

# Judicial Administration and Growth of Legislature in Madras Presidency: An Overview

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**Abstract-** The British Empire in India began with Small Settlements amid the Seventeenth Century. As the procurement of regions Continued, they shaped three Presidencies, viz, Madras, Bombay and Calcutta. Being multilingual districts, they created a considerable burden to the administration just as the People. Such a circumstance prompted the development of the re-association of the states. Thus, the Madras Presidency was re-composed into the Present day states such as Andhra Pradesh, Karnataka, Tamil Nadu and Kerala.

**Keywords:** Madras Presidency, Jurisdiction, Multi-lingual People, Judicial Administration, Legislature Growth.

## INTRODUCTION

The Madras Presidency, one of the three noteworthy presidencies of British India, possessed the southern part of the Indian Peninsula. The Coastline on the east begins in the north at the limits of the vast salt tidal pond called Chilka in Cuttack and gives a limit progressively to the Ganjam, Vizagapatam, Godavari, Krishna, Nellore, Madras, Chingleput, South Arkot, Tanjore, Ramnad and Tinnevely locale and the southern part of Travancore State. This made around 1250 miles of drift, washed by the method for Bengal, Palk Strait, and the Gulf of Mannar.<sup>1</sup>

1. Review of the Sea-borne trade of the Madras Presidency (Madras, Annual Series, 1880 to 1920) Review of the Sea-born Trade', Op. Cit. t The drift line on the west initiates in the north at the town of Shiroor, a couple of miles south of the locale close to the Honore estuary, being the limit between the Bombay locale of North Canara and the Madras

region of South Canara and Malabar area and Cochin and Travancore states. This made a drift line of around 450 miles washed by the Arabian Sea. On the extraordinary northeast was the Bengal Province and Orissa. Next comes the highlands of the central areas and after that over the more substantial part of the Peninsula, the Dominions of the Nizam of Hyderabad. This depiction lets well enough alone for the record the Mysore and Coorg domains, which topographically, shaped as much a part of the Presidency as Cochin and Travancore Southward. The Amindive and Laccadive Islands shaped Part of the Madras Presidency for authoritative Purposes being connected to the areas of South Canara and Malabar individually of the south-east lies the British Colony of Ceylon, isolated by the shallow strait crosswise over which run the series of rocks and sandbanks known as Adam's Bridge. The Tamils, the Malayalees, The Telugus, and the Kannadigas, other than minor phonetic gatherings, possessed the Presidency.

The British Empire in India began with Small Settlements amid the Seventeenth Century. As the procurement of regions continued, they shaped three Presidencies called Madras, Bombay and Calcutta. Being multilingual districts, they created a considerable burden to the administration just as the People. Such a circumstance prompted the development of the re-association of the states. Thus, the Madras Presidency was re-composed into the Present day states such as Andhra Pradesh, Karnataka, Tamil Nadu and Kerala.

## JUDICIARY SYSTEM IN MADRAS

The early centers of British power in India were the three Presidency Towns of Madras, Bombay, and Calcutta which were established by the British and which developed nearly from scratch. The year 1726 sets a milestone in the Indian Legal History as it introduced the legal framework in the three Presidency towns. The legal framework at the Presidency towns was planned fundamentally to direct equity to the Englishmen. In any case, with the progression of time, the Indian populace of these settlements expanded and, along these lines, alterations must be made in the legal framework with the end goal of accommodating the administration of equity to these individuals too. Madras was the central Presidency Town to be set up by the British in India. Here, the legal organizations developed in three phases previously in 1726. In the principal organize; from 1639 to 1665, administration of equity was in an amazingly original state. The second period, which keeps running from 1665 to 1686, saw the foundation of the court of the Governor and Council. The unique occasion amid the third period from 1686 to 1726 was the formation of two courts: the Admiral Court and the Mayor's Court.

