

INTERNATIONAL JOURNAL OF LEGAL STUDIES AND SOCIAL SCIENCES [IJLSSS]

ISSN: 2584-1513 (Online)

Volume 3 | Issue 6 [2025] | Page 295 – 302

© 2025 International Journal of Legal Studies and Social Sciences

Follow this and additional works at: <https://www.ijlsss.com/>

In case of any queries or suggestions, kindly contact editor@ijlsss.com

WARREN HASTINGS' JUDICIAL REFORMS: A HISTORICO-LEGAL ANALYSIS

-Sreans Shukla¹

-Samriddhi Singh²

ABSTRACT

Warren Hastings' Judicial Reforms of 1772–1774 represent a critical turning point in the modernization of the British legal order in India and a particular salience with respect to Bengal. Until this period, the colonial judiciary was characterized by institutional rigidity, widespread corruption, and a marked tension between British administrative structures and indigenous Hindu and Islamic legal traditions. This paper provides a historico-legal analysis of Hastings' two main reform initiatives in detail with respect to their origins, implementation, and lasting effects. The Judicial Plan of 1772 paved way for the formal creation of a two-tier court system—the Diwani Adalat for civil issues and the Faujdari Adalat for criminal cases replacing the earlier system of informal and decentralized justice. In 1774, this system was further developed through the creation of the Sadr Diwani Adalat and the Sadr Nizamat Adalat as appellate and supervisory courts, respectively, intended to check misuse and problems at the lower courts and enhance judicial transparency. These reforms, while successful in introducing procedural formalization, written records, and centralized appellate machinery, eliminating pressing concerns over consistency and fairness created considerable tensions. The consolidation of dual administrative and judicial authority within the Collector's office raised apprehensions relating to the concentration of power and possible misuse thereof. Furthermore, the attempted integration of British legal principles with the existing indigenous legal system proved essentially contested, creating ongoing friction and narrowing the practical scope of the reforms. Despite these limitations, Hastings' reforms were the founding steps toward modernizing India's judicial infrastructure, instituting institutional templates and procedural principles which would be used in subsequent legal developments throughout the nineteenth century and beyond.

KEYWORDS

¹ 1st year B.A. LL.B. student at National University of Juridical Sciences, Kolkata.

² 2nd year student at Sri Venkateswara College, DU.

Warren Hastings, Judicial Reforms (1772–1774), Diwani and Faujdari Adalats, Sadr Adalats (Appellate Courts), Legal History of Bengal, Collector's Judicial Powers

INTRODUCTION AND BACKGROUND OF WARREN HASTINGS' JUDICIAL REFORMS

THE PRE REFORMS JUDICIARY IN BENGAL

Prior to Warren Hastings reform process judicial system in Bengal was a disunited and ineffective system. There was organized governance structure of the east India Company and it comprises Hindu and Islamic laws and British administrative structures which were inherited from the Mughal administration. Judiciary was usually highly centralized and it was characterized by corruption coming from the fact that there was no centralized legal system in America. The British administrators had a difficult time trying to propound their legal systems in a society which had its own set legal systems; the local panchayats were ruling small domains while the Qazi courts by the Muslim judges also functioned together but with specified authority.³

This system posed many problems and among the major difficulties they included problems of jurisdiction and contradictory realization of justice. The British could not decipher between the indigenous people's practices, the expectations they had of their legal procedure, and this led to consistent poor administration and an overall lack of trust in the legal system by the indigenous population. This led to the emergence of this need for reform especially when the British East India Company started experiencing pressure since the people called for a better form of order that included justice which was poorly and incoherently administered at that time.⁴

THE NECESSITY FOR JUDICIAL REFORMS

It is important to look at the socio-political relation of early 1770 as playing central role in affecting the reformation of judiciary headed by Warren Hastings. It was not only the Mughals who attacked the British East India Company but the company and the British government were putting pressure on themselves. Claims of inefficiency, embezzlement, fraud and some legal violations were also on the increase. Thus, new measures were call for to increase credibility and enhance the efficiency of management.⁵

³ J. R. McLane, *A British Colony in the Making: The Bengal Presidency and Its Raj* (OUP 1984)

