

## The Role of the Supreme Court of Calcutta (1774) in Shaping Early Colonial Jurisprudence

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[www.sjmars.com](http://www.sjmars.com) || Vol. 1 No. 1 (2022): February Issue

Date of Submission: 30-01-2022

Date of Acceptance: 25-02-2022

Date of Publication: 28-02-2022

### ABSTRACT

Established in 1774 under the provisions of the Regulating Act of 1773, the Supreme Court of Judicature at Fort William in Calcutta was the first apex judicial institution in British India. Its creation marked a crucial turning point in the legal history of colonial India, introducing formal English legal principles into a pluralistic society governed by indigenous laws and customs. This paper examines the Supreme Court's institutional role in shaping early colonial jurisprudence, focusing on its legal authority, jurisdictional conflicts, landmark cases, and long-term implications on the Indian legal system. Through a historical-legal analysis, the study argues that the Court played a dual role—as an instrument of imperial authority and as a site of legal contestation between British legal norms and native institutions. The legacy of the Supreme Court of Calcutta laid the foundational framework for the evolution of India's colonial judiciary and its eventual integration into modern constitutional governance.

**Keywords-** supreme court of Calcutta, colonial law, regulating act 1773, British India, legal history, early jurisprudence.

### I. INTRODUCTION

The Supreme Court of Judicature in Calcutta at Fort William started operations in 1774 and became a landmark event for Indian legal and governance development. Under the authority of the Regulating Act in 1773 British Parliament set up the first judiciary system in India for the British Crown. According to the Act of 1773 the Company needed stricter control and better legal systems for managing their ever-expanding territories especially in Bengal Bihar and Orissa following their Diwani rights from Buxar in 1764.

Before setting up this Court the Company held scattered courts in its territories with a disorganized judicial system. Justice operated across different systems including Indian tradition courts and Company appointments as well as the Calcutta Mayor's Court. Before this system several judicial bodies worked independently with no established legal codes and no appeals beyond their own decisions. The Supreme Court turned India into the first colonial jurisdiction to have a complete English-style court system. This Supreme Court followed British traditions of the Court of King's Bench to bring English judicial practices to the contrasting Indian social setting.

The formation of the Supreme Court faced multiple complications from the start. Despite being designed to defend British justice in India the Supreme Court faced strong resistance because it declared authority over the entire British subject population. The Supreme Court clashed with both British-administered and local Indian courts of the Sadar institutions as well as spiritual authorities. The Supreme Court worked to take control of native subjects and systems which created frequent blockages in administration and spread confusion throughout society.

This work examines all the duties the Supreme Court of Calcutta carried out when developing legal practices during British India's early colonial period. This review looks at how the Court gained legal authority while studying its building structure and main cases. It also evaluates the difficult ties between colonial bureaucracy and local laws. Through

this examination the research demonstrates how the Calcutta Supreme Court handled both imperial rule and the legal systems that existed across colonial India.

Our examination studies three essential elements that showcase the Supreme Court's influence on British India's legal system development including its impact on centralized law creation, English law adaptation in foreign society and its lasting impact on colonial law understanding and postcolonial legal changes. This research demonstrates that the Supreme Court actively altered British colonial governance methods when brought to India.

## **II. HISTORICAL CONTEXT AND ESTABLISHMENT**

During 1773 British Parliament made its first substantial move to supervise East India Company rule in India through the introduction of the Regulating Act. Before this time the East India Company held real power over Indian land in Bengal Bihar and Orissa enjoying almost no external control from London. After taking Diwani rights in 1765 the Company faced escalating government corruption problems which led Parliament to reintroduce central oversight through legal procedures.

The Supreme Court of Judicature at Fort William opened its doors in Calcutta during 1774 as mandated by the Regulating Act's fundamental part. The Court gained authority to handle cases involving both British subjects working for the Company plus other Europeans who lived within the Bengal Presidency area. The Fort William Supreme Court took oversight of the Company's performative legal system through its appellate powers over existing adalat courts that ran criminal and civil hearings. The Supreme Court received its judges from legal professionals called barristers under Crown appointment as part of an autonomous administration.

