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The Charter Act of 1853 and The Central Administration in India: An Analysis

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Abstract:

The Charter Act of 1853, was the last of the series of Charter Acts passed by the British Parliament to change the East India Company's administration in India. At the time of the renewal of the Act in 1853, a regular demand was made by the Indians that the system of the Double Government introduced by Pitt's India Act should be abolished and that the Indian affairs should be brought under the charge of a Secretary of State assisted by a council of experts. It is also pointed out in the representation signed by a large number of Indians and submitted to the Parliament that, the pledge given regarding the appointment of Indians to higher jobs, had not been carried out in practice. It was demanded that the Indian Civil Service Examination should be thrown open to the public.

Different Political Associations in Bengal Presidency Association, British Indian Association, Bombay Presidency Association, Madras Association were demanded for the revision of India Council.

In England, conflicting views were expressed concerning the nature of change in the administration. Some persons were sympathetic to the Indian aspirations, others opposed it tooth and nail, while a third group was inclined to have some consultative boards of Indians. But Charles Wood, who was to take the final decision of the matter was influenced by the opinion of the second group and said in his speech in the House of Commons on 3rd June 1853, *"it would be not desirable to place natives in the council."* 56

KeyWord:

· Charter Act of 1853
· East India Company
· British India
· Central Administration
· Governor-General
· Legislative Council

Introduction:

The struggle of division of powers between the central and the local governments is not a new feature in Indian history. Petitions submitted to Parliament from Madras and Bombay indicate the concern of the educated community of those Presidencies at the increasing powers of the Supreme Government. The Charter Act of 1833 had taken away the lawmaking power of the governments of Madras and Bombay to vest it solely in the Governor-General's Legislative Council 57, but they could propose draft laws to the Governor-General in Council for their respective Presidencies together with the reasons for proposing the same. 58

Madras Petitioner complained that even a share of their own surplus revenue which was placed at the disposal of the Supreme Government with the result that *"The improvement of this portion of India is retarded, and the poverty of the population impolitically augmented."*59

The Bombay Chamber of Commerce pointed out in its petition dated 30th May 1853 *"that the efficiency of the local governments of Madras and Bombay was very much impaired by the necessity for continued reference to the Supreme Government at Calcutta for its sanction for the most trifling*

matters and changes recommended by the local governments were frequently rejected by the Supreme Power, which had no local knowledge to guide its decision." 60
It was pointed out that a single council for the whole of India would never be able to distribute justice and effective government to 120 millions of people. The more distant provinces would continue to be neglected and oppressed while the near ones would absorb all the attention of the Supreme Government. 61
Hence, the progress of centralisation must be arrested. 62 The Supreme Government must be so constituted as to be free from local partiality. It would be composed of men from all the Presidencies. 63
The greatest controversy in England at the time with regard to India was on the question of the abolition of the Company's administration in India. The inhabitants of Buckingham submitted a memorial to Parliament in which they levelled various charges against the population of the country. The condition was one of general poverty and depression, industrial resources of the country were undeveloped. Various trading and commercial bodies also shed tears for the plight of the Indians under the rule of the East India Company.
After studying all the suggestions, petitions and other opinions, the Governor-General, Lord Dalhousie, submitted his memorandum on October 13, 1852 and he said:
"I have been hard at work by a paper which I have been preparing for the President and the Chairman suggesting the changes and improvements which I think ought to be made in the administration of India by means of the new Act." 64
He exercised great influence in shaping the Charter Bill introduced in Parliament on June 3, 1853. Charles Wood, the President of the Board of Control, wrote to Dalhousie on June 8, 1853 and declared in Parliament that *"He had the opinion of Dalhousie and the Bill had been framed in accordance with that opinion."* 65
The Charter Bill was passed by the Commons on July 29 and by the Lords on August 12, 1853. It received Royal assent on September 20, 1853 and became the Act of Parliament.
The Charter Act of 1853 renewed the power of the Company, but unlike other previous Acts did not do so for any definite period of twenty years. It allowed the Company to retain possession of territories and revenues in trust for Her Majesty and successors only until Parliament shall otherwise provide.

Changes Concerning Central Government in India
The Act relieved the Governor-General of the Government of Bengal and made a provision for the appointment of a separate Governor of Bengal. Until a decision to appoint a separate Governor was arrived at, the Court of Directors was empowered to authorize the Governor-General of India in Council to appoint a Lieutenant Governor of the Province. The latter appointment being the cheaper of the two was made in 1854.
No separate Governor of Bengal was however appointed. The Act empowered the Directors to create one more Presidency having system of government as Madras or Bombay or in the alternative to authorise the appointment of a Lieutenant Governor. Consequently, the Lieutenant Governorship of the Punjab was created in 1859.
For better exercise of the powers of making laws and regulations, now vested in the Governor-General of India in Council, the several persons hereinafter mentioned shall in addition to and together with such Governor-General and the members of the said council under the said Act of the third and fourth years of King William the Fourth be members of the said council of India for and in relation to the exercise of all such powers of making laws and regulations as aforesaid, and shall be distinguished as Legislative Councillors thereof:
1. The Chief Justice of the Supreme Court of Judicature at Fort William in Bengal or the Chief Justice / Judge of any court of judicature hereafter to be constituted in the said territories to or in which the powers of such supreme court may be transferred or vested.
2. It shall be lawful for the Court of Directors, if they think it expedient, under the direction and the control of the Board of Commission for the affairs of India, to authorise and direct the Governor-

