

# Polity Charter Act

## REGULATING ACT, 1773

- The Act passed by the British parliament, sought to control and regulates the affairs of the British East India Company both in England and India.
- Why the Act Was Passed The dual system of government in Bengal (government jointly by the Company and the Nawab of Bengal) called for remedial action.

The ruling circles felt that the administrative setup of the Company in England was unsatisfactory.

- They feared that corrupt retired servants of the Company would corrupt public life in England. The Company was on the verge of bankruptcy owing to the following factors:
  - (a) The Court of Proprietors had raised the dividend from 6 per cent to 12 percent, which drained the Company's resources.
  - (b) The British Government required the Company to pay it 400,000 pounds per annum from 1767 to 1772.
  - (c) The famine in Bengal and wars in South India left the Company's treasury empty.

The Company's monopoly of trade with East India was extended for 20 years.

The Court of Directors, comprising 24 members, was to be elected for four years, with one-fourth members retiring every year.

The Company was required to submit copies of all correspondence received from India to the British government

A Governor-General and council of four members were appointed for Bengal.

The Governments of Bombay and Madras Presidencies were subordinated to the Bengal Government in matters of making treaties or declaring war.

Establishment of a Supreme Court at Calcutta was provided for.

The Company's servants were forbidden from accepting bribes or doing private trade.

## Importance of the Act

- 1. It marked the beginning of British parliamentary intervention in Indian affairs.
- 2. The East India Company was recognized as a commercial-cum-political body.
- 3. The Act opened new channels for Britain's imperial ambitions in India.

Defects in the Act A number of defects in the Act led to many complications. Among these defects were:

- 1. The Act was a half measure. It left many points vague.
- 2. A conflict in the Governor-General's Council caused administrative dead-lock between 1774 and 1776.
- 3. The Supreme Court's jurisdiction was obscure. Left unclear was
  - (a) the law coming under its purview,
  - (b) the court's jurisdiction over revenue and judicial officers of the Company and
  - (c) the court's relations with the Governor-General's Council.
- 4. The Bengal Government's control over subordinate presidencies was in practice ineffective.
- 5. The Act failed to improve the functioning of the Company in England.

# PITT'S INDIA ACT, 1784 WHY THE ACT WAS PASSED

- 1. The administrative system set up by the Regulating Act (1773) was not functioning well.
- 2. The Presidency Government at Madras was inefficient.
- 3. The Company's financial position had deteriorated.
- 4. The Company had suffered reverses during the Carnatic war.

## Major provisions

- 1. In England, the Board of Control consisting of six parliamentary commissions was appointed to control civil, military and revenue affairs of India.
- 2. The Court of Directors had to comply with all orders and directions of the Board.
- 3. The Court of Proprietors lost power to change or revise resolutions of the Court of Directors, but retained the right to appoint Governor-General, Governors, Commander-in-Chief and members of the Councils in India.
- 4. The strength of the Governor-General's Council in Bengal was reduced from four to three members.
- 5. The control of the Governor-General in Council over the Presidencies of Bombay and Madras was enlarged and made effective.

## CHARTER ACT OF 1853

- A demand was made in England for ending dual government in managing the Company's affairs at home. The Madras and Bombay Governments demanded ***www.rajasacademy.com Page 16 of 363 Call: 7087790002***
- representation in the Central legislative body. Indians demanded the separation of executive and legislative functions. Inquiries into the working of the Indian administration called for some changes.

### Provisions of the Act

- 1. The Company's Charter continued, but indefinitely.
- 2. The number of Directors was reduced from 24 to 18, with six Crown nominees.
- 3. The Legislative Council was to consist of 12 members. These were, Governor-General, Commander-in-Chief, four ordinary members of the Governor-General's Council, the Chief Justice of Bengal, another judge, plus a representative each from Bengal, Madras, Bombay and the North-Western Provinces.
- 4. A Law Commission was to be appointed in England to examine the report of the Indian Law Commission.
- 5. ICS officers were to be appointed through competitive examination.

Impact of the Act. The Company received the final notice to be ready to quit. Parliament's control over the Indian administration increased. A Legislative Council with local representation commenced.

# GOVERNMENT OF INDIA ACT, 1858

- **Why the Act Was Passed**

- 1. The revolt of 1857 discredited the Company' administration in India.
- 2. Both the Whig and Tory politicians desired formal and complete transfer of Indian administration from the Company to the Crown.
- 3. The 'dual system' of government at home was dubbed as 'divided responsibility, concealed responsibility and no responsibility'.
- 4. The system of checks and balances was hindering the functioning of the home Government.



# Provisions

- 1. The Crown took over formal, direct and legal control of Indian administration.
- 2. The Crown took over the entire property of the Company.
- 3. The Court of Directors and the Board of Control were abolished.
- 4. A Secretary of State who was a member of the British Cabinet was to superintend, direct and control Indian affairs. He was to be responsible to the British Parliament.
- 5. The Governor-General was given the additional title of Viceroy.
- 6. Patronage in important appointments for India was divided among the Crown, the Secretary of State and the Governor-General.
- 7. ICS officers were to be recruited through competitive examination held in London.
- 8. All naval and military forces of the Company were transferred to the Crown service on the same service conditions.
- 9. Every year the Secretary of State was required to present to the British Parliament a report on the moral and material progress of India.

# INDIAN COUNCILS ACT, 1892

- This was merely a revised and enlarged edition of the Indian Councils Act of 1861.

