

International Multidisciplinary  
Research Journal

*Indian Streams  
Research Journal*

Executive Editor  
Ashok Yakkaldevi

Editor-in-Chief  
H.N.Jagtap

---

Indian Streams Research Journal is a multidisciplinary research journal, published monthly in English, Hindi & Marathi Language. All research papers submitted to the journal will be double - blind peer reviewed referred by members of the editorial board. Readers will include investigator in universities, research institutes government and industry with research interest in the general subjects.

### **Regional Editor**

Dr. T. Manichander

Ph.d Research Scholar, Faculty of Education IASE, Osmania University, Hyderabad.

Mr. Dikonda Govardhan Krushanahari

Professor and Researcher ,

Rayat shikshan sanstha's, Rajarshi Chhatrapati Shahu College, Kolhapur.

### **International Advisory Board**

Kamani Perera

Regional Center For Strategic Studies, Sri Lanka

Mohammad Hailat

Dept. of Mathematical Sciences, University of South Carolina Aiken

Hasan Baktir

English Language and Literature Department, Kayseri

Janaki Sinnasamy

Librarian, University of Malaya

Abdullah Sabbagh

Engineering Studies, Sydney

Ghayoor Abbas Chotana

Dept of Chemistry, Lahore University of Management Sciences[PK]

Romona Mihaila

Spiru Haret University, Romania

Ecaterina Patrascu

Spiru Haret University, Bucharest

Anna Maria Constantinovici

AL. I. Cuza University, Romania

Delia Serbescu

Spiru Haret University, Bucharest, Romania

Loredana Bosca

Spiru Haret University, Romania

Ilie Pintea,

Spiru Haret University, Romania

Anurag Misra

DBS College, Kanpur

Fabricio Moraes de Almeida

Federal University of Rondonia, Brazil

Xiaohua Yang

PhD, USA

Titus PopPhD, Partium Christian

University, Oradea,Romania

George - Calin SERITAN

Faculty of Philosophy and Socio-Political Sciences Al. I. Cuza University, Iasi

.....More

### **Editorial Board**

Pratap Vyamktrao Naikwade

ASP College Devrukh,Ratnagiri,MS India Ex - VC. Solapur University, Solapur

Iresh Swami

Ex - VC. Solapur University, Solapur

Rajendra Shendge

Director, B.C.U.D. Solapur University, Solapur

R. R. Patil

Head Geology Department Solapur University,Solapur

N.S. Dhaygude

Ex. Prin. Dayanand College, Solapur

R. R. Yalikal

Director Managment Institute, Solapur

Rama Bhosale

Prin. and Jt. Director Higher Education, Panvel

Narendra Kadu

Jt. Director Higher Education, Pune

Umesh Rajderkar

Head Humanities & Social Science YCMOU,Nashik

Salve R. N.

Department of Sociology, Shivaji University,Kolhapur

K. M. Bhandarkar

Praful Patel College of Education, Gondia

S. R. Pandya

Head Education Dept. Mumbai University, Mumbai

Govind P. Shinde

Bharati Vidyapeeth School of Distance Education Center, Navi Mumbai

G. P. Patankar

S. D. M. Degree College, Honavar, Karnataka

Alka Darshan Shrivastava

Shaskiya Snatkottar Mahavidyalaya, Dhar

Chakane Sanjay Dnyaneshwar

Arts, Science & Commerce College, Indapur, Pune

Maj. S. Bakhtiar Choudhary

Director,Hyderabad AP India.

Rahul Shriram Sudke

Devi Ahilya Vishwavidyalaya, Indore

Awadhesh Kumar Shirotiya

Secretary,Play India Play,Meerut(U.P.)

S.Parvathi Devi

Ph.D.-University of Allahabad

S.KANNAN

Annamalai University,TN

Sonal Singh,

Vikram University, Ujjain

Satish Kumar Kalhotra

Maulana Azad National Urdu University



## PROPRIETARY RIGHTS OF JENMI AND KUDIYAN IN TRAVANCORE – A STUDY

**Dr. P. Justin Paul**

Assistant Professor, Department of History, Govt. Arts College, Udhamandalam.

