



RNB
GLOBAL UNIVERSITY
Educating stars for tomorrow

Course File
Legal & Constitutional History of India
BA-LL.B. V

RNB GLOBAL UNIVERSITY
RNB Global City, Ganganagar Road,
Bikaner, Rajasthan 334601

Course File
Legal & Constitutional History of India
BA-LL.B. V

S. No	Name of the Document
1	Vision & Mission of the University
2	Syllabus of the Legal & Constitutional History of India
3	COs,POs,PSOs,PEOs & Lesson Plan
4	Attainment of COs,POs,PSOs,PEOs
5	Faculty file
6	Class & Home Assignments
7	Unit wise power point Presentation
8	Question Papers of Sessional I, Sessional II & End Semester Examination

RNB GLOBAL UNIVERSITY

RNB Global City, Ganganagar Road,
Bikaner, Rajasthan 334601

VISION AND MISSION

DOC202112210005



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Vision:

RNB Global University is conceptualised with a philanthropic vision into education given by Late Seth Sh.Jaganathji Bajaj , to be a globally recognized university committed to excellence in higher education with strong emphasis on knowledge sharing, multidisciplinary research and entrepreneurial skills to produce professional leaders to serve the society and to bring better future for all.

It aspires to be a reputed "Temple of Learning" to play a significant role in serving the higher educational needs of the state of Rajasthan, India and Global arena by emerging as a Centre of Academic Excellence, known for providing healthy learning environment, predominantly developing in every student a trait of Innovation, Leadership & Entrepreneurship skills so that they shine bright like a "Star" and be adjudged champion of humanity and a responsible citizen.

Mission:

- To provide students with world class infrastructure, transformational educational environment with emphasis on leadership, innovation and entrepreneurial skills.
- To emphasize on intellectual growth, problem solving skills, professional grooming, ethical and human values among the students to be socially responsible global citizens.
- To practice high esteem of teaching and learning process with the accumulated & collective expertise of competent and experienced faculty.
- To empower the students with knowledge and information by providing technological enabled education with high emphasis on quality of education.
- To design and offer programs as per the national policies and to meet global challenges. To create a transparent, accountable and objective examination & evaluation system.
- To focus on deep disciplinary traits & to create holistic impression in society at regional, national and global level.
- To promote exchange of innovative ideas across the disciplines through effective use of tools and techniques in different fields of knowledge-domain for promoting interdisciplinary research to generate, disseminate, preserve along with creation of pure source of knowledge and make significant contribution to nation building.
- To foster a collaborative academic environment through blended learning, professional grooming, corporate mentoring and healthy atmosphere based on co-curricular and extra-curricular activities.
- To provide continuous, experiential, delightful learning and growth for each student so as to meet their desired aspirations and give them wings to fly.
- To create a collaborative environment open to free exchange of ideas to promote innovation, entrepreneurship, creativity and research in all respect.
- To stride toward rendering quality education and play an instrumental role for development of highly skilled and globally competent graduates to contribute to the world economy.
- To be a Student Centric University!!





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Legal & Constitutional History of India
Syllabus

RNB GLOBAL UNIVERSITY

RNB Global City, Ganganagar Road,
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Detailed Course Scheme
BA LL.B.
(Five years integrated Law programme)

Semester V
(2020-2025)

DOC202112160022



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OVERVIEW

RNB Global University follows Semester System along with Choice Based Credit System as per latest guidelines of University Grants Commission (UGC). Accordingly, each academic year is divided into two semesters, **Odd (July-December)** and **Even (January-June)**. Also, the university follows a system of continuous evaluation along with regular updating in course curricula and teaching pedagogy.

The curriculum for BA LL.B. program for Odd (July-December) Semester, 2022 along with Examination pattern is as follows:

Semester -V

S. No.	Course Code	Course Name	L	T	P	Credits
1.	16006200	Environmental Studies and Environmental Law	4	1	0	5
2.	16013500	Public Policy and Administration in India	4	1	0	5
3.	16013600	Legal & Constitutional History of India	4	1	0	5
4.	16006400	Criminology (E2)	4	1	0	5
5.	16006300	Labour Law- I	4	1	0	5
6.	16006500	Comprehensive Viva & Summer Internship Assessment	0	0	10	5
7.	16001600	Ability & Skill Enhancement -V	2	0	0	2
8.	99002800	Workshops & Seminars	-	-	-	1
9.	99002700	Human Values & Social Service/NCC/NSS	-	-	-	1
Total			22	5	10	34

EVALUATION SCHEME

The evaluation of the BA LL.B. program would be based on Internal and External Assessments. Internal Assessment would consist of 50% of the marks (50 marks) and external assessment (in form of End Term Exam) would consist of remaining 50% marks (50 marks). Detailed scheme of Internal and External Assessments as follows:

Internal Assessment

Type	Details	Marks
Mid Term	Two Mid-term Sessional of 15 marks each (15+15)	30
Marks obtained in various Tests, Assignments, Presentations, Quiz, Tutorials, etc.	Average of marks obtained	15
Attendance	75%+ : 5 marks	5
TOTAL		50



II. Decentralization

a. Meaning, approaches and perspectives

1. 43 Singh, S. and Sharma, P. (eds.) (2007) 'Introduction', in Decentralization: Institutions and Politics in Rural India. New Delhi: Oxford University Press.
2. Manor, J. (1999) 'Defining Terms', in The Political Economy of Democratic Decentralization. Washington D.C: The World Bank.

b. Administration, Functional and Fiscal decentralization

1. Jayal, N.G.; Prakash, A. and Sharma, P. (2006) Local Governance in India: Decentralisation and Beyond. New Delhi: Oxford University Press.

III. Public finance Erik-Lane

1. J. (2005) Public Administration and Public Management: The Principal Agent Perspective. New York: Routledge.
2. Denhardt, R.B. and Denhardt, J.V. (2009) Public Administration. New Delhi: Brooks/Cole.
3. Henry, N. (1999) Public Administration and Public Affairs. New Jersey: Prentice Hall.
4. Caiden, N. (2004) 'Public Budgeting Amidst Uncertainty and Instability', in Shafritz, J.M. & Hyde, A.C. (eds.) Classics of Public Administration. Belmont: Wadsworth.

Course Name: Legal & Constitutional History of India

Course Code: 16013600

Course Outline

Unit I: The East India Company and its early settlements

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

Unit II: The Beginning of the Adalat System

The Judicial Plans of 1772 and 1774 introduced by Warren Hastings

Unit III: The Supreme Court at Calcutta

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



Unit IV: Adalat System

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

Unit V: The High Court

- Dual Judicature before 1861
- Indian High Courts Act, 1861
- Codification of Law: First, Second and Third Law Commissions
- The Lex Loci Report

Unit VI: The Government of India Act

- The Government of India Act, 1858
- Indian Councils Act, 1861
- Indian Councils Act, 1892
- Indian Councils Act, 1909 (Morely Minto Reforms)
- Government of India Act, 1919
- Government of India Act, 1935

Unit VII: The Indian Independence Act, 1947

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

Unit VIII: Shaping of the Indian Constitution

Constituent Assembly of India

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.



List of Electives

Electives	Course Code	Course Name
Elective I	16011000	Media & Law
	16011100	Insurance Law
	16000100	Legal Methods
	16011200	Law, Poverty And development
Elective II	16011300	International Trade in Service of Emigration Law
	16011400	Law Relating to Patent Drafting and Specification Writing *
	16006400	Criminology
	16011500	Telecommunication Law
Elective III	16011600	Right to Information Act,2005 *
	16009000	Human Right Law
	16011700	Women and Criminal Law
	16011800	Socio-Legal Dimensions of Gender
Elective IV	16009200	Rent Control & Real Estate Laws
	16012200	IPR (Trademark and Copyright) *
	16012000	Gender Justice and Feminist Jurisprudence
	16012100	Comparative Laws
Elective V	16011900	Health Care Laws
	16012700	Indirect Taxes (GST)
	16009300	Interpretation of Statutes
	16012400	Election Law
Elective VI	16012500	Competition Law
	16009700	Art of writing Judgement *
	16012600	International Humanitarian Law
	16013800	Insurance and Banking Laws
Elective VII	16012800	Equity and Trust *
	16013900	Gender Justice
	16012900	International Refugee Law
	16013000	International Economic Law
Elective VIII	16013100	International Commercial Law
	16009900	Reformative Treatment of Persons in Conflict with Law (Juvenile Justice) *
	16013200	Socio Economic Offences
	16013300	Forensic Sciences

----- End of document -----





Legal & Constitutional History of India
CO, PO, PSO & PEOs
& Mapping

RNB GLOBAL UNIVERSITY

RNB Global City, Ganganagar Road,
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School of Law & Arts

Program: B.A. LL.B. (Five Years Course)

Programme Educational Objective (PEO)

Programme Outcomes (POs)

Programme Specific Outcomes (PSOs)

Course Outcomes (COs)

and

Lesson Plans

DOC202007060012



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RNB Global University
Programme: B.A. LL.B. (Five Years Course)

1. Vision

Vision of Department of Law is to be established as advanced studies and research and skill-based centre for students and scholars

2. Mission

Mission of Department of Law is to cultivate a scholarly mindset and analytical abilities in students, as well as train them in legal sphere, to reach the profession's daunting needs by providing dynamic knowledge in the field of law.

3. Program Educational Objectives

PE01-Professional Development: To develop deep knowledge of the field through a flexible, research and industry-oriented curriculum designed to meet the current demand of academia and industry.

PE02-Core Proficiency: To identify, formulate, comprehend, analyse, design and solve societal and legal problems with hands on experience in various rules and regulations using modern tools to satisfy the needs of society and the industry.

PE03- Technical Accomplishments: To acquire techno-economic aptitude and apply the acquired practical skills and broad legal training for better reach.



4. Program Outcomes (POs)

Law Graduates will be able to:

PO1. Legal, political and social knowledge: Apply knowledge to the complex Socio-legal problems.

PO2. Problem analysis: Identify and analyse challenging issues in society at national or international level. Inculcate values of rights and duties, and transfer these values to real-life through legal and judicial process for promoting community welfare.

PO3. Conduct investigations of complex problems: Use research-based knowledge and research methodologies to obtain reliable outcomes and develop socio-legal research skills & legal reasoning and apply it during programme & in practice.

PO4. Relation with society: Interpret and analyse the legal, social and political problems and work towards finding solutions to the problems by application of laws and regulations.

PO5. Environment and sustainability: Understand the impact of the professional, legal solutions in societal & environmental contexts, and demonstrate the knowledge of and need for sustainable development.

PO6. Professional Ethics: Apply principles of professional ethics of respective profession.

PO7. Leadership skills: Develop leadership qualities amongst students.

PO8. Communication: Communicate effectively with the legal, social and international community. Ability to learn the art of communicating and demonstrating their skills. Projecting the facts in a way suitable and power to convince.

PO9. Self-employability: Provide a platform of self-employability by developing professional skills in respective industry.

PO10. Life-long learning: Recognize the need for and have the preparation and ability to engage in independent and life-long learning in the broader context of legal, social and political change.



5. Programme Specific Outcomes (PSOs)

Upon completion of the BA LLB Programme, the graduate will be able to

PSO1: To demonstrate knowledge and understanding of substantive & procedural laws including legislations and connected rules and regulations.

PSO2: To develop the skill of drafting or art of framing plaints, petitions, writs, letters, using proper English format with clarity. Analysing social problems and understanding social dynamics.

PSO3: To function in multi-disciplinary work environment, good interpersonal skills as a leader in a team in appreciation of professional ethics and societal responsibilities.



10.1 Semester V

Course	Course outcomes: - After completion of these courses students should be able to
16006200 - Environmental Studies & Environmental Law	<p>C01: Understand the theoretical and Practical aspect of environment studies & about various conservation strategies and problems with environment and related laws.</p> <p>C02: Understand basic Environmental Concepts & The causes of Environment degradation.</p> <p>C03: Explain the importance of Environmental education and ecosystem & acquire the knowledge about environmental pollution sources, affects and control measures of environmental pollution.</p> <p>C04: Examine the Sustainability, role of business & the importance Innovations in business-an environmental Perspective.</p> <p>C05: Elaborate the International concepts and laws on environment.</p>
16013500 - Public Policy and Administration in India	<p>C01: Define the concept, characteristics and models Public Policy Process in India and Meaning, significance and approaches and types Local Self Governance: Rural and Urban</p> <p>C02: Explain the Concept, Significance of Budget and Budget Cycle in India Various Approaches and Types Of Budgeting.</p> <p>C03: Develop and Identify Administration Interface in Public Service Delivery and Redressal of Public Grievances: RTI, Lokpal, Citizens' Charter and E-Governance</p> <p>C04: Examine the Administration: E-governance Meaning and forms of public accountability and redressal of public grievances: RTI, Lokpal</p> <p>C05: Compare the Concept and Approaches of Social Welfare Policies: Right to Education, National Health Mission, Right to Food Security and MNREGA</p>
16013600 - Legal & Constitutional History of India	<p>C01: Tell about the Early Charters and the Administration of Justice by the East India Company.</p> <p>C02: Explain the importance of judicial reform in British India.</p> <p>C03: Identify the significance of the Pitts India Act of 1784 and Act of settlements.</p> <p>C04: Analyse the High Court, Privy Council, Supreme Court of India, Law Commissions, and Codification.</p> <p>C05: Explain the importance of early charters</p>
16006400 - Criminology	<p>C01: Define crime and to understand the concept of criminal behavior, and the criminal justice system.</p> <p>C02: Compare the various views given by philosophers on criminology.</p>



10.2 Mapping: Semester - V

16006200	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3	2	2	2	2	2				3
CO2			2	3		2	2	2		3
CO3	2	2			2		2		2	3
CO4	2		2	2	3		2			3
CO5	3	3	2			2		2		3

16013500	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3	3	3	3	3	2	3	3	3	3
CO2	3	3	3	3	3	3	3	3	3	3
CO3	3	3	2	3	2	3	3	3	2	3
CO4	2	3	2	2	2	3	2	2	2	3
CO5	2	3	3	2	3	2	2	3	3	2

16013600	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3	2	3	2	3	3	3	3	2	3
CO2		2	1	2		3	3		3	3
CO3	3	3	1	3	1			3		3
CO4	2	2	3	2	3	2	2	1	1	3
CO5	3	3	3	3	3	3	3	3	3	3

16006400	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	2	2	2	2	2				2	3
CO2	3	2	2	2			2			3
CO3	2	2	3		2	2		3		3
CO4	2	2	2	2	3		2		3	3
CO5	3	2	2	2	3		2	2	3	3

16006300	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3	1	1	3	2	2	2	1	1	2
CO2	2	2	2	2	3	3	2	2	3	3
CO3	3	2	3	3	2	2	2	2	1	2
CO4	1	3	3	2	1	2	3	3	3	2
CO5	2	2	3	2	2	2	2	3	3	2

16006500	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3	3	2		2	2		2	2	3
CO2	3	3	3	2			2	2	3	3
CO3	3		3	3	2		3	3	3	3
CO4	3	2	2	3	2	3	2	3	3	3
CO5	3		2	3			3		2	3

16001600	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	2	2	3	2	2	1		1	1	3
CO2	2	2	2	3	2	2		2	2	3
CO3	3	3			1	2		3	2	3
CO4	1	2	3	3	2	3		3	2	3
CO5	3	3	2	2	3	2	3	2	3	2



16013600 - Legal & Constitutional History of India

Unit	Particulars	Class No.	Pedagogy of Class
I	The early Charters -Charters of 1600	C-1	Lecture
I	The early Charters -Charters of 1687	C-2	Lecture
I	Administration of Justice in Madras before 1726	C-3	Lecture
I	Administration of Justice in Bombay before 1726	C-4	Lecture
I	Take Home Assignments		Take Home Assignments
I	Charter of 1726	C-6	Lecture
I	Establishment of Mayor's Court	C-7	Lecture
I	Class Assignment	C-8	Class Assignment
I	Charter of 1687	C-9	Lecture
I	Distinction between Charter of 1687 and 1726	C-10	Lecture
I	Charter of 1753	C-11	Lecture
II	The Judicial Plans of 1772	C-12	Lecture
II	The Judicial Plans of 1774	C-13	Lecture
II	Clarification Class	C-14	Clarification Class
II	Presentation	C-15	Presentation
II	The Judicial Plan of 1772 and 1774 intro	C-16	Lecture
III	Establishment of Supreme Court at Calcutta	C-18	Lecture
III	Conflict between Supreme Court & Governor General and his Council	C-19	Lecture
III	Take Home Assignments		Take Home Assignments
III	Trial of Raja Nand Kumar-I	C-20	Lecture
III	Trial of Raja Nand Kumar-I	C-21	Activity
III	Class assignment	C-22	Class assignment
III	Clarification Class	C-23	Clarification Class
III	Patna Case,	C-24	Lecture
III	Webinar	C-25	Webinar
III	Cossijurah Case	C-26	Lecture
III	The Act of Settlement, 1781-I	C-27	Lecture
III	The Act of Settlement, 1781-II	C-28	Lecture
IV	Adalat System under Lord Cornwallis-I	C-29	Lecture
IV	Adalat System under Lord Cornwallis-II	C-30	Lecture
IV	Judicial Plans of 1787	C-31	Lecture
IV	Judicial Plans of 1790	C-32	Lecture
IV	Judicial Plans of 1793	C-33	Lecture
V	The Government of India Act,1858-II	C-34	Lecture
V	The Government of India Act,1858-II	C-35	Lecture
V	Quiz	C-36	Quiz
V	The Government of India Act,1858-III	C-37	Lecture
V	Take Home Assignments		Take Home Assignments
V	Dual Judicature before 1861-I	C-38	Lecture
V	Dual Judicature before 1861-II	C-39	Lecture
V	Dual Judicature before 1861-III	C-40	Lecture
V	Presentation	C-41	Presentation
V	Indian Councils Act, 1892-I	C-42	Lecture
V	Indian Councils Act, 1892-II	C-43	Lecture



Legal & Constitutional History of India
Attainment of CO, PO, PSO & PEOs

RNB GLOBAL UNIVERSITY

RNB Global City, Ganganagar Road,
Bikaner, Rajasthan 334601

Academic year: 2020-2021

Program BA-LLB

Faculty of Law and Arts

Program Outcome Attainment

Sr. No.	Course code	Course Name	Program Outcome Attainment									
			PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
1	16004300	Family Law I	2.51	1.50	2.00	1.84	0.84	1.88	1.88	1.67	1.34	2.51
2	16004500	Law of Crime I	2.24	2.06	1.79	1.94	1.87	1.79	1.79	1.79	1.87	2.24
3	16013400	History of India	1.95	1.95	1.95	1.95	1.95	2.10	1.95	1.95	1.95	1.95
4	16004400	Constitutional Law I	2.06	1.75	1.69	1.69	1.50	1.88	1.65	1.50	1.50	2.25
5	16006600	Political Process in India	2.13	2.13	2.13	2.29	2.13	2.13	2.13	2.13	2.13	2.13
6	16005500	Law of crimes II	1.76	1.76	1.41	1.76	2.11	1.76	2.11	2.11	2.11	2.11
7	16005300	Family Law II	1.68	1.55	1.30	1.55	1.30	1.46	1.42	1.30	1.30	1.94
8	16005400	Constitutional Law	1.93	1.64	1.58	1.58	1.41	1.64	1.76	1.55	1.41	1.97
9	16003600	Computer II	2.51	2.09	2.15	2.01	1.79	2.24	2.24	1.79	1.79	2.69
10	16013700	Advocacy, Professional	2.23	2.11	2.03	2.03	2.44	1.83	2.03	2.44	1.95	2.44
11	16013800	Insurance and Banking Laws	1.81	1.65	1.81	1.97	1.85	1.81	1.65	1.85	1.97	2.47
12	16010600	Judicial competence	2.67	2.63	2.39	2.15	2.55	2.39	2.87	2.29	2.39	2.87
13	16013900	Gender Justice	2.11	1.94	2.11	1.76	1.94	1.76	1.94	2.29	2.11	1.94
14	16013200	Socio-Economic Offences	2.46	2.35	2.05	2.20	1.98	2.20	2.05	1.98	2.35	2.64



Faculty of Law and Arts

BA-LLB

CO Attainment Report

Session 2020-21, III Semester, Dec., 2020

S. No.	Code	Course	Target CO Level	Achieved CO Attainment Level	Target CO Attainment for Next Year
1	16004300	Family Law I	4	3.34	4
2	16004500	Law of Crime I	4	2.99	4
3	16013400	History of India	4	3.00	4
4	16004400	Constitutional Law I	4	3.56	4
5	16006600	Political Process in India	4	3.27	4

The calculation of attainment level has been done as per procedure of RNB Global University.

Attachment: Calculation sheet of CO attainment from TR.

Remarks:

16004300	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3	2	3	2			1	2	1	3
CO2	3	2	2	2	1	1	3	2	1	3
CO3	3	2	2	2		3	3		2	3
CO4	3	1	3	2	1	2	2	2	2	3
CO5	3	2	2	3		3		2	2	
Average	3.00	1.80	2.40	2.20	1.00	2.25	2.25	2.00	1.60	3.00
Attainment	2.51	1.50	2.00	1.84	0.84	1.88	1.88	1.67	1.34	2.51

16004400	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3		2	2				2	2	3
CO2	2		2	2	2	2		2		3
CO3		2		3	2		2	2	2	3
CO4	3	3	2	2	2	3	3	2		3



C05	3	2	3			3		3		3
Average	2.75	2.33	2.25	2.25	2.00	2.67	2.50	2.20	2.00	3.00
Attainment	2.06	1.75	1.69	1.69	1.50	2.00	1.88	1.65	1.50	2.25

16004500	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
C01	3	3	2	2		2	2	2		3
C02	3	3	2	2	3		2	2	3	3
C03	3	2	3	3	2	3	3	3	2	3
C04	3	3	2	3	2	3	2	3	3	3
C05			3	3	3	2	3	2	2	
Average	3.00	2.75	2.40	2.60	2.50	2.50	2.40	2.40	2.50	3.00
Attainment	2.24	2.06	1.79	1.94	1.87	1.87	1.79	1.79	1.87	2.24

16006600	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
C01	3	3	3	3	3	3	3	2	3	3
C02	3	3	3	3	3	3	3	3	3	3
C03	2	2	2	3	3	3	3	3	2	2
C04	2	3	2	2	2	2	2	2	3	3
C05	3	2	3	3	2	2	2	3	2	2
Average	2.60	2.60	2.60	2.80	2.60	2.60	2.60	2.60	2.60	2.60
Attainment	2.13	2.13	2.13	2.29	2.13	2.13	2.13	2.13	2.13	2.13

16013400	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
C01	2	3	2	2	2	2	3	3	3	3
C02	3	2	2	3	3	3	3	3	3	3
C03	3	2	3	2	3	3	3	2	3	2
C04	2	3	3	3	3	3	2	2	2	3
C05	3	3	3	3	2	2	3	3	2	2
Average	2.6	2.6	2.6	2.6	2.6	2.6	2.8	2.6	2.6	2.6
Attainment	1.95	1.95	1.95	1.95	1.95	1.95	2.1	1.95	1.95	1.95



Faculty of Law and Arts

BA-LLB

CO Attainment Report

Session 2020-21, IV Semester, July, 2021

S. No.	Code	Course	Target CO Level	Achieved CO Attainment Level	Target CO Attainment for Next Year
1	16005500	Law of crimes II	4	2.81	4
2	16005300	Family Law II	4	2.59	4
3	16005400	Constitutional Law	4	3.08	4
4	16003600	Computer II	4	3.58	4
5	11018000	Indian Economy	4	2.76	4

The calculation of attainment level has been done as per procedure of RNB Global University .

Attachment: Calculation sheet of CO attainment from TR.

Remarks:

16005300	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3	2	2	2			2	2	2	3
CO2	2	2	2	2	2	2	2	2	1	3
CO3	3	2		3	2		2	2	2	3
CO4	3	3	2	2	2	3	3	2		3
CO5	2	3		3	2	2		3	3	
Average	2.60	2.40	2.00	2.40	2.00	2.33	2.25	2.20	2.00	3.00
Attainment	1.68	1.55	1.30	1.55	1.30	1.51	1.46	1.42	1.30	1.94

16005400	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3		2	2				2	2	3
CO2	2		2	2	2	2		2		3
CO3		2		3	2		2	2	2	3
CO4	3	3	2	2	2	3	3	2		
CO5	3	2	3			2		3		



Average	2.75	2.33	2.25	2.25	2.00	2.33	2.50	2.20	2.00	2.80
Attainment	1.93	1.64	1.58	1.58	1.41	1.64	1.76	1.55	1.41	1.97

16005500	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	2	3	2	2			2	2		3
CO2	3	2	2	2		2	2	2	3	3
CO3		2	3		2		2	3		3
CO4	2	2	2	2	3	3	2		3	3
CO5	3	3	2	3	3	3	3	3	3	
Average	2.50	2.50	2.00	2.50	3.00	3.00	2.50	3.00	3.00	3.00
Attainment	1.76	1.76	1.41	1.76	2.11	2.11	1.76	2.11	2.11	2.11

16003600	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3	2	3	2					2	3
CO2	2		2	2	2	2		2		3
CO3	3		2	2		3	3		2	3
CO4	3	3	3	3				2		3
CO5	3	2	2				2	2		3
Average	2.80	2.33	2.40	2.25	2.00	2.50	2.50	2.00	2.00	3.00
Attainment	2.51	2.09	2.15	2.01	1.79	2.24	2.24	1.79	1.79	2.69



Faculty of Law and Arts

BA- LLB

CO Attainment Report

Session 2020-21, IX Semester, July, 2021

S. No.	Code	Course	Target CO Level	Achieved CO Attainment Level	Target CO Attainment for Next Year
1	16013700	Advocacy, Professional	4	3.25	4
2	16013800	Insurance and Banking Laws	4	3.24	4
3	16010600	Judicial competence	2	1.91	2
4	16013900	Gender Justice	4	3.52	4
5	16013200	Socio-Economic Offences	4	3.52	4

The calculation of attainment level has been done as per procedure of RNB Global University .
Attachment: Calculation sheet of CO attainment from TR.

