MODULE II

TOPICS COVERED

- CIVIL LAWS IN MOFUSSIL
- THE DOCTRINE OF JUSTICE, EQUITY, GOOD CONSCIENCE
- CODIFICATION OF LAW - THE CHARTER ACT OF 1833 A.D
- FIRST LAW COMMISSION
- THE CHARTER ACT 1853
- SECOND LAW COMMISSION
- ESTABLISHMENT OF THE HIGH COURTS, 1861

CIVIL LAWS IN MOFUSSIL

Law in Mofussil—The law in Mofussil area particularly in Bengal, Bihar and Orissa was as:—

(1) The Acts of British Parliament extended to such area either expressly or by necessary implication. However, hardly any law of British Parliament was extended which related to substantive aspect of civil law.

(2) Regulations made by the Governor-General in Council were very few.

(3) Law of the parties in case of Hindus and Mohammedans or of the defendant if only one party was a Hindu or Mohammedan, in all cases of succession, inheritance, marriage, caste and others religious institutions.

(4) In all other cases the matter was to be decided on the principle of ‘justice, equity and good conscience’ which was applied from the very beginning.
Notable very little substantive law was made with respect to Mofussil area and most of the cases were decided either by the personal laws of the parties or with the help of English law moulding it to Indian circumstances. Almost the same system of law as existed in Bengal existed in other provinces also. In Bombay some of the basic principles with respect to the applicability of law were compiled in the Elphinston’s Code of 1827.

**THE DOCTRINE OF JUSTICE, EQUITY, GOOD CONSCIENCE**

In India the doctrine of ‘justice, equity and good conscience’ was introduced, for the first time, in the Presidency of Bengal, in the year 1780. It was later transplanted in the mofussil of Bombay and Madras Presidencies. The doctrine was later on introduced on the other territories of India.

The general idea behind this doctrine was that if on a particular point of dispute before the Court there was no express/parliamentary law, no Regulation and if it fell outside the heads for which Hindu and Mohammedan laws were prescribed, then the Court was to decide the matter according to ‘justice, equity and good conscience.

From the time that the British began to administer the territory that they acquired in 1764 they inadvertently began to change the law and administration of justice. Later developments in the subcontinent were, however, much more conscious. All these devps went on to influence the Constitution of India as also her legal system. English law was introduced initially through the application of the principles of justice, equity and good conscience, as interpreted by the English judges and through the decisions of the Privy Council in England.

The doctrine points to no specific body of law. Simply put, it means the discretion of the judge in many cases.

It was applied by the courts only for few topics, viz., inheritance, marriage, caste, and other religious usages and institutions. It was introduced to cover gaps left in law.

**MEANING OF THE DOCTRINE**

The basic meaning of equity is evenness, fairness, justice and the word is used as synonym for natural justice. The term is also used as contrasted with strict rule of law, acquitas as against strictum jus or rigor juris’
The doctrine of justice, equity and good conscience meant, “in substance and in circumstances the rules of English law wherever applicable.”

In this sense equity is the application to particular circumstances of the standard of what seems naturally just and right, as contrasted with the application to those circumstances of rule of law, which may not provide for such circumstances or provide what seems unreasonable or unfair.

A court or tribunal is a court of equity as well as of law in so far as it may do what is right in accordance with reason and justice.

It was by late 17th century in England that equity principles first evolved into a system. Till then its principles were hazy and unclear.

In the beginning of the adalat system in India, therefore, applications of the principles of justice and fair play mainly depended on the discretion of the judge.

And the discretion of one judge in those times differed from the discretion of another judge.

All this resulted in the confusion, uncertainty and injustice.

This can be easily perceived from the administration of justice during the company regime.

The maxim constituted the residuary source of law. The maxim did not have any precise and definite connotation. It pointed to no specific body of law. The maxim did not give any articulate direction to the judges to follow in deciding disputes.

In the initial stages of admin by the company, the Englishmen were provided with the assistance of native law officers, kazes and pundits who would expound to them the Muslim and Hindu laws respectively. In this set up a practice arose in the courts to apply personal laws of the Hindus and Muslims, even in those matters in which it wasn’t incumbent on the judge to apply these laws, but he had freedom to act according to justice, equity and good conscience.

**Application of the Doctrine**

Varden Seth Sam v. Luckpathy in 1862

Privy Council pointed out that Company’s courts did not have properly any “prescribed general law to which their decisions must conform”; that they were directed “to proceed generally according to justice, equity and good conscience.”

