

HISTORY-I

OBJECTIVE:

This paper attempts to study the stages and processes of State formation in India from the Ancient period, through the Medieval period right up to the modern period.

This study of this paper assists students to critically analyze and understand that the development of all institutions of State and Society is one of continuity and change. Moreover, students understand from a study of this subject the processes through which the society traverses directly influencing the legal, political, and cultural traditions in India.

Units

ANCIENT INDIA

Political thought and the institutions in Ancient India with special study of the Nature of the State, Administration and Development of the Judiciary from the Vedic Period upto 10th century AD.

1. Nature of the State in Ancient India (06)

- 1.1) Origin of the State
- 1.2) Nature, Aims and Functions of the State
- 1.3) Republics
- 1.4) Monarchy

2. Central Administration : Republics in Ancient India – its nature, law-making powers and its disappearance (03)

3. Village Administration (04)

The concept of an Ancient Indian Villages was that of a mini republic-self-supporting, self sufficient with a mature administration

4. Social- legal status of women in Ancient India (03)

5. Judicial System (06)

- 5.1) Judicial System in the Vedic Periods –Early Vedic Period and later Vedic Period
- 5.2) Kautilyan- Legal System
- 5.3) Judicial gleanings in the Sutras and Smritis

6. Judicial Administration (06)

- 6.1) Judiciary in the Law Books
- 6.2) Ancient Indian Concept of Dharma or Law
- 6.3) Judicial Procedure
- 6.4) Royal courts and Popular Courts
- 6.5) Crimes and Punishments

MEDIEVAL INDIA

A study of the ideas and institutions with the coming of the Muslims into India

A study of the administration in India during this period which was a blend of Islamic in some areas, Hindu systems in some areas followed by a blend of the Hindu and Islamic system in the Maratha State.

1. Theoretical Aspects (08)

- 1.1 Farabi: His ideas on State and Government
- 1.2 Ghazzali : His ideas on State and Government
- 1.3 Krishnadevaraya
- 1.3 Ramchandra Pant Amatya

2. The Islamic State in Medieval India (05)

- 2.1 Its nature
- 2.2 Kingship under Delhi Sultans and the Mughals
- 2.3 Administration in Medieval India

3. The Mansabdari System which was a mix of the Army and the Bureaucracy in the Muslim State in India (04)

Tutorials (05)

Total (50)

Suggested Readings

ANCIENT INDIA

Altekar, A.S., State and Government in Ancient India,(1977 Edition)
Nagendra, Singh, Juristic Concepts of the Ancient India Polity, (1980 Edition)
Prasad, Beni, The Political Theory in Ancient India, (Allahabad, 1927)
Nath, Nagendra, Law Aspects of Ancient India Polity Kane, P.V., History of the Dharmashatras

Books for Reference

Jayaswal, K.P., Hindu Polity, Calcutta, 1924
Ghosal, U.N., Indian Political Theories
Bhandarkar, D.R., Some Aspects of Ancient Indian Polity, Banaras, 1929
Prasan, Beni, State in Ancient India
Mookerji, R.K., Local Self-Government in Ancient India
Sen, A.K., Studies in Ancient India Political Thought, Calcutta 1926
Gokhale, B.G., Ancient Indian- History & Culture-Part I
History and Culture of India People, Bharatiya Vidya Bhavan, vol.I &II

History of Courts, Legislatures, and Legal Profession in India – I

Objectives

The subject of Legal History 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. "Law cannot be understood properly when divorced from the History and spirit of the nation whose law it is." M.P. Jain.

The present judicial system is what the British created, though it was tailor made for the consolidation of colonial power. This legal system showed scant sensitivity to local traditions.

Students are expected to critically analyze the efficacy of this legal system we have inherited.

Units

A] History of Courts

1) Early Settlements (1600-1726) (07)

- 1.1 Early charters and establishment of Surat factory
- 1.2 Administration of Justice at Madras (1639-1726)
- 1.3 Administration of Justice at Bombay (1668-1726)
- 1.4 Administration of Justice at Calcutta (1690-1726)

2) The Royal Charter of 1726 (04)

- 2.1 Significance of the Charter of 1726 and establishment of Mayor's Courts and working of the Judicial System
- 2.2 The Charter of 1753: Its significance and changes in the Mayor's courts

3) The Subordinate Judiciary in India (04)

- 3.1 Grant of Diwani (1765)
- 3.2 Judicial plans of Warren Hastings in 1772, 1774 & 1780

4) Beginning of Statutory courts in India (08)

- 4.1 The Regulating Act of 1773
- 4.2 Creation of the Supreme Court, its constitution and working
- 4.3 Reasons for the conflict between the Supreme Court and the Supreme Government

- 4.4 The trials of Raja Nandakumar, Patna case, Cossijurah case and other related cases
- 4.5 Mayor's court vis-a- vis the Supreme Court

B] Legislature

- 1.1 Legislative authority of the East India Company under the charter of Queen Elizabeth in 1600 (3)
- 1.2 Significance of the early charters (1600-1661)
- 1.3 Nature and scope of Legislative authorities under the Regulating (1773) Act of Settlement (1781)
- 2) Act of 1813: The extension of the legislative power conferred on all three councils and the subjection of the same to greater control (03)**
- 3) Act of 1833: Creation of All- India Legislative Council (04)**
- 4) Indian Councils Act, 1861 (04)**
 - 4.1 Main Provisions
 - 4.2 Creation of Central and Provincial Legislatures
 - 4.3 Distinction between executive and Legislative functions
 - 4.4 Criticism of the Act

C] Legal Profession

- 1.1 A brief review and growth of the legal profession (02)
 - 1.1.1 During Pre-British Period
 - 1.1.2 During British Period
- 1.2.1 Under the charter of 1726 (04)
- 1.2.2 Under the charter of 1774 and Act of 1781
- 1.2.3 Legal Protection in companies
- 1.3 Legal Practitioner's Act, 1853 (02)
- Tutorials (05)**
- Total (50)**

Suggested Readings:

Jain, M.P., Outlines of Indian Legal and Constitutional History, Sixth edition, Revised 2006
Kulshreshtha, V.D., Landmarks in Indian Legal and Constitutional history, Eighth Edition

Jois, M. Rama, Legal and Constitutional History of India
Mahajan, V.D., Constitution of India
Keith, A.B., Constitutional History of India, 1600-1936
Wheare, K.C., Modern Constitutions

Note: Students are expected to read latest journals, periodicals, reports and articles to keep abreast with the recent trends and developments in this subject.