



CONSTITUTIONAL
DEVELOPMENT DURING
BRITISH PERIOD

REGULATING ACT 1773

- Introduced by Frederick North, therefore called **North's Regulating Act**.
- Commenced on June 10, 1773 and remained in force till 1784.
- **Lord North** - then Prime Minister of Great Britain.



Lord North

- Act introduced parliamentary supervision over East India Company's affairs.
- **Provisions of Act:**
 - Prohibited the servants of the Company from engaging in any private trade or accepting presents or bribes.
 - Elevated Governor of Bengal Warren Hastings to Governor-General of Bengal.
 - Brought Presidencies of Madras and Bombay under Bengal's control.

- Appointed four persons to Supreme Council of Bengal.
 - ◆ Lt. Gen John Clavering
 - ◆ George Monson
 - ◆ Richard Barwell
 - ◆ Philip Francis
- Established a **Supreme Court at Fort William**, Calcutta (Kolkata).
 - ◆ Having Chief justice and 3 judges.
 - ◆ Sir Elizabeth Impey: Chief Justice.
 - ◆ Robert Chambers, Stephen Caesar Le Maistre and John Hyde: Justices.
 - ◆ **Supreme Court came into existence in 1774.**
- **Home Government:**
 - ◆ Prior to the regulating Act, company affairs were managed by the Court of Directors containing 24 members, elected annually by the court of proprietors. A share holder who held shares worth £ 500 had right to elect the directors.
 - ◆ **Regulating Act Provisions:**
 - Voting right given to those share holders who held shares worth of £ 1000.
 - Term of office of Directors increased to 4 years, one-fourth retiring every year.
 - Directors to submit all correspondence from Governor-General in India relating to revenue to the Treasury and those relating to the civil and military government to Secretary of State.
- Form of Government in India:
 - ◆ Act appointed a Governor-General and FOUR councilors for

the Presidency of Fort William (Bengal).

- ◆ Council to take decision by majority.
- ◆ Governor-General had a casting vote in case of a tie.
- ◆ Three members of the council formed a QUORUM.
- ◆ **FIRST Governor-General (Warren Hastings) and councilors (Phillip Francis, John Clavering, George Monson and Richard Barwell) were named in the Act.**
- ◆ They were to hold office for FIVE years, and could be removed earlier only by the King, on the recommendation of the Court of Directors.
- ◆ Future appointments to be made by the company.
- ◆ Governor-General-in-Council of Bengal was vested with the power of superintendence and control of governments of Bombay and Madras Presidencies in matters of war and peace, except in case of emergency when they could take orders from the directors in London.
- ◆ It had power to suspend any offending Governor and his council.
- ◆ Thus, the **Act took the first step in the centralization of administrative machinery in India.**

□ **Legislative Power:**

- ◆ Vested in Governor-General-in-Council of Bengal
- ◆ It was empowered to make rules, ordinances and regulations

for the good governance of the company's settlement at Fort William and factories subordinate thereto.

Restrictions:

- ◆ They were not to be repugnant to the laws of England.
- ◆ They were not valid until 'duly registered and published in the Supreme Court.'
- ◆ Thus, the **legislative power was controlled by the Supreme Court.**
- ◆ They could be set aside by the King-in-Council on the application of any person or persons in India or in England.

□ **Supreme Court:**

- ◆ Act provided for the **establishment of Supreme Court at Calcutta** (now Kolkata).
- ◆ It had a Chief Justice and three other judges who were to be a barrister of at least 5 years standing.
- ◆ Appointed by the Crown, they were to hold office during his pleasure.
- ◆ Court was vested with civil, criminal, admiralty and ecclesiastical jurisdictions.
- ◆ Its jurisdiction extended to all British subjects residing in Bengal and Orissa.
- ◆ Governor-General and Councilors and Judges of the Supreme court were exempt from arrest or imprisonment in any action or suit or proceeding in the court.
- ◆ Appeal from the Supreme Court lay to the King-in-Council.