



Government of India Act 1935

1935 CHAPTER 2

PART V

LEGISLATIVE POWERS.

CHAPTER II

RESTRICTIONS ON LEGISLATIVE POWERS.

108 Sanction of Governor-General or Governor required for certain legislative proposals.

- (1) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature, any Bill or amendment which—
- (a) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India; or
 - (b) repeals, amends or is repugnant to any Governor-General's or Governor's Act, or any ordinance promulgated in his discretion by the Governor-General or a Governor; or
 - (c) affects matters as respects which the Governor-General is, by or under this Act, required to act in his discretion; or
 - (d) repeals, amends or affects any Act relating to any police force; or
 - (e) affects the procedure for criminal proceedings in which European British subjects are concerned; or
 - (f) subjects persons not resident in British India to greater taxation than persons resident in British India or subjects companies not wholly controlled and managed in British India to greater taxation than companies wholly controlled and managed therein; or
 - (g) affects the grant of relief from any Federal tax on income in respect of income taxed or taxable in the United Kingdom.

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- (2) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which—
- (a) repeals, amends, or is repugnant to any provisions of any Act of Parliament extending to British India; or
 - (b) repeals, amends or is repugnant to any Governor-General's Act, or any ordinance promulgated in his discretion by the Governor-General; or
 - (c) affects matters as respects which the Governor-General is by or under this Act, required to act in his discretion; or
 - (d) affects the procedure for criminal proceedings in which European British subjects are concerned ;
- and unless the Governor of the Province in his discretion thinks fit to give his previous sanction, there shall not be introduced or moved any Bill or amendment which—
- (i) repeals, amends or is repugnant to any Governor's Act, or any ordinance promulgated in his discretion by the Governor; or
 - (ii) repeals, amends or affects any Act relating to any police force.
- (3) Nothing in this section affects the operation of any other provision in this Act which requires the previous sanction of the Governor-General or of a Governor to the introduction of any Bill or the moving of any amendment.

109 Requirements as to sanctions and recommendations to be regarded as matters of procedure only.

- (1) Where under any provision of this Act the previous sanction or recommendation of the Governor-General or of a Governor is required to the introduction or passing of a Bill or the moving of an amendment, the giving of the sanction or recommendation shall not be construed as precluding him from exercising subsequently in regard to the Bill in question any powers conferred upon him by this Act with respect to the withholding of assent to, or the reservation of, Bills.
- (2) No Act of the Federal Legislature or a Provincial Legislature, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation was not given, if assent to that Act was given—
- (a) where the previous sanction or recommendation required was that of the Governor, either by the Governor, by the Governor-General, or by His Majesty;
 - (b) where the previous sanction or recommendation required was that of the Governor-General, either by the Governor-General or by His Majesty.

110 Savings.

Nothing in this Act shall be taken—

- (a) to affect the power of Parliament to legislate for British India, or any part thereof; or
- (b) to empower the Federal Legislature, or any Provincial Legislature—
 - (i) to make any law affecting the Sovereign or the Royal Family, or the Succession to the Crown, or the sovereignty, dominion or suzerainty of the Crown in any part of India, or the law of British nationality, or

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the Army Act, the Air Force Act, or the Naval Discipline Act, or the law of Prize or Prize courts; or

- (ii) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law amending any provision of this Act, or any Order in Council made thereunder, or any rules made under this Act by the Secretary of State, or by the Governor-General or a Governor in his discretion, or in the exercise of his individual judgment; or
- (iii) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law derogating from any prerogative right of His Majesty to grant special leave to appeal from any court.