

Brief Historical Account of Wilkinson Rule of 1837: State of Judicial Governance in Kolhan Division, Jharkhand

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Abstract

During 19th century, in British India, Captain Thomas Wilkinson established the Wilkinson Rules (WR), 1837 in the Kolhan area, which is a distinctive judicial administration system under the South-West Frontier Agency. It operated as a non-regulation system where native tribal organisations, such as the Manki and the Munda, were acknowledged and incorporated into governance, while general British laws were not fully enforced. By enabling disputes to be settled at the village level through Panchayats and customary practices, the Rules encouraged decentralised justice. It created a judicial hierarchy that was graded, with local chiefs handling minor cases and higher officials handling more serious ones. The approach guaranteed straightforward, affordable, and accessible justice, frequently carried out in regional tongues and without the rigorous engagement of solicitors. In order to safeguard tribal land rights and stop exploitation, it also placed limitations on land transfers.

The WR has a number of difficulties in the present day, despite its place in history and ongoing use in tribal governance. These include obsolete financial restrictions for civil lawsuits, inadequate compensation, bias against women in leadership positions, poor training for Manki-Munda leaders, and a lack of knowledge among tribal communities. The reforms suggesting in this work is to incorporate study of the rule into school curriculum, capacity-building initiatives, raising awareness, raising financial restrictions, empowering women in leadership roles, and aligning with constitutional principles are therefore desperately needed. The WR is a significant illustration of legal plurality in India since it combines institutional administrative structure with traditional tribal customs.

Keywords: Manki-Munda Court, Kolhan, Larka kols, Ho tribe

1. Introduction

The Wilkinson Rule (1837 AD), which acknowledged and integrated traditional tribal institutions into the administrative structure of **East India company** in India, is an uncommon instance of colonial accommodation of indigenous way of administration. It created a unique legal system in the Kolhan region that is firmly ingrained in tribal traditions and practices and still has an impact on local government today. By enabling village-level institutions to settle disputes, protecting tribal identity through the preservation of customs and traditions, and providing an alternative to the formal legal system—which is frequently complicated and inaccessible for rural communities—it promotes decentralised justice. However, in order to ensure that the system is both culturally sensitive and constitutionally sound, it must undergo certain

reforms, such as the establishment of legal safeguards to ensure fairness, openness, and protection of individual rights.

2. Aims and objectives of study.

- To outline the historical facts of the WR.
- To describe the judicial administration in the **Kolhan division** in British era and in the Republic of India.

3. Methodology

- **Secondary sources**, including research articles and books
- **Primary sources** such as field studies and the gathering of primary data through direct interviews

4. Finding

For almost 250 years, the British East India Company transformed from a trading entity sanctioned by the **British Crown** into a political power that exerted practical control over India, ultimately establishing the groundwork for British rule in the subcontinent. Throughout this time, the British Crown held suzerainty over approximately 175 princely states—primarily the larger and more significant ones—through the central government of British India overseen by the **Viceroy**, while the remaining smaller states were governed indirectly via provincial administrations led by **Governors, Lieutenant-Governors, or Chief Commissioners**. From an administrative perspective, British India was divided into units, each assigned to the Commissioner to ensure effective revenue collection and the management of criminal justice.

With the founding of Mayor's Courts in 1726 AD, the English common law system was introduced to India and progressively replaced the Mughal legal system, which marked the beginning of the judicial system's evolution. Significant judicial reforms were implemented under Warren Hastings (Singh, G., 2015) (1772–1785 AD), including the creation of the Sadar Diwani Adalat and Sadar Nizamat Adalat as appellate courts, as well as District Fauzdari Adalats for criminal cases and District Diwani Adalats for civil disputes (Baidya, V., 2023). The Supreme Court was established in Calcutta as a result of the Regulating Act of 1773 AD, which further restructured the judiciary and bolstered British authority, especially to protect newly emergent landed interests (Sheikh, Md Ibrahim Hussian & Kesharwami, Pradeep K., 2022).

