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First judicial Murder of India: Raja Nand Kumar Case

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Abstract: The famous case of Raja Nand Kumar is often called as "First Judicial Murder of Colonial India". It is also called as the 'Black Case'. This case was carried out between the Governor- General of Bengal Lord Warren Hastings and a Hindu Brahmin Zamindar Raja Nand Kumar.
The case revolved around allegations from both sides of the party various times , which led to ugly situations and eventually disguised how a fair trial should be carried out. This case is a remark and a black spot of Judiciary. The arrogance of power and position led Warren hastings to proclaim an innocent man Raja Nand Kumar a defaulter leading further to his death sentence. This case will always be read on how immoral and blind a court can function and kill an innocent man based upon hollow statements and evidences.

I. INTRODUCTION

This case between Raja Nand Kumar and Warren Hastings traces its history when Regulating Act was passed by the Britishers in 1773. A very main provision of this act was the set up of Supreme Courts having four English judges in Kolkata , that time Calcutta. Under Section 13 of The Regulating Act, the Supreme Court of Judicature at Fort Williams was founded in Calcutta in 1774. Sir Elijah Impey as chief justice and Robert Chambers , John Hyde , Stephen Ceaser as puisine judges were appointed through a charter issued by King George III. The Regulating Act aimed at setting up of an independent Judicial System in India , which would be directly controlled by the King , but the case of Raja Nand Kumar caused a big mayhem.

II. RAJA NAND KUMAR V.S WARREN HASTINGS

The case starts from when Governer- General of Bengal , Warren Hastings started to conspire against Raja Nand kumar because he participated in the Battle of Plassey with nawab Siraj-Ud-Daulah , and nawabs started to admire him . This made Warren Hasting furious , and thus he with the help of other people conspired against him.
When Warren Hastings was appointed as the Governer- General of Bengal , the company limited his powers by creating a council consisting of 4 members possessing similar power and authority as that of Hastings. These members were Clavering, Francis, Monson, and Barnwell. Out of these four members were Clavering, Francis, Monson were not in favour of Hasting but Barnwell on the other hand supported him.
When the administration shifted from Murshidabad to Calcutta , Raja Nand Kumar was sidelined and all the powers of governance got in hands of acknowledged officials of the company. Looking at this situation Clavering, Francis, Monson suggested Nand Kumar to accuse Hasting of Bribery and corruption infront of the council. Thus, when Francis arrived within the city, Nand Kumar gave a letter to him mentioning the complaints. He also said that Hastings had accepted bribery of quite 1 lakh from him to appoint Gurudas, his son, as Diwan. It was also said that Hastings took Rs.2.5 Lakhs to appoint Munni Begum as a guardian of minor Mubarak-ud- Daulah from her.
When Francis presented these complaints infront of the council , Monson who was one of the council members moved a motion for Nand Kumar to appear before the council. Warren then presiding over the council, opposed this motion. Mr. Barnwell too who was a supoorter of Warren suggested Nand Kumar to present his case infront of Supreme court and not the council , as supreme court is obliged to hear this case. Other members looked at how Barnwell and Warren both were opposing the action , they decided Clavering to preside over the council instead of Warren Hasting.
Nand Kumar's case when was presented infront of the council , they found out the allegations against Warren were correct and as a result he was asked to pay Rs.3,54,105 in the company's treasure.
This event made Warren a bitter enemy of Raja Nand Kumar and this was the time when he decided to take revenge on him.

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III. WARREN HASTINGS V.S RAJA NAND KUMAR

After Raja Nand Kumar successfully proved allegations on Warren Hastings legitimate , Warren was keen in finding an opportunity to show him down.

On Warren and Barewell's cite Raja Nand Kumar, Fawkes, and Radhacharan were arrested. They accused these three for conspiring against them and asked the Supreme Court to prosecute all of them.

Moreover in continuation of the revenge , Warren asked Mohan Prasad to humiliate Nand Kumar in a forgery case. The case of forgery was related to a deed/bond which was executed by Nand Kumar in 1765 and was accused of non clearance of Debt from a banker , Bulaki Das. Fawkes was left with a fine , but the main claims were against Raja Nand Kumar.

IV. ISSUES RAISED IN CASE FILED AGAINST NAND KUMAR

Mainly two issues were raised when it came into knowledge that a case of forgery has been filed against Raja Nand Kumar.

First was Whether the Supreme Court had jurisdiction to hear the matter in the first place?

This question was raised infront of the supreme court at the start of the trial by Nand Kumar's advocate , but it was rejected. This question was raised because the case of forgery that was filed against Nand Kumar was containing facts of 1765 , which was before when the Regulating Act was passed. If this was the scenario so , then the accurate jurisdiction of this case was by the local Faujdari Adalats. Hence Supreme Court had no Prima Facia on this case.

The second issue that was raised was Whether the English Act of 1729, according to which forgery was a capital offense, was applicable to India?

Under land Act of 1729, the offense of forgery attracted execution. Questions were raised on the applicability of this Act to India and there was a divided opinion even among the sitting judges at that point but ultimately, the view of the bulk of the judges together with that of magistrate Impey prevailed. Hence Raja Nand Kumar was given the Capital Punishment that was Hanged till death.

Many steps were taken to save Raja Nand Kumar from execution which included :-

1) A forwarded appeal to the King's council , which mention his petition in the court to hold the verdict till the council's decision came out but it was rejected by the court.
2) Asking for help from members of council.
3) A letter of suggestion from Nawabs to the council to defer the death sentence. But the Supreme court didn't take it in light as the decision of the council was final according to them.

