

Indian Councils Act 1861

(06 December, 2021)

Background

1. After 1857, the British govt felt that the basic cause of the Revolt was the lack of contact between the ruler and the ruled.
2. Hence, there was felt a need of seeking the cooperation of Indians in the administration.
3. Plus, Indians have been demanding representation in Legislative Councils.
4. The Act of 1833 was criticized by Bombay and Madras for its Centralization aspect.
5. Legislative Councils formed by the Act of 1853 were largely unsatisfactory.

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Features

1. The Imperial / Legislative Council Composition:

1. Now the **additional members** were to be **6 - 12** to be nominated by

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Governor General (GG) and tenure of 2 years. An **important innovation** was that by providing that, of these 6-12 members, **>50%** were to be **non-officials i.e. persons not in civil or military service of Crown**.

2. Earlier the **Governor-General in Council** included only official members. **Now** it would include **some non-official members** as well.
3. There was a **beginning of representative institutions** by associating Indians with the law-making process.
4. This was **not a representative body** as all its members were nominated.
5. Canning appointed Raja of Benaras, Maharaja of Patiala, and Sir Dinkar Rao.

2. Council Powers:

1. This was **not a deliberative body** as well since it could consider only those issues placed before it by GG and could not criticize.
2. The **effective legislative powers remained with GG** since
 1. His consent was necessary before placing certain issues before the council,
 2. He could veto,
 3. He could pass ordinances that would have the same force as the council's acts.
3. **The Portfolio system was introduced by Canning in 1859.**

3. Provincial Councils were set up:

1. They were set up as **law-making powers were given back to the Bombay & Madras provinces. (Taken away in 1833 Act)** (This legislative devolution resulted in the grant of ~ complete internal autonomy to provinces in 1937).
2. No central/provincial jurisdiction was defined and **to introduce any bill** in provincial councils, **GG's assent** was required.
3. **GG empowered to establish Provincial Councils for Bengal (1862), NWFP (1886), and Punjab (1887).**

Significance of Indian Councils Act, 1861

1. It **initiated a progressive step towards decentralization.**
2. It laid the foundation of the Indian Legislature.
3. It marked the beginning of Indian representation in Legislative Councils.

Limitations of Indian Councils Act 1861

1. The power of the new LCs was limited.
2. Govt still remained autocratic.



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3. For the 1st 20 years, the power to nominate the non-official members was used as a means of distributing official patronage. Only Princes, their divans or big landholders were nominated. And they were the ones who supported the British in 1857.

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