## JUDICIAL ADMINISTRATION IN MADRAS

The development was made in three stages, they are Foremost stage: 1639 – 1678; Second stage: 1678 – 1683; and Third stage: 1683 – 1726. In 1639, a British man, Francis Day got hold of a portion of land from Chandragiri Raja (Hindu), meant for the East India Company. It was identified to be Madraspatnam. The firm created a factory over the land named Fort St. George in 1640 and was named as White Town. The associated villages occupied by local populace were named as Black Town.<sup>2</sup> In the White Town, the council and the agents were authorized in decision-making towards English people related civil as well as criminal-cases who were a resident of at Fort St. George. Magistrates were found to be unclear. Hence, they forwarded the cases towards England.

The primary, as well as native Choultry-Court, were found to be operated there. Adhikari, a native judicial officer, was supervising it. Offences namely murder

were not handled there, but other cases were taken care of. Employing a Charter during the year 1661, the company was empowered towards the appointment of a Governor as well as a Council to make decisions concerning civil in addition to criminal cases of employees of the company. They followed the British rule.

## HIGH COURT

The judicial system in whole was reorganized by the governor in the year 1678. They assembled two times in a week and handled civil as well as criminal cases by means of 12 juries. Obtained its appealing from the Choultry Court. During the reconstitution of Ancient Choultry Court, instead of Adhikari who are English Officers took charge and they assembled two times in a week and handled civil cases up to 50 pagodas. These judgments were appealable using the Governor in Council.

2. Pillay, K. K. "A Social History of the Tamils, Vol. 1." *Univ. of Madras, Madras* (1975).

## ADMIRALTY COURT

The court was found to be built up in Madras in 1686 by the Charter of 1683 headed by Judge Advocate. It comprised of one individual learned in common law and two shippers selected by the organization. The court chose all instances of trade or oceanic nature, trespass, wounds and wrongs submitted on high oceans, relinquishment, and seizure of boats or products.<sup>3</sup> This court connected the tenets of value, great soul and the laws and traditions of dealers. This court turns into the general court of the city for every single down to earth reason in setting all affable and criminal cases. This court worked until 1704.

## MAYORS' COURT

The organization's Charter of 1687 set up a Mayor's Court at Madras. It comprised of a Mayor, twelve Councilors and at least sixty Burgesses. The Charter designated the principal Mayor and Aldermen. The Mayor holds office for one year. Council members chose the Mayor every year. The Mayor and Aldermen elected Burgesses whose quality was not to surpass 120. Mayor along with 3-Aldermen was realized as English workers of

the organization and others were to be from any country.<sup>4</sup> A man learned law called Recorder was assaulted to the Mayor's Court which means the Court of remuneration. The Mayor court attempted every thoughtful case up to the estimation of three pagodas. Every criminal case with the assistance of jury and rebuffed the wrongdoers by fine or detainment. Bids were permitted to the Admiralty Court. In common issues, the Admiralty Court had chosen more than the estimation of three pagodas. In criminal cases, it had selected when the discipline was to lose life or appendages. Governor and Council heard offers from the Mayor's Court and Admiralty Court.

The Charter of 1726 set up Mayor's Court at Madras, Bombay and Calcutta comprised of a Mayor and nine Aldermen. City hall leader and seven Aldermen were to be English, and the rest were subjects of sovereign Indian States benevolent with Britain. The Mayor holds office for one year. The Aldermen hold office for deep-rooted. Consistently the active Mayor

<sup>3</sup>. Coase, Ronald H. "The problem of social cost." In *Classic papers in natural resource economics*, pp. 87-137. Palgrave Macmillan, London, 1960.

<sup>4</sup>For earlier Charters of the Crown see Cowell: History and constitution of Courts and Legislative Authorities in India, chap. 1

and Aldermen chose another Mayor out of the Aldermen. The Mayor and Aldermen topped-off the opportunity of Aldermen from among the occupants of the Presidency Towns. The Governor in Council could reject the Aldermen on the sensible ground. This court attempted just thoughtful issues. It conceded probation of wills and letters of administration if there should arise an occurrence of the interstate. Amid the procedures, the gatherings were required to take a pledge to create and inspect observers and argue their cases.

