

POL SC HELP
FYUGP Series

Constitutional Developments

(During the British Rule)

NEW FYUGP SYLLABUS

BA HONS. POLITICAL SCIENCE 1ST SEMESTER-2022-23



DSC 3: Colonialism and Nationalism in India

Unit 1. Colonialism and Nationalism:

- Main perspectives on colonialism: Liberalism, Marxism, Postcolonialism
- Approaches to the study of nationalism in India: Nationalist, Imperialist, Marxist, and Subaltern

Unit 2. Colonial Rule in India and its impact:

- Constitutional developments and the colonial state
- Colonial ideology of civilizing mission: Utilitarians and Missionaries
- Impact on agriculture, land relations, industry and ecology

Unit 3. Reform and Resistance:

- The 1857 war of Independence
- Major social and religious movements
- Education and the rise of the new middle class

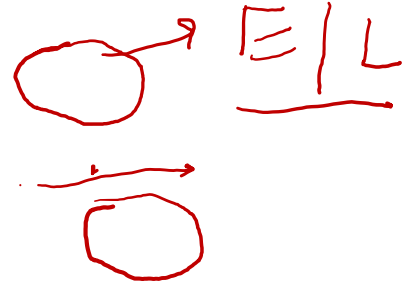
Unit 4. Nationalist Politics and Expansion of its Social Base

- Phases of the Nationalist Movement: Liberal constitutionalist, Swadeshi and the Radicals, Formation of the Muslim League

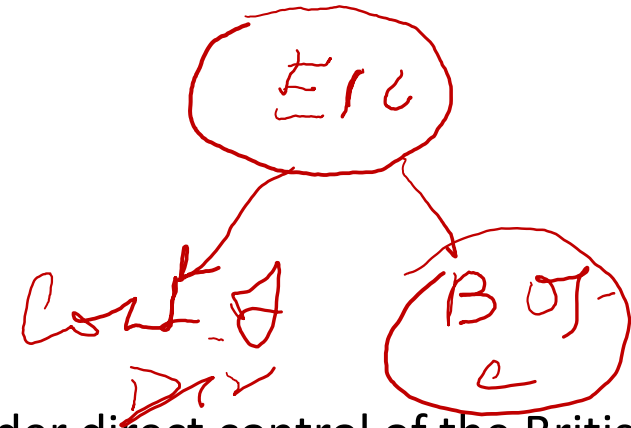


THE REGULATING ACT, 1773

- Background:
 - Parliamentary oversight and control East India Companies administration of the acquired territories in India
- Main provisions:
 - Changes in the constitution of the Company
 - Company's court of Directors to submit to the British Government all communications about civil and military affairs
 - Governor of Bengal was raised to Governor General
 - Bombay and Madras Presidency's superintend and control to Governor General of Bengal
 - Governor General was under the direct control of Court of Directors
 - Governor General's Council- four members
 - establishment of a Supreme Court of Justice at Calcutta
 - Legislative powers were granted to the Governor General and Council
- Deficiencies
 - Supervision of the British government on company's affairs was ineffective.
 - The Governor General faced opposition & obstruction from his council, against which he had no overriding power
 - superintend and control of Bombay and Madras Presidency remained loose and ineffective



PITT'S INDIA ACT, 1784



- Background/purpose ✓

- to remove defects in the Regulating Act, 1773
- To bring Company's public affairs and its administration under direct control of the British Government

- Features

- Established a Board of Control- 6 commissioners, including, two Cabinet ministers
 - Board of control directly accountable to British Parliament
- The Board of Control was to guide and control the work of Company's Court of Directors
- A secret committee -3 Directors for top decisions in political and military matters
- Governor General's council- now only 3 members; casting vote with Gov-Gen ✓
- For all matters, Bombay and Madras Presidency was brought under the Gov-Gen
- laid the foundation of a centralised administration of the British Rule

- Deficiencies

- divided authority and responsibility (board of control, board of director, secret committee)
- Gov-Gen acquired many discretionary powers



CHARTER ACT OF 1793 —

- Charter of the Company(for trade monopoly) was renewed for 20 years
- Company was allowed to continue with the possession of all territories for the next 20 years
- Governor General's control over the Presidencies was strengthened.
- The Governor General's and Governors' powers to overrule their council were made clear
- code of all regulations formulated for governance, protecting rights of people and dispensation of justice
- Those codes were printed in vernacular language
- laid the foundation of government by written laws and regulations in British India
- concepts of a civil law. enacted by a secular human agency and applied universally



