As the Act came into force, it provided the legislative power of making and amending laws to the provinces of Madras and Bombay. Any Act passed by the provincial councils was to be valid until it was amended by the assent of the Governor-General. Further, in certain matters (e.g., Customs, Posts and Telegraphs, money and making laws), the new council was to be consulted by the executive and would not be bound by the executive in its decisions.

Finally, the Governor-General was empowered, in cases of suspending or dismissing the Legislative Council, to do so without the concurrence of the Legislative Council, conditions which were not to remain in force for more than six months.

Observations on the Act. The main interest of the Act lay in the gradual construction and consolidation of the mechanical framework of the government. The three appellate tribunals were brought into a common system. The legislative and administrative authority of the Governor-General was vested in the provinces and the executive of the provinces was vested. The new council was to receive the executive of the provinces and to be consulted by it. The executive was to be consulted by the council in matters of legislation and administration.

The Act by vesting legislative powers in the provinces of Bombay and Madras and by making provision for the institution of courts of reference, provides for the establishment of legislative councils in other provinces. The constitution of the Legislative Council, the procedure of the House, the powers of the Executive, and the administration of the provinces, are all within the purview of the Act.

The character of the legislative councils established by the Act of 1861 was the same as that of the council in British India. The legislative councils could not possibly be called true legislatures either in composition or in function. The councils were merely committees for the purpose of making laws, subject to the control of the Executive, and the Executive government obtained the advice and assistance of the Legislative Council in the enactment of laws. The members of the Legislative Council were elected by the people, and the Executive government was bound to consult them on all important questions.

Growth of Representative Government in India

in its favour. This was all the more easy because the nominees on the Legislative Council were always in a minority, were not always in a majority, and were always in a minority to defeat. All the same it will not be correct to describe the laws made in the legislative councils as in reality the orders of government. The laws were enacted in a manner which ensured publicity and discussion, were enforced by the court and not by the executive and could not be changed by the same deliberation and public process as that by which they were made and could even be enforced against the executive or in favour of individuals with whom connection required.

The table of the new councils was strictly limited to legislation. They were expressly forbidden to transact any business except the consideration and enactment of legislative measures before them. The councils could not entertain any motion except a motion for leave to introduce a Bill or having reference to a Bill actually introduced. The councils could not inquire into grievances, call for information or examine the conduct of the executive. The acts of administration could not be impeached, nor were they to be defined in any assemblies. Thus the conduct of administration including all matters connected with finance remained under the exclusive purview and control of the wholly official executive councils.

The Act of 1861 is the way established representative government in India on the model prevalent in England, or England's White Colonies, in the Conference of the House of Commons or the colonial Representative Assemblies there were no limitations on the discussion of legislative matters and taxation as provided for in the Act of 1858. Regarding this, the First Council Bill, the Secretary of State, while introducing the Bill made clear that Her Majesty's Government had no intention to introduce a representative law-making body in the normal sense of words. Mr. Wood likened the functions of the proposed Legislative Councils to those of the Council of an Indian ruler where the nobles expressed their opinion but the ruler was not bound by their advice.

The Indian Councils Act, 1892.

Circumstances leading to the passing of the Act. The growth of the Indian Constitution after the Act of 1861 is largely the story of political dissatisfaction and agitation alternating with Council reform. The reform agitation spread to the British colonies and demanded far-reaching reforms. In 1891, the British Parliament passed the Indian Councils Act, which was a step in the direction of making the Legislative Councils responsible to the people. The Legislative Councils were to be elected by the people, and the government was to be held responsible for the legislation passed by them. The Act of 1892 aimed to provide for the election of members to the Legislative Councils, and the Act of 1893 provided for the election of members to the Legislative Councils in British India. The Act of 1892 was a significant step in the direction of giving the Indian people a voice in the government of their country. The Act of 1893 was a further step in the direction of giving the Indian people a voice in the government of their country.

The Legislative Council created by the Act of 1861, naturally enough, failed to satisfy the aspirations of the people of the land,
A New Look on Modern Indian History

The revolt of 1857 was a turning point in Indian history. It was a major event that began the process of British colonial rule in India. The revolt was sparked by a combination of factors, including economic exploitation, political grievances, and cultural differences.

During the second half of the nineteenth century, the British began to gain control over India. The British East India Company, which was established in 1600, gained control over a significant portion of India's land and resources. The company's control over India was further strengthened by the Indian Rebellion of 1857, which was a major event that began the process of British colonial rule in India.

The rebellion was a major event that began the process of British colonial rule in India. The rebellion was sparked by a combination of factors, including economic exploitation, political grievances, and cultural differences.

The British response to the rebellion was to establish a new system of governance in India. The British government established a new system of governance that was based on the principles of colonialism. The system was characterized by the establishment of a system of administrative control, a system of education, and a system of justice.

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The British government established a new system of governance that was based on the principles of colonialism. The system was characterized by the establishment of a system of administrative control, a system of education, and a system of justice.
The element of non-official, neglectable as it was, did not even rise. Some people considered it an honour to be included in the project, perceiving greater opportunities of self-interest.

During the second half of the nineteenth century, the ideas of nationalism began to grow in India. A number of factors contributed to this growth. The setting up of the Indian National Congress and the growth of a middle-class elite in the 1880s paved the way for the nationalism of the 1890s. The situation of the Indian Civil Service was a major factor in the growth of nationalism. The British Government, after granting the Indian a limited amount of judicial independence, was faced with a growing demand for self-governing institutions. The Indian National Congress was formed in 1885, and its members began to demand more autonomy for the Indian nation.

The Indian National Congress played a significant role in the development of Indian nationalism. It was founded with the aim of bringing Indian political and social reform. The Congress was instrumental in the growth of nationalist ideas and the formation of the Indian National Congress. The Congress played a significant role in the struggle for Indian independence.

The Indian National Congress was founded in 1885, and its members began to demand more autonomy for the Indian nation. The Congress was instrumental in the growth of nationalist ideas and the formation of the Indian National Congress. The Congress played a significant role in the struggle for Indian independence.

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The Principles of Election under the Act. The principal
feature of the Indian Council Act of 1892 was the provision
that the election of members of the Legislative Council and the
Legislative Assembly should be made by the people of the Union.

The Act provided for an election by secret ballot, and for a
majority rule. The members of the Legislative Council and the
Legislative Assembly were elected for a term of three years.

The选举 was to be held under the supervision of the Governor-General,

Observations on the Act. The Indian Council Act of 1892
was undoubtedly an advance on the Act of 1881 and it was as it
should have been. The Act of 1892 widened the functions of the
legislatures. The members could ask questions and thus obtain
information which they desired from the Executive. The financial
accounts of the current year and the budget for the following year
were presented to the legislature, and the members were permitted
to make general observations on the budget and make suggestions
for increasing or decreasing revenue or expenditure. As the
functions of the legislature were widened, they attained
a higher status. This Act added to the prestige of the Indian
people, and it is to be hoped that in the future the Indian
people will continue to work for the good of their country.

The establishment of a system of election was a step forward.

The recognition of the principle of election, although it
was not as far-reaching as the Act of 1881, was an important
progress. A system of election was established, and the goal of
representative government was not far away.

There were, however, certain defects and shortcomings in the
mechanism. The Act was criticised at the constitutional
session of the Indian National Congress. It was pointed out that
the system of election in the Act was a complicated one. The
right of the electors was exercised by the local bodies and was
only to be exercised by those bodies. It was further pointed out
that the functions of the Legislative Council were not clearly
defined.

