

Indian Independence Act 1947

[UPSC Notes]

What is Indian Independence Act 1947?

- The Indian Independence Act 1947 was enacted by the British Parliament, which got its royal assent on July 18, 1947. By affirmation of royal assent, India gained independence.
- The Indian Independence Act 1947 provided that the date August 15, 1947, would be the 'appointment date' under the Government of India Act, 1935 and there would be two sovereign dominions, India and Pakistan.
- The constituent assembly of both the dominions was given the freedom and power to choose the power to frame and adopt any constitution.
- It gave all the authority to the constituent assembly to repeal any of the acts made by the British Parliament, even the Indian Independence Act of 1947.
- From August 15th, 1947, to January 26th, 1950, a drafting committee was formed to draft the Indian Constitution. The drafting committee worked directly under the then-law minister, Dr. B.R. Ambedkar.
- The committee prepared the draft of the Constitution of India after detailed deliberation and discussion on the existing system of administration. This draft received assent from the President of India, Dr. Rajendra Prasad.

History of The Indian Independence Act 1947

- On February 20, 1947, the then British Prime Minister, Clement Atlee, declared The Indian Independence Act 1947. Soon after the announcement of Clement Atlee, the Muslim League demanded the partition of the country for a separate nation for Muslims.
- Regarding this, the British government on June 3, 1947, clearly stated that any Constitution framed by the constituent assembly of India would not apply to the parts of the country that were not willing to accept it.
- On the very same day, on June 3, 1947, Lord Mountbatten, who was the Viceroy of India, gave the plan of partition, which was popularly known as the Mountbatten Plan. This plan implemented the two-nation theory of Syed Ahmad Khan.
- The Congress and Muslim League together agreed on this plan, and it was brought into action with immediate effect, thereby enacting the Indian Independence Act 1947.

Features of Indian Independence Act 1947

- The Indian Independence Act 1947 declared the end of British rule in India and India was a sovereign state from August 15th, 1947.
- This act abolished the offices of Viceroy and Governor-General, who were to be appointed by the British king for each Dominion. This is because, after this act, Britain was supposed to have no responsibility concerning the Government of India and the Government of Pakistan.
- Furthermore, this act gave both dominions the freedom to choose the constitution for their respective nations and to oppose any laws enacted by the British government.
- It abolished the office of the Secretary of State for India and his functions were transferred to the Secretary of State for Commonwealth Affairs.
- All the Indian princely states were granted freedom to join either the Dominion of India or the Dominion of Pakistan or even choose to remain independent on their own.
- And also, it removed the title of Emperor of India from the royal titles of the British Kingdom.

Impact of the Indian Independence Act 1947

- The Indian Independence Act 1947 was widely and happily accepted throughout the nation and by both the parties, the Congress and the Muslim League, as well.
- Lord Samuel, who was a British Liberal politician, also stated that the Indian Independence Act is a "peace treaty without war".
- The British and many great Indian leaders, like Dr. Rajendra Prasad, also said that, with the end of British rule in India, the further relationship with the British will depend on the goodwill and mutual understanding.
- On the one hand, a large number of people and leaders were happy as this law marked the beginning of free India. Still, Maulana Abul Kalam Azad was not happy with the decision of the 2 Nation theory. He stated that August 14th might be a day for Muslims in Pakistan, but it was a day of mourning for the Hindus and the Sikhs.
- But above all of these likings and dislikings of leaders, the best thing to be acknowledged at that time was that, because of the Indian Independence Act 1947, India became their republic, the Dominion.

Repeal of the Indian Independence Act 1947

- The new Constitution did not give the leaders the legal power to repeal the laws. Still, it was done to break the chain of law to make the constitution an independent legal system.
- An interesting fact about repealing the Indian Independence Act 1947 is that the British Parliament did not contribute to the repeal process of this act.

- However, the law empowered both the provinces, India and Pakistan, to repeal any of the acts made by either themselves or the British Parliament or even the Indian Independence Act.
- Finally, India and Pakistan repealed the Indian Independence Act 1947 by creating their own constitutions. Article 395 of the Indian Constitution effectively repealed the Indian Independence Act 1947.
- The best thing that could happen was that, with the adoption of the Constitution, India was no longer a Dominion. It became a republican country.

