

## Government of India Act, 1833 (*3 & 4 Will. 4, c. 85*)

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III. Provided always, and be it enacted, that from and after the said twenty-second day of April one thousand eight hundred and thirty-four the exclusive right of trading with the Dominions of the Emperor of China, and of trading in tea [*53 Geo. 3, c. 155*], continued to the said Company by the said Act of the fifty-third year of King George the Third, shall cease.

IV. And be it enacted, that the said Company shall, with all convenient speed after the said twenty-second day of April one thousand eight hundred and thirty-four, close their commercial business, and make sale of all their merchandize and effects at home and abroad, distinguished in their account books as commercial assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever which may not be retained for the purposes of the Government of the said territories, and get in all debts due to them on account of the commercial branch of their affairs, and reduce their commercial establishments as the same shall become unnecessary, and discontinue and abstain from all commercial business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold, or which shall not be carried on for the purposes of the said Government.

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XXXIX. And be it enacted, that the superintendence, direction, and control of the whole civil and military Government of all the said territories and revenues in India shall be and is hereby invested in a Governor-General and Counsellors, to be styled 'The Governor General of India in Council.'

XL. And be it enacted, that there shall be four ordinary members of the said Council, three of whom shall from time to time be appointed by the said Court of Directors from amongst such persons as shall be or shall have been servants of the said Company; and each of the said three ordinary members of Council shall at the time of his appointment have been in the service of the said Company for at least ten years; and if he shall be in the military service of the said Company, he shall not during his continuance in office as a member of Council hold any military command, or be employed in actual military duties; and that the fourth ordinary member of Council shall from time to time be appointed from amongst persons who shall not be servants of the said Company by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his royal Sign Manual, countersigned by the President of the said Board [that is, the Board of Control] provided that such last-mentioned Member of Council shall not be entitled to sit or vote in the said Council except at meetings thereof for making laws

and regulations; and it shall be lawful for the said Court of Directors to appoint the Commander-in-Chief of the Company's forces in India, and if there shall be no such Commander-in-Chief, or the offices of such Commander-in-Chief and of Governor-General of India shall be vested in the same person, then the Commander-in-Chief of the forces on the Bengal establishment, to be an extraordinary member of the said Council, and such extraordinary member of Council shall have rank and precedence at the Council Board, next after the Governor-General.

XLI. And be it enacted, that the person who shall be Governor-General of the Presidency of Fort William in Bengal on the twenty-second day of April one thousand eight hundred and thirty four shall be the first Governor-General of India under this act, and such persons as shall be members of Council of the same Presidency on that day shall be respectively members of the Council constituted by this Act.

XLII. And be it enacted, that all vacancies happening in the office of Governor-General of India shall from time to time be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his royal Sign Manual, countersigned by the President of the said Board.

XLIII. And be it enacted, that the said Governor-General in Council shall have power to make laws and regulations for repealing, amending, or altering any laws or regulations whatever now in force or hereafter to be in force in the said territories or any part thereof, and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all courts of justice, whether established by His Majesty's charters or otherwise, and the jurisdictions thereof, and for all places and things whatsoever within and throughout the whole and every part of the said territories, and for all servants of the said Company within the dominions of princes and states in alliance with the said Company; save and except that the said Governor-General in Council shall not have the power of making any laws or regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this act or any of the provisions of the acts of or punishing mutiny and desertion of officers and soldiers, whether in the service of His Majesty or the said Company, or any provisions of any act hereafter to be passed in anywise affecting the said Company or the said territories or the inhabitants thereof, or any laws or regulations which shall in any way affect any prerogative of the Crown, or the authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said territories.

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LI. Provided always, and be it enacted, that nothing herein contained shall extend to affect in any way the right of Parliament to make laws for the said territories and for all the inhabitants thereof; and it is expressly declared that a full, complete, and constantly existing right and power is intended to be reserved to Parliament to control, supersede, or

prevent all proceedings and acts whatsoever of the said Governor-General in Council, and to repeal and alter at any time any law or regulation whatsoever made by the said Governor-General in Council, and in all respects to legislate for the said territories and all the inhabitants thereof in as full and ample a manner as if this Act had not been passed; and the better to enable Parliament to exercise at all times such right and power, all laws and regulations made by the said Governor-General in Council shall be transmitted to England, and laid before both Houses of Parliament, in the same manner as is now by law provided concerning the rules and regulations made by the several governments in India.