⁴ K. D. Kausar, *The British Administration of India* (Macmillan 1963)

⁵ C. A. Bayly, *Indian Society and the Making of the British Empire* (CUP 1988)

The following factors explain why people were dissatisfied with the existing judicial system that is- the local people often suffered from numerous legal cases and unfair judgments because of absence of particular laws that determine actions of the existing courts. In addition, the officials of British administration, including Hastings, became aware of the fact that the weak legal structure became the obstacle for proper governance and revenue collection. Hastings who later became the Governor-General of Bengal in 1772 was very much conscious of the need to reform such policies. He endeavored to have a judicial system that can easily address legal issues and at the same time applied the legal systems of Britain and the local culture in a better approach. The reforms that he sought to install created a neater and a transparent system for the judiciary as a solution to the vice of corruption and inefficiency that characterized the pre-reform judiciary.⁶

The problems associated with governance and demands originating both inside and outside the organization to change forced Hastings to start over. His aim was to bring the British structures of administration into formulating the principles to be followed in judiciary management while at the same time taking into account the Indians legal systems which was to form the basis of major reforms in the judicial management of Bengal.

THE 1772 JUDICIAL PLAN: STRUCTURE AND IMPLEMENTATION

THE REORGANIZATION OF THE JUDICIAL SYSTEM

In 1772 Warren Hastings introduced new changes to the system of judiciary in Bengal as the previous system was proved to be full of defects of various kinds. The judicial plan of 1772 can be considered as one of the crucial components of the overall process of the reform mainly because it established new principles of the justice administration. This reform established two distinct types of courts: the civil courts also known as Diwani Adalat and the criminal courts which are also known as Faujdari Adalat. Diwani Adalat dealt with civil cases such issues to do with property and contract disputes, The Faujdari Adalat dealt with criminal cases that rangers from theft to murder and the like.⁷

The Diwani Adalat was headed by the Collector of the district whom also served as an officer in charge of collection of revenue and judicial authority in the district. It was for this dual role that the expectation to efficient the institutional processes and for mantaining integrated the legal and revenue areas. Likewise, the Faujdari Adalat was under the authority of criminal judge who was officiated for

⁶ W. W. Hunter, *The Imperial Gazetteer of India: Volume 1* (Trübner & Co 1881)

⁷ B. R. Nanda, *Warren Hastings and the Foundation of British Rule in India* (Asia Publishing House 1971)

the preservation of law and order and criminal affairs. This change was intended to provide a more efficient and focused form of judiciary but including its drawbacks such as the issues concerning the accumulation of power and its misuse.⁸

It is also important to note that the judicial plan of 1772 has relied much of written documentation and following of the proper procedures. Hastings brought changes into mechanisms of taking records of the evidence and the judgments which were aimed at offering more openness in exercising the justice.⁹ This process of formalization meant a major move away from the previous situation that featured a good deal of informal and even rather random approach to the organization of justice.

Changes to Local Politics and Governance: The Role of a Collector

The reforms made in 1772 were significant in the local governance especially through the Collector's function. In addition to the collection of revenues, The Collector had the duty of implementing justice in the society. Such dualism was intended to combine administrative and judicial tasks at least on the paper, as it is widely believed that such approach to governance is more effective. At the same time it generated problems because the same official was to be a revenue collector on the one hand as well as an umpire on the other.

Accompanied by the growth of the role of the Collector, concentration of powers and centralization of authorities reached heights which could hardly be observed in the region before. This centralization was to minimize the power of provincial gentry and simplification of the procedures of decision making. However, it also created conflict between the authorities and the native people, the British officers' control over the company oriented local practices and priorities. The reforms also implemented new procedures for complaints and/or appellants, these were established to offer a structure to fights. However, a number of challenges were realised upon the execution of the above 1772 plan on several grounds.¹⁰ Challenges that arose due to interaction with the local legal system include: one couldn't help but note that the process of the reception of British law principles posed certain dilemmas and constant tension, which often resulted in inequalities in the implementation of justice. Furthermore, the centralization of power in the Collector was considered to contain possible abuses of powers as well as conflicted interests.

