

GOVERNMENT OF INDIA ACT, 1853

95 of 1853

[20th August, 1853]

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GOVERNMENT OF INDIA ACT, 1853

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An Act to provide for the Government of India. [Preamble, reciting 3 and 4 Will, 4, c. 85, which continued the territories therein mentioned under the Government of the East India Company for a term ending on the 30th April, 1854, rep. 55 and 56 Vict., c. 19 (S.L. R.).]

1. 1 :-

Continuance of powers, etc., of East India Company until Parliament shall otherwise provide. Rep. 55 and 56 Vict., c. 19 (S. L. R.).]

2-14. 2-14 :-

Rep. 41 and 42 Vict, c. 79 (S. L. R.).]

15. Provisions of 3 and 4 Will. 4, c. 85, as to dividing Bengal into two presidencies, suspended by 5 and 6 Wilt. 4, c. 52, shall remain suspended, etc :-

The provisions of the Government of India Act, 1833 , relating to the division of the presidency of Fort William in Bengal into two presidencies, and to the measures consequent thereupon, which have been suspended under the authority of the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter fifty-two, shall remain suspended until the court of directors, under the direction and control of the Board of Commissioners for the Affairs of India, shall otherwise direct; and during the continuance of such suspension the provisions of such last-mentioned Act, authorising the appointment of a lieutenant governor for the North-Western Provinces, then under the government of the presidency of Fort William in Bengal, and the appointments and arrangements made thereunder, shall remain in full force.

16. A separate governor may be appointed for the presidency of Bengal, etc :-

It shall be lawful for the said court of directors, under such direction and control as aforesaid, if and when they think fit at any time * * * *¹to declare that the Governor General of India shall not be governor of the presidency of Fort William in Bengal, but that a separate governor shall be appointed for such presidency; and in

such case a separate governor shall be from time to time appointed for such presidency accordingly, in manner .provided by the Government of India Act, 1833 , in the case of vacancies happening in the offices of the governors of the presidencies of Fort Saint George and Bombay *****²and in the meantime a lieutenant governor may, be appointed for part of Bengal.-And unless and until a separate governor of such presidency shall be constituted as aforesaid, it shall be lawful for the court of directors under such direction and control as- aforesaid, if and when they think fit, at any time * * * *³to authorise and direct the Governor General of India in council to appoint from time to time any servant of the said Company who shall have been ten years in their service in India to the office of lieutenant governor of such part of the territories under the presidency of Fort William in Bengal as for the time being may not be under the lieutenant governor of the said North-Western Provinces * * * *⁴

1. The words "after the passing of this Act" were repealed fay 55 and 56 Vict, c. 19 (S. L. R.).
2. Words repealed by 55 and 56 Vict., c. 19 (S. L. R.), have been omitted.
3. The words "after the passing of this Act" were repealed by 55 and 56 Vict., c. 19 (S. L. R.).
4. Words repealed by 55 and 56 Vict., c. 19 (S. L. R.), have been omitted.

17. Directors may create one new presidency or authorise Governor General to appoint a lieutenant governor :-

It shall be lawful for the court of directors of the said Company, under such direction and control, if and when they think fit, to constitute one new presidency within the territories subject for the time being to the government of the said Company, and to declare and appoint what part of such territories shall be subject to the government of such new presidency; and unless and until such new presidency be constituted as aforesaid, it shall be lawful for the said court of directors under such direction and control as aforesaid, if and when they think fit, to authorise (in addition to such appointments as are herein-before authorised, to be continued and made for the territories now and heretofore under the said presidency of Fort William) the appointment by the said Governor General in Council of a lieutenant governor for any part of the territories for the time being subject to the government of the said Company, and to declare for what part of the said territories such lieutenant governor shall be appointed and the extent of his

authority, and from time to time to revoke or alter any such declaration.

18. 18 :-

Rep. 28 and 29 Vict., c. 17, s. 3.]

