Vadakara in 1789. Others were in different parts of Malabar, such as Mahi, Kozhikode, and Koilandi. The government paid a fixed rate for the goods received in these factories. The price of the goods was fixed at the time of sale. The products of the country were mainly exported in ships coming from Muscat, Kutch, Surat, Bombay, Goa, and Mangalore.[21] In Malabar, the Company first claimed a trade monopoly when it gained political power. It was illegal for anyone to buy pepper except from company reservations. Moreover, there was an order that any merchant who did so would be expelled from the province. Lord Cornwallis supported this plan to monopolize pepper. He expressed his wish that the provincial tax revenue should be as peppery as possible.[22]

Tippu Sultan was a staunch religious believer. He was morally upright than Hyder. At the same time, he was also very secular. Religious harmony was his policy. He appointed high-ranking Hindus to important positions. Srinivasa Rao who implemented revenue reforms in Malabar.[23] Tippu Sultan followed his father's policy. He appointed a Hindu named Purnaiya as Mir Asaf, the most important post of his reign. Krishna Rao was the treasurer. Shamia Iyenkare was made Minister of the Police and Postal Department. Narasingarao and Ranga Iyengar were appointed to important posts in Srirangapatna. Srinivasa Rao and Apache Ram were loyal to Tipu. Therefore, they were given the positions of chief confidence. Most of Tipu's revenue officers, called 'mails', were Brahmins or upper castes. Chief among them was Harisingh. In Malabar, he gave land to 61 religious institutions in the areas captured by Tippu. Land and wealth are given to temples, Brahmins, and other religious institutions and monasteries.

Tipu's rule in Malabar started in 1784. 'Arshad Begg' was not the Governor of Malabar during Hyder Ali's time as many people misunderstand. Hyder Ali appointed Begg as the governor.

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20. *Report of Joint Commissioners to enquire into the affairs of Malabar 1792-93*, (hereafter RJC) Kerala State Regional Archives, Kozhikode, Vol .3, pp.452-453

21. Francis Buchanan, *A Journey from Madras Through the Countries of Mysore, Canara and Malabar (1800-01*), in 3Volumes, Vol. II (1807), Asian Educational Service, New Delhi,1998, pp.515-516

22. M.P. Mujeeb Rahman, *Kerala charithrathile Tippu Sulthanum Britishukarum, Op. cit.,* p.66

23. *Ibid.,* p.41

Arshad Beg took charge as Tipu's Malabar Governor after the Treaty of Mangalore.[24]'Arshadbeg', implemented good land settlement in Malabar took charge in Malabar during the time of Tipu, but when it came out, Hyder got its credit too.[25]When it came into the hands of the English, these histories of fanaticism in Malabar took on many hues. Burning the temple and breaking the idols was the first type of it. Some have also discovered that the Christian church was destroyed. No one knows which temple and which church in Malabar was destroyed. The English biographer of Wellington himself wrote that Tippu cut off the breasts of Hindu women in Malabar for following their religious practices. It was Tipu's regular practice to take vows in Hindu temples. The Mysore administration was one of the most visible monarchies in the world.

The general form of the Mysore process, which is referred to as Arshad Beg's Malabar Settlement, can be described as follows. An estimate of the gross produce of a place, from which a portion was fixed as tax. If it was placed with trees (the coconut grove itself is important. mango trees and jackfruit trees were omitted) and this total, yield was calculated and divided by the total number of members; then a share of the average income per tree was fixed as tree tax.[26] Although the share was fixed in the product, the amount was fixed to be paid in cash. But if the cultivators were to dispute that the rate of money was higher due to differences in the prices of resources, it would have been sufficient to tax the resource itself. Arshad Begg is seen to have committed many irregularities to finalize this settlement. Besides the two principal branches of revenue arising from land tax and the customs on the merchandise, the schedule of Tippu Sultans Jummabundy annexed to the treaty of peace, shows that he had established a few more subordinate sources of income like duties on tobacco, Black pepper, Cocoanut, Mint, Farms of the timber duties, etc.

After Hyder's Government had become established in Malabar, he ordered in 1779-80 that the verary fanam should have stamped on one side of its the Persian letter H in allusion to his name of Hyderee fanam, valued in the receipt of Government 14 ½. After the death of Hyder Ali his son Tippu Sulthan ordered in 1786-1787 that the coinage of Hyderee fanam and pagodas should be

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24. P.K. Balakrishnan*, Op.cit.,* p.103
25. *Ibid.,* p.123
26. Mohibul Hassan, *History of Tippu Sultan,* Aakar books, New Delhi, 1971, p.331

discontinued; and introduced those called Sulthauny, which continued till 1790-91 when zamorins were restored, he again introduced the Verary coinage in his Mint with this difference from the former.[27] In 962 AD, 1786-87 Tippu Sulthan ordered a coinage of Sultanee fanams which were collected instead of the same number of old verary fanam.[28]

It is interesting to see that even today colonial historiography monopolizes the historical discourses and it is very much a reality in the case of Mysorean rulers. Since the British wanted to eliminate their most hostile native enemies in India, no wonder they intentionally characterized the rulers such as Tipu Sultan as 'religious bigots'. This tradition of writing history starts with Col. Wilks' History of Mysore, which was followed by the later historians representing the typical British prejudice.[29] It is no wonder that the author of Malabar Manual, William Logan, better Known for his sympathies as an impartial observer of Malabar society, never deviated from the perspectives of his predecessors in representing Tipu Sultan. He presents a sensational narrative with the support of statistics of the Hindus, who were killed and proselytized by Tipu.[30] For instance, K.V. Krishna Iyer, the great historian of the Zamorins, portrays Tippu Sultan as a ruler with a mission of proselytizing Brahmans, Nair's, and princes to Islam.[31] Likewise, Ashin Das Gupta, an authority on eighteenth-century Malabar trade, admonishes Tippu Sultan as the destroyer of the traditional commerce of Malabar.[32]In a similar vein, K. Madhavan Nair, veteran nationalist and author, attributes Tippu's invasion of Malabar and his acts of proselytization as the predominant causative factor that resulted in the Malabar rebellion of 1921.[33]Apart from this, according to Madhavan Nair, Tippu had played a substantial role in shattering the existing Hindu-Muslim harmony in Malabar.[34]

27. *RJC, Op. cit.,* p.357
28. Graeme, H S., *Report of the Revenue Administration of Malabar dated 14th January 1822,* Superintendent of Malabar District Press, Calicut, 1898, p.116
29. C.K. Kareem, *Op. cit.*, p. 9
30. William Logan, *Malabar, Op.cit.,* p.449
31. K.V. Krishna Iyer, *The Zamorins of Calicut*, Calicut University, Calicut, 1999, p.29
32. Ashin Das Gupta, *Op.cit.*, pp.103-113
33. K. Madhavan Nair, *Op.cit.*, pp.13-14
34. *Ibid.,* p.14

Prof. M.G.S. Narayanan maintains that Tippu Sultan's policies had greatly resulted in the backwardness of Malabar and bred the seeds of Hindu-Muslim hostility.[35] M.G.S. Narayanan and others seem to be irrational and far from the methods of scientific historical research. While evaluating the national movement in Kerala, he out rightly condemns the Mysorean presence in Kerala primarily because those powers were responsible for the stagnation of the process of development in Modern Kerala.[36] For N. Rajendran, pepper cultivation in Malabar was badly affected by the turmoil following the ravage reprisals of Tippu Sultan against the Hindu rebels in the area.[37]Attempts made by C.K. Kareem, A. P. Ibrahim Kunju etc. were primarily focussing on raising a defensive stance about the Mysorean rulers.[38] According to Vella's (a Brahmin chronicler of 18" century) description, the native rulers were responsible for the depredations of the arrival of Haidar and the subsequent conflicts. Haidar came through the north to extract the money, Zamorin owed to him in connection with the previous battle and its settlement. Several other rulers including the Raja of Chirakkal had to pay similar dues to Haidar, states Vella.[39] It is a historical fact that the Mysorean state's interference in Malabar was certainly a political and economic act rather than part of a religious project. Not surprisingly, the British colonial writings intentionally pursued stereotypical representation of Mysorean polity as well as its aggression on Malabar. The religious colour they spread upon their strongest enemy in India could yield results in mobilizing the elites and upper caste along with the British state. The colonial writers naturally had to project a bad Tippu as a political need.[40] The colonialists, at least in portraying the Hydar-Tippu duo as the most dismal forces, stalled the progress of modern Kerala.[41]

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35. M.G.S. Narayanan, 'Keralathile Swathanthrya Samaram, Oru Avalokanam', (ed.,) in P.J. Haridas, *Keralavum Swathanthrya Samaravum, (*Mal.), Trivandrum, 2000, pp.21-26
36. M.P. Mujeeb Rahman, *Kerala charithrathile Tippu Sulthanum Britishukarum ……., Op.cit,* 2009, p. 60
37. N. Rajendran, *Shifting Balance of Pepper trade in the late Eighteenth century in India,* in *Papers in Honour of Prof. A. P. Ibrahim Kunju*, University of Calicut, Calicut, 1981, p.175
38. A. P. Ibrahim Kunju, *Kerala-Mysore Relations in Eighteenth Century,* Kerala Historical Society, Trivandrum, 1975, p.22
39. M.P. Mujeeb Rahman, *Formation of society and econom`y ……., Op. cit.,* p. 61
40. Ashin Das Gupta, *Op. cit.*, p.32
41. K.V. Krishna Iyer, *Op. cit.,* p.4

To a nationalist historian, the conquests of Hyder Ali and Tippu Sultan still aggravated the ills that bedeviled Malabar.[42] Joint Commissioner's Report of 1792-93 presents a detailed account of the socio-political situation that compelled Tipu Sultan to come over to Malabar and assert his power over the local lords and the different sections of people.[43] Tipu's reforms are highlighted in this Report. The Sultan also intervened in the political affairs and economy of the overpowered territories. The same was also the motive behind the introduction of revenue reforms in the *jamabandy* system that existed in Malabar. The system deprived the *Naduvazhis* of their existing rights as it admitted the tenant-cultivator as a taxpayer and collected the dues directly from them. The *Naduvazhis* also worried that their rights reduce once, they realized that the region had come under the direct revenue administration of the Sultan, managed by loyal officials like Arshad Beg Khan and Mir Ibrahim. The Sultan's effort to control the external and internal trade provoked not only the East India Company but also the intermediaries engaged in the overseas trade.[44]

It is a fact that the only strong challenge raised against the British domination in South India was the part of Tipu Sultan. For the British, he was an innovative and 'arrogant' ruler who even had diplomatic relations with the French government, the enemy of the British. For the British, the elimination of a dangerous enemy such as Tipu Sultan was considered a necessary pre-condition for their domination over South India. Both colonial and nationalist historians highlighted religious aspects of Mysorean interventions concealing its political or economic aspects. For instance, they maintained that Tippu invaded Malabar, and hundreds of thousands of native non-Muslims were hanged, circumcised, or caused exile.[45]There was widespread resistance from the landlords due to their apprehensions about the imposition of heavy dues and even land alienation. Under the instigation of landlords, many settlers and peasants put up resistance. Tippu swooped in with full military might and unleashed the most ravaging raids Malabar had ever experienced, with loot, plunder, arson, and massacre in 1789CE. Of course, there were a few instances of forced religious

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42. M.P Mujeeb Rahman, *Formation of society and economy ……., op. cit.*, p. 61
43. *Ibid.*, p. 62
44. K. Ravindran, *Malabar under Bombay Presidency*, Mascot press, Calicut, 1969, P.1
45. K. Madhavan Nair, *Op. cit.,* p.16

conversions as well. However, as an administrator, Tippu's sole aim was to set up a process to collect taxes due to him.[46]

Tippu Sultan found socio-political circumstances of Malabar were different from those of his native land. He was of the firm belief that several social customs that prevailed in Malabar were venerable and barbarous. As he became the lord of Malabar, the Sultan announced many orders on the wearing of breast clothes by women, the abolition of polyandry, and against celebrating rigid caste rules. The natives realized these attempts as a challenge to their religious beliefs and social customs. The ruling class of Malabar considered Tippu an outsider, politically, religiously, and culturally. Moreover, Tippu Sultan tried to interfere in political affairs and the princes and elites resisted him by evoking the religious sentiments of the indigenous people.[47]In most of the narratives of Tippu's interventions in the land of Malabar, the pre-Mysorean political structure is often found untouched. Malabar was constituted into regional principalities (*swarupams*) ruled over by the *Naduvazhis.* Their power was inextricably bound with the Brahmins, Nair militia, and intermediary landholders (*Kanakkars)* which was organized on a hierarchical basis.[48] This hierarchical political order, based on customary rights and privileges, was collapsed by Tipu's expeditions leading to degradation of the position and privileges of the elite class.

Before its unification into a consolidated state called Kerala, it was divided into three political units Malabar, Cochin, and Travancore. The conquest of Malabar by the Sultans of Mysore in the middle of the 18th century affected land relations. Afraid of the Muslim encroachers into the interior regions of Malabar a good number of the landowners escaped to the southernmost regions of Travancore, which were relatively safe. The Mysore Sultans of Malabar wanted to extract as much revenue as possible from land and for this purpose they introduced in the Malabar region a comprehensive land revenue assessment. [49] Tipu was the first ruler to survey the land to assess the

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46. Rajan Gurukkal & Raghava Varier, *History of Kerala Prehistoric to the Present, Orient* Black Swan, NewDelhi,2018, p.221

47. C. K Kareem, *Op.cit.,* pp.133-142

48. M.R. Raghava Varrier, *Madhyakala Keralam: Swaroopa Neethiyute Charithra Paatangal*, (Mal), Sahityapravartaka Co-Operative Society, Kottayam, 2014, p.32

49. T.C Varghese, *Agrarian change and economic consequences*: Land Tenures in Kerala,1850-1960, Allied publishers, Bombay, 1970, pp. 17-18

revenue in the modern sense.[50] In Malabar, the Raja was a glorified landlord. When Tippu threw out the Raja, he lost the right over land besides from political power. With Tipu's assessment, *cherical* land (the land under the direct control of the royal family), *Brahmaswam* (Brahmin land) *Devaswam* (Temple land), etc. were displaced and princes, Nair, and Brahmins lost their privilege of protection from rent as well as other dues. They were forced to pay taxes and as an immediate reaction, they started to prevent the danger of Mysore rule.

As a last resort, they had to tactically transform their anger in the form of a struggle for existence and the defense of their religion. It is to be emphasized that no lower caste kutiyan took arms against Tipu Sultan as the Mappila landlords like Athan Gurukal did. As the lord of the land, Tipu Sultan had interfered in the social and cultural sphere of Malabar. The culture of the ruling class continued to dominate in every society. Tipu Sultan trying to modify the values of pre-modern Malabar society according to his imagination and world view. Of course, his religious belief too might have an impact on this process very much. There is no doubt about the religious belief of Tippu Sultan, that he was a dedicated Muslim and at the same time had patronized many temples of South India in the form of donations, endowments, land grants exemptions of revenue, etc. However, it does not stand as a justification for the atrocities committed by him. We don't have any evidence of declarations of the Sultan about forced conversion. Tipu Sultan's donations to the temples and Mathoms in Kerala were enormous which puzzles those who highlight his religious bigotry.[51] It is better to read this as a part of his wider political strategy to pacify and appease the other religious groups, as it was a common practice of the period across India.

The Mysoreans, especially Tipu Sultan, had established a wide road network to enlarge the commercial as well as political ambitions of the Sultan. He built a strong fort at Palakkad and connected it with other part of the country through a regular network of roads.[52] The roads developed by Tipu Sultan for military purposes were favorable for the progress of trade. Road

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50. William Logan, *Malabar Manual*, Vol.1, Kerala Gazetteers Department, Thiruvananthapuram, 2000, pp.596-598
51. C.K. Kareem, *Op. cit.,* pp.200-201
52. A. Sreedaramenon, *Op.cit.,* p.159

building on a bigger scale only started in Malabar with the occupation of Haider Ali and Tippu. The following roads in Malabar were built by Tippu: Malappuram – Tamarassery, Kolikkotu – Tamarassery, Farukhabad - Koyampathur, Palakkad – Tintukal, Venkatakotta- Koyampathur. These roads which had been planned and Tippu had built the majority of which were taken up by the British once they had gained an administrative foothold in Malabar in 1792.[53] In this way, he was the predecessor of the British in the process of modernization of Malabar. Tippu ventured to build up a network of roads throughout Malabar, where Feroke acted as a gathering point. These roads were mainly aimed at suppressing the rebels and transportation of spices to the ports.

At that time, there were no roads where more than two people could walk together. As there was no means of transport except the paths that cut through fields and forests, the army had to travel alone. These Nayars were martial and were not afraid of death. Buchanan notes about them: their chief interest is in the use of arms. But it was more about terrorizing and killing the natives than on the battlefield. They extort respect from their subjects with malice and arrogance which could not have been exercised anywhere but in the free state of the Hindus. A Nair should have immediately chopped down Thiyyan and Mukkuvan, who were considered untouchables. Being warriors by birth, they had great disdain for other jobs. Being armed, wandering around displaying it was the heartiest fun for them.[54]There were no roads or bullock carts in Kerala then. The use of animals for carrying burdens is not customary here; that was also not allowed. Agriculture was the base of economic life of the country.

After the invasion of Malabar rule in 1784, these activities, which aim political centralization, began with an instinctive concentration. The first step was the construction of roads. Before that, there was not even a bullock cart in use in Kerala and the only basis for travel was the alleys and jungle paths. It is also for this reason that the foreign groups who were constantly there in the ports for 260 years did not influence the country. Tipu started a comprehensively planned road construction project in Malabar. The cost and labor involved in these roads, which had to stretch through jungles and mountains, must have been terrible. But that ruler knew that the centralization

53. Margarett Frenz, *Op.cit.,* p .10
54. Pk. Balakrishnan, *Op. cit.*, pp.145-146

of Malabar as a province and its connection with Mysore was possible only using transport. Therefore, within six years, he cut a series of roads that spread to all the important centers of Malabar with Kozhikode as the center. Tippu was not only the first road builder in Kerala; Tippu seems to be the last road builder in Malabar.[55] Tippu's roads are very cleverly planned and touch every part of the province. Roads which have escaped the attention of that prince should be taken up by the Company and looked after.[56] Tipu was concerned about the safety and trafficability of these roads. It was Haider Ali who, in 1776 first imposed a land tax overall province and established it as a permanent feature of the administration.[57]

Logan has reproduced Shamnauth's description of the gun roads of Tipu Sultan as follows: From Calicut to Polway (Pozhavay) cantonment through Purrinaleth (Patanilam) Chekur (Chokur) to Tamarasseri. From Malappuram to Tamarasseri. From Malappuram to Putappani (Putuppadi) and from then to the ghat. From Calicut to Ferokia, Carate Hobli (Karadu), Elamarath, Chathamangal, Purrinilath to Tamarasseri. From Feroke through Chernad (Cherunad) Taluk, Chalappura hobli (Chalappuram), Pulur (Polur), Tirurangadi, Venkatakkotta (Kottakkal), Poolanaleth, Eraccurlu (Edakkara), Kemaro, Valakkemuth, Thirucherapparambu, Kavalappara, Munkerippuzha (Mankara), Patambi, Walayar to Coimbatore. From Palghat via Thalamangalam, Ondalattullattil, Nellimoottil, Vellikkumbi, /marinjampalayam, Peelahi (Pollachi), Orumalakkad, Kannanerukavuturu, Palani, Virupaksham to Dindigal. From Venkatakotta via Valluvanatukani, Velateruvu, Palghat, Angadippuram, Mulekurichi, Karyalathu, Vellattur, Peynatt (Payyanad), Kuntippuzha, Mannar, Attappara (Attappadi), Thengaramuthuru, Vellimarmud to Coimbatore.[58]

Before the advent of Mysorean forces, Malabar included small principalities or kingdoms ruled by petty kings. The social setup that existed in Kerala was based on the caste system. The *Nampoothiris,* the Rajas, and the Nair were dominant sections in the society. These three castes

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55. P.K. Balakrishnan, *Op.cit.,* p.148
56. William Logan, *A Collection of treaties* ……, *Op.cit.*, p.62
57. *Guide to the Record of The Malabar District 1714-1835* vol.1, Madras Record Office, Government Press Government press, Madras,1936, Regional Archives, Calicut, P.7
58. William Logan, *Malabar Manual*……, *Op. cit.*, p.58

exploited the working class like ryots and slave. Social customs like polyandry, untouchability, and unapproachability prevailed in Kerala society during those days. During their annexation of Malabar, the Mysorean rulers Haider Ali and Tippu Sultan introduced fundamental changes in Malabar that affected administrative and tax structures. The most important change was the introduction of a central administration which was intended to replace the existing decentralized government in Malabar. The prevailing social system in Malabar was consequently shaken to its very foundations, something which was not easily accepted by the population.[59]After Haider Ali had occupied Malabar in 1766, he deprived the rights of *desavali* and *natuvali*. In their place, he ordered the establishment of a central government for the province of Malabar.

Malabar was henceforth divided into twelve kukris (divisions) which were in turn subdivided into talukkas (subdivisions). The tukris were headed by tukridars and seristtadars. In 1773 the Mysorean governor Srinivasa Rao assumed direct control of the country. He organized the first tax assessment in Malabar, using pattam as the basis for the calculation of taxes.[60] The level of tax was tied to the actual harvest. Furthermore, from this point on the taxes were to be paid directly to the government to cut out the middleman, thereby avoiding possible tax losses. The *devasvam* were exempted from taxation. Haider Ali made treaties with the individual rajas, under which they agreed to make tributary payments to Mysore.[61] The basic assumption regarding tax payment was that a part of seeds would produce an average annual harvest of ten paras of cereals, from which five and a half paras would be kept by the farmer, three paras would go to the Mysorean government and the *janmakaran* would receive one and a half paras. The tax was collected in cash for coconut palms, pepper bushes, jackfruit trees, and betelnut palms. [62]

After the peace settlement of Mangalore in 1784, Tippu Sultan, to put an end to the land problems, appointed Arshad Beg Khan as governor, who became in charge of the reorganization

59. Margarett Frenz, *Op.cit.*, p. 92
60. H.S Geams *Report, Op.cit.*, p.22
61. Margarett Frenz, *Op.cit.*, p.93
62. H S. Greams *Report*, *Op.cit.*, p.17

of land revenue. Arshad Beg Khan is well regarded as Tippu's governor in Malabar. He made several treaties with the Rajas in northern Malabar. Arshad Beg Khan 'a mussalman of rare talents, humanity and integrity'' [63] whom Haider had appointed as the Governor of Malabar continued to be in charge of the province. But Tippu's officers oppressed the civilian population by their arbitrary exactions. Even the Mappilas of Eranad rose in open rebellion under the leadership of the Kurukkal. The position was so distressing that Arshad Beg Khan invited Tippu to come to Kerala in person and tackle the situation. In response to the invitation, Tippu penetrated Kerala at the head of a large army in January 1788 via the Thamarassery pass and conquered the territories up to Calicut without any military operations. After these conquests, Tippu turned his attention to a thorough reorganization of the administrative setup of Kerala.

Tippu gave priority to the transfer of the capital of the province of Malabar from Calicut to Feroke on the south bank of the Beypore river.[64] Fearing compulsory conversions thousands of people migrated from Malabar. About 30,000 Brahmins alone fled to Travancore while Kottayam and Kadathanad Rajas sought English shelter. The Nairs of Calicut and South Malabar headed by Ravi Varma and another princess of Padinjare Kovilakam turned against their persecutors and laid siege to Calicut. Tippu sent a large army to raise the siege, but Ravivarma and his men remained unbeaten.[65] Tipu reached Cannanore and celebrated the marriage of his son Abdul Khalid with the daughter of the Arakkal Bibi.[66] He also gives the Bibi a portion of the Chirakkal Raja's territory. These measures helped Tippu to win over the Arakkal Bibi and the Mappilas to his side. [67]

In 1786 Tippu sub-divided the post of governor in Madras into civil and military spheres. Arshad Beg Khan received the post of military governor and Mir Ibrahim that of civil governor. Around this time, the northern Malabar was subdivided into five tukris: Kurumpranatu, Kolikkottu, Eranadu, Vettattanadu, and Chavakkad, which were in turn divided into smaller administrative

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63. Margarett Frenz, *Op.cit.*, p. 93
64. P.K Balakrishnan*, Op.cit.,* p.155
65. A.Sreedaramenon, *Op.cit.*, p. 160
66. M.P. Mujeeb Rahman, *The other side of the story* ……., *Op.cit.*, p.84
67. A. Sreedaramenon, *Op.cit.*, p.161

units. Taxation in southern and Northern Malabar was based on different values: in the south, the number of pepper bushes served as the basis for taxation, whereas half of the pepper harvest was taken as tax in the north. There were also differences between the North and South in setting tax levels for rice. [68] In the south, the levels of tax depended on the quantity of rice sowed, whereas in the north it depended on the actual rice harvest. Tippu's agents had collected amazingly high taxes. Tippu taxed the land, collected tolls on trading goods, and also imposed taxes on the production of teak, tobacco, pepper, and coconut as well as coins. Overall, Tippu Sulthan received a considerable amount of taxes from the province of Malabar.

The economic consequences of the Mysorean occupation in Malabar were severe: the cultivation of pepper came to a standstill at times, the volume of trade in the coastal towns crumbled and there was a sharp decline in shipbuilding, a traditional craft in Malabar.[69] The Mappilas' also lost their wealth indeed the entire population in Malabar was affected by the wars and measures taken by the Mysorean government. Society in Malabar was thus shaken to its very foundations and the administration, the land law, and the whole way of life. The district occupied by the Mysorean required many years to recover from this economic strain. The population decline, the fields that had laid waste, and the ensuing disputes over property and tax amendments exerted a lasting influence on the social structure. Tippu's visit to Malabar in April 1788, which resulted in the forced conversion to Islam, plunged southern Malabar into deep unrest for the next two years.[70] To an extent, the policy followed by the Mysorean rulers on land was responsible for the added cultivation of more areas although in other matters the Mysorean interlude was responsible for the socio-political disruption in the region. Subsequently, the British defeated the Mysorean Sultans in Kerala.

The credit for making Malabar a politically unified segment could be vested with Tippu Sultan.[71]

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68. Margarett Frenz, *Op.cit.*, p.94
69. *Ibid*., p.95
70. *Ibid.*, p.96
71. Phillip Cherian, Land tenure legislations –An Enquiry into their roots in 1865 in Travancore state, *Indian History Congress proceedings*, 67th session, 2006-07 Farook College, Calicut University, pp. 458-460.

Much before the British assumption of political control over Malabar, several English businessmen and explorers had maintained and monopolized lucrative easterly trade. Landlord and tenant and Hindu, and Muslim squabbles and hostile encounters together with oppositions of recalcitrant princes and 'Naduvalis' resulted in a hopelessly chaotic situation in Malabar. Tippu Sultan not only applied military strategies to consolidate his rule in Malabar, but he also established marriage alliances between his own and one of the Malabar royal families, which he hoped would guarantee friendly relations between ruling families, and acceptance by the people.[72] The administrative setup in Malabar under Mysorean rulers was drastically different from those of the Zamorin rajas while the local chieftains with their militia, and temples surrounded by all powerful Brahmin lords maintained law and order and collected the revenue for the state. In this order there existed many traditions socially and economically. Mysorean rulers realized the revenue in the form of rent directly from the peasants avoiding the intermediaries. The cultivator was thus relieved from different levels of exploitation. This was totally against the interest of Jenmies and Landlords.[73]At that time, the law-and-order condition in Malabar was deplorably bad.

The first action of the Mysore revenue organization was to end the *janmam* system. In a country where all the land was the property of *janmam*, in a country where all jammies were *Namboothiri*s and Nair feudalists, in a country where there was absolute ownership without even rajabhogam for *janmam* land if the land was surveyed and a settlement was made with the occupiers (Kakkar) without *janmibhoga*, it is impossible not to see not only the magnitude of the administrative act that would have resulted but also the social consequences that it might have caused. Logan says about this settlement: Mysoreans did the settlements directly with *Kanapattakars*. The reason was that the entire janmis, which consisted of only Nambutiri Brahmins and Nair feudalists, had fled to Travancore due to fear of the brutal rule of Hyder Ali and Tipu Sultan.[74] Until the arrival of the Mysorean rulers, Hyder Ali and Tippu Sultan, the rulers of Malabar had no right of ownership over the land. Instead, it was held by individual jenmis

72. C.K. Kareem, *Op. cit.*, pp.91-93.
73. Haripriya .M, (ed.), *Signature of Eranad Historical Perceptions*, Research Publication Committee, NSS College Manieri, 2014, pp.19 - 23
74. William Logan, *Malabar Manual*, *Op.cit.,* p.610

landlords or *devaswom* temples.[75]They did not pay any land tax to the Rajas. The Mysorean rulers assessed the lands regarded the rulers as the owners of the land and imposed taxes on it. Tax collectors were appointed to collect tax directly from the peasants. These measures were resented by the *jenmis* who happened to be caste Hindus. During this period a large number of such *jenmis* fearing breach of caste rules fled the country either leaving their possessions or selling them to the highest bidder.[76]

When Tippu ceded Malabar to the English after the Third Anglo-Mysore War in 1792, the old *jenmis* returned from Travancore and put their claim over their lost properties. As it was the general policy of the English to reinstate the vanquished rajas and the *jenmis* who fled from the country, they were all restored to their ancient properties.[77]This was resented by the Mappilas who made improvements on lands and considered the land under them as their own. When they were asked to submit before a *jenmi* they took up arms.[78]

The Mysorean invasion brought new changes to Malabar. Several people irrespective of their status migrated from Malabar.[79] The royal families feared the forced conversion and eating habits imposed by Tipu Sulthan.[80] The upper classes of society became the worst sufferers of the Mysoreans invasion. Thousands of people fled to Travancore.[81] The most important political result of the Mysorean invasion was the disappearance of the feudal system of administration and the emergence of a centralized system of government. The supporters of Haider Ali and Tipu Sultan illustrated them as the freedom fighters of India. Tipu's violent fanaticism and intolerance caused

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75. C. k. Kareem, *Agrarian movement in Kerala*, Charithram Publications, Trivandrum, 1977, p.81
76. *Ibid.*, p.83
77. T.A Mohamed, British Domination and the Mappila resistance: Early Leaders and their activities, *Indian History Congress proceedings*, Tirunelveli, Tamil Nadu, 2009, pp.57-59
78. A.P Ibrahim Kunju, *Mappila Muslims of Kerala*, Sandhya Publications, Trivandrum, 1989, p.84
79. Vaikathu Pachu moothathu, *Thiruvithamkur Charithram*, (Mal), Pratibha Publications, Cochin, 1986, pp.63-69
80. Manjusha R Varma, New Approach to the History of Mysoreans Invasion and Migration to Travancore, *29th Annual session of South Indian History Congress proceedings* at Tirunelveli, Tamil Nadu, 2007, pp.106 -108
81. *Ibid.,*

most of the Nayars and native kings to flee to Travancore or retreat into the jungles[82]. Accounts of Brahmins being rounded up, imprisoned in tunnels, converted, and forced to eat beef can be found elsewhere in the 'Malabar Manual'.[83] In 1784, Tipu Sultan, who gave jagir to the Zamorin, divided the civil and military systems. Arshad Baig was then given military command only. Tipu gave strict instructions to the new officers to establish a system of law and order keeping the welfare of the province in mind.[84] Buchanan records that Tippu destroyed Calicut, a thriving commercial town and the headquarters of the Samoothiri. On May 9, Tippu moved from Kozhikode to Beypore in the south to build a fort and capital named 'Farrukhabad' or Ferukiya. Many people from Kozhikode were forced to come and settle there.[85] After building the fort, Tipu worked hard to build the entire road network in Malabar with Feroke as the focal point. These routes were used to quell riots and bring spices along the coast.

The question of why Tipu Sultan chose Farrukhabad as his capital can be answered very simply in this context. From this high ground at Feroke, Tipu could see the entire port area of Kozhikode, the river Chaliyar, and the military outpost at his Cheruvadi, so that Tipu could resist the enemy's military movements. Second is Tipu's commercial interest. He also had the objective of reserving the commercial monopoly in Malabar and exporting the goods collected from South Malabar through the port of Beypore. Thirdly, it appears that he aimed to bring timber from the eastern hills through the Chaliyar River, bring it to Beypore without difficulty, and use the Chaliyar River as a water transport route. The most significant thing was that Feroke had many facilities to make better preparations for suppressing the rebellion in Malabar. It is believed that Farooq's old name was 'Paramuk'. Historical records testify that the old name of Feroke, chosen by Tippu Sultan as his new capital, was Nallur or Mannur. Tippu Sultan made this region the capital of the Malabar province and named it 'Farrukhabad '.[86]

One of the principal articles of merchandise that brought seafarers from the West to the Orient

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82. Francis, Buchanan, *Op.cit.,* p.350
83. William Logan, *Malabar*, *Op.cit.,* p.499
84. M.P. Mujeeb Rahman, *Kerala charithrathile Tippu……., Op. cit.*, P. 74
85. Francis Bucahanan, *Op.cit.*, p.474
86. P.K. Balakrishnan, *Op.cit.,* p.175

was pepper. The English in the late 18th century had two main sources for obtaining the commodity, Malabar on the West coast of India and West Sumatra. There are letters to show also that it was Tippu's policy to stop the sale of rice to the English, Portuguese, etc., and intercept anyone who came from their side even in disguise.[87] Tippu wished to hurt the trade of the East India Company, and for this reason, he imposed a blockade of the Malabar Coast under his control. Tippu Sultan's revenue administration belonged to his last three or four years 1795-98. Tippu Sultan's interest in promoting overseas trade is well known. This consideration led him to impose a monopoly over sea trade.

The European settlement on the Malabar Coast suffered heavily as Tippu Sultan's quest for legitimacy and his commercial measures. Efforts were also made to develop agriculture on a commercial basis during this period. The fact that cash products like areca nut, betel, etc. were given tax exemption should be mentioned here.[88]Tippu imposed state monopolies on resources such as sandalwood and black pepper. However, the monopoly price is fixed at the most favorable level for the producers. When the revenue administration was organized directly with the cultivator on a centralized political basis, the first result was the financial ruin of Namboothiri and Nair. Only one section was dissatisfied with Mysore's rule, ruined by it, hated it, and left its history only curses.

Tippu's military raids greatly affected the social fabric of the entire length and breadth of Kerala coast in general and Malabar in particular. Like any army raid, Tipu's forays also resulted in heavy losses of life and property. Territorial chieftains and landlords were looted and killed. Such brutal activities more often than not ended in arson. There were also instances of religious conversion and plunder of temple property. Granthavari in several places makes direct references to such incidents.[89]From the beginning of September 1785-'86, the Nawab Tipu Sultan gave orders for classing of these districts into five general tookries or collectorships of Kurumbranad, Calicut, Eranad, Vettathunad and Chavakkad. Each of these tookries was under the control of tookridars or

87. Irfan Habib, *State and Diplomacy under Tippu Sultan*: *Documents and Essays*, Tulika, New Delhi, 2001, p.114
88. P.K. Balakrishnan, *Op.cit.*, p.172
89. Rajan Gurukkal & Raghava Varier, *Op.cit.,* p.231

superintending officers, who were all responsible for matters related to the collections, to Mir Ibrahim and Mir Ghulam Hosayne, who were given the first and second dewanship respectively.[90] These reforms were mainly meant to ameliorate the discontented Mappila rebels of Eranad and Valluvanad especially Samutiri Ravivarma and Nairs along with the Gurukkal of Manjeri. Tippu had granted Zamorian a Jagir in 1784 and separated civil and military authority. Accordingly, in Beg was limited to simply military command.[91] The new officers were strictly instructed by Tippu to establish law and order to subdividing and new promote the welfare of the province. However, the subsequent incidents show that these reforms were effective and continued more and more fresh outbreaks in the region. Gurukkal of Manjeri (a sub-division of Eranad to the South of Calicut) started a rebellion and Ravivarma of the Samutiri family also led a revolt. Tippu had settled a pension and soon after a considerable jagir on this Raja. It is understood that hearing this news, the eldest Prince or next in orders of succession named Krishna Raja came in 1787 C.E. from Travancore and took up his abode within Tipu's dominion.

At the beginning of 1788, Shamnauth, the agent of Zamorian, with Arshad Beg Khan proceeded to visit Tipu at Srirangapatanam with the hope of being able to negotiate his master's reinstatement on the condition of paying revenue to Tippu Sultan's government so that there was a considerable prospect of a permanent peace in the country. But these prospects were soon concluded and the whole country of Malabar became in an extreme degree of calamity in the next two years.[92] It was at this juncture that Tippu decided to visit Malabar in person, as induced by Arshad Beg Khan. The arrival of Tipu on 5th April 1788 was received by the factors at Tellicherry with 'alarming intelligence' that he was on 'this side of the Tamalcherry (Tamarasseri) ghat'. They set to work at once to repair their defenses, which had been neglected since the close of the siege, but Tipu had come with only 5000 men with no artillery and had other projects in hand.[93]

The Calicut Government in the meanwhile was engaged with "insurgent moors". On the

90. *RJC, Op. cit.*, pp.58-59
91. Mohibul Hassan, *Op.cit.*, p.141
92. *RJC*, *Op. cit.*, pp.59-60
93. C. A. Innes, *Malabar Gazetteer*, Vol. II, State Editor, Kerala Gazetteers, Trivandrum, 1997, pp.67-68

occasion of this visit which Tippu made to Malabar as sovereign, he projected the removal of its capital from the old seat at Calicut, to a much preferable station between seven and eight miles from its mouth (which is better adapted to become a seaport than any other within the province), where he laid a fort and city.[94] Soon after he arrived in Calicut, Tipu dismissed both Arshad Beg Khan and Mir Ibrahim. The former was suspected of disloyalty and of carrying on intrigues with the Nairs and the Mappilas, and the latter of dishonesty and rapacity. In their place, Hussain Ali Khan was appointed to the command of the army, and Sher Khan as the first dewan.[95]

Buchanan states that Tipu had destroyed the commercially flourishing city of Calicut which was the seat of the Zamorins.[96]The gun road starting from the Tamarasseri pass ends on the banks of this river. Tippu selected this location primarily because of its above-mentioned strategic importance. Scholars are of the view that the Feroke fort has similarities with other Mysorean forts including Edappal in Kerala and Srirangapatanam in Mysore.[97] It was Tipu Sultan who transformed Feroke as his capital of Malabar and renamed it as Farooqabad and elevated it as the epicenter of the Mysorean administration in Malabar towards the end of the 18th century. The reason Tippu selected the land of Farooqabad as his capital may be found in the strategic position of this land. The high land of Feroke facilitated a view of the Calicut port, the Chaliyar river, and his military outpost at Cheruvadi, which could give a chance to prepare for defense in the case of enemies' military raids. Tipu had some business motives, in connection with which he had introduced a state monopoly of trade in Malabar, besides; he had to use the Beypore port for exporting goods collected from South Malabar.

Tippu found the Chaliyar rivers as the most important and convenient channel of conveyance of timber from eastern hills which may be brought to Beypore with less difficulties. More importantly, he might have thought of suppressing the rebels of Malabar with better preparations

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94. *RJC,* para 54, p.62
95. Mohibul Hassan, *Op.cit*., p.141
96. Francis Buchanan*, Op. cit.*, p.474
97. N.M Namboodiri, '*Tippuvinte Kottayum Rajiv Gandhiyum*'(Mal), Sayaahna, Govt. Evening College Magazine, Calicut, 1985, p.22

and easy movements from Feroke. Tippu Sultan returned to Coimbatore towards the end of May 1788. In 1789, Tipu again entered Malabar through the Tamarasseri pass, and at the end of February, he directed his steps northwards.[98] With the establishment of a powerful state, the father-son duo dreamt of immediate elimination of the British and accordingly, they fought with almost all. Rulers of South India, including Muslim rulers of Nizam of Hyderabad as well as Nawabs of Arcot. Mysorean occupation of Malabar can be seen as part of this wider project of establishing a mighty South India state. Even in the contemporary scenario, there is a tendency in Kerala to associate the Mysore rulers with the iconoclasts and temple destroyers.[99] We may conclude that Hydar was an ambitious ruler whose prime motive behind the invasion of Malabar was purely economic rather than religious.

The expansionist policy by Hyder Ali and Tipu Sultan had focused on establishing their monopoly in the pepper and timber trade apart from their long-cherished dream of controlling the whole western coast. Apart from the Company, the local rulers of Malabar such as the Zamorin of Calicut and the Arakkal dynasty of Kannur had engaged in lucrative spice trade. The rivalry between the two powers prolonged for two decades can be divided into three phases of Anglo-Mysorean wars of the years 1768-69, 1780-84, and 1790-92 which continued until 1799, when Tipu died. A ruler who ascended to power mainly with his military credentials, Haidar had to prove his mettle as a warrior and mobilize resources through raids and invasions. By his conquests in the north and acquisitions in Malabar, Haidar could well claim that he had added territory far larger than the original dominions of Mysore that the Raja had reigned.[100] It was at this juncture that the British had to face the most serious challenge to their monopoly of the coastal spice trade in Malabar from the state of Mysore. The protracted rivalry between the two powers could be divided into three phases of the Anglo-Mysorean wars of 1768-69, 1780-84, and 1790- 92. The commercial

98. Mohibul Hassan, *Op.cit.*, p.142

99. Ragava Varrier, *Keraleeyata Charithramanangal* (Mal), Vallathol Vidhya Peedam, Suka Puram, 1990, pp. 96-117

100. Irfan Habib (ed.), *Op.cit*., p.21

operations of the British on the coast had been disrupted due to stringent trade prohibitions imposed by the Mysoreans.[101]

Haidar's first attack on Malabar was in 1757 when he was merely the founder of Dindugal. In 1764, he declared his intention to invade Malabar and appealed to the British and other European powers to cooperate with him. While the French gave a definite answer of support, the British contacted the Bombay Council and the Bombay Council had instructed to appoint some emissaries to discuss the company's commercial plans in Malabar with Haidar. Accordingly, Haidar promised that he would respect the East India Company's interests when he conquered Malabar.[102] Within five months the Sultan could conquer Malabar. Ali Raja, who had also been appointed by Haidar as High Admiral of the Mysorean navy, played a pivotal role in this conquest by acting as a scout for the Mysorean army, which consisted of a cavalry of 4000, and an infantry of 8,000 soldiers.

