



Intense Revision Notes by civils360

Module #3

Acts of British Era

PT Revision Notes Acts of British Era

- **Regulating Act 1773**

- Started central administration in India
- The limit for being a member of court of proprietors was raised from £500 to £1000 share value which made court of proprietors compact.
- Governor of Bengal was made Governor General of Bengal with Madras and Bombay presidencies subordinate to him.
- Company servants were prohibited from private trade and accepting presents and bribes from public
- A four membered executive council, Governor General in Council (Council of 4) to assist Governor general with 3 members from Board of Directors and 1 Commander in Chief
- Supreme Court established at fort William and a Chief Justice along with 3 judges from England appointed Court of Directors to report civil, revenue, and military affairs to British government
- Recognized political and administrative function of the company

- **Act of settlement 1781**

- Also called amending act of 1781
- To rectify defects of regulating act 1773
- Curtailed SC's right to action in revenue collection

- **Pitt's India Act 1784**

- Named after British premier William Pitt
- Also meant to address the short comings of 1773 Act
- Indian affairs of East India company was brought under the direct control of British Government
- 6 membered body called Board of Control above court of directors President - Chief official in London responsible for Indian affairs Chancellor of the Exchequer 4 Privy councillors
- Established system of Dual Government with Board of Control handling political affairs, civil and military operations, and revenue of British possessions in India (Company's territories in India were called British possessions in India for the first time) and 'Court of Directors' handling commercial activities

- **Amending Act 1786**

- Cornwallis was made GG

- Addressed the problem between Governor general and executive council - C in C brought under GG
- **Charter Act 1793**
 - Renewed Charter Act for another 20 years
 - GG's power was increased over subordinate presidencies
- **Charter Act 1813**
 - Renewed Charter Act for another 20 years
 - Expressly asserted crown's sovereignty over British India
 - Rs 1 lakh to promote education
 - Christian missionaries permitted in India
 - Separate account for company's territorial and commercial revenues
 - Commercial monopoly of company ended except for tea and China
- **Charter Act 1833**
 - GG of Bengal was made GG of India and vested in him civil and military powers (William Bentinck)
 - Legislative powers were vested with GG and abolished legislative powers of Madras and Bombay
 - Laws under previous acts were called regulations now ACTS
 - Commercial activities of company was ended which became an administrative which kept Indian territory under company 'in trust for his majesty, his heirs and successors
 - Attempted introduction of Indian Civil Service with open competition for selection and affirmed Indians should not be barred but this was negated by opposition from court of directors
 - GG's council was added with 4th member for legislative purposes and Lord Macaulay constituted the law commission and the central legislative council was formed
- **Charter Act 1853**
 - Higher posts in administration thrown open to competitive examination; Macaulay committee 1854 was formed to enforce this
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 - Law member was made the full member of GG's Exe. Council, who from there on, carried out only executive functions after separation of legislative functions
 - Company's rule was extended without specifying the time period of extension, which indicated the termination at any time

- BOD reduced from 24 to 18, 6 nominated.
- **Government of India Act 1858**
 - "Act for the good government of India"
 - Abolished East India Company and transferred the powers of governor, territories and revenues to the British Crown
 - Abolished double government by abolishing Board Of Directors and Court of Proprietors
 - GG of India was made Viceroy of India (Lord Canning)
 - Secretary of State for India vested with complete authority and control over Indian administration, responsible ultimately to British Parliament
 - 15 member 'council of India' to assist S.O.S, an advisory body chaired by SOS.
 - Constituted 'SOS in council' with a power to sue and be sued in India as well as England
- **Councils Act 1861**
 - Reversed the centralisation - Madras and Bombay restored with legislative powers
 - New legislative councils for Bengal (1862), North Western Frontier (1866), Punjab (1897)
 - Viceroy empowered to make rules and orders for the convenient transaction of business
 - Recognised portfolio system introduced by Canning in 1858 Authorised Viceroy to issue ordinances and even without approval
 - Authorised Viceroy to issue ordinances and even without approval of Legislative council during emergencies
 - Viceroy could nominate Indians to law making process, by nominating Indians as nonofficial members
 - Canning in 1862 nominated
 - Raja of Benaras
 - Maharaja of Patiala
 - Sir Dinkar Rao
- **Councils Act 1892**
 - dealt exclusively with powers, functions and composition of legislative council
 - Increased the number of additional members in central and provincial legislative council with official majority
 - Legislative council permitted to discuss budget and address questions to executive
 - Authorised Viceroy to nominate non officials to central legislative council as per recommendations of provincial legislative councils and Bengal Chamber of commerce

