



International Multidisciplinary Innovative Research Journal
-An International refereed e-journal of literary Explorations

ISSN: 2456 - 4613

IMIRJ, 1(1), 2016 [1-6]

Right to Trial and Justice in Ancient Tamil Society

Malarvizhi.P
Assistant Professor in History
V.V.Vanniaperumal College for Women
Virudhunagar
E-mail: malarvizhiparthiban@gmail.com



ABSTRACT

The term Human Rights is of recent origin, the idea is very old indeed. Ever since the dawn of Civilization, communities existed where the concept of Human Rights were well protected by the rulers. The world has gone beyond the stage of drafting high-sounding phrases. Covenants have been concluded and Instruments have been devised to attain the illusive ideal. The welfare of society depends not solely on the Law but on the supremacy of the moral values. If the moral values are on high pedestal, there will be no danger to Human rights and Justice will be rendered.

KEY WORDS: Covenants, Flagrant violations, Legitimate Grievances, Rights to Trial,
Criminal charge

INTRODUCTION

Half a century has elapsed since the proclamation of the Universal Declaration of Human Rights by the United Nations Organizations. The world has gone beyond the stage of drafting high-sounding phrases. Covenants have been concluded and Instruments have been devised to attain the illusive ideal. There are National and State level Human Rights

Commissions to consider Human Rights violations and pass judgements on them. Yet every commission on human rights has lamented over the disgusting state of affairs and flagrant violations of Human Rights in many parts of the world^[1].

The welfare of society depends not solely on the Law but on the supremacy of the moral values. Time and again in the history of humanity, victory has been won by the moral ideals^[2]. Neither Buddha nor Jesus Christ nor even Gandhiji was a Law-giver but by preaching and practising the moral values, they took millions of men with them. Even today, where the rule of Law is the order of the day, the administrators and specialists in Law are not enamored of its effectiveness.

Dr. Gladwin Austin, a specialist in Constitutional Law, also echoed a similar view on the inability of Law. Commenting on the steps to review the Indian Constitution, Dr. Austin observed, “You cannot change human character on the piece of paper”^[3], thus emphasizing the necessity of a culture with inherent values. When moral values ruled high, instead of the man made Law, justice would be at the doorstep of every one and violations of Human Rights would be at the minimum. This point could be elucidated by examining the condition in ancient Tamil society, where justice was meted out without seeking the assistance of Law, with particular reference to Right to Trial and Justice; as enshrined in article 10 of the Universal Declaration of Human Rights. The article 10 provides, “Every one is entitled in full equality to a fair and public hearing by an independent and impartial tribunal,

in the determination of his rights and obligations and of any criminal charge against him”^[4].

Though the term Human Rights is of recent origin, the idea is very old indeed^[5]. Ever since the dawn of Civilization, communities existed where the concept of Human Rights were well protected by the rulers^[6]. At the same time, there were moments in history which witnessed oppressed subjects forcing the rulers to grant charters of freedom. The English Magna Carta, the American Bill of Rights and the French Rights of Man were of the latter type, but they formed the basis of modern ideas of Human Rights and also of the Universal Declaration of Human Rights^[7].

The Ancient Tamil Society was of the former type where the rights of the people were taken care of by the rulers. In fact, it was the popular belief that the kingship was instituted for the protection of the people and not vice versa^[8]. The just and righteous administration of justice was every body’s concern. The Sangam literature, the veritable repository of the wisdom of the Tamils, revealed in unmistakable terms that the king was expected to administer justice in an impartial manner. The ancient Tamil poets, particularly Tiruvalluvar played an important role in the administration of justice^[9]. Tiruvalluvar equates the just kind with God^[10] as follows:

முறை செய்து காப்பற்றும் மன்னவன் மக்கட் (கு)
இறையென்று வைக்கப்படும்

The poets never failed to condemn kings who were prone to err^[11]. Thus, on the whole, the ancient Tamil society was vigilant and expected the king never to fail.

It is interesting to note that the king had to hear the cases and deliver the judgment without the help of Law and even Law making was not the business of the Kings of those times^[12]. The King dispensed justice, and moral values played a great role in the administration of justice rather than the instruments, namely the Law.

However, due process of Law was followed in the courts of justice referred to as *Arankuru Avaiyam*. The Bell of Justice installed at the entrance of the palaces of the Chola and the Pandya kings indicated that the ancient Tamil Kings were always ready to hear the case of affected people and administer justice. The court of justice was open to all who had a legitimate grievance^[13]. No discrimination was shown between rich and the poor in the matter of justice. The Andanars, who debated the cases brought before the king^[14], assisted the king. According to Tiruvalluvar, the king should punish the offender after proper investigation and the punishment meted out should be in proportion to the crime^[15].

