

Ilbert Bill

The Ilbert Bill was a legislative act introduced in 1883 during the Viceroyship of the Marquess of Ripon and written by Sir Courtenay Peregrine Ilbert. The act stipulated that Indian judges could try Europeans.

This was a major controversy during the time, the ramification of which would have a profound effect on the history of India.

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What was the Ilbert Bill?

Before the introduction of the bill, British subjects in 1873 had been exempted from trial by Indian magistrates. For cases that involved death or transportation, they could only be tried by a higher court.

This scenario changed with the introduction of the Ilbert Bill in 1883.

The contents of the bill stated that from now on, British and Europeans subjects would be tried in session courts by Indian judges, who were senior enough in the civil service to preside over such proceedings. It was this provision that would be a source of great anger among the European community.

What was the controversy regarding the Ilbert bill?

The mere possibility that a European could be tried by an Indian, whom the Europeans regarded as inferiors, was a point of much anger and resentment. The bill evoked furious protests among the Calcutta European business community that comprised of tea and indigo planters as well.

There was even covert sympathy from many officials as well. The controversy of that time was rooted in deep-seated racial prejudices prevalent at the time. The propaganda that Indian judges could not be trusted in dealing with cases involving English females helped raise considerable support against the bill.

English women who opposed the bill further argued that Bengali women, who they stereotyped as "ignorant", are neglected by their men, should therefore not be given the right to judge cases involving English women. Bengali women who supported the bill responded by claiming that they were more educated than the English women opposed to the bill and pointed out that more Indian women had academic degrees than British women did at the time, alluding to the fact that the University of Calcutta became one of the first universities to admit female graduates to its degree programmes in 1878 before any of the British universities had done the same.

What was the ultimate resolution for the conflict regarding the Ilbert Bill?

The resulting popular disapproval of the bill by a majority of British, especially among women, forced Viceroy Ripon to pass an amendment, whereby a jury of 50% Europeans was required if an Indian judge was to face a European on the dock. Finally, a compromise was adopted: jurisdiction to try Europeans would be conferred on European and Indian District Magistrates and Session Judges alike. However, a defendant would in all cases have the right to claim trial by a jury of which at least half the members must be European. The bill was passed on January 25th, 1884, coming into force on May 1st of that year.

The compromise and the ensuing controversy deepened antagonism between the British and Indians. As a prelude to the many revolutionary movements that would spread in India later, the Indian National Congress would be formed in the next two years, setting a new stage for the Indian Freedom Struggle.