Remarks:

16013700	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	3	2	3	2	3	2	3		2	3
CO2	2	2		2		2	2	3	3	3
CO3	3	3	2	3	3	3	3	3	2	3
CO4	3	3	3	3		2	2	3	3	3
CO5		3	2		3			3	2	
Average	2.75	2.60	2.50	2.50	3.00	2.25	2.50	3.00	2.40	3.00
Attainment	2.23	2.11	2.03	2.03	2.44	1.83	2.03	2.44	1.95	2.44

16013800	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
CO1	1	3	1	3	3	1	2	3	3	3
CO2	2	2	2	2		3	1	2	2	3
CO3	3	1	3	3	3	1	2		2	3
CO4	3	2	3	2	2	3	3	3	3	3
CO5	2	2	2	2	1	3	2	1	2	3
Average	2.20	2.00	2.20	2.40	2.25	2.20	2.00	2.25	2.40	



Attainment	1.81	1.65	1.81	1.97	1.85	1.81	1.65	1.85	1.97	2.47
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16010600	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
C01	3	2	3	2			3	3	2	3
C02	2	3	2	2	2	2	3	2	3	3
C03	3	3	2	2		3	3	3	2	3
C04	3	3	3	3	3			2		3
C05	3				3		3	2	3	
Average	2.80	2.75	2.50	2.25	2.67	2.50	3.00	2.40	2.50	3.00
Attainment	2.67	2.63	2.39	2.15	2.55	2.39	2.87	2.29	2.39	2.87

16013900	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
C01	2	2	2	2	3	2	1	3	3	1
C02	2	1	3	2	2	2	3	3	2	2
C03	3	2	3	3	2	1	3	2	1	3
C04	2	3	2	1	1	3	2	2	3	2
C05	3	3	2	2	3	2	2	3	3	3
Average	2.40	2.20	2.40	2.00	2.20	2.00	2.20	2.60	2.40	2.20
Attainment	2.11	1.94	2.11	1.76	1.94	1.76	1.94	2.29	2.11	1.94

16013200	PO1	PO2	PO3	PO4	PO5	PO6	PO7	PO8	PO9	PO10
C01	3	3	2	2			2	2		3
C02	3	3		2	2		2	2	3	3
C03	3		3	3	2		3	3	2	3
C04	3		2	3	2	3			3	3
C05	2	2			3	2		2		3
Average	2.80	2.67	2.33	2.50	2.25	2.50	2.33	2.25	2.67	3.00
Attainment	2.46	2.35	2.05	2.20	1.98	2.20	2.05	1.98	2.35	2.64



Faculty of Law and Arts		BA-LLB	Academic session 2020-2021					
Course Outcome Attainment								
Sr. No.	Course code	Course Name	CO1	CO2	CO3	CO4	CO5	Average CO attainment
Sem III								
1	16004300	Family Law I	2.88	3.35	3.81	2.89	3.8	3.34
2	16004500	Law of Crime I	2.9	2.91	2.46	2.91	3.8	2.99
3	16013400	History of India	2.47	3.36	2.91	2.47	3.8	3
4	16004400	Constitutional Law I	2.91	2.9	4			
5	16006600	Political Process in India	2.91	2.9	3.82	3.37	3.8	3.56
Sem. IV								
S. No.	Code	Course						
1	16005500	Law of crimes II	2.45	2.46	2.44	2.88	3.8	2.81
2	16005300	Family Law II	3.33	2.89	2.91	2.91	3.8	2.59
3	16005400	Constitutional Law	3.36	2.9	2.44	2.9	3.8	3.08
4	16003600	Computer II	3.8	2.89	3.6	3.82	3.8	3.58
5	11018000	Indian Economy	2.9	3.8	3.8	3.31	3.8	2.76
Sem IX								
1	16013700	Advocacy, Professional	2.44	3.8	2.44	3.78	3.8	3.25
2	16013800	Insurance and Banking Laws	3.78	2.42	2.42	3.8	3.8	3.24
3	16010600	Judicial competence	1.98	1.55	2	2	2	1.91
4	16013900	Gender Justice	3.78	2.45	3.78	3.8	3.8	3.52
5	16013200	Socio-Economic Offences	3.8	3.77	2.43	3.8	3.8	3.52



DETAILS OF COURSE

Program Name	BBA-LL.B.
Program Code	16002
Batch	2018-23
Semester	V
Course Name	Legal & Constitutional History of India
Course Code	16013600
Credit	5
Faculty Name	Ashok Prem
Period	5 August 2020 to 19 December 2020

Pedagogy Type	Number of Classes
Lecture	53
Quiz	1
Presentation	4
Class Room Assignment	4
Webinar	1
Clarification Class	8
Activity	4
TOTAL	75
Take Home Assignments	3



Brief Note on the Objective and Pedagogy of Subject

The study of legal history has developed exponentially in the twentieth century. It is aimed at exploring the history of intellectual developments in law-making in the last two millenniums in both Europe and South Asia. The exploration of Indian legal history is meant to be a study of an independent body of laws belonging to both Hindu and Muslim legal thought in the subcontinent from the Vedic period to the present. Indian legal history may be divided into three periods: ancient or the period of Hindu law, medieval or the period of Muslim law and modern or the period of Common law brought to the India by the British. Such a periodisation is indeed a simplistic one, because in both medieval and modern periods Hindu law has continued to grow as well as retain its integrity in spite of its complexities. However, due to time constraints and for maintaining clarity in dealing with the periods, I propose to deal with the ancient period in the present course, i.e. Legal History [I], which I will offer to 2nd year BA LLB students as a compulsory course in the monsoon semester. The Muslim and British period in Indian legal history will be discussed subsequently in Legal History [III] which I will offer to the

LESSON PLAN

Faculty	Ashok Prem	Batch	2018-23
Program Name	BBA-LL.B.	Subject	Legal & Constitutional History of India

Unit	Particulars	Class No.	Pedagogy of Class	Additional Activity Planned, if any	Actual Delivery Date	References	Remarks (if any)
I	The early Charters -Charters of 1600	C-1	Lecture		06-05-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
I	The early Charters -Charters of 1607	C-2	Lecture		04-07-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
I	Administration of justice in Madras before 1726	C-3	Lecture		08-10-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
I	Administration of justice in Bombay before 1726	C-4	Lecture		08-11-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
I	Take Home Assignments		Take Home Assignments		14/08/2020		
I	Administration of justice in Madras, Bombay	C-5	Lecture		14/08/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
I	Charter of 1726	C-6	Lecture		17/08/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
I	Establishment of Mayor's Court	C-7	Lecture		19/08/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
I	Class Assignment	C-8	Class Assignment		21/08/2020		
I	Charter of 1687	C-9	Lecture		25/08/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
I	Distinction between Charter of 1607 and 1726	C-10	Lecture		28/08/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
I	Charter of 1753	C-11	Lecture		31/08/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
II	The Judicial Plans of 1772	C-12	Lecture		09-01-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
II	The Judicial Plans of 1774	C-13	Lecture		09-02-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
II	Clarification Class	C-14	Clarification Class		09-01-2020		
II	Presentation	C-15	Presentation		09-04-2020		
II	The judicial Plans of 1772 and 1774 introduced	C-16	Lecture		09-07-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
III	The Regulating Act, 1773	C-17	Lecture		09-08-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
III	Establishment of Supreme Court at Calcutta	C-18	Lecture		14/09/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
III	Conflict between Supreme Court & Governor General and his Council	C-19	Lecture		15/09/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	



Unit	Particulars	Class No.	Pedagogy of Class	Additional Activity Planned, if any	Actual Delivery Date	References	Remarks (if any)
III	Take Home Assignments		Take Home Assignments		16/09/2020		
III	Trial of Raja Nand Kumar	C-20	Lecture		16/09/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
III	Activity	C-21	Activity		21/09/2020		
III	Class assignment	C-22	Class assignment		18/09/2020		
III	Clarification Class	C-23	Clarification Class		22/09/2020		
III	Patna Case,	C-24	Lecture		23/09/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
III	Presentation	C-25	Presentation		24/09/2020		
III	Gossjani's Case	C-26	Lecture		30/09/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
III	The Act of Settlement, 1781-I	C-27	Lecture		10-05-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
III	The Act of Settlement, 1781-II	C-28	Lecture		10-06-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
IV	Adalat System under Lord Cornwallis-I	C-29	Lecture		10-12-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
IV	Adalat System under Lord Cornwallis-II	C-30	Lecture		10-12-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
IV	Judicial Plans of 1787	C-31	Lecture		10-12-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
IV	Judicial Plans of 1790	C-32	Lecture		10-12-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
IV	Judicial Plans of 1793	C-33	Lecture		10-12-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	The Government of India Act,1858-I	C-34	Lecture		13/10/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	The Government of India Act,1858-II	C-35	Lecture		13/10/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Quiz	C-36	Quiz		10-12-2020		
V	The Government of India Act,1858-III	C-37	Lecture		13/10/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Take Home Assignments		Take Home Assignments		14/10/2020		



Unit	Particulars	Class No.	Pedagogy of Class	Additional Activity Planned, if any	Actual Delivery Date	References	Remarks (if any)
V	Dual Judiciary before 1861-I	C-38	Lecture			1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Dual Judiciary before 1861-II	C-39	Lecture			1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Dual Judiciary before 1861-III	C-40	Lecture			1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Presentation	C-41	Presentation		23/10/2020		
V	Indian Councils Act, 1892-I	C-42	Lecture		11-09-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Indian Councils Act, 1892-II	C-43	Lecture		11-09-2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Clarification Class	C-44	Clarification Class				
V	Class Assignment	C-45	Class Assignment		11-10-2020		
V	Indian Councils Act, 1909 (Morely Minto Reforms)-I	C-46	Lecture		13/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Indian Councils Act, 1909 (Morely Minto Reforms)-II	C-47	Lecture		13/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Indian Councils Act, 1909 (Morely Minto Reforms)-III	C-48	Lecture		13/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Government of India Act, 1919-I	C-49	Lecture		17/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Government of India Act, 1919-II	C-50	Lecture		17/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Government of India Act, 1919-III	C-51	Lecture		17/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Government of India Act, 1935-I	C-52	Lecture		17/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Government of India Act, 1935-II	C-53	Lecture		17/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
V	Government of India Act, 1935-III	C-54	Lecture		17/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VI	The Indian Independence Act, 1947-I	C-55	Lecture		20/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VI	The Indian Independence Act, 1947-II	C-56	Lecture		20/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VI	Effects of the Indian Independence Act-I	C-57	Lecture		23/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VI	Effects of the Indian Independence Act-II	C-58	Lecture		23/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VI	Effects of the Indian Independence Act-III	C-59	Lecture		23/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VI	Constitutional Position of the Indian States after the Independence Act, 1947-I	C-60	Lecture			1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	



Unit	Particulars	Class No.	Pedagogy of Class	Additional Activity Planned, if any	Actual Delivery Date	References	Remarks (if any)
VI	Constitutional Position of the Indian States after the Independence Act, 1947-II	C-61	Lecture			1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VI	Constitutional Position of the Indian States after the Independence Act, 1947-III	C-62	Lecture			1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VI	Constitutional Position of the Indian States after the Independence Act, 1947-IV	C-63	Lecture			1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VII	Shaping of the Indian Constitution Constituent Assembly of India-I	C-64	Lecture			1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VII	Webinar	C-65	Webinar				
VII	Shaping of the Indian Constitution Constituent Assembly of India-I	C-66	Lecture			1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VII	Shaping of the Indian Constitution Constituent Assembly of India-II	C-67	Lecture		24/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VII	Constituent Assembly of India	C-68	Lecture		30/11/2020	1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional	
VII	Presentation	C-69	Presentation		30/11/2020		
VII	Activity	C-70	Activity				
VII	Clarification Class	C-71	Clarification Class		12-04-2020		
VII	Clarification Class	C-72	Clarification Class		12-08-2020		
VII	Clarification Class	C-73	Clarification Class		12-11-2020		
VII	Clarification Class	C-74	Clarification Class		15/12/2020		
	Activity	C-75	Activity				

CLASS DIARY

Faculty	Ashok Prem	Program Name	BBA.LL.B.
Batch	2018-23	Subject	Legal & Constitutional History of India

Date	Class no	Pedogy of Class	Additional Activity Undertaken if any	Brief details on Topic	No. of Students Attended	Attendance Uploaded on LMS	Classnotes Uploaded on LMS	Title of classnotes uploaded on LMS	Additional Material uploaded on LMS	Title of Additional Material uploaded on LMS	Marking done, if any	Assignment created on LMS
08-05-2020	C-1	Lecture		The early Charters - Charters of 1600	11	Yes	Yes	5.8.2020 Unit I The early Charters - Charters of 1600 & 1687	Yes	5.8.2020 Unit I The early Charters - Charters of 1600 & 1687		
08-07-2020	C-2	Lecture		The early Charters - Charters of 1687	12	Yes	Yes	5.8.2020 Unit I The early Charters - Charters of 1600 & 1687	Yes	5.8.2020 Unit I The early Charters - Charters of 1600 & 1687		
08-10-2020	C-3	Lecture		Administration of Justice in Madras before 1726	12	Yes	Yes	10.8.2020 Unit I Administration of Justice in Madras before 1726	Yes	10.8.2020 Unit I Administration of Justice in Madras before 1726		
08-11-2020	C-4	Lecture		Administration of Justice in Bombay before 1726	11	Yes	Yes	11.8.2020 Unit I Administration of Justice in Bombay before 1726	Yes	11.8.2020 Unit I Administration of Justice in Bombay before 1726		
14/08/2020	C-5	Lecture		Administration of Justice in Calcutta before 1726	12	Yes	Yes	14.8.2020 Unit I Administration of Justice in Calcutta before 1726	Yes	14.8.2020 Unit I Administration of Justice in Calcutta before 1726		
14/08/2020	C-5	Take Home Assignments		Take Home Assignments		Yes					Yes	Yes
17/08/2020	C-6	Lecture		Charter of 1726	12	Yes	Yes	17.8.2020 Unit I Charter of 1726 & 1687		17.8.2020 Unit I Charter of 1726 & 1687		
19/08/2020	C-7	Lecture		Establishment of Mayor's Court	11	Yes	Yes	17.8.2020 Unit I Charter of 1726 & 1687	Yes	17.8.2020 Unit I Charter of 1726 & 1687		
21/08/2020	C-8	Class Room Assignment		Class Assignment	11	Yes					Yes	Yes
25/08/2020	C-9	Lecture		Charter of 1687	13	Yes	Yes	17.8.2020 Unit I Charter of 1726 & 1687	Yes	17.8.2020 Unit I Charter of 1726 & 1687		
28/08/2020	C-10	Lecture		Distinction between Charter of 1687 and 1726	11	Yes	Yes	17.8.2020 Unit I Charter of 1726 & 1687	Yes	17.8.2020 Unit I Charter of 1726 & 1687		
31/08/2020	C-11	Lecture		Charter of 1753	12	Yes	Yes	31/08/2020 Unit II Charter of 1753	Yes	31/08/2020 Unit II Charter of 1753		
09-01-2020	C-12	Lecture		The Judicial Plans of 1772	11	Yes	Yes	01/09/2020 Unit II The Judicial Plans of 1772 & 1774	Yes	01/09/2020 Unit II The Judicial Plans of 1772 & 1774		
09-02-2020	C-13	Lecture		The Judicial Plans of 1774	11	Yes	Yes	01/09/2020 Unit II The Judicial Plans of 1772 & 1774	Yes	01/09/2020 Unit II The Judicial Plans of 1772 & 1774		
09-01-2020	C-14	Clarification Class		Clarification Class	13	Yes						





Date	Class no	Pedagogy of Class	Additional Activity Undertaken If any	Brief details on Topic	No. of Students Attended	Attendance Uploaded on LMS	Classnotes Uploaded on LMS	Title of classnotes uploaded on LMS	Additional Material uploaded on LMS	Title of Additional Material uploaded on LMS	Marking done if any	Assignment created on LMS
09-04-2020	C-15	Presentation		Presentation	11	Yes					Yes	Yes
09-07-2020	C-16	Lecture		Judicial Plan of 1772 & 1774	12	Yes	Yes	01/09/2020 Unit II The Judicial Plans of 1772 & 1774	Yes	01/09/2020 Unit II The Judicial Plans of 1772 & 1774		
09-08-2020	C-17	Lecture		The Regulating Act, 1773	11	Yes	Yes	08/09/2020 Unit II The Regulating Act, 1773	Yes	08/09/2020 Unit II The Regulating Act, 1773		
14/09/2020	C-18	Lecture		Establishment of Supreme Court at Calcutta	11	Yes	Yes	14/09/2020 Unit II Establishment of Supreme Court at Calcutta	Yes	14/09/2020 Unit II Establishment of Supreme Court at Calcutta		
15/09/2020	C-19	Lecture		Conflict between Supreme Court & Governor General and his Council	13	Yes	Yes	14/09/2020 Unit II Establishment of Supreme Court at Calcutta	Yes	14/09/2020 Unit II Establishment of Supreme Court at Calcutta		
16/09/2020	C-20	Take Home Assignments		Take Home Assignments		Yes					Yes	Yes
16/09/2020	C-21	Lecture		Trial of Raja Nand Kumar	12	Yes	Yes	16/09/2020 Unit II Trial of Raja Nand Kumar	Yes	16/09/2020 Unit II Trial of Raja Nand Kumar		
18/09/2020	C-22	Class assignment		Class assignment	11	Yes		Activity				
21/09/2020	C-23	Activity		Online workshop on Ratio Decidendi	11	Yes		Class assignment			Yes	Yes
22/09/2020	C-24	Clarification Class		Clarification Class	13	Yes		Clarification Class				
23/09/2020	C-25	Activity		Online debate competition	11	Yes						
25/09/2020	C-26	Lecture		Patna Case,	11	Yes	Yes	25/09/2020 Unit II Patna Case,	Yes	25/09/2020 Unit II Patna Case,		
28/09/2020	C-27	Activity		Online workshop on memorial preparation	13	Yes						
29/09/2020	C-28	Presentation		Presentation	12	Yes					Yes	Yes
30/09/2020	C-29	Lecture		Cossijurah Case	11	Yes	Yes	30/09/2020 Unit II Cossijurah Case	Yes	30/09/2020 Unit II Cossijurah Case		
10-05-2020	C-31	Lecture		The Act of Settlement, 1781-I	11	Yes	Yes	5/10/2020 Unit III The Act of Settlement, 1781-I	Yes	5/10/2020 Unit III The Act of Settlement, 1781-I		
10-06-2020	C-32	Lecture		The Act of Settlement, 1781-II	13	Yes	Yes	5/10/2020 Unit III The Act of Settlement, 1781-II	Yes	5/10/2020 Unit III The Act of Settlement, 1781-II		
10-07-2020	C-33	Workshop		An emerging trend in the digital banking system in India	12	Yes						

Date	Class no	Pedagogy of Class	Additional Activity Undertaken if any	Brief details on Topic	No. of Students Attended	Attendance Uploaded on LMS	Classmates Uploaded on LMS	Title of classmate uploaded on LMS	Additional Material uploaded on LMS	Title of Additional Material uploaded on LMS	Marking done, if any	Assignment created on LMS
10-09-2020	C-34	Lecture		Adalat System under Lord Cornwallis-1	11	Yes		9/10/2020 Unit IV Adalat System under Lord Cornwallis-1	Yes	9/10/2020 Unit IV Adalat System under Lord Cornwallis-1		
10-12-2020	C-35	Lecture		Judicial Plans of 1790& 1793	11	Yes	Yes	10/10/2020 Unit IV Judicial Plans of 1790& 1793		10/10/2020 Unit IV Judicial Plans of 1790& 1793		
13/10/2020	C-36	Lecture		The Government of India Act,1858	13	Yes	Yes	13/10/2020 Unit VI The Government of India Act,1858	Yes	13/10/2020 Unit V The Government of India Act,1858		
14/10/2020	C-37	Quiz		Quiz	11	Yes						
16/10/2020		Take Home Assignments		Take Home Assignments	11	Yes	Yes					
16/10/2020	C-38	Lecture		Dual Judicature before 1861 & Indian High Courts Act,1861	13	Yes	Yes	16/10/2020 Unit V Dual Judicature before 1861 & Indian High	Yes	16/10/2020 Unit V Dual Judicature before 1861 & Indian	Yes	Yes
23/10/2020	C-39	Presentation		Presentation	12	Yes						
11-09-2020	C-40	Lecture		Indian Councils Act, 1892	11	Yes	Yes	09/11/2020 Unit III Indian Councils Act, 1892	Yes	09/11/2020 Unit III Indian Councils Act, 1892		
11-10-2020	C-41	Class Assignment		Class Assignment	11	Yes					Yes	Yes
13/11/2020	C-42	Lecture		Indian Councils Act,1909 (Morley Minto Reforms)	13	Yes	Yes	13/11/2020 Unit VI Indian Councils Act,1909 (Morley Minto	Yes	13/11/2020 Unit VI Indian Councils Act,1909 (Morley		
17/11/2020	C-43	Lecture		Government of India Act, 1919 & 1935	12	Yes	Yes	17/11/2020 Unit VI Government of India Act,1919 & 1935	Yes	17/11/2020 Unit VI Government of India Act,1919 & 1935		
20/11/2020	C-44	Lecture		The Indian Independence Act, 1947	11	Yes	Yes	20/11/2020 Unit VI The Indian Independence Act, 1947	Yes	20/11/2020 Unit VI The Indian Independence Act,		
23/11/2020	C-45	Lecture		Effects of the Indian Independence Act	11	Yes	Yes	23/11/2020 Unit VI Effects of the Indian Independence Act	Yes	23/11/2020 Unit VI Effects of the Indian Independence Act		
24/11/2020	C-46	Lecture		Shaping of the Indian Constitution	13	Yes	Yes	24/11/2020 Unit VI Shaping of the Indian Constitution	Yes	24/11/2020 Unit VI Shaping of the Indian Constitution		
25/11/2020	C-47	Class Assignment		Class Assignment	12	Yes					Yes	Yes
27/11/2020	C-48	Clarification Class		Clarification Class	11	Yes						
30/11/2020	C-49	Lecture		Constituent Assembly of India	10	Yes	Yes	24/11/2020 Unit VI Shaping of the Indian Constitution	Yes	24/11/2020 Unit VI Shaping of the Indian Constitution		
12-01-2020	C-50	Presentation		Presentation							Yes	Yes

WEEKLY REPORT

Faculty	Ashok Prem	Batch	2018-23
Program Name	BBA-LL.B.	Subject	Legal & Constitutional History of India

	Duration	Lecture	Take Home Assignments	Quiz	Presentation	Class Room Assignment	Webinar	Clarification Class	Activity	TOTAL
Planned		53	3	1	4	4	1	8	4	78
Remaining		22	0	1	0	0	1	0	0	24
Week 1	4 TO 8 AUGUST 2020	2								
Week 2	10 TO 15 AUGUST 2020	3	1							
Week 3	17 TO 22 AUGUST 2020	2				1				
Week 4	24 TO 29 AUGUST 2020	2								
Week 5	31 AUGUST TO 5 SEPTEMBER	3		1				1		
Week 6	7 SEPTEMBER TO 12 SEPTEMBER	2								
Week 7	14 SEPTEMBER TO 19 SEPTEMBER	3	1			1				
Week 8	21 SEPTEMBER TO 26 SEPTEMBER								2	
Week 9	28 September to 2 October	1						1	1	
Week 10	4 October to 10 October	3							1	
Week 11	11 October to 17 October		1	1						
Week 12	18 October to 24 October									
Week 13	25 October to 31 October									
Week 14	1 November to 7 November									
Week 15	8 November to 14 November	2				1				
Week 16	15 November to 21 November	2								
Week 17	22 November to 28 November	2				1		1		
Week 18	30 Nov to 5 Dec	1			1			1		
Week 19	7 Dec to 12 Dec							2		
Week 20	14 Dec to 19 Dec							2		

TIME TABLE BA-LL.B. V

	I	II	III	IV	V	VI	VII
DAY/TIME	9:10-10:00	10:00-10:55	11:00-11:55	12:00-12:55	01:00-1:55	2:00-2:55	3:00-3:45
	PME	CS	LM		CV		LOC
Monday							
	214	213	213		213		213
	PME	LOC	CS		ASE	ASE	
Tuesday							
	214	213	108		214	214	
	PME			LE		LM	CV
Wednesday							
	214	213		213		213	213
	PME		LOC	LE		CS	LM
Thursday							
	214		213	213		108	213
	LM	LOC			CS	LE	CV
Friday							
	213	213			213	213	213
		LOC	PME		CS	LE	
Saturday							
		Tutorial	Tutorial		Tutorial	Tutorial	





Legal & Constitutional History of India
Assignments

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RNB GLOBAL UNIVERSITY, BIKANER
PROGRAM NAME-BA-LL. B V-2020-21
SUBJECT NAME-LEGAL & CONSTITUTIONAL HISTORY OF INDIA

Class Assignments

- Q.1 Explain the Administration of Justice in Calcutta before 1726.
- Q.2 Write a note on The Beginning of the Adalat System in India.
- Q.3 Explain the Morely Minto Reforms.
- Q.4 Write a note on Shaping of the Indian Constitution.
- Q.5 Explain the history of Codification of Law in India.
- Q.6 Write a note on Mayer court.

Home Assignments

- Q.7 State the salient features of Government of India Act, 1935.
- Q.8 State the salient features of Indian Independence Act, 1947.
- Q.9 State the salient features of Indian High Courts Act, 1861.
- Q.10 State the facts, issues, contentions, decision of the court & principle laid down in the Cossijurah Case.
- Q.11 Write a note on Third Law Commissions & its report.





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Charter of 1600



By

Mr. Ashok Prem

**Assistant professor-School of Law
RNB Global University , Bikaner**

CHARTER OF 1600

- The east india company, with its official title as
- **“ the governor and company of merchants of London trading into east Indies”**

was incorporated in

England on the 31st December 1600, by a charter of queen Elizabeth which settled its constitution, powers and privileges.



PROVISIONS

- ◉ THE COMPANY WAS TO HAVE A LIFE SPAN OF 15 YEARS.
- ◉ CHARTER COULD BE REVOKED ALSO ON TWO YEARS' NOTICE.
- ◉ EXCLUSIVE TRADING RIGHTS TO COMPANY.
- ◉ INDIA, ASIA, AFRICA AND AMERICA FALL WITHIN THEIR GEOGRAPHICAL LIMITS.



PROVISIONS CONTD.....

- ◉ WITHOUT A LICENCE FROM COMPANY NO BRITISH SUBJECT COULD CARRY ON THE TRADE.
- ◉ UNAUTHORISED TRADERS WERE LIABLE TO FORFEITURE OF SHIPS AND MERCHANDISE.
- ◉ THE AFFAIRS OF THE COMPANY WERE TO BE CONDUCTED ON DEMOCRATIC LINES.

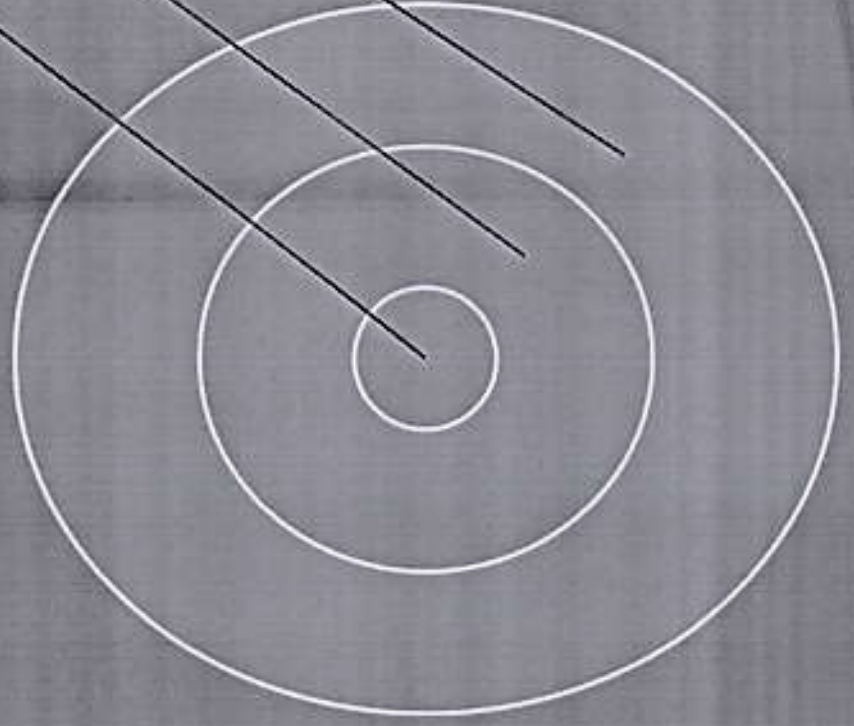


PROVISIONS CONTD.....

GOVERNOR

24 DIRECTORS

SHAREHOLDERS



SHORTCOMINGS

- THE LEGISLATIVE POWERS THUS CONFERRED ON THE COMPANY WAS VERY LIMITED.
- SERIOUS CRIMES COULD NOT BE ADEQUATELY DEALT WITH.
- NO POWER TO THE COMPANY FOR GOVERNING ANY TERRITORY.



IMPORTANCE

- ◉ DESPITE ITS LIMITED SCOPE THE EARLY GRANT OF LEGISLATIVE POWER TO THE COMPANY IS OF HISTORIC INTEREST.
- ◉ IT IS OUT OF THIS MODEST BEGINNING IN THE YEAR 1600 THAT THE VAST POWERS OF LEGISLATION GREW IN COURSE OF TIME.



KING'S COMMISSION FOR VOYAGES



◎ THE COMPANY SOON FOUND THAT ITS LEGISLATIVE POWER WAS INADEQUATE IN PRACTICE FOR MAINTAINING DISCIPLINES AMONGST ITS SERVANTS WHILE ON LONG VOYAGES.

◎ THIS PROVED TO BE AN INADEQUATE DETERRENT TO PREVENT LAWLESSNESS.



© TO MEET THE SITUATION, THE COMPANY INVOKED THE CROWN'S PREROGATIVE AND USED TO SECURE FROM IT A COMMISSION TO THE COMMANDER- IN- CHIEF OF EACH VOYAGE SEPARATELY, EMPOWERING HIM TO INFLICT PUNISHMENT TO CRIMINAL OFFENCES, AND TO PUT INTO EXECUTION THE LAW CALLED "LAW MARTIAL"



YEAR 1601

- THE FIRST OF SUCH COMMISSION WAS ISSUED BY QUEEN ELIZABETH ON 24TH JAN 1601, TO CAPTAIN FOR THE FIRST VOYAGE.



YEAR 1615

● TO OBVIATE THE PRACTICE OF GRANTING A SEPARATE ROYAL COMMISSION FOR EACH VOYAGE, KING JAMES I ON DEC 14 1615 CONFERRED ON THE COMPANY A GENERAL POWER TO ISSUE SUCH COMMISSION TO ITS CAPTAINS.



YEAR 1623

● ON FEB 4, 1623, JAMES I GRANTED TO THE COMPANY THE POWER OF ISSUING COMMISSIONS TO ANY OF ITS PRESENTS IN ITS SETTLEMENTS AUTHORIZING HIM TO PUNISH OFFENCES COMMITTED ON LAND BY THE BRITISH SUBJECTS, AFTER TRIAL BY JURY.



