MODULE I

DEVELOPMENT OF LEGISLATIVE AUTHORITY UNDER THE CHARTERS

CHARTER OF 1600 A.D

- On 31st December, 1600 Queen Elizabeth I granted a charter to the EICO.
- It granted the company to trade into and from the East Indies, in the countries and parts of Asia and Africa.
- It was for 15 years.
- It also gave the legislative power to the company—-to make by-laws, ordinances for the good governance of the company and its servants.
- To punish offences against the servants by fine or imprisonment according to the laws, statutes and customs of the realms.

SIGNIFICANCE OF CHARTER OF 1600 AD

- The provisions of the charter were only in connection with the trade and were not intended for the acquisition of dominion in India.
- The legislative authority were given to the company in order to enable it to regulate its own business and maintain discipline against its servants.
- Elbert said “It is the germ out of which the Anglo-Indian codes were ultimately developed”, as the subsequent interpretations of the provisions of the charter provides the basis for the East India Company of controlling and administering territorial expansion of the company in India.

CHARTER OF 1609 A.D.

- Clauses of the Act.
- On 31st May 1609 James I of England granted a fresh charter to the company.
- This charter continued the privileges of the company in perpetuity, subsequent to the provisions that they could be withdrawn after three years notice.
THE COMPANY WAS ALSO AUTHORIZED TO CONTINUE THE ENJOYMENTS OF ALL THE PRIVILEGES, POWERS AND RIGHTS WHICH WERE EARLIER GRANTED TO IT BY QUEEN ELIZABETH I UNDER THE CHARTER ACT OF 1600 A.D.

SUBSEQUENT DEVELOPMENTS.

IN ORDER TO ENABLE THE COMPANY TO PUNISH ITS SERVANT FOR GROSSER OFFENCES ON LONG VOYAGES, THE COMPANY SECURED THE FIRST ROYAL COMMISSION IN 1601 A.D.

UNDER THE COMMISSION IT WAS PROVIDED THAT THE COMPANY WILL GIVE ORDERS TO ITS CAPTAINS SUBJECT TO ONE CONDITION THAT IN CASE OF CAPITAL OFFENCES, E.G., WILFUL MURDER AND MUTINY, A JURY OF 12 SERVANTS OF THE COMPANY WILL GIVE THE VERDICT.

THE COMPANY WAS GIVEN THIS POWER SO AS TO MAINTAIN DISCIPLINE ON BOARD DURING THE VOYAGES.

SOME ADDITIONAL POWERS WERE ALSO GIVEN TO THE COMPANY FOR ENFORCING THE MATERIAL LAW BY THE CHARTER ACT OF 1623 A.D.

UNDER ONE SUCH DEVELOPMENT THE TRIAL OF GREGORY LELLINGTON WAS HELD ON 28 FEB, 1616, ON BOARD THE SHIP CHARLES THAT WAS LYING AT THE SURAT PORT.

LELLINGTON KILLED HENRY BARTON, AN ENGLISHMAN NEAR SURAT. HE WAS CONVICTED OF HIS OWN CONFESSION AND WAS SENTENCED TO DEATH.

AS REPORTED BY KAYE THIS IS THE EARLIEST AVAILABLE ACCOUNT OF A TRIAL HELD ON THE SHORES OF INDIA DURING THE COMPANY’S REGIME.

THE FARMAN OF 1618 A.D BY JAHANGIR

IN 1618 A.D., SIR THOMAS ROE SUCCEEDED IN GETTING THE EMPEROR FAVOUR AND THE EICO ENTERED INTO THE TREATY WITH THE MUGHAL EMPEROR.

THIS PROVED A TURNING POINT IN THE LEGAL HISTORY OF INDIA AS THE EICO SECURED VARIOUS PRIVILEGES FROM THE MUGHAL EMPEROR.

CLAUSES

THAT THE DISPUTES BETWEEN THE COMPANY’S SERVANTS WILL BE REGULATED BY THEIR OWN TRIBUNALS.

THAT THE ENGLISH PEOPLE WILL ENJOY THEIR OWN RELIGION AND LAWS IN THE ADMINISTRATION OF THE COMPANY
• THAT THE LOCAL NATIVE AUTHORITIES WILL SETTLE SUCH DISPUTES CASES IN WHICH THE ENGLISHMEN AND THE HINDUS AND OR MUSLIMS WERE THE PARTIES

• THAT THE MUGHAL GOVERNOR OR QAZI OF THE REVELENT PLACE WILL PROTECT THE ENGLISH PEOPLE.

CATCH

• AT THIS POINT OF TIME, THE ENGLISHMEN AT THE SURAT FACTORY WERE LIVING UNDER TWO DIFFERENT SYSTEMS OF LAW.

• IN SOME CASES THEY WERE UNDER THE PROVISIONS OF THE INDIAN LAWS AND IN SOME OTHER CASES THEY WERE UNDER THE PROVISIONS OF BRITISH LAWS.

• NOW IN THE CASES INVOLVING INDIANS AND THE BRITISH THE INDIAN COURTS HAVE TO DEAL WITH IT.

• THE BRITISHERS USED TO BRIBE THE INDIAN JUDICIAL OFFICERS, THEREBY JEOPARDIZING THE JUDICIARY.

THE CHARTER ACT OF 1635.

• IN 1635, CHARLES I PERMITTED SIR WILLIAM COURTEEN TO ESTABLISH A NEW BODY FOR THE PURPOSE OF TRADING WITH THE EAST INDIES UNDER THE NAME OF COURTEEN’N ASSOCIATION.

• THE OLD COMPANY FACED COMPETITION AT THE HANDS OF THE NEW COMPANY AND MANY OTHER DIFFICULTIES WERE CREATED IN ENGLAND WHICH CONTINUED UPTO 1637.

CHARTER ACT OF 1657

• IN 1657, OLIVER CROMWELL GRANTED THE NEW CHARTER WHICH AMALGATED THE VARIOUS JOINT STOCKS INTO ONE STOCK.


CHARTER OF 1661 A.D

• THE CHARTER OF 1661 REORGANIZED THE COMPANY ON A JOINT STOCK PRINCIPLE AND EACH MEMBER HAS A SHARE CAPITAL OF $500 WAS GIVEN THE RIGHT TO ONE VOTE IN THE GENERAL COURT OF THE COMPANY.
• In order to meet the existing circumstances more effectively, the company’s power and command over its fortresses was strengthened.

• The company was authorized to appoint governors and other officers for proper administration.

• The company’s power to govern its employees and to punish their disobedience and misdeemeanour was enhanced.

• It further authorized the company to empower the governor and the council of each one of its factories or trading centres at Madras Bombay and Calcutta to administer both civil and criminal justice according to the English law.

• Where there is no governor, the chief reactor of a trading centre and his council was authorized to send a man for trial to a place where there was a governor.

**Charter of 1668 A.D.**

• Charles II transferred the island of Bombay to EICO, which he got as a dowery by marrying the princes of Portugal.

• This charter authorized the company to make laws, orders, ordinances and constitutions for the good government of the island of Bombay.

**Charter Act of 1683 A.D.**

• It authorized the company to raise military forces.

• To establish admirality courts—-for the merchants.

**Charter of 1686 A.D.**

• To establish municipality and mayor’s court in Madras.

• To appoint admirals, with the powers of raising the naval forces and exercise martial law over them in times of war.

**Charter Act of 1698 A.D.**

• The charter created a court of directors.

• The authority and control over the affairs of the United Company was entrusted to the court of proprietors.

• This situation continued till the passing of the famous regulating act of 1773 A.D.