The above-mentioned account is attested by the travelogue of Francis Buchanan, who elaborately wrote on the land, people, and general condition of Malabar. He wrote: "In the Malabar year 964 or 1788-9, the Sultan established a monopoly for all the goods that are usually exported from Malabar. The principal Cotay or factory was placed here [he mentions Burgarra or Vatakara] and other dependent ones were established at different parts of the coast such as Mahe, Coilandy, Calicut, etc.[103] At any of these factories, the goods were received at a certain fixed rate, paid for by the government, and were afterward sold by the factors, on its account, to any person who chose to export them. The price fixed on the goods at delivery was low. The Factors, for instance, gave 100 Rupees a candy for pepper and sold it for from 150 to 170."[104] Administrative structure and policies were entirely undergoing serious changes over time. The most important task of Tippu was the restoration of power in the province of Malabar. He launched certain innovations in the spice trade to challenge the British influence, which weakened them. He imposed very severe

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101. M.P. Mujeeb Rahman, *The Other Side of The Story……., Op. cit.,* p. 68
102. B. Swai, Notes on Colonial state with special reference to Malabar in 18th and 19th centuries, *Social Scientist,* Vol.6, July 1978, pp. 96-97
103. William Logan*, A collection of Treaties* ……, *Op.cit.*, p.405
104. Francis Buchanan, *Op. cit.,* p.515

commercial restrictions on the Tellicherry settlement and Calicut Residency. There is ample reference to the trade embargo imposed by Tipu Sultan.[105] For instance, the Tellicherry Chief wrote to the Bombay Commission about the blockade of Malabar ports which caused a scarcity of rice in Tellicherry.[106] Likewise, the Bombay Commission informed the Directors about Tipu's activities on the Malabar Coast, especially about his blockade of Tellicherry and new fortifications.[107] Consequently the trade of the English settlement of Tellicherry and the French settlement of Mahe declined. But while permitting private enterprises, Tipu became the chief merchant of his country and established a state monopoly over gold, tobacco, sandalwood, precious metals, elephants, coconuts, and black pepper. The income of Tipu from forests in Malabar was calculated as much as 30,000 pagodas.[108]

Calicut was one of the major centers of timber trade. The activities of Tippu Sultan suggested that the occupation of the port of Calicut and its prosperous trade was one of his objectives of conquest. From Calicut, some teak wood was sent to Mangalore, which was used to build vessels for Tipu. The rest was sold to the Indian, Arab, and European merchants. By Tipu's orders, the Raja Ramachandra established every taluk state shop, which did business in gold, silver, cloth, and other articles. Apart from this, the Sultan had tried to abolish the local bankers and take over the functions of remittance and exchange.[109]

After the treaty of Mangalore (1784), the British were compelled to give up their claim over the province and the whole Malabar was again moved to the hands of Tipu Sultan. The result was the reassertion of the Mysorean power over Malabar appointing Arshad Beg Khan, the Governor. Another notable measure on the part of Tipu to restrict the British influence on Malabar was to

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105. Bonaventure Swai, East India Company and Moplah Merchants 1694-1800, *Social Scientist,* Vol.8, No.1,1979, pp.58-70

106. M. P. Mujeeb Rahman, *The Other Side of The Story ……., Op.cit*., p.54

107. *Ibid.*, p.55

108. Mohibul Hassan*, A History of Tipu Sultan*, Aakar Books, New Delhi,2006, p.347

109. *Ibid.*, p. 347

alienate the local potentates as well as local traders. He realized the fact that the success of British commerce in Malabar was a result of the subordination of the local merchants to the English East India Company through the credit system. Like his father, Tipu also saw the merchants of Tellicherry as a lucrative source of revenue. During the time of Tipu's reign in Malabar, he had established regional warehouses (Pandikasalas) in various places.[110]

In the year 1789 when Tippu established a monopoly in trade, he established the principal factory at Badgara (Kadathanad), and others were at different ports of the coast such as Mahe, Panthalayani (Koyilandy), Calicut, etc. At any of these factories, the goods were received at a certain fixed rate, paid for by the government, and were afterward sold by the factors, on its account, to any person who chose to export them. The price fixed on the goods at delivery was low. The produce of the country was chiefly exported in vessels coming from Muscat, Cutch, Surat, Bombay, Goa, and Mangalore.[111] When the company gained supremacy over Malabar for the first time, the Company claimed a total monopoly. Pepper not bound for the company's warehouses was declared contraband, and any merchant found carrying it would be expelled from the province.[112] This plan of monopolizing pepper was supported by Lord Cornwallis and he expressed his wish that the revenue of the province might be received in pepper as far as possible. In 1793, when the British were trying to establish their administration in Malabar, they had not attempted the renewal of the pepper monopoly, the Company demanded help of the pepper producers of the northern districts in payment for revenue.[113] Thus the company failed in attaining their major objective of the monopoly over pepper in Malabar.[114] The trade embargo imposed by Tippu had a far-reaching impact on the British on the coast of Malabar.

The political condition was favorable for the British as the Raja was anxious to get British

110. Joseph Scaria (ed.), *Thalaseri Rekhakal*, (Mal), D.C Books, Kottayam, 1996, p.27

111. Francis Buchanan, *Op. cit.*, pp.515-16

112. M.P. Mujeeb Rahman, *Formation of society and economy in Malabar 1750-1810……., Op.cit.*, p. 51

113. M.P. Mujeeb Rahman, *Kerala charithrathile Tippu Sulthanum Britishukarum ……., Op.cit.*, p. 51

114. *RJC*, Para 210, pp.204-205

assistance against Tipu Sultan. As expected, Tipu attacked in December 1789, and the British (Bombay Council) considered it a grave threat to the last reliable source of pepper for the China tea trade. The Governor General looked at this war with great importance and initiated to make a tripartite alliance against Mysore. So, in 1790, with the support of Hyderabad Nizam and Peshwa of Poona, Cornwallis declared war against Tippu. From the evidence available, the most important reason for the invasion of Malabar was, indeed economic and strategic. Accumulation of resources, lucrative spice trade on the coast, and the possibility of an attack from the British from Tellicherry, etc. prompted Hydar and Tipu Sultan to attack and conquer Malabar. Of course, this huge amount of income was the only source of inspiration for the Mysoreans to attack Malabar.

Hydar and Tipu desired to control the rich trade of the coast, as much as to further commercial links with Muslim West Asia to break down dangerous dependencies on the Europeans.[115] He had attempted to challenge European mercantilist power with its weapons; state monopoly and an aggressive ideology of expansion.[116] It is a fact that both Hydar and Tipu were pious and strictly practicing Muslims and had tried to go the state affairs in tune with Islamic scriptures. Tipu Sultan's invasion of Malabar was a period of commotion for the indigenous merchants in general and Moosa in particular. Like his father, Tipu saw the merchants as a lucrative source of revenue. The steps to retain the merchants in the khudadad sarkar were, therefore, considered imperative. He thought that the best way to end the Company's spice trade absolutely from Malabar was to ensure that the Mappila merchants of Malabar were forced to withdraw from Thalasseri.[117] This was the plan, therefore, Tipu envisaged for the devastation of the factory of Thalasseri.

As a land of pepper and other spices, Malabar had a very strong commercial relationship with the Arab world, the African coast, Europe as well as China. The British state, established in the year 1792, however, had been struggling to survive

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115. C.A. Bayly, *The New Cambridge History of India - Indian Society and* Making *of the British Empire,* Cambridge University Press, New Delhi,1987, p.62

116. *Ibid.*, p.97

117. Bonaventure Swai*, East India Company……, Op.cit.*, p.133

because of both internal and external factors. Though some general accounts of the East India Company in Malabar have come out, there has been no serious attempt to examine the nature of the British state during the early phase of its establishment. The company had to face fierce resistance from the part of local rulers and leaders and rebels. As a result, on many occasions, there was a situation of absence of state at least in the early phase of the British administration in Malabar.[118]

Most of the studies that explored the early phase of the establishment of the British dominance over Malabar have considered the treaty of Srirangapatanam (1792) as a point of departure from the pre-colonial state and society and held the view that immediately after the signing of the treaty there heralded a new era of imperialism in the province. December 1792, when the province of Malabar was under the exclusive control of the Bombay Presidency. She underscores the fact that it was for the first time that the roots of imperialism began to appear.[119]

N. Rajendran also considers the acquisition of the territory of Malabar in 1792 as a byproduct of the commercial rivalry of the European Traders.[120] Similarly K.K.N. Kurup observes that 'now [by 1792] their long cherished ambition of Britain was fulfilled and the British became the real masters of the coast of Malabar'.[121] One of the recent writings on the British presence in Malabar by Margret Frenz is highly enthusiastic to popularize the stereotypical assumption of 'conquest' but she unfortunately fails to present an account of the nature of the early phase of the British state in Malabar.[122] As mentioned, the British trading endeavors culminated in prolonged warfare and the subsequent treaty of Srirangapatanam in the year 1792 (March 8th).[123] By this Treaty, two of

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118. M.P. Mujeeb Rahman, *Kerala charithrathile Tippu Sulthanum Britishukarum ……*, *Op.cit.*, p.63

119. Pamela Nightingale, *Trade and Empires in Western India,1784-1806,* Cambridge University Press, New Delhi,1970, P.16

120. N. Rajendran, *Establishment of British Power in Malabar 1664to 1799*, Penguin Books, Allahabad, 1979, P.54

121. K.K.N. Kurup, *History of Tellicherry Factory, 1683-1794,* Sandhya Publications, Calicut, 1985, p. 43

122. Margarett Frenz, *Op.cit.*, p.112

123. William Logan, *A Collection of Treaties……., Op.cit.,* p.84

Tipu's provinces of Calicut (63 taluks) and Palghat were ceded to the British.[124] The British had formed alliances with the local rulers against Tippu until 1792. In return, the Company promised the rajas their independence. But after the treaty of Srirangapattanam, the Rajas were reduced to the revenue administrators of the British government and their sovereignty was thereby negated.[125] The fact is that the British had no actual right to rule over the land of Malabar. No records to rely on, as Tippu had destroyed materials. The nature of the revenue collected by the British can be identified as a form of protection money. All Malabar Rajas were reminded of the erst-while destruction by the Tippu Sultan and their panic was exploited by the British.

The Joint Commissioners believed that Tippu had taxed Malabar too heavily, particularly its northern half and that he had monopolized the internal trade. Logan and others argued that the Mysorean policy towards Malabar was characterized by the enhancement of tax which placed a heavy burden on the farmers. [126] The rationale behind the British revenue policy was Tipu's heavy taxation of Malabar.[127] There was no land tax under the Government of the old Rajas, but Haidar Ali had imposed one called Nagadi on the low and fertile lands, exempting the higher grounds. Tipu Sultan's oppression drove many of the proprietors into Travancore in Government orders or edicts aiming at social or cultural reforms, the introduction of means of transport including road as well as water transportation, etc. helped the crystallization of the idea of Malabar.[128] The first land survey in Malabar by Srinivasa Rao by the orders of Hydarali caused to get popularized the idea of Malabar. He surveyed the whole land and fixed the tax based on produce, which was unknown to Malabar.[129] The Malabar district was divided into 12 *tookries* or collectorships to each of which *Tookridars* and *Seristadars* were appointed. These were again divided into *taluks.* After the Treaty of Seringapatanam, those were ceded to the Company on 16th March 1792.[130]

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124. M.P. Mujeeb Rahman, *Formation of society and economy ……., Op.cit.*, p.73
125. Margarett Frenz, *Op.cit.,* p.152
126. William Logan, *Malabar…….. Op.cit.,* p.638
127. *RJC*, para 459-61. pp.465-468
128. Romesh Dutt C.I.E, *India Under Early British Rule from The Rise of The British Power In 1757 To the Accession of Queen Victoria in 1837*., Kegan Paul, London,1906 p.231
129. C. K Kareem*, Op. cit.*, p.147
130. *Ibid.*, p.138

The Mysorean rulers were trying to replace the feudal anarchy by introducing a centralized government and overcoming several rebellions and challenges. Their achievement in uprooting the feudal elements, simply the same thing was found reflected in the case of Mysoreans in Malabar. They were the first ruling class to establish centralized administrative machinery, whose capital in Malabar was Farooqabad. The concept of a single capital for the whole province thus came into force for the first time. This centralized character was reflected in the revenue administration of Mysoreans which was made feasible by the extensive transport and communication system, which however was ultimately made use of by the British. Surprisingly, even the colonial administrators later paid accolades to Tippu Sultan as the pioneer of the network of roads across Malabar.[131]

The region of Malabar, before the establishment of British power in the year 1792, was not having the idea and concept of what we presently call 'Malabar'. The erstwhile local principalities of Malabar had separate identities as independent states and each local ruler was considered independent and other rajayas or kingdoms were deemed foreign lands. It was the Mysorean rulers and their reforms that contributed to the formulation of the idea of Malabar. Their revenue military expeditions, and revenue reforms including land survey and taxation, gave a geographical frame of Malabar. The extensive network of roads also was a supportive factor in the integrative process of the region, which was attested and made use of by the British. The administrative reforms of the British such as the establishment of a centralized bureaucracy, judicial reforms, military system, police, preparation of colonial reports such as Joint Commissioners Report, surveys including trigonometric surveys, etc. played a significant role in inculcating the idea of a new territory under the new colonial state and its apparatuses.

However, it is interesting to state that the British could not transform the whole thing according to their designs only. For example, the names of taluks such as Cheracul, Kadathanad, Coorumbranad, Calicut, Eranad, Shernad, Vettattunad, Nedunganad, Valluvanad, Wynad, Palghat,

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131. Innes and Evans, *Op.cit*., p.268

Chowakkad etc. remained unchanged by the British though a central politico-geographical entity was created. It proves that the erstwhile geographical identities remained unchanged though the British did their best for an integrated Malabar.[132]More importantly, as Malabar was a district of Madras presidency, there was a tendency from the part of the people to attach with Madras than other regions such as Kochi or Travancore, which until the emergence of the Aiky Kerala Movement were other 'states' for them. Mysoreans invaded Malabar and they introduced an organized land revenue system in the region, which is popular in the name of *jummabandy* system.[133]The Mysoreans destroyed the age-old customs and practices in Malabar, in which the caste groups like Nayars and others had been enjoying the privileges of exemption from any dues.[134] In such a context Mysoreans imposed a fixed amount of *jumma* on the intermediaries after examining the value of property by each holder.[135] The Mysorean administrators surveyed the land and fixed the land tax based on the produce, where such a practice was exotic and unfamiliar to the people of Malabar.[136]

The Mysorean rulers made settlements not with the landlords but with the husbandmen or intermediary *kaanakkar.* A certain portion of *paattom* or rent paid by the husbandmen to the *janmis* was extracted by the government as revenue. With the introduction of this new revenue system the intermediaries between the government and cultivator were eliminated, lands were surveyed, the government's share was fixed on the actual produce, and above all, the government made direct settlements with the tenants.[137] The salient feature of this system was the complete elimination of the feudal aristocracy and the signing of the settlements with the *kaanakkars* or tenants. This system of *huzur niguti,* as the Mysoreans called it, was collected on the *janmi's* share of the rent.[138]

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132. M.P Mujeeb Rahman, *Formation of society and economy ……*, *Op.cit.*, p.63
133. *RJC*, Para199, pp.189-90
134. *RJC, Para* 125, pp.133-343
135. *RJC*. Para 125, pp.133-34
136. C.K Kareem, *Op. cit.*, p.147
137. William Logan, Malabar……, *Op.cit.,* p.623
138. C.K Kareem, *Op. cit.*, p.147

This was the period from which direct intervention of the state into the production process and its assessment in Malabar was begun. This distorted view of ownership was finally turned into the dominant theory of land ownership in Kerala by the colonial rulers to materialize their economic and political accomplishments. Their prime motive was the extraction of permanent land revenue for the perpetuation of the colonial state which had been established primarily through intrigues, battles, and treaties.

Tippu was the first Indian ruler to apply Western methods during administration. He was an extraordinary ruler, because his ability and intellect had extraordinary peaks, because he achieved extraordinary achievements, and above all because the splendors of sheer genius flowed from him, no such decisions were needed.[139] It is a reality that everyone agrees Hyder Ali and Tipu Sultan were among the best rulers of India. The Mysore army was modern in India at that time. According to Cornwallis, and indeed the Duke of Wellington, who had seen many battlefields in Europe and America, Mysore's cavalry was the best in the world at that time.[140]

Tippu Sultan, a Muslim ruler, ruled with peace in the predominantly Hindu state of Mysore.[141] He occupies an important place in the History of India. He has rightly been called the lion of Mysore, the light of Islam, and a great martyr of South India.[142] As a domestic ruler, he sustains an advantageous comparison with the greatest princes of the East. [143] He was a man of irrepressible energy bravery and moral courage. He refused to save himself at the last moment by surrendering his French soldiers. However, the role played by Tippu was pivotal. Tippu was a source of inspiration to many confederacies.[144] During the reign of Tippu's father Haider Ali, the relationship between Mysore and East India Company was not cordial.[145] The most important political result

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139. PK Balakrishnan, *Op.cit.*, p. 135
140. Mohibul Hassan*, Op.cit.*, p.331
141. Lewin B Bowering, *Haider Ali and Tippu Sult*an, S Chand & Company (Pvt) Ltd, New Delhi, 1893, p.117
142. *Ibid.,* p.227
143. *Ibid.,* p.118
144. G. Venkatesan, *History of freedom Struggle in India*, VRI publications, Madurai, 1993, p.10
145. K. Murugiah, Tippu Sultan An Unforgettable Martyr of South India, *South Indian History Congress proceedings,* 30th session, Kannur, 1995, pp.314-315

of the Mysorean invasion was the disappearance of the feudal system of administration and the emergence of a centralized system of government.[146] The chieftains of Malabar lost their ruling power and all of them sought political asylum in Travancore. Several people irrespective of their status migrated from Malabar.[147]The Upper classes of society became the worst sufferers of the Mysorean invasion.

The Tippu Sultan is one of the most conversed rulers of Medieval South India. He has received more attention from historians than any of the contemporary pre or past rulers. Many historians' nomenclature him as a perfect secular ruler and some others consider vice versa. He was a great ruler and fought against the British. He was a powerful King of the time and a very mighty warrior. He was nothing but a tactful leader aimed thrashing of British power to establish his kingdom. Tippu was a great ruler. He conquered a big area of South India, which extends from modern Andra, Karnataka, Tamilnadu, Lakshadweep, and Kerala. Tippus officers camped in Malabar to estimate and impose revenues and collect taxes. However, unpaid taxes accumulated in arrears because the people of Malabar did not accept Haider Ali and Tippu Sultan as their lawful rulers.

The Malabar society has never had a well-established revenue system or policy. Hence the process of tax collection was in reality a combination of looting and plunder. Tippu Sulthan took cognizance of this fact and, being an able administrator, made arrangements to measure the land, classify it according to type, asses the yield and impose proportionate taxes.[148] The land tax introduced by Haider Ali in Malabar which continues to the present time was an assessment of so much money upon each paramba garden or plantation not according to its extent but according to the number of trees growing at the time and a separate assessment of so much money upon each (batty) seed land, or paddy field, it has been calculated that it averages about 80% of the Janmakar's or landlords patom in the Southern and about 50% in the Northern Taluks[149]. Superior weapons and strategic warfare enable victory in war and facilitate the concentration of power.

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146. Manjusha R. Varma, *Op.cit*, pp.106-108
147. Vaikathu Pachu Moothathu*, Thiruvithamkoor Charithram*, Pratibha Publications, Cochin,1986, pp.63-69
148. Rajan Gurukkal & Raghava Varier, *Op.cit.,* p.225
149. *Greams Report*, para 151, p.15

Tippu was an able administrator, and his military campaigns could also be viewed as the interventions of an administrator. During Tipu's time, Malabar was a conglomeration of diffuse independent territories, such as Kurumporainātu, Veṭṭattunāṭu, Chirakkal, and Arakkal. The administrative apparatus hadn't evolved in any of these territories. A strong ruler, centralized administration, rule of law, well laid out sustainable revenue recovery process none of these existed in any of these native states of Malabar. Tipu Sultan encroached upon this chaotic ambiance to introduce and consolidate an administrative process. His objective was to set up an effective revenue collection machinery.[150] Till then it had been an unregulated regime and the sovereignty over the land, its people, and the produce or resources was vested with the territorial rulers and the zamindars, who played friends or foes among themselves as the situation demanded.

Tippu set up a centralized and regulated administrative apparatus, territorial lords and zamindars must be suppressed or eliminated. That is what Tippu Sultan did.[151] Thus, he built the foundation for a centralized administration. To sustain such a setup and run it efficiently, additional checks and balances such as assessment of revenue, arrangement for its systematic appropriation, some officials, defense system, markets, and roads-were necessary. Tipu assessed the land in terms of fertility-crop-yield levied proportionate tax and ensured regular collection of taxes. To improve trade, he made arrangements for the protection of ports and markets. Tippu stationed armed men at all ports and markets to ensure peace and order in transactions.

It was Tippu who made Feroke a market with built in structures and expanded it. Similarly, several important roads linking resource centers with ports and markets were created by the troops of Tipu. The main route connecting Malabar with Mysore through the Wayanad pass was made a fullfledged road under Tipu for the movement of his soldiers and battery men. Most roads were built for commercial as well as defense purposes. Tippu brought his state monopoly for coconut, pepper, sandalwood, tobacco, teak, etc. In short, for the first time, Malabar witnessed the manifestation of all the fundamental attributes of a modern state with a systematized revenue

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150. Rajan Gurukkal & Raghava varier, *Op.cit.*, p.232

151. *Ibid.*, p.233

administration, trade policy, defense, and infrastructure development.[152]

In the 18th century Kerala, especially Malabar, was in a state of flux as the region started falling into the hands of the British.[153] On the eve of it, the region had experienced a Mysorean interregnum as Hyder Ali, who became the ruler of Mysore in 1761, led campaigns to annex Malabar to his growing empire. The Mysorean interregnum came to a permanent halt with the signing of the Treaty of Srirangapatanam. Malabar came under the direct rule of the British as an outcome of the Treaty. Tippu Sultan also contributed to the modernization of roads in the region. The policies and programs that Tippu Sultan had insisted on and implemented heralded modernity in Malabar.[154] Contrary to the popular narrative propagated by people with vested interests, Tipu Sultan was a man of religious tolerance and respect for different faiths as is evident from the various grants he made to so many Hindu religious institutions. Despite the popular, motivated narratives that portray Tipu Sultan as a religious bigot, anybody who takes a cursory look into the annals of history can see that he was the opposite of what the popular narratives portray him to be. If anything, he was a shrewd ruler and a brave fighter with a modern outlook and pragmatic policies.

The Mysorean state had made an influential presence in the latter half of the 18th century in Malabar, for a quarter of a century. Apart from revenue, the Mysorean state had a huge income from the trade monopoly as well.[155] Of course, this huge amount of income was the main source of inspiration for the Mysoreans and later the British to attack Malabar. This shows that the administration of Malabar was conducted very efficiently and generally to the satisfaction of the people, which would mean that Tipu loved Malabar so much.[156]

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152. *Ibid.*, p.234
153. P.K. Balakrishnan, *Op.cit.*, p.171
154. M.P. Mujeeb Rahman, *Kerala charithrathile Tippu Sulthanum ……., Op.cit.*, p.15
155. P.K. Balakrishnan, *Op.cit.*, p.171
156. *Ibid.,* p.17

But it is fair to assume that Tipu's reign must have been one of the most prosperous periods in the history of Malabar. Tipu died when he was at 49. With Tipu's death, an era in Indian history ended. The full rise of British rule dawned that very evening Government decrees and laws aimed at land reform and revenue reforms, social and cultural reforms, the introduction of modes of transport including roads, administrative reforms like water transport, etc. helped in building the concept of 'Malabar'. The first land survey of Malabar by Srinivasa Rao on the order of Hyder Ali popularized the concept of Malabar. He surveyed the entire area and fixed taxes based on the produce.[157] The Mysore Sultans were the first ruling class to establish a centralized administrative system. With the establishment of Farrukhabad as Tipu's capital, the idea of a single headquarters for the entire province came into effect for the first time. This centralized nature can be seen reflected in the revenue administration of the Mysoreans. This was made possible by an extensive transport and communication system. Ultimately, the British reflected this through governance. Amazingly, even the colonial rulers later came to recognize Tipu Sultan as the total initiator of the long road networks through Malabar. The roads built by Tipu helped them during the conflict.[158]

It was at this juncture that the British had to face the most serious challenge to their monopoly of the coastal spice trade in Malabar from the state of Mysore. The protracted rivalry between the two powers could be divided into three phases of the Anglo-Mysorean wars of 1768-69, 1780-84, and 1790- 92. The commercial operations of the British on the coast had been disrupted due to stringent trade prohibitions imposed by the Mysoreans.[159] Haidar's first attack on Malabar was in 1757 when he was merely the foujdar of Dindugal. In 1764 he declared his intention to invade Malabar and appealed to the British and other European powers to cooperate with him. While the French gave a definite answer of support, the British contacted the Bombay Council and the Bombay Council had instructed also to appoint some emissaries to discuss the company's commercial plans in Malabar with Haidar. Accordingly, Haidar promised that he would respect the East India Company's interests when he conquered Malabar.[160] Within five months the Sultan

157. Margarett Frenz, *Op.cit.*, p.93
158. Jineesh P.S. *Colonialism, Circulation, and Representations: A Social History of Transportation Networks in Colonial Malabar (c 1800-1936),* Unpublished PhD Thesis, University of Calicut, p.54
159. M.P. Mujeeb Rahiman, *Formation of society and economy ……., Op.cit.,* p.68
160. B. Swai, *Op. cit.*, pp. 96-97

could conquer Malabar. Ali Raja, who had also been appointed by Haidar as High Admiral of the Mysorean navy, played a pivotal role in this conquest by acting as a scout for the Mysorean army which consisted of a cavalry of 4000, and an infantry of 8000 soldier'.[161] Mohibbul Hasan writes that Tippu was an "enlightened and tolerant ruler"[162] and he is traditionally pictured as a religious bigot. Tippu Sultan is probably the Muslim monarch who was systematically engaged in the work of forcible conversion and branded a Muslim fanatic he was a shrewd ruler and a brave fighter with a modern outlook and pragmatic policies.[163]

The policies and programs that Tippu Sultan had insisted on and implemented heralded modernity in Malabar,18th century Kerala, especially Malabar, was in a state of flux as the region started falling into the hands of the British.[164] Malabar was originally shaped by Mysore kings. The British followed their example without any significant changes. Tippu Sultan's initial campaigns in Malabar were against the British. The Mysorean interregnum came to a permanent halt with the signing of the Treaty of Srirangapatanam. For the British, the Treaty of Srirangapatnam in principle marked their absolute dominance over Malabar. Malabar came under the direct rule of the British in March 1792, Malabar was ceded along with other tracts to East India and placed under the Bombay Presidency.[165] When the British entered India as a colonial power, their primary aim was the appropriation of resources of India. The establishment of political authority over Malabar was significant as the region experienced several structural changes in the period that followed.

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161. William Logan, *A Collection of Treaties Engagements ……, Op cit.,* p.405
162. Kaveh Yazdani, Haidar Ali and Tippu Sultan: Mysore's Eighteenth-century Rulers in Transition. *Itinerario*, 2014, pp.101-120
163. Roland E Miller, *Mappila Muslims of Kerala, Kerala, A study in Islamic Trends*, Orient Longman Limited, New Delhi, 1976, p.91
164. Jineesh P.S, *Op cit.,*
165. *Manual of the Administration of The Madras Presidency & the Yearly Records of the Administrative Report* in 3 Volume., Il Volume, Madras 1885, p.202

Chapter 4

Reorganization of Malabar Administration under Cornwallis

Lord Cornwallis, a warrior statesman, succeeded Warren Hastings as Governor-General in 1786. [1] The rule of Lord Cornwallis marks an epoch in the history of British enterprises in India. Not only is there a change of persons and methods, but also a change of outlook and atmosphere.[2] The first man to hold the post on these terms was the Marquess Cornwallis (1786-1793), a soldier-statesman of high position and character. His task in India was mainly administrative organization, but he was unable to keep entirely aloof from diplomacy and war.[3] Externally the Cornwallis regime also marked a change. Marquis Charles Cornwallis played a pivotal role in the formation of the British Empire in India. His heroic victories over Tippu Sultan, the 'tiger of Mysore', coupled with his effective governance over the region, saw him quickly established as the iconic figurehead of Britain's imperial ambitions.[4] He was lauded in the press for his abilities as a 'patriot', 'statesman' and 'warrior', and lionized in poems, plays, and paintings for the magnanimous way in which he treated his defeated enemies.[5] It was perhaps in the field of sculpture that some of the most potent, persuasive, and expensive celebrations of Cornwallis were made.

A year after the departure of Warren Hastings, there appeared on the political scene of India, a Governor General, who was destined to complete the work of Warren Hastings, especially in the department of internal government. [6] He was Marquis Cornwallis, the first of the English noblemen to govern India, and the only man to hold such a prize post twice, once in 1786, and again in 1805. His Governor Generalship marked an epoch indeed in the history of the establishment of a sound Indian government under the British Raj.[7]

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1. Varadarajan Samayal, *A-Z History*, Centrum Press, New Delhi, 2009, P. 182
2. Percival Spear, *The Oxford History of Modern India 1740-1975*, Oxford University Press, New Delhi, 1965, p.87
3. W.H Moreland & Atul Chandra Chatterjee, A *Short History of India*, Surjeet Publications, New Delhi, 2004, p.123
4. *Ibid.,* p.126
5. *Ibid.,* p.148
6. Sohail Amjad Nagina Riaz, Cornwallis's Trio Judicial Reforms: A Supremacist Evil Plan or Legal Renaissance, *Journal of Emerging Technologies and Innovative Research* (JETIR), February 2023, Volume 10, Issue 2 (ISSN- 2349-5162), pp.321 -326
7. Jagannath Patnaik, *British Rule in India; A Selected Study*, S Chand, New Delhi, 1976, p.76

Lord Cornwallis twice held the high post of Governor-General. His first rule lasted from 1786-1793 and is celebrated two events, the Introduction of Permanent Settlement in Bengal and the Second Mysore War.[8]The second time he came to India was in July 1805. He was then at the ripe old age of sixty- six. His health did not run well. Hardly four months after he arrived in India, he had departed from this world. If Hastings laid the foundation of the system of civil administration, Cornwallis raised the superstructure. He first entrusted criminal jurisdiction to Europeans, and established the Nizamat Sadr Adalath, or Supreme Court of criminal judicature at Calcutta. He separated the functions of the district collector and judge. The judicial system thus organized in Bengal was extended to Madras and Bombay, where those presidencies also acquired territorial sovereignty.[9]

Lord Cornwallis can be properly regarded as an administrator. Up to the time of his arrival, the English in India had been engaged in a great struggle for existence. But it was not until Cornwallis carried to India the large-minded liberality of a benevolent English statesman, that our administrative efforts took shape and consistency, and the entire internal management of the country under our rule was regulated by a code of written laws, intended to confer upon the natives of India. The benefits of as much European wisdom, and benevolence as was compatible with a due regard for the character of native institutions.[10]

Cornwallis period saw the replacement of financial and commercial by political motives within and of makeshift imperialism by planned isolationism without the company's dominions.[11]With the advent of Cornwallis a fresher air began to blow through the government's house. His appointment was the result of the long series of discussions and debates that began in 1781 as soon as public attention ceased to be focused on the American problem. He was appointed as the first Governor General of India, after the passing of the Act 1784, which gave

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8. William Wilson Hunter, *The Indian Empire, its people, History and products*, WH Allen & co. Ltd, London, 1893, p.462
9. *Ibid.*, p.464
10. John William Kaye, *Administration of the East India Company*; *A History of Indian Progress*, R Bentley, London, 1853, p. 94
11. Percival Spear, *Op.cit.,* p.87

the Governor General authority over the three presidencies, was also appointed as the Commander in Chief, and was thus vested with supreme authority over both civil and military affairs throughout India.[12] He arrived in India in September 1786, he developed a uniform statutory title for the landholders of Bengal.[13]

Lord Charles Cornwallis was born on December 31, 1738, the eldest son of a titled and highly respected family. Cornwallis's grandfather was a baron under King Charles, his father was the first Earl Cornwallis, and his uncle was the Archbishop of Canterbury. Cornwallis' mother was the daughter of Lord Townshend and a niece of Robert Walpole, former Prime Minister of England.[14] Cornwallis's formal education took place at Eaton Academy and Clare College, Cambridge then as per the customs went to the Military Academy in Turin, Italy.[15] He also served in the German courts with lord Granby and was present in the battle of Minden. Although most young men of Cornwallis station went on to Oxford, he possessed a strong sense of duty and instead chose military as a career, purchasing an ensign's commission in 1756. Since England had no military academies at the time, Cornwallis was tutored by a Prussian officer and then trained at the military academy at Turin, Italy. Shortly after his enrollment, however, the Seven Year's War broke out in Europe and Cornwallis decided to leave Turin and fight for the Empire. During this conflict, Cornwallis distinguished himself, first as a staff officer and then, as the Lieutenant Colonel of the 12th Foot, in combat at Minden, Kirch Donkern, and Lutterburg.[16] In 1762, Cornwallis' father died and he became the second earl of Cornwallis. He entered the parliament as a member in 1760. Having faced several accusations in the parliament because of opposing political opinions he withdrew from public life and opted for social exile. This was the

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12. *Manual of the Administration of the Madras Presidency, Records of the Government & the Yearly Administrative Report,* Volume II, Madras, 1885, p. 284
13. William Wilson Hunter, *Bengal MS Records,1782-1807 A Dissertation on Landed Property and Land Rights in Bengal at the end of 18th Century*, Vol. I, W H Allen & Co Ltd, London, 1894, p.46
14. Colonel Michael Smith, *Lord Charles Cornwallis: A Study in Strategic Leadership Failure*, United States Army Distribution statement A: USAWC Class of 2001 U.S. Army War College, Carlisle Barracks, PA 17013-5050, Strategy Research Project, pp.34 - 46
15. Sohail Amjad Nagina Riaz, *Op. Cit*., p.48
16. Colonel Michael Smith, *Op.cit*., p.3

time he began his major role in international politics and wars for the British Empire.[17] Lord Cornwallis being of an active and serving nature intended to serve his nation and in the due course joined General Henry Clinton in America in 1776 as promoted Lieutenant General.

The post was twice offered to Cornwallis before he finally accepted it, and for his benefit, a special Act was passed permitting him to be governor-general and commander-in-chief at the same time and allowing him when necessary to override a majority in his council. Cornwallis was forty-eight at the time of his arrival in India. He had already a distinguished military career behind him. He was a man of such solid and accepted ability that his reputation survived the surrender of Yorktown in America in 1781.[18] Above all, he possessed a massive integrity before which corruption and small-mindedness withered, and he was the friend of Pitt, the Prime Minister, and of Dundas, the President of the Board of Control. He belonged to an influential and aristocratic family, which had wider political connections. After his return from America, he was offered the Governor Generalship in India. Cornwallis was prompted by a strong sense of public duty and enjoyed the respect as well as the confidence of his fellow countrymen. The Parliament was prepared to give him extraordinary legal powers to carry out radical reforms in the administration of Bengal. It amended Pitt's India Act in 1786 to enable him to overrule the decision of the majority of his council, if necessary. The appointment of Cornwallis was significant in one respect. A new tradition of choosing a person from an aristocratic family for the post of Governor-General was initiated. It was his good fortune that he had an excellent team of subordinates comprising John Shore, James Grant, and Sir William Jones.[19] Although Cornwallis commenced his work under beneficial circumstances, he had to carry out his policy with caution. He was incorruptible without being sour and clear-headed without being brilliant. His rule of bluff common sense and genial simplicity was neither faultless nor always wise, but it imported a new spirit into British Indian affairs, which was never again wholly lost.[20]

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17. Sohail Amjad Nagina Riaz, *Op.cit*., p.53
18. Percival Spear, *Op.cit.*, p.87
19. Varadarajan Samayal, *Op.cit.,* p.182
20. Percival Spear, *Op.cit.*, p.86

The period between the departure of Warren Hastings in February 1785 and the appointment of Lord Cornwallis in Bengal, during which Macpherson acted as the Governor-General was marked by rampant corruption. Cornwallis himself remarked on his arrival, 'Every native of Hindustan was corrupt'.[21] On his arrival in India, he reported on the conditions here to the Company's authorities in England in these words, "I am sorry to be obliged to say that agriculture and internal commerce have for many years, been gradually declining, and that at present, expecting the class of shroffs and banyas, who reside almost entirely in great towns, the inhabitants of these provinces are advancing hastily to a general state of Poverty and wretchedness". Then he received instructions from the Directors to go ahead with the necessary reforms. Thus authorized, he affected a series of reforms, touching almost every important branch of internal government.[22] He was an official of the old school, and his rule was described by the studiously moderate. Cornwallis as a 'system of the dirtiest jobbing never spoke a word in criticism of Warren Hastings.[23]The instructions with which Cornwallis was armed covered three main heads in internal affairs. He was to settle the administration regularly, cutting down extravagance and suppressing corruption; he was to settle the system of revenue collection moderately and permanently; and he was to reform the judiciary, retaining the Indian framework while informing it with the spirit of British justice, and securing even-handed justice between Indian and European.

A closer examination of Lord Cornwallis's appointments and service in America, India, and Ireland reveals that patriotic improvement was the dominant discourse in the birth of the second British Empire. Thus, corrupt Company servants did not create the problems in India, but through their aggravation, problems grew into crisis.[24] His first task was purification. Within a few months of his arrival, the whole Board of Trade was suspended and most of the members

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21. Jaganath Patnaik, *Op.cit.,* p.84
22. Percival Spear, *Op.cit.,* p.88
23. *Ibid.,* p.89
24. Benefield, Bradley S., *Appointing Stability in an Age of Crisis: Lord Charles Cornwallis and the British Imperial Revival, 1780-1801.* Master's Thesis, University of Tennessee, 2005, p.32

were subsequently dismissed for irregularities.[25] A regiment was discovered for which full pay had been drawn for several years, but which only existed on paper. Almost all the thirty-five collectors were, he believed he had good reason for thinking, deeply engaged in the forbidden private trade, 'and by their influence as collectors and judges of Adalat became the most dangerous enemies to the Company's interest'.[26]

His contribution was the insistence on strict discipline and on the maintenance in India of the ethical standards, which had now won acceptance in England. Himself loyal to his superiors, he sought to imbue every servant of the Company with the same quality, and he embodied the duties of each in a code of Regulations, completed in 1793, which applied to all alike and were designed to eliminate individual idiosyncrasies. One feature of the new régime was a substantial increase in the number of Englishmen employed in the administration.[27] Cornwallis was strong enough to induce a reluctant company to abolish the commissions and to substitute for them generous fixed salaries. These salaries were attached to posts for which minimum terms of service were prescribed. Thus, the old evil of great offices held by junior servants was ended.[28] Hastings had left some important duties, notably the exercise of criminal justice, in the hands of Indians, but under Cornwallis, every responsible post was filled by an English officer, and Indians were employed only in subordinate capacities. The change followed necessarily from the determination to establish purer standards of conduct, for those classes of Indians who were otherwise qualified for administrative work were not then expected to conform to standards of which they had no experience, and, as we have seen, the standards prevailing in the country were at this period lower than those which Cornwallis aimed at establishing; the rule was thus needed at the time, and Cornwallis is not to be blamed if most of his successors were too tardy in relaxing it when conditions in India had changed.[29] Taken as a whole, the Cornwallis code marked the beginning of that 'Rule of Law' which has been one of the chief contributions of England to the life of India, but it was concerned mainly with procedure, and did little in the way of laying down the law which was to rule.

