

JUDICIAL ADMINISTRATION IN SANGAM PERIOD**S.SEKHAR**

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ABSTRACT

The concept of law and the administration of justice during the Sangam Age in ancient Tamil society differed fundamentally from modern legal frameworks, especially those influenced by Roman or Anglo-Saxon traditions. The absence of codified law or legislative activity in the modern sense was rooted in the sociocultural milieu of the time, where notions of 'right' and 'wrong' were derived from sacred texts and customary practices, collectively termed *nūl* in Tamil and *Dharmashastra* in Sanskrit. Justice was largely an instrument for maintaining an established social order based on caste (jati) and life stages (ashrama), and the king, as the fountainhead of authority, served both as the upholder of social norms and the chief dispenser of justice. Legal institutions during the Sangam period were rudimentary but functional, with royal courts operating in both urban and rural centers. Justice was dispensed through arbitration-like proceedings, and punishments were administered to reinforce social hierarchies. There was no tradition of formal international law or diplomacy; foreign relations were primarily conducted through warfare and trade. The lack of structured treaties or legal standards in warfare reveals a political landscape driven by might rather than legal restraint. Though limited in institutional complexity, the Sangam Tamil judicial system reflected a culturally coherent method of dispute resolution aligned with the values and hierarchies of the time.

Keywords: Sangam Age, Ancient Tamil Nadu, Customary Law

The concept of law and the institutions and administration of justice in the Sangam age were quite naturally and widely different from our present day ideas about them. Oriental ideas of law and justice have evolved on mostly different lines from western ideas due to historical reasons; but it is not impossible to find occasionally some resemblance between them. Still Natural Law, Customary Law, Common Law, Statute Law, International Law are all terms which go back either to Roman history or to Anglo-Saxon history and have very little to do with the history of any part of India of the past. This is to a large extent due to the peculiar social organization in India which made Indian political institutions very different from their opposite numbers elsewhere.

In ancient India, 'law' was not 'made' except in so far as the notions of 'right' and 'wrong', (deeply rooted in society and usually traced back to certain sacred texts known to the Sanskritists as the *Dharmasastrās* and to the Tamils as *Nūl*) were interpreted, and interpretation naturally and in course of time changed the content of these notions; otherwise

no 'legislation' (i. e. 'making or unmaking of laws') was known or permitted. A certain rigidity in these matters was unavoidable in view of the peculiar social organization based upon caste and all that meant. Privileges and obligations were recognised and expressed, and were expected to be assured or enforced by the king whose manifest duty it was to maintain the social order intact. All law consisted in such maintenance of the long established status; any attempt to subvert the 'prescribed' social order was a fundamental crime; and deserved the highest punishment while other crimes passed unnoticed or escaped with a nominal penalty. As the king was the person likely to be most affected by any subversion of the social order, he naturally took care to see that nothing of that kind happened. Armed with the sacred authority of the unwritten law of the land and with the physical force of the army the king maintained law and 'order' in his kingdom, gracefully if possible and despotically if necessary.

To those who are accustomed to contemplating the virtues of an egalitarian social order the legal situations of a society, based on differences and ordered to be perpetuated by 'caste (Jati) as well as 'stages' in life (Asrama) might appear to be quaint if not unjust and cruel. But dogmas will not help in these matters. The legal institutions of the ancient Tamil world are to be understood from the angle relevant to them.

The king was the repository of all secular power and he was, therefore, the source of justice. He meted out justice with the help of such men as he thought fit for the job. Apparently there were law-courts in the urban and in the rural areas; the king in the capital town or his agents elsewhere presided over these courts. complaints were heard and enquired into and cases were decided; There was litigation and the litigants resorted to these courts. Orders of punishments or acquittals based upon these decisions were carried out: and the Sangam Tamils had most of the simpler paraphernalia required to maintain a judicial system. In fact, as J. B. Bury said in another context, the justice which the king administered was really arbitration'

It may be at once stated here that ideas of any kind of international law were unknown to them unless, of course, we include mere trade and warfare in international political relationship: i.e., philosophy of foreign relationship based on the art of diplomacy was unknown. The Sangam Tamils, as is well known, plied an extensive trade with foreign countries and quite often waged war with their northern neighbours, the chieftains in the neighbouring islands, or with the colonising Europeans³ as well as among themselves. No commonly accepted rules of international behaviour restrained them in their military excesses except such rules as each belligerent chose to lay down for himself. Free movement of subjects from domain to domain seems to have been automatically permissible, so that international problems like citizenship rights never arose. The sending out of embassies was an international act but that had not then the same significance as it has to-day for permanent embassies were unknown then. While abundant information about wars reaches us through the Sangam poems and epics, we hear nothing at all about any treaties being drawn up or agreements made; but we do hear of the simple practice of imposing heavy war-indemnities, personal and humiliating punishments on defeated foes, tributes being extracted and territory being annexed or restored. We have the strange instance of a Chola king defeating a feudatory of his (for his failure to accompany the king on a hunting expedition), pulling out his teeth and planting them in a castle gate at a place called Veṇmani; defeated foes - erst-while rulers in a foreign land - were treated with disgusting cruelty;' so from the available information, it is impossible to infer that the Tamil kingdoms of the Sangam age felt the necessity for the institution of a well organised foreign office.

REFERENCES

1. Purananuru, p. 17.

2. Manimekalai, xix. 157.
3. Silapathikaram, xxiii., 126-129.
4. Silapathikaram, xxviii., 203-204.