and tenant in that part of
District are rapidly appro
a crisis, which will ma
itself either in a fresh out
of dacoity as in 1875-76, o
is more probable, in fre
Mop. outrages. — Hale &
stayed for a day or two at
petta close to the mosque
which Ali issued with

---

word of vengeance – a more
tumble-down looking place you
ever saw. – the roof thatched
the thatch coming off &c &c
a regular poverty-struck
look about the whole place
& its surroundings – That is a
most significant fact – for
whatever else Mag. major
may not be it cannot be
charged against them that
they are niggardly in their

annual prom

[G./11]
50-?-7-01.

1881
Judicial (~~190~~) Department.

ORDINARY (Press)

Sorted

G.O., No. 281

Confidential No.

DATED 5th February 1881 ~~1901~~

N.B.—KEEP FILE INTACT.

[Despatch Abstract.]

Moplah outbreak

Defining the duties of Mr W. Logan Special Commissioner, Malabar.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

5th February 1881, No. 281.

Mopla Outbreaks.

No. 22. Read the following papers :—

Petition purporting to be addressed by certain Mussulmans, Nayars, Tiyyans, and men of other castes inhabiting Malabar.

STATES,

That as a terrible outbreak is going to occur immediately in Malabar, urgent orders are requested to be issued with a view to prevent any lawlessness.

2. That since the British acquisition of Malabar, no European officers deputed to the district have received any bribes from the natives or otherwise unjustly acted.

3. That the native officials of the district take bribes and oppress the ryots; that though this is difficult to prove, on proof of any instance, the party concerned gets punishment at the hands of his European superiors.

4. That during the late famine Your Grace protected the lives of innumerable people at an expense of countless sums of money.

5. That under other Governments, petitioners hear that the subject-people suffer from great oppression.

6. That the ryots are aware that such a paternal Government as this exists nowhere else.

7. That the severity of the oppression of the Malabar landlords will lead to great disturbances, at which a great number of people will have to lose their lives. This is a matter of great regret.

8. That the grievances of the subjects are stated below. The property of a great part of the lands in Malabar belongs to Hindu temples and to Nampuderies and others who are Hindus.

9. That when such lands lay waste the Mussulmans, Nayars, and other castes obtained grants on Kanam and Otti rights, made improvements and regularly paid, besides the annual rents, the renewal fees at every twelve years at the rate of 20 per cent. of the principal sum advanced upon the original grant; that these fees are paid as mere gifts, and not secured in the vouchers obtained; that these ryots also pay the Government revenue and enjoy the surplus profits.

10. That when one has made the necessary improvements upon a grant so obtained, and when the land and improvements have reached a period when a return in the shape of profits may be expected, the grantee becomes old and dies leaving

behind a large family whose maintenance is to be derived from such property, when the grantor appears, brings a suit, makes out that the improvements are less than a tenth of their real worth, gains over the Munsifs, deducts the value of improvements for Court costs, and ejects a respectable family. Thus reduced to beggary, houseless and unable to feed a number of hungry children, one will not, of course, hesitate to give up his life.

11. That ejectments were rare in Malabar. Any hard-hearted landlord who resorted to such extreme measures would soon be killed, and a disturbance would ensue, to quell which a military force had to be brought, and much money expended; that within the last two years the landlords, having bought over the District Munsifs, have commenced to oust the lessees, and whatever they gain is divided between themselves and the Munsifs.

12. That such a proceeding serves to enrich the landlords and Munsifs, but reduces the well-to-do lessees of land to beggary.

13. That the Mussulmans are the people committing riots: all the Hindn officials and landlords impress this fact upon the European officers of the district; that there are no Mussulmans holding high offices or acquainted with English; that this accounts for the Mussulmans being declared the principal offenders.

14. But that the fact of Mussulmans becoming offenders and losing their lives is due to their being oppressed by landlords and the Nayar officials who side with them.

15. That demolition of mosques, religious persecution, cruel oppression and ejectment of Mussulmans by landlords are the causes that have led to Mopla outbreaks in Malabar.

16. That the assassination of Collector Conolly was committed by some Moplas of bad character whose continued imprisonment made them despair of being liberated from the jail.

17. That the former rulers of the country and their adherents, the landlords, feel extremely dissatisfied with the subjugation of the country by the British Government; that the ryots feel satisfied when they compare the welfare and tranquillity they enjoy under the British rule with the oppression they suffered before; that this vexes the late rulers and landlords who therefore cause and foster disaffection and riots.

18. That the Travancore Government having been fully persuaded of the fact of the holders of land being unjustly turned out and also persecuted for their religion by their landlords, have prohibited the dispossession of lessees, who are, however, declared liable to pay the annual rent and the renewal fees.

19. That no riots of the kind occur in that Native State; that within the last two years all the landlords in Malabar assisted by a few Munsifs have combined in filing ejectment suits and in obtaining and executing decrees in such suits.

20. That the people having, therefore, conspired to create a disturbance are advised by some wise men to wait until a representation of the popular grievances has been made to Government and orders received thereupon.

21. That whatever enactments may be passed, before all such suits have been decided and all such decrees executed, disturbances and bloodshed of a kind unknown in Malabar will take place; and that this should not be construed into a vain threat held out to deceive. By the Almighty God who has created all, petitioners swear that this will be a fact.

22. What the Government ought to consider is whether it will be proper, for the sake of enabling the landlords and Munsifs who are comparatively few to amass immense wealth, to subject a great many people to cruel oppression, and thereby allow countless lives to be lost.

23. Petitioners pray that orders may issue prohibiting the trial of such suits and the execution of such decrees, and forbidding the registration of documents effecting transfers of lands recovered by such suits; and petitioners also request the deputation of an efficient and impartial Commissioner to inquire into complaints against landlords. The expenses of the Commission, petitioners add, may be defrayed by Court fee stamps of one anna being required to be affixed to petitions that may be presented to him.

14th October 1880.

(No names or signatures.)

(A true Translation.)

(Signed) E. THOMPSON,
Malayalam Translator to Government.

No. 23. *From H. WIGRAM, Esq., Officiating District Judge of South Malabar, to the Chief Secretary to Government, Fort St. George, dated Calicut, 8th November* 1880, *No.* 319.

An anonymous petition, No. 2500 of 1880, relating to Malabar, was forwarded to me confidentially for report with your note of 2nd November 1880, and I was instructed to hand over the petition to Mr. Logan on his arrival from furlough.

The petition appears to be the production of some ignorant person or persons, and contains the oft-repeated complaint that the tenants are unjustly treated by the landlords, that the Munsifs side with the landlords, and that there is danger of fresh outbreaks occurring in Malabar.

2. Similar petitions were presented to Mr. Strange when he was appointed Special Commissioner for inquiry into the Mopla disturbances in the district of Malabar in 1852. In submitting his report on 25th September 1852, Mr. Strange enumerates the Mopla outrages that occurred between 1836 and 1852, but declines to attribute them to the oppression of tenants by landlords (para. 20).

It has always appeared to me that Mr. Strange gave far too little weight to agrarian discontent as the cause of the outbreaks. His suggestions do not comprise a single relaxation of the law in favor of the tenant, but are rather aimed at giving the landlord a cheaper remedy for recovering his rent (para. 70).

The removal of the Tangal Syed Fazil from India and the disarming of the population under Act XXIV of 1854, were speedily followed by Mr. Conolly's murder in 1855, but the subsequent measures taken under Act XXIII of 1854 seem to have effectually put a stop to Mopla fanaticism. I believe that the only serious outbreaks that have occurred since that time were the Kolathur outbreak in 1873, and the outrage recently reported to Government. We may thus congratulate ourselves on having been almost free from fanatical outbreaks for more than 25 years.

3. The lawlessness of the population found vent in a serious outbreak of dacoity in 1875 and 1876, but nearly all the gangs consisted of Moplas, Nairs, and Tiers combined, although the victims were invariably Hindus.

The vigorous measures taken against the dacoits in 1876, which resulted in the conviction of more than 200 and the transportation for life of many of the ringleaders, has had its result.

Dacoity has been scotched though probably not killed.

The only serious case of dacoity, since April 1876, that has come before me was a case at the present Sessions, and there the victim was a Mopla who was believed to have acquired some hidden treasure. The dacoits were for the most part Moplas.

4. That agrarian discontent still exists and may at any time break out in isolated instances of fanaticism, as in the case recently reported to Government, is undoubted. Further, that the sympathy of the Mopla population is invariably on the side of the fanatics is also undoubted.

At the same time, I am firmly persuaded that the organisation does not exist for any general outbreak. There is no saying what might happen if isolated acts of fanaticism were successful, and were not promptly and severely dealt with. Leaders might then be found for a general rebellion. Nearly every Mopla agriculturist is a foe to law and order, and would like nothing better than to expel every Hindu landlord. Our safety lies in the want of leaders, in the want of organisation, and in the knowledge of the Moplas themselves, that any attempt at rebellion must end in failure.

If any general outbreak were likely to occur, there would be ample premonitory symptoms. We should have resistance to the execution of Civil decrees, refusal on the part of Moplas to take lands from which their countrymen were evicted, and many single acts of fanaticism, not to mention reports of informers: all these are wanting, and I venture to think that the individual landlord is far more secure in Malabar than in Ireland.

5. As to the reality of Mopla grievances. The Mopla trader has no sympathy with the Mopla agriculturist. Over-population and want of capital among the latter class here as elsewhere cause poverty and discontent. The Mopla is as great a conservative as the Nair. Nothing will induce him to emigrate from Malabar. Where his father and grandfather lived and died, there he must live and die. Inability to pay his rent is his misfortune, but does not, in his eyes, justify his eviction from the land which his ancestors held.

6. The position of the tenant in Malabar is not what it was in ancient times. The two main causes which have led to the relations between landlord and tenant are—

(1) the Mahomedan invasion;

(2) the judicial system of our Courts.

The proprietary (jenm) right in Malabar was originally in the hands of a limited aristocracy: the Temples, the Nambudri Brahmins, the Rajas, and petty chieftains were the only owners of land. All other persons held on a derivative tenure. The Kanom tenant was regarded as having almost a permanent interest in the land, subject only to a rent service or a rent charge. He might have to pay fines for renewal of his lease when his landlord died, or when his landlord urgently required funds, but practically he was as independent as an English copy-holder; his rent was merely nominal, and his position was as secure as custom and public opinion could make it. This ancient system was first broken up by Hyder's invasions in 1766 and 1774. The Hindu landlords retired from the country and the Moplas were left in possession. Still further disruption occurred when Tippoo invaded the country in 1788, and attempted to proselytise the Hindus. When peace was again restored in 1792, when Malabar was ceded to the British Government, and when the old landlords began to return to their country, it was not to be expected that they would be allowed quietly to resume their relations to their former tenantry.

7. By a Proclamation issued in 1793, it appears that Jenmis were prohibited from disturbing the possession or claiming rent from such Mopla tenants as had held as of right since 1766, whilst they were authorised to claim the former rent, and if resisted, to eject such of the Mopla tenants as had only held as of right from 1788. This was a rough and ready mode of settling rights of property, but it is doubtful whether the tenants would not have been placed in a more favorable position, if they had resumed their former relations with their landlords.

A practice sprung up among the landlords of requiring tenants to take renewals of their leases at shorter periods than had been usual on pain of ejectment, and of levying contributions whenever an opportunity offered. As a kind of compromise, the Courts adopted the somewhat arbitrary rule that a Kanom tenant had a right to quiet enjoyment for twelve years, but what was at first intended as a relief to the tenant gradually became the strongest weapon in the hands of his landlord. At the end of the twelve years it was held that the landlord might redeem the tenant without assigning any reason, on payment of compensation for improvements. Thus what was originally by force of custom, almost a permanent right of occupancy, was soon converted into a right of occupancy for a term of twelve years. No one that I am aware of has ever pointed out that the right of the Kanom tenant to twelve years' quiet employment is purely a creature of the Courts. Neither in Walker's Land Tenures nor in Buchanan nor in Græme's Report is any mention to be found of such a limitation, and I do not think it can be traced back further than 1840.

8. Legislation in Travancore proceeded on a more equitable basis.

I have beside me a Proclamation issued in the time of Sir T. Madava Rao in 1867, re-affirming the principles laid down in 1829 on the subject of the reciprocal relations between landlords and tenants.

The sum and substance of the Proclamation is that tenants who pay their rent and customary fees for renewal cannot be ejected. Had a similar course been followed in Malabar, I firmly believe that it would have checked the rapacity of the landlord and encouraged the tenant to pay his rent regularly and to live on terms of amity with his landlord, instead of resisting him in the Courts by false pleas and defences.

There are, of course, landlords and landlords. The good landlord still cultivates friendly relations with his tenantry. But many of the irresponsible managers of the temples, whose sole object is to enrich themselves, find their opportunity when a tenant's term has expired. The right of the tenant is then put up to auction to the highest bidder, and the tenant, whose ancestors have held from time immemorial, finds himself defendant in a law suit where he has no defence. A Mopla is no match for a Hindu in a Court of law. His forgeries are clumsy forgeries, and he cannot even lie with consistency. The suit is decided against him, and he is ejected. Is it to be wondered at that he cherishes feelings of resentment against the landlord?

9. In conclusion, I have only to observe that there is no ground whatever for the belief that the Munsifs invariably favor the landlord at the expense of the tenant. It would, of course, be very desirable if some uniform system of valuing the compensation for improvements could be adopted. But this is impossible: in one part of the district the tenant may be entitled to Rs. 8 for a full grown cocoanut tree planted by him, in another part of the district he may be entitled only to Annas 8.

The right to improvements is constantly the object of transfer by sale or mortgage, and to lay down any arbitrary rule on the subject would be to interfere with the rights of property. We must perforce leave such questions to be decided by local usuage. The deputation of a Commissioner to inquire into the grievance of the tenants against the landlords would, in my opinion, only tend to embitter class feeling and lead to no useful result.

