

favourable terms from the Congress and the League, so that such "independent" States can be used as its outposts on Indian soil.

Part Of Same Struggle

The Communist Party is firmly of the opinion that the struggle against Princely auto-cracy is at once the struggle against British manoeuvres to limit and control Indian independence and democracy and for the full realisation of this independence and democracy.

(c) Perpetuation of colonial social order. In the background of its constitutional manoeuvres imperialism is carrying forward the struggle to save the colonial social order for the existing vested interests so that in alliance with them it may retain control not only over Indian economy but also the Indian States.

Hence, through the links of Indian vested interests with the popular Ministries and the steel-frame of the Indian bureaucracy, it seeks to influence the economic and administrative policy of the Provincial Ministries and the Central Governments so that these Governments resist radical economic measures.

The results of these efforts, if

successful, will lead to intensification of the economic crisis and further deterioration in the conditions of the people.

With the same end in view, the bureaucracy seeks desperately to drive a wedge between the national movement, whose leaders are at the head of the Government, and the rising working-class and peasant movements.

Mass Terror

This they strive to do through the use of unprecedented mass terror against workers and peasants—who constitute the main social force among our people in the vanguard of the fight against the British-created social order and for a rapid transition to a new, democratic social order.

The strategy of British imperialism is to prevent a united national revolt by exploiting all the weaknesses in our national and social life and disrupting the unity of the national forces. It is a strategy to forge a new alliance with the Princes, landlords and Indian Big Business to be able to control through them the Indian States of the future as also Indian economy, and thus manoeuvre the transition from direct to indirect rule.

DISRUPTIVE PROCEDURE

THE procedure outlined by the Mountbatten Plan is as disruptive as the Plan itself and calculated to ensure its fulfilment through a series of British awards.

The Boundaries Commission and other Commissions deal-

ing with financial and other aspects of division are only intended to worsen Hindu-Muslim-Sikh relations so that the British arbiters can give their awards intensifying the communal conflict still further.

NATIONAL STRENGTH

THE very fact that British imperialism does not hope any longer to rule India directly is a recognition of the undisputed strength of the Indian freedom movement. Its desperate manoeuvres reveal not its strength but its utter weakness which has forced it to make important concessions to the urgent demands of the national liberation movement, such as, for example:

(a) Transfer of power to Congress and League Governments on Dominion Status basis by August 15.

(b) Assurance, though equivocal, that Britain shall not seek to establish independent relationship with the Princes.

(c) The Constituent Assemblies, despite their limitations, are free to declare for independence and make their own constitutions.

New Opportunities

The Communist Party is of the opinion that new opportunities for national advance have been won. The two popular Governments and Constituent Assemblies are the strategic weapons in the hands of the national leadership. It is the task of the national movement to ensure that they are used for the rapid realisation of national aims.

The concessions have not been voluntarily given by the British Government but extracted through the continuous pressure

of the Congress leadership for transfer of power and the rising tide of popular struggles of the workers, peasants, students and States' people, which grew despite British provoked civil war, despite all efforts to check and suppress them and which showed the new spirit of the people.

Last Desperate Step

The British Government agreed to these concessions because there was no way out for it and hence its desperate last step of partition.

The path forward is beset with difficulties. Sharp alternatives face the national movement and our entire people.

⊗ EITHER imperialist manoeuvres succeed, exploiting all the fissures in our national movement, thus making Indian independence formal—

OR the national forces unitedly ensure that the Constituent Assemblies draft constitutions on the basis of independence of the country and the popular Governments firmly resist imperialist pressure to extort economic and military concessions.

⊗ EITHER the Princes are appeased and the British fifth column is retained inside our country—

OR with the support of the entire country and the popular Governments, the States' people are actively aided to win their own liberation and bring one-third of our land under the banner of independent India.

In Whose Interests

⊕ EITHER the anti-national and anti-democratic activities of the vested interests are checked and the task of nation-building is begun to ensure food, cloth, jobs, and a living wage, prospect of a new life to workers, peasants and the common people, by the joint efforts of the popular Governments and popular organisations—

OR Indian economy gets mortgaged to British Big Business and the Indian people pass through bitter suffering.

⊕ EITHER partitioned India grows into two hostile States with reaction strengthened within each—

OR the progressives intervene and carry forward the struggle for reunion by demanding a complete break with British imperialism by their own States and friendly relations between them in mutual interest.

The Communist Party has consistently warned against the dangers of imperialist manoeuvres if the national movement fails to forge a united front.

⊕ It warned against partition.

It suggested recognition of the right of national self-determination and the immediate implementation of fundamental democratic measures to undermine communal separatism and to preserve and strengthen Indian unity on the basis of the unity and equality of every nationality.

