

		SGT UNIVERSITY, GURGAON FACULTY OF LAW	
PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LL.B. (Hons.)	I	Legal & Constitutional History	08040103

History of Legal & Constitutional Development

Course Objective:

The study of legal history has established exponentially in the twentieth century. This course will introduce the students to the legal and constitutional developments in pre-independence India. Further In this course the evolution of the Indian constitution in the last two decades of the nineteenth and first half of the twentieth centuries, especially from 1885-1947 will also be covered.

Module-1: **The East India Company and its early settlements**

- 1.1 The early Charters (Charters of 1600 and 1687)
- 1.2 Administration of Justice in Madras, Bombay and Calcutta before 1726
- 1.3 Charter of 1726 and Establishment of Mayor's Court
- 1.4 Distinction between Charter of 1687 and 1726
- 1.5 Charter of 1753

Module-2: **The Beginning of the Adalat System**

The Judicial Plans of 1772 and 1774 introduced by Warren Hastings

Module – 3: **The Supreme Court at Calcutta**

- 3.1 The Regulating Act, 1773 and the Establishment of Supreme Court at Calcutta
- 3.2 Conflict between Supreme Court & Governor General and his Council
- 3.3 Cases:
 - (a) Trial of Raja Nand Kumar
 - (b) Patna Case, and
 - (c) Cossijurah Case
- 3.4 The Act of Settlement, 1781

Module: 4: **Adalat System**

Adalat System under Lord Cornwallis, Judicial Plans of 1787, 1790, 1793

Module-5: **The High Court**

- 5.1 Dual Judicature before 1861

- 5.2 Indian High Courts Act, 1861
- 5.3 Codification of Law: First, Second and Third Law Commissions
- 5.4 The Lex Loci Report

Module-6: The Government of India Act

- 6.1 The Government of India Act, 1858
- 6.2 Indian Councils Act, 1861
- 6.3 Indian Councils Act, 1892
- 6.4 Indian Councils Act, 1909 (Morely Minto Reforms)
- 6.5 Government of India Act, 1919
- 6.6 Government of India Act, 1935

Module 7: The Indian Independence Act, 1947

- 7.1 Effects of the Indian Independence Act
- 7.2 Constitutional Position of the Indian States after the Independence Act, 1947

Module 8: Shaping of the Indian Constitution

Constituent Assembly of India

Course Outcome –

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

1. Demonstrate capacity to locate and use primary sources of legal history efficiently and effectively;
2. Demonstrate capacity to engage in legal research and craft arguments in writing based on a legal history;
3. Understand the beginning and development of Court system in India;
4. Critically reflect on the process of law reform in nineteenth century in India, including the role of law reform committees and their report, social movements and organizations.

Suggested Readings:

1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional System by Justice M. Rama Jois, Universal Law Publishing Co.
2. Outlines of Indian Legal & Constitutional History by M.P. Jain, Lexis Nexis
3. Legal & Constitutional History of India: An essential revision aid for law student by Universal law series

4. V.D. Kulshrestha's Landmark in Indian Legal & Constitutional History by B.M. Gandhi, Eastern Book Company
5. Indian Legal & Constitutional History, Prof. Kailash Rai, Central Law Agency
6. Indian Legal & Constitutional History, Dr. N.V. Paranjape; Central Law Agency
7. Indian Legal & Constitutional History, J.K. Mittal, Allahabad Law Agency