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**CRIMES AND PUNISHMENTS OF TRAVANCORE AND THE**  
**DENIAL OF HUMAN RIGHTS TO THE LOWER CASTES**

**Abstract**

The lower classes in Travancore denied even the basic human rights. The right to life is the most important human right. But the life of the lower classes were in the hands of the mercy of upper class. Even silly crimes they met capital punishment. The punishment was brutal and inhuman. Even the caste rules violated or pollution take place, the lower classes met out severe punishment. The Brahmins and other privileged classes were escaped from the clutches of law. They give only fines for serious crimes.

**Content**

Travancore was an interesting place there were many strange laws and customs followed with the support of rulers. No wonder Swami Vivekananda rightly called Kerala as ‘Lunatic Asylum’. There were widespread inequality and discrimination prevailed among different sections of people. The root cause of the decay of society is the caste system and Brahmin supremacy. All laws and customs only protect the privileged section or higher castes. The large

majority of lower classes were denied even the basic human rights. Crimes were rare in society because of the stringent punishments. Even for silly crimes the lower classes met severe punishments. Even in case of murder the Brahmins were imposed only fines. The privileged classes were escaped from every kind of punishments. Thus in Travancore the lower classes were denied the human rights.

The most interesting factor in the feudal structure of Travancore in the 19<sup>th</sup> century was the division of society on the basis of caste. The caste system split up the Hindu society into numerous castes and sub castes. In the social pyramid of Travancore the Brahmins were the top class. They were the landlords, conducting religious ceremonies and enjoying all privileges in the society. The Brahmins were orthodox, conservative and they strictly observed the ancestral norms of conduct and religion. The Brahmins had their own reasons to enforce the caste system and make it rigorous through segregation and untouchability. They concentrated their activities only to religion or temples. As donations poured in, temples were equipped with vast estates, free feeding (*oottupuras*) and *devadasis* (temple dancers)

<sup>1</sup>. The ruling class (the Raja) of Travancore occupied a position below the Brahmins. They were free from all kinds of social and religious restraints.

The lower castes were forced to live in isolated places – away from Brahmin settlements. It was an insult for a savarna (higher caste) girl to get married to an *avarna* (lower caste) boy. To prevent a girl from committing the monstrous crime of intimacy with a low caste men, child marriage was promoted.<sup>2</sup> It was a common practice for a young girl being given away in marriage to an elderly man. If a low caste man by mischance stepped into a Brahmin's house, he was killed not by the Brahmin as he could not do it without getting polluted but by his agents. It

was total contamination to eat food prepared by low caste men, to eat with him or to drink water brought by him or to set foot inside his house.

The Brahmins and Nairs formed the privileged classes in Travancore. In the social hierarchy Nairs or Sudras were below the Brahmins. The Nairs were traditionally involved in wars. Next to Nairs, Nadars, Ezhavas, Pulayas and Parayas formed majority in the society. They were treated as unprivileged or depressed classes by the higher caste.<sup>3</sup> In the social ladder, the Nairs or Sudras were below the Brahmins. They formed the nobility, the magistracy and the officials of the government the military and police, wealthy farmers, the merchants and the skilled artisans. However their main duty was to carry on war.<sup>4</sup> As the ruling class the Nairs enjoyed a great many privileges. The Nair was expected to cut down instantly an Ezhava, Nadar, or Mukkuva, who defiled him by touching his person, and a similar fate awaited a Pulaya or a Paraya who did not move away from his path when he passed.<sup>5</sup> The Nairs were exempted from being put in irons for anything which they committed. Referring to the position of Nairs, the missionaries of the L.M.S. in Travancore write: "As a caste, they rank as the aristocracy of the country, they have constant and peculiar access to the Rajah; they alone constitute His Highness's Brigade; they monopolise most of the offices of Government and are in fact the mouthpiece and hands of the *sircar* throughout the country."<sup>6</sup> The conversion of Nairs to Christianity was not viewed favourably They met out harsh punishments.

The Nadars and Ezhavas were the unprivileged class in the society. They paid the bulk of the taxes in the society. They were denied education. They were prohibited from using public roads. They were also prohibited worship in Hindu Gods. They worshipped devil and evil forces.

