

Constitutional Development – East India Company Rule (1773 – 1857)

Regulating Act of 1773

1. The process of Centralization in India was initiated through the Regulating Act of 1773.
2. This is the **first Act passed by the British Parliament to control and regulate the affairs of the East India Company in India.**
3. As per this Act, the **Governor of Bengal was made the Governor-General.**
4. **Warren Hastings was the first Governor-General of India.**
5. This Act made Governors of Bombay and Madras subordinate to the Governor of Bengal.
6. The Governor-General was given the power to make rules and regulations.
7. The **Governor-General was assisted by a Council of 4 members.**
8. The number **of Directors in the Company was fixed at 4.**
9. The Governor-General had to follow the orders of the Directors of the Company.
10. Revenue of the company should be reported by The Court of Directors, who were the governing body of the company
11. **A Supreme Court was established at Calcutta in 1774**, as per the provisions of [Regulating Act 1773.](#)
12. **The Supreme Court had a Chief Justice and 3 Assistant Judges.**

Pitts India Act of 1784

In the Constitutional history of India, this Act brought in many significant changes.

1. As per this Act of 1784, **the territories of East India Company was called as the “British Possessions in India”**
2. As per this Act, a joint Government of British India run by the Crown and Company was established. The government had the ultimate power and authority.
3. **A Court of Directors was formed for Commercial Operations and 6 member Board of Control were appointed for Political affairs** as per provisions of [Pitts India Act 1784](#).
4. **Governor General's Council was reduced from 4 members to 3 members.**
5. Governors Councils were established in Bombay and Madras.

the Charter Act of 1813

1. This Act asserted the Crown's sovereignty over British possessions in India.
2. The company's rule was extended to another 20 years. **Their trade monopoly was ended except for the trade in tea, opium, and with China.**
3. It empowered the local governments to tax people subject to the jurisdiction of the Supreme Court.
4. The company's dividend was fixed at 10.5%.
5. The Act gave more powers for the courts in India over European British subjects.
6. Another important feature of **this act was to grant permission to the missionaries to come to India and engage in religious proselytization.** The missionaries were successful in getting the appointment of a Bishop for British India with his headquarters at Calcutta in the provisions of the Act.
7. The act provided for a **financial grant towards the revival of Indian literature and the promotion of science.**
8. The company was also to take up a greater role **in the education of the Indians under them. It was to set aside Rs.1 Lakh for this purpose.**

Charter Act of 1833

- 1. Governor-General of Bengal became the Governor-General of India.**
- 2. Lord William Bentick was the 1st Governor-General of India.**
- 3. East India Company ended as a mere administrative body,** it was no longer a commercial body.
- 4. The Governor-General was given full control over revenue, civil and military.**
- 5. Charter Act of 1833 was the final step in the Process of Centralization in India, a process that began with the Regulating Act of 1773.**
- 6. The act attempted to introduce a system of open competition for selection in Civil Services.**
- 7. It stated that Indians should not be debarred from holding any place, office and employment under the company.**
- 8. The Indian Law Commission was established in 1833 and Lord Macaulay was made its first chairman. It aimed to codify all kinds of law in India.**

Charter Act, 1853:

- 1. Company's Trade Situation:** The Company was to continue possession of territories unless the Parliament provided otherwise
- 2. Fourth Ordinary Member:** The **law member became the full member** of the governor-general's executive council.
- 3. Indian Legislative Council:** **Local representation** was introduced in the Indian legislature. This legislative wing came to be known as the **Indian Legislative Council**.
- 4. It introduced an open competition system of selection and recruitment of civil servants.**
- 5. The covenanted civil service was thus thrown open to the Indians also.**
Accordingly, the Macaulay Committee (the Committee on the Indian Civil Service) was appointed in 1854.



1858 GOI - Act

- ✓ * Crown Rule Strated
- ✓ * Governor General \rightleftharpoons VICEROY
- ✓ * Secretary of State
- * EIC = Liberal

Indian Councils Act, 1861

1. The portfolio system introduced by Lord Canning laid the foundations of cabinet government in India,
2. Viceroy nominated some Indians as non-official members of his expanded council
 - Lord Canning nominated- Raja of Benaras, the maharaja of Patiala and Sir Dinkar Rao
3. Restored legislative making powers of Bombay and Madras
4. new Legislative councils for Bengal, North-Western Frontier Province and Punjab
5. Ordinances could be issued by the Viceroy without the concurrence of the council during an emergency. However, the life of such an ordinance was six months.