10. I must apologise for the length to which my remarks have run, but I have thought it best to state fully the opinion I have formed after five years' experience in Malabar. I believe that it is inexpedient to employ none but Malayalis in Malabar. A judicious admixture of foreigners is highly desirable, and I have far greater confidence in working with Sub-Judges who are foreign to Malabar than with natives of Malabar. The same remark will apply to the post of Deputy Collector. Tahsildars and Munsifs must, as a rule, be selected from Malayalis, as the discharge of their duties requires an intimate acquaintance with the manners and customs of the people. And the selection is almost limited to Nairs and Brahmins. Moplas are rarely qualified for the post, and Tiers are, for the most part, unable to command the respect which is due to their position. But even among Tahsildars and Munsifs the gradual introduction of foreigners or, at all events, the introduction of residents of North Malabar into South Malabar, and *vice versâ*, would be attended with advantage.

No. 24. *From W. LOGAN, Esq., District Magistrate of Malabar, to the Chief Secretary to Government, Fort St. George, dated Calicut, 13th December 1880, No. 3399.*

Referring to your notes of 2nd and 22nd November 1880, handed to me by Mr. Wigram along with copy of his confidential report to you, dated 8th idem, No. 319, I have the honor to submit my views on the questions raised in connection with the anonymous petition, No. 2500* of 1880. To admit of ready reference, I will take up the points in the order in which I find them treated of in Mr. Wigram's letter.

2. *Mr. Wigram's letter, para.* 2.—I entirely agree with Mr. Wigram in thinking that Mr. Strange "gave far too little weight to agrarian discontent as the cause of the Mopla outrages." I have long held that opinion (*see* para. 6 of my letter printed with G.O., Judicial Department, No. 2007, dated 2nd October 1876), and I may add that, as matter of fact, the Collector, Mr. Conolly, would not have insisted on the Tangal Syed Fazil's leaving the country if he would have consented to go to the Jammat mosque at Tirurangady at a Friday service, and have there publicly withdrawn from the position which he had already taken up in his sermons to the congregation, viz., *that it was a righteous act to kill a landlord.* I had this on the best authority, namely, from the late Deputy Collector C. Kanaran, who was the officer deputed by Mr. Conolly to enter into personal negotiations with Syed Fazil, and through whose influence he was eventually prevailed upon to leave the country. Syed Fazil persistently refused to do as he was asked, and Mr. Conolly then insisted on his quitting the country. The Government will search in vain in the published records for any notice of this fact.

3. *Mr. Wigram's para.* 3.—Mr. Wigram is apparently of opinion that the dacoity outbreak in 1875-76 had its root also in a grarian poverty and discontent. In this opinion I fully concur, and I may mention as a significant token of the sort of people who joined that outbreak that the father of one of the Mopla ring-leaders assured me that he held some land from a landlord who insisted on his paying 100 parrahs of grain as rental, although in the very best of years, when he got two crops (frequently he got but one), he could only expect to get 115 parrahs of *gross produce* from the land he so held. Of course, he was always in a state of arrears with his rent, and, on my remarking what a fool he was to keep on the land on such terms, his reply was "what can I do? I have got no other occupation and *if I gave it up somebody else would take it on similar terms.*" I formed a strong opinion at the time that the dacoits were driven to robbery by starvation staring them in their own homes; and I may add, as a remarkable feature of the outbreak, it was not against the landlords who rack-rented their tenants that their resentment was particularly directed, *for every Malayali in his heart of hearts is conscious that he would do precisely the same if he had the power.* In short, the tenants look upon it that a landlord is within his rights in insisting on payment of his rent to the uttermost farthing; but when he proceeds beyond this and tries to make unlawful gain out of his tenant's improvements, the latter, with his inherently strong sense of justice outraged, then proceeds to extremities. I shall come to this point again further on (para. 5).

4. *Mr. Wigram's para.* 4.—I have purposely delayed submitting this report for a day or two in order that I might be in a position to advise the Government as to the present state of the district, regarding which I was necessarily in the dark after a furlough absence of eighteen months. I have in the interval, since assuming charge, seen and conversed with people, official and non-official, from all parts of the district, and am clearly of opinion that no "terrible outbreak," as the petition says, is on the point of occurring. Discontent does, however, prevail to a considerable extent in the Wallawanad, and probably also in the Ernad Taluk. Indeed, I have within the last ten days received from the Special Assistant Magistrate at Malapuram a report on a petition, sent to him for investigation by Mr. McWatters, to the effect that certain Moplas were meditating a rising in the Pallipuram Amshom of Wallawanad. In this case land disputes are undoubtedly at the bottom of the affair. The people who denounce the Moplas are themselves Moplas, and are probably in secret alliance with the people they denounce, though ostensibly (in obedience to their landlord's wishes) opposed to them. The Temporary Deputy Collector, who knows the parties, seems to think there is little chance of a rising, but there is undoubtedly a good deal of friction. I do not anticipate any general outbreak at present, but the same causes are at work that have led to outrages and outbreaks of dacoity in the past; and these causes will, if no remedial measures are applied, undoubtedly lead to like results in the future in spite of the tremendous penalties which are exacted from those concerned.

5. *Mr. Wigram's para.* 5.—I am not quite in accord with Mr. Wigram in his views as to the reality of Mopla grievances. What happened in 1875 and 1876 opened my eyes, as already alluded to in para. 3, to the fact that it was not so much against the mere rack-renting landlord that a Mopla bears a grudge; for there is nothing in life he would so much enjoy, himself, as being in a position to rack-rent others. What he does feel as a grievance is eviction from land which he has improved without adequate compensation for the improvements he has effected. How the thing works is pretty much as follows:—A Mopla takes a piece of waste land from a landlord, possibly he is permitted tacitly to squat on it. Being industrious and frugal, he very soon makes the place to blossom as a garden proverbially ought to do. For the first few years no rent is asked for or given; but a time at last arrives when the improvements have become valuable, and then comes the landlord's opportunity. The Mopla knows that if he is evicted through the Courts he will get as compensation, to which he is by custom entitled, *only the value of the improvements according to the customary scale in force in the neighbourhood.* These rates are utterly inapplicable to present circumstances: they were fixed generations ago when money had a very different value to what it has at present. For instance, a full grown fruit-bearing cocoanut tree is, in some parts of the district, valued according to these rates at 5 annas* of current money; whereas its probable *market* value would be as many rupees. Other improvements are valued in like proportion: so it is not to be wondered at that our friend the Mopla kunckles under, if he possibly can, when asked for an increase of rent, and will consent to hang on to his land on starvation terms in the hope of something turning up to his advantage. I don't say he is immaculate; far from it: he has probably been scheming against his landlord from the day he took the land. Let us suppose that an irreparable breach has occurred between them. According to our present system of civil administration, *which encourages litigation on the one hand and discourages it by heavy taxation on the other*, the landlord *must* go to a Civil Court; and it is needless to follow the litigation which ensues and which usually ends, justly enough, in a decree for eviction with costs against the tenant. He is outwitted in the execution of the decree; the Ameen *(for a consideration)* makes a false return of the improvements; petitions (with the usual incubus of 8 annas Court fee stamps and Vakeel's fees) have to be filed to set the matter right, commissions have to be issued, copies of public records obtained, &c. At the end of it all the Mopla tenant, probably with a numerous young family to provide for, finds himself ousted from his land, *and with probably more than the whole value of his improvements swallowed up by the costs of the suit.* A Mopla, who will pay up with regret, and great delays perhaps, but without much grudge to a rack-renting landlord, every grain of his extortionate dues, likes to KILL a landlord who thus makes use of the Courts to defraud him. I am told by the Tahsildar of Ernad that in about 90 per cent. of the eviction cases, which are brought to his notice officially, the evicted tenants are Moplas.

6. *Mr. Wigram's para.* 6.—I cannot agree with Mr. Wigram (para. 6) in thinking that the Kanom tenant was to all intents and purposes a permanent

---

* Herewith returned.

* One and a-half Velli fanams.

Mr. Wigram does not mention any lower rates than 8 annas; but in North Malabar, the rate, in more than one place, is lower still.

tenant, in the times preceding the Muhamadan invasion in 1766. The land tenures of Malabar are singularly clear and equitable; there are permanent tenancies and tenancies not permanent; but to say that a simple Kanom* tenant was in former days a permanent tenant is, I feel sure, not historically accurate. I shall only quote on this subject one extract from an early report:—"It was a prerogative inherent, and is still claimed in the Janmam right,† that the Kanomkar should renew his Kanom deed after the lapse of a certain number of years. The renewal entitled the Janmi to *a remission of a fixed per-centage‡ on his original debt. The land thus in time became disencumbered of its Kanom debt and the lease naturally fell in,* unless the Janmi was satisfied with levying a fee in money instead of granting a renewed lease with a reduced Kanom." Under no circumstances, in my opinion, could such a lease be viewed as a permanent one.§ It may be true, though I do not think that it can be historically verified, that in the old days Janmis rarely evicted their Kanomkars; but even in such cases, the question as regards permanence of tenure was on the same footing as that of a tenant-at-will left in possession for a long period. Neither the Kanomkar's right nor the tenant-at-will's right could ripen into permanency by long possession.

7. *Mr. Wigram's para.* 6.—What happened at the time of the Muhamadan invasion was this:—The Hindu landlords being afraid, for obvious reasons, to remain in the country, set out for Travancore taking with them as much money as they could raise upon their lands. This money was raised on Kanom deeds, and the Moplas took advantage of the position by obtaining Kanom deeds for larger sums than those they actually advanced to the landlords. The moderation of the Moplas in this respect was a matter of wonder to the officers of the district in the early days; but it is easily accounted for when one realises that the influence of the village headman (Dêsavâlis) was so great and that the lands chiefly belonged or had belonged to them.

8. *Mr. Wigram's para.* 7.—After the Muhamadan period the landlords found great difficulty in paying off the large Kanom rights thus assigned; but time, the influence of the law Courts, the increasing population, and, above all, the diminished value of money gradually enabled them to improve their position, until we find them now in many instances complete masters of the position and able to rack-rent their tenants as they choose.

9. *Mr. Wigram's para.* 9.—I cannot insist too strongly on the necessity that has arisen, in my opinion, for a complete revision by legislative enactment of the customary rates of compensation for improvements. It is the inadequacy of these customary rates that is, in my opinion (*see* para. 5 above) the great lever which enables the landlord to bring so much pressure to bear upon the tenant. The latter is in equity entitled to the full market value of his improvements; whereas, as matters stand, in most parts of the country he gets only a very small fraction of the market value. When he is ignorant and unused to the ways of Civil Courts, he finds too often, as indeed these anonymous petitioners assert (para. 10), the whole value of his improvements "deducted for Court cost."

10. Mr. Wigram admits (para. 9) that a revision of these customary rates is desirable; but he thinks that it would be impossible to adopt any uniform system of valuation, because the rates vary so much in different parts of the district, and the right to improvements at those rates being frequently the object of transfer

---

* Lease on consideration of an advance of money, the repayment of which money is secured upon the land. The landlord enjoys the interest of the sum advanced; if the interest is equal to the rent, no rent is paid by the tenant (Kanomkar).

† Literally birthright = full proprietorship.

‡ 13 per cent. of the Kanom amount, besides which the Kanomkar had to pay "an entire year's rent" to the Janmi. The Courts now recognise the Janmi's right to insist upon any terms he is strong enough to exact,—a very questionable alteration in the unwritten law.

§ Mr. Wigram is quite right (para. 6) in saying that the twelve years' duration of a Kanom lease is a modern arbitrary adjunct adopted by our Courts.

by sale or mortgage, any arbitrary rule on the subject would lead to interference with rights of property. Now on this point I would submit—

(1.) The unwritten law of the country has fully recognised that a tenant who effects improvements is entitled to the value thereof when evicted.

(2.) This unwritten law has almost fallen into abeyance practically, because under our administration money has become so cheap that the customary rates no longer represent the real value of the improvements.

(3.) The conclusion seems to me irresistible that the legislature should therefore step in and render really effectual the above wise provision of the unwritten law.

(4.) Any objection to doing this on the ground of interference with existing contracts could easily, if necessary,* be surmounted by enacting that the revised rates should apply only to future contracts.

(5.) There would be no difficulty, so far as I am aware, in fixing an equitable scale to hold good within certain definite local limits for a certain fixed period of time; in fact, I would propose that these rates should be revised periodically all over the district, say, every ten years.

(6.) The Act should provide for the appointment of Commissioners from time to time to ascertain existing rates, and, after hearing petitions and evidence for and against those rates, to prepare fresh tables which, having received the final sanction of Government, should be made binding on the Civil Courts for a time to be fixed.

11. *Mr. Wigram's para.* 8.—I am unable to agree with Mr. Wigram (para. 8) in his admiration of the law adopted by the Travancore legislature under the auspices of Sir T. Madhava Row, enacting that tenants who pay their rent and customary fees for renewal cannot be ejected. I have never yet heard any well-educated Malayali approve of the action of the Travancore Government in that matter, and I know that the late Dewan of Cochin put on record a long† paper opposing such a scheme for Cochin, and showing that it was contrary to all the traditions of Malabar, and in this I entirely agree with him. The fact is, the Malabar land tenures are about as perfect *in theory* and as equitable in principle as are to be found anywhere on the face of the globe; and no arbitrary change like that carried out in Travancore can have any but a deteriorating effect upon them. What, I would ask, is to be gained by raising a Kanom tenant into a permanent copy-holder, so far as the purpose now in hand, viz., to alleviate agrarian discontent is concerned? To answer this it will be necessary to discriminate between Kanom tenants who are now rack-rented and those who still have a margin of profit left over after paying Janmi's fees, cultivation expenses, and what not. The former class would accept, I fancy, as a very questionable boon the proposal to continue them on as permanent tenants at a rack-rent. As regards the latter class, they would, of course, be delighted, because it would, in effect, be raising them from the class of tenants, liable to arbitrary enhancements of rent, into the class of *landlords able to dictate terms to those below them*. This is no imaginary case; for in Bengal where, by the Act of 1859, all tenants on Zemindari estates who had held their lands for twelve years were declared to be permanent tenants; they now find that these permanent tenants have other tenants below them whose condition now requires to be relieved. If the same principle is again acted on, a few years hence the evil will once more arise as soon as the pressure of population on the soil has increased to the requisite extent and the sub-tenants have found sub-sub-tenants to rack-rent. Action in this matter reminds one of the famous couplet—

> "The bigger fleas have smaller fleas upon their backs to bite 'em,
> The smaller fleas have lesser fleas, and so *ad infinitum*" ! ! !