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25. Percival Spear, *Op.cit.*, p.92
26. *Ibid.,* p.94
27. W.H Moreland, *Op.cit.*, p. 189
28. Percival Spear, *Op.cit.*, p.87
29. W.H Moreland, *Op. Cit.,*

Lord Cornwallis seeded a new society in the atmosphere of the Indian subcontinent that would be ideal for the future to rule. His provisions empowered a class with full control of the resources whereas denied the majority, which was his target to be ruled in the future.[30] Lord Cornwallis made no innovations to the ancient laws and customs of the people. On the contrary, the main object of the constitution, which he established, was to secure to them the enjoyment of those laws and customs with such improvement as times and circumstances might suggest. When he arrived in the country, the Government was, in fact, a pure despotism, with no other check but that which resulted from the character of those by whom the Government was administered.[31] The sole power for making all laws, but he exercised the power of administering the laws in the last resort, and also all the functions of the executive authority. The abuses to which such a system of government is liable from corruption, negligence, and wants of information, are too well known to require being particularized. It is, in fact, from the want of a proper distribution of these authorities in different hands that all abuses in government principally proceed. Measured in terms of military and political experience Cornwallis should have been the outstanding British General in the American Revolution. His success as a military officer thus far in his career, his familiarity with the inner workings of the British government, and his first-hand knowledge and, presumably understanding of the King's policies in particular would all lead one to believe that his success as a strategic leader would have been preordained.[32]

Cornwallis was an English nobleman, who had commanded armies in America and sat in English Parliaments, but who knew little or nothing of India, the nature of its institutions, and the character of its people. However, he was neither a hasty nor a self-willed man. Under the rule of Lord Cornwallis, the progress made in the internal administration was great and striking.[33] He gathered up the scattered fragments of government, which he found, and reduced them to one comprehensive system. He laid the foundation of the present Indian constitution not hastily and unadvisedly, as has been often said, but after much profound thought and earnest consideration,

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30. Sanjay Chaudhari, A Critical Analysis of the Permanent Settlement by Lord Cornwallis, *IOSR Journal of Humanities and Social Science (IOSR-JHSS)* Volume 26, Issue 8, Series 2 August,2021, pp.4-11
31. Damini Nagar, "The East India Company: Legal and Judicial System and its Reforms*"* Volume 2, July 2018 ISSN 2581-5504 *Pen Acclaims* (www.penacclaims.com), pp.1-9
32. Sanjay Chaudhari, *Op. cit.*, p.4
33. John William Kaye, *Op. cit.,* p.52

with the advice and instruction of some of the ablest and most experienced of the Company's servants. Even so, Cornwallis was certain that British Soldiers were essential to a secure British India. To reform the European regiments, Cornwallis disposed of as many as were not of sound condition. He secured pensions and passage back to England for many disabled and invalid soldiers, and the rest he grouped into a labor regiment and garrisoned them on an island in Bengal Bay. Lord Cornwallis argued that the company's trade itself was in danger and that agriculture must flourish before Bengal commerce could be revitalized.[34] Soon after arriving, in Bengal, Cornwallis began formulating a system intended to bring agricultural improvement and self-sustaining prosperity to British India. A peculiar merit of the System that he introduced was that, broadly enunciating the principles of the Government, it created a code of written laws or regulations, to which publicity was to be given; it made legislation henceforth proceed in the presence of the people; it taught the Company's servants, clearly and distinctly, the laws or regulations which they were to administer, and opened the Indian statute book to every man in the country who had the will and the power to peruse it.[35] However, its leading feature was the recognition of the great constitutional truth that the legislative, the executive, and the judicial powers of the state ought to be in separate hands. It is true that no despotic Government ever submits to the fetters imposed by this great protective principle. But in no other Cornwallis system was an arbitrary setting aside of existing usages, in disregard of native prejudices and predilections; it recognized those usages, it respected those prejudices and predilections, and was most honestly and humanely devised for the protection of the people.[36]

When Pitt's ministry offered Cornwallis the Governor Generalship of India in 1784, Lord Cornwallis declined. However, Cornwallis's deepest desire was to serve his country. Cornwallis's sense of duty assailed his love of home. In addition, Cornwallis again refused the government appointment unless it included the powers of Commander-in-Chief of the army in India. He believed that only through the combination of the offices could he truly serve British interests in India. The ministry fell silent. In February 1786, the ministry again offered Lord Cornwallis the

34. Benfield, Bradley S, *Op. cit.*, p.162
35. John William Kaye, *Op.cit.,*
36. Benfield, Bradley S, *Op.cit.,* p.164

Indian position. William Pitt and Henry Dundas were prepared to meet the Earl's terms and promised to introduce revisions to Pitt's India Bill, which would allow for the combination of the Governor Generalship with the powers of Commander-in-Chief .[37] The consensus in Pitt's ministry was favorable to Lord Cornwallis's appointment to India. Finally, Lord Cornwallis accepted but lamented that it was much against my will and with grief of heart, Cornwallis's arrival had become increasingly necessary for the Company's survival.

Cornwallis's objective was to guide the East India Company to revenue-producing stability by ending corruption, securing the borders against native aggressors, and reforming the army. At the same time, he was to avoid war, entangling alliances, and extensive commitment to native powers. Lord Cornwallis was not surprised when he landed in India and found widespread fraud and corruption among the Company servants. Lord Cornwallis dealt with corruption in the East India Company service by targeting its leaders. Considering Cornwallis's strong belief in nobles oblige, this is no surprise. He understood the incentive that led so many "second-sons" to join the Company's service.[38] Lord Cornwallis perceived that the creation of an honorable service without decent salaries was impossible. He asked William Pitt to pressure Company directors for better salaries: "those persons who hold offices of great labor and great responsibility must be well paid, or they will for the most part betray their trust." When Cornwallis arrived in India; a colonel could obtain £7-8,000 a year in property confiscated from the countryside during military action.[39] Further anomalies, such as the absence of retirement benefits, perpetuated military corruption. To encourage decorum and discipline among the officers, Cornwallis transformed the English East India Company Army into a regular British East Indian Army. Thus East Indian Officers held commissions from the king; although the commissions were temporary, Cornwallis hoped it would revive a sense of self-esteem.[40]

Another unfortunate consequence of Cornwallis's measures was the exclusion of Indians from all higher government posts. Cornwallis had as poor an opinion of Indian probity as of the British. 'Every native of Hindustan, I verily believe, is corrupt 'he wrote. But while he had the means of improving the standards of European officials, he saw no way in the case of their

37. John William Kaye, *Op.cit.,* p.141
38. Benfield, Bradley S, *Op.cit.*, p.168
39. *Ibid.,* p.158
40. *Ibid.,* p.159

Indian counterparts. Therefore, he refrained from appointing them to responsible posts or removed them when possible. Since no Indians were members of the covenanted service, they were not eligible for appointment.[41] Lord Cornwallis believed in the superiority of races. He never accepted that Indian talent might be equal to that of Europeans.[42] The trend started with a newly emerged class of landlords in Indian society. It was Cornwallis who established the first Sanskrit College in Benaras. The primary objective of the English people was to create a class, which could be raised as the majority. They started to educate people as they could easily transmit it to people. First, they came with Sanskrit and afterward with Urdu and subsequently replaced it with Hindi to counter the rising voices of Muslims. The biggest success was a new class of landlords that strongly favored the English rule and their institutions.[43]Cornwallis knew the fact that the majority of people used as producers. Whereas the minority of the population enjoy luxuries only if the resources are under their control.

Lord Cornwallis seeded a new society in the atmosphere of the Indian subcontinent that would be ideal for the future to rule. His provisions empowered a class with full control of the resources whereas denied the majority, which was his target to be ruled in the future. These cleansing acts would only have had a temporary effect had not Cornwallis gone to the root of the evil by regularizing the emoluments of the Company's servants. Cornwallis was strong enough to induce a reluctant Company to abolish the commissions and to substitute for them generous fixed salaries.[44] It was this spirit which obstructed the admission of Indians to the higher services and which prevented the service as a whole from reading the signs of the new nationalist times in the late nineteenth century.

On May 1, 1793, Lord Cornwallis announced his "Cornwallis Code." The Cornwallis Code and the Permanent Settlement of Bengal Land Revenues were superlative examples of patriotic improvement exported into the periphery of the Empire.[45] The Code was based on British

41. Percival Spear, *Op.cit.,* p.88
42. Sanjay Chaudhari, *Op. cit.,* p.8
43. Percival Spear, *Op.cit.,* p.89
44. *Ibid.,*
45. Benfield Bradley, *Op. cit.,* p.163

Enlightenment principles of contractual governance, which Cornwallis believed would bring order to the Company's holdings in India. With the help of his colleague, George Barlow, Cornwallis prepared a comprehensive code, covering the whole field of administration', judicial, police, commercial, and fiscal. This Code was based upon the principle of Montesquieu, "the Separation of Powers", which was popular in the West in the 18th century. To curb undue exercise of authority Cornwallis made all officials answerable to the courts.[46] The Cornwallis Code most importantly established an Anglicized judicial system rooted in British Enlightenment principles of individual liberty and equality and a system of land tenure that attempted to create Anglicized gentry from Indian landowners.[47] Cornwallis sought to establish an Anglicized judicial system to bring legal stability to India.From 1765 to 1793, the East India Company judicial system had been entirely pragmatic. As Cornwallis noted on his arrival in Bengal, "all early arrangements were framed with a view to a mere collection of revenue".[48] Cornwallis revoked Company collectors' authority to settle trade and revenue disputes and invested British civil judges with that authority.

The Cornwallis Code asserted that the revenue officers must be deprived of all judicial power. The law remained largely unaltered, the civil code being customary and the criminal continuing to be the Islamic code shorn of those penalties such as mutilation, which offended the more humane instincts of the age. Finally, the whole system as it stood was embodied in May 1793 in a single set of regulations, known as Cornwallis code.[49] The constructive work of Cornwallis was one of which any man might have been proud. Though the permanent settlement had serious defects, it gave tranquility to the countryside and stability to the Government, through the reorganization of the services was marred by the exclusion of senior Indians, it established a service distinguished for both efficiency and integrity, though the courts were blocked before long by massive arrears of business, they were capable of improvement and embodied the great principles of the separation of powers and rule of law.[50] Taking it in all,

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46. Varadarajan Samayal, *Op.cit.*, p.194
47. T.K. Ravindran, *Cornwallis system in Malabar,* Parasparasahayi printing works, Calicut,1969, p.3
48. Varadarajan Samayal, *Op.cit.*, p.162
49. Percival Spear, *Op.cit.*, p.94
50. *Ibid.,* P .96

Cornwallis had set the company's ship of state on a new course and had brought in justice and integrity to redress corruption and power politics.

Cornwallis Code, (1793), the enactment by which Lord Cornwallis, governor-general of India, gave legal form to the complex of measures that constituted the administrative framework in British India known as the Cornwallis, or Bengal, system.[51] Through these new legal Regulations of Malabar, the Company was beginning to establish and extend the 'Cornwallis Code', first practiced in the Bengal territories during the same period. It was declared that the rules laid down by the 1793 regulations were to be along the same lines as those of Bengal, Bihar, and Orissa and based on the rules framed in July 1787 at an all-India level. The Cornwallis Code had been proposed in Bengal in 1792 with the separation of the judiciary from revenue affairs and the establishment of a hierarchy of courts. The appointment of 'native commissioners' recruited from among the indigenous population was another feature of the Code.[52]

This 'Cornwallis system' was formally established in Madras in 1805.[53] It was inaugurated in Malabar only in 1806 because the British administrators were convinced that the irregular conditions in Malabar were not yet suited to the introduction and maintenance of a regular system of courts.[54] Although the official installation of the Cornwallis Code occurred very late in Malabar, the source materials indicate that the Cornwallis system was first enacted through the Civil and Criminal Regulations, prepared by the Malabar Joint Commissioners in 1793. One can infer this from the Regulations regarding the installation of a hierarchy of courts and the appointment of native officers and Darogas in Malabar.[55] It seems that when the new Cornwallis system proved impractical in Madras, the newly conquered region of Malabar appeared as a suitable location to establish a system of governance in the British territories of South India. Therefore, the rules to be introduced were drafted in the Malabar regulations with only slight modifications from the Bengal model. However, the new Bengal Code was also not free from drawbacks and could not fully serve its purpose.

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51. *Ibid.,* P.98
52. Santhosh Abraham*:* Colonial Law in Early British Malabar; Transparent Colonial State and Formality of Practices, *Sage Journal, South Asia Research,* Vol. 31 issues 3: December 2, 2011, pp.249-264
53. *Ibid.,*
54. T.K. Ravindran, *Op.cit.,* p.71
55. Santhosh Abraham, *Op. cit.,* p.6

Cornwallis also laid the foundations of the modern police force. The second measure was the establishment of police. Consequently, the Zamindars were relieved of their police duties. It cannot be said that any regular system of police existed in Modern India. Each village maintained its watchman, usually hereditary, and frequently associated with the criminal classes for the suppression of violent crime Viceroys and Commandants employed the troops, which they had to maintain as a condition of their service; and each local Governor employed a miscellaneous body of retainers to give effect to his orders.[56] The Zamindars were formerly entrusted with the responsibility of police, but as they had in some cases abused the power, they were divested of it in 1793, and the duty was committed to an officer styled Daroga became a prince in his circle.[57]

The effective implementation of judicial reforms required the reorganization of police administration. The District Judge controlled the police. Each district was divided into thanas or police circles. In pre-colonial India, the governments, under the Mughals and other native states, were autocratic and lacked a separate or formal police system, each of which was about 20 square miles. It was placed under an Indian officer called the daroga who was ably assisted by many constables. However, the police organization was not effective. In the words of Marshman, 'the daroga enjoyed almost unlimited power of extortion and became the scourge of the country".[58] In South India, the establishment of native jurisdictions or the Daroghaships (Cutcherry or Kachery in the native tongue) was one of the important innovations of the 1793 Regulations. The Daroghaships in Malabar were new forms of the earlier Board of Police and the Court of Cutcherry in Madras. In 1770, the Government of Madras created a Board of Police and a Court of Cutcherry, which deliberated on the best method.[59]

The internal reforms of Cornwallis can be studied under three main heads. Administrative reforms, Revenue reforms, Permanent Settlement Judicial, and other reforms. The greatest work of Cornwallis was the purification of the civil service by the employment of capable and honest public servants. He aimed at economy, simplification, and underpaid purity. He found that the servants of the Company received very high commissions on revenues. In addition to that, they conducted forbidden cleansing of the administration,

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56. W.H Moreland, *Op. cit.,* P .162
57. John Clark Marshman, *The History of India the Earliest period to the close of Lord Dalhousie administration*, Volume II, Harrison & sons, London, 1869, p.270
58. W.H Moreland, *Op. cit.,* p.194
59. Santhosh Abraham, *Op. cit.,*

abolished the vicious system of paying small salaries, and allowed enormous perquisites. He persuaded the Directors of the Company to pay handsome salaries to the Company servants in order, that they might free themselves from corrupting activities. To cut down on extravagances, he abolished several surplus posts. Another major reform that Cornwallis introduced was the separation of the three branches of service, namely commercial, judicial, and revenue. The collectors, the kingpins of the administrative system were deprived of their judicial powers and their work became merely the collection of revenue and judicial reforms. [60]

To follow the administrative reforms of Cornwallis some idea of the state of affairs as he found it on his arrival is necessary. The administration was divided into commercial and revenue branches. The commercial branch was responsible for the company's annual commercial investment. This originally took the form of silk, wool, cotton goods, and indigo. The revenue or general branches controlled the civil administration, which in practice meant the collection of revenue and administration of civil justice.[61] Cornwallis's first care was to separate the two. In 1789, Cornwallis successively separated the revenue and judicial systems. As in all mainly agricultural communities, the chief source of public revenue in India was land. The system of landholding, the methods of assessment, and the collection of land revenue were therefore of fundamental importance both to the administration and to the people themselves. But they were not landowners or a landed aristocracy in the British sense. They were an official aristocracy of hereditary rent-collecting and magisterial magnates. Their estates resembled those of British landlords in appearance but were essentially different in texture. This system had its checks and balances. The zamindar was too close to the peasant to be deceived about his capacity to pay. Cornwallis was himself a great landowner of the better type.[62]

The administration of Lord Cornwallis was also rendered memorable by the great changes introduced into the judicial institutions of the presidency. The collector of the revenue had hitherto acted also as judge and magistrate. Lord Cornwallis separated the financial from the judicial functions and confined the collector to his fiscal duties, placing him under a board of revenue during the presidency.[63]In 1787, Lord Charles Cornwallis gave restricted criminal

60. *Ibid.,*
61. Percival Spear, *Op.cit.,* p.84
62. Percival spear, *Op.cit.,* p.95
63. Fanny Emily Penny, *Fort St. George Madras*, *A Short history of our first possession in India*, Swan Sonnenschein & Co. Ltd, 1900, p.36

judicial powers to the company's revenue collectors who had already served as civil magistrates. Most significantly, the collector was divested of judicial and magisterial powers and entrusted with the duty of administration of the revenue.[64] In 1790, the corporate rook over the administration of justice from the governor and Charles Cornwallis introduced a system of circuit courts with a judicator that met in the urban center and had the ability the review the circuit court selections. However, most of the judges were non-native. Lord Charles Cornwallis made an effort to harmonize completely different codes existing at that point. Despite the simplest intentions, the general reforms resulted in institutionalizing discrimination through judicial reforms. One consequence of the general code was that it in effect institutionalized discrimination against the natives within the system.[65]

Lord Cornwallis modified the judicial system introduced by Warren Hastings. The British collector was also a magistrate and civil judge. Lord Cornwallis decided that a collector ought to have no judicial duties under which he might be called on to adjudicate in revenue questions. Accordingly, a regulation was passed under which the duties of revenue collector were separated from those of magistrate and judge, and the magistrate and judge were to be the head of the district, whilst the revenue collector was his subordinate. It is difficult to sometimes be united and sometimes separated. Eventually, the two offices of Circuit magistrate and collector were united in the same person. Four provincial Courts understand the merits of this measure. Since then, the two offices have been and Appeals were Non-created by Lord Cornwallis and remained without alteration for a period of forty years.[66]In the work of judicial reorganization, Cornwallis secured the services of Sir William Jones, who was a judge and a great scholar, Civil and criminal courts were completely reorganized. At the top of the judicial system, the highest civil and criminal courts of appeal, namely Sadar Diwani Adalat and Sadar Nizamat Adalat were functioning at Calcutta. Both of them were presided over by the Governor General and his Council. There were four provincial courts of appeal at Calcutta, Dacca, Murshidabad, and Patna, each under three European judges assisted by Indian advisers, District and City courts functioned each under a European judge. Every district was provided with a court. As already stated,

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64. Damini Nagar, *Op.cit.,*
65. *Ibid.,*
66. Percival Spear, *Op.cit.,* p. 96

Cornwallis had taken away from the collectors their judicial powers and made them solely responsible for the collection of revenue. As a result, District Judges were appointed. Indian judges or Munsiffs were appointed to all the courts at the bottom of the judicial system. In criminal cases, Muslim law was improved and followed. In civil cases, Hindu and Muslim laws were followed according to the religion of the litigants. In suits between Hindus and Muslims, the judge was the deciding authority, and Cornwallis was merciful by temperament. He hated barbarous punishments and abolished those like mutilation and trial by ordeal. Cornwallis was better known as a lawgiver than as an administrator. [67]

During the period of Cornwallis, the court system was revived therefore the civil court known as the mofussil adalat finished, and new three courts were established. The salaries of the judges and officers were increased to avoid corruption. Cruel and extreme punishments ended and criminal courts were handed over to English by Muslim officers however, they remained as advisors to courts control of the criminal system was taken by the governor-general. Court fee was introduced to cover the expenses of calling a witness etc. The law of evidence was modified and several changes were made to Islamic law and punishments.[68] These reforms had a very good outcome as the crime rate lowered and the lives and property of people remained much more secure. Cornwallis did his best while introducing this plan but it still had two major defects. One was th lack of provision that would explain the supervision of the collector as over time the workload had increased much and he had such powers that were abused rather than used for betterment and prosperity. Another defect was the absence of Indians in the judiciary, as Cornwallis never considered Indians trustworthy and competent for the posts. This was a remarkable intent that dropped down all praises for Cornwallis and turned his image to a Supremacist Commander. The collector was given magisterial powers, and at first, presided over the old civil and new revenue courts as well. By a system of trial and error, Cornwallis reformed the whole system of civil and criminal justice. Civil justice district or *Zillah* courts were instituted which dealt with both civil and revenue matters. The civil courts were administered by district judges and criminal courts by the judges of the courts of circuit. This rule which was never departed from, laid the foundation of the civil liberty of the subjects which was the essential basis for the later addition of the political liberty of self-government.[69]

67. Varadarajan Samayal, *Op.cit.*, p.191
68. John William Kaye, *Op. cit.*, p.95
69. Percival spear, *Op.cit.,* p.93

Many changes were made from time to time in the judicial system, and the whole question will be better considered hereafter when dealing with the reforms of Lord Cornwallis, who eventually succeeded Warren Hastings as Governor-General.[70] Matters of civil and criminal natures were now heard by judges and Mal Adalat was abolished taking the suits to Mofussil Diwani Adalat and Faujdari Adalats. Executives were now accountable before the law and any wrong committed by them in the exercise of powers were brought before the diwani adalat and diwani adalat had powers to try and punish the executives.[71] Previously the court of appeal was only situated in Calcutta but now four provincial courts of appeal were established in Calcutta, Patna, Dacca, and Murshidabad to save time and money and to speed up the justice system. Cornwallis had a problem of distrust towards Indians and he is criticized for that however in the third reform he provided Indians with different posts such as Zamindar, tehsildar, etc, and had the power to try cases up to Rs 50. Natives were again ignored to be given posts in the judiciary except very small posts of munsif etc. The mentality of Cornwallis is again well interpreted from his mistrust of Indians or we can say the British ideology of supremacy and distrust towards the rest of the world. By establishing an Anglicized judicial system over British India, Cornwallis believed, the Company not only preserved law and order but secured property rights and encouraged improvement and prosperity.[72]

Lord Cornwallis arrived in India in September 1786; he developed a uniform statutory title for the landholders of Bengal. Lord Cornwallis was gifted with a real sympathy with the people over whom he was sent to rule. On his arrival in India, Lord Cornwallis found it impossible to conclude a ten years' settlement without some further inquiry into the question of usages, tenures, and rents, and he vigorously prosecuted these inquiries.[73] The Committee of Revenue had already changed its name to that of the Board of Revenue, and its authority and functions were continued. Lord Cornwallis based his main argument for at once declaring the 10-year settlement permanent, on

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70. J. Talboys Wheeler, *India under British Rule from the foundation of the East India Company,* Honfcon, Mac Millan and Co., 1886, p.96
71. John William Kaye, *Op.cit.,* p. 101
72. Benfield Bradley, *Op.cit.,*
73. William Wilson Hunter, *Op.cit.*, p.65

broad economic grounds. The poor state of Bengal's agriculture, with which Lord Cornwallis became so familiar, was a result of the shortage of labor, not the shortage of land under cultivation.[74]

In 1793 he proclaimed that the ten years settlement would be perpetual; that the tenant rights of ryots would be left to future inquiry; and that henceforth the Bengal zemindars would be invested with the proprietary rights enjoyed by English landlords, so long as they paid the fixed yearly revenue to Government and respected all existing rights of riots and cultivators.[75] But it was the Permanent Settlement of Bengal Land Revenues, the first of the Cornwallis Code's forty-eight points that created the most debate and controversy. Lord Cornwallis's Bengal land settlement transformed the traditional connection between zamindars and ryots into a contractual relationship.[76] He favored making the Bengal settlement permanent, which he believed would encourage the zamindars to invest in agricultural improvements. Most in Cornwallis's administration favored a permanent settlement. Cornwallis enacted the Permanent Settlement on May 1, 1793. Cornwallis had completed his assignment. Lord Cornwallis after three years of inquiry and of provisional measures, introduced a ten-year or decennial settlement.[77] At first the
settlement was called decennial, but in 1793 it was declared permanent forever.

Lord Cornwallis' most conspicuous administrative measure was the Permanent Land Revenue Settlement of Bengal, which was extended to the provinces of Bihar and Orissa. It is appropriate to recall that Warren Hastings introduced the annual lease system of auctioning the land to the highest bidder. It created chaos in the revenue administration. Cornwallis at the time of his appointment was instructed by the Directors to find a satisfactory and permanent solution to the problems of the land revenue system to protect the interests of both the Company and the cultivators. It obliged the Governor-General to make a thorough inquiry into the usages, tenures, and rents prevalent in Bengal. The whole problem occupied Lord Cornwallis for over three years and after a prolonged discussion with his colleagues like Sir John Shore and James Grant, he decided to abolish the

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74. William Wilson Hunter, *Op.cit.,* p.80
75. John William Kaye, *Op. cit.*, p.129
76. Benefield Bradley, *Op. cit.,*
77. John William Kaye, *Op. cit.*, p.85

annual lease system and introduce a decennial (Ten years) settlement which was subsequently declared to be continuous.[78] The chief contribution made under Cornwallis to the substantive law of India was in the field of land revenue. At the time of his appointment, the Company had already accepted the view, which had come to the front in Hastings' time, that the revenue should be fixed once and for all, and, as a step in this direction, his instructions required him to make 'settlement (the term for assessment used by Englishmen in India) with the landholders for the revenue to be paid, in the first instance, for a term of ten years. This work was completed in 1790, Cornwallis, differing from his expert advisers, held that the information that had been gathered was sufficient to justify the Company in forthwith making this settlement permanent; his view was accepted by the authorities in England, and in 1793 the Permanent Settlement of Bengal came formally into existence. Another unfortunate effect of the new system was the displacement of many of the old-established landholders.[79]

Cornwallis made the real start of the civil service when he separated the commercial and revenue branches of the administration. From this time, the service was well paid, honorable, and confined to the administration, while Indians were not only excluded from the covenanted service but also from all higher posts. The company's servants became the best-paid civil service in the world. With nothing more than their official emoluments, they could live well and retire with competence.[80] During the British Raj, Warren Hastings laid the foundation of civil service and Charles Cornwallis reformed, modernized, and rationalized it. Hence, Charles Cornwallis is known as 'the father of civil service in India'. Cornwallis introduced two divisions of the Indian Civil Service—covenanted and uncovenanted.[81] Cornwallis had been sent to India with instructions to avoid conflict with the company's neighbors. Early in his tenure, he abrogated agreements with the Maratha Empire and the Nizam of Hyderabad that he saw as violating the 1784 Treaty of Mangalore that ended the Second Anglo-Mysore War. Cornwallis prohibited private trade. Besides, he took up the duties concerning the trade of the Company were restored to the Trade Board, and the number of members of the Board of Trade was reduced .[82] Cornwallis reformed the

78. Varadarajan Samayal, *Op. cit.*, p. 221
79. W.H Moreland, *Op.cit.*, p .84
80. Percival Spear, *Op.cit.,* p.179
81. *Ibid.,* p.179
82. Sohail Amjad Nagina Riaz, *Op.cit,.*

Board of Trade which managed the commercial investments of the Company. With the aid of Charles Grant, he eradicated numerous abuses and corrupt practices. Fair treatment was given to weavers and Indian workers. He increased the remuneration for honest service.[83]

If there was any single person most responsible for the greatest good of the company's administration in India, beyond doubt, he was Cornwallis. His reforms are a glowing tribute to his valuable contributions. They enabled the company's possessions to emerge from the twilight of anarchy to the floodlight of order. For the first time, he established the supremacy of law. [84] Considering all these reforms it can be said without any fear of contradictions that his arrival, opened a glorious era in the history of British India. He gave substance and permanence to what had been light and transitory before. He laid a firm foundation for the state and built much of the superstructure.

Cornwallis being a competent and very dedicated person towards the British Empire tried his best to serve in the best possible manner by simultaneously acting upon the mainstream rules of the empire and his expertise while handling cases of an immediate and important nature.[85] He adopted policies of the empire along with what he thought may deem fit in the course of action. He has delivered much more than many to the empire and to the judicial system of India, despite of being an experienced and learned person he had that one defect in his mentality that depicts a true supremacist psychology that is obvious from his dealings with the natives, the ground realities behind the distrust of the Indians, etc. The mindset, aim, and mission of English personnel are to be more competent and trustworthy towards the company and the empire.

Cornwallis, a blue-blooded aristocrat, was an ardent patriot. He discharged his duties fearlessly, and his life was an embodiment of 'duty and sacrifice'. He perceived the danger of Tipu's growing power and curtailed it by boldly discarding the policy of nonintervention. As an administrator, he consolidated the Company's position in India and started the tradition of efficient and pure administration. Although there were defects in his Permanent Settlement of Land Revenue, his administrative and judicial reforms were solid achievements.

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83. Varadarajan Samayal, *Op.cit.,* p.85
84. Jagannath Patnaik, *Op.cit.*, p. 76
85. Romesh Dutt, *The Economic History of India Under Early British Rule from the Rise of the British Power in 1757 to The Accession of Queen Victoria in 1837*, Vol. 1, Kegan Paul, London,1906, p.142

He may be regarded as the parent of the Indian Administrative Service and the founder of an efficient and clean system of administration .[86] He is known to be the general who lost the American colonies he served very well in India, brought great reforms to the revenue and judicial system, adopted strategies that intended to avoid wars, and looked for peace and prosperity but the one thing that he always kept stratification among the natives and English and that would include many hidden ground realities to depict his supremacist mentality. The reforms he made may have been progressive for India but had mostly benefitted the company and the judicial powers were all vested to Englishmen to be served by Indians.[87]

As the patriotic improvers who had appointed him expected, the East India Company was reformed: an advantageous revenue system would produce stability and curb corruption; improved decorum and discipline in the army would yield a reliable and cost-efficient military; and an enlightened judicial system would enforce law and order in British India's district.[88] After spending seven springs in India, Cornwallis retired in 1793 and reached England early in 1794. He was then greeted with a seat in the Cabinet. After the recall of Wellesley, he was sent to India for the second time in July 1805. He was then at the ripe old age of sixty- six. His health did not run well. Hardly four months after he arrived in India, he departed from this world. It appeared as if he came to India for the second time merely to rest in peace forever with the Indians for whom he had done his best.[89] He was buried at Ghazipur.

English East India Company got Malabar from Tippu Sultan by the Treaty of Srirangapatanam on 18th March 1792, and then Malabar became part of the British domains in India. Now the country was for the first time in its history brought under a colonial power. When the British entered India as a colonial power, their primary aim was the appropriation of resources of India. The East India Company, which ruled parts of India in the 18th century, took steps to introduce

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86. Varadarajan Samayal, *Op.cit.,* p. 194
87. John William Kaye, *Op.cit.,* p. 82
88. Benefield Bradley, *Op.cit.*, p.171
89. Jagannath Patnaik, *Op.cit.*, p.72

judicial and political administration in its territories. The making of law was the central concern of the European colonizers in the colonies and was 'central to the civilizing mission of British imperialism'. It was through various laws and regulations that the British colonial state endeavored to control and discipline the indigenous population in India. Prisons have played a determinant role in shaping the character of the society. It is important to state that the prison system that we see in India today is a continuation of the system introduced by the colonial administrators. The establishment of a regular police force was another feature of the Company's reform. In the initial stage, the functions of the police force were to assist the revenue authorities in the revenue collection, to prevent crimes, and to administer law and order. From the beginning of its rule in Malabar, the Company spent a major portion of its revenue as expenses for the military service. Different wings of the British army were the major instruments to counter the challenges against their rule. The East India Company established a civil service system in India for the benefit of its commercial concerns, and it eventually developed into a well-organized system to handle the administrative affairs of India's newly acquired territories. Despite the presence of many indigenous educational institutions, modern education reached Malabar only in the first half of 19th century with the arrival of missionaries. The credit for having laid the foundations of Western education in the Malabar area goes to the 'Basal German Evangelical Mission.

Chapter 5

From Trade to Rule: East India Company's Administration in Malabar

In 1600, Queen Elizabeth granted to a body of English merchants under the title " The Governor and Company of Merchants of London trading into the Indies" monopoly of English commerce for 15 years from the Cape of Good Hope to the Straits of Magellan. This company is generally known as the East India Company.[1] The first and second voyages were made to the Spice Islands under James Lancaster, the subscribers dividing the profits of each undertaking among themselves. A ship of the third separate voyage came to Surat where it did some trade. William Hawkins, captain of these vessels, saw Jahangir with a letter from James 1. He was graciously received and allowed to reside at the Mughal court for some time (1601-1611), but the Portuguese influence was strong enough to prevent any grant to the English of the right to trade in Mughal ports. In 1612, two ships under the command of Thomas Roe succeeded in defeating a Portuguese fleet off Surat. This increased the prestige of the English. An Imperial *Farman* was granted in 1613, and a permanent British factory was established at Surat. In 1615, the English gained another naval victory over the Portuguese off Surat.[2] The British could yet bring very small trade, but the Portuguese had a very well-established commerce.

The position of the British merchants was, therefore, still precarious when Sir Thomas Roe arrived as accredited ambassador of James 1 to the Mughal court. He was in the Mughal court for three years. Mughal officials welcomed the English and Dutch as a counterpoise to the Portuguese. A truce was concluded between English and Portuguese in 1635, and the Anglo–Portuguese treaty of 1642 established an accord between the erstwhile enemies.[3]A direct consequence of this Anglo–Portuguese friendship was the establishment of an English settlement at Madras near the Portuguese fort of St. Thomas. The new settlement was named Fort St. George. It superseded Masulipatam as the headquarters of the East India Company. The calico trade shifted from Gujarat to Madras. The European commercial activity shifted from the west to the east of India. The factories of the Company were concentrated in Surat, Madras, and Hugli. Bombay was acquired in 1661 as part of the dowry of Catherine of Braganza, the

1. Margret Frenz, *From contact to conquest: Transition to British rule in Malabar, 1790-1805,* Mittal publications, Oxford University Press, New Delhi, 2003, p. 6
2. Aggarwal, C. *History of India*, Vikas Publishing house, New Delhi, 1987, p.490
3. Margret Frenz, *Op.cit.*, p.8

Portuguese Infanta who became queen of Charles II. The king made it over to the East India Company. After their failure in Bengal, the English had withdrawn to Madras.[4]

The visit of the Portuguese initiated colonialism and thus is the genesis of colonial history in Kerala. The Portuguese were the first to open up trade with Malabar. They arrived in 1498 but their power had evaporated by 1663, when they lost Cochin to the Dutch.[5] During the time of their arrival, the Arabs had monopolized the trade of pepper and spices. The rulers of Kerala, especially the Zamorin of Calicut showed favor to the Portuguese and began to repeal their support to the Arabs. Even though the Zamorin's naval chieftains of Kunjalis fought the Portuguese, they were outmatched by the Western War weapons.[6]

In 1595, the Portuguese with the support of the Zamorin captured Kunjali IV. This incident put an end to the Arab resistance and the entire trade monopoly fell in the hands of the Portuguese. Followed by the Portuguese, the other colonial powers like the Dutch, the French, and the British reached the shores of Kerala to accomplish their economic interests.[7] By defeating other powers; the English established their supremacy in Kerala. The political disagreement and the difference in economic interests among the rulers of Kerala were also in favor of the Englishmen. This scenario of sheer political chaos and jealousy among the rulers of Kerala invited Mysore Sultans to Kerala. Initially, the British were not interested in direct action against the Mysore rulers. They provided the rulers and the chieftains of Malabar with money and military and motivated them to revolt against the Mysore Sultans.[8] But the Mysore rulers defeated the Malabar chieftains and established their unquestionable sway over the conquered territories. The weight of a better-organized military power of the Mysore rulers was felt by the

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4. Aggarwal, C. *Op.cit.*, p.492
5. *Guide to the Records of the Malabar District .1714-1835,* volume. 1, Madras Record Office, Government Press, 1936, Regional Archives, Calicut, p.32
6. K. V. Krishna Ayyar, *The Zomorins of Calicut*, Norman Printing Bureau, Calicut, 1938, p.146
7. Premjith Kumar T.B, Colonial Land Revenue Administration and Mappila Outrages in Malabar*, International Journal of Creative Research Thoughts (IJCRT),* Volume 10, Issue 2, February 2022, ISSN: 2320-2882, pp.309 -315
8. *Tellicherry Diaries (T.D.), No.1467,22nd January 1767,* p. 70

Rulers and the chieftains.[9] The rise of Mysore rulers as an unmatched power posed a threat to the British authority, which eventually led to the Anglo-Mysore Wars. The war ended in 1792 according to the treaty of Srirangapattanam and the English East India Company emerged as the dominant political Power in South India. The district of Malabar was ceded to the English East India Company.[10] The administrative control of the area came under the Bombay presidency until 1800 and later was made a part of the Madras presidency. The transfer of Malabar from Bombay to Madras presidency in 1800 was mainly due to the failure of Bombay officials to maintain law and order in the territory.[11]

The region of Malabar - the territory between Cochin and Canara, the Arabian Sea, and the Western Ghats - comprised of the northern districts of present Kerala State, namely, Kasargod, Kannur, Wayanad, Kozhikode, Malappuram, and Palakkad. By the treaty of Srirangapatanam, concluded on the 18th March 1792, Malabar became part of the British domains in India [12], Malabar was ceded along with other tracts to the East India Company, and placed under the Bombay Presidency. At the end of 1800, the province was transferred to the Madras presidency.[13]Now the country was for the first time in its history brought under a colonial power. The administrative settlements in Malabar by the company had far reaching results on its socio-economic structure. The immediate impact of the British policy was the ruin of traditional, handicrafts in Malabar leaving the artisans to lead a life of penury. The Bombay commissioners and later the joint commissioners appointed by the company introduced a series of administrative regulations in Malabar. Once again, the English as sovereign of the country entered into pepper contracts with northern rulers.[14] The market price of pepper went on increasing. The same result

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9. Francis Buchanan, *A Journey from Madras through the Countries of Mysore, Canara and Malabar*, 3 Volumes, Asian Educational Service, NewDelhi,1988, p. 190.
10. P.K.K. Menon, The *History of Freedom Movement in Kerala,* Vol.II, Regional Records Survey Committee, Kerala state, Trivandrum 1885, p. 286.
11. KKN Kurup, *Modern Kerala Studies in Social and Agrarian Relations*, Mittal Publications, Delhi, 1988, p.66
12. P.K.S. Raja, Medieval Kerala, *Annamalai University Historical Series*, Chidambaram, Issue 11,1953, pp.219- 223
13. *Manual of the Administration of The Madras Presidency*, *Records of the Government &the Yearly Administrative Report in 3 Volume,* II Volume, Government Press, Madras, 1885, p.24
14. KKN Kurup, *Op.cit.,* p.6

was repeated in Malabar trade in commodities like cardamom, sandalwood, etc. In brief, Malabar has become a part of the Asian market and then linked to the international market inspired by all attempts made by the monopolists to prevent such a development. Although this increase in the price of pepper, there was no hopeful improvement in the economic condition of the poor agriculturists or trading community of Malabar.[15]

The government in Bombay decided to form a commission to assess conditions in Malabar. The commission started its work in Malabar in 1792. It comprised Alexander Dow and William Gamul Farmer from the Bombay presidency, as well as William Page and Charles Boddam from the Bengal presidency. They were charged with recording the political situation of the day and its historical background.[16] It is evident from the instructions drawn up by General Abercrombie that the commission aimed to establish a fully functioning administrative system in Malabar which was to be in a position to collect the taxes levied by the British regularly.[17] One of the most important aspects regarding the establishment of administration in Malabar was the British government's intention to direct along well-ordered paths the affairs within the province which they viewed as anarchic. Calicut is the capital of Malabar and one of the principal ports of Madras presidency. It is the seat of the District Judge of South Malabar.[18]

The Malabar District in the Madras presidency was entirely different from all other districts of Madras province. K. M Panikkar opines that Malabar forms a single geographical and ethnical unit preserving in many ways uniformity of customs and social organization, which mark it off as a separate entity in India.[19]The ecological and social characteristics of Malabar differ fundamentally from other districts of Madras presidency. The geographical peculiarities and climate of the land caused the evolution of its system of agriculture. Human

15. *Ibid.*, p.4
16. Margret Frenz, *Op.cit.*, p.12
17. Krishna swami Aiyar, *Madras District Gazetteers - Statistical Appendix for Malabar District*, (Together with a supplement to the district Gazetteer by C.A. Innes and F.B Evans), Madras, 1933, p.43
18. *Malabar District*, Madras Superintendent, Government Press, Regional Archives, Calicut, 1915, p.9
19. K. M Panikkar, *Malabar and the Portuguese*, D. B Taraporevala Sons & Co., Bombay, 1929, p. 1

settlements in the districts were also different from other parts of Madras. Unlike in other districts of South India, people in Malabar villages were living in scattered areas.[20]

When the British entered India as a colonial power, their primary aim was the appropriation of resources of India. During the eighteenth century, the British constructed their rule in India based on intellectual foundations. Colonial ideologies like 'Oriental Despotism' and 'Civilizing Mission' guided the British administrators.[21] Forces of liberalism, evangelicalism, and capitalism also influenced British rule in India. By 1800, men like Warren Hastings, Lord Cornwallis, Edmund Burke, and Thomas Munroe began to lay out ordering principles for the British Indian Empire.[22] During the eighteenth century the Company depended more on Indian intermediaries both in collection of revenue and administration of justice. This dependence frustrated the British superior officers. Company servants like William Jones suggested learning Sanskrit and Persian, compiling a complete digest of Indian laws, and excluding pandits and Moulavis from the courts of justice as a remedy to this 'evil'.[23]

One of the most notable hallmarks of the political situation prevailing in Malabar was the absence of a centralized political authority to affect law and order in society. The occupation of Malabar by EEIC in 1792 brought about popular discontent among the people. The ruthless exploitation of the native resources by the company culminated in a popular revolt against its authority.[24] Before the advent of the Mysorean power in Malabar, there was no proper revenue system and land was enjoyed mostly on service tenures by landed proprietors and monopolists. Therefore, the burden of the peasantry was normally lessened. These feudalistic practices were eliminated by the Mysorean power, which introduced a strong bureaucratic system of administration.

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20. J. Spencer, J. Smee, and A. Walker, *Report on the Administration of Malabar, 28th July 1801 (Report of Malabar Second Commission),* Regional Archives, Calicut, 1910, p.8.
21. Haridasan V*, An Agent of the State: The Transformation of Kolkar in Colonial Malabar1800-1947, Unpublished* Ph. D Thesis in History**,** University of Calicut, 2020, P.43
22. Thomas R. Metcalf, *Ideologies of the Raj*, Cambridge University Press, New Delhi, 1998, p. 2
23. *Ibid.*, p. 23
24. KKN Kurup, *Op.cit.*, p.62

The difficulty for the British in their administration plans lay in the Raja's assumption that they were to regain their independence after the end of the Mysorean occupation. General Abercromby instructed the commissioners to adopt a rather cautious approach with the Malabar rajas. The treaty signed with the rajas of north Malabar in 1790 by the British promised the rajas independence from Tippu, but did not pronounce explicitly the dependency of the Malabar rulers on the British.[25] For realizing land revenue arrears, the company introduced the forcible sale of land. The land sale measures adopted by the company and the commercialization of land belonging to village communities were major grievances of the peasantry and proprietors. Consequently, the rulers had a free hand in political and economic matters and it marked the fundamental difference between the political units of Malabar and other parts of India. Unlike in other parts of India, the soil of Malabar was not so alluvial or fertile. Thus, the resource of both the rulers and the inhabitants was limited. The limited fertility of the land made the people hardworking. Further, the reaction of Malabar to the invasion of foreign forces was also different from other districts.[26] The defense of the Nair militia against Hyder Ali and Tipu Sultan had no equalizer in South India.