- Governor to nominate non officials to provincial legislative councils on recommendations of
 - District Boards
 - Municipalities
 - Universities
 - Trade Associations
 - Zamindars
 - chambers

- **Councils Act 1909 (Morley-Minto Reforms)**
 - Size of legislative councils at centre and provinces refixed
 - Centre - raised 16 to 60
 - Major province - 50
 - Minor Province - 30
 - Additional seats are both elected and nominated
 - Functional representation was followed
 - Retained official majority at centre but allowed non official majority at province
 - Allowed Indians in executive council
 - Satyendra Prasad Sinha first Indian Law member
 - Deliberative functions of legislative council enlarged; Permitted
 - Supplementary questions
 - Resolutions
 - communal electorate for Muslims, thus legalised communalism
 - Father of communal electorate' Lord Minto
 - No. of executive councillors in 3 major presidencies, Bombay, Madras and Bengal increased
 - Separate representation for presidency corporations, chamber of commerce, universities and zamindars

- **Government of India Act 1919 (Montagu - Chelmsford Reforms)**
 - Separated Central and Provincial subjects & respective legislatures were authorised to make laws on their respective subjects
 - Diarchy at province; Provincial subjects were further divided into transferred subjects and reserved subjects
 - Transferred subjects were to be administered by governors with the aid of ministers responsible to leg
 - Reserved subjects were to be administered by governor with his executive council without responsibility to legislature
 - Bicameralism introduced at centre
 - Council of states: Upper house

- Legislative Assembly: Lower house
 - Majority of members are directly elected
 - Franchise granted according to property, tax or education i.e. to a limited number of people
 - Number of Indian members in the 6 member executive council of Viceroy became 3 other than CIC
 - Communal representation extended to Sikhs, Indian Christians, Anglo-Indians, and Europeans
 - Provided a new office of High Commissioner of India in London and transferred some of the functions of SOS to him; SOS to be paid salary out of British revenue
 - Central and Provincial budgets separated & provincial legislatures given power to enact their budgets
 - Provided for the establishment of PSC (1926, for recruitment of civil servants)
 - Statutory commission to be appointed after 10 years to report on the working
 - For the purpose of 'responsible government'
- **Simon Commission 1927**
 - On recommendations of GOI Act 1919
 - 7 membered committee with John Simon as Chairman
 - "Indian Statutory Commission"
 - Clement Atlee was one among the 7 members
 - Recommendations
 - Abolition of Diarchy
 - Representative responsible government in provinces
 - Federation of British India and Princely states
 - Separate electorate to be retained only until tensions persist between Hindus and Muslims
 - 3 RTC held to consider the proposals with representation of British government, British India and Princely States
 - 'White paper on constitutional reforms' were submitted for consideration of 'joint select committee' of British Parliament
- **Communal Award 1932**
 - August 1932, British PM Ramsay McDonald announced communal representation for minorities which extended to depressed Hindu Classes called "Communal Award" Gandhi took fast unto death and reached agreement with depressed classes - Poona Pact
 - Retained Hindu joint electorate and gave reserved seats for the depressed classes
- **Government of India Act 1935**

- W.R.T Federation
 - Establishment of an Indian federation consisting of princely states and provinces (not implemented as princely states opposed)
 - Division of power
 - Federal List - 59 items
 - Provincial List - 54 items
 - Concurrent List - 36 items
 - Residuary powers vested in viceroy
 - Adopted Diarchy at Centre with federal list divided into transferred and reserved subjects (not implemented)
 - Council of India (1858) abolished
 - Establishment of Reserve Bank
 - Establishment of Federal Court (1937)
- W.R.T Provinces
 - Diarchy was Abolished and Provincial autonomy was introduced
 - Governor was required to act with the advice of ministers responsible to Provincial legislature (came into effect in 1937; withdrawn in 1939)
 - Bicameralism at 6 of the 11 provinces; Bihar, Bengal, Madras, Bombay, Assam, United Provinces
- Miscellaneous
 - Communal representation to depressed classes, women and labour
 - Extended Franchise with which 10% of total population got voting right
 - Federal, Provincial & Joint (two or more provinces) Public Service Commissions
- **Nehru Report (1928)**
 - Lord Birkenhead challenged Indians to frame a constitution acceptable to all
 - All party conference at Delhi 1928, constituted a committee with Motilal Nehru as Chairman by February
 - Report came in 6 months; Aug 1928, Nehru Report
 - INC ratified it by Dec 1928 Calcutta session
 - Recommended responsible government at province
- **August Offer 1940**
 - By 1939, after the resignation of members from legislative assembly, INC demanded the status of independence of India or at least Provincial National Government
 - Viceroy Lord Linlithgow turned down the request by August 8, 1940; called 'August Statement'
 - Instead suggested the following (aimed at Indian Support for WW2)

