

Reform office

Reform branch

1947

f no 65/2/47-R

Indiqa Independence

Act 11

File No. 65/2/47-R

1955

Collection No.

SECRETARIAT OF THE
GOVERNMENT GENERAL
(REFORMS)

Pros. Nos.
Serial

Subject.

INDIAN INDEPENDENCE ACT.

Previous References.

Later References.

प्राप्त होय अनिवार्यता से २-५६
Return to National Archives of India

FILE NO. 65/2/47-R

74
2010 PR-I

SECRETARIAT OF THE CONSTITUENT ASSEMBLY
OF PAKISTAN

Will the Secretariat of the Governor General (Reforms) please supply us with 150 copies each of the Statement of His Majesty's Government dated the 3rd June, 1947, and the Indian Independence Bill immediately after the same has been finally passed by the British Parliament. These papers are required urgently for circulation to members of the Constituent Assembly of Pakistan.

H.M.Khan
16.7.47.

Reforms Office

C.A.P.(Sectt.) u.o. No.1, d/- 16.7.47.

SECRETARIAT OF THE GOVERNOR GENERAL (REFORMS)

The request of the Pakistan Constituent Assembly for 150 copies of the Indian Independence Act (when passed) has been noted.

It is regretted that copies of H.M.G.'s Statement dated the 3rd June are not available.

RL
17.7.47.
Sd. K.M.
17.7.47

Sd. P. S. Subramanian
17.7.47.

C.A.P.

S.G.S.(R) 210 No. D. 1974/47-R, of 17-7-47

(3)

SECRETARIAT OF THE GOVERNOR GENERAL (REFORMS)

Issued
MB
22/7

$\frac{5}{2}$ copies of the Indian Independence Act

are forwarded for the use of the Library of the
Imperial Secretariat

Indian Legislature
Library.

Sd. P. S. Subramanian.

Asst. Secretary.

Legislative Assembly Department
Imperial Sectt., Library.

S.G.G.(R) u.o. No.F.65/47-R, d/- 23-7-47.

7

Issue 23/7

SECRETARIAT OF THE GOVERNOR GENERAL (REFORMS)

(5-2005)

15
10 copies of the Indian Independence Act are

Issued
MB
23/7

forwarded to the Cabinet Secretariat (India) for favour
Cabinet Sectt., (Pakistan)

of circulation to all Hon'ble Members. Copies have

been sent to the Private Secretary to His Excellency

the Viceroy separately.

Sd. P. S. Subramanian.

Asst. Secy.

1. Cabinet Secretariat (India)
2. Cabinet Secretariat (Pakistan)

S.G.G.(R) u.o. No.F.65/2/47-R, d/- 23.7.47.

Serial No. 1 to 4 (Issue)

Serial NO 5

This copies of the Act have already been sent
today by Registered Post to the Chief Secretary to the
Govt. of Madras. No action on the telegram seems
necessary.

Spoken to A.S. who agrees.

Sd. M.
24/7/47

Sd. K. V. V. Nambisan
24.7.47.

Serial No. 6

Serial No. 7 (Issue)

Serial NO. 8

For information

RL
6.8.47
6/8

P. S. Subramanian

1847

1 p. 10. C

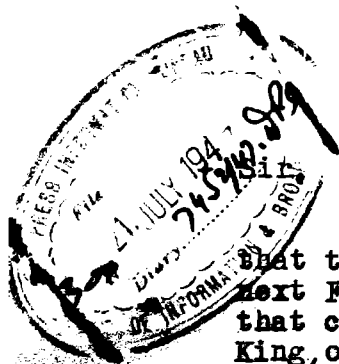
15 July 1947/5

From

P. R. Lele, B.A., LL.B.,
Tarabaug, Girgaum, Bombay.

To

The Secretary to
The Government of India,
Information & Broadcasting, Secretariat,
NEW DELHI.



From Reuter's messages it is clear that the Independence of India Bill is going to be law next Friday. This Act is of such urgent importance that copies of the Act, as finally assented to by the King, ought to be available at all big centres in the country with the least possible delay. I hope your department is taking necessary steps for the purpose.

Yours faithfully,

P. R. Lele
15/7/47

4972/47

18/7

This may go to P.O. for disposal

18/7 attached

P. R. Lele
15/7/47

11
110
11B-Depn 110 No 4972/4711 2/21-7-47

6)

From Mr. B. N. Varma

Press Information Bureau

2

Secretariat of the L. G. (Reforms) and Legislative Assembly
Department may see for necessary action.

Mr
24/7.
24/7.

10. (Mr. Varma)

B. N. Varma: 24/7/47
Information Office.

L. G. (Reforms)
Legislative Assembly Dept

P. S. No. 74-2-46-11-24-24/7

[L. G. G. (Reforms)]

It is understood that the Legislative Dept. Clerk,
in arranging for placing copies of the 24/7,
Independence Act on sale that Dept. may help.

Legislative Dept

LEGISLATIVE DEPARTMENT

20 JUL 1947

S. G. G. (R) U. O. No. 2087/47-R. 26.7.47

Diary No.

SECRETARIAT OF THE
GOVERNOR GENERAL (REFORMS)
Date... 25-7-47
File No...
Dy. No... 2087/47-1

P. S. Subramanian
25.7.47

P. S. Subramanian
Asstt. Secy:
Tele. No. 8521

1) 784/24

PP (Gul)

(Ref. S. G. G. (R) note, p. 2) (Legislative Department)

Seen. This Department has not made, nor is making, any arrangement for placing copies of the Indian Independence Act on sale. In this connection attention of the S.G.G. (Reforms) is invited to their own endorsement No. F.65/2/47-R, dated the 23rd July 1947 from which it will appear that arrangement already exists for obtaining copies of the Act from the Manager of Publications. It may also be mentioned that the original Indian edition of the Government of India Act, 1935 was ~~also~~ issued by the Reforms Office.

Seen
31/7/47

Law S.
31.7.47.

Done
31/7

S. G. G. (Reforms)
cc. to D. 789/47 L. B 31.7.47

SECRETARIAT OF THE GOVERNOR GENERAL (REFORMS)

It is true that copies of the 1935 Act were placed on sale by the Reforms Office and that we took similar action in respect of the India & Burma (Miscellaneous Amendments) Act of 1940. Subsequently in 1941 it was decided that future reprints of the Government of India Act, 1935, should be brought out by the Legislative Department (Leg. Dept. file No. 47/41-P). This ^{decision} was taken to ^{apply to Act} ~~include amendments to the~~ ¹⁹³⁵ Act also. It was in pursuance of this arrangement that the Collection of Statutes amending or supplementing the Government of India Act, 1935, was brought out by the Legislative Department. In the present case it was understood from the Publication Branch of the Legislative Department in New Delhi that copies of the Indian Independence Act would be placed on sale by the Legislative Department, and the statement in our endorsement forwarding copies to Departments referred to this.