Administration of Justice in Madras before 1726



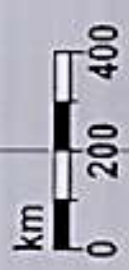
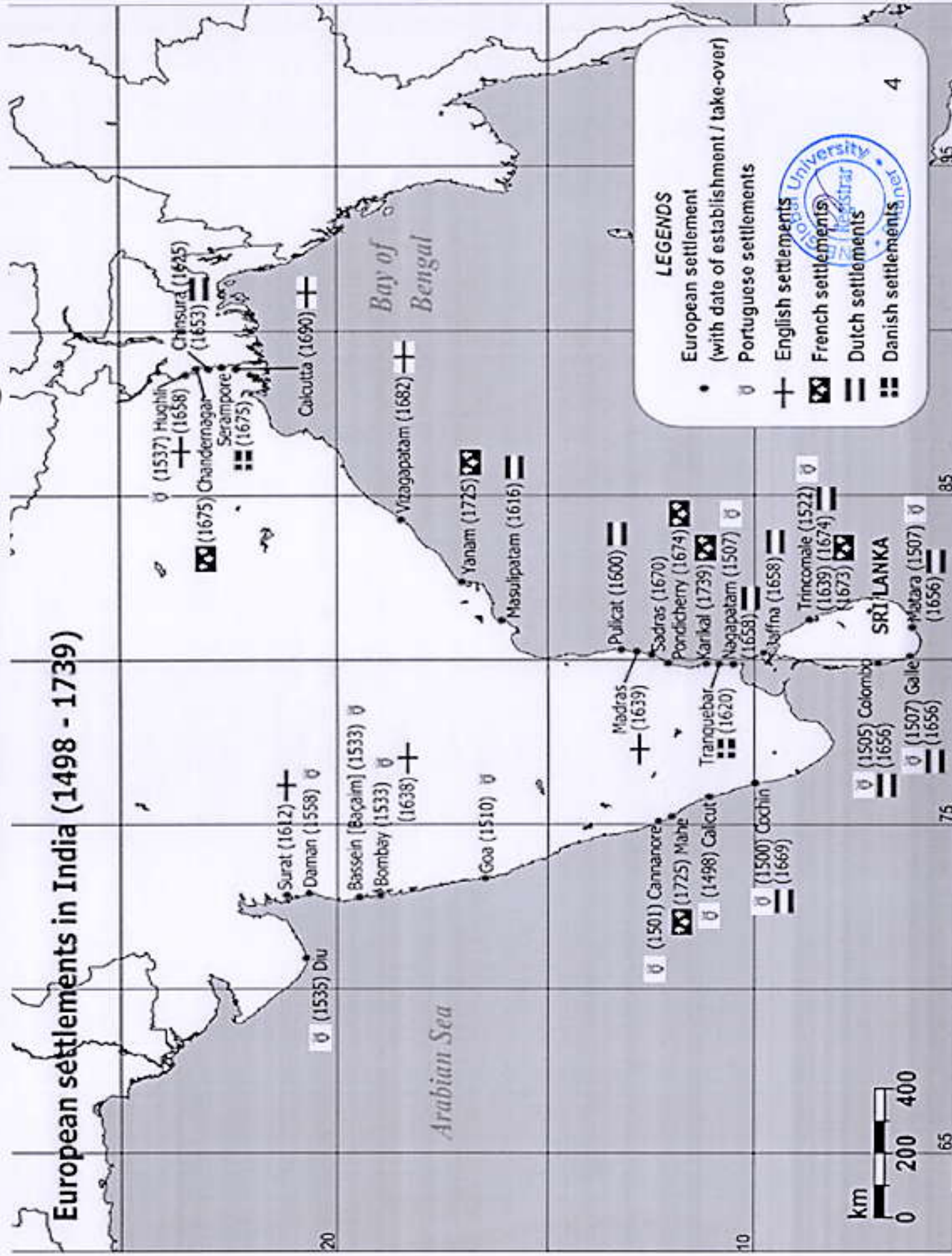
COLONIALISM

Colonial India

- The Portuguese India
- The British
- The Dutch India
- The Danes
- French India



European settlements in India (1498 - 1739)



Famous for spices
Heavy population
Hub of raw material goods



- In those days trade with India was a very profitable to the European Nations.
- Traded mainly in **spices, cotton, silk, indigo, salt, Gun powder, tea and opium.**
- As a part of their trade Portugal people were the first people who came India.
- **Vascodagama** of Portugal a new sea route to India via the **Cape of Good Hope.**
- Under the Viceroyalty of **Alfonso D'Albuclerk Goa was occupied in 1510.**



- With the permission of local kings they established trading settlements at **Cochin, Diu and Daman**.
- And at the same time Portuguese established their supremacy over entire Arabian sea.
- **Dutch East India Company** was formed in 1602. They mainly concentrated on Indonesia and few places in India.
- **Danes(Denmark)**: In 1676 they occupied Tanjore (Tamilnadu) and left India by 1845.
- **French East India Company** founded in 1664 and firmly established at **Chandernagore and Pondicherry** on the east coast.



East India Company

- On December 31, 1600, the last day of the sixteenth century, the Queen granted a Royal Charter to "George, Earl of Cumberland, and 215 Knights" under the name...

"Governor and Company of Merchants of London trading with the East India."

- The charter awarded the newly formed company, for a period of fifteen years, a monopoly of trade with all countries to the east of the Cape of Good Hope.





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Administration of Justice in Madras before 1726



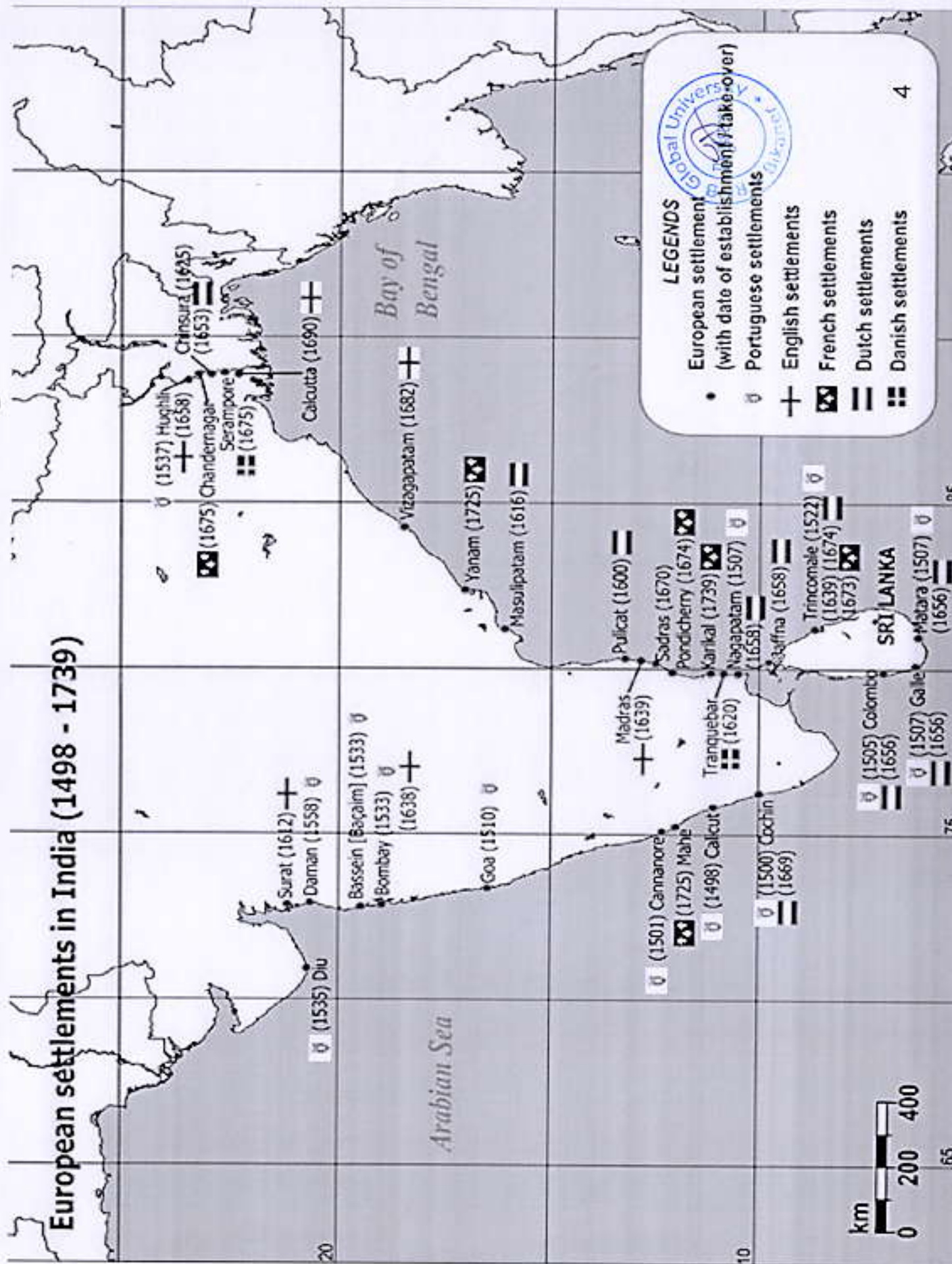
COLONIALISM

Colonial India

- The Portuguese India
- The British
- The Dutch India
- The Danes
- French India



European settlements in India (1498 - 1739)





LEGENDS

- European settlement
- ◉ (with date of establishment/ take-over)
- ◉ Portuguese settlements
- ◉ English settlements
- ◉ French settlements
- ◉ Dutch settlements
- ◉ Danish settlements



Famous for spices
Heavy population
Hub of raw material goods



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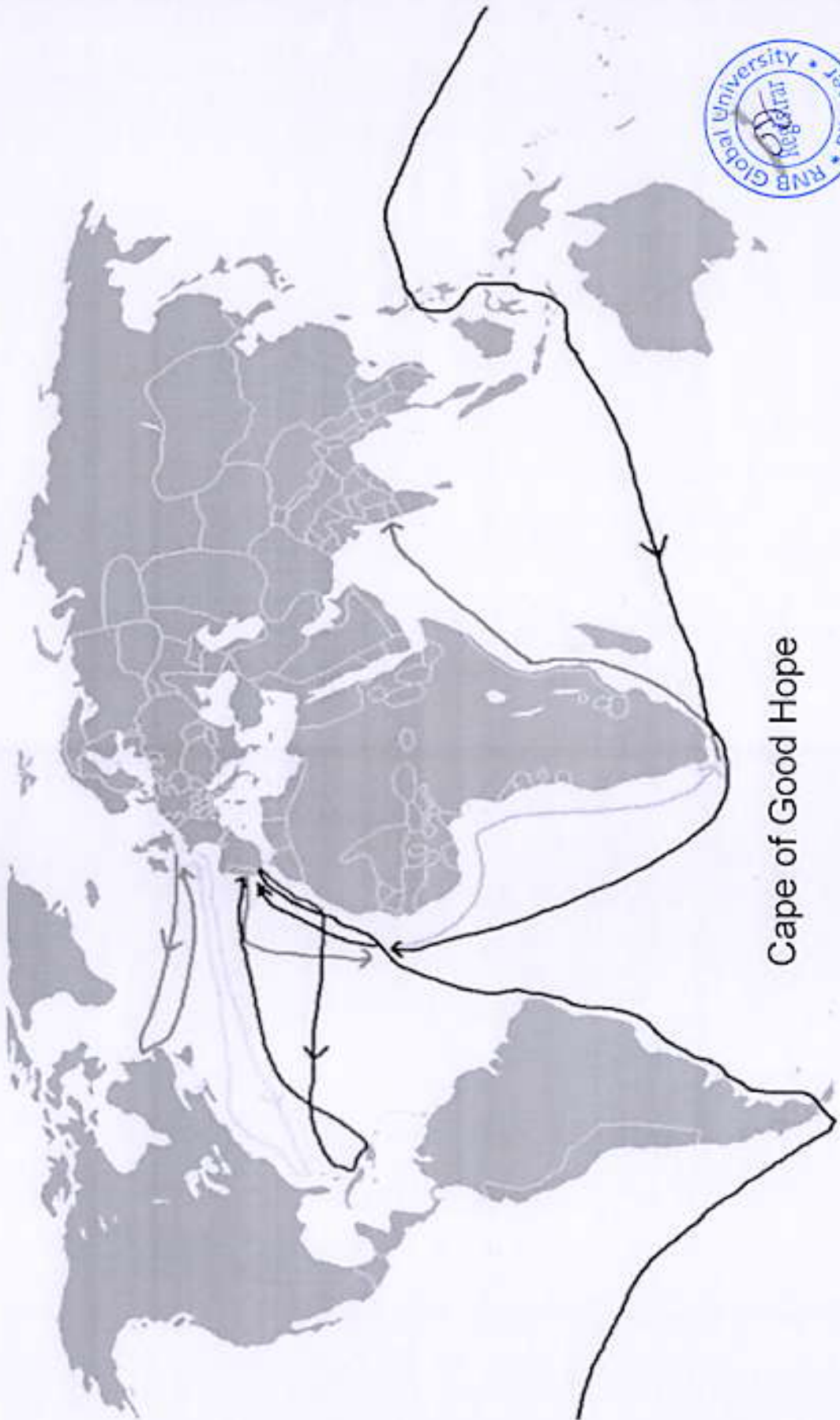


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Cape of Good Hope

- Vasco 1498
- Da Gama 1498
- Caboto 1497
- Das 1487
- Colón 1492-1493
- Da Verazano 1524
- Magallanes Elcano 1519-1522

frontiers de 1500 / borders of 1500

Constitution

- Share holders and members constituted themselves as **General Court**.
- The entire business of the company was to be managed by this court which consisted of a **Governor and twenty four directors**.
- The members can elect their court of directors for a period of one year.
- **Court of Directors** and **General Court** were the two impartment bodies to handle the affairs of East Indian Company.



Legal powers

- The general court was empowered to make and issues order for the good government of itself, its servants and for the better administration in trade activities.
- Company could impose **punishments and penalties** by way of imprisonment, fines based on the law of England.
- **By 1623** company was given power of issuing commissions to any of its presidents of chief officers in its settlements. It could impose suitable punishments including **death**.
- Thus, the company was armed with adequate authority to enforce discipline amongst its servants.



- By the charter 1661, Charles II granted a new powers to the company authorizing the Governor and Council of each factory to judge **all persons**, whether they belonging to the company or living under them, in both **civil and criminal** according to law of England.

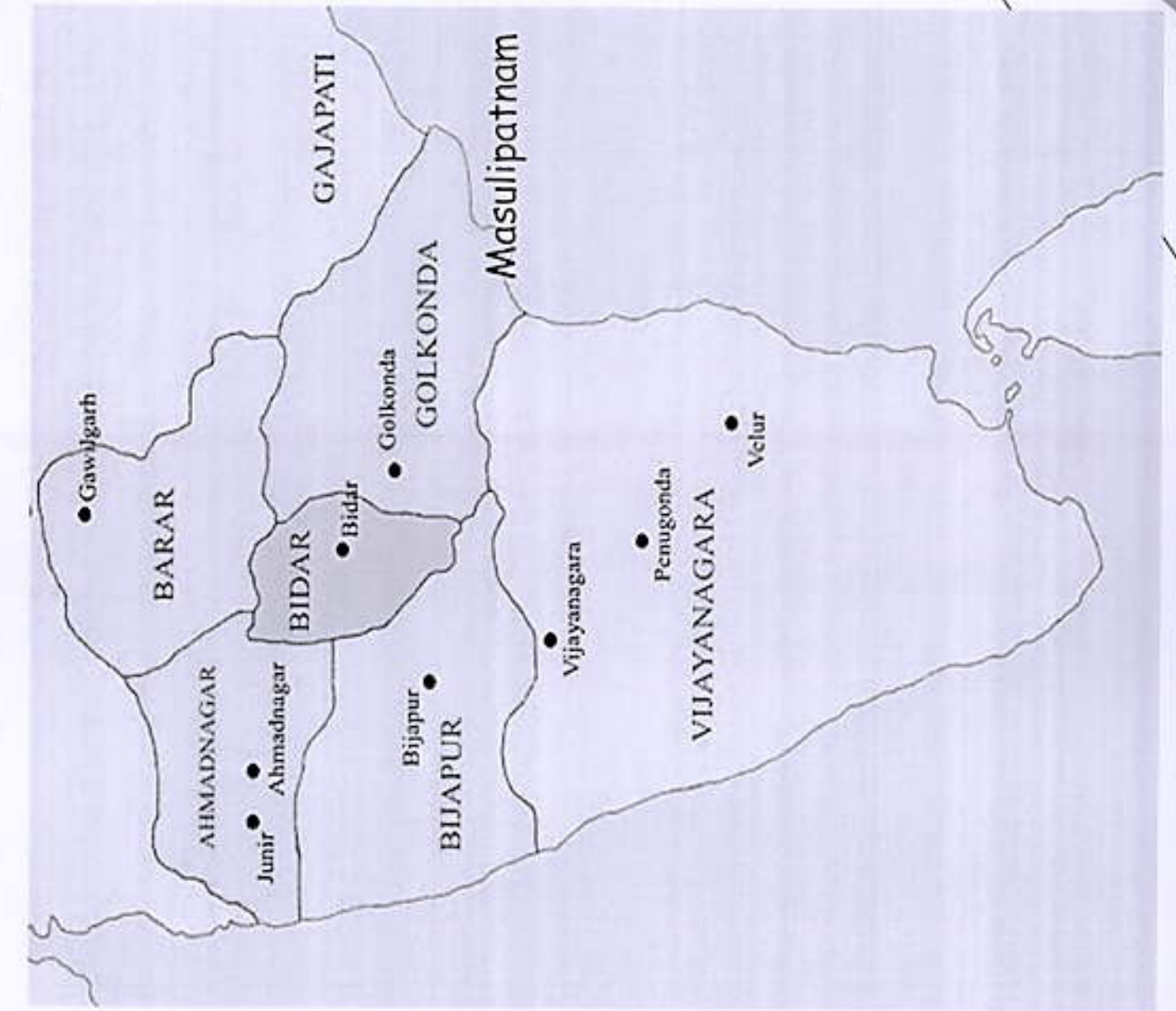
1. Judicial powers was granted to the Governor and Council of a factory
2. Justice was required to be administered according to the English Law



FOOTHOLD IN INDIA

- In 1608 it was decided that to open to factory, the name given at the time to a trading depot at **Surat**.
- By 1611 they established trading point at Masulipatnam of South India. It was shifted to Madras in 1639.
- The Company achieved a major victory over the Portuguese in the **Battle of Swally** in 1612.
- By 1612 they reached Jahangir court to take permission to open trade point.
- Consequently English Company was given permission by the royal **farmana** to open their trade at several places on the west coast.





- In 1615, Mughal rulers accepted to build factories in Surat and other areas.
- By 1623 it had established factories (trading points) at Surat, Broach or Bharuch and Ahmadabad.

Madras:

- In 1639 they got Madras on a lease from local Raja Damarla Venkatadri Nayudu and they were authorized to construct forts, administer it and coin money on the condition of payments to him of half of the customs revenue of the port and they constructed a Fort St. George.



Bombay

- **Bombay** acquired from the British Government in 1668 and it was immediately fortified.

Calcutta

- **1698** the Company acquire the Zamindari of the three villages **Sutanati, Kalikata and Govindapur** were it built **Fort William** around its factory.



Surat Factory

- A Factory was placed consisting of residences, employees and warehouses for storage of goods, officers, and storage of goods.
- These factories served as the bases for the growth and expansion of the British power in India
- the British people regarding surat as the most suitable place for establishing a factory.
- According to the 1615 farmana they were allowed to live according together religion and law
- Disputes among them were to be settled by their president and disputes between English and Indians were to be settle by the native authority of Mughals.

- Till, 1687 Surat was the first center of the company activities in India and its administration was under the President and Governor.
- All the decisions in the council meetings were taken by the majority of votes.
- President also had one vote like other member no veto power
- Under their administration, they maintained dual system of law
- English law and Indian Law



- English sought to administration of justice to them according to their own law. This towards the development of the Indian legal system
- Each of their presidency they had separate judicial system in Bombay, Calcutta and Madras.
- Through the charter 1623 presidents and councils has wide powers.
- Justice was administered in a summary manner and none seemed to care for even elementary process of law
- In practice hardly any law was administered.



- Cases were decided according to the sense of justice and fairplay of those who had the responsibility of decide them rather than according to law
- All the officials were trades, they did not have even an elementary knowledge in the English law or any other system of law



- In civil cases justice was administered according the personal law
- Criminal cases according to Muslim law



Madras

- It was acquire from Hindu Rajah.
- Francis Day was the responsible person behind the establishment power in Madras.
- The Rajah while granting the land empowered the company to administer neighboring villages.
- Town was divided into two parts i.e Black town and white town
- The factory was administered in the early stage by Agent and Council.



- The entire history of Madras judicial development can be divided in to three stages.
- 1639-1662
- 1665-1688
- 1688-1726
- In the 1st stage no systematic judicial system was established.
- Agent and Council administered the law over persons residing in the white town of the Fort area.
- Their powers were not clearly laid down but they were responsible for deciding both civil and criminal cases



- The serious complicated cases used to be referred to England.
- A native court known as Choultry court was established under **Adigar**, he was responsible regarding both civil and criminal cases.
- By 1652 the company's servants were appointed to sit on this court.
- There was no regular procedure followed by the court in the matters of punishment.
- Procedure different from case to case.
- In serious cases, diverted to Rajah, who invariably inflect punishments in accordance with **principles of English Law**.
-



II stage 1665-1688

- According to Charter 1661, the status of Madras raised to **Presidency** level, but it was came into force from 1665
- Subsequently the status of Agent and Council was raised to that Governor and Council, who were also vested with judicial powers
- With the appointment of S. Master as the Governor of Madras in 1678, the whole judicial system was reorganized.
- Governor and Council regularly sat **twice in week** and tried all cases.
- Thus, a new court came into existence known as **High Court of Judicature**.



- The original Choultry court was reorganized and was put under the control of English servants and it was acted as subordinate court.

Court of Admiralty

To control illegal trade and unauthorized trading by the independent traders. In order to put check on such activities the company obtained **Charter of 1683**.

It empowered the company to establish **Court of Admiralty** For the first time in the legal history of Indian judicial system that **learned persons in law** were appointed to preside over the court.



- This court was to try all the cases of Mercantile and all offences committed on the high seas
- In this court all the cases were to be tried according to equality and good conscience and the laws and customs of the merchants.



Third stage 1688-1726

- The third shape of the judicial system of Maras was given by the charter of 1688.
- The company created a **Corporation** at Madras and consisting of a **Mayor**, 12 (3+9)**Aldermen** and 60 (30+30) **Burgesses**.
- The mayor and Aldermen constituted the court and all of them being laymen, a man well versed in law was attached with the court know as **Recorder**.
- This Company's court continued up to 1726 when the entire judicial structure created by the company at various places in India was reorganized.
- The judicial system which existed in Madras form 1639-1726 was



PAGODA
one Pagoda= 3½ Rupees





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Power Point Presentations of Unit V

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Administration of Justice in Madras before 1726

By

Mr. Ashok Prem

Assistant professor-School of Law

RNB Global University , Bikaner



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Town was divided into two parts i.e Black town and white town

The factory was administered in the early stage by Agent and Council.



The entire history of Madras judicial development can be divided in to three stages.

1639-1662

1665-1688

1688-1726

In the 1st stage no systematic judicial system was established.

Agent and Council administered the law over persons residing in the white town of the Fort area.

Their powers were not clearly laid down but they were responsible for deciding both civil and criminal cases



The serious complicated cases used to be referred to England.

• A native court known as Choultry court was established under Adigar, he was responsible regarding both civil and criminal cases.

By 1652 the company's servants were appointed to sit on this court.

There was no regular procedure followed by the court in the matters of punishment.

Procedure different from case to case.

In serious cases, diverted to Rajah, who invariably inflict punishments in accordance with principles of English Law.



II stage 1665-1688

According to Charter 1661, the status of Madras raised to Presidency level, but it was came into force from 1665

Subsequently the status of Agent and Council was raised to that Governor and Council, who were also vested with judicial powers

With the appointment of S. Master as the Governor of Madras in 1678, the whole judicial system was reorganized.

Governor and Council regularly sat twice in week and tried all cases.

Thus, a new court came into existence known as *High Court of Judicature*.



The original Choultry court was reorganized and was put under the control of English servants and it was acted as subordinate court.

Court of Admiralty-To control illegal trade and unauthorized trading by the independent traders. In order to put check on such activities the company obtained Charter of 1683.

It empowered the company to establish Court of Admiralty

For the first time in the legal history of Indian judicial system that learned persons in law were appointed to preside over the court.



This court was to try all the cases of
Mercantile and

all offences committed on the high seas

In this court all the cases were to be tried
according to equality and

good conscience and the laws and
customs of the merchants.



Third stage 1688-1726

The third shape of the judicial system of Maras was given by the charter of 1688.

The company created a Corporation at Madras and consisting of a Mayor, 12 (3+9) Aldermen and 60 (30+30) Burgesses.

The mayor and Aldermen constituted the court and all of them being laymen, a man well versed in law was attached with the court known as *Recorder*.

This Company's court continued up to 1726 when the entire judicial structure created by the company at various places in India was reorganized.

The judicial system which existed in Madras from 1639- 1726 .



