

# Adalat System



## Introduction

- The East India Company acquired the provinces of Bengal and Orissa in 1765. The adalat system was introduced in 1772. Lord Clive's decisive victory at the battle of Plassey, enabled the Company to exercise supreme authority.

- *Mofussils*
- *Battle of Plassey*
- *Battle of Buxar*

## Contd...

- Sadar Diwani Adalat was the Supreme Court of Revenue in British India established at Calcutta in 1793 by the British Parliament. Its judges were the Governor General and Council Members of the East India Company assisted by native judges and officers of revenue.

## Contd...

- It was established to allow Hindu Indians to be governed by Hindu law in matters of property, and not as before by Muslim law, although they were still subject to Muslim criminal law.
- In each of the districts of British India subordinate courts of revenue, with definitive jurisdiction of up to 500 rupees, were established in which the judges were the "Collector" of that district (a covenanted servant of the East India Company) and his deputy and register, assisted by native officers. For cases exceeding 500 rupees appeals were allowed to the Sudder Dewanny Adawlut. The court was abolished after the Indian Mutiny of 1857–58.

## Grant of Diwani

- The transfer of the Diwani, to the company meant the civil and revenue powers. The maintenance of army was also taken over by the company. Indian officers were appointed for collection of Diwani, but this was failure. Hence the company took upon itself the Diwani Functions.

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- Warren Hastings gave a new shape to the entire system(6 December- 22 August 1818)
- An Englishman, first governor of Presidency of Fort William and the head of Supreme council of Bengal.
- He was accused of corruption and impeached in 1787. After a long trail he was acquitted in 1795.
- Privy Counsellor-1814

## Different courts

- Courts were Kazi Courts.
- Court of Nawab (Criminal Court)
- Diwan (Civil and Revenue)
- Dargah Adalat-al-alia (property claim)



## Contd...

- Moghul Empire collapsed, came to an end.
- Kazi were replaced by Zamindar's Courts.
- Exploitation was on the increase, work also became unsatisfactory
- Under these deplorable conditions Warren Hastings introduced the reforms through the Judicial plans 1772 and 1774

## First stage judicial plan of 1772

- First Anglo Indian code.
- Plan aimed at correcting the defects without destroying or disturbing the traditional and local tradition system
- A small district with English collector
- Distinct authorities of Faujdar and Diwan

# Civil Court

- *Mofussil Diwani Adalat* was established in each district to decide civil cases.
- Collector assisted by Naib Diwan and other officers of *cutchery*.
- All records were maintained and submitted to the *sadar adalat*.

## Cases were-

- Inheritance
- Marriage
- Caste
- Claims of debts
- Contract
- Rents
- Partnership

## Contd....

- Chief Civil Court- Sadar diwani adalat (Calcutta )
- Cases above Rs.500 were heard in sadar diwani adalat (appeals from mofussil adalat)

## Criminal court

- Mofussil Faujdari or Nizamat
- Established in each district.
- Kazi of the district assisted by 2 maulvies.
- Collector was appointed to attend and examined the proceedings of the court.

## Cases were-

- Murder
- Robbery
- Theft
- Assaults
- Frauds
- Adultery and etc....

## Contd...

- All the records were submitted to Sadar Nizamat Adalat.
- Fine over Rs.100 were confirmed by Sadar Nizamat Adalat.
- Chief criminal adalat was established in calcutta or Sadar Nizamat Adalat.



## Contd...

- Chief officer of justice assisted by chief kazi and 3 maulvies.
- The duty of court was to revise the proceedings of capital sentence.

# Reservation of personal laws

- Religious matters
- Laws of shastras for hindus
- Brahmins for hindus
- Kuran for mohammedans
- Mualvies for mohammedans
- Hindu and muslim laws were treated equally

# Arbitration and mediation

- **Arbitration**
- **Bargains**
- **Non performance of contract**

# Revenue Administration

# Administration of Justice Second Stage-1774

- Revenue
- Six divisions
- Head quarter at Calcutta, Burdwan, Murshidabad, Dinajpore, Dacca and Patna.
- A chief and 4 senior servants of company (All english)
- An Indian diwan was also attached to each council.

# Civil Justice

- Naib Diwan
- Appeals (Provincial Court of appeal)
- Decisions were final upto Rs.1,000
- More than Rs.1,000 were allowed to Sadar Diwani Adalat in Calcutta.
- Provincial court of appeal might revise the decision

## Contd...

- Criminal reforms
- Inquiry
- Severe crime were sent to the sadar nizammat court
- Complaints of the officers of faujdari were logded to Sadar nizammat adalat.

## Third stage plan-1780

- Separation of judicial functions
- Super intended by englishman appointed by Governor General in council.
- Each division was given its head quarter
- Thrice in a week (diwani adalat)
- Rs.1000 (not exceeding)



## Cases were-

- Revenue
- Rents
- Complaints from tenant
- Complaints from landlords
- Appeals (sadar diwani adalat)

# Improvement plan

- Appointment of native law officers
- For the protection of personal law
- Order to maintain the records of proceeding and reservation of personal law.

## Fourth stage-plan of *Impey*

- First chief justice of the Supreme Court of Judicature at Fort William in Bengal
- Six to eighteen
- Rs.1000 (Sardar diwani adalat)
- Need of powerful authority
- Sir Elijah Impey acted as sole Judge of sadar diwani adalat
- He was appointed in oct, 1780
- He worked till Nov'1782 and recalled to England

## Application of personal laws-

- Inheritance
- Marriage
- Caste
- Word succession was given at the place of inheritance
- Justice, equity and good conscience
- Civils cases of hindus and mohammedans
- Separation of Judicial functions from executive.

