

FORMS OF TRIAL AND MODES OF PUNISHMENT IN ANCIENT MALABAR.

Dr.R.Sajan.H.O.D. PG Dept of History.N.S.S.College.Manjeri

Abstract

The paper examines the different forms of trails and modes of punishments in the ancient Malabar. Brahmins implemented their own laws for protecting their self interests in the Malabar region. Equality before law was not an order of the day. The type and degree of punishment varied according to the status, wealth and caste of the offenders. The punishments in the past were brutal because equality of human being before the law was not recognised. All evil and violent criminals were punished with death. Capital punishment was the order of the day.

Keywords:- Brahmins, Dharma, Justice, Judicial, Customs, Manu, Malabar, Punishment, Varna.

In the past, Malabar and many other regions of India followed laws that have been revealed and codified by lawmakers like Manu and Narada. The Brahmins interpreted and applied them in many ways, mainly to suit their interests. The king followed the orders of the community for delivering justice with the eye of Dharma. The intensity of the ancient and medieval forms of punishment has had a deterrent effect on society. *Tharakuttam*, senior citizen's meeting in the villages, had assigned judicial tasks of civil administration. Brahmins implemented the old social structure and controlled social thinking process. The strategies used by these cultural elite for social control are cultural dominance and ideological conquest. The high caste enjoyed legal immunity. Taking solemn oath and trial by combat were important features of Malabar judicial administration. *Kudipaka* or personal revenge was also an important aspect of legal system in older days. Another important feature was *Smarthavicharam* or investigations of immorality charges against *Nambudiri* women. In the past, equality of human beings before law was not recognised. Examination of practices related to punishment reveal that ancient beings have had little or no consideration for the sanctity of human life. These societies were in need of reform and change.

In the primitive society of Malabar, it can not be reduced to the word of the law. The phenomena of such a society were a common ground which was more frozen and inviolable than any law. It is interesting to note that many of these common rules have been recognized by modern legislation and the decisions of the courts and tribunals. In addition to these practices, Malabar and other parts of India have also followed laws that have been revealed and codified by former lawmakers such as Manu and Narada. The Brahmins interpreted and applied them in different ways and agreed to facilitate their comfort in accidents involving the various rituals and practices of this country. Therefore, the sacred law in Hindu religious books would be invaluable to appreciate Malabar's fairness and right in the early stages.

In delivering justice with the eye of Dharma, the king always followed the order of the community. If Brahmins is punished under special treatment and preferential exemptions, as was prescribed by *Darmasasthra* and *Varna Dharama*, this was not a king's fault, but a society that developed the model of government and habits. Someone in his backyard suffers from these unpleasant contradictions to continue. The power of the king was the highest and most destructive. His compulsory force was the punishment of the law. The intensity of the forms of ancient and medieval punishment and the bloody nature of the criminal laws in themselves have had a deterrent effect on social diseases and the treatment of crimes.

As a prevailing condition, the King has a great deal of concern regarding military operations and, of course, the justice of the cautious and trusted civil servants has been celebrated in governing with the help of leaders, the military and community and taught the Brahmin. In administering justice, we do not see the role of assemblies and area assemblies. *Tarakuttam*, which is the senior citizens' meeting in the village, has assigned judicial tasks of here, as well as the administrative tasks that naturally come here as part of the country's civil

administration. The pursuit of justice, which is a sign of the original system, is that it has had a beneficial effect on the total population. These institutions are considered due to the evil of the autonomous tendencies of the rulers. The nature of the village meetings is the participation in the management of certain forms or other people. However, the scope of the unregistered democratic institutions is very limited because they want to protect and promote the complex Hindu interests, especially that of Brahmin, namely Kerala's cultural practices and their nobility, *Nairs*. Ordinary members, landowners such as *Thiyya* and workers like *Pulaia*, are not protected who are actually a backbone in society. The Brahmins implemented the old social structure and controlled the social thinking processes in the centuries. The law became in the hands of this great minority, a supreme instrument for class cultivation. The fundamental strategies of social control used by the creative elite are cultural, dominance and ideological conquest. They control the total surface of their own land and rent them to individuals with land ownership rights for a period and who work with public works. Enriching autonomous democracies or autonomous institutions have only succeeded in using a tool to support Brahmin's persistence and the establishment of a religious oligarchy as status quo.

