

TRIBAL CUSTOMARY LAW: A STUDY BASED ON THE KATTUNAIKKA TRIBE IN WAYANAD

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Abstract

*The Kattunaikka community of Wayanad, classified as a Particularly Vulnerable Tribal Group (PVTG), possesses a distinctive system of **customary law** rooted in their forest-based livelihood, social organization, and animistic belief system. Their customary norms are **unwritten**, orally transmitted through elders, and closely linked to traditional authority structures such as the oorumooppan (village elder). Disputes are settled through **consensus-based dialogue**, restitution, and reconciliation, reflecting the community's values of solidarity and social balance. The Kattunaikka customary legal system reveals how indigenous law functions as a mechanism for **social order, cultural continuity, and ecological stewardship** within a forest-dependent tribal society. Despite increasing contact with mainstream institutions, their customary law remains an essential marker of identity and a vital component of their socio-cultural resilience.*

Keywords: Customary law, Kattunaikkas, marriage, ceremonies, customs

CUSTOMARY LAW

Customary law is the body of customs, traditions, practices, and beliefs that regulate social life within a tribal or indigenous community. It is recognized by the community as having the force of law. Rather than coming from a legislative body, customary law is a system of norms that are recognized as mandatory within a community and have developed from long-standing traditions, habits, and beliefs. Aspects of communal life such as marriage, inheritance, and conflict resolution are governed by these unwritten laws, which are frequently closely linked to the social

and economic structures of its adherents. Customary law can coexist with national or international legal systems and be formal or informal, written or unwritten. It comes from the gradual, bottom-up development of community customs and beliefs, and it is recognized by law as a result of its widespread and regular use.

It is applicable to particular communities, including local communities, ethnic and religious groups, and indigenous peoples. It ensures that social and economic institutions function properly by directing behaviour and resolving conflicts within the society. It can be formal or informal, unwritten or codified, and passed down orally, however it can also be documented. It can coexist with or be impacted by other legal systems, such as statutes and national constitutions. Customary international law is the term used to describe legal standards that emerge from governments' long-term, consistent, and recognized behavior. Aspects of communal life including marriage, inheritance, and property rights are governed by customary law in India.

TRIBAL CUSTOMARY LAW

Customary law of a tribal community" refers to the traditional rules, practices, and norms that have developed over generations within an indigenous or tribal group and are accepted as binding by its members. These laws function as an informal but authoritative legal system and are often unwritten, passed down orally through elders, community leaders, and cultural practices. A tribe's social, private, and cultural affairs are governed by a collection of customary laws that have been passed down through the years. It is closely linked to the culture and identity of the tribe and governs things like marriage, inheritance, and land rights. Although they serve as the foundation for a tribe's internal government, these laws—which are sometimes uncodified and may differ from formal state laws—can change as a result of exposure to contemporary legal systems, development, and education. Because they are consistently and consistently followed over an extended period of time, a tribe's customs as a whole have legal power. It offers a structure for the

social life of a society, including child custody, marriage, and divorce. A tribe's rights and access to natural resources, such as land, forests, and bodies of water, are frequently governed by customary laws. It is essential to a tribe's identity and culture, and its laws uphold customs and unite the group. Culturally appropriate forms of justice, traditional village or tribal councils are used by many tribal societies to settle disputes in accordance with their customary laws. There may be a disconnect between traditional practices and official, contemporary laws because tribal customary laws are sometimes passed down orally and are not documented. Customary laws may be altered or challenged as a result of interactions with formal legal systems and outside variables like development and education.

FEATURES OF CUSTOMARY LAW

a. Unwritten and oral

- Usually not codified.
- Transmitted through stories, rituals, and decisions of elders.

b. Community-based

- Reflects the values, identity, and worldview of the specific tribal group.
- Developed by collective experience over time.

c. Flexible and adaptive

- Changes slowly with community needs.
- Decisions often made on consensus.

d. Administered by traditional authorities

- Elders, clan heads, chiefs, village councils, or religious leaders.
- Their authority is based on respect and tradition, not statutory appointment.

e. Restorative rather than punitive

- Focus on reconciliation, compensation, and social harmony.
- Punishment is often aimed at restoring relationships instead of retribution

Regions where customary law applies

- Family matters: customs related to inheritance, divorce, and marriage ceremonies.
- Land and property: Collective rights to land and other resources as well as communal ownership.
- Cultural and spiritual life: preserving spiritual traditions and cultural legacy.

