

Historical Perspective



Insignia in the Chief Justice's Court in the old building of the High Court

Genesis

Odisha was originally a part of the Bengal province during the colonial rule. On 22nd March 1912, a new province of Bihar and Orissa was formed. However, it was the Calcutta High Court which exercised jurisdiction over the said new province. This changed with the Patna High Court coming into existence with effect from 26th February 1916. Eleven Judgeships (Districts) in Bihar and one in Odisha were subject to the jurisdiction of the Patna High Court.

Circuit Court at Cuttack

It was ordained in the Letters Patent that one or more judges of the Patna High Court would visit Orissa by way of circuit to deal with the cases there. As a result, the Patna High Court began sitting in circuit at Cuttack from 18th May 1916. An Advocate General for Odisha was appointed. The District and Sessions Judge of Cuttack functioned as the Registrar of the Patna High Court in circuit. Welcoming the Judges at the first sitting of the Circuit Court at Cuttack, the President of the Cuttack Bar Association, Utkala Gourav Sri Madhusudan Das, expressed the hope that a permanent bench would soon be established at Cuttack. Four of the districts of Orissa at the relevant time, namely Cuttack, Balasore, Puri and Angul were under the jurisdiction of a single district judge. Sambalpur was under the jurisdiction of the Sambalpur-Manbhum District Judge. This situation continued till 1st April, 1936 when

the separate province of Orissa was formed. From then on, there were two District judges one at Berhampur exercising jurisdiction over Ganjam, Koraput and Puri and the other at Cuttack exercising Jurisdiction over Cuttack, Balasore and Sambalpur Districts. Meanwhile, there was a growing demand for Orissa to have its own High Court with several representations being submitted to the Government. The High Court Bar Association at Cuttack adopted a Resolution on 26th July, 1938 demanding a separate High Court for Orissa. By resolution dated 15th August 1942, the Government of Orissa constituted a committee to examine a question of establishing a High Court for Orissa. This committee comprised Sri Bira Kishore Ray, the then Advocate General, Odisha as Chairman and Sri Bichitrananda Das, Member of Legislative Assembly, Rai Bahadur Chintamani Acharya, President of High Court Bar Association at Cuttack, Sri D.N. Narsingh Rao, Advocate, Berhampur as Members and J.E. Maher, Superintendent and Remembrancer of Legal Affairs, Odisha as the Secretary. The Committee's report was published on 31st December 1943. Consequent upon the government accepting the Committee's recommendations the Governor of Orissa submitted an address to the Governor General of India on 3rd March, 1948 that a High Court, be constituted for the Province of Orissa. On 30th April 1948, the Governor-General of India in exercise of the powers conferred by Section 229(1) of the Government of India Act, 1935 issued the Orissa High Court Order, 1948 providing for constitution of the High Court for the Province of Orissa from 5th July 1948. Subsequently, by Orissa High Court (Amendment) Order 1948, the date of formation was changed to 26 July, 1948.



The Old High Court Building of 1913

FIRST DAY OF THE HIGH COURT OF ORISSA, 26th JULY 1948