### ABSTRACT

**T**he origin and the development of Jenmi system in Travancore has been a subject of serious study in recent time. A Jenmi is often termed as a land-lord. Any person, who holds a patta from a collector in a British District and under it holds lands from the British Government subject to Government tax more or less is called a land-lord in ordinary language. Even in Travancore, any coffee planter or indeed any ryot who holded lands under a grant from the Sirkar, etc or might be called a land-lord. But be it remembered, such land-lords were not Jenmis<sup>1</sup>.

**KEYWORDS** :Proprietary Rights , development of Jenmi system, ordinary language.

### INTRODUCTION :

Jenmam lands were precisely what were in Europe called allodial properties as contra-distinguished from feudal<sup>2</sup>. It must be clear from what had been stated that all the lands in Travancore belonged to a body of Jenmis. There were no lands that did not belong to some Jenmi or other. But it is remembered that the Sirkar itself was one of those Jenmis, having come to possess Jenmam lands by gift, purchase, escheat, confiscation and other ways. If any person wanted land in Travancore, he must obtain it from an hold it of, some one of the body of Jenmis ie, from the Sirkar, which was the Chief Jenmi or from some other Jenmi<sup>3</sup>.

The origin of Jenmam property may be briefly explained here with a view to make the rights of Jenmis and Kudiyan<sup>4</sup>.

### The major rights of the Jenmis are :

i)The Jenmi, being the owner of the soil of the holding, was



entitled to everything standing or growing thereon. The Kudiyan was entitled only to a share of the value of the improvement made by him.

ii)The Jenmi was entitled to redeem the lease at the end of the term. But subsequently this right was exercised only in exceptional cases, eg. if the tenant denied his Jenmi's title or committed waste or allowed michavaram<sup>5</sup> exceeding the amount of the Kanam to fall into arrears. In all cases of eviction, the Kudiyan was entitled to be paid the value of the improvements made by him.

iii)The Jenmi enjoyed a reasonable right of veto against the transfer of a portion of the holding by the tenant.

iv)If the tenant himself offered to surrender his holding, he had to forfeit a fixed percentage of the Kanam<sup>6</sup> amount, but the Jenmi was bound to

accept the surrender and pay for the improvements.

v) Instead of redeeming at the end of the term, the Jenmis used to renew the deeds, if the Kudiyan paid a fee for such renewal. At the time of renewals, the right of the Jenmi to revise and readjust the terms of the tenancy was fully admitted and freely exercised.

### RIGHTS OF THE KUDIYAN ARE

- i) A right to enjoy the land for twelve years.
- ii) A right to sell, mortgage or otherwise alienate his interest in the holding and with the Jenmi's consent, a right to sell his interest in a portion of the holding.
- iii) A right to make improvements suitable to the holding and to be compensated therefore at the time of eviction.
- iv) A right to compel the Jenmi to accept surrender of the holding and.
- v) A right to cut down the branches of trees and trees not yielding valuable timber for fuel or for other domestic purposes<sup>7</sup>.

### The Kudiyan and his Duties

- i) To pay michavaram, renewal fees and other customary dues.
- ii) To report the Jenmi any invasion of his right by third parties and
- iii) To share the value of the improvements with the Jenmi at the time of eviction or surrender.

The payment made by the Kudiyan to the Jenmi fell under three heads. Annual, Occasional and once in twelve years. The annual payment consisted of michavaram or rent fixed by the deed and onakkalcha or ulsavakkappu ie) present by the kudiyan at the time of the Onam festival or if the Jenmi happened to be a devaswam, at the time of annual festival in the temples<sup>8</sup>. The Kudiyan was bound to pay these dues in time, family which interest was charged. The Jenmi could also reimburse himself out of the Kanam amount.

The chief among the occasional payments were the Aradianthram<sup>9</sup> fees and the Kalasavari. The Aradianthram fees were contributions made by the Kudiyan on the occasions of six important ceremonies in the Nambudiri Jenmis household. Kalasavari is the fee levied by Devaswam Jenmis when Kalasams or purificatory ceremonies took place in the Devaswams<sup>10</sup>. Sometimes the payment was in kind rather than in money. These dues had their origin in the voluntary payments made by the Kudiyan as a token of affection on ceremonial occasions.

