

Ilbert Bill Controversy (1883)

Before the adoption of the Ilbert Bill, British citizens were free from Indian magistrates' courtroom proceedings in 1873. The only court that could hear cases involving death or transportation was a higher court. With the introduction of the Ilbert Bill in 1883, this situation was altered.

The bill's provisions specified that going forward, Indian judges who were senior enough in the civil service to rule over such procedures would try British and European subjects in session courts. This clause caused a significant deal of resentment among the European community.

- The Ilbert Bill was titled so to honour Courtenay Peregrine Ilbert, a legal advisor to the Council of India.
- The Bill, which was instituted by Viceroy Ripon in 1883, sought to abolish racial prejudice that existed in the Indian Penal system.

Ilbert Bill Controversy

The Ilbert Bill stated that British and European subjects could be tried in session court by senior Indian judges. The rationale behind this decision was to lower the pressure on British judges; till then, only a British judge could preside over any cases where a British person was involved. Given the deep-rooted racial ideology of the time, the Bill created a huge controversy. Moreover, since India at that time was a dominion of the British Crown, European and British settlers felt the Bill humiliated them and thus opposed it vehemently.

- The law sparked vehement opposition from the European commercial community in Calcutta, which also included tea and indigo planters.
- Even clandestine support came from a number of officials.
- Deep-seated racial stereotypes that were widespread at the time were the foundation of the dispute at the time.
- The advertising that claimed Indian judges couldn't be trusted to handle cases involving English women contributed to a significant amount of opposition to the law.

Ilbert Bill (1883): Resolution to the Conflict

Viceroy Ripon was compelled to approve an amendment in its new form in January 1884 as a result of the widespread public opposition to the law among the British population, particularly among women. The modified Ilbert Bill stipulated that a European, whether European or Indian, who was brought to trial before a judge, would have the right to request a jury trial with twelve members, at least seven of whom had to be Europeans or Americans. Thus, the spirit and utility of the original bill were lost in the revised version.

The Ilbert Bill Controversy thus ended with the new amended legislation being approved on January 25th, 1884, and it becoming operative on May 1st of the same year. The Criminal Procedure Code Amendment Act, 1884, was enacted as a result of the revised Ilbert Bill. The compromise and the debate that followed exacerbated the hostility between the British and Indians.

The Indians learned two valuable lessons from the Ilbert Bill Controversy, namely:

- The English did not want to grant the Indians equal status since they saw them as belonging to a lower race.

- The Indians gained knowledge of both the strategies for organising a movement and the potency of a coordinated protest. Both supported them in their fight against the British as a country.

Aftermath to the Ilbert Bill Controversy

In addition to unrest among the British population living in India, the Ilbert Bill had miffed even British officials, who had covert sympathy and support since they, too, did not like the idea of Indian judges getting the power to try Europeans, who, according to them, was superior.

- English women also opposed the Bill, arguing that Bengali women, who they deemed ignorant, should not have any say in cases that involved women from England.
- This statement was opposed by Bengali women who supported the Ilbert Bill and responded by pointing out how the number of educated Bengali women was more than the number of educated English women.
- They also noted that more Indian women had gone through college-level education than British women. The University of Calcutta in 1878 was the first to allow female graduates to pursue degree programs, well before any British university.

However, the compromise and the ensuing Ilbert Bill Controversy profoundly impacted the Indian-educated middle class, who saw themselves as equal to the British. The discontent led to a new stage in the Indian freedom struggle, and later the Indian National Congress would be formed in 1885.