Governor and Council named Sheriff. It is his obligation to deliver the respondent in the court if a composed protest was documented by a bothered gathering. He executed decisions as in English Law. Governor in Council heard interests from the Mayor's Courts up to the 1000 pagodas on estimation. If the suit value was exceeding 1000 pagodas, an appeal for the second time was permitted for this type of court. The Governor along with five

members who were seniors of the Council was having criminal jurisdiction and would be in peace of justice. The territory the Secretary to the Madras Government and Mayor Naish met at a supper party and went into a wager, which Naish lost and declined to pay. Landscape sued him in the Mayor's Court, which decided that Mayor was resistant from the indictment. The Government later whined that the Court had treated its secretary with outrage. The Collector chose criminal instances of the locals of three towns – Sutanati, Gobindpur and Calcutta. Whipping, forcing fines, detainment, expulsion, or work on streets rebuffed the lawbreakers. The death penalty was given directly after Governor's affirmation in the Council.

#### LOCAL ZAMINDAR AS JUDGE

Every Zamindar (Collectors) were holding an Adalat or Cutcherry and chose every civil case as per the traditions of the nation. Offers from this Court lay to the Nawab's Court at Murshidabad. Capital punishments must be affirmed by the Nawab who is a local governor amid the season of the Mughal Empire.

#### THE GROWTH OF LEGISLATURE IN MADRAS PRESIDENCY

An administration is evaluated through its result. If the result is advantageous and welfare situated all value it. Majority rule government and Political gatherings assume indispensable jobs in the definition of a legislature. It prepares for an individual to display his or her expertise and capacity in administration. Chambers both chosen and selected agents and whichever political gathering directions the more significant part it frames a service. Every single political group had its financial and political strategies. At the point when a political meeting picks up the power it endeavors to actualize its arrangements through the service it frames. Without legislature, there was no service in a vote-based system. It will be valued if the development of chamber was managed.

#### THE FIRST GENERAL ELECTIONS

According to the Montague Chelmsford Reform, races were directed to the new Councils in every one

of the territories toward the finish of November 1920. As the Congress boycotted the race as an approach of non-participation, in the Madras Presidency, the Justice Party made final triumph and framed the Government. Consequently, it was viewed as fundamental to think about the conditions that prompted the development of the Justice Party and its decrease in 1937.

#### THE JUSTICE PARTY

The introduction of the Justice Party establishes a milestone in the history of South India. The long-seething discontent, scorn, and doubt of the first class non-Brahmins of the Madras Presidency towards Brahmins were standardized under the terminology of the S.R.M. whose basic role was “to advance the political enthusiasm of the non-Brahmin position Hindus”. The pioneers of the Justice Party were “all men of substance and standing, profoundly instructed, and aware of the bearing and objective of their undertaking”. They were not unimportant dreamers, but rather reasonable government officials. They acknowledged diarchy with the end goal of utilizing the accessible intensity of the government for the upliftment of the non-Brahmin people group.

#### THE FIRST GENERAL ELECTION 1920

The Justice Party opened another period in the records of the administration of Madras Presidency by catching 81 out of 127 seats in the legislature. Its first service under the initiative of A. Subbarayalu Reddiyar accepted office on 17 December 1920. The new the Duke of Connaught introduced council. (The lord of England) “Without precedent for the history of India, the lower ranks of Madras have advocated for themselves against the scholarly government of the upper, and have seized political power in their own hands; the principal rampart of station strength in political issues has been raged because of the ongoing sacred changes”. Because of sick wellbeing, A. Subbarayalu Reddiyar surrendered his Chief Minister-ship inside a brief period. In this juncture A. P. Patro turned into the Chief Minister. The second broad races to the Madras Legislative Council and the Central Legislative Assembly were hung on 31, October 1923. Despite the fact that the Justice Party was in a situation to frame the Ministry, its quality had decreased. The Second Justice Party service was established on 19 November 1923 under

the administration of the Rajah of Panagal, P. Theagaraya Chetti, main light of the Justice Party passed away. In his destruction, the Justice Party continued a hopeless misfortune. The Rajah of Panagal’s endeavors to restore the Justice Party did, not demonstrate a total achievement. Sadly it was seemed such as “a run of startled sheep each running in an alternate heading.”