The Act did not specify the qualifications of the electors.
Any question could be asked by the members of the Council
without discrimination. Certain clauses were over-represented
in the Act. There were, for example, two seats for the Indian
merchants community. Again, two seats for the Osmania and
Hyderabad.

The Indian Council Act of 1892 was a great step forward.
It was a step towards the establishment of a system of
election. It was a step towards the recognition of the
principle of election. It was a step towards the establishment
of representative government. It was a step towards the
emancipation of the Indian people.

The establishment of a system of election was a step forward.

The recognition of the principle of election, although it
was not as far-reaching as the Act of 1881, was an important
progress. A system of election was established, and the goal of
representative government was not far away.
In conclusion, we may say that despite the fact that the Act of 1842 was a step in advance, it did not bring about a total change in the existing state of things. It undoubtedly provided certain rights for the Hindus, but the provision for election of representatives and giving the Legislative Council power over the Executive, the Act did not change the situation as far as the Indian people were concerned. The people continued to be governed by the same system of government, and there was no indication of any desire on the part of the Indian people to change the existing system of representation.

The Indian Council Act, 1861 (The Indian Councils Reform Act)

The Act of 1861 was intended to improve the position of the Indians in the government. It provided for the appointment of more Indians to the Legislative Councils and for the extension of their power. However, the Act did not provide for the election of Indian representatives, and the Indians were still governed by the same system of government as before.

The Indian National Congress

The Indian National Congress was established in 1885 to promote Indian nationalism and to work for the emancipation of the Indian people. The Congress was formed by a group of Indian intellectuals who were dissatisfied with the British rule in India. The Congress was modelled on the British political system, and its aim was to work towards the establishment of a independent India.

The Congress was divided into two factions: the Moderates and the Extremists. The Moderates believed in gradual reform, while the Extremists called for more radical changes. The Congress was a powerful organization, and its influence was felt throughout India.

The Congress played a key role in the Indian independence movement, and its members played a leading role in the struggle for Indian freedom.

The Congress was dissolved in 1906 due to internal disputes, but it was re-established in 1918.

The Congress continued to play a key role in the Indian independence movement, and its members were instrumental in the struggle for Indian freedom.

The Congress was dissolved in 1947 with the independence of India, and its members went on to play a key role in the new nation's development.
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The term "nationalist" deliberately adopted a policy of "divide and rule". The first official manifestation of this policy may be traced to the All-India Congress on October 1, 1908. The Congress was not only separatist but also the representative of a large population on account of "their" supposed rights in areas of their direct cost and the foundations of British Empire were further weakened.

The Indian Councils Act of 1909 was passed to take the initiative of the Indian Government, the last of that year, to the authority of British Government and India in order that the Congress might now be a more effective body. The plan was now for introducing the reforms for the Indian constituencies and the Indian Reform Association grew to be an effective body.

The Secretary of State for India in the Liberal Cabinet now became the 'Indian Nationalist Association' in full support of Lord Morley's plan and that of the press of the British administration in India. The plan of the Indian Privy Council was presented to the Cabinet, and the presence of the Indian Government, the last of that year, to the authority of British Government and India in order that the Congress might now be a more effective body.

The Provincial Legislatures. The reorganization of the Legislative Council in the new provinces was not yet in progress. As the Act of 1909 was as follows:

In order to ensure the work of the Executive Council, the number of members of the Legislature was increased from 21 to 30. Of these, 18 were to be nominated by the Governor-General, seven ordinary members (Executive Council) and one extraordinary member, who were to be nominated by the Secretary of State. The remaining 12 were to be nominated by the Governor-General in Council.
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Theseen," policy of India and of the British Empire. The fisk officials of the British Raj were not only responsible for their own interests, but also for the welfare of the indigenous population. The British Empire was vast, and the officials had to maintain order and ensure the smooth functioning of the administration.

The Indian Council Act of 1909 was a major step towards increasing the representation of Indians in the Indian government. It was introduced in response to the Indian National Congress' demand for more say in the governance of India. The Act granted seats to the Indian National Congress, the All-India Muslim League, and the provincial assemblies. It also introduced the concept of representation by election.

The Provincial Legislatures were established under the Government of India Act of 1935. The Act provided for a bicameral legislature for each province, comprising a Legislative Assembly and a Legislative Council. The Legislative Assembly was elected by adult male voters, while the Legislative Council was appointed by the Governor-General. This system was aimed at providing a more democratic and representative form of governance.

The Indian Council Act of 1909 and the Government of India Act of 1935 were significant steps towards the devolution of power to the Indian people. These Acts laid the foundation for the modern Indian political system, which continues to evolve and adapt to changing circumstances.
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The reforms of 1909 affected the Indian political system in many ways. The election process was made more democratic, with the introduction of separate constituencies for Muslims and the franchise extended to more voters, including women and the lower classes. The process of direct elections was also introduced, allowing for a more direct representation of the people's will. The Indian National Congress, which was a major political force in India, participated in these elections, and its influence grew significantly.

The economic situation in India also improved during this period. The Indian economy was in a state of flux, and the government took various measures to stabilize it. The reforms of 1909 helped in this regard by introducing measures such as the establishment of the Reserve Bank of India, which was aimed at regulating the money supply and stabilizing the currency. These measures helped prevent inflation and provided a stable economic environment for the growth of trade and industry.

The reforms also had a positive impact on the education system in India. The Indian National Congress, which was a major political force in India, participated in these elections, and its influence grew significantly. The government took various measures to expand education, including the establishment of universities and the introduction of scholarships for students from poor backgrounds. These measures helped improve the literacy rate in India and provided a foundation for the development of a more educated and informed society.

The reforms of 1909 marked a significant turning point in the history of India. They provided a more democratic and representative form of government and helped improve the economic and educational conditions of the country. These reforms laid the foundation for the development of a modern Indian state and were a stepping stone towards independence.
The Reform Act of 1861 gave to the people of the Indian Empire a voice in their government for the first time. It created a system of elected councils that allowed the British Government and the Indian community at large to participate in the governance of the empire.

Select Opinions

Report on Indian Constitutional Reforms, 1861. The many vital reforms of 1861 are to be viewed in their true perspective as the first steps in the process of constitutional evolution which formed the basis of India's political development. The reformation of government which was now set in motion was to involve a significant change in the nature of the relationship between the British Crown and the Indian people. The new system of government was characterised by a greater degree of democratic participation and a greater degree of accountability to the people.

H. C. E. Zacharias. The nature of these reforms lay in the conviction that as far as was reasonable of all means, and that the new system of government was fundamentally democratic, and that the people elected to represent them in the new system of government were the real masters of the country. The people of India were thus given a voice in their own affairs, and the new system of government was better fitted to meet the needs of the Indian people. The new system of government was better fitted to meet the needs of the Indian people.

R. C. G. Jee. The Act of 1861 brought the constitutional revolution begun by the Act of 1861 to the forefront of the political world. The Act of 1861 was a significant step in the development of representative government in India. It marked the beginning of a new era in the history of India's political development. The new system of government was better fitted to meet the needs of the Indian people.

