

**The present judicial system of India is not a sudden creation. It has evolved as a result of slow and gradual process and bears the imprint of the different periods of Indian history. The period which however, have made the greatest impact on the existing system are those nearest to the present times and it is not surprising that the period preceding and following the dawn of independence, more particularly that one after the coming into force of the constitution have been the greatest molding factors.**

### **Ancient Period:-**

Administration of justice is one of the most essential functions of the state. Being human, disputes are bound to arise amongst us. For the settlement of those disputes, we need guidelines in the form of laws and forums to redress the wrongs in the form of courts. Laws and courts have always gone together. There is a close nexus between them; neither court can exist without the laws or laws without the courts.

Judicial system of ancient India was basically derived from Manu – Brihaspati's Dharam Shastras, Narada's Smritis, and Kautilya's Arthshastra.

Description of the area of Godda, which was part of Anga Pradesh of ancient India has come from the travel accounts of foreign travellers Megasthenes and Hiuen Tsang and was ruled by Pal dynasty for some time.

A civil judicial proceeding in ancient times, as at present, commenced ordinarily with the filing of a plaint or what was known as Purva Paksha before a competent authority. A plaint, it was required, must be brief in words, unambiguous and free from confusion. In case of disputes about property, elaborate rules laid down the requirement about giving detailed and full description of the property. Written statements known as Uttara Paksha were required to be filed by the defendants and the rules enjoined that they must not be vague and must meet all the points of the plaint. Normally, parties were required to produce their witnesses. The presence of the witnesses who were far away or would not stir out was secured by the orders of the judge. Different modes of proof for substantiating allegations were prescribed. On the conclusion of the trial, judgment known as Nirnaya was pronounced and the successful party became entitled to Jayapatra or a document of success. Execution of the decrees could entail imprisonment, sale, fine and demand for additional security. The doctrine of res judicata known as Pran Nyaya was well-known.

In criminal law there was an elaborate classification of offences. Apart from offences like rape, dacoity and the like, there were other offence like not running to the rescue of another person in distress. Punishment was prescribed for causing damage to trees in city parks, to trees providing shades, to trees bearing flowers and fruits and to trees in holy places. It was an offence for a judge to give a wrong decision out of corrupt motive. Perjury by a witness attracted severe penalty. There were six types of punishment, namely, fine, reprimand, torture, imprisonment, death and banishment.

Theft was classified into three kinds according to the value of the thing stolen. There was also a classification of thieves. Some were considered open or patent thieves and others secret thieves. Open or patent thieves included traders who employed false weights and measures, gamblers, quacks and persons who manufactured counterfeit articles. Secret thieves were those who moved about clandestinely.

### **Mogul Period:**

The Mogul period is reckoned with reference to the invasion and conquest of India by Babur in 1526 till the death of Aurangzeb in 1707, even though the last of the Moguls was Bahadur Shah who was emperor during the early British years in India. He ended up as an exile in Burma.

It is believed that the Mogul emperors were very fond of justice and they were considered the 'fountain of justice'. Department of justice was called Mahakuma-e-Adalat.

The present area of Godda formed part of the province which was given in jagir to Sher Shah Suri. The laws were mainly based on the holy book of Islam the Quran. This was similar to that of the Delhi sultanate as the laws of the Delhi sultanate were also based on the Quran.

### **Classification of Courts**

A systematic classification and gradation of the courts existed at the seat of the capital, in provinces, districts, praganas and villages.

### Provincial Courts

The provinces in the Mogul period were called Subahs. During Mughal rule in India courts were present in province level also. Each Subah had courts. The provincial courts were divided into following three types.

a)The Governor's Court (Adalat-e-Nazim-e-Subah):The Governor or Nazim presided over this court and he had original jurisdiction in all cases arising in the Province. This court had also jurisdiction to hear appeals from the subordinate courts. Further appeal from this court lay to the Emperor's court. This court had also supervisory power over the administration of justice in the Province. One Mufti and a Daroga-e-Adalat were attached to this court.

b)The Provincial Chief Appeal Court (Qazi-i-Subah's Court): This court heard appeals from the decisions of the Qazis of the districts. The powers of Qazi-i-Subah were co-extensive with those of Governors. This court had original civil and criminal jurisdiction as well. The officers attached to this court were, Mufti, Muhtasib, Daroga-e- Adalat-e-Subah, Mir Adil, Pandit, Sawaneh Nawis and Waque Nigar.

c)Provincial Chief Revenue Court (Diwan's Court):This court presided over by Diwan-e-Subah had original and appellate jurisdiction at the imperial capital. Four officers attached to this court were Peshker, Daroga, Treasurer and Cashier.

