Lord William Bentinck period – July 1828 to March 1835

The governor generalship of Lord William Bentinck, from July 1828 to March 1835 was an important period in Indian Legal History. He introduced a number of innovations and initiated new policies in the sphere of judicature.

In a minute dated 2nd October 1815 Lord Hastings had suggested the establishment of a separate Sadar Adalat for the Western Territory.

There were two reasons for this – To get justice people have to travel 1000 miles many times to reach the Sadar Adalat. Because of this Poor people did not get opportunity to file appeals or get justice. 2nd Reason was Delay in getting justice.

Although no changes could be made under Hastings, Lord Bentinck decided to work on this idea and establish another Sadar Adalat. So Lord Bentinck again forcefully argued for this cause. This time Lord Bentinck succeeded. Governor General Bentinck’s government established through Regulation VI of 1831, Sadar Diwani Adalat and Sadar Nizamat Adalat at Allahabad from January 1, 1832. The Jurisdiction of the Adalat was to extend over Banaras Province, Districts of Meerut, Saharanpur, Muzaffarnagar and Bulandshahar.

Bentinck Brought Changes in Criminal Judicature of 1793 which Lord Cornwallis established.

Bentinck realized that people were not getting speedy justice. He realised that the Criminal Judicature of 1793 needed a total reorganisation. Bentinck said that “these courts had become the resting place for those members of the service who were deemed unfit for higher responsibilities.”

**JUDICIAL REFORMS OF LORD BENTINCK**

- Abolition of circuit courts.
- Power of sadr ameens, district and city judges increased.
- Establishment of sadr nijamat and sadr diwani adalat at allahabad.
- Practice of sati declared an offence.
- Indian appointed judicial officers.
- Abolition of provincial courts of appeals.
- Civil and revenue jurisdiction given to collector.
- Charter act of 1833 AD.

**ABOLITION OF CIRCUIT COURTS**

- He realized that the existing system of circuit courts with very wide territorial jurisdiction was responsible for many defects in the administration of justice in civil and criminal cases.
- Long delays in deciding the cases increased the arrears of cases. It became very difficult for the court to complete the circuit within six months. As the provincial courts of appeal was also dealing in the civil cases, he decided to abolish the system of circuit courts.
- In 1832 A.D., the commissioners of circuit and sessions judges were authorized to take the assistance of respectable natives in criminal trials either by referring some matter to them as panchayat for investigation or by calling them to the court as assessors or as jury.

Regulation I of 1829 appointed **Commissioners of Revenue and circuit**.

Power of Commissioners – To superintendence and control over the magistrates, Police, collectors, and other executive revenue officers.

They got all the powers of Court of Circuit.

Each Commissioner controlled small area so people could get cheap and fast justice.

The Bengal Presidency was divided into 20 Divisions and for each division one commissioner was appointed.

With this change Provincial Courts of Appeal stop to work as the Circuit Courts.

One of the object was that to make supervision and control of the revenue authorities more effective.

By Regulation II of 1829, any order or decision passed by a magistrate or joint magistrate was made appealable to the commissioners. And the order of the commissioner was made final.

The plan improved the justice system. But the work load of Commissioner increased.

Again one person got revenue and judicial function which Cornwallis changed in the past.

**POWER OF JUDGES INCREASED**

- In 1832 Powers of sadar ameens, district and city judges was increased-------the magistrates were authorized to refer criminal cases to sadar ameens or principal sadar ameens for investigation.
Their power was only limited to work as investigating officers and to report to the magistrates, they were not authorized to make any decision.

Regulation V of 1831 declared that magistrate may refer any criminal case to a Sadar Ameen or a principal sadar Ameen for investigation. Ammen was an Indian servant of British Judiciary.

SATI, AN OFFENCE

In 1829 a.d he took a very bold decision to abolish the prevailing inhuman rite of sati.

INDIANS APPOINTED JUDICIAL OFFICERS

Any Indian can became Ameen no discrimination based on Religion. This policy of the governor-general resulted in economy as the English judges were highly paid while Indians were available at a small salary.

- Due to this he gained confidence and loyalty of the Indians.

Sadar Ammen and Munsiff – appeal went to district diwani adalat. The order of district diwani adalat was final. But special appeal was allowed to Sadar diwani adalat.

The judicial powers of registers were removed. The munsiff was the poor mans justice provider, he was nearby them so he got speedy justice.

CIVIL AND REVENUE JURISDICTION TO COLLECTOR

- Suits relating to the rent were transferred to the exclusive cognizance of the collectors of revenue who were empowered to decide summarily. Their decision was final, subject to a regular suit to be instituted in the civil courts.

Lord Bentinck Introduced Jury system

Regulation VI of 1832 made provision for the governor general in council to invest any European civil judge in a trial of civil suit original or appellate with powers to avail himself
of the assistance of the Indians in one of the three ways.
First judge could refer the suit to panchayat and they will give him report of investigation.
Secondly judge could constitute 2 or more persons as assessors which help the judge during
the examination of witness and each assessor gave separate report.
Thirdly judge can appoint any person as jury who will suggest the judge points of
investigation or inquiry.

Regulation XIV of 1834 power to try revenue cases was given to collector.

In 1837 the act was passed which gave power to Principal sadar Ammen to try suits of any
amount referred to them by district diwani adalat.

Act X 1859 made all kinds of revenue cases cognizable by the collectors.

In 1885 Bengal Tenancy Act was passed which authorized civil courts to determine disputes
between landlords and tenants.