ADMIRALTY COURT

- ▶ SIR JOHN BIGGS-AN ADVOCATE-1687-1689
- ▶ GOVERNOR & COUNCIL -FREE
- ▶ ADMIRALTY COURT-ADMIRALTY,CIVIL,CRIMINAL,(JURY) MERCANTILE MATTER
- ▶ JOHN DALWAN-1692
- ▶ WILLIAM FRAZER

MAYOR'S COURT

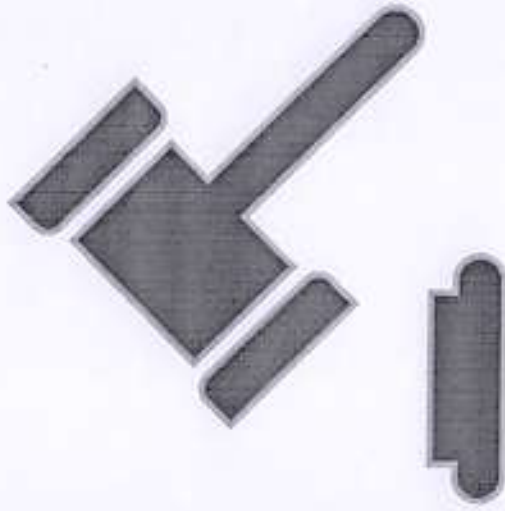
- ▶ 1688-PART OF CORPORATION OF MADRAS-26-12-1688
- ▶ ESTABLISHED BY AN ORDINANCE OF EAST INDIA COMPANY-30-12-1687
- ▶ 1 MAYER+12 ALDERMAN+60-120 BUGESES
- ▶ 3 ALDERMAN-MEMBERS OF GOVERNOR IN COUNCIL
- ▶ 9- 3 HINDU+2 PORTUGUESE+1 FRENCH+3 ARMANION+JEWS
- ▶ QUORUM-6 (1 MAYOR+2 ALDERMAN)
- ▶ PROBATE, LETTER OF ADMINISTRATION
- ▶ 1721-MAYOR COURT-DEATH SENTENCE-INDIANS



The Choultry Court

The Mayor Court

The Admiralty Court



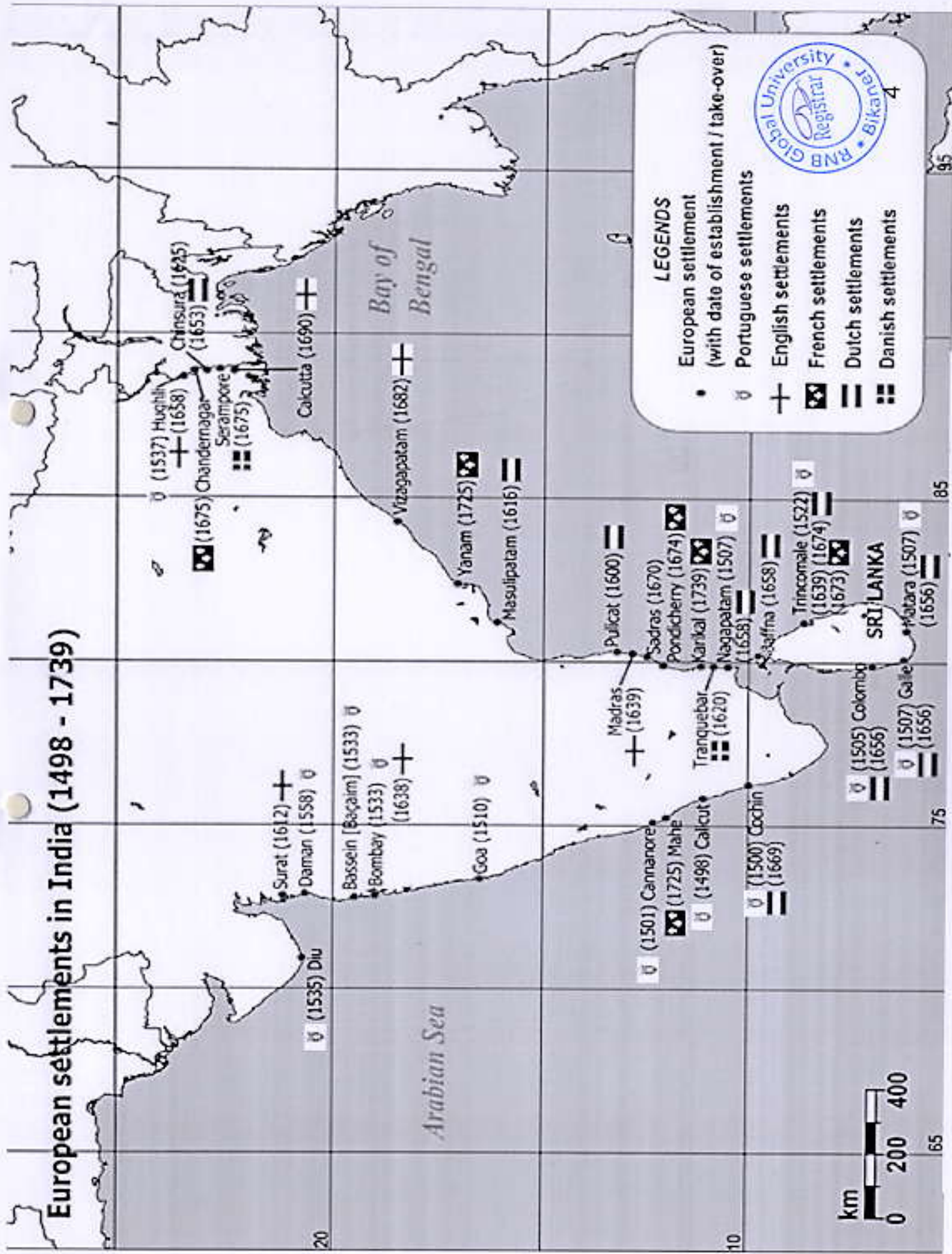


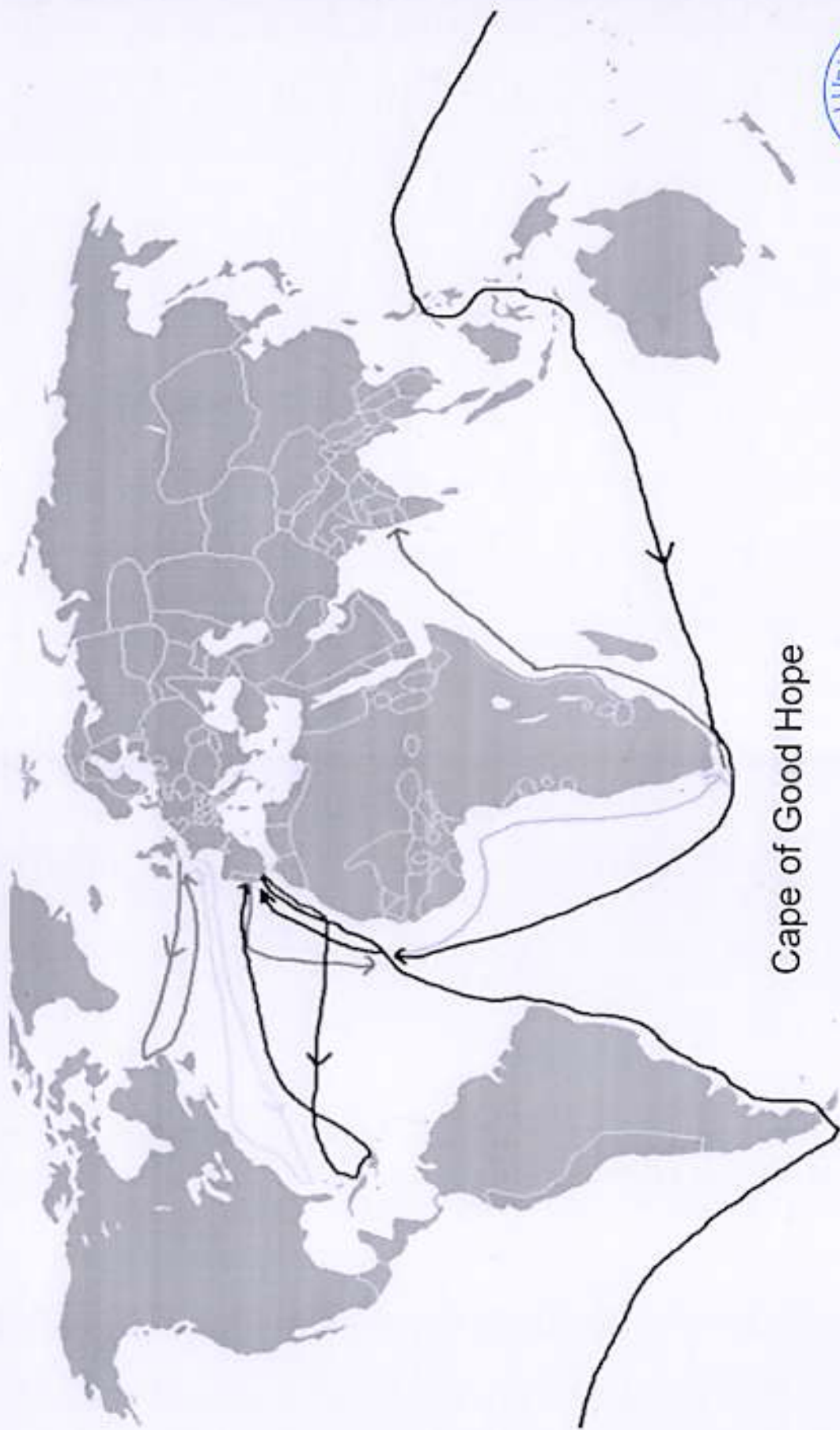
PAGODA

one Pagoda = 3½ Rupees



European settlements in India (1498 - 1739)





Cape of Good Hope

↑ Cao 1482
↑ Dias 1487

↑ Da Gama 1498
↑ Colón 1492-1493

↑ Magallanes-Elcano
1519-1522

↑ Cabote 1497
↑ Da Verrazano 1524

fronteiras de 1500 / borders of 1500



Legal & Constitutional History of India
Power Point Presentations of Unit III

RNB GLOBAL UNIVERSITY

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CHARTER OF 1726

By
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- Charter issued to the company by king George I on the 24th sept.1726.
- Introduced uniformity of approach in all three presidencies.



Legislative powers

Established a local legislature in each presidency town.

The Governor-in-Council of each presidency town was entrusted with powers to make by-laws, rules and regulations for better administration in the corporations and settlements with the prior approval of the **Board of Directors**.

Charter of 1726 for the first time created a subordinate legislative authority in each of the three presidency towns of India.



Legislative powers

- Established a local legislature in each presidency town.
- The Governor-in-Council of each presidency town was entrusted with powers to make by-laws, rules and regulations for better administration in the corporations and settlements with the prior approval of the **Board of Directors**.
- Charter of 1726 for the first time created a subordinate legislative authority in each of the three presidency towns of India.



- Each presidency town was to have a Corporation consisting a Mayor and nine Aldermen.
- The Mayor was to hold for a year and was to be continued as Aldermen thereafter.
- Every year the Mayor was to be elected from amongst the Aldermen by the Aldermen and out going Mayor.
- A vacancy amongst Aldermen was to be filled by the Mayor and the Aldermen from the principal inhabitants of the town.
- The Governor-in-Council was empowered to dismiss or remove any Aldermen on reasonable cause



Changes in Judicial system

- The Charter Established Civil and Criminal Courts in the Presidency Towns.
- The charter constituted a Mayor's Court for each of the presidency.
- These courts designated as the **Royal courts** and **source of authority was crown**, who was regarded as the fountain of justice.
- The charter also initiated the system of **appeals from the courts in India to King-in-Council or Privy council in England.**
- Bridge between English and Indian legal system.



Civil

Mayor court

9 Aldermen

(7+2)

Sheriff

two Aldermen could be subjects of any prince of state in amity with great Britain
seven Aldermen had to be the natural born subjects of the Crown.

Criminal

Governor and council

5 council members



-JUDICIARY-EXECUTORY

1. 1730 case-BOMBAY-INDIAN HINDU LADY- CHIRSTIAN
RELIGION
2. ARAB MERCHANT-GUJRAT SEA -BOAT-FIRE-
ORNAMENANT-PEARL -LOCAL PERSON
- 3.OATH BY HINDU WITNESS-GEETA/COW



Charter of 1753

1. In the year 1746, The French got the control of Madras Presidency.
2. Because of this Madras Corporation which was created after the charter of 1726 was ceased to function.
3. In the year 1749 Again British got the control of Madras.
4. To establish again Madras corporation King George II again issued a new charter on the 8th January ,1753



5. The company officials utilized this chance and tried to remove all the disadvantages of the charter of 1726.

6. The new charter of 1753 was made applicable to all the 3 Presidency Towns.

7. New charter changed the method of appointment of Mayor and Aldermen.

8. Governor and Council got the power to appoint the Aldermen.



9. Regarding selection of the Mayor, the corporation selected the names of 2 people and Governor and Council selected one of them as the Mayor every year.

10. This way Mayor became the puppet of the Governor and Council.

11. This way Mayor as well as Aldermen became the nominee of Government.

12. And Government got the full control of Corporation



13. This way Government got the power to appoint the judge of the Mayors Court and remove him also if he disobeyed the Government or Governor.

14. Mayor's court lost all the autonomy and independence, and became secondary in nature.

15. The court was allowed to hear the Indian cases only if both native Indian parties agreed and submitted the case to the Mayors court.



. Mayors court got the right to take action against the Mayor

17. No person was allowed to sit as a Judge if he was interested in the matter in anyway.

18. Mayors court got the power to hear the cases against the Government and Government Defended them

19. Now suitors deposited money with the Government not to the Mayors Court



20. The new charter also created the new court called as Court of Request at each presidency town to decide, cheaply and quickly cases up to 5 pagodas. 1 Pagoda equals to 3 Rupees.

21. This court was established to help poor Indian litigants who can not afford the expenses of the court.

22. The court weekly sat once , and was manned by commissioners between 8 to 24 in number

23. The government appointed the commissioners and every year half of the commissioners got retired and those places were filled by the ballot method by remaining commissioners.



24. 3 Commissioners sat in each court on rotation

25. For small claims, cognizable by Requests court if people, plaintiff went to the Mayors court, the rule was that Defendant was awarded costs, this way it saved time and money also.

26. Requests court got the power to hear the Indian matters also.

27. Now there were 3 courts namely

28. a] court of Request

29. b] Mayors Court - Civil court Jurisdiction

30. c] Court of Governor and Council – the court where appeal from the Mayors court went

31. Criminal Cases - Justice of the Peace and court of quarter sessions consisting of Governor and Council

32. Regarding civil cases Privy Council in the England was the final authority

33. This charter introduced many changes but this charter took away the Independence of Mayors Court , which was given to this court by the charter of 1726



34. The East India Company with this charter also followed the policy not to break the customs of Hindus and Muslims.
35. When both Indian parties agreed that time only Mayors court handled those cases.
36. As executive enjoyed more powers they appointed company servants as the judges.
37. The executives handled the cases in such a way it does not harm them or did not harm the company servants or friends.
38. In 1772 House of Commons appointed a committee of secrecy to check the affairs of the east India Company. The committee in its 7th report gave adverse report regarding Calcutta Judicial system.
39. The reported stated that Mayors court behaved as they wish in all the cases without following English law.
40. As a result of criticism , Supreme Court was Established at the Calcutta in the year 1774
41. The supreme court of Calcutta was Independent court and does not work under company executive and consisted of professional lawyers who knew English law in depth



Admininistration of Justice in Surat Factory

By

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A FACTORY

- A FACTORY WAS A PLACE CONSISTING OF OFFICES, RESIDENCES FOR COMPANY'S EMPLOYEES AND SPACIOUS WAREHOUSES FOR STORAGE OF GOODS.



YEAR 1612

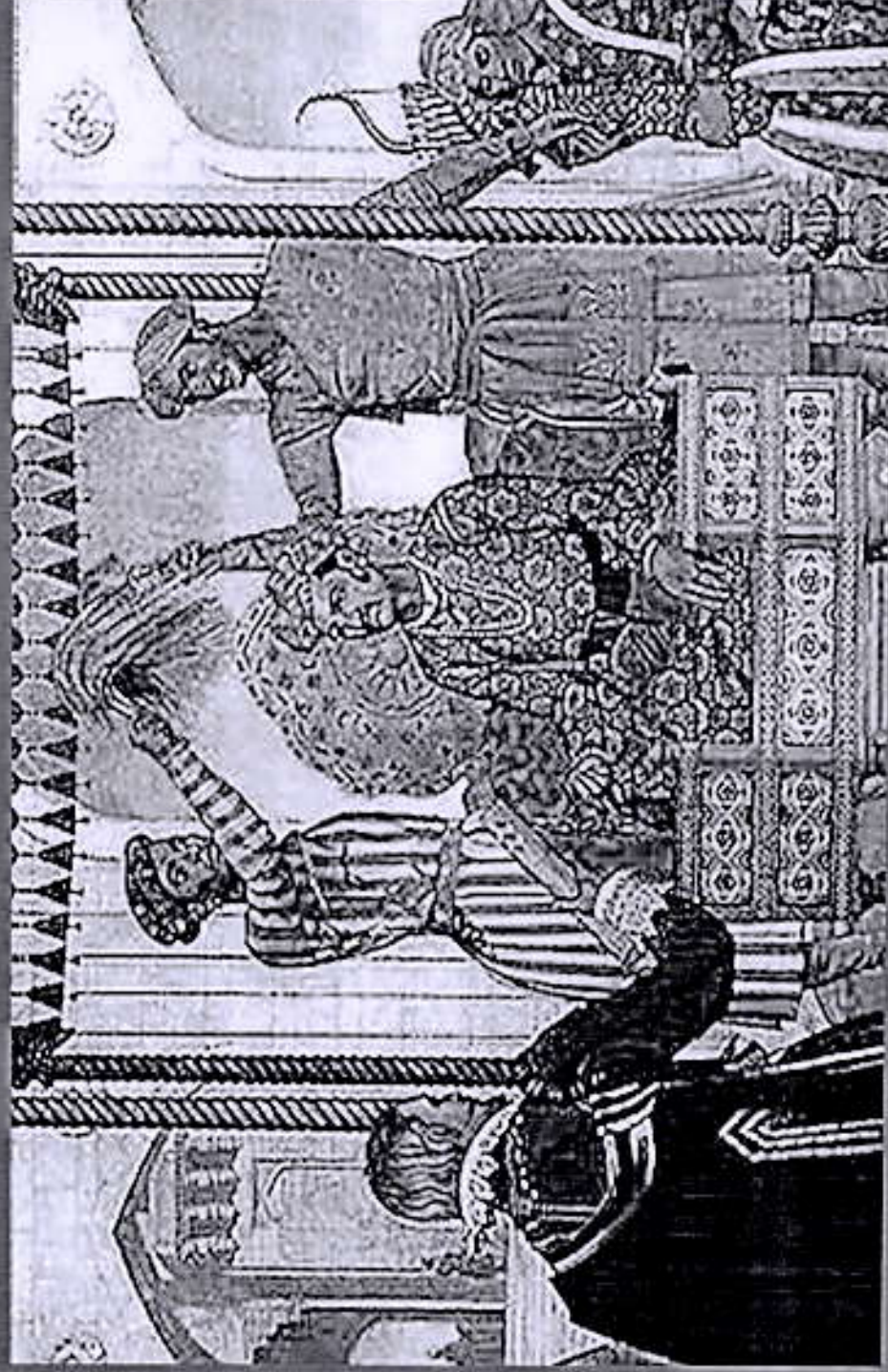
- ◉ CONSEQUENTLY IN 1612 THE ENGLISHMEN SUCCEEDED IN ESTABLISHING THEIR FACTORY AT SURAT WITH THE PERMISSION OF THE LOCAL MUGHAL GOVERNOR.



Sir Thomas Roe



1615 Sir Thomas Roe went to Jahangir's Court



MUGHAL FIRMAN

- ◉ COULD LIVE ACCORDING TO THEIR OWN RELIGION AND LAWS.
- ◉ DISPUTES COULD BE SETTLED BY THEIR OWN PRESIDENT.
- ◉ MUGHAL GOVERNOR AND QAZIS WERE ALSO DIRECTED TO DO SPEEDY JUSTICE.





Gujrat

Surat

SURAT

- ◉ MOST SUITABLE PLACE.
- ◉ IMPORTANT COMMERCIAL CENTRE.
- ◉ AN INTERNATIONAL PORT.
- ◉ POPULOUS TOWN
- ◉ THESE FEATURES ATTRACTED BRITISHERS FOR WHOM SEA WAS THE ONLY MEANS OF COMMUNICATION.

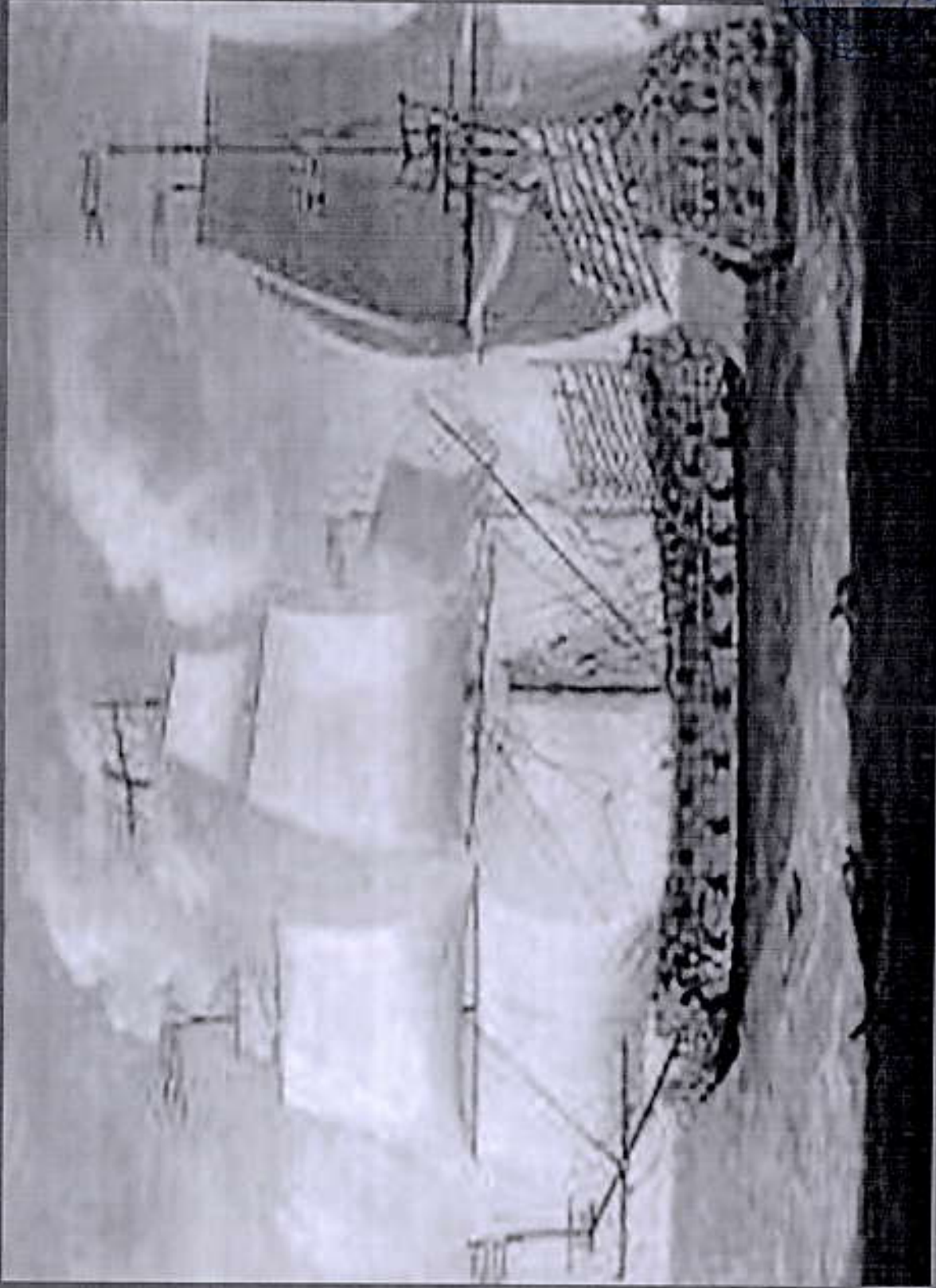


FIRST BRITISH FACTORY

- ◉ BY THAT TIME PORTUGUESE ALREADY ESTABLISHED THEMSELVES AT SURAT. THEY WERE NOT RELISHING COMPETITION IN THEIR INDIAN TRADE.
- ◉ THIS LED TO A NAVAL CONTEST BETWEEN THEM IN WATERS OF SURAT.
- ◉ BRITISHERS ROUTED PORTUGUESE



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JUDICIAL ARRANGEMENTS IN SURAT FACTORY

- ◉ ADMINISTRATION VESTED IN PRESIDENT AND COUNCIL.
- ◉ DECISIONS TAKEN BY MAJORITY OF VOTES.
- ◉ NO VETO POWER TO PRESIDENT.
- ◉ IN AREA OF LAW AND JUSTICE, ENGLISHMEN AT SURAT WERE UNDER A DUAL SYSTEM OF LAW VIZ., ENGLISH LAW AND THE INDIAN LAW



- ◉ MAIN RESPONSIBILITY OF THE ENGLISHMEN AT SURAT WAS TO GOVERN THEMSELVES AND NOT TO CARE FOR THE INDIANS WHO HAD LOCAL COURTS TO GO TO.
- ◉ NO COMPLEXITY AROSE AT SURAT.
- ◉ PROBLEMS OF ADMINISTRATION OF JUSTICE WAS LIMITED ONE.
- ◉ NO REGULAR TRIBUNAL WAS CREATED.



- ◉ KING'S COMMISSION OF 1623.
- ◉ THE PRESIDENT AND COUNCIL WIELDED THE JUDICIAL POWER.
- ◉ QUALITY OF JUSTICE WAS NOT VERY HIGH.
- ◉ CASES WERE DECIDED ACCORDING TO THE SENSE OF JUSTICE AND FAIRPLAY.
- ◉ REASON WAS THAT PRESIDENT AND COUNCILLORS WERE TRADERS NOT LAWYERS.



- ◉ NO KNOWLEDGE OF ENGLISH LAWS.
- ◉ AS FAR AS INDIAN CONDITION OF ADMINISTRATION OF JUSTICE WAS CONCERNED, THEY WERE AT ITS LOWEST EBB AND SUFFERED FROM MANY EVILS AND VICES.
- ◉ CORRUPTION AND BRIBERY WAS RAMPANT.
- ◉ ENGLISHMEN DID NOT HAVE ANY CONFIDENCE OR RESPECT FOR THE ESTABLISHED JUDICIARY.





Legal & Constitutional History of India
Power Point Presentations of Unit IV

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**JUDICIAL
ADMINISTRATION IN
SURAT FACTORY**



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Gujrat

Surat



SURAT

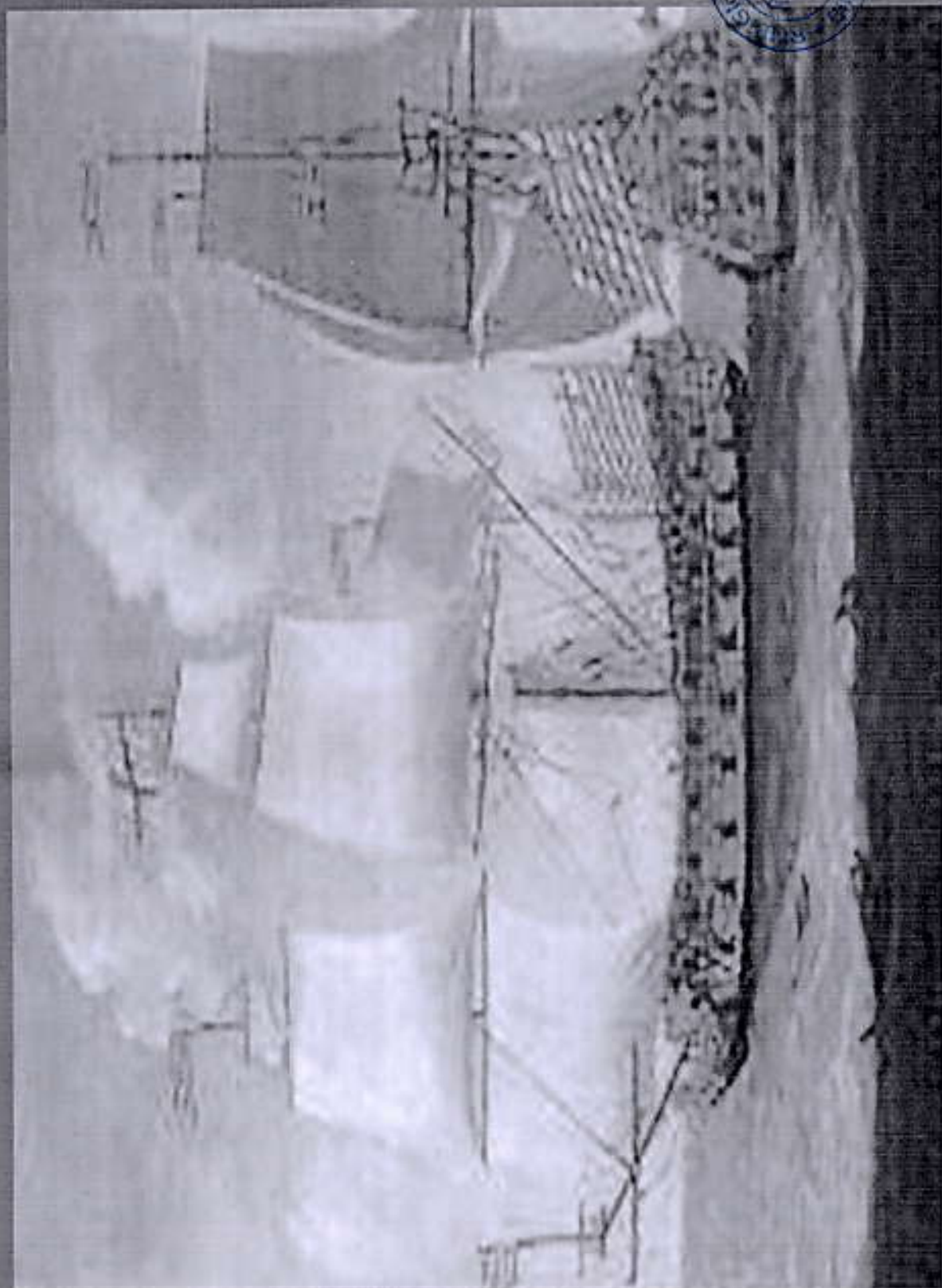
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Distinction between Charter of 1687 and 1726

<https://www.youtube.com/watch?v=Jli4yKu8cm8>

By
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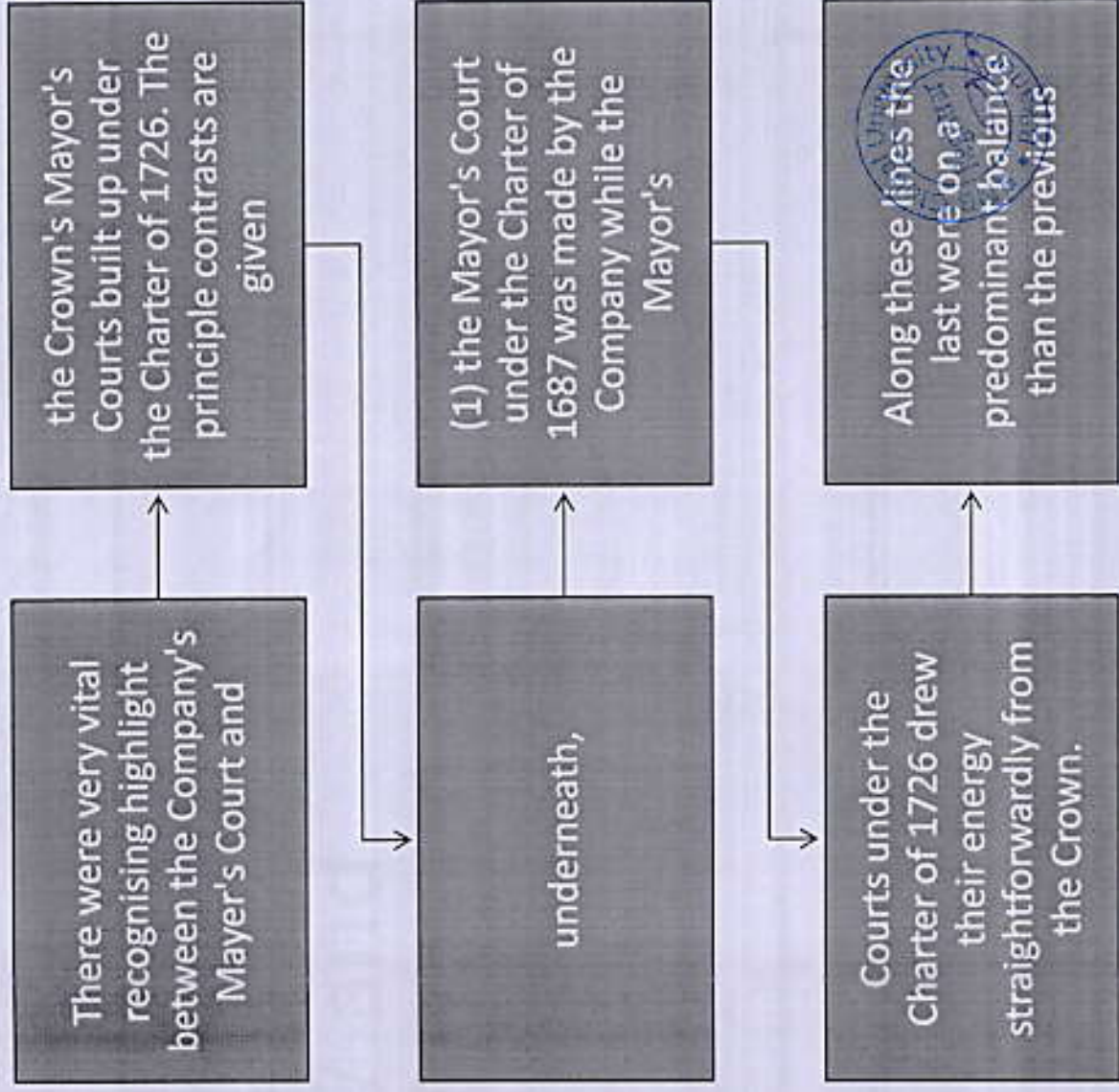


MAYOR'S COURT IN 1687 and 1726

- Before 1726 there were diverse legal frameworks working in the British Settlement,
- which were expanded in number by 1726.
- Therefore the hirelings of the many, working at such unique settlements were liable to various arrangements of courts.
- There was, hence, an absence of consistency in the British settlements,
- for a similar offence which involve unique and occasionally, Contrary Penal Consequence.
- There was additionally another factor which constrained the Company to have a uniform law.



