



Semester : II

B.A. LL.B. (Hons.)

Paper Code: LB-203

History-II (Legal and Constitutional History)

Credit: - 04

Introduction:

The focus of Legal and Constitutional Development in India is to look at Modern developments in India, the administration of Justice during the British Period and institutions and how they impacted the Indians and their old systems. The emergence of present judicial system can be traced to the historical developments in colonial India. The paper looks at the struggle for Modern Constitution and framing and emergence of the Indian Constitution. The paper deals with the development of Legal professions in India.

Course Objectives:

1. To make students aware about the significance of study of history and its relevance for law students;
2. To enable students to understand the evolution and development of administrative structures and policies from 1600A.D to 1961 A.D.
4. To imbibe insights about the Legal and Constitutional Development.
5. To make students understand the administration of justice and Constitutional Development.

Learning Outcomes:

- On the successful completion of the course, students will be able to:
1. Analyse and gain familiarity with the study of history and its methodology.
 2. Acquire knowledge about the evolution and development of administrative structures and policies of British Period.
 3. Acquire understanding of concept of justice and judicial institutions in Modern India.
 4. Acquire knowledge and information about various Acts and Development of Constitution of India and to understand the process of Legal Development, Legal Profession, Courts, Writ Jurisdiction etc. in India.

Module - I

Administration of Justice during Early British Period

- 1.1. Early Administration of Justice Madras, Bombay and Calcutta;
- 1.2. The Mayor's Court (1726);
- 1.3. The Adalat System: Reforms of Warren Hastings;
- 1.4. The Supreme Court at Calcutta;
- 1.5. The Regulating Act (1773): Working of the Court- Raja Nand Kumar Case of 1775, Patna Case of 1777 and Cossijurah case of 1779, The Act of settlement.

Module - II

Judicial Reforms of Cornwallis and High Courts

- 2.1. Judicial Reforms by Lord Cornwallis;
- 2.2. Establishment of High Courts;
- 2.3. The Government of India Act (1858);
- 2.4. History of Writ Jurisdiction;
- 2.5. Enactment of Modern Civil and Criminal Codes/Acts.

Module - III

Struggle for the Modern Constitution and Legal System

- 3.1. The Government of India Acts, 1909 and 1919;
- 3.2. Nehru Report of 1928;
- 3.3. Karachi Resolution of 1931;
- 3.4. White paper of 1933 and The Government of India Acts, 1935;
- 3.5. Establishment of Federal Court and its Significance.

Module - IV

Making of Indian Constitution and development of Legal Profession

- 4.1. The Origins and Creation of the Constituent Assembly;
- 4.2. India in Microcosm: The Assembly, the congress, and the Country; Leadership and Decision- making;
- 4.3. Ideologies and the Form of the Constitution to be adopted: Socialist, Gandhian, Liberal etc;
- 4.4. The History of the Indian Legal Profession;
- 4.5. The Advocates Act, 1961.

Prescribed Readings:

1. A. B. Keith, CONSTITUTIONAL HISTORY OF INDIA, (1961).
2. Austin, Granville, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION, (1999).
3. M. P. Jain, OUTLINES OF INDIAN LEGAL AND CONSTITUTIONAL HISTORY, (2014)
4. M. Rama Jois, LEGAL AND CONSTITUTIONAL HISTORY OF INDIA, 1600-1935), (2011).
5. M. V. Pylee, CONSTITUTIONAL GOVERNMENT IN INDIA, (Asia Publishing House, 1965).
6. V. D. Kulshretha, and V. M. Gandhi, LANDMARKS OF INDIAN LEGAL AND CONSTITUTIONAL HISTORY, (2016).

Suggested Readings

1. A. C. Banerjee, THE CONSTITUTIONAL HISTORY OF INDIA, 1858-1919, Macmillan, Delhi, 1978.
2. Anil Seal, THE EMERGENCE OF INDIAN NATIONALISM, (Cambridge University Press, 1968).
3. Archana Chaturvedi, A CONSTITUTIONAL HISTORY OF INDIA, (Commonwealth Publishers, 2006).
4. B. Prasad, THE ORIGINS OF PROVINCIAL AUTONOMY, (Central Book Depot, Allahabad, 1941).
5. Bidyut Chakrabarty and Rajendra Kumar Pandey, MODERN INDIAN POLITICAL THOUGHT, (Sage, 2009).
6. Bidyut Chakrabarty, INDIAN CONSTITUTION: TEXT, CONTEXT AND INTERPRETATION, (Sage, New Delhi, 2017).
7. Ishita Banerjee Dube, A HISTORY OF MODERN INDIA, (Cambridge University Press, 2015).
8. Madhav Khosla, THE INDIAN CONSTITUTION, (2012).
9. Mithi Mukherjee, INDIA IN THE SHADOW OF EMPIRE : A LEGAL AND POLITICAL HISTORY (1774-1950), (2011).
10. R. Coupland, THE CONSTITUTIONAL PROBLEM IN INDIA, PART I, (London, 1944).
11. Ramchandra Guha, GANDHI : THE YEARS THAT CHANGED THE WORLD (1914-48), (Penguin Allen Lane, 2018).
12. Ramchandra Guha, MAKERS OF MODERN INDIA, (Penguin, 2012).
13. S. N. Roy, INDIAN POLITICS AND CONSTITUTIONAL DEVELOPMENT, (New Delhi, 1976).
14. S. R. Mehrotra, INDIA, AND COMMONWEALTH, (1965).
15. Sri Ram Sharma, A CONSTITUTIONAL HISTORY OF INDIA, (Macmillan, 1955).

16. Subhash G. Kashyap, CONSTITUTIONAL HISTORY OF INDIA: POLITY, GOVERNANCE AND THE CONSTITUTION, CENTRE FOR STUDIES IN CIVILIZATIONS, (2015).
17. Tara Chand, HISTORY OF THE FREEDOM MOVEMENT IN INDIA, (1967).
18. Udit Bhatia, THE INDIAN CONSTITUENT ASSEMBLY, FRANCIS AND TAYLOR, (2017).
19. V. P Menon, THE TRANSFER OF POWER IN INDIA, (Orient Blackswan, 2017).


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