



PRESIDENCY UNIVERSITY, BENGALURU SCHOOL OF LAW

Max Marks: 100

Max Time: 180 Mins Weightage: 40%

Set A

COMPREHENSIVE EXAMINATION

I Semester 2016-2017

Course: BL A 201 Legal History

08 December 2016

Instructions:

- A. Avoid false numbering
- B. Attempt all questions

Part A

(10 Q x 2 M= 20 Marks)

Law in India has evolved from religious prescription to the current constitutional and legal system we have today, traversing through secular legal systems and the common law. India has a recorded legal history starting from the Vedic ages and some sort of civil law system may have been in place during the Bronze Age and the Indus Valley civilization. Law as a matter of religious prescriptions and philosophical discourse has an illustrious history in India. Emanating from the Vedas, the Upanishads and other religious texts, it was a fertile field enriched by practitioners from different Hindu philosophical schools and later by Jains and Buddhists.

Secular law in India varied widely from region to region and from ruler to ruler. Court systems for civil and criminal matters were essential features of many ruling dynasties of ancient India. Excellent secular court systems existed under the Mauryas (321-185 BCE) and the Mughals (16th – 19th centuries) with the latter giving way to the current common law system.

The common law system came to India with the British East India Company. The company was granted charter by King George I in 1726 to establish 'new court systems' in Madras, Bombay and Calcutta. Judicial functions of the company expanded substantially after its victory in Battle of Plassey and by 1772 company's courts expanded out from the three major cities. In the process, the company slowly replaced the existing Mughal legal system in those parts.

Following the First War of Independence in 1857, the control of company territories in India passed to the British Crown. Being part of the empire saw the next big shift in the Indian legal system. Supreme courts were established replacing the existing mayoral courts.

During the shift from Mughal legal system, the advocates under that regimen, "vakils", too followed suit, though they mostly continued their earlier role as client representatives. The doors of the newly created Supreme Courts were barred to Indian practitioners as right of audience was limited to members of English, Irish and Scottish professional bodies. Subsequent rules and

statutes culminating in the Legal Practitioners Act of 1846 opened up the profession regardless of nationality or religion.

The Supreme Courts were later converted to the first High Courts through Letters of Patents. Superintendence of lower courts and enrolment of law practitioners were deputed to the respective high courts. During the Raj, the cases of appeal went before the Privy Council which was adjudicated by the law lords of the House of Lords. The state sued and was sued in the name of the British sovereign in her capacity as Empress of India. Codification of law also began in earnest with the forming of the first Law Commission under the stewardship of its chairman, Thomas Babington Macaulay.

Answer the following questions in the light of the passage provided:

1. What do you mean by a Secular Legal System?
2. What do you mean by a Common Law System?
3. Which was the new court system established by George I in 1726 in Madras, Bombay and Calcutta?
4. The control of company territories in India passed to the British Crown through which Act of the British Parliament?
5. The existing Supreme courts were converted through letters of patents to the first High Courts which were authorized by the
6. What is the importance of the Privy Council?
7. Why the doors of the newly created Supreme Courts were barred to Indian practitioners?
8. What is the function of House of Lords?
9. What do you understand by the Codification of Laws?
10. What are the main contributions of the First Law Commission?

Part B

(8 Q x 5 M= 40 Marks)

1. Trace the evolution of administration of justice in Madras from 1639 to 1726.
2. Explain the development of the following in the ancient Indian legal history:
 - a. Rule of law
 - b. Separation of Powers
3. Explain the salient features of the Regulating Act of 1773.
4. Explain the important features of the Government of India Act, 1935.
5. Describe the development of the Legal Reporting in India.
6. What are the changes introduced through the Minto- Morley Reforms, 1909.
7. What is the Home Rule Movement?
8. What is the relevance of the Simon Commission?

Part C

(2 Q x 20 M= 40 Marks)

The Indian Independence Act was thus the legislative culmination of the announcement made by His Majesty's Government on June 1947. It was an outcome of the British Government's untiring efforts to establish constitutional Government India comprising solely of the Indian representatives. Arrangements having been made for the transfer of power in accordance with the scheme laid down in the Mountbatten's plan, the British Government lost no time in implementing the plan.

A Draft of the Indian Independence Bill was prepared and circulated to the leaders of the Congress and the Muslim League for their consideration. The Bill was then introduced in the British Parliament on July 5, 1947 which finally became an Act on July 18 to be operative on August 15, 1947. It gave unlimited powers to Constituent Assemblies to adopt any form of the Constitution. In short, the object was to transfer power in shortest possible time. The Act consisted of 27 sections and came into force from August 15, 1947. With the coming into force of the Constitution of India on 26th January, 1950, the Indian Independence Act, 1947 stood repealed.

1. Elaborate in detail the contributions and effects of the Indian Independence Act, 1947.
2. Explain the salient features of the Constitution of India.



**PRESIDENCY UNIVERSITY, BENGALURU
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Max Marks: 80

Max Time: 120 Mins

Weightage: 20 %

Set A

MID TERM EXAMINATION

I Semester 2016-2017

Course: BL A 201 Legal History

03 October 2016

Part A

Answer the following questions

(10 Q x 2 M= 20 Marks)

1. Choultry Court
2. Admiralty Jurisdiction
3. Court of Record
4. Testamentary Jurisdiction
5. Charter of 1600
6. Mal Adalats
7. Equity Jurisdiction
8. Cossijurah Case
9. Ad Hoc Judges
10. Diwani Adalats

Part B

Answer the following questions

(6 Q x 5 M= 30 Marks)

1. Distinguish between the Mayor's Court of 1687 and Mayor's Court of 1726.
2. Explain the Administration of Justice in the British Settlements of Surat of the East India Company before 1726.
3. Explain the merits and demerits of the Regulating Act, 1773.
4. Elaborate on the reforms introduced by Lord Bentinck in 1829.
5. Explain the racial discrimination that existed in the Administration of Justice during the British era in India.
6. Explain the jurisdiction and constitution of High Courts as given in High Courts Act of 1861.

Part C

Answer the following questions

(2 Q x 15 M= 30 Marks)

The administration of Justice at the time of Warren Hastings took over as the Governor of Bengal was in a bad shape, verging on a total collapse. The dual system of government proved very defective and dissatisfactory. The Committee appointed for the making of the Judicial Reforms prepared the plan known as the Hastings Plan of 1772. The Judicial Plan of Warren Hastings appointed an English Officer called the 'Collector' as the head of the 'Diwani'. The Collector was vested with powers of the administration of justice and the revenue collection. Lord Cornwallis succeeded Warren Hastings as Governor-General in 1786 to introduce and implement further reforms. The purpose was of the Cornwallis Code was to remove the defects existing in the administration of justice which had suffered a

major setback due to the centralization of the power in a single authority. Experience had shown that Collectors gave priority to revenue collection and considered administration of civil justice secondary.

1. Conduct a critical appraisal of the Judicial Plan of 1772.
2. Conduct an elaborate analysis on the different provisions of the Cornwallis Code.