

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Legal History of India
Semester-I (Batch: 2018-23)

End Semester Examination: Oct-Nov. 2018

Date: 21st October, 2018

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 How private ordering leads to the development of law? Give one example each from past to present and present to future. (1x6=06)

Part-B

- Q.2 Answer **any one** of the following: (1x5=05)
- (a) High Court Act of 1861
- (b) Charter Act of 1833

Part-C

Answer any three of the following:

- Q.3 Mr. Woolaston brought several suits against the Company after the death of his son in India and the court in England awarded him 300 pounds as damages. Mr. Woolaston was not the only one, there were many civilians who filed cases against the East India Company and challenged the decision of the Company's Courts of India. It was the time when political and commercial activities of the Company were increasing day by day and the Company wished to avoid litigations. Charles Fawcett in his book "The first Century of British Justice in India"(1934) stated, "...one of the main reasons for the Company's change of attitude was to avoid civil litigation against it in England due to executive intermeddling with private property". (13)

In the light of the above mentioned statement answer the following:

- (a) Why number of litigations increased against the Company?
- (b) Which Legislation was passed to establish suitable machinery for administering justice in the Company's Presidency towns? Discuss along with their outcomes?

- Q.4 Cornwallis brought modernization of Judiciary and Administration on the foundation already laid by Warren Hastings. It was the emphasis rather than the principle that was new. Both Governor Generals of the English East India Company immensely contributed in creating the British Empire in India. Warren Hastings as the first Governor General proved himself as one of the most faithful servants of the Company who played a vital role in strengthening the foundation wherein Cornwallis introduced a (13)

number of reforms to meet the existing requirements.

In the light of the above statement:

- (a) Discuss the judicial reforms of Warren Hastings and Cornwallis.
- (b) Which method was adopted by these two Governor Generals to determine the course of action in their Judicial Reforms?

- Q.5 After the Act of 1919, the Government of India Act, 1935 was the second important milestone on the road to a fully responsible Government in India and played a very important role in shaping and moulding the new Constitution of India. Even though, Pandit Jawaharlal Nehru criticized Government of India Act 1935 as a "*Machine with Strong Brakes and no Engines*". (13)

In view of the above statement, answer the following:

- (a) Why the Act disappointed Indian Leaders? What were the prominent defects of the Government of India Act 1935?
- (b) What were the genesis of events leading towards the passing of the Government of India Act 1935?

- Q.6 What were the major independent and dependent variables responsible for the modernization of the legislative system of India during the British Rule? (13)
