

FACULTY OF JURIDICAL SCIENCES

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Lecture-25



Lord William Bentinck (With special focus on Appraisal of Criminal Law)

At the time of Lord Cornwallis, the provinces of Bihar, Bengal & Orissa were divided into 4 divisions.

- In each of these divisions a Circuit court was established. Besides there were 4 Provincial Courts of appeal at Calcutta, Murshidabad, Dhaka and Patna.

Judiciary required reforms because of the following reasons:

1. The new territories acquired in last 3 decades expanded the territorial jurisdiction of the Sadar Diwani Adalat at Calcutta, but it was now too far away from them.
2. The Provincial Courts of appeal were thought to be worthless and a burden on the administration.
3. The people who were in prison had to be kept for months before a Circuit Court met at district headquarters and disposed the cases. So, the under trials suffered badly under the Police oppression.
4. The entire system was considered too expensive.
5. The language of the courts was Persian and it was not easy for the litigants to fight in this language.

Following reforms were introduced by Lord William Bentinck:

- The first reform done was to **abolish the Provincial Courts of Appeal and Circuit Courts altogether**. This was done by a regulation passed in 1829.
- In place of the Provincial courts of appeal and Circuit, the **Commissioners of Revenue and Circuit** were appointed to do this job.
- For this purpose, the Bengal Presidency was divided into 20 divisions and each division was placed under a separate commissioner.
- For revenue cases these commissioners worked directly under the Board of Revenue and for Criminal cases they worked under Sadar Nizamat Adalat.
- Separate Diwani and Sadar Nizamat Adalat were opened at Allahabad.
- In 1831, another regulation was passed by which the “*Respectable Indians*” were to be appointed in the Zilla or City Courts. They were called “**Munsifs**“. Munsifs were to be appointed on a salary and they could decide the cases worth less than **Three Hundred Rupees**.

- Then, in a separate regulation, it was decided the Governor General in Council would appoint respectable Indians to the post of *Sadar Amins*. The Sadar Amins would hear appeals from the Zilla and city courts.
- Sadar Amin was now the highest Judicial Indian authority. However, neither Munsifs nor Sadar Amins could trial the Europeans.
- In 1832, a sort of Jury was introduced in Bengal, which was **like Indian Jury (Panchayat)** that could **help** the European Judges.

Results:

1. The abolition of the Provincial Courts of Appeal and Circuit reduced the expenditure of the company Government.
2. The appointment of the Commissioners introduced individual responsibility.
3. Police was now less oppressive as the Commissioners would dispose the cases.
4. The Jury system in Bengal (Panchayat) made possible the use of local knowledge and opinion.
5. To some extent, Indians were now to enter into the administration. It was not tangible at that time, but at least it was a ray of hope for the Indians.