

GOLDEN RESEARCH THOUGHTS

JUDICIAL ADMINISTRATION UNDER VIJAYANAGAR EMPIRE (RESEARCH ARTICLE)



Sanjeevkumar. T. Tandle

Head, Department of History Govt. First Grade College Manhalli
Tq. And Dist. Bidar.

Abstract:-

Monarchy was the usual form of government in the medieval ages. Even in Europe and in Asiatic states outside India, this was the only form of Government the medieval king was necessarily the “Leviathan” of Hobbes enjoying all the “Divine Rights”. The central Government during the middle ages was only the apparition of the ruling kings. The king, as it were, was the revolving moon round the earth. He gave brightness and guided all the deliberations. Monarchy, however, was not absolute. Public opinion was a potent factor. But it cannot be denied that judicial administration during the medieval period was highly centralized. The king was the fountainhead of justice and decided most of the important cases personally. Even prominent officials and nobles were permitted to go unpunished for their acts of highhandedness and crimes, by the strong rulers who ruled the Vijayanagara kingdom to understand the overall administrative nature of the kingdom. With this objective, the present article intends to portray the picture of judicial administration in Vijayanagara kingdom.

Keywords: Judicial, administration, civil cases, criminal, punishment, Vijayanagara

Judicial Administration Under

1.INTRODUCTION :

As in all monarchial empires, in the Vijayanagar Empire too, the king was the chief judge. But it would appear that he did not dispense justice personally in all the cases that came before his court. There was a judge who administered justice on behalf of the king. It is about this officer that 'Abdur Razzak writes: "A eunuch called Danaik sits alone upon a raised platform, and presides over the administration; and below it the mace bearers stand, drawn up in a row on each side. Whoever has any business to transact advances between the lines of macebearers, offers some trifling present, places his face upon the ground, and standing upon his legs again, represents his grievances. Upon this the anaik issues orders founded upon the rules of justice prevalent in that country, and no their person has any power of remonstrance l

This description by the Persian ambassador shows that there was a judge at the capital for dispensing justice. And no this Saleore remarks: "The Danaik of 'Abdur Razzak was evidently a dannayaka or military commander; and if wer are to rely on the evidence of the Persian Ambassador, the Vijayanagara monarchs entrusted the duty of administering justice to an officer of the army, or to one who had seen service as a general. If this were really the case, no graver error could have been committed by the Hindu rulers of Vijayanagara, since such a procedure would have meant the violation of one of the most important injunctions of the ancient law gives in regard to the administration of justice a dandanayaka or military commander was in no sense a substitute for a Brahman learned in the Smrtis ... the fact that 'Abdur ra'zzk is positive about the name of the high dignitary who administered justice made one suspect that the rulers of Vijayanagara had indeed acted, at least in the important question of the composition of what may be called the court of chief justice, contrary to the classical notions of danda². But it must be noted here that the term Dandanayaka was not necessarily a military title. In the Hoyasalas and Vijayanagara Empires that title was assumed by one who had certain important administrative functions to discharge, and it indicated a cadre to which a particular person belonged. The title was applied also to a military commander, but not all Dandanayakas were officers of the army, or those who has seen service as generals. From such similarity of titles it is not right to conclude that "the rulers of Vijayanagara had acted contrary to the classical notions of danda. Judicial administration under chief justice However, the Persian ambassador's statement that there was only one judge at the capital, is not wholly reliable. John Nieuhodd says that order the Madura Nayakas each village had two judges, who were much respected by the inhabitants. If according to him each village had two judges, it is difficult to believe that there could have been only one judgges, it is difficult to believe that there could have been only one judge at the a capital of the vast Empire of Vijayanagara³ But the existence of separate court presided over by a judge or a panel of judges did not preclude the king from dispensing justice himself. The king also received complaints from his people and disposed of them. Krasnadeva Raya's views on the duties of the king with regard to the administration of justice are contained in his Amuktamalyada, in which he says: "Be always intent upon protecting your subjects; when you hear complaints from people in distress, hear them and redress their sufferings. Do not entrust your affairs to mean persons. The Emperor personally dispensed justice in a few cases. When he received complaints about certain irregularities of management in respect of dauly worship in the Tiruvalur temple he ordered the dismissale of the culpable servants of the temple. Sometimes the king asked the officers by his side to try the cases presented to him. Once when the Mahajans made representations with regard to a dispute between two parties of residents of Kandagai in the Rannad District to king Sadasiva Raya while he was camping in Tondiamandalam in A.D. 1545-46, the king directed the matter to be settled by the arbitration of learned men in the presence of Saluva Nayaka as a result of which remissions vertain taxes were granted to the village of Tiruvengadapura. ⁴But in particular cases it appears that appeals could not be taken to the king directly but only through some officer. Thus it is stated in an inscription that the trustees in charge of the the temple treasury of Tiruvamattur petitioned to Krsnadeva Maharaya though Karanikkam Mangarasayyar and Saluva Ariyava Nayakkar. It is difficult to know exactly what the two officers did in the appeal. Perhaps as provincial governors they recommended the case for final appeal to the king; or it was imply an appeal from the provincial court to the imperial court.