The periodical fee was called Adukuvathu<sup>11</sup> or renewal fees payable ordinarily once in twelve years. The idea of renewal had probably its origin in the popular notion that monument of title created in one reign or administration were not respected unless the successor also recognized it and therefore had to be renewed in the succeeding administration. As the Jenmis were a kind of feudal lords, the principal of the renewal on a charge of the political administration was extended to private individuals. They insisted upon the Kudiyan renewing their documents on the death of every head of the Jenmi's family<sup>12</sup>. The deeds had, of course, to be renewed on the termination of the period fixed in them. And on all these occasions the Kudiyan had to pay certain fees to the Jenmi. This was hardly fair to the Kudiyan. As rights to property came to be more and more respected, the injustice of too frequent renewals was greatly felt, especially if these happened to be a succession of deaths in the Jenmi's family<sup>13</sup>.

For the privilege of being allowed to remain in possession of land for another period, the Jenmis insisted upon their Kudiyan or tenants remitting a fixed percentage of the Kanam amount. The amount so remitted was known as avakasam<sup>14</sup>. The reduction being made at each renewal, the kana

pattom was being gradually redeemed. It was probably to prevent this automatic redemption that the renewal fee or adukuvathu was devised. This fee, being a substitute for the reduction of the family dept, went into the family exchequer.

Another fee which the Kudiyan had to pay once in twelve years was called olapanam<sup>15</sup>. Before the introduction of stamp paper, the documents executed by parties were engrossed on cadjans<sup>16</sup>. The Jenmis as territorial lords had their own accountants whose duty it was to write the Jenmi's accounts and, during the periods of renewal, to prepare the deeds to be executed by the Jenmis. The accountants attested the documents and generally had to lock everything in connection with their execution by the Jenmi. For writing the Jenmi's accounts, the account was generally given some property on favourable terms<sup>17</sup>. But the additional work during times of renewal remunerated by each Kudiyan paying the accountant a small sum towards the expenses, etc. in connection with the preparation of the deed. This fee was known as olapanam or the price of the cadjan.

After the deed was prepared by the accountant it had to be executed by the Jenmi. The Jenmi claimed a small fee for himself for signing the deed. The adukuvathu having to be paid to the family was probably the reason why the Jenmi Claimed a fee for himself for signing the deed. This fee was called opputusi<sup>18</sup>. It was also called oppukanam or thusikanam.

At the time of the renewal, the Jenmis had the right of readjusting the terms of the tenancy and enhancing the michavaram. This was effected in various ways<sup>19</sup>. The Jenmis might insist upon an enhancement of the Jenmi Pattom or they might refuse to pay interest on the Kanam amount at a rate higher than the one prevailing in the locality, in either of which cases there would be an increase in the michavaram payable to the Jenmi. In Travancore, the Jenmi, instead for seeking an increase in the annual payments, was generally satisfied with obtaining an additional kanam called ettartham from the tenants<sup>20</sup>. Ettartham was nothing more than the capitalized value of michavaram similarly, the tenant or Kudiyan might plead for reduction of michavaram on account of the non-productiveness of the soil.

The steady increase of population and the absence of any other profession except agriculture led more and more persons becoming dependent on land for their subsistence<sup>21</sup>. The Jenmis having no source of income except their lands were compelled to exact as much as they could from their tenants and this only increased the discontent. The great demand for cultivable lands helped the Jenmi to let his lands to the highest bidder. In Travancore the bulk of the lands was, as already stated, in the possession of mortgages. It has also been stated that the interest on the mortgage amount was almost equal to the Jenmi Pattom and that consequently the michavaram due to the Jenmi was small. But the increase in the value of the land gave the Jenmis their opportunity. They began to demand from their tenants larger sums as advances and larger rents. If the tenant failed to comply with the Jenmi's demand he would be promptly turned out of his holding. This led to serious discontent among the agricultural classes and complaints were made to the government<sup>22</sup>.