TRIBES

Tribes are people who stand apart from the mainstream society with their different social life and culture. Each group has its own language, literature, and cultural identity. Tribes are described as living in the same ecosystem, maintaining the rituals, ways of life, beliefs, art forms and oral forms as a tradition, formed from the living environment with mountains and forests as the background. Kerala officially recognizes **36 Scheduled Tribes**. In Kerala, tribals are mainly found in the districts of Wayanad, Palakkad, Kasargod, Malappuram, Idukki and Thiruvananthapuram. Majority of these are found in Wayanad district.

MAJOR TRIBES IN KERALA

1. Paniyan (Paniyas)

- One of the largest tribal groups in Kerala.
- Primarily found in **Wayanad**.
- Traditionally worked as agricultural labourers.

2. Kurichiyan (Kurichiar / Kurichya)

- Known for archery skills and martial tradition.

- Live mainly in **Wayanad**.
- Among the more progressive tribes in Kerala.

3. Kurumar (Kuruma / Kurumba)

- Agricultural community found in **Wayanad**.
- Known for pottery and handicrafts.

4. Kattunaikan

- A particularly vulnerable tribal group (PVTG).
- Live in forest regions of **Wayanad**.
- Hunter-gatherers; depend heavily on forest produce.

5. Adiyan

- Live mostly in **Wayanad**.
- Traditionally tenants and agricultural labourers.

6. Irular (Irula)

- Found in **Palakkad** and **Wayanad**.
- Traditionally snake-catchers and herbal healers.

7. Mala Arayan

- Reside mainly in **Idukki district**.
- Known for agriculture and distinctive religious practices.

8. Mala Pandaram

- A nomadic tribe found in **Pathanamthitta** and forest areas.

- Depend on forest products for livelihood.

9. Ulladan

- Forest-dependent group found around **Idukki**.
- Known for traditional knowledge of forest ecology.

10. Kanikkar (Kani)

- Found mainly in **Thiruvananthapuram** and **Kollam** districts.
- Known for herbal knowledge; source of the famous “Arogyapacha” plant.

11. Muthuvan

- Live in **Idukki** and **Munnar** hill regions.
- Maintain strict social organization and traditional dress.

12. Mannan

- Found in **Idukki**, especially around the Kattappana area.
- Have their own king (raja) and a well-structured community system.

13. Thachanadan Mooppan

- Found in **Wayanad** and **Malappuram**.
- Primarily farmers

There are few other tribes too in kerala which are

- Cholanayakan (PVTG)
- Malapandaram
- Malavedan

- Malai Arayan

- Kadar

- Koraga

- Paraya

- Marati

KATTUNAIKKA

Kurichya ,Kuruma,Paniya, kattunaikka, adiya, urali, kulanadi, kunduvadiya, pathiya, thachanadan, karimbala etc tribals are living in Wayanad district. Among them, Kattunaikkas are a very special group . **Kattunaikkan** is a **Particularly Vulnerable Tribal Group (PVTG)** found mainly in the forest regions of **Wayanad district** in Kerala.

The term “*Kattunaikkan*” means “**King of the Forest**” (Kattu = forest, Naikkan = leader).

They are Primarily found in **Wayanad** and Small populations also in **Malappuram** and **Kozhikode** forest belts

Lifestyle and Economy

a. Hunter-gatherers

- Traditionally **forest-dependent**
- Collect honey, roots, fruits, tubers, medicinal plants
- Practice very little agriculture

b. Skilled honey collectors

- Famous for climbing tall trees and harvesting wild honey
- Honey is their main source of income

c. Minimal contact with outsiders

- Prefer living deep inside forests
- Their settlements are small and isolated

Social Structure

- Follow a **nuclear family system**
- Marriages are usually arranged within the tribe
- Polygamy was traditionally practiced, though less common today
- Elders play an important role in community decisions

Language

- Speak **Kattunaikka**, a Dravidian tribal dialect
- It has similarities with Kannada and Malayalam but is distinct

Housing

- Houses (called “*pudis*”) are simple huts made from:
 - bamboo
 - tree bark
 - leaves
 - forest vines

Religion and Beliefs

- Animistic beliefs
- Worship **forest spirits**, ancestors, and nature deities

- No elaborate temple structures
- Rituals involve music, drums, and offerings to deities

Art and Culture

- Famous for **dance forms** performed during festivals
- Drumming and chanting form a major part of their rituals
- Use forest materials to make ornaments and tools

In wayanadu kattunaikkas are found in Sultanbatheri Mananthavadi Kalpatta taluks. They used to live from forests having their own origin myths . it's different versions are found in different part of Kerala.

