CONCLUSION
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To American Jurist, Robert Bark, "In Law the moment of temptation is the moment of choice, when a Judge realised that in the case before him he is strongly hold view of justice, is political and moral imperative, is not embodied in the Statute or in any provision of constitution. He must then chose between his version of justice and abiding by the American form of Government. Yet the desire to do justice, whose nature seems to him obvious, is compelling, while the concept of constitutional process is abstrated, are amid, and the obstinance it counsels unsatisfying".

A judge who announces a decision must be able to demonstrate that he began from recognised legal principles and reasoned in an intellectually coherent and politically neutral way to his result. Those who would politicise the law offer the public, and the judiciary, the temptation of results without regard to democratic legitimacy. Human ambition or even naive temptation can waive a man but those who succumb to those only darken the court corridor and add a sordid chapter to the judicial history.

At the initial stage only to safeguard their business interest, the Britishers who formed East India Company, enforced law in their occupied India. With elapse of time, visualising a colonial empire, they
intended to introduce the British system of Judiciary. Before gaining stronghold on this foreign law, to avoid confrontation with natives, they blended the introduced British Judicial system with the existing native customs and usages. But never they really intended to have uniform law for all, British subjects and natives. Never they wished separation of Judiciary from Executive. Any steps towards independent judiciary was only pretention never put to practice. Subordinate judiciary was well under the control of executive. It was always attempted to squeeze the scope of judiciary to encroach upon its independence in impartial administration of justice. The Magistrate of Cuttack wishing to co-operate the Military Commissioner solicited instruction for W.B.Baylus, to make over twelve prisoners for trial by Martial Law though they were alleged to have been indulged in rebellious activities in places where Martial Law was not proclaimed.¹ The same Magistrate has also sought for instruction if the Military Commissioner is empowered to issue order to the Magistrate to confine individuals in the Jail and whether the Magistrates could require evidence to justify the compliance of each order.

Above mentioned correspondences give a picture of non-granting of complete independence to the judiciary and implied direction to satisfy wish of the executive. Over and above, is the mock trial of

Surendra Sai and others with intention of executive to confine them behind the bars for political reason. When the executive intention failed by the fair minded English Judge in the appellate stage that was fulfilled under executive instruction.

While Judicial Administration of British Orissa has its brighter side in providing codified law its darker side is non-separation of judiciary from executive and tainting of law.