Amid the 1926 general race, the Swarajists took active cooperation in the race crusade and brought “governmental issues down from the Gokhale Hall to the shore line, from the club to the road corner”. However, the Justice Party received the conventional technique for reaching the big cheeses of towns and towns and affecting them. In that race, however, the Congress developed as the biggest Party on the floor of the Madras Legislative Council with 41 seats, it did not have a flat out larger part to frame the service and no gathering was in a situation to establish its function without the help of the other. Goschen, the Governor of Madras, welcomed Dr. Subbaroyan to head the service.

The visit of Simon Commission to India in February 1928 to embrace a primer overview of the Indian issues did a split in the service on the topic of boycotting the Simon Commission. Nevertheless, the situation of Dr. Subbaroyan was spared by the impact of the Rajah of Panagal. Tragically, his service endured an unsalvageable misfortune in the untimely end of the Rajah of Panagal on 16, December 1928, the remainder of the trio of the non-Brahmin development, which denoted the finish of the Justice Party for every single pragmatic reason.

The residency of the Madras Legislative Council, which ought to have terminated on 5 November 1933 in the ordinary course, was reached out for one more year in perspective of the approaching sacred changes. The general decisions to the Central Legislative Assembly were directed alone in November 1934. The Congress surrendered its Civil Disobedience Program and unexpected that the Congress Party had chosen to challenge the decisions under diarchy. Therefore, it organized an overwhelming decision battle and won an avalanche triumph. The Justice Party was crushed “less by the quality of their adversaries battle as by the interests of their gathering associates”.

### LEGISLATIVE COUNCIL ELECTION 1923

The second authoritative council race to Madras Presidency after the foundation of the dyarchical arrangement of government by the Government of India Act, 1919 was held in 1923. Voter turnout was higher than the past race. Swarajists, a breakaway group from Indian National Congress partook in the decision. It won the highest number of seats however missed the mark concerning a more substantial part. By the by, Madras Governor Willington welcomed it to frame the government. Occupant Justice Chief Minister Panagal Raja was selected by gathering pioneer Theagaraya Chetty to proceed as a boss clergyman for a second term. The government endures a no-certainty movement with the help of non-chose individuals and brought against it on the specific first day of its residency by the restriction headed by C. R. Reddy.

### CONCLUSION

The years after the 1920 decision saw significant advancements at the national dimension. Gandhi and his devotees including C. Rajagopalachari unequivocally had confidence in Congress not taking an interest in the decisions. In any case, Chittaranjan Das (C. R. Das), Motilal Nehru and few others empowered Congress cooperation in the decision. The meeting passed goals on 7 September 1922 to enable its individuals to remain as hopefuls and take part in the decisions. C. R. Das' endeavor to move goals pushing active interest in races, at the Congress meeting held in Gaya in December 1922 after the detainment of Gandhi fizzled. Before long a while later, C. R. Das and his adherents framed Swaraj Party on January 1, 1923. In any case, they did not withdraw from Congress and stayed as a Pressure gathers inside the Congress. After much discussion between the expert and against Council section individuals inside the Congress, an extraordinary gathering held in late September 1923 in Delhi approved willing Congressmen to take part in races while re-instating its promise to non-co-activity. Rajagopalachari who did not go to the meeting communicated his help for Council section. After Gandhi was discharged from Jail in February 1924, he was ready to suit the Swarajists in the Congress

crease while communicating detest for Council passage. He prompted Rajaji likewise to pursue a comparable course in Madras, and it was not until 1925 Rajaji freely acknowledged Gandhi's advice. S. Srinivasa Iyengar joined the Swarajists and turned into the pioneer of the gathering hardware for the Madras Presidency.

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