⊕ The Communist Party warned against the intrigues of vested interests with the popular Ministries. It demanded that the Ministries break the resist-

ance of vested interests and meet the needs of the people.

⊕ It warned against our political parties getting entangled in the imperialist plan and demanded a sharp break with it.

People's Vigilance

National unification behind the popular Governments for the realisation of complete independence demands that people's vigilance be roused against the compromisers in the national leadership, people's indignation against the vested interests, and national conscience against communal provocateurs.

In the present transitional period the unification of the national forces against reaction in each State is the only guarantee against imperialist manoeuvres.

The Communist Party is fully confident that imperialist intrigues can be decisively defeated. The allies of imperialism have a very narrow social basis. They are the enemies of our people who place profit and self-interest above patriotism and national interest. The very economic crisis that they are intensifying will move the common people against them. The national movement will not tolerate any compromise of real independence if it is kept fully informed and mobilised.

INSIDE INDIAN UNION

IMMEDIATE developments, as also the shape of new India, will depend upon the policies the Congress and the League pursue through the Governments and the Constituent Assemblies headed by their leaders.

The Congress is the main national democratic organisation. The decisions of its leadership will not only build the structure of the Indian Union but greatly influence developments inside Pakistan also.

Democratic Programme

The Communist Party desires that the Congress leadership implement rapidly and consistently the declared anti-imperialist democratic programme of the Congress.

The Communist Party will fully cooperate with the national leadership in the proud task of building the Indian Republic on democratic foundations, thus paving the way to Indian unity.

The Communist Party puts forward the following programme:

(a) Real Independence

- Withdrawal of all British troops
- No military alliance with Britain, the imperialist enslaver.
- Independent democratic foreign policy. Establishment

of friendly relations with all democratic countries; support to UNO to maintain world peace and to help dependent countries to attain full independence.

- Government control over all Indo-British Big Business deals and over foreign trade.
- Prompt repayment of Sterling Balances in order to secure capital goods for the rapid industrialisation of India.
- Nationalisation of all British industrial concerns.
- Mutually beneficial trade relations with Britain on the basis of equality.

British efforts to seek economic and military control over the Indian Republic have to be foiled. All those elements in the national leadership who are ready to compromise and seek "a half-way house" between Independence and Dominion Status have to be defeated.

(b) The Princes

Full support to the States' people's movement, to bring their States inside the Constituent Assembly, to win responsible government and democratic constitution on the basis of their own Constituent Assemblies elected by adult franchise and to help their struggle forward to assert people's sovereignty and realise self-determination.

(c) Democratic Constitution

—Joint electorates on the basis of adult franchise and proportional representation.

—National self-determination on the basis of linguistically-demarcated Provinces to lay the basis for the future unity of India.

—Regional or local autonomy with full democratic rights for the Hill, Frontier and other compact tribal areas.

(d) Democratic Economy

A planned economy on the basis of abolition of landlordism and nationalisation of key industries to ensure a new life for the people.

(e) Against Communalism

The Congress must save the immediate communal situation from worsening and shape it in the right direction by taking a firm and fraternal stand on the following issues:

(i) BOUNDARIES COMMISSION

—Take its stand on the basis of justice and oppose all un-

just and exaggerated demands. Press for the inclusion only of contiguous areas with a non-Muslim majority inside the Indian Union.

—Make boundary adjustments in mutual interest by agreement and without British intervention.

(ii) MUSLIM MINORITY RIGHTS

—Full protection to the religious and cultural rights of Muslims.

—No discrimination against Muslims in services or in any other sphere of life.

—Open repudiation of elements who preach that Muslims are aliens inside the Indian Union.

(f) Mutual Relations

—Closest possible economic relations, exchange of goods and all aid for the industrialisation and modernisation of backward Pakistan areas.

—Offers of co-operation to Pakistan for the defence of India.

INSIDE PAKISTAN

IN the new Pakistan State, consisting of the Muslim majority areas of North-west India and North and East Bengal, the Muslim League would be the major political party. Here the freedom-loving anti-imperialist masses would be face to face with a very difficult and dangerous situation.

Only through the utmost vigilance against reaction and a

steadfast adherence to democratic policies can the exploited Muslim masses of Pakistan areas achieve their real objectives of freedom, democracy and prosperity.

Owing to the fact that British imperialism has kept the Muslim majority areas socially, culturally and economically backward, it is the big Nawabs, Khans, tumandars, zamindars

and jagirdars who exploit the mass of the Muslim peasantry and through their great influence over the leadership of the Muslim League divert the anti-imperialist freedom urge of the Muslim masses into communal channels.