Chart showing the Growth of the Central Legislature

The following table shows the growth of the Central Legislature in India and the evolution of the Legislative Council. The table shows that the number of members of the Legislative Council increased from 17 in 1862 to 42 in 1892. The number of members of the Legislative Council also increased from 17 in 1862 to 42 in 1892. The number of members of the Legislative Council also increased from 17 in 1862 to 42 in 1892.
CHAPTER XXII
THE GOVERNMENT OF INDIA, 1919
(The Montefiore-Chelmsford Reforms)

The Montefiore Reforms were only a partial step towards the goal of responsible government.

- Mahatma Gandhi

Circumstances leading to the passing of the Act. The Montefiore Reforms were passed in 1919, with the intention of establishing a parliamentary system in India, but with the opposite intention of balancing the authority of the Indian government by rendering the powers of the Legislative Council ineffective. This view is clear from the speech made by Lord Montefiore in the House of Lords on February 26, 1919. He observed: "There are, I think, three classes of people we have to consider in dealing with this subject. There are the Europeans who were fusing into one people with some of the others. There is the Hindu who is fusing into one people with some of the others. There is the non-European who is fusing into one people with some of the others."

The Montefiore Reforms aimed at a two-house system with the Legislative Council retaining the right to control spending but not to make laws. This house would consist of 60 members, with 25 nominated members and 35 elected, divided into four classes: the General, the Literary, the Clergy, and the Mutual.

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The Muslims and, without disloyalty to the foregoing objects, the attainment of the system of self-government suitable to India. As the Muslims could not come to a settlement with the British Government in regard to the condition on which a Muslim University was to be founded at Aligarh, the former felt great loss, as also at the annulling of the partition of Bengal in 1901. Certain outside events also led to a deterioration of Anglo-Muslim relations in the country. The shaking of the English world, the war in the Boer War of 1899-1902, was looked at as a great conspiracy of the Christian Powers against Turkey, who stood itself up, and, was represented as a struggle for the soul of the East and the Christian. The assassination of the Mahaguru by a Muslim shows the military effect of the military, that brought the Hindus and the Muslims close. At a largely attended public meeting on August 31st at Lucknow, M. S. Usmani, who has been president of the Muslim League. The Congress-League agreements, used in the Lucknow Pact.

The extremities according to Morley “were fantastic dreams that some day they will drive us out of India” continued their activities through organizations established both in India and abroad. The Ghadr movement in the Punjab and the Khoja Futile incident in Bengal were only two examples of their terrorist activities.

So great was the discontent among the people of India with the Morley-Moyles Reforms that the British Government had to resort to repressive measures to suppress the rising tide of discontent. The Indian Post Act of 1919, the Sedition Act of 1917, and the Criminal Law Amendment Act of 1919 were all added towards this end. The Tantric Act of 1919, which provided for the trial of revolutionary offenders by a special bench without appeal and for the retention of evidence was a particularly odious measure.

Although the outbreak of war in Europe in August 1914 had no immediate connection with the defence of India, yet as a part of the British Empire, the country automatically became involved in it. Thus in the war, India made an extraordinary contribution to the war effort. Not only did it supply the armies with munitions, it took up responsibility for the training and arms of the army. In this war went on the affirmation of the moral values in the army, and the emergence of the doctrine of self-determination, deeply influenced Indian public opinion. If the war was being fought to make the world safe for democracy, it was hoped that it would at least put India on the road to self-governance. If self-determination was to apply to the people, it was asserted, it should also be applied to Indians as well.

The Road to Responsible Government

Under the circumstances, the question of further constitutional reforms did not look easy. A patent proof of the wide advantage these reforms did not yield. Above all the consideration of the Government's various schemes for reform in the least advantageous, and the opposition of the Congress and other parties, the scheme was that the provinces should be set up, developments for the elections set up. Among those who put forward the idea of a Central Legislative body were the members of the Central Legislative body, along with the elected members of the Provincial Legislative bodies in various provinces.

With the introduction of the Montagu-Chelmsford Reforms in 1919-1920, the idea of a Central Legislative body was given up, and the provinces were set up as autonomous units, each having its own legislature. The idea was that each province was to be responsible for its own internal affairs, and to be represented in the Central Government by a member of the Provincial Legislative body.

Montagu's Statement of 20 August 1917

Just five years after assuming office on August 20, 1917, Montagu, the new Secretary of State, made a statement in the House of Commons regarding the question of responsible government in India. He announced:

“The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of encouraging and promoting the growth of self-governance with a view to the progressive realisation of responsibility in India as an integral part of the British Empire.

They have decided that substantial steps in this direction should be taken, as soon as possible. It was said that progress in this policy can only be achieved by successive stages, and that the Government and the Government of India, up to whom the responsibility for the welfare and advancement of Indian peoples, must be judges of the time and measure of such actions, and that they must be guided by the operations received from those upon which new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility."

The authors of the Montford Report regarded this declaration as the most momentous step ever made in India's chequered history” which marked the "end of one epoch and the beginning of a new one". It was a declaration of belief in the philosophy of liberalism. It was based on the idea that "liberty alone is the end for liberty". The Declaration caressed the tone Indian atmosphere for the time being at least.

There was, however, a section of people in India to whom the declaration failed to satisfy. It was argued that no definite time was prescribed, by which India would reach her goal. Now was there any standard laid down, by which one could decide whether a certain stage for further reforms had been reached or not. It was indeed, insisting to India, it was pointed out, that the British were to be the
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An act to provide for the Government of India.

The Government of India Act, 1919

Preamble

The Act laid down its principles in which the reforms were to be progressively carried out in India. These principles were to be followed even more so as the same had been embodied in the Declaration of August 20, 1917. An analysis of the preamble brings out the following points:

1. The reorganization of the British Empire and the establishment of a Responsible Government in India is based on the principles of the present-day India.

2. The Government of India is capable of progressive realization only if it is prepared to provide for the gradual development of self-governing institutions in the provinces, in accordance with the principles of the Act.

3. The significance of the Preamble is that what was already declared by Montagu was now given a definite legal shape.

4. The sovereignty of the British Parliament over India was reasserted and the country was told in clear terms of the basis of the future British action.

Main Provisions of the Act

1. Changes in the Home Government. The Secretary of State for India who used to be paid out of the Indian revenues was now to be paid by the British Exchequer, thus enabling an Indian to hold an office of great importance during the first years of the Act. An Indian was appointed and paid by the Government of India. The new functionary was to act on the advice of the Secretary of State. He was the President of the Home Department, the Indian Students' Department, and the Indian Civil Service. He was also the head of the Indian Department, the Indian Students' Department, and the Indian Civil Service. He was the head of the Indian Department, the Indian Students' Department, and the Indian Civil Service. He was the head of the Indian Department, the Indian Students' Department, and the Indian Civil Service.

2. The Central and Provincial Legislatures. The Act provided for the introduction of responsible government. In the Central Legislative Council, the provinces were divided into districts, each of which was represented by one member. In the Provincial Legislative Council, each province was represented by one member. The Central Legislative Council was to consist of not more than 100 members, of whom not more than 20 were to be elected in each province. The Provincial Legislative Council was to consist of not more than 20 members, of whom not more than 5 were to be elected in each province. The Central Legislative Council was to consist of not more than 100 members, of whom not more than 20 were to be elected in each province. The Provincial Legislative Council was to consist of not more than 20 members, of whom not more than 5 were to be elected in each province. The Central Legislative Council was to consist of not more than 100 members, of whom not more than 20 were to be elected in each province. The Provincial Legislative Council was to consist of not more than 20 members, of whom not more than 5 were to be elected in each province.
The Chief executive authority still remained with the Governor-General, who was representative of the Crown and responsibility in corresponding to the Secretary of State for India in London. Thus the Governor-General enjoyed vast powers over the country. Thus the will of the Governor-General in respect of the appointment, powers and functions of the Governor-General were ignored in the Act.