---

* I am not at all convinced that it would be necessary.

† He sent me a copy of it.

12. As a matter of State policy, the logical conclusion, to which the action of rack-renting landlords drives one, seems to me to lie not in the direction of raising temporary tenants into permanent ones, but in the recognition of some such principle as this, that a landlord shall not impoverish his tenants by demanding from them more than a certain fixed maximum of the net produce of the lands they hold. I do not think, however, that matters have got so far in Malabar as to render action in that direction necessary; at any rate, I would first try the effect of the other and milder measures recommended above. The Commissioner whose appointment I have recommended could easily make inquiries in this direction and advise the Government if further action seemed to be necessary. His inquiries in this direction, if judiciously conducted, would not raise false hopes in the minds of tenants.

13. Finally, to make this report complete, I beg most strongly to call the attention of Government to the necessity that exists for reforming the Civil Judicial administration in a direction which has received far too little attention hitherto. I allude to the creation of a class of legal practitioners to take up the work performed in England by Solicitors and Attorneys. Much of the ill-feeling that exists between landlords and tenants would disappear if the landlords had properly qualified and responsible legal advisers in place of the harpies who at present batten upon the strife which they create; and many a tenant would submit to being peaceably dispossessed, on payment of the value of his improvements, if he had a responsible adviser to tell him that it would be only money thrown away to oppose his landlord in the Courts. I venture to enclose, for the perusal of Government, an extract (paras. 10 to 14) from a report which I submitted more than six years* ago to the Honorable the Judges of the High Court on this very subject, *the importance of which has seemed to me to increase as time rolled on.* That some such reformation is necessary is shown by the action taken by the Nyâya Sabha in Bombay, and by the proposal (a futile one) to revert to Village Punchayets. The true solution of all the difficulties lies, I feel sure, in the direction indicated in the report above alluded to, viz., in the organisation of a body of *responsible* legal advisers to take up the work done in England by Solicitors and Attorneys.

ENCLOSURE No. 1.

EXTRACT from a letter, dated October 1874, addressed to the Honorable the Judges of the High Court, Madras, by the Acting District Judge of South Canara.

* * *

10. The Judges of the High Court will perhaps excuse me for submitting to them, as the simile will help to make my meaning clear, that the administration of justice is like a number of streams, with watchmen posted at convenient places to keep them in their proper channels and to free them from impurities. The watchmen have an easy task when the streams first issue from their fountain heads, but when they combine the task becomes ever more and more difficult. Improvements and administration have chiefly hitherto been in the direction of employing better and better watchmen for the main streams, while those at the fountain heads have been neglected.

11. And I would further submit that, however much may have been done or contemplated in the direction of improving the class of District Munsifs and Judicial subordinates generally, there yet remains the equally important task of raising and improving the class of Vakeels and law-agents through whom, as through a purifying stratum, all disputes should filter before reaching the channels appointed for their course. And the scheme I would submit for the consideration of the High Court, as one that would, to a very large extent, do away with the evils I have noticed, is one that is founded on a fuller recognition of the important part which Vakeels ought to play in judicial administration, not as pleaders merely but as Muktars or law-agents.

12. The result of my observation and experience is that legislation in this direction has not made any distinction between the men whose duty it should be to work up the facts of a case and the men whose duty it should be to lay those facts in their most favorable light before the tribunals, and that, in consequence the former work has passed into the hands of a set of men who are quite irresponsible officially for their good conduct and by whom forged documents and perjured witnesses can be used with safety and advantage. I must not be understood to mean that persons who are officially recognised as Vakeels in the Courts do not also act in the way above indicated. The remarks of the Puttur District Munsif are worthy of note on this point. He says: "In like manner the writers and attestors of forged documents are generally people of the same village. Some of the Vakeels use these documents as Shroffs do gold ingots; personally no Shroff goes to commit theft with the thieves, nor does he melt the ornaments. Likewise no Vakeel is *personally* concerned in fabricating false evidence or in committing forgeries." In short, as a rule, the dirty work is done before the officially recognised Vakeel will have anything to say to it; and what I pointedly wish to bring to notice is the existence everywhere of a set of men who are, in fact, attorneys without the officially responsible position of such persons. I will cite only two instances out of many that have come under my notice. In the first instance, a suitor in quite a small case took the trouble to send his son or nephew a distance of no less than 140 miles by road in order to have his answer as a defendant drawn up by a person who is not a Vakeel, but whose skill in drawing up plaints and pleadings and consequent skill in deciding what evidence should be procured *or manufactured* is well known and extensively used. So much was this person's skill dreaded by the opposite party that the *quasi* law-agent on that side resorted to a most ingenious device (the particulars of which need not be related) to have the person sent arrested and detained. In the second instance, the suitors in the Tellicherry Courts took a most unwarrantable alliterative liberty with the name of the late distinguished leader of the Madras Bar, and, owing to the astuteness and ability displayed by one of these *quasi* legal agents in cases which he took in hand, dubbed him the "Nittoor Norton," by which cognomen he was usually referred to. Now what I mean to say is, that the flagrant forgery and perjury which prevails will never be stopped until some method is adopted by which all suitors not conducting their own cases shall be compelled to use the services not of "Nittoor Nortons," but of those men only whose official responsibility is recognised by the Courts. For I hold it as an axiom that, if all disputes came into the Courts after full investigation by a class of intelligent men pledged first to endeavour by every means in their power to prevent disputes being taken into the Courts at all; and, secondly, if an appeal to the judicial tribunals was inevitable, then to produce in Court no documents and no witnesses but such as they, in good faith, believed to be reliable, not only would our now over-burdened files be immensely lightened, but the whole tone of the administration would be raised.

13. These are not new principles; for Section 9 of Regulation 14 of 1816, which is still in force, makes it the bounden duty of Vakeels to examine the evidence, both oral and documentary, before producing it in Court; and the preamble of the same Regulation recites that the speedy adjustment of disputes may be facilitated by empowering authorised Vakeels to receive certain fees for legal opinions furnished by them, and by vesting them with authority to act as arbitrators under the general Regulations; and this latter authority still remains with them under Section 19. These provisions have, however, failed to produce the good effects anticipated, because they do not go far enough. The most recent legislation on the subject, Act 20, 1865, which is not in force here, *follows very closely** the Letters Patent constituting the High Court; and it seems to me that the High Court, in "making rules for the qualification, admission, and enrolment of proper persons to be Pleaders and Muktiars" (Section 4, Act 20, 1865), might, as a necessary preliminary to admission, insist upon each Vakeel, before his appointment, executing an agreement binding himself (1) to prevent, by all means in his power, disputes being taken into the Courts at all, and (2) if an appeal to the tribunals was inevitable, then to produce in Court no documents and no witnesses but such as he, in good faith, believed to be reliable. And for the due fulfilment thereof he should give tangible security according to his means.

14. On this last point, the giving of security for good conduct, I cannot insist too strongly, for I feel that any steps whatever that may be taken will be incomplete unless Vakeels are made to understand that they have something besides the loss of their profession at stake. At present the dismissal of a Vakeel is little or no hardship to him, for he is able, as a hanger-on at the Courts and as a manufacturer of evidence, to pick up almost as much as he did before. It is never to be forgotten that unscrupulousness in legal transactions among natives is not the exception as in England, but the rule; and that a dismissed Vakeel can find ample employment and remuneration *of a safe kind* by doing the dirty work which during his career as Vakeel he had had done for him by others. And there is no reason why a Vakeel in this country should be better off than those of his profession in other countries. A Barrister, Attorney, Advocate or Solicitor at home has very considerable fees to pay before he is admitted into the ranks of his profession, and it seems to me that the giving of security as proposed would be much less of a hardship than the practice of paying heavy fees on admission. The security required need not be large, provided it is good and tangible, and there is no reason why a maximum amount should not be fixed and the Vakeel should be required within a reasonable number of years gradually to increase the amount of his security till it reached this maximum; though generally such a rule would be unnecessary, because, owing to the sub-division of landed estates in this country, every family has some immoveable property. Moreover my experience of native character has

---

* October 1874.

* Compare Sections 4, 14 and 15 of Act 20, 1865, with Section 10 of the High Court's Letters Patent.

shown me that natives who are bound down by tangible security for good conduct are as much to be trusted as Englishmen themselves. Regulation IX of 1822 is a dead letter in Malabar, chiefly because every Amshom official, except the Kolkar, on entering on his duties is bound to give some tangible security for his good conduct. He pledges a portion or the whole of the family lands or houses and immediately comes under the influence of the only kind of public opinion for which a native has any regard, namely, the opinion of those of his own household; and that influence, such is my experience, may be safely trusted to prevent the placing in jeopardy of the house which shelters the old mother's head or the garden which the old father has reclaimed from the waste.

* * *

(Signed) W. LOGAN,
District Magistrate, Malabar.

No. 25. *Demi-official letter from W. LOGAN, Esq., District Magistrate of Malabar, to the Chief Secretary to Government, Fort St. George, dated Calicut, 7th January* 1881.

Since Wigram and I sent in our confidential reports on that anonymous petition, I have been on a tour through the Special Assistant's division—the Mopla taluks,—and have been better able to gauge the state of popular feeling there. There is no doubt whatever that the relations between landlord and tenant in that part of the district are rapidly approaching a crisis, which will manifest itself either in a fresh outbreak of dacoity as in 1875-76, or, as is more probable, in fresh Mopla outrages. Hole and I stayed for a day or two at Edapetta close to the mosque from which Ali issued with the sword of vengeance; a more tumble-down looking place you never saw—the roof thatched, the thatch coming off, &c.,—a regular poverty-struck look about the whole place and its surroundings. *That* is a *most* significant fact, for whatever else Moplas may or may not be, it cannot be charged against them that they are niggardly in their contributions to their mosques; in fact, when they are tolerably well-off and allowed to follow their own bent, they build and keep up a mosque for every 100 or so of the population. In the Laccadive Islands in some places they even have one mosque for every fifty to sixty of the population. Well the fact that the population (Mopla) thereabouts (Edapetta) have a ruinous mosque is a sure proof that they are exceedingly badly off. Moreover, the lists which we have prepared of their property show precisely the same thing. I proposed to retain McWatters's figures, and fine the *well-to-do* people Rs. 1,000; but I have serious misgivings as to my ability to raise so much from them. Let us suppose that the fines *are* fully collected, and that the Moplas are to that extent punished, what result have we obtained? I reply that we have to that extent added to the general poverty which prevails among them, and diminished *pro tanto* their fear of being again fined. Let us suppose another Ali issues from the same mosque with another sword of vengeance, where would we be then? I trust you will excuse me for using so homely an illustration, but as we say in N.B "It's ill takin' the breeks off a Hielandman;" and if a Mopla has no property to lose, the chief hold we have on him is gone. The fact is, the Mopla Act is an admirable instrument when we have wealthy men to deal with, but it fails of its purpose to a great extent when the population is poor.

Moreover, the Act is, I am fully persuaded, only a half measure. It is like puncturing an abscess and leaving a deep-rooted sinus below; the knife must go deeper if the remedy is to be effectual. And the root of the disease lies, I feel sure, in the strained relations which exist between landlords and tenants.

In my confidential report on the anonymous petition I mentioned that I had had a petition against some Moplas of Pallipuram Amshom in Wallawanâd Taluk. I also said the petition was probably a make-believe. Hole and I ascertained in our late tour that there have been no less than eighteen *unreported* burglaries in that Amshom in the last eighteen months or so. The enclosed papers (which please return after perusal) will give you some insight into matters as they stand at present there. You will see there is, as I said in my confidential report, "considerable friction;" and I have no doubt that if the Hindu (Nambudri) landlords

press the men still further in the Courts, matters will speedily come to a crisis. Chek, who is a keen sportsman, is just the man to head a desperate enterprise. He is much of the same disposition as Attan Gurikal who headed the big outbreak in 1848, if I recollect the date aright. On full consideration I have done nothing in the matter. The Nambudris by their grasping avarice have brought themselves into their present plight, and they must just make the best of it. If we can get evidence (which I don't expect) against the Adigari and Chek in any of these burglary cases, we will, of course, act upon it.

And that brings me to the last point which I wish to bring to notice. You will find in Hole's note, which accompanies the papers, that he insists on the necessity for having a "good determined Magistrate out there". I would be well content to leave the Temporary Deputy Magistrate P. Karunâgara Menon in the post he holds at present, the Special Assistant Magistrate's Division. He is a singularly able man, whom I selected to put down the dacoity outbreak in 1875-76; he received the thanks of Government. It was he who reported on the late Melattur outrage, and it is his confidential report on this Pallipuram Amshom business that I now enclose for your perusal. I would rather have him in charge of that division than any of the junior men of our service that I know, except Winterbotham, who is provided for in a senior appointment. If I cannot have P. K. M., then please send me a really good man who understands native character. I have little confidence in W. G. Underwood who is to join the division according to present arrangements in ten days. Brodie has not experience enough, and Ratnavêlu Chetti (my Head Assistant), though he seems to be a very smart officer, is, I am inclined to think, somewhat lacking in other respects. I have seen too little of his work to be able to judge, but from what I have seen I am inclined to think he would not do in the Mopla Taluks.

In dealing with a determined character like Chek, the Magistrate will have to be exceedingly cautious before making up his mind, and, having made it up, will then have to act with boldness and decision. We require, as Hole says, a good determined Magistrate in the Mopla Taluks.

I trust the Government will be able to see their way to appointing a Commissioner to inquire into these landlord and tenant complications, for until some satisfactory solution of the questions is arrived at, we shall never have peace in Malabar.

With that and with some alteration in the law as regards taking up land for Mopla mosques and burial grounds, I should feel at ease.

Two mosque and burial ground cases have recently come to notice, and I am longing for final orders on my reports on this subject.

This letter has run to a great length, but I thought it best to write to you demi-officially on the subject.

P.S.—I have a shrewd guess that the anonymous petition sent down to Wigram and myself for report came from the Pallipuram Amshom. If you have no objections please send me the *original* again in order to trace the handwriting if possible.

No. 26. *From A. MACGREGOR, Esq., British Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Cochin, 19th January* 1881.

