Till the middle of the 18th century, the Company held under it only three presidency towns of Calcutta, Madras and Bombay. As time passed, the company expanded its political activities and brought new territories surrounding the presidency towns under its control. This territory came to be known as the moffusil.

The first territorial acquisition of the company consisted of Bengal, Bihar and Orissa. Here the first adalat system was started in 1772.

Warren Hastings introduced the new judicial administration system as well as a revenue collection system in the year 1772

It laid the Foundation of Adalat system.

**Judicial Plan of Warren Hastings 1772**

Warren Hastings Administrative plan divided territory of Bengal, Bihar and Orissa into number of Districts.

In each District an English servant of the company was appointed as a Collector who was to be responsible for the collection of land revenue.

Establishment of **Mofussil Diwani Adalat**

As per Warren Hastings’ plan a **Mofussil Diwani Adalat** was established in every district with collector as the Judge. The court was authorized to decide all civil cases like disputes regarding properties, inheritance, marriage, caste, debts, disputed accounts, contracts, partnerships and demands of rent.

Wherever possible religious laws of Muslim as well as Hindus were followed and applied .E.g. Caste, marriage, inheritance etc.

As the English servant who was appointed as Collector did not understand the religious laws , Kazis and Pundits were appointed to help him

The decisions of the Mofussil Diwani Adalat in cases up to Rs.500 were final.

Establishment of **Small Cause Adalat** –

This Adalat decided petty cases up to Rs. 10 .The Head farmer of the Pergunnah became the judge. This system was designed to save the traveling expenses of poor farmers, as they did not need to travel to the district place for justice.

Establishment of **Mofussil Fozdari Adalat** –
In every district a mofussil nizamat or fozdari adalat was established to try all criminal cases.

The adalat consisted of the Muslim kazi, mufti and moulvies.

The moulvies interpreted the Muslim law of crimes.

The Kazi and Mufti gave fatwa and render judgment.

In this adalat collector exercise general supervision over the Adalat, and saw that no corruption was made in the case. The judgment was given impartially.

This Fozdari adalat was not allowed to handle cases where punishment was death sentence or forfeiture of property of the accused. Such cases went to Sadar Nizamat Adalat for final orders.

Establishment of Sadar Adalats

Firstly two courts were established namely Mofussil Diwani Adalat and Mofussil Fozdari Adalat over them 2 superior courts were established namely Sadar Diwani Adalat and Sadar Nizamat Adalat.

The sadar diwani adalat consisted of Governor and members of the council and was to hear appeals from the mofussil diwani adalat in the cases over 500 Rs.

The first sitting of the Sadar Diwani adalat was held on the 17th March, 1773.

On each appeal fee of 5 percent was charged.

The appeals were to be filed in the Adalat within 2 months from the date of the judgment, decree given by the Mofussil Adalat.

Establishment of Sadar Nizamat Adalat

Sadar Nizamat Adalat consisted of an Indian judge known as Daroga-i-adalat who was to be assisted by the chief Kazi, chief mufti and 3 moulvies. Nawab appointed all these persons as per the advice of the Governor.

In case of death sentence punishment, the death warrant was made by the Adalat and signed by the Nawab as the Head of Nizamat.

The governor and council supervised this adalat to control and reduce the corruption.

All cases were heard in the open court.

All courts were ordered to maintain registers and records.

Any case older than 12 years was not accepted.

District courts forwarded their records to the Sadar adalat.
In civil cases when Plaintiff filed a case, defendant accused person was given only limited time to give answer and then examine the witness and give the decree, pass the final orders. The plan tried to reduce the expenses of people.

With this plan law officers like kazis, muftis were given salaries.

Before this plan Judge charged the commission but this new plan abolished this law and introduced the Court fee system where fees went to Government.

After this plan and establishment of Courts for common Indians it became easy to approach the Judiciary.

Warren Hastings purposely did not take the full charge of Criminal justice system and kept the puppet Nizam alive.

He did not change the forms and when possible tried to show that the company respected the Nizam. Thus Nizam got the power to sign the death sentence.

The other intelligent system that Warren Hastings kept alive was that following Hindu laws for Hindus and Muslim laws for the Muslims.

In this plan the collector got many powers, collector was the administrator, tax collector, civil judge and supervisor over the criminal courts.

Because of this the collectors got unlimited powers and Warren Hastings knew that the downside of this would be that the collectors would become corrupt. He already told the company directors about this defect of this plan. The directors of the company understood the fear and reality of this plan.

In the year 1773, Company directed the Calcutta council to withdraw the collectors as they had become very corrupt.

After this the Calcutta Government introduced a new plan for the collection of revenue and administration of Justice on November 23, 1773 and put it into force in the year 1774.