MAYOR'S COURT IN 1687 and 1726



MAYOR'S COURT IN 1687 and 1726

- (2) The Charter of 1687 made just a single Mayor's Court at Madras, it didn't contact the legal
- framework winning in different settlements, administrations under the Company. The Charter of
- 1726 made Mayor' Courts at all the three administrations that is Madras, Calcutta and Bombay
- consequently, out of the blue, building up a uniform legal framework.



MAYOR'S COURT IN 1687 and 1726

- (3) The Mayor's Court built up under the Charter of 1687 appreciated both common and criminal ward. While the chairman's courts set up under the Charter of 1726 leader's Courts set up under the Charter of (were given ward in common issues including testamentary and probate
- of wills locale, Criminal issues were left to be chosen by am inside the purview of, Governor-in-
- Council which went about as a court I such issues.



MAYOR'S COURT IN 1687 and 1726

- (4) The Charter of 1726 made, out of the blue, an arrangement for a moment request to the
- King-in-Council which turned into a forerunner of the Privy Council later on. Therefore under
- this Charter, the main interest could be recorded before the Governor-in-Council and the second
- (despite the fact that now and again) offer could be taken to the King-in-Council in England.
- The Charter of 1687 did not make such arrangement. The interest from the Mayor's court could
- be documented under the steady gaze of the Admiralty Court.



MAYOR'S COURT IN 1687 and 1726

(5) The Mayor's Court built up under the Charter of 1687 made an arrangement for the portrayal

of the locals on the court. The Crown's Mayors Courts did not have any such portrayal, however

there was an arrangement I for the same in the Charter of 1726.



MAYOR'S COURT IN 1687 and 1726

- (6) No uncertainty, the Crown's Mayor's Courts set up under the contract of 1726 were
- unquestionably unrivalled courts so far as their status is concerned, yet in strict legal and
- legitimate way, the Company's Mayor's Court was better prepared, for there was an arrangement
- for a legal counselor part who was to be known as the Recorder. The Charter of 1726 despite
- the fact that it implied to enhance the legal framework in India, did not make any such arrangement. . Hence the Courts set up in 1726 were for the most part made out of Company's
- government workers who did not have adequate involvement in lawful issues.



MAYOR'S COURT IN 1687 and 1726

- (7) There was yet another imperative qualification between the two Mayor's Courts. The
- Company's Mayor Court developed its own method and apportioned equity as per the standards
- of presence of mind, value and great inner voice. It dodged the complicated procedural details.
- Yet, the Charter of 1726 which brought the British laws into India brought all the legitimate
- details of the British Courts of law. In this manner the whole extent of British laws and its
- strategy were foisted on the Courts built up under the Charter of 1726.



MAYOR'S COURT IN 1687 and 1726

- (8) The Charter of 1726, as it were, got rid of the idea of partition between the official and the
- legal in criminal issues. The Governor-in-Council went about as the criminal court while the
- Mayor's Courts taken care of just the common issues and testamentary and probate of wills
- cases. Then again, the Mayor's Court at Madras was contributed with energy to deal with all
- polite and criminal issues and bids from its choices went to the Admiralty Court instead of the
- Governor-in-Council.



MAYOR'S COURT IN 1687 and 1726

- The Charter of 1726 likewise constituted a Mayor's Court for every one of the administration
- towns comprising of a Mayor and nine Aldermen. Three of them i.e., the Mayor or senior
- Alderman together with two other Aldermen were required to be available to frame the majority
- of the Court. The Mayor's Courts were proclaimed to be available to fan the majority of the
- Court. The Mayor's Courts were announced to be Courts of record and were approved to attempt,
- hear and decide every single common activity and supplications amongst gathering and
- gathering. The Court was likewise allowed testamentary locale id energy to issue letters of
- organization to the legitimate beneficiary of the expired individual. It was approved to practice
- its purview over all people living in the administration possess and working in the Company's
- subordinate production lines.



MAYOR'S COURT IN 1687 and 1726

- Advances from choices of Mayor's Court were documented in the Court of Governor and
- Council. A moment claim in cases including 1000 pagodas or more could be made to lord inchamber
- in England. The court of Governor and Council additionally chose criminal cases.



MAYOR'S COURT IN 1687 and 1726

• CORRELATION BETWEEN THE 2 MAYOR COURT

- Apart from the clear similitude of names there was a tremendous distinction between the
- two Charters. The fundamental contrasts might be specified as under:
- 1. The Charter of 1687 connected to Madras just while the Charter of 1726 connected to all the
- three Presidencies.
- 2. The Mayor's Court built up under the Charter of 1726 had the ward in Civil issues just
- notwithstanding its testamentary and probate purview, while the court under the Charter of 1687
- had the locale in criminal issues moreover.



MAYOR'S COURT IN 1687 and 1726

- 3. Appeals against the judgments of the Mayor's Court under the Charter of 1687 went to the Court of Admiralty while from the Mayor's Court under the Charter of 1726, to the King-in-Council.
- 4. The Mayor's Court of 1687 was a Court of the Company while the court built up under the Charter of 1726 was the Court of the Crown.
- 5. The Mayor's Court under the Charter of 1687 was better in one regard that it had a legal counselor part called Recorder while in the Court under Charter of 1726 there was no arrangement for any attorney part.



MAYOR'S COURT IN 1687 and 1726

- 6. In procedural issues, the court under the Charter of 1726 needed to watch the details of the courts in England while the Court under Charter of 1687 was guided by its own particular strategy of comfort.
- 7. In the Court under Charter of 1687 there was great portrayal of Indians while under the Charter of 1726 notwithstanding the arrangement for two Indian individuals none was ever delegated practically speaking.
- 8. Under the Charter of 1726 the criminal locale was totally relegated to the official, i.e., the Governor and Council, while under the prior Charter it had a place with the Mayor's Court and the Admiralty Court



MAYOR'S COURT IN 1687 and 1726

- 9. The Charter of 1687 being a Company's Charter, the Mayor's Court of Madras set up under it was a Company's Court while the new Mayor's Court under the Royal Charter of 1726 was a Crown Court.
- 10. The prior Charter of 1687 presented both, common and criminal purview on the Mayor's Court yet the new Charter of 1726 engaged the Courts to attempt and hear just the common cases. In this way, the Charter of 1687 had a more extensive degree as contrasted and the Charter of 1726.
- 11. Under the Charter of 1687 interests from the Mayor's Court lay to the Admiralty Court while the Charter of 1726 gave that interests from Mayor's Court lay to the Governor and Council and International Journal of Pure and Applied Mathematics Special Issue
- 4511
- a moment advance to the Court of King-in-Council of England. There was, be that as it may, no arrangement for second interests in the prior Charter of 1687.



MAYOR'S COURT IN 1687 and 1726

12. The Mayor's Courts built up under the Charter of 1726 had testamentary purview which the

Charter of 1687 had not accommodated.

13. The Charter of 1687 gave for a 'Recorder' in the Mayor's Court who was to be an expert

legal counselor to prompt the court in legitimate issues. Be that as it may, the Recorder of the

Mayor's Courts built up under the Charter of 1726 was not really to be a legitimate master and

judges selected in the Court were generally lay people with no lawful preparing or experience.

In this sense, the Charter of 1687 was more tuned in to the objectives of equity as contrasted and

the Charter of 1726.



MAYOR'S COURT IN 1687 and 1726

- 14. The Madras Corporation built up under the Charter of 1687 comprised of twelve Aldermen
- out of which no less than three were to be Englishmen. These Aldermen went about as judges of
- the Mayor Court, But the new Corporations set up under the Charter of 1726 comprised of nine
- Aldermen, out of which seven were to be Englishmen. Along these lines the new Mayor's courts
- were significantly more English commanded than the before one.



DISCUSSION

- 1726, The Charter of 1753 was an endeavour to enhance the prior Charter of 1726 which
- experienced a few lacunae and imperfections. The fundamental arrangements of this contract
- were as per the following—
- 1. Recovery of Mayor's Courts with Modification—The British King George II conceded
- another Royal Charter hide the Presidencies of Madras, Bombay and Calcutta whereby the
- Corporation of Madras which stopped to work due to French occupation amid the period Tor
- 1746 to 1749 was resuscitated again and the locale of all the three Mayor's Courts of
- Presidencies were changed to conquer the deficiencies of its prior working.



DISCUSSION

- 2. Leader's Courts were Subordinated to the Governor and Council—With a view to end the
- stressed relations between the Mayor's Court and Corporation from one perspective and the
- Governor and Council on the other, the Charter of 1753 brought the Corporation of every
- International Journal of Pure and Applied Mathematics Special Issue
- 4512
- Presidency under the control of the Council by changing the method of arrangement of Mayor
- and Aldermen. Under the new Charter, the Governor and Council was engaged to choose the
- Mayor out of a board of two names chose by the Mayor and Aldermen. The Council additionally
- accepted full energy to designate Aldermen in the Corporation and reject them. Accordingly, the
- Mayor's Court was totally subordinated to the Executive Council.



CONCLUSION

Some of the defects of the Mayor's Court. The criminal equity was completely official ruled as it was on account of the Governor-in-Council. The Mayor's courts were not free from the official impact. The council members were either Company's workers or other English dealers who relied on the Company's authorisation to remain in India and were helpless before the nearby government. At the end of the day, the Governor and Council were the producer and unmakers of the judges...Judges were non-experts. The Company had a strategy of restricting organisation of equity to its workers and consequently it abstained from delegating legal advisors. The Mayor's court was constituted to work autonomously. Be that as it may, its association with the official was not expressed unmistakably and there rose a miserable conflict between the official and the legal. This conflict is obvious from some imperative cases like Shrimpy's case, Arab Merchant's case, Pagoda Oath case and so forth.



Regulating Act of 1773

By
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RNB Global University, Bikaner



Reasons behind 1773 Act

- Territorial expansion
- Corruption amongst the servants of company
- Lack of proper judicial administration
- Deteriorating financial condition of the company
- Company's defeat in 1769 at the hands of Hyder Ali
- Terrible famine in Bengal

The Company applied for a loan of one Million Pounds in 1772



- The British Parliament appointed two committees
 1. Secret Committee
 2. Select committee

Based on the recommendations of the two committees there two Act were passed

1. Granted to the company a loan of £ 14,00000 at 4% interest
2. Regulating Act, 1773



Objectives of Bill

Reform the constitution of the company

To reform the Company's government in India

To provide remedies against illegalities of company servants



Salient features of Act

Election for Directors

The directors of the company were elected for a period of four years

The voting qualification for the **Court of Proprietor's** was raised from holding a stock of £ 500 to 1000

Control over correspondence:

In order to assert Parliament's control over the company the directors were required to place regularly all corresponding to the concerned authorities of Secretary and Treasury.



Appointment of Governor General and Council

A Governor General and four council members were appointed for the Presidency of Calcutta

The governor General was given all the powers to extend the company's territorial acquisition in India

Madras and Bombay presidency administration also placed under the supervision of Governor General.

Establishment of Supreme Court of Judicature

Section 13 of the Act empowered the crown to establish a Supreme court of Judicature at Fort William, Calcutta.



Supreme Court of Judicature

- The Supreme Court consist of a Chief Justice and the three other judges, being barristers of not less than five years standing to be appointed by His Majesty.
- Sir. Elijah Impey was appointed the Chief Justice and all them were appointed by King.
- The qualification laid down for appointment were that only barristers of not less than five year standing could be appointed as judges.



Jurisdiction:

Supreme court was given very wide jurisdiction covering every possible type of litigations going on the Indian courts in those days.

Cases against company and corporation of Calcutta also placed under the court

Civil jurisdiction:

His Majesty's subjects or persons employed directly or indirectly by the company.

Or persons who have voluntarily agreed in writing to refer their disputes to the supreme court in cases.

Supreme Court also given permission to accept cases against the Governor General and any of his Council members.

Criminal Jurisdiction:

The court was not given jurisdiction over all the native Indian residing in Calcutta and with in the territory Bengal, Bihar and Orissa.

It was only vested with the jurisdiction over all **British subjects**, their servants and the persons employed by the company.

Supreme Court had given permission to accept the cases against Governor General and his council members, but court had no power to arrest or imprison any of them in any action



- The court was required to follow as far as possible, the **Criminal Procedure of British courts.**

Ecclesiastical Jurisdiction: (Church)

The court was authorized to exercise subjects residing in Bengal, Bihar and Orissa.

According to the ecclesiastical law providing in the Diocese of London

Admiralty Jurisdiction:

The court was vested with all the jurisdiction which was available to court of Admiralty in England in all matters civil and Maritime and all maritime crimes



Equality Jurisdiction

As a court of equality, it was given all the powers which were available to the **High Court of Chancery** in England.

Any person felt aggrieved could approach the Chancellor which did justice according to his conscience and not bound by any technicalities of law.

Writ Jurisdiction

This was most important jurisdiction which was made available to the court

By the issue of the prerogative writs in the nature of **mandamus, certiorari, procedendo or error**, it could effectively control all the courts subordinate to it as well as other authorities created by the company



- It was also authorized to make rules for its procedure, subjects to the provision that the King-in-Council approve, reject or modify these rules



Mandamus

A judicial writ issued as a command to an inferior court or ordering a person to perform a public or statutory duty.

Certiorari

A writ or order by which a higher court reviews a decision of a lower court.

procedendo

In common law jurisprudence, *procedendo* is one of the prerogative writs. It is a writ that sends a case from an appellate court



Nanda Kumar Case (A Judicial murder)

- Raja Nanda Kumar, he was residing in Bengal and was big Zamindari.
- In March, 1775 he laid a letter before the Council member with charging allegation against Warren Hastings.
- According to the letter Warren Hastings received bribe form former Nawab wife Murni Begum for granting a Zamindari.
- Immediately council members they arranged meeting to issue summons to Nanda Kumar to attend before council to produce vouchers in support of his charges of bribery against Hastings



- With the summons of Council, Nanada Kumar produced a letter in person which was written to him by Murni Begum.
- The council majority decided that Hasting received a sum of Rs.3,45,105 as bribe and directed him to refund the money in the Company's treasury.
- While charges against Warren Hastings were still in pending which were subsequently dropped.
- Nanda Kumar was suddenly arrested at the instances of a Calcutta merchant Mohan Das on a charge of forgery.



- He was also implicated in a case of conspiracy when in the absence of proof was dropped.
- He was put on trail before the Supreme Court presided over by the Sir. Elijah Emphey on the charges of forgery.
- the trial began on 7th June 1775 and continued for a period of eight days without any adjournment.
- On the basis of Mohan Prasad evidence, the verdict of guilty was returned by the jury and Raja Nanda Kumar was condemned to death.
- Under the a statute passed by the British parliament in 1729.
- The death sentence was duly executed on 5th August, 1775.



Peculiar features of trail

- Change preferred against Raja Nanda Kumar was shortly after he had leveled charges against Warren Hastings.
- Chief Justice Imphy was a close friend of Hastings.
- Every Judge of the Supreme Court cross examined the defense witness due to which the whole defense of Nanada Kumar collapsed.
- After the trail, when Nanda Kumar was held guilty by the court he filed an application for granting leave to appeal to the King-in-Council but the court rejected his application.



- Nanda Kumar committed the offence of forgery nearly five years ago, i.e much before the establishment of Supreme Court.
- Neither under Hindu Law nor under Mohammedan Law was forgery regarded a capital crime.



Patna Case 1777-1779

- Shahbah Beg Khan, native of Kabul came to India and settled down in Patna.
- He married Nadirah Begum and acquired a large amount of money while in the service of company.
- He had no issue, therefore he invited his nephew Bhandur Beg from Kabul to reside with him the intention to adopt him. But before he could do so he died in December, 1776.
- Bahdur Beg took the first step and filed a suit against the Begum in the Patna Provincial Council for getting right over the property.

- In the provincial Court the case placed before Muhammadan law officers.
- The officers after full hearing reported to the council that gift deeds were forged documents and no gift was made in favor of Nadirah Begum by deceased.
- They also reported that the nephew, Bahadur Beg court not be adopted under Muslim law.
- Therefore, recommended that property be divided into four parts out of which three parts were to be given to Bahadur Beg on the basis of consanguinity (relationship by blood) and also heir of the diseased and the fourth part be given to the widow.



- Nadirah Begum was dissatisfied with the decision of the provincial Council, and she filed an appeal before the **Sadar-Diwani-Adalat** at Calcutta.
- Due to their busy routine work they could not consider the matter for a long time.
- With indifferent approach of the court, she filed a suit in the Supreme Court against Bahedur Beg, Kazi and mufti for assault, battery, unlawful imprisonment and claimed 6 lakhs as damaged.
- The supreme court issued ordered to arrest of Bahadur Beg, Kazi and mufti.



- The supreme court decided that the documents were genuine and that Kazi and mufti did not act in good faith.
- The court awarded the damages of Rs.3,00,000 in favor of Nadirah Begum and the law officers were imprisoned.
- The whole case was bitterly criticized on the grounds that which law Bahadur Beg and law officers were subjected to the jurisdiction of the Supreme Court.
- The Supreme court justified his jurisdiction over Bahadur Beg as a former and paying land revenue to the company.



- Both the parties were Muslims to which the Mohammedan Law of inheritance was to apply, it was purely a matter of personal law to Mohammedans.
- There were no written agreement between the parties to submit the case to the Supreme Court for a decision.



Kamalluddin Case 1775

- Kamaluddin a farmer of Hugli was court's control by the Calcutta Revenue Council on the ground of arrears of revenue.
- The Revenue council released to orders to arrest Kamaluddin.
- He approached the Supreme Court for a writ of *habeas corpus* and court given bail till the enquiry as his obligation to pay was completed.
- Same time court directed the council to accept bail for Kamaluddin's appearance in the Diwani court and not to take him into custody until his under renter had been called upon to pay the rent.



- The council thought that according to the 1773 Act, the court had no right to interfere in revenue collection.
- three members of the council suggested that court order should not be recognized and obeyed.
- But some time later Kamalluddin was arrested again and he again obtained writ *habeas corpus* and he was finally discharged by the court.



- Chief Justice Imphy in a letter to the Court of Director Justified court's action on two grounds.
- In a case of this nature, it had been the usual practice for the Revenue Council to take bail and so the court made the direction for taking bail.
- It has been the established practice to demand rent from the under tenant before demanding much less imprisoning the former and the court order was consistent with the practice.



Facts of the Case

Raja Sunder Naraine Zamindar of **Cossijurah** took a very big amount of loan from **Kasinath** who was a financier of **Calcutta**.

The loan remained unpaid for a considerably long time, consequently **Kasinath** brought a suit against the Zamindar in the Supreme Court.

The Supreme Court issued orders to arrest Zamindar.

The Zamindar went underground to avoid his arrest.

The collector of **Midnapur** informed the **Governor General** due to the Zamindar absence, the revenue collection was suffering.



- Based on the advices of **Advocate General**, Government directed the Zamindar not to attend before the Court.
- Governor General also stated that no Zamindar was subject to the jurisdiction of the court.
- With the absconding of Zamindar court issued orders to seize the property of Zamindar.
- The Sheriff of Calcutta with some forces was sent by the court to execute the orders of Supreme Court and they arrested Zamindar also.
- On hearing about this incident the Governor General-in-Council also sent a small forces to arrest sheriff and his party and release the Zamindar from arrest.



- The Governor General's forces arrested the Sheriff along with his party and they were released afterwards.
- The judges were became angry and felt insulted.
- However, the Court took an action against **North Naylor, Advocate General**, on the plea that the wrongly advised the Governor General for defying the orders of the Court and he was tried and sent jail.



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Legal & Constitutional History of India
Power Point Presentations of Unit VII



Adalat System by Lord Cornwallis

By

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Introduction

- Lord Cornwallis succeeded Warren Hastings as the Governor General of India.
- He put forward certain conditions before The Crown before accepting the post of Governor-General.
- They were:
- The office of Governor General and the commander-in-chief would be united under one person i.e., the Governor General.



Introduction

- The Governor General-in-council have veto over the council on decisions made concerning administration and military.
- His aims as Governor General were
- Uproot corruption from the pre judiciary and administration system.
- Tackle the problem of land revenue.
- Develop a proper system administration of justice.



Lord Cornwallis

- Lord Cornwallis was Governor General from the year 1786 to 1793 and
- his most noted work was in the field of criminal judicature.
- He introduced changes in the judicial system in three years – 1787, 1790 and 1793.
- These were known as Judicial Plans of 1787, 1790 and 1793 respectively.



Judicial Plan of 1787

1. Reorganisation of districts

- The number of districts in Calcutta reduced from 36 to 23.

2. Appointment of collector

- A collector was appointed in district.
- He was an Englishman. Collector assigned with two tasks – to cc revenue and
- to decide cases arising out of rev matter.



Appointment of collector

- He also presided over the mofussil di adalat (district level civil court) judge.
- In mofussil diwani adalat, he would decide civil cases and cases of zamindari.
- Appeals from the mofussil diwani adalat lay to the Sadr Diwani Adalat when matters exceeded Rs.1000/-.
- The Sadr Diwani Adalat was presided over by the Governor General.



Appointment of collector

- He also presided over the Magistrate's Court as a Magistrate, where he was empowered to try and punish cases of petty crimes and offence upto Rs. 200.
- Offences having value of more than Rs.200 would be sent to the Sadr Nizammat Adalat by the Magistrate.



Establishment of Mal Adalats

- Mal Adalats were revenue courts in district which exclusively dealt revenue matters.
- This court was presided by the Collector who decided cases related to revenue. He was in charge of revenue matters.
- Appeal from the Mal Adalat lay to the Board of Revenue in Calcutta and the Governor General-in-council.



Establishment of Registrar Courts

- An assistant officer of the collector appointed who was known as Registrar.
- He was appointed in each district presided over the Registrar's court w decided civil cases upto the value Rs.200/-
- But the decree passed by the Regi was not final until it was signed by Mofussil Diwani Adalat i.e., the Collect



Judicial Plan of 1790

1. Reorganisation of districts into divisions

- The districts were divided into four divisions – Murshidabad, Calcutta, Dacca, and Patna.

2. Mofussil Faujdari Courts were abolished

- Mofussil Faujdari Courts were the district level criminal courts. They were abolished and replaced with Circuit of Circuits.



Establishment of Court of Circuits

Court of Circuit was Established at each of the four divisions.

was presided by 2 servants of the company and they were assisted by Muslim law officers - Qazi and muftis.

was not a stationary court.

instead, it was a moving court which moved from district to district in their respective division to try criminal cases.

They visited each district of their division twice annually.

Increase in Salaries

Salaries of all Judges of all courts were fixed and increased to control corruption that was prevalent in the current system of justice.



5. Collector to make a report of the working of courts

- Collector to make a report of the working of courts he was incharge of i.e. the Magistrate, Mal Adalat and Mofussil Diwani Adalat; and send it to the British Parliament of England bi-annually and annually.

6. The Post of Nawab was abolished

- The post of Nawab, who used to preside over Sadr Nizamat Adalat was abolished as he did not carry out criminal justice properly and it was now presided by the Governor General-in-council instead.



7. Court Fees

- Court fees was introduced to reduce burden on courts. Court fees was charged for pleaders of the court an calling the witnesses of the case.

8. Questionnaire sent to Magistrates

- A questionnaire was sent to magistrates asking for their opinion the prevailing criminal judicial system



Defects of the Judicial Plan of 1790

- The magistrates' opinions in the questionnaire to them revealed the evils of the criminal justice system.
- This made Cornwallis realize that certain changes were required in the system of criminal justice.
- Two important sources of these evils were-
 - (i) defects in the constitution of the criminal courts
 - (ii) the gross defects in the Muslim law of Criminal Justice
- Cornwallis resolved to abolish the authority of the Nawab over the criminal judiciary and to transfer the administration of criminal justice from the Nawab's law officers to the Company's legal servants.



Defects of the Judicial Plan of 1790

- Court of Circuits were moving courts which were overburdened with cases which caused them delay in moving one district to another and could not some districts twice annually due to delay.
- There was a lot of collective power administration and judiciary vested the collector which made him abuse power.



Judicial Plan of 1793

1. Separation of Executive and the Judiciary

- The powers vested in the collector administrative and judicial as he was also in charge of collection of revenue and for deciding arising out of revenue matter. Now, the collector was only responsible for the collection of revenue.

2. Mal Adalats were abolished

- Revenue courts which exclusively tried cases arising out of revenue matters and presided by Collector as Judge, was now abolished.
- All powers and pending suits of the Revenue courts were now transferred to Mofussil Diwani Adalat thus not tried by the collector.



Executive subjected judicial control

Governor General and his council were now subjected to judicial control.

Wrong acts committed by them while carrying out their functions and outside of it could be heard or tried and punished in the Diwani Adalats.

Cases against the Government by private individuals could be brought forward and were tried by the Diwani Courts.

British natives had to sign a bond with the British subjects agreeing to go to court

British could recover claims from Indian natives and vice versa by signing a bond with each other agreeing to go to court.



Establishment of Provincial Courts of Appeal at the Provinces

After the appeal from the Mofussil Diwani Adalats lay to the Provincial Adalat situated at Calcutta.

This process for time consuming and expensive so provisions of appeal were established at each division i.e. Patna, Calcutta, Lucknow and Dacca.

Appeals from the Mofussil Adalat now lay to the provincial courts of appeal which were to be heard within three months of filing them. These courts were presided by three covenanted English servants company. Quorum was of two servants.

As an open court and could try revenue, civil and criminal cases. They could also try cases referred to them by the Sadr Divisions.

Cases valued more than Rs. 5000 were referred to the Provincial Council.



6. Native Officers given important posts

- Native officers were appointed by the Governor General-in-council.
- Native officers were made Munsiffs of the Munsiff courts at district level.
- This court could try cases upto Rs.50. Zamindars, Tehsildars, etc appointed as Munsiffs.
- Personal Laws of Hindus and Muslims were applicable in cases relating to marriage, inheritance, caste, religious usages and institutions.
- These personal laws were interpreted by the native officers who were appointed to assist the court to expound the personal law



Sadr Diwani Adalat

was the highest court of appeal in India. It was presided over by the Governor General and the Council who were the Judges of the Sadr Diwani Adalat.

Its primary function was to supervise the lower courts and to hear appeals from the provincial courts of appeal when the sum of money in the matter of the case was more than Rs.1000.

After the transfer of power to the Sadr Diwani Adalat lay to the King's Bench, when the sum of the matter of the case was more than Rs.5000.



Forms in criminal judicature

The court of circuit was merged with the provincial court. The power of the collector as a magistrate was taken away and was vested in the judges of the diwani adalats instead.

Uniform pattern of Regulations

Until now, any new regulation that was issued did not follow a uniform pattern.