As the matter is now very urgent, we need not pursue this point, but may take immediate steps to have copies struck off for sale. A Requisition to the Press is placed below for signature. A draft to the Manager of Publications is also put up.

After issue, Legislative Department may see for information.

le
7/8/41

P. S. Subramanian
2847

Serial Nos. 9410 (Issue)

Legislative Department

leg. Dept. may then
remove their papers

at 2.
Remains

LEGISLATIVE DEPARTMENT
AUG 1947

File No. 47/41-P
Diary No. 2805/47

✓ See
S. G. G. (R) U. O. No. D. 1224/47-R, 9.6.8.47.

O.S.D may see the Legislative Department note on page 3 auto and the note on pages 3-4 of the Legislative Department file No. 47/41-P. Thereafter the file may be passed on to the Legislative Department as proposed.

in P. S. Subramanian
6.8.47
Asst. Secy:
Tele. No. 3521

Rather misunderstood
This is quite wrong.
What I told him was that P.S. (India) is concerned with this matter & a note to him & office will be necessary. I never told him that office must be kept in mind by our P.S. (India) Section. W. G. G.
D. F. A. I 6/8/47

(From page)

Page
7/8/47

A.S. Tr

Alam. E.
7/8/42

 $S, G, G(R)$

CD no D 205/42 l. d. 7.8.47

For information. (The papers will
be added to our main file).

Ru
9.8.47.

P. S. Subramanian
11847

Serial No. 11

Draft reply submitted.

$$\frac{R_L}{9.10.47}$$
$$\frac{6}{9/10}$$
~~A.S.~~

PSS Whamman
9. 10. 47

Serial No. 12 (Issue)

SECRETARIAT OF THE
GOVERNOR GENERAL (REFORMS)
Date 9. 8. 47
File No.
Dy. No. 2262/47-R

2. 2. 2.

RL 9/8

Annex.

Distribution List of copies of the
Indian Independence Act.

* Already sent.

Constituent Assembly (India)	400
" " (Pakistan)	150
Provincial Governments	65 { 5 each but 15 (Bengal & Pb. 10 each)
Chief Commissioners.	10 (2 each)
P. S. V.	250
Departments (India)	104 (4 each)
Departments (Pakistan)	104 (-do-)
Cabinet Secretariat (India).	15) copies have been
Cabinet Secretariat (Pakistan)) sent to P.S.V.
	10) separately.
India Office.	2
Legislative Assembly Library.	5
Imperial Secretariat Library	2
Total.	1067
Balance with Reforms Sectt.	133

✓ already sent.

2 copies each have
been sent already

(

LEGISLATIVE ASSEMBLY DEPARTMENT
24 JULY 1947
Mary No.....

Legislative Assembly Department.
S.G.G.(R) u.o.No.F.65/47-R, dated 23rd July 1947.
(L. A. Department)

SECRETARIAT OF THE
GOVERNMENT OF INDIA (REFORMS)
Date 25.7.47
File
Dy. N. 2095/47 R

Received with thanks five Copies of the Indian
Independence Act which have ^{been} placed in the Library
of the Indian Legislature.

247. 47

Secretariat of the Governor General (Reforms).
L. A. O. No. 743/47-Ed, 24.7.47.

Saial No. 1

Issued
NB
25/7

No. F.65/2/47-R.
Secretariat of the Governor-General
(Reforms)

New Delhi, the 23rd July 1947.

4 copies of the Indian Independence Act are sent herewith for the use ~~xxx~~ of the Home Department (India)/ Home Department (Pakistan)/Finance Department (India)/Finance Department (Pakistan)/etc. If additional copies are required, they may be obtained on payment from the Manager of Publications, Civil Lines, Delhi.

By order,

PSSindhu mawar
Assistant Secretary.

To

x 400 copies to the Constituent Assembly (India) - already sent.
150 copies to the C.A. (Pakistan)

All Departments of the Government of India, all Departments of the Government of Pakistan, Auditor-General in India, F.A., War and Supplies, C.B.R., Federal Court, F.P.S.C. (India) and S.G.G. (Public).

SECRETARIAT OF THE GOVERNOR GENERAL (REFORMS)
REGD. PARCEL DEPARTMENT OFFICE.

13

File No.
Serial No. 2

Issued
NB
23/7

1. Date of despatch.
2. List of enclosures.

Letter
Draft Memorandum
Telegram

No. 65/2/47-R

Dated 21st July 47.

To

The Chief Secretaries to all
Provincial Governments.
All Chief Commissioners.

Sir,

I am directed to forward herewith
for the information of the Provincial
Government/your information 5/2
copies of the Indian Independence Act.
Additional copies of the Act, if
required, may be obtained on payment
from the Manager of Publications,
Civil Lines, Delhi, or from the local
agents for the sale of Central
Government publications.

I have, etc.,

Sd P. S. Subramanian.

Asst. Secy.

23

* To Bengal and Pb.
10 each.
Sent.

NATIONAL ARCHIVES OF INDIA

S-5 (Small)

MGHFC-82-1709(Genl)MFP-(6787/A/M-1687)-S-1-44-50,000 Pads.

SECRETARIAT OF THE GOVERNOR GENERAL (REFORMS)

DEPARTMENT OFFICE.

File No.
Serial No. 3

Letter
Draft Memorandum
Telegram

1. Date of despatch.

2. List of enclosures.

No. F.65/2/47-R

Dated 23.7.47.

To

The Secretary,
Political Department,
India Office, London.

Sir,

I am directed to forward
herewith ^{for information} two copies of the
Indian reprint of the Indian
Independence Act.

I have, etc.,

sd. C. Ganesan.

Under Secretary.

Issued
NB
23/7

- 25

NATIONAL ARCHIVES OF INDIA

6-5 (Small)

MSKPC-S2-1786(Gen)MFP-(6767/A/M-1007)-6-1-44-30,000 Pads .

Serial No.

No. F.65/2/47-R.
SECRETARIAT OF THE GOVERNOR-GENERAL
(REFORMS).

New Delhi, the 23rd July 1947.

Issued
MB
23/7

150 copies of the Indian Independence Act are forwarded herewith for the use of the Constituent Assembly (Pakistan). If additional copies are required, they may be obtained on payment from the Manager of Publications, Civil Lines, Delhi.

By order,

Sd/-P.S.Subramanian,
Assistant Secretary.

Constituent Assembly (Pakistan).



LEGISLATIVE DEPARTMENT

Date 23.11.1947

1947

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

No. 870/47-CEG (Del.)

