



## **Government of Tamilnadu**

### **Department of Employment and Training**

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# ERA OF DIFFERENT ACTS & PACTS

## **The Regulating Act of 1773**

The Regulating Act of 1773 opened a new chapter in the constitutional history of the Company. Previously, the Home government in England consisted of the Court of Directors and the Court of Proprietors. The Court of Directors were elected annually and practically managed the affairs of the Company.

In India, each of the three presidencies was independent and responsible only to the Home Government. The government of the presidency was conducted by a Governor and a Council.

The following conditions invited the Parliamentary intervention in the Company's affairs.

- The English East India Company became a territorial power when it acquired a wide dominion in India and also the Diwani rights. Its early administration was not only corrupt but notorious. When the Company was in financial trouble, its servants were affluent.
- The disastrous famine which broke out in Bengal in 1770 affected the agriculturists. As a result, the revenue collection was poor. In short, the Company was on the brink of bankruptcy.
- In 1773, the Company approached the British government for an immediate loan. It was under these circumstances that the Parliament of England resolved to regulate the affairs of the Company.
- Lord North, the Prime Minister of England, appointed a select committee to inquire into the affairs of the Company. The report submitted by the Committee paved the way for the enactment of the Regulating Act.

## **Provisions of the Act**

The Regulating Act reformed the Company's Government at Home and in India.

The important provisions of the Act were:

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- The term of office of the members of the Court of Directors was extended from one year to four years. One-fourth of them were to retire every year and the retiring Directors were not eligible for re-election.
  - The Governor of Bengal was styled the Governor-General of Fort William whose tenure of office was for a period of five years.
  - A council of four members was appointed to assist the Governor-General. The government was to be conducted in accordance with the decision of the majority.
  - The Governor - General had a casting vote in case of a tie. The Governor-General in Council was made supreme over the other Presidencies in matters of war and peace.
  - Provision was made in the Act for the establishment of a Supreme Court at Calcutta consisting of a Chief Justice and three junior judges. It was to be independent of the Governor- General in Council.
  - In 1774, the Supreme Court was established by a Royal Charter. This Act prevented the servants of the Company including the Governor General, members of his council and the judges of the Supreme Court from receiving directly or indirectly any gifts in kind or cash.

#### **Merits and Demerits of the Act:**

- The significance of the Regulating Act is that it brought the affairs of the Company under the control of the Parliament. Besides, it proved that the Parliament of England was concerned about the welfare of Indians.
- The greatest merit of this Act is that it put an end to the arbitrary rule of the Company and provided a framework for all future enactments relating to the governing of India.
- The main defect of the Act was that the Governor-General was made powerless because the council which was given supreme power often created deadlocks by over-ruling his decision.
- However, many of these defects were rectified by the Pitt's India Act of 1784.

## ◆.....◆ **Charter Act of 1833**

The Regulating Act of 1773 made it compulsory to renew the Company's Charter after twenty years. Hence, the Charter Act of 1793 was passed by the Parliament. It extended the life of Company for another twenty years and introduced minor changes in the existing set up. The Charter Act of 1813 provided one lakh of rupees annually for the promotion of Indian education. It also extended the Company's charter for another twenty years.

The Charter Act of 1833 was a significant constitutional instrument defining the scope and authority of the East India Company. The liberal and utilitarian philosophy of Bentham was made popular by the provisions of this Act.

Following were the important provisions:

1. The English East India Company ceased to be a commercial agency in India. In other words, it would function hereafter as the political agent for the Crown.
2. The Governor-General of Fort William was hereafter called 'the Governor - General of India'. Thus, Bentinck was the first Governor-General of India'.
3. A Law Member was appointed to the Governor-General's Council. T.B. Macaulay was the first Law Member of the Governor- General-in-Council.
4. The Act categorically stated 'that no native of India, nor any natural born subject of His Majesty, should be disabled from holding any place, office, or employment, by reason of his religion, place of birth, descent or colour'.
5. It was this enactment which laid the foundation for the Indianisation of public services.