CHARTER ACT OF 1813 and 1833-1/2

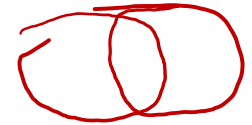
- **CHARTER ACT OF 1813**

- Company was allowed to have territorial possessions for another 20 years.
- But its monopoly of trade with India was revoked(taken away)

- **CHARTER ACT OF 1833**

- **Background**

- Rise of utilitarianism, evangelicalism, and reforms in Britain
- widespread agitation for abolition of the Company and take over of administration by the Crown
- A Parliamentary enquiry was held against the Company Rule
- In Britain, the Reform Act was passed in 1832
- Industrial revolution



- **Features:**

- Monopoly of the company abolished completely, only territorial possession and political function allowed
- The President of the Board of-Control became the minister for Indian affairs
- The Directors were to act as expert advisors of the President of the Board of Control
- Governor General of Bengal became the Governor General of India
- Bombay, Bengal, Madras and other regions were subjected to complete control of the Governor General in Council.
- Governor General in Council were given the power to legislate for the whole of the British territories in India



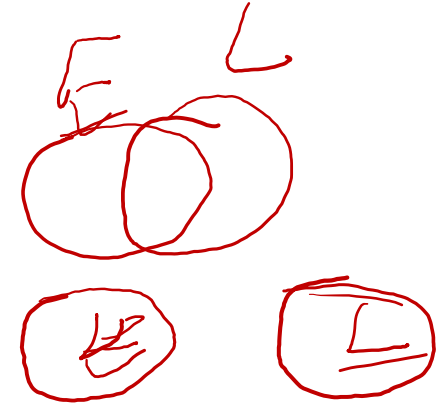
CHARTER ACT OF 1833- 2/2

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- The Act added one Law member to the Executive council of the Governor General.
- The number of members of the Presidency Councils was reduced to two
- The Act provided for the codification of laws in India. (1860) IPC
- The Act provided for the codification of laws in India. The Indian Penal Code and Codes of Civil and Criminal Law were enacted by the efforts of Indian Law Commission
- No discrimination on grounds of religion, place of birth, descent, colour or any of them in matters of public employment
- Deficiencies:
 - not of much practical importance, since nothing was done and Indians remained excluded from higher posts in civil and military service.



CHARTER ACT OF 1853 ✓



- **Background:**

- Increased clamour to abolish the Company rule

- **Features:**

- The Company was allowed to retain possessions of the Indian territories, but in trust for the British crown
- separation of the executive and the legislative functions- one addl. Law member, now full member
 - The "Legislative Councillors" were neatly distinguished from the "Executive Councillors"
- The consent of the Governor General was made necessary for all legislative proposals.
- Constitution of Central Legislative Council -one representative each from the Provinces
- 12 members-the Governor General, Commander-in-Chief, four members of his council and six legislative members.
- All vacancies in India were to be filled in by competitive examinations

- **Deficiencies**

- Legislatives became supreme, overriding and obstructing the executives
- No Indians in Legislative Council



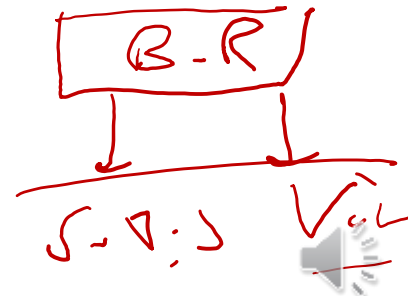
GOVERNMENT OF INDIA ACT. 1858

- **Background:**

- 1857 Revolt
- Extreme pressure to take over the Indian rule directly by British Crown

- **Features:**

- The Government of India passed from the hands of the English East India Company to the crown.
- The armed forces of the company were transferred to the crown.
- The Board of control and court of Directors were abolished. Their place was taken by the Secretary of State of India and his India Council-15 members; Secretary of State could override his council
- Secretary of State directly accountable to British Parliament
- The Secretary of State was to present to the House of Commons periodically report on Governance in India
- The Governor General became Viceroy or Crown's representative
- Secretary of State and the Viceroy- twin pillars of the direct British rule in India



