

**विधायी विभाग**  
**Legislative Department**

**विधि और न्याय मंत्रालय**  
Ministry of Law and Justice

**REPORT OF THE COMMITTEE  
TO IDENTIFY THE CENTRAL ACTS  
WHICH ARE NOT RELEVANT OR  
NO LONGER NEEDED OR  
REQUIRE REPEAL/RE-ENACTMENT  
IN THE PRESENT  
SOCIO-ECONOMIC CONTEXT**

**VOLUME-I  
(PART-I)**

**PRIME MINISTER'S OFFICE  
5TH NOVEMBER, 2014**

# **REPORT OF THE COMMITTEE TO IDENTIFY THE CENTRAL ACTS WHICH ARE NOT RELEVANT OR NO LONGER NEEDED OR REQUIRE REPEAL / RE- ENACTMENT IN THE PRESENT SOCIO-ECONOMIC CONTEXT**

Prime Minister's Office *vide* its Order No. A-50011/05/2014-PME dated the 1<sup>st</sup> September, 2014 has constituted two members Committee comprising the following to identify the Central Acts which are not relevant or no longer needed or require repeal / re-enactment in the present socio-economic context; namely:-

- |  |     |          |
|--|-----|----------|
| 1. Shri R. Ramanujam, then Secretary (now retired) PMO         | --- | Chairman |
| 2. Shri V. K. Bhasin, Former Secretary, Legislative Department | --- | Member   |

**II.** The Terms of Reference of the aforesaid Committee is as under:-

- (i) to further process the act of repealing the Central Acts which are not relevant or no longer needed as on date and can be repealed whole or in part immediately based on recommendation of various reports, departmental/ministry, the Law Commission and other Commissions and Committee;
- (ii) to identify the Acts amending the Central Acts which can be wholly or partially repealed in view of Section 6A of the General Clauses Act;
- (iii) to identify the Central Acts which would require revisiting in the present socio-economic context through appropriate amendments thereto or re-enactment thereof.

**III.** The Committee hereby submits its Report in four Volumes as under:-

- (i) Volume – I (Parts I and II)
- (ii) Volume – II
- (iii) Volume – III (Parts I, II and III)
- (iv) Volume – IV (Parts I, II, III, IV and V).

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# **CHAPTER-1**

## **Introduction**

A Committee has been constituted *vide* Order No. A-50011/05/2014-PME dated the 1st September, 2014 (*Refer Annexure-I to Part-I of this Volume*) consisting of Shri R. Ramanujam, Secretary, Prime Minister's Office as Chairperson and Shri V.K. Bhasin, Former Secretary, Legislative Department, Ministry of Law and Justice as Member with the following Terms of Reference, namely:-

- "(i) to further process the act of repealing the Central Acts which are not relevant or no longer needed as on date and can be repealed whole or in part immediately based on recommendation of various Reports, Departmental/Ministry, the Law Commission and other Commissions and Committees;
- (ii) to identify the Acts amending the Central Acts which can be wholly or partially repealed in view of section 6A of the General Clauses Act, 1897;
- (iii) to identify the Central Acts which would require revisiting in the present socio-economic context through appropriate amendments thereto or re-enactment thereof.".

**2.** The Committee solicited *vide* PMO I.D. Note No. CRA/1/2014 dated 3rd September, 2014, (*Refer Volume III, Part-I*), the views of all the Ministries and Departments of Government of India, *inter alia*, on—

- (a) the repeal of obsolete and redundant laws;
- (b) the laws require revisiting in whole or part;
- (c) the laws which need amendments in the light of changing socio-economic environment along with the reasons for proposed amendments/re-enactment or repeal.

**3.** The copies of the replies received from the Ministries/Departments in pursuance of the aforesaid I.D. Note has been included in Volume-III, Parts-I and III of this Report.

**4.** The Committee is fortunate to have the benefit of the wisdom and guidance of various Commissions (including the P.C. Jain Commission, the Law Commission of India, National Commissions on Labour, the Financial Sector Legislative Reforms Commission and the Finance Commission) reflected in their Reports and the suggestions given in the compendium of the Centre for Civil Society already available and the views of the various Ministries and Departments solicited by the Committee for the purpose of giving this Report and other material available in the public domain and in the knowledge of the Committee and the Master copy of the Central Acts (Set No. 29) made available *vide* D.O. No. 11(29)/14-L.I dated the 29th August, 2014 [*Refer Volume III, Part-II (page 340)*] by the Legislative Department to the Committee. A comparative statement of the Central Acts recommended

for repeal by the 20th Law Commission in its 248th Report dated the 12th September, 2014 249th Report dated the 13th October, 2014 and 250th Report dated the 29th October, 2014 and the P.C. Jain Commission Report (1998) has been prepared and annexed as *Annexure-II to Part-I of this Volume*.

**5.** The Committee perused copies of the Central Acts (Master Copy Set. No. 29) made available to the Committee by the Legislative Department *vide* D.O. No. 11(29)/14-L.I dated the 29th August, 2014 [*Refer Volume III, Part-II (page 340)*] and prepared its Report in four Volumes on the basis of such records and other material perused by the Committee.

**6.** At the outset, the Committee prepared the status of the Central Acts enacted from the year 1834 to 15th October, 2014 (details of which have been given in the Volume II consisting of 385 pages). Briefly, the aforesaid status of the Central Acts is given in the Table below:—

TABLE

CENTRAL ACTS	TOTAL CENTRAL ACTS ENACTED (No's.)	CENTRAL ACTS IN FORCE/ EXISTING ON STATUTE BOOK (No's.)	CENTRAL ACTS REPEALED (No's.)
ENACTED BEFORE THE COMMENCEMENT OF THE CONSTITUTION (FROM THE YEAR 1834 TO THE YEAR 1949)	2910	380	2530
ENACTED AFTER THE COMMENCEMENT OF THE CONSTITUTION i.e., 26TH JANUARY, 1950 UPTO 15 OCTOBER, 2014)	3702	2401	1301
<b>TOTAL</b>	<b>6612</b>	<b>2781</b>	<b>3831</b>

**7.** The Committee has identified total 1741 Central Acts for repeal out of total 2781 Central Acts existing as on 15th October, 2014 on the Statutes Book.

8. The details of aforesaid 1741 Central Acts identified for repeal given as under:—

(i) 777 Central Acts identified for repeal (wholly or partly) and details given under Chapter 4 of this Volume;
(ii) 83 Central Acts relating to State subjects identified for repeal by the State Legislatures and details given under Chapter 5 of this Volume;
(iii) 624 Central Appropriation Acts (in whole) upto the year 2010 identified for repeal and details given under Chapter 6 of this Volume;
(iv) 257 Central Appropriation Acts in respect of States identified for repeal (in whole) by the State Legislatures and details given under Chapter 7 of this Volume.

Briefly, out of 2781 Central Acts existing on the Statutes Book, the gist of the identification of Central Acts for repeal, consolidation, re-enactment and retention is briefly indicated as below:—

<b>(i) Total Central Acts identified for repeal</b>	<b>1741 No's</b>
<b>(ii) Total Central Acts identified for consolidation and re-grouping under 21 proposed Central Acts.</b>	<b>150 No's</b>
<b>(iii) Total Central Acts identified for repeal and re-enactment</b>	<b>55 No's</b>
<b>(iv) Total Central Acts identified for retention (Although suggested for repeal)</b>	<b>18 No's</b>

9. The Committee has also prepared a Model Draft Repealing Bill, 2014 under Chapter-8 of this Part of Volume-I of the Report for repeal of 1277 Central Acts [excluding 124 Central Acts given under Parts II, III and IV of Chapter-4 to be added in the Model Draft Bill after consultation with the concerned Ministries/Departments]. The concerned Ministries/Department may add other Central Acts which may be identified by them for repeal but not included in this Report.

10. In addition to 1741 Central Acts identified for repeal, the Committee has identified 150 Central Acts (on the related subjects/matters) to be consolidated and enacted into 21 Central Acts to avoid multiplicity of laws details of which are given under Chapter-9 of this Volume.

11. In addition to above, the Committee identified 55 Central Acts for repeal and re-enactment thereof.

12. The Committee has identified 18 Central Acts suggested for repeal but recommended by the Committee for retention thereof at the present and.

## CHAPTER-2

### **FEASIBILITY OF MINIMUM LAWS AND MAXIMUM GOVERNANCE**

A large number of laws always leads to a situation of conferring more discretion upon the enforcing agencies. In this connection, the Committee refers to the following extracts of an article titled "The Criminalisation of American business" published in "The Economist" dated the 30th August, 2014 (Refer Volume-I, Part-II, pages 402-405), namely:—

"...When America was founded, there were only three specified federal crimes-treason, counterfeiting and piracy. Now there are too many to count. In the most recent estimate, in the early 1990s, a law professor reckoned there were perhaps 300,000 regulatory statutes carrying criminal penalties-a number that can only have grown since then. For financial firms especially, there are now so many laws, and they are so complex (witness the thousands of pages of new rules resulting from the Dodd-Frank Reforms), that enforcing them is becoming discretionary."

#### **ENACTMENT OF LAWS BEFORE AND AFTER THE CONSTITUTION:**

A study of the Laws enacted as the Central Acts before the commencement of the Constitution and after the commencement of the Constitution till date was made by the Committee and details of the study are as under:—

CENTRAL ACTS	TOTAL CENTRAL ACTS ENACTED (No's.)	CENTRAL ACTS IN FORCE/ EXISTING ON STATUTE BOOK (No's.)	CENTRAL ACTS REPEALED (No's.)
ENACTED BEFORE THE COMMENCEMENT OF THE CONSTITUTION (FROM THE YEAR 1834 TO THE YEAR 1949)	2910	380	2530
ENACTED AFTER THE COMMENCEMENT OF THE CONSTITUTION i.e., 26TH JANUARY, 1950 UPTO 15 OCTOBER, 2014)	3702	2401	1301
<b>TOTAL</b>	<b>6612</b>	<b>2781</b>	<b>3831</b>

From the above study, it can be observed that during 115 years before the commencement of the Constitution, 2911 Central Acts were enacted and thereafter during 66 years i.e., after the commencement of the Constitution and till date, 3,701 Central Acts have been enacted.

Legislation is the prerogative of the Legislatures i.e., the Parliament and State Legislatures. As per general practice adopted from the date of commencement of the Constitution, the Government Bills introduced in the Parliament are passed with or without modifications and after assent thereof by the Hon'ble President they are enacted as Central Acts. The Government Bills are introduced in the Parliament by the existing Central Government i.e., the Executive.

The Committee feels that the issue of Governance by laws (i.e., Central Acts) vis-a-vis exercise of Executive power needs to be re-visited in the light of provisions of the Constitution and today's socio-economic context which emphasises self-regulation and globalisation.

#### **\*EXECUTIVE POWER OF THE UNION**

It may not be possible to frame an exhaustive definition of what executive function means and implies. Ordinarily, the executive power connotes the residue of governmental functions that remain after legislative and judicial functions are taken away subject, of course, to the provisions of the Constitution or of any law.

The executive function comprises both the determination of the policy as well as carrying it into execution, the initiation of legislation, the maintenance of order, the promotion of social and economic welfare, the direction of foreign policy; in fact, the carrying on or supervision of the general administration of the State. It includes political and diplomatic activities.

By reason of article 298, *post*, it also includes (a) the carrying on of trading operations; (b) the acquisition, holding and disposing of property; and (c) the making of contracts for any purpose.

#### **EXERCISE OF EXECUTIVE POWERS NOT DEPENDENT ON PRIOR LEGISLATION**

It is one of the functions of the Executive to execute the laws. This does not mean, however, that the executive function is confined to the execution of laws or that in order to enable the Executive to function in respect of any subject, there must be a law already in existence. Specific legislation, may, of course, be necessary to incur expenditure of the public funds or to encroach upon private rights, which cannot, under the Constitution, be done without legislation. But, apart from this, it cannot be held that in order to undertake any function, such as, entering into any trade or business, the Executive must obtain prior legislative sanction.

In the exercise of its executive power, therefore, a Government may do any act provided—

- (i) It is not an act assigned by the Constitution to any other authority or body such as the Legislature or the Judiciary or the Public Service Commission.
- (ii) It is not contrary to the provisions of the Constitution, or of any law.
- (iii) It does not encroach upon or otherwise infringe the legal rights of an individual.
- (iv) It does not involve payment of any money to any foreign power.
- (v) The powers required for carrying out a policy are not available from the existing law.
- (vi) Where the Constitution says that an act may be done only by legislation.

In the absence of statutory provisions or statutory Rules or where such Rules are silent, it is competent for the Government, in the exercise of its executive power, to make administrative Rules, e.g., relating to conditions of service under the Government, and such non-statutory Rules shall to that extent be binding on the parties.

## **EXTENT OF EXECUTIVE POWER OF THE UNION**

Attention is invited to article 73 of the Constitution, which read as under:—

"73. (1) Subject to the provisions of this Constitution, the executive power of the Union shall extend—

- (a) to the matters with respect to which Parliament has power to make laws; and
- (b) to the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty or agreement:

Provided that the executive power referred to in sub-clause (a) shall not, save as expressly provided in this Constitution or in any law made by Parliament, extend in any State to matters with respect to which the Legislature of the State has also power to make laws.

(2) Until otherwise provided by Parliament, a State and any officer or authority of a State may, notwithstanding anything in this article, continue to exercise in matters with respect to which Parliament has power to make laws for that State such executive power or functions as the State or Officer or authority thereof could exercise immediately before the commencement of this Constitution.".

In view of the provisions of the Constitution, the Union shall have exclusive executive power for (a) the administration of laws made by Parliament under its exclusive powers; (b) the exercise of its treaty powers.

By virtue of clause (1) (a) of article 73 of the Constitution, the executive power of the Union shall be co-extensive with the legislative power of the Union Parliament.

In other words, it will extend over the whole of the Territory of India, with respect to the matters enumerated in Lists I and III of the 7th Schedule to the Constitution. But this

power is subject to the two exceptions engrafted in the proviso to clause (1) and clause (2) of article 73 of the Constitution.

The proviso to clause (1) says that executive authority in regard to matters in the Concurrent List shall be ordinarily left to the States, for Parliament shall be entitled to provide that in exceptional cases the executive power of the Union shall also extend to these subjects. If the Ministers are constantly under the fear or threat of being proceeded against in a court of law for even the slightest of lapse or under the constant fear of exemplary damages being awarded against them, they will develop a defensive attitude which would not be in the interest of administration.

Apart from the provisions of articles 73 and 162 of the Constitution, Executive Power is conferred upon the Union as well as a State Government as regards three specified matters.

- (i) carrying on of any trade or business under article 298;
- (ii) acquisition, holding and disposal of property under article 298;
- (iii) making of contracts for any purposes under article 299.

### **WHETHER SPECIFIC LEGISLATION IS REQUIRED FOR THE EXERCISE OF EXECUTIVE POWER RELATING TO A PARTICULAR SUBJECT**

The functions of the Executive are not confined to the execution of laws made by the Legislature and already in existence. Articles 73 and 162 indicate that the powers of the Executive of the Union and of a State are co-extensive with the legislative power of the Union and of a State, as the case may be. While the Executive cannot act against the provisions of a law, it does not follow that in order to enable the Executive to function relating to a particular subject, there must be a law already in existence, authorising such action.

Once a law is passed, the executive power can be exercised only in accordance with such law so far as it goes, but the Government is not debarred from exercising its executive power merely because a Bill relating to the subject is pending before the Legislature.

Legislation may, however, be required where the Constitution itself provides that the act can be done by legislation, e.g., for the imposition of tax as provided under article 265; for expenditure of money as provided under article 266(3); equality before law as provided under article 14; encroaching upon fundamental rights as provided under article 19(2)(6), protection of life and liberty as provided under article 21 or other legal rights as provided under article 300A of the Constitution (Persons not to be deprived of property save by authority of law).

In the Concurrent sphere, the Union will not have Executive Power, unless,—

- (a) the Constitution itself; or
- (b) a law made by Parliament, expressly provides to that effect.

It follows that in so far as the executive power which is specifically vested in the Union by Art 298 (carrying on of trade, disposal of property, and making of contracts) is concerned, it will not be governed by the proviso to article 73.

## **POWER TO CHANGE EXECUTIVE ORDER OR POLICY**

Where the Constitution does not require an action to be taken only by legislation or there is no existing law to fetter the executive power of the Union (or a State, as the case may be), the Government would be not only free to take such action by an executive order or to lay down a policy for the making of such executive orders as occasion arises, but also to change such orders or the policy itself, as often as the Government so requires, subject to the following conditions:

- (a) Such change must be made in the exercise of a reasonable discretion, and not arbitrarily.
- (b) The making or changing of such order is made known to those concerned.
- (c) It complies with Art. 14, so that persons equally circumstanced are not treated unequally.
- (d) It would be subject to judicial review.

Subject to the same conditions as above, the Government can review an executive or administrative order or relax the conditions of its policy.

## **ENFORCEABILITY OF NON-STATUTORY ADMINISTRATIVE RULES OR ORDERS**

Though article 73 of the Constitution empowers the Government to issue rules or instructions, these must give way to provisions of any law or Rules made in exercise of the power conferred by article 309. Administrative instructions have no statutory effect on the operation of law and cannot override the same.

\*[Please refer Volume I, Part II of this Report for extracts of Chapter V of the Book Titled as Shorter Constitution of India (Thirteenth Edition, 2002) of Durga Das Basu ]

**CONCLUSION:** The expression "Executive Power" is very wide. It connotes the residue of governmental functions that remain after the legislative and judicial functions are taken away. It includes acts necessary for the carrying on or supervision of the general administration of the State, including both a decision as to action and the carrying out of the decision.

The power of the State Executive are, no doubt, co-extensive with the legislative powers of the State Legislature but this does not mean that in order to enable the Executive to function in respect of any matter, there must be a law of the Legislature already in existence relating to that subject or that the powers of the executive are limited to the carrying out of those laws. The object of enactment by the Parliament on the subject List –III (Concurrent List) of the Seventh Schedule to the Constitution may turn futile if the execution thereof left upon the State Governments. In this connection Hon'ble Shri (Dr.) B.R. Ambedkar during the

Constituent Assembly Debates\*\* when the aforesaid article (corresponding article 60) before was taken for adoption, *inter alia*, observed as under:-

[.....Now, Sir, my second submission is that there is ample justification for a proviso of this sort, which permits the Centre in any particular case to take upon itself the administration of certain laws in the Concurrent list. Let me give one or two illustrations. The Constituent Assembly has passed article 11, which abolishes untouchability. It also permits Parliament to pass appropriate legislation to make the abolition of untouchability a reality. Supposing the Centre makes a law prescribing a certain penalty, certain prosecution for obstruction caused to the untouchables in the exercising of their civic rights. Supposing a law like that was made, and supposing that in any particular province the sentiment in favour of the abolition of untouchability is not as genuine and as intense nor is the Government interested in seeing that the untouchables have all the civic rights which the Constitution guarantees, is it logical, is it fair that the Centre on which so much responsibility has been cast by the Constitution in the matter of untouchability, should merely pass a law and sit with folded hands, waiting and watching as to what the Provincial Governments are doing in the matter of executing all those particular laws? As everyone will remember, the execution of such a law might require the establishing of additional police, special machinery for taking down, if the offence was made cognizable, for prosecution and for all costs of administrative matters without which the law could not be made good. Should not the Centre which enacts a law of this character have the authority to execute it? I would like to know if there is anybody who can say that on a matter of such vital importance, the Centre should do nothing more than enact a law.

Let me give you another illustration. We have got in this country the practice of child marriage against which there has been so much sentiment and so much outcry. Laws have been passed by the Centre. They are left to be executed by the provinces. We all know what the effect has been as a result of this dichotomy between legislative authority resting in one Government and executive authority resting in the other. I understand (and I think my friend Pandit Bharagava who has been such a staunch supporter of this matter has been stating always in this House) that notwithstanding the legislation, child marriages are as rampant as they were. Is it not desirable that the Centre which is so much interested in putting down these evils should have some authority for executing laws of this character? Should it merely allow the provinces the liberty to do what they liked with the legislation made by Parliament with such intensity of feeling and such keen desire of putting it into effect? Take, for instance, another case--Factory Legislation. I can remember very well when I was the Labour Member of the Government of India cases after cases in which it was reported that no Provincial Government or at least a good many of them were not prepared to establish Factory Inspectors and to appoint them in order to see that the Factory Laws were properly executed. Is it desirable that the labour legislations of the Central Government should be mere paper legislations with no effect given to them? How can effect be given to them unless the Centre has got some authority to make good the administration of laws which it makes? I therefore submit that having regard to the cases which I have cited--and I have no doubt honourable Members will remember many more cases after their own experience--that a large part of legislation which the Centre makes in the concurrent field remains merely a paper legislation, for the simple reason that the Centre cannot execute its own laws. I think it is a crying situation which ought to be rectified which the proviso seeks to do.]

There is one other point which I would like to mention and it is this. Really speaking, the Provincial Government sought to welcome this proviso because, there is a certain sort of financial anomaly in the existing position. For the Centre to make laws and leave to provinces the administrations means imposing certain financial burdens on the provinces which is involved in the employment of the machinery for the carrying out of those laws. When the Centre takes upon itself the responsibility of the executing of those laws, to that extent the provinces are relieved of any financial burden and I should have thought from that point of view this proviso should be a welcome additional relief which the provinces seek so badly. I therefore submit, Sir, that for the reasons I have given, the proviso contains a principle which this House would do well to endorse. (Cheers).

\*\*[Please refer Volume I, Part II of this Report for extracts of the Constituent Assembly Debates ]

## **CHAPTER-3**

### **STATUS OF TOTAL NUMBER OF THE CENTRAL ACTS ENACTED DURING THE PERIOD BEGINNING FROM THE YEAR 1834 TO 15th OCTOBER, 2014 AND EXISTING ON THE STATUTES BOOK**

While perusing the Central Acts and other material for the purpose of identifying the Central Acts for repeal or re-enactments thereof, the Committee felt the need for preparing the Status of the Central Acts enacted during the period beginning from the year 1834 to 15th October, 2014 and existing on the Statutes Book in view of the following, namely:—

**1.1.** The Commission on Review of Administrative Laws (herein after referred to as the P.C. Jain Commission) under the Chapter "INTRODUCTION" in paragraph 16.4.5, *inter alia*, stated that another reason for leaving a large number of enactments in the Statutes Book is that no systematic and regular attempt had been made to examine these Acts in depth for the purpose of repeal. The aforesaid Commission in paragraph 16.4.6, *inter alia*, stated as under:-

"In view of the above position, we have an unenviable task of scanning the Acts and recommend the repeal of those Acts which are either not in force or anachronistic or not implemented and retained for some reason. We have accordingly gone through the list supplied by the Secretary, Legislative Department and after going through the provisions of some of the Acts, which we thought could no longer be retained in the Statute Book, prepared a list of Central Acts, which we feel, may safely be recommended for repeal.".

**1.2.** The Law Commission in its 248th Report under Chapter 3 at paragraphs 3.3 and 3.4 observed as under:—

"3.3 The Commission while pursuing the course of study also found that 34 laws which have already been repealed still figure on the Government Website (for details about these 34 laws please refer to **Appendix - III**). The Commission recommends that these laws may be removed from the Government Website.

3.4 Similarly, the Commission notes that certain laws passed by Parliament are not listed in the Chronological List of Central Acts on the Government Website. A list of these laws can be seen at **Appendix – IV**. The Commission recommends that this oversight may also be corrected.".

**2.** The Committee noticed the certain discrepancies while referring to the material for its guidance some of which are as under:—

**2.1.** The Law Commission in its 248th Report have mentioned the Bengal Sessions Courts Act, 1871 (XIX of 1871) for further study at Sl. No.65 of Appendix-V (LIST OF STATUTES FOR FURTHER STUDY WITH A VIEW TO ASSESS SUITABILITY FOR REPEAL) to the Report, to repeal the aforesaid Act. (*Refer Volume IV, Part-II of this Report*) The Law Commission in its 249th Report (*Refer Volume IV, Part-II of this Report*) recommended for repeal of the Bengal Sessions Courts Act, 1871 and observed as under:—

"The Act provided for the appointment of Sessions Judges for the territories respectively under the Governments of the Lieutenant-Governors of the Lower and North-Western Provinces of the Presidency of Fort William in Bengal. Although enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.".

The Bengal Sessions Courts Act, 1871(XIX of 1871) had already been repealed by the Third Schedule to the Repealing and Amending Act, 1903 (I of 1903) [*Refer Sl.No.4 of Volume I, Part-II (pages 13 to 44)*].

3. The P.C. Jain Commission has also recommended for the repeal of the "Amending Act, 1901" at Sl. No.40 of Appendix A-1 to the Report (166 Central Acts recommended for repeal), whereas the title of the aforesaid Act as given in sub-section (1) of section 1 of Act XI of 1901 is the "Repealing and Amending Act, 1901". [*Refer Sl.No.3 of Volume I, Part-II (page 12)*].

4. The Law Commission of India in its 249th Report at Sl. No. 60 under Chapter 2 of the Report also recommended for repeal of the "Amending Act, 1901" whereas the title of the aforesaid Act as given in sub-section (1) of section 1 of the Act XI of 1901 is the "Repealing and Amending Act, 1901" [*Refer Sl.No.3 of Volume I, Part-II (page 12)*].

5. The P.C. Jain Commission has also recommended for repeal of the Amending Act, 1903 instead of the "Repealing and Amending Act, 1903 (I of 1903) at Sl. No.41 of Appendix A-1(166 Central Acts recommended for repeal).

6. The Law Commission of India in its 249th Report at Sl. No. 62 under Chapter 2 of the Report also recommended for repeal of the for repeal of the Amending Act, 1903 (I of 1903) instead of the "Repealing and Amending Act, 1903 (I of 1903).

7. The Law Commission in its 249th Report at Sl. No's 3, 4, 6, 7, 8, 17 stated that the text of Bengal Land Revenue Sales Act, Act 12 of 1841, Revenue, Bombay, Act 13 of 1842, is not available/ on the Law Ministry's website, or from any other readily available source/readily available;

8. The Planning Commission recommended—

(a) the repeal of the Railway Companies (Substitution of Parties in Civil Proceedings) Act, 1946 (14 of 1946) in its I.D. Note No. 25/04/2014-OM &C dated 11th September, 2014 at Sl.No.4. [*Refer Sl.No.41of Volume III, Part-I*]. The Railway Companies (Substitution of Parties in Civil Proceedings) Act, 1946 (14 of 1946) had already been repealed by Act No. 25 of 2001;

(b) the repeal of the Delhi Municipal Corporation (Validation of Electricity Tax) Act, 1966 (35 of 1966) in its I.D. Note No. 25/04/2014-OM &C dated 11th September, 2014 (Sl.No.9). [*Refer Sl.No.41of Volume III, Part-I*]. The Delhi Municipal Corporation

(Validation of Electricity Tax) Act, 1966 had already been repealed by Act No. 41 of 2002.

(c) the repeal of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955) in its I.D. Note No. 25/04/2014-OM &C dated 11th September, 2014 (Sl.No.10) [*Refer Sl.No.41of Volume III, Part-I*]. The Industrial Disputes (Banking Companies) Decision Act, 1955 had already been repealed by Act No. 19 of 2001;

(d) the repeal of the Indian Universities Act, 1904 (8 of 1904) in its I.D. Note No. 25/04/2014-OM &C dated 11th September, 2014 (Sl.No.11) [*Refer Sl.No.41of Volume III, Part-I*]. The Indian Universities Act, 1904 had already been repealed by Act No. 36 of 2001;

(e) the repeal of the Sugarcane Control (Additional Powers) Act, 1962 (39 of 1962) in its I.D. Note No. 25/04/2014-OM &C dated 11th September, 2014 (Sl.No.13) [*Refer Sl.No.41of Volume III, Part-I*]. The Sugarcane Control (Additional Powers) Act, 1962 had already been repealed by Act No. 13 of 2000.

**9.** The Department of Financial Services *vide* its D.O. letter No.9/15/2014-Coord dated 12th September, 2014 at serial no. 10 of the Annexure-I to the aforesaid D.O [*Refer Sl.No.20 of Volume III, Part-I*] stated that the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955) not considered to be repealed. The aforesaid Act has already been repealed by the Industrial Disputes (Banking Companies) Decision (Repeal) Act, 2001 (19 of 2001).

**10.** The Department of Financial Services *vide* its D.O. letter No.9/15/2014-Coord dated 12th September, 2014 at serial no. 5 of the Annexure-I to the aforesaid D.O [*Refer Sl.No.20 of Volume III, Part-II*] stated that the Banking Companies (Legal Practitioner Clients' Accounts) Act, 1949 (46 of 1949) is all in vogue and amendments in the light of changing socio-economic environment have been/are being carried out. Further, there is always scope for amendments/modifications. The aforesaid Act has already been repealed by the Banking Companies (Legal Practitioner Clients' Accounts) Repeal Act, 2001 (20 of 2001).

**11.** The Department of Financial Services *vide* their D.O. letter No.9/15/2014-Coord dated 12th September, 2014, at serial no. 44 of the Annexure-I to the aforesaid D.O. [*Refer Sl.No.20 of Volume III, Part-I*] stated that the Securities and Insurance Laws (Amendment and Validation) Act, 2012 is not considered to be repealed. There is no such Act titled as 'the Securities and Insurance Laws (Amendment and Validation) Act, 2012' in the year 2012.

**12.** The Department of Financial Services *vide* their D.O. letter No.9/15/2014-Coord dated 12th September, 2014, at serial no. 21 of the Annexure-I to the aforesaid D.O. [*Refer Sl.No.20 of Volume III, Part-I*] stated that Shipping Development Fund Committee (Abolition) Act, 1985 can be repealed only after closure of SDFC portfolio. There is no such Act titled as 'the Shipping Development Fund Committee (Abolition) Act, 1985' in the Acts enacted in the year 1985.

**13.** The Department of Health and Family Welfare *vide* its I.D. Note No. H. 11018/02/2014-parlt. dated 12th September, 2014 at serial No. 14 of Annexure-I to the aforesaid I.D. [Refer Sl.No.23 of Volume III, Part-I] has indicated the title of the Act as the Lepers Act, 1894. There is no such Act enacted in the year 1894. The Lepers Act was enacted in the year 1898 titled as 'the Lepers Act, 1898 (III of 1898)'.

**14.** The Ministry of Home Affairs *vide* its OM No.I-34020/122/2014-Coord.I dated 19th Sep, 2014 [Refer Sl.No.26 of Volume III, Part-I] has stated that the Goa, Daman and Diu (Opinion Poll) Act, 1966 was enacted for taking opinion of the people to know their wishes as to (i) whether the territory of Goa should be merged with the State of Maharashtra (ii) and the territories of Daman and Diu should be merged with the State of Gujarat. The Ministry further stated that now the purpose is over and detailed examination is being done with a view to repeal this Act. The Goa, Daman and Diu (Opinion Poll) Act, 1966 ( 38 of 1966) has been repealed by the Delhi Municipal Corporation (Validation of Electricity Tax) Act and other Laws (Repeal) Act, 2002 (41 of 2002).

**15.** The Centre for Civil Society at Sl. No.20 of its compendium of 100 laws [Refer Sl.No.2 of Volume IV, Part-I] to be repealed recommended for repeal of the Emergency Legislation Continuance Act, 1915 (I of 1915), which had already been repealed by the Repealing Act, 1927 (XII of 1927).

**16.** The Centre for Civil Society at Sl. No. 36 of its compendium of 100 laws [Refer Sl.No.2 of Volume IV, Part-I] to be repealed recommended the title of the Act as "Sugar Cess Act, 1953" instead of "Sugar Cess Act, 1982 (3 of 1982)" for repeal.

**17.** The Centre for Civil Society at Sl. No. 67 of its compendium of 100 laws [Refer Sl.No.2 of Volume IV, Part-I] to be repealed recommended the title of the Act as "Cine-workers Labour Welfare Cess Act, 1976" instead of "Cine-workers Welfare Cess Act, 1981 (30 of 1981)" for repeal.

**18.** The Centre for Civil Society at Sl. No. 91 of its compendium of 100 laws [Refer Sl.No.2 of Volume IV, Part-I] to be repealed recommended the title of the Act as "Indian Law Reports Act (1975)" instead of " the Indian Law Reports Act, 1875(XVIII of 1875)" for repeal.

**19.** The Centre for Civil Society at Sl. No. 94 of its compendium of 100 laws [Refer Sl.No.2 of Volume IV, Part-I] to be repealed recommended the title of the Act as "Illegal Immigrants (Determination by Tribunals) Act (1983)" instead of "the Illegal Migrants (Determination by Tribunals) Act, 1983 (39 of 1983)" for repeal.

**20.** The Ministry of Labour and Employment *vide* their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 at Sl. No. 34 of the Annexure thereto [Refer Sl.No.31 of Volume III, Part-I] has mentioned the title of the Act as "the Dock Workers (Safety Health and Miscellaneous Provisions Act, 1952". No such Act has been enacted in the year 1952. The

Committee feels that the title of the Act may be "the Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986)".

**21.** In view of the above, the Committee undertook the task of perusing all the Acts from the year 1834 onwards to the year 2014[except the Madras Rent and Revenue Sales Act, 1839 (VII of 1839) for the purpose of identifying the Central Acts for repeal and Central Acts which would require re-visiting in the present socio-economic environment and re-enactment thereof or which would not require repeal at present and prepared status of all the Central Acts enacted from the year 1834 to till date existing on the Statutes Book [*Refer Volume II*]. The Legislative Department *vide* its O.M. No.1(2)/2014-Corr. dated the 18th September, 2014 [*Refer Sl.No.22 of Volume III, Part-II*] has stated that the copy of the Madras Rent and Revenue Sales Act, 1839 (VII of 1839) was not printed in the relevant book and therefore is not available and therefore this Act could not be perused.

**22.** For the purposes of preparing the status of Central Acts enacted from the year 1834 to till date existing on the Statutes Book, it would be relevant to draw the attention in respect of the meaning of the Central Act; and the reasons for perusal of the Central Act from the year 1834 till date.

**MEANING OF CENTRAL ACT:** The term 'Central Act' have been defined under clause (7) of section 3 of the General Clauses Act, 1897 which reads as under:-

"(7) 'Central Act' shall mean an Act of Parliament, and shall include—

- (a) an Act of the Dominion Legislature or of the Indian Legislature passed before the commencement of the Constitution, and
- (b) an Act made before such commencement by the Governor General in Council or the Governor General, acting in a legislative capacity.".

Clause (7) of section 3 of the General Clauses Act, 1897 becomes relevant in terms of article 367 of the Constitution which reads under:-

"367. Interpretation.—(1) Unless the context otherwise requires, the General Clauses Act, 1897, shall, subject to any adaptation and modifications that may be made therein under article 372, apply for the interpretation of this Constitution as it applies for the interpretation of an Act of Legislature of the Dominion of India.

(2) Any reference in this Constitution to Acts or laws of, or made by, Parliament, or to Acts or laws of, or made by, the Legislature of a State, shall be construed as including a reference to an Ordinance made by the President or, to an Ordinance made by a Governor, as the case may be.

(3) For the purposes of this Constitution 'foreign State' means any State other than India:

Provided that subject to the provisions of any law made by Parliament, the President may by order declare any State not to be a foreign State for such purposes as may be specified in the order.".

The Constitution Amendment Acts have been indicated in the Master copy (Set No. 29) of the Central Acts, but they have not given the Act numbers. A reference was made *vide PMO I.D. No. CRA/1/2014/2 dated the 3rd September, 2014 (Refer Annexure-III to Part-I of this Volume)* to the Department of Legal Affairs in the Ministry of Law and Justice on the issue as to whether the Constitution Amendment Acts can be construed as a 'Central' Act or

not. The advice of the Department of Legal Affairs on the date of Report is awaited and therefore, the Constitution Amendment Acts have not been included in the Status of the Central Acts prepared by the Committee.

**23.** The status of the Central Acts enacted during the period beginning from the year 1834 to 15th October, 2014 and existing on the Statutes Book have been prepared and given in Volume II of the Report indicating—

(a) the details of each Central Act enacted in each year beginning from the year 1834 to 15th October, 2014;

(b) the details of each Central Act which had repealed indicating the reference by which the Central Acts had been repealed;

(c) the total number of Central Acts enacted in a calendar year indicating the status of such Central Acts against them i.e., whether existing on the Statutes Book or repealed;

(d) total number of Central Acts enacted during the period beginning from the year 1834 to 15th October, 2014 and existing on the Statutes Book.

**24.** Briefly, the status of the Central Acts as indicated in Volume II of the Report is re-iterated as under for ready reference.

**TABLE**

CENTRAL ACTS	TOTAL CENTRAL ACTS ENACTED (No's.)	CENTRAL ACTS IN FORCE/ EXISTING ON STATUTE BOOK (No's.)	CENTRAL ACTS REPEALED (No's.)
ENACTED BEFORE THE COMMENCEMENT OF THE CONSTITUTION (FROM THE YEAR 1834 TO THE YEAR 1949)	2910	380	2530
ENACTED AFTER THE COMMENCEMENT OF THE CONSTITUTION i.e., 26TH JANUARY, 1950 UPTO 15 OCTOBER, 2014)	3702	2401	1301
<b>TOTAL</b>	<b>6612</b>	<b>2781</b>	<b>3831</b>

## **CHAPTER-4**

### **(ACTS IDENTIFIED FOR REPEAL)**

The Committee perused the Central Acts beginning from the year 1834 to till date to identify for repeal in view of the dictum that Statute never dies unless specifically repealed. In this connection, the Committee draws attention to paragraph 16.4.9 of the P.C. Jain Commission Report which, *inter alia*, reads as under:—

"16.4.9. The scheme for legislation in India is, *inter-alia*, based on the dictum that a Statute never dies unless specifically repealed. This has resulted in a situation where Statutes which are even more than 100 years old, as also the Statutes which were enacted for a temporary purpose/period have continued to exist in the Statute Books.".

2. There does not exist a uniform legislative practice to repeal the Central Acts existing on the Indian Statutes Book. During the perusal of the Indian Statutes Book from the year 1834 to till date, the Committee found that Statutes existing on the Indian Statutes Book have been repealed by various modes, namely:—

- (a) by a Central Act for the purpose of repeal of a particular Central Act;
- (b) repealing one or more Central Acts (hereafter referred to as former Acts), by incorporating a substantive section for repeal of the former Act in another Central Act;
- (c) repealing Central Acts by Schedule appended to another Central Act;
- (d) repealing Central Acts by the Central Acts titled as the "Repealing Acts" or the "Repealing and Amending Acts" enacted from time to time;
- (e) repealing a Central Act by a State Act in certain cases (where the Parliament acquires legislative competence to enact on a subject falling under List-II-State List of the Seventh Schedule to the Constitution, which ceases upon efflux of time or restoration of the State Legislatures or by a resolution by two States etc.); and
- (f) deeming repeal of a Central Act in pursuance of provisions of that Central Act in pursuance notifications issued there under. The legislative precedents falling under sub-paragraph (e) are given as under:—
  - (i) the Indian Lac Cess Act, 1930 (XXIV of 1930) was deemed to have been repealed by issue of notification number S.O. 881 dated 18th March, 1966 under section 7 of the said Act;
  - (ii) the Indian Cotton Cess Act, 1923 (XIV of 1923) was deemed to have been repealed by issue of notification number S.O. 882 dated 18th March, 1966 under section 14 of the said Act;
  - (iii) the Indian Coconut Committee Act, 1944 (10 of 1944) was deemed to have been repealed by issue of notification number S.O. 883 dated 18th March, 1966 under section 17 of the said Act; and

(iv) the Indian Oil-seeds Committee Act, 1946 (9 of 1946) was deemed to have been repealed by issue of notification number S.O. 884 dated 18th March, 1966 under section 16 of the said Act.

3. In order to identify the Central Acts for repeal under this Chapter, the Committee decided to peruse all Central Acts enacted from the year 1834 to till date i.e., up to October, 2014 and include under this Chapter the following categories of Central Acts, namely:—

- (i) the Central Acts which are very old and have become obsolete or redundant in today's socio-economic context;
- (ii) the Central Acts enacted before independence which relate to the matters pertaining to one specific individual or his descendants;
- (iii) the Central Acts which exist on Statutes Book as they contain one or more validation or saving provision or transitional provisions;
- (iv) the Central Acts which exist on Statutes Book as they contain one section being the short title and commencement;
- (v) the Central Acts exist on Statutes Book even after expiry of the period of their applicability or validity provided in such Acts;
- (vi) the Central Acts (being an amendment Act) which exist on the Statutes Book even after repeal of the principal legislations, to which amendments were made by such amendment Act; and
- (vii) the amending Central Acts which have become redundant in pursuance of provisions contained in section 6A of the General Clauses Act, 1897, which reads as under:—

"6A. Repeal of Act making textual amendment in Act or Regulation.—Where any Central Act or Regulation made after the commencement of this Act repeals any enactment by which the text of any Central Act or Regulation was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.".

**3.1.** An amending Central Act (making amendments to the principal Act) becomes redundant in pursuance of section 6A of the General Clauses Act, 1897, when all the provisions of such amending Central Act have come into force and it does not contain any validation or saving provision or transitional provisions. In order to include the Central Amending Acts for repeal under this Chapter, the Committee perused the commencement date of all the amending Central Acts. Attention is drawn to the provisions relating the commencement of a Central Act, which are broadly summarised as under:—

**3.2.** A Central Act comes into force —

- (i) on the date specified in the Central Act itself for coming into force of such Act;  
or

(ii) on the date or dates on which, the Central Government may, [in pursuance of the power conferred upon it], bring such Central Act into force (either all or part of the provisions of such Act) by notification published in the Official Gazette.

(iii) when no date for coming into force has been specified in the Central Act, on the date of assent of the President in pursuance of section 5 of the General Clauses Act, 1897 which reads as under:—

"5. Coming into operation of enactments.—(1) Where any Central Act is not expressed to come into operation on a particular day, then it shall come into operation on the day on which it receives the assent,—

(a) in the case of a Central Act made before the commencement of the Constitution, of the Governor-General, and

(b) in the case of an Act of Parliament, of the President.

(2) *Omitted.*

(3) Unless the contrary is expressed, a Central Act or Regulation shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.".

**3.3.** The P.C. Jain Commission in its Report at paragraph 16.4.6 has recommended that all the validation Acts can be repealed after providing saving clauses wherever necessary. The Committee has given model drafts of such saving clauses (where ever necessary) incorporated in the Model Draft Repealing Bill, 2014 given under Chapter-8 of this Report, (which may be adopted after making of such changes of drafting in nature or correction of factual error or patent error, if any) as may be considered necessary by the Legislative Department. The Validation Acts have been repealed earlier also. [See the Manipur Court-fees (Amendment and Validation) Act, 1953, repealed by Act No. 22 of 2001 and the U.P. Sugarcane Cess (Validation) Act, 1961 repealed by Act No. 17 of 2001].

**4.** The Committee has identified under this Chapter total 760 Central Acts for repeal (wholly or partly) as mentioned under Part-I, Part-II, Part-III and Part-IV of this Chapter.

**5.** The Central Acts (655 No.'s) mentioned under Part-I of this Chapter and 624 Central Appropriation Acts identified for repeal and mentioned under Chapter-6 have been included in the Model Draft Repealing Bill, 2014 given in Chapter-8 which, if considered appropriate, may be adopted, after making such changes of drafting in nature or correction of factual or patent errors, if any. The model draft Bill contains 1279 Central Acts identified for repeal.

**6.** Part-II under this Chapter consists of Central Acts identified to be repealed after consultation with the concerned Ministry/Department. These Acts may be included in the Repealing Bill, 2014 after incorporation necessary saving provision or validation provision or transitory provisions in respect of provisions in such Central Acts, as may be considered appropriate consultation with the Ministry/Department concerned.

**7.** Part-III under this Chapter consists of Central Acts relating to Acquisition and Transfer of Undertakings/Acquisition of shares/Takeover of management/Nationalisation which have been identified for repeal and to be included in the Repealing Bill, 2014 after incorporation necessary saving provision or validation provision or transitory provisions in

respect of provisions in such Central Acts, as may be considered appropriate in consultation with the concerned Ministry/Department.

8. It may be appropriate to draw attention to the judgement of the Hon'ble Supreme Court in the matter of ***Centre for Public Interest Litigation Vs. Union of India***, wherein it was held that the sale of shares of HPCL could not take place through executive order, since the formation of HPCL had taken place through acquisition statutes, including the Caltex [Acquisition of Shares of Caltex Oil Refining (India) Limited and of the Undertakings in India of Caltex (India) Limited] Act, 1977. For the sale of its shares, either Parliamentary approval would have to be obtained, ***or the acquisition statutes, including this one, would have to be repealed.*** In view of the observations of the Hon'ble Supreme Court, the acquisition statutes can be repealed.

9. Part-IV under this Chapter consists of Central Acts relating to Central Acts relating to imposition of Cess which have been identified for repeal and to be included in the Repealing Bill, 2014 after incorporation necessary saving provision or validation provision or transitory provisions in respect of provisions in such Central Acts, as may be considered appropriate in consultation with the concerned Ministry/Department. The Central Acts, as per the information available on the internet and print media, it appears that the revenue generated by imposition of Cess is not very substantial. The repeal of Central Acts relating to imposition of Cess would help simplification of laws. The Welfare Funds [which were financed by the levy of Cess] for workers of the various sectors continue to exist by financing through executive measures.

10. After inclusion of the Central Acts specified in the preceding paragraph, the total Central Acts identified for repeal would come to 777 Nos. (excluding the Central Acts identified for repeal on the State subjects).

## PART-I

### 1. Revenue Bombay (XIII of 1842)

The aforesaid Act has been enacted to enable the holders of Revenue which has been alienated to them by the State, to collect that Revenue within the Presidency of Bombay. The aforesaid Act was passed by the Hon'ble the President of the Council of India in Council, on the 28th of October, 1842, with the assent of the Right Hon'ble the Governor General of India.

As per the records available, the aforesaid Act has been partially repealed by Part-I of Schedule to Act 16 of 1874 and repealed locally by Bombay Act 5 of 1879. Since, it has been repealed by the Bombay Act 5 of 1879, and therefore has become redundant in its application and object.

The Law Commission of India in its 249th Report at Sl. No. 5 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s). Law Commission observed that in this case, the text of the Act is not available on the Law Ministry's website, or from any other readily available source, an indication that it is not in use. As already mentioned, since land revenue falls under List II of the Seventh Schedule,

the concerned State legislature is the competent legislature for repeal of this Act. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. The Law Commission further observed in the Report that this Act has also been recommended for repeal by the P.C. Jain Commission (Appendix A-5).

The Committee could not get reference of the recommendation of the P.C. Jain Commission in its Report for repealing the Revenue Bombay (XIII of 1842).

The Committee after perusing the aforesaid Act from the Central Acts made available to this Committee by the Legislative Department, feels that since the aforesaid Act has been repealed locally by Bombay Act 5 of 1879 and has become redundant in its application and object, but still this Act remains on the Statute Book. Therefore the same is required to be repealed.

**In view of the position stated at paragraphs 3 to 7 of Chapter-5, the Committee feels that the aforesaid Act can be repealed.**

## **2. Revenue Commissioners, Bombay (XVII of 1842)**

The aforesaid Act has been enacted relating to number and powers of the Revenue Commissioners under the Presidency of Bombay. The aforesaid Act was passed by the Hon'ble the President of the Council of India in Council, on the 16th of December, 1842, with the assent of the Right Hon'ble the Governor General of India.

As per the records made available to the Committee by the Legislative Department, the aforesaid Act has been partially repealed by Act 14 of 1870 and repealed locally by Bombay Act 5 of 1879.

The P.C. Jain Commission has recommended for its repeal at Sl. No.86 of Appendix A-5 (114 Central Acts relating to State subjects), which is still in force.

The Law Commission of India in its 249th Report at Sl. No. 6 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that this is another law whose text is not readily available. Neither are there any other indications that the Act is in use. However, the competent legislature for repeal of this Act is the relevant State legislature. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

**In view of the position stated at paragraphs 3 to 7 of Chapter-5, the Committee feels that the aforesaid Act can be repealed.**

## **3. The Public Accountants' Defaults Act, 1850 (XII of 1850)**

The aforesaid Act was enacted, *inter alia*,—

- (i) for public Accountants to give security for due performance of duties,
- (ii) if not regulated by the aforesaid Act, for the security to be such as may be required by person appointing the Accountant,
- (iii) defining who shall be deemed a Public Accountant,
- (iv) proceeding against a Public Accountant in arrear and his securities may be proceeded against as for land revenue in arrear and all regulations for recovery of land revenue to apply to the case,
- (v) summary sales of land before this Act, made valid *sub moto* its application in the present day scenario.

Section III of the aforesaid Act provides that every person is a public Accountant within the meaning of this Act, who, by reason of any office held by him in the service of the *East India Company* is entrusted with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to the East India Company, or as Official Assignee or Trustee, or as Surberakar, or in any other official capacity, with the receipt, custody or control of any moneys or securities for money, or the management of any lands belonging to any other person or persons.

The aforesaid Act was passed on the 22<sup>nd</sup> March, 1850.

**The aforesaid Act has been partially repealed by Act 14 of 1870, and repealed locally by Bombay Act 5 of 1879 and also repealed in Assam by Regulation 1 of 1886.**

**In view of above, the Committee feels that the aforesaid Act has become redundant and can be repealed.**

#### **4. The Caste Disabilities Removal Act, 1850 (XXI of 1850)**

The aforesaid Act *inter alia* provides that "whenever in any civil suit, the parties to such suit may be of different persuasions, when one party shall be of the Hindu and the other of the Muhammadan persuasion, or where one or more of the parties to the suit shall not be either of the Muhammadan or Hindu persuasions, the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled;" and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the Government of the East India Company. The aforesaid Act was passed on the 11th April, 1850.

The P.C. Jain Commission in its Report has included the aforesaid Act at Sl.No. 2 of Appendix-D. The Commission observed that there are number of personal laws applicable to some religions and communities. Some of these may not be relevant now and are also indeed very old. The perception of the concerned religion or community would be relevant for their updating/codification/repeal. The Commission recommends that further action be taken accordingly in respect of the aforesaid Act.

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.I dated 12th September, 2014 at Sl. No. 20 of the Annexure attached thereto stated that the aforesaid Act is required to be repealed in the light of changing socio-economic environment.

**The Committee feels that the aforesaid Act is obsolete and can be repealed.**

#### **5. The Public Servants (Inquiries) Act, 1850 (XXXVII of 1850)**

The aforesaid Act was enacted for regulating inquiries into the behaviour of Public Servants. The aforesaid Act was titled as "the Public Servants (Inquiry) Act, 1850" by section 1 of Act I of 1897. The aforesaid Act was passed on the 1st November, 1850.

Attention is invited to section 2 of the Public Servants (Inquiry) Act, 1850 which reads as under:—

"II. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the East India Company not removable from his Office without the sanction of the same Government, it shall cause the substance of the imputations to be drawn into distinct Articles of Charge, and shall order a formal and public inquiry to be made into the truth thereof."

The Public Servants (Inquiry) Act, 1850 has been partially repealed by Act XIV of 1870, Act XVI of 1874, Act XII of 1876 and (locally by Act XVI of 1868). As per the records made available to the Committee by the Legislative Department, it is observed that section II of the Public Servants (Inquiry) Act, 1850 is still in force.

The Civil Servants are governed by the laws made after the independence i.e., the

Central Civil Services (Classification, Control and Appeal) Rules, 1965, the All India Services (Discipline and Appeal) Rules, 1969, the Central Civil Services (Conduct) Rules, 1964, the Prevention of Corruption Act, 1988 (49 of 1988), the Central Vigilance Commission Act, 2003 (45 of 2003) and the Lokpal and Lokayuktas Act, 2013 (1 of 2014).

**In view of the above, the Public Servants (Inquiry) Act, 1850 has become obsolete and redundant. The Committee feels that the Public Servants (Inquiry) Act, 1850 can be repealed.**

## **6. The Sheriff's Fees Act, 1852 (VIII of 1852)**

The aforesaid Act has been enacted for remunerating the Sheriffs of Calcutta, Madras and Bombay, for the execution of Mofussil Process under Act XXIII of 1840, which has been repealed by the Code of Criminal Procedure, 1882 (10 of 1882). The aforesaid Act was passed on the 6th February, 1852.

The Law Commission in its 248th Report at Sl. No. 5 under Chapter 4 of the Report has recommended for repeal of this Act (without mentioning the necessity of consultation with the relevant State).

The Law Commission in its Report has observed that the aforesaid Act was enacted to remunerate Sheriffs of the presidency towns of Bombay, Calcutta and Madras, at a time when Sheriffs executed legal processes issued by courts. Now, Sheriffs do not exercise judicial or executive functions. They perform an apolitical, non-executive role and preside over various city-related functions and conferences. Sheriffs are now not paid by the Central Government. Most provisions of the aforesaid Act have been repealed. The only operative section is section 8, which deals with the liability of the Sheriffs in case persons taken for execution escape. This is no longer relevant since Sheriffs now enjoy only a ceremonial position in the administrative hierarchy.

The Centre for Civil Society at Sl. No. 2 of its compendium of 100 laws to be repealed *inter alia* stated that all the provisions of the 1852 Act were repealed by means of an Amending Order in 1937. Only Section 8 now remains, which deals with the liability of the Sheriffs in case persons taken for execution were to escape. Since Sheriffs now enjoy only a titular position in the administrative hierarchy and do not perform any judicial functions, this liability of the Sheriff is no longer relevant. The aforesaid Act was enacted by the Governor General in Council, per the administrative structure of the British government. Sheriffs are now remunerated by the concerned Municipal Corporations in all the three cities and thus, remuneration of sheriffs is the prerogative of the State Governments. There is no documented use of this Act.

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.I dated 12th September, 2014 at Sl. No. 8 of the Annexure appended thereto, stated that the aforesaid Act is required to be repealed, as it is outdated Law.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

## **7. The Oriental Gas Company Act, 1857 (V of 1857)**

The aforesaid Act has been enacted to confer certain powers on the Oriental Gas Company Limited, which has ceased to exist now. The aforesaid Act was enacted by the Legislative Council of India and received the assent of the Governor General on the 13th February, 1857. By efflux of time, this Act has become obsolete and needs to be repealed. The P.C. Jain Commission has also recommended for its repeal at Sl. No. 28 of Appendix A-1 (166 Central Acts for repeal), which is still in force. The 10th Law Commission in its 96th Report *inter alia* observed that Government may consider if this Act, and also the analogous later Act of 1867, are needed at all. After verification of the factual position, further action may be

taken. Again 20th Law Commission in its Report at serial No.8 under Chapter 4 classified the aforesaid Act under the Category "Energy Laws" and recommended for repeal in consultation with relevant State.

The P.C. Jain Commission at Sl. No. 28 of Appendix A-1, recommended for repeal of the aforesaid Act without mentioning for consultation with the State Government. But, the Law Commission in its aforesaid recommendation recommended for repeal in consultation with the relevant State as the aforesaid Act was enacted to confer certain powers on the Oriental Gas Company (OGC), such as the power to lay down pipes in Calcutta for the purpose of manufacturing, supplying and distributing fuel gas. OGC was originally an English Company, which has now ceased to exist. It was taken over by the State of West Bengal and merged with a larger public utility company. The original 1857 Act serves no purpose now.

Whereas, there is unanimous opinion amongst the P C Jain Commission and the Law Commission and the Committee to repeal the aforesaid Act, there appears to be difference on the issue of consultation with the relevant State. The P C Jain Commission did not recommend for consultation with relevant State for repealing the aforesaid Act and listed the aforesaid Act in Appendix A-1, i.e., under the category of 166 Central Acts to be repealed. The Law Commission recommended repeal of the Act in consultation with the relevant State.

The Committee feels that the subject of the Act to be repealed is relatable to entries 43, 44 and 53 of List -I (Union List) of the Seventh Schedule to the Constitution, which reads as under:—

[Entry 43. Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations, but not including co-operative societies.

Entry 44. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities.

Entry 53. Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable.]

The Centre for Civil Society at Sl. No.2 of its compendium of 100 laws to be repealed inter alia stated that the Oriental Gas Company has ceased to exist, making this legislation obsolete and irrelevant. After Independence, the West Bengal Government enacted the Oriental Gas Company Act, 1960, with the objective of taking over the Company on the grounds that the Company, which enjoyed a monopoly in the supply of gas in Calcutta, was not serving consumers properly. Under this Act, the State Government took over the management of the Company for a period of five years. However, two years later, it was permanently acquired and renamed as Oriental Gas Company Undertaking (OGCU). In 1990, OGCU was taken over by a public incorporated company called Greater Calcutta Gas Supply Corporation Limited (GCGSCL), which is fully owned by the West Bengal Government. The Law Commission in its 96th Report (1984) (Chapter 3, Page 12) recommended repeal of this Act on the grounds that it is redundant, since the Company itself has ceased to exist.

**The Committee is inclined to go with the recommendations of the P C Jain Commission for repeal of the aforesaid Act.**

## **8.The Madras Uncovanted Officers Act, 1857 (VII of 1857)**

The aforesaid Act was enacted for more extensive employment of uncovenanted agency in the Revenue and Judicial Departments in the Presidency of Fort Saint George. The aforesaid Act was enacted by the Legislative Council of India and received the assent of the Governor General on the 1st May, 1857. The aforesaid Act in its application was repealed in the State of Tamil Nadu by Mad Act. 36 of 1955 and therefore has become redundant in its application and object.

The P.C. Jain Commission in its Report also recommended for repeal of the aforesaid

said at Sl. No. 65 of Appendix A-5 i.e., 114 Central Acts for repeal by the State Governments.

The Law Commission of India in its 248th Report has classified the aforesaid Act under the category "Government Employees" and recommended for the repeal of the aforesaid Act at Sl. No.10 under Chapter 4 of its Report without mentioning requirement of consultation with the relevant State (whereas the Law Commission has specifically mentioned consultation with relevant State for repealing certain Acts in the aforesaid Report). The Law Commission further observed that the aforesaid Act was enacted to provide for the more extensive employment of uncovenanted officers in the Revenue and Judicial Departments in the Presidency of Fort St. George. The distinction between 'covenanted' and 'uncovenanted' officers does not prevail within hierarchy of officers in the Indian Civil Services now. This was an old division of Indian officers between those who were appointed under a covenant with the British Government, and those who were not. This classification of officers came to an end as a result of the Public Service Commission of 1886. Also, there is no documented use of this Act. Hence, this Act is obsolete.

The Committee feels that since the aforesaid Act has been repealed locally by Madras Act 36 of 1955 and has therefore become redundant in its application and object, but still this Act exists on the Statute Book.

**The Committee is inclined to go with the recommendations of the Law Commission of India for repeal of the aforesaid Act.**

## **9. The Howrah Offences Act, 1857 (XXI of 1857)**

The aforesaid Act has been enacted to make better provision for the order and good government of the suburbs of Calcutta and of the Station of Howrah.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.48 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 248<sup>th</sup> Report at Sl. No.11 under Chapter 4 had recommended for repeal of the aforesaid Act. It has been observed that the aforesaid Act was enacted to prescribe penalties for various offences committed within the limits of Howrah, a suburb of Calcutta where the iconic Howrah Station is located. However, the Act lays down relatively insignificant sentences and fines while the Indian Penal Code, 1860 and other criminal laws have stricter penalties for the same offences. This Act has not been used in the recent past, with the last recorded case being in 1956. While this Act is redundant, concerns remain about its use as a legal escape route to avoid more stringent penalties under the IPC (or some other law). The Law Commission has not mentioned consultation with the relevant State.

The Centre for Civil Society at Sl. No. 4 of its compendium of 100 laws to be repealed *inter alia*, stated that the offences mentioned in this Act are punishable under the Indian Penal Code, 1860 and other criminal laws and in fact, the punishments for these offences under this Act are paltry, while the IPC has relatively stricter penalties, for instance, possession of stolen property is punishable with imprisonment for three months under this Act, while the IPC stipulates imprisonment for three years along with a fine, and hence, the Act hardly serves as a deterrent. It further stated that there is no indication of any recent use of this Act and however, the Act could be used as a legal loophole to escape the harsher penalties of the IPC (or some other law). It also stated that the maintenance and safety of the Howrah station is now the function of the Indian Railways and falls under the Eastern Railway zone.

The Committee feels that the aforesaid Act is relatable to the legislative power of the Parliament conferred upon it under entry 2 of List-III-Concurrent List of the Seventh Schedule to the Constitution which reads as under:-

"2.Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution.".

**In view of the above, the aforesaid Act has become irrelevant and obsolete in the present day scenario and can be repealed.**

## **10. The Calcutta Pilots Act, 1859 (XII of 1859)**

The aforesaid Act provides to make better provision for the trial of Pilots at the Presidency of Fort Williams in Bengal for breach of duty. The aforesaid Act was passed by the Legislative Council of India and received the assent of the Governor General on the 4th May, 1859.

The Law Commission of India in its 248th Report at Sl. No.12 under Chapter 4 of the Report observed that the aforesaid Act envisages setting up a Court for the trial of pilots, who were employed in the Hooghly Pilot Service of the Port of Calcutta, and were accused of breach of duty. However, there is no evidence of Courts being set up or cases reported under this Act. The Hooghly Pilot Service has been amalgamated into the Calcutta Pilot Service, which has its own set of regulations. Therefore, this Act is redundant. The Law Commission recommended repeal of the aforesaid Act without mentioning the requirement of consultation with the relevant State (whereas the Law Commission has specifically mentioned consultation with relevant State for repealing certain Acts in the aforesaid Report).

**The aforesaid Act has become irrelevant and obsolete in the present context and can be repealed.**

## **11. The Stage Carriages Act, 1861 (XVI of 1861)**

The aforesaid Act was enacted by the Legislative Council of India and received the assent of the Governor General on the 7th July, 1861. The aforesaid Act provides for licensing and regulating the Stage Carriages, drawn by one or more horses for the purpose of conveying passengers for hire to or from any place. The aforesaid Act provides to licensing and to regulate Stage Carriages in India which means it extended to whole of India and not to a particular State.

The P.C. Jain Commission in its Report also recommended for repeal of the aforesaid said at Sl. No. 96 of Appendix A-5 i.e., Central Acts to be repealed by the State Governments.

The Law Commission of India in its 249th Report at Sl. No. 27 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act provided for the compulsory licensing of stage carriages by the Magistrate or the Commissioner of Police for their use in the Presidency Towns. Stage carriage, for the purposes of this Act, was defined as a carriage drawn by one or more horses ordinarily used for the purpose of conveying passengers for hire. States now have more modern rules to govern the licensing of stage carriages. In Mumbai, for example, carriages (as defined under this Act), known as Victoria's, are licensed under the Bombay Public Conveyances Act, 1920, and not under this Act. Consequently, the Act has fallen into disuse. States such as Karnataka have already repealed this Act for the reason that this is a 'spent' Act. Therefore, the Central Government should write to the other concerned State Governments recommending the review of this law with a view to repeal.

By efflux of time, the aforesaid Act has become obsolete. Since the aforesaid Act extends to whole of India, the committee feels that the aforesaid can be repealed.

**In view of the position stated at paragraphs 3 to 7 of Chapter-5, and since it extends to whole of India, the Committee feels that the aforesaid Act can be repealed.**

## **12. The Government Seal Act, 1862 (III of 1862)**

The aforesaid Act was enacted by the Legislative Council of India and received the assent of the Governor General on the 27th February, 1862. The aforesaid Act relates to the law relating to the use of a Government seal, which is still in force. The aforesaid Act empowered the use of seal by the Local Government to be used, in the place of the seal of East India Company.

The Law Commission in its one hundred and forty-eighth Report has opined that they cannot recommend its repeal. The Law Commission of India in its 248th Report has recommended for its repeal at Sl. No.13 under Chapter 4 of the Report. The Act was enacted to remove all doubts about the use of seals for certification of certain documents. It allowed the Seal of the local government to be used in place of the Seal of the East India Company.

The aforesaid Act was considered for repeal by the 148th Law Commission Report, 1993. The Report noted that documents and instruments sealed in accordance with this Act might have given rise to certain rights and liabilities which have been accepted and undertaken by the Government of India/State Government under Articles 294 and 295 of the Constitution. While the Law Commission did not recommend repeal of this Act, with a savings clause validating documents sealed under this Act, this Act may be validly repealed, since the situation of documents requiring seals of the East India Company can no longer arise.

**The Committee feels that the aforesaid Act may be repealed after incorporating saving clause on the following lines, namely:--**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Government Seal Act, 1862 shall not affect the validity of any instruments or documents executed before or after the 20th February, 1862 on which a seal had been affixed on behalf of Local Authority bearing designation of such Local Authority or the inscription "Government of India" instead of the seal of the East India Company."

### **13. The Convert's Marriage Dissolution Act, 1866 (XXI of 1866)**

The aforesaid Act was enacted to legalize, under certain circumstances, the dissolution of marriages of native converts to Christianity. The aforesaid Act was enacted by the Governor-General of India in Council and received the assent of the Governor General on the 2nd April, 1866.

The P.C. Jain Commission in paragraph 16.4.6 of the Report have stated that there are a number of personal laws mentioned at Sl. No.12 in Appendix-D appended to its report applicable to some religions and communities. Some of these may not be relevant now and indeed very old. The perception of the concerned religion would be relevant for their updating/codification/repeal. The P.C. Jain Commission recommended that further action be taken accordingly.

The Law Commission in its 248th Report at Sl. No. 16 under Chapter 4 of its Report had recommended for the repeal of the aforesaid Act (without mentioning the necessity of consultation with the relevant State). The Law Commission observed that the aforesaid Act was enacted to allow the dissolution of marriages of converts from Hinduism to Christianity, on the grounds that they have been deserted or repudiated on religious grounds by spouse. It enables divorce proceedings to be initiated by the converted person, not his or her spouse. The scope of the Act was first considered in the 18th Law Commission Report (1960) which recommended repeal of the Act because of its limited scope. The continuance of this Act should be considered in light of the fact that the Supreme Court in *Sarla Mudgal Vs. Union of India* [AIR 1995 SC 1531] has said that allowing dissolution of marriage under the laws of the converted person is tantamount to destroying the existing rights of the other spouse who continues to belong to the same religion.

The Centre for Civil Society at Sl. No.7 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act has very limited scope since it is not applicable to the

personal laws of Christians, Mohammedans and Jews. In effect, it is only applicable to persons professing Hindu religion, who convert to Christianity. It further observed that the Act is redundant and the procedure created under this law is repetitive and unnecessary, as the Hindu Marriage Act, 1955 provides for divorce or a judicial separation on the ground of change of religion of spouse.

The Legislative Department vide their D.O. No. 11(29)/2014-Leg.I dated the 12th September, 2014 at Sl. No. 42 of the Annexure annexed to the said D.O. letter have recommended for re-enactment and repeal of this Act in the light of changing socio-economic environment.

Sections 4 and 5 of the Convert's Marriage Dissolution Act, 1866 reads as under:—

**[When convert deserted by his wife may sue for conjugal society.]**

4. When convert deserted by his wife may sue for conjugal society.-If a husband change his religion for Christianity, and if in consequence of such change his wife, for the space of six continuous months, desert or repudiate him, he may sue her for conjugal society.

**[When convert deserted by her husband may sue.]**

5. When convert deserted by her husband may sue.-If a wife change her religion for Christianity, and if in consequence of such change her husband, for the space of six continuous months, desert or repudiate her, she may sue him for conjugal society."

**Section 13 (1) (ii) of the Hindu Marriage Act, 1955 reads as under:—**

[13. Divorce. (1) Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party—

(i) has, after the solemnization of the marriage, had voluntary, sexual intercourse with any person other than his or her spouse ; or

(ia) has, after the solemnization of the marriage, treated the petitioner with cruelty; or

(ib) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or

(ii) *has ceased to be a Hindu by conversion to another religion; or*

(iii) has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent.]

**The Committee feels that the provisions of the Convert's Marriage Dissolution Act, 1866 negates the grounds of divorce provided in section 13(1) (ii) of the Hindu Marriage Act, 1955, which was enacted after 88 years of the enactment of the Convert's Marriage Dissolution Act, 1866.**

**In view of above, the Convert's Marriage Dissolution Act, 1866 can be repealed.**

#### **14. The Ganges Tolls Act, 1867 (I of 1867)**

The aforesaid Act was passed by the Governor-General of India in Council and received the assent of the Governor-General on the 18th January, 1867. The aforesaid Act authorises the levy of tolls for the improvement of the navigation of the Ganges between Allahabad [Now in State of Uttar Pradesh] and Dinapore [now called Danapur situate in the State of Bihar].

The aforesaid Act has been recommended for repeal by the PC Jain Commission at Sl. No. 34 in its Appendix A-1(166 Central Acts for repeal).

The Law Commission in its 148th Report (1993) recommended repealing this Act on the ground that even though there may not be any direct contradictions or inconsistencies between the two Acts (1867 and 1982), but there is a possibility of some double taxation. It has been further stated that the language used in the aforesaid Act is archaic as it stipulates that a toll not exceeding 12 annas per hundred maunds shall be payable. While this is not in

itself sufficient ground for repeal, it makes the aforesaid Act yet another example of a law behind the times. There is no evidence of any recent use of aforesaid Act.

The Law Commission of India again in its 248th Report at Sl. No. 18 under Chapter 4 of the Report had recommended for the repeal of the aforesaid Act (without mentioning the necessity of consultation with the relevant State). The Law Commission observed that the aforesaid Act was enacted to authorise the levy of tolls for the improvement of the navigation of the Ganges. The Act uses antiquated language, inconsonant with modern times. More importantly, the Act became redundant when the National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi Hooghly River) Act, 1982 was enacted, which covers the scope of this Act. The 1982 Act provides for the regulation and development of the Ganga-Bhagirathi-Hooghly River for purposes of shipping and navigation and authorises the levy of toll in the region as well.

The Centre for Civil Society at Sl. No.32 of its compendium of 100 laws to be repealed, *inter alia*, stated that the National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi Hooghly River) Act, 1982 was enacted, to authorise the levy of toll in the same region and for the same purpose. They cited 148th Report of the Law Commission and stated that there are no legal implications due to repeal of the aforesaid Act.

Attention is invited to Entries 30 and 56 of List-I-Union List) of the Seventh Schedule to the Constitution of India, which reads as follows:—

"30.Carriage of passengers and goods by railway, sea or air, or by national waterways in mechanically propelled vessels."

"56.Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest".

By efflux of time, the aforesaid Act has become obsolete and redundant.

**In view of above, the Committee feels that the aforesaid can be repealed.**

## **15. The Oriental Gas Company Act, 1867 (XI of 1867)**

The aforesaid Act was enacted to empower the Oriental Gas Company Limited, to extend their operations to certain places in British India, which has ceased to exist now. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 1st March, 1867.

The 10th Law Commission in its 96th Report *inter alia* observed that Government may consider if this Act, and also the analogous Act of 1867, are needed at all. After verification of the factual position, further action may be taken.

The P.C. Jain Commission at Sl. No. 29 of Appendix A-1 (166 Central Acts for repeal), recommended for repeal of the aforesaid Act without mentioning for consultation with the State Government.

The 20th Law Commission at Sl. No.9 under Chapter 4 in its 248th Report recommended for repeal after consultation with the relevant State. The Law Commission observed that this Act was enacted to extend the operations of the Oriental Gas Company Act, 1857 to certain provinces which lay beyond the town of Calcutta. The reason for repeal for the 1857 Act applies to this Act as well.

The P.C. Jain Commission at Sl. No. 29 of Appendix A-1 (166 Central Acts for repeal), recommended for repeal of the aforesaid Act without mentioning for consultation with the State Government. The Law Commission in its aforesaid recommendation recommended for repeal in consultation with the relevant State as the aforesaid Act was enacted to confer certain powers on the Oriental Gas Company (OGC), such as the power to lay down pipes in Calcutta for the purpose of manufacturing, supplying and distributing fuel gas. OGC was originally an English Company, which has now ceased to exist. It was taken over by the State

of West Bengal and merged with a larger public utility company. The original 1867 Act serves no purpose now.

Whereas, there is unanimous opinion amongst the P C Jain Commission and the Law Commission and the Committee to repeal the Act, there appears to be difference on the issue of consultation with the relevant State. The P C Jain Commission did not recommend for consultation with relevant State for repealing the aforesaid Act and list the aforesaid Act in Appendix A-1, i.e., under the category of 166 Central Acts to be repealed. But, the Law Commission recommended repeal of the Act in consultation with the relevant State.

The Committee feels that the subject of the Act to be repealed is relatable to entries 43, 44 and 53 of List -I (Union List) of the Seventh Schedule to the Constitution, which reads as under:—

[Entry 43. Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations, but not including co-operative societies.

Entry 44. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities.

Entry 53. Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable.]

**By efflux of time, this Act has become obsolete and redundant. The Committee feels that the aforesaid Act can be repealed.**

## 16. The Foreign Recruiting Act, 1874 (IV of 1874)

The aforesaid Act was enacted to control recruiting in British India for the service of Foreign States. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 24th February, 1874.

P.C. Jain Commission also recommended for its repeal at Sl. No.85 of Appendix A-1 (166 Central Acts for repeal).

The Law Commission of India in its 248th Report has also recommended for its repeal at Sl. No.23 under Chapter 4 of its Report. The Law Commission observed that the aforesaid Act empowered the Government to issue an order that prevented the recruitment of Indians by a foreign State. The Act confers a wide discretion on the Government to specify the conditions under which persons may be barred from being recruited by a foreign State. According to the Law Commission, in its 43rd Report on Offences against National Security (1971), such wide discretion might potentially violate the constitutional guarantee to freedom of occupation under Article 19. The 2nd Administrative Reforms Commission Report of 2006 has also observed that this Act is outdated. This Act has been recommended for repeal by the PC Jain Commission in its Appendix A-1.

The Centre for Civil Society at Sl. No.11 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act was enacted with the interests of the British Raj in mind, to prevent colonial subjects from serving any rival European power. Under this Act the central government is given unlimited power to prohibit recruiting to both military and non-military foreign service. It does not specify the conditions which must be satisfied before the government issues such an order, making the discretionary power extremely wide. The Law Commission in its 43rd Report (1971) has observed that such wide powers may run contrary to Constitutional guarantees under Article 19. The Second Administrative Reforms Commission Report of 2006 has also relied on the aforementioned report of the Law Commission to state that the Foreign Recruiting Act is out of date. Its provisions are not in sync with a modern globalised economy, and as a result it is not in use today.

The Ministry of External Affairs *vide* its D.O. letter

No.4312/SS(AMS,AD&CPV)/2014 dated the 22nd September, 2014 at Sl. No. 11 of Annexure appended thereto, stated that the aforesaid Act is a very old, pre-independence Act of 1874. The purpose of this Act is to control recruiting in India for service in foreign states. We have no objection for the repeal of this Act. The issue is referred to Ministry of Law and Justice for their views/concurrence.

**In view of the above, the aforesaid Act can be repealed.**

## **17. The Indian Law Reports Act, 1875 (XVIII of 1875)**

The aforesaid Act was enacted for the improvements of Law Reports. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 13th October, 1875.

The aforesaid Act, *inter alia*, provides that no court shall bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

The P.C. Jain Commission also recommended for repeal of this Act at Sl. No. 23 of Appendix A-1 (166 Central Acts recommended for repeal).

The Law Commission in its Ninety-sixth Report *inter alia* observed as under:—

"Incidentally, it may be mentioned that the Law Reports Act does not apply to the decisions of the Privy Council, the Federal Court or the Supreme Court, though section 84, secondly paragraph, Evidence Act, applies to them (as it applies to other judicial decisions of superior courts). Because of these anomalies, also, the Act should be repealed.".

The Centre for Civil Society at Sl. No.91 of its compendium of 100 laws to be repealed, *inter alia*, stated that the today different types of law reports are cited and accepted in all the Courts. In fact, the Indian Law Reporter (ILR) is seldom used as a source of authority. It further states that the aforesaid Act was enacted at a time when ILR was the primary reporter for publishing case laws. Today, the aforesaid Act is unnecessary since there are many good quality reporters like Supreme Court Cases, All India Reporters, Supreme Court Reporter, etc. Additionally, courts are also publishing their judgements and orders on their websites. The aforesaid Act is prone to be abused and adversely impact administration of justice. By virtue of this statute, a lower judge bench can ignore the judgement of a higher bench solely because it was not reported in the official report. This anomaly was pointed out by the Law Commission in its 96th Report (1984), which recommended repeal of the Act. It further stated that there are no legal issues that would impede repeal.

The Law Commission of India in its 249th Report at Sl. No. 33 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act with suitable amendments without referring to the earlier recommendations of the P.C. Jain Commission. It has observed that the aforesaid Act mandates that no court of law in India shall hear the report of any case other than one cited in a law report published under the authority of the State Government. In effect, it provides that Courts are not bound to hear citations from any unauthorised series of law reports. The 96th LCI Report noted that it is well-known that notwithstanding the Act, unofficial law reports in India have been cited before the Supreme Court and the High Courts. Hence, the Act is a dead letter law and the Central Government should repeal this Act.

**In view of the above, and the provisions of the Evidence Act, 1872 (Sections 38 and 84 and other provisions), the Committee feels that the aforesaid Act has become obsolete and redundant in today's context and the said Act can be repealed by making a special saving provision in the Repealing Bill, 2014 on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Indian Law Reports Act, 1875, shall not, affect the citation or report of any case after repeal of this Act, which was admissible before the repeal of the aforesaid Act by this Act.".

## **18. The Central Provinces Laws Act, 1875 (XX of 1875)**

The aforesaid Act was enacted to declare and amend the Laws in force in the Central Provinces. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 9th December, 1875.

The P.C. Jain Commission also recommended for its repeal Sl. No.111 of Appendix A-1 (166 Central Acts recommended for repeal).

The Law Commission of India in its 248th Report has also recommended for its repeal at Sl. No.25 under Chapter 4 of its Report. The Law Commission observed that the aforesaid Act deals with the extension of laws to the Central Provinces. Since the Central Provinces are no longer an administrative unit, this law may be repealed in the same manner as Item 21 above. Repeal was also recommended by the PC Jain Commission in its Appendix A-1.

By efflux of time this Act has become redundant and obsolete in the present day scenario.

**The Committee feels that the aforesaid Act can be repealed.**

## **19. The Dramatic Performances Act, 1876 (XIX of 1876)**

The aforesaid Act has been enacted for better control of public dramatic performances. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 16th December, 1876.

The Law Commission of India in its 248th Report has classified the aforesaid Act under the category "Criminal Justice" and also recommended for its repeal at Sl. No.27 under Chapter 4 of the Report (without mentioning the necessity of consultation with the relevant State). The Law Commission observed that the aforesaid Act empowers the State Government to prohibit performances that are scandalous, defamatory or likely to excite feelings of disaffection. Disobeying such prohibitions attracts penalties. It was enacted during the colonial era and extensively used to curb nationalist sentiments propagated through dramatic performances. It has no place in a modern democratic society. States like Delhi and West Bengal have repealed it. In 2013, the Madras High Court in *N. V. Sankaran alias Gnani v. The State Of Tamil Nadu* [2013 (1) CTC 686] held that Sections 2(1), 3, 4, 6 and 7 of the Tamil Nadu Dramatic Performance Act, 1954 and Rule 4 of the Tamil Nadu Dramatic Performances Rules, 1955 violate Articles 14 and 19 of the Constitution. These provisions are substantially similar to the central legislation, which should be considered for repeal on these grounds.

The Centre for Civil Society at Sl. No.98 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act is a British era law enacted to curb the nationalist movement, and is no longer relevant in light of modern constitutional principles of freedom of speech and expression. Adequate provisions already exist under the Indian Penal Code to prosecute cases of sedition, defamation or obscenity under Section 124A and others. The Constitutional validity of the Act is in doubt since the Madras High Court in 2012 struck down the Kerala Dramatic Performances Act, which contained similar provisions. In 1993, the India Code Compilation of Un-repealed Central Acts included this Act in its list of obsolete Acts. The Act gives wide and coercive powers to the government related to prohibition of present and future performances, arbitrary search and seizure procedures, allowing any area to be controlled, etc., that are unsuited to modern India. It further stated that there are no legal issues that would impede repeal.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

## **20.The Elephants Preservation Act, 1879 (VI of 1879)**

The aforesaid Act has been enacted for the preservation of wild elephants. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 22nd March, 1879.

The Law Commission of India in its 248th Report has also recommended for repeal of the aforesaid Act at Sl. No.28 under Chapter 4 of the Report. The Law Commission, *inter alia*, stated in the aforesaid Report that the purpose of the aforesaid Act is now subsumed by the Wildlife (Protection) Act, 1972, which has similar provisions on the prohibition of killing wild animals and procedures for licensing. Elephants are included within the ambit of the 1972 Act, which also has more stringent penalties. Therefore, the 1879 Act is redundant.

The Centre for Civil Society at Sl. No.15 of its compendium of 100 laws to be repealed, *inter alia*, stated that the Wildlife (Protection) Act, 1972 deals with the same subject and has wider and more updated provisions dealing with the protection of wild animals, including elephants. Protection under the 1972 Act extends to elephants as well as various other mammals and therefore encompasses the purpose for which the 1879 Act was enacted. There is no documented example of any recent use of this Act. Neither is there any instance of a case in court under this law. When compared with the 1972 Act, the 1879 Act imposes a paltry fine of Rs 500 for violations. The 1972 Act imposes a relatively harsher penalty of a fine of Rs 25,000 or imprisonment for up to three years. Hence, the provisions of the 1972 Act are a greater deterrent for poachers and other potential offenders. In light of the 1972 Act, there is no need to have a separate Act for the protection of only elephants. While the older Act is redundant, it could be used as a legal loophole to escape the harsher penalties of the new law. For example, in cases involving caste atrocities, the accused have sometimes been charged solely under the older and less severe Protection of Civil Rights Act, 1955, instead of the stricter SC and ST (Prevention of Atrocities) Act, 1989. This is made possible where the same offence is punished under two laws, and one law imposes a lower penalty.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

## **21.The Hackney-carriage Act, 1879 (XIV of 1879)**

The aforesaid Act has been enacted for the regulation and control of Hackney-carriages in certain Municipalities and Cantonments. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 5th September, 1879.

The P.C. Jain Commission has also recommended for its repeal at Sl. No. 47 of Appendix A-5 (114 Acts recommended for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 37 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission has observed that the aforesaid Act provided for the regulation and control of hackney-carriages in certain Municipalities and Cantonments. ‘Hackney carriage’, for the purposes of the Act meant any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept or offered or plies for hire. There is no evidence of recent use of this Act. Therefore, the Central Government should write to the concerned State Governments recommending the review of this law with a view to repeal.

The Centre for Civil Society at Sl. No.14 of its compendium of 100 laws to be repealed, *inter alia*, observed that animal-drawn carriages are licensed by the police under local laws, rather than under Central laws such as this one and cited example, in Mumbai licensing of horse-drawn carriages is done under the Bombay Public Conveyance Act, 1920 and this is a subject matter for local government, and in keeping with this principle, the government should repeal this Act. There is no record of the Act being in use in any of the

mentioned states since Independence.

A perusal of the aforesaid Act reveals that the aforesaid Act applies to more than one area and to Cantonments, which have become part of more than one State.

**In view of above, the aforesaid Act has outlived its utility and became obsolete. The Committee feels that the aforesaid Act can be repealed.**

## **22. The Raipur and Khatra Laws Act, 1879 (XIX of 1879)**

The aforesaid Act has been enacted to amend the laws in force in Thanas Raipur and Khattra. The aforesaid Act extends the enactments which are in force in the Districts of Bankura to the Thanas Raipur and Khattra. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 29th October, 1879.

The Law Commission of India in its 248th Report has classified the aforesaid Act under the category "State Reorganisation and extension of Laws" and also recommended for its repeal Sl. No.30 under Chapter 4 of the Report (without mentioning the necessity of consultation with the relevant State). The Law Commission observed that this law was enacted when Raipur and Khattra were transferred to the District of Bankura, to enforce the same laws in these places as was in force in the rest of Bankura. It is conceptually similar to the Dehra Dun Act, 1871 and may be repealed for the same reasons.

**The Committee feels that the aforesaid Act, which is still in force and exist on Statutes Book can be repealed as the same has become redundant and obsolete by efflux of time.**

## **23. The Municipal Taxation Act, 1881 (XI of 1881)**

The aforesaid Act has been enacted to give power to prohibit the levy of municipal taxes in certain cases such as persons in the military service or by the Secretary for India in Council. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 25th February, 1881.

The P.C. Jain Commission has recommended for its repeal at Sl. No. 69 of Appendix-A-5 (114 Central Acts to be repealed by State Governments).

The aforesaid Act, *inter alia*, provided to exemption from levy of local taxes payable by any person subject to the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, who is compelled by the exigencies of military duty to reside within the limits of a municipality; or payable by the Secretary of State for India in Council.

The object of the aforesaid Act has become redundant by efflux of time.  
**The Committee feels that the aforesaid Act can be repealed.**

## **24. The Fort William Act, 1881 (XIII of 1881)**

The aforesaid Act was enacted to provide for better government of Fort Williams. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 11th March, 1881.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.43 of Appendix A-5 (114 Central Acts recommended for repeal by State Governments).

The Law Commission in its one hundred and forty-eighth Report has opined that they cannot recommend its repeal. The Law Commission in its 148th Report (1993) held that the delegation to a Commissioned Officer in the Indian Army of the power to try and punish

persons charged with the violation of the rules framed under the Act is contrary to the general scheme of the Constitution and is opposed to the directive principle of separation of the judiciary from the executive.

The Law Commission of India in its 248<sup>th</sup> Report has also recommended for its repeal at Sl. No.31 under Chapter 4 of its Report and, *inter alia*, observed that the aforesaid Act provided for the better government of Fort William in Bengal and the Chief of Army Staff was given the power to make rules in relation to the matters specified in the Schedule appended to the Act (some of the matters being throwing dirt or rubbish, rash and negligent driving, disorderly behaviour in public). It further observed that the aforesaid Act imposes light penalties, as little as a fine for Rs. 50 or imprisonment for 4 days, for infringement of these rules. It also observed that the aforesaid Act was considered for repeal by the 148th Law Commission Report, 1993 for being unconstitutional and observed that “the delegation to a Commissioned Officer in the Indian Army of the power to try and punish persons charged with the violation of the rules framed under the Act is contrary to the general scheme of the Constitution and is opposed to the directive principle of separation of the judiciary from the executive.”.

The Centre for Civil Society at Sl. No. 16 of its compendium of 100 laws to be repealed, *inter alia*, stated that the Act can be repealed as the Army is now governed by the Army Act, 1950, and the Armed Forces Tribunal Act, 2007. It further stated that Fort William is the official Headquarter of the Eastern Command of the Indian Army and certain provisions of the Act are unconstitutional. It further stated that in addition, under Section 6 of the Act, a police officer can detain any arrested person for an unlimited period of time until the detenu signs a bond of a specific amount.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be repealed.**

## **25. The Bikrama Singh's Estates Act, 1883 (X of 1883)**

The aforesaid Act was enacted to confirm and give effect to an award made by His Excellency the Viceroy and Governor General regarding certain matters in dispute between Sardar Bikrama Singh and the Kapurthala State. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 18th July, 1883. Through the aforesaid Act, the lands situate in Sitapur and Raibareli Districts were vested in Sardar Bikrama Singh. The aforesaid said Act came into force at once i.e., on the 18th July, 1883.

The P.C. Jain Commission also recommended for its repeal at Sl No. 102 of Appendix-A-5 (114 Central Acts to be repeal by the State Governments)..

The Law Commission of India in its 249th Report at Sl. No. 41 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act gave effect to an award made by the Viceroy and the Governor-General-in-Council regarding certain matters in dispute between Raja Bikrama Singh and the Raja of Kapurthala State. By means of this settlement, he was instructed to leave Kapurthala and settle in Jalandhar. The Act also provided that if Bikrama Singh left behind a male heir, the proper law of inheritance would apply, otherwise the property would go to the Raja of Kapurthala. The purpose of this Act has been fulfilled. Any pending proceedings under the original Act will continue to be saved through a suitable savings clause. Consequently, this Act must be repealed.

Now, by efflux of time, this Act became irrelevant and obsolete. The actions and other matter

would be saved under the general saving clause of the Repealing Bill, 2014

The Committee feels that the aforesaid Act can be repealed in view of general saving clause incorporated in section 4 of the draft Repealing Bill, 2014.

## **26. The Land Acquisition (Mines) Act, 1885. (XVIII of 1885)**

The aforesaid Act has been enacted to provide for cases in which Mines or Minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 16th October, 1885.

Sub-section (1) of section 2 of the Land Acquisition Act, 1894 reads as follows:-

"2.(1) The Land Acquisition Act, 1870 and section 74 of the Punjab Courts Act, 1884 are hereby repealed."

Section 74 of the Punjab Courts Act, 1884 reads as under:-

" 74. In the Land Acquisition Act, 1870, section 3, before the words "British Burma" in both places where they occur, the words "the Punjab" shall be inserted."

The Land Acquisition Act, 1894 has been repealed and re-enacted as the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013). In view of the repeal of 1870 Act by 1894 Act and repeal of 1894 Act by Act No. 30 of 2013, the Land Acquisition (Mines) Act, 1885 became redundant and obsolete in its application. The Land Acquisition (Mines) Act, 1885 became inapplicable in view of the repeal of 1870 and 1894 Acts.

Attention is also invited to entry 54 of the List- I (Union List) of the Seventh Schedule to the Constitution which reads as under:-

"54. Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest .".

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

## **27. The Births, Deaths and Marriages Registration Act, 1886 (VI of 1886)**

The aforesaid Act has been enacted to provide for the voluntary registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 8th March, 1886.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 23 of Appendix A-5 (114 Central Acts for repeal by State Governments).

The Law Commission of India in its 248th Report has also recommended for its repeal at Sl. No.33 under Chapter 4 of the Report, and has, *inter alia*, opined that the registration of births and deaths is already provided for under the Registration of Births and Deaths Act, 1969, while marriages are registered under the Hindu Marriage Act, Special Marriage Act etc. and therefore the aforesaid Act can be repealed.

Attention is invited to Entry 5 and 45 of List III (Concurrent List) of the Seventh Schedule to the Constitution which *inter alia* confers legislative competence upon the Parliament in respect of aforesaid Act.

Entries 5 and 45 of List III-Concurrent List of the Seventh Schedule to the Constitution reads as under:-

"5. Marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.

45. Inquiries and statistics for the purposes of any of the matters specified in List II or List III."

The Registration of Births and Deaths (Amendment) Bill, 2013 was passed by Rajya Sabha

and was on consideration of the Lok Sabha and has lapsed on the dissolution of the 15th Lok Sabha.

The Births, Deaths and Marriages Registration Act, 1886, has become redundant in view of the Registration of Births and Deaths Act, 1969.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

## **28. The Indian Tramways Act, 1886 (XI of 1886)**

The aforesaid Act has been enacted to facilitate the construction and to regulate the working of Tramways. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 12th March, 1886.

The P.C. Jain Commission also recommended for its repeal at Sl.No.50 of Appendix A-5 (114 Central Acts for repeal by States).

Sub-section (1) of section 2 of the aforesaid Acts extend in the first instance to the whole of India (used British India in the Act which was amended A.O. 1950), except the territories administered by the Governor of Fort Saint George in Council, the Governor of Bombay in Council and the Lieutenant Governor of Bengal.

The legislative competence in respect of railways under Entry 22 of the List-I-Union List of the Seventh Schedule to the Constitution is vested with the Parliament. Clause (20) of article 366 reads as under:—

"(20)"railway" does not include—

- (a) a tramway wholly within a municipal area, or
- (b) any other line of communication wholly situate in one State and declared by Parliament by law not to be a railway;".

Attention is invited to Entry 57 of the List-II (State List) of the Seventh Schedule to the Constitution. The legislative power in respect of railways under is vested with the State Legislature which reads as under "Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including trams subject to the provisions of entry 35 of List III.". The aforesaid Entry 35 of List III-Concurrent List of the Seventh Schedule to the Constitution of India reads as under:

"35. Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied.".

By efflux of time, the aforesaid Act has become redundant.

**In view of above, the Committee feels that the aforesaid Act can be repealed after making a specific savings on the following lines, namely:—**  
"Without prejudice to the provisions contained in section 4, the repeal of the Indian Tramways Act, 1886, by this Act, shall not affect its application to any territory specified in that Act before such repeal."

## **29. The Oudh Wasikas Act, 1886 (XXI of 1886)**

The aforesaid Act has been enacted to declare certain allowances collectively known as Oudh Wasikas to be pensions within the meaning of the Pensions Act, 1871. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 24th September, 1886.

The preamble, *inter alia*, states that the trust accruing on the loans made by the rulers of the Oudh to the East India Company with intent that the interest accruing thereon should be applied by the said Government to the payment of certain pensions (which pensions are known as Loan Wasikas). The Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas are pensions within the meaning of pension under the Pensions Act, 1871, which is still in force.

The Centre for Civil Society at Sl. No.17 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act that the princely state of Oudh does not exist

and hence, the allowance payable to the royal family of Oudh has also ceased to exist. The aforesaid Act is completely obsolete now.

**The aforesaid Act has become redundant and obsolete and has no application in the present context and needs to be repealed.**

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **30. The Police Act, 1888 (III of 1888)**

The aforesaid Act has been enacted to amend the law relating to the regulation of Police. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 17th February, 1888.

The aforesaid Act was enacted to relax the provisions of certain other Acts for the regulation of police which restrict the employment of police-officers to the presidency, province or place of the police establishment of which they are members. The aforesaid Act contains provisions to provide that a member of the police-establishment of any presidency, province or place may discharge the functions of a police-officer in any part of then British India (now India by A.O. 1950) beyond the limits of the presidency, province or place.

The P.C. Jain Commission has recommended for its repeal at Sl.No.77 of Appendix A-5 (114 Central Acts to be repealed by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 46 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act was enacted to relax those provisions of certain State Police Acts for the regulation of police which restricted the employment of police-officers to the presidency, province or place of the police-establishment of which they are members. This Act empowered the Central Government to create a special police district embracing parts of two or more States, and extend to every part of the said district the powers and jurisdiction of members of a police force belonging to the State specified in the notification. Police is now a State subject (See Entry 2, List II, Seventh Schedule) and hence, the Central Government cannot create special police districts and assign a police force to such districts. While Entry 80 of List I does empower the Parliament to make a law extending the jurisdiction of the police of one State to exercise jurisdiction in another State, the same cannot be done without the consent of the State Government in which such area is situated. This Act does not impose any such restrictions on the Central Government's power and hence, the constitutionality of this Act is suspect. This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5). There is no evidence of recent use of this Act. Hence, the Central Government should repeal this Act.

**The Committee feels that the in today's context and the scheme of legislation, the aforesaid Act has become obsolete and redundant and can be repealed.**

### **31. The Indian Tolls Act, 1888 (VIII of 1888)**

The aforesaid Act has been enacted to remove doubts as to the legality of the levy of certain tolls. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 5th September, 1888.

The aforesaid Act was enacted for the operation of that Act in any part then British India (now India by A.O. 1950) beyond the limits of the territories administered by the Governor of Fort Saint George in Council, and the Lieutenant Governors of Bengal and the North-Western Provinces and for validation of past levy of tolls.

The aforesaid Act has become redundant and obsolete in view of changed

circumstances and needs to be repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **32. The Excise (Malt Liquors) Act, 1890 (XIII of 1890)**

The aforesaid Act has been enacted to amend the Excise Act, 1881, and the Bengal Excise Act, 1878 and to apply to Malt Liquor certain provisions of the Sea Customs Act, 1878 respecting Spirit. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 28th March, 1890.

The P.C. Jain Commission has recommended for its repeal Sl. No. 57 of Appendix A-1 (166 Central Acts recommended for repeal).

The Law Commission of India in its 249th Report at Sl. No. 48 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act without referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act applied the provisions of the Sea Customs Act, 1878 to malt liquors. The Sea Customs Act has been repealed by the Customs Act of 1962. Hence this Act should also be repealed.

The aforesaid Act become redundant as the Excise Act, 1881 and the Sea Customs Act, 1878 have already been repealed by Act No. 12 of 1896 and Act No. 52 of 1962.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **33. The Marriages Validation Act, 1892. (II of 1892)**

The aforesaid Act has been enacted to validate certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 29th January, 1892.

The P.C. Jain Commission has recommended for its repeal at Sl. No. 159 of Appendix A-1 (166 Central Acts for repeal).

The Law Commission of India in its 249th Report at Sl. No. 51 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act without referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act was enacted to validate certain marriages solemnised under Part VI of the Indian Christian Marriage Act, 1872. The Act validated marriages between two persons of whom only one was an Indian Christian, and deemed them both to be Indian Christians. The purpose of this Act has now been fulfilled. A suitable savings clause must be added to the repealing Act so as to save the rights accrued under this Act.

The Legislative Department vide their D.O. No. 11(29)/2014-Leg.I dated the 12th September, 2014 at Sl. No. 45 of the Annexure annexed to the said D.O. letter have also recommended for the repeal of the aforesaid Act.

**In view of the above, the Committee feels that the aforesaid Act can be repealed after making a specific saving clause on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Marriages Validation Act, 1892 shall not affect the marriages validated by section 3 of the said Act and certificates validated by section 4 thereof, as they stood before such repeal."

### **34. The Government Management of Private Estates Act, 1892 (X of 1892)**

The aforesaid Act has been enacted to provide for the levy of a rate on private estates under the management of the Government to meet the cost of supervision and management. The aforesaid Act was passed by the Governor General of India in Council and received the

assent of the Governor General on the 25th October, 1892.

The P.C. Jain Commission in its Report at Sl. No. 46 of Appendix A-5 (114 Central Acts recommended to be repealed by the States) has recommended for the repeal of the aforesaid Act.

The Law Commission of India in its 249th Report at Sl. No. 53 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the Act imposed a levy of a certain rate on private estates under the management of the Government to meet the costs of supervision and management. 'Estates' for the purpose of this Act meant estates under the Court of Wards; encumbered estates under Government management and estates attached for default of payment. It included management of estates belonging to landholders in princely States. Since this system of landholding, as it existed prior to independence does not exist now, this Act is redundant.

Sub-section (2) of section 1 of the aforesaid Act extends to the whole of then British India (now India by A.O. 1950) inclusive of upper Burma and British Baluchistan. After the commencement of the Constitution and provisions thereof, the aforesaid Act has become redundant in view of the Estates abolition Acts enacted by the State Legislature such as the Madras Estate (Abolition) Act, 1948 and the Orissa Estate (Abolition) Act, 1951.

**The Committee feels that the aforesaid Act can be repealed.**

### **35. The Porahat Estate Act, 1893 (II of 1893)**

The aforesaid Act was enacted to annex the estate of Porahat to the Singhbhum District, and for certain other purposes. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 3rd February, 1893.

The Law Commission of India in its 249th Report at Sl. No. 54 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s). The Law Commission observed that the aforesaid Act annexed the estate of Porahat to the Singhbhum district. This Act brought Porahat under the jurisdiction of the Lieutenant Governor of Bengal. Singhbhum is a district in the present-day State of Jharkhand and thus, subject to the authority and jurisdiction of the State Government. As its purpose has been fulfilled, the Act now needs to be repealed.

Section 2 of the aforesaid Act provides that the estate of Porahat shall henceforth become and be part of the Singhbhum District. Further, section 3 of the aforesaid Act provides that the estate of Porahat, as forming part of the Singhbhum District shall form part of the Scheduled District described in Part III of the First Schedule to the Scheduled District Act, 1874, as the Chota Nagpur Division. The Act served its purpose and became redundant by efflux of time and needs to be repealed.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **36. The Government Grants Act, 1895. (XV of 1895)**

The aforesaid Act was enacted to explain the Transfer of Property Act, 1882, so far as it relates to grants from the Crown, and to remove certain doubts as to the powers of the Crown in relation to such grants. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 10th October, 1895.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 45 of Appendix A-5 (114 Central Acts repealed for repeal by State Governments).

Section 2 of the aforesaid Act provides that the Transfer of Property Act, 1882 shall not apply to any grant or other transfer of land or of any interest therein hereto fore made or

hereafter to be made by or on behalf of Her Majesty the Queen Empress, her heirs or successors, or by or on behalf of the Secretary of State for India in Council to, or in favour of, any person whomsoever.

The aforesaid Act served its purpose and became redundant by efflux of time and needs to be repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **37. The Public Servants (Inquiries) Act (1850) Amendment Act, 1897 (I of 1897)**

The aforesaid Act has been enacted to amend Act XXXVIII of 1850 (for regulating Inquiries into the behaviour of Public Servants). The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 25th October, 1892.

The aforesaid Act consists of only four sections out of which sections 2, 3 and 4 have been repealed by Act No. 1 of 1938.

Section 1 of the aforesaid Act gives short title to the Public Servants (Inquiries) Act, 1850, which has been recommended at Sl. No. 5 above for repeal and therefore the aforesaid Act has served its purpose and has become redundant.

**The Committee feels that the aforesaid Act can be repealed.**

### **38. The Repealing and Amending Act, 1897 (V of 1897)**

The aforesaid Act has been enacted to repeal certain obsolete enactments and to amend and facilitate the citation of certain other enactments. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 25th February, 1897.

The P.C. Jain Commission also recommended for repeal of the Amending Act, 1897 (the correct title of the aforesaid Act is "the Repealing and Amending Act, 1897") at Sl. No. 39 of Appendix A-1 (166 Central Acts for repeal).

The Law Commission of India in its 249th Report at Sl. No. 55 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act was passed to repeal and amend certain laws. It also provided for the use of short titles to facilitate the citation of certain laws listed in the Third Schedule to the Act. Most of the laws listed have since been repealed, and a suitable savings clause may be drafted to address the remaining laws. This law can therefore be repealed.

Before 1850, the Acts were enacted by the name of the subjects of the Act. Subsequently, by the Third Schedule to the aforesaid Act, the short titles were given to such subjects of the Acts and Regulations mentioned in the aforesaid Third Schedule. The aforesaid Act has served its purpose and became redundant by efflux of time and needs to be repealed.

**The Committee feels that the aforesaid Act can be repealed after making a specific savings clause in the Repealing Bill, 2014 on the following lines saving short titles given to the subjects enacted as an Act and also to the Regulations from 1850 to 1892, so as to not to effect citation of such Acts and Regulations, namely:—**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Amending Act, 1897, by this Act, shall not affect the short titles given to the Acts and Regulations mentioned under column 4 of the Third Schedule to the Amending Act, 1897 before such repeal and the Acts and Regulations to which such short titles have been given, shall, after the repeal of the Repealing and Amending Act, 1897, continue to be cited with the aforesaid short titles as so given and as amended from time to time by subsequent Acts after

commencement of the Repealing and Amending Act, 1897."

### **39. The Reformatory Schools Act, 1897 (VIII of 1897)**

The aforesaid Act has been enacted to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 11th March, 1897.

The Law Commission of India in its 248th Report has also recommended for its repeal Sl. No.37 under Chapter 4 of the Report. The Law Commission observed that the aforesaid Act was enacted to amend the law relating to reformatory schools and to make further provisions for dealing with 'youthful offenders'. It gives the power to establish Reformatory Schools, inspect them, and for courts to direct youthful offenders to these schools. The Law Commission further stated that this Act may be in conflict with article 14 of the Constitution as it only applicable to boy under the age of 15, and not to girls. The Act speaks of 'detention' in reformatory schools which is against the scheme of the Juvenile Justice (Care and Protection of Children) Act, 2000, which governs the juvenile justice procedure for all children below the age of 18, and provides for setting up of observation homes and special homes for juveniles in conflict with law. In light of this, the Reformatory Schools Act, 1897 is in conflict with newer law.

The Centre for Civil Society at Sl. No.18 of its compendium of 100 laws to be repealed, *inter alia*, stated that the Juvenile Justice Act, 1986, has been repealed by the Juvenile Justice (Care and Protection of Children) Act, 2000. It targets two groups—children in need of care and protection, and juveniles in conflict with law. It provides for setting up of observation homes and special homes for juveniles in conflict with law and children homes for children needing care and protection during the pendency of inquiry and subsequent rehabilitation. These are under scrutiny of the Juvenile Justice Board. Section 63 of the Juvenile Justice Act, 1986, repealed any law in force in any State that corresponded to the Act, on the date on which the Act came into force in the concerned State. The Reformatory Schools Act, 1897 was one of the legislations, which was still in force at that time, but has not been formally repealed. It further observed that under the Constitution of India, the subject matter of any such legislation falls in the State List, but a Central law was enacted to fulfil India's international obligations.

By efflux of time, the Act lost its relevance and needs to be repealed.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **40. The Indian Short Titles Act, 1897 (XIV of 1897)**

The aforesaid Act has been enacted to facilitate the citation of certain Acts and thereafter such Acts were titled with short titles. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 22nd July, 1897.

The P.C. Jain Commission has recommended for its repeal at Sl. No. 62 of Appendix A-1(166 Central Acts recommended for repeal).

The Law Commission of India in its 249th Report at Sl. No. 56 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act without referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that similar to the Amending Act of 1897, this Act allowed the use of short titles to facilitate the citation of certain laws listed in the Schedule to the Act. The purpose of the Act has now been fulfilled

and hence, it must now be repealed. Most of the laws listed have since been repealed, and a suitable savings clause may be drafted to address the remaining laws. This law can therefore be repealed.

Prior to Year 1850, the Central Acts were given long titles. Subsequently after 1850, the short-titles were by the aforesaid Act which contains only two sections and one Schedule by which the short titles was given to the Central Acts enacted before 1850.

The Act served its purpose and became redundant by efflux of time and needs to be repealed.

**The Committee feels that the aforesaid Act can be repealed after making a specific clause in the Repealing Bill, 2014 on the following lines saving short-titles given to the Acts from 1834 to 1897 by the Schedule to the Indian Short Titles Act, 1897, so as to not to effect citation of such Acts, namely:—**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Indian Short Titles Act, 1897, by this Act, shall not affect the short titles given to the Acts mentioned under column 4 of the Schedule to the aforesaid Act before such repeal and the Acts to which such short titles have been so given by the aforesaid Act, shall, after the repeal of the Indian Short Titles Act, 1897, continue to be cited with the aforesaid short titles as so given and as amended from time to time by subsequent Acts, after such repeal."

#### **41. The Lepers Act, 1898 (III of 1898)**

The aforesaid Act has been enacted to provide for segregation and medical treatment of pauper lepers and the control of lepers following certain callings. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 4th February, 1898.

The aforesaid Act, *inter alia*, contains provisions for appointment of Inspectors of Lepers and Superintendent of Asylum and arrest of pauper Lepers, prohibition of lepers from following certain trades and doing certain acts and make violations of such followings or doing an offence and re-arrest of escaped lepers.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 56 of Appendix A-1 (166 Central Acts recommended for repeal). The P.C. Jain Commission indicated the title of the Act as the "Lepers Act, 1894". There is no such Act enacted in the year 1894. The Lepers Act was enacted in the year 1898 titled as 'the Lepers Act, 1898 (III of 1898) and therefore the same has been included in this Chapter by the Committee for examination.

The Law Commission of India in its 249th Report at Sl. No. 57 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the Act provided for the segregation and medical treatment of pauper lepers. The Act established 'leper asylums' and conditions for employment of personnel to these asylums. Law Commission further stated that section 1(3) of this Act mandates that it shall not come into force in any territory until the concerned State Government makes a declaration to that effect. The Act has already been repealed in the States of Gujarat, Assam, Nagaland, Meghalaya, West Bengal, Tamil Nadu, Tripura, Punjab, Karnataka, Orissa, Himachal Pradesh, and Maharashtra, and in the Union Territories of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh. This law, which is completely out of sync with the modern understanding of the disease and its treatment, must be repealed. The Act is unconstitutional for being violative of Article 14 of the Constitution because it legalises forcible segregation of people affected with leprosy. India is a signatory to the United Nations Resolution on the Elimination of Discrimination against Persons Affected by Leprosy and their Family Members, 2011 (A/RES/65/215). This legislation goes against the spirit of this Resolution. Hence, the Central Government should inquire whether it is in force in any other

State, and repeal this law in consultation with any such State.

The Department of Health and Family Welfare *vide* its I.D. Note No. H. 11018/02/2014-parlt. dated 12th September, 2014 at serial No. 14 of Annexure-I to the aforesaid I.D. Note has stated that the need for its repeal or otherwise is being examined. They have indicated the title of the Act as the "Lepers Act, 1894". There is no such Act enacted in the year 1894. The Lepers Act was enacted in the year 1898 titled as 'the Lepers Act, 1898 (III of 1898)'.

In view of that India is a signatory to the United Nations Resolution on the Elimination of Discrimination against Persons Affected by Leprosy and their Family Members, 2011 (A/RES/65/215) and the aforesaid Act goes against the spirit of this Resolution and therefore the aforesaid can be repealed in pursuance of article 253 of the Constitution.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

#### **42. The Church of Scotland Kirk Sessions Act, 1899 (XXIII of 1899)**

The aforesaid Act has been enacted to provide for the incorporation of Kirk Sessions of the Church of Scotland in British India. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 27th September, 1899.

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.I dated 12th September, 2014 stated that the aforesaid Act is required to be repealed as it is irrelevant (outdated law).

Section 2 of the aforesaid Act provides that every Kirk Session which has been, or may hereafter be, duly constituted to be a Church Court for ecclesiastical purposes in pursuance of an Act of the General Assembly of the Church of Scotland, is hereby declared to be, and the same shall be, a body corporate having perpetual succession and a common seal. It further provides that a Notification by the Governor General in Council in the Gazette of India that a Kirk Session has been duly constituted in pursuance of an Act of the General Assembly of the Church of Scotland shall be conclusive proof that it has been so constituted. By efflux of time, this Act has become redundant in its application and lost its relevance.

The aforesaid implies that the Kirk Session which may be, duly constituted to be a Church Court by an Act of the General Assembly of the Church of Scotland shall be, a body corporate having perpetual succession and a common seal. The legislatures under the Constitution of India are competent to make laws for incorporation of a body corporate in India. Declaration of Kirk Sessions by General Assembly of the Church of Scotland (other than competent Legislatures in India i.e. Parliament or State Legislatures) to be a body corporate, (having perpetual succession and a common seal) in India may not stand the legal scrutiny. The Committee feels that the aforesaid Act become obsolete after the commencement of the Constitution and become obsolete and outlived its utility.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

#### **43. The Repealing and Amending Act, 1901 (XI of 1901)**

The aforesaid Act has been enacted to facilitate the citation of certain enactments and to amend and repeal certain obsolete enactments. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 25th October, 1901.

The P.C. Jain Commission has also recommended for repeal of the Amending Act, 1901 (11 of 1901) instead of the "Repealing and Amending Act, 1901 (XI of 1901) at Sl. No.40 of Appendix A-1(166 Central Acts recommended for repeal), which is still in force.

The Law Commission of India in its 249th Report at Sl. No. 60 under Chapter 2 of the

Report also recommended for repeal of the Amending Act, 1901 (11 of 1901) instead of the "Repealing and Amending Act, 1901 (XI of 1901) without referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that Similar to the Amending Act of 1897, this Act allowed the use of short titles to facilitate the citation of certain laws listed in the Schedule to the Act. The purpose of the Act has now been fulfilled and hence, it must now be repealed. Most of the laws listed have since been repealed, and a suitable savings clause may be drafted to address the remaining laws. This law can therefore be repealed.

As per legislative practice, the repealing and amending Acts are being repealed. By efflux of time, this Act has become redundant in its application and lost its relevance.

**The Committee feels that the aforesaid Act can be repealed after making a specific saving clause in the Repealing Bill, 2014 on the following lines saving the short titles given to—**

- (a) the Madras Regulations from specified under Part I of the First Schedule to the aforesaid Act;
- (b) Acts of the Governor General in Council specified under Part II of the Schedule to the aforesaid Act;
- (c) Acts of the Governor of Fort Saint George in Council under Part III of the Schedule to the aforesaid Act, so as to not to effect citation of such Acts, namely:—

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Repealing and Amending Act, 1901 (XI of 1901), by this Act, shall not affect the short titles given to—

- (i) the Madras Regulations from specified under Part I of the First Schedule;
- (ii) Acts of the Governor General in Council specified under Part II of the Schedule; and
- (iii) Acts of the Governor of Fort St. George in Council under Part III of the Schedule, by the Repealing and Amending Act, 1901, before such repeal, and the aforesaid Regulations and Acts to which such short titles had been so given, shall, after the repeal of the Repealing and Amending Act, 1901, by this Act, continue to be cited with the aforesaid short titles as so given and if amended, from time to time, by subsequent Acts, by such short titles as so amended after such repeal."

#### **44. The Indian Tramways Act, 1902 (IV of 1902)**

The aforesaid Act has been enacted to apply the provisions of the Indian Railway Companies Act, 1895 to certain Tramway Companies. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 14th February, 1902.

The Indian Tramways Act, 1902 contains only two sections. Section 2 of the Indian Tramways Act, 1902 reads as under:—

[2. Application of Act 10, 1895, to Tramway Companies. The Central Government may, by notification in the Official Gazette, direct that the provisions of the Indian Railway Companies Act, 1895 (10 of 1895), in so far as the same are applicable, shall apply to any Company formed for the construction of a tramway under the Bengal Tramways Act, 1883 (Ben. 3 of 1883), or the Indian Tramways Act, 1886 (11 of 1886), and thereupon it shall be lawful for the Tramway Company mentioned in the notification to pay interest upon its paid-up share capital out of capital in the manner and subject to the conditions prescribed by the said Indian Railway Companies Act, 1895.]

The P.C. Jain Commission has recommended for its repeal at Sl. No.51 of Appendix A-5 (114 Central Acts recommended for repeal by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 61 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act without referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed the aforesaid Act extended the application of the Indian Railway Companies Act, 1895 to certain tramway

companies. The 1895 Act has been repealed by the Railway Companies Act, 2001. The 1902 law is now redundant. Therefore, it must be repealed.

The Indian Railway Companies Act, 1895 (section 3 of this Act contains provision for payment of interest) was repealed by Act No. 24 of 2001. In view of the repeal of the aforesaid Act, the provisions of the Tramways Act, 1902 lost their relevance and has become obsolete and redundant.

**In view of the above, the aforesaid Act can be repealed.**

#### **45. The Repealing and Amending Act, 1903 (I of 1903).**

The aforesaid Act was enacted to facilitate the citation of certain enactments and to amend and repeal certain obsolete enactments. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 6th March, 1903.

The P.C. Jain Commission has also recommended for repeal of the Amending Act, 1903 (I of 1903) instead of the "Repealing and Amending Act, 1903 (I of 1903) Sl. No.41 of Appendix A-1(166 Central Acts recommended for repeal).

The Law Commission of India in its 249th Report at Sl. No. 62 under Chapter 2 of the Report also recommended for repeal of the for repeal of the Amending Act, 1903 (I of 1903) instead of the "Repealing and Amending Act, 1903 (I of 1903) without referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that similar to the Amending Act of 1897, this Act allowed the use of short titles to facilitate the citation of certain laws listed in the Schedule to the Act. The purpose of the Act has now been fulfilled and hence, it must now be repealed. Most of the laws listed have since been repealed, and a suitable savings clause may be drafted to address the remaining laws. This law can therefore be repealed.

As per legislative practice, the Repealing and Amending Acts are being repealed. By efflux of time, this Act has become redundant in its application and lost its relevance.

**The Committee feels that the aforesaid Act can be repealed after making a specific clause in the Repealing Bill, 2014 on the following lines saving the short titles given to—**

- (a) the Regulations of the Bengal Code from specified under Part I of the First Schedule to the aforesaid Act;
- (b) Acts of the Governor General in Council specified under Part II of the Schedule to the aforesaid Act;
- (c) Bengal Acts under Part III of the Schedule to the aforesaid Act, so as to not to effect citation of such Acts, namely:—

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Repealing and Amending Act, 1903 (I of 1903), by this Act, shall not affect the short titles given to—

- (i) the Regulations of Bengal Code specified under Part I of the First Schedule;
- (ii) Acts of the Governor General in Council specified under Part II of the Schedule; and
- (iii) Bengal Acts specified under Part III of the Schedule,

to the Repealing and Amending Act, 1903, before such repeal and the aforesaid Regulations and Acts to which such short titles have been so given, shall, after the repeal of the Repealing and Amending Act, 1903, by this Act, continue to be cited with the aforesaid short titles as so given and if amended from time to time by subsequent Acts, by such short titles after such repeal."

#### **46. The Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912)**

The aforesaid Act has been enacted to make certain provisions regarding the application of the laws in force in the Presidency of Fort William in Bengal, the Province of Bihar and Orissa and the Province of Assam. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 26th March, 1912.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 6 of Appendix A-5 (114 Central Acts recommended for repeal by the State Governments).

The Law Commission of India in its 248th Report has also recommended for its repeal at Sl. No.40 under Chapter 4 of the Report (without mentioning the consultation with the relevant State) and stated that the aforesaid law was enacted as a result of administrative reorganisation of the Provinces of Bengal, Bihar, Orissa and Assam. The construction of certain references in existing laws were altered as a result by this Act. The administrative needs of this Act have expired, and it may be repealed.

The Law Commission of India again in its 249th Report has recommended for repeal of the aforesaid Act in consultation with the relevant States (s) at Sl. No. 65 under Chapter 2 of its Report. The Law Commission in its report observed as under:—

"The Act provided for the applicability of laws in the Presidency of Fort William in Bengal, the Province of Bihar and Orissa and the Province of Assam, following the creation of the Province of Bihar and Orissa. It also empowered the Governor-General-in-Council to extend the application of certain Acts to these territories. The administrative units to which this law refers no longer exists, and therefore this law should be repealed."

The 248th Report was given by the Law Commission on 12th September, 2014. The 249th Report was given by the Law Commission on 13th October, 2014. The Law Commission recommended in its 248th Report for the repeal of the aforesaid Act without mentioning the consultation with the relevant State, whereas, in the 249th Report, the Commission recommended repeal of the aforesaid Act in consultation with the relevant States. The observations of the Law Commission in both the reports appears to be different from one another.

The aforesaid Act has become redundant in view of the re-organisation of the States.

**In view of the above, the Committee feels that the aforesaid Act can be repealed under this Chapter.**

#### **47. The Wild Birds and Animals Protection Act, 1912 (VIII of 1912)**

The aforesaid Act was enacted to make better provision for the protection and preservation of certain wild birds and animals. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 18th September, 1912.

The Law Commission of India in its 248th Report has also recommended for its repeal at Sl. No.41 under Chapter 4 of the Report and observed that the aforesaid Act made it an offence to capture, kill or carry on trade of any bird or animal included in the Schedule annexed to the Act. The purpose of the Act is now subsumed by the Wildlife (Protection) Act, 1972 which ensures the protection of wild animals, birds and plants with more stringent penalties.

The Centre for Civil Society at Sl. No.19 of its compendium of 100 laws to be repealed *inter alia* stated that the aforesaid Act can be repealed since the objects and reasons of this legislation are being sufficiently met with by the Wild Life (Protection) Act, 1972 and the Rules framed there under. In fact, the Act of 1972 notes in its Statement of Objects and Reasons that the Act of 1912 has become completely outmoded. The Schedules to the 1972 Act includes comprehensive lists of protected birds, animals and endangered plants reflecting the current requirements for their protection. The 1972 Act is wider in scope and provides for extended protection by declaring certain areas as national parks or 'sanctuaries' and for their management. It further observed that the 1912 Act imposes a paltry fine of Rs. 50 for

violations and the Act of 1972 imposes a relatively harsher penalty of a fine of Rs. 25,000 or imprisonment for up to three years. The older Act is redundant and could be used as a legal loophole to escape the harsher penalties of the new law. The Act of 1912 should therefore be repealed.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

#### **48. Sir Currimbhoy Ebrahim Baronetcy (Amendment) Act, 1917 (XXV of 1917)**

The aforesaid Act has been enacted to amend the Sir Currimbhoy Ebrahim Baronetcy Act, 1913. The aforesaid Act was passed by the Indian Legislative Council and received the assent of the Governor General on the 27th September, 1917. Sir Currimbhoy Ebrahim Baronetcy Act, 1913 was already repealed by Bombay Act No. 9 of 1960. Sir Currimbhoy Ebrahim Baronetcy (Amendment) Act, 1917 does not survive as the aforesaid Act does not contain any substantive or validation provisions.

As per the records made available to the Committee by the Legislative Department, the aforesaid Act appears as not to have been repealed. The Legislative Department may verify the factual position about the enforcement of the aforesaid Act.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

#### **49. The Cattle-trespass (Amendment) Act, 1921 (XVII of 1921)**

The aforesaid Act was enacted further to amend the Cattle-trespass Act, 1871. The aforesaid Act was passed by the Indian Legislative Council and received the assent of the Governor General on the 30th September, 1921. The Cattle-trespass (Amendment) Act, 1921 consists of three section, out of which section 3 of the said Act has been repealed by Act 12 of 1927.

Sub-section (3) of section 1 of the Cattle-trespass (Amendment) Act, 1921 reads as under:—

"(3) The rest of the Act shall come into force in any Province or part thereof on such date as the Local Government may, by notification in the local official Gazette, appoint."

The aforesaid is not a principal Act, but an amending Act to the principal Act, i.e., the Cattle-trespass Act, 1871. The Cattle-trespass (Amendment) Act, 1921 does not contain any validating or substantive provisions. The Committee could not reach to the copies of the Gazette notifications issued by the Local Authorities issued under aforesaid sub-section (3) and therefore considered it proper to repeal the aforesaid Act after making a saving clause.

**In view of above, the Committee feels that the aforesaid Act can be repealed after making a specific saving clause in the Bill on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Cattle-trespass (Amendment) Act, 1921, by this Act, shall not affect the power of the Local Government to impose fine under section 12 of the Cattle-trespass Act, 1871, [as substituted by the Cattle-trespass (Amendment) Act, 1921] and such Local Government shall, after repeal of the Cattle-trespass (Amendment) Act, 1921, by this Act, continue to exercise power conferred on it for application of the provisions of section 12 of the Cattle-trespass Act, 1871, as substituted by the Cattle-trespass (Amendment) Act, 1921 after such repeal."

#### **50. The Hindu Inheritance (Removal of Disabilities) Act, 1928 (XII of 1928)**

The aforesaid Act has been enacted to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs and remove certain doubts. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on the 20th September, 1928.

The Legislative Department vide their D.O. No. 11(29)/2014-L.Idated 12th September, 2014 at Sl. No. 48 of the Annexure appended thereto stated that aforesaid Act is required to be repealed in the light of changing socio-economic environment and existing personal laws.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 6 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the Act provided that no person governed by Hindu law would be excluded from any right or share in joint family property by reason only of any disease, deformity, or physical or mental defect. However, the Act excluded a person who had been from birth a lunatic or an idiot. The purpose of the Act has now been subsumed by Section 28 of the Hindu Succession Act, 1956 which provides that no person shall be disqualified from succeeding to any property on the ground of any disease, defect or deformity. There are no instances of recent judgments rendered under this Act. The 1928 Act is now redundant. Hence, the Central Government should repeal this Act. A suitable savings clause needs to be inserted in the repealing Act.

Attention is invited to section 2 of the Hindu Inheritance (Removal of Disabilities) Act, 1928 (which excludes lunatic or idiot from inherited in joint family property) which reads as under:—

[2. Persons not to be excluded from inheritance or rights in joint family property.—Notwithstanding any rule of Hindu Law or custom to the contrary, no person governed by the Hindu Law, *other than a person who is and has been from birth a lunatic or idiot*, shall be excluded from any right or share in joint family property by reason only of any disease, deformity, or physical or mental defect.]

Attention is invited to sections 2 and 4 of the Hindu Succession Act, 1956 which are relevant for the purpose of repeal of the Hindu Inheritance (Removal of Disabilities) Act, 1928 and read as under:—

#### **2. Application of Act**

(1) This Act applies:-

- (a) to any person, who is a Hindu by religion in any of its forms or developments including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj;
- (b) to any person who is Buddhist, Jaina or Sikh by religion; and
- (c) to any other person who is not a Muslim, Christian, Parsi or Jew by religion unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

*Explanation* : The following persons are Hindus, Buddhists, Jainas or Sikhs by religion, as the case may be:-

- (a) any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;
- (b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged;
- (c) any person who is a convert or re-convert to the Hindu, Buddhist, Jaina or Sikh religion.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

(3) The expression "Hindu" in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.

#### **4. Overriding effect of Act**

(1) Save as otherwise expressly provided in this Act,-

(a) any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act;

(b) any other law in force immediately before the commencement of this Act shall cease to apply to Hindus insofar as it is inconsistent with any of the provisions contained in this Act.

(2) For the removal of doubts it is hereby declared that nothing contained in this Act shall be the provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings or for the fixation of ceilings or for the devolution of tenancy rights in respect of such holdings].

In view of above, it is observed that -

(a) the Hindu Succession Act, 1956 *inter alia* applies to any person, who is a Hindu by religion in any of its forms or developments including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj, whereas the Hindu Inheritance (Removal of Disabilities) Act, 1928 does not apply to any person governed by the Dayabagha School of Hindu Law.

(b) Section 4 of the Hindu Succession Act, 1956 *inter alia* provides that any other law in force immediately before the commencement of this Act shall cease to apply to Hindus in so far as it is inconsistent with any of the provisions contained in this Act.

**By the enactment of Hindu Succession Act, 1956, the Hindu Inheritance (Removal of Disabilities) Act, 1928 has become redundant and the aforesaid Act can be repealed.**

## **51. The Transfer of Property (Amendment) Supplementary Act, 1929 (XXI of 1929)**

The aforesaid Act has been enacted to supplement the Transfer of Property (Amendment) Act, 1929 (XX of 1929) to make certain consequential amendments in various Acts in furtherance of the Transfer of Property (Amendment) Act, 1929. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on the 4th October, 1929. The provisions of the Transfer of Property (Amendment) Act, 1929 and the Transfer of Property (Amendment) Supplementary Act, 1929 have been incorporated in the respective Acts from the 1st day of April, 1930.

The aforesaid Act amends the Specific Relief Act, 1877, the Code of Civil Procedure, 1908, the Indian Registration Act, 1908, the Hindu Transfers and Bequests Act, 1914, the Hindu Disposition of Property Act, 1916, the Hindu Transfers and Bequests (City of Madras) Act, 1921 and the Indian Succession Act, 1925. The aforesaid Act contains 15 sections and all of which came into force on the 1st day of April, 1930 as specified under sub-section (2) of section 1 of the Transfer of Property (Amendment) Supplementary Act, 1929, which does not contain any substantive or validating provisions except certain savings specified under section 15 of that Act. Sections 2 to 14 of the Transfer of Property (Amendment) Supplementary Act, 1929 have been repealed by Act No. 1 of 1938. The P.C. Jain Commission has recommended that all the validation Acts may be repealed after providing specific saving clauses, where ever required.

The Legislative Department vide their D.O. No. 11(29)/2014-L.Idated 12th September, 2014 at Sl.No. 41 of the Annexure appended thereto stated that the aforesaid Act is required to be repealed as it is of no relevance.

**The Committee feels that the aforesaid Act can be repealed after making specific saving clause for the provisions contained in section 15 of the Transfer of Property (Amendment) Supplementary Act, 1929 on the following lines, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Transfer of Property (Amendment) Supplementary Act, 1929, by this Act, shall not be deemed to affect, -

- (a) the terms or incidents of any transfer or disposition of property made or effected before the first day of April, 1930;
- (b) the validity, invalidity, effect or consequences of anything already done or suffered before the aforesaid date;
- (c) any right, title, obligation or liability already acquired; accrued or incurred before such date;
- (d) any remedy or proceeding in respect of such right, title, obligation or liability; or
- (e) anything done in the course of any proceeding pending in any Court on the aforesaid date; and any such remedy or proceeding may be enforced, instituted or continued, as

the case may be, as if the Transfer of Property (Amendment) Supplementary Act, 1929 had not been passed;

(f) suit instituted or filed before the commencement of the Transfer of Property (Amendment) Supplementary Act, 1929 and pending on the 1st day of April, 1930, being the date on which the aforesaid Act came into force, either in a Court of first instance or of appeal filed.".

## **52. The Sheriff of Calcutta (Powers of Custody) Act, 1931(20 of 1931)**

The aforesaid has been enacted for extending the power of the Sheriff of Calcutta to hold person in lawful custody in respect of certain cases. The aforesaid Act was passed by the Indian Legislative Council and received the assent of the Governor General on the 1st October, 1931.

The provisions of the aforesaid Act were made to meet the exigencies felt during the British Rule in the Fort William and its surrounding areas for smooth implementation of the rule.

Attention is invited to section 2 (1) of the aforesaid Act which reads as under:-

"2(1)Where the Sheriff of the High Court of Judicature at Fort William in Bengal in the discharge of his duties is taking any person in his lawful custody to or from the Presidency Jail, and circumstances are such that he is unable without undue inconvenience to proceed by a route lying wholly within the local limits of ordinary original civil jurisdiction of the said High Court, it shall be lawful for the Sheriff to proceed by any convenient route lying partly outside the said local limits, and in so doing his custody of such person shall continue to be lawful."

The Committee feels that the aforesaid Act is relatable to the legislative power of the Parliament conferred upon it under entry 2 of List-III-Concurrent List of the Seventh Schedule to the Constitution which reads as under:-

"2.Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution."

The P.C. Jain Commission also recommended for its repeal at Sl. No. 90 of Appendix A-5 (114 Central Acts for repeal by State Governments).

The Law Commission of India in its 248th Report at Sl. No. 45 under Chapter 4 of the Report has classified the aforesaid Act under the category "Criminal Justice" and recommended for repeal of the aforesaid Act (without mentioning the consultation with the relevant State). It has been observed that the aforesaid Act extended the powers of the Sheriff's of Calcutta to hold persons in lawful custody. If the Sheriff was required to take a route while holding a person that lay outside his jurisdiction, this Act permitted him to do so. The position now held by Sheriffs in Kolkata is purely titular, without any executive power, thus making this Act unnecessary. There is no recorded evidence of the use of this Act.

The Centre for Civil Society at Sl. No.21 of its compendium of 100 laws to be repealed, *inter alia*, stated that since, the Sheriff's in Kolkata now hold an apolitical titular position, the powers granted under this Act are no longer relevant. There is no documented use of this Act.

The aforesaid Act has, in view of the provisions of the Code of Criminal Procedure, 1973, became obsolete and redundant.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

## **53.The Public Suits Validation Act, 1932 (11 of 1932)**

The aforesaid Act has been enacted to validate suits relating to any public matter which did not have sanction of the then Local Government and jurisdiction of the court to hear the suit, if filed within a limited period. The aforesaid Act was passed by the Indian Legislative Council and received the assent of the Governor General on the 8th April, 1932.

The Committee feels that the aforesaid Act is relatable to the legislative power of the Parliament conferred upon it under Entry 13 of List-III-Concurrent List of the Seventh Schedule to the Constitution which reads as under:-

"13.Civil procedure, including, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration."

The P.C. Jain Commission also recommended for its repeal at Sl. No. 82 of Appendix A-5 (114 Central Acts for repeal by State Governments).

The Law Commission of India in its 248<sup>th</sup> Report at serial number 46 under Chapter 4 of the Report, has also recommended for repeal of the aforesaid Act (without mentioning the consultation with the relevant State). The Law Commission in the aforesaid recommendation stated that this Act was enacted to validate certain suits relating to public matters instituted under Sections 91 and 92 of the Code of Civil Procedure, which were pending in 1932, and where the previous sanction of the State Government had not been obtained. The Law Commission further stated that these suits dealt with public nuisance and public trusts. Given that more than eighty years have passed since the suits governed by this Act was filed, this Act may be repealed with a suitable savings clause that ensures pending proceedings, if any, are unaffected by the repeal.

The Centre for Civil Society at Sl. No.84 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act is applicable to suits pending at the time of institution of the Act, i.e., in 1932. Since 82 years have passed since the aforesaid Act came into force, any litigation ought to have been disposed-off by now. It further states that the problem can be resolved by enacting a saving clause, alongside repeal, protecting all action taken under the Act. There is reference to the aforesaid Act in First Schedule of the Berar Laws Act, 1941. With the saving clause, there are no legal issues that would impede repeal.

The Legislative Department vide their D.O. No. 11(29)/2014-Leg.1 dated the 12th September, 2014 at Sl. No. 14 of the Annexure annexed to the said D.O. letter have recommended for the repeal of the aforesaid Act.

Attention is invited to Entry 13 of List III (Concurrent List) of the Seventh Schedule to the Constitution which reads as under:—

"13. Civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration."

**In view of above, the Committee feels that the aforesaid Act can be repealed after making a specific savings for validation of certain pending public suits on the following lines, namely :-**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Public Suits Validation Act, 1932, by this Act, shall not affect the validation of the suits under section 2 of the aforesaid Act, as it stood before such repeal and any appeal pending under the aforesaid Act before such repeal shall be disposed of in accordance of the provisions of the aforesaid Act as it stood before such repeal."

#### **54. The Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932 (24 of 1932)**

The aforesaid Act has been enacted to supplement the Bengal Suppression of Terrorist Outrages Act, 1932. The aforesaid Act was passed by the Indian Legislative Council and received the assent of the Governor General on the 23rd December, 1932.

The P.C. Jain Commission has recommended for its repeal at Sl. No. 19 of Appendix A-5 (114 Central Acts for repeal by State Governments).

The Law Commission of India in its 248<sup>th</sup> Report at serial number 47 under Chapter 4 of

its Report, has classified the aforesaid Act under the category "Criminal Justice" and also recommended for repeal of the aforesaid Act (without mentioning the consultation with the relevant State). The Law Commission in the aforesaid recommendation stated that the Supplementary Act has no relevance since the chief Act has been repealed.

The Centre for Civil Society at Sl. No.22 of its compendium of 100 laws to be repealed, *inter alia*, stated that the law was enacted to suppress the Indian freedom movement. The last reported cases under the Act date back to the 1930s and the law is no longer in use. Clearly, there is no need for such an Act now. The chief Act that this law supplemented, namely the Bengal Suppression of Terrorist Outrages Act, 1932, has been repealed.

**In view of above, the committee feels that the aforesaid Act had served its utility and now became redundant and therefore it can be repealed.**

### **55. The Children (Pledging of Labour) Act, 1933 (2 of 1933)**

The aforesaid Act was passed by the Indian Legislature in the year 1933 and received the assent of the Governor General on 24th February, 1933.

The Law Commission in its 248th Report stated that the provisions of the aforesaid Act are not in synchronization with the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 and recommended for repeal of the aforesaid Act at serial No. 48 under Chapter 4 in its Report.

The Law Commission of India again in its 250<sup>th</sup> Report at Sl. No. 7 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the Act prohibited the making of agreements to pledge the labour of children, and the employment of children whose labour had been pledged. However, the purpose of this Act is defeated by the proviso to the definition of 'agreement' under Section 2. While an agreement to pledge the labour of a child is prohibited, the said proviso says that 'an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's service' is not prohibited. This proviso would have the effect of approving child labour upon the payment of reasonable wages. For this reason, the Report of the Second Indian National Labour Commission, 2002 also recommended repeal of this Act. Also, the fines imposed under the Act are paltry and would hardly serve as a deterrent. Hence, the Central Government should repeal this Act. Simultaneously, amendments should be made to the Child Labour (Prohibition and Regulation) Act, 1986 to penalise agreements pledging the labour of children. The Ministry of Labour and Employment is also contemplating repeal of this Act.

The Centre for Civil Society at Sl. No.59 of its compendium of 100 laws to be repealed, *inter alia*, stated the Committee on Child Labour set up in 1979, headed by M S Gurupadaswamy found child labour legislations existing at the time to be inconsistent and recommended that a comprehensive legislation on prohibition and regulation of child labour be enacted instead. Following this, the Child Labour (Prohibition and Regulation) Act, 1986 was brought into force, outlining where and how children could work and where they could not. This renders the 1933 law obsolete. The Act, while declaring any such agreement to be void (Section 3), excludes those which were made without detriment to the child, or where reasonable wages were paid for the child's services and where the services of the child were terminable within a week's notice. In doing so, the law does not define what activity would be detrimental to the child and what would be considered to be a reasonable wage. The Report of the National Commission on Labour (2002) observes that this exception vitiates the purpose of the law and provides an easy way to wiggle out of the provisions of the Act. Based on a thorough analysis of the discrepancies in the Act, the Commission recommended the repeal of the Act, as it was inconsistent with the Convention on the Rights of Child.

The object of the aforesaid Act as mentioned in long title is "to prohibit the pledging of

labour of children".

The proviso to the definition of "an agreement to pledge the labour of child" in section 2 of the aforesaid Act reads as under:—

"Provided that an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of the definition."

The said proviso negates the object of the aforesaid Act, but still it is existing on the statute book. In this connection, it is pertinent to mention that sub-para (iii) of paragraph of 6.131 of volume II of the Report on the National Commission on Labour submitted in 2002 (*See Sl. No's 3 and 4 of Part-I of Volume IV*) which reads as under:—

"(iii) we are shocked at the proviso to the definition of 'an agreement of pledge of the labour of child' in Children (Pledging of Labour) Act, 1933. This proviso would amount to approving child labour if reasonable wages are paid. We think that, given this proviso, the entire purpose of the law is vitiated. Pledging of child labour can be made a crime under the criminal law of the land, and would, therefore, recommend the repeal of this law."

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

## **56. The Assam Criminal Law Amendment (Supplementary) Act, 1934**

**(27 of 1934)**

The aforesaid Act has been enacted to supplement the Assam Criminal Law Amendment Act, 1934 (Assam Act 3 of 1934) to bar on certain legal proceedings under Code of Criminal Procedure, 1898. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 25th August, 1934.

The Law Commission in its 248<sup>th</sup> report at serial number 49 under Chapter 4 of its Report, has recommended for repeal of the aforesaid Act (without mentioning the consultation with the relevant State). The Law Commission in the aforesaid recommendation stated that the chief Act and the Code of Criminal Procedure, 1898 find mention in this Act and neither of these legislations exist anymore. The Law Commission further stated that the Code of Criminal Procedure, 1973 has replaced the Criminal Procedure Code, 1898, hence, the Supplementary Act is redundant.

The Centre for Civil Society at Sl. No.23 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act makes references to the Assam Criminal Law Amendment Act, 1934 and the Code of Criminal Procedure, 1898. Both these Acts are non-existent now. The Assam Criminal Law Amendment Act, 1934 does not find mention in the Chronological List of Central Acts published by the Ministry of Law and Justice, while the Code of Criminal Procedure, 1898, has been repealed by the Code of Criminal Procedure, 1973.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

## **57. The Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Act, 1935 (13 of 1935)**

The aforesaid Act has been enacted to remove certain doubts and to validate certain proceeding of the High Court of Judicature at Allahabad during the period from 31.08.1923 to 30.09.1935. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on the 30th September, 1935.

The P.C. Jain Commission recommended for its repeal at Sl. No. 157 of Appendix A-1 (166 Central Acts recommended for repeal).

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 8 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed

that the Act removed certain doubts and validated certain proceedings of the High Court of Judicature of Allahabad. The Act declared that from 31st August 1923, the Court of the Judicial Commissioner of the Central Provinces alone would have the jurisdiction of the High Court under the Indian Divorce Act, 1869 within the Jubbulpore and Chhattisgarh divisions of the Central Provinces. The Act also validated certain decisions taken by the High Court of Allahabad and deemed such decisions to be as good and valid in law as if such proceedings had been taken by the Court of the Financial Commissioner. The Central Provinces, as they existed prior to Independence, do not exist now. Jabalpur is now a district in the State of Madhya Pradesh. Chhattisgarh was an administrative division in erstwhile Central Provinces. The territory falling under this division is now a part of the modern-day State of Chhattisgarh. The purpose of the Act has therefore now been fulfilled. A suitable savings clause should be inserted in the repealing Act. The Central Government should repeal this law after consultation with the relevant State governments.

The aforesaid Act contains only three sections. Section 2 of the aforesaid Act relates to declaration as to jurisdiction of court of Judicial Commissioner of the Central Provinces. Section 3 of the aforesaid Act contains provisions relating to validation of proceedings of the High Court of judicature at Allahabad.

**The Committee feels that the aforesaid Act can be repealed with the following saving clause, namely:-**

“Without prejudice to the generality of the provisions contained in section 4, all the proceeding taken and all jurisdiction exercised by the High Court of judicature at Allahabad, during the period from 31.08.1923 to 30.09.1935 as a High Court under the Indian Divorce Act, (IV of 1869) within the Jubbulpore and Chhattisgarh Divisions of the Central Provinces shall, notwithstanding the repeal of the Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Act, 1935, by this Act, be deemed and always deemed to be as good and valid in law as if such proceedings had been taken and jurisdiction exercised by the Court of Judicial Commissioner of the Central Province and repeal of aforesaid Act by this Act shall not invalidate the proceeding taken and the jurisdiction exercised before such repeal.”.

## **58. The Decrees and Orders Validating Act, 1936 (5 of 1936)**

The aforesaid Act has been enacted to remove certain doubts and to establish the validity of certain proceedings of the High Courts of Judicature in British India (changed to India by A.O. 1950) under the Letters Patent erecting and establishing those Courts. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 26th April, 1936.

The P.C. Jain Commission recommended for its repeal at Sl. No. 151 of Appendix A-1 (166 Central Acts recommended for repeal).

The Legislative Department vide their D.O. No. 11(29)/2014-Leg.I dated the 12th September, 2014 at Sl. No. 15 of the Annexure annexed to the said D.O. letter have recommended for the repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 9 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the Act removed certain doubts as to the validity of certain proceedings in the High Courts of Judicature at Bengal, Madras and Bombay. The Act clarified that no decree passed or order made by any of these High Courts in the exercise of their ordinary original civil jurisdiction under Clause 12 of its Letters Patent, or by the High Court of Judicature at Rangoon under Clause 10 of its Letters Patent, shall be called in question on the ground that the High Court passing that decree or making the order had no jurisdiction to do so. The purpose of this Act has been served and the Central Government should now repeal this Act. A suitable savings clause

should be inserted in the repealing Act.

Section 2 of the aforesaid Act provides that certain decrees and orders not to be called in question.

**The Committee feels that the aforesaid Act can be repealed after making a special saving clause in the Repealing Bill, 2014 on the following lines, namely :—**

“Without prejudice to the generality of the provisions contained in section 4, any decrees passed or orders made by High Courts in India or any proceedings concluded before them in exercise of their original civil jurisdiction under the Decrees and Orders Validating Act, 1936, notwithstanding the repeal of the Decrees and Orders Validating Act, 1936, shall, after such repeal, not to be called in question and repeal of the Decrees and Orders Validating Act, 1936, by this Act, shall not invalidate, such decrees passed or orders made or any proceeding taken before such repeal.”.

### **59. The Bangalore Marriages Validating Act, 1936 (16 of 1936)**

The aforesaid Act has been enacted to validate certain marriages solemnized in the Civil and Military Station in Bangalore by Mr. Walter James Mc. Donald Redwood, a Missionary of Plymouth Brethren. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 27th October, 1936.

The P.C. Jain Commission recommended for its repeal at Sl. No. 147 of Appendix A-1 (166 Central Acts recommended for repeal).

The Law Commission of India in its 248<sup>th</sup> report at Sl. No. 50 under Chapter 4 of the Report, has also recommended for repeal of the aforesaid Act (without mentioning the necessity of consultation with the State Government). The Law Commission in the aforesaid recommendation stated that the Act has now served its purpose and hence, should be repealed.

The Centre for Civil Society at Sl. No. 24 of its compendium of 100 laws to be repealed, *inter alia*, stated that Mr. Walter James Mc. Donald Redwood solemnised certain marriages in Bangalore mistakenly believing that he was duly authorised to do the same. The aforesaid Act was enacted to validate these marriages. It further stated that the Act has now served its purpose and hence, should be repealed.

The Legislative Department vide their D.O. No. 11(29)/2014-L.I dated 12th September, 2014 at Sl. No. 49 of the Annexure appended thereto stated that the aforesaid Act is required to be repealed in the light of changing socio-economic environment and existing personal laws.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **60. The Red Cross Society (Allocation of Property) Act, 1936 (18 of 1936)**

The aforesaid Act has been enacted to provide out of the property of the Indian Red Cross Society a Fund to be administered in Burma by a Burma Red Cross Society, and to terminate in Burma the existing functions of the Indian Red Cross Society. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 27th October, 1936.

The territorial operation of the Red Cross Society was divided into two independent countries i.e., India and Myanmar and therefore the aforesaid Act was enacted to give effect to such division. The provisions of the aforesaid Act have served their purpose and has become redundant by efflux of time.

**The Committee feels that the aforesaid Act can be repealed.**

## **61. The Indian Companies (Amendment) Act, 1936 (22 of 1936)**

The aforesaid Act was enacted to further amend the Indian Companies Act, 1913 (7 of 1913). The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 27th October, 1936.

As per sub-section (2) of section 1 of the aforesaid Act, the provisions of the aforesaid Act came into force from the date which may be appointed by the Governor General in Council by notification in the Gazette of India. As per records made available to the Committee by the Legislative Department, no reference was found as to whether the provisions of this Act have come into force or not.

**The Committee, notwithstanding any records for bringing into force the provisions of this Act, feels that the Act can be repealed as the Companies (Amendment) Act, 1936 was for amending the Companies Act, 1913 which had been repealed by the Companies Act, 1956. The Companies Act, 1956 has also been repealed by the Companies Act, 2013. Therefore, the Indian Companies (Amendment) Act, 1936 has become redundant.**

## **62. The Hindu Women's Rights to Property (Amendment) Act, 1938 (11 of 1938)**

The aforesaid Act has been enacted to amend the Hindu Women's Rights to Property Act, 1937. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 8th April, 1938.