LII. And be it enacted, that all enactments, provisions, matters, and things relating to the Governor-General of Fort William in Bengal in Council and the Governor-General of Fort William in Bengal alone, respectively, in any other act or acts contained, so far as the same are now in force, and not repealed by or repugnant to the provisions of this act, shall continue and be in force and be applicable to the Governor-General of India in Council, and to the Governor-General of India alone, respectively.

LIII. And whereas it is expedient that, subject to such special arrangements as local circumstances may require, a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in the said territories at an early period, and that such laws as may be applicable in common to all classes of the inhabitants of the said territories, due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted, and that all laws and customs having the force of law within the same territories should be ascertained and consolidated, and as occasion may require amended; be it therefore enacted, that the said Governor-General of India in Council shall, as soon as conveniently may be after the passing of this act, issue a commission, and from time to time commissions, to such persons as the said Court of Directors, with the approbation of the said Board of Commissioners, shall recommend for that purpose, and to such other persons, if necessary, as the said Governor-General in Council shall think fit, all such persons, not exceeding in the whole at any one time five in number, and to be styled 'the Indian Law Commissioners', with all such powers as shall be necessary for the purposes hereinafter mentioned; and the said Commissioners shall fully inquire into the jurisdiction, powers, and rules of the existing Courts of Justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all law, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject: and the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of Justice and police establishments, forms of judicial procedure and laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said territories.

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LXXXI. And be it enacted, that it shall be lawful for any natural-born subjects of His Majesty to proceed by sea to any port or place having a Custom-house establishment within the said territories, and to reside thereat, or to proceed to and reside in or pass through any part of such of the said territories as were under the Government of the said Company on the first day of January one thousand eight hundred, and in any part of the countries ceded by the Nabob of the Carnatic, of the Province of Cuttack, and of the settlements of Singapore and Malacca, without any licence whatever; provided that all subjects of His Majesty not natives of the said territories shall, on their arrival in any part of the said territories from any port or place not within the said territories, make known in writing their names, places of destination, and objects of pursuit in India, to the chief officer of the Customs or other officer authorized for that purpose at such port or place as aforesaid.

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LXXXV. And whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischief or dangers that may arise therefrom, be it therefore enacted, that the said Governor-General in Council shall and he is hereby required, by law or regulations, to provide with all convenient speed for the protection of the natives of the said territories from insult and outrage in their persons, religions, or opinions.

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LXXXVII. And be it enacted, that no native of the said territories, nor any natural-born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, or employment under the said Company.

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CIII. And whereas it is expedient to provide for the due qualifications of persons to be employed in the Civil Service of the said Company in the said territories, be it therefore enacted, that the said Governor-General of India in Council shall as-soon as may be after the first day of January in every year, make and transmit to the said Court of Directors a prospective estimate of the number of persons, who in the opinion of the said Governor-General in Council, will be necessary, in addition to those already in India or likely to return from Europe, to supply the expected vacancies in the civil establishments of the respective governments in India in such one of the subsequent years as shall be fixed-in the rules and regulations hereinafter mentioned, and it shall be lawful for the said Board of Commissioners to reduce such estimate, so that the reasons for such reduction be given to the said Court of Directors; and in the month of June in every year, if the said estimate shall have been then received by the said Board, and if not, then within one month after such estimate shall have been received, the said Board of Commissioners shall certify to the said Court of Directors what number of persons shall be nominated as candidates for admission, and what number of students shall be admitted to the College of the said

Company at Haileybury in the then current year, but so that at least four such candidates, no one of whom shall be under the age of seventeen or above the age of twenty years, be nominated, and no more than one student admitted for every such expected vacancy in the said civil establishments, according to such estimate or reduced estimate as aforesaid; and it shall be lawful for the said Court of Directors to nominate such a number of candidates for admission to the said College as shall be mentioned in the Certificate of the said Board; and if the said Court of Directors shall not within one month after the receipt of such Certificate nominate the whole number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the deficiency.

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CV. And be it enacted, that the said Candidates for admission to the said College shall be subjected to an examination in such branches of knowledge and by such examiners as the said Board shall direct, and shall be classed in a list to be prepared by the examiners, and the Candidates whose names shall stand highest in such list shall be admitted by the said Court as students in the said College until the number to be admitted for that year, according to the Certificate of the said Board, be supplied.

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