This was changed by making it a rule that any new regulation would be made with a title to explain the nature of the subject matter and contain a preamble which would state the purpose for enacting the regulation.



Reforms in Muslim Personal Law

: Sadr Nizamat Adalat was directed to follow the Muslim Personal Law to try and punish criminal cases, but with modifications.

: relatives of murder victims did not have a provision against the murderer.

: cruel and inhuman punishments such as cutting off limbs of offender were replaced with punishment of imprisonment and labour for 14 years.



11. Court Fees abolished

- Court fees which was imposed in the judicial plan of 1787 was abolished. The court fee was abolished so that the people could easily reach to the court for securing justice.

12. Legal Profession recognised for the first time in India

- The legal profession was recognised in India for the first time. The pleaders of the case had to have prior legal knowledge to be eligible to be a pleader of the court.



Defects of the judicial plan of 1790

provisions of multiple levels of appeals made the judicial machinery complicated and slow moving. Thus, large number of cases remained pending in courts for long period.

Indians were totally excluded from the judiciary except at very low level. Cornwallis was of a belief that the Indians were unworthy of holding position of responsibility because of their character.

distrust shown towards the Indians generated the dissatisfaction among the people as well as made the system less efficient as the English servants did not know and understand the customs, usages, etc. of the people;

before Europeans could not understand nor provide solutions to the problems of natives.

Cornwallis did everything on procedural side but he could not reform the substantive part of law mainly the criminal law which was based on Muslim law and had many defects.



Conclusion

- Through his various judicial plans, Cornwallis was successful to uproot the evil of corruption.
- Though Cornwallis was a just administrator,
- he was seen as a racial discriminatory as he reserved all the high posts of judicature for the Europeans.
- Even though Cornwallis almost perfected the administration of civil judicature, the problem of criminal law was still prevalent as the criminal law was based on Muslim personal law which already had prevalent defects in it.



ADMINISTRATION OF JUSTICE IN BOMBAY
PRESIDENCY

By
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ISLAND OF BOMBAY

- PORTUGUESE WERE THE FIRST EUROPEAN TO ACQUIRE THE ISLAND OF BOMBAY IN 1534, FROM THE KING OF GUJARAT.
- IN 1661, PORTUGUESE KING, ALFONSUS VI TRANSFERRED THE ISLAND TO CHARLES II AS DOWRY ON THE MARRIAGE OF HIS SISTER CATHERINE WITH THE BRITISH KING.



ISLAND OF BOMBAY

- CHARLES II TRANSFERRED IT TO THE EAST INDIA COMPANY IN 1668 FOR AN INSIGNIFICANT ANNUAL RENT OF 10 POUNDS.



Charter of 1668

- At the time of transfer, Charles II granted a charter to the company conferring on it full powers, privileges and jurisdiction requisite for the administration, legislation and dispensation of justice in Bombay.



Charter of 1668

- The Charter empowered the company to make laws for the good government of the island, and to impose for the due observance of the said
- laws, pains, penalties and punishments by way of fines, imprisonment or even death.



JUDICIAL SYSTEM

BEFORE 1726, THE JUDICIAL SYSTEM
IN THE ISLAND OF BOMBAY GREW IN
THREE STAGES:

FIRST STAGE: 1668- 1683

SECOND STAGE: 1683- 1690

THIRD STAGE: 1718- 1726



FIRST PERIOD 1668- 1683

- CHARTER OF 1668.
- JUDICIAL SYSTEM
- SURAT PRESIDENCY(GOVERNOR AND COUNCIL)

BOMBAY



FIRST JUDICIAL SYSTEM

- GERALD AUNGIER, GOVERNOR OF SURAT, ARCHITECT OF FIRST JUDICIAL SYSTEM, IN 1670.
- BOMBAY DIVIDED INTO 2 DIVISIONS



- EACH DIVISION HAD ONE COURT WITH 5 JUDGES.
- THE CUSTOM OFFICER WAS TO BE PRESIDENT OF THE COURT.

JUDICIAL SYSTEM OF 1672

- ▶ NEW SYSTEM CONSISTED OF GEORGE WILCOX AS JUDGE.
- ▶ THE COURT WAS TO HAVE JURISDICTION IN ALL CASES CIVIL, CRIMINAL, PROBATE AND TESTAMENTARY.
- ▶ BOMBAY WAS DIVIDED INTO 4 SECTIONS.- BOMBAY, MAHIM, MADGAON, SIYAN
- ▶ JUSTICES OF PEACE WERE APPOINTED.
- ▶ COURT OF CONSCIENCE
- ▶ 5% court fees
- ▶ 1 week time



SECOND PERIOD: 1684- 1690

- ▶ ADMIRALTY COURT -DR. JOHN ST JOHN WAS A PERSON LEARNED IN THE CIVIL LAW-200 POUND/PER YEAR
- ▶ CHARTER OF 1683.
- ▶ KING'S BENCH OF COMMON PLEAS.
- ▶ 1690 BOMBAY ATTACKED BY ADMIRAL SIDDI.
- ▶ 1690- 1718 IS THE DARK PERIOD IN LEGAL HISTORY OF ISLAND.
- ▶ 1687 BOMBAY BECAME PRESIDENCY.



KINGS VS. THARVORN

- ▶ LOAN MATTER
- ▶ VOX'S COURT- KINGS
- ▶ ADMIRALTY COURT- THARWORN
- ▶ APPEAL-GOVERNOR IN COUNCIL- KINGS



THIRD PERIOD: 1718- 1726

IN 1718, A COURT APPEARED AGAIN IN BOMBAY WITH CHIEF JUSTICE AND NINE OTHER JUDGES, OF WHOM 5 WERE BRITISH.

INDIANS WERE CALLED BLACK JUSTICES.

AWARDED IMPRISONMENT 'DURING

PLEASURE', WHICH MEANT INDEFINITE PERIOD OF INCARCERATION.



ADMINISTRATION OF JUSTICE AT CALCUTTA 1690- 1726

MUGHAL
JUDICIAL
SYSTEM.

KAZIS AND
COURTS.

NAWAB'S
COURTS.



- ▶ **CALCUTTA** □ 1668 The Subahdar of Bengal and grandson of Aurangzeb, Azimush-shan, gave the zamindari rights of 3 villages calcutta, Sutanuti and Govindpur for an annual revenue of 1195 rupees □ 1690 Job Charnock and a few other Englishmen landed at Sutanuti and laid the foundations of the city of Calcutta □ A Fortified factory named Fort William built □ 1699 Calcutta became a Presidency and a Governor and Council appointed to administer it □ As zamindar the Company got all the rights that the Bengal zamindars exercised



- ▶ MUGHAL SYSTEM
 - Zamindars exercised judicial powers in addition to collecting revenue and maintained law and order in their zamindari areas
 - The Qazi's courts decided most of the civil and criminal cases
 - There was a Qazi court in each district, pargana and village
 - The Village Panchayats also decided all kinds of cases except those relating to serious crimes
 - Not much litigation in Qazi courts because of the existence of village panchayats
 - Civil causes among Hindus decided by the Brahmins





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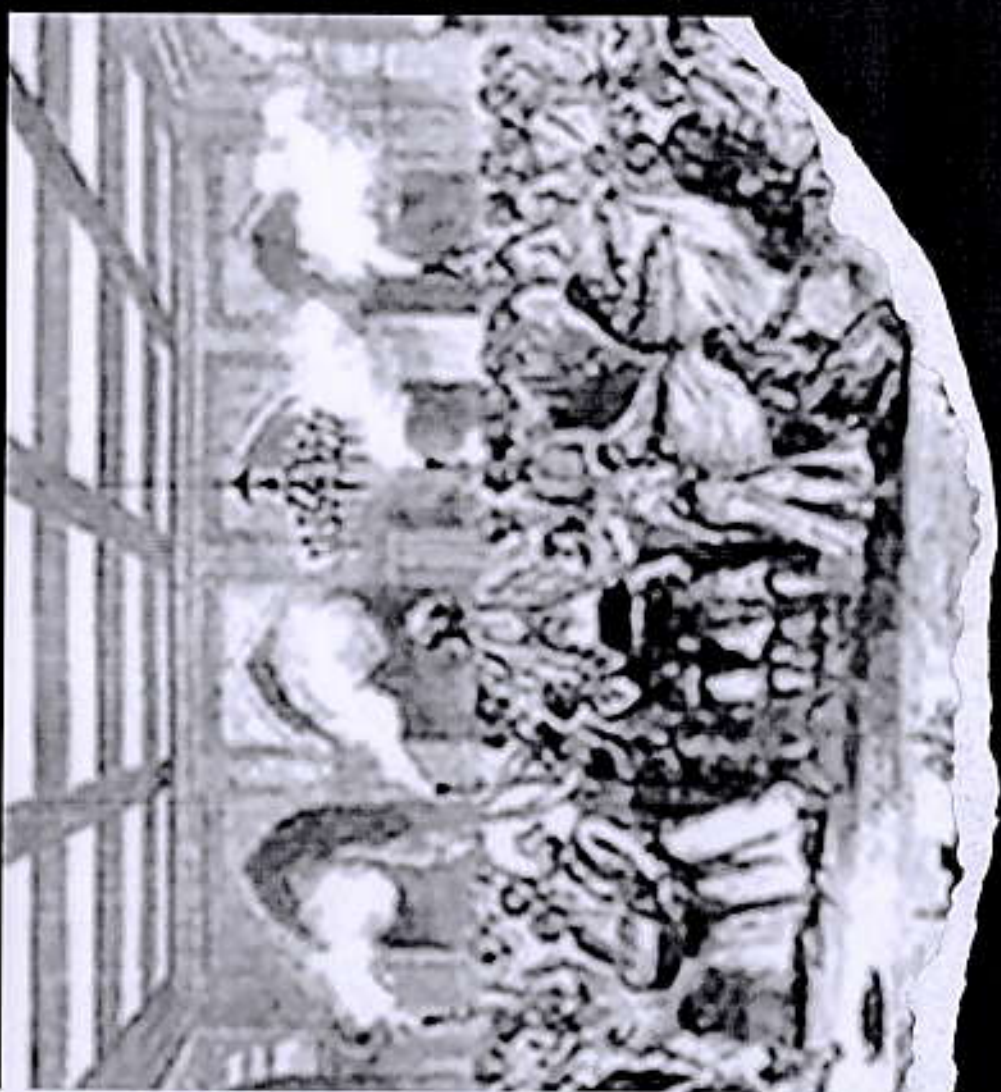
**Legal & Constitutional History of India
Power Point Presentations of Unit VI**

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THE GOVERNMENT OF INDIA ACT 1858





Background

- The growing resentment in England against the Crown reached its climax with the mutiny of 1857. The war was suppressed but it sent ripples of fear to London and convinced the British that administration of the India had to be taken over by the Crown.

- The British prime Minister, Palmerstone introduced the Government of India Act 1858 in the parliament for the transfer of Government of India to the Crown. However, before this bill was passed, Palmerstone was forced to resign. On another day, Lord Stanley introduced another bill which was originally titled as "An Act for the Better Government of India" and it was passed on August 2, 1858.

- It is called Government of India Act 1858 or 1858. On September 1, 1858, the court of directors of the East India Company held its last solemn assembly and the East India Company issued its last instructions to the servants in India and offered to its sovereign an empire in these words:

- "Let her Majesty appreciate the gift of her the vast country and teeming millions of India under her direct control, but let her not forget the great corporation which she has received them, nor the lessons to be learned from its success"



Abolition of Company Rule

- Government of India Act 1858 provided that India was to be governed directly and in the name of the crown.
- This act abolished the company rule, abolished the Court of directors and abolished the Board of control. This act abolished the Dual Government introduced by the Pitt's India act.
- The principle of Doctrine of Lapse was withdrawn, liberty was given to Indian rulers subject to British suzerainty and it also opened some door for Indians in Government services.



Office of Secretary of State for India

- The act provided the Crown will govern India directly through a Secretary of State for India, who was to exercise the powers which were being enjoyed by the Court of Directors and Board of control.
- The office of secretary of state was vested with complete authority and control over Indian administration, thus he was now the political head of the India.
- He was also a member of the British cabinet and was responsible ultimately to the British Parliament.
- Lord Stanley was made first Secretary of state for India. He had been earlier the President of the Board of Control.



Minister of State for

Foreign Affairs

Mr. J. B. S. Brindley, M.P.,
Minister of State for Foreign Affairs,
London, England.

Mr. J. B. S. Brindley, M.P.,
Minister of State for Foreign Affairs,
London, England.

Mr. J. B. S. Brindley, M.P.,
Minister of State for Foreign Affairs,
London, England.



Council of India of Secretary of State

01 Act 1858 provided Council of India of the Secretary of the State.

It was to be consisted of 15 members, 7 of them were to be elected by the Court of Directors and the rest of 8 members were to be appointed by the Crown.

More than half the members must have lived in India for 10 years and must not have left the country more than ten years before the date of appointment.

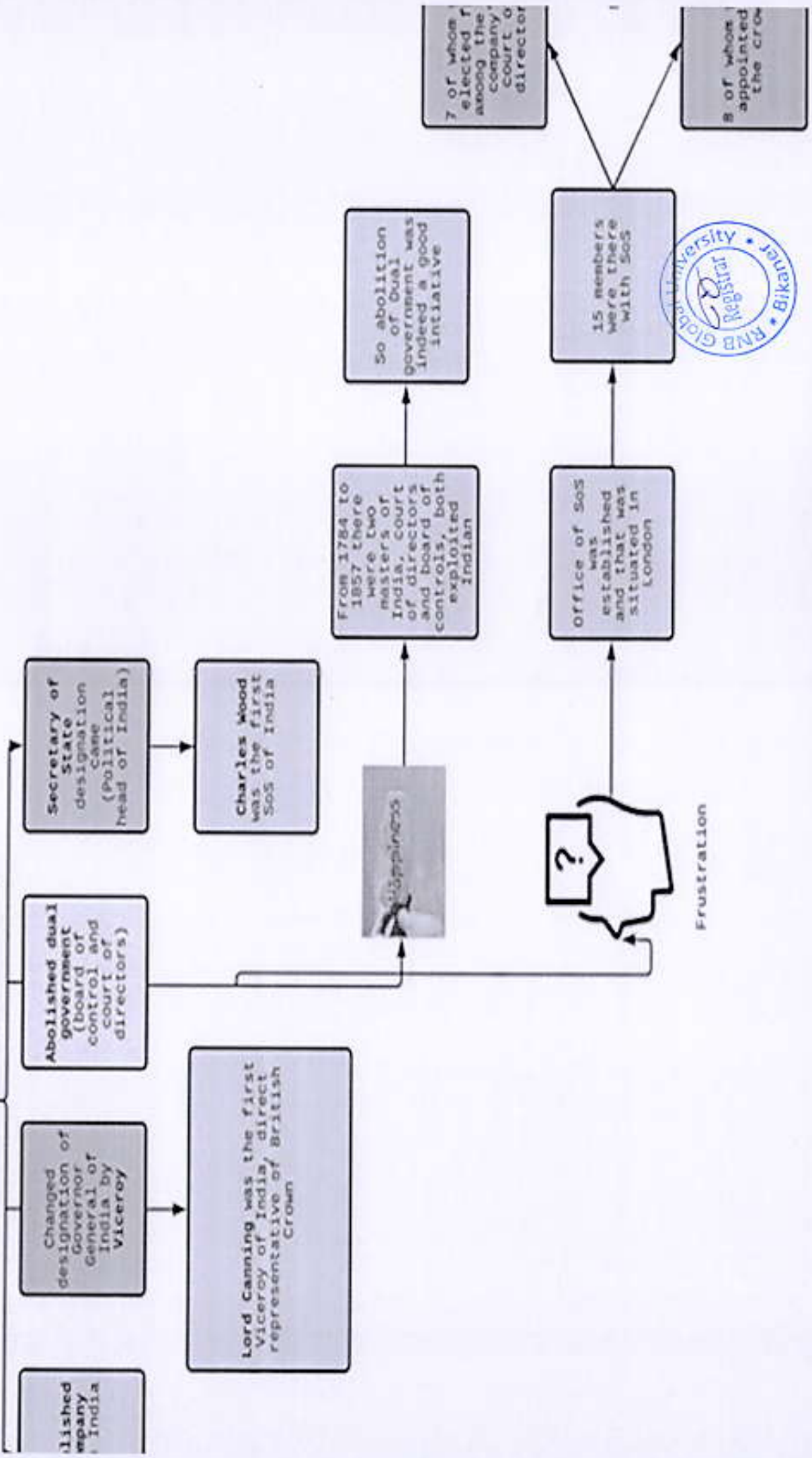
Each member was to be paid Rs. 1000 a year out of Indian revenues. Secretary of State was empowered to preside at the meetings of the Council. The Indian Council.

He was to have a vote and also a casting of vote in case of a tie. He was also empowered to send and

receive secret messages and dispatches from Government. General and was not bound to communicate these to the Indian Council.



Government of India act, 1858



Frustration

Centralization



- The Government of India act established the control of British Parliament over affairs. The members of Parliament could question the Secretary of State for regarding Indian administration.

- The right of appointment to important offices in India was also vested either in the crown or in the secretary of state of India Council.

- The administration of the country was highly centralized. There was a provision for the creation of an Indian Civil Service under the control of the Secretary of State.



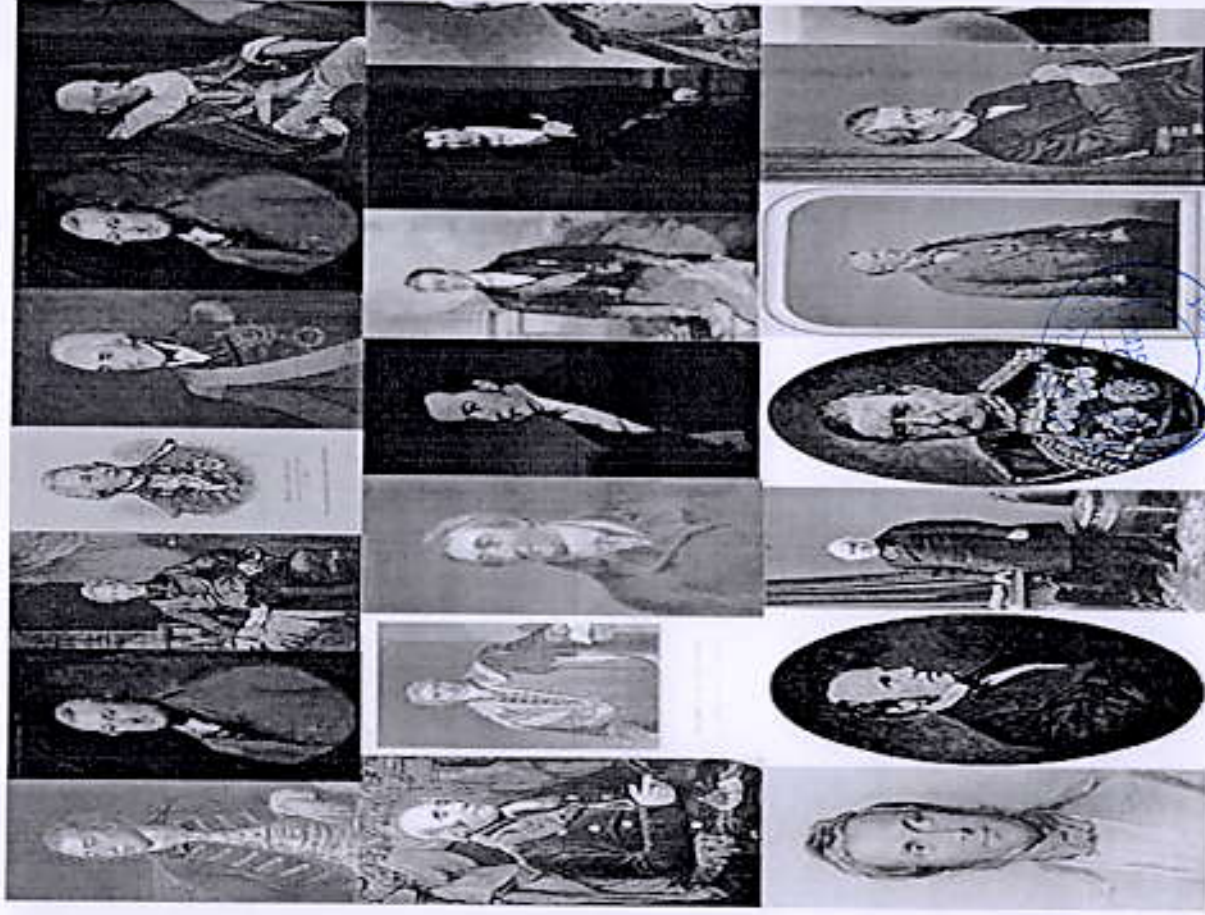
Changes in offices of Governor General and Viceroy

The Secretary of State for India was a cabinet minister in the British Government while his agent in India was the Governor General in India.

Thus, Governor General worked as a representative of the British Government much like today's governors work as representatives of the President of India.

The Governor-General of India was responsible for administration of the country.

Along with this, a new office of Viceroy was created to work as a diplomat to parley with the princely states.



However, it was provided that the both the offices to be held by same person. The objective of having same person occupy both offices was to avoid any conflict of interest as

it used to be between the Governor General and Chief Justice of Supreme Court of Fort Williams in initial days of East India Company. {Warren Hastings and Lord Impey used to lock horns together}

Viceroy was made responsible to Secretary of State for India.

Viceroy was to be a direct representative of the British Crown in India.

Lord Canning thus became the first Viceroy of India.

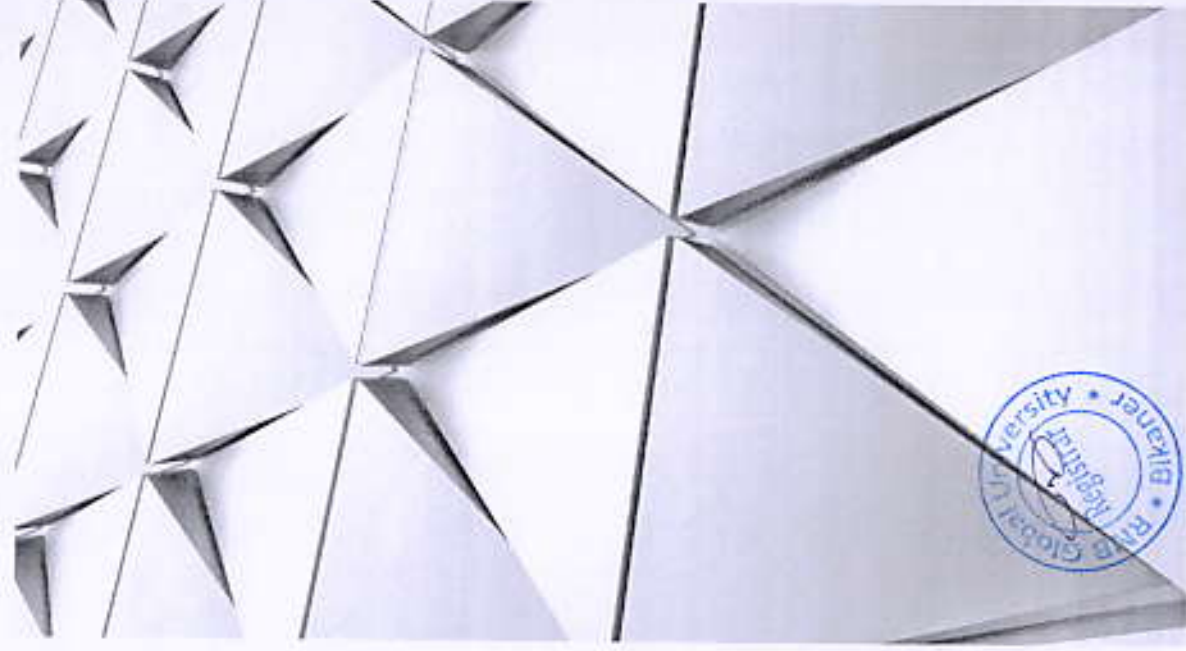


Significance of the Government of India Act, 1858

The Government of India Act 1858 was largely confined to the improvement of the administrative machinery

by which the Indian Government was to be supervised and controlled in England.

It did not alter in any substantial way the system of government that prevailed in India.



Analysis: GOI Act 1858: A formal than a substantial change?

- The Government of India Act 1858 was a formal than substantial change.
- Crown had already steadily increased its control over the Company's affairs since the beginning of its territorial sovereignty.
- The main rules under which India was governed before the passing of the Act of 1858 were already those of the British parliament.
- The British administrators, including Governor-General, were nominally followed the instructions of the East India Company.
- In fact, they were strictly following the instructions of the British cabinet with its Indian Minister who was the President of the board of Control and through them to Parliament.
- The various statutes, Charter, Acts had already substantially reduced the influence of East India Company.



Indian Councils Act, 1861

BY

ASHOK PREM

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INTRODUCTION

- Lord Canning submitted the scheme of reforms to the Secretary of State after which
- a Bill known as the Indian Council Bill was introduced in the British Parliament
- by Sir Charles Wood who called it as a "most important measure".
- The Bill was readily passed by the House and
- finally received Royal assent on August 1, 1861 and came in force at the close of the year.



What were the two rival sets of judicial institutions before the passing of the Indian High Court Act of 1861?

How do they differ from each other? State briefly the changes affected by the High Court Act, 1861.



BACKGROUND

- The charter act of 1833 deprived the presidencies of their law-making powers, and this led to dissatisfaction among them.
- Charter act of 1853 accepted the principle of representation by including one member from each of the presidencies to the legislative council and this did not satisfy the presidencies and local government.
- The differences between the supreme Government and the Government of Madras on the income tax paid.
- Also, the demands of the Indian people for some substantial changes in the government machinery of India also necessary stated modification in the constitutional arrangement led to the passing of the Indian Council Act, 1861.



PROVISIONS CENTRAL EXECUTIVE

- The act of 1861 increased the number of members from three to FIVE members in the Executive Council of the governor-general.
- The persons who had served in India for 10 years either under the company or the crown were entitled to be the members of the Executive Council of the governor-general and
 - one was to be a barrister or advocate of 5 years standing.
 - The secretary of state for India retains the power to appoint commander-in-chief as an extraordinary member of the Executive Council.



PROVISIONS CENTRAL EXECUTIVE

The act of 1861 marks the beginning of the portfolio system

in which every member of the Council was made responsible for his department and the acts done in the Council were reckoned as the acts of the governor-general in Council.

The governor-general was all-powerful. He had the power to overrule the majority in the council in matters of safety, tranquility, and interest of British possessions in India.

He was also empowered to create new provinces for legislative purposes and appoint a lieutenant governor for them, and to divide or alter the limits of any presidency or province.

The governor-general in Council could authorize the governor-general alone to exercise all or any of the powers of the governor-general in Council except those of making the law and regulating the revenue.



CENTRAL LEGISLATURE

- Significant changes were made in the central legislature.
- The governor-general Council was enlarged into a central legislative Council consisting of not less than 6 and not more than 12 additional members.
- Nominated by the governor-general and holding office for two years.
- Not less than one-half of the additional members were to be non-official.
- The lieutenant governor of a province was also to be an additional member whenever the council held a legislative within the Province.
- The functions of the Legislative Council Were confined strictly to legislation.



CENTRAL LEGISLATURE

- The previous sanction of the Governor-general was necessary introducing measures relating to **public revenue, army, navy, relations.**
- Also, the assent of Governor-General was required for every Act by the council, and such Act would be disallowed by Her Majesty through the Secretary of State.
- The Governor-General-in-Council was empowered to make laws regulations for repealing, amending, or altering any laws and regulations the time being in force in British India.
- The governor-general in council was the supreme body to make laws regulations for all persons (**British or natives or foreigners**), for all C Justice, and for all places within the said territories.
- The Indian Council Act, 1861 empowered the Governor General ordinances on his own authority without his council, in cases of emergency. But such ordinances were not to remain in force for more than six months.



PROVINCIAL LEGISLATURES

- Charter Act of 1833 deprived the presidencies of their law-making power.
- This act restored the power of making and amending laws to the government of Madras and Bombay.
- The council of governors of Madras and Bombay was expanded for legislative purposes by the inclusion of the Advocate General and certain other members nominated by the governor.
- These members could sit and vote in the meetings of the Governor's council held for the purpose of making laws.
- No line of demarcation was drawn between the central and local legislature
- but the assent of governor-general was necessary for the laws enacted by the local legislature.



PROVINCIAL LEGISLATURES

- The Provincial legislature could not make laws related to the army, foreign and political affairs, customs, coinage and currency, patents, copyrights, Penal code, religion or post, and Telegraphs, etc. without prior sanction of the Governor-General.
- The Act did not establish new local legislature except those of Madras and Bombay.
- But the Governor-General in Council was empowered to establish, by proclamation, a legislative council for Bengal and was further empowered to establish similar councils for North-Western Provinces and Punjab.
- Further Governor-General was empowered to appoint Lieutenant Governors and to alter the boundaries of existing Provinces.