The aforesaid Act has come into force from 14th day of April, 1937 as provided under sub-section (2) of section 1 of that Act. The aforesaid Act exists on Statute Book as per the records made available to the Committee by the Legislative Department. The aforesaid Act amended the Hindu Women's Rights to Property Act, 1937 which has been repealed by the Hindu Succession Act, 1956 (30 of 1956). There is no validation clause in the Hindu Women's Rights to Property (Amendment) Act, 1938. In view of section 6A of the General Clauses Act, 1897, nothing survives in the Hindu Women's Rights to Property (Amendment) Act, 1938 being an Amending Act..

**The Committee feels that the aforesaid Act can be repealed.**

## **63. The Criminal Law (Amendment) Act, 1938 (20 of 1938)**

The aforesaid Act was enacted to supplement the criminal law by providing for the punishment of certain acts prejudicial to the recruitment of persons to serve in, and to the discipline of armed forces of the Union of India.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 10 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the Act provided for punishment of certain acts prejudicial to the recruitment of persons to serve in the Armed Forces of the Union. This Act was enacted to punish persons who made public speeches to dissuade persons from enlisting in the Defence Forces and from taking part in any war in which the British Empire would be engaged. The punishment prescribed for such an act was imprisonment for a term extending to 1 year, or fine, or both. This Act was meant to serve the needs of the British Empire and is now redundant. There is no evidence of recent use of this Act. Hence, the Central Government should repeal this Act.

The Objects of the aforesaid Act as reflected in the Statement of objects and Reasons are as under:-

"A large number of public speeches designed to dissuade persons from enlisting in the Defence Forces or, in the alternative, to incite would be recruits to commit acts of mutiny or insubordination after

joining those Forces have come to notice during the past 18 months. The object of the speakers is clearly not the spread of pacifism, but to dissuade would be recruits from taking part in any war in which the British Empire may become engaged. The Bill is designed to penalise these activities.”

The main object of this Act was to prevent dissuasion from enlistment in armed forces and instigation to mutiny or insubordination after enlistment in the Armed Forces just before the Second World War.

After lapse of more than sixty seven years of the commencement of the Constitution, the aforesaid Act has become redundant and obsolete.

**In view of above, the aforesaid Act can be repealed.**

#### **64. The Workmen's Compensation (Amendment) Act, 1939 (13 of 1939)**

The aforesaid Act has been enacted further to amend the Workmen's Compensation Act, 1923 and to remove doubts whether a workmen employed on wages payable otherwise than a month or on a monthly basis within the meaning of the aforesaid Act. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 28<sup>th</sup> March, 1939.

The aforesaid Act contains 3 sections. Sub-section (2) of section 1 and section 2 has been repealed by the Repealing and Amending Act, 1942 (25 of 1942). Only sub-section (1) of section 1 and section 3 are existing. Section 3 of the aforesaid Act, *inter alia*, contains provisions for restoration of certain proceedings for the purposes mentioned in that section, (which was otherwise concluded as void for not coming under the ambit of the Act) if an application was made within six months from the date of coming into force of the Workmen's Compensation (Amendment) Act, 1939.

**The Committee feels that the aforesaid Act has served its purpose and the remaining provisions have become redundant. Therefore, the Committee feels that the aforesaid Act can be repealed.**

#### **65. The Indian Tariff (Fourth Amendment) Act, 1939 (29 of 1939)**

The aforesaid Act has been enacted further to amend to amend the Indian Tariff Act, 1934 and to validate the levy and collection of certain Duties under the aforesaid Act from 1<sup>st</sup> to 20<sup>th</sup> April, 1939. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 26<sup>th</sup> September, 1939.

The aforesaid contains only three sections. Section 1 relates to short title, section 2 amended the Indian Tariff Act, 1934. Section 3, *inter alia*, contains validation provision for collection of levy and certain duties on the import of goods during the period commencing from 1st day, and ending 20th day of April, 1939.

Section 2 of the Act was repealed by the Repealing and Amending Act, 1942 (25 of 1942). Only sections 1 and 3 exist. The Indian Tariff Act, 1934 was repealed by the Customs Tariff Act, 1975 (51 of 1975). Sub-section (2) of section 12 of the Customs Tariff Act, 1975 contains saving provisions.

**In view of above, the Committee feels that nothing survives in the Indian Tariff (Fourth Amendment) Act, 1939 and can be repealed.**

#### **66. The Income-tax Law Amendment Act, 1940 (12 of 1940)**

The aforesaid Act was enacted to amend the law relating to Income-tax. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 26<sup>th</sup> March, 1940.

The aforesaid Act contains 10 sections. Subsequently, all the sections, except sections

1 and 9, were repealed by the Repealing and Amending Act, 1945 (6 of 1945). Section 9 contains provisions for validity of certain assessments and proceedings made under the Income-tax Act, 1922 (11 of 1922). The Income-tax Act, 1922(11 of 1922) was repealed by section 297 of the Income-tax Act, 1961 (43 of 1961), which contains saving provisions in respect of the provisions of the Income-tax Act, 1922.

**In view of above, the Committee feels that nothing survives in the Income-tax Law Amendment Act, 1940 and can be repealed.**

### **67. The Berar Laws Act, 1941 (4 of 1941)**

The aforesaid Act has been enacted to extend the application of certain Central Laws to the province of Berar. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 17<sup>th</sup> March, 1941.

The Law Commission in its 148<sup>th</sup> Report recommended the repeal of the aforesaid Act. The Law Commission again in its 248<sup>th</sup> Report at Sl. No. 51 under Chapter 4 of the Report, *inter alia*, has classified the aforesaid Act under the Category "State Reorganisation and Extension of Laws", observed that the aforesaid Act was enacted to extend the application of certain Central Laws to the erstwhile province of Berar and further observed that the object of the aforesaid Act was to assimilate the provisions of the Central Acts passed before April 1st, 1937 with those which were passed after that date. Berar now ceases to exist as an independent administrative unit, and forms part of the State of Maharashtra and recommended the repeal of the aforesaid Act. The recommendations are silent about the consultation with the relevant State.

**In view of above, the Committee feels that the aforesaid Act can be repealed as the erstwhile Berar State ceases to exist as an independent administrative unit.**

### **68. The Indian Merchant Shipping (Amendment) Act, 1941(22 of 1941)**

The aforesaid Act has been enacted further to amend the Indian Merchant Shipping Act, 1923 (21 of 1923). The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 26<sup>th</sup> November, 1941.

The Indian Merchant Shipping Act, 1923 (21 of 1923) was repealed by Part I of Schedule to the Merchant Shipping Act, 1958 (44 of 1958). Section 461 of the Merchant Shipping Act, 1958 contains saving provision also.

As per record made available to the Committee, no reference has been found as to whether this amendment Act has been repealed. Since the principal Act i.e., the Merchant Shipping Act, 1923 has already been repealed, nothing survives in the amendment Act i.e., the Indian Merchant Shipping (Amendment) Act, 1941.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **69. The Indian Income-tax (Amendment) Act, 1941 (23 of 1941)**

The aforesaid Act has been enacted further to amend the Indian Income-tax Act, 1922 (11 of 1922). The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 26<sup>th</sup> November, 1941.

The aforesaid Act contains 31 sections. Subsequently, the Income-tax Act, 1922 (11 of 1922) was repealed by section 297 of the Income-tax Act, 1961 (43 of 1961), which contains saving provision in respect of the provisions of the Income-tax Act, 1922. Since the principal Act i.e., the Indian Income-tax Act, 1922 had already been repealed by the Income-tax Act, 1961 (43 of 1961), nothing survives in the Indian Income-tax (Amendment) Act,

1941.

In view of above, the Committee feels that the Income-tax (Amendment) Act, 1941 can be repealed.

### **70. The Excess Profit Tax (Amendment) Act, 1941 (24 of 1941)**

The aforesaid Act has been enacted further to amend the Excess Profit Tax Act, 1940 (15 of 1940). The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 26<sup>th</sup> November, 1941.

The Excess Profit Tax Act, 1940 (15 of 1940) has been repealed by the Direct-Tax Laws (Miscellaneous) Repeal Act, 2000 and nothing survives in the Excess Profit Tax (Amendment) Act, 1941.

The Committee feels that the aforesaid Act can be repealed.

### **71. The Railways (Local Authorities' Taxation) Act, 1941 (25 of 1941)**

The aforesaid Act has been enacted to regulate the extent to which railway property shall be liable to taxation imposed by an authority within a province. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 26<sup>th</sup> November, 1941.

The Law Commission in its 248<sup>th</sup> Report at Sl. No. 52 under Chapter 4 of the Report has observed that section 184 of the Railways Act, 1989 provides for 'Taxation on Railways by Local Authorities' and the purpose of the 1941 Act has been saved by the 1989 Act. The Law Commission further recommended that after an assessment of both the Acts and by inserting a suitable savings provision, the Railways (Local Authorities' Taxation) Act, 1941 can be considered for repeal.

Section 184 of the Railway Act, 1989 contains provisions for taxation on Railways by local authorities and the aforesaid section 184 reads as under:-

"Taxation on railways by local authorities.-

184. (1) Notwithstanding anything to the contrary contained in any other law, a railway administration shall not be liable to pay any tax in aid of the funds of any local authority unless the Central Government, by notification, declares the railway administration to be liable to pay the tax specified in such notification.

(2) While a notification of the Central Government under sub-section (1) is in force, the railway administration shall be liable to pay to the local authority either the tax specified in the notification or, in lieu thereof, such sum, if any, as an officer appointed in this behalf by the Central Government may, having regard to all the circumstances of the case, from time to time, determine to be fair and reasonable.

(3) The Central Government may at any time revoke or vary a notification issued under sub-section (1).

(4) Nothing in this section shall be construed to prevent any railway administration from entering into a contract with any local authority for the supply of water or light, or for the scavenging of railway premises, or for any other service which the local authority may be rendering or be prepared to render to the railway administration.

The Ministry of Railways (Railway Board) also *vide* their O.M. No. 2014/O&M/18/6 dated the 22nd October, 2014 at Sl. No. 8 of the Annexure appended thereto has recommended for repeal. The Ministry of Railways in their aforesaid O.M. stated as under:-

"The Law Commission in its Report has recommended that 'The Act was enacted to declare the extent to which railway property shall be liable to taxation imposed by an authority within a State. However, Section 184 of the Railways Act, 1989 provides for 'Taxation on Railways by Local Authorities'. Hence, the purpose of the 1941 Act has been saved by the 1989 Act. After an assessment of both the Acts and by inserting a suitable savings provision, the 1941 Act can be considered for repeal.' Accordingly, the Act will be considered for repeal by following due procedure. "

In view of the aforesaid provisions, the Railways (Local Authorities' Taxation) Act, 1941 has become redundant and obsolete.

**The Committee feels that the Railways (Local Authorities' Taxation) Act, 1941 can be repealed after making a specific saving clause on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Railways (Local Authorities' Taxation) Act, 1941 shall not affect the liability of the Railway Administration to pay any tax in aid of the funds of any local authority as required under sub-section (1) of section 3 or to pay tax or in lieu thereof such sum as required under sub-section (2) of the aforesaid section or the power of the Central Government to revoke or vary any liability of the Railway Administration to pay tax under section 4 as they stood before such repeal."

## **72. The War Injuries (Compensation Insurance) Act, 1943 (23 of 1943)**

The aforesaid Act has been enacted to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on 2<sup>nd</sup> September, 1943.

The Law Commission in its 248<sup>th</sup> Report at Sl. No.53 under Chapter 4 of the Report has recommended for repeal of this Act and stated that there is no evidence of this Act being used in the last five decades. The Law Commission further stated that the provisions of aforesaid Act may be validly covered under the Personal Injuries Compensation Insurance Act 1963.

Attention is invited to sections 4, 5 and 21 of the aforesaid Act which read as under:—

[4. Limitation on right to receive compensation otherwise than under this Act and Ordinance 7 of 1941. Where any person has a right apart from the provisions of this Act and of the War Injuries Ordinance, 1941 (7 of 1941), to receive compensation (whether in the form of gratuity, pension, compassionate payment or otherwise) or damages from an employer in respect of a war injury in respect of which compensation is payable under this Act, the right shall extend only to so much of such compensation or damages as exceeds the amount of compensation payable under this Act.

5. Amount of compensation. (1) The compensation payable under this Act shall be as follows, namely:-

(a) where death results from the injury-

(i) in the case of an adult—the amount payable in alike case under the Workmen's Compensation Act, 1923 (8 of 1923), reduced by seven hundred and twenty rupees, and

(ii) in the case of a minor—two hundred rupees;

(b) where permanent total disablement results from the injury--

(i) in the case of an adult—the amount payable in a like case under the Workmen's Compensation Act, 1923 (8 of 1923), reduced by one thousand and eight rupees, and

(ii) in the case of a minor—the monthly payment payable in a like case to an adult under the Scheme made under the War Injuries Ordinance, 1941 (7 of 1941), for so long as he remains a minor, and thereafter as in the foregoing sub-clause;

(c) where permanent partial disablement results from the injury—

(i) in the case of an injury specified in the First Schedule—such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of disablement;

(ii) in the case of an injury not specified in the First Schedule—the percentage of such compensation specified in the First Schedule for a disablement held by a competent medical authority acting under the Scheme made under the War Injuries Ordinance, 1941 (7 of 1941), to be of corresponding degree;

(iii) where more injuries than one are sustained--the aggregate of the compensation payable in respect of those injuries, so however as not to exceed in any case the compensation which would have been payable if permanent total disability had resulted from the injuries;

(d) where temporary disablement, whether total or partial, results from the injury--

(i) in the case of an adult--the half-monthly payments payable in a like case under the Workmen's Compensation Act, 1923 (8 of 1923), reduced in each case for so long as he receives any payment under the Scheme made under the War Injuries Ordinance, 1941 (7 of 1941), by seven rupees, and

(ii) in the case of a minor--the half-monthly payments in a like case under the Workmen's Compensation Act, 1923 (8 of 1923), for so long as he remains a minor, and thereafter as in the foregoing sub-clause.

(2) Where the monthly wages of a workman are more than three hundred rupees, the compensation payable under this Act shall be the amount payable under the provisions of sub-section (1) in the case of a workman whose monthly wages are more than two hundred rupees.

21. Applications of the Scheme to certain parts of India. (1) If the central Government is satisfied that by the law of any part of India to which this Act does not extend or of the Administered Areas provision has been made substantially corresponding to the provision made by this Act imposing liabilities upon employers and requiring them to take out policies of insurance covering such liabilities, the Central Government may, by notification in the Official Gazette, declare that this section shall apply to the territory of such part of India or comprising the Administered Areas.

(2) On the application of this section to any such territory the Scheme made under this Act shall extend to the undertaking by the Central Government in respect of employers in that territory of the same liabilities in the same manner, to the same extent and subject to the same conditions as if such employers were in the territories to which this Act extends.

(3) On the application of this section to any such territory the provisions of section 10 shall be deemed to prohibit any person except a person authorized by the Central Government as its agent to issue policies in pursuance of the Scheme from carrying on after the date of the notification by which this section is applied the business of insuring employers in that territory against liabilities insurance against which is provided under the Scheme.]

Having regard to the long title of the aforesaid Act, limitations on right to receive compensation other than under aforesaid Act and Ordinance No. VII of 1941 (War-time Permanent Ordinance), amount of compensation payable under section 5 and section 21 contains provisions for application of the Scheme for Indian States and other provisions of the aforesaid Act, the Committee feels that the aforesaid Act is obsolete and redundant.

The Ministry of Labour in their e-mail dated 12th September, 2014 has not included the aforesaid Act in the list of the Acts administered by them.

**In the light of above, the Committee feels that the aforesaid Act can be repealed.**

### **73. The Income-tax and Business Profit Tax (Amendment) Act, 1947 (44 of 1947)**

The aforesaid Act has been enacted further to amend the Indian Income-tax Act, 1922 and the Business Profits Tax Act, 1947. The aforesaid Act was passed by the Dominion Legislature.

Both the aforesaid Acts i.e., the Indian Income-tax Act, 1922 and the Business Profits Tax Act, 1947 have been repealed by Income-tax Act, 1961 (43 of 1961) and by the Direct Tax Laws (Miscellaneous) Repeal Act, 2000 (20 of 2000) respectively. As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed or not.

Since the principal Acts i.e., the Indian Income-tax Act, 1922 and the Business Profits

Tax Act, 1947 have already been repealed, nothing survives in the Income-tax and Business Profit Tax (Amendment) Act, 1947.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

#### **74. The Indian Trade Unions (Amendment) Act, 1947 (45 of 1947)**

The aforesaid Act has been enacted further to amend the Trade Unions Act, 1926 (16 of 1926). The aforesaid Act was passed by the Dominion Legislature.

The aforesaid Act was enacted further to amend the Trade Unions Act, 1926 (16 of 1926). Sub-section (2) of section 1 provides that the aforesaid Act shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint. As per records made available to the Committee by the Legislative Department, no reference is available as to whether the provisions of the aforesaid Act have come into force or not. The Ministry of Labour in its e-mail dated 12th September, 2014 sent to the Office of the Committee is silent on the enforcement of the aforesaid Act. The aforesaid Act *inter alia* contains provisions for the recognition of trade unions and unfair trade practices by trade unions.

In view of Report of the First National Commission on Labour in 1969, and the Report of the Second National Commission on Labour in 2002 and expiry of 67 years of the enactment of the Indian Trade Unions (Amendment) Act, 1947, the Committee feels that the aforesaid Act, notwithstanding whether the provisions of the same has come into force or not, have become obsolete and redundant in today's context.

**The Committee feels that the aforesaid Act can be repealed.**

#### **75. The Indian Finance Act, 1948 ( 20 of 1948)**

The aforesaid Act was passed by the Dominion Legislature.

The Committee feels that sections 4 and 6 amending the Indian Tariffs Act, 1934, section 7 amending the Central Excise and Salt Act, 1944, (as it stood before amendment to its short title), section 8 amending the Income-tax Act, 1922 and section 10 amending the Business Profits Tax Act, 1947 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

#### **76. The Junagarh Administration (Property) Act, 1948 (26 of 1948)**

The aforesaid Act has been enacted to provide for the vesting of certain property belonging to the State of Junagarh in the Administrator appointed by the Central Government. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 13<sup>th</sup> April, 1948.

The P.C. Jain Commission recommended for its repeal at Sl. No. 52 of Appendix A-5 (114 Central Acts recommended for repeal by the State Governments).

The Law Commission in its 248<sup>th</sup> report at Sl.No.54 under Chapter 4 of the Report, has recommended for repeal of the aforesaid Act (without mentioning the necessity of consultation with the State Governments). The Law Commission in the aforesaid Report has stated that Junagarh was an erstwhile princely State in British India. Junagadh is now a district in Gujarat and is not covered under the Junagarh Administration (Property) Act, 1948. The Junagarh Administration (Property) Act, 1948 is now obsolete and has no application.

**In view of above, the Committee feels that the provisions of the aforesaid Act have become redundant as this was an Act in furtherance of the accession of princely States into Union of India. The Committee feels that the aforesaid Act can be repealed.**

### **77.The Continuance of Legal Proceedings Act, 1948 (38 of 1948)**

The aforesaid Act has been enacted to provide for the continuance of certain legal proceedings by or against the Secretary of State in respect of any right of India or any part of India which were pending immediately before the 15<sup>th</sup> day of August, 1947.

The Law Commission in its Ninety-sixth Report had recommended that having regard to the fact that the aforesaid Act was passed only to deal with the situation that arose immediately on partition, the aforesaid Act may now be repealed subject to examination of the question if it is really needed at the present day. Again, the Law Commission in its 248<sup>th</sup> Report at Sl. No. 55 under Chapter 4 of the Report (without mentioning the necessity of consultation with the State Government) has also recommended for repeal of this Act.

**The provisions of the aforesaid Act were transitory in nature and have now become irrelevant and the Committee feels that the aforesaid Act can be repealed.**

### **78.The Indian Matrimonial Causes (War Marriages) Act, 1948 (40 of 1948)**

The aforesaid Act has been enacted to confer upon Courts temporary jurisdiction in certain matrimonial causes. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 3<sup>rd</sup> September, 1948.

The P.C. Jain Commission in paragraph 16.4.6 of its Report has stated that, "there are a number of personal laws (mentioned in Appendix-D to its report) applicable to some religions and communities. Some of these may not be relevant now and are also indeed very old. The perception of the concerned religion or community would be relevant for their updating/codification/repeal. The Commission recommends that further action be taken accordingly".

The Legislative Department vide their D.O. No. 11(29)/2014-L.I dated 12th September, 2014 at Sl.No.51 of the Annexure appended thereto stated that aforesaid Act is required to be repealed in the light of changing socio-economic environment and existing personal laws.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 14 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act conferred upon courts temporary jurisdiction in certain matrimonial cases. It applies to marriages solemnized during the 'war period' where the husband was, at the time of the marriage, domiciled outside India and the wife was immediately before the marriage, domiciled in India. 'War period' was defined under the Act as the period commencing on 3rd September 1939 and ending on 31st March 1946. The Act conferred jurisdiction on the High Court to entertain proceedings for divorce or for nullity of marriage. The purpose of the Act has been served and it can be repealed. A suitable savings clause should be inserted in the repealing Act.

By the aforesaid Act, the temporary jurisdiction was conferred upon courts in matrimonial causes to those marriages which were solemnized between 03/09/1939 to 31/03/1946, where the husband was at the time of marriage was domiciled outside India and wife was, immediately before marriage, domiciled in India. The provisions of the aforesaid Act were temporary and transitional in nature and have become redundant.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **79.The Income-tax and Business Profit Tax (Amendment) Act, 1948 (48 of 1948)**

The aforesaid Act was enacted further to amend the Indian Income-tax Act, 1922 and

the Business Profits Tax Act, 1947. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 8<sup>th</sup> September, 1948.

The Indian Income-tax Act, 1922 and the Business Profits Tax Act, 1947 have been repealed by Income-tax Act, 1961 (43 of 1961) and by the Direct-Tax Laws (Miscellaneous) Repeal Act, 2000 (20 of 2000) respectively.

Since the principal Acts i.e., the Indian Income-tax Act, 1922 and the Business Profits Tax Act, 1947 have already been repealed and nothing survives in the Income-tax and Business Profit Tax (Amendment) Act, 1948.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **80. The Imperial Library (Change of Name) Act, 1948 (51 of 1948)**

The aforesaid Act was enacted further to change the name of Imperial Library to National Library. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 8<sup>th</sup> September, 1948.

The aforesaid Act contains only two sections. Section 2 makes provision for change of Imperial Library to be known as National Library.

The Centre for Civil Society at Sl. No.28 of its compendium of 100 laws to be repealed, *inter alia*, stated that the purpose of the Act has been achieved.

**The Committee feels that the aforesaid Act has served its purpose and became obsolete and can be repealed after making a saving clause on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the change of name of Imperial Library to National Library by section 2 of the Imperial Library (Change of Name) Act, 1948, as it stood before such repeal, shall not affect, after such repeal, such change of name from 'Imperial Library' to 'National Library' in any law for the time being in force, or in any indenture, instrument or other document before or after such repeal."

### **81. The Indian Finance Act, 1949 (14 of 1949)**

The Committee feels that sections 4 and 6 amending the First and Second Schedules to the Indian Tariff Act, 1934, section 7 amending the First Schedule to the Central Excise and Salt Act, 1944 and section 8 amending the Income-tax Act, 1922 (other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.

### **82. The Requisitioned Land (Apportionment of Compensation) Act, 1949 (51 of 1949)**

The aforesaid Act has been enacted to provide for apportionment of compensation payable in respect of requisitioned land. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 10<sup>th</sup> December, 1949.

The aforesaid Act contains only four sections. Section 1 relates to short title, section 2 relates to certain definitions, section 3 relation to apportionment of compensation and section 4 relates to repeal of Ordinance XXII of 1949.

The aforesaid Act provides for the apportionment of compensation payable in respect of requisitioned land by an arbitrator appointed under section 19 of the Defence of India Act, 1939 (35 of 1939) or under section 6 of the Requisitioned Land (Continuance of Powers) Act, 1947 (17 of 1947). Both these Acts (1939 and 1947) referred aforesaid have been repealed. the Defence of India Act, 1939 has been repealed by Act 2 of 1948 and of the Requisitioned Land (Continuance of Powers) Act, 1947 has been repealed by Act No. 30 of 1952. By virtue of the repeal of the Defence of India Act, 1939 (35 of 1939) and the Requisitioned Land

(Continuance of Powers) Act, 1947 (17 of 1947), the Requisitioned Land (Apportionment of Compensation) Act, 1949 has become redundant in its application.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **83. The Indian Merchant Shipping (Amendment) Act, 1949 (53 of 1949)**

The aforesaid Act has been enacted further to amend the Indian Merchant Shipping Act, 1923 (21 of 1923). The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 13<sup>th</sup> December, 1949.

The Indian Merchant Shipping Act, 1923 (21 of 1923) was repealed by Part I of Schedule to the Merchant Shipping Act, 1958 (44 of 1958). Section 461 of the Merchant Shipping Act, 1958 contains saving provisions also. As per records made available to the Committee by the Legislative Department, no reference was found as to whether this amendment Act has been repealed or not.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **84. The Professions Tax Limitation (Amendment and Validation) Act, 1949 (61 of 1949)**

The aforesaid Act has been enacted further to amend the Professional Tax Limitation Act, 1941 (20 of 1941) and to validate the imposition in the United Provinces of certain taxes on circumstances and property.

The Law Commission in its Ninety-sixth Report (March, 1984) had recommended for retention of the aforesaid Act.

The P.C. Jain Commission recommended for its repeal at Sl. No. 163 of Appendix A-1 (166 Central Acts recommended for repeal by the Central Government).

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 20 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act amended the Professions Tax Limitation Act, 1941 and validated the imposition in the United Provinces of certain taxes on circumstances and property. The Act amended the Schedule appended to the Professions Tax Limitation Act, 1941. The Act also provided that taxes imposed under Section 128(1)(ix) of the United Provinces Municipalities Act, 1916 or Section 108(b) of the United Provinces District Boards Act, 1922 would not be invalid merely on the ground that the tax imposed exceeded the limit of Rs. 50 per annum. Both the United Provinces Acts have fallen into disuse and taxes are not imposed under these Acts. Also, the Professions Tax Limitation Act, 1941 was repealed by the Amending Order, 1950. Hence, this Act is now redundant and the Central Government should repeal this Act.

The Committee feels that since the principal Act i.e., Professional Tax Limitation Act, 1941 has been repealed by A.O. 1950, nothing survives in the Professions Tax Limitation (Amendment and Validation) Act, 1949.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **85. The Preventive Detention Act, 1950 (4 of 1950)**

The aforesaid Act has been enacted to provide preventive detention in certain cases and matters connected therewith. Sub-section (3) of section 1 of the aforesaid Act provided that it shall cease to have effect on the 1st day of April, 1951, save as respects things done or omitted to be done before that date. The aforesaid Act was amended from time to time. The Act was in operation upto the 31st day of December, 1969 as extended by the Preventive

Detention (Continuance) Act, 1966 (48 of 1966) (inadvertently mentioned as 48 of 1969 in the Central Acts of the year 1966) and thereafter it has ceased to operate. The Preventive Detention (Continuance) Act, 1966 (48 of 1966) has been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Though the operation of the aforesaid Act has ceased to operate, yet it continues to exist on the Statute Book.

**The Committee feels that the aforesaid Act can be repealed and the provisions of section 6 of the General Clauses Act, 1897 would suffice to save the actions or proceedings of cases under the Preventive Detention Act, 1950.**

#### **86. The Indian Tea Control (Amendment) Act, 1950 (9 of 1950)**

The aforesaid Act was enacted further to amend the Indian Tea Control Act, 1938 (8 of 1938). As per the provisions of sub-section (2) of section 1 of the aforesaid Act, the Act came into force on the 1<sup>st</sup> April, 1950 and as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

Since the principal Act i.e., the Indian Tea Control Act, 1938 (8 of 1938) has already been repealed by section 51 of the Tea Act, 1953 (29 of 1953), nothing survives in the Indian Tea Control (Amendment) Act, 1950, which does not contain any saving, validation or transitional provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **87. The Finance Act, 1950 (25 of 1950)**

The Committee feels that section 3 amending the Income-tax Act, 1922, sections 4, 6 and 7 amending the Indian Tariff Act, 1934 and section 8 amending the Central Excise and Salt Act, 1944 [the short title of this Act as it stood before its amendment] (other than of being substantive provisions or provisions being governed by the Finance Act) of the aforesaid Act can be repealed.

#### **88. The Drugs (Control) Act, 1950 (26 of 1950)**

The aforesaid Act was enacted to provide for the control of the sale, supply and distribution of drugs.

The Department of Pharmaceuticals *vide* their O.M.No.5/2/2005-PI-I/PI-II(Pt.) dated the 11th September, 2014 has stated therein that they proposes to repeal the whole Act.

The Centre for Civil Society at Sl. No.86 of its compendium of 100 laws to be repealed, *inter alia*, stated that the sale, supply and distribution of drugs are now controlled under the Essential Commodities Act, 1955 (EC Act), since drugs have been included under essential commodities. The Drugs (Prices Control) Orders of 1995 and 2013 have both been issued by the central government in exercise of its powers under the EC Act. Thus, the Drugs (Control) Act, 1950 is now redundant, since no rules or orders currently operate under this Act. To avoid confusion with regard to the legal framework governing the pricing, supply and distribution of drugs, the Drugs (Control) Act, 1950 should be repealed. This would clear the air surrounding the pricing of drugs and assist stricter enforcement and prosecution of the Drugs (Control) Orders. In 2006, the 1950 Act was sought to be repealed for the above stated reasons. The Drugs (Control) Repeal Bill, 2006 was introduced in the Lok Sabha but it lapsed subsequently. Since circumstances have not changed since 2006, this Act is fit for repeal. It further stated that there are no legal issues that would impede repeal.

It is understood that the Drugs (Control) Repeal Bill, 2006 (Bill No. 21 of 2006) was introduced in Lok Sabha on the 1st March, 2006. The statement of objects and reasons

appended to the said Bill, *inter alia*, stated that since price control is being done under the Essential Commodities Act, 1955, the Drugs (Control) Act, 1950 (see Part-II of Volume I) has become redundant and therefore, decided to repeal the aforesaid Act.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

## **89. The Opium and Revenue Laws (Extension of Application) Act, 1950 (33 of 1950)**

The P.C. Jain Commission in its Report at Sl. No. 116 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 22 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the extension of certain opium and revenue laws to certain parts of India. By means of Section 2 of this Act, the Opium Act, 1857, Opium Act, 1878, Revenue Recovery Act, 1890, Government Trading Taxation Act, 1926, Dangerous Drugs Act, 1930, Taxation on Income (Investigation Commission) Act, 1947 and the Payment of Taxes (Transfer of Property) Act, 1949, and the rules and orders made thereunder which were in force immediately before the commencement of this Act in certain parts of India, were extended to the rest of India (except the State of Jammu and Kashmir). All these Acts so extended, except the Revenue Recovery Act, 1890, have now been repealed. Most States either have their own revenue recovery Acts or have introduced amendments to the Revenue Recovery Act, 1890 and consequently, this Act has fallen into disuse. Consequently, the Opium and Revenue Laws (Extension of Application) Act, 1950 has now become redundant. There is no evidence of recent use of this Act.

The aforesaid Act has been enacted for the extension of certain opium and revenue laws to certain parts of India. The Laws mentioned in section 2 of the aforesaid Act are as under, namely:—

- (i) the Opium Act, 1857 (13 of 1857),
- (ii) the Opium Act, 1878 (1 of 1878),
- (iii) the Revenue Recovery Act, 1890 (1 of 1890),
- (iv) the Government Trading Taxation Act, 1926 (3 of 1926),
- (v) the Dangerous Drugs Act, 1930 (2 of 1930),
- (vi) the Taxation on Income (Investigation Commission) Act, 1947 (30 of 1947), and
- (vii) the Payment of Taxes (Transfer of Property) Act, 1949(22 of 1949).

Out of the seven Acts mentioned in the preceding paragraph, six Acts mentioned hereunder have already been repealed. Only the Revenue Recovery Act, 1890 (1 of 1890) is existing on the Statute Book.

- (i) the Opium Act, 1857 (13 of 1857) [Repealed by 61 of 1985],
- (ii) the Opium Act, 1878 (1 of 1878) [Repealed by Act 61 of 1985],
- (iii) the Government Trading Taxation Act, 1926 (3 of 1926)[Repealed by Act 20 of 2000],
- (iv) the Dangerous Drugs Act, 1930 (2 of 1930) [Repealed by Act 61 of 1985],
- (v) the Taxation on Income (Investigation Commission) Act, 1947 (30 of 1947) [Repealed by Act 20 of 2000], and
- (vi) the Payment of Taxes (Transfer of Property) Act, 1949(22 of 1949) [Repealed by Act 20 of 2000].

The Opium and Revenue Laws (Extension of Application) Act, 1950 consists of four sections. Section 2 relates to extension of certain opium and revenue laws to certain parts of India which have been mentioned in the preceding paragraph. Section 3 contains provisions for modifications in State Laws relating to income-tax investigations under the Taxation on Income (Investigation Commission) Act, 1947. The aforesaid section, *inter alia*, provided that

all cases referred to or pending before the State Commission (by whatever name called) in respect of matters relating to taxation on income other than agricultural income stand transferred to the Central Commission [Income-tax Investigation Commission constituted under the Taxation on Income (Investigation Commission) Act, 1947. The Taxation on Income (Investigation Commission) Act, 1947 under which Central Commission was to be appointed had been repealed by Act 20 of 2000.

**In view of the above, the Committee feels that nothing survives in the aforesaid Act after repeal of the Taxation on Income (Investigation Commission) Act, 1947 and therefore the aforesaid Act has become redundant and can be repealed in view of section 6 of the General Clauses Act, 1897.**

#### **90. The Preventive Detention (Amendment) Act, 1950 (50 of 1950)**

The aforesaid Act was enacted further to amend the Preventive Detention Act, 1950. The Preventive Detention Act, 1950 was in operation upto the 31st day of December, 1969 as extended by the Preventive Detention (Continuance) Act, 1966 (48 of 1966) and thereafter it has ceased to operate. The Preventive Detention (Continuance) Act, 1966 (48 of 1966) has been repealed by the Repealing and Amending Act, 1974 (56 of 1974)..

Though the operation of the Preventive Detention Act, 1950 has ceased to operate yet it continues to exist on the Statute Book . Further, as per records made available to the Committee by the Legislative Department, no reference is found as to whether the Preventive Detention (Amendment) Act, 1950 is repealed. The Prevention Detention Act, 1950 has been identified for repeal at Sl. No. 83 above.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

#### **91. The Essential Supplies (Temporary Powers) Amendment Act, 1950 (52 of 1950)**

The aforesaid Act has been enacted further to amend the Essential Supplies (Temporary Powers) Act, 1946. The aforesaid Act received the assent of the President on 16th August, 1950.

The Essential Supplies (Temporary Powers) Act, 1946 was repealed by the Repealing and Amending Act, 1957 (36 of 1957). As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed. As the principal Act has been repealed nothing contained in the aforesaid amendment Act survives.

**The Committee feels that the aforesaid Act can be repealed.**

#### **92. The Cooch-Behar (Assimilation of Laws) Act, 1950 (67 of 1950)**

The aforesaid Act has been enacted to assimilate certain laws in force in Cooch-Behar to the laws in force in the rest of West Bengal when the territory of Cooch-Behar was made part of the State of West Bengal. All the provisions of the aforesaid Act have come into force on 01.01.1951 *vide* SRO.1106 dated 20.12.1950.

The P.C. Jain Commission recommended for its repeal at Sl. No. 112 of Appendix A-1 (166 Central Acts recommended for repeal by the Central Government).

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 23 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act assimilated certain laws in force in Cooch-Behar to the laws in force in the rest of West Bengal. Cooch-Behar was a princely state in British India which was, post-

Independence, merged into the State of West Bengal by means of the States' Merger (West Bengal) Order, 1949. On the appointed day (as prescribed under this Act), all laws in force in the State of West Bengal were to come into force in Cooch-Behar. Simultaneously, all laws in force in Cooch-Behar were to cease to be in force. The purpose of this Act has been fulfilled. Hence, the Central Government should repeal this Act.

Now, after the reorganization of States, territories of each of the States have been clearly delineated and the Laws are now applicable in the respective territory on the terms set out in the First Schedule to the Constitution of India.

**In view of above, the Committee feels that the provisions of the aforesaid Act have now become redundant and can be repealed.**

### **93. The Indian Income-tax (Amendment) Act, 1950 (71 of 1950)**

The aforesaid Act was enacted to amend the Indian Income-tax Act, 1922 which has already been repealed by the Income-tax Act, 1961 (43 of 1961). As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed. As the principal Act has already been repealed, nothing contained in the aforesaid amendment Act survives.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **94. The Essential Supplies (Temporary Powers) Amendment Act, 1950 (72 of 1950)**

The aforesaid Act has been enacted to amend the Essential Supplies (Temporary Powers) Act, 1946. The Essential Supplies (Temporary Powers) Act, 1946 was repealed by the Repealing and Amending Act, 1957 (36 of 1957). As per records made available to the Committee no reference was found as to whether the aforesaid Act has been repealed. As the principal Act has been repealed, nothing contained in the aforesaid amendment Act survives.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **95. The Code of Criminal Procedure (Amendment) Act, 1951 (1 of 1951)**

The aforesaid Act has been enacted further to amend the Code of Criminal Procedure, 1898 and came into force with effect from the 1st day of April, 1951 *vide* Notification number S.R.O. 310 dated the 7th March, 1951.

The aforesaid Act contains 25 sections out of which all sections [except section 1 (Short title and commencement) and section 25 (Repeal and savings)] were repealed by the Repealing and Amending Act, 1960 (58 of 1960). Now, the Code of Criminal Procedure, 1898 has been repealed by the section 484 of the Code of Criminal Procedure, 1974, which contains savings provisions. As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **96. The Code of Civil Procedure (Amendment) Act, 1951 (2 of 1951)**

The aforesaid Act has been enacted further to amend the Code of Civil Procedure, 1908 and came into force with effect from 1st April, 1951 *vide* Notification number S.R.O. 311 dated the 7th March, 1951.

All the provisions of the aforesaid Act [except section 1 (Short title and commencement), section 19 containing special provisions explaining the operation of the Civil Procedure (Amendment) Act, 1922 (9 of 1922) and section 20 containing repeal and savings

provisions) were repealed by the Repealing and Amending Act, 1960 (58 of 1960). The Civil Procedure (Amendment) Act, 1922 (9 of 1922) has also been repealed and did not contain any substantive provision or transitional provision except conferring, *inter alia*, power upon the Local Government under sub-section (2) of section 1 of the aforesaid Act to extend throughout the province or part thereof and the aforesaid sub-section (2) reads as under:-

"(2) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local Official Gazette, direct that this Act shall come into force throughout the Province or in any part thereof on such date as may be specified in the notification."

Attention is invited to section 19 of the Code of Civil Procedure (Amendment) Act, 1951 which reads as under:-

"Special provisions explaining operation of Act IX of 1922-

19.— Notwithstanding anything contained in sub-section (2) of section 1 of the Civil Procedure (Amendment) Act, 1922 (IX of 1922), but without prejudice to any action taken there under by any Provincial Government or State Government before the date referred to in sub-section (2) of section 1 of this Act, the amendments made in the said Code by sections 2, 3 and 4 of the said Act shall, with effect from that date, becomes operative throughout the territories to which the said Code will then extend."

**The Committee feels that the aforesaid Act can be repealed by incorporating a special saving clause in the Repealing Bill, 2014, namely :-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Code of Civil Procedure (Amendment) Act, 1951, by this Act, shall not affect the operations of the Code of Civil Procedure, 1908, [as amended by sections 2, 3, and 4 of the Civil Procedure (Amendment) Act, 1922] as extended to the Province or part thereof, by the Local Government in exercise of its power conferred upon it under sub-section (2) of section 1 of the Civil Procedure (Amendment) Act, 1922, as it stood before its repeal."

## **97. The Part B States (Laws) Act, 1951 (3 of 1951)**

The aforesaid Act has been enacted to provide for extension of certain laws to Part-B States and came into force with effect from the 1st day of April, 1951 *vide* Notification number S.R.O. 312 dated the 7th March, 1951.

The P.C. Jain Commission recommended for its review and repeal at Sl. No. 24 of Appendix B (35 Re-organisation Acts for repeal by the Central Government).

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 25 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the extension of certain laws to the Part B States in India. The Acts and Ordinances so extended to the Part B States found mention in the Schedule appended to the Act. Part B States were former princely states which were governed by a Rajpramukh. However, Part B States as they existed immediately post-Independence, do not exist now. The purpose of this Act has been fulfilled. Hence, the Central Government should repeal this Act.

After the enactment of the States Reorganisation Act, 1956 and the Constitution (Seventh Amendment) Act, 1956, the classification of States as Part-A, Part-B and Part-C have been abolished and the First Schedule of the Constitution was substituted indicating therein the States and Union territories.

Attention is invited to reasons for making amendments to the Constitution as mentioned in the Statement of Objects and Reasons appended to the Constitution (Seventh Amendment) Act, 1956 which reads as under:-

"The reorganisation scheme involves not only the establishment of new States and alterations in the area and boundaries of the existing States, but also the abolition of the three categories of States (Part A, Part B and Part C States) and the classification of certain areas as Union territories. Article 1 has to be suitably amended for this purpose and the First Schedule completely revised."

The Part B States (Laws) Act, 1951 came into force on 1st April, 1951 i.e., prior to the

State Reorganisation Act, 1956 and the Constitution (Seventh Amendment) Act, 1956.  
**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **98. The Preventive Detention (Amendment) Act, 1951 (4 of 1951)**

The aforesaid Act has been enacted further to amend the Preventive Detention Act, 1950. The Preventive Detention Act, 1950 was in operation upto the 31st day of December, 1969 as extended by the Preventive Detention (Continuance) Act, 1966 (48 of 1966) and thereafter it has ceased to operate.

Though the operation of the Preventive Detention Act, 1950 has ceased to operate yet it continues to exist on the Statute Book . Further, as per records made available to the Committee by the Legislative Department, no reference is found as to whether the Preventive Detention (Amendment) Act, 1951 is repealed. The Prevention Detention Act, 1950 has been identified for repeal at Sl. No. 83 above.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **99. The Finance Act, 1951 (23 of 1951)**

The Committee feels that section 3 amending the Income-tax Act, 1922, sections 4 and 6 amending the Indian Tariff Act, 1934 and section 7 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) [other than of being substantive provisions or provisions being governed by the Finance Act] of the Finance Act, 1951 can be repealed.

### **100. The Indian Merchant Shipping (Amendment) Act, 1951 (42 of 1951)**

The aforesaid Act has been enacted further to amend the Indian Merchant Shipping Act, 1923 (21 of 1923). The aforesaid Act came into force on the 16th July, 1951 i.e., from the date of the assent of the President to the Indian Merchant Shipping (Amendment) Act, 1951 .

The Indian Merchant Shipping Act, 1923 (21 of 1923) was repealed by Part I of the Schedule to the Merchant Shipping Act, 1958 (44 of 1958). Section 461 of the Merchant Shipping Act, 1958 contains saving provision also. As per records made available to the Committee by the Legislative Department, no reference was found as to whether this amendment Act has been repealed.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **101. The Delhi Premises (Requisition and Eviction) Amendment Act, 1951 (59 of 1951)**

The aforesaid Act has been enacted further to amend the Delhi Premises (Requisition and Eviction) Act, 1947 (49 of 1947) which was repealed by the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952). As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

Attention is invited to clause (3) (a) of article 239AA of the Constitution which reads as under:-

"(3)(a)Subject to the provisions of this Constitution, the Legislative Assembly shall have power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concurrent List in so far as any such matter is applicable to Union territories except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to the said Entries 1, 2 and 18."

Attention is invited to Entry 18 of the List-II (State List) of the Seventh Schedule (which is not applicable to Delhi) to the Constitution, which reads as under:-

"18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural

loans; colonization."

As the principal Act has been repealed, nothing contained in the aforesaid amending legislation survives. Parliament has the Legislative competence in view of the aforesaid provision of the Constitution.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

## **102.The Part C States (Miscellaneous Laws) Repealing Act, 1951**

**(66 of 1951)**

The aforesaid Act has been enacted to repeal certain laws in force in certain Part C States. The aforesaid Act is a repealing Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 26 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act repealed certain laws that were in force in certain Part C states. The laws which were so repealed are mentioned in the Schedule appended to this Act. The purpose of this Act has been fulfilled. Hence, this Act must be repealed.

Section 3 of the Part C States (Miscellaneous Laws) Repealing Act, 1951, contains a saving provision, which would also be incorporated in the Repealing Bill, 2014 so that, the Part C States (Miscellaneous Laws) Repealing Act, 1951 can be repealed as per legislative practice to clean the statute Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

## **103.The Part B States Marriages Validating Act, 1952(1 of 1952)**

The aforesaid Act has been enacted to validate certain marriages solemnized in certain Part-B States between the 26<sup>th</sup> day of January, 1950 and the 31<sup>st</sup> day of March, 1951 under the Indian Christian Marriage Act, 1872. The aforesaid Act contains three sections [Section 1 for short title, section 2 for validation of certain irregular marriages and section 3 for validation of records of marriages validated by section 2].

The P.C. Jain Commission in its report at Sl. No. 162 of Annexure-A-1 (166 Central Acts recommended for repeal by the Central Government), had recommended for repeal of the aforesaid Act after an appropriate saving clause.

The Legislative Department *vide* their D.O. No. 11(29)/2014-Leg.I dated the 12th September, 2014 at Sl. No. 52 in the Annexure appended thereto, recommended for repeal of the aforesaid Act, as it is of no relevance.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 27 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act validated certain marriages solemnized in certain Part B states between 26th January 1950 and 31st March 1951, under the Indian Christian Marriage Act, 1872. All these marriages were to be deemed to be good and valid in law as if such marriages had been solemnized by a person duly authorized to do so. The Act was clearly time-specific and has served its purpose. Hence, it should be repealed and a suitable savings clause should be inserted to the repealing Act.

**The Committee feels that the aforesaid Act may be repealed after making following specific saving clause (in addition to general saving clause) on the following lines, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of

the Part B States Marriages Validating Act, 1952, by this Act, shall not affect—  
(a) all marriages between persons one or both of whom is or are a Christian or Christians, which were solemnized in any erstwhile Part B State before the seventh amendment of the Constitution (other than the State of Jammu and Kashmir) between the 26th day of January, 1950 and the 31st day of March, 1951, under the Indian Christian Marriage Act, 1872, shall, notwithstanding such repeal be, and shall be deemed to have been with effect from the date of solemnization of each of them respectively, as good and valid in law before and after such repeal as if such marriages had been solemnized by a person duly authorised under the Part B States Marriages Validating Act, 1952, to solemnize such marriages in the erstwhile Part B State concerned;  
(b) certificates of marriages which are declared by clause (a) above to be good and valid in law, and register books, and certified copies of true and duly authenticated extracts there from, deposited or purporting to be deposited, before such repeal, in compliance with the provisions of the Indian Christian Marriage Act, 1872, in so far as the register, books and extracts relate to such marriages as aforesaid, shall, after such repeal, be received as evidence of such marriages as if such marriages had been duly solemnized under that Act.”

#### **104. The Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952 (9 of 1952)**

The aforesaid Act has been enacted to render ineffective certain decrees and orders passed by courts in Pakistan against a Government in India and to provide an alternative remedy to persons who have secured such decrees or orders.

The Law Commission in its 248<sup>th</sup> Report at serial No. 59 under Chapter 4 of the Report, recommended for repeal of the aforesaid Act and observed as under:-

“This Act was enacted to render ineffective certain decrees and orders which were passed by courts in Pakistan, and to provide an alternative remedy to persons who had secured such decrees or orders. Hence, the Act catered to a temporary situation that existed subsequent to the partition of India. This Act was considered but not recommended for repeal by the 96th Law Commission Report, 1984. The Report said that even though it may appear that the need for the Act does not exist anymore, ‘it is not possible to say with absolute certainty that no such suit as is governed by the Act can be filed at the present day.’ However, another thirty years have passed since the 96th Law Commission Report arrived at this conclusion. Further, the limitation clause in the Act specifies that no suits may be instituted under this Act after one year from the date of enactment or the date of decree, whichever is later. Thus, any new proceedings are clearly barred by limitation, and any pending proceedings may be saved by a suitable savings clause.”

The Centre for Civil Society at Sl. No.30 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act was passed to address a situation peculiar to the post-partition period, in regard to obligations created on the government by decrees passed by British-Indian Courts now in Pakistan, and allowing institution of fresh proceedings to aggrieved persons. Sixty two years hence, these circumstances no longer exist. It further mentions that the issue expressed by the Law Commission in its 96th Report (1984), while recommending against repeal of the Act, can now be addressed, since an additional 30 years have passed. The Law Commission considered the Act and recommended against its repeal, on the sole ground that it might affect any pending litigation. Although there is no conclusive way of establishing whether there is any pending litigation, the problem can be resolved by enacting a saving clause, alongside repeal, protecting all action taken under the Act.

Section 4 of the aforesaid Act, *inter alia*, provides that a person can institute fresh proceeding within one year from the commencement of the aforesaid Act or one year from the date of decree whichever is later.

**In view of above, the Committee feels that the aforesaid Act can be repealed with the following specific saving clause, namely:-**

“Without prejudice to the generality of provisions contained in section 4, any person in whose favour a decree to which the Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952 applied has been passed may, notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 and repeal of the Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952, within a year from the date of the decree, institute a fresh suit or legal proceedings in respect of the cause of action on which such decrees was based, and any such suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil procedure, 1908, or in any other law or in any agreement to the country relating to the place of suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain and the repeal of the Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952, shall not invalidate aforesaid decree or institution of such suit or other legal proceeding on the ground that the aforesaid Act has been repealed and such decrees shall be in force or such suit or other legal proceeding may be instituted as the aforesaid had not been repealed.”.

#### **105. The Preventive Detention (Amendment) Act, 1952 (34 of 1952)**

The aforesaid Act was enacted further to amend the Preventive Detention Act, 1950. The Preventive Detention Act, 1950 was in operation upto the 31st day of December, 1969 as extended by the Preventive Detention (Continuance) Act, 1966 (48 of 1966) and thereafter it has ceased to operate.

Though the operation of the Preventive Detention Act, 1950 has ceased to operate yet it continues to exist on the Statute Book . Further, as per records made available to the Committee by the Legislative Department, no reference is found as to whether the Preventive Detention (Amendment) Act, 1952 is repealed. The Prevention Detention Act, 1950 has been identified for repeal at Sl. No. 83 above.

**The Committee feels that the aforesaid Act can be repealed.**

#### **106. The Indian Tea Control Amendment Act, 1952 (49 of 1952)**

The aforesaid Act has been enacted further to amend the Indian Tea Control Act, 1938. The Indian Tea Control Act, 1938 was repealed by section 51 of the Tea Act, 1953(29 of 1953). As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. However, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

#### **107. The Central Tea Board (Amendment) Act, 1952 (54 of 1952)**

The aforesaid Act has been enacted further to amend the Central Tea Board Act, 1949. The Central Tea Board Act, 1949 was repealed by section 51 of the Tea Act, 1953(29 of 1953). As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **108.The Preventive Detention (Second Amendment) Act, 1952(61 of 1952)**

The aforesaid Act has been enacted further to amend the Preventive Detention Act, 1950. The Preventive Detention Act, 1950 was in operation upto the 31st day of December, 1969 as extended by the Preventive Detention (Continuance) Act, 1966 (48 of 1966) and thereafter it has ceased to operate.

Though the operation of the Preventive Detention Act, 1950 has ceased to operate yet, it continues to exist on the Statute Book . Further, as per records made available to the Committee by the Legislative Department, no reference is found as to whether the Preventive Detention (Second Amendment) Act, 1952 is repealed. The Prevention Detention Act, 1950 has been identified for repeal at Sl. No. 83 above.

**The Committee feels that the aforesaid Act can be repealed.**

### **109.The Administration of Evacuee Property (Amendment) Act, 1953**

**(11 of 1953)**

The aforesaid Act has been enacted to amend the Administration of Evacuee Property Act, 1950 (31 of 1950). The Administration of Evacuee Property Act, 1950 was repealed by the Displaced Persons Claims and Other Laws Repeal Act, 2005 (38 of 2005). As the principal Act has been repealed, nothing contained in the Administration of Evacuee Property (Amendment) Act, 1953 survives. However, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has also been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **110.The Finance Act, 1953 (14 of 1953)**

The Committee feels that section 3 amending the Income-tax Act, 1922, sections 4 amending the Indian Tariff Act, 1934, section 6 amending the Central Excise and Salt Act, 1944 (the short title as it stood before its amendment) and section 9 amending the Indian Post Office Act, 1898 (other than of being substantive provisions or provisions being governed by the Finance Act) of the aforesaid Act can be repealed.

### **111.The Indian Merchant Shipping (Amendment) Act, 1953 (23 of 1953)**

The aforesaid Act was enacted further to amend the Indian Merchant Shipping Act, 1923 (21 of 1923).

The Indian Merchant Shipping Act, 1923 (21 of 1923) was repealed by Part I of Schedule to the Merchant Shipping Act, 1958 (44 of 1958). Section 461 of the Merchant Shipping Act, 1958 contains saving provisions for the repeal of the Indian Merchant Shipping Act, 1923. As per the records made available to the Committee by the Legislative Department, no reference was found as to whether this amendment Act has been repealed. As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives.

**The Committee feels that the aforesaid Act can be repealed.**

### **112.The Indian Income-tax (Amendment) Act, 1953 (25 of 1953)**

The aforesaid Act was enacted to amend the Indian Income-tax Act, 1922 (9 of 1922). The Indian Income-tax Act, 1922 has been repealed by the Income-tax Act, 1961. As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed or not.

**The Committee feels that the aforesaid Act can be repealed.**

**113. The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Act, 1953  
(3 of 1954)**

The aforesaid Act has been enacted to amend the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (71 of 1951) which had been repealed by section 39 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958). As the principal Act had been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed or not.

**The Committee feels that the aforesaid Act can be repealed.**

**114. The Abducted Persons (Recovery and Restoration) Amendment Act, 1954 (4 of 1954):**

The aforesaid Act has been enacted to amend the Abducted Persons (Recovery and Restoration) Act, 1949 (65 of 1949) which had been repealed by the Repealing and Amending Act, 1960 (58 of 1960). As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

**115. The Government of Part-C States (Amendment) Act, 1954 (7 of 1954)**

The aforesaid has been enacted to amend the Government of Part C States Act, 1951 (49 of 1951) which had been repealed by section 130 of the States Reorganisation Act, 1956 (37 of 1956). As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

**116. The Control of Shipping (Amendment) Act, 1954 (9 of 1954)**

The aforesaid Act has been enacted to amend the Control of Shipping Act, 1947 which has been repealed by Part I of the Schedule to the Merchant Shipping Act, 1958 (44 of 1958). As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

**117. The Press (Objectionable Matter) Amendment Act, 1954 (13 of 1954)**

The aforesaid Act has been enacted to amend the Press (Objectionable Matter) Act, 1951 (56 of 1951) which was repealed by the Repealing and Amending Act, 1957 (36 of 1957). As the principal Act has been repealed, nothing contained in the aforesaid amending

Act survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **118.The Finance Act, 1954 (17 of 1954)**

The Committee feels that section 3 amending the Indian Income Tax, 1922, section 4 amending the Estate Duty Act, 1953, sub-section (1) of section 5 amending the Indian Tariff Act, 1934, Section 7 amending the Indian Tariff (Amendment) Act, 1949, section 8 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) and section 9 amending the Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953(other than of being substantive provisions or provisions being governed by the Finance Act) **can be repealed.**

### **119.The Absorbed Areas (Laws) Act, 1954 (20 of 1954)**

The aforesaid Act has been enacted to extend certain laws to the areas which, prior to the commencement of the Constitution, were administered as excluded or partially excluded areas and which, on such commencement, were absorbed into certain States.

The P.C. Jain Commission in its report at Sl. No. 110 of Annexure-A-1 (166 Central Acts recommended to be repealed by the Central Government), had recommended for repeal of the aforesaid Act.

The Law Commission of India in its 249<sup>th</sup> Report at Sl. No. 73 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act was enacted to extend certain laws to the areas which, prior to the commencement of the Constitution, were administered as excluded areas. The Act contains 5 Schedules, one each for the States of Bihar, Bombay, Orissa, Uttar Pradesh and West Bengal. The Acts mentioned in the first column of each of the Schedules were made applicable to the areas absorbed (mentioned in the second column). The purpose of this Act has now been fulfilled. The territorial extent of all laws in India now finds mention in the 'Short Title, Extent and Commencement' clause of each law. Hence, the Central Government should repeal this Act.

After the enactment of the State Reorganisation Act, 1956 and the Constitution (Seventh Amendment) Act, 1956, the classifications of States as Part-A, Part-B and Part-C have been abolished and the First Schedule of the Constitution was substituted indicating therein the States and Union territories.

**The Committee feels that the aforesaid Act had served the purpose and outlived its utility and can be repealed.**

### **120.The Indian Income-tax (Amendment) Act, 1954 (33 of 1954)**

The Indian Income-tax Act, 1922 has been repealed by the Income-tax Act, 1961 with certain savings. As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **121.The Chandernagore (Merger) Act, 1954 (36 of 1954)**

The aforesaid Act has been enacted to provide for the merger of Chandernagore into the State of West Bengal and for matters connected therewith.

The P.C. Jain Commission in its report at Sl. No. 11 of Annexure-B (35 Re-organisation Acts to be repealed by the Central Government) had recommended for review and repeal of this Act.

The Law Commission of India in its 248<sup>th</sup> Report at serial No. 60 under Chapter 4 of the Report has classified the aforesaid Act under the category "State Reorganisation and Extension of Laws" and recommended for repeal of the aforesaid Act (without mentioning the necessity of consultation with the State Government) and observed that the aforesaid Act was enacted to provide for the merging of the French territory of Chandernagore into the State of West Bengal. It further stated that the merger of territories has been achieved and the purpose of the Act is fulfilled. It also stated that the Act is no longer in use and can be safely repealed with the condition that any action previously performed under the Act shall continue to be valid.

The Centre for Civil Society at Sl. No.30 of its compendium of 100 laws to be repealed, *inter alia*, stated that the objective of the Act has been achieved as the merger of territories has taken place.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

## **122. The Administration of Evacuee Property (Amendment) Act, 1954 (42 of 1954)**

The aforesaid Act has been enacted to amend the Administration of Evacuee Property Act, 1950 (31 of 1950) which was repealed by the Displaced persons Claims and Other Laws Repeal Act, 2005 (38 of 2005). As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records made available to the Committee, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that this Act can be repealed.**

## **123. The Preventive Detention (Amendment) Act, 1954 (51 of 1954)**

The aforesaid Act has been enacted further to amend the Preventive Detention Act, 1950. The Preventive Detention Act, 1950 was in operation upto the 31st day of December, 1969 as extended by the Preventive Detention (Continuance) Act, 1966 (48 of 1966) and thereafter it has ceased to operate. The Preventive Detention (Continuance) Act, 1966 (48 of 1966) has been repealed by the Repealing and Amending Act, 1974 (56 of 1974).

Though the operation of the Preventive Detention Act, 1950 has ceased to operate yet, it continues to exist on the Statute Book. Further, as per records made available to the Committee by the Legislative Department, no reference is found as to whether the Preventive Detention (Amendment) Act, 1954 is repealed. The Prevention Detention Act, 1950 has been identified for repeal at Sl. No. 83 above.

**The Committee feels that the aforesaid Act can be repealed.**

## **124. The Prevention of Disqualification (Parliament and Part C States Legislatures) Second Amendment Act, 1954 (53 of 1954)**

The aforesaid Act has been enacted to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953 which was repealed by the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959). As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records

made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **125. The Finance Act, 1955 (15 of 1955)**

The Committee feels that sections 3 to 19 amending the Indian Income-tax Act, 1922, section 20 amending the Indian Tariff Act, 1934, section 23 amending the Indian Tariff (Amendment) Act, 1949, sections 24 and 25 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) and section 28 amending the Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 (other than of being substantive provisions or provisions being governed by the Finance Act) of the aforesaid Act **can be repealed**.

### **126. The Code of Criminal Procedure (Amendment) 1955 (26 of 1955)**

The aforesaid Act has been enacted to amend the Code of Criminal Procedure, 1898. The aforesaid Act contains 117 sections. Sections 2 to 115 and 117 and the Schedule [except section 1 (short title and commencement) and section 116 (containing saving provisions)] were repealed by the Repealing and Amending Act, 1960 (58 of 1960). Further, the Code of Criminal Procedure, 1898 had been repealed by the Code of Criminal Procedure, 1973 and as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

Section 116 of the Code of Criminal Procedure (Amendment) 1955 contains saving provision in respect of certain trial or proceedings, appeals, inquiry, etc. Sections 5, 429, 482 and 484 of the Code of Criminal Procedure, 1973 contains saving provisions, which would take care of the earlier proceedings, if any.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **127. The Industrial Disputes (Appellate Tribunal) Amendment Act, 1955 (29 of 1955)**

The aforesaid Act has been enacted to amend the Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950) which had been repealed by section 33 of the Industrial Disputes (Amendment) and Miscellaneous Provisions Act, 1956 (36 of 1956). The Industrial Disputes (Appellate Tribunal) Amendment Act, 1955 contains only three sections and does not contain any saving or validation or transitional provision.

As the principal Act has already been repealed, nothing contained in the aforesaid amending Act survives. As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **128. The Abducted Persons (Recovery and Restoration) Continuance Act, 1955 (30 of 1955)**

The aforesaid Act has been enacted to amend the Abducted Persons (Recovery and Restoration) Act, 1949 (principal Act) and extend the same for a further period. The Abducted Persons (Recovery and Restoration) Act, 1949 had been repealed by the Repealing and Amending Act, 1960 (58 of 1960).

As the principal Act has been repealed, nothing contained in the Abducted Persons (Recovery and Restoration) Continuance Act, 1955 survives. The Abducted Persons (Recovery and Restoration) Continuance Act, 1955 contains only three sections and does not contain any saving or validation or transitional provision. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that this Act can be repealed.**

### **129. The Delhi Joint Water and Sewage Board (Amendment) Act, 1955 (34 of 1955)**

The aforesaid Act has been enacted to amend the Delhi Joint Water and Sewage Board Act, 1926 (principal Act) which had been repealed by the Delhi Municipal Corporation Act, 1957 (66 of 1957). The aforesaid Act contains six section and does not contain any saving or validation or transitional provision.

As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **130. The Prevention of Disqualification (Parliament and Part C States Legislatures) Second Amendment Act, 1955 (52 of 1955)**

The aforesaid Act has been enacted to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953 (1 of 1954) which was repealed by the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959). The aforesaid Act contains only two sections and does not contain any saving or validation or transitional provision.

As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **131. The Sales-tax Laws Validation Act, 1956 (7 of 1956)**

The aforesaid Act has been enacted to validate laws of States imposing, or authorizing the imposition of, taxes on the sale or purchase of goods in the course of inter-State trade or commerce. The aforesaid Act contains three sections and section 3 had been repealed by Act 58 of 1960. The provisions of the aforesaid Act validated the sales tax levied between 01.04.1951 to 06.09.1955.

**The Committee feels that the aforesaid Act can be repealed after giving a specific saving clause, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Sales-tax Laws Validation Act, 1956, no law of a State, notwithstanding any judgment, decree or order of any court, imposing, or authorising the imposition of, a tax on the sale or purchase of any goods where such sale or purchase took place in the course of inter-State trade or commerce during the period between the 1st day of April, 1951 and the 6th day of September, 1955 shall, after such repeal, be deemed to be invalid or ever to have been invalid merely by reason of the fact that such sale or purchase took place in the course of inter-State trade or commerce; and all such taxes levied or collected or purporting to have been levied or collected during the aforesaid period shall, before and after such repeal, be deemed always to

have been validly levied or collected in accordance with law.".

### **132. The Control of Shipping (Continuance) Act, 1956 (10 of 1956)**

The aforesaid Act has been enacted to amend the Control of Shipping Act, 1947 (26 of 1947) which was repealed by the Merchant Shipping Act, 1958 (44 of 1958).

As the principal Act had been repealed, nothing contained in the Control of Shipping (Continuance) Act, 1956 survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **133. The Finance Act, 1956 (18 of 1956)**

The Committee feels that sections 2 to 27 amending the Indian Income-tax, 1922, section 29 amending the Indian Tariff Act, 1934, and sections 33, 34, 35 and 36 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) [other than of being substantive provisions or provisions being governed by the Finance Act] **can be repealed.**

### **134. The Indian Income-tax (Amendment) Act, 1956 (26 of 1956)**

The aforesaid Act has been enacted to amend the Indian Income Tax Act, 1922. The Indian Income-tax Act, 1922 had been repealed by the Income-tax Act, 1961 with certain savings. As the principal Act has been repealed, nothing contained in the aforesaid amending Act survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **135. The Representation of the People (Second Amendment) Act, 1956 (27 of 1956)**

The aforesaid Act has been enacted to amend the Representation of People Act, 1951 and to make certain consequential amendments in the Government of Part C States Act, 1951.

Sections 2 to 73 and 75 to 83 of the aforesaid Act were repealed by the Repealing and Amending Act, 1960 (58 of 1960). Only sections 1, 74 and 84 of the Representation of the People (Second Amendment) Act, 1956 are existing.

(i) existing section 74 of the Representation of the People (Second Amendment) Act, 1956 provided omission of section 143 of the Representation of the People Act, 1951 and removal of disqualification incurred under that section.

(ii) section 84 of the Representation of the People (Second Amendment) Act, 1956 provides that the provisions of that amendment Act shall not apply to pending elections before 25th August, 1956, being the date of the commencement of the aforesaid Act or election petitions arising out of such election.

Both the aforesaid sections 74 and 84 of the Representation of the People (Second Amendment) Act, 1956 have become redundant as under:

Section 74 of the Representation of the People (Second Amendment) Act, 1956 provided for-

(a) omitting section 143 of the Representation of the People Act, 1951 (43 of 1951), which contained provisions for disqualification arising out of failure to lodge statement of expenses;

(b) removing disqualifications for voting incurred by any person under the said section for

default in making a return of election expenses.

Fifty-eight years have elapsed since enactment of aforesaid section 74 and therefore, the Committee feels that the aforesaid section 74 has become redundant. It may be relevant to mention here that the disqualification for failure to lodge account of election expenses under the present provisions of the Representation of the People Act, 1951 are governed by section 10A which reads as under:—

[Section 10A. Disqualification for failure to lodge account of election expenses. —If the Election Commission is satisfied that a person—

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and

(b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.]

**In view of above, saving clause contained in section 4 of the Repealing Bill, 2014 and section 6 of General Clauses Act, 1894, the Committee feels that section 74 of the Representation of the People (Second Amendment) Act, 1956 can be repealed.**

Section 49 of the Representation of the People (Second Amendment) Act, 1956 contained provisions for appointment of Election Tribunal which has been substituted by section 41 of the Representation of People (Amendment) Act, 1966 and conferred powers upon the High Court for trial of Election Petitions. Section 84 of the Representation of the People (Second Amendment) Act, 1956 contains saving provision in respect of election petitions before the Election Tribunals in certain cases.

Since, Election Tribunals have been replaced by the High Court as mentioned above, the provisions of section 84 of the Representation of the People (Second Amendment) Act, 1956 and section 84 contained provision for non-applicability of the aforesaid Act to the elections called before the commencement of the aforesaid Act i.e., 25th August, 1956 being the date of the commencement of the aforesaid Act.

In view of above, saving clause contained in section 4 of the Repealing Bill, 2014 and section 6 of General Clauses Act, 1894, the Committee feels that section 84 of the Representation of the People (Second Amendment) Act, 1956 can be repealed. After the proposed repeal of section 74 and 84 of the Representation of the People (Second Amendment) Act, 1956, only sub-section (1) of section 1 of that Act relating to short title will remain.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **136. The Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 (36 of 1956)**

The aforesaid Act has been enacted to amend the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946 and to repeal the Industrial Disputes (Appellate Tribunal) Act, 1950.

The P.C. Jain Commission in its Report at Sl. No. 64 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 33 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act without referring to the recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act amended the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946. Also, this Act repealed the Industrial Disputes (Appellate Tribunal) Act, 1950. The purpose of this Act has been served. Hence, this Act must be repealed.

The Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 contains 33 sections. Sections 2 to 29 and section 32 have been repealed by the Repealing and

Amending Act, 1960 (58 of 1960). Only four section are surviving i.e. section 1 relates to short title and commencement, section 30 contains provisions for saving the proceedings which were pending before the Tribunal constituted under Industrial Disputes Act, 1947, section 31 providing for not to have any overriding effect on any State laws and section 33 contains provisions for repeal of the Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950) and saving the proceedings pending under the said repealed Act.

Though the aforesaid surviving sections were transitory provisions and now these provisions have served their utility and become redundant now. Further, as per records made available to the Committee, no reference was found as to whether the remaining provisions have been repealed.

**The Committee feels that the aforesaid Act can be repealed after making a specific saving clause in respect of aforesaid section 30 and 31 on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4,—

- (a) if, immediately before the commencement of this Act, there has been pending any proceeding in relation to an industrial dispute before a Tribunal constituted under the Industrial Disputes Act, 1947, as in force before such commencement, the dispute may be adjudicated and the proceeding disposed of by that Tribunal after such commencement, as if Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 had not been passed;
- (b) if, immediately before the commencement of this Act, there is in force in any State any Provincial Act or State Act relating to the settlement or adjudication of disputes, the operation of such an Act in that State in relation to matters covered by that Act shall not be affected by the Industrial Disputes Act, 1947, as amended by Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 after its repeal;
- (c) nothing in the aforesaid clause (a) or clause (b) shall be deemed to preclude the Central Government or the National Tribunal from exercising any powers conferred on it by the Industrial Disputes Act, 1947, as amended by Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 after its repeal."

### **137. The Newspaper (Price and Page) Act, 1956 (45 of 1956)**

The aforesaid Act has been enacted to provide for regulation of the prices charged for newspapers in relation to their pages and of matters connected for the purpose of preventing unfair competition among newspapers so that news papers may have fuller opportunities of freedom of expression.

The Law Commission, in its 248<sup>th</sup> Report at Sl. No. 61 under Chapter 4 of the Report, has considered the aforesaid Act and stated that the same was enacted to provide for the regulation of the prices charged for newspapers in relation to their pages so as to prevent unfair competition among newspapers. It further stated that section 3 of the aforesaid Act empowered the Central Government to make orders providing for the regulation of the prices charged for newspapers in relation to their maximum or minimum number of pages, sizes or areas and for the space to be allotted for advertisements and section 3 was struck down in *Sakal Papers Pvt. Ltd. v. Union of India* [AIR 1962 SC 305] for violating Article 19(1)(a). It further states that since the main provision, i.e., Section 3, has been struck down, fresh orders cannot be issued under the Act. Consequently, the Act serves no purpose, but remains on the statute books and should be repealed.

The Centre for Civil Society at Sl. No. 101 of its compendium of 100 laws to be repealed, *inter alia*, stated that the main provision of the aforesaid Act, section 3, was struck down by the Supreme Court in *Sakal Papers Pvt. Ltd. and Ors. v. Union of India*, on the ground that it violated the freedom of speech and expression of the petitioners. The Hon'ble

Supreme Court held that the State could not make laws which directly affected the circulation of a newspaper for that would amount to violation of freedom of speech. The right under Article 19(1)(a) of Constitution of India, extends not only to the matter which the citizens are entitled to circulate but to the volume of circulation. Though section 3 was struck down, the rest of the aforesaid Act continues to remain on the statute books. It is a dead letter for all purposes. The Supreme Court itself noted in Sakal Papers that if section 3 of the aforesaid Act is struck down, nothing remains in the Act. Since section 3 of the aforesaid Act has been done away with, the power of the Central Government to make an order under the aforesaid Act no longer exists and provisions imposing penalties on the contravention of such orders are redundant. The print media has undergone a drastic transformation and the number of newspapers in circulation itself acts as a safeguard against unfair competition. The total number of registered newspapers in India till 2010-11 was 82,237. Powers granted by the aforesaid Act restrict the freedom of occupation, trade and business, and have no place in a liberalised economy. There are no legal issues that would impede repeal.

**In view of the above, the aforesaid Act can be repealed.**

### **138. The Indian Cotton Cess (Amendment) Act, 1956 (50 of 1956)**

The aforesaid Act has been enacted to amend the India Cotton Cess Act, 1923 (14 of 1923).

The India Cotton Cess Act, 1923 is deemed to have been repealed in pursuance of section 14 of Indian Cotton Cess Act, 1923 (XIV of 1923) and notification number S.O. 882 dated 18th March, 1966.

As the principal Act has been repealed, nothing contained in the Indian Cotton Cess (Amendment) Act, 1956 survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **139. The Government Premises (Eviction) Amendment Act, 1956 (52 of 1956)**

The aforesaid Act has been enacted to amend the Government Premises (Eviction) Act, 1950 (27 of 1950) (principal Act) which was repealed by the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958).

The Public Premises (Eviction of Unauthorised Occupants) Act, 1958 has also been repealed by the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971). As the principal Act has been repealed, nothing contained in the Government Premises (Eviction) Amendment Act, 1956 survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **140. The Public Debt (Amendment) Act, 1956 (57 of 1956)**

The aforesaid Act has been enacted to amend the Public Debt Act, 1944 (principal Act). As per sub-section (2) of section 1, the provisions of the aforesaid Act came into force from 15.10.1956, as notified *vide* Notification No. SRO 2283 dated 03.10.1956, Gazette of India, Pt. II, Sec.3 page 1712.

As the principal Act had been repealed, nothing contained in the Government Public Debt (Amendment) Act, 1956 survives. Further, as per records made available to the

Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

**141. The Abducted Persons (Recovery and Restoration) Continuance Act, 1956 (65 of 1956)**

The aforesaid Act has been enacted to amend the Abducted Persons (Recovery and Restoration) Act, 1949 (principal Act) for a further period.

The Abducted Persons (Recovery and Restoration) Act, 1949 had been repealed by the Repealing and Amending Act, 1960 (58 of 1960). As the principal Act had been repealed, nothing contained in the Abducted Persons (Recovery and Restoration) Continuance Act, 1956 survives. The Abducted Persons (Recovery and Restoration) Continuance Act, 1956 contains only two sections and does not contain any saving or validation or transitional provision. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

**142. The Code of Civil Procedure (Amendment) Act, 1956 (66 of 1956)**

The aforesaid Act has been enacted to amend the Code of Civil Procedure, 1908.

The aforesaid Amendment Act contains 16 sections, out of which section 2 to 15 were repealed by the Repealing and Amending Act, 1960 (58 of 1960). Only section 1 and section 16 are surviving. Section 16 contains provisions for saving the execution of the certain decrees by collectors which were awarded under sections 68 to 72 and the Third Schedule to the Code of Civil Procedure, 1908 which had been omitted by sections 7 and 15 of the Code of Civil Procedure (Amendment) Act, 1956.

Fifty-eight years have elapsed since incorporation of the saving clause by aforesaid section 16 of the Code of Civil Procedure (Amendment) Act, 1956. By efflux of time these two remaining sections of the aforesaid Act has outlived their utility and has now become redundant.

**In view of the section 4 of the Repealing Bill, 2014 and section 6 of the General Clauses Act, 1897 and by efflux of time, the Committee feels that the aforesaid Act can be repealed.**

**143. The Ancient and Historical Monuments and Archaeological Sites and Remains Declaration of National Importance) Amendment Act, 1956  
(70 of 1956)**

The aforesaid Act (containing two sections) has been enacted to amend the Ancient and Historical Monuments and Archaeological Sites Remains (Declaration of National Importance) Act, 1951 (71 of 1951) (principal Act), which had been repealed by the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).

As the principal Act had been repealed, nothing contained in the Ancient and Historical Monuments and Archaeological Sites and Remains Declaration of National Importance) Amendment Act, 1956 survives. Further, as per the records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

**144. The Finance (No. 2) Act, 1956 (76 of 1956)**

The aforesaid Finance Act consists of four sections and two Schedules.

Section 1 relates to short title and commencement, section 2 amends the Indian Tariff Act, 1934. Section 3 inserts certain items in the First Schedule to the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) and section 4 amend the Schedule I to the Indian Stamp Act, 1899. The aforesaid Act does not contain any substantive provisions or validation provisions or transitory provisions or any other provisions regulated by the aforesaid Act. Further, as per the records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

#### **145.The Finance (No.3) Act, 1956 (77 of 1956)**

The aforesaid Finance Act contains eight sections out of which, sections 2 to 7 relates to amendment in the Income-tax Act, 1922 and section 8 relates to rates of super-tax on companies for the financial year 1957-58. The aforesaid section 8 was repealed by the Finance (No.2) Act, 1957 (26 of 1957). The remaining sections are related to the amendment in the Income-tax Act, 1922, which had already been repealed by the Income-tax Act, 1961 (43 of 1961). Further, as per the records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed. The aforesaid Act does not contain any substantive provisions or validation provisions or transitory provisions or any other provisions regulated by the aforesaid Act.

**The Committee feels that the aforesaid Act can be repealed.**

#### **146.The Union Duties of Excise (Distribution) Amendment Act, 1956 (82 of 1956)**

The aforesaid Act has been enacted to amend the Union Duties of Excise (Distribution) Act, 1953 which was repealed by the Union Duties of Excise (Distribution) Act, 1957 (55 of 1957).

The Union Duties of Excise (Distribution) Act, 1957 (55 of 1957) has also been repealed by the Union Duties of Excise (Distribution) Act, 1962 (3 of 1962). The Union Duties of Excise (Distribution) Act, 1962 (3 of 1962) was also repealed by the Union Duties of Excise (Distribution) Act, 1979 (24 of 1979).

As per records made available to the Committee by the Legislative Department, no reference was found as to whether the Union Duties of Excise (Distribution) Amendment Act, 1956 has been repealed or not.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

#### **147. The Representation of the People (Miscellaneous Provisions) Act, 1956 (88 of 1956)**

The aforesaid Act has been enacted to provide for the removal of disqualification for membership of, and voting at elections to, Parliament and State Legislatures, and for certain miscellaneous matters in connection with elections.

As per the records made available to the Committee by the Legislative Department, the Representation of the People (Miscellaneous Provisions) Act, 1956 contains five sections. Section 2 relates to removal of disqualification for membership of Parliament or State Legislatures before the commencement of the Representation of the People (Second Amendment) Act, 1956 [i.e., 28.08.1956 being the date of commencement of that Act (Notification number S.R.O. 1890 dated 25.08.1956 Gazette of India, Part-II, Sec.3 p-1434)]

section 3 relates to amendment of section 7 of the Representation of the People Act, 1951. Section 3 contains special provision for nomination in case of prisoners in Portuguese territory and section 4 contains provision for prevention of disqualification for membership of Parliament in certain cases.

Fifty-eight years have elapsed since the date of enactment of the Representation of the People (Miscellaneous Provisions) Act, 1956. The Committee feels that aforesaid section 2 had served the purpose and now becomes redundant and can be repealed.

Further section 3 of the aforesaid Act was for making amendment in section 7 of the Representation of the People Act, 1951 which became operative on the commencement of the aforesaid Act i.e., date of assent of the President i.e., 28th December, 1956 as there is no commencement clause.

Section 4 of the aforesaid Act was for making special provision for nomination in case for prisoners in Portuguese territory at any election that might be held within one year from the commencement of this Act i.e., date of assent of the President i.e., 28th December, 1956 as there is no commencement clause.

The aforesaid sections 3 and 4 were repealed by the Repealing and Amending Act, 1960 (58 of 1960).

Section 5 of the aforesaid provides for prevention of disqualification for membership of Parliament when such members held the office of member of the Council of Advisers associated with the Chief Commissioner of Manipur or with the Chief Commissioner of Tripura.

**The Committee could not get information about the continuance of the office of the Council for advisors. However, the concerned Ministry/Department may examine as to whether aforesaid Office of member of the Council of Advisers is existing or not and take a view in this regard. Since section 1 and section 5 of the aforesaid Act are in force, the Committee feels that the provisions of the aforesaid Act has outlived its utility and become redundant and can be repealed after making a saving clause (if aforesaid Council of Advisors exist) on the following lines, if required, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the holding of the office of member of the Council of Advisers associated with the Chief Commissioner of Manipur or with the Chief Commissioner of Tripura, (if existing on the date of repeal of the Representation of the People (Miscellaneous Provisions) Act, 1956) shall not, disqualify on or before, after such repeal the holder thereof for being chosen as, or for being, a Member of Parliament."

#### **148. The Administration of Evacuee Property (Amendment) Act, 1956 (91 of 1956)**

The aforesaid Act has been enacted to amend the Administration of Evacuee Property Act, 1950 (31 of 1950) (principal Act) which had been repealed by the Displaced Persons Claims and Other Laws Repeal Act, 2005 (38 of 2005).

As the principal Act has been repealed, nothing contained in the Administration of Evacuee Property (Amendment) Act, 1956 survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

#### **149. The Young Persons (Harmful Publications) Act, 1956 (93 of 1956)**

The aforesaid Act has been enacted to prevent the dissemination of certain publications harmful to young persons.

The P.C. Jain Commission in its Report at Sl. 19 of Appendix A-1 (166 Central Acts recommended for repeal by the Central Government) has recommended for repeal of the aforesaid Act.

The Law Commission in its 248<sup>th</sup> Report has recommended for repeal of the aforesaid Act at Sl. No. 63 under Chapter 4 of the Report and stated that the aforesaid Act was enacted to prevent the dissemination of certain publications considered harmful to young persons. ‘Young person’ has been defined under the aforesaid Act as a person under the age of 21 years which is consonant with several other legislations defining the age of majority. It further stated that multiple laws govern this area—The IPC penalizes speech and publications in various forms. The Protection of Children from Sexual Offences Act, 2012 was enacted, *inter alia*, to protect children from analogous harmful publications.

The Centre for Civil Society at Sl. No.100 of its compendium of 100 laws to be repealed, *inter alia*, stated that the words such as repulsive and horrible contained in the definition of harmful publication are vague and subject to arbitrary interpretation, and consequently lead to widespread discretion and serve as an excuse for harassment. For instance, earlier this year Kerala Police raided shops that sold Bob Marley T-shirts, on the ground that these encourage youngsters to use drugs, and booked shopkeepers under the Act for promoting material that is harmful to youngsters. India already has a variety of laws that penalise speech in various forms, like speech which causes incitement to an offence (Section 504, Indian Penal Code (IPC) or leads to or has a tendency to cause violence like anti-national speech (Section 124A IPC), speech that is communal, racial, linguistic and indecent (Section 153A), anti-sovereignty speech (Section 153B), speech that outrages religious feelings (Section 295A), is obscene (Section 292), or is anti scheduled caste and scheduled tribe (SC and ST Act, 1989 and Protection of Human Rights Act, 1976). Recently, the Protection of Children from Sexual Offences Act, 2012 was brought into force to protect children from sexual assault, sexual harassment and pornography. Given the existence of all of these acts, this Act is repetitive and redundant. Indian law also provides for regulation of content on media. Under the Indian legal regime, Cable Television Networks (Regulation) Act, 1995, the Press Council of India Act, 1978, and Cable Television Networks (Amendment) Rules, 2006 (Rules) are the principal legislations which control the content on television to ensure that they do not offend morality, decency and religious susceptibilities of the consumers. The Information Technology Act, 2000 regulates content on the internet, while the Censor Board for films. The aforesaid Act does not seem to be implemented and appears to have a low rate of prosecution. It further stated that repeal of the aforesaid Act will impact pending cases instituted under the aforesaid Act. Along with repeal, a clause can be enacted to save application of the Act on pending cases.

The Committee feels that section 6 of the General Clauses Act, 1897 would save the pending cases instituted and pending under the aforesaid Act. Section 6 of the General Clauses Act, 1897 reads as under:

[Section 6. Effect of repeal.—Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered there under; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right,

privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed.]

**In view of above, the aforesaid Act can be repealed.**

#### **150. The Delhi Tenants (Temporary Provisions) Act, 1956 (97 of 1956)**

The aforesaid Act has been enacted to provide for the temporary protection of certain classes of tenants in the Union territory of Delhi from eviction.

The aforesaid Act contains 5 sections. Section 1 relates to short title and commencement. Section 2 relates to definition. Section 3 contains exemption from application of the aforesaid Act to certain premises. Section 4 contains provisions for temporary protection to certain classes of tenants from eviction and section 5 contains provisions for excluding time from limitation for the purposes of the aforesaid Act.

The provisions of aforesaid Act have ceased to operate in terms of sub-section (4) of section 1 of the aforesaid Act, as amended by the Delhi Rent Control Act, 1958 (59 of 1958). The aforesaid sub-section (4) of section 1 (which was substituted by Act 59 of 1958) reads as under:—

- "(4) It shall cease to have effect,—  
(a) as respects premises other than vacant ground on the 11th day of February, 1959;  
(b) as respects premises which are vacant ground, on the 11th day of February, 1960;  
except as respects things done or omitted to be done before such cesser of operation of this Act and section 6 of the General Clauses Act, 1897 shall apply upon such cesser of operation as it had been repealed by a Central Act."

The provisions of the aforesaid Act have ceased to have effect and become redundant. As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

#### **151. The Motors Vehicles (Amendment) Act, 1956 (100 of 1956)**

The aforesaid Act has been enacted to amend the Motor Vehicles Act, 1939 (4 of 1939).

The aforesaid Act contains a total 102 sections. All the sections (including Schedule) except section 1 and section 22 had been repealed by the Repealing and Amending Act, 1960 (58 of 1960). Section 22 of the aforesaid Act was brought into force subsequently with effect from the 1st June, 1960 *vide* Notification No. S.O. 1046 dated the 26th April, 1960 [Gazette of India, Pt-II, Section 3(ii) p-1358]. The aforesaid section 22 inserted a new section 24A in the Motor Vehicles Act, 1939. The Motor vehicles Act, 1939 was repealed by section 217 of the Motor Vehicles Act, 1988 (59 of 1988). As per records made available to the Committee, no reference was found as to whether the aforesaid Act has been repealed.

As the principal Act i.e., the Motor vehicles Act, 1939 has already been repealed, nothing contained in the Motor Vehicles (Amendment) Act, 1956 survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

#### **152. The Women's and Children's Institution (Licensing) Act, 1956 (105 of 1956)**

The aforesaid Act has been enacted to provide for the licensing of institutions for women and children and for matters incidental thereto.

The Law Commission in its 248<sup>th</sup> Report at Sl. No. 64 under Chapter 4 of the Report has recommended for repeal of the aforesaid Act and stated that the Act provides for the licensing of institutions for women and children and the Institution under the Act are established and maintained for the reception, care, protection and welfare of women and children. It further stated that the Ministry of Women and Child Development had said in 2012 that the 1956 Act has no value and stood repealed after the Juvenile Justice (Care and Protection of Children) Act, 2000 came into force. It further stated that this stand taken by the Ministry was also affirmed by the High Court of Delhi in 2014 in Chhatravas, Chandra Arya Vidya Mandir Vs. The Director, Department of Women and Child Development and Anr. [MANU/DE/0566/2014].

The Law Commission also stated that there should be clarity in this respect and the repeal of the 1956 Act should be brought about by amending the existing repeal and savings clause of the 2000 Act (which does not currently mention the 1956 Act).

The Juvenile Justice (Care and Protection of Children) Bill, 2014 (Bill No. 99 of 2014) was introduced in the Rajya Sabha in the Budget Session of Parliament which consist of a provision for repeal of the Juvenile Justice (Care and Protection of Children) Act, 2000. The concerned Ministry/Department and the Legislative Department may consider to amend the Juvenile Justice (Care and Protection of Children) Bill, 2014 in the light of the above observations of the Law Commission in its 248th Report instead of amending the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000).

**The Committee feels that the aforesaid Act can be repealed**

### **153.The Finance Act, 1957 (5 of 1957)**

The Committee feels that only four sections 1, 3, 4 and 6 are surviving in the aforesaid Act i.e., section 3 for amending the Indian Income-tax Act, 1922 and section 4 for amending the Indian Tariff (Amendment) Act, 1949 and section 6 for discontinuance of salt duty.

**The Committee feels that the aforesaid Act can be repealed after making a special saving clause in respect of section 6 on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Finance Act, 1957, shall not revive the provisions of section 6 of that Act (unless said section 6 has been otherwise repealed or amended by any other Act).".

### **154.The Life Insurance Corporation (Amendment) Act, 1957 (17 of 1957)**

The aforesaid Act has been enacted to amend the Life Insurance Corporation Act, 1956.

The aforesaid Act contains seven sections out of which sections 2 to 5 and 7 were repealed by the Repealing and Amending Act, 1960 (58 of 1960). Only section 1 relating to short title and section 6 for validation of Orders passed before the commencement of the Life Insurance Corporation (Amendment) Act, 1957 for altering remuneration, etc. are surviving.

**The Committee feels that the aforesaid Act can be repealed with the following saving clause, namely:-**

"Without prejudice to generality of the provisions of section 4 of this Act, any order altering the remuneration and other terms and conditions of service of the employees referred to in sub-section (2) of section 11 of the Life Insurance Act, 1956 made or purporting to have been made under that sub-section before the 6th June, 1957, by the Central Government for any of the purposes spccified in that sub-section, as amended by the Life Insurance Corporation (Amendment) Act, 1957, shall, notwithstanding anything contained in any judgment, decree or order of any court, be deemed to have been made under that sub-section as amended by the Life Insurance Corporation (Amendment) Act, 1957 as if it was in force on

the date from which the order was intended to take effect, and the order shall continue in force after the repeal of the Life Insurance Corporation (Amendment) Act, 1957 and have effect accordingly, unless and until superseded by anything done or action taken under the Life Insurance Act, 1956.”.

### **155. The Finance (No. 2) Act, 1957 (26 of 1957)**

The Committee feels that sections 3 to 10 amending the Indian Income-tax, 1922, section 12 for amending the Indian Tariff Act, 1934, section 13 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) and section 14 amending the Indian Post Office Act, 1898 (other than of being substantive provisions or provisions being governed by the Finance Act) **can be repealed**.

### **156. The Forward Contracts (Regulation) Amendment Act, 1957**

**(32 of 1957)**

The aforesaid Act has been enacted to amend the Forward Contracts (Regulation) Act, 1952.

The aforesaid Act contains three sections out of which section 2 was repealed by the Repealing and Amending Act, 1960 (58 of 1960). Section 3 is a transitional provision which relates for amending certain rules referred to in aforesaid section 3 and reconstituting the governing body of the recognised association within the extended time granted by the Central Government and also making for a provision of further extension of a period not exceeding six months.

Fifty-seven years have elapsed since the date of enactment of the Forward Contracts (Regulation) Amendment Act, 1957, the Committee feels that the aforesaid Act has served its purpose and outlived its utility and became redundant.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **157. The Indian Telegraph (Amendment) Act, 1957 (47 of 1957)**

The aforesaid Act has been enacted to further amend the Indian Telegraph Act, 1885.

The aforesaid Act was brought in force with effect from the 1st July, 1959 *vide* Notification No. S.O. 1498 dated the 25th June, 1959 [Gazette of India, Pt-II, Section 3(ii) p-1700]. As per the records made available to the Committee by the Legislative Department, no reference was found as to whether the said Act has been repealed. The aforesaid Act does not contain any validating or substantive or transitory provisions

**The Committee feels that the aforesaid Act can be repealed.**

### **158. The Indian Railways (Amendment) Act, 1957 (53 of 1957)**

The aforesaid Act has been enacted to amend the Indian Railways Act, 1890.

The Indian Railways Act, 1890 had been repealed by the Railways Act, 1989. The Indian Railways (Amendment) Act, 1957 was also partly repealed by the Repealing and Amending Act, 1960 (58 of 1960) (sections 2 to 17). Only section 1 relating to short title and commencement and section 18 for transfer of pending proceedings before the Railway Rates Tribunal constituted under the Indian Railways Act, 1890 to the new Tribunal constituted under section 34 of the Indian Railways Act, 1890, as amended by the Indian Railways (Amendment) Act, 1957 are existing.

Since, the Indian Railways Act, 1890 has been repealed as mentioned above, and fifty-seven years have elapsed since making a provision for transfer of pending proceedings to the new Tribunal as mentioned above, the Committee feels that the aforesaid section 18 has

become redundant.

As per records made available to the Committee by the Legislative Department, no reference was found as to whether remaining two sections of this Act have been repealed.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **159. The Preventive Detention (Continuance) Act, 1957 (54 of 1957)**

The aforesaid Act has been enacted further to amend the Preventive Detention Act, 1950.

The Preventive Detention Act, 1950 was in operation upto the 31st day of December, 1969 as extended by the Preventive Detention (Continuance) Act, 1966 (48 of 1966) and thereafter it has ceased to operate. The Preventive Detention (Continuance) Act, 1966 (48 of 1966) has been repealed by the Repealing and Amending Act, 1974 (56 of 1974).

Though the operation of the Preventive Detention Act, 1950 has ceased to operate yet it continues to exist on the Statute Book . Further, as per records made available to the Committee by the Legislative Department, no reference is found as to whether the Preventive Detention (Amendment) Act, 1950 is repealed. The Prevention Detention Act, 1950 has been identified for repeal at Sl. No. 83 above.

**The Committee feels that the aforesaid Act can be repealed.**

### **160. The Prevention of Disqualification (Amendment) Act, 1957 (64 of 1957)**

The aforesaid Act has been enacted to amend the Prevention of Disqualification Act, 1953 (1 of 1954)(principal Act) which had been repealed by the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959) and as per records made available to the Committee by the Legislative Department, no reference was found as to whether this amendment Act has been repealed.

As the principal Act has been repealed, nothing contained in the Prevention of Disqualification (Amendment) Act, 1957 survives.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **161. The Control of Shipping (Continuance) Act, 1958 (9 of 1958)**

The aforesaid Act has been enacted to continue the Control of Shipping Act, 1947 (principal Act) for a further period. The Control of Shipping Act, 1947 has been repealed by the Merchant Shipping Act, 1958 (44 of 1958) .

As the principal Act has been repealed, nothing contained in the Control of Shipping (Continuance) Act, 1958 survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **162. The Finance Act, 1958 (11 of 1958)**

The Committee feels that sections 3 to 12 amending the Indian Income-tax, 1922, section 14 amending the Wealth-tax Act, 1957, section 15 amending the Indian Tariff Act, 1934 and section 17 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**.

### **163. The Gift-tax Act, 1958 (18 of 1958)**

The aforesaid Act was enacted to provide for the levy of gift-tax.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 35 under Chapter 2 of the

Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the levy of gift-tax. The Act charged for every assessment year a tax referred to as gift-tax in respect of the gifts, if any, made by a person during the previous year at the rate(s) specified in the Schedule appended to the Act. However, gift-tax was abolished as per Section 75 of the Finance Act, 1998. Consequently, the Act ceased to have effect after 1st October 1998. Due to misuse of the abolition of gift-tax in the form of widespread transfer of insincere gifts from non-relatives, Section 56(2)(v) of the Income Tax Act, 1961 was enacted. According to Section 56(2)(v), any amount exceeding Rs. 25,000 obtained by a person or a Hindu Undivided Family (HUF) without any consideration from any person on or after 1st September 2004 but before 1st April 2006 would be taxed. Since this amendment was made into the Income Tax Act, 1961, the Gift-Tax Act, 1958 is still not in force. The Act has been kept in abeyance and still remains on the statute book. The Central Government should formally repeal this Act. If the need to impose gift-tax arises, the same can be met with enacting a new law on gift-tax, whenever necessary.

The aforesaid Act was amended by sub-section (3) of section 75 of the Finance Act (No. 2) Act, 1998, by which the applicability of Gift-tax has ceased to exist.

In section 3 of the Gift-tax Act, 1958, the following sub-section (3) was inserted by section 75 of the Finance Act (No. 2) Act, 1998, namely:-

[Section 3(3) Notwithstanding anything contained in sub-section (2), the provisions of this Act shall cease to apply and shall have no effect whatsoever in respect of any gift made on or after the 1st day of October, 1998.]

Sixteen years have lapsed from cessation of applicability of the Gift-tax Act, 1958 by section 75 of the Finance (No. 2) Act, 1998.

**The Committee feels that the aforesaid Act may be repealed after making a specific saving clause, on the following lines, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, notwithstanding the repeal of the Gift-tax Act, 1958 by this Act, —

- (a) where a gift has been made to which the provisions of the Gift-tax Act, 1958 were applicable or not applicable under the said Act, the provisions of the Gift-tax Act, 1958, as it stood before the 1st day of October, 1998, shall, notwithstanding such repeal, apply to such gift as if this Act had not been passed;
- (b) where a return of gift-tax has been filed, under the Gift-tax Act, 1958, as it stood before such repeal, by any person for any assessment year, proceedings for the assessment of that person for that year may be taken and continued as if this Act had not been passed;
- (c) any proceeding pending on the commencement of this Act before any Gift-tax Officer, the Appellate Tribunal or any court, by way of appeal, reference, or revision, under the Gift-tax Act, 1958, as it stood before such repeal, shall be continued and disposed of as if this Act had not been passed;
- (d) any proceeding for the imposition of a penalty in respect of any assessment before the repeal of the Gift-tax Act, 1958, as it stood before such repeal, may be initiated and any such penalty may be imposed as if this Act had not been passed;
- (e) where, in respect of any assessment completed before the repeal of the Gift-tax Act, 1958, as it stood before such repeal, a refund, if any, pending before such repeal, or default is made before such repeal, in the payment of any sum due under the assessment completed under the Gift-tax Act, 1958, as it stood before such repeal, such refund or sum due shall be made as if this Act had not been passed;
- (f) any sum payable by way of Gift-tax, interest, penalty or otherwise under the Gift-tax Act, 1958, as it stood before such repeal, may be recovered, but without prejudice to any action already taken for the recovery of such sum under that Act as if this Act had

not been passed;

- (g) any agreement entered into, appointment made, approval given, recognition granted, direction, instruction, notification, order or rule issued under any provision of under the Gift-tax Act, 1958, as it stood before such repeal, shall be deemed to have been entered into, made, granted, given or issued under the Gift-tax Act, 1958, as it stood before such repeal, and shall, continue in force accordingly as if this Act had not been passed.".

#### **164.The Estate Duty (Amendment) Act, 1958 (33 of 1958)**

The aforesaid Act has been enacted to amend the Estate Duty Act, 1953 (34 of 1953). The Estate Duty Act, 1954 (principal Act) was repealed by the Direct-Tax Laws (Miscellaneous) Repeal Act, 2000 (20 of 2000).

As the principal Act has been repealed, nothing contained in the Estate Duty (Amendment) Act, 1958 survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

#### **165.The Prevention of Disqualification (Amendment) Act, 1958 (54 of 1958)**

The aforesaid Act has been enacted to amend the Prevention of Disqualification Act, 1953 (1 of 1954).

The Prevention of Disqualification Act, 1953 (principal Act) had been repealed by the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959). The aforesaid Amendment Act consists of only two sections, section 1 relating to short title and section 2 relating to amendment of section 4 of the principal Act which relates to temporary removal of disqualification for membership of Parliament in certain other cases.

As the principal Act has been repealed, nothing contained in the Prevention of Disqualification (Amendment) Act, 1958 survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

#### **166.The Indian Income-tax (Amendment) Act, 1959 (1 of 1959)**

The aforesaid Act has been enacted to amend the Indian Income-tax Act, 1922 (9 of 1922) (principal Act), which has been repealed by the Income-tax Act, 1961 (43 of 1961). Section 4 of the aforesaid Act contains provision for saving of notices, assessments etc. in certain cases. The Income-tax Act, 1961 contains saving provisions in respect of the Indian Income-tax Act, 1922 so repealed.

As the principal Act has been repealed, nothing contained in the Indian Income-tax (Amendment) Act, 1959 survives. Further, as per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that this amendment Act can be repealed.**

#### **167.The Finance Act, 1959 (12 of 1959)**

The Committee feels that sections 3 to 18 amending the Indian Income-tax Act, 1922, sections 20 and 21 amending the Wealth-tax Act, 1957, sections 22 to 26 amending the Expenditure-tax Act, 1957, section 27 amending the Gift-tax Act, 1958, section 28 amending

the Indian Tariff Act, 1934 and section 30 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) [other than of being substantive provisions of the provisions being governed by the Finance Act] can be repealed.

### **168. The Coal Grading Board (Repeal) Act, 1959 (17 of 1959)**

The aforesaid Act has been enacted to repeal the Coal Grading Board Act, 1925 and to provide for certain matters incidental thereto.

After repealing the Coal Grading Board Act, 1925, as a consequential measures, all moneys and other property owned by or vested in the Coal Grading Board and all debts and liabilities of that Board was transferred to and vested in the Coal Board constituted under Coal Mines (Conservation and Safety) Act, 1952 and also validated the action taken by the Coal Grading Board. The Committee feels that the Act served its purpose and has become obsolete and can be repealed. The draft Repealing Bill, 2014 also contains a saving clause.

**The Committee feels that the Coal Grading Board (Repeal) Act, 1959 can be repealed as per legislative practice to clean the Statutes Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).**

### **169. The Pharmacy (Amendment) Act, 1959 (24 of 1959)**

The aforesaid Act has been enacted to amend the Pharmacy Act, 1948. All the provisions of the aforesaid Act have come into force.

All the sections of the aforesaid Act, except sections 1, 18 and 19, were repealed by the Repealing and Amending Act, 1964 (52 of 1964).

Section 1 relates to short title and commencement. Section 18 relates to special provisions for dissolution or reconstitution and reorganization of State Councils, which was necessitated on account of change in territorial extent brought about by the reorganization of the States on first day of November, 1956. Section 19 validated certain acts. Section 18 and 19 were transitory provisions.

**The Committee feels that the aforesaid Act can also be repealed after making specific saving clause in the Repealing Bill, 2014, on the following lines, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Pharmacy (Amendment) Act, 1959 (hereafter referred to as the repealed Act) shall not affect-

- (i) the dissolution of the State Council, re-constitution and reorganisation of the State Council and constitution of new State Council as provided in clause (b) of sub-section (1) of section 18 of the repealed Act, as it stood before such repeal;
- (ii) the area in which the reconstituted State Council or new State Council shall function after such repeal, as provided in clause (c) of sub-section (1) of section 18 of the repealed Act, as it stood before such repeal;
- (iii) the transfer, in whole or in part, of the assets, rights and liabilities of the State Council (including the rights and liabilities under any contract made by it) to any other State Councils or State Governments and the terms and conditions of such transfer as provided in clause (e) of sub-section (1) of section 18 of the repealed Act as it stood before such repeal;
- (iv) the substitution of any such transferee for the State Council or the addition of any such transferee, as a party to any legal proceeding to which the State Council is a party before such repeal; and the transfer of any proceedings pending before the State Council to any such transferee as provided in clause (f) of sub-section (1) of section

18 of the repealed Act, as it stood before such repeal,

(v) the transfer or re-employment of any employees of the State Council to, or by, any such transferee and subject to the provisions of section 111 of the States Reorganisation Act, 1956, the terms and conditions of service applicable to such employees after such transfer or re-employment as provided in clause (g) of sub-section (1) of section 18 of the repealed Act, as it stood before such repeal;

(vi) order made under sub-section (2) of section 18 of the repealed Act, as it stood before such repeal, transferring the assets, rights and liabilities of any State Council, then, by virtue of that order, such assets, rights and liabilities of the State Council shall vest in, and be the assets, rights and liabilities of, the transferee as provided in clause (g) of sub-section (2) of section 18, as it stood before such repeal;

(vii) validation of certain acts made under section 19 of the of the repealed Act, as it stood before its repeal."

## **170. The Public Wakfs (Extension of Limitation) Act, 1959 (29 of 1959)**

The aforesaid Act has been enacted to extend the period of limitation in certain cases of suits to recover possessions of immovable property forming part of public wakfs.

The aforesaid Act contains only four sections. Section 1 relates to short title and extent, section 2 relates to definition of public wakf, section 3 relates to extension of period of limitation in certain cases for suits and section 4 relating to repeal of the Public Wakfs (Extension of Limitation) Ordinance, 1959 and savings thereof.

The Law Commission in its Ninety-sixth Report (March, 1984) *inter alia* opined that it is possible that suits to which the aforesaid applies can still be find or pending. If, so, its repeal may create avoidable controversies and it is not advisable to repeal the Act.

The Centre for Civil Society at Sl. No.89 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act was only applicable to the period between 1949 and 1954. The aforesaid Act sought to provide protection to property in the nature of public wakfs, which were dispossessed in the given period. As per section 3 of the aforesaid Act, the period of limitation for institution of suit extended only until 31st December, 1970. Although the Government could further extend the limitation period through an amendment, it has not done so since 1970. It further stated that there are no legal issues that would impede repeal.

The Legislative Department, being the Ministry administering this Act, had stated *vide* D.O. No. 11(29)/2014-L.I dated the 12th September, 2014 in the Annexure appended thereto at Sl. No.33 stated that the aforesaid Act is required to be repealed and relevant provisions with modifications may be covered under common Wakf Code, if proposed to be enacted.

Section 3 of the aforesaid Act, *inter alia*, provided for extension of period of limitation up to 15th Day of August, 1967 for possession of immovable property or dispossession or discontinuance of possession of immovable property for which a part of the public Wakf or any interest therein during the period beginning after 14th day of August, 1947 and ending at the 7th day of May, 1954.

**The Committee feels that the aforesaid section 3 being applicable to specified period and therefore, has served the purpose and now become redundant and can be repealed after saving on the following lines, namely :-**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Public Wakfs (Extension of Limitation) Act, 1959 shall not affect any action arising (including institution of any suit or possession of immovable property or dispossession or discontinuance of possession of immovable property or any order of any court) during the limitation period extended by section 3 of the Public Wakfs (Extension of Limitation) Act,

1959 as it stood before such repeal."

### **171. The Central Excises and Salt (Amendment) Act, 1959 (37 of 1959)**

The aforesaid Act has enacted further to amend the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) and contains only two sections. Section 2 was repealed by the Repealing and Amending Act, 1964 (52 of 1964). Only section 1 (short title and commencement) is surviving and as per records made available with the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **172. The Criminal Law (Amendment) Act, 1959 (41 of 1959)**

The aforesaid Act has been enacted further to amend the Criminal Law Amendment Ordinance, 1944 and contains only two sections, whereas section 2 was repealed by the Repealing and Amending Act, 1964 (52 of 1964). Only section 1 (short title and commencement) is surviving and as per records made available to the Committee, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **173. The Miscellaneous Personal Laws (Extension) Act, 1959 (48 of 1959)**

The aforesaid Act has been enacted for the extension of certain personal laws to parts of India in which they were not in force at the time of enactment of the aforesaid Act.

The P.C. Jain Commission in its Report at Sl. No. 100 at Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act.

The Legislative Department, being the Ministry administering this Act, had stated *vide* D.O. No. 11(29)/2014-L.I dated 12th September, 2014 in the Annexure appended thereto at Sl. No.58 stated that the aforesaid Act is required to be repealed in the light of changing socio-economic environment and existing personal laws.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 38 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to provide for the extension of certain personal laws to parts of India in which they were not in force then. The Acts so extended find mention in the Schedule appended to the Act. Corresponding amendments have been carried out in the Short Title, Extent and Commencement clause of these Acts. Hence, this Act has served its purpose and the Central Government should repeal this Act

The aforesaid Act contains four sections i.e., section 1 relating to short title and commencement, section 2 relating to definition of appointed date which is the date on which the aforesaid Act came into force, section 3 relating to certain amendments made in different personal laws specified in Schedule I to the aforesaid Act for extending the application and section 4 containing provisions for repeal of certain enactments specified in Schedule II to the aforesaid Act.

**The Committee feels that the aforesaid Act can be repealed after making a special saving clause on the following lines, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Miscellaneous Personal Laws (Extension) Act, 1959 shall not affect the extension and amendments of the Acts specified in the Schedule I and Schedule II to the aforesaid Act and the savings in respect of certain matters made by section 4 of that Act, as it stood before such repeal."

#### **174. The Married Women's Property (Extension) Act, 1959 (61 of 1959)**

The aforesaid Act was enacted to provide for extension of the Married Women's Property Act, 1874 (3 of 1874), to parts in which it was not in force by amending sections 2 and 6 of thereof and amending the Union territories (Laws) Act, 1950 (30 of 1950).

The P.C. Jain Commission in its Report at Sl. No. 115 at Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act.

The Legislative Department, being the Ministry administering this Act, had stated *vide* D.O. No. 11(29)/2014-L.I dated 12th September, 2014 in the Annexure appended thereto at Sl. No. 59 thereof stated that the aforesaid Act is required to be repealed in the light of changing socio-economic environment and existing personal laws.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 39 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted for the extension of the Married Women's Property Act, 1874 to parts of India in which it was not in force. The Act amends the Extent clause of the Married Women's Property Act, 1874 to extend this Act to the whole of India except the State of Jammu and Kashmir. This Act also amends Section 6 of the Married Women's Property Act, 1874. Corresponding amendments have been carried out in the Short Title, Extent and Commencement clause and Section 6 of the Married Women's Property Act, 1874. Hence, this Act has served its purpose and the Central Government should repeal this Act.

**The Committee feels that the aforesaid Act has served the purpose and can be repealed after making special saving clause on the following lines, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Married Women's Property (Extension) Act, 1959 shall not revoke the extension of the provisions of the Married Women's Property Act, 1874 to any territory in relation to which the provisions of Married Women's Property (Extension) Act, 1959 were extended, save as otherwise provided in that Act, as it stood before such repeal."

#### **175. The Displaced Persons (Compensation and Rehabilitation) Amendment**

##### **Act, 1960 (2 of 1960)**

The aforesaid Act was enacted to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954)(herein after referred to as the principal Act).

All the sections of the aforesaid Act, except sections 1 and 11, were repealed by the Repealing and Amending Act, 1964 (52 of 1964)..

Section 11 of the Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1960 provided for validation of certain action taken under the principal Act, which had been repealed by the Displaced Persons Claims and Other Laws Repeal Act, 2005 (38 of 2005). As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**In view of above, nothing survives in the Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1960 and the Committee feels that the aforesaid Act can be repealed.**

#### **176. The Motor Vehicle (Amendment) Act, 1960 (5 of 1960)**

The aforesaid Act has been enacted further to amend the Motor Vehicle Act, 1939 (here after referred to as the principal Act).

The aforesaid Act contains three sections out of which section 2 was repealed by the Repealing and Amending Act, 1964 (52 of 1964). Section 1 relates to short title and commencement and section 3 thereof provides for repeal and savings of certain actions on

commencement of the Motor Vehicle (Amendment) Act, 1960 i.e., the 6th July, 1960.

The principal Act i.e., the Motor Vehicle Act, 1939 was subsequently repealed by the Motor Vehicle Act, 1988 (59 of 1988) and with the repeal of Motor Vehicle Act, 1939, nothing contained in the Motor Vehicle (Amendment) Act, 1960 survives. Section 217 of the Motor Vehicle Act, 1988 contains savings provisions.

As per records made available to the Committee by the Legislative Department, no reference was found as to whether the Motor Vehicle (Amendment) Act, 1960 has been repealed.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **177. The Finance Act, 1960 (13 of 1960)**

The Committee feels that sections 4 to 12 amending the Indian Income-tax, 1922, section 14 amending the Wealth-tax Act, 1957, section 15 amending the Expenditure-tax Act, 1957, section 17 amending the Gift-tax Act, 1958, section 18 amending the Indian Tariff Act, 1934, section 20 amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) and section 21 amending the Khadi and Other Handloom Industries Development (Additional Excise Duties on Cloth) Act, 1953 (**other than of being substantive provisions or the provisions being governed by the Finance Act**) can be repealed.

### **178. The Estate Duty (Amendment) Act, 1960 (16 of 1960)**

The aforesaid Act has been enacted to amend the Estate Duty Act, 1953.

Sections 2 and 3 of the Estate Duty (Amendment) Act, 1960 were repealed by Repealing and Amending Act, 1964 (52 of 1964) and only section 1 containing short title and commencement is existing in the aforesaid Act.

The Estate Duty Act, 1953 had been repealed by the Direct Tax Laws (Miscellaneous) Repeal Act, 2000 (20 of 2000) and nothing contained in the Estate Duty (Amendment) Act, 1960 survives. As per records made available to the Committee, no reference was found as to whether the aforesaid Act has been repealed.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **179. The Indian Boilers (Amendment) Act, 1960 (18 of 1960)**

The aforesaid Act has been enacted to amend the Indian Boilers Act, 1923.

Sections 2 to 20 of the aforesaid Act were repealed by the Repealing and Amending Act, 1964 (52 of 1964) and only two sections 1 and 21 are existing in the Indian Boilers (Amendment)Act, 1960. Section 1 relates to short title and commencement and section 21 relates to temporary continuance of office of the members of existing Board before the commencement of the aforesaid Act, until the Board is re-constituted under the Indian Boilers Act, 1923, as amended by the Indian Boilers (Amendment)Act, 1960.

The Committee feels that aforesaid section 21 was a transitory provision and has now become redundant due to efflux of time. As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **180. The Hindu Marriages (Validation of Proceedings) Act, 1960**

### (19 of 1960)

The aforesaid Act has been enacted to validate certain proceedings under the Hindu Marriage Act, 1955.

The P.C. Jain Commission at Serial No. 155 of Appendix A-1 (166 Central Acts for repeal by the Central Government) recommended for repeal of the aforesaid Act.

The Legislative Department, being the Ministry administering this Act, had stated *vide* D.O. No. 11(29)/2014-L.I dated 12th September, 2014 at Sl. No. 74 of the Annexure appended thereto stated that the aforesaid Act required to be repealed in the light of recommendations of the P.C. Jain Commission.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 40 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to validate certain proceedings under the Hindu Marriage Act, 1955. This Act validated all proceedings taken and decrees passed by a court purporting to exercise jurisdiction under the Hindu Marriage Act, 1955 before the commencement of this Act. The Act has served its purpose and the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act. This Act finds mention in Appendix D of the PC Jain Commission Report.

**The Committee feels that the aforesaid Act can be repealed with following specific saving clause, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, all proceedings taken and decrees and orders passed before the 6th May, 1960 by any of the courts, (being the court of an additional judge, additional district judge, joint district judge, assistant district judge, assistant judge and any other court, by whatever name called, not being lower in rank than the court of a subordinate judge) exercising or purporting to exercise jurisdiction under the Hindu Marriage Act, 1955 before the aforesaid date, shall, notwithstanding any judgment, decree or order of any court and repeal of the Hindu Marriages (Validation of Proceedings) Act, 1960, by this Act, be deemed to be good and valid in law as if the court exercising or purporting to exercise such jurisdiction had been a district court within the meaning of the Hindu Marriages (Validation of Proceedings) Act, 1960.".

### 181. The Cotton Transport (Amendment) Act, 1960 (22 of 1960)

The aforesaid Act has been enacted further to amend the Cotton Transport Act, 1923 (3 of 1923). The aforesaid Act contains four sections. Sections 2 and 3 of the aforesaid Act were repealed by the Repealing and Amending Act, 1964 (52 of 1964). Section 4 of the aforesaid Act provides for repeal of certain enactments and also contains saving provisions. The Cotton Transport Act, 1923 had been repealed by the Cotton Transport Repeal Act, 1995 (19 of 1995). With the repeal of the Cotton Transport Act, 1923, nothing contained in the Cotton Transport (Amendment) Act, 1960 survives.

As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Act has been repealed.

**The Committee feels that the Act served the purpose and can be repealed.**

### 182. The Taxation Laws (Amendment) Act, 1960 (28 of 1960)

The aforesaid Act has been enacted to amend the India Income-tax Act, 1922, the Wealth-tax Act, 1957, the Expenditure-tax Act, 1957 and the Gift-tax Act, 1958. Under sub-section (2) of section 1 of the Act, the provisions of the aforesaid Act came into force with effect from the 1st day of April, 1960 (subject to the provisions made in this behalf in the aforesaid Act). All the provisions of the aforesaid Act have come into force and it does not

contain any validation or saving or transitory provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **183.The Banking Companies (Second Amendment) Act, 1960 (37 of 1960)**

The aforesaid Act has been enacted further to amend the Banking Companies Act, 1949 (10 of 1949).

The short title of the Banking Companies Act, 1949 was changed [by sections 10 and 11 of the Banking Laws (Application to Co-operative Societies) Act, 1965 (23 of 1965)] to the Banking Regulation Act, 1949. All the sections of the Banking Companies (Second Amendment) Act, 1960 (except sections 1 and 10) were repealed by the Repealing and Amending Act, 1964 (52 of 1964). Section 10 of the aforesaid Act contains provisions for winding up proceedings of the banking companies to be governed by the provisions of the Banking Companies Act, 1949, as they stood before amendment by the Banking Companies (Second Amendment) Act, 1960, till their winding-up. The Committee feels that the aforesaid provision was a transitory provision and had served the purpose.

**The Committee feels that the remaining sections 1 and 10 of the aforesaid Act can be repealed after making a specific saving clause, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, provisions of section 41, 41A and 43A of the Banking Regulation Act, 1949, [as amended by the Banking Companies (Second Amendment) Act, 1960 and by sections 10 and 11 of the Banking Laws (Application to Co-operative Societies) Act, 1965] shall not apply to, and in relation to, the winding-up of a banking company where any preliminary dividend has been paid in the course of such winding-up before the 19th September, 1960 (being the date on which the Banking Companies (Second Amendment) Act, 1960 came into force), but the provisions of the aforesaid Banking Regulation Act, 1949, as it stood immediately before 19th September, 1960, shall apply to, and in relation to, such winding-up."

### **184.The Central Excise (Conversion or Metric Units) Act, 1960 (38 of 1960)**

The aforesaid Act has been enacted further to amend certain laws relating to duties of excise for purpose of introducing metric units in such laws.

All sections of the aforesaid Act including Schedule (except sections 1 and 9) were repealed by the Repealing and Amending Act, 1964 (52 of 1964). Section 1 relates to short title and commencement and section 9 contains saving provisions.

**The Committee feels that the aforesaid Act can be repealed after inserting a specific saving clause on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, nothing contained in the Central Excise (Conversion or Metric Units) Act, 1960, as it stood before its repeal by this Act, shall be deemed to affect the validity of any notification, rule or order issued under any of the enactments amended by such Act and in force immediately before the 1st October, 1960 merely by reason of the fact that the rate of any duty of excise specified therein has been expressed in terms of annas, pice or pies or with reference to any weight or measure other than a standard mass or measure under the Standards of Weights and Measures Act, 1956; and every such notification, rule or order shall, until altered, repealed or amended by the Central Government or other competent authority, continue to have effect as if the Central Excise (Conversion or Metric Units) Act, 1960 had not been passed."

### **185.The Customs Duties and Cesses (Conversion or Metric Units) Act, 1960**

**(40 of 1960)**

The aforesaid Act has been enacted to amend certain laws relating to customs duties

and cesses for the purpose of adopting metric units in those laws.

All sections of the aforesaid Act including Schedule (except sections 1 and 10) were repealed by the Repealing and Amending Act, 1964 (52 of 1964).

**The Committee feels that the aforesaid Act can be repealed with the following saving clause, namely:—**

“Without prejudice to the generality of the provisions contained in section 4, nothing contained in Customs Duties and Cesses (Conversion or Metric Units) Act, 1960, as it stood before its repeal by this Act, shall be deemed to affect the validity of any notification, rule or order issued under any of the enactments amended by such Act and in force immediately before the 21st September, 1960 merely by reason of the fact that the rate of any duty of excise specified therein has been expressed in terms of annas, pice or pies or with reference to any weight or measure other than a standard mass or measure under the Standards of Weights and Measures Act, 1956; and every such notification, rule or order shall, until altered, repealed or amended by the Central Government or other competent authority, continue to have effect as if the Central Customs Duties and Cesses (Conversion or Metric Units) Act, 1960 had not been passed.”.

### **186.The Indian Museum (Amendment) Act, 1960 (45 of 1960)**

The aforesaid Act has been enacted to further amend the Indian Museum Act, 1910 (10 of 1910).

All sections (except sections 1 and 13) were repealed by the Repealing and Amending Act, 1964 (52 of 1964). Section 13 of the aforesaid Act provided for temporary continuance in office of the Trustees existing before the commencement of that Act, until the body corporate is re-constituted under the Indian Museum Act, 1910 (10 of 1910) as amended by the Indian Museum (Amendment) Act, 1960.

The aforesaid section 13 of the Indian Museum (Amendment) Act, 1960 reads as under:—

“13. The persons holding office as Trustees of the Indian Museum at the commencement of this Act shall continue to hold office until the body corporate is reconstituted under the principal Act as amended by this Act and on the reconstitution of the body corporate, shall cease to hold office as such.”.

[Section 2(2) of the Indian Museum Act, 1910 contains provisions for the Trustee to be body corporate, which reads as under:—

(2) The Trustees shall be a body corporate, by the name of "The Trustees of the Indian Museum", with perpetual succession and a common seal, and in that name shall sue and be sued, and shall have power to acquire and hold property, to enter into contracts, and to do all acts necessary for and consistent with the purposes of this Act.]

The Committee perused the soft copy of the Annual Report of the Indian Museum for the year 2011-12 (on the internet) and it was observed that the body corporate for which the transitory provision was made under section 13 of the Indian Museum (Amendment) Act, 1960 has been re-constituted.

The Committee feels that this was a transitory provisions and has now becomes redundant.

**In view of above, nothing survives in the aforesaid Act and the Committee feels that the aforesaid Act can be repealed.**

### **187.The Bilaspur Commercial Corporation (Repeal)Act, 1960 (47 of 1960)**

The aforesaid Act has been enacted to repeal the Bilaspur Commercial Corporation

Act, 2005 *Bikrami* and to provide for certain matters incidental thereto.

The Bilaspur Commercial Corporation (Repeal) Act, 1960 has now served its purpose. Hence, this Act is now redundant.

The Committee feels that the Bilaspur Commercial Corporation (Repeal) Act, 1960 can be repealed as per legislative practice to clean the Statute Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

The Committee feels that the aforesaid Act can be repealed after making specific saving provision on the following lines, namely:—

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Bilaspur Commercial Corporation (Repeal) Act, 1960, by this Act, shall not affect all the properties, funds and dues vested in the Central Government or realisation by it or enforcing of all liabilities against the Central Government as provided in section 4 of the Bilaspur Commercial Corporation (Repeal) Act, 1960, as it stood before the such repeal."

#### **188. The Mahendra Pratab Singh Estates (Repeal) Act, 1960 (48 of 1960)**

The aforesaid Act has been enacted to repeal the Mahendra Pratab Singh Estates Act, 1923 and to provide for matters incidental thereto.

The P.C. Jain Commission in its Report has recommended for repeal of the aforesaid Act at Sl. No. 106 of Appendix-A-5 (114 Central Acts to be repealed by the State Governments).

The Law Commission in its 248<sup>th</sup> Report at Sl. No. 67 under Chapter 4 of the Report has recommended for repeal of the aforesaid Act and stated that this Act was enacted to repeal the Mahendra Pratap Singh Estates Act, 1923. The Law Commission has further observed that the 1923 Act provided for the forfeiture of the estates and other property of Mahendra Pratap Singh, who was the ruler of the princely State of Mursan (presently, in the State of Uttar Pradesh) and provided for granting his estate to his son. The Law Commission further observed that the Mahendra Pratab Singh Estates (Repeal) Act, 1960 has now served its purpose and the 1923 Act is not in force any more. Hence, the aforesaid Act is now redundant. Any pending proceedings under the original Act will continue to be saved under section 6 of the General Clauses Act. The Law Commission recommended the repeal of the aforesaid Act and recommended for repeal at Sl. No. 67 under Chapter 4 of the 248th Report without mentioning the necessity of consultation with the State Government.

**In view of above, the aforesaid Act can be repealed.**

#### **189. The Tripura Excise Law (Repeal) Act, 1960 (53 of 1960)**

The aforesaid has been enacted to provide for repeal of the Tripura Excise Act of 1296 T.E. (Akbari Ain).

The Tripura Excise Law (Repeal) Act, 1960 can be repealed as per legislative practice to clean the statute Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**The Committee feels that the repeal Act served the purpose and now becomes redundant and therefore can be repealed after making a specific saving clause on the**

**following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Tripura Excise Law (Repeal) Act, 1960, shall not affect the savings made in section 3 of the said Act as it stood before such repeal.".

### **190. The Railway Passenger Fares (Amendment) Act, 1960 (54 of 1960)**

The aforesaid Act has been enacted to amend the Railway Passenger Fares Act, 1957.

The aforesaid Act contains only two sections and does not contain any saving, validation or transitory provision. The Railway Passenger Fares Act, 1957 had been repealed by the Railway Passenger Fares (Repeal) Act, 1961 (8 of 1961). As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid has been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

### **191. The British Statutes (Application to India) Repeal Act, 1960**

**(57 of 1960)**

The aforesaid Act has been enacted to repeal certain British statute in their application to India.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 41 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act repealed 259 British statutes in their application to India. The purpose of this Act has been fulfilled and hence, it can be repealed.

The Act has served the purpose and became redundant. The British Statutes (Application to India) Repeal Act, 1960 can be repealed as per legislative practice to clean the Statutes Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**The Committee feels that the aforesaid Act can be repealed after making a specific saving clause on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the British Statutes (Application to India) Repeal Act, 1960, shall not affect the savings made in section 3 of the said Act as it stood before such repeal.".

### **192. The Companies (Amendment) Act, 1960 (65 of 1960)**

The aforesaid Act has been enacted to amend the Companies Act, 1956 (1 of 1956).

Sections 2 to 207 and 209 to 218 of the Companies (Amendment) Act, 1960 were repealed by the Repealing and Amending Act, 1964 (52 of 1964). Only sections 1 and 208 of the aforesaid Act are surviving.

Section 208 of the Companies (Amendment) Act, 1960 provides for omission of section 639 of the Companies Act, 1956 and heading above it. The aforesaid section 208 reads as under:

"208. (1) Section 639 of the principal Act and the heading above it shall be omitted.

(2) For the removal of doubt it is hereby declared that nothing in section 639 of the principal Act before its omission by sub-section (1) of this section shall be deemed ever to have required the Central Government to prepare, and lay before both Houses of Parliament, any annual report on the working and affairs of a Government company of which the Central Government is not a member.".

The Companies Act, 1956 has been repealed and re-enacted as the Companies Act,

2013 (18 of 2013). The Committee feels that the remaining sections 1 and 208 of the aforesaid Act have become redundant.

**The Committee feels that the aforesaid Act can be repealed.**

### **193. The Banking Companies (Amendment) Act, 1961 (7 of 1961)**

The aforesaid Act has been enacted further to amend the Banking Companies Act, 1949 (10 of 1949).

The short title of the aforesaid Act was changed to the Banking Regulation Act, 1949 by sections 10 and 11 of the Banking Laws (Application to Co-operative Societies) Act, 1965 (23 of 1965). All the sections of the Banking Companies (Amendment) Act, 1961(except sections 1 and 6) were repealed by the Repealing and Amending Act, 1964 (52 of 1964). Section 6 of the Act provides for repeal of the Banking Companies (Amendment) Ordinance, 1961 and saving of the actions taken in pursuance of that Ordinance.

**The Committee feels that the Act served the purpose and the remaining sections 1 and 6 of the aforesaid Act can be repealed.**

### **194. The Finance Act, 1961 (14 of 1961)**

The Committee feels that sections 3 to 10 amending the Indian Income-tax, 1922 (which has been repealed and re-enacted as the Income-tax Act, 1961), section 11 amending the Indian Tariff Act, 1934, section 13 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment), section 14 amending the Central Sales Tax Act, 1956 and section 16 amending the Indian Stamp Act, 1899 (other than of being substantive provisions of the provisions being governed by the Finance Act) can be repealed.

### **195. The News Paper (Price and Page) Continuance Act, 1961**

**(36 of 1961)**

The aforesaid Act has been enacted to continue the Newspaper (Price and Page) Act, 1956.

The Law Commission in its 248<sup>th</sup> Report at Sl. No. 62 under Chapter 4 has recommended for repeal of the aforesaid Act. The Law Commission observed as under:

"The Newspaper (Price and Page) Act, 1956 was originally enacted for a period of five years. This Act enacted in 1961 provided for the indefinite continuation of the 1956 Act by deleting the provision in the original Act that limited its operation. Since the main Act should be deleted for the reasons stated above, this Act should be repealed as well."

**In view of the observations of this Committee at serial number 135 above, the Committee feels that the aforesaid Act can be repealed.**

### **196. The Goa, Daman and Diu (Administration) Act, 1962 (1 of 1962)**

The aforesaid Act has been enacted to provide for the administration of the Union territory of Goa, Daman and Diu and for matter connected therewith.

The P.C. Jain Commission in its Report has recommended for repeal of the aforesaid Act at Sl. No. 13 of Appendix-B (Reorganisation Acts to be repealed by the Central Government).

The Ministry of Home Affairs *vide* its O.M. No.I-34020/122/2014-Coord.I dated 19th September, 2014 at Sl.No. 13 of the Annexure appended thereto stated that detailed examination is being done with a view to repeal this Act. It further stated that the aforesaid Act was enacted for the administration of the UT of Goa, Daman & Diu and since all the provisions of the Act is available in the Goa, Daman & Diu reorganisation Act 1987, hence

may be repealed.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **197.The Air Corporations (Amendment) Act, 1962 (17 of 1962)**

The aforesaid Act has been enacted further to amend the Air Corporations Act, 1953.

The aforesaid Act contains a total of eight sections out of which sections 2 to 6 were repealed by the Repealing and Amending Act, 1974 (56 of 1974). Section 7 provides for change of name of Air India International as Air India with effect from the 8th June, 1962 (as notified *vide* Notification No. S.O. 1676 dated 23-05-1962 Gazette of India, Pt.II, Sect. 3(ii), P-2019) and section 8 for dissolution of the Air Transport Council on commencement of the aforesaid Act. The aforesaid Act came into force from the date of assent i.e., the 30<sup>th</sup> March, 1962 (being the date of assent of the President to the aforesaid Act). As the provisions contained in sections 7 and 8 served the purpose and outlived their utility.

**The Committee feels that the aforesaid Act can be repealed after making specific saving clause on the following lines, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Air Corporations (Amendment) Act, 1962, by this Act, shall not affect the change of name of "Air India International" to "Air India" and other provisions provided by section 7 of the Air Corporations (Amendment) Act, 1962 as it stood before such repeal, and dissolution of "Air Transport Council" as provided by section 8 as it stood before such repeal."

### **198.The Finance (No. 2) Act, 1962 (20 of 1962)**

The Committee feels that sections 3 to 11 amending the Income-tax Act, 1961, section 12 amending the Wealth-tax Act, 1957, section 15 amending the Indian Tariff Act, 1934, section 16 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) and section 18 amending the Medicinal and Toilet preparation (Excise Duties) Act, 1955 and the section 19 repealing the Finance Act, 1961 (**other than of being substantive provisions of the provisions being governed by the Finance Act**) of the aforesaid Act can be repealed.

### **199.The Land Acquisition (Amendment) Act, 1962 (31 of 1962)**

The aforesaid Act has been enacted to amend the Land Acquisition Act, 1894, and to validate certain acquisitions under that Act.

The P.C. Jain Commission in its Report has recommended for repeal of the aforesaid Act at Sl. No. 66 of Appendix-A-1 (166 Central Acts to be repealed by the Central Government).

The Law Commission in its 248<sup>th</sup> Report at Sl. No. 68 under Chapter 4 has recommended for repeal of the aforesaid Act and stated the Act amended the Land Acquisition Act, 1894 and validated certain acquisitions under the 1894 Act made before July 20th, 1962 and the purpose of the Land Acquisition (Amendment) Act, 1962 has been fulfilled. It also observed that the Land Acquisition Act, 1894 has been repealed by sub-section (1) of section 114 of the Right to Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act, 2013 and replaced by this new statute, hence, the Land Acquisition (Amendment) Act, 1962 is now redundant.

The Legislative Department *vide* their U.O. No. 11 (29)/2014-L.I dated 26th September, 2014, at page 5 intimating the Status of the Acts recommended by P.C. Jain Commission at Sl. No. 41 have intimated the aforesaid has been repealed.

The Department of Land Resources *vide* its OM No. 13011/6/2013-LRD dated 23rd September, 2014 has attached the opinion of Department of Legal Affairs which states as under:-

"The Principal Act Land Acquisition Act, 1894 has been amended by two times *vide* two Act i.e. Land Acquisition (Amendment) Act, 1962 and Land Acquisition (Amendment and Validation) Act, 1967. In this way both Acts i.e., Act 1962 and Act 1967 have become part and partial parts of the Principal Act 1894, which has been repealed by section 114 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Hence the question existence of both acts do not arise while the Principal Act i.e. Act 1894 has been repealed by Act 2013."

As per the records made available to the Committee, the aforesaid Act has been partly repealed. It has been stated in the beginning of this Chapter that a statute continues to exist on the Statutes Book unless it is repealed. The same has been stated by P.C. Jain Commission in its Report at para 16.4.9.

As per the information made available to the Committee in the Master copy of the Central Acts (set No.29) by the Legislative Department, it is observed that the aforesaid Act has not been shown as repealed. The Legislative Department may ascertain the correct position of the aforesaid Act and omit, if so required.

**In view of the above, the Land Acquisition (Amendment) Act, 1962 can be repealed only after ascertaining the facts about the aforesaid Act being in force/existing on the Statutes Book.**

## **200.The Companies (Amendment) Act, 1962 (43 of 1962)**

The aforesaid Act has been enacted to further amend the Companies Act, 1956.

The aforesaid Act contains three sections. Sub-section (2) of section 1 provides that it shall remain in force during the period of operation of the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 26th October, 1962. section 2 inserted a new section 293B which reads as under:-

"293B. Power of Board to make contributions to National Defence Fund etc. (1) The Board of directors of any company may, notwithstanding anything contained in sections 293 and 293A or in the memorandum or any other instrument relating to the company contribute such amount as it thinks fit to the National Defence Fund or any other Fund approved by the Central Government for the purpose of national defence.

(2) Every company shall disclose in its profit and loss account the total amount or amounts contributed by it to the Fund referred to in sub-section (1), during the financial year to which the account relates".

The Companies Act, 1956 has been repealed and re-enacted as the Companies Act, 2013 (18 of 2013).

Attention is invited to sections 181 and 183 of the Companies Act, 2013 which read as under:-

[**Section 181.** The Board of Directors of a company may contribute to *bona fide* charitable and other funds:

Provided that prior permission of the company in general meeting shall be required for such contribution in case any amount the aggregate of which, in any financial year, exceed five per cent. of its average net profits for the three immediately preceding financial years.

**Section 183.** (1) The Board of Directors of any company or any person or authority exercising the powers of the Board of Directors of a company, or of the company in general meeting, may, notwithstanding anything contained in sections 180, 181 and section 182 or any other provision of this Act or in the memorandum, articles or any other instrument relating to the company, contribute such amount as it thinks fit to the National Defence Fund or any other Fund approved by the Central Government for the purpose of national defence.

(2) Every company shall disclose in its profits and loss account the total amount or amounts contributed by it to the Fund referred to in sub-section (1) during the financial year to which the amount relates.]

As per records made available to the Committee, no reference was found as to whether

the aforesaid Act has been repealed.

**In view of above, the Committee feel that the aforesaid Act can be repealed.**

### **201.The Hindi Sahitya Sammelan (Amendment) Act, 1963 (1 of 1963)**

The aforesaid Act was enacted to amend the Hindi Sahitya Sammelan Act, 1962. The aforesaid Act has come into force from the 25<sup>th</sup> January, 1963 i.e., from the date of assent and as per records made available to the Committee no reference was found as to whether this Amending Act has been repealed.

**The Committee feels that this Act can be repealed.**

### **202.The Finance Act, 1963 (13 of 1963)**

The Committee feels that sections 4 to 20 amending the Income-tax Act, 1961, section 21 amending the Wealth-tax act, 1957, section 22 amending the Indian Tariff Act, 1934, section 26 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment), section 30 amending the Medicinal and Toilet preparation (Excise Duties) Act, 1955 and section 31 amending the Indian Post office Act, 1898 (**other than of being substantive provisions of the provisions being governed by the Finance Act**) can be repealed.

### **203. The Compulsory Deposit Scheme Act, 1963 (21 of 1963)**

The aforesaid Act has been enacted to provide in the interest of national economic development for compulsory deposit and for the framing of a scheme in relation thereto. The said Act came into force on the 25th May, 1963 *vide* notification number G.S.R 887 dated the 25th May, 1963.

The Law Commission in its One hundred and Fifty-ninth Report (1998) had recommended for repeal of the aforesaid Act. The P.C. Jain Commission in its Report at Sl. No.9 of Appendix A-1 (166 Central Acts recommended for repeal by the Central Government) also recommended for the repeal of the aforesaid Act.

The administrative Ministry (Department of Economic Affairs) *vide* their O.M. No. 11/47/2012-Ad.V dated the 15th September, 2014 have stated that the proposal to repeal the aforesaid Act is under process.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 42 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act The Act made it compulsory for all categories of persons, as mentioned in Section 2 of the Act, to make certain deposits. According to Section 2, the Act was meant to be applicable to five different categories of persons viz., persons liable to payment of land revenue; persons liable to payment of tax under the Income-Tax Act, 1961; holders of immovable properties situated in urban areas assessed to tax; employees of the Government and local authorities, and dealers whose annual turnover is Rs. 15,000 or more and who are not liable to payment of income tax under the Income-Tax Act, 1961. The Act has gradually fallen into disuse because of the discontinuance of various sub-schemes. The sub-schemes which were to be implemented through the State Governments and local authorities concerned were dropped owing to considerable practical difficulties. The scheme relating to employees not taxable to income tax was withdrawn from 23rd September 1963. For the other categories, the Compulsory Deposit (Income Tax Payers) Act, 1974 was enacted (which was also discontinued with effect from 1st April 1985). The Law Commission of India in its 159th Report on Repeal and Amendment of Laws has documented the Department of Economic

Affairs' proposal to repeal this Act. The reason furnished by the Department of Economic Affairs for proposing repeal of this Act was that in future any occasion or necessity for such compulsory deposits will not arise. Hence, the Department proposed repeal of this Act while making provision for disposal of the amounts already in deposit under the respective enactments. Consequently, the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act.

**The Committee feels that the aforesaid Act may be repealed and such repeal has been included in the draft Bill appended hereto. It is suggested that the administrative Ministry may not move separate proposal to repeal the aforesaid Act but include the aforesaid Act in the Repealing and Amending (No.2) Bill, 2014.**

#### **204. The Institutes of Technology (Amendment) Act, 1963 (29 of 1963)**

The aforesaid Act has been enacted to amend the Institutes of Technology Act, 1961 for making College of Engineering and Technology, Delhi as Indian Institute of Technology, Delhi.

The aforesaid Act contains seven sections out of which sections 2 to 6 were repealed by the Repealing and Amending Act, 1974 (56 of 1974). Section 7 provides that the College of Engineering and Technology, Delhi would cease to be affiliated college of University of Delhi on the commencement of the Institutes of Technology (Amendment) Act, 1963 and reads as under:—

"7. Notwithstanding anything contained in the Delhi University Act, 1922, or the Statutes made there under, the College of Engineering and Technology, Delhi, incorporated under this Act, shall, on the commencement of this Act, cease to be an "Affiliated College" within the meaning of clause (a) of section 2 of the Delhi University Act, 1922, except as respect things done or omitted to be done before such cesser."

**The Committee feels that the Act served the purpose and can be repealed after making specific saving clause on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Institutes of Technology (Amendment) Act, 1963, shall not revoke the cessation of the College of Engineering and Technology, Delhi affiliated to the University of Delhi as provided in section 7 of the aforesaid Act, as it stood before such repeal."

#### **205. The Dramatic Performance (Delhi Repeal) Act, 1963 (35 of 1963)**

The aforesaid Act has been enacted to provide for repeal of the Dramatic Performances Act, 1876, in force in the Union territory of Delhi.

The Committee feels that the Dramatic Performance (Delhi Repeal) Act, 1963 can be repealed as per legislative practice to clean the Statutes Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**The Committee feels that the aforesaid Act served its purpose and can be repealed.**

#### **206. The Companies (Amendment) Act, 1963 (53 of 1963)**

The aforesaid Act was enacted to amend the Companies Act, 1956 (1 of 1956). The provisions of the aforesaid Act except section 8 came into force from 01-01-1964 *vide* Notification No. S.O. 3607 dated 31-12-1963. Aforesaid section 8 came into force on 01-12-1964 *vide* Notification No. S.O.2988 Dt. 1-9-1964..

As per records made available to the Committee, no reference was found as to whether the aforesaid Act has been repealed. The Companies Act, 1956 has been repealed and re-enacted as the Companies Act, 2013 (18 of 2013).

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **207.The Delhi Development (Amendment) Act, 1963 (56 of 1963)**

The aforesaid Act has been enacted to amend the Delhi Development Act, 1957 and contains a total of 30 sections out of which section 2 to 29 were repealed by the Repealing and Amending Act, 1974 (56 of 1974). Further, section 30 of the aforesaid Act provides for validation of certain acquisitions.

**The Committee feels that the aforesaid Act can be repealed after making a specific saving clause on the following lines, namely:—**

“Without prejudice to generality of the provisions contained in section 4, if any acquisition of land has been made under the provisions of the Land Acquisition Act, 1894, as it stood before its repeal by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for any purposes of the Delhi Development Act, 1957 or any notification issued or order has been made or any proceeding has been instituted or any action has been taken in connection with acquisition of any land for such purpose, such acquisition notification, order proceedings or action shall, notwithstanding the repeal of the Delhi Development (Amendment) Act, 1963, not be deemed to be invalid merely on the ground that it was made, issued, instituted or taken under the provisions of the Land Acquisition act, 1894, as it stood before its repeal by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”.

### **208.The Finance Act, 1964 (5 of 1964)**

The Committee feels that sections 4 to 48 amending the Income-tax Act, 1961, section 49 amending the Estate Duty Act, 1953 (which had already been repealed), section 50 amending the Wealth-tax Act, 1957, section 51 amending the Expenditure-tax Act, 1957, section 52 amending the Gift-tax Act, 1958, (proposed to be repealed at Sl.No. 161 above) section 56 amending the Indian Tariff Act, 1934, section 60 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment), section 64 amending the Medicinal and Toilet preparation (Excise Duties) Act, 1955 and section 65 amending the Compulsory Deposit Scheme, 1963 (**other than of being substantive provisions of the provisions being governed by the Finance Act**) of the aforesaid Act can be repealed.

### **209.The Public Employment (Requirement as to Residence) Amendment Act, 1964 (10 of 1964)**

The aforesaid Act has been enacted to amend the Public Employment (Requirement as to Residence) Act, 1957.

The aforesaid Act contains four sections out of which sections 2 and 3 had been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Section 4 provides for validating the rules made before 21.03.1964 and any action taken in pursuance of those rules on or after the 21.03.1964 and before the commencement of this amending Act.

**The Committee feels that the aforesaid Act can be repealed after making the specific saving clause on the following lines, namely:—**

“Without prejudice to generality of the provisions contained in section 4, all rules

made under section 3 of the Public Employment (Requirement as to Residence) Act, 1957 and in force immediately before the 21st March, 1964, shall continue to be in force after that date until amended, varied or rescinded, as if such rules were made under that Act as amended by the Public Employment (Requirement as to Residence) Amendment Act, 1964 and any action taken (including appointments made) in pursuance of those rules on or after the 21st March, 1964 and before the commencement of Public Employment (Requirement as to Residence) Amendment Act, 1964 shall, notwithstanding the repeal of that Act, by this Act be, as valid and operative as if it had been taken in accordance with law."

### **210. The Delhi (Delegation of Powers) Act, 1964 (23 of 1964)**

The aforesaid Act has been enacted to provide the delegation of certain powers vested in the Administrator of the Union territory of Delhi.

The Delhi has now been declared as National Capital Territory of Delhi by the Government of National Capital Territory of Delhi Act, 1991 (1 of 1992) and the powers have been delegated under the aforesaid Act and articles 239AA of the Constitution. The Committee feels that the provisions of the aforesaid Act has become redundant and outlived its utility.

