



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A.,LL.B.(HONS.) FYIC**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER (V) – ACADEMIC YEAR .....**

| <b>SL. NO</b> | <b>COURSE CODE</b>                      | <b>COURSE TITLE</b>                               | <b>L</b>          | <b>T/P</b>        | <b>CR</b> | <b>CH</b> |
|---------------|---|---|-------------------|-------------------|-----------|-----------|
| <b>1</b>      | <b>BL501.4<br/>(HISTORY MAJOR- V/I)</b> | <b>INDIAN LEGAL AND CONSTITUTIONAL HISTORY II</b> | <b>4 PER WEEK</b> | <b>1 PER WEEK</b> | <b>4</b>  |           |

- A. CODE AND TITLE OF THE COURSE: BL501.4 (HISTORY MAJOR-V/I), CONSTITUTIONAL HISTORY II**
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)**
- C. MEDIUM OF INSTRUCTION: ENGLISH**
- D. COURSE COMPILED BY: NAMRATA GOGOI**
- E. COURSE INSTRUCTOR: NAMRATA GOGOI**

## **1. COURSE OBJECTIVES:**

There is an indispensable relationship between History and Law. the study of a legal system of a country in its entirety is possible only by studying the historical development of the legal institutions and the historical context in which they originated. Therefore, the study of Legal History of India is of paramount importance to students of Law. An adequate knowledge of the origins and development of legal institutions in India starting from the early times to the present is a necessary tool for those seeking comprehensive knowledge of the Indian Legal System.

Since the history of India is one marked with constant changes, the judicial system is also emblematic of those changes. It is important to look at the gradual process through which contemporary India came into being and how it affected the institution of the courts and the law. Our present legal system is as much a product of the legal institutions of the ancient and medieval period, as a legacy of our colonial past. It is important to look at the gradual process through which contemporary India came into being. A historical perspective on the study of these institutions throw light upon the process of evolution of these institutions throughout the different periods of time. Traditionally the study of Legal History focuses on the legal institutions like the courts and their origins, the judiciary, concepts of crime and punishment, Law books and codification, legal reforms etc.

## **2. TEACHING METHODOLOGY:**

The teaching methodology shall be participatory teaching with discussions on the topics included. The students are informed in advance the topic for discussion and the topic of project / assignment they have to prepare. The students prepare their topics from the sources suggested to them. The students are also encouraged to do independent research on their respective assignments. In the classroom every student is required to present his/her topic and to have his/her doubt cleared through discussion. The teacher will be helping and guiding the students in their pursuits of legal learning. The teacher summarizes after the students have completed their discussion, and he clarifies the doubts, if any, and answer their queries.

### 3. EXPECTED OUTCOMES OF THE COURSE:

On completion of the Course the students are expected to have acquired the basic understanding of the Indian Legal system and the process of its evolution through the ages. Since the field of study of Legal History lacks adequate research in recent times, it is expected that students who develop an interest in the subject may take it up as a field of further research at master's level.

### 4. COURSE EVALUATION METHOD:

The course shall be assessed for 200 marks. The Evaluation Scheme would be as follows:

Internal Assessment: 70% (140 marks)

Semester End Examination: 30% (60 marks)

| Sl. No. | Marks Distribution       |          |
|---------|--------------------------|----------|
| 1       | Project Work             | 40 marks |
| 2       | Seminar/Group Discussion | 20 marks |
| 3       | Assignment/Assessment    | 30 marks |
| 4       | Mid-Semester Test        | 40 marks |
| 5       | Attendance in class      | 10 marks |
| 6       | Semester End Examination | 60 marks |

### 5. STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

#### MODULE I

**Rise Of Nationalism and the Indian Independence Movement:** Founding of the Indian National Congress; Emergence of Communalism and birth of the Muslim League, Morley-Minto Reforms, Effects of World War I on India, Government of India Act, 1919; the Simon Commission, 1927; the Nehru Report, 1928; Communal Award and Poona Pact

**Government of India Act, 1935:** Main provisions of the Act; Concept of Dyarchy; Establishment of a bicameral federal legislature; Defects of the Act

**Constitutional Developments (1937-1947):** World War II; Two-nation theory; the August Offer, 1940; Quit India Resolution, 1942; the Wavell Plan, 1945; the Cabinet Mission, 1946; the Indian Independence Act, 1947

## **MODULE II**

**The Federal Court:** Foundation of the Federal Court; Appointment of Judges; Jurisdiction of the Federal Court – Original, Appellate and Advisory Jurisdiction; Authority of law laid down by the Federal Court; Expansion of jurisdiction of the Federal Court; Abolition of the Federal Court

**Racial Discrimination in the Administration of Justice:** Exemptions and Privileges for British subjects; Regulation IV of 1827; Charter Act of 1833; the Black Act; Act XI of 1836; Act IV of 1843; Ilbert Act, 1884; the Criminal Procedure Amendment Act, 1923

**The Constituent Assembly:** Formation of the Constituent Assembly; the Drafting Committee; the Constitution of India

## **MODULE III**

**Writ System in India:** Origin of the Writ system in England and India; Early writ jurisdiction in the Presidencies; Writs under the Indian High Courts Act; Writs under the Constitution of India

**History of Legal Profession in India:** Regulation Law relating to the legal profession till 1833; the Legal Practitioners Act, 1846 and 1863; the Indian High Courts Act, 1861; the Legal Practitioners Act, 1879; the Indian Bar Committee, 1923; the Indian Bar Councils Act, 1926; All-India Bar Committee, 1951

**Legal Education in India:** Aims of Legal Education; History of Legal Education; New Scheme; Recent developments

**Law Reporting:** Doctrine of precedent; Law Reporters: Supreme Courts, High Courts, Privy Council, Federal Court and Supreme Court; Private Reports, SCC Reports; Principles for Law Reporting

## **6. PRESCRIBED READINGS**

- Keith, A.B (2010). A Constitutional History of India. New Delhi: Pacific Publication
- Kulshrestha, V.D. (ed.) (2019). Landmarks in Indian Legal and Constitutional history. Delhi: Eastern Book Company
- Gupta, S (2006). History of Legal Education, Delhi: Deep & Deep Publication
- Jain, M.P. (2014). Outlines of Indian Legal and Constitutional History. Bombay: LexisNexis
- M. Rama Jois (2014). Legal and Constitutional history: Ancient, Judicial and Constitutional System. New Delhi: Universal Law Publishing Co.
- Mittal, J.K.(2017). Indian Legal and Constitutional History. Allahabad: Allahabad Law Agency
- Singh, M.P. (2015). Outlines of Indian Legal and Constitutional History. New Delhi: Universal Law Publishing
- Tripathi, S.C. (2015). Indian Legal and Constitutional History. 3rd ed. Delhi: Central Law Publication
- Tripathi, G.P.(2015). History of Courts and Legislation .Delhi: Central Law Publication
- Rao, R.S.(2018). Lectures on History of Courts and Legal Profession in India. Delhi: Asia Law House
- Rai, K. (2016). Indian Legal and Constitutional History. Allahabad: Allahabad Law Agency
- Kapoor, A.C.(1985). Constitutional History of India 1765-1984. Delhi: S. Chand & Company Pvt. Ltd.
- Mukherjee, M. (2011). India in the Shadows of Empire: A Legal and Political History. New York: Oxford University Press
- Cassels, N. G. (2010). Social Legislation of the East India Company: Public Justice versus Public Instruction. New Delhi: Sage Publication