SIGNIFICANCE

- The inclusion of Indians in the legislative council provided opportunities to the government to know the views of the natives and
- helped in removing their misunderstanding regarding the intentions of the government.
- The representation system in Indian began with the Act of 1861.
- The framework of the Indian council's act 1861 furnished a guideline upon which the future Government of India was carried on till the end of British rule in India in 1947.
- The legislative Council with non-official members, the portfolio system, the power of promulgating ordinance, etc. are the significant features of the Indian government which have their origin in the act of 1861.



- The legislative council established by this Act at the Centre as well as at the Provinces were mere committees to make laws.
- They could not debate or discuss over the conduct of the executive nor could discuss the budget.
- They could also not enquiry into the grievances of the public and call for any information on a public matter.
- Thus, the powers of the legislative councils created by the act of 1861 were extremely limited.



No statutory provisions were made for the nomination of Indians. The non-official members were nominated rather than elected.

These members were either native princes or their Diwar Zamindars having little interest in the legislative business of the Council.

DETECTS

They were reluctant even to attend the meetings of the council's. Many of the members did not know English and were therefore unable to understand the proceedings of the councils.

As they were nominated by governor-general, they thought that they could not oppose Government policy. Hence, when making law, the will of British used to prevail rather than native citizens.



CONCLUSION

Indian Council Act of 1861 laid down the foundation of the current constitutional system.

It brought many significant changes in the Executive and Legislative functions of the governor-general in Council.

Also, this Act brought to end the period of Centralized legislation and laid the foundation of the policy of legislative decentralization in the Indian Constitutional History.



Indian High Court Act 1861



Judicial System in India Ensiling Before, 1861

Prior to the passing of the

Indian High Courts Act, 1861

there were two rival sets of judicial institutions in India, namely the Crown's Courts and the Company Courts. The Supreme Courts established in the Presidency towns of Calcutta, Madras and Bombay were the courts of the British Crown while the Adalats established in the Mofussil areas were the courts of the East India Company. The courts had two different sets of organizations jurisdiction and powers. The functioning of courts in the Presidency towns was differed from that of the Mofussils of which they were the capitals. The existence of two parallel sets of courts viz the Supreme Court and the Sadar Adalats in the Presidency towns created great confusion and uncertainty about their respective jurisdictions,



Distinction between the Crown's Court and Company's Court

The two sets of Courts differ in the following respects—

1. The Supreme Court consisted of professional lawyers as Judges, the Judges of the Company's Adalats were mostly layman persons without any professional or legal experience.
2. The Judges appointed in the Supreme Court held office during Crown's pleasure whereas the Judges appointed in Company's Adalats held office during Company's pleasure.



4. The laws applied by the two sets of court were different. The Supreme Court applied English law in deciding civil and criminal cases.

The Company's Courts applied native laws for deciding the cases relating to inheritance, succession and contract etc.

5. The Supreme Court mostly followed English law of evidence as far as possible

whereas the Company's Courts mostly followed the customary law of evidence as derived from Hedaya and applied Anglo-Mohammedan law in deciding criminal cases.



- Thus, it is clear that there existed two different and parallel judicial systems which
- differed fundamentally from each other; in character and nature.
- This system continued upto 1857 when Indian freedom struggle took place in 1858. In 1858 Govt of India was taken over by Crown who in 1861 united two judicial systems into one by enacting Indian High Courts Act, 1861



Necessity for Passing the Indian High Court Act, 1861

- The uncertainty about the jurisdiction and the law applicable by these two sets of courts created conflict and confusion.
- Therefore, it was necessary to merge these courts into one single judicial system.
- In 1829, Sir Charles E. Grey, the Chief Justice of the Supreme Court at Calcutta emphasized the need for the fusion of these two rival courts functioning in the Presidency towns.
- The need for the amalgamation of these courts was further highlighted by Sir Metcalfe.



The process of unification was, however, completed in three distinct phases viz,—

(i) The first step towards amalgamation of Crown's Courts and the Company's Court into a single judicial system, a **Central Legislative Council** was established in India under the Charter Act of 1833.

The laws and regulations passed by the Council were equally binding on all the courts whether established by the Crown or the Company.

(ii) In the second phase of unification of the Supreme Court and the Sadar Adalats, the Law Commission stressed on the need for a codified procedural law before such fusion.

The Bill for the fusion of these two sets of courts was finally introduced by Sir Charles Worel in 1853. Consequently, a codified civil procedure was enacted in 1859 and the Penal Code was enacted in 1860.

(iii) In the third stage, the East Indian Company was dissolved by the Crown's Act of

1858 and the responsibility of the entire government of India passed on to the British Crown.



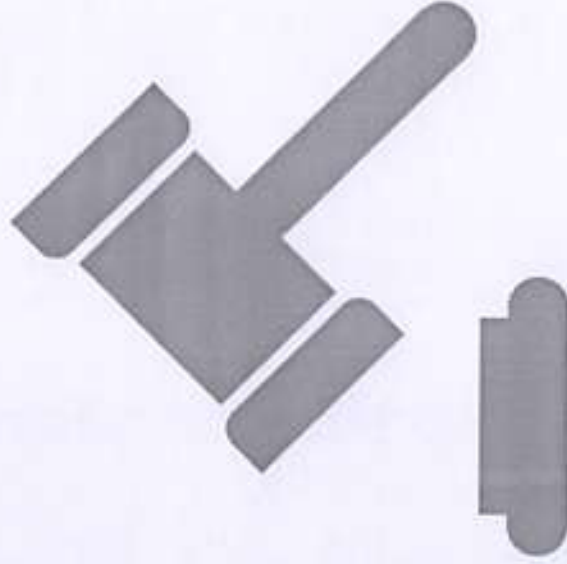
Provisions of Indian High Courts Act, 1861—

The Indian High Courts Act was passed by the British Parliament on August 16, 1861 by which the Supreme Court and the Sadar Adalats of the Presidency towns were merged together to be known as the High Court of Judicature at Calcutta, Madras and Bombay.

1. Constitution of High Court—Each High Court was to consist of a Chief Justice and not more than fifteen puisne Judges, of whom not less than one-third were to be barristers of minimum five years' standing and one-third were to be members of the Company's Civil Service having not less than ten years standing including a minimum experience of three years as a Zila Judge. The remaining Judges could be either from the Bar or from the Civil Service i.e., persons who had practised as pleaders in the Sadar Adalat or the Supreme Court for at least ten years or persons who had held judicial office not inferior to that of Principal Sadar Ameen or a Judge of a Small Cause Court for not less than five years.



THE JUDICIAL PLANS OF 1774 INTRODUCED BY WARREN HASTINGS



By

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JUDICIAL PLAN OF 1774

- The defects of Plan of 1772 was
- apprehended not only by Warren Hastings
- but also by the company director
- who asked the governor and council to withdraw the collectors and
- search for an alternate arrangements and thus
- the Calcutta government went on to implement the new plan for
- collection of revenue and administration of justice on November 23,
- 1773, and put it in force in January, 1774.



Features of Plan of 1774-

1. Appointment of Amils/Diwans

The collectors were replaced by the Amils or Diwans who were appointed in each district. He was to act as revenue collector as well as judge of Mofussil Diwani Adalat.



2. Divisions

- The territory of Bengal, Bihar and Orissa was divided into
- six divisions headquartered at Calcutta, Murshidabad, Dinajpur, Dacca and Patna
- such that each division used to have several districts under its command.
- For example- Patna division had the whole of Bihar under it



3. Provincial Councils

A Provincial Council consisting of 4-5 covenanted servants of the company was created in each divisions which had the following functions:-

i) *Supervision of revenue collection*— They were to supervise the collection of revenue by the Amils.



3. Provincial Councils

ii) *Hear appeals from Mofussil Diwani Adalat*— They used to hear appeals from Mofussil Diwani Adalat such that an appeal lie to Sadar Diwani Adalat if the dispute involved matter above Rs. 1000 in value.

Thus, it became link between Mofussil Diwani Adalat and Sadar Diwani Adalat and all cases irrespective of value were appealable in the Provincial Councils.



Provincial Councils

- iii) *Court of first instance*– It also had an original jurisdiction and used to act as court of first instance in the divisions where they were located such that cases arising in the division town(headquarters) could be directly referred to these courts.



It proved to be beneficial as an appeal system was created

close to district adalats and

thus supervision of the working of district judges was possible

which was not in the previous case of governor and council.

3. Provincial Councils



Defects of the 1774 Plan

- Just like the collectors, the members of the provincial council were also potentially mischievous and could have monopolised the trade within their jurisdiction.
- However, they were more distrustful in comparison to collectors because the collectors used to be junior servants and could have been controlled by the governor and council but these members used to be the senior members of the company having a status equal to that of any member of the council and thus the governor and council could not control their actions because of their pull and influence.
- Thus, people putting themselves at the mercy of the Provincial Council would not dare to raise their voices against their unjust treatment.



Conclusion

- The system was said to be ahead of its time. Every minor deficiency was attempted to be rectified by the governor general of Bengal.
- The system so created was also assisted by the Regulating Act of 1773 which led to the creation of supreme court with an aim to separate the judicial administration from the revenue administration as both were very much connected since the same officers often use to have both the duties of revenue collection and adjudication
- but still it was not achieved as per the expectations and thus an another attempt was made to eliminate the deficiency in the form of reorganisation of the adalat system in 1780 which observed the official separation of the revenue and judicial administration.



Conclusion

- The Provincial Councils which were tasked with both revenue collection and imparting of justice were now limited to collection of revenue and handling of the revenue cases while all the judicial function handed back to diwan adalats which were established in each of the Provincial Councils as well that is, Calcutta, Murshidabad, Dacca, Burdwan, Dinapur and Patna.



Conclusion

- Even after this reform, the adalat system was not able to achieve the perfection so desired by Hastings but the existence of such a system of judicial administration in itself was praiseworthy. This system further led to the system of courts which exist even today.



JUDICIAL PLAN OF 1772



- ▶ By
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INTRODUCTION

- The first judicial plan was prepared under Warren Hastings's chairmanship in 1772.
- He realized that the chaotic state of affairs could be rectified only by the reconstruction of the judicial system on a new basis. So, he created the judicial plan of 1772 with this view.



JUDICIAL PLAN OF

1772 1772

- It was introduced by Warren Hastings.
- Under this plan, Bihar, Orissa and Bengal were divided into districts
- Each district was under the control of an English collector, for collection of revenue





- It include two courts :
- Court of original jurisdiction
- Appellate court



Court of original jurisdiction

It include::

- A mofussil diwani adalat
- A mofussil fozdari adalat
- A small cause adalat



× **Mofussil Diwani adalat** : it decide all
civil disputes *civil disputes*.

× **Mofussil fozdari adalat** : it decide all
criminal cases.

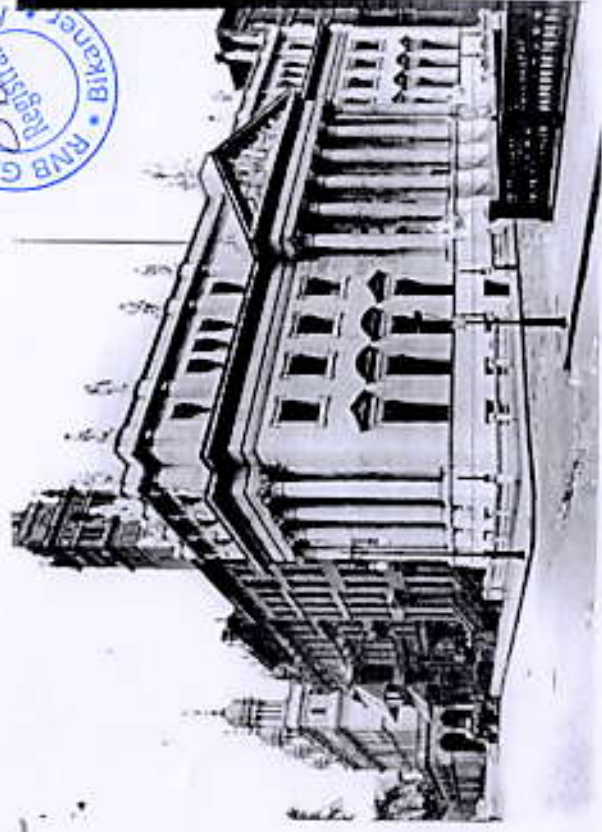
× **Small cause adalat** : it was a civil
court to decide small civil cases.



Appellate court

Two appellate courts were established as per this plan:

- Sadar diwani adalat
- Sadar nizamat adalat



✘ **Sadar Diwani adalat** : it consists of a governor and members of council

✘ **Sadar nizamat adalat** : it is a criminal court of appeal. It consists of an Indian judge assisted by chief kazi, chief mufti and three moulvies.



DEMERITS

1. The collector was given too much authority which he could easily misuse.
2. The plan was limited only to territories of Bengal, Bihar and Orissa .
3. The function of revenue collector and civil administrator were combined in a single office.



4. The judge of the court being English men did not have any knowledge of personal laws of Hindus and Muslims.

5. Court of small cases were very few, so people have to travel to district head quarters.



CONCLUSION

- ✘ It is the first Anglo Indian code
- ✘ It was a boon to the people
- ✘ People had no security of life and property



The Judicial Plans of 1772 and 1774 introduced by Warren Hastings



Judicial system in Mofussils

- After the Diwani rights were attained by the colonial giant, the role of proper implementation had fell on the then governor of Bengal presidency- Warren Hastings, as his predecessors starting right from the times of Lord Clive had condoned the oppressions of Ryots by Zamindars and petty tyrants which was proving to be detrimental to the colonial administration in these areas. Keeping into mind such a corrupted set up, Warren Hastings went on to introduce reformative judicial measures because of the following reasons



1. Connection between Revenue and judicial administration:

- Revenue administration was a crucial function for the Britishers, not to mention that it was one of the major source of their finances, but to collect revenue it was essential that there was property in the provinces and the prosperity could be preserved only if there existed an order of peace so that people did not get distracted from their occupational works, specially those engaged in agricultural occupation.



1. Connection between Revenue and judicial administration:

- Such a state of peace would have given them impetus to improve so that in the end they will be in a position to meet the government dues. This peace and order again depended upon security of life and property which could have been ensured only if there was a proper judicial system in place, which at the time was absent



2. No centralized judicial set up:

- With the dissolution of the Mughal empire, and weakening of the Nawabs power in Bengal and surrounding areas, the only judicial set up which existed also broke down such that every person who had a local authority or power (Zamindars etc) began to exercise judicial power as well, in order to achieve self-aggrandizement. Now the Kazis were not selected on the basis of merit or character but on the basis of degree of favour that they forwarded to officials. And since they were not meritorious, they began to misuse their power as there was no system of checks placed on them.



3. Corruption in the courts:

- Moreover, even the courts which were so had become corrupt as the courts used to charge commissions from the parties on the amount that used to be recovered by them by the help of court and this practice was against the very principle of natural justice as such practice made judges party to the cause they decided by making them a profiteer from the case. This practice was common also because of the lack of motive or incentive for the judges to act impartially. They did not even use to get a regular salary and thus adopted to such a bribe culture. It was highlighted by Arthur Keith that 'courts were the instrument of power more than an instrument of justice'



4. Atrocities of Englishmen:

- The incursion of the Englishmen made the judicial system even more worse. The company servants used to seize the lands or properties of any Indian against whom they used to have any kind of claim. Further, they even used to hold such an Indian as their prisoners, not releasing them until the claims or debts were paid. In doing so, the company servants did not even used to seek consent of the officers of the Nawab's Government which at that time was too weak and thus, were forced to overlook such disputes.



JUDICIAL PLAN OF 1772:

- Under the prevailing circumstances mentioned above, Warren Hastings went on to introduce a scheme of judicial administration in 1772 along side a system of revenue administration which went on to lay foundation of Adalat system in India.
- Under this plan the territory of Bengal, Bihar and Orissa was divided into multiple districts and in each district, an English servant of company was appointed as the collector who was to be responsible for collection of revenue alongside having judicial powers.



Different courts in Adalat System: (in order of the hierarchy)

- 1. Small Cause Courts
- These courts were present in each of the village or pergunnah and used to deal with small or petty cases. Decisions of these courts used to be binding up to the value of Rs 10. these courts were headed by either the village headman or the head farmer of the respective pergunnah



- 2. Mofussil or district courts:

- **Mofussil Diwani Adalat**- these courts used to be present in each district and had jurisdiction over the revenue and civil cases including the disputes related to marriages, inheritance, castes, debts, contracts, disputed accounts, personal properties, partnership and demand on rent. It used to have pecuniary jurisdiction of up to Rs 500 such that decisions of this court up to this amount was final. Collector of the district use to act as the judge of this court who use to work in assistance with the native law officers such as the Kazis and Pundits. These law officers used to assist the judge as the collector did not has the knowledge about the personal laws of the Hindus and the Muslims which was to be applied to different disputes which were presented before the court.



• **Mofussil Nizamat Adalat-** these courts were also known as Fauzdari Adalats. These courts were also present in each district but unlike the mofussil Diwani Adalat, it used to deal only with the criminal cases. Further, it was not empowered to try cases involving death sentences or cases demanding forfeiture of property of the accused as such cases were to be submitted to Sadar Diwani Adalat for final orders. These courts were presided over by the Muslim law officers only. The Moulvi used to expound the law, while the Kazi and the Mufti used to give Fatwa and render the judgment accordingly. But alongside these officers of law, collectors also used to have an important role in these courts which was that of a supervisor. He used to see that all the necessary witnesses were heard, that the cases were tried regularly and that the judgments were impartial.



- 3. Sadar or Provincial courts:

- **Sadar Diwani Adalat**- this was the apex court for civil cases in the province. It used to have both the appellate as well as original jurisdiction as it not only used to hear appeals from Mofussil Diwani Adalat but also used to take up cases which involving dispute of over Rs 500. It used to charge five percent of the amount of dispute on each petition or appeal. It was presided over by the governor and his council, and was located in the presidency town of Calcutta. Its first sitting took place on 17th March, 1773



Sadar Nizamat Adalat

- this was the apex court for criminal cases in the province. Similar to Sadar Diwani Adalat, it also used to have both original as well as appellate jurisdiction. As mentioned above, it used to have specific jurisdiction to decide over matter of death sentence and forfeiture of property.
- In cases of death sentence, the death warrant was prepared by this Adalat and was to be signed by the Nawab as the head of the Nizamat. This court was presided over by Daroga-I-Adalat who used to act as the judge of this court. He was assisted by a Chief Kazi, a Chief Mufti and three Moulvies. Similar to Mofussil Nizamat Adalat, there used to be a supervisory authority in the form of Governor-in-Council who used to keep a check over the functioning of this court. It was earlier located in Calcutta but was later shifted to Murshidabad, where the Nawab resided, in order to reduce the effort which used to be there to get his signature in cases of death sentences. Another development which was seen later was the development of the office of Naib Nazim in which Mohd. Reza Khan was appointed, who was to work and give assent on behalf of Nawab.



Adalat System hierarchy and timeline (1772-1780)

All cause Courts introduced in 1772 plan)

Mofussil Diwani Adalat (introduced in 1772 plan)

Mofussil Nizamat Adalat (introduced in 1772 plan)

Provincial Courts of Appeal (introduced in 1774 plan but replaced by Diwani adalat in 1780)

Sadar Diwani Adalat (introduced in 1772 plan)

Sadar Nizamat Adalat (introduced in 1772 plan)

Supreme Court (highest court of Appeal in India at the time; introduced in 1773)

King in council or King's Bench (final Court of Appeal; located in Ferozshah)



- Miscellaneous provisions under the plan to promote impartial justice:
- All cases were to be heard in open courts such that anyone was able to observe them. This ensured that the transparency was maintained and also helped in maintaining the trust of people in the judicial authority. Apart from this, all Adalats at the district level or lower level were to maintain records in the form of register of cases heard and decided such that the same were to be sent the Sadar Adalats. This was a major step which could have helped in curbing the misuse of power by the judges as they were under constant check of the apex courts and misdeed on their part could have come to light.



- Introduction of new civil and criminal procedures and laws:

- In case of civil procedure, a rough and ready procedure for hearing of civil cases was adopted under which, after the plaintiff had filed a petition of complaint, the defendant was to give answers (reply) after which the Adalat was to hear the parties viva voce and if necessary, evidence was to be examined. It was only after all this, a decree was to be passed by the court. Moreover, there was introduction of a new limitation period which was to be 12 years from the date of dispute such that any case being filed after that period would have been considered time barred. This provision can still be seen in our procedural codes. Further, a system of arbitration was also introduced to assist the functions of the civil court.



• In the case of criminal procedure and laws, focus was shifted towards introduction procedure and laws in order to prohibit dacoity and restrict the mutilation as a form of punishment. Dacoity was very rampant in the country and to reduce the same strict laws were made. Under these laws, a dacoit was to be executed on the conviction such that village shall be fined and the family member of the dacoit would be made slaves of the state. Mutilation was disliked by Warren Hastings as he believed that a criminal getting mutilated as punishment, instead of improving him as a person rather made him a permanent burden of the society. However these anti mutilation laws remained just in text but were not enforced in reality owing to the resistance which would have been shown by the Muslim law officers who were reluctant to deviate from the texts of the Muslim law



- An appraisal of the plan:
- The plan of 1772 was appraised for its efficiency which was a creditable achievement for Warren Hastings, given the limitations of the available resources. Sir John William Kaye, had rightfully called him "the Infant Administrator" because keeping in mind the fact that company was still in its initial stage, it was big achievement for the governor of Bengal to implement such a system. This system was praised for being impartial and inexpensive along with being easily accessible to the public who did not have to travel to provincial courts thus saving their time and money. The old system of commission which was exacted by the judges from the parties was now replaced by a court fees which was to go government thus adding to revenue of the government while at the same time minimizing the bribe culture. With the beginning of the Adalat system the judicial powers of the Zamindars were also abolished thus putting an end to oppression of the farmers.



Defects of the 1772 Plan

- 1. Insufficient number of courts at village level (small causes courts)-
- There were very less number of small causes court present in the village areas and even the courts which were there had pecuniary jurisdiction of upto Rs. 10 only which was too small in amount in many cases. Thus, a dispute of slightly greater amount had to be referred to district courts which again used to be expensive and time consuming for people living in these areas which was in great number as the means of travel was not adequate.



- 2. Concentration of too much power in the hands of collector
- Too much power was concentrated in the hands of the collector in the district as they used to be the administrator, tax collector, civil judge and supervisor of criminal judicature which led to following issues:-
- *i) Party to the revenue cases-* Since he was the civil judge along the tax collector, he used to be party to the dispute and thus it was against the principle of justice.
- *ii) Carrying their private trade-* The collector also started carrying their own private trade as they were able to monopolise their trade through their powers for their own benefits even if it was to the detriment of people.
- *iii) Difficulty in supervision of collectors-* It was difficult for Calcutta council to supervise and keep check on the collectors as they used to be preoccupied in their own work and also because the means of communication was poor.



Introduction

- After the Britishers had acquired the Diwani rights of Bengal, Bihar and Orissa in 1765, there came up the concept of Mofussils which was used to refer to the territories which surrounded the presidency towns that were brought under the control of Britishers. Though there was well established system of a judicial set up in the presidency town of Calcutta, Bombay and madras under the garb of Mayor's court and Court of Governor-in-council but the same was required in these adjoining areas which were to be called Mofussils.



Administration of Justice in Madras before 1726



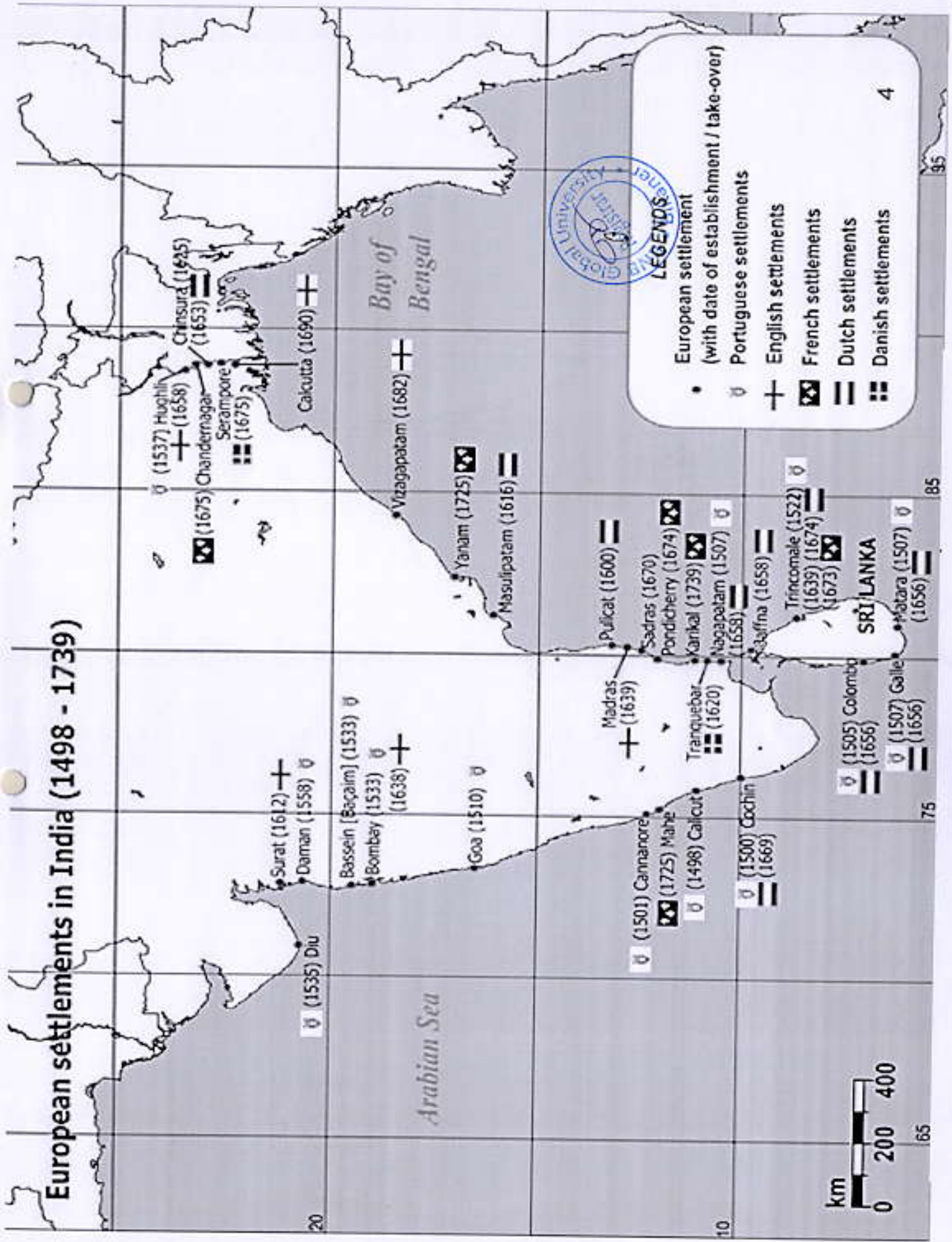
COLONIALISM

Colonial India

- The Portuguese India
- The British
- The Dutch India
- The Danes
- French India



European settlements in India (1498 - 1739)



20

10

65

75

85

95

Surat (1612) +
Daman (1558) ◐

Bassein (Bacaim) (1533) ◐
Bombay (1533) ◐
(1638) +

Goa (1510) ◐

(1501) Cannanore ◐
(1725) Mahe ⊠
(1498) Calicut ◐

(1500) Cochin ◐
(1669) ▬

Madras (1639) +

Tranquebar (1620) ▬

Pulicat (1600) ▬

Sadras (1670) ⊠

Pondicherry (1674) ⊠

Kanikal (1739) ⊠

Nagapatam (1507) ◐
(1658) ▬

Malaffna (1658) ▬

Trincomale (1522) ◐
(1639) (1674) ▬
(1673) ⊠

Colombo (1505) ◐
(1656) ▬

Galle (1507) ◐
(1656) ▬

Matara (1507) ◐
(1656) ▬

SRI LANKA

Chinsura (1625) ▬
(1653) ▬

(1537) Hughli +
(1658) +
(1675) Chandernagar ⊠
Serampore (1675) ▬

Calcutta (1690) +

Yanam (1725) ⊠

Masulipatam (1616) ▬

Vizagapatam (1682) +

Bay of Bengal

Arabian Sea

Famous for spices
Heavy population
Hub of raw material goods



- In those days trade with India was a very profitable to the European Nations.
- Traded mainly in **spices, cotton, silk, indigo, salt, Gun powder, tea and opium.**
- As a part of their trade Portugal people were **the first** people who came India.
- **Vascodagama** of Portugal a new sea route to **India** via the **Cape of Good Hope.**
- Under the Viceroyalty of **Alfanzo D'Albuclerk** Goa was occupied in **1510.**

- With the permission of local kings they established trading settlements at **Cochin, Diu and Daman**.
- And at the same time Portuguese established their supremacy over entire Arabian sea.
- **Dutch East India Company** was formed in 1602. They mainly concentrated on Indonesia and few places in India.
- **Danes(Denmark)**: In 1676 they occupied **Tanjore** (Tamilnadu) and left India by 1845.
- **French East India Company** founded in 1664 and firmly established at **Chandernagore and Pondicherry** on the east coast.