**Advantages and Disadvantages**
Advanatges

The advantages are as follows
1. It helped in development of various branches of law not covered by either Hindu or Muslim law,
2. In the absence of sound provisions of the personal laws it served as a valuable source of sound law,
3. It removed uncertainty in law,
4. Distinction between mofussil law and presidency towns law was removed.

Disadvantage

The disadvantages are as follows
at times the rules applied by English Judges were not consistent with customs, habits and circumstances and were technical in nature which generated injustice
This resulted in judicial legislation by imposing rules foreign to this country

Daba v. Babaji

Bombay H.C. held that “English law is not obligatory upon the courts in the moffusil, they ought in proceeding according to the doctrine.”

Khwaja Muhammad Khan v. Hussaini Begum

The Privy Council ruled so in Khwaja Muhammad Khan v. Husaini Begum
In this case, an agreement was entered into between the plaintiff father and the defendant, plaintiffs father-in-law, in which he agreed to give Rs.500/- p.m. to her for her marriage with his son. The plaintiff was minor at the time. She was held entitled to enforce her claim although she was not herself a party to the contract. The Privy Council observed that “in India, and among communities circumstanced as the Mohammadans, among whom marriages are contracted for minors by parents and guardians, it might occasion serious injustice if the common law doctrine was applied to agreements and arrangements entered into in connection with such contracts.”

CODIFICATION OF LAW

The position of law prevailing in India in the beginning of the 19th century was very fluid and uncertain. The courts, the lawyers and the people, all were in darkness with respect to various forms of law. The English law, whose help was generally taken, was itself very uncertain. There were differences in law between the Presidency Towns and the mofussil. It was after the Reformation of Parliament in 1832, the process of codification and legislation was started. And accordingly in 1833 the Charter Act was passed by the efforts of James Mill and Macauley.
THE CHARTER ACT OF 1833 A.D- Saint Helena Act 1833

To achieve the objective of a uniform and codified system of law in India, the Charter Act of 1833, made provisions in 3 directions i) it established an omni competent all India legislature having legislative authority throughout the country, ii) it created a new office of the Law member in the govt of India, iii) it provided for the appointment of a law commission in India. The charter act is considered a watershed in the legal history of India.

FACTORS LEADING UP TO THE ACT

- Supreme Court’s power and jurisdiction.
- Economic conditions.
- Public opinion in England.
- Favour to Christianity.
- Travails through which it passed.

- Supreme court power and jurisdiction——the jurisdiction of the supreme court was uncertain and anomalous. Veto power of the Supreme Court related to legislation was another cause of trouble for the public servants in administration.

The state of law relating to the jurisdiction of the royal courts was very defective. The legislative powers of the several govt with respect to the cities of Calcutta, Madras and Bombay fell short in several respect of what the exigency of the case demanded.

- Economic conditions— the deteriorating economic conditions of the company was also responsible for the reforms of 1833 a.d .due to budget deficit, the governor general was specially directed by the directors to reduce the expenditure of the su-ordinate provinces.

- Public opinion in England—in order to satisfy English public opinion an English lawyer was appointed as a member of the governor-general in-council.it ensured the Englishmen that due attention was given to their laws, customs and rights in India.

- Favour to Christianity--------an alliance between the English commercial interests and the evangelicals, in which the former wanted a free field for their investments in India and the latter considered it essential for spreading the Christian religion in India necessitated the passing of a new charter.

- Travails through which it passed-----before the final draft of the charter act of 1833 a.d was prepared through various experts committees, discussions, correspondences and spadework in India and England.

PROVISIONS OF THE CHARTER OF 1833 A.D
The Charter Act 1833 received the royal assent on 28th August 1833 and came into effect on 22nd April 1834. The act made imp changes in the structure and powers of the govt of India. The governor-general of Bengal was designated as the governor-general of India. In the governor-general -in-council was vested the superintendence, direction and control of the whole civil and military govt and revenues of India.

The act altered the legislative system of India. The whole emphasis of the act was on centralization of legislative power. The act of 1833 sought to create an all-India legislature having authority to make laws and regulations for the whole territory in the possession, and under the control of the company’s govt in India at the time.