I have the honor to forward my opinion, as called for in G.O., January 8th, 1881, No. 26, on the subject of an anonymous petition from some inhabitants of Malabar, dated October 14th, 1880. The petition is herewith returned, together with the original reports of Messrs. Wigram and Logan.

2. I shall, for convenience, follow the order adopted by these gentlemen in dealing with the various questions raised.

3. First, as to the essential nature of Malabar Mopla outrages, I am perfectly satisfied that they are agrarian. Fanaticism is merely the instrument through which the terrorism of the landed classes is aimed at. The tools are lads of from 16 to 20 years of age, who are taught that they must never survive the perpetration of an outrage but must die fighting. By this means the security of the influential Moplas who are always behind, pulling the wires, is greatly promoted, and this, coupled with the unwillingness of co-religionists to give evidence, renders a conviction by direct evidence impossible.

4. I attribute the comparative immunity that the district has enjoyed from this species of agrarian outrage since 1855 to the law which enables Government to deport to a distant place of confinement those who, from circumstantial and other evidences, are regarded with moral certainty as the instigators, and to fine up to an unlimited extent all Moplas in the neighbourhood, their open sympathy and criminal complicity being absolutely necessary to the successful carrying out of such designs.

5. The next point to be touched on is whether there is ground to infer from this petition or from other causes that a general outbreak is to be apprehended immediately or in the near future. I will at once say that I should not expect the warning to come in this shape, and I would go further and say that I do not think there is the least cause for apprehension of any general outbreak.

6. An outbreak of the ordinary type may occur any day. A dozen lads will combine, under secret instigation, to murder a prominent land-owner and be shot down by the European troops. The Mopla community at large will stand aloof and carefully avoid the slightest exhibition of sympathy, and for some years to come the Hindu landlord will be far more chary of evicting his Mopla tenants. After a time, however, the usual sense of security will return, and the landlord will recognise no force over his own interest.

As to grievances the only one which I hold as valid is the insufficiency of the compensation awarded for improvements. I fully concur with the views expressed by Mr. Logan on this point, and I think it absolutely necessary that some effective means should be adopted for preventing the evasion by the Courts of the award of compensation for improvements, because that is really the effect of valuing them at obsolete rates, both as regards the cost of effecting them, and the market value.

It is obvious that this system offers a direct premium to landlords to evict tenants. It is altogether an abuse of the term custom, because in maintaining a custom in regard to rates the fundamental custom of compensation was abandoned. The tenant does not receive the equivalent for his expenditure, nor the means to enable him to purchase a lease elsewhere, whilst the landlord is not under the obligation to pay full value to the out-going, whilst he can and does receive it from the in-coming tenant.

Mopla outrages have hitherto been virtually confined to the two taluks of Ernaad and Wallawanaad. Here the breadth of land between the sea and the foot of the ghauts is greater than elsewhere, the country is more isolated and purely agricultural, and the surface consists of alternating hill and valley of great picturesque beauty. As a rule, every tenant lives in a detached house in a park of his own making, and has to his hand every thing he requires for his livelihood.

To give him in case of eviction full value is, I consider, no interference with the rights of property, but bare justice, the witholding of which is only too likely to cause him to take revenge.

I quite agree with Mr. Logan that nothing would be gained by any attempt by law to convert occupancy into a permanent tenure. It is true the measure was adopted in Travancore, but not without inflicting great injustice. It so happened, however, that the State was in such or much more backward position that the blow was not felt as it would have been in a more advanced community. In Malabar when full proprietary right has been admitted for over half a century, affirmed in repeated

decrees of the Privy Council, and acted on by Government in regard to thirty lakhs worth of escheat lands sold by Government, the question of how cancelling that right in favor of a casual occupant seems one that cannot be mooted, except to be at once set aside.

The position of the Mopla tenantry in Malabar, even when evicted, is by no means hopeless, or calculated to drive them to desperation.

There is plenty of unoccupied land still within reach, and the gold industry, which is now receiving such an impetus, will give occupation to thousands, both directly and indirectly.

The Mopla is an excellent subject, but must be ruled with rigid severity.

He is incapable of regarding concession as dictated otherwise than by conscious weakness; whether as landlord or trader, he exacts the last farthing, and does not claim to be otherwise dealt with himself, nor, in my opinion, ought he to be.

I have necessarily been brief in these remarks, having received your telegram requesting me to expedite my report. I only received the papers five days ago while here on circuit, and have no means of referring to many documents I should have liked to peruse before sending it in.

No. 27. ORDER THEREON, 5th February 1881, N

These reports submitted by the present Collector, a District Judge of Malabar, and by an officer who was for some years Collector strict, show that while there may be no immediate reason for apprehendi and extensive disorder in Malabar, still there exists in some taluks an a ious agrarian discontent, which, if not inquired into and promptly and moved, may at any time assume proportions fatal to the peace of that pa the country.

2. With a view to a thorough investigation of this and other grievances complained of by the people of those districts, the Right Honorable the Governor in Council, in G.O., dated 25th January 1880, No. 170, notified the selection of Mr. Logan, the present experienced Collector of Malabar, as Commissioner, to inquire and report upon all matters referred to him, and it now remains to define the duties on which he will be specially employed.

3. Mr. Logan, while using his own discretion as to other matters which call for investigation, will specially inquire into and report upon—

(1) the general question of the tenure of land and of tenant right in Malabar, and the alleged insufficiency of compensation offered by the landlords and awarded for land improvements made by tenants;

(2) the question of sites for mosques and burial grounds, with suggestions for a measure rendering the grant of such sites compulsory under certain conditions if such a measure appears to him called for.

He will further submit his views as to the best means for redressing any existing grievances which are, in his opinion, well founded, and which, after due inquiry, h essed, and will suggest appropriate remedies.

4. M d on this special duty, will draw his full salary and tentage (fixed Collector, and will be reli d entirely from current duties. He can ch small additional office establishment as he may require temporarily.

(True Extract.)

R. DAVID
Chi

To W. Logan, Esq.
„ the Revenue Department.
„ the Accountant-General, (para. 4).

Govt. of {1881} Madras.

JUDICIAL.

To

W. LOGAN, Esq.,
&c., &c., &c.

n th
cause
reak o
secret i
uropean
void the s
ndlord w
er, the

Dated February, 5th.

Issued

Recd. Encl.

G.O., 5th February 1881, No. 281.

FEBRUARY.
Nos. 22–27.

ves
ng he requires for his live
s, I consider, no interf
holding of whic

uite a
by law to con
adopted in T
however, th
was not fel
full propri

Mopla Outbreaks.—The duties of Mr. W. Logan as Commissioner in the District of Malabar, defined.

R. D.
23 OCT 80

The original returned
Mr Logan as
requested in the
P.J. to B.O. 7 Jany
81 in G.O. 5 Feb
No 281

The petition of Mussulmans Nayars, Tiyyans and all other castes inhabiting Malabar, states

That as a terrible outbreak is going to occur immediately in Malabar, urgent orders are requested to be issued with a view to prevent any lawlessness.

2. That, since the British acquisition of Malabar, no European Officers deputed to the District have received any bribes from the natives or otherwise unjustly acted.

3. That the native officials of the District take bribes and oppress the ryots; that though this is difficult to prove, on proof of any instance, the party concerned gets punishment at the hands of his European superiors.

4 That during the late famine your Grace protected the lives of innumerable people at an expense of countless sums of money.

5 That under other Governments Petitioners hear that the subject people suffer from great oppression.

6. That the ryots are aware that such a paternal Government as this exists no where else.

7 That the Serverity of the oppression of the Malabar landlords will lead to great disturbances, at which a great number of people will have to lose their lives. This is a matter of great regret.

8. That the grievances of the subjects are stated below. The property of a great part of the lands in Malabar belongs to Hindu temples and to Nampuderies and others who are Hindus.

9. That when such lands lay waste the Mussulmans, Nayars and other Castes obtained grants on Kanam and Otti rights, made improvements and regularly paid, besides the annual rents, the renewal fees at every twelve years at the rate of 20 per cent of the principal sum advanced upon the original grant; that these fees are paid as mere gifts and not secured in the vouchers obtained; that these ryots also pay the Government revenue and enjoy the surplus profits.

10. That when one has made the necessary improvements upon a grant so obtained and when the land and improvements have reached a period when a return in the shape of profits may be expected, the grantee becomes old and dies leaving behind a large family whose maintenance is to be derived from such property. When the grantor appears, brings a suit, makes out that the improvements are less than a tenth of their real worth, gains over the Munsifs, deducts the value of improvements for Court Costs and ejects a respectable family. Thus reduced to beggary, houseless and unable to feed a number of hungry

children, one will not of course hesitate to give up his life.

11. That ejectments were rare in Malabar. Any hard-hearted landlord who resorted to such extreme measures would soon be killed and a disturbance would ensue, to quell which a military force had to be brought and much money expended; that within the last 2 years the landlords having bought over the District Munsifs have commenced to oust the lessees, and whatever they gain is divided between themselves and the Munsifs.

12. That such a proceeding serves to enrich the landlords and Munsifs but reduces the well-to-do lessees of land to beggary.

13. That the Mussulmans are the people committing riots. All the Hindu officials and landlords impress this fact upon the European officers of the District; that there are

no Mussulmans holding high offices or acquainted with English; that this accounts for the Mussulmans being declared the principal offenders.

14. But that the fact of Mussulmans becoming offenders and losing their lives is due to their being oppressed by landlords and the Nayar officials who side with them.

15 That demolition of mosques, religious persecution, cruel oppression and ejectment of Mussulmans by landlords are the causes that have led to Mopla outbreaks in Malabar.

16. That the assassination of Collector Conolly was committed by some Moplas of bad character whose continued imprisonment made them despair of being liberated from the Jail.

Child
hesita
11. Th
Mala
-lord
mea
and
to qu
had
mon
the l
have
Men
ous
gu in
and
12.
serv
and
Diele
13.
the
the
hip
offi

---

17. That the former rulers of the Country and their adherents the land-lords feel extremely dissatisfied with the subjugation of the Country by the British Government, that the ryots feel satisfied when they compare the welfare and tranquillity they enjoy under the British rule with the oppression they suffered before; that this vexes the late rulers and landlords who therefore cause and foster disaffection and riots.

18 That the Travancore Govt. having been fully persuaded of the fact of the holders of land being unjustly turned out and also persecuted for their religion by their landlords, have prohibited the dispossession of lessees, who are however declared liable to pay the annual rent and the renewal fees.

19 That no riots of the kind occur in that native state; that within the last two years all the landlords in Malabar assisted by a few Munsifs have combined in filing Ejectment suits and in obtaining and executing decrees in such suits.

20. That the people having therefore conspired to create a disturbance are advised by some wise men to wait until a representation of the popular grievances has been made to Government and orders received thereupon.

21. That whatever Enactments may be passed, before all such suits have been decided and all such decrees executed, disturbances and bloodshed of a kind unknown in Malabar will take place; and that this should not be construed into a vain threat held out to deceive. By the Almighty God who has created all, Petitioners swear that this will be a fact.

22. What the Govt. ought to consider is whether it will be proper for the sake of enabling the land-lords and Munsifs who are comparatively few, to amass immense

wealth, to subject a great many people to cruel oppression and thereby allow countless lives to be lost.

23. Petitioners pray that orders may issue prohibiting the trial of such suits and the execution of such decrees and forbidding the registration of documents effecting transfers of land recovered by such suits; and Petitioners also request the deputation of an efficient and impartial Commissioner to enquire into complaints against landlords. The expenses of the Commission, Petrs add, may be defrayed by court fee stamps of one anna being required to be affixed to petitions that may be presented to him.

14th Octr 1880.

(no names or signatures)

(A true translation)

Malayalam Translator
to Govt.

No. 319

Calicut, 8th November 1880

From

H. Wigram, Esq.,
Offg. District Judge of S. Malabar,
Calicut;

To

Honble R. Davidson C.S.I.
Chief Secretary to Governm
Fort St George

Sir,

An anonymous Petition, No. 2 of 1880 relating to Malabar, was forwarded to m confidentially for report with your note of 2nd November 1880, and I was instructed to hand over the Petition to Mr. Logan on his arrival from furlough.

The Petition appears to be the production of some ignorant person or person & contains the oft-repeated complaint that the tenants are unjustly treated by the landlords, that the Munsifs side with the landlords, & that there is danger of fresh outbreaks occurring in Malabar.

2. Similar petitions were presented to Mr. Strange when he was appointed a Special Commissioner for Enquiry into the Mopla

wealth. to subis

Moplah disturbances in the District of Malabar 1852 In submitting his report on 25th September 1852, Mr Strange enumerates the Moplah outrages that occurred between 1836 & 1852, but declines to attribute them to the oppression of tenants by landlords (para 20)

It has always appeared to me that Mr Strange gave far too little weight agrarian discontent as the cause of the outbreaks. His suggestions do not comprise single relaxation of the law in favour of the tenant, but are rather aimed at giving the landlord a cheaper remedy for recovering his rent (para 70).

The removal of the Tangal Syed Fazil from India & the disarming of the population under Act XXIV of 1854, were speedily followed by Mr Conolly's murder in 1855, but the subsequent measures taken under Act XXIII of 1854 seem to have effectually put a stop to Moplah fanaticism. I believe that the only serious outbreaks that have occurred since that time were the Kolathur outbreak in 1873, and the outrage recently reported to Govt. We may thus congratulate ourselves on having been almost free from fanatical outbreaks for more than 25 years.

3 The

3. The lawlessness of the populati found vent in a serious outbreak of Dacoity 1875 & 1876, but nearly all the gangs consisted Moplahs, Nairs, and Tiers combined, althoug the victims were invariably Hindoos.

The vigorous measure taken agains the Dacoits in 1876 which resulted in the conviction of more than 200, and the transporta for life of many of the ring-leaders, has h its result.

Dacoity has been scotched thoug probably not killed.

The only serious case of Dacoity since April 1876, that has come before me w a case at the present Sessions, and there th victim was a Moplah who was believed t have acquired some hidden treasure. The Dacoits were for the most part Moplahs

4. That agrarian discontent still exists and may at any time break out in isolated instances of fanaticism, as in the case recently reported to Government, is undoubted. Further, that the sympathy of the Moplah population is invariably on the side of the fanatics, is also undoubted.