## Fifth stage

- Calcutta court shifted to Murshidabaad
- 23 Faujdari adalats, then reduced to 18
- Mofussil court appointed magistrates also
- Separate department for monthly reports
- Misuse of power by judges
- Young judges
- Judges Carelessly decide the cases

## Contd...

- Innocent persons were punished and the guilty were escaped with impunity.
- Biased decisions were taken by the judges
- Personal trading and business were done by the judges
- Lack of legal knowledge
- Bribes and extortion.

# Importance of Diwani Adalat

- After the defeat of the confederate army of the Bengal Nawab, Nawab of Oudh and the Mughal Emperor the English East India Company was surely in an advantageous position.
- Robert Clive came to an understanding with the Mughal Emperor and agreed to return Kara and Allahabad to him.
- In return for this Shah Alam the II granted the diwani rights of Bengal, Bihar and Orissa to the English East India Company on an annual payment of 26-lakhs of rupees.
- Robert Clive, on behalf of the English East India Company received the grant of diwani from Shah Alam the II.

## Contd...

- The importance of the grant of diwani lies, firstly, in the fact that prior to this there was no legal recognition of the authority of the East India Company over the Nawab of Bengal. The Company had been enjoying the political and economic rights forcibly.
- But with the grant of diwani the Company's rights were now established on a legal basis. Secondly, since the English now came to control the finance of Bengal they no longer had to depend on the supply of money from England for trade in India.
- Thirdly, the partial takeover of the diwani functions by the East India Company resulted in immense suffering to the people of Bengal.



## Contd...

- Adalat system was introduced by the company to administer justice in the mofussil areas.
- In the beginning company started adalat system in the year 1772 in Bengal, Bihar, and Orissa. later it was introduced in the mofussil of Bombay and Madras when company saw the good results in the Bengal .First the experiment was made in the Bengal and when successful it was introduced into the Bombay and Madras Mofussils.
- That time when Nawab Siraj –ud-daula saw the rising power of East India company in the Bengal , he attacked the Calcutta and captured the Calcutta in the year 1756.
- After this east India company under the leadership of Clive attacked the Calcutta and recaptured Calcutta in the year 1757.

## Contd...

- Same year Battle of Plassey was fought and Nawab was defeated.
- After this real power in Bengal went to the company but company made the Mir Jafar the Nawab and gave him civil government.
- When Calcutta council was dissatisfied with the performance of Mir Jafar as Nawab they replaced him , and Mir Kasim became the Nawab in the year 1760 In the year 1763, again Mir Jafar was made the Nawab. In the year 1765 the minor son of Mir Jafar, Najam-ud-daula became the Nawab. This way slowly east India Company increased its power in the Bengal.Nawab of Bengal was just a puppet in the hands of East India Company.

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- There were few reasons. The first and most important reason was that that time British Constitutional law if No British Person can claim the sovereignty over any territory for himself, it must vest in crown and this way crown and parliament got the authority to legislate that area. The second reason that East India Company was afraid of French as well as Portuguese as they would create international problems for company as well as problems in the Bengal for company. Therefore, company took the easy way out, used Nawab as the Puppets, and controlled Bengal through him. In the year 1765 Moghul Emperor Shah Alam granted to the company the diwani of Bengal , Bihar and Orissa.
- The company agreed to pay annually 26 lakh rupees to the Moghul Emperor and got right to keep the all-surplus amount of collected revenue.
- The grant of the Diwani gave to the company a de jure status of an official of the Moghul Emperor.

## Contd...

- The company was real controller but still company adopted this policy of not becoming direct ruler. During the time of Moghul administration, Moghul Emperor appointed two persons in the province that is Subah; one was called as Nawab and second was Diwani.
- Nawab or Nizam controlled the criminal justice system as well as military and maintained the law and order in the Province.
- Diwan or Diwani gave right to collect the revenue, and decide civil and revenue cases. Diwan send the collected revenue to the central authority or treasury
- This way the power of divided between Nawab and Diwan and both acted and controlled each other Nawab got the military but no money.

## Contd...

- Diwan got the money but no military so this way Moghul Emperor kept his control on both as none of them can become powerful than the Moghul Emperor.
- Regarding Bengal, we can see that Nawab of Bengal was the Puppet of East India Company and Now East India Company became the Diwan of the Bengal.
- Now again company made the agreement with the Nawab that he will not maintain the army and company will pay him an annual allowance of 53 lakh rupees for his expenditure and criminal judicature.

## Contd...

- After this agreement, company became Supreme Authority regarding Bengal.
- The nawab of Bengal also agreed that a Deputy Nawab will be appointed by the Calcutta government and Nawab will work as per his advice and Nawab cannot remove him from his post. Thus East India Company got the responsibility of maintaining military, collecting revenue and civil justice, criminal justice was seen by deputy Nawab, and expenses regarding criminal justice were made through the allowance of Nawab. After getting, the Diwani in the beginning company did not make any changes in the procedure of collecting revenue or civil justice as company was not aware how it functioned. Moreover, they were less in numbers.

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- The company appointed Mohammed Reza Khan at Murshidabad and Raja Shitab Roy at Patna to control the working of old system; they both were supervised by two English officers situated at Murshidabad and Patna.
- Mohammed Reza Khan was appointed as the Naib Nazim and he look after the administration of criminal justice system on behalf of Nawab.
- As both these, two were reported to the East India Company they knew who the real master was so they never went against the Company servants.