

1861 Indian Councils Act

Dissatisfaction of Presidencies regarding their legal power and they were demanding more participation from presidencies.

The demand of the Indian public for some substantial changes in the Governmental machinery of India.

Disputes between Madras Government and Supreme Court.

Changes in Central Executive
Changes in Central Legislative
Changes relating to Provinces

Changes in Central Executive

The Act enlarged the Executive Council of the Governor General and the Act provided that it shall **consist of five members**, 3+2

Three ordinary members, **one law member** and **one finance member**.

Commander-in-Chief was appointed as **an Extraordinary member of E.C.**

He was also empowered to **appoint a president to preside over** the meeting of the Council **in his absence**.

The Governor General had **power to overrule the majority in the Council** in matters of safety and interests of British possessions in India.

Governor General got complete authority to divide or alter **the limits of any presidency** or territory.

Government of India became **a Cabinet Government** presided over by a Governor General.

First time ***portfolio*** system introduced in India

Changes in Central Legislative Council

For the purposes of making law the Act empowered the **Governor General to enlarge** his Council by adding not less **than 6 and not more than 12 members.**

Not less than **one half** of the members were to be **non-officials.**

There were **45 Indians** nominated as additional **non-official** members from 1862 to 1892.

New Legislative Council was authorized to **make laws** for all people, **Indians, British and foreigners** and **for all the courts of justice** and the public servants within the territories of British India.

The assent of the Governor General was required for every Act passed by the Council, and any such Act would be disallowed by Her Majesty, acting through the Secretary.

The Governor General was also empowered to issue ordinances. independently which were to remain in force for six months unless disallowed by the crown.

Changes relating to Provinces

The Act restored the Legislative powers of the Provincial Legislature of Bombay and Madras.

For the purpose of making Laws **the Executive Council of Governor enlarged** by an addition of 4 to 8 members for a term of two years.

The Provincial councils, **not empowered** to take into consideration any of the law relating to **army, foreign and political affairs, customs, coinage and currency, Penal Code, religion and on communication system** without prior sanction of the governor General.

The local legislature **had no power to control or effect by their Acts**, the jurisdiction or procedure of High Courts.

The Indian Civil Service Act

Indian High Courts Act, 1861

The Indian High Courts Act **reorganized the judicial organization in India** by uniting the **company's Courts and the King's Courts**.

Three Presidency High Courts of Calcutta, Bombay, and Madras were established in the place of old Supreme Court and Sadar Courts