In this way they not only save their own ill-gotten gains but by disrupting the unity of the Muslim masses with their non-Muslim brethren play the game of British imperialism.

If the Muslim masses do not defeat this selfish and reactionary policy of their upper classes they will continue to suffer the miseries of the most brutal feudal exploitation and the humiliation of foreign imperialist domination.

Now that a separate Pakistan State is coming into existence and the masses of those areas are being cut away from the popular forces of the rest of India, the efforts of the reactionaries would be directed to keep the new State tied to the chariot wheels of British imperialism in order to preserve their feudal privileges.

Already insidious propaganda is being made by sections of the League leaders that Pakistan should remain a part of the British Empire.

Reaction Plotting

Flouting the declared aims of the Muslim League itself which as early as 1937 adopted the aim of "full independence" as the goal of the League and which, in the well-known Lahore Resolution of 1940, declared for a "Sovereign

State", these reactionaries are plotting to make Pakistan subservient to British imperialism.

They want to hide this pro-imperialist manoeuvre by diverting the intense hatred of common Muslims against imperialism into anti-Hindu communal channels.

At the same time, the fact that Pakistan areas are economically backward is being used as an argument by these reactionaries to seek financial and military aid from Anglo-American imperialists.

In the name of industrial development of Pakistan and of defence of the new State, full scope for ruthless exploitation and political and military domination of the people of Pakistan might be given to the Anglo-American imperialists.

In this case also the bogey of Hindu domination would be used by the Muslim vested interests to hide their real selfish objectives of preserving their own privileges and continuing the exploitation of the common people, in alliance with foreign imperialists.

However, the Communist Party believes that such a reactionary development can be stopped.

Masses Will Not Have It

The Muslim masses, who for the last 200 years of British rule have consistently battled against foreign domination, who are conscious of the

fact that British imperialism is the traditional enemy of the freedom of the Muslim peoples of the Middle East, who have valiantly participated in the common workers' and peasants' movements of the last two years—the I.N.A. demonstrations, the R.I.N. mutiny, the great strike battles and peasants' struggles and States' people's movements—shall resist the slavish policies of their upper classes.

The Communist Party appeals to all anti-imperialist progressive Muslim Leaguers and the masses following the Muslim League to fight and defeat these policies of their own reactionary vested interests.

Democracy in Pakistan can be won through unity with the non-Muslim masses and friendly relations with the Indian Republic. Real economic reconstruction can be achieved only through democracy, by curbing and eliminating the big vested interests and through cooperation with the Indian Republic as equals and in mutual interest.

Only then can foreign aid be got on favourable terms which cannot lead to foreign domination.

Thus alone will end the old era of fratricidal conflicts, imperialist domination, extreme poverty and backward-

ness of the people. Thus alone will open the era of voluntary Indian unity, full democracy and new life.

With this objective in view the Communist Party will campaign in Pakistan for the following programme:

(a) Pakistan Republic

The Pakistan State must be a Republic and not a British Dominion, free from all economic and military control of British imperialism, with a democratic foreign policy and close friendly relations with the Indian Republic.

(b) The Princes

—Pakistan to support the States' people's movement for democracy and self-determination.

—Total repudiation of the League leadership's present policy of support to Princely autocracy.

(c) Democratic Constitution

—Constitution based on adult franchise, joint electorates and proportional representation.

—Full protection of religious and cultural rights of the minorities. No discrimination against any community and equal opportunities for all in administrative and other services.

—National self-determination inside Pakistan Union to ensure equality of Sindhis, Baluchis, Pathans, Punjabis and Bengalis. This will also lead to the future unification of Bengal and the Punjab and ultimately to the vo-

luntary unity of the seceded Muslim majority parts with the Indian Union.

—Regional or local autonomy with full democratic rights for the Hill, Frontier and other compact tribal areas.

(d) Democratic Economy

A Planned Economy on the basis of abolition of landlordism, nationalisation of key industries to overcome backwardness

of Pakistan, develop its resources for the common prosperity of the entire people.

(e) Mutual Cooperation

—Military alliance against any external aggression and for mutual security through a Joint Defence Council, independent of all British control.

—Economic alliance to coordinate Planning in both States in mutual interest.

FOR BROADEST JOINT FRONT

A GRIM future awaits our people if the fatal consequences of imperial manoeuvres, if the strong influence of compromising elements in our national political life are not realised.

⊕ Partition will not solve our problems. It will multiply them leading to conflicts on boundaries, border hostilities, oppression of minorities in each State, perpetuate all conflicts, strengthen reaction all round and thus create avenues for imperialist penetration.

⊕ Appeasement of the Princes will only mean creating new centres of British political, economic and military influence inside our own country.

