



Mission of Village Assemblies in the Judicial system under the Cholas-A Study

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Abstract

With the passage of time, there was a considerable growth in the administration of justice. In ancient and early medieval Tamilnadu as they followed monarchical form of government, the king was held in high esteem. King's deeds and words are to be accepted as "law". However, in the division of kingdoms, the local authorities had solved disputes arising within their jurisdiction like Nadus, Mandalams. Justice was administered free of charge and no court fee was levied in the cases of an appeal. The local bodies played a vital role in judicial system of this age. This paper addresses the role of village assemblies in Judicial System during the chola period. The composition and functions of the village assembly of this age was discussed throughout.

Keywords: *Homicide, Mulaparishad, Naduvirukkai, Nyayattar, Samvatsara, Valanjiyar*

1. Introduction:

The crimes are as old as human civilization. When humans settled in villages and towns before five thousand years, they evolved a not so compact but loose system that men and women have to behave as per social norms. Any deviation would be seen as abnormal behaviour and the community chiefs would punish the errant people with excommunication. More serious abnormality in behaviour was considered as crime and would ensure harsh punishment.

In ancient times, punishments were barbaric, "Eye for an Eye" was the principle for crime against innocent individuals not in war for crimes inflicted upon them. In medieval Tamil society, Cholas had a well organised Judicial System to punish offenders and criminals. In this village Assemblies played a vital role.

2. Village Assemblies under the Cholas:

The Chola period was the golden age of the local assemblies. The village assemblies were the administrative bodies of the villages.

3. Types of Village Assemblies:

There were three types of village assemblies. They were Ur, Sabha, Nagaram.



The Ur was the simplest type of assemblies. Ur means 'Village' or 'town'. It is also called the assembly of the Ur. The Ur functioned in several places alongside of the Sabha. On the other hand, the Ur was the only assembly in other places. The Ur was also called the assembly of Vellala landholders in Vellanvagai villages.

The Sabha was the assembly of Brahminical landholders in Brahmin villages. This Brahmin villages were created by royal grants. This villages gained control of local affairs through the Sabha and its executive.

The Nagaram was the mercantile towns. All of them settled problems arising within their jurisdiction.

4. Summoning of the Village Assembly:

The Summoning of the village assembly was announced by beating of drum and blowing of trumpets. The meetings were held in front of the temple or in the Mandapam or an assembly met in full strength in front of the temple of Vinaiyabharana Vinnagar Emberuman in the year 987AD. In kulottunga I period, the Sabha was convened in Mandapam. In Raja Raja III period, the sabha meet was organised under a tamarind tree. The assembly used to meet at night times also.

5. Qualification for the members of the assembly:

Certain qualifications were prescribed for the members of the assembly.

- 1) He should possess a quarter veli of land.
- 2) He should own a house with house sites in the villages.
- 3) His age should be between 35-70.
- 4) He must have a sound knowledge of the Vedas.

6. Variyams and its functions:

The elected members of the village assembly were grouped into variyams. The number and descriptions of the variyams differed into different sabhas.

As per Uttaramerur inscription 30 members were grouped into three variyams. Twelve members formed the garden committee (thottavariyam). The remaining six members formed the public work committee. The members of this variyam were known as "Vaivaperumakkal". They rendered honorary service. The village officials were paid salary either in cash or in kind. The Nyaya variyam was the one which played a major role in settling disputes in their localities.

7. Administration of Justice and Village Assembly:

Judicial administration was largely a matter of local concern under the colas. Even Cholas rulers did not interfere with the function of the local bodies. The local bodies made their own laws and administered justice.



8. Judicial Procedures:

Judicial process in the assembly would be simple. No judicial procedure found in the inscription. But the TiruthondarPuranam describes a trial which reflects the judicial system of this age. The procedures were as follows.

- 1) The complaint addressed the court before reporting the complaint.
- 2) The complaint was reported orally by the plaintiff (muraipadu) himself.
- 3) The court called both sides and enquired them.
- 4) If the offender accept fault, the case was solved.
- 5) In case of refusal of fault, evidence should be given.
- 6) In the absence of evidence, trial by ordeal was resorted.

9. Assemblies dealt Judicial Administration:

The Nyaya varyiam in the localities and the non-formal institutions like Valanjiyar, Mulaparishad, Sivabrahmins, Panmahesvar, Srivaishnavar dispensed justice. Merchant guilds like TisaivilanguAvirattuAinurruvar also settled criminal cases.

Local disputes were resolved by Nadu and village assemblies. The Naduvirukkai was the judicial officer. In the village the Sam Vatsara committee functioned as a judiciary body. Sometimes a small committee of Nyayattar looked into the judicial matters. A few cases related to the assemblies are presented here.

The Sabha of Srikantha and the Ur of Thiruverumbiyar had a boundary dispute of rather long standing and the solution was found ultimately by a local chieftain buying up the rights of both the parties in the disputed area paying prices that satisfied them both and then handling over the land to the local temple as an endowment for the maintenance of persons singing sacred hymns to the accompaniment of specified musical instruments.

The Sabha of Uttamerur called the land owners to settle the boundaries of their lands. When the boundaries were settled, several of the owners had left the village without paying the amount of gold due from them. It had been ruled that in such cases the village assembly should sell particular area of land to pay the amount of gold due.

