

31st October, 2023 at 9:00 AM

REGULATING ACT OF 1773 (CONTINUES) (09:17 AM)

- For the first time the right of Parliament to regulate EIC's affairs was legally recognised as now EIC came under the **supervision** of the British Parliament.
- However, commercial affairs were still out of supervision and only political affairs were under supervision. (* to respect capitalism) (Capitalism is nothing but democracy in economics)
- GG Bengal to collect info on all matters of EIC affairs and send it to COD (Court of Directors)/ EIC. (* all matters = C,M,R @political affairs and matters @commercial affairs)
- COD/EIC to submit info regarding CMR (Civil, Military and Revenue) affairs to the British state. through Regulating Act of 1773 but set up in 1774
- **Supreme Court was to be set up** in Calcutta with one chief Justice and 3 judges who were to be chosen by the Crown. (*Goal = so British law apply in cases involving Britishers)
- **The jurisdiction of SC was applicable to all cases of Britishers in Bengal Suba and to their Indian servants.**
- **GG Bengal and his council members headed Sadar Diwani Adalat and Sadar Nizamat Adalat- Top Courts on civil and criminal matters in Bengal.**

Measures taken by Br State @corruption

- **Banned taking gifts from Indians.** Cases involving Britishers and their Indian servants were handled by the Supreme Court through British laws, while cases involving normal Indian people were generally handled by the Sadar Adalats through Indian laws. (*it means there is no subordinate in between Sadar Adalats and SC)
- **Tenures-**
- **4 years for directors of COD of EIC and not eligible for re-election by shareholders,**
- **5 years for GG Bengal and also could be reappointed and dismissed in between.**
- **4 years for councillors.**
- **All appointments were done by EIC as all were employees of EIC.**
- **Result**
- **Huge distance Between India and London led to poor supervision.** (it takes 1yr to travel)
- **Centralisation of power in GG began therefore, the journey of central govt begins.** (Journey of central govt. of Br India)
- **Vague wordings of emergency meant that GBO and GMA acted independently in practice.** (For ex: first Anglo-Maratha war started by Governor of Bombay and when GG of Bengal knows about it then he started ToPurandhar in 1776 but this treaty failed and war continues till 1782)
- **Disunity in GG's council and lack of veto power with GG led to a problem of indecision.** (* 1 yes and 3 no
2 yes and 2 no: overuse of casting vote (it creates -ve image of GG that he is not able to make consensus))
- **The conflict between SC and GG's council occurred due to a lack of clarity on jurisdiction.** (* @ those Britishers who were EIC officers and case is @ official work, for ex: firing take place by an officer while he is maintaining LnO and a person dies)

The Supreme Court of Calcutta was restricted to the Bengal Presidency alone, and the Madras and Bombay Presidencies had their own Supreme Courts established later (1800 in Madras and 1823 in Bombay), each with independent jurisdiction over its respective region. Later through High Courts Act of 1861, high courts were established in all the three presidencies. These High Courts combined the powers of the earlier Supreme Courts (which served the British legal framework) and the Sadar Adalats (which dealt with native legal matters), creating a more unified legal system within each presidency. For appeals from Indian courts, the Judicial Committee of the Privy Council in London served as the highest appellate authority for all of British India. The final court of appeal for all Indian cases remained the Privy Council in London. An all-India Supreme Court only came into existence in 1950, after independence, with the establishment of the Supreme Court of India under the Indian Constitution.

(Amendment in Regulating Act of 1773)

AMENDING ACT, 1781/ BENGAL JUDICATURE ACT/ DECLARATORY ACT (10:52 AM)

- will be look by SC. →
- In any case in Calcutta, all cases of Britishers in Bengal Suba and all cases related to EIC property in Fort Williams (except acts done by EIC officials in their official capacity- these cases will go to GG.)

PITTS INDIA ACT, 1784 (11:00 AM) (focus shifted from supervision to control)