Class } Code No. D.J.O. C

Recd. from: By: Sent at: To: By: office stamp

Handed in at (Office of Origin): Date: Hour: Minute: Service Instructions: Price:

TO PD MADRAS F 22 STE 16 LEGISLATIVE NEW DELHI =

PLEASE SEND IMMEDIATELY THREE COPIES INDIA INDEPENDENCE ACT =

SECRETARIAT OF THE GOVERNMENT GENERAL REFORMS 24.7.47 Dy. No. 2063/47-1

MADRAS LEGAL =

(Legis. Dept) (India)

This may be passed on to the S.G.G. (Reforms) for compliance if they have no objection. W. Ghosh

N.B.-The name of the Sender, if telegraphed, should be written after, but separated from, the word For Auth. Secy

S.G.G. (Reforms)

23/7/47

29 20009 No. 870/47-CEG (Del.) 23/7/47

From page

22

Five copies of the Act have already
been sent today by Registered post to the Chief
Secy. to the Govt. of Madras. No action on the
telegram seems necessary.

Re
4.7.47.

Spoken to A.S. who agrees

to av. Vaidya -

4/7

BY AIR MAIL

Serial no. 6

No. 8269-1.

GOVERNMENT OF MADRAS
LEGAL DEPARTMENT

From

Sri K.V. Rajagopalan, M.A., M.L.,
Joint Secretary to Government,
Legal Department.

To: The Secretary to the Government of India,
Legislative Department,
NEW DELHI.

DATED, FORT ST. GEORGE, THE 29TH JULY 1947.

Sir,

Statutes of Parliament - India Independence Act -
Copies called for.

Ref: My telegram dated 22-7-1947.

With reference to my telegram cited above (copy of
which is enclosed for ready reference), I am to enquire
when copies of the above Act will be sent to this Department.

Your obedient servant,

N. Swaminathan

for Joint Secretary to Government.

Copy of telegram dated 21-7-47.

LEGISLATIVE NEW DELHI

PLEASE SEND IMMEDIATELY THREE COPIES
INDIA INDEPENDENCE ACT

MADRAS LEGAL 31

(Lysio: ~~supra~~) (Indis)

5.94

This may be passed on to Mr. (Refrence) to
inform the telegram referred to in Mr
Madras Govt's letter ^{was} sent for disposal.

x over 1123.7-47
under 1800
No 870/47

McGraw

31/7/47

for Port. Secy

S. G. S. (Reforms)

L. O. v. O. J. No. D. 898/47 - c 49 (44e.) 31/2/47.

317

No reply ~~was sent~~ to the telegram was sent since
Copies of the Act had already been despatched to the
Chief Secy., Madras Govt. We may, however, send a
reply to this letter. Draft submitted.

$\frac{R_1}{1.847}$

Polysynmaw

1847

Serial No. 7

(9)

S.G.G. (Reforms)

~~SECRETARY TO GOVERNMENT~~

File No.

Serial No.

Letter
Draft Memorandum
Telegram

1. Date of despatch.

No.F65/2/47-R

Dated 1.8.47

2. List of enclosures.

To

The Secretary to the
Government of Madras,
Legal Department.

Subject:- Indian Independence Act.

Sir,

With reference to your letter
No.8269-1 dated the 29th July 1947
on the above subject addressed to
the Secretary to the Government of
India in the Legislative Department,
I am directed to say that five
copies of the Act have been
forwarded on the 23rd July 1947 to
the Chief Secretary to the Govern-
ment of Madras by Registered Post.

together with this
Secretariat letter
No.F.65/2/47-R dated
the 23rd July 1947

I have, etc.,

Sd: P. S. Subramanian

A.S.

2. PL 4/8

Serial No. 8

(10)

Letter No. 1668/47-1.



Public (General-B) Department.
Fort St. George Dated 30-7-47.

From

W. Scott Brown, Esq., C.E.I., C.I.E., I.C.S.,
Chief Secretary to Government.

To

The Assistant Secretary,
Secretariat of the Governor-General (Reforms)
New Delhi - 3

SEC	OF THE
GOVT.	(MADRAS)
Date.	5. 8. 47
File	
Dy.	2198/47-R.

Sir,

2. c. aule.

Ref: Your letter No. F.65/2/47-R. Dated 23-7-47.

I am directed to acknowledge with thanks the receipt of five copies of the 'Indian Independence Act' sent along with your letter cited.

Your obedient servant,

P H V agas

For Chief Secretary to Government.

HSK/30.7.

HSK

GOVERNMENT OF INDIA.

REQUISITION FOR PRINTING PUBLICATIONS.

Stocked for issue or for sale by the Central Publication Branch.
(See rules 32 to 36 of, and appendices XIII and XIV to, the Rules for Printing and Binding, 1935 edition.)

To

The Deputy Controller, Printing,
Office of the Controller of Printing and Stationery, India, ^{SIMLA,} NEW DELHI.
The Manager, Govt. Press, New Delhi

No. 65/2/47-R

Dated the 2nd August 1947.

Reference to previous requisition, if any :—No. F65/47R Date 7th July 1947.

1. Description of work.

Indian Independence Act. (copy attached)

1. (a) Total number of pages forwarded for printing. 15 17
2. Quote No. and date of sanctioning memorandum issued by the Controller of Printing and Stationery, India.
3. (a) Budget head of account to which cost is debitable.*
(b) Classification of Charges (Army and P. & T.).
4. Size of publication. Royal Octave
5. Date on which two proofs are required. No proof required.
6. Total approximate number of copies required to be printed (including the requirements of the requisitioning department as well as the number to be sold or distributed by the C. P. B.). 10,000
7. Style of binding. Wire-stitched.
8. Date on which fair copies are required.
9. Special instructions for Press.

Copies should be struck off immediately.

10. After the fair copies have been supplied type to be (a) ~~distributed~~ (b) distributed.

It is certified that this work is very essential and immediate and cannot be postponed. Signature in full

Designation

Address

(P.S.Subramanian)
Assistant Secretary,
Secretariat of the Governor-General
(Reforms).

* For paying departments only.

S. 99A.

"DUPLICATE" (which should also be filled in by indenter for information of the Central Publication Branch).

No. 65/2/47-R

Dated the 2nd August 1947.

Reference to previous requisition :—No. F. 65/47 R Date 7. 7. 47

1. Description of work.

Indian Independence Act.

2. (a) Budget head of account to which cost is debitable.*
(b) Classification of Charges (Army and P. & T.).
3. Total approximate number of copies required to be printed (including the requirements of the requisitioning department as well as the number to be sold or distributed by the C. P. B.). 10,000
3. (a) Number of copies required to be distributed free (including the requirements of the requisitioning department). Nil
3. (b) No. of copies to be held in reserve by the Central Publication Branch. Nil
3. (c) No. of copies to be sold by the Central Publication Branch. 10,000
4. (a) Whether standing distribution list with the Central Publication Branch should be followed. Yes
- (b) Whether new distribution list is forthcoming. No
5. Account No. allotted by the Central Publication Branch. 25

Signature in full

Designation

Address

(P.S.Subramanian)
Assistant Secretary,
Secretariat of the Governor-General
(Reforms).

* For paying departments only.

Serial No. 10

SECRETARIAT OF THE GOVERNOR GENERAL (REFORMS)

DEPARTMENT, OFFICE.

File No.
Serial No.