The communal polarization witnessed in Malabar on the eve of Company rule was unknown to other parts of Madra's presidency. During the last decade of the 18th Century, Malabar went through major transformations from pre-colonial to colonial rule. It was in this context that the Company administrators chalked out plans to rule the district. To centralize and systematize the control of the Company in Malabar, new technologies of writing, documentation, and record keeping were set in motion. It was quite natural that the political, religious, and economic factors were reflected in the recruitment of natives by the Company for its various departments.[27] With the sole aim of swelling the profit of the company, Farmer came up with the proposal that the collection of revenue could be undertaken directly by the company, instead of the present system being that the Rajas and the local nobles acting as the agents of the company.[28] In a circular

25. Margaret Frenz, *Op.cit.,* p.24
26. *Ibid.,* pp.10-11
27. J. Spencer, J. Smee and A. Walker, *Op.cit.,* para. 179, p.12
28. *Ibid.,* p.28

letter issued by General Abercromby as the Governor of Bombay on 30 March 1793 to all the Rajas and principal landholders within the province of Malabar putting the province of Malabar under the control of a supervisor located at Calicut and two Superintendents located at Tellicherry in the north and Cherpulcherry in the south.[29]

The peculiar situation arising in Malabar after the expulsion of Tippu seemed not very encouraging as far as the revenue interest of the company was concerned. Both in ancient institutions and the manners of its inhabitants, Malabar differed widely from those that generally prevailed over the peninsula of India. While every other region of India at all times was under the control of one or other central political authority, Hindu or Muslim, Malabar offered the singular example of a territory where such authority was conspicuously absent after the decline of the Perumals in the twelfth century A.D. The Commissioners were to enquire and provide authentic information as to the state and circumstances of the country about the manner and degree in which justice had hitherto been administered in Malabar.[30] To study the situation, General Abercrombie, Governor of Bombay, himself visited Malabar.

The East India Company's first effort to obtain possession of any new region in India was to make speedy arrangements for immediate revenue collection. The early servants of the company, with experience only as a trading concern, lacked any knowledge in revenue matters, which was a real handicap, that they hoped to solve through a study of the local customs and usages in this respect. This problem was finally settled through the Permanent Settlement, popularly known as the Cornwallis system of 1793, by making the zamindars permanent owners of the land subject to the payment of fixed annual revenue to the Government. Later the Permanent Settlement was made applicable to all the territories under the Calcutta, Bombay, and Madras presidencies, the three major headquarters of the British rule.[31]

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29. Aitchison's, C. U, *Collections of Treaties Engagements and sands relating to India & Neighboring countries*, Vol.1, Calcutta, Office of Government Printing, 1892, p.415
30. *Reports of Joint Commission of Bengal and Bombay appointed to inspect into the state and Condition of the Province of Malabar in the years 1792 and 1793, 3 Volumes, (Hereafter JCR 1792-1793)* Reprint, Kerala State Archives, Thiruvananthapuram, 2010, Vol.II, p.182, para 156
31. *JCR*, Vol. I, p.7, para, 11

Though the British reached the Kerala coast as early as the beginning of the seventeenth century, their actual interest in Malabar started only from 1664 onwards, in the context of the Portuguese decline and the Dutch ascendancy, when they obtained permission from the Zamorin of Calicut to start factories at Ponnani and Calicut. Later in 1708, a grant of the Fort of Tellicherry from the Kolathiri was obtained. By gaining considerable political influence among the local chieftains the company succeeded in well guarding their trading interests and establishing a near monopoly in the lucrative spice trade of Malabar.[32] The joint Commissioners were in unanimous agreement about the conspicuous absence of any regular revenue collection by any ruling political authority in Malabar before the Mysorean invasion.[33] This view was shared by Mr. Farmer, the First Commissioner, Major Walker, Mr. Thackeray[34], Collector of Malabar in 1807, Mr. Warden and Buchanan[35] in his travel account. The Joint Commissioners thought that the Rajas who became independent chieftains in their respective and after the decline of the Perumals were not in the habit of collecting revenue from their subjects.[36]

The knowledge that the lands of Malabar were never under state control and that revenue payment to a state authority was unknown to the people of Malabar, was a direct antithesis of what the company happened to see in other parts of the country. The Joint Commissioners soon proceeded to make careful inquiries into the Mysorean land revenue system in Malabar. The Mysorean settlement had been hurriedly conducted by Arshedbegkhan, the Head amildar under Tippu, during the interval. The revenue resources of the territory were hardly examined; the Mysore governor's intention was only to collect the maximum possible amount to meet the expenses of the war against the British.[37]

32. K.N Panikkar, *Against Lord and State, Religion and Peasant Uprisings in Malabar 1836-1921*, Oxford University Press, New Delhi, 1989, p.2
33. C.A, Innes, *Madras District Gazetteers Malabar and Anjengo*, Madras, 1908, Reprint Volume I & II, Government of Kerala,1997 pp.287-312
34. C.A. Innes, F. B Evans, *Malabar Gazetteer,* Vol.II, Kerala Gazetteer, Thiruvananthapuram,1997, p.290
35. *Ibid.,*
36. *JCR*, Vol. I, p.7
37. K.N. Panikkar, *Op.cit.*, p.3

During the last decade of the eighteenth century, Malabar went through major transformations from pre-colonial to colonial rule.[38] In 1792, with the Srirangapatanam treaty between Tippu Sultan of Mysore and the East India Company, the region was brought under the control of the emerging British Indian colonial state. In this 'transparent' and 'segmented' nature of control of the colonial state, the indigenous people of Malabar began to witness a state modeled on Western jurisprudence.[39] This was a crucial change, as the Company now began to establish bureaucratic records, documenting all activities, especially those of the revenue and judicial departments. The English East India Company got Malabar from Tippu Sultan by the Treaty of Srirangapatanam on 18th March 1792.[40] Thus, the British got control of the spice trade in Malabar just after the treaty, and as per Lord Cornwallis's order, General Abercrombie the Governor of Bombay appointed William S Farmer and Major Alexander Dow as commissioners on behalf of Bombay presidency. Over time, Jonathan Duncan and Charles Boddam joined, as Commissioners representing the Governor General comprising the Joint Commissioners. The main duty of the Joint Commissioners was political settlement with the local rulers and to recommend a new administrative system in Malabar. The Joint Commissioners submitted their report in 1793 and elaborately mentioned the local rulers of Malabar. [41] The Joint Commissioners' settlement with local rulers and chiefs was mainly focused on revenue collection and tribute to be paid by the rulers to the English East India Company. The British initially established courts and appointed proper persons as judges in July 1792. Hindus and Muslims were tried separately by the laws of the Vedas and the Quran respectively.

As economic ambition was the main reason for the annexation of Malabar, the Joint Commissioners declared freedom of trade in all articles except pepper. Its trade was proclaimed as the English East India Company's monopoly. On 1st January 1793 the Joint Commissioners established two separate courts at Kozhikode, the first dealt with revenue and land-related cases while the second dealt with cases of claims other than revenue and land

38. Santhosh Abraham, Colonial Law in Early British Malabar: Transparent Colonial State and Formality of Practices, *South Asia Research, Sage Journals*, Volume 31, Issue 3, December 2, 2011, pp. 249-264
39. *Ibid.,*
40. Initially Malabar was under the Bombay Presidency and in 1800 it was transferred and became a district of the Madras Presidency.
41. *JCR*, pp. 28-29

relations.[42] Similarly, changes were introduced in land ownership too.[43] It was on 18th March 1793 that the administration of Malabar was formally and publicly established by the British as the 'province of Malabar,'. Then it was divided into two superintendence, under the control of a supervisor at Kozhikode and assisted by two superintendents located at Thalassery and Cherpulassery.[44] Thus, William G Farmer was sworn in as the first Supervisor and Magistrate of Malabar and he was the head of the political, revenue, and judicial departments. The supervisor post was later abolished in 1801.[45] From October 1801 onwards; the principal collector became the head of Malabar.

Even before the establishment of direct control over Malabar by the English, disturbances had started in some parts of Malabar under the leadership of Mappila chiefs like Unni Musa Moopan, Chemban Pocker, Athan Kurikkal, Hydros and others. Unni Moosa, who was an official under Tippu, is said to be the first man in Malabar to organize a united opposition against the British.[46] The English, the French, and the Dutch possessed the major coastal areas of Malabar like Tellicherry, Mahe, and Cochin respectively among which Tellicherry and Mahe had strategic importance. A strong rival of the English, Haider wished to conquer the areas under the control of the English. During that time the five principalities of north Malabar Kolathunad, Kottayam, Kadathanad, Calicut, and Palghat were engaged in conflicts among themselves.[47] They sought help and support from the foreign powers, which were eager to establish a colonial center in Malabar. The rajas of Malabar had failed to understand the situation. They usually engaged in wars. The colonial powers and the neighboring countries could exploit their ignorance[48]

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42. William Logan, *Malabar,* Asian Educational Service, Thiruvananthapuram, 2000, p. 484
43. K N Ganesh, 'Ownership and control of land in Medieval Kerala: janmam- kanam relations during the Sixteenth and Eighteenth Centuries in *The Indian Economic and Social History Review, Sage,* New Delhi, 1991, pp.35-52
44. William Logan, *Op.cit.,* p. 489
45. *Ibid.,*
46. C.k Kareem, *Kerala Muslim History Statistics and Directory* (Mal), Vol.II, Charithram Publications, Edappally, 1997, p.38
47. K.M. Panikkar, *A History of Kerala 1498-1801,* Gyan Publishing House, New Delhi, 1960, p.328
48. *Ibid.*, p.105

British set out to make space for themselves as the rulers of India; they had to devise novel and exceptional theories of governance. By the end of Lord Cornwallis's years as Governor General (1786-93), the British had put together a fundamental set of governing principles. As Cornwallis announced 'Every native of Hindustan, I verily believe is corrupt.[49] The acquisition of Malabar necessitated the company to introduce the unified legal system in Malabar to assure guaranteed revenue by controlling and subordinating the landed magnates and local chiefs. The legal instrument was conceived as a coercive force in disciplining the colonized. Thus, attempts were made to form civil, police, judicial, and military departments in tune with the British norms and conformity with the colonial context.[50]

ECONOMIC POLICY OF THE BRITISH

Malabar was an agricultural district where 75% of the population was involved in agriculture and land tax was the main source of revenue for the company. The main motive behind the colonial economic and administrative measures was to generate maximum revenue with minimum charges without any consideration of its negative socio-economic impact on the people and the economy of the region.[51] Malabar was officially annexed by the English East India Company in 1792, after the treaty of Srirangapattanam, which brought the Third Anglo-Mysore War to an end. It was under the Bombay presidency until 1800 A.D. After that, it was brought under the Madras presidency. The district of Malabar became part of Madras presidency on May 21, 1800. A principal Collector assisted by nine subordinate Collectors was put in charge of its administration and Major Macleod took charge as the first principal Collector of Malabar on October 1, 1801. The Malabar district therefore made progress as a distinct administrative unit of the Madras presidency.

As soon as the treaties of Srirangapattanam were signed in 1792, the Company set itself seriously on the task of establishing a stable government in the country and reducing to law-and-order chaos left by a generation of alien misrule. Mr. Farmer, a senior merchant of Tellichery,

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49. M.V. Jose, Urban Governance in colonial Tellicherry, Fifty years of municipal experience in 1866-1916, *Proceedings of South Indian History Congress*, 31st session, Yogi Vemana University, Kadapa, Andrapradesh, 28-30 January 2011, pp.135 - 137
50. Thomas R. Metcalf, *Op.cit.,* p. 64
51. A. Sreedharamenon, *A Survey of Kerala History*, DC Books, Kottayam, 1967, p. 279

and Major Dow, commandant of the fort was appointed as commissioners on behalf of the Bombay Government to enquire into the state of the country and to make arrangements with Malabar chiefs for the revenue of the ensuing year.[52] The Company reorganized the administrative system of the district, from the early period itself the main concern of the Company's Government in India was the acquisition of large revenue.[53] British set out to make space for themselves as the rulers of India, they had to devise novel, and exceptional theories of governance.[54]The advent of the Europeans in India was an event of great significance for the history of our land. The British succeeded in establishing an empire and it was this empire that controlled the destiny of India for about two centuries that followed British colonial expansion in the first half of the 18th century in India was not a matter of preconceived pattern adopted by the authorities in England.[55] Being a commercial enterprise the immediate aim of the Company in this period was to make it a profitable concern and to exploit the East Indies for the benefit of its shareholders.[56]

In Malabar, land revenue was the most important source of revenue for the East India Company. Land tax was the major component of the land revenue, this along with several other minor sources of revenue constituted the land revenue. Malabar was officially annexed by the English in March 1792 as per the treaty of Srirangapattinam and was put under the Bombay presidency. No immediate step was taken for the direct administration of Malabar and it was temporarily left to the Rajas and Chieftains. Lord Cornwallis, Governor General of India, in his order dated 23rd March 1792[57] directed the Bombay Governor to appoint Commissioners from Bengal and Bombay (known as Joint Commissioners). This was to enquire into the resources and condition of Malabar and to suggest ways for its administration and safeguard the Company's

52. Innes, *Madras District Gazetteers Malabar and Anjengo……., Op.cit.*, p .72
53. K. Gowri, *Madurai under the English East India Company -1801-1857*, Raj Publishers, Madurai, 1987, p. 2
54. Thomas. R Metcalf, *Op.cit.*, p.1
55. Jagannath Patnaik, *British rule in India a Selected Study*, S. Chand & Co., New Delhi,1976, p.28
56. K.K.N. Kurup, The *Keyis of Malabar*, Malabar Institute for Research and Development, Calicut, 2008, p.9
57. The Commissioners from Bombay and Bengal were together known as Joint Commissioners. The Bombay Commissioners, initially, were 2members and later with the appointment of William Page, the strength rose to three. The Bengal Commissioners joined the Bombay Commissioners in December 1792.William Logan*, Malabar Manual,* Vol. I, Kerala Gazetteers Department, Trivandrum, 2000, p.475

interest. In pursuance of the Governor General's above order, the Bombay Commissioners were appointed by General R. Abercrombie, the Governor of Bombay presidency on 20th April.[58] The Joint Commissioners' agreements of 1793/94 with the Rajas and other Chieftains were also for one year. Farmer's minutes of early 1793 said that it was the wishes of the Bengal and Bombay governments to conclude a permanent settlement with the Zamorin.[59] The problem with these arrangements was that the Rajas were generally not acquainted with the management of their districts and therefore obliged to leave their affairs to the managers.[60]This was, even though the country was fully adequate to pay the rents and probably the whole was realized from the ryot.[61]

Initially, the Commissioners failed to implement any mechanism to prevent the arbitrary collection of land tax by the chieftains. In December 1792 the two commissioners were joined by Jonathan Duncan and Charles Boddam. The Joint Commissioners evolved a new administrative system for Malabar. They proclaimed freedom of all trade in all articles except pepper, which was treated as a monopoly. A proclamation was issued in Malabar in 1792 prohibiting the slave trade.[62] Malabar land tax administration was very complex and unique because of its peculiar land tenures and land relations, which existed, nowhere in British India. The Joint Commissioners, through the proclamation of 28th, October 1793, recognized the Janmis (landlords) as the absolute proprietors of land.[63] In fact, under the ancient systems Janmis were not the absolute proprietors of land. According to several century-old customary land relations, the Kanakkaran /Kanamdar (mortgagee) were the co-proprietors of land along with landlords.[64]The Janmi, Kanakkaran, and cultivators had equal rights on the land.

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58. Bombay Commissioners immediately started the work and its members were W.G Farmer (a senior merchant) and Major Dow (the Military Commandant of Tellicherry). The Bengal Commissioners Jonathan Duncan and William Page later joined the Bombay Commissioners only in the month of December 1792
59. W.G. Farmer's*, Report to the Bombay Presidency*, (Voucher No.39) dated 25th February 1793, Regional Archives, Calicut, p.205
60. Major. Macleod, *The Jamabandy report of the Division of Coimbatore and the Province of Malabar*, Dated 18th, June 1802. Calicut Collectorate press, 1911, par. 35, p.7
61. *Ibid*., par.35
62. A Sreedharamenon, *Survey of Kerala History …….,Op.cit.,* p. 257
63. William Logan, *Malabar, Op.cit*., p. 612
64. In Malabar *kanam* originally meant supervision or protection. Later a mortgage or lease, WilliamLogan, *Malabar Manual*, *Op. cit.,* pp. 611-612

The Commissioners consulted only the janmis. The East India Company did not evolve any independent system of land tax administration in Malabar. The East India Company did not introduce any reforms in the principle and magnitude of land tax assessment. They simply adopted the principle of land revenue assessment and commutation rate of Arshed Beg, the Military and Revenue administrator of Tipu in Malabar, without any substantial change and enforced it with vigor with the backing of the British force and Judiciary.[65]

Administration of Land Revenue

In the context of Malabar, the English East India Company took the administration in 1792, and emerged as a kind of super lord through the domination over the indigenous rulers. The advent of Company rule in Malabar replaced the traditional customs and introduced structural changes in the society and economy. The time of the Mysore invasion of Malabar created an insurgency among the people and the Rajas through the administrative reforms of the Tippu Sultan. He introduced a monopoly over the spice trade from the Malabar.

The political circumstances of Malabar led to changes in the social condition also. The pre-Mysorean society of Malabar allowed special privileges to the upper castes like Brahmins, Kshatriyas, Nairs, etc, but Tippu stopped it. It molded an open war in the minds of upper castes and the local rajas of Malabar. The rulers of Malabar received protection from the English East India Company against Tippu Sultan. Finally, it led to an open conflict between the Company and Tippu and it was ended in 1792 by the treaty of Srirangapattanam.[66] After the treaty, the Company entered several agreements with the indigenous rulers. Several rulers were exiled from Malabar at the time of Tippu's invasion. However, the Company denied the demands of the rulers to restore their power after the victory over the Tippu Sultan. Thus, on 18 August 1792, an agreement was signed by the Company with the Zamorin, the ruler of Calicut to collect

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65. C. A. Innes and F.B. Evans, *Malabar Gazetteer……., Op.cit.*, p .32
66. Sandeep T, Acquiring the Power of Natives: The Socio-Economic Transition of Malabar into The Colonial Economy, 1792-1812, *International Journal of Social Sciences and Management*, A Rapid Publishing Journal, ISSN 2091-298Vol-1(4) October 2014, pp. 160 – 163

the revenues from his territories and administer the justice for one year.[67] It was the first step towards the rule of law for the revenue administration in Malabar by the British authorities. The joint commissioners took control over Malabar for the company and they were making a calculation of the revenues from Malabar to the company. But their decision was always dependent upon the availability of pepper to their account. In this regard, they allowed the free trade in all items in Malabar except the pepper trade. It had created the monopoly of pepper in Malabar and the company became the supreme authority of the pepper trade in Malabar.[68] On 13 September 1793, Malabar supervisor W.G Farmer withdrew the Company's monopolistic control over the spices trade in Malabar and allowed to all persons be involved in the free trade of all articles like pepper, sandal, cardamom, etc. However, this new law created a free space for the cultivation of spices and trade in Malabar without any barriers. It was more helpful to the landowners to strengthen their symbiotic relationship with the English East India Company. In turn, the Company desired the support of the higher castes.[69]

When compared to Travancore and Cochin, the Malabar system of land tenure was significantly more complicated. With a long chain of middle men, they have grown increasingly feudalistic. *Jenmom* right has held the most significant interest in land in Malabar. In Malabar, the *jenmis* held complete property rights over the soil and were the sole owners of the land. They might generally be temple property, Namboodri *illam*, or Nair thrived with exclusive rights to hundreds of acres. Except for the land it had gained by escheat, purchase, or land acquisition, the state never claimed possession of any other land in Malabar.[70] In Malabar two-thirds of the revenue was derived from grain cropland and its location was mainly in Eranad, Valluvanad, and Ponnani Taluks. The overwhelming number of people were cultivating tenants, in these

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67. William Logan, *A Collection of Treaties, Engagements and other Papers of Importance Relating to the British Affaires in Malabar*, Kerala Gazetteers Department, Trivandrum, 1998, p.45
68. *Ibid,*p.47
69. C. H. Jayasree, Slavery in Colonial Malabar in Veluthat Kesavan and Sudhakaran PP (ed.), *Advances in History*, M. P. Sreedharan Memorial Trust, Calicut, 2003, pp. 208-216
70. P. Jayakumar, Agrarian Reforms in Kerala – A Forerunner to the states of Indian Sub – Continent in *International Journal of Arts & Education Research (IJAER),* Volume-12, Issue-1, ISSN: 2278-9677, Jan-Feb 2023, pp.1-6

Muslim populated areas as Logan reported that “percentage of coolie cultivated class were doubly more numerous in Malabar than elsewhere in the presidency”.[71]

Malabar had a traditional Land Revenue system that prevailed for a long time. Formerly the right of land lay with a few aristocrats, which comprised the temples, the Nambutiri Brahmins, the Chieftains, and the Rajas. It was just a small fraction of the total population. The others held land under a medley of tenures known as 'Kanam', 'Kuzhikanam', 'Verumpattam' etc. The highest form of tenancy was Kanam.[72] The tenants who had advanced a certain amount of money or grain or those who had pledged their service or loyalty for obtaining the tenure were called Kanam tenants. This tenancy was formerly confined to the higher caste Hindus and the wealthy Muslims. Such lands were relieved from paying 'Rajabhagam.'[73] But the artisans and other professional castes were taxed. The Kanam tenants were supposed to renew their Kanam deed after a fixed period. The renewal entitled Janmi to a remission of a fixed percentage of his actual debt.[74]

The practice of levying a periodical fine for the renewal of Kanam was really like a succession duty, 'Purushantharam.' The Fine was payable at the death of *Jenmi* or Kanam tenant or once in twelve years at the feast of Mamangham or Mahamaham at Thirunavai, which was known as 'Polichezhuthu.'[75] Non-payment of Janmi's share, non-payment of renewal fees, neglect of cultivation, and the inability of the tenant to advance more amount on the demand of Janmi were considered adequate grounds for eviction. The Kanam tenants built their houses on their tenancy land. The name of the tenancy land was also given to their houses. Many families possessed the land hereditarily. Baden Powell writes, "he may be practically immovable.

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71. Premjith Kumar, T.B. Land Tenure System in Malabar during the Beginning of British Settlement, in *International Journal of Creative Research Thought (IJCRT)*, Vol.11, Issue 4, ISSN: 2320-2882, April 2023, pp.34-39
72. DN. Dhanagare, *Peasant Movements in India 1920-1950*, Oxford University Press, Madras, 1970, p. 57
73. S. Rama Chandran Nair, *The State and Economy in Colonial British Kerala*, Lipi Publications, Trivandrum, 1998, P. 19
74. Warden Thomas, *Report on the Land Tenures of Malabar dated 12th September* 1815, Calicut, 1910, p. 15
75. Eric J. Miller, Caste and Territory in Malabar, article in *American Anthropologist*, Published by Wiley, Cambridge, Vol.56, No. 3, 1954, pp.411 - 416

Intermediary, because he can't be redeemed out".[76] 'Kuzhikanam' was a tenancy created with the exclusive purpose of planting trees. The 'Verupattam' tenancy could be under a *Jenmi* or a 'Karanavar' or directly under the government.[77] The society built based on this structure had immense influence even on the culture. For the first time in the history of Malabar, the Mysore Sultans introduced a land revenue administration. They tried to enforce tribute and a direct revenue system. The land was measured and the government share was fixed. The intermediaries between the government and the cultivators were removed from power. This fresh land revenue system allowed the tenants to maintain a high social status.[78]

The Mysore government established direct relations with the tenants. They allowed the tenant cultivators to enjoy their fruit of labor.[79] During the Mysore invasion, the landlords and chieftains, who were mostly Nambutiris and Brahmins had fled from Malabar. Therefore, the Mysore administrative authorities were under pressure to make a settlement with the tenants for revenue collection and they were mostly Mappilas. As a result, the social hierarchy of Kerala inherited from time immemorial broke down and out of its ruins, a new middle class developed in due course.[80] Thus a new social class was created by the land reforms of Mysore rulers. Several tenants acquired land ownership and became *Jenmis*. The land revenue administration introduced by the Mysore sultans created new agrarian problems between the Hindu landlords and Muslim tenants and also introduced administrative disorder between the government and the people.

When the English East India Company took control of Malabar territory, all the rulers and the chieftains were compelled to accept the British sovereignty and were not treated as tributaries, but as revenue farmers. With the establishment of the British administration, the rulers and the

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76. B.H. Baden Powell, *The Land System of British India*, Vol. III, Clarendon Press, Delhi, 1974, p. 176
77. Premjith Kumar T.B. Colonial Land Revenue Administration and Mappila Outrages in Malabar, in *International Journal of Creative Research Thoughts (IJCRT),* Volume 10, Issue 2, ISSN: 2320-2882, February 2022, pp.309-315
78. C. K. Kareem, *Kerala under Haider Ali and Tipu Sultan,* Kerala History Association, Cochin, 1973, pp.147- 213
79. S. Ramachandran Nair, *Op.cit.,* p.20
80. K. M. Panikkar, History of Kerala 1498-1801, *Annamalai University historical series*, Issue 15, Annamalai University, 1960, pp.156-162

chieftains who had fled to other parts during the Mysore invasion returned to Malabar. The first problem handled by the British was the landowning rights of the different classes. The British government appointed William Farmer, a senior merchant of Tellichery commandant as commissioner to assess the nature of Malabar land tenure. It was the first commission, which studied the Malabar land ownership system. They considered the *Jenmis* as lords of the land and Kanam tenants as leasee of the land lord.[81] After a conference with the *Jenmis*, the government's share of the produce was fixed. It was foreign to the customs of the people.[82] The government was entitled to 40 percent of the net produce of wetlands and 1/3 of garden crops. The tenant farmers share was 1/3 of the produce both from wet and garden land. The remaining produce was left to the Jenmis.[83] They completely neglected the customary rights of the intermediaries and settlement was made with the new class of *Jenmis*. The scheme did not provide any share to the Kanam tenants. The claim of the *Jenmis* as Lords of the soil was recognized. It is understood that the British protected the interest of the minority landlords, who were only 2 percent of the population of 17.1 lakh people in the district.[84]

In 1793, the British government renewed the lease for five years. The landlords were armed with the power to evict their tenants at the expiry of the lease. The land lords used power and kanam tenure was given by auction. This method of auction was called 'Melcharth.' This was directly against the 'Kanakkars' especially the Muslim tenants, who had enjoyed ownership of the land during Mysore rule.[85] It was the root cause of all agrarian unrest in Malabar. The traditional arrangements of sharing crops collapsed when the civil courts dispersed the unwritten customary law 'Kanam Janmam Maryada.' It ruined a system already endangered by the erroneous idea that a *Jenmi* was a dominus. [86] K. K. N Kurup has said

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81. *JCR*, p. 185
82. Herbert Wigrams, *A Commentary on Malabar Law and Customs*, Reprint, Higginbotham, Madras, 1982, p.109
83. *Ibid.,*
84. T.C. Varghese*,* Agrarian Changes, and Economic Consequences, Land Tenures in Kerala in *International Journal of Creative Research Thoughts (IJCRT),* Volume 10, Issue 2 ISSN: 2320-2882 February 2022, Calcutta, pp.39-46
85. Conrad Wood, *The Moplah Rebellion and its Genesis,* Peoples Publishing House, New Delhi, 1987, p.8
86. William Logan, '*Malabar'*, *Op.cit.*, p. 97

that land became a commodity in Malabar even before the coming of the British.[87]

The company made the final agreement with different rajas in Malabar regarding the collection of the revenue, abolishing extra collections, trade in pepper, setting apart land for experimental cultivation of coffee, sugar, indigo, etc, and granted allowances of 10% of the collections, and an understanding to allow "equitable and just proportion" of the production of their cultivators. The company officials were appointed to inspect the estates of various individuals to redress the inequalities of the assessment of the revenue collection from Malabar. In addition, it assured the protection of their land from the traditional duties. The Company officials introduced some changes in the collection of taxes. The Company collected the taxes from each house and fixed the rate of taxes in Malabar. It was seven panams [88] annually and it must be paid in three installments. The authority of revenue collection punished any failure in this subject. The company re-adjusted the payment system of the taxes in Malabar. The tax installments were joined to the reaping of the crops and the season for the disposal of the various productions of the country.[89] The joint commissioners assessed the land and advised to pay the tax to the company's account. In addition, they declared that the amount of the expenses for the temples should be given from the Company's treasury. Tranquility was temporarily established in Malabar by the year 1801. However, the reforms introduced by Macleod, the first Principal Collector of Malabar, in revenue and coinage enraged the inhabitants, the dissatisfied chieftains, the raja, and the people.[90] The Company's policy of revenue collection made disturbances in the minds of the traditional rajas of Malabar. Some of them were expelled from the responsibility of the revenue collection. It led to an open struggle against the Company.

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87. K. K. N. Kurup, *Koodali Granthavari*, University of Calicut, Calicut University, 1995, p. XIII
88. Local Coin 1 in the Malabar Coast
89. William Logan, *A Collection of Treaties, Engagements and other……., Op.cit*., p.49
90. In 1803, Macleod attempted to revise the land revenue of the Malabar district within a short period of forty days. The rates of exchange were also raised. The fabrication of accounts, the over-assessment of produce that did not exist, the assessment imposed on the wrong people, and the rigid methods of exaction of revenue from the people were the results of his reforms. Added to these, the ill-advised changes in the rates of exchanges created more suffering for the taxpayers. Later his reforms were withdrawn by Mr. Rickards. For details, see William Logan, *Malabar Manual*, *Op. cit.,* pp. 616-17

The Pazhassi rebellion and indigenous unrest had troubled the Company's administration in Malabar.[91] They prepared the law for their existence in Malabar and the monopoly of trade and revenue collections. The government took rigid steps to collect revenue from the peasants and they were against the Company's policy.[92]

R. Richard, the collector and the judge of the district, did the re-assessment of the revenue system in Malabar. On this consideration, he took the survey of lands for the assessment and to calculate the revenue of Malabar.[93] In rice grounds, they allotted one-third of the rice to the peasants for the expense of the cultivation of the gross produce of the seed. And it remains divided into six-tenths into the Company and four-tenths to the Jenmakar.[94] In the parambu lands third of the production of the coconut and sugary tree is allotted to the kudian.[95]The remaining *pattom* is equally shared by the Company and *jenmakar* of the land.

However, the inequality and the disparity between prevailing market prices and the rates adopted by the government for the valuation of produce in monetary terms for revenue collection become the major cause of peasant distress. T.H. Baber the collector and the magistrate of the northern Malabar called for the attention of this policy in 1812 by saying that the most grievous source of complaint was the inequality of the taxes.[96] The revenue officials of the company tried to extract the arrears of tax by confiscating the property of the tribes, attacking their residences, looting their belongings, and evicting them from their property, which produced a strong spirited resistance and aggressive behavior on the part of the people of Wayanadu.[97] The

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91. William Logan, *A Collection of Treaties, Engagements and other Papers……., Op.cit*., p.62
92. K.K.N. Kurup, Pazhassi Revolts, VeluThampi Rebellion, Kurichiya Revolts and the Koots Disturbance in Cherian PJ (ed.) *Perspectives on Kerala History,* Kerala Gazetteer Department, Trivandrum,2000, pp.403-420
93. T. Sandeep, *Op.cit.,* P.3
94. Jenmakar - right over the property by birth or land owner
95. kudian - tenant
96. K.N. Panikkar, *Against Lord and State, Religion and Peasant……*, *Op.cit.*, p.78
97. D. Indira, *Tribal and Anti-British Struggles in Wayanad: 1800-1812*, unpublished M. Phil Thesis, University of Calicut, 2000, p.48

kolkaran as a revenue staff was appointed by local chiefs who were deputed by the British for the collection of revenue. They worked as the agents of their masters in matters of communication, revenue collection, and protection.[98] At the village level, there were pravarthikkar or village officers, menon or accountants, and kolkar or peons to collect revenue. The grievances of the tenants continued without a permanent solution. The colonial administration, from the very beginning, tried to protect the interests of the landlords. Most of the Tenancy committees appointed by the British government tried to protect the interest of the tenant farmers.[99] But the British alliance with the landlords prevented them from introducing progressive land reforms. This unsympathetic attitude of the British towards the tenant farmers, especially to Mappila Muslim tenants tanned religious fanaticism and wounded the friendly Hindu- Muslim relationship in Malabar.

The British rulers introduced certain innovations in the land administrative system, which led to a rude shock in the customary order. They changed the old order and the kana-janma-maryada and the customary equation in sharing the produce.[100] They were more concentrated on land revenue than on class harmony. The early British administrators had to adopt certain makeshift arrangements in the political, judicial, and revenue administration because of their non-acquaintance with the customary law and the mounting exigencies of the political situation in Malabar. In the pre-British period, Malabar was free from agrarian unrest. The rights and privileges of the janmis were upheld by the British authorities through the agency of courts and legislation. This resulted in many revolts and mass upheavals in the region. The company always tried to re-arrange the revenue and the tax system for their existence in Malabar. It worked for the growth of British imperialism in the land of Malabar. The Company's administration in Malabar was connected with the revenue subjects only. The company had worked in their interest and anyone who turned against the Company would be destroyed by them with the help of the regional rulers.

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98. Joseph Skariah (ed.), *Talasseri Rekhakal* (Mal.), DC Books, Kottayam, 1996, pp. 3- 46
99. Sandeep T, *Op.cit.,*
100. R. Sajan, Land Tenures and Agrarian Problems of Malabar during the Colonial Period, in *Journal of Emerging Technologies and Innovative Research,* Volume 6, Issue 6, (ISSN-2349-5162), June 2019, pp.5-11

Administration of law

The beginning of British rule in India was a major turning point in the history of India. The East India Company, which ruled parts of India in the eighteenth century, took steps to introduce judicial and political administration in its territories. However, throughout the subcontinent, the British exercised power by adopting themselves to the contours of pre-colonial political systems, including law. The making of law was the central concern of the European colonizers in the colonies. Scholars have described the law as the 'cutting edge of colonialism' and also as 'central to the civilizing mission of British imperialism'.[101] In the region of Malabar during the last decade of the eighteenth century where the British was establishing a colonial state and law in south India modeled on Lord Cornwallis' governance in Bengal.[102] It was through various laws and regulations that the British colonial state endeavored to control and discipline the indigenous population in India.

The early British rulers were cautious not to introduce English rules on Indian soil; they did not want to interfere in the working of the native society. At the same time, the British felt the need to create new instrumentalities of rule in colonial India, though ones that would be in tune with the local ethos. The attempts by the colonial state to standardize customs all over the subcontinent for administrative cases resulted in the creation of an Anglo-Indian legal system. The British, in consultation with the indigenous legal experts and classical jurists (the pandits and the ulamas), devised the so-called, Anglo-Hindu for Hindus and Mohammedan law. Along with the ideological making of the Anglo-Indian legal system in India, the British established colonial courts and recruited indigenous officers in the sub-continent.

The indigenous participation in the British Indian colonial bureaucracy was necessary to carry out the revenue and judicial administration at the lower level. The inclusion of the Indigenous

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101. Martin Chanock, *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia*, Cambridge University Press, New Delhi, 1985, p.52
102. Since 1786, a series of legal reforms were initiated by Governor General of East India Company, Lord Cornwallis in India. The most important of them was the Cornwallis Code in 1793, which contained significant provisions governing policing, judicial, and civil administration in Bengal territories.

natives in the British bureaucracy were also understood as the 'means of winning public support for the legal system'.[103] Moreover this gave 'legal weight to certain categories of indigenous population'[104] where the British recruited the legal officers for the Company courts from among the natives. In the process, a new administrative culture was initiated in which the native chiefs and nobles were given limited and controlled powers. Now, it is seen that in the making of colonial law in the subcontinent, the British were seeking better administrative strategies to prevent corruption among the native officers in the Company courts in India. There were certain measures prescribed in the Malabar Civil and Criminal Regulations of 1793 which were precautionary measures and warnings against the native corruption and misuse of power.

It was in the last decade of the eighteenth century that the British colonial state in India established a court system and a hierarchy of native officers in the conquered regions, specifically in Malabar. Questions on the emergence and interference of the colonial law in the affairs of Malabar have been marginally addressed, if at all, in academic debates.[105] This was crucial in the making of the colonial state in India as the British Indian government was extolled for providing 'good governance' to colonized regions. Further, this was the beginning of the utilitarian manner of administrative thinking, which was taking shape on the experimental axis of governance in both India and Britain.[106] The punitive character of colonial law enforcement and maintenance of discipline was evident in the 'harsh system of department punishments' administered to prevent corruption and laxity among the native officers of the mid-nineteenth-century British bureaucracy in India.[107] It was in 1792, with the Srirangapatanam treaty between Tipú Sultán of Mysore and the EIC that the region of Malabar was brought under the control of

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103. Radhika Singha, A *Despotism of Law: Crime and Justice in Early Colonial India*, Oxford University Press, New Delhi,1998, p.3
104. Anindita Mukhopadhyay, *Behind the Mask: The Cultural Definition of The Legal Subjects in Colonial Bengal, 1775 – 1911*, Oxford University Press, New Delhi ,2006, p.73
105. T. K. Ravindran, *Malabar Under Bombay Presidency - A Study of the Early British Judicial System in Malabar, 1792-1802*, Calicut, Mascot Press, 1969, p.34
106. Kartik Kalyan Raman, Utilitarianism and the Criminal Law in Colonial India: A Study of the Practical Limits of Utilitarian Jurisprudence in *Modern Asian Studies*, Vol. 28, No.4, Cambridge University Press, 1994, pp.739-740
107. David Arnold, Bureaucratic Recruitment and Subordination in Colonial India: The Madras Constabulary, 1859 – 1947 in *Subaltern Studies* IV, 1, 22 Ranajit Guha (ed), Oxford University Press, 1985, pp.67- 73

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the British Indian colonial state.[108] The control of Malabar was equally the culmination of EIC's quest to control the western coastal (Malabar) spice trade for which the European powers had struggled for almost three centuries.[109] After the treaty of Srirangapatanam, a new rule of law with numerous courts was enacted in Malabar through the Civil and Criminal Regulations of 1793.[110] The 1793 Regulations were the first among the series of attempts to revise and regulate the judicial administration in Malabar. [111] However, it cannot be considered as the 'native friendly' drive as the main motive of the new system was to subordinate the Indians. Through the new Regulations, the colonial rulers endeavored to formulate a state and an accompanying legal system modeled on Western governance with an impersonal bureaucracy in the region.[112]

The establishment of native courts or the Daroghaships (Cutchery in the native tongue) was one of the important innovations of the 1793 Regulations.[113] It was set up to serve the interests of the Company with more indigenous involvement and thus to control the natives from within. Thus, seven local Daroghaships were established in Malabar namely Canannore, Quilandy, Tanur, Tirurangadi, Ponnani, Chettuvai, and Palghat. [114] The selection and nomination of the native judges for these courts were left to the Chief Magistrate of the locality. He had to make his choice 'from men of the most approved characters of integrity and the fittest and most

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108. William Logan, *Malabar Manual……*, *Op.cit.,* pp.399 - 473
109. Since the arrival of Vasco da Gama in Calicut in 1498, the coast of Malabar was a center of attraction for trade among the European powers like Portuguese, Dutch and the British. By 1664, EIC began its effective trading operations in Malabar. By the middle of the eighteenth century, the Company had almost concerned the lucrative spice trade of Malabar.
110. *Malabar Joint Commissions Manuscripts* (Hereinafter: MJCM). 1792 – 93 *Civil Regulations for the Administration of Justice in the Provincial Courts of Adalat and in the Courts of Appeals*, 12 June 1793, Voucher No. 92 and MJCM Criminal (Faujdari) Regulations, 12 June 1793, Voucher No. 97, p.6
111. T.K. Ravindran*, Malabar under Bombay Presidency ……Op.cit.,* p. 3
112. Santhosh Abraham, From Negotiation to the Making of Dominance: Colonial Law in Early British Malabar (1792-93) in Rattanlal Hangloo and A. Murali, (ed.) *New Themes in Indian History: Art, Politics, Gender, Environment and Culture*, New Delhi, Black & White*,* 2007, pp.160 – 174
113. The court of Darogha was the new form of the earlier Board of Police and the Court of Cutcherry in Madras. For details, See Niels Brimnes, Beyond Colonial Law: Indigenous Litigation and the Contestation of Property in the Mayor's Court in Late Eighteenth Century Madras in *Modern Asian Studies* Vol.37, No.3, 2003, pp.520 -529
114. William Logan, *A Collection of Treaties, Engagements and ……..…*, *Op.cit.,* p.495

Qualified in all other respects.[115] Daroghas were declared to be the 'guardians or protectors and their total usefulness to the British or the country as police officers' in the different townships in the region.[116.]The appointment of Darogha as the head of the police and native judge created two sets of rulers within the region – the British and the native – working in cooperation, but for a single government in which the Daroghas had well-defined duties. The Darogha was supposed to conduct the inquest on a murder or other heinous crime, in the presence of three or more creditable persons. They were also to act as the Munsifs and arbitrators in any suit referred to them by the parties without the intervention of the court under a written arbitration bond.[117] These native officers relieved much of the burden of the Zillah judges in the trial of petty suits.