- The territorial possessions of the company were allowed to remain under the government for another for another twenty years.
- The completion of the introduction of the free trade in India by abolishing the company’s monopoly of trade in tea and trade with china.
- It designated the Governor-General of Bengal as the Governor-General of India. Under its provision Lord William Bentinck was the first Governor-General of India.
- Inclusion of the law member in the council of the governor general(macauley was the first law member).
- An all-India legislature at Calcutta was formed having the authority to make rules and regulations for all territories under the government of the company.
- It deprived the Governor of Bombay and Madras of their legislative powers. The Governor-General was given exclusive legislative powers for the entire British India.
- The legislative powers were thus centralized and vested in the governor-general-in-council at Calcutta.
- Section 53 of the act empowered the governor-general-in-council to appoint the law commission from time to time.
- Section 87 of the act declared that “no Indian subject of the company in India shall by reason only of his religion, place of birth, colour or any of them ,be disabled from holding any place, office or employment under the company.
- The company was to take steps so as to mitigate the institution of slavery.
- It ended the activities of the Company as a commercial body and became a purely administrative body.

The creation of an all-India legislative council in 1833 was an event of great significance. Section 53 of the act set forth the objects to which the labours of the law commission were to be directed with clearness, fullness and precision. It envisaged a general system of justice and police and a code of laws
common, as far as possible, to the whole people of India, having its varieties classified and systematized.

The Act also provided for the codification of laws in India, through which Governor-General could appoint the Law Commission to study collect and codify various rules and regulations prevalent in India. This laid the foundation of codification of modern legal system in India.

Section 87, of the Act declared that no person can be disqualified for any place in the Company’s service by reason of caste, colour, creed or place of birth.

The Charter Act of 1833 afforded to the Indians an opportunity of entering into the Company’s service.

It was laid down that merit was to be the basis for employment in Government Services and the religion, birth place, and race of the candidates were not to be considered in employment.

Although the Act accepted in principle, the possibility of associating the Indians in the administrative set-up but, there was no provision for entry of the Indians in the covenanted civil service. In practice, very little was done to implement this pious provision.

The Charter Act of 1833, relieved the Company of all its trade activities changed the basic characteristics of the Company and the process reached its culmination in 1858 when the Crown replaced the Company.

Therefore, it is rightly said that the Charter Act of 1833 was a turning point in the history of Modern India.

An important step towards fulfilling the goal of securing a uniform and simple system of law in India through the process of comprehensive consolidation and modification, to advise the newly created legislative council on matters of law, and to integrate and organize the scattered, conflicting and incoherent systems of regulations into a general system of codes, was taken by Charter Act of 1833 when it made provisions for the appointment of a Law Commission in India.

**FIRST LAW COMMISSION**

The first law commission was appointed by the GoI in 1835 under the Charter Act of 1833. Under the act, the membership of the commission had to be approved by a Court of Directors.

The charter act placed the law commission wholly under the direction and control of Governor General in council which determined from time to time the subjects upon which the commission was
In the public despatch of 10 Dec 1834, the task for the Law Commission was specified as establishment throughout the country of "a code of laws common to the whole of India and having its varieties classified and systemized".

The first project that the commission got was to codify the penal law for India. After this commission prepared draft and presented it to the Governor General in 1837. Lord Macaulay did lot of work regarding creation of draft. When Macaulay retired after that the work of law commission lost the speed. It did nothing special.
In 1842 it prepared draft of the law of limitation.

The concept of Lex loci, a report was prepared as there were situations when neither Hindu nor Muslim law was applicable.

**STEPS TAKEN BY THE LAW COMMISSION**

- **PENAL CODE.**
- **LEX-LOCI REPORT.**
- **THE CODE OF CIVIL PROCEDURE.**
- **LAW OF LIMITATION.**
- **STAMP LAW.**

**PENAL CODE**

- As the administration of the criminal justice was most unsatisfactory, the members of the commission prepared a draft penal code which they submitted to lord Auckland. But it could become a law only in 1860 a.d

**LEXI LOCI REPORT**

- There was no lexi-loci or the law of the land other than the Hindus and the Muslims while in the presidency towns English law the lexi loci.

  The main recommendations of the commission were as follows:---

  - A) such laws of england as were applicable to the conditions of India ,except the hindus and muslims,were to be applicable to the whole of british india.
  - B) all questions concerning marriage,divorce and adoption concerning persons other than chritains were to be decided by the rules of the sect to which the parties belonged.
C) There was to be a college of justice at each of the presidencies with the judges of the Supreme Court and sadar courts as members.

**CODE OF CIVIL PROCEDURE**

- The commission drafted a code of civil procedure and suggested various reforms in the procedure of civil courts.

