



POLICE AND JUDICIAL
SYSTEM UNDER BRITISH



POLICE SYSTEM

- Important pillar of British Rule created by Cornwallis in 1791.
- **Pre-Cornwallis System:** zamindars performed police functions.
- Cornwallis modernized old Indian system of *thanas*.
- Thanas were headed by *daroga*, who was an Indian.
- **Post of Superintendent of Police** created to head police organization in a district.
- **Indians were excluded from all superior posts.**
- **In Villages:** duties of police continued to be performed by **village-watchmen**, who were maintained by the villagers.
- On the **image of police**, William Bentinck, the Governor-General, wrote in 1832:
 - *"the shepherd is a more ravenous beast of prey than the wolf."*
- William Bentinck abolished the office of SP. The Collector was to head the police force in district and the commissioner in the division.
- Police Commission 1860.
- **Indian Councils Act of 1861:**
 - ❑ Created Superior Police Service.
 - ❑ Later named Imperial Police Service.
 - ❑ Rechristened as Indian Police Service in 1948.
- 1902-03 police commission under Sir Andrew Fraser and Lord Curzon.

JUDICIAL SYSTEM



- **Warren Hastings** started new system of dispensing justice through a hierarchy of civil and criminal courts.
- **Cornwallis** stabilized the system in 1793.

Civil Cases:

- **Diwani Adalat** or civil court established in each district.
- Such court to be presided over by District Judge, who belonged to civil service.
- Thus, post of Civil Judge and Collector was separated.
- Appeal from District Court lay first to 4 **Provincial Courts of Civil Appeal**, and then finally to the **Sadar Diwani Adalat**.
- Below District Court were **Registrar Courts** headed by Europeans and a number of **subordinate courts** headed by **Munsifs and Amins**, who were Indians.
- Civil Courts applied the customary law that had prevailed in any area or among section of people since time immemorial.

Criminal Cases

- Cornwallis divided Presidency of Bengal into 4 divisions, each having a

Court of Circuit, presided over by civil servants.

- Below it, a large number of Indian magistrates to try petty cases.
- Appeals from Courts of Circuit lay with the **Sadar Nizamat Adalat**.
- Criminal Courts applied **Muslim Criminal Law** in a modified and less harsh form.
- **William Bentinck in 1831:**
 - Abolished Provincial Courts of Appeal and Circuit.
 - Their work assigned first to Commissions and later to District Judges and District Collectors.
 - **Raised the power and status of Indians in Judicial Service.**
 - Appointed Indians as Deputy Magistrates, Subordinate Judges and Provincial Sadar Amins.
- In 1865, **High Courts were established** at Calcutta, Madras and Bombay to replace Sadar Courts of Diwani and Nizamat.

NEW SYSTEM OF LAWS

- **Traditional system of justice** in India largely based on customary law based on shastras and shariat as well as imperial authority.
- **1833 Charter Act:** conferred all law making powers on the Governor-General-in-Council.
- **Law Commission** under **Macaulay** was appointed in 1833 to codify laws.
 - Result: **Indian Penal Code 1860** and **Codes of Civil and Criminal Procedure 1861** enacted.
 - Uniform system of laws and courts prevailed.