Origin Myth

It is believed that kattunaikka tribe are the followers of the kings. This myth is as follows: once upon a time few kings went for hunting without their body guards. Due to the craze of hunting they reached in the remote forest and they loosed their way back and forgot about the time too. So they became too late and they couldn't go back to their kingdom. So they decided to stay back in the deep forest in the night. They climbed over a huge hill to take rest in that night .but even after few days they couldn't find their way back and even they were not having sufficient food. After finishing the food they carried they became hungry . one day they collected a seed from inside the sand and had it after heating it along with honey collected from the forest. Realizing the taste of the seed they decided to stay back the forest and the kattunaikkas are known as the descendants of those kings who stayed back in the forest..

Customs and Ceremonies

Kattunaika, known as the most primitive of the tribals of Wayanad, lived solely on the forest. They

also have their own Thai language and it is generally believed that they are called Kattunaika because they lived as jungle warriors. They lived alternately from forests to forests and used to live together in the same place as a joint family, but after they started living in one place, they started living as different families due to space limitations. There are different customs and rituals among them and their rituals from birth to death are very identical.

Customs

Kattinaikkas are having their own customs and these customs from birth to death are very different.

Birth

Birth continues to be a different custom among them. Different customs are existing in connection with it. The kattunaikka who lived in the forests gave birth in the same forest. A woman experienced in giving birth would be there to take care of her. When a woman of the tribe becomes pregnant, immediately wanted to inform the mooppan, (tribal chief). Betal leaves, Aracanut and tobacco should be offered to the mooppanas dhakshina. By doing this, it is believed that the pregnant woman gets the blessing of the mooppan. After delivery, the umbilical cord is cut with a bamboo stick that has been cut and smooth end. Then they tie with padathal, a medicinal plant available in the forest. After child birth, birds eye chilli leaves are given in curry and taking bath in the boiled water with medicinal plants. They give honey and wild fruits as food. They are not having a naming ceremony. Usually they call use the names of their ancestors.

Thirandu kallyanam (Puberty related customs)

Thirandu kalyanam is a very important celebration among the kattunaikkas. The menstruating girl is kept outside the house. For that they are constructing a special tent known as guda. The tent is made in the courtyard of the girl's house. The trend will be covered with palm leaves and it will be

dark inside the tent. It is meant to hide the girl from others. She has to stay in the guda until her parents are prepared to perform the thirandu kalyanam. Two Days long customs are performing along with it. The males perform kunutt dance and females perform kottikkali. Everyone who comes to the wedding participates in the songs and dance. The girl is bathed by mixing turmeric in hot water. On the first day bathing, the first water is sprinkled by the mooppan of the ooru. During that time the girl is covered from head to toe with fresh white dhothi. After the mooppan sprinkles water, then the father, mother, uncle, aunty, then sprinkles water over the child's head. After this ceremony, the elder announces the date of the thirandu kalyanam. In the language of kattunaikka the thirandu kalyanam is known as narivadh. On the day of narivadh the mooppan comes to the girl's house and breaks the Guda. During the Narivad there is a ritual of cutting coconut with a knife. If one part of the coconut is open, it is a good sign that the girl will not have any diseases or other harm in the future.. It is believed that if the other part of the coconut is lying open, she will have many children in the future.. It is believed that if the coconut does not split into two, it is bad.

On the Day of Narivadh the girl will dress well like a bride. After dressing well she will come out with her associate companion and stands on the grass mat which lay on the floor. After that she seeks the blessing of the mooppan by touching his feet and offer betel leaf to him as dhakshina. At this time, all those giving blessings put money in the plate placed in front of the girl. On that day, both the girl and the companion get new clothes and an arrow is placed on the girl's lap to prevent girl from evil eye. After narivadh the girl will be completely under control of the parents and she won't be allowed to travel without the presence of her parents.

Marriage

The marriage customs of the kattunaikkas are entirely different from others. Usually boys get married between 20 and the girls between 12 and 15. Kattunaikkas only marry within their own community but do not marry between close relatives. Love marriages are also happening among

them. In this case if they wanted to marry ,they will escape to the forest and they will live there after marriage.if they wanted come back and join with their tribe they have to provide a fine to the muthali , father , mother, uncle and aunty. Besides the fine they also have to provide betel leaf , araca nut, food and arrack too.When the parents seeks an alliance they will test weather the bridegroom have the ability to collect the forst resources for their life. They are not following dowry system among them. The thalimala for the bride is prepared by piercing a copper coin on a black string. It is the muthali who used to hand over the bride to the groom ritually.after c the completion of the customs both have to go to their daivappura to pray for their better life and future.After wedding , the bride and groom are given pots by their parents in which they have to cook food. The kattunaikkar won't have the food prepared by their married children and even they won't give food to them.

Death

The ceremonies related the the deat of the kattu naikkas are entirely different from others. Regional versions are there in their ceremonies. If a kattunaikka in the tribe dies immediately they have to inform their Muthali first. they can't decide the further procedures of the ceremony except the presence of their Muthali.In olden days , if there was a death , they would leave the dead body in the home alone at night and go the next house to sleep. And they will be back in the next day only after the Muthali sees the dead body first.

