

## **SMARTHAVICHARAM: FROM THE RECORDS**

**Anonymous Report, Malayala Manorama**

**Translated by ALPHONSA C.A.**

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**Abstract:** The chastity trial of Thathri in 1905 stands out not only for the staggering number of men accused but also because for the first time a chance to defend themselves was granted to those accused. The new system bodies forth the intersecting spaces of feudal/ colonial logics and jurisprudential systems. The following documents would bear testimony to the same.

**Keywords:** Kuridethu Thathri, Namboothiri, chastity trial, sexuality, deposition.

**The following report appeared in the Malayala Manorama newspaper on July 5<sup>th</sup> 1905:**

It is learned that the *Sarvadhikaryakar*<sup>1</sup> Mr. Gopala Desikacharyar and the office clerk Nambiar have ascertained the time, date, place and detailed description of the intercourse, and gathered enough proof to positively identify the accused male. The trial was arranged for sixty-five men and it took place in the palace on different dates. Those who showed up were given a chance to explain themselves. They were asked to furnish evidence that could refute the allegations levelled against them. Most of them denied their role in adultery by claiming that they had neither seen nor heard of the said woman. Those who had doubts were given a chance to directly seek clarifications from the Antharjanam, who in her turn fielded all queries like a seasoned barrister.

**The following is the record pertaining to the entire trial of Madhavan Namboothiri of Mundayoorillam, accused of adultery. This is taken from the Smarthavicharam records kept at the Regional Archives in Kochi.**

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<sup>1</sup> The most important official in the palace

## The Notice – Original

Addressed to Madhavan Namboothiri of Mundayoorillam, Arangottakaradesom.

You are hereby intimated to be present in person with all necessary evidence at the Government *math*<sup>2</sup>, situated on the west of Kunnunmel bungalow<sup>3</sup>, Kanayanoorpravrithi, Thiruvamkulammuri<sup>4</sup>, on the Malayalam month of *Mithunam*<sup>5</sup> 12, 1080 at 10 a.m. before the *Smarthan* if you have anything to submit by way of explanation on being named and accused by Thathri Antharjanam, daughter of Kalpakasseri, married to Raman the second Namboori of Chemmanthattamuri Kuriyedath *illam*, Thalappillytaluk, Emmanpravrithi, of having had sexual intercourse with her in the granary of Kalpakasseri *illam* in Malayalam Era 1069 and on subsequent occasions.

From: Padinjaredath Koyikkal Kunjunni Thiruppad, assigned as *Purakoyma* from the said bungalow.

Date: *Edavam* 28, 1080

Place: Venninakulath Kunninmel Bungalow.

## Thathri's statement

Midhunam 18, 1080

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<sup>2</sup>Refers to a residential structure and has association with Hindu monasteries. Here the government Math can be a Namboothiri's place selected as the venue for trial. *Matham* refers to a Namboothiri's residence

<sup>3</sup>Seems to be Hill Palace in Tripunithura

<sup>4</sup>Pravrithi - area under the jurisdiction of a village officer. Muri :a part of a *desom*

<sup>5</sup>Malayalam month coinciding with June/July

<sup>6</sup>Her time-markers are basically from festivals and days of ritual importance. See Sheeba for a detailed discussion.

<sup>7</sup>A statement or report regarding the trial during *Smarthavicharam*

<sup>8</sup>Pandala is a Samantha caste

<sup>9</sup>An inferior sub-caste among Namboothiris

I know Mundayoor Madhavan Namboothiri. Mundayoorillam is close to Kalpakassery. He used to frequently visit my illam. I have also been to his illam. Have known him since childhood. I have had sexual intercourse with Madhavan. I think, the first instance happened in Kumbham 1069. The last one took place in Medam the year before last, just before my Apfa had been brought from Desamangalam to my illam due to illness. The first one took place at the puramthalam of Kalpakassery at night. Last one also happened in the same fashion. We had contacts several times in between and in different locations at Kalpakassery.

The aforesaid Madhavan is epileptic. He had a clandestine relationship with a woman from ArangottukaraKizhakewariyam. One day, on his way to the wariyam he had a seizure and fell down. Madhavan's father came to know about this and he ordered him not to go there again. One afternoon when both of us were on the way to Ezhuvangattu Siva temple for darsanam, I humorously asked Madhavan about his visits to Wariyam against his father's orders. While replying to my enquiry, he asked about my relationship with Desamangalam Vasudevan Namboori and others. I didn't deny that. He then promised that if I agreed to his request like the way with others, he would never go to the Wariyam. This is how he came to entreat my sexual favor for the first time. I agreed. Fifty-six days after the above said conversation, one night he came to Kalpakassery and 'it' took place at puramthalam. First contact occurred in Kumbham 1069 and that was immediately after my completing twelve years of age. It was after Sivaratri<sup>6</sup>. That is why I think the event happened in Kumbham. In Medam 1079, he beseeched me not to reveal his name before mentioning Deshmangalam Namboothiri as he was in dire financial straits, was on bad terms with his elder brother and it was difficult to survive. Madhavan might be 27 years old by this time. He must have given me around ten rupees as cash. Hasn't given anything other than money.

