

Course Name- B.A.L.L.B. IVth Sem.

Subject- History

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Topic- Charter Act of 1833

Charter Act 1833

Charter Act 1833 or the Saint Helena Act 1833 or Government of India Act 1833 was passed by the British Parliament to renew the charter of East India Company which was last renewed in 1813. Via this act, the charter was renewed for 20 years but the East India Company was deprived of its commercial privileges which it enjoyed so far.

Key Provisions

End of East India Company as a Commercial Body

The British Government had done a careful assessment of the functioning of the company in India. The charter was renewed for another 20 years, but it ended the activities of the company as a commercial body and it was made a purely administrative body. With this, British were allowed to settle freely in India.

India as a British Colony

The charter act of 1833 legalized the British colonization of India and the territorial possessions of the company were allowed to remain under its government, but were held “in trust for his majesty, his heirs and successors” for the service of Government of India.

Governor General of India

This act made the Governor General of Bengal the **Governor General of British India** and all financial and administrative powers were centralized in the hands of Governor General-in-Council. Thus, with Charter Act of 1833, Lord William Bentinck became the “First Governor General of British India”.

Fourth Member in Governor-General in Council

The number of the members of the Governor General's council was again fixed to 4, which had been reduced by the Pitt's India act 1784. However, certain limits were imposed on the functioning of the 4th member. For example, the 4th member was not entitled to act as a member of the council except for legislative purposes. For the first, this fourth members of the council was Lord Macaulay.

Split in Bengal Presidency

The Charter Act of 1833 provided for splitting the Presidency of Bengal, into two presidencies viz. Presidency of Fort William and Presidency of Agra. However, this provision was later suspended and never came into effect.

Enhanced Power of Governor General of India

Charter Act of 1833 distinctly spelt out the powers of the Governor-General-in-Council. He could repeal, amend or alter any laws or regulations including all persons (whether British or native or foreigners), all places and things in every part of British territory in India, for all servants of the company, and articles of war. However, the Court of Directors acting under the Board of control could veto any laws made by the Governor-General-in-Council.

Codifying the Laws

The charter act of 1833 is considered to be an attempt to codify all the Indian Laws. The British parliament as a supreme body, retained the right to legislate for the British territories in India and repeal the acts. Further, this act provided that all laws made in India were to be laid before the British parliament and were to be known as Acts. In a step towards codifying the laws, the Governor-General-in-Council was directed under the Charter act of 1833, to set up an **Indian law Commission**

India's First Law Commission

India's first law commission was set up under Charter act of 1833 and Lord Macaulay was made its Chairman. The other members of this commission were English barrister Cameron, Macleod of Madras service, William Anderson of Bombay Service and Sir William McNaughton of the Calcutta Service. Sir William McNaughton did not accept the appointment. The objectives of the law commission was to inquire into the Jurisdiction, powers and rules of the courts of justice police establishments, existing forms of judicial procedure, nature and operation of all kinds of laws. It was directed that the law Commission shall submit its report to the Governor General-in-council and this report was to be placed in the British parliament.

Indians in the Government service

The section 87 of the Charter Act of 1833, declared that "no native of the British territories in India, nor any natural born subject of "His majesty" therein, shall by any reason only by his religion, place of birth, descent, colour or any of them be disabled from holding any place, office or employment under the company". Thus, the Charter act of 1833 was the first act which made provision to freely admit the natives of India to share an administration in the country. The act laid down that Court of Directors should nominate annually 4 times as many candidates as there were vacancies, from whom one should be selected by competitive examination. The charter act of 1833 also provided the **Haileybury college of London** should make quota to admit the future civil servants. However, this system of an open competition was not effectively operated in near future.

Mitigation of Slavery

This act also directed the Governor General-in-Council to adopt measures to mitigate the state of slavery, persisting in India since sultanate Era. The Governor General-in-Council was also directed to pay attention to laws of marriage, rights and authorities of the heads of the families, while drafting any laws.

More Bishops:

The number of British residents was increasing in India. The charter act of 1833 laid down regulation of establishment of Christian establishments in India and the number of Bishops was made 3.

Significance of Charter Act 1833: Analysis

For many reasons, the Charter Act 1833 was a watershed moment for the constitutional and political history of India. Firstly, the elevation of Governor General of Bengal as Governor General of India was a major step towards consolidation and centralization of the administration of India. Secondly, end of East India Company as a commercial body effectively made it the trustee of the crown in the field of administration. Thirdly, this act for the first time made provision to freely admit Indians into administration in the country. Indians could enter into the civil service but the process was still very difficult. Fourthly, this act for the first time separated the legislative functions of the Governor General in Council from the executive functions. Also, the law commission under Lord Macaulay codified the laws.