Letter
Draft Memorandum
Telegram

No. F.65/2/47-R

Dated 2.8.47.

To

The Manager of Publications,
Civil Lines, Delhi.

Subject:- Printing of copies
of the Indian Independence
Act.

Sir,

I am directed to say that it
has been decided to print copies
of the above Act and that the
Manager, Government of India
Press, New Delhi, has been asked,
in anticipation of your concurrence,
to print 10,000 copies of the Act
for sale and to fix their sale
price in consultation with you. ↗

2. The Manager, Government of
India Press, New Delhi, will
send you direct the 10,000 copies
intended for sale as soon as they

are

1. Date of despatch.

2. List of enclosures.

Issued
MB
2/8

No copies are
required for
official use.

39

12
are ready. I am to
request that copies of the
Act may be made available
for sale at the Provincial
Book Depots as soon as
possible.

I have, etc.

Sd. P. S. Subramanian

Asst. Secy.

F.65/2/47-R

A copy is forwarded
to the Manager, Government
of India Press, New Delhi,
for ~~information~~ necessary
action.

By order,

Sd. P. S. Subramanian

Asst. Secy.

~~are ready to be sent~~
~~that~~

Please
have copies
abstracted for
the CPB
8/10

Serial No. 41
No. CA/2/RE/47

Immedialo
14

CONSTITUENT ASSEMBLY OF INDIA

Council House,

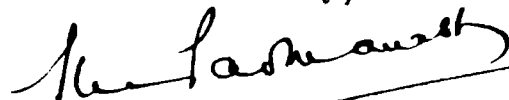
New Delhi, the 8th October 1947.

My dear Subri,

I shall be obliged if you could kindly arrange to send us another 100 copies of the "Indian Independence Act, 1947 (Indian Reprint)" at an early date as the copies previously supplied by your office have been exhausted.

In case you are not able to spare so many copies for us, is it possible to get the copies from some other source?

Yours sincerely,



(K.V. PADMANABHAN)
UNDER SECRETARY

hm

P.S. Subramanian, Esq.,
Assistant Secretary,
Ministry of Law (Reforms)
NEW DELHI.

MINISTRY OF LAW
(REFORMS)

DEPARTMENT/OFFICE.

File No.
Serial No. 12

Letter
Draft Memorandum
Telegram

No. F65/2/47R

Dated 9.10.47

1. Date of despatch.

2. List of enclosures.

My dear Padmanabhan,

Please refer to your d.o. letter No. CA/2/RR/47 of the 8th October, regarding the Indian Independence Act. Our stock of copies has run very low and we cannot meet your requirements. But we have arranged to have the Act placed on sale and I suggest that you should obtain the copies you require from the Manager of Publications.

Yours sincerely,

Sd P.S. Subramania

K.V. Padmanabhan, Esq.

43

NATIONAL ARCHIVES OF INDIA

|

S-6 (Small)

MGIPC-S2-1323(Genl) MFP-(6767/A/881)-7-9-44-75,000 Pads.



Indian Independence Act

(INDIAN REPRINT)

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, INDIA.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI, INDIA.
1947

INDIAN INDEPENDENCE ACT

(10 & 11 GEO. 6. CH. 30)

ARRANGEMENT OF SECTIONS

Section

1. The new Dominions.
2. Territories of the new Dominions.
3. Bengal and Assam.
4. The Punjab.
5. The Governor-General of the new Dominions.
6. Legislation for the new Dominions.
7. Consequences of the setting up of the new Dominions.
8. Temporary provision as to government of each of the new Dominions.
9. Orders for bringing this Act into force.
10. Secretary of State's services, etc.
11. Indian armed forces.
12. British forces in India.
13. Naval forces.
14. Provisions as to the Secretary of State and the Auditor of Indian Home Accounts.
15. Legal proceedings by and against the Secretary of State.
16. Aden.
17. Divorce jurisdiction.
18. Provisions as to existing laws, etc.
19. Interpretation, etc.
20. Short title.

SCHEDULES

First Schedule—Bengal Districts provisionally included in the new Province of East Bengal.

Second Schedule—Districts provisionally included in the new Province of West Punjab.

Third Schedule—Modifications of Army Act and Air Force Act in relation to British forces.

An Act to make provision for the setting up in India of two independent Dominions, to substitute other provisions for certain provisions of the Government of India Act, 1935, which apply outside those Dominions, and to provide for other matters consequential on or connected with the setting up of those Dominions.

[18th July 1947.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The new Dominions.—(1) As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

(2) The said Dominions are hereafter in this Act referred to as "the new Dominions", and the said fifteenth day of August is hereafter in this Act referred to as "the appointed day".

2. Territories of the new Dominions.—(1) Subject to the provisions of sub-sections (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under sub-section (2) of this section, are to be the territories of Pakistan.

(2) Subject to the provisions of sub-sections (3) and (4) of this section, the territories of Pakistan shall be—

(a) the territories which, on the appointed day, are included in the Provinces of East Bengal and West Punjab, as constituted under the two following sections;

(b) the territories which, at the date of the passing of this Act, are included in the Province of Sind and the Chief Commissioner's Province of British Baluchistan; and

(c) if, whether before or after the passing of this Act but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the North-West Frontier Province are in favour of representatives of that Province taking part in the Constituent Assembly of Pakistan, the territories which, at the date of the passing of this Act, are included in that Province.

(3) Nothing in this section shall prevent any area being at any time included in or excluded from either of the new Dominions, so, however, that—

(a) no area not forming part of the territories specified in sub-section (1) or, as the case may be, sub-section (2), of this section shall be included in either Dominion without the consent of that Dominion; and

(b) no area which forms part of the territories specified in the said sub-section (1) or, as the case may be, the said sub-section (2), or which has after the appointed day been included in either Dominion, shall be excluded from that Dominion without the consent of that Dominion.

(4) Without prejudice to the generality of the provisions of sub-section (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States to either of the new Dominions.

3. Bengal and Assam.—(1) As from the appointed day—

(a) the Province of Bengal, as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) there shall be constituted in lieu thereof two new Provinces, to be known respectively as East Bengal and West Bengal.

(2) If, whether before or after the passing of this Act, but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the District of Sylhet are in favour of that District forming part of the new Province of East Bengal, then, as from that day, a part of the Province of Assam shall, in accordance with the provisions of sub-section (3) of this section, form part of the new Province of East Bengal.

(3) The boundaries of the new Provinces aforesaid and, in the event mentioned in sub-section (2) of this section, the boundaries after the appointed day of the Province of Assam, shall be such as may be determined, whether before or after the appointed day, by the award of a boundary commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—

(a) the Bengal Districts specified in the First Schedule to this Act, together with, in the event mentioned in sub-section (2) of this section, the Assam District of Sylhet, shall be treated as the territories which are to be comprised in the new Province of East Bengal;

(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of Bengal shall be treated as the territories which are to be comprised in the new Province of West Bengal; and

(c) in the event mentioned in sub-section (2) of this section, the district of Sylhet shall be excluded from the Province of Assam.