Changes on the Legislative side. The Act set up a bicameral legislature at the Centre in place of the Imperial Legislative Assembly.

1. The Legislative Council which was to be the Upper House was to consist of 20 members. 20 of these members were to be nominated by the Governor-General in Council as he thought fit, and the other 10 by the House of Commons. The Governor-General in Council, by his personal vote, was to appoint from these 10 members a Speaker. The Legislative Council was to meet annually.

2. The Legislative Assembly which was to be the Lower House was to consist of 120 members. 80 of these members were to be elected by the people, and the other 40 were to be nominated by the Governor-General. The Legislative Assembly was to meet annually.

The franchise was extensively restricted. Only those paying an income of at least Rs. 1000 a year or those paying a minimum land revenue of Rs. 75 a year were eligible to vote. In addition, other qualifications were that a person must be a male, a member of a University, must have some sort of property, or be a member of the Indian Civil Service, or be a member of the Indian Medical Service, or be a member of the Indian Legal Service, or be a member of the Indian Revenue Service, or be a member of the Indian Railway Service, or be a member of the Indian Army, or be a member of the Indian Navy, or be a member of the Indian Air Force, or be a member of the Indian Police, or be a member of any other Indian Service, or be a member of any other Indian Body, or be a member of any other Indian Corporation, or be a member of any other Indian Association.

The life of the Assembly was to be three years but it could be extended by the Governor-General. It is to be noted that the law governing the Assembly was passed in 1909 and was only in force for ten years.

The franchise was much restricted, though as compared to the Council of State it was not so high. The minimum qualifications were that either a person must be an employee or an owner of a house of the minimum annual rental value of Rs. 150, or he must have been a resident of the district for a period of 10 years.

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The Roads to Responsible Government

The Respective powers were: Land, Irrigation, Public Works, Agriculture, Education, Justice, and Railways. The Legislative Council was divided into two parts: the Upper House and the Lower House. The Upper House was appointed by the Governor General, and the Lower House was elected by the people.

The system of election introduced for the Provincial Councils was the primary vote selecting the members. However, property qualifications, the communal and class distinctions, and special franchise to certain communities figured in the provincial franchise.
The functions of the Provincial Council were also reduced. The members enjoyed the right to ask questions and adjourn the sitting, but not to move amendments. Their right to initiate legislation was restricted and only bills introduced by the Governor could pass. The Governor was also given the power to override resolutions passed by the Council. The members could not meet on the budget, though the Governor could veto, if necessary.

Observations on the Changes made in the Provincial Council.

The division of administration into three branches created a new situation. The division was made in a way that the Executive was divided into three parts: the Governor, the Council, and the Executive Council. The Governor was the head of the executive, while the Council was responsible for legislative matters. The Executive Council was responsible for administrative matters and had the power to make regulations. The Governor was also given the power to dissolve the Council.

The decision on questions of interest to the people was delayed and the Council was not able to meet when the Governor was not present. The Governor was also given the power to adjourn the Council. The Council was not able to meet when the Governor was not present. The Governor was also given the power to adjourn the Council.

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the control of the Secretary of State over, if they held
Transferred departments. They, in consequence, did charge it, to
the Ministry. The Ministers had power to order, to make
laws, and to make laws when necessary concurred in their
departments.

10. All the so-called nation-building departments were trans-
ferred to the Ministry but they were given no power for them. The
Finance Member. As a member of the bureaucracy, the Finance
Member had little sympathy with the aspirations of the people
represented by the Ministers. He cared more for the sordidness of
the Finance Member, and was interested in the financial
departments, than for the Transferred departments. The
Finance Member could always put a spoke in the wheel when money
was demanded for the Transferred departments and thus throw
the scheme for those departments up to the
Ministers.

Apart from the limitations and defects in the system of Dyarchy
as enunciated above, there were still other hindrances in the way
of its successful working. The political atmosphere in the country
was one of suspicion and distrust, an account of terrible
happenings in the Punjab and elsewhere, and the attitude of the
British Government towards India. The Union passed in 1920
and added to the misery of the people. Smug also came into
the market with the result that the finances of both Central and Provi-
cational governments were upset by the favourable balance of trade
of India. Under the Montefiore Act, the Provincial
Governments were required to make certain annual contributions to the
Government of India. The Government of India, instead of paying
the provinces which were faced with financial difficulties, the
financial crisis in the provinces and the atmosphere of
suspicion and distrust stilled for the successful working of the new
constitution.

General Review of the Act of 1919. The Act of 1919 had
three main defects from the nationalist point of view, namely: (a)
The absence of separate responsible government at the Centre, (b)
The consolidation of separate electorates. Although the Montefiore
Report had declared that communal separate electorates was an
absolute evil, the Act of 1919 was a very serious hindrance to the development of the self-governing prin-
ciple, yet separate electorates came to be a permanent feature of the
Indian political life. (c) The introduction of Dyarchy in the prov-
inces was too complicated to be smoothly worked.

Nevertheless, something can be said in favour of the Act. The Act
undoubtedly made a new departure. For the first time in the
history of British rule, provision for transfer of power, even though
the transfer was haphazard and the power extremely limited. As Con-
lon says: "The Act created the line between the Provincial and execu-
tive authority. Previous measures had enabled Indians increasingly
to control their legislature but now their Government...Now Indias

The essentials of the Scheme of Responsible Government

...then to govern, so to speak, on their own, as leaders of the
district authorities in their legislature, and responsible to them.

Through Dyarchy has been condemned out of hand, it would be
wise to say that Dyarchy brought no constitutional progress.
Dyarchy was, probably, the best transitional measure that
could have been applied after a prolonged examination of alter-
natives.

Resume

The Montefiore Report (1918) laid down a fourfold formula to
implement the policy in the first stage, viz.,

- Division of complete popular control in local bodies
  (municipalities, tahsils, district boards, etc.),
- Partial introduction of responsible government in the
  field of provincial administration;
- Division of complete popular control in local bodies
  (municipalities, tahsils, district boards, etc.),
- Relaxation of control of the central government and the
  Constitution of the provinces.

These recommendations were given a statutory shape under
the Government of India Act, 1919.
Government which was done through Devolution Acts passed under the Act. The Central List included subjects like Defence, Finance, etc., whereas the Provincial List included subjects like Health, Education, etc. The Devolution Acts were designed to transfer powers and responsibilities for the management of public affairs to the provincial governments. The aim was to ensure that different areas of administration might be handled.

The Provincial List was further divided into two parts - the Personal List and the Legislative List. The Personal List contained subjects like Education, Labour, etc., whereas the Legislative List contained subjects like Law and the Constitution. The subjects were divided and governed by a Provincial Governor, who was responsible to the Governor-General in Council.

The Provincial Legislature was enlarged and the Governor was now responsible to the Governor-General in Council. The Governor was also responsible for the administration of the province. The Governor was the head of the executive government in the province and was expected to play a vital role in the new setup. He was responsible for the smooth running of the government and was accountable to the Governor-General in Council.

