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SUBALTREN JUDICIAL OFFICERS IN TAMIL COUNTRY

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Abstract:

The 'history from below' entered the common phraseology of historians from 1966 onwards. Edward Thomson and Eic Hobsbawn in their expositions on the 'history from below' indicated the need to reconstruct the 'mental order of the lower orders' and reconstruct the 'culture of those subordinate classes' which will in fact help to establish their identity. In Deccan Region or South India, the Vijayanagar Empire attained its grandeur through the sound local administration. The local administration was headed at various stages by various people in Rajyams or Provinces. In Tamil Country, a few Rajayams functioned well and these Rajayams had maintained a uniform system of administration. The local judicial officers were the custodians of the existing law, usages, conventions, and practices. They were not assigned a separate identity with a particular function. They not only did judicial business and other administrative works. Collective works were shouldered by them .At the same time they carried out judicial works with clear conviction and sincerity. They tried the cases properly and conducted many tests to find out the real culprits. Many inscriptions of the different regions in Tamil Country testify the various function of the local Judicial Officers. It was an acknowledged fact that even the Central and Provincial Governments could not intervene in the realms of the local Judicial Officers. Even though they were government officials, they were not Government paid servants. They were assigned with income from the land sources. The Judicial system of Vijayaagara was be formulated by a study of the Vyavaharakanda of the Prasaramadhaviya, a legal treatise by Vidhyaranya, who was written it to provide the new empire with a fresh code of law.

KEY WORDS:

Subaltern, Mahamandalesvaras, Brahmanas, Sabhas, Ur, Uravars,Nadu, Nattars, Ayagar, Karnam, Maniam, Talari,

INTRODUCTION

The history of 'Subaltern Judicial Officers' was not tapped and so far due attention was not given by the historians of the yesteryears and today. Only passing references were given even in the monumental works of K.A. Nilakanta Sastri, R.Sathiyathatha Aiyar, T.V.Mahalingam, N Venkataramanayya and others. Hence a reorientation of the domain is needful and imperative. The then Subaltern local judicial officers played a remarkable role in dispensing justice , regularizing day to day activities of the people, guiding the people in right path and above all maintaining the law and order. Even though they were 'inferior' in the status of Judicial hierarchy, they were powerful figures in the local administrative set up. In the contest of writing 'history from below' , the study emerges as an integral part of the 'wholesome historical process'

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Mahamandalesvaras

The Provincial Courts were presided over by the Mahamandalesvaras, the supreme magistrate. Permanent courts were also established at convenient centers to transact judicial activities in their respective jurisdiction. Temple, Sabha, Nadu and Ur had their own local courts.¹ A judicial local court was then known as a 'Sabha'.

According to the principles of Hindu political dharma, the King or Emperor of Vijayanagara Kingdom had to regulate dharma as laid down by the Dharma Sastras.² It was in fact one of the Pillars on which the whole structure of administration rested, i.e. local body administration. This institution of local self government was an ancient institution.

Brahmanas

The Brahmanas were Priests who worshiped the deities, conducted various ceremonies and performed the rituals, for which, they received lands as "Sarvamanya". In Chaturvedimangalams or "Brahmadeya" villages, the owners of land were mainly Brahmanas. A person who betrayed a Brahman was to lose his land which then was sold to others.³ If an individual received the grant of land for duties called Ekabhoga, whereas a group of Brahmanas received the grants called Gnanabhoga.

The Brahmanas met periodically to discuss various local issues. It is this assembly which later became the Sabha or the assembly of the "Brahmadeya" villages.⁴ They collected the Jodi (a tax) from the ryots and paid in the treasury. The duties given to them were efficiently performed.⁵

Agarathu Mahajanans

Kaveripakkam Mahasabha consisted of only Brahmanas, called 'Agarathu Mahajanans'. They were empowered to sell the land for the repairing of temples. Their primary function was judicial work. All the civil cases were tried by them, and the government too approved their decisions. A lakkah i.e. bench clerk had taken down the oral statements made in the court by the parties and witnesses.

Krishna Devaraya says in his Amuktamalyata, "It was essential that a king should enforce his commands".⁶ The greatest importance of Sabhas lies in the fact that they served as vital links between the villages and the Government. The Sabhas were generally independent and autonomous local bodies. It had the possession of communal lands, involved in the collection of various taxes and performed several agricultural duties.⁷

In places, where these Sabhas existed as powerful institutions, the government could not impose any new taxes. The consent of the Sabhas was essential even to collect old taxes. Without the consent of the Sabhas, it was impossible to do anything. Such unique powers and privileges were enjoyed by the Sabhas.