Apart from the institution of Darogha, the new system asserted the necessity for the appointment of the Hindu and Muhammadan law officers of civil and criminal courts of judicature. The pundits were to explain the laws and usages according to the Hindu and Maulavis were to explain it according to the Quran. The collaboration and incorporation of the native agents into the administrative network were more visible in the lower layers of the colonial machinery. Colonial bureaucracy at the village level continued functioning with the village Mukhyastans who acted under the jurisdiction of the native Daroghas.[118] Thus, apart from the Darogha, the Daroghaship constituted a hierarchy of officials, consisting of officials recruited from among the local population like Maulavi, Pundit, Karyasthan (attender to Pundit), Mukhyastan, Serishtadar, Kanakkapilla (native clerks), Nazir (Courts' envoy) and the Kolkars (armed Mappilas and Nairs).[119] They were also to be appointed and removed, subject to the approbation and confirmation of the chief Magistrate. The establishment of the native jurisdictions thus, created a collaborative network in India through which the British began to

115. *MJCM Supplementary Articles to the Adalat Regulations being for the Administration of Justice in Civil Cases within the Province of Malabar*, 2 July 1793, Voucher No.93, p.X
116. John Shore, *Minutes of the Governor General, On the General and Supplemental reports of the Joint Commissioners appointed to inspect into the State and condition of the province of Malabar in the years, 1792 and 1793*, Madras, 1879, P.31
117. *MJCM, Civil Regulations*, *Op.cit.,* Voucher No. 92, p.v
118. Vasanthakumari, C. *State and Social Change the Role of Judiciary, A Case Study of Malabar 1792-1940,* Unpublished Ph. D Thesis, University of Calicut, 2003, p.463
119. *MJCM, Civil Regulations*, *Op.cit.,* Voucher No. 92, p: XII & XIII

control and take root among the native population of the country. This happened in many ways, as the Daroghas or the native judges of various courts in Malabar suggested age old punishments like 'cutting off the hands' and 'banishment from the country for petty thefts and robberies'. In another sense, Daroghas were moved from the status of an obedient officer of the Company to the status of a 'decentralized despots.[120] They used the position of the Darogha to promote their interests. They, 'instead of being the paid servants for the public, exerted no duty; guarded neither towns from riot nor highways from robbery and apprehended no thieves or other public offenders'.[121]There were also several instances of corruption and bribery among the Daroghas of northern Malabar regions recorded in the Thalasserry Rekhakal.[122]

The Daroghaships of Ernd and Cheranad in Malabar district were headed by Mappila Chieftains Attan Gurikkal and Chemban Pokker respectively. The appointment of Mappila Daroghas in the Mappila-dominated areas was the colonial ideology that the 'collections of revenue should be entrusted to men of their sect'.[123] Later the Company reports explained that the Daroghaship was exploited by these chieftains.[124] The issue of native corruption was not limited to the Daroghas alone; various reports of the colonial period threw evidence of the mismanagement in revenue collection by the Hindu chieftains and local Rajas too. As Buchanan writes, 'their (Rajas and Chiefs) greed and misrule were without comparison and nothing could exceed the despotic rapaciousness of these men'.[125]

The Company officials in 1797, proposed the abolition of Daroghaships as they became the centers of oppression, instead of organizing the courts and improving the administration.[126] Therefore, the officials strongly recommended that all the local courts of Adalat should have to

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120. M. Mamdani, *Citizen, and Subject: Contemporary Africa and the Legacy of Late Colonialism,* Princeton University Press, New Delhi,1996, pp.2I-23
121. Sajan. R, *Evolution of the judicial system in British Malabar*-1792-1858, Un Published PhD Thesis, Kannur University, 2013, p.51
122. Joseph Skariah*, Op.cit.*, p.46
123. Spencer, Smee, *Op.cit.,*
124. Haridasan, *Op.cit.,* p.44
125. Francis Buchanan, *Op.cit.,* p.551
126. Vasanthakumari, *Op.cit.,* p.345

be abolished. By 1798, the Governor of Bombay proclaimed that the judicial and police departments in their respective districts should have to be placed in the hands of Superintendents instead of the Daroghas. [127] The Daroghaships were an important part of the colonial bureaucracy during the first decade of the colonial rule in Malabar. Though the Daroghaships were often found moving away from the Company ideologies, it was through the Daroghas that the colonial state was subordinating and controlling the subjects. With the help of other native institutions like the Darogha and village Mukhyastans, the janmis were setting up their power and control over the landless natives. While such native institutions emerged as new power control institutions and decision-making bodies, they did so as part of the emerging colonial system.[128]

As part of this new structure, the British recognized the janmi as the absolute proprietor of the soil. This enhanced the powers of the landowning classes and facilitated the maximization of surplus extraction. The natives of Malabar had to pay to the state and also to the landlord. Many cases which came before the native courts were between landlord and tenant and the janmi enjoyed full control over such cases. Demonstrating the segmented nature of colonial bureaucracy in Malabar, the Company was slowly beginning to control the indigenous society by penetrating the operation of the indigenous systems.[129]

Judicial Administration

In the administrative map of British India, Malabar was never that of an outstanding territory with multiple interests. The British administrators treated Malabar as a revenue source and they had no great enthusiasm for this territory which, in their view, was not even familiar with a well-developed native powerful statecraft. For being put under the guard and guidance of very strong

127. Haridasan*, Op.cit.,* p.49
128. K.N. Ganesh, "From Contact to Conquest: The transition to British rule in Malabar*"*, Book Review, *Indian Economic and Social History Review*, Volume 42, Issue 4, Sage publications, October - December 2005, pp.564–565
129. Santhosh Abraham, *Colonial Law in Early British Malabar ……., Op.cit.,* p.249

judicial machinery, the place and importance of Malabar in the administrative history of the British in India, was unique. In Malabar, there existed a pronounced and profound system of British judicature based on the British rule of law and a strict sense of justice under colonial rule.[130] The British East India Company in its initial period did not show any enthusiasm or initiative to introduce their system of justice in India. The introduction of proper administration of justice would amplify and extend the revenue potential resulting in increased revenue collection thereby benefiting the East India Company on the economic level also. In Malabar, the main motive for the introduction and improvement of judiciary was the smooth revenue collection.

The turning point in the history of Malabar took place in the year 1792 when Malabar was incorporated with the Bombay presidency. After that, many administrative reforms were introduced by the British rulers in the Bombay presidency in general and Malabar in particular. To collect revenue and maintain law and order, many new regulations and rules were introduced by the officials of the British East India Company. These regulations later turned out to be the main foundation for the evolution of the judicial system in Malabar province. Several regular civil and criminal courts were established in Malabar to conduct the smooth and effective administration of justice. With the same objective, new regulations were framed by the British administrators who tried to put an end to the disordered and chaotic condition of law and order in the country. Eventually, a regular system of judicial administration was established in Malabar.

Law and the judicial process at all times occupied a great place in colonization, commanding and controlling a growing civilization and the system of nationhood.[131]In India the administration of civil justice was closely associated with the management of revenue and any experiment in the evolution of the judicial system in India can only be understood concerning the system of revenue administration. [132]The case of Malabar was not different in this respect; the

130. Sajan. R, *Evolution of the judicial system in British Malabar ……...*, *Op.cit.,* p.58
131. Barnett Hollander, *The International Law of Art*, Bowes &Bows Publishers, London,1959, p.3
132. C. Vasanthakumari *Op.cit.,*

thought of the immense revenue potentialities of the newly acquired region, which passed into their hands earlier than their calculations, almost intoxicated the company to take immediate steps to realize the revenue. The instruction from Lord Cornwallis, the Governor General of India, to the Bombay Governor Abercromby, was "to lose no time in agreeing with all the chiefs for some specific revenue to be paid for the ensuing year".[133] And though first annexed to the Bombay presidency as a 'province', Malabar was put under the Madras presidency in 1800 for purposes of the effective administration of justice.

Inquiries brought home the fact that the administration of justice in customary Malabar was primitive in several respects.[134] There was no written code of laws nor one law for all; it was one strictly based on the company's findings this direction helped them a lot in setting up the Judiciary in Malabar in a form suited to the requirements of the province, and in the preparation of a legal code based on the British Common Law. The chaturvarnya ideals suited to the society of those days.[135] When the British took over the power from native rulers, there was a total breakdown of the rule of law and order that led to chaos and anarchy. In those days the quality of the administration of justice was crude.[136]As Ibn Battuta who traveled through Malabar in the middle of the 14th century observes: " They put a thief to death for stealing a single nut or even a grain of seed of any fruit, hence thieves are unknown among them".[137] The modes of punishment were generally inhuman and barbarous and were being used against those who were caught to deter others. [138]This pathetic condition of the ordinary people was only aggravated by the invasion and subsequent political domination of Mysore rulers such as Hyder Ali and Tippu Sultan. It must be noted that for a long time, the Indian legal system was full of confusion,

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133. Ravindran, T.K. *Malabar under Bombay Presidency……*, *Op.cit.,* p.9
134. Sreedhara Menon (ed.), *Kerala District Gazetteers: Cannanore*, Government Press, Trivandrum, 1972, pp.563-568
135. Bhaskaranunni, *Pathonpatham Nootandile Keralam - A study* (Mal), Kerala Sahithya Academy, Thrissur, 1988, p.455
136. Henry Davison Love, *Vestiges of Old Madras 1640-1800*, Vol. I, Mittal Publications, London,1913, pp.496-497
137. C.A, Innes, *Madras District Gazetteers……Op.cit.,* p.362
138. Rama Jois, *Legal and Constitutional History of India*, Vol.II, Universal Law Publishing, Bombay, 1984, p.108

contradictions and differences.[139]Cornwallis gave them instructions to conduct a thorough study of the situation in Malabar and to make necessary recommendations for the establishment of a new system of judicial administration.[140]

At the very outset, the commissioner had to conclude the number and constitution of the courts necessary to ensure the dispensation of equal justice to people belonging to all strata of the society.[141]The rules for revenue administration and the conduct of the supervisor and superintendents were drafted and passed by Duncan, Page, and Boddan with effect from 1st July 1793.[142] The supervisor had an assistant attached to him who was "vested with civil, criminal and police jurisdiction in Calicut and its vicinity".[143] The supervisor had both the powers of judges of the court of appeals and the chief magistrate.[144] He had to submit an annual report of the state of Malabar region to the Bengal government and a copy of this report was to be regularly transmitted to the commissioners.[145]The role of supervisor in Malabar held some important pivotal positions in revenue, judicial, and military administration.[146]

For the administration of justice in civil cases, Joint Commissioners prepared, passed, and transmitted the civil code on 12th June 1793 for the administration of justice in civil cases, a truly remarkable act in the evolution of the judiciary in India, especially contributed by the Joint Commissioners. According to this, except in the town of Calicut and the district of survivorship, the superintendents would assume the power of judges.[147]The Judges had the power to appoint and remove the Native officers after getting the confirmation of the chief Magistrate. In the

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139. Kautilya, *The Legal History of India.* (ed.) Veena. C, Jamdas & Company, Bombay, 2002, pp.109-114
140. Sajan. R, *Evolution of judicial system in British Malabar* ……..., *Op.cit*., P. 84
141. *Ibid.,* p.87
142. K.K.N. Kurup, *History of the Tellichery Factory 1683-1794*, Sandhya Publications, Calicut,1985, p.213
143. Herbert Wigram*, Op.cit.,* p.189
144. *Guide To the Records of the Malabar District, 1714-1835*, Vol.I, Madras Record Office, Government press, Madras,1936, Regional Archives, Calicut, p.25
145. Sajan. R, *Land Tenures and Agrarian Problems of Malabar……., Op.cit.,* p.34
146. B.B. Misra, *The Central Administration of the East India Company 1773-1834*, Manchester University Press, Oxford,1954, pp.133- 134
147. *Ibid.,* p.135

Regulation of 12th June 1793, there is a clear demarcation between revenue suits and civil suits. If the complaint concerns land or house not paying revenue, it is necessary to mention the annual produce. As part of the legal procedure, either the complainant or his Vakil who was properly authorized needed to sign the complaint to be valid. To fulfill the legal formality, the complaint should be signed numbered, and dated according to the order in which it was accepted by the judge of the court and the same should be officially recorded in a book by a Mohurrir or official at the court.[148]

In the event of the appointment of Registrars and Pundits being necessary, the Regulation contained provisions for the same. For the appointment to be valid, they were required to take separate oaths before the respective judge of the Provincial Court of Adalat. The duty of the Registrar included assisting the Judge by making translations of documents which are required by the Judge and also performing other official work that was found deemed necessary by the Judge. In any particular case if the judge gives any authorization to the registrar, he has the power to hear and receive evidence and pass sentence in cases where the value contested did not exceed the sum of sixty-four Hoons.[149] That was permitted in the open court when the judge was not sitting. The decrees passed by the registrar should be valid only if the judge had to be countersigned as a mark of his approbation. In civil cases under consideration, the law applicable was the law of the defendant. When Mussalmans happened to be the defendant, Mohammedan law was applicable whereas Hindu law should be applied in the case of Hindus being a defendant. Since 1772, the native law officers, Pandits, Kazis, and Muftis, had been playing a significant role in the administration of justice as they expounded the principles of personal laws applicable to the cases tried by the English judges .[150]

The appointment of the leaders was a notable change introduced by the Company's Government in the administration of justice in Malabar. A well-regulated profession for pleading causes was a great desideratum to tone up the quality of justice.[151] The Joint Commission

148. Henry Davison Love, *Op.cit*.,
149. Sajan. R, *Evolution of the judicial system in British Malabar …….*, *Op.cit.,* p.8
150. Santhosh Abraham, *Colonial Law in Early British Malabar ……., Op.cit.,*
151. M.P. Jain, *Outlines of Indian Legal History*, N.M Tripathi Private limited, Bombay,1952, p.135

succeeded in establishing and supervising Foujdary courts side by side with civil Judicatures. To supervise the General Police of the country and administration of Justice in criminal cases, the Foujdary Department was formed as envisaged in the Regulation of 9th July 1793. To meet our criminal justice in these courts, Native Judges who were also called Daroghas were appointed as part of judicial reform. In cases involving Mussalmans, the laws advocated by Abu Haneefa and Yusuf and Mohammed were applied to arrive at judgment. The interior judicatures were established at Cannanore, Quailandy, Trevangary, Ponnany, Plaghat, Tanore, and Chetway. Three Provincial Foujjdary courts were established at Calicut, Chespulcherry, and Tellicherrry for the trial and punishment of cases of greater magistrate. [152] To hear and decide cases heard in this court, a team comprising a native Darogha, Muffee, Maulavee, and Brahmin functioned as part of the Provincial Foujdary court. Except for Daroghas, all other inferior officials assisted the superintendent in acting are civil Judge. For imposing capital punishment in Malabar Province, the unanimous approbation of the supervisor and the three Provincial British Magistrates was essential. Though the system of judicial administration was established by the Regulations of 1793, it was defective in many respects. It should be pointed out that in actual operation of the legal system; often it proved to be a miserable failure.

Smee submitted the minutes on 7th November 1797 in which he presented reforms and amendments in the revenue and judicial departments of the province of Malabar to rectify the drawbacks of the present system of courts and their functioning.[153]The Hon'ble Committee of Government finally approved the proposal and for the administration of the province of Malabar, proposed modifications of the subsisting regulations were approved by the Governor in-Council of Bombay.[154] He pointed out that the most suitable system of administration for this country must be the one that was most practically modified to its immediate situation and objective circumstances along with a reasonable consideration of the relation, the particular province had with the Company. When Malabar was ceded to the British in 1792, it was widely regarded that a more decided and firm management than the chieftains could be persuaded to

152. C. Vasanthakumari, *Op.cit*., p.312
153. *Papers on the Administration of Malabar District*, Regional Archives Calicut, 1907, p.21
154. *Ibid.,*

accept should be urgently implemented. Finally, Smee's suggestions were accepted. The notable idea behind his plan was the abolition of all Courts of Adalat and the substitution of a strong Police in its stead.[155]Accordingly, a new scheme of administration was launched.[156]But Smee's plan too proved a failure because the system served only to organize centers of oppression by the local Daroghas and the locals were suspicious of the courts and their officials the court proceedings were unnecessarily lengthy which led to the long delay in the disposal of the pending case. The practice of appointing Daroghas from the section of society favored by the British, mainly the Muslims who were often illiterate and ignorant, caused serious harm to the status of the judicial system.

The judicial administration as set up by the company was overwhelmingly criticized by the contemporary opinion. Justice under the Company's system was "extremely defective"[157] and "not satisfactorily administered".[158]On account of the prevailing political situation in Malabar which was far from normal as a result of which law and order were absent, the day-to-day duties associated with the functioning of the new judicial system left much to be designed for improvement. In those days, the total social, political, and economic scenario in Malabar was going through quite radical and grassroots level changes. On 2nd July 1800, the Government issued a notification to the Rajas and chiefs to the transfer of Malabar, Cochin, and Coorg from Bombay to the Madras Presidency. The Governor General of India has accordingly determined to place the whole, including the province of Malabar, and Cochin and Coorg, under the exclusive authority of the Governor in Council of Fort St. George, your dependence on the Bombay Government being now wholly transferred to that of Madras".[159]

Although the judicial system brought by the British in Malabar has many short comings, we can see it had its own merits and importance in the governing history of the Malabar region.

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155. Malabar District Records, 1797, Vol.2153, pp.9047-50
156. *Ibid*., Vol.1712, p.21
157. C. Vasanthakumari, *Op.cit.,* p.124
158. *Ibid.,* p.126
159. *Papers on the Administration of Malabar District, Op.cit.,* p.23

With the real goal of control and change of the judicial governance in Malabar, the British made a series of attempts of which this particular one was the first that initiated the wave of administrative reforms leading to further modifications. 'In 1800, the Company Government handed over the civil and military administration of Malabar from the Bombay Presidency to the Madras Presidency, although the Department of Trade remained with the Bombay Presidency.'[160] After the annexation of Malabar to Bombay, the supervisor and the superintendents of the colonial government were invested with different duties out of which the administration of justice was only one duty.

A commission was formally formed comprising four members in 1796 and the office of supervisor was made a part of the commission for administrative purposes. Then in 1799, the office of the superintendents was abolished after which the whole Malabar province was divided into 12 circles or collectrate. To each of these circles or collectrates, the company appointed its officials to protect its commercial interests as well as discharge duties of the home. At the very beginning of 1800, the Bengal government issued instructions to Bombay to transfer Malabar to the Madras Presidency to establish order and good government in that territory.[161]The significant event that was in 1802, the decision was the judiciary split from the executive. At Tellichery a provincial court was established which was presided over by three judges. ''Two years before this, one Zillah court at Calicut and another at Angadipuram were instituted as a result of the Regulation[162]apart from this register court was also established at Calicut.

For a better collection of revenue and set up a proper judicial administration, Lord Clive, the Governor of Madras was to call upon the local authorities in the province for information respecting its concerns and modes.[163] In 1803, Rickards submitted a fresh plan to be adopted,

160. William Logan, *Malabar Manual……*, *Op.cit.,* Vol.1, p.528
161. *Judicial Consultations*, *Madras Record Office (herein after J.C.), Vol .73, T.N.A, 1814*, pp.1132- 38
162. William Logan, *Malabar Manual……*, *Op.cit.,* Vol.1, p.529
163. Sajan R, *Evolution of judicial system in British Malabar ……...*, *Op.cit.,* p. 213

pending the introduction of the Bengal Code in Malabar.[164]His observation was that in the absence of these tribunals, private distress and personal suffering would compel the people to combine against the Government.[165] For the trial of criminal offences the government resolved to establish a court of circuit and Foujdary Adalath.[166] With the purpose of removing harm to the well-being of people in the society, the government of Madras was instructed to go on without delay to institute Zillah courts and the courts of appeal and circuit courts and also to widen the authority of the Suder Adalat and Fougdary Adalat all over the Carnatic, Canara, Malabar and other provinces which belong the jurisdiction of the Fort St. George. Rickards, in his report dated 20th February 1804, thinks that this plan should be temporarily acted mainly because of the advantages to be derived from the gradual operation of a judicial scheme.[167]

Overall, the people of Malabar were mild and obedient in their general attitude and behavior towards the Company administration. Lord William Bentinck stated that 'they are described as being extremely sensible to good treatment and impatient of oppression, to entertain a high respect for courts of judicature and to be extremely attached to their old customs."[168]Eventually, Zillah courts were established in Malabar. Also, the courts of circuit and court of appeal for the western division were directed to exercise their civil jurisdiction. An increase in the establishment was required by the judges belonging to the provincial court to ensure the just and regular function of the department. For removing the courts of Adalath established at Calicut and Angadipuram to Tellichery and Ponnani respectively, a regulation was passed.[169] Certain specific changes about the territorial boundary of the different judicial divisions of the presidency were implemented by the government. In addition, it was decided that the Zillah court of north Malabar would function at Tellichery. Because of these alterations and reforms, the district of Calicut and its dependencies and the Cochin territory acquired from the Dutch would

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164. *Papers on the Administration of Malabar District*, *Op.cit.,* p.8
165. *Ibid*., p.9
166. *J.C.1798*, Vol.1 A, pp.640-643
167. *Papers on the Administration of the Malabar District*, *Op.cit.,* p.6
168. *Ibid*.,
169. C. Vasanthakumari, *Op.cit., p*,143

be annexed to the Zillah of south Malabar. By a proclamation by the Governor-in-Council, a regulation was passed to affect these rearrangements, which were publicized.[170] The expansion of the judicial system to the Cochin area was a notable development in this period. The settlement of Cochin was under the jurisdiction of the judge and magistrate of Angadipuram.[171] A regular system of justice could be established there only in 1806 and as a result of territorial readjustment made two years later, when Cochin was incorporated within the Malabar District.[172] The Zillah court was situated at Angadipuram.[173]

During the tenure of Lord Cornwallis, he brought many modifications in the judicial and administrative system of India. 'His rule marks an epoch in the legal history of British administration in India. Several radical reforms were introduced in the administration of civil and criminal justice and great success was achieved in combating corruption. He solved the problem of land revenue, improved the administrative machinery, and introduced radical reforms in the judicial system. He introduced the principle of administration according to law. The Adalath system left behind by him won praise and encomium from all quarters."[174] The Cornwallis System which was first introduced in Bengal in 1793 and later extended to madras in 1802 by the British rulers should be seen as the beginning of the system of judicial administration through the Western perspective and state apparatus in India.

The origin of the modern system of judicature is to be traced to the Cornwallis Code which was extended to Madras in 1802. After arriving in India in 1786, he was very disappointed with the current system of the administration of justice. He learned that the current system was complicated, unnecessary, questionable and suspected of being corrupt. 'He was faced with two difficult

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170. *J.C*. 1808, Vol. 37, pp.2153-56.
171. *J.C*. 1808, PP.507-508
172. Sajan. R, *Evolution of judicial system in British Malabar* ……, *Op.cit.,* p.96
173. *Ibid.,*
174. Jain. M. P, *Op.cit*., p.118

tasks, to simplify the complicated and expensive machinery of administration of justice and to uproot corruption and both the functions were united.'[175] In every district, the Collector was the authority for the revenue collection and grassroots to the higher level of the company's servants in the administration of justice. He decided to change the entire method of existing system of civil and criminal justice. The director instructed him to bring simplicity, economy, rule of law, equity, good conscience, and virtue into the judicial system. It was also decided to divide the judicial and revenue responsibilities that had existed since ancient times. In his district, he was also entrusted with magisterial powers. It was also intended that by this system, there would be the functioning of a regular system of appeals from the lower tribunals to the higher tribunals. The system envisaged judges as assigned with magisterial duties.

In 1790 Cornwallis introduced vital reforms to improve the current law-and-order position as well as penalize the criminals. He realized that to handing over the administration of justice system to the indigenous people was a great blunder. He further decided it is an important factor that not to give any significant judicial and administrative office of charge to any native Indian. In the field of criminal judicature, he resolved to abolish the authority of Nawab. Sader Dewani Adalath was the Court of Appeal. 'It took cognizance not only of judicial matters but also of the general state of police throughout the country. Proceedings of the courts were properly maintained Mofussil Foujdari Adalats were abolished.' [176] An appeal from the circuit court lay to the Sader Nizamat Adalath at Calcutta. In every district, the collector was to act as a magistrate and it was the lowest criminal court and it dealt with trial and punishment in petty offenses.

It was the magistrate who bring the criminal to the court of circuit for trial and punishment. These reforms not only permit safety to the life and property of the people but also enhanced the law-and-order situation in general. The Zillah court simultaneously functioned as a civil court and magisterial court as a result of which the respective Zillah judge discharged the duties of civil

175. W. H Morley, *The Administration of Justice in British India*, Williams and Noratte, London, 1858, pp.53-54
176. C. Vasanth Kaumari, *Op.cit*., p.94

judge and magistrate. As part of their duties, the Judge handled petty criminal offenses as well as civil cases. Till 1816, this arrangement was in force after which the magisterial powers were handled over from the Zillah judge to the collector. 'The court of circuit was the higher criminal tribunal and all other cases he had to commit for trial before the tribunal.'[177] The judge or magistrate could request a reference of the case to the Foujdary Adalat or Suder Adalat whose decision was regarded as final. 'For the proper and regular administration of justice, certain reforms were found necessary and the state declared the Mohammedan law was the criminal law of their right to pardon the criminal and the punishment of mutilation was abolished'.[178] 'The lowest rank but numerically the largest; the Munsifs formed the most important class of Indian judicial servants.'[179] 'The jurisdiction of the courts of Adalath or courts of judicature for the trial of civil cases was clearly defined and demarcated under Regulation 11th of 1802. By this regulation officials functioning as the collector of revenue were freed of their judicial duties as a result of which they could concentrate on the work of revenue administration. Courts of Adalath were established in several districts for the better and proper administration of justice.'[180] 'During the regime of Cornwallis, the constitution of these courts underwent a radical change and by his code ushered in a system, which subsequently formed the steel frame of the British Indian judiciary. In the Madras presidency the Adalath system framed upon the plan of Cornwallis, was introduced in 1802.'[181]

On 6th August 1861, the British parliament passed the Indian High Court Act under which the supreme and Sader Courts were abolished, and in each of the presidency towns, the authority was given to the Indian government to erect and establish a high court of judicature. The judicial administration that existed in those days was not fully developed and organized to satisfy the wants and needs of the native people. The wide area falling under the jurisdiction belonging to

177. Sajan. R, *Evolution of judicial system in British Malabar……., Op.cit.,* p.120
178. *Ibid.,* p.124
179. *Ibid.,*
180. W. H Morley, *Op.cit.,*
181. C. Vasanthakumari*, Op.cit*., p.87

the Zillah and provincial courts were the reason for this defect. It can rightly be said that Cornwallis laid down the foundation of modern judicial administration in India and Madras presidency in particular. 'Many of the merits and the defects of the modern judicial system in India can be traced in one way or the other to the work of Cornwallis.'[182] 'His treatment of the judicial system was a mere palliative and it failed to affect a permanent cure of the malady.'[183]

After 1816, only slight fundamental changes were affected in the main structure of the administrative system. The most important change implemented as part of the reform was the separation of police functions from the public servants in the revenue department. The steady extension of the powers of all judicial officers of the district evolved during the years following the reforms of 1816 about criminal matters. In Tellicherry and Calicut, new Zillah courts were established. The system required that the Zillah courts established according to this act should be under the control of one judge whose designation was civil and session judge of the Zillah. 'The code of criminal procedure ultimately was passed by the legislative council as Act XXV of 1861, it came into force on January 1, 1862'. [184] 'Even before the establishment of the Indian law commission in 1835 attempts were made to chalk out a plan respecting the administration of justice in civil cases. After scrutiny, the draft of the civil procedure code was submitted to the government of India on September 26, 1854.'[185] 'The code was finally enacted and received the assent of the Governor-General on March 22, 1859'.[186] 'After the First War of Independence in 1857, the Crown took over the Government of India in 1858.'[187] By this time, the codification of Indian laws had sufficiently progressed. Ultimately, an efficient system of law and a regular system of courts were come in to being under the High Court Act, of 1861, and the enactment of the codes like Civil Procedure Code, Criminal Procedure Code, and Indian Penal Code. 'The British revised the

182. Kautilya, *Op.cit.,* pp.63-66
183. *Ibid*.,
184. C. Vasanthakumari, *Op.cit*., p.114
185. *Ibid.,*
186. R. Sajan, *Evolution of judicial system in British Malabar …….*, *Op.cit*., p.74
187. *Ibid.,*

traditional judicial system in Malabar. The major change effected was the establishment of civil and criminal courts for the administration of justice since 1st July 1793. This new judicial system was an adaptation of 'Bengal Code', which was modified considering the local circumstances of the Malabar.'[188] 'In the Judicial department, the provincial courts of superintendents at Kozhikode, Thalassery and Cherpulasserry were subordinated by seven local darogas located at Kannur, Koyilandy, Tirurangadi, Ponnani, Palakkad, Tanur and Chetwai.' [189] ' The cases against Hindus and Muslims were judged and punished separately according to the laws of Vedas and Quran in the initial period. The main feature of early courts in Malabar was the appointment of maulavies and pundits representing Muslims and Hindus to assist the British judges. These native officers of the courts thus, a collaborative system was seen in the early judicial system of colonial regime in Malabar.' [190] Santosh Abraham argues that 'this was not just the case of Malabar but all over India in the early colonial periods. The Company officials are appointed and dismissed by the British Judges but its final authority rested in the hands of Supervisor or Chief Magistrate[191] recruited Indians as subordinate officials in judiciary and revenue departments as a part of their collaborative network'.[192]

'The native rulers who earlier exercised the judicial powers were transformed as the audience of new judicial system. The Zamorins of Calicut requested to the joint commissioners that he exercised the sovereignty of administration of justice including capital punishment and hence to permit him to continue his sovereignty.' [193] The Joint Commissioners believed that if giving judicial power to local kings that it will make trouble in future. Before the coming of the British punishments in Colonial Malabar were mainly on the basis of local customs and traditions. The major punishments were Capital punishment mainly by torture, banishment, mutilation of body parts, excommunication from caste and fines etc. These punishments

188. *JCR*, 1792-1793, p. 313.
189. Santhosh Abhraham, '*Colonial law in Early British Malabar ……Op.cit.,* p. 250
190. *JCR*,1792-1793, pp. 317 - 329. Also in William Logan, Malabar, p. 495
191. *Ibid*., p. 314
192. Santhosh Abhraham, '*Colonial law in Early British Malabar …….*, *Op.cit*., p. 250
193. *JCR*, 1792-1793, p. 133

were mainly imposed on the body. 'The local rulers of Malabar stated to the joint commissioners that mutilation of the human body formed the main part punishment even for minor offences like thefts and petty robberies.'[194] This is not in the case of Malabar only, these types of torture methods of punishment existed all most all parts of the country in 18th century.

'The Civil and Criminal Regulations of 1793 constituted the first among a series of attempts to revise and regulate judicial administration in Malabar 'where people had experienced only custom-ridden arbitrary laws and irregular courts'.[195] Different branches of tribunals like Provincial courts, Faujdari courts, local and subordinate courts and darogha courts were the important components of this new setting. 'Through the new Regulations, the colonial rulers endeavoured to formulate a state and an accompanying legal system modelled on Western governance with an impersonal bureaucracy in the region.'[196] 'The Cornwallis Code had been proposed in Bengal in 1792 with the separation of the judiciary from revenue affairs and the establishment of a hierarchy of courts. The appointment of 'native commissioners' recruited from among the indigenous population was another feature of the code.'[197] 'This 'Cornwallis system' had then been formally established in Madras in 1805.'[198] 'It was inaugurated in Malabar only in 1806, because the British administrators were convinced that the irregular conditions in Malabar were not yet suited to the introduction and maintenance of a regular system of courts.'[199]

Even though the official commencement of the Cornwallis Code started very late in Malabar, the source materials shows that the Cornwallis system was first introduced through the Civil and Criminal Regulations, arranged by the Malabar Joint Commissioners in 1793. The new Cornwallis system shows impractical in Madras, the newly ceded district Malabar seems as a suitable place to introduce a system of governance in the British territories of South India.

194. *Ibid.,* p. 325
195. Ravindran T.K, *Malabar Under Bombay Presidency – A Study of The Early British Judicial System in Malabar ,1792-1802,* Mascot press, Calicut ,1969, p.17
196. Santhosh Abraham, *From Negotiation to the Making of Dominance……. Op.cit*., p.171
197. Eric Stokes, *The English Utilitarian's and India,* Clarendon Press, Oxford*, 1959*, p.140
198. *Ibid.,* p. 141
199. Ravindran T.K, *Malabar Under Bombay Presidency* ……, p.71

'Colonial bureaucracy at the village level continued functioning with the village Mukhyastans (or pramanis) who acted under the jurisdiction of the native Daroghas.'[200] 'The position of Mukhyastan had been first introduced by Tipu Sultan of Mysore in Malabar and the British were continuing this Mysorean administrative set up. This fact was well established by Thomas Munro in his report on the revision of revenue and judicial system in the province of Malabar in 1817.'[201] 'The appointment of pleaders or vakils in the courts was another significant innovation introduced by the Company government in the judicial administration of Malabar. It is known that the Madras government introduced the recruitment of qualified pleaders in the Company courts in Madras through Regulation X of 1802.'[202] The vakil system of Malabar became unique, as the 1793 Regulations acutely provided for the appointment of pleaders in the Malabar courts. At this juncture, it can again be argued that, though the Cornwallis system was officially introduced in Madras presidency only in 1802, the region of Malabar occurred the practices under that Code one decade earlier.

Administration of Prison

In shaping the character of the society Prisons have a significant role to play. These were human constructed institutions and are related with the power relations in a structured social mechanism. The prison system that we see in India today is a regular system introduced by the colonial administrators. 'The main aim of colonialism was the extraction of maximum resources from the colony. They never used the European model of prison in India as it would cost a lot of money. Here the colonial state did not construct prisons in European model in order to save money. As Malabar was one of the districts of Madras Presidency the political prisoners from Malabar were mostly confined in the prisons of Madras Presidency.'[203]The convicts punished with transportation were mainly sent to Andaman Islands. The words prison, jail, gaol, penitentiary etc., means a place

200. Santhosh Abraham, *Colonial Law in ……...*, *Op.cit*., p.25
201. Thomas Munro, *A Report on the Revision of the Judicial Systems in the Province of Malabar,4th July 1817*, Calicut, 1912, p.15
202. *Ibid.,*
203. Shumais. U, State *as an Oppressive Instrument: The Jail Experiences of Political prisoners in Malabar,1921-1947,* Unpublished PhD thesis, Department of History, University of Calicut ,2019, p.12

or building used for the confinement of persons accused or convicted of crime. Prison or its proto types existed from ancient time onwards in India as well as in Europe. These prisons were used as a space for confining persons awaiting trial and various punishments.

The British established courts and appointed proper person as judges in July 1792. Hindus and Muslims were tried separately by the laws of Vedas and Quran respectively. 'On 1st January 1793 the Joint Commissioners established two separate courts at Kozhikode, first dealt with revenue and land related cases while the second dealt with cases of claims other than revenue and land relations.'[204] 'Similarly, changes were introduced in land ownership too.'[205] 'It was on 18th March 1793 that the administration of Malabar was formally and publicly established by the British as 'Province of Malabar,' divided into two superintendencies, under the control of a supervisor at Kozhikode and assisted by two superintendents located at Thalassery and Cherpulassery.'[206] 'Thus, William G Farmer sworn in as the first Supervisor and Magistrate of Malabar and he was the head of political, revenue and judicial department. The supervisor post was later abolished in 1801'.[207] The principal collector was the head of Malabar from October 1801 onwards. The punishments of Malabar prior to British were mainly based on local customs and traditions. 'Capital punishment mainly by torture, banishment, mutilation of body parts, excommunication from caste and fines were some of the major punishments. These punishments were mainly inflicted on the body. The local rulers of Malabar stated to the joint commissioners that mutilation of the human body formed the main part punishment even for minor offences like thefts and petty robberies.'[208]This does not mean that Malabar was the only place where the torture methods of punishment existed in eighteenth century. In India as well as in Europe mutilation was one of the major forms of punishment during that period.

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204. William Logan, *Malabar, Op.cit.,* p. 484
205. K N Ganesh*, From Contact to ……..., Op.cit.,*
206. William Logan, *Malabar*, *Op.cit.,* p. 489
207. *Ibid.,*
208. *JCR,* 1792-1793, p. 32

'Imprisonment as a form of punishment was not practiced in pre-colonial Malabar. Confinement places for criminal existed and a tax called ara was levied for keeping the suspect under detention.'[209] In early British Malabar Capital Punishment, transportation, deportation, collective and individual fines, confiscation of property, corporal punishment, fines and imprisonment were the main punishments. In colonial Malabar British generally practiced capital punishment. 'The torture of body and mutilation was replaced by gallows. In the early phase of British rule, hanging was mostly done at public places. The dead bodies of the hanged were displayed at public places and this practice continued until 1836.'[210] Most of the earlier capital punishments in Malabar were awarded for offences against the state mainly by the native rulers, their associates and Mappila chiefs, which actually disturbed or resisted the British revenue collection in Malabar. The EEIC not only used hanging as capital punishment but also used primitive punitive methods towards their political opponents in Malabar. From the early period onwards, transportation was one of the important punishments used by the colonial state. 'Transportation was awarded as a punishment for various offences including murder and banditry. The prisoners escaped from confinement were sentenced to transportation by the Regulation of 1799.'[211] 'Transportation compared to capital punishment seemed merciful but in reality it was much severe than capital punishment considering its culturally transgressive nature.'[212] 'Even the first Prison Reform Committee under Macaulay supported transportation as a fear factor in Indian population as the colonial state had ended earlier punishments like mutilation in India.'[213] 'Convict labour was another important benefit of transportation as the convicts were the source of free labour to the colonial state. They were used for clearing forests and road constructions besides being hired out

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209. K.V. Krishna Ayyer, *Zamorins of Calicut,* Norman Printing Bureau, Calicut, 1938, p. 265
210. David Arnold, 'The Colonial Prison' in David Arnold & David Hardiman (ed.) *Subaltern Studies VIII*, OUP, New Delhi, 1994, pp.161-169
211. Anand A Yang, 'Indian Convict Workers in South East Asia in late Eighteenth and Early Nineteenth Centuries' in *Journal of World History*, vol. 14, no. 2, June 2003, pp.192-196
212. Anand A Yang, 'Bandits and Kings Moral Authority and Resistance in Early Colonial India' in *The Journal of Asian Studies,* vol. 66, no. 4, November 2007, pp.884- 889
213. Anand A Yang, 'Disciplining Natives: Prisons and Prisoners in Early Nineteenth Century India' in *South Asia*, vol. X, no. 2, December 1987, pp. 29-45

to the planters for labour work.'[214] 'Andaman as a convict settlement was reopened due to the revolt of 1857-1858. Many rebels were transported to the Andaman Islands.'[215] 'Andaman soon became the major transportation point in Asia. It was also known kalapani in Indian vision.'[216]

Anand A Yang observes that 'the British authorities not only used transportation as a punishment to criminals but also widely used it as a political tool by transporting those who resisted or threatened them from the initial period of colonial rule.'[217] 'The Hindu convicts feared Transportation as crossing the sea results in loss of caste status. Some of the convicts were allowed to comeback to Madras Presidency and lodged far away from their residence with state allowance.'[218] 'Most of the convicts from Malabar were not allowed to reside in Malabar. Imprisonment was not widely practiced as a punishment in pre-colonial Malabar and prison as a punitive institution was a colonial innovation in Malabar.'[219] 'The jails were also mentioned as 'gaols' in the official correspondences between the Company officials of Malabar and Bombay. Most of the towns like Kozhikode, Kochi, Palakkad, Thalassery and Kannur had its own prisons. The jails in southern division of Malabar were at Palakkad, Angadippuram and Cherpulassery in 1806.'[220] 'Prisoners from the early period onwards were used for outdoor labour too. Mortality was very high in Malabar jails during the early period and epidemics like cholera and smallpox were frequent in such prisons.'[221]

The colonial government utilized prison as political tool for dealing their political opponents in Malabar. 'The British did not construct new buildings as prisons and they used existing buildings and forts as prisons. The three forts of Malabar St Angelo at Kannur, the Thalassery Fort and the Fort at Palakkad were used as Company's prisons. The St. Angelo Fort was constructed

214. Shumais, U, *Op.cit*., p.58
215. Clare Anderson, *The Indian Uprising of 1857-58*, Anthem, New Delhi, 2012, p. 144
216. Which means black water.
217. Anand A Yang, '*Bandits and Kings Moral Authority……Op.cit.,* pp. 884-889
218. *Madras Correspondence File* (hereafter MCF) No-2291, Year-1819, RAK
219. C. A. Innes, *Malabar Gazetteer*, *Op.cit*., p. 392
220. Sumais. U, *Op.cit.,* p.211
221. *Ibid.,* p. 213

by the Portuguese in 1505.Later the Dutch captured the Fort from the Portuguese. It was the Dutch who converted a part of the Fort as a Jail.'[222] 'The Thalassery Fort was the only fort build by the EEIC in Malabar. The land for constructing the fort was given by the northern regent of the kolathiri royal family.'[223]The work started in1703 was completed in 1708. The officials of the Company used the Thalassery Fort as office of the Magistrate and Sub Collector and the lower part of the fort as a prison.[224]

The Palakkad Fort was one of the forts in Malabar built by Hyder Ali after his conquest of Malabar in the second half of the eighteenth century.[225] A building inside the Fort was used as prison and even after independence it continued to be used as a prison. It is seen from the records there were no jails of the modern sense in Malabar. The survey report of Ward and Conner says that there were pre modern jails in Malabar made out of mud to keep prisoners.[226] Other records talk about *karagriham* to keep law breakers and a tax called ara was collected from the people who filed complaints against law breakers.[227]Records about the system followed by Mysorean rulers in Malabar is not clearly known to us. The East India Company introduced the modern jail system after the European practice and opened prisons attached to forts. Most of the prison buildings were unfit for confining prisoners, as they were constructed for different purposes.

