

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Legal History of India
Semester-II (Batch: 2016-21)

End Semester Examination: April-May 2017

Date: 28th April, 2017

Duration: 3 hours

Max. Marks: 50

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Part-A

Marks

Q.1 During the Colonial rule, India was extremely diverse as well as multi-ethnic and multi-lingual country where law changes after crossing even a river. Therefore to minimize ambiguity and bring certainty in legal system, it became essential for British to codify the Indian law under one mould. The other reason was, the law of the Presidency town was antiquated because of the rule that English law of 1726 was applicable. There were also variations in law in Presidency towns and mufosil areas. The Judicial decisions have introduced some differences. For Hindus and Muslims at least some relief was there due to Personal law safeguards provided during the Law Reforms of Warren Hastings. In the 19th century most of the codes were drafted in London by a mixed team of English Lawyers who were only legal technicians having no experience of Indian conditions along with some lawyers who had earlier served in India. No Indian was ever a member of the Law Commissions. In the light of the above mentioned facts:

- (a) Discuss the codification of Indian Laws as dependent variables for modernisation of law. (10)

OR

- (b) What are the independent variables of law in the process of modernisation of law? Discuss. (5+5=10)
- (c) Who all were the potential stakeholders contributed in the process of modernisation of law in India? Discuss.

Q.2 (a) The tenure of Warren Hastings foresaw and laid the foundation of policy in which Indian legislation was put under the direction of the legal members of the council and by which superintendence of the Mufosil Court and Appellate Jurisdiction over them were vested in the High Court. Cornwallis built on the foundation already laid or began to be laid by his predecessor especially Hastings. It was the emphasis rather principle, which was new; but the principles were not clearly stated and the strength of the home government was used to enforce them. In 19th Century the efforts of Lord Amherst and Lord Bentinck further consolidated the administration of justice in India laying the centralized administrative structure further approved by Charter Act of 1833. In the light of progressive attitude adopted by Governors of the East India Company, discuss the policy of trial and error method adopted by them that ultimately resulting in the development and growth of Anglo-Indian Code and (10)

Anglo-Indian Court System in India.

OR

- (b) Lord Linlithgow in January 1940 gave general assurance based on the complexity of the Indian problem with special reference to lack of unity among the different communities and the consequent inability of British Government to divest themselves of their responsibility for the welfare and good government of the people of India. Looking into the progress of War, Hitler's astounding success and the fall of Belgium, Holland and France put England in a conciliatory mood. This was the time when major developments were taking place which started consolidating an ideal situation of a modern and free country. For the first time, the inherent right of Indians to frame their Constitution was recognised and the Congress demand for a Constituent Assembly was conceded. Dominion Status was explicitly offered. The British Government hoped that all the parties and communities in India would co-operate in India's war efforts and by thus working together pave the way for India's attainment of free and equal partnership in the British Commonwealth of Nations. However, Congress rejected the August Offer. Nehru said, "Dominion status concept is dead as a door nail and according to Gandhi "the declaration had widened the gulf between the nationalists and the British rulers" The deadlock in Indian policies was continuing due to the refusal of the Congress to cooperate. (10)

In light of above mentioned statements discuss the Legislative and Constitutional Developments of twentieth century India.

Part-B

Answer any ten of the following:

(10x1
=10)

- Q.3 is known for introducing revenue reforms in Bengal during the last decade of 18th century India.
- Q.4 was the Governor General of India when Ilbert Bill was introduced.
- Q.5 Lord Lytton put on the statute book two obnoxious measures; Act and Act.
- Q.6 All India Legislature was created by Charter of 1833, which was established at having authority to make legislations.
- Q.7 According to Indian Council Act of 1861, the members of legislative council of Governor General were selected for a tenure of years.
- Q.8 During the Sultanate period, Appeals from *Sadar-e-Sabab* were allowed to be made in
- Q.9 In 1635 King Charles I permitted to establish a new trading body for the purpose of trading with East Indies under the name of
- Q.10 Under Section 17 of Act, English Law was not applicable over the natives.
- Q.11 The Simon Commission came to India in February 1928 and submitted its report on

- Q.12 was the Prime Minister of the England who declared June 1948 as the last date upto which the British would transfer the power to responsible Indian government.
- Q.13 was the first Chief Justice of Supreme Court of Judicature established at Calcutta.

Part-C

Answer any four of the following:

(4x5=
20)

- Q.14 Advantages of colonial rule in context to the rise of nationalism in India.
- Q.15 Punishment protects *Dharma*, *Artha* and *Kama*, i.e. the law, lawful wealth and lawful desire of human beings and hence it is called *trivargrupa*; the symbol of *Dharma*, *Artha* and *Kama*. Explain the objective of punishment in Ancient India.
- Q.16 Crime and Punishment in Medieval India.
- Q.17 Regulating Act of 1773
- Q.18 Charter Act of 1833