By and large, the judicial plan of 1772 was a major attempt at reforming the judicial system, at least in Bengal and it provided a new and more formalized mode of dispensing justice. But the forging of

⁸ S. S. Jha, *The Legal System of the British East India Company* (Motilal Banarsidass 1973)

⁹ T. S. Ashton, *Warren Hastings* (Routledge 1948)

¹⁰ W. H. D. Adams, *The Life of Warren Hastings* (Harper & Brothers 1861)

these reforms also brought out the problems or inefficiency of transposing the British methods of administration on the existing legal systems of India

THE 1774 REFORMS: REVISIONS AND FURTHER DEVELOPMENTS

SADR DIWANI ADALAT AND SADR NIZAMAT ADALAT

In 1772 the principal changes were made with the new organizational plan; however, in 1774 Warren Hastings introduced additional reforms which would continue to improve on the judiciary. These reforms brought in the Sadr Diwani Adalat and the Sadr Nizamat Adalat in order to meet the lacunae of the old structure of judiciary. A new court was created called the Sadr Diwani Adalat which was to deal with civil appeal and serve as a superior appellate mechanism of the Diwani Adalat. This institution was designed to make the administration of justice even fairer as it centralized the appeal and provided loftier and fairer scrutiny to all the decisions made at the district level.¹¹

The Sadr Nizamat Adalat, for instance was formed to address criminal appeals and exercise general supervision of the criminal law courts. This was as a court of records that was involved in the appellate jurisdiction and the responsibility of overseeing that the Faujdari Adalat was delivering justice in criminal cases as it was required by the law. The establishment of these superior courts was to curb features attributed to the inferior or trial courts such as possibility of corrupt practices and procedural delay. It is for these reasons that these reforms can be regarded as the step towards the further formation of the more structured and formalized judicial system. Thus, setting up of the courts of appeal and oversight meant that Hastings wanted to get better at the delivery of justice to the public and erase all forms of indecorum in legal practices.¹² The Sadr Diwani Adalat and Sadr Nizamat Adalat were critical in the formation of the British legal system in India or what can be referred as legal reforms.

CHALLENGES AND CRITICISMS: COMPANY AND INDIGENOUS LAW

However, the move represented by the 1774 reforms, was not without its difficulties, and was open to criticism. It also included problems of relationship between the British legal system and native legal systems. The effort to mix imported legal norms, in this case, the British, with the pre-existing African culture and laws was a subject to resulting tensions. The British justice system had values that were

¹¹ C. R. Wilson, *The History of British India: The Rise of the East India Company* (Cambridge University Press 1886)

¹² R. K. Bhardwaj, *Judicial Reforms in British India* (Vikas Publishing House 1975)

quite different and not always compatible with Indian laws and hence there was conflict between the new law and the Indian customs.

What is more, the reforms were also criticized for what they did to local government. The institution of superior courts, and concentrating the judicial power were viewed by some pioneers as a threat to the discretion of the local bearers of legal authority and indigenous legal practices. For this reason, people felt that the British administration was intervening in their affairs, which was not well welcomed by both the elites as well as the masses. In addition, the success and failures identified during the implementation of the 1774 reforms pointed toward problems in the administration of justice systems. The new courts witnessed a number of problems such as delays, inefficiency and accusation of corruption.¹³ The intended advantages that the new judicial system was to provide were as often marred by the same problems that were associated with the previous system, which went to show just how hard it was to reform a functional judicial system in a diverse and large society.

All in all, the reforms of 1774 structured the important changes of the judicial system in Bengal comprising of the higher courts for appeals and checkmating while they received a number of challenges. The accommodation of the British legal system with indigenous systems and further the concentration of judicial power caused contradictions and there were lingering questions in the legal arena. While these reforms was an important characteristic in evolution of the British judicial systems in India, real life application of these changes demonstrated that establishing order in a complicated and diverse society is not an easy task.

