

FACULTY OF JURIDICAL SCIENCES

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Lecture-2



Charters of the East India Company

The Charters of 1661

The Company spent 60 years of trade in India and facing of problem control over that the Englishmen who were not the workers of company. But they were trading in Indian Territory and were residing in British colonies. Therefore, the company put on the demand before the British King to make such legal instrument for controlling their colonies and its institutions and penalize to that person who were interloper (law breakers).

The Company's trade was growing continuously in India. Apart from this company was taking interest in political conflicts and took benefits of internal rebels and splitting. The British King Charles II realized the weak condition of Indian rulers. The income of the Company was very beneficial to British fund and it was become necessary to give extra facilities. The growth of income was depended on the legal adjudication system. With view of all things the Charter of 1661 had been issued on third April, 1661. So, that it was called the judicial Charter.

The Charter of 1600 C.E. had become a milestone and it was first step to establish the Judicial Court in British India. This Charter entrusted law making power into the Company.

THE MAIN FEATURE OF CHARTER OF 1661

1. Right to Administration.- i) the Charter empowered to the Company to administrated over the Fort, Colonies and cities. If it is expedient to maintain the administration could fought the war with Indian local King and could make the peace treaty. ii) Company was authorized for that if any person who interferes in the trade monopoly of Company be sent to Britain for starting litigation.

2. Appointment of Officer: i) Company was authorized to appoint the Governor and officers for judicial administration over all subjects as well as workers of Company. ii) Every person equally punished for the breach of law and orders of Company.

3. . Security. - i) Company was enabled by this Charter that it could keep the armed forces, weapons, and fighters ship for itself security. ii) Company could keep the commander and other officers who were suitable for Governor and his Council and they were convenience for trading purposes.

4. Judicial Administration.- Following rights were given to Governor and his Council: That they could adjudicate and execute accordance with the English law in cases which is there

under: a) Cases concerned with company, b) Matters within the limits of Company, and c) All the cases of civil and criminal nature.

5. The direction was given by this Charter that the governor and his Council will apply the English law in all cases. Those Indian who were residing in their colonies the also will be governed by this English law. It was very arbitrary compliance of English law and orders of upon the Indians. That was very undesirable.

6. Punishment. - i) the Charter of 1600 AD provided very simple punishment. But the Charter of 1661 enabled to Governor and his Council to penalize with the punishment of hanging in the heinous crime. ii) Wherever the Governor and his Council was not constituted the accused was sent for nearby Governor and his Council or sent to Britain for trial.