As per the legislative practice, the Acts relating to Delegation of Powers have been repealed such as (1) the Commissioner in Sindh (Delegation of Powers) Act, 1868- Repealed by reg. 6 of 1936;(2) the Punjab State Legislature (Delegation of Powers) Act,1951- Repealed by Act 42 of 1953;(3)the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953-Repealed by Act 36 of 1957;(4) the Andhra State Legislature (Delegation of Powers) Act, 1954- Repealed by Act 58 of 1960;(5)the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956-Repealed by Act 58 of 1960;(6) the Kerala State Legislature (Delegation of Powers) Act, 1959-Repealed by Act 52 of 1964;(7) the Orissa State Legislature (Delegation of Powers) Act, 1961-Repealed by Act 52 of 1964;(8) the Kerala State Legislature (Delegation of Powers) Act, 1964- Repealed by Act 56 of 1974;(9) the Kerala State Legislature (Delegation of Powers) Act, 1965- Repealed by Act 56 of 1974;(10) the Punjab State Legislature (Delegation of Powers) Act, 1966-Repealed by Act 56 of 1974;(11)the Haryana State Legislature (Delegation of Powers) Act, 1967-Repealed by Act 56 of 1974;(12) the West Bengal State Legislature (Delegation of Powers) Act, 1968- Repealed by Act 56 of 1974; (13) the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968-Repealed by Act 56 of 1974; (14) the Bihar State Legislature (Delegation of Powers) Act, 1968-Repealed by Act 56 of 1974; (15) the Punjab State Legislature (Delegation of Powers) Act, 1968-Repealed by Act 56 of 1974; (16) the Bihar State Legislature (Delegation of Powers)Act, 1969- Repealed by Act 56 of 1974; (17) the West Bengal State Legislature (Delegation of Powers) Act, 1970. Repealed by Act 56 of 1974. (18) the Mysore State Legislature (Delegation of Powers) Act, 1971- Repealed by Act, 57 of 2002; (19) the West Bengal State Legislature (Delegation of Powers) Act, 1971- Repealed by Act, 38 of 1978; (20) the Gujarat State Legislature (Delegation of Powers) Act, 1971-Repealed by Act, 38 of 1978;(21) the Punjab State Legislature (Delegation of Powers) Act, 1971-Repealed by Act, 38 of 1978; (22) the Andhra Pradesh State Legislature (Delegation of Powers) Act, 1973-Repealed by Act, 38 of 1978;(23) the Manipur State Legislature (Delegation of powers) Act, 1973-Repealed by Act, 38 of 1978;(24) the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973-Repealed by Act 38 of 1978; (25) the Gujarat State Legislature (Delegation of Powers) Act, 1974-Repealed by Act 38 of 1978; (26) the Nagaland State Legislature (Delegation of Powers) Act, 1975-Repealed by Act 38 of 1978; (27) the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976- Repealed by Act 19 of 1988; (28) the Gujarat State Legislature (Delegation of Powers) Act, 1976- Repealed by Act 19 of 1988; (29) the Assam State Legislature (Delegation of Powers) Act, 1980-Repealed by Act 19 of

1988; (30) the Assam State Legislature (Delegation of Powers) Act, 1981-Repealed by Act 19 of 1988; (31) the Assam State Legislature (Delegation of Powers) Act, 1982- Repealed by Act 19 of 1988; (32) the Punjab State Legislature (Delegation of Powers) Act, 1984- Repealed by Act 19 of 1988; (33) the Punjab State Legislative (Delegation of Powers) Act, 1987- Repealed by Act 30 of 2001; (34) the Jammu and Kashmir State Legislative (Delegation of Powers) Act, 1992- Repealed by Act 30 of 2001; (35) the Himachal Pradesh State Legislature (Delegation of Powers) Act, 1993- Repealed by Act 30 of 2001; (36) the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993-Repealed by Act 30 of 2001; (37) the Madhya Pradesh State Legislature (Delegation of Powers) Act, 1993-Repealed by Act 30 of 2001; (38) the Rajasthan State Legislature (Delegation of Powers) Act, 1993- Repealed by Act 30 of 2001; (39) the Uttar Pradesh Appropriation (Vote on Account) Act, 1993-Repealed by Act 30 of 2001; (40) the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995-Repealed by Act 30 of 2001; (41) the Mysore State Legislature (Delegation of Powers) Repeal Act, 2002.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **211.The Companies (Amendment) Act, 1964 (32 of 1964)**

The aforesaid Act has been enacted to further amend the Companies Act, 1956 which had been repealed and re-enacted by a new Statute namely, the Companies Act, 2013 (18 of 2013) and nothing contained in the aforesaid Act survives. As per records made available to the Committee, no reference was found as to whether the aforesaid Act has been repealed.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **212.The Finance Act, 1965 (10 of 1965)**

The Committee feels that sections 4 to 67 amending the Income-tax Act, 1961, section 69 amending the Estate Duty Act, 1953 (which had been repealed), section 70 amending the Wealth-tax act, 1957, section 71 amending the Gift-tax Act, 1958 (proposed to be repealed at S1.No.161), section 72 amending the Preference Shares (Regulation of Dividends) Act, 1960, section 73 amending the Unit Trust of India Act, 1963, section 74 amending the Companies (Profits) Surtax Act, 1964, section 75 amending the Indian Tariff Act, 1934 and section 79 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) **(other than of being substantive provisions of the provisions being governed by the Finance Act) can be repealed.**

### **213.The Finance (No.2) Act, 1965 (15 of 1965)**

The Committee feels that sections 2 to 18 amending the Income-tax Act, 1961, section 19 amending the Estate Duty Act, 1953, section 20 amending the Wealth-tax act, 1957, section 21 amending the Gift-tax Act, 1958, section 22 amending the Companies (Profits) Surtax Act, 1964, section 25 amending the Indian Tariff Act, 1934 and section 26 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) **[other than of being substantive provisions of the provisions being governed by the Finance Act] of the aforesaid Act can be repealed.**

### **214.The Banking Laws (Application to Co-operative Societies) Act, 1965 (23 of 1965)**

The aforesaid Act has been enacted further to amend the Reserve Bank of India Act, 1934 and the Banking Companies Act, 1949 for the purpose of regulating the banking business of certain co-operative Societies and for matter connected therewith.

All the sections [except section 1 and sub-section (2) of section 11], had been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Section 1 relates to short title. Sub-section (2) of aforesaid section 11 reads as under:—

"11. (1).....

(2) Any reference to the Banking Companies Act, 1949 in any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Banking Regulation Act, 1949."

**The Committee feels the remaining sections of the aforesaid Act can be repealed after making specific saving clause on the following lines, namely:—**

"Without prejudice to the generality of provisions contained in section 4, notwithstanding the repeal of the Banking Laws (Application to Co-operative Societies) Act, 1965, the "Banking Regulation Act, 1949", shall be referred and continued to be referred and construed and continued to be construed as such instead of the "Banking Companies Act, 1949", as provided under sub-section (2) of section 11 of the Banking Laws (Application to Co-operative Societies) Act, 1965 as it stood before such repeal, in any law for the time being in force, or, in any instrument or other document, whether before or after such repeal."

### **215. The Companies (Amendment) Act, 1965 (31 of 1965)**

The aforesaid Act has been enacted further to amend the Companies Act, 1956.

The Companies Act, 1956 has been repealed and re-enacted as the Companies Act, 2013 (18 of 2013). As per records made available to the Committee, no reference was found as to whether the aforesaid Act has been repealed.

The Companies Act, 1956 has been repealed and re-enacted as the Companies Act, 2013 (18 of 2013). As the principal Act has been repealed nothing contained in the Companies (Amendment) Act, 1965 survives.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **216. The Delhi Land Reforms (Amendment) Act, 1965 (38 of 1965)**

The aforesaid Act has been enacted further to amend the Delhi Land Reforms Act, 1954.

Except sections 1 and 27 all other sections were repealed by the Repealing and Amending Act, 1974 (56 of 1974). Aforesaid section 27 contains provisions for validating the action taken by the Deputy Commissioner on behalf of the Gaon Sabhas. As per information gathered from the web site of the Delhi Government, the aforesaid Act i.e., the Delhi Land Reforms Act, 1954 is in force.

Attention is invited to clause (3) (a) of article 239AA of the Constitution which reads as under:—

"(3)(a) Subject to the provisions of this Constitution, the Legislative Assembly shall have power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concurrent List in so far as any such matter is applicable to Union territories **except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to the said Entries 1, 2 and 18.**"

Attention is invited to Entry 18 of the List-II-State List of the Seventh Schedule (which is not applicable to Delhi) to the Constitution, which reads as under:—

"18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization."

The Committee feels that the aforesaid Act can be repealed with following specific saving clause, namely:—

'Without prejudice to the generality of the provisions contained in section 4, and notwithstanding any judgement, decree or order of any Court, anything done or any action taken by the Deputy Commissioner, Delhi, before the 30th November, 1965 (being the date of passing of the aforesaid Act) in pursuance of any notification under section 161 of the Delhi Land Reforms Act, 1954, [as it stood before the repeal of the Delhi Land Reforms (Amendment) Act, 1965 by this Act] in the discharge of any duties or the exercise of any powers or the performance of any functions of the Gaon Sabha or Gaon Panchayat under the Delhi Land Reforms Act, 1954 in relation to any land vested in the Central Government under sub-section (3) or sub-section (4) of section 150 of the Delhi Land Reforms Act, 1954, as amended by Delhi Land Reforms (Amendment) Act, 1965, shall, before and after such repeal be deemed to have been validly and lawfully done or taken on behalf of the Central Government and accordingly if after such repeal—

(a) any suit or proceeding is pending in any court to which the Deputy Commissioner and the Gaon Sabha are a party, the Union of India shall be deemed to be substituted therefor in that suit or proceeding, as provided in section 27 of the Delhi Land Reforms (Amendment) Act, 1965 before its repeal; and

(b) where any suit or proceeding has been dismissed on the ground that the Deputy Commissioner and the Gaon Sabha had no *locus standi* to file such suit or proceeding, it shall be restored and continued with the Union of India as having been substituted as a party as provided in section 27 of the Delhi Land Reforms (Amendment) Act, 1965 before its repeal.".

## **217.The Delhi Land Reforms (Amendment) Act, 1966 (1 of 1966)**

The aforesaid Act has been enacted further to amend the Delhi Land Reforms Act, 1954.

The aforesaid Act contains five sections out of which sections 2 and 3 has been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Section 4 contains provisions for validating the action taken under section 11 and 13 of the Delhi Land Reforms Act, 1954 and section 5 thereof contains provisions for repeal of Delhi Land Reforms (Amendment) Ordinance, 1966. As per information gathered from the web site of the Delhi Government, the Delhi Land Reforms Act, 1954 is in force.

Attention is invited to clause (3) (a) of article 239AA of the Constitution which reads as under:—

"(3)(a)Subject to the provisions of this Constitution, the Legislative Assembly shall have power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concurrent List in so far as any such matter is applicable to Union territories except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to the said Entries 1, 2 and 18.".

Attention is invited to Entry 18 of the List-II (State List) of the Seventh Schedule (which is not applicable to Delhi) to the Constitution, which reads as under:—

"18.Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization.".

The Committee feels that the aforesaid Act can be repealed after making a specific saving clause on the following lines, namely:—

"Without prejudice to the generality of the provisions contained in section 4 and notwithstanding anything to the contrary contained in the Delhi Land Reforms Act, 1954 or in any other law for the time being in force or in any judgment, decree or order of any court and repeal of the Delhi Land Reforms (Amendment) Act, 1966,—

(a) all declarations (whether general or individual) conferring or purporting to confer Bhumidhari rights in favour of any person or class of persons under any of the clauses (a) to (c) of sub-section (1) of section 11, or in favour of any tenant or class of tenants under any of the clauses (a) to (h) of sub-section (1) of section 13, of the Delhi Land

Reforms Act, 1954, made before the 5th day of February, 1966, by the Deputy Commissioner or a Revenue Assistant (whether or not such Revenue Assistant was empowered by the Chief Commissioner to discharge all or any of the functions of a Deputy Commissioner), shall, before and after such repeal, be deemed to be, and to have always been, made by such Deputy Commissioner, or, as the case may be, Revenue Assistant in accordance with law and the persons or class of persons or the tenants or class of tenants in whose favour any such declaration has been made shall be deemed to have been validly and lawfully declared as Bhumidhars as if the Delhi Land Reforms (Amendment) Act, 1966 had not been repealed:

Provided that nothing herein contained shall affect the right of any person to call in question any such declaration on the ground only that the entries in the revenue records on the basis of which such declaration has been made are incorrect;

(b) all suits, appeals and other proceedings relating to any such declaration pending before any court or other authority immediately before the 5th day of February, 1966, [other than those based on the ground referred to in the proviso to clause (a)], which has been deemed to have abated on that date shall, before and after such repeal, be deemed to have been abated as if the Delhi Land Reforms (Amendment) Act, 1966 had not been repealed."

## **218.The Finance Act, 1966 (13 of 1966)**

The Committee feels that sections 4 to 37 amending the Income-tax Act, 1961, section 38 amending the Estate Duty Act, 1953 (which had been repealed), section 41 amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161), section 42 repealing the Super Profit Tax Act, 1963, section 43 amending the Companies (Profits) Surtax Act, 1964, section 47 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment), section 51 amending the Central Sales Tax Act, 1956, section 52 amending the Preference Shares (Regulation of Dividends) Act, 1960 and section 53 amending the Unit Trust of India Act, 1963 (**other than of being substantive provisions of the provisions being governed by the Finance Act can be repealed.**

## **219.The Merchant Shipping (Amendment) Act, 1966 (21 of 1966)**

The aforesaid Act has been enacted further to amend the Indian Merchant Shipping Act, 1923 (21 of 1923).

The aforesaid Act came into force on the 28th day of May, 1966 as provided by sub-section (2) of section 1 of the aforesaid Act. Sections 2 to 39 of the aforesaid Act had been repealed by the Repealing and Amending Act, 1974 (56 of 1974) and only section 1, section 40 and section 41 exist. Aforesaid section 40 provides that certain contraventions etc. not to be offences.

The Indian Merchant Shipping Act, 1923 (21 of 1923) was repealed by Part I of Schedule to the Merchant Shipping Act, 1958 (44 of 1958).

As per records made available to the Committee by the Legislative Department, no reference has been found as to whether the aforesaid amendment Act has been repealed. Since the principal Act i.e., the Merchant Shipping Act, 1923 had already been repealed, nothing survives in the amendment Act i.e., the Indian Merchant Shipping (Amendment) Act, 1966.

**The Committee feels that the aforesaid Act can be repealed after making a specific saving clause in respect of aforesaid section 40 on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, any person who was not guilty of an offence for the contravention for failure provided under

section 40 of the Indian Merchant Shipping (Amendment) Act, 1966, as it stood before its repeal by this Act, shall continue to be so after the repeal of the Indian Merchant Shipping (Amendment) Act, 1966 as if the said 'Act had not been repealed.'.

## **220. The Electricity (Supply) Amendment Act, 1966 (30 of 1966)**

The aforesaid Act was enacted further to amend the Electricity (Supply) Act, 1948.

The aforesaid Acts contains twenty-four sections out of which sections 2 to 23 had been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Section 24 provides for validating the imposition and collection of charges for supply of electricity under section 49 of the Electricity (Supply) Act, 1948 before the commencement of the aforesaid Act.

The Committee noted that the Act served the purpose and has become redundant. The Electricity (Supply) Act, 1948 has been repealed by the Electricity Act, 2003 (36 of 2003) and section 185 of the Electricity Act, 2003 contains saving provisions. Thus nothing survive in the Electricity (Supply) Amendment Act, 1966.

**The Committee feels that the aforesaid Act can be repealed.**

## **221. The Companies (Second Amendment) Act, 1966 (37 of 1966)**

The aforesaid Act has been enacted further to amend the Companies Act, 1956.

The Companies Act, 1956 has been repealed and re-enacted as the Companies Act, 2013 (18 of 2013). As per records made available to the Committee, no reference was found as to whether the aforesaid Act has been repealed.

The aforesaid Act contains four sections out of which section 3 contains certain validations. The concerned Ministry may consider whether the saving clause provided under the Companies Act, 2013 would suffice for validation or validation be provided in the Repealing Bill, 2014.

**The Committee feels that the aforesaid Act can be repealed after making a specific saving clause on the following lines, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Companies (Second Amendment) Act, 1966 shall, notwithstanding any judgment, decree or order of any court or tribunal to the contrary, or anything contained in any law for the time being in force, not affect, before and after such repeal, any order, rule, regulation or appointment made, direction given or thing done, by then Chairman or any other member of the Company Law Board, acting individually, before the commencement of the Companies (Amendment) Act, 1965 and such order, rule, regulation or appointment made, direction given or thing done shall be deemed to be valid, or ever to have become invalid, by reason only of the fact that such Chairman or other member, acting individually, had no power to make such order, rule, regulation or appointment or give such direction or do such thing and every such order, rule, regulation or appointment made and every such direction given and thing done shall be deemed to have been made, given or done, as the case may be, by the Company Law Board as if the aforesaid Act had not been repealed.".

## **222. The Representation of the People (Amendment) Act, 1966 (47 of 1966)**

The aforesaid Act has been enacted further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951. Except sections 1, 3, 61 and 63, all other sections had been repealed by the Repealing and Amending Act, 1974 (57 of 1974).

The provisions of section 3 of the aforesaid Act provides that the members representing in the House of People immediately before 14.12.1966 [being the date of commencement of the aforesaid Act] from certain States and Union territories as mentioned in

aforesaid section 3 [such States and UTs, being the States of Jammu and Kashmir, State of Nagaland and Union territories of Andaman and Nicobar Islands, the Laccadive, Minicoy and Amindivi Islands and Dadra and Nagar Haveli] shall continue to represent until dissolution of that House or if any vacancy was arisen against those seats then that would be filled by the nomination of the President. The Committee feels that the aforesaid section after efflux of time i.e., after fifty-one year has become redundant.

Section 61 of the aforesaid Act omitted section 137 of the Representation of the People Act, 1951 and continuing any inquiry or proceeding pending before such omission by the Election Commission and imposition of any penalty or punishment thereof. The aforesaid section 61 proviso thereto reads as under:—

"61. Section 137 of the 1951- Act shall be omitted:

Provided that such omission shall not affect any inquiry or other proceeding under the said section pending immediately before such omission and any such inquiry or other proceeding may be continued and any prosecution may be instituted as a result of such inquiry or other proceeding and any penalty or punishment may be imposed under and in accordance with the said section as if that section had not been omitted."

Section 137 of the Representation of the People Act, 1951- Act before its omission reads as under:

"137. Prosecution regarding certain offences.—(1) If the Election Commission or a Regional Commissioner appointed under clause (4) of article 324 or the Chief Electoral Officer of the State has reason to believe that any offence punishable under section 129, or under section 134 or under clause (a) of sub-section (2) of section 136 has been committed in reference to any election within a State, it shall be the duty of the Election Commission, the Regional Commissioner or the Chief Electoral Officer, as the case may be, to cause such inquiries to be made and such prosecutions to be instituted as the circumstances of the case may appear to it or him to require.

(2) No court shall take cognizance of any offence punishable under section 129 or under section 134 or under clause (a) of sub-section (2) of section 136 unless there is a complaint made by order of, or under authority from, the Election Commission or a Regional Commissioner appointed under clause (4) of article 324 or the Chief Electoral Officer of the State concerned."

Further, section 63 of the aforesaid Act provided for non-application of the provisions of the aforesaid Act on any elections which were called before the commencement of the Representation of the People (Amendment) Act, 1966 (14.12.1966 being the date of commencement of this Act) or to any election petition arising out of such elections. Aforesaid section 63 contains provisions which were transitory in nature and has now becomes redundant.

**The Committee feels that the aforesaid Act can be repealed after making a specific saving clause in respect of proviso to aforesaid section 61, on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the omission of section 137 of the Representation of the People Act, 1951, by the Representation of the People (Amendment) Act, 1966, shall, notwithstanding the repeal of the Representation of the People (Amendment) Act, 1966, not, affect any inquiry or other proceeding instituted immediately before 14th December, 1966 (being the date of omission of the aforesaid section 137) under the aforesaid section or continues thereof after such repeal, and any such inquiry or other proceeding, if pending on the date of such repeal, may be continued after such repeal and any prosecution may be instituted as a result of such inquiry or other proceeding and any penalty or punishment may be imposed in accordance with the said section as if that section had not been omitted, as provided under the Representation of the People (Amendment) Act, 1966 before its repeal."

The aforesaid Act has five sections out of which sections 2 and 3 had been repealed by the Finance (No. 2) Act, 1967.

Section 4 deals with the amendment in the Indian Tariff (Amendment) Act, 1949 and section 5 exempts levy of duty on the manufacture of salt under the Central Excise and Salt Act, 1944 (short title as it stood before its amendment) or import of duty on the Indian Tariff Act, 1934 for the year beginning on the 1st day of April, 1967. It was observed from the Finance Act enacted during the preceding and succeeding financial years that the aforesaid duty on the salt has been exempted on year to year basis.

**The Committee feels that the aforesaid Act can be repealed making a specific saving clause in respect of aforesaid duty on salt on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Finance Act, 1967, shall not revive the provisions of section 5 of that Act (unless the said section 5 has been otherwise repealed or amended by any other Act).".

## **224. The Land Acquisition (Amendment and Validation) Act, 1967 (13 of 1967)**

The aforesaid Act has been enacted to amend the Land Acquisition Act, 1894 and to validate certain acquisition of land under the said Act.

Sections 2 and 3 of the Land Acquisition (Amendment and Validation) Act, 1967 had been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Only Section 1 and 4 are surviving. Section 4 provides for validation of certain acquisitions made under the Land Acquisition Act, 1894 before the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967.

The Department of Land Resources *vide* its OM No. 13011/6/2013-LRD dated 23rd September, 2014 has attached the opinion of Department of Legal Affairs which states as under:-

"The Principal Act Land Acquisition Act, 1894 has been amended by two times *vide* two Act i.e. Land Acquisition (Amendment) Act, 1962 and Land Acquisition (Amendment and Validation) Act, 1967. In this way both Acts i.e., Act 1962 and Act 1967 have become part and partial parts of the Principal Act 1894, which has been repealed by section 114 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Hence the question existence of both acts do not arise while the Principal Act i.e. Act 1894 has been repealed by Act 2013."

The P.C. Jain Commission in its Report at Sl. No. 67 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended repeal of the aforesaid Act.

The Law Commission in its 248<sup>th</sup> report at Sl. No. 69 under Chapter 4 of the Report had, *inter alia*, recommended for repeal of this Act and observed that this Act was enacted to amend the Land Acquisition Act, 1894 and to validate certain acquisitions. The purpose of this Act has also been fulfilled. Further, as already mentioned the 1894 Act has been repealed.

The Committee would like to record that any Act unless it is repealed remains on the Statutes book. It may be stated that section 4 of the aforesaid Act is an independent provision and does have implications.

**In view of above, the Committee feels that the aforesaid Act can be repealed after making a specific saving clause in respect of section 4 of the aforesaid Act, which provides for validation of certain acquisitions, on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Land Acquisition (Amendment and Validation) Act, 1967, shall not affect the matters covered under section 4 of the aforesaid Act (including the acquisition of land made and validation thereof, the calculation and payment of rate of interest and compensation and other provisions relating thereto), as it stood before its repeal.".

## **225.The Essential Commodities (Amendment) Act, 1967 (14 of 1967)**

The aforesaid Act has been enacted to amend the Essential Commodities Act, 1955 and to continue for a further period.

The aforesaid Act contains five sections. Sections 2 and 4 had been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Only sections 1, 3 and 5 are now surviving. Section 1 relates to short title thereof and duration, Section 3 provides for validating the closure of cotton textile mills on certain days during the period 12.02.1966 and 23.12.1966 (both days inclusive) in pursuance of the decision taken by the Government of India and the employer was mandated to pay compensation for such closure to the person employed in the undertaking at the prevailing rate and section 5 contains provisions for repeal and saving of the Essential Commodities (Second Amendment) Ordinance, 1966.

**The Committee feels that the Act served its purpose and outlived the utility and thus can be repealed after making a specific saving clause, on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Essential Commodities (Amendment) Act, 1967, shall not affect the liability of the employer to pay compensation for closure of the undertakings to the persons employed (including badli workmen) as provided under clause (b) of section 3 of the aforesaid Act as it stood before such repeal."

## **226.The Finance (No. 2) Act, 1967 (20 of 1967)**

The Committee feels that sections 4 to 32 amending the Income-tax Act, 1961, section 34 amending the Wealth-tax Act, 1957, section 35 amending the Gift-tax Act, 1958 (proposed to be repealed under Sl. No. 161), section 36 amending the Companies (Profits) Surtax Act, 1964, section 37 amending the Indian Tariff Act, 1934, section 40 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment), section 43 amending the Indian Post Office Act, 1898 and section 44 amending the Deposit Insurance Corporation Act, 1961 (**other than of being substantive provisions of the provisions being governed by the Finance Act**) can be repealed.

## **227. The Standards of Weights and Measures (Extension to Kohima and Mokokchung Districts) Act, 1967 (25 of 1967)**

The aforesaid Act has been enacted to extended the Standards of Weights and Measures Act, 1956 to the Kohima and Mokokchung districts in the State of Nagaland.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 46 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act extended the Standards of Weights and Measures Act, 1956 to the Kohima and Mokochung districts in the State of Nagaland. The Standards of Weights and Measures Act, 1956 was repealed by the Standards of Weights and Measures Act, 1976. This law is redundant and serves no purpose. Hence, it should be repealed.

Attention is drawn to section 57 of the Legal Metrology Act, 2009 (1 of 2010) which has repealed the Standards of Weights and Measures Act, 1976. The Legal Metrology Act, 2009 extends to whole of India as provided under sub-section (2) of section 1 of that Act.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

## **228.The Finance Act, 1968 (19 of 1968)**

The Committee feels that sections 4 to 29 amending the Income-tax Act, 1961, section 32 amending the Wealth-tax Act, 1957, section 33 amending the Companies (Profits) Surtax Act, 1964, section 34 amending the Indian Tariff Act, 1934, section 38 amending the Central Excise and Salt Act, 1944 (short title as it stood before its amendment), section 41 amending the Mineral Products (Additional Duties of Excise and Customs) Act, 1958, section 43 amending the Central Sales Tax Act, 1956 and section 44 amending the Indian Post Office Act, 1898 (**other than of being substantive provisions of the provisions being governed by the Finance Act**) can be repealed.

## **229.The Delhi and Ajmer Rent Control (Nasirabad Cantonment Repeal) Act, 1968 (49 of 1968)**

The aforesaid Act has been enacted to repeal the Delhi and Ajmer Rent Control Act, 1952 as in force in the Cantonment of Nasirabad.

The PC Jain Commission in its Report at Sl. No. 135 of Appendix A-1 (166 Central Acts recommended for repeal) has recommended repeal of the aforesaid Act.

The Law Commission in its 248<sup>th</sup> report at Sl. No. 70 under Chapter 4 had *inter alia* recommended for repeal of this Act and observed that this Act was enacted to repeal the Delhi and Ajmer Rent Control Act, 1952 in force in the cantonment of Nasirabad (in the municipal area of Ajmer, Rajasthan) and provided that the Rajasthan Premises (Control of Rent and Eviction) Act, 1950 would be extended to Nasirabad cantonment, and the 1952 Act would be repealed. The Commission further stated that the purpose of this Act has been served. It also stated that the Rajasthan Rent Control Act, 2001 has now been enacted by the State Legislature which has repealed the Rajasthan Premises (Control of Rent and Eviction) Act, 1950.

**In view of above, the aforesaid Act can be repealed.**

## **230.The State Agricultural Credit Corporation Act, 1968 (60 of 1968)**

The aforesaid Act has been enacted to provide for the establishment in the States and Union territories of Agricultural Credit Corporations and for matters connected therewith or incidental thereto.

The Department of Financial Services vide their D.O. letter No.9/15/2014-Coord dated 12th September, 2014, at serial no. 36 of the Annexure-I to the aforesaid D.O. stated that the RBI and NABARD have since recommended repealing the aforesaid Act on the grounds that it has lost its relevance and no State Agricultural Credit Corporation has been established by any of the States since the enactment of the said Act. As per the opinion of RBI and the National Bank of Agriculture and Rural Development (NABARD), in terms of section 19 of the State Agricultural Credit Corporations Act, 1968, the mandate of the said Act was to provide loans and advances for a period not more than five years to agriculturists, cooperatives banks and primary agricultural credit societies (PACS). The administrative Ministry further stated that following its enactment in 1968, nationalization of banks took place in 1969 and commercial banks became major purveyors of agriculture credit. With the advent of technological innovations in banking, mandatory opening of rural branches by Commercial banks and special efforts taken by Government of India and banks for Financial Inclusion, and as a spin-off, majority of the agricultural population can approach institutional banking services and avail of banking facilities there from. In such a scenario, the State Agricultural Credit Corporations functioning, if any would duplicate the efforts taken by Governments and other institutions in the public and private sector.

The administrative Ministry further stated that the authorized capital of the State Agricultural Financial Corporation is only Rs.5.00 crore and in the current context will be

inadequate for the Sector In terms of section 19 of the State Agricultural Credit Corporations Act, 1968, the mandate is to provide loans and advances for a period not more than five years to agriculturists, cooperatives banks and PACS.

The administrative Ministry also stated that they have ascertained from RBI and NABARD that no Corporation has been established by any of the States since the enactment of the said Act. The administrative Ministry stated that the aforesaid Act can be repealed.

**In view of the above, the aforesaid Act can be repealed.**

### **231.The Finance Act, 1969 (14 of 1969)**

The Committee feels that sections 3 to 23 amending the Income-tax Act, 1961, section 24 amending the Wealth-tax Act, 1957, section 25 amending the Companies (Profits) Surtax Act, 1964, section 26 amending the Indian Tariff Act, 1934, section 29 amending the Indian Tariff (Amendment) Act, 1949 and section 30 amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) [other than of being substantive provisions of the provisions being governed by the Finance Act] of the aforesaid Act can be repealed.

### **232.The Companies (Amendment) Act, 1969 (17 of 1969)**

The aforesaid Act has been enacted to amend the Companies Act, 1956.

The aforesaid Act has six sections out of which sections 3 to 5 had been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Section 6 of the aforesaid Act contains provisions which were related to the managing agents and secretaries and treasurers of company were ceased to operate on and from the 3rd day of April, 1970, being the appointed day as mentioned in section 2 of the Companies (Amendment) Act, 1969. The Companies Act, 1956 has been repealed and re-enacted as the Companies Act, 2013(18 of 2013). The concerned Ministry may consider whether the saving clause provided under Companies Act, 2013 would suffice.

**The Committee feels that the provisions served the purpose and the aforesaid Act can be repealed after making a specific saving clause, on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Companies (Amendment) Act, 1969, shall not affect the things done or omitted to be done by the managing agents and secretaries and treasurers before their cessation as such, as provided under section 6 of the aforesaid Act, before such repeal."

### **233.The Coal Bearing Areas (Acquisition and Development) Amendment Act, 1969 (23 of 1969)**

The aforesaid Act has been enacted to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957.

The aforesaid Act consists of three sections out of which section 2 has been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Section 3 provides for validation of certain acquisitions.

**The Committee feels that the aforesaid Act served the purpose and may be repealed after the following specific saving in the Repealing Bill, 2014, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, every acquisition of land or the rights in or over land made by the Central Government in pursuance of the notifications of the Government of India in the late Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) Nos. S.O.1759 and S.O. 25 dated the 7<sup>th</sup> August, 1958 and the 22<sup>nd</sup> December, 1959 respectively, made under section 9 of the Coal Bearing Areas

(Acquisition and Development) Act, 1957, shall be, and shall be deemed always to have been, as valid, before and after repeal of the Coal Bearing Areas (Acquisition and Development) Amendment Act, 1969, as if the provisions of section 28 thereof, as amended by the Coal Bearing Areas (Acquisition and Development) Amendment Act, 1969, were in force at all material times when such acquisition was made and shall not be called in question in any court of law on the grounds only that before issuing such notifications no notification was issued under section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 in relation to the land or rights in or over such land covered by the aforesaid notification Nos. S.O. 1759 and S.O. 25.”.

### **234. The Central Sales Tax (Amendment) Act, 1969 (28 of 1969)**

The aforesaid Act was enacted to amend the Central Sales Tax Act, 1956 and to provide for certain other matters.

The PC Jain Commission in its Report at Sl. No. 44 of Appendix A-1 (166 Central Acts recommended for repeal) has recommended repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 48 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to amend the Central Sales Tax Act, 1956. The Act also validated all assessment, re-assessment, levy or collection of tax made before 9th June 1969. The Act also exempted from tax any sale of goods in the course on inter-State trade or commerce effected during the period between 10th November 1964 and 9th June 1969. The amendments made have by this Act have been effected in the Central Sales Tax Act, 1956. Hence, the purpose of this Act has been fulfilled and the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act.

The aforesaid Act contains 11 sections, out of which sections 2 to 8 had been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Section 9 contains provision for validation of assessments etc. Section 10 relates to exemption from liability to pay tax in certain cases and section 11 relates to repeal and saving of the Central Sales Tax (Amendment) Ordinance, 1969.

**The Committee feels that the aforesaid Act can be repealed after making a specific saving clause in the Recalning Bill, 2014, on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4,-

(a) notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, any assessment, re-assessment, levy or collection of any tax made or purporting to have been made, any action or thing taken or done in relation to such assessment, re-assessment, levy or collection under the provisions of the Central Sales Tax Act, 1956, before the 9<sup>th</sup> day of June, 1969, shall be deemed before and after repeal of the repeal of the Central Sales Tax (Amendment) Act, 1969, to be as valid and effective as if such assessment, re-assessment, levy or collection or action or thing had been made, taken or done under the Central Sales Tax Act, 1956 as amended by the Central Sales Tax (Amendment) Act, 1969 as the said Act had not been repealed and accordingly –

(i) all acts, proceedings or things done or taken by the Government or by any officer of the Government or by any other authority in connection with the assessment, re-assessment, levy or collection of such tax shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law;

(ii) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such tax; and  
(iii) no court shall enforce any decree or order directing the re-fund of any such tax;  
(iv) nothing in sub-section (1) shall be construed as preventing any person –

(A) from questioning in accordance with the provisions of the Central Sales Tax Act, 1956, as amended by the Central Sales Tax (Amendment) Act, 1969 before such repeal, any assessment, re-assessment, levy or collection of tax referred to in sub-section (1), or

(B) from claiming refund of any tax paid by him in excess or the amount due from him by way of tax under the Central Sales Tax Act, 1956, as amended by the Central Sales Tax (Amendment) Act, 1969 before such repeal;

(b) where any sale of goods in the course of inter-State trade or commerce had been effected during the period between the 10<sup>th</sup> day of November, 1964 and the 9<sup>th</sup> day of June, 1969, and the dealer effecting such sale has not collected any tax under the Central Sales Tax Act, 1956, on the ground that no such tax could have been levied or collected in respect of such sale or any portion of the turnover relating to such sale and no such tax could have been levied or collected if the amendments made in the Central Sales Tax Act, 1956, by the Central Sales Tax (Amendment) Act, 1969 before such repeal, had not been made, then, notwithstanding anything contained in clause (a) above, or the amendments made by that Act, the dealer shall not be liable to pay any tax under the Central Sales Tax Act, 1956, as amended by the Central Sales Tax (Amendment) Act, 1969 before such repeal, in respect of such sale or such part of the turnover relating to such sale;

(c) for the purposes of clause (b) above, the burden of proving that no tax was collected under the Central Sales Tax Act, 1956, in respect of any sale referred to in clause (b) or in respect of any portion of the turnover relating to such sale shall be on the dealer effecting such sale;

(d) in case any matter covered by section 9 and section 10 of the Central Sales Tax (Amendment) Act, 1969 arises after repeal of such Act, such matter shall be dealt with as if the aforesaid Act had not been repealed .".

### **235. The Wakf (Amendment) Act, 1969 (38 of 1969)**

The aforesaid Act has been enacted to amend the Wakf Act, 1954.

The Wakf (Amendment) Act, 1969 contains 11 sections out of which section 2 to 9 had been repealed by the Repealing and Amending Act, 1974 (56 of 1974). Subsequently, the Wakf Act, 1954 and Wakf (Amendment) Act, 1984 had been repealed by section 112 of the Wakf Act, 1995 (43 of 1995).

However, sections 1, 10 and 11 of the Wakf (Amendment) Act, 1969 are still surviving. Section 10 contains provisions for making special provisions as to certain list of wakfs published under sub-section (2) of section 5 of the Wakf Act, 1954 and section 11 contains provisions for validation of contribution paid or realized under section 46 of the Wakf Act, 1954. However, with the repeal of the Act of 1954, the Committee feels that nothing survives in this Act. The administrative Ministry may consider whether any saving provisions are required in respect of aforesaid sections 10 and 11 in view of the enactment of Wakf Act, 1995.

**The Committee feels that the aforesaid Act can be repealed after making a**

**specific saving clause in the Repealing Bill, 2014, on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4,—

(a) notwithstanding anything contained in the judgment, decree or order of any court to the contrary, and subject to the provisions of the second proviso to subsection (1) of section 6 of the Wakf Act, 1954, as amended by the Wakf (Amendment) Act, 1969,(as they stood before their repeal by the Wakf Act, 1995) every list of wakfs purporting to be a list of wakfs existing at the date of the commencement of the Wakf Act, 1954 in any part of a State and published or purporting to have been published under sub-section (2) of section 5 of the Wakf Act, 1954, before the 2nd December, 1969 [being the date of the commencement of the Wakf (Amendment) Act, 1969], shall be deemed to be, and shall be deemed always to have been, published in accordance with law unless being contrary provided for under the provisions of the Wakf Act, 1954;

(b) notwithstanding anything contained in any law or any judgment, decree or order of any court, all contributions paid or realised, or purporting to have been paid or realised, under section 46 of the Wakf Act, 1954, (as it stood before its repeal by the Wakf Act, 1995), which would have been validly paid or realised if the amendments made to that Act by the Wakf (Amendment) Act, 1969, were in force on the date of such payment or realisation, shall, for all purposes, be deemed to be, and shall be deemed always to have been, paid or realised in accordance with law before and after such repeal, and accordingly—

(i) no suit or other legal proceeding shall be maintained or continued in any court after such repeal for the refund of the whole or any part of the contribution so paid or realised; and

(ii) no court shall enforce after such repeal any decree or order directing the refund of the whole or any part of the contribution so paid or realised.".

### **236. The International Monetary Fund and Bank (Amendment) Act, 1969 (41 of 1969)**

The aforesaid Act has been enacted further to amend the International Monetary Fund and Bank Act, 1945.

The aforesaid Act contains only three sections which have come into force w.e.f 26.12.1981 (Notification No.S.O.6, dated 19.12.1981). It does not contain any saving, validation or transitional provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **237. The Punjab Legislative Council (Abolition) Act, 1969 (46 of 1969)**

The aforesaid Act has been enacted to provide for the abolition of the Legislative Council of the State of Punjab and for matters supplemental, incidental and consequential thereto.

The aforesaid Act contains nine sections. Section 1 relates to short title and commencement, section 2 relates to certain definitions used in the Act, section 3 relates to abolition of the Council, section 4 relates to amendment of article 168 of the Constitution, section 5 relates to amendment of Third and Fourth Schedules in the Representation of the People Act, 1950, section 6 relates to repeal of the Delimitation of Council Constituencies (Punjab) Order, 1951, section 7 relates to provisions as to the pending Bills, section 8 relates to power to adapt laws and section 9 relates to power to construe laws.

The aforesaid Act has served its purpose and has become redundant.

In the past, a similar Act namely, the West Bengal Legislative Council (Abolition) Act, 1969 (20 of 1969) was repealed by the Two Member Constituencies (Abolition) and other Laws Repeal Act, 2001 (47 of 2001). The West Bengal Legislative Council (Abolition) Act,

1969(which had been repealed earlier) contained broadly the similar provisions i.e., Section 1 relates to short title and commencement, section 2 relates to certain definitions used in the Act, section 3 relates to abolition of the Council, section 4 relates to amendment of article 168 of the Constitution, section 5 relates to amendment of Third and Fourth Schedules in the Representation of the People Act, 1950, section 6 relates to repeal of the Delimitation of Council Constituencies (West Bengal) Order, 1951, section 7 relates to provisions as to the pending Bills, section 8 relates to power to adapt laws and section 9 relates to power to construe laws on the lines of the provisions of the Punjab Legislative Council (Abolition) Act, 1969 proposed to be repealed by the Committee.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **238.The Finance Act, 1970 (19 of 1970)**

The Committee feels that sections 3 to 25 amending the Income-tax Act, 1961, section 26 amending the Wealth-tax Act, 1957, section 27 amending the Gift-tax Act, 1958 (proposed to be repealed under Sl. No. 161 above), section 28 amending the Indian Tariff Act, 1934, section 31 amending the Indian Tariff (Amendment) Act, 1949, section 32 amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), section 36 amending the Indian Post Office Act, 1898, and section 38 amending the Unit Trust of India Act, 1963 (**other than of being substantive provisions of the provisions being governed by the Finance Act**) can be repealed.

### **239.The Petroleum (Amendment) Act, 1970 (24 of 1970)**

The aforesaid Act has been enacted to amend the Petroleum Act, 1934 and came into force with effect from the first day of August, 1970 [Notification No. S.O.494 (E), dated 30.06.1976]. As per records available with the Committee by the Legislative Department, no reference was found as to whether this amendment Act has been repealed. All the provisions of the aforesaid Act have come into force and the aforesaid Act does not contain any substantive, validating or transitional provisions.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

### **240.The Merchant Shipping (Amendment) Act, 1970 (25 of 1970)**

The aforesaid Act has been enacted further to amend the Indian Merchant Shipping Act, 1958 (44 of 1958).

The aforesaid Act consists of 20 sections out of which section 2 to 16, 18 and 19 have been repealed. As per the records made available to the Committee, no reference was found as to whether the remaining section 1, section 17 and section 20 of the aforesaid Act has been repealed. Section 1 relates to short title and commencement and section 17 relates to insertion of new Part XIA in the Merchant Shipping Act, 1958. Section 17 has come into force *vide* notification number S.O. 1187 dated 3.4.1974. Section 20 relates to certain contraventions etc. not to be offences. Section 20 has come into force *vide* notification number S.O. 3997 dated 9.12.1970.

**The Committee feels that after the Merchant Shipping (Amendment) Act, 1970 can be repealed after making a specific saving clause in respect of section 20 of the aforesaid Act, on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Merchant Shipping (Amendment) Act, 1970 and notwithstanding the retrospective operation of sections 2 to 14 (both inclusive) of the aforesaid Act, no contravention of, or no failure to comply with, any of the provisions of the Merchant Shipping Act, 1958, as amended by the aforesaid sections, shall render any person guilty of any offence if such contravention or failure—

(i) relates either to any provision inserted in the Merchant Shipping Act, 1958 by any of the aforesaid sections, or to any existing provision thereof, as amended by any of the

aforesaid sections, and

(ii) occurred on or after the 21<sup>st</sup> day of July, 1968 and before the 31<sup>st</sup> day of May, 1970 being the date of publication of the Merchant Shipping (Amendment) Act, 1970, in the Official Gazette."

The Legislative Department may verify the date of publication of the aforesaid Act in the Official Gazette.

#### **241. The Finance (No.2) Act, 1971 (14 of 1971)**

Sub-section (2) of section 1 provides that sections 2 to 38 and sections 53 and 54 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1971.

The Committee feels that the provisions of the Finance (No.2) Act, 1971 amending the Income-tax, 1961, the Wealth Tax, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Companies (Profits) Surtax Act, 1964, the Indian Tariff Act, 1934, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), the Indian Post Office Act, 1898 and the Deposit Insurance Corporation Act, 1961 (**other than of being substantive provisions or provisions being governed by the Finance Act can be repealed**). The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 [sections 3 to 30] of the Finance (No.2) Act, 1971 (32 of 1971) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 31, 32, 33, 34, 35 and 36 [sections 31 to 36] of the Finance (No.2) Act, 1971 (32 of 1971) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed**;
- (c) section 37 of the Finance (No.2) Act, 1971 (32 of 1971) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) section 38 of the Finance (No.2) Act, 1971 (32 of 1971) amending the Companies (Profits) Surtax Act, 1964 **can be repealed**;
- (e) section 39 of the Finance (No.2) Act, 1971 (32 of 1971) amending the Indian Tariff Act, 1934 **can be repealed**;
- (f) section 40 of the Finance (No.2) Act, 1971 (32 of 1971) amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (g) section 52 of the Finance (No.2) Act, 1971 (32 of 1971) amending the Indian Post Office Act, 1898 **can be repealed**;
- (h) section 53 of the Finance (No.2) Act, 1971 (32 of 1971) amending the Deposit Insurance Corporation Act, 1961 **can be repealed**.

#### **242. The Bengal Finance (Sales Tax) (Delhi Validation of Appointments and Proceedings) Act, 1971 (20 of 1971).**

The aforesaid Act has been enacted to validate appointments of certain officers under the Bengal Finance (Sales Tax) Act, 1941, as in force in the Union territory of Delhi and to validate proceedings taken by such officers under that Act and the Central Sales Tax Act, 1956.

All the sections of the aforesaid Act came into force on the 23rd June, 1971. The aforesaid Act contains only four sections i.e., section 1 relating to short title, section 2 relating to definitions, section 3 relating to validation of certain appointments, assessments etc., and section 4 relates to recal of the Bengal Finance (Sales Tax) (Delhi Validation of Appointments and Proceedings) Ordinance, 1971.

The P.C. Jain Commission in its Report has recommended for repeal of aforesaid Act at Sl. No. 149 of Appendix-A1 (166 Central Acts recommended for repeal).

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 50 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted in order to validate the appointments of certain officers under the Bengal Finance (Sales Tax) Act, 1941 as in force in the Union territory of Delhi and to validate proceedings taken by such officers under that Act and the Central Sales Tax Act, 1956. Section 73 of the Delhi Sales Tax Act, 1975 repealed the Bengal Finance (Sales Tax) Act, 1941 in its application to Delhi. Hence, this Act is now redundant and the Central Government should repeal this Act. A suitable savings clause should be inserted into the repealing Act.

**The Committee feels that aforesaid Act can be repealed after incorporating the specific saving clause (in addition to general saving clause) in respect of section 3 of the aforesaid Act on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Bengal Finance (Sales Tax)(Delhi Validation of Appointments and Proceedings) Act, 1971, by this Act, shall not affect—

- (a) appointment of any person made under or for the purposes of the Bengal Finance (Sales Tax) Act, 1941, as in force in the Union territory of Delhi and in respect of which the validation provision had been made by clause (a) of section 3 of the Bengal Finance (Sales Tax)(Delhi Validation of Appointments and Proceedings) Act, 1971 as it stood before such repeal;
- (b) assessment, re-assessment, levy or collection of any tax made or purporting to have been made and jurisdiction exercised, orders made and all other acts or proceedings or things done or taken by the administrator or any person whose appointment has been made as referred to in clause (a) above, or by any other officers of the Government or by any Tribunal or any other authority under the Bengal Finance (Sales Tax) Act, 1941, as in force in the Union territory of Delhi and in respect of which the validation provision had been made by clause (b) of section 3 of the Bengal Finance (Sales Tax)(Delhi Validation of Appointments and Proceedings) Act, 1971 as it stood before such repeal;
- (c) suit or other proceedings maintained or continued in any court or any tribunal or any authority whatsoever on the ground that any such appointment was illegal or invalid or any such jurisdiction or order or other act proceeding or thing was not exercised made, done or taken in accordance with the law before such repeal".

#### **243. The Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971 (54 of 1971).**

The aforesaid Act has been enacted further to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957, and to validate certain acquisitions of land or rights in or over land under the aforesaid Act.

The aforesaid Act came into force on the 11th December, 1971 and consist of eight sections. Sections 2 to 7 of the aforesaid Act amended sections 8, 9, 13, 14, 17 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 and inserted a new section 18A therein. The aforesaid sections 2 to 7 have been repealed by Act No. 38 of 1978. Only section 1 relating to short title and section 8 relating to validation of certain acquisitions have not been repealed and are existing. Section 8 of the aforesaid Act relates to validation of certain acquisitions.

**The Committee feels that the aforesaid Act can be repealed after incorporating specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971, shall not affect the validation provision made by section 8 of that Act to validate the acquisition of land, rights in or over land, order made, agreement entered into, or notification published or reports made, making of declarations and compensation or other matters or things under the Coal Bearing Areas (Acquisition and Development) Act, 1957 in respect of which the validation provision had been made by section 8 of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971, as it stood before such repeal, and any matter (including the acquisition of land, rights in or over land, order made, agreement entered into, or notification published or reports made, making of declarations and compensation) under the Coal Bearing Areas (Acquisition and Development) Act, 1957, in respect of which validation had been made by section 8 of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971 after the commencement of this Act shall be construed, as if the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971 had not been repealed.".

#### **244. The Uttar Pradesh Cantonments (Control of Rent and Eviction) (Repeal) Act, 1971 (68 of 1971)**

The aforesaid Act has been enacted to provide for the repeal of the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952. The aforesaid Act came into force on 23rd December, 1971 being the date of assent of the President to that Act as no commencement clause is provided in the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 51 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted for the repeal of the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952. The purpose of this Act has now been served and the Central Government should repeal this Act.

The aforesaid Act contains only 3 sections.

(i) Section 1 of the said Act relates to short title of the Act.

(ii) section 2 of the said Act provides for the repeal of the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952 from the date on which the United Provinces (Temporary) Control of Rent and Eviction Act, 1947 is extended by notification under section 3 of the Cantonments (Extension of Rent Control Laws) Act, 1957. The said notification was issued on the 3rd April, 1972 *vide* S.R.O.8-E dated the 3rd April, 1972 published in the Gazette of India, Extraordinary, Part II, Section 4. Thus the Uttar Pradesh Cantonments (Control of Rent and Eviction) (Repeal) Act, 1971 came into force from 3rd April, 1972. In view of this the provisions of section 2 does not survive.

Section 3 of the aforesaid Act contains provisions for saving of certain matters.

**The Committee feels that the aforesaid Act can be repealed after incorporating specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of Uttar Pradesh Cantonments (Control of Rent and Eviction) (Repeal) Act, 1971 shall not affect the validation provision made by section 3 of that Act in respect of any matter (including anything duly done, right, privilege, obligation or liability acquired, accrued or incurred, investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment) under the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952, for which savings have been provided under aforesaid section 3 as it stood before such repeal.".

## **245. The Finance Act, 1972 (16 of 1972).**

Sub-section (2) of section 1 provides that sections 2 to 60 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1972.

The Committee feels that the provisions of the Finance Act, 1972, amending the Income-tax, 1961, the Wealth Tax, 1957, the Gift-tax Act, 1958, the Companies (Profits) Surtax Act, 1964, the Indian Tariff Act, 1934, the Indian Tariff (Amendment) Act, 1949, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), (other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.

The committee feels that—

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 [sections 3 to 43] of the Finance Act, 1972 (16 of 1972) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 44, 45, 46, 47, 48, 49, 50, and 51 [sections 44 to 51] of the Finance Act, 1972 (16 of 1972) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed**;
- (c) sections 52, 53, 54, 55 and 56 [section 52 to 56] of the Finance Act, 1972 (16 of 1972) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl.No. 161 above) **can be repealed**;
- (d) sections 57 and 58 of the Finance Act, 1972 (16 of 1972) amending the Companies (Profits) Surtax Act, 1964 **can be repealed**;
- (e) section 61 of the Finance Act, 1972 (16 of 1972) amending the Indian Tariff Act, 1934 **can be repealed**;
- (f) section 63 of the Finance Act, 1972 (16 of 1972) amending the Indian Tariff (Amendment) Act, 1949 **can be repealed**;
- (g) section 64 of the Finance Act, 1972 (16 of 1972) amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (h) section 67 of the Finance Act, 1972 (16 of 1972) amending the Mineral Products (Additional Duties of Excise and Customs) Act, 1958 **can be repealed**.

## **246. The Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973 (17 of 1973).**

The aforesaid Act was enacted further to amend the Capital of Punjab (Development and Regulation) Act, 1952, as in force in the Union territory of Chandigarh.

All the sections (except section 7) of the aforesaid Act came into force on the 1<sup>st</sup> day of November, 1966 and section 7 came into force at once i.e., the 9th April, 1973 (date of assent).

Sections 2 to 6 have been repealed by Act No. 38 of 1978. Only section 1 relating to short title and section 7 relating to validation of certain actions are in force.

**The Committee feels that the aforesaid Act can be repealed after incorporating specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973, shall not affect the validation provision made in respect of actions taken under section 7 of that Act[including any action taken, notice issued, order made for resumption of any site or building, or both, as the case may be, or any such resumption effected, or any order made for the forfeiture of or any money or any money forfeited, or any order made for the recovery of any arrears or any arrears recovered, or any penalty imposed or recovered or purported to have been done or taken under the Capital of Punjab (Development and Regulation) (Chandigarh

Amendment) Act, 1973] as it stood before such repeal and any such action taken or to be taken under the aforesaid section 7 before or after such repeal shall be construed, as if the Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973 had not been repealed.".

#### **247. The Finance Act, 1973 (21 of 1973).**

Sub-section (2) of section 1 provides that sections 2 to 23 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1973.

The Committee feels that provisions of the Finance Act, 1973, amending the Income-tax, 1961, the Wealth Tax, 1957, the Gift-tax Act, 1958, the Companies (Profits) Surtax Act, 1964, the Indian Tariff Act, 1934, the Indian Tariff (Amendment) Act, 1949, the Central Excises and Salt Act, 1944, **(other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.**

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 [sections 3 to 19] of the Finance Act, 1973 (21 of 1973) amending the Income-tax Act, 1961 can be repealed;
- (b) section 20 of the Finance Act, 1973 (21 of 1973) amending the Wealth Tax, 1957 (27 of 1967) can be repealed;
- (c) section 21 of the Finance Act, 1973 (21 of 1973) amending the Gift-tax Act, 1958 (proposed to be repealed under Sl. No. 161 above) **can be repealed**;
- (d) section 22 of the Finance Act, 1973 (21 of 1973) amending the Companies (Profits) Surtax Act, 1964 **can be repealed**;
- (e) section 24 of the Finance Act, 1973 (21 of 1973) amending the Indian Tariff Act, 1934 **can be repealed**;
- (f) section 26 of the Finance Act, 1973 (21 of 1973) amending the Indian Tariff (Amendment) Act, 1949 **can be repealed**;
- (g) section 27 of the Finance Act, 1973 (21 of 1973) amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**.

#### **248. The Finance Act, 1974 (20 of 1974).**

Sub-section (2) of section 1 provides that sections 2 to 17 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1974.

The Committee feels that the provisions of the Finance Act, 1974, amending the Income-tax, 1961, the Wealth Tax, 1957, the Companies (Profits) Surtax Act, 1964, the Indian Tariff Act, 1934, the Indian Tariff (Amendment) Act, 1949, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), **(other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.**

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 [sections 3 to 13] of the Finance Act, 1974 (20 of 1974) amending the Income-tax Act, 1961 **can be repealed**;
- (b) section 14 of the Finance Act, 1974 (20 of 1974) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed**;
- (c) section 15 of the Finance Act, 1974 (20 of 1974) amending the Companies (Profits) Surtax Act, 1964 **can be repealed**;
- (e) section 18 of the Finance Act, 1974 (20 of 1974) amending the Indian Tariff Act, 1934 **can be repealed**;
- (f) section 20 of the Finance Act, 1974 (20 of 1974) amending the Indian Tariff (Amendment) Act, 1949 **can be repealed**;
- (g) section 21 of the Finance Act, 1974 (20 of 1974) amending the Central Excises and Salt

Act, 1944 (short title as it stood before its amendment) **can be repealed.**

## **249. The Additional Emoluments (Compulsory Deposit) Act, 1974 (37 of 1974)**

The aforesaid Act was enacted to provide, in the interests of national economic development, for the compulsory deposit of additional emoluments and for the framing of a scheme in relation thereto and for matters connected therewith or incidental thereto.

The aforesaid Act came into force on the 6th day of July, 1974 as provided in sub-section (3) of section 1 of the aforesaid Act.

The Law Commission in its One hundred and Fifty-ninth Report (1998) had recommended for repeal of the aforesaid Act.

The P.C. Jain Commission in its Report at Sl. No. 10 of Appendix A-1 (166 Central Acts recommended for repeal) also recommended for the repeal of the aforesaid Act.

The administrative Ministry (Department of Economic Affairs) *vide* their O.M. No. 11/47/2012-Ad.V dated the 15th September, 2014 at Sl. No. 13 have stated that the proposal to repeal the aforesaid Acts is under process.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 57 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act The Act provided for, in the interest of national economic development, for the compulsory deposit of additional emoluments and for the framing of a scheme in relation thereto. The Act provided for the compulsory deposit by all persons into two separate accounts – the additional wages deposit account and the additional dearness allowance deposit account. The Law Commission of India in its 159th Report on Repeal and Amendment of Laws has documented the Department of Economic Affairs' proposal to repeal this Act. The reason furnished by the Department of Economic Affairs for proposing repeal of this Act was that in future any occasion or necessity for such compulsory deposits will not arise. Hence, the Department proposed repeal of this Act while making provision for disposal of the amounts already in deposit under the respective enactments. As a result, the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act.

The Committee feels that the aforesaid Act may be repealed and such repeal has been included in the draft Bill appended hereto. The administrative Ministry may not move separate proposal to repeal the aforesaid Act as the repeal of the aforesaid Act has been included in the Repealing Bill, 2014. Suitable saving clause may be incorporated in the Repealing Bill, 2014. in consultation with the concerned Ministry.

## **250. All-India Services Regulations (Indemnity) Act, 1975 (19 of 1975)**

The aforesaid Act was enacted to grant indemnity in respect of the failure to lay before Parliament certain regulations made under the All-India Services Act, 1951, and for certain other matters connected therewith made before the commencement of this Act.

The aforesaid Act consists of only three sections, out of which section 3 has been repealed by Act No. 38 of 1978. Section 2 of the aforesaid Act reads as under:-

"2. The Central Government and all officers responsible for the laying of any regulation made before the commencement of this Act under or in pursuance of any rule made under the All-India Services Act, 1951 (61 of 1951), are, and each of them is, hereby freed, discharged and indemnified from and against all consequences, whatsoever, if any, incurred or to be incurred by them or the Central Government or any such officer by reason of any omission in this behalf to lay such regulation before Parliament and every such regulation shall for all purposes be deemed to have been duly laid before Parliament and shall have effect and shall be deemed always to have had effect accordingly."

**The Committee feels that the aforesaid section was enacted for granting the**

**indemnity in respect of failure to lay before the Parliament certain regulations made before the commencement of the aforesaid Act and therefore, the same can be repealed by making a saving clause there for on the following lines, namely:—**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the All-India Services Regulations (Indemnity) Act, 1975, shall not affect the indemnity granted to the Central Government and all Officers responsible for laying regulations as provided under section 2 of the All-India Services Regulations (Indemnity) Act, 1975, as it stood before its repeal and in relation to any action taken or to be taken in respect of Central Government and all officers referred to in the aforesaid section 2 shall be construed, as if the aforesaid Act had not been repealed.". "

### **251. The Finance Act, 1975 (25 of 1975).**

Sub-section (2) of section 1 provides that sections 2 to 30 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1975.

The Committee feels that the Finance Act, 1975, amending the Income-tax, 1961, the Wealth Tax, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Indian Tariff Act, 1934, the Indian Tariff (Amendment) Act, 1949, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) and the Central Sales Tax Act, 1956 , **(other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.**

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 [sections 3 to 24] of the Finance Act, 1975 (25 of 1975) amending the Income-tax Act, 1961 can be repealed;
- (b) sections 25, 26, 27 and 28 of the Finance Act, 1975 (25 of 1975) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed**;
- (c) section 29 of the Finance Act, 1975 (25 of 1975) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) section 31 of the Finance Act, 1975 (25 of 1975) amending the Indian Tariff Act, 1934 **can be repealed**;
- (e) section 32 of the Finance Act, 1975 (25 of 1975) amending the Indian Tariff (Amendment) Act, 1949 **can be repealed**;
- (f) section 33 of the Finance Act, 1975 (25 of 1975) amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (g) section 38 of the Finance Act, 1975 (25 of 1975) amending the Central Sales Tax Act, 1956 **can be repealed**.

### **252. The Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976 (28 of 1976).**

The Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976 (aforesaid Act) has been enacted to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956. The Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976 came into force retrospectively from 8th December, 1975.

The aforesaid Act consists of three sections, out of which, section 3 has been repealed by Act No. 19 of 1988. Section 2 of the aforesaid Act contains provisions for repeal of the Parliamentary Proceedings (Protection of Publication) Act, 1956.

The proviso to aforesaid section 2 contains saving provision in respect of certain matters (including the publication, report or matter broadcast) under the Parliamentary Proceedings (Protection of Publication) Act, 1956 after its repeal by the aforesaid Act. It provides that repeal of the Parliamentary Proceedings (Protection of Publication) Act, 1956 shall not affect any proceedings, civil or criminal (whether pending immediately before the

commencement of the Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976 or instituted or taken after such commencement) in respect of (a) any publication referred to in sub-section (1) of section 3 of the said Act made before such commencement; or (b) any report or matter broadcast before such commencement, by means referred to in section 4 of the said Act, and accordingly any such proceedings shall be disposed of as if the said Act had continued in force and this Act had not been passed.

The aforesaid Act, does contain any saving provisions in respect of the Parliamentary Proceedings (Protection of Publication) Act, 1956 repealed by the aforesaid Act. The Committee feels that the aforesaid Act can be repealed as per legislative practice to clean the Statutes Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**The Committee therefore feels that the aforesaid section was for continuation of the proceedings (Civil or Criminal) under the Parliamentary Proceedings (Protection of Publication) Act, 1956 as it stood before its repeal by the aforesaid Act. The same can be repealed by making a saving clause on the following lines, namely:—**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976, shall not affect any proceedings, civil or criminal [pending immediately before the commencement of the Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976], saved under section 2 of the Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976, before its repeal, and the aforesaid section 2 shall, in respect of such proceedings, civil or criminal, if any, pending after the commencement of this Act, be construed, as if the aforesaid Act had not been repealed."

### **253. The Finance Act, 1976 (66 of 1976).**

Sub-section (2) of section 1 provides that sections 2 to 30 and section 43 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1976.

The Committee feels that the provisions of the Finance Act, 1975, amending the Income-tax, 1961, the Wealth Tax, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Companies (Profits) Surtax Act, 1964, the Interest-tax Act, 1974, the Indian Tariff Act, 1934, the Indian Tariff (Amendment) Act, 1949, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), the Indian Stamp Act, 1899, the Life Insurance Corporation Act, 1956, the Unit Trust of India Act, 1963 and the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 (**other than of being substantive provisions or provisions being governed by the Finance Act can be repealed.**)

The committee feels that—

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 [sections 3 to 26] of the Finance Act, 1976 (66 of 1976) amending the Income-tax Act, 1961 **can be repealed;**
- (b) section 27 of the Finance Act, 1976 (66 of 1976) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed;**
- (c) section 28 of the Finance Act, 1976 (66 of 1976) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl.No. 161 above) **can be repealed;**
- (d) section 29 of the Finance Act, 1976 (66 of 1976) amending the Companies (Profits) Surtax Act, 1964 **can be repealed;**
- (e) section 30 of the Finance Act, 1976 (66 of 1976) amending the Interest-tax Act, 1974 **can be repealed;**

- (f) section 31 of the Finance Act, 1976 (66 of 1976) amending the Indian Tariff Act, 1934 **can be repealed**;
- (g) section 33 of the Finance Act, 1976 (66 of 1976) amending the Indian Tariff (Amendment) Act, 1949 **can be repealed**;
- (h) section 35 of the Finance Act, 1976 (66 of 1976) amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (i) section 40 of the Finance Act, 1976 (66 of 1976) amending the Indian Stamp Act, 1899 **can be repealed**;
- (j) section 41 of the Finance Act, 1976 (66 of 1976) amending the Life Insurance Corporation Act, 1956 **can be repealed**;
- (k) section 42 of the Finance Act, 1976 (66 of 1976) amending the Unit Trust of India Act, 1963 **can be repealed**;
- (l) section 43 of the Finance Act, 1976 (66 of 1976) amending the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 **can be repealed**.

#### **254. The National Library of India Act, 1976 (76 of 1976)**

The aforesaid Act has been enacted for the administration of the National Library and other connected matters. The expression "Library" means the institution located at Kolkata and known at the commencement of the Constitution as a "National Library".

The Ministry of Culture *vide* its I.D. Note No.21-115/2014-CDN, dated 29th September, 2014 stated that the Joint Committee of the Parliament felt that the authority as proposed in the aforesaid Act will not be conducive to the efficient functioning of the library. Keeping this in view and the position to the Act from various quarters when the Act was formulated, the National Library of India Act, 1976 may not be brought into force and the library may continue to function as a subordinate office under the Department of Culture and Dr. Pratap Chandra, the Minister of Education mentioned that the aforesaid Act was come into force from the date it was notified in the Gazette. They also stated that the Government has not so far brought this Act into force and National Library continues to be a subordinate office of the Department of Culture.

The Ministry of Culture in the aforesaid I.D. Note has conveyed that the Act may be allowed as pre-existing status.

The Committee feels that even after expiry of 38 years the aforesaid Act has not been into force. The concerned Ministry has not indicated any reasons or grounds or justification for keeping the aforesaid Act in the Statutes Book before bringing it into force against the recommendation of the Joint Committee of Parliament.

**In view of above, the Committee feels that an Act in the Statutes Book which has not brought into force for the 38 years can be repealed.**

#### **255. The Delhi Sales Tax (Amendment and Validation) Act, 1976 (91 of 1976).**

The aforesaid Act has been enacted to amend retrospectively the law relating to sales tax as in force in the Union territory of Delhi during a past period and to validate taxes on the sale of purchase of certain goods during such period.

The Delhi Sales Tax Act, 1975 has been enacted in the year 1975 and sub-section (1) of section 73 of the said Act repealed the Bengal Finance (Sales Tax) Act, 1941 extended and as in force in Delhi. The Delhi Sales Tax (Amendment and Validation) Act, 1976 has validated the sales tax extension notifications issued under the Bengal Finance (Sales Tax) Act, 1941 as in force in Delhi and also validated the actions taken under those notifications.

Section 1 of the Delhi Sales Tax (Amendment and Validation) Act, 1976 relates to

short title and section 2 relates to definitions of certain expressions used in the Act and section 3 provides for validation of the notifications issued (prior to the enactment of the Delhi Sales Tax Act, 1975) under the Bengal Finance (Sales Tax) Act, 1941 as in force in Delhi and validates the action thereon.

**The Committee feels that the aforesaid section 3 was for extension notifications issued (prior to the enactment of the Delhi Sales Tax Act, 1975) under the Bengal Finance (Sales Tax) Act, 1941 as in force in Delhi and validates the action taken thereon and the Delhi Sales Tax (Amendment and Validation) Act, 1976 can be repealed by making a saving clause there for on the following lines, namely:—**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Delhi Sales Tax (Amendment and Validation) Act, 1976, shall not affect—

- (a) the validity of the sales tax extension notifications referred to in sub-section (1) of section 3 of the aforesaid Act, as it stood before its repeal;
- (b) the validity of the powers of the Central Government to issue notification under sub-section (2) of section 6 of the Bengal Finance (Sales Tax) Act, 1941, as in force in Delhi, to add to or omit from or otherwise amend the Schedule (including the levy, assessment and collection of tax) referred to in sub-section (2) of section 3 of the aforesaid Act, as it stood before its repeal;
- (c) the validity of the notifications, notwithstanding any judgement, decree or order of any Court or any authority, referred to in sub-section (3) of section 3 of the aforesaid Act, as it stood before its repeal and accordingly—

- (i) any tax levied, assessed or collected or purporting to have been levied, assessed or collected as referred to in clause (a) of sub-section (3) of section 3 of the aforesaid Act, shall always be deemed to have been validly levied, assessed or collected as provided in the aforesaid clause (a);
- (ii) no suit or other proceeding maintained or continued in any court or before any authority for the refund of, and no enforcement shall be made by any court or other authority of any decree or order directing the refund of, any such tax which has been collected, as provided in clause (b) of sub-section (3) of section 3 of the aforesaid Act;
- (iii) recoveries made or to be made, in accordance with the proviso to sub-section (1) of section 73 of the Delhi Sales Tax Act, 1975, of all amounts which would have been collected as tax under the Bengal Finance (Sales Tax) Act, 1941, as in force in Delhi, by reason of any amendment referred to in sub-clause (i) but which had not been collected, as provided in clause (c) of sub-section (3) of section 3 of the aforesaid Act;
- (iv) no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if section 3 of the Delhi Sales Tax (Amendment and Validation) Act, 1976, had not come into force, as provided in sub-section (4) of section 3 of the aforesaid Act before such repeal,

and in case any matter, issue or thing (including levy of tax, assessment or conferment of power upon the Central Government or validity of issue of notifications or commission of an offence) arises after such repeal, such matter, issue or thing shall be decided in accordance with the provisions of aforesaid section 3 as the Delhi Sales Tax (Amendment and Validation) Act, 1976 had not been repealed."

## **256. The Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 (106 of 1976).**

The aforesaid Act has been enacted to amend the Untouchability (Offences) Act, 1955 and further to amend the Representation of the People Act, 1951.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 60 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*,

observed that the aforesaid Act amends the Untouchability (Offences) Act, 1955 and also, the Representation of the People Act, 1951. Corresponding amendments have been carried out in both the enactments. Hence, the purpose of this Act has been fulfilled and the Central Government should repeal this Act. The Act also saves the effect of the previous operation of the Untouchability (Offences) Act, 1955. However, since a considerable number of years of elapsed since the enactment of the Untouchability (Offences) Act, 1955 as well as this Amendment and Miscellaneous Provisions Act, it is safe to assume that no right, privilege, obligation or liability under the Untouchability (Offences) Act, 1955 as originally named still persists. Hence, the Central Government should repeal this Act.

By the aforesaid amendment, the title of the Untouchability (Offences) Act, 1955 has been changed to "the Protection of Civil Rights Act" and certain amendments have been carried out in the principal Act.

The aforesaid Act contains 21 sections. Except sections 1, 19 and 20 of the aforesaid Act, all other sections have been repealed by Act No. 19 of 1988. Section 1 of the Act relates to short title, section 19 of the Act relates to reference of the title of the Act and section 20 relates to savings of the actions taken under the Act with prior title of the aforesaid Act.

**The Committee feels that the aforesaid Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 can be repealed by making a saving clause on the following lines, namely:—**

"Without prejudice to the generality of provisions contained in section 4,-

(i) any reference to the Untouchability (Offences) Act, 1955 in any Act, rule, notification or order shall, notwithstanding the repeal of the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 by this Act, on or after the 19th November, 1976 (being the date on which the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 came into force) be, after such repeal, construed as the Protection of Civil Rights Act, 1955;

(ii) alteration of the short title of the Untouchability (Offences) Act, 1955 as the Protection of Civil Rights Act, 1955 by the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 shall not, after the repeal of the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976, -

(a) affect the previous operation of the Untouchability (Offences) Act, 1955, or anything duly done or suffered there under previous to such alteration; or

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Untouchability (Offences) Act, 1955, previous to the alteration of its short title by the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976; or

(c) affect any penalty or punishment incurred in respect of any offence committed against the Untouchability (Offences) Act, 1955, before the 19th November, 1976 (being the date on which the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 or after such date;

(d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976, had not been repealed.".

## **257. The Finance (No.2) Act, 1977 (29 of 1977).**

Sub-section (2) of section 1 provides that sections 2 to 30 and sections 34 to 39 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1977.

The Committee feels that the Finance (No.2) Act, 1977 amending the Income-tax,

1961, the Wealth Tax, 1957, the Khadi and Village Industries Commission Act, 1956, the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974, the Oil Industry (Development) Act, 1974 and the Voluntary Disclosure of Income and Wealth Act, 1976 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, **8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29** [sections 3 to 29] of the Finance (No.2) Act, 1977 (29 of 1977) amending the Income-tax Act, 1961 **can be repealed**;
- (b) section 30 of the Finance (No.2) Act, 1977 (29 of 1977) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed**;
- (c) section 34 of the Finance (No.2) Act, 1977 (29 of 1977) amending the Khadi and Village Industries Commission Act, 1956 **can be repealed**;
- (d) section 36 of the Finance (No.2) Act, 1977 (29 of 1977) amending the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 **can be repealed**;
- (e) section 37 of the Finance (No.2) Act, 1977 (29 of 1977) amending the Oil Industry (Development) Act, 1974 **can be repealed**;
- (f) section 38 of the Finance (No.2) Act, 1977 (29 of 1977) amending the Voluntary Disclosure of Income and Wealth Act, 1976 **can be repealed**.

### **258. The Finance Act, 1978 (19 of 1978)**

Sub-section (2) of section 1 provides that sections 2 to 33 and section 40 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1978.

The Committee feels that the Finance Act, 1978, amending the Income-tax, 1961, the Interest-tax Act, 1974, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), the Indian Post Office Act, 1898 and the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 [sections 3 to 32] of the Finance Act, 1978 (19 of 1978) amending the Income-tax Act, 1961 **can be repealed**;
- (b) section 33 of the Finance Act, 1978 (19 of 1978) amending the Interest-tax Act, 1974 **can be repealed**;
- (c) section 36 of the Finance Act, 1978 (19 of 1978) amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (d) section 39 of the Finance Act, 1978 (19 of 1978) amending the Post Office Act, 1898 **can be repealed**;
- (e) section 40 of the Finance Act, 1978 (19 of 1978) amending the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 **can be repealed**.

### **259. The Punjab Excise (Delhi Amendment) Act, 1979 (12 of 1979).**

The aforesaid Act has been enacted further to amend the Punjab Excise Act, 1914 as in force in the Union territory of Delhi.

The aforesaid Act came into force retrospectively from the 20th January, 1979. Sections 2, 3, 4, 5 and 7 have been repealed by the Repealing and Amending Act, 1988 (19 of 1988). Only two sections of the aforesaid Act are existing i.e., section 1 which relates to short title and commencement and section 6 which provides for validation of certain matters.

**The Committee feels that this Act can be repealed after incorporating specific saving clause (in addition to general saving clause) on the following lines in the Repealing and Amending (No.2) Bill, 2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, anything or any action done or taken or purported to have been done or taken, under the Punjab Excise Act, 1914 before the 20th January, 1979, (being the date of commencement of the Punjab Excise (Delhi Amendment) Act, 1979) shall, notwithstanding the repeal of the Punjab Excise (Delhi Amendment) Act, 1979, by this Act, any judgment, decree or order of any court or other authority, be, and shall be deemed always to have been, as valid and effective as if such thing or action had been done or taken under the Punjab Excise Act, 1914, as amended by the Punjab Excise (Delhi Amendment) Act, 1979 before such repeal, and accordingly—

- (a) any duty, tax or fee levied, assessed or collected or purporting to have been levied, assessed or collected under the Punjab Excise Act, 1914 before the aforesaid date shall, after such repeal, be deemed to have been validly levied, assessed or collected in accordance with law;
- (b) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund, and no enforcement shall be made by any court or other authority of any decree or order directing the refund of any such duty, tax or fee which has been so collected after such repeal;
- (c) recoveries shall be made in accordance with the provisions of the Punjab Excise Act, 1914 of all amounts which would have been collected as duties, taxes or fees under Punjab Excise Act, 1914 by reason of the amendments made in the Punjab Excise Act, 1914 by the Punjab Excise (Delhi Amendment) Act, 1979, but which had not been collected before such repeal; and
- (d) no act or omission on the part of any person before aforesaid date shall be punishable as an offence which would not have been so punishable, if the Punjab Excise (Delhi Amendment) Act, 1979 had not been enacted."

At present there is no Legislature in the Union territory of Delhi. Therefore, the aforesaid Act has been included in this Chapter. If at the time of introduction of the Bill, the Legislature exists, the proposal may be included for repeal by the State Legislature.

## 260. The Finance Act, 1979 (21 of 1979).

Sub-section (2) of section 1 provides that sections 2 to 27 and sections 44 to 46 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1979.

The Committee feels that the Finance Act, 1979, amending the Income-tax, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 (proposed to repeal at Sl. No. 161 above), the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), the Indian Post Office Act, 1898, the Agricultural Refinance and Development Corporation Act, 1963 and the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 (other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.

**The committee feels that—**

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 [sections 3 to 22] of the Finance Act, 1979 (21 of 1979) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 23, 24, 25 and 26 [sections 23 to 26] of the Finance Act, 1979 (21 of 1979) amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) section 27 of the Finance Act, 1979 (21 of 1979) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) section 29 of the Finance Act, 1979 (21 of 1979) amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (e) section 43 of the Finance Act, 1979 (21 of 1979) amending the Post Office Act, 1898 **can be repealed**;
- (f) section 44 of the Finance Act, 1979 (21 of 1979) amending the Agricultural Refinance and

Development Corporation Act, 1963 **can be repealed**;

(g) section 46 of the Finance Act, 1979 (21 of 1979) amending the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 **can be repealed**.

## **261. The Finance Act, 1980 (13 of 1980)**

The Finance Act, 1980 contains five sections. Section 1 relates to the short title and commencement, section 2 relates to the Income-tax, section 3 relates to amendment of section 10 of Income-tax Act, 1961. Section 4 and 5 contains Auxiliary duties of Customs and Special Duties of Excise.

Sub-section (2) of section 1 of the aforesaid Act provides that sections 2 and 3 of that Act, save as otherwise provided therein, shall come into force on the 1st day of April, 1980.

Section 3 of the aforesaid Act amends section 10 of the Income-tax Act, 1961 and does not contain any substantive provisions. Section 54 of the Finance (No.2) Act, 1980 has repealed only section 2 of the Finance Act, 1980.

As per the information made available to the Committee by the Legislative Department, section 3 of the Finance Act, 1980 has not been repealed.

**In view of the above, section 3 of the Finance Act, 1980 can be repealed.**

## **262. The Finance (No.2) Act, 1980 (44 of 1980)**

Sub-section (2) of section 1 provides that save as otherwise provided in aforesaid Act, section 2 to 43 and sections 52 and 53 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1980.

The Committee feels that sections of the Finance Act, 1999 amending the, Income Tax, 1961, the Wealth Tax, 1957, the Expenditure Tax, 1987, the Central Excise Tax, 1944 , the Customs Act, 1962 (52 of 1962) and the Indian Post Office, Act, 1898and the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 (**other than of being substantive provisions or provisions being governed by the Finance Act**) **can be repealed**.

**The committee feels that-**

- (i) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 [sections 3 to 35] of the Finance (No.2) Act, 1980 amending the Income Tax Act 1961 **can be repealed**;
- (j) sections 36, 37, 38, 39, 40 and 41 [sections 36 to 41] of the Finance (No.2) Act, 1980 amending the Wealth Tax, 1957 (27 of 1967) **can be repealed**;
- (k) section 42 of the Finance (No.2) Act, 1980 amending the Gift Tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (l) section 43 of the Finance (No.2) Act, 1980 amending the Interest-tax Act, 1974 can be repealed.
- (m) sections 46 of the Finance (No.2) Act, 1980 amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (n) section 51 of the Finance (No.2) Act, 1980 amending the Indian Post Office Act, 1898 **can be repealed**; and
- (o) section 53 of the Finance (No.2) Act, 1980 amending the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 **can be repealed**.

## **263. The Dock Workers (Regulation of Employment) Amendment Act, 1980(49 of 1980)**

All the sections of the aforesaid Act (except section 1 relating to short title and commencement and section 3 relating to saving of pending proceedings under section 108, 109 and 110 of the Dock Workers (Regulation of Employment) Amendment Act, 1980 had been repealed by Act 19 of 1988.

Though the P.C. Jain Commission in paragraph 16.4.6 of its Report recommended that all the Validation Acts can be repealed after providing savings clauses wherever necessary but the aforesaid Act has not been included in its Report.

The validation Act has been repealed earlier also. [Refer (The Manipur Court –Fees (Amendment and Validation)Act,1953 (44 of 1953) had been repealed by Act 22 of 2001and U.P Sugar Cane Cess(Validation) Act,1961 (4 of 1961)].

**The Committee feels that the aforesaid Act can be repealed as there exists two sections in force i.e. section 1 relating to short title and section 3 relating to validation after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill,2014, namely:-**

“Without prejudice to the generality of provisions contained in section 4, the repeal of the Dock Workers (Regulation of Employment) Amendment Act, 1980, shall not affect the validation provisions contained in section 3 and any action taken or to be taken under said section of that Act (including creation of fund, contributions received or collected or maintenance or continuance of any suit or proceeding in any court or recoveries made under that section or any other matter referred therein) shall be valid and the aforesaid section 3 shall be construed as if that section 3 had not been repealed.”.

#### **264.The Code of Criminal Procedure (Amendment) Act, 1980 (63 of 1980)**

All the sections of the aforesaid Act (except section 1 relating to short title and commencement and section 10 relating to saving of pending cases under sections 108, 109 and 110 of the Code of Criminal Procedure Code, 1973) had been repealed by Act 19 of 1988.

**The Committee feel that the aforesaid Act can be repealed as there exists only two sections in force i.e., section 1 relating to short title and section 10 of the aforesaid Act containing validation provision after incorporating the specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

“Without prejudice to the generality of provisions contained in section 4, the repeal of the Code of Criminal Procedure (Amendment) Act, 1973, shall not affect the validation provisions made by section 10 of that Act in respect of all the proceedings before the commencement of the Code of Criminal Procedure (Amendment) Act, 1973, and any action taken or to be taken under aforesaid section 10 after the commencement of this Act shall be construed as if the aforesaid Act had not been repealed.”.

#### **265.The Tea (Amendment) Act, 1980 (68 of 1980)**

All the sections of the aforesaid Act came into force (except sections 1and 8). [Refer section 1(3),1(4),1(5) and notification No. S.O. S.O. 1776(E) dated 19-12-2005]. Section 1 and section 8 came into force on the date of assent i.e., the 27th December, 1980

Sections 2 to 6 make amendments and insertions in the Tea Act, 1953 and therefore can be repealed in view of section 6A of the General Clauses Act, 1867.

Sections 1and 8 relate to short title of the Tea (Amendment) Act, 1980 and repeal of the Tea (Amendment) Ordinance, 1980.

Section 7 relate to validation any action or thing done (including any order passed or proceeding initiated) taken or done or purported to have been done under sub-section (1) of section 16E of the Tea Act, 1953, at any time after the commencement of the Tea (Amendment) Act, 1980.

The Committee feel that the Tea (Amendment) Act, 1980 can be repealed as there exists only three sections in force i.e. section 1 relating to short title and section 7 relating to validation and section 8 repealing the aforesaid Ordinance, after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:—

“Without prejudice to the generality of provisions contained in section 4, the repeal of the Tea (Amendment) Act, 1980, shall not affect the validation provisions contained in section 7 of that Act as it stood before its repeal, in respect of any action or thing done (including any order passed or proceeding initiated) taken or done or purported to have been done under sub-section (1) of section 16E of the Tea Act, 1953 at any time after the commencement of the Tea (Amendment) Act, 1980 and aforesaid section 7 in respect such action or thing done shall be construed as if said section 7 had been in force in relation to such action or thing done.”.

### **266. The Finance Act, 1981 (16 of 1981).**

Sub-section (2) of section 1 provides that save as otherwise provided in aforesaid Act, sections 2 to 45 and section 53 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1981.

The Committee feels that sections of **the Finance Act, 1981** amending the, Income-tax, 1961, the Wealth-tax, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Companies (Profits) Surtax Act, 1964, the Interest Tax Act, 1974, the Hotel Receipts Act, 1980 the Central Excise Tax, 1944 , the Customs Act, 1962, the Medicinal and Toilet Preparations (excise Duties) Act, 1955 and the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 (**other than of being substantive provisions or provisions being governed by the Finance Act can be repealed.**

**The committee feels that-**

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, of the Finance Act, 1981 amending the Income Tax Act 1961 **can be repealed;**
- (b) sections 26, 27, 28, 29, 30 and 31 of the Finance Act, 1981 amending the Wealth Tax, 1957 **can be repealed;**
- (c) sections 32, 33 and 34 of the Finance Act, 1981 amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed;**
- (d) sections 35, 36, 37, 38, 39, 40, 41, 42 and 43 of the Finance Act, 1981 amending the Companies (Profits) Surtax Act, 1964 **can be repealed;**
- (e) section 44 of the Finance Act, 1981 amending the Interest Tax Act, 1974 **can be repealed;**
- (f) section 45 of the Finance Act, 1981 amending the Hotel Receipts Tax Act, 1980 **can be repealed;**
- (g) section 48 of The Finance Act, 1981 amending the Central Excise Act, 1944 **can be repealed;**
- (h) section 54 of the Finance Act, 1981 amending the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 **can be repealed.**

### **267. The Essential Commodities(Special Provisions)Act,1981(18 of 1981).**

The aforesaid Act came into force with effect from 31-08-2014 in all States and Union Territories (except Andaman Nicobar Islands, Arunachal Pradesh, Dadra Nagar Haveli, Lakshadweep and Mizoram).

Sub-section (3) of section 1 of the aforesaid Act provides that it shall cease to have effect on the expiry of 15 years of the commencement of the aforesaid Act and the aforesaid Act has not been repealed.

The P.C. Jain Commission in its Report at Sl. No.5 of Appendix -A-1( 166 Central Acts recommended for repeal) has recommended for repeal of the aforesaid Act.

The Planning Commission *vide* its I.D. Note No. 25/04/2014-OM &C dated 11th September, 2014 at Sl.No.11 had also recommended for its repeal.

The Legislative Department *vide* their U.O. No. 11 (29)/2014-L.I dated 26th September, 2014, at page 4 intimating the Status of the Acts recommended by P.C. Jain Commission at Sl. No. 4 have intimated the aforesaid has been repealed.

As per the information made available to the Committee in the Master copy of the Central Acts (set No.29) by the Legislative Department, it is observed that the aforesaid Act has ceased to have effect, but has not been shown as repealed. The Legislative Department may ascertain the correct position of the aforesaid Act and omit, if so required.

**The Committee feels that the aforesaid Act ceased to have effect and therefore can be repealed.**

## **268.The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1981(19 of 1981).**

The aforesaid Act contains three sections out of which section 2 has been repealed by Act No. 19 of 1988. Section 3 of the aforesaid Act contains saving provision for pending references under section 10 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980.

The Committee feel that the Prevention of Blackmarketing and Maintenance of Supplies of essential Commodities (Amendment) Act, 1981 can be repealed after making following specific saving clause (in addition to general saving clause)on the following lines in the Repealing and Amending(No.2) Bill,2014, namely:-

“Without prejudice to the generality of provisions contained in section 4, the repeal of the Prevention of Black marketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1981 shall not affect the validation provisions contained in section 3 of that Act and any reference made under section 10 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 and pending before any Advisory Board before the 2nd September, 1981 being the date on which the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1981 came into force and such reference if pending on the date of commencement of this Act, continued to be dealt with by that Board after such commencement as if the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1981 had not been enacted.”.

## **269.The Aligarh Muslim University (Amendment) Act, 1981(62 of 1981)**

The aforesaid Act contains 23 sections out of which sections 2 to 21 had been repealed by Act 19 of 1988.

Section 22 of the aforesaid contains transitional provisions which the Committee feel have become redundant and therefore can be repealed.

Section 23 of the aforesaid Act contains saving provisions for anything done or any action taken or any degree other academic distinction conferred before the aforesaid Act to be valid.

**The Committee feel that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill,2014, namely:-**

“Without prejudice to the generality of provisions contained in section 4, the repeal of the Aligarh Muslim University(Amendment) Act, 1981, shall not affect the validity of anything done or any action taken or any degree or other academic distinction conferred before commencement of that Act and section 23 of the aforesaid Act in respect such thing done or action taken or degree or other academic distinction conferred shall be construed as if said section 23 had been in force in relation to such thing or action or degree.”.

## **270. The Finance Act, 1982 (14 of 1982).**

Sub-section (2) of section 1 provides that sections 2 to 29, section 31 to 42 and sections 55 to 57 shall, save as otherwise provided in the aforesaid Act, be deemed to have come into force on the 1<sup>st</sup> day of April, 1982 and section 30 came into force from 1st July, 1982 *vide* G.S.R. 472(E) dated 26.6.1982.

The Committee feels that sections of **the Finance Act, 1982** amending the, Income-tax, 1961, the Wealth Tax, 1957, the Gift Tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Interest Tax Act, 1974, the Hotel Receipts Act, 1980, the Customs Act, 1962, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), the Indian Post Office Act, 1898, the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, the Deposit Insurance and Credit Guarantee Corporation Act, 1961 and the Unit Trust of India Act, 1963 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

**The committee feels that -**

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 of the Finance Act, 1982 (3 to 32) amending the Income-tax Act 1961 **can be repealed**;
- (b) sections 33, 34, 35, 36 and 37 of the Finance Act, 1982 amending the Wealth-tax, 1957 **can be repealed**;
- (c) sections 38 and 39 of the Finance Act, 1982 amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) section 41 and 42 of the Finance Act, 1982 amending the Hotel Receipt Tax Act, 1980 **can be repealed**;
- (e) section 45 of the Finance Act, 1982 amending the Customs Act, 1962 can be repealed.
- (f) sections 46, 47, 48 and 49 of the Finance Act, 1982 amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (g) section 53 of the Finance Act, 1982 amending the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 **can be repealed**;
- (h) section 54 of the Finance Act, 1982 amending the Indian Post Office Act, 1898 **can be repealed**;
- (i) section 55 of the Finance Act, 1982 amending the Deposit Insurance and Credit Corporation Act, 1961 **can be repealed**;
- (j) section 56 of the Finance Act, 1982 amending the Unit Trust of India Act, 1963 **can be repealed**.

## **271. The Prevention of Cruelty to Animals (Amendment) Act, 1982**

**(26 of 1982).**

All the provisions of the aforesaid Act (except section 1 and section 18) have been repealed by Act 19 of 2001.

Section 1 of the Prevention of Cruelty to Animals (Amendment) Act, 1982 relates to short title and section 18 provides that change of name of "Animal Welfare Board" to "Animal Welfare Board of India" shall not affect any rights or obligations or render defective any legal proceedings by or against it due to change of such name.

**The Committee feels that aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Prevention of Cruelty to Animals (Amendment) Act, 1982, shall not affect the change of name of the Animal Welfare Board by section 4 of that Act and shall not affect any rights and obligations of that Board or render defective any legal proceedings by or against it and any

legal proceedings which might have been continued or commenced by or against that Board by its former name shall be continued or commenced by or against it by its new name.”.

### **272. The Estate Duty (Amendment) Act, 1982 (31 of 1982)**

The Estate Duty Act, 1953 has been repealed by Act 31 of 1982 but the Estate Duty (Amendment) Act, 1982 (amending the principal Act i.e., the Estate Duty Act, 1953) is still in force.

**The Committee feels that the Estate Duty (Amendment) Act, 1982 can be repealed.**

### **273. The Payment of Wages (Amendment) Act, 1982 (38 of 1982).**

All provisions of the aforesaid Act (except section 13) came into force on the 15-10-1982 *vide* G.S.R.612 (E) dated 15-10-1982. Aforesaid section 13 was brought into force *vide* G.S.R.287(E) dated 01-03-1994 and the aforesaid Act has not been repealed.

**Since all the provisions of the Payment of Wages (Amendment) Act, 1982 have come into force, the Committee feels that this Act can be repealed since it does not contain any substantive provisions.**

### **274. The East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982 (42 of 1982)**

The aforesaid Act came into force on 21st August, 1982 and contains four sections out of which sections 2 and 3 had been repealed by Act 19 of 1988.

Section 1 relates to short title and section 4 relates to special provisions as to pending cases before the commencement of the aforesaid Act.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

“Without prejudice to the generality of provisions contained in section 4, the repeal of the East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982, shall not affect the cases pending under the East Punjab Urban Rent Restriction Act, 1949, as amended by section 4 of the East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982 for eviction of a tenant from a building let under a single tenancy for use for the purpose of business or trade and also for the purpose of residence and such cases pending on the date of commencement of this Act shall be disposed as the East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982 had not been repealed.”.

### **275. The Road Transport Corporations (Amendment) Act, 1982 (63 of 1982)**

The aforesaid Act contains 16 sections out of which section 2 to 14, 16, and the Schedule has been repealed by Act 19 of 1988.

As per records made available to the Committee by the Legislative Department, it is observed that section 1 and section 15 of the aforesaid Act have not been repealed. Section 1 of the aforesaid Act relates to short title and commencement and section 15 contains provisions for validating the continuance of existing Chairman, Vice-chairman or other members of the Road Transport Corporation, established under section 3 of the Road Transport Corporations Act, 1950, appointed before the commencement of the Road Transport Corporations (Amendment) Act, 1982 for the reminder of the term for which they would have continued to hold the office as such.

**It is proposed to repeal the aforesaid Act as clause 4 of the Repealing Bill, 2014 contains a general saving clause for such matters.**

## **276. The Drugs and Cosmetics (Amendment) Act, 1982 (68 of 1982).**

The aforesaid Act contains 42 sections out of which sections 2 to 41 had been repealed by Act 19 of 1988.

Section 1 of the Drugs and Cosmetics (Amendment) Act, 1982 relates to short title and commencement and section 42 contains transitory provisions providing, *inter alia*, that until the constitution of the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board in accordance with the provisions of the Drugs and Cosmetic Act, 1940, as amended by the Drugs and Cosmetics (Amendment) Act, 1982, the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board, constituted before such amendment Act shall be deemed to be the the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board in accordance with the provisions of the Drugs and Cosmetic Act, 1940, as amended by the Drugs and Cosmetics (Amendment) Act, 1982.

It is understood that the Ayurvedic, Siddha and Unani Drugs Technical Advisory Board has been constituted after the commencement the Drugs and Cosmetics (Amendment) Act, 1982. [refer S.O. No. 1776(E) dated 28<sup>th</sup> July, 2011 published in the Gazette of India: Extraordinary]

**In view of above, the aforesaid Act can be repealed.**

## **277. The Finance Act, 1983 (11 of 1983).**

Sub-section (2) of section 1 provides that sections 2 to 43, and sections 59 shall, save as otherwise provided in the aforesaid Act be deemed to have come into force on the 1<sup>st</sup> day of April, 1983.

The Committee feels that sections of the Finance Act, 1983 amending the, Income-tax, 1961, the Wealth-tax, 1957, the Gift Tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Interest Tax Act, 1974, the Customs Act, 1962, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), the Indian Post Office Act, 1898, and the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 (other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.

**The committee feels that-**

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 of the **Finance Act, 1983** (3 to 39) amending the Income Tax Act 1961 **can be repealed**;
- (b) section 41 of the Finance Act, 1983 amending the Wealth Tax, 1957 **can be repealed**;
- (c) section 42 of the Finance Act, 1983 amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) section 43 of the Finance Act, 1983 amending the Hotel Receipt Tax Act, 1980 **can be repealed**;
- (f) sections 46, 47, 48, 49, 50, 51, 52 and 53 of The Finance Act, 1983 amending the Customs Act, 1962 **can be repealed**;
- (g) section 54 of the Finance Act, 1983 amending the Central Excises and Salt Act, 1944 (short title as it stood before its repeal) **can be repealed**;
- (i) section 58 of the Finance Act, 1983 amending the Indian Post Office Act, 1898 can be repealed.
- (j) section 59 of the Finance Act, 1983 amending the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 **can be repealed**.

## **278. The Delhi Motor Vehicles Taxation (Amendment) Act, 1983**

**(17 of 1983)**

The aforesaid Act amends the Motor Vehicles Taxation Act, 1962. As per records made available to the Committee by the Legislative Department, all the provisions of the aforesaid Act have been brought into force *vide* Notification No. JDT(A)/TPT/83 dated 1.12.1983 and the aforesaid Act has not been repealed. This Act does not contain any substantive provisions.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

#### **279. The Delegated Legislation Provisions (Amendment) Act, 1983 (20 of 1983).**

The aforesaid Act amends certain Acts to implement the recommendation of the Committee on Subordinate Legislation regarding publication and laying of rules and other delegated legislation.

As per the information made available to the Committee by the Legislative Department, all the provisions of the aforesaid Act came into force *vide* Notification No. G.S.R. 85(E) dated 29-2-1984, Gazette of India, Extraordinary, Part II, section 3(i) and the aforesaid Act has not been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

#### **280. The Indian Railways (Amendment) Act, 1983 (44 of 1983).**

The aforesaid Act contains 5 sections out of which, sections 2, 3 and 4 have been repealed by Act 19 of 1988. Section 1 of the aforesaid Act relates to short title and section 5 contains validation of certain actions or things taken or done under the Indian Railways Act, 1890 as amended by the Indian Railways (Amendment) Act, 1983.

**The Committee feels that this Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Indian Railways (Amendment) Act, 1983 shall not affect the validity of any action or thing taken or done or purported to have been taken or done under the Indian Railways Act, 1890, as amended by the Indian Railways (Amendment) Act, 1983 before the commencement of this Act and such action or thing shall be deemed to be, and to have always been, as validly taken or done under section 5 of the Indian Railways (Amendment) Act, 1983 as if the amendments made in the Indian Railways Act, 1890, as amended by section 3 and 4 thereof had been in force at all material times and any reference to such action or thing shall be construed as if aforesaid section 5 had been in force in relation to such action or thing".

#### **281. The Banking Laws (Amendment) Act, 1983 (1 of 1984).**

All the provisions of the aforesaid Act have come into force *vide* S.O. No. 98(E) dated 14.2.1984 and S.O. No. 263(E) dated 29.3.1985.

As per records made available to the Committee by the Legislative Department, the aforesaid Act has not been repealed.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

#### **282. The Government of Union Territories (Amendment) Act, 1984 (19 of 1984).**

All the provisions of the aforesaid Act (except section 1 and section 4) had been

repealed by Act 19 of 1988. Section 1 relates to short title and section 4 relates to validation.

The Committee feels that the aforesaid Act can be repealed after making a specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill,2014, namely:-

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Government of Union Territories (Amendment) Act, 1984 shall not affect the validity of anything done or action taken on or after the 1st day of March, 1984 and before the commencement of aforesaid Act for the purposes of elections to the Legislative Assembly for the Union Territory of Mizoram and such things done or action taken shall be deemed to be, and to have always been, as validly and effectively done or taken as if the provisions of the Government Of Union Territories Act, 1963, as amended by section 3 of the Government of Union Territories (Amendment) Act, 1984 had been in force at all material times, any reference to such thing or action shall be construed as if the Government of Union Territories (Amendment) Act, 1984 had not been repealed."

### **283. The Finance Act, 1984 (21 of 1984).**

Sub-section (2) of section 1 provides that sections 2 to 34, and sections 54, save as otherwise provided in the aforesaid Act, be deemed to have come into force on the 1<sup>st</sup> day of April, 1984.

The Committee feels that sections of the Finance Act, 1984 amending the, Income-tax, 1961, the Wealth-tax, 1957, the Customs Act, 1962, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), the Unit Trust of India Act, 1963 and the Gold (Control) Act, 1968 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

**The committee feels that-**

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of the Finance Act, 1984 (3 to 33) amending the Income-tax Act, 1961 **can be repealed**;
- (b) section 34 of the Finance Act, 1984 amending the Wealth Tax, 1957 can be repealed;
- (c) sections 37, 38, 39, 40, 41, 42 and 43 of the Finance Act, 1984 amending the Customs Act, 1962 **can be repealed**;
- (d) section 44, 45, 46, 47, 48, 49, 50 and 51 of the Finance Act, 1984 amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (e) section 54 of the Finance Act, 1984 amending the Indian Post Office Act, 1898 **can be repealed**;
- (f) section 55 of the Finance Act, 1984 amending the Gold (Control) Act, 1968 **can be repealed**.

### **284. The Payment of Gratuity (Second Amendment) Act, 1984 (26 of 1984).**

All the provisions of the aforesaid Act (except section 1 and section 6 ) have been repcaled by Act 19 of 1988. Section 1 relates to short title and section 6 relates to validation.

Section 6 of the aforesaid Act contains validation of the actions or things taken or done under section 2 and 2A of the Gratuity Act, 1972, as amended by sections 3 and 4 of the Payment of Gratuity (Second Amendment) Act, 1984, but the aforesaid section 3 and 4 which had been repealed by the Act 19 of 1988.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill,2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Payment of Gratuity (Second Amendment) Act, 1984 shall not affect the amendments made in the Payment of Gratuity Act, 1972 by section 3 and section 4 of the Payment of Gratuity (Second Amendment) Act, 1984, before repeal of said sections by Act 19 of 1988, with effect from the 11<sup>th</sup> day of February, 1981 and accordingly any action or thing taken or done or purporting to have been taken or done under the Payment of Gratuity Act, 1972 on or after the said date and before the commencement of the Payment of Gratuity (Second Amendment) Act, 1984, shall, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, be deemed to be, and to have always been, for all purposes, as validly and effectively taken or done as if the said amendments had been in force at all material times, such action or thing taken or done or purporting to have been taken or done shall be construed as if aforesaid the Payment of Gratuity (Second Amendment) Act, 1984 had not been repealed."

#### **285. The Essential Commodities (Amendment) Act, 1984 (34 of 1984).**

The aforesaid Act contains only two sections which have been brought into force *vide* Notification No. G.S.R. 485(E) dated 1-7-1984 Gazette of India, Extraordinary, Part-II, Section 3(i) and the aforesaid Act has not been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

#### **286. The Delhi Development (Amendment) Act, 1984 (38 of 1984).**

All the provisions of the aforesaid Act have been brought into force *vide* Notification No. S.O. 186 (E) dated 11-3-1985 and Notification No. S.O. 64 (E) dated 21-2-1986 Gazette of India, Extraordinary Part II Section 3(ii).

The aforesaid Act does not contain any substantive provisions. As per the records made available to the Committee by the Legislative Department, the aforesaid Act has not been repealed.

**In view of above, the Committee feels that the aforesaid Act can be repealed.**

#### **287. The Punjab Municipal (New Delhi Amendment) Act, 1984 (39 of 1984).**

As per the records made available to the Committee, all the provisions of the aforesaid Act have come into force *vide* Notification No. S.O. 870 (E) dated 2-12-1985 and Notification No. S.O. 42(E) dated 4-2-1986, Gazette of India, Extraordinary, Part I, sec. 3(ii).

The aforesaid Act does not contain any substantive provisions. As per the records made available to the Committee by the Legislative Department, the aforesaid Act has not been repealed.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

#### **288. The Delhi Municipal Corporation (Amendment) Act, 1984 (42 of 1984).**

As per the records made available to the Committee, all the provisions of the aforesaid Act have come into force *vide* Notification No. S.O. 869(E) dated 2-12-1985 and Notification No. S.O. 41(E) dated 4-2-1986, Gazette of India, Extraordinary, 1986 Part I, sec. 3(ii).

The aforesaid Act does not contain any substantive provisions. As per the records made available to the Committee by the Legislative Department, the aforesaid Act has not been repealed.

**The Committee feels that the aforesaid Act can be repealed.**

#### **289. The Employees' State Insurance (Amendment) Act, 1984 (45 of 1984).**

All the provisions of the aforesaid Act have been brought into force *vide* Notification No. S.O. 215 dated 5-1-1985 Gazette of India Extraordinary Part II Section 3(ii).

Sections 2 to 14 of the aforesaid Act had been repealed by Act 19 of 1988. Section 1 relates to short title and commencement and section 15 relates to the validation.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Employees' State Insurance (Amendment) Act, 1984 shall not affect the validity of the Employees' State Insurance Corporation (General Provident Fund) Rules, 1973 and such rules shall be deemed always to have been as valid and effective as if the provisions of section 95 of the Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance (Amendment) Act, 1984 were in force at the time when those rules were made and any reference to such rules shall be construed as if aforesaid said rules had been in force before repeal of the Employees' State Insurance (Amendment) Act, 1984."

#### **290. The Estate Duty (Amendment) Act, 1984 (53 of 1984)**

The Estate Duty Act, 1953 has been repealed by Act 31 of 1982 but the Estate Duty (Amendment) Act, 1984 (amending the principal Act i.e., the Estate Duty Act, 1953) is still on the Statutes Book.

**The Committee feels that the aforesaid can be repealed.**

#### **291. The Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 (54 of 1984).**

The aforesaid Act contains eight sections out of which sections 2 to 7 had been repealed by Act 19 of 1988. Section 1 relates to short title and section 8 relates to validation.

The Law Commission of India in its 249th Report at Sl. No. 76 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act. The Law Commission observed that the Act provides for the establishment, in the interest of the general public, of a fund to ensure that the price of levy sugar may be uniform throughout India. 'Levy sugar' is the 10% of sugar output that every sugar manufacturer has to sell to the government at reduced rates for the Public Distribution System (PDS). In view of the ongoing process of deregulating sugar, the Union Cabinet in 2013 approved the removal of levy sugar, initially for a period of 2 years. The need for this Act is therefore being done away with. Hence, the Central Government should repeal this Act after introducing a suitable savings clause. This Act has been recommended for repeal by the Planning Commission in its letter No. 25/04/2014-OM&C dated 18th September 2014 to the Member Secretary, Law Commission of India.

The Centre for Civil Society at Sl. No. 79 of its compendium of 100 laws to be repealed, *inter alia*, stated that the Government has moved towards doing away with the system of levy sugar. In 2013, the Union Cabinet approved the removal of levy sugar, first for a period of two years, with a view to making the removal permanent. As a result, the aforesaid Act is no longer necessary. The deregulation of the sugar industry has been a longstanding demand. The system of levy sugar has cost the sugar industry an additional Rs. 3,000 crores a year, which is why the Indian Sugar Mills Association (ISMA) has been demanding its abolition. Acts like this one are remnants of the controls regime that should therefore be done away with. This Act has resulted in a great deal of burdensome and unnecessary litigation. The Department of Food and Public Distribution reported in 2012 that Rs. 26 crores in dues from 53 manufacturers was caught up in litigation. In some cases, dues are pending from the 1970s while in other cases, appeals have gone right up to the Supreme Court. It further states.

that the aforesaid Act is mentioned at Sl. No. 131 in the Ninth Schedule to the Constitution. However, this does not affect the power of Parliament to repeal the Act. Pending litigation under the Act will remain unaffected by the repeal if a standard saving clause is added to the repealing provisions. A saving clause prevents the repeal from affecting any litigation that continues under the Act being repealed, and is usually worded as 'the repeal shall not affect any legal proceeding continued under the Act'.

Attention is invited to article 31B of the Constitution, which reads as under:—

[Validation of certain Acts and Regulations.

**31B.** Without prejudice to the generality of the provisions contained in article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void, or ever to have become void, on the ground that such Act, Regulation or provision is inconsistent with, or takes away or abridges any of the rights conferred by, any provisions of this Part, and notwithstanding any judgment, decree or order of any court or Tribunal to the contrary, each of the said Acts and Regulations shall, subject to the power of any competent Legislature to repeal or amend it, continue in force.]

**The Committee feels that Parliament has legislative competence to repeal the aforesaid Act and therefore, it can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, the repeal of the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 shall, notwithstanding any judgment, decree or order of any court, tribunal or other authority, anything or action done or taken or purporting to have been done or taken under the provisions of the Levy Sugar Price Equalisation Fund Act, 1976 before the 23rd August, 1984 being the date of commencement of the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 shall, for all purposes, be deemed to be, and to have always been, as validly and effectively done or taken as if the amendments made to the Levy Sugar Price Equalisation Fund Act, 1976 , by section 2, clause (e) of section 3, section 5 and section 6 of the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984, had been in force at all material times and no act or omission on the part of any person shall be punishable as an offence which would not have been so punishable if the aforesaid provisions of section 2, clause (e) of section 3, section 5, section 6 and section 5 of the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 had not come into force and such thing or action done or taken or purporting to have been done or taken shall be construed as if the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 had not been repealed."

## **292.The University Grants Commission (Amendment) Act, 1984 (59 of 1984).**

The aforesaid Act contains nine sections out of which sections 2 to 8 had been repealed by Act 19 of 1988. Section 1 relates to short title and section 9 relates to validation.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause)on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of provisions contained in section 4, no rule made, or purporting to have been made, with retrospective effect, under section 25 of the University Grants Commission Act, 1956 before the 1st October, 1984 being the date of commencement of the University Grants Commission (Amendment) Act, 1984, shall be deemed to have been invalid or ever to have been invalid merely on the ground that such rule was made with retrospective effect and accordingly every such rule and every action taken or thing done there under shall be as valid and effective as if the provisions of section 25 of the University Grants

Commission Act, 1956 Act, as amended by the University Grants Commission (Amendment) Act, 1984, were in force at all material times when such rule was made or action or thing was taken or done. and any reference to such rules shall be construed as if aforesaid said rules had been in force before repeal of the University Grants Commission (Amendment) Act, 1984".

### **293. The Dowry Prohibition (Amendment) Act, 1984 (63 of 1984).**

The aforesaid Act consists of eight sections. The aforesaid Act has come into force vide Notification No. S. O. 610 (E), dated 19-8-1985 published in the Gazette of India, Extraordinary, Part II, Section 3 (ii).

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **294. The Taxation Laws (Amendment) Act, 1984 (67 of 1984)**

All the provisions of the aforesaid Act (except section 84) came into force on 1st day of April, 1985 and section 84 came into force on the 1 day of October, 1984 as provided under sub-section (2) of section 1 of the aforesaid Act.

Section 84 of the aforesaid Act provided for the applicability of revised rate of interest. The concerned Ministry may re-visit the applicability of aforesaid section 84.

**The Committee feels that in the meanwhile, sections 2 to 83 of the aforesaid Act can be repealed.**

### **295. The Finance Act, 1985 (32 of 1985).**

Sub-section (2) of section 1 provides that sections 2 to 41 (except sections 32, 34, 35 and 38) shall, save as otherwise provided in the aforesaid Act be deemed to have come into force on the 1<sup>st</sup> day of April, 1985.

The Committee feels that sections of the Finance Act, 1985 amending the, Income-tax Act, 1961, the Wealth-tax, 1957, the Interest Act, 1974, the Customs Act, 1962, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), the Indian Stamp Act, 1899 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

**The committee feels that-**

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of the Finance Act, 1985 (3 to 36) amending the Income-tax Act, 1961 **can be repealed**;
- (b) section 37, 38, 39 and 40 of the Finance Act, 1985 amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) section 41 of the Finance Act, 1985 amending the Interest-tax Act, 1974 **can be repealed**;
- (g) section 45 and 46 of the Finance Act, 1985 amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (i) section 50 of the Finance Act, 1985 amending the Indian Stamp Act, 1899 **can be repealed**.

### **296. The Customs (Amendment) Act, 1985 (80 of 1985)**

All the provisions of the aforesaid Act except section 1 and 14 have been brought into force. Section 1 relates to short title and section 14 relates to validation.

**The Committee feels that the aforesaid Act can be repealed after making**

**following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill,2014, namely:-**

“Without prejudice to the generality of the provisions contained in section 4,-

- (a) any drawback allowed under section 75 of the Customs Act, 1962 on the goods exported by post during the period commencing on and from the 13<sup>th</sup> day of May, 1983 and ending with the date of commencement of the Customs (Amendment) Act, 1985 shall be deemed to have been validly allowed as if the provisions of the aforesaid section, as amended by section 7 of the Customs (Amendment) Act, 1985, as it stood before its repeal, had been in force at all material times and any reference to such allowance of drawbacks shall be allowed as if the aforesaid Act had not been repealed;
- (b) any person whose claim for drawback on goods exported by post under section 75 of the Customs Act, 1962 during the period commencing on and from the 13<sup>th</sup> day of May, 1983 and ending with the date of commencement of the Customs (Amendment) Act, 1985 was disallowed on the ground that the Customs Act, 1962 did not provide for any such allowance, and applied the proper officer for reconsideration of the matter and such officer shall decide such claim as if the provisions of section 75 of the Customs Act, 1962 , as amended by section 7 of the Customs (Amendment) Act, 1985, as it stood before such repeal.”.

### **297. The Banking Laws (Amendment) Act, 1985 (81 of 1985).**

All provisions of the aforesaid Act (except section 1 and 10) had been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

Section 10 of the aforesaid Act relates to change of name of United Commercial Bank and consequential amendment of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and protecting of any rights and obligations of that bank or and saving any legal proceedings to be defective by or against it, and any legal proceedings which might have been continued or commenced by or against that bank by its former name may be continued or commenced by or against it by its new name.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause)for aforesaid section 10 on the following lines in the Repealing Bill, 2014, namely:-**

“Without prejudice to the generality of the provisions contained in section 4, the repeal of the Banking Laws (Amendment) Act, 1985 shall not affect the change of the name of the United Commercial Bank (hereafter referred to as its former name) to “UCO Bank” (hereafter referred to as its former name) by section 10 of that Act and any rights and obligations of that Bank or render defective any legal proceedings by or against it, and any legal proceedings which might have been continued or commenced by or against that bank by its former name may be continued or commenced by or against it by its new name.”.

### **298. The Additional Duties of Excise (Textile and Textiles Articles) Amendment Act, 1985 (6 of 1986).**

All the provisions of the aforesaid Act (which contains two sections) have come into force *vide* Notification No. G.S.R. 90(E) dated 28.2.1986 published in the Gazette of India, Extraordinary, Part-II, Section 3(i). The aforesaid Act does not contain any savings or validation or substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **299. The Additional Duties of Excise (Goods of Special Importance) Second**

### **Amendment Act, 1985 (7 of 1986).**

All the provisions of the aforesaid Act (which contains five sections) have come into force *vide* Notification no. G.S.R. 91(E) dated 5th February, 1986, published in Gazette of India, Extraordinary, Part II, Section 3(i). The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **300. The Customs Tariff (Amendment) Act, 1985 (8 of 1986).**

The aforesaid Act contains two sections. Section 1 relates to short title and commencement and section 2 substitutes the First Schedule to the Customs Tariff Act, 1975. Both the sections have come into force *vide* Notification No. G.S.R. 88(E) dated 5th February, 1986 published in the Gazette of India, Extraordinary, Part II, Section 3(i). The Aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **301. The Administrative Tribunals (Amendment) Act, 1986 (19 of 1986)**

All provisions of the aforesaid Act (except section 6) came into force on the 22nd day of January, 1986. Section 6 came into force on the 1<sup>st</sup> day of November, 1985.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 67 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act amended the Administrative Tribunals Act, 1985. Sections 2 to 23 of this Act have already been repealed by Repealing and Amending Act, 2001. Section 24 specifies that every person holding office as Chairman, Vice-Chairman or other Member of the Central Administrative Tribunal (CAT) immediately before the commencement of this Act shall be deemed to be either a Judicial Member (if he possesses any of the qualifications specified for appointment as a Judicial Member under the Administrative Tribunals Act, 1985) or an Administrative Member. Section 25 of this Act validates any action taken (including any applications admitted or orders passed) by the CAT before the coming into force of this Amendment Act. The purpose of this Act has been fulfilled and the Central Government should repeal this Act. To save the rights and privileges of the members specified under Section 24 and also, the action taken by the CAT as contemplated by Section 25, a suitable savings clause should be inserted in the repealing Act.

All the provisions of the aforesaid Act (except section 1, 24, 25 and 26) have been repealed Act 30 of 2001. Section 1 relates to short title and commencement and section 24 relates to provisions as to the existing Members of Central Administrative Tribunal appointed before the commencement of the aforesaid Act. Section 25 relates to validation. Section 26 of the aforesaid Act relates to repeal and saving of the Administrative Tribunals (Amendment) Ordinance, 1986.

**The Committee feels that aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

“Without prejudice to the generality of the provisions contained in section 4, the repeal of the Administrative Tribunals (Amendment) Act, 1986 shall not affect -

- (a) the validity of holding of office by any person as Chairman, Vice-Chairman or other Members of the Central Tribunal immediately before the 22nd day of January, 1986 the date being the commencement of the aforesaid Act in accordance with the provision of section 24 of that Act as it stood before such repeal and every action taken or thing done there under by such persons shall be as valid and effective as if the

provisions of said section 24 were in force at all material times and any reference to such action taken or thing done shall be construed as if aforesaid Act had not been repealed;

- (b) anything done or any action taken (including any application admitted or orders passed) by the Central Administrative Tribunal or any of its Bench or Benches immediately before the commencement of the Administrative Tribunals (Amendment) Act, 1986 in the exercise or purported exercise of its jurisdiction, powers and authority conferred by or under the Administrative Tribunal Act, 1985 shall be deemed to have been validly done or taken as if the provisions of the Administrative Tribunal Act, 1985, as amended by the Administrative Tribunals (Amendment) Act, 1986 had been in force at all material times and, accordingly, anything done or any action taken by the said Tribunal or any of its Bench or Benches shall not be called in question merely on the ground that-
- (i) the Bench or Benches of such Tribunal had not been properly constituted, or
  - (ii) the said Tribunal had no jurisdiction to adjudicate or try any dispute or complaint or to hear any appeals in relation to such dispute or complaint.".

### **302. The Finance Act, 1986 (23 of 1986).**

Sub-section (2) of section 1 provides that sections 2 to 47 (except sections 27, 34, 35 and 36) of the aforesaid Act shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1986.

The Committee feels that sections of the Finance Act, 1986 amending the Income-tax Act, 1961, the Wealth-tax, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Companies (Profits) Surtax Act, 1964, the Customs Act, 1962, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), and the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 (**other than of being substantive provisions or provisions being governed by the Finance Act can be repealed.**

**The committee feels that -**

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 (sections 3 to 39) of the Finance Act, 1986 amending the Income-tax Act, 1961 **can be repealed**;
- (b) section 40 of the Finance Act, 1986 amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) section 41, 42, 43, 44, 45 and 46 of the Finance Act, 1986 amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) section 50 of The Finance Act, 1986 amending the Customs Act, 1962 **can be repealed**;
- (e) section 51 of the Finance Act, 1986 amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (f) section 54 of the Finance Act, 1986 amending the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 **can be repealed**.

### **303. The Merchant Shipping (Amendment) Act, 1986 (33 of 1986).**

All the provisions of the aforesaid Act (except section 1, and 4) have been repealed by Act 30 of 2001. Section 1 relates to short title and section 5 relates to savings.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Recpealing Bill,2014, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, the

amendments made in the Merchant Shipping Act, 1958, by the Merchant Shipping (Amendment) Act, 1986 shall not apply to, or in relation to, any certificate of service granted under section 80 or recognised under section 86 of the Merchant Shipping Act, 1958 as it stood before the commencement of the Merchant Shipping (Amendment) Act, 1986 and the Merchant Shipping Act, 1958 shall apply in relation to such certificates as if the Merchant Shipping (Amendment) Act, 1986 had not been enacted."

### **304. The Taxation Laws (Amendment and Miscellaneous Provisions) Act, 1986 (46 of 1986).**

The aforesaid Act was enacted on the 10<sup>th</sup> September, 1986 and contains 42 sections. Sub-section (2) of section 1 of the aforesaid Act provides that all the provisions of the aforesaid Act shall come into force at once i.e., on the 10<sup>th</sup> September, 1986.

Sections 2 to 41 contain provisions for amendment of the Income-tax Act, 1961, the Wealth Tax Act, 1957 and the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above). Section 42 contains provision for exemptions from payment of tax on the income of Housing and Urban Development Corporation Ltd. (a Government company as defined in section 617 of the Companies Act, 1956 for the previous year relevant to the assessment year commencing on the 1<sup>st</sup> day of April, 1986 and for the four previous years next following that previous year; and on chargeable profits for the previous year's relevant to the assessment years commencing on the 1<sup>st</sup> day of April, 1986 and the 1<sup>st</sup> day of April, 1987.

**The Committee feels that the aforesaid can be repealed after making following specific saving clause (in addition to general saving clause) for aforesaid section 42 on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, the Housing and Urban Development Corporation Ltd. (a Government company as defined in section 617 of the Companies Act, 1956) shall not be liable to pay, notwithstanding anything contained in the Income Tax Act, 1961 or the Companies (Profits) Sur Tax Act, 1964, as they stood before the repeal of the Taxation Laws (Amendment and Miscellaneous Provisions) Act, 1986, to pay any tax on its income for the previous year relevant to the assessment year commencing on the 1<sup>st</sup> day of April, 1986 and for the four previous years next following that previous year; and on chargeable profits for the previous year's relevant to the assessment years commencing on the 1<sup>st</sup> day of April, 1986 and the 1<sup>st</sup> day of April, 1987 and any reference to such exemption from payment of tax and on chargeable profits shall be construed as the Taxation Laws (Amendment and Miscellaneous Provisions) Act, 1986 had not been repealed."

### **305. The Shipping Development Fund Committee (Abolition) Act, 1986 (66 of 1986).**

The aforesaid Act was enacted to abolish the Shipping Development Fund Committee constituted under the Merchant Shipping Act, 1958 and to provide for certain matters incidental thereto.

The aforesaid Act has been recommended for repeal by the PC Jain Commission at Sl. No. 12 of Appendix-A1(166 Central Acts recommended for repeal by the Central Government)

The Law Commission in its one hundred and fifty-ninth Report had recommended for repeal of the aforesaid Act. The Law Commission in its 248<sup>th</sup> Report at Sl. No. 72 under Chapter-4 of the Report have stated that the purpose of the aforesaid Act was to abolish the Shipping Development Fund Committee and provide for the disposal of its funds, assets and liabilities. These have been achieved. Thus, there is nothing further to be done under the Act..

The Planning Commission has also at serial no. 1 of its I.D.No.25/04/2014-OM&C dated 11th September, 2014 has also recommended for its repeal.

The Centre for Civil Society at Sl. No.97 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act has achieved its purpose and is not needed any more. The Shipping Development Fund Committee has been abolished. All the assets and liabilities of the Committee were vested in the central government. In 1987, the Government delegated all the functions of the Committee to the Shipping Credit and Investment Company of India Limited. It further stated that there are no legal issues that would impede repeal.

The Department of Financial Services *vide* its D.O. letter No.9/15/2014-Coord dated 12th September, 2014 at serial no. 21 of the Annexure-I to the aforesaid D.O. has stated that the aforesaid Act can be repealed only after closure of SDFC portfolio and a High Power Committee under the chairmanship of Finance Secretary is in place to look into the matter.

**In view of the above, the Committee feels that the aforesaid Act can be repealed after making a specific saving clause on the following lines, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Shipping Development Fund Committee (Abolition) Act, 1986, shall not affect the discharge of liabilities by any person to the Central Government or payment of dues to the Central Government, and the amount payable to the Central Government under the provisions of the aforesaid Act as it stood before such repeal."

### **306. The Finance Act, 1987 (11 of 1987).**

Sub-section (2) of section 1 provides that sections 2 to 91 shall, save as otherwise provided in the aforesaid Act, be deemed to have come into force on the 1<sup>st</sup> day of April, 1987.

The Committee feels that sections of the Finance Act, 1987 amending the, Income-tax Act, 1961, the Wealth-tax, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl.No. 161 above), the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) and the Oil Industry Development Act, 1974 (other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.

**The committee feels that -**

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 of the Finance Act, 1987 (3 to 74) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 and 89 of the Finance Act, 1987 amending the Wealth-tax, 1957 **can be repealed**;
- (c) section 90 and 91 of the Finance Act, 1987 amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (e) section 94 of the Finance Act, 1987 amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (f) section 106 of the Finance Act, 1987 amending the Oil Industry Development Act, 1974 **can be repealed**.

### **307. The Constitution (Scheduled Tribes) Order (Amendment) Act, 1987 (43 of 1987).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 19<sup>th</sup> day of September, 1987. All the provisions of the aforesaid Act have come into force.

Article 342 of the Constitution reads under:

"342. Scheduled Tribes.

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the First and the Second Schedule thereto have been repealed earlier by Act 19 of 1988. The aforesaid Act does not contain any substantive provision or saving or validation provision and therefore **can be repealed**.

### **308. The Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1988 (22 of 1988).**

The aforesaid Act contains three sections out of which section 2 has been repealed by Act 30 of 2001. Section 1 relates to the short title and commencement and section 3 relates to validation.

Earlier, section 2 of the aforesaid Act has been repealed by the Central Act i.e., Act No. 30 of 2001. Further, the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Act, 1988 was also repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**In view of above, the Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) for aforesaid section 3 on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, every Special Officer appointed or deemed to be appointed under sub-section (1) of section 4 of the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1988 and holding office as such immediately before the 28th day of March, 1988 being the date of commencement of the aforesaid Act, shall continue to hold such office on and from such commencement as if the provisions of sub-section (2) of section 4 of the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1986, as amended by the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1988, had been in force on such commencement, and accordingly, anything done or any action taken by such Special Officer under the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Act, 1986 during the period commencing on and from the 28<sup>th</sup> day of March, 1988 and ending with the 8<sup>th</sup> April, 1988, shall be deemed to have been validly done or taken in accordance with the provisions of the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1986.".

### **309. The Finance Act, 1988 ( 26 of 1988).**

Sub-section (2) of section 1 of the aforesaid Act provides that sections 2 to 75 and sections 86 to 88 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1988.

The Committee feels that the Finance Act, 1988, amending the Income-tax, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Expenditure-tax Act, 1987, the Central Sales Tax Act, 1956 and the General Insurance Business (Nationalisation) Act, 1972 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54 [sections 3 to 54] of the Finance Act, 1988 (26 of 1988) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 [sections 55 to 66] of the Finance Act, 1988 (26 of 1988) amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) sections 67, 68, 69, 70 and 71 [sections 67 to 71] of the Finance Act, 1988 (26 of 1988) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161) **can be repealed**;
- (d) sections 72, 73, 74 and 75 of the Finance Act, 1988 (26 of 1988) amending the Expenditure-tax Act, 1987 **can be repealed**;
- (e) section 85 of the Finance Act, 1988 (26 of 1988) amending the Central Sales Tax Act, 1956 **can be repealed**;
- (f) section 86 of the Finance Act, 1988 (26 of 1988) amending the General Insurance Business (Nationalisation) Act, 1972 **can be repealed**.

### **310. The Direct Tax Laws (Amendment) Act, 1989 (3 of 1989)**

The aforesaid Act contains 95 sections. The sub-section (2) of section 1 of the aforesaid Act provides that section 2 to 31 and 33 to 95 [save or otherwise provided in the aforesaid Act] shall come into force on 1<sup>st</sup> April, 1989. Since no date of commencement for section 32 had been provided in sub-section (2) of section 1 of the aforesaid Act, the said section has came into force from the date of assent of the President to the aforesaid Act i.c., on the 15th March, 1989. The aforesaid sections do not contain any substantive provisions.

In view of above, the Committee feels the aforesaid Act can be repealed.

### **311. The Finance Act, 1989 (13 of 1989).**

Sub-section (2) of section 1 provides that sections 2 to 33 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1989.

The Committee feels that the Finance Act, 1989, amending the Income-tax, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Expenditure-tax Act, 1987 and the Central Sales Tax Act, 1956 (other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 [sections 3 to 25] of the Finance Act, 1989 (13 of 1989) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 27, 28, 29 and 30 [sections 27 to 30] of the Finance Act, 1989 (13 of 1989) amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) sections 31 and 32 of the Finance Act, 1989 (13 of 1989) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) section 33 of the Finance Act, 1989 (13 of 1989) amending the Expenditure-tax Act, 1987 **can be repealed**;
- (e) section 50 of the Finance Act, 1989 (13 of 1989) amending the Central Sales Tax Act, 1956 **can be repealed**.

### **312. The Employees' State Insurance (Amendment) Act, 1989 (29 of 1989).**

The aforesaid Act contains 47 sections out of which section 2 to 8, 10 to 44, 46 and 47 have been repealed by Act 30 of 2001. Section 9 came into force *vide* Notification No. S.O. 1208, dated 22.4.1997 after 9 years of the enactment of the aforesaid Act. The Committee understands that as per the information received from Legislative Department on telephone that section 45 have come into force. The Legislative Department may confirm the same.

**The Committee feels that the aforesaid Act and can be repealed.**

### **313. The Finance Act, 1990 (12 of 1990).**

Sub-section (2) of section 1 provides that sections 2 to 61 of the aforesaid Act, shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1990.

The Committee feels that the Finance Act, 1990, amending the Income-tax, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Customs Act, 1962, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) and the Indian Post Office Act, 1898 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 [sections 3 to 50] of the Finance Act, 1990 (12 of 1990) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 51, 52, 53, 54, 55, 56, 57 and 58 [sections 51 to 58] of the Finance Act, 1990 (12 of 1990) amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) sections 59, 60 and 61 of the Finance Act, 1990 (12 of 1990) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) section 65 of the Finance Act, 1990 (12 of 1990) amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**;
- (e) section 72 of the Finance Act, 1990 (12 of 1990) amending the Indian Post Office Act, 1898 **can be repealed**.

### **314. The Taxation Laws (Amendment) Act, 1991 (2 of 1991)**

The aforesaid Act contains 7 sections. Section 1 of the aforesaid Act relates to short title. Sections 2 and 3 of the aforesaid Act amends the Finance Act, 1990 and section 5 amends the Income-tax Act, 1961. Section 6 of the aforesaid Act contains provisions for payment of surcharge relating to the certain period specified therein. Section 7 repeals the Finance (Second Amendment) Ordinance, 1990.

The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) for the aforesaid section 6 on the following lines in the Repealing Bill, 2014, namely:-

"Without prejudice to the generality of the provisions contained in section 4, and notwithstanding anything contained in the Income-tax Act, 1961, the repeal of the Taxation Laws (Amendment) Act, 1991 shall not affect the surcharge paid or payable under section 6 of that Act, as it stood before its repeal and any reference to payment of surcharge under the aforesaid section 6 shall be construed as if the Taxation Laws (Amendment) Act, 1991 had not been repealed."

### **315. The Consumer Protection (Amendment) Act, 1991 (34 of 1991).**

The aforesaid Act contains 6 sections out of which section 2 to 4 have been repealed. Section 1 of the aforesaid Act provides for short title and commencement and section 5 contains validation of certain orders etc. and section 6 repeals the Consumer Protection

(Amendment) Ordinance, 1991.

The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-

"Without prejudice to the generality of the provisions contained in section 4, and notwithstanding anything contained in any law or any judgement, decree or order of any court, tribunal or other authority, any order made by the District Forum or the State Commission under the Consumer Protection Act, 1986 which would have been validly made if the amendments made to that Act by the Consumer Protection (Amendment) Act, 1991 were in force on the date of such order, shall be deemed to have been validly made as if the amendments made to the Consumer Protection Act, 1986, by the Consumer Protection (Amendment) Act, 1991 were in force at all material times when such order was made and any reference to such order referred to in section 5 of the Consumer Protection (Amendment) Act, 1991 shall be construed as if the Consumer Protection (Amendment) Act, 1991 had not been repealed."

### **316.The Wild Life (Protection) Amendment Act, 1991 (44 of 1991).**

The aforesaid Act contains 52 sections. All the provisions of the aforesaid Act [except section 22, 22A and section 30 (ii)] have been repealed by Act 30 of 2001. Section 22 and section 30 (ii) of the aforesaid Act have come into force *vide* S.O. No. 67(E) dated 19.12.2000 and section 22A have come into force *vide* S.O.574(E) dated 21.5.2001. The aforesaid Act does not contain any substantive provisions.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

### **317.The Finance (No.2) Act, 1991 (49 of 1991).**

Sub-section (2) of section 1 of the aforesaid Act provides that sections 2 to 119 and 126 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1991.

The Committee feels that the Finance Act, 1991, amending the Income-tax, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Interest-tax Act, 1974, the Expenditure-tax Act, 1987, the Customs Act, 1962, the Industrial Development Bank of India Act, 1964 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72 [sections 3 to 72] of the Finance (No.2) Act, 1991 (49 of 1991) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 73, 74, 75, 76, 77, 78, 79, 80, 81, 82 and 83 [sections 73 to 83] of the Finance (No.2) Act, 1991 (49 of 1991) amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) sections 84, 85, 86, 87, 88, 89 and 90 of the Finance (No.2) Act, 1991 (49 of 1991) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) sections 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111 and 112 the Finance (No.2) Act, 1991 (49 of 1991) amending the Interest-tax Act, 1974 **can be repealed**;
- (e) sections 113, 114, 115, 116, 117, 118 and 119 the Finance (No.2) Act, 1991 (49 of 1991) amending the Expenditure-tax Act, 1987 **can be repealed**;
- (f) section 120 of the Finance (No.2) Act, 1991 (49 of 1991) amending the Customs Act, 1962

**can be repealed;**

(g) section 124 of the Finance (No.2) Act, 1991 (49 of 1991) amending the Industrial Development Bank of India Act, 1964 **can be repealed.**

### **318.The Cess and Other Taxes on Minerals (Validation) Act, 1992 (16 of 1992).**

The aforesaid Act has been enacted to validate the imposition and collection of cesses and certain other taxes on minerals under certain State laws (including actions taken and things done there under) specified in the Schedule of the aforesaid Act and the provisions in such Acts were deemed to have been remained in force up to the 4<sup>th</sup> day of April, 1991. The aforesaid said Act came into force on 15<sup>th</sup> day of February, 1992.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

“Without prejudice to the generality of the provisions contained in section 4, the validation of the laws specified in the Schedule to the Cess and Other Taxes on Minerals (Validation) Act, 1992 shall be valid and always deemed to be valid and deemed to have remained in force up to the 4<sup>th</sup> day of April 1991 as if aforesaid Act had not been repealed and all actions taken, things done, rules made, notifications issued or purported to have been taken, done, made or issued and cesses or other taxes on minerals realised under any such laws specified in the Schedule to the aforesaid Act before such repeal shall, notwithstanding any judgment, decree or order of any court, be deemed to have been validly taken, done, made, issued or realised, as the case may be, as if the aforesaid Act had been in force at all material times when such actions were taken, things, were done, rules were made, notifications were issued, or cesses or other taxes were realised and no suit or other proceeding shall be maintained or continued in any court for the refund of the cesses or other taxes realised under any such laws after repeal of the aforesaid Act but the repeal of the aforesaid Act shall not be construed as preventing any person from claiming refund of any cess or tax paid by him in excess of the amount due from him under any such laws.”.

### **319.The Finance Act, 1992 (18 of 1992)**

Sub-section (2) of section 1 of the aforesaid Act, provides that sections 2 to 108, 116 and 117 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1992.

The Committee feels that the Finance Act, 1992, amending the Income-tax, 1961, the Wealth-tax Act, 1957, the Interest-tax Act, 1974, the Expenditure-tax Act, 1987, the Customs Act, 1962 and the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) (**other than of being substantive provisions or provisions being governed by the Finance Act**) **can be repealed.**

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88 [sections 3 to 88] of the Finance Act, 1992 (18 of 1992) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 and 102 [sections 89 to 102] of the Finance Act, 1992 (18 of 1992) amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) sections 103 and 104 of the Finance Act, 1992 (18 of 1992) amending the Interest-tax Act, 1974 **can be repealed**;

- (d) sections 105, 106, 107 and 108 (section 105 to 108) of the Finance Act, 1992 (18 of 1992) amending the Expenditure-tax Act, 1987 **can be repealed**;
- (e) section 109 of the Finance Act, 1992 (18 of 1992) amending the Customs Act, 1962 **can be repealed**;
- (f) section 113 of the Finance Act, 1992 (18 of 1992) amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**.

### **320. The Finance Act, 1993 (38 of 1993).**

Sub-section (2) of section 1 of the aforesaid Act, provides that sections 2 to 42 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1993.

The Committee feels that the Finance Act, 1993, amending the Income-tax, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Customs Act, 1962 and the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **(other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed**.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 [sections 3 to 37] of the Finance Act, 1993 (38 of 1993) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 38, 39 and 40 [sections 38 to 40] of the Finance Act, 1993 (38 of 1993) amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) sections 41 and 42 of the Finance Act, 1993 (38 of 1993) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) section 43 of the Finance Act, 1993 (38 of 1993) amending the Customs Act, 1962 **can be repealed**;
- (e) section 45 of the Finance Act, 1993 (38 of 1993) amending the Central Excises and Salt Act, 1944 (short title as it stood before its amendment) **can be repealed**.

### **321. The Betwa River Board (Amendment) Act, 1993 (49 of 1993).**

The aforesaid Act contains 4 sections out of which section 2 and 3 have been repealed by Act 30 of 2001. Section 1 of the aforesaid Act relates to short title and section 4 of that relates to reference to Rajghat Reservoir to be construed as reference to Rani Laxmibai Sagar.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 70 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to amend the Betwa River Board Act, 1976. The purpose of this amendment was to change the name of the Rajghat Reservoir (an inter-state dam project of the Governments of Madhya Pradesh and Uttar Pradesh) to Rani Laxmibai Sagar and to bring into effect such change of name in the Betwa River Board Act, 1976. Corresponding amendments have been made to the Betwa River Board Act, 1976. This Act has now served its purpose and the Central Government should repeal this Act.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, any reference to Rani Laxmibai Sagar in place of Rajghat Reservoir in any other law or in any rule, regulation, instrument or other document or in any proceeding, before the repeal of the Betwa River Board (Amendment) Act, 1993, shall, notwithstanding such repeal, be valid and shall always be deemed to be valid and any reference to Rajghat Reservoir in any other law or in

any rule, regulation, instrument or other document or in any proceeding, after the repeal of the Betwa River Board (Amendment) Act, 1993, shall be construed as a reference to Rani Laxmibai Sagar.”.

### **322.The Finance Act, 1994 (32 of 1994).**

Sub-section (2) of section 1 of the aforesaid Act, provides that sections 2 to 59 (except section 26) shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1994.

The Committee feels that the Finance Act, 1994, amending the Income-tax, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the interest-tax Act, 1974, the Expenditure-tax Act, 1987 and the Indian Stamp Act, 1899 (**other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.**

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 [sections 3 to 50] of the Finance Act, 1994 (32 of 1994) amending the Income-tax Act, 1961 **can be repealed;**
- (b) sections 51, 52 and 53 [sections 51 to 53] of the Finance Act, 1994 (32 of 1994) amending the Wealth-tax Act, 1957 **can be repealed;**
- (c) sections 54 and 55 of the Finance Act, 1994 (32 of 1994) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed;**
- (d) section 56 of the Finance Act, 1994 (32 of 1994) amending the Interest-tax Act, 1974 **can be repealed;**
- (e) section 57, 58 and 59 (sections 57 to 59) of the Finance Act, 1994 (32 of 1994) amending the Customs Tariff Act, 1975 **can be repealed;**
- (f) section 60 of the Finance Act, 1994 (32 of 1994) amending the Customs Act, 1962 **can be repealed;**
- (g) section 99 of the Finance Act, 1994 (32 of 1994) amending the Indian Stamp Act, 1899 **can be repealed.**

### **323. The Finance Act, 1995 (22 of 1995).**

Sub-section (2) of section 1 of the aforesaid Act, provides that sections 2 to 49 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1995.

The Committee feels that the Finance Act, 1995, amending the Income-tax, 1961, the Customs Act, 1962, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), the Coasting Vessels Act, 1838, the Drugs and Cosmetics Act, 1940, the Agricultural Produce Cess Act, 1940, the Coffee Act, 1942, the Tea Act, 1953, the Prevention of Food Adulteration Act, 1954, the Trade and Merchandise Marks Act, 1958, the Arms Act, 1959, the Unit Trust of India Act, 1963, the Foreign Exchange Regulation Act, 1973 and the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 (**other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.**

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 [sections 3 to 49] of the Finance Act, 1995 (22 of 1995) amending the Income-tax Act, 1961 **can be repealed;**
- (b) sections 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68 [50 to 68] of the Finance Act, 1995 (22 of 1995) amending the Customs Act, 1962 **can be repealed;**

- (c) section 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79 of the Finance Act, 1995 (22 of 1995) amending the Central Excises and Salt Act, 1944 **can be repealed**;
- (d) section 82 of the Finance Act, 1995 (22 of 1995) amending the Coasting Vessels Act, 1838 **can be repealed**;
- (e) section 83 of the Finance Act, 1995 (22 of 1995) amending the Drugs and Cosmetics Act, 1940 **can be repealed**;
- (f) section 84 of the Finance Act, 1995 (22 of 1995) amending the Agricultural Produce Cess Act, 1940 **can be repealed**;
- (g) section 85 of the Finance Act, 1995 (22 of 1995) amending the Coffee Act, 1942 **can be repealed**;
- (h) section 86 of the Finance Act, 1995 (22 of 1995) amending the Tea Act, 1953 **can be repealed**;
- (i) section 87 of the Finance Act, 1995 (22 of 1995) amending the Prevention of the Food Adulteration Act, 1954 **can be repealed**;
- (j) section 88 of the Finance Act, 1995 (22 of 1995) amending the Trade and Merchandise Marks Act, 1958 **can be repealed**;
- (k) section 89 of the Finance Act, 1995 (22 of 1995) amending the Arms Act, 1959 **can be repealed**;
- (l) section 90 of the Finance Act, 1995 (22 of 1995) amending the Unit Trust of India Act, 1963 **can be repealed**;
- (m) section 91 of the Finance Act, 1995 (22 of 1995) amending the Foreign Exchange Regulation Act, 1973 **can be repealed**;
- (n) section 92 of the Finance Act, 1995 (22 of 1995) amending the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 **can be repealed**.

#### **324. The Finance (No. 2) Act, 1996 (33 of 1996)**

Sub-section (2) of section 1 of the aforesaid Act, provides that sections 2 to 58 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1996.

The Committee feels that the Finance (No.2) Act, 1996, amending the Income-tax, 1961, the Wealth-tax Act, 1957, the Customs Act, 1962, the Central Excises and Salt Act, 1944 (short title as it stood before its amendment), the Central Sales Tax Act, 1956 and the Indian Post Office Act, 1898 (**other than of being substantive provisions or provisions being governed by the Finance Act**) **can be repealed**.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 and 55 [sections 3 to 55] of the Finance (No.2) Act, 1996 (33 of 1996) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 56, 57 and 58 [sections 56 to 58] of the Finance (No.2) Act, 1996 (33 of 1996) amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) sections 59, 60, 61, 62, 63, 64, 65 and 66 of the Finance (No.2) Act, 1996 (33 of 1996) amending the Customs Act, 1962 **can be repealed**;
- (d) section 87 of the Finance (No.2) Act, 1996 (33 of 1996) amending the Central Sales Tax Act, 1956 **can be repealed**;
- (e) section 89 of the Finance (No.2) Act, 1996 (33 of 1996) amending the Post Office Act, 1898 **can be repealed**.

#### **325. The Finance Act, 1997 (26 of 1997).**

Sub-section (2) of section 1 of the aforesaid Act provides that sections 2 to 61 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1997.

The Committee feels that the Finance Act, 1997, amending the Income-tax, 1961, the Interest-tax Act, 1974, the Expenditure-tax Act, 1987, the Central Excise, 1944, the Indian Post Office Act, 1898 and the Unit Trust of India Act, 1963 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 58 [sections 3 to 58] of the Finance Act, 1997 (26 of 1997) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 59 and 60 of the Finance Act, 1997 (26 of 1997) amending the Interest-tax Act, 1974 **can be repealed**;
- (c) section 61 of the Finance Act, 1997 (26 of 1997) amending the Expenditure-tax Act, 1987 **can be repealed**;
- (d) sections 81, 82, 83 and 84 of the Finance Act, 1997 (26 of 1997) amending the Central Excise Act, 1944 **can be repealed**;
- (e) section 89 of the Finance Act, 1997 (26 of 1997) amending the Post Office Act, 1898 **can be repealed**;
- (f) section 90 of the Finance Act, 1997 (26 of 1997) amending the Unit Trust of India Act, 1963 **can be repealed**.

### **326. The Finance (No. 2) Act, 1998 (21 of 1998).**

Sub-section (2) of section 1 of the aforesaid Act, provides that sections 2 to 98 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1998.

The Committee feels that the Finance (No.2) Act, 1998, amending the Income-tax, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above), the Interest-tax Act, 1974, the Expenditure-tax Act, 1987, the Customs Act, 1962, the Central Excise Act, 1944, the Export-Import Bank of India Act, 1981 and the Indian Post Office Act, 1898 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 and 65 [sections 3 to 65] of the Finance (No.2) Act, 1998 (21 of 1998) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 66, 67, 68, 69, 70, 71, 72, 73 and 74 [sections 66 to 74] of the Finance (No.2) Act, 1998 (21 of 1998) amending the Wealth-tax Act, 1957 **can be repealed**;
- (c) sections 75 and 76 of the Finance (No.2) Act, 1998 (21 of 1998) amending the Gift-tax Act, 1958 (proposed to be repealed at Sl. No. 161 above) **can be repealed**;
- (d) sections 77, 78, 79 and 80 of the Finance (No.2) Act, 1998 (21 of 1998) amending the Interest-tax Act, 1974 **can be repealed**;
- (e) sections 81, 82, 83, 84 and 85 [sections 81 to 85] of the Finance (No.2) Act, 1998 (21 of 1998) amending the Expenditure-tax Act, 1987 **can be repealed**;
- (f) sections 99, 100, 101 and 102 of the Finance (No.2) Act, 1998 (21 of 1998) amending the Customs Act, 1962 **can be repealed**;
- (g) section 105 of the Finance (No.2) Act, 1998 (21 of 1998) amending the Central Excise Act, 1944 **can be repealed**;
- (h) section 117 of the Finance (No.2) Act, 1998 (21 of 1998) amending the Export-Import Bank of India Act, 1981 **can be repealed**;
- (i) section 118 of the Finance (No.2) Act, 1998 (21 of 1998) amending the Indian Post Office Act, 1898 **can be repealed**.

### **327. The Export-Import Bank of India (Amendment) Act, 1998 (1 of 1999).**

The aforesaid Act came into force with effect from 17.2.2000 *vide* SO. No. 133(E) dated 16.2.2000. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **328. The Cotton Ginning and Pressing Factories (Repeal) Act, 1998 (2 of 1999).**

The aforesaid Act received the assent of President on the 2<sup>nd</sup> January, 1999. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. 2<sup>nd</sup> January, 1999. All the provisions of the aforesaid Act had come into force.

**The aforesaid Act, does not contain any substantive provision or saving or validation provision and therefore can be repealed** as per legislative practice to clean the Statutes Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001)..

### **329. The High Denomination Bank Notes (Demonetisation) Amendment Act, 1998 (3 of 1999).**

The aforesaid Act does not contain any commencement clause. The aforesaid Act received the assent of the President on the 2<sup>nd</sup> January, 1999 and shall be deemed to have come into force from that date. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **330. The Railway Claims Tribunal (Amendment) Act, 1998 (4 of 1999).**

The aforesaid Act does not contain any commencement clause. The aforesaid Act received the assent of the President on the 2<sup>nd</sup> January, 1999 and shall be deemed to have come into force from the date of assent of the President. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **331. The Delhi Development Authority (Validation of Disciplinary Powers) Act, 1998 (6 of 1999).**

The aforesaid Act has been enacted for validation of disciplinary powers exercised by the Vice-Chairman and officers of the Delhi Development Authority and does not contain any commencement clause. The aforesaid Act received assent of the President on the 8<sup>th</sup> January, 1999 and shall be deemed to have come into force from the date of the assent of the Hon'ble President.