The Sabha of Perunkuri passed a resolution regarding the eligibility of candidates for this Sabha and proposed that transgressor of this resolution by any means was punishable under law as traitors to the village. This is recorded in an inscription from Kallaperumbur.

The assembly of Nalur decided if the residents of village went against the interest of their village, temple or similar institutions, they would suffer as gramadrohis and the people who acted against this decision should not be allowed the privilege of touching Siva.

The inscription dated on 1218 AD gave information that the mahesvaras were present with the Sabha and the Nadu when they enquired into and adjudged a case of longstanding misappropriation of the livestock belonging to a temple.

The Sabha of Uttamasola passed an order that only members from mantra-brahmna were eligible for service on the varyiam and for the drafting the resolutions of the Sabha, and that anyone who contravened their resolution should be liable to the same punishment as those who disobeyed the King's orders.



An inscription of Rajadhiraja stated that, an accident in a deer hunt, to decide the question of expiation which was to be prescribed for the offender, in order that he may escape the possible mischief of the revengeful soul of the victim, the brahmanas of the village assembly at olakkur, the residents of the main division and those of the sub districts met together and settled that a lamp be presented to the shrine of Vatapi Vitankar in the Tiruvagattiswara temple at Ulakkaiyur.

The inscription of Kulottunga II states that, the Cittiramelipperianadu of the seventy nine nadus act as judges in a case of accidental homicide during a hunting party at Jambai.

During the reign of Kulottunga II ,Pallicheri Adiyannambikovalaraya Peraiyan of Mudiyanur in Kilkonrainadu, while hunting an animal missed the aim and the arrow by accident, fatally pierced the body of a certain Parridaiudaiyan Kunran Sirudaiyan, a resident of Valveti in Senkunranadu. Consequently the members of Chitrameli community (the artisan of cultivators of seventy nine Nadus) met and demanded the killed to give sixty four cows for burning two perpetual lamps in the temple of Tantonri Aludaiyar at Senbai in Senkundranadu.

Another inscription of Kulottunga II stated that Vikramasola Periyariyan of Kunrattur, a hamlet of Madhurantaka chaturvedimangalam besieged Tennattaraiyan of Malaiyanur and killed him. The wife of latter committed sati and the elder brother of the vowed vengeance upon the murderer. But Sambuvaraya with the help of the other elders of the nadu dissuaded him from this act and got Vikramasola Periyariyan to endow two perpetual lamps to the siva temple for his act of deceased couple.

The Mahasabha of Tirupattur tried a case in which the brahmins were troubled. During the reign of Kulottunga III, a native of Arambondai while aimed at an animal missed his aim and shot a man. He was bedridden for some days and died. The Brahmins and Nattars assembled together and decided as these two persons were not hostile in terms before, the death was only accidental. So on behalf of the deceased, the accused must provide twelve sheep for a lamp in the temple Tiruppumisvaramudaiyanar at Marakkanam.

The Nadu of Vada-panangadu resolved in 1149 AD to levy a fine of one ma of arable land to be assigned to the temple for any injury caused by Ambunavar to arable lands.

The Nadu of Arrur enquired the upasakas about their arrears in ghee and curd supplied to the temple. The upasakas agreed their mistakes and accepted to pay 24 kalanju, 15 kalam of ghee, 2 tuni of curd and 2 ma .

The Ur enquired into homicide and directed the killer to light a lamp in the temple.

The Nagaram was another type of local assembly not so much in evidence, however, as the Ur and Sabha. It was in all probability a primary assembly of merchants, which was organised as one of the local assemblies in important trade centres and was the only assembly in places where the mercantile interests overshadowed all the rest.

10. Types of cases dealt by Assemblies:

Many inscriptions gave more information about the types of cases which were dealt by the village assemblies. The cases were as follows: Cases of tax default, misuse of power, forgery, corruption, stealing, cases of murder, theft, adultery, cattle lifting. There was no differences between civil and criminal offences.



11. Evidences:

Documentary evidences were very important to deal the cases. Oral witnesses also accepted in those times. In the absence of evidences, cross examination was followed. Trial by ordeal was also used. The judge was expected to give judgement with care.

Justice was rendered to the people in its full priority and in a democratic way. The judgement was left in the hands of the majority of the members of the village assemblies. The village assemblies had a record room to maintain all judicial records in the temples and temple inscriptions.

12. Punishments:

As per inscriptional records, the village assemblies gave punishment to those who were found guilty. The guilty were punished mostly with fine. Fines were collected for causing troubles to the people and misappropriating charitable endowment to temples. The misappropriation of temple property was punished with the confiscation of their property. Manslaughter and murder were often punished only by the offender being required to maintain a perpetual lamp burning in the nearest temple. Caste and class played a vital role in judicial system. Punishments were also given based on this capital punishments were not given. Though not elaborate prison system existed. Sometimes persons were imprisoned for default in payment of taxes.

13. Conclusion:

The judicial procedure had a continuous development from ancient Tamil society to till now. In Chola period, there were a number of bodies/councils at the local level and community level to deal the judicial procedures. The qualities of a good judge have been spoken of in didactic works. There was no separation between civil and criminal cases. Later the advance of society and increasing power of the governing body made the state compulsory to frame laws, rules and regulations to prevent and punish wrongs and thus ensure social happiness. In this process, villages plays a leading role today also through Village Panchayat and Nyaya Panchayat. All these efforts in law and order makes the people to live in greater happiness and order.

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