

Lecture-32



Codification of laws

The Charter of 1853

The Charter Act 1853 was passed in the British Parliament to renew the East India Company's charter. Unlike the previous charter acts of 1793, 1813 and 1833 which renewed the charter for 20 years; this act did not mention the time period for which the company charter was being renewed. This Act was passed when Lord Dalhousie was the Governor-General of India.

Provisions of the Charter Act 1853

- **Governor-General's office**
 1. The Law member (fourth member) became a full member with the right to vote.
 2. The Legislative Council which had six members now had 12 members.
 3. The 12 members were: 1 Governor-General, 1 Commander-in-Chief, 4 members of the Governor-General's Council, 1 Chief Justice of the Supreme Court at Calcutta, 1 regular judge of the Supreme Court at Calcutta, and 4 representative members drawn from among the company's servants with at least 10 years tenure, appointed by the local governments of Bengal, Bombay, Madras and North Western Provinces.
 4. The Governor-General could nominate a vice president to the council.
 5. The Governor-General's assent was required for all legislative proposals.
- The Court of Directors could create a **new presidency or province**. This was because of the difficulties that were faced in administering the increasingly large Indian territories of Britain.
 1. Since 1833 and 1853, two new provinces of Sind and Punjab were added.
 2. It could also appoint a Lieutenant Governor for these provinces. In 1859, a Lt. Governor was appointed for Punjab.
 3. This Act also led to the creation of Assam, Burma and the Central Provinces.
- The Act provided for the appointment of a **separate governor for the Bengal Presidency**. It maintained that the governor of Bengal should be different from the Governor-General who was to head administration of the whole of India.

- The number of **Board of Directors** was reduced from 24 to 18 out of which 6 people were to be nominated by the British Crown.
- **Indian Civil Services**
 1. Macaulay Committee of 1854 gave India her first civil services.
 2. This act removed the right of patronage to appointments in civil service held by the Court of Directors.
 3. The appointment was to be done only by open competition based on merit and was open to all.
 4. report recommended that only the 'fittest' be selected to the ICS.

Features of the Charter Act 185

- For the first time, the legislative and executive functions of the Governor-General's council were separated.
- This act served as the foundation of the modern parliamentary form of government. The legislative wing of the Governor-General's Council acted as a parliament on the model of the British Parliament.
- It extended the company's rule for an indefinite period, unlike the previous charter acts. Thus, it could be taken over by the British government at any time.
- Company's influence was further reduced by this act. The Board of Directors now had 6 members who were Crown-nominated.
- It gave birth to the Indian civil services and was open to all including Indians. This ended the system of appointments by recommendation and started a system of open and fair competition.
- For the first time, local representation was introduced into the legislative council in the form of four members from the local governments of Bengal, Bombay, Madras and North Western Provinces.