

Indian Council Act, 1861

Background

On August 2, 1858 British Parliament passed a law for complete takeover of all rights of the East India Company over India. Post of Secretary of State for India was created through the cabinet. The Secretary of State for India was empowered about government and revenues of India. On November 1, 1858 Queen Victoria issued a proclamation for the assumption of control of India by the British Crown. Lord Canning, Governor General of India was given the title of “Viceroy.” He continued in office but not as the Company’s representative but direct representative of British Crown. Moreover armies of the Company came under British Control.

Sir Syed Ahmed Khan had indicated in the causes of the Indian Revolt several weaknesses of the Government in the running of administration of the country. He advised the British Government to include the Indian people in the administration of the country so that the people’s mistrust and fear could be minimized. He advised the Government to give representation to the local people in the Legislative Councils to create sentiments of loyalty among their subjects.

Legislative Councils Act, 1861

The first ever constitutional structure was formulated in 1861. The British Government passed the Legislative Councils Act to introduce better provisions for the Governor-General’s Council and for Local Government.

According to this Act:

1. The Indian people were included in the Governor-General’s Council for the first time in the history of India.
2. The number of the members of the Legislative Councils was increased.
3. The Governor was given authority to nominate at least six persons to his Council.
4. The Legislative Council was to make laws.
5. The nominated members were not authorized to criticize the actions of the Council and also could not put questions to the members of the Councils about the functions of the Legislative Council.
6. The Governor-General could issue ordinances and was authorized to veto provincial legislation.

The enforcement of Legislative Council Act of 1861 was the first step taken for the constitutional reforms in India. It provided, in spite of its limited scope, an opportunity to the Indian People to safeguard their political interests. Sir Syed Ahmed Khan was nominated as the member of Legislative Council under the Act of 1861.

Indian Councils Act, 1892

Background

Indian National Congress was formed in 1885 on the initiative of the retired British Civil Servant Sir Allan Octavian Hume. The Indian National Congress, which grew in time to be the most powerful and vocal political organization of India, was originally intended to provide a platform for the safeguard of the interests of all communities in India irrespective of their religion or political tendencies. But with the time it turned into a pure Hindu body working for the safeguard of the Hindu interests. The Indian National Congress expressed its dissatisfaction over the inadequate representation which the Legislative Councils Act of 1861 gave to the Indian people. It demanded more representation for the Indian people in the Legislative and administrative bodies of the Government. The Congress demanded that the nomination to the Central and Provincial Legislative Councils should be through general elections instead of by nomination. It also demanded the appointment to the Government service through competitive examination.

Sir Syed Ahmed Khan vehemently criticized these demands by the Congress and advised the Muslims to keep away from the Congress politics. He said that the system of elections, on the pattern of Western Democracy could not be introduced in India as it would impose the Hindu majority rule over the Muslim minority. He, therefore, advocated the system of nomination introduced in the Act of 1861. He also opposed the appointment to the Government service by competitive examinations which meant the expulsion of the Muslims from Government service because the Muslims could not compete with the Hindus who were well advanced in modern education.

Indian Council Act of 1892

In 1892 the Government introduced another Act known as the Indian Councils Act of 1892. The salient provisions of this Act were as follow:

1. The number of the non-official members, in the Central and Provincial Legislative Councils was increased. However, the official members were still in majority.
2. The members of the Legislative Councils were given the right to put questions. They were also authorized to discuss the annual budget.
3. The local bodies were given right to send their elected members to the Legislative Councils.

The Act of 1892 could not ensure the maximum safeguards to the Muslims. The Muslim leaders now rightly felt for a separate electorate to protect the Muslim interest.