

Modern Indian History Class 15

1st November, 2023 at 9:00 AM

CHARTER ACT OF 1793 (09:12 AM)

which is to be followed by Judges and
DCs hence the system of law in court
went under change.

- The hallmark of this act was the concept of **civil law as a code of all regulations for governing Bengal**. was frame.
- These regulations dealt with the Rights of persons and Property and contained rules and directives.
- Courts were now bound to follow these regulations while passing orders. All laws were to be printed in the vernacular so people knew their rights and privileges.

we have seen that after PS1793
lands were started to be traded.

(* notice influence of Cornwallis8693
i.e. his belief in Right to Property of
Zamindar + his anti corruption and
pro rule of law personality.)

• @ British State-

- **Subjects of the Crown** can not acquire sovereign powers over territory on their own but only on behalf of the Crown therefore now the company was to exercise political power only on behalf of the British State and as the agent of the British State.
(/servant)
- **The size of BOC** decreased and now BOC means the President of BOC was one of the Secretaries of State plus two junior members who may not be from the privy council. Therefore, the power of the President of BOC increased (Junior won't oppose).
- The salary of BOC was to be given by EIC. (* later link drain theory)

• @ Powers of GG

over council and

- GG's power over GBO and GMA increased further.
- Renewed Charter for 20 years.

he also introduced Cornwallis Code in 1793 which restructured administrative, judicial, and police systems in India., he also believed in clear separation of power between revenue administration and judicial functions, Cornwallis promoted appointments based on merit rather than favoritism, His reforms led to the establishment of courts at different levels, including district courts, provincial courts, and Sadar Adalats (higher courts).

CHARTER ACT 1813 (09:55 AM) (Politically important charter)

- Renewed Charter for 20 years.


Hallmark is **Westernisation of India** began. (Missionaries started coming India, Western education started, Westernisation of India economy started etc.)

* Background

• 1. Ideology-

- The greatness of **ancient Indian civilisation was called a myth** and hence **evangelist Charles Grant** in COD, liberals and utilitarianists- argued for westernising India to fulfil White man's burden.

Charles Grant (1746–1823) was a British politician, director of the East India Company, and a devout evangelical Christian.

- The Industrial Revolution (IR) from 1750-1850 led to the rise of machine-based factories and now Britain wanted India as a source of cheap raw materials and an export market for British finished goods. (* Indian people started buying cheap industry's manufactured goods instead of Indian handmade goods) [* colonialism = Raw Material(RM), Export Material(EM)]
- There was high pressure on manufacturers and free traders to end EIC's monopoly over business with India. (i.e. manufacturers and traders of Britain were putting pressure)
- Adam Smith via his work, '**An Enquiry into Nature and Causes of Wealth of Nations**' argued in favour of free market economy and the idea of monopoly therefore came under criticism.
- It was also argued that opening up India to non-EIC businesses would westernise and industrialize the Indian economy via the transfer of technology and FDI. (they are argued like ki wo hamare pe ehsan kr rhe h)
- Undoubted sovereignty ^{over} ~~under~~ Indian territorial possessions. _{of crown}
- Monopoly over trade with India ended. EIC retained a monopoly over trade with China plus the tea and opium trade. (* post IR, a merchant having monopoly was not in colonial interest of Britain.)
- **Cultural colonialism-** The goal of British Rule was defined as the moral and spiritual development of India.
- Therefore, there was a push for Western education, social reforms and Christianity.
- **EIC to spend 1 lakh rupees per annum** on education for Indians. There originated a debate over the syllabus and medium of education. (* debate settled in favor of western education by 1835 and in english language.)
- Entry of Christian Missionaries was legalised and they could not enter India by taking a License from COD of EIC or from BOC.
-  The shift away from Orientalism contributed to the 1857 revolt. (* i.e. Indian people wanted political and religious independence)

Therefore Charter 1813 and

where ships can be refueled and can be repaired

CHARTER ACT 1833/ ST HELENA ACT (10:52 PM)

- The Island of St Helena (A port of call) was taken over by British EIC (for refuelling and repair of ships and to project Naval power. + one of the remotest places and Napoleon died here in 1821) @ Br State
 - **EIC lost its monopoly over the tea and opium trade with China.** Commercial affairs of EIC were ended. Therefore now EIC had only political functions and that also on behalf of the Crown. (* dual govt. in Bengal was from 1765 to 1772 and at the level of India it was from 1784 to 1813)
 - BOC's supervisory powers extended to all administrative affairs in India. (* until now over CMR matters but now not just policy and laws but implementation of laws and officers/admin also under supervision. ex: 2023 court case over admin control of Delhi officers.)
 - **President of BOC in 1833 was renamed as minister for Indian affairs.**
 - @ **Powers of GG-(imp.)** (* therefore BOC was like a ministry)
- As territory with EIC expanded + as from 1813
- A high number of Britishers entered India therefore a need was felt for uniform laws and administration in the whole of British India. (* one nation one law one executive/admin usually good governance feature. Ex: Napoleonic court 1804 celebrated today also)
 - Therefore **GG Bengal was elevated to GG India** with **direct control** over all of British India's CMR matters. (* president of BOC and COD also has this control but as superbose and bose respectively and GG of India as chief secretary.)
 - **GGI-in-council now to be the executive and legislative head of British India** i.e. empowered to make and administer laws for the whole of British India.
 - These laws were to be equally applicable to Indians and Britishers in India i.e. racial equality was promised. (But special privileges continued for the British.)
 - The **legislative powers of GBO and GMA were taken away.** (* imagine central list has all subjects and zero subject in State list.)
 - Therefore centralisation of power in the centre began in 1773 and peaked in 1833. (Decentralization from centre to provinces began in 1861 and peaked in 1935.)
 - **One law/legal member (Thomas Macaulay) was added to GGI's council.** Therefore, a **grain** of separation of power between executive and legislative functions within GGI's **council** was introduced. (* later we will see in 1861 a clear SOP with two bodies one is executive and one is legislative but still GG was head of both)
 - **A law commission was to be set up under Macaulay for the codification of laws.** (* i.e. west like laws)
 - This was completed by 1837 but deliberation and updating continued and full implementation post 1857 via Civil Procedure Code 1859, Indian Penal Code 1860, Criminal Procedure Code 1861. (* IPC: tells what is the punishment for a crime. CPC and CrPC: tells what is the procedure from catching accused to giving him punishment.)
 - Racial equality was promised as Charter 1833 declared that no person was to be deprived of a chance to enter into service of EIC on the grounds of religion, colour, birth and colour.
 - **Bentinck** was already encouraging recruiting Indians in higher judiciary.
 - Now judicial possessions and lower civil services i.e. **uncovenanted CS.** opened for Indians.