Aims and objectives :-

1. To know Judicial administration During Vijayanagara kingdom
2. . To know the process of the civil cases
3. To know the system of criminal cases
4. To know the system of judgment of king
5. To know the details of punishment during Vijayanagara

REVIEW OF LITERATURE

JUDICIALADMINISTRATION UNDER VIJAYANAGAR EMPIRE

CIVILCASES:

Judicial Administration Under

About the exact judicial procedure one does not get much information the little that is available indicates that civil cases were generally decided by the popular courts more by arbitration than by consideration of the various points involved in a case by going through all available oral and written evidence being on it. The local leaders by means of arbitration decided even such difficult and complicated cases like the right of succession to property. For instance, a copperplate record dated in CE. 1533 from Madura registers the settlement of a dispute between two brothers as to who among them was the elder. The younger Sinna Vadavada Tummisi Nayakkar having been declared in an assembly consisting of eighteen Kodangai Nayakkars and Polygars to be junior, the elder Rama Raya Tumusi Nayakkar granted him some lands⁵.

Then again when in CE. 1363 the people of Heddurnad and the temple acaryas had certain disputes with the suris about the boundaries of lands belonging to the Paravadeva temple of tadatala (in Heddurnad), the great minister Naganna, a few arasus and the Jain Mallappa decided them by arbitration. They summoned the elders of the three cities and the eighteen Kampanas and held an enquiry in the Araga Cavadi. They made the nad agree that the lands belonged to the temple, fixed the boundaries according to former custom, and gave a sasana to that effect. According to an inscription in the Sira taluk (Tumkur District), it was ruled by the king as follows: "If a caste dispute arises in the country the local leaders will summon the parties before them and advise them. And as they have the power of punishment, the parties must act according to the advice given. This proceeding to be free of cost to them."

But when the regular courts or the king tried to that cases, they went into their merits, examined the documents, tried witnesses, and finally reached decisions. A valuable record at Srivilliputtur dated A.D. 1577 states that when a dispute arose about the boundaries of the lands belonging to the temples of the Goddess Sudikodutta Nacciyar and the God Padikkasuvaitta Nayanar, a committee consisting of Virappa Nayakkar, Ariyanatha Mudhliyar and a few others decided it. "Before the day appointed for settlement, orders to assemble were issued to the parties to the suit. They brought their accounts and inapakam (memos?). The allegations of both the parties were enquired into, the lands were inspected and final orders were then passed that Irattai Karasalkulam should belong to the Nacciyar temple and that the tank Malayidan should be added to the Adiyarkulam as belonging to the Siva temple. Boundary stones were fixed at the proper places to mark off the holdings of the Nacciyar temple." Examined the documents, tried witnesses, and finally reached decisions.

CRIMINAL CASES:

We have some information of the procedure followed in criminal cases at the imperial Court and at the periphery. But as it happens to be scanty no definite inferences can be drawn. Nevertheless the following details may be noted. Nuniz says: "When any one suffers wrong and wishes to represent his case to the king he shows how great is his suffering by lying flat on his dance on the ground till they ask him what it is he wants. If by chance, he wishes to speak to the king while he is riding, he takes the shaft of a spear, ties a branch to it, and thus goes along calling out. Then they make room for him and he makes his complaint to the king; and it is there and then settled without much do and the king orders a captain, one of those who go with him, to do at once what the supplicant asks... and even if some (robberies) are committed you give some little present and a description of the man. Who stole from you, and they was soon know by the agency of the wizards whether the thief be in the city or not, for there are very powerful wizards in this country. Thus there are very few thieves in the land⁶.

(Even today and then, we come across some genuine instances of men, with, unusual hidden powers, who are able to fix real culprits and locate the stolen things very accurately.)

