

BLS LLB

Wednesday 19 June 2024

SEM III BLS LLB - HISTORY OF COURT INDIAN LEGAL HISTORY

HISTORY OF COURT INDIAN LEGAL HISTORY

East India Company Year 1600

Today the present Indian legal system as well as laws which we are using is the gift of East India Company and British king, the rulers of India. History is very vast, but I will try to cover in short all the important events of Indian legal

History. First I have decided to write about the constitution of India, but then realized that if someone does not know Legal History of India, he will not understand the current situation and problems which India is facing. For all our problems, root cause is our laws. Indian Region has a history of more than 5000 years, but for us Indians real legal history started with the arrival of East India Company in the year 1600. Before arrival of British the India was divided into different countries, each king ruled and made laws which he liked and felt are good and right.

As the king died or the king lost the war with neighbor king the rules of that kingdom were changed. Our present judicial system and laws is a gift of British Kings. Let's start to understand and know the Legal History of India. While writing this I will clarify many terms also. East Indies - refer to nations - India, Pakistan, Bangladesh, Myanmar, Nepal, Sri Lanka, the Maldives and also Thailand, Cambodia, Laos, Brunei, Singapore, the Philippines, East Timor, Malaysia and Indonesia.

Dutch-held colonies in the area were known as the Dutch East Indies. Spanish-held colonies were known as the Spanish East Indies. Caribbean is called the West Indies. The east India Company was formed to do business with the East Indies. East India Company is also known as East India Trading Company. English East India Company then British East India Company. The oldest among several similarly formed European East India Companies, the Company was granted an English Royal Charter under the name Governor and Company of Merchants of London Trading into the East Indies, by Elizabeth I on 31 December 1600. The charter awarded the newly formed company, for a period of fifteen years, a monopoly of trade (known today as a patent) with all countries to the east of the Cape of Good Hope and to the west of the Straits of Magellan. Sir James Lancaster commanded the first East India Company voyage in 1601. As per this charter no other company was allowed to do business with this geographic area without the permission and license from the company.

The charter awarded the judicial powers to the company to make laws, to punish servants etc. so that the functioning of company does not stop and company does not face losses. The company was not allowed to make any laws which may go against the English laws or customs. The company was supposed to work in democratic manner. During this time company aim was to do business and make profits, charter does not mention about the war and controlling other nations or lands. This is the beginning, development of Indian legislative system. For Indians this phase is very important as this is beginning of formation of India as well as our legal system. The charter gave the legislative power to the company, company found that the limited powers were useless on the long voyages, to control servants and maintain law and order on ships. To solve this problem company involved the criminal prerogative and the commander in chief got the power to give death punishment to servants by using the law of martial. On 24th January 1601 Queen Elizabeth gave first time this right to commander in chief. Using this power

Blog Archive

- 2018 (2)
- 2017 (15)
- 2016 (31)
- 2015 (23)
- ▼ 2014 (31)
 - October (15)
 - ▼ June (1)
 - SEM III BLS LLB - HISTORY OF COURT INDIAN LEGAL H...
- May (2)
- April (2)
- March (30)
- February (3)
- 2013 (6)

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Table of Contents Ellb3 June 2014

1. Understanding the eBook Ellb3 June 2014
 - The Rise of Digital Reading Ellb3 June 2014
 - Advantages of eBooks Over Traditional Books
2. Identifying Ellb3 June 2014
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Ellb3 June 2014
 - User-Friendly Interface
4. Exploring eBook Recommendations from Ellb3 June 2014
 - Personalized Recommendations
 - Ellb3 June 2014 User Reviews and Ratings
 - Ellb3 June 2014 and Bestseller Lists
5. Accessing Ellb3 June 2014 Free and Paid eBooks
 - Ellb3 June 2014 Public Domain eBooks
 - Ellb3 June 2014 eBook Subscription Services
 - Ellb3 June 2014 Budget-Friendly Options
6. Navigating Ellb3 June 2014 eBook Formats
 - ePub, PDF, MOBI, and More
 - Ellb3 June 2014 Compatibility with Devices
 - Ellb3 June 2014 Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Ellb3 June 2014
 - Highlighting and Note-Taking Ellb3 June 2014
 - Interactive Elements Ellb3 June 2014
8. Staying Engaged with Ellb3 June 2014

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Ellb3 June 2014
- 9. Balancing eBooks and Physical Books Ellb3 June 2014
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Ellb3 June 2014
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Ellb3 June 2014
 - Setting Reading Goals Ellb3 June 2014
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Ellb3 June 2014
 - Fact-Checking eBook Content of Ellb3 June 2014
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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