## Why the Act Was Passed

- The Act of 1861 did not satisfy Indian aspirations for a share in the administration. One of the first demands of the Indian National Congress, founded in 1885, was for the expansion of Legislative Councils and more representation for Indians. The European business community in India favoured an expansion of Legislative Councils and its own representation in it.

# Provisions of the Act

- The Act enhanced the powers of both the Governor-General's Council and the Provincial Legislative Councils.
- 1. For legislative work, the number of 'additional' members to the Governor-General's Executive was increased to between 10 and 16. The strength of non-official members was to be two-fifths of the total members.
- 2. A veiled system of election of 'additional' members was introduced.
- 3. Non-official members of each Provincial Legislative Council were to 'elect' one member to the Central Legislative Council.
- 4. Increase in the size of Provincial Legislatures was allowed. Also, the Provincial Legislatures, with previous sanction of the Governor-General, could alter Central acts affecting the Provinces.
- 5. Members of the Legislative Council could now ask questions and discuss the annual budget.

# THE INDIAN COUNCIL ACT- 1909 (MINTO- MORELY REFORMS)

- The British Parliament extended another set of constitutional reforms in the form of the Indian council Act of 1909 which popularly came to be called as Minto-Morley reforms after the names of then Governor General and Secretary of state of India respectively. This Act carried some of the following features:
- Firstly, the Act introduced for the first time an element of election to fill in both the central legislative council as well as Provincial Legislative Councils. In this sense, this Act made the very first attempt at introducing a representative and popular element insofar as the constitution of legislative bodies was concerned. Moreover, the size of these councils was also considerably increased. Significantly the reforms at the level of Provincial Legislative councils were more substantial than at the central level. This was done by increasing the proportion of non-officials as against the officials at the provincial level so that the official majority is gone at the provincial level. Although election was also introduced at the central level but the proportion of officials was kept more than the non-officials here.
- Secondly, the number of additional members in the Governor General's executive council was also increased from 16 to 60. At the same time, the powers of the legislative councils at both the levels were also enlarged by empowering them to discuss any matter, raise questions including supplementary etc. The councils could also discuss the annual financial statement (budget) besides a right of moving resolutions thereon although without voting power.

# THE GOVERNMENT OF INDIA ACT-1919 (MONTAGUE-CHELMSFORD RE-FORMS):

- 1) Introduction of Diarchy at the Provincial level: Under this system, the subjects were classified into two categories came to be called as centre subjects and provincial subjects,. The centre subjects that were of national importance were placed in the hands of governor general who was to administer them with the help of his own executive council which was purely dominated by officials. Hence in this regard the governor General was not responsible to anyone. This was meant that there was no intention on the part of Britishers to introduce a Parliamentary system at Central level. However, the subjects that were of Local importance were given to the provinces through devolution of powers under the devolution rules made under the Act. A kind of responsible system of Government was thus sought to be created at the provincial level where the proportion of non-officials was also now far more than that of the officials. However, at the provincial level under this diarchy, the subjects were further. Classified into reserved and transferred categories. The reserved subjects were placed under the charge of governor or LG who was to administer them with the help of his executive council and was not made accountable to anyone in this regard while administering such reserved subjects. On the other hand, the transferred subjects were assigned to elected ministers for which they were made accountable to the provincial legislatures. In this sense a kind of limited Parliamentary system was sought to be implemented at least, in the transferred area apparently to satisfy the Indian demands.

## Relaxation of central control over the Provinces As the provinces before the introduction of the 1919 Act used to be completely under the control of the

- Central Government in a highly rigid unitary system. However, the Act of 1919 sought to relax this central control over the provinces to some extent. This was done by dividing the subjects into two categories which came to be called as central subjects and provincial subjects so that a kind of administrative experience could be inculcated in the provinces and at least to satisfy the demand of India nationalists in the art of self rule. This way the provinces were given some subjects of local significance so that they could make their own policies and laws in these subjects. Moreover for the first time the provinces were given the right to present their own budget and also to levy taxes so that they could raise their own revenue or resources to be required for running the provincial administration. Nevertheless, this relaxed central control over the provinces was not to be mistaken for a federal distribution of powers because, the provinces had derived all their powers from the Central government merely by way of delegation rather than independent and autonomous powers.

This was achieved with the help of devolution rules made under the GOI Act, 1919.

- 1. A bicameral and expanded central legislature This was third important feature of 1919 Act as it not only expanded the size of the Central legislature especially by increasing the number of non-officials over the officials but it was made bicameral for the first time consisting of 2 houses which came to be known as legislative assembly and council of States. Thus, this expanded legislatures' lower house came to have a membership of 144 members out of which 104 were elected i.e. non – officials and the rest were nominated. Among these nominated members, around 26 were officials. Similarly the strength of Upper House (council of state) was kept at 60 members out of whom 34 were elected. The powers of both the houses were equal except that the power to veto a bill was given exclusively to the lower house. Moreover, in respect of financial bills, both the houses had equal powers. Although the election to legislative councils was on a limited franchise perpetuating the vice of communal electorate further, yet the Act of 1919 did introduce some progressive reforms in the direction of Parliamentary democracy in the country.

## GOVERNMENT OF INDIA ACT, 1935:

- In February 1935, the Secretary of State introduced a bill in the British Parliament for political reforms in India. The result was the Government of India Act, 1935, which drew upon a variety of sources such as: (a) the Simon Commission report,
- (b) the Nehru Report,
- (c) deliberations in round table conferences,
- (d) a White Paper introduced parliament,
- (e) report of the Joint Select Committee and
- (f) the Lothian report over franchise.