

## INTRODUCTORY NOTE

### On the High Court of Judicature at Allahabad

The High Court of Judicature at Allahabad is the fourth oldest and last Chartered High Court in India, created under the Indian High Courts Act, or The Charter Act, 1861 (24 & 25 Vict. C. 104), s. 16. When the British acquired the areas, which, from 1835, came to be known as the North-Western Provinces of the Presidency of Fort William in Bengal, the administration of justice in these areas came under the jurisdiction of the Supreme Court of Judicature at Fort William and the Courts of Sadar Dewani Adalat and Sadar Nizamat Adalat of the Presidency of Bengal. However, a separate Sadar Dewani Adalat and Sadar Nizamat Adalat were established for the North-Western Provinces on January 1, 1832. In 1856, Oudh came under British suzerainty and a Judicial Commissioner's Court was created at the apex of the judicial set-up in that province. By the Letters Patent issued on the 14th of May, 1862 by Her Majesty Queen Victoria, the High Court of Judicature at Fort William in Bengal was constituted; and temporarily in North-Western Provinces also, came under the jurisdiction of that High Court for certain purposes. A separate High Court of Judicature for the North-western Provinces was constituted at Agra by Letters Patent of Her Majesty, dated the 17th of March, 1866; but Oudh continued to remain under the Judicial Commissioner as before.

In 1902, Oudh and the North-Western Provinces were merged in one Province, known as the United Provinces of Agra and Oudh, but the judicial administration remained separate. The High Court of Judicature for the North-Western Provinces sat at Agra from 1866 to 1868 and thereafter at Allahabad. On being moved to Allahabad in 1869, the High Court was located in a building on the Sarojini Naidu Marg (Queen's Road) near the buildings in which the U. P. Secretariat, Board of Revenue and other officers of Government were situate. On the 18th of March, 1911, Sir John Stanley, K. C. the then Chief Justice laid the foundation-stone of the present High Court building, which was opened by His Excellency Lord Chelmsford, Viceroy and Governor General of India, on the 27th of November, 1916 during the Chief Justiceship of Sir Henry Richards, K. C. The two courts-the Oudh Chief Court, which replaced the Judicial Commissioner's Court in 1925, and the Allahabad High Court- were amalgamated on the 26th of July 1948; and later a new wing was added to the High Court building, the opening ceremony of which was performed by the President Dr. Rajendra Prasad on 21st February, 1954.

When the High court formally replaced the Sadar Diwani Adalat on the 13th of June, 1866, the Judges quietly walked in and took their seats as if leaving the ceremonies for posterity. The Court made a modest beginning with six judges, including the Chief Justice, Sir Walter Morgan. The number of Civil Appeals before the High Court then was 3112. In 1915 it rose to 4646. Criminal cases were 1001 in number in 1866 and the figure rose to 4271 by 1915. The number of Subordinate courts under the supervision of the Court, which was 350 in 1866, increased to 1276 by 1915. At the time of move to Allahabad, the number of advocates on the roll of the High Court was six. There was also the Vakils' Bar consisting of 'Urdu speaking' Vakils of the earlier Court led by Maulvi Haider Husain, grandfather of Sir Nawab Mohammad Yusuf of Jaunpur.

As years rolled by, the volume of work considerably increased; and with the advent of the new constitution followed by the reorganization of the states, this court today occupies the position of the biggest High Court in India- as the Highest Court in a state with a population of 7,37,90,000 sharing with the Supreme Court and the sister Courts the duty of enforcing the Rule of Law. The present strength of judges is now 38 (including 14 Additional judges) as against 6 of the year 1866. There are now 404 Subordinate Courts spread throughout the state under the supervision of the High Court and the number of Advocates on roll has gone up to 10546. The spacious and commodious building is now found to be inadequate for the growing needs of the Court and it is proposed to add more court rooms, chambers and office rooms to the present Court building. The Court has had a glorious past with a galaxy of eminent judges who acquired lasting fame in the judicial field such as Morgan Stanley, Mahmud, Edge, Henry Richards, Lindsay, P.C. Banerji, Sulaiman, Lal Gopal Mukerji and many others.

Judges from this court have from time to time gone to the Privy Council, Federal Court and the Supreme Court of India and adorned the Chair of the Chief Justice in different High Courts. The Bar of this court justly occupies a place of pride. Eminent lawyers, like Pt. Ajodhya Nath, Sir Sunder Lal, Pt. Moti Lal, Sir Tej Bahadur Sapru, whose names are enshrined in the annals of our country, practiced for several years in this court and made valuable contributions not only in legal sphere but also in other walks of life. The first Prime Minister of the Country was also for 7 years a member of the Bar of this Court. All of them helped in building up the traditions which can be the proud possession of any court. Dr. Kailas Nath Katju and Dr. N. P. Asthana are members of that galaxy who are fortunately still amongst us. The subordinate Judiciary controlled by this Court is held in high esteem and helps to keep the balance of justice even. Despite the stress and strain of times the staff of the Court is devoted to work and has played its part well.

Now that the court has completed a century of its existence it can recall the past with a feeling of satisfaction and pride and look ahead with hopes of a brighter future.