

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May 2019

Course: B.A LL.B., (Hons.) Energy Laws, **Criminal Laws**, Constitutional Laws, Labour Laws, B.Sc. LL.B., BBA.,LL.B., (Hons.) Corporate Laws, **B.B.A., LL.B. (Hons.) Banking, Insurance and Finance / International Trade and Investment Laws**,

B.COM.,LL.B. (Hons.) Taxation/ Media & Entertainment Laws.

Program: History II

Course Code: CLNL 1032

Semester: II

Time: 03 hrs.

Max. Marks: 100

Instructions: 1) Mention Enrolment No at the appropriate place in the question paper.

2) No student will leave the room till one hour from the commencement of examination.

3) All sections are compulsory.

SECTION A

This section consists of short answer questions.

S. No.		Marks	CO
Q 1	Write a note on the Charter of 1600.	2	CO1
Q 2	Discuss Charter of 1726.	2	CO1
Q 3	Salient features of the Advocates Act 1961.	2	CO1
Q 4	Law and justice in Surat Factory.	2	CO1
Q 5	Mayor's Court under Charter of 1687.	2	CO1

SECTION B

This section consists of conceptual questions.

Q 4	Charter of 1661, Its provisions and importance.	5	CO2
Q 5	Admiralty Court.	5	CO2
Q 6	Preamble of the Act of Settlement 1781.	5	CO2
Q 7	Lord William Bentinck and his reforms in Judicial Administration.	5	CO2

SECTION-C

This section consist of Analytical questions.

Q 8	Discuss trial of Raja Nand Kumar and comment if the Supreme court at Calcutta handled it judiciously.	10	CO4
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Q 9	Analyze the Judicial Scheme of 1793 and comment on its importance for development of Modern Judicial System.	10	CO4
<p>SECTION-D</p> <p>This section consists of Application based/ Problem based questions</p>			
Q10	<p>The writer, Prof. Tahir Mahmood is perhaps right while writing the preface to the first edition where he said, “Muslims sometimes awfully misuse their personal law, more in sheer ignorance than deliberately for selfish ends, Non- Muslims often terribly misunderstand its precepts. The former are unaware, the latter misinformed. Both have to be properly educated. This is indeed an important need of the hour.” Taking into account the legal status of Muslim, the author was right in observing that, “the Muslim citizens in India have the same constitutional status-legal rights and obligations as the followers of Hinduism and all other locally prevalent religions.”</p> <p>The foremost source of Muslim Law is the Holy Quran. Under the British, the personal laws of Hindus and Muslims were administered in the regular courts by judges trained in, and familiar with, the style of the common law" Until about 1860, the courts had attached to them "native law officers," Pandits and Kazis, to advise them on questions of Hindu and Muslim law respectively.' To make the law more uniform, certain, and accessible to British judges-as well as to check the discretion of the law officers—the courts relied increasingly on translations of texts, on digests and manuals, and on their own precedents." In 1860, when the whole court system was rationalized and unified, the law officers were abolished and the judges took exclusive charge of finding and applying the personal law.</p> <p>What do you understand by Personal Laws? Discuss the development of Muslim Personal Laws in India.</p>	15	CO4
Q11	<p>The Patna Case is one of the very interesting case in the field of Indian History. The Patna Case took place in years of 1777, 1778 and 1779. This case took eminent place in the Indian legal history because it had revealed the system of judicial administration and it threw the light on the involving conflict and dissatisfaction among the Supreme court and the supreme council. This case become the basis of the further reorganization or reorientation in the operation or management of justice. In the words of Dr. M. P. Jain, the Patna case exposed the judicial administration of the Company. In fact the Patna case is an illustration of various defects and weaknesses in the adalat system in Bengal, Bihar and Orissa.</p> <p>In the light of the facts of Patna Case answer these intrinsic questions and issues in detail:-</p>	20	CO3