The PC Jain Commission in its Report had recommended that all the validation Act can be repealed after providing saving clauses wherever necessary.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following**

**lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, where any disciplinary powers or action had been exercised or taken by the Vice-Chairman or other officers of the Authority during the period on and from the 22nd day of November, 1979 to the 1st day of March, 1994, under the Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations, 1961, such disciplinary powers or action shall, be deemed to have been validly and effectively exercised or taken by the Vice-Chairman or such other officer as if the Vice-Chairman or such other officer had been specified, with the previous approval of the Central Government in the said Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations in that behalf and accordingly and no suit or other proceeding shall be instituted, maintained or continued in any Court or Tribunal or before other authority on the ground that the Vice-Chairman or such other officer was not competent to exercise such disciplinary power or take such action and the repeal of the Delhi Development Authority (Validation of Disciplinary Powers) Act, 1998 shall not invalidate exercise or taking of such powers or action after such repeal.".

### **332. The High Court and Supreme Court Judges (Salaries and Condition of Services) Amendment Act, 1998 (7 of 1999).**

Sub-section (2) of section 1 of the aforesaid Act provides that sections 5, 6, 9 and 11 shall be deemed to come into force on the 1<sup>st</sup> day of January, 1996 and the remaining provisions of that Act shall come into force at once i.e., the 8th January, 1999 being the date of assent of the President to the aforesaid Act. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **333. The Customs (Amendment) Act, 1998 (8 of 1999).**

The aforesaid Act does not contain any commencement clause. The aforesaid Act received the assent of the President on the 8<sup>th</sup> January, 1999 and shall be deemed to have come into force from that date. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **334. The Income-tax (Second Amendment) Act, 1998 (11 of 1999)**

Sub-section (2) of the aforesaid Act provides that it shall come into force the 1<sup>st</sup> day of April, 1999 save as otherwise provided in the aforesaid Act.

The aforesaid Act contains eight sections. Section 6, 7 and 8 specifies the dates (1st April, 1997 and 1st April, 1968). Therefore all the provisions of the aforesaid Act have come into force.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **335. The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999 (16 of 1999).**

The aforesaid Act received the assent of President on 18<sup>th</sup> March, 1999. Sub-section (2) of section 1 of the aforesaid Act provides that save or otherwise provided in this Act, it shall come into force at once. All the provisions of the aforesaid Act (except section 6) came

into force on 18th March, 1999 being the date of assent of the President. Section 6 provides as the 18th January, 1999 for insertion of new section 8AA in the Salary, Allowances and Pension of Members of Parliament Act, 1954. There is no provision in the aforesaid Act which is yet to be brought into force.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **336. The Patents (Amendment) Act, 1999 (17 of 1999)**

Sub-section (2) of section 1 of the of the aforesaid Act provides that it shall be deemed to have come into force on the 1<sup>st</sup> day of January, 1995.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **337. The Companies (Amendment) Act, 1999 (21 of 1999)**

Sub-section (2) of section 1 of the of the aforesaid Act provides that it shall be deemed to have come into force on the 31<sup>st</sup> day of October, 1998.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **338. The Finance Act, 1999 (27 of 1999).**

Sub-section (2) of section 1 of the aforesaid Act provides that save as otherwise provided in aforesaid Act, section 2 to 99 [except clause (l) of section 6] shall be deemed to have come into force on the 1<sup>st</sup> day of April, 1999.

The Committee feels that sections of the Finance Act, 1999 amending the Income-tax, 1961, the Wealth-tax, 1957, the Expenditure-tax Act, 1987, the Customs Act, 1962 (52 of 1962), the Central Excise Tariff Act, 1985, the Indian Post Office Act, 1898 and the Indian Stamp Act, 1899 (**other than of being substantive provisions or provisions being governed by the Finance Act**) **can be repealed.**

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89 and 90 [sections 3 to 90] of the Finance Act, 1999 (27 of 1999) amending the Income-tax Act 1961 **can be repealed;**
- (b) sections 91, 92, 93, 94, 95, 96, and 97 [sections 91 to 97] of the Finance Act, 1999 (27 of 1999) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed;**
- (c) sections 98 and 99 of the of the Finance Act, 1999 (27 of 1999) amending the Expenditure-tax, 1987 (35 of 1987) **can be repealed;**
- (d) section 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 and 117 of the Finance Act, 1999 (27 of 1999) amending the Customs Act, 1962 (52 of 1962) **can be repealed;**
- (e) sections 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, and 131of the Finance Act, 1999 (27 of 1999) amending the Central Excise Act, 1944 **can be repealed;**
- (f) section 136 amending the Indian Post Office Act, 1898 **can be repealed;**
- (g) section 137 amending the Indian Stamp Act, 1899 **can be repealed.**

### **339. The Income-tax (Amendment) Act, 1999 (28 of 1999).**

Sub-section (2) of section 1 of the aforesaid Act provides that it shall be deemed to

have come into force on the 1<sup>st</sup> day of July, 1999.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**340. The Contingency Fund of India (Amendment) Act, 1999 (29 of 1999)**

Sub-section (2) of section 1 of the aforesaid provides that it shall be deemed to have come into force on the 28<sup>th</sup> of July, 1999.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**341. The Securities Laws (Amendment) Act, 1999 (31 of 1999).**

The aforesaid Act has come into force with effect from 22.2.2000 *vide* SO. No. 147(E) dated 22.2.2000. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**342. The Securities Laws (Second Amendment) Act, 1999 (32 of 1999).**

The aforesaid Act received the assent of President on the 16<sup>th</sup> December, 1999. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 16<sup>th</sup> December, 1999.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**343. The Special Protection Group (Amendment) Act, 1999 (35 of 1999).**

Sub-section (2) of section 1 of the aforesaid Act provides that it shall be deemed to have come into force on the 18<sup>th</sup> November, 1999.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**344. The Mines and Minerals (Regulation and Development) Amendment Act, 1999 (38 of 1999)**

The aforesaid Act received the assent of President on the 18<sup>th</sup> December, 1999. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 18<sup>th</sup> December, 1999.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**345. The Central Industrial Security Force (Amendment and Validation) Act, 1999(40 of 1999).**

The aforesaid Act received the assent of the President on the 29<sup>th</sup> December, 1999. The aforesaid Act does not contain any commencement clause and therefore it came into force on the date of the assent of the President i.e., the 29th December, 1999. The aforesaid Act does not contain any substantive provision except validation of the disposal of certain revision petitions.

**The Committee feels that this Act can be repealed after making following specific saving clause (in addition to general saving clause)on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, rule 49 of the Central Industrial Security Force Rules, 1969 published with the notification of the

Government of India in the Ministry of Home Affairs number S. O. 4632, dated the 12th November, 1969 shall, notwithstanding any judgment, decree or order of any court to the contrary and repeal of the Central Industrial Security Force (Amendment and Validation) Act, 1999, be deemed to have been made and always deemed to have been, made under the Central Industrial Security Force Act, 1968, as amended by the Central Industrial Security Force (Amendment and Validation) Act, 1999 as if the Central Industrial Security Force Act, 1968, as so amended was in force at all material times before the commencement of the Central Industrial Security Force (Amendment and Validation) Act, 1999 and accordingly the disposal of any revision petition under the aforesaid said rule 49 before the commencement of the Central Industrial Security Force (Amendment and Validation) Act, 1999 or any order made or purporting to have been made or any action or thing taken or done in or under such petition shall not be deemed to be invalid or ever to have become invalid merely on the ground that the Central Government had no power under the Central Industrial Security Force Act, 1968 or to make the said rule 49 and the repeal of the Central Industrial Security Force (Amendment and Validation) Act, 1999 shall not invalidate aforesaid rule or exercise or taking of such powers or action after repeal of that Act.".

#### **346. The Vice President's Pension (Amendment) Act, 1999 (45 of 1999)**

The aforesaid Act received the assent of President on the 30<sup>th</sup> December, 1999. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 30<sup>th</sup> December, 1999.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **347. The Copyright (Amendment) Act, 1999 (49 of 1999).**

The aforesaid Act has come into force with effect from 15.1.2000 *vide* S.O. 50 (E) dated 13.1.2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **348. The Recovery of Debts Due to Banks and Financial Institutions (Amendment)Act, 2000 (1 of 2000).**

Sub-section (2) of section 1 of the of the aforesaid provides that it shall be deemed to have come into force on the 17<sup>th</sup> January, 2000.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **349. The Telecom Regulatory Authority of India (Amendment) Act, 2000 (2 of 2000).**

Sub-section (2) of section 1 of the aforesaid provides that it shall be deemed to have come into force on the 24<sup>th</sup> January, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **350. The Small Industries Development Bank of India (Amendment) Act, 2000 (7 of 2000).**

The aforesaid Act received the assent of President on the 30<sup>th</sup> December, 1999. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 30<sup>th</sup> December, 1999.

The aforesaid Act, does not contain any substantive provisions.  
**The Committee feels that the aforesaid Act can be repealed.**

### **351. The Finance Act, 2000 (10 of 2000).**

Sub-section (2) of section 1 of the aforesaid Act provides that save as otherwise provided in aforesaid Act, section 2 to 77 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2000.

The Committee feels that sections of the Finance Act, 2000 amending Income-tax Act, 1961, the Wealth Tax, 1957, the Central Excise Act, 1944, the Customs Act, 1962 (52 of 1962), the Interest-tax Act, 1974 (45 of 1974), the Customs Tariff Act, 1975 (51 of 1975), the Finance (No.2) Act, 1998 and the Finance Act, 1992 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 64 65, 66, 67, 68, 69, 70 and 71 (sections 3 to 75) of the Finance Act, 2000 (10 of 2000) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 75 and 76 of the Finance Act, 2000 (10 of 2000) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed**;
- (c) section 77 of the Finance Act, 2000 (10 of 2000) amending the Interest-tax Act, 1974 (45 of 1974) **can be repealed**;
- (d) sections 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88 of the Finance Act, 2000 (10 of 2000), amending the Customs Act, 1992 (52 of 1962) **can be repealed**;
- (e) sections 89 of the Finance Act, 2000 amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed**;
- (f) sections 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107 and 108 of the Finance Act, 2000 (10 of 2000), amending Central Excise Act, 1944 (1 of 1994) **can be repealed**;
- (g) section 113 of the Finance Act, 2000 amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed**;
- (i) section 118 of the Finance Act, 2000 amending the Indian Stamp Act, 1899 ( 2 of 1899) **can be repealed**;
- (j) section 119 of the Finance Act, 2000 amending the Central Sales Tax Act, 1956 , ( 74 of 1956) **can be repealed**.

### **352. The Food Corporations (Amendment) Act, 2000 (12 of 2000).**

The aforesaid Act has come into force with effect from the 1<sup>st</sup> June, 2002 *vide* G.S.R. 516 (E) dated the 1<sup>st</sup> June, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **353. The President's Emoluments and Pension (Amendment) Act, 2000 (14 of 2000).**

The aforesaid Act has come into force with effect from the 11<sup>th</sup> August, 2000 *vide* S.O. 747(E) dated the 11<sup>th</sup> August, 2000. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **354. The National Housing Bank (Amendment) Act, 2000 (15 of 2000).**

The aforesaid Act has come into force with effect from the 12<sup>th</sup> June, 2002 *vide* S.O.

567 (E) dated the 12<sup>th</sup> June, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**355. The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2000 (17 of 2000).**

The aforesaid Act has come into force with effect from the 1<sup>st</sup> June, 2002 *vide* G.S.R. 516 (E) dated the 1<sup>st</sup> June, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**356. The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000 (18 of 2000).**

Sub-section (2) of section 1 provides that the aforesaid Act shall come into force at once i.e., the 7<sup>th</sup> June, 2000, being the date on which the said Act received the assent of the President. Section 2 of the aforesaid Act have been deemed to have come into force from 5<sup>th</sup> day of February, 1999. Therefore, all the provisions of the aforesaid Act have come into force. The aforesaid Act does not contain any substantive provisions.

The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-

“Without prejudice to the generality of the provisions contained in section 4, the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Telephone and Secretarial Facilities) Rules, 1999 published in the Gazette of India, Extraordinary, dated the 5<sup>th</sup> February, 1999 with the notification of the Government of India in the Ministry of Parliamentary Affairs No.G.S.R.66(E), dated the 4<sup>th</sup> February, 1999 (hereinafter referred to as the said Rules) shall be deemed to have and to have always had effect on and from the 5<sup>th</sup> day of February, 1999 as if the amendments made by section 2 of the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000 had been in force at all material times and accordingly any action taken or anything done or purported to have been taken or done under the said Rules during the period commencing on and from the 5<sup>th</sup> day of February, 1999 and ending on the 7<sup>th</sup> June, 2000 shall be deemed to be, and to always have been, for all purposes, as validly and effectively taken or done as if the said Rules had been in force at all material times and the repeal of the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000, by this Act shall not invalidate exercise or taking of such powers or action after repeal of the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000 and if any issue arises after such repeal, the issue shall be decided as if the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000 had not been repealed.”.

**357. The Cotton Textiles Cess (Repeal) Act, 2000 (19 of 2000).**

The aforesaid Act received the assent of President on the 9<sup>th</sup> June, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 9<sup>th</sup> June, 2000.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**358. The Direct-tax Laws (Miscellaneous) Repeal Act, 2000 (20 of 2000).**

The aforesaid Act received the assent of President on the 1<sup>st</sup> September, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force

on the date of assent i.e. the 1<sup>st</sup> September, 2000.

The aforesaid Act, does not contain any substantive provision and therefore **can be repealed** as per legislative practice to clean the Statutes Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amcnding Act, 2001 (30 of 2001)..

### **359. The Major Port Trusts (Amendment) Act, 2000 (22 of 2000)**

The aforesaid Act has come into force *vide* G.S.R. 701(E ) dated the 1<sup>st</sup> September, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **360. The Insecticides (Amendment) Act, 2000 (23 of 2000)**

The aforesaid Act received the assent of President on the 5<sup>th</sup> August, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 5<sup>th</sup> August, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **361. The Indian Companies (Foreign Interests) and the Companies (Temporary Restrictions on Dividends) Repeal Act, 2000 (24 of 2000)**

The aforesaid Act received the assent of President on the 11<sup>th</sup> August, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 11<sup>th</sup> August, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **362. The Cotton Cloth (Repeal) Act, 2000 (25 of 2000).**

The aforesaid Act received the assent of President on the 1<sup>st</sup> September, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 1<sup>st</sup> September, 2000.

The aforesaid Act, does not contain any substantive provisions. **The aforesaid Act can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

### **363. The Iron and Steel Companies (Amalgamation And Takeover Laws) Repeal Act, 2000 (26 of 2000).**

The aforesaid Act received the assent of President on the 11<sup>th</sup> August, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 11<sup>th</sup> August, 2000.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **364. The Motor Vehicles Amendment Act, 2000 (27 of 2000).**

The aforesaid Act received the assent of President on the 11<sup>th</sup> August, 2000. The

aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 11<sup>th</sup> August, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **365. The Army and Air Force (Disposal of Private Property) Amendment Act, 2000 (31 of 2000)**

The aforesaid Act received the assent of President on the 25<sup>th</sup> August, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 25<sup>th</sup> August, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **366. The Indian Power Alcohol (Repeal) Act, 2000 (32 of 2000).**

The aforesaid Act received the assent of President on the 25<sup>th</sup> August, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 25<sup>th</sup> August, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **367. The All-India Institute of Medical Sciences (Amendment) Act, 2000 (33 of 2000).**

The aforesaid Act received the assent of President on the 25<sup>th</sup> August, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 25<sup>th</sup> August, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **368. The Border Security Force (Amendment) Act, 2000 (35 of 2000)**

The aforesaid Act received the assent of President on the 1<sup>st</sup> September, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 1<sup>st</sup> September, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **369. The Cable Television Networks (Regulations) Amendment Act, 2000 (36 of 2000)**

The aforesaid Act received the assent of President on the 1<sup>st</sup> September, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 1<sup>st</sup> September, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **370. The Rehabilitation Council of India (Amendment) Act, 2000 (38 of 2000).**

The aforesaid Act received the assent of President on the 4<sup>th</sup> September, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.c., the 4<sup>th</sup> September, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **371. The State Financial Corporations (Amendment) Act, 2000 (39 of 2000).**

The aforesaid Act received the assent of President on the 5<sup>th</sup> September, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 5<sup>th</sup> September, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **372. The Multimodal Transportation of Goods (Amendment) Act, 2000 (44 of 2000)**

The aforesaid Act received the assent of President on the 5<sup>th</sup> December, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 5<sup>th</sup> December, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **373. The Workmen's Compensation (Amendment) Act, 2000 (46 of 2000)**

The aforesaid Act received the assent of President on the 8<sup>th</sup> December, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 8<sup>th</sup> December, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **374. The Passport (Entry into India) Amendment Act, 2000 (47 of 2000)**

The aforesaid Act received the assent of President on the 8<sup>th</sup> December, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 8<sup>th</sup> December, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **375. The Forfeiture (Repeal) Act (48 of 2000).**

The aforesaid Act received the assent of President on the 8<sup>th</sup> December, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 8<sup>th</sup> December, 2000.

The aforesaid Act does not contain any substantive provisions. **The aforesaid Act can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

### **376. The Protection of Human Rights (Amendment) Act, 2000 (49 of 2000)**

The aforesaid Act received the assent of President on the 11<sup>th</sup> December, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 11<sup>th</sup> December, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**377. The Punjab Municipal Corporation Law (Extension to Chandigarh) Amendment Act, 2000 (50 of 2000)**

The aforesaid Act received the assent of President on the 11<sup>th</sup> December, 2000. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 11<sup>th</sup> December, 2000.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**378. The Aircraft (Amendment) Act, 2000 (51 of 2000)**

The aforesaid Act has come into force on the 1st January, 2004 *vide* S.O. 3480 dated 19th December, 2003. It contains only 2 sections. Section 2 relates amendment of section 11A of the Aircraft Act, 1934 and it does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**379. The Companies (Amendment) Act, 2000 (53 of 2000)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of this Act, (except sections 7 and 80) shall come into force at once i.e., the 13th December, 2000 being the date of assent of President. Sections 7 and 80 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. Section 7 of the aforesaid Act came into force on 1<sup>st</sup> day of March, 2001 *vide* S.O. 176 (E) dated the 27<sup>th</sup> February, 2001 and section 80 of the aforesaid Act came into force on 15<sup>th</sup> June, 2001 *vide* S.O. 523 (E) dated the 15<sup>th</sup> June, 2001. Thus, all the sections of the aforesaid Act came into force.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**380. The National Bank for Agriculture and Rural Development (Amendment) Act, 2000 (55 of 2000).**

The aforesaid Act has come into force from 1<sup>st</sup> February, 2001 *vide* SO. No. 250 dated 1<sup>st</sup> February, 2001. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**381. The Taxation Laws (Amendment) Act, 2000 (1 of 2001).**

The aforesaid Act received the assent of President on the 4<sup>th</sup> January, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 4<sup>th</sup> January, 2001.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**382. The Taxation Laws (Amendment) Act, 2001(4 of 2001)**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come to force on the 3<sup>rd</sup> day of February, 2001.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**383. The Narcotic Drugs and Psychotropic Substances**

### **(Amendment) Act, 2001 (9 of 2001).**

The aforesaid Act has come into force on the 2nd day of October, 2001 *vide* S. O. 957 (E) dated 27th September, 2001. The aforesaid Act does not contain any substantive provision except section 41 of the aforesaid Act relating to application of this Act to pending cases.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of the provisions contained in section 4,-

(a) all cases pending before the courts or under investigation on the 27<sup>th</sup> September, 2001 (being the date on which the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001 came into force) shall, notwithstanding the aforesaid date, be disposed of in accordance with the provisions of the Narcotics Drugs and Psychotropic Substances Act, 1985, as amended by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001 and accordingly, any person found guilty of any offence punishable under the Narcotics Drugs and Psychotropic Substances Act, 1985, as it stood immediately before the aforesaid date shall be liable for a punishment which is lesser than the punishment for which he is otherwise liable at the date of the commission of such offence:

Provided that nothing in section 41 of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001, as it stood before its repeal by this Act, shall apply to cases pending in appeal;

(b) no act or omission on the part of any person shall, notwithstanding the repeal of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001; by this Act, be punishable as an offence which would not have been so punishable if the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001 had not come into force by this Act before its repeal by this Act and aforesaid cases or investigations or appeals shall continue to be disposed of or done as provided in the aforesaid Act (including as provided in section 41 of the aforesaid Act as it stood before its repeal).".

### **384. The Insurance Laws (Transfer of Business and Emergency Provisions)**

#### **Repeal Act, 2001 (11 of 2001)**

The aforesaid Act received the assent of President on the 9<sup>th</sup> May, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 9<sup>th</sup> May, 2001.

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

### **385. The Colonial Prisoners Removal (Repeal) Act, 2001 (12 of 2001).**

The aforesaid Act received the assent of President on the 9<sup>th</sup> May, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 9<sup>th</sup> May, 2001.

**The aforesaid Act, does not contain any substantive provisions and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and

Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

### **386. The Finance Act, 2001 (14 of 2001).**

Sub-section (2) of section 1 provides that save as otherwise provided in aforesaid Act, section 2 to 101 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2001.

The Committee feels that sections of the Finance Act amending Income-tax Act, 1961, the Wealth Tax, 1957, the Expenditure Tax, 1987, the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975), the Central Excise Tax, 1944, the Central Excise Tariff Act, 1985, the Indian Post Office Act, 1898 (6 of 1898), the Central Sales tax Act, 1956, (74 of 1956), the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the National Housing Bank Act, 1987 (53 of 1987) and the Small Industries Development Bank of India Act, 1989 (**other than of being substantive provisions or provisions being governed by the Finance Act can be repealed.**)

The committee feels that -

- (d) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94 and 95 (sections 3 to 95) of the Finance Act, 2001 (14 of 2001) amending the Income-tax Act, 1961 **can be repealed;**
- (e) sections 96, 97, 98, 99 and 100 of the Finance Act, 2001 (14 of 2001) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed;**
- (f) section 101 of the Finance Act, 2001 (14 of 2001) amending the Expenditure tax, 1987 **can be repealed;**
- (g) sections 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113 (sections 102 to 113) of the Finance Act, 2001 (14 of 2001) amending the Customs Act, 1992 (52 of 1962) **can be repealed;**
- (h) sections 116, 117 and 118 of the Finance Act, 2001 (14 of 2001) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed;**
- (i) sections 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130 and 131 of the Finance Act, 2001 (14 of 2001) amending Central Excise Act, 1944 **can be repealed;**
- (j) section 134 of the Finance Act, 2001 (14 of 2001) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed;**
- (k) section 138 of the Finance Act, 2001 amending the Indian Post Office Act, 1898 (6 of 1898) **can be repealed;**
- (l) sections 139, 140, 141 and 142 of the Finance Act, 2001 (14 of 2001) [amending section 14 of the Central Sales tax Act, 1956, (74 of 1956), omitting section 55 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), omitting section 48 of the National Housing Bank Act, 1987 (53 of 1987) and omitting section 50 of the Small Industries Development Bank Of India Act, 1989] **can be repealed.**

### **387. The U.P. Sugarcane Cess (Validation) Repeal Act, 2001 (17 of 2001).**

The aforesaid Act received the assent of President on the 3<sup>rd</sup> August, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 3<sup>rd</sup> August, 2001.

**The aforesaid Act, does not contain any substantive provisions and can be**

**repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**388. The Post-Graduate Institute of Medical Education and Research, Chandigarh (Amendment) Act, 2001 (18 of 2001).**

The aforesaid Act received the assent of President on the 3<sup>rd</sup> August, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 3<sup>rd</sup> August, 2001.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**389. The Industrial Disputes (Banking Companies) Decision (Repeal) Act, 2001 (19 of 2001)**

The aforesaid Act received the assent of President on the 3<sup>rd</sup> August, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 3<sup>rd</sup> August, 2001.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**390. The Banking Companies (Legal Practitioners' Clients' Accounts) Repeal Act, 2001 (20 of 2001).**

The aforesaid Act received the assent of President on the 26<sup>th</sup> August, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 26<sup>th</sup> August, 2001.

**The aforesaid Act does not contain any substantive provisions can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**391. The Electricity Regulatory Commissions (Amendment) Act, 2001 (21 of 2001).**

The aforesaid Act received the assent of President on the 29<sup>th</sup> August, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 29<sup>th</sup> August, 2001.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**392. The Judicial Administration Laws (Repeal) Act, 2001 (22 of 2001).**

The aforesaid Act received the assent of President on the 29<sup>th</sup> August, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 29<sup>th</sup> August, 2001.

**The aforesaid Act, does not contain any substantive provisions and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

### **393. The Warehousing Corporations (Amendment) Act, 2001 (23 of 2001)**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of November, 2001 *vide* G.S.R.807 (E) dated the 29<sup>th</sup> October, 2001. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **394. The Indian Railway Companies (Repeal) Act, 2001 (24 of 2001).**

The aforesaid Act received the assent of President on the 29<sup>th</sup> August, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 29<sup>th</sup> August, 2001.

**The aforesaid Act, does not contain any substantive provisions and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

### **395. The Railway Companies (Substitution of Parties in Civil Proceedings) Repeal, Act, 2001 (25 of 2001).**

The aforesaid Act received the assent of President on the 29<sup>th</sup> August, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 29<sup>th</sup> August, 2001.

**The aforesaid Act, does not contain any substantive provisions and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

### **396. The Hyderabad Export Duties (Validation) Repeal Act, 2001 (26 of 2001)**

The aforesaid Act received the assent of President on the 29<sup>th</sup> August, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 29<sup>th</sup> August, 2001.

**The aforesaid Act does not contain any substantive provisions and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001

(30 of 2001).

**397. The Food Corporations (Amendment) Act, 2001 (27 of 2001).**

The aforesaid Act received the assent of President on the 29<sup>th</sup> August, 2001. Sub-section (2) of section 1 provides that the aforesaid Act shall deemed to have come into force on the 22<sup>nd</sup> day of May, 2001.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**398. The Live-Stock Importation (Amendment) Act, 2001 (28 of 2001).**

The aforesaid Act received the assent of President on the 29<sup>th</sup> August, 2001. Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall deemed to have come into force on the 5<sup>th</sup> day of July, 2001.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**399. The Trade Unions (Amendment) Act, 2001 (31 of 2001).**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of November, 2001 *vide* S.O. 46(E) dated the 9<sup>th</sup> January, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**400. The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2001 (32 of 2001)**

The aforesaid Act received the assent of President on the 3<sup>rd</sup> September, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 3<sup>rd</sup> September, 2001.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**401. The Influx from Pakistan (Control) Repealing (Repeal) Act, 2001 (33 of 2001).**

The aforesaid Act received the assent of President on the 3<sup>rd</sup> September, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 3<sup>rd</sup> September, 2001.

**The aforesaid Act, does not contain any substantive provisions and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**402. The Indian Medical Council (Amendment) Act, 2001 (34 of 2001).**

The aforesaid Act received the assent of President on the 3<sup>rd</sup> September, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the on the 3<sup>rd</sup> September, 2001.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **403. The Sugarcane Cess (Validation) Repeal Act, 2001 (35 of 2001).**

The aforesaid Act received the assent of President on the 3<sup>rd</sup> September, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 3<sup>rd</sup> September, 2001.

**The aforesaid Act, does not contain any substantive provisions and can be repealed as per legislative practice to clean the statute Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **404. The Indian Universities (Repeal) Act, 2001 (36 of 2001).**

The aforesaid Act received the assent of President on the 4<sup>th</sup> September, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 4<sup>th</sup> September, 2001.

**The aforesaid Act does not contain any substantive provisions and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **405. The Auroville (Emergency Provisions) Repeal Act, 2001 (37 of 2001)-\***

The aforesaid Act received the assent of President on the 4<sup>th</sup> September, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 4<sup>th</sup> September, 2001.

**The aforesaid Act, does not contain any substantive provisions and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **406. The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2001 (38 of 2001).**

The aforesaid Act has come into force with effect from the 10<sup>th</sup> day of May, 2006 *vide* S.O. 669 (E ) dated the 10<sup>th</sup> May, 2001. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **407. The Motor Vehicles Amendment Act, 2001 (39 of 2001).**

The aforesaid Act has come into force with effect from the 27<sup>th</sup> day of September, 2001 *vide* S.O. 953 (E )dated the 26<sup>th</sup> September, 2001. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**408. The Inland Waterways Authority of India (Amendment) Act, 2001  
(40 of 2001).**

The aforesaid Act has come into force with effect from the 1<sup>st</sup> July, 2003 *vide* S.O. 751 (E) dated the 1<sup>st</sup> July, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**409. The Central Sales Tax (Amendment) Act, 2001 (41 of 2001).**

The aforesaid Act has come into force with effect from 17<sup>th</sup> March, 2005 *vide* S.O. 326 (E) dated the 17th March, 2005. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**410. The Salaries and Allowances of Ministers (Amendment) Act, 2001  
(44 of 2001)**

The aforesaid Act has come into force with effect from 17th March, 2005 *vide* S.O. 890(E) dated the 17<sup>th</sup> March, 2005. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**411. The Salary, Allowances and Pension of Members of Parliament  
(Amendment) Act, 2001(46 of 2001)**

The aforesaid Act received the assent of President on the 14<sup>th</sup> September, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 14<sup>th</sup> September, 2001. There is no provision in the aforesaid Act which is yet to be brought into force.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**412. The Two-Member Constituencies (Abolition) and Other Laws Repeal  
Act, 2001 (47 of 2001)**

The aforesaid Act received the assent of President on the 14<sup>th</sup> September, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 14<sup>th</sup> September, 2001.

The aforesaid Act does not contain any substantive provisions and can be repealed as per legislative practice to clean the statute Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**413. The Registration and other Related Laws (Amendment) Act, 2001  
(48 of 2001).**

The aforesaid Act received the assent of President on the 24<sup>th</sup> September, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 24<sup>th</sup> September, 2001.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**414. The Code of Criminal Procedure (Amendment) Act, 2001 (50 of 2001)**

The aforesaid Act received the assent of President on the 24<sup>th</sup> September, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 24<sup>th</sup> September, 2001.

The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**415. The Explosive Substance (Amendment) Act, 2001 (54 of 2001).**

The aforesaid Act came into force with effect from 1<sup>st</sup> day of February, 2002 *vide* S.O. 131 (E) dated the 31<sup>st</sup> January, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**416. The National Commission for Safai Karamcharis (Amendment) Act, 2001 (55 of 2001).**

The aforesaid Act received the assent of President on the 13<sup>th</sup> December, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 13<sup>th</sup> December, 2001.

**The Committee feels that the aforesaid Act can be repealed.**

**417. The Cine-Workers Welfare Fund (Amendment) Act, 2001(56 of 2001).**

The aforesaid Act has come into force with effect from 2<sup>nd</sup> May, 2002 *vide* G.S.R. 322 (E) dated the 2<sup>nd</sup> May, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**418. The Companies (Amendment) Act, 2001 (57 of 2001).**

The aforesaid Act received the assent of President on the 22<sup>nd</sup> December, 2001. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 22<sup>nd</sup> December, 2001.

**The Committee feels that the aforesaid Act can be repealed.**

**419. The Jute Manufactures Cess (Amendment) Act, 2002 (13 of 2002).**

The aforesaid Act has come into force with effect on force 1<sup>st</sup> June, 2002 *vide* S.O. 559(E) dated the 23<sup>rd</sup> May, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**420. The Inter-State Water Disputes (Amendment) Act, 2002 (14 of 2002).**

The aforesaid Act has come into force with effect from 6<sup>th</sup> day of August, 2002 *vide* S.O. 828 (E) dated the 6<sup>th</sup> August, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**421. The Institutes of Technology (Amendment) Act, 2002 (16 of 2002).**

Sub-section (2) of section 1 of the aforesaid provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 21<sup>st</sup> day of September, 2001.

The aforesaid Act does not contain any substantive provisions

**The Committee feels that the aforesaid Act can be repealed.**

#### **422. The Passports (Amendment) Act, 2002 (17 of 2002)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 23<sup>rd</sup> day of October, 2001. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **423. The Finance Act, 2002 (20 of 2002)**

Sub-section (2) of section 1 provides that save as otherwise provided in aforesaid Act, section 2 to 116 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2002.

The Committee feels that sections of the aforesaid Finance Act, amending Income-tax Act, 1961, the Wealth-tax Act, 1957, the Expenditure Tax Act, 1987, the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975), the Central Excise Act, 1944, the Central Excise Tariff Act, 1985, the Central Sales tax Act, 1956, (74 of 1956), the Indian Post Office Act, 1898 (6 of 1898), the Life Insurance Corporation Act, 1956, the General Insurance Business (Nationalisation) Act, 1972, the Oil Industry (Development) Act, 1974 the National Dairy Development Board Act, 1987 and the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108 and 109 (sections 3 to 109) of the Finance Act, 2001 (14 of 2001) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 110, 111, 112, 113 and 114 (sections 110 to 114) of the Finance Act, 2002 (20 of 2002) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed**;
- (c) sections 115 and 116 of the Finance Act, 2002 (20 of 2002) amending the Expenditure tax, 1987 **can be repealed**;
- (d) sections 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127 and 128 of the Finance Act, 2002 (20 of 2002) amending the Customs Act, 1992 (52 of 1962) **can be repealed**;
- (e) sections 129 and 131 of the Finance Act, 2002 (20 of 2002) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed**;
- (f) sections 132, 133, 134, 135, 136, 137, 138, 139, 140 and 141 of the Finance Act, 2002 (20 of 2002) amending Central Excise Act, 1944 (1 of 1994) **can be repealed**;
- (g) sections 145 of the Finance Act, 2002 (20 of 2002) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed**;
- (h) sections 150, 151, 152, 153, 154 and 155 of the Finance Act, 2002 (20 of 2002) [amending sections 6A, 8, 10, 13 and 15 of the Central Sales tax Act, 1956, (74 of 1956)] **can be repealed**;
- (i) section 156 of Finance Act, 2002 (20 of 2002) substituting the First Schedule to the Indian Post Office Act, 1898 (6 of 1898) **can be repealed**;
- (j) section 157 of Finance Act, 2002 (20 of 2002) omitting section 43A of the Life Insurance Corporation Act, 1956 (31 of 1956) **can be repealed**;
- (k) section 158 of Finance Act, 2002 (20 of 2002) omitting section 35A of the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972) **can be repealed**;

- (l) section 159 of Finance Act, 2002 (20 of 2002) omitting section 22A of the Oil Industry (Development) Act, 1974 (47 of 1974) **can be repealed**;
- (m) section 160 of Finance Act, 2002 (20 of 2002) amending the Schedule to the Oil Industry (Development) Act, 1974 (47 of 1974) **can be repealed**;
- (n) section 160 of Finance Act, 2002 (20 of 2002) omitting section 44 of the National Dairy Development Board Act, 1987 (37 of 1987) **can be repealed**;
- (o) section 160 of Finance Act, 2002 (20 of 2002) omitting section 22 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 (25 of 1990) **can be repealed**.

**424. The St. John Ambulance Association (India) Transfer of Funds (Repeal) Act, 2002 (21 of 2002)**

The aforesaid Act received the assent of President on the 23<sup>rd</sup> May, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 23<sup>rd</sup> May, 2002.

**The aforesaid Act, does not contain any substantive provisions and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**425. The Code of Civil Procedure (Amendment) Act, 2002 (22 of 2002).**

The aforesaid Act has come into force with effect from 1<sup>st</sup> day of July, 2002 *vide* S.O.604 (E) dated the 6<sup>th</sup> day of June, 2002. The aforesaid Act does not contain any substantive provision except savings in certain cases.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Code of Civil Procedure (Amendment) Act, 2002 shall not affect the provisions saved under sub-section (2) of section 16 and repeal of certain amendments or provisions provided under sub-section (1) of that section and any matter or issue falling under section 16 of the aforesaid Act, as it stood before such repeal, shall be dealt with or decided as if the Code of Civil Procedure (Amendment) Act, 2002 had not been repealed."

**426. The Vice-President's Pension (Amendment) Act, 2002 (23 of 2002).**

The aforesaid Act has come into force with effect from 5<sup>th</sup> July, 2002 *vide* S.O. 705 (E) dated the 5<sup>th</sup> day of July, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**427. The All-India Institute of Medical Sciences (Amendment) Act, 2002 (24 of 2002)**

The aforesaid Act has come into force with effect from 12<sup>th</sup> June, 2003 *vide* S.O. 676 (E) dated the 12<sup>th</sup> June, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

## **428. The Constitution (Scheduled Castes) Order (Amendment) Act, 2002 (25 of 2002).**

The aforesaid Act received the assent of President on the 24<sup>th</sup> May, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 23<sup>rd</sup> May, 2002.

Article 341 of the Constitution reads under:

"341. Scheduled Castes. -(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

The aforesaid Act, does not contain any substantive provisions. Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 and First Schedule and the Second Schedule thereto have been repealed by Act 19 of 1988).

**The Committee feels that the aforesaid Act can be repealed.**

## **429. The National Institute of Pharmaceutical Education and Research (Amendment) Act, 2002( 28 of 2002).**

The aforesaid Act received the assent of President on the 27<sup>th</sup> May, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 27<sup>th</sup> May, 2002.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

## **430. The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Amendment) Act, 2002 (29 of 2002).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 17<sup>th</sup> day of September, 2001. The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

## **431. The Sugar Development Fund (Amendment) Act, 2002 (30 of 2002).**

The aforesaid Act has come into force with effect from 21<sup>st</sup> June, 2002 *vide* Notification No. G.S.R. 442(E) dated 21<sup>st</sup> June, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

## **432. The Salaries and Allowances of Officers of Parliament (Second Amendment) Act, 2002(31 of 2002).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 3rd day of March, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **433. The Constitution (Scheduled Castes and Scheduled Tribes) Order (Amendment) Act, 2002( 32 of 2002).**

The aforesaid Act received the assent of President on the 3<sup>rd</sup> June, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 3<sup>rd</sup> June, 2002.

Articles 341 and 342 of the Constitution reads under:

“341. Scheduled Castes. -(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

342. Scheduled Tribes.

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First Schedule and the Second Schedule thereto have been earlier repealed by Act 19 of 1988. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **434. The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2002(34 of 2002).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 14<sup>th</sup> day of September, 2002. The aforesaid Act, does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **435. The Patents (Amendment) Act, 2002 (38 of 2002).**

Sub-clauses (ab) and (ac) of clause (a), clause (b), (c), (d), (e), (f), clause (g), (h) and sub-clause (A) and (C) of clause (i) of section 3, sections 4 to 34, clause (b) of section 36, sections 37 to 46, sections 48 to 63, clauses (a), (b), (c) and (e) of section 64 and sections 65 and 66 of the aforesaid Act came into force on 20<sup>th</sup> May, 2003 vide S.O. 561(E) dated 20.5.2003. Sub-clause (a) of clause (a) and item (b) of sub-clause (u) of clause (i) of section 3, sections, 35, clause (a) section 36, section 47 and clause (d) of section 64 of the aforesaid Act came into force on 2<sup>nd</sup> April, 2007 vide S.O. 510(E) dated 2<sup>nd</sup> April, 2007. The Committee could not find the commencement notification of section 2 of the aforesaid Act. Thereof, the aforesaid Act can be repealed partly in respect of aforesaid sections.

**However, in case all the provisions of the aforesaid have come into force, then in that case, the whole Act can be repealed.**

**436. The General Insurance Business (Nationalisation) Amendment Act, 2002 (40 of 2002).**

The aforesaid Act has come into force with effect from 21 March, 2003 *vide* S.O. 329 (E) dated the 21<sup>st</sup> March, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**437. The Delhi Municipal Corporation (Validation of Electricity Tax) Act and other Laws (Repeal) Act, 2002 (41 of 2002).**

The aforesaid Act received the assent of President on the 8<sup>th</sup> August, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 18<sup>th</sup> August, 2002. The aforesaid Act repeals the enactments specified in the Schedule of the aforesaid Act to the extent mentioned in the fourth column mentioned thereof.

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the statute Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**438. The Insurance (Amendment) Act, 2002 (42 of 2002).**

The aforesaid Act has come into force with effect from the 23<sup>rd</sup> day of September, 2002 *vide* S.O. 1058(E) dated the 30<sup>th</sup> September, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**439. The Delhi University (Amendment) Act, 2002 (43 of 2002).**

The aforesaid Act received the assent of President on the 12<sup>th</sup> August, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 12<sup>th</sup> August, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**440. The Coast Guard (Amendment) Act, 2002 (44 of 2002)**

The aforesaid Act received the assent of President on the 12<sup>th</sup> August, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 12<sup>th</sup> August, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**441. The National Co-operative Development Corporation (Amendment) Act, 2002 (45 of 2002).**

The aforesaid Act has come into force with effect from 16th September, 2002 *vide* S.O. 996 (E) dated the 13<sup>th</sup> September, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**442. The Petroleum (Berar Extension) Repeal, Act, 2002 (50 of 2002).**

The aforesaid Act received the assent of President on the 27<sup>th</sup> November, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force

on the date of assent i.e., the 27<sup>th</sup> November, 2002. The aforesaid Act repeals the Petroleum (Berar Extension) Act, 1937.

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the statute Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **443. The Homoeopathy Central Council (Amendment) Act, 2002 (51 of 2002).**

The aforesaid Act came into force with effect from the 28<sup>th</sup> January, 2003 *vide* S.O. 98(E) dated 28<sup>th</sup> January, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **444. The Indian Medicine Central Council (Amendment) Act, 2002 (52 of 2002).**

The aforesaid Act came into force with effect from the 28<sup>th</sup> January, 2003 *vide* S.O. 97(E) dated 28<sup>th</sup> January, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **445. The Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002(55 of 2002).**

The aforesaid Act came into force with effect from the 6<sup>th</sup> February, 2003 *vide* S.O. 140(E) dated the 6<sup>th</sup> February, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **446. The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002 (56 of 2002).**

Sub-section (2) of section 1 of the aforesaid Act provides that it shall be deemed to have come into force on the 17<sup>th</sup> day of September, 2001. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **447. The Mysore State Legislature (Delegation of Powers) Repeal Act, 2002 (57 of 2002).**

The aforesaid Act received the assent of President on the 17<sup>th</sup> December, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 17<sup>th</sup> December, 2002. The aforesaid Act repeals the Mysore State Legislature (Delegation of Powers) Act, 1971.

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **448. The Securities and Exchange Board of India (Amendment) Act, 2002 (59 of 2002).**

Sub-section (2) of section 1 of the aforesaid Act provides that it shall be deemed to have come into force on the 29<sup>th</sup> October, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **449. The Constitution (Scheduled Castes) Orders (Second Amendment) Act, 2002 (61 of 2002)**

The aforesaid Act received the assent of President on the 17<sup>th</sup> December, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 17<sup>th</sup> December, 2002.

Article 341 of the Constitution reads under:

“341. Scheduled Castes. -(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **450. The Consumer Protection (Amendment) Act, 2002 (62 of 2002)**

The aforesaid Act has come into force with effect from 15<sup>th</sup> March, 2003 *vide* S.O. 270 (E) dated the 10<sup>th</sup> March, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **451. The Merchant Shipping (Amendment) Act, 2002 (63 of 2002).**

The aforesaid Act has come into force with effect from 1<sup>st</sup> February, 2003 *vide* S.O. 116 (E) dated the 30<sup>th</sup> January, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **452. The Medical Termination of Pregnancy (Amendment) Act, 2002 (64 of 2002).**

The aforesaid Act has come into force with effect from 18<sup>th</sup> June, 2003 *vide* Notification No. S.O. 704(E) dated the 18<sup>th</sup> June, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **453. The Countess of Dufferin's Fund (Repeal) Act, 2002 (65 of 2002).**

The aforesaid Act received the assent of President on the 18<sup>th</sup> December, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 18<sup>th</sup> December, 2002. The aforesaid Act repeals the Countess of Dufferin's Fund Act, 1957.

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws

(Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **454. The Prevention of Food Adulteration (Extension to Kohima and Mokokchung Districts) Repeal Act, 2002 (66 of 2002).**

The aforesaid Act received the assent of President on the 18<sup>th</sup> December, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 18<sup>th</sup> December, 2002.

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **455. The North-Eastern Council (Amendment) Act, 2002 (68 of 2002).**

The aforesaid Act came into force with effect from 26<sup>th</sup> June, 2003 *vide* S.O. 732(E) dated the 26<sup>th</sup> June, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **456. The Refugee Relief Taxes (Abolition) Repeal Act, 2002 (70 of 2002).**

The aforesaid Act received the assent of President on the 24<sup>th</sup> December, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 24<sup>th</sup> December, 2002.

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **457. The Companies (Amendment) Act, 2002 (1 of 2003).**

The aforesaid Act came into force with effect from 6<sup>th</sup> February, 2003 *vide* S.O. 135(E) dated the 5<sup>th</sup> February, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **458. The Cable Television Networks (Regulations) Amendment Act, 2000 (2 of 2003)**

The aforesaid Act received the assent of the President on the 31<sup>st</sup> December, 2002. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 31st December, 2002. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **459. The High Court Judges (Salaries and Conditions of Service) Amendment Act, 2002 (7 of 2003).**

Sub-section of (2) of section 1 of the aforesaid Act provides that the aforesaid Act

shall be deemed to have come into force on the 1<sup>st</sup> day of January, 1996. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**460. The Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2002 (8 of 2003)**

Sub-section of (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 1<sup>st</sup> day of January, 1996. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**461. The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (10 of 2003).**

The aforesaid Act received the assent of President on the 7<sup>th</sup> January, 2003. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 7<sup>th</sup> January, 2003.

Articles 341 and 342 of the Constitution reads under:

"341. Scheduled Castes. -(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

342. Scheduled Tribes.

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First Schedule and the Second Schedule thereto have been repealed earlier by Act 19 of 1988. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**462. The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002 (14 of 2003).**

The aforesaid Act has come into force with effect from 14<sup>th</sup> February, 2003 *vide* S.O. 175(E) dated the 14<sup>th</sup> February, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**463. The Wild Life (Protection) Amendment Act, 2002 (16 of 2003)**

All the provisions of the aforesaid Act (except section 6) have come into force on the 1<sup>st</sup> day of April, 2003 *vide* S.O. 332(E) dated 28<sup>th</sup> March, 2003. Section 6 of the aforesaid Act

came into force on 22<sup>nd</sup> September, 2003 *vide* S.O. No. 1091(E) dated 22<sup>nd</sup> September, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**464. The Water (Prevention and Control of Pollution) Cess (Amendment) Act, 2003 (19 of 2003)**

The aforesaid Act has come into force with effect from 6<sup>th</sup> May, 2003 *vide* S.O. 498(E) dated the 6<sup>th</sup> May, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**465. The Special Protection Group (Amendment) Act, 2003 (20 of 2003).**

The aforesaid Act received the assent of President on the 13<sup>th</sup> March, 2003. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 13<sup>th</sup> March, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**466. The Customs Tariff (Amendment) Act, 2003 (25 of 2003).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on 1<sup>st</sup> day of February, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**467. The Banking Service Commission (Repeal) Act, 2003 (29 of 2003).**

The aforesaid Act received the assent of President on the 30<sup>th</sup> April, 2003. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 30<sup>th</sup> April, 2003.

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**468. The Prevention of Insults to National Honour (Amendment) Act, 2003 (31 of 2003)**

The aforesaid Act received the assent of President on the 8<sup>th</sup> May, 2003. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 8<sup>th</sup> May, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**469. The Finance Act, 2003 (32 of 2003).**

Sub-section (2) of section 1 provides that save as otherwise provided in aforesaid Act, section 2 to 103 [except clause (b) of section 92] shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2003.

The Committee feels that sections of the aforesaid Finance Act, amending the Income-tax Act, 1961, the Wealth-tax Act, 1957, the Expenditure Tax Act, 1987, the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975) the Central Excise Act, 1944, the Central

Excise Tariff Act, 1985 and the Central Sales tax Act, 1956 (74 of 1956) (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. (sections 3 to 99) of the Finance Act, 2003 (32 of 2003) amending the Income-tax Act 1961 **can be repealed**;
- (b) section 100, of the Finance Act, 2003 (32 of 2003) amending the Wealth-tax Act, 1957 (27 of 1967) **can be repealed**;
- (c) section 101, of the Finance Act, 2003 (32 of 2003) amending the Gift-tax Act, 1958, (18 of 1958) **can be repealed**;
- (d) sections 102 and 103 of the Finance Act, 2003 (32 of 2003) amending the Expenditure Tax Act, 1987 **can be repealed**;
- (e) sections 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124 and 125 of the Finance Act, 2003 (32 of 2003) amending the Customs Act, 1992 (52 of 1962) **can be repealed**;
- (f) sections 129, 130, 131 and 132 of the Finance Act, 2003 (32 of 2003) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed**;
- (f) sections 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147 and 148 of amending the Central Excise Act, 1944 (1 of 1994) **can be repealed**;
- (g) section 155 of the Finance Act, 2003 (32 of 2003) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed**;
- (i) sections 161, 162, 163, 164 and 165 of the Finance Act, 2003 (32 of 2003) [amending sections 6, 8, 20, 21 and 23 of the Central Sales tax Act, 1956, (74 of 1956)] **can be repealed**.

#### **470. The Delhi High Court (Amendment) Act, 2003 (35 of 2003).**

The aforesaid Act received the assent of President on the 8<sup>th</sup> May, 2003. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 8<sup>th</sup> May, 2003. The aforesaid Act contains 4 sections. Section 4 confers power upon the Chief Justice of the High Court of Delhi to transfer power of Chief Justice to transfer pending suits and proceedings to subordinate courts to certain cases.

**The Committee feels that sections 2 and 3 of aforesaid Act can be repealed.**

#### **471. The Essential Commodities (Amendment) Act, 2003 (37 of 2003).**

The aforesaid Act does not contain any commencement clause and therefore the same has come into force from the date of assent of the President i.e., the 1<sup>st</sup> June, 2003. Section 3 of the aforesaid Act contains a provision for validation of action taken under clauses 4 and 5 of the Sugar (Control) Order, 1966.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, any action taken or anything done or omitted to be done or purported to have been taken or done or omitted to be done under any direction or order issued by the Central Government under clause 4 or clause 5 of the Sugar (Control) Order, 1966, made under section 3 of the Essential Commodities Act, 1955, at any time during the period commencing on and from the 14th day

of June, 1999 till 1st June, 2003 shall, notwithstanding anything contained in any judgement, decree or order of any court or other authority or any agreement or repeal of the Essential Commodities (Amendment) Act, 2003 by this Act, be deemed to be, and deemed always to have been, for all purposes, as validly and effectively taken or done or omitted to be done under sub-section (3D) or sub-section (3E), as the case may be, of section 3 of the Essential Commodities Act, 1955, as if the said sub-sections had been in force at all material times and no act or omission on the part of any person shall be punishable as an offence which would have not been so punishable if the Essential Commodities (Amendment) Act, 2003 had not come into force and the repeal of the Essential Commodities (Amendment) Act, 2003 shall not invalidate aforesaid action taken or anything done or omitted to be done or purported to have been taken or done or omitted to be done after repeal of the Essential Commodities (Amendment) Act, 2003 by the Act.

**472. The Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Amendment Act, 2003  
(38 of 2003)**

The aforesaid Act has come into force with effect from 1<sup>st</sup> November, 2003 *vide* S.O. 880(E) dated the 1<sup>st</sup> August, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**473. The Airports Authority of India (Amendment) Act, 2003 (43 of 2003)**

The aforesaid Act has come into force with effect from 1<sup>st</sup> July, 2004 *vide* S.O. 880(E) dated the 1<sup>st</sup> July, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**474. The Constitution (Scheduled Tribes) Order (Amendment) Act, 2003  
(47 of 2003).**

The aforesaid Act received the assent of President on the 19<sup>th</sup> September, 2003. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 19<sup>th</sup> September, 2003.

Article 342 of the Constitution reads under:

"342. Scheduled Tribes.

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First Schedule and the Second Schedule thereto have been repealed earlier by Act 19 of 1988.

The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**475. The National Bank for Agriculture and Rural Development  
(Amendment) Act, 2003 (48 of 2003).**

The aforesaid Act received the assent of President on the 19<sup>th</sup> September, 2003. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 19<sup>th</sup> September, 2003.

The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**476. The Railways (Second Amendment) Act, 2003 (51 of 2003)**

The aforesaid Act came into force with effect from 1<sup>st</sup> July, 2004 *vide* S.O. 591(E) dated the 17<sup>th</sup> May, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**477. The Railway Protection Force (Amendment) Act, 2003 (52 of 2003)**

The aforesaid Act came into force with effect from 1<sup>st</sup> July, 2004 *vide* S.O. 592 (E) dated the 17<sup>th</sup> May, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**478. The Taxation Laws (Amendment) Act, 2003 (54 of 2003)**

Sub-section (2) of section 1 of the aforesaid Act, provides that the aforesaid Act shall be deemed to have come into force on the 8th day of September, 2003. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**479. The Railways (Amendment) Act, 2003 (56 of 2003)**

The aforesaid Act came into force with effect from 1st July, 2004 *vide* G.S.R. 349 (E) dated the 3rd June, 2004. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**480. The Electricity (Amendment) Act, 2003 (57 of 2003).**

The aforesaid Act came into force with effect from 27<sup>th</sup> January, 2004 *vide*. S.O. 119 (E) dated the 27<sup>th</sup> January, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**481. The Indian Medicine Central Council (Amendment) Act, 2003  
(58 of 2003).**

Sub-section (2) of section 1 of the aforesaid Act, provides that the aforesaid Act shall be deemed to have come into force on the 7<sup>th</sup> Day of November, 2003. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**482. The Merchant Shipping (Amendment) Act, 2003 (59 of 2003).**

The aforesaid Act came into force with effect from 1<sup>st</sup> March, 2004 *vide* S.O. 280(E) dated the 3<sup>rd</sup> March, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**483. The Prevention of Terrorism (Amendment) Act, 2003 (4 of 2004)**

Sub-section (2) of section 1 of the aforesaid Act, provides that the aforesaid Act shall be deemed to have come into force on the 27<sup>th</sup> day of October, 2003. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**484. The Indian Council of World Affairs (Amendment) Act, 2003  
(5 of 2004).**

The aforesaid Act received the assent of President on the 7<sup>th</sup> January, 2004. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 7<sup>th</sup> January, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**485. The Citizenship (Amendment) Act, 2003 (6 of 2004).**

The aforesaid Act came into force with effect from 3<sup>rd</sup> December, 2004 *vide* S.O. 1325(E) dated the 3<sup>rd</sup> December, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**486. The Uttar Pradesh Reorganisation (Amendment) Act, 2003  
(7 of 2004).**

The aforesaid Act received the assent of President on the 7<sup>th</sup> January, 2004. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 7<sup>th</sup> January, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**487. The Indian Telegraph (Amendment) Act, 2003 (8 of 2004).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2002. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**488. The Salary, Allowances and Pension of Members of Parliament  
(Amendment) Act, 2003 (9 of 2004).**

The aforesaid Act received the assent of President on the 9<sup>th</sup> January, 2004. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 9<sup>th</sup> January, 2004. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**489. The Foreigners (Amendment) Act, 2004 (16 of 2004)**

The aforesaid Act received the assent of President on the 20<sup>th</sup> February, 2004. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 20<sup>th</sup> February, 2004. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **490. The Finance (No. 2) Act, 2004 (23 of 2004)**

Sub-section (2) of section 1 provides that save as otherwise provided in aforesaid Act, sections 2 to 65 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2004.

The Committee feels that sections of the aforesaid Finance Act, amending Income-tax Act, 1961, the Wealth-tax Act, 1957, the Expenditure Tax Act, 1987, the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975) the Central Excise Act, 1944, the Central Excise Tariff Act, 1985 and the Central Sales tax Act, 1956, (74 of 1956) (**other than of being substantive provisions or provisions being governed by the Finance Act can be repealed.**)

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64 (sections 3 to 64) of the Finance Act, 2004 (23 of 2004) amending the Income-tax Act, 1961 **can be repealed;**
- (b) section 65 of the Finance Act, 2004 (23 of 2004) amending the Wealth Tax, 1957 (27 of 1967) **can be repealed;**
- (c) sections 66, 67, 68, 69, 70, 71, 72 and 73 of the Finance Act, 2004 (23 of 2004) amending the Customs Act, 1992 (52 of 1962) **can be repealed;**
- (f) sections 75, 76, 77 and 78 of the Finance Act, 2004 (23 of 2004) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed;**
- (f) sections 79, 80, 81, 82, 83, 84, 85 and 86 of the Finance Act, 2004 (23 of 2004) amending Central Excise Act, 1944 (1 of 1994) **can be repealed;**
- (g) section 89 of the Finance Act, 2004 (23 of 2004) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed;**
- (i) section 116 of the Finance Act, 2004 (23 of 2004) amending section 3 of the Government Savings Banks Act, 1875 **can be repealed;**
- (j) section 117 of the Finance Act, 2004 (23 of 2004) amending sections 2 and 9 of the Indian Stamp Act, 1889 and Schedule 1 thereto **can be repealed;**
- (k) section 118 of the Finance Act, 2004 (23 of 2004) amending section 8 of the Central Sales Tax Act, 1956 **can be repealed;**
- (l) section 120 of the Finance Act, 2004 (23 of 2004) amending section 4 of the Fiscal Responsibility and Budget management Act, 2003 **can be repealed.**

#### **491. The Banking Regulation (Amendment) and Miscellaneous Provisions Act, 2004 (24 of 2004).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 24<sup>th</sup> day of September, 2004. The aforesaid Act does not contain any substantive provisions.

The Committee feels that the aforesaid Act **can be repealed.**

#### **492. The Customs and Central Excise Laws (Repeal) Act, 2004 (25 of 2004).**

The aforesaid Act received the assent of President on the 21<sup>st</sup> December, 2004. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 21<sup>st</sup> December, 2004. The aforesaid Act repeals the five Acts i.e., the Minerals Products (Additional Disputes of Excise and Customs) Act, 1958 (27 of 1958), the Sugar (Special Excise Duty) Act, 1959 (58 of 1959), the Central Duties of Excise (Retrospective Exemption) Act, 1986 (45 of 1986), the Customs and Excise Revenues Appellate Tribunal Act, 1986 (62 of 1986) and the Customs and Central Excises Laws

(Amendment) Act, 1988 (29 of 1988).

**The Customs and Central Excise Laws (Repeal) Act, 2004, contains a saving provision which would also be incorporated in the Repealing Bill, 2014 and the Customs and Central Excise Laws (Repeal) Act, 2004 can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **493. The Special Tribunals (Supplementary Provisions) Repeal Act, 2004 (28 of 2004).**

The aforesaid Act received the assent of President on the 24<sup>th</sup> December, 2004. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 24<sup>th</sup> December, 2004. There is no provision in the aforesaid Act which is yet to be brought into force. The aforesaid Act repeals the Special Tribunals (Supplementary Provisions) Act, 1946.

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **494. The Unlawful Activities (Prevention) Amendment Act, 2004 (29 of 2004).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 21<sup>st</sup> September, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **495. The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2004 (30 of 2004).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 11<sup>th</sup> day of November, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **496. The Securities Laws (Amendment) Act, 2004 (1 of 2005).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 12<sup>th</sup> day of October, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **497. The Central Excise Tariff (Amendment) Act, 2004 (5 of 2005).**

The aforesaid Act came into force with effect from 28<sup>th</sup> February, 2005 *vide* G.S.R. 97(E) dated the 24<sup>th</sup> February, 2005. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **498. The Patents (Amendment) Act, 2005 (15 of 2005).**

Sub-section (2) of section 1 of aforesaid Act provides that sub-clause (ii) of clause (a), and clause (b), of section 37, sections 41, 42, 47, 59 to 63 (both inclusive) and 74 of the aforesaid Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and the remaining provisions of the aforesaid Act shall be deemed to have come into force on the 1<sup>st</sup> day of January, 2005. The aforesaid sub-clause (ii) of clause (a), and clause (b), of section 37, sections 41, 42, 47, 59 to 63 (both inclusive) and 74 of that Act have come into force with effect from 2<sup>nd</sup> April, 2007 *vide* S.O. No. 509(E) dated 2<sup>nd</sup> April, 2007. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **499. The Finance Act, 2005 (18 of 2005).**

Sub-section (2) of section 1 provides that save as otherwise provided in aforesaid Act, section 2 to 64 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2005.

The Committee feels that sections of the aforesaid Finance Act amending Income-tax Act, 1961, the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975), the Central Excise Tax, 1944, the Central Excise Tariff Act, 1985, the Central Sales tax Act, 1956(74 of 1956), the Government Savings Bank Act, 1873, the Indian Stamp Act, 1899, the Contingency Fund of India Act, 1950, the Governments Savings Certificate Act, 1959 and the Central Road Fund Act, 2000 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that—

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64 (sections 3 to 64) of the Finance Act, 2005 (18 of 2005) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 65, 66, 67, 68, 69, 70 and 71 of the Finance Act, 2005 (18 of 2005) amending the Customs Act, 1992 (52 of 1962) **can be repealed**;
- (c) sections 72, 73 and 74 of the Finance Act, 2005 (18 of 2005) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed**;
- (d) sections 75, 76, 77, 78, 79, 80 and 81 the Finance Act, 2005 (18 of 2005) amending Central Excise Act, 1944 (1 of 1994) **can be repealed**;
- (e) sections 86 and 87 of the Finance Act, 2004 (23 of 2004) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed**;
- (f) section 89, 90, 91 and 92 of the Finance Act, 2005 (18 of 2005) amending sections 2, 5, 6 and 13 of the Central Sales Tax Act, 1956 **can be repealed**;
- (g) section 113 of the Finance Act, 2005 (18 of 2005) amending section 3 of the Government Savings Banks Act, 1875 **can be repealed**;
- (h) section 114 of the Finance Act, 2005 (18 of 2005) amending sections 2 and 9 of the Indian Stamp Act, 1889 and Schedule 1 thereto **can be repealed**;
- (i) section 115 of the Finance Act, 2005 (18 of 2005) amending section 2 of the Contingency Fund of India Act, 1950 **can be repealed**;
- (j) section 117 of the Finance Act, 2005 (18 of 2005) amending section 2 of the Government Savings Certificates Act, 1959 **can be repealed**;

(k) section 121 of the Finance Act, 2005 (18 of 2005) amending section 10 of the Central Road Fund, 2000 **can be repealed.**

#### **500. The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005 (19 of 2005).**

The aforesaid Act received the assent of President on the 21<sup>st</sup> May, 2005. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 21<sup>st</sup> May, 2005. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **501. The Navy (Amendment) Act, 2005 (23 of 2005)**

The aforesaid Act received the assent of President on the 23<sup>rd</sup> June, 2005. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 23<sup>rd</sup> June, 2005. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **502. The Hire Purchase (Repeal) Act, 2005 (31 of 2005)**

The aforesaid Act received the assent of President on the 23<sup>rd</sup> June, 2005. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 23<sup>rd</sup> June, 2005. The aforesaid Act repealed the Hire Purchase Act, 1972.

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

#### **503. The Citizenship (Amendment) Act, 2005 (32 of 2005).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 28<sup>th</sup> June, 2005. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **504. The Displaced Persons Claims and Other Laws Repeal Act, 2005 (38 of 2005).**

The aforesaid Act received the assent of President on the 5<sup>th</sup> September, 2005. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 5<sup>th</sup> September, 2005. The aforesaid Act repeals five Acts mentioned in the Schedule to the aforesaid Act, namely, the Administration of Evacuee Property Act, 1950 (31 of 1950), the Displaced Persons (Claims) Act, 1950 (44 of 1950), the Evacuee Interest (Separation) Act, 1954 (12 of 1954) and the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954).

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the Statutes Book.** In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by

Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**505. The Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum (Amendment) Act, 2005 (40 of 2005).**

The aforesaid Act received the assent of President on the 5<sup>th</sup> September, 2005. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 5<sup>th</sup> September, 2005. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**506. The Payment of Wages (Amendment) Act, 2005 (41 of 2005)**

The aforesaid Act has come into force with effect from 9<sup>th</sup> November, 2005 *vide* S.O. 1577(E) dated 8<sup>th</sup> November, 2005. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**507. The Immigration (Carriers' Liability) Amendment Act, 2005  
(44 of 2005)**

The aforesaid Act received the assent of President on the 15<sup>th</sup> September, 2005. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 15<sup>th</sup> September, 2005. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**508. The Warehousing Corporations (Amendment) Act, 2005 (45 of 2005)**

The aforesaid Act came into force with effect from 15<sup>th</sup> November, 2005 *vide* G.S.R. 657(E) dated 10<sup>th</sup> November, 2005. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**509. The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005 (46 of 2005).**

Sub-section (2) of section 1 the aforesaid Act provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2004. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**510. The Railways (Amendment) Act, 2005(47 of 2005)**

The aforesaid Act has come into force with effect from 30<sup>th</sup> August, 2006, *vide* S.O. 1374 (E) dated 29<sup>th</sup> August, 2005. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

## **511. The Prevention of Insults to National Honour (Amendment) Act, 2005 (51 of 2005).**

The aforesaid Act received the assent of President on the 20<sup>th</sup> December, 2005. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 20<sup>th</sup> December, 2005. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

## **512. The Taxation Laws (Amendment) Act, 2005 (55 of 2005).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 31<sup>st</sup> day October, 2005. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

## **513. The Central Sales Tax (Amendment) Act, 2005 (3 of 2006).**

The aforesaid Act came into force with effect from 1<sup>st</sup> day of March, 2006 *vide* S.O. 134(E) dated 3<sup>rd</sup> February, 2006. The aforesaid Act does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

## **514. The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2006 ( 5 of 2006).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 31<sup>st</sup> day of March, 2005. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

## **515. The Contempt of Courts (Amendment) Act, 2006 (6 of 2006)**

The aforesaid Act received the assent of President on the 17<sup>th</sup> March, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 17<sup>th</sup> March, 2006. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

## **516. The Cost of Works Accountants (Amendment) Act, 2006 (7 of 2006)**

The aforesaid Act has come into force *vide* S.O. 1274(E) dated the 8<sup>th</sup> August, 2006, S.O. 1278 (E) dated the 8<sup>th</sup> August, 2006 and S.O. 1984 (E) dated the 17<sup>th</sup> November, 2006. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

## **517. The Company Secretaries (Amendment) Act, 2006 (8 of 2006).**

The aforesaid Act came into force *vide* S.O. 1277 (E) dated the 8<sup>th</sup> August, 2006 and S.O. 1275 (E) the 8<sup>th</sup> August, 2006 and S.O. 1439 (E) dated 5<sup>th</sup> September, 2006. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

## **518. The Chartered Accountants (Amendment) Act, 2006 (9 of 2006).**

The aforesaid Act came into force *vide* S.O. 1276 (E) dated the 8<sup>th</sup> August, 2006 and S.O. 1440 (E) the 5<sup>th</sup> September, 2006 and S.O. 1985(E) dated 17<sup>th</sup> November, 2006. The

aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**519. The Khadi and Village Industries Commission (Amendment) Act, 2006 (10 of 2006).**

The aforesaid Act came into force with effect from 15th May, 2006 *vide* S.O. 689(E) dated the 12th May, 2006. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**520. The National Commission for Minority Educational Institutions (Amendment) Act, 2006 (18 of 2006).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 23rd day of January, 2006. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**521. The Delhi Special Police Establishment (Amendment) Act, 2006 (20 of 2006).**

The aforesaid Act received the assent of President on the 6<sup>th</sup> April, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 6<sup>th</sup> April, 2006. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

**522. The Finance Act, 2006 (21 of 2006).**

Sub-section (2) of section 1 of the aforesaid provides that save as otherwise provided that sections 2 to 57 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2006.

The Committee feels that sections of the aforesaid Finance Act amending the Income-tax Act, 1961, the Wealth-tax Act, 1957, the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975) the Central Excise Act, 1944 (1 of 1944), the Central Excise Tariff Act, 1985 (5 of 1986), the Indian Stamp Act, 1899 (2 of 1899) the Central Sales tax Act, 1956(74 of 1956) and the Oil Industry (Development) Act, 1974 (47 of 1974) (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 and 56, (sections 3 to 56) of Finance Act, 2006 (21 of 2006) amending the Income-tax Act 1961 **can be repealed**;
- (b) section 57 of Finance Act, 2006 (21 of 2006) amending the Wealth Tax, 1957 (27 of 1957) **can be repealed**.
- (c) sections 58 and 59 of the Finance Act, 2006 (21 of 2006) amending the Customs Act, 1992 (52 of 1962) **can be repealed**;
- (d) sections 61, 62 and 63 of Finance Act, 2006 (21 of 2006) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed**;
- (e) sections 64, 65 and 66 the Finance Act, 2006 (21 of 2006) amending Central Excise Act, 1944 (1 of 1994) **can be repealed**;
- (f) section 67 of Finance Act, 2006 (21 of 2006). amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed**;
- (g) section 69 of the Finance Act, 2006 (21 of 2006) amending the Indian Stamp Act, 1899 **can be repealed**;

- (h) sections 71 of Finance Act, 2006 (21 of 2006) amending sections of the Central Sales Tax Act, 1956 **can be repealed**;
- (i) 73 of the Finance Act, 2006 (21 of 2006) amending the Oil Industry (Development) Act, 174 **can be repealed**.

### **523. The Companies (Amendment) Act, 2006 (23 of 2006).**

The aforesaid Act has come into force with effect from 16<sup>th</sup> day of September, 2006 *vide* S.O. 1529(E) dated the 14<sup>th</sup> September, 2006. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **524. The Cess Laws (Repealing and Amending) Act, 2006 (24 of 2006)**

The aforesaid Act received the assent of President on the 1<sup>st</sup> June, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 1<sup>st</sup> June, 2006.

The aforesaid Act repeals four Acts, namely, the Coffee Act, 1942 (7 of 1942), the Marine Products Export Development Authority Act, 1972 (13 of 1972), the Agricultural and Processed Food Products Export Cess Act, 1986 (3 of 1986) and the Spices Cess Act, 1986 (11 of 1986). The aforesaid Act also amends the Tobacco Cess Act, 1975 (26 of 1975). It does not contain any substantive provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **525. The Reserve Bank of India (Amendment) Act, 2006 ( 26 of 2006)**

The aforesaid Act came into force *vide* S.O. 21(E) dated the 9<sup>th</sup> January, 2007 and 337 (E) dated the 9<sup>th</sup> March, 2007. The aforesaid Act does not contain any substantive provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **526. The Taxation Laws (Amendment) Act, 2006 ( 29 of 2006)**

The aforesaid Act received the assent of President on the 13<sup>th</sup> July, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 13<sup>th</sup> July, 2006. The aforesaid Act contains 39 sections. Section 39 amends the Central Excise Rules, 2002.

**The Committee feels that sections 2 to 38 can be repealed.**

### **527. The Union Duties of Excise (Electricity) Distribution Repeal Act, 2006 (30 of 2006).**

The aforesaid Act received the assent of President on the 13<sup>th</sup> July, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 13<sup>th</sup> July, 2006. The aforesaid Act repeals the Union Duties of Excise (Electricity) Distribution Act, 1980.

In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**The aforesaid Act does not contain any substantive provision and can be repealed as per legislative practice to clean the Statutes Book.**

**528. The Spirituous Preparations (Inter-State Trade and Commerce) Control (Repeal) Act, 2006 (32 of 2006).**

The aforesaid Act received the assent of President on the 22<sup>nd</sup> August, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 22<sup>nd</sup> August, 2006. The aforesaid Act repeals the Spirituous Preparations (Inter-State Trade and Commerce) Control Act, 1955.

In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**The aforesaid Act, does not contain any substantive provisions and can be repealed as per legislative practice to clean the Statutes Book.**

**529. The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006).**

The aforesaid Act received the assent of President on the 22<sup>nd</sup> August, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 22<sup>nd</sup> August, 2006. The aforesaid Act contains 26 sections. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that sections 2 to 38 can be repealed.**

**530. The Wild Life (Protection) Amendment Act, 2006 (39 of 2006).**

The aforesaid Act came into force with effect from 4<sup>th</sup> day of September, 2006 *vide* S.O. 1402(E) dated the 4<sup>th</sup> day of September, 2006. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**531. The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006 (40 of 2006).**

Sub-section (2) of section 1 of the aforesaid Act provides that it shall come into force on such date for sections 3, 4, 6, 7, 8 and 9 as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of the aforesaid Act.

The aforesaid Act contains total 9 sections out of which sections 3, 4, 6, 7, 8 and 9 have been brought into force on the 15<sup>th</sup> September, 2006 *vide* notification No. G.S.R. 561(E) dated the 15<sup>th</sup> September, 2006. Section 5 of the aforesaid Act is deemed to have been added with effect from the 17<sup>th</sup> day of May, 2004. The expression "added" has been used in the aforesaid section 5 and the same expression has been used above.

Section 2 of the aforesaid Act amends section 3 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 relating to Salary and Daily Allowances of Members of Parliament and does not mention date of bringing into force of the said section. It can be construed that the aforesaid section 2 has come into force from date of assent of the President to the aforesaid Act i.e., the 12th September, 2006. It is suggested that before repeal of aforesaid section 2, the administrative Ministry and Department of Legal Affairs may be consulted.

**In the meanwhile, the Committee feels that sections 3 to 9 of the aforesaid Act can be repealed and section 2 can be included for repeal on the basis of the opinion of the**

**Department of Legal Affairs and concurrence of the administrative Ministry.**

**532. The Central Silk Board (Amendment) Act, 2006 (42 of 2006)**

The aforesaid Act came into force with effect from 1<sup>st</sup> day of July, 2007 *vide* Notification No. S.O. 971(E) dated the 14<sup>th</sup> June, 2007. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**533. The Protection of Human Rights (Amendment) Act, 2006  
( 43 of 2006).**

The aforesaid Act came into force with effect from 23<sup>rd</sup> November, 2006 *vide* S.O. 2002(E) dated 23<sup>rd</sup> November, 2006. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**534. The Banking Companies (Acquisition and Transfer of Undertakings and Financial Institutions Laws (Amendment) Act, 2006 (45 of 2006).**

The aforesaid Act came into force with effect from 16<sup>th</sup> October, 2006 *vide* Notification No. S.O. 1767(E) dated the 16<sup>th</sup> October, 2006. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**535. The Produce Cess Laws (Abolition) Act, 2006 (46 of 2006)**

The aforesaid Act received the assent of President on the 25<sup>th</sup> September, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 25<sup>th</sup> September, 2006. The aforesaid Act repeals the Agricultural Produce Cess Act, 1940 and the Produce Cess Act, 1966.

Section 5 of both the aforesaid Act, contains provision for collection and payment of arrears of duties levied under the aforesaid two repealed Acts and collected after the enforcement of aforesaid two repealed Acts.

In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001)]

**The Committee feels that the Produce Cess Laws (Abolition) Act, 2006 can be repealed as per legislative practice to clean the Statutes Book after making following specific saving clause (in addition to general saving clause)on the following lines in the Repealing Bill, 2014, namely:-**

“Without prejudice to the generality of the provisions contained in section 4, any proceeds of duties levied under the Agricultural Produce Cess Act, 1940 and the Produce Cess Act, 1966, preceding the 25<sup>th</sup> September, 2006 and if collected by the collecting agencies but not paid into the Reserve Bank of India, shall, notwithstanding the repeal of the aforesaid Acts, be paid or as the case may be, collected and paid into the Reserve Bank of India for being credited to the Consolidated Fund of India, as if the Produce Cess Laws (Abolition) Act, 2006 had not been repealed.”.

### **536. The Constitution (Scheduled Tribes) Order Amendment Act, 2006 (48 of 2006).**

The aforesaid Act received the assent of President on the 12<sup>th</sup> December, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 12<sup>th</sup> December, 2006. There is no provision in the aforesaid Act which is yet to be brought into force.

Attention is invited to article 342 of the Constitution which reads under:—

#### **"342. Scheduled Tribes.**

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.".

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First and the Second Schedule thereto have been repealed earlier by Act 19 of 1988). The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **537. The Indian Rifles (Repeal) Act, 2006 (49 of 2006).**

The aforesaid Act received the assent of President on the 17<sup>th</sup> December, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 17<sup>th</sup> December, 2006. The aforesaid Act repeals the Indian Rifles (Repeal) Act, 2006.

The Law Commission in its 250<sup>th</sup> Report at Sl No.72 under Chapter 2 of the Report has recommended for repeal of the aforesaid Act and, *inter alia*, observed that the aforesaid Act was enacted to repeal the Indian Rifles Act, 1920. The purpose of this Act has been served and the Central Government should repeal this Act.

In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**The aforesaid Act, does not contain any substantive provision or saving or validation provision and can be repealed as per legislative practice to clean the Statutes Book.**

### **538. The Jallianwala Bagh National Memorial (Amendment) Act, 2006 (51 of 2006).**

The aforesaid Act received the assent of President on the 21<sup>st</sup> December, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 21<sup>st</sup> December, 2006. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**539. The Indian Telegraph (Amendment) Act, 2006 (57 of 2006).**

The aforesaid Act received the assent of President on the 29<sup>th</sup> December, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 29<sup>th</sup> December, 2006. The aforesaid Act contains only 3 sections all of them have come into force. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**540. The Administrative Tribunals (Amendment) Act, 2007 (1 of 2007).**

The aforesaid Act came into force with effect from 19<sup>th</sup> February, 2007 *vide* G.S.R. 92(E) dated 19<sup>th</sup> February, 2007. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**541. The Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) Amendment Act, 2006 (3 of 2007).**

The aforesaid Act received the assent of President on the 29<sup>th</sup> December, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 29<sup>th</sup> December, 2006. The aforesaid Act contains only two sections all of them have come into force. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**542. The Commissions for Protection of Child Rights (Amendment) Act, 2006(4 of 2007).**

The aforesaid Act received the assent of President on the 29<sup>th</sup> December, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 29<sup>th</sup> December, 2006. The aforesaid Act contains only two sections all of them have come into force. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**543. The Taxation Laws (Amendment) Act, 2007 (16 of 2007).**

The aforesaid Act came into force with effect from 1<sup>st</sup> April, 2007 *vide* Notification No. S.O. 464(E) dated 29<sup>th</sup> March, 2007. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**544. The Banking Regulation (Amendment) Act, 2007 (17 of 2007).**

Sub-section (2) of section 1 provides that the aforesaid Act shall be deemed to have come into force on the 23<sup>rd</sup> day of January, 2007. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **545. The National Institute of Pharmaceutical Education and Research (Amendment) Act, 2007 (19 of 2007).**

Sub-section (2) of section 1 provides that the aforesaid Act shall be deemed to have come into force on the 29th day of January, 2007. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **546. The Finance Act, 2007 (22 of 2007).**

Sub-section (2) of section 1 of the aforesaid Act provides that save as otherwise provided in aforesaid Act, section 2 to 93 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2007.

The Committee feels that sections of the aforesaid Finance Act amending Income-tax Act, 1961, the Wealth-tax Act, 1957, the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975), the Central Excise Tax, 1944 (1 of 1944), the Central Excise Tariff Act, 1985(5 of 1986) and the Central Sales Tax Act, 1956,(74 of 1956) (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed. The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82, , (sections 3 to 82) of the Finance Act, 2007 (22 of 2007) amending the Income- tax Act, 1961 **can be repealed**;
- (b) section 83, 84, 85, 86, 87, 88, 89, 90, 91, 92 and 93 of the Finance Act, 2007 (22 of 2007) amending the Wealth-tax Act, 1957 (27 of 1957) **can be repealed**;
- (c) sections 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 of the Finance Act, 2007 (22 of 2007)amending the Customs Act, 1992 (52 of 1962) can be repealed;
- (d) section 114 of the Finance Act, 2007 (22 of 2007) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed**;
- (e) sections 115, 116, 117 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132 and 133 of the Finance Act, 2006 (21 of 2006) amending Central Excise Act, 1944 (1 of 1994) **can be repealed**;
- (f) section 134 of the Finance Act, 2007 (22 of 2007) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed**;
- (g) section 142 of the Finance Act, 2007 (22 of 2007) amending the Central Sales Tax Act, 1956 **can be repealed**.

#### **547. The Mizoram University (Amendment) Act, 2007 ( 24 of 2007).**

The aforesaid Act received the assent of President on the 28<sup>th</sup> May, 2007. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 28<sup>th</sup> May, 2007. The aforesaid Act contains only two sections and all of them have come into force. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **548. The Cable Television Networks (Regulation) Amendment Act, 2007 (25 of 2007)**

The aforesaid Act received the assent of President on the 28<sup>th</sup> May, 2007. The

aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 28<sup>th</sup> May, 2007. The aforesaid Act contains only two sections and all of them have come into force. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**549. The Electricity (Amendment) Act, 2007 ( 26 of 2007).**

The aforesaid Act came into force with effect from 15<sup>th</sup> June, 2007 *vide* Notification No. S.O. 950 (E) dated 12<sup>th</sup> June, 2007. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**550. The Securities Contracts (Regulation) Amendment Act, 2007  
(27 of 2007).**

The aforesaid Act received the assent of President on the 28<sup>th</sup> May, 2007. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 28<sup>th</sup> May, 2007. The aforesaid Act contains five sections all of them have come into force. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**551. The Central Road Fund (Amendment) Act, 2007 ( 28 of 2007).**

The aforesaid Act came into force with effect from 21<sup>st</sup> August, 2007 *vide* Notification No. S.O. 1443(E) dated 21<sup>st</sup> August, 2007. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**552. The State Bank of India (Subsidiary Banks Laws) Amendment Act,  
2007 (30 of 2007).**

The aforesaid Act came into force with effect from 9<sup>th</sup> July, 2007 *vide* Notification No. S.O. 1117(E) dated 9<sup>th</sup> July, 2007. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**553. The Constitution (Scheduled Castes) Order (Amendment) Act, 2007  
(31 of 2007).**

The aforesaid Act received the assent of President on the 29<sup>th</sup> August, 2007. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 29<sup>th</sup> August, 2007. The aforesaid Act contains only two sections and there is no provision in the aforesaid Act which is yet to be brought into force.

Attention is invited to article 341 of the Constitution which reads under:—

“341. Scheduled Castes. -(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any

subsequent notification.”

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First and the Second Schedule thereto have been earlier repealed by Act 19 of 1988). The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **554. The State Bank of India (Amendment) Act, 2007 (32 of 2007)**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 29th June, 2007. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **555. The Apprentices (Amendment) Act, 2007 (36 of 2007).**

The aforesaid Act came into force with effect from 1<sup>st</sup> February, 2008 *vide* Notification No. S.O. 152(E) dated 28<sup>th</sup> January, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **556. The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Act, 2007 (38 of 2007).**

The aforesaid Act received the assent of President on the 24<sup>th</sup> September, 2007. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 24<sup>th</sup> September, 2007. The aforesaid Act contains five sections and all of them have come into force. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **557. The Competition (Amendment) Act, 2007 (39 of 2007)**

The administrative Ministry *vide* its communication No. 5/80/2011-CS dated the 10th October, 2014 has informed to the Secretariat of the Committee that all the sections of the Competition (Amendment) Act, 2007 have already been notified and came into force.

**In view of the above, the Committee feels that the aforesaid Act can be repealed.**

#### **558. The Merchant Shipping (Amendment) Act, 2007 (40 of 2007)**

The aforesaid Act came into force with effect from 1<sup>st</sup> March, 2008 *vide* Notification No. S.O. 331(E) dated 14<sup>th</sup> February, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **559. The All-India Institute of Medical Science and the Post-Graduate Institute of Medical Education and Research (Amendment) Act, 2007 (42 of 2007)**

The aforesaid Act received the assent of President on the 30<sup>th</sup> November, 2007. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 30<sup>th</sup> November, 2007. The aforesaid Act contains five sections and all of them have come into force. The aforesaid Act does not contain any substantive

provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**560. The Aircraft (Amendment) Act, 2007 (44 of 2007)**

The aforesaid Act came into force with effect from 1<sup>st</sup> day of April, 2008 vide Notification No. AV.11012/3/2000-A dated 21<sup>st</sup> January, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**561. The Payment of Bonus (Amendment) Act, 2007 (45 of 2007)**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 1st day of April, 2006. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**562. The Indian Boilers (Amendment) Act, 2007 (49 of 2007).**

The aforesaid Act came into force with effect *vide* Notification No S.O. 1226 (E) dated 27<sup>th</sup> May, 2008 and S.O. 2447 (E) dated 7<sup>th</sup> October, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**563. The Sugar Development Fund (Amendment) Act, 2008 (4 of 2008).**

Sub-section (2) of section 1 of the aforesaid provides that the aforesaid Act shall be deemed to have come into force on the 5<sup>th</sup> day of February, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**564. The Railways (Amendment) Act, 2008 (11 of 2008).**

Sub-section (2) of section 1 of the aforesaid Act provides that shall be deemed to have come into force on the 31<sup>st</sup> day of January, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**565. The Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008 (12 of 2008).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 7<sup>th</sup> day of February, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**566. The Food Safety and Standards (Amendment) Act, 2008 (13 of 2008).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 7<sup>th</sup> day of February, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

## **567. The Constitution (Scheduled Tribes) Order Amendment Act, 2008 (14 of 2008)**

The aforesaid Act received the assent of President on the 1<sup>st</sup> April 2008. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 1<sup>st</sup> April, 2008.

Attention is invited to article 342 of the Constitution which reads under:—

“342. Scheduled Tribes.

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First and the Second Schedule thereto have been repealed earlier by Act 19 of 1988). The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

## **568. The Maternity Benefit (Amendment) Act, 2008 (15 of 2008).**

The aforesaid Act came into force with effect from 15<sup>th</sup> April, 2008 *vide* Notification No. S.O. 876 (E) dated 15<sup>th</sup> April, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

## **569. The Finance Act, 2008 (18 of 2008).**

Sub-section (2) of section 1 of the aforesaid Act provides that save as otherwise provided in aforesaid Act, section 2 to 67 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2008.

The Committee feels that sections of the aforesaid Finance Act, amending the Income-tax Act, 1961, the Wealth Tax Act, 1957, the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975), the Central Excise Act, 1944 (1 of 1944), the Central Excise Tariff Act, 1985(5 of 1986) and the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 and 59 (sections 3 to 59) of the Finance Act, 2008 (18 of 2008) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 60, 61, 62, 63, 64 65, 66 and 67 of the Finance Act, 2008 (18 of 2008) amending the Wealth Tax, 1957 (27 of 1957) **can be repealed**;
- (c) sections 68, 69, 70, 71, 72, 73, 74 and 75 of the Finance Act, 2008 (18 of 2008) amending the Customs Act, 1992 (52 of 1962) **can be repealed**;
- (d) section 77 of the Finance Act, 2008 (18 of 2008) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed**;
- (e) sections 78, 79, 80, 81, 82, 83, 84 and 85 of the Finance Act, 2008 (18 of 2008) amending Central Excise Act, 1944 (1 of 1994) **can be repealed**;
- (f) section 89 of the Finance Act, 2008 (18 of 2008) amending the Central Excise Tariff

Act, 1985 (5 of 1986) **can be repealed**;

(g) section 123 of the Finance Act, 2008 (18 of 2008) amending sections of the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002 **can be repealed**.

#### **570. The Central Universities Laws (Amendment) Act, 2008 (25 of 2008).**

The aforesaid Act received the assent of President on the 5<sup>th</sup> December, 2008. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 5<sup>th</sup> December, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **571. The Drugs and Cosmetics (Amendment) Act, 2008 (26 of 2008).**

The aforesaid Act came into force with effect from 10<sup>th</sup> August, 2008 *vide* Notification No. S.O. 2076 dated 10<sup>th</sup> August, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **572. The President's Emoluments and Pension (Amendment) Act, 2008 (28 of 2008).**

Sub-section (2) of section 1 provides that the provisions of the section 2 and clause (i) of section 3 of the aforesaid Act shall be deemed to have come into force on the 1<sup>st</sup> day of January, 2006 and remaining provisions of the aforesaid Act shall come into force at once i.e., the 30<sup>th</sup> December, 2008 being the date of assent of the President. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **573. The Vice-President's Pension (Amendment) Act, 2008 (29 of 2008).**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of clause (i) of section 2 of the aforesaid Act shall be deemed to have come into force on the 1<sup>st</sup> day of January, 2006 and remaining provisions of the aforesaid Act shall come into force at once i.e., the 30<sup>th</sup> December, 2008 being the date of assent of the President. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **574. The Salaries and Allowances of Officers of Parliament (Amendment) Act, 2008 (30 of 2008).**

The aforesaid Act received the assent of President on the 30<sup>th</sup> December, 2008. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 30<sup>th</sup> December, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **575. The Unlawful Activities (Prevention) Amendment Act, 2008 (35 of 2008).**

The aforesaid Act received the assent of President on the 31<sup>st</sup> December, 2008. The aforesaid Act does not contain any commencement clause and therefore it came into force on the date of assent i.e., the 31<sup>st</sup> December, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**576. The Governors (Emoluments, Allowances and Privileges) Amendment Act, 2008 (1 of 2009).**

The aforesaid Act received the assent of President on the 2<sup>nd</sup> January, 2009. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e., the 2<sup>nd</sup> January, 2009. Section 3 of the aforesaid Act confers upon powers Central Government to make an order within two year of the coming into force of the aforesaid Act i.e., up to 1<sup>st</sup> January, 2011 which has already lapsed. Therefore, the aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**577. The Constitution (Scheduled Tribes) (Union territories) Order Amendment Act, 2008 (2 of 2009).**

The aforesaid Act received the assent of President on the 7<sup>th</sup> January, 2009. The aforesaid Act does not contain any commencement clause and therefore it came into force on the date of assent i.e., the 7<sup>th</sup> January, 2009.

Attention is invited to article 342 of the Constitution which reads under:—

“342. Scheduled Tribes.

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First and the Second Schedule thereto have been repealed earlier by Act 19 of 1988. The aforesaid Act contains only two sections and does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**578. The Code of Criminal Procedure (Amendment) Act, 2008 ( 5 of 2009).**

The aforesaid Act came into force *vide* Notification Nos. S.O. 3313(E) dated 31<sup>st</sup> December, 2009 and S.O. 2687(E) dated 30<sup>th</sup> October, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**579. The Information Technology (Amendment) Act, 2008 (10 of 2009)**

The aforesaid Act came into force with effect from 27<sup>th</sup> October, 2009 *vide* Notification No. S.O. 2689 dated 27<sup>th</sup> October, 2009. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**580. The Supreme Court (Number of Judges) Amendment Act, 2008  
(11 of 2009)**

The aforesaid Act received the assent of President on the 5<sup>th</sup> February, 2009. The aforesaid Act does not contain any commencement clause and therefore it came into force on the date of assent i.e., the 5<sup>th</sup> February, 2009. The aforesaid Act contains two sections and does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**581. The Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009 (20 of 2009)**

Sub-section (2) of section 1 provides that the provisions of clause (i) of section 2 of the aforesaid Act shall be deemed to have come into force on the 13<sup>th</sup> October, 2008. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**582. The Prevention of Money-laundering (Amendment) Act, 2009 (21 of 2009)**

The aforesaid Act came into force with effect from 1<sup>st</sup> June, 2009 *vide* Notification No. S.O. 1388 (E) dated the 1<sup>st</sup> June, 2009. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**583. The Central Industrial Security Force (Amendment) Act, 2009 (22 of 2009)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of clause (i) of section 2 of the aforesaid Act shall be deemed to have come into force on the 10<sup>th</sup> day of January, 2009. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**584. The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009 (23 of 2009)**

Sub-section (2) of section 1 of the aforesaid Act provides that section 2, 3, 4, 7, 8, 9, 10 and 13 shall be deemed to have come into force on the 1<sup>st</sup> day of January, 2006 and the remaining provisions of aforesaid Act shall be deemed to have come into force on the 1<sup>st</sup> day of September, 2008.

Section 14 of the aforesaid Act contains transitional provision for payment of arrears i.e., difference of salary, pension and family pension payable to a Judge of High Court or to his family, as the case may be, under the High Court Judges Act or a Judge of the Supreme Court or his family, as the case may be, under the Supreme Court Judges Act, as amended by the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009, and the salary, pension or family pension payable to such Judge or his family, as the case may be, but for the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009 shall be paid in two instalments, the first instalment of forty per cent. to be paid during the current financial year 2008-09 and the remaining sixty per cent. to be paid in the financial year 2009-10 and the remaining sixty per cent. to be paid in the financial year 2009-10. .

**The Committee feels that aforesaid Act can be repealed after making a specific saving provision for making of arrears as provided in section 14 of the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009 (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:—**

“Without prejudice to the generality of the provisions contained in section 4, the repeal of the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009, shall not affect the entitlement or payment due to a Judge of High

Court or to his family for the difference of salary, pension and family pension payable to a Judge of High Court or to his family, as the case may be, under the High Court Judges (Salaries and Conditions of Service) Act, 1954 or a Judge of the Supreme Court or his family for the difference of salary, pension and family pension payable to a Judge of the Supreme Court or to his family, as the case may be, under the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as amended, by the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009.”.

### **585. The Carriage by Air (Amendment) Act, 2009 (28 of 2009)**

The aforesaid Act came into force with effect from 1<sup>st</sup> July, 2009 *vide* Notification No. S.O. 1283(E) dated 19th May, 2009. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **586. The Finance Act (No.2), 2009 (33 of 2009)**

Sub-section (2) of section 1 of the aforesaid Act provides that save as otherwise provided in aforesaid Act, section 2 to 84 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2009.

The Committee feels that sections of the aforesaid Finance Act, amending the Income-tax Act, 1961, the Wealth Tax Act, 1957, the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975), the Central Excise Tax, 1944 (1 of 1944), the Central Excise Tariff Act, 1985(5 of 1986) and the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 622, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and 82 (sections 3 to 82) of the Finance Act (No.2), 2009 (33 of 2009) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 83 and 84 of the Finance Act (No.2), 2009 (33 of 2009) amending the Wealth-tax Act, 1957 (27 of 1957) **can be repealed**;
- (c) sections 85, 86, 87, 88, 89, 90 and 91 of the Finance Act (No.2), 2009 (33 of 2009) amending the Customs Act, 1992 (52 of 1962) **can be repealed**;
- (d) section 94, 95, 97, 99, 101 and 103 of the Finance Act (No.2), 2009 (33 of 2009) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed**;
- (e) sections 104, 105, 106, 107, 108, 109 and 110 of the Finance Act (No.2), 2009 (33 of 2009) amending Central Excise Act, 1944 (1 of 1994) **can be repealed**;
- (f) section 112 of the Finance Act (No.2), 2009 (33 of 2009) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed**;
- (g) section 114 of the Finance Act (No.2), 2009 (33 of 2009) amending the Unit Trust of India (Transfer of Undertaking and Repeal) Act, 2002 **can be repealed**.

### **587. The Metro Railways (Amendment) Act, 2009 (34 of 2009)**

The aforesaid Act came into force with effect from the 7<sup>th</sup> September, 2009 *vide* Notification No. S.O. 2279(E) dated 7<sup>th</sup> September, 2009. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **588. The Central Universities (Amendment) Act, 2009 (38 of 2009)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of clause (i) of section 2 of the aforesaid Act shall be deemed to have come into force on the 20<sup>th</sup> day of October, 2009. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **589. The Competition (Amendment) Act, 2009 (39 of 2009)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 14<sup>th</sup> day of October, 2009. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **590. The Workmen's Compensation (Amendment) Act, 2009 (45 of 2009)**

The aforesaid Act came into force with effect from 18<sup>th</sup> January, 2010 *vide* Notification No. S.O. 101(E) dated 18<sup>th</sup> January, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **591. The National Rural Employment Guarantee (Amendment) Act, 2009 (46 of 2009)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 2<sup>nd</sup> day of October, 2009. The aforesaid Act contains two sections and does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **592. The Payment of Gratuity (Amendment) Act, 2009 (47 of 2009)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 3<sup>rd</sup> day of April, 2009. The aforesaid Act contains two sections and does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **593. The State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009 (48 of 2009)**

The aforesaid Act came into force on the 1<sup>st</sup> day of June, 2010 *vide* Notification No. S.O. 1263(E) dated 1<sup>st</sup> June, 2010. The aforesaid Act repeals the State Bank of Saurashtra Act, 1950 and amends the State Bank of India (Subsidiary Banks) Act, 1959.

Section 2 of the State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009 *inter alia* repeals the State Bank of Saurashtra Act, 1950 and contains a saving provision in respect of agreements entered into under the State Bank of Saurashtra Act, 1950.

The Committee feels that the aforesaid Act can be repealed after making a savings for the provisions contained in aforesaid section 2 as per legislative practice to clean the Statutes Book by repealing the repealing Act. In the past, the Criminal Tribes Laws (Repeal) Act, 1952

(24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

Sections 3 to 11 of the aforesaid Act amend the State Bank of India (Subsidiary Banks) Act, 1959 and does not contain any substantive provision.

**In view of above, the Committee feels that of the State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009 can be repealed after making a saving provision for section 2 thereof on the following lines namely: -**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009 shall not affect anything done or any action taken (including any agreement entered into, by the State Bank of Saurashtra under the provisions of the State Bank of Saurashtra Act, 1950), before such repeal by section 2 of the State Bank of Saurashtra (Repeal) and State Bank of India (Subsidiary Banks) Amendment Act, 2009, as it stood before such repeal and such thing or action or agreement entered into shall be continued to be in force and have effect as if the State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009 had not been repealed.".

#### **594. The Salaries and Allowances of Ministers (Amendment) Act, 2009 (2 of 2010).**

The aforesaid Act came into force with effect from the 5<sup>th</sup> day of February, 2010 *vide* Notification No. S.O. 263(E) dated 5<sup>th</sup> February, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **595. The Civil Defence (Amendment) Act, 2009 (3 of 2010).**

The aforesaid Act received the assent of President on the 21<sup>st</sup> January, 2010. The aforesaid Act does not contain any commencement clause and therefore came into force on the date of assent i.e., the 21<sup>st</sup> January, 2010. The aforesaid Act contains two sections and does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **596. The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 (10 of 2010).**

Sub-section (2) of section 1 of the aforesaid provides that save as otherwise provided in the aforesaid Act, the same shall be deemed to have come into force (except sections 2, 5, 7 and 8 to 11) on the 23<sup>rd</sup> day of January, 2010.

The aforesaid Act contains 13 sections the commencement of which are summarised as below:-

(i) section 2 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 specifies the 16<sup>th</sup> of June, as the date for the purposes of amendment of section 2 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958;

(ii) section 3 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 does not specify any date on which the said section 3 shall come into force. The aforesaid section 3 has been excluded under section 1 (2) of the aforesaid Act from coming into force on 23<sup>rd</sup> day of January, 2010. Thus the aforesaid section 3 came into force from the date of assent of President to the

- aforesaid Act i.e. 29<sup>th</sup> March, 2010 as per section 5 of the General Clauses Act, 1897;
- (iii) section 4 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 specifies the 16<sup>th</sup> June, 1992 as date of coming into force of that section;
- (iv) section 5 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 does not specify any date on which the said section 5 shall come into force. The aforesaid section 3 has been excluded under section 1 (2) of the aforesaid Act from coming into force on 23<sup>rd</sup> day of January, 2010. Thus the aforesaid section 3 came into force from the date of assent of President to the aforesaid Act i.e., the 29<sup>th</sup> March, 2010 as per section 5 of the General Clauses Act, 1897;
- (v) section 6 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 specifies the 16<sup>th</sup> June, 1992 as date of coming into force of that section;
- (vi) section 7 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 does not specifies any date on which the said section 7 shall come into force . The aforesaid section 3 has been excluded under section 1 (2) of the aforesaid Act from coming into force on 23<sup>rd</sup> day of January, 2010. Thus the aforesaid section 3 came into force from the date of assent of President to the aforesaid Act i.e., the 29<sup>th</sup> March, 2010 as per section 5 of the General Clauses Act, 1897;
- (vii) section 8 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 does not specifies any date on which the said section 8 shall come into force. The aforesaid section 3 has been excluded under section 1 (2) of the aforesaid Act from coming into force on 23<sup>rd</sup> day of January, 2010. Thus the aforesaid section 3 came into force from the date of assent of President to the aforesaid Act i.e., the 29<sup>th</sup> March, 2010 as per section 5 of the General Clauses Act, 1897;
- (viii) section 9 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 does not specifies any date on which the said section 9 shall come into force. The aforesaid section 3 has been excluded under section 1 (2) of the aforesaid Act from coming into force on 23<sup>rd</sup> day of January, 2010. Thus the aforesaid section 3 came into force from the date of assent of President to the aforesaid Act i.e., the 29<sup>th</sup> March, 2010 as per section 5 of the General Clauses Act, 1897;
- (ix) section 10 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 does not specifies any date on which the said section 10 shall come into force. The aforesaid section 3 has been excluded under section 1 (2) of the aforesaid Act from coming into force on 23<sup>rd</sup> day of January, 2010. Thus the aforesaid section 3 came into force from the date of assent of President to the aforesaid Act i.e., the 29<sup>th</sup> March, 2010 as per section 5 of the General Clauses Act, 1897;
- (x) section 11 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 does not specifies any date on which the said section 11 shall come into force. The aforesaid section 3 has been excluded under section 1 (2) of the aforesaid Act from coming into force on 23<sup>rd</sup> day of January, 2010. Thus the aforesaid section 3 came into force from the date of assent of President to the aforesaid Act i.e., the 29<sup>th</sup> March, 2010 as per section 5 of the General Clauses Act, 1897;
- (xi) section 12 of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 does not specifies any date on which the said

section 12 shall come into force. The aforesaid section 3 has not been excluded under section 1 (2) of the aforesaid Act from coming into force on 23<sup>rd</sup> day of January, 2010. Thus the aforesaid section 3 came into force on the 23<sup>rd</sup> day of January, 2010 as provided under section 1 (2) of the aforesaid Act.

Thus all the sections of aforesaid Act have come into force. Section 12 contains provisions for validation of actions taken, etc., under notification No. S.O. 1764 dated the 16<sup>th</sup> June, 1992.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

"Without prejudice to the generality of the provisions contained in section 4, and notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,-

(a) the repeal of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 shall not affect any thing done or purported to be done or any action taken or purported to be taken by the Central Government except as provided in the second proviso to sub-section (3) of section 20A, immediately before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O. 1764, dated the 16<sup>th</sup> June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, and such thing done or purported to be done or such action taken or purported to be taken, before the repeal of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, shall be deemed to be and deemed to have always been done or taken validly and in accordance with law at all material times [except as provided in the second proviso to sub-section (3) of aforesaid section 20A] and no action taken or thing done (including any order made, agreement entered into, or notification issued for constituting any Expert Advisory Committee) in connection with any permission granted or licence issued for any construction in a prohibited area or a regulated area in respect of a protected monument, before the repeal of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, shall be deemed to be invalid or ever to have become invalid except as provided in the second proviso to sub-section (3) of section 20A, as it stood immediately before the repeal of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, merely on the ground that the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or the rules, orders or notifications issued there under before such repeal, did not contain any provision for constitution of an Expert Advisory Committee or Advisory Committee, as the case may be;

(b) no suit, claim or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for any permission or licence granted by the Central Government or the Director-General under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or any rule, order or notification made there under for carrying out any repair, renovation or construction work or for undertaking any public work or public project before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 as provided clause (b) of section 12 of that Act as it stood before such repeal;

(c) no claim or challenge shall be made in or entertained by any court, tribunal or other authority solely on the ground that the Central Government or the Director-General did not take into consideration any of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, as amended by the Ancient Monuments and

Archaeological Sites and Remains (Amendment and Validation) Act, 2010 before such repeal, in granting any permission or licence for the purpose of carrying out any mining or repair, renovation or construction work in a prohibited area or a regulated area at any time between the 16<sup>th</sup> day of June, 1992 and the date of commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, and;

in case, any issue arises in respect of anything done or purported to be done or any action suit, claim or other proceedings falling under clause (a) or clause (b) or clause (c) of section 12 of the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 as it stood before such repeal, such issue shall be decided as if that Act had not been repealed.”.

### **597. The Finance Act, 2010 (14 of 2010).**

Sub-section (2) of section 1 of the aforesaid Act provides that save as otherwise provided in aforesaid Act, section 2 to 56 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2010.

The Committee feels that sections of the aforesaid Finance Act, amending the Income-tax Act, 1961 (43 of 1961), the Wealth Tax Act, 1957 (27 of 1957), the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975) the Central Excise Tax, 1944 (1 of 1944), the Central Excise Tariff Act, 1985(5 of 1986) and the Central Sales Tax Act, 1956 (**other than of being substantive provisions or provisions being governed by the Finance Act can be repealed.**

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52, (sections 3 to 52) of the Finance Act, 2010 (14 of 2010) amending the Income-tax Act, 1961 **can be repealed;**
- (b) sections 53, 54, 55 and 56 of the Finance Act, 2010 (14 of 2010) amending the Wealth-tax Act, 1957 (27 of 1957) **can be repealed;**
- (c) sections 57, 58 and 59 of the Finance Act, 2010 (14 of 2010) amending the Customs Act, 1992 (52 of 1962) **can be repealed;**
- (d) section 61, 62 and 63 of the Finance Act, 2010 (14 of 2010) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed;**
- (e) sections 64, 65, 66, 67 and 68 of the Finance Act, 2010 (14 of 2010) amending Central Excise Act, 1944 (1 of 1994) **can be repealed;**
- (f) section 75 of the Finance Act, 2010 (14 of 2010) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed;**
- (g) sections 78, 79, 80, 81 and 82 of the Finance Act, 2010 (14 of 2010) amending sections of the Central Sales Tax Act, 1956 **can be repealed.**

### **598. The Payment of Gratuity (Amendment) Act, 2010 (15 of 2010).**

The aforesaid Act came into force with effect from 24<sup>th</sup> day of May, 2010 *vide* Notification No. S.O. 1217 (E ) dated 24<sup>th</sup> May, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **599. The Plantations Labour (Amendment) Act, 2010 (17 of 2010)**

The aforesaid Act has come into force with effect from 7<sup>th</sup> day of June, 2010 *vide* Notification No. S.O. 1330 (E ) dated 7<sup>th</sup> June, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**600. The Employees State Insurance (Amendment) Act, 2010 (18 of 2010)**

The aforesaid Act came into force with effect from 1<sup>st</sup> day of June, 2010 *vide* Notification No. S.O. 1296 (E) dated 1<sup>st</sup> June, 2010. Section 19 contains validation of certain things done or omitted to be done.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause)on the following lines in the Repealing Bill, 2014, namely:-**

“Without prejudice to the generality of the provisions contained in section 4, all things done, or, omitted to be done, and all actions or measures taken or not taken during the period beginning on or after the 3rd day of July, 2008 and ending immediately before the 1<sup>st</sup> day of June, 2010 shall in so far as they are in conformity with the provisions of Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance (Amendment) Act, 2010, be deemed to have been done, or taken, or not taken, under the provisions of Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance(Amendment) Act, 2010, as if such provisions were in force at the time such things were done or omitted to be done and actions or measures taken or not taken during the said period and the repeal of the Employees' State Insurance (Amendment) Act, 2010, shall not affect the validation of such things done or omitted to be done or action taken or not taken as provided under section 19 of the Employees' State Insurance (Amendment) Act, 2010 as it stood before such repeal.”.

**601. The National Commission for Minority Educational Institutions (Amendment) Act, 2010 (20 of 2010)**

The aforesaid Act came into force with effect from 1<sup>st</sup> day of September, 2010 *vide* Notification No. S.O. 2135 (E ) dated the 31<sup>st</sup> August, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**602. The Industrial Disputes (Amendment) Act, 2010 (24 of 2010).**

The aforesaid Act came into force with effect from 15<sup>th</sup> day of September, 2010 *vide* Notification No. S.O. 2278 (E ) dated the 15<sup>th</sup> September, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**603. The Foreign Trade (Development and Regulation) Amendment Act, 2010 (25 of 2010).**

The aforesaid Act came into force with effect from the 27<sup>th</sup> day of August, 2010 *vide* Notification No. S.O. 2099(E) dated the 27<sup>th</sup> August, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**604. The Securities and Insurance Laws (Amendment and Validation) Act, 2010 (26 of 2010)**

The aforesaid Act has come into force with effect from the 1<sup>st</sup> day of September, 2010 *vide* Notification No. S.O. 2135 (E ) dated the 31<sup>st</sup> August, 2010. Section 6 of the aforesaid Act contains validation in respect of certain sections of the Insurance Act, 1938 and Securities and Exchange Board of India Act, 1992.

**The Committee feels that the aforesaid Act can be repealed after making**

**following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:—**

“Without prejudice to the generality of the provisions contained in section 4, and notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, the provisions of section 2 of the Insurance Act, 1938 or section 2 of the Securities Contracts (Regulation) Act, 1956 or section 12 of the Securities and Exchange Board of India Act, 1992, as amended by the Securities and Insurance Laws (Amendment and Validation) Act, 2010, after repeal of the Securities and Insurance Laws (Amendment and Validation) Act, 2010 shall have and shall be deemed to always have effect for all purposes as if the provisions of section 2 of the Insurance Act, 1938 or section 2 of the Securities Contracts (Regulation) Act, 1956 or section 12 of the Securities and Exchange Board of India Act, 1992, as amended by the Securities and Insurance Laws (Amendment and Validation) Act, 2010, had been in force at all material times and accordingly any unit linked insurance policy or scrips or any such instrument or unit, by whatever name called, issued or purported to have been issued at any time before the 9th day of April, 2010, shall, notwithstanding such repeal, be deemed and always deemed to have been validly issued and shall not be called in question in any court of law or other authority solely on the ground that it was issued without a certificate of registration under any law for the time being in force or without following any procedure under any law for the time being in force, by an insurer or any other person and the repeal of the Securities and Insurance Laws (Amendment and Validation) Act, 2010 shall not affect the validation of section 2 of the Insurance Act, 1938 or section 2 of the Securities Contracts (Regulation) Act, 1956 or section 12 of the Securities and Exchange Board of India Act, 1992 as provided in section 6 of the Securities and Insurance Laws (Amendment and Validation) Act, 2010 after such repeal.”.

**605. The State Bank of India (Amendment) Act, 2010 (27 of 2010).**

The aforesaid Act came into force with effect from the 15<sup>th</sup> day of September, 2010 *vide* Notification No. S.O. 2286(E ) dated the 15<sup>th</sup> September, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**606. The Energy Conservation (Amendment) Act, 2010 (28 of 2010).**

The aforesaid Act received the assent of President on the 24<sup>th</sup> August, 2010. The aforesaid Act does not contain any commencement clause and therefore it came into force on the date of assent i.e., the 24<sup>th</sup> August, 2010. The aforesaid Act contains two sections and does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**607. The Indian Medical Council (Amendment) Act, 2010 (32 of 2010).**

Sub-section (2) of section 1 provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 15<sup>th</sup> day of May, 2010. The aforesaid Act contains three sections and does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**608. The Jharkhand Panchayat Raj (Amendment) Act, 2010 (33 of 2010)**

Sub-section (2) of section 1 provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 15<sup>th</sup> day of April, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **609. The Mines and Minerals (Development and Regulation) Amendment Act, 2010 (34 of 2010)**

The aforesaid Act came into force with effect from the 13<sup>th</sup> February, 2012 *vide* Notification No. S.O. 263(E) dated the 13<sup>th</sup> February, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **610. The Essential Commodities (Amendment) Act, 2010 (35 of 2010)**

The aforesaid Act received the assent of President on the 1<sup>st</sup> September, 2010. The aforesaid Act contains two sections and section 2 thereof makes amendment with retrospective effect i.e., the 1<sup>st</sup> day of October, 2009. The aforesaid Act does not contain any commencement clause and therefore it came into force on the date of assent i.e., the 1<sup>st</sup> September, 2010 making amendments in section 3 of the Essential Commodities Act, 1955 with effect from 1<sup>st</sup> day of October, 2009. It does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **611. The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2010 (37 of 2010)**

Sub-section (2) of the aforesaid Act provides that (save as otherwise provided that Act), it shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

The aforesaid Act contains 6 sections. The sections 2 to 6 of the aforesaid Act (save or otherwise provided in the aforesaid Act) came into force with effect from 1<sup>st</sup> day of October, 2010 *vide* Notification No. S.O. 2391(E) dated 1<sup>st</sup> October, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **612. The Code of Criminal Procedure (Amendment) Act, 2010 (41 of 2010)**

The aforesaid Act came into force with effect from the 2<sup>nd</sup> November, 2010 *vide* Notification No. S.O. 2689(E) dated the 1<sup>st</sup> November, 2010. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **613. The Indian Medicine Central Council (Amendment) Act, 2010 (43 of 2010).**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of January, 2012 *vide* Notification No. S.O. 2802(E) dated the 12<sup>th</sup> December, 2011. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **614. The Repatriation of Prisoners (Amendment) Act, 2011 (6 of 2011).**

The aforesaid Act received assent of President on the 1<sup>st</sup> April, 2011. The aforesaid Act does not contain any commencement clause and therefore came into force on the date of assent i.e., the 1<sup>st</sup> April, 2011. The aforesaid Act contains two sections and does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

## **615. The State Bank of India (Subsidiary Banks) Amendment Act, 2011 (7 of 2011).**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of June, 2011 *vide* Notification No. S.O. 1253(E) dated the 1<sup>st</sup> June, 2011. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

## **616. The Finance Act, 2011 (8 of 2011).**

Sub-section (2) of section 1 of the aforesaid Act provides that save as otherwise provided in aforesaid Act, sections 2 to 35 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2011.

The Committee feels that sections of the aforesaid Finance Act, amending the Income-tax Act, 1961(43 of 1961), the Wealth-tax Act, 1957 (27 of 1957), the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975) the Central Excise Tax, 1944 (1 of 1944), the Central Excise Tariff Act, 1985(5 of 1986), the Central Sales Tax Act, 1956 and Special Economic Zones Act, 2005 (**other than of being substantive provisions or provisions being governed by the Finance Act**) **can be repealed**.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 (sections 3 to 34) of the Finance Act, 2011 (8 of 2011) amending the Income-tax Act, 1961 (43 of 1961) **can be repealed**;
- (b) section 35 of the Finance Act, 2011 (8 of 2011) amending the Wealth Tax, 1957 (27 of 1957) **can be repealed**;
- (c) sections 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54 of the Finance Act, 2011 (8 of 2011) amending the Customs Act, 1992 (52 of 1962) **can be repealed**;
- (d) section 57, 58, 59 and 60 of the Finance Act, 2011 (8 of 2011) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed**;
- (e) sections 62, 63, 64, 65, 66, 67, 68, 69 and 70 of the Finance Act, 2011 (8 of 2011) amending Central Excise Act, 1944 (1 of 1944) **can be repealed**;
- (f) section 73 of the Finance Act, 2011 (8 of 2011) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed**;
- (g) section 77 of the Finance Act, 2011(8 of 2011) amending the Central Sales Tax Act, 1956 **can be repealed**;
- (h) section 79 of the Finance Act, 2011(8 of 2011) amending the Second Schedule to the Special Economic Zones Act, 2005 **can be repealed**.

## **617. The Jawaharlal Institute of Post-Graduation Medical Education and Research Puducherry (Amendment) Act, 2011 (10 of 2011)**

The aforesaid Act received the assent of President on the 27<sup>th</sup> August, 2011. The aforesaid Act does not contain any commencement clause and therefore it came into force on the date of assent i.e., the 27<sup>th</sup> August, 2011. The aforesaid Act contains two sections and does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

## **618. The Juvenile Justice (Care and Protection of Children) Amendment Act, 2011 (12 of 2011)**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of January, 2012 *vide* Notification No. S.O. 2879(E) dated the 26<sup>th</sup> December, 2011. The aforesaid Act consists of

three sections and does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**619. The Indian Medical Council (Amendment) Act, 2011 (13 of 2011).**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 10<sup>th</sup> May of 2011. The aforesaid Act contains two sections and does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**620. The Customs (Amendment and Validation) Act, 2011 (14 of 2011).**

The aforesaid Act received the assent of President on the 16<sup>th</sup> September, 2011. The aforesaid Act does not contain any commencement clause and therefore it came into force on the date of assent i.e., the 16<sup>th</sup> September, 2011. The aforesaid Act contains two sections. Section 2 contains validation provision for appointment of certain officers of Customs and exercise powers by them.<sup>56</sup>

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, notwithstanding anything to the contrary contained in any judgment, decree or order of any court of law, tribunal or other authority and repeal of the Customs (Amendment and Validation) Act, 2011, all persons appointed as officers of Customs under sub-section (1) of section 4 before the 6th day of July, 2011 shall before and after such repeal, be deemed to have and always had the power of assessment under section 17 and shall be deemed to have been and always had been the proper officers for the purposes of that section.".

**621. The State Bank of India (Subsidiary Banks Laws) Amendment Act, 2011 (17 of 2011)**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of December, 2011 *vide* Notification No F. No. 6/2/2009-BO.II dated the 1<sup>st</sup> December, 2011. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**622. The National Council for Teacher Education (Amendment) Act, 2011 (18 of 2011).**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of June, 2012 *vide* Notification No. S.O. 1265(E) dated the 1<sup>st</sup> day of June, 2012. The aforesaid Act consists of three sections and does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**623. The Cable Television Networks (Regulation) Amendment Act, 2011 (21 of 2011).**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 25<sup>th</sup> day of October, 2011. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **624. The Damodar Valley Corporation (Amendment) Act, 2011 (1 of 2012)**

The aforesaid Act came into force with effect from the 19<sup>th</sup> day of August, 2013 *vide* Notification No. S.O. 2496(E) dated the 19<sup>th</sup> day of August, 2013. The aforesaid Act consists of three sections and does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

#### **625. The Constitution (Scheduled Tribes) Order (Amendment) Act, 2011 (2 of 2012)**

The aforesaid Act received the assent of President on the 8<sup>th</sup> January, 2012. The aforesaid Act does not contain any commencement clause and therefore came into force on the date of assent i.e., 8<sup>th</sup> January, 2012. The aforesaid Act consists of two sections and there is no provision in the aforesaid Act which is yet to be brought into force.

Attention is invited to article 342 of the Constitution which reads under:—

“342. Scheduled Tribes.

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First and the Second Schedule thereto have been repealed earlier by Act 19 of 1988). The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **626. The Chartered Accountants (Amendment) Act, 2011(3 of 2012)**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of February, 2012 *vide* Notification No. S.O. 190(E) dated the 30<sup>th</sup> January, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **627. The Company Secretaries (Amendment) Act, 2011(4 of 2012)**

The aforesaid Act has come into force with effect from the 1<sup>st</sup> day of February, 2012 *vide* Notification No. S.O. 192(E) dated the 30<sup>th</sup> January, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

#### **628. The New Delhi Municipal Council (Amendment) Act, 2011 (5 of 2012)**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of March, 2012 *vide* Notification No. S.O. 364(E) dated the 1<sup>st</sup> March, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**629. The Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2011(6 of 2012)**

The aforesaid Act came into force with effect from the 8th day of March, 2012 *vide* Notification No. S.O. 396(E) dated the 8<sup>th</sup> March, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**630. The Life Insurance Corporation (Amendment) Act, 2011 (8 of 2012).**

The aforesaid Act came into force with effect from 31<sup>st</sup> day of March, 2012 *vide* Notification No. S.O. 679(E) dated the 29<sup>th</sup> March, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**631. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, 2011(9 of 2012).**

The aforesaid Act came into force with effect from 1<sup>st</sup> day of March, 2012 *vide* Notification No. S.O. 347(E) dated the 17<sup>th</sup> February, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**632. The Cost and Works Accountants (Amendment) Act, 2011 (10 of 2012).**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of February, 2012 *vide* Notification No. S.O. 191(E) dated the 30<sup>th</sup> January, 2012. The aforesaid Act consists of three sections and does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**633. The Export-Import Bank of India (Amendment) Act, 2011 (11 of 2012)**

The aforesaid Act has come into force with effect from the 1<sup>st</sup> day of February 2012 *vide* Notification No. S.O. 204(E) dated the 1<sup>st</sup> February, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**634. The Indian Medical Council (Amendment) Act, 2012 (20 of 2012)**

Sub-section (2) of section 1 of the aforesaid provides that the aforesaid Act shall come into force on the 15<sup>th</sup> day of May, 2012. It consists of two sections and does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**635. The Finance Act, 2012 (23 of 2012)**

Sub-section (2) of section 1 of the aforesaid Act provides that save as otherwise provided in aforesaid Act, sections 2 to 118 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2012.

The Committee feels that sections of the aforesaid Finance Act, amending the Income-tax Act, 1961 (43 of 1961), the Wealth-tax Act, 1957 (27 of 1957), the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975), the Central Excise Act, 1944 (1 of 1944), the Central Excise Tariff Act, 1985 (5 of 1986), the Fiscal Responsibility and Budget Management Act, 2003, the Oil Industry (Development) Act, 1974 and the Central Sales Tax Act, 1956 (**other than of being substantive provisions or provisions being governed by the Finance Act**) can be repealed.

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113 and 114, (sections 3 to 114) of the Finance Act, 2012 (23 of 2012) amending the Income-tax Act, 1961 **can be repealed**;
- (b) sections 115, 116, 117 and 118 of the Finance Act, 2012 (23 of 2012) amending the Wealth Tax, 1957 (27 of 1957) **can be repealed**;
- (c) sections 120, 121, 122, 123, 124, 125, 126, 127 and 128 of the Finance Act, 2012 (23 of 2012) amending the Customs Act, 1992 (52 of 1962) **can be repealed**;
- (d) sections 130, 131 and 132 of the Finance Act, 2012 (23 of 2012) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed**;
- (e) sections 133, 134, 135, 136, 137 and 138 of the Finance Act, 2012 (23 of 2012) amending Central Excise Act, 1944 (1 of 1994) **can be repealed**;
- (f) section 141 of the Finance Act, 2012 (23 of 2012) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed**;
- (g) sections 146, 147, 148, 149 and 150 of the Finance Act, 2012 (23 of 2012) amending the Fiscal Responsibility and Budget Responsibility Act, 2003 **can be repealed**;
- (h) section 151 of the Finance Act, 2012 (23 of 2012) amending the Oil Industry (Development) Act, 1974 **can be repealed**.

### **636. The Constitution (Scheduled Tribes) Order (Amendment) Act, 2012 (24 of 2012).**

The aforesaid Act received the assent of President on the 31<sup>st</sup> May, 2012. The aforesaid Act does not contain any commencement clause and therefore it came into force on the date of assent i.e., the 31<sup>st</sup> May, 2012. The aforesaid Act consists of two sections.

Attention is invited to article 342 of the Constitution which reads as under:—

“342. Scheduled Tribes.

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First and the Second Schedule thereto have been repealed earlier by Act 19 of 1988). The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **637. The Railway Property (Unlawful Possession) Amendment Act, 2012 (25 of 2012)**

The aforesaid Act came into force with effect from the 15<sup>th</sup> day of August, 2012 *vide* Notification No. S.O. 1716(E) dated the 26<sup>th</sup> July, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **638. The Copyright (Amendment) Act, 2012 (27 of 2012).**

The aforesaid Act came into force with effect from the 21<sup>st</sup> June, 2012 *vide* Notification No. S.O. 1393(E) dated the 20<sup>th</sup> June, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **639. The National Institutes of Technology (Amendment) Act, 2012 (28 of 2012).**

The aforesaid Act came into force with effect from the 7<sup>th</sup> day of July, 2012 *vide* Notification No. S.O. 1649(E) dated the 13<sup>th</sup> July, 2012. Section 17 of the aforesaid Act contains transitional provisions in respect of the Institutes mentioned in the Second Schedule inserted by that Act in the principal Act i.e., the National Institute of Technology Act, 2007.

**The Committee feels that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:—**

“Without prejudice to the generality of the provisions contained in section 4, and notwithstanding anything contained in the National Institute of Technology Act, 2007, as amended by the National Institutes of Technology (Amendment) Act, 2012,-

- (a) the Board of every Institute specified in the Second Schedule to the National Institute of Technology Act, 2007 [as inserted by the National Institutes of Technology (Amendment) Act, 2012] functioning as such immediately before the commencement of the National Institutes of Technology (Amendment) Act, 2012 shall continue to function until a new Board has been constituted for that Institute under the National Institute of Technology Act, 2007, as amended by the National Institutes of Technology (Amendment) Act, 2012 but on the constitution of such new Board, the members of the Board holding office before such constitution shall cease to hold office;
- (b) every Senate constituted in relation to every Institute before the commencement of the National Institutes of Technology (Amendment) Act, 2012 shall be deemed to be the Senate constituted under the National Institute of Technology Act, 2007, unless a Senate is constituted under the National Institute of Technology Act, 2007, as amended by the National Institutes of Technology (Amendment) Act, 2012 for that Institute but on the constitution of such new Senate members of the Senate holding office before such constitution shall cease to hold office,

and repeal of the National Institutes of Technology (Amendment) Act, 2012 shall not affect the validity of constitution of the Board or Senate, if existing on and after such repeal.”.

### **640. The Right of Children to Free And Compulsory Education (Amendment) Act, 2012 (30 of 2012)**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of August, 2012 *vide* Notification No. S.O. 1686(E) dated the 25<sup>th</sup> July, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **641. The Central Educational Institutions (Reservation in Admission) Amendment Act, 2012 (31 of 2012).**

The aforesaid Act received the assent of President on the 19<sup>th</sup> June, 2012. The aforesaid Act does not contain any commencement clause and therefore it came into force on

the date of assent i.e., the 19<sup>th</sup> June, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**642. The Institutes of Technology (Amendment) Act, 2012 (34 of 2012).**

The aforesaid Act came into force with effect from the 29<sup>th</sup> day of June, 2012 *vide* Notification No. S.O. 1456(E) dated the 29<sup>th</sup> June, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**643. The Chemical Weapons Convention (Amendment) Act, 2012  
(36 of 2012)**

The aforesaid Act came into force with effect from the 23<sup>rd</sup> day of November, 2012 *vide* Notification No. S.O. 2776(E) dated the 23<sup>rd</sup> November, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**644. The All-India Institute of Medical Sciences (Amendment) Act, 2012  
(37 of 2012)**

Sub-section (2) of section 1 of the aforesaid Act provides that the aforesaid Act shall be deemed to have come into force on the 16<sup>th</sup> day of July, 2012. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**645. The Enforcement of Security Interest and Recovery of Debts Laws  
(Amendment) Act, 2012 (1 of 2013).**

The aforesaid Act came into force with effect from the 15th January, 2013 *vide* Notification No. S.O. 171(E) dated the 15<sup>th</sup> January, 2013. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**646. The Prevention of Money-Laundering (Amendment) Act, 2012  
(2 of 2013)**

The aforesaid Act came into force with effect from the 15th day of February, 2013 *vide* Notification No. S.O. 343(E) dated 8th February, 2013. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**647. The Unlawful Activities (Prevention) Amendment Act, 2012  
(3 of 2013)**

The aforesaid Act came into force with effect from the 1st day of February, 2013 *vide* Notification No. S.O. 294(E) dated the 31<sup>st</sup> day of January, 2013. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**648. The Banking Laws (Amendment) Act, 2012 (4 of 2013).**

The aforesaid Act came into force with effect from the 18th January, 2013 *vide* Notification No. S.O. 192(E) dated the 17<sup>th</sup> January, 2013. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

**649. The Criminal Law (Amendment) Act, 2013 (13 of 2013)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 3<sup>rd</sup> day of January, 2013. The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

**650. The Finance Act, 2013 (17 of 2013)**

Sub-section (2) of section 1 of the aforesaid Act provides that save as otherwise provided in aforesaid Act, sections 2 to 63 shall be deemed to have come into force on the 1<sup>st</sup> day of April, 2013.

The Committee feels that sections of the aforesaid Finance Act, amending Income-tax Act, 1961(43 of 1961), the Wealth-tax Act, 1957 (27 of 1957), the Customs Act, 1962 (52 of 1962), the Customs Tariff Act, 1975 (51 of 1975), the Central Excise Act, 1944 (1 of 1944) and the Central Excise Tariff Act, 1985 (5 of 1986) (**other than of being substantive provisions or provisions being governed by the Finance Act) can be repealed.**

The committee feels that -

- (a) sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59 and 60 (sections 3 to 60) of the Finance Act, 2013 (17 of 2013) amending the Income-tax Act, 1961 (43 of 1961) **can be repealed;**
- (b) sections 61, 62 and 63 of the Finance Act, 2013 (17 of 2013) amending the Wealth-tax Act, 1957 (27 of 1957) **can be repealed;**
- (c) sections 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84 of the Finance Act, 2013 (17 of 2013) amending the Customs Act, 1992 (52 of 1962) **can be repealed;**
- (d) section 86 and 87 of the Finance Act, 2013 (17 of 2013) amending the Customs Tariff Act, 1975 (51 of 1975) **can be repealed;**
- (e) sections 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 101 of the Finance Act, 2013 (17 of 2013) amending Central Excise Act, 1944 (1 of 1944) **can be repealed;**
- (f) section 102 of the Finance Act, 2013 (17 of 2013) amending the Central Excise Tariff Act, 1985 (5 of 1986) **can be repealed.**

**651. The National Highways Authority of India (Amendment) Act, 2013  
(19 of 2013).**

The aforesaid Act received the assent of President on the 10<sup>th</sup> September, 2013. The aforesaid Act does not contain any commencement clause and therefore came into force on the date of assent i.e., the 10th September, 2013. The aforesaid Act does not contain any substantive provision or saving or validation provisions

**The Committee feels that the aforesaid Act can be repealed.**

**652. The Securities and Exchange Board of India (Amendment) Act, 2013  
(22 of 2013)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 21st day of January, 2013. It consists of three sections. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **653. The Constitution (Scheduled Tribes) Order (Amendment) Act, 2013 (24 of 2013)**

The aforesaid Act received the assent of President on the 18th September, 2013. The aforesaid Act does not contain any commencement clause and therefore came into force on the date of assent i.e., the 18th September, 2013.

Attention is invited to article 342 of the Constitution which reads as under:—

“342. Scheduled Tribes.

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First and the Second Schedule thereto have been repealed earlier by Act 19 of 1988). The aforesaid Act does not contain any substantive provision or saving or validation provisions.

**The Committee feels that the aforesaid Act can be repealed.**

### **654. The Wakf (Amendment) Act, 2013(27 of 2013).**

The aforesaid Act came into force with effect from the 1<sup>st</sup> day of November, 2013 *vide* Notification No. S.O. 3292(E) dated the 29th October, 2013. The aforesaid Act does not contain any substantive provision or saving or validation provision.

**The Committee feels that the aforesaid Act can be repealed.**

### **655. The Representation of the People (Amendment and Validation) Act, 2013 (29 of 2013).**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall be deemed to have come into force on the 10<sup>th</sup> July, 2013. It consists of four sections out of which provisions of section 4 relates to validation.

The P.C. Jain Commission in its Report at paragraph 16.4.6 have recommended that all the Validation Acts can be repealed after providing saving clauses wherever necessary. The validation Act has been repealed earlier also. [Refer the Manipur Court-Fees (Amendment and Validation) Act, 1953 (44 of 1953) had been repealed by Act 22 of 2001. The U.P Sugar Cane Cess (Validation) Act, 1961 (4 of 1961) has been repealed by the U.P Sugar Cane Cess (Validation) Repeal Act, 2001(17 of 2001) without any saving clause].

**The Committee feel that the aforesaid Act can be repealed after making following specific saving clause (in addition to general saving clause) on the following lines in the Repealing Bill, 2014, namely:-**

“Without prejudice to the generality of provisions contained in section 4, the sections 7 and 62 of the Representation of the People Act,1951, as amended by the Representation of the People (Amendment and Validation) Act, 2013, shall , notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority and have and shall be deemed always to have effect for all purposes as if the aforesaid sections 7 and 62 of the Representation of the People Act,1951, as amended by the Representation of the People (Amendment and Validation) Act, 2013 had been in force at all material times before and after the repeal of the Representation of the People (Amendment and Validation) Act, 2013 .”.

## PART II

### CENTRAL ACTS IDENTIFIED FOR REPEAL IN CONSULTATION WITH THE CONCERNED MINISTRY/DEPARTMENT

#### 656. The Excise (Spirits) Act, 1863 (XVI of 1863).

The aforesaid Act provides to make special provision for the levy of Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry and penal provisions. The aforesaid Act was enacted by the Legislative Council of India and received the assent of the Governor General on the 10th March, 1863.

Attention is invited to Entry 8 of List-II (State List) to the Seventh Schedule to the Constitution, which reads as under:—

"8.intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.".

Attention is also invited to Entry 51 of List-II (State List) to the Seventh Schedule to the Constitution, which reads as under:—

"Duties of excise on the following goods manufactures or produced in the State and countervailing duties at the same or lower rates on similar goods manufactures or produced elsewhere in India:—

(a) alcoholic liquors for human consumption;  
(b) opium, Indian hemp and other narcotic drugs and narcotics,  
but not including medicinal and toilet preparations containing alcohol or any substance included in subparagraph (b) of this entry.”.

Attention is invited to Entry 84 of List-I (Union List) to the Seventh Schedule to the Constitution, which reads as under:—

"Duties of excise on tobacco and other goods manufactured or produced in India except—

(a) alcoholic liquors for human consumption;  
(b) opium, Indian hemp and other narcotic drugs and narcotics,

but including medicinal and toilet preparations containing alcohol or any substance included in subparagraph (b) of this entry.”.

At present, as per knowledge acquired through the perusal of the Central Acts, the Excise Duty on the spirit is regulated by the Central Excise Act, 1944 and the Central Excise Tariff Act, 1985 as amended from time to time. In view of the aforesaid enactments and by efflux of time, the aforesaid Act has become redundant in its application. The aforesaid Acts needs to be repealed after consultation with the administrative Ministry.

The Law Commission of India in its 249th Report at Sl. No. 28 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act. The Law Commission observed that the aforesaid Act provided for the levy of excise duty payable on spirits used exclusively in ‘arts and manufactures or in chemistry’. This now falls under the category of excise on industrial alcohol which is levied by the Central Government under the Central Excise Tariff Act, 1985. The 1863 Act is therefore redundant and should be repealed by the Central Government.

The administrative Ministry vide their OM No. 296/146/2014-CX.9 dated the 1st October, 2014 have stated that since the levy of the Central Excise Duty on Spirit exclusively used in Arts and manufacture or in Chemistry is provided for under the First Schedule to the Central Excise Tariff Act, 1985, a separate enactment is not required. They further stated that under the State List (List II), Part XI of the Constitution of India, Duties of excise on alcoholic liquors for human consumption, manufactured or produced in the State are under the legislative competence of State Legislatures. Since the operation of this Act impacts the functioning of the State Excise Departments also their view may be taken before the repeal of the said Act.

The Central Excise Duty on Spirit exclusively used in Arts and manufacture or in Chemistry is provided for under the First Schedule to the Central Excise Tariff Act, 1985 as stated by the administrative Ministry and recommendation of the Law Commission for repeal of the aforesaid Act, without referring to the consultation with the relevant States, the Committee feels that the concerned Department may re-visit their suggestion in the aforesaid O.M.

**In view of above, the Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry.**

## **657. The North-Western Provinces Village and Road Police Act, 1873 (16 of 1873)**

The aforesaid Act has been enacted to consolidate and amend the law relating to Village and Road Police in the North-Western Provinces.

The P.C. Jain Commission in its Report at Serial No. 72 of Appendix-A-5 (114 Central Acts for repeal by the State Government) had recommended for repeal of the aforesaid Act.

The Law Commission of India in its 249th Report at Sl. No. 32 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State i.e., Uttar Pradesh referring to the earlier recommendations of the P.C. Jain Commission. It has observed that the aforesaid Act was enacted to consolidate and amend the law relating to village and road police in the North-Western Provinces of the Presidency of Fort William in Bengal. The Act contains provisions for the appointment, and duties and liabilities of village and road policemen in the said provinces. The erstwhile North-Western Provinces now constitute the administrative unit of Agra, which is in the modern-day State of Uttar Pradesh. Although this Act was enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State, Uttar Pradesh, which also has the power to repeal or amend this law. Therefore, the Central Government should write to the State Government of Uttar Pradesh recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

The Ministry of Home Affairs *vide* its O.M. No.I-34020/122/2014-Coord.I dated 19th September, 2014 has stated that the North-Eastern Provinces Village and Road Police Act, 1873 (Act 16 of 1873) [Error in the Jain Commission Report. Act 16 of 1873 is the North-Western Provinces Village and Road Police Act, 1873]. It further stated that the Act provides appointment of Village Police and Road police in north Western Provinces of the Presidency of Fort William in Bengal and this Act is no longer applicable in the North Eastern States and hence can be repealed in consultation with Ministry of Law and justice.

**In view of the above, the Committee feels that the aforesaid Act can be repealed under this Chapter in consultation with the concerned administrative Ministry.**

## **658. The Madras Forest (Validation) Act, 1882 (XXI of 1882)**

The aforesaid Act has been enacted to remove doubts regarding the Madras Forest Act, 1882 to specify that no enactment of the Governor General in Council shall affect, or shall be deemed to have at any time contained anything which would affect, the Madras Forest Act, 1882.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.61 of Appendix A-5 (114 Central Acts recommended for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 40 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with State of

Tamil Nadu referring to the earlier recommendations of the P.C. Jain Commission. It has observed that the aforesaid Act was enacted to remove doubts regarding the Tamil Nadu Forest Act, also enacted in 1882. The purpose of this Act has been fulfilled. Since the subject-matter of forests falls in the Concurrent List (See, Entry 17A, List III, Seventh Schedule), the Central Government is competent to repeal this Act. Hence, the Central Government should repeal this Act after consultation with the State of Tamil Nadu, and after inserting a suitable savings clause.

By efflux of time, the aforesaid Act has become obsolete in its application and needs to be repealed.

**The Committee feels that the aforesaid Act can be repealed after consultation with the stake holders.**

#### **659. The Indian Medical Degrees Act, 1916. (VII of 1916)**

The aforesaid Act has been enacted to regulate the grant of titles implying qualifications in western medical science and the assumption and use by unqualified persons of such titles.

The aforesaid Act has become redundant in view of the enactment of the Medical Council of India Act, 1956, which provide for the reconstitution of the medical council of India and the maintenance of a medical register for India and for matters connected therewith. The aforesaid Act lost its relevance and needs to be repealed.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry i.e., Ministry of Health and Family Welfare.**

#### **660. The Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 (XVI of 1947)**

The aforesaid Act has been enacted to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with States, the persons and firms belonging to States at war with India, and the custody of the property belonging to them.

The Defence of India Rules were made in pursuance of the Defence of India Act, 1939 which has been repealed by Act No. 2 of 1948. However, the provisions of the said Rules were revived with the enactment of the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947.

The Centre for Civil Society at Sl. No.23 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act is no longer in practical application. The objective of this legislation is now being fulfilled by the Enemy Property Act, 1968. The 1968 Act, provides a mechanism for divesting of enemy property, i.e., property belonging to nationals and firms of hostile countries, in the Custodian of Enemy Property for India. The Act contains provisions related to the appointment of the Custodian and divesting and management of 'enemy property'.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 12 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the continuation of certain provisions of the Defence of India Rules, 1939 relating to the control of trading with States, and persons and firms belonging to States at war with the Government of India, and the custody of the property belonging to them. The purpose of this Act has been subsumed by the Enemy Property Act, 1968 which provides for the continuing of vesting of enemy property vested in the Custodian of Enemy Property for India under the Defence of India Rules, 1962 and the Defence on

India Rules, 1971. Hence, this Act is now redundant and the Central Government should repeal this Act.

Though the principal Act i.e., the Defence of India Act, 1939 has been repealed by Act No. 2 of 1948 but the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 reviving the rules made under the Defence of India Act, 1939 are still existing on the Statutes Book.

The aforesaid rules revived by the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 may not be relevant and become redundant as they relate to the pre-independence period.

**The Committee feels that the aforesaid Act can be repealed in consultation with the Ministries concerned.**

## **661. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (60 of 1948)**

The aforesaid Act has been enacted to provide for the speedy acquisition of land for the resettlement of displaced persons.

The Centre for Civil Society at Sl. No.29 of its compendium of 100 laws to be repealed *inter alia* stated that the aforesaid Act was enacted to provide relief to persons displaced from their place of residence (in areas now comprising of Pakistan) on account of the Partition, and subsequently residing in India. The beneficiaries of this law no longer exist as the law was specifically enacted to deal with the situation immediately post partition; hence the Act has outlived its utility. The repeal will not have any administrative repercussions. Unlike other resettlement/displacement legislations, the Act does not mention any intermediary holding company through which properties are allocated. It simply mentions a 'competent authority' as defined under section 2 (a) as the Collector or any other person appointed by the state on this behalf. Other laws, namely, (i) the Administration of Evacuee Property Act, 1950,(ii) the Displaced Persons (Claims) Act, 1950, (iii) the Evacuee Interest (Separation) Act, 1951, (iv) the Displaced Persons (Claims) Supplementary Act 1954 and (v) the Displaced Persons (Compensation and Rehabilitation) Act, 1954 relating to persons displaced from Pakistan during the Partition have been repealed by the Schedule to the Displaced Persons Claims and Other Laws Repeal Act, 2005.

Recently, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted on the 27th September, 2013. Section 105 of this Act specifically mentions that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall not apply or apply with certain modifications to the Resettlement of Displaced Persons (Land Acquisition) Act, 1948 specified at Sl. No.10 in the Fourth Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Sub-section (1) of section 2 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 *inter alia* provides that provisions of the aforesaid Act shall apply for the public purposes and the purposes specified under clause (a) to (f) therein. Clause (f) of sub-section (1) of section 2 reads as under:—

"(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State."

The "public purpose" for acquisition of land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 under sub-section (1) of section 2 of that Act is wide enough to include the purposes of the Resettlement of Displaced Persons (Land Acquisition) Act, 1948 and clauses (a) to (f) of

sub-section (1) of section 2 of the aforesaid Act are is inclusive i.e., suggestive/illustrative and not specific or restrictive.

The Committee feels that the aforesaid Act can be considered for repeal after consultation with the concerned Ministry.

## 662. The Prevention of Seditious Meetings Act, 1911 (X of 1911)

The aforesaid Act has been enacted to consolidate and amend the law relating to the prevention of public meetings likely to promote sedition or to cause a disturbance of public tranquillity.

The Law Commission in its 248th Report at Sl. No. 39 under Chapter 4 had recommended for repeal of the aforesaid Act. The Law Commission observed that this Act empowered a District Magistrate or Commissioner of Police to prohibit a public meeting in a proclaimed area if they believe such meeting is likely to promote sedition. This Act was enacted with the express purpose of clamping down on meetings being held by nationalists. The Act prohibited meetings 'likely to cause disturbance or public excitement', but the specific provisions creating offences suffer from vagueness. Given that private meetings are also covered under this Act by virtue of section 3(2), its provisions are unduly harsh. The continuation of this colonial legislation is unnecessary given the extensive provisions relating to sedition under the Indian Penal Code. Further, the provisions of the Act are likely to be *ultra vires* Articles 19(1)(a) and (b).

Section 124A of the Indian Penal Code, 1860, reads as under:-

**"124A. Sedition** —Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

**Explanation 1**— The expression "**disaffection**" includes disloyalty and all feelings of enmity.

**Explanation 2**— Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

**Explanation 3**— Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

### CLASSIFICATION OF OFFENCE

Punishment—Imprisonment for life and fine, or imprisonment for 3 years and fine, or fine—

Cognizable—Non-bailable—Triable by Court of Session—Non compoundable.

The Committee feels that the aforesaid Act may have overlapping with section 124A of the Indian Penal Code, 1860. The same may be examined and the aforesaid may be repealed, in consultation with the Ministry of Home Affairs, which is administering the aforesaid Act.

## 663. The Weekly Holidays Act, 1942 (XVIII of 1942)

The aforesaid Act has been enacted to provide for the grant of weekly holidays to persons employed in shops, restaurants and theatres.

The Centre for Civil Society at Sl. No.60 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act is repetitive with the Shop and Establishment Acts (of all States), which mandatorily prescribe a close day for all shops and

establishments. It also only applies to specific areas notified by state governments. For example in 2008, the coverage of the Act was particular to 7 areas in Karnataka (Murnad, Bhagamandala, Napoklu, Ammathi, Ponnampet and Hudikeri in Kudagu District and Munirabad and Kinnal in Raichur District) in the Port Blair Municipal Areas of Andaman and Nicobar Islands. In principle, India should aim to move towards a system of employment solely governed by mutual contracts signed by employers and employees. It further stated that notifications, if any, issued under the Weekly Holidays Act will have to be suitably modified to be made applicable under the Shops and Establishment Acts. In the alternative, fresh notification specifying close days may have to be issued under the Shops and Establishment Act, whichever applicable.

**The Committee feels that the aforesaid Act can be repealed in consultation with the administrative Ministry concerned.**

#### **664. The Public Debt Act, 1944 (18 of 1944)**

The aforesaid Act has been enacted to consolidate and amend the law relating to Government securities and to the management by the Reserve bank of India of the public debt of the dominion and provinces.

The P.C. Jain Commission has included the aforesaid Act at Serial No. 82 of Appendix-E (109 Acts under the list of Central Acts considered of Particular relevance to their terms of reference). Their recommendation is silent on the repeal of the aforesaid Act.

The Department of Economic Affairs *vide* its O.M. No.11/47/2012-Ad.V dated 15 September, 2014 stated that the Government Securities Act, 2006 has been enacted on 31st August, 2006 to replace the Public Debt Act, 1944. They further stated that the Public Debt Act, 1944 has not been repealed due some deposits under the Act with the RBI. Certificates under National Small Saving Funds are also being issued under the Act.

The Government Securities Act, 2006 has been enacted to consolidate and amend the law relating to government securities and its management by the Reserve Bank of India and for matters connected therewith and incidental thereto and section 35 thereof repeals the Indian Securities Act, 1920 which was enacted to consolidate and amend the law relating to the Government Securities. Though the Government Securities Act, 2006 repeals the Indian Securities Act, 1920 yet it does not contain provisions for repeal of the Public Debt Act, 1944.