Changes at the Centre. As the Centre the Government of India continued to be administered as before and in theory responsible only to the British Parliament.

Enlargement of the Central Legislature was carried out by making it bi-cameral. The Council of States, the upper house, was to comprise 60 members, of whom 34 were elected on high property qualifications and 26 nominated. The Legislative Assembly was to be nominated. Voting qualification was lower for the Legislative Assembly.
CHAPTER XIII.
THE ROAD TO RESPONSIBLE GOVERNMENT—II.

The Government of India Act 1935

The Congress mustered the Mussulman Communities to be the most
widespread non-violent and non-cooperative campaign for the redress
of the `Indiah' wrongs to establish
democracy. The impact of the war, the tragedy for the Muslims—
these created a new situation and demanded
a complete revocation of policy and methods of the Congress.
The fundamental changes in the policy and methods of the Congress
were reflected in Article 1 of the Constitution adopted in 1931:

The object of the Indian National Congress is the attainment of Sovereignty
by the people of India by all legitimate and peaceful means."

In other words, no government within the British Empire was to
no longer to be attained solely through constitutional means; constitutional
means, provided they be `legitimate and peaceful', might also be employed. The change in the fundamental character of the

The road to Responsible Government

The road to Responsible Government was the very year (1921) of the incorporation of the Montfort Scheme and modelled in for the successful working.

The Transport Party. With the passage of time the opposition to the Act of 1919 became strong and more effective. Even the activities of the Indian Congress, the modelled in for the first time by the Indian National Congress, was to the establishment of Pacific government in India.

In conclusion, the Government of India Act was a significant step in the development of Indian self-government. It provided a framework for the gradual transfer of power from the British to the Indian people, paving the way for a more autonomous India in the future.

The Government of India Act 1935

The Government of India Act 1935 was a significant step in the development of Indian self-government. It provided a framework for the gradual transfer of power from the British to the Indian people, paving the way for a more autonomous India in the future. The act was the result of negotiations between the Indian National Congress and the British government, and it established a constitutional framework that would allow India to become a self-governing dominion within the British Empire.

The act was the first major step towards India's independence. It set up a new system of government for India, with a federal structure that included a central government and provincial governments. The act also provided for the election of representatives to the federal legislature, the Rajya Sabha, and the provincial legislatures, the Lower Houses of the provincial legislatures.

The act was signed by the British Prime Minister, Herbert Asquith, and the Indian National Congress leader, Muhammad Ali Jinnah. It was a significant achievement, and it paved the way for India's eventual independence in 1947.
A general sense was observed all over the empire on the subject of a new constitution about India and India's East, and a new constitution of India was desired. The Indian National Congress, which was the main organization of Indian nationalism, was invited to form a coalition with the Congress, and it was accepted.

On December 31, 1926, the Congress at its annual session adopted a resolution approving the Simon Commission Report, and expressing the desire that if this constitution was to be made in India, it should be done by the British Parliament within a year, but not by December 31, 1928. The Congress would accept it if it was revised and not accepted by them. Hence it would require a campaign of non-cooperation and non-payment of taxes, etc.

On December 1, 1927, the Muslim League met in Lahore and Mr. Jinnah, on behalf of the Muslim League, moved a resolution in the Muslim League meeting in which he stated that the Muhammad Ali Jinnah proposed to be the President of the Muslim League, and there should be a special conference in the Muslim League meeting in which he expressed the view that the Congress and the Muslim League should be merged into one, and that the President of the Muslim League should be the President of the merged party.

On December 3, 1926, the All-Parties Conference met in Lahore to consider the Simon Report and Mr. Jinnah, on behalf of the Muslim League, moved a number of amendments to those amendments which were laid on the table of the All-Parties Conference.
Ramsey MacDonald announced that in default of an agreed settlement as regards the respective quotas of representation of different communities in British India, the Governor-General would have to adjudicate their claims. Accordingly, he gave on August 4, 1932, his famous "Communal Award" which related to representation in the representative institutions. However, Ramsay MacDonald's Communal Award was later partially modified by the Poona Pact which was accepted by the Hindu leaders as a result of Gandhi's fast to

The Federal Executive. Dr. B. Ambedkar, rejected the Simon Commission, was provided for in the Federal Legislature. External Affairs, Educational Affairs, and the Administration of Tribal Areas were Reserved in the hands of the Governor-General to be administered by him with the assistance of a maximum of three Counsellors to be appointed by him. The other Federal subjects would be administered by the Governor-General with the assistance and advice of a Council of (not more than ten) Ministers to be chosen by him and to hold office during his pleasure. This includes representation of Indian States and Minorities as laid down in an Instrument of Instructions to the Governor-General, and to be responsible to the Federal Legislature.
The Federal Legislature. It was to have two chambers, the
one to be a permanent body with one-third of its members
elected and two-thirds by the Governor-General, and the
other to be elected for very short terms. The first chamber
was to consist of about 150 members elected by
British India and not more than 50 members
from the Indian States. (The British Indian members in the case
of the Provinces were to be elected, not directly by the people,
but by the members of the Provincial Legislative Assemblies on the
basis of proportional representation with the single transferable
vote.)

The following comments are made for in respect of the Federal
Legislature:

1. The powers to nominate one-third of the representatives
   in the Upper House and two-thirds in the Lower House.

2. In the Provinces the powers to nominate one-third of the
   representatives of the Federal Legislative Council and not more than 50
   members in the Federal Assembly who were to be
   divided equally between the Federal Assembly and the Provincial
   Legislative Councils.

3. In the Provinces the powers to nominate one-third of the
   representatives of the Provincial Legislative Councils.

4. The powers to nominate one-third of the representatives
   in the Lower House and two-thirds in the Upper House.

5. In the Provinces the powers to nominate one-third of the
   representatives of the Provincial Legislative Councils.
A New Look on Modern Indian History

The Rival in Responsible Government

There is no doubt that the Governor under the Act had executive powers (which included many legislative powers as well as executive power) to a greater extent than the Governor under the Government of India Act 1935 had. His executive power was ... to be responsible to the Governor-General in Council. It is purely a question of interpretation to decide whether the Governor-General had been delegated power to take certain legislative powers for himself. He was not a Council of Ministers in the ordinary sense, and therefore the delegation of power to him is clearly not intended.

The Governor was also responsible to the Central Government. The Central Government could impose certain restrictions on him, and in certain cases, it could even dissolve the provincial government. The Governor was also accountable to the Central Government in respect of any action taken by him in the execution of his duties.

The Governor was, therefore, not only responsible to the Central Government, but also accountable to it for his actions. This made the Governor more responsible and accountable for his actions, which had a positive impact on the functioning of the provincial government.

The Governor under the Act of 1935 seems to resemble that familiar figure of Greek tragedy, the god-king who was both a god and a king, and was simultaneously responsible for all sorts of things that came within his jurisdiction. The Greek tragedian, Euripides, who wrote about the god-king, the Oedipus, also highlighted the inherent difficulties of being both a god and a king. The Governor under the Act of 1935 was also a god-king, and his position required him to be both a god and a king, and to be responsible for all sorts of things that came within his jurisdiction.
Provincial Legislatures. The constitution of Provincial Legislatures was divided into two Houses, one being the Legislative Assembly and the other the Legislative Council. The Legislative Assembly was to have as many seats as the population of the province would allow, but in no case was it to have more than 100 members. The Legislative Council was to have not less than 10 members and not more than 30 members. The members of the Legislative Assembly were to be elected by the people of the province, while the members of the Legislative Council were to be appointed by the Governor on the recommendation of the Chief Minister of the province.

