

**NAME OF SUBJECT: HISTORY-I: INDIAN HISTORY (ANCIENT & MEDIEVAL)
UPTO 1800**

**PAPER CODE: B.A., LL.B- 103
MAXIMUM MARKS: 30+70=100
TIME ALLOWED: 3 HRS.**

**INTERNAL ASSESSMENT: 30 MARKS
TERM-END EXAMINATION: 70 MARKS**

Objective: Remedies of cotemporary problems of humanity lie hidden in History. Past knowledge of state, social institutions, culture and people helps to critically analyze a fact-situation more so for legal practioners to evaluate the legal and judicial structure and process.

MODULE-I: Introduction

- a) **History- Meaning, purpose and Methodology.**
- b) **Historiography.**
- c) **Re-writing of History- the controversy.**
- d) **Relationship between Law and History.**

MODULE-II: Polity, State and Administration

- a) **Ancient India**
 - i. **Vedic Polity.**
 - ii. **Mauryan State.**
 - iii. **Gupta Polity.**
- b) **Medieval India**
 - i. **Chola Village Administration.**
 - ii. **Delhi Sultanate.**
 - iii. **Mughal State (Mansabdari System and Administrative Appratus).**

MODULE-III: Society and Economy

- a). **Social Institutions in Ancient India**
 - i. **Varna.**
 - ii. **Jati.**
 - iii. **Gotra.**
 - iv. **Pravara.**
 - v. **Family.**
 - vi. **Slavery.**
 - vii. **Position of Women.**

- viii. Changes brought about in these institutions during Medieval Period.
- ix. Bhakti and Sufi movements during Medieval Period.

b)Economic Structure

- i. Feudalism.
- ii. Post- Mauryan Economy.
- iii. Gupta Economy.
- iv. Iqtadari System.
- v. Agrarian Reforms of Allaudin Khalji and Mohammed-bi-Tughaq.
- vi. Market Reforms of Allaudin Khalji.

MODULE-IV: Legal Systems and Institutions in Ancient and Medieval India

a)Sources: Vedic Texts, Brahamanas, Sutras (Kalpa and Dharma), Dharma Shastras, Arthashatra and Customs.

b)Thinkers: Manu, Brihaspati, Yajnavalkya, Narada and Katyayna.

c) Judicial System

- i. Types of Court: Pratishita, Apratishita, Mudrita, Sasita, Guilds, Panchayats, Kantakasodhana, Dharmasthiya.
- ii. Procedures: Appointment of Judges, Trial, Witness, Pleaders, Secret agents, wergild and Punishment, Role of Judges and Investigation.

d) Sources of Islamic Law: *Sharia and Hadis.*

e) Salient features of Islamic Criminal Law.

f) Judicial Organization: King, Chief Qazi, Judicial Officers, Investigative Process and Punishment.

g) Law with respect to non- Muslims.

h) Evolution of Judicial Setup- Changes introduced by Akbar.

RECOMMEND READINGS

1. **Ancient Legal Thought---** T. Rama Jois.
2. **Wonder that was India: Part-I---** A.I. Bahasm.
3. **Wonder that was India: Part-II---** S.A.A. Rizvi.
4. **Jurisprudence---** A.S. Tripathi.
5. **Comprehensive History of India, Vol V & VI---** Habib andNizami.
6. **What is History?---** E.H. Carr.
7. **Nature of Hisory---** Arthur Marwick.
8. **Past and Prejudice---** Romila Thaper.
9. **Early India---** Romila Thaper.
10. **The Classical Law of India---**Robert Lingat.
11. **Medieval India Vol I & II---** Satish Chandra.
12. **Religion, Law and State in India---** J.D.M. Derrett.
13. **Aspects of Political Ideas and Institutions in Ancient India---** R.S. Sharma.
14. **Material Culture and Social Formation---** R.S. Sharma.

NAME OF SUBJECT: HISTORY-III: LEGAL HISTORY OF MODERN INDIA UPTO 2000

PAPER CODE:BA, LL.B- 317

MAXIMUM MARKS: 30+70=100

TIME ALLOWED: 3 HRS.

INTERNAL ASSESSMENT: 30 MARKS

TERM-END EXAMINATION: 70 MARKS

Objective:This paper deals with the changes that took place in the colonial times in the Indian society and the economy in general, the legal system in particular. It seeks to answer some basic questions. How did contemporary India emerge? What were the processes and events that shaped it? Why and how did the present legal system evolve? What were the various ideas and elements that went into the making of British policies? What were the changes that took place in the courts and laws in the colonial times and how they impacted the Indians and their old systems? How did Indian Nationalism emerge & what were the forms it took? What was the genesis of some of the problems like communalism? What were the concerns of the framers of the constitution and the major debates? Finally how the concept of Indian secularism emerged during the national movement and was adopted post independence.