When the Muthali reaches the house of the death, he sends some of the relatives of the dead one to collect the vines to prepare the coffin called Naru. The muthali also accompanies them. Sometimes the Muthali symbolically hand over the vine by cutting a vine near by the dead person's house and allows the team which he selected earlier to collect the vine from the forest. Only after this ceremony the family will be permitted to inform the death to the others in the colony. Until arrival of the team, who went to collect the vines the dead body will be laid inside the house only. The

body will be taken for bathe will be happening only after this. The neighbours and relatives bathe the body. The body will be massaged with oil fist and then bathe with the hot water mixed with oil. After taking bath new cloths are wore on the body. Then all the physical materials that the person used in his or her life will keep near the dead body . All the relatives gathered there will give water to the dead body. After the arrival of all relatives the body will take for burial. On the way to the graveyard the body ritually places on the ground for four times and the fourth time is by the graveside. Another hole is made inside the grave and the body will be putting inside that whole. This is done to prevent the soil from falling on the dead person's body. After covering the pit stones are placed near the sides of the head and feet of the body. A vessel used by the dead is placed over the grave.The muthali examines the burial continuously for seven days. This is done to avoid the digging of wild animal. They believes that if the dead committed any crime during his life the wild animal will dig the burial .They have the custom of observing pula for two days after the death. On the seventh day there is a ritual called adiyanthiram.It is a ritual of providing food for all in memory of the dead. Thy prepare raw rice and boiled rice for the same and the first food will be provided to the muthali then the all gathering will have food altogether.

CEREMONIES

Dhaivam Kanal

Dhaivam kanal is ceremony performed among the kattunaikkas.it is mainly performed in the purpose of curing diseases. the muthali is coming to the house of the diseases person along with a relative of the diseased. The diseases will be permitted to sit in front of the lighted lamp,agarbhathi and the sacred ashes.the muthali will sit oppsite to the diseased by playing the burda, their traditional instrument and chants the magical song.the all who gathered there will follow the song along with the muthali. In between the ritual the muthali announces the cause of the disease as the god's wrath. Realising this the relatives of the diseased will seek for the atonement.muthali apply

the turmeric on a thread and ties the same on either the neck or the hand of the diseased by chanting the mantras. then the muthali announces the remedy for the same. Accordingly they offers either chicken or oil or coins or agarbbatti or red silk to the god in the dhaivamuri. This ceremony is mainly performed for diseases like fever, headache, stomach pain, paqins in the leg and hands, leech bites and flea bites etc.

Dhaivabbha

This ceremony is performed after the harvest. The first harvested rice will be offered to their god. Dhaiva means god and abbbha means newly harvested rice in the language of kattunaikka. dhaivabbha is performed after the Vishu, the festival of harvest. It is performed in the dhivappura, their traditional temple and it is performed overnight. As part of the ceremony the woman in the tribe will perform thottikkali dance and the men will perform kunatta dance. it is musical dance performance and the drum named jodmara and kula, a traditional wind instrument is played as in the background. The date of the dhaivabbha is decided by the muthali of that ooru. The kattunaikka will not use the harvested rice before offering to dhaivabbha.

Harlu Bhidathu

This ceremony is also performed for the cure of the diseases. the muthali is handling this ceremony along with his family. Muthali will sit in front of the diseased and takes a winnow filled with small bells called hallu. He takes few bells from the winnow and rounds it around the winnow for three times by chanting the mantras. Then muthali will be obsessed and announces the cause and remedy for the disease. The family of the diseased will offer food, arrack, money betel leaves and aracanut for the muthali as a reward for the same.

Dhaivathinu kolu kazhikkal

This ceremony is also performed in related with the agriculture. This is a pooja performed in the arranged paddy field for the agriculture. The seeds will carry in to the four corners of the paddy field as a worship to god before planting. This pooja is known as dhaivathinu kolu kazhikkal. this is also known as poojamadakkam.

CONCLUSION

The tribal customary law of the Kattunaikka community represents a living system of norms deeply rooted in their cultural identity, ecological worldview, and collective social life. Centered on values such as respect for nature, communal responsibility, kinship solidarity, and conflict resolution through consensus, these customs continue to guide everyday behavior and internal governance. Although modernization, state laws, and external interactions increasingly influence their way of life, the Kattunaikka community's customary practices remain essential for preserving their autonomy and cultural continuity. Recognizing, documenting, and safeguarding these traditions is vital not only for protecting their legal and cultural rights but also for sustaining the unique indigenous knowledge systems that contribute to India's rich tribal heritage.

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