After twenty years, the Charter Act of 1853 was passed and it was the last in the series of Charter Acts.

The Revolt of 1857 brought about important changes in the British administration in India. The rule of the East India Company came to an end. The administration of India came under the direct control of the British Crown. These changes were announced in the Government of India Act of 1858.

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The 'Proclamation of Queen Victoria' assured the Indians a benevolent administration. Thereafter, important development had taken place in constitutional history of India as a result of the Indian National Movement.

### **Government of India Act of 1858**

The Government of India Act of 1858 was passed by the Parliament of England and received royal assent on 2nd August 1858.

Following are the main provisions of the Act:

- East India Company's rule came to an end and the Indian administration came under the direct control of the Crown.
- In England, the Court of Directors and Board of Control were abolished. In their place came the Secretary of State for India and India Council were established.
- The Secretary of State would be a member of the British cabinet. Sir Charles Wood was made the first Secretary of State for India. India Council consisting of 15 members would assist him.
- The Governor General of India was also made the **Viceroy of India**. The first Viceroy of India was Lord Canning.
- All the previous treaties were accepted and honoured by the Act.

### **Queen Victoria's Proclamation**

- On 1<sup>st</sup> November 1858 the Proclamation of Queen Victoria was announced by Lord Canning at Allahabad. This royal Proclamation was translated into Indian languages and publicly read in many important places. It announced the end of Company's rule in India.
- It endorsed the treaty made by the Company with Indian princes and promised to respect their rights, dignity and honour. It assured the Indian people equal and impartial protection of law and freedom of religion and social practices. The Proclamation of Queen Victoria gave a practical shape to the Act of 1858.

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## **Indian Councils Act of 1861**

- The Indian Councils Act of 1861 increased the number of members in the Governor-General's executive Council from 4 to 5. Further the Governor-General's Executive Council was enlarged into a Central Legislative Council.
- Six to twelve "additional members" were to be nominated by the Governor-General. Not less than half of these members were to be non-officials.
- Thus a provision was made for the inclusion of Indians in the Legislative Council.
- The functions of these members were strictly limited to making legislation and they were forbidden from interfering in the matters of the Executive Council. They did not possess powers of administration and finance.
- Legislative Councils were also established in the provinces. The number of additional members in the provinces was fixed between four to eight.
- So, this Act was an important constitutional development and the people of India came to be involved in the law-making process.
- The mechanism of Indian legislation developed slowly and reinforced further by the Acts of 1892 and 1909.

## **Indian Councils Act of 1892**

- The Indian Councils Act of 1892 was the first achievement of the Indian National Congress. It had increased the number of "additional members" in the Central Legislative Council.
- They were to be not less than 10 and not more than 16. It had also increased the proportion of non-officials – 6 officials and 10 non-officials.
- The members were allowed to discuss the budget and criticize the financial policy of the government. In the provinces also the number of additional members was increased with additional powers.

## **Minto- Morley Reforms of 1909**

The Indian Councils Act of 1909 was also known as Minto-Morley Reforms in the names of Lord Morley, the Secretary of State for India and Lord Minto, the Governor-General of India.



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Both were responsible for the passing of this Act. It was passed to win the support of the Moderates in the Congress.

**The important provisions of this Act were:**

1. The number of “additional members” of the Central Legislative Council was increased to a maximum of 60. Elected members were to be 27 and among the remaining 33 nominated members not more than 28 were to be officials.
2. The principle of election to the councils was legally recognized. But communal representation was for the first time introduced in the interests of Muslims. Separate electorates were provided for the Muslims.
3. The number of members in provincial legislative councils of major provinces was raised to 50.
4. The Councils were given right to discuss and pass resolutions on the Budget and on all matters of public interest. However, the Governor-General had the power to disallow discussion on the budget.
5. An Indian member was appointed for the first time to the Governor-General’s Executive Council. Sir S. P. Sinha was- the first Indian to be appointed thus.
6. In Bombay and Madras, the number of members of the Executive Councils was raised from 2 to 4. The practice of appointing Indians to these Councils began.
7. Two Indians were also appointed to the India Council [in England].