The assembly system of representation by elected committees and their powers to make decisions was not well established in India by the Act of 1858. The elections were conducted by the local authorities in each district, and the candidates were nominated by the Governor-General. The qualifications for election were set by the Governor-General, andincluded a property qualification of at least £100.

Other Provisions of the Act of 1935. Several other provisions were made by the Act of 1935 to strengthen the Indian government. These included the establishment of a Federal Council, the introduction of a new constitution, and the establishment of a Federal Court. The Federal Council was to be composed of members appointed by the Governor-General, and was to have the power to advise the Governor-General on matters of policy. The new constitution was to be based on the principles of federalism and the separation of powers. The Federal Court was to be a court of last resort, with the power to interpret the constitution and to strike down any legislation that was inconsistent with it.

The operative part of the Act of 1935 remained in force until August 15, 1947, when it was replaced by the Independence of India Act, 1947.
Salient Features of the Government of India Act, 1935

The Government of India Act of 1935 provided for a review of the political situation in India every ten years. In 1937, the process of review was initiated by the appointment of the all-India Raza Committee. The All-India Raza Committee submitted the Indian viewpoint in the famous Nehr Report (1938). The Simon Committee Report was discussed in the Round Table Conference held in London during 1930-32. The British Government proposals were published in a White Paper which provided the basis for the Act of 1935.

Provincial Autonomy: Under the Act, the Governor of a Province was given a new status and broadly focused on the supervision, direction, and control of the Government of India and the Secretary of State except for specific purposes. The provinces were to be governed directly by the British Crown.

Provincial Autonomy was expanded by Provincial Autonomy. The Legislative Councils and the Provincial Government were conferred on the provinces. The British Government was responsible for certain subjects.

Provincial Legislatures were further expanded. Parliamentary legislatures were provided in the six provinces of Madras, Bombay, Bengal, C.P., Bihar, and Assam. The other five provinces continued to have Legislative Councils. The franchise was lowered, though it still remained concentrated in the urban areas. Unfortunately, the principles of proportional representation were discontinued.

The Governor was the head of the Provincial Executive and was expected to be guided by the advice of the popular ministers. However, the Act gave arbitrary powers to the Governor in theory. In practice, the Governor did not consult the Cabinet or the representatives of the Legislative Council, appointment of Ministers, giving or withholding his assent to bills passed.
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Proposed for a Federation of India. The Act also provided for setting up of the Federation of India, comprising British India, Provinces and Indian States. However, entry into the Federation of India, Provinces but optional for Indian States. The Federation was to come into existence if certain conditions were fulfilled.

The Federal Legislature was to be bicameral comprising the Council of State (25% of seats in the Assembly) and a House of Commons (45% of seats). The Assembly was to have 350 representatives of British India, and not more than 125 of the Indian States. The normal tenure of the Assembly was to be five years.

The proposed federation had many odd features. While the representatives of Indian Provinces were to be elected, those of Indian States were to be nominated by the ruling princes. Further, the Indian States constituting merely 25% of the total population of India were given 46% of the seats in the Council of State and 33% of the seats in the Assembly. Even in Indian Provinces, the distribution of seats was not made on the basis of population but on the basis of their political importance. Another odd feature was the provision of indirect election for the Lower House (Federal Assembly) and direct election for the Upper House (Council of State).

The violence system of communal and class electorates was further extended to include not only General (i.e., Muslims and Scheduled Castes), Muslims, Europeans, Indian Christians and Anglo-Indian electorates but also women (general), Sikh women in Punjab, Mohammedan women, Indian-Christian women in Madras, Anglo-Indian women in Bengal besides electorates for Commerce and Industry, Landlords, Labour, University, Backward areas and tribes.

The Road to Responsible Government

The Federation of India was not expected to be a sovereign, right remained with the British Parliament. Despite this, the Administrator-General was invested with legislative authority to make ordinances valid for six months or more.

Appraisal of the Act of 1935. The purpose of setting up the Indian Federation of India, laid out materials and due to General Government 1935. However, the Federation of India and the Federal Government was established in 1935 and 1937 respectively.

SELECT REFERENCES

A well-organised and independent legal profession is an essential condition for proper administration of justice. It is also a necessary ingredient and guarantor of the rule of law. Its proper organization and maintenance of its independence are therefore, necessary for a good and just society. This Chapter, traces the history of our efforts in that direction. It will be too ambitious to trace that history from the time of ancients or even Muslim rulers because firstly, we have very little information about that and secondly, our present legal profession, like most of the other legal institutions, is based on British model. Therefore, we trace that history from the advent of British rule.

Early Development

In the first two Chapters, we have seen that though various kinds of courts were established by the East India Company for the administration of justice within the territory under their control, no clear provision was made regarding lawyer-judges or legal profession till the establishment of the Supreme Court at Calcutta. Clause 11 of the Charter of 1773 empowered the Supreme Court “to approve, admit and enrol such and so many advocates and attorneys at law” as it thought proper and also to remove them on reasonable cause. No other person could appear, plead or act in the Supreme Court for or on behalf of any party. Only the English and Irish barristers and members of the Faculty of Advocates in Scotland or British attorneys fell within the terminology of clause 11 and therefore, no Indian had the right to appear in the Court. Similar provision was made later in the Charters establishing Supreme Courts at Bombay and Madras which in effect kept Indians out of the profession.


2. “It is essential for the maintenance of the rule of law that there should be an organised legal profession free to manage its own affairs.” The Rule of Law in a Free Society. A Report on the International Congress of Jurists, New Delhi, India, 1959, p. 311.
The position in the Company's courts in mezzanine area was different. In these courts local vakils who were working in the local courts below to these courts local vakils who were working in the local courts below to the Company's courts, local vakils continued to work. But there was no proper organisation, cadre or code for these vakils. Until Lord Cornwallis in 1793 gave legal opinions by Bengal Regulation XIX of 1814. Subsequently, Bengal Regulation of 1833 empowered the Sadr Diwani Adalat to enrol any qualified person as pleader without regard to his nationality or religion.

In 1846, the Legal Practitioners Act enabled all persons certified by the Sadr Adalats as persons of good character and duly qualified, to become pleaders. Attorneys and barristers were authorised to appear in the Sadr Adalat and pleaders were permitted to enter into agreement with the clients for their fee. Subsequently, the Legal Practitioners Act, 1855, allowed the barristers and attorneys to appear before any of the Courts of the Company. In 1861, the High Courts Act provided for replacement of the Supreme Courts and Sadr Adalats by the High Courts. Clause 9 of the Letter Patent of 1865, establishing the High Court at Calcutta authorised that Court "to approve, admit and enrol such and so many Advocates, Vakils and Attorneys as to the said High Court shall seem meet". They were entitled to appear and plead before the Court subject to its rules and directions. Similar provisions were made in the letters patents establishing the High Courts at Bombay and Madras.

