

2.1 Course – I, History –II

Objectives:

Law cannot be understood properly when divorced from the History and spirit of the nation whose law it is. In this background the course comprises the growth, evolution and development of the legal system of a country. The legal system of a country is not the creation of one man, but the endeavours, experience, planning, of a large number of people, over many years and through many generations. The syllabus also throws light on the present judicial system which was introduced and developed during British period, though it was tailor made for the consolidation of colonial power.

Course Outcome:

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

1. Understand the objectives of implementation of various legislation in India by British
2. To critically analyse the efficacy of the judicial system introduced by British
3. To analyse the legal system inherited and its effects on India

Unit I: Early Developments (1600- 1780)

Charters of the East India Company: 1600, 1661, 1726 and 1753

Settlements: Surat, Madras, Bombay and Calcutta Establishment of Mayor's Court of 1726

Warren Hastings: Judicial Plans of 1772, 1774 and 1780

Unit II: Development of Judicial System:

Regulating Act, 1773

Establishment of Supreme Court of 1774 and Its Failure. The Act of Settlement 1781, defects

Landmark Cases: Raja Nanad Kumar, Kamaluddin, Patna Case, and Cossijurah Pitts India Act, 1784;

Lord Cornwallis: Judicial Plans of 1787, 1790 and 1793

Lord William Bentinck (With special focus on Appraisal of Criminal law)

Unit III: Evolution of Law and Legal Institutions:

Development of Personal Laws

Development of Civil law in Mufassil: Special Emphasis on Justice, Equity and Good Conscience. Codification of Laws: Charter of 1833, the First Law Commission, the Charter of 1853, the Second Law Commission.

Establishment of High Courts, 1861

Privy Council and Federal Court: Appeals and working of Privy Council, Appraisal of Privy Council, Features of Federal Court.

Unit IV: Constitutional History

Government of India Act, 1858. The Indian Councils Act, 1861. The Indian Councils Act, 1892. Government of India Act (Morley- Minto Reforms), 1909. The Government of India Act 1919. The Government of India Act, 1935. Cripps and Cabinet Missions.

Unit V: Legal Profession and Education

Early Developments though Mayor's Court, Supreme Court, Company's Adalat, High Court. Legal Practitioners Act of 1879.

The Champaran and Indian Bar Committee of 1951.

The Advocates Act of 1961: Provisions and Disciplinary powers.

Law Reporting: Theory of Precedents, Features of Law reporting from 1773 to 1950. Legal Education: History and Basic Aims of Legal Education.

Recommended Reading:

- 1 V.D. Kulshretha – Landmarks of Indian Legal and Constitutional History.
- 2 M.P. Singh – Outlines of Indian Legal History.
- 3 H.V. Sreenivasamurthy., History for Law students, Vol. II.

Reference books:

- 1 M.P. Jain., Outline of Indian Legal History.
- 2 Abdul Hamid., Constitutional and Legal History of India.
- 3 A.B. Keith, Constitutional and Legal History of India.
- 4 Rama Jois., Legal and Constitutional History of India, Vol. II.
- 5 Abdul Hamid – Constitutional History of India
- 6 RadhikaSingha ., A Despotism of Law, Crime and Justice in early Colonial India.
- 7 J. Duncan M. Derrett, Religion, Law and the state in India.
- 8 Marc Galanter, Law and the Society in Modern India.
- 9 UpendraBaxi, Towards a Sociology of Law.
- 10 Indra Deva ed. Sociology of Law.
- 11 Flavia Agnes, Law and Gender inequality.
- 12 Bipan Chandra, Nationalism and Colonialism.
- 13 Granville Austin, The Indian Constitution, Cornerstone of a Nation.