

FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. II Semester

SUBJECT: HISTORY II

SUBJECT CODE: BAL-202

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Lecture-3



Charters of the East India Company

The Charters of 1726

INTERODUCTION

King George I issue a Charter of Company on 24th September 1726. This Charter became an important landmark in the legal history of India due to its various vital provisions having far reaching consequences. By this Charter the Admiralty Court of Madras has been abolished and thereupon enlarged the power of Mayor's Court of Madras, Calcutta and Bombay. This Charter was introduced a uniform judicial machinery for justice in India. By this Charter the Civil and Criminal Courts entrusted the authority directly from the King. Not from the Company.

The Charter of 1726 played an important role in introducing English Common Law Statutory law in India.

Causes of Issue of Charter of 1726: i) uniformity in judicial system ii) establishment of Crown Court iii) appeal to Privy Council from India iv) right to make law of Governor-in-Council v) introduction of English law vi) avoid the Non-Lawmen Judges and non-separation of Powers.

IMPORTANT PROVISIONS OF CHARTER OF 1726

CORPORATION

- 1. Constitution of Corporation.-** I) The Charter of 1726 provided for the establishment of a Corporation in each presidency towns i.e., Bombay, Calcutta, Madras. Each consisted of a Mayor and nine Aldermen, seven of whom including the Mayor were required to be natural born British subjects and the remaining two were chosen either from subjects of any princely State or State having friendly relations with Great Britain. The jurisdiction of Corporation was over all Presidencies and on the subordinate factories.
- 2. Appointment of Mayor & Aldermen and their Tenure.-** i) With the effect of Charter of 1726 a Mayor and Nine Aldermen nominated for each Presidency. The tenure of Mayor was one year and Aldermen were appointed for life time or for the term of residence in the Presidency town. Thereafter the ex-Mayor was being the member of Corporation as Aldermen. The fresh election of Mayor was made for new session at 20th December of each year. The former mayor and all Aldermen were participated in this election. The

Mayor and the Aldermen were authorized to fill up the vacant post of an Alderman from amongst the inhabitant of that particular presidency town, who fulfilled the preliminary conditions of eligibility, as mentioned in the Charter.

- 3. Reserved Power of the Governor-in-Council.-** This Charter gave the full autonomy to the Corporation for this purpose they were sworn. But The Governor-in-Council was empowered or to dismiss or remove the Alderman on reasonable cause. Those dismissed person had the right to appeal in King-in-Council (Privy Council).