

CONCLUSION

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Trial by ordeal and torture was accepted as a system of punishment all through the ages. Even today, it is practised by the people in some form or the other. Justification of harassment has been the major reason for working against its abolition. Trial by ordeal and torture is regarded as an essential part of authority in vogue. The nature of this social evil is that whenever and wherever it is practised, it grows and develops.

The people of ancient times had voluntarily practised ordeal and torture to prove their innocence. Belief in divinity was the root cause of such practice. It is evidenced by literatures. This kind of practice in the day to day life of the people influenced the rulers to adopt it for peaceful governance in the beginning. The rulers also believed that trial by ordeal and torture led to social discipline. The attitude extended the practice of trial by ordeal and torture over a wide field of jurisdiction and civil and criminal cases were covered by them. In serious cases, their use was considered compulsory and in some cases voluntary in nature.

Later, ordeal and torture were used to prove the supposed divinity of the ruler. They were used as powerful instruments to get and retain power and control. They were inflicted by the approval of the rulers or government officials or other person acting on official capacity. They were used to break down and to devastate the people working for the change of government within their land.

Mostly, they were imposed in public and in front of the rulers. The rulers enjoyed from the sufferings of the victims. It clearly speaks about the inhuman activities of the rulers of Tamilnadu.

The inhuman treatment of the fellow human beings of the Tamil society boosted the aliens of the country, particularly the British. The practice was not new to them. In Europe, punishment by torture was more vigorous till the eighteenth century. Nineteenth century was the period of abolition of corporal punishment in the European countries. In India, the usage of ordeal and torture in every walk of the life was continued and it was in peak during the nineteenth century. While setting up their rule in Tamilnadu, the British pleased to adopt the system as an inevitable instrument. The change of sovereignty widened the practice in Tamilnadu.

The British system of justice was different from the traditional system and alien to the people. Though wars and conflicts disappeared in the Tamil country in the beginning of the nineteenth century, the problem of law and order engaged attention. Though the British adopted the traditional system of corporal punishment, they felt that the indigenous judicial system was inadequate to consolidate their authority in Tamilnadu. They wanted to reorganise the judicial and police set up of the country. For this, they introduced their own way of jurisdiction with traditional method of trial on British model.

In the British model of administration, Indians were excluded from high order. The superintendence of the revenue and police and the administration of justice were committed exclusively to the British but they were less in number. They were in need of supervisors and servants for revenue and police administration. For the British servants, the Government had to pay high emolument for these duties. Hence, they utilised the authority of zamindars, mirasidars and petty executive officials mostly from the higher order of the society and appointed them as supervisors and also employed uneducated natives from the lower classes of the society for collection and discharge of police duties.

To show their loyalty to the British, the zamindars, the mirasidars and the petty executive officials treated the innocent natives particularly the ryots with much severity. They had full recognition of the British Government to do torturous activities on the natives of Tamilnadu. All the torturous activities were carried out by the native servants on their fellowmen by the order of these officials both the British and the natives. The people blamed the native servants for all their sufferings. They were not aware of the burdens and sufferings faced by the native servants from their officials. If a native servant committed wrong or failed to obey the order of his superior, he faced extreme and unjust severity by his superior. It is stated that the superior used the native servants to blame for their wrongs.

The evidences declare that the direct involvement of the British officials in the infliction of torture was comparatively less. They show that the

British acted as protector and spectator of the torturous activities. If charges were brought against the officials by the natives, the officials were mostly exempted from punishment by the British and the complaints were sent to these officials. Hence the status of the natives, whom complained against them, was more miserable. In Travancore, the British residents though having the power to control the activities of the ruler, directly and indirectly supported the torturous activities of the ruler for their sake. It showed the trick of the British for smooth running of the government.

The method of infliction by the British in Tamilnadu showed that it was universal, systematic and habitual as a means of revenue and police. Revenue policy of the British Government ruined the lives of the people. The peasants were exploited. The revenue officials and the servants never cared and bothered about the condition of the people. During the failure of monsoon itself, they were true to their jobs and their superiors. The people lived under the burden of taxation. The policy of the government caused poverty and backwardness of the peasants and the middle class people. It threatened the life of the people. The people feared to live under such conditions.

Trial by ordeal and torture was inflicted by the British for the purpose of getting information, punishing, threatening and for any reason based on discrimination. It was mainly directed to instill a sense of powerlessness and terror into the people of the society. It was an act by which severe pain or suffering, whether physical or mental, was sensed by the victims. The victims were treated

like animals. Both men and women were brutalised and degraded by the authorities or officials. The impact of punishment by ordeal and torture was conditioned by the individual and the extent and nature of the technique employed.

- Moral and ethical values were endangered under ordeal and torture. In so many cases, the officials tortured women and children of families, friends and close relatives of the accused.
- Due to the usage of false evidence in the cases, it was impossible for the convict to prove his innocence as a result of heavy infliction.
- It was impossible for the prisoners who had solitary confinement to have any interaction with others and they were allowed to meet their families during the period of imprisonment.
- The lives of the prisoners, who were sentenced to transportation, were miserable. They were not even dreamed to return to their native place. They were not allowed to communicate with the fellow prisoners. The treatment of the officials and servants of the prisons in penal colonies was severe. It affected the mental ability of the prisoner. This kind of torture was harder and heavier than the capital punishment.
- In most of the cases, resettlement of the prisoners in their native places was problematic. Ordeal and torture led the victims to lose their confidence and ability to lead their lives and to feel inferior in the society.

- Not only the individuals, ordeal and torture affected their families and community. They reduced their social and economic status.
- Though ordeal and torture used to reduce the criminal actions against the British regime in Tamilnadu, they caused terrorism in the State.
- The major impact of the practice of ordeal and torture by the British was the setting up of the Torture Commission. Harshness of the methods of ordeal and torture practised by the British and the native officials created strong opposition from all sides. The democratic thinkers of England showed their opposition against the policy of the government working in India. The native people exposed their opposition through complaints. They made continuous appeal against the policy of the government which severely affected their livelihood. As a result, the Torture Commission was set up to investigate alleged cases of torture in the Madras Presidency. Though the Commission failed in its mission, it was the first humanitarian step to reduce the torturous activities against the innocence in India.
- On the other hand, development of education, introduction of press and western thinking induced the oppressed people to get rid of all their suffering and led for their upliftment process.
- The heavy usage of ordeal and torture increased the opposition of people against the alien regime. It led to rampant actions of the

natives against the State and caused for the liberation of people from the foreign rule.

From the analysis, it is stated that infliction was mostly practised on the lower class people either in caste or wealth. In most of the cases, wealth decided the fate of the people of the time. Bribery and corruption worked hand in hand for the growth of corporal punishments. The British adopted ordeal and torture with some motives and they never came with the aim to target some group of people. The situation and the age-old distinction among the people changed the British. They started ruling according to the will of the State. Later, their attitude and policy of exploitation spoiled the lives of poor natives. It is remarked that though the rule changed to an alien power, mostly, the interior of the society were the targets of such practices.

Though ordeal and torture are regarded as irrational and barbarous, they are still widespread in the State. They are the evils of the society. They are the degraded incursions of the rights and dignity of an individual. They are the crimes against humanity. They are the instruments against democracy. They are the threats to human existence. They are in use to reduce and to damage the personality and the capacity of an individual in the society. Change within the minds of individuals, for accepting all the human beings as their fellowmen, is the only remedy for preventing these kinds of atrocities.