The Minto- Morley reforms never desired to set up a parliamentary form of government in India. However, the Moderates welcomed the reforms as fairly liberal measures. The principle of separate electorates had ultimately led to the partition of India in 1947.

**Montague-Chelmsford Reforms of 1919**

The political developments in India during the First World War such as the Home Rule Movement led to the August Declaration. On 20<sup>th</sup> August, 1917 Montague, the Secretary of State for India made a momentous declaration in the House of Commons.

His declaration assured the introduction of responsible government in India in different stages. As a first measure the Government of India Act of 1919 was passed by the Parliament of England.



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This Act is popularly known as Montague-Chelmsford Reforms. At that time Lord Chelmsford was the Viceroy of India.

The main features of the Act were:

1. Dyarchy was introduced in the provinces. Provincial subjects were divided into “Reserved Subjects” such as police, jails, land revenue, irrigation and forests and “Transferred Subjects” such as education, local self government, public health, sanitation, agriculture and industries.
2. The Reserved subjects were to be administered by the Governor and his Executive Council. The Transferred subjects by the Governor and his ministers.
3. A bicameral (Two Chambers) legislature was set up at the centre. It consisted of the Council of States and the Legislative Assembly. The total member in the Legislative Assembly was to be a maximum of 145, out of which 105 were to be elected and the remaining nominated.
4. In the Council of States there would be a maximum of 60 members out of which 34 were elected and the remaining nominated.
5. The salaries of the Secretary of State for India and his assistants were to be paid out of the British revenues. So far, they were paid out of the Indian revenues.
6. A High Commissioner for India at London was appointed. The most important defect in this Act was the division of powers under the system of Dyarchy in the provinces.

### **The Government of India Act of 1935**

The Government of India Act of 1935 was passed on the basis of the report of the Simon Commission, the outcome of the Round Table Conferences and the White Paper issued by the British Government in 1933. This Act contained many important changes over the previous Act of 1919.

### **Following were the salient features of this Act**

1. Provision for the establishment of an All India Federation at the Centre, consisting of the Provinces of British India and the Princely States. (It did not

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come into existence since the Princely States refused to give their consent for the union.)

2. Division of powers into three lists: Federal, Provincial and Concurrent.
3. Introduction of Dyarchy at the Centre. The Governor-General and his councillors administered the “Reserved subjects”. The Council of Ministers were responsible for the “Transferred” subjects.
4. Abolition of Dyarchy and the introduction of Provincial Autonomy in the provinces. The Governor was made the head of the Provincial Executive but he was expected to run the administration on the advice of the Council of Ministers.
5. Thus provincial government was entrusted to the elected Ministers. They were responsible to the popularly elected Legislative Assemblies.
6. Provincial Legislatures of Bengal, Madras, Bombay, United Provinces, Bihar and Assam were made bicameral.
7. Extension of the principle of Separate Electorates to Sikhs, Europeans, Indian Christians and Anglo Indians.
8. Establishment of a Federal Court at Delhi with a Chief Justice and 6 judges.

### **The Vernacular Press Act and the Arms Act (1878)**

- In 1878, the Vernacular Press Act was passed. This Act empowered a Magistrate to secure an undertaking from the editor, publisher and printer of a vernacular newspaper that nothing would be published against the English Government.
- The equipment of the press could be seized if the offence was committed. This Act crushed the freedom of the Indian press. This created adverse public opinion against the British Government.
- In the same year, the Arms Act was passed. This Act prevented the Indians to keep arms without appropriate license. Its violation would be a criminal offence.
- The Europeans and the Anglo- Indians were exempted from the operation of these legislations.

### **First Factory Act (1881)**

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Lord Ripon introduced the Factory Act of 1881 to improve the service condition of the factory workers in India. The Act banned the appointment of children below the age of seven in factories. It reduced the working hours for children. It made compulsory for all dangerous machines in the factories to be properly fenced to ensure security to the workers.