- Expansion of Viceroy's executive council with more number of Indian members
 - Representative constitution making body to be set up after war
 - War advisory council to be set up consisting of representatives of British India and the Indian states
 - Viceroy promised league and other minorities that British govt would never agree to a constitution or govt in India w/o their support
 - INC rejected the August offer
 - Muslim league proclaimed themselves satisfied only with a partition
- **Cripps Mission 1942**
 - Under the pressure of US president Roosevelt and Chinese president Chiang Kai Shek, Churchill decided to send a mission to India to seek active cooperation against Japan to whom Rangoon had fallen to
 - Stafford Cripps submitted the following suggestions after discussing with leaders of various political parties
 - British govt is to provide dominion status to India
 - Fresh elections to all provincial legislature, after which a constitution making body would be set up, after the war. Members of this body will be elected by provincial assemblies and nominated by princely states
 - Govt of Britain would accept the constitution with a provision that if any Indian province disagrees to accept the constitution, will reside outside Indian union and can negotiate directly or separately with Britain
 - During war, executive council composed of leaders of principal sections of Indian people. British Govt will have complete control over defence and military operations.
 - INC rejected it seeking action for promise; League rejected it demanding partition
- **Wavell Plan and Simla Conference 1945**
 - To resolve political deadlock after 1939, Viceroy went to England for consultation and to create conducive atmosphere for dialogue ordered in March 1945
 - 4th June 1945, all the working committee members of INC were released
 - Proposed a new executive council of 14 members with all Indians except Viceroy & CIC (Muslims even though only 25% of the population, was over represented with 6 members
 - All portfolios except defence were to be under the control of Indian members
- **Cabinet Mission 1946**
 - Announced on 19th Feb 1946
 - Members

- Sir Pethick Lawrence - SOS for India
- Sir Stafford Cripps - President of the board of trade
- A V Alexander - 1st Lord of Admiralty

- **Objectives**

- Find out means and ways for peaceful transfer of power
- Suggest measures for the formation of constitution making machinery
- To setup interim Govt
- Formation of constitution making body and developments leading to Indian Independence act 1947
- 14 membered Interim govt formed - 1946

- **Features of Schemes**

- Total strength of constituent assembly 389
- British India 296
- Princely States 93
- Seats to be allowed w.r.t population
- From three principal communities
 - Muslims
 - Sikhs
 - Others
- Representatives of community to be selected by members of the respective community from provincial assembly through proportional representation
- Members of princely states are to be nominated by respective heads
- Members are to be indirectly elected by provincial assemblies
- Elections were held by July August 1946
- INC 208; ML 73; Others 15
- 93 princely states remained vacant
- first meeting on December 9, 1946; boycotted by ML demanding Pakistan and there were only 211 member
- Satchithanand Sinha was elected pro term chairman (French practice to select senior most member)
- objective resolution by Nehru on 13 December 1946, approved by assembly on 22nd January 1947; later modified as the preamble of Indian Constitution
- Interim government was formed with the members of viceroys executive council, on September 2, 1946
- February 20, 1947, Clement Atlee declared that British rule in India will end by June 30, 1948
- Balkan/ June 3/ Mount Batten plan accepted partition and right to secede from British Commonweal

- **Indian Independence Act 1947**

- Enacted by the acceptance of Mount Batten plan by INC and ML
- British rule to be over by 15 August 1947
- Partition into two dominions and right to secede from British Commonwealth
- Viceroy's office was abolished and replaced by Governor General for each dominion, to be appointed by British monarch, GOB has no responsibility w.r.t GOI and GOP
- Authorised constituent Assemblies of both dominions to enact laws with respect to their dominion till the new Constitution is framed; Acts of British Parliament is not applicable after 15 August 1947
- Office of SOS abolished
- British paramountcy over princely states and treaties with tribal areas were done away with Princely states
- Princely states were free to join any of the dominion
- Governor General of India and provincial governors were made nominal heads as they had to act as per the council of ministers Appointments to civil services and reservation of p
- Appointments to civil services and reservation of posts by SOS was stopped
- British monarch was made to remove emperor of India from Royal styles and titles

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