### District Courts :-

The districts Courts were called Sarkars Courts and was present in each and every district of the Mogul Empire. There were four types of district courts. They were as follows:

a)District Qazi: The chief civil and criminal court of the district was presided over by Qazi-e-Sarkar. This court had jurisdiction to try all civil and criminal matters. Appeal from this court lay to the Qazi-e-Subah .Qazi-e-Sarkar was the principal judicial officer in the district. Six officers were appointed to this court, Daroga-e-Adalat, Mir Adil, Mufti, Pandit, Muhtasib, and Vakil-e-Sharayat.

b)Faujdar Adalat: This court presided over by a Faujdar had jurisdiction to try cases concerning riots and state security.An appeal lay to the court of Governor from the decisions of this court.

c)Kotwali court: This court presided over by a Kotwal-e-Shahar decided all petty criminal cases. Appeals from this court lay to the Qazi-e-Sarkar.

d)Amalguzari Kachari: This court presided over by an Amalguzar decided revenue matters. An appeal from this court lay to Diwan-e-Subah's Adalat.

### Parganah's Court:

The districts were further divided into parganahs. So to administer justice, three courts were appointed in the parganahs. The courts present in the parganahs were:

a) Qazi-e-Parganah's Court: This court had jurisdiction over all civil and criminal cases arising within its original jurisdiction. This court had no appellate jurisdiction. Appeal from this court lay to the court of district Qazi.

b) Court Of Kotwal: This court decided all petty criminal cases. Appeals from this court's decision lay to the Court of District Qazi.

c) Amin-e-Parganah: This court presided over by an Amin decide all revenue matters. An Appeal from this court lay to District Amaguzar

### Village Courts:

In each village two types of courts were working-court of village Panchayat and the court of Zamindar. The village panchayat consisted of five persons headed by a headman called Sarpanch. The members of the village panchayat were called the Panch. The panchayat had the power to decide petty local civil and criminal matters. No appeal was allowed from the decision of a panchayat.

In the late Mughal period, Zamindar's courts were empowered to try petty criminal and civil matters.

## **Pre-independence Period:-**

The creation of the district was a direct sequel to the Santal Rebellion of 1854-55. Prior to this, the tract now comprising this district together with certain adjoining areas now included in the district of Hazaribagh, Monghyr and Bhagalpur was loosely known as "Jungletery district". This tract was administered by Captains Brooke and Browne around the years 1779. Earlier history leading to the formation of the Santal Parganas as a separate district in 1855 has been given in the text on History.

In 1855 the Santal Rebellion was put down after a considerable loss of life and destruction of property. The Commissioner appointed to suppress the rising was Mr. Bidwell and his Deputy was Mr. Ashley Eden. After its suppression Mr. Bidwell submitted a report enumerating the legitimate grievances of the Santals. The main principle of new system was a Local Self Government under strong and trustworthy supervision. At First the Damin and neighbouring areas inhabited by the Santal were separated from Birbhum and Bhagalpur and formed by Act XXXVII of 1855 into the present district of Santal Parganas composed of four administrative units,. The four sub-districts of Dumka, Deoghar ( including Jamtara), Godda and Rajmahal (including Pakaur) were placed under the control of a Deputy Commissioner and four Assistant Commissioners each of whom had a Sub-Assistant at a central point of his charge. These ten officers were employed for the purpose of administration justice to the common people. They tried civil and criminal cases. They

had no revenue work and the trial of suits over 1,000 in value was carried on by the district staff of Birbhum and Bhagalpur. In those days civil suits were very few in number and were easily disposed of. The main business of these ten officers was maintenance of law and order. They were also available for undertaking inquiries into police cases.

The Deputy Commissioner was removed from Bhagalpur and posted at Dumka in the heart of his district, so that he might be able to control his affairs adequately. Courts were established at Dumka, Godda, Rajmahal, Deoghar and Nala.

Four administrative sub-charges were created in 1945 and 1948 with the establishment of Courts of Damin magistrates at Hiranpur, Katikund, Sundarpahari and Rakshi in Pakur, Dumka, Godda and Rajmahal subdivisions respectively. These Damin Magistrates are expected to maintain to some extent the original spirit of the administration of this district by establishing direct contact with the aborigines of the Damin-i-Koh which wholly lie within the aforesaid subdivisions and to carry “justice at the door”.