A significant change was subsequently implemented under Lord Cornwallis (1786–1793) through the separation of powers, which explicitly separated tax administration from judicial activities. The Cornwallis Code held authorities responsible before civil courts and emphasised the supremacy of the law (Mete, V. B., 2006). By dividing it from the jurisdictions of Birbhum, Burdwan, and Midnapore and giving it its own administrative authority, Regulation XVIII established the Jungle Mahals district in 1805 (Guin, R. K., 2023). There were subsequent reforms under Lord William Bentinck (1828–1833 AD), including the elimination of Circuit Courts and the transfer of judicial duties to district collectors, which simplified administration (Mete, V.B., 2006).

By eliminating the East India Company's commercial operations and converting it into a solely administrative organization, the Charter Act of 1833 AD was a watershed. It centralised power and diminished the legislative responsibilities of the governors of Bombay and Madras by granting the Governor-General of India and his council sole legislative authority (Brahma, H., 2013). During the same time period, Thomas Macaulay established the Law Commission in 1833 AD, which resulted in the

codification of laws such as the Criminal Procedure Code (1861), the Indian Penal Code (written in 1837 AD and implemented in 1860/1862), and the Civil Procedure Code (1859 AD).

Within this larger framework, the Governor-General implemented WR, a non-regulation administrative approach that used indirect rule that integrated indigenous tribal traditions to control the SWFA, especially the Kolhan region. In contrast to British India's main legal system, this represented a different approach. Additionally, there was a distinct difference between "dominion" and "suzerainty," as determined by judicial jurisdiction: princely states did not belong to British possessions and maintained authority over their internal affairs, while British Indian territories were regulated by laws passed by the British Parliament and managed by the central and local governments. These states preserved their own courts and legal systems despite being influenced by the British, underscoring colonial India's dual system of government.

The Traditional village tribal leaders known as Manki and Munda played a major role in the civil judicial administration of the SWFA, especially in the Kolhan estate. The WR officially acknowledged and included this indigenous form of government. The Kolhan's British agent, Sir Thomas Wilkinson, first aimed to establish direct control and use military intervention to quell tribal uprisings. But British officials quickly saw that the Kolhan people could not be conquered by coercion alone and that their consent was necessary for effective government. In order to include traditional [tribal traditions within colonial administration, the WR was established. In 1833 AD, the SWFA was founded, establishing a unique governmental structure for the area.

Although some areas were ostensibly ruled by non-Adivasi people, Adivasi lands were mostly self-governing prior to British colonisation. The Adivasis fiercely opposed any third-party imposition of power since they saw their lands as separate principalities. The Chotanagpur region was designated as a non-regulated territory under colonial administration by Regulation XIII of 1833 AD, which meant that normal Presidency regulations did not immediately apply there. The Scheduled Districts Act of 1874 AD, which excluded certain regions from regular British administration, further strengthened this unique administrative position. The Montagu-Chelmsford Report of 1918 also addressed the governance of these "backward areas," which resulted in their demarcation and exclusion under the Government of India Act, 1919, and their designation as partially excluded territories under the Government of India Act, 1935 (Sections 91–92).

Till 1937, the British classified these groups as "backward classes." In 1936, formal notifications were sent out designating them as "backward tribes" under the Government of India Act, 1935, with the exception of Punjab and Bengal. In the ancient system, Adivasis were frequently viewed as "Ati Shudra," a lower status than untouchable castes. The Ho tribe and other long-term inhabitants of the Kolhan region are afraid that the WRs long-standing customs, which are still important to them administratively and culturally, will be compromised or eliminated by the adoption of a Uniform Civil Code .

The WRs states the judicial hierarchy and specify which body is qualified to hear certain types of civil lawsuits. They stipulate that while larger or more major cases were to be placed before the Assistant to the Governor-General's Agent or directly before the Agent, smaller suits, especially those worth three hundred rupees or less, could be heard by a Munsif, recognised local chiefs, or officers with comparable authority. With the ability to consider lawsuits in the initial instance and to rule on appeals from lower courts, the Agent continued to hold the highest authority within the system.

