

THE GOVERNMENT OF INDIA ACT, 1935
(26 Geo. V & 1 Edw. VIII Ch. 2)

An Act to make further provision for the Government of India.

[2nd August, 1935]

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:-

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PART III
THE GOVERNORS' PROVINCES

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CHAPTER V

EXCLUDED AREAS AND PARTIALLY EXCLUDED AREAS

91. **Excluded areas and partially excluded areas.**—(1) In this Act the expressions "excluded areas" and "partially excluded area" mean, respectively such areas as His Majesty may by Order in Council declare to be excluded areas or partially excluded areas.

The Secretary of State shall lay the draft of the Order which it is proposed to recommend His Majesty to make under this sub-section before Parliament within six months from the passing of this Act.

(2) His Majesty may at any time by order in Council

- (a) direct that the whole or any specified part of an excluded area shall become, or become part of, a partially excluded area;
- (b) direct that the whole or any specified part of a partially excluded area shall cease to be a partially excluded area or a part of such an area;
- (c) alter, but only by way of rectification of boundaries, any excluded or partially excluded area;
- (d) on any alteration of the boundaries of a Province, or the creation of a new Province, declare any territory not previously in any Province to be, or to form part of, an excluded area or a partially excluded area, and any such Order may contain such incidental and consequential provisions as appear to His Majesty to be necessary and proper, but save as aforesaid the Order in Council made under sub-section (1) of this section shall not be varied by any subsequent Order.

92. **Administration of excluded areas and partially excluded areas.**—(1) The executive authority of a Province extends to excluded and partially excluded areas therein, but notwithstanding anything in this Act, no Act of the Federal Legislature or of the Provincial Legislature, shall apply to an excluded area or a partially excluded area, unless the Governor by public notification so direct; and the Governor in giving such a direction with respect to any Act may direct that the Act shall in its application to the areas, or to any special part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(2) The Governor may make regulations for the peace and good government of any area in a Province which is for the time being an excluded area, or a partially excluded area, and any regulations so made may repeal or amend any Act of the Federal Legislature or of the Provincial Legislature, or any existing Indian law, which is for the time being applicable to the area in question.

Regulations made under this sub-section shall be submitted forthwith to the Governor-General and until assented to by him in his discretion shall have no effect, and the provisions of this Part of this Act with respect to the power of His Majesty to disallow Acts shall apply in relation to any such regulations assented to by the Governor-General as they apply in relation to Acts of a Provincial legislature assented to by him.

(3) The Governor shall, as respects any area in a Province which is for the time being an excluded area, exercise his functions in his discretion.

311. Interpretation, etc.—(1) In this Act and, unless the context otherwise requires, in any other Act the following expressions have the meanings hereby respectively assigned to them that is to say.

"British India means all territories for the time being comprised within the Governors' Provinces and the Chief Commissioners' Provinces.

"India" means British India together with all territories of any Indian Ruler under the suzerainty of His Majesty, all territories under the suzerainty of such an Indian Ruler, the tribal areas, and, any other territories which His Majesty in Council may, from time to time, after ascertaining the views of the Federal Government and the Federal Legislature, declare to be part of India.

"Burma" includes (subject to the exercise by His Majesty of any powers vested in him with respect to the alteration of the boundaries thereof) all territories which were immediately before the commencement of Part III of this Act comprised in India being territories lying to the east of Bengal, the State of Manipur, Assam, and any tribal areas connected with Assam;

"British Burma" means so much of Burma as belongs to His Majesty;

"Tribal areas" means the areas along the frontiers of India or in Baluchistan which are not part of British India or of Burma or of any Indian State or of any foreign State:

"Indian State" means any territory, not being part of British India, which His Majesty recognises as being such a State, whether described as a State, an Estate, a Jagir or otherwise;

"Ruler" in relation to a State means the Prince, Chief or other person recognised by His Majesty as the Ruler of the State.