⊕ Yielding to the pressure of vested interests will mean not only perpetuation but further strengthening of the imperialist stranglehold through new alliances and open our economy to the full impact of the fast-approaching world capitalist crisis.

We Pledge Anew

The Communist Party pledges itself anew to play its full part in carrying forward the battle for independence, democracy and unity to final victory in the new conditions.

All the mass campaigns of the Communist Party will be concentrated upon the following issues:

(a) INDEPENDENCE. Full support to the Constituent Assemblies to frame constitutions on the basis of complete independence and mass pressure against any compromise.

(b) DEMOCRACY. Full support to progressive elements to draft democratic constitutions. Mass mobilisation against any conservative pressure inside the Constituent Assemblies.

(c) INDIAN UNITY. Carry forward the battle for ultimate unity through the immediate establishment of friendly relations between Pakistan and the Indian Union:

(d) Full support to States' people's struggles.

(e) A purge of all incompetent, corrupt and oppressive officials.

(f) A rapid policy of Indianisation and democratisation of the armed forces.

(g) Restoration of communal peace on the basis of unity of all popular organisations and firm action by the Ministries against provocateurs.

Full protection of the rights of minorities.

(h) The ending of Ordinance Raj. Restoration of full civil liberties.

Release of all political, Trade Union and Kisan prisoners;

(i) Abolition of Excluded and Partially Excluded Areas. The immediate introduction of full civil liberties and local self-government.

(j) Abolition of Untouchability in all shapes and forms. State aid to Untouchables to improve their cultural and social status. All discrimination against Untouchables to be made a punishable offence.

(k) Nation-building. Immediate steps be taken to formulate a Five-Year Plan on the basis of abolition of landlordism and nationalisation of key industries, with the full co-operation between the Government, experts and all popular organisations, for a new happy life for the people and the creation of a firm and stable social basis for Indian independence.

—Immediate relief to the working-class through enforcement

of a minimum living wage, security of service, recognition of trade unions, withdrawal of all anti-strike legislation and improvement in the machinery for the settlement of disputes.

—Immediate relief to the peasantry to grow more food through grant of fallow land, tenancy rights, reduction of rent and land revenue, relief from indebtedness and speeding up of legislation for abolition of landlordism.

—Adequate wages, housing, education, and fallow land for agricultural labourers.

—Special aid to Tribal Areas for the development of their economic resources. Increase in the educational and medical facilities for the people.

—A just plan for the procurement of food-grains based on popular cooperation.

—Country-wide anti-hoarding drive to save the people from an intensifying food crisis.

—Fight against the black-market by price control and equitable distribution of all essential commodities through popular co-operation.

—Immediate measures for provision of houses for workers and middle-class families at reasonable rent, through planned housing schemes, together with control of the prices of house-sites.

—Provision for free and compulsory primary education and increased facilities for secondary, collegiate and technical education at reasonable fees and with adequate pay for teachers.

Support To Struggles

(1) While making every effort to settle industrial and agrarian disputes amicably, the Communist Party will give full support to workers' strikes and peasant actions for their just democratic demands against the growing offensive of the owners and landlords.

The Communist Party shall mobilise popular and Ministerial support behind these democratic struggles of the toiling people and compel the capitalists and landlords to meet their demands.

The Communist Party is fully conscious that the task of nation-building and the grim reality of economic crisis demands the continuity of production. This necessitates a radical change in the present policies of popular Ministries themselves.

Instead of appeasing the vested interests, they must firmly and speedily implement their electoral promises. Instead of relying upon the bureaucracy and attacking trade unions and Kisan Sabhas they must evolve a policy of fraternal co-operation with them.

The Communist Party reciprocates whole-heartedly the recent appeals of the national leaders for mutual co-operation in the great task of nation-building.

The Communist Party realises that the new situation de-

mands the broadest Joint Front based on the principle of fullest co-operation between the popular Governments and all popular organisations for the noble task of national liberation and reconstruction and final unification. This will bring new strength to the popular Governments as also to the people.

The Communist Party is fully aware that such a broad Joint Front though it echoes general popular sentiment, will not come of itself.

Firm Initiative Needed

Only the firm initiative of all progressives—the Communists, Left elements in the Congress and the League—can bring it about. It is their responsibility to defeat communal, reactionary and compromising elements within the Congress and the League and help to bring the two organisations together.

The alternative is rise of reaction, stabilisation of vested interests and ultimately compromise with imperialism.

The Communist Party appeals to all Left organisations and elements to forget the partisanship and differences of the past and come together to fight the dangers and realise the possibilities of the present.

The organised working-class and peasantry have been in the vanguard of the fight for independence and democracy in the post-war period.