V. FINAL JUDGEMENT ON NAND KUMAR'S CASE

The matter was summarized on the morning of 16th June 1775 by Justice Impey. Raja Nand Kumar was held unanimously "guilty" by judges and also the jury also gave the identical verdict. He was incarcerated to death by the magistrate under land Act of 1729 of nation Parliament. Supreme Court dismissed the 'conspiracy case' as they didn't have any evidence against Raja Nand Kumar. Therefore, he was hanged on August 5, 1775, at 8 o'clock within the morning at the Cooly Market near Fort William.

VI. WHY IS THE TRIAL CALLED

' Judicial Murder of Raja nand Kumar' ?

Many instances related to this whole trial which are mentioned as below indicate how biased this trial was and how it led to a murder of an innocent man with absolute no crime.

1) Chief Justice being a close friend of Warren Hastings
2) Judges were cross-examining the witnesses themselves.
3) The rejection of the petition presented infront of King's council by the Supreme court.
4) Justice Impey was accompanied by two other English judges which is also considered as a factor for them to give decision that had to 'obviously' be against and Indian.
5) And the most important fact , 'Forgery' is not even considered a act against law in both Hindu and Muslim Laws , despite of this fact Raja Nand Kumar was given Capital Punishment.

All of these facts clearly point towards the fact to what extent this trial was biased and how it changed the way people look towards Justice System.

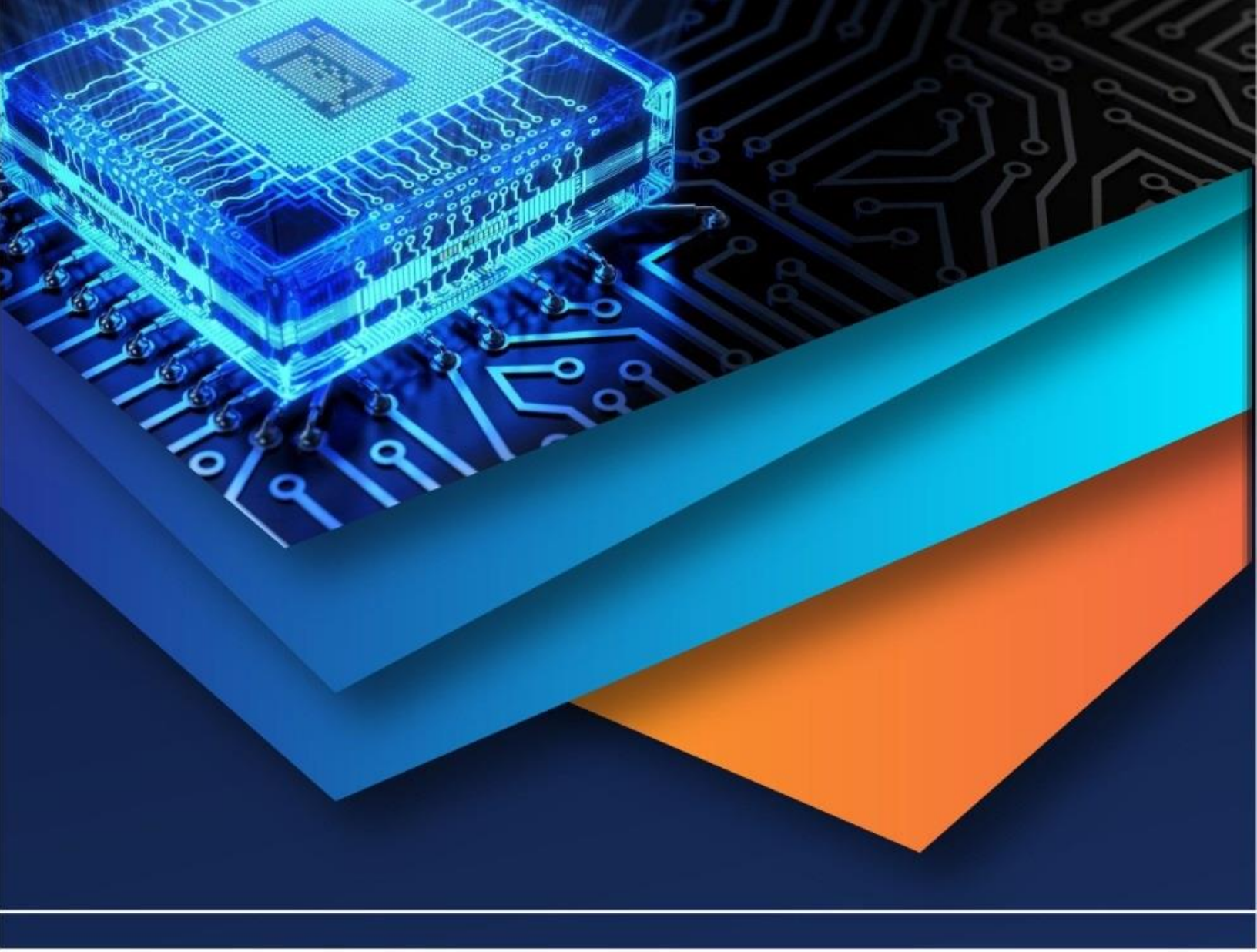
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VII. CONCLUSION

The 'First Judicial Murder of Colonial India' is hence a prominent case which marks a very important factor of how a justice system should 'not' be. It led the readers to think how vigorously were the britishers conspiring against Indians, The case of Raja Nand Kumar will always be read in history within the blackest of Days India faced under Company's rule. The trial startled and dismayed the moral scruples of mankind and it is openly a case depicting malfunctioning of 'natural justice' during colonial rule.

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