The jail at Kozhikode in the early period of the Company regime was a formidable building situated in the Portuguese town near the District Court. The Kozhikode jail in the early period was not a big one and the officials frequently reported problem of overcrowding and requested for a new building.[228] The officials from Malabar sent a letter to Bombay requesting them to allow the French Loge at Kozhikode to be used as a prison by paying some amount between ten

222. K. Sivasankaran Nair, *Keralam Dutchukarude Drishtiyil,* (Mal), State Institute of languages, Thiruvananthapuram, 2018, p. 204
223. N. Rajendran, *Establishment of British Power in Malabar 1664-1799*, Penguin books, Allahabad, 1979, p. 35
224. Ward and Conner, *A Descriptive Memoir of Malabar*, Kerala state gazetteers, Thiruvananthapuram, 1995, p. 39
225. Francis Buchannan*, Op.cit*., p. 347
226. Ward and Conner, *Op.cit*., pp. 14-160
227. K V Krishna Ayyer, *Op.cit.,* p. 26
228. Ward and Conner, *Op.cit*., p.100

thousand to twelve thousand rupees to France.[229]The officials rejected it completely oneconomic grounds as it was too costly for the Company. The official records of Malabar have stated that the most spacious prison in Malabar in 1805 was at Kozhikode and all of the jails in Malabar were overpopulated.[230]David Arnold states that the prisoners waited for the monsoon as it caused prison collapses in the rain which helped them to escape'. [231]

'The second half of 19th witnessed the abolition of old jails and construction of new jails in India. Most of the early jails of Malabar were also abolished in the second half of nineteenth century itself. The jails existed in the forts were not abolished. The jail existed at Angadippuram had also collapsed by1824.'[232] 'The jail at Palakkad was abolished in 1868 and the Thalassery Jail was abolished in 1885.'[233] However, these were used for confining under trial prisoners. New jails were constructed in these places. 'The new model influenced the Indian prisons too and many central jails were constructed in India the second half of nineteenth century. In Malabar, the Central Jail at Kannur was constructed during this period. The raja of chirakal kovilakam gave fifty acres of land at Kannur in 1865, to the colonial government for constructing the jail. This was done on the condition that the land was to be returned to the raja at that time of the abolition of the jail.[234] and the jail was opened in 1869.'[235] 'It is seen that convict labour was widely used for constructing the Kannur Central Jail. In the initial stage, the Kannur jail had the facility to accommodate around 1062 prisoners. The whole model was not implemented in India due to the over-crowding of prisoners and lack of facility for solitary confinement in the prison.'[236] 'By the beginning of the twentieth century there was one Central Jail at Kannur, one Special Sub Jail at Kozhikode and twenty sub jails in the Malabar District.'[237]

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229. Sumais. U, *Op.cit.*, p.179
230. Ward and Conner, *Op.cit.,*
231. David Arnold, *The colonial prison*……., *Op.cit*., p. 164
232. Ward and Conner, *Op.cit.,* p.160
233. Shumais U, *Op.cit.,* p.312
234. *Ibid.,* p. 315
235. *Manual of Administration of Madras Presidency*, *Op.cit.,* p. 375
236. Madhurima Sen, *Prisons in Colonial Bengal*, Thema, Kolkota, 2007, p. 6
237. C A Innes*, Malabar Gazetteer, Op.cit*., p. 392

Police Administration

The establishment of a regular police force was another feature of Company's reform. For imparting justice and to maintain law and order an impartial and regular system was essential. In the initial stage the functions of the police force were to assist the revenue authorities in the revenue collection, to prevent crimes, and to administer law and order. In the initial stage Warren Hasting entrusted the police functions in to the influential Zamindars.[238] Cornwallis reorganized the system of police with a Thana as a unit and a Darogah as its head. In 1811, Lord Minto advised the Madras Government to change the police divisions of the country and recommending courts with native judge.[239] 'The development of modern type of police system was a gradual process and is closely associated with the development of states. Such a change occurred because of the transition from the kinship-based society to a class dominated society. According to Rousseau, the state was conceived of originally by the rich man to protect himself against those who could attack his position.' [240] 'Cyril B. Robinson and Richard Scaglion have argued that the origin of modern police force is closely linked with development of economic specialization and differential access to resources.' [241] 'They developed their arguments on the basis of certain assumptions. They are: (a) the origin of a specialized police function depends upon the division of society into dominant and subordinate classes with antagonistic interests; (b) organized and specialized police force is seen in the societies politically organized as states; (c) In the period of transition there was an ongoing attempt to convert the social control or policing mechanism from an integral part of the community structure to an agent of the emerging dominant class; and (d) the new police force was used by the emerging dominant class as an instrument of the preservation of its control over restricted access to limited resources, over the political apparatus governing this access, and over the labour force necessary to provide the

238. Firminger, W.K, *The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company,*28th July,1812, Three Volumes, Calcutta,1917, P. 4
239. Haridasan. V, *Op.cit.,* p.312
240. Ronald Cohen, 'State Origins: A Reappraisal' in Henri J. M Classen, Peter Skalnik (ed.), *The Early State,* Mouton Publishers, New York, 1978, pp. 38-42
241. Cyril B. Robinson and Richard Scaglion, 'The Origin and Development of Police Functions in Society: Notes Toward a Theory' in *Law and Society Review*, Vol. 21, No. 1,1987, pp. 111-119

surplus upon which the dominant class lives.' [242]

In India, the deliberate effort for creating a police force was initiated by the colonial government and it was implemented for protecting their interests like police and revenue administration. During the British period, duties of the kolkar and village administrative authorities included policing and revenue collection. So, it is essential to analyze the evolution of both these systems in Malabar. Expansion of agrarian settlements and social hierarchy based on that caused for the conflicts and power struggles in Malabar. It forced the political authorities to form a system for the maintenance of peace and collection of revenue. 'In modern period, except in war times, maintenance of internal peace and security is the duty of the police. However, there was no regular police force in Malabar till the British period. Raja, Naduvazhi, governor and other reputed persons used their own bodyguards and trusted companions for their safety.'[243] 'They were counted in hundreds and thousands.'[244] During the pre-British period, there was no distinction between the civil and military duties. M G S Narayanan opines that 'the *noottuvar* or hundreds were the guards or the force under the district governors and *aayiram* or thousand were force under the king. The hundreds in the districts had police duties also. They had to protect the institutions like temples, their properties, the trade centres, and other public places'. 'Every *naduvazhi* maintained at least a hundred nair guards. The *desavazhi* or village head never commanded more than100 nair men.'[245]These guards showed their deep loyalty to their masters and were ready to sacrifice their lives for his protection. The system of personal guards under naduvazhi continued even after the Perumal period. The members in the 'hundreds' and 'thousands' gradually became prominent in the society. They had great concern from their masters and high respect in the society. They received agricultural lands as remuneration to their service. It again increased their position in the society.

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242. *Ibid.,*
243. M.G.S. Narayanan, *Perumals of Kerala: Brahmin Oligarchy and Ritual Monarchy*, Cosmo Books, Thrissur,1996, p. 231
244. Rajan Gurukkal, *The Kerala Temple and Early Medieval Agrarian System,* Vallathol Vidyapeetham, Sukapuram, 1992, p. 72
245. *Graeme's Report on the Revenue Administration of Malabar 1822* (reprint), Kerala State Archives, Thiruvananthapuram, 2010, p. 46

Generally, in Kerala, the members in these suicidal squads were nair men and they acquired a high position in the administrative affairs of the region. The increased reputation to the nair gang might be a cause for the deputation of them for the collection of revenue from villages. Reputation backed by permission to use force and arms made the collection of dues to the government from the inhabitants easier. 'There was no permanent system of taxation in the medieval and early modern Kerala. But there were evidences for different kinds of dues collected by rulers. The revenue collected from the cultivators, traders and craftsmen was divided among the king, governors and the village bodies.'[246] The duty of protection or policing was done by the nair forces of the king and the heads of the *nadu.*

'The English East India Company started its rule in India from Bengal and all reforms taken by them had emanated from Bengal and subsequently implemented in other occupied territories as well. Among them, the police administration of British India was the innovation of Lord Cornwallis.'[247] 'It was during his tenure as governor general, a regulation for the police administration of Bengal was implemented.'[248]This regulation made police under the exclusive charge of the government and prohibited the zamindar and land lords from maintaining police force or similar establishments. While implementing the new regulation Cornwallis completely ignored the role of the native institutions and establishments for the administration of justice.

'The principle of 'civilizing mission' chalked out this type of thinking in the minds of European officers.'[249] 'The implementation of the new system of police administration aroused an attitude of non-cooperation among the landed gentry. Large-scale discharge of zamindari police and low-level police men increased the volume of crime and endangered the situation of public order in the British occupied areas.'[250] Hence, the successors of Cornwallis were not adamant to implement the same policy in other British provinces like Madras. Generally, the role of the

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246. M. G. S. Narayanan, *Op. cit.,* p. 244
247. M. B Chande, *The Police in India*, Atlantic Publishers and Distributers, New Delhi, 1997, p. 69
248. *Ibid.,*
249. Carey A. Watt, The Relevance and Complexity of Civilizing Mission 1800-2010, in Michael Mann and Carey A. Watt (ed.), *Civilizing Mission in Colonial and Post-Colonial South Asia: From Improvement to Development,* Anthem Press, London, 2011, pp. 11-16
250. *Ibid.,*

police in any state were to protect the life and property of the people. But the police force of British India gave importance to the protection of the British rule. Thus the organization, recruitment, deployment and payment of the police force were based on these aims. Recruitment to police force in Malabar also was not an exception to this.

In 1793 Cornwallis started the new system at Bengal, police duties were taken away from the landholders. He separated the police and revenue duties. When Cornwallis system was introduced in Madras Presidency some constrains were faced by the British. In many districts of the Presidency, the village servants called *taliyatiri* had been performing the duties of police. As already mentioned, the case of Malabar was entirely different. 'The revenue was not rented out in Malabar, but collected by the native servants under the Company and paid monthly. One of the tenants respectable for his character and property was selected as parbutti.'[251] The menon and kolkaran assisted him. When the Cornwallis system implemented in Malabar the kolkar were distinguished as revenue kolkar and police kolkar. In a report Thomas Warden, the Principal Collector of Malabar, 'stated that in 1804, there were 3000 police kolkar in Malabar and it was reduced to 2000 by 1806.'[252] 'After the end of Pazhassi revolt, the major duty of the police kolkar was to assist the collection of revenue, apprehension of robbers, guarding jails, customs houses and escorting superior officers. They were also used as personal attendants of the European officers.' [253]In the troublesome areas the revenue kolkar were assisted by the police kolkar. There was no clear distinction between the revenue and police kolkar during this period.

The police system introduced in India by the British was a modified form of the traditional Indian policing. 'In pre-British India landholders or zamindar of villages were in charge of law and order. He subdivided the duties among his subordinate tenure holders. They maintained their own forces for the functions of police. The maintenance of peace was the responsibility of the entire village. It was enforced by the village headman who was assisted by one or two village

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251. Haridasan.V, *Op.cit.*, p.92
252. *MCF* Vol. 2331, RAK, Report dated 30th July 1808, pp. 219-263
253. *Ibid.,*

watchmen.'[254]These village watchmen were the real executive police of the country. 'When times of necessity the entire male members of their family, the other village servants, and in some other cases the whole village community assisted in police duties. His duties were to watch the village during night, observe the strangers who passed through the village, protect the agriculture land and harvest, acquire a knowledge about the criminal characters of the village and report about all doubtful events in the village.'[255] 'When thefts occurred in a village, it was the duty of the village watchman to find out the thief. Otherwise, he had to compensate to the party who lost property.'[256] 'Then a watchman alone could not compensate, the entire village should do it. In the joint landholding villages of north India, the police responsibilities were divided among the entire landholders of the village. They performed their duty with the help of their servants.[257] For greater protection than the village watchmen were able to afford, the entire villagers gave special payments to leaders of plundering tribes to keep them away from gang robberies.'

The village police were the most useful auxiliary force to the general police constabulary of the British in India. 'The village watchmen of ancient India played important role in the prevention and detection of crimes and maintenance of the internal peace of villages. The kaval system existed in South India had begun to deteriorate by the close of the eighteenth century. The security which the villagers enjoyed from the service of the kavalkar was more than counter balanced by the blackmail they had to pay.'[258] It was an object of concern to the British from the very beginning of the nineteenth century. British continued the existing system with certain modifications from the early period of their rule onwards. The fees to the watchman duty were made uniform and collected by the revenue servants of the Company and paid to the village watchers. But the illegal practices of the village watcher continued in many parts of the Presidency and hence the government decided to introduce a uniform system of policing in Madras.

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254. Haridasan.V, *Op.cit.,*
255. *Ibid.,*
256. *Manual of the Administration of Madras Presidency ……., Op. cit*., p. 4
257. John Mathai, *Village Government British India*, Hard press publishing, New Delhi, 2013, p. 132
258. F. R Hemingway, *Madras District Gazetteers:* Tanjore, Superintendant, government Press, Chennai Vol. I, p. 207

In 1814, it was decided to abolish the village watch system in its existing form. At the same time, the government recognized the importance of village police in a modified form. 'In 1815, Lord Hastings had described village police as the foundation of all possible police in the country and declared that upon their renovation, improvement and stability laid the ultimate success of all measures of the government for the benefit of the country in the prevention, detection and punishment of crimes.[259] The Regulation XI of 1816 marked the beginning of a general police system for the Madras Presidency.' It provided for the establishment of village police system under the control of village headmen. The system of village guard in Malabar was not similar to other parts of the Presidency. Generally speaking, the system of police in the villages of India before the British period consisted of village watchmen and private guards maintained by the landlords and other chiefs.

'Locality chiefs in charge of padikaval or watchmanship within their respective localities had existed during the time of the Chola rulers.'[260] Their areas were ranging from one village to several nadu regions. 'For discharging the duties of watchmen, they levied a tax which was also called padikaval form the inhabitants. Such chiefs in the outside region the central area of the Chola territory were acted like independent rulers and they ruled the region by their own police and troops. When the British came to South India, servants like taliyari served as village watchmen. Separate watchmen were deputed for watching stray cattle to protect harvest.[261] By the Regulation XI of 1816, taliyari became part of regular police establishment. There were no taliyari or separate cattle watchers in Malabar.'

At the time of the beginning of British rule in Malabar, the law-and-order situation was in a poor condition. The discontented mappila people organized armed protest against the Company and its supporters. At first, the government used army to suppress the protests. Soon they realized the importance of police force for the maintenance of peace. For this, they were in search of the local elements to absorb to their system. On the close of the eighteenth century, the British organized the nair sibandi corps under their chieftains to suppress the mappila protesters.

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259. *Ibid.,* p. 141
260. Y. Subbarayalu, *South India under the Cholas*, Oxford University Press, New Delhi*,*2011, p. 210
261. F. R Hemingway*, Op. cit*., p. 334

'After the fourth Anglo-Mysore war, the Company government concentrated on law-and-order issue and a more regular police force was established in each of the Collectorate. The kolkar began to be absorbed into the Company police force. In 1800, the police detachment of the Collectorate of Angadippuram consisted of 277 kolkar besides the other superior officers.'[262] The detachments of sibandi corps also stationed at different parts in the division. But the sibandi corps did not bring the expected results due to lack of discipline and irregular nature. Thus, in 1801, this force was disbanded and Watson raised a force of 500-armed police kolkar. Their chief duty was to assist for the collection of revenue. It was the time of Pazhassi rebellion and revenue collection was a great challenge to the government. The strength of the new force was increased from time to time and was ably utilised for the suppression of Pazhassi resistance. This force was disbanded by 1810 and from that time to 1816 the darogah system continued.

In 1816, new regulations were issued and village police system in revised form was implemented in Malabar villages. After that, police duties in villages were done by the kolkar under the supervision of adhikari. The limited criminal and civil authorities of the adhikari staff were performed with the assistance of kolkar and menon. 'As per the Regulations of 1816, the adhikari combined police duties with revenue duties. The Company government had its own justification for this reform. It was assumed that adhikari in the villages had a thorough knowledge about villages under their charge. Besides, being members of prestigious families, adhikari had great influence and commanding power over the village communities. Economic benefit was another factor considered by the government for introducing this reform.'[263]

'There were no regular police quartered in the villages. The village officers had to approach the nearest station of regular police for handling cases beyond their limit. Generally, police stations were far away from the villages. For example, the police station of Vatanamkurussi village of Valluvanad taluk in Malabar was four miles away from the village.[264] The kolkar were deputed to intimate such cases to the nearest police station. The monthly report of cases settled by the adhikari with the help of kolkar was also submitted by them to the heads of police station.'

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262. Haridasan.V, *Op.cit*., P.214
263. *Ibid.,*
264. Gilbert Slater (ed.), *Some South Indian Villages*, Oxford University Press, New Delhi ,1918, pp. 200-209

'The revenue and police duties were clubbed through Regulation XI of 1816 with a view to reduce the expense of the government for both. The government expected to reduce the strength of servants for police and revenue duties as there was no distinction in the performance of duties.'[265] 'While the government was proceeding with the decision of recruiting old desavazhi and naduvazhi as village munsiff and menon, most of them declined to accept the office. Graeme in a letter to the Collector opined that it was because of the lack of awareness about the regulations.[266] Many of them feared that like the mukhyasta, they had to supply articles for detachments and travallers.' Some others were disinterested because of the high rate of tax and they could not enable the villagers to pay it with the punctuality required by the officers of the government.

When the East India Company took over diwani in 1765, the Mughal police system was under the control of the faujdars, who were in charge of their sarkars or rural districts; the kotwals were in charge of the towns, while the village watchmen were paid and controlled by the zamindars. This system continued for some time under the authority of Muhammad Reza Khan acting as the Naib Nazim with his station at Murshidabad. However, the old system could hardly function effectively, as the growing power of the Company had thoroughly undermined the authority of the nawab. Crime rates began spiraling upward after the famine of 1770, and the general state of 'law and order' declined day by day with an alarming rise in the rate of crime against property. 'For the Company officials, like other departments, the police administration too seemed to be in need of European supervision, as every crime was a direct affront to their authority. The faujdari system continued with minor modifications until 1781, when the faujdars were finally replaced by English Magistrates.'[267] The zamindars retained their police duties, but were made subservient to the magistrates. However, this limited reform of Warren Hastings could not solve the problem, as the establishments of the magistrates proved to be too inadequate for the purpose, while the zamindars abused the system and freely took advantage of its weaknesses.

'Lord Cornwallis in1793 decided to divest the zamindars of their policing duties, and instead

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265. *MCF* Vol. 2283, RAK. 190
266. *Graeme's Report, Op.cit.,*
267. Sekhar Bandhopadyday, *From Plassey to partition*, Orient Black swan, New Delhi, 2009, PP.101-104

divided the districts into thanas or units of police jurisdiction of twenty to thirty square miles, each placed under a new officer called daroga, who was to be appointed and supervised by the magistrates. The daroga thus became a new instrument of control for the Company's government in the diwani provinces, or as the peasants looked at them, as the local representatives of the "aura and authority of the Company Bahadur".'[268] 'The daroga system was extended to Madras in 1802 and the tehsildari system to the ceded and conquered upper provinces in 1803 and 1804 respectively. But everywhere the system produced devastating results because, as Thomas Munro diagnosed, it was "not founded in the usages of the country".'[269]

Before Tippu Sulthan occupied Malabar, it was administered by Naduvazhis and Desavazhis with the help of local Chieftains. In the early years of 18th century only a primitive Police force comprised of 'Kolkar' was maintaining the law and order in the Malabar area. After the invasion of Tippu, the situation changed as many Naduvazhis left Malabar resulting in utter chaos. When British started ruling Malabar in 1810, Captain Watts trained 500 Armed Police men. In 1816 a new system was introduced in Malabar by the British Rulers. As per the system the control of Police in a village was vested with the Village Adhikari, the control of taluk Police was vested with the Thahsildar and the Control of Police in important cities was vested with Police Amines. All the above functionaries had to work under the control of the District Magistrate. 'No authoritative records are available describing the history of policing in Malabar. The supervision of the village police was vested in the collector, who was now responsible for revenue, police and magisterial functions at the same time. Extreme concentration of power led to other problems. The subordinates in the revenue department, who were now in charge of revenue collection as well as supervision of rural policing, became the new agents of oppression and coercion. This was revealed, for example, in the report of the Madras Torture Commission appointed in 1854.' [270]

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268. B. Chattopadhyay, *Crime and Control in Early colonial Bengal* 1770-1860, Calcutta, K.P. Bagchi & co, 2000, p.147
269. David Arnold, *Police Power and Colonial Rule: Madras, 1859-1947,* Oxford University Press, Delhi, 1986, p.213
270. *Ibid*.,

'The colonial state clearly needed an appropriate and uniform police system that would assert its authority, secure property and ensure the introduction of its version of the 'rule of law' throughout the empire. The new model was first experimented in Sind when it was conquered by Sir Charles Napier in 1843. Discarding the previous practice of trying to adapt the indigenous systems to the needs of the colonial state, he created a separate police department with its own officers, following the model of the Royal Irish Constabulary, [271] which he found to be ideally suited to the colonial conditions.'

'While English political opinion remained ideologically averse to the idea of a professional police force, it was in Ireland, in view of the growing sectarian and peasant movements, that a regular police force was created in 1787 as an apparatus of colonial intervention.'[272] Under this model, which was now applied to Sind, the whole territory was to be under the supervision of an Inspector General, while the districts would have their own Superintendents of Police, answerable to both the Inspector General and the District Collector, representing the civilian authority. While the rank and file were to be Indians, the officers were to be invariably Europeans. The Sind model, which was found to be adequately suited to tackle any political agitation, was later introduced in Punjab when it was conquered in 1849, and later, with various modifications to Bombay in 1853 and Madras in 1859. The Madras system provided for military police and a civilian unarmed force, both subservient to the civilian authority of the Collector and Magistrate in the districts. 'In the meanwhile, the revolt of 1857 had shaken the foundations of British rule and had made it more conscious of the need of effective machinery for collecting information and policing the empire. The Police Commission appointed in 1860 provided for a basic structure of a police establishment for the Indian empire that was enacted in the Police Act of 1861. And that structure, with only minor adjustments, remained unchanged for the next century of British rule.' [273]

'At that time revenue, collection was the major duty of the Government. Consequently, the maintenance of law and order was given only low priority in the administrative system. No

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271. Sekhar Bandopadhyay, *Op.cit*., p.101
272. C.A Bayly, *Imperial Meridian: The British Empire and the World, 1780-1830*, Longman, London, 1989, p.98
273. David Arnold, *Op.cit*., p.117

arrangement had been made for the police establishment. In the absence of all other means of preserving the peace and for apprehension of offenders, recourse was naturally had to the local revenue establishments.'[274] 'In the initial stage, the British in Malabar appointed several Mappila chieftains as Daroghas or native judges with magisterial powers who were allowed to retain a considerable portion of their armed followers. They continued to be employed as Police officers up to the introduction of the Cornwallis System in Malabar[275]to make the administrative machinery, clean, efficient and quick. Rickards recommended the abolition of the office of the Daroghaship. This abolition was one of the most striking or powerful effects of the system of 1793'. 'The inequity of the administrative system was owing to the unjust activities of this office. In the southern districts, Daroghas committed many glaring instances of abuses of power which revealed them to be "rather the scourges of the community than its guardians or protectors and their total inutility to Government or to the country as police officers and to induce a speedy resolution of abolishing the appointment" .[276]

The plan proposed by Rickards to deal with the existing Nair and Mappila Battalions was to convert them into "Silbendy" Corps, who would be redeployed under the immediate supervision and control of the civil power. He specified that as part of the proposed plan of stationary Assistants, a certain number of "Silbendies" should be stationed with each assistant for the specific duty of guarding the police of his division. In the event of emergency, they would be supported by the military power using which they would be very effective in arresting robbers, controlling of abuses and the overall maintenance of peace and order in the society.[277] As per the intended official hierarchy with respect to their judicial and police capacity, the stationary Assistants would be regarded as subordinate to the Superior British Magistrates since the Daroghas were expected to be under the Supplemental Regulations. As part of their official duty, they were bound to keep record of the written communication and for every action; they were accountable to the Commission.

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274. *J.C, Vol.73, T.N.A, 1812*, pp. 306-399
275. *Ibid.,*
276. William Logan, *Malabar Manual*, *Op.cit.,* p.618
277. Sajan, R, *Op.cit.*, p.312

On account of the absences of a well-regulated police force, crimes like theft and robberies frequently took place. Many vacant houses in the town could be pointed out to prove this state of affairs.[278] For the administration of the property of orphans the orphan colleges and institutions needed urgent interposition of legal authority, to prevent its falling from that state of anarchy and confusion which led to the loss of monies deposited there and a total dissolution.[279] The magistrate had the charge of the existing establishment of police in the town of Cochin and its dependencies. With the purpose of increasing the efficiency and speed of administration of justice and supervision of police in the Zillah, it was widely regarded and accepted that the existing system should be changed by shifting the duties of magistrate and superintendent of police from the collector to the Judge's part of the earlier system, the judicial administrative function of collectors was often discharged in an unsystematic and imperfect manner. Hence, the system of administration came to a halt when it dealt with revenue collection.

On several occasions, the Foujdary Adalath had animadverted on the power at the disposal of the heads of district police, of dismissing cases of highly offensive nature. There was possibility for serious abuse of this power. Only the extreme vigilance shown by the magistrates could prevent the abuse of this power vested with the heads of district police. Cases showing compromise to dismiss serious abuse of power existed in those days. This is an illegal practice and if the complinent declined to prosecute, the government Vakil should be directed to conduct the prosecution as per the direction of the criminal tribunal.[280] A percept asking the magistrate of Malabar to direct the assistant magistrate in charge of the southern division to conduct an enquiry into the case of cruelty and oppression shown by a subordinate police officer was issued by the third judge of the court of circuit. Instead of initiating, the official proceedings according to the precept issued by the judge the magistrate entrusted the enquiry to police Gumasta. But unfortunately, this act was calculated to encourage the acts of oppression and to deter and prevent from seeking redress by the injured and complinent.[281]In certain cases reported the stupendous

278. *J.C.1808,* PP.507-508
279. *J.C.1811, Vo.58 B*, pp.18-25
280. R. Sajan, *Op.cit*., p.319
281. *J C*. 1824, pp..549-64

magnitude of the official misdeeds of the police and they sometimes connived at the offenders by their studied silence.[282] It was pointed out that many of the crimes were not at all seriously considered. In fact, the criminals escape punishment even when they were well known to the police and the village headman. The murders, gang robberies, thefts and many other types of serious crimes increased on account of the fact that actual culprits escaped from the clutches of law and justice, owing to the irregular and imperfect organization and activities of officials belonging to the police department. Purification of magistracy and police was the need of the hour and it led to the welfare and progress of the natives.[283]

In those days the condition of the officials in the village police was deplorable. In fact, it was totally infused with corruption and malpractice. It was found out that the reforms of 1816 did not bring in any positive change in this department. There was the prevailing belief that the safety and interests of the ordinary people would be protected by the police force made up of officials belong to their own race. But the reports related to the actual working of the department revealed that the belief was entirely groundless. The defects and evils which were attempted for eradication by the new system continued to persist in spite of all reforms and defects. In the case of confessions on the part of persons implicated in crimes, it often happened that the confessions were fabricated using many illegal and devious methods. Later it had become general and systematic and up to that this practice seemed to have increased.[284]

With the intention of confusing and misleading the judge and also to inherence the result of trial, false certificates related to the date of apprehension were framed. The Foujdary Adalath stated; "It is of the highest importance that some efficient method should be devised for checking the irregularities and abuse which seem to prevail almost universally among the lower agents of police. Experience has shown that the instructions issued by the judge of the circuit have not produced material amendment in the conduct of the police officers".[285] There existed many reports related to the gruesome cruelties imposed on the persons of the prisoners with the intention of extorting confessions. In this connection, there is the evidence of the Foujdary

282. *J C. 1825, PP.2110-23.*
283. J C. 1825, pp.211O-23
284. *Circular Orders of the Foujdary Adalath, (herein after referred to as COFA) 18th June 1817*
285. *Ibid.,* 30th June 1830

Adalath who pointed out that "practices of this atrocious description, not only involving in themselves the most aggravated criminality, but calculated utterly to subvert the administration of criminal justice, continue to prevail among the native officers of the police".[286]

In those days, there was a recommendation to legalize confessions, because, as long as the confession was illegal in practice, the courts of criminal justice become fruitless and its attempt to administer justice fail miserably. Hence the court articulated its position and stand against the prevailing condition. It stated; "the personal security of the innocent is a result of the pure administration of criminal justice, at least as important as the punishment of offenders and that the proposition of legalizing confessions would tend, if adopted, to destroy security of person and render our criminal courts an object of terror, instead of confidence, to the guiltless, without ensuring the certain condemnation of the guilty".[287] 'The frequent rebellions against the administration of the British in area prompted the Madras Presidency to institute police reforms under the Act 24 of 1869. The whole Malabar was divided into North and South Malabar with Headquarters at Tellicherry and Calicut for smoother administration of Police. In 1884 as a special punitive force, Malabar Special Police was organized. When Kerala State was formed, the Malabar Special Police was divided into two units, one was sent to Madras State and other half was retained in Kerala. Malabar had a Superintendent of Police at Kozhikode under the IG Western Range, Coimbatore with Inspector General of Police at Madras.' [288]

'David Arnold has argued that one of the major reasons for the formation of an organized police force in Madras Presidency was the murder of H V Connolly. The Madras government formed an organized police force in the Presidency after the murder.'[289] 'After the passing of the above acts, the frequency of outbreaks decreased to an extent. In between 1836 and 1854, there occurred 17 outbreaks while in between 1855 and 1877 there were only seven outbreaks.'[290]

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286. *COFA*, 29th Oct.1824
287. *COFA*, 7th September,1820
288. R. Sajan, *Op.cit.,* p.218
289. David Arnold, *Op.cit.,* p.87
290. Conrad Wood, *The Moplah Rebellion and its Genesis*, Peoples Publishing House, New Delhi, 1987, p.49

In the new organization military police was eliminated and the civilian police was organized on a provincial basis, with the inspector general's answerable to the provincial governments, and the district superintendents to the collector. Thus, the entire police organization was placed under the control of the civilian authorities, and for a long time the positions of the inspector general were filled in by civil servants. The district superintendents were to be in charge of rural police, the daroga becoming the sub inspector, thus solving the age-old problem of integrating rural police into the imperial structure. In this way the police organization established a well-defined hierarchy of command, from which Indians were systematically excluded. 'The Police Commission of 1902 provided for the appointment of educated Indians to the position of officers in the police force; but they "stopped in rank where the European officer began".'[291] 'Thus, distrustful of the Indian subordinates and subservient to the civilian authorities, the Indian police system was tellingly reflective of its colonial nature. Although not a police state in a conventional sense, thinks David Arnold, a "Police Raj" gradually emerged between the revolt of 1857 and the transfer of power in 1947.'[292] Faced with recurrent peasant rebellions and mounting political resistance, the police became the foremost to tool of repression in India, with the colonial state retaining total monopoly over its coercive power. In addition, if a situation ever went out of hand, there was always the army to take control.

Administration of Army

The evolution of the Company's army was integrally connected to the development of its Indian empire. Failure of the Army in many parts of the Madras province were in trouble during the first decade of the nineteenth century. The government was forced to deploy their army in a scattered manner. It caused for many setbacks to the Company. Limited number of armies stationed in different parts of the Presidency was not enough to meet the situations of revolts and uprisings. Due to the insufficient military support, they had to face many setbacks in Malabar. 'The method of guerilla warfare followed by the rebels of Malabar proved that the sepoys and European troops alone were not sufficient to suppress them. From the beginning of its rule in Malabar, the

291. Sekhar Bandopadhyaya, *Op.cit.*, p.99
292. David Arnold, *Police Power and Colonial Rule*, *Op.cit.,*

Company spent a major portion of their revenue as expense for the military service.'[293] 'Different wings of the British army were the major instrument to counter the challenges against their rule. In the year, 1793-94 more than 75 per cent of the total revenue of the Company siphoned off the military establishment in Malabar.'[294]

However, in many occasions, the operations of the army proved to be failure. The province was garrisoned by Bombay troops from the period of their acquisition in 1792, up to the end of 1804. 'After that, most of the Bombay regiments were replaced by the Madras establishment. Tranquility was temporarily established in Malabar by the year 1801. But the reforms introduced by Macleod, the first Principal Collector of Malabar, in revenue and coinage enraged the inhabitants, the dissatisfied chieftains, raja and people.'[295] 'There were outbreaks again in Wayanad and other parts of Malabar in 1802.'[296] Although maximum force was stationed in Malabar, the rebellion could not put down. More than eight thousand men stationed in different parts of Malabar during 1803.

'In eighteenth century, Royal forces, particularly the navy, were often dispatched to India on lease to the Company to help it out at times of trouble, but this created problems, particularly in the relationship between the King's army officers and the civilian authorities of the Company. Therefore, from very early onwards there was an attempt to raise a permanent Company's army in India.'[297] 'The tradition of recruiting peasant armies had been developing in north India since the sixteenth century and this created what Dirk Kolff (1990) has called a "military labor market".'[298] 'During the Mughal period, the distinction between this peasant army and the civilian population was never very clearly marked. It was in the eighteenth century that the rulers of

293. K. K. N Kurup, *Modern Kerala: Studies in Social and Agrarian Relations*, Mittal Publications, Delhi, 1988, p.82
294. W. J. Wilson, *History of the Madras Army,* Vol. II, Government Press, Madras, 1883, p. 334
295. William Logan, *Malabar Manual*, *Op. cit*., pp. 616-617
296. W. J. Wilson, *Op.cit.,* p. 334
297. Stephen Cohn, *The Indian Army: Its Contribution to the Development of a Nation*, Oxford University Press, Bombay, 1971, pp. 5-6
298. Sekhar Bandopadhyaya, *Op.cit.,* p. 118

some of the north Indian successor states, like the Nawab of Awadh and the Raja of Banaras, refined this recruitment system and raised sophisticated trained peasant armies distanced from the civilian communities 10%. It was this tradition that the East India Company appropriated as it started recruiting its own army, which came to be known as the sepoy (from sipahi or soldier) army.'[298]

"Indeed, the recruitment of the East India Company's army", Seema Alavi argues, "was central to the development of the Company's political sovereignty", which rested on a monopoly of power'. [299] 'The army therefore claimed the largest share of the Company's expenditure in India, and also it was crucial to effective collection of revenue situation that Douglas Peers has called "military fiscalism".'[300] The army not only conquered territories, it also protected the empire against real or imagined internal threats; it handled peasant rebellions against high revenue demands, made alliances with Indian elites, collected information about Indian society and economy. It was thus considered to be the most important apparatus of rule for the Company's administration in India. Largely, however, this sense of importance was generated by the army itself. 'A number of military ideologues argued incessantly that India was in a perpetual state of war, given the militarized state of her society and the inherent volatility of the political situation. This" Anglo-Indian militarism", as Peers argues, created constant pressure for conquests, generated a sense of self-importance for being the ultimate guarantee of the empire's security and stability and thus sustained its claims to autonomy and unrestrained expenses.'[301]

'In every part of the world, colonial powers have depended heavily upon indigenous man power and brain power for running their administrative machinery.'[302] 'Removal of intermediaries and the direct subordination of the agrarian economy to the scrutiny and regulation of the state were the major objectives. The Ryotwari system implemented in major parts of the Madras Presidency was a prime example for the new regime in operation.'[303] Land revenue was the most

298. *Ibid.,*
299. Stephen Cohn, *Op.cit.*, p.121
300. *Ibid.,*
301. Douglas Peers M, *Between Mars and Mammon: Colonial Armies and the Garrison States in early 19th Century*, 1.B. Tauris, London, 1995, p.214
302. Stephen P. Cohen, *Op.cit.*, p. 32
303. David Arnold, '*Bureaucratic Recruitment and Subordination.……., Op. cit*., p. 4

important source of income to the Company during early years of administration. The appropriation of it was important both economically and politically. Hence, revenue administration was the first offshoot or arm of government to be made operational. For systematizing the land revenue administration in accordance with their needs, the British reorganized the structure of pre-colonial Indian villages.

The strength of the troops could not bring peace and tranquility in the district. The troubles in Malabar were a threat to other territories under the Company in the Coast. In December 1803, Colonel Montresor complained to the authority that his attempt to restore tranquility was unsuccessful due to the deficiency of troops. So, he asked for more troops. 'However, the Madras government was not in a position to provide even a single battalion. Out of the eighteen battalions of native infantry of Bombay establishment, 6 to 8 were constantly employed in Malabar and Canara.'[304] 'The service in Malabar, especially in north Malabar, was most unpopular among the Bombay troops. The factors like unfavorable climate, long distance from their homes and the length of time separated from their families badly affected the efficiency of the Bombay force. No regiments could be kept complete because of the difficulty in getting recruits. By the end of 1804, a considerable body of Madras army was sent to Malabar under Lieutenant Colonel A. Macleod.'[305] 'Because of the failure of the British army in maintaining peace in the district, special powers were invested with Macleod, to try under martial law, persons in arms against the state and carry out death sentence without reference to the government.' [306]

The experiences of the administrators of Malabar during the period of rebellion proved that mere muscle power of the army alone would not bring tranquility in the district. 'Instead of increasing the credibility of the government, the increased number of troops and its operations in the province increased fear among the people. Due to failure in establishing peace and security to the life and property of the inhabitants by using the strength of the British troops, the government was compelled to recruit and train more natives for information gathering, revenue

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304. W. J. Wilson, *Op.cit.*, pp. 146-47
305. V. Haridasan, *Op.cit.*, p.83
306. W. J. Wilson *Op.cit.*, p.152

collection and policing.'[307] The kolkar were a best three in one instrument, available in Malabar, for the purpose. It was during this time that the duties of the kolkar diverted to many areas besides the already doing duties as assistants for land settlements and revenue collection. Towards a New Force Admission of natives into British military and internal security wings was not a new thing.

'From the beginning of the Company administration in India they recruited local inhabitants to strengthen their administrative machinery. It was experimented and found effective at the beginning of the second half of the eighteenth century.'[308] 'In Malabar also such experiments were started before the establishment of Malabar Province under the Company. In 1734, the fortress of Dharmapattanam was defended from the Canarese by a force of 400 men that included 140 Nair and 120 Thiyyas.'[309] In 1736, mappila people also were enlisted in the force by the Tellichery Factors. When the influence of Hyder Ali was piercing north Malabar, certain operations were conducted under the Tellicherry Factorys according to the directions of Bombay government. In such operations, locally recruited men served in the army. 'In March 1768, one such expedition was conducted against Ali Raja of Cannanore under the command of Captain Thomas Henry. This detachment consisted of 716 effective men besides officers. It included 232 Bombay sepoys, 80 of the Honorable Company's Narangapurath Nair and 175 thiyyar. Besides, the prince of Kolathunadu and the raja of Kottayam joined in the detachment with 1700 Nair men.'[310]

'The first commissioners of Malabar had the opinion of cooperating the establishments of the native raja for the collection of revenue. They negotiated with the samoothiri for a joint collection by the servants of the Company and the raja. They proposed the establishment of a canongoe department throughout the district by including English and native servants.' [311] 'The

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307. A unified police organization was established in the Madras presidency only after the enactment of the Madras Police Act of 1859. Again, the police administration was reorganized after the Indian Police Act of 1861, according to the recommendation of the Central Police Commission of 1860. The Commission recommended reorganizing British Indian police on the model of the Irish Constabulary. Till that time, in Malabar, police duties were done by kolkar. They were designated in different terms like police peons, police kolkar, armed kolkar, jail guards etc.
308. Ramsay Muir, *The Making of British India: 1756-1858*, Longman, Green &Co., London ,1915, pp. 53-101
309. William Logan, *Malabar Manual, Op. cit.,* p. 365
310. *Ibid.,* p. 418
311. Canongoe department was to supervise and control the revenue administration of the region.

commissioners expected that, through this system, the Company could permeate to even the inner most parts of the district. The officers were paid and kept altogether by the Company, they would gradually become dependents of the new government, the officials believed. They were highly useful to bring into and keep in order the accounts of the land and revenue, to serve as local assistants, intelligence officers and guides to the supervisor and superintendents in performing their duties. The system will also act as a check on the illicit and undue exactions of the local chiefs and landlords.'[312] This proposal of the Commissioners was materialized in 1793 when the samoothiri agreed for a permanent canongoe establishment and for the collection of revenue being made jointly by his and the Company's officers. As the samoothiri agreed to this, all his subordinate raja men also obliged. Hence, a major part of central and south Malabar came under a uniform system of revenue collection and a close acquaintance with the native servants and the Company government.