### **Santal Civil Courts**

Regulation V of 1893 also defined the respective jurisdiction of four grades of courts of officers appointed under section 2 of Act XXXVII of 1855 over suits valued up to one thousand rupees. These were (i) Court of Commissioner, (ii) Court of Deputy Commissioner (iii) Court of Sub-divisional Officers and (iv) Court of Deputy Collectors not in charge of subdivisions and Sub-Deputy Collectors. By Regulation I of 1947 jurisdiction of these courts was limited to suits valued up to five hundred rupees only. This Regulation (Regulation I of 1947 ) also made certain consequential changes in matters of appeals and revision. The arrangement of jurisdiction before the adoption of the proposals of Santal Parganas Enquiry Committee, 1938, was affected by Regulation I of 1947. These courts are not governed by the Civil Procedure Code but by a special set of rules – the Santal Civil Rules – framed under section 1(2) of Act XXXVII of 1855. By virtue of orders issued under section 14 of Regulation V of 1893, Civil Suits of all descriptions up to a value of Rs. 200 are triable by Sub-Deputy Collectors and suits of all kinds up to a value of Rs. 500 by Deputy Collectors. Appeals from suits tried by Deputy Collectors. Appeals from suit tried by Deputy Collectors not in charge of subdivisions and Sub-Deputy Collectors lie in the first instance to the Sub-divisional officer. The next course of appeal and revision and revision is to the Commissioner and the Deputy Commissioner, the former being deemed to be the High Court.

## **POST INDEPENDANT PERIOD:-**

The position of Godda and Deoghar is, however different from the 11<sup>th</sup> February 1950 when they were removed from the scheduled area by the president's Notification of that date. These two subdivisions are now subject to general laws of the land, the scheduled area being limited to Rajmahal, Dumka, Jamtara and Pakur Subdivisions of Santhal Paraganas. A doubt arose on the point whether the general laws passed prior to the 26<sup>th</sup> January 1950 but not specially extended to these areas under the Government of India Act, 1935, would automatically apply to Godda and Deoghar Subdivisions, when they were removed from the State Government answered in the negative. The local Government accordingly passed Bihar Act XXIV of 1951 which came into force on 18<sup>th</sup> July, 1951. Under this Act the some Acts passed before the 26<sup>th</sup> January, 1950 and not previously extended to these two subdivisions specially were made applicable to them:-

- (1) Central Acts
  - 1. The Societies Registration Act, 1860.
  - 2. The Dramatic Performance Act, 1876.
- (2) Bihar Acts
  - 1. The Bihar Public Demands Recovery (Amendment) Act, 1948.
  - 2. The Bihar Co-operative Societies (Amendment) Act, 1948, excluding Chapter VII-A.
  - 3. The Bihar Bakasht Dispute Settlement (Amendment) Act, 1948
  - 4. The Bihar Private Forest (Amendment) Act, 1950.
  - 5. The Bihar Premises Requisition (Temporary Provision) Act, 1949.

Godda district came into existence as 55<sup>th</sup> district of undivided Bihar on 25<sup>th</sup> May, 1983 and become 18<sup>th</sup> district of Jharkhand state that emerged on 15<sup>th</sup> November, 2000.

Godda was part of undivided Santhal Pargana district. Later the old Godda sub-division of Santhal Pargana was separated and formed as a new district.

Godda district at present comprises one sub-division "Mahagama" and nine blocks (Boarijore, Godda, Mahagama, Pathargama, Poraiyahat, Sundarpahari, Basantraï and Thakurgangti.) and Eleven police station (Boarijore, Godda (T), Godda(M), Hanwara, Mahagama, Pathargama, Lalmatiya, Rajabhitha, Poraiyahat with deodanr(O.P.) Sundarpahari, Meharna, Belbadda, and Thakurgangti(O.P.).

**"The Court of Subordinate Judge Godda was inaugurated by Hon'ble Mr. Justice Sambhu Prasad Singh and Hon'ble Mr. Justice Bhagwati Prasad Jha of High Court of Judicature at Patna 20<sup>th</sup> January 1978 and after creation of Godda district Sri Madan Prasad was first District & Sessions Judge on 26<sup>th</sup> April 1986."**