Paper 1.8

(A) Legal and Constitutional History of India

Max. Marks: 100   **Min. Marks: 36**

a.   In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

b.   Leading cases prescribed under this paper may be read whenever they are relevant.

1.   Importance of necessity of legal history : Charter of 1726 and establishment of Mayor's Court ; Charter of 1753 ; The Regulating Act, 1773. The Supreme Court of Calcutta, Bombay and Madras Act of Settlement, 1781 : Nand Kumar Trial, Patna case Cosijurah case.

2.   The beginning to the adalat system : The judicial plan of 1772 and 1774 introduced by warren hasting. Judicial reforms of Cornwallis and william bentick.

3.   The high court : Dual judicature before 1861 : Indian high court act 1861 ; Privy Council ; Federal Court, and good consciences, Development of Criminal Law. Codification of Law, Law Commission, Legislative Council, First, Second and Third Law Commissions. The Lex Loci Report.

4.   Goverenment of India Act, 1858 and 1892 Act of 1909 : Morley Minto reforms, Government of India Act, 1919

5.   Simmon Commission, Round Table Conference : Federalism – Nature and Characteristics under Government of India Act, 1953 ; Provincial Autonomy, Cabinet Mission ; Crips Mission ; Indian Independence Act, 1947 ; Abolition of jurisdiction of Privy Council ; Constituent Assembly – Its formation, working, contributions.

LEADING CASES :

1. Trial of Raja Kumar, 1775
2. Patna Case, 1777-79
3. Cossijurah Case, 1789-90
4. Kamaluddin Case, 1775

SUGGESTED BOOKS :

1. Jain, M.P.   :   Outlines of Indian Legal History (Hindi & English)
2. Keith A.B.   :   Constitutional History of India (Chapter VII, VIII, X,

XI, XII)

3.	Banerjee	:	The making of the Indian Constitution
4.	Mahajan, V.D.	:	Constitutional History of India
5.	Sinha, B.S.	:	Legla & Constitutional History of India
6.	Kulshrestha.	:	Land marks in Indian legal and Constitutional
7.	Bhansali, S.r.	:	Legal System of India