At the same time, I am firmly persuaded that the orginzation does not exist f any general outbreak. There is no saying hat might happen if isolated acts of fanaticism ere successful, & were not promptly & severly dealt with. Leaders might then be found for a general rebellion. Nearly every Moplah griculturist is a foe to law and order, and ould like nothing better than to expel every Hindoo landlord. Our safety lies in the ant of leaders, in the want of organization, d in the knowledge of the Moplahs themelves that any attempt at rebellion must end n failure.

If any general outbreak were ikely to occur, there would be ample emonitory symptoms. We should have resistnce to the execution of Civil decrees, refusal n the part of Moplahs to take lands from which their countrymen were evicted & many single acts of fanaticism, not to mention reports of informers. All these are wanting, & I venture to think that the individual landlord is far more secure in Malabar than in Ireland. !

As to the reality of Moplah grievances - The Moplah trader has no sympathy with the Moplah agriculturist - Over-population and want of capital ~~have~~ among the latter class here as elsewhere cause poverty and discontent. The Moplah is a great a conservative as the Nair. Nothin will induce him to emigrate from Malaba Where his father & grandfather lived and die there he must live and die. Inability to pay his rent is his misfortune, but does not, in h eyes, justify his eviction from the land whic his ancestors held.

6. The position of the tenant in Malabar is not what it was in ancient tim The two main causes which have led to th relations between landlord and tenant are

(1) The Mahomedan invasion.

(2) The judicial system of our Courts.

The proprietary (jenm) right in Malabar was originally in the hands of a limited aristocracy. The Temples - the Nambudri Brahmins - the Rajahs and petty chieftains were the only owners of land. All other persons held on a derivative tenure. The Kanom tenant was regarded as having almost a permanent interest in the land, subject only to a rent service or a rent charge. He might have to pay fines for renewal of his lease when his landlord died, or when his landlord urgently required funds but practicall wealth & subj

practically he was as independent as an English pry holder; his rent was merely nominal & position was as secure as custom and public opinion could make it. This ancient system was first broken up by Hyder's invasions in 1766 & 1774. The Hindoo landlords tired from the country and the Moplahs ere left in possession. Still further dis-ption occurred when Tippoo invaded the untry in 1788, and attempted to proselytize the Hindoos. When peace was again restored 1792, when Malabar was ceded to the British Government, and when the old landlords began to return to their country, t was not to be expected that they would e allowed quietly to resume their relations their former tenantry.

By a Proclamation issued in 1793, t appears that Jenmis were prohibited from disturbing the possession or claiming ent from such Moplah tenants as had held as of right since 1766, whilst they were uthorized to claim the former rent and if esisted, to eject such of the Moplah tenants s had only held as of right from 1788. This was rough & ready mode of settling rights of property, but it is doubtful whether the tenants would

not

not have been placed in a more favourabl position, if they had resumed their forme relations with their landlords.

A practice sprung up amang the landlords of requiring tenants to take renew of their leases at shorter periods than had been usual on pain of ejectment, and of levying contributions whenever an opportunity offere As a kind of compromise, the Courts adopted the somewhat arbitrary rule that a Kano tenant had a right to quiet enjoyment for twelve years, but what was at first intende as a relief to the tenant gradually became the strongest weapon in the hands of his landlo At the end of the twelve years it was held that the landlord might redeem the tenant without assigning any reason, on payment of compensation for improvements. Thus what was originally by force of custom, almos a permanent right of occupancy, was soon converted into a right of occupancy for a term of twelve years. No one that I am aware of has ever pointed out that the right of the Kanom tenant to twelve years' quiet enjoyment is purely a creature of the Courts. Neither in Walker's Land Tenures nor in Buchanan nor in Græme's Report is any mention to be foun of such a limitation, & I do not think it can be traced back further than 1840.

Legislation in Travancore proceeded on a more equitable basis.

I have beside me a proclamation issued in the time of Sir T. Madava Rao in 1867 reaffirming the principles laid down in 1829 on the subject of the reciprocal relations between landlords & tenants.

[illegible] it was produced of [illegible] Did it come with our memo of 1793?

The sum and substance of the proclamation is that tenants who pay their rent & customary fees for renewal cannot be ejected. Had a similar course been followed in Malabar, I firmly believe that it would have checked the rapacity of the landlord & encouraged the tenant to pay his rent regularly & to live on terms of amity with his landlord - instead of resisting him in the Courts by false pleas and defences.

There are, of course, landlords & landlords - The good landlord still cultivates friendly relations with his tenantry. But many of the irresponsible managers of the Temples whose sole object is to enrich themselves, find their opportunity when a tenant's term has expired. The right of the tenant is then put up to auction to the highest bidder, & the tenant whose

ancestors

ancestors have held from time immemorial, finds himself Defendant in a law suit where he has no defence. A Moplah is no match for a Hindoo in a Court of law. His forgeries are clumsy forgeries, & he cannot even lie with consistency. The suit is decided against him and he is ejected. Is it to be wondered at that he cherishes feelings of resentment against the landlord?

9. In conclusion, I have only to observe that there is no ground whatever for the belief that the Munsifs invariably favour the landlord at the expense of the tenant. It would of course be very desirable if some uniform system of valuing the compensation for improvements could be adopted. But this is impossible. In one part of the District the tenant may be entitled to Rupees 8 for a full grown cocoanut tree planted by him, in another part of the District he may be entitled only to Annas 8.

The right to improvements is constantly the object of transfer by sale or mortgage and to lay down any arbitrary rule on the subject would be to interfere with the rights of property. We must perforce, leave such questions to be decided by local usage. The deputation of a Commission

enquire into the grievance of the tenants
gainst the landlords would, in my opinion,
ly tend to embitter class feeling, & lead to
seful result.

I must apologize for the length
which my remarks have run, but I
ve thought it best to state fully the
pinion I have formed after five years'
perience in Malabar. I believe that
s inexpedient to employ none but
Malayalis in Malabar. A judicious
dmixture of foreigners is highly desirable,
nd I have far greater confidence in
orking with Sub Judges who are foreign
to Malabar, than with natives of
Malabar. The same remark will apply to
post of
the Deputy Collector. Tahsildars & Munsifs
must as a rule, be selected from Malayalis,
the discharge of their duties requires
an intimate acquaintance with the man-
ers & customs of the people. And the selection
s almost limited to Nairs and Brahmins.
Moplahs are rarely qualified for the post,
nd Tiers are, for the most part, un-
ble to command the respect which is
ue to their position. But even among
Tahsildars & Munsifs the gradual in-
troduction of foreigners or, at all events,
the

the introduction of residents of North Malab
into South Malabar and vice versâ,
would be attended with advantage.

I have the honor to be,
Sir,
Your most obed^t. Servant

Offg. District Judge

From
The Offg District Judge
of South Malabar,
Calicut;
To
The Chief Secretary
to Government,
Fort St George,

Dated 8th November 1880
Recd.
No. 319. 10 [illegible]
No. 3757A

Submitting reply to Petition No. 2,500 relating to Malabar, forwarded confidentially for report.

Circulate

171

Confidential

Malabar District Magistrate's Court,
Calicut, 13th December 1880.

R.D.
15 DEC 80

No. 3399

From,
W. Logan Esquire,
District Magistrate of Malabar;

To
The Honble H. Davidson C.S.I.
Chief Secretary to Government,
Fort Saint George.

Sir,

Referring to your notes of 2d and 22d November 1880, handed to me by Mr Wigram along with copy of his confidential report to you dated 8th idem No. 319, I have the honour to submit my views on the questions raised in connection with the anonymous petition No. 2500 of 1880.×

× Herewith returned.

To admit of ready reference, I will take up the points in the order in which I find them treated of in Mr Wigram's letter.

Mr W's letter para 2. 2. I entirely agree with Mr Wigram in thinking that Mr Strange "gave far too little weight to agrarian discontent as the cause of the Mappilla outrages". I have long held that opinion see para 6 of my letter printed with G.O. J.D. 2007 dated 2nd October 1876) and I may add that, as matter of fact, the Collector Mr Connolly would not have insisted on the Tangal Seid Fazl's leaving the country if he would have consented to go to the Jammat mosque at Tirurangady at a Friday service and have there publicly withdrawn from the position which he had already taken up in his sermons to the congregation, viz that it was a righteous act to kill a landlord. I had this on the best authority, namely from the late Deputy Collector C. Kanaran, who was the officer deputed by Mr Connolly to enter into personal negotiations with Seid Fazl and through whose influence he was eventually prevailed upon to leave the country. Seid Fazl persistently refused to do as he was asked, and Mr Connolly then insisted on his quitting the country. The Government will search in vain in the published records for any notice of this fact.

Mr W's para 3. 3. Mr Wigram is apparently of opinion that the dacoity outbreak in 1875-76 had its

root

root also in agrarian poverty and discontent. In this opinion I fully concur, and I may mention as a significant token of the sort of people who joined that outbreak that the father of one of the Mappilla ringleaders assured me that he held some land from a landlord who insisted on his paying 100 parrahs of grain as rental, although in the very best of years, when he got two crops (frequently he got but one) he could only expect to get 115 parrahs of gross produce from the land he so held. Of course he was always in a state of arrears with his rent, and on my remarking what a fool he was to keep on the land on such terms, his reply was "What can I do? I have got no other occupation and if I gave it up somebody else would take it on similar terms."

I formed a strong opinion at the time that the dacoits were driven to robbery by starvation staring them in their own homes; and I may add, as a remarkable feature of the outbreak, it was not against the landlords who rackrented their tenants that their resentment was parti=

=cularly

particularly directly, for every Malayali in his heart of hearts is conscious that he would do precisely the same if he had the power. In short the tenants look upon it that a landlord is within his rights in insisting on payment of his rent to the uttermost farthing; but when he proceeds beyond this and tries to make unlawful gain out of his tenants' improvements the latter, with his inherently strong sense of justice outraged, then proceeds to extremities. I shall come to this point again further on (para 5).

Mr. W's para 4.

4. I have purposely delayed submitting this report for a day or two inorder that I might be in a position to advise the Government as to the present state of the district, regarding which I was necessarily in the dark after a furlough absence of 18 months. I have in the interval since assuming charge seen and conversed with people, official and non-official, from all parts of the district and am clearly of opinion that no "terrible outbreak" as the petition says, is on

the

the point of occurring. Discontent does however prevail to a considerable extent in the Wallawanad and probably also in the Ernad Taluk. Indeed I have within the last ten days received from the Special Assistant Magistrate at Malapuram a report on a petition, sent to him for investigation by Mr. McWatters, to the effect that certain Mappillas were meditating a rising in the Pallipuram Amshom of Wallawanad. In this case land disputes are undoubtedly at the bottom of the affair. The people who denounce the Mappillas are themselves Mappillas and are probably in secret alliance with the people they denounce, though ostensibly (in obedience to their landlords' wishes) opposed to them. The Temporary Deputy Collector, who knows the parties, seems to think there is little chance of a rising but there is undoubtedly a good deal of friction. I do not anticipate any general outbreak at present, but the same causes are at work that have led to outrages and outbreaks of dacoity in the past and these causes will, if no remedial measures are applied, undoubtedly lead to like results in the future in spite of

Ominous words!

the tremendous penalties which are exacted from those concerned.

Mr. W's para 5.

5. I am not quite in accord with Mr. Wigram in his views as to the reality of Mappilla grievances. What happened in 1875 and 76 opened my eyes, as already alluded to in para 3, to the fact that it was not so much against the mere rackrenting landlord that a Mappilla bears a grudge; for there is nothing in life he would so much enjoy himself as being in a position to rackrent others. What he does feel as a grievance is eviction from land which he has improved without adequate compensation for the improvements he has effected. How the thing works is pretty much as follows:– A Mappilla takes a piece of waste land from a landlord – possibly he is permitted tacitly to squat on it. Being industrious and frugal, he very soon makes the place to blossom as a garden proverbially ought to do. For the first few years no rent is asked for or given; but a time at last arrives when the improvements have become valuable, and then comes the landlord's opportunity. The Mappilla knows that if he is evicted through the Courts he will get as compensation, to which he is by

custom

custom entitled, only the value of the improvements according to the customary scale in force in the neighbourhood. These rates are utterly inapplicable to present circumstances: they were fixed generations ago when money had a very different value to what it has at present. For instance, a full grown fruit bearing cocoanut tree is, in some parts of the District valued according to these rates at 5* annas of current money, whereas its probable market value would be as many rupees. Other improvements are valued in like proportion: so it is not to be wondered at that our friend the Mappilla knuckles under, if he possibly can, when asked for an increase of rent, and will consent to hang on to his land on starvation terms in the hope of something turning up to his advantage. I don't say he is immaculate; far from it: he has probably been scheming against his landlord from the day he took the land. Let us suppose that an irreparable breach has occurred between them. According to our present system of Civil administration, which encourages litigation on the one hand and discourages

it

* 1½ Velli fanams –
Mr. Wigram does not mention any lower rates than 8 annas; but in N. Malabar, the rate, in more than one place, is lower still

it by heavy taxation on the other, the landlord must go to a Civil Court, and it is needless to follow the litigation which ensues and which usually ends, justly enough, in a decree for eviction with costs against the tenant. He is outwitted in the execution of the decree; the Ameen (for a consideration) makes a false return of the improvements; petitions (with the usual incubus of 8 annas Court fee stamps and Vakeel's fees) have to be filed to set the matter right, Commissions have to be issued, copies of public records obtained &c. &c. &c. At the end of it all the Mappilla tenant, probably with a numerous young family to provide for, finds himself ousted from his land, and with probably more than the whole value of his improvements swallowed up by the costs of the suit. A Mappilla who will pay up with regret and great delays perhaps, but without much grudge to a rackrenting landlord every grain of his extortionate dues, likes to kill a landlord who thus makes use of the Courts to defraud him. I am told by the Tahsildar of Ernad that in about 90 per cent of the eviction cases which are brought to his notice officially

the

the evicted tenants are Mappillas.