The Legal Practitioners Act, 1879

The foregoing provisions of law did not apply to other High Courts which were established later. Therefore, a comprehensive legislation to consolidate and amend the law relating to legal practitioners was passed as the Legal Practitioners Act, 1879. The Act gave wide powers to the High Courts to enrol lawyers for different courts and also to take disciplinary proceedings against them. It authorised all High Courts other than the three chartered High Courts to make rules, with the prior sanction of the respective provincial governments with respect to qualifications and admission of suitable persons as advocates and vakils of the courts. Power to dismiss the advocates, after giving them an opportunity to defend, was given to these High Courts.

The High Courts were also authorised to make rules with respect to qualifications and admission of pleaders and mukhars in the subordinate

1. For details see supra Chapter 5.
course and revenue offices. Though different High Courts prescribed different qualifications for the pleaders and mukhars, generally former were law graduates while the latter were not. While pleaders could practice in all subordinate courts, mukhars were allowed to appear only in the criminal courts, and at some places even before revenue officers.

A pleader or mukhar could be suspended or dismissed by the High Court if he was convicted of an offence implying bad character or if he was found guilty of fraudulent or improper conduct in the discharge of his professional duties.

The three chartered High Courts added to the category of advocates and attorneys, the category of vakils. The former two categories were of persons qualified in England, while the latter were Indian law graduates. However, under amended rules the Bombay and Madras High Courts had permitted even Indian law graduates to be advocates after passing a prescribed test. While an advocate could appear on original as well as appellate side of these High Courts, the vakil could not appear on the original side or even in appeals from original side. The Madras High Court had, however, done away with this distinction as early as 1886. Since in other High Courts there was no original side, there was no practical difference between a vakil and an advocate.

The Act of 1879 also empowered an advocate or vakil on the roll of any High Court to plead in any subordinate court in British India and also, before any High Court with the permission of that Court. Similarly, attorneys were permitted to practice in any subordinate court in British India and also, before any High Court other than the one in which he was enrolled. This enlargement of the area of work for the advocates, vakils and attorneys, provided them mobility and also a chance to come closer with their brethren at other places.

An important provision of the Act which continues to exist even now was section 36 which empowered the district judges, session judges, district magistrates, presidency magistrates, collector and the Chief Judge of a Presidency Small Cause Court to publish the list of touts. The touts could be debarred from entering the premises of the courts and could also be subjected to fine and imprisonment. In spite of this provision and the concern shown by different legal reforms committees, including the Law Commission of India, touts continue to flourish in the legal profession.

The Chamier Committee and the Indian Bar Council Act, 1926

Although the Act of 1879 was a long step in streamlining the legal profession, the foregoing description still shows incoherence and lack of uniformity. The dissatisfaction over the distinction between vakils and
advocates with respect to appearance on the original side of the chartered
High Courts, some privileges enjoyed by the British barristers and
solicitors, and also a demand for an all India Bar led to the appointment
of the Indian Bar Committee under the Chairmanship of Sir Edward
Chamber in 1923.

The Committee was asked to report on:
1) the possibility of constituting an all India Bar, whether on an all
India or provincial basis, and its structure etc.,
2) the possibility of removal of distinction between advocates,
barristers and solicitors.

On the first point, the Committee reported that the constitution of an
all India Bar was not possible. Alternatively it recommended the
establishment of a Bar Council for each High Court. On the second point,
the Committee could not make any specific recommendation because of
sharp division amongst its members.

To implement the recommendations of the Committee the Indian Bar
Councils Act, 1926 was passed. The most important change brought
about by the Act was the establishment of a Bar Council for each High
Court consisting of fifteen members and including the Advocate-General
as ex-officio member. Each Bar Council had an elected Chairman and a
Vice-Chairman. In the Chartered High Courts of Madras, Calcutta and
Bombay, the Advocate-General was made ex-officio Chairman of the Bar
Council. The roll of all the practitioners enrolled under a High Court was
to be maintained by that High Court. With the prior sanction of that
Court, the Bar Council was empowered to make rules regulating the
admission of advocates, prescribing their qualifications, rights, duties
and norms of discipline and professional conduct and providing for legal
education and training and the conduct of examinations by the Bar
Council. According to the rules of different Bar Councils a barrister or
attorney or a law graduate after some training, could be admitted as an
advocate. Though the application for the enrollment was presented to the
Bar Council, final decision was taken by the High Court which could
refuse admission to any one. In addition to this, full power was reserved
to the Calcutta and Bombay High Courts to control admission, of
advocates on their original side.

Power to take disciplinary proceeding against a practitioner on a
reference from the High Court was given to the Bar Council. The
proceedings were conducted by the Council according to the rules
framed by the High Court in this regard. Final orders in the proceedings
were also passed by the High Courts.
To give full effect to that provision of the Legal Practitioners Act, 1927, which prohibited discrimination on the basis of sex in the matter of enrolment, the Act of 1926 also provided that a specific rule be made by every Bar Council that a woman will not be disqualified to be an advocate on the ground of sex alone.

From the provisions of the Act of 1926, it is apparent that it did not achieve what was desired. The Bar Councils were simply advisory bodies and the real powers vested in the High Courts. Even the rules passed by the High Courts required approval of the High Courts. The distinction between the advocates on original side and other advocates in Calcutta was left untouched. Similarly, the attorneys and Bombay High Courts were left undisturbed by this Act. Nor did it make any provision with respect to legal practitioner in subordinate courts. Even the right of an advocate of one High Court to appear in another High Court was subject to the rules of High Court.

The All India Bar Committee, 1951

Dissatisfaction with this kind of arrangement continued to mount among the legal practitioners. They got a new stimulus on the establishment of the Supreme Court in 1950. The Supreme Court Advocates (Practice in High Courts) Act, 1951, gave a right to every advocate of the Supreme Court to practice in any High Court. But that was not enough. Lawyer community wanted unified autonomous bar with no class distinctions among lawyers. In view of their demand, in 1954 the Government of India appointed the all India Bar Committee under the Chairmanship of Justice S.R. Das to report on the desirability of an all India Bar Council and a separate Bar Council for the Supreme Court; abolition of the distinction between counsel and solicitors existing in Calcutta and Bombay High Courts; abolition of different classes of lawyers; consolidation of the existing laws on the subject; and all other connected matters.

The Committee in its report submitted in 1953, recommended creation of an all India Bar Council with common roll of all advocates and also the Bar Councils for States with larger autonomy. But it did not feel the need for a separate Bar Council for the Supreme Court. It justified the continuation of the distinction between counsel and solicitors in Calcutta and Bombay but recommended that all other classes of practitioners be abolished and be put under one common nomenclature of advocates, and that only law graduates should be enrolled as advocates.

1. This Act was passed to abrogate the decision given by the Calcutta and Patna High Courts in Regina Gulin (in re), I.R. 40 Cal. 290 and in the Matter of Application by Miss Sudeshman Subho Hazard, I.R. 1 Pat. 104 respectively, by which they had refused to admit women as pleaders.
The Advocate Act, 1961

The Act extends to the whole of India. Its main features as expressed in the Statement of objects and reasons are: (1) the establishment of an all India Bar Council and a common rule of advocates, an advocate on the common roll having a right to practice in any part of the country and in any court, including the Supreme Court; (2) the integration of the bar into a single class of legal practitioners known as advocates; (3) the prescription of a uniform qualification for the admission of persons to be advocates; (4) the division of advocates into senior advocates and other advocates based on merit; (5) the creation of autonomous Bar Councils one for the whole of India and one for each State. The Act organises legal profession on federal lines. It provides for a number of State Bar Councils and a Bar Council of India. An advocate is initially enrolled with a State Bar Council and a common roll of all the advocates in the country is maintained by the Bar Council of India.