Statement read out and verified to be true.

Signed by the Smarthan Pattchomayarath Jathavedan Namboothiri

Yadasth<sup>7</sup>: in the note handwritten by Narayanan Nambiar of Vadakkematham, the crux of the statements made by sadhanam is honestly recorded. (Signed)

First sexual contact with Madhavan occurred at purathalam and not as mentioned in the notice.

Date: Midhunam 30, 1080

Smarthan (signed)

On 1080 Midhunam 21

MundoorMadhavanNamboori whose trial had been scheduled tomorrow, that is 22 of this month, appeared in person today and requested his trial be conducted today itself. Request granted.

*Smarthan*, PattchomayarathJathavedanNamboori( Signed)

### **Madhavan Namboothiri's statement**

*Midhunam* 21, 1080

The deposition of MadhavanNamboori, aged 26, son of NeelakantanSomayaji, Mundayoorillam, Chengazhikodupravrithi, Arangottukaradesom.

I am the second son of the *illam*. I know Arangottukara *Wariyam*. Kalpakassery *illam* is also familiar to me. Earlier I used to visit the *Wariyam*. I have been visiting there since 1074. Can't aver I have not visited that *Wariyam* before 1074. I don't clearly remember. There is only a paddy field between Kalpakassery and my *illam*. My *illam* is situated on the eastern side and Kalpakassery*illam* on the western side. I have often visited Kalpakaserry *illam*. I know the Nambooris, the eldest wife of Ashtamoorthi Namboori and some kids of that *illam*. I know the Antaranams married off to Paalathola and Kuriyedam. I began my *Sambandham* in that *Wariyam* by the end of 1074. At present I don't have *Sambandham* there. After that, I had a relationship at a Pandala's<sup>8</sup> house in Desamangalam which began during last *Dhanu*. I bear no grudge to my elder brother. I never had any problem with him. I haven't had any plan for travelling and I have not travelled. My illness began when I was twenty three years of age. I never had any relationship with Thathri, the wife of Kuriyedam, now or before her marriage. I have listened to her statement read out here and understood it. No sexual intercourse or suchlike activity has occurred as she claims. It is true that I had revealed to certain people the immoral ways and wayward conduct of Thathri, before and after her marriage. That might be the reason for this. Thathri and her mother believe that I have been casting evil spells upon her younger brother Narayanan. Once Narayanan had stayed at my *illam* for twenty-three days due to a quarrel at his *illam*. Narayanan's father was out of station at that time. When his father came back, he insisted that he would have food only when Narayanan returned from Mundayoorillam. As a result, Thathri's mother came and took Narayanan back to his *illam*. She accused me of leading Narayanan astray on the occasion. The above mentioned Antaranam and Thathri

had several other reasons for disliking me. Once neither of them was able to borrow ornaments from *Desamangalam* for wearing at a wedding in *Vadakkinedathillam*. So at night they went and procured it from an Adi<sup>9</sup> at Viruttanam. A Christian servant who stayed at Kalpakassery escorted them in the journey. It became a scandal. I was of the opinion that they were wrong in doing so and shared my opinion with some other people. There cannot be any other reason for their disliking me. The servant had been staying at the *illam* with the permission of the father Namboori and son Narayanan. Arangottukara temple is very important to that *desom*. It belongs to Kudaloor Namboori. Members of the Kalpakassery *illam* are the priests of the temple but now they claim the prerogative has been in place for twenty-three years. I have not brought any documentary evidence to prove my illness but there is a witness to prove that I am a patient and I never travel anywhere. I was under ritual bereavement in 1079 and staying at Desamangalam. Only once have I been to Kalpakassery along with the Achan Namboori of Desamangalam for the medical examination of Chithran Namboori who was ill at the time and left the place forthwith. In 1069, in addition to epilepsy I was suffering from epidermal fungal infection all over my body and I used to sleep at *puramthalam*. I would like to clarify with the *Sadhanam* regarding her allegation of the conversation and the sexual relation she claims to have had with me.

Statement read out and verified to be true.