**Plan of 1774**

With this plan collectors were recalled from every district.

In place of Collector an Indian officer was appointed called as **Diwan or amil**.

Diwan got the power to collect the revenue as well as act as a judge in the Mofussil diwani adalat.

The territory of Bengal, Bihar and Orissa was divided into six divisions with their headquarters at Calcutta, Burdwan, Murshidabad, Dinajpore, Dacca and Patna.

In each division many districts were created.
The complete Bihar came under the Patna Division

A provincial Council consisting of four or five English servants of the company were appointed in each division to supervise the collection of revenue and to hear appeals from the cases decided by the amil, the Indian diwan.

The Provincial Council was a link between the Mofussil Diwani Adalat and the Sadar Diwani Adalat.

While in the Plan of 1772, appeals from the mofussil diwani adalats lay to the Sadar Diwani Adalat in all cases over Rs. 500, now all cases decided by the amils irrespective of their value were appealable to the Provincial Council.

This time also Warren Hastings knew that the Provisional council will do more harm and more corruption than the Collectors. Warren Hastings considered this plan as a temporary plan but the Regulating Act was passed at this time and Warren Hasting could not change the plan until year 1780

**Judicial Plan of 1780, First Indian Civil Code Prepared**

Warren Hastings knew that the judicial plan of 1774 was not perfect, and when Warren Hastings again got the chance, he made changes to the judicial plan of 1774. On April 11, 1780 new plan was introduced.

As per the plan of 1780 judicial and executive functions were separated.

Adalats – Function to do civil justice, no revenue work

Provincial Council - No judicial work, only revenue related work, collection and revenue cases.

But with this plan the problem was that, the area was vast and adalats were few to administer those large areas, because of this, cases were more, time was limited with the judges and thus arrears piled up in every adalat.

2nd problem was that witnesses had to travel lot to reach the adalats

For eg. There was only one Adalat in the whole of Bihar.

Because of this people thought it better not to file the cases in courts, as filing cases in court meant delayed justice, physical harassment, waste of time and money.

As per the judicial plan cases up to Rs.100 were referred to the person who stayed near the place of litigant, but before this it was compulsory to file the case in the Adalat, and 2nd problem was that the person who worked as judges has to work as a honorary judge and did not get any salary. The Zamindar or public officer acted as an honorary judge and they charged money for this and also zamindar got the chance to do corruption as he became the honorary judge.
Warren Hasting was not satisfied with the plan of 1780 and always thought about improving the judicial system in India.

On 29th September 1780 Warren Hastings proposed in the Council that chief justice Sir Elijah Impey be requested to accept the charge of the office of the Sadar Diwani Adalat. Impey accepted this offer. He remained in Sadar Adalat for a year but he introduced a lot of reforms in sadar adalat. Impey drafted many regulations to reform the adalats. On November 3, 1780 first reform, regulation was passed to regulate the procedure of the diwani adalats. As per this rule, the Mofussil judge had to decide the facts, he was allowed to take the help of Hindu Pundits or Muslim Mulla if it was necessary to understand the cause or case. Impey compiled a civil procedure code for the guidance of the Sadar Adalat and mofussil diwani adalats. It was the first code of civil procedure to be prepared in India. It was promulgated by the Council on July 5, 1781 in the form of a Regulation. It was the digest of the civil rules. The code consolidated at one place a detailed civil procedure. The code contained 95 clauses and with it all the previous regulations relating to civil procedure were repealed. The code of 1781 clearly defined the functions, powers and jurisdiction of Sadar Diwani Adalat. This code was translated in Persian and Bengali language that time.

In India, Impey was doing a great job, but in England people were not happy with Impey because of following reasons – Impey was appointed as the Supreme Court judge to monitor the Company affairs in India. But in India Impey started to work as a company servant when he accepted office as the Judge of Sadar Adalat. Accepting this violated the Regulation act. Because of other job, they believed that Impey would not do the justice with the job of Supreme Court.

Because of all above reasons, on 3rd May 1782 in England House of Commons adopted a resolution requesting the crown, king, to recall Impey to answer the charge of having accepted an office and violating the Regulating act. After this Impey left India on 3rd December 1782

Regarding criminal justice system Warren Hasting took certain steps. Machinery was created for the purpose of arresting criminals and bringing them before the fozdari adalat for the trial. This system never existed in India before this. A new department, office of the Remembrancer was created at Calcutta to keep watch on the functioning of criminal adalats. The department was to work under the Governor General. The head of the department was known as Remembrancer of criminal courts.
All criminal courts were required to send periodical reports to this department. Everything was done as per the Muslim criminal law and Warren Hasting was not happy with many things, and wanted to reform them, he tried his best but company heads did not accept his views. Because of this in criminal justice system, everyone made money using the corrupt ways.