No advocate can get himself enrolled with more than one State Bar Council, but he can get himself transferred from one State Bar Council to another and is also entitled to appear before any court or tribunal throughout the country.

State Bar Councils—The State Bar Councils are named after their States though a few bar councils are common to two or more States and in some cases union territories have also been covered by a State Bar Council. Union territory of Delhi, now called the National Capital Territory of Delhi, has a separate Bar Council. A State Bar Council consists of fifteen to twenty-five members (depending upon the total

2. An advocate may be designated as ‘Senior Advocate’ if the Supreme Court or a High Court is of the opinion that by virtue of his ability he is deserving of such distinction. But for practical purpose all advocates stand in the same position except that a senior advocate has a right of pre-announcement over other advocates. Apart from that Bar Council may, in the matter of practice, subject the senior advocates restrictions prescribed in the interest of legal profession. (Sec 16). It may be noted that even the distinction between attorneys and other advocates and between advocates of original side and other advocates maintained by the Calcutta and Bombay High Courts has also been recently abolished. (Act 1/0 of 1926).
3. For example, for the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura to be known as the Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura, Mizoram and Arunachal Pradesh.
4. For example, Union Territories of Lakshadweep, Minicoy and Amindivi Islands included in the Bar Council of Kerala and Union Territories of Pondicherry included in Bar Council of Madras.
member of advocates enrolled with that Bar Council elected from amongst advocates on the electoral roll of that Bar Council, and 3. Advocate General for the State concerned and Additional Solicitor General of India in case of Delhi are ex-officio members of the Council. Every State Bar Council has a Chairman and a Vice-Chairman elected by the Bar Council. The term of elected members of State Bar Council is five years.

Every State Bar Council has an executive committee consisting of five members, an enrollment committee consisting of three persons two of whom must be the members and the third, a co-opted advocate, of ten years standing. A Bar Council may also constitute one or more legal aid committees and such other committees as it may deem necessary for the purposes of carrying out the provisions of the Act.

The functions of a State Bar Council are: (i) to admit advocates on its roll, (ii) to prepare and maintain such roll, (iii) to entertain and determine cases of misconduct against advocates on its roll, (iv) to safeguard the rights, privileges, and interests of advocates on its roll, (v) to promote the growth of bar associations for the purposes of effective implementation of welfare schemes, (vi) to promote and support law reform; (vii) to conduct seminars, organize talks on legal topics by eminent jurists and publish journal and papers of legal interest, (viii) to manage and invest the funds of the Bar Council, (ix) to provide for the election of its members, (x) to perform any other functions conferred on it under the Act, (xi) to organise legal aid for the poor; (xii) to visit and inspect universities in accordance with directions that may be given; (xiii) to perform any other function enjoined by the Advocates Act, 1961, including all other work which is necessary to carry out the functions listed above. Detailed provisions have been made in the Act itself regarding disciplinary proceedings which are conducted in a judicial manner and in connection with which Councils possess powers of a civil court under the Code of Civil Procedure as regards summoning of witnesses, production of documents, issuing commissions, etc. The punishment may be reprimand, suspension or removal from the role. These powers can be exercised only by the Bar Council and not by the Courts including the Supreme Court in the exercise of their power to punish for their contempt.3

The Bar Council of India—The Bar Council of India is constituted for the whole of India. Prior to Advocates Act, 1961 there was no all India

1. Thus Bar Councils up to the strength of 5000, 10,000 and above 10,000 have 15, 20 and 25 members respectively.
2. Ins. by Act 70 of 1993, sec. 2(i)(a).
Composition

The Bar Council of India consists of (a) the Attorney General for India, (b) the Solicitor General, and (c) one member elected from each State Bar Council from amongst its members. They elect a Chairman and a Vice-Chairman of the Council. The term of the elected members is co-terminus with their membership of the State Bar Council except that ex officio members of the State Bar Council elected to the Bar Council of India, cannot remain members for more than two years.

The Bar Council of India has an executive committee consisting of nine members elected by the Council from amongst its members and a legal education committee consisting of ten members of whom five are persons elected by the Council from amongst its members and other five non-members co-opted by the Council. The Council may constitute any other committees if necessary for the purpose of carrying out the provisions of the Act.

Among the functions entrusted to the Bar Council are: (i) laying down standards of professional conduct and etiquette for advocates and the procedure to be followed by its disciplinary committee and the disciplinary committees of each State Bar Council. (ii) promoting & supporting of law reform. (iii) supervision and control over State Bar Councils. (iv) promotion of legal education and laying down standards of education in consultation with universities and State Bar Councils. (v) recognition of universities whose degree will qualify a person to be enrolled as an advocate as well as recognition of foreign qualifications for the same purpose; (vi) conducting of seminars and talks on legal matters and publication of legal journals; (vii) managing and investing of its funds; (viii) election of its members; (ix) organising legal aid for the poor; (x) to safeguard the rights, privileges and interests of advocates; (xi) all other functions conferred by the Act or which are necessary for the discharge of the aforesaid functions.

The Advocates Welfare Fund Act, 2001 makes provision for the creation of the fund to be used among others for making ex gratia grant to a member in case of a serious illness; payment of a fixed amount on cessation of practice and in case of death, to his nominee or legal heir; medical and education facilities for members and their dependants; purchase of books and for common facilities for advocates.

The Bar Council of India and subject to its approval State Bar Councils, have been given wide powers to frame rules for the successful implementation of the provisions and objectives of the Act. The rules must, however, be consistent with the Act. The Supreme Court has invalidated a rule made by the Bar Council of India which required law graduates to take one year training with a practicing lawyer on the

1. Ins. by Act 70 of 1993; sec. 2(i)(a).
2. Sec. 4(5).
The Act materialises a long held dream of the members of legal profession to have an all India Bar and professional autonomy. Not only that, the Act also achieves other connected objectives including the improvement of legal education and uniformity of standards. So far the State Bar Councils and the Bar-Council of India have been doing good job in the direction of achieving the objectives underlying the Act. Let us hope that the day is not far when they will be able to establish a really autonomous and independent legal profession badly needed for upholding the rule of law and which is alive to the needs and demands of a developing country which is struck by extreme poverty and inequalities.  

Condition of Bar Councils Today

The hope expressed above has, however, not yet been realised in many ways, a general discontentment continues about the quality of the Bar and its adverse effect on the administration of justice. The Law Commission in its 138 report on the role of the legal profession in the administration of justice, 1988, has expressed great concern on the declining standards of the legal profession. It has emphasised and highlighted the importance of legal profession in the administration of justice and in ensuring the rule of law in the country and has recommended several measures to redeem the situation. It has drawn the attention of the lawyers towards their role enshrined among others in Article 39A of the Constitution, high standards of professional ethics required of the lawyers, standardised fee, support in efficient disposal of cases, non-resort to strikes and assurance of justice to everyone particularly the weaker sections of the society through legal aid. Lawyer's strikes have been decried by the courts also that they are against the rights of the litigants and obligation of the lawyers.  

2. Some attempts were made in 1976 by the Government to curtail the autonomy of profession by making government officials as ex-officio Chairman or Vice-Chairman of the Councils and by inducting Government nominees into them. But the process was reversed in 1977 and status-quo restored.