(4) In this section, the expression "award" means, in relation to a boundary commission, the decision of the Chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

4. The Punjab.—(1) As from the appointed day—

(a) the Province of the Punjab, as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) there shall be constituted two new Provinces, to be known respectively as West Punjab and East Punjab.

(2) The boundaries of the said new Provinces shall be such as may be determined, whether before or after the appointed day by the award of a boundary commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—

(a) the Districts specified in the Second Schedule to this Act shall be treated as the territories to be comprised in the new Province of West Punjab; and

- (b) the remainder of the territories comprised at the date of the passing of this Act in the Province of the Punjab shall be treated as the territories which are to be comprised in the new Province of East Punjab.

(3) In this section, the expression "award" means, in relation to a boundary commission, the decision of the Chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

5. The Governor-General of the new Dominions.—For each of the new Dominions, there shall be a Governor-General who shall be appointed by His Majesty and shall represent His Majesty for the purposes of the government of the Dominion.

Provided that, unless and until provision to the contrary is made by a law of the Legislature of either of the new Dominions, the same person may be Governor-General of both the new Dominions.

6. Legislation for the new Dominions.—(1) The Legislature of each of the new Dominions shall have full power to make laws for that Dominion, including laws having extra-territorial operation.

(2) No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of this or any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) The Governor-General of each of the new Dominions shall have full power to assent in His Majesty's name to any law of the Legislature of that Dominion and so much of any Act as relates to the disallowance of laws by His Majesty or the reservation of laws for the signification of His Majesty's pleasure thereon or the suspension of the operation of laws until the signification of His Majesty's pleasure thereon shall not apply to laws of the Legislature of either of the new Dominions.

(4) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion unless it is extended thereto by a law of the Legislature of the Dominion.

(5) No Order in Council made on or after the appointed day under any Act passed before the appointed day, and no order, rule or other instrument made on or after the appointed day under any such Act by any United Kingdom Minister or other authority, shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion.

(6) The power referred to in sub-section (1) of this section extends to the making of laws limiting for the future the powers of the Legislature of the Dominion.

7. Consequences of the setting up of the new Dominions.—(1) As from the appointed day—

- (a) His Majesty's Government in the United Kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India;

(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise; and

(c) there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise:

Provided that, notwithstanding anything in paragraph (b) or paragraph (c) of this sub-section, effect shall, as nearly as may be continued to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreements.

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission from the Royal Style and Titles of the words "Indiae Imperator" and the words "Emperor of India" and to the issue by His Majesty for that purpose of His Royal Proclamation under the Great Seal of the Realm.

8. Temporary provision as to government of each of the new Dominions.—(1) In the case of each of the new Dominions, the powers of the Legislature of the Dominion shall, for the purpose of making provision as to the constitution of the Dominion, be exercisable in the first instance by the Constituent Assembly of that Dominion, and references in this Act to the Legislature of the Dominion shall be construed accordingly.

(2) Except in so far as other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion under sub-section (1) of this section, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935; and the provisions of that Act, and of the Orders in Council, rules and other instruments made thereunder, shall, so far as applicable, and subject to any express provisions of this Act, and with such omissions, additions, adaptations and modifications as may be specified in orders of the Governor-General under the next succeeding section, have effect accordingly:

Provided that—

(a) the said provisions shall apply separately in relation to each of the new Dominions and nothing in this sub-section shall be construed as continuing on or after the appointed day any

Central Government or Legislature common to both the new Dominions;

- (b) nothing in this sub-section shall be construed as continuing in force on or after the appointed day any form of control by His Majesty's Government in the United Kingdom over the affairs of the new Dominions or of any Province or other part thereof;
 - (c) so much of the said provisions as requires the Governor-General or any Governor to act in his discretion or exercise his individual judgment as respects any matter shall cease to have effect as from the appointed day;
 - (d) as from the appointed day, no Provincial Bill shall be reserved under the Government of India Act, 1935, for the consideration of His Majesty's pleasure, and no Provincial Act shall be disallowed by His Majesty thereunder; and
 - (e) the powers of the Federal Legislature or Indian Legislature under that Act, as in force in relation to each Dominion, shall, in the first instance, be exercisable by the Constituent Assembly of the Dominion, in addition to the powers exercisable by that Assembly under sub-section (1) of this section.
- (3) Any provision of the Government of India Act, 1935, which, as applied to either of the new Dominions by sub-section (2) of this section and the orders therein referred to, operates to limit the power of the legislature of that Dominion shall, unless and until other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion in accordance with the provisions of sub-section (1) of this section, have the like effect as a law of the Legislature of the Dominion limiting for the future the powers of that Legislature.

9. Orders for bringing this Act into force.—(1) The Governor-General shall by order make such provision as appears to him to be necessary or expedient—

- (a) for bringing the provisions of this Act into effective operation,
- (b) for dividing between the new Dominions, and between the new Provinces, to be constituted under this Act, the powers, rights, property, duties and liabilities of the Governor-General in Council or, as the case may be, of the relevant Provinces which, under this Act, are to cease to exist;
- (c) for making omissions from, additions to, and adaptations and modifications of, the Government of India Act, 1935, and the Orders in Council, rules and other instruments made thereunder, in their application to the separate new Dominions;
- (d) for removing difficulties arising in connection with the transition to the provisions of this Act;
- (e) for authorizing the carrying on of the business of the Governor-General in Council between the passing of this Act and the appointed day otherwise than in accordance with the provisions in that behalf of the Ninth Schedule to the Government of India Act, 1935;

- (f) for enabling agreements to be entered into, and other acts done, on behalf of either of the new Dominions before the appointed day;
- (g) for authorising the continued carrying on for the time being on behalf of the new Dominions, or on behalf of any two or more of the said new Provinces, of services and activities previously carried on on behalf of British India as a whole or on behalf of the former Provinces which those new Provinces represent;
- (h) for regulating the monetary system and any matters pertaining to the Reserve Bank of India; and
- (i) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the constitution, powers or jurisdiction of any legislature, court or other authority in the new Dominions and creating new legislatures, courts or other authorities therein.

(2) The powers conferred by this section on the Governor-General shall, in relation to their respective Provinces, be exercisable also by the Governors of the Provinces which, under this Act, are to cease to exist; and those powers shall, for the purposes of the Government of India Act, 1935, be deemed to be matters as respects which the Governors are, under that Act, to exercise their individual judgment

(3) This section shall be deemed to have had effect as from the third day of June, nineteen hundred and forty-seven and any order of the Governor-General or any Governor made on or after that date as to any matter shall have effect accordingly, and any order made under this section may be made so as to be retrospective to any date not earlier than the said third day of June:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provision thereof retrospective to any date before the making thereof.