The Pulayas and the Parayas were actual slaves of the soil. They were brought and sold like cattle. The first converts to protestant Christianity in Travancore were the Parayas. The murder of the slave was hardly considered as a crime. They were only employed in agriculture and lived in hovels or trees bordering the banks of the fields, so as to keep an eye on the crop after the toils of the day. They were paid in grain, three measures of paddy to a man, two to a woman and one to a child. As out castes, they were not permitted to worship the higher order of Hindu deities. They worshipped evil spirits, souls of their deceased ancestors, etc., to whom groves and altars were dedicated.<sup>7</sup>

### **CRIMES AND PUNISHMENT OF TRAVANCORE**

The Travancore rulers drafted a judicial document known as *Vyavaharamala* with the combination of the code of Manu and other books. This *Vyavaharamala* was the law book of Travancore for more than 250 years.

In order to avoid border dispute, stone, bone, ash, skull, cow-dung, bricks and sand were placed in the border. Whenever a border dispute arised, they dug the border area and found the goods they earlier deposited and then the border dispute settled. If Sudras scolded the Brahmins, his tongue was cut-off. Those Sudras who advise the Brahmins, the punishment was the boiled oil poured on the ear and mouth. Those who sit with the Brahmins, his hips were top be cut-off. Those who destroyed trees were given thousand *panams* to the government. Those who commit theft, especially the theft of cows of the Brahmins, the punishment wad cut off his legs. Those women belonged to lower class commit adultery with the higher caste men had no punishments.<sup>8</sup> But those women belonged to higher class commit adultery with low caste men, the men meted out even death punishment.

In Travancore whatever the crimes, punishment was very severe. So the numbers of crimes were rare in records. Prosecution, cut-off organs, imprisonment, imposed of fines, sold as slaves, beating, out casted were the important punishments. Defiling the temples, treason (seditious acts), murder, killing of cows and Brahmans, robbery were the crimes without pardon. Death punishment was given to such crimes. Most common punishment was imposing fines.<sup>9</sup> If fines were not given in due date, beating was their punishment. The use of intoxicating drinks (especially for Brahmans) was strictly prohibited. Other castes used intoxicated drinks. Rejection of old manners and customs also meted out severe punishments.

### **Punishments of Different Sections of People**

If the crimes committed by the Europeans, the case was settled by Courts. In this Court European Magistrate worked. Under the compulsion of Viceroy the Travancore Raja appointed special Courts and European magistrate in these Courts. H. Crafford, Arusbi, Mr. Rober Baker etc. were some of the Magistrates in princely states. These Magistrates settled the crimes of Europeans. The punishment were given such as three months imprisonment and imposing fines.<sup>10</sup>

Brahmins and women were exempted from death punishment. Even in the Courts, Brahmins and Nairs were the judges and they decided the case. John Munro, the resident of Travancore reformed the judicial system of the state during 1811-1815. Murno reformed and give certain suggestions to Rani Gouri Lakshmi Bhai. The main provisions were the following.

1. The judges of Court should be Brahmans and Nairs.
2. In the appeal Court, there should be a Dewan, two Brahmin judges and one Nair judge.

3. In the local Courts also there should be two Brahmin judges and one Nair judge. According to Hindu law, one who commits the following crimes death was the sole punishments.
- a. Those who make riots
  - b. killing or attempting to murder a king
  - c. robbery.<sup>11</sup>

In case of Parsis, Muslims and Christians were found guilty, punishments were given according to Hindu law. They were exempt from death. Death punishment was given only with the sanction of king. This was the picture of Courts in Travancore. All important posts were in the hands of upper castes. The lower castes were prevented from appointing in these Courts. The lower castes were denied even for presenting their complaints.

Brahmins and nobles were exempted from imprisonment, beating, capital punishment etc. Whenever a Nair killed a lower caste men he should given a fine of Rs. 400/-. The persons committed robberies in the Vembanattu Lake were the servants of Kuruppu and Nairs. The accused were Parayars. They committed robbery by the order of Kuruppu. The masters particularly Kuruppu escaped from the clutches of law.<sup>12</sup> They were advised by the authority and give warning to such crimes never repeated again. But the poor Parayas were punished. They were beaten and imprisoned by the authorities.

