Conclusion

The establishment of the English Court in Bengal was definitely a sincere and commendable attempt on the part of the British parliament to ensure proper justice. The Supreme Court was really a remarkable phase in the development and modernisation of the British-Indian judiciary. But we find that with the imposition of the English law, and then, with the birth of the Supreme Court, a lot of problems and troubles arose, as two systems of law and court - the English and the Native - went into operation side by side. Writs and summonses were issued against the Zamindars and other Natives by the English Court indiscriminately. The Court denied the authority of the recognised Native Courts and inflicted severe punishments upon the officers who acted under the order of the Supreme Council and in accordance with the established laws of the country. The terrified inhabitants of the provinces witnessed the whimsical and unwarranted actions of the Court, which dragged the farmers and even the Zamindars of the provinces to Calcutta only to put them into long and vigorous confinement. Thus due authority of the
Company's Government was much disgraced and weakened, and the collection of revenues in the country was greatly interrupted. This retarded seriously the smooth progress and development of Indian judicature for a time. The first few years in the career of the Supreme Court constituted, as has been observed, the most unbecoming and awful chapter in the annals of the British-Indian judiciary.

It is an established fact that the Indians were reluctant to accept the imposition of the foreign law and court which vied with their own laws and customs. In fact, it is hardly possible for a nation to tolerate the violation of its own traditions and customs, by a foreign power. The intensity of the conflict between these two systems of justice during the period under review might well have been averted, if the clauses of the Regulating Act and the Charter had been clear and well-defined; and secondly, if the jurisdictions of the Supreme Court had been reasonably restricted. It is obvious that the undefined powers and jurisdictions of the English Court added fuel to the fire. Moreover, the
ground should have been prepared for the Natives to adjust themselves to the new and modern system and procedure of the English Court, prior to its institution. The attempt to introduce the English rules of law and an English superintendence of justice on behalf of the British Crown, was hurriedly made, without due preparation for their acceptance by the people.

Whatever might be the evil consequences of this foreign law, its introduction, coupled with a change in the existing judicial system in Bengal and India at large, seemed necessary. The need for the introduction of the English law into India was intensely felt just after the grant of the Divani in 1765 to cope with the unruly servants of the Company. The Regulating Act was passed to settle the question of the Company's right to the territorial revenues, and also to root out the corruption of the Company's servants. The fact remains that the policy of the British Government to establish the English Court eventually did more good to the Indian people than harm. Initially of course, the Supreme Court was severely criticised both by the Indians and Europeans. But the Court proved to be a boon to the Indians in the years
that followed. The Parliamentary Act of 1781 removed the glaring inconsistencies in the Regulating Act and the Charter; it also defined and restricted the powers and jurisdictions of the Supreme Court to a considerable extent.

The post-Act period witnessed the glory and prestige of the Supreme Court. From 1781 to 1861, the Court functioned without any dispute, creating no trouble and, as expected by its promoters, it played an important role which could not have been played by any other Court in India. Had there been no long-drawn and severe conflict during the first seven years after the establishment of the Supreme Court, the serious attention of the British parliament would not have been drawn to the affairs of Bengal, and thus the different controversies would have remained unsolved. The Act of 1781 may be regarded as the direct result of the sad story of the judicial rivalries in Bengal. The subsequent history shows that the Supreme Court, with its diminished rights and jurisdictions, gradually and nicely adjusted itself with the indigenous Courts and their law, and also with the manners and
customs of the Natives during a long period of about eighty years. The Supreme Court of Judicature thus contributed to the future merger of the Indian law with the English. The High Court of Calcutta, and for that matter, those of Bombay and Madras, established in 1862, may be regarded as the high water-mark of the policy of compromise between the two systems of justice - Indian and British; indeed, it was a symbol of a unified Anglo-Indian judiciary.