Module 1: India under Mughal rule since Akbar – economic history, history of legal and judicial system, administration in war and peace

Module 2 : Colonialism, its nature and various stages in India

- i. Impact on Indian economy- agriculture, industry and trade.
- ii. Land revenue policy & the emergence of the idea of land as a commodity.

Module 3 : Early Changes in legal and Judicial system

- i. Early settlements in Surat, Madras, Bombay, Calcutta
- ii. Introduction of authoritative and uniform judicial pattern between 1726 – 1773
- iii. Establishment of Supreme Court in Calcutta and cases of *Nand Kumar*, *Patna case*, *Cossijurah*, and *Kamaludin*
- iv. Establishment of Adalat system and reforms
- v. Judicial Plans of Warren Hastings, Lord Cornwallis and Lord William Bentinck.
- vi. Charter Act of 1833 & 1853 and Codification of laws.
- vii. The great debate on the introduction of English law in India – The Whigs, The Paternalists and The Utilitarians.
- viii. Development of personal laws and their administration by the British.
- ix. Development of criminal law.
- x. Establishment of High Courts under the Indian High Courts Act, 1861.
- xi. Federal court and Privy Council- an appraisal
- xii. Development of the Legal profession.

Module 4: Social awakening and law reforms

- a) Socio Religious reform movement in the 19th Century, Struggle against caste and the efforts made for the emancipation of women .
- b) Progressive social reforms - The Abolition of Sati Act, 1828, Abolition of slavery Act, 1833, Caste Disability Removal Act, 1850, Infanticide act

Module 5: Rise and Growth of the Indian National Movement

- i. The revolt of 1857 and its impact
- ii. Causes of the rise of Indian Nationalism & Social basis of Indian
- iii. National Movement.
- iv. Indian National Congress- its genesis, aims and objectives;
- v. Moderates and extremists.
- vi. Partition of Bengal and Swadeshi movement.
- vii. The rise of Revolutionary Terrorism
- viii. The 1st world war and its effect on India.
- ix. Emergence of Mahatma Gandhi.
- x. Non Co-operation and Khilafat movement 1919-1922
- xi. Growth of Communalism
- xii. Civil Disobedience Movement 1930-1934
- xiii. Socialist ideas: Role of Nehru and Bose
- xiv. Quit India movement
- xv. The Simla conference
- xvi. The Cabinet Mission
- xvii. Lord Mountbatten's plan
- xviii. Partition of India
- xix. The Independence act, 1947

Module 6- Constitutional development

- i. Indian Councils Act, 1861
- ii. Indian councils Act, 1892
- iii. Government of India Act, 1909
- iv. Government of India Act, 1919
- v. Government of India Act, 1935

Module 7: Independent India

Module 8: Birth of Constitution of India:

The Constituent assembly, framing of the constitution & the issues of federal polity vs centralism, Fundamental Rights & Directive principles, National vs Official Language, secularism reservation, uniform civil code and the Hindu law reform. Accession of the princely states, reorganisation of the states and growth of regionalism.

RECOMMENDED READING:

- 1. M.P. Jain, Outline of Indian Legal History**
- 2. Abdul Hamid, Constitutional and Legal History of India.**
- 3. A.B. Keith, Constitutional and Legal History of India.**
- 4. Rama Jois, Legal and Constitutional History of India, Vol. II.**
- 5. H.V. Sreenivasamurthy, History for Law students, Vol. II**
- 6. Radhika Singha , A Despotism of Law, Crime and Justice in early Colonial India.**
- 7. J. Duncan M. Derrett, Religion, Law and the state in India.**
- 8. Marc Galanter, Law and the Society in Modern India.**
- 9. Upendra Baxi, Towards a Sociology of Law.**
- 10. Indra Deva ed. Sociology of Law.**
- 11. Flavia Agnes, Law and Gender inequality.**
- 12. A.R. Desai, Social background of Indian Nationalism.**
- 13. Bipan Chandra, India's Struggle for Independence.**
- 14. Bipan Chandra, Nationalism and Colonialism.**
- 15. Bipan Chandra, Communalism in Modern India.**
- 16. Granville Austin, The Indian Constitution, Cornerstone of a Nation**