Lead In Upsurge

① They have played a foremost part in the national upsurge against imperialism in solidarity with the R.I.N. mutiny, in the I.N.A. demonstrations, and against every imperialist offensive against our people.

② They have played a proud role in the popular struggle against Princely autocracy in Travancore, Hyderabad, Kashmir, etc.

③ Despite misrepresentation by vested interests their own struggles for a better life have won the respect of the common people and inspired the growth of mass trade unions and Kisan Sabhas.

Symbols Of New Spirit

The hundreds of sons of the Indian kisans killed by police and military bullets, and over twenty thousand jailed, symbolised the new fighting spirit of our common people and expressed the urge that the British-created social order must be changed here and now.

④ They have not been torn apart by British-provoked Hindu-Muslim riots. Wherever the Red Flag flew Hindu-Muslim unity prevailed.

In the new situation, the trade union and kisan movements will have to shoulder greater responsibilities than ever before.

The communalists will seek to split their magnificent Hindu-Muslim unity. But their own unity will inspire them to fight for democracy within the Indian Republic and Pakistan

and to work for Indian unity by demanding mutual co-operation for economic planning and defence of India as a whole.

The vested interests will seek to slander them while the common people under the impact of deepening crisis will look to the Red Flag to initiate the battle for food, cloth, jobs and a living wage.

Constructive Effort

Their constructive and fighting effort will lay the basis for a broad united people's movement against the food thieves and capitalist profiteers. This will ensure that nation-building no longer remains a phrase but becomes a reality.

The bureaucracy will seek to suppress them, to isolate this revolutionary vanguard from the national movement and to drive a wedge between the popular Ministries and the toiling masses. They will have to fight back this offensive in the name of Indian independence and for the urgent task of national reconstruction.

In the coming critical transitional phase it will be the task of the Indian working-class and peasant movements to see that the fight for real independence, full democracy and Indian unity goes forward to final victory and they play their full part in forging the unity of the National Front shoulder to shoulder with all progressive and Left elements in our country.

THE INDIAN INDEPENDENCE ACT, 1947

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 :—

THE NEW DOMINIONS

1. (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'

TERRITORIES OF THE NEW DOMINIONS

2. (1) Subject to the provisions of subsections (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 subsection (2) of this section, are to be the territories of Pakistan.

(2) Subject to the provisions of subsections (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 subsection (1) or, as the case may be, subsection (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 subsection (1) or, as the case may be, the said subsection (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 subsection (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States to either of the new Dominions.

BENGAL AND ASSAM

3. (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 subsection (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 subsection (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 subsection (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 subsection (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 decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

THE PUNJAB

4. (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 decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

THE GOVERNOR-GENERAL OF THE NEW DOMINIONS

5. 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.

LEGISLATION FOR THE NEW DOMINIONS

6. (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 subsection (1) of this section extends to the making of laws limiting for the future the powers of the Legislature of the Dominion.

CONSEQUENCES OF THE SETTING UP OF THE NEW DOMINIONS

7. (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.

TEMPORARY PROVISION AS TO GOVERNMENT OF EACH OF THE NEW DOMINIONS

8. (1) In the case of each of the new Dominions, the powers of the Legislature of the Dominion shall, for the purpose of making provisions 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 subsection (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 subsection 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 subsection 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 signification 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 subsection (1) of this section.

(3) Any provision of the Government of India Act, 1935, which, as applied to either of the new Dominions by subsection (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.

ORDERS FOR BRINGING THIS ACT INTO FORCE

9. (1) The Governor-General shall by order make such provisions 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 authorising 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.

SECRETARY OF STATE'S SERVICES, ETC.

10. (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.

INDIAN ARMED FORCES

11. (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 members 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.

BRITISH FORCES IN INDIA

12. (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 subsection (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 subsections (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.

NAVAL FORCES

13. (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.

PROVISION AS TO THE SECRETARY OF STATE AND THE
AUDITOR OF INDIAN HOME ACCOUNTS

14. (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 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 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 subsection (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 maybe as he would have done if this Act had not passed.

LEGAL PROCEEDINGS BY AND AGAINST THE SECRETARY OF STATE

15. (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 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 the 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, as 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.

ADEN

16. (1) Subsections (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 subsections (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.

DIVORCE JURISDICTION

17. (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 subsection (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 subsection 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 subsection (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 been passed.

PROVISIONS AS TO EXISTING LAWS, ETC.

18. (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 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.

INTERPRETATION, ETC.

19. (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 subsection 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.

SHORT TITLE

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

SCHEDULES

FIRST SCHEDULE

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, Malda, Pabna, Rajshahi and Rangpur.