'When the Joint Commissioners were in thought of strengthening of the administration of justice in the province, they suggested recruiting respectable natives to officiate and assist in the courts.'[313] 'When the revenue collection of south Malabar was in trouble due to the Mappila insurrections, the Company decided to depute darogah like Athan Gurukkal from their own community with revenue, judicial and law and order responsibilities. Such darogah had permission to maintain paid armed followers for the maintenance of law and order and to help for revenue collection.'[314] 'In April 1797, Jonathan Duncan, the Governor and Lieutenant General Stuart, the Commander-in-Chief, arrived in Malabar to investigate the affairs of the district. It was, the result of a proclamation of 10th April 1797, for the purpose of accomplishing certain objects materially affecting the public welfare.'[315] 'This committee was appointed in the light of the rebellion of Pazhassi Raja. Just before the arrival of this committee, the Commissioners took steps to raise a levy of irregular troops to harass the Pazhassi Raja.'[316]The Kootali Nair of Payyoormala was employed as the head of this new troop. The aim of this troop was the subjugation of Pazhassi Raja.

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312. *RJC*, *Op. cit*., para 309, pp. 280- 81
313. *Ibid*., para 491, pp. 393-96
314. V. Haridasan, *Op. cit.*, p.225
315. William Logan, *A Collection of Treaties, Engagements……*, *Op. cit*., p. 272
316. William Logan, *Malabar Manual, Op.cit*., p. 522

'The government through another declaration required all subjects not to molest or obstruct the nair in the execution of his duties but to assist to the utmost of their power in forwarding his service.'[317] This troop was raised on the advice of Swaminath Pattar, minister of the samoothiri. But soon a treaty was concluded with Pazhassi Raja and temporary peace was established in the region. The militia specially set up under Kootali Nair was then disbanded. Two Sibandi corps of Nair and Mappila people was organized. 'Frequent complaints and representations from the landholders and ryots of Malabar, about the inequality of the present system of realizing the revenue of the province, persuaded the Commissioners to take steps for a comprehensive inspection of estates. It was conducted under the supervision of Smee, one of the members in the Commission. He was authorized to select qualified men for the completion of the task. The survey and assessment were intended to redress whatever grievances existing and to obtain an accurate knowledge of the resources, products and rights of every individual.'[318] For this survey Smee depended mainly on native servants in the village level like parbutties (pravarthikkar), menon and kolkar.

By 1799, due to the failure of the native raja and chiefs in fulfilling their engagements, the government assumed the charge of the collection of the revenue at major parts of the district. Consequently, the revenue establishments of these regions directly came into the control of the Company. 'It was in the same year Tipu Sulthan was defeated and killed in the fourth Anglo-Mysore war and consequently Wyanad was ceded to the British. However, Pazhassi Raja laid claim to Wyanad and persisted in keeping possession of it. To use pressure, he raised a large body of men consisting of Nair and Mappila people including the disbanded troops of Tipu Sulthan.'[319] The government decided to severely punish the Raja. As part of this decision special native force like kolkar was raised and effectively used for the suppression of the rebellion.

'Cornwallis, despite his preference for Anglicisation, did not disturb this specific organization of the army, and as a result, the Company came to possess a high caste army, which was prone to

317. William Logan, *A Collection of Treaties, Engagements*……, *Op. cit*., pp. 308-309
318. *Ibid*., pp. 308-309
319. Sekhar Bandopadhyaya, *Op.cit.*, p.126

revolt when their social privileges and pecuniary benefits were cut from 1820's the company's army came to incorporate a variety of social groups and a number of military traditions, which had to be accommodated in a careful balancing game and power had to be shared with the local elites.' [320] 'With in these circumstances while the Bengal army remained more high caste in character, the Bombay and Madras armies became more heterogeneous. In the following decade there were attempts to stream in the army administration, the main purpose of which was to have more rigorous control over the sepoys and their families. The reforms of the 1830s, which aimed at leveling the differences and promoting a universal military culture, as Alavi shows, created discontent among the sepoys.'[321]'After the mutiny, there was a lot of rethinking about the constitution and recruitment strategies for the Indian army. The Peel Commission which was appointed to look into the military affairs of India recommended that "the native army should be composed of different nationalities and castes, and as a general rule, mixed promiscuously through each regiment."[322]Therefore, during the next few years regiments which had mutinied were disbanded, castes were more evenly mixed across the regiments, recruitment remained focused on Punjab which remained loyal during the mutiny, and the regional elements like the Punjab, Hindustan, Bombay and Madras, were carefully kept separate. 'This loyalty of the army was important for the stability of the Raj, as it was med more against internal threats to security than against external foes. Yet a large army was maintained quarter of a million in peace time devouring 40 percent of the central revenue. The David Omissi writes, " British Raj was agarrison state".[323]

In the administration of this garrison state the relationship between the civilian and military authorities remained always a sticky point ever since the beginning of the Company's army. In order to establish civilian authority over the army, the Charter Act of 1793 very clearly gave the ultimate control over all matters of war and peace to the Board of Control. 'In 1905, the position of the Military Member was abolished and the commander-in-chief became directly responsible to the viceroy's council. However, the crucial financial control of the army was not left in his

320. William Logan, *Malabar Manual*, *Op. cit*., p. 530
321. Sekhar Bandopadhyaya, *Op.cit.,* p.128
322. Stephen P. Cohen*, Op.cit.,*
323. David Omissi, *The Sepoy and The Raj: The Indian Army: 1860-1940,* London, Macmillan, 1994, p.44

hands; for this, a separate Military Finance Department was created, with a civilian chain of command going up to the Finance Member of the Council. This system remained in place until the end of colonial rule.'[324]

'In the late 19th and early 20th century, the army remained, as before, the most effective instrument of coercion. It provided guarantee of stability to the Raj against all sorts of civil disturbances, for example, nationalist agitations, workers' strikes, peasant movements or communal riots. The police were not always suitable to handle these situations, as the police officers lived in the communities and therefore were susceptible to social coercion and exposed to ideological influences. In the subsequent years, the composition of the army office corps completely changed and many of the Indian officer's became attracted to the cause of Indian nationalism.' [325] 'Visible signs of this cracking of the loyalty of the Indian army, was one of the main reasons why the Raj had to end in career in 1947. Out of the total revenue of Rs. 16, 72, 009 a sum of Rs. 12, 79, 504 were spent on the Company's military establishment in Malabar.'[326]

Administration of Civil Service

The expansion of British influence into new territories and new issues, demands, experiences, and ideas led to changes in the administrative structure. However, the larger goals of imperialism were never forgotten. The upkeep of peace and order and the continuation of British authority was the major goal of the British Indian administration. British manufacturers and merchants could not possibly hope to sell their products in every nook and cranny of India without law and order. "The East India Company established a civil service system in India for the benefit of its commercial concerns, and it eventually developed into a well-organized system to handle the administrative affairs of India's newly acquired territories. Until the mid-19th century, India was ruled by the East India Company through European civil servants, who were mostly appointed by the means of political patronage and nomination. After the British Crown took over, India

324. Stephen P. Cohen, *Op.cit.,* pp.22-27
325. David Omissi, *Op.cit*., p.46
326. V. Haridasan, *Op.cit.,* p.312

was administered through non-Covenanted Services, widely known as Provincial Services, and Covenanted Services, popularly called the Indian Civil Service (ICS)."[327]

The British ruled India with the help of an organized structure of bureaucracy. It was a merit based civil administration, a new paradigm in India, which altered the culture of power in South Asia. An efficient and effective civil service established by the British is considered among the best administrative machineries of the time. 'Indian Civil Service helped British Empire to sustain its power for years, maintain law and order and collect taxes. The strength of the British Empire in India largely based on their efficient system of administration run mainly by Indian Civil Service also known as Imperial Civil Service. The term Civil Service is comparatively recently coined and has come to currency during a century or so. Before that, civil administration of British India was named as the Covenanted, or superior services and Un-covenanted services.'[328] "An efficient and effective bureaucracy established by the British is considered among the best administrative machineries in the annals of history."[329] 'The structure of Indian Civil Service was gradually shaped. Originally, administration of the East India Company was a mercantile service. Later when the Company came to be a territorial sovereign as well, its civil servants had to combine their commercial and administrative duties.'[330]A private mercantile service silently transformed into full-fledged public administrative service as well as the most efficient civil service in the world at that time. "The Indian Civil Service (ICS) served as a backbone for the control of British Empire in India. Selected on the merit, it was the most literary and educated administrative service to rule a colony. The officers of ICS made and executed the policies in an efficient and effective manner."[331]

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327. Stalin Rajangam, A & B Rajasekaran, Indian Civil Service Examinations and Dalit Intervention in British India*, Economic and Political Weekly* (Engage), Vol. 55, Issue No. 12, 21 Mar, 2020, ISSN: 2349-8846, Chennai, pp.432-439
328. The word 'civil service' was used to designate the British administration in India. The British Empire called its employees working on the civil side 'civil servants' in contrast to those employed for military and naval duties.
329. Ilhan Niaz, *An Inquiry into the Culture of Power of the Subcontinent,* Islamabad, Alhamra Publishing, 2006, p.187
330. Akshoy Kumar Ghosal, *Civil Service in India Under the East India Company: A Study in Administrative Development*, Raj Publication, Calcutta, 1944, p.4
331. Ilhan Niaz*, An Inquiry into the Culture of Power……., Op.cit*., p. 203

'Lord Wellesley (1798-1805) followed up and started to provide systematic education and training to civil servants.'[332]'Warren Hastings faced problems in constructing the framework of civil administration due to lack of local knowledge and inefficiency of the officials.'[333]However, Hastings was the first Governor General, who clearly spelled out the role of the Company's employs. "The East India Company's bureaucracy was named Covenanted Civil Service (CCS). Members of the CCS were appointed by the Court of Directors of the Company. The other Service was Un-covenanted Civil Service (UCS) whose officers were appointed locally by the Fort William authorities."[334]

The Congress, comprising of elite Hindus, made numerous appeals to the British government to hold civil service examinations both in the UK and in India. Supporters of this move pointed out that holding exams only in London prevented many Indians from appearing for them, due to travel costs and caste restrictions on crossing the seas, among others. It was virtually impossible for the Indian graduates to appear for these exams. 'The open competitive Examinations here to for held in England alone for appointments to the Civil Services of India shall henceforth be held simultaneously both in India and England, such Examinations in both Countries being identical in their nature. The British administration in India was a system of 'alien few ruled the native many'.'[335]A small group of European officers in the Indian Civil Service, otherwise known as the covenanted service, with thousands of subordinate Indian servants, controlled the entire affairs of the government. There were about nine hundred covenanted servants who distributed from the central secretariat at the top to the districts at the bottom. As W. R Lawrence states, "while the English district officers give impulse and the secretariat gave direction; the real administration was in the hands of the Indian officials". [336]

'Though Indians had freedom to take the entrance examination, their representation was

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332. Akshoy Kumar Ghosal, *Op.cit.*, p.6
333. Ilhan Niaz, *The Culture of Power and Governance of Pakistan 1947- 2008*, Oxford University Press, Karachi 2011, p. 43
334. Aminullah Chaudry, *Political Administrators: The Story of the Civil Service of Pakistan,* Oxford University Press, London, 2011, p. 5
335. A. Stalin Rajangam, & B. Rajasekaran, *Op.cit.,*
336. W. R Lawrence, *The India We Served,* Cassel and Company Ltd., Landon, 1928, p. 113

nominal in the civil service. The British were able to rule India with a few European officers because of the support of some of the native subjects. Anil Seal has described them as 'collaborators.'[337] The support of the minority of the natives and the passivity of the majority was the reason for the success of the British Raj in India. The British administrative system in India was apparently an autocratic system. It was guided by the British higher-level bureaucracy and guarded by their 'redcoats'. Below them was another system of Indian support and consent.[338]

It was functioned as a mediating agency between the commands of the government house and the obedience of the men in the fields.[339] The Indians were ready to serve under the British regime due to a variety of reasons. Some wanted to keep a position of importance or hope of gaining such a position, some others for recognition in society and many others for economic gains. What some others wanted was that his neighbors should know that he had sat a certain time with the sahib. [340] Anil Seal calls them collaborators as their actions fell into line with the purposes of the British. [341] Clive Dewey observes "In their heyday they were the most powerful officials in the empire, if not the world".[342] It was "a patronage bureaucracy" at the outset, as the method of recruitment, as outlined by the India Act of 1784 and the Charter Act of 1793. As Bernard Cohn calculated, between 1840 and 1860, "fifty to sixty extended families contributed the majority of civil servants who governed India".[343]And from this service, Indians were carefully excluded, as no position worth an annual salary of 500 pounds or more could be held by them. The efficiency of empire, increased the responsibilities of governance and required an efficient bureaucracy, trained in Indian languages and laws.

Lord Wellesley, who arrived in India in1798 with a grand imperial vision, wrote in his minute

337. Anil Seal, *The Emergence of Indian Nationalism: Competition and Collaboration in the Later Nineteenth Century*, Cambridge University Press, New York, 1971, p.54
338. V. Haridasan, *Op.cit.*, p.241
339. *Ibid.,* p. 12
340. W. R Lawrence, *Op. cit*., pp. 113-14
341. Anil Seal, *Op. cit*., p. 9
342. Dewey C, *Anglo-Indian Attitudes: The Mind of the Indian Civil Service,* The Hambledon Press, London, 1993, p.62
343. Bernard S Cohn, *An Anthropologist among the Historians and Other Essays,* Oxford University Press, Delhi, 1987, p.14

of 1800 that the Indian empire "should not be administered as a temporary and precarious acquisition", [344] what he wanted was adequate training for the European civil servants. At Fort William College in Calcutta, the civil servants from all the presidencies took three years of training before getting their civil posting. However, the college did not continue for long, as Wellesley soon lost the favour of the Court of Directors, and the latter feared that such a training programme might result in the loyalties of the civil servants shifting from London to Calcutta. So, in 1802 Fort William College was closed; it continues there only as a language school. In its place, in 1805, the East India College was established at Hertford near London; it was moved to Haileybury in 1809. All candidates nominated by the Court of Directors were to have at this college two years of training and only if they passed the final examination would they secure an appointment to civil service in India. Haileybury College developed among the Indian civil servants a sense of camaraderie or indeed, a sense of belonging to an exclusive club.[345]

By the 1830s, however, the administrative responsibilities of the bureaucracy in India had increased immensely, as the District Collector had once again combined in his office the revenue collecting responsibilities, magisterial authority and also some judicial powers. The Charter Act of 1833 introduced competition for recruitment; but it was limited competition among the candidates nominated by the directors and therefore could not improve the situation. Finally, the Charter Act of 1853 introduced the principle of open competition; civil servants for India were henceforth to be recruited through an examination open to all" natural born subject of Her Majesty". The Haileybury College was abolished in 1858 and the Civil Service Commission henceforth recruited civil servants through an examination held annually in England. The steel frame of a centralized bureaucracy thus came of age in India in response to the needs of an empire that had by now established itself on firm grounds.

In this administrative structure, the Indians were accommodated, if at all, only in subordinate positions known as the Uncovenanted Civil Service. After 1813 under Warren Hastings, a gradual process of Indianization of the subordinate services had begun, mainly in the judiciary. Later Lord Bentinck advocated inclusion of Indians for orientating administration local needs;

344. B.B. Misra, *The Bureaucracy in India: An Historical Analysis of Development Up to 1947*, Oxford University Press, New Delhi, 1977, p.102
345. Sekhar Bandopadhyaya, *Op.cit.,* p.108

the other reason might have been the question of expenses. A regulation in 1831 gave more power and responsibility to the Indian judicial officers; but the top echelon of the Covenant Civil Service remained closed to the Indians.[346]The introduction of competitive examination in 1853 technically opened the gates to the Indians, but they were still effectively barred, as the recruitment examination was held only in England. And in spite of repeated petitions from the Indian nationalists in the late nineteenth century, the opposition of the European bureaucracy prevented the holding of a simultaneous examination in India.

It was Lord Ripon who realized the political importance of the Indian middle classes and argued that their continued exclusion from administration might eventually spell danger for the empire. He, therefore, preferred a simultaneous competitive examination in India, which would allow the entry of educated Indians of merit and ability into the Covenanted Civil Service, But the proposal met with a concerted opposition of the European bureaucracy, who clearly felt threatened by the prospect of sharing power with the Indians. If the period between1858 and 1919 was that of "bureaucratic despotism",[347]

Then Lord Cornwallis succeeded Hastings as Governor General (1785-1793). Due to his administrative reforms, his period is considered as a period of enlightenment. It was here when the pattern of power changed as he reformed the Government of India in all fields of administration. It was Lord Cornwallis who laid the foundation of a professional civil service with attractive salaries and certain rule-based appointments, trainings, postings and promotions.[348] The leading principles of civil service were established and duties of different departments were defined. Cornwallis put in place a well-structured machinery of government in Calcutta. The Cornwallis system of administration gave priority to judicial system. On the other hand, Munro school argued that executive function must be superior from judicial. According to him, it would be more effective because historically India has been governed by arbitrary administration through appointed officials.[349]

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346. *Ibid*., p.109
347. B.B. Misra, *The Bureaucracy in India ……..., Op.cit*., p.104
348. Aminullah Chaudry, *Op.cit*., p. 6
349. Ilhan Niaz, *Op.cit.*, p. 47

In 1829, a hierarchy of administrative units like provinces, divisions, districts and sub districts was established. A hierarchy of administrative officers was appointed to govern these units. The officers were trained in all fields and posted in different units. The officers also functioned as academic elite of the empire and gave their input in policy making of the state.[350] Before 1833 the Court of Directors remained supreme in the selection and appointment of civil servants. Disciplinary control of the government of India over Indian Civil Service strengthened after the Act of 1833.[351]The powers of Court of Directors as an appointing authority were also abolished in the Charter of 1853. In January 1855, the Board of Control outlined regulation for the examination of candidates.[352] After the War of Independence in 1857, on 2nd August 1858 British parliament enacted the Government of India Act under which direct Crown's rule was established, abolishing that of the rule of East India Company. The Act put an end to the dual authority exercised by the board of control and the court of directors. At first, the proportion of English in the services was much larger but later on Indians were also given considerable share in the administrative services.[353] Paul Stuart is of the view that "reform of the procedures of the Indian office to select better personnel, to control their official behavior, to improve their efficiency, and to make them accountable to superiors has been featured prominently in efforts to change the operation of the governments of Indian programs since the early nineteenth century."[354]

The efforts were made to introduce the element of transparency into the recruitment procedures of civil servants. The system of competitive examination was adopted almost two decades earlier in India than in Britain.[355] North cote Trevelyan report of 1854 suggests that Indian Civil Service was more composed and a role model for the establishment of Home Civil Service in Britain. The British even modeled their own civil service on the pattern of ICS. K. K. Aziz was

350. *Ibid.*, p. 48.
351. B.B. Misra, *The Administrative History of India 1834-1947*, Oxford University Press, New Delhi, 1970, pp.168-71
352. *Ibid.*, pp. 177-82
353. T. H. Beaglehole, From Rulers to Servant: The I.C S. and the British Demission of Power in India in *Modern Asian Studies* Vol. 11, No. 2,1977, pp.238-246
354. Paul Stuart, Administrative Reforms in Indian Affairs in *The Western Historical Quarterly*, Vol. 16, No. 2 April, 1985, pp.133-142
355. Aminullah Chaudry, *Op.cit.*, p.8

quoted by Bradford Spangenberg on the administration of British India that the "British India was better administered than the Great Britain herself."[356] Spangenberg also quoted B. B. Misra that "the future of India would be determined by the extent to which it can extricate itself from its old traditions and move along the lines of rationality and morality provided by the imperialistic bureaucracy."[357] Recruited on the basis of an open competitive examination and merit, the ICS officers of India became the backbone of British administrative system.[358] All India Services (AIS) included different legs of British administrative services. These included Indian Civil Service, the Indian Police Service, and the Forest Service, Engineers, the Medical Service, the Agriculture Service and the Veterinary Service. The final appointing authority of AIS was the Secretary of the State for India after the passing of competitive examination. The provincial Services were mainly comprised of Indians. These covered the provincial civil administration in the field.[359]The Central Services included the Indian Railways, the Indian Post, Telegraph Service and Imperial Custom Service. The appointing authority of Central Service was the central government.[360]After the proclamation of the Queen in 1858, the ranks of Civil Service were open for all caste, creed, color or religion in principal.[361] By introducing merit, British changed the culture of appointments of state officials in India. We should note that with respect to the doctrine of subordination, the ICS does seem to have acted as a neutral civil service, subordinate ultimately to the British Parliament. ICS officers held strong views on policies, lobbied for them, and had a great deal of power in making them.[362]

British introduced the element of transparency into the recruitment procedures, promotions

356. *Ibid.,* p.7
357. Bradford Spangenberg, "Steel Frame of Obsequiousness, British Bureaucracy in India: Status, Policy and the ICS in the Late 19th Century*", Economic and Political Weekly*, Vol. 14, No.2 (Jan. 1979), pp.67-72
358. Hare Krishana Mishra, *Bureaucracy Under the Mughals 1556 A.D. to 1707 A.D*, Amar Prakashan, Delhi, 1989, p. 9
359. Ilhan Niaz, *An Inquiry into the Culture of Power*, *Op.cit.*, p. 201
360. Zafar Mohyuddin, Muhammad Yasir Ali, The Development of Indian Civil Service in British India: An Analysis, *Journal of Historical Studies,* Vol. VII. No. I, Jan-Jun 2021, PP. 83-90
361. Akshoy Kumar Ghosal, *Op.cit*., p.5
362. Arudra Venkata Burra, The Indian Civil Service and the nationalist movement: neutrality, politics and continuity, in USA *Commonwealth & Comparative Politics,* School of Law, University of California, Los Angeles, Vol. 48, No. 4, November 2010, pp.404– 432

and transfers of civil servants. As the strength of the British Empire in India largely based on the efficient working of the ICS, British realized that the performance of the administration needs continuity to achieve organizational objectives. So, the recruitment and promotion were held on merit and the officers were not treated as personal servants of the Governor General. The ICS officers were not arbitrarily transferred. [363]

It would perhaps not be an exaggeration to affirm that British India was governed by the "Indian Civil Service" which had no match anywhere else in the world at that time. The standard of educational tests and competitive examination, efficient trainings and impersonal character of public affairs made this merit-based bureaucracy a hallmark of British Empire in India. It changed the culture of power in the Indian Subcontinent. To establish rule of law instead of rule of force, British separated military from politics. The formulation of strategy was in the hands of British Parliament and civil servants and armed forces focused on their operational proficiency. The principle that the country was not the personal estate of the ruler was applied to British officials' presence in India at the top of which was Indian Civil Service.[364] However, the gradual Indianization of the civil service also reduced its value as an apparatus of authoritarian rule for the empire and paved the way for a transfer of power. On the other hand, this Indianization made it possible for the continuation of the tradition into the period after independence,[365] when the service only changed its nomenclature into the Indian Administrative Service. The ICS was one of the important legacies of British rule in India. ICS not only helped British to control a vast and diverse region like India for many years, it also helped in the management of Imperial decline in orderly fashion in India.

Education

Despite the presence of many indigenous educational institutions, modern education reached Malabar only in the first half of 19th century with the arrival of missionaries. During this period,

363. Ilhan Niaz, *An Inquiry into the Culture of Power*, *Op.cit.*, p. 202
364. Ilhan Niaz, "A Survey of Proprietorship, Continental Bureaucratic Empires, and the Culture of Power, in South Asian History*"*, *The Pakistan Development Review*, Issue 45, Vol.3, Autumn 2006, pp.338-344
365. D.C Potter*, Indias Political Administrators1919-1983*, Clarendon Press, London, 1986, p.52

the Madras government under English East India Company neglected education in Malabar. There was no clear and precise educational policy in their territories under the early colonial rule. It was only in the first half of 20th century that the effects of Macaulay's Minutes of 1835 and the establishment of Madras University in 1857 began to be felt in Malabar society.[366] Despite gaining administrative control of Malabar in1792, the British neglected the education of the people of Malabar for several decades. The British administration did not play any significant role in the educational development of Malabar in the 19th century. In 1814, 1817, and 1818 missionaries established schools in different parts of Madras and demanded grant from government.[367] First English school in Malabar region started at Kallayi in Kozhikode at 1848 by Basel Evangelical Mission.[368]

Malabar became part of the British administration at the end of the 18th century. However, the western educational activities started here only very late. The indigenous system continued to exist among the different castes of Hindus, Muslims and Christians. The growth of western education was slower in Malabar than in the other two regions. Besides, even the development of education, which began after 1835, was strictly based on the infiltration that gave more emphasis to higher levels of school education and collegiate education than primary education. The credit for having laid the foundations of western education in Malabar area goes to the 'Basal German Evangelical Mission'. Basel Mission in Malabar, founded by Herman Gundert, actively engaged in educational activities in the middle of the 19th century.[369]The Christian mission gave great emphasis on education. It was compulsory that every child of the Basel Mission was to undergo elementary education.[370]Among the colleges started in this region, the earliest ones were Zamorin's

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366. Hareesh U.P, *Adinivesha Malabarum AAdunikavidyabhyasavum*, in Satheesh Palanki & Shameerali Mankada ed., *Malabarum British Adinivesavum, Sampath, samooham,samskaram* (Mal), D C Books,2023, pp.147-152
367. Chopra. N. P, Ravindran T.K & Subrahmanian N, *History of South India,* S. Chand Publishers, New Delhi, 2003, p.184
368. Hareesh U.P*, Op.cit.,* p.148
369. Nithya N.R, Development of Education in Travancore, Cochin and Malabar Regions of Kerala State, in *Research Paper Political Science,* Department of Political Science, University of Kerala, Volume: 2, Issue: 8, Aug 2013, ISSN No 2277 - 8160, pp.1-6
370. Innes and Evans, *Op.cit.*, p.207

Guruvayurappan College (Calicut), Victoria College (Palakkad) and Brennen College (Thalassery). In Malabar, the government's attention to the cause of promotion of Malayalam education began only in 1921.

This period had coincided with the Moplah rebellion and with the period of transfer of partial control of central education department to Indians under the provisions of the Government of India Act of 1919. In Malabar, serious attention was given to the development of primary education supported by grants from the Madras government. The educational disparities that existed between Malabar and the other two regions of Kerala have narrowed down quite rapidly during the past quarter of a century because of the deliberate policy of special educational encouragement given to the former region. The Company's court of directors had no interest in public education. They believed in the 'downward filtration' theory of providing education to the highest strata of the society and then trickling down to the lower strata.[371] In 1836 the government formed a local board of education, which later became the university board. Lord Elphinston during his tenure as Governor of Madras, recommended the establishment of four colleges at Trichinapally, Masuli town, Bellary and Kozhikode. Finally, in 1848 the government started an educational council to look after the educational affairs of Madras province. Charles Wood's educational policy of 1854 was a turning point in the history of education in India. The government of India decided to start new government schools and provide financial assistance to private educational institutions in accordance with Charles Wood's recommendations. A decision was taken to implement it in the Madras province as well. The government also decided to start local schools in the hinterlands in the belief that it would be possible to educate the rural people in their mother tongue. Thus, the first Anglo -vernacular school in Malabar was started in1855 at Kozhikode.[372]

Similarly, the first government grant was given to a private Anglo – Vernacular school in 1856.The first *pradeshikavidyalaya* in Malabar was started in Malappuram in 1856. The purpose of this school was giving education to the Muslims of Malabar. In 1857, government established

371. Nithya N.R, *Op.cit.,*
372. Abdul Salim. A, & A. R. Gopinathan Nair, *Educational Development in India,* Anmol publications, New Delhi, 2002, p.121

five more taluk vernacular schools in Malabar.[373] Sir Thomas Munroe ordered an educational survey in 1822. The same report was submitted to the court of directors. According to the Government reports the total number of vernacular schools in Madras province was 12,498 and the number of pupils in it was 12,594, 1931.On the basis of this report Thomas Munroe put forward a proposal to establish about 15 schools in each district with one school in each Taluk. In 1826 three Tahsildari schools were established in Malabar.[374]They were in the towns of Tellicherry, Calicut and Palghat. Probably the first middle school in Malabar was the English school which was established at Nettur by Basel Mission .[375]

The Table below shows the Number of Government and Aided schools in Malabar in 1858.[376]

Nature of schools	Number of Schools	Number of Students
Government	7	340
Aided	4	403

373. *Ibid.,*
374. Chopra, N. P, Ravindran T.K & Subrahmanian. N, *Op.cit.*, p. 189
375. N. K. Musthafa Kamal Pasha, *History of Education in Malabar Under the British rule from 1792- 1947,* Unpublished Ph D Thesis, University of Calicut, 1991, P. 8
376. Table Abdul Salim*, Op.cit.*,

The British Indian education conceived in India as an act of securing and consolidating colonial power. By the introduction of the British Model modern education, they sidelined indigenous education, which was marked by diversity. The major social function which colonial education fulfilled was to differentiate the superior culture derived its forms from the orientalist narrative of the essential difference between a superior West and an inferior East. The introduction of Western ideas and values through English education had created influences in the intellectual, cultural and ideological spheres were deeper than those changes introduced in the political and administrative spheres. The western system of education became a reality in Kerala with the joint effort of the British government, Christian missionaries, native states, individuals and social organizations. [377] Though Kerala had developed indigenous education before the arrival of British, there were no formal educational institutions other than village school known as '*Ezhuthupallis*', or '*patasala'* and an '*Ezuthachan'* or '*Asan*', as single teacher to teach all the children belonging to different age groups in same class.[378]

Educational system in the pre-colonial Kerala centered on the Brahmanic- sanskritic traditions, was the monopoly of the Namboothiries and it was within the reach of only the privileged sections of the society.[379] Brahmins being placed as ritual authority and temple managers, education was concentrated on the study of Vedic and other religious and puranic texts.[380] There were temple centered institutions called Salais for Vedic cum material learning accessible only to the Namboodiri's. [381]Apart from this, *Vedapatasalas* and Sabhamutts organized at the household level meant for the education of Brahmins.[382]

It has been thus concluded that the functions of literacy among Brahmins were to conserve custom, to organize and sanction the feudal Kingdom, religious and philosophical exchange of

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377. Prabhakaran PM, Colonial Knowledge and Social Change in Malabar1792 -1857, *JETIR Journal of Emerging Technologies and Innovative Research* May 2019, Volume 6, Issue 5, ISSN-2349-5162, pp.1-8
378. Gopinathan Nair P.R, *Education and social changes in Kerala*, C.D.S, Trivandrum, 1978, p.29
379. Raja Kunhunni K, *The contribution of Kerala to Sanskrit Literature*, University of Madras, Madras, 1958, p.32
380. Namputhiripad EMS, *Athamakatha*, (Mal), Chintha Publishers, Trivandrum 1976, p.16
381. Narayanan M.G.S, *Aspects of Aryanisation in Kerala, Kerala* Historical Society, Trivandrum, 1976, pp.21-42
382. Ullor S Parameswara Ayyar, *Kerala Sahitya Charithram*, Vol.1, (Mal.), Prakasana vibhagam, Kerala University, Trivandrum ,1970, pp. 40-41

ideas and to provide artistic entertainment to the ruling caste.[383]The local ruling class *Naduvzhis* and other savarna temple castes also got almost the same type of education.[384] The traditional *patasalas* were run by individual initiative with no aid from the state.[385] The Nayars who constituted the lesser mobility, village headmen, Military retainers and clerks took education nearby *Ezhuthupalli.* Apart from the elementary education, the Nayar caste mainly concentrated on vocational learning such as martial arts, wrestling, accounting and medicine. Performing arts were also formed part of vocational education. An important feature of this education was that, unlike Brahmins, Nayar caste learning was mostly in Malayalam. The retelling of Sanskrit text into Malayalam and the availability of many Sciences related to different vocations such as astrology, hora, vastu etc. in Malayalam language.[386]

The lower castes learned in *kutipallikutams* which was modeled after Ezhuthupallis. The hereditary teachers of these schools hailed from the caste of *Kutipatters* and *Kalarippanikkars,* both claimed descent from the socalled degraded sections of Tamil Brahmins.[387] Other communities like Christians had not developed their own education system. They pursed the same type of education in traditional institution such as *Ezhuttupallis* and *Kudippallikutams*. The fact that first Mappila Muslims developed their own educational system; boys had their education in *Othupallis,* one teacher schools.[388] Mappila education provided religious knowledge through Arabic medium.[389] Though female education was not very popular, women of the upper caste, particularly Nairs got some traditional type of education. Indigenous education has been based on rote learning; and even in the second half of the nineteenth century, books and papers

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383. Kathleem Gough, Literacy in Kerala, in Jack Goody (ed.), *Literacy in Traditional Societies*, Cambridge University press, New York, 1968, pp. 141-147
384. Ananda E Wood, *Knowledge Before Printing and After*, Oxford University Press, Delhi, 1985, p.17
385. William Logan, *Malabar Mannual, Op.cit*., p. 109
386. Muhammad Ali, K.J. The development of Education Among Mappilas of Malabar: 1800-1965*, Journal of Emerging Technologies and Innovative Research, JETIR* May 2019, Volume 6, Issue 5 (ISSN-2349-5162), New Delhi, pp.38-42
387. *Ibid.,*
388. Kathleem Gough*, Op.cit*., p.144
389. Ananda E Wood*, Op.cit*., p.76

were not used in most of these schools.[390] Children wrote on sand, rice grains or when they better at writing, on palm leaves

Since the majority population of the society didn't get education because of the caste-based norms, there was a total exclusion of depressed castes from all traditional educational institutions and this educational backwardness increased the degradation of these castes. Education was a monopoly of the upper castes and it was restricted to lower castes in order to protect their interests. By denying education to the lower class, they could easily suppress them and exploit their services for the benefit of upper castes. They also believed that education of lower castes would disturb the caste structure in which they enjoyed supremacy. Malabar region confronted colonialism in the sphere of education with the beginning of missionary activities. The traditional system of learning was disrupted and dislodged in the colonial period and supplanted by a new system of education. The Christian missionaries did the spade work in the field of modem education and later by the state. In 1813, the British Parliament permitted European missionaries to enter the country under the new system of licensing.[391] This eventually threw the entire subcontinent open to missionary activity. It was during the British hegemony that the Christian values directly opposed the caste-ridden society of Kerala. The Basel Evangelical Mission assumed the leading role in the spread of English education with the establishment of Schools at Tellicherry (1817) and at Barnasseri near Kannur, Chalat, Chowwa and Mulil. [392]

One of the main social activities of the missionaries in north Malabar was the founding of schools for the poor and the children of the oppressed castes, the Cherumas, Pulayas and Ezhavas, also encouraged the education of girls.[393] Missionaries were fully aware of the fact that educational work was a necessary pre-requisite to their religious work. The main motive of the missionaries was to get access to the indigenous society through modern education

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390. Kesavan C, *Jeevithasamaram* (Mal.), National Bookstall, Kottayam, 1968, pp.105-111

391. Paul Manavalan, *Kerala samskaravum Kraisthava Missionarimarum* (Mal.), Kottayam, 1990, p.51

392. Hepzi Joy, R.J. *History and Development of Education of Women in Kerala* 1819-1947, Seminary Publications, Cochin, 1995, p. 155

393. Ramachandran, V. K, "Kerala's Development Achievements and their Replicability" in Govindan Parayil (ed.), *Kerala Development Experience: Reflections on Sustainability and Replicability*, Zed Books, London ,1988, pp.103-109

and to propagate new cultural values, which would help them in conversion of people to Christianity. In the beginning, the English East India Company as the direct rulers of Malabar had no educational policy or programme of their own. The Company did not take the responsibility to impart mass education and even neglected the town centers like Tellicherry, Cannanore, Calicut and Palghat. The earliest efforts to spread modern education in Malabar had been a part of district administration and vernacular schools were established with the avowed object of training young men to state service as writes and accountant.[394]

In the light of East India Company's Charter Act of 1813, on 15 September 1826, three Tahsildari Schools were established in the towns of Tellicherry, Calicut and Palghat.[395] The teachers attached to these Tahsildari schools were selected by Tahsildars and Munsifs. By 1829 Company had decided to make the English language of communication throughout the country. The District Collector played an important role in the instruction of English education through Collector Schools and Tahsildari Schools.[396] In 1835 it was resolved to abolish the Tahsil and Collector schools and entrust the affairs of education to a new Board to be designed by the Committee of Native Education.[397] There were frequent changes in the policy and personnel in the field of education in Madras Presidency from 1836 to 1854. In 1836, the Board of Public Instruction was reconstituted into a Committee of Native Education which was replaced in 1841 by the University Board. English medium Provincial Schools were established in chief towns of Madras Presidency that included Cumbaconum, Bellary, Rajamudry and Calicut.[398] This shows that government took more responsibilities in education during the second half of 19th century, still mass education was neglected.

The Wood's Despatch of 1854 has suggested the constitution of a separate department of education, the institution of universities at Presidency towns. Along with Bombay and Calcutta, the southern region of the country was exposed to higher education with the establishment of the

394. A. Sreedhara Menon, *Kerala District Gazetters*, Ernakulam, Trivandrum, 1965, p. 133
395. Innes, *Malabar Gazetteer, Op.cit.,* p.281
396. *Ibid.,*
397. A. Sreedhara Menon, A. *Kerala District Gazetteers, Op.cit*., p.281
398. *Ibid.,* p.282

Madras University. Subsequently, the middle-class people from Malabar were attracted to Madras to take higher education. On the basis of the recommendations of the University Board, Calicut provincial school was started on 1 November 1854.[399] It provided education up to the standard of the first arts of the Madras University. The course of study included instruction in the English language, Geography, Elementary English, Indian arithmetic, Euclid, Algebra, Trigonometry etc.[400]

Following the Woods Despatch, as a part of the decision of opening government schools and aiding private schools in different parts of the country, the provincial government of Madras decided to open a few vernacular schools in Malabar. A Government Anglo Vernacular School was established at Calicut in 1855.[401] The Government introduced a scheme of bringing schools under the inspection and control of the government through the system of grant-in-aid. Grant in Aid rules was published to encourage private agencies in the field of education in 1855. Herman Gundert was appointed as the first inspector of schools of Malabar in 1857.[402]As per the Madras Provincial Report of 1871, the education status of Malabar was, Primary School 145 (only in private sector), Middle School 38 (35 in private sector), High School total 3 (Private Sector,2) and one colleges in Govt Sector.[403] The progress in the field of education, especially in the higher education sector was very slow. This shows that British government was not interested in the progress of mass education or not willing to take the responsibility of mass education in Malabar. Further, the middle schools and high schools in the government sector were not sufficient to meet the growing educational needs of the society.

The Basel German Evangelical Mission led by Dr. Herman Gundert (who incidentally edited the first dictionary in Malayalam) was the mission force in the Malabar region. The various educational ventures that came about, both in English education as well as Vernacular education,

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399. Innes*, Malabar Gazetteer*, *Op.cit*., p.282
400. *Ibid.,* p.13
401. Sreedhara Menon, A. *Kerala District Gazetters*, *Op.cit.*, p.135
402. Varid. K. P, *Dr. Herman Gundert Biography*, National Book stall, Kottayam, 1973, pp. 140-143
403. *Statement of the Progress of Education, 1854 -1871*, Madras Provincial Report, Madras, p.3

are the composite efforts of the monarchs of the princely states, the Christian missionaries and the British Residents. With the charter act of 1813 being passed, the British started showing some interest in education.[404] With the introduction of Charles Wood's educational policy of 1854, the colonial government began regularly funding private institutions. Catholics and Christian Missionary groups have been the biggest contributors to the education in Malabar. St. Joseph's boys' school in Calicut was probably the first missionary educational institution in Malabar. Father Gabriel Gonsalves founded this school in 1793.[405]

It clearly proves that the British had a clear agenda while introducing a new knowledge system through the language of English. Colonial educational policies have had a far-reaching negative and positive effect on traditional educational practices and social system are as follows. Firstly, colonial powers actively reshaped the linguistic makeup of the region and implemented educational systems that were clearly geared to suit their own needs: who would act as interpreters between the Government and the mass. "The British were mainly interested in instilling notions of European morality in their colonial subjects and at forming an easily available and cheap labour resource for their economic endeavors. British used English language as a powerful form of ontological and epistemological domination over the people of the region."[406]

In the initial phase of the British rule, some of the communities like Mappilas and aboriginal groups of hilly areas and the depressed class were neglected. The government was fully aware of the mass illiteracy of Mappila population and saw the need for making them literate and there by prevent the occurrence of Mappila outbreaks in the beginning of the nineteenth century. 'Due to the religious taboos, children of Muslim community were generally sent to Arabic schools attached to Mosques, instead of western type of educational institutions. Hence, the British forced to take some formative steps to improve the educational status of the Mappilas. British administration tried to implement Hunter's suggestions of providing grants in aid to

404. Ashish Joe, Conceptualizing the History of English Language Education: A Case Study of Kerala, in *Asian Journal of Multidisciplinary research and review, (AJMMR)*, Hyderabad, ISSN 2582 8088 Volume. 2, Issue 2, April - May 2021, pp. 1-17

405. Hareesh, *Op.cit.,* p.149

406. Prabhakaran PM, *Op.cit*.,

Muslim schools in the region.'[407] 'It is fact that Malabar was a neglected part of Madras presidency where the British had spent very little resources beyond the requirement of law and order.'[408] 'Further, their educational policy was not in favour of structural transformation of the society through industrial development and popular education.'[409]However, there was no doubt that new education boarded the horizon of knowledge. "British rule was largely responsible for the introduction and diffusion of a western style of education in Malabar, which penetrated into and transformed all the communities. Caste-wise, the Nambudiri Brahmins were late in receiving the benefits of modern education; whereas the Nairs and other intermediary castes took the lead. Among the depressed classes, the *Tiyas* took the lead in education.[410] But the condition of the depressed classes like *Pulayas, Parayas* and *Nayadies* was pitiable."

'The chief hindrance in the way of their education is ignorance that did not allow them to evaluate themselves out of their position of serfs.'[411] Even though, the educational achievement of the depressed classes was marginal when compared to other sections of the Hindu Community, the spread of English education brought new ideas and institutions in the society. This was accelerated by the socio-economic changes that took place during the 19th century. Gradually, 'the Tiyas and other oppressed castes also realized the relevance of modern education in their life. The British Government and the Christian Missionaries, who spread that equality was their supreme priority, supported them.'[412] Thus it is clear that the gradual growth of co-education contributed immensely to the growth of common public space.

