

## Charter Act (1853) - Historical Background

- **Undue expenditure** and unnecessary delay in dispatch business due to the presence of the court of directors and Board of control.
- Territorial and political changes in India after the act of 1833 as the British East India Company had already **annexed Sind and Punjab** and a number of other Indian states.
- There were also concerns raised about the role of Governor-General of India as Governor of Bengal as it led to certain decisions in favor of Bengal
- There was also a demand for **decentralization of powers** and giving the Indians a share in the management of their own affairs.
- It was under the above circumstances that the British parliament decided to renew the East India Company's charter in the year 1853.
- The Company in the preceding year appointed **two Committees** to look into the affairs of the Company. On the basis of their reports, the Charter Act of 1853 was framed and passed.

### FEATURES OF THE ACT

- 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.

## Charter Act (1853) - Significance

- The Charter Act of 1853 indicated clearly that the rule of the Company was not going to last for a long time.

- One of the key features is the clear **distinction between Legislative and Executive council** which marks the beginning of the Parliamentary system in India
- The Governor-General was relieved of the administrative duties of Bengal and instead worked for the Government of India.
- Charter act of 1853 provides for the creation and functioning of The Legislative Council which is considered as an important constitutional measure

### **The Charter Act (1853) - Criticism**

- **Exclusion of the Indians** from the Legislative Council was one of the major defects of the Charter Act 1853
- As the Charter Act of 1853 did not give the East India Company the right to govern India for another 20 years, it gave an opportunity to the Home Government to step in and take the place of the East India Company in India. This process was hastened by the happenings of 1857, or the so-called 'Mutiny'.

### **Conclusion**

The Charter Act of 1853 was the last charter act passed for the East India Company. The act did not grant commercial privileges for a specific period of time as preceding Charter Acts had provided. The Charter Act of 1853 marks the beginning of the Parliamentary system in India. The Governor-General was relieved of administrative duties of Bengal and instead worked for the Government of India. This process was hastened by the happenings of 1857, or the so-called 'Mutiny'.