SECOND SCHEDULE

DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF WEST PUNJAB

In the Lahore Division, the districts of Gujranwala, Gurdaspur, Lahore, Sheikhupura 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

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

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

STATES' AUTONOMY WILL BE RESPECTED

SARDAR PATEL'S ASSURANCE

New Delhi

5 July 1947

In a statement appealing to those Indian States which have not yet joined the Constituent Assembly to do so, Sardar Patel recalls the announcement made some days back that the Government of India had decided to set up a department to conduct their relation with the States in matters of common concern. Sardar Patel says this department has come into being today and the States have been informed to this effect. "On this important occasion, I have a few words to say to the Rulers of Indian States among whom I am happy to count many as my personal friends.

"It is the lesson of history that it was owing to the country's politically fragmental condition and our inability to take a united stand that India succumbed to successive waves of invaders. Our mutual conflicts and internecine quarrels and jealousies have in the past been the cause of our downfall and our falling victims to foreign domination a number of times. We cannot afford to fall into those errors or traps again. We are on the threshold of independence. It is true that we have not been able to preserve the unity of the country entirely unimpaired in the final stage. To the bitter disappointment and sorrow of many of us, some parts have chosen to go out of India and to set up their own Government. But there can be no question that despite this separation a fundamental homogeneity of culture and sentiment, reinforced by the compulsive logic of mutual interest would continue to govern us. Much more so would this be the case with that vast majority of States which, owing to their geographical contiguity and indissoluble ties, economic, cultural and political, must continue to maintain relations of mutual friendship and co-operation with the rest of India. The safety and preservation of these States, as well as of India, demand unity and mutual co-operation between its different parts.

"When the British established their rule in India, they evolved the doctrine of Paramountcy which established the supremacy of British interests. That doctrine has remained undefined to this day, but in its exercise there has undoubtedly been more of subordination than co-operation. Outside the field of Paramountcy there has been a very wide scope in which relations between British India and the States have been regulated by enlightened mutual interest. Now that British rule is ending, the demand has been made that the States should regain their independence. In so far as Paramountcy embodied the submission of States to a foreign will, I have every sympathy with this demand. But I do not think it can be their desire to utilise this freedom from domination in a manner which is injurious to the common interest of India or which militates against the ultimate Paramountcy of popular interests and welfare or which might result in the abandonment of that mutually useful relationship that has developed between British India and Indian States during the last century. This has been amply demonstrated by the fact that a great majority of Indian States have already come into the Constituent Assembly. To those who have not done so, I appeal that they should join now. The States have

already accepted the basic principle that for defence, foreign affairs and communications they would come into the Indian Union. We ask no more of them than accession of these three subjects in which the common interests of the country are involved. In other matters we would scrupulously respect their autonomous existence.

“This country, with its institutions, is the proud heritage of the people who inhabit it. It is an accident that some live in the States and some in British India, but all alike partake of its culture and character. We are all knit together by bonds of blood and feeling no less than of self-interest. None can segregate us into segments; no impassable barriers can be set up between us. I suggest that it is, therefore, better for us to make laws sitting together as friends than to make treaties as aliens. I invite my friends, the Rulers of States and their people to the councils of the Constituent Assembly in this spirit of friendliness and co-operation in a joint endeavour, inspired by common allegiance to our motherland for the common good of us all.

“There appears a great deal of misunderstanding about the attitude of the Congress towards the States. I should like to make it clear that it is not the desire of the Congress to interfere in any manner whatever with the domestic affairs of the States. They are no enemies of the Princely Order, but, on the other hand, wish them and their people under this aegis all prosperity, contentment and happiness. Nor would it be my policy to conduct the relations of the new department with the States in any manner which savours of the domination of one over the other. If there would be any domination, it would be that of our mutual interest and welfare.

“We have no ulterior motive or selfish interests to serve. Our common objective should be to understand each other’s point of view and come to decisions acceptable to all and in the best interests of the country. With this object, I propose to explore the possibility of associating with the administration of the new department a standing committee representative of both the States and British India.

“We are at a momentous stage in the history of India. By common endeavour, we can raise the country to a new greatness while lack of unity will expose us to fresh calamities. I hope the Indian States will bear in mind that the alternative to co-operation in the general interest is anarchy and chaos which will overwhelm great and small in a common ruin if we are unable to get together in the minimum of common tasks. Let not the future generation curse us for having had the opportunity but failed to turn it to our mutual advantage. Instead, let it be our proud privilege to leave a legacy of mutually beneficial relationship which would raise this sacred land to its proper place amongst the nations of the world and turn it into an abode of peace and prosperity.”—API

The Hindu
7 July 1947

25 July 1947

FORM OF STANDSTILL AGREEMENT

Agreement between the State of.....and the Dominion of India.
 WHEREAS it is to the benefit and advantage of the Dominion of India as well as of the Indian States that existing agreements and administrative arrangements in the matters of common concern should continue for the time being between the Dominion of India or any part thereof and the Indian States :

Now therefore it is agreed between the _____ State and the
 Dominion of India that :

SCHEDULE

*The matters with Respect to which the Dominion Legislature may make
 Laws for this State.*

A. *Defence.*

(1) The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

(2) Naval, military and air force works, administration of cantonment areas.

