



Indian Independence Act 1947

1947 CHAPTER 30 10 and 11 Geo 6

15 Legal proceedings by and against the Secretary of State.

- (1) Notwithstanding anything in this Act, and, in particular, notwithstanding any of the provisions of the last preceding section, any provision of any enactment which, but for the passing of this Act, would authorise legal proceedings to be taken, in India or elsewhere, by or against the Secretary of State in respect of any right or liability of India or any part of India shall cease to have effect on the appointed day, and any legal proceedings pending by virtue of any such provision on the appointed day shall, by virtue of this Act, abate on the appointed day, so far as the Secretary of State is concerned.
- (2) Subject to the provisions of this subsection, any legal proceedings which, but for the passing of this Act, could have been brought by or against the Secretary of State in respect of any right or liability of India, or any part of India, shall instead be brought—
 - (a) in the case of proceedings in the United Kingdom, by or against the High Commissioner;
 - (b) in the case of other proceedings, by or against such person as may be designated by order of the Governor-General under the preceding provisions of this Act or otherwise by the law of the new Dominion concerned,

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

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may, whether the proceedings are by, or are against, the High Commissioner or person designated as aforesaid, be withdrawn by a law of the Legislature of either of the new Dominions so far as that Dominion is concerned, and any such law may operate as respects proceedings pending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

- (3) In this section, the expression “the High Commissioner” means, in relation to each of the new Dominions, any such officer as may for the time being be authorised to perform in the United Kingdom, in relation to that Dominion, functions similar to those performed before the appointed day, in relation to the Governor-General in

Changes to legislation: There are currently no known outstanding effects for the Indian Independence Act 1947, Section 15. (See end of Document for details)

Council, by the High Commissioner referred to in section three hundred and two of the ^{M1}Government of India Act 1935; . . . ^{F1}

Textual Amendments

F1 Words repealed by [Statue Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. VII](#)

Marginal Citations

M1 [1935 c. 2 \(26 Geo. 5 & 1 Edw. 8\)](#).

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