(4) Any orders made under this section, whether before or after the appointed day, shall have effect—

- (a) up to the appointed day, in British India;
- (b) on and after the appointed day, in the new Dominion or Dominions concerned; and
- (c) outside British India, or as the case may be, outside the new Dominion or Dominions concerned, to such extent, whether before, on or after the appointed day, as a law of the Legislature of the Dominion or Dominions concerned would have on or after the appointed day,

but shall, in the case of each of the Dominions, be subject to the same powers of repeal and amendment as laws of the Legislature of that Dominion.

(5) No order shall be made under this section, by the Governor of any Province, after the appointed day, or, by the Governor-General, after the thirty-first day of March, nineteen hundred and forty-eight, or such earlier date as may be determined, in the case of either Dominion, by any law of the Legislature of that Dominion.

(6) If it appears that a part of the Province of Assam is, on the appointed day, to become part of the new Province of East Bengal, the preceding provisions of this section shall have effect as if, under this Act, the Province of Assam was to cease to exist on the appointed day and be reconstituted on that day as a new Province.

10. Secretary of State's services, etc.—(1) The provisions of this Act keeping in force provisions of the Government of India Act, 1935, shall not continue in force the provisions of that Act relating to appointments to the civil services of, and civil posts under, the Crown in India by the Secretary of State, or the provisions of that Act relating to the reservation of posts.

(2) Every person who—

(a) having been appointed by the Secretary of State, or Secretary of State in Council, to a civil service of the Crown in India continues on and after the appointed day to serve under the Government of either of the new Dominions or of any Province or part thereof; or

(b) having been appointed by His Majesty before the appointed day to be a Judge of the Federal Court or of any Court which is a High Court within the meaning of the Government of India Act, 1935, continues on and after the appointed day to serve as a judge in either of the new Dominions, shall be entitled to receive from the Governments of the Dominions and Provinces or parts which he is from time to time serving or, as the case may be, which are served by the courts in which he is from time to time a judge, the same conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or, as the case may be, as respects the tenure of his office, or rights as similar thereto as changed circumstances may permit, as that person was entitled to immediately before the appointed day.

(3) Nothing in this Act shall be construed as enabling the rights and liabilities of any person with respect to the family pension funds vested in Commissioners under section two hundred and seventy-three of the Government of India Act, 1935, to be governed otherwise than by Orders in Council made (whether before or after the passing of this Act or the appointed day) by His Majesty in Council and rules made (whether before or after the passing of this Act or the appointed day) by a Secretary of State or such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946.

11. Indian armed forces.—(1) The orders to be made by the Governor-General under the preceding provisions of this Act shall make provision for the division of the Indian armed forces of His Majesty between the new Dominions, and for the command and governance of those forces until the division is completed.

(2) As from the appointed day, while any member of His Majesty's forces, other than His Majesty's Indian forces, is attached to or serving with any of His Majesty's Indian forces—

(a) he shall, subject to any provision to the contrary made by a law of the Legislature of the Dominion or Dominions concerned or by any order of the Governor-General under the preceding provisions of this Act, have, in relation to the

Indian forces in question, the powers of command and punishment appropriate to his rank and functions: but

- (b) nothing in any enactment in force at the date of the passing of this Act shall render him subject in any way to the law governing the Indian forces in question.

12. British forces in India.—(1) Nothing in this Act affects the jurisdiction or authority of His Majesty's Government in the United Kingdom, or of the Admiralty, the Army Council, or the Air Council or of any other United Kingdom authority, in relation to any of His Majesty's forces which may, on or after the appointed day, be in either of the new Dominions or elsewhere in the territories which, before the appointed day, were included in India, not being Indian forces.

(2) In its application in relation to His Majesty's military forces, other than Indian forces, the Army Act shall have effect on or after the appointed day—

- (a) as if His Majesty's Indian forces were not included in the expressions "the forces", "His Majesty's forces" and "the regular forces"; and
- (b) subject to the further modifications specified in Parts I and II of the Third Schedule to this Act.

(3) Subject to the provisions of sub-section (2) of this section, and to any provisions of any law of the Legislature of the Dominion concerned, all civil authorities in the new Dominions, and, subject as aforesaid and subject also to the provisions of the last preceding section, all service authorities in the new Dominions, shall, in those Dominions and in the other territories which were included in India before the appointed day, perform in relation to His Majesty's military forces, not being Indian forces, the same functions as were, before the appointed day, performed by them, or by the authorities corresponding to them, whether by virtue of the Army Act or otherwise, and the matters for which provision is to be made by orders of the Governor-General under the preceding provisions of this Act shall include the facilitating of the withdrawal from the new Dominions and other territories aforesaid of His Majesty's military forces, not being Indian forces.

(4) The provisions of sub-sections (2) and (3) of this section shall apply in relation to the air forces of His Majesty, not being Indian air forces, as they apply in relation to His Majesty's military forces, subject, however, to the necessary adaptations, and, in particular, as if—

- (a) for the references to the Army Act there were substituted references to the Air Force Act; and
- (b) for the reference to Part II of the Third Schedule to this Act there were substituted a reference to Part III of that Schedule.

13. Naval Forces.—(1) In the application of the Naval Discipline Act to His Majesty's Naval Forces, other than Indian Naval Forces, references to His Majesty's navy and His Majesty's ships shall not, as from the appointed day, include references to His Majesty's Indian navy or the ships thereof.

(2) In the application of the Naval Discipline Act by virtue of any law made in India before the appointed day to Indian naval forces, references

to His Majesty's navy and His Majesty's ships shall, as from the appointed day, be deemed to be, and to be only, references to His Majesty's Indian navy and the ships thereof.

(3) In section ninety B of the Naval Discipline Act (which, in certain cases, subjects officers and men of the Royal Navy and Royal Marines to the law and customs of the ships and naval forces of other parts of His Majesty's dominions) the words "or of India" shall be repealed as from the appointed day, wherever those words occur.

14. Provisions as to the Secretary of State and the Auditor of Indian Home Accounts.—(1) A Secretary of State, or such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946, is hereby authorised to continue for the time being the performance, on behalf of whatever government or governments may be concerned, of functions as to the making of payments and other matters similar to the functions which, up to the appointed day, the Secretary of State was performing on behalf of governments constituted or continued under the Government of India Act, 1935.

(2) The functions referred to in sub-section (1) of this section include functions as respects the management of, and the making of payments in respect of, government debt, and any enactments relating to such debt shall have effect accordingly:

Provided that nothing in this sub-section shall be construed as continuing in force so much of any enactment as empowers the Secretary of State to contract sterling loans on behalf of any such Government as ~~afterward~~ or as applying to the Government of either of the new Dominions, the prohibition imposed on the Governor-General in Council by section three hundred and fifteen of the Government of India Act, 1935, as respects the contracting of sterling loans.

(3) As from the appointed day, there shall not be any such advisers of the Secretary of State as are provided for by section two hundred and seventy-eight of the Government of India Act, 1935, and that section, and any provisions of that Act which require the Secretary of State to obtain the concurrence of his advisers, are hereby repealed as from that day.