(3) Arms, fire-arms, ammunition.

(4) Explosives.

B. *External affairs.*

(1) External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

(2) Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State, pilgrimages to places beyond India.

(3) Naturalization.

C. *Communications.*

(1) Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

(2) Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fare, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

(3) Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

(4) Port quarantine.

(5) Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.

(6) Aircraft and air navigation; the provision of aerodromes; regulation and organization of air traffic and of aerodromes.

(7) Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

(8) Carriage of passengers and goods by sea or by air.

(9) Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway areas outside that unit.

D. *Ancillary.*

(1) Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.

(2) Offences against laws with respect to any of the aforesaid matters.

(3) Inquiries and statistics for the purposes of any of the aforesaid matters.

(4) Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

25 July 1947

FORM OF INSTRUMENT OF ACCESSION

Instrument of Accession of.....

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may by order specify be applicable to the Dominion of India ;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof :

NOW THEREFORE I.....
Ruler of.....
in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession and

(1) I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of.....(hereinafter referred to as 'this State') such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August, 1947 (which Act as so in force is hereinafter referred to as 'the Act').¹

(2) I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

(3) I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

(4) I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the

¹ In the case of Semi-jurisdictional and Non-jurisdictional States the following clause was added: 'and I further declare that the Dominion of India may, through such agency or agencies, and in such manner as it thinks fit, exercise in relation to the administration of civil and criminal justice in this State all such powers, authority and jurisdiction as were at any time exercisable by His Majesty's representative for the exercise of the functions of the Crown in its relations with Indian States.'

administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

(5) The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

(6) Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

(7) Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

(8) Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

(9) I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this.....day of August, Nineteen hundred and forty-seven.

.....

 I do hereby accept this Instrument of Accession.
 Dated this.....day of August, Nineteen hundred and forty-seven.

.....

 Governor-General of India

(1) (i) Until new agreements in this behalf are made, all agreements and administrative arrangements as to matters of common concern now existing between the Crown and any Indian State shall, in so far as may be appropriate, continue as between the Dominion of India or, as the case may be, the part thereof, and the State.

(ii) In particular, and without derogation from the generality of sub-clause (i) of this clause the matters referred to above shall include the matters specified in the Schedule to this Agreement.

(2) Any dispute arising out of this Agreement, or out of the agreements or arrangements hereby continued, shall, unless any provision is made therein for arbitration by an authority other than the Governor-General or Governor, be settled by arbitration according, as far as may be, to the procedure of the Indian Arbitration Act, 1899.

(3) Nothing in this Agreement includes the exercise of any paramountcy functions.

-----State

Secretary to the Government of India

SCHEDULE

- (1) Air communications.
- (2) Arms and equipment.
- (3) Control of commodities.
- (4) Currency and coinage.
- (5) Customs.
- (6) Indian States Forces.
- (7) External affairs.
- (8) Extradition.
- (9) Import and export control.
- (10) Irrigation and electric power.
- (11) Motor vehicles.
- (12) National highways.
- (13) Opium.
- (14) Posts, telegraphs and telephones.
- (15) Railways (including police and other arrangements in Railway lands).
- (16) Salt.
- (17) Central Excise, relief from double income-tax and other arrangements relating to taxation.
- (18) Wireless.

ON HIS ELECTION AS THE FIRST PRESIDENT OF THE CONSTITUENT ASSEMBLY OF PAKISTAN

*Presidential Address to the Constituent Assembly of Pakistan
on 11th August, 1947*

Mr. President, Ladies and Gentlemen,

I cordially thank you, with the utmost sincerity, for the honour you have conferred upon me—the greatest honour that is possible for this Sovereign Assembly to confer—by electing me as your first President. I also thank those leaders who have spoken in appreciation of my services and their personal references to me. I sincerely hope that with your support and your co-operation we shall make this Constituent Assembly an example to the world. The Constituent Assembly has got two main functions to perform. The first is the very onerous and responsible task of framing our future Constitution of Pakistan and the second of functioning as a full and complete Sovereign body as the Federal Legislature of Pakistan. We have to do the best we can in adopting a provisional constitution for the Federal Legislature of Pakistan. You know really that not only we ourselves are wondering but, I think, the whole world is wondering at this unprecedented cyclonic revolution which has brought about the plan of creating and establishing two independent Sovereign Dominions in this sub-continent. As it is, it has been unprecedented ; there is no parallel in the history of the world. This mighty sub-continent with all kinds of inhabitants has been brought under a plan which is titanic, unknown, unparalleled. And what is very important with regard to it is that we have achieved it peacefully and by means of an evolution of the greatest possible character.

