

[4]

- Q.6 Attempt any two:
- |   |          |   |   |   |
|---|----------|---|---|---|
| i. Explain the contributions of the First Law Commission to the codification of laws in India.                                | <b>5</b> | 4 | 1 | 5 |
| ii. Analyze the constitutional developments brought by the Government of India Act, 1935, in shaping the Indian Constitution. | <b>5</b> | 4 | 1 | 5 |
| iii. Evaluate the role of the Government of India Act, 1919, in introducing provincial autonomy in India.                     | <b>5</b> | 4 | 1 | 5 |

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Total No. of Questions: 6

Total No. of Printed Pages:4

Enrollment No.....



Faculty of Law  
End Sem Examination Dec 2024  
LW3CO03

History of Legal & Constitutional Development in India  
Programme: B.A.LL.B. (Hons.) Branch/Specialisation: Law

Duration: 3 Hrs.

Maximum Marks: 60

Note: All questions are compulsory. Internal choices, if any, are indicated. Answers of Q.1 (MCQs) should be written in full instead of only a, b, c or d. Assume suitable data if necessary. Notations and symbols have their usual meaning.

		Marks	BL	PO	CO	PSO
Q.1	i. What was the primary reason for the establishment of the East India Company?	1	1	1	1	
	(a) Trade and commerce					
	(b) Military conquest					
	(c) Religious propagation					
	(d) Establishing colonies					
	ii. The law applied in the Mufassil regions under British rule was based on which legal system?	1	1	1	1	
	(a) Hindu and Muslim laws					
	(b) English common law					
	(c) Roman law					
	(d) French law					
	iii. The Charter of 1661 granted judicial powers to which of the following?	1	1	1	1	
	(a) The East India Company					
	(b) The Mayor's Court					
	(c) The Supreme Court of Calcutta					
	(d) The Privy Council					
	iv. Which judicial plan was introduced by Warren Hastings in 1772?	1	1	1	1	
	(a) Judicial Plan of 1772					
	(b) Cornwallis' Judicial Reforms					
	(c) Regulating Act					
	(d) Pitt's India Act					

P.T.O.

[2]

- v. The Indian High Courts Act of 1911 was significant because it: **1** 1 1 1
- (a) Introduced provincial autonomy
- (b) Established separate high courts for the first time
- (c) Reorganized the structure of the judiciary
- (d) Abolished the privy council
- vi. Which year saw the establishment of High Courts in Bombay, Madras, and Calcutta? **1** 1 1 1
- (a) 1861 (b) 1911
- (c) 1947 (d) 1950
- vii. The Raja Nand Kumar Case was significant because it: **1** 1 1 1
- (a) Highlighted the judicial powers of the Supreme Court of Calcutta
- (b) Involved trade disputes between British and Indian merchants
- (c) Led to the abolition of the Privy Council
- (d) Was the first case of constitutional interpretation in India
- viii. The Kamaluddin Case was related to: **1** 1 1 1
- (a) British judicial overreach in Indian courts
- (b) A landmark criminal appeal to the Privy Council
- (c) The introduction of provincial courts in India
- (d) The establishment of equity courts
- ix. The Government of India Act of 1935 provided for: **1** 1 1 1
- (a) The creation of a Federal Court
- (b) The establishment of the Supreme Court
- (c) The removal of the East India Company's powers
- (d) The introduction of parliamentary democracy
- x. The First Law Commission was established under the Charter of: **1** 1 1 1
- (a) 1833 (b) 1853
- (c) 1773 (d) 1784

[3]

- Q.2 i. Explain the purpose and role of the East India Company in the development of the Indian legal system. **2** 2 1 2,3
- ii. Describe the evolution of courts in Presidency Towns during British rule. **3** 3 1 2,4
- iii. Compare the legal systems in the Presidency Towns and the Mufassil regions during the early British period. **5** 4 1 4
- OR iv. Explain the role of natural justice, equity, and good conscience in the development of Indian law under colonial rule. **5** 5 1 4
- Q.3 i. Discuss the significance of the Mayor's Court established in 1726 in Madras. **2** 2 1 2
- ii. Analyze Warren Hastings' Judicial Plan of 1772 and its impact on the legal framework of India. **8** 3 1 3
- OR iii. Evaluate the impact of the Regulating Act, 1773, on the governance of the East India Company. **8** 4 1 3,5
- Q.4 i. What was the significance of the Indian High Courts Act of 1865 in the development of the Indian judiciary? **3** 3 1 3,4
- ii. Discuss the role of the High Courts established under the Indian High Courts Act of 1861 in the administration of justice in India. **7** 4 1 4
- OR iii. Analyze the reforms brought by the Indian High Courts Act of 1911 in restructuring the judiciary. **7** 4 1 4
- Q.5 i. What was the jurisdiction of the Privy Council in colonial India? **4** 3 1 3
- ii. Examine the impact of the Raja Nand Kumar Case on the Indian judicial system during British rule. **6** 4 1 3
- OR iii. Discuss the role of the Federal Court in India's legal history. **6** 4 1 3,5

