

## The Jury System in the Courts in Nineteenth Century Assam: Power Negotiations and Politics in an Institutional Rubric of a Colonial Regime

**Authors :** Jahnu Bharadwaj

**Abstract :** In the third decade of the 19th century, the political landscape of the Brahmaputra valley changed at many levels. The establishment of East India Company's authority in 'Assam' was complete with the Treaty of Yandaboo. The whole phenomenon of the annexation of Assam into the British Indian Empire led to several administrative reorganizations and reforms under the new regime. British colonial rule was distinguished by new systems and institutions of governance. This paper broadly looks at the historical proceedings of the introduction of the Rule of Law and a new legal structure in the region of 'Assam'. With numerous archival data, this paper seeks to chiefly examine the trajectory of an important element in the new legal apparatus, i.e. the jury in the British criminal courts introduced in the newly annexed region. Right from the beginning of colonial legal innovations with the establishment of the panchayats and the parallel courts in Assam, the jury became an important element in the structure of the judicial system. In both civil and criminal courts, the jury was to be formed from the learned members of the 'native' society. In the working of the criminal court, the jury became significantly powerful and influential. The structure meant that the judge or the British authority eventually had no compulsion to obey the verdict of the jury. However, the structure also provided that the jury had a considerable say in matters of the court proceedings, and their verdict had significant weight. This study seeks to look at certain important criminal cases pertaining to the nineteenth century and the functioning of the jury in those cases. The power play at display between the British officials, judges and the members of the jury would be helpful in highlighting the important deliberations and politics that were in place in the functioning of the British criminal legal apparatus in colonial Assam. The working and the politics of the members of the jury in many cases exerted considerable influence in the court proceedings. The interesting negotiations of the British officials or judges also present us with vital insights. By reflecting on the difficulty that the British officials and judges felt with the considerable space for opinion and difference that was provided to important members of the local society, this paper seeks to locate, with evidence, the racial politics at play within the official formulations of the legal apparatus in the colonial rule in Assam. This study seeks to argue that despite the rhetorical claims of legal equality within the Empire, racial consideration and racial politics was a reality even in the making of the structure itself. This in a way helps to enrich our ideas about the racial elements at work in numerous layers sustaining the colonial regime.

**Keywords :** criminal courts, colonial regime, jury, race

**Conference Title :** ICLH 2018 : 20th International Conference on Legal History

**Conference Location :** Cape Town, South Africa

**Conference Dates :** January 11-12, 2018