



# Indian Independence Act 1947

## 1947 CHAPTER 30

### 19 Interpretation, etc.

- (1) References in this Act to the Governor-General shall, in relation to any order to be made or other act done on or after the appointed day, be construed—
  - (a) where the order or other act concerns one only of the new Dominions, as references to the Governor-General of that Dominion ;
  - (b) where the order or other act concerns both of the new Dominions and the same person is the Governor-General of both those Dominions, as references to that person ; and
  - (c) in any other case, as references to the Governors-General of the new Dominions, acting jointly.
- (2) References in this Act to the Governor-General shall, in relation to any order to be made or other act done before the appointed day, be construed as references to the Governor-General of India within the meaning of the Government of India Act, 1935, and so much of that or any other Act as requires references to the Governor-General to be construed as references to the Governor-General in Council shall not apply to references to the Governor-General in this Act.
- (3) References in this Act to the Constituent Assembly of a Dominion shall be construed as references—
  - (a) in relation to India, to the Constituent Assembly, the first sitting whereof was held on the ninth day of December, nineteen hundred and forty-six, modified—
    - (i) by the exclusion of the members representing Bengal, the Punjab, Sind and British Baluchistan ; and
    - (ii) should it appear that the North West Frontier Province will form part of Pakistan, by the exclusion of the members representing that Province ; and
    - (iii) by the inclusion of members representing West Bengal and East Punjab ; and
    - (iv) should it appear that, on the appointed day, a part of the Province of Assam is to form part of the new Province of East Bengal, by

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*Status: This is the original version (as it was originally enacted).*

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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.