### **Trial by Ordeal**

The common punishments of theft in case of Brahmins were trial by balance, Kshathriyas by fire, Vaisyas by water and Sudras by poison. If the accused person belonged to lower class he

will be hanged in a tree. The accused person was imprisoned and after three days his palm (fingers) dipping into boiled oil. Then his palm covered with a nice cloth and put into jail for three days. After three days his palm uncovered. His palm should be spoiled he should be declared as an accused person and punishment met out. But his palm is not boiled he should be free from punishment. If the accused person is a noble he is not imprisoned. He is trialed by ruler itself. Women were free from death punishment.<sup>13</sup> Prostitutes were sold to Mohammadans and Christians as slaves. This is the severe punishment meted out by women. For heinous crimes Brahmins were declared as out caste. In some places those who were suspected as accused person asked to swim across the river with full of crocodiles. These punishments only implemented to lower class people.

### **DENIAL OF HUMAN RIGHTS TO THE LOWER CLASSES**

The lower classes in Travancore denied even the basic human rights. The right to life is the most important human right. But the lives of the lower classes were in the hands of the mercy of upper class. Even silly crimes they met capital punishment. The punishment was brutal and inhuman. Even the caste rules violated or pollution took place, the lower classes met out severe punishment. The Brahmins and other privileged classes were escaped from the clutches of law. They give only fines for serious crimes. The Brahmins not executed punishment, but by his agents executed the punishments. The Brahmins made the laws for their convenience. In these laws were not righteousness or justice. There were widespread of discrimination and inequality. The lower classes were afraid of filing cases in Courts, because all important posts held by Brahmins and Nairs. They could not get a favourable or justifiable decision in part of a Court. Majority of them were ignorant of their rights. They were denied education. Even the Nairs were denied education. Education was the monopoly of Brahmins. The Sudras or Nairs attempted to

study things from Brahmins, the punishment was poured boiled oil into the mouth and ear of Sudras. The rulers also sanctioned to Brahmins to do such cruel things. Even the rulers also feared the Brahmins. The slaves were the prey of numerous punishments. No one question or in favour of the poor people. The lower classes were prohibited from using public roads. They were forbidden from entering Hindu temples and to worship Hindu Gods. This was the serious violation of human rights.

### **CONCLUSION**

Crimes were common in every society. The Brahmins and other privileged sections made the laws for their safety. No one question the authority of the Brahmins and the justice of law. Dipping palm into the boiled oil, cutting off organs, imprisonment, whipping imposing fines, death punishment etc. were the important punishments in Travancore. Even without trial the accused person is given punishment. Anyone converted from the upper class met severe punishment.. Thus in Travancore the caste rules spoiled the entire state. No one escaped from the clutches of caste rules. Only the British government directly intervened into the administration of the Travancore government and they appointed a resident in the state. The British and Christian missionaries understood about the real condition of the poor people. The Christian Missionaries tried to remove untouchability in the society. The Madras Government made certain laws to abolish slavery, civil disabilities etc. Thus by the beginning of 20<sup>th</sup> century Travancore transformed into a welfare state.

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#### ***End Notes:***

<sup>1</sup> Anantha Krishna Iyyer, *Castes and Tribes of Travancore*, p. 11.

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- <sup>2</sup> Robin Jeffrey, *The Decline of Nayar Dominance, 1847-1908*, New Delhi, 1994, p. 21.
- <sup>3</sup> M. Immanuel, *Dravidian Lineages, Nadar through the Ages*, Nagercoil, 2002, p. 133.
- <sup>4</sup> R. N. Yesudas, *The History of the London Missionary Society from 1806 to 1908*, Trivandrum, 1980, p.180
- <sup>5</sup> Walter Hamilton, *The East India Gazatteer-containing a Description of Hindoostan*, Vol. III,  
p. 180.
- <sup>6</sup> R.N. Yesudas, *op.cit.*, p.9.
- <sup>7</sup> Samueel Mateer, *Pariah Caste in Trivandrum*, Journal of the Royal Asiatic Society, Vol. XVI, New Delhi,  
1884, pp. 180-196.
- <sup>8</sup> P. Bhaskaranunni, *Pathonpatham Noottandile keralam (Mal.)*, Thrissur, 1988, p. 728.
- <sup>9</sup> *Ibid.*, p. 759.
- <sup>10</sup> C. Achutha Menon, *The Cochin State Manual*, Trivandrum, 1911, pp. 456-457.
- <sup>11</sup> P. Bhaskaranunni, *Op.cit.*, p. 729.
- <sup>12</sup> *Ibid.*, p. 761.
- <sup>13</sup> C. Achutha Menon, *Op.cit.*, p. 439.