### **The Lucknow Pact (1916)**

During the 1916 Congress session at Lucknow two major events occurred. The divided Congress became united. An understanding for joint action against the British was reached between the Congress and the Muslim League and it was called the Lucknow Pact.

Provisions of the Lucknow Pact:

1. Provinces should be freed as much as possible from Central control in administration and finance.
2. Four-fifths of the Central and Provincial Legislative Councils should be elected, and one-fifth nominated.
3. Four-fifths of the provincial and central legislatures were to be elected on as broad a franchise as possible.
4. Half the executive council members, including those of the central executive council were to be Indians elected by the councils themselves.
5. The Congress also agreed to separate electorates for Muslims in provincial council elections and for preferences in their favour (beyond the proportions indicated by population) in all provinces except the Punjab and Bengal, where some ground was given to the Hindu and Sikh minorities.
6. This pact paved the way for Hindu–Muslim cooperation in the Khilafat Movement and Gandhi’s Non–Cooperation Movement.
7. The Governments, Central and Provincial, should be bound to act in accordance with resolutions passed by their Legislative Councils unless they were vetoed by the Governor-General or Governors–in– Council and, in that event, if the resolution was passed again after an interval of not less than one year, it should be put into effect;

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8. The relations of the Secretary of State with the Government of India should be similar to those of the Colonial Secretary with the Governments of the Dominions, and India should have an equal status with that of the Dominions in any body concerned with imperial affairs.

The Lucknow Pact paved the way for Hindu Muslim Unity. Sarojini Ammaiyar called Jinnah, the chief architect of the Lucknow Pact, “the Ambassador of Hindu–Muslim Unity”. The Lucknow Pact proved that the educated class both from the Congress and the League could work together with a common goal. This unity reached its climax during the Khilafat and the Non-Cooperation Movements.

### **Poona Pact (1932)**

- By 1930, Dr. Ambedkar had become a leader of national stature championing the cause of the depressed people of the country. While presenting a real picture of the condition of these people in the First Round Table Conference, he had demanded separate electorates for them.
- On 16<sup>th</sup> August 1932 the British Prime Minister Ramsay MacDonald made an announcement, which came to be as the Communal Award.
- According to this award, the depressed classes were considered as a separate community and as such provisions were made for separate electorates for them. Mahatma Gandhi protested against the Communal Award and went on a fast unto death in the Yerawada jail on 20<sup>th</sup> September 1932.
- Finally, an agreement was reached between Dr. Ambedkar and Gandhi. This agreement came to be called as the Poona Pact. The British Government also approved of it. Accordingly, 148 seats in different Provincial Legislatures were reserved for the Depressed Classes in place of 71 as provided in the Communal Award.
- The third Round Table Conference came to an end in 1932. The Congress once more did not take part in it. Nonetheless, in March 1933, the British Government issued a White Paper, which became the basis for the enactment of the Government of India Act, 1935

### **Gandhi-Irwin pact (1931)**



- Gandhi-Irwin pact was signed on March 5, 1931. It marked the end of civil disobedience in India. The movement had generated worldwide publicity, and Viceroy Irwin was looking for a way to end it. Gandhi was released from custody in January 1931, and the two men began negotiating the terms of the pact.
- In the end, Gandhi pledged to give up the *satyagraha* campaign, and Irwin agreed to release tens of thousands of Indians who had been jailed during the movement.
- That year Gandhi attended the Second Round Table Conference in London as the sole representative of the Congress. The government agreed to allow people to make salt for their consumption, release political prisoners who had not indulged in violence, and permitted the picketing of liquor and foreign cloth shops.

The Karachi Congress ratified the Gandhi–Irwin pact. However, the Viceroy refused to commute the death sentence of Bhagat Singh and his comrades. Gandhi attended the Second RTC but the government was adamant and declined to concede his demands. He returned empty handed and the Congress resolved on renewing the civil disobedience movement.

### Questions:

1. Discuss the important provisions of the Regulating Act of 1773.
2. What are the important provisions of Minto Marley Reforms?
3. Describe the Lucknow Pact 1916.