Nattars

The Nadus were another type of assemblies in the local administration.⁸ The people who lived within the territories were usually the Nadus of that territory. The members of these Nadus were known as 'Nattavar' or Nattars means literally the people of a territory called Nadu, but its inscriptional usage indicates usually only influential representatives of them.⁹ The Nattars engaged themselves in the control and regulation of land holding, authority to acquire or dispose lands and other kinds of property in the name and on behalf of the Nadus.

On all the Occasions, the Nattars exercised judicial power to maintain law and order. Generally, the cases were tried in the halls of village temples and sometimes these local judicial officials met under the huge margosa tree near the temple of the village in front of the deity to administrate justice. The Nadus were presided over by an officer appointed by the Imperial Government at the centre. He was called Raja Kanya Bhandara (Government Officer).¹⁰

Uravar

The village assembly called 'Ur' was the simplest type of local assembly. The representatives of the Ur were called 'Uravar'.¹¹ It transacted all public works on behalf of the villagers. The Ur functioned in several places along with the Sabha acting by itself or jointly with the Sabha, as per the requisites of the works on hand. Uravars was also a powerful assembly of the people of the village and it wielded considerable influence.

According to a record at Sambuvarayanallur in North Arcot dated 1382 AD, Managappa Udaiyar,

an officer of Viruppana Udaiyar issued an order to the Uravars offering a veli of land and house sites around the temple for offerings and worship in temples. The Uravar and Tanattar of Olakkur also called as Rajamahendra-nallur issued a special order to the Kaikkolas to occupy the street around the temple and again continue their profession of weaving for which they had to pay a meagre amount of tax of 5 panam only.¹² They acted as guardians of the public endowments and charities. They managed trusts and they met the expenses through the means of income from a particular land property or money deposits placed in charge of the village assemblies.¹³

According to an inscription at Pallikonda in the North Arcot District, the assembly of Nandikampacaturvedimangaiaim made an agreement with a certain Vanakkam Ponnalinambi, a member of Melpadi who endowed 2000 kuli of land in the village of Veppalai for feeding a specified number of persons well versed in Vedas.¹⁴

Narration of Nuniz

Nuniz narrates the manner in which some of the aggrieved parties brought their complaints before the Judges. It was empowered to inflict punishment on the offenders. The disputants stated their own cases and there was no trace of any employment of advocates and emotion of certitude with which they pleaded had its effect on the merit of the Judges.¹⁵

Punishment

One report says that, there was a boiling Ghee before the deity and the defendant had to put two of his fingers into the Ghee. The fingers were tied with a cloth and sealed. The third day it was opened. If a wound was there, he was adjudged as a criminal and punished with Aparatha Kanikai (Penalty).¹⁶ Mahapradhani was the Officer whose duty was to communicate the orders of the Government with in the rajyam especially to the Sabhas.¹⁷

Ayagar System

Another important development in the local administration was the evolution of ayagar system in village administration. It is a system of twelve functionaries who managed the affairs of the village. In this system, each village formed a separate unit. The body of twelve officers were collectively known as ayagars. Once appointed, the ayagars had a hereditary right over their office.¹⁸

Whenever there arose disputes over the right of particular office, the Government after careful investigation decided the rightful owner. Primarily they were the servants of the villages. Yet, they acted as a link between the village folk and the central government.¹⁹

The ayagars had the right to sell or mortgage their lands. They were not paid by the government for their services. Instead, they were assigned village lands called sarvamanya land. It was tax exempted. In addition to these lands, the ayagars had another source of income. A small portion of the produce from lands in the village was given to them at the time of harvest as per the custom long cherished by the people.

They were granted the right of collecting taxes on all lands dry or wet. They were the guardians of peace within their villages. Any transfer of property should be effected only after the approval of the ayagars.

