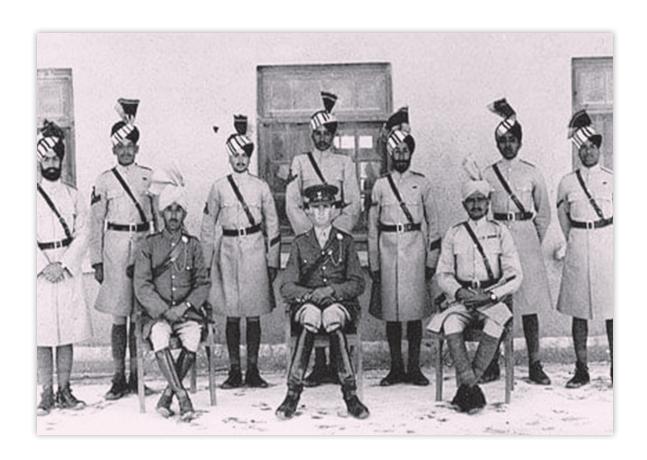


POLICE AND JUDICIAL SYSTEM UNDER BRITISH



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 Commissions and later to District Judges and District Collectors.
- Raised the power and status of Indians in Judicial Service.
- Indians Deputy Appointed 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-Generalin-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.