

Lecture-23



Lord Cornwallis: Judicial Plans of 1790

1. Reorganisation districts into divisions

The districts were divided into four divisions – Murshidabad, Calcutta, Dacca, and Patna.

2. Mofussil Faujdari Courts were abolished

Mofussil Faujdari Courts were the district level criminal courts. They were abolished and replaced with Court of Circuits.

3. Establishment of Court of Circuits

A court of Circuit was Established at each of the four divisions. It was presided by 2 servants of the company and they were assisted by Muslim law officers – Qazi and muftis. It was not a stationary court. Instead it was a moving court which moved from district to district in their respective division to try criminal cases. They visited each district of their division twice annually.

4. Increase in Salaries

The salaries of all Judges of all court were fixed and increased to control corruption that was prevalent in the current system of justice.

5. Collector to make a report of the working of courts

Collector to make a report of the working of courts he was incharge of i.e. the Magistrate, Mal Adalat and Mofussil Diwani Adalat; and send it to the British Parliament of England bi-annually and annually.

6. The Post of Nawab was abolished

The post of Nawab, who used to preside over Sadr Nizamat Adalat was abolished as he did not carry out criminal justice properly and it was now presided by the Governor General-in-council instead.

7. Court Fees

Court fees was introduced to reduce the burden on courts. Court fees was only charged for pleaders of the court and for calling the witnesses of the case.

8. Questionnaire sent to the Magistrates

A questionnaire was sent to the magistrates asking for their opinions on the prevailing criminal judicial system.

Defects of the Judicial Plan of 1790

The magistrates' opinions in the questionnaire sent to them revealed the evils of the criminal justice system. This made Cornwallis realize that certain vital changes were required in the system of criminal justice.

Two important sources of these evils were-(i) defects in the constitution of the criminal courts (ii) the gross defects in the Muslim law of Crimes.

Cornwallis resolved to abolish the authority of Nawab over the criminal judicature and to transfer the administration of criminal justice from Muslim Law officers to the Company's legal servants.

Court of Circuits were moving courts which were overburdened with cases, which caused them delay in moving from one district to another and could not visit some districts twice annually due to the delay.

There was a lot of collective power of administration and judiciary vested with the collector which made him abuse his power.