

# **HISTORY**

## **EVOLUTION OF JUDICIARY**

The concept of Dharma or law in ancient India was inspired by the Vedas which contained rules of conduct and rites and compiled in Dharma Sutras, were practiced in a number of branches of the Vedic schools. Their principal contents address the duties of people at various stages of life, the rights and duties of the kings and juridical matters. These were basis of Hindu Law. The earliest document throwing light on the theory of jurisprudence, which forms part of practical governance, is the Artha Sastra of Kautilya dating back to circa 300 B.C. The third chapter deals with Vyavahara i.e. transactions between two or more parties or Vivada or disputation.

During the first seven centuries of Christian era, there evolved a number of Dharma sastras which dealt extensively with Manu, Yajnavalkya, Narda and Parashara smritis etc.

In medieval India, the religious leaders endeavoured to transform Islam into a religion of law, but as custodian of justice, the rulers made the Sharia, a court subservient to their sovereign power. Theoretically the rulers had to be obedient to the Sharia and history speaks about certain cases where sovereigns unhesistently submitted to the Qazi's decision. The rulers sat in a Court known as Mazalim (complaints). According to Ibn Battuta, Muhammad bin Tughalaq,

ruler of Tughalaq dynasty, heard complaints each Monday and Thursday. From 13<sup>th</sup> century onwards, an officer known as Amir-i- dad presided over the secular Court in sultan's absence. He was also responsible for implementing Qazis' decisions and for drawing their attention to the cases which constituted miscarriage of justice.

The Muftis were the expert on Sharia law and gave Fatwas (formal legal rulings) on disputes referred to them by members of the public or qazis. The Chief Judge of the sultanate was known as the qazi –i- mamalik also known as the qazi- ul- quzat.

During Mughals period the secular judge was known as Mir- adl . He acted as a judge on the Emperor's behalf. He was required to make impartial and personal inquiries. He was also responsible for implementing qazi's decisions. Emperor Akbar also appointed two officers, called tui-begis, to supervise the adherence to the law and fixed a nominal amount as their fee. The same system was followed till British took over the power of India.

### **SUPREME COURT IN MAKING**

The promulgation of Regulating Act of 1773 by the King of England paved the way for establishment of the Supreme Court of Judicature at Calcutta. The Letters of Patent was issued on 26 March 1774 to establish the Supreme Court of Judicature at Calcutta, as a Court of Record, with full power & authority to hear and determine all complaints for any crimes and also to

entertain, hear and determine any suits or actions against any of His Majesty's subjects in Bengal, Bihar and Orissa. The Supreme Courts at Madras and Bombay was established by King George – III on 26 December 1800 and on 8 December 1823 respectively.

The India High Courts Act 1861 was enacted to create High Courts for various provinces and abolished Supreme Courts at Calcutta, Madras and Bombay and also the Sadar Adalats in Presidency towns. These High Courts had the distinction of being the highest Courts for all cases till the creation of Federal Court of India under the Government of India Act 1935. The Federal Court had jurisdiction to solve disputes between provinces and federal states and hear appeal against Judgements from High Courts. After India attained independence in 1947, the Constitution of India came into being on 26 January 1950. The Supreme Court of India also came into existence and its first sitting was held on 28 January 1950.

The law declared by the Supreme Court is binding on all Courts within the territory of India. It has power of judicial review – to strike down the legislative and executive action contrary to the provisions and the scheme of the constitution, the distribution of power between Union and States or inimical to the fundamental rights guaranteed by the Constitution.

In formative years, the Apex Court met from 10 to 12 in the morning and then 2 to 4 in the afternoon for 28 days in a year. Today, it has enormous task and meeting for 190 days in a year.

### SUPREME COURT BUILDING



The main block of Supreme Court building was built on triangular plot of 17 Acres and the building was designed by Chief architect Ganesh Bhikaji Deolalikar who was the first Indian to head CPWD and designed Supreme Court Building in an Indo – British architectural style. He was succeeded by Shridher Krishna Joglekar. The foundation stone of the Supreme Court Building was laid by the first President of India, Dr. Rajendra Prasad on 29<sup>th</sup> October 1954.

The broad decision taken at the highest level in 1956 was that the ‘Supreme Court Building should be constructed in the triangular plot on Hardinge Avenue opposite Hardinge Bridge in conformity with wishes of the Prime Minister, the Home Minister, Minister of works, Housing & Supply and Chief Justice of India’. Subsequently, the area has been rechristened and now the building is surrounded by Tilak Marg in the West, Mathura road in the East and Bhagwan Dass Road in the South and Tilak Bridge in the North.

The design of the building itself is in the shape of a balance with a pair of Scales of Justice. Dr. Rajendra Prasad the first president of India on 4<sup>th</sup> August 1958 while opening the new building of the Supreme Court said – “I do not think it will fall to the lot of any of my successors to declare open such a ‘Temple of Justice’. This noble edifice has been conceived and planned by Engineers and Architects who were trained in their profession according to western standards. The architecture and construction of Building bear testimony of their western experience and skill of high order and they have combined with it our conception of justice. Traditionally we look upon justice as a pair of scales the two pans of which have to be held evenly without allowing the beam from which they hang to incline to one side or the other. We see two wings on the two sides. They will accommodate the offices and the records. At the end of each wing is a semi circular structure. They represent the pans which are attached to the beam at the top. This beam will accommodate the Court rooms

wherein the Hon'ble Judges will sit and dispense justice without inking either to the right or to the left.”

The Central beam from the ends of which the scales hang, comprises the Chief Justice's Court at the Centre with two Court halls on either side. The right wing of the structure consists of the Bar room, the offices of the Attorney General & other Law officers and the library of the Court. The left wing consists of offices of the Court. There were two extensions one in 1979 and another in 1994.

### **MOTHER AND CHILD**



A black bronze sculpture of 210 centimeter height was installed in lawn of the Supreme Court on 20 February 1978. It portrays Mother India in the form of the figure of a lady. The lady is sheltering the young Republic of India represented by the symbol of a child, who is upholding the laws of land symbolically shown

in the form of an open book. On the book, a balance is shown, which represents dispensation of equal justice to all. The sculpture was made by the renowned artist Shri Chintamani Kar.

### **DHARMA CHAKRA LOGO OF THE SUPREME COURT**



Its design is reproduced from the wheel that appears on the abacus of the Sarnath Lion capital of Ashoka with 32 spokes. The inscription in Sanskrit “yatodharmastato jayah” means – Truth alone I uphold. It is also referred to - as the wheel of righteousness, encompassing truth, goodness and equity.

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