

PRE FUSION ERA (1820 to 1867)

- ❖ From 1830 Common Law Formalism started to weaken
- ❖ Common Law Courts considered inadequate for “Substantive Justice”
- ❖ 1852 Law Commission
 - ✓ Simplified Procedure enabling Common Law Courts to do “Substantive Justice”
 - ✓ Recommend Powers to Common Law Courts to do Discovery & grant Injunctions
 - ✓ Common Law Amendment Act 1854
 - ✓ Civil Procedure Code 1859 of India
 - ✓ Procedural Osmosis between “Formalistic Justice Approach” of Common Law Courts & “Substantive Justice Approach” of Equity Courts
- ❖ Reform Initiatives focused on incremental Changes. Increasing Judges/ Increasing Salaries/ Simplifying Procedures/ Delay/ Cost/ Complexity