Dealing with our first function in this Assembly, I cannot make any well-considered pronouncement at this moment, but I shall say a few things as they occur to me. The first and the foremost thing that I would like to emphasise is this—remember that you are now a Sovereign Legislative body and you have got all the powers. It, therefore, places on you the gravest responsibility as to how you should take your decisions. The first observation that I would like to make is this : You will no doubt agree with me that the first duty of a Government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State.

The second thing that occurs to me is this : One of the biggest curses from which India is suffering—I do not say that other countries are free from it, but, I think, our condition is much worse—is bribery and corruption. That really is a poison. We must put that down with an iron hand and I hope that you will take adequate measures as soon as it is possible for this Assembly to do so.

Black-marketing is another curse. Well, I know that black-market-eers are frequently caught and punished. Judicial sentences are passed or sometimes fines only are imposed. Now you have to tackle this monster which today is a colossal crime against society, in our distressed conditions, when we constantly face shortage of food and other essential commodities of life. A citizen who does black-marketing commits, I think, a greater crime than the biggest and most grievous of crimes. These black-market-eers are really knowing, intelligent and ordinarily responsible people, and when they indulge in black-marketing, I think they ought to be very severely punished, because they undermine the entire system of control and regulation of foodstuffs and essential commodities, and cause wholesale starvation and want and even death.

The next thing that strikes me is this : Here again it is a legacy which has been passed on to us. Along with many other things, good and bad, has arrived this great evil—the evil of nepotism and jobbery. This evil must be crushed relentlessly. I want to make it quite clear that I shall never tolerate any kind of jobbery, nepotism or any influence directly or indirectly brought to bear upon me. Wherever I will find that such a practice is in vogue or is continuing anywhere, low or high, I shall certainly not countenance it.

I know there are people who do not quite agree with the division of India and the partition of the Punjab and Bengal. Much has been said against it, but now that it has been accepted, it is the duty of everyone of us to loyally abide by it and honourably act according to the agreement which is now final and binding on all. But you must remember, as I have said, that this mighty revolution that has taken place is unprecedented. One can quite understand the feeling that exists between the two communities wherever one community is in majority and the other is in minority. But the question is, whether it was possible or practicable to act otherwise than what has been done. A division had to take place. On both sides, in Hindustan and Pakistan, there are sections of people who may not agree with it, who may not like it, but in my judgement there was no other solution and I am sure future history will record its verdict in favour of it. And what is more it will be proved by actual experience as we go on that that was the only solution of India's constitutional problem. Any idea of a United India could never have worked and in my judgement it would have led us to terrific disaster. May be that view is correct ; may be it is not ; that remains to be seen. All the same, in this division it was impossible to avoid the question of minorities being in one Dominion or the other. Now that was unavoidable. There is no other solution. Now what shall we do ? Now, if we want to make this great State of Pakistan happy and prosperous we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the

poor. If you will work in co-operation, forgetting the past, burying the hatchet you are bound to succeed. If you change you past and work together in a spirit that everyone of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations, there will be no end to the progress you will make.

I cannot emphasise it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities, the Hindu community and the Muslim community—because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmins, Vashnavas, Khatris, also Bengalees, Madrasis, and so on—will vanish. Indeed if you ask me this has been the biggest hindrance in the way of India to attain the freedom and independence and but for this we would have been free peoples long long ago. No power can hold another nation, and specially a nation of 400 million souls in subjection; nobody could have conquered you, and even if it had happened, nobody could have continued its hold on you for any length of time but for this. Therefore, we must learn a lesson from this. You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the business of the State. As you know, history shows that in England conditions, some time ago, were much worse than those prevailing in India today. The Roman Catholics and the Protestants persecuted each other. Even now there are some States in existence where there are discriminations made and bars imposed against a particular class. Thank God, we are not starting in those days. We are starting in the days when there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one State. The people of England in course of time had to face the realities of the situation and had to discharge the responsibilities and burdens placed upon them by the government of their country and they went through that fire step by step. Today, you might say with justice that Roman Catholics and Protestants do not exist; what exists now is that every man is a citizen, an equal citizen of Great Britain and they are all members of the Nation.

Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.