(4) The Auditor of Indian Home Accounts is hereby authorised to continue for the time being to exercise his functions as respects the accounts of the Secretary of State or any such other Minister of the Crown as is mentioned in sub-section (1) of this section, both in respect of activities before, and in respect of activities after, the appointed day, in the same manner, as nearly as may be as he would have done if this Act had not passed.

15. Legal proceedings by and against the Secretary of State.—(1) Notwithstanding anything in this Act, and in particular, notwithstanding any of the provisions of the last preceding section, any provision of any enactment which, but for the passing of this Act, would authorise legal proceedings to be taken, in India or elsewhere by or against the Secretary of State in respect of any right or liability of India or any part of India shall cease to have effect on the appointed day, and any legal proceedings pending by virtue of any such provision on the appointed day shall, by virtue of this Act, abate on the appointed day, so far as the Secretary of State is concerned.

(2) Subject to the provisions of this sub-section, any legal proceedings which, but for the passing of this act, could have been brought by or against the Secretary of State in respect of any right or liability of India, or any part of India, shall instead be brought—

(a) in the case of proceedings in the United Kingdom, by or against the High Commissioner;

(b) in the case of other proceedings, by or against such person as may be designated by order of the Governor-General under the preceding provisions of this Act or otherwise by the law of the new Dominion concerned,

and any legal proceedings by or against the Secretary of State in respect of any such right or liability as aforesaid which are pending immediately before the appointed day shall be continued by or against the High Commissioner or, as the case may be, the person designated as aforesaid:

Provided that, at any time after the appointed day, the right conferred by this sub-section to bring or continue proceedings may, whether the proceedings are by, or are against, the High Commissioner or person designated as aforesaid, be withdrawn by a law of the Legislature of either of the new Dominions so far as that Dominion is concerned, and any such law may operate as respects proceedings pending at the date of the passing of the law.

(3) In this section, the expression "the High Commissioner" means, in relation to each of the new Dominions, any such officer as may for the time being be authorised to perform in the United Kingdom, in relation to that Dominion, functions similar to those performed before the appointed day, in relation to the Governor-General in Council, by the High Commissioner referred to in section three hundred and two of the Government of India Act, 1935; and any legal proceedings which, immediately before the appointed day, are the subject of an appeal to His Majesty in Council, or of a petition for special leave to appeal to His Majesty in Council, shall be treated for the purposes of this section as legal proceedings pending in the United Kingdom.

16. Aden.—(1) Sub-sections (2) to (4) of section two hundred and eighty-eight of the Government of India Act, 1935 (which confer on His Majesty power to make by Order in Council provision for the government of Aden) shall cease to have effect and the British Settlements Acts, 1887 and 1945, (which authorise His Majesty to make laws and establish institutions for British Settlements as defined in those Acts) shall apply in relation to Aden as if it were a British Settlement as so defined.

(2) Notwithstanding the repeal of the said sub-sections (2) to (4), the Orders in Council in force thereunder at the date of the passing of this Act shall continue in force, but the said Orders in Council, any other Orders in Council made under the Government of India Act, 1935, in so far as they apply to Aden, and any enactments applied to Aden or amended in relation to Aden by any such Orders in Council as aforesaid, may be repealed, revoked or amended under the powers of the British Settlements Acts, 1887 and 1945.

(3) Unless and until provision to the contrary is made as respects Aden under the powers of the British Settlements Acts, 1887 and 1945, or, as respects the new Dominion in question, by a law of the Legislature of that Dominion, the provisions of the said Orders in Council and enactments relating to appeals from any courts in Aden to

any courts which will, after the appointed day, be in either of the new Dominions, shall continue in force in their application both to Aden and to the Dominion in question, and the last mentioned courts shall exercise their jurisdiction accordingly.

17. Divorce jurisdiction.—(1) No court in either of the new Dominions shall, by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have jurisdiction in or in relation to any proceedings for a decree for the dissolution of a marriage, unless those proceedings were instituted before the appointed day, but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the Parliament of the United Kingdom or by any law of the Legislature of the new Dominion concerned, all courts in the new Dominions shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

(2) Any rules made on or after the appointed day under sub-section (4) of section one of the Indian and Colonial Divorce Jurisdiction Act, 1926, for a court in either of the new Dominions shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of the Dominion concerned, and so much of the said sub-section and of any rules in force thereunder immediately before the appointed day as require the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

(3) The reference in sub-section (1) of this section to proceedings for a decree for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorised by section eight of the Matrimonial Causes Act, 1937.

(4) Nothing in this section affects any court outside the new Dominions, and the power conferred by section two of the Indian and Colonial Divorce Jurisdiction Act, 1926, to apply certain provisions of that Act to other parts of His Majesty's dominions as they apply to India shall be deemed to be power to apply those provisions as they would have applied to India if this Act had not passed.

18. Provisions as to existing laws, etc.—(1) In so far as any Act of Parliament, Order in Council, order, rule, regulation or other instrument passed or made before the appointed day operates otherwise than as part of the law of British India or the new Dominions, references therein to India or British India, however worded and whether by name or not, shall, in so far as the context permits and except so far as Parliament may hereafter otherwise provide, be construed as, or as including, references to the new Dominions, taken together, or taken separately, according as the circumstances and subject matter may require:

Provided that nothing in this sub-section shall be construed as continuing in operation any provision in so far as the continuance thereof as adapted by this sub-section is inconsistent with any of the provisions of this Act other than this section.

(2) Subject to the provisions of sub-section (1) of this section and to any other express provision of this Act, the Orders in Council made under sub-section (5) of section three hundred and eleven of the Government of India Act, 1935, for adapting and modifying Acts of Parliament shall, except so far as Parliament may hereafter otherwise provide, continue in force in relation to all Acts in so far as they operate otherwise than as part of the law of British India or the new Dominions.

(3) Save as otherwise expressly provided in this Act, the law of British India and of the several parts thereof existing immediately before the appointed day shall, so far as applicable and with the necessary adaptations, continue as the law of each of the new Dominions and the several parts thereof until other provision is made by laws of the Legislature of the Dominion in question or by any other Legislature or other authority having power in that behalf.

(4) It is hereby declared that the Instruments of Instructions issued before the passing of this Act by His Majesty to the Governor-General and the Governors of Provinces lapse as from the appointed day, and nothing in this Act shall be construed as continuing in force any provision of the Government of India Act, 1935, relating to such Instruments of Instructions.

(5) As from the appointed day, so much of any enactment as requires the approval of His Majesty in Council to any rules of court shall not apply to any court in either of the new Dominions.

19. Interpretation, etc.—(1) References in this Act to the Governor-General shall, in relation to any order to be made or other act done on or after the appointed day, be construed—

- (a) where the order or other act concerns one only of the new Dominions, as references to the Governor-General of that Dominion;
- (b) where the order or other act concerns both of the new Dominions and the same person is the Governor-General of both those Dominions, as references to that person; and
- (c) in any other case, as references to the Governors-General of the new Dominions, acting jointly.

