



Indian Independence Act 1947

1947 CHAPTER 30 10 and 11 Geo 6

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]

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—5 ^{F1}

Textual Amendments

F1 Ss. 2–5, 6(1)–(3)(6), 8–12 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. VII

6 Legislation for the new Dominions.

- (1) ^{F2}
- (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

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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) F2

Textual Amendments
F2 Ss. 2–5, 6(1)–(3)(6), 8–12 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. VII

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 subsection, effect shall, as nearly as may be, continue 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.

8–12. F3

Textual Amendments
F3 Ss. 2–5, 6(1)–(3)(6), 8–12 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. VII

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13 F4

Textual Amendments

F4 S. 13 repealed by [Naval Discipline Act 1957 \(c. 53\)](#), [Sch. 6](#)

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 ^{M1}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 ^{M2}Government of India Act 1935.

(2) The functions referred to in subsection (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 subsection 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 aforesaid . . . ^{F5}

(3) F6

Textual Amendments

F5 Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. VII](#)

F6 Ss. 14(3)(4), 16, 18(3)–(5), 19, Schs. 1, 2 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. VII](#)

Modifications etc. (not altering text)

C1 Unreliable marginal note.

Marginal Citations

M1 1946 c. 31.

M2 1935 c. 2 (26 Geo. 5 & 1 Edw. 8).

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.

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- (2) Subject to the provisions of this subsection, 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 subsection 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 ^{M3}Government of India Act 1935; . . . ^{F7}

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Textual Amendments
F7 Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch. 1 Pt. VII](#)

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Marginal Citations
M3 [1935 c. 2 \(26 Geo. 5 & 1 Edw. 8\)](#).

16 ^{F8}

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Textual Amendments
F8 Ss. 14(3)(4), 16, 18(3)–(5), 19, Schs. 1, 2 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch. 1 Pt. VII](#)

17 ^{F9}

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Textual Amendments
F9 S. 17 repealed by [Family Law Act 1986 \(c.55,SIF 49:3\), s.68\(2\),Sch.2](#)

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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 subsection shall be construed as continuing in operation any provision in so far as the continuance thereof as adapted by this subsection is inconsistent with any of the provisions of this Act other than this section.
- (2) Subject to the provisions of subsection (1) of this section and to any other express provision of this Act, the Orders in Council made under subsection (5) of section three hundred and eleven of the ^{M4}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) ^{F10}

Textual Amendments

F10 Ss. 14(3)(4), 16, 18(3)–(5), 19, Schs. 1, 2 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. VII

Marginal Citations

M4 1935 c. 2 (26 Geo. 5 & 1 Edw. 8).

19 ^{F11}

Textual Amendments

F11 Ss. 14(3)(4), 16, 18(3)–(5), 19, Schs. 1, 2 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. VII

20 Short title.

This Act may be cited as the Indian Independence Act 1947.

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SCHEDULES

^{F12}F12 FIRST— SECOND SCHEDULES

Textual Amendments

F12 Ss. 14(3)(4), 16, 18(3)–(5), 19, Schs. 1, 2 repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. VII**

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 F12

^{F13}F13 THIRD SCHEDULE

Textual Amendments

F13 Sch. 3 repealed by Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955 (c. 20), **Sch. 4**

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 F13

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