The Basel German Evangelical Missionary Society was the first protestant Christian Mission in Malabar. The Basel Missionaries were the pioneers in every aspect of modern Malabar.

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407. Lakshmi, C.R.S, *The Malabar Muslims: A Different Perspective,* Cambridge University Press, New Delhi ,2012, p.111
408. Abdul Salim, A. and. Gopinathan Nair, *Op.cit.,* p.8
409. K.K.N. Kurup, The, Basel Mission and Social Change in Malabar with special reference to Herman Gundert in K.J John and K.K.N Kurup (ed.), *Legacy of Basel Mission and Herman Gundert in Malabar*, DC Books, Calicut, 1993, pp.58- 63
410. Kunhappa Murkoth, Heritage of Basel Mission in Malabar in K. J. Jhon, (ed.) *Christain Heritage of Kerala*, L.M. Pylee Felicitataion Committee, Cochin ,1981, pp.243-249
411. Innes, C.A, *Malabar Gazetteer, Op.cit*., p.300
412. E.MS. Nambudiripad, *Keralam Malayalikalute Mathrubhumi,* (Mal), Chintha Publishers, Trivandrum 1948, pp.67-68

The Mission introduced the modern system of education ,published the first journal in Malayalam ,established the tiles and textile factories ,promoted trade and industrial technologies ,enriched vernacular language and Literature ,started schools ,churches ,hospitals and various types of charitable institutions in order to emancipate the people from their socio- religious problems and to build up a Christian versatile community in the deeper sense of global ecumenism in fact it was a new epoch in the history of Malabar .The Basel Mission has contributed much to educational work by opening schools and colleges both for Christians and non-Christians. These schools were opened for everybody irrespective of caste and creed and most regular scholars in each class were exempted from paying the school fee. In Malabar, the context was that the poor could not do their education and thus became the slaves to the landlords due to poverty and oppression. The caste structure in Malabar was one of the main obstacles which prevented the people from gaining education. The Basel Missionaries were the pioneers in founding boarding schools in Malabar.[413]The Basel Missionaries encouraged female education. Educational work of the Basel Mission in Malabar was always directed educating the masses through primary education.

"The beginnings of Western education in Kerala may be associated with the work of Christian missionaries. It was the Protestant missionaries who took the initiative in this regard. A Prussian missionary by name Ringletaube was active in Trivandrum-Nagercoil area during the period 1806-16."[414] He set up schools where free instruction was given in reading, writing and arithmetic to all poor children, irrespective of caste or creed. But the most illustrious name connected with educational work in this area was that of Dr. Mead of the London Mission Society. From the time of his arrival in 1817 till his death in 1873 he devoted his whole time to educational work. He established several schools including industrial schools and also encouraged female education. The Christian missionaries were active in other parts of the state also. As early as 1813 the Syrian priests had set up a college or seminary in Kottayam for training priests. The C.M.S missionaries who worked among the Syrians introduced here several branches of

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413. Frederick Sunil Kumar, Contribution of the Basel Mission to education in Malabar, K.N. Ganesh (ed.) – *Exercises in Modern Kerala History*, Sahithyapravarthaka Cooperative society, Kottayam ,2012, pp. 84-88
414. A. Sreedharamenon, *Cultural Heritage of Kerala,* D.C Books, Kottayam, 1978, p.178

secular instruction. They also set up in Kottayam a Grammar School in 1821 and their wives set up a few Girls Schools in Kottayam and adjoining area to promote female education. Among the early C.M.S. missionaries of Kottayam, the names of Bailey, Baker and Fenn deserve special mention. English education began in the Malabar area with the establishment of a school each at Kallayi in Calicut in 1848 and at Tellicherry in 1856 by the Basel Evangelical Mission.

The fine example set by the Christian missionaries in different parts of the state gave the necessary incentive to the Government to enter the field of education. Malayalam primary schools were set up in all parts of the state and guardians of children between the ages of 5 and 10 were enjoined under law to send their children to school. Men with suitable qualifications were appointed as teachers and paid salaries from the state treasury. This was a clear recognition of the principle that the cost of education was a charge on state funds. "Dr. Gundert, the founder of the Basel Mission in Malabar, was also the Government Inspector of Schools for Malabar and South Canara. The Brennen School at Tellicherry started in 1862 under the auspices of the Basel Mission with an endowment of Rs. 12,000 by Mr. Brennen, the Master Attendant at Tellicherry, was later taken over by the Government and run as the Government Brennen College."[415]The foundations of English education in Kerala were thus firmly laid. A chain of colleges and schools came to be set up, in due course.

Thus, western education hastened the social transformation of Malabar; the important contribution of colonial education is that, it offered education to all people of the society irrespective of caste distinctions. In earlier periods, caste decided one's education and only higher castes were enjoyed the fruit of education. The British Government gave employment mainly to the educated people, this attracted more people to good jobs. Here deserves special mention to the role of Christian missionaries and other private sectors in the spread of modern education. However, the colonial administration created a state sponsored western educational system to develop capitalist consumer habits. There is a shift to the age old to the modern society, which can be noticed in every sphere of life and society. But the traditional literature, art, architecture, music etc. are superior to any culture and it could not change by any colonial force. Although the government made many changes in education, there was no significant

415. *Ibid.*, 179

progress in the field of education in Malabar. The British government did not pay much attention to the education of backward classes and women in Malabar.

Health Administration

In India's case as a result of colonial rule, the perceptions towards health, medicine and sanitation began to change. In the Indian society, the English educated Indian middle class endorsed western medicine in the health care field especially the compulsory vaccination, sanitation policy and modern method of medicine in treatment. Medicine and colonial power were linked together. "The western medical discourse occupied an extremely important place in the colonization of India."[416]The introduction of western medicine in Malabar was an important milestone in the development of modern health care. Ayurveda, Siddha, Unani and Naturopathy are the earliest known systems of Indian medicine prevailed in Malabar.[417]Besides it, several kinds of folk medicines were prevalent in different parts of Malabar. "The British health policy began with the introduction of vaccination for small pox in Malabar. Vaccination was introduced in Malabar in 1801. The people of Malabar were highly conservative and several epidemic diseases like smallpox, cholera, plague etc. had largely spread in Malabar. The climate condition of Malabar was caused for the spread of such diseases. Ayurveda, the traditional medical practice also lost it importance at the beginning of modern period."[418] The colonial medicine was spread in the ruins of indigenous medicine.[419]

The British introduced effective medicinal policies in India Alfred Crosbie had pointed out that British used biological means to colonize the rest of the world.[420]The bodies were the platform for colonial contestation and western medicine was the instrument for colonizing the

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416. Deepak Kumar, ed., *Disease and Medicine in India- A Historical Overview*, Tulika Books, New Delhi, 2001, pp. 17-24
417. K. Mamatha, Institutionalization of Health Care System in Colonial Malabar*, Proceedings of the Indian History Congress,* Vol.75, Jawaharlal Nehru University, New Delhi ,2014, pp.848-859
418. K. N. Panikkar, Indigenous Medicine and Cultural Hegemony: A Study of Revitalization Movement in Keralam*,* in *Sage Publications*, New Delhi, Vol. 8, Issue 2, August 1992, pp. 43 - 49
419. Sajith Kumar K.M, Introduction of Colonial Medicine in Malabar in *International Journal of Research and Analytical Review (IJRAR)*, October 2023, Volume 10, Issue 4, ISSN 2348-1269, pp.287 - 290
420. David Arnold, ed*., Imperial Medicine and Indigenous Societies*, Manchester University Press, Newyork,1988, pp.8- 12

Body.[421] Besides it, the concern of health of European soldiers and civilians also helped in introducing western medical practices in India. 'The nature of colonial economy and the ecological changes brought about under colonialism could have far reaching, and enduring effects on public health. Hospitals, dispensaries and maternal health care created a great change in the socio-cultural field of Malabar. Western medicine was initially introduced for the benefit of Europeans.'[422] 'Latter was made accessible to the Indian population, which derived as a tool of empire.'[423]

The colonial medical practices are very effective and successful in Malabar; 'Civil hospitals were first opened in Malabar in the middle of the 19th century. In 1845, first public hospital opened at Calicut. After that, hospitals and dispensaries opened at all Taluk centers and at important villages. Smallpox which was more prevalent in Malabar than in any other districts in Madras presidency.'[424] In 1914, vaccination made compulsory in all the municipalities and the all districts. Medical facilities in Malabar were inadequate.[425]Compared to Travancore and Cochin, Malabar was backward in regarding vaccination.[426] Smallpox was one of the major epidemics in Malabar. Small pox had been prevalent throughout the district since the month of December.[427] As a result of religious belief and ignorance, many of the natives of Malabar refused to accept vaccination. Many medical officers pointed out that the paucity of trained personals in medical field and reluctance of the target group on religious grounds, became a big banner for achieving the goal of vaccination. There was great deed of misunderstanding among the rural population regarding the positive aims of government. The poverty of people and the absence of any sanitary precautions provided a fertile ground for the spread of epidemics. The highly traditional minded, poor people could not afford a private practitioner of English medicine, went to *hakim*

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421. *Selection from the Records of the Madras Government, Report on Civil Dispensaries*, for 1857, No. LV, Madras, Regional Archives, Calicut, p.6
422. Daniel Headrick, *The Tools of Empire: Technology and European Imperialism in the Nineteenth Century*, Oxford University Press, New York, 1981, p. 87
423. C. A. Innes, *Malabar Gazetteer*, *Op.cit.,* p. 290
424. Madhuri Sharma, *Indigenous and Western Medicine in Colonial India*, Foundation Books, New Delhi, 2012, p. 9
425. C. A. Innes*, Op.cit*., p.293
426. *Report on Vaccination* (1863), Regional Archives Calicut, p.4
427. *Report on Vaccination* (1864), Regional Archives Calicut, p.2

or Vaidya. The expansion of British territories in Malabar occurred in a climate not conducive to European health, the British were not exception to it.[428]

Cholera outbreak in Malabar was frequent and assumed a severe epidemic form. However, the British government decided to resist such a notion by supplying rice and other food grains at the time of food shortage to those who were ready to vaccinate. Thus, the people cooperated with vaccination. South Malabar was more progressed in vaccination than North Malabar.[429] The Collector of Malabar gave special attention to establishing hospitals at the different parts of the district. The hospital, dispensaries and mental health care centers created rapid change in the socio-cultural status of women in Malabar. The activities of women missionaries came to Malabar during 1860's and established hospitals, dispensaries and training centers for midwives and nurses. They used maternity service as a tool to christianize and to project western ideologies.

"The first hospital in India was the Madras General Hospital in 1679. The Presidency General Hospital, Calcutta was formed in 1796.[430] About four hospitals were formed in Madras between 1800 to1820. To fulfill the growing need for health professionals, Calcutta Medical College was established by an order in February 1835, which was the first institute of western medicine in Asia." Although there were ground breaking works on a variety of diseases, which proved to be very helpful in the prevention of epidemics, the British government of India discouraged innovation and research due to a lack of funds and other difficulties. This branch of medical systems had long been neglected in India. In the late 19th and early 20th century, situations improved and it was widely accepted that medical research was an integral part of preventive medicine. In 1884, the foundation stone of India's first medical laboratory was laid down. A central laboratory was established in Kasauli near Simla.

The British Imperial government set up and strengthened an organized medical system in colonial India that replaced the indigenous Indian and Arabic medicine systems. Slow progress

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428. K. Mamatha, *Op.cit.,*

429. Sajith Kumar K.M, *Op.cit.,*

430. Muhammad Umair Mushtaq, Public Health in British India: A Brief Account of the History of Medical Services and Disease Prevention in Colonial India**,** *Indian Journal of Community Medicine*, January 2009,pp. 6–14

in early years was due to indifference on the part of people and a lack of funds and medical professionals on the part of the government. "The people of India resisted the British colonialism, and they were reluctant to support any services by the foreign government. These trends slowly changed as the natives were educated according to the British system. They then decided to serve in Indian civil and military services and lessen their hardships by taking part in government affairs. That is why Indian Medical Services flourished in the late 19th and early 20th century. There were dramatic improvements in medical and sanitary conditions in British India. Several new dispensaries opened in each revenue district of Madras presidency and in Malabar district 15 dispensaries established."[431]

"IMS efficiently coped up with deadly epidemics like the plague and cholera. The most common disease in Malabar is fever, worms, anemia, ulcers, respiratory affections, skin disease, rheumatism, wounds and injuries."[432] 'Almost all the diseases prevalent at that time in India like small pox, leprosy, and malaria were controlled successfully."[433] Epidemic disease in the form of cholera, small pox and fever has been more extensively prevalent and spread more widely than usual and with great devastation amongst the native's poor. Small pox was more especially prevalent at Calicut, Cochin and Kurnool. A building for the accommodation of small pox patient should be erected at some distance from the main building in the dispensaries, as at certain season of the year a great number of small pox patients seek admission to the dispensary, and when admitted are a source of alarm to the other patients, very often frightening them away from the dispensary altogether.[434] The cholera disease was more prevalent in the district, more particularly in the months of January, February, March and December. The bad food, insufficient clothing and exposure and use of new grain had a very considerable share in the production of the disease, as mostly the poor classes alone suffered. Extra medical aid was sent to the affected localities and

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431. *Annual Report on the civil Hospitals and Dispensaries in the Madras Presidency for the year 1880*, Madras, 1881, Regional Archives, Calicut, p.27
432. *Ibid.,*
433. Muhammad Umair Mushtaq, *Op.cit.,* p.21
434. *Selection from the Records of the Madras Government, Report on Civil Dispensaries*, for 1857, No. LV, Madras, Regional Archives, Calicut, p.8

cholera medicines were freely distributed to Tahsildars with instructions.[435] The hospital was very clean and in excellent order, having been all whitewashed and done up within the last few days. The sanitary conditions of all building are very good.[436]

"Small Pox caused millions of deaths and was considered one of the most severe and virulent of the diseases, responsible for more victims than all other diseases combined."[437] "Vaccination was not popular in Malabar until the early20th century, despite division of district in to zones and appointment of superintendents. In 1852, the Medical Board communicated with superintending surgeons to increase the attention and zeal of local superintendents for faithful and ardent discharge of duty."[438] "Those who failed to accomplish the duty were punished by imposing fines or dismissal from their duties."[439] "Since the health of the European citizens was a primary concern, the Company extended vaccination in Calicut. The Company also adopted policies to strengthen vaccination in Malabar, Rice was given free as an encouragement to vaccinate, yet most parents were still reluctant to bring their children to the dispensaries."[440] 'In 1855 there was a decrease in vaccination performance in the Madras Presidency, particularly in Malabar. The local superintendent of Calicut station attributed this decline to the native community's increased apathy and indifferences towards vaccination.'[441] 'Efforts were taken to enhance vaccine operations in Calicut during the period between 1849 and 1853 with larger involvement of vaccinators.'[442] 'The vaccinators in the divisions were mostly from lower caste. Half of them were deemed unfit for their duties and required constant supervision.'[443]

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435. *Annual Report on the civil Hospitals and Dispensaries in the Madras Presidency* for the year 1884, Madras 1881, Regional Archives, Calicut, p.x
436. *Annual Report on the civil Hospitals and Dispensaries in the Madras Presidency* for the year 1880, Madras 1881, Regional Archives, Calicut, p.77
437. Satheesh Palanki, *Small pox under the Raj: Resistance policies and the indigenous Response in Colonial Malabar,1800-1900,* Sage Publications, 2023, pp.1-15
438. Tamil Nadu State Archives (here onwards TNSA), *Report on the progress of vaccination for the year 1852*, *Madras Presidency*: Government of Madras,1853, p.1
439. *Ibid.,* p.2
440. TNSA, *Report on Vaccination throughout the Presidency and provinces of Madras for the year 1853* (Madras, Government of Madras,1853), pp.1-4
441. *Report on the Annual returns on vaccination throughout the presidency of Madras,1855,* (Madras, Government of Madras,1855), Regional Archives, Calicut, P.6
442. *Report on the Annual returns on vaccination throughout the presidency of Madras,1853,* (Madras, Government of Madras,1853), Regional Archives, Calicut, P.3
443. *Report on the Annual returns on vaccination throughout the presidency of Madras,1856,* (Madras, Government of Madras,1853), Regional Archives, Calicut, P.12

'Thus, the Company servants believed that the caste system and the involvement of those belonging to the lower castes adversely affected the advancement of vaccination in Malabar district. In the first part of the 20th century, vaccination rates ranged from only 2% to 4% annually.'[444]

'Company later decided to improve smallpox vaccination by restoring European supervision, providing paid volunteers and strengthening the medical department due to the enduring epidemic in Malabar.'[445] 'There were very few epidemics in later years and many of the diseases were almost eradicated. The steady increase in the number of patients resorting to these dispensaries is satisfactory as showing that the institutions are increasingly appreciated by the native community.'[446] 'There can be no doubt from a perusal of the accompanying reports, that the native community, both rich and poor, avail themselves largely of the benefits of these institutions.'[447] 'Officers and researchers of Indian Medical Services contributed a lot to the study and prevention of diseases. The role of medical officers serving in India should be better judged by their aspirations, priorities, and limitations. Although the archetypical colonial design of medical services, Eurocentric policies, and neglect of the indigenous population failed to relieve the plight of the poor for many years, the work completed during that period of time formed the basis of what we have achieved today to improve the health of people. Dispensary committees says that admissions are restricted to those who requiring medical aid.'[448]As education advances and the advantages of European medical science become better known, there will be a demand for men with higher qualifications. "The dispensary system as now existing and progressing is one of the happiest results of British rule in India, as not only does it place the advantages of European medicine within the reach of the poor, but also creates a desire for their extension."[449]

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444. TNSA, Madras, *Report on Vaccination in Madras Presidency and the work of the king institute of preventive medicine, Madras for the year 1904-1905,* (Madras, Government of Madras,1857), pp. 24 -25
445. *Returns on vaccination throughout the presidency of Madras,1857,* (Madras, Government of Madras,1857), Regional Archives, Calicut, pp.2-3
446. *Selection from the records of the Madras Government*, Report on civil dispensaries for 1860, Madras, No. LXX., Regional Archives, Calicut, p.2
447. *Ibid.,* p.4
448. *Annual Report on the civil Hospitals and Dispensaries in the Madras Presidency* for the year 1878, Madras 1881, Regional Archives, Calicut, p.1
449. *Ibid.,* p.4

The colonial power and hegemony imposed through the introduction of colonial medicine in Malabar. Through this the British colonial government had a hidden agenda. They introduced colonial medicine for the benefit of them. The public health policy of the Britishers aimed the utilization of public wealth. The colonial government introduced many policies for the decreasing of indigenous medicine. Through colonial medicine, the Britishers imposed western civilization, colonial power and its hegemony over the native people of Malabar.

Finally in the conclusion I tried to bring the evolution of colonial state left behind by the British rule in India. The British gradually developed an efficient model of the Indian Civil Service. An efficient and effective civil service established by the British is considered among the best administrative machinery of the time. The Indian Civil Service gradually developed into one of the most efficient and powerful civil services in the world. The evolution of the Company's army was integrally connected to the development of its Indian empire.A significant reform was implemented in the system of police organization. The establishment of a regular police force was another feature of the Company's reform. In the initial stage, the functions of the police force were to assist the revenue authorities in the revenue collection, to prevent crimes, and to administer law and order. Basel Mission in Malabar, founded by Herman Gundert, actively engaged in educational activities in the middle of the 19th century. British Indian education was conceived in India as an act of securing and consolidating colonial power. Modern India is the byproduct of a colonial legal system that covered significant aspects of its geography, administration, and social life. The contemporary living law of India is the remnant of British colonialism.

CHAPTER 6

CONCLUSION

Of all the European nations who came as traders to India after new sea routes were discovered, England emerged as the most powerful and successful by the end of the 18th century. Through various methods of annexation and harsh economic policies, the British established their colonial domination over major part of India. The advent of the British indicated a new stage in the mode of administration of the country. As part of the conditions included in the Treaty of Srirangapatanam, Malabar was ceded to the British in 1792. In the context of a close study of the emergence of the administrative system in Malabar from 1792-1858, we can see both the beneficial and the negative impact of the British rule in India. The administrative settlements in Malabar by the company had far reaching results on its socio-economic structure. The study began with an analysis of the circumstances arising from the large-scale acquisition of territories in India by the British East India Company at the end of the eighteenth century, urging the introduction of a permanent system of administration, which would enable an undisturbed revenue collection. One of the most notable hallmarks of the political situation prevailing in pre-colonial Malabar was the absence of a centralized political authority to effect law and order in society. For a long period, Malabar had been an extremely custom-oriented country strongly rooted in feudalism, and the oral traditions were very strong and all-pervasive. Instead of being flexible, most of the customs turned out to be highly institutionalized, with the result that the social status and identity of each class were specifically demarcated. In this political and social situation, the British could ingeniously and successfully handle the chaos and turmoil in Malabar to their economic and political advantage. As the society existed at that time, there was neither a written code of laws nor a law for all. The existing hierarchy and social order were based on Chaturvarna ideals, which were quite suited to the society of that age and time. One of the significant merits of the British rule in Malabar was that the native people could come out from the absolute control of their centuries-old irrational customs, which proved to be unfit for the requirements of the lifestyle and mode of production and distribution system suitable for a modern society.

With the invasion of Mysore rulers, the British had to face the most serious opposition to their monopoly of the coastal spice trade in Malabar than ever before. It was they who carved out Malabar, and the British were simply following their model without any noticeable alterations. During the British occupation, no other local king in India had such a strong defense. Tippu was

the first ruler to survey the land to assess the revenue in the modern sense. The first land survey of Malabar by Srinivasa Rao on the order of Hyder Ali popularized the concept of Malabar. He surveyed the entire area and fixed taxes based on the produce. Tippu Sultan had established a wide road network to enlarge the commercial as well as political ambitions of the Sultan. He organized the first tax assessment in Malabar, using *pattam* as the basis for the calculation of taxes. The credit for making Malabar a politically unified segment could be vested in Tippu Sultan. The first action of the Mysore revenue organization was to end the *janmam* system. The Mysorean invasion brought new changes to Malabar. Several people, irrespective of their status, migrated from Malabar. The policies and programs that Tippu Sultan had insisted on and implemented heralded modernity in Malabar.

By the peace treaty of Seringapatam of 1792, the district of Malabar was formally ceded to the British. This particular treaty ended the third Anglo-Mysore war between the English and Tippu. The turning point in the history of Malabar took place in the year 1792, when Malabar was incorporated into the Bombay presidency. After that, many administrative reforms were introduced by the British rulers in the Bombay presidency in general and Malabar in particular. To collect revenue and maintain law and order, many new regulations and rules were introduced by the officials of the British East India Company. In 1792, Jonathan Duncan and Charles Boddam were appointed as Joint Commissioners. From 1793, a regular but imperfect system of judicial administration commenced under the Joint Commissioners from Bengal and Bombay, and Malabar was incorporated as part of the Bombay Presidency. The British East India Company, in its initial period, did not show any enthusiasm or initiative to introduce its system of justice in India. In the pre-British Malabar society, there existed a lot of traditional customs and conventions. Owing to social fragmentation and the Mysorean invasion, the law-and-order situation in Malabar was deplorable, and Malabar was, in reality, in a virtually chaotic condition. Hence, to increase revenue collection and improve the law-and-order situation, Lord Cornwallis, the Governor General, implemented administrative reforms to annex the Malabar province to the Bombay presidency in the year 1792. In terms of differences in the mode of governance and the attitude of the company towards India, the year 1800 was quite noteworthy in the history of British Malabar. The civil administration of Malabar district was transferred from the Bombay presidency to that of Madras

with effect from 1st July, 1800. The Madras Government took charge of the province of Malabar from the Bombay Government, it then became a district under the control of a principal collector, Maj. Macleod.

Many foreigners arrived here and established trade contacts with the then rulers of Malabar. Prominent among them were Moors, Portuguese, Dutch, and English. No others, except English, were able to establish a foothold here, as unstable political conditions and hunger for more power among the native rulers never offered a favorable atmosphere for such an establishment. In the context of a close study of the emergence of the administrative system in Malabar from 1792-1858, both the beneficial and the negative impact of the British intervention in India should be impartially assessed and recorded. As part of the conditions included in the Treaty of Srirangapatanam, Malabar was ceded to the British in 1792. The advent of the British indicated a new stage in the mode of administration of the country. The main motive of the British policy was revenue collection at the lowest possible coast.

The Cornwallis Code, which was extended to Malabar in 1802, can be regarded as the starting point in the History of the evolution of the system of modern judiciary in India. In 1800, Malabar became a part of the then Madras Presidency. A series of Regulations was passed in 1802 with the result of which was a hierarchy of courts. These regulations later turned out to be the main foundation for the evolution of the judicial system in Malabar province. The separation of the revenue and judicial departments was a distinctive aspect of this system. Because of this, the judicial powers were taken away from the collector.

As for the functioning of the Cornwallis system in Malabar, it was a mixed one, combining both success and failure. In reality, the Cornwallis system was the result of an adaptation and integration of both Indian and English elements of justice and the system of judicial administration. At the same time, it should be conceded that the evolved system exhibited little respect for the natives and their institutions. Since the system came into being as a result of the adaptation of both Indian and English elements, it exhibited a heterogeneous character which became worse owing to the

presence of caprice, so that its effective implementation became a problem to the administrators. In a sense, the influence of Lord Cornwallis in shaping the foundation of the Indian legal system was often overestimated. What took place was that in a country where feudal order was breathing its last, with his reforms, Cornwallis was able to evolve a system that aimed at the dispensation of equitable justice. Despite all these, on account of the limitations and drawbacks, especially at the level of implementation, Cornwallis and his policies and methods, which were grounded on British imperialism, could not stand the test of time. Eventually, the Cornwallis system did not achieve the expected aim of imparting justice to the people at large.

The British, in a sense, brought Malabar polity in modern lines. They established a system of governance based on well-accepted principles. Instead of the 'mouth orders' of the past ruling houses, written canons and laws showed a path in administration. Similarly, colonialism stitched up the broken landscape of Malabar using roads, railways, and waterways. The concept of a modern nation state is rooted in the combination of a political territory and a specific administrative system. The administrative unit has been instrumental in making different laws that have anchored the society on it. Hence, the structure of a modern nation has grown beyond just a political territory to an administrative unit with a particular legal system. The British, during their colonial reign, used such a legal system to unify fragmented small kingdoms into a single administrative unit by introducing specific laws and codes. The method used by the British was the same throughout their colonies, and it was no different in India, too. Geographical reorganization of various kingdoms was accomplished by introducing a uniform legal system dubbed as "modern law. "Native' kingdom of Malabar, a small territory in the southernmost most of the Indian sub-continent, also fell under the newly introduced legal system. The new system had to tackle many challenges, and its introduction was fraught with conflicts. The study, therefore, attempts to discover the socio-political and cultural dynamics of the administrative system introduced by the British in the princely state of Malabar. The study deployed a model to substantiate how colonial modernity was introduced in Malabar. Colonial system used all means to show the native system in poor light and branded it as 'barbarian' to give credence and gain acceptance to their 'modern' system. Before the advent of the British, Malabar, like every other small kingdom in India, also had a unique identity as an independent state.

The British state, established in the year 1792, however, had been struggling to survive because of both internal and external factors. The company had to face fierce resistance from the part of local rules, leaders, and rebels. As a result, on many occasions, there was a situation of absence of state at least in the early phase of the British administration in Malabar. By the peace treaty of Seringapatam of 1792, the district of Malabar was formally ceded to the British, who proceeded to solve the problem of its administration with thoroughness. They appointed a body known as the Joint Commission to direct the affairs of the province. During the period of British rule many changes took place in the fields of land revenue system, Law, Judiciary, Education, Army, Civil Service, police, prison, and health administration. The Europeans promoted their expansionist ambitions mainly because of the circumstances that existed in Malabar, that was the fragmentation of the region into many petty principalities, the caste-ridden society, and mutual jealousies and conflicts of the local chiefs and rajas.

It is obvious that what the British administrators introduced by way of the rule of law and independent judiciary exerted a very valuable and positive influence in Malabar. Another significant merit of the British rule in Malabar was that the native people could come out from the absolute control of their centuries-old irrational customs, which proved to be unfit for the requirements of the lifestyle and mode of production and distribution system suitable for a modern society. As compared with the revenue systems which the early British administrators evolved in other districts of the presidency, that of Malabar exhibits the peculiarity that in calculating the Government's theoretical share of the produce, they recognized the existence of a landlord standing between the state and the actual cultivator. In fixing the share of the state, account has been taken of the landlord as well as of the Cultivator. The large expenditure for the company's army and civil servants was met from its revenue.

The British gradually developed an efficient model of the Indian Civil Service. The structure of the Indian Civil Service was gradually shaped. Recruitment in the civil service has not always been regular. Lord Cornwallis enforced the Company to pay satisfactory payment to their servants and

made them sincere officers. It was a merit-based civil administration, a new paradigm in India, which altered the culture of power in South Asia. An efficient and effective civil service established by the British is considered among the best administrative machinery of the time. Indian Civil Service helped the British Empire to sustain its power for years, maintain law and order, and collect taxes. The structure of the Indian Civil Service was gradually shaped. A private mercantile service silently transformed into a full-fledged public administrative service as well as the most efficient civil service in the world at that time. The Indian Civil Service (ICS) served as a backbone for the control of the British Empire in India. Selected on the merit, it was the most literary and educated administrative service to rule a colony.

As elsewhere in India during the colonial administration, Malabar paid the charge of the British army for keeping up the territory under the subjugation of a foreign rule. The revenue policy of the company was one of the primary causes for all sorts of agitations that arose in Malabar in the 19th century. The army played a significant role in conquering the Indian territories. The East India Company had no army sector in the earlier days. After the Carnatic wars, they established the Madras army, and it helped to suppress the local rivalries in South India. The company's army consisted of both Europeans and Indians. The form and organization of the Madras army had been modified from time to time remarkably from 1748-1828.

The establishment of a regular police force was another feature of the Company's reform. The duties undertaken by the police are, the preservation of the peace, prevention of crime and offences, the detection and apprehension of offenders, the collection of evidence against persons accused of crimes and bringing them before the magistracy and courts, patrol of the country, safe custody of prisoners under trial or remanded by the magistracy etc. Besides these ordinary duties, the police undertake the guarding of jails, the prevention of smuggling on foreign frontiers, the guarding of distilleries under the Excise Act, etc. In the initial stage, the functions of the police force were to assist the revenue authorities in revenue collection, to prevent crimes, and to administer law and order. In the initial stage, Warren Hastings entrusted the police functions to the influential Zamindars. Cornwallis reorganized the system of police with a Thana as a unit and a Darogah as its head. In India, the voluntary attempt to start a police force was introduced by the East India

Company, and it was to enforce for protecting their interests, like the Police and Revenue Administration. Lord Cornwallis separated the police and revenue duties.

It is a fact that the prison system in India as of now is a continuation introduced by the Company government. They never used the European model of prison in India, as it would cost a lot of money. Here, the colonial state did not construct prisons in the European model to save money. As Malabar was one of the districts of Madras Presidency, the political prisoners from Malabar were mostly confined in the prisons of Madras Presidency. The British used capital punishment in colonial Malabar. Imprisonment was not always as a punishment in pre-colonial Malabar, and prison as a punitive institution was a colonial introduction in Malabar. In Malabar, the Central Jail at Kannur was constructed during this period. Thus, by the dawn of the twentieth century, there was one Central Jail at Kannur, one Special Sub Jail at Kozhikode, and twenty sub jails in the Malabar District.

Despite the presence of many indigenous educational institutions, modern education reached Malabar only in the first half of the 19th century with the arrival of missionaries. There was no clear and precise educational policy in their territories under the early colonial rule. Despite gaining administrative control of Malabar in 1792, the British neglected the education of the people of Malabar for several decades. The first English school in the Malabar region started at Kallayi in Kozhikode in 1848 by the Basel Evangelical Mission. The British Indian education was conceived in India as an act of securing and consolidating colonial power. Thus, western education hastened the social transformation of Malabar; the important contribution of colonial education is that it offered education to all people of the society, irrespective of caste distinctions. In earlier periods, caste decided one's education, and only higher castes were enjoyed the fruit of education. The British Government gave employment mainly to the educated people, which attracted more people to good jobs.

Economic domination over a people who had their well-established customary institutions and laws could be won only by creating the impression that the new ruler is their benefactor. Hence, the company projected the improvement of the lot of the people, through proper education, as their

declared policy, and the guarantee of equal justice to all their subjects. The backwardness of the area is reflected in the educational picture. The problematic situation continued, however, concerning higher education. The number of high schools and technical schools is proportionately less than it is in the rest of the state. More importantly, the drive for education, which has been a characteristic of central and southern Kerala, is not reflected to the same extent in the former 'Malabar' region. The Malppila community has been the major contributor to the relatively poorer educational statistics in this area. The Basel Mission was a pioneer in this field, also. The Mission opened the first English school in North Malabar at Tellicherry on March 1, 1857. Dr. Gundert, the Founder of the Basel Mission in Malabar, was also the first Government Inspector of schools in Malabar and south Canara.

The social transformation of Malabar in the modern period has greater indebtedness to the Judiciary than any other factor. By exploring deep into the roots of the customary truths of Malabar and telling its people what they were, the Judiciary became largely responsible for Persuading the receptive mind of the Malayalee to come out of its centuries-old conservative garb as to keep awake to the modern realities of life. The judiciary's role was indirect, and never with the reforming zeal, but it was potential. British rule in India was bound to leave behind a prosperous legacy. The making of law was the central concern of the European colonizers in the colonies. The Governor Generalship of Lord Cornwallis constitutes a very remarkable and highly creative period in Indian legal history. He solves the problem of land revenue, improves the administrative machinery, and introduces radical reforms in the judicial system. He introduced the principle of administration according to the law. The Adalath system left behind by him won praise and encomium from all quarters. The Cornwallis System, which was first established in Bengal in 1793 and later extended to Madras in 1802 by the British rulers, should be seen as the beginning of the system of judicial administration through a Western perspective and state apparatus in India.

In India's case, as a result of colonial rule, the perceptions towards health, medicine, and sanitation began to change. In the Indian society, the English-educated Indian middle class endorsed Western medicine in the health care field, especially compulsory vaccination, sanitation policy, and modern methods of medicine in treatment. Medicine and colonial Power were linked together. The Western medical discourse occupied an extremely important place in the

colonization of India. The introduction of Western medicine in Malabar was an important milestone in the development of modern health care.

The revolt of 1857 marked the end of the East India Company ‘s rule in India, and the Crown took over the administration of British Indian territories through Government of India Act 1858. A cabinet rank minister, called the secretary of State for India, was put in charge of British political affairs in India. He was responsible to the parliament. The governor general under the Company became known as Viceroy. The Viceroy was answerable to the Crown through the secretary of State. Undoubtedly, British rule has left behind indelible marks, for good or for bad, on almost every aspect of Indian life. European ways of thinking and European patterns have taken firm roots among urbanites who control the strings of India’s destiny. Modernization of India had to occur within the broad limits imposed by the needs of easier and more thorough exploitation of its resources. They had, therefore, to follow a delicately balanced policy of partial modernization, that is, a policy of introducing modernization in some respects and blocking and preventing it in other respects. In other words, modernization of India was to be colonial modernization, carried out within the parameters of, and to promote, colonialism. It had come to wield political power over millions of people.

RECOMMENDATIONS

The present study is primarily aimed at an analysis of the evolution of EEIC's administrative system in British Malabar from 1792 to 1858 and how East India Company conquered Malabar and introduced an effective administration. In 1792 Malabar was occupied by the British through Srirangapatnam treaty and for the administrative purpose it was made a part of Bombay Presidency. With the possession of India, the East India Company's first attempt was to initiate a modern administrative system in India. When the British established control in India, their main objective was to exploit the region's resources. Thus, attempts were made to form civil, land revenue, Education, health police, judicial, prison, and military departments in tune with the British norms and conformity with the colonial context is the thrust area of the present study.

Malabar occupies a special place in Indian history because of its strategic location, maritime trade and cultural diversity. The study explains how British policies affected traditional system of governance, land ownership, agriculture and trade. The colonial rule in Malabar was not established overnight, rather it evolved through the policies of revenue collection, judicial reforms, policing and political alliances with local rulers and landlords. The study also provides a balanced understanding of colonial administration. Instead of presenting British rule only as a period of oppression or modernization the work critically evaluate both aspects. It explains how the company introduced the new system of law, administration and taxation while also causing economic exploitation and social disruption. The analysis of land revenue settlements and their effects on peasants help the readers to understand the root cause of agrarian tensions and resistance movements in Malabar.

While some local rulers and elites cooperated with the Company for political advantage, others resisted British authority. The thesis brings Malabar history to the forefront and highlights its importance in the study of colonial India. British set out to make space for themselves as the rulers of India; they had to devise novel and exceptional theories of governance. By the end of

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Lord Cornwallis's years as Governor General (1786-93), the British had put together fundamental set of governing principles. Following areas may also be studied in future.

Firstly, the role of the Army in maintaining the Company rule in Malabar can be studied further. From the beginning of its rule in Malabar the Company spent a major portion of their revenue as expense for the military service. Different wings of the British army were the major instrument to counter the challenges against their rule. The army therefore claimed the largest share of the Company's expenditure in India, and also it was crucial to effective collection of revenue situation. The army not only conquered territories, it also protected the empire against real or imagined internal threats; it handled peasant rebellions against high revenue demands, made alliances with Indian elites, collected information about Indian society and economy. It was thus considered to be the most important apparatus of rule for the Company's administration in India. Such aspects have not been covered in the present study.

Secondly, the Company formed a civil service system in India for the benefit of its commercial concerns, and later it emerged into a well-organized set up to take care of all the administrative matters of India's newly occupied territories. The British ruled India with the help of an organized structure of bureaucracy. It was a merit based civil administration, a new paradigm in India, which altered the culture of power in South Asia. An efficient and effective civil service established by the British is considered among the best administrative machineries of the time. The structure of Indian Civil Service was gradually shaped. Originally, administration of the East India Company was a mercantile service. Later when the Company came to be a territorial sovereign as well, its civil servants had to combine their commercial and administrative duties. And from this service, Indians were carefully excluded, as no position worth an annual salary of 500 pounds or more could be held by them. The efficiency of empire, increased the responsibilities of governance and required an efficient bureaucracy, trained in Indian languages and laws. Such an interrogation is not done as part of the present study. It can also be studied in future.

Thirdly, after the arrival of the British, there were changes in the field of health administration in India. Many new hospitals and dispensaries established. The introduction of western medicine in

Malabar was an important milestone in the development of modern health care. The colonial medicine was spread in the ruins of indigenous medicine. In the Indian society, the English educated Indian middle class endorsed western medicine in the health care field especially the compulsory vaccination, sanitation policy and modern method of medicine in treatment. Medicine and colonial power were linked together. The people of Malabar were highly conservative and several epidemic diseases like smallpox, cholera, plague etc. had largely spread in Malabar. The climate condition of Malabar was caused for the spread of such diseases. Such an analysis too can be initiated.

Several administrative practices implemented during the British colonial period remain unchanged in India even today. It is essential to bring in timely reforms.

GLOSSARY

adhikari : village revenue officer

ambalavasis : dwellers in ambalam or temples

amsom : smallest revenue administrative division

brahmaswam : land held by Brahmins

brahmins : priestly caste in the four folds Hindu Varna system

cheruman : a low caste agrestic slave

chaturvarnya : four social classes of Hindu society

cherical land : land under direct control of royal family

daroga : police officer in the Mughal and British period

deshoms : territorial unit refers to the aggregate of villages and hamlets in cultivated area

desavazhi : regional ruler or chieftain

devadasi : dancing girl in the temple

devaswam : temple property jointly administered by Brahhmins or village proprietors

Ezhuthupallis : school

illam : house of a Namboodiri Brahmin

jagir : feudal land grant during Mughal period

janmam : hereditary proprietorship in land

jenmakar : right over the property by birth or landowner

Janmi : holder of janmam

kaanakkars : one who holds land on kanam tenure

kammalars : the artisan castes

kanam : a land tenure under which the tenant holds land by paying a fixed sum or grain in advance or acknowledges the over lordship of the janmi depending on the region it assumes the character of or mortgage.

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Kanakkapilla : native clerks

karagriham : jail

kavalkar : protector

kolathiri : king of Kolathunadu

kolkaran : as a revenue staff was appointed by local chiefs who were deputed by the British for the collection of revenue

kuzhikanam : was a tenancy created with the exclusive purpose of planting trees.

kudian : tenant

mappila : malabar muslim

marumakathayam : a matrilineal inheritance system

melcharth : overlease

moulavis : a subordinate religious functionary and teacher

Nair warriors : traditionally upper caste agriculturist, some of which acted as in pre–British Malabar

Namboodiri : malayali brahmin

Nayadis : lower caste among the Hindus

Naduvazhi : ruling chieftain, feudal elite

nadus : a regional unit of administration

padikaval : watchman or guard

pallikutams - : school

parambu : plateau or high –lying area

patasala : school

pattom : rent

pradeshikavidyalayam : regional school

pravarthikkar : village officers,

pulaya : lower caste, traditional agricultural labourer

samoothiri	:	title of the former ruler of Calicut kingdom in South Malabar
sambandham	:	a marriage alliance prevailed among Namboodiri and Nair community in kerala
salais	:	temple centered institutions
taluk	:	subdivision of a district
taravadu	:	a joint family unit
tiyya	:	a low caste, occupationally toddy tappers, cultivators and labourers
verupattam	:	yearly tenancy, tenancy at will

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