19. Enactments as to existing presidencies to extend to new presidencies :-

The provisions of the Government of India Act, 1833 , as amended by this Act, and all other provisions now in force for the administration of the executive government of the Presidencies of Fort Saint George and Bombay respectively, and authorising the revocation and suspension of the appointment of councils and the reduction of the number of councillors in such presidencies respectively, and as to the powers, duties, functions, and immunities of the governors of such presidencies respectively and of such governors in their respective councils, and concerning or applicable to the appointment and provisional appointment of governors and members of council of the said presidencies respectively on vacancies, and otherwise providing for vacancies in the office of any such governor, and concerning the removal and dismissal of such governors and members of council, and the revocation of appointments and provisional appointments of governors and members of council of such presidencies, and concerning the salaries and emoluments of such governors and members of council; shall extend and be applicable in like manner to and in the case of any new presidency to be established as aforesaid under this Act, and also to and in the case of the presidency of Agra, in case the same be constituted under the provisions of the Government of India Act, 1833 ; and the said provisions concerning appointments of governors and members of council on vacancies as amended by this Act, shall extend and be applicable to and for the first appointment of a governor and members of council of such new presidency and the presidency of Agra aforesaid.

20. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

21. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

22. . :-

Rep. 24 and 25 Vict., c. 67, s. 2.]

23. . :-

Rep. 24 and 25 Vict., c. 67, s. 2.]

24. . :-

Rep. 24 and 25 Vict., c. 67, s. 2.]

25. . :-

41 and 42 Vict., c. 79 (S. L. R.).]

26. . :-

Rep. 24 and 25 Vict., c. 67, s. 2.]

27. Fines and penalties, etc :-

All fines and penalties incurred by the sentence or order of any court of Justice within the territories under the government of the East India Company, and all forfeitures for crimes of any real or personal estate within the said territories, and all real and personal estate within the said territories escheating or lapsing for want of an heir or successor, and all property within the said territories devolving as bona vacantia for want of a rightful owner, shall (as part of the revenues of India) belong to the East India Company in trust for her Majesty for the service of the government of India: Provided also, that the Governor General in Council, and any other person or persons who may be authorised by any Act passed in that behalf by the Governor General in Council, shall have power (in cases where the same may appear suitable and proper) to make any grant or disposition of any property so accruing by forfeiture, escheat, or otherwise, to or in favour of any relative or connexion of the person from whom the same shall have accrued, or to or in favour of any other person or persons.

28. 28 :-

Rep. 55 and 56 Vict., c. 19 (S. L. R.).]

29. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

30. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

31. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

32. Regulations as to absence on sick leave or furlough :-

'Nothing in any enactment now in force, or any charter, relating to the said Company, shall be taken to prevent the establishment, by

the court of directors (under the direction and control of the said Board of Commissioners) * * * *¹ from time to time, of any regulations which they may deem expedient in relation to the absence on sick leave or furlough of all or any officers and persons in the service of the said Company in India, or receiving salaries from the said Company there, under which they respectively may be authorised to repair to and reside in Europe or elsewhere out of the limits of the said Company's charter without forfeiture of pay or salary during the times and under the circumstances during and under which they may now be permitted (while absent from their duty) to reside in places out of India within the limits of the said Company's charter, or during such times and under such circumstances as by such regulations may be permitted.

1. The words "at any time after the passingg of this Act" were repealed by 55 and 56 Vict., c. 19 (S.L.R.)

33. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

34. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

35. Salaries :-

There shall be paid to the several officers hereinafter named the several annual salaries set against the names of such officers respectively subject to such reduction as the court of directors, with the sanction of the said Board, may from time to time think fit (that is to say) ; To the Commander-in-Chief of the Forces in India, one hundred thousand Company's rupees in lieu of all other pay and allowances; To each Lieutenant Governor, one hundred thousand Company's rupees; The several salaries aforesaid to be subject to the provisions and regulations of the Government of India, 1933, concerning the salaries thereby appointed * * * ¹

1. Words repealed by 41 and 42 Vict., c. 79 (S.L.R.) have been omitted.

36. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

37. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

38. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

39. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

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Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

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Rep. 41 and 42 Vict., c. 79 (S. L. R.).]

43. . :-

Rep. 41 and 42 Vict., c. 79 (S. L. R.).]