

FACULTY OF JURIDICAL SCIENCES

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NAME OF FACULTY: Dr. SADHNA TRIVEDI

Lecture-44



The Indian Councils Act, 1909

The Indian Councils Act 1909 was an act of the British Parliament that introduced a few reforms in the legislative councils and increased the involvement of Indians (limited) in the governance of British India. It was more commonly called the Morley-Minto Reforms after the Secretary of State for India John Morley and the Viceroy of India, the 4th Earl of Minto.

Background of Morley-Minto Reforms

- Despite Queen Victoria's proclamation that Indian's would be treated equally, very few Indians got such an opportunity as the British authorities were hesitant to accept them as equal partners.
- Lord Curzon had carried out the partition of Bengal in 1905. This led to a massive uprising in Bengal as a result. Following this, the British authorities understood the need for some reforms in the governance of Indians.
- The Indian National Congress (INC) was also agitating for more reforms and self-governance of Indians. The earlier Congress leaders were moderates, but now extremist leaders were on the rise who believed in more aggressive methods.
- INC demanded home rule for the first time in 1906.
- Gopal Krishna Gokhale met Morley in England to emphasise the need for reforms.
- Shimla Deputation: A group of elite Muslims led by Aga Khan met Lord Minto in 1906 and placed their demand for a separate electorate for the Muslims.
- John Morley was a member of the Liberal government, and he wanted to make positive changes in India's governance.

Major provisions of the Morley-Minto reforms

- The legislative councils at the Centre and the provinces increased in size.
 - Central Legislative Council – from 16 to 60 members

- Legislative Councils of Bengal, Madras, Bombay and United Provinces – 50 members each
- Legislative Councils of Punjab, Burma and Assam – 30 members each
- The legislative councils at the Centre and the provinces were to have four categories of members as follows:
 - Ex officio members: Governor-General and members of the executive council.
 - Nominated official members: Government officials who were nominated by the Governor-General.
 - Nominated non-official members: nominated by the Governor-General but were not government officials.
 - Elected members: elected by different categories of Indians.
- The elected members were elected indirectly. The local bodies elected an electoral college who would elect members of the provincial legislative councils. These members would, in turn, elect the members of the Central legislative council.
- The elected members were from the local bodies, the chambers of commerce, landlords, universities, traders' communities and Muslims.
- In the provincial councils, non-official members were in the majority. However, since some of the non-official members were nominated, in total, a non-elected majority was there.
- Indians were given membership to the Imperial Legislative Council for the first time.
- It introduced separate electorates for the Muslims. Some constituencies were earmarked for Muslims and only Muslims could vote their representatives.
- The members could discuss the budget and move resolutions. They could also discuss matters of public interest.
- They could also ask supplementary questions.
- No discussions on foreign policy or on relations with the princely states were permitted.
- Lord Minto appointed (on much persuasion by Morley) Satyendra P Sinha as the first Indian member of the Viceroy's Executive Council.

- Two Indians were nominated to the Council of the Secretary of State for Indian affairs.

To know more about the legislation passed in British India, click on the linked article.

Assessment of the Morley-Minto reforms

- The Act introduced communal representation in Indian politics. This was intended to stem the growing tide of nationalism in the country by dividing the people into communal lines. The culmination of this step was seen in the partition of the country along religious lines. The effects of differential treatment of different religious groups can be seen to this day.
- The Act did nothing to grant colonial self-government, which was Congress's demand.
- The Act did increase Indian participation in the legislative councils, especially at the provincial levels.