

1.2 Course – II, History-I

Objectives:

The paper deals with the religious and secular literary sources of writing Ancient Indian History. It also discusses medieval literary sources to construct the socio-economic and political development under Islamic rule. It also explains the nineteenth and twentieth century understanding of Marxist, colonial, nationalist and subaltern school. It discusses the writings of contemporary historians and their way of depiction of the recent historical trends. The student in this course will study, the interlinks between development of law with the historical aspects of India.

Course Outcome:

On successful completion of the course students will be able to:

1. Explain the Indian historical developments during vedic, post vedic, Medieval, colonial and modern India.
2. It also enables them to understand the impact of traditions and customs on the law making in India.

Unit 1: Introduction:

- i. History – Meaning and Methodology.
- ii. Relationship between Law and History.
- iii. The First Urbanisation.
- iv. Religious Movement in Ancient India.

Unit 2: Ancient and Medieval Indian Polity, State and Administration:

- a) Theory of kingship, Nature of State and Administrative apparatus in Ancient India: Vedic, Maurya, Kushana and Gupta Period.
- b) State Formation – Arthashastra – on Polity – Debate.
- c) Centralised and Segmentary State Theory.
- d) On Feudalism and State Theory.
- e) Islamic Theory of Kingship.
- f) Administration under The Mauryas, Guptas, Vijayanagar and Mughals.

Unit 3: Modern India - Colonial Rule:

- a) Colonialism – Theories on Colonialism, Nature and Structure of the Colonial State in

India.

- b) Rule of Governors – Introduction of Colonial Judicial System, Land Settlement, Subsidiary Alliance, Social Reformation through Colonial Acts.
- c) 1857 Rebellion and aftermath.
- d) Major reformation and policies regarding Religion, Education and Social Customs.

Unit 4: Indian National Movement:

- a) Moderates, Extremist Movement – Policies, Programmes.
- b) Gandhian Era – Satyagraha, Civil Disobedience and Non Cooperation Movements.
- c) Freedom and Partition of India.

Unit 5: The concept of Justice and Judicial system in Ancient India and Medieval India:

- 1. Concept of Dharma and sources of Dharma - Veda, tradition and good custom.
- 2. Dharma Sutras and Dharma Shastra – Manu Smriti, Yajnavalkya Smriti, Narada Smriti, Katyayana Smriti. And Arthashastra.
- 3. **Judicial System**
 - i. Law with regard to non-Muslims , Types of court: Pratishita, Apratishta, Mudrita, Sasita, Guilds, Panchayats, Kankasodhana, Dharmasthiya
 - ii. Procedures: Appointment of judges, Trial, Witness, Pleaders, Secret agents, wergild and Punishment, Role of Judges and Investigation.
 - iii. Sources of Islamic Law: Sharia and Hadis
 - iv. **Salient features of Islamic Criminal Law**
 - v. Judicial organization: King, Chief Qazi, Judicial Officers, Investigative Process and Punishments