5. Historical facts

S.no	Year	Event
i.	1821 AD	British were successful in making agreement with Larka Kols (Tuckey, A.D., 1920)
ii.	1833 AD	Kolhan area was named South-West Frontier Agency by British presidency. Regulation XIII of 1833 was established. (Areeparemil, M., 2014)
iii.	1834 AD	Captain Thomas Wilkinsion was deputed as first Agent of SWFA. (Sen, Asoka. K., 2014)
iv.	1836 AD	British troops entered Kolhan area and Britishers came in contact with Hos people (O' Malley, 1910)
v.	1836-37 AD	To appease the Ho, Wilkinsion wrote a set of rules that would involve Ho's leaders to participate in British administration directly and give Ho's sense of belongings (Sen, Asoka k., 2011)
vi.	1857 AD	Post of Kolhan Superintendent (Srivastava, P.K.,)
vii.	1859 AD	Civil procedure code (Act VIII) was established, which was never extended to the Kolhan area. Wilkinsion rule continued to operate (Sahu, Dr. Murali., 1985)
viii.	1867 AD	Kolhan government Estate (Tuckey, 1920)
ix.	1874 AD	Scheduled district Act supported this rules to continue
x.	1918 AD	Tucky settlement (Tuckey, A.D., 1920)
xi.	1898 AD	Kolhan was divided into 26 pirs (Craven, J.A.,)
xii.	1958 AD	WR has been declared valid by Patna High Court.
xiii.	1962 AD	Patna High court judgement suspends temporary the functioning of the Kolhan Courts (Oraon, P.C., 2003)
xiv.	1966 AD	Kolhan Civil Justice (regulating and validating Act) was established by the Bihar Government (Bihar Act 3 of 1967)
xv.	1978 AD	Amendment in Kolhan Civil Justice Act (Bihar Act 3 of 1967)
xvi.	2021 AD	Establishment of temporary Manki Munda court in SDO campus opposite to the civil court campus, Chaibasa
xvii.	2023 AD	Establishment of the Manki Munda court in Kolhan Superintendent office building.

6. Relevance

The significance of customary law has been acknowledged by the constitution of independent India. Traditional customs, particularly in tribal areas, are given validity by Article 13(3.a) of the Indian Constitution, which defines law as “custom or usage having in the territory of India the force of law.” By maintaining strong and developing customary conflict resolution procedures that function in tandem with the official legal system, the WR serves to play a crucial role in Kolhan. Individuals in the area have the choice of going to state courts or customary courts, and the rulings made by customary institutions are recognised by law and have enforceable ramifications. Furthermore, since local people continue to have faith in and abide to these indigenous systems of justice and government, decisions or decrees made by traditional bodies like the Manki-Munda Court (MMC) have acquired significance.



Source: - image of old Office of Manki Munda Nyaya Panch. Beside Civil Court Chaibasa



Source:- Image taken during field visit. New building of the Manki Munda Court, SDO office campus, Chaibasa, West Singhnhum, Jharkhand, near Civil Court , Chaibasa