(2) References in this Act to the Governor-General shall, in relation to any order to be made or other act done before the appointed day, be construed as references to the Governor-General of India within the meaning of the Government of India Act, 1935, and so much of that or any other Act as requires references to the Governor-General to be construed as references to the Governor-General in Council shall not apply to references to the Governor-General in this Act.

(3) References in this Act to the Constituent Assembly of a Dominion shall be construed as references—

(a) in relation to India, to the Constituent Assembly, the first sitting whereof was held on the ninth day of December, nineteen hundred and forty-six, modified—

- (i) by the exclusion of the members representing Bengal, the Punjab, Sind and British Baluchistan; and
- (ii) should it appear that the North-West Frontier Province will form part of Pakistan, by the exclusion of the members representing that Province; and
- (iii) by the inclusion of members representing West Bengal and East Punjab; and
- (iv) should it appear that, on the appointed day, a part of the Province of Assam is to form part of the new Province of East Bengal, by the exclusion of the members theretofore representing the Province of Assam, and the inclusion of

members chosen to represent the remainder of that Province;

(b) in relation to Pakistan, to the Assembly set up or about to be set up at the date of the passing of this Act under the authority of the Governor-General as the Constituent Assembly for Pakistan:

Provided that nothing in this sub-section shall be construed as affecting the extent to which representatives of the Indian States take part in either of the said Assemblies, or as preventing the filling of casual vacancies in the said Assemblies, or as preventing the participation in either of the said Assemblies in accordance with such arrangements as may be made in that behalf, of representatives of the tribal areas on the borders of the Dominion for which that Assembly sits, and the powers of the said Assemblies shall extend, and be deemed always to have extended, to the making of provision for the matters specified in this proviso.

(4) In this Act, except so far as the context otherwise requires—

References to the Government of India Act, 1935, include references to any enactments amending or supplementing that Act, and, in particular, references to the India (Central Government and Legislature) Act, 1946;

“India”, where the reference is to a state of affairs existing before the appointed day or which would have existed but for the passing of this Act, has the meaning assigned to it by section three hundred and eleven of the Government of India Act, 1935;

“Indian forces” includes all His Majesty’s Indian forces existing before the appointed day and also any forces of either of the new Dominions;

“Pension” means, in relation to any person, a pension, whether contributory or not, of any kind whatsoever payable to or in respect of that person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or other additions thereto, of subscriptions to a provident fund;

“Province” means a Governor’s Province;

“remuneration” includes leave pay, allowances and the cost of any privileges or facilities provided in kind.

(5) Any power conferred by this Act to make any order includes power to revoke or vary any order previously made in the exercise of that power.

20. Short title.—This Act may be cited as the Indian Independence Act, 1947.

SCHEDULES

FIRST SCHEDULE

Section 3

BENGAL DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF EAST BENGAL.

In the Chittagong Division, the districts of Chittagong, Noakhali and Tippera.

In the Dacca Division, the districts of Bakarganj, Dacca, Faridpur and Mymensingh.

In the Presidency Division, the districts of Jessore, Murshidabad and Nadia.

In the Rajshahi Division, the districts of Bogra, Dinajpur, Maida, Pabna, Rajshahi and Rangpur.

SECOND SCHEDULE

Section 4

DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF WEST PUNJAB.

In the Lahore Division, the districts of Gujranwala, Gurdaspur, Lahore, Sheikhpura and Sialkot.

In the Rawalpindi Division, the districts of Attock, Gujrat, Jhelum, Mianwali, Rawalpindi and Shahpur.

In the Multan Division, the districts of Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan and Muzaffargarh.

THIRD SCHEDULE

Section 12

MODIFICATIONS OF ARMY ACT AND AIR FORCE ACT IN RELATION TO BRITISH FORCES.

PART I.

Modifications of Army Act applicable also to Air Force Act.

1. The proviso to section forty-one (which limits the jurisdiction of courts martial) shall not apply to offences committed in either of the new Dominions or in any of the other territories which were included in India before the appointed day.

2. In section forty-three (which relates to complaints), the words "with the approval of the Governor-General of India in Council" shall be omitted.

3. In sub-sections (8) and (9) of section fifty-four (which, amongst other things, require certain sentences to be confirmed by the Governor-General in Council) the words "India or", the words "by the Governor-General or, as the case may be" and the words "In India, by the Governor-General, or, if he has been tried" shall be omitted.

4. In sub-section (3) of section seventy-three (which provides for the nomination of officers with power to dispense with courts martial for desertion and fraudulent enlistment) the words "with the approval of the Governor-General" shall be omitted.

5. The powers conferred by sub-section (5) of section one hundred and thirty (which provides for the removal of insane persons) shall not be exercised except with the consent of the officer commanding the forces in the new Dominions.

6. In sub-section (2) of section one hundred and thirty-two (which relates to rules regulating service prisons and detention barracks) the words "and in India for the Governor-General" and the words "the Governor-General" shall be omitted except as respects rules made before the appointed day.

7. In the cases specified in sub-section (1) of section one hundred and thirty-four, inquests shall be held in all cases in accordance with the provisions of sub-section (3) of that section.

8. In section one hundred and thirty-six (which relates to deductions from pay), in sub-section (1) the words "India or" and the words "being in the case of India a law of the Indian legislature", and the whole of sub-section (2), shall be omitted.

9. In paragraph (4) of section one hundred and thirty-seven (which relates to penal stoppages from the ordinary pay of officers), the words "or in the case of officers serving in India the Governor-General" the words "India or" and the words "for India or, as the case may be" shall be omitted.

10. In paragraph (12) of section one hundred and seventy-five and paragraph (11) of section one hundred and seventy-six (which apply the Act to certain members of His Majesty's Indian Forces and to certain other persons) the word "India" shall be omitted wherever it occurs.

11. In sub-section (1) of section one hundred and eighty (which provides for the punishment of misconduct by civilians in relation to courts martial) the words "India or" shall be omitted wherever they occur.

12. In the provisions of section one hundred and eighty-three relating to the reduction in rank of non-commissioned officers, the words "with the approval of the Governor-General" shall be omitted in both places where they occur.

PART II.

Modifications of Army Act.

Section 184B (which regulates relations with the Indian Air Force) shall be omitted.

PART III.

Modifications of Air Force Act.

1. In section 179D (which relates to the attachment of officers and airmen to Indian and Burma Air Forces), the words "by the Air Council and the Governor-General of India, or, as the case may be", and the words "India or", wherever those words occur, shall be omitted.

2. In section 184B (which regulates relations with Indian and Burma Air Forces) the words "India or" and the words "by the Air Council and the Governor-General of India or, as the case may be", shall be omitted.

3. Sub-paragraph (e) of paragraph (4) of section one hundred and ninety (which provides that officers of His Majesty's Indian Air Force are to be officers within the meaning of the Act) shall be omitted.