- British state lost 13 colonies in North America (NA) in 1783. Therefore, there was fear of EIC declaring independence, like colonies in NA. Therefore, the focus was on **control from supervision.** (*British = EIC, Br State) (this shows Br State took soft step by not clearly saying that British India is of Br State) [@British State]
- For the first time, the phrase '**British territorial possessions in India**' was used, but issue of sovereignty was still not decided clearly. (i.e. British India of EIC or of British State as both are British)
- Political affairs of EIC and its administration in India were brought under the supreme control of Parliament by setting up the **Board of Control** in London. (* an organization of Br State like ministry) (BOC)
- Double govt for EIC's affairs in India as now commercial and political affairs of EIC in India were separated and BOC was made top authority in political/ CMR matter while COD/EIC **continued** as the top authority.
- In BOC there were six members- 1 of the secretaries of state (President of BOC), **Chancellor of the Exchequer**, 4 privy council members (top boss for taxpayer's money)
- Role of BOC- → or supervise
- To **superintend**, direct and control all acts, operations and control related to CMR (Govt of British Territorial possession in **East Indies**). → not only India but all territories of Br which were right to Cape of Good Hope.
- COD was to send all incoming and outgoing letters for India to BOC. (1773: only Information 1784: original letter)
- Principal servants** of EIC in India were to be appointed by EIC but only after approval of the crown. → GG, Governors, C-I-C ← i.e. commander and chief
- EIC retained commerce and Patronage (Power of appointing EIC officials other than Principal servants).
- Dual control over GG. BOC could pass binding orders to COD and also to GG. Therefore GG had two bosses (in CMR matters). @ Br State
- GBO and GMA subordinated to GG Bengal in matters of war, peace **and revenue.** (that is how PS1793 in north Madras)
- Responsibilities of GG and Governors were clearly defined to overcome the vagueness created by the word 'emergency circumstances'.
- To resolve the problem of indecision, the GG council's size was reduced to 3 from 4. GG was given a regular and ^{one} casting vote. Therefore even with 1 councillor, GG could get his decision approved. → two votes one → now
- A council of 3 headed by the Governor was also created in Bombay and Madras.
- High war expenditure in the first Anglo-Maratha War 1775-82, the second Anglo-Maratha War- therefore imperial expansion was banned. "Conquest in India was repugnant to wish, policy and honor of this nation" (* 1784-98: no War. exception to rule = Mysore but later Wellesley 1798 convinced Br State for war.)
- Impact -

Possession means act of control, ownership or authority.

Br State gave approval to those people who were loyal to Br State rather EIC.

- Dual control of GG in practice meant no control as GG could play his two masters against each other.
- Still no veto power to GG over his council therefore issue of indecision continued.
- Conflict between GG and **CIC** - the decision of war and peace was with GG but the right to use the Army was with CIC which created friction.

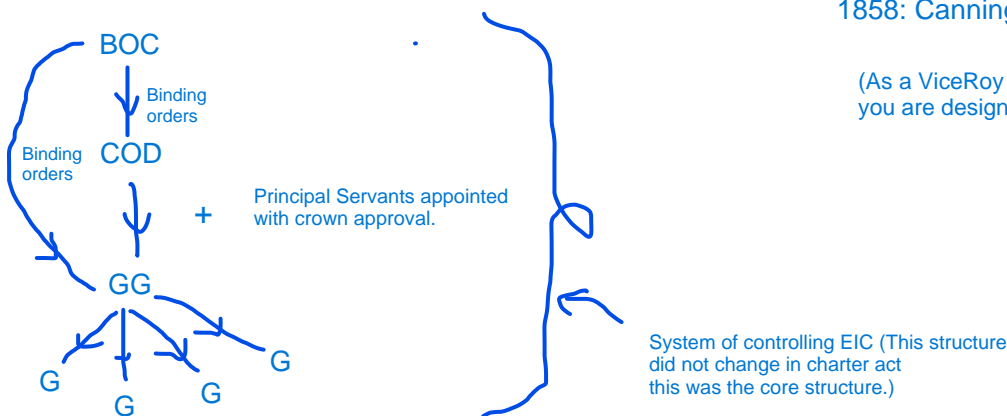
AMENDING ACT 1786 (12:19 PM) (further amendment in Regulating Act of 1773 in line with Pitts India Act 1784) (Cornwallis8693)

- Gave veto power to GG over his council in **extraordinary circumstances.**
- EIC was empowered to appoint the same person to the two posts of GG and CIC. Therefore, **Cornwallis was the first to be both GG and CIC.**
- The above system of controlling EIC continued till 1858 with very little change.

TOPIC OF THE NEXT CLASS- CHARTER ACT OF 1793

(1773: Warren Hastin7385: First GG of Bengal.
1833: Bentick2835: First GG of India.
1858: Canning5662: First GG and Viceroy of India.)

(As a ViceRoy you are representative of crown and as GG you are designing policies)



By 1856 EIC annexed 63% of territory of India and rest were Princely State.

Since in 1793 after 1st Charter act GG of Bengal made head of Revenue matters also (CMR matters) so he ordered to implement PS1793 in Madras also but in 1800 Thomas Munroe convinced COD/EIC for implementing Ryotwari System in Madras but despite of this in some part of north Madras PS1793 was still operating.