



*The Administration of Justice under the East India Company in Bengal, Bihar and Orissa with an introduction by Dean Roscoe Pound—ATUL CHANDRA PATRA, Advocate, Supreme Court of India, 1962, Asia Publishing House, Price Rs. 10.*

This book is a short historical survey of the system of administration of justice under the East India Company in the undivided Bengal and its adjacent area in the early days of the Company's rule when Bihar and Orissa had not become separate Provinces of British India.

A perusal of the book will at once reveal the masterly grasp of the subject by Shri Atul Chandra Patra, as well as the thoroughness with which he has culled out the necessary materials from almost all the available sources of information for tracing the history of the courts of justice in this part of the Indian Peninsula in the eighteenth and nineteenth centuries—At page 9 he says : “The source of the materials catering for the present text have been mainly the manuscript records and printed reports extant in the Hon'ble High Court at Calcutta,” and this is followed by a list of books referred to besides the footnotes reference in the course of the book to as many as about 140 items of documents, reports/minutes of the company's transactions in India and England, extracts from correspondence, etc.

By way of preface the author has explained the mode of his ‘approach to the subject treated by him.’ The book opens with an introduction by Roscoe Pound, in which he has in his own inimitable style compared the historical growth of the judiciary in England, and from and through it in America and in India. At p. 3 he says referring to America : “In less than one hundred years after independence the organisation of courts in most of the States had produced chronic arrears in the dockets, clashes of judicial authority which could only be resolved by dilatory and expensive resort to the ultimate Court, and a condition where the Judges in one locality were grossly overworked while those in another had little or almost nothing to do..... In India there is the advantage of a better English model than we had in America.”

It may be said that the book puts in a nutshell the nucleus of the scheme of administration of justice in a historical perspective of the late Moghul era and the East India Company's administration and in doing so as Dean Roscoe Pound says “the author takes up subjects which make a contribution to comparative law in the best sense of that term”.



It is interesting to observe that in tracing the history of the legal institutions, *the* author has not failed to refer to the delay in disposal of cases (p. 207 footnote 105); the costliness of seeking justice (p. 204) (“The litigants had to sell their silver rings or brass or copper utensils to meet the costs of justice. Instances were not unknown where the Judge and Magistrate were solicited in the court to accept a silver ring in lieu of stamped paper.”); and the need for the separation of the judiciary from the executive (p. 208).

A topic of absorbing interest at the moment, mentioned in the book at p. 108, is the conflict which arose in those days between the two wings of the Government *i.e.*, “Executive-cum Legislature as it then was on the one hand and the judiciary on the other hand, and the reader is referred to the brochures on the subject. To quote the author “The nature of the quarrel between the Supreme Counsel and the Supreme Court has been illustrated in the history of Bengal, Bihar and Orissa by a number of cases including those of *Connal O’Deer, Rane of Burdwan, Lero of Chand, Dutt v. Hosea Council’s Record, Bahadur Beg and Rajah of Cossipur*. This jurisdictional conflict has been illustrated in detail in his monograph by Dr. Indu Bhusan Banerjee.

It is interesting to note that Regulation VII of 1793 (p. 183) “was the precursor of the present law in British India governing admission into and regulating the conduct of the Bar. While in Criminal cases the courts could permit the accused to be represented by persons, though unqualified and who were popularly known as “private vakils” or Mukhtears or agents; and this largely because, the Revenue Officers were exercising criminal jurisdiction, “the pleaders of civil courts were to be appointed by the Sudder Dewany Adawlat and were selected at the earlier stage from among the students of the Mohammedan College, Calcutta, Hindu College at Benares and from any other persons, Mohammedan or Hindu, duly qualified by character and education and study of the Mohommedan and Hindu Laws” (p. 183). The Barristers and solicitors from England settled in Calcutta, and for much of the work in the Supreme Court and other Courts at Calcutta, and for they were being engaged until in due course of time their Indian counterparts by dint of their own merit proved their excellence, and finally began to attain a higher, if not equal place in the Bar.

This book will be a useful addition to the library of the Bar, Law Courts, Law Colleges and Law Research institutions, and it deserves