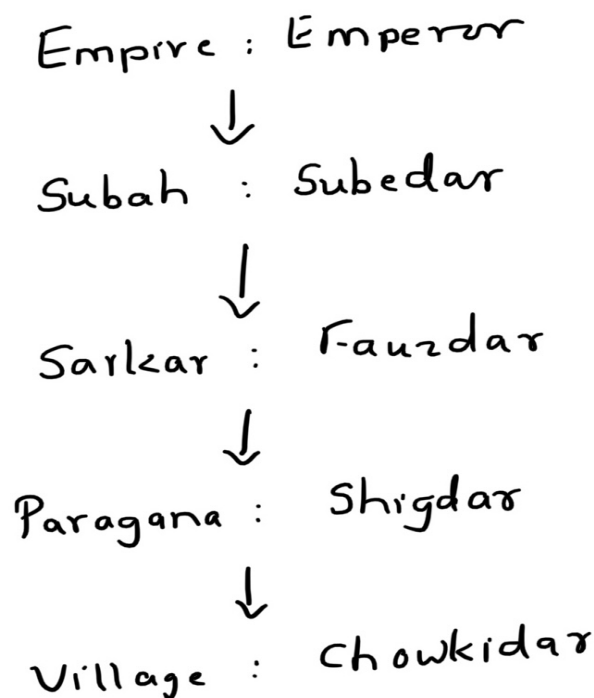


- Civil laws were different for different sections which were largely based on their respective religion. And even today, India is yet to have a uniform civil code
- Maintenance of record (Kagji Raj) which continues till date
- With revival of community policing in India through initiatives like Mohalla committee in Mumbai, SHE team in Hyderabad, the role of chowkidar (beat constrained) has revived indirectly

However, even if precursor, contemporary administration is far more different and complex from Mughal system

- Under Mughal system there was no codification of law but Indian system is based on large and comprehensive codification of Cornwallis and Weberian legacy
- King was himself incharge of security of kingdom from external aggression and internal disturbances, hence at the central level, there was no official specifically assigned with the task of looking after the law and order problem of the empire.
- No separation between executive, judicial, police, military functions for faujdar which lead to lack of concentration on one function and adversely affected span of control.
- Local level policing was absent. Sarkar points out that the state almost neglected the law and order situation in the villages except, where there is violent crime. The policing of the vast rural areas was left to the locality. It was done by the local chaukidars who were servants of the village community and were maintained by the villagers themselves out of the village land or through share of the crops.
- It was noteworthy that instead of Mughal administration undertaking the responsibility for rural peace and security, it had made the villagers responsible for the safety of their own property and that of the travellers in the neighbouring roads.



**Conclusion:** Despite differences over years, the legacy continues especially in terms of terminology of law and order administration which owe its origin to Mughals.

### 5.(c) The Constitution of India envisages for an active and not a passive judiciary for effecting constitutional governance. Examine.

**Answer:**

#### APPROACH AND STRUCTURE

- Write introduction.
- Write basics of judiciary.
- Show how Indian forefathers wanted an active judiciary.
- Examine part: recognise that there is danger in over active ness and conclude.

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