123

President of India
can issue

ORDINANCE

Temporary law

Parliament

Raj Sabha

Lok Sabha

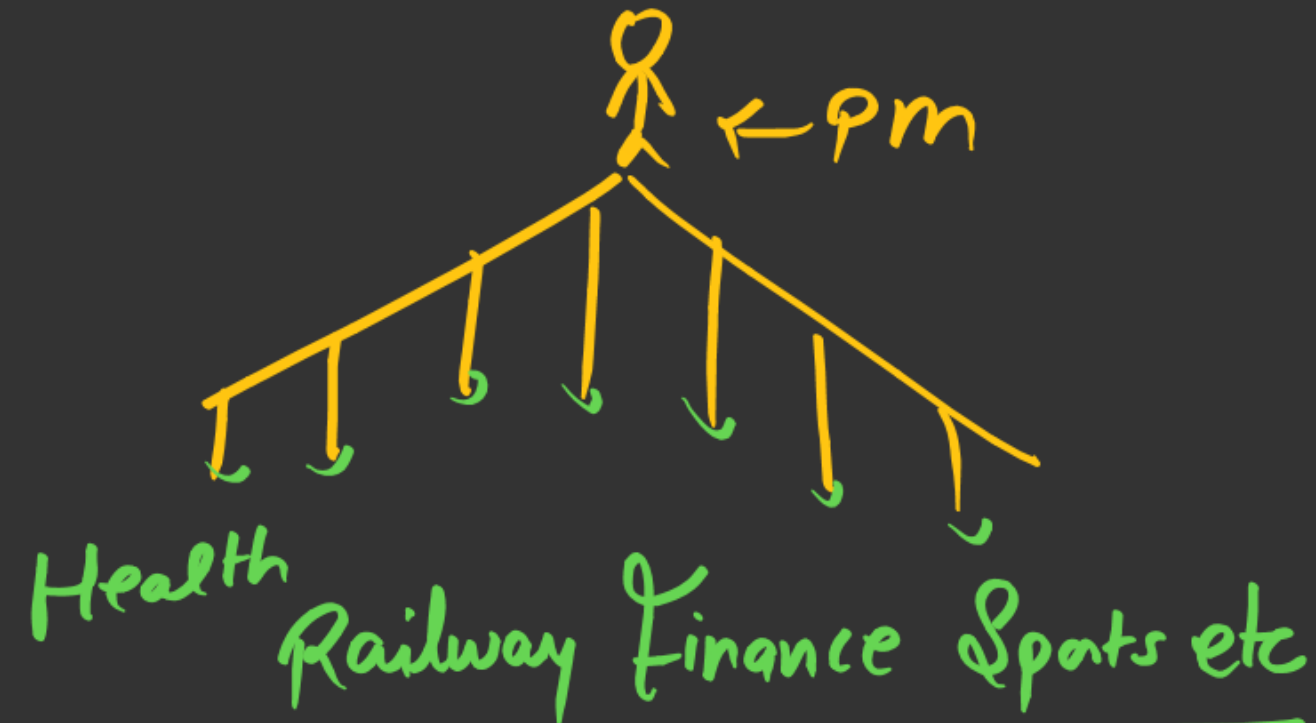
meetings

Feb-may July-Sept Nov to Dec

1

1

Portfolio



Indian Councils Act 1892:

1. The Indian Councils Act 1892 was an Act of British Parliament that introduced various amendments to the **composition and function of legislative councils in British India**. Most notably, the act **expanded the number of members in the central and provincial councils**.

- Main provisions of the Act:

1. Increased non-official members in the council

1. Bombay – 8
2. Madras – 20
3. Bengal – 20
4. North-Western province -15
5. Oudh – 15
6. Central Legislative Council minimum – 10, maximum 16

• Members could **now debate the budget without having the ability to vote** on it also **barred from asking follow-up questions**.

• The **Governor-General in Council** was given the **authority** to set rules for **member nomination**, subject to the approval of the Secretary of State for India.