General of India to appoint from time to time, in addition to such legislative councillors as aforesaid, two persons to be selected by the said Governor-General, having been ten years in the service of the Company, to be legislative councillors of the said council under this Act.
Provided always that the legislative councillors added to the council of India by this Act shall not be entitled to sit or vote in the said council, except at meetings thereof for making laws and regulations.
The Charter Act of 1853 paved the way for the assumption by the Crown of the governance of India, both in name as well as in fact. The Act weakened powers and cut down the privileges of the East India Company. It did not mention any definite term for the continuance of the Company's government in India. The Act reduced the number of Directors of the Company from 24 to 18, out of whom 6 should be nominated by the Crown.65
The Act took away from the Court of Directors the right of Indian patronage and directed the Board of Control to frame regulations for examination of candidates for Civil Service. All natural-born subjects of Her Majesty were now eligible to compete, subject to the rules prepared by the Board.
The Act provided that the appointment of the members of the council of the Governor-General and the Governors would be made by the Court of Directors subject to the Queen's approval signified under the Royal Sign Manual and countersigned by the President of the Board of Control.66
Secondly, laws and regulations made by the Governor-General in Council affecting the prerogatives of the Crown could not be held invalid if they had received previous sanction of the Crown under the Royal Sign Manual and countersigned by the President of the Board of Control.
In the provision relating to legislation in the Act, there was a distinct emergence of a legislative council as distinct from the executive council. Lord Dalhousie actually advocated and stood firm on the two councils theory.67 Strictly speaking, the "Legislative Council" as constituted under the Act was just an enlarged body of the Governor-General's Council for purposes of legislation.
But the Act itself clearly differentiated between the executive and legislative functions of the councils by providing that the legislative councillors added to the council of India by or under this Act shall not be entitled to sit or vote in the said council, except at meetings thereof for making laws and regulations.68 The Legislative Councillors were thus clearly distinguished from the "Executive Councillors" and by doing so, legislation was for the first time treated as a special function of the government requiring special machinery and special procedure.
From the very beginning of its career, the Legislative Council assumed the character of a miniature representative assembly, assembled for the purpose of inquiry into the redress of grievances in addition to its primary duty of making laws. Though its members lacked effective spokesmen for non-official or Indian views, yet the four representatives of the governments of Bombay, Madras, Bengal, and Agra participated. The procedure that the Legislative Council adopted for transaction of the business before it was much the same as in the British Parliament. 69
A legislative measure was styled a bill and it was read three times before being finally voted upon. The business of the council was conducted in public and its proceedings were officially published, modelled on Hansard's parliamentary records.70 Questions were put, information was elicited, papers were called for, and the legislative councillors criticised the government for its lapses and excesses.
In one of his private letters, Lord Dalhousie summed up the work of the council:
"Our Young Parliament is going on smoothly and well. It has given me a great deal of trouble to bring it into the world, but it is a vastly superior machine to the last and will do a great deal of business."71
In a minute dated Feb 28, 1856, the Governor-General expressed the belief that Parliament and public will each year see reason to be more and more content with the manner in which the Legislative Council of India will fulfill the purpose for which it was established.72
But there was a basic difference between the President of the Board of Control, Charles Wood, and the Governor-General Lord Dalhousie on the nature and character of the Legislative Council. Wood suggested to the Governor-General that no legislative measure should be introduced in the council without prior submission to the authorities at Home. Dalhousie sharply reacted to this suggestion and told the President of the Board of Control that though his authority over the executive

government was complete, his power over the legislative council was only confined to disallowing legislation, and that they will assuredly not submit their legislation for the previous information of the Home authorities. 73

Lord Dalhousie took a bold stand on the issue of legislative independence and wrote to Charles Wood:

*"You instituted by law an independent body of 10 or 12 English gentlemen and it is right that you should know early that you will find them asserting their legislative independence."*74

The Act of 1853 was a bill of mixed reaction. The Act took no step to remove the chief defects of administration. The Court of Directors and Board of Control continued to function as effective authorities over Indian affairs. Conflicts among them created confusion for the Indian government. The authors of the Act brushed aside the popular demand for representative institutions in India. The formation of the Legislative Council failed utterly to satisfy Indian aspirations. There was no elected person in the council to act as the spokesman of the people. For the aforesaid reasons, the Act was a great disappointment, hatred, disillusion, and despair to the people of India, which created the background of the Revolt of 1857. The chief cause of the revolt was the mal-administration of India. The Revolt of 1857 and the subsequent Act of 1858 ended the administration of EIC (East India Company) in India and handed it into the hands of the British Crown. The Act of 1858 marks the end of an era and the beginning of a new era in the administrative history of India, though the change of 1858 was rather formal than substantial. The Act of 1858 was the culmination of the process begun in 1784 and merely dressed the seat of power and responsibility with the outward semblance of authority.

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