The Supreme Court emerged as a political solution that entered deep into the functioning of colonial rule. The British Parliament established this rule-of-law system to make imperial control legal and to regulate British employees and managers in India under British law standards. This addition formed a trilateral control system that combined (1) East India Company civilian and military command, (2) Crown-appointed judges, and (3) indigenous legal systems that remained active but subordinate in handling personal law and local traditions.

The Supreme Court brought about major legal changes throughout British India's governance. The British authorities brought English legal standards and procedures over Native Indian legal practices through their control. The Supreme Court clashed with Company officials and local courts because its exact ruling areas remained unclear for both Indians and natives.

Under pressure from Parliament the Regulating Act of 1773 built a new court which marked when British India changed from being a Company ruled commercial empire into an imperial state under legal rules. The law changes formed what became the core of later colonial legal advancement and conflicts between international law and native cultural customs.

## **III. JURISDICTION AND LEGAL AUTHORITY**

Under the Charter of 1774 the Supreme Court of Judicature at Fort William in Calcutta possessed a highly complex and broad legal authority. As stated by the 1774 Charter the Supreme Court handled legal matters.

British subjects included both Euro residents and Indian staff from the East India Company who the Company regarded as its dependents. The Supreme Court handled all City of Calcutta known as Fort William plus associated areas' civil and criminal cases.

The Court first decided cases that protected the rights of individuals and their personal property plus lawsuits about contract violations and British citizen harm. The Supreme Court in Calcutta gained admiralty powers since it acted as a major port city. Ecclesiastical authority allowed the Court to handle wills, probate and marriage cases because it draws from traditional English legal procedures.

The Supreme Court faced major disagreement when it tried to apply its authority beyond employees of the Company and to native Indian people. The Supreme Court and Chief Justice Elijah Impey defined British subjecthood inclusively to encompass many Indians as part of their legal authority. These particular people including land collectors and Company employees fell under Company authority even without having European origins because they recognized British Crown control.

Disputes emerged between the Fort William Council and Supreme Court judges because the Council maintained its own judicial division based on the Sadar Diwani and Nizamat Adalats. The Company set up these courts staffed by officials with guidance from local legal experts who derived their processes from Dharmashastra and Sharia heritage. The Company gained respect because its justice approach matched local Indian traditions and blended well into Company management.

The Supreme Court took too much action in law but this approach created complex legal situations that blocked efficient administration. In 1775, the Court faced criticism for its actions when it processed and executed Maharaja Nandakumar in the Nand Kumar case over English forgery charges despite charges of court misbehavior and political

motives. When the British imposed their legal system over diverse Indian cultures they lost support from local leadership and created administrative problems for the Company.

The Court forced English legal procedure upon the *adalats* through writs of habeas corpus and strict formal rules that opposed the regional courts' natural performance method. Indian legal clients experienced confusing legal outcomes because Company law officers and imperial judges worked with different legal concepts that did not match each other. The Supreme Court started its power grab declaring at first only legal desires yet also demonstrating its belief that English law should direct all peoples worldwide regardless of adverse local systems. Colonial legal practice in India continued delivering two systems of law until fundamental changes were made in early 1800s.

#### **IV. LANDMARK CASES AND JURISDICTIONAL CONFLICT**

##### ***4.1 The Nand Kumar Case (1775): A Collision of Law and Power***

In 1775 the Supreme Court of Calcutta made history when they tried and executed Maharaja Nand Kumar. This event showed how colonial ambitiousness got tangled with legal power and political struggle. As an Indian revenue officer who opposed Warren Hastings Nand Kumar received English legal charges of forgery. By pressing these charges the legal system sanctioned trials of the case which generally fell under native civil courts.

Debate spread that Chief Justice Impey favored Governor-General Hastings due to their close relationship when Impey oversaw this case. The trial happened under the 1728 English Forgery Act which arose from foreign legal traditions and had not been employed in Indian courtrooms until then. The trial had problems when it banned Indian legal advisors and forced evidence rules that Indians did not understand.

Even though the case lacked cultural context knowledge from the jury and the law proved problematic the Supreme Court reached a guilty verdict and Nand Kumar became the initial Indian to be put to death. The people of India and Britain united in their strong opposition after the court ordered his death. After Hastings's trial most contemporary scholars including Edmund Burke judged that the court abused its authority to stop Nand Kumar from criticizing the governor.