Mr. W.'s para 6. 6. I cannot agree with Mr. Wigram (para 6) in thinking that the Kânam tenant was to all intents and purposes a permanent tenant in the times preceding the Muhamadan invasion in 1766. The Land tenures of Malabar are singularly clear and equitable; there are permanent tenancies and tenancies not permanent; but to say that a simple Kânam* tenant was in former days a permanent tenant is, I feel sure, not historically accurate. I shall only quote on this subject one extract from an early report:— "It was a prerogative inherent, and is still claimed in the Janmam⊙ right (hereditary landlords), that the Kânamkar (Tenant) should renew his Kânam deed after the lapse of a certain number of years. No renewal entitled the Janmi to a remission of a fixed per⊕centage on his original debt. The land thus in time became disencumbered of its Kânam debt and the lease naturally fell in, unless the Janmi was satisfied with levying a fee in money instead of granting a renewed lease with a reduced Kânam." Under no circumstances, in my opinion,

could

* Lease on consideration of an advance of money, the repayment of which money is secured upon the land. The landlord enjoys the interest of the sum advanced; if the interest is equal to the rent, no rent is paid by the tenant (Kânamkar).

⊙ Literally birthright = full proprietorship.

⊕ per cent of the Kânam amount, besides which the Kânamkar had to pay "an entire year's rent" to the Janmi. The Courts now recognize the Janmi's right to insist upon any terms he is strong enough to exact:— a very questionable alteration in the unwritten law.

Landlord entitled on renewal to one year's rent + remission of 15% of his debt to the tenant.

could such a lease be prima facie a permanent one.* It may be true, though I do not think that it can be historically verified, that in the old days Janmis rarely evicted their Kânamdars; but even in such cases, the question as regards permanence of tenure was on the same footing as that of a tenant-at-will left in possession for a long period. Neither the Kanamdar's right nor the tenant-at-will's right could ripen into permanency by long possession.

*Mr. Wigram is quite ri
in saying that the 12 yea
of a Kânam lease is a
arbitrary adjunct adopt

Mr. W's para 6. 7. What happened at the time of the Muhamadan invasion was this:- The Hindu landlords being afraid, for obvious reasons, to remain in the country, set out for Travancore taking with them as much money as they could raise upon their lands. This money was raised on kânam deeds, and the Mappillas took advantage of the position by obtaining kânam deeds for larger sums than those they actually advanced to the landlords. The moderation of the Mappillas in this respect was a matter of wonder to the Officers of the District in the early days; but it is easily accounted for when one realizes that the influence of the Village Headmen (Dêsavâlis) was so great and

that

that the lands chiefly belonged or had belonged to them.

Mr. W's para 7. 8. After the Muhamadan period the landlords found great difficulty in paying off the large kânam rights thus assigned; but time, the influence of the law Courts, the increasing population and, above all, the diminished value of money gradually enabled them to improve their position, until we find them now in many instances complete masters of the position and able to rack-rent their tenants as they choose.

Mr. W's para 9. 9. I cannot insist too strongly on the necessity that has arisen in my opinion for a complete revision by legislative enactment of the customary rates of compensation for improvements. It is the inadequacy of these customary rates that is, in my opinion (see para 5 above) the great lever which enables the landlord to bring so much pressure to bear upon the tenant. The latter is in equity entitled to the full market value of his improvements; whereas, as matters stand, in most parts of the country he gets only a very small fraction of the market value. When he is ignorant and unused to the ways of Civil Courts, he finds too often, as indeed these anonymous petitioners assert (para 10), the whole value of his improvements "deducted for Court costs"?

10. Mr. Wigram admits (para 9) that a revision of these customary rates is desirable, but he thinks that it would be impossible to adopt any uniform system of valuation because the rates vary so much in different parts of the District, and the right to improvements at those rates being frequently the object of transfer by sale or mortgage, any arbitrary rule on the subject would lead to interference with rights of property. Now on this point I would submit :-

I. The unwritten law of the country has fully recognized that a tenant who effects improvements is entitled to the value thereof when evicted.

II. This unwritten law has almost fallen into abeyance practically because under our administration money has become so cheap that the customary rates no longer represent the real value of the improvements.

III. The conclusion seems to me irresistible that the legislature should therefore step in and render really effectual

the

the above wise provision of the unwritten law

IV. Any objection to doing this, on the ground of interference with existing contracts could easily, if necessary, be surmounted by enacting that the revised rates should apply only to future contracts.

am not at all convinced that
t would be necessary –

V. There would be no difficulty, so far as I am aware, in fixing an equitable scale to hold good within certain definite local limits for a certain fixed period of time: in fact I would propose that these rates should be revised periodically all over the District say every 10 years.

VI. The Act should provide for the appointment of Commissioners from time to time to ascertain existing rates and, after hearing petitions and evidence for and against those rates, to prepare fresh tables which, having received the final sanction of Government, should be made binding on the Civil Courts for a time to be fixed.

Mr. W's para 8. 11. I am unable to agree with Mr. Wigram (para 8) in his admiration of the law adopted by the Travancore legislature under the auspices of Sir T.

Mr Macgregor also
condemns it

Madhava Row, enacting that tenants who pay their rent and customary fees for renewal cannot be ejected. I have never yet heard any well-educated Malayali approve of the action of the Travancore Government in that matter, and I know that the late Dewan of Cochin put on record a long* paper opposing such a scheme for Cochin and showing that it was contrary to all the traditions of Malabar, and in this I entirely agree with him. The fact is the Malabar land tenures are about as perfect in theory and as equitable in principle as are to be found anywhere on the face of the globe, and no arbitrary change like that carried out in Travancore, can have any but a deteriorating effect upon them. What, I would ask, is to be gained by raising a kânam tenant into a permanent copyholder so far as the purpose now in hand, viz to alleviate agrarian dis=content, is concerned? To answer this it will be necessary to discriminate between kânam tenants who are now rackrented and those who still have a margin of profit left over after paying Janmi's fees, cultivation expenses and what not. The former class would accept,

I

* He sent me a copy!

I fancy, as a very questionable boon the proposal to continue them on as permanent tenants at a rackrent. As regards the latter class, they would of course be delighted, because it would in effect be raising them from the class of tenants, liable to arbitrary enhancements of rent, into the class of landlords able to dictate terms to those below them. This is no imaginary case; for in Bengal where, by the act of 1859, all tenants on Zemindary Estates who had held their lands for 12 years were declared to be permanent tenants, they now find that these permanent tenants have other tenants below them whose condition now requires to be relieved. If the same principle is again acted on, a few years hence the evil will once more arise as soon as the pressure of population on the soil has increased to the requisite extent and the sub-tenants have found sub-sub-tenants to rackrent. Action in this matter reminds one of the famous couplet,

"The bigger fleas have smaller fleas upon their backs to bite 'em,
The smaller fleas have lesser fleas, and so ad infinitum"!!!

12. As a matter of State policy, the logical conclusion, to which the action of rackrenting landlords drives one, seems to

me to lie not in the direction of raising temporary tenants into permanent ones, but in the recognition of some such principle as this,- that a landlord shall not impoverish his tenants by demanding from them more than a certain fixed maximum of the net produce of the lands they hold. I do not think however that matters have got so far in Malabar as to render action in that direction necessary; at any rate I would first try the effect of the other and milder measures recommended above. The Commissioner whose appointment I have recommended could easily make enquiries in this direction and advise the Government if further action seemed to be necessary. His enquiries in this direction if judiciously conducted would not raise false hopes in the minds of tenants.

13. Finally to make this report complete, I beg most strongly to call the attention of Government to the necessity that exists for reforming the Civil Judicial administration in a direction which has received far too little attention hitherto. I allude to the creation of a class of legal practitioners to take up the work performed in England by Solicitors and Attorneys. Much of the ill-feeling that exists between landlords and tenants

would

? Sec VI of [illegible]
for periodical
[illegible] rates
[illegible]

GOVERNMENT OF MADRAS

would disappear if the landlords had properly qualified and responsible legal advisers in place of the harpies who at present batten upon the strife which they create; and many a tenant would submit to being peaceably dispossessed, on payment of the value of his improvements, if he had a responsible adviser to tell him that it would be only money thrown away to oppose his landlords in the Courts. I venture to enclose for the perusal of Government an extract (paras 10 to 14) from a report which I submitted more than 6 years× ago to the Honorable the Judges of the High Court on this very subject, the importance of which has seemed to me to increase as time rolled on. That some such reformation is necessary is shown by the action taken by the Nyāya Sabha in Bombay, and by the proposal (a futile one) to revert to Village Punchayets. The true solution of all the difficulties lies, I feel sure, in the direction indicated in the report above alluded to; viz, in the organization of a body of responsible legal advisers to take up the work done in England by Solicitors and Attorneys.

I have the honor to be,
Sir
Your most obedient servant
W Logan
Ag. Magistrate.

× October 1874.

Judicial. 1880. Dep
(Mopla Outrages)

Confidential

L. C. A.

From
The District Magistrate
Malabar

To
The Chief Secretary to Government
Madras.

Dated 13 December 1880
Received 15 ——

Rott 162.

3 enclos

No. 3399
—/

Moplah outrages and agrarian Discont

Suggests remedial measures against —

Extract from a letter dated October 1874, addressed to the Hon: the Judges of the High Court, Madras, by the Acting District Judge of South Canara.

* * *

10. The Judges of the High Court will perhaps excuse me for submitting to them, as the simile will help to make my meaning clear, that the administration of justice is like a number of streams with watchmen posted at convenient places to keep them in their proper channels and to free them from impurities. The watchmen have an easy task when the streams first issue from their fountain heads, but when they combine the task becomes ever more and more difficult. Improvements in administration have chiefly hitherto been in the direction of employing better and better watchmen for the main streams while those at the fountain heads have been neglected.

11. And I would further submit that however much may have been done or contemplated in the direction of improving the class of District Munsiffs and Judicial subordinates generally, there yet remains the equally important task of raising and improving

the

claſs of Vakeels and law-agents through whom, as through a purifying stratum, all disputes should filter before reaching the channels appointed for their course. And the scheme I would submit for the consideration of the High Court, as one that would to a very large extent do away with the evils I have noticed, is one that is founded on a fuller recognition of the important part which Vakeels ought to play in judicial administration, not as pleaders merely but as Muktars or law-agents.

12. The result of my observation and experience is that legislation in this direction has not made any distinction between the men whose duty it should be to work up the facts of a case and the men whose duty it should be to lay those facts in their most favourable light before the tribunals, and that, in consequence, the former work has paſsed into the hands of a set of men who are quite irresponsible officially for their good conduct and by whom forged documents and perjured witneſses can be used with safety and advantage. I must not be understood to mean that persons who are officially recognized as Vakeels in the Courts do not also act in the way above indicated. The remarks of the Puttur District Munsiff are worthy of note on this point. He says "In like manner

the

the writers and attestors of forged documents are generally people of the same village. Some of the Vakeels use these documents as Shroffs do gold ingots - personally no Shroff goes to commit theft with the thieves nor does he melt the ornaments. Likewise no Vakeel is *personally* concerned in fabricating false evidence or in committing forgeries." In short, as a rule the dirty work is done before the officially recognized Vakeel will have anything to say to it; and what I pointedly wish to bring to notice is the existence everywhere of a set of men who are in fact attorneys without the officially responsible position of such persons. I will cite only two instances out of many that have come under my notice. In the first instance a suitor in quite a small case took the trouble to send his son or nephew a distance of no leſs than 140 miles by road inorder to have his answer as a defendant drawn up by a person who is not a Vakeel but whose skill in drawing up plaints and pleadings, and consequent skill in deciding what evidence should be procured *or manufactured*, is well known and extensively used. So much was this person's skill dreaded by the opposite party that the quasi law-agent on that side resorted to a most ingenious device (the particulars of which need not be related) to have the person sent arrested and detained. In the second instance, the suitors in the Tellicherry Courts took a most unwarrantable alliterative liberty with the name of the late distinguished leader of the Madras bar and, owing to the astuteness and ability displayed by one of these quasi legal agents in cases which he took in hand, dubbed him the "Nittoor Norton", by which cognomen he was usually referred to. Now what I mean to say is that the flagrant forgery and perjury which prevails will never be stopped until some method is adopted by which all suitors not conducting their own cases shall be compelled to use the services, not of "Nittoor Nortons", but of those men only whose official responsibility is recognized by the Courts. For I hold it as an axiom that, if all disputes came into the Courts after full investigation by a class of intelligent men pledged first to endeavour by every means in their power to prevent disputes being taken into the Courts at all, and secondly if an appeal to the judicial tribunals was inevitable then to produce in Court no documents and no witnesses but such as they in good faith believed to be reliable, not only would our now overburdened files be immensely lightened but the whole tone of the administration would be raised.

13. These are not new principles; for Section 9 of the Regulation 14 of 1816, which is still in force, makes it the 9.
bounden duty of Vakeels to examine the evidence, both oral and documentary, before producing it in Court; and the preamble of the same Regulation recites that the speedy adjustment of disputes may be facilitated by empowering authorized Vakeels to receive certain fees for legal opinions furnished by them and by vesting them with authority to act as arbitrators under the general Regulations: and this latter authority still remains with them under Section 19. These provisions have however failed to produce the good effects anticipated because they do not go far enough. The most recent legislation on the subject, Act $\frac{20}{1865}$, which is not in force here, follows very* closely the Letters Patent constituting the High Court, and it seems to me that the High Court in "making rules for the qualification, admission and enrolment of proper persons to be Pleaders and Mukhtiars" (Sec 4 Act $\frac{20}{1865}$), might as a necessary preliminary to admission insist upon each Vakeel before his appointment executing an agreement binding himself (1) to prevent, by all means in his power

* Compare Sec: 4, 14 and 15 of Act 20/1865 with Sec 10 of the High Court's Letters Patent.

power, disputes being taken into the Courts at all, and (2) if an appeal to the tribunals was inevitable then to produce in Court no documents and no witnesses but such as he in good faith believed to be reliable. And for the due fulfilment thereof he should give tangible security according to his means.