This type and degree of punishment differed according to the status and wealth of offenders. The high caste refused all kinds of punishment. This legal immunity was given to them not only because they were the authors of the law but also because they were regarded as Devas on the ground. The royal courts were the highest judicial authority that the king exercised and he was helped by his ministers and taught them. First of all, experienced people who are well versed in the laws and customs of the country decide who should be sent to Raja. He confirmed and did it if he was satisfied with a fair and just decision. The Supreme Court is inspired by respect, fear and obedience among all. This is a fact that there is no case in dealing with cases in different, justice courts. Manu's Law was significantly different from the *Dharma Satsatra* Institute, because it provides the private and transparent benefits of private lawmaker's who were *Nambudiris*. The legal codes created by the Prophets on the basis of their *Acharams* must be monitored by all the castes and communities in Kerala. *Manu's* law was adapted to the needs of the Brahmins. Therefore, many unnecessary, inaccessible, unthinkable practices have come from a fully implemented state that completely transforms the lives of millions of young people who constitute the majority of the population of Kerala. The correct distance ordered for low caste people are one of the biggest sources of social disability for the oppressed people and it became biggest legal problem.

Before the British occupation, the rules commonly used by the Indian kings in Malabar were a local form of Brahmin's law, which was based on *Smrithi* texts. This law provides for a detailed description of the evidence and procedures applied in the courts. The king was helped by the famous texts of Brahmins. By testifying witnesses and defendants, the court will soon disclose two types of evidence by publishing a Palm leaf, human and divine, and later less than one item, and is only used when other ways to achieve the truth get worse. Criminal behaviour was a serious offence and was punished with conviction. Divine evidence is also considered in ambiguous issues. Written documents earn the highest credit rating.

Justice in Malabar was usually satisfactory and fairly strong, when considering the common civil matters. Some other legal entities, such as *Anjavana* and management, are sometimes used in certain communities or in peace to calm down. Templar groups use their rights in civil and criminal cases. They are entitled to impose sanctions, such as capital punishment, fines and other charges. They use power, wealth, education and ethics can create social and economic conditions that can continue with law enforcement. Strengthen the theocracy at this theocratic and central level through political power and social influence by creating a parallel oligarchic regime of karate. The proposed areas were brave until Britain's arrival, as political and legal use tactics and pandas were literally removed by the Cold War's political forces during the Cold War in the country. Justice and justice's role in the *Norwegian* period is closely linked to the housing system. The interesting function of the Malabar system is that at least individual initiatives have been identified for resolving civil disputes. If the prosecutor does not provide any evidence against the suspect, it is primitive for a crime or protest. It was arranged. With certainty for God's resources, the truth will be clear. Worshipers have sacred knowledge because they have past religious rituals.

Trials had been frequently performed throughout the ages, in Malabar. In the vast majority of cases, the tests were the defence of the accused. Another form of path, which was an accepted mode of justification, was

the solemn oath. The trial in combat was another important feature of the Malabar judicial administration. The mode of the test is interesting. The parties to the civil litigation would decide to settle it by a trial in combat and the date would also be fixed. Whatever the cause of the origin of these lawsuits, they enjoyed a prominent place in the judicial administration of the middle Ages in Malabar. Another system that sanctioned the authority of the state in the judicial system was the *Kudippakka* or *vendetta*. This principle of personal revenge or the law of retaliation persists throughout the history of law in Malabar. There were many customary practices, *Smarthavicharam* or investigations of immorality charges against *Nambudiri* women, apparently tribal in nature, but integral to Malabar's social structure and judicial system. Absolute freedom in sexual matters was the birthright of every male and absolute submission was ordered for the woman.

The punishment in the past was brutal because equality of human beings before law was not recognised in those days and a more stable and civilized social organization, with fewer penalties. In Malabar, the punishment was almost brutal and bloody on the first day. They vary according to the severity of the offence, the purpose for which they have been treated and the status of the offender. This is quite natural because there were no social, economic or economic options that can determine Varna Dharma in ancient India. There were no two *Varnas* or *Jatis* characters that are not suited to their own specificity of code of conduct and moral law. Minor ethnic races and minority people were killed as mode of punishment, but Brahmins were not punished by the death penalty for crimes he committed. Nearly of all evil and violent criminals were punished with death. Women are not condemned to death, however they may be cruel. Father is a member of the most disgusted society for killing innocent women, and the king is really introducing, because his family has sought protection from higher things and higher values. Being an offender, Sale of Hindu women as slaves of *Mappilas* for their legal fault were the common patterns of punishment in Malabar. Malabar's first literary work contains much information on this question.

As we get to modern times, we see a distinctive departure from the cruelty of punishment that existed in the past. Fewer offences are less punished, depending on the level of injury involved. The level of punishment increases depending on the time the offence is punished. Capital punishment is given for serious crime. These punishments are also different from place to place.

A thorough examination of how these practices existed show that ancient kings have had little or no consideration for the sanctity of human life. Cruelty of punishment and the elements that conflict with legal justice are the indications of the state of citizenship in those societies which was in need of reform and change in true with modernity. These changes, however elementary in nature began to manifest with the reforms in judicial system during the British period.

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