

INDIA (CONSEQUENTIAL PROVISION) ACT, 1949

12 of 1949

[16th December, 1949]

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An Act to make provision as to the operation of the law in relation to India, and persons and things in any way belonging to or connected with India, in view of India's becoming a Republic while remaining a member of the Commonwealth. Whereas on the twenty-sixth day of January, nineteen hundred and fifty, India is to become a Republic while remaining a member of Commonwealth. 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 :-

1. Operation of existing law in relation to India in view of Indias becoming a Republic :-

(1) On and after the date of India's becoming a Republic, all existing law, that is to say, all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on that date or has been passed or made before that date and comes into force thereafter, shall, until provision to the contrary is made by the authority having power to alter that law and subject to the provisions of subsection (3) of this section, have the same operation in relation to India, and to persons and things in any way belonging to or connected with India, as it would have had if India had not become

a Republic.

(2) This Act extends to law of, or of any part of, the United Kingdom, a colony, a protectorate or a United Kingdom trust territory, and also, but so far only as concerns law which cannot be amended by a law of the Legislature thereof, to law of Southern Rhodesia or of any part thereof. The references in this sub-section to a colony, to a protectorate and to a United Kingdom trust territory shall be construed as if they were references contained in the British Nationality Act, 1948.¹

(3) His Majesty may by order in Council make provision for such modification of any existing law to which this Act extends as may appear to him to be necessary or expedient in view of India's becoming a Republic while remaining a member of the Commonwealth, and sub-section (1) of this section shall have effect in relation to any such law as modified by such an Order save in so far as the contrary intention appears in the order. An Order in Council under this section-

(a) may be made either before or after India becomes a Republic and may be revoked or varied by a subsequent Order in Council; and

(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any increase attributable to an Order in Council under this section .in sums payable out of moneys provided by Parliament or out of the Consolidated Fund of the United Kingdom or the growing produce thereof shall be defrayed out of moneys so provided, or out of that Fund or the growing produce thereof, as the case may be.

1. (1948) 11 and 12 Geo. 6, C. 56. This Act is printed on pp. 1245 to-1261 of Vol. I of 3rd Edn. of A.I.R. Manual.

2. Short title :-

This Act may be cited the Indian (Consequential Provision) Act, 1949.