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# BACKGROUND TO INDIAN LAW

by

RT HON. SIR GEORGE CLAUS RANKIN

LL.D. (Edin.)

*Sometime Chief Justice of Bengal*



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## PREFACE

I HAVE been impressed at times with the peculiarity of the fate of very learned and able friends of mine who, as the reward of exceptional knowledge and skill in the business matters of England and Scotland, are suddenly required to turn a large part of their attention to Indian appeals. What, at first, do they think of them or make of them? What is their approach? So too with learned counsel taken in to lead in a case about a waqf or a debutter. Not many people in this country have any settled notion of what we are doing in India administering law to Indians, nor have means of readily acquiring a well-founded notion of how we come to be doing so or of the principles which we apply. Certain I am that when I went in 1918 to India to engage upon the task, I had the smallest amount of information and no real explanation of many facts of great historical importance. It has occurred to me that a book could be written of some interest and even, if but rarely, of some little help to English lawyers and others forced or induced to embark upon this very special law. This accounts for my having written the present book, and I hope that it will not be without its uses. These, however, will be indirect, occasional and fragmentary, as the book is not really a manual of Indian law. I trust it does not detract from its usefulness that I have desired to press upon the English lawyer the really great work for India of Lord Romilly, Maine and Stephen. That the Indian codes are worthy of a better and more elaborate introduction than this will be obvious, and someone better able than I am will assuredly write it. The chapters on 'Civil Law before the Codes' and on the 'Indian Penal Code' were written originally as part of the series of chapters which is now published, but they have already appeared in the *Law Quarterly Review* of October 1942, and January 1944, respectively. This accounts in the latter case for a certain amount of repetition. It should be explained that the references to Parliamentary Papers are throughout to the House of Commons series.

G. C. R.

EDINBURGH  
12 June 1945