## Marking Scheme

### LW3CO03 History of Legal and constitutional Development in India

Q.1	i)	<b>a) Trade and commerce</b> (The East India Company was primarily established for trade between England and India)	<b>1</b>
	ii)	<b>a) Hindu and Muslim laws</b> (The Mufassil regions largely followed local laws based on Hindu and Muslim traditions)	<b>1</b>
	iii)	<b>a) The East India Company</b> (The Charter of 1661 granted the Company judicial powers to govern its territories)	<b>1</b>
	iv)	<b>a) Judicial Plan of 1772</b> (Warren Hastings introduced the Judicial Plan of 1772 to regulate the administration of justice in India)	<b>1</b>
	v)	<b>c) Reorganized the structure of the judiciary</b> (The 1911 Act further restructured the judiciary to better suit colonial governance needs)	<b>1</b>
	vi)	<b>a) 1861</b> (The Indian High Courts Act of 1861 established the High Courts in Bombay, Madras, and Calcutta)	<b>1</b>
	vii)	<b>a) Highlighted the judicial powers of the Supreme Court of Calcutta</b> (The Raja Nand Kumar Case demonstrated the extent of the Supreme Court's authority over Indian subjects)	<b>1</b>
	viii)	<b>b) A landmark criminal appeal to the Privy Council</b> (The Kamaluddin Case was a significant criminal appeal that influenced Indian legal precedents)	<b>1</b>
	ix)	<b>a) The creation of a Federal Court</b> (The Government of India Act, 1935, led to the establishment of the Federal Court in India)	<b>1</b>
	x)	<b>a) 1833</b> (The First Law Commission was established under the Charter of 1833 to begin the codification of Indian laws)	<b>1</b>
Q.2	i.	Purpose of the East India Company	<b>2</b>

### Key points:

- The primary role of the East India Company was to establish trade links with India. **1M**
- Over time, the Company began to exercise political and judicial control over its territories. **1M**

ii. Evolution of courts in Presidency Towns **3**

### Key points:

- Establishment of Mayor's Courts to resolve disputes. **1.5M**
- The development of civil and criminal courts based on English legal principles. **1.5M**

iii. Legal systems in Presidency Towns vs. Mufassil regions **5**

### Key points:

- Presidency Towns applied English law, while Mufassil regions used local Hindu and Muslim laws. **2.5M**
- Over time, the influence of English legal concepts spread to Mufassil regions. **2.5M**

OR iv. Natural justice, equity, and good conscience in Indian law **(3+2) M 5**

### Key points:

- "Natural justice" ensured fairness in judicial proceedings.
- "Equity" allowed for justice in cases where strict application of the law led to unfair outcomes.
- "Good conscience" provided a moral foundation for judicial decisions in cases not covered by written law.

Q.3 i. **Significance of the Mayor's Court 2**

### Key points:

- The Mayor's Court in Madras was the first formal British court system in India. **1M**
- It handled both civil and criminal cases among British and Indian residents. **1M**

ii. **Warren Hastings' Judicial Plan of 1772 8**

### Key points:

- Established courts in districts, ensuring that British officials controlled legal administration. **4M**
- The system allowed for a more organized approach to justice in the territories under British control. **4M**

OR	iii.	<b>Impact of the Regulating Act, 1773</b> <b>Key points:</b> <ul style="list-style-type: none"> <li>Established the Supreme Court at Calcutta. <b>4M</b></li> <li>Provided British Parliament with control over the East India Company's actions. <b>4M</b></li> </ul>	<b>8</b>
Q.4	i.	Indian High Courts Act of 1865 <b>Key points:</b> <ul style="list-style-type: none"> <li>Consolidated the judicial system in India by merging the courts in the Presidency Towns. <b>1.5M</b></li> <li>Provided a more organized framework for judicial administration. <b>1.5M</b></li> </ul>	<b>3</b>
	ii.	Role of High Courts established in 1861 <b>Key points:</b> <ul style="list-style-type: none"> <li>High Courts dealt with both civil and criminal appeals. <b>3.5M</b></li> <li>Played a central role in consolidating British legal control over Indian subjects. <b>3.5M</b></li> </ul>	<b>7</b>
OR	iii.	Indian High Courts Act of 1911 ( <b>3.5 +3.5</b> ) <b>M</b> <b>Key points:</b> <ul style="list-style-type: none"> <li>Reformed and reorganized the structure of the judiciary to address growing legal needs in India.</li> </ul>	<b>7</b>
Q.5	i.	Jurisdiction of the Privy Council ( <b>2+2</b> ) <b>M</b> <b>Key points:</b> <ul style="list-style-type: none"> <li>The Privy Council served as the highest appellate court for colonial India.</li> <li>Its decisions were binding on all Indian courts.</li> </ul>	<b>4</b>
	ii.	Raja Nand Kumar Case <ul style="list-style-type: none"> <li>Demonstrated the Supreme Court of Calcutta's authority to try and execute an Indian subject. <b>3M</b></li> <li>Sparked debate on the legality and fairness of British judicial practices in India. <b>3M</b></li> </ul>	<b>6</b>
OR	iii.	Role of the Federal Court ( <b>3+3</b> ) <b>M</b> <b>Key points:</b>	<b>6</b>

		<ul style="list-style-type: none"> <li>Established under the Government of India Act, 1935, to resolve disputes between provinces and the British government.</li> </ul>	
Q.6	i.	First Law Commission and codification ( <b>2.5+2.5</b> ) <b>M</b> <b>Key points:</b> <ul style="list-style-type: none"> <li>Responsible for the drafting of key legal documents, including the Indian Penal Code.</li> <li>Ensured uniformity in the laws applied across British India.</li> </ul>	<b>5</b>
	ii.	Government of India Act, 1935 ( <b>2.5+2.5</b> ) <b>M</b> <b>Key points:</b> <ul style="list-style-type: none"> <li>Introduced provincial autonomy and the establishment of a Federal Court.</li> <li>Laid the foundation for many provisions in the Indian Constitution.</li> </ul>	<b>5</b>
	iii.	Government of India Act, 1919 ( <b>2.5+2.5</b> ) <b>M</b> <ul style="list-style-type: none"> <li>Introduced dyarchy, which split governance between elected Indian ministers and British officials.</li> <li>Set the stage for future constitutional reforms.</li> </ul>	<b>5</b>

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