**LAW OF LIMITATION**

- The commission prepared a valuable report on the law of limitation and with the draft bill on it, submitted it to the government on 26th Feb, 1842.

**STAMP LAW**

- For passing the stamp law the commission submitted its report on 21st Feb, 1837. It was not till 1860 that a comprehensive law relating to stamps was passed for the whole of British India.

**DEFECT**

One major defect in the scheme of the law commission was the great latitude which it allowed to the judgement and discretion of the judges.

Another criticism of the commission’s proposals was that the mofussil adalats, manned by the Indian judges, were not fully conversant with the English law, nor did they have the means to obtain knowledge of it.

**THE CHARTER ACT 1853**

When Parliament was considering the renewal of the Company’s Charter in 1853, there was a general feeling that the work of codification initiated under the Charter Act, 1833, had been left unfinished and that the work of the defunct Law Commission ought to be taken once more. Accordingly, the Charter Act, 1853 passed to renew the Charter of the Company, made provisions for the purpose. The Act made certain modifications in the legislative arrangements installed by the preceding Charter Act 1833.

**THE CHARTER ACT OF 1853 A.D**

**PROVISIONS OF THE ACT.**

- Appointment of the separate lieutenant governor for Bengal and making Dalhousie the first real governor of India (i.e. without any additional charge).

- Depriving the company (court of directors) of its right to appoint and recall officials in India.
• Introduction of the system of direct recruitment of I.C.S officers through the competitive exam—
  board of control was to do the recruitment.

• Inclusion of the additional members to the governor general’s council which was to act as the 
  legislative council (total members—12).

• It also provided for the appointment of the second law commission in India.

• The task entrusted to the second law commission was to examine and consider the 
  recommendation of the first law commission and the enactment proposed by it, for the reform 
  of the judicial procedure and the laws of India as might be referred to them for consideration.

The charter Act of 1853 made the law member a full-fledged member of the governor general’s 
council. Thus he got the right to vote at executive meetings of the governor generals meetings. 
As per charter act of 1833, legislative council membership was limited. 
But charter act of 1853 increased the number of legislative council members.

The new legislative council consisted of
-Governor general and members of his council
-one member from each presidency
-lieutenant governor to be appointed time to time
-chief justice of the supreme court at Calcutta
-one judge of the supreme court to be named by governor general

The court of directors could direct the governor general to add two more persons

The sittings, meetings of the legislative council were made public and their proceedings were officially 
published.

The charter act of 1853 again made provision for the law commission. 
This time law commission was to sit in England and not in India.

The preamble to §28 of the act of 1853 accepted publicly and openly the failure of first 
law commission in India.

First law commission worked hard in the beginning but it ultimate result was that it failed.

Thus the law was that her majesty can appoint any time persons to study the recommendations of first 
law commission to reform judicial law system, to reform laws of India.

THE SECOND LAW COMMISSION
STEPS TAKEN BY THE COMMISSION

- REPORTS.
- ENACTMENT OF SOME CODES.

REPORTS.

- 1) The commission submitted four reports to the Indian government.
- In the first report it submitted a plan for reforms in judiciary and in court’s procedure.
- In the second report the commission agreed with the lexi-loci report and suggested that there must be a substantive civil and criminal law for the persons in the mofussils who had no law of their own.
- The third report contained a plan for establishing a judicial system and procedure in the northwestern provinces. It was on the pattern of Bengal with the slight changes to meet the local requirement.
- The fourth report was concerning the judicial plan for the presidencies of Bombay and Madras.

ENACTMENT OF SOME CODES.

- No material progress was made in the codification of the Indian law even after the various reports of the first and second law commission and the government was less inclined to accept the draft of the various codes.
- Events of the mutiny of 1857 A.D. greatly shocked the government due to which the crown took over the direct responsibility of the government of India.
- In 1859 the Indian legislature enacted a code of the civil procedure (VIII of 1859) and a limitation act (X of 1859).
- A code of criminal procedure was passed in 1861 A.D. (XXV of 1861).
- The IPC which was drafted by Lord Macaulay, was revised and enacted into the law in 1860 A.D. The penal was translated later into almost all the languages in India.
- In Punjab some efforts were made by Lord Lawrence for the codification of provincial laws.
- Sir Richard Temple also came up with the book called *Principles of Laws*.

Under the provisions of the Charter Act, 1853, a Law Commission, which later came to be known as the Second Law Commission, was appointed in England on the 29th November, 1853.