**In view of above, the Committee feels that the Public Debt Act, 1944 may be repealed and provisions relating to the National Small Saving Funds and appropriate saving clause for the some deposits under the Act with the RBI may be incorporated in the Government Securities Act, 2006 in consultation with the concerned Ministry.**

#### **665. The Delhi Hotels (Control of Accommodation) Act, 1949 (24 of 1949)**

The aforesaid Act has been enacted to provide for the control of accommodation in certain hotels in the Union territory of Delhi. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 22<sup>nd</sup> April, 1949.

The Law Commission in its 248<sup>th</sup> report at Serial number 57 under Chapter 4 of the Report, has also recommended for repeal of the aforesaid Act. The Law Commission observed that the aforesaid Act grants the Director of Estates the power to reserve up to one-fourth of the total accommodation available in certain private hotels in Delhi for use by government officials. The aforesaid Act was brought into force for the purpose of addressing the issue of accommodation shortage for government officials in Delhi. However, this issue is no longer alive as India Tourism Development Corporation (ITDC) hotels and State guest houses can be used for making arrangements for the accommodation of government officials

in transit. In this context, this can be argued to be unconstitutional, violative of Article 19(1)(g). Hence, this Act should be repealed. The Delhi Hotels (Control of Accommodation) Repeal Bill, 2014 is pending in the Rajya Sabha at present, and should be passed.

The Centre for Civil Society at Sl. No.71 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act is an archaic law, which empowers the government to force bookings in hotels in Delhi for government employees. The Act serves no conceivable purpose now because arrangements for transit accommodation for government officials can be made through the India Tourism Development Corporation (ITDC) hotels and in State guest houses. It further stated that the Delhi Hotel (Control of Accommodation) Repeal Bill, 2014, which seeks repeal of this Act for the above reasons, is pending in the Rajya Sabha. Instead of an individual repeal bill, however, this Act may be repealed through an omnibus repealing Act.

The Ministry of Urban Development *vide* their O.M. No. A-49020/12/2014-Coord dated 17th September, 2014 has informed that they have decided to repeal the Act on the ground that it is an old law which has outlived its utility. Accordingly a Bill to repeal the said Act has been introduced in the Rajya Sabha in February, 2014. Further a cabinet note has been circulated seeking approval to continue with the legislative process.

Attention may be drawn to the Delhi Hotels (Control of Accommodation) Repeal Bill, 2014 which is pending in the Rajya Sabha at present for repeal of the aforesaid Act.

Since, the aforesaid Bill for repealing the Delhi Hotels (Control of Accommodation) Act, 1949 is pending in the Rajya Sabha, the same has not been included in the Repealing Bill, 2014 appended to this Report.

**In view of liberalisation of the economy and globalisation and above, the Committee feels that the aforesaid Bill may be pursued for enactment by the Legislatures or the Delhi Hotels (Control of Accommodation) Repeal Bill, 2014 may be withdrawn with the leave of the Rajya Sabha and included in the Repealing Bill, 2014 to be introduced in the ensuing Session of Parliament.**

#### **666. The Displaced Persons (Debt Adjustment) Act, 1951 (LXX of 1951)**

The aforesaid Act was enacted to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto.

The aforesaid Act *inter alia* contains provisions for making an application within one year from the date of commencement of the aforesaid Act by the displaced debtor to the Tribunals constituted under section 4 of the aforesaid Act, claims against insurance companies in respect of properties in West Pakistan belonging to a displaced person before the 15th day of August, 1947, non payment of interest in respect of unpaid amount on shares in companies or cooperative societies or non-forfeiting the shares held by the displaced persons and decrees passed by the tribunals etc., registration of certain societies and companies situated in the territory forming part of West Pakistan under the Companies Act or the Societies Registration Act, 1860 in India where majority of the share holders are the members are residing.

In nut shell the aforesaid Act aim for addressing the issues of the displaced persons on the 15th August, 1947 due to division of India as it stood before that date.

**Since sixty-three years have elapsed from the enactment of the aforesaid Act, the Committee feels that the aforesaid Act after incorporating the savings for the matters provided in the aforesaid Act can be repealed in consultation with the administrative Ministry, which may have knowledge of the cases pending under the aforesaid Act and the number of shareholders likely to be adversely affected.**

## **667. The Railway Companies (Emergency Provisions) Act, 1951**

**(51 of 1951)**

The aforesaid Act has been enacted to make provision for the proper management and administration of railway companies in certain special cases.

The aforesaid Act *inter alia* applies to every railway companies in respect of which a notified order is issued under section 3. Section 3 of the aforesaid Act confers power upon the Central Government to apply that Act to any railway companies and to appoint directors thereof. Sections 4, 5, 6, 8, 10, 11, 12 and 15 contains provisions relating to such directors. Section 13 contain provisions for application of the provisions of the Companies Act.

The P.C. Jain Commission has recommended for repeal of this Act at serial No. 71 of Appendix-A-1 (166 Central Acts recommended for repeal by the Central Government).

The Centre for Civil Society at Sl. No.39 of its compendium of 100 laws to be repealed *inter alia* stated that since the entire railway system is now government owned, the purpose of the aforesaid Act is spent. Presently, the Railways Act, 1989 comprehensively deals with the laws relating to railways. It further stated that there are no legal issues that would impede repeal.

The Planning Commission also at serial No. 6 of its I.D.No.25/04/2014 OM & C dated 11th September,2014 has recommended for its repeal.

The Law Commission of India in its 249th Report at Sl. No. 70 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed the aforesaid Act provided for the proper management and administration of railway companies in certain special cases. The Act empowered the Central Government to appoint a certain number of people for managing the affairs of any railway company in case that company prejudicially affects the convenience of the persons using it or causes serious dislocation in any trade or industry using that railway. Railways in India was nationalised in 1951 and the law relating to railways has now been consolidated in the form of the Railways Act, 1989. There is no evidence of any recent use of this Act. Hence, the Central Government should repeal this Act the Law Commission further stated that Planning Commission in its letter No. 25/04/2014-OM&C dated 18th September 2014 to the Member Secretary, Law Commission of India.

The Ministry of Railways *vide* their O.M. No. 2014/O&M/18/6 dated the 22nd October, 2014 in the Annexeure thereto, at Sl. 10 have stated as under:—

"Reason for retaining the Act has been indicated by the then Secretary, Railway Board's" D.O. letter No. ERB-1/97/23/14 dated 26.07.1999 (Appendix-II) Legal Opinion is attached with the said letter."

**More than fourteen years have elapsed since the advice of the Department of Legal Affairs and aforesaid position Act stated in the D.O. letter No. ERB-1/97/23/14 dated 26.07.2014. In view of above, the Committee feels that the aforesaid Act can be repealed after consultation with the Ministry of Railways in today's context.**

## **668. The Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952)**

The aforesaid Act has been enacted to provide for the requisitioning and acquisition of the immovable property for the purposes of the Union.

The Centre for Civil Society at Sl. No.88 of its compendium of 100 laws to be repealed *inter alia* stated that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 includes acquisition for strategic purposes. The provisions of the LARR Act relating to land acquisition, compensation, rehabilitation and resettlement apply when the appropriate government acquires land for its

own use, to hold and control including for public sector undertakings and for public purpose. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 also includes the acquisition for strategic purposes relating to naval, military air force, and armed forces of the Union. The aforesaid Act has to comply with provisions made relating to compensation, rehabilitation and resettlement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a year of commencement of the latter. This means that, if the central government directs, that the provisions of any other law for land acquisition as provided in the 4th schedule of the Act, must comply with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (as per section 105). Hence, the provisions of the Act will need to be amended to comply with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 which is far more humane in its provisions. We recommend repeal instead of this amendment, since the responsibilities of the Act can be executed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It further stated that the repeal of the **Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952)** may entail amendment in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to provide for temporary acquisition of immovable property.

Recently, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted on the 27th September, 2013. Section 105 of this Act specifically mentions that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall not apply or apply with certain modifications to the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952) specified at Sl. No.9 in the Fourth Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The "public purpose" for acquisition of land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 under sub-section (1) of section 2 of that Act is vide enough to include the purposes of the Requisitioning and Acquisition of Immovable Property Act, 1952 and clauses (a) to (f) of sub-section (1) of section 2 of the aforesaid Act are is inclusive i.e., suggestive/illustrative and not specific or restrictive.

**The Committee feels that the aforesaid Act can be considered for repeal after consultation with the concerned Ministry.**

#### **669. The Reserve Bank of India (Amendment and Miscellaneous Provisions) Act, 1953 (54 of 1953)**

The aforesaid Act has been enacted to amend the Reserve Bank of India Act, 1934 and to make special provisions in respect of certain high denomination bank notes.

The P.C. Jain Commission has recommended for repeal of the aforesaid Act at serial No. 75 of Appendix-A-1 (166 Central Acts recommended for repeal by the Central Government).

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 29 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to amend the Reserve Bank of India Act, 1934 and to add certain provisions with regard to high denomination notes. Most provisions of this Act have been repealed by the Repealing and Amending Act, 1957. Only Section 9 of this Act remains

which prescribes that the High Denomination Bank Notes (Demonetisation) Ordinance, 1946 would not apply to any bank note of the denominational value of Rs. 500, Rs. 1000 or Rs. 10,000 issued after the commencement of this Act, but no such bank note issued before 13th January 1946 shall be legal tender in payment or on account of the amount expressed therein at any place in India. The Act has served its purpose. Hence, the Central Government should repeal this Act. The Ministry of Law and Justice should also ascertain the status of the High Denomination Bank Notes (Demonetisation) Ordinance, 1946 and if it is still in force, the Central Government should repeal this Ordinance as well. A suitable savings clause should be inserted in the repealing Act.

The aforesaid Act contains 9 sections out of which sections 2 to 8 were repealed by the Repealing and Amending Act, 1957 (36 of 1957). Section 1 relating to short title and section 9 relating to non-application of Ordinance 3 of 1946 in certain high denomination bank notes are surviving.

Section 9 of the aforesaid Act reads as under:-

"Ordinance 3 of 1946 not to apply to certain high denomination bank notes.- 9. Nothing contained in the High Denomination Bank Notes (Demonetisation) Ordinance, 1946 (3 of 1946) shall apply to any bank note of the denominational value of five hundred rupees, one thousand rupees or ten thousand rupees issued after the commencement of this Act, but no such bank note issued before the 13th day of January, 1946 (3 of 1946) shall be legal tender in payment or on account of the amount expressed therein at any place in India.".

Attention is invited to clause (d) of section 2 and section 3 of the High Denomination Bank Notes (Demonetisation) Act, 1978 which reads as under:-

[2(d) "high denomination bank note" means a bank note of the denominational value of one thousand rupees, five thousand rupees or ten thousand rupees, issued by the Reserve Bank ;]

The aforesaid definition specified in clause (d) was amended by section 2 of the High Denomination Bank Notes (Demonetisation) Amendment Act, 1999 (3 of 1999) and the words ' issued by the Reserve Bank immediately before the commencement of this Act ' were inserted. After this amendment, the definition in section 2(d) of the aforesaid Act would read as under:-

[section 2(d) "high denomination bank note" means a bank note of the denominational value of one thousand rupees, five thousand rupees or ten thousand rupees, issued by the Reserve Bank *immediately before the commencement of this Act* ;].

The commencement date of the High Denomination Bank Notes (Demonetisation) Act, 1978 is the 16th day of January, 1978 as mentioned in sub-section (3) of section of the aforesaid Act.

Attention is also invited to section 3 of the High Denomination Bank Notes (Demonetisation) Act, 1978 reads as under:-

[section3. High denomination bank notes to cease to be legal tender.

On the expiry of the 16th day of January, 1978, all high denomination bank notes shall, notwithstanding anything contained in section 26 of the Reserve Bank of India Act, 1934, cease to be legal tender in payment or on account at any place.]

Sections 26 and 26A of the Reserve Bank of India Act, 1934 reads as under:-

[section26. Legal tender character of notes.- (1) Subject to the provisions of sub-section (2), every bank note shall be legal tender at any place in India in payment or on account for the amount expressed therein, and shall be guaranteed by the Central Government.

(2) On recommendation of the Central Board, the Central Government may, by notification in the Gazette of India, declare that, with effect from such date as may be specified in the notification, any series of bank notes of any denomination shall cease to be legal tender save at such office or agency of the Bank and to such extent as may be specified in the notification

[section26A. Certain bank notes to cease to be legal tender.

Notwithstanding anything contained in section 26, no bank note of the denominational value of five hundred rupees, one thousand rupees or ten thousand rupees issued before the 13th day of January, 1946, shall be legal tender in payment or on account for the amount expressed therein.

The Department of Financial Services has at Serial No. 9 of its D.O. letter No.9/15/2014-Coord. dated 12th September, 2014 conveyed that the Reserve Bank of India

has been asked to submit its comments and material on this would be sent to the Committee after RBI's Comments are received.

The Department has further stated that the provisions of the aforesaid Act are in vogue and amendments in the light of changing socio-economic environment have been/are being carried out and there is always scope for amendments/modifications.

**In view of above, the Committee feels that the Reserve Bank of India (Amendment and Miscellaneous Provisions) Act, 1953 which contains provisions in relation to the High Denomination Bank Notes (Demonetisation) Ordinance, 1946 (3 of 1946) may not be relevant in today's context and can be repealed after confirmation from the concerned Ministry/Department after inserting a saving clause in the Repealing Bill, 2014.**

#### **670. The State Acquisition of Lands for Union Purposes (Validation) Act, 1954 (23 of 1954)**

The aforesaid Act has been enacted to validate the acquisition under the Land Acquisition Act, 1894 (1 of 1894) of lands by certain State Governments for the purposes of the Union, and Orders passed and proceedings held in connection therewith. The Committee feels that this Act may be repealed.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 30 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act validated the acquisition under the Land Acquisition Act, 1894 of lands by certain State Governments for the purposes of the Union and orders passed and proceedings held in connection therewith. The 1894 Act has now been repealed. The purpose of this Act has been fulfilled. Hence, it can be repealed after inserting a suitable savings clause in the repealing Act.

**The administrative Ministry may take a considered view for repeal of the aforesaid Act after incorporating saving clause in the Repealing Bill, 2014.**

#### **671. The Transfer of Evacuee Deposits Act, 1954 (15 of 1954)**

The aforesaid Act has been enacted to provide in pursuance of an agreement with Pakistan, for the transfer to that country of certain deposits belonging to evacuees, the reception in India of similar deposits belonging to displaced persons, and matter connected therewith.

The Law commission of India in its Ninety-sixth Report *inter alia*, recommended that the aforesaid Act be repealed, subject to factual checking, as to whether any such deposits still remain undisposed of.

**The Committee feels that after expiry of sixty seven years of partition of India and Pakistan, the provisions of this Act need to be revisited and consider repeal after making a saving clause in the Repealing Bill, 2014, after consultation with the administrative Ministry.**

#### **672. The Taxation Laws (Extension to Jammu and Kashmir) Act, 1954 (41 of 1954)**

The aforesaid Act has been enacted to provide for the extension of certain taxation laws to the State of Jammu and Kashmir and for matters connected therewith. The aforesaid

Act came into force on the 8th October, 1954.

The P.C. Jain Commission in its Reports at Sl. No. 101 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 31 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the extension of certain taxation laws to the State of Jammu and Kashmir. Section 2 of the Act extended the Sea Customs Act, 1878; the Indian Income-Tax Act, 1922; the Land Customs Act, 1924; the Government Trading Taxation Act, 1926; the Indian Tariff Act, 1934; the Central Excises and Salt Act, 1944; the Payment of Taxes (Transfer of Property) Act, 1949 and the Estate Duty Act, 1953 to the State of Jammu and Kashmir. All these Acts, except the Central Excise and Salt Act, 1944 have been repealed. The Short Title, Extent and Commencement clause of the 1944 Act has been amended to extend this Act to the whole of India. Consequently, the Taxation Laws (Extension to Jammu and Kashmir) Act, 1954 has fulfilled its purpose and is now redundant. The Central Government should repeal this Act.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned Ministry/Department.**

### **673. The Commander-in-Chief (Change in Designation) Act, 1955 (19 of 1955)**

The aforesaid Act has been enacted to amend certain enactments for the purpose of changing the designation of the Commander-in-Chief of the Armed Forces. The aforesaid Act came into force on the 7th May, 1955.

More than 58 years have elapsed since the change of the designation of the Commander-in-Chief of the Armed Forces. The Committee feels that the object of the aforesaid Act has been achieved and the purpose is fulfilled.

**The aforesaid Act can be repealed with the saving clause making provision for saving the actions taken by the Commander-in-Chief of the Armed Forces designated as such by the Commander-in-Chief (Change in Designation) Act, 1955 in consultation with the concerned administrative Ministry.**

### **674. The Bar Councils (Validation of State Laws) Act, 1956 (4 of 1956)**

The aforesaid Act has been enacted to validate certain State laws amending the Indian Bar Councils Act, 1926. The aforesaid Act came into force from the 13th March, 1956.

The P.C. Jain Commission in its Reports at Sl. No. 148 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 32 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act validated certain State laws amending the Indian Bar Councils Act, 1926. The Act provided that the laws specified in the Schedule to the Act shall be deemed to always have been valid as if they had been enacted by the Parliament. The purpose of this Act has been fulfilled. Hence, the Central Government should repeal this Act.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned Ministry/Department after incorporating a saving clause in the Repealing Bill, 2014.**

## **675.The Jammu and Kashmir (Extension of Laws) Act, 1956 (62 of 1956)**

The P.C. Jain Commission in its Reports at Sl. No. 113 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 34 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the extension of certain laws to the State of Jammu and Kashmir. The Acts so extended found mention in the Schedule appended to the Act. Corresponding amendments have been made to the Short Title, Extent and Commencement clause of these Acts to provide for their extension to Jammu and Kashmir. This Act has now served its purpose and hence the Central Government should repeal this Act.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned Ministry/Department.**

## **676.The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956)**

The aforesaid Act received the assent of President on the 25th September, 1956. The aforesaid Act does not contain any commencement clause and therefore it came into force on the date of assent of the President i.e., the 25<sup>th</sup> September, 1956.

Articles 341 and 342 of the Constitution reads under:

“341. Scheduled Castes. -(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

342. Scheduled Tribes.

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be. (2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”.

Section 3 and 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976) and the First and the Second Schedule thereto have been earlier repealed by Act 19 of 1988). The aforesaid Act contains section 5 relating to determination of population of Scheduled Castes and Scheduled Tribes, section 6 contains provision for amendment of Orders of the former Delimitation Commission and section 7 confers power upon the Central Government to make rules for carrying out the purposes of the aforesaid Act.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned Ministry/Department.**

## **677. The Banking Companies (Amendment) Act, 1956 (95 of 1956):**

The aforesaid Act has been enacted to amend the Banking Companies Act, 1949 and contain 14 sections. Further, section 2 to 13 and item 2 to 10 in the Schedule appended thereto were repealed by the Act 58 of 1960.

Section 1 relating to short title and commencement of the aforesaid Act and section 14 making other miscellaneous amendments in the Banking Companies Act, 1949 (subsequently the short title change to Banking (Regulation) Act, 1949) by the Schedule appended to the Banking Companies (Amendment) Act, 1956. Such amendments inter alia, relate to substitution of sections of the Companies Act, 1913 mentioned in the Banking (Regulation) Act, 1949 by the corresponding sections of the Companies Act, 1956.

Proviso to section 14 of the Banking Companies (Amendment) Act, 1956 provides for non-applicability of the amendments made by the aforesaid Schedule in the cases of Banking Companies, the winding up of which commences before the 1st day of April, 1956.

As per the records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid has been repealed.

**The Committee feels that the aforesaid Act be repealed in consultation with the administrative Ministry after making a saving clause in the Repealing Bill, 2014.**

## **678. The Legislative Council Act, 1957 (37 of 1957):**

The aforesaid Act has been enacted to provide for the creation of a Legislative Council for the State of Andhra Pradesh and the increasing of the strength of the Legislative Councils of the States of Bihar, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Tamil Nadu and West Bengal.

Subsequent to the enactment of the aforesaid Act,—

(A) the Legislative Councils in the States of Andhra Pradesh, Punjab, West Bengal and Tamil Nadu were abolished by Acts of Parliament, namely, the Andhra Pradesh Legislative Council (Abolition) Act, 1985 (34 of 1985), the Punjab Legislative Council (Abolition) Act, 1969 (46 of 1969), the Tamil Nadu Legislative Council (Abolition) Act, 1986 (40 of 1986) and the West Bengal Legislative Council (Abolition) Act, 1969 (20 of 1969).

(B) (i) The Legislative Council in the State of Bihar have been revised subsequently and governed by section 17 of the Bihar Re-organisation Act, 2000 (30 of 2000). (ii) the Legislative Council in the State of Maharashtra have been revised subsequently and governed by sections 20 and 21 of the Bombay Reorganisation Act, 1960 (11 of 1960) (iii) the Legislative Council in the State of Karnataka have been revised subsequently and governed by section 2 of the Representation of the People (Amendment) Act, 1987 (31 of 1987) and (iv) the Legislative Council in the State of Uttar Pradesh have been revised subsequently and governed by sections 18 of the Uttar Pradesh Reorganisation Act, 2000 (29 of 2000). The aforesaid Act 18 was amended by Act 7 of 2004.

Attention is invited to article 168 of the Constitution which reads as under:—

"168. Constitution of Legislatures in States.—(1) For every State there shall be a Legislature which shall consist of the Governor, and —

- (a) in the States of Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Karnataka, Tamil Nadu and Uttar Pradesh, two Houses;
- (b) in other States, one House.

(2) where there are two Houses of Legislature of a State, one shall be known as the Legislative Council and the other as the Legislative Assembly, and where there is only one House, it shall be known as the Legislative Assembly."

The State of Madhya Pradesh was added by sub-section (2) of section 8 of the Constitution (Seventh Amendment) Act, 1956 which reads as under:—

"8. (1).....

(2) In the said sub-clause, as from such date as the President may by public notification appoint, after the word "Bombay", the words "Madhya Pradesh" shall be inscribed."

As per the information made available to the Committee by the Legislative Department, the notification has not been issued under sub-section (2) of section 8 of the Constitution (Seventh Amendment) Act, 1956 for appointing the date on which the Legislative Council in the State of Madhya Pradesh will come into force.

In nutshell, the Legislative Councils in the States of Andhra Pradesh, Punjab, West Bengal and Tamil Nadu were abolished as referred at (A) above and the Legislative Councils in the States of Bihar, Karnataka, Maharashtra and Uttar Pradesh have been revised as mentioned at (B) above and Legislative Council in the State of Madhya Pradesh have not come into existence as mentioned in the preceding paragraph even after expiry of more than fifty-seven years.

**In view of above, the Committee feels that the aforesaid Act may be repealed in consultation with the States concerned by the administrative Ministry.**

### **679. The Manipur and Tripura (Repeal of Laws) Act, 1958 (35 of 1958)**

The aforesaid Act has been enacted to provide for the repeal of certain laws in force in the then Union territories of Manipur and Tripura.

Section 2 of the aforesaid Act repeals the Manipur Cooperative Societies Act, 1947. Section 3 of the aforesaid Act repeals the Tripura Cooperative Societies Act, 1958 T.E. or the Tripura Kushid Niyamak Bidhi and also extends the Bombay Cooperative Societies Act, 1925, or the Bombay Money-lenders Act, 1946.

The P.C. Jain Commission in its Report at Sl. No.114 of Annexure-A-1 (166 Central Acts to be repealed by the Central Government) has recommended for repeal of the aforesaid Act.

The Ministry of Home Affairs *vide* its OM No.I-34020/122/2014-Coord.I dated 19th September, 2014 stated that it is not in favour to repeal the Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 36 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to repeal certain laws in force in the Union territories of Manipur and Tripura (as these then were). The Act provided for: Firstly, when the Assam Co-operative Societies Act, 1949 would be extended to the Union territory of Manipur, the Manipur Co-operative Societies Act, 1947 would be repealed. However, the Manipur Co-operative Societies Act, 1976 is now in force and has repealed Assam Co-operative Societies Act, 1949 in its operation to Manipur. Secondly, when the Bombay Co-operative Societies Act, 1925 and the Bombay Money Lenders Act, 1946 would be extended to the Union territory of Tripura, the Tripura Co-operative Societies Act, 1958 would be repealed. However, the Tripura Co-operative Societies Act, 1974 repealed the two Bombay Acts as extended to the Union territory of Tripura. Consequently, this Act has served its purpose and is now redundant. Hence, it should be repealed.

The Manipur and Tripura (Repeal of Laws) Act, 1958 can be repealed as per legislative practice to clean the Statutes Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by the Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**Since the aforesaid Act is a Repealing Act, the Committee feels that the aforesaid Act can be repealed after making a provision for savings in consultation with the administrative Ministry.**

## **680. The Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, 1958 (56 of 1958)**

The aforesaid Act has been enacted to validate the constitution and proceedings of the Legislative Assembly of the State of Himachal Pradesh formed under the Himachal Pradesh and Bilaspur (New State) Act, 1954.

The P.C. Jain Commission in its Report at Sl. No.154 of Annexure-A-1 (166 Central Acts to be repealed by the Central Government) has recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 37 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to validate the constitution and proceedings of the Legislative Assembly of Himachal Pradesh which was formed under the Himachal Pradesh and Bilaspur (New State) Act, 1954. The Act prescribed that no court shall question any Act passed, or any grant, resolution, proceeding or thing made, passed, adopted, taken or done, by or before the new Legislative Assembly merely on the ground that the new Legislative Assembly had not been duly constituted. The Act was enacted specifically to validate the proceedings of the Assembly between 1st July 1954 and 31st October 1956. The Act was clearly time-specific and has now served its purpose. Hence, the Central Government should repeal this Act with a suitable savings clause.

The aforesaid Act consists of five sections. Section 1 relates to short title, section 2 relates to definitions of certain expressions, section 3 relates to validation of the constitution and proceedings of the Legislative Assembly of the then newly constituted State of Himachal Pradesh, section 4 relating to court not to question the validity of proceedings of newly constituted Legislative Assembly on the ground of defect in constitution etc. and section 5 relates to repeal of the Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Ordinance, 1958. The P.C. Jain Commission recommended repeal of the validation legislations by making a saving provision.

**The Committee feels that the aforesaid Act can be repealed after incorporating a saving provision in the Repealing Bill, 2014 for the proceedings validated by the aforesaid Act.**

## **681. The Delhi Land Reforms (Amendment) Act, 1959 (4 of 1959)**

The aforesaid Act has been enacted to amend the Delhi Land Reforms Act, 1954 (Delhi Act 8 of 1954).

All the sections, except section 1, sub-section (2) of section 20 and section 21 of the aforesaid Act were repealed by the Repealing and Amending Act, 1964 (52 of 1964). Section 20 (2) provides that the amendments in Schedule I to the Delhi Land Reforms Act, 1954 by the erstwhile section (1) shall not apply in relation to suits under entries 19 and 21 of that Schedule instituted or disposed of before the date on which this sub-section comes into force (i.e., 20.07.1954). Section 21 contains provision for certain decrees and orders passed by any court or other authority to be null and void.

**The Committee feels that the aforesaid Act can be repealed with a saving clause in the Repealing Bill, 2014, in consultation with the concerned Ministry or Department.**

## **682. The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958 (59 of 1959)**

The aforesaid Act has been enacted to amend the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958 (59 of 1959)

The aforesaid Act contains four sections out of which sections 2 and 3 had been repealed by Act 52 of 1964. Section 4 confers power upon the Central Government to alter countervailing duties on imported goods in certain cases between the periods commencing from 01.04.1959 to 31.10.1959. Section 4 was a temporary provision and had served the purpose and outlived its utility.

**The Committee feels that the aforesaid Act can be repealed after making a saving clause in the Repealing Bill, 2014 in consultation with the administrative Ministry.**

## **683. The Delhi Land Holdings (Ceiling) Act, 1960 (24 of 1960)**

The aforesaid Act has been enacted to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith.

The Centre for Civil Society at Sl. No.76 of its compendium of 100 laws to be repealed *inter alia*, stated that the aforesaid Act provides for the imposition of land ceilings, i.e., upper cap and limit, on the amount of land one can hold in the Lal Dora areas of the Union Territory of Delhi and for matters connected therewith. The Urban Land Ceiling Act, 1976, a similar central legislation, was repealed in 1999 on the ground that it created an artificial shortage in the supply of land, which resulted in a steep rise in land prices, adversely impacting accessibility and affordability of land, particularly for the poor. Similarly, this Act runs counter to the government's aim of providing cheap and affordable housing. It further stated that there are no legal issues that would impede repeal.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry.**

## **684. The Sugar (Regulation of Production) Act, 1961 (55 of 1961)**

The aforesaid Act has been enacted to provide for the regulation of production of sugar in the interests if the general public and for the levy and collection of a special excise duty on sugar produced by a factory in excess of the quota fixed for the purpose.

The Centre for Civil Society at Sl. No.77 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act gives wide powers to control the production of sugar and is out of sync with the move towards deregulation of the sugar industry that has been taking place since 1997. In any case, the Act has not been in use in the last few decades, even before the process of deregulation began. The sugar industry is instead regulated through Orders under the Essential Commodities Act, 1955. The Competition Commission of India (CCI) has characterised the many laws and rules governing the sugar industry as a regulatory stranglehold. The CCI observed that the sugar industry is controlled by various Acts, Rules and Orders, and this web of legislative provisions means that sugar prices are not free to be determined by the market forces of demand and supply. The Special Economic Zones Act, 2005 (SEZ Act) excludes the operation of this Act in a Special Economic Zone. While this is not in itself ground for repeal, perhaps it is an indication that this cess is a hindrance to economic activity and should not operate anywhere else in the country. It further stated that no rules or orders operate under the Act. There are no legal implications due to the repeal of the Act.

**Since, the sugar industry is regulated through the Orders issued under the Essential Commodities Act, 1955, the Committee feels that the aforesaid Act can be**

repealed in consultation with the concerned administrative Ministry to avoid the multiplicity of control over sugar industry.

### **685. The Tripura Municipal Law (Repeal) Act, 1960 (31 of 1960)**

The aforesaid Act was enacted to provide for the repeal of the municipal law in force in then Union territory of Tripura.

The Tripura Municipal Law (Repeal) Act, 1960 can be repealed as per legislative practice to clean the Statutes Book. In the past, the Criminal Tribes Laws (Repeal) Act, 1952 (24 of 1952), has been repealed by the Repealing and Amending Act, 1957 (36 of 1957), the Press Council (Repeal) Act, 1976 (24 of 1976) has been repealed by the Repealing and Amending Act, 1988 (19 of 1980) and the Gold Control (Repeal) Act, 1990 (18 of 1990) has been repealed by the Repealing and Amending Act, 2001 (30 of 2001).

**The Committee feels that the aforesaid Act has served the purpose and can be repealed in consultation with the concerned administrative Ministries.**

### **686. The State-Associated Banks (Miscellaneous Provisions) Act, 1962**

**(56 of 1962)**

The aforesaid Act has been enacted further to amend the State Bank of India Act, 1955, the State Bank of India (Subsidiary Banks) Act, 1959, and the Bankers' Books Evidence Act, 1891, and to provide for the winding up of certain minor State associated banks and for matters connected therewith.

The aforesaid contains a total of 6 sections out of which sections 2, 3, 4 and 6 were repealed by Act 56 of 1974 and only section 1 and section 5 are surviving. Section 5 relates to taking over of management of the Dholpur State Bank.

**The Committee feels that it served the purpose and now become redundant and can be repealed in consultation with the concerned Ministry after providing a saving clause in taking over of the management in the Repealing Bill, 2014.**

### **687. The Personal Injuries (Emergency Provision) Act, 1962 (59 of 1962)**

The aforesaid Act has been enacted to make provisions for grant of relief in respect of certain personal injuries sustained during the period of emergency.

The Period of emergency as defined in clause (5) of section 2 of the aforesaid Act means in relation to proclamation issued under article 352 of the Constitution during the specified period in the year 1962 and 1971(MHA Notification No. GSR. 93 dated 10.01.1968).

The Committee feels that the provisions of this Act were temporary in nature and after the expiry of almost 44 years after the period of emergency as defined under the aforesaid section 2(5) may be revisited and repealed in consultation with the administrative Ministry.

**The Committee feels that the aforesaid Act can be repealed in consultation with the administrative Ministry.**

### **688. The Emergency Risks (Goods) Insurance Act, 1962 (62 of 1962)**

The aforesaid Act was enacted to make certain provisions for the insurance of goods in India against damage by enemy action during the period of emergency.

Sub-section (3) of section 1 provides that the aforesaid Act shall remain in force during the period of operation of the Proclamation of Emergency on the 26th October, 1962.

As per the information available with the Committee, the Period of emergency in relation to proclamation issued under article 352 of the Constitution for the period between

26.10.1962 to 10.01.1968 (MHA Notification No. GSR. 93 dated 10.01.1968 which may be verified). On the expiry of the said period, the aforesaid Act has ceased to operate.

**The Committee feels that, as aforesaid Act has ceased to have effect and therefore the same may be repealed in consultation with the administrative Ministry.**

### **689. The Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962)**

The aforesaid Act enacted to make certain provisions for the insurance of goods and for insurance of certain property in India against damage by enemy action during the period of emergency.

Under section 1(3) of the aforesaid Act was in operation during the period of operation of the Proclamation of Emergency issued on the 26<sup>th</sup> October, 1962 and for a certain further period as declared by the Central Government. As per the information made available with the Committee, the Period of emergency in relation to proclamation issued under article 352 of the Constitution was between 26.10.1962 to 10.01.1968 (MHA Notification No. GSR. 93 dated 10.01.1968 which may be verified). On the expiry of the said period, the aforesaid Act has ceased to operate.

**The Committee feels that, as aforesaid Act has ceased to have effect and therefore the same may be repealed in consultation with the administrative Ministry.**

### **690. The Goa, Daman and Diu (Extension of the Code of Civil Procedure and the Arbitration) Act, 1965 (30 of 1965)**

The aforesaid Act has been enacted to provide for the extension of the Code of Civil Procedure, 1908 and the Arbitration Act, 1940, to the Union territory of Goa, Daman and Diu and for certain other matters.

The P.C. Jain Commission recommended for its repeal Sl. No. 99 of Appendix A-1 of its Report (166 Central Acts recommended for repeal).

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 43 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the extension of the Code of Civil Procedure, 1908 and the Arbitration Act, 1940, to the Union territory of Goa, Daman and Diu. The Act also repealed any law in force in Goa, Daman and Diu as corresponds to the Code of Civil Procedure, 1908 or the Arbitration Act, 1940. Consequently, this Act repealed the Portuguese Civil Procedure Code of 1939 which was in force in the Goa, Daman and Diu. The Short Title, Extent and Commencement clause of the Civil Procedure Code, 1908 has been amended to provide for its extension to the whole of India. The Arbitration Act, 1940 has been repealed by Section 85 of the Arbitration and Conciliation Act, 1996. The Arbitration and Conciliation Act, 1996 extends to the whole of India. Hence, the purpose of this Act has been served and the Central Government should repeal this Act.

**The Committee feels that the aforesaid Act can be repealed in consultation with the administrative Ministry and in consultation with the Government of Goa.**

### **691. The Taxation Laws (Amendment and Miscellaneous Provisions) Act, 1965 (41 of 1965)**

The aforesaid Act has been enacted further to amend the Income-tax Act, 1961, Estate Duty Act, 1953, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 and to provide for exemption from tax in certain cases of undisclosed income invested in National Defence Gold Bond, 1980.

The Estate Duty Act, 1953 has been repealed. The Gift-tax Act, 1958 is proposed to be repealed at Sl. No. 161 above.

The provisions contained in the aforesaid Act were for amending the principal legislations and granting exemption from tax in case of investment in the National Defence Gold Bonds, 1980 which were redeemable after 15 years, i.e., on or after 2-10-1980.

**The Committee feels that the provisions of this Act has served the purpose and outlived the utility. Thus the aforesaid Act can be repealed in consultation with the ministry concerned.**

## **692. The Goa, Daman and Diu (Absorbed Employees) Act, 1965 (50 of 1965)**

The aforesaid Act has been enacted to provide for the regulation of the conditions of service of persons, absorbed for service in connection with the administration of the Union territory of Goa, Daman and Diu and for matters connected therewith.

The P.C. Jain Commission recommended for its repeal Sl. No. 44 of Appendix A-5 of its Report (114 Central Acts recommended for repeal by State Governments).

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 43 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act without referring to the recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided was enacted to grant the Government power to frame rules of employment for those persons who were in the civil or administrative services under the Portuguese administration of Goa and Daman and Diu. 'Absorbed employee' was defined by the Act as a person who immediately before 20th December 1961 was holding an absorbed post and who on or after that date either served or has been serving in that or any other post in connection with the administration of the Union territory of Goa, Daman and Diu in any of the departments of the Central Government. Since a considerable period of time has elapsed since 20th December 1961, the possibility of litigation pending under this Act is low. However, as a matter of abundant caution, the Central Government should consult the Government of the State of Goa to ascertain the status of the Act and the matters pending under it and then repeal the law, if necessary, with a savings clause.

**The Committee feels that the aforesaid Act can be repealed in consultation with the administrative Ministry and in consultation with the Government of Goa and Union territory of Daman and Diu.**

## **693. The Anti-Corruption Laws (Amendment) Act, 1967 (16 of 1967)**

The aforesaid Act has been enacted to further amend the Anti-corruption Laws. The aforesaid Act came into force from the 5th day of May, 1967.

The Law Commission in its 250<sup>th</sup> report at Sl. No. 45 under Chapter 2 of the Report had, *inter alia*, recommended for repeal of this Act and observed that the aforesaid Act made certain amendments to the Prevention of Corruption Act, 1947. The 1947 Act was itself repealed by the Prevention of Corruption Act, 1988. Hence, this law is redundant and can be repealed.

The aforesaid Act contains three sections. Section 1 relates to short title and commencement. Section 2 relates to amendment of Anti-corruption Laws in relation to certain crimes and section 3 contains repeal and savings of the Anti-Corruption Laws (Amendment) Ordinance, 1967.

**The aforesaid Act can be repealed after incorporating a specific saving clause in respect of the matters covered under section of that Act.**

#### **694. The Pondicherry (Extension of Laws) Act, 1968 (26 of 1968)**

The aforesaid Act has been enacted to extend certain Central Acts to the Union territory of Pondicherry.

The P.C. Jain Commission in its Report at Sl. No. 93 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act.

The Law Commission in its 250<sup>th</sup> report at Sl. No. 47 under Chapter 2 of the Report had, *inter alia*, recommended for repeal of this Act and observed that the aforesaid Act was enacted to provide for the extension of certain laws to the then newly formed Union territory of Pondicherry. The Acts so extended found mention in the Schedule appended to the Act. Corresponding amendments have been made to the Short Title, Extent and Commencement clause of these Acts to provide for their extension to Pondicherry. This Act has now served its purpose and hence, the Central Government should repeal this Act.

**The Committee feels that the provisions of this Act has served the purpose and outlived the utility. Thus the aforesaid Act can be repealed in consultation with the Ministry concerned.**

#### **695. The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1969**

The Hon'ble Supreme Court in its judgment dated the 10th February, 1970 in the case of Rustom Cavasjee Cooper Vs. Union of India(see Part-IV of Volume-IV) passed *inter alia* the following Order, namely:—

##### **"ORDER**

In accordance with the opinion of the majority Petitions Nos. 300 and 298 are allowed, and it is declared that the Banking Companies (Acquisition and Transfer of Undertakings) Act 22 of 1969 is invalid and the action taken or deemed to be, taken in exercise of the powers under the Act is declared unauthorised. Petition No. 222 is dismissed. There will be no order as to costs in these three petitions."

**In view of above, the Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry and the Ministry of Law and Justice.**

#### **696. The Delhi High Court (Amendment) Act, 1969 (37 of 1969)**

The aforesaid Act has been enacted to amend the Delhi High Court Act, 1966.

The aforesaid contains 6 sections out of which sections 2 to 5 were repealed by the Repealing and Amending Act, 1974 (56 of 1974). Section 6 enabled the Chief Justice of the High Court of Delhi to transfer any suit or proceedings which was or were pending in the High Court immediately before the commencement of this Act and in which no witnesses had been examined before such commencement to such subordinate court in the Union territory of Delhi or, as the case may, Himachal Pradesh as would have jurisdiction to entertain such suit or proceedings had such suits or proceedings been instituted or filed for the first time after such commencement.

**The Committee feels that the provision was transitory in nature and has outlived its utility and the aforesaid Act can be repealed after consultation with the administrative Ministry after incorporating a suitable saving provision in the Repealing Bill, 2014.**

## **697. The Central Labour Laws (Extension to Jammu and Kashmir) Act, 1970 (51 of 1970)**

The aforesaid Act has been enacted to provide for the extension of certain Central labour laws to the State of Jammu and Kashmir.

The P.C. Jain Commission in its Report at Sl. No. 96 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 49 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the extension of certain central labour laws to the State of Jammu and Kashmir. The Acts which were so extended find mention in the Schedule appended to the Act. The Acts mentioned in the Schedule have been amended to provide for their extension to the State of Jammu and Kashmir. Hence, this Act has served its purpose and the Central Government should repeal this Act.

**In view of above, the Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry and the Ministry of Law and Justice.**

## **698. The Taxation Laws (Extension to Jammu and Kashmir) Act, 1972 (25 of 1972)**

The aforesaid Act has been enacted to provide for the extension of certain taxation laws to the State of Jammu and Kashmir. The aforesaid Act came into force on the 1st day of July, 1972.

The P.C. Jain Commission in its Report at Sl. No. 102 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 53 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the extension of certain taxation laws to the State of Jammu and Kashmir. The Acts which were so extended found mention in the Schedule appended to the Act. The Acts mentioned in the Schedule have been amended to provide for their extension to the State of Jammu and Kashmir. Also, the Schedule itself was repealed by the Repealing and Amending Act, 1978. Hence, the Act has served its purpose and the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

**In view of above, the Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry and the Ministry of Law and Justice.**

## **699. The Former Secretary of State Service Officers (Conditions of Service) Act, 1972 (59 of 1972)**

The aforesaid Act has been enacted to provide for the variation or revocation of the conditions of service of former Secretary of State Service officers in respect of certain matters and for matters connected therewith or incidental thereto.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 54 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the variation or revocation of the conditions of service of former Secretary of Service officers in respect of certain matters. 'Former

Secretary of State Service Officer' has been defined by the Act as a person referred to in sub-clause (a) or (b) of Article 312A(1) of the Constitution of India. This Act applies to persons appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India before the commencement of the Constitution. This class of officers are no longer in service since they were appointed prior to 1947 and 67 years have passed since then. Even with respect to officers of this service who retired on or before 1972 (as referred to in Article 312A(1)(b)), 42 years have passed since 1972. Hence, the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act as a matter of abundant caution so as to protect any rights that may have accrued to any of these officers under this Act.

**In view of above, the Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry (Department of Personnel and Training) and the Ministry of Law and Justice.**

#### **700. The Hotel Receipts Tax Act, 1980 (54 of 1980)**

The aforesaid Act has been enacted to impose a special tax on gross receipts of certain hotels. The aforesaid Act came into force from the 9th December, 1980.

The P.C. Jain Commission in its Report at Sl. No. 134 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 62 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the levy of hotel receipts taxes on certain hotels. However, the levy of this tax was discontinued in the year 1982 by virtue of Section 7 of the Finance Act, 1982. Thus, this Act is now redundant and the Central Government should repeal this Act. A suitable savings clause should also be inserted in the repealing Act.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry.**

#### **701. The Central Excise Laws (Amendment and Validation) Act, 1982 (58 of 1982)**

**The aforesaid Act has been enacted to provide for the amendment of the laws relating to central excise and to validate duties of excise collected under such laws.**

The P.C. Jain Commission in its Report at Sl. No. 14 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 63 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the amendment of certain provisions of certain central excise laws and for the validation of duties collected under such laws. This Act has now served its purpose. The Law Commission of India in its 159th Report on Repeal and Amendment of Laws (1998) also recommended repeal of this law after verifying that no cases are pending under it. Hence, the Central Government should repeal this Act subject to factual verification.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry.**

## **702. The General Insurance Business (Nationalisation) Amendment Act, 1985 (3 of 1985)**

The aforesaid Act has been enacted further to amend the General Insurance Business (Nationalisation) Act, 1972. The aforesaid Act came into force retrospectively from the 17th day of September, 1984.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 66 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to amend the General Insurance Business (Nationalisation) Act, 1972. The amendments made by this Act have been carried out in the General Insurance Business (Nationalisation) Act, 1972. The purpose of this Act has been served and hence, the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act.

**The Committee feels that the aforesaid Act can be repealed after inserting a saving clause in the Repealing Bill, 2014 in consultation with the administrative Ministry.**

## **703. The Delhi High Court (Amendment) Act, 1991 (60 of 1991).**

The aforesaid Act contains 4 sections which came into force *vide* Notification S.O. 825(E) dated 9.11.1992, out of which section 3 has been repealed. Section 2 relates to amendment of sub-section 2 of section 5 of the Delhi High Court Act, 1966 which reads under:

**"Jurisdiction of High Court of Delhi—**(1) The High Court of Delhi shall have, in respect of the territories for the time being included in the Union territory of Delhi, all such original, appellate and other jurisdiction as, under the law in force immediately before the appointed day, is exercisable in respect of the territories by the High Court of Punjab.

(2) Notwithstanding anything contained in any law for the time being in force, the High Court of Delhi shall also have in respect of the said territories ordinary original civil jurisdiction in every suit the value of which exceeds rupees five lakhs.”.

The aforesaid sub-section (2) of the section 5 of the Delhi High Court Act, 1966 has been further amended by Act 35 of 2003 to increase the ordinary original civil jurisdiction in respect of the said territories in every suit from Rs. 5 lakhs to Rs. 25 lakhs.

Section 4 of the aforesaid Act confers powers of Chief Justice to transfer pending suits and proceedings to subordinate courts. Similar provision has been incorporated in section 4 of Act 35 of 2003.

**In view of above, the Committee feels that section 2 of aforesaid Act has become redundant and can be repealed in consultation with the concerned Ministry and the Ministry of Law and Justice.**

## **704. The Levy Sugar Price Equalisation Fund Act, 1976 (31 of 1976)**

The aforesaid Act provide for the establishment, in the interest of the general public, of a fund to ensure that the price of levy sugar may be uniform throughout India and for matters connected therewith or incidental thereto.

The Law Commission of India in its 249th Report at Sl. No. 76 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act. The Law Commission observed that aforesaid Act provides for the establishment, in the interest of the general public, of a fund to ensure that the price of levy sugar may be uniform throughout India. ‘Levy sugar’ is the 10% of sugar output that every sugar manufacturer has to sell to the government at reduced rates for the Public Distribution System (PDS). In view of the ongoing process of deregulating sugar, the Union Cabinet in 2013 approved the removal of levy sugar, initially

for a period of 2 years. The need for this Act is therefore being done away with. Hence, the Central Government should repeal this Act after introducing a suitable savings clause. This Act has been recommended for repeal by the Planning Commission in its letter No. 25/04/2014-OM&C dated 18th September 2014 to the Member Secretary, Law Commission of India.

The Planning Commission has also at serial No. 8 of its I.D.No.25/04/2014 OM & C dated 11th September,2014 has also recommended for its repeal.

**The Committee feels that the aforesaid Act may be repealed in consultation with the concerned administrative Ministry.**

#### **705. The Dangerous Machines (Regulation) Act, 1983 (35 of 1983)**

The aforesaid Act has been enacted to provide for the regulation of trade and commerce in, and production, supply, distribution and use of, the product of any industry producing dangerous machines with a view to securing the welfare of labour, operating any such machine and for payment of compensation for the death or bodily injury suffered by any labourer while operating any such machine, and for matters connected therewith or incidental thereto. It came into force on the 14th December, 1983.

Section 36 of the aforesaid Act confers powers upon the Central Government to make rules for the matters relating to the licence to be issued under sub-section (2) of section 9, standards to be complied by the manufacturers of the dangerous machines and for modifications of the dangerous machines existing before the commencement of the aforesaid Act.

The Department of Agriculture and Cooperation *vide* its OM No. 35-13/2014-O&M/PG dated 15th September, 2014 stated that the State Governments have been consulted and most of the States have recommended it's repeal. They further stated that the implementing authorities i.e., the State Governments have recommended repeal of this Act as none of the States are implementing it.

While perusing the aforesaid Act, it was observed that the State of Odisha in exercise of the powers under section 37 of the Dangerous Machines (Regulation) Act, 1983 has made Odisha Dangerous Machines (Regulation) Rules, 2008 *vide* its SRO No. 54/2008 dated 31st December, 2008.

**Since, as stated by the administrative Ministry "none of the States are implementing it" and in view of above, the aforesaid Act can be repealed in consultation with the concerned Ministry.**

#### **706.The National Oilseeds and Vegetables oils Development Board Act, 1983 (29 of 1983)**

The aforesaid Act has been enacted to provide for the development under the control of the Union of the oilseed industry and the vegetable oils industry and for matters connected therewith.

The Department of Agriculture and Cooperation *vide* its OM No. 35-13/2014-O&M/PG dated 15th September, 2014 stated that proposal to abolish the Board is under consideration to seek opinion of Law Ministry/ Seeking Cabinet approval and further stated that they proposed to repeal the Act in due course.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned Ministry.**

## **707.The Disputed Elections (Prime Minister and Speaker) Act, 1977 (16 of 1977)**

The aforesaid Act has been enacted to provide for Authorities to deal with disputed elections to Parliament in the case of Prime Minister and Speaker of the House of the People and for matters connected therewith.

The Centre for Civil Society at Sl. No.93 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act provided that the general procedure for disputing an election by way of presenting an election petition to the High Court, would not apply in cases where the elected representative went on to become the Prime Minister or Speaker of the Lok Sabha. In such cases, this special law would apply, and election petitions questioning their elections would be heard by a single judge of the Supreme Court as a separate authority set up under this Act. The decisions of the authority were deemed final. In order to permit the special treatment of these representatives, a Constitutional amendment, Article 329A, was introduced which allowed this distinction to be made. Both the amendment and this law were created during the time the Emergency proclamation was in place. Article 329A, which made it possible for this law to exist, was subsequently removed through the 44th Amendment to the Constitution in 1978. Without Article 329A, this law stands unconstitutional, as the Constitution does not allow a distinction to be made between the election disputes of different types of elected representatives. The aforesaid Act has been used only once in 1977, when an Authority was set up to try election petitions against Morarji Desai, who headed the Janata coalition government. Not only is it a redundant law, but also one that represents concentration of power, and the breakdown of the rule of law during the Emergency. It further stated that there are no legal issues that would impede repeal.

Attention is invited to the Statement of Objects and Reasons appended to the Constitution (Forty-fifth Amendment) Bill, 1977(Bill No. 88 of 1978) enacted as the Constitution (Forty-fourth Amendment) Act, 1978 which omitted article 329A of the Constitution. The aforesaid article 329A contained special provisions as to elections to Parliament in the case of Prime Minister and Speaker.

Attention is invited to the commentary on the subject in the book titled "Durga Das Basu Shorter Constitution of India", 13th Edition, reprinted in 2003 at page 1537, the extracts of which is as under:—

"Forum for adjudication of Election Petitions.— I. Under the Representation of the People Act, 1951, as it stood prior to 1966, the forum for hearing an election petition was an Election Tribunal.

II. By an amendment of 1966, the jurisdiction was transferred to the High Court, sitting as a statutory tribunal (sec. 80A), with appeal to the Supreme Court under s. 116A of the Act. No appeal lies from Single Judge to Division Bench.

III. The Constitution (42nd Amendment) Act sought to take away this statutory jurisdiction of the High Court, and to revert to the pre-1966 position, with the following changes:

A distinction was made between the generality of cases, and an election proceeding to challenge the election to Parliament of the Prime Minister and Speaker.

So far as the election of the person who eventually becomes the Prime Minister or the Speaker is concerned, the forum would be an authority to be set up by law made by Parliament,—  
Which need not be an election Tribunal.

This provision empowering Parliament to make such law [article 329A] was inserted by the Constitution (39th Amendment) Act, 1975. Article 329A has, however, been repealed by the Constitution (44th Amendment) Act, 1978".

**In view of above, the Committee feels that the repeal of the aforesaid Act may be considered by the administrative Ministry in consultation with the Ministry of Law and Justice. The administrative Ministry have not given any views in respect of the repeal of the aforesaid Act in the information furnished to the Committee.**

## **708.The Central Laws (Extension to Arunachal Pradesh) Act, 1993 (44 of 1993)**

The aforesaid Act has been enacted to provide for the extension of certain Central laws to the State of Arunachal Pradesh. The aforesaid Act came into force from 1st July, 1994.

The P.C. Jain Commission in its Report at Sl. No.97 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act. The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 69 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to provide for the extension of certain Central laws to the State of Arunachal Pradesh. The Act so extended find mention in the Schedule appended to the Act. Corresponding amendments have been made to the Short Title, Extent and Commencement clause of these Acts to provide for their extension to the State of Arunachal Pradesh. Hence, this Act has now served its purpose and the Central Government should now repeal this Act.

**The Committee feels that the aforesaid Act may be repealed in consultation with the concerned administrative Ministry.**

## **709.The Punjab Gram Panchayat Samithi and Zilla Parishad (Chandigarh) Repeal Act, 1994 (17 of 1994)**

The aforesaid Act has been enacted to repeal the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samities and Zilla Parishads Act, 1961 as in force in the Union territory of Chandigarh.

The P.C. Jain Commission in its Report at Sl. No.109 of Appendix A-5 (114 Central Acts recommended for repeal by State Governments) had recommended for repeal of the aforesaid Act

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 71 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to repeal the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samities and Zilla Parishads Act, 1961 as in force the Union territory of Chandigarh. Both these Acts have been repealed by the Punjab Panchayati Raj Act, 1994 which extends to the whole State of Punjab. Hence, the Chandigarh Repeal Act of 1994 is now redundant. The Central Government should repeal this Act.

**The Committee feels that the aforesaid Act may be repealed in consultation with the concerned administrative Ministry.**

## PART III

### [CENTRAL ACTS (RELATING TO ACQUISITION AND TRANSFER OF UNDERTAKINGS/ACQUISITION OF SHARES/TAKE OVER OF MANAGEMENT/NATIONALISATION) IDENTIFIED FOR REPEAL]

11. The P.C. Jain Commission in its Report had recommended of repeal of Pre-Nationalisation Acts at Sl. 136 to 146 of Appendix A-1 (166 Central Acts recommended for repeal).

12. The Law Commission of India in its 249th Report at Sl. No. 77 under Chapter 2 of the Report also recommended for repeal of the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976 (89 of 1976).

13. Earlier, the following similar Acts had been repealed, namely:—

- (i) the General Insurance (Emergency Provisions) Act, 1971 (17 of 1971) had been repealed by Act No. 11 of 2001;
- (ii) the Auroville (Emergency Provisions) Act, 1980(59 of 1980) had been repealed by Act No. 37 of 2001;
- (iii)the Iron and Steel Company (Taking over of Management) Act, 1972 (50 of 1972) had been repealed by Act No. 26 of 2000;
- (iv) the Parel Investment and Trading Pvt. Ltd and Domestic works Pvt. Ltd (Taking Over of Management) Act, 1979 (29 of 1979) had been repealed by Act No. 14 of 2005.

14. Under this Part, the Central Acts identified for repeal have been classified under Section-1, Section-2, Section-3 and Section-4. After having achieved the object for which the under mentioned Central Acts were enacted, the Committee feels that the same can be repealed after making special saving provisions contained in those matters mentioned below at paragraph 16.

15. The saving provisions would require to be made for the Central Acts identified for repeal and mentioned under this Part.

16. The Central Acts mentioned under this Part can be repealed after incorporating suitable saving clause, *inter alia*, providing for the following matters, namely:—

(a) transfer and vesting of the undertakings in the Central Government (including all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all the rights and interests in, or arising out of, such property vested in the Central Government);

(b) transfer and vesting of the undertakings in the Government Company or the Company specified in the Central Acts mentioned hereunder (including all assets, rights, powers, authorities and privileges and all property, movable and

immovable, cash balances, reserve funds, investments and all the rights and interests in, or arising out of, such property vested in such company;

(c) exercise of the power of Central Government to direct vesting of the undertakings or a company acquired in a Government Company;

(d) transfer and vesting of shares of the Company acquired under the Acts mentioned hereunder in the Central Government;

(e) transfer and vesting of shares held by the company acquired under the Acts mentioned hereunder in the specified companies;

(e) transfer of undertakings of the company from an existing Government Company to a new Government Company;

(f) merger of the undertaking of the Company acquired under the Acts mentioned hereunder with the undertaking of the any other company or Corporation;

(g) establishment of new undertaking or a company in pursuance of the Central Act mentioned hereunder;

(h) the validity of declaration in the Central Acts mentioned hereunder for giving effect to the policy of the state towards securing the principles specified in clause in clause (b) of article 39 of the constitution which reads as under:-

[ "39. Certain principles of policy to be followed by the State. – The State shall, in particular, direct its policy towards securing –

(a) .....

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common goods;

(c) .....

(d) .....

(e) ....."

*Explanation.— In this section "State has the same meaning as in article 12 of the Constitution.".*

(i) payment of further amounts to the Central Government or to the Government Company ;

(j) exercise of the power by the Central Government to authorise a person or body of persons to take over the management of the Company;

(k) continuance of employment of officers or other employees in pursuance of the aforesaid Central Acts;

(l) taxes, fees and other charges payable or not payable in pursuance of the Central Acts mentioned hereunder;

- (m) continuance of possession or under control, any books, documents or other papers relating to the undertaking of the company, which have vested in the Central Government ;
- (n) cancellation or variation of contracts, etc., entered into bad faith;
- (o) continuance of the Central Government becoming the lessee or tenant in respect of shore properties, etc. vested in it in pursuance of the Central Acts hereunder; or
- (p) continuance of lessee or tenancy rights in pursuance of the Central Acts hereunder;
- (q) priority of claims in pursuance of the Central Acts hereunder;
- (r) validity of appointment of commissioner of payments, claims to be made to the commissioner, validity of admission or exemption of claims in pursuance of Central Acts mentioned here under, disbursement of money by the commissioner to claimants, liability to deposit undisbursed or unclaimed amounts with the general revenue account as provided in the Central Acts mentioned here under; disbursement of money by the commissioner to claimants. An exercise of the power of the commissioner appointed under the Central Act hereunder;
- (s) exercise of power by the Central Government to issue directions;
- (t) continuance of obligation to deliver possession of Konkan passenger ships and furnish inventory of articles on the ships in pursuance of the Central Acts hereunder;
- (u) termination of the contracts of in pursuance of the Central Acts mentioned hereunder;
- (v) continuance of vesting of the units of the undertakings in the State Government in pursuance of the Central Acts hereunder;
- (w) transfer of provident fund, superannuation fund, welfare fund, etc. and other funds of the undertakings or companies in pursuance of the Central Acts hereunder;
- (x) provision for validity of all contracts, deeds, bonds, agreements and other instruments in pursuance of the Central Acts hereunder;
- (y) continuance of the liability provided for in pursuance of the Central Acts hereunder;

- (z) exercise of delegation of powers under the Central Acts mentioned hereunder;
- (za) not making the Central Government or Government company liable for prior liabilities as provided in the Central Acts mentioned hereunder;
- (zb) imposition of penalty for withholding property, etc. transferred to, and vest in the Central Government; and
- (zc) any provision relating to other matters which may be required to be provided for saving.".

**SECTION-1**  
**CENTRAL ACTS RELATING TO ACQUISITION OF**  
**UNDERTAKING/ACQUISITION AND TRANSFER OF**  
**UNDERTAKINGS**

*(See paragraph 11 above)*

**710. The Metal Corporation of India (Acquisition and Undertaking) Act, 1965 (44 of 1965)**

The Hon'ble Supreme Court in Civil Appeal No. 1222 of 1966 (Union of India Vs. the Metal Corporation of India) decided on 5th September, 1966 held that that the Metal Corporation of India (Acquisition and Undertaking) Act, 1965 as unconstitutional as the aforesaid Act does not provide for compensation.

Subsequently the Metal Corporation of India (Acquisition and Undertaking) Act, 1966 (36 of 1966) was enacted. The aforesaid Act was also repealed by the Metal Corporation of India (Nationalisation and Miscellaneous Provisions) Act, 1976 (100 of 1976) and the undertakings of the Metal Corporation of India which had earlier vested in the Central Government under the Metal Corporation of India (Acquisition and Undertaking) Act, 1966 was transferred to a company under the Metal Corporation of India (Nationalisation and Miscellaneous Provisions) Act, 1976 (100 of 1976).

**The aforesaid Act is still existing on the Statutes Book.**

**711. The Asian Refractories Limited (Acquisition of Undertaking) Act, 1971(65 of 1971)**

The aforesaid Act has been enacted to provide for acquisition of the undertaking of the Asian Refractories Limited for the purpose of augmenting supplies of refractories to meet the essential requirements of the iron and steel industry. The aforesaid Act came into force from the 17th day of October, 1971.

**712. The Indian Copper Corporation (Acquisition of Undertaking) Act, 1972 (58 of 1972)**

The aforesaid Act has been enacted to provide for the acquisition of the undertaking of the Indian Copper Corporation Limited for the purpose of enabling the Central Government to conserve and exploit, in a scientific and rational manner, to the maximum advantage of the nation, the copper deposits in the Singhbhum belt in the State of Bihar, to utilise the copper

deposits in such manner as to subserve the common good, in the context of the requirements of copper in the country, and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.41 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act only provides for the acquisition of the undertaking of the Indian Copper Corporation, and has no provisions with respect to its management or operations. The Companies Act now governs the management of the company. The aforesaid Act is no longer relevant to the present-day functioning of Hindustan Copper and may be repealed. It is stated that no pending cases exist under the Act and therefore there is no obstacle to repeal. It further stated that the aforesaid Act is listed in the 9th Schedule to the Constitution. While this does not affect the repeal process, an amendment to the Constitution will have to remove this Act from the list at a later date after its repeal.

The aforesaid Act would required to be repealed in consultation with the concerned Ministry and the Ministry of Law and Justice in view of the aforesaid Act appearing at Sl. No. 96 of the Ninth Schedule to the Constitution of India<sup>46</sup>.

### **713. The Richardson and Cruddas Limited (Acquisition and Transfer of Undertaking) Act, 1972 (78 of 1972)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertaking of the Richardson and Cruddas Limited, for the reconstruction of the register of its members and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.42 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act has no role to play in the management and recovery attempts of the Richardson and Cruddas Company. Its repeal will not affect the process of recovery. It further stated that there are no legal issues that would impede repeal.

### **714. The Alcock Ashdown Company Limited (Acquisition of Undertakings) Act, 1973 (56 of 1973)**

The aforesaid Act has been enacted to provide for the acquisition of the undertakings of the Alcock Ashdown Company Limited for the purpose of ensuring rational and co-ordinated development and production of goods essential to the needs of the country in general, and defence department in particular and for matters connected therewith or incidental thereto.

### **715. The Konkan Passenger Ships (Acquisition) Act, 1973 (62 of 1973)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the Konkan passenger ships in order to serve better the needs of the maritime passengers of the Konkan coastal region and for matters connected therewith or incidental thereto.

### **716. The Esso (Acquisition of Undertakings in India) Act, 1974 (4 of 1974)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the right, title and interest of Esso Eastern Inc. in relation to its undertakings in India with a view to ensuring co-ordinated distribution and utilisation of petroleum products distributed and marketed in India by Esso Eastern Inc. and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.43 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act deals only with acquisition, and not

management of the company, which now exists as HPCL, and is governed by the Companies Act. Repealing the aforesaid Act will therefore not have any effect on the functioning of the company. In 2003, in the case of Centre for Public Interest Litigation v. Union of India, the Supreme Court held that the sale of shares of HPCL could not take place through executive order, since the formation of HPCL had taken place through acquisition statutes, including the Esso (Acquisition of Undertakings in India) Act, 1974. For sale of its shares, therefore, either Parliamentary approval would have to be obtained or the acquisition statutes (including this one) would have to be repealed. It further stated that the repeal of the aforesaid Act might send out signals in the market of impending disinvestment in the oil and gas sector, which has remained a contentious issue.

### **717. The Burmah Shell (Acquisition of Undertakings in India) Act, 1976 (2 of 1976)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the right, title and interest of the Burmah Shall Oil Storage and Distributing Company of India Limited in relation to its undertakings in India with a view to ensuring co-ordinated distribution and utilisation of petroleum products distributed and marketed in India by the said company and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.46 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act provided for the acquisition of the Burmah Shell Oil Storage and Distributing Company of India Limited (BSD) to ensure coordinated distribution and utilisation of petroleum products. It provided that on the appointed date, the right, title and interest of Burmah Shell undertakings in India would be transferred to the central government. It further gave the power to the central government to transfer these holdings to a government company. The government paid Rs. 27.75 crores to the parent company Burmah Shell for this acquisition under the Act. The government acquired at the same time the Burmah Shell Refineries Limited, and vested all assets of the BSD in this company, which was later renamed Bharat Petroleum Corporation Limited (BPCL) in 1977. It further stated that the aforesaid Act deals with only the acquisition and not the management of the company, which has merged with BPCL. BPCL is managed by its Board of Directors constituted under the Companies Act, 1956, consisting of Government of India nominees and independent Directors. Repealing this Act will therefore not have an effect on the existence or functioning of the company. The plan for disinvestment in HPCL and BPCL was proposed by the Department of Disinvestment in 2002. In 2003, the Supreme Court (in the same judgment mentioned in the previous entry) stalled the sale of shares of BPCL saying that since the company had been acquired under the Burmah Shell (Acquisition of Undertakings in India) Act, privatisation could not proceed through executive order. According to the Court, the Act would either have to be repealed, or Parliamentary approval would have to be obtained for the privatisation to go ahead. It further stated that the repeal of the aforesaid Act might send out signals in the market of impending disinvestment in the oil and gas scctor, which has remained a contentious issue.

### **718. The Assam Sillimanite Limited (Acquisition and Transfer of Refractory Plant) Act, 1976 (22 of 1976).**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the right, title and interest of the Assam Sillimanite Limited in respect of its Refractory Plant and for matters connected therewith or incidental thereto.

## **719. The Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Act, 1976 (96 of 1976).**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertakings of Messrs. Braithwaite and Company (India) Limited for the purpose of ensuring the continuity of production of good which are vital to the needs of the country, and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.47 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act enabled the acquisition of Braithwaite and Company (India) Limited to undo the mismanagement by its erstwhile managing agents and Board of Directors, which had seriously affected the production and supply of goods. Braithwaite is engaged in the manufacture and production of railway wagons and intricate components required by the railway industry. The aforesaid Act transferred all assets, rights, powers and properties of the company to the central government. It also provided for compensation of Rs. 16 crores to be paid to the company in return for the transfer of assets. Currently, Braithwaite is a subsidiary to the Bharat Bhari Udyog Nigam Limited (BBUNL) and under the administrative control of the Department of Heavy Industries. Braithwaite was declared sick and referred to the BIFR in 1992. The Government has been seeking to dis-invest Braithwaite since 2002-2003. In 2010, the Cabinet approved the financial restructuring of Braithwaite and transferred it to the Steel Authority of India Limited (SAIL). The Cabinet also plans to provide loans to Braithwaite for its revival. The aforesaid Act has no role to play in the management and recovery attempts of Braithwaite. Its repeal will not affect the process of recovery. It further stated that there are no legal issues that would impede repeal.

## **720. The Smith, Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Act, 1977 (41 of 1977)**

The aforesaid Act has been enacted to provide for, in the public interest, the acquisition and transfer of the right, title and interest of the undertakings of Messrs. Smith, Stanistreet and Company Limited, Calcutta and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.48 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act enabled the acquisition of Smith, Stanistreet and Company Limited, engaged in the manufacture and distribution of pharmaceuticals and chemicals. The stated reason was that the company was being managed in a manner highly detrimental to public interest, and suffering from heavy losses. The aforesaid Act transferred all assets, rights, powers and properties of the company to the central government, and declared those assets to be free of all encumbrances or obligations. It also provided for compensation of almost Rs. 4 crores to be paid to the company in return of the transfer of assets. The Company had been incurring financial losses and was formally declared sick by the Board of Industrial and Financial Reconstruction (BIFR) in 1992. In 2001, the BIFR confirmed its opinion that it was just and equitable in public interest that the company should be wound up. The Central Government decided to close the Company and separated the employees by offering Voluntary Separation Scheme (VSS) to them. Consequently, this Company has been closed. Since the company has now been closed and is not operating currently, the acquisition act does not serve any purpose. It further stated that there are no legal issues that would impede repeal.

### **721. The Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Act, 1977 (42 of 1977)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertakings of Messrs. Gresham and Craven of India (Private) Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the Railways and of the industries manufacturing engineering products and for matters connected therewith or incidental thereto.

### **722. The Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Act, 1978 (13 of 1978)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertakings of Hindustan Tractors Limited, Vishwamitri, Vadodara, for the purpose of ensuring the continuity of production of goods which are vital to meet the needs of the general public and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.51 of its compendium of 100 laws to be repealed *inter alia* stated that the aforesaid Act provided for the acquisition and transfer of the undertakings of Hindustan Tractors Limited. The stated reason was to ensure the continuity of production of goods, which were vital to meet the needs of the general public. It also provided for compensation of Rs. 150 lakhs to be paid by the central government to the company in return of the transfer of assets. Under Section 6 of this Act, the central government transferred the undertakings of the Company to the Government of the state of Gujarat. Consequently, all assets, rights, powers and properties of the company were transferred to the Government of Gujarat. In 1999, the Mahindra and Mahindra Group acquired 60% of Hindustan Tractors Limited, and by 2001 the rest of the company was also purchased. It was then renamed to Mahindra Gujarat Tractors Ltd., and is now a Mahindra and Mahindra enterprise. Since Hindustan Tractors Ltd. has been privatised, repeal of the acquisition act would not have any effect on its management. It further stated that there are no legal issues that would impede repeal.

### **723. The Deposit Insurance Corporations (Amendment and Miscellaneous Provisions) Act, 1978 (21 of 1978)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertaking of the Credit Guarantee Corporation of India Limited in order to serve better the need for providing credit guarantee to commercial banks, and further to amend the Deposit Insurance Corporation Act, 1961, and the Reserve Bank of India Act, 1934, and for matters connected therewith or incidental thereto.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 61 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the acquisition and transfer of the undertaking of the Credit Guarantee Corporation of India Limited in order to serve better the need for providing credit guarantee to commercial banks. The Act also amended the Deposit Insurance Corporation Act, 1961 and the Reserve Bank of India Act, 1934. Corresponding amendments have been carried out in both these Acts. However, since this Act also provides for the particulars of the merger of the Deposit Insurance Corporation and the Credit Guarantee Corporation of India Limited, the Central Government should consider repeal of this Act only after consultation with the Reserve Bank of India.

## **724. The Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978 (41 of 1978)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the right, title and interest of the undertakings of Britannia Engineering Company in relation to the Mokameh unit owner by it and the right, title and interest of Arthur Butler and Company in relation to the undertakings owned by it, with a view to ensuring the continued manufacture of railway wagons and other goods essential to the needs of the country in general and the Railways in particular, and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.50 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act enabled the nationalisation and subsequent amalgamation of two erstwhile companies, Arthur Butler & Co. located at Muzaffarpur, and Britannia Engineering Works located at Mokamah (both in Bihar). The decision of the Government was driven by the industrial sickness in both the companies. The aforesaid Act transferred all assets, rights, powers and properties of both companies to the central government. It also provided for compensation of Rs. 152.85 lakhs to Britannia Engineering and Rs. 137.70 lakhs to Arthur Butler and Company in return for the transfer of assets. Both the companies were amalgamated to form Bharat Wagon and Engineering Company Limited (BWEL) which is a 100% subsidiary of Bharat Bhari Udyog Nigam Limited (BBUNL). BWEL was declared sick and referred to the BIFR in 2000. In 2008, the Cabinet Committee on Economic Affairs (CCEA) approved the financial restructuring of BWEL and it was taken over by the Ministry of Railways. It further states that the aforesaid Act has no role to play in the management and recovery attempts of BWEL. Its repeal will not affect the process of recovery. It further stated that there are no legal issues that would impede repeal.

## **725. The Bolani Ores Limited (Acquisition of Shares) and Miscellaneous Provisions Act, 1978 (42 of 1978)**

The aforesaid Act has been enacted to provide for the acquisition of shares of the Bolani Ores Limited in public interest in order to serve better the needs of the nation and to facilitate the promotion and development in the interests of the general public, of national steel industry and for matters connected therewith or incidental thereto.

## **726. The Kosan Gas Company (Acquisition of Undertakings) Act, 1979 (28 of 1979)**

The aforesaid Act has been enacted to provide for the acquisition, in the public interest, of the undertaking of the Kosangas company and thereby to secure that the ownership and control of the means and resources for bottling, transporting, marketing and distribution of liquefied petroleum gas are so distributed as best to subserve the common good and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.52 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act enabled the acquisition of the undertakings of the Kosan Gas Company so as to secure the ownership and control of the means and resources for bottling, transport, marketing and distribution of liquefied petroleum gas (LPG). This was done to ensure that distribution of LPG would sub-serve the common good. In 1979, Kosan Gas Company was merged with Hindustan Petroleum Corporation Limited (HPCL). Plans to privatise HPCL have been in the pipeline for a considerable period of time now. It further stated that the judgement in Centre for Public Interest Litigation v. Union of India dealing with the privatisation of HPCL holds relevance for Kosan Gas Company as well. The

sale of shares of HPCL could not take place through executive order, since the formation of HPCL had taken place through acquisition statutes, including the Kosan Gas Company (Acquisition of Undertaking) Act, 1979. For sale of its shares, therefore, either Parliamentary approval would have to be obtained or the acquisition statutes, including this one, would have to be repealed. Even though this Act, does not find a mention in the Centre for Public Interest Litigation judgement, the privatisation of HPCL will likely entail repeal of this Act as well. It further there are no legal issues that would impede repeal.

### **727. The National Company Limited (Acquisition and Transfer of Undertakings) Act, 1980 (42 of 1980)**

The Central Government, in exercise of the power conferred by clause (a) of sub-section (1) of section 18AA of the Industries (Development and Regulation) Act, 1956 took over the management of the following undertakings on June 3, 1980, namely:—

- (1) National Company Limited;
- (2) Alexandra Jute Mills Limited;
- (3) Union Jute Company Limited;
- (4) Khardah Company Limited;
- (5) The Kinnison Jute Mills Company Limited; and
- (6) RBHM Jute Mills Pvt. Limited.

Subsequently, the Undertakings of National Company Limited and the other five companies stated above were nationalized under the National Company Limited (Acquisition and transfer of Undertakings) Ordinance, 1980 and the Jute Companies (Nationalisation) Act, 1980 respectively. NJMC was registered under the Company's Act 1956 on 03.06.1980. The undertakings of 6 nationalized units viz. Khardah, Kinnison, Alexandra, Union, National and RBHM was vested in NJMC - National with effect from 10.06.1980 and others (Alexandra, Union, Khardah, Kinnison and RBHM) with effect from 21.12.1980. The Registered Office of company is situated at Chartered Bank Building, 2nd Floor, 4, N.S. Road , Kolkata 700001, West Bengal.

### **728. The Bengal Chemical and Pharmaceutical Works Limited (Acquisition and Transfer of Undertakings) Act, 1980**

The aforesaid Act has been enacted to provide the acquisition and transfer, in the public interest, of the undertakings of the Bengal Chemical and Pharmaceutical works Limited, and for matters connected therewith or incidental thereto.

### **729. The Maruti Limited (Acquisition and Transfer of Undertakings) Act, 1980 (64 of 1980)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertakings of the Maruti Limited with a view to securing the utilisation of the available infrastructure, to modernise the automobile industry, to effect a more economical utilisation of scarce fuel and to ensure higher production of motor vehicles which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

### **730. The Bird and Company Limited (Acquisition and Transfer of Undertakings and Other Properties) Act, 1980( 67 of 1980)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertakings of the Bird and Company Limited for the purpose of ensuring the continuity of

production of goods which are vital to the needs of the country and for the acquisition of shares held by the Bird and Company Limited in the specified companies for the purpose of securing to those undertakings the facilities and advantages derived by reason of such shareholding with respect to the operation and functioning of those undertakings and also to enable the Central Government to exercise such control over the affairs of the specified companies as is necessary to ensure that the affairs of those companies are not mismanaged and for matters connected therewith or incidental thereto.

### **731. The British India Corporation -Limited (Acquisition of Shares) Act, 1981 (29 of 1981)**

The aforesaid Act has been enacted to provide for the acquisition of certain shares of the British India Corporation Limited with a view to securing the proper management of the affairs of the Company and the continuity and development of the production of goods which are vital to the needs of the country and for matters connected therewith or incidental thereto.

### **732. The Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) Act, 1981 (31 of 1981)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertakings for the Dalmia Dadri Cement Limited with a view to subserve the interest of the general public by ensuring the continued manufacture, production and distribution of cement which is essential to the needs of the economy of the country and matters connected therewith or incidental thereto.

### **733. The Burmah Oil Company [Acquisition shares of Oil India Limited and of the undertakings in India of Assam Oil Company Limited and the Burmah Oil Company (India Trading) Limited] Act, 1981**

The aforesaid Act has been enacted to provide in the public interest for the acquisition of the shares of Oil India Limited held by "The Burmah Oil Company Limited" and for the acquisition and transfer of the right, title and interest of the Assam Oil Company Limited and "The Burmah Oil Company (India Trading) Limited" in relation to their undertakings in India and thereby to secure that the ownership and control of crude oil and gas produced by Oil India Limited, and of crude oil, gas and petroleum products produced by the undertakings in India of the Assam Oil Company Limited and the petroleum products marketed and distributed by the said undertakings and the undertakings in India of "The Burmah Oil Company (India Trading) Limited" are so distributed as best to subserve the common good.

### **734. The Amritsar -Oil Works (Acquisition and Transfer of Undertakings) Act, 1982 (50 of 1982)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the right, title and interest of the undertakings of the Amritsar Sugar Mills Company in relation to the Amritsar Oil Works with a view to sustaining and strengthening the nucleus of public owned or controlled units required for ensuring supply of wholesome vanaspati and refined edible oils to the public at reasonable prices and thereby to give effect to the policy of the State towards securing the principles specified in clause (b) and (c) of article 39 of the Constitution.

The Centre for Civil Society at Sl. No.54 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act enabled the complete nationalisation of

Amritsar Oil Works. The management of this company was taken over by the central government under the Industries (Development and Regulation) Act, 1951. This was done to ensure supply of refined edible oils to the public at reasonable prices. The aforesaid Act transferred all assets, rights, powers and properties of the Amritsar Oil Works to the central government. It also provided for compensation of about Rs. 65 lakhs to be paid to the company in return of the transfer of assets. By virtue of the aforesaid Act, the Hindustan Vegetable Oils Corporation Limited (HVOC) was formed which is a fully owned government company. Upon nationalisation, Amritsar Oil Works was taken over by HVOC. HVOC had been suffering severe financial losses and was declared sick by the BIFR in 1999. Pursuant to BIFR's order, the Government of India did not attempt revival and rehabilitation of the company and approved the introduction of VSS for their employees. It further stated that currently, none of the units of the HVOC are operational except the Breakfast Foods manufacturing unit in Delhi (also loss-making). The government has advised the Central Warehousing Corporation and Food Corporation of India to carry out a due diligence exercise to ascertain if they can take over HVOC along with its assets, liabilities and remaining manpower. The acquisition act has served its purpose. It now has no role to play in the management and recovery attempts of the HVOC (of which the Amritsar Oil Works is a part). It is further stated that there are no legal issues that would impede repeal.

### **735. The Andhra Scientific Company Limited (Acquisition and Transfer of Undertakings) Act, 1982 (71 of 1982)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertakings of the Andhra Scientific Company Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continuity of production of scientific instruments which are vital to the needs of the country and for matters connected therewith or incidental thereto.

### **736. The Ganesh Flour Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1984 (16 of 1984)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the right, title and interest of certain undertakings of the Ganesh Flour Mills Company Limited with a view to sustaining and strengthening the nucleus of public owned or controlled units required for ensuring supply of wholesome vanaspati and refined edible oils, nutritious food and other consumer commodities to the public at reasonable prices and thereby to give effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of article 39 of the Constitution.

### **737. The Aluminium Corporation of India Limited (Acquisition and Transfer of Aluminium Undertaking) Act, 1984 (43 of 1984)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the right, title and interest of Aluminium Corporation of India Limited in relation to its undertaking at Jaykay Nagar, near Asansol (West Bengal) for the purpose of ensuring the continuity of production of aluminium and aluminium fabricated products which are essential to the needs of the community and thereby to give effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution.

### **738. The Hooghly Docking and Engineering Company Limited (Acquisition and Transfer of Under Taking) Act, 1984 (55 of 1984)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertakings of the Hooghly Docking and Engineering Company Limited with a view to securing the better utilisation of the available infrastructure thereof, to modernise and increase the capacity for ship building and ship repairing so as to reduce the import of ships, vessels and craft and to augment the production of grey iron, non-ferrous and alloy castings by the said undertakings so as to subserve the interests of the general public by ensuring the continued supply of the said articles which are essential to the needs of the economy of the country, and for matters connected therewith and incidental thereto.

The Centre for Civil Society at Sl. No.55 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act provides for the acquisition and transfer of the undertakings of the Hooghly Docking and Engineering Company Limited to the central government. The acquisition was brought about to better utilise and increase the capacity for shipbuilding and ship repairing. In 2011, the Union Cabinet gave in-principle approval for the formation of a Joint Venture of Hooghly Dock and Port Engineers Limited (HDPEL) with a private sector player. HDPEL, India's oldest ship-builder, is reeling under severe financial losses. The Rehabilitation-cum-Restructuring Plan for HDPEL includes assistance of Rs. 21 crores for implementing a Voluntary Retirement Scheme for the employees. Upon its privatisation, the management of the undertaking of HDPEL would not lie with the central government. The aforesaid Act has served its purpose and is no longer necessary. The repeal of this Act would not have any effect on the management of the firm or in the formation of the Joint Venture with a private company. It is further stated that there are no legal issues that would impede repeal.

### **739. The Bengal Immunity Company Limited (Acquisition and Transfer of Aluminium Undertakings) Act, 1984 (57 of 1984)**

The aforesaid Act has been enacted to provide for the acquisition and transfer, in the public interest, of the undertakings of Messrs. Bengal Immunity Company Limited, and for matters connected therewith or incidental thereto.

### **740. The Tea Companies (Acquisition and Transfer of Sick Tea Units) Act, 1985 (37 of 1985)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the sick tea units specified in the First Schedule and the right, title and interest of the tea companies in respect of the said tea units with a view to securing proper reorganization and management of such tea units so as to subserve the interests of the general public by augmenting the production and manufacture of different varieties of tea which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

### **741. The Swadeshi Cotton Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1986 (30 of 1986)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of certain textile undertakings of the Swadeshi Cotton Mills Company Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of different

varieties of cloth and yarn and thereby to give effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of article 39 of the Constitution and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.58 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act enabled the acquisition and transfer of certain textiles undertakings of the Swadeshi Cotton Mills Company Limited so as to ensure the continued manufacture, production and distribution of different varieties of cloth and yarn. The management of Swadeshi Cotton Mills was taken over by the central government and the National Textile Corporation (NTC) was appointed to manage the affairs of the Mill. The Mill was working under the administrative control of the NTC and had been continuously incurring losses. Severe financial losses led to the Government of Puducherry extending assistance to the Mill. In 2005, the Government of Puducherry took over from the NTC and formed a company under the name of Swadeshee-Bharathee Textile Mills Ltd.. The Swadeshi Cotton Mill is now working with the active support of the Government of Puducherry and is not under the control of the NTC. Swadeshee-Bharathee Textile Mills Ltd is an amalgamation of the erstwhile Swadeshi Cotton Mills and Sri Bharathi Mills, which was also a NTC undertaking. The aforesaid Act vested the undertakings of the Mills in the NTC. Consequent to its takeover by the Government of Puducherry, the NTC does not exercise control the Mill. The aforesaid Act thus, no longer serves any purpose. The repeal of the aforesaid Act would not affect the management of the Swadeshee-Bharathee Textile Mills Ltd. It further stated that there are no legal issues that would impede repeal.

#### **742. The Brentford Electric (India) Limited (Acquisition and Transfer of Undertakings) Act, 1987 (36 of 1987)**

The aforesaid Act has been enacted to provide the acquisition and transfer of the undertakings of the Brentford Electric (India) Limited, with a view to securing the proper management of such undertakings so as to sub-serve the interests of the general public by ensuring the continued manufacture and production of electrical equipments which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

#### **743. The National Thermal Power Corporation Limited, the National Hydroelectric Power Corporation Limited and the North-Eastern Electric Power Corporation Limited (Acquisition and Transfer of Power Transmission Systems) Act, 1993 (24 of 1993)**

The aforesaid Act has been enacted to provide in the public interest for the acquisition and transfer of the power transmission systems of the three companies and the right title and interest of those companies in the power transmission system situated in different parts of India, with a view to developing the National Power Grid to ensure transmission of power, within and across the different regions of India, on a more scientific efficient and economic basis and for matters connected therewith or incidental thereto.

#### **744. The Neyveli Lignite Corporation Limited (Acquisition and Transfer of Power Transmission System) Act, 1994 (56 of 1994)**

The aforesaid Act has been enacted to provide in the public interest for the acquisition and transfer of power transmission system of the Neyveli Lignite Corporation Limited and the right, title and interest of the company in the power transmission system to the Power Grid

Corporation of India Limited, with a view to developing the National Power Grid to ensure transmission of power, within and across the different regions of India, on a more scientific, efficient and economic basis and for matters connected therewith or incidental thereto.

## SECTION-2

### CENTRAL ACTS RELATING TO ACQUISITION OF SHARES

#### **745. The Jayanti Shipping Company (Acquisition of Shares) Act, 1971 (63 of 1971)**

The aforesaid Act has been enacted to provide for the acquisition of the shares of the Jayanti Shipping Company Limited in order to serve better the shipping needs of the nation and to facilitate the promotion and development, in the interests of the general public, of national shipping and for matters connected therewith or incidental thereto. The aforesaid Act came into force from the 17th day of October, 1971.

#### **746. The Indian Iron and Steel Company (Acquisition of Shares) Act, 1976 (89 of 1976)**

The aforesaid Act has been enacted to provide for the acquisition of certain shares of the Indian Iron and Steel Company Limited with a view to securing the proper management of the affairs of the Company and the continuity and development of the production of goods which are vital to the needs of the country and for matters connected therewith or incidental thereto.

The Law Commission of India in its 249th Report at Sl. No. 77 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act without referring consultation with the concerned Ministry. The Law Commission observed that the aforesaid the Act provided for the acquisition of certain shares of the Indian Iron and Steel Company Limited (IISCO) with a view to securing the proper management of the affairs of the Company. By means of this Act, all shares of IISCO were transferred to the Central Government and a compensation of Rs. 7.2 crores was paid to the shareholders. Pursuant to the acquisition of shares under this Act in 1976, the Steel Companies (Restructuring) and Miscellaneous Provisions Act in 1978 made IISCO a wholly owned subsidiary of the Steel Authority of India Limited (SAIL). The purpose of the 1976 Act was only the transfer of shares of IISCO to the Central Government which has already been fulfilled and hence, the Act is now redundant. The Central Government should therefore repeal this Act. A suitable savings clause must be added to the repealing Act so as to save any right, privilege, obligation or liability accrued or incurred under this Act. **The Law Commission also observed that the aforesaid Act was also recommended for repeal by the Ministry of Steel in its letter No. 12(45)/2014-SAIL (OP) dated 20th August 2014 to the Cabinet Secretariat.**

The Centre for Civil Society at Sl. No.44 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act provided for the acquisition of shares of the Indian Iron and Steel Company Limited (IISCO), for the purpose of ensuring proper management of the affairs of the Company. It specified that on an appointed date, all shares of this company would be transferred to the central government. Compensation of more than Rs. 7.2 crores was to be paid to the shareholders, and a Commissioner of Payments was set up for this purpose under the Act to decide on claims for payment. Later, under the Steel Companies (Restructuring) and Miscellaneous Provisions Act, 1978, IISCO was made a wholly owned subsidiary of the Steel Authority of India (SAIL). IISCO's shares were transferred to SAIL

under the 1978 Act. In 2006, it was merged with SAIL to try and affect a revival of the company. They further stated that the operation of IISCO takes place under the Companies Act. The aforesaid Act is therefore not relevant to the functioning of the IISCO and may be repealed. It further stated that there are no legal issues that would impede repeal.

The Ministry of Steel *vide* their ID No. 17(18)/2014-Coord. dated 15th September, 2014 to this Committee has stated that there is a possibility of some litigation being sub-judice before Calcutta High Court or Supreme Court of India. They have further stated that savings clause for sustaining the legal consequences and rights arising there from need to be provided by Repealing Act.

**In view of the contradiction, the issue of the repeal of the aforesaid Act is required to be re-visited in consultation with the Ministry of Steel.**

#### **747. The Caltex [Acquisition of Shares of Caltex Oil Refining (India) Limited and of the Undertakings in India of Caltex (India) Limited] Act, 1977 (17 of 1977)**

The aforesaid Act has been enacted to provide, into the public interest, for the acquisition of the shares of Caltex Oil Refining (India) Limited and for the acquisition and transfer of the right, title and interest of the Caltex (India) Limited in relation to its undertakings in India and thereby to secure that the ownership and control of the petroleum products produced by the Caltex Oil Refining (India) Limited, and marketed and distributed by the said undertakings, in India, are so distributed as best to subserve the common good.

The Centre for Civil Society at Sl. No.49 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act provided for the acquisition of all rights, titles and interests of the Indian undertakings of Caltex Oil Refining (India) Limited (CORIL) by the central government. The purpose of the acquisition was the implementation of the policy of progressively securing State ownership and control of the nation's petroleum resources. The aforesaid Act gave the power to the central government to transfer these holdings to a Government Company. Rs. 13 crores was paid to Caltex Petroleum, the US parent company, as compensation. By means of the aforesaid Act, CORIL was merged with the Hindustan Petroleum Corporation Limited (HPCL) in 1977. CORIL now exists as only HPCL, which is governed by the Companies Act. Repealing the aforesaid Act will therefore not have any effect on the functioning of the company. In 2003, in the case of Centre for Public Interest Litigation v. Union of India, the Supreme Court said that the sale of shares of HPCL could not take place through executive order, since the formation of HPCL had taken place through acquisition statutes, including the Caltex [Acquisition of Shares of Caltex Oil Refining (India) Limited and of the Undertakings in India of Caltex (India) Limited] Act, 1977. For the sale of its shares, either Parliamentary approval would have to be obtained, or the acquisition statutes, including this one, would have to be repealed.

#### **748. The Mogul Line Limited (Acquisition of Shares) Act, 1984 (33 of 1984)**

The aforesaid Act was enacted to provide, in the public interest, for the acquisition of certain shares of the Mogul Line Limited in order to serve better the shipping needs of the nation and for matters connected therewith or incidental thereto.

## SECTION-3

### CENTRAL ACTS RELATING TO TAKE OVER OF MANAGEMENT

#### 749. The Coking Coal Mines (Emergency Provisions) Act, 1971 (64 of 1971).

The aforesaid Act has been enacted to provide for the taking over, in the public interest, of the management of coking coal mines and coke over plants, pending nationalisation of such mines and plants. This Act came into force from the 16th day of October, 1971.

The P.C. Jain Commission in its Report at Sl. No. 137 of Appendix A-1 (166 Central Acts recommended for repeal by Central Government) has recommended for repeal of the aforesaid Act.

The Centre for Civil Society at Sl. No. 40 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act was enacted to provide for the temporary management of the mines and plants, pending nationalisation. Since the Coal Mines (Nationalisation) Act, 1972 came a year later, there remains no use for the previous legislation. It further stated that there are no legal issues that would impede repeal.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 52 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the taking over, in public interest, of the management of coking coal mines and coke oven plants, pending nationalisation of such mines and plants. It enabled the taking over of private coking companies pending nationalisation. The Coking Coal Mines (Nationalisation) Act was enacted in 1972. Consequently, the Coking Coal Mines (Emergency Provisions) Act, 1971 is now redundant. The Central Government should repeal this Act subject to factual verification that this Act has served its purpose.

#### 750. The Sick Textile Undertakings (Taking Over of Management) Act, 1972 (72 of 1972)

The aforesaid Act has been enacted to provide for the taking over, in the public interest, of the management of the sick textile undertakings, pending nationalisation of such undertakings, for the expeditious rehabilitation of such undertakings so that such rehabilitation may subserve the interests of the general public by the augmentation of the production and distribution, at fair prices, of cheaper varieties of cloth, and for matters connected therewith or incidental thereto.

The P.C. Jain Commission in its Report at Sl. No. 144 of Appendix A-1 (166 Central Acts recommended for repeal by Central Government) has recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 55 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the taking over, in public interest, of the management of the sick textile undertakings, pending nationalisation of such undertakings. This was done for the expeditious rehabilitation of such undertakings so as to serve the interests of the general public by the augmentation of the production and distribution, at fair prices, of cheaper varieties of cloth. The nationalisation of the sick textile undertakings was carried out by means of the Sick Textile Undertakings (Nationalisation) Act, 1974. Hence, the Taking over of Management Act has now served its purpose and the Central Government should repeal this Act. A suitable savings clause should be inserted into the repealing Act.

### **751. The Coal Mines (Taking Over of Management) Act, 1973 (15 of 1973)**

The aforesaid Act has been enacted to provide for the taking over, the public interest, of the management of coal mines, pending nationalisation of such mines, with a view to ensuring rational and co-ordinated development of coal production and for promoting optimum utilisation of the coal resources consistent with the growing requirements of the country, and for matters connected therewith or incidental thereto.

The P.C. Jain Commission in its Report at Sl. No. 136 of Appendix A-1 (166 Central Acts recommended for repeal by Central Government) has recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 56 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the taking over, in the public interest, of the management of coal mines pending nationalisation. The Coal Mines (Nationalisation) Act was passed in May, 1973 making the present act redundant. Hence, the Central Government should repeal this Act subject to factual verification that this Act has served its purpose. A suitable savings clause should be inserted in the repealing Act.

### **752. The Laxmirattan and Atherton West Cotton Mill (Taking Over of Management Act, 1976 (98 of 1976)**

The aforesaid Act has been enacted to provide the taking over, in the public interest, of the management of the undertakings of certain companies, pending nationalisation of such undertakings, with a view to ensuring the supply of certain varieties of cloth needed by the weaker sections of the community as also by the Defence Department and for matters connected therewith or incidental thereto.

The P.C. Jain Commission in its Report at Sl. No. 141 of Appendix A-1 (166 Central Acts recommended for repeal by Central Government) has recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 59 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the taking over, in the public interest, of the management of the undertaking of certain companies, pending nationalisation of such undertaking, with a view to ensuring the supply of certain varieties of cloth needed by the weaker sections of the community as well as the Department of Defence. This undertaking, the Laxmi Ratan and Atherton West Cotton Mills, was nationalised by the Textile Undertakings (Nationalisation) Act, 1995. Hence, this Act has served its purpose and the Central Government should repeal this Act.

### **753. The Metal Corporation (Nationalisation and Miscellaneous Provisions) Act, 1976 (100 of 1976)**

The aforesaid Act has been enacted to provide for the taking over of the management of the undertaking of the Metal Corporation, after such undertaking is deemed to have been transferred to, and re-vested in, the said Corporation, and for the subsequent acquisition of the undertaking of the Metal Corporation for the purpose of enabling the Central Government, in the public interest, to exploit to the fullest extent possible, the zinc and lead deposits in an area around Zawar in the State of Rajasthan and to utilise those minerals in such manner as to

subserve the common good, and for matters connected therewith or incidental thereto.

#### **754. The Sugar Undertakings (Taking Over of Management) Act, 1978 (49 of 1978)**

The aforesaid Act has been enacted to provide for the temporary taking over, in the public interest, of the management of certain sugar undertakings in certain circumstances.

The P.C. Jain Commission in its Report at Sl. No. 145 of Appendix A-1 (166 Central Acts recommended for repeal by Central Government) has recommended for repeal of the aforesaid Act.

The Department of Food and Public Distribution *vide* their OM No.39-91/2012-AC dated 19th Sep, 2014 has stated that the Commission on Review of Administrative Laws (1998) had recommended repeal of Sugar Undertakings (Taking Over of Management) Act, 1978 (49 of 1978) Subsequently, a decision was taken by the Government regarding repeal of the Act. However extended to six sugar mills taken over under the Sugar Undertakings (Taking Over of Management) Act, 1978 is still pending. They stated that the position is as under (i) Loans under Sugar Undertakings (Taking Over of Management) Act, 1978 mills which were subsequently taken over by UP State Corporation. The issue of recovery of loan is under examination.

(ii) In respect of another sugar mill of UP the issue of recovery of loan is *sub-judice*.

(iii) A mill located in Maharashtra is in liquidation process under SARFESI Act.

(iv) Repayment claims of a sugar mill in Rajasthan are being reconciled. Since, repayment of loans extended to sugar mills under Sugar Undertakings (Taking Over of Management) Act, 1978 is pending, the Act is not proposed to be repealed at present as it may affect the recovery adversely.

The Committee feels that Legal Opinion may be obtained before the repeal of the Act after making a specific savings for the actions taken by the UP State Corporation and other provisions in the repeal Bill.

#### **755. The Textile Undertakings (Taking Over of Management) Act, 1983 (40 of 1983)**

The aforesaid Act has been enacted to provide for the taking over in the public interest of the management of the textile undertakings of the companies specified in the First Schedule pending nationalisation of such undertakings and for matters connected therewith or incidental thereto.

The P.C. Jain Commission in its Report at Sl. No. 146 of Appendix A-1 (166 Central Acts recommended for repeal by Central Government) has recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 65 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the taking over, in the public interest, of the management of certain textile undertakings (which find mention in the Schedule appended to this Act) pending nationalisation. These undertakings were nationalised by means of the Textile Undertakings (Nationalisation) Act, 1995. Hence, this Act is now redundant and the Central Government must repeal this Act.

## SECTION-4

### CENTRAL ACTS RELATING TO NATIONALISATION

#### **756. The Coking Coal Mines (Nationalisation) Act, 1972 (36 of 1972)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the right, title and interest of the owners of the coking coal mines specified in the First Schedule, and the right, title and interest of the owners of such coke oven plants as are in or about the said coking coal mines with a view to reorganising and reconstructing such mines and plants for the purpose of protecting, conserving and promoting scientific development of the resources of coking coal needed to meet the growing requirements of the iron and steel industry and for matters connected therewith or incidental thereto.

#### **757. The General Insurance Business (Nationalisation) Act, 1972 (57 of 1972)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of shares of Indian insurance companies and undertakings of other existing insurers in order to serve better the need of the economy by securing the development of general insurance business in the best interests of the community and to ensure that the operation of the economic system does not result in the concentration of wealth to the common detriment, for the regulation and control of such business and for matters connected therewith or incidental thereto.

#### **758. The Coal Mines (Nationalisation) Act, 1973 (26 of 1973)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the right, title and interest of the owners in respect of the coal mines specified in the Schedule with a view to re-organising and reconstructing such coal mines so as to ensure the rational, co-ordinated and scientific development and utilisation of coal resources consistent with the growing requirements of the country, in order that the ownership and control of such resources are vested in the State and thereby so distributed as best to subserve the common good, and for matters connected therewith or incidental thereto.

#### **759. The Sick Textile Undertakings (Nationalisation) Act, 1974 (57 of 1974)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the sick textile undertakings, and the right, title and interest of the owners in respect of the sick textile undertakings, specified in the First Schedule with a view to re-organising and rehabilitating such sick textile undertakings so as to subserve the interests of the general public by the augmentation of the production and distribution, at fair prices, of different varieties of cloth and yarn, and for matters connected therewith or incidental thereto.

#### **760. The Burn Company and Indian Standard Wagon Company (Nationalisation) Act, 1976 (97 of 1976)**

The aforesaid Act has been enacted to provide for the acquisition of the undertakings of the Burn and Company Limited and the Indian Standard Wagon Company Limited with a view to ensuring the continuity of the production of goods which are vital to the needs of the economy of the country and for the fulfilment of the contracts for the supply of railway

wagons abroad and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.45 of its compendium of 100 laws to be repealed, *inter alia*, stated that the Burn Company and the Indian Standard Wagon Company produced railway wagons and other goods necessary to the iron and steel industry. In 1967, the production of the companies declined and they were on the verge of closure. Government of India took over the management of the company in 1973 on grounds that closure would adversely affect the production of vital commodities. The Statement of Objects and Reasons of the Act notes that the companies were subsequently nationalised due to the huge debts they had accumulated. The Act provided that the titles, rights and interests of both these undertakings would vest in the Government on the appointed date, free of all encumbrances. The owners of the two companies would continue to remain liable for all existing liabilities, other than wages and government loans. After acquisition, the two companies were amalgamated under the Companies Act and renamed Burn Standard Company Ltd. On account of consistent losses, the company was officially declared sick in 1995. The company has remained in financial crisis ever since. It further stated that the aforesaid Act has no role to play in the management and recovery attempts of the Burn Standard Company, which is now managed by the Ministry of Railways. It further stated that there are no legal issues that would impede repeal.

### **761. The Jute Companies (Nationalisation) Act, 1980(62 of 1980)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertakings of the jute companies specified in the First Schedule with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of articles made of jute, which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.53 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act was passed to acquire and transfer the undertaking of six jute companies, namely, National Company Limited, Alexandra Jute Mills Limited, Union Jute Company Limited, Khardah Company Limited, Kinnison Jute Mills Company Limited and RBHM Jute Mills Private Limited by the central government. The undertakings were vested in the National Jute Manufacturers Corporation Limited, a company incorporated under the Companies Act, 1956. The process of acquisition is complete and assets of the aforesaid companies are now vested in the National Jute Manufacturers Corporation Limited (NJMC), with effect from June 1980. The NJMC is governed under the Companies Act, making this Act redundant. It further stated that there are no legal issues that would impede repeal.

### **762. The Hind Cycles Limited and Sen-Raleigh Limited (Nationalisation) Act, 1980 (70 Of 1980)**

The aforesaid Act has been enacted to provide for the acquisition of the undertakings of Hind Cycles Limited, and Sen-Releigh Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of bicycles and their component parts and accessories which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

### **763. The Incheek Tyres Limited and National Rubber Manufacturers Limited (Nationalisation) Act, 1984 (17 of 1984)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the undertakings of the Incheek Tyres Limited and the National Rubber Manufacturers Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of tyres, tubes and other rubber goods which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.56 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act was passed to acquire and transfer the undertaking of Incheek Tyres Limited and National Rubbers Manufacturers Limited. The purpose of the aforesaid Act has been achieved. The process of acquisition was completed in 1984, and the assets of the Company were vested in the Tyre Corporation of India Limited (TCIL), a Government of India enterprise. Subsequently, the Government has decided to disinvest 100% equity shareholding in TCIL, pursuant to the TCIL (Disinvestment of Ownership) Act, 2007. It is further stated that there are no legal issues that would impede repeal.

### **764. The Futwah-Islampur Light Railway Line (Nationalisation) Act, 1985 (83 of 1985)**

The aforesaid Act has been enacted to provide for the acquisition, in the public interest, of the undertakings of the Futwah-Islampur Light Railway Company Limited in relation to the Futwah-Islampur Light Railway Line and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.57 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act provided for the acquisition of the Futwah Islampur Light Railway Line, a narrow gauge railway line in Bihar, owned by the Futwah Islampur Light Railway Company, as it was considered to be hazardous and uneconomical for the company to manage. The railway line was acquired by Indian Railways and then was closed in 1987. Assets, stocks and employees, etc. stood transferred to the government consequent to the nationalisation. The purpose of the aforesaid Act is therefore spent. It is further stated that there are no legal issues that would impede repeal.

### **765. The Textile Undertakings (Nationalisation) Act, 1995 (39 of 1995)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of the textile undertakings, and the right, title and interest of the owners in respect of the textile undertakings, specified in the First Schedule with a view to augmenting the production and distribution of different varieties of cloth and yarn so as to subserve the interests of the general public and for matters connected therewith or incidental thereto. After having achieved the object for which the aforesaid Act was enacted, the Committee that the aforesaid Act can be repealed after making special saving provisions contained in the aforesaid Act.

## PART IV

### CENTRAL ACTS IMPOSING CESS AND IDENTIFIED FOR REPEAL

#### **766. The Mica Mines Labour Welfare Fund Act, 1946 (XXII of 1946)**

The aforesaid Act has been enacted to constitute a fund for the financing of activities to promote the welfare of labour employed in the mica mining industry.

The Centre for Civil Society at Sl. No.61 of its compendium of 100 laws to be repealed inter alia stated that as per the receipt budget of 2013-14, in 2011-12, Rs. 2 crores were collected as cess under the aforesaid Act. The estimates for collection in 2013-14 are Rs. 2.34 crores. The Welfare fund itself has very low balances as indicated in its compendium.

It further stated that it is likely that as the fund amount travelled towards the beneficiaries, further delivery costs are incurred. Even with the Funds previous closing balance, the amount left for worker welfare is likely very low (approximately Rs. 1,000 per worker per year, assuming that there are about 10,000 registered mica mine workers). In fact, the National Commission on Labour itself notes, there is practically no demand for mica now because of the substitutes that are available. As of the early 2000s, mica mining has almost ended. While the intent of the Act is noteworthy, a requisite allocation should be made as part of the budget of Ministry of Labour, instead of the administrative processes of running a fund. As 9th Five Year Plan noted, given the large share of those employed in the primary industries, outside the organised sector, in very small establishments and at casual status of employment, the strategy for benefiting the workforce in general has to be based on an increase in productivity rather than on attempting labour welfare through a frame-work of multiple regulations. Finally, the mining industry is regulated by the Mines Act, 1952. Suitable amendments could be made to this act to include the broad contours of the mining welfare provisions under the welfare funds as they stand currently. It further stated that there are no legal issue that would impede the repeal of the aforesaid Act.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the provisions relating to levy of cess under the aforesaid Act and making consequential amendments in the aforesaid Act.**

#### **767. The Rubber Act, 1947 (24 of 1947)**

The aforesaid Act has been enacted to provide for the development under central control of the rubber industry so far as regards the production and marketing of rubber, and for regulating the export from, and import into, British India of rubber.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the provisions relating to levy of cess under the aforesaid Act and making consequential amendments in the aforesaid Act.**

### **768. The Tea Act, 1953 (29 of 1953)**

An Act to provide for the control by the Union of the tea industry, including the control, in pursuance of the International Agreement now in force, of the cultivation of tea in, and of the export of tea from, India and for that purpose to establish a Tea Board and Levy a duty of excise on tea produced in India.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the provisions relating to levy of cess under the aforesaid Act and making consequential amendments in the aforesaid Act and not the provisions relating to welfare fund.**

### **769. The Salt Cess Act, 1953 (49 of 1953)**

The aforesaid Act has been enacted to provide for the levy and collection of a cess on salt for the purpose of raising funds to meet the expenses incurred on the salt organisation maintained by Government and on the measures taken by Government in connection with the manufacture, supply and distribution of salt.

The Centre for Civil Society at Sl. No.33 of its compendium of 100 laws to be repealed inter alia stated that the High Level Salt Enquiry Committee (1978) recommended that the cess be removed, since the annual collection was very small while the total annual cost of administering it licensing of salt works and controlling the release of salt was 55% of the total cess collected, at that time. Currently, the costs of administration far exceed the collected cess. In 2012-13, cess receipts amounted to Rs. 348.99 lakhs, or 14% of the Salt Department's expenditure on administration and labour welfare, which amounted to Rs. 2,611.80 lakhs. Given that collections are so low, abolition of the cess will not affect fund flow for Government of India significantly. It further stated that the Customs, Excise and Gold Tribunal in 1990 observed that "for all practical purposes, as an excisable commodity, [salt] is a non-existent item", as the amounts collected are negligible. Earmarked taxes such as this cess are inefficient since they introduce distortions, lead to budgetary indiscipline, and typically have excessive administration and compliance costs.

The Department of Industrial Policy and Promotion vide their D.O No.34011/13/2014-OSM 19th September, 2014 has stated that the aforesaid Act has not been repealed. They further stated that the Expenditure reforms Commission (ERC) recommended in September, 2001 that Cess on salt may be collected either by the Central Excise Department or it may be abolished. The recommendation has not been accepted. The administrative Ministry is moving a Cabinet Note to reverse the above recommendation of ERC.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of**

**funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the aforesaid Act.**

## **770. The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972)**

The aforesaid Act has been enacted to provide for the levy and collection of a cess on limestone and dolomite for the financing of activities to promote the welfare of persons employed in the limestone and dolomite mines.

The Centre for Civil Society at Sl. No.62 of its compendium of 100 laws to be repealed inter alia stated that as per the Receipt Budget of 2013-14, in 2011-12, only Rs. 12 crores were collected as cess under the aforesaid Act. The estimates for collection in 2013-14 are Rs. 14.78 crores. As has been observed, laws pertaining to labour welfare cesses create a low-level equilibrium, where their costs far outweigh their benefits. This mechanism has resulted in administrative inefficiency, particularly very high transaction costs and costs of maintaining records. Cesses collected are inadequate, and the amount ultimately available for worker welfare is negligible. The needs for which the cess is collected can instead be met by funds from the Consolidated Fund of India. This would also reduce administrative costs for the government, and help direct administrative resources towards other purposes. We have argued before that earmarked cesses are inefficient and ineffective public finance. In keeping with the principles of sound public finance and administration, such welfare cesses must be done away with. It has been further stated that there are no legal issues that would impede repeal.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the provisions relating to levy of cess under the aforesaid Act and making consequential amendments in the aforesaid Act.**

## **771. The Tobacco Cess Act, 1975 (26 of 1975)**

The aforesaid Act has been enacted to provide for the levy and collection, by way of cess, of a duty of excise on Virginia tobacco and a duty of customs on tobacco, for the development of tobacco industry and for matters connected therewith.

The Centre for Civil Society at Sl. No.35 of its compendium of 100 laws to be repealed inter alia stated that In 2006, the Cess Laws (Repealing and Amending) Act removed a number of cesses on agricultural products (like the Agricultural Produce Cess Act and the Spices Cess Act) to increase the competitiveness of our agricultural exports. The Tobacco Cess Act was also considered in this process and section 4 of this Act, which dealt with the levy of customs duty on tobacco exports, was repealed. The excise duty on tobacco under Section 3 of this Act, however, still operates. The cess collected is negligible.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 58 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act The Act provided for the levy and collection, by way of a cess, of a duty of excise on Virginia tobacco and a duty of customs on tobacco, for the development of

the tobacco industry. The Act imposes a duty of excise at the rate of one paisa per kilogram on Virginia tobacco which is produced in India. However, the objective of revenue generation for the development of the tobacco industry is not met through the proceeds of the cess which are negligible compared to the amount spent in the administration of the ccess. In 2003-04, the cess collected under the Act was only Rs. 13,94,000. Therefore, the Central Government should repeal this Act.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the aforesaid Act.**

#### **772. The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Cess Act, 1976 (55 of 1976)**

The aforesaid Act has been enacted to provide for the levy and collection of a cess on iron ore, manganese ore and Chrome Ore for the financing of activities to promote the welfare of persons employed in the iron ore mines, manganese ore mines and chrome ore mines and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.63 of its compendium of 100 laws to be repealed inter alia stated that the Receipt Budget of 2013-14, in 2011-12, only Rs. 12 crores were collected as cess under the Act. The estimates for collection in 2013-14 are Rs. 14.78 crores. As has been observed, laws pertaining to labour welfare cesses create a low-level equilibrium, where their costs far outweigh their benefits. This mechanism has resulted in administrative inefficiency, particularly very high transaction costs and costs of maintaining records. Cesses collected are inadequate, and the amount ultimately available for worker welfare is negligible. The needs for which the cess is collected can instead be met by funds from the Consolidated Fund of India. This would also reduce administrative costs for the government, and help direct administrative resources towards other purposes. We have argued before that earmarked cesses are inefficient and ineffective public finance. In keeping with the principles of sound public finance and administration, such welfare cesses must be done away with.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider repeal of the provisions relating to levy of cess under the aforesaid Act and making consequential amendments in the aforesaid Act.**

#### **773. The Beedi Workers Labour Welfare Cess Act, 1976 (56 of 1976)**

The aforesaid Act has been enacted to provide for the levy and collection, by way of cess, a duty of excise on manufactured beedies.

The Centre for Civil Society at Sl. No.65 of its compendium of 100 laws to be repealed inter alia stated that as per the Receipt Budget of 2013-14, in 2011-12, only Rs. 150 crores

were collected as cess under the Act. The estimates for collection in 2013-14 are Rs. 160 crores. India has over 4 million beedi workers, most of whom are home based, and therefore in the unorganised sector. The amount collected as cess is inadequate to meaningfully provide welfare measures for such vast numbers. The cess collection merely adds to administrative costs. The needs for which the cess is collected can instead be met by funds from the Consolidated Fund of India. This would also reduce administrative costs for the government, and help direct administrative resources towards other purposes. In keeping with the principles of sound public finance and administration, such welfare cesses must be done away with. The Beedi Workers Welfare Cess is one of the small cesses that brings in negligible amounts of money even as it adds to the administrative costs for the Government. The repeal of this Act would not entail severe consequences for the revenue collected. Aside from this, there are no legal issues that would impede repeal.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the aforesaid Act.**

#### **774. The Cine-workers Labour Welfare Cess Act, 1981 (30 of 1981)**

The aforesaid Act has been enacted to provide for the levy and collection of a cess on feature films for the financing of activities to promote the welfare of certain cine-workers and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.67 of its compendium of 100 laws to be repealed inter alia stated that As per the Receipt Budget of 2013-14, in 2011-12, only Rs. 1.5 crores were collected as cess under the Act. The estimates for collection in 2013-14 are Rs. 1.78 crores. Scrutiny of accounts of the Ministry of Labour and Employment revealed that the cess collected under this Act was not fully transferred to the Fund. In 2011-12, there was shortfall of approximately Rs. 0.81 crores and the same was not accounted for. The cess collected is inadequate and merely adds to administrative costs. The needs for which the cess is collected can instead be met by funds from the Consolidated Fund of India. This would prevent the huge administrative costs that go into collection of this cess. We have argued before that earmarked cesses are inefficient and ineffective public finance. In keeping with the principles of sound public finance and administration, such welfare cesses must be done away with. It further stated that the Cine Workers Welfare Cess is one of the small cesses that brings in negligible amounts of money even as it adds to the administrative costs for the Government. The repeal of this Act would not entail severe consequences for the revenue collected. Aside from this, there are no legal issues that would impede repeal.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the aforesaid Act levying Cess.**

## **775. The Sugar Cess Act, 1982 (3 of 1982)**

The aforesaid Act has been enacted to provide for the imposition of a cess on sugar for the development of sugar industry and for matters connected therewith.

The Centre for Civil Society at Sl. No.36 of its compendium of 100 laws to be repealed inter alia stated that between 1982-83 and 2008-09 the average cess collected per year was Rs. 207 crores, of which an average of Rs. 163 crores was transferred to the SDF. In 2008, the government estimated that the SDF would not have sufficient funds after March 2009 to meet the expected expenditure on financial assistance. The cess collected is therefore inadequate to meet the costs of the SDF. It has been further stated that in the past, where cesses have been abolished, the costs of the relevant Board have been met through government grants. The Spices Board, for example, which used to receive the realisations from the spices cess, is now operating on government budget outlays. A similar solution can be introduced for the SDF. Earmarked taxes such as this cess are inefficient since they introduce distortions, lead to budgetary indiscipline, and typically have excessive administration and compliance costs.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the aforesaid Act.**

## **776. The Jute Manufactures Cess Act, 1983 (28 of 1983)**

The aforesaid Act has been enacted to provide for the levy and collection, by way of cess, of a duty of excise on jute manufactures for the purpose of carrying out measures for the development of production of jute manufactures and for matters connected therewith.

The Centre for Civil Society at Sl. No.37 of its compendium of 100 laws to be repealed inter alia stated that the amounts collected under the cess are negligible, and only about half are transferred to the National Jute Board. In 2011-12, cess collected was Rs. 85 crores while the transfer to the Board only amounted to Rs. 34 crores. The Special Economic Zones Act, 2005 exempts goods in an SEZ from this cess. While this is not in itself a ground for repeal, perhaps it is an indication that this cess is a hindrance to economic activity and should not operate anywhere else in the country. In the past, where cesses have been abolished, the costs of the relevant Board have been met through government grants. The Spices Board, for example, which used to receive the realisations from the spices cess, is now operating on government budget outlays. A similar solution can be introduced for the National Jute Board. Earmarked taxes such as this cess are inefficient since they introduce distortions, lead to budgetary indiscipline, and typically have excessive administration and compliance costs.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the aforesaid Act levying Cess.**

## **777. The Research and Development Cess Act, 1986 (32 of 1986)**

The aforesaid Act has been enacted to provide for the levy and collection of a cess on all payments made for the import of technology for the purposes of encouraging the commercial application of indigenously developed technology and for adapting imported technology to wider domestic application and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.38 of its compendium of 100 laws to be repealed inter alia stated that the cess hinders the flow of technology into the nation and poses a barrier to trade. The Japanese Ministry of Economy, Trade and Industry complained about the tax in 2002 and characterised the Act as a hindrance and there are reports of industry complaints that the applications of this Act are discretionary and often ad hoc, leading to harassment. There is also lack of clarity on whether this cess and service tax amount to double taxation. The cess collected is too small to justify the restrictions caused by its imposition. In the 13-year period between 1997 and 2010, only Rs. 2,261 crores were collected under the Act. Of this, only 22% or Rs. 501 crores (or Rs. 36 crores annually) were channelled to the Technology Development Board during this period. This is a small amount that can easily be compensated, while achieving savings in administrative costs of the cess collection. Earmarked taxes such as this cess are inefficient since they introduce distortions, lead to budgetary indiscipline, and typically have excessive administration and compliance costs.

**The Committee feels that having regard to the amount of the Cess collected under the aforesaid Act, the cost of its collection, the number of persons from whom the Cess is collected and the potential of increasing the amount of cess under the aforesaid Act and simplification by abolishing the aforesaid Cess, it is suggested that alternate sources of funding by executive measures for the welfare of the workers and simplification of the law, consider the repeal of the aforesaid Act levying Cess.**

In case any Central Act has provision for levy of Cess and inadvertently not included under this Part, such Central Acts may also be considered for repeal by the concerned Ministry/Department.

## CHAPTER-5

### CENTRAL ACTS TO BE REPEALED BY STATE LEGISLATURES

The 20th Law Commission in paragraph 4.4 under Chapter- IV of its 248<sup>th</sup> Report have stated that based on the reading of article 372(1), it is clear that if the subject-matter of a pre-constitutional law falls into the State List, the State Government is the competent legislature to repeal that Act. As a result, where it is appropriate to refer a Statute to the concerned State Government for repeal, the same has been indicated in the notes accompanying the Statute recommended for repeal.

**2.** Attention is invited to paragraph 16.4.9 of the Report of the P.C. Jain Commission, which reads as under:—

"The scheme for legislation in India is, *inter-alia*, based on the dictum that a Statute never dies unless specifically repealed. This has resulted in a situation where Statutes which are even more than 100 years old, as also the Statutes which were enacted for a temporary purpose/period have continued to exist in the Statute Books. More often than not, resort is made to amending the Statutes than enacting a fresh updated legislation. The Commission is therefore, of the view that a time has come when the Government should seriously consider whether a sunset provision, as in the USA, be followed in our legislative practice also.".

**2.1.** It is established legislative practice that a Statute never dies (whether excluded from the list of existing Statutes or not) unless it is repealed by the competent legislature. Removal of the title of a Central Act from the Statutes Book can be construed that the status of a Central Act as non existing or repealed Act and may create a confusion in the minds of the public/stake holders about status of such Central Act. Therefore, the Committee feels that the such Central Acts which have become obsolete, redundant or inoperative and continue to exist on the Statutes Book should be repealed by the competent Legislatures.

**3.** Attention is invited to clause (7) of section 3 of the General Clauses Act, 1897 which reads as under:—

"(7) 'Central Act' shall mean an Act of Parliament, and shall include—

- (a) an Act of the Dominion Legislature or of the Indian Legislature passed before the commencement of the Constitution, and
- (b) an Act made before such commencement by the Governor General in Council or the Governor General, acting in a legislative capacity.".

**3.1.** Attention is also invited to article 367 of the Constitution which, *inter alia*, reads under:-

"367. Interpretation.—(1) Unless the context otherwise requires, the General Clauses Act, 1897, shall, subject to any adaptation and modifications that may be made therein under article 372, apply for the interpretation of this Constitution as it applies for the interpretation of an Act of Legislature of the Dominion of India.

(2) Any reference in this Constitution to Acts or laws of, or made by, Parliament, or to Acts or laws of, or made by, the Legislature of a State, shall be construed as including a reference to an Ordinance made by the President or, to an Ordinance made by a Governor, as the case may be."

**4.** The P.C. Jain Commission in its Report at paragraph 16.4.7, *inter alia*, stated as under:—

"16.4.7.----Regarding the Acts pertaining to a State subject, Government should circulate a list to all State Governments requesting them to examine whether they are in force in the State or part thereof, and if they are not being implemented, the State Governments may consider their repeal. If the above is done, we would have gone a long way in "excising the dead wood from the Statute Book".

**5.** The P.C. Jain Commission in its Report at Appendix A-5 thereto has given the list of 114 Central Acts relating to State subjects for repeal by the State Governments.

**6.** The Law Commission in its 248th Report under Chapter 4 observed as under:—

"4.2. One related question has been considered with respect to each statute studied – Which is the appropriate legislating body for repeal of these laws? This question is particularly relevant for pre-independence laws passed by the Governor-General in Council, the subject matter of which now falls in the State list. The answer to this question has been determined with reference to Article 372(1) of the Constitution which says that pre-independence laws continue to remain in force unless amended or repealed by a *competent legislature*. Competent legislature in the Constitutional scheme refers to the legislating body that has the power to make laws on a particular matter under Article 246 read with the Seventh Schedule. This has been explained in *Kerala State Electricity Board v. The Indian Aluminium Co. Ltd.* [AIR 1976 SC 1031], which stated:

An existing law continues to be valid even though the legislative power with respect to the subject-matter of the existing law might be in a different list under the Constitution from the list under which it would have fallen under the Government of India Act, 1935. But after the Constitution came into force an existing law could be amended or repealed only by the legislature which would be competent to enact that law if it were to be newly enacted.

4.3. Similarly, in *Kanwar Lal v. HInd Additional Distt. Judge, Nainital*, [AIR 1995 SC 2078], the Supreme Court while considering amendments to the Government Grants Act, 1895, (a pre-constitutional Central Statute) held that the State Government was the competent legislature to amend or repeal this Act, since the subject matter of the Act fell into Entry 18 of List II.

4.4. Based on this reading of Article 372(1), it is clear that if the subject-matter of a pre-constitutional law falls into the State List, the State Government is the competent legislature to repeal that Act. As a result, where it is appropriate to refer a statute to the concerned State Government for repeal, the same has been indicated in the notes accompanying the statute recommended for repeal".

- 7.** Attention is drawn to the legislative precedents wherein the Central Acts were repealed by the State Legislatures, such as the Delhi Fire Prevention and Fire Safety Act, 1986 (56 of 1986) was repealed by the Delhi Fire Service Act, 2007 (Delhi Act 2 of 2009) and the Punjab Appropriation (Vote on Account) Act 1952(16 of 1952) has been repealed by Punjab Act 20 of 1952.
- 8.** On the basis of the aforesaid legal position stated at paragraphs 3 to 7 above, the Central Acts relating to State subjects are to be repealed by the concerned State Legislatures and such Central Acts (falling under State subjects) are indicated under this Chapter and Chapter-7 (State Appropriation Acts enacted by Parliament). The Committee suggests that in case any doubt arises on the legislative competence for repeal of a Central Acts mentioned under this Chapter and Chapter-7, the Legal opinion from the Department of Legal Affairs, Ministry of Law and Justice or the Law Officer, as may be considered appropriate, may be obtained and needful be done accordingly for repeal of such Central Acts.
- 9.** The P.C. Jain Commission in its Report has recommended in 1998, 114 Central Acts relating to State subjects for repeal by the State Governments [*Refer Volume IV Part-I*]. The Legislative Department *vide* their U.O. No. 11 (29)/2014-L.I dated 26/9/14 [*Refer Volume III, Part-II (Pages 425 to 439)*] has, *inter alia*, intimated that 108 such Acts have not been repealed so far.
- 10.** In view of the preceding paragraphs, the Committee suggests that Legal Opinion may be obtained from the Department of Legal Affairs, Ministry of Law and Justice or the Law Officer, as may be considered appropriate, as to whether the Parliament can be conferred legislative competence by Resolution passed by the concerned State Legislature or by the consent of the concerned State Governments or in any other way in respect of such Central Acts identified for repeal.
- 11.** On perusal of the Central Acts from the year beginning from 1834 to October, 2014, the following Central Acts relating to State subjects have been identified for repeal by the State Legislatures, namely:—

## **1. The Bengal Indigo Contracts Act, 1836 (X of 1836)**

The aforesaid Act has been enacted to settle the disputes relating to right to Indigo plant. The aforesaid Act was passed by the Right Hon'ble the Governor General of India in Council on the 11th April, 1836.

The aforesaid Act, *inter alia*, provides that the Court tries any suit instituted under the provisions of Regulations VI of the Bengal Code or under the provisions of the aforesaid Act shall be authorised to examine both the plaintiff and defendant, whenever the court shall deem such examination necessary to the ends of justice.

The P.C. Jain Commission has also recommended for its repeal at Sl. No. 13 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 1 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. It has observed that prior to independence, the British controlled the entire trade in indigo and this Act, which was enacted by the Governor-General-in-Council, helped consolidate British rule over indigo farming by enforcing its cultivation by farmers in the erstwhile Bengal province. This Act is in disuse and a remnant of colonialism, and should be repealed. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Governments recommending review of this law by the State with a view to repeal. The Central Government should also remove this law from its lists of Central Acts in force.

By efflux of time, the aforesaid Act has become redundant and needs to be repealed.

**In view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be repealed.**

## **2. The Bengal Districts Act, 1836 (XXI of 1836)**

The aforesaid Act has been passed by the Right Hon'ble the Governor General of India in Council on the 19th September, 1836. The aforesaid Act was enacted to empower the Governor General in Council to create new Zillahs in any part of the Presidency of Fort Williams in Bengal and to alter the limits of existing Zillahs.

The P.C. Jain Commission has also recommended for its repeal at serial No. 10 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 248<sup>th</sup> Report at serial No. 1 under Chapter 4 has recommended to the State of West Bengal for the repeal of the aforesaid Act with suitable amendments. The Law Commission has observed that the aforesaid Act gives power to the State Government in Bengal to create new districts by notification in the Official Gazette and it is one of two of the oldest laws in the statute books. The Commission further observed that while new districts are now formed by State Governments under their respective Revenue Codes, Bengal is a special case where it is still being done under the Central Act. This law may be repealed if the power to create districts is instead included in the relevant West Bengal statute.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above,**

**the Committee feels that the aforesaid Act can be considered for repeal.**

### **3. The Madras Public Property Malversation Act, 1837 (XXXVI of 1837)**

The aforesaid Act has been enacted for extension of jurisdiction of Collectors and their subordinates in cases of embezzlement, etc., to similar offences by persons of certain classes and for extension of enactments relating to embezzlement.

The P.C. Jain Commission has also recommended for its repeal at serial No.62 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 2 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act extended the jurisdiction of the Collectors, Subordinate Collectors and Assistant Collectors to cases of embezzlement of any public property or the falsification, destruction or concealment of any public account, record, voucher or document, relating to any public property. It is in force in the State of Tamil Nadu. Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government seeking its opinion in regard to this law. Thereafter, the Central Government should also remove this law from its lists of central Acts in force.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **4. The Bengal Bonded Warehouse Association Act, 1838 (V of 1838)**

The aforesaid Act has been enacted to form a corporate body for the Warehousing of Good, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association.

The P.C. Jain Commission has also recommended for its repeal at serial No.7 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 248<sup>th</sup> Report at serial No. 2 under Chapter 4 has recommended for the repeal of the aforesaid Act and observed that the aforesaid Act was enacted to stipulate that only residents of the Presidency of Fort William in Bengal can be the directors of the Bengal Bonded Warehouse Association and that the Association can sell its property only to the East India Company. The Commission further observed that the East India Company is no longer in existence, and the Presidency of Fort William has also ceased to exist as an administrative unit and consequently, the Act is now redundant.

The P.C. Jain Commission has recommended for its repeal at Sl.No.7 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments) and the Law Commission has recommended the repeal of the aforesaid Act without mentioning the requirement of consultation with the relevant State.

Since the aforesaid Act has been enacted to form a corporate body for the Warehousing of Good, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association, therefore, the aforesaid Act has been included in this Chapter.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **5. The Madras Rent and Revenue Sales Act, 1839 (VII of 1839)**

The copy of the aforesaid Act is not available in the Central Acts (Master Copy set No. 29) made available to the Committee by the Legislative Department. The Legislative Department has *vide* their O.M. No. 1 (2)/2014-Corr. dated 18th September, 2014 (See Volume III, Part-II (Pages 404 to 419) has intimated that the aforesaid Act copy is not available with them also. The aforesaid Act is also not available on the Indiacode.nic.in being the website of the Legislative Department.

The P.C. Jain Commission has also recommended for its repeal at Sl.No.63 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 3 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act laid down the powers of the Tahsildar with respect to property distrained for arrears of rent or revenue. It is in force in the State of Tamil Nadu. Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

**The Committee did not have occasion to study the aforesaid Act due to non-availability of the text of the aforesaid Act as mentioned above and therefore unable to give its views on the aforesaid Act. In view of the above, the Legislative Department may take a view in the matter for repeal of the aforesaid Act.**

## **6. The Bengal Land Revenue Sales Act, 1841 (XII of 1841)**

The aforesaid Act has been enacted to amend the Bengal Code relating to sales of land for arrears of Revenue. The aforesaid Act was passed by the Right Hon'ble the Governor General of India in Council on the 19th July, 1841.

The P.C. Jain Commission has also recommended for its repeal at Sl.No.15 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 4 under Chapter 2 of the Report recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission has observed that the text of this Act is not available on the Law Ministry's website, or from any other readily available source, an indication that it is not in use. Neither are there any other documented instances where this Act has been used in the last few decades. This Act should therefore be repealed. Since land revenue falls under List II of the Seventh Schedule (Entry 45), the State legislature is the competent legislature for repeal of this Act. Therefore, the Central Government should write to the concerned State Government recommending review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of Central Acts in force.

The Committee on perusal of the aforesaid Act under the Central Acts bound volume 1842 to 1845 made available to the Committee is of the view that the aforesaid Act has become redundant in view of Revenue Recovery Act, 1890 which was enacted subsequent to the enactment of the Bengal Land Revenue Sales Act, 1841.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above,**

**the Committee feels that the aforesaid Act can be considered for repeal.**

### **7. Sales of Land for Revenue Arrears (I of 1845)**

The aforesaid Act has been passed by the Right Hon'ble the Governor General in Council on the 19th July, 1841. The aforesaid Act was enacted to amend the Bengal Land Revenue Sales Act, 1841 (XII of 1841). The Bengal Land Revenue Sales Act, 1841 was enacted to amend the Bengal Code relating to sales of land for arrears of Revenue.

The P.C. Jain Commission has also recommended for its repeal at Sl. No. 87 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 7 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that this is another law whose text is not readily available. Neither are there any other indications that the Act is in use. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

The Committee feels that the Bengal Land Revenue Sales Act, 1841 itself has become redundant in view of Revenue Recovery Act, 1890.

**In view of above, the Committee feels that the aforesaid Act has been shown as repealed in the Status of Acts prepared by it and given under Volume II which may be revisited and can be considered for repeal in the light of Legal Opinion and consultation with the relevant State Governments and Legislative Department.**

### **8. Boundary-marks, Bombay (III of 1846)**

The aforesaid Act has been enacted for the establishment and maintenance of field boundary marks in the Presidency of Bombay. The aforesaid Act was passed by the Hon'ble the President of the Council of India in Council on the 7th January, 1846, with the assent of the Right Hon'ble the Governor General of India.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.28 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 8 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that this is another law whose text is not readily available. Neither are there any other indications that the Act is in use. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

The aforesaid Act has been repealed by in part by Act No. 16 of 1874, Bombay Act 1 of 1865 and Bombay Act 5 of 1879 (repealed locally) and therefore a view has to be taken as to whether the aforesaid Act deemed to have been repealed or it exists on the Central Statutes and required to be repealed. It requires to be re-visited to ascertain as to whether the Boundaries covered by the aforesaid Act are confined to one State or more than one State.

**In view of above, the Committee feels that the aforesaid Act can be considered for repeal in the light of Legal Opinion and consultation with the relevant State**

## **Governments and Legislative Department.**

### **9. Boundaries (I of 1847)**

The aforesaid Act has been enacted for the establishment and maintenance of boundary marks in the North Western Provinces of Bengal. The aforesaid Act was passed by the Hon'ble the President of the Council of India in Council on the 30th January, 1847, with the assent of the Right Hon'ble the Governor General of India.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.43 of Annexure-A-1 to its Report (166 Central Acts for repeal by Central Government).

The aforesaid Act mainly deals with establishment and maintenance of intra-state boundary marks and not inter-state boundary marks. By efflux of time, the aforesaid Act has become redundant and needs to be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **10. The Bengal Alluvion and Diluvion Act, 1847 (IX of 1847)**

The aforesaid Act has been enacted for assessment of lands gained from the sea or from river by alluvion or dereliction with the provinces of Bengal, Bihar and Orissa. The aforesaid Act was passed by the Hon'ble the President of the Council of India in Council on the 8th May, 1847, with the assent of the Right Hon'ble the Governor General of India.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.5 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 9 under Chapter 2 of the Report referring to the earlier recommendations of the P.C. Jain Commission observed that the Act laid down the procedure for assessment of lands gained from the sea or from rivers by alluvion within the provinces of Bengal, Bihar or Orissa (as they existed at the time). This Act has been repealed in its application to West Bengal by Section 59 of the West Bengal Land Reforms Act, 1955. The Act has also been repealed by the Government of Odisha. However, it may still be in force in the State of Bihar. Therefore, the Central Government should also write to the concerned State Government recommending the review of this law by the State, with a view to repeal. Also, Central Government should remove this law from its lists of central Acts in force.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **11. The Bengal Landholders' Attendance Act, 1848 (XX of 1848)**

The aforesaid Act has been enacted for better enforcing the attendance of proprietors and farmers of land before collectors of land revenue in the lower Provinces of the Bengal Presidency.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.14 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The aforesaid Act consists of eight sections. The aforesaid Act, *inter alia*, confers powers upon the collector to impose of his own authority such daily fine not exceeding

rupees fifty for failure of attendance of proprietors and farmers of land. The aforesaid Act also provides that the provisions of the aforesaid Act shall not extend to the North-west Provinces of the Presidency of Bengal.

**By efflux of time and in view of the enactment of Code of Civil Procedure, 1908 subsequent to the enactment of the aforesaid Act and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **12. The Madras Revenue Commissioner Act, 1849 (X of 1849).**

The aforesaid Act has been enacted for appointing a Commissioner of Revenue at Madras. The aforesaid Act was passed by the Hon'ble the President of the Council of India in Council on the 26th May, 1849.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.64 of Annexure A-5 of its Report (114 central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 10 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act empowered the Governor of Fort St. George in Council to depute a Member of the Board of Revenue as the Revenue Commissioner for the districts of the Presidency of Madras. Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **13. The Calcutta Land revenue Act, 1850 (XXIII of 1850)**

The aforesaid Act has been enacted for securing the Land Revenue of Calcutta. The aforesaid Act was passed on the 8th June, 1850.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.30 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 11 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act prescribes the procedure for ascertaining and collecting the land revenue accruing to the Government of India within Calcutta. Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned, State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

As per the information gathered by the Committee from the website of the Land and Land Reforms Department, West Bengal, the Kolkata Land Revenue Act, 2003 has been enacted to provide for securing the land-revenue within the jurisdiction of the Municipal Corporations of Kolkata and Howrah and other municipal areas under the Kolkata Metropolitan Department Authority as may be extended from time to time and in relation to matters connected therewith or incidental thereto. Section 22 of the aforesaid said Act provides that the Calcutta Land-revenue Act, 1850, shall stand repealed with effect from such date as the State Government may, by notification in the *Official Gazette*, appoints.

**The Committee has not come through any notification referred to in preceding paragraph and issued by the Government of West Bengal.**

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **14. The Forfeited Deposits Act, 1850 (XXV of 1850)**

The aforesaid Act has been enacted for the forfeiture to Government of deposits made on incomplete sales of land under regulation VIII of 1819 and the Execution-sales of Land, Bengal (Act IV of 1846). The aforesaid Act was passed on the 21st June, 1850.

The Law Commission of India in its 248<sup>th</sup> report at Sl. No. 4 under Chapter 4 of the Report observed that the aforesaid Act was enacted for the forfeiture to the Government of deposits made on incomplete sales of land made under Regulation VIII, 1819 of the Bengal Code (the Bengal Patni Taluks Regulation, 1819) and since tenure-holders or patnidars were taking fraudulent advantage of this Regulation, this Act was introduced to counter the situation. It further observed that the Regulation allowed forfeited deposits at land sales to be applied as purchase-money and the Act instead provided that forfeited deposits were to be used towards the cost of sales, and the rest to be forfeited to Government. It further observed that the aforesaid Act is of no relevance after 1947.

The Centre for Civil Society at Sl. No. 1 of its compendium of 100 laws to be repealed *inter alia* stated that the aforesaid Act was enacted in response to the British Regulation VIII, 1819 and as this Regulation is not in force any more, this Act is not required. It further stated that the aforesaid Act is redundant post-Independence, as it was enacted specifically in response to British administrative needs that no longer exist.

Further, section 1 of the Forfeited Deposits Act, 1850 has been repealed by the Repealing Act, 1870 (XIV of 1870) and the Execution-sales of Land, Bengal (Act IV of 1846) was also repealed by Act 12 of 1873.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **15. Improvements in Towns (XXVI of 1850)**

The aforesaid Act has been enacted for the improvements to be made in towns. The aforesaid Act was passed on the 21st June, 1850.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.49 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 12 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act authorised Provincial Governments to introduce provisions for constructing, repairing, cleaning, lighting or watering of any public streets, drains or tanks for the prevention of nuisances or for improving the town. Municipal regulations and urban local bodies of respective States adequately cover these matters now. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force ('local government' is Item 5 in List II of the Seventh Schedule). Therefore, the Central Government should write to the concerned State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

The aforesaid Act extended the local self government to the whole country and authorised a system of administration by Councillors in the matters of construction, repairs, cleanliness, lighting, maintenance etc. However, at present administration of towns are governed by the respective State Acts in terms of provisions of the Constitution as amended by the Constitution (Seventy-third Amendment) Act, 1992 and the Constitution (Seventy-fourth Amendment) Act, 1992. Thus, the aforesaid Act has become redundant.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **16. The Madras City Land Revenue Act, 1851 (XII of 1851)**

The aforesaid Act has been enacted for securing the land revenue of Madras. The aforesaid Act was passed on the 14th November, 1851.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.57 of Annexure A-5 of its Report (114 central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 13 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Act laid down the procedure for collecting revenue in the territories falling within the local limits of the jurisdiction of the High Court of Judicature at Madras. Although enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its list of Central Acts in force.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **17. The Bombay Rent-free Estates Act, 1852 (XI of 1852)**

The aforesaid Act has been enacted for the adjudication of titles to certain Estates claimed to be wholly or partially rent-free in the Presidency of Bombay. The aforesaid Act was passed on the 13th February, 1852.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.26 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 14 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The aforesaid Act was enacted to provide for adjudication of titles to certain estates in the territories of Dekkhan, Khandesh and Southern Maratha Country and certain other districts annexed to the Bombay Presidency. Although enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **18. The Rent Recovery Act, 1853 (VI of 1853)**

The aforesaid Act was enacted to summary suits for arrears of rent, to sales of Putnee Talooks and other saleable tenures, and to sales of land in satisfaction of summary decrees for rent. The aforesaid Act was passed on the 15th April, 1853.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.74 of Annexure A-1 of its Report (166 Central Acts to be repealed by the Central Government).

The Law Commission of India in its 249th Report at Sl. No. 15 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Act regulated the procedure to be followed in summary suits for arrears of rent, to sales of 'Putnee Talooks', and other saleable tenures, and to sales of land in satisfaction of summary decrees of rent. The Act vested jurisdiction in the Collector to conduct the sale, or to hear and decide the suit with respect to land which is the subject of such sale. Most States have now enacted their own rent recovery laws. Hence, the purpose of this Act has been subsumed by other laws. However, since the competent legislature for the subject of procedure in rent courts is that of the State, (See Item 3, List II, Seventh Schedule, Constitution of India), based on Article 372(1) of the Constitution, the repeal of this Act can only be done by the relevant States where it is still in operation.

Almost all the States have enacted their Rent Control Acts in their respective States. The aforesaid Act has become obsolete and needs to be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **19. The Shore Nuisances (Bombay and Kolaba) Act, 1853 (XI of 1853)**

The aforesaid Act has been enacted to facilitate the removal of nuisances and encroachments below high-water mark in the islands of Bombay and Colaba. The aforesaid Act was passed on the 15th July, 1853.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.91 of Annexure A-5 of its Report (114 central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 16 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Act facilitated the removal of nuisances, obstructions and encroachments below high-water mark in the islands of Bombay and Kolaba for safe navigation in these harbours. The Collector was empowered, under this Act, to give notice for removal of any such nuisance from the sea-shore of the two islands. This is one of the earliest laws concerning water pollution and was meant to regulate the waste materials discharged in the coastal areas of Bombay and Kolaba, from various industries working in close vicinity of these areas. The management of hazardous waste materials is now carried out under various rules framed under the Environment (Protection) Act, 1986 and the Water (Prevention and Control of Pollution) Act, 1974. The purpose of this Act has been subsumed by later enactments. There is no evidence of this Act being in use. Hence, the Central Government should repeal this Act.

The scope of the aforesaid Act is limited to the islands of Bombay and Kolaba, which is now part of State of Maharashtra.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **20. The Bengal Bonded Warehouse Association Act, 1854 (V of 1854)**

The aforesaid Act has been enacted to amend the Bengal Bonded Warehouse Association Act, 1838 (V of 1838).

The P.C. Jain Commission has recommended for its repeal at Sl.No.8 of Annexure-A-5 to its Report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission in its 248<sup>th</sup> Report at Sl. No. 3 under Chapter 4 of the Report, has recommended for repeal stating that the reason for repeal for the Bengal Bonded Warehouse Association Act, 1838 (5 of 1838) applies to this Act as well.

The Bengal Bonded Warehouse Association Act, 1838 (5 of 1838) has also been proposed to be repealed at serial No. 4 above, as obsolete in the present day scenario and the aforesaid Act is amendment Act to that Act also needs to be repealed.

Since the aforesaid Act has been enacted to form a corporate body for the Warehousing of Good, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association, therefore, the aforesaid Act has been included in this Chapter.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **21. The Police Agra Act, 1854 (XVI of 1854)**

The aforesaid Act has been enacted to make amendment of regulation XI of 1832 of the Bengal Code to declare Darogahs of Police to be subjects to Tehseeldars. The aforesaid Act was passed on the 28th July, 1854.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.79 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 17 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the text of this law is not readily available. Neither are there any indications that the Act is in use. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **22. The Bengal Embankment Act, 1855 (XXXII of 1855)**

The aforesaid Act relates to Embankments. The aforesaid Act was passed on the 30th November, 1855.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.11 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 18 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act was enacted to provide for better supervision and protection of embankments in view of the fact that the existing Regulations were ineffectual for the maintenance of embankments. This Act was repealed in its application to

all territories except Orissa (as it existed at the time) and the Sunderbans by the Bengal Embankments Act, 1873. Its applicability is therefore limited. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Governments of West Bengal and Odisha recommending the review of this law by the State, with a view to repeal.

The aforesaid Act has become obsolete and redundant in the present day scenario and needs to be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **23. The Sonthal Parganas Act, 1855 (XXXVII of 1855)**

The aforesaid Act has been enacted to remove from the operation of the general Laws and Regulations in certain Districts inhabited by Sonthals and other, and to place the same under the superintendence of an Officer to be specially appointed for that purpose. The aforesaid Act was passed on the 22<sup>nd</sup> December, 1855.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.94 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 248<sup>th</sup> Report at Sl. No. 6 under Chapter 4 of its Report has recommended for repeal of the aforesaid Act and *inter alia*, observed that the aforesaid Act was enacted to remove, from the operation of the general laws and regulations, certain districts inhabited by persons belonging to the Sonthal tribe and the Preamble to the Act states that 'the general Regulations and Acts of Government now in force in the Presidency of Bengal are not adapted to the uncivilized race of people called Sonthals'. It further observed that the Act cites this as the reason for removing from the operation of such laws the district inhabited by this tribe. It also observed that the Act employs language to describe the tribal population that has no place in the modern era and the language of the Act runs contrary to the spirit of the Constitution. It also observed that, the Sonthal areas administration is now covered under the Fifth Schedule of the Constitution, therefore, this Act should be repealed. The Law Commission has further observed that the aforesaid Act has been recommended for repeal by the P.C. Jain Commission in Appendix A-5.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **24. The Calcutta Land Revenue Act, 1856 (XVIII of 1856)**

The aforesaid Act relates to the administration of the public revenue in the Town of Calcutta. The aforesaid Act was passed by the Legislative Council of India and received the assent of the Governor General on the 23rd August, 1856.