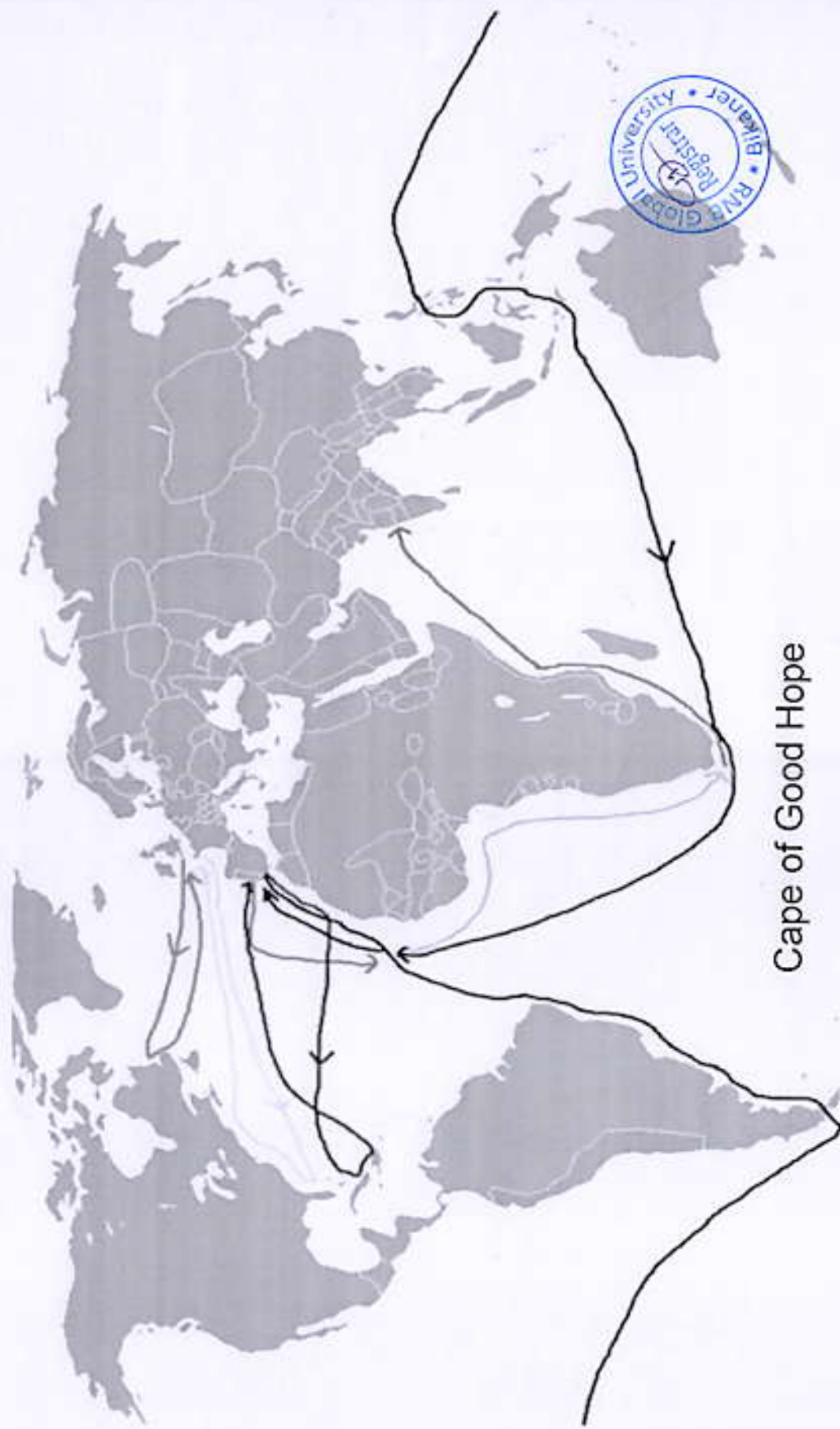
East India Company

- On December 31, 1600, the last day of the sixteenth century, the Queen granted a Royal Charter to "George, Earl of Cumberland, and 215 Knights" under the name...

"Governor and Company of Merchants of London trading with the East India."

- The charter awarded the newly formed company, for a period of fifteen years, a monopoly of trade with all countries to the east of the Cape of Good Hope.





Cape of Good Hope

- Cao 1482
- Da Gama 1498
- Magalhães-Elcano 1519-1522
- Caboto 1497
- Daas 1487
- Da Verrazano 1524

Inferiores de 1500 / borders of 1500

Constitution

- Share holders and members constituted themselves as **General Court**.
- The entire business of the company was to be managed by this court which consisted of a **Governor and twenty four directors**.
- The members can elect their court of directors for a period of one year.
- **Court of Directors and General Court** were the two impartment bodies to handle the affairs of East Indian Company.

Legal powers

- The general court was empowered to make and issues order for the good government of itself, its servants and for the better administration in trade activities.
- Company could impose **punishments and penalties** by way of imprisonment, fines based on the law of England.
- **By 1623** company was given power of issuing commissions to any of its presidents of chief officers in its settlements. It could impose suitable punishments including **death**.
- Thus, the company was armed with adequate authority to enforce discipline amongst its servants.



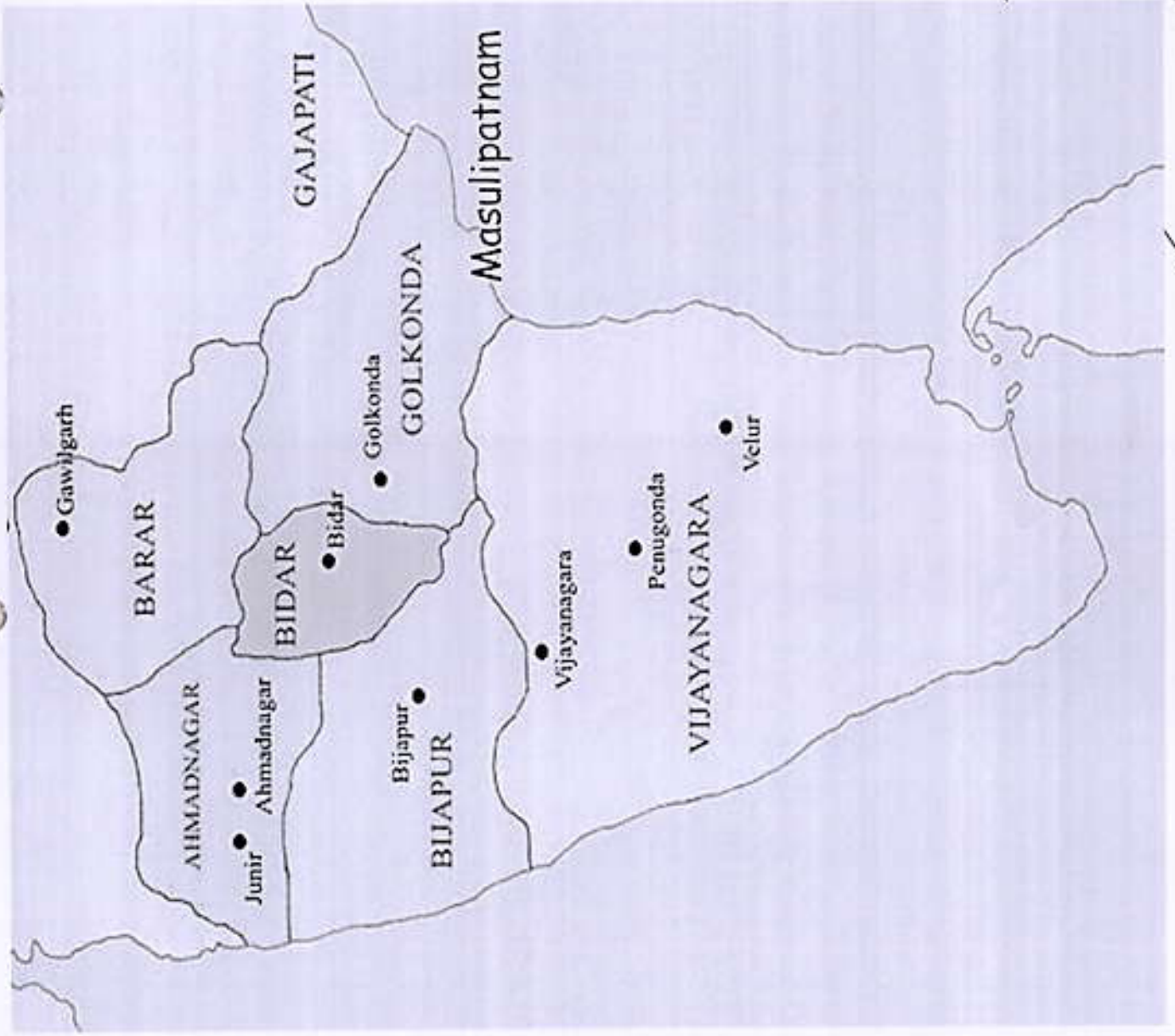
- By the charter 1661, Charles II granted a new powers to the company authorizing the Governor and Council of each factory to judge **all persons**, whether they belonging to the company or living under them, in both **civil and criminal** according to law of England.

1. Judicial powers was granted to the Governor and Council of a factory
2. Justice was required to be administered according to the English Law



FOOTHOLD IN INDIA

- In 1608 it was decided that to open to factory, the name given at the time to a trading depot at **Surat**.
- By 1611 they established trading point at Masulipatnam of South India. It was shifted to Madras in 1639.
- The Company achieved a major victory over the Portuguese in the **Battle of Swally** in 1612.
- By 1612 they reached Jahangir court to take permission to open trade point.
- Consequently English Company was given permission by the royal *farmana* to open their trade at several places on the west coast.



- In 1615, Mughal rulers accepted to build factories in Surat and other areas.
- By 1623 it had established factories (trading points) at Surat, Broach or Bharuch and Ahmadabad.

Madras:

- In 1639 they got Madras on a lease from local Raja Damarla Venkatadri Nayudu and they were authorized to construct forts, administer it and coin money on the condition of payments to him of half of the customs revenue of the port and they constructed a Fort St. George.



Bombay

- **Bombay** acquired from the **British Government** in **1668** and it was immediately fortified.

Calcutta

- **1698** the Company acquire the Zamindari of the three villages **Sutanati, Kalikata and Govindapur** were it built **Fort William** around its factory.



Surat Factory

- A Factory was placed consisting of officers, residences, employees and warehouses for storage of goods.
- These factories served as the bases for the growth and expansion of the British power in India
- the British people regarding surat as the most suitable place for establishing a factory.
- According to the 1615 *farmana* they were allowed to live according together religion and law
- Disputes among them were to be settled by their president and disputes between English and Indians were to be settle by the native authority of Mughals.

- Till, 1687 Surat was the first center of the company activities in India and its administration was under the President and Governor.
- All the decisions in the council meetings were taken by the majority of votes.
- President also had one vote like other member no veto power
- Under their administration, they maintained dual system of law
- English law and Indian Law



- English sought to administration of justice to them according to their own law. This towards the development of the Indian legal system
- Each of their presidency they had separate judicial system in Bombay, Calcutta and Madras.
- Through the charter 1623 presidents and councils has wide powers.
- Justice was administered in a summary manner and none seemed to care for even elementary process of law
- In practice hardly any law was administered.



- Cases were decided according to the sense of justice and fairplay of those who had the responsibility of decide them rather than according to law
- All the officials were trades, they did not have even an elementary knowledge in the English law or any other system of law



- In civil cases justice was administered according to the personal law
- Criminal cases according to Muslim law



Madras

- It was acquire from Hindu Rajah.
- Francis Day was the responsible person behind the establishment power in Madras.
- The Rajah while granting the land empowered the company to administer neighboring villages.
- Town was divided into two parts i.e Black town and white town
- The factory was administered in the early stage by Agent and Council.



- The entire history of Madras judicial development can be divided in to three stages.
- 1639-1662
- 1665-1688
- 1688-1726
- In the 1st stage no systematic judicial system was established.
- Agent and Council administered the law over persons residing in the white town of the Fort area.
- Their powers were not clearly laid down but they were responsible for deciding both civil and criminal cases



- The serious complicated cases used to be referred to England.
- A native court known as Choultry court was established under **Adigar**, he was responsible regarding both civil and criminal cases.
- By 1652 the company's servants were appointed to sit on this court.
- There was no regular procedure followed by the court in the matters of punishment.
- Procedure different from case to case.
- In serious cases, diverted to Rajah, who invariably inflict punishments in accordance with **principles of English Law**.
-



II stage 1665-1688

- According to Charter 1661, the status of Madras raised to **Presidency** level, but it was came into force from 1665
- Subsequently the status of Agent and Council was raised to that Governor and Council, who were also vested with judicial powers
- With the appointment of S. Master as the Governor of Madras in 1678, the whole judicial system was reorganized.
- Governor and Council regularly sat **twice in week** and tried all cases.
- Thus, a new court came into existence known as **High Court of Judicature**.



- The original Choultry court was reorganized and was put under the control of English servants and it was acted as subordinate court.

Court of Admiralty

To control illegal trade and unauthorized trading by the independent traders. In order to put check on such activities the company obtained **Charter of 1683**.

It empowered the company to establish **Court of Admiralty** For the first time in the legal history of Indian judicial system that **learned persons in law** were appointed to preside over the court.



- This court was to try all the cases of Mercantile and all offences committed on the high seas
- In this court all the cases were to be tried according to equality and good conscience and the laws and customs of the merchants.



Third stage 1688-1726

- The third shape of the judicial system of Maras was given by the charter of 1688.
- The company created a **Corporation** at Madras and consisting of a **Mayor**, 12 (3+9)**Aldermen** and 60 (30+30)**Burgesses**.
- The mayor and Aldermen constituted the court and all of them being laymen, a man well versed in law was attached with the court know as **Recorder**.
- This Company's court continued up to 1726 when the entire judicial structure created by the company at various places in India was reorganized.
- The judicial system which existed in Madras form 1639-1726 was



1. The Choultry Court

2. The Mayor Court
3. The Admiralty Court
4. The Court of ***Judicature***



PAGODA
one Pagoda = 3½ Rupees



- In 1756 Siraj-ud-Doula succeeded his grandfather Alivarthi Khan.
- By that French and English were use to quarrel each other to prove their supremacy over trade of Bengal which was most fruitful to the traders.



- Then the Nawab of Bengal, Siraj Ud Daulah, attacked the Fort and occupied Fort William on 20th 1756.
- With the support of Madras military and Naval forces the British reoccupied Calcutta Fort under the leadership of Mr. Clive and this war called Plassy war of 1757.



• The English proclaimed **Mir Jafar the Nawab of Bengal**, same time company granted undisputed right to free trade in Bengal, Bihar and Orissa. It was also received the **zamindari of 24 paraganas** district.

• It was an important thing in the history of India, which paved the way for the British supremacy over India.

• The rich revenues of Bengal enabled them to organize to organize a strong army.



MILITARY EXPANSION

- The **Battle of Buxar** was fought in October 1764 between the forces under the command of the British East India Company, and the combined armies of the Nawab of Bengal; **Shuja-ud-Daula**, the Nawab of Awadh; and **Shah Alam II**, the Mughal Emperor.
- The battle fought at Buxar (currently in Bihar state, India), a town located on the bank of the Ganges river, was a decisive battle won by the forces of the British East India Company.
- After the Battle of Buxar, Shah Alam II, the ruling emperor, gave up the **administrative rights over Bengal, Bihar, and Orissa** (only Midnapore district) and Clive became the first British Governor of Bengal.



- On the deaths of **Mir Jafar** death, British placed his second son **Nizam-ud-Daulah** on the throne and conducted a treaty on 20th Feb 1765.
- Company granted deputy **Subahdar**, who was to be nominated by the company and company became supreme of Bengal.
- The emperor resided in the fort of Allahabad for six years as virtual prisoner of the English company.
- The Mughal emperor granted **Diwani** or the rights to collect revenue of **Bihar , Bihar and Orissa.**



DUAL SYSTEM OF GOVERNMENT

By 1765 the English East India Company became the real master of Bengal. Its army was in sole control of its defense and the supreme political.

The Nawab of Bengal totally depended upon British for both internal and external security.

As the *Diwan* the company directly collected its revenue, while though the right to nominate Deputy *Subahdar* it controlled the Nizamat or the police and Judicial powers. This arrangement is known in history as the dual or double Government



- Company had power without responsibility.
- The Nawab and his officials had the responsibility of administration but not the power to discharge it.
- **1766, 1767 and 1768** alone nearly 5.7 million were drained from Bengal. By this time British Govt. observed the wealth of the company and ordered to pay 40,0000 £ for every years.
- By 1770 the Bengal **suffered form a famine** which its effects proved one of the most terrible famine known as human history.
- Nearly **one lakh** people were died and nearly one third of Bengal's population fell victim to its ravages.



- Though the famine was due to failure of the rains, its effects were heightened by the Company's Policies.

Expansion of British Power

- The **Anglo-Mysore Wars** were a series of wars fought in India over the last three decades of the 18th century between the Kingdom of Mysore and the British East India Company, represented chiefly by the Madras Presidency .
- The fourth war resulted in the conquer of the house of Hyder Ali and Tipu Sultan (who was killed in the final war, in 1799), and the dismantlement of Mysore to the benefit of its pro-British allies.



MILITARY EXPANSION

- **The Anglo-Maratha Wars:** three wars fought in India between the Maratha Empire and the British East India Company and in the Second Anglo-Maratha War, Marathas defeated by East India Company and agreed the Subsidiary system.
- **First Anglo-Maratha War 1777,**
- **Second Anglo-Maratha War 1803**
- **Third Anglo-Maratha War,** also known as the Pindari War (1817-1818) finally Peshwa system abolished and Maratha land merged into Company rule.



WELLESLEY'S SUBSIDIARY SYSTEM:

Under his **Subsidiary system** the ruler of the allying India state was compelled to accept the permanent stationing of British force within his territory and to pay a contributory for its maintenance.

Nawab of Awad forced to sign in subsidiary system, Krarnataka and Mysore merged in the system by 1801. By 1803, English forces defeated Maratha peshwas and signed on subsidiary system

The system led to the **dismissal of the armies** of the protected states. Lakhs of soldiers and official were lost their jobs and livelihood at the same time they became the rivals of the Company.



DALHOUSIE'S DOCTRINE OF LAPSE 1848-1856

- Under the doctrine, which the ruler of **any of the protected state died without a of a natural successor** his state was not to pass to an adopted heir as sanctioned by the age old tradition of the country.
- Many states including Satara in 1848, Nagapur and Jhansi in 1854 were annexed by applying this doctrine. Dalhousie refused to recognize the title of many ex-rulers or their pensions.
- Automatically these policies led towards revolt of 1857.



- Robert Clive
- Lord Warren Hastings
- Lord Cornwallis
- Lord Wellesley
- William Benting
- Lord Dollhouse



Structure of the Government 1757-1857

- By 1784 administration of East India Company had been brought under the control of the British Government and its economic policies were being determined by the needs of British Economy.
- There were two reasons behind the British administration.

The chief aim of British Indian administration was the **maintance of Law and order** and the continuation of British rule. Without Law and order British could not hope to sell to their goods in every corner of India.



• being **Foreigners they could not hope to win the affections of the India people.** Therefore, relied on superior force rather than on public support for the maintenance of their control over India.

• The British administration in India was based on three pillars

1. Civil services
2. Army
3. Police



Civil Services:

- The Civil Services were brought into existence by **Lord Cornwallis**.
- The company had from the beginning carried on its trade in the East through servants who were paid low wages automatically it led towards corruption in the servants
- Later when the company became a territorial power, the same servants assumed administrative functions and they became extremely corrupt.
- Cornwallis, who came to India as Governor General in 1786 was determined to purify the administration and introduced many measures.



- To avoid corruption in the administration he **raised the salaries of the company servants**. In fact company's civil service became the highest paid services in the world in those days.
- By 1800 Lord Wellesley established the college of **Fort William at Calcutta for the education** of young recruits to the civil servants.
- Up to 1853 all the appointments to the civil servants were made by the **Directors of East India Company**.
- In 1853 selection of civil servants made through a competitive Examination. A special feature of the Indian Civil Service since the days of Cornwallis was rigid and complete exclusions Indians form it.



- **Army:** The second important pillar of the British reign in India was the army.
- The bulk of the Company's army consisted of India soldiers recruited chiefly from areas at present in UP and Bihar.
- For instance in 1857 the total strength of the army in India was 3,11,400 among them 2,65,900 were Indians.
- At the same time there were only three Indian in the army received a salary of Rs. 300 per month and the highest Indian officer was *subedar*.



- **Police:** The third pillar of British rule was the police whose creator was one again **Cornwallis**.
- He established a separate Police force for maintenance of Law and Order in Bengal. Like old police system of India a modernized old Indian system *Thanas* were established headed by a *Daroga* who was an Indian.
- The post of the district superintendent of Police was created to head of the police organization in a district.



- In the villages the duties of the police continued to be performed by **villages' watchmen**. Who were maintained by the villagers.
- Establishment of police force resulted a gradual reduction in crimes particularly in dacoit.
- The police also prevented the organization of large scale **conspiring against foreign control**, and when the nature movement arose, the police used to suppress.



Judicial Administration of East India Company

- The British laid the foundations of a new system of dispensing justice through a hierarchy of civil and criminal courts.
- Though given a start **Warren Hastings** the system was stabilized by **Cornwallis**.
- During Warren Hastings time he established only district level courts.



- In each district established a **Diwani Adalat** of Civil Court and **Nizamat Adalat** of Criminal courts presided over by the district Judge, who belonged to the civil service and final appellate authority was **Sadar Diwani Adalat** (Provincial Level).
- Civil courts applied the **customary law** that had prevailed in any area or among a section of the people since time immemorial.
- He introduced a new code in 1793 known as the **Cornwallis Code** (Judicial reforms) which was based on the principles of separation of powers.
- The judicial system set up by Cornwallis was based on principles of equality and western concept of Law.

Courts under Warren Hastings

Sardar Diwani Adalat
(Civil Court)

Sadar Nizamat Adalat
(Criminal Court)



District

Diwani Adalat (Civil)
(Civil)

Foujdar Adalat
(Criminal)



Courts under Cornwallis



**Sardar Diwani Adalat
(Civil Court)**

**Sadar Nizamat Adalat
(Criminal Court)**



Four Provincial Courts (Civil and Criminal)



District



Diwani Adalat (Civil)



Foujadar Adalat (Criminal)



Registrar courts



Munsiff courts



To deal with criminal cases

- Cornwallis divided the presidency of Bengal into four divisions in each of which a court of circuit presided over by the civil servants was established.
- Appeal from the courts of circuits lay with the **Sadar Nizamat Adalat**.
- The criminal courts applied Muslim criminal Law in a modified and less harsh.



- In 1831 Williams Bentinck abolished the provincial courts of appeal and circuit. He also raised the **status and powers of the India in the Judicial service** and appointed then as Deputy Magistrates, subordinate Judges.
- 1833 Charter Act enforced all law making powers on Governor General and his council.
- This led that Indian were now to live increasingly under man made laws.
- British also established a new system of Law through the process of enactment and codification of law of old law.



In 1833 government appointed law commission headed by Lord Macaulay to codify Indian laws.

Its labour extensively results in the Indian penal Code and Civil Procedure and other codes of Law.





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Question Papers

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End Semester Examination

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RNB GLOBAL UNIVERSITY, BIKANER
PROGRAM NAME-BA-LL.B. V SESSIONAL EXAMINATION-I, AUGUST 2021
SUBJECT CODE-16013600 SUBJECT NAME-LEGAL & CONSTITUTIONAL HISTORY OF INDIA

Time: 90 Minutes

Maximum Marks: 30

Instructions :

- 1) Write your roll no. on the top immediately on receipt of this question paper,
- 2) In Sec-A each question carries 2 marks, attempt any 5 questions, answer theory questions in minimum 150 words.
- 3) In Sec-B each question carries 5 marks, attempt any two questions, answer in minimum 300 words.
- 4) In Sec-C, each question carries 10 marks, attempt any one question, answer in minimum 650-700 words Draw Charts/Diagrams/Figures/Flowcharts etc. wherever applicable/possible.
- 5) Word Limit is not applicable for Numerical based Questions.
- 6) In case of over attempted questions, the answer with highest marks will be considered.
- 7) Write the word "END" at the finish of the last attempted answer & cross the remaining pages.

SECTION-A

10

- Q.1 Explain the salient features of Patna case.
- Q.2 Discuss in detail the Trial of Raja Nand Kumar.
- Q.3 Discuss the salient features of Adalat System in India.
- Q.4 What was the significance of Lex Loci Report?
- Q.5 What was the first law commission report?
- Q.6 Write a short note on Provisions of Indian Councils Act,1919

SECTION-B

10

- Q.7 Discuss in detail the Indian Councils Act, 1909.
- Q.8 Explain the Morle Minto reforms.
- Q.9 Discuss the Government of India Act,1861.

SECTION-C

10

- Q.10 Discuss the Indian High Courts Act, 1858.
- Q.11 Explain the Judicial Plans of 1935.



RNB GLOBAL UNIVERSITY, BIKANER
PROGRAM NAME-BA-LL.B. V SESSIONAL EXAMINATION-II, OCTOBER 2021
SUBJECT CODE-16013600 SUBJECT NAME-LEGAL & CONSTITUTIONAL HISTORY OF INDIA

Time: 90 Minutes

Maximum Marks: 30

Instructions :

- 1) Write your roll no. on the top immediately on receipt of this question paper.
- 2) In Sec-A each question carries 2 marks, attempt any 5 questions, answer theory questions in minimum 150 words.
- 3) In Sec-B each question carries 5 marks, attempt any two questions, answer in minimum 300 words.
- 4) In Sec-C, each question carries 10 marks, attempt any one question, answer in minimum 650-700 words Draw Charts/Diagrams/Figures/Flowcharts etc. wherever applicable/possible.
- 5) Word Limit is not applicable for Numerical based Questions.
- 6) In case of over attempted questions, the answer with highest marks will be considered.
- 7) Write the word "END" at the finish of the last attempted answer & cross the remaining pages.

SECTION-A

10

- Q.1 Explain the salient features of Indian Councils Act,1909.
- Q.2 Discuss in detail the Trial of Raja Nand Kumar.
- Q.3 Discuss the salient features of Adalat System introduced by Lord Cornwallis.
- Q.4 What is The Lex Loci Report?
- Q.5 What is the Codification of Law?
- Q.6 Write a short note on Provisions of Indian Councils Act,1919

SECTION-B

10

- Q.7 Discuss in detail the Indian Councils Act, 1892.
- Q.8 Explain the Indian Councils Act,1935.
- Q.9 Discuss the Government of India Act,1858.

SECTION-C

10

- Q.10 Discuss the Indian High Courts Act, 1861.
- Q.11 Explain the Judicial Plans of 1787, 1790 & 1793.



Roll No.

RNB GLOBAL UNIVERSITY, BIKANER
PROGRAM NAME-BA-LL. B V END SEMESTER EXAMINATION, NOV. 2021
SUBJECT CODE -16013600 SUBJECT NAME-LEGAL & CONSTITUTIONAL HISTORY OF INDIA

Time: 180 Minutes

Maximum Marks: 50

Instructions :

- 1) Write your roll no. on the top immediately on receipt of this question paper
- 2) In Section-A each question carries five marks, attempt any four questions, answer in minimum 300 words.
- 3) In Section-B each question carries ten marks, attempt any three questions, answer in minimum 650-700 words.
- 4) Draw Charts/Diagrams/Figures/Flowcharts etc. wherever applicable/possible.
- 5) Word Limit is not applicable for Numerical based Questions.
- 6) In case of over attempted questions, the answer with highest marks will be considered.
- 7) Do not write anything on question paper.
- 8) Write the word "END" at the finish of the last attempted answer & cross the remaining pages.

SECTION-A

20

- Q.1 Explain the Administration of Justice in Madras Bombay and Calcutta before 1726.
- Q.2 Explain the important provisions of the Charters of 1600.
- Q.3 Explain the important provisions of the Charters of 1687.
- Q.4 Explain the important provisions of the Charter of 1753.
- Q.5 Explain the important provisions of the Charter of 1726.
- Q.6 Compare The Judicial Plans of 1772 and 1774.

SECTION-B

30

- Q.7 State the salient features of The Government of India Act,1858.
- Q.8 State the salient features of Indian Councils Act,1861.
- Q.9 State the important features of Judicial Plans of 1787, 1790, 1793.
- Q.10 Explain the Adalat System introduced by Lord Cornwallis.
- Q.11 Write a note on First Law Commissions & its report.