During the colonial era of India imperial legal institutions served as weapons that empowered European colonizers to suppress wealthy native leaders in the name of law enforcement. The case showed the struggle to unite colonial legal standards with Native legal traditions which became a common problem for British law enforcement in India early on.

##### ***4.2 The Patna Case (Kamaluddin v. East India Company, 1777): Legal Accountability and Colonial Authority***

In 1777 the East India Company faced legal dispute named against Kamaluddin. During 1777 the Supreme Court made essential decisions about executive authority by examining British law's protections for native subjects. Officials from the East India Company arrested existing Patna Muslim businessman Kamaluddin unlawfully and abused him despite not following proper legal procedures. He pursued legal action at the Supreme Court because the Company officials detained him without following basic justice requirements.

The Supreme Court found Company officials broke the law when they subjected Kamaluddin to imprisonment and demanded compensation for his wrongfully suffered imprisonment. This verdict had multiple important effects for all involved parties. By watching East India Company executive acts the Supreme Court confirmed its power to control actions of colonial administrators. During this time the court boldly made exceptions to English tradition by applying habeas corpus principles to Indian subjects after no similar precedent existed.

People strongly discussed how the Supreme Court's control should end when controlling Company civil administration in this case. People questioned whether England's legal standards should apply equally in its foreign colonies when enforcing citizens' due procedure rights.

Judicial autonomy earned praise except the Company's Council took this decision as intruding on their administrative authority. Continuous conflict between the Court of Judicature and the Council made the British Parliament establish new guidelines in 1781 to limit where and against whom the Court could rule.

During the early days of colonization colonial courts started to recognize universal rights through their inconsistent rulings in the Patna Case which formed a basic legal pluralism. The situation showed how law could step in to connect ruler and subject though it kept unequal power systems in place.

#### **V. CONFLICT WITH COMPANY GOVERNANCE**

The first Supreme Court in India became a center of controversy because British officials never anticipated it would generate disputes among their colonial workforce. The Supreme Court defended its authority when dealing with Indian citizens and East India Company leaders which brought them into direct conflict with the power structure of Bengal Council.

Colonial officials and judges engaged in multiple clashes referred to as the Judges-Council conflict which showed how little the governance system worked together. Chief Justice Elijah Impey led the Supreme Court to expand its power

over all officials by issuing court orders with writs including habeas corpus, certiorari, and mandamus in cases involving British residents and Indian government authorities.

The Company's Council opposed judicial interference when courts monitored executive officials across the territories outside Calcutta because it threatened public order. The authority given to tax collectors by the supreme court and the canceling of standard tax deals prevented the Company from controlling its territories and sending revenue back to Britain.

The Supreme Court's willingness to pursue cases between people from India and Company employees performing public duties sparked the biggest disputes between them. By interfering with internal disciplinary procedures the Company lost its authority and invited more Indian opposition from both the upper class and lower class. The legal confusion caused the government to stop working properly because it delayed all court cases and prevented administrative personnel from taking necessary action.

Both Parliament and the Company pressed the British government to solve their legal deadlock and so the government created the Bengal Judicature Act of 1781. Under the new legislation the Supreme Court lost most of its authority. The court must limit its activities to the borders of Calcutta and the nearby rural areas. The rules banned Supreme Court oversight of Company officials and native Indian state employees in their official positions. Through this Act the Company Council and revenue officers regained self-governing powers while the administration and justice branches of the colonial system became more distinct.

Under the 1781 Bengal Judicature Act colonial courts shifted their control methods. British officials recognized they needed to blend British institutional designs with colonial requirements and adopted this new approach in administering law. After the Act restrained Supreme Court power it established a pattern that shaped how Indian law developed during colonial times until full merger with judiciary in the mid-1800s.

## **VI. CONTRIBUTION TO COLONIAL LEGAL CULTURE**

Despite early problems in running its operations the Supreme Court of Calcutta created permanent changes in how colonial India used law. Through this time the British Supreme Court transformed from its origins in legal control to become central for creating standardized legal systems and public trust in India. People judge its lasting benefits through several historic accomplishments.