The P.C. Jain Commission has recommended for its repeal at Sl. No.31 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 19 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act prescribes the procedure for ascertaining and collecting the land revenue accruing to the Government of India within Calcutta. Although enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this

law from its lists of central Acts in force.

The aforesaid Act contains three sections, out of which sections I and II have been repealed. Section III of the aforesaid Act is existing which empowers the Collector of Calcutta to employ any deputy collector to sub-ordinate to him, in the performance of any part of the duties of his office. The aforesaid Act has become irrelevant and obsolete in the present day scenario and needs to be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **25. The Bengal Chaukidari Act, 1856 (XX of 1856)**

The aforesaid Act has been enacted to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of the Fort William in Bengal. The aforesaid Act was passed by the Legislative Council of India and received the assent of the Governor General on the 14th November, 1856.

The P.C. Jain Commission has recommended for its repeal at Sl. No.9 of Annexure A-5 of its Report (114 central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 20 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act provided for the appointment and maintenance of Police Chaukidars in cities, towns, stations, suburbs, and bazaars in the Presidency of Fort William in Bengal. Although enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State which also has the power to repeal or amend this law. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal.

The aforesaid Act has become irrelevant and obsolete in the present day scenario and needs to be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **26. The Tobacco Duty (Town of Bombay) Act, 1857 (IV of 1857)**

The aforesaid Act has been enacted to impose duties payable on Tobacco, and the retail sale and warehousing thereof in the town of Bombay. The aforesaid Act was passed by the Legislative Council of India and received the assent of the Governor General on the 9th February, 1857.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.98 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 21 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act. The Law Commission observed that the aforesaid Act amended the law relating to the duties payable on, and the retail sale and warehousing of tobacco, in the town of Bombay. The Act has now fallen into disuse. Tobacco duties are imposed under the Central Excise Act, 1944, since 'duties of excise on tobacco manufactured or produced in India' falls under List I of the Seventh Schedule (See Item 84). Therefore, the 1857 Act may be repealed.

The aforesaid Act has become irrelevant and obsolete in the present day scenario.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above,  
the Committee feels that the aforesaid Act can be considered for repeal.**

### **27. The Sonthal Parganas Act, 1857 (X of 1857)**

The aforesaid Act has been enacted to amend the Sonthal Parganas Act, 1855 (XXXVII of 1855), which provides to remove from the operation of the general Laws and Regulations in certain Districts inhabited by Sonthals and other, and to place the same under the superintendence of an Officer to be specially appointed for that purpose.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.95 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 248<sup>th</sup> Report at Sl. No. 7 under Chapter 4 of its Report has recommended for repeal and *inter alia*, observed that the aforesaid Act amended the Sonthal Parganas Act, 1855 and extended the application of the Act to certain other areas. It further observed that the reason for repeal for the 1855 Act applies to this Act as well.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above,  
the Committee feels that the aforesaid Act can be considered for repeal.**

### **28. The Madras Compulsory Labour Act, 1858 (I of 1858)**

The aforesaid Act has been enacted to make lawful compulsory labour for the prevention of mischief by inundation, and to provide for the enforcement of customary labour on certain works of irrigation in the Presidency of Fort Saint George. The aforesaid Act was passed by the Legislative Council of India and received the assent of the Governor General on the 20th January, 1858.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.59 of Annexure A-5 of its Report (114 central Acts to be repealed by the State Governments

The Law Commission of India in its 249th Report at Sl. No. 22 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act. The Law Commission observed that the aforesaid Act made lawful to compel labourers to prevent and repair any mischief by inundations caused by sudden breach of embankments of tanks, rivers and canals in the Presidency of Fort St. George in Madras. Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal, particularly since it deals with compulsory labour which goes against rights guaranteed under the Constitution. The Central Government should also remove this law from its lists of Central Acts in force.

The aforesaid Act has become irrelevant and obsolete in the present day scenario.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above,  
the Committee feels that the aforesaid Act can be considered for repeal.**

### **29. The Bengal Ghatwali Lands Act, 1859 (V of 1859)**

The aforesaid Act has been enacted to empower the holders of Ghatwali lands in the District of Beerbhoom to grant lease extending beyond the period of their own possession. The aforesaid Act was passed by the Legislative Council of India and received the assent of the Governor General on the 4th March, 1859.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.12 of Annexure A-5 of its Report (114 central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 23 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act. The Law Commission observed that the aforesaid Act empowered the holders of ghatwali lands in the district of Birbhum in West Bengal to grant leases extending beyond the period of their own possession. The Act was enacted specifically for the benefit of ghatwals who paid the revenue of their lands directly to the Government under Regulation 29, 1814 of the Bengal Code. This system of land revenue administration no longer exists. However, the power to repeal or amend this law rests with the concerned State legislature. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal.

The aforesaid Act has become irrelevant and obsolete in the present day scenario.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **30. The Bengal Rent Act, 1859 (X of 1859)**

The aforesaid Act amends the law relating to the recovery of rent in the Presidency of Fort William in Bengal. The aforesaid Act was passed by the Legislative Council of India and received the assent of the Governor General on the 29th April, 1859.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.18 of Annexure A-5 of its Report (114 central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 24 under Chapter 2 of the Report also recommended for removal from the list. The Law Commission observed that the aforesaid Act amended the existing Regulations and Acts relating to the recovery of rent in the Presidency of Fort William in Bengal. This Act has been repealed by Section 59 of the West Bengal Land Reforms Act, 1955. Therefore, the Central Government should remove this law from its lists of central Acts in force.

**As per the records made available to the Committee by the Legislative Department, the aforesaid Act has been indicated as partially repealed. After ascertaining the position of the fact of the repeal of the aforesaid Act, necessary action may be taken by the Legislative Department for repeal or recording the fact of having repeal of the aforesaid Act in the Statutes Book.**

### **31. The Bengal Land Revenue Sales Act, 1859 (XI of 1859)**

The aforesaid Act has been enacted to improve the law relating to sales of land for arrears of revenue in the lower Provinces under the Bengal Presidency. The aforesaid Act was passed by the Legislative Council of India and received the assent of the Governor General on the 4th May, 1859.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.16 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 25 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act was meant to improve the law relating to sales of land for arrears of revenue in the provinces of Bengal, Bihar and Orissa (as they existed at the time). Although enacted by the Governor-General-in-Council prior to independence, it is

now administered by the relevant State which also has the power to repeal or amend this law. The Government of Odisha has already repealed the law. Therefore, the Central Government should write to the other concerned State Governments recommending the review of this law with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

The aforesaid Act has become irrelevant and obsolete in the present day scenario.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **32. The Madras District Police Act, 1859 (XXIV of 1859)**

The aforesaid Act provides for the better regulation of the Police within the territories subject to the President of Fort St. George. The aforesaid Act was passed by the Legislative Council of India and received the assent of the Governor General on the 6th September, 1859.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.60 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 26 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act. The Law Commission observed that the aforesaid Act provided for reorganising the police force in the State of Tamil Nadu so as to make it a more efficient instrument for the prevention and detection of crime. The Act was rechristened the Tamil Nadu District Police Act, 1859 by means of the Adaptation Order of 1969 and the Act is still in use. Hence, the Central Government should remove this law from its lists of central Acts in force.

The aforesaid Act has become irrelevant and obsolete in the present day scenario.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **33. Partition of Revenue-paying Estates (XIX of 1863)**

The aforesaid Act consolidates and amends the law relating to the Partition of Estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 10th March, 1863.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.75 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 29 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act was enacted to consolidate and amend the law relating to partition of estates paying revenue to government in the North-Western Provinces of the Presidency of Fort William in Bengal (which lies in modern-day Uttar Pradesh). Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

The aforesaid Act has become irrelevant and obsolete in the present scenario.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **34. The Waste-lands (Claims) Act, 1863 (XXIII of 1863)**

The aforesaid Act provides for the adjudication of claims to waste lands.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.101 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 248th Report at Sl. No.14 under Chapter 4 of its Report has recommended for repeal of the aforesaid Act and, *inter alia*, observed that the aforesaid Act was enacted to establish the procedures for adjudication of claims made in relation to waste-lands and at the time of enactment, all land not used for agriculture as waste-lands, and the colonial State asserted control over these lands. It further observed that a majority of what was previously considered waste-land is now being administered under the Indian Forests Act, 1927 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Waste-land is now considered to be the common property of the village communities. It also observed that the continuation of this Act would lead to perpetuation of the colonial mind-set surrounding management of waste-lands.

The Centre for Civil Society at Sl. No. 6 of its compendium of 100 laws to be repealed *inter alia* stated that-

[This Act is a remnant of the colonial discourse surrounding waste-lands. Prior to Independence, all lands that were not under cultivation were classified as waste-lands and the State asserted proprietary rights over them. The colonial government wanted to assert control over waste-lands to claim revenue from it. Such title was sold to the public by the government.

Under the Seventh Schedule of the Constitution, all matters relating to land are within the exclusive legislative and administrative jurisdiction of State Governments. Land classified as waste-land according to current government norms, whether under revenue land or forests, would fall within the jurisdiction of the state governments. Any claims relating to such land will follow the Revenue Code/ Acts administered by the State governments.

Government's discourse regarding waste-lands has significantly changed post-Independence and the need to use such lands for agriculture has now assumed prominence. Waste-land management programmes now accord significance to the fact that waste-lands are the common property of village communities and the economic and ecological contributions of these lands are taken note of. The proprietary rights of the State have been replaced with a close relationship between the environment and the community living within that area as the community derives sustenance from it. The continuation of this Act under the changed legal and policy circumstances serves no purpose.]

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **35. The Oudh Sub-settlement Act, 1866 (XXVI of 1866).**

The aforesaid Act legalizes the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that province.

The Law Commission of India in its 248th Report at Sl. No. 15 under Chapter 4 of the Report had recommended for repeal of the aforesaid Act. The Law Commission observed that the Act was enacted to give the force of law to the rules made by the Chief Commissioner of Oudh for determining the claims of persons claiming property titles in the province and the Act is redundant as Oudh has ceased to exist as an administrative unit.

The Centre for Civil Society at Sl. No. 8 of its compendium of 100 laws to be repealed, *inter alia*, stated that the princely state of Oudh does not exist anymore and also, the Rules regarding sub-settlement and other subordinate rights of property in Oudh are not in force now and hence, the Act does not serve any discernible purpose anymore. It further

stated that under the Seventh Schedule of the Constitution, all matters relating to land are within the exclusive legislative and administrative jurisdiction of State governments and any claims to title/ property rights are adjudicated in terms of respective the Land Revenue Code/Acts administered by the State governments and the Civil Procedure Code. It appears that the aforesaid Society inadvertently mentioned the Oudh Sub-settlement Act, 1867 instead Oudh Sub-settlement Act, 1866 (26 of 1866).

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **36. The Sarais Act, 1867 (XXII of 1867)**

The aforesaid Act provides for regulation of public Sarais and Puraos. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 15th March, 1867.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.88 of Annexure A-5 of its Report (114 central Acts to be repealed by the State Governments).

The Law Commission of India in its 248<sup>th</sup> Report at Sl. No. 17 under Chapter 4 of the Report has recommended for repeal in consultation with the State(s) and *inter alia* observed that the Act empowers the District Magistrate to regulate public sarais. It includes provisions related to registration, character certificate, and written reports from the sarai keeper, among others. It further observed that the aforesaid Act is now redundant because hotels are already registered under relevant state legislations and regulations made thereunder. Further, it has been reported in the news that police and tourism officials have harassed hotel owners in the recent past for failure to comply with the provisions of the Sarais Act and hence, this Act should now be repealed.

The Centre for Civil Society at Sl. No. 69 of its compendium of 100 laws to be repealed *inter alia*, stated that the aforesaid Act is archaic and serves no useful purpose, since an adequate regulatory mechanism exists for the regulation of hotels by Tourism Departments in every state. It further stated that the subject matter of this Act belongs to the State list, under 'inns and inn-keepers' in Entry 31 of the State List and thus it is not an appropriate subject for a Central legislation. It also stated that the aforesaid Act is used to harass hotel owners, as indicated by recent news reports, for instance, a hotel in Delhi was harassed because it did not offer free drinking water to passers-by, as required under the Sarais Act.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **37. The Oudh Estates Act, 1869 (I of 1869)**

The aforesaid Act defines the rights of Taluzdars and others in certain estates in Oudh, and to regulate the succession thereto. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 12th January, 1869.

The Law Commission of India in its 248<sup>th</sup> Report at Sl. No. 19 under Chapter 4 of the Report has recommended for repeal in consultation with State(s) and *inter alia*, observed that the aforesaid Act defines and regulates the succession rights of Taluqdars and other landholders in certain estates in Oudh and both Oudh and the Taluqdari system no longer exist, therefore, the provisions of this Act are redundant.

The Centre for Civil Society at Sl. No. 9 of its compendium of 100 laws to be repealed, *inter alia*, stated that Princely states, including Oudh, have ceased to exist in India and the Taluqdari system has also been abolished, therefore, this Act is completely obsolete.

It further stated that under the Seventh Schedule of the Constitution, all matters relating to land are within the exclusive legislative and administrative jurisdiction of state governments and any claims to title and property rights are adjudicated in terms of respective the Land Revenue Code/Acts administered by the state governments and the Civil Procedure Code.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **38. The Oudh Taluqdars Relief Act, 1870 (XXIV of 1870)**

The aforesaid Act relieves from incumbrances the estates of Taluqdars in Oudh. This Act has become irrelevant in view of Estates abolition and obsolete in the present day scenario and needs to be repealed.

The Law Commission of India in its 248<sup>th</sup> Report at Sl. No. 20 under Chapter 4 of the Report has recommended for repeal in consultation with State(s) and, *inter alia*, observed that in Oudh, in colonial and pre-colonial India, many Taluqdars were indebted, and as a result, their immovable property was subject to mortgages and liens. It further observed that the aforesaid Act provided a procedure to settle the debts of these Taluqdars and relieve them and as mentioned above, neither the princely state of Oudh nor the Taluqdar system exists today; therefore, the provisions of this Act are redundant.

The Centre for Civil Society at Sl. No. 10 of its compendium of 100 laws to be repealed *inter alia* stated that Princely states, including Oudh, have ceased to exist in India and the Taluqdar system has also been abolished, therefore, this Act is completely obsolete.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **39. The Coroners Act, 1871 (IV of 1871)**

The aforesaid Act consolidates and amends the laws relating to Coroners. Originally the aforesaid Act was extended to the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort Williams, Madras and Bombay and the aforesaid Act came into force from the 27th January, 1871.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.39 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 206<sup>th</sup> Report *inter alia*, observed that with a view to have uniformity of the law applicable throughout India, it may be considered that the extant Coroners Act, 1871 should be repealed in order that the provisions of the Code of Criminal Procedure, viz., sections 174 to 176 govern the field in the aforesaid territorial jurisdictions of Calcutta and Bombay also, besides the rest of India. It further observed that the enactment of a new Coroners Act applicable to the whole of India, in addition to the said provisions of the Code of Criminal Procedure, is felt to be the need of the hour and in view of the aforesaid, it has been decided to suggest to the Government of India that a necessary independent authority may be constituted to inquire into the true and real cause of death of a person, even if such a person dies outside the territorial limits of the country.

The Law Commission of India in its 249th Report at Sl. No. 30 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act. The Law Commission observed that the aforesaid Act amended the law relating to coroners. However, this Act has a limited extent and provides for the appointment of coroners only within the local limits of the ordinary original civil jurisdiction of the High Courts of Bombay and Calcutta. The High Court of Delhi, in *Social Jurist, a Civil Rights Group v. Union of India* [WP (C) No. 6179/2007], recommended the Law Commission to examine whether a legislation like the

Coroners Act, 1988 in force in the United Kingdom is needed in India. Consequently, the Law Commission, in its 206th Report (June 2008) carried a proposal for enactment of a new Coroners Act applicable to the whole of India. The Law Commission recommended repeal of the 1871 Act and the enactment of a new Coroners Act which extends to the whole of India. In this regard, the Law Commission proposed the Coroners Bill, 2008, the text of which is annexed to the 206th Report. Hence, the Central Government should repeal the 1871 Act and take up the Coroners Bill, 2008 (as recommended by the Law Commission) for consideration.

Attention is drawn to paragraph at page 13 of the Report which reads as follows:-

"With a view to have uniformity of the law applicable through out India, it may be considered that the extant Coroners Act, 1871 should be repealed in order that the provisions of the Code of Criminal Procedure viz., sections 174 to 176 govern the field in the aforesaid territorial jurisdictions of Calcutta and Bombay also, besides the rest of India. Further, enactment of a new Coroners Act applicable to the whole of India, in addition to the said provisions of the Code of Criminal Procedure, is felt to be the need of the hour.". The draft Bill appended to the said Report of the Law Commission does not contain provisions for repealing the aforesaid Act".

Attention is drawn to sections 3 and 8 of the aforesaid Act which read as under:-

[Coroners of Calcutta and Bombay-

3. Within the local limits of the ordinary original civil jurisdiction of each of the High Courts of Judicature at Fort William and Bombay there shall be a Coroner. Such Coroners shall be called respectively the Coroner of Calcutta and the Coroner of Bombay.

Jurisdiction to inquire into deaths.-

8. When a Coroner has reason to believe that the death of any person has been caused by accident, homicide, suicide, or suddenly by means unknown, or that any person being a prisoner has died in prison, and that the body is lying within the place for which the Coroner is so appointed, the Coroner shall inquire into the cause of death. Every such inquiry shall be deemed a judicial proceeding within the meaning of section 193 of the Indian Penal Code (45 of 1860).]

**The Committee feels that the aforesaid Act can be repealed and for enactment of the law on the subject has been suggested under Chapter-10.**

#### **40. The Dehradun Act, 1871 (XXI of 1871)**

The aforesaid Act gives validity to the operation of the General Regulations and Acts within the Dehra Dun.

The Law Commission in its 148<sup>th</sup> Report had earlier opined that they are not in a position to recommend the repeal of the Dehradun Act.

The Law Commission of India in its 248<sup>th</sup> Report has recommended for its repeal at Sl. No.21 under Chapter 4 of the Report in consultation with the State(s) and, *inter alia*, observed that the aforesaid Act was enacted to give validity within Dehradun to the operation of general Regulations and Acts in force in Saharanpur. It further observed that it was done because the territory of Dehradun was on several occasions moved from one jurisdiction to another by various legislative enactments. It also observed that the 148th Law Commission Report, 1993 considered but did not recommend repeal of this Act observing that territorial changes made in a particular year do not render redundant all enactments passed earlier, in order to deal with the consequences of any territorial changes that may have raised legal issues. The Commission also observed that Dehradun is now the capital of the State of Uttarakhand and all laws enacted by the Uttarakhand Legislative Assembly would have application to Dehradun and more than 140 years have passed since the enactment of this Statute, for the resolution of legal consequences, hence, this Act can be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **41. The Punjab Laws Act, 1872 (IV of 1872)**

The aforesaid Act has been enacted for declaring certain rules, laws and regulations have the force of law in the Punjab, and for other purposes.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.111 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 248th Report has also recommended for its repeal at Sl. No.22 under Chapter 4 of Report. The Law Commission observed that the Act declares which of certain laws are to have effect in Punjab and Delhi. It has been amended in 1956 to alter the applicability to the modern state of Punjab. Apart from extending laws, it also validates local customs, establishes local watchmen and grants the power to raise local taxes to pay the police. The powers conferred under the Act are archaic and newer laws exist that address the same matters. Hence, this Act can be repealed subject to factual verification that a law in force does not solely depend on this Act for its applicability.

By efflux of time this Act has become redundant and obsolete in the present day scenario and needs to be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **42. The Laws Local Extent Act, 1874 (XV of 1874)**

The aforesaid Act was enacted for declaring the local extent of certain Enactments, and for other purposes. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 1st March, 1867.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 68 of Appendix A-1 of its report (166 Central Acts to be repealed by the Central Government).

The Law Commission of India in its 248<sup>th</sup> Report has also recommended for its repeal at Sl. No.24 under Chapter 4 of its Report in consultation with relevant State(s). The Commission observed that the aforesaid Act declares the territorial extent of certain laws passed by the Legislative Council of India and the Council of the Governor General of India and there are five Schedules to this Act which enumerate the laws applicable to the whole of British India, to the Bombay, Madras, Bengal Presidencies, and to the North-Western Provinces of the Presidency of Fort William in Bengal. It further observed that the territorial divisions dealt with in this Act existed prior to 1947, and have no relevance to the modern day demarcation of States and the territorial applicability of laws is now determined under newer laws such as the State Reorganisation Acts and hence, this Act can be repealed subject to factual verification that a law in force does not solely depend on this Act for its applicability.

The Centre for Civil Society at Sl. No.12 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act the extent of local laws as mentioned under this Act envisages territorial divisions, as they existed prior to 1947. It further states that Provinces as they existed during the British era do not exist anymore. Also, the authorities that enacted the laws mentioned in this Act (the Governor General of India in Council, the Legislative Council of India and the Council of the Governor General of India) do not exist now and the territorial extents of various laws in force in India now find mention in the Act itself, such as section 1 of every Act is called Short title, extent and commencement which indicates what the territorial extent of the law would be.

**The Committee, on the perusal of the aforesaid Act suggests that the aforesaid Act can be considered for repeal after making a special saving provision on the following lines, namely:—**

"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Laws Local Extent Act, 1874, shall not, after repeal of the said Act by this Act, affect the applicability of the Acts and Regulations mentioned in the Schedules to the aforesaid Act to the territories of India after such repeal and such Acts and Regulations shall continue to apply to such territories to which the aforesaid Act and Regulations would have applied before such repeal."

#### **43. The Chota Nagpur Encumbered Estates Act, 1876 (VI of 1876)**

The aforesaid Act has been enacted to relieve certain landholders in Chutia Nagpur. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 14th March, 1876.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.36 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 34 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) referring to the earlier recommendations of the P.C. Jain Commission. It has observed that the aforesaid Act was enacted to provide for the relief of certain landholders in Chota Nagpur who were in debt, and whose immovable property was subject to mortgages, charges and liens. The group of princely States in Chota Nagpur fall in present-day Chhattisgarh, Jharkhand and Orissa, which have newer debt-relief laws and schemes. Consequently, the Act is now redundant. Therefore, the Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

In view of the abolition of Estates, the aforesaid Act has become redundant and obsolete in the present day scenario and needs to be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **44. The Bombay Municipal Debentures Act, 1876 (XV of 1876)**

The aforesaid Act has been enacted to amend the law relating to the transfer of Bombay Municipal Debentures and to provide for their consolidation. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 14th September, 1876.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.25 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 35 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s). It has observed that the aforesaid Act amended the law relating to the transfer of Bombay municipal debentures, and to provide for their consolidation. Municipal debentures in Bombay are now dealt with in the Mumbai Municipal Corporation Act, 1888. This Act has fallen into disuse and is thus now redundant. Therefore, the Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

By efflux of time this Act has become redundant and obsolete in the present scenario.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be repealed.**

#### **45. The Oudh Laws Act, 1876 (XVIII of 1876)**

The aforesaid Act was enacted to declare and amend the laws to be administered in Oudh. By efflux of time this Act has become redundant and obsolete and needs to be repealed.

The Centre for Civil Society at Sl. No. 13 of its compendium of 100 laws to be repealed *inter alia* stated that Princely states have ceased to exist in India and stated that the former princely state of Oudh now exists as Awadh in the state of Uttar Pradesh and the relevant laws and customs that are covered for administration by the courts of Oudh are now governed under respective statutes under the Constitution.

The Law Commission of India in its 248<sup>th</sup> Report has also recommended for its repeal at Sl. No. 26 under Chapter 4 of its report and *inter alia* observed that the aforesaid Act was enacted to amend and declare the laws to be administered in the princely state of Oudh and these laws dealt with matters such as issues related to land revenue, and questions regarding adoption, guardianship, succession, and partition. It further observed that Oudh is now a region in Uttar Pradesh called Awadh and ceases to exist as a separate administrative unit, hence, this law is redundant.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **46. The Broach and Kaira Incumbered Estates Act, 1877 (XIV of 1877)**

The aforesaid Act has been enacted to relieve from Incumbrances the estates of Thakurs in Broach and Kaira. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 28th June, 1877.

The P.C. Jain Commission has also recommended for its repeal at Sl. No. 29 of Annexure A-5 of its Report (114 Central Acts to be repealed by the State Governments).

The Law Commission of India in its 249th Report at Sl. No. 36 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) without mentioning the earlier recommendation of the P.C. Jain Commission. The aforesaid Act was enacted to relieve from encumbrances the Thakurs in the districts of Broach and Kaira who were in debt, and whose property was subject to mortgages, charges and liens. The Act laid down a procedure by which these Thakurs could make an application to the concerned authority for relief. Thakurs, for the purpose of this Act, meant taluqdars, jagirdars and kasbatis. The taluqdari and jagirdari systems do not exist now. Also, Broach and Kaira were districts in the erstwhile Presidency of Bombay. Broach now exists as Bharuch in the State of Gujarat and Kaira is a district in present-day Maharashtra. This Act was largely repealed by the Broach and Kaira Incumbered Estates Act, 1881, but a few sections remain on the books. It is now in disuse, and the Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

The aforesaid Act has become irrelevant in view of the abolition of Estates and obsolete in the present scenario.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **47. The Dekkhan Agriculturists Relief Act, 1879 (XVII of 1879)**

The aforesaid Act was enacted for the relief of indebted agriculturists in certain parts of Dekkan. The aforesaid Act was passed by the Governor General of India in Council and assented by the Governor General on the 29th October, 1879.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.40 of Appendix A-5 of its Report (114 Central Acts recommended for repeal by State Governments).

The Law Commission in its one hundred and forty-eighth Report has opined that they cannot recommend its repeal.

The Law Commission of India in its 248th Report has recommended for its repeal at Sl. No.29 under Chapter 4 of its Report in consultation with relevant State(s). The Law Commission, *inter alia*, observed that the aforesaid Act was enacted to provide succour to indebted agriculturists in certain parts of the Deccan and the relevant States in the area, namely Maharashtra, Andhra Pradesh, Kerala, Karnataka and Tamil Nadu all now have separate debt relief laws; hence, the purpose of this Act has been subsumed by other laws. The Commission further observed that since the competent legislature for the subject of agricultural indebtedness is the State, repeal must proceed accordingly, for example, the erstwhile State of Bombay expressly repealed the 1879 Act. It also observed that the aforesaid Act may be recommended for repeal to the States to which it has been extended by notification.

The Centre for Civil Society at Sl. No. 81 of its compendium of 100 laws to be repealed, *inter alia*, stated that most States now have their own Debt Relief Laws and additionally, the Centre has also introduced and implemented the Agriculture Debt Waiver and Debt Relief Scheme, 2008 to relieve agriculturists from indebtedness. It further stated that in light of these legislations, this particular Act is unnecessary.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **48. The Central Provinces Land-revenue Act, 1881(XVIII of 1881)**

The aforesaid Act has been enacted to consolidate and amend the law relating to Land-revenue and the powers of Revenue-officers in the Central Provinces. The aforesaid Act was passed by the Governor General of India in Council and assented by the Governor General on the 8th June, 1881.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.34 of Appendix A-5 (114 Central Acts recommended for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 39 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) without mentioning the earlier recommendation of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act was enacted to consolidate and amend the law relating to land revenue and the power of revenue officers in the Central Provinces, which now fall in the States of Madhya Pradesh, Maharashtra and Chhattisgarh. All these States have their own revenue codes and hence this law is now redundant. The Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

The aforesaid Act has become irrelevant and obsolete in the present scenario.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **49. The Agriculturists Loans Act, 1884 (XII of 1884)**

The aforesaid Act has been enacted to amend and provide for the extension of the Northern India Takkavi Act, 1879. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 24th July, 1884.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 1 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 248<sup>th</sup> Report has also recommended for repeal of the aforesaid Act at Sl. No.32 under Chapter 4 of its Report (without mentioning the necessity of consultation with the relevant State). The Law Commission observed that the aforesaid Act was enacted to amend and provide for the extension to certain territories of the Northern India and was enacted to provide for the recovery of certain advances made to landholders in the territories administered by the Lieutenant-Governors of the North-Western Frontier Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer.

The aforesaid Act applies for more than one State and relates to the procedure for recovery of loans specified one hundred and thirty years ago and had become obsolete and redundant.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **50. The Bengal Tenancy Act, 1885 (VIII of 1885)**

The aforesaid Act has been enacted to amend and consolidate certain enactments relating to the Law of Landlord and Tenant within the territories under the administration of the Lieutenant-Governor of Bengal. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 14th March, 1885.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 20 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

By efflux of time and enactment of land tenancy laws by the State Governments, the aforesaid Act has become redundant and can be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal in the light of tenancy laws by the State of West Bengal enacted subsequent to the enactment of the aforesaid Act.**

#### **51. The Mirzapur Stone Mahal Act, 1886 (V of 1886)**

The aforesaid Act has been enacted to declare and amend the law relating to the Stone Mahal in the District of Mirzapur in the North-Western Provinces. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 29th January, 1886.

The aforesaid Act, *inter alia*, contain provisions in respect of rights of the Government and the public in respect of a quarry of stones and certain matters relating thereto (including provision of levy of duty by proprietors). The aforesaid Act was last amended by the Uttar Pradesh Act 12 of 1992.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **52. The Deo Estate Act, 1886 (IX of 1886)**

The aforesaid Act has been enacted to apply the Chota Nagpur Encumbered Estates Act, 1876, to the Deo Estate in Gaya District. The preamble of the aforesaid Act reads as under:—

"Whereas Raja Bhikam Narayan Singh Bahadur, of Deo in the district of Gaya, is subject to, and his immovable property is charged with, debts and liabilities other than debts due, and liabilities incurred, to the Government;

And whereas the said Raja has requested that the provisions of the Chota Nagpur Encumbered Estates Act, 1876, be applied to his case;

And whereas the persons to whom the debts are due and the liabilities have been incurred have assented to the application of the Chota Nagpur Encumbered Estates Act, 1876, to the case, on the condition that their title to receive the principal and interest due to them to be in no way impaired thereby;".

The aforesaid Act, *inter alia*, provides that the Commissioner of Patna division or the Collector of Gaya may without any further notification of the consent of the Lieutenant-Governor of Bengal, publish an order under that section appointing a manager and vesting in him the management of the whole of the immoveable property of or to which the said Raja is then possessed or entitled in his own right, or which he is entitled to redeem or which may be acquired by or devolve on him or his heir during the continuance of the management.

The Committee feels that by efflux of time the aforesaid Act has become obsolete and redundant.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **53. The Punjab Tenancy Act, 1887 (XIV of 1887)**

The aforesaid Act has been enacted to amend the law relating to the tenancy of land in Punjab. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 23rd September, 1887.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 113 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 44 under Chapter 2 of the Report recommended that the Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use. The Law Commission observed that the aforesaid Act was enacted to amend the law relating to tenancy in Punjab. It is still in use in Punjab but has been repealed in its application to Delhi by the Delhi Land Reforms Act, 1954. The Central Government should write to the Government of Punjab seeking clarification on whether this Act is still in use. The Central Government should also remove this law from its lists of central Acts in force.

**In view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be repealed.**

## **54. The Punjab Land Revenue Act, 1887 (XVII of 1887)**

The aforesaid Act has been enacted to amend and declare the land-revenue Law of Punjab. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 23rd September, 1887.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 110 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 45 under Chapter 2 of the Report recommended that the Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use. The Law Commission observed that the aforesaid Act was enacted for the making and maintenance of records-of-rights in land, the assessment and collection of land-revenue and other matters relating to land and the liabilities incident thereto. It has been repealed in its application to Delhi by the Punjab Land Revenue Act, 1967, but is still in force in Punjab. The Central Government should write to the Government of Punjab seeking clarification on whether this Act is still in use. The Central Government should also remove this law from its lists of central Acts in force.

As per the information available on the web site of the State Government of Punjab, the aforesaid Act has been shown as in force as on 31st October, 2014 and shown as last amended by the Punjab Act 10 of 1969.

**The Committee feels that the aforesaid Act contains provisions relatable to the pre-independence colonial era. The Government of State of Punjab may take a view in the matter for the repeal of the aforesaid Act or its re-enactment in view of today's context, as the case may be.**

## **55. The King of Oudh's Estate Act, 1887 (XIX of 1887)**

The aforesaid Act has been enacted to provide for the administration of the estate of his late majesty the king of Oudh.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 103 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 248<sup>th</sup> Report has also recommended for its repeal at Sl. No.34 under Chapter 4 of the Report and, *inter alia*, observed that the aforesaid Act was enacted to provide for the administration of the estate of Wajid Ali Shah, the King of the erstwhile princely state of Oudh. It further observed that the aforesaid Act gave exclusive authority to the Governor-General-in-Council to act in the administration of the property of the King of Oudh and satisfy all claims made against it. It also observed that since almost 130 years have passed since this Act was enacted, and the position of the Governor-General-in-Council no longer exists, it would be safe to say that the purpose for which this Act was enacted has been served.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **56. The City of Bombay Municipal (Supplementary) Act, 1888 (XII of 1888)**

The aforesaid Act has been enacted to supplement certain provisions of the City of Bombay Municipal Act, 1888, and the Calcutta Municipal Consolidation Act, 1889.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 37 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 47 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s). The Law Commission observed that the aforesaid Act was enacted to supplement certain provisions of the City of Bombay Municipal Act, 1888. The Act has provisions for appeal to the Bombay High Court from the decisions of the Court of Small Causes and

Presidency Magistrates rendered under the provisions of chief Act. The chief Act has now been rechristened to Mumbai Municipal Corporation Act, 1888. The provisions of the supplementary act have also been incorporated into the chief act. Therefore, the law has now become redundant and must be repealed after consultation with the State of Maharashtra.

The aforesaid Act has become redundant in view of various Municipal Laws in the States.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **57. The King of Oudh's Estate Act, 1888 (XIV of 1888)**

The aforesaid Act was enacted to make further provision for the administration of the estate of his late Majesty the King of Oudh. This Act has become redundant in view of Estates abolition.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 104 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 248<sup>th</sup> Report has also recommended for its repeal at Sl. No.35 under Chapter 4 of the Report. The Law Commission in its recommendation has observed that the aforesaid Act was enacted to make further provision for the administration of the estate of the King of Oudh and the reason for repeal for the 1887 Act applies to this Act as well.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **58. The United Provinces Act, 1890 (XX of 1890)**

The aforesaid Act has been enacted to provide for the better administration of the North-Western Provinces and Oudh and to amend certain enactments in force in those Provinces and in Oudh. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 16th October, 1890.

The Law Commission of India in its 248th Report has also recommended for its repeal at Sl. No.36, which is still in force. The Law Commission in its recommendation has observed that the aforesaid Act was enacted for the purposes of administration of the North-western Provinces and Oudh and it repeals and extends certain laws in those areas, and deals with the establishment of a Board of Revenue in Oudh. It further observed that since neither of these entities are current administrative units, this Act may be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

### **59. The Bengal Military Police Act, 1892 (V of 1892)**

The aforesaid Act has been enacted for the regulation of Bengal Military Police. The aforesaid Act was passed by the Governor General in Council and received the assent of the Governor General on the 25th March, 1892.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 17 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 52 under Chapter 2 of the

Report recommended for repeal of the aforesaid Act in consultation with the relevant State(s) without referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act was enacted for the better regulation of the Bengal Military Police. It prescribed punishments for offences committed by members of the Police. The Bengal Military Police was renamed Eastern Frontier Rifles in 1920. In 1947, this Police force was divided between India and Pakistan. The Military Police now exists as the Eastern Frontier Rifles and is part of the Police force of the State of West Bengal. The West Bengal Police Act, 1952 deals with employment to the police force in the State. Therefore, the Act is no longer applicable and must be repealed. The Central Government should write to the relevant State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

By efflux of time, this Act has become redundant in its application.

**In view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **60. The Sir Dinshaw Maneckjee Petit Act, 1893 (VI of 1893)**

The aforesaid Act has been enacted for settling Bonds of the Municipal Corporation of the City of Bombay producing an annual income of one lakh and twenty-five thousand rupees and a Mansion-house and hereditaments called "Petit Hall" in the Island of Bombay, the property of Sir Dinshaw Maneckjee Petit Baronet, so as to accompany and support the title and dignity of a Baronet lately conferred by Her Majesty Queen Victoria on him for and during the term of his natural life, and from and immediately after his decease to hold to his second son Framjee Dinshaw Petit, Esquire, and the heirs male of his body lawfully begotten, and in default of such issue with remainder to the heirs male of the body of the said Sir Dinshaw Maneckjee Petiti and for other purposes connected therewith. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Govenor General on the 9th March, 1893.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 92 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **61. The Central Provinces Tenancy Act, 1898 (XI of 1898)**

The aforesaid Act has been enacted to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 21st October, 1898.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 35 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 58 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) without referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act consolidated and amended the law relating to agricultural tenancies in the Central Provinces. It divided tenants into five categories and made provisions relating to rent payable by the tenants. The States which constituted the

erstwhile Central Provinces – Madhya Pradesh, Maharashtra and Chhattisgarh – now have their own rent control and tenancy Acts making this Act irrelevant. It must therefore be repealed. The Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

By efflux of time and enactment of Tenancy laws by the State Governments, the aforesaid Act has become redundant in its application and needs to be repealed.

**In view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **62. The Central Provinces Court of Wards Act, 1899 (XXIV of 1899)**

The aforesaid Act has been enacted to consolidate and amend the law relating to the Court of Wards in the Central Provinces. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 13th October, 1899.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 32 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

The Law Commission of India in its 249th Report at Sl. No. 59 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the Act consolidated and amended the law relating to the Court of Wards in the Central Provinces. The Act is not in use. The Central Provinces no longer exist as an administrative unit. This law should therefore be repealed by the Central Government, as it falls under the subject-matter of administration of justice.

**By efflux of time, the aforesaid Act has become redundant in its application and in view of the position stated at paragraphs 3 to 9 above, the aforesaid Act can be considered for repeal.**

## **63. The Central Provinces Financial Commissioner's Act, 1908 (XIII of 1908)**

The aforesaid Act has been enacted to provide for the appointment of a Financial Commissioner for the Central Provinces and further to amend the Central Provinces Land-revenue Act, 1881.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 33 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

The Central Provinces Land-revenue Act, 1881 was enacted to consolidate and amend the law relating to Land-revenue and the powers of Revenue-officers in the Central Provinces and it has become irrelevant and obsolete in the present day scenario. The Central Provinces Financial Commissioner's Act, 1908 is in furtherance of Central Provinces Land-revenue Act, 1881 and it has also lost its relevance and needs to be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **64. The Delhi Laws Act, 1912 (13 of 1912)**

The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 18th September, 1912. The aforesaid Act has been enacted to provide for the application of the law in force in the Province of Delhi and for the extension of other enactments thereto.

The Law Commission of India in its 249th Report has recommended for repeal of the aforesaid Act in consultation with the relevant States (s) at Sl. No. 66 under Chapter 2 of its Report. The Law Commission categorised the aforesaid Act under the Category "State Reorganisation and Extension of Laws".

The Law Commission in its 249th Report observed as under:—

"Recommendation:

Repeal, in consultation with relevant State(s).

This Act was enacted to declare the law in force in certain territories added to the province of Delhi, which were formerly in Punjab. The administration of the province of Delhi was also vested in a Chief Commissioner. This law is no longer relevant in the modern-day administration of these territories. Hence this law should be repealed.".

**Attention is invited to section 3 and section 4 of the aforesaid Act, which reads as under:—**

"3. Construction of certain enactments in force in the territories mentioned in Schedule A. All enactments made by any authority in India and all notifications, orders, schemes, rules, forms and by-laws issued, made or prescribed under such enactments which immediately before the commencement of this Act were in force in, or prescribed for, any of the territory mentioned in Schedule A, shall in their application to that territory be construed as if references therein to the authorities, or gazette mentioned in column I of Schedule B were references to the authorities, or gazette respectively mentioned or referred to opposite there to in column 2 of that Schedule.

The Schedule A referred above reads as under:—

"SCHEDULE A

(See Section 3)

#### **THE STATE OF DELHI**

That portion of the District of Delhi comprising the Tahsil of Delhi and the police-station of Mahruli.".

4. Powers of Courts and State Government for purposes of facilitating application of enactments. For the purpose of facilitating the application to the territory mentioned in Schedule A or any part thereof of any enactment passed before the commencement of this Act or of any notification, order, scheme, rule, form or by-law issued, made or prescribed under any such enactment—

(1) any Court may, subject to the other provisions of this Act, construe the enactment, notification, order, scheme, rule, form or by-law with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court, and

(2) the State Government may, subject to the other provisions of this Act, by notification in the Official Gazette direct by what officer any power or duty shall be exercised or discharged, and any such notification shall have effect as if enacted in this Act.".

The term "Governor-General" has been replaced by the term "President" *vide* A.O. 1950.

The P.C. Jain Commission in Appendix-B to its Report have mentioned 35 States Reorganisation Acts for being considered for review and repeal (para 16.4.6 of the Report) and the Delhi Laws Act, 1912 has not been included in the said list.

**The Committee feels that aforesaid Act may be considered for its relevance in today's context and for repeal after consultation with the Delhi Government.**

## **65. The Local Authorities Loans Act, 1914 (IX of 1914)**

The aforesaid Act has been enacted to consolidate and amend the law relating to the grant of loans to Local Authorities. Initially the aforesaid Act was enacted to cover certain local authorities mentioned in Schedule I of the said Act.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 53 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments)[Inadvertently mentioned in the P.C. Jain report as the Local Authorities (Loans) Act, 1948 (26 of 1948) instead of the Local Authorities Loans Act, 1914 (IX of 1914)].

The Law Commission of India in its 249th Report at Sl. No. 67 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act in consultation with relevant State(s) without referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed the aforesaid Act consolidated and amended the law relating to the grant of loans to local authorities. Local authorities are now a State subject and this law is not in use. The Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. The Law Commission recommended repeal, in consultation with relevant State(s).

**Now, with the enactment of Municipal Laws by the State Governments, the aforesaid Act has become irrelevant and obsolete. By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be repealed after making suitable provisions.**

## **66. Sir Jamsetjee Jejeebhoy Baronetcy Act, 1915 (X of 1915)**

The aforesaid Act has been enacted for repealing Act No. XX of 1860 entitled "An Act for settling Promissory Notes of the Government of India, producing an annual income of one lakh of rupees and a Mansion House and hereditaments called Mazagon Castle, in the Island of Bombay, late the property of Sir Jamsetjee Jejeebhoy, Baronet, deceased, so as to accompany and support the title and dignity of a Baronet, lately conferred on him and the heirs male of his body, by Her Majesty Queen Victoria, and for other purposes connected therewith," and for re-settling the said Promissory Notes, Mansion House and hereditaments and for other purposes connected therewith. This Act confers certain powers on the Trust created under the Act. This Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 7th September, 1915.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 93 of Appendix A-5 (114 Central Acts for repeal by the State Governments).

The Committee feels that repeal of the aforesaid Act is required to be re-visited in view of the following:—

(a) article 18 of the Constitution reads as under:—

[Abolition of titles.  
18. (1) No title, not being a military or academic distinction, shall be conferred by the State.

(2) No citizen of India shall accept any title from any foreign State.

(3) No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.

(4) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.]

(b) after the commencement of the Constitution, it is a legislative practice in general not to enact any law which is individual specific.

(c) There is a legislative precedent for repealing the Sir Currimbhoy Ebrahim Baronetcy Act, 1913 (which was enacted for settling certain properties belonging to Sir Currimbhoy Ebrahim, Baronet, so as to accompany and support the title and dignity of a Baronet lately conferred on him by His Majesty King George V to hold to him and the heirs of male of his body lawfully begotten, and to be begotten, and for other purposes connected therewith) by Bombay Act No. 9 of 1960.

**In view of the Constitutional provisions, the Committee feels that the Legislative Department may consider the repeal of the aforesaid Act in consultation with all the stakeholders.**

## **67. The King of Oudh's Estate Validation Act, 1917 (XII of 1917)**

The aforesaid Act has been enacted to validate certain deeds of conveyance and a trust deed relating to certain properties of His Late Majesty, Wajid Ali Shah, King of Oudh and for other purposes. The aforesaid Act was passed by the Indian Legislative Council and received the assent of the Governor General on the 21st March, 1917.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.105 of Appendix A-5 (114 Central Acts for repeal by the State Governments).

The Law Commission of India in its 248th Report has also recommended for its repeal at Sl. No.43 under Chapter 4 of the Report. The Law Commission observed that the Act was enacted to validate deeds of conveyance and a trust deed relating to certain properties belonging to the King of Oudh. Copies of the said deeds of conveyance and trust deed are annexed in the Schedule to this Act. The reason for repeal for the 1887 Act and the 1888 Act (Entries 31 and 32 of this list) applies to this Act as well.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal..**

## **68. The Local Authorities Pensions and Gratuities Act, 1919 (I of 1919)**

The aforesaid Act was enacted to extend the powers of local authorities in regard to the granting of pensions and gratuities.

The P.C. Jain Commission also recommended for its repeal at Sl. No. 54 of Appendix-A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments)

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 3 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act extended the powers of local authorities in regard to the granting of pensions and gratuities. The Act empowered local authorities to grant a pension or gratuity to any officer who may, since 4th August 1914, have been wounded or otherwise incapacitated

in service under the Government, and to the widow or child of any such officer who may have died in consequence of injuries received or illness contracted since 4th August 1914, in the course of such service. The Act has fallen into disuse. Most States now have their own Pension Rules and the purpose of this Act is subsumed by such rules. Therefore, this Act is now redundant and the Central Government should repeal it.

**With the enactment of Municipal Laws by the State Governments, the aforesaid Act became irrelevant and obsolete. By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **69. The Police (Incitement and Disaffection) Act, 1922 (XXII of 1922)**

The aforesaid Act has been enacted to provide a penalty for spreading disaffection among the police and for kindred offences.

The Law Commission of India in its 248<sup>th</sup> Report at Sl. No. 44 under Chapter 4 of the Report observed that the aforesaid Act introduced as a curb to nationalist activities made it an offence to spread disaffection among the police. It further observed that the aforesaid Act is loosely worded and prone to misuse and also the aforesaid Act does not describe what amounts to 'disaffection'. It also observed that the aforesaid law acts as a significant curb on the freedom of speech, though it is not an obsolete law given some documented uses. It also observed that the need for this law should be re-examined in light of its potential infringement of Articles 19(1) (a) and (b) of the Constitution.

The Centre for Civil Society at Sl. No. 83 of its compendium of 100 laws to be repealed, *inter alia*, stated that the aforesaid Act is an archaic law passed by the British to suppress the freedom of speech and weaken the Independence movement. It further stated that the law is widely worded to empower the government to take action against any person who intentionally causes or attempts to cause disaffection towards government amongst the member of police force and the Act is not in tune with the Code of Conduct for the Police in India, issued by the Ministry of Home Affairs on 4 July 1985. It further stated that the Code of Conduct directs members of the police force to maintain high standards of discipline, faithful performance of duties in accordance with law, implicit obedience to the lawful directions of commanding ranks and absolute loyalty to the force. It also stated that the police are required to maintain calm in the face of danger, scorn or ridicule and practice self-restraint in all circumstances and these guidelines indicate that the police force is required to be immune to the voices of disaffection. It also stated that the aforesaid Act is vague and loosely worded, and does not clearly explain what activity is regarded as spreading disaffection and consequently, it is left to the arbitrary interpretation of enforcing authorities and is liable to be misused. It also stated that the aforesaid Act was first used against Lokmanya Tilak and recently, in September 2013, the Andhra Pradesh Police filed a criminal case against the resident editor of Hindu for reporting the visit of a senior police officer to a local religious leader under IPC dealing with forgery, another dealing with inducing the commission of an offence against the State or another community, and also under this Act.

By efflux of time and in the changed social changes and in view of fundamental rights guaranteed under the Constitution, the Act appears to have become obsolete and needs to be reviewed.

**The subject "Police" falls under Entry 2 of the List II (State List) of the Seventh Schedule to the Constitution. However, the Parliament has legislative competence in respect of Union territories to repeal the aforesaid Act.**

**The Committee feels that the aforesaid Act can be repealed so far as it is applicable to Union territories and can be considered for repeal by the concerned State Legislatures.**

## **70. The Sikh Gurdwaras (Supplementary) Act, 1925 (XXIV of 1925)**

The aforesaid Act was enacted to supplement, by legislation in the Indian Legislature certain provisions of the Sikh Gurdwaras Act, 1925 (Punj. Act VIII of 1925). The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on the 11th September, 1925.

The aforesaid Act contains three sections. Section 2 contains validation of certain provisions of the Punj. Act VIII of 1925 which, *inter alia*, relates to jurisdiction of the High Court of Judicature at Lahore. Section 3 amends section 12 of the Sikh Gurdwaras Act, 1925 (Punj. Act VIII of 1925) and the Sikh Gurdwaras (Supplementary) Act, 1925 served its purpose.

In view of the provisions of the Constitution, and section 6A of the General Clauses Act, 1897, the Sikh Gurdwaras (Supplementary) Act, 1925 has become redundant as the amendments have been incorporated in the principal Act.

**The Committee feels that the aforesaid Act can be repealed in consultation with the Ministry of Home Affairs and the concerned State Governments, in the light of legal opinion, if any, on this issue, as the subject matter is relatable to Entry 28 of List III-Concurrent List of the Seventh Schedule to the Constitution of India.**

## **71. The Bengal Criminal Law Amendment (Supplementary) Act, 1925 (VIII of 1925)**

The aforesaid Act has been enacted to supplement the Bengal Criminal Law Amendment Act, 1925 in furtherance of the Code of Criminal Procedure, 1898.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 4 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the Act supplemented the Bengal Criminal Law Amendment Act, 1925. The Act provided that any person convicted on a trial held by Commissioners under the Bengal Criminal Law Amendment Act, 1925 may appeal to the High Court of Judicature at Fort William in Bengal, and such appeal was to be disposed of by the High Court in the manner provided by the Code of Criminal Procedure, 1898. The 1898 Code has been repealed by the Code of Criminal Procedure, 1973 but corresponding amendments have not been made to this Supplementary Act. Consequently, the Act is now redundant. There is no evidence of recent use of this Act. Hence, the Central Government should repeal this Act after consultation with the State of West Bengal.

The Code of Criminal Procedure, 1898 has been repealed by the Code of Criminal Procedure Act, 1973 (2 of 1974). In view of the repeal of Code of Criminal Procedure, 1898, the Bengal Criminal Law Amendment (Supplementary) Act, 1925 has become redundant and obsolete.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **72. The Madras, Bengal and Bombay Children (Supplementary) Act, 1925 (XXXV of 1925)**

The aforesaid Act has been enacted to supplement certain provisions of the Madras Children Act, 1920, of the Bengal Children Act, 1922 and of the Bombay Children Act, 1924. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on the 23rd September, 1925.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No.5 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the Act supplemented certain provisions of the Madras Children Act, 1920 (which was rechristened as the Tamil Nadu Children Act, 1920 by the Tamil Nadu Adaptation of Laws Order, 1969), the Bengal Children Act, 1922 and the Bombay Children Act, 1924. The Bengal Children Act has been repealed by Section 51 of the West Bengal Children Act, 1959. The Bombay Children Act, 1924 was repealed by the Bombay Children Act, 1948. Also, Section 63 of the Juvenile Justice Act, 1986 repealed all laws in force in any State which corresponded to the Juvenile Justice Act. By virtue of Section 63, the Tamil Nadu Children Act, 1920 should stand impliedly repealed. The Central Government should write to the State of Tamil Nadu and ascertain the status of the Tamil Nadu Children Act, 1920 and thereafter, consider the Supplementary Act for repeal. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and by the Ministry of Women and Child Development in its letter F. No. 22-22/2014-CW-I dated 30th September 2014 to the Member Secretary, Law Commission of India.

The aforesaid Act contains only two sections. Section 1 relates to short title and section 2 relates to validation of certain provisions of Madras Children Act, 1920, the Bengal Children Act, 1922 and Bombay Children Act, 1924. The aforesaid *inter alia*, contains validation appellate and original jurisdiction conferred by the aforesaid Acts mentioned in the preceding paragraph on the High Court of Judicature at Madras, at Fort Williams in Bengal and at Bombay.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **73. The Bombay Public Security Measures (Delhi Amendment) Act, 1948 (52 of 1948)**

The aforesaid Act has been enacted to amend the Bombay Public Security Measures Act, 1947(Bombay Act VI of 1947), as extended to the province of Delhi. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 8<sup>th</sup> September, 1948.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 15 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the Act amended the Bombay Public Security Measures Act, 1947 as extended to the Province of Delhi. The text of the Bombay Public Security Measures Act, 1947 is not available on the Law Ministry's website, or from any other readily available source, an indication that it is not in use. Neither are there any other documented instances where this Act has been used in the last few decades. The Delhi Amendment Act has also now fallen into disuse. Therefore, the Central Government should repeal this Act.

The Committee perused the copy of the aforesaid Act made available in the Central Acts (Master Copy set No. 29) made available by the Legislative Department. The aforesaid Act contains only three sections. Section 1 relates to short title and extent. Section 2 relates to amendment to the Bombay Public Security Measures Act, 1947. Section 3 repeals the Ordinance referred therein. The Bombay Public Security Measures Act, 1947. The aforesaid Act had inserted sub-section (2A) in section 13 of the Bombay Public Security Measures Act, 1947. The aforesaid Act have come into force on the 8th September, 1948 i.e., being the date of the assent of the Governor General as there is no commencement clause in the aforesaid Act. Since the amendment has been incorporated in the aforesaid Act, the aforesaid Act served the purpose in view of section 6A of the General Clauses Act, 1897. Further, as per records made available to the Committee, no reference was found as to whether the aforesaid Act has been repealed.

**In view of the above, and position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **74. The Mangrol and Manavadar (Administration of Property) Act, 1949 (2 of 1949)**

The aforesaid Act has been enacted for vesting of certain properties belonging to the States of Mangrol and Manavadar in Kathiawar in the Managers of the said States appointed by or on behalf of the Central Government. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 14<sup>th</sup> February, 1949.

The P.C. Jain Commission recommended for its repeal Sl. No. 66 of Appendix A-5 of its Report (114 Central Acts for repeal by State Government).

The Law Commission in its 248<sup>th</sup> Report at Serial number 56 under Chapter 4 of the Report, has recommended for repeal of the aforesaid Act in consultation with the relevant State(s). The Law Commission in the aforesaid recommendation observed that the properties vested in the Secretary of State were those which stood in the name of the Sheikh of Mangrol or the Khan of Manavadar. The Law Commission further observed that since princely States do not exist in India now, these territories are not under the administration of these rulers and Mangrol and Manavadar are both municipalities in the district of Junagadh in Gujarat and hence, are administered by the State Government and this Act is now obsolete.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **75. The Ajmer Rural Board and Municipalities (Amendment) Act, 1950 (65 of 1950)**

The aforesaid Act has been enacted to amend the Ajmer Rural Board Regulation, 1886, and the Ajmer-Merwara Municipalities Regulation, 1925 and all the provisions of this Act has come into force on 13.01.1951 *vide* SRO.55 dated 08-01-1951.

The aforesaid Act contains four sections. Section 1 relates to short title and commencement. Section 2 relates to amendment of section 5 of the Ajmere Rural Boards Regulations, 1886. Section 3 substitutes sub-section (2) and (3) of section 30 of the Ajmer-Merawa Municipalities Regulation 1925 and section 4 relates to amendment of section 43 of Regulation VI of 1925.

As per records made available to the Committee by the Legislative Department, no reference was found as to whether the aforesaid Amendment Act has been repealed.

**In view of section 6A of the General Clauses Act, 1897 and by efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act has lost its relevance and can be considered for repeal.**

#### **76. The Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1951 (10 of 1951)**

The aforesaid Act has been enacted to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947 (19 of 1947).

The Delhi and Ajmer-Merwara Rent Control Act, 1947 has already been repealed by the Delhi and Ajmer Rent Control Act, 1952 (38 of 1952).

As per records made available to the Committee by the Legislative Department, no reference was found as to whether the Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1951 has been repealed. Since the principal Act has been repealed nothing survives in the amendment Act.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

#### **77. The Delhi and Ajmer Rent Control Act, 1952 (38 of 1952)**

The aforesaid Act was enacted to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the States of Delhi and Ajmer.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 28 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the control of rents and evictions, and for the lease of vacant premises to the Government, in certain areas of Delhi and Ajmer. The Act was repealed in its application to Delhi by the Delhi Rent Control Act, 1958. The rent control law applicable to Ajmer is the Rajasthan Rent Control Act, 2001. There is no evidence of recent use of this Act and it is now redundant. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

**The Committee feels that a considered view may be taken in consultation with the concerned Ministry and State Government for repeal of the aforesaid Act.**

#### **78. The Naga Hills-Tuensang Area Act, 1957 (42 of 1957)**

The aforesaid Act has been enacted to provide for the formation of the Naga Hills-Tuensang Area of Assam as an administrative unit which was then part of the North East Frontier Agency.

The aforesaid Act contains seven sections. Section 3 makes amendments in the Sixth Schedule to the Constitution of India. Sections 4 and 5 makes amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 1956 and the Representation of the People Act, 1950 respectively. Section 5 was repealed by the Repealing and Amending Act, 1960 (58 of 1960). Section 6 contains provisions for continuance to

represent the constituencies so altered by the sitting members was saved. Section 7 provides for not affecting the territorial extent of laws in force immediately before the commencement of this Act.

Attention is drawn to the fact the area comprised in the erstwhile North East Frontier Agency has now come under the State of Arunachal Pradesh. The Committee feels that with the formation of the State of Arunachal Pradesh, the provisions of the aforesaid Act has become redundant.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **79. The Orissa Weights and Measures (Delhi Repeal) Act, 1958 (57 of 1958)**

The aforesaid Act has been enacted to provide for the repeal of the Orissa Weights and Measures Act, 1943, in its application to the Union territory of Delhi.

The P.C. Jain Commission recommended for its repeal Sl. No. 73 of Appendix A-5 of its Report (166 Central Acts for repeal by State Government).

The Law Commission in its 248<sup>th</sup> Report at Sl. No.65 under Chapter 4 of the Report has recommended for repeal of the aforesaid Act and *inter alia* observed that the aforesaid Act was enacted to repeal the Orissa Weights and Measures Act, 1943, in its application to the Union territory of Delhi. It further observed that the aforesaid Act provided that as soon as the Rajasthan Weights and Measures (Enforcement) Act, 1958 would come in force in the Union territory of Delhi, the Orissa Act would stand repealed and since the purpose of this Act has been fulfilled, it should be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **80. The Kerala Local Authorities Laws (Amendment) Act, 1959 (27 of 1959)**

The aforesaid Act has been enacted to provide for further extension of the terms of office of the mayor and other councillors and chairmen of Standing Committees of corporation of Trivandrum, and of the councillors of municipalities; and to provide for the recovery in certain cases of arrears of cesses, rates, taxes fees or other sums due to Panchayats.

The aforesaid Act was enacted when a Proclamation under article 356 of the Constitution in the State Kerala was in vogue. The same has also been mentioned in the preamble of the aforesaid Act. The aforesaid Act ceased to have effect after the expiry of six month from the date when the said Proclamation were ceased to operate. However, as per records made available to the Committee, no reference was found as to whether the aforesaid Act has been repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal.**

## **81.The Travancore-Cochin Vehicle Taxation (Amendment and Validation) Act, 1959 (42 of 1959)**

The aforesaid Act has been enacted further to amend the Travancore-Cochin Vehicles Taxation Act, 1950, and to provide for certain other connected matters.

The P.C. Jain Commission recommended for its repeal Sl. No. 165 of Appendix A-1 of its Report (166 Central Acts for repeal by Central Government).

The Law Commission in its 248<sup>th</sup> Report at Sl. No.66 under Chapter 4 of the Report has recommended for repeal of the aforesaid Act in consultation with the relevant State and, *inter alia*, observed that the aforesaid Act was enacted to amend the Travancore-Cochin Vehicles Taxation Act, 1950. It further observed that the purpose has been served, and it can now be repealed.

**By efflux of time and in view of the position stated at paragraphs 3 to 9 above, the Committee feels that the aforesaid Act can be considered for repeal..**

## **82.The Manipur Land Revenue and Land Reforms Act, 1960 (33 of 1960)**

The aforesaid Act was enacted to consolidate and amend the law relating to land revenue in the then Union territory of Manipur and to provide for certain measures of land reforms.

Now, Manipur has become a State of Union of India and the Committee feels that the aforesaid Act falls under the subjects allocated under List-II (State List) of the Seventh Schedule to the Constitution of India.

No information is available with the Committee, whether the aforesaid Act has been repealed or in force in the State of Manipur.

**The Ministry of Home Affairs in consultation with the State of Manipur may take a considered view in the matter.**

## **83.The Tripura Land Revenue and Land Reforms Act, 1960 (43 of 1960)**

The aforesaid Act was enacted to consolidate and amend the law relating to land revenue in the then Union territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reforms.

Now, Tripura has become a State of Union of India and the Committee feels that the aforesaid Act falls under the subjects allocated under List-II (State List) of the Seventh Schedule to the Constitution of India.

No information is available with the Committee, whether the aforesaid Act has been repealed or in force in the State of Tripura.

**The Ministry of Home Affairs in consultation with the State of Tripura may take a considered view in the matter.**

## **CHAPTER-6**

### **CENTRAL APPROPRIATION ACTS IDENTIFIED FOR REPEAL**

The 'Annual Financial Statement', under article 112 of the Constitution of India which is laid before both the Houses of Parliament constitutes the Budget of the Union Government. This statement takes into account a period of one financial year. The financial year commences in India on 1st April each year. The statement embodies the estimated receipts and expenditure of the Government of India for the financial year.

**2.** The estimates of expenditure included in the Budget and required to be voted by Lok Sabha are in the form of Demands for Grants. These Demands are arranged Ministry-wise and a separate Demand for each of the major services is presented. Each Demand contains first a statement of the total grant and then a statement of the detailed estimate divided into items.

**3.** After the General Discussion on the Budget proposals and Voting on Demands for Grants have been completed, Government introduces the Appropriation Bill in the Lok Sabha (being a Money Bill referred to in article 110 of the Constitution) in terms of the provisions of article 114 of the Constitution. The Appropriation Bill is intended to give authority to Government to incur expenditure from and out of the Consolidated Fund of India. The Appropriation Bill after enactment thereof as Appropriation Act gives legal sanction to the grants voted by the Parliament. After the Appropriation Act is enacted, the limitation of expenditure under a head is to be determined solely with reference to the Schedule of the Appropriation Act and money appropriated towards a particular head is to be spent on that head only unless the Schedule is amended by an appropriate law, or rule having the force of law, consistent with the Constitution.

**4.** Since Parliament is not able to vote the entire budget before the commencement of the new financial year (Financial Year as defined under clause (21) of section 3 of the General Clauses Act, 1897 means the year commencing on the first day of April), the necessity to keep enough finance at the disposal of Government in order to allow it to run the administration of the country remains which is generally called "Vote on Account" (Refer article 116 of the Constitution). The 'Vote on Account' can be brought before the Parliament in the Form of an Appropriation for a sum sufficient to incur expenditure on various items for a part of the year by an Appropriation (Vote on Account) Act.

**5.** Further, no expenditure in excess of the sums authorised by Parliament can be incurred without the sanction of Parliament. Whenever a need arises to incur extra expenditure, a Supplementary estimate also in the form of an Appropriation is presented before Parliament (Refer article 115 of the Constitution). Also, if any money has been spent on any service during a financial year in excess of the amounts granted for that service and for that year, a Demand for Excess Grant is presented before Parliament in the form of an Appropriation (Refer article 115 of the Constitution).

**6.** In nutshell, the Appropriation Acts can be categorised in two categories, namely, (i) for general estimates and (ii) for Railways estimates. It can further be categorised as (i) for the general Appropriation; (ii) Appropriation for Vote on Account; and (iii) Appropriation for supplementary, additional or excess grant.

7. Attention is invited to relevant provisions of the Constitution of India as under:-

**"Annual financial statement.—**

**112.** (1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Consolidated Fund of India; and

(b) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of India,

and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of India—

(a) the emoluments and allowances of the President and other expenditure relating to his office;

(b) the salaries and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;

(c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(d) (i) the salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court;

(ii) the pensions payable to or in respect of Judges of the Federal Court;

(iii) the pensions payable to or in respect of Judges of any High Court which exercises jurisdiction in relation to any area included in the territory of India or which at any time before the commencement of this Constitution exercised jurisdiction in relation to any area included in a Governor's Province of the Dominion of India;

(e) the salary, allowances and pension payable to or in respect of the Comptroller and Auditor-General of India;

(f) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(g) any other expenditure declared by this Constitution or by Parliament by law to be so charged.

**Procedure in Parliament with respect to estimates.—**

**113.** (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of India shall not be submitted to the vote of Parliament, but nothing in this clause shall be construed as preventing the discussion in either House of Parliament of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the House of the People, and the House of the People shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the President.

**Appropriation Bills.—**

**114.** (1) As soon as may be after the grants under article 113 have been made by the House of the People, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of India of all moneys required to meet—

(a) the grants so made by the House of the People; and

(b) the expenditure charged on the Consolidated Fund of India but not exceeding in any case the amount shown in the statement previously laid before Parliament.

(2) No amendment shall be proposed to any such Bill in either House of Parliament which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of India, and the decision of the person presiding as to whether an amendment is inadmissible under this clause shall be final.

(3) Subject to the provisions of articles 115 and 116, no money shall be withdrawn from the Consolidated Fund of India except under appropriation made by law passed in accordance with the provisions of this article.

**Supplementary, additional or excess grants.—**

**115.** (1) The President shall—

(a) if the amount authorised by any law made in accordance with the provisions of article 114 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(b) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,

cause to be laid before both the Houses of Parliament another statement showing the estimated amount of that expenditure or cause to be presented to the House of the People a demand for such excess, as the case may be.

(2) The provisions of articles 112, 113 and 114 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of India to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure or grant.

**Votes on account, votes of credit and exceptional grants.—**

**116.** (1) Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113 for the voting of such grant and the passing of the law in accordance with the provisions of article 114 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;

(c) to make an exceptional grant which forms no part of the current service of any financial year;

and Parliament shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of India for the purposes for which the said grants are made.

(2) The provisions of articles 113 and 114 shall have effect in relation to the making of any grant under clause (1) and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.”.

**8.** The Law Commission of India in its 248<sup>th</sup> Report has also, *inter alia*, observed that:—

“....During the course of its study the Commission found that a large number of Appropriation Acts passed during past several years have lost their meaning but these are still shown on statute-books. It is common knowledge that Appropriation Acts are intended to operate for a limited period of time-authorising expenditures for the duration of one financial year, or less, for example in the case of Vote on Account Bills. Though these Acts are not usually included in any list of Central Acts, either by the Ministry of Law and Justice, or elsewhere, these laws still technically remain on the books.

3.6 It must be emphasised that repealing Appropriation Acts whose terms have ended will in no way cause any negative impact on actions that were validly taken under these Acts. It will, however, serve the purpose of clearing the statute-books and reducing the burden. As a caution and not entertaining scope of any doubt it may be safe to recommend that only those

Appropriation Acts that are older than certain date, say 10 years, may be repealed. This itself would result in the repeal of more than 700 laws.”.

**9.** The P.C. Jain Commission in its Report in Para 16.4.5 has recommended for repeal of about 700 Appropriation Acts passed by Parliament from time-to-time since 1950.

**10.** In view of the recommendations of the P.C. Jain Commission on the Appropriation Acts, and Law Commission, the Committee sought from the Department of Legal Affairs the opinion of the Ld. Attorney General of India, if any. The Department of Legal Affairs forwarded to the Committee the opinion dated 13th December, 1999 of the then Ld. Attorney General [*Refer Sl. No. 1 of Volume I, Part II*] on the repeal of the Appropriation Act. The opinion of the then Ld. Attorney General so forwarded to the Committee, *inter alia*, is as under:-

“.....the Appropriation Acts cannot be regarded as temporary statutes. Consequently, the appropriate course open to the Government is to enact a comprehensive legislation repealing all Appropriation Acts placed in a schedule to the legislation with an express saving clause in terms of section 6 of the General Clauses Act. Such a saving clause would address the apprehensions expressed that the repeal of the Appropriation Acts will render all Finance Accounts/Appropriation Accounts and Audit Reports laid in both Houses of Parliament null and void.”.

**11.** While perusing the Appropriation Acts from the year 1950 onwards, the Committee noticed following two categories of Central Appropriation Acts enacted from the year 1950 onwards, namely:—

(a) the Central Appropriation Acts enacted in terms of articles 114, 115 and 116 (on which the Parliament has exclusive power for such enactment) for the Ministries and Departments of the Union (including Railways); and

(b) the Central Appropriation Acts in respect of a called State (mentioning the name of the relevant State) Appropriation Acts enacted by Parliament in pursuance of articles 204(1), 205 and 206 of the Constitution read with the proclamation issued under article 356 of the Constitution in respect of that State to provide for the appropriation out of the Fund of that State of the Moneys required to meet the expenditure charged or voted on the Consolidated Fund of that State during the period continuation of the Proclamation issued under article 352 or article 356 of the Constitution in respect of such States.

**12.** The Committee, *inter alia*, sought the opinion of the Department of Legal Affairs on the legislative competence of Parliament for repealing the State Appropriation Acts enacted by Parliament in pursuance of articles 204 (1) and 206 of the Constitution read with the Proclamation issued under article 356 in respect of that State.

**13.** The Department of Legal Affairs has, *inter alia*, conveyed [*Refer Sl. No. 2 of Volume I, Part II*] that the laws made by Parliament relating to State Appropriation Acts enacted during the period of Proclamation under article 356 can only be repealed by a competent Legislature and competent Legislature in those matter is the State Legislature. The Ld. Attorney General has concurred the aforesaid views of the Department of Legal Affairs.

**14.** The Committee, while identifying the Appropriation Acts which can be repealed, has taken into consideration the Report of the 13<sup>th</sup> Finance Commission (which recommended for sharing of revenues between Centre and States from 1<sup>st</sup> April, 2010 to 31<sup>st</sup> March, 2015) [Refer Sl. No. 4 of Volume IV, Part III].

**15.** In view of the above, the Committee is of the view that the Central Appropriation Acts which relates to the expenditure for the Financial Years upto 31<sup>st</sup> March, 2010 can be repealed after making a specific saving clause for the moneys drawn and spent in pursuance of the Appropriation Acts. The Committee identified the following 624 Central Appropriation Acts for repeal which has also been included in the Third Schedule to the Model Draft Bill under Chapter-8.

**1. The Appropriation (Railways) No. 3 Act, 1950 ( 23 of 1950)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1951 for the purposes of railways.

**2. The Appropriation Act, 1950 (24 of 1950)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1951.

**3. The Appropriation (No.2) Act, 1950 (39 of 1950)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1951.

**4. The Appropriation (No. 3) Act, 1950 ( 60 of 1950)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1951.

**5. The Appropriation (Railways) No. 2 Act, 1950 ( 77 of 1950)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1951.

**6. The Appropriation (No. 4) Act, 1950 ( 79 of 1950)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1951.

**7. The Appropriation (Railways) Act 1951 (6 of 1951)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1951 for the purposes of railways.

**8. The Appropriation Act, 1951 ( 7 of 1951)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1951.

**9. The Appropriation (Railways) No. 2 Act, 1951( 8 of 1951)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1952 for the purposes of railways.

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of the year beginning on the 1<sup>st</sup> day of April, 1951.

**11.The Appropriation (Railways) No. 3 Act, 1951 (14 of 1951)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1951 for the purposes of railways.

**12.The Appropriation (No. 2) Act, 1951 ( 15 of 1951)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1952.

**13.The Appropriation (Railways) No. 4 Act 1951 (58 of 1951)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1952, for the purposes of railways.

**14.The Appropriation (No. 3) Act 1951 (60 of 1951)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1952.

**15.The Appropriation Act 1952 ( 13 of 1952)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1952.

**16.The Appropriation (Railways) Act 1952 ( 15 of 1952)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1952 for the purposes of railways.

**17.The Appropriation (Railways) Vote on Account Act 1952 ( 21 of 1952)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of the year beginning on the 1<sup>st</sup> day of April, 1952.

**18.The Appropriation (Vote on Account) Act 1952 ( 28 of 1952)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of the year beginning on the 1<sup>st</sup> day of April, 1952-53.

**19.The Appropriation (Railways) No. 2 Act 1952 ( 43 of 1952)**

The aforesaid Act was enacted to authorise payment and appropriation of

certain sums from and out of the Consolidated Fund of India for the service of the year ending on the 31<sup>st</sup> day of March, 1952 for the purposes of railways.

#### **20.The Appropriation (No. 2) Act 1952 ( 44 of 1952)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1952-53.

#### **21.The Appropriation (No. 3) Act 1952 ( 80 of 1952)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1952-53.

#### **22.The Appropriation Act, 1953 (1 of 1953)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1952-53.

#### **23. The Appropriation (Vote on Account) Act. 1953 ( 4 of 1953)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1953-54.

#### **24. The Appropriation (Railways) Act. 1953 ( 5 of 1953)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1953-54 for the purposes of Railways.

#### **25.The Appropriation (Railways) No. 2 Act 1953 ( 6 of 1953)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1952-53 for the purposes of Railways.

#### **26.The Appropriation (No. 2) Act 1953 ( 9 of 1953)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1952-53.

#### **27.The Appropriation (No. 3) Act 1953 ( 13 of 1953)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1953-54.

#### **28.The Appropriation (No. 4) Act 1953 ( 33 of 1953)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1953-54.

#### **29.The Appropriation (No. 5) Act 1953 ( 50 of 1953)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1953-54.

### **30.The Appropriation Act 1954 ( 5 of 1954)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1953-54.

### **31.The Appropriation (Railways) Act 1954 ( 6 of 1954)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1953-54 for the purposes of Railways.

### **32.Appropriation (Vote on Account) Act 1954 ( 8 of 1954)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1954-55.

### **33.Appropriation (Railways) No.2 Act 1954 ( 11 of 1954)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1954-55 for the purposes of Railways.

### **34.The Appropriation (No. 2) Act 1954 ( 16 of 1954)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1954-55.

### **35.The Appropriation (No. 3) Act 1954 ( 40 of 1954)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1954-55.

### **36.The Appropriation (No. 4) Act 1954 (47 of 1954)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1954-55.

### **37.The Appropriation (Railways) Act 1955 ( 5 of 1955)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1955-56 for the purpose of Railways.

### **38.The Appropriation (Railways) No. 2 Act 1955 (6 of 1955)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1954-55 for the purpose of Railways.

**39.The Appropriation Act, 1955 (7 of 1955)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1954-55.

**40.The Appropriation (Vote on Account) Act, 1955 (8 of 1955)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1955-56.

**41.The Appropriation (No.2) Act, 1955 (14 of 1955)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1955-56.

**42.The Appropriation (No.3) Act, 1955 (38 of 1955)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1955-56.

**43.The Appropriation (No.4) Act, 1955 (46 of 1955)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1955-56.

**44.The Appropriation (No.5) Act, 1955 (47 of 1955)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1951, in excess of the amounts authorised or granted for the said services.

**45.The Appropriation Act, 1956 (5 of 1956)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1955-56.

**46.The Appropriation (Vote on Account) Act, 1956 (11 of 1956)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1956-57.

**47.The Appropriation (Railways) Act, 1956 (12 of 1956)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57 for the purposes of Railways.

**48.The Appropriation (Railways) No. 2 Act, 1956 (13 of 1956)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1955-56 for the purposes of Railways.

**49.The Appropriation (Railways) No. 3 Act, 1956 (14 of 1956)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1951, in excess of the amounts authorised or granted for the said services.

**50.The Appropriation (Railways) No. 4 Act, 1956 (15 of 1956)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1952, in excess of the amounts authorised or granted for the said services.

**51.The Appropriation (Railways) No. 5 Act, 1956 ( 16 of 1956)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moncys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1953, in excess of the amounts authorised or granted for the said services.

**52.The Appropriation (No.2) Act, 1956 ( 19 of 1956)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57.

**53.The Appropriation (No. 3) Act, 1956 ( 43 of 1956)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57.

**54.The Appropriation (No. 4) Act, 1956 ( 44 of 1956)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1952, in excess of the amounts authorised or granted for those services and for that year.

**55.The Appropriation (Railways) No.6 Act, 1956 ( 83 of 1956)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1954, in excess of the amounts granted for those services and for that year.

**56.The Appropriation (Railways) No. 7 Act, 1956 (84 of 1956)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57 for the purpose of Railways.

**57.The Appropriation (No. 5) Act, 1956 ( 85 of 1956)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57.

**58. The Appropriation Act, 1957 ( 1 of 1957)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57.

**59. The Appropriation (No. 2) Act, 1957 ( 2 of 1957)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1953, in excess of the amounts granted for those services and for that year.

**60.The Appropriation (Vote on Account) Act, 1957 ( 3 of 1957)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1957-58.

**61.The Appropriation (Railways) Act, 1957 ( 6 of 1957)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57 for the purposes of Railways.

**62.The Appropriation (Railways) Vote on Account Act, 1957  
(9 of 1957)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1957-58, for the purposes of Railways.

**63.The Appropriation (No. 3) Act, 1957 ( 15 of 1957)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1954, in excess of the amounts granted for those services and for that year.

**64.The Appropriation (Railways) No.2 Act, 1957 (22 of 1957)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service

of the financial year 1957-58 for the purpose of Railways.

**65.The Appropriation (No. 4) Act, 1957 ( 24 of 1957)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58.

**66.The Appropriation (No. 5) Act, 1957 ( 56 of 1957)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58.

**67.The Appropriation Act, 1958 (4 of 1958)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58.

**68.The Appropriation (Railways) Act, 1958 ( 6 of 1958)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58 for the purposes of Railways.

**69.The Appropriation (Vote on Account) Act, 1958 (8 of 1958)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1958-59.

**70.The Appropriation (Railways) No.2 Act, 1958 ( 10 of 1958)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1958-59 for the purposes of Railways.

**71.The Appropriation (No.2) Act, 1958 ( 12 of 1958)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1958-59.

**72.The Appropriation (No.3) Act, 1958 ( 14 of 1958)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1955, in excess of the amounts granted for those services and for that year.

**73.The Appropriation (Railways) No.3 Act, 1958 (23 of 1958)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the

amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1955, in excess of the amounts granted for those services and for that year.

**74.The Appropriation (No.4) Act, 1958 (40 of 1958)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1958-59.

**75.The Appropriation (Railways) No.4 Act, 1958 (49 of 1958)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1956, in excess of the amounts granted for those services and for that year.

**76.The Appropriation (Railways) No.5 Act, 1958 (50 of 1958)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1957, in excess of the amounts granted for those services and for that year.

**77.The Appropriation (No.5) Act, 1958 (51 of 1958)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1958-59.

**78.The Appropriation Act, 1959 (2 of 1959)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1958-59.

**79.The Appropriation (Railways) Act, 1959 (5 of 1959)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1959-60 for the purposes of Railways.

**80.The Appropriation (Railways) No.2 Act, 1959 (6 of 1959)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1958-59 for the purposes of Railways.

**81.The Appropriation (Vote on Account) Act, 1959 (7 of 1959)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1959-60.

**82.The Appropriation (No.2) Act, 1959 (11 of 1959)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1959-60.

**83.The Appropriation (No.3) Act, 1959 (18 of 1959)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1956, in excess of the amounts granted for those services and for that year.

**84.The Appropriation (Railways) No.3 Act, 1959 (19 of 1959)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1959-60 for the purposes of Railways.

**85.The Appropriation (No.4) Act, 1959 (34 of 1959)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on a service during the financial year ended on the 31<sup>st</sup> day of March, 1956, in excess of the amount granted for that service and for that year.

**86.The Appropriation (No.5) Act, 1959 (35 of 1959)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1957, in excess of the amounts granted for those services and for that year.

**87.The Appropriation (No.6) Act, 1959 (36 of 1959)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1959-60.

**88.The Appropriation (No.7) Act, 1959 (40 of 1959)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent in respect of the former Part C States of Delhi and Himachal Pradesh on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1957, in excess of the amounts granted for those services and for that year by the Legislature of each of those States.

**89.The Appropriation (No.8) Act, 1959 ( 55 of 1959)**

The aforesaid Act was enacted to authorise payment and appropriation of

certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1959-60.

**90.The Appropriation Act, 1960 (3 of 1960)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1959-60.

**91.The Appropriation (Railways) Act, 1960 (7 of 1960)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61 for the purposes of Railways.

**92.The Appropriation (Railways) No.2 Act, 1960 (8 of 1960)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1959-60 for the purposes of Railways.

**93.The Appropriation (Vote on Account) Act, 1960 (9 of 1960)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1960-61.

**94.The Appropriation (No.2) Act, 1960 (12 of 1960)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1960-61.

**95.The Appropriation (Railways) No.3 Act, 1960 (15 of 1960)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1958, in excess of the amounts granted for those services and for that year.

**96.The Appropriation (Railways) No.4 Act, 1960 (29 of 1960)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61 for the purposes of Railways.

**97.The Appropriation (No.3) Act, 1960 (30 of 1960)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1958, in excess of the amounts granted for those services and for that year.

**98.The Appropriation (No.4) Act, 1960 (36 of 1960)**

The aforesaid Act was enacted to authorise payment and appropriation of

certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1960-61.

**99.The Appropriation (Railways) No.5 Act, 1960 (49 of 1960)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61 for the purposes of Railways.

**100.The Appropriation (No.5) Act, 1960 (50 of 1960)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61.

**101.The Appropriation Act, 1961 (2 of 1961)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1960-61.

**102.The Appropriation (Railways) Act, 1961 (5 of 1961)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61 for the purposes of Railways.

**103.The Appropriation (Railways) No.2 Act, 1961 (6 of 1961)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1961-62 for the purposes of Railways.

**104.The Appropriation (Vote on Account) Act, 1961 (9 of 1961)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1961-62.

**105.The Appropriation (No.2) Act, 1961 (12 of 1961)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1961-62.

**106.The Appropriation (No. 3) Act, 1961 (20 of 1961)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1959, in excess of the amounts granted for those services and for that year.

**107.The Appropriation (Railways) No. 3 Act, 1961 (22 of 1961)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the

amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1959, in excess of the amounts granted for those services and for that year.

**108.The Appropriation (No. 4) Act, 1961 (37 of 1961)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1961-62.

**109.The Appropriation (Railways) No. 4 Act, 1961 (54 of 1961)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1961-62 for the purposes of Railways.

**110.The Appropriation (No. 5) Act, 1961 (57 of 1961)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1961-62.

**111.The Appropriation Act, 1962 (2 of 1962)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1961-62.

**112.The Appropriation (Railways) Act, 1962 (4 of 1962)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1961-62 for the purposes of Railways.

**113.The Appropriation (Vote on Account) Act, 1962 (5 of 1962)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1962-63.

**114.The Appropriation (Railways) Vote on Account Act, 1962  
(12 of 1962)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1962-63 for the purposes of Railways.

**115.The Appropriation (Railways) No.2 Act, 1962 (18 of 1962)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63 for the purposes of Railways.

**116.The Appropriation (No. 2) Act, 1962 (19 of 1962)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services

of the financial year 1962-63.

**117.The Appropriation (No. 3) Act, 1962 (22 of 1962)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1960, in excess of the amounts granted for those services and for that year.

**118.The Appropriation (Railways) No.3 Act, 1962 (23 of 1962)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1960, in excess of the amounts granted for those services and for that year.

**119.The Appropriation (No. 4) Act, 1962 (28 of 1962)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63.

**120.The Appropriation (Railways) No.4 Act, 1962 (29 of 1962)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63 for the purposes of Railways.

**121.The Appropriation (Railways) No.5 Act, 1962 (40 of 1962)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63 for the purposes of Railways.

**122.The Appropriation (No. 5) Act, 1962 (41 of 1962)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63.

**123.The Appropriation (Railways) Act, 1963 (5 of 1963)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63 for the purposes of Railways.

**124.The Appropriation (Railways) No.2 Act, 1963 (6 of 1963)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1963-64 for the purposes of Railways.

**125.The Appropriation Act, 1963 (7 of 1963)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the

services of the financial year 1962-63.

**126. The Appropriation (Vote on Account) Act, 1963 (9 of 1963)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1963-64.

**127. The Appropriation No.2 Act, 1963 (12 of 1963)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1963-64.

**128. The Appropriation (Railways) No.3 Act, 1963 (16 of 1963)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1961, in excess of the amounts granted for those services and for that year.

**129. The Appropriation (Railways) No.4 Act, 1963 (17 of 1963)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1963-64 for the purposes of Railways.

**130. The Appropriation (No. 3) Act, 1963 (18 of 1963)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1961, in excess of the amounts granted for those services and for that year.

**131. The Appropriation (No. 4) Act, 1963 (25 of 1963)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1963-64.

**132. The Appropriation (Railways) No.5 Act, 1963 (31 of 1963)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1963-64 for the purposes of Railways.

**133. The Appropriation (No. 5) Act, 1963 (44 of 1963)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1963-64.

**134.The Appropriation (Railways) No.6 Act, 1963 (46 of 1963)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1962, in excess of the amounts granted for those services and for that year.

**135.The Appropriation (Railways) Act, 1964 (1 of 1964)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1964-65 for the purposes of Railways.

**136.The Appropriation (Vote on Account) Act, 1964 (2 of 1964)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1964-65.

**137.The Appropriation Act, 1964 (3 of 1964)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1963-64.

**138.The Appropriation (Railways) No.2 Act, 1964 (4 of 1964)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1963-64 for the purposes of Railways.

**139.The Appropriation (No. 2) Act, 1964 (6 of 1964)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1964-65.

**140.The Appropriation (No. 3) Act, 1964 (8 of 1964)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1962, in excess of the amounts granted for those services and for that year.

**141.The Appropriation (No.4) Act, 1964 (22 of 1964)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1964-65.

**142.The Appropriation (No. 5) Act, 1964 (29 of 1964)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1964-65.

**143.The Appropriation (No. 6) Act, 1964 (39 of 1964)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1964-65.

**144.The Appropriation (Railways) No. 3 Act, 1964 (50 of 1964)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1964-65 for the purposes of Railways.

**145.The Appropriation Act, 1965 (2 of 1965)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1964-65.

**146.The Appropriation (Railways) Act, 1965 (3 of 1965)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1965-66 for the purposes of Railways.

**147.The Appropriation (Railways) No.2 Act, 1965 (4 of 1965)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1964-65 for the purposes of Railways.

**148.Appropriation (Vote on Account) Act, 1965 (5 of 1965)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1965-66.

**149.The Appropriation (No.2) Act, 1965 (11 of 1965)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1965-66.

**150.The Appropriation (No.3) Act, 1965 (26 of 1965)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1965-66.

**151.The Appropriation (No.4) Act, 1965 (27 of 1965)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1963, in excess of the amounts granted for those services and for that year.

**152.The Appropriation (Railways) No.3 Act, 1965 (28 of 1965)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1963, in excess of the amounts granted for those services and for that year.

**153.The Appropriation (Railways) No.4 Act, 1965 (29 of 1965)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1965-66 for the purposes of Railways.

**154.The Appropriation (No.5) Act, 1965 (37 of 1965)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1965-66.

**155.The Appropriation (Vote on Account) Act, 1966 (5 of 1966)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1966-67.

**156.The Appropriation Act, 1966 (6 of 1966)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1965-66.

**157.The Appropriation (Railways) Act, 1966 (7 of 1966)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1966-67 for the purposes of Railways.

**158.The Appropriation (Railways) No.2 Act, 1966 (8 of 1966)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1965-66 for the purposes of Railways.

**159.The Appropriation (No.2) Act, 1966 (12 of 1966)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1966-67.

**160.The Appropriation (No. 3) Act, 1966 (27 of 1966)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1966-67.

**161.The Appropriation (Railways) No.3 Act, 1966 (42 of 1966)**

The aforesaid Act was enacted to authorise payment and appropriation of

certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1966-67 for the purposes of Railways.

**162.The Appropriation (Railways) No.4 Act, 1966 (43 of 1966)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1964, in excess of the amounts granted for those services and for that year.

**163.The Appropriation (No. 4) Act, 1966 (45 of 1966)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1966-67.

**164.The Appropriation (No. 5) Act, 1966 (46 of 1966)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1964, in excess of the amounts granted for those services and for that year.

**165.The Appropriation Act, 1967 (1 of 1967)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1966-67.

**166.The Appropriation (Vote on Account) Act, 1967 (2 of 1967)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1967-68.

**167.The Appropriation (Railways) Act, 1967 (3 of 1967)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1966-67 for the purposes of Railways.

**168.The Appropriation (Railways) Vote on Account Act, 1967  
(4 of 1967)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1967-68 for the purposes of Railways.

**169.The Appropriation (Railways) No. 2 Act, 1967 (18 of 1967)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of

the financial year 1967-68 for the purposes of Railways.

**170.The Appropriation (No. 2) Act, 1967 (19 of 1967)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1967-68.

**171.The Appropriation (Railways) No.3 Act, 1967 (23 of 1967)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1965, in excess of the amounts granted for those services and for that year.

**172.The Appropriation (No. 3) Act, 1967 (32 of 1967)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1967-68.

**173.The Appropriation (No. 4) Act, 1967 (33 of 1967)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1965, in excess of the amounts granted for those services and for that year.

**174.The Appropriation Act, 1968 (4 of 1968)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1967-68.

**175.The Appropriation (Vote on Account) Act, 1968 (5 of 1968)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1968-69.

**176.The Appropriation (Railways) Act, 1968 (8 of 1968)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1968-69 for the purposes of Railways.

**177.The Appropriation (Railways) No.2 Act, 1968 (9 of 1968)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1967-68 for the purposes of Railways.

**178.The Appropriation (No.2) Act, 1968 (18 of 1968)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1968-69.

**179.The Appropriation (Railways) No.3 Act, 1968 (37 of 1968)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1968-69 for the purposes of Railways.

**180.The Appropriation (Railways) No.4 Act, 1968 (38 of 1968)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1966, in excess of the amounts granted for those services and for that year.

**181.The Appropriation (No.3) Act, 1968 (41 of 1968)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1968-69.

**182.The Appropriation (No.4) Act, 1968 (42 of 1968)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1966, in excess of the amounts granted for those services and for that year.

**183.The Appropriation (Railways) (No.5) Act, 1968 (54 of 1968)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1968-69 for the purposes of Railways.

**184.The Appropriation (Railways) No.6 Act, 1968 (55 of 1968)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1967, in excess of the amounts granted for those services and for that year.

**185.The Appropriation (No.5) Act, 1968 (66 of 1968)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1968-69.

**186.The Appropriation (Vote on Account) Act, 1969 (2 of 1969)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1969-70.

**187.The Appropriation Act, 1969 (4 of 1969)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1967, in excess of the amounts granted for those services and for that year.

**188.The Appropriation (No.2) Act, 1969 (5 of 1969)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1968-69.

**189.The Appropriation (Railways) Act, 1969 (6 of 1969)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1969-70 for the purposes of Railways.

**190.The Appropriation (Railways) No.2 Act, 1969 (7 of 1969)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1968-69 for the purposes of Railways.

**191.The Appropriation (No.3) Act, 1969 (13 of 1969)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1969-70.

**192.The Appropriation (Railways) No.3 Act, 1969 (29 of 1969)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1969-70 for the purposes of Railways.

**193.The Appropriation (Railways) No.4 Act, 1969 (30 of 1969)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1968, in excess of the amounts granted for those services and for that year.

**194.The Appropriation (No.4) Act, 1969 (31 of 1969)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1969-70.

**195.The Appropriation (Railways) No.5 Act, 1969 (48 of 1969)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1969-70 for the purposes of Railways.

**196.The Appropriation (No.5) Act, 1969 (49 of 1969)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1968, in excess of the amounts granted for those services and for that year.

**197.The Appropriation (No.6) Act, 1969 (50 of 1969)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1969-70.

**198.The Appropriation (Vote on Account) Act, 1970 (4 of 1970)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1970-71.

**199.The Appropriation Act, 1970 (7 of 1970)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1969-70.

**200.The Appropriation (Railways) Act, 1970 (12 of 1970)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1970-71 for the purposes of Railways.

**201.The Appropriation (Railways) No.2 Act, 1970 (13 of 1970)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1969-70 for the purposes of Railways.

**202.The Appropriation (No.2) Act, 1970 (18 of 1970)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1970-71.

**203.The Appropriation (No.3) Act, 1970 (36 of 1970)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1970-71

**204.The Appropriation (Railways) No.3 Act, 1970 (38 of 1970)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1970-71 for the purposes of Railways.

**205.The Appropriation (No.4) Act, 1970 (44 of 1970)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1969, in excess of the amounts granted for those services and for that year.

**206.The Appropriation (No.5) Act, 1970 (45 of 1970)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1970-71.

**207.The Appropriation (Railways) No.4 Act, 1970 (46 of 1970)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1969, in excess of the amounts granted for those services and for that year.

**208.The Appropriation (Railways) No.5 Act, 1970 (47 of 1970)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1970-71 for the purposes of Railways.

**209.The Appropriation (Railways) Vote on Account Act, 1971  
(1 of 1971)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1971-72 for purposes of Railways.

**210.The Appropriation (Railways) Act, 1971 (2 of 1971)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1970-71 for the purposes of Railways.

**211.The Appropriation Act, 1971 (5 of 1971)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1970-71.

**212.The Appropriation (Vote on Account) Act, 1971 (6 of 1971)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1971-72.

**213.The Appropriation (Railways) No.2 Act, 1971 (19 of 1971)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1971-72 for the purposes of Railways.

**214.The Appropriation (No.2) Act, 1971 (30 of 1971)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1971-72.

**215.The Appropriation (No.3) Act, 1971 (38 of 1971)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1971-72.

**216.The Appropriation (Railways) No.3 Act, 1971 (58 of 1971)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1971-72 for the purposes of Railways.

**217.The Appropriation (No.4) Act, 1971 (60 of 1971)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1971-72.

**218.The Appropriation Act, 1972 (1 of 1972)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1971-72.

**219.The Appropriation (No.2) Act, 1972 (2 of 1972)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1970, in excess of the amounts granted for those services and for that year.

**220.The Appropriation (Railways) Act, 1972 (3 of 1972)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1971-72 for the purposes of Railways.

**221.The Appropriation (Railways) No.2 Act, 1972 (4 of 1972)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1970, in excess of the amounts granted for those services and for that year.

**222.The Appropriation (Railways) Vote on Account Act, 1972**

**(5 of 1972)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1972-73 for the purposes of Railways.

**223.The Appropriation (Vote on Account) Act, 1972 (6 of 1972)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1972-73.

**224.The Appropriation (No.3) Act, 1972 (14 of 1972)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1972-73.

**225.The Appropriation (Railways) No.3 Act, 1972 (17 of 1972)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1972-73 for the purposes of Railways.

**226.The Appropriation (No.4) Act, 1972 (51 of 1972)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1972-73.

**227.The Appropriation (Railways) No. 4 Act, 1972 (63 of 1972)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1972-73 for the purposes of Railways.

**228.The Appropriation (Railways) No. 5 Act, 1972 (64 of 1972)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1971, in excess of the amounts granted for those services and for that year.

**229.The Appropriation (No. 5) Act, 1972 (65 of 1972)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1972-73.

**230.The Appropriation (No.6) Act, 1972 (66 of 1972)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1971, in excess of the amounts granted for those services and for that year.

**231.The Appropriation (Vote on Account) Act, 1973 (4 of 1973)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of

the financial year 1973-74.

**232.The Appropriation Act, 1973 (5 of 1973)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1972-73.

**233.The Appropriation (Railways) Act, 1973 (6 of 1973)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1972-73 for the purposes of Railways.

**234.The Appropriation (Railways) No. 2 Act, 1973 (7 of 1973)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1973-74 for the purposes of Railways.

**235.The Appropriation (No.2) Act, 1973 (19 of 1973)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1973-74

**236.The Appropriation (No.3) Act, 1973 (35 of 1973)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1973-74.

**237.The Appropriation (Railways) No.3 Act, 1973 (38 of 1973)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1972-73 for the purposes of Railways.

**238.The Appropriation (Railways) No. 4 Act, 1973 (61 of 1973)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1973-74 for the purposes of Railways.

**239.The Appropriation (No.4) Act, 1973 (63 of 1973)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1972, in excess of the amounts granted for those services and for that year.

**240.The Appropriation (No.5) Act, 1973 (64 of 1973)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1973-74.

**241.The Appropriation (Vote on Account) Act, 1974 (7 of 1974)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1974-75.

**242.The Appropriation (Railways) Act, 1974 (10 of 1974)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1974-75 for the purposes of Railways.

**243. The Appropriation (Railways) No.2 Act, 1974 (15 of 1974)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1973-74 for the purposes of Railways.

**244. The Appropriation (Railways) No.3 Act, 1974 (16 of 1974)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1972, in excess of the amounts granted for those services and for that year.

**245. The Appropriation Act, 1974 (17 of 1974)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1973-74.

**246. The Appropriation (No.2) Act, 1974 (19 of 1974)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1974-75.

**247. The Appropriation (No.3) Act, 1974 (43 of 1974)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1974-75.

**248. The Appropriation (Railways) No. 4 Act, 1974 (44 of 1974)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1974-75 for the purposes of Railways.

**249. The Appropriation (No. 4) Act, 1974 (61 of 1974)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1974-75.

**250. The Appropriation (Vote on Account) Act, 1975 (5 of 1975)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1975-76.

**251. The Appropriation (Railways) Act, 1975 (6 of 1975)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76 for the purposes of Railways.

**252. The Appropriation (Railways) No. 2 Act, 1975 (7 of 1975)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1974-75 for the purposes of Railways.

**253. The Appropriation (Railways) No. 3 Act, 1975 (8 of 1975)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1973, in excess of the amounts granted for those services and for that year.

**254.The Appropriation Act, 1975 (11 of 1975)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1974-75.

**255.The Appropriation (No. 2) Act, 1975 (21 of 1975)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76.

**256.The Appropriation (No. 3) Act, 1975 (36 of 1975)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76.

**257.The Appropriation (No. 4) Act, 1975 (37 of 1975)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1973, in excess of the amounts granted for those services and for that year.

**258.The Appropriation Act, 1976 (5 of 1976)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76.

**259.The Appropriation (Railways) Act, 1976 (6 of 1976)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76 for the purposes of Railways.

**260.The Appropriation (No.2) Act, 1976 (7 of 1976)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1974, in excess of the amounts granted for those services and for that year.

**261. The Appropriation (No.3) Act, 1976 (38 of 1976)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76.

**262.The Appropriation (Vote on Account) Act, 1976  
(43 of 1976)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1976-77.

**263.The Appropriation (Railways) No.2 Act, 1976 (47 of 1976)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services

of the financial year 1976-77 for the purposes of Railways.

**264.The Appropriation (Railways) No.3 Act, 1976 (48 of 1976)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1975-76 for the purposes of Railways.

**265.The Appropriation (No.4) Act, 1976 (64 of 1976)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1976-77.

**266.The Appropriation (No.5) Act, 1976 (83 of 1976)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1976-77.

**267.The Appropriation (No.6) Act, 1976 (95 of 1976)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on a service during the financial year ended on the 31<sup>st</sup> day of March, 1974, in excess of the amounts granted for those services and for that year.

**268.The Appropriation (Railways) No.4 Act, 1976 (110 of 1976)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1976-77 for the purposes of Railways.

**269.The Appropriation (Railways) No.5 Act, 1976 (111 of 1976)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1975, in excess of the amounts granted for those services and for that year.

**270.The Appropriation (No.7) Act, 1976 (112 of 1976)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1976-77.

**271.The Appropriation (Vote on Account) Act, 1977 (1 of 1977)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1977-78.

**272.The Appropriation Act, 1977 (2 of 1977)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1976-77.

**273.The Appropriation (Railways) Vote on Account Act, 1977 (3 of 1977)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1977-78 for the purposes of Railways.

**274. The Appropriation (Railways) Act, 1977 (4 of 1977)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1976-77 for purposes of Railways.

**275. The Appropriation (Railways) No.2 Act, 1977 (18 of 1977)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1977-78 for purposes of Railways.

**276. The Appropriation (No.2) Act, 1977 (22 of 1977)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1977-78.

**277. The Appropriation (No.3) Act, 1977 (28 of 1977)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1975, in excess of the amounts granted for those services and for that year.

**278. The Appropriation (No.4) Act, 1977 (45 of 1977)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1977-78.

**279. The Appropriation (Vote on Account) Act, 1978 (3 of 1978)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1978-79.

**280. The Appropriation (Railways) Act, 1978 (4 of 1978)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1978-79 for the purposes of Railways.

**281. The Appropriation (Railways) No. 2 Act, 1978 (5 of 1978)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1977-78 for the purposes of Railways.

**282. The Appropriation (Railways) No.3 Act, 1978 (6 of 1978)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1976, in excess of the amounts granted for those services and for that year.

**283. The Appropriation Act, 1978 (7 of 1978)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup>

day of March, 1976, in excess of the amounts granted for those services and for that year.

**284.The Appropriation (No.2) Act, 1978 (8 of 1978)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1977-78.

**285.The Appropriation (No. 3) Act, 1978 (18 of 1978)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1978-79.

**286.The Appropriation (No. 4) Act, 1978 (35 of 1978)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1978-79.

**287.The Appropriation (Railways) No.4 Act, 1978**

**(1 of 1979)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1977, in excess of the amounts granted for those services and for that year.

**288.The Appropriation (Railways) No. 5 Act, 1978**

**(2 of 1979)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1978-79 for the purposes of Railways.

**289.The Appropriation (No.5) Act, 1978 (3 of 1979)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1978-79.

**290.The Appropriation (Vote on Account) Act, 1979 (7 of 1979)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums form and out of the Consolidated Fund of India for the service of a part of the financial year 1979-80.

**291.The Appropriation Act, 1979 (8 of 1979)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1977, in excess of the amounts granted for those services and for that year.

**292.The Appropriation (No.2) Act, 1979 (9 of 1979)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1978-79.

**293.The Appropriation (Railways) Act, 1979 (10 of 1979)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 199-80 for the purposes of Railways.

**294.The Appropriation (Railways) No. 2 Act, 1979 (11 of 1979)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1978-79 for the purposes of Railways.

**295.The Appropriation (No. 3) Act, 1979 (19 of 1979)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1979-80.

**296.The Appropriation Act, 1980 (2 of 1980)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1979-80.

**297.The Appropriation (Railways) Act, 1980 (3 of 1980)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1979-80 for the purposes of Railways.

**298.The Appropriation (Railways) Vote on Account Act, 1980 (9 of 1980)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1980-81 for the purposes of Railways.

**299.The Appropriation (Railways) No.2 Act, 1980 (10 of 1980)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1979-80 for the purposes of Railways.

**300.The Appropriation (Vote on Account) Act, 1980 (11 of 1980)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1980-81.

**301.The Appropriation (No. 2) Act, 1980 (12 of 1980)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1979-80.

**302.The Appropriation (Railways) No. 3 Act, 1980 (39 of 1980)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1980-81 for the purposes of Railways.

**303.The Appropriation (No. 3) Act, 1980 (43 of 1980)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1980-81.

**304.The Appropriation (No.4) Act, 1980 (71 of 1980)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1980-81.

**305.The Appropriation (Vote on Account) Act, 1981 (2 of 1981)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1981-82.

**306.The Appropriation Act, 1981 (3 of 1981)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1980-81.

**307.The Appropriation (No.2) Act, 1981 (4 of 1981)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1978, in excess of the amounts granted for those services and for that year.

**308.The Appropriation (No.3) Act, 1981 (5 of 1981)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1979, in excess of the amounts granted for those services and for that year.

**309.The Appropriation (Railways) Act, 1981 (8 of 1981)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1981-82 for purposes of Railways.

**310.The Appropriation (Railways) No. 2 Act, 1981 (9 of 1981)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1980-81 for purposes of Railways.

**311.The Appropriation (Railways) No. 3 Act, 1981 (10 of 1981)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1978, in excess of the amounts granted for those services and for that year.

**312.The Appropriation (Railways) No. 4 Act, 1981 (11 of 1981)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1979, in excess of the amounts granted for those services and for that year.

**313.The Appropriation (No.4) Act, 1981 (15 of 1981)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1981-82.

#### **314.The Appropriation (Railways) (No.5) Act, 1981**

**(34 of 1981)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1981-82 for the purposes of Railways.

#### **315.The Appropriation (No. 5) Act, 1981 (37 of 1981)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1981-82.

#### **316.The Appropriation (Railways) No.6 Act, 1981 (54 of 1981)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1980, in excess of the amounts granted for those services and for that year.

#### **317.The Appropriation (Railways) No.7 Act, 1981 (55 of 1981)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1981-82 for the purposes of Railways.

#### **318.The Appropriation (No.6) Act, 1981 (56 of 1981)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1980, in excess of the amounts granted for those services and for that year.

#### **319.The Appropriation (No.7) Act, 1981 (57 of 1981)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1981-82.

#### **320.The Appropriation (Vote on Account) Act, 1982 (5 of 1982)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1982-83.

#### **321.The Appropriation Act, 1982 (6 of 1982)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1981-82.

#### **322.The Appropriation (Railways) Act, 1982 (7 of 1982)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83 for the purposes of Railways.

#### **323.The Appropriation (Railways) No. 2 Act, 1982 (8 of 1982)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1981-82 for the purposes of Railways.

### **324.The Appropriation (No. 2) Act, 1982 (19 of 1982)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

### **325.The Appropriation (Railways) No. 3 Act, 1982 (32 of 1982)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83 for the purposes of Railways.

### **326.The Appropriation (No. 3) Act, 1982 (33 of 1982)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

### **327.The Appropriation No.4) Act, 1982 (60 of 1982)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

### **328.The Appropriation (Vote on Account) Act, 1983 (2 of 1983)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1983-84.

### **329.The Appropriation Act, 1983 (3 of 1983)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83.

### **330.The Appropriation (No.2) Act, 1983 (4 of 1983)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1981, in excess of the amounts granted for those services and for that year.

### **331.The Appropriation (Railways) Act, 1983 (5 of 1983)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1983-84 for purposes of Railways.

### **332.The Appropriation (Railways) No. 2 Act, 1983 (6 of 1983)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1982-83 for purposes of Railways.

### **333.The Appropriation (Railways) No. 3 Act, 1983 (7 of 1983)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1981, in excess of the amounts granted for those services and for that year.

**334.The Appropriation (No. 3) Act, 1983 (10 of 1983)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1983-84.

**335.The Appropriation (No.4) Act, 1983 (19 of 1983)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1983-84.

**336.The Appropriation (Railways) No. 4 Act, 1983 (21 of 1983)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1983-84 for the purposes of Railways.

**337.The Appropriation (No. 5) Act, 1983 (36 of 1983)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1983-84.

**338.The Appropriation (Railways) No. 5 Act, 1983 (37 of 1983)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1983-84 for the purposes of Railways.

**339.The Appropriation (Vote on Account) Act, 1984 (6 of 1984)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1984-85.

**340.The Appropriation Act, 1984 (7 of 1984)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1983-84.

**341.The Appropriation (No.2) Act, 1984 (8 of 1984)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1982, in excess of the amounts granted for those services and for that year.

**342.The Appropriation (Railways) Act, 1984 (9 of 1984)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1984-85 for the purposes of Railways.

**343.The Appropriation (Railways) No. 2 Act, 1984 (10 of 1984)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1983-84 for the purposes of Railways.

**344.The Appropriation (Railways) No. 3 Act, 1984 (11 of**

### **1984)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1982, in excess of the amounts granted for those services and for that year.

### **345.The Appropriation No. 3 Act, 1984 (18 of 1984)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1984-85.

### **346.The Appropriation (No.4) Act, 1984 (50 of 1984)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1984-85.

### **347.The Appropriation Act, 1985 (4 of 1985)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1984-85.

### **348.The Appropriation (No.2) Act, 1985 (5 of 1985)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1983, in excess of the amounts granted for those services and for that year.

### **349.The Appropriation (Railways) Act, 1985 (6 of 1985)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1983, in excess of the amounts granted for those services and for that year.

### **350.The Appropriation (Railways) No. 2 Act, 1985 (7 of 1985)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1984-85 for the purposes of Railways.

### **351.The Appropriation (Vote on Account) Act, 1985**

#### **(14 of 1985)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1985-86.

### **352.The Appropriation (No. 3) Act, 1985 (15 of 1985)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1984-85.

### **353.The Appropriation (Railways) No. 3 Act, 1985 (16 of 1985)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services

of the financial year 1985-86 for the purposes of Railways.

**354.The Appropriation (Railways) No. 4 Act, 1985 (17 of 1985)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1984-85 for the purposes of Railways.

**355.The Appropriation (No.4) Act, 1985 (29 of 1985)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1985-86.

**356.The Appropriation (No.5) Act, 1985 (42 of 1985)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1985-86.

**357.The Appropriation (No. 6) Act, 1985 (68 of 1985)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1985-86.

**358.The Appropriation (Railways) No. 5 Act, 1985 (71 of 1985)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1985-86 for purposes of Railways.

**359.The Appropriation (Vote on Account) Act, 1986  
(12 of 1986)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1986-87.

**360.The Appropriation Act, 1986 (13 of 1986)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1985-86.

**361.The Appropriation (Railways) Act, 1986 (15 of 1986)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1986-87 for the purposes of Railways.

**362.The Appropriation (Railways) No. 2 Act, 1986 (16 of 1986)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1985-86 for the purposes of Railways.

**363.The Appropriation (Railways) No. 3 Act, 1986 (17 of 1986)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1984, in excess of the amounts granted for those services and for that year.

**364.The Appropriation (No.2) Act, 1986 (18 of 1986)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1984, in excess of the amounts granted for those services and for that year.

**365.The Appropriation (No.3) Act, 1986 (21 of 1986)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1986-87.

**366.The Appropriation (No.4) Act, 1986 (39 of 1986)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1986-87.

**367.The Appropriation (Railways) No. 4 Act, 1986 (52 of 1986)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1986-87 for the purposes of Railways.

**368.The Appropriation (No. 5) Act, 1986 (55 of 1986)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1986-87.

**369.The Appropriation (Vote on Account) Act, 1987 (1 of 1987)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1987-88.

**370.The Appropriation Act, 1987 (2 of 1987)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1985, in excess of the amounts granted for those services and for that year.

**371.The Appropriation (No.2) Act, 1987 (3 of 1987)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1986-87.

**372.The Appropriation (Railways) Act, 1987 (5 of 1987)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1987-88 for the purposes of Railways.

**373.The Appropriation (Railways) No. 2 Act, 1987 (6 of 1987)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1986-87 for the purposes of Railways.

**374.The Appropriation (Railways) No. 3 Act, 1987 (7 of 1987)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1985, in excess of the amounts granted for those services and for that year.

**375.The Appropriation (No. 3) Act, 1987 (9 of 1987)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1987-88.

**376.The Appropriation (No. 4) Act, 1987 (33 of 1987)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1987-88.

**377.The Appropriation (No.5) Act, 1987 ( 45 of 1987)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1987-88.

**378.The Appropriation (Vote on Account) Act, 1988 (6 of 1988)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1988-89.

**379.The Appropriation Act, 1988 (7 of 1988)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1987-88.

**380.The Appropriation (Railways) Act, 1988 (15 of 1988)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1988-89 for the purposes of Railways.

**381.The Appropriation (Railways)No.2 Act, 1988 (16 of 1988)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1987-88 for the purposes of Railways.

**382.The Appropriation (Railways)No.3 Act, 1988 (17 of 1988)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1986, in excess of the amounts granted for those services and for that year.

**383.The Appropriation (No. 2) Act, 1988 (25 of 1988)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1988-89.

**384.The Appropriation (No. 3) Act, 1988 (28 of 1988)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1986, in excess of the amounts granted for those services and

for that year.

**385.The Appropriation (Railways) No.4 Act, 1988 (47 of 1988)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1988-89 for the purposes of Railways.

**386.The Appropriation (No.4) Act, 1988 (48 of 1988)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1988-89.

**387.The Appropriation (No.5) Act, 1988 (70 of 1988)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1988-89.

**388.The Appropriation (Vote on Account) Act, 1989 (4 of 1989)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1989-90.

**389.The Appropriation Act, 1989 (5 of 1989)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1988-89.

**390.The Appropriation (Railways) Act, 1989 (6 of 1989)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1989-90 for the purposes of Railways.

**391.The Appropriation (Railways) No. 2 Act, 1989 (7 of 1989)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1988-89 for the purposes of Railways.

**392.The Appropriation (No.2) Act, 1989 (12 of 1989)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1989-90.

**393.The Appropriation (Railways) No. 3 Act, 1989 (14 of 1989)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1987, in excess of the amounts granted for those services and for that year.

**394.The Appropriation (No.3) Act, 1989 (19 of 1989)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1987, in excess of the amounts granted for those services and for that year.

**395.The Appropriation (No. 4) Act, 1989 (27 of 1989)**

The aforesaid Act was enacted to authorise payment and appropriation of

certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1989-90.

**396.The Appropriation (No. 5) Act, 1989 (34 of 1989)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1989-90.

**397.The Appropriation (No.6) Act, 1989 (1 of 1990)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1989-90.

**398.The Appropriation (Railways) Act, 1990 (5 of 1990)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1990-91 for the purposes of Railways.

**399.The Appropriation (Railways) No. 2 Act, 1990 (6 of 1990)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1989-90 for the purposes of Railways.

**400.The Appropriation (Vote on Account) Act, 1990 (7 of 1990)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1990-91.

**401.The Appropriation Act, 1990 (8 of 1990)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1989-90.

**402.The Appropriation (No.2) Act, 1990 (11 of 1990)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1990-91.

**403.The Appropriation (No.3) Act, 1990 (22 of 1990)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1990-91.

**404.The Appropriation (Railways) No. 3 Act, 1990 (24 of 1990)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1990-91 for the purpose of Railways.

**405.The Appropriation Act, 1991 (3 of 1991)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1990-91.

**406.The Appropriation (Railways) Vote on Account Act, 1991 (12 of 1991)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of

the financial year 1991-92 for the purposes of Railways.

**407.The Appropriation (Railways) Act, 1991 (13 of 1991)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1990-91 for the purposes of Railways.

**408.The Appropriation (Railways) No.2 Act, 1991 (14 of 1991)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1988, in excess of the amounts granted for those services and for that year.

**409.The Appropriation (Vote on Account) Act, 1991**

**( 15 of 1991)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1991-92.

**410.The Appropriation (No.2) Act, 1991 ( 16 of 1991)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1990-91.

**411.The Appropriation (No.3) Act, 1991 ( 17 of 1991)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1988, in excess of the amounts granted for those services and for that year.

**412.The Appropriation (Railways) No.3 Act, 1991 (29 of 1991)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1991-92 for the purposes of Railways.

**413.The Appropriation (Vote on Account) No.2 Act, 1991**

**(30 of 1991)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1991-92.

**414.The Appropriation (No.4) Act, 1991 (37 of 1991)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1991-92.

**415.The Appropriation (No.5) Act, 1991 (61 of 1991)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1991-92.

**416.The Appropriation (Railways) Act, 1992 (3 of 1992)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1992-93 for the purposes of Railways.

**417.The Appropriation (Railways) No.2 Act, 1992 (4 of 1992)**

The aforesaid Act was enacted to authorise payment and appropriation of

certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1991-92 for the purposes of Railways.

**418.The Appropriation Act, 1992 (5 of 1992)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1991-92.

**419.The Appropriation (Vote on Account) Act, 1992 (6 of 1992)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1992-93.

**420.The Appropriation (No.2) Act, 1992 (17 of 1992)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1992-93.

**421.The Appropriation (Railways) No.3 Act, 1992 (29 of 1992)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1992-93 for the purposes of Railways.

**422.The Appropriation (Railways) No.4 Act, 1992 (30 of 1992)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1989, in excess of the amounts granted for those services and for that year.

**423.The Appropriation (No.3) Act, 1992 (32 of 1992)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1989, in excess of the amounts granted for those services and for that year.

**424.The Appropriation (No.4) Act, 1992 (33 of 1992)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1992-93.

**425.The Appropriation (No.5) Act, 1992 (2 of 1993)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1992-93.

**426.The Appropriation (Vote on Account) Act, 1993 (6 of 1993)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1993-94.

**427.The Appropriation Act, 1993 (7 of 1993)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1992-93.

**428.The Appropriation (Railways) Act, 1993 ( 21 of 1993)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1993-94 for the purposes of Railways.

**429.The Appropriation (Railways) No.2 Act, 1993 ( 22 of 1993)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1992-93 for the purposes of Railways.

**430.The Appropriation (No.2) Act, 1993 (39 of 1993)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1993-94.

**431.The Appropriation (No.3) Act, 1993 (60 of 1993)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1990, in excess of the amounts granted for those services and for that year.

**432.The Appropriation (No.4) Act, 1993 (61 of 1993)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1993-94.

**433.The Appropriation (Railways) No.3 Act, 1993 (62 of 1993)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1993-94 for the purposes of Railways.

**434.The Appropriation (Railways) No.4 Act, 1993 ( 63 of 1993)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1990, in excess of the amounts granted for those services and for that year.

**435.The Appropriation (No.5) Act, 1993 (5 of 1994)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1993-94.

**436.The Appropriation (Railways) Vote on Account Act, 1994 (14 of 1994)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1994-95 for the purposes of Railways.

**437.The Appropriation (Railways) Act, 1994 (15 of 1994)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1993-94 for the purposes of Railways.

**438.The Appropriation (Vote on Account) Act, 1994  
(21 of 1994)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1994-95.

**439.The Appropriation Act, 1994 (22 of 1994)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1993-94

**440.The Appropriation (Railways) No.2 Act, 1994 (29 of 1994)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1994-95 for the purposes of Railways.

**441.The Appropriation (Railways) No.3 Act, 1994 (30 of 1994)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1991, in excess of the amounts granted for those services and for that year.

**442.The Appropriation (No.2) Act, 1994 (31 of 1994)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1994-95.

**443.The Appropriation (No.3) Act, 1994 (48 of 1994)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1991, in excess of the amounts granted for those services and for that year.

**444.The Appropriation (No.4) Act, 1994 (49 of 1994)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1992, in excess of the amounts granted for those services and for that year.

**445.The Appropriation (No.5) Act, 1994 (50 of 1994)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1994-95.

**446.The Appropriation (Railways) No.4 Act, 1994 (52 of 1994)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the

financial year ended on the 31<sup>st</sup> day of March, 1992, in excess of the amounts granted for those services and for that year.

**447.The Appropriation (Railways) No.5 Act, 1994 (53 of 1994)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1994-95 for the purposes of Railways.

**448.The Appropriation (No.6) Act, 1994 (2 of 1995)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1994-95.

**449.The Appropriation (Railways) No.6 Act, 1994 (3 of 1995)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1994-95 for the purposes of Railways.

**450.The Appropriation (Railways) Vote on Account Act, 1995 (10 of 1995)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1995-96 for the purposes of Railways.

**451.The Appropriation (Railways) Act, 1995 (11 of 1995)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1994-95.

**452.The Appropriation Vote on Account Act, 1995 (12 of 1995)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1995-96.

**453.The Appropriation Act, 1995 (13 of 1995)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1994-95.

**454.The Appropriation (Railways) No.2 Act, 1995 (20 of 1995)**  
The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1995-96 for the purposes of Railways.

**455.The Appropriation (Railways) No.3 Act, 1995 (21 of 1995)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1993 in excess of the amounts granted for those services and for that year.

**456.The Appropriation (No.2) Act, 1995 (23 of 1995)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services

of the financial year 1995-96.

**457.The Appropriation (No.3) Act, 1995 (36 of 1995)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1993 in excess of the amounts granted for those services and for that year.

**458.The Appropriation (No.4) Act, 1995 (37 of 1995)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1995-96.

**459.The Appropriation (No.5) Act, 1995 (3 of 1996)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1995-96.

**460.The Appropriation (Railways)No.4 Act, 1995 (4 of 1996)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1995-96 for the purposes of Railways.

**461.The Appropriation (Railways) Vote on Account Act, 1996 (6 of 1996)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1996-97 for the purposes of Railways.

**462.The Appropriation (Railways) Act, 1996 (7 of 1996)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1994 in excess of the amounts granted for those services and for that year.

**463.The Appropriation (Railways)No.2 Act, 1996 (8 of 1996)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1995-96 for the purposes of Railways.

**464.The Appropriation (Vote on Account) Act, 1996 (9 of 1996)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1996-97 .

**465.The Appropriation Act, 1996 (10 of 1996)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1995-96.

**466.The Appropriation (No.2) Act, 1996 (17 of 1996)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1994 in excess of the amounts granted for those services and for that year.

**467.The Appropriation (Vote on Account) No.2 Act, 1996****(18 of 1996)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of a part of the financial year 1996-97.

**468.The Appropriation (Railways) No.3 Act, 1996 (19 of 1996)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1996-97 for the purposes of Railways.

**469. The Appropriation (No.3) Act, 1996 (31 of 1996)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1996-97

**470.The Appropriation (No.4) Act, 1996 (37 of 1996)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1996-97

**471.The Appropriation (Railways) No.4 Act, 1996 (39 of 1996)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1996-97 for the purposes of Railways.

**472.The Appropriation (Railways) Vote on Account Act, 1997 (9 of 1997)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 97-98 for the purposes of Railways.

**473.The Appropriation (Railways) Act, 1997 (10 of 1997)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1995 in excess of the amounts granted for those services and for that year.

**474.The Appropriation (Railways) No.2 Act, 1997 (11 of 1997)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1996-97 for the purposes of Railways.

**475.The Appropriation Act, 1997 (19 of 1997)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1995 in excess of the amounts granted for those services and for that year.

**476.The Appropriation (No.2) Act, 1997 (20 of 1997)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the

service of the financial year 1996-97

**477.The Appropriation (Vote on Account) Act, 1997**

**(21 of 1997)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1997-98.

**478.The Appropriation (Railways) No.3 Act, 1997 (25 of 1997)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1997-98 for the purposes of Railways.

**479.The Appropriation (No.3) Act, 1997 (27 of 1997)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1997-98

**480.The Appropriation (Railways) No.4 Act, 1997 (33 of 1997)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1997-98 for the purposes of Railways.

**481.The Appropriation (No.4) Act, 1997 (34 of 1997)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1997-98

**482.The Appropriation (Railways) Vote on Account Act, 1998 (2 of 1998)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1998-99 for the purposes of Railways.

**483.The Appropriation (Railways) Act, 1998 (3 of 1998)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1997-98 for the purposes of Railways.

**484.The Appropriation (Vote on Account) Act, 1998 (5 of 1998)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1998-99.

**485.The Appropriation Act, 1998 (6 of 1998)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1997-98.

**486.The Appropriation (Railways) No.2 Act, 1998 (8 of 1998)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1996 in excess of the amounts granted for those services and for that year.

**487.The Appropriation (No.2) Act, 1998 (15 of 1998)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1996 in excess of the amounts granted for those services and for that year.

**488.The Appropriation (Railways) No.3 Act, 1998 (19 of 1998)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1998-99 for the purposes of Railways.

**489.The Appropriation (No.3) Act, 1998 (20 of 1998)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1998-99

**490.The Appropriation (Railways) No.4 Act, 1998 (9 of 1999)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1998-99 for the purposes of Railways.

**491.The Appropriation (No.4) Act, 1998 (10 of 1999)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1998-99.

**492.The Appropriation (Railways) Vote on Account Act, 1999 (18 of 1999)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1999-2000 for the purposes of Railways.

**493.The Appropriation (Railways) Act, 1999 (19 of 1999)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1997 in excess of the amounts granted for those services and for that year.

**494.The Appropriation (Railways) No.2 Act, 1999 (20 of 1999)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1998-1999 for the purposes of Railways.

**495.The Appropriation (Vote on Account) Act, 1999 (22 of 1999)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1999-2000.

**496.The Appropriation Act, 1999 (23 of 1999)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1998-99.

**497.The Appropriation (No.2) Act, 1999 (24 of 1999)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1997 in excess of the amounts granted for those services and for that year.

**498.The Appropriation (Railways) No.3 Act, 1999 (25 of 1999)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1999-2000 for the purposes of Railways.

**499.The Appropriation (No.3) Act, 1999 (26 of 1999)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1999-2000.

**500.The Appropriation (No.4) Act, 1999 (37 of 1999)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1999-2000.

**501.The Appropriation (Railways) No.4 Act, 1999 (43 of 1999)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1999-2000 for the purposes of Railways.

**502.The Appropriation (Railways) Vote on Account Act, 2000 (3 of 2000)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2000-2001 for the purposes of Railways.

**503.The Appropriation (Railways) Act, 2000 (4 of 2000)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1999- 2000 for the purposes of Railways.

**504.The Appropriation (Vote on Account) Act, 2000 (5 of 2000)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums form and out of the Consolidated Fund of India for the services of a part of the financial year 2000-2001.

**505.The Appropriation Act, 2000 (6 of 2000)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1999-2000.

**506.The Appropriation (Railways) No.2 Act, 2000 (9 of 2000)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2000-2001 for the purposes of Railways.

**507.The Appropriation (No.2) Act, 2000 (11 of 2000)**

The aforesaid Act was enacted to authorise payment and appropriation of

certain sums from and out of the Consolidated Fund of India for the services of the financial year 2000-2001

**508.The Appropriation (No.3) Act, 2000 (40 of 2000)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2000-2001.

**509.The Appropriation (No.4) Act, 2000 (41 of 2000)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1998 in excess of the amounts granted for those services and for that year.

**510.The Appropriation (Railways) No.3 Act, 2000 (42 of 2000)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1998 in excess of the amounts granted for those services and for that year.

**511.The Appropriation (Railways) No.4 Act, 2000 (43 of 2000)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2000-2001 for the purposes of Railways.

**512.The Appropriation (No.5) Act, 2000 (2 of 2001)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2000-2001.

**513.The Appropriation (Railways) No.5 Act, 2000 (3 of 2001)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 2000-2001 for the purposes of Railways.

**514.The Appropriation (Railways) Vote on Account Act, 2001 (5 of 2001)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2001-2002 for the purposes of Railways.

**515.The Appropriation (Railways) Act, 2001 (6 of 2001)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2000-2001 for the purposes of Railways.

**516.The Appropriation (Vote on Account) Act, 2001 (7 of 2001)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2001-2002.

**517.The Appropriation Act, 2001 (8 of 2001)**

The aforesaid Act was enacted to authorise payment and appropriation of

certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2000-2001.

**518.The Appropriation (Railways) No.2 Act, 2001 (13 of 2001)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2001-02 for the purposes of Railways.

**519.The Appropriation (No.2) Act, 2001 (15 of 2001)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2001-2002

**520.The Appropriation (No.3) Act, 2001 (42 of 2001)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2001-2002

**521.The Appropriation (Railways) No.3 Act, 2001 (2 of 2002)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 1999 in excess of the amounts granted for those services and for that year.

**522.The Appropriation (Railways) No.4 Act, 2001 (3 of 2002)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 2001-2002 for the purposes of Railways.

**523.The Appropriation (No.4) Act, 2001 (4 of 2001)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 2001-2002.

**524.The Appropriation (Railways) Vote on Account Act, 2002 (6 of 2002)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2002-2003 for the purposes of Railways.

**525.The Appropriation (Railways) Act, 2002 (7 of 2002)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2001-02 for the purposes of Railways.

**526.The Appropriation Act, 2002 (8 of 2002)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 2001-02.

**527.The Appropriation (No.2) Act, 2002 (9 of 2002)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 1999 in excess of the amounts granted for those services and for that year.

**528.The Appropriation (Vote on Account ) Act, 2002****(10 of 2002)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2002-2003.

**529.The Appropriation (Railways) No.2 Act, 2002 (18 of 2002)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 2002-2003 for the purposes of Railways.

**530.The Appropriation (No.3) Act, 2002 (19 of 2002)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2002-2003

**531.The Appropriation (No.4) Act, 2002 (46 of 2002)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 2000 in excess of the amounts granted for those services and for that year.

**532.The Appropriation (No.5) Act, 2002 (47 of 2002)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2002-2003.

**533.The Appropriation ( Railways )No.3 Act, 2002 (48 of 2002)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2002-03 for the purposes of Railways.

**534.The Appropriation (Railways )No.4 Act, 2002 (49 of 2002)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 2000 in excess of the amounts granted for those services and for that year.

**535.The Appropriation (Railways) No.5 Act 2002 (67 of 2002)**  
The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2002-03 for the purposes of Railways.

**536.The Appropriation (No.6) Act, 2002 (71 of 2002)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2002-03.

**537.The Appropriation (Railways) Vote on Account Act, 2003 (21 of 2003)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of

the financial year 2003-2004 for the purposes of Railways.

**538.The Appropriation (Railways) Act, 2003 (22 of 2003)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2002-2003 for the purposes of Railways.

**539.The Appropriation (Railways) No.2 Act, 2003 (23 of 2003)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 2001 in excess of the amounts granted for those services and for that year.

**540.The Appropriation (Vote on Account) Act, 2003 (26 of 2003)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2003-2004.

**541.The Appropriation Act, 2003 (27 of 2003)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 2002-03.

**542.The Appropriation (No.2) Act, 2003 (28 of 2003)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 2001 in excess of the amounts granted for those services and for that year.

**543.The Appropriation (Railways) No.3 Act, 2003 (30 of 2003)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2003-04 for the purposes of Railways.

**544.The Appropriation (No.3) Act, 2003 (33 of 2003)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2003-2004.

**545.The Appropriation (No.4) Act, 2003 (41 of 2003)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2003-04.

**546.The Appropriation (Railways) No.4 Act, 2003 (42 of 2003)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2003-04 for the purposes of Railways.

**547.The Appropriation (No.5) Act, 2003 (55 of 2003)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the

services of the financial year 2003-2004.

**548.The Appropriation (Railways) Act, 2004 (10 of 2004)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2003-04 for the purposes of Railways.

**549.The Appropriation (Railways) No.2 Act, 2004 (11 of 2004)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 2002 in excess of the amounts granted for those services and for that year.

**550.The Appropriation (Railways) Vote on Account Act, 2004 (12 of 2004)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2004-05 for the purposes of Railways.

**551.The Appropriation Vote on Account Act, 2004 (14 of 2004)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2004-05

**552.The Appropriation Act, 2004 (15 of 2004)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 2003-2004.

**553.The Appropriation (Railways) Vote on Account No.2 Act, 2004 (18 of 2004)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2004-05 for the purposes of Railways.

**554.The Appropriation (No.2) Act, 2004 (19 of 2004)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 2002, in excess of the amounts granted for those services and for that year.

**555.The Appropriation (Vote on Account) No.2 Act, 2004 (20 of 2004)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2004-05

**556.The Appropriation (Railways) No.3 Act, 2004 (21 of 2004)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2004-05 for the purposes of Railways.

**557.The Appropriation (No.3) Act, 2004 (22 of 2004)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2004-05.

**558.The Appropriation (Railways) No.4 Act, 2004 (27 of 2004)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 2004-05 for the purposes of Railways.

**559.The Appropriation (No.4) Act, 2004 (3 of 2005)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2004-05.

**560.The Appropriation (Railways) Vote on Account Act, 2005 (6 of 2005)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2005-06 for the purposes of Railways.

**551.The Appropriation (Railways) Act, 2005 (7 of 2005)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2004-05 for the purposes of Railways.

**562.The Appropriation (Vote on Account) Act, 2005 (8 of 2005)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2005-06.

**563.The Appropriation Act, 2005 (9 of 2005)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2004-05.

**564.The Appropriation (Railways) No.2 Act, 2005 (16 of 2005)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2005-06 for the purposes of Railways.

**565.The Appropriation (No.2) Act, 2005 (17 of 2005)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 2005-2006.

**566.The Appropriation (No.3) Act, 2005 (34 of 2005)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2005-06.

**567.The Appropriation (No.4) Act, 2005 (35 of 2005)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 2003 in excess of the amounts granted for those services and for that year.

**568.The Appropriation (Railways)No.3 Act, 2005 (36 of 2005)**

The aforesaid Act was enacted to provide for the authorisation of

appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 2003 in excess of the amounts granted for those services and for that year.

**569.The Appropriation (Railways) No.4 Act, 2005 (37 of 2005)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2005-2006 for the purposes of Railways.

**570. The Appropriation (Railways) No.5 Act. 2005 (52 of 2005)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2005-2006 for the purposes of Railways.

**571.The Appropriation (No.5) Act, 2005 (56 of 2005)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2005-2006.

**572.The Appropriation (Railways) Vote on Account Act, 2006 (11 of 2006)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2006-07 for the purposes of Railways.

**573.The Appropriation (Railways) Act, 2006 (12 of 2006)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 2005-06 for the purposes of Railways.

**574.The Appropriation (Railways) No.2 Act, 2006 (13 of 2006)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 2004 in excess of the amounts granted for those services and for that year.

**575.The Appropriation Act, 2006 (14 of 2006)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2005-06.

**576.The Appropriation (No.2) Act, 2006 (15 of 2006)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 2004 in excess of the amounts granted for those services and for that year.

**577.The Appropriation (Railways) No.3 Act, 2006 (16 of 2006)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service

of the financial year 2006-07 for the purposes of Railways.

**578.The Appropriation No. 3 Act, 2006 (17 of 2006)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2006-07.

**579.The Appropriation (No.4) Act, 2006 (36 of 2006)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2006-07.

**580.The Appropriation (Railways) No.4 Act, 2006 (37 of 2006)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2006-07 for the purposes of Railways.

**581.The Appropriation (Railways) No.5 Act, 2006 (50 of 2006)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31<sup>st</sup> day of March, 2005 in excess of the amounts granted for those services and for that year.

**582.The Appropriation (Railways) No.6 Act, 2006 (53 of 2006)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2006-07 for the purposes of Railways.

**583.The Appropriation (No.5) Act, 2006 (55 of 2006)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 2005 in excess of the amounts granted for those services and for that year.

**584.The Appropriation (No.6) Act, 2006 (56 of 2006)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2006-07.

**585.The Appropriation (Railways) Vote on Account Act, 2007 (12 of 2007)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2007-08 for the purposes of Railways.

**586.The Appropriation (Railways) Act, 2007 (13 of 2007)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2006-07 for the purposes of Railways.

**587.The Appropriation (Vote on Account) Act, 2007 (14 of 2007)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of

the financial year 2007-08.

**588.The Appropriation Act, 2007 (15 of 2007)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2006-07.

**589.The Appropriation (Railways) No.2 Act, 2007 (20 of 2007)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2007-08 for the purposes of Railways.

**590.The Appropriation (No.2) Act, 2007 (21 of 2007)**

The aforesaid Act was enacted to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2007-08.

**591.The Appropriation (No.3) Act, 2007 (33 of 2007)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2007-08.

**592.The Appropriation (Railways) No.3 Act, 2007 (34 of 2007)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2007-08 for the purposes of Railways.

**593.The Appropriation (No.4) Act, 2007 (46 of 2007)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2007-08.

**594.The Appropriation (No.5) Act, 2007 (47 of 2007)**

The aforesaid Act was enacted to provide for the authorisation of appropriation of moneys out of the Consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31<sup>st</sup> day of March, 2006 in excess of the amounts granted for those services and for that year.

**595.The Appropriation (Railways) No.4 Act, 2007 (48 of 2007)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2007-08 for the purposes of Railways.

**596.The Appropriation (Railways) Vote on Account Act, 2008 (1 of 2008)**

The aforesaid Act was enacted to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2008-09 for the purposes of Railways.

**597.The Appropriation (Railways) Act, 2008 (2 of 2008)**

The aforesaid Act was enacted to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2007-08 for the purposes of Railways.

**598.The Appropriation (Railways) No.2 Act, 2008 (3 of 2008)**

1. [SUBJECT TO CHANGES OF DRAFTING NATURE OR CORRECTION OF FACTUAL OR PATENT ERRORS, IF ANY].

2. [THE CENTRAL ACTS MENTIONED FROM 656 TO 777 UNDER CHAPTER 4 HAVE NOT BEEN INCLUDED FOR REPEAL IN THE DRAFT MODEL BILL AND SUCH CENTRAL ACTS MAY BE INCLUDED IN THE DRAFT BILL IN CONSULTATION WITH CONCERNED MINISTRIES/DEPARTMENT OR SEPARATE REPEALING BILL MAY BE MOVED THEREFOR.]

		Regulation) Amendment Act, 2010	
2010	35	The Essential Commodities (Amendment) Act, 2010	The whole.
2010	37	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2010	The whole.
2010	41	The Code of Criminal Procedure (Amendment) Act, 2010	The whole.
2010	43	The Indian Medicine Central Council (Amendment) Act, 2010	The whole.
2011	6	The Repatriation of Prisoners (Amendment) Act, 2011	The whole.
2011	7	The State Bank of India (Subsidiary Banks) Amendment Act, 2011	The whole.
2011	8	The Finance Act, 2011	Sections 3 to 54, 57 to 60, 62 to 70, 73, 77 and 79.
2011	10	The Jawaharlal Institute of Post-Graduation Medical Education and Research Puducherry (Amendment) Act, 2011	The whole.
2011	12	The Juvenile Justice (Care and Protection of Children) Amendment Act, 2011	The whole.
2011	13	The Indian Medical Council (Amendment) Act, 2011	The whole.
2011	17	The State Bank of India (Subsidiary Banks Laws) Amendment Act, 2011	The whole.
2011	18	The National Council for Teacher Education (Amendment) Act, 2011	The whole.
2011	21	The Cable Television Networks (Regulation) Amendment Act, 2011	The whole.
2012	1	The Damodar Valley Corporation (Amendment) Act, 2011	The whole.
2012	2	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2011	The whole.
2012	3	The Chartered Accountants (Amendment) Act, 2011	The whole.
2012	4	The Company Secretaries (Amendment) Act, 2011	The whole.
2012	5	The New Delhi Municipal Council (Amendment) Act, 2011	The whole.
2012	6	The Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2011	The whole.
2012	8	The Life Insurance Corporation (Amendment) Act, 2011	The whole.
2012	9	The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, 2011	The whole.
2012	10	The Cost and Works Accountants (Amendment) Act, 2011	The whole.
2012	11	The Export-Import Bank of India (Amendment) Act, 2011	The whole.

1. [SUBJECT TO CHANGES OF DRAFTING NATURE OR CORRECTION OF FACTUAL OR PATENT ERRORS, IF ANY].

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2012	20	The Indian Medical Council (Amendment) Act, 2012	The whole.
2012	23	The Finance Act, 2012	Sections 3 to 118, 120 to 128, 130 to 138, 141 and 146 to 151.
2012	24	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2012	The whole.
2012	25	The Railway Property (Unlawful Possession) Amendment Act, 2012	The whole.
2012	27	The Copyright (Amendment) Act, 2012	The whole.
2012	30	The Right of Children to Free And Compulsory Education (Amendment) Act, 2012	The whole.
2012	31	The Central Educational Institutions (Reservation in Admission) Amendment Act, 2012	The whole.
2012	34	The Institutes of Technology (Amendment) Act, 2012	The whole.
2012	36	The Chemical Weapons Convention (Amendment) Act, 2012	The whole.
2012	37	The All-India Institute of Medical Sciences (Amendment) Act, 2012	The whole.
2013	1	The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2012	The whole.
2013	2	The Prevention of Money-Laundering (Amendment) Act, 2012	The whole.
2013	3	The Unlawful Activities (Prevention) Amendment Act, 2012	The whole.
2013	4	The Banking Laws (Amendment) Act, 2012	The whole.
2013	13	The Criminal Law (Amendment) Act, 2013	The whole.
2013	17	The Finance Act, 2013	Sections 3 to 84 and 86 to 102.
2013	19	The National Highways Authority of India (Amendment) Act, 2013	The whole.
2013	22	The Securities and Exchange Board of India (Amendment) Act, 2013	The whole.
2013	24	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2013	The whole.
2013	27	The Wakf (Amendment) Act, 2013	The whole.

1. [SUBJECT TO CHANGES OF DRAFTING NATURE OR CORRECTION OF FACTUAL OR PATENT ERRORS, IF ANY].

2. [THE CENTRAL ACTS MENTIONED FROM 656 TO 777 UNDER CHAPTER 4 HAVE NOT BEEN INCLUDED FOR REPEAL IN THE DRAFT MODEL BILL AND SUCH CENTRAL ACTS MAY BE INCLUDED IN THE DRAFT BILL IN CONSULTATION WITH CONCERNED MINISTRIES/DEPARTMENT OR SEPARATE REPEALING BILL MAY BE MOVEB THEREFOR.]

## THE SECOND SCHEDULE (See section 3)

### REPEALS

Year	No.	Short title	Extent of repeal	Savings
1862	3	The Government Seal Act, 1862	The whole.	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Government Seal Act, 1862 shall not affect the validity of any instruments or documents executed before or after the 20 <sup>th</sup> February, 1862 on which a seal had been affixed on behalf of Local Authority bearing designation of such Local Authority or the inscription "Government of India" instead of the seal of the East India Company.
1875	18	The Indian Law Reports Act, 1875	The whole.	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Indian Law Reports Act, 1875, shall not, affect the citation or report of any case after repeal of this Act, which was admissible before the repeal of the aforesaid Act by this Act.
1892	2	The Marriages Validation Act, 1892	The whole.	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Marriages Validation Act, 1892, shall not, affect the marriages validated by section 3 of the said Act and certificates validated by section 4 thereof, as they stood before such repeal.
1897	5	The Repealing and Amending Act, 1897	The whole	Without prejudice to the generality of provisions contained in section 4, the repeal of the Amending Act, 1897, by this Act, shall not affect the short titles given to the Acts and Regulations mentioned under column 4 of the Third Schedule to the Amending Act, 1897 before such repeal and the Acts and Regulations to which such short titles have been given, shall, after the repeal of the Repealing and Amending Act, 1897, continue to be cited with

1. [SUBJECT TO CHANGES OF DRAFTING NATURE OR CORRECTION OF FACTUAL OR PATENT ERRORS, IF ANY].