It was composed of the following persons:
Sir John (afterwards Lord) Romilly, Master of the Rolls, as President of the Commission; Sir John Jervis, Chief Justice of the Common Pleas; Sir Edvard Ryan, ex-Chief Justice of the Supreme Court at Calcutta; Robert Lowe, M.P., afterwards Lord Sherbrook, who was intimately acquainted with colonial courts of justice as well as with English law; C.H. Cameron, late President of the First Law Commission and Law Member of the Governor-General's Council at Calcutta; John M. Macleod, of the Civil Service at Madras and a member of the First Law Commission; and T.F. Ellis, an accomplished reporter of the decisions of the Court of Queen's Bench, England, as Members, and Hawkins, late Judge of the Sadar Adalat, Calcutta, as Secretary to the Commission.

The Commission consisted of leading lawyers of England and a few persons who had an intimate knowledge of the Indian laws, and those who were personally associated with the work of the First Law Commission. The task assigned to the Commission was to examine and consider the recommendations of the First Law Commission for the reform of the judicial establishments, judicial procedure, and laws of India.

The Second Law Commission functioned till the middle of 1856, as its life was fixed statutory at three years. During its tenure, the Commission submitted four reports.

The very first task assigned to the Commission by the Board of Commissioners for India was to take into consideration the preliminary measures which would be necessary for amalgamating the Sadar Adalats and the Supreme Courts at each Presidency.

The importance of the subject lay in the fact that the intention to consummate this reform in the judicial system had already been announced in the Parliament. Accordingly, the first report of the Commission outlined the measures for effectuating the desired object at one Presidency only. The Commission thought that the undertaking to be commenced would thus be simplified and that the subsequent extension of the measures to the other Presidencies would be comparatively an easy task. The Commission thus submitted a plan for the amalgamation of the Supreme Court at Fort William in Bengal with the Sadar Diwani and Nizamat Adalats, as well as for simple and uniform Codes of Civil and Criminal Procedure applicable to the High Court to be so formed as well as to all inferior courts within the limits of its jurisdiction.

The basic recommendation of the Commission was to constitute a single tribunal, which for the sake of distinction was called as the High Court, in place of the Supreme Court and the Sadar Courts. The Commission also recommended the adoption of the Codes of Civil and Criminal Procedure throughout the jurisdiction of the High Court. The Commission also thought that it would be useful to extend the same Code to the non-Regulation provinces as well. The Commission also went into the jurisdiction and procedure of the civil and criminal courts inferior to the High Court.

In the third report, the Commission prepared the plan for the North Western Provinces in order to install there a judicial system and procedure, uniform, as far as the difference of circumstances would permit with the system recommended for Bengal.

The fourth report was devoted to the preparation of a similar plan for the Presidencies of Bombay and Madras.
In all the three reports, a common pattern was recommended for the High Courts and these parts of the reports were effectuated in 1861. The Codes of Civil and criminal Procedure were enacted by the Indian Legislature in 1859 and 1861 respectively.

**ESTABLISHMENT OF THE HIGH COURTS, 1861**

The year 1861 constitutes a landmark in the process of development of legal and judicial institutions in India. It was during that year that steps were taken to establish High Courts at Cacutta, Madras and Bombay. These high courts were not only much better instruments of justice than the preceding courts but also represented the unification of the hitherto existing two disparate and distinct judicial systems, i.e. The company’s courts in the provinces of Bengal, Bombay and Madras, and the three Supreme Courts in the three presidency towns.

Company kept judicial and executive functions separate since year 1793. But this system was not perfect; the appointment procedure of judges was faulty. Executive became judge and judge became executive vice versa because of lack of experience judiciary suffered as executive failed to do justice to judiciary.

**NEED FOR THE HIGH COURTS IN THE COUNTRY**

- To combine the supreme courts and the sadar adalats in each presidency, so as to combine the legal learning and the judicial experience of the English barristers.
- With the Dalhousie’s annexations, the company’s responsibilities increased.
- There was mal-administration on a wide scale and this mal-administration led to the repugnance of the people of India to the foreign rule. (example—the mutiny of 1857 A.D.)
- This required complete overhauling of the judicial system in India. Hence the bill of 1861 was passed.