### ***6.1 Introduction of Formal Legal Education and Courtroom Procedures***

In colonial India the Supreme Court of Calcutta put English legal procedures into operation including document-based courtrooms and trial protocols plus examination and appeal rights. British settlers handled their legal matters through unstructured events and supreme officials' subjective decisions as well as through local tribal traditions before the Supreme Court of Calcutta started operations. After the Court started requiring proper documentation evidence and fair trial procedures a new professional legal system began to develop in India. After the Supreme Court established professional standards Indian local barristers evolved from vikils to attorneys and finally barristers.

### ***6.2 Development of Anglo-Indian Jurisprudence through Precedents***

The Supreme Court built a major collection of legal decisions that blended Anglo and Indian law principles. Although the judges were trained in English common law they regularly solved conflicts regulated by Hindu, Muslim and indigenous community laws. The Supreme Court combined English laws with local practices by picking which laws to apply to Indian situations. Progressive legal concepts from Nand Kumar cases combined with commercial and personal law rulings formed basic principles for Indian courts during post-independence.

### ***6.3 Promotion of Legal Rights and Civil Liberties***

The highest court in India began teaching legal rights and ways to fix problems despite offering its benefits to only certain groups within the colonial system. As the Court took shape its decisions added new legal ideas to India through its standard processes of work. Law enforcement worked differently for groups depending on their social background and English language ability.

### ***6.4 Template for Future High Courts***

For generations the Supreme Court of Calcutta served as the blueprint for the design of all subsequent High Courts in Bombay (1862), Madras (1862), Allahabad and other provinces. High Courts in different Indian cities used identical organizational and legal process schemes based on the Calcutta Supreme Court's setup. Through the Indian High Courts Act of 1861 the Supreme Court completed its work by merging all Indian and English legal bodies to form a unified system.

### ***6.5 Prelude to Codification and Legal Modernization***

The Supreme Court made formal judicial proceedings and unified legal regulation essential for the administrative transformation that led to the development of legal codes by the 19th century. After many years the formation of the Indian Law Commission began and successfully passed new laws such as the Indian Penal Code, Civil Procedure Code, and Criminal Procedure Code. For many years the Supreme Court's traditional rules for court procedures repeatedly affected Indian legal standards.



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## VII. LEGACY AND IMPACT

Although Supreme Court of Calcutta began operations in 1774 it remains important for all scholars of colonial India's legal origins. British colonial rule made different marks on India through its Supreme Court as indicated by the discrepancy between its objectives and practical implementation. The Supreme Court of Calcutta became the first Crown-established court in British India to demonstrate complete control of both the East India Company and Indian citizens. The court made significant changes to legal awareness and administrative procedures that spread through all areas of colonial India beyond its borders in Calcutta.

At its inauguration the Supreme Court started British legal domination that pushed native institutions like panchayats and dharmashastric courts into non-dominant positions. British institution building weakened the power of both traditional religious and custom-based laws across India. Under British law took over from traditional ways because British legal standards became seen as more advanced than local legal orders.

The Supreme Court prepared the way to include Indian laws within British colonial legal rules across their empire. The Supreme Court started transplanting English legal principles through its court procedures. English common law principles mixed with selected localized law systems would gradually create an Anglo-Indian legal tradition merging English and local traditions. Legal training and education in India transformed because of British rule while the legal system made British control stronger across India.

The Supreme Court became an organizational blueprint that led to creating the three High Courts in Calcutta, Bombay and Madras through the 1861 Indian High Courts Act. The latest reforms combined criminal and civil Company and Crown justice into one unified appeal hierarchy. Because the Supreme Court followed strict court procedures to support legislation while dealing with Indian and European parties the institution shaped today's Indian court system in many ways.

Despite these drawbacks the Supreme Court left behind significant scars in court-administrative relationships. At the start it clashed fiercely with East India Company management through both the Judges-Council Conflict and the Nand Kumar controversy. These situations revealed the tensions between how colonial power needed to control and how they claimed to operate under the control of law. The Supreme Court took a wide view of its legal authority when it dealt with native Indian rights while also engaging with Company staff which revealed how legal processes served both as means of justice administration and tools to enforce dominance.