தக்காங்கு நாடித் தலைச்செல்வா வண்ணத்தால்
ஒத்தாங்கு) ஒறுப்பது வேந்து

Not only that the plaintiffs had the right to trial but also trial by a judge of their choice. The young Chola King Karikalan tried a case between two elderly people, by wearing a grey wig to make him appear as an old man, to the satisfaction of the litigants^[16]. Thus in the ancient Tamil society, Justice was not only done but also appeared to have been done.

The unparalleled dispensation of justice administered by Manu Nidhi Chola and Pandya Nedunchezhan are classic cases to prove the fact that the concept of Right to Trial was in practice in the ancient Tamil Society. In the first case, the son of Manu Nidhi Chola, accidentally killed a calf while driving his chariot. The mother cow with tear filled eyes rang the Bell of Justice for Trial and Justice. The ministers argued in favor of the prince. They said the bells in the chariot of the Prince gave sufficient warning to the persons or animals to clear off from the path. More over, only the rear wheel ran over the calf for which the prince was not responsible. Further, they argued that the Prince could be relieved by carrying out the deeds referred to in the scriptures. Manu Nidhi Chola, the apostle of justice, summarily rejected all the arguments, since nothing would help the cow to overcome the grief. The king took the decision on the basis of natural justice and awarded death sentence to

his son and killed him by running the chariot over him^[17]. Thus, Manu Nidhi Chola rendered justice irrespective of the fact that the seeker of justice was not a human being but an animal and carved a niche for himself in the field of justice.



In another case, the Pandya king Nedunchezhan, without proper investigation and by mistake awarded death sentence to Kovalan on a charge of stealing the Queen's anklet. Kannagi, the wife of Kovalan, entered the Pandya court with tears and agony, and charged the king with injustice done to her husband. In the trial that followed, she proved the innocence of Kovalan. The Pandya king, whose conscience was gravely affected, gave up his life. The following lines of Silappathikaram reveals the state of mind of the Pandya king^[18].



..... மணிகண்டு தாழ்ந்த குடையன் தளர்ந்த செங் கோலன் பொன்செய் கொல்லன் தன்சொற் கேட்ட யானோ அரசன்? யானே கள்வன் மன்பதை காக்குந் தென்புலங் காவல் என்முதற் பிழைத்தது கெடுகவென் ஆயுளென மன்னவன் மயங்கிவீழ்ந் தன்னே

Thus the grief stricken king inflicted the punishment on himself and establishing the concept of judicial accountability, a very rare trait in the dispensation of justice. In both cases, the judgments were made without seeking the help of Law or precedence but keeping in mind the popular notions of right and the moral values cherished by the ancient Tamil Society.

CONCLUSION

To sum up, if the moral values are on high pedestal, there will be no danger to Human rights and Justice will be rendered. However, in the absence of such conditions, it is essential to seek the help of other agencies like education, church and public opinion. The then National Human Rights Commission Chairperson J.S.Verma also emphasized the relevance of Human Rights Education in Schools¹⁹. It is imperative to instill in the young minds, the respect for Human Rights education in order to achieve the objectives of the United Nations Organization.

REFERENCES

- [1].M.G. Chitikara, *Human Rights: Commitment and Betrayal*, APH Publishing Corporation, (New Delhi, 1996), p.XIX.
- [2].N.M. Butler, *Liberty-Equality-Fraternity*, Charles Scribner's Sons, (New York, 1942), p.186.
- [3].The New Indian express, Chennai, February 27, 2000, p.4.
- [4].Dr.S.Subramanian, *Human Rights: International Challenges*, vol. 1, Manas Publications, (New Delhi, 1997), p.15.
- [5].David L. Sills, (ed), *International Encyclopedia of the Social Sciences* vol. 5. The Macmillan Company & The Free Press, (New York, 1972), p.540.
- [6].Charles Humana, *World Human Rights Guide*, Hutchinson, (London, 1983), p.7.
- [7].Ibid.
- [8].Beni Prasad, *Theory of Government in Ancient India*, edn. 2 Central Book Depot, (Allahabad, 1968),p.74.
- [9].Tirukkural, verses 541-550.
- [10]. Ibid verse 388.
- [11]. Ibid verses 551-560.
- [12]. N.Subramanian, *Sangam Policy*. Ennes Publications, (Madurai, 1980), p.187.
- [13]. Ibid., p.193.
- [14]. Ibid., p.192.
- [15]. Tirukkural, verse 561.
- [16]. P.T.Srinivas Iyengar, *History of the Tamils from the earliest Times to 600 A.D.*, Asian Educational Services, (New Delhi, 1983), p.339.
- [17]. Periyapuram, Tiruvarur Tirunagar Sirappu: stanzas 29-50.
- [18]. Silappathikaram, Valakkurai Kathai, lines 72-78.
- [19]. The New Indian Express, Chennai, March 4, 2000, p.3.