

BA.LLB (HONS) – III-SEMESTER

LEGAL AND CONSTITUTIONAL HISTORY

COURSE CODE:

Course Objective: The course is to develop understanding of evolution of modern legal system in India. A law student needs to have a general conception of hierarchy of Courts and evolution of court mechanisms. The main objective of this Course is to examine the evolution of Adjudicatory mechanism and legal profession in various legal eras.

Course Outcome:

1. To understand the evolution of adjudicatory mechanisms in various legal eras
2. To evaluate the developments and differences in the structure of courts in ancient Hindu, Muslim, pre and post British period
3. To understand the development of legal profession
4. To examine the hierarchy of Court structure in India
5. To analyse the contemporary developments in court systems

Unit I: Early Developments (1600- 1836)

- a. Charters of the East India Company: 1600, 1661, 1726 and 1753
- b. Settlements: Surat, Madras, Bombay and Calcutta
- c. Courts: Mayor's Court of 1726 and Supreme Court of 1774
- d. Statutes: Regulating Act, 1773; Pitts India Act, 1784; The Act of Settlement 1781
- e. Conflict: Raja Nanad Kumar, Kamaluddin, Patna Case, and Cossijurah
- f. Warren Hastings: Judicial Plans of 1772, 1774 and 1780
- g. Lord Cornwallis: Judicial Plans of 1787, 1790 and 1793
- h. Lord William Bentinck (With special focus on Appraisal of Criminal law)

Unit II: Evolution of Law and Legal Institutions

- a. Development of Personal Laws
- b. Development of Law in Presidency Towns
- c. Development of Civil law in Mufassil: Special Emphasis on Justice, Equity and Good Conscience
- d. Codification of Laws: Charter of 1833, The First Law Commission, the Charter of 1853, The Second Law Commission
- e. Establishment of High Courts, 1861
- f. Privy Council and Federal Court: Appeals and working of Privy Council, Appraisal of Privy Council, Features of Federal Court
- g. Evaluation: Special Reference to Racial Discrimination, Merit and Demerits

Unit III: Legal Profession and Education

- a. Early Developments though Major's Court, Supreme Court, Company's Adalat, High Court, Legal Practitioners Act of 1879, The Chamier and Indian Bar Committer of 1951
- b. The Advocates Act of 1961: Provisions and Disciplinary powers
- c. Law Reporting: Theory of Precedents, Features of Law reporting from 1773 to 1950
- d. Legal Education: History and Basic Aims of Legal Education

Unit IV: Constitutional History

- a. The Indian Councils Act, 1861

- b. The Indian Councils Act, 1892
- c. The Indian Councils Act, 1909
- d. The Government of India Act 1919
- e. The Government of India Act, 1935

Unit-V: Indian Constitution

- a. Introduction to Indian Constitution
- b. Salient features of Indian Constitution

Text Books:

- 1. M.P. Jain – Outlines of Indian Legal History
- 2. V.D. Kulshretha – Landmarks of Indian Legal and Constitutional History

References:

- 1. M.P. Singh – Outlines of Indian Legal History
- 2. Abdul Hamid – Constitutional History of India