

**School of Law, HILSR**

**Jamia Hamdard**

**Course Syllabus**

**Course Overview:**

**Course Title: History – I**

**Course Code: BALLB-104**

**Semester: First**

**Credits: 4**

**Medium of Instruction/Assessment: English**

**Objectives of the course:** The objective of this course is to study the socio-political structures of the past by focusing specifically on the intersections of history and law. Students will learn how law was framed and justified during the Ancient and Medieval periods, the latter phase giving way to the current common law system. A study of selected legal documents will be undertaken with a view to reveal the form, philosophy, and rationale behind ancient and medieval law as well as train students in analyzing historical legal sources. This paper offers students a chance to contrast our present circumstances with the past, a chance to understand the long path of development that led to the legal problems we grapple with in the present, and the chance to see the deep roots of the social forces that are changing the shape of our own world.

**Assessment and Evaluation:**

The course has a weightage of 100 marks. 75 % of the marks will be covered by the End Semester Examination; while as 25 % will constitute internal assessment to be done by the concerned instructor.

**(A) End Semester Examination:** There will be ten questions in the Question paper with two from each unit. Students will have to answer five questions in all selecting one from each unit.

**(B) Internal Assessment:** A student will be assessed and evaluated by the concerned teacher during the entire semester at regular intervals. This will be done by employing a wide range of methods including written tests, tutorials, term paper writing, presentations etc. Attendance of the students will also form a part of the internal assessment.

## **Course Outline:**

The course is based on five units.

### **Unit I**

Definition and Nature of History, Relevance of History to Law

Sources- Nature and types of sources

### **Unit II**

Social Differentiation- Origin of Caste and Class and its Legal standpoint,

The Understanding of Violence and Crime, Judicial system, Procedures - Murder, Robbery, Rape etc

### **Unit III**

Origin of Family- Issues and concerns, Kinship patterns, Genealogy of marriage and legal perspective, Inheritance

### **Unit IV**

Commercial Laws- Economy, Trade, Commerce, Property

Treaties with neighboring empires and kingdoms

### **Unit V**

Protest and Alternate Practices- Homosexuality, Incest, Prostitution

The State's Legal positions on Protest/Rebellion

### **Suggested Readings:**

1. Romila Thapar, *Early India: From the Origins to AD 1300*, University of California Press, 2004
2. Satish Chandra, *History of Medieval India*, Orient Blackswan, 2009
3. Sabyasachi Bhattacharya (ed.), *Approaches to History: Essays in Indian Historiography*, Primus Books, 2013
4. Romila Thapar, *Time as a Metaphor of History*, OUP, 1996
5. E.H. Carr, *What is History*, Penguin, 2008
6. Upinder Singh- *Political Violence in Ancient India*, Harvard University Press, 2017  
- *A History of ancient and Early Medieval India: From the Stone Age to the 12<sup>th</sup> Century*, Pearson Education, 2009
7. N. Mani Tripathi, *Jurisprudence the Legal Theory*, 2013

8. T. Rama Jois, *Legal and Constitutional History of India :Ancient Legal, Judicial and Constitutional System*, Universal Law Publishing Co.,2004(Reprint)
9. A.L. Basham, *The Wonder that was India*, Part-I, Rupa& Co.,1993(20<sup>th</sup> Edn)
10. J.Duncan M. Derett, *Religion, Law and State in India*, Oxford, 1999
11. Robert Lingat, *The Classical Law of India*, California, 1973, Reprint Oxford, 1998
12. Marc Galanter, *Law and Society in Modern India*, Oxford University Press, 1989
13. E Sreedharan, *A Textbook of Historiography, 500 B.C. to A.D. 2000*, Orient Blackswan, 2004
14. Wendy Doniger, *Beyond Dharma: Dissent in the Ancient Indian Sciences of Sex and Politics*, Speaking Tiger, 2018
15. Mineke Schipper, *Naked or Covered: A history of Dressing and Undressing Around the World*, Speaking Tiger, 2017
16. Kumkum Roy, *The Power of Gender and the Gender of Power: Explorations in Early Indian History*, OUP, 2009
17. Salma Ahmed Farooqui, *A Comprehensive History of Medieval India, From the Twelfth to the Mid Eighteenth Century*, Pearson Education, 2009
18. Chandrakala Padia, *Women in Dharmasastras: A Phenomenological and Critical Analysis*, Rawat Publisher, 2009
19. Shireen Moosvi, *People, Taxation and Trade in Mughal India*, OUP,2009
20. Patrick Olivelle, *A Dharma Reader, Classical Indian Law*, Columbia University Press, 2016
21. Patricia Uberoi, *Family, Kinship and Marriage in India*, OUP, 1997
22. Madhavi Menon, *Infinite Variety: A History of Desire in India*, Speaking Tiger,2018