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				the aforesaid short titles as so given and as amended from time to time by subsequent Acts after commencement of the Repealing and Amending Act, 1897.
1897	14	The Indian Short Titles Act, 1897	The whole	Without prejudice to the generality of provisions contained in section 4, the repeal of the Indian Short Titles Act, 1897, by this Act, shall not affect the short titles given to the Acts mentioned under column 4 of the Schedule to the aforesaid Act before such repeal and the Acts to which such short titles have been so given by the aforesaid Act, shall, after the repeal of the Indian Short Titles Act, 1897, continue to be cited with the aforesaid short titles as so given and as amended from time to time by subsequent Acts, after such repeal.
1901	11	The Repealing and Amending Act, 1901	The whole	Without prejudice to the generality of provisions contained in section 4, the repeal of the Repealing and Amending Act, 1901 (XI of 1901), by this Act, shall not affect the short titles given to- <ul style="list-style-type: none"> <li>(i) the Madras Regulations from specified under Part I of the First Schedule;</li> <li>(ii) Acts of the Governor General in Council specified under Part II of the Schedule; and</li> <li>(iii) Acts of the Governor of Fort St. George in Council under Part III of the Schedule,</li> </ul> by the Repealing and Amending Act, 1901, before such repeal, and the aforesaid Regulations and Acts to which such short titles have been so given, shall, after the repeal of the Repealing and Amending Act, 1901, by this Act, continue to be cited with the aforesaid short titles as so given and if amended from time to time by subsequent Acts, by such short titles after such repeal.
1903	1	The Repealing and	The whole	Without prejudice to the generality of

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		Amending Act, 1903		<p>provisions contained in section 4, the repeal of the Repealing and Amending Act, 1903 (I of 1903), by this Act, shall not affect the short titles given to-</p> <p>(i) the Regulations of Bengal Code specified under Part I of the First Schedule;</p> <p>(ii) Acts of the Governor General in Council specified under Part II of the Schedule; and</p> <p>(iii) Bengal Acts specified under Part III of the Schedule,</p> <p>to the Repealing and Amending Act, 1903, before such repeal and the aforesaid Regulations and Acts to which such short titles have been so given, shall, after the repeal of the Repealing and Amending Act, 1903, by this Act, continue to be cited with the aforesaid short titles as so given and if amended from time to time by subsequent Acts, by such short titles after such repeal.</p>
1929	21	The Transfer of Property (Amendment) Supplementary Act, 1929	The whole	<p>Without prejudice to the generality of provisions contained in section 4, the repeal of the Transfer of Property (Amendment) Supplementary Act, 1929, by this Act, shall not be deemed to affect,-</p> <p>(a) the terms or incidents of any transfer or disposition of property made or effected before the first day of April, 1930;</p> <p>(b) the validity, invalidity, effect or consequences of anything already done or suffered before the aforesaid date;</p> <p>(c) any right, title, obligation or liability already acquired; accrued or incurred before such date;</p> <p>(d) any remedy or proceeding in</p>

				<p>respect of such right, title, obligation or liability; or</p> <p>(e) anything done in the course of any proceeding pending in any Court on the aforesaid date; and any such remedy or proceeding may be enforced, instituted or continued, as the case may be, as if the Transfer of Property (Amendment) Supplementary Act, 1929 had not been passed;</p> <p>(f) suit instituted or filed before the commencement of the Transfer of Property (Amendment) Supplementary Act, 1929 and pending on the 1st day of April, 1930, being the date on which the aforesaid Act came into force, either in a Court of first instance or of appeal filed.</p>
1932	11	The Public Suits Validation Act, 1932	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Public Suits Validation Act, 1932, by this Act, shall not affect the validation of the suits under section 2 of the aforesaid Act, as it stood before such repeal and any appeal pending under the aforesaid Act before such repeal shall be disposed of in accordance of the provisions of the aforesaid Act as it stood before such repeal.
1935	13	The Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Act, 1935	The whole	Without prejudice to the generality of the provisions contained in section 4, all the proceeding taken and all jurisdiction exercised by the High Court of judicature at Allahabad, during the period from 31.08.1923 to 30.09.1935 as a High Court under the Indian Divorce Act, (IV of 1869) within the Jubbulpore and Chhattisgarh Divisions of the Central

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				Provinces shall, notwithstanding the repeal of the Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Act, 1935, by this Act, be deemed and always deemed to be as good and valid in law as if such proceedings had been taken and jurisdiction exercised by the Court of Judicial Commissioner of the Central Province and repeal of aforesaid Act by this Act shall not invalidate the proceeding taken and the jurisdiction exercised before such repeal.
1936	5	The Decrees and Orders Validating Act, 1936	The whole	Without prejudice to the generality of the provisions contained in section 4, any decrees passed or orders made by High Courts in India or any proceedings concluded before them in exercise of their original civil jurisdiction under the Decrees and Orders Validating Act, 1936, before its repeal of, shall, after the repeal of the said Act, not to be called in question and repeal of the Decrees and Orders Validating Act, 1936, by this Act, shall not invalidate, such decrees passed or orders made or any proceeding taken before such repeal.
1941	25	The Railways (Local Authorities' Taxation) Act, 1941	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Railways (Local Authorities' Taxation) Act, 1941 shall not affect the liability of the Railway Administration to pay any tax in aid of the funds of any local authority as required under sub-section (1) of section 3 or to pay tax or in lieu thereof such sum as required under sub-section (2) of the aforesaid section or the power of the Central Government to revoke or vary any liability of the Railway Administration to pay tax under section 4 as such sub-sections or sections stood before such

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				repeal.
1948	51	The Imperial Library (Change of Name) Act, 1948	The whole	Without prejudice to the generality of the provisions contained in section 4, the change of name of Imperial Library to National Library by section 2 of the Imperial Library (Change of Name) Act, 1948, as it stood before such repeal, shall not affect, after such repeal, such change of name from 'Imperial Library' to 'National Library' in any law for the time being in force, or in any indenture, instrument or other document before or after such repeal.
1951	2	The Code of Civil Procedure (Amendment) Act, 1951	So far has not been repealed.	Without prejudice to the generality of provisions contained in section 4 of this Act, the repeal of the Code of Civil Procedure (Amendment) Act, 1951, by this Act, shall not affect the operations of the Code of Civil Procedure, 1908, [as amended by sections 2, 3, and 4 of the Civil Procedure (Amendment) Act, 1922] as extended by the Local Government in exercise of its power conferred upon it under sub-section (2) of section 1 of the Civil Procedure (Amendment) Act, 1922, as it stood before its repeal to the Province or part thereof.
1952	1	The Part B States Marriages Validating Act, 1952	The Whole	Without prejudice to the generality of provisions contained in section 4, the repeal of the Part B States Marriages Validating Act, 1952, by this Act, shall not affect— (a) all marriages between persons one or both of whom is or are a Christian or Christians, which were solemnized in any erstwhile Part B State before the seventh amendment of the Constitution (other than the State of Jammu and Kashmir) between the 26th day of January, 1950 and the 31st day of March, 1951, under the Indian Christian Marriage Act, 1872,

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				shall, notwithstanding such repeal be, and shall be deemed to have been with effect from the date of solemnization of each of them respectively, as good and valid in law before and after such repeal as if such marriages had been solemnized by a person duly authorised under the Part B States Marriages Validating Act, 1952, to solemnize such marriages in the erstwhile Part B State concerned.
				(b)certificates of marriages which are declared by clause (a) above to be good and valid in law, and register books, and certified copies of true and duly authenticated extracts therefrom, deposited or purporting to be deposited, before such repeal, in compliance with the provisions of the Indian Christian Marriage Act, 1872, in so far as the register, books and extracts relate to such marriages as aforesaid, shall, after such repeal, be received as evidence of such marriages as if such marriages had been duly solemnized under that Act.
1952	9	The Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952	The whole	Without prejudice to the generality of provisions contained in section 4, any person in whose favour a decree to which the Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952 applied has been passed may, notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 and repeal of the Indian Independence Pakistan Courts (pending Proceedings) Act, 1952, within a year from the date of the decree institute a fresh suit or legal proceedings in respect of the cause of action on which such decrees was based, and any such suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil procedure, 1908, or in

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					any other law or in any agreement to the country relating to the place of suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain and the repeal of the Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952, shall not invalidate aforesaid decree or institution of such suit or other legal proceeding on the ground that the aforesaid Act has been repealed and such decrees shall be in force or such suit or other legal proceeding may be instituted as the aforesaid had not been repealed.
1956	7	The Sales-tax Laws Validation Act, 1956	The whole		Without prejudice to the generality of the provisions contained in section 4, the repeal of the Sales-tax Laws Validation Act, 1956, notwithstanding any judgment, decree or order of any court, no law of a State imposing, or authorising the imposition of, a tax on the sale or purchase of any goods where such sale or purchase took place in the course of inter-State trade or commerce during the period between the 1st day of April, 1951 and the 6th day of September, 1955 shall be deemed to be invalid or ever to have been invalid merely by reason of the fact that such sale or purchase took place in the course of inter-State trade or commerce; and all such taxes levied or collected or purporting to have been levied or collected during the aforesaid period shall be deemed always to have been validly levied or collected in accordance with law.
1956	36	The Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956	The whole		Without prejudice to the generality of the provisions contained in section 4,—

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				(a) if, immediately before the commencement of this Act, there has been pending any proceeding in relation to an industrial dispute before a Tribunal constituted under the Industrial Disputes Act, 1947, as in force before such commencement, the dispute may be adjudicated and the proceeding disposed of by that Tribunal after such commencement, as if Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 had not been passed;
				(b) if, immediately before the commencement of this Act, there is in force in any State any Provincial Act or State Act relating to the settlement or adjudication of disputes, the operation of such an Act in that State in relation to matters covered by that Act shall not be affected by the Industrial Disputes Act, 1947, as amended by Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956.
				(c) nothing in the aforesaid clause (a) or clause (b) shall be deemed to preclude the Central Government or the National Tribunal from exercising any powers conferred on it by the Industrial Disputes Act, 1947, as amended by Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 after its repeal.
1956	88	The Representation of the People (Miscellaneous Provisions) Act, 1956	The whole	Without prejudice to the generality of the provisions contained in section 4, the holding of the office of member of the Council of Advisers associated with the Chief Commissioner of Manipur or with the Chief Commissioner of Tripura, (if existing on the date of repeal of the Representation of the People (Miscellaneous Provisions) Act, 1956) shall, not, after such repeal or disqualify the holder thereof for

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				being chosen as, or for being, a Member of Parliament.
1957	5	The Finance Act, 1957	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Finance Act, 1957, shall not revive the provisions of section 6 of that Act (unless said section 6 has been otherwise repealed or amended by any other Act).
1957	17	The Life Insurance Corporation (Amendment) Act, 1957	The whole	Without prejudice to generality of the provisions of section 4 of this Act, any order altering the remuneration and other terms and conditions of service of the employees referred to in sub-section (2) of section 11 of the Life Insurance Act, 1956 made or purporting to have been made under that sub-section before the 6th June, 1957, by the Central Government for any of the purposes specified in that sub-section as amended by the Life Insurance Corporation (Amendment) Act, 1957, shall, notwithstanding anything contained in any judgment, decree or order of any court, be deemed to have been made under that sub-section as amended by the Life Insurance Corporation (Amendment) Act, 1957 as if it was in force on the date from which the order was intended to take effect, and the order shall continue in force after the repeal of the Life Insurance Corporation (Amendment) Act, 1957 and have effect accordingly, unless and until superseded by anything done or action taken under the Life Insurance Act, 1956.
1958	18	The Gift-tax Act, 1958	The whole	Without prejudice to the generality of the provisions contained in section 4, notwithstanding the repeal of the Gift-tax Act, 1958 by this Act,—
				(a) where a return of gift-tax has been filed, under the Gift-tax Act, 1958, as it stood before such repeal, by any person for any assessment year, proceedings for the assessment of that

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				person for that year may be taken and continued as if this Act had not been passed;
				(b) any proceeding pending on the commencement of this Act before any Gift-tax Officer, the Appellate Tribunal or any court, by way of appeal, reference, or revision, under the Gift-tax Act, 1958, as it stood before such repeal, shall be continued and disposed of as if this Act had not been passed;
				(c) any proceeding for the imposition of a penalty in respect of any assessment before the repeal of the Gift-tax Act, 1958, as it stood before such repeal, completed may be initiated and any such penalty may be imposed as if this Act had not been passed;
				(d) where, in respect of any assessment completed the before the repeal of the Gift-tax Act, 1958, as it stood before such repeal, a refund, if any, pending before such repeal, or default is made before such repeal, in the payment of any sum due under the assessment completed under the Gift-tax Act, 1958, as it stood before such repeal, such refund or sum due shall be made as this Act has not been passed;
				(e) any sum payable by way of Gift-tax, interest, penalty or otherwise under the Gift-tax Act, 1958, as it stood before such repeal, may be recovered, but without prejudice to any action already taken for the recovery of such sum under that Act;
				(f) any agreement entered into, appointment made, approval given, recognition granted, direction, instruction, notification, order or rule issued under any provision of under the Gift-tax Act, 1958, as it stood before such repeal, shall be deemed to

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				have been entered into, made, granted, given or issued under the Gift-tax Act, 1958, as it stood before such repeal, and shall, continue in force accordingly.
1959	24	The Pharmacy (Amendment) Act, 1959	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Pharmacy (Amendment) Act, 1959 (hereafter referred to as the Repealed Act) shall not affect—
				(i) the dissolution of the State Council re-constitution and reorganisation of the State Council and constitution of new State Council as provided in clause (b) of sub-section (1) of section 18 of the Repealed Act, as it stood before such repeal;
				(ii) the area in which the reconstituted State Council or new State Council shall, function after such repeal, as provided in clause (c) of sub-section (1) of section 18 of the Repealed Act as it stood before such repeal;
				(iii) the transfer, in whole or in part, of the assets, rights and liabilities of the State Council (including the rights and liabilities under any contract made by it) to any other State Councils or State Governments and the terms and conditions of such transfer as provided in clause (e) of sub-section (1) of section 18 of the Repealed Act as it stood before such repeal;
				(iv) the substitution of any such transferee for the State Council or the addition of any such transferee, as a party to any legal proceeding to which the State Council is a party before such repeal; and the transfer of any proceedings pending before the State Council to any such transferee as provided in clause (f) of sub-section (1) of section 18 of the Repealed Act as it stood before such repeal;
				(v) the transfer or re-employment of

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				any employees of the State Council to, or by, any such transferee and subject to the provisions of section 111 of the States Reorganisation Act, 1956, the terms and conditions of service applicable to such employees after such transfer or re-employment as provided in clause (g) of sub-section (1) of section 18 of the Repealed Act as it stood before such repeal;
				(vi) order made under sub-section (2) of section 18 of the Repealed Act, as it stood before such repeal, transferring the assets, rights and liabilities of any State Council, then, by virtue of that order, such assets, rights and liabilities of the State Council shall vest in, and be the assets, rights and liabilities of, the transferee as provided in clause (g) of sub-section (2) of section 18 as it stood before such repeal;
				(vii) validation of certain Act made under section 19 of the of the Repealed Act, as it stood before its repeal.
1959	29	The Public Wakfs (Extension of Limitation) Act, 1959 (29 of 1959)	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Public Wakfs (Extension of Limitation) Act, 1959 shall not affect any action arising (including institution of any suit or possession of immovable property or dispossession or discontinuance of possession of immovable property or any order of any court) during the limitation period extended by section 3 of the Public Wakfs (Extension of Limitation) Act, 1959 before such repeal.
1959	48	The Miscellaneous Personal Laws (Extension) Act, 1959	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Miscellaneous Personal Laws (Extension) Act, 1959 shall not affect the extension and amendments of the Acts specified in

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				the Schedule I and Schedule II and the saving made by section 4 of that Act as it stood before such repeal.
1959	61	The Married Women's Property (Extension) Act, 1959	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Married Women's Property (Extension) Act, 1959 shall not revoke the extending of the provisions of the Married Women's Property Act, 1874 to any territory in relation to which the Married Women's Property (Extension) Act, 1959 was extended, save as otherwise provided in that Act.
1960	19	The Hindu Marriages (Validation of Proceedings) Act, 1960	The whole	Without prejudice to the generality of the provisions contained in section 4, all proceedings taken and decrees and orders passed before the 6th May, 1960 by any of the courts, (being the court of an additional judge, additional district judge, joint district judge, assistant district judge, assistant judge and any other court, by whatever name called, not being lower in rank than the court of a subordinate judge) exercising or purporting to exercise jurisdiction under the Hindu Marriage Act, 1955 before the aforesaid date, shall, notwithstanding any judgment, decree or order of any court, and repeal of the Hindu Marriages (Validation of Proceedings) Act, 1960, by this Act, be deemed to be good and valid in law as if the court exercising or purporting to exercise such jurisdiction had been a district court within the meaning of the said Act.
1960	37	The Banking Companies (Second Amendment) Act, 1960	So much as has not been repealed.	Without prejudice to the generality of the provisions of section 4, provisions of section 41, 41A and 43A of the Banking Regulation Act, 1949, [as amended by the Banking Companies (Second Amendment) Act, 1960 and by sections 10 and 11 of the Banking

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				Laws (Application to Co-operative Societies) Act, 1965] shall not apply to, and in relation to, the winding-up of a banking company where any preliminary dividend has been paid in the course of such winding-up before the 19th September, 1960 (being the date on which the Banking Companies (Second Amendment) Act, 1960 came into force), but the provisions of the aforesaid Banking Regulation Act, 1949 as it stood immediately before 19th September, 1960 shall apply to, and in relation to, such winding-up.
1960	38	The Central Excise (Conversion or Metric Units) Act, 1960	The whole	Without prejudice to the generality of the provisions contained in section 4, nothing contained in the Central Excise (Conversion or Metric Units) Act, 1960, as it stood before its repeal by this Act, shall be deemed to affect the validity of any notification, rule or order issued under any of the enactments amended by such Act and in force immediately before the 1st October, 1960 merely by reason of the fact that the rate of any duty of excise specified therein has been expressed in terms of annas, pice or pies or with reference to any weight or measure other than a standard mass or measure under the Standards of Weights and Measures Act, 1956; and every such notification, rule or order shall, until altered, repealed or amended by the Central Government or other competent authority, continue to have effect as if the Central Excise (Conversion or Metric Units) Act, 1960 had not been passed.
1960	40	The Customs Duties and Cesses (Conversion or Metric Units) Act, 1960	The whole	Without prejudice to the generality of the provisions contained in section 4, nothing contained in Customs Duties and Cesses (Conversion or Metric Units) Act, 1960, as it stood before its

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				repeal by this Act, shall be deemed to affect the validity of any notification, rule or order issued under any of the enactments amended by such Act and in force immediately before the 21st September, 1960 merely by reason of the fact that the rate of any duty of excise specified therein has been expressed in terms of annas, pice or pies or with reference to any weight or measure other than a standard mass or measure under the Standards of Weights and Measures Act, 1956; and every such notification, rule or order shall, until altered, repealed or amended by the Central Government or other competent authority, continue to have effect as if the Central Customs Duties and Cesses (Conversion or Metric Units) Act, 1960 had not been passed.
1960	47	The Bilaspur Commercial Corporation (Repeal)Act, 1960	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Bilaspur Commercial Corporation (Repeal) Act, 1960, by this Act, shall not affect all the properties, funds and dues vested in the Central Government or realisation by it or enforcing of all liabilities against the Central Government as provided in section 4 of the Bilaspur Commercial Corporation (Repeal) Act, 1960, as it stood before the such repeal.
1960	53	The Tripura Excise Law (Repeal) Act, 1960	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Tripura Excise Law (Repeal) Act, 1960, shall not affect the saving made in section 3 of the said Act as it stood before such repeal.
1960	57	The British Statutes (Application to India) Repeal Act, 1960	The whole.	Without prejudice to the generality of the provisions contained in section 4, the repeal of the British Statutes (Application to India) Repeal Act,

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				1960, shall not affect the saving made in section 3 of the said Act as it stood before such repeal.
1962	17	The Air Corporations (Amendment) Act, 1962	So much as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4 of this Act, the repeal of the Air Corporations (Amendment) Act, 1962, by this Act, shall not affect the change of name of "Air India International" to "Air India" and other provisions provided by section 7 of the Air Corporations (Amendment) Act, 1962 as it stood before such repeal, and dissolution of "Air Transport Council" as provided by section 8 as it stood before such repeal.
1963	29	The Institutes of Technology (Amendment) Act, 1963	So much as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Institutes of Technology (Amendment) Act, 1963, shall not revoke the cessation of the College of Engineering and Technology, Delhi affiliated to the University of Delhi as provided in section 7 of the aforesaid Act, as it stood before such repeal.
1963	56	The Development Delhi (Amendment) Act, 1963	So much as has not been repealed.	Without prejudice to generality of the provisions contained in section 4, if any acquisition of land has been made under the provisions of the Land Acquisition Act, 1894, as it stood before its repeal by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for any purposes of the Delhi Development Act, 1957 or any notification issued or order has been made or any proceeding has been instituted or any action has been taken in connection with acquisition of any land for such purpose, such acquisition notification, order proceedings or action shall, notwithstanding the repeal of the Delhi Development (Amendment) Act, 1963, not be deemed to be invalid.

				merely on the ground that it was made, issued, instituted or taken under the provisions of the Land Acquisition act, 1894, as it stood before its repeal by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
1964	10	The Public Employment (Requirement as to Residence) Amendment Act, 1964	So much as has not been repealed.	Without prejudice to generality of the provisions contained in section 4, all rules made under section 3 of the Public Employment (Requirement as to Residence) Act, 1957 and in force immediately before the 21st March, 1964, shall continue to be in force after that date until amended, varied or rescinded, as if such rules were made under that Act as amended by the Public Employment (Requirement as to Residence) Amendment Act, 1964 and any action taken (including appointments made) in pursuance of those rules on or after the 21st March, 1964 and before the commencement of Public Employment (Requirement as to Residence) Amendment Act, 1964 shall, notwithstanding the repeal of that Act, by this Act be, as valid and operative as if it had been taken in accordance with law.
1965	23	The Banking Laws (Application to Co-operative Societies) Act, 1965	So much as has not been repealed.	Without prejudice to the generality of provisions contained in section 4, notwithstanding the repeal of the Banking Laws (Application to Co-operative Societies) Act, 1965, by this Act, the "Banking Regulation Act, 1949", shall be referred and continued to be referred and construed and continued to be construed as such instead of the "Banking Companies Act, 1949", as provided under subsection (2) of section 11 of the Banking Laws (Application to Co-operative Societies) Act, 1965 as it stood before such repeal, in any law for the time being in force, or, in any instrument or other document.

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1965	38	The Delhi Land Reforms (Amendment) Act, 1965	So much as has not been repealed.	Without prejudice to the generality of the provisions of section 4 of this Act, and notwithstanding any judgement, decree or order of any Court, anything done or any action taken by the Deputy Commissioner, Delhi, before the 30th November, 1965 (being the date of passing of the aforesaid Act) in pursuance of any notification under section 161 of the Delhi Land Reforms Act, 1954, [as it stood before the repeal of the Delhi Land Reforms (Amendment) Act, 1965] in the discharge of any duties or the exercise of any powers or the performance of any functions of the Gaon Sabha or Gaon Panchayat under the Delhi Land Reforms Act, 1954 in relation to any land vested in the Central Government under sub-section (3) or sub-section (4) of section 150 of the Delhi Land Reforms Act, 1954 as amended by Delhi Land Reforms (Amendment) Act, 1965 shall after such repeal be deemed to have been validly and lawfully done or taken on behalf of the Central Government and accordingly if after such repeal—
				(a) any suit or proceeding is pending in any court to which the Deputy Commissioner and the Gaon Sabha are a party, the Union of India shall be deemed to be substituted therefor in that suit or proceeding; and
				(b) where any suit or proceeding has been dismissed on the ground that the Deputy Commissioner and the Gaon Sabha had no <i>locus standi</i> to file such suit or proceeding, it shall be restored and continued with the Union of India as having been substituted as a party.
1966	1	The Delhi Land Reforms (Amendment) Act, 1966	So much as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4 and notwithstanding anything to the contrary contained in the Delhi Land

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				Reforms Act, 1954 or in any other law for the time being in force or in any judgment, decree or order of any court,-  (a) all declarations (whether general or individual) conferring or purporting to confer Bhumidhari rights in favour of any person or class of persons under any of the clauses (a) to (c) of sub-section (1) of section 11, or in favour of any tenant or class of tenants under any of the clauses (a) to (h) of sub-section (1) of section 13, of the Delhi Land Reforms Act, 1954, made before the 5th day of February, 1966, by the Deputy Commissioner or a Revenue Assistant (whether or not such Revenue Assistant was empowered by the Chief Commissioner to discharge all or any of the functions of a Deputy Commissioner), shall, after the repeal of the Delhi Land Reforms (Amendment) Act, 1966, be deemed to be, and to have always been, made by such Deputy Commissioner, or, as the case may be, Revenue Assistant in accordance with law and the persons or class of persons or the tenants or class of tenants in whose favour any such declaration has been made shall be deemed to have been validly and lawfully declared as Bhumidhars:
				Provided that nothing herein contained shall affect the right of any person to call in question any such declaration on the ground only that the entries in the revenue records on the basis of which such declaration has been made are incorrect;
				(b) all suits, appeals and other proceedings relating to any such declaration pending before any court or other authority immediately before the 5th day of February, 1966, [other than those based on the ground referred to in the proviso to clause

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				(a)], which has been deemed to have abated on that date shall, after such repeal be deemed to have been abated.
1966	21	The Merchant Shipping (Amendment) Act, 1966	So much as has not been repealed	Without prejudice to the generality of the provisions contained in section 4, any person who was not guilty of any offence for the contravention for failure provided under section 40 of the Merchant Shipping (Amendment) Act, 1966, as it stood before its repeal by this Act, shall continue to be so after the repeal of the Merchant Shipping (Amendment) Act, 1966.
1966	37	The Companies (Second Amendment) Act, 1966	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Companies (Second Amendment) Act, 1966 shall, notwithstanding any judgment, decree or order of any court or tribunal to the contrary, or anything contained in any law for the time being in force, not affect after such repeal, any order, rule, regulation or appointment made, direction given or thing done, by then Chairman or any other member of the Company Law Board, acting individually, before the commencement of the Companies (Amendment) Act, 1965 and such order, rule, regulation or appointment made, direction given or thing done shall be deemed to be valid, or ever to have become invalid, by reason only of the fact that such Chairman or other member, acting individually, had no power to make such order, rule, regulation or appointment or give such direction or do such thing and every such order, rule, regulation or appointment made and every such direction given and thing done shall be deemed to have been made, given or done, as the case may be, by the Company Law Board.
1966	47	The Representation of the People	So much as has not been	Without prejudice to the generality of the provisions contained in section 4,

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		(Amendment) Act, 1966	repealed.	the omission of section 137 of the Representation of the People Act, 1951, by the Representation of the People (Amendment) Act, 1966, shall, notwithstanding the repeal of the Representation of the People (Amendment) Act, 1966 by this Act, not, affect any inquiry or other proceeding instituted immediately before 14th December, 1966 (being the date of omission of the aforesaid section 137) under the aforesaid section and any such inquiry or other proceeding, if pending on the date of such repeal, may be continued after such repeal and any prosecution may be instituted as a result of such inquiry or other proceeding and any penalty or punishment may be imposed in accordance with the said section as if that section had not been omitted.
1967	12	The Finance Act, 1967	So much as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Finance Act, 1967, shall not revive the provisions of section 5 of that Act (unless the said section 5 has been otherwise repealed or amended by any other Act).
1967	13	The Land Acquisition (Amendment and Validation) Act, 1967	So much as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Land Acquisition (Amendment and Validation) Act, 1967, shall not affect the matters covered under section 4 of the aforesaid Act (including the acquisition of land made and validation thereof, the calculation and payment of rate of interest and compensation and other provisions relating thereto), as it stood before such repeal.
1967	14	The Essential Commodities (Amendment) Act, 1967	So much as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Essential Commodities (Amendment) Act,

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				1967, shall not affect the liability of the employer to pay compensation for closure of the undertakings to the persons employed (including badli workmen) as provided under clause (b) of section 3 of the aforesaid Act as it stood before such repeal.
1969	17	The Companies (Amendment) Act, 1969	So much as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Companies (Amendment) Act, 1969, shall not affect the things done or omitted to be done by the managing agents and secretaries and treasurers before their cessation as such, as provided under section 6 of the aforesaid Act, before such repeal.
1969	23	The Coal Bearing Areas (Acquisition and Development) Amendment Act, 1969	The whole.	Without prejudice to the generality of the provisions of section 4 of this Act, every acquisition of land or the rights in or over land made by the Central Government in pursuance of the notifications of the Government of India in the late Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) Nos. S.O.1759 and S.O. 25 dated the 7 <sup>th</sup> August, 1958 and the 22 <sup>nd</sup> December, 1959 respectively, made under section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, shall be, and shall be deemed always to have been , as valid, before and after repeal of the Coal Bearing Areas (Acquisition and Development) Amendment Act, 1969,as if the provisions of section 28 thereof as amended by the Coal Bearing Areas (Acquisition and Development) Amendment Act, 1969 were in force at all material times when such acquisition was made and shall not be called in question in any court of law on the grounds only that before issuing such notifications no notification was issued under section 7 of the Coal Bearing Areas (Acquisition and Development) Act,

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				1957 in relation to the land or rights in or over such land covered by the said notification Nos. S.O. 1759 and S.O. 25.
1969	28	The Central Sales Tax (Amendment) Act, 1969	So much has not been repealed.	<p>"Without prejudice to the generality of the provisions contained in section 4,-</p> <p>(a) notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, any assessment, re-assessment, levy or collection of any tax made or purporting to have been made, any action or thing taken or done in relation to such assessment, re-assessment, levy or collection under the provisions of the Central Sales Tax Act, 1956, before the 9<sup>th</sup> day of June, 1969, shall be deemed before and after repeal of the repeal of the Central Sales Tax (Amendment) Act, 1969 by this Act, to be as valid and effective as if such assessment, re-assessment, levy or collection or action or thing had been made, taken or done under the Central Sales Tax Act, 1956 as amended by the Central Sales Tax (Amendment) Act, 1969 as it stood before such repeal and accordingly-</p> <p>(i) all acts, proceedings or things done or taken by the Government or by any officer of the Government or by any other authority in connection with the assessment, re-assessment, levy or collection of such tax shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law;</p> <p>(ii) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such tax; and</p> <p>(iii) no court shall enforce any decree or order directing the re-fund of any such tax.</p> <p>(iv) nothing in sub-section (1) shall be construed as preventing any</p>

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				person –
				<p>(A) from questioning in accordance with the provisions of the Central Sales Tax Act, 1956, as amended by the Central Sales Tax (Amendment) Act, 1969 before such repeal, any assessment, re-assessment, levy or collection of tax referred to in sub-section (1), or</p> <p>(B) from claiming refund of any tax paid by him in excess or the amount due from him by way of tax under the Central Sales Tax Act, 1956, as a amended by the Central Sales Tax (Amendment) Act, 1969 before such repeal.</p>
				<p>(b) where any sale of goods in the course of inter-State trade or commerce had been effected during the period between the 10<sup>th</sup> day of November, 1964 and the 9<sup>th</sup> day of June, 1969, and the dealer effecting such sale has not collected any tax under the Central Sales Tax Act, 1956, on the ground that no such tax could have been levied or collected in respect of such sale or any portion of the turnover relating to such sale and no such tax could have been levied or collected if the amendments made in the Central Sales Tax Act, 1956, by the Central Sales Tax (Amendment) Act, 1969 before such repeal, had not been made, then, notwithstanding anything contained in clause (a) above, or the amendments made by that Act, the dealer shall not be liable to pay any tax under the Central Sales Tax Act, 1956, as amended by the Central Sales Tax (Amendment) Act, 1969 before such repeal, in respect of such sale or such part of the turnover</p>

				relating to such sale.
				(c) for the purposes of clause (b) above, the burden of proving that no tax was collected under the Central Sales Tax Act, 1956, in respect of any sale referred to in clause (b) or in respect of any portion of the turnover relating to such sale shall be on the dealer effecting such sale.
1969	38	The Wakf (Amendment) Act, 1969	So much as has not been repealed.	"Without prejudice to the generality of the provisions contained in section 4,—
				(a) notwithstanding anything contained in the judgment, decree or order of any court to the contrary, and subject to the provisions of the second proviso to sub-section (1) of section 6 of the Wakf Act, 1954, as amended by the Wakf (Amendment) Act, 1969, (as they stood before their repeal by the Wakf Act, 1995) every list of wakfs purporting to be a list of wakfs existing at the date of the commencement of the Wakf Act, 1954 in any part of a State and published or purporting to have been published under sub-section (2) of section 5 of the Wakf Act, 1954, before the 2nd December, 1969 [being the date of the commencement of the Wakf (Amendment) Act, 1969], shall be deemed to be, and shall be deemed always to have been, published in accordance with law unless being contrary provided for under the provisions of the Wakf Act, 1954.
				(b) notwithstanding anything contained in any law or any judgment, decree or order of any court, all contributions paid or realised, or purporting to have been paid or realised, under section 46 of the Wakf Act, 1954, (as it stood before its repeal by the Wakf Act, 1995), which would have been validly paid or realised if the amendments made to that Act by

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				the Wakf (Amendment) Act, 1969, were in force on the date of such payment or realisation, shall, for all purposes, be deemed to be, and shall be deemed always to have been, paid or realised in accordance with law before and after such repeal, and accordingly—
				(i) no suit or other legal proceeding shall be maintained or continued in any court after such repeal for the refund of the whole or any part of the contribution so paid or realised; and
				(ii) no court shall enforce after such repeal any decree or order directing the refund of the whole or any part of the contribution so paid or realised.
1970	25	The Merchant Shipping (Amendment) Act, 1970	So much as has not been repealed	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Merchant Shipping (Amendment) Act, 1970, notwithstanding the retrospective operation of sections 2 to 14 (both inclusive) of this Act, no contravention of, or no failure to comply with, any of the provisions of the Merchant Shipping Act, 1958 as amended by those sections shall render any person guilty of any offence if such contravention or failure—
				(i) relates either to any provision inserted in the principal Act by any of the said sections, or to any existing provision thereof, as amended by any of the said sections, and
				(ii) occurred on or after the 21st day of July, 1968 and before the date of publication of this Act in the Official Gazette.
1971	20	The Bengal Finance (Sales Tax) (Delhi Validation of Appointments and Proceedings) Act,	The whole.	Without prejudice to the generality of provisions contained in section 4, the repeal of the Bengal Finance (Sales Tax) (Delhi Validation of Appointments and Proceedings) Act,

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		1971		1971, by this Act, shall not affect—
				(a) appointments of any person made under or for the purposes of the Bengal Finance (Sales Tax) Act, 1941, as in force in the Union territory of Delhi and in respect of which the validation provision had been made by clause (a) of section 3 of the Bengal Finance (Sales Tax) (Delhi Validation of Appointments and Proceedings) Act, 1971 as it stood before such repeal;
				(b) assessment, re-assessment, levy or collection of any tax made or purporting to have been made and jurisdiction exercised, orders made and all other acts or proceedings or things done or taken by the administrator or any person who's appointment has been made as referred to in clause (a) above, or by any other officers of the Government or by any Tribunal or any other authority under the Bengal Finance (Sales Tax) Act, 1941, as in force in the Union territory of Delhi and in respect of which the validation provision had been made by clause (b) of section 3 of the Bengal Finance (Sales Tax) (Delhi Validation of Appointments and Proceedings) Act, 1971 as it stood before such repeal;
				(c) suit or other proceedings maintained or continued in any court or any tribunal or any authority whatsoever on the ground that any such appointment was illegal or invalid or any such jurisdiction or order or other act proceeding or thing was not exercised made, done or taken in accordance with the law.
1971	54	The Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971	So much as has not been repealed.	Without prejudice to the generality of provisions contained in section 4, the repeal of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971, by this Act, shall not affect the

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				validation provision made by section 8 of that Act to validate the acquisition of land, rights in or over land, order made, agreement entered into, or notification published or reports made, making of declarations and compensation or other mattes or things under the Coal Bearing Areas (Acquisition and Development) Act, 1957 in respect of which the validation provision had been made by section 8 of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971,as it stood before such repeal, and any matter (including the acquisition of land, rights in or over land, order made, agreement entered into, or notification published or reports made, making of declarations and compensation) under the Coal Bearing Areas (Acquisition and Development) Act, 1957,in respect of which validation had been made by section 8 of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971, after the commencement of this Act shall be construed, as if the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971 had not been repealed.
1971	68	The Uttar Pradesh Cantonments (Control of Rent and Eviction) (Repeal) Act, 1971	The whole.	Without prejudice to the generality of provisions contained in section 4, the repeal of Uttar Pradesh Cantonments (Control of Rent and Eviction) (Repeal) Act, 1971 by this Act shall not affect the validation provision made by section 3 of that Act in respect of any matter (including anything duly done, right, privilege, obligation or liability acquired, accrued or incurred, investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or

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				punishment) under the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952, for which savings have been provided under aforesaid section 3 as it stood before such repeal.
1973	17	The Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973	So much as has not been repealed.	Without prejudice to the generality of provisions contained in section 4, the repeal of the Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973, by this Act, shall not affect the validation provision made in respect of actions taken under section 7 of that Act [including any action taken, notice issued, order made for resumption of any site or building, or both, as the case may be, or any such resumption effected, or any order made for the forfeiture of or any money or any money forfeited, or any order made for the recovery of any arrears or any arrears recovered, or any penalty imposed or recovered or purported to have been done or taken under the Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973] as it stood before such repeal and any action taken or to be taken under the aforesaid section 7 after such repeal shall be construed, as if the Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973 had not been repealed.
1975	19	The All-India Services Regulations (Indemnity) Act, 1975	The whole	Without prejudice to the generality of provisions contained in section 4, the repeal of the All-India Services Regulations (Indemnity) Act, 1975, by this Act, shall not affect the indemnity granted to the Central Government and all Officers responsible for laying regulations as provided under section 2 of the All-India Services Regulations (Indemnity) Act, 1975, as it stood before its repeal by this Act and in relation to any action taken or to be

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				taken in respect of Central Government and all officers referred to in the aforesaid section 2 shall be construed, as if the aforesaid Act had not been repealed.
1976	28	The Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976	So much as has not been repealed.	Without prejudice to the generality of provisions contained in section 4, the repeal of the Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976, by this Act, shall not affect any proceedings, civil or criminal [whether pending immediately before the commencement of the Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976], and saved under section 2 of the Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976, before its repeal by this Act and the aforesaid section 2 shall, in respect of such proceedings, civil or criminal, if any, pending after the commencement of this Act, be construed, as if the aforesaid Act had not been repealed.
1976	91	The Delhi Sales Tax (Amendment and Validation) Act, 1976	The whole.	Without prejudice to the generality of provisions contained in section 4, the repeal of the Delhi Sales Tax (Amendment and Validation) Act, 1976, by this Act, shall not affect—  (a) the validity of the sales tax extension notifications referred to in sub-section (1) of section 3 of the aforesaid Act, as it stood before its repeal;
				(b) the validity of the powers of the Central Government to issue notification under sub-section (2) of section 6 of the Bengal Finance (Sales Tax) Act, 1941 as in force in Delhi to add to or omit from or otherwise amend the Schedule (including the levy, assessment and collection of tax) referred to in sub-section (2) of section 3 of the aforesaid Act, as it stood before its repeal;

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				(c) the validity of the notifications, notwithstanding any judgement, decree or order of any Court or any authority, referred to in sub-section (3) of section 3 of the aforesaid Act, as it stood before its repeal and accordingly—
				(i) any tax levied, assessed or collected or purporting to have been levied, assessed or collected as referred to in clause (a) of sub-section (3) of section 3 of the aforesaid Act, shall always be deemed to have been validly levied, assessed or collected as provided in the aforesaid clause (a);
				(ii) no suit or other proceeding shall be maintained or continued in any court or before any authority for the refund of, and no enforcement shall be made by any court or other authority of any decree or order directing the refund of, any such tax which has been collected, as provided in clause (b) of sub-section (3) of section 3 of the aforesaid Act;
				(iii) recoveries shall be made, in accordance with the proviso to sub-section (1) of section 73 of the Delhi Sales Tax Act, 1975, of all amounts which would have been collected as tax under the Bengal Finance (Sales Tax) Act, 1941 as in force in Delhi by reason of any amendment referred to in sub-clause (i) but which had not been collected, as provided in clause (c) of sub-section (3) of section 3 of the aforesaid Act;
				(iv) no act or omission on the part of any person shall be punishable as an offence which would not have been so

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				punishable if section 3 of the Delhi Sales Tax (Amendment and Validation) Act, 1976, had not come into force, as provided in sub-section (4) of section 3 of the aforesaid Act,
				and in case any matter, issue or thing (including levy of tax, assessment or conferment of power upon the Central Government or validity of issue of notifications or commission of an offence) arises after such repeal, such matter, issue or thing shall be decided in accordance with the provisions of aforesaid section 3 as it stood before its repeal by this Act.
1976	106	The Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976	The whole	Without prejudice to the generality of provisions contained in section 4,—
				(i) any reference to the Untouchability (Offences) Act, 1955 in any Act, rule, notification or order shall, notwithstanding the repeal of the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 by this Act, on or after the 19th November, 1976 (being the date on which the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 came into force) be, after such repeal, construed as the Protection of Civil Rights Act, 1955;
				(ii) alteration of the short title of the Untouchability (Offences) Act, 1955 as the Protection of Civil Rights Act, 1955 by the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 shall not, after the repeal of the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976,—
				(a) affect the previous operation of the Untouchability (Offences)

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				Act, 1955, or anything duly done or suffered thereunder previous to such alteration; or
				(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Untouchability (Offences) Act, 1955, previous to the alteration of its short title by the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976; or
				(c) affect any penalty or punishment incurred in respect of any offence committed against the Untouchability (Offences) Act, 1955, before the 19th November, 1976 (being the date on which the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 or after such date;
				(d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment as aforesaid,
				and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976, had not been repealed.
1979	12	The Punjab Excise (Delhi Amendment) Act, 1979 (12 of 1979)	So much as has not been repealed.	Without prejudice to the generality of provisions contained in section 4, anything or any action done or taken or purported to have been done or taken, under the Punjab Excise Act, 1914 before the 20th January, 1979, (being the date of commencement of the Punjab Excise (Delhi Amendment) Act, 1979) shall, notwithstanding the

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				repeal of the Punjab Excise (Delhi Amendment) Act, 1979, by this Act, any judgment, decree or order of any court or other authority, be, and shall be deemed always to have been, as valid and effective as if such thing or action had been done or taken under the Punjab Excise Act, 1914, as amended by the Punjab Excise (Delhi Amendment) Act, 1979 before such repeal, and accordingly—  (a) any duty, tax or fee levied, assessed or collected or purporting to have been levied, assessed or collected under the Punjab Excise Act, 1914 before the aforesaid date shall, after such repeal, be deemed to have been validly levied, assessed or collected in accordance with law;  (b) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund, and no enforcement shall be made by any court or other authority of any decree or order directing the refund of any such duty, tax or fee which has been so collected after such repeal;  (c) recoveries shall be made in accordance with the provisions of the Punjab Excise Act, 1914 of all amounts which would have been collected as duties, taxes or fees under Punjab Excise Act, 1914 by reason of the amendments made in the Punjab Excise Act, 1914 by the Punjab Excise (Delhi Amendment) Act, 1979, but which had not been collected before such repeal; and  (d) no act or omission on the part of any person before aforesaid date shall be punishable as an offence which would not have been so punishable, if the Punjab Excise (Delhi Amendment) Act, 1979 had not been enacted.
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1980	49	The Dock Workers (Regulation of Employment) Amendment Act, 1980	The Whole	Without prejudice to the generality of provisions contained in section 4, the repeal of the Dock Workers (Regulation of Employment) Amendment Act, 1980, by this Act shall not affect the validation provisions contained in section 3 and any action taken or to be taken under said section of that Act (including creation of fund, contributions received or collected or maintenance or continuance of any suit or proceeding in any court or recoveries made under that section or any other matter referred therein) and the aforesaid section 3 shall be construed as if said section 3 had not been repealed.
1980	63	The Code of Criminal Procedure (Amendment) Act, 1980	The whole	Without prejudice to the generality of provisions contained in section 4, the repeal of the Code of Criminal Procedure (Amendment) Act, 1973 by this Act shall not affect the validation provisions made by section 10 of that Act in respect of all proceedings before the commencement of the Code of Criminal Procedure (Amendment) Act, 1973 and any action taken or to be taken under aforesaid section 10 after the commencement of this Act 3 shall be construed as if said section 3 had not been repealed.
1980	68	The (Amendment) Tea Act, 1980	The whole	Without prejudice to the generality of provisions contained in section 4, the repeal of the Tea (Amendment) Act, 1980, by this Act shall not affect the validation provisions contained in section 7 of that Act in respect any action or thing done (including any order passed or proceeding initiated) taken or done or purported to have been done under sub-section (1) of section 16E of the Tea Act, 1953 at any time after the commencement of the Tea (Amendment) Act, 1980 and aforesaid section 7 in respect such

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				action or thing done shall be construed as if said section 7 had been in force in relation to such action or thing done.
1981	19	The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1981Act, 1981	The whole	Without prejudice to the generality of provisions contained in section 4, the repeal of the Prevention of Black marketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1981 by this Act shall not affect the validation provisions contained in section 3 of that Act in respect any reference made under section 10 of the Prevention of Black marketing and Maintenance of Supplies of Essential Commodities Act, 1980 and aforesaid section 10 in respect such reference shall be construed as if said section 3 had been in force in relation to such reference.
1981	62	The Aligarh Muslim University (Amendment) Act, 1981	So much as has not been repealed	Without prejudice to the generality of provisions contained in section 4, the repeal of the Aligarh Muslim University(Amendment) Act, 1981 by this Act shall not affect the validity of anything done or any action taken or any degree or other academic distinction conferred before commencement of that Act and section 23 of the aforesaid Act in respect such thing done or action taken or degree or other academic distinction conferred shall be construed as if said section 23 had been in force in relation to such thing or action or degree.
1982	26	The Prevention of Cruelty to Animals (Amendment) Act,1982	So much as has not been repealed	Without prejudice to the generality of provisions contained in section 4, the repeal of the Prevention of Cruelty to Animals (Amendment) Act,1982 by this Act shall not affect the change of name of the Animal Welfare Board by section 4 of that Act and shall not affect any rights and obligations of that Board or render defective any legal proceedings by or against it and any legal proceedings which might have been continued or commenced by

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				or against that Board by its former name may be continued or commenced by or against it by its new name.
1982	42	The East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982	So much as has not been repealed	"Without prejudice to the generality of provisions contained in section 4, the repeal of the East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982, shall not affect the cases pending under the East Punjab Urban Rent Restriction Act, 1949, as amended by section 4 of the East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982 for eviction of a tenant from a building let under a single tenancy for use for the purpose of business or trade and also for the purpose of residence and such cases pending on the date of commencement of this Act shall be disposed as the East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982 had not been repealed."
1983	44	The Indian Railways (Amendment) Act, 1983	So much as has not been repealed.	Without prejudice to the generality of provisions contained in section 4, the repeal of the Indian Railways (Amendment) Act, 1983 shall not affect the validity of any action or thing taken or done or purported to have been taken or done under the Indian Railways Act, 1890, as amended by the Indian Railways (Amendment) Act, 1983, before the commencement of this Act and such action or thing shall be deemed to be, and to have always been, as validly taken or done under section 5 of the Indian Railways (Amendment) Act, 1983 as if the amendments made in the Indian Railways Act, 1890 Act, as amended by section 3 and 4 thereof had been in force at all material times and any reference to such action or thing shall be construed as if aforesaid said section 5 had been in force in relation to such action or thing.
1984	19	The Government of Union, Territories (Amendment) Act,	So much as has not been repealed.	"Without prejudice to the generality of provisions contained in section 4, the repeal of the Government of Union

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		1984		Territories (Amendment) Act, 1984 shall not affect the validity of anything done or action taken on or after the 1st day of March, 1984 and before the commencement of aforesaid Act for the purposes of elections to the Legislative Assembly for the Union Territory of Mizoram and such things done or action taken shall be deemed to be, and to have always been, as validly and effectively done or taken as if the provisions of the Government Of Union Territories Act, 1963, as amended by section 3 of the Government of Union Territories (Amendment) Act, 1984 had been in force at all material times, any reference to such thing or action shall be construed as if the Government of Union Territories (Amendment) Act, 1984 had not been repealed.".
1984	26	The Payment of Gratuity (Second Amendment) Act, 1984	So much as has not been repealed.	Without prejudice to the generality of provisions contained in section 4, the repeal of the Payment of Gratuity (Second Amendment) Act, 1984 shall not affect the amendments made in the Payment of Gratuity Act, 1972 by section 3 and section 4 of the Payment of Gratuity (Second Amendment) Act, 1984, before repeal of said sections by Act 19 of 1988, with effect from the 11 <sup>th</sup> day of February, 1981 and accordingly any action or thing taken or done or purporting to have been taken or done under the Payment of Gratuity Act, 1972 on or after the said date and before the commencement of the Payment of Gratuity (Second Amendment) Act, 1984, shall, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, be deemed to be, and to have always been, for all purposes, as validly and effectively taken or done as if the said amendments had been in force at all material times, such action or thing taken or done or purporting to have been taken or done shall be construed as if aforesaid said section 6 had been

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				in force in relation to such action or thing.
1984	45	The Employees' State Insurance (Amendment) Act, 1984	So much as has not been repealed	Without prejudice to the generality of provisions contained in section 4, the repeal of the Employees' State Insurance (Amendment) Act, 1984 shall not affect the validity of the Employees' State Insurance Corporation (General Provident Fund) Rules, 1973 and such rules shall be deemed always to have been as valid and effective as if the provisions of section 95 of the Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance (Amendment) Act, 1984 were in force at the time when those rules were made and any reference to such rules shall be construed as if aforesaid said rules had been in force before repeal of the Employees' State Insurance (Amendment) Act, 1984.
1984	54	The Levy Sugar Price Equalisation Fund (Amendment) Act, 1984	So much as has not been repealed.	Without prejudice to the generality of provisions contained in section 4, the repeal of the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 shall, notwithstanding any judgment, decree or order of any court, tribunal or other authority, anything or action done or taken or purporting to have been done or taken under the provisions of the Levy Sugar Price Equalisation Fund Act, 1976 before the commencement of Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 shall, for all purposes, be deemed to be, and to have always been, as validly and effectively done or taken as if the amendments made to the Levy Sugar Price Equalisation Fund Act, 1976 Act by section 2, clause (e) of section 3, section 5 and section 6 of the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 had been in force at all material times and no act or omission on the part of any person

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				shall be punishable as an offence which would not have been so punishable if the aforesaid provisions of section 2, clause (e) of section 3, section 5, section 6 and section 5 of the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 had not come into force and such thing or action done or taken or purporting to have been done or taken shall be construed as if the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 had been repealed.
1984	59	The University Grants Commission (Amendment) Act, 1984	So much has not been repealed.	"Without prejudice to the generality of provisions contained in section 4, no rule made, or purporting to have been made, with retrospective effect, under section 25 of the University Grants Commission Act, 1956 before the 1st October, 1984 being the date of commencement of the University Grants Commission (Amendment) Act, 1984, shall be deemed to have been invalid or ever to have been invalid merely on the ground that such rule was made with retrospective effect and accordingly every such rule and every action taken or thing done there under shall be as valid and effective as if the provisions of section 25 of the University Grants Commission Act, 1956 Act, as amended by the University Grants Commission (Amendment) Act, 1984, were in force at all material times when such rule was made or action or thing was taken or done. and any reference to such rules shall be construed as if aforesaid said rules had been in force before repeal of the University Grants Commission (Amendment) Act, 1984".
1985	80	The Customs (Amendment) Act, 1985	So much as has not been repealed.	"Without prejudice to the generality of the provisions contained in section 4,- (a) any drawback allowed under section 75 of the Customs Act, 1962 on the goods exported by post during the period commencing on and from the 13 <sup>th</sup> day of May, 1983 and ending with the date of commencement of the Customs (Amendment)

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					<p>Act, 1985 shall be deemed to have been validly allowed as if the provisions of the aforesaid section, as amended by section 7 of the Customs (Amendment) Act, 1985, as it stood before its repeal, had been in force at all material times and any reference to such allowance of drawbacks shall be allowed as if the aforesaid Act had not been repealed;</p>
					<p>any person whose claim for drawback on goods exported by post under section 75 of the Customs Act, 1962 during the period commencing on and from the 13<sup>th</sup> day of May, 1983 and ending with the date of commencement of the Customs (Amendment) Act, 1985 was disallowed on the ground that the Customs Act, 1962 did not provide for any such allowance, and applied the proper officer for reconsideration of the matter and such officer shall decide such claim as if the provisions of section 75 of the Customs Act, 1962 , as amended by section 7 of the Customs (Amendment) Act, 1985, as it stood before such repeal.". </p>
1985	81	The Banking Laws (Amendment) Act, 1985	So much as has not been repealed.		<p>Without prejudice to the generality of the provisions contained in section 4, the repeal of the Banking Laws (Amendment) Act, 1985 shall not affect the change of the name of the United Commercial Bank (hereafter referred to as its former name) to "UCO Bank" (hereafter referred to as its former name) by section 10 of that Act and any rights and obligations of that bank or render defective any legal proceedings by or against it, and any legal proceedings which might have been continued or commenced by or</p>

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				against that bank by its former name may be continued or commenced by or against it by its new name.
1986	19	The Administrative Tribunals (Amendment) Act, 1986	So much as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Administrative Tribunals (Amendment) Act, 1986 shall not affect -  (a)the validity of holding of office by any person as Chairman, Vice-Chairman or other Members of the Central Tribunal immediately before the commencement of the aforesaid Act in accordance with the provision of section 24 of that Act and every action taken or thing done there under by such persons shall be as valid and effective as if the provisions of said section 24 were in force at all material times and any reference to such action taken or thing done shall be construed as if aforesaid Act had not been repealed;
				(b)anything done or any action taken (including any application admitted or orders passed) by the Central Administrative Tribunal or any of its Bench or Benches immediately before the commencement of the Administrative Tribunals (Amendment) Act, 1986 in the exercise or purported exercise of its jurisdiction, powers and authority conferred by or under the Administrative Tribunal Act, 1985 shall be deemed to have been validly done or taken as if the provisions of the principal Act, as amended by the Administrative Tribunals (Amendment) Act, 1986 had been in force at all material times and, accordingly, anything done or any action taken by the said Tribunal or any of its Bench or Benches shall not be called in

				question merely on the ground that-
				<p>(i) the Bench or Benches of such Tribunal had not been properly constituted, or</p> <p>(ii) the said Tribunal had no jurisdiction to adjudicate or try any dispute or complaint or to hear any appeals in relation to such dispute or complaint.</p>
1986	33	The Merchant Shipping (Amendment) Act, 1986	So much as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4, the amendment made in the Merchant Shipping Act, 1958 by the Merchant Shipping (Amendment) Act, 1986 shall not apply to, or in relation to, any certificate of service granted under section 80 or recognised under section 86 of the Merchant Shipping Act, 1958 before the commencement of the Merchant Shipping (Amendment) Act, 1986 and the Merchant Shipping Act, 1958 shall apply in relation to such certificates as if the Merchant Shipping (Amendment) Act, 1986 had not been enacted.
1986	46	The Taxation Laws (Amendment and Miscellaneous Provisions) Act, 1986	The whole	Without prejudice to the generality of the provisions contained in section 4, the Housing and Urban Development Corporation Ltd. (a Government company as defined in section 617 of the Companies Act, 1956) shall not be liable to pay, notwithstanding anything contained in the Income Tax Act, 1961 or the Companies (Profits) Sur Tax Act, 1964, as they stood before the repeal of the Taxation Laws (Amendment and Miscellaneous Provisions) Act, 1986, to pay any tax on its income for the previous year relevant to the assessment year commencing on the 1 <sup>st</sup> day of April, 1986 and for the four previous years next following that previous year; and on chargeable profits for the previous

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				year's relevant to the assessment years commencing on the 1 <sup>st</sup> day of April, 1986 and the 1 <sup>st</sup> day of April, 1987 and any reference to such exemption from payment of tax and on chargeable profits shall be construed as if aforesaid Act had not been repealed.
1986	66	The Shipping Development Fund Committee (Abolition) Act, 1986	The whole	Without prejudice to the generality of the provisions contained in section 4, the repeal of the Shipping Development Fund Committee (Abolition) Act, 1986, shall not affect the discharge of liabilities by any person to the Central Government or payment of dues to the Central Government, and the amount payable to the Central Government under the provisions of the Act as it stood before its repeal.
1988	22	The Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1988	The whole	"Without prejudice to the generality of the provisions contained in section 4, every Special Officer appointed or deemed to be appointed under sub-section (1) of section 4 of the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1988 and holding office as such immediately before the 28th day of March, 1988 being the date of commencement of the aforesaid Act, shall continue to hold such office on and from such commencement as if the provisions of sub-section (2) of section 4 of the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1986, as amended by the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1988, had been in force on such commencement, and accordingly, anything done or any action taken by such Special Officer under the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Act, 1986 during the period commencing on and from the 28 <sup>th</sup> day of March, 1988 and ending with the 8 <sup>th</sup> April, 1988, shall be deemed to have been

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				validly done or taken in accordance with the provisions of the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1986.”.
1991	2	The Taxation Laws (Amendment) Act, 1991	The whole	Without prejudice to the generality of the provisions contained in section 4, and notwithstanding anything contained in the Income-tax Act, 1961, the repeal of the Taxation Laws (Amendment) Act, 1991 shall not affect the surcharge paid or payable under section 6 of that Act, as it stood before its repeal and any reference to payment of surcharge under the aforesaid section 6 shall be construed as if the Taxation Laws (Amendment) Act, 1991 had not been repealed.
1991	34	The Consumer Protection (Amendment) Act, 1991	So much as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4, and notwithstanding anything contained in any law or any judgement, decree or order of any court, tribunal or other authority, any order made by the District Forum or the State Commission under the Consumer Protection Act, 1986 which would have been validly made if the amendments made to that Act by the Consumer Protection (Amendment) Act, 1991 were in force on the date of such order, shall be deemed to have been validly made as if the amendments made to the Consumer Protection Act, 1986 by the Consumer Protection (Amendment) Act, 1991 were in force at all material times when such order was made and any reference to such order referred to in section 5 of the Consumer Protection (Amendment) Act, 1991 shall be construed as if the Consumer Protection (Amendment) Act, 1991 had not been repealed.
1992	16	The Cess and Other Taxes on Minerals (Validation) Act, 1992	The whole	Without prejudice to the generality of the provisions contained in section 4, the validation of the laws specified in

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				the Schedule to the Cess and Other Taxes on Minerals (Validation) Act, 1992 shall be deemed always to have been valid and deemed to have remained in force up to the 4 <sup>th</sup> day of April 1991 as if aforesaid Act had not been repealed and all actions taken, things done, rules made, notifications issued or purported to have been taken, done, made or issued and cesses or other taxes on minerals realised under any such laws specified in the Schedule to the aforesaid Act before its repeal shall, notwithstanding any judgment, decree or order of any court, be deemed to have been validly taken, done made, issued or realised, as the case may be, as if aforesaid Act had been in force at all material times when such actions were taken, things, were done, rules were made, notifications were issued, or cesses or other taxes were realised and no suit or other proceeding shall be maintained or continued in any court for the refund of the cesses or other taxes realised under any such laws after repeal of the aforesaid Act but the repeal of the aforesaid Act shall not be construed as preventing any person from claiming refund of any cess or tax paid by him in excess of the amount due from him under any such laws.
1993	49	The Betwa River Board (Amendment) Act, 1993	So far as has not been repealed.	Without prejudice to the generality of the provisions contained in section 4, any reference to Rani Laxmibai Sagar in place of Rajghat Reservoir in any other law or in any rule, regulation, instrument or other document or in any proceeding, before the repeal of the Betwa River Board (Amendment) Act, 1993, shall, notwithstanding such repeal, be valid and shall always deemed to be valid and any reference to Rajghat Reservoir in any other law or in any rule, regulation, instrument

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				or other document or in any proceeding, after the repeal of the Betwa River Board (Amendment) Act, 1993, shall be construed as a reference to Rani Laxmibai Sagar.
1999	6	The Delhi Development Authority (Validation of Disciplinary Powers) Act, 1998	The whole	Without prejudice to the generality of the provisions contained in section 4, where any disciplinary powers or action had been exercised or taken by the Vice- Chairman or other officers of the Authority during the period on and from the 22nd day of November, 1979 to the 1st day of March, 1994, under the Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations, 1961, such disciplinary powers or action shall, be deemed to have been validly and effectively exercised or taken by the Vice- Chairman or such other officer as if the Vice- Chairman or such other officer had been specified, with the previous approval of the Central Government in the said Delhi Development Authority (Salaries, Allowances and Conditions of Service) Regulations in that behalf and accordingly and no suit or other proceeding shall be instituted, maintained or continued in any Court or Tribunal or before other authority on the ground that the Vice- Chairman or such other officer was not competent to exercise such disciplinary power or take such action and the repeal of the Delhi Development Authority (Validation of Disciplinary Powers) Act, 1998 shall not invalidate exercise or taking of such powers or action after repeal of the said Act.
1999	40	The Central Industrial Security Force (Amendment and Validation) Act, 1999	The whole	"Without prejudice to the generality of the provisions contained in section 4, rule 49 of the Central Industrial Security Force Rules, 1969 published with the notification of the Government of India in the Ministry

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				of Home Affairs number S. O. 4632, dated the 12th November, 1969 shall, notwithstanding any judgment, decree or order of any court to the contrary and repeal of the Central Industrial Security Force (Amendment and Validation) Act, 1999, be deemed to have been made and always deemed to have been, made under the Central Industrial Security Force Act, 1968, as amended by the Central Industrial Security Force (Amendment and Validation) Act, 1999 as if the Central Industrial Security Force Act, 1968, as so amended was in force at all material times before the commencement of the Central Industrial Security Force (Amendment and Validation) Act, 1999 and accordingly the disposal of any revision petition under the aforesaid said rule 49 before the commencement of the Central Industrial Security Force (Amendment and Validation) Act, 1999 or any order made or purporting to have been made or any action or thing taken or done in or under such petition shall not be deemed to be invalid or ever to have become invalid merely on the ground that the Central Government had no power under the Central Industrial Security Force Act, 1968 or to make the said rule 49 and the repeal of the Central Industrial Security Force (Amendment and Validation) Act, 1999 shall not invalidate aforesaid rule or exercise or taking of such powers or action after repeal of that Act.".
2000	18	The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000	The whole	"Without prejudice to the generality of the provisions contained in section 4, the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Telephone and Secretarial Facilities) Rules, 1999 published in the Gazette of India, Extraordinary, dated the 5 <sup>th</sup> February, 1999 with the notification of the Government of

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				India in the Ministry of Parliamentary Affairs No.G.S.R.66(E), dated the 4 <sup>th</sup> February, 1999 (hereinafter referred to as the said Rules) shall be deemed to have and to have always had effect on and from the 5 <sup>th</sup> day of February, 1999 as if the amendments made by section 2 of the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000 had been in force at all material times and accordingly any action taken or anything done or purported to have been taken or done under the said Rules during the period commencing on and from the 5 <sup>th</sup> day of February, 1999 and ending on the 7 <sup>th</sup> June, 2000 shall be deemed to be, and to always have been, for all purposes, as validly and effectively taken or done as if the said Rules had been in force at all material times and the repeal of the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000, by this Act shall not invalidate exercise or taking of such powers or action after repeal of the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000 and if any issue arises after such repeal, the issue shall be decided as if the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000 had not been repealed.”.
2001	9	The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001	The whole	Without prejudice to the generality of the provisions contained in section 4,—  (a) all cases pending before the courts or under investigation on the 27 <sup>th</sup> September, 2001 (being the date on which the Narcotic Drugs and Psychotropic Substances

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				(Amendment) Act, 2001 came into force) shall, notwithstanding the aforesaid date, be disposed of in accordance with the provisions of the Narcotics Drugs and Psychotropic Substances Act, 1985, as amended by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001 and accordingly, any person found guilty of any offence punishable under the Narcotics Drugs and Psychotropic Substances Act, 1985, as it stood immediately before the aforesaid date shall be liable for a punishment which is lesser than the punishment for which he is otherwise liable at the date of the commission of such offence:
				Provided that nothing in section 41 of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001, as it stood before its repeal by this Act, shall apply to cases pending in appeal;
				(b) no act or omission on the part of any person shall, notwithstanding the repeal of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001, by this Act, be punishable as an offence which would not have been so punishable if the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001 had not come into force by this Act before its repeal by this Act and aforesaid cases or investigations or appeals shall continue to be disposed of or done as provided in the aforesaid Act(including as provided in section 41 of the aforesaid Act as it stood before its repeal).
2002	22	The Code of Civil Procedure (Amendment) Act, 2002	The whole	"Without prejudice to the generality of the provisions contained in section 4, the repeal of the Code of Civil Procedure (Amendment) Act, 2002 shall not affect the provisions saved under sub-section (2) of section 16 and

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				repeal of certain amendments or provisions provided under sub-section (1) of that section and any matter or issue falling under section 16 of the aforesaid Act, as it stood before such repeal, shall be dealt with or decided as if the Code of Civil Procedure (Amendment) Act, 2002 had not been repealed.".]
2003	37	The Essential Commodities (Amendment) Act, 2003	The whole	Without prejudice to the generality of the provisions contained in section 4, any action taken or anything done or omitted to be done or purported to have been taken or done or omitted to be done under any direction or order issued by the Central Government under clause 4 or clause 5 of the Sugar (Control) Order, 1966, made under section 3 of the Essential Commodities Act, 1955, at any time during the period commencing on and from the 14th day of June, 1999 till 1st June, 2003 shall, notwithstanding anything contained in any judgement, decree or order of any court or other authority or any agreement or repeal of the Essential Commodities (Amendment) Act, 2003 by this Act, be deemed to be, and deemed always to have been, for all purposes, as validly and effectively taken or done or omitted to be done under sub-section (3D) or sub-section (3E), as the case may be, of section 3 of the Essential Commodities Act, 1955, as if the said sub-sections had been in force at all material times and no act or omission on the part of any person shall be punishable as an offence which would have not been so punishable if the Essential Commodities (Amendment) Act, 2003 had not come into force and the repeal of the Essential Commodities (Amendment) Act, 2003 shall not invalidate aforesaid action taken or anything done or omitted to be done or purported to have been

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				taken or done or omitted to be done after repeal of the Essential Commodities (Amendment) Act, 2003 by the Act.
2006	46	The Produce Cess Laws (Abolition) Act, 2006	The whole	“Without prejudice to the generality of the provisions contained in section 4, any proceeds of duties levied under the Agricultural Produce Cess Act, 1940 and the Produce Cess Act, 1966, preceding the 25 <sup>th</sup> September, 2006 and if collected by the collecting agencies but not paid into the Reserve Bank of India, shall, notwithstanding the repeal of the aforesaid Acts, be paid or as the case may be, collected and paid into the Reserve Bank of India for being credited to the Consolidated Fund of India, as if the Produce Cess Laws (Abolition) Act, 2006 had not been repealed.”.
2009	23	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009	The whole	“Without prejudice to the generality of the provisions contained in section 4, the repeal of the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009, shall not affect the entitlement or payment due to a Judge of High Court or to his family for the difference of salary, pension and family pension payable to a Judge of High Court or to his family, as the case may be, under the High Court Judges (Salaries and Conditions of Service) Act, 1954 or a Judge of the Supreme Court or his family for the difference of salary, pension and family pension payable to a Judge of the Supreme Court or to his family, as the case may be, under the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as amended, by the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009.”.
2009	48	The State Bank of Saurashtra (Repeal) and the State Bank of India Subsidiary Banks) Amendment Act, 2009	The whole	“Without prejudice to the generality of the provisions contained in section 4, the repeal of the State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009 shall not affect anything done or any action taken

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				(including any agreement entered into, by the State Bank of Saurashtra under the provisions of the State Bank of Saurashtra Act, 1950), before such repeal by section 2 of the State Bank of Saurashtra (Repeal) and State Bank of India (Subsidiary Banks) Amendment Act, 2009, as it stood before such repeal and such thing or action or agreement entered into shall be continued to be in force and have effect as if the State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009 had not been repealed.”.
2010	10	The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010	The whole	Without prejudice to the generality of the provisions contained in section 4, and notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority,—
				(a) the repeal of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 shall not affect any thing done or purported to be done or any action taken or purported to be taken by the Central Government except as provided in the second proviso to sub-section (3) of section 20A, immediately before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O. 1764, dated the 16 <sup>th</sup> June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, and such thing done or purported to be done or such

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				<p>action taken or purported to be taken, before the repeal of the, Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, shall be deemed to be and deemed to have always been done or taken validly and in accordance with law at all material times [except as provided in the second proviso to sub-section (3) of aforesaid section 20A] and no action taken or thing done (including any order made, agreement entered into, or notification issued for constituting any Expert Advisory Committee) in connection with any permission granted or licence issued for any construction in a prohibited area or a regulated area in respect of a protected monument, before the repeal of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, shall be deemed to be invalid or ever to have become invalid except as provided in the second proviso to sub-section (3) of section 20A, as it stood immediately before the repeal of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, merely on the ground that the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or the rules, orders or notifications issued there under before such repeal, did not contain any provision for constitution of an Expert Advisory Committee or Advisory Committee, as the case may be;</p> <p>(b) no suit, claim or other proceedings shall be instituted, maintained or continued in any</p>

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				court, tribunal or other authority for any permission or licence granted by the Central Government or the Director-General under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or any rule, order or notification made there under for carrying out any repair, renovation or construction work or for undertaking any public work or public project before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 as provided clause (b) of section 12 of that Act as it stood before such repeal;
				(c) no claim or challenge shall be made in or entertained by any court, tribunal or other authority solely on the ground that the Central Government or the Director-General did not take into consideration any of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, as amended by the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 before such repeal, in granting any permission or licence for the purpose of carrying out any mining or repair, renovation or construction work in a prohibited area or a regulated area at any time between the 16 <sup>th</sup> day of June, 1992 and the date of commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, and,
				in case, any issue arises in respect of anything done or purported to be done or any action suit, claim or other

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				proceedings falling under clause (a) or clause (b) or clause (c) of section 12 of the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 as it stood before such repeal, such issue shall be decided as if that Act had not been repealed.”.
2010	18	The Employees State Insurance (Amendment) Act, 2010	The whole	“Without prejudice to the generality of the provisions contained in section 4, all things done, or, omitted to be done, and all actions or measures taken or not taken during the period beginning on or after the 3rd day of July, 2008 and ending immediately before the 1 <sup>st</sup> day of June, 2010 shall in so far as they are in conformity with the provisions of Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance (Amendment) Act, 2010, be deemed to have been done, or taken, or not taken, under the provisions of Employees' State Insurance Act, 1948, as amended by the Employees' State Insurance(Amendment) Act, 2010, as if such provisions were in force at the time such things were done or omitted to be done and actions or measures taken or not taken during the said period and the repeal of the Employees' State Insurance (Amendment) Act, 2010, shall not affect the validation of such things done or omitted to be done or action taken or not taken as provided under section 19 of the Employees' State Insurance (Amendment) Act, 2010 as it stood before such repeal.”.
2010	26	The Securities and Insurance Laws (Amendment and Validation) Act, 2010	The whole	“Without prejudice to the generality of the provisions contained in section 4, and notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, the provisions of section 2 of the Insurance Act, 1938 or section 2

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				of the Securities Contracts (Regulation) Act, 1956 or section 12 of the Securities and Exchange Board of India Act, 1992, as amended by the Securities and Insurance Laws (Amendment and Validation) Act, 2010, after repeal of the Securities and Insurance Laws (Amendment and Validation) Act, 2010 shall have and shall be deemed to always have effect for all purposes as if the provisions of section 2 of the Insurance Act, 1938 or section 2 of the Securities Contracts (Regulation) Act, 1956 or section 12 of the Securities and Exchange Board of India Act, 1992, as amended by the Securities and Insurance Laws (Amendment and Validation) Act, 2010, had been in force at all material times and accordingly any unit linked insurance policy or scrips or any such instrument or unit, by whatever name called, issued or purported to have been issued at any time before the 9th day of April, 2010, shall, notwithstanding such repeal, be deemed and always deemed to have been validly issued and shall not be called in question in any court of law or other authority solely on the ground that it was issued without a certificate of registration under any law for the time being in force or without following any procedure under any law for the time being in force, by an insurer or any other person and the repeal of the Securities and Insurance Laws (Amendment and Validation) Act, 2010 shall not affect the validation of section 2 of the Insurance Act, 1938 or section 2 of the Securities Contracts (Regulation) Act, 1956 or section 12 of the Securities and Exchange Board of India Act, 1992 as provided in section 6 of the Securities and Insurance Laws (Amendment and Validation) Act, 2010 after such
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				repeal.".]
2011	14	The Customs (Amendment and Validation) Act, 2011.	The whole.	"Without prejudice to the generality of the provisions contained in section 4, notwithstanding anything to the contrary contained in any judgment, decree or order of any court of law, tribunal or other authority and repeal of the Customs (Amendment and Validation) Act, 2011, all persons appointed as officers of Customs under sub-section (1) of section 4 before the 6th day of July, 2011 shall before and after such repeal, be deemed to have and always had the power of assessment under section 17 and shall be deemed to have been and always had been the proper officers for the purposes of that section."
2012	28	The National Institutes of Technology (Amendment) Act, 2012	The whole	"Without prejudice to the generality of the provisions contained in section 4, and notwithstanding anything contained in the National Institute of Technology Act, 2007, as amended by the National Institutes of Technology (Amendment) Act, 2012,- (a) the Board of every Institute specified in the Second Schedule to the National Institute of Technology Act, 2007 [as inserted by the National Institutes of Technology (Amendment) Act, 2012] functioning as such immediately before the commencement of the National Institutes of Technology (Amendment) Act, 2012 shall continue to function until a new Board has been constituted for that Institute under the National Institute of Technology Act, 2007, as amended by the National Institutes of Technology (Amendment) Act, 2012 but on the constitution of such new Board, the members of the Board holding office before such constitution shall cease to hold office;

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					(b) every Senate constituted in relation to every Institute before the commencement of the National Institutes of Technology (Amendment) Act, 2012 shall be deemed to be the Senate constituted under the National Institute of Technology Act, 2007, unless a Senate is constituted under the National Institute of Technology Act, 2007, as amended by the National Institutes of Technology (Amendment) Act, 2012 for that Institute but on the constitution of such new Senate members of the Senate holding office before such constitution shall cease to hold office,
					and repeal of the National Institutes of Technology (Amendment) Act, 2012 shall not affect the validity of constitution of the Board or Senate, if existing on and after such repeal.”.
2013	29	The Representation of the People (Amendment and Validation) Act, 2013	The whole		“Without prejudice to the generality of provisions contained in section 4, the sections 7 and 62 of the Representation of the People Act, 1951, as amended by the Representation of the People (Amendment and Validation) Act, 2013, shall, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority and have and shall be deemed always to have effect for all purposes as if the aforesaid sections 7 and 62 of the Representation of the People Act, 1951, as amended by the Representation of the People (Amendment and Validation) Act, 2013 had been in force at all material times before and after the repeal of the Representation of the People (Amendment and Validation) Act, 2013.”.

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## THE THIRD SCHEDULE

(See section 4)

Year	No.	Short title	Extent of repeal.
1950	23	The Appropriation (Railways) Act, 1950	
1950	24	The Appropriation Act, 1950	
1950	39	The Appropriation (No. 2) Act, 1950	
1950	60	The Appropriation (No. 3) Act, 1950	
1950	77	The Appropriation (Railways) No. 2 Act, 1950	
1950	79	The Appropriation (No. 4) Act, 1950	
1951	6	The Appropriation (Railways) Act 1951	
1951	7	The Appropriation Act 1951	
1951	8	The Appropriation (Railways) No. 2 Act 1951	
1951	12	The Appropriation (Vote on Account) Act 1951	
1951	14	The Appropriation (Railways) No. 3 Act 1951	
1951	15	The Appropriation (No. 2) Act 1951	
1951	58	The Appropriation (Railways) No. 4 Act 1951	
1951	60	The Appropriation (No. 3) Act 1951	
1952	13	The Appropriation Act 1952	
1952	15	The Appropriation (Railways) Act 1952	
1952	21	The Appropriation (Railways) Vote on Account Act 1952	
1952	28	The Appropriation (Vote on Account) Act 1952	
1952	43	The Appropriation (Railways) No. 2 Act 1952	
1952	44	The Appropriation (No. 2) Act 1952	
1952	80	The Appropriation (No. 3) Act 1952	
1953	1	The Appropriation Act, 1953	
1953	4	The Appropriation (Vote on Account) Act, 1953	
1953	5	The Appropriation (Railways) Act, 1953	
1953	6	The Appropriation (Railways) No. 2 Act 1953	
1953	6	The Appropriation (No. 2) Act 1953	
1953	13	The Appropriation (No. 3) Act 1953	
1953	33	The Appropriation (No. 4) Act 1953	
1953	50	The Appropriation (No. 5) Act 1953	
1954	5	The Appropriation Act 1954	
1954	6	The Appropriation (Railways) Act 1954	
1954	8	The Appropriation (Vote on Account) Act 1954	
1954	11	The Appropriation (Railways) No. 2 Act 1954	
1954	16	The Appropriation (No. 2) Act 1954	
1954	40	The Appropriation (No. 3) Act 1954	
1954	47	The Appropriation (No. 4) Act 1954	
1955	5	The Appropriation (Railways) Act 1955	
1955	6	The Appropriation (Railways) No. 2 Act 1955	
1955	7	The Appropriation Act 1955	

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CORRECTION OF FACTUAL OR  
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2. [THE CENTRAL ACTS MENTIONED FROM 656 TO 777 UNDER CHAPTER 4  
HAVE NOT BEEN INCLUDED FOR REPEAL IN THE DRAFT MODEL BILL  
AND SUCH CENTRAL ACTS MAY BE INCLUDED IN THE DRAFT BILL  
IN CONSULTATION WITH CONCERNED MINISTRIES/DEPARTMENT  
OR SEPARATE REPEALING BILL MAY BE MOVED THEREFOR.]

1955	8	The Appropriation (Vote on Account) Act 1955	
1955	14	The Appropriation (No.2) Act 1955	
1955	38	The Appropriation (No.3) Act 1955	
1955	46	The Appropriation (No.4) Act 1955	
1955	47	The Appropriation (No.5) Act 1955	
1956	5	The Appropriation Act 1956	
1956	11	The Appropriation (Vote on Account) Act 1956	
1956	12	The Appropriation (Railways) Act 1956	
1956	13	The Appropriation (Railways) No. 2 Act 1956	
1956	14	The Appropriation (Railways) No. 3 Act 1956	
1956	15	The Appropriation (Railways) No. 4 Act 1956	
1956	16	The Appropriation (Railways) No. 5 Act 1956	
1956	19	The Appropriation (No.2) Act 1956	
1956	43	The Appropriation (No. 3) Act 1956	
1956	44	The Appropriation (No. 4) Act 1956	
1956	83	The Appropriation (Railways) No.6 Act 1956	
1956	84	The Appropriation (Railways) No. 7 Act 1956	
1956	85	The Appropriation (No. 5) Act 1956	
1957	1	The Appropriation Act, 1957	
1957	2	The Appropriation (No. 2) Act, 1957	
1957	3	The Appropriation (Vote on Account) Act 1957	
1957	6	The Appropriation (Railways) Act, 1957	
1957	9	The Appropriation (Railways) Vote on Account Act 1957	
1957	15	The Appropriation (No. 3) Act 1957	
1957	22	The Appropriation (Railways) No.2 Act 1957	
1957	24	The Appropriation (No. 4) Act 1957	
1957	56	The Appropriation (No. 5) Act 1957	
1958	4	The Appropriation Act 1958	
1958	6	The Appropriation (Railways) Act 1958	
1958	8	The Appropriation (Vote on Account) Act 1958	
1958	10	The Appropriation (Railways) No.2 Act 1958	
1958	12	The Appropriation (No.2) Act 1958	
1958	14	The Appropriation (No.3) Act 1958	
1958	23	The Appropriation (Railways) No.3 Act 1958	
1958	40	The Appropriation (No.4) Act 1958	
1958	49	The Appropriation (Railways) No.4 Act 1958	
1958	50	The Appropriation (Railways) No.5 Act 1958	
1958	51	The Appropriation (No.5) Act 1958	
1959	2	The Appropriation Act 1959 ( 2 of 1959)	
1959	5	The Appropriation (Railways) Act 1959	
1959	6	The Appropriation (Railways) No.2 Act 1959	
1959	7	The Appropriation (Vote on Account) Act 1959	
1959	11	The Appropriation (No.2) Act 1959	
1959	18	The Appropriation (No.3) Act 1959	
1959	19	The Appropriation (Railways) No.3 Act 1959	
1959	34	The Appropriation (No.4) Act 1959	

1. [SUBJECT TO CHANGES OF  
DRAFTING NATURE OR  
CORRECTION OF FACTUAL OR  
PATENT ERRORS, IF ANY].

2. [THE CENTRAL ACTS MENTIONED FROM 656 TO 777 UNDER CHAPTER 4  
HAVE NOT BEEN INCLUDED FOR REPEAL IN THE DRAFT MODEL BILL  
AND SUCH CENTRAL ACTS MAY BE INCLUDED IN THE DRAFT BILL  
IN CONSULTATION WITH CONCERNED MINISTRIES/DEPARTMENT  
OR SEPARATE REPEALING BILL MAY BE MOVED THEREFOR.]

1959	35	The Appropriation (No.5) Act 1959
1959	36	The Appropriation (No.6) Act 1959
1959	40	The Appropriation (No.7) Act 1959
1959	55	The Appropriation (No.8) Act 1959
1960	3	The Appropriation Act 1960
1960	7	The Appropriation (Railways) Act 1960
1960	8	The Appropriation (Railways) No.2 Act 1960
1960	9	The Appropriation (Vote on Account) Act, 1960
1960	12	The Appropriation (No.2) Act 1960
1960	15	The Appropriation (Railways) No.3 Act 1960
1960	29	The Appropriation (Railways) No.4 Act 1960
1960	30	The Appropriation (No.3) Act 1960
1960	36	The Appropriation (No.4) Act 1960
1960	49	The Appropriation (Railways) No.5 Act 1960
1960	50	The Appropriation (No.5) Act 1960
1961	2	The Appropriation Act, 1961
1961	5	The Appropriation (Railways) Act 1961
1961	6	The Appropriation (Railways) No.2 Act, 1961
1961	9	The Appropriation (Vote on Account) Act, 1961
1961	12	The Appropriation (No.2) Act 1961
1961	20	The Appropriation (No. 3) Act, 1961
1961	22	The Appropriation (Railways) No. 3 Act 1961
1961	37	The Appropriation (No. 4) Act, 1961
1961	54	The Appropriation (Railways) No. 4 Act 1961
1961	57	The Appropriation (No. 5) Act 1961
1962	2	The Appropriation Act 1962
1962	4	The Appropriation (Railways) Act 1962
1962	5	The Appropriation (Vote on Account) Act 1962
1962	12	The Appropriation (Railways) Vote on Account Act 1962
1962	18	The Appropriation (Railways) No.2 Act 1962
1962	19	The Appropriation (No. 2) Act 1962 ( 19 of 1962)
1962	22	The Appropriation (No. 3) Act 1962 ( 22 of 1962)
1962	23	The Appropriation (Railways) No.3 Act 1962
1962	28	The Appropriation (No. 4) Act 1962
1962	29	The Appropriation (Railways) No.4 Act 1962
1962	40	The Appropriation (Railways) No.5 Act 1962
1962	41	The Appropriation (No. 5) Act 1962
1963	5	The Appropriation (Railways) Act 1963
1963	6	The Appropriation (Railways) No.2 Act 1963
1963	7	The Appropriation Act 1963
1963	9	The Appropriation (Vote on Account) Act 1963
1963	12	The Appropriation No.2 Act 1963
1963	16	The Appropriation (Railways) No.3 Act 1963
1963	17	The Appropriation (Railways) No.4 Act 1963
1963	18	The Appropriation (No. 3) Act 1963
1963	25	The Appropriation (No. 4) Act 1963

1. [SUBJECT TO CHANGES OF  
DRAFTING NATURE OR  
CORRECTION OF FACTUAL OR  
PATENT ERRORS, IF ANY].

2. [THE CENTRAL ACTS MENTIONED FROM 656 TO 777 UNDER CHAPTER 4  
HAVE NOT BEEN INCLUDED FOR REPEAL IN THE DRAFT MOBIL BILL.  
AND SUCH CENTRAL ACTS MAY BE INCLUDED IN THE FINAL BILL  
IN CONSULTATION WITH CONCERNED MINISTRIES/DEPARTMENT  
OR SEPARATE REPEALING BILL MAY BE MOVED THEREFOR.]

1963	31	The Appropriation (Railways) No.5 Act 1963	
1963	44	The Appropriation (No. 5) Act 1963	
1963	46	The Appropriation (Railways) No.6 Act 1963	
1964	1	The Appropriation (Railways) Act 1964	
1964	2	The Appropriation (Vote on Account) Act 1964	
1964	3	The Appropriation Act 1964	
1964	4	The Appropriation (Railways) No.2 Act 1964	
1964	6	The Appropriation (No. 2) Act 1964	
1964	8	The Appropriation (No. 3) Act 1964	
1964	22	The Appropriation (No.4) Act 1964	
1964	29	The Appropriation (No. 5) Act 1964	
1964	39	The Appropriation (No. 6) Act 1964	
1964	50	The Appropriation (Railways) No. 3 Act 1964	
1965	2	The Appropriation Act, 1965	
1965	3	The Appropriation (Railways) Act 1965	
1965	4	The Appropriation (Railways) No.2 Act 1965	
1965	5	The Appropriation (Vote on Account) Act 1965	
1965	11	The Appropriation (No.2) Act 1965	
1965	26	The Appropriation (No.3) Act 1965	
1965	27	The Appropriation (No.4) Act 1965	
1965	28	The Appropriation (Railways) No.3 Act 1965	
1965	29	The Appropriation (Railways) No.4 Act 1965	
1965	37	The Appropriation (No.5) Act 1965	
1966	5	The Appropriation (Vote on Account) Act 1966	
1966	6	The Appropriation Act 1966	
1966	7	The Appropriation (Railways) Act 1966	
1966	8	The Appropriation (Railways) No.2 Act 1966	
1966	12	The Appropriation (No.2) Act 1966	
1966	27	The Appropriation (No. 3) Act 1966	
1966	42	The Appropriation (Railways) No.3 Act 1966	
1966	43	The Appropriation (Railways) No.4 Act 1966	
1966	45	The Appropriation (No. 4) Act 1966	
1966	46	The Appropriation (No. 5) Act 1966	
1967	1	The Appropriation Act 1967	
1967	2	The Appropriation (Vote on Account) Act 1967	
1967	3	The Appropriation (Railways) Act 1967	
1967	4	The Appropriation (Railways) Vote on Account Act 1967	
1967	18	The Appropriation (Railways) No. 2 Act 1967	
1967	19	The Appropriation (No. 2) Act 1967	
1967	23	The Appropriation (Railways) No.3 Act 1967	
1967	32	The Appropriation (No. 3) Act 1967	
1967	33	The Appropriation (No. 4) Act 1967	
1968	4	The Appropriation Act 1968	
1968	5	The Appropriation (Vote on Account) Act 1968	
1968	8	The Appropriation (Railways) Act 1968	
1968	9	The Appropriation (Railways) No.2 Act 1968	

1. [SUBJECT TO CHANGES OF  
DRAFTING NATURE OR  
CORRECTION OF FACTUAL OR  
PATENT ERRORS, IF ANY].

2. [THE CENTRAL ACTS MENTIONED FROM 656 TO 777 UNDER CHAPTER 4  
HAVE NOT BEEN INCLUDED FOR REPEAL IN THE DRAFT MODEL BILL  
AND SUCH CENTRAL ACTS MAY BE INCLUDED IN THE DRAFT BILL  
IN CONSULTATION WITH CONCERNED MINISTRIES/DEPARTMENT  
OR SEPARATE REPEALING BILL MAY BE MOVED THEREFOR.]

1968	18	The Appropriation (No.2) Act 1968	
1968	37	The Appropriation (Railways) No.3 Act 1968	
1968	38	The Appropriation (Railways) No.4 Act 1968	
1968	41	The Appropriation (No.3) Act 1968	
1968	42	The Appropriation (No.4) Act 1968	
1968	54	The Appropriation (Railways) (No.5) Act 1968	
1968	55	The Appropriation (Railways) No.6 Act, 1968	
1968	66	The Appropriation (No.5) Act 1968	
1969	2	The Appropriation (Vote on Account) Act, 1969	
1969	4	The Appropriation Act, 1969	
1969	5	The Appropriation (No.2) Act, 1969	
1969	6	The Appropriation (Railways) Act, 1969	
1969	7	The Appropriation (Railways) No.2 Act, 1969	
1969	13	The Appropriation (No.3) Act, 1969	
1969	29	The Appropriation (Railways) No.3 Act, 1969	
1969	30	The Appropriation (Railways) No.4 Act, 1969	
1969	31	The Appropriation (No.4) Act, 1969	
1969	48	The Appropriation (Railways) No.5 Act, 1969	
1969	49	The Appropriation (No.5) Act, 1969	
1969	50	The Appropriation (No.6) Act, 1969	
1970	4	The Appropriation (Vote on Account) Act, 1970	
1970	7	The Appropriation Act, 1970	
1970	12	The Appropriation (Railways) Act, 1970	
1970	13	The Appropriation (Railways) No.2 Act, 1970	
1970	18	The Appropriation (No.2) Act, 1970	
1970	36	The Appropriation (No.3) Act, 1970	
1970	38	The Appropriation (Railways) No.3 Act, 1970	
1970	44	The Appropriation (No.4) Act, 1970	
1970	45	The Appropriation (No.5) Act, 1970	
1970	46	The Appropriation (Railways) No.4 Act, 1970	
1970	47	The Appropriation (Railways) No.5 Act, 1970	
1971	1	The Appropriation (Railways) Vote on Account Act, 1971	
1971	2	The Appropriation (Railways) Act, 1971	
1971	5	The Appropriation Act, 1971	
1971	6	The Appropriation (Vote on Account) Act, 1971	
1971	19	The Appropriation (Railways) No.2 Act, 1971	
1971	30	The Appropriation (No.2) Act, 1971	
1971	38	The Appropriation (No.3) Act, 1971	
1971	58	The Appropriation (Railways) No.3 Act, 1971	
1971	60	The Appropriation (No.4) Act, 1971	
1972	1	The Appropriation Act, 1972	
1972	2	The Appropriation (No.2) Act, 1972	
1972	3	The Appropriation (Railways) Act, 1972	
1972	4	The Appropriation (Railways) No.2 Act, 1972	
1972	5	The Appropriation (Railways) Vote on Account Act, 1972	
1972	6	The Appropriation (Vote on Account) Act, 1972	

1. [SUBJECT TO CHANGES OF  
DRAFTING NATURE OR  
CORRECTION OF FACTUAL OR  
PATENT ERRORS, IF ANY].

2. [THE CENTRAL ACTS MENTIONED FROM 656 TO 777 UNDER CHAPTER 4  
HAVE NOT BEEN INCLUDED FOR REPEAL IN THE DRAFT MODEL BILL  
AND SUCH CENTRAL ACTS MAY BE INCLUDED IN THE DRAFT BILL  
IN CONSULTATION WITH CONCERNED MINISTRIES/DEPARTMENT  
OR SEPARATE REPEALING BILL MAY BE MOVED THEREFOR.]

1972	14	The Appropriation (No.3) Act, 1972	
1972	17	The Appropriation (Railways) No.3 Act, 1972	
1972	51	The Appropriation (No.4) Act, 1972	
1972	63	The Appropriation (Railways) No. 4 Act, 1972	
1972	64	The Appropriation (Railways) No. 5 Act, 1972	
1972	65	The Appropriation (No. 5) Act, 1972	
1972	66	The Appropriation (No.6) Act, 1972	
1973	4	The Appropriation (Vote on Account) Act, 1973	
1973	5	The Appropriation Act, 1973	
1973	6	The Appropriation (Railways) Act, 1973	
1973	7	The Appropriation (Railways) No. 2 Act, 1973	
1973	19	The Appropriation (No.2) Act, 1973	
1973	35	The Appropriation (No.3) Act, 1973	
1973	38	The Appropriation (Railways) No.3 Act, 1973	
1973	61	The Appropriation (Railways) No. 4 Act, 1973	
1973	63	The Appropriation (No.4) Act, 1973	
1973	64	The Appropriation (No.5) Act, 1973	
1974	7	The Appropriation (Vote on Account) Act, 1974	
1974	10	The Appropriation (Railways) Act, 1974	
1974	15	The Appropriation (Railways) No.2 Act, 1974	
1974	16	The Appropriation (Railways) No.3 Act, 1974	
1974	17	The Appropriation Act, 1974	
1974	19	The Appropriation (No.2) Act, 1974	
1974	43	The Appropriation (No.3) Act, 1974	
1974	44	The Appropriation (Railways) No. 4 Act, 1974	
1974	61	The Appropriation (No. 4) Act, 1974	
1975	5	The Appropriation (Vote on Account) Act, 1975	
1975	6	The Appropriation (Railways) Act, 1975	
1975	7	The Appropriation (Railways) No. 2 Act, 1975	
1975	8	The Appropriation (Railways) No. 3 Act, 1975	
1975	11	The Appropriation Act, 1975	
1975	21	The Appropriation (No. 2) Act, 1975	
1975	36	The Appropriation (No. 3) Act, 1975	
1975	37	The Appropriation (No. 4) Act, 1975	
1976	5	The Appropriation Act, 1976	
1976	6	The Appropriation (Railways) Act, 1976	
1976	7	The Appropriation (No.2) Act, 1976	
1976	38	The Appropriation (No.3) Act, 1976	
1976	43	The Appropriation (Vote on Account) Act, 1976	
1976	47	The Appropriation (Railways) No.2 Act, 1976	
1976	48	The Appropriation (Railways) No.3 Act, 1976	
1976	64	The Appropriation (No.4) Act, 1976	
1976	83	The Appropriation (No.5) Act, 1976	
1976	95	The Appropriation (No.6) Act, 1976	
1976	110	The Appropriation (Railways) No.4 Act, 1976	
1976	111	The Appropriation (Railways) No.5 Act, 1976	

1. [SUBJECT TO CHANGES OF  
BRAFTING NATURE OR  
CORRECTION OF FACTUAL OR  
PATENT ERRORS, IF ANY].

2. [THE CENTRAL ACTS MENTIONED FROM 656 TO 777 UNDER CHAPTER 4  
HAVE NOT BEEN INCLUDEB FOR REPEAL IN THE DRAFT MODEL BILL  
AND SUCH CENTRAL ACTS MAY BE INCLUDEB IN THE DRAFT BILL  
IN CONSULTATION WITH CONCERNED MINISTRIES/DEPARTMENT  
OR SEPARATE REPEALING BILL MAY BE MOVED THEREFOR.]

1976	112	The Appropriation (No.7) Act, 1976	
1977	1	The Appropriation (Vote on Account) Act, 1977	
1977	2	The Appropriation Act, 1977	
1977	3	The Appropriation (Railways) Vote on Account Act, 1977	
1977	4	The Appropriation (Railways) Act, 1977	
1977	18	The Appropriation (Railways) No.2 Act, 1977	
1977	22	The Appropriation (No.2) Act, 1977	
1977	28	The Appropriation (No.3) Act, 1977	
1977	45	The Appropriation (No.4) Act, 1977	
1978	3	The Appropriation (Vote on Account) Act, 1978	
1978	4	The Appropriation (Railways) Act, 1978	
1978	5	The Appropriation (Railways) No. 2 Act, 1978	
1978	6	The Appropriation (Railways) No.3 Act, 1978	
1978	7	The Appropriation Act, 1978	
1978	8	The Appropriation (No.2) Act, 1978	
1978	18	The Appropriation (No. 3) Act, 1978	
1978	35	The Appropriation (No. 4) Act, 1978	
1979	1	The Appropriation (Railways) No.4 Act, 1978	
1979	2	The Appropriation (Railways) No. 5 Act, 1978	
1979	3	The Appropriation (No.5) Act, 1978	
1979	7	The Appropriation (Vote on Account) Act, 1979	
1979	8	The Appropriation Act, 1979	
1979	9	The Appropriation (No.2) Ac, 1979	
1979	10	The Appropriation (Railways) Act, 1979	
1979	11	The Appropriation (Railways) No. 2 Act, 1979	
1979	19	The Appropriation (No. 3) Act, 1979	
1980	2	The Appropriation Act, 1980	
1980	3	The Appropriation (Railways) Act, 1980	
1980	9	The Appropriation (Railways) Vote on Account Act, 1980	
1980	10	The Appropriation (Railways) No.2 Act, 1980	
1980	11	The Appropriation (Vote on Account) Act, 1980	
1980	12	The Appropriation (No. 2) Act, 1980	
1980	39	The Appropriation (Railways) No. 3 Act, 1980	
1980	43	The Appropriation (No. 3) Act, 1980	
1980	71	The Appropriation (No.4) Act, 1980	
1981	2	The Appropriation (Vote on Account) Act, 1981	
1981	3	The Appropriation Act, 1981	
1981	4	The Appropriation (No.2) Act, 1981	
1981	5	The Appropriation (No.3) Act, 1981	
1981	8	The Appropriation (Railways) Act, 1981	
1981	9	The Appropriation (Railways) No. 2 Act, 1981	
1981	10	The Appropriation (Railways) No. 3 Act, 1981	
1981	11	The Appropriation (Railways) No. 4 Act, 1981	
1981	15	The Appropriation (No.4) Act, 1981	
1981	34	The Appropriation (Railways) (No.5) Act, 1981	
1981	37	The Appropriation (No. 3) Act, 1981	

1. [SUBJECT TO CHANGES OF  
DRAFTING NATURE OR  
CORRECTION OF FACTUAL OR  
PATENT ERRORS, IF ANY].

2. [THE CENTRAL ACTS MENTIONED FROM 656 TO 777 UNDER CHAPTER 4  
HAVE NOT BEEN INCLUDED FOR REPEAL IN THE DRAFT MODEL BILL  
AND SUCH CENTRAL ACTS MAY BE INCLUDED IN THE DRAFT BILL  
IN CONSULTATION WITH CONCERNED MINISTRIES/DEPARTMENT  
OR SEPARATE REPEALING BILL MAY BE MADE THEREFOR.]

1981	54	The Appropriation (Railways) No.6 Act, 1981	
1981	55	The Appropriation (Railways) No.7 Act, 1981	
1981	56	The Appropriation (No.6) Act, 1981	
1981	57	The Appropriation (No.7) Act, 1981	
1982	5	The Appropriation (Vote on Account) Act, 1982	
1982	6	The Appropriation Act, 1982	
1982	7	The Appropriation (Railways) Act, 1982	
1982	8	The Appropriation (Railways) No. 2 Act, 1982	
1982	19	The Appropriation (No. 2) Act, 1982	
1982	32	The Appropriation (Railways) No. 3 Act, 1982	
1982	33	The Appropriation (No. 3) Act, 1982	
1982	60	The Appropriation No.4) Act, 1982	
1983	2	The Appropriation (Vote on Account) Act, 1983	
1983	3	The Appropriation Act, 1983	
1983	4	The Appropriation (No.2) Act, 1983	
1983	5	The Appropriation (Railways) Act, 1983	
1983	6	The Appropriation (Railways) No. 2 Act, 1983	
1983	7	The Appropriation (Railways) No. 3 Act, 1983	
1983	10	The Appropriation (No. 3) Act, 1983	
1983	19	The Appropriation (No.4) Act, 1983	
1983	21	The Appropriation (Railways) No. 4 Act, 1983	
1983	36	The Appropriation (NO. 5) Act, 1983	
1983	37	The Appropriation (Railways) No. 5 Act, 1983	
1984	6	The Appropriation (Vote on Account) Act, 1984	
1984	7	The Appropriation Act, 1984	
1984	8	The Appropriation (No.2) Act, 1984	
1984	9	The Appropriation (Railways) Act, 1984	
1984	10	The Appropriation (Railways) No. 2 Act, 1984	
1984	11	The Appropriation (Railways) No. 3 Act, 1984	
1984	18	The Appropriation (No. 3) Act, 1984	
1984	50	The Appropriation (No.4) Act, 1984	
1985	4	The Appropriation Act, 1985	
1985	5	The Appropriation (No.2) Act, 1985	
1985	6	The Appropriation (Railways) Act, 1985	
1985	7	The Appropriation (Railways) No. 2 Act, 1985	
1985	14	The Appropriation (Vote on Account) Act, 1985	
1985	15	The Appropriation (No. 3) Act, 1985	
1985	16	The Appropriation (Railways) No. 3 Act, 1985	
1985	17	The Appropriation (Railways) No. 4 Act, 1985	
1985	29	The Appropriation (No.4) Act, 1985	
1985	42	The Appropriation (No.5) Act, 1985	
1985	68	The Appropriation (No. 6) Act, 1985	
1985	71	The Appropriation (Railways) No. 5 Act, 1985	
1986	12	The Appropriation (Vote on Account) Act, 1986	
1986	13	The Appropriation Act, 1986	
1986	15	The Appropriation (Railways) Act, 1986	

1. [SUBJECT TO CHANGES OF  
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PATENT ERRORS, IF ANY].

2. [THE CENTRAL ACTS MENTIONED FROM 656 TO 777 UNDER CHAPTER 4  
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AND SUCH CENTRAL ACTS MAY BE INCLUDED IN THE DRAFT BILL  
IN CONSULTATION WITH CONCERNED MINISTRIES/DEPARTMENT  
OR SEPARATE REPEALING BILL MAY BE MOVED THEREFOR.]

1986	16	The Appropriation (Railways) No. 2 Act, 1986	
1986	17	The Appropriation (Railways) No. 3 Act, 1986	
1986	18	The Appropriation (No.2) Act, 1986	
1986	21	The Appropriation (No.3) Act, 1986	
1986	39	The Appropriation (No.4) Act, 1986	
1986	52	The Appropriation (Railways) No. 4 Act, 1986	
1986	55	The Appropriation (No. 5) Act, 1986	
1987	1	The Appropriation (Vote on Account) Act, 1987	
1987	2	The Appropriation Act, 1987	
1987	3	The Appropriation (No.2) Act, 1987	
1987	5	The Appropriation (Railways) Act, 1987	
1987	6	The Appropriation (Railways) No. 2 Act, 1987	
1987	7	The Appropriation (Railways) No. 3 Act, 1987	
1987	9	The Appropriation (No. 3) Act, 1987	
1987	33	The Appropriation (No. 4) Act, 1987	
1987	45	The Appropriation (No.5) Act, 1987	
1988	6	The Appropriation (Vote on Account) Act, 1988	
1988	7	The Appropriation Act, 1988	
1988	15	The Appropriation (Railways) Act, 1988	
1988	16	The Appropriation (Railways) No.2 Act, 1988	
1988	17	The Appropriation (Railways) No.3 Act, 1988	
1988	25	The Appropriation (No. 2) Act, 1988	
1988	28	The Appropriation (No. 3) Act, 1988	
1988	47	The Appropriation (Railways) No.4 Act, 1988	
1988	48	The Appropriation (No.4) Act, 1988	
1988	70	The Appropriation (No.5) Act, 1988	
1989	4	The Appropriation (Vote on Account) Act, 1989	
1989	5	The Appropriation Act, 1989	
1989	6	The Appropriation (Railways) Act, 1989	
1989	7	The Appropriation (Railways) No. 2 Act, 1989	
1989	12	The Appropriation (No.2) Act, 1989	
1989	14	The Appropriation (Railways) No. 3 Act, 1989	
1989	19	The Appropriation (No.3) Act, 1989	
1989	27	The Appropriation (No. 4) Act, 1989	
1989	34	The Appropriation (No. 5) Act, 1989	
1989	1	The Appropriation (No.6) Act, 1989	
1990	5	The Appropriation (Railways) Act, 1990	
1990	6	The Appropriation (Railways) No. 2 Act, 1990	
1990	7	The Appropriation (Vote on Account) Act, 1990	
1990	8	The Appropriation Act, 1990	
1990	11	The Appropriation (No.2) Act, 1990	
1990	22	The Appropriation (No.3) Act, 1990	
1990	24	The Appropriation (Railways) No. 3 Act, 1990	
1991	3	The Appropriation Act, 1991	
1991	12	The Appropriation (Railways) Vote on Account Act, 1991	
1991	13	The Appropriation (Railways) Act, 1991	

1. [SUBJECT TO CHANGES OF  
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1991	14	The Appropriation (Railways) No.2 Act, 1991	
1991	15	The Appropriation (Vote on Account) Act, 1991	
1991	16	The Appropriation (No.2) Act, 1991	
1991	17	The Appropriation (No.3) Act, 1991	
1991	29	The Appropriation (Railways) No.3 Act, 1991	
1991	30	The Appropriation (Vote on Account) No.2, Act, 1991	
1991	37	The Appropriation (No.4) Act, 1991	
1991	61	The Appropriation (No.5) Act, 1991	
1992	3	The Appropriation (Railways) Act, 1992	
1992	4	The Appropriation (Railways) No.2 Act, 1992	
1992	5	The Appropriation Act, 1992	
1992	6	The Appropriation (Vote on Account) Act, 1992	
1992	17	The Appropriation (No.2) Act, 1992	
1992	29	The Appropriation (Railways) No.3 Act, 1992	
1992	30	The Appropriation (Railways) No.4 Act, 1992	
1992	32	The Appropriation (No.3) Act, 1992	
1992	33	The Appropriation (No.4) Act, 1992	
1993	2	The Appropriation (No.5) Act, 1992	
1993	6	The Appropriation (Vote on Account) Act, 1993	
1993	7	The Appropriation Act, 1993	
1993	21	The Appropriation (Railways) Act, 1993	
1993	22	The Appropriation (Railways) No.2 Act, 1993	
1993	39	The Appropriation (No.2) Act, 1993	
1993	60	The Appropriation (No.3) Act, 1993	
1993	61	The Appropriation (No.4) Act, 1993	
1993	62	The Appropriation (Railways) No.3 Act, 1993	
1993	63	The Appropriation (Railways) No.4 Act, 1993	
1994	5	The Appropriation (No.5) Act, 1993	
1994	14	The Appropriation (Railways) Vote on Account Act, 1994	
1994	15	The Appropriation (Railways) Act, 1994	
1994	21	The Appropriation (Vote on Account) Act, 1994	
1994	22	The Appropriation Act, 1994	
1994	29	The Appropriation (Railways) No.2 Act, 1994	
1994	30	The Appropriation (Railways) No.3 Act, 1994	
1994	31	The Appropriation (No.2) Act, 1994	
1994	48	The Appropriation (No.3) Act, 1994	
1994	49	The Appropriation (No.4) Act, 1994	
1994	50	The Appropriation (No.5) Act, 1994	
1994	52	The Appropriation (Railways) No.4 Act, 1994	
1994	53	The Appropriation (Railways) No.5 Act, 1994	
1995	2	The Appropriation (No.6) Act, 1994	
1995	3	The Appropriation (Railways) No.6 Act,	
1995	10	The Appropriation (Railways) Vote on Account Act, 1995	
1995	11	The Appropriation (Railways) Act, 1995	
1995	12	The Appropriation Vote on Account Act, 1995	
1995	13	The Appropriation Act, 1995	

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1995	20	The Appropriation (Railways) No.2 Act, 1995
1995	21	The Appropriation (Railways) No.3 Act, 1995
1995	23	The Appropriation (No.2) Act, 1995
1995	36	The Appropriation (No.3) Act, 1995
1995	37	The Appropriation (No.4) Act, 1995
1996	3	The Appropriation (No.5) Act, 1995
1996	4	The Appropriation (Railways) No.4 Act, 1995
1996	6	The Appropriation (Railways) Vote on Account Act, 1996
1996	7	The Appropriation (Railways) Act, 1996
1996	8	The Appropriation (Railways) No.2 Act, 1996
1996	9	The Appropriation (Vote on Account) Act, 1996
1996	10	The Appropriation Act, 1996
1996	17	The Appropriation (No.2) Act, 1996
1996	18	The Appropriation (Vote on Account) No.2 Act, 1996
1996	19	The Appropriation (Railways) No.3 Act, 1996
1996	31	The Appropriation (No.3) Act, 1996
1996	37	The Appropriation (No.4) Act, 1996
1996	39	The Appropriation (Railways) No.4 Act, 1996
1997	9	The Appropriation (Railways) Vote on Account Act, 1997
1997	10	The Appropriation (Railways) Act, 1997
1997	11	The Appropriation (Railways) No.2 Act, 1997
1997	19	The Appropriation Act, 1997
1997	20	The Appropriation (No.2) Act, 1997
1997	21	The Appropriation (Vote on Account) Act, 1997
1997	25	The Appropriation (Railways) No.3 Act, 1997
1997	27	The Appropriation (No.3) Act, 1997
1997	33	The Appropriation (Railways) No.4 Act, 1997
1997	34	The Appropriation (No.4) Act, 1997
1998	2	The Appropriation (Railways) Vote on Account Act, 1998
1998	3	The Appropriation (Railways) Act, 1998
1998	5	The Appropriation (Vote on Account) Act, 1998
1998	6	The Appropriation Act, 1998
1998	8	The Appropriation (Railways) No.2 Act, 1998
1998	15	The Appropriation (No.2) Act, 1998
1998	19	The Appropriation (Railways) No.3 Act, 1998
1998	20	The Appropriation (No.3) Act, 1998
1999	9	The Appropriation (Railways) No.4 Act, 1998
1999	10	The Appropriation (No.4) Act, 1998
1999	18	The Appropriation (Railways) Vote on Account Act, 1999
1999	19	The Appropriation (Railways) Act, 1999
1999	20	The Appropriation (Railways) No.2 Act, 1999
1999	22	The Appropriation (Vote on Account) Act, 1999
1999	23	The Appropriation Act, 1999
1999	24	The Appropriation (No.2) Act, 1999
1999	25	The Appropriation (Railways) No.3 Act, 1999
1999	26	The Appropriation (No.3) Act, 1999

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1999	37	The Appropriation (No.4) Act, 1999	
1999	43	The Appropriation (Railways) No.4 Act, 1999	
2000	3	The Appropriation (Railways) Vote on Account Act, 2000	
2000	4	The Appropriation (Railways) Act, 2000	
2000	5	The Appropriation (Vote on Account) Act, 2000	
2000	6	The Appropriation Act, 2000	
2000	9	The Appropriation (Railways) No.2 Act, 2000	
2000	11	The Appropriation (No.2) Act, 2000	
2000	40	The Appropriation (No.3) Act, 2000	
2000	41	The Appropriation (No.4) Act, 2000	
2000	42	The Appropriation (Railways) No.3 Act, 2000	
2000	43	The Appropriation ( Railways) No.4 Act, 2000	
2001	2	The Appropriation (No.5) Act, 2000	
2001	3	The Appropriation (Railways) No.5 Act, 2000	
2001	5	The Appropriation (Railways) Vote on Account Act, 2001	
2001	6	The Appropriation (Railways) Act, 2001	
2001	7	The Appropriation (Vote on Account) Act, 2001	
2001	8	The Appropriation Act, 2001	
2001	13	The Appropriation (Railways) No.2 Act, 2001	
2001	15	The Appropriation (No.2) Act, 2001	
2001	42	The Appropriation (No.3) Act, 2001	
2002	2	The Appropriation (Railways) No.3 Act, 2001	
2002	3	The Appropriation (Railways) No.4 Act, 2001	
2002	4	The Appropriation (No.4) Act, 2001	
2002	6	The Appropriation (Railways) Vote on Account Act, 2002	
2002	7	The Appropriation (Railways) Act, 2002	
2002	8	The Appropriation Act, 2002	
2002	9	The Appropriation (No.2) Act, 2002	
2002	10	The Appropriation ( Vote on Account ) Act, 2002	
2002	18	The Appropriation (Railways) No.2 Act, 2002	
2002	19	The Appropriation (No.3) Act, 2002	
2002	46	The Appropriation (No.4) Act, 2002	
2002	47	The Appropriation (No.5) Act, 2002	
2002	48	The Appropriation ( Railways )No.3 Act, 2002	
2002	49	The Appropriation (Railways) No.4 Act, 2002	
2002	67	The Appropriation (Railways) No.5 Act 2002	
2002	71	The Appropriation (No.6) Act, 2002	
2003	21	The Appropriation (Railways) Vote on Account Act, 2003	
2003	22	The Appropriation (Railways) Act, 2003	
2003	23	The Appropriation (Railways) No.2 Act, 2003	
2003	26	The Appropriation (Vote on Account) Act, 2003	
2003	27	The Appropriation Act, 2003	
2003	28	The Appropriation (No.2) Act, 2003	
2003	30	The Appropriation (Railways) No.3 Act, 2003	
2003	33	The Appropriation (No.3) Act, 2003	
2003	41	The Appropriation (No.4) Act, 2003	

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2003	42	The Appropriation (Railways) No.4 Act, 2003	
2003	55	The Appropriation (No.5) Act, 2003	
2004	10	The Appropriation (Railways) Act, 2004	
2004	11	The Appropriation (Railways) No.2 Act, 2004	
2004	12	The Appropriation (Railways) Vote on Account Act, 2004	
2004	14	The Appropriation Vote on Account Act, 2004	
2004	15	The Appropriation Act, 2004	
2004	18	The Appropriation (Railways) Vote on Account No.2 Act, 2004	
2004	19	The Appropriation (No.2) Act, 2004	
2004	20	The Appropriation (Vote on Account) No.2 Act, 2004	
2004	21	The Appropriation (Railways) No.3 Act, 2004	
2004	22	The Appropriation (No.3) Act, 2004	
2004	27	The Appropriation (Railways) No.4 Act, 2004	
2005	3	The Appropriation (No.4) Act, 2004	
2005	6	The Appropriation (Railways) Vote on Account Act, 2005	
2005	7	The Appropriation (Railways) Act, 2005	
2005	8	The Appropriation (Vote on Account) Act, 2005	
2005	9	The Appropriation Act, 2005	
2005	16	The Appropriation (Railways) No.2 Act, 2005	
2005	17	The Appropriation (No.2) Act, 2005	
2005	34	The Appropriation (No.3) Act, 2005	
2005	35	The Appropriation (No.4) Act, 2005	
2005	36	The Appropriation (Railways) No.3 Act, 2005	
2005	37	The Appropriation (Railways) No.4 Act, 2005	
2005	52	The Appropriation (Railways) No.5 Act, 2005	
2005	56	The Appropriation (No.5) Act, 2005	
2006	11	The Appropriation (Railways) Vote on Account Act, 2006	
2006	12	The Appropriation (Railways) Act, 2006	
2006	13	The Appropriation (Railways) No.2 Act, 2006	
2006	14	The Appropriation Act, 2006	
2006	15	The Appropriation (No.2) Act, 2006	
2006	16	The Appropriation (Railways) No.3 Act, 2006	
2006	17	The Appropriation No. 3 Act, 2006	
2006	36	The Appropriation (No.4) Act, 2006	
2006	37	The Appropriation ( Railways) No.4 Act, 2006	
2006	50	The Appropriation (Railways) No.5 Act, 2006	
2006	53	The Appropriation (Railways) No.6 Act, 2006	
2006	55	The Appropriation (No.5) Act, 2006	
2006	56	The Appropriation (No.6) Act, 2006	
2007	12	The Appropriation (Railways) Vote on Account Act, 2007	
2007	13	The Appropriation (Railways) Act, 2007	
2007	14	The Appropriation (Vote on Account) Act, 2007	
2007	15	The Appropriation Act, 2007	
2007	20	The Appropriation (Railways) No.2 Act, 2007	
2007	21	The Appropriation (No.2) Act, 2007	

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2007	33	The Appropriation (No.3) Act, 2007
2007	34	The Appropriation (Railways) No.3 Act, 2007
2007	46	The Appropriation (No.4) Act, 2007
2007	47	The Appropriation (No.5) Act, 2007
2007	48	The Appropriation (Railways) No.4 Act, 2007
2008	1	The Appropriation (Railways) Vote on Account Act, 2008
2008	2	The Appropriation (Railways) Act, 2008
2008	3	The Appropriation (Railways) No.2 Act, 2008
2008	5	The Appropriation (Vote on Account) Act, 2008
2008	6	The Appropriation Act, 2008
2008	16	The Appropriation (Railways) No.3 Act, 2008
2008	17	The Appropriation (No.2) Act, 2008
2008	20	The Appropriation (No.3) Act, 2008
2008	21	The Appropriation (Railways) No.4 Act, 2008
2008	31	The Appropriation (No.4) Act, 2008
2008	32	The Appropriation (Railways) No.5 Act, 2008
2009	13	The Appropriation (Railways) Act, 2009
2009	14	The Appropriation (Railways) No.2 Act, 2009
2009	15	The Appropriation (Railways) Vote on Account Act, 2009
2009	16	The Appropriation (Vote on Account) Act, 2009
2009	17	The Appropriation Act, 2009
2009	29	The Appropriation (Railways) No.3 Act, 2009
2009	30	The Appropriation (No.2) Act, 2009
2009	32	The Appropriation (No.3) Act, 2009
2009	42	The Appropriation (No.4) Act, 2009
2009	44	The Appropriation (Railways) No.4 Act, 2009
2010	6	The Appropriation (Railways) Act, 2010
2010	7	The Appropriation (Railways) No.2 Act, 2010
2010	9	The Appropriation Act, 2010
2010	13	The Appropriation (No.3) Act, 2010
2010	45	The Appropriation (No.6) Act, 2010
2010	47	The Appropriation (Railways) No.6 Act, 2010
2012	14	The Appropriation (Railways) Act, 2012
2012	19	The Appropriation (No.2) Act, 2012

## **CHAPTER-9**

### **SUGGESTED CONSOLIDATION OF TWO OR MORE CENTRAL ACTS IDENTIFIED FOR RE-ENACTMENT INTO A SINGLE CENTRAL ACT**

#### **GROUP - I**

##### **LAWS RELATING TO PREVENTION OF IMPROPER USE OF CERTAIN EMBLEM and NAMES etc.**

**The Emblem and Names (Prevention of Improper Use) Act, 1950 and  
the State Emblem of India (Prohibition of Improper Use) Act, 2005**

##### **1. The Emblem and Names (Prevention of Improper Use) Act, 1950 (12 of 1950)**

The aforesaid Act has been enacted to prevent the improper use of certain emblems and names for professional and commercial purposes. Clause (a) of section 2 of the Act defines the term "emblem" which means (i) the name emblem or official seal of the United Nations Organization, (ii) the name, emblem or official seal of the World Health Organisation (iii) the Indian National Flag and (iv) the name, emblem or official seal of the Government of India or of any State or any other insignia or coat-of-arms used by any such Government or by a Department of any such Government. The aforesaid Act, *inter alia*, provides for the prohibition of improper use of certain emblems and names, prohibition of registration of certain companies etc., penalty (which may extend upto five hundred rupees) for contravention of provisions of the Act.

##### **2. The State Emblem of India (Prohibition of Improper Use) Act, 2005 (50 of 2005)**

The aforesaid Act has been enacted to prohibit the improper use of State Emblem of India for professional and commercial purposes and for matters connected therewith or incidental thereto. Clause (b) of section 2 of the Act defines the term "emblem" which means the State Emblem of India as described and specified in the Schedule to be used as an official seal of the Government. The aforesaid Act *inter alia* provides for prohibitio of improper use of emblem, prohibition of use of emblem for wrongful gain, prohibition of registration of certain companies etc., penalty which, *inter alia*, provides for two years imprisonment and with fine which may extend upto five thousand rupees for contravention of the provisions of the Act.

**The Committee feels that the two different Ministries administers the aforesaid two Acts which have common legislative intent and subject and the penal provision vary. In order to reduce multiplicity of Acts and administering Ministries and bring uniformity of the provisions both the aforesaid Acts, both these Acts should be repealed and re-enacted into a single legislation in the light of fundamental duties under article 51A of the Constitution.**

#### **GROUP-II**

##### **LAWS RELATING TO SAVINGS etc.**

**The Government Savings Bank Act, 1873 (5 of 1873), the Post Office Cash Certificates Act, 1917, the Government Savings Certificates Act, 1959 (46 of 1959) and the Public Provident Fund Act, 1968 (23 of 1968)**

### **3. The Government Savings Bank Act, 1873 (5 of 1873)**

The Government Savings Bank Act, 1873 (5 of 1873) has been enacted to amend the law relating to Government Savings Banks.

### **4. The Post Office Cash Certificates Act, 1917 (XVIII of 1917)**

The aforesaid Act has been enacted to restrict the transfer of post office five year cash certificates and provide for the payment of certificates standing in the name of deceased persons. The aforesaid Act was passed by the Indian Legislative Council and received the assent of the Governor General on the 19th September, 1917.

The aforesaid Act consists of three sections. Section 2 provides for the prohibition of transfer of Post Office 5 year cash certificates without the consent of the Post Master General and section 3 provides for payment on death of holder of Post Office 5 year cash certificate.

The aforesaid Act has become redundant in view of the enactment of Government Saving Certificates Act, 1959. Section 7 of the 1959 deals with payment on the death of holder and procedure for payment thereof.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 2 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the Act restricted the transfer of post office 5-year cash certificates and provided for the payment of certificates standing in the name of deceased persons. The Second Edition of the Post Office Savings Bank Manual (corrected up to 31st December 2006) specifies that 5-year post office cash certificates were discontinued from 14th June 1947. Consequently, this Act is now redundant. The Central Government should now repeal this Act. A suitable savings clause should be inserted in the repealing Act.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry i.e., Department of Posts while consolidating the different laws relating to saving as suggested under this Chapter.**

### **5. The Government Savings Certificates Act, 1959 (46 of 1959)**

The Government Savings Certificates Act, 1959 (46 of 1959) enacted to make certain provisions in respect of Government Savings Certificates.

### **6. The Public Provident Fund Act, 1968.(23 of 1968)**

The Public Provident Fund Act, 1968.(23 of 1968) enacted to provide for the institution of a provident fund for the general public.

The Government Savings Bank Act, 1873, the Government Savings Certificates Act, 1959 (46 of 1959) and the Public Provident Fund Act, 1968(23 of 1968) broadly relate to saving instruments. The Law Commission of India in its One Hundred and Fifty-ninth Report has recommended for merger of the Government Savings Bank Act, 1873 and Government Savings Certificates Act, 1959 with the Public Provident Fund Act, 1968.

**In view of above, the Committee feels that the aforesaid Acts may be repealed and re-enacted as a single legislation with suitable modifications in today's socio-economic context.**

## **GROUP-III**

### **LAW RELATING TO PUBLIC SECTOR BANKS**

**The State Bank of India Act, 1955 (23 of 1955), the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the State Bank of Hyderabad Act, 1956 (79 of 1956), the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) and the**

## **State Bank of Sikkim (Acquisition of Shares) and Miscellaneous Provisions Act, 1982 (62 of 1982)**

### **7. The State Bank of India Act, 1955 (23 of 1955)**

The State Bank of India Act, 1955 (23 of 1955) was enacted to constitute a State Bank of India, to transfer to it the undertakings of the Imperial Bank of India and to provide for other matters connected therewith or incidental thereto.

### **8.The State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959)**

The State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959) was enacted to provide for the formation of certain Government or Government associated banks as subsidiaries of the State Bank of India and for the constitution, management and control of subsidiary banks so formed, and for matters connected therewith, or incidental thereto

### **9.The State Bank of Hyderabad Act, 1956 (79 of 1956).**

The State Bank of Hyderabad Act, 1956 (79 of 1956) was enacted to transfer the share capital of the Hyderabad State Bank to the Reserve Bank of India and to provide for its proper management and other matters connected therewith or incidental thereto.

### **10.The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970)**

The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) was enacted to provide for acquisition and transfer of the undertakings of certain banking companies, having regard to their size, resources, coverage and organisation, in order to control the heights of the economy and to meet progressively, and serve better, the needs of development of the economy in conformity with national policy and objectives and for matters connected therewith or incidental thereto.

### **11.The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980)**

The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) was enacted to provide for acquisition and transfer of the undertakings of certain banking companies, having regard to their size, resources, coverage and organisation, in order further to control the heights of the economy, to meet progressively, and serve better, the needs of development of the economy and to promote the welfare of the people, in conformity with the policy of the State towards securing the principles laid down in clauses (b) and (c) of article 39 of the Constitution and for matters connected therewith or incidental thereto.

### **12.The State Bank of Sikkim (Acquisition of Shares) and Miscellaneous Provisions Act, 1982 (62 of 1982)**

The State Bank of Sikkim (Acquisition of Shares) and Miscellaneous Provisions Act, 1982 (62 of 1982) was enacted to provide, in the public interest, for the acquisition of certain shares of the State Bank of Sikkim for the purpose of better consolidation and extension of banking facilities in the State of Sikkim and for matters connected therewith or incidental thereto

**The Committee feels that all the aforesaid Acts governing the public sector Banks can be repealed and re-enacted into a single Act incorporating therein the common provisions regulating such Banks and protecting special provisions, if any for the existing employees and other officers and apply a uniform provisions prospectively to them pending the consideration and enactment of the Indian Financial Code with or without modification in today's socio-economic context.**

## **GROUP - IV**

### **LAWS RELATING TO INSURANCE**

#### **13. The Insurance Act, 1938. (4 of 1938)**

The aforesaid Act has been enacted to consolidate and amend the law relating to the business of insurance.

#### **14. The Marine Insurance Act, 1963 (11 of 1963)**

The aforesaid Act has been enacted to codify the law relating to marine insurance.

#### **15. The Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963)**

The aforesaid Act has been enacted to impose on employers a liability to pay compensation to workmen sustaining personal injuries and to provide for the insurance of employers against such liability.

#### **16. The Deposit Insurance Corporation (Amendment) Act, 1968 (56 of 1968)**

The aforesaid Act has been enacted to amend the Deposit Insurance Corporation Act, 1961 and had 14 sections out of which sections 2 to 4, 6 and 8 and 14 were repealed by the Act 56 of 1974. Only section 1, 5 and 7 are surviving.

#### **17. The Public Liability Insurance Act, 1991(6 of 1991)**

The aforesaid Act has been enacted to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance and for matters connected therewith or incidental thereto.

#### **18. The Insurance Regulatory and Development Authority Act, 1999 (41 of 1999)**

The aforesaid Act has been enacted to provide for the establishment of an Authority to protect the interests of holders of insurance policies, to regulate, promote and ensure orderly growth of the insurance industry and for matters connected therewith or incidental thereto.

#### **19. The Life Insurance Corporation Act, 1956 (31 of 1956)**

The aforesaid Act has been enacted to provide for the nationalisation of life insurance business in India by transferring all such business to a Corporation established for the purpose and to provide for the regulation and control of the business of the Corporation and for matters connected therewith or incidental thereto. The Financial Sector Legislative Reforms Commission (FSLRC) had examined the provisions of the aforesaid Act and recommended for enactment of Indian Financial Code and simultaneously recommended, *inter alia*, for repeal of the aforesaid Act.

#### **20. The General Insurance Business (Nationalisation) Act, 1972 (57 of 1972)**

The aforesaid Act has been enacted to provide for the acquisition and transfer of shares of Indian insurance companies and undertakings of other existing insurers in order to serve better the need of the economy by securing the development of general insurance business in the best interests of the community and to ensure that the operation of the economic system does not result in the concentration of wealth to the common detriment, for the regulation and control of such business and for matters connected therewith or incidental thereto.

**In view of above, the Committee feels that the aforesaid Acts may be repealed and re-enacted as a single legislation with suitable modifications in today's socio-economic context.**

<b>GROUP - V</b>
<b>SECURITIES AND COMMODITIES TRADING LAWS</b>
<b>21. The Securities Contracts (Regulation) Act, 1956 (42 of 1956)</b>
The aforesaid Act has been enacted to prevent undesirable transactions in securities by regulating the business of dealing therein, by prohibiting options and by providing for certain other matters connected therewith.
The Department of Economic Affairs <i>vide</i> its O.M. No.11/47/2012-Ad.V dated 15th September, 2014 has stated that that the aforesaid can be repealed only when the Indian Financial Code as proposed by FSLRC is enacted. The consultation process for IFC is in early stage.
<b>22. The Forward Contracts (Regulation) Act, 1952 (74 of 1952)</b>
The aforesaid Act has been enacted to provide for the regulation of certain matters relating to forward contracts, the prohibition of options in goods and for matters connected therewith.
The Department of Economic Affairs <i>vide</i> its O.M. No.11/47/2012-Ad.V dated 15th September, 2014 has stated that as a first step towards convergence, the FCRA Act is being amended so that the structure of the new commodities regulator, its framework and processes are broadly in line with SEBI.
<b>23. The Securities and Exchange Board of India Act, 1992 (15 of 1992)</b>
The aforesaid Act has been enacted to provide for the regulation of certain matters relating to forward contracts, the prohibition of options in goods and for matters connected therewith.
The Department of Economic Affairs <i>vide</i> its O.M. No.11/47/2012-Ad.V dated 15th September, 2014 has stated that that the aforesaid can be repealed only when the Indian Financial Code as proposed by FSLRC is enacted. The consultation process for IFC is in early stage.
<b>24. The Depositories Act, 1996 (22 of 1996)</b>
The aforesaid Act has been enacted to provide for regulation of depositories in securities and for matters connected therewith or incidental thereto.
<b>25. The Payment and Settlement Systems Act, 2007 (51 of 2007)</b>
The aforesaid Act has been enacted to provide for the regulation and supervision of payment systems in India and to designate the Reserve Bank of India as the authority for that purpose and for matters connected therewith or incidental thereto.
<b>In view of above, the Committee feels that the aforesaid Acts may be repealed and re-enacted as a single legislation with suitable modifications in today's socio-economic context.</b>
<b>GROUP - VI</b>
<b>LABOUR LAWS</b>
<b>Broadly, the Labour Laws can be classified under the categories, specified in the Annexure to this Chapter.</b>
<b>REPORT OF NATIONAL COMMISSION ON LABOUR</b>
The Second National Commission on Labour was constituted by the Resolution of the Government of India No. Z-20014/8/99-Coord dated 15 <sup>th</sup> October, 1999 ( <i>Refer Volume-IV, Part I</i> ) and the Terms of Reference of the said Commission inter alia included to take into account the emerging economic environment involving rapid technological changes, requiring response in terms of change in methods, timings and conditions of work in industry, trade and services, globalisation of economy, liberalisation of trade and industry and emphasis

on international competitiveness and the need for bringing the existing laws in tune with the future labour market needs and demands.

The Second National Commission on Labour gave its Report consisting of two volumes i.e. Volume consisting 1467 pages and volume 2 consisting of 284 pages.

Chapter IV of the aforesaid Report exclusively dealt with the Globalization and economic reforms. The National Commission on Labour (at page 310 of Vol. 1 of the Report) observes that the legal system should therefore promote bilateralism. Both parties must take up the responsibilities that devolve on them in bilateralist attempts to protect each other's interests and of society of which both are parts. Where differences persist in spite of genuine bilateral attempts, the law must enable contending views to be settled through mediation and arbitration, including compulsory arbitration where the disputes may lead to disruption of social life affecting public health, sanitation, drinking water supply, medical facilities and transport, and cause suffering to large sections of people who are unrelated to the disputes.

The Second National Commission on Labour at paras 10.72 and 10.73 of the Vol. 2 of the Report (*Refer Volume-IV, Part I*) recommended that the ITIs need to run market-driven courses, review and if necessary, revise curriculum every 5 years to keep it contemporary; give refresher training on new technologies and tools to teachers at ITIs and discontinue obsolete (not required by market) courses. 10.73 Further, to ensure effective involvement of industry in the training process, we recommend that some ITIs may be selected, on a pilot basis, for development into institutes of Excellence. They should be managed jointly with the industry.

The aforesaid Report gave lot of emphasis on the exemption of laws to the small scale industries under Chapter and also gave a draft Bill in Appendix – II to the Chapter V titled as “Approach to Review of Laws” and Skill Development under Chapter 10 of the Report (*Refer Volume-IV, Part I*).

Subsequently the Working Groups on Labour Laws and Other Labour Regulations was constituted by Planning Commission and its Report as accessed from the website. (*Refer Volume-IV, Part I*).

**The Committee suggests the merger of the following Acts relating to Labour broadly based on the Report of the National Commission on Labour, namely :-**

**The Payment of Wages Act, 1936 ( 4 of 1936), the Minimum Wages Act, 1948 ( of 1948), the Payment of Bonus Act, 1965 (21 of 1965) and the Equal Remuneration Act, 1976 (25 of 1976).**

The Second National Commission on Labour submitted in the year 2002 have given a draft law on wages under Appendix III to the Chapter – VI of the Report(*Refer Volume-IV, Part I*) repealing the payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Payment of Bonus Act 1965 and the Equal Remuneration Act, 1976 and replacing all the aforesaid Acts by one law titled as the Wages Act.

#### **26. The Payment of Wages Act, 1936 ( 4 of 1936)**

The aforesaid Act has been enacted to regulate the payment of wages to certain classes of persons employed in industry. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that no amendment is under consideration.

#### **27. The Minimum Wages Act, 1948 ( of 1948)**

The aforesaid Act has been enacted to provide for fixing minimum rates of wages in certain employments. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that the proposal to amend the Minimum

Wages Act, 1948 was placed before the Cabinet in its meeting held on 12.2.2014 and was referred to the Group of Ministers (GOM). Since the concept of GOM has been scraped, the amendment proposal was placed in the public domain for inviting suggestions in June 2014. Thereafter, the Draft Cabinet Note(DCN) was circulated for inter-ministerial consultations on 7<sup>th</sup> August, 2014. The DCN will now be referred to the Ministry of Law and Justice for vetting after approval of the competent authority. They further stated that it is proposed to provide for a National Floor Level Minimum Wage which would be reviewed and revised periodically on the basis of consumer expenditure survey published by NSSO, to make the coverage universal by removing the scheduled employment, to protect the interest of the employment by providing them revised minimum wages and to simplify the procedure.

### **28.The Payment of Bonus Act, 1965 (21 of 1965)**

The aforesaid Act has been enacted to provide for the payment of bonus to persons employed in certain establishments and for matters connected therewith. The Ministry of Labour and Employment *vide* their OM No.Z-20025/55/2014-Coord. dated the 15th September, 2014 has informed that the details of the amendment proposal in respect of the Payment of Bonus Act, 1965 are as under:-

- (i) Eligibility Limit: to be revised from Rs.10,000 to Rs.18,000 per month. [ Amendment of Section 2(13)]
- (ii) Calculation Ceiling: to be revised from Rs.3,500 to Rs.6,000 per month. (Amendment of Section 12)

They have further stated that the proposal has already been approved in the 46<sup>th</sup> Session of the Standing Labour Committee held on 31.01.2014. The proposal will now be placed before the Indian Labour Conference (ILC) in its next meeting. They also mentioned the reasons for the above amendments. They stated that since the enactment of the Payment of Bonus Act, 1965, section 2(13) and section 12 have been amended from time to time (1985, 1995 and 2007 (w.e.f. 1.4.2006)] due to periodical rise in salary or wage as well as rise in price index.

### **29.The Payment of Gratuity Act, 1972**

The aforesaid Act has been enacted to provide for a scheme for the payment of gratuity to employees engaged in factories, mines, oilfields, plantations, ports, railway companies, shops or other establishments and for matters connected therewith or incidental thereto. The Ministry of Labour and Employment *vide* their OM No.Z-20025/55/2014-Coord. dated the 15th September, 2014 has informed that no amendment is under consideration.

### **30.The Equal Remuneration Act, 1976 (25 of 1976)**

The aforesaid Act has been enacted to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto. The Ministry of Labour and Employment *vide* their OM No.Z-20025/55/2014-Coord. dated the 15th September, 2014 has not given any comments.

The National Commission on Labour have given a draft law on wages under Appendix III to the Chapter – VI of the Report (*Refer Volume-IV, Part I*) repealing the payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Payment of Bonus Act 1965 and the Equal Remuneration Act, 1976 and replacing all the aforesaid Acts by one law titled as the Wages Act. The Committees feels that the Payment of Gratuity Act, 1972 can be also included in the Umbrella legislation relating to wages.

**In view of above, the Committee feels that the aforesaid Acts may be repealed and re-enacted as a single legislation with suitable modifications in today's socio-economic context.**

**The Trade Union Act, 1926,  
the Industrial Employment (Standing Order) Act, 1946,**

## **the Industrial Disputes Act, 1947 and other States Labour Laws**

### **31. The Trade Union Act, 1926 (16 of 1926)**

The aforesaid Act has been enacted to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in India. The Ministry of Labour and Employment *vide* their OM No.Z-20025/55/2014-Coord. dated the 15th September, 2014 has informed that a proposal to amend Section 8 of the Trade Unions Act, 1926 to bring the provisions of liability to register Trade Unions in stipulated time, imposition , recovery and payment of cost in case of delay is presently under consideration.

### **32. The Industrial Employment (Standing Order) Act, 1946 (20 of 1946)**

The aforesaid Act has been enacted to require employers in industrial establishments formally to define conditions of employment under them and to make the said condition known to workmen employed by them. In view of the changing dynamics of employment and also in the light of change of the demography of the workforce across the world, the provisions of this Act need to be revisited and re-enacted.

### **33. The Industrial Disputes Act, 1947 (14 of 1947)**

The aforesaid Act has been enacted to make provision for the investigation and settlement of industrial disputes, and for certain other purposes, whereas it is expedient to make provision for the investigation and settlement of industrial disputes, and for certain other purposes hereinafter appearing.

The Ministry of Labour and Employment *vide* their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 (*Refer Volume-III, Part I*) has informed that a proposal to amend the Section 25 FFF(1) to bring Manufacturing Sector with in the ambit of the Act, as proposed by Department of Industrial Policy & Promotion is presently under consideration.

The Second National Commission on Labour in its Report (*Refer Volume-IV, Part I*) has recommended an Umbrella Legislation namely, the Labour Management Relations Act, 2002.,by repealing of the Trade Union Act, 1976, the Industrial Employment (Standing Order)Act, 1946, the Industrial Disputes Act, 1947, (including amendments made by the State Government, the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, the Bombay Industrial Relations Act, 1946, the Madhya Pradesh Industrial Relations Act, 1961U.P. Industrial Disputes Act and similar laws of other State Governments).

**The Committee feels that Umbrella Legislation can be enacted on the lines recommended by the National Commission on Labour with modifications in today's context as the Report was given in the year 2003.**

### **34. Proposed law relating to the Hours of Work, Leave, and Other Working**

#### **Conditions at the Workplace Act, 2002**

The National Commission on Labour has suggested an umbrella legislation mentioned in its Report (*Refer Volume-IV, Part I*) by repealing the Shops and establishments Acts of different States, Chapter VI and VII of the Mines Act, 1952, Chapter III, Chapter V, Chapter VI, ChapterVII & Chapter VIII of the Factories Act, 1948, Chapter III, Chapter IV &Chapter VI of the Building & Other Construction Workers (RE&CS) Act,1996, Contract Labour (R&A) Act, 1970, the Interstate Migrant Workmen(RE&CS) Act, 1979, the Motor Transport Workers Act, 1961, Cine Workers and Cinema Theatres Workers (Regulation of employment) Act, 1981, Bidi and Cigar Welfare (Conditions of Employment) Act, 1966 and Chapters I to VI A of the Plantation Labour Act, 1951.

Subsequent to the submission of Report of the Second National Commission on Labour, the following labour laws have been enacted, namely:-

- |       |  |
|-------|--|
| (i)   | The Payment of Wages (Amendment) Act, 2005 (41 of 2005)  |
| (ii)  | The Unorganised Workers' Social Security Act, 2008   |
| (iii) | The Workmen's Compensation (Amendment) Act, 2009   |
| (iv)  | The Payment of Gratuity (Amendment) Act, 2010  |
| (v)   | The Bill titled as "The Participation of Workers in Management Bill, 1990 has been pending in the Rajya Sabha. |
| (vi)  | The Employment Exchanges (Compulsory Notification of Vacancies) Bill, 2013                                     |

**The Committee feels that the Report of the Second National Commission on Labour may be re-visited and the legislation proposed by the Commission may be enacted with such modification as may be necessary in today's context.**

## **GROUP - VII**

### **LAWS RELATING TO CENTRAL UNIVERSITIES**

#### **35. The Banaras Hindu University Act, 1915 (16 of 1915)**

The aforesaid Act has been enacted to establish and incorporate a teaching and residential Hindu University at Banaras.

#### **36. The Aligarh Muslim University Act, 1920 (40 of 1920)**

The aforesaid Act has been enacted to establish and incorporate a teaching and residential Muslim University at Aligarh.

#### **37. The Delhi University Act, 1922 (8 of 1922)**

The aforesaid Act has been enacted to establish and incorporate a unitary teaching and residential University at Delhi.

#### **38. The Visva - Bharati Act, 1951 (29 of 1951)**

The aforesaid Act has been enacted to declare the institution known as "Visva-Bharati" to be an institution of national importance and to provide for its functioning as a unitary teaching and residential university.

#### **39. The Jawaharlal Nehru University Act, 1966 (53 of 1966)**

The aforesaid Act has been enacted to establish and incorporate a university in Delhi.

#### **40. The North-Eastern Hill University Act, 1973 (24 of 1973)**

The aforesaid Act has been enacted to establish and incorporate a teaching and affiliating University for the hill areas of the North-Eastern region.

#### **41. The University of Hyderabad Act, 1974 (39 of 1974)**

The aforesaid Act has been enacted to establish and incorporate a teaching University in the State of Andhra Pradesh and to provide for matters connected therewith or incidental thereto.

#### **42. The Pondicherry University Act, 1985 (53 of 1985)**

The aforesaid Act has been enacted to establish and incorporate a teaching and affiliating University in the Union Territory of Pondicherry and to provide for matters connected therewith or incidental thereto.

#### **43. The Jamia Millia Islamia Act, 1988 (58 of 1988)**

The aforesaid Act has been enacted to establish and incorporate a teaching University in the Union Territory of Delhi and to provide for matters connected therewith or incidental thereto.

#### **44. The Assam University Act, 1989 (23 of 1989)**

The aforesaid Act has been enacted to establish and incorporate a teaching and affiliating University in the State of Assam and to provide for matters connected therewith or incidental thereto.

#### **45. The Nagaland University Act, 1989 (35 of 1989)**

The aforesaid Act has been enacted to establish and incorporate a teaching and

affiliating university in the State of Nagaland and to provide for matters connected therewith or incidental thereto.

**46.The Tezpur University Act, 1993 (45 of 1993)**

The aforesaid Act has been enacted to provide for the extension of certain Central laws to the State of Arunachal Pradesh.

**47.The Babasaheb Bhimrao Ambedkar University Act, 1994 (58 of 1994)**

The aforesaid Act has been enacted to establish and incorporate a teaching and residential University in the State of Uttar Pradesh and to provide for matters connected therewith or incidental thereto.

**48.The Maulana Azad National Urdu University Act, 1996 (2 of 1997)**

The aforesaid Act has been enacted to establish and incorporate in University at the national level mainly to promote and develop Urdu language and to import vocational and technical education in Urdu medium through conventional teaching and distance education system and to provide for matters connected therewith or incidental thereto.

**49.The Mahatma Gandhi Antarrashtriya Hindi Vishwavidyalaya Act, 1996  
(3 of 1997)**

The aforesaid Act has been enacted to establish and incorporate a teaching University for the promotion and development of Hindi language and literature, through teaching and research, with a view to enabling Hindi to achieve greater functional efficiency and recognition as a major international language and to provide for matters connected therewith or incidental thereto.

**50.The Mizoram University Act, 2000 (8 of 2000)**

The aforesaid Act has been enacted to establish and incorporate a teaching and affiliating University in the State of Mizoram and to provide for matters connected therewith or incidental thereto.

**51.The University of Allahabad Act, 2005 (26 of 2005)**

The aforesaid Act has been enacted to declare the University of Allahabad to be an institution of national importance and to provide for its incorporation and matters connected therewith or incidental thereto.

**52.The Manipur University Act, 2005 (54 of 2005)**

The aforesaid Act has been enacted to establish and incorporate a teaching and affiliating University in the State of Manipur and to provide for matters connected therewith or incidental thereto.

**53.The English and Foreign Languages University Act, 2006 (7 of 2007)**

The aforesaid Act has been enacted to establish and incorporate a teaching University for promotion and development of English and other Foreign Languages and their Literature, and to provide for matters connected therewith or incidental thereto.

**54.The Rajiv Gandhi University Act, 2006 (8 of 2007)**

The aforesaid Act has been enacted to establish and incorporate a teaching and affiliating University in the State of Arunachal Pradesh and to provide for matters connected therewith or incidental thereto.

**55.The Tripura University Act, 2006 (9 of 2007)**

The aforesaid Act has been enacted to establish and incorporate a teaching and affiliating University in the State of Tripura and to provide for matters connected therewith or incidental thereto.

**56. The Sikkim University Act, 2006 (10 of 2007)**

The aforesaid Act has been enacted to establish and incorporate a teaching and affiliating University in the State of Sikkim and to provide for matters connected therewith or incidental thereto.

**57.The Indira Gandhi National Tribal University Act, 2007 (52 of 2007)**

The aforesaid Act has been enacted to establish and incorporate a teaching and affiliating University at Amarkantak in the State of Madhya Pradesh to facilitate and promote avenues of higher education and research facilities for the tribal population in India and to provide for matters connected therewith or incidental thereto.

**58.The Central Universities Act, 2009 (25 of 2009)**

The aforesaid Act has been enacted to establish and incorporate universities for teaching and research in the various States and to provide for matters connected therewith or incidental thereto. The aforesaid Act governs sixteen Central Universities.

A Committee was constituted (of which one member of this Committee was also member of that Committee) by HRD recommending governance of 39 Central Universities by a single Act,-

(i) maintaining the same Name of the University;  
(ii) protecting special objects of such universities;  
(iii) complaining certain legal requirements such as requiring resolutions under clause (1) of article 252 of the Constitution by the Legislatures of the States of Meghalaya and Nagaland because that university was established by that resolution/, reference of the Benaras Hindu University, the Aligarh Muslim University and Delhi University appear under the entry 63 of List – 1 of the Seventh Scheduled to the Constitution and therefore whether it would require amendment of Constitution/ universities declared to be Institute of National Importance continue to be same/ consent of the consent Government may be obtained, if required.

**The Committee had given its Report to the Ministry of Human Resource Development for governing 39 Central Universities (presently governed by the aforesaid 24 Central Acts) by Uniform single Central University Act, maintaining the same name of the Universities and their special features.**

**GROUP -VIII****LAWS RELATING TO FOREIGNERS/MATTERS  
RELATED TO THEM****59.The Registration of Foreigners Act, 1939 (XVI of 1939)**

The aforesaid Act has been enacted to provide for the registration of foreigners in India.

The Centre for Civil Society at Sl. No.85 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act is largely ineffective since there is no fool proof way of tracking whether all foreigners entering India are reporting themselves at all the required points. The Act has become a tool for harassing foreigners, and is damaging India's reputation as a welcoming tourist destination. Anecdotal evidence and newspaper reports cite long waiting lines, unclear instructions and frustrating bureaucracy, demands for bribes, and sexual harassment on account of this Act. In addition, cases alleging harassment of persons living on the borders under this Act have been reported from time to time. The Foreigners Act, 1946 and the Passport Act, 1967 provide sufficient powers to keep track of foreigners. Section 3 of the Foreigners Act empowers the government to issue orders prohibiting, regulating and restricting the entry of foreigners into India. Section 12 of the Passport Act makes failure to produce travel documents on demand by prescribed authorities and to comply with the conditions laid down in these documents a criminal offence. The government is further empowered, under Section 10, of the Passport Act to vary, impound or revoke any travel document for conviction under any offence. While the Passport Act provides reasonable opportunity to an aggrieved person to seek relief through appeal and provides protection at the time of arrest, search and seizure, the 1939 Act provides no such relief. Instead, it reverses the burden of proof upon the accused instead of the prosecution,

increasing chances of harassment. It further stated that there are no legal issues that would impede repeal.

The provision of the aforesaid Act may be revisited alongwith the provisions of the Foreigners Act, 1946 (31 of 1943) and if considered necessary, one single legislation could be brought forward to deal with the matters related to both the Acts.

#### **60.The Foreign Jurisdiction Act, 1947 (47 of 1947)**

The aforesaid Act has been enacted to provide for exercise of certain extra-provincial jurisdiction of the Central Government.

#### **61.The Foreign Marriage Act, 1969 (33 of 1969)**

The aforesaid Act has been enacted to provide for marriages of citizens of India outside India.

The Legislative Department, being the Ministry administering this Act, had stated *vide* D.O. No. 11(29)/2014-L.I dated 12th September, 2014, stated that the aforesaid Act needs to be revisited.

#### **62.The Foreign Trade (Development and Regulation) Act, 1922 (22 of 1922)**

The aforesaid Act has been enacted to provide for the development and regulation of foreign trade by facilitating imports into, and augmenting exports from, India and for matters connected therewith or incidental thereto.

#### **63.The Foreigners Act, 1946 (31 of 1946)**

The aforesaid Act has been enacted to confer upon the Central Government certain powers in respect of foreigners.