4. On this last point, the giving of security for good conduct, I cannot insist too strongly, for I feel that any steps whatever that may be taken will be incomplete unless Vakeels are made to understand that they have something besides the loss of their profession at stake. At present, the dismissal of a Vakeel is little or no hardship to him, for he is able, as a hanger-on at the Courts and as a manufacturer of evidence, to pick up almost as much as he did before. It is never to be forgotten that unscrupulousness in legal transactions among natives is not the exception as in England, but the rule; and that a dismissed Vakeel can find ample employment and remuneration of a safe kind by doing the dirty work which during his career as Vakeel he had had done for him by others. And there is no reason why a Vakeel

in

in this country should be better off than those of his profession in other countries. A barrister, attorney, advocate or solicitor at home has very considerable fees to pay before he is admitted into the ranks of his profession, and it seems to me that the giving of security as proposed would be much less of a hardship than the practice of paying heavy fees on admission. The security required need not be large provided it is good and tangible, and there is no reason why a ~~[illegible]~~ maximum amount should not be fixed and the Vakeel should be required within a reasonable number of years gradually to increase the amount of his security till it reached this maximum; though generally such a rule would be unnecessary because, owing to the subdivision of landed estates in this country, every family has some immoveable property. Moreover my experience of native character has shown me that natives who are bound down by tangible security for good conduct are as much to be trusted as Englishmen themselves. Regulation IX of 1822 is a dead letter in Malabar chiefly because every Amshom official, except the Kolkar, on entering on his duties is bound to give some tangible security for his good conduct. He pledges a portion or the whole of the family lands or houses and immediately comes under the influence of the only kind of public opinion to which a native has any regard, namely the opinion of those of his own household; and that influence – such is my experience – may be safely trusted to prevent the placing in jeopardy of the house which shelters the old mother's head or the garden which the old father has reclaimed from the waste.

* * *

W Logan

Jt. Magistrate – Malabar

In a letter from the District Magistrate of Malabar to the Chief Secretary to Government dated 13 December, No. 3399.

Copy of Extract from a letter to the Hon: the Judges of the High Court.

Incl. 80 D.
in No. 4162

I

24

Private & Confidential

11 JAN 81

Calicut
Jan 7. 1881

My dear Davidson,

Since Wigram & I sent our Confidential reports on that anonymous petition I have been on tour through the Special Assistant's Division — the Moplah Taluks & have been better able to guage the state of popular feeling there. — There is no doubt whatever that the relations between landlord

rminal promos

A MacGregor Esq.
British Resident in Travancore

Hon'ble R. Davidson C.S.I.
Chief Secy. to Govt —
Ft. St. George.

honour to forward my
called for in G.O. Jan
on the subject of
petition from some
Malabar, dated Octo
petition is herewith
gether with the original
Wigram & Logan —

2 I shall for convenience follow the order adopted by these gentlemen in dealing with the various questions raised.

First as to the essential nature of Malabar Moplah outrages I am perfectly satisfied that they are agrarian

Contributions to their m
in fact when they are
well-off & allowed to fol
their own bent they buil
keep up a mosque for
100 or so of the population
In the Laccadive Islands
some places they even ha
one mosque for every 5
to 60 of the population.
well the fact that the pop
lation (Mop.) thereabout

II

Edapetta) have a ruinous mosque
a sure proof that they are
exceedingly badly-off. — Now
even the lists which we have
prepared of their property show
precisely the same thing. — I
proposed to retain Mr Walker's
figures, & fine the well-to-do
people Rs 1000/- but I have
erious misgivings as to my ability
raise so much from them. —

annual grounds & un-peri

Let us suppose that the
are fully collected, & that
Mops. are to that extent
ished – What result have
obtained? – I reply that
have to that extent add
to the general poverty wh
prevails among them, an
diminished *pro tanto* the
fear of being again fined

Let us suppose another Ali
issues from the same mosque
with another sword of vengeance
where would we be then?
I trust you will excuse me
for using so homely an illustra-
tion – but as we say in N.B.
"It's ill takin' the breeks off
a Hieland man" – If a Mop.
has no property to lose the
chief hold we have on him
is gone. – The fact is, the
criminal proceedings

Moplah Act is an admi
instrument when we ha
wealthy men to deal wi
but it fails of its purpo
a great extent when th
population is poor.—
Moreover the Act is, I
fully persuaded, only a
measure — It is like punct
an abscess, & leaving a dee
rooted sinus below — the

III

knife must go deeper if
the remedy is to be effectual.—
And the root of the disease
lies I feel sure in the strained
relations which exist between
landlords & tenants.—
In my confidential report on
the anonymous petn. I mentioned
that I had had a petn. against some
Mops. of Pallipuram Amsham
criminal pro

in Wallawanâd Taluk — I al
said the petition was probab
a make-believe — Hole & I as
tained in our late tour that th
have been no less than 18 unrep
Burglaries in that Amsham
last 18 months or so — The Enc
papers (which please return after perusal) will give you some in
into matters as they stand at
sent there. — You will see th
is as I said in my confident
report "considerable frict

nd I have no doubt that if the
Hindu (Nambudri) landlords press
e men still further in the Country
matters will speedily come to a
risis. — Chek who is a keen
Sportsman is just the man to
ead a desperate enterprise. —
He is much of the same disposition
as Attan Gurikal who headed
e big outbreak in /48. if I
ecollect the date aright. —
On full consideration I have
done nothing in the matter.
riminal grounds are —

the Nambudris by their grasp
avarice have brought them
into their present plight & they
must just make the best of
If we can get evidence (wh. I
expect) against the Adigari
Clerk in any of these burglar
Cases we will of course act
upon it. —

And that brings me to the
last points which I wish to
bring to notice — You will fin
x returned to Mr Logan 11/12
in Hole's note wh. accompa

IV

the papers that he insists on the
necessity for having a "good deter-
mined Magistrate out there." —
I would be well content to
leave the Temporary Dr. Magte
P. Karunâkara Menon in the
post he holds at present — the
Spl. Asst. Magistrate's division. —
He is a singularly able man, whom
I selected to put down the
Dacoity outbreak in 1875-76:
he recd. the thanks of Govt. —

minal grounds Law. fees

It was he who reported on th
the latter outrage — & it is h
confidential report on this
puram Amsham business
I now enclose for your perus
I would rather have him
in charge of that Div.n than
any of the Junior men of our
Service that I know exce
Winterbotham who is provi
for in a Senior appointm

If I cannot have P.K.M. then
please send me a really good
man who understands native
character. — I have little confidence in W. G. Underwood who
is to join the Div.n acc.d to present
arrangements in 10 days — Brodie
has not experience enough. — &
Ratnavelu Chetti (my Head Asst.)
though he seems to be a very smart
officer is, I am inclined to think,
somewhat lacking in other respects — I have seen too little of
his work to be able to judge
onal grounds I sh.d feel

but from what I have se
I am inclined to think
not do in the Mop. Taluk

In dealing with a determ
Character like Cheki the
will have to be exceedingly
tions before making up his m
& having made it up will th
have to act with boldne
& decision. — We require a
Hole says a good determin
Magistrate in the Mop. Taluk

I trust the Govt. will

able to see their way i
appointing a Commissioner
to enquire into the landlord
& tenant complications:- for
until some satisfactory solution
of the questions is arrived at
we shall never have peace
in Malabar.—

with that & with some alte
ration in the law as regards
taking up land for Mop. Mosques
& burial grounds I shd. feel

ut case:—

Two morgue & clinical cases have recently come t
& I am longing for final o
on my reports on this su
ject.—

This letter has run to a g
length but I thought it be
to write to you d.o. on th
subject.—

Yours sincerely
W Lucas

P.S.—I have a shrewd gu that the anonymous pet.n sent down to Wigram & myself for report came from the Pall man Amsham—If you have no objections please send me the original again in order to trace the handwriting if possible.—

R.D.
22 JAN 81

From A

Britis

To The H

Chief

Sir

I have the ho

opinion, as cal

8th 1881. No 26.

an anonymous

inhabitants of

14th 1880. The

returned. togeth

Fanaticism is merely the instrument through which the terrorism of the landed classes is aimed at. The tools are lads of from 16 & 20 years of age who are taught that they must never survive the perpetration of an outrage. but must die fighting. By this means the security of the influential Moplahs who are always behind, pulling the wires, is ~~[illegible]~~ ~~much~~ greatly promoted. & this coupled with the unwillingness of co-religionists to give evidence renders a conviction by direct evidence impossible —

" I attribute the comparative immunity that the District has enjoyed from this species of Agrarian outrage since 1855 to the law which enables Govt. to deport to a distant place of confinement those who from circumstantial & other evidence are regarded with certainty as the instigators, time up to an unlimited

extent all Moplahs in the neighbourhood their open sympathy & criminal complicity being absolutely necessary to the successful carrying out of such designs —

5 The next point to be touched on is whether there is ground to infer from this petition or from other causes that a general outbreak is to be apprehended immediately or in the near future. I will at once say that I should not expect the warning to come in this shape, & I would go further & say ~~that~~ I do not think there is the least cause for apprehension of any general outbreak.

6 An outbreak of the ordinary type may occur any day – A dozen lads will combine, under secret instigation, & murder a prominent Landowner & be shot down by the European Troops.

The Moplah community at large will stand aloof & carefully avoid any slightest exhibition of sympathy, & for some years to come the Hindoo landlord will be far more chary of evicting his Moplah tenants. After a time however the usual sense of security will return, & the landlord will recognize no force save his own interest.

As to grievances the only one which I hold as valid is the insufficiency of the compensation awarded for improvements. I fully concur with the views expressed by Mr. Logan on this point & I think it absolutely necessary that some effective means should be adopted for preventing the evasion by the Courts of the award of compensation for improvements, & because that is really the effect of valuing them at obsolete rates, both as regards the cost of effecting them, & the market value.

is obvious that this system
a direct premium to landlords to evict tenants. It is altogether an abuse of the term custom because a maintaining a custom in regard to rates the fundamental custom of compensation was abandoned. The tenant does not receive the equivalent for his expenditure, nor the means to enable him to purchase a lease elsewhere, whilst the landlord is not under the obligation to pay full value to the outgoing whilst he can & does receive it from the incoming tenant.

Moplah outrages have hitherto been virtually confined to the two Taluqs of Ernaad & Wallawanaad. Here the breadth of land between the sea & the foot of the Ghauts is greater than elsewhere, the country is more isolated & purely agricultural, & the surface consists of alternating hill & valley of great picturesque beauty. As a rule every tenant lives in a detached house in a part of his own making & has to his hand everything he requires for his livelihood.

To give him in case of eviction full value is I consider no interference with the right of property, but bare justice the withholding of which is only too likely to cause him to take revenge —

I quite agree with Mr. Logan that nothing would be gained by any attempt by law to convert occupancy into a permanent tenure — It is true the measure was adopted in Travancore but not without inflicting great injustice. It so happened however that the State was in such a much more backward position that the blow was not felt as it would have been in a more advanced Community. In Malabar a full proprietary right has been admitted for over half a century affirmed in repeated decrees of the Privy Council, & acted on by Govt. in regard to 30 lacs worth of escheat lands sold by Govt. the question of law cancelling that right in favour of a casual occupant seems one that cannot be mooted - much less be at once set aside.

The position of the Moplah tenantry in Malabar, even when evicted, is by no means hopeless, or calculated to drive them to desperation.

There is plenty of unoccupied land still within reach, & the gold industry, which is now receiving such an impetus will give occupation to thousands both directly & indirectly.

The Moplah is an excellent subject but must be ruled with rigid severity. He is incapable of regarding a concession when as dictated otherwise than by conscious weakness – whether as landlord or trader he exacts the last farthing & does not claim to be otherwise dealt with himself, nor in my opinion ought he to be.

I have necessarily been brief in these remarks having received your Telegram requesting me to expedite my report. I only received the papers 5 days ago while here on circuit, & have no means of referring to many documents I should have liked to peruse before sending it in.

I have the honour &c

Sir Your most obedient servant

A. MacGregor

Brit. Resdt. in Trav & Cochin.

Cochin.
Jany. 19th

Jud. (1881)
Moplahs
Confidential

R. D.
22 JAN 81

So ~~226~~ pp 221/611

From the British Re
in Travancore & Coch

To the Chief Secy. to G
Madras

Dated Jany. 19. 18
Recd. — 22

Moplah outrages and agrarian discontent in Malabar — Reports on with refce to G.O. 8 Jany. 1881. No. 26. Jud.

Return Pet. & 2 original report —

No. 63

From

E. Thompson Esquire M.A.
Malayalam Translator to Govt.

To

The Hon'ble R. Davidson C.S.I.
Chief Secretary to Govt.

Sir,

With reference to your Official Memorandum of the 20th Instant, No. 2035. Public Department, I have the honor to return, with translation, the petition received therewith.

I have the honor to be
Sir
Your most obedt. Ser
Malayalam Translator to G

Maln. Translator's office
Madras, 26th Octr. 1880

The Malayalam Translator to Govt

Dated 26
Recd 29 } Octr 1880.

Svl/ No 63

No 2500

Returning with translation a Malayalam petition.

Public DEPARTMENT.

No. 2500

From the Malayalam Translator to Govt.

Dated 26th October 1880

FOR ORDERS.

I'll send confidentially to Logan & Wigram — to report.
29 Oct 80

JH 31/10

C. Wigram Esqr -

confidentially, to Macgregor, long Collr of Malabar & now for some time past British Resident in Travancore, where he has witnessed the change in the corresponding Tenant-law — described in the Judge's letter — & ask his opinion on them.
17/12/80.

By all means.

18/12

WRA 21/12

Petition

FOR ORDERS

Petn & Translatn

sent to here Wigram

and Logan with

3.11.80

C30/10
R1/11

[illegible] 2/11

Ootacamund
2 November 80.

Confidential

Despd 3-11-80
with Petn & Translatn

My dear Wigram,

I am desired to send, confidentially, the enclosed Malayalam petition, with translation, to Logan and you to report on —

As Logan is not due till the 11th November — please send in your report, and hand this over to Logan with the petition — Yours &c.

H. Wigram Esqr.

D.O. to Wigram.

Despd 3.11-80

Judicial DEPARTMENT.

No. 3757 A

From The Offg: Judge of South Malabar

Dated 8 Nov 1880

Reporting on petition referred to him confidentially.

FOR ORDERS.

