



Judicial Reforms of Lord William Bentick

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Introduction

Lord Bentick became Governor General of India in July 1829. He reformed the judicial administration to great extent and concentration for providing a better balanced judicial administration. He reformed in three stages:

- 1) First stage-1829
- 2) Second stage-1831
- 3) Third stage -1832.

- Reforms of the year 1829

1. Abolition of the Circuit Court

Under judicial plan of 1790, the circuit courts were established by Lord Cornwallis. These circuit courts were abolished by Lord William Bentick under this plan.

Cont.

2. Judicial functions to Revenue Commissioners

Under the judicial plan of 1829, the presidency of Bengal was divided in 20 divisions and a Revenue Commissioner was appointed in each division. Functions of the judges of circuit court were to be performed by these commissioners. Double control was over these commissioners- in case of performing the duties of circuit court under Saddar Nizamat Adalat.

3. Enhancement of powers of Magistrate

Powers of magistrate were enhanced by Lord William Bentick under this judicial reform plan. The sentencing power of the magistrate was extended to two years imprisonment.

Reforms of the Year 1831

1. Transfer of functions of circuit court to Diwani Adalat's

The functions of circuit court were transferred to revenue commissioners by Bentick under the plan of 1829. later on realized that it is not in the interest of judicial administration and these functions were assigned to the Diwani Adalat's of the districts.

2. Executioner's functions to Collector

As per prevailing arrangements, the judges of Diwani Adalat's were performing the acts of Magistrate which increased the pressure of work on Diwani Adalats.

Cont.

3. Powers for the cases of Rent

The collectors were now empowered to exercise jurisdiction to decide suits relating to rent summarily. The decision of the collector in rent suit cases was to be final subject to revision by the Mofussil Diwani Adalat on regular suits presented before them.

4. Establishing Saddar Adalat's in Allahabad

Two Saddar Adalat's and Sddar Nizamat Adalat were established in Allahabad by Bentick under this plan.

Cont.

5. Inclusion of Indians in Judicial Administration

An important achievement of this plan is given to inclusion of Indians in Judicial administration of diwani. Bentick adopted the policy of involvement of Indians in the judicial administration.

6. Abolishment of Provincial Courts of Appeal and Courts of Registrar

Provincial courts of Appeal and courts of registrar were abolished by this plan. Now the Zila and city Diwani Adalat's were empowered to hear appeals.

Reforms of year 1832

The plan of the year 1832 of Lord William Bentick was the last plan with a view to reforms in Judicial administration. Following provisions were made in this plan in order to reform judicial administration:-

1. Beginning of Jury System

William Bentick provide the assistance of reputed Indians to the Englishman and justice and officers engaged in Diwani judicial administration. Provisions were made to forward the cases for examination, to the jury by the Englishmen Justices, but the final decisions always vested with the judge of the court in all cases.



Cont.

2. Panchayat's system

Powers were delegated to English judges that they may refer any civil case for examination to 'Panchayat'. And Panchayat has to find the facts and report to court.

3. Assessor

English judges may now employ the Indians as assessor's. In addition to this, the Indians may be members of the court for assistance in cross examination of witnesses.

Indians Appointed Judicial Officers

- There is no religious discrimination in becoming an Ammen. The governor-strategy general's resulted in cost savings because English judges were well compensated while Indian justices were available for a low salary. He acquired the Indians' trust and loyalty as a result of this. A magistrate may submit any criminal case to a Sadar Ameen or a main Sadar Ameen for inquiry, according to Regulation V of 1831.

Cont.

- Ammen was an Indian servant of the British judiciary. The appeals of Sadar Ammen and Munsiff were sent to the district diwani adalat. The district diwani adalat's decision was final. However, Sadar diwani Adalat was granted a special appeal. The judicial powers of registers were removed. The munsiff was the poor mans justice provider , he was nearby them so he got speedy justice.

The Charter Act of 1833

- It was considered to be one of the most important charters at the time since it influenced India's legislative and judicial evolution. For the next twenty years, the East India Company was given territorial possession, and an All India Legislature was established with wide legislative powers.

Cont.

- The Governor-General of Bengal, Lord William Bentinck, was named the first Governor-General of India. The charter aimed to create a chance for the centralization of law by appointing a law minister to the Governor-office General's to preside over the Law Commission, regulate the Provinces, and remove the freedom to legislate.



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