The Court upheld social differences between races and classes through its decisions during colonial times. The court established personal legal rights but only some Europeans, top Indians, and wealthy litigants could normally use them. Despite making changes to the legal system the Supreme Court applied social barriers and imperial priorities to limit its impact on society.

Through legal changes the Supreme Court of Calcutta became a place where colonial administration and legal advancements came together. The Supreme Court of Calcutta demonstrated remarkable success through establishment of official legal rules combined with the writing of codes and management of judicial procedures. During colonial modernity the Supreme Court of Calcutta faced mixed results while representing both ends of colonial attempts to modernize societies. The Supreme Court continues to influence India's legal system today and current discussions about postcolonial justice and colonial law inheritances.

## VIII. CONCLUSION

The Supreme Court of Calcutta started operations on July 3, 1774 after being formed under the terms of the 1773 Regulating Act. The Supreme Court of Calcutta functioned as a main tool for British governance rather than just a simple legal organization. It became the primary Justice system after Company officials stopped implementing random rules following English legal precedent. When Westminster-style law came to India it caused major legal adjustments because Indian society admitted diverse cultures and varied religious beliefs.

Throughout its formation the Supreme Court displayed British control over both the East India Company and the Indian people. Britain created this new organization to show it would control colonized nations using legal rules although many English legal codes did not fit Indian society. The Supreme Court became the form of conflict between three legal powers: British monarchy, East India Company and Indian cultural law systems including Hindu dharmashastra, Islamic law and local customs.

During its initial period the Court exhibited powerful expansion of its jurisdictional power which demonstrated in Nand Kumar court proceedings and Kamaluddin case how Western law clashed with practical enforceability for colonial administrators. Following heavy criticism from local groups the Bengal Judicature Act of 1781 redefined British authority to prevent the Supreme Court of Calcutta from assuming too much control. The changes in colonial governance stem from how the Court built new interaction between legal and political systems.

Although people condemned the Supreme Court of Calcutta for its unusual beginnings and rule-making it built vital advancements to Anglo-Indian law by the end. Under the Supreme Court's direction Indian judicial institutions

formed with written rules and documented appeals arose for the nation under both the Indian High Courts Act of 1861 and other subsequent laws. During the 19th century India adopted the Indian Penal Code (1860) and legal regulations that still guide its present day justice system as the Supreme Court Calcutta legacy.

As part of its duties the Supreme Court slowly recognized individuals in society had legal rights even though the court granted rights unevenly to specific cases. Despite these limitations the concept of courtroom justice and moral standing as legal entities started to develop among the Indian population in legal settings. This early use of individual legal rights through the Supreme Court later formed the base for fundamental rights protection under the Indian Constitution of 1950.

Under colonial rule the Supreme Court of Calcutta showed both reformist beginnings and imperial obligations to dominate. Its dual legacy—as both innovator and enforcer—demands a nuanced understanding. Even though foreign law took over India its actions developed norms that helped form India's official legal system.

Learning about the Supreme Court of Calcutta guides us in understanding how India's basic judicial system came from colonial beginnings. We need to analyze how institutions that brought justice from the past can both help groups and keep others outside while their origins still affect modern democratic rights and law systems in new nations.

## REFERENCES

- [1] Baxi, Upendra. *The Crisis of the Indian Legal System*. Vikas Publishing, 1982.
- [2] Fisher, Michael H. *A Short History of the Mughal Empire*. I.B. Tauris, 2016.
- [3] Malleson, G.B. *The Decisive Battles of India*. W.H. Allen & Co., 1885.
- [4] Marshall, P.J. *The Impeachment of Warren Hastings*. Oxford University Press, 1965.
- [5] Misra, B.B. *The Central Administration of the East India Company, 1773–1834*. Oxford University Press, 1959.
- [6] Singh, Mahendra Pal. *Outlines of Indian Legal and Constitutional History*. LexisNexis, 2013.
- [7] Travers, Robert. *Ideology and Empire in Eighteenth-Century India: The British in Bengal*. Cambridge University Press, 2007.
- [8] Stokes, Eric. *The English Utilitarians and India*. Oxford University Press, 1959.