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Published 25 November 2026

The jurisprudence of the backwaters when legal redress depended on crocodiles, boiling ghee and drowned advocates

In Malabar, legal claims and accusations could be settled through ordeals involving boiling oil, crocodiles, underwater contests and scales.

In the early decades of the eighteenth century, if a Malabar merchant had a contract dispute with the Honourable East India Company over unpaid goods, the British did not turn to arbitration, chancery or maritime commercial code.

They boiled a pot of oil.

Under an official treaty made between the Zamorin of Calicut and the English factors at Tellicherry in 1710, legal claims were settled through a divine scald. As the Tellicherry Factory Diary dryly recorded years later, it was formalised as *"A grant that any Mallabarr having accounts with us must put his hand in Oyle to prove the verity thereof."* A copper coin was dropped into a bubbling cauldron of coconut oil or clarified ghee, and the merchant plunged his bare arm into the vat, fished out the coin, and had his limb immediately wrapped in bandages and stamped with the judge's official seal. When the bindings were cut three days later, if his skin remained clean and unblistered, his bookkeeping was vindicated. The Company was legally bound to pay him his money, along with all incidental expenses he had incurred while boiling his arm.

It was only one method in an elaborate Malabar judicial system that treated the laws of nature as a court of appeal.

For criminal accusations in the backwaters of Cochin, the bench was handed over to reptiles. At Pallipuram on Vaipin Island, and across the ferry at Uzhavam in Cranganur, the estuary swarmed with estuarine crocodiles. An accused man was first escorted to a waterside pagoda to take a terrifying oath, praying that the beasts would be commanded to devour him if he lied under oath. He was then made to wade eight hundred paces across the open water and back again while a crowd watched from the bank. If the reptiles were sluggish or fully fed, his survival was greeted as proof of spotless virtue. If they dragged him under, the sentence was considered carried out.

Civil litigation could be equally wet. In boundary and property suits, the opposing parties were spared the crocodiles, but not the lagoon. Both plaintiff and defendant, or in many cases their hired advocates, were taken to a consecrated pool, where each was told to go underwater and hold on to wooden stakes driven into the muddy bottom. The contest was simple, and whichever man stayed underwater the longest won the verdict.

The custom continued until one disastrous afternoon, when both advocates refused to give way and drowned.

The court was unable to decide. Since both advocates were dead and neither could reasonably be judged to have outlived the other, the legal system had produced a tie it could not resolve. The underwater endurance test was quietly retired.

For lesser caste infringements, Calicut magistrates preferred the *dhata*, or trial by balance, an ordeal that persisted so long that records show it being used as late as 1880. The accused fasted for twenty-four hours and was placed on the scale before a temple, where the presiding pandit recorded his dry weight. He was then sent to the temple tank for a ceremonial bath, hauled dripping back to the scales, and weighed a second time with his soaked clothes clinging to his body. If, against every known law of physics, he was found to weigh *less* with wet clothes than he had dry, his innocence was established, and he walked home a free man.