(signed) *Smarthan*, Pattachomayarath Jathavedan Namboothiri

### **Petition submitted by Madhavan Namboothiri to the King of Cochin**

The petition submitted by Madhavan Namboothiri of Mundayoorillam, Chengazhi kottupravrithi, Arangottudesom before Maharaja Manyarajasree Valiya Thamburan Thirumanassu in his revered presence through the respected Sarvadhikaryakar.

1. I received the notice sent on Edavam 28, 1080. I have not committed any crime and is also ignorant of the crime mentioned in the notice.
2. Those who know me are well aware of the fact that I am epileptic and do not travel anywhere without the assistance of my helper and moreover, my father never lets me out without an assistant.
3. The above mentioned disease occurs more than five or six times a month and the seizures are violent.

4. Since I suffer from this disease I constantly pray to God with great difficulty and agony, and serves Him to reduce my suffering. As a result there has been considerable relief for my disease during these two years.

5. The allegations in the said notice against a patient like me are fabricated and I have not committed any act of adultery with Thathri, the Antarjanam mentioned therein.

6. Since the notice is silent on the month or date of the alleged event, I am at a loss as to the manner in which proof is to be furnished. Please be kind enough to mention a specific month and date to present a witness and other kinds of proof, if any, and thereafter issue orders to accept my proof.

By

Mundayoor Madhavan Namboothiri on *Midhunam* 21, 1080.(signed)

The Statement of the Witness

*Midhunam* 21, 1080

The statement given by AnanthakrishnaPattar, aged 45, son of Shamu Pattar, Puthanmadathil, Ezhumangadudesom, Thirumuttakodamsam.

I know MundayoorMadhavan Namboothiri who is present here. Once he had asked me to appear as a witness to prove that he is suffering from a disease. He is suffering from epilepsy. There has been considerable relief from the disease for last two years. His act of worshipping several deities has resulted in the relief. Earlier the disease was very severe. He used to have seizures of epilepsy five or six times every month, sometimes more frequently. His father would never send him out alone without assistance. As there is relief for last two years, he goes out without any assistance these days.

Statement read out and verified to be true.

*Smarthan*PattachomayarathJathavedanNamboothiri (signed)

### **Madhavan Namboothiri's questions to Thathri**

*Midhunam* 22, 1080

Questions asked by Madhavan Namboothiri of Mundayoorillam to the *Sadhanam*throughthe*Smarthan*.

Q: You have stated that you struck up a conversation with me on the way to Ezhuvangattu temple for *Siva darsanam*. Is it true?

A: Yes

Q: Did any one accompany you?

A: Yes , a servant accompanied me.

Q: Was there a servant with me?

A: No

Q: Did anyone overhear my conversation with you?

A: Both of us walked in the front. I am not sure whether the servant, who followed, overheard us.

Q: What was the servant's name?

A: Vazhakattu Sivaraman

Q: Where did the first intercourse take place?

A: At *puramthalam*

Statement read out and verified to be true.

*Smarthan* Pattchomayarath Jathavedan Namboothiri (signed)

***The following Smarthavicharam record states that even after studying the statements of the males, it is impossible to doubt the veracity of the evidence provided by Thathri. After examining the evidence submitted by the males accused of committing adultery the following observations are made.***

Males name	Note
1. <i>Sadhanam</i> 's husband	<i>Sadhanam</i> states that her husband had sexual contact with her even after she was declared to be polluted.
2. Chemmanthatta Kuriyedath Nambiathan Moossu Namboori	No evidence has been provided by <i>Sadhanam</i> to prove that it is true. He has failed to produce proof to the effect that allegations she raised against him were out of dislike. The reason stated for the above mentioned dislike seems trivial and unreliable. So <i>Sadhanam</i> 's statement seems to be true.
3. Pallatheri Attach Namboori	Similar to the statement made by accused no.2, the present accused could not even sight a credible reason for raising allegation

	against him. He says that he has not visited her at her place during those days. Since there is no need for <i>Sadhanam</i> to cook up falsehood, her statement seem to be reliable.
4. OkhiyillamIteeriNamboori, son-in-law of Kalpakassery	This man's statements are completely unreliable. The statement of having seen a thief is proved to be wrong as other men have given the reliable statement that it was he who arrived at her place as her paramour. His claim that <i>Sadhanam</i> is mentally derailed is an utter lie. No proof has been furnished to substantiate this argument. <i>Sadhanam</i> 's revelations against her <i>Ammamancan</i> be deemed as entirely true.
5. Desamangalam Vasudevan Namboorippad	This man has not said or provided any proof to disprove the allegations raised against him by the <i>Sadhanam</i> .

(the record continues. . .)

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