	<p>a) Whether Supreme Court of Calcutta was having Jurisdiction in this particular case.</p> <p>b) Assess the role of the Native Law officers of Patna Provincial Council.</p> <p>c) Analyze the judgement that was given by Provincial Council of Patna according to Hanafi School of Muslim Law.</p> <p>d) Discuss the result and repercussion of this case.</p>		
Q12	<p>The Privy Council's jurisdiction over the Indian subcontinent grew in patches that extended unevenly inwards from coastal locations, mirroring the process by which the East India Company, incorporated in 1600, gradually acquired political power in the region. The result of this process was that right up until India and Pakistan's emergence as independent countries in 1947, 'India' as such did not form a jurisdiction. Instead, the courts that the Privy Council heard appeals from were provincial tribunals, themselves taking appeals from lands far beyond the subcontinent. The earliest appeals to the Privy Council from India were not appeals against the decision of any court, but petitions to the English Crown against alleged oppression by East India Company officials.</p> <p>Discuss the 'appeals as of right' that were allowed from the Courts in India to the Privy Council.</p>	15	CO3

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SECTION A

This section consists of short answer questions.

S. No.		Marks	CO
Q 1	Administrative set up of Surat Factory.	2	CO1
Q 2	Comment on the working of the Charter of 1726.	2	CO1
Q 3	The Gentoo Code.	2	CO1
Q 4	Change in composition of Sadar Adalats by Lord Wellesley.	2	CO1
Q 5	Privy Council.	2	CO1

SECTION B

This section consists of conceptual questions.

Q 4	Gerald Aungier and his judicial plans in Bombay.	5	CO2
Q 5	Charter of 1753 and its relevance in judicial administrations' history of India.	5	CO2
Q 6	Sir John Shore and his contribution in Legal History.	5	CO2
Q 7	Legal Practitioners Act, 1846.	5	CO2

SECTION-C

This section consist of Analytical questions.

Q 8	Discuss Judicial Plan of 1772 and appraise major changes made under Judicial Plan of 1774.	10	CO4
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Q 9	Discuss the main features of the Regulating Act 1773.	10	CO4
<p>SECTION-D</p> <p>This section consists of Application based/ Problem based questions</p>			
Q10	<p>The conflicts between the Supreme Court and the Supreme Council reached a climax in this case. While the Supreme Court issued orders to the sheriff to use force in order to carry out its orders, the Supreme Council ordered its troops to defend the implementation of its orders. The Supreme Court also claimed its jurisdiction over the whole native population which was opposed by the Supreme Council. Due to these peculiarities this case is of great historical importance.</p> <p>The above mentioned paragraph is referring to the Cossijurah Case. Discuss the facts of the case and mention Act of Settlement 1781 as the repercussion and result of this case.</p>	15	CO3
Q11	<p>Prior to the passing of Indian High Courts Act 1861, there existed dual system of courts in India. The existence of two parallel sets of courts created great confusion and uncertainty about their respective jurisdictions. The 'Indian High Court Act' of 1861, vested in Queen of England to issue letters patent to erect and establish High Courts of Calcutta, Madras and Bombay. The objective of this act was to effect a fusion of the Supreme Courts and the Sadar Adalats in the three Presidencies and this was to be consummated by issuing Letter Patent. Indian High Court Act 1861 also gave power to set up other High Courts like the High Courts of the Presidency Towns with similar powers.</p> <p>In the light of above statement, mention the evolution of High Courts in India. Also discuss the jurisdiction and Constitution of High Courts as given in High Courts Act of 1861.</p>	15	CO4
Q12	<p>Early settlements of the company in India had very poor administrative set up and till 1726, the judicial system therein was even poorer. However, in course of time, for the administration of their factories and settlements, as of necessity, some legal and judicial system had to be developed. But the growth of justice system in each of the three presidency towns followed altogether different course and there was no uniformity whatsoever in its growth among these centers.</p> <p>Francis Day was regarded the founder of the city of Madras. He built fort St. George in 1640 on the site given to him by the local ruler Venkatadri, whose territory lay between Pulicat and Santhome. The English East India Company which gradually</p>	20	CO4

<p>became a territorial power exterminated the hold which the Portuguese, the Dutch, the Danes and the French had over India and established its hegemony. The administration of the territory which came under the British became their responsibility. The administration of justice was a part of the administrative duty of the company. It was remarkable that from the infancy of the settlement at Madras the British Government paid due attention to the administration of justice. Elucidate the development of Administration of Justice in the settlement of Madras in three stages before 1726.</p>		
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