The twelve functionaries of the village were Karnam, Maniam, Talari, Washerman, Shoemaker, Barber, Carpenter, Gold smith, Prohit, Waterman, Potter and Blacksmith. Each of the ayagars had a specific function to perform and a separate responsibility to undertake.²⁰

The Karnam or Kanakkan was an important officer among the ayagars. At the time of festival in the village, the Kanakkan was well received with Panniyaram Anji (five) sardal paste in a cup, betel leaves ettu, (eight), Pakku (arkanut) four, Koil panam (amount from the temple) patthu, (ten) along with paddy for the service rendered by him.²¹ The karnam apart from collecting the revenues maintained the accounts of the village which was called Judicature or Ayakkattu.

One Kannakupillai Veerappan was mentioned in the inscription, who rendered the service effectively. He was closely associated with the Reddi another officer in the administration of the village. Both Maniam and Karnam had to work together in the collection of taxes. Maniam was an important person who presided over the meeting while the Sabha met to decide some disputes in the villages headed by Nattanmaikaran. He was allotted a free house in a street, which was called Maniyakara Theru.²² Though they were virtually powerful in the village, the Maniam and Karnam were subjected to the authority of the revenue department.

Talari was the police officer and was in charge of maintenance of peace in the village. Talari was selected only from the Denotified communities.²³ He had to protect the life and property of the villagers from the attacks of thieves. He was held responsible for any theft occurred in the village. Either he had to nab the thieves and retrieve the stolen property or to make good the loss sustained by the villagers. Though the responsibility of the Talari was an important one, he was not paid any salary. However, like the other ayagars he received revenue from two sources. The first source was from the lands granted to him. In fact, a portion of the village land was permanently assigned to the Talari on which he had to pay to the state a simple tax called, Jodi.²⁴ The second source was that of a bundle of stock of produce allotted to him from everyone of the cultivators.²⁵

The prohit was the village priest. In that capacity, he presided over all the ceremonies and functions that were performed in the houses of the peasants. He also fixed auspicious days for ploughing the land, harvesting and other important functions. He alone was authorized to conduct the funeral function and purified the houses of kith and kin by Mantra. He performed on 11th or 16th day of the death, called 'kariyum.'

The carpenters were another important group which made the plough, carts and other tools necessary for agriculture. The blacksmith made knives, sickles and other metallic tools needed for cultivation and household use. He also paid all kinds of cereals and paddy for his service. The barbers, washermen, goldsmith, Waterman, and the shoe maker were the other important functionaries of the village.²⁶ The barbers periodically attended the needs of the people. On the 16th day he used to shave moustache and beard of the kith and kin of the deceased. Washermen put the clothes under the death body. When the funeral procession was going on, coins were thrown upon the body called Pavadaipamam²⁷ which ought to be collected by him alone. He should wash all the clothes of the relatives after the death, free of cost.

Potters, during the time of pongal festival, should provide an earthen pot and utensils for preparing pongal with newly harvested rice and other cereals to thank the Sun God. For that they paid paddy at the time of harvest by all the villagers.

Goldsmith should make a Thali a symbol of marriage. At the time of receiving the newly decorated ornament (Thali), he should be paid rice, betel leaves, turmeric along with the cash for the value of Gold.²⁸ Waterman should water the field from the lake. Shoemaker prepared shoes for the caste elders and prepared a huge leather bag for bringing water from the well. All the craftsmen and artisans were duly recognized in the society.

Though these people were not directly involved in administration they were included in the ayagar system as they provided supportive machinery. The ayagars looked after the interests of the villagers. They helped the villages to remain self sufficient.

The administration system in the Tamil Country under Vijayanagara Rule was mainly based on Military system. The heads of the provinces were military governors. This military governorship was necessary in this time as the Southern India was endangered by Muslim invasions.

However, the Vijayanagara Rulers did not bring and drastic changes at local judicial organization in the Tamil Country. They retained the old judicial and administrative institutions and also assimilated the innovations introduced by provincial governors in different spheres. However the assemblies such as Ur, Mahasabhas and Nadas began to give way to the emerging new institutions in the wake of advent of the Wallajahs in the Carnatic Subha and Europeans especially the British in the entire part of Tamil Country. Under the Vijayanagara Rulers the importance of the local judicial institutions were in the last phase because there was decentralization of powers in the Judicial domain as in the words of Burten Stain. The introduction of nayankara and ayagar systems hastened the reduction of the powers of these local judicial institutions and relegated their position. The British judicial system was centralized and there the subaltern local judicial officers lost their hold and importance. The new judicial reorganization was enforced on the western model to the needs of the emerging modern trends and hence the old judicial institutions gave way to the new.

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