The aforesaid Act conferred upon the Central Government certain powers in respect of entry of foreigners into, their presence therein and their departure there from. Subsequent to that the Citizenship Act, 1955 and the Passport Act, 1967 were enacted and also the Overseas Citizenship of India scheme was launched. In view of the subsequent legislation, the Committee feels that the Foreigners Act, 1946 needs to be revisited and the provisions which would be harmonious to the later enactments be enacted so as to avoid any conflicting provision among these three enactments.

#### **64.The Foreigners Law (Application and Amendment) Act, 1962 (42 of 1962)**

The aforesaid Act has been enacted to apply the Registration of Foreigners Act, 1939 and the Foreigners Act, 1946 to certain persons to whom they do not at present apply and further to amend the Foreigners Act, 1946.

#### **65.The Passport Act, 1967 (15 of 1967)**

The aforesaid Act has been enacted to provide for the issue of passports and travel documents to regulate the departure from India of citizens of India and other persons and for matters incidental or ancillary thereto.

#### **66.The Passport (Entry into India) Act, 1920 (34 of 1920)**

The aforesaid Act has been enacted to take power to require passports of persons entering British India.

#### **67.The Reciprocity Act, 1943 (9 of 1943)**

The aforesaid Act has been enacted to make provisions on the basis of reciprocity in regard to entry into, travel, residence, the acquisition, holding or disposal of property, the enjoyment of educational facilities, the holding of public office, or the carrying on of any occupation, trade, business or profession in British India by, the franchise in British India of, persons domiciled in British Possessions.

## **68.The Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948 )**

The aforesaid Act has been enacted to provide for the administration of oaths by diplomatic and consular officers and to prescribe the fees leviable in respect of certain of their official duties.

The Legislative Department, being the Ministry administering this Act, had stated *vide* D.O. No. 11(29)/2014-L.I dated the 12th September, 2014, stated that the aforesaid Act requires revisiting.

**The provisions of the aforesaid Acts may be revisited and if considered necessary, one single umbrella legislation could be brought forward to deal with the matters related to foreigners.**

## **GROUP - IX ENVIRONMENT LAWS**

### **69.The Water (Prevention and Control of Pollution) Act, 1974**

An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

### **70.The Water (Prevention and Control of Pollution) Cess Act, 1977**

An Act to provide for the levy and collection of a cess on water consumed by persons carrying on certain industries and by local authorities, with a view to augment the resources of the Central Board and the State Boards for the prevention and control of water pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974.

### **71.The Forest (Conservation) Act 1980 (69 of 1980)**

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

### **72.The Air (Prevention and Control of Pollution) Act, 1981**

An Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972, in which India participated, to take appropriate steps for the reservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution;

AND WHEREAS it is considered necessary to implement the decisions aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution.

### **73.The Environment (Protection) Act, 1986 (29 of 1986)**

An Act to provide for the protection and improvement of environment and for matters connected therewith;

WHEREAS the decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate

steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property

**There are provisions in the other Acts also relating to Environment. Committee feels that one umbrella legislation relating to environment may be enacted.**

## **GROUP - X**

### **LAWS RELATING TO RAILWAYS**

#### **74. The Railway Board Act, 1905 (4 OF 1905)**

The aforesaid Act has been enacted to provide for investing the Railway Board with certain powers or functions under the Indian Railways Act, 1890. The Indian Railways Act, 1890 was repealed and re-enacted by Act 24 of 1989. In view of the repeal of 1890 Act, this Act has become redundant and irrelevant.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.88 of Appendix-A1 (166 Central Acts recommended for repeal by the Central Government).

The Planning Commission has also at serial No. 5 of its I.D.No.25/04/2014 OM & C dated 11th September,2014 has also recommended for its repeal.

The Ministry of Railways *vide* O.M. 2014/O & M/18/6 dated the 22nd October, 2014 stated that in view of the Legal Opinion, they opined that no change is required in the Indian Railway Board Act, 1905.

**The Committee also recommended for repeal and consolidation of the laws relating to Railways under Chapter 6. The Committee feels that the aforesaid Act can be repealed after consultation with the stake holders.**

#### **75. The Railway Companies (Emergency Provisions) Act, 1951 (51 of 1951)**

An Act to make provision for the proper management and administration of railway companies in certain special cases. This Act has been proposed to be repealed by the Committee.

#### **76. The Railway Protection Force Act, 1957 (23 of 1957)**

An Act to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property.

#### **77. The Railways (Employment of Members of the Armed Forces) Act, 1965 (40 of 1965)**

An Act to make certain provisions relating to the employment of members of the Armed Forces of the Union in the working and management of railways.

#### **78. The Railway Property (Unlawful Possession) Act, 1966 (29 of 1966)**

An Act to consolidate and amend the law relating to unlawful possession of railway property

#### **79. The Metro Railways (Construction of Works) Act, 1978**

An Act to provide for the construction of works relating to metro railways in the metropolitan cities and for matters connected therewith.

#### **80. The Calcutta Metro Railway (Operation and Maintenance)**

## **Temporary Provisions Act, 1985**

An Act to make temporary provisions for the operation and maintenance of the Calcutta metro railway and for matters connected therewith, pending the making of regular arrangements for such operation and maintenance.

### **81.The Railway Act, 1989 (24 of 1989)**

An Act to consolidate and amend the law relating to Railways

### **82.The Metro Railways (Amendment) Act, 2009 (34 of 2009)**

The aforesaid Act was enacted to amend the Delhi Metro Railway (Operation and Maintenance) Act, 2002 and the Metro Railways (Construction of Works) Act, 1978

**The Committee feels that the matters relating to Railways may be dealt in an umbrella legislation.**

## **GROUP - XI**

### **LAWS RELATING TO COMMERCE**

#### **83.The Foreign Trade (Development and Regulation) Act 1992 (22 of 1992)**

The aforesaid Act has been enacted to provide for the development and regulation of foreign trade by facilitating imports into, and augmenting exports from, India and for matter connected therewith or incidental thereto.

#### **84.The Special Economic Zones Act, 2005 (28 of 2005)**

The aforesaid Act has been enacted to provide for the establishment, development and management of the Special Economic Zones for the promotion of the exports and formatters connected therewith or incident thereto.

#### **85.The Tea Act, 1953 (29 of 1953)**

The aforesaid Act has been enacted to provide for the control by the Union of the tea industry, including the control, in pursuance of the International Agreement now in force, of the cultivation of tea in, and of the export of tea from, India and for that purpose to establish a Tea Board and levy a customs duty on tea exported from India.

#### **86.The Coffee Market Expansion Act, 1942 (VII of 1942)**

The aforesaid Act has been enacted to continue the provision made under ordinance No. XIII of 1940 for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India and by other means.

#### **87.The Rubber Board Act, 1947 (24 of 1947)**

The aforesaid Act has been enacted to provide for the development under central control of the rubber industry so far as regards the production and marketing of rubber, and for regulating the export from, and the import into, British India of rubber.

#### **88.The Spice Board Act, 1986**

The aforesaid Act has been enacted to provide for the constitution of a Board for the development of export of spices and for the control of cardamom industry including the control of cultivating of cardamom and matters connected therewith.

#### **89.The Agriculture and Food Products Exports Development Authority (APEDA) Act, 1985**

The aforesaid Act has been enacted to provide for the establishment of an Authority for the development and promotion of exports of certain agriculture and processed food products and for matters connected therewith.

## **90. The Export (Quality Control and Inspection) Act, 1963 (22 of 1963)**

The aforesaid Act has been enacted to provide for the sound development of the export trade of India through quality control and inspection and for matters connected therewith.

## **91. The Marine Products Export Development Authority (MPEDA) Act, 1972 (13 of 1972)**

The aforesaid Act has been enacted to provide for the establishment of an Authority for the development of the marine products industry under the control of the Union and for the matters connected therewith.

## **92. The Tobacco Board Act, 1975 (4 of 1975)**

The aforesaid Act has been enacted to provide for the development under the control of the Union of the tobacco industry.

**The Committee feels that the matters relating to Commerce may be dealt in an umbrella legislation.**

## **GROUP - XII**

### **The High Court Judges (Salaries and Conditions of Service) Act, 1954 (28 of 1954) and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (41 of 1958)**

### **93. The High Court Judges (Salaries and Conditions of Service) Act, 1954**

The aforesaid Act was enacted to regulate certain conditions of service of the Judges of the High Courts.

### **94. The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958**

The aforesaid Act was enacted to regulate certain conditions of service of Judges of the Supreme Court.

The Department of Justice vide their I.D. No. L-19017/12/2014-Jus Dated 10th September, 2014 has stated that High Court Judges (Salaries and Conditions of Service) Act, 1954 requires revisiting as certain provisions have become redundant and some provisions are to be amended and/or to be added. The proposal has been approved by the Hon'ble Minister of Law and Justice and has been referred to Department of Legal Affairs for advice. They further stated that the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 is proposed to be revisited on the lines of the High Court Judges Act, 1954. A proposal is yet to be formulated.

On perusal of the amendments made to both the Acts, the Committee found that the Amendments to the aforesaid Acts were made by a single amendment Act, namely:

- (i) the High Court and Supreme Court Judge (Conditions of Service) Amendment Act, 1980 (57 of 1980);
- (ii) the High Court and Supreme Court Judge (Conditions of Service) Amendment Act, 1985 (36 of 1985);
- (iii) the High Court and Supreme Court Judge (Conditions of Service) Amendment Act, 1986 (38 of 1986);
- (iv) the High Court and Supreme Court Judge (Conditions of Service) Amendment Act, 1988 (20 of 1988);

- (v) the High Court and Supreme Court Judge (Conditions of Service) Amendment Act, 1993 (2 of 1994);
- (vi) the Supreme Court and High Court Judge (Conditions of Service) Amendment Act, 1996 (20 of 1996);
- (vii) the High Court and Supreme Court Judge (Conditions of Service) Amendment Act, 1998 (18 of 1998);
- (viii) the High Court and Supreme Court Judge (Conditions of Service) Amendment Act, 2005 (46 of 2005);
- (ix) the High Court and Supreme Court Judge (Conditions of Service) Amendment Act, 2009 (23 of 2009);

**The Committee feels that the High Court Judges (Salaries and Conditions of Service) Act, 1954 (28 of 1954) and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (41 of 1958) can be repealed and merged into a single legislation.**

### **GROUP - XIII**

#### **LAWS RELATING TO EXPLOSIVES AND INFLAMMABLE SUBSTANCES**

**The Explosives Act, 1884 (IV of 1884), the Explosive Substances Act, 1908 (VI of 1908), the White Phosphorus Matches Prohibition Act, 1913 (V of 1913) and the Inflammable Substances Act, 1952 (XX of 1952)**

#### **95. The Explosives Act, 1884 (IV of 1884)**

The Explosives Act, 1884 was enacted to regulate the manufacture, possession, use, sale, transport and importation of Explosives. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 26th February, 1884. This Act inter alia contains provisions relating to power to make rules as to licensing of the manufacture, possession, use, sale, transport and importation of explosives and power of the Governor General in Council to prohibit the manufacture, possession or importation of specially dangerous explosives.

#### **96. The Explosive Substances Act, 1908 (VI of 1908)**

The Explosive Substances Act, 1908 was enacted further to amend the law relating to explosive substances. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 8th June, 1908. This Act inter alia contains provisions to define the term "explosive substances", punishment for causing explosion likely to endanger life or property, punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property, punishment for making or possession explosives under suspicious circumstances and punishment for abettors.

#### **97. The White Phosphorus Matches Prohibition Act, 1913 (V of**

## 1913)

The White Phosphorus Matches Prohibition Act, 1913 was enacted to prohibit the importation, manufacture and sale of matches made with white phosphorus. This Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 7th March, 1913.

The aforesaid Act contains 7 sections. Attention is invited to sections 4 to 6 of the aforesaid Act, which reads as under:—

[4. Prohibition of use of white phosphorus in manufacture of matches. (1) No person shall use white phosphorus in the manufacture of matches.

(2) Any person who uses, or permits the use by any person under his control of, white phosphorus in the manufacture of matches, shall be punishable with fine which may extend to two hundred rupees.

5. Power of Inspector of Factories to take samples of material used in manufacture. (1) Every person who manufactures matches shall allow an Inspector of Factories appointed under the Indian Factories Act, 1911 2, (12 of 1911.) at any time to take for analysis sufficient samples of any material in use or mixed for use, in such manufacture:

Provided that any such person may, at the time the sample is taken, and on providing the necessary appliances, require the Inspector to divide the sample so taken into two parts, and to mark, seal and deliver to him one part.

(2) Any person who refuses to permit any such Inspector of Factories as aforesaid to take a sample, in accordance with the provisions of sub-section (1), shall be punishable with fine which may extend to two hundred rupees.

6. Prohibition of sale. (1) No person shall sell, or offer or expose for sale, or have in his possession for the purposes of sale, any matches made with white phosphorus.

(2) Any person who contravenes the provisions of sub-section (1) may, on complaint to a Presidency Magistrate, Sub-divisional Magistrate or Magistrate of the first class, be ordered to forfeit any such matches in his possession, and any matches so forfeited shall be destroyed or otherwise dealt with as the Magistrate may direct.

Attention is also invited to the Explosive Substance Act, 1908 (VI of 1908), the relevant sections as amended by Act 54 of 2001 reads as under:—

### 2. Definitions.- In this Act,-

(a) the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement;

(b) the expression "special category explosive substance" shall be deemed to include research development explosive (RDX), pentaerythritol tetra nitrate (PETN), high melting explosive (HMX), tri nitro toluene (TNT), low temperature plastic explosive (L PE), composition exploding (CE) (2,4,6 phenyl methyl nitramine or tetryl), OCTOL (mixture of high melting explosive and tri nitro toluene), plastic explosive kirkee-1 (PEK-1) and RDX/TNT compounds and other similar type of explosive and a combination the eof and remote control devices causing explosion and any other substance and a combination thereof which the Central Government may, by notification in the Official Gazette, specify for the purposes of this Act.

### 3. Punishment for causing explosion likely to endanger life or Property [as amended by Act 54 of 2001] Any person who unlawfully and maliciously causes by-

(a) any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not,

be punished with imprisonment for life, or with rigorous imprisonment of either description which shall not be less than ten years, and shall also be liable to fine;

(b) any special category explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with death, or rigorous imprisonment for life, and shall also be liable to fine.

4. Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.- Any person who unlawfully and maliciously-

(a) does any act with intent to cause by an explosive substance or special category explosive substance, or conspires to cause by an explosive substance or special category explosive substance, an explosion of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance or special category explosive substance with intent by means thereof to endanger life, or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property in India, shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished,-

(i) in the case of any explosive substance, with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

(ii) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

5. Punishment for making or possessing explosives under suspicious circumstances.- Any person who makes or knowingly has in his possession or under his control any explosive substance or special category explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punished,-

(a) in the case of any explosive substance, with imprisonment for a term which may extend to ten years, and shall also be liable to fine;

(b) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.]

The Inflammable Substances Act, 1952 was enacted to declare certain substances to be dangerously inflammable and to provide for the regulation of their import, transport, storage and production by applying thereto the Petroleum Act, 1934, and the rules thereunder, and for certain matters connected with such regulation. This Act inter alia contains provisions for declaration of certain substances to be dangerously inflammable, power to apply Petroleum Act, 1934 to dangerously inflammable substances.

**The Committee feels that since more than one hundred has been elapsed since enactment of the three aforesaid Acts and 64 years have elapsed since enactment of the fourth Act. Therefore, these Acts require to be re-visited in today's context and all the aforesaid four Acts can be merged and re-enacted as a single legislation so as to reduce the multiplicity of the Acts on the Statute Book.**

**GROUP - XIV**  
**TELECOMMUNICATION AND BROADCASTING LAWS.**

**98. The Indian Wireless Telegraphy Act, 1933**

The aforesaid Act has been enacted to regulate the procession of the wireless telegraphy apparatus. The provisions of this Act need to be revisited as the means of communication have been changed considerably. The Committee feels that the concerned Ministry may revisit the provisions of this Act and re-enact with suitable modification as may be considered necessary.

**99. The Telegraph Wire (Unlawful Possession) Act, 1950**  
**(74 of 1950)**

The aforesaid Act has been enacted to regulate the possession of telegraph wires and to provide for the punishment of the offence of unlawful possession thereof.

The Centre for Civil Society at Sl. No.72 of its compendium of 100 laws to be repealed inter alia stated that India sent out its last telegram on 15 July 2013, after which the telegraph services were permanently shut down. Hence, this Act has become obsolete. It further stated that there are no legal implications arising from the repeal of the Act.

**100. The Telecom Regulatory Authority of India Act, 1997**  
**(24 of 1997)**

The aforesaid Act has been enacted to provide for the establishment of the Telecom Regulatory Authority of India and the Telecom Disputes Settlement and Appellate Tribunal to regulate the telecommunication services, adjudicate disputes, dispose of appeals and to protect the interests of services providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector and for matters connected therewith or incidental thereto.

**101. The Cable Television Networks (Regulation) Act, 1995**  
**(7 of 1995)**

The aforesaid Act has been enacted to regulate the operation of cable television networks in the country and for matters connected therewith or incidental thereto.

**102. The Prasar Bharati (Broadcasting Corporation of India) Act, 1990 (25 of 1990)**

The aforesaid Act has been enacted to provide for the establishment of a Broadcasting Corporation for India, to be known as Prasar Bharati, to define its composition, functions and powers and to provide for matters connected therewith or incidental thereto.

**103. The Information technology Act, 2000 (21 of 2000)**

The aforesaid Act has been enacted to provide legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as "electronic commerce", which involve the use of alternatives to paper-based methods of communication and storage of information, to facilitate electronic filing of documents with the Government agencies and further to amend the Indian Penal Code, the Indian Evidence Act, 1872, the Bankers' Books Evidence Act, 1891 and the Reserve Bank of India Act, 1934 and for matters connected therewith or incidental thereto.

Whereas the General Assembly of the United Nations by resolution A/RES/51/162, dated the 30<sup>th</sup> January, 1997 has adopted the Model Law on Electronic Commerce adopted by

the United Nations Commission on International Trade Law;

And WHEREAS the said resolution recommends inter alia that all States give favourable consideration to the said Model Law when they enact or revise their laws, in view of the need for uniformity of the law applicable to alternatives to paper-based methods of communication and storage of information;

And Whereas it is considered necessary to give effect to the said resolution and to promote efficient delivery of Government Services by means of reliable electronic records.

#### **104. The Indian telegraph Act, 1885 (13 of 1885)**

The aforesaid Act has been enacted to amend the law relating to Telegraphs in India.

**The Committee feels that the matters relating to Telecommunications may be dealt in an umbrella legislation.**

#### **GROUP - XV**

##### **POLICE REFORMS**

#### **105. The Police Act, 1861 (V of 1861)**

The aforesaid Act has been enacted to provide for regulation of Police. By efflux of time, this Act has become obsolete and needs to be repealed. P.C. Jain Commission has also recommended for its repeal (Sl. No.76), which is still in force.

**The Committee feels that the aforesaid Act should be repealed.**

#### **106. The Police Act, 1949**

In the light of the judgement of the Supreme Court in ... this Act may be revisited and re-enacted in the changed socio-economic environment.

#### **107. The State Armed Police Forces (Extension of Laws) Act, 1952 (63 of 1952)**

The aforesaid Act has been enacted to provide for the extension of disciplinary laws in force in any State relating to the armed police force of that State to members of the said force when serving outside that State. The Committee feels that the provisions of this may be revisited in view of impending police reforms.

#### **108. The Police Forces (Restriction of Rights) Act, 1966 (33 of 1966)**

The aforesaid Act has been enacted to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the members of the Forces charged with maintenance of public order so as to ensure the proper discharge of their duties and the maintenance of discipline among them. The Committee feels that this Act may be included for revisiting in the impending police reforms.

**The Committee feels that the aforesaid Act may be governed by the Umbrella Police legislation so far as Union territories are concerned and in respect of States the laws relating to Police may be re-enacted incorporating therein the directions of the Hon'ble Supreme Court in Prakash Singh v. Union of India.**

#### **GROUP - XVI**

##### **LAW RELATING TO EVIDENCE**

#### **109. The Indian Evidence Act, 1872 (1 of 1872)**

The aforesaid Act has been enacted to consolidate, define and amend the Laws of Evidence.

The Legislative Department *vide* its D.O. letter No. 11(29)/2014-L.I dated 12th September, 2014 has stated that Law Commission in its 69, 94 and 113 reports recommended

for amendments. Competent Authority has decided that implementation of all these reports may be taken up together for consideration. Law Commission in 185<sup>th</sup> report suggested amendment in section 166A and views of State Governments/UTs, all High Courts, Bar Councils and Supreme Court of India have been sought and comments Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Gujarat, Kerala, Manipur and Telangana and UT of Pondicherry have not been received.

Reminders issued on 21<sup>st</sup> July, 2014. The subject matter of the Reports relates to the List III- Concurrent List of the Seventh Schedule to the Constitution and as such views of the State Government have to be ascertained for implementation of the Report. In this process the matter has been delayed.

## **110. The Commercial Documents Evidence Act, 1939 (30 of 1939)**

The aforesaid Act has been enacted to amend the Law of Evidence with respect to certain commercial documents

The Legislative Department *vide* its D.O. letter No. 11(29)/2014-L.I dated 12th September, 2014 has stated that re-enactment and repeal is required in the light of socio-economic environment or the provisions with modifications may be made part of the Evidence Act.

## **111. The Bankers' Book Evidence Act, 1891 (18 of 1891)**

The aforesaid Act has been enacted to amend the Law of Evidence with respect to Bankers' Books.

The Legislative Department *vide* its D.O. letter No. 11(29)/2014-L.I dated 12<sup>th</sup> September, 2014 has stated that PC Jain Commission recommended to review the Act immediately and Re-enactment and repeal is required in the light of changing socio-economic environment.

The Department of Financial Services *vide* its D.O. letter No. 9/15/2014-Coord 12<sup>th</sup> September, 2014 has stated that all in vogue and amendments in the light of changing socio-economic environment have been/are being carried out. Further, there is always scope for amendments/modifications.

**The Committee feels that all the aforesaid three Acts may be revisited in the light of technological advancement and repeal all the aforesaid three Acts and enact a single law for Evidence incorporating therein with such modifications or omissions or additions as may be necessary in today's socio-economic context.**

## **GROUP - XVII**

### **Election Laws**

## **112. The Representation of the People Act, 1950 (43 of 1950)**

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.Idated 12th September, 2014 that the provisions of the Act are still in force and are being implemented. The Act has been amended from time to time depending on the changing requirement of the Government and the society.

## **113. The Representation of the People Act, 1951 (43 of 1951)**

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.Idated 12th September, 2014 that the provisions of the Act are still in force and are being implemented. The Act has been amended from time to time depending on the changing requirement of the Government and the society.

## **114. The Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952)**

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.Idated 12th

September, 2014 that the provisions of the Act are still in force and are being implemented. The Act has been amended from time to time depending on the changing requirement of the Government and the society.

### **115. The Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959)**

The Legislative Department vide their D.O. No. 11(29)/2014-L.Idated 12th September, 2014 that the whole Act require review.

### **116. The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 (11 of 1991)**

The Legislative Department vide their D.O. No. 11(29)/2014-L.Idated 12th September, 2014 that the Act has been amended from time to time depending on the changing requirement.

**The Committee feels that the matters relating to Elections to Parliament, State Legislatures, Offices of President, Vice-President, Disqualification on the grounds of Office of Profit, Conditions of Service of the Election Commissioners may be governed by an umbrella legislation relating to election laws.**

## **GROUP - XVIII**

### **Laws relating to Members of Parliament/Ministers**

#### **117. The Salaries and Allowances of the Officers of Parliament Act, 1953 (20 of 1953)**

The aforesaid Act has been enacted to provide for the salaries and allowances of certain officers of Parliament.

#### **118. The Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954)**

The aforesaid Act has been enacted to provide for the salaries and allowances of Members of Parliament.

#### **119. The Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977)**

The aforesaid Act has been enacted to provide for the salary and allowances of Leaders of Opposition in Parliament.

#### **120. The Leaders and Chief Whips of Recognized parties and Groups in Parliament (Facilities) Act, 1998 (5 of 1999)**

The aforesaid Act has been enacted to provide for facilities to Leaders and Chief Whips of recognised parties and groups in Parliament.

#### **121. The Vice-President's Pension Act (30 of 1997)**

The aforesaid Act has been enacted to provide for the payment of pension and other facilities to retiring Vice-Presidents.

#### **122. The Presidents' Emoluments and Pension Act (30 of 1951)**

The aforesaid Act has been enacted to provide for the payment of pensions to retiring Presidents

**The Committee feels that the matters dealt by under aforesaid Acts can be governed by a single umbrella legislation on the subject.**

## GROUP - XIX

### Electricity Laws

#### **123. The Electricity Act, 2003 (36 of 2003)**

The aforesaid Act has been enacted to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies, constitution of Central Electricity Regulatory Authority, Regulatory Commissions and establishment of Appellate Tribunal and for matters connected therewith or incidental thereto.

The Ministry of Power *vide* their OM No.30(06)/2014-R & R dated 8<sup>th</sup> October, 2014 has informed that proposal for certain amendments in Electricity Act, 2003 is under consideration base on the review done.

#### **124. The Energy Conservation Act, 2001 (52 of 2001)**

The aforesaid Act has been enacted to provide for efficient use of energy and its conservation and for matters connected therewith or incidental thereto.

The Ministry of Power *vide* their OM No.30(06)/2014-R & R dated 8th October, 2014 has given nil comments on this Act.

#### **125. The Damodar Valley Corporation Act, 1948 (XIV of 1948)**

The aforesaid Act has been enacted to provide for the establishment and regulation of a Corporation for the development of the Damodar Valley in the Provinces of Bihar and West Bengal.

The Ministry of Power *vide* their OM No.30(06)/2014-R & R dated 8th October, 2014 has given nil comments on this Act.

**The Committee feels that the matters dealt by under aforesaid Acts can be governed by a single umbrella legislation on the subject.**

## GROUP - XX

### Laws relating to Rivers

#### **126. The Interstate-River Water Disputes Act, 1956 (33 of 1956)**

The aforesaid Act has been enacted to provide for the adjudication of disputes relating to waters of inter-State rivers and river valleys.

The Ministry of Water Resources *vide* their communication No.L-56011/9/2014-PP(PLU) dated 16<sup>th</sup> Sep, 2014 has intimated that the Central Government has enacted ISRWD ACT, 1956 which is amended from time to time, fast amendment to the Act was made in March 2002 when the adjudication of water disputes by the Tribune/ was made time bound. Currently, the proposal for amendments in ISRWD Act is under consideration of the Ministry and is at conceptual stage.

#### **127. The River Board Act, 1956 (49 of 1956)**

The aforesaid Act has been enacted to provide for the establishment of River Boards for the regulation and development of inter-State rivers and river valleys.

The Ministry of Water Resources *vide* their communication No.L-56011/9/2014-PP(PLU) dated 16<sup>th</sup> Sep, 2014 has intimated that the A committee under Justice (Retd) T.S.Doabia was set up *vide* letter dated 613/2012 to study the activities that are required for the optimal development of a River basin and Changes that may be required in the existing River Board Act, 1956. The report of the Committee has been placed before National Forum

of Minister of Water Resources/irrigation of the &Mt and thereafter on the website of the Ministry of Water Resources for wider consultation. Copies have all been sent to State, Uts concerned. It has also been informed that the aforesaid Act require revisiting in whole after consultations with all States.

### **128.The Brahmaputra Board Act,1980 (46 of 1980)**

The aforesaid Act has been enacted to provide for the establishment of a Board for the planning and integrated implementation of measures for the control of floods and bank erosion in the Brahmaputra Valley and for matters connected therewith.

The Ministry of Water Resources vide their communication No.L-56011/9/2014-PP(PLU) dated 16<sup>th</sup> Sep, 2014 has intimated that the Standing Committee of Parliament on Water Resources at different for a have voiced their concem for revamping of the Brahmaputra Board. A Noda Group under the chairmanship of Chairman, CWC was constituted which recommended the man dale and the working structure of the strengthened organisation. On the basis of recommendation, the Draft Policy Document has been prepared and sent to all the North-Eastern States and West Bengal for their views. Accordingly, the draft Bill for Brahmaputra & Barak River Basin Authority In place of Brahmaputra Board Act, 1980 is under process the Ministry. It has also been stated that The proposal for 'Brahmaputra and Barak River Basin Authority' in place of Brahmaputra Board Act, 1980 is required as the existing Act could not provide strong framework for the Holistic Development of the Brahmaputra River Basin with regard to optimal utilisation of land, water and other natural resources of the Basin.

### **129.The Betwa River Board Act, 1976 (63 of 1976)**

The aforesaid Act has been enacted to provide for the establishment of a Board for the creation of a reservoir at Rajghat by construction, on behalf of the Government of Madhya Pradesh and Uttar Pradesh, of a dam on the Betwa river at Rajghat and for the regulation of such reservoir.

The Ministry of Water Resources vide their communication No.L-56011/9/2014-PP(PLU) dated 16th Sep, 2014 has intimated no comments in this regard.

### **130.The National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi-Hooghly River) Act, 1982(49 of 1982)**

The aforesaid Act has been enacted to provide for the declaration of the Allahabad-Haldia Stretch of the Ganga-Bhagirathi-Hooghly river to be a national waterway and also to provide for the regulation and development of that river for purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto.

### **131. The National Waterway (Sadiya-Dhubri Stretch of the Brahmaputra River) Act, 1988 (40 of 1988)**

The aforesaid Act has been enacted to provide for the declaration of the Sadiya-Dhubri Stretch of the Brahmaputra river to be a national waterway and also to provide for the regulation and development of the said of the said stretch of that river for purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto.

### **132. The National Waterway (Talcher-Dhamra Stretch of Rivers, Geonkhali-Charbatia Stretch of East Coast Canal, Charbatia-Dhamra Stretch of Matai River and Mahanadi Delta Rivers) Act, 2008 (23 of 2008)**

The aforesaid Act has been enacted to provide for the declaration of the Talcher-Dhamra stretch of Brahmani-Kharsua-Dhamra rivers, Geonkhali-Charbatia Stretch of East Coast Canal, Charbatia-Dhamra stretch of Matai river and Mahanadi delta rivers between Mangalgadi and Paradip in the States of West Bengal and Orissa to be a national waterway

and also to provide for the regulation and development of the said stretch of the rivers and the canals for the purposes of shipping and navigation on the said waterway and for the matters connected therewith or incidental thereto.

**133. The National Waterway (Kakinada-Puducherry Stretch of Canals and the Kaluvelly Tank, Bhadrachalam-Rajahmundry Stretch of River Godavari and Wazirabad Vijayawada Stretch of River Krishna) Act, 2008**  
**(24 of 2008)**

The aforesaid Act has been enacted to provide for the declaration of the Kakinada-Puducherry stretch of canals comprising of Kakinada canal, Commamur canal, Buckingham canal and the Kahuvelli tank, Bhadrachalam-Rajahmundry stretch of river Godavari and Wazirabad-Vijayawada stretch of river Krishna in the States of Andhra Pradesh and Tamil Nadu and the Union territory of Puducherry to be a national waterway and also to provide for the regulation and development of the said stretch of the rivers and the canals for the purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto.

**The Committee feels that the matters dealt by under aforesaid Acts can be governed by a single umbrella legislation on the subject.**

**GROUP - XXI**

**LAWS RELATING TO TAX LAWS**

**134. The Companies (Profits) Surtax Act, 1964 (7 of 1964)**

The aforesaid Act has been enacted to impose special tax on the profits of certain companies.

**135. The Taxation Laws (Continuation and Validation of Recovery Proceedings) Act, 1964 (11 of 1964)**

The aforesaid Act has been enacted to provide for the continuation and validation of proceedings in relation to Government dues and for matters connected therewith.

**The Financial Sector Legislative Reforms Commission has given a Report on 22nd March, 2013 proposing to repeal the 15 Central Acts hereafter to be governed by a single Indian Financial Code, and concerned Ministries have given their views mentioned under the Acts mentioned below:—**

**136. The Securities Contracts (Regulation) Act, 1956 (42 of 1956)**

The Department of Economic Affairs *vide* its O.M. No.11/47/2012-Ad.V dated 15 Sep, 2014 has stated that that the aforesaid can be repealed only when the Indian Financial Code as proposed by FSLRC is enacted. The consultation process for IFC is in early stage.

**137. The Securities and Exchange Board of India Act, 1992 (15 of 1992)**

The Department of Economic Affairs *vide* its O.M. No.11/47/2012-Ad.V dated 15 Sep, 2014 has stated that that the aforesaid can be repealed only when the Indian Financial Code as proposed by FSLRC is enacted. The consultation process for IFC is in early stage.

**138. The Depositories Act, 1996 (22 of 1996)**

The Department of Economic Affairs *vide* its O.M. No.11/47/2012-Ad.V dated 15 Sep, 2014 has stated that that the aforesaid can be repealed only when the Indian Financial Code as proposed by FSLRC is enacted. The consultation process for IFC is in early stage.

**139. The Public Debt Act, 1944 (18 of 1944)**

**140. The Government Securities Act, 2006 (38 of 2006)**

**141. The Reserve Bank of India Act, 1934 (2 of 1934)**

<b>142. The Insurance Act, 1938 (4 of 1938)</b>
<b>143. The Banking Regulation Act, 1949 (10 of 1949)</b>
<b>144. The Forward Contracts (Regulation) Act, 1952 (74 of 1952)</b>
The Department of Economic Affairs <i>vide</i> its O.M. No.11/47/2012-Ad.V dated 15 Sep, 2014 has stated that as a first step towards convergence, the FCRA Act is being amended so that the structure of the new commodities regulator, its framework and processes are broadly in line with SEBI.
<b>145. The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970)</b>
<b>146. The Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961)</b>
<b>147. The Foreign Exchange Management Act, 1999 (42 of 1999)</b>
The Department of Economic Affairs <i>vide</i> its O.M. No.11/47/2012-Ad.V dated 15 Sep, 2014 has stated that that the aforesaid can be repealed only when the Indian Financial Code as proposed by FSLRC is enacted. The consultation process for IFC is in early stage
<b>148. The Insurance Regulatory and Development Authority Act, 1999 (41 of 1999)</b>
The aforesaid Act has been enacted to provide for the establishment of an Authority to protect the interests of holders of insurance policies, to regulate, promote and ensure orderly growth of the insurance industry and for matters connected therewith or incidental thereto and further to amend the Insurance Act, 1938, the Life Insurance Corporation Act, 1956 and the General Insurance Business (Nationalisation) Act, 1972.
<b>149. The Payment and Settlement Systems Act, 2007 (51 of 2007)</b>
The aforesaid Act has been enacted to provide for the regulation and supervision of payment systems in India and to designate the Reserve Bank of India as the authority for that purpose and for matters connected therewith or incidental thereto.
<b>150. The Acts establishing bodies corporate involved in the financial sector (for example, The State Bank of India Act, 1955 (23 of 1955) and The Life Insurance Corporation Act, 1956 (31 of 1956)).</b>
Since the Financial Sector Legislative Reforms Commission (FSLRC) had examined the provisions of this Act recommended for enactment of Indian Financial Code and simultaneously recommended <i>inter alia</i> for repeal of this Act, the Committee feels that this Act may be revisited in the light of the recommendations of the FSLRC.

## Annexure

Sl. No.	Name of the Act
<b>(a) Labour laws enacted by the Central Government, where the Central Government has the sole responsibility for enforcement</b>	
1.	<p><b>The Employees' State Insurance Act, 1948</b></p> <p>This Act is made to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that no amendment is under consideration.</p>
2.	<p><b>The Employees' Provident Fund and Miscellaneous Provisions Act, 1952</b></p> <p>An Act to provide for the institution of Provident funds for employees in factories and other establishments. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that proposal for comprehensive amendments to the Act is under consideration including revising the number of employees in an establishment for coverage, constitution of the Board, definition of various terms such as wages, employee, voluntary contribution, appellate officer, period of limitation for determination of dues, constitution of appellate tribunal, provision for penalty for non-supply of returns.</p>
3.	<p><b>The Dock Workers (Safety, Health and Welfare) Act, 1986</b></p> <p>An act to provide for the safety, health and welfare of dock workers and for matters connected therewith. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has not offered any comments on this Act.</p>
4.	<p><b>The Mines Act, 1952</b></p> <p>An Act to amend and consolidate the law relating to the regulation of labour and safety in mines. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that the Mines Amendment Bill was introduced in Rajya Sabha in March, 2013 and was referred to the Standing Committee for examination. Based on the report of the Standing Committee, a Cabinet Note was submitted for consideration of the Cabinet. The Ministry of Mines objected to the issue of inclusion of definition of foreign company in the amendment bill since there is no provision of granting leases to the foreign companies under the MMDS Act. As per the decision of the Cabinet dated 06.09.2012, the Ministry of labour &amp; Employment was directed to discuss the issue with the Ministry of Mines and thereafter to bring supplementary note for the consideration of the Cabinet. The concerns of Ministry of Mines have been sorted out. After completing the process as directed by the Cabinet, the proposal was again sent the Note to the</p>

	Cabinet Secretariat for placing it before the Cabinet. The Cabinet considered the proposal in its meeting held on 09.05.2013 and decided that "matter relating to definition of owner, continuation of liability and other related provisions be appropriately reformulated by the Minister of Labour & Employment in consultation with the Minister of Communication and Information Technology, the Minister of Coal and the Minister of Mines and the proposal may, thereafter, be brought for consideration of the Cabinet." The matter is being sorted out from concerned Ministries.
5.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare (Cess) Act, 1976
	An Act to provide for the levy and collection of a cess on iron ore, manganese ore and chrome ore for the financing of activities to promote the welfare of persons employed in the iron ore mines, manganese ore mines and chrome ore mines and for matters connected therewith or incidental thereto. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that no amendment is under consideration.
6.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labor Welfare Fund Act, 1976
	An Act to provide for the financing of activities to promote the welfare of persons employed in the iron ore mines, manganese ore mines and chrome ore mines. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that that no amendment is under consideration.
7.	The Mica Mines Labour Welfare Fund Act, 1946
	An Act to constitute a fund for the financing of activities to promote the Welfare of labour employed in the mica mining industry. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that that no amendment is under consideration.
8.	The Beedi Workers Welfare Cess Act, 1976
	An Act to provide for the levy and collection, by way of cess, a duty of excise on manufactured beedis. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that that no amendment is under consideration.
9.	The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972
	An Act to provide for the levy and collection of a cess on limestone and dolomite for the financing of activities to promote the welfare of persons employed in the limestone and dolomite mines. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that that no amendment is under consideration.
10.	The Cine Workers Welfare (Cess) Act, 1981

	An Act to provide for the levy and collection of a cess on feature films for the financing of activities to promote the welfare of cine workers. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that that no amendment is under consideration.
11.	The Beedi Workers Welfare Fund Act, 1976
	An Act to provide for the financing of measures to promote the welfare of persons engaged in beedi establishments. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that that no amendment is under consideration.
12.	The Cine Workers Welfare Fund Act, 1981
<b>(b) Labour laws enacted by Central Government and enforced both by Central and State Governments</b>	
13.	The Child Labour (Prohibition and Regulation) Act, 1986.
	An Act to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that the Child Labour (Prohibition & Regulation) Amendment Bill was introduced in the Rajya Sabha in Dec., 2012. The report of the Parliamentary Standing Committee on Labour has since been received. The Ministry agrees with many of the recommendations of the Committee. It had also carried out public consultation on the amendment bill and the recommendations of the Committee. Official amendments are in the process of being drafted in consultation with the Ministry of Law.
14.	The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996.
	An Act to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures and for other matters connected therewith or incidental thereto. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that the Cabinet approved the proposal to carry out the amendments in the Acts. Accordingly, the bill viz. The Building and Other Construction Workers Related Laws (Amendment) Bill, 2013 was introduced in Rajya Sabha on 18 <sup>th</sup> March, 2013. The bill seeks to amend the Acts as under:  It is proposed to include the Union territories within the definition of

appropriate Government under clause (a) of sub-section (1) of section 2 of the BOCW(RECS) Act.

To empower the Central Government to specify the maximum cost of construction which shall fall within the definition of establishment under clause (j) of sub-section (1) of section 2 of BOCW (RECS) Act.

The existing condition of ninety days work certificate for registration under the BOCW (RECS) Act is a major handicap. Workers are finding it difficult to register themselves with the Workers Welfare Board as they do not get ninety days work certificate from the employer on account of migration from one site to another construction site. Most of the employers employing building and other construction workers do not give any certificate to the construction workers. In order to overcome this difficulty the provision of engagement of ninety days requires to be done away with. Moreover, the criteria of upper age limit of sixty years is proposed to be done away with in order to extend benefits to the workers who are engaged in building and construction work after attaining the age of sixty years.

In many States the Welfare Board has not been constituted with its full manpower. It is proposed that till such time a Board is formally constituted by the State Government as stipulated under section 18, the following committee shall perform all or any function of the Board:

- Principal Secretary/ Secretary Labour;
- Principal Secretary/ Secretary Finance or his representative;
- Principal Secretary/ Secretary Planning or his representative;
- Principal Secretary/ Secretary Social Welfare or his representative;

As per sub-section (3) of section 24 of the BOCW(RECS) Act, 1996 a ceiling of five percent of the expenditure has been prescribed for incurring expenditure towards salaries, allowances and other remunerations to the members, officers and other employees and administrative expenses of the Board.

In view of the recommendations of the Central Advisory Committee, it is proposed that expenses for meeting administrative and other expenses shall not exceed such percentage of total expenses as may be notified by the Central Government.

It is proposed to empower the Central Government to appoint such number of Director Generals not exceeding ten to coordinate with the Central Government in carrying out its responsibility of laying down the standard of inspection and to exercise the power of an Inspector.

The definition of the 'employer' has not been incorporated in BOCW Welfare Cess Act. This needs to be included as given in the main Act.

It is proposed to provide a period of 30 days to deposit the cess to the Board under Section 3 of the BOCW Welfare Cess Act. At present, no time limit has been prescribed under the present provisions.

It is proposed to include the State Governments under sub-section 3 of

	<p>Section 12 of the BOCW Welfare Cess Act so as to enable the State Governments to file complaints for contravention of the provisions of the Act.</p> <p>The Bill was referred to the Standing Committee on Labour for examination and report. The Committee, after deliberation with the Ministry and other stakeholders, presented its report to the Hon'ble Speaker, Lok Sabha on 15<sup>th</sup> March, 2014.</p> <p>In order to examine the recommendations of the Standing Committee on Labour, an Inter-Ministerial Committee has been constituted . The suggestions of the Inter -Ministerial Committee are under examination of the Ministry.</p>
15.	<p>The Contract Labour (Regulation and Abolition) Act, 1970.</p> <p>An Act to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that the focus of the proposal is to(i) ensure same wages and social security to the Contract workers at par with the regular workers (ii) for provision for agreement between the contractor and the Principal Employer in respect of wages and social security. Under the proposal the provision under rule 25 sub para (v)( a) of para 2 was to be brought to the main act and included as section 16 A of the Act. The proposed section 16A will be read as</p> <p><u>Wages</u>: "In case where the contract labour perform the same or similar kind of work as the workmen directly appointed by the Principal Employer the wage rates, holidays, social security provisions of contract labour shall be the same as are available to the directly appointed workmen on the rolls of the Principal.</p> <p><u>Employer</u>'. This would strengthen the implementation of the provision to ensure equal remuneration for Contract workers who perform the same or similar kind of work as regular workmen directly employed by the Principal Employer.</p>
16.	<p>The Equal Remuneration Act, 1976.</p> <p>The aforesaid Act has been enacted to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has not given any comments.</p>
17.	<p>The Industrial Disputes Act, 1947.</p> <p>The aforesaid Act has been enacted to make provision for the investigation and settlement of industrial disputes, and for certain other purposes, whereas it is expedient to make provision for the investigation and settlement of industrial</p>

	disputes, and for certain other purposes hereinafter appearing. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that a proposal to amend the Section 25 FFF(1) to bring Manufacturing Sector with in the ambit of the Act, as proposed by Department of Industrial Policy & Promotion is presently under consideration.
18	The Industrial Employment (Standing Orders) Act, 1946.
	An Act to require employers in industrial establishments formally to define conditions of employment under them. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that no amendment is under consideration.
19.	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
	An Act to regulate the employment of inter-State migrant workmen and to provide for their conditions of service and for matters connected therewith. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that the Cabinet had approved the proposal of this Ministry to amend the Inter-State Migrant Workmen (Regulation of Employment & Conditions of service) Amendment Bill, 2011 on 7 <sup>th</sup> July, 2011 and to introduce a Bill viz. Inter-State Migrant Workmen (Regulation of Employment & Conditions of service) Bill, 2011 in the Parliament. The Bill was introduced in Rajya Sabha on 18.08.2011.  The Bill was referred to the Standing Committee on Labour by Speaker, Lok Sabha on 24.8.2011 for examination and report. The Committee recommended that the Bill should be returned to the Government with a request to bring a comprehensive amendment Bill so that the problem of the migrant workers could be addressed in entirely. The same is under consideration of the Government.
20.	The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988
	An Act to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws. The Ministry of Labour and Employment vide their OM No.Z-20025/55/2014-Coord. Dated 15th September, 2014 has informed that the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment Bill, 2011 was introduced in Rajya Sabha on 23.03.2011.  The Bill was referred to the Parliamentary Standing Committee on Labour on 01.04.2011 for examination and report. The Committee has since presented its Report in Lok Sabha on 20.12.2011.
	The observations and recommendations of the Committee contained in

their Report have been examined. The Ministry agrees with many of the recommendations.

Approval of the Cabinet for moving official amendments in the Labour Laws (Exemption From Furnishing Returns And Maintaining Registers By Certain Establishments) Amendment, Bill, 2011 was obtained in July, 2014 . Notice for moving official amendments has been sent to Rajya Sabha on 06.08.2014 for taking up and passing the Bill .

The main features of the proposed Amendments are:

The nomenclature of the Act is being changed to "The Labour Laws (Simplification of Procedure for Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988".Continuing with the existing method of defining establishments as

'very small', and 'small' with the change that the 'small' establishments would now cover the establishments employing the existing provision of 10 to 19 workers.

- Small establishments will be required to maintain two registers as against the existing provision of maintaining three registers.
- to amend the Second Schedule of the Bill so as to substitute the date of submission of Annual Return in Form I from "31<sup>st</sup> January" for the year ending on 31<sup>st</sup> December" to "30<sup>th</sup> April" for the year ending on 31<sup>st</sup> March";
- to amend the Second Schedule of the Bill so as to insert an Annexure in Form I to provide the names and address of employees / workers;
- allow maintaining of registers or records in computer, floppy, diskette or on other electronic media and submitting return through electronic form

After passing of the Bill by Rajya Sabha, the same will be moved to Lok Sabha for consideration and passing. The amendments will ease the compliance burden on 'small' and 'very small' establishments by reducing the number of returns filed and registers required to be maintained. The amendments will also enable maintenance of records and filing of returns in electronic form.

21.	The Maternity Benefit Act, 1961
22.	The Minimum Wages Act, 1948
23.	The Payment of Bonus Act, 1965
24.	The Payment of Gratuity Act, 1972

25.	The Payment of Wages Act, 1936
26.	The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
27.	The Building and Other Construction Workers Cess Act, 1996
28.	The Apprentices Act, 1961
<b>(c) Labour laws enacted by Central Government and enforced by the State Governments</b>	
29.	The Employers' Liability Act, 1938
30.	The Factories Act, 1948
31.	The Motor Transport Workers Act, 1961
32.	The Personal Injuries (Compensation Insurance) Act, 1963
33.	The Personal Injuries (Emergency Provisions) Act, 1962
34.	The Plantation Labour Act, 1951
35.	The Sales Promotion Employees (Conditions of Service) Act, 1976
36.	The Trade Unions Act, 1926
37.	The Weekly Holidays Act, 1942
38.	The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955
39.	The Workmen's Compensation Act, 1923
40.	The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959
41.	The Children (Pledging of Labour) Act 1938
42.	The Bonded Labour System (Abolition) Act, 1976
43.	The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
<b>(d) There are also Labour laws enacted and enforced by the various State Governments which apply to respective States.</b>	



## **CHAPTER-10**

### **CENTRAL ACTS IDENTIFIED FOR RE-ENACTMENT OR REVIEW THEREOF**

#### **1. The Coasting Vessels Act, 1838 (19 of 1838)**

The aforesaid Act has been enacted to provide for the rules as to coasting and other vessels belongs to any citizen of India and matters connected therewith. The aforesaid Act provides the rules for registration etc. of the coasting vessels and other vessels.

By efflux of time and scientific advancement, this Act has become obsolete. P.C. Jain Commission has recommended for its repeal at Sl. No. 45 of Annexure A-1 (166 Central Acts recommended for repeal).

The Planning Commission has also at serial no. 2 of its *vide* I.D.No.25/04/2014-OM&C dated the 9th September,2014 has also recommended for its repeal.

**The Committee feels that the aforesaid Act may be considered for re-enactment, if necessary by the concerned Ministry in today's socio-economic context..**

#### **2. The Legal Representatives' Suits Act, 1855 (12 of 1855)**

The aforesaid Act has been enacted to enable Executors, Administrators or Representative to sue and be sued for certain wrongs.

The aforesaid Act, *inter alia*, contains provisions for the Executors, Administrator or Representative of any deceased to sue or be sued in certain cases for wrongs committed in the life time of a deceased person. It also provides that the death of the either party not to abate the suit.

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.I dated the 12th September, 2014 stated that the Act is required to be repealed as it is outdated Law but silent on the other reasons therefor [*Refer Volume-III, Part II*].

**The Committee feels that the aforesaid Act is required to be re-visited in the light of the confiscation of the property or filing proceedings against or by a person for wrongs committed in the life time of a deceased person contained therein.**

#### **3. The Fatal Accidents Act, 1855 (XIII of 1855)**

The aforesaid Act has been enacted to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.

The Law Commission of India in its 111th Report had recommended for repeal and re-enactment of this Act.

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.I dated the 12th September, 2014 intimated that Action initiated to implement the recommendations of Law Commission for enactment of new act and repeal of this Act. Views of State Governments/UTs have been sought but the comments of Andhra Pradesh and Telangana have not been received [*Refer Volume-III, Part II*].

**The Committee feels that this Act may be re-examined and re-enacted as recommended by the Law Commission of India in its 111th Report.**

#### **4. The Press and Registration of Books Act, 1867 (25 of 1867)**

The aforesaid Act has been enacted for the regulation of Printing-presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.

A Bill titled the Press and Registration of Books and Publications Bill, 2011 to amend and consolidate the laws relating to press and registration of books and publications was introduced in Lok Sabha on 16th December, 2011. It was referred to the Standing Committee, which submitted its Report on 20.12.2012. The administrative Ministry invited

comments on the revised draft Bill but in the meanwhile, the Bill lapsed on the dissolution of 15th Lok Sabha.

**Since, the aforesaid Bill has been examined and reported by the Hon'ble Standing Committee, the Committee has not examined aforesaid Bill and feels that the administrative Ministry may introduce the aforesaid Bill with such modifications as may be necessary in today's context as three years have elapsed after its introduction in the Parliament.**

### **5.The Indian Treasure Trove Act, 1878 (6 of 1878)**

The aforesaid Act has been enacted to amend the law relating to Treasure-trove.

Section 4 of the aforesaid Act contains provision for notice by finder of treasure exceeding an amount or value of ten rupees is found, the finder shall, as soon as practicable, give to the Collector notice in writing. Section 9 of the aforesaid Act, *inter alia*, contains provisions for filing an appeal by the aggrieved person under the aforesaid Act to the Chief Controlling Revenue Authority and subject to such appeal, every such declaration shall be final and conclusive. The penal provision under section 20 of the aforesaid Act also provides for imprisonment up to one year or with fine or with both. Similarly the other provisions are also require revisiting in today's context as the aforesaid Act has not been amended since its enactment. The provisions of the aforesaid Act can be used to harass the farmers and other economically deprived persons due to low value of the treasure i.e., rupees ten mentioned therein.

**The Committee feels that the aforesaid Act may be re-enacted in today's context.**

### **6.The Indian Trusts Act, 1882 (2 of 1882)**

The aforesaid Act has been enacted to define and amend the law relating to Private Trusts and Trustees. The said Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 13th January, 1882.

Legislative Department vide their D.O. No. 11(29)/2014-Leg.I dated the 12th September, 2014 at Sl. No. 28 of the Annexure to the aforesaid D.O. [Refer Volume-III, Part I] has informed that—

- [(i) P.C. Jain Commission recommended to review the Act immediately.
- (ii) Law Commission in its 17<sup>th</sup> Report recommended for amendment in the Act. Views of State Governments/UTs have been sought, as the subject matter of the Report relates to the List III - Concurrent List of the Seventh Schedule to the Constitution. Comments of two States viz., Andhra Pradesh and Telangana have not been received. Reminders issued on 7<sup>th</sup> August, 2014.
- (iii) The 9<sup>th</sup> Report titled "Social Capital - A Shared Destiny" of the 2<sup>nd</sup> Administrative Reforms Commission was referred to the Law Commission on 20<sup>th</sup> January 2009 by this Department for giving its considered report on the feasibility of making a model legislation covering trusts and societies *in lieu* of several existing laws in this regard.
- (iv) Act is required to be re-enacted in the light of international obligations regarding beneficial ownership.]

**The administrative Ministry may take steps for repeal and re-enactment of the aforesaid Act in today's socio-economic context.**

### **7. The Suits Valuation Act, 1887 (VII of 1887)**

The aforesaid has been enacted to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto.

The Legislative Department vide their D.O. No. 11(29)/2014-L.I dated the 12th September, 2014 stated that the re-enactment and repeal is required in the light of changing socio economic environment [Refer Volume-III, Part I].

**The aforesaid Act was enacted more than one hundred and twenty- five years ago and needs to be re-visited and re-enacted in the light of the changing socio economic environment.**

## **8. The Epidemic Diseases Act, 1897 (III of 1897)**

The aforesaid Act has been enacted to provide for better prevention of the spread of Dangerous Epidemic Disease.

Section 2A of the aforesaid Act confers powers upon the Central Government for taking measures in the case of outbreak of dangerous epidemic diseases. The aforesaid section 2A reads as under:—

"2A. When the Central Government is satisfied that India or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease and that the ordinary provisions of the law for the time being in force are insufficient to prevent the outbreak of such disease or the spread thereof, the Central Government may take measures and prescribe regulations for the inspection of any ship or vessel leaving or arriving at any port in the territories to which this Act extends and for such detention thereof, or of any person intending to sail therein, or arriving thereby, as may be necessary."

Section 3 of the aforesaid Act provides for penalty. Section 3 of the aforesaid Act reads as under:—

"3. Any person disobeying any regulation or order made under this Act shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code (45 of 1860)."

Section 188 of Indian Penal Code contains penal provisions for Disobedience to order duly promulgated by public servant. The aforesaid section 188 of the Indian Penal Code, *inter alia*, provides punishment for imprisonment for one month or with fine which may extend to two hundred rupees, or with both and in certain cases for imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

The P.C. Jain Commission has recommended for its repeal at Sl. No. 133 of Appendix A-1 (166 Central Acts recommended for repeal).

**The Committee has deliberated on the repeal of this Act and feels that it needs to be re-enacted in view of today's socio-economic context than repealing it straight away as recommended by the P.C. Jain Commission.**

## **9. The Indian Post Office Act, 1898 (6 of 1898)**

The aforesaid Act has been enacted to consolidate and amend the law relating to the Post Offices in India.

The Department of Posts *vide* their communication No. 1-1/2014-PO dated the 24th September, 2014 [*Refer Volume-III, Part I*] has informed that the aforesaid Act is in force and would require revisiting/amendment as a whole in the light of changing business environment and IT modernization project currently under implementation

**The Committee feels that in today's socio-economic context, the infrastructure of the post offices can be used for the purposes of making available the various products of savings and social security and pension (such as insurance policies, pension products, saving instruments) to the citizens of India residing in the rural areas, where the companies are reluctant to open their offices due to economic reasons and the aforesaid Act may be re-enacted in the light of present socio-economic context.**

## **10. The Live-stock Importation Act, 1898 (IX of 1898)**

The aforesaid Act has been enacted to make better provision for the regulation of the importation of live-stock. By efflux of time, the Act lost its relevance and needs to be repealed. P.C. Jain Commission has recommended for its repeal at Sl. No. 1 of Appendix-A-1 (166 Central Acts to be repealed by the Central Government). The Law Commission of India in its 248th Report has also recommended for its repeal at Sl. No. 38 under Chapter 4 of the Report..

The Agricultural Bio-security Bill, 2013 was introduced in the Lok Sabha to provide for establishment of an Authority for prevention, control, eradication and management of pests and diseases of plants and animals and unwanted organisms for ensuring agricultural

bio-security and to meet international obligations of India for facilitating imports and exports of plants, plant products, animals, animal products, aquatic organisms and regulation of agriculturally important micro organisms and for matters connected therewith or incidental thereto.

Sub-clause (1) of clause 80 of the said Bill proposes to repeal the Destructive Insects and Pests Act, 1914 and the Livestock Importation Act, 1898. The Hon'ble Standing Committee of Parliament also reported on the Agricultural Bio-security Bill, 2013. The said Bill could not be passed during the 15th Lok Sabha and it lapsed on the dissolution of 15th Lok Sabha

The Department of Agriculture and Cooperation vide its OM No. 35-13/2014-O&M/PG dated 15th Sep, 2014[*Refer Volume-III, Part I*] stated that the Act had been revisited and a comprehensive Bill, namely, The Agricultural Bio Security Bill, 2013 was introduced in Lok Sabha on 11.03.2014. Clause 80 of the Agricultural Bio Security Bill, 2013 proposed to repeal the Destructive Insects and Pests Act, 1914 and Live-stock Importation Act, 1898. The Bill lapsed with the dissolution of the 15<sup>th</sup> Lok Sabha. They further stated that a fresh Bill, namely, the Agricultural Bio Security Bill, 2014 is proposed to be introduced in this regard.

The Department of Animal Husbandry, Dairying and Fisheries *vide* its O.M. No.25-1(79)/2014-ADF/AR dated 17th Sep, 2014[*Refer Volume-III, Part I*] has *inter alia* conveyed that the Livestock Importation Act is an active /live Act which regulates, restricts or prohibits import of livestock and livestock products to prevent ingress of exotic diseases that may affect human and animal health. It was amended in 2001 to include livestock products within its ambit. The same is called as Livestock Importation (Amendment) Act, 2001. therefore, for import of livestock products continuation of the act essential. They further stated in the aforesaid O.M. that all provisions of the Act are in force. There is no requirement of amendment of the Act as on date.

There appears to be contrary views between the Department of Agriculture and Cooperation as conveyed *vide* its OM No. 35-13/2014-O&M/PG dated 15th Sep, 2014 [*Refer Volume-III, Part II*] and Department of Animal Husbandry, Dairying and Fisheries as conveyed *vide* its O.M. No.25-1(79)/2014-ADF/AR dated 17th Sep, 2014 referred above

The Committee has considered the matter and feels that the administrative Ministry may re-visit the provisions of the Agricultural Bio-Security Bill, 2014 and take immediate steps for enactment of a new legislation to replace the Destructive Insects and Pests Act, 1914 which has been existing for about one hundred years and outlived its utility.

**The Committee feels that the Ministry of Agriculture may consider re-introduction of the Agricultural Bio-security Bill, 2014 in the ensuing session of Parliament to repeal the aforesaid Act with such modification as may be considered necessary.**

## **11. The Government Buildings Act, 1899 (IV of 1899)**

The aforesaid Act has been enacted to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation, of the Government and situate within the limits of a municipality. This Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 3rd February, 1899.

The P.C. Jain Commission has also recommended for its repeal at Sl. No.114 of Annexure A-5 (114 Central Acts recommended for repeal by States).

Section 3 of the aforesaid Act contains provisions for exemption of certain Government buildings from municipal laws to regulate any building used or required for the public service or for any public purpose, which is the property, or in the occupation, of the Government, or which is to be erected on land which is the property, or in the

occupation, of the Government. However, section 4 confers powers upon the municipal authority, or any person authorized by it in this behalf to inspect the land and building (not being a building connected with defence or a building the plan or construction of which ought, in the opinion of the Government concerned, to be treated as confidential or secret), subject to certain restrictions contained in that section and all plans connected with erection, re-erection, construction of such building or material structural alteration, as the case may be, and to submit to the State Government a statement in writing of any objections or suggestions which such municipal authority may deem fit to make with reference to such erection, re-erection, construction or material structural alteration.

Extracts of section 3 and 4 of the aforesaid Act are as under:—

Exemption of certain Government buildings from municipal laws to regulate the erection, etc., of buildings within municipalities.

"3. Nothing contained in any law or enactment for the time being in force to regulate the erection, re-erection, construction, alteration or maintenance of buildings within the limits of any municipality shall apply to any building used or required for the public service or for any public purpose, which is the property, or in the occupation, of the Government, or which is to be erected on land which is the property, or in the occupation, of the Government:

Provided that, where the erection, re-erection, construction or material structural alteration of any such building as aforesaid (not being a building connected with defence, or a building the plan or construction of which ought, in the opinion of the Government concerned, to be treated as confidential or secret) is contemplated, reasonable notice of the proposed work shall be given to the municipal authority before it is commenced.

Objections or suggestions as to erection, etc., of certain Government buildings within municipalities, how to be made and dealt with.

"4. (1) In the case of any such building as is mentioned in the last preceding section (not being a building connected with defence or a building the plan or construction of which ought, in the opinion of the Government concerned, to be treated as confidential or secret), the municipal authority, or any person authorized by it in this behalf, may, with the permission of the State Government previously obtained, but not otherwise, and subject to any restrictions or conditions which may, by general or special order, be imposed by the State Government, inspect the land and building and all plans connected with its erection, re-erection, construction or material structural alteration, as the case may be, and may submit to the State Government a statement in writing of any objections or suggestions which such municipal authority may deem fit to make with reference to such erection, re-erection, construction or material structural alteration.

(2) Every objection or suggestion submitted as aforesaid shall be considered by the State Government, which shall, after such investigation (if any) as it shall think advisable, pass orders thereon, and the building referred to therein shall be erected, re-erected, constructed or altered, as the case may be, in accordance with such orders:

Provided that, if the State Government overrules or disregards any such objection or suggestion as aforesaid, it shall give its reasons for so doing in writing."

In today's socio-economic environment, more and more services rendered by the Government are entrusted to the private sector, as such or under Public Private Partnership (PPP mode). The repeal of the aforesaid Act by the State Legislatures (as recommended by the P.C. Jain Commission) may be construed so as to bring the land and building used or required for the public service or for any public purpose, which is the property, or in the occupation, of the Government, or which is to be erected on land which is the property, or in the occupation, of the Government. (not being a building connected with defence or a building the plan or construction of which ought, in the opinion of the Government concerned, to be treated as confidential or secret), under the scope of Municipal Laws. .

**The Committee feels that instead of referring the aforesaid Act for repeal by the State Legislatures, it may be considered for re-visiting and re-enactment thereof.**

## **12. The Indian Criminal Law Amendment Act, 1908 (XIV of 1908)**

The aforesaid Act has been enacted to provide for the more speedy trial of certain offences, and for the prohibition of associations dangerous to the public peace.

The Act provided for the speedy trial of certain offences, and for the prohibition of associations dangerous to the public peace. It was enacted to curb the growing nationalist movement in India. It in essence amends the law relating to public associations. However, as the law relating to associations is well defined under the Indian Penal Code, 1860, this law is not necessary. Neither is there any evidence of recent use. Hence, it should be repealed.

The Law Commission of India in its 249th Report at Sl. No. 63 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act without referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the Act provided for the speedy trial of certain offences, and for the prohibition of associations dangerous to the public peace. It was enacted to curb the growing nationalist movement in India. It in essence amends the law relating to public associations. However, as the law relating to associations is well defined under the Indian Penal Code, 1860, this law is not necessary. Neither is there any evidence of recent use. Hence, it should be repealed.

**The Committee feels that the aforesaid Act should be considered by the administrative Ministry for repeal and re-enactment in consultation with the Ministry of Home Affairs, which is administering the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973.**

### **13. The Presidency-towns Insolvency Act, 1909 (III of 1909)**

The aforesaid Act has been enacted to amend the law of insolvency in the Presidency towns and the Town of Rangoon. In view of the socio-economic changes, the Act needs to be re-visited by the administrative Ministry (Ministry of Finance) to bring the same on par with the Provincial Insolvency Act, 1920 (V of 1920).

**The Committee feels that the aforesaid Act should be considered by the concerned Ministry for repeal and re-enactment.**

### **14. The Mussalman Wakf Validating Act, 1913 (VI of 1913)**

The aforesaid Act has been enacted to declare the rights of Mussalmans to make settlements of property by way of "wakf" in favour of their families, children and descendants.

The P.C. Jain Commission has recommended for its repeal at Sl. No. 160 of Appendix A-1 (166 Central Acts recommended for repeal).

The Legislative Department vide their D.O. No. 11(29)/2014-L.I dated the 12th September, 2014 stated that the aforesaid Act is required to be repealed as it appears to be of no relevance.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 1 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the Mussalman Wakf Validating Act declared the rights of Mussalmans to make settlements of property by way of 'wakf' in favour of their families, children and descendants. The Act declared that no such wakf shall be deemed invalid merely because the benefit reserved therein for the poor or of other religious, pious or a permanent nature is postponed until after the extinction of the family, children or descendants of the person creating the wakf. This Act was enacted to statutorily supersede the position taken by the Privy Council in *Abdul Fata Mahomed Ishak v. Russomoy Dhur Chowdhry* [1894 (22) Cal 619 (PC)] that a wakf for the family members though coupled with a gift to charity on the failure of the line of descendants is not one substantially for charity and so was invalid. The Mussalman Wakf Validating Act, 1930 clarified that the Mussalman Wakf Validating Act, 1913 shall be deemed to apply to wakfs created before its commencement. Hence, the Validating Act of 1913 was given retrospective application by the 1930 Act. The Wakf Act, 1995 has now been enacted to provide for the better administration of wakfs and for matters

connected therewith. The 1995 Act applies to all wakfs, whether created before or after the commencement of the Act. Private wakfs are considered valid by the Act of 1995. Hence, the purpose of the Validating Acts of 1913 and 1930 has been subsumed by the Act of 1995. Wakfs of a private nature created any time before 1995 are valid under the Wakf Act, 1995. The Central Government should repeal both the 1913 and the 1930 Acts. However, since the Validating Acts of 1913 and 1930 are still used to validate wakfs created before 1913, a provision saving the wakfs validated by these Acts should be inserted into the 1995 Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and by the Ministry of Minority Affairs in its letter No. 12/10/2014-Wakf dated 9th September 2014 to the Member Secretary, Law Commission of India.

**The Committee feels that the aforesaid Act should be repealed in consultation with the Ministry of Minority Affairs, which is administering the Wakf Act, 1995 by making a provision in the aforesaid Act to validate the wakfs created under the present Act.**

### **15. The Destructive Insects and Pests Act, 1914 (II of 1914)**

The aforesaid Act has been enacted to prevent the introduction into British India of any insect fungus or other pest, which is or may be destructive to crops. The Agricultural Bio-security Bill, 2013 was introduced in the Lok Sabha to provide for establishment of an Authority for prevention, control, eradication and management of pests and diseases of plants and animals and unwanted organisms for ensuring agricultural bio-security and to meet international obligations of India for facilitating imports and exports of plants, plant products, animals, animal products, aquatic organisms and regulation of agriculturally important micro organisms and for matters connected therewith or incidental thereto. Sub-clause (1) of clause 80 of the said Bill proposes to repeal the Destructive Insects and Pests Act, 1914 and the Livestock Importation Act, 1898. The said Bill could not be passed during the 15th Lok Sabha and it lapsed on the dissolution of 15th Lok Sabha.

The Law Commission of India in its 248th Report has also recommended for its repeal Sl. No.42 under Chapter 4 of the Report observed that the aforesaid Act was enacted to prevent the introduction into and the transport from one State to another in India of any insects, fungus or other pest which may be destructive to crops. This Act was proposed to be repealed and replaced by the Agricultural Bio-security Bill, 2013, as was the case with the Live-stock Importation Act, 1898 [Item 35 on this list]. This law is out of date and should be repealed, however, new law must be enacted to govern the subject matter.

**The Committee feels that the Ministry of Agriculture may consider re-introduction of the Agricultural Bio-security Bill, 2014 in the ensuing session of Parliament with such modifications as it may consider appropriate.**

### **16. The Destructive Insects and Pests (Amendment and Validation) Act, 1992 (12 of 1992)**

The aforesaid Act has been enacted further to amend the Destructive Insects and Pests Act, 1914. The aforesaid came into force retrospectively from the 27th day of October, 1989.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No.68 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act amended the Destructive Insects and Pests Act, 1914. The 1914 Act has been recommended for repeal by the Law Commission of India in its 248th Report on Obsolete Laws: Warranting Immediate Repeal. This Act would no longer be relevant once the 1914 Act is repealed. Hence, the Central Government should repeal this Amendment and Validation Act of 1992 along with the 1914 Act.

The Department of Agriculture and Cooperation vide its OM No. 35-13/2014-

O&M/PG dated 15th Sep, 2014 [Refer Volume-III, Part I] stated that the Act had been revisited and a comprehensive Bill, namely, The Agricultural Bio Security Bill, 2013 was introduced in Lok Sabha on 11.03.2014. Clause 80 of the Agricultural Bio Security Bill, 2013 proposed to repeal the Destructive Insects and Pests Act, 1914 and Live-stock Importation Act, 1898. The Bill lapsed with the dissolution of the 15<sup>th</sup> Lok Sabha. They further stated that a fresh Bill, namely, the Agricultural Bio Security Bill, 2014 is proposed to be introduced in this regard..

**The Ministry of Agriculture may incorporate necessary validation and savings in the aforesaid Agricultural Bio-security Bill, 2014 and repeal the aforesaid Act also while re-enacting the new law in the subject.**

#### **17. The Poisons Act, 1919(XII of 1919)**

The aforesaid Act has been enacted to consolidate and amend the law regulating the importation, possession and sale of poisons throughout the British India.

Due to scientific advancement and to suit to the present day necessity the Act needs to be re-enacted as to the present context.

**The Committee feels that the aforesaid Act should be repealed and re-enacted by the concerned administrative Ministry.**

#### **18. The Maintenance Orders Enforcement Act, 1921 (XVIII of 1921)**

The aforesaid Act has been enacted to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and vice versa.

Now, continuation of this Act appears to be irrelevant and by efflux of time, this Act lost its relevance and needs to be repealed.

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.I dated the 12th September, 2014 stated that the Law Commission in its 148th Report recommended for repeal. But Legislative Department have stated that the aforesaid Act would require Re-enactment and repeal is required in the light of existing legal regime.

**In view of the above, the Committee feels that the aforesaid Act may be revisited, repealed and re-enacted in the light of socio-economic and legal system.**

#### **19. The Mussalman Wakf Act, 1923 (XLII of 1923)**

The aforesaid Act has been enacted to make provision for the better management of wakf property and for ensuring the keeping and publication of proper accounts in respect of such properties. The provisions of may be carried out into 1995 Act, which is a consolidated law on the subject.

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.I dated the 12th September, 2014 [Refer Volume III, Part-I] stated that the aforesaid Act is required to be repealed as it appears to be of no relevance.

**The Committee feels that the aforesaid Act should be repealed in consultation with the Ministry of Minority Affairs, which is administering the Wakf Act, 1995 by making a provision in the aforesaid Act to validate the wakfs created under the present Act.**

#### **20. The Indian Boilers Act, 1923 (V of 1923)**

The aforesaid Act has been enacted to consolidate and amend the law relating to steam-boilers.

The Centre for Civil Society at Sl. No.87 of its compendium of 100 laws to be repealed inter alia stated that the Act gives widespread powers to the inspectors, encouraging rent seeking. In order to avoid inspection, some industrial units resorted to using boilers with capacities below the regulatory limits. There was also reported to be a shortage of inspectors, due to which many boilers could not be registered, leading to the

shutting down of many units. This led to an amendment in the law in 2007 (notified in 2010) providing for third party certification and audit, in order to ease the situation. Self-Certification Schemes could be a better alternative. In June 2014, the Commerce and Industry Ministry asked for a repeal of the Act and moving towards a system of self-certification. States like Gujarat, Madhya Pradesh and Rajasthan have already formulated Self-Certification cum Annual Consolidated Return Schemes, in order to curtail unnecessary inspections without compromising on the provisions of health, safety and welfare of the workers. Under the Scheme, an owner of a boiler unit may opt for self-certification by agreeing to abide by certain undertakings and filing of annual returns to the concerned authority; and giving a security deposit. Where the owner fails to file annual returns in time or fails to follow the terms and conditions of the Scheme, the security deposit is forfeited. The concerned authority randomly picks around 10% of the units enrolled under the Scheme for inspection once a year. Once inspected, the unit is not likely to be inspected in the same year or the next three years, unless specific violations are brought to the notice of the authorities. It further stated that aforesaid Act has created the posts of Inspectors, Deputy Chief Inspectors and Chief Inspectors to implement the provisions of the Act. There is also an Appellate Authority existing under the Act.

The Department of Industrial Policy and Promotion *vide* their D.O No.34011/13/2014-O&M dated the 19th September, 2014, did not find favour for repeal of the aforesaid Act [*Refer Volume III, Part-I*].

**Since, more than ninety years have elapsed since enactment of the aforesaid Act, the Committee feels that the aforesaid Act may be re-visited, repealed and re-enacted in socio-economic context and technological advances.**

## **21. The Hindu Gains of Learning Act, 1930 (XXX of 1930)**

The aforesaid Act has been enacted to remove doubt as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning. This Act was passed by the Indian Legislature and received the assent of the Governor General on the 25th July, 1930.

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.I dated the 12th September, 2014 stated that re-enactment and repeal of the Act is required in the light of changing socio-economic environment and existing laws.

Attention is invited to section 3 of the aforesaid Act which reads as under:—

[3.Gains of learning not to be held, not to be separate property of acquirer merely for certain reasons.— Notwithstanding any custom, rule or interpretation of the Hindu Law, no gains of learning shall be held not to be the exclusive and separate property of the acquirer merely by reason of—

(a) his learning having been, in whole or in part, imparted to him by any member, living or deceased, of his family, or with the aid of the joint funds of his family, or with the aid of the funds of any member thereof, or

(b) himself or his family having, while he was acquiring his learning, been maintained or supported, wholly or in part, by the joint funds of his family, or by the funds of any member thereof.]

**The Committee feels that the aforesaid Act may be considered for review and re-enactment in view of the Socio- Economic Changes.**

## **22. The Mussalman Wakf Validating Act, 1930 (XXXII of 1930)**

The aforesaid Act has been enacted to give retrospective effect to the Mussalman Wakf Validating Act, 1913. The Mussalman Wakf Validating Act, 1913 was enacted to declare the rights of Mussalmans to make settlements of property by way of "wakf" in favour of their families, children and descendants. The Mussalman Wakf Validating Act, 1930 gives retrospective effect to the 1913 Act.

The P.C. Jain Commission has recommended for its repeal at Sl. No. 161 of

Appendix A-1 (166 Central Acts recommended for repeal).

The Legislative Department *vide* their D.O. No. 11(29)/2014-L.I dated the 12th September, 2014 stated that the aforesaid Act is required to be repealed as it appears to be of no relevance.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 1 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the Mussalman Wakf Validating Act declared the rights of Mussalmans to make settlements of property by way of ‘wakf’ in favour of their families, children and descendants. The Act declared that no such wakf shall be deemed invalid merely because the benefit reserved therein for the poor or of other religious, pious or a permanent nature is postponed until after the extinction of the family, children or descendants of the person creating the wakf. This Act was enacted to statutorily supersede the position taken by the Privy Council in *Abdul Fata Mahomed Ishak v. Russomoy Dhur Chowdhry* [1894 (22) Cal 619 (PC)] that a wakf for the family members though coupled with a gift to charity on the failure of the line of descendants is not one substantially for charity and so was invalid. The Mussalman Wakf Validating Act, 1930 clarified that the Mussalman Wakf Validating Act, 1913 shall be deemed to apply to wakfs created before its commencement. Hence, the Validating Act of 1913 was given retrospective application by the 1930 Act. The Wakf Act, 1995 has now been enacted to provide for the better administration of wakfs and for matters connected therewith. The 1995 Act applies to all wakfs, whether created before or after the commencement of the Act. Private wakfs are considered valid by the Act of 1995. Hence, the purpose of the Validating Acts of 1913 and 1930 has been subsumed by the Act of 1995. Wakfs of a private nature created any time before 1995 are valid under the Wakf Act, 1995. The Central Government should repeal both the 1913 and the 1930 Acts. However, since the Validating Acts of 1913 and 1930 are still used to validate wakfs created before 1913, a provision saving the wakfs validated by these Acts should be inserted into the 1995 Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and by the Ministry of Minority Affairs in its letter No. 12/10/2014-Wakf dated 9th September 2014 to the Member Secretary, Law Commission of India.

**The Committee feels that the aforesaid Act should be repealed in consultation with the Ministry of Minority Affairs, which is administering the Wakf Act, 1995 by making a provision in the aforesaid Act to validate the wakfs created under the present Act.**

### **23. The Agriculture Produce (Grading and Marketing) Act, 1937**

The Department of Agriculture and Cooperation *vide* its OM No. 35-13/2014-O&M/PG dated the 15th September, 2014 [Refer Volume III, Part-I]. stated that the aforesaid requires revisiting. It has been further stated that a committee, under the Chairmanship of Jt. Agriculture Marketing Adviser, Directorate of Marketing & Inspection, Ministry of Agriculture is being constituted which will revisit the Act and the General Grading & Marking Rules, 1988 (as amended upto 2009) framed there under and give its recommendations within one month.

**The Committee feels that the recommendations of the aforesaid Committee may be expeditiously processed.**

### **24. The Scheduled Securities (Hyderabad) Act, 1949 (VII of 1949)**

The aforesaid Act has been enacted to provide for the control of the transfer of certain securities and for the issue of duplicate securities in respect thereof. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 16th February, 1949.

The P.C. Jain Commission in its Report at Sl. No. 89 of Appendix A-5 (114 Central

Acts recommended for repeal by State Government) had recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 17 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the control of the transfer of certain securities and for the issue of duplicate securities in respect thereof. The Act provided that the Reserve Bank of India shall not, without the approval in writing of the Central Government, recognise for any purpose any transfer of a scheduled security otherwise than to the Government of Hyderabad made or purported to have been made on or before 31st December 1948. Such security was deemed to have been vested in the Government of Hyderabad. This Act has served its purpose and the Central Government should now repeal this Act. A suitable savings clause should be inserted in the repealing Act.

**The Committee feels that the aforesaid Act can be repealed in consultation with the concerned Ministry and the Reserve Bank of India after making a specific saving clause.**

## **25. The West Godavari District (Assimilation of Laws on Federal Subject)**

### **Act, 1949 (20 of 1949)**

The aforesaid Act has been enacted to assimilate certain laws in force in different parts of the West Godavari District of the Province of Madras. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 14th April, 1949.

The P.C. Jain Commission in its Report at Sl. No. 108 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 18 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act assimilated certain laws in force in different parts of the West Godavari district of the Province of Madras. The Act prescribed that, on the appointed day as specified under the Act, all laws in force in the Eluru Taluk (a taluk in the West Godavari district) would extend to the scheduled areas (this refers to areas which find mention in the Schedule appended to the Act, and not to Scheduled Areas under the Constitution). Simultaneously, all laws in force in the scheduled areas would cease to be in force. The purpose of this Act has now been fulfilled. Hence, the Central Government should repeal this Act.

The Andhra Pradesh Reorganisation Act, 2014 (6 of 2014) has been enacted and subsequently amendments have been made thereto by the Andhra Pradesh Reorganisation (Amendment) Act, 2014 (20 of 2014) transferring certain parts of State of Telengana to Andhra Pradesh. Some of the areas mentioned in Schedule to the West Godavari District (Assimilation of Laws on Federal Subject) Act, 1949 are covered under the said the Andhra Pradesh Reorganisation (Amendment) Act, 2014.

**In view of above, the Committee feels that the concerned Ministry in consultation with the States of Andhra Pradesh and Telengana consider the repeal of the aforesaid Act with appropriate saving if required in case the matter is not sub-judice.**

## **26. The Merged States (Laws) Act, 1949 (59 of 1949)**

The aforesaid Act has been enacted to extend certain laws to certain areas administered as parts of Governor's Provinces or as Chief Commissioners Provinces. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 26th December, 1949.

The P.C. Jain Commission in its Report at Sl. No. 117 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 19 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act extended certain laws to certain areas administered as parts of Governor's Provinces or as Chief Commissioner's Provinces. The Act listed certain Acts in its Schedule and extended those Acts to the new provinces constituted by the States' Merger (Chief Commissioner's Provinces) Order, 1949. The Act is now redundant as Governor's or Chief Commissioner's Provinces have ceased to exist. Hence, the Central Government should repeal this Act.

Since, the aforesaid Act extends certain laws to the parts of the erstwhile provinces and has become redundant by efflux of time.

**The Committee feels that the aforesaid Act can be repealed in consultation with the Ministry of Home Affairs and concerned States.**

## **27. The State Bank of Samastha Act, 1950**

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 21 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the text of the aforesaid Act is not available on the Law Ministry's website, or from any other readily available source, an indication that it is not in use. Neither are there any other documented instances where this Act has been used in the last few decades. Therefore, the Central Government should repeal this law after consultation with the State Bank of India.

The Committee perused the Central Acts from the year 1834 to till date and could not find an Act titled as "the State Bank of Samastha Act, 1950". However, the State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009 (48 of 2009) was enacted which, *inter alia*, repealed the State Bank of Saurashtra Act, 1950.

**In view of above, the Legislative Department may in consultation with the concerned Department may take a view about the repeal of the aforesaid Act.**

## **28. The Delhi Rent Control Act, 1958 (59 of 1958)**

The aforesaid Act was repealed by the Delhi Rent Act, 1995, which has been enacted to provide for the regulation of rents, repairs and maintenance and eviction relating to premises and of rates of hotels and lodging houses in the National Capital Territory of Delhi.

The aforesaid Act received assent of the President on 23<sup>rd</sup> August, 1995. Sub-sections (3) of section 1 confers powers on the Central Government to bring into force on such date as it may by notification in the official Gazette appoint. As per record made available to the Committee, the aforesaid Act has not been brought into force.

The Centre for Civil Society at Sl. No. 75 of its compendium of 100 laws to be repealed *inter alia* stated that the aforesaid Act has very limited scope in so far as it exempts government property, upper bracket housing where rent exceeds Rs. 3500 and slums. Hence, regulation is limited to rental spaces for lower income groups. Two, the Act fixes a standard rent (which is as low as Rs. 600 per month in certain cases), and permits revision of the standard rent by 10% if eviction of tenants is stringent and strictly monitored, and rarely can landlords extricate their property from the grip of this rent policy. As a result, renting of property is a very low return business for landlords, discouraging them from repairing and maintaining their property. It also disincentivises prospective landlords from entering the rental market. Consequently, there is an artificial scarcity of rental housing. The difficulty that the Act poses in allowing landlords to get rented property vacated abet illegality and litigation and create a flourishing black market. In sum, the Act runs counter to its intentions and ends up being both anti-tenant and anti-landlord, adversely affecting accessibility and

availability of affordable housing for lower income groups in urban areas. The Task Force on Rental Housing under the Ministry of Housing and Urban Poverty Alleviation, Government of India, in its Report on Policy and Interventions to Spur Growth of Rental Housing in India, March 2013, has recommended simple contract-based Lease/Rent agreements between willing renters and willing tenants, without the State imposing draconian price controls that in effect drive away legitimate renters and force tenants to enter into unrecorded and informal arrangements that are detrimental to their interests. It further stated that the Delhi Rent Act, 1995 (providing for repeal of the Delhi Rent Control Act, 1958), seeking to marginally ease rent control policy, was passed by Parliament (in 1995). However, the Act was never notified, due to severe resistance by tenancy groups. Consequently, the 1958 Act continues to operate, despite approval for its repeal by the Parliament. In 2013, the Government introduced the Delhi Rent Repeal Bill for repeal of the 1995 Act to bring about a more comprehensive law. The Bill is pending in Rajya Sabha. Repeal of the Act will impact pending litigation. This can be addressed by enacting a saving clause.

**The Delhi Rent (Repeal) Bill, 2013 has been introduced in the Rajya Sabha. The Committee feels that the Bill for repeal and re-enactment can be introduced after withdrawal of the Delhi Rent (Repeal) Bill, 2013 with the leave of the Rajya Sabha. The administrative Ministry may also take a view on the suggestion made in the preceding paragraph by the Centre for Civil Society.**

## **29. The Legal Practitioners Act, 1879. (XVIII of 1879)**

The aforesaid Act consolidates and amend the law relating to legal practitioners. The aforesaid Act has become obsolete in view of the enactment of Advocates Act, 1961. P.C. Jain Commission also recommended for its repeal at Sl. No. 69 under Appendix A-1 (166 Central Acts recommended for repeal).

The Law Commission of India in its 249th Report at Sl. No. 38 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act after making suitable amendments to the Advocates Act, 1961 referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid law was enacted to consolidate all the rules relating to the enrolment, conduct, and service of legal practitioners. However, after the coming into force of the Advocates Act, 1961, all the provisions of the Act stand 24 repealed with the exception of Sections 1, 3 and 36. While Sections 1 and 3 are the title clause and the interpretation clause respectively, Section 36 empowers the High Courts to frame a list of touts, and prescribes the punishment for touting. These provisions can be incorporated into the Advocates Act, 1961 by means of a suitable amendment, so that the entire law on this subject can be found in one place. After making amendments to the Advocates Act, 1961, this Act should be repealed.

The Centre for Civil Society at Sl. No.82 of its compendium of 100 laws to be repealed inter alia stated that the Advocates Act, 1961 has almost entirely replaced this Act, doing away with all but three sections that together empower High Courts to deal with touts. It is now the 1961 Act that regulates legal practitioners in India, and sets up the Bar Council to regulate matters such as enrolment and disciplinary action. Over time, all the provisions of the 1879 law were repealed except Sections 1, 3 and 36. These sections consist of the title clause, interpretation clause, the power of High Courts to frame a list of touts, and the punishment for touting. These provisions can easily be incorporated into the 1961 Act, so that the entire law on this subject can be found in one place. It further stated that the provisions in the Legal Practitioners Act empowering courts to deal with touts can be moved to the Advocates Act in order to remove this law from the statute books.

**Attention is drawn to sub-section (5)of section 50 of the Advocates Act, 1961, which reads as under:—**

"(5). When the whole of this Act has come into force—

- (a) the remaining provisions of the Acts referred to in this section which do not stand repealed by virtue of any of the foregoing provisions of this section [except sections 1, 3 and 36 of the Legal Practitioners Act, 1879 (18 of 1879)] shall stand repealed;  
(b) the enactments specified in the Schedule shall stand repealed to the extent mentioned therein".

**As per the information made available to the Committee, all the provisions of the Advocate Act, 1961 have come into force. The last notification number S.O. 1349 (E) dated the 9th June, 2011 brought into force section 30 of the Advocates Act, 1961.**

In view of the above, the Committee feels that the provisions of Legal Practitioners Act, 1879 stands repealed in part i.e, except sections 1, 3 and 36 of the Legal Practitioners Act, 1879 which are saved by sub-section (5) of section 50 of the Advocates Act, 1950.

Sections 1, 3 and 36 of the Legal Practitioners Act, 1879 reads as under:-

- [1. Short title, commencement. This Act may be called the Legal Practitioners Act, 1879; and shall come into force on the first day of January, 1880.

Local extent.- This section and section 2 extend to the whole of India except the State of Jammu and Kashmir.

The rest of this Act extends, in the first instance, only to the territories which, immediately before the 1st November, 1956, were comprised in West Bengal, Uttar Pradesh, Punjab, Bihar, Madhya Pradesh, Assam, Orissa and Delhi. But the State Government of any State may, from time to time, by notification in the Official Gazette, extend all or any of the provisions of the rest of this Act to the whole or any part of that State to which such provisions extend.

3. Interpretation-clause. In this Act, unless there be something repugnant in the subject or context,- "Judge" means the presiding judicial officer in every Civil and Criminal Court, by whatever title he is designated:

"subordinate Court" means all Courts subordinate to the High Court, including Courts of Small Causes established under Act No. 9 of 1850 or Act No. 11 of 1865;

"revenue-office" includes all Courts (other than Civil Courts) trying suits under any Act for the time being in force relating to land-holders and their tenants or agents;

"legal practitioner" means an advocate, vakil or attorney of any High Court, a pleader, mukhtar or revenue-agent;

"tout" means a person-

(a) who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or places or other places of public resort.

(b) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or of revenue-offices, or railway stations, landing stages, lodging.

36. Power to frame and publish lists of touts. (1) Every High Court, District Judge, Sessions Judge, District Magistrate and Presidency Magistrate, every Revenue-officer, not being below the rank of a Collector of a district, and the Chief Judge of every Presidency Small Cause Court (each as regards their or his own Court and the Courts, if any, subordinate thereto) may frame and publish lists of persons proved to their or his satisfaction, or to the satisfaction of any subordinate Court as provided in sub-section (2A) by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

Explanation.--The passing of a resolution, declaring any person to be or not to be a tout, by a majority of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practise as legal practitioners in any Court or revenue-office, shall be evidence of the general repute of such person for the purposes of this sub-section.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(2A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any Court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that Court to hold an inquiry in regard to such persons; and the subordinate Court shall thereupon hold an inquiry into the conduct of such persons and, after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate Court to be a tout; and that authority may include the name of any such person in the list of touts framed and published by that authority:

Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of section 13, clause (e), and section 22, clause (d).

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.]

From the above, it can be concluded that the Legal Practitioners' Act, 1879 exist on the Statute Book only because of three sections i.e., 1, 3 and 36. The Committee recommends that the aforesaid Act which is more than 135 years old should be repealed, in particular such Act being enacted during Colonial period and the provisions of the aforesaid sections, if required, may be incorporated in the Advocates Act, 1961.

### **30. The Usurious Loans Act, 1918 (X of 1918)**

The aforesaid Act has been enacted to give additional powers to the Courts to deal in certain cases with usurious loans of money or in kind.

The Committee feels that the provisions of the aforesaid Act to be revisited in today's socio-economic context and needs to be repealed in today's context and re-enacted in the light of laws enacted and proposed to be enacted for self help groups/Khadi and Village Industries/Micro and Small Scale Industries with such modification and safeguards as may be necessary.

### **31. The Cutchi Memons Act, 1938**

The aforesaid Act was enacted to that all the Cutchi Memons shall be governed in the matters of succession and inheritance by the Muhammadan Law.

The P.C. Jain Commission in its Report at Sl. No. 3 of Appendix-D to the Report has included the aforesaid Act for review. The Commission observed that there are number of personal laws applicable to some religions and communities. Some of these may not be relevant now and are also indeed very old. The perception of the concerned religion or community would be relevant for their updating/codification/repeal. The Commission recommends that further action be taken accordingly.

The Legislative Department vide their D.O. No. 11(29)/2014-L.I dated the 12th September, 2014 stated that the aforesaid Act requires re-enactment and repeal of the Act in the light of changing socio-economic environment.[Refer Volume III, Part-I].

In view of above, the Committee feels that the aforesaid Act may be revisited for taking a considered view in the matter for re-enactment as suggested by the Legislative Department.

### **32. The Drugs and Cosmetics Act, 1940 (23 of 1940)**

The Department of AYUSH vide their D.O. No Z.28015/119/2014-P&C dated the 12th September, 2014 have stated in their D.O. that the Drugs and Cosmetics (Amendment) Bill 2007 was withdrawn due to major changes recommended by the Parliamentary Standing Committee, it was suggested for a fresh amendment Bill exclusively for allopathic drugs and to delink the provisions for AYUSH drugs from the Drugs and Cosmetics Act, 1940. Accordingly, they have decided that the Department of AYUSH would bring a separate Bill at an appropriate time to enact a new Law for AYUSH Drugs and also move a separate Cabinet Note for introducing the Bill to amend the Drugs and Cosmetics Act 1940. Thereafter, Ayurvedic, Siddha and Unani Drugs Technical Advisory Board in its meeting held in September 2013 recommended to set up a Committee for formulating the draft Bill for AYUSH drugs.

The Department of AYUSH has set up a Committee of Experts to formulate the draft provisions of the Bill for enactment of regulatory provisions for Ayurveda, Siddha, Unani, Sowa Rigpa and Homoeopathic drugs.

The Department of AYUSH in their D.O. letter has confirmed that the Drugs and Cosmetics Act, 1940 requires revisiting till separate legislation is enacted for AYUSH drugs. They further stated that amendment in the existing Act and Rules there under would be required to provide for inclusion of more authoritative books in Schedule-1, establishment of proposed Central Drugs Controller of AYUSH and requirements for conduct of clinical trials. AYUSH-related provisions will be repealed from the Drugs and Cosmetics Act, 1940 while enacting the new legislation for AYUSH drugs.

The Drugs and Cosmetics Act, 1940 provides to regulate the import, manufacture, distribution and sale of drugs and cosmetics. The aforesaid Act also inter alia provides provisions for maintenance of standards of drugs, prevention of adulterated drugs, spurious drugs, misbranded cosmetics, spurious cosmetics, prohibition of import of certain drugs,

The Mashelkar Committee, which was appointed in January, 2003 submitted its Report in November, 2003. The aforesaid Committed inter alia had recommended a new structure for the Drug Regulatory System in the Country including the setting up of a National Drug Authority; measures to strengthen the drug regulatory infrastructure in Centre and States; evaluate the extent of spurious and sub-standard Drugs and recommend measures required to deal with the problem; the Committee observed that in India, because of numerous licensing authorities (State/UT's), the implementation of drugs laws has been weak and non-uniform even after 56 years of enforcement. It is well established that the regulatory infrastructure in many States is below par, while it is functioning better in some. This has resulted in lack of adequate confidence among the consumers and level playing field for industry. The Committee observed that the issue of non-uniformity of enforcement at the state level was serious and needs to be addressed immediately. The Committee records that there should have been a single agency to regulate the manufacture and quality control of drugs in the country and that it should be done centrally. The Committee had recommended in para 6.4 of its report for changes in the Drugs and Cosmetics Act and Rules specified therein. The Committee has dealt in detail in paragraph 8.0 of the Report extent of spurious and substandard drugs in the country and measures to deal with the problem. In paragraph 10.2 the Committee observed that by amendment of The Drugs and Cosmetics Act in 1982, punishments for various offences were rationalized and life imprisonment was included as penalty for sale and manufacture of a spurious drug that causes grievous hurt or death. It was, however, noted that so far not a single prosecution has resulted in life imprisonment. While some members of the Committee suggested that for real fear among the possible offenders the penalty should now be enhanced from life imprisonment to death, some others were of the view that legal proceeding in cases involving death penalty may result in very complicated and lengthy trials. It was also agreed

that even in cases of spurious drugs that are not likely to cause grievous hurt or death, the penalty should be enhanced with increased fine. The Committee recommends that the existing provisions under Section 27 of Drugs & Cosmetics Act need to be amended.

The Mashelkar Committee revisited the penal provisions and recommended revised punishments in Annexure-13 of the said Report, which reads as follows: any drug deemed to be adulterated under Section 17-A or spurious under Section 17-B and which when used by any person for or in the diagnosis, treatment, mitigation, or prevention of any disease or disorder is likely to cause his death or is likely to cause such harm on his body as would amount to grievous hurt within the meaning of Section 320 of the Indian Penal Code (45 of 1860), solely on account of such drug being adulterated or spurious, as the case may be, shall be punishable with death penalty or imprisonment for a term of life or imprisonment for a term which shall not be less than ten years and with fine of rupees one lakh or up to three times the value of the goods seized, whichever is higher. Where fine is realized, it shall be paid to the victim or next of his kin.

In view of above, the Committee feels that there is immediate need to enact a new legislation by AYUSH and on the Drugs and Cosmetics Act, 1940 which was enacted seventy-four years ago in today's context in the advancement in the field of research in Drugs and globalisation as India developing as a Health Sector Hub and revisit the detailed Mashelkar Committee Report on the subject. **The early repeal and re-enactment of the Drugs and Cosmetics Act, 1940 is suggested.**

### **33. The Delhi Restriction of Uses of Land Act, 1941 (12 of 1941)**

The aforesaid Act has been enacted to regulate in the Province of Delhi the use of land for purposes other than agricultural purposes. The aforesaid Act was passed by the Indian Legislature and received the assent of the Governor General on the 8th April, 1941.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 11 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act in consultation with the State Government of Delhi. The Law Commission, *inter alia*, observed that the Act regulated in the province of Delhi the use of land for purposes other than agricultural purposes. The Act authorised the Chief Commissioner of Delhi to declare certain areas to be 'controlled'. Previous permission of the Chief Commissioner was required for undertaking construction in such areas. The office of the Chief Commissioner of Delhi has ceased to exist. Also, the purpose of this Act has been subsumed because restrictions on the use of agricultural land are now imposed under Section 81 of the Delhi Land Reforms Act, 1954. There is no evidence of recent use of this Act. Therefore, the Central Government should repeal this Act after consulting the State Governments.

**In view of the above, the aforesaid Act can be repealed in consultation with the Ministry of Home Affairs and State Government of Delhi.**

### **34. The Rehabilitation Finance Administration Act, 1948 (12 of 1948)**

The aforesaid Act has been enacted to establish the Rehabilitation Finance Administration. The aforesaid Act was passed by the Dominion Legislature and received the assent of the Governor General on the 23rd March, 1948.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 13 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act in consultation with the State Government of Delhi. The Law Commission, *inter alia*, observed that the aforesaid Act established a Rehabilitation Finance Administration, for the purpose of giving financial assistance on reasonable terms to displaced persons to enable them to settle in business and industry. 'Displaced person' was defined as - i) a person who, being displaced from any area outside India on account of civil disturbances or fear of such disturbances, has settled and is

engaged or intends to engage in any business or industry in India, or ii) a person in India who, having had his business, industry or property, wholly or partially outside India, has lost, wholly or partially, such business, industry, or property on account of civil disturbances or the fear of such disturbances, and who is engaged, or intends to engage in any business or industry in India. There is no evidence from readily available sources to suggest that the Rehabilitation Finance Administration rendered any assistance after the culmination of the 5th Five Year Plan (1974-1979). This Act has now fallen into disuse. Hence, the Central Government should ascertain the status of the Rehabilitation Finance Administration and consider repeal of this Act.

By efflux of time, the aforesaid Act has become redundant in its application.

**In view of above, the Committee feels that the aforesaid Act can be repealed in consultation with the concerned administrative Ministry.**

### **35. The Finance Commission (Miscellaneous Provisions) Act, 1951 (33 of 1951)**

The aforesaid Act was enacted to determine the qualifications requisite for appointment as members of the Finance Commission and the manner in which they shall be selected, and to prescribe their powers.

The P.C. Jain Commission in its report at Serial No. 8 of Appendix-A-1 (166 Central Acts for repeal by the Central Government) for repeal of the aforesaid Act.

The Department of Economic Affairs *vide* its O.M. No.11/47/2012-Ad.V dated 15 September, 2014[*Refer Volume III, Part-I*] has stated that no specific reason for repeal of the said Act has been cited in the P.C. Jain Report and it is felt that the Act is still in harmony with extant provision under article 280(2) of the Constitution may not be prudent to repeal it.

Clause (2) of article 280 of the Constitution may be read as under:—

[280.(2) Parliament may by law determine the qualifications which shall be requisite for appointment as members of the Commission and the manner in which they shall be selected.]

The aforesaid Act *inter alia* contains provisions relating to Qualification for appointment as, and the manner of selections of members of the Commission, public interest of disqualify members, disqualification for being a member of the Commission, condition of service and salaries and allowances of members and procedure and powers of the Commission.

After the enactment of the aforesaid Act, article 280 has been amended in 1992 by the Constitution (Seventy-third Amendment) Act, 1992 and Constitution (Seventy-fourth Amendment) Act, 1992 which inserted clauses (bb), (c) and (d) in clause (3) of article 280 of the Constitution which reads as under:—

[(bb) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;

(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State;]

The duty of the Finance Commission was widened by the aforesaid amendment to the Constitution which *inter alia* included making of recommendations as to be measures mentioned in the clauses (bb) and (c) of clause (3) of article 280 relating for supplementing the resources of Panchayats and Municipalities of the State and 63 years have elapsed since enactment of the aforesaid Act. The aforesaid Act has been amended twice (by Act 13 of 1955 and Act 4 of 1986) which relate to amendment of sub-section (2) of section 8 thereof strengthening the powers upon the finance Commission to obtain information and laying of rules before Parliament. Though, the role of the Finance Commission has been widened for

supplementing the resources of Panchayats and Municipalities of the State but the other provisions of the aforesaid Act (including the qualification of the members of the Finance Commission and manner of selection of members of the Commission and disqualification for being a member of the Commission) have not been amended.

**In view of above, the Committee feels that the aforesaid Act needs to be revisited and re-enacted in the light of widening of the functions of the Finance Commission in socio-economic environment(including the duty of the Finance Commission in relation to Panchayats and Municipalities).**

### **36.The Delivery of Books and News Papers (Public Libraries) Act, 1954 (27 of 1954)**

The aforesaid Act has been enacted to provide for delivery of books to the National Library and other public libraries.

The Ministry of Culture vide their ID No.21-115/2014-C&N, dated the 29th September, 2014 [*Refer Volume III, Part-I*] stated that the existing Act has not been found effective. It provides very small amount of penalty on non-compliance which hardly worked as a deterrent. The implementation of the Act has not led to its intended purpose of creating National Repositories of Books and Newspapers published in the country. Hence the entire Act is being considered to be replaced. It further conveyed that after a meeting with the publishers, Ministry has decided to replace the existing Act by enacting a new Act.

**The Committee feels that the Administrative Ministry may revisit this Act and re-enact with necessary modifications in the light of changing means of communication and publication and circulation of e-books through internet, the provisions of this Act need to be revisited and re-enacted.**

### **37.The Terminal Tax on Railway Passengers Act, 1956 (69 of 1956)**

The aforesaid Act has been enacted to provide for the levy of a terminal tax on passengers carried by railway from or to certain places of pilgrimage or where fairs, melas or exhibitions are held.

The Ministry of Railways has not included the aforesaid Act in its reply [*Refer Volume III, Part-III*]

**In view of the rationalization of passengers' fares and running of special and premium trains with dynamic pricing of fairs, the Committee feels that the provisions of this Act are required to be revisited.**

### **38. The Assam Municipal (Manipur Amendment) Act, 1961 (49 of 1961):**

The aforesaid Act was enacted to amend the Assam Municipal Act, 1956 as in force in the Union Territory of Manipur. When the Act was enacted the Manipur was a Union territory and now it has become a State.

The P.C. Jain Commission at Serial No. 3 of Appendix-A-5 (114 Central Acts for repeal by the State Government) in its report recommended for repeal of the aforesaid Act.

The Ministry of Home Affairs vide its OM No.I-34020/122/2014-Coord.I dated the 19th Sep, 2014 stated that it is not in favour to repeal the Act. Detailed examination for repeal/review of the act is needed in consultation with State Governments

**The Committee feels that the provisions of the aforesaid Act may be revisited in consultation with the State concerned for repeal.**

### **39. The Atomic Energy Act, 1962 (33 of 1962)**

The aforesaid Act was enacted to provide for the development, control and use of atomic energy for the welfare of the people of India and for other peaceful purposes and for matters connected therewith.

The Department of Atomic Energy vide its ID. No.50/1/2014/2894 dated the 8th October, 2014 [*Refer Volume III, Part-I*] that the Department introduced a Bill in the Rajya

Sabha for amendment of section 26 (Cognizance of Offences) of the Atomic Energy Act, 1962. While the 1992 Bill was pending consideration in Parliament, the Department felt the need for some more amendments to different sections of the Act. Therefore, it was proposed to withdraw the Bill and introduce a new Bill which would be a comprehensive one and later on in 2007, the same was withdrawn from the Cabinet. The Department is in the process of bringing limited amendments to section 2, 3, 14 and 22 of the Act.

The aforesaid Act was enacted about 52 years ago and thereafter the use of Atomic energy in the field of Science and Medical Science and Energy etc., have increased manifold and advancement of technology have taken place. The Civil Liability for Nuclear Damage Act, 2010 has been enacted.

**In view of above, the Committee feels that the aforesaid Act may be re-visited and re-enacted as discussed above.**

#### **40. The Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1965 (45 of 1965)**

The aforesaid Act has been enacted further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948 and except sections 1 and 15, all other sections were repealed by Act 56 of 1974. Section 15 was for transfer of service of employees of the existing Board to the new Board. This provision was transitory in nature and served the purpose.

**The Committee feels that the remaining sections may also be repealed in consultation with the Ministry concerned.**

#### **41. The Union Territories (Direct Elections to the House of the People) Act, 1965 (49 of 1965)**

The aforesaid Act has been enacted to provide for direct election in certain Union territories for filling the seats allotted to them in the House of the People and for matters connected therewith.

Sections 4 and 5 were repealed by Act 56 of 1974. Section 2 for definition, section 3 for allocating one seat to each of the Union territory in the House of the People and section 6 for sitting member of House of the People till the dissolution of that House. The Committee notes that section 6 is a transitory provision and served the purpose. Further, after under article 82 of the Constitution, seats were allocated on the basis of 1971. The Committee feels that the provision contained in section 3 has become redundant.

**The Committee recommends that the Act may be repealed by the Legislative Department in consultation with the Election Commission.**

#### **42. The Criminal Law Amendment (Amending) Act, 1966 (22 of 1966)**

The aforesaid Act has been enacted to amend the Criminal Law Amendment Act, 1952.

Sections 2 and 3 of the aforesaid Act were repealed by Act 56 of 1974. Further section 4 of the aforesaid Act contains provisions for validation and indemnity so as to protect trial or proceedings held or sentence passed before 30.06.1966 under any military, naval or air force law. Section 5 of the aforesaid Act provides for continuance of pending proceedings/cases before 30.06.1966.

**The Committee feels after the expiry of almost 48 years the cases pending at the time of this enactment may have been disposed of and thus the Act may be repealed in consultation with the Ministry concerned.**

#### **43. The Judges (Inquiry) Act, 1968 (51 of 1968)**

The aforesaid Act has been enacted to regulate the procedure for the investigation and proof of the misbehaviour of incapacity of a Judge of the Supreme Court or of a High Court and for the presentation of an address by Parliament to the President and for matters connected therewith.

The Department of Justice vide their I.D.No. L-19017/12/2014-Jus Dated 10th September, 2014[*Refer Volume III, Part-I*] has stated that the aforesaid Act does not required to be revisited for the present. They further stated that as and when the Judicial Standards and Accountability Bill is enacted, the Judges (Inquiry) Act, 1968 will get repealed as per Clause 59 (1) of the Bill.

The Judicial Standards and Accountability Bill, 2012 was passed by the fifteenth Lok Sabha and lapsed on the dissolution of Lok Sabha.

**The Committee feels that the aforesaid Bill is required to be introduced afresh to repeal the aforesaid Act.**

#### **44. The Criminal and Election Laws Amendment Act, 1969 (35 of 1969):**

The aforesaid Act has been enacted further to amend the Indian Penal Code, the Code of Criminal procedure, 1898 and the Representation of the People Act, 1951and to provide against printing and publication of certain objectionable matters.

Sections 2 to 5 of the aforesaid Act were repealed by Act 56 of 1974. However, the provisions contained in sections 6 to 8 which are substantive in nature enabled the Central Government and the State Government to control pre-judicial publications..

**The Committee feels that in view of the change of the means of communications, penal provisions in the Indian Penal Code for such publication, etc, the Act needs to be revisited and either repealed or re-enacted.**

#### **45. The Indian Medicine Central Council Act, 1970 (48 of 1970)**

The aforesaid Act was enacted to provide for the constitution of a Central Council of Indian Medicine and the maintenance of a Central Register of Indian Medicine and for matters connected therewith.

The Department of AYUSH vide their D.O. No Z.28015/119/2014-P&C dated the 12th September, 2014 [*Refer Volume III, Part-I*] have stated in their D.O. that the Drugs and Cosmetics (Amendment) Bill 2007 was withdrawn due to major changes recommended by the Parliamentary Standing Committee, it was suggested for a fresh amendment Bill exclusively for allopathic drugs and to delink the provisions for AYUSH drugs from the Drugs and Cosmetics Act, 1940. Accordingly, they have decided that the Department of AYUSH would bring a separate Bill at an appropriate time to enact a new Law for AYUSH Drugs and also move a separate Cabinet Note for introducing the Bill to amend the Drugs and Cosmetics Act 1940. Thereafter, Ayurvedic, Siddha and Unani Drugs Technical Advisory Board in its meeting held in September 2013 recommended to set up a Committee for formulating the draft Bill for AYUSH drugs

The Department of AYUSH in their D.O. letter has confirmed that the Drugs and Cosmetics Act, 1940 *requires revisiting* till separate legislation is enacted for AYUSH drugs. They further stated that amendment in the existing Act and Rules there under would be required to provide for inclusion of more authoritative books in Schedule-1, establishment of proposed Central Drugs Controller of AYUSH and requirements for conduct of clinical trials. AYUSH-related provisions will be repealed from the Drugs and Cosmetics Act, 1940 while enacting the new legislation for AYUSH drugs.

Attention is invited to clause (e) of sub-section (1) of section 2 of the aforesaid Act, which reads under:-

[(e) "Indian Medicine" means the system of Indian medicine commonly known as Ashtang Ayurveda, Siddha or Unani Tibb whether supplemented or not by such modern advances as the Central Council may declare by notification from time to time;]

**The Committee feels that the proposed legislation and the aforesaid Act may be merged to avoid multiplicity of the Central Acts and re-enacted.**

#### **46. The East Punjab Urban Rent Restriction (Extension to Chandigarh) Act, 1974 (54 of 1974)**

The aforesaid Act was enacted to extend the East Punjab Urban Rent Restriction Act, 1949, to the Union territory of Chandigarh.

The Centre for Civil Society at Sl. No.77 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act is coercive and makes renting of property a low return business, disincentivising prospective landlords from entering the rental market. Consequently, there is an artificial scarcity of rental housing. The complicated machinery under the Act and difficulty faced in getting property vacated, abet illegality and litigation, and create a flourishing black market. The Task Force on Rental Housing under the Ministry of Housing and Urban Poverty Alleviation in its Report on Policy and Interventions to Spur Growth of Rental Housing in India submitted in March 2013, recommended simple contract-based lease/rent agreements between willing renters and willing tenants, without the State imposing draconian price controls that, in effect, drive away legitimate renters and forces tenants to enter into unrecorded and informal arrangements that are detrimental to their interests. Market-oriented rent control models in other Asian countries have shown a positive impact on the rental market. In 2004, Hong Kong enacted the Landlord and Tenant (Consolidation Amendment) Act, removing security provisions for tenants to resume free operation of the private rental market. The Legislative Council Panel on Housing, Government of Hong Kong, studied the impact of the Ordinance in 2006. The law resulted in a steady rise in rental levels, increased supply of private residential units, and reduced tenancy disputes. Other countries like Japan and Singapore have also eased rent control policies. It further stated that there are no legal issues that would impede repeal:

**The Committee feels that the administrative Ministry may repeal the aforesaid Act protecting the interest of the existing tenants, so as to make them liable at once for manifold increase of the rent.**

#### **47. The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976)**

The aforesaid Act has been enacted to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the re-adjustment of representation of parliamentary and assembly constituencies in so far as such readjustment is necessitated by such inclusion or exclusion and for matter connected therewith. The aforesaid Act came into force on the 27th July, 1977 vide notification No. S.O.589 (E) dated the 27th July, 1977. There is no provision in the aforesaid Act which is yet to be brought into force.

The aforesaid Act consists of ten sections, out of which-

(a) sections 3 and 4 of the aforesaid Act relate to amendment of Scheduled Castes Order and amendment of Scheduled Tribes Order. Since, the aforesaid sections 3 and 4 had already been repealed by the Repealing and Amending Act, 1988 (19 of 1988) without making any specific savings and therefore these are not being discussed here. In view of repeal of aforesaid sections 3 and 4, nothing survives under these sections. It is relevant to mention here that articles 341 and 342 of the Constitution contains inter alia provisions for specifying for the purposes of this Constitution to be Scheduled Castes and Scheduled Tribes in relation to State or Union territory.

(b) in the aforesaid Act, section 5 relates to determination of the population of Scheduled Castes and Schedules Tribes, section 6 thereof relates to re-adjustment of constituencies by the Election Commission, section 7 relates to procedure and powers of the Commission, section 8 relates to publication of amendments made in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, section 9 relates to certain other powers of the Election Commission for correcting and section 10 relates to validation of acts done prior to the commencement of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.

**The administrative Ministry may examine in consultation with the Election Commission as to whether anything survives in the aforesaid Act.**

#### **48. The Destructive Insects and Pests Act, 1914 (II of 1914)**

The Aforesaid Act was enacted to prevent the introduction into British India of

(changed to India by A.O. 1950) any insect, fungus or other pest, which is or may be destructive to crops.

The Department of Agriculture and Cooperation vide its OM No. 35-13/2014-O&M/PG dated 15th Sep, 2014 stated that the Act had been revisited and a comprehensive Bill, namely, The Agricultural Bio Security Bill, 2013 was introduced in LokSabha on 11.03.2014. Clause 80 of the Agricultural Bio Security Bill, 2013 proposed to repeal the Destructive Insects and Pests Act, 1914 and Live-stock Importation Act, 1898. The Bill lapsed with the dissolution of the 15<sup>th</sup> LokSabha. They further stated that a fresh Bill, namely, the Agricultural Bio Security Bill, 2014 is proposed to be introduced in this regard.

**The Committee feels that the administrative Ministry may re-visit the provisions of the Agricultural Bio Security Bill, 2014 and take immediate steps for enactment of a new legislation to replace the Destructive Insects and Pests Act, 1914 which has been existing for about one hundred years and outlived its utility.**

#### **49. The Destructive Insects and Pests (Amendment and Validation) Act, 1992 (12 of 1992)**

The Aforesaid Act was enacted to amend the Destructive Insects and Pests Act, 1914.

The P.C. Jain Commission in its Report at Sl. No. 153 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended for repeal of the aforesaid Act, (being the amendment Act to the principal Act) but its recommendations are silent for repeal of the Destructive Insects and Pests Act, 1914 (being the principal Act).

The Department of Agriculture and Cooperation vide its OM No. 35-13/2014-O&M/PG dated 15th Sep, 2014[*Refer Volume III, Part-I*] stated that the Destructive Insects and Pests Act, 1914 (principal Act) authorises the Government to levy and collect fees at such rates and in such manner as may be specified therein for making an application for a permit to import or for making inspection, fumigation, disinfection, disinfestations or supervision of any article or class of articles or any insect or class of insects. On the basis of this said amendment fee structure for the above mentioned purpose has been notified and published under the Schedule IX of the Plant Quarantine (Regulation of Import into India) Order, 2003. They further stated that there is no need to repeal this Amendment Act till a comprehensive Act is passed by the Parliament.

**The Committee feels that the aforesaid Act may be considered for re-enactment/repeal.**

#### **50. The Insecticides Act, 1968 (46 of 1968)**

The aforesaid Act was enacted to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings or animals, and for matters connected therewith.

The Department of Agriculture and Cooperation vide its OM No. 35-13/2014-O&M/PG dated 15th Sep, 2014[*Refer Volume III, Part-I*] stated that the Insecticides Act, 1968 has been revisited in whole and a comprehensive Bill namely, the Pesticides Management Bill, 2008 is pending in RajyaSabha for consideration and passing. Clause 53 of the Pesticides Management Bill, 2008 proposes to repeal the Insecticides Act, 1968.

Attention is invited to clauses 51 and 52 of the aforesaid Bill, read as under:—

[Compensation to farmer or affected person]

51. Every pesticide sold to a farmer, producer, stockist, distributor, retailer or pest control operator, as the case may be, shall disclose the expected performance, efficacy or safety of such pesticide under given conditions, and if the pesticide fails to provide the expected performance or causes any harm to human or animal health or damage to the environment by use of that pesticide, then, the farmer or the affected person may claim compensation from the manufacturer or distributor or stockist or retailer or pest control operator, as the case may be, under the provisions of the Consumer Protection Act, 1986.

Segregation and disposal of pesticides.

**52.** A batch of a pesticide that has outlived its shelf-life; or a batch that has been declared to be misbranded, sub-standard or spurious or has been banned shall, within a period of three months, be segregated and disposed of in such manner which is safe for human beings, animals and environment as may be prescribed:

Provided that the remains of samples of pesticides drawn by the Pesticide Inspector and tested shall also be disposed of in a similar manner after the period as may be prescribed.]

The Department-related Parliamentary Standing Committee submitted its report on the aforesaid Bill..

**Since, six years have elapsed after introduction of the aforesaid Bill, the administrative Ministry may re-visit in today's context and move the amendments, if so required and the Committee feels that repeal of the aforesaid Act and its re-enactment is necessary in today's socio-economic context.**

### **51. The Seed Act, 1966 (54 of 1966)**

The aforesaid Act was enacted to provide for regulating the quality of certain seeds for sale, and for matters connected therewith.

The Department of Agriculture and Cooperation vide its OM No. 35-13/2014-O&M/PG dated 15th Sep, 2014 stated that the Expert group on seeds under the chairmanship of Dr. M.V. Rao had recommended to replace the Seeds Act with new Seeds Bill. The Seeds Bill 2004 has introduced in the Rajya Sabha on 09.12.2004 and the same is pending in the Rajya Sabha. The Department-related Parliamentary Standing Committee submitted its report on the aforesaid Bill..

Attention is invited to clauses 12, 13 and 15 of the aforesaid Bill contain provisions for the Maintenance of National Register of Seeds of kinds and varieties, Registration of seeds of any kind or variety and Special provision for registration of transgenic varieties. Clause 38 contains provisions for committing Offences and Punishment for such contravention under the proposed legislation. Clause 39 contains provisions for Forfeiture of property [the seed in respect of which the contravention has been committed shall be forfeited to the Central Government]

**Since, ten years have elapsed after introduction of the aforesaid Bill, the administrative Ministry may re-visit in today's context and move the amendments, if so required**

**The Committee feels that the Committee feels that repeal of the aforesaid Act and its re-enactment is necessary in today's socio-economic context.**

### **52. The Administration of the Public Financial Institutions (Obligation as to Fidelity and Secrecy) Act, 1983(48 of 1983)**

The aforesaid Act has been enacted to provide for the obligation of public financial institutions as to fidelity and secrecy.

Attention is invited to section 3 of the aforesaid Act, which reads as under:-

#### **[3. Obligation as to fidelity and secrecy**

(1) A public financial institution shall not, except as otherwise provided in sub-section (2) or in any other law for the time being in force, divulge any information relating to, or to the affairs of, its constituents except in circumstances in which it is, in accordance with the law or practice and usage, customary among bankers, necessary or appropriate for the public financial institution to divulge such information.

(2) A public financial institution may, for the purpose of efficient discharge of its functions, collect from, or furnish to,-

(a) the Central Government; or

(b) the State Bank of India constituted under section 3 of the State Bank of India Act, 1955, any subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, any other scheduled bank within the meaning of the Reserve Bank of India Act, 1934; or

(c) any other public financial institution,

such credit information or other information as it may consider useful for the purpose, in such manner and at such time as it may think fit.

Explanation.- For the purposes of this sub-section, the expression "credit information" shall have the same meaning as in clause (c) of section 45A of the Reserve Bank of India Act, 1934 subject to the modification that the banking company referred to therein shall mean a bank referred to in clause (b) of this sub-section or a public financial institution.]

**The aforesaid Act is required to be re-visited, repealed and re-enacted to reflect the today's socio economic context.**

### **53. The Benami Transactions (Prohibition) Act, 1988.**

The Benami Transaction (Prohibition) Bill, 2011 was introduced in the Fifteenth Lok Sabha which has been lapsed due to the dissolution thereof.

**The Administrative Ministry may take steps for re-enactment of the aforesaid Act with such modification as may be necessary in today's context.**

### **54. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995**

The Department of Disability Affairs *vide* its ID Note No.14-106/2014-DD-IV dated the 16th September, 2014 has conveyed that the Rights of Person with Disabilities Bill, 2014 has been introduced in the Rajya Sabha to replace the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and has been referred to the Parliamentary Standing Committee.

**In view of the above, the Committee has no views in the matter except that the recommendations of the Hon'ble Standing Committee may be processed.**

### **55 . The Semiconductor Integrated Circuits Layout Design Act, 2000 (37 of 2000)**

The aforesaid Act was enacted to provide for the protection of semiconductor integrated circuits layout-designs and for matters connected therewith or incidental thereto.

The aforesaid Act has been enacted *inter alia* for giving effect to section 6 in Part II of the Agreement in the Trade Related Aspects of Intellectual Property Rights relating to Lay out- Design (Topographies of Integrated Circuits).

The Centre for Civil Society at Sl. No.80 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act made a distinction between intellectual property protection for the layout-design of ICs, and protection for all other inventions related to semiconductors. The former is protected by the present Act while the latter falls under the Patents Act, 1970 (39 of 1970). Intellectual property experts have pointed out that only a small part of the possible protection for ICs is covered under the present Act. This leads to confusion regarding the suitable authority for registering intellectual property protection. The Act sets up parallel agencies for the sole purpose of registering IC designs, when this work can easily be carried out by the existing bodies for intellectual property protection, for example, through the Controller General of Patents, Designs and Trade Marks set up under the Trade Marks Act, 1999. Further, the parallel bodies set up are not actually in

use. No design has been registered in the 14 years of the operation of the Registrar, and no cases have been filed under the Act. It further stated that in order to be TRIPS compliant, the protection under this Act can instead be granted under the Patents Act, 1970, which is already being used to protect all other aspects of semiconductors.

**The Committee feels that the aforesaid Act is required to be re-visited in today's context and the provisions aforesaid Act can be merged in the Patents Act, 1970 which is dealing with all other aspects of the semi-conductors, so as to reduce the multiplicity of the Acts on the Statute Book.**

## **CHAPTER-11**

### **CENTRAL ACTS SUGGESTED FOR REPEAL BUT CONSIDERED FOR RETENTION OR REVISITING THEREOF**

#### **1.The Land Improvement Loans Act, 1883 (19 of 1883)**

The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 12th October, 1883. The aforesaid Act was enacted to consolidate and amend the law relating to loans of money by the Government for agricultural improvements.

The Law Commission of India in its 249th Report has recommended for repeal of the aforesaid Act in consultation with the relevant States (s) at Sl. No. 42 under Chapter 2 of its Report. The Law Commission observed that the aforesaid Act consolidated and amended the law relating to loans of money by the Government for agricultural improvements. ‘Improvement’, for the purposes of this Act, meant construction of wells, preparation of land for irrigation, etc. The Act lays down the procedure for application for loans and also, for the recovery of loans. Land Improvement and agricultural loans is now a State subject (Entry 18, List II). Every State now has a Land Mortgage Bank Act which authorises the setting up of a land mortgage bank. One of the purposes of this Bank is to help carry out agricultural improvements. Hence this Act has lost its relevance and must be repealed. The Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

There are other Acts also such as the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981) and Public Sector Banks under the Central Acts, which inter alia provides for providing and regulating credit and other facilities for the promotion and development of agriculture, small-scale industries, cottage and village industries, handicrafts and other rural crafts and other allied economic activities in rural areas with a view to promoting integrated rural development and securing prosperity of rural areas and for matters connected therewith or incidental thereto.

Section 3 of the Land Improvement Loans Act, 1883, enables the local Government to grant loans for the purpose of making any improvement (any work which adds to letting value of land and includes construction of wells, tanks and other works for storage, supply or distribution of water for the purpose of agriculture or for the use of men and cattle used in agriculture.

**The Committee feels that in case the aforesaid Act is agriculture friendly and for the improvement of agriculture, it may be retained. In view of the paragraph 3 to 9 of Chapter 5, the Committee feels that the views of stake holders including the State Governments are required before taking a view on the aforesaid Act.**

## **2. The Punjab District Boards Act, (XX of 1883)**

The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 12th October, 1883. The aforesaid Act was enacted to make better provision for local self government in the Districts of the Panjab.

The Law Commission of India in its 249th Report at Sl. No. 43 under Chapter of the Report had recommended the Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use. Law Commission observed that the Act made better provisions for the local self-government in the districts of Punjab. The Act envisaged District Boards for proper maintenance of the districts (construction of roads, management of property, registration of births and deaths, etc.). The Act also imposed a 'local rate' payable on all land in the district by the landholders. The revenue from this collection would go towards the maintenance of the district. Evidence of the fact that this might still be relevant is that the Punjab Land Revenue Act, 1967 defines 'rates and cesses' to include the local rate payable under the Punjab District Board Act, 1883. However, the Act seems to have otherwise fallen into disuse. The Central Government should write to the Government of Punjab seeking clarification on whether this Act is still in use. The Central Government should also remove this law from its lists of central Acts in force.

**The Law Commission has not recommended for the repeal of the aforesaid Act. In view of the paragraph 3 to 9 of Chapter 5, the Committee feels that the views of stakeholders including the State Governments are required before taking a view on the aforesaid Act.**

## **3. The Easements (Extending) Act, 1891(8 of 1891)**

The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 6th March, 1891. The aforesaid Act was enacted to extend the Indian Easements Act, 1882 to certain areas in which that Act is not in force.

The aforesaid Act contains only one section by which the Indian Easements Act, 1882 (V of 1882) has been extended to Bombay and to North-west Provinces and Oudh.

The P.C. Jain Commission in its Report at Sl. 84 of Appendix A-1 (166 Central Acts recommended for repeal) had recommended for the repeal of this Act.

The Law Commission of India in its 249th Report at Sl. No. 49 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act extended the Easements Act, 1882 to the territories administered by the Governor of Bombay in Council and the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh. This Act is now redundant as the territorial divisions that it describes do not exist now. The purpose of this Act has been fulfilled and hence, the Central Government should repeal this Act.

**Since, the Easements (Extending) Act, 1891 has been enacted only for the purpose of extending the principal legislation i.e., the Indian Easements Act, 1882, a view on the repeal of the aforesaid Act may be taken after consulting the stake holders.**

#### **4.The Arya Marriage Validation Act, 1937 (XIX of 1937)**

The aforesaid Act was enacted to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists.

The P.C.Jain Commission in its Report at Sl.No. 1 of Appendix-D has included the aforesaid Act. The Commission observed that there are number of personal laws applicable to some religions and communities. Some of these may not be relevant now and are also indeed very old. The perception of the concerned religion or community would be relevant for their updating/codification/repeal. The Commission recommends that further action be taken accordingly.

The Centre for Civil Society at Sl. No.25 of its compendium of 100 laws to be repealed *inter alia* stated that the validity of marriages between Arya Samajis is recognised through the Hindu Marriage Act, 1955. Arya Samajis are specifically described under section 2(1)(a) of the Hindu Marriage Act, 1955 as ‘forms’ or ‘developments’ of the Hindu religion and therefore their marriages fall within the scope of the Hindu Marriage Act. The present Act is merely repetitive and not required.

The Legislative Department vide their D.O. No. 11(29)/2014-Leg.I dated the 12th September, 2014 at Sl. No. 49 of the Annexure annexed to the said D.O. letter have recommended for the repeal of the aforesaid Act.

Attention is invited to section 2 of the aforesaid Act which reads as under:

"2. Marriage between Arya Samajists not to be invalid.- Notwithstanding any provision of Hindu Law, usage or custom to the contrary no marriage contracted whether *before or after the commencement of this Act* between two persons being at the time of the marriage Arya Samajists shall be invalid or shall be deemed ever to have been invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus or that either or both of the parties at any time before the marriage belonged to a religion other than Hinduism."

The Committee has deliberated on the repeal of this Act and feels that in view of section 2 of the aforesaid Act which provides for validation of marriages not only before the enactment of aforesaid Act but also after the commencement of the aforesaid Act. The Administrative Ministry may re-visit their proposal to repeal the aforesaid Act and take a view in the matter as to whether the repeal of this Act shall affect the validation of marriages of two persons being at the time of the marriage are Arya Samajists.

**The Committee feels that the aforesaid Act may be retained till views of the stake holders are obtained.**

#### **5. The Khaddar (Protection of Name) Act, 1950 (78 of 1950)**

The aforesaid Act was enacted to regulate the use of the words "Khaddar" and "Khadi" when applied as a trade description of woven materials. The aforesaid Act came into force from the 28th December, 1950.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 24 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act. The Law Commission, *inter alia*, observed that the aforesaid Act regulated the use of the words ‘khaddar’ and ‘khadi’ when applied as a trade description of woven materials. The Act mandated that the words ‘khaddar’ and ‘khadi’, whether in Hindi, English, or in any other language, when applied to

any woven material, shall be deemed to be a trade description within the meaning of the Indian Merchandise Act, 1889. This was done to indicate that such material is cloth woven on handlooms in India from cotton, silk or woollen yarn or from a mixture of any two or all of such yarns. The Indian Merchandise Act, 1889 has been repealed but a corresponding amendment has not been made in this Act. In fact, 'khadi' was registered as a mark registered under the Trade Marks Act, 1999 and the Khadi Mark Regulations, 2013 were issued for the purpose of authentication of genuine khadi. Hence, this Act is now redundant and can be repealed.

The aforesaid Act contains three sections. Section 2 of the aforesaid Act, inter alia, provides that the words 'khaddar' and 'khadi', whether in Hindi, English, or in any other language, when applied to any woven material, shall be deemed to be a trade description within the meaning of the Indian Merchandise Act, 1889, which has been repealed by the Trade and Merchandise Marks Act, 1958 with the saving clause. The Trade and Merchandise Marks Act, 1958 has been repealed by the Trade Marks Act, 1999 (47 of 1999) with a saving clause.

Attention is invited to section 8 of the General Clauses Act, 1897, which reads as under:—

"8. Construction of references to repealed enactments.—(1) Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

(2) Where before the fifteenth day of August, 1947, any Act of Parliament of the United Kingdom repealed and re-enacted, with or without modification, any provision of a former enactment, then references in any Central Act or in any Regulation or instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted."

**In view of above, the Trade Description of "Khaddar" and "Khadi" would continue to exist. In case the Khaddar (Protection of Name) Act, 1950 is repealed, the protection of Trade Description under the aforesaid Act may cease to exist to the detriment of the Khadi Industries. In case the concerned Ministry intends to repeal the aforesaid Act, the Committee suggests that the opinion of the Lt. Law Officer may be obtained and amendments, if necessary may be carried out in the aforesaid Act to continue the Trade Description of "Khaddar" and "Khadi" instead of repealing the aforesaid Act.**

## **6. The Scheduled Areas (Assimilation of Laws) Act, 1951(37 of 1951)**

The aforesaid Act was enacted to assimilate certain laws in force in the scheduled areas to the laws in force in the Districts of Darrang and Lakhimpur of the State of Assam.

The P.C. Jain Commission recommended for its repeal Sl. No. 105 of Appendix A-1 of its report (166 Central Acts for repeal by Central Government).

The Law Commission of India in its 249th Report at Sl. No. 69 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed that the aforesaid Act assimilated certain laws in force in the scheduled areas (this refers to areas which find mention in the Schedule appended to the Act, and not to Scheduled Areas under the Constitution) to the laws in force in the districts of Darrang and Lakhimpur of the State of Assam. The Act provided that all laws in force in the scheduled areas were to cease to be in force after the appointed day (as specified in the Act). After the appointed day, the laws in force in Darrang were to come into force in the areas mentioned in paragraph 1 of the

Schedule and the laws in force in Lakhimpur would come into force in the areas specified in paragraphs 2 and 3. The purpose of this Act has now been fulfilled. Hence, the Central Government should repeal this Act.

The Ministry of Home Affairs *vide* their O.M.No. I 34020/122/2014-Coord.-I dated the 19th September, 2014 (*Refer Vol. III, Part I*) has stated that the State of Assam files original suit No. 1/89 in the Supreme Court of India and the matter is presently *sub-judice*. The Act may not be repealed.

The Planning Commission has also at serial No. 6 of its I.D.No.25/04/2014 OM & C dated 11th September, 2014(*Refer Vol. III, Part I*) has also recommended for its repeal.

**In view of above , the Committee feel that at present the aforesaid need not be repealed.**

## **7. The Companies (Donation to National Fund) Act, 1951(54 of 1951)**

The aforesaid Act was enacted to enable companies to make donations to national funds

The Law Commission of India in its 159<sup>th</sup> Report and in 248<sup>th</sup> Report at Sl. No. 58 under Chapter 4 has also recommended for repeal of this Act. This Act enable companies to make donations to certain national funds, or any other Central Government approved charitable Funds. The Law Commission in its 159th Report recommended that this Act be repealed after incorporating relevant changes under the Companies Act, 1956. Section 135 (Corporate Social Responsibility) read with Schedule VII imposes a mandatory duty on companies to contribute a specified percentage of their profits for a social and charitable purpose under the new Companics Act, 2013. Hence, the purpose of this Act has been subsumed by 2013 Act. In July, 2014, the Ministry of Corporate Affairs confirmed that the relevant provisions of this Act have already been incorporated in the new Companies Act, 2013 and therefore the Companies (Donation to National Fund) Act, 1951, is redundant.

The Ministry of Corporate Affairs has forwarded an U.O Number 8/3/2014-CL.I dated 15th September, 2014 (*Refer Vol. III, Part I*) to the Secretariat of the Committee, which also contains a proposal to repeal the aforesaid Act in view of sections 181 and 183 of the Companies Act, 2013. The aforesaid sections 181 and 183 of the Companies Act, 2013 read as under:—

[Section 181. The Board of Directors of a company may contribute to *bona fide* charitable and other funds: Provided that prior permission of the company in general meeting shall be required for such contribution in case any amount the aggregate of which, in any financial year, exceed five per cent. of its average net profits for the three immediately preceding financial years.

Section 183. (1) The Board of Directors of any company or any person or authority exercising the powers of the Board of Directors of a company, or of the company in general meeting, may, notwithstanding anything contained in sections 180, 181 and section 182 or any other provision of this Act or in the memorandum, articles or any other instrument relating to the company, contribute such amount as it thinks fit to the National Defence Fund or any other Fund approved by the Central Government for the purpose of national defence.

(2) Every company shall disclose in its profits and loss account the total amount or amounts contributed by it to the Fund referred to in sub-section (1) during the financial year to which the amount relates.]  
Attention is invited to the Statement of Objects and Reasons for the enactment of the

Companies (Donation to National Fund) Act, 1951 and section 3 thereof which read as under:—

[Statement of Objects and Reasons:

The Associated Chambers of Commerce and many companies who are desirous of making donations to the Sardar Vallabhbhai National Memorial Fund which has been established for carrying our objects conducive to the general welfare have approached Government to remove the legal difficulty that has arisen owing to the absence of a provision in the Articles of the Association of some companies authorising the making of such donations. Even if the shareholders decide at a special meeting to make a donation, in the absence of any authorising provision in the Articles of Association, they are not legally entitled to do so. Act 35 of 1948 was passed for the purpose of removing this difficulty in the case of donations to the Gandhi National Memorial Fund. It is now proposed that a similar legislation be undertaken to cover donations to the Sardar Vallabhbhai National Memorial Fund and other similar National Funds established for charitable purposes and which by reason of their national importance have been approved by the Central Government in this behalf. The donations can only be made if the general body of the companies have met at a special meeting and approved the making of such gifts by the passing of an extraordinary resolution in the manner required by S. 81 of the Indian Companies Act, 1913 . As a matter of drafting the Bill has been framed as a consolidating measure." —Gazette of India, 22-9-1951, Pt. II, S. 2, p.656.]

Section 3 of the Companies (Donation to National Fund) Act, 1951 is as under:—

[Section 3. Power of companies to make donations to certain National Funds. Any company may, notwithstanding anything contained in the Companies Act or in any other law for the time being in force regulating the affairs thereof, and notwithstanding that the memorandum or articles of association of the company do not enable it so to do, by an extraordinary resolution passed in accordance with the provisions contained in section 81 of the Companies Act, authorise the making of donations to the Gandhi National Memorial Fund or the Sardar Vallabhbhai National Memorial Fund, or to any other Fund established for a charitable purpose which by reason of its national importance has been approved by the Central Government for the purposes of this section].

The Centre for Civil Society at Sl. No.87 of its compendium of 100 laws to be repealed *inter alia* stated that the Department of Company Affairs has proposed repeal of the Act by incorporating the relevant provisions under the Companies Act, 1956. The Law Commission in its 159th Report (1998) has noted this fact in Chapter 3 at Page 23. The Act is legally untenable, in so far as it empowers the Company to make donations irrespective of its Memorandum or Articles of Association, in view of section 36 of the Companies Act, which makes the aforesaid documents binding not only on the Company but also its members. Section 135 of the Companies Act, 2013, read with, Schedule VII of the Act and the Companies (Corporate Social Responsibility) Rules, 2014, mandatorily requires companies to contribute a fixed percentage of profits, for a social and charitable purpose. The 2013 Act has application and scope wide enough to achieve the purpose that the Companies (Donation to National Funds) Act, sought to achieve. It further stated that there are no legal issues that would impede repeal.

Now, a new law, namely, the Companies Act, 2013 (18 of 2013) has been enacted and as per the provisions contained in section 135 of the said Act read with Schedule VII, every company has to ensure that it spends, in every financial year, at least two per cent. of the average net profits of the company made during the three immediately preceding financial years, in pursuance of its Corporate Social Responsibility Policy. After the enactment of the new law the provisions of this Act has become redundant. The Committee noted that the expression –

"the making of donations to the Gandhi National Mcmorial Fund or the Sardar

Vallabhbhai National Memorial Fund, or to any other Fund established for a charitable purpose which by reason of its national importance has been approved by the Central Government for the purposes of this section" used in section 3 of the Companies (Donation to National Fund) Act, 1951.

It would be relevant to draw attention to the following intent of the legislatures reflected in the Statement of Objects and Reasons for the aforesaid Act which is as under:- "Act 35 of 1948 was passed for the purpose of removing this difficulty in the case of donations to the Gandhi National Memorial Fund. It is now proposed that a similar legislation be undertaken to cover donations to the Sardar Vallabhbhai National Memorial Fund and other similar National Funds established for charitable purposes and which by reason of their national importance have been approved by the Central Government in this behalf."

Sections 181 and 183 of the Companies Act, 2013 allows the Companies to make donations for *bona fide* charitable and other purposes and to the National Defence Fund or any other Fund approved by the Central Government for the purpose of national defence. The donations to the Sardar Vallabhbhai National Memorial Fund and other similar National Funds established for charitable purposes and which by reason of their national importance have been approved by the Central Government in this behalf are different and cannot be equated with the donations for bona fide, charitable and other purposes. The Committee feels that the donations made to the Sardar Vallabhbhai National Memorial Fund and other similar National Funds established for charitable purposes and which by reason of their national importance cannot be similar to the donations made to the aforesaid funds of national importance.

**The Committee feels that the aforesaid Act may be retained and the procedure for making a donation by the Companies to the aforesaid National Funds be made simpler under the aforesaid Act.**

## **8. The Scheduled Areas (Assimilation of Laws) Act, 1953(16 of 1953)**

The aforesaid Act was enacted to assimilate certain laws in force in the scheduled areas to the laws in force in the Districts of Darrang and Lakhimpur of the State of Assam.

The P.C. Jain Commission recommended for its repeal Sl. No. 106 of Appendix A-1 of its report (166 Central Acts for repeal by Central Government).

The Law Commission of India in its 249th Report at Sl. No. 71 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act referring to the earlier recommendations of the P.C. Jain Commission. The Law Commission observed the aforesaid Act assimilated certain laws in force in the scheduled areas (the areas mentioned in the Schedule to the Act) to the laws in force in the districts of Nowgong and Sibsagar in the State of Assam. The Act provided that all laws in force in the scheduled areas were to cease to be in force after the appointed day (as specified in the Act). After the appointed day, the laws in force in Nowgong would come into force in the areas mentioned in paragraph 1 of the Schedule and the laws in force in Sibsagar would come into force in the areas specified in paragraph 2. The purpose of this Act has now been fulfilled. Hence, the Central Government should repeal this Act

The Ministry of Home Affairs vide their O.M.No. I 34020/122/2014-Coord.-I dated the 19th September, 2014 (*Refer Vol. III, Part I*) has stated that the State of Assam files original suit No. 2/88 in the Supreme Court of India and the matter is presently *sub-judice* and the Act may not be repealed.

The Planning Commission has also at serial No. 7 of its I.D.No.25/04/2014 OM & C (*Refer Vol. III, Part I*) dated 11th September, 2014 has also recommended for its repeal.

**In view of above , the Committee feel that at present the aforesaid need not be repealed.**

## **9. The Lushai Hills District (Change of Name) Act, 1954 (18 of 1954)**

The aforesaid Act was enacted to change the name of the Lushai Hills District.

The Law Commission in its 249th Report at Sl.No 72 under Chapter 2 has categorised the aforesaid Act under the Category, namely the State Re-organisation and Extension of Laws and recommended Repeal of the aforesaid Act without mentioning consultation with the stake holders. The Law Commission observed that the aforesaid Act changed the name of the Lushai Hills District (a tribal area in Assam). After the commencement of this Act, the Lushai Hills District came to be known as the Mizo District. The Act also made amendments to the Sixth Schedule so as to insert 'Mizo District' wherever 'Lushai Hills District' found a mention. The Act has now served its purpose. Hence, the Central Government should repeal this Act with a suitable savings clause. This Act has also been recommended for review by the PC Jain Commission Report (Appendix B).

**The Committee feel that the aforesaid Act may be retained and considered for repeal after specific confirmation from the stake holders.**

## **10. The Shillong Rifle Range and Umlong Cantonments Assimilation of Laws Act, 1954 (31 of 1954)**

The aforesaid Act was enacted to assimilate certain laws in force in the scheduled areas to the laws in force in the Khasi and Jaintia Hills districts.

The P.C. Jain Commission at Serial No. 107 of Appendix-A-1 (166 Central Acts for repeal by the Central Government) in its report recommended for repeal of the aforesaid Act.

The Law Commission of India in its 249th Report at Sl. No. 74 under Chapter 2 of the Report also recommended for repeal of the aforesaid Act without mentioning consultation with relevant State(s). The Law Commission categorised the aforesaid under the Category, namely, State Re-organisation and Extension of Laws. The Law Commission observed that the aforesaid Act assimilated certain laws in force in the scheduled areas to the laws in force in the Khasi and Jaintia Hills district. The Act provided that all laws in force in the scheduled areas were to cease to be in force after the appointed day. After the appointed day, the laws in force in the Khasi and Jaintia Hills district were to come into force in the areas mentioned in the Schedule. The purpose of this Act has now been fulfilled. Hence, the Central Government should repeal this Act.

The Ministry of Home Affairs *vide* its OM No.I-34020/122/2014-Coord.I dated 19th Sep, 2014(*Refer Vol. III, Part I*) stated that Khasi Autonomous District Council is claiming that Shillong Cantonment and municipality of Shillong Area was part and parcel of the Sixth Schedule areas and hence these area be transferred to them and thus the Act may not be repealed at this stage

**In view of above, the Committee feels that the aforesaid Act may not be repealed at present.**

## **11. The Prize Competitions Act, 1955 (42 of 1955)**

The aforesaid Act was enacted in pursuance of the legislative competence conferred upon the Parliament by the Legislatures of the States of Andhra, Bombay, Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Bharat, Patiala and East Punjab States Union and Saurashtra have passed resolutions in terms of clause (1) of article 252 of the Constitution in relation to the above-mentioned matter and matters ancillary thereto in so far as such matter or matters enumerated in List II in the Seventh Schedule to the Constitution.

The Centre for Civil Society at Sl. No.73 of its compendium of 100 laws to be repealed *inter alia* stated that the Prize Competitions Act was passed by the Centre, on a resolution passed by the aforesaid States under article 252 of the Constitution. However, each of these states has its own legislation pertaining to regulation of gambling and betting, namely:—

- The Bombay Prevention of Gambling Act, 1887 (also applicable in Gujarat)
- Madras City Police Act, 1888
- Orissa Prevention of Gambling Act, 1955
- UP Public Gambling Act, 1867
- Andhra Pradesh Gaming Act, 1974
- Madhya Pradesh Gambling Act, 1949
- Punjab Public Gambling Act, 1961
- Rajasthan Public Gambling Ordinance, 1949
- Public Gambling Act, 1867
- Karnataka Gambling Law/Act
- The Delhi Public Gambling Act, 1955

Additionally, some of the States mentioned in section 1(2) of the Act no longer exist. It further stated that the Repeal will impact pending cases under the Act. Along with repeal, a saving clause can be enacted to save application of Act on pending cases.

**At this stage, it is not feasible to the Committee to take a view in the matter. The administrative Ministry may peruse the above observations for taking a view in the matter.**

## **12. The Sugar Export Promotion Act, 1958 (30 of 1958)**

The aforesaid Act was enacted to provide for the export of sugar in the public interest and for the levy and collection in certain circumstances of an additional duty of excise on sugar produced in India.

The Centre for Civil Society at Sl. No.74 of its compendium of 100 laws to be repealed *inter alia* stated that the aforesaid Act is not being implemented. Up until 1997, exports of sugar were carried out under the provisions of the Sugar Export Promotion Act (1958), through the notified export agencies, i.e., Indian Sugar and General Industry Export Import Corporation Ltd. and State Trading Corporation of India. In a move to deregulate the

sugar industry, the Act was repealed on 15 January 1997, through an ordinance by the United Front Government. However, the ordinance was never validated by legislation. Now, the export of sugar can be undertaken directly by various sugar mills after