Appeals to the occult knowledge of wizards may seem quite ridiculous at first sight. We tend to be skeptical about these agencies as their extraordinary powers are no explicable in scientific terms and therefore they have no place in modern law. Yet even wizardry should be judged by its results. And, in those days, as one may gather from Nuniz, more often than not the wizards could fix the real culprits, and locate the whereabouts of the culprits as well as the things stolen. Above all, none would deny them at least on evirtue and their alleged powers seem to have been a mighty deterrent and thus, as Nuniz says, there were. "very few thieves in the land". In dealing with political offences, real or suspected, the king at times was the complainant, The policeman and the magistrate rolled in one. It was so when krsnadeva Raya blinded and put in prison his trusted minister Saluva Timma and his sons on the suspicion of their having murdered his young son Tirumala. If the decision on this grave allegation had been left to an independent tribunal then Perhaps the Charge of murder should have to be proved before the award of punishment; and if it could not be proved, the king's desire to put in prison the minister and his sons would remain unrealized. Thus this system by which the king was the Vijaynagar Empire. The king was only one of the authorities in charge of the administration of criminal justice. the Village assemblies, the temple authorities, and provincial governors also went elaborately into criminal cases, examined the evidence and pronounced judgements.

PUNISHMENT

The Normal code of punishment appears to have been generally severe under the vijayanagara kings. Nuniz, describes how criminal offences were punished. "For a thief whatever theft he commits, howsoever little it be, they

Judicial Administration Under

forthwith cut off a foot and a hand, and if his theft be a great one he is hanged with a book under his chin. If a man outrages a respectable woman or a virgin he has the same punishment as of a like king. Nobles who became traitors are sent to be impaled alive on a wooden stake thrust through the belly, and people of the lower orders for whatever crime they commit, he forthwith commands to cut off hair heads in the market-place, and the same for a murder unless the death was the result of duel ... these are the common kinds of punishment, but they have others more fanciful; for when the king so desires, he commands a man to be thrown to the elephants and they tear him in pieces. The people are so subject to him that if you told a man on the part of the king that he must stand still in a street holding a stone on his back all day till you release him, he would do it. 7”this picture of severe punishments is corroborated by ‘Abdur Razzak and contemporary inscriptions. the Persian ambassador writes:” Sometimes they order the criminals to be cast down before the feet of an elephant, that they may be killed by its knees, trunks and tusks.8 “an inscription at Neyvasal (Tiruchirapalli District) dated in CE. 1616, for instance, records the theft of a temple jewel and also the punishment of the culprit. He was imprisoned; one of his hands was ordered to be chopped off; his lands were confiscated; and at last he himself was driven out of the village. Sometimes the criminal were tortured to death. One Tanadar Dilavar, for instance who used to kill the children of the farmers and others in the Dummi Sime, was tortured to death. In such cases the loss of the aggrieved party was sought to be compensated by the state. Gaudayya was for instance one of those killed by the said Tandar Dilavar. Hence his children were given Cikka Gangur as a nettara godage. In this Connection Havat’s representation in which the Golkonda ministers, Akkanna and Madanna, were tortured to death, is of great interest. The instance depicts one of the methods of torture in the seventeenth century.

But such corroboration of the observation of Nuniz should not create the general impression that criminal law was then always very severe, and that even a small theft was punished by mutilation. ... one must also note that the law of the land allowed differential treatment among the citizens. All men were not equal before law. But in cases where the criminals were sentenced to death krsnadeva Raya wanted some consideration to be shown: In the matter of the people sentenced to death give them the chance to appeal thrice (for mercy). But in the case of those people whose escape might bring on a calamity to yourself, immediate execution is advisable.” Thus only treasonous persons, whose existence would do great harm to the state and the king, were to be executed forthwith without chance of appeal.

CONCLUSION/FINDINGS

The foregoing account of judicial administration in Vijaynagar days shows clearly that the kings were anxious that justice should be the active principle of their administration. Whether it was the judge at the imperial court or the village assembly, the cases that appeared before them were examined in all their aspects. It may be that the code of criminal procedure and punishment was harsh and rigorous in some instances. But it was only the feat of severe punishment which made the people law-abiding. Duarte Barbosa, who bears testimony to the sense of security in the Vijaynagar Empire, says: “Great equity and justice is observed to all not only by the rulers but by the people one to another.”Vijaynagar was not the only empire in which the criminal code was harsh in those days. It was severe in Europe as late as the eighteenth and nineteenth centuries.

REFERENCES;

- 1) Elliot, History of India, IV.P.108.
- 2) Social and Political Life in the Vijaynagar Empire, Vol. I, p. 369
- 3) (Bertrand, La Mission Du Madure, III, pp. 178-81, quoted by R. Satyanathier, in his Nayaks of Madura, p. 242.)
- 4) Sewell, op. cit., p.380
- 5) Burgess, Tamil and Sanskrit Inscriptions, p. 107.
- 6) Sewell, op. cit., p. 380-81.
- 7) Sewell, op. cit., p. 383