7. References

1. Areeparempil, Mathew. "Mirgation of the Ho's to Singhbhum. In Singhbhum, some historical gleanings, edited by Asoka Kumar Sen. Chaibasa: department of History. Tata college. 1986. Pg-117
2. Baidya, Vasundhara. Warren Hastings Judicial plans – a summary. Indian Journal of law and legal research. Vol- IV Issue VI. January 2023. http://www.researchgate.net/publication/384978121_Indian_Journal_of_Law_and_legal_Research_WARREN_HASTINGS_JUDICIAL_PLANS_-A_SUMMARY. Accessed on 3rd September 2026
3. Bihar Act 3 of 1967
4. Bihar Act of 1967 (Kolehan civil justice (Regulating and validating act)l
5. Brahma, Hrishikesh. The Charter Act of 1833: a study. Pratidhwani. The Echo. Vol-I, Issue-IV, April 2013. <http://thecho.in/files/hrishikesh-brahmma.pdf>. Accessed on 3rd September 2026
6. British colonial head under the British colonial head under the British crown. He was first governor General of India.
7. Cravan, J.A. Final report on the settlement of the Kolhan govt. estate, Calcutta. Pg- 233
8. Dulichand Khirwal vs. The state of Bihar and Ors. (AIR 1958 PAT 366). Patna court cases. & Mahendra Singh and Ors. vs. The Commissioner of Chotanagpur of Chotanagpur Division (AIR 1958 PAT 603). Patna court cases. Indian Kanoon. <http://indianKanoon.org>. Accessed on 1st August 2026.
9. Guin, Rajib Kumar (2023). Status and challenges of tribal education in Jungle Mahal: a statistical analysis. Library philosophy and practise. <http://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=15245&context=libphilprac>. Accessed on 4th 2026
10. Mete, Vaishnavi Babasaheb. Judicial transition in colonial India: From Regulating Act (1773) to the Indian High Courts Act (1861). International multidisciplinary research journal. Vol.-03, issue 1, January March 2006. Pg- 853. <http://iipublications.com/iipimrj/article/view/767/1457>. Accessed on 2nd September 2026
11. Mete, Vaishnavi Babasaheb. Judicial transition in colonial India: From Regulating Act (1773) to the Indian High Courts Act (1861). International multidisciplinary research journal. Vol.-03, issue 1, January March 2006. Pg- 853. <http://iipublications.com/iipimrj/article/view/767/1457>. Accessed on 2nd September 2026
12. O' Malley. I.C.S. LS.S (1910). Singhbhum Sariakela and Kharsawan. Bengal District Gazetteers. New Delhi: Logos Press. Pg-37
13. Oraon, Prakash Chandra. (2003). A Report on the Wilkinsons Rule in the Kolhan Area. Jharkhand tribal welfare research institute, GOJ (reprint). Pg – 21
14. Sahu, Dr. Murali. (1985). The Kolhan under British rule. Jamshedpur: Ranchi University. Pg-130
15. Section VII of Scheduled District Act. [Scheduled Districts Act, 1874, India-legitquest](http://www.legitquest.com/act/scheduled-district-act-1874/5687). <http://www.legitquest.com/act/scheduled-district-act-1874/5687>. Accessed on 4 September, 2026
16. Sen, Asoka K. "Assertion of Political Identity: The Ho Adivasis of Singhbhum 1770-1869." Journal of Adivasis and Indigenous studies. Vol.1. no.1, August 2014: 18-31. <http://acaedmic.com>.
17. Sen, Asoka k. "Representing Tribe: The Ho of Singhbhum under colonial Rule." New Delhi: Concept Publishing Company pvt.It'd,'(2011). Pg-74.

18. Sheikh, Md Ibrahim Hussian & Kesharwami, Pradeep K. Stallion Journal for Multidisciplinary associated research studies. Vol. 1 Issue -1/Feb.2022/pg- 103-108. <http://doi.org/10.55544/sjmars././16>. Accessed on 3rd Sept. 2026.
19. Singh, Gurpal. Administration of Justice in Pre- British India. Ignited Minds Journals. Vol. X. Issue. No. XX, November 2015. Pg-3. <http://ignited.in>. Accessed on 1st September 2026
20. Srivastava, P.k. Wilkinson rule a critical view. Handbook on land law. Judicial Academy Jharkhand; Ranchi. Pg- 108. & Choudhary, P.C. Bihar District Gazatteers- Singhbhum. Patna: Superintendent Secretariat Press Bihar. Pg- 367
21. Tuckey, A.D. "Final report on the Kolhan Government estate district of Singhbhum 1913-18," Patna: Superintenant, Government Printing Bihar, and Orissa, 1920, pg-46