Indian Councils Act 1861

- Background/purpose
 - Initiate representative and responsible Government
 - Curtail the powers of legislature vis-à-vis Executive
- Viceroy's executive council- cabinet with portfolio system- each member responsible for one ministry/Deptt.
- The executive Council was enlarged- 5 members
- The Legislative Council- 6 to 12 nominated members, half must be non-official
- half of the additional members were to be non-official
- Indians nominated, first time, in the central Legislative Council
- But legislative council had limited role. It was chiefly advisory.
 - Prior approval of Gov-Gen/Viceroy was necessary to introduce measures affecting public finance, religion, discipline and maintenance of military forces and foreign relations
 - His consent was necessary for any Act passed by the legislature
 - empowered Viceroy to issue ordinances, without the consent of the Legislative Council
- Provincial legislative councils in Madras and Bombay



Indian Councils Act 1892

1885

- Background/purpose
 - To initiate government based on popular representation
- Increased the number of additional members in the legislative councils- both central (12 to 16) & provincial Councils; half of the addl. Members must be non-official
- But still official members had the majority in the legislative council
- legislative council members were given the right to ask questions on the budget
- Principle of popular representation was initiated: The district boards, universities, municipalities, chambers of commerce and zamindars were authorized to recommend members to the provincial councils.
- First step towards a popular representative form of government in modern India



Indian Councils Act 1909

- Background/purpose
 - To expand powers of Legislature
 - Indian representation in executive
- Called Morley–Minto Reforms
- Increased the number of additional members in the legislative councils- both central (16 to 60) & provincial Councils(30 to 50)
- Central Legislative Council- majority of the official members; provincial councils, the non-officials formed the majority.
- expanded the functions of the legislative councils- discussions on' the budget, discussion on any matt& of general public interest and asking questions
- The representation was functional- different interest groups elected members representing them
- Separate Electorate to Muslims
- Included Indians to Executive councils of Viceroy and Governors;
- Also, Indians were nominated to the Council of the Secretary of state for Indian affairs
- **Deficiencies:**
 - Indirect election, extremely low voter base, functional representation
 - Separate Electorate
 - Still limited powers to Legislature
 - Indian representation was symbolic

1905

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Government of India Act, 1919 →

• Background/purpose

- Increasing association of Indians in administration
- Development of self-governing institution
- progressive realisation of responsible government in British India

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• Features:

- Called Montagu-Chelmsford Reforms
- Bicameral Legislature: the Lower House or Central Legislative Assembly (145 members) and the Upper House or Council of State (60 members). Majority of elected members
- Provincial legislative councils were further expanded and 70% of the members were to be elected.
- Viceroy's executive Council- 8 member, 3 Indians
- the Council of the Secretary of state - 8-12 members with 3 Indian Members
- **Diarchy** (dual Government) at the level of the provincial government
- Transferred subjects- elected legislative council members- nominated as ministers
- Reserved Subjects: important subjects/portfolio reserved for members of executive council
- Separate Electorate for Sikhs, Anglo-Indians, Christians and Europeans
- establishment of a Public Service Commission in India for the first time.
- classification of the central and provincial subjects.

30-50

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• Deficiencies:

- Impractical Diarchy ✓
- Still executive oriented centralised administration



Government of India Act, 1935

- **Background/purpose**

- federation and parliamentary system
- responsible government in British India
- Outcome of 3 Round Table Conference- 1930-32

- More responsible Government; both at centre and provinces, Gov-Gen/Gov ruled as per the advise of council of ministers responsible to legislature having majority of elected members

- Introduced **Diarchy** in **Centre** ; never implemented ; Diarchy in provinces abolished

- Provincial Autonomy- to act as autonomous units of administration in their defined spheres

- Bicameral Legislatures in Provinces

- All India Federation(British province and princely states)- if 50% of Indian states decided to join it.

- However, the provisions with regards to the federation were not implemented

- Federal Court in Delhi
- 3 lists; residual powers with Gov-Gen

- Expanded electoral base: 5 million to 30 million ; direct election

- Separate electorates for depressed classes (scheduled castes), women and workers.

- Indian council abolished; secretary of state had team of advisors



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- UNIT 29 CONSTITUTIONAL REFORMS 1921-1935: IGNOU study material e-Gyankosh:
<https://egyankosh.ac.in/bitstream/123456789/20078/1/Unit-29.pdf>
- Multiple online resources such as Encyclopaedia Britannica, Wikipedia



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