ASSESSMENT OF THE REFORMS: SUCCESSES, FAILURES, AND LEGACY

THE IMMEDIATE CONSEQUENCES TO THE ADMINISTRATION OF JUSTICE IN BENGAL

Both the 1772 and the 1774 judicial reformation that was brought about by Warren Hastings had instantaneous and a profound impact on the dispensation of justice in Bengal. It provided the structure in the form of Diwani Adalat and Faujdari Adalat by the regulating efforts entailed in the 1772 regime, which added some amount of organization and architecture to the chaos. Of course, these reforms essentially met some of the most significant problem, which existed before the reforms, for instance, the randomness of justice and the absence of a definite procedural law. Subsequently, the Sadr Diwani

¹³ A. B. Keith, *A Constitutional History of India 1600-1935* (Clarendon Press 1936)

Adalat and Sadr Nizamat Adalat which came into force of 1774 helped in strengthening judicial system by establishing appellate and supervisory courts. These institutions also contributed to a more rational use of law and provided a possibility of appealing to the lower court's decision. Such restructuring came to improve the quality and the impartiality of the judicial outcomes and in general, the efficiency and the credibility of the legal setting.¹⁴

However, it is important to indicate that, while there were certain positive changes in organizational environment, the first results of the reforms were ambiguous. Due to concentration of new judiciary structure more specifically on the administrative level, problems of uncontrolled growth of bureaucracy appeared and it was much more difficult to manage it. The much-needed process of assimilation of British legal principles with those of the local populace remained a challenging course for the colony as problems persisted with practicality in the working of these reforms due to things such as long and slow judicial system.

LONG-TERM CONSEQUENCES AND INFLUENCE ON SUBSEQUENT JUDICIAL POLICIES

From this article, it can be concluded that Hastings' reforms created long-term influences for future judicial evolutions of British India law. The establishment of still higher appellate courts and strict legal manners affected the future changes in the British judiciary law in India. The guidelines stated in the 1772 and the 1774 changes went on informing the formation of the additional British lawful practices of justice, which created a clearer paradigm for establishing legal status and sound methodologies. However, the Hastings' reforms as good as they were met with a number of controversies.¹⁵ The struggle to bring order the British legal traditions to the territories sought to show that there were difficulties in trying to deliver justice within the colonies. The issues relating to dual legal traditions of the British and Indians continued to prevail and the concerns of centralized legal power were also felt at times as an intrusion in the local matters.¹⁶

Although, due to these difficulties, Hastings' reforms were only partially successful in bringing change, they were, nevertheless, pioneering steps toward the modernization of the judicial system in India. They were seen as the departure from the earlier Mughal Laws to a more organized and professional system of Law having features of British Laws. These reforms were to lay the foundation for future

¹⁴ S. K. Sharma, *The Evolution of the British Judicial System in India* (Harvard University Press 1978)

¹⁵ C. J. McLachlan, *British Administration in India: The Impact of Hastings' Reforms* (Oxford University Press 1947)

¹⁶ H. J. Herring, *Warren Hastings and the British Expansion in India* (Macmillan 1990)

legal reforms which includes the adoption of civil law with its concomitant corollary of a more elaborate legal code and the eventual codification of laws in the 19th century.

CONCLUSION

Warren Hastings had brought important changes in the judicial structure by passing two regulations one in 1772 and one in 1774. To sum up, less known and implemented reform practices, such as the Diwani Adalat and Faujdari Adalat reform during the second half of the eighteenth century and the Sadr Diwani Adalat and Sadr Nizamat Adalat reform in the first half of the nineteenth was aimed at the formalization of the judicial institutions. For this, Hastings proposed the creation of higher courts of appeal and stressing writing records as a way of increasing structure and fairness among jurors. However, a number of substantial challenges were observed in the process of realization of these reforms. The British Cession incorporated some fundamental legal systems of Britain to the preexisting local legal systems which at one time provoked dilemma and stagnation. The concentrating of judicial power in the hand of the Collector in his dual capacity was also criticized for signifying possible abuse and problem of overload.

Thus, Hastings' reform can be argued to have set requisite foundations for the transition of the British judiciary in India in the long run. These acted as guide for the subsequent legal advancements and established features for modernizing of the colonial legal management. The aforesaid reforms were not without imperfections and constraints; however, the overall impression made by the reforms on the future course of the judicial administration of British India cannot be dismissed or underestimated as it laid down foundation for future legal changes.