Uncovenanted means group B services like SSC and State PSC.
Covenanted means group A services like UPSC.

Codification of laws refers to the process of collecting, organizing, and systematically arranging laws into a written and structured code or set of statutes. Codification aims to clarify the law, make it easier to understand, and ensure consistency in its application.

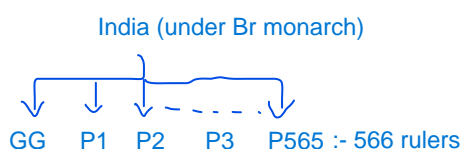
CHARTER ACT 1853 (12:04 PM)

@ Br State

- The charter was not renewed for 20 years but only till Parliament ^{specifies} ~~specified~~ otherwise therefore now a sword was hanging on the neck of EIC.
- EIC lost patronage i.e. the power to appoint officials as per its wish as the CS exam was introduced (Held for the first time in 1855 in London).
- Therefore from now on EIC rarely controlled policies in India.
(i.e. group A)
- **Covenanted CS** was now open to Indians as the CS exam could be given by Indians. (kyu ki London jana pdega)
- Separation of powers was introduced ^{within} with the GGI council as six more legal members were added.
- Size- 10 members (3 executive members plus 7 legal members)

ACT FOR BETTER GOVERNMENT OF 1858 (12:18 PM) / Government of India Act 1858

- **Background** (* earlier also sovereignty was with Br State but they were absent and ruling through agent that is EIC now people demanded for direct ruling.)
- EIC was blamed for mismanagement. of Indian political affair and 1857 revolt.
- British Public demanded the end of EIC rule i.e. replacing absentee sovereignty with the direct rule of British state.
- Free traders i.e. non EIC traders wanted direct rule and complaint that EIC not taking care of their interest.
- The Western-educated middle class of India wanted direct British rule for greater accountability of Govt. They believed that India would modernize with the direct rule of the British state. (* less hope of good governance from a company)
- @ Br State (* Democracy and IR in Britain came under Br State and not any company)
- EIC rule was ended and rule of the British state began in British India.
- The policy of the Subordinate Union towards Indian rulers began.
- The sovereignty of the Whole of India was now with the crown and **Jafar** ^(Bahadur Shah Jafar 3757) was pensioned off to Burma. Therefore legally Mughal empire ended and Indian states were made part of the British empire. as 565 princely states with relationship of paramountcy with Br monarch.
- Via the **Royal Titles Act 1876**, Queen Victoria was empowered to take the title of Kaiser-i-Hind (Empress of India).
- In 1877, **Lytton** organised the imperial/Delhi Durbar where Queen Victoria was Coronated as Kaiser-i-Hind (was using this title informally since 1858)
- However **administratively, more continuation than change-** (* i.e. private people got govt. job)
(secretary of state)
- The President of BOC was replaced by **SOS** for India who was to be the main authority and in charge of Policy on India.
- BOC 1784 was replaced by the Council of India, headed by SOS for India and having 15 members. **Seven members of the COD of EIC were absorbed into it.** (bz they have experience of governance in India.)
- Dual control of GG ended as viceroy and GG- now he had only one boss i.e. SOS for India as GG he was governor/ ruler of British India and as viceroy, he represented the crown. (ex: for talking to 565 PS on behalf of monarch.)
- No change in the powers of GGI as viceroy.



GG was same in power as prince in princely state when he was acting as ruler on Br India but when Br Monarch wants to convey message to Princely States then GG will act as Viceroy i.e. representative of Br Monarch.

Robert Bulwer-Lytton, commonly known as Lord Lytton (1831–1891), was a British diplomat, poet, and politician who served as the Viceroy of India from 1876 to 1880. His tenure as Viceroy is often remembered for its controversial policies and events that had significant impacts on India during British rule.

- ⁵⁶⁶² **Canning** was the first viceroy. The same CS exam of 1853 continued and was held only in London as earlier but now it was to be conducted by the government and training to be given by the government. Therefore **Haileybury College** was discarded.
(i.e. ex LBSNAA)

TOPIC OF THE NEXT CLASS- RESPONSIBILITY FOR EIC CONQUEST & EIC ADMINISTRATION