A very clear letter - but we must wait for Logan's reply, without the original petition will be returned -

Ask Wigram to let Logan see his reply before sending in his own - adverting especially to Travancore legislation on the security of tenants (para 8)

R. 19/11

R 20/11

Confidentially, to Macgregor

Judicial DEPARTMENT

FOR ORDERS

Demi-Official

My dear Wigram

I am directed to request that you will let Logan see your report ~~as~~ (Confidential) No. 318 of the 8th Novr. before ~~be~~ ~~replies~~ sending in his own reply. The Govt. wish his special attention ~~without~~ drawn to the remarks ~~as~~ contained in para 8 of your letter, in regard to Travancore legislation on the security of tenants

Arowe

~~Fair~~
Signed copy despatched to Mr Wigram 22/11/80

20/11

Confidentially, to Macgregor,

Judicial DEPARTMENT

No. 4162.

From W Logan Esq. District Magistrate of Malabar. of 13 Dec. 1880. No 3399.

Suggesting remedial measures against Mopla outrages and agrarian discontent.

A15720

FOR ORDERS.

We have now got the opinions of two excellent men —
the Judge, who, though not bred up in Malabar, has gained great experience as a judicial officer, here, for some years past —
the Collector, who was always a Malabar officer —

Now, let us show the papers, confidentially, to Macgregor, long Collr. of Malabar & now for some time past British Resident in Travancore, where he has witnessed the change in the corresponding tenant-law — described in the Judge's letter — & ask his opinion on them.

17/12/80.

By all means.

18/12

WRA 21/12

Mopla Outrages
&
Malabar [illegible]

FOR ORDERS.

Retd for Circ on this
6th Jany/81.
Follow instructions [illegible]
[illegible] 31

[illegible]
&
[illegible]

Judicial DEPARTMENT

Confidential.

No.

Demi official

From

W. Logan Esqre d/ 7th January 1881.

Regarding the state of feeling in Malabar. —

Two confidential reports from Mr Logan & Mr [illegible] in regard to the state of feeling in Malabar have been forwarded confidentially to Mr Atholl MacGregor for his opinion —

[illegible] reference [illegible]
[illegible] 18/1/81

Mr McWatters acted as Collr & Magte Malabar from 11 [illegible] 1879 to 15th Dec 1880.

I believe we sent on the opinion on the Land tenures of Malabar, given tous by Judge & Collr, to a former Collr, Mr MacGregor, now Resdt at Travancore — for his opinion, a few days since. However, as the

FOR ORDERS.

Submitted that Mr Logan himself (No. 110) be appointed Commissioner; that Mr McWatters (No. 68) who lately acted for him with good results as Collector be again appointed to the post; that P. Karunagara Menon, Sub Magistrate, be continued where he is in the Special Assistant's division till further notice; and that the Govt. of India be informed accordingly.

H 12/8

Collr. now reports ~~that~~
things are looking very
queer in the Moplah talu
by all means tell him to
inquire into them, as Spec
Commissr. - relieving him
entirely of current duties

But I wd. tell him to
find out how the Mosque
Cemetery questions are
step His Exy. to peruse the
G.O. 23d. April /74 - At th
time though we clearly sh
that the animosity of the Hin
landlords agst. the Moplah
was carried to an extent th
deprived the latter of place
worship, & of a field to bury
dead out of their sight - the
of India+ refused us leave to
in the direction of declaring th
sites for Cemeteries & Mosque
might be taken up - where ne
-ations failed - as land requ
for a public purpose -

I have a very strong opinion tha
setting aside agrarian disput
no peace can be expected in Mala

as long as a fanatical section of 27 percent of the pop. is denied such simple rights; and I am confident that in any other civilised Govt. land-holders, showing such bigotry, wd. be very soon coerced by legislation, if an appeal to their common sense & sense of justice shd. unfortunately fail.

But in Europe - such bigotry is impossible. It did indeed show its head at the disruption of the Church of Scotland, when for a time certain great land lords refused sites for the new Free Church Manses & Kirks - but it was for a time only - It retired, immediately a question was put in the House, whether the Ministry was aware that in large tracts throughout Scotland, numerous bodies of H. M. subjects were prevented from exercising such common rights -

As all the land in Malabar belongs to a few Nairs - the whole of this caste of Hindus numbering some 300000 only - we have no waste land even at our disposal.

As Lord Hobart justly observed in 1874, we may slay, deport & fine, but with repression & punisht., a wise Govt. always redresses the standing grievances.

B. L. S. Aug 18/80

J. Arnold

+ I shd. say the Viceroy, whose fiat is required in such cases - it was Ld. Northbrook -

fully approve of the appt. of a Commn. to enquire into the causes of Moplah crime in Malabar & of the selection of Mr. Logan for the duty but I think we had better get Mr. Macgregor's reply before we proceed to deal with the subject by Resolution & orders. Especially as the whole of the evidence of the Resident (except the present letter) has I imagine been sent to Mr. M. & not been seen by the [illegible] the Govt. - The Ch. Sec. might wire to Mr. M. to expedite his reply as much as due consideration will allow.

The subject of the Mosque & Burial ground sites shd. certainly be considered by the Commn. but this is not the immediate cause of complaint. It is simply

---

State of feeling in Malabar

FOR ORDERS.

That of Irish tenant right is curiously parallel in chief features with the Irish question. The file is not complete (on [illegible]) because the other papers are very confidential (on) reply from G.I. on the [illegible] legislation should be circ. as well as the papers x reporting the adjustment of the Kolatur Mosque difficulty. I think the [illegible] the [illegible] of Mr. [illegible] was [illegible] by the Famine difficulty [illegible] carrying out this [illegible] of totally enquiring into question of sites [illegible] by Moplahs. The Statistics [illegible] drawing collected [illegible] probably they are still with the Collr. Certainly the [illegible] shd. be retained as [illegible] Mr. Logan. Any necessary sanction shd. be obtd. from G. of I. [illegible]

× G.O. 17 Augt 1878 No 1658. in the file

Confidential.

Judicial DEPARTMENT

No.

From

Athol MacGregor Esqre.
Resident in Travancore & Cochin
dy 19 Jany 1881.

FOR ORDERS.

Reports on Mopla outrages and Agrarian discontent in Malabar.

FOR ORDERS.

Re circulated with the previous papers.

Definite instructions are requested as to what subjects the Commissioner's enquiry is to be confined; what pay and allowances & he is to draw &c.

H 23/1/81

as we need wait no longer - Sel.d appoint Logan, Commr., drawing his Collr's salary & tentage - & putting in an acting man in the Coller. -

Govt. desire him in reporting on the relations of landlord & tenant & suggesting any remedial measures in favour of the tenant - to go into the Mosque & Cemetery question, wh. must be a continued grievance - so that no cause of complaint may remain with the fanatical Moplahs - Indeed when people are fairly treated, they cease to be fanatical in the sense of being dangerous citizens -

II. As to the Nair landlords, they are tenants in capite of the Crown, & not mere assignees of the public revenue, like Zamindars; and it wd. doubtless be intolerable to place their tenants in a better position than that advocated by Logan & Macgregor - [illegible] 23/1/1

III - We shd. copy to India, for information & to S. of S.

I agree in the above proposal

Remarks

Wd. appoint Logan at once as Special Commr. to Enquire into & propose specific remedies for removing the causes of complaint by tenants agst their landlords. But the question of sites for Mosques & Burial &c. more especially affects the Moplah community. The latter shd be carefully made & separately reported on confidentially. I think in accordce. with the last para of the G.I. letter of Novr. 74. &c By the way Mr. Logan does not seem to have seen — & shd. see a

I agree to the proposal to appo
Mr Logan at once as
Special Commissioner
to enquire into the cause
of Moplah grievances
generally and to sugge
remedies. While enquiring
the main grievance whi
appears to be agrarian he
should report also up
the religious grievance
to Mosque sites & Buri

WPH Jan 26

I fully concur in the opinions expressed by my honble colleagues, and am very glad that the subject is to be taken up without delay. I think enquiry should embrace all grievances.

W. 27

G.O. 7 Feb 1878.
No 272
in the file

I suppose some order went on the last para of this letter of 1st May 77. altho' the main subject of it remained in abeyance.

I think the instructions to him shd. direct attention mainly to the alleged grievances on the subject of valuation for improvements due to outgoing tenants &c. affecting all classes of the community alike. And Logan shd. see the draft, if not draft it himself. All the ~~competent~~ authorities are agreed as to this well founded grievance.

W.H. 26/1/87

I think we
must report G.O.
[illegible] papers

State of feeling in Malabar

FOR ORDERS.

R. 3/1

As I may have vacated my seat in Council before this question comes up for decision, I feel it to be my duty to place shortly on record my strong conviction that the subject calls for the early & earnest attention of this Government.

I have no pretensions to any intimate acquaintance with the details bearing upon the relations between Nairs & Moplahs – but I have been long enough in the Presidency & been sufficiently conversant with the subject to feel sure that the existing state of things ~~are~~ is a danger to the peace of the Country, and that unless dealt with promptly & effectually ~~[illegible]~~ that danger will but be increased.

Nobody has a greater respect for the law than I have; but where that law sanctions the doing or not doing of things which make it impossible for landlord & tenant to live on other terms than the most bitter nated, the Govt must be either blind or foolish unless it interposes to ~~cause~~ cure such a state of things and prevent revolt –

If the Govt remains blind this because it wilfully shuts its eyes – for on various occasions since I have been a member of this Council the existence of the evil has been admitted, and I have myself urged that a reasonable remedy should be applied.

I understand the term government to mean the most careful consideration of imperial questions of the kind – and that no government is worthy of the name which is content to let them slide until they have, in the first instance, to be settled by fire & sword.

It is not reasonable, & therefore not possible, to suppose that the Govt of India would refuse sanction to such measures as may be indispensable to redress existing grievances & remove causes of future trouble.

U. 19/1/81.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letters.

From Offg. Dt. Judge of South Malabar.	d/8th Nov. 1880. No 319.
From Dt. Magistrate of Malabar.	d/13th Dec 1880. No 3399.

Order thereon. 8th Jany 1881. No 26.

These reports will be forwarded (confidentially) to Mr. Atholl MacGregor with request that he will favor Govt. with his opinion thereon.

8/1.81 per orders

A. MacGregor Esqe.
with original reports } Despd 8/1

6/1/81

Mopla Outrages

Govt. of 188 } Madras.

To

Dated

Recd.

188 No.

Nos.

Confidential Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following ~~letter~~

tion purporting to be ad-
ressed by certain Mussul-
ns, Nayars, Tiyyars, and
of other castes inhabit
Malabar. d/ –

r from ag. Dt. Judge of South Malabar. d/ 8 Nov. 1880 No 319.
from Dt. Magte. Malabar. d/ 13 Dec " No 3399.
from —— do. —— d/ 7 Jany "
m A MacGregor Esq. — d/ 19 "
. d/ 25 Jany. 80. No. 170. –

Order thereon. 5th Feby/81, No. 281

These reports submitted by the present Collector, & District Judge of Malabar and by a gentleman who was for long Collector of that District show that while there may

2/2/87

W.P.H. 2/2/87

may be no immediate
reason for apprehending
a general and extensive disorder
outbreak among the
fanatical Mopla sec-
tion of the Community
in Malabar, still
there exists
~~there smoulders~~ in
some Taluks a cer-
tain amount of Serious
Agrarian Discontent
which if not Enquired
into and promptly and
Moved
Effectually redressed),
at any time
may any day assume proportions fatal ?
a shape which might
Endanger the peace
of that part of the
country.

2. With a view to
a thorough investigation
~~having this and certain~~
of this and other grievances
~~their matters enquired~~
into

complained of by the people of those
districts
~~into and reported upon~~,
the Right Hon'ble the
Governor in Council, in
G.O. d/25 Jany. '80. No 170,
notified the selection of
Mr. Logan, the present
experienced Collector of
Malabar, as Commis-
to enquire & report X
sioner, and it now
upon all matters
referred to him,
remains to define the
duties on which he will
be specially Employed.

while using
3. Mr. Logan, without
his own discretion as to other
~~confining his investi-~~
matters which call for investigation
~~gation to the following~~
~~subjects~~, will specially
Enquire into and Report
upon; —

Genl
(1) the general question of the tenure of land and
of Tenant right in
Malabar

Malabar, and the alleged insufficiency of compensation offered by the landlords and awarded for land improvements made by Tenants.

(2) The question of sites for Mosque and Burial Ground ~~sites (Confidentially)~~ with suggestions for a measure rendering the grant of such sites compulsory under certain conditions if such a measure appears to him called for.

The whole sh'd be confidential I think

He will submit his further views as to the best means for redressing any existing ~~well founded~~ ~~if bound to be~~ grievances ~~in respect to these, as well as other matters of general discontent, if such exist, and suggest remedies.~~ -

which are in his opinion well founded and which after due enquiry he thinks ought to be redressed and will suggest appropriate remedies -

Mr.

4. Mr Logan while employed on this special duty, will draw his full salary and tentage (Fixed Allowance) as Collector, and will be relieved entirely from current duties. - He can employ such Pr. 2nd small add^l office establishment as [illegible]

6 back Nos.

40f. Dr. 80.

[illegible]

W. Logan Esq
Rev. Dept.
Accountt Genl. (para 4)
Collector of Malabar 1

3
3 } Despd 12/2

Ind^t 26^th Sept/73 L 88-9-C-
— 22^d April/74 L 152 C 157
— 28^th Aug^t/74 L 201 C 201 A
Leg-1^st May/75 — 1 & 2 —
Ind^t 2^d Oct/76 — 1 C 4 —

Govt. of 188 Madras.

To

Dated 188 . No.
Recd.

Nos.

Confidential

Copied to Govt of India
14/2

Copied to Sec of State
15/2

Despatch

5/2/81

(No 26)

Govt. of {1881} Madras.

Judl

tt

G.O., 5 Feby 1881., No. 281

Nos. 22–27

Mopla Outbreaks. The
uties of Mr W. Loga
s Collr in the Dt of
Malabar, defined.

H

irst copy sent to Press.

eturned for signature.

Despatched.

Number of copies required.	Order complete. Letter only. Order complete with Letter.

ead again G.O., No. dated 190 .

Spare Copies.

Struck .. ..

Issued .. ..

urrent No.

Total ..

In hand ..

Enclosures to C.No.

Order of Government.

Letter of Government.

Statement with ditto.

Papers not filed up, being meant for despatch in original.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.