However in 1933 A.D, some changes were in the Jenmi Kudiyan relations. If made the Kudiyan to pay only the Jenmikaram in money and only the Jenmies were entitled to received the payment. Thus Kudiyan became the real owner<sup>23</sup>. This was in the spirit and continuation of the 1865 A.D. Proclamation.

## REFERENCES

- 1.T. Kunjuraman Nair, Report on Jenmi and Tenant's Problems, Trivandrum, 1930, p. 35.
- 2.T.K. Velu Pillai, The Travancore State Manual, Trivandrum, 1940, Vol. III, p. 134.
- 3.Ulloor, S. Parameswara Aiyer, Progress of Travancore under H.H. Sree Moolam Thirunal, Trivandrum, 1989. P.84.

- 4.Kudiyan – Tenant or Cultivator.
- 5.Michavaram – Rent due to the Jenmi from the Kudiyan on tenant.
- 6.Kanam – A kind of fee in Travancore.
- 7.Sundaram Pillai, P., Some Early Sovereigns of Travancore, Madras 1943. P.160.
- 8.Sankaran Pandala, K., Commentaries on Jenmi and Kudiyan Act 1972, p. 72.
- 9.Aradianthram – Literally Six ceremonies, being the six ceremonial occasions on which the kanamdar has to pay some perquisites to his land-lord.
- 10.Shungonny Menon, P., A History of Travancore, Trivandrum, 1983. P.145.
- 11.Adukuvathu – A fee due to the Sirkar from the heir on his succession to the Viruthi holding (Service Inam holding)
- 12.Sundara raja Aiyengar, Land Tenures of Madras Presidency, Madrad, 1893, p. 126.
- 13.Nagam Aiya, V., The Travancore State Manual, Vol. I, New Delhi.
- 14.Prakash, C., Karat, “The Peasant Movement in Malabar 1934-40” Social Scientist, September, 1976.
- 15.Olapanam – Cost of the cadjan (now stamp-paper) on which the renewal of the lease has to be drawn.
- 16.Dreedhara Menon, A., Kerala History and its Makers, Madras, 1970. P.206.
- 17.Raman Menon, M., Land Tenures of Travancore, Trivandrum, 1903, p. 85.
- 18.Opputusi – Oppu means signature, and thusi the needle or style with which the signature was made on the cadjan.
- 19.Nilkan Perumal, The Truth About Travancore, Madras, 1939. P.57.
- 20.Travancore Land Revenue Manuals, Vol. I.
- 21.Baden Powell, Land Tenures of India, London, 1942, p. 120.
- 22.Raman Thampi, P., Report on Jenmi and Kudiyan, Trivandrum, 1938, p. 128.
- 23.P.R. Sundara Aiyar, Malabar Land Tenures, Madras, 1903, p. 87.



**Dr. P. Justin Paul**

Assistant Professor , Department of History , Govt. Arts College , Udthagamandalam.

# Publish Research Article

## International Level Multidisciplinary Research Journal

### For All Subjects

Dear Sir/Mam,

We invite unpublished Research Paper, Summary of Research Project, Theses, Books and Book Review for publication, you will be pleased to know that our journals are

## Associated and Indexed, India

- ★ International Scientific Journal Consortium
- ★ OPEN J-GATE

## Associated and Indexed, USA

- Google Scholar
- EBSCO
- DOAJ
- Index Copernicus
- Publication Index
- Academic Journal Database
- Contemporary Research Index
- Academic Paper Database
- Digital Journals Database
- Current Index to Scholarly Journals
- Elite Scientific Journal Archive
- Directory Of Academic Resources
- Scholar Journal Index
- Recent Science Index
- Scientific Resources Database
- Directory Of Research Journal Indexing

Indian Streams Research Journal  
258/34 Raviwar Peth Solapur-413005, Maharashtra  
Contact-9595359435  
E-Mail-[ayisrj@yahoo.in](mailto:ayisrj@yahoo.in)/[ayisrj2011@gmail.com](mailto:ayisrj2011@gmail.com)  
Website : [www.isrj.org](http://www.isrj.org)