The Indian High Courts Act was passed by the British Parliament on the 6th August, 1861 and was titled as “An Act for establishing high courts of judicature in India”. This legislation contained only 19 sections only. Its main function was to abolish the supreme courts and the Sadar Adalats in the three Presidencies and to establish the high courts in their place. The records and document of the various courts so abolished were to become the records and documents of the High Court concerned.
It gave power authority in Her Majesty to issue letters patent under the great seal of the United Kingdom, to erect and establish High courts of judicature at Calcutta, Madras and Bombay.

**PROVISIONS OF THE 1861 ACT**

- This act empowered the crown to establish by *letters patent* high courts of judicature at Calcutta, Madras and Bombay by abolishing the supreme courts and the courts of sadar diwani adalat and sadar nizamat adalat. (*Letters patent is a type of legal instrument in the form of an open letter issued by monarch or government, granting an office, right, monopoly, title or status to a person or to some entity such as corporation.*)
- The jurisdiction and the powers of the high courts were to be fixed by the letters patent.
- The crown was also empowered to establish a high court in the north-western provinces.
- Sections 2 and 3 of the act made provisions for members of the judges, their qualifications and their tenure.
- Each high court was empowered to have supervision over all the courts subject to appellate jurisdiction.
- The high court was also given the power to transfer any suit or appeal from one court to another and to make general rules.

**LETTERS PATENT ESTABLISHING HIGH COURTS**

- High Court at Calcutta.
- High Court at Bombay.
- High Court at Madras.
- High Court at Allahabad.

**HIGH COURT AT CALCUTTA**

- **JURISDICTION AND POWERS**
  - 1) It was ordinary original civil jurisdiction.
  - 3) The jurisdiction of the small cause courts was district and separate.
  - 4) It was also empowered to try and determine as a court of extraordinary original and any suit within or without Bengal but subject to its superintendence.
  - 5) The letter patent also gave appellate jurisdiction in regard to the persons and the estates of infants and lunatics and relief of insolvent debtors at Calcutta.
6) in addition to this original criminal jurisdiction and admiralty, probate and matrimonial jurisdiction were also conferred to it so as to make it a high court having all the jurisdiction possessed by the supreme court.

PROCEDURE

1) The High Court was given the power to make rules in order to regulate all proceeding civil and the criminal which were brought before it.

2) An appeal in any matter, not being of criminal jurisdiction, from the decision of high court was allowed to the Privy Council, provided that the sum or matter in issue was of the value of not less than Rs 10,000.

3) The high court was also empowered to certify that the case was fit for the appeal to the Privy Council.

HIGH COURT AT BOMBAY

The letters of patent establishing the high court at Bombay was similar to the one at Calcutta. The Bombay high court was given all the powers which were given to the high court at Calcutta.

The establishment of the high court at Bombay led to the introduction of uniform system of law and procedure throughout the presidency of Bombay and thereby contributed to the growth of the judicial system and the rule of law in Bombay.

It now has a bench at Nagpur.

HIGH COURT AT MADRAS

The letter patent stated that the jurisdiction and power of Madras high court was similar to those established at Calcutta and Bombay.

HIGH COURT AT ALLAHABAD

There was some difference in the letter of patent as far as the establishment of the high court at Allahabad is concerned.

It was not given any ordinary civil jurisdiction, jurisdiction in insolvency matters as given to the presidency high courts, nor admiralty and vice-admiralty jurisdiction.

This was so because the high courts at the presidency towns inherited the jurisdiction of the supreme court and the sadar diwani adalat and sadar nizamat adalat but the high court at Allahabad was only the extension of the sadar adalat which was functioning at for the north-western provinces.

ADVANTAGES OF THE UNIFICATION
The number of the courts was decreased

The dual control came to an end.

High courts supervised the lower courts.

The quality of the work at the lower courts was improved.

Efficiency of the lower courts was improved.

Procedures were simplified.

The appellate procedure also became uniform.

The acceleration of the process of codification because the removal of the disparities in different laws was a pre-condition for effective governance.

Each high court was to have and exercise all such civil and criminal admiralty and vice-admiralty, testamentary, intestate and matrimonial jurisdiction and original and appellate jurisdiction.

The High Court was to have superintendence over all courts subject to its appellate jurisdiction. It got power, authority to call for return, to transfer any suit or appeal from one court to another and to make and issue general rules for regulating the practice and proceedings of such courts.

The charter for the Calcutta high court was issued on May 14, 1862 and was published in Calcutta on the 1st July 1862 establishing the high court from the next day.

The charter for the high courts of Bombay and Madras were issued on June 26, 1862 and these courts were inaugurated on the 14th and 15th August 1862.