• Made a **limited and indirect provision** for the use of election in filling up **non-official seats** both in central and provincial councils

• **Nomination for non-official members to central legislative council** (Bengal chamber of commerce, governors for provincial legislative council based on **recommendation** of **district boards, municipalities, universities, trade associations, zamindars and chambers**)

INC = 1885

Morley-Minto reforms, 1909

1. The legislative councils at the Centre and the provinces increased in size
2. It introduced **non-official majority** at the provincial legislature level
3. It enlarged the **deliberative functions of the legislative councils** at both the levels
4. It provided for the **first time for Indians to be associated with the executive council**. **SP Sinha** became the law member in Viceroy's executive council
5. **System of communal representation** was introduced for **Muslims**
6. Separate representations were provided for presidency corporations, chambers of commerce, universities and Zamindars

Government of India Act of 1919

1927

1922 + Allahabad

1. **Dyarchy**: provincial subjects were divided into- transferred list and reserved list. Reserved lists were administered by the governor and his executive council that were not answerable to the legislature whereas transferred lists were administered by governor on the advice of the ministers responsible to the council. X
2. **Bicameralism** and **direct elections** were introduced for the first time
3. The act mandated that the three of the six members of the Viceroy's executive council were to be Indian
4. **Principle of separate electorates** was extended to Sikhs, Indian Christians, Anglo-Indians and Europeans
5. **High commissioner of India** position created.
6. Provincial budgets was separated for the first time from central budget
7. **Central public service commission** was established ← 1926
8. **Statutory commission** to analyze the impact of this act after 10 years

Act NITI AYOG ← Union Govt

→ CBI - ← Parliament

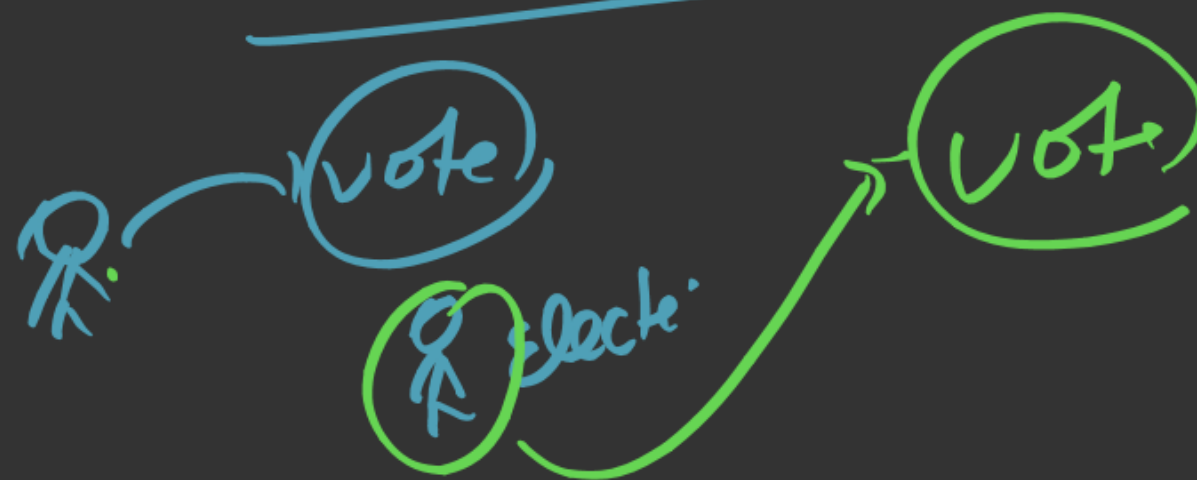
Finance Commission ← Constitution



Direct \Rightarrow pm
9n direct \Rightarrow President

✓ (LS)

Bi-cameral
Uni-cameral



list = 1
list = 2

Dyarch = Dual Rule

Union/Centre

State Govt



Parliament

Uttarpradesh (U)

Government of India Act of 1935

1. It provided for the establishment of an All India federation consisting of provinces and princely states as units.
2. It divided the powers between the centre and units in terms of three lists- Federal list, provincial list and the concurrent list. Residuary powers were given to the Viceroy. However, this federation never fructified since princely states did not join it.
3. It abolished dyarchy in the provinces and introduced provincial autonomy in its place ✓
4. The act introduced responsible government in provinces, that is, the governor was required to act with the advice of ministers responsible to the provincial legislature
5. It provided for the adoption of dyarchy at the centre. However, this provision did not come into effect at all ✗
6. Bicameralism was introduced in six provinces- Bengal, Bombay Madras, Bihar, Assam and the United Provinces
7. Separate electorates was further extended to depressed classes, women and labour
8. Council of India which was established as per the 1858 act was abolished. The secretary of state was instead provided with a team of advisors. ✗
9. The act provided for setting up- Federal public service commission, provincial public service commission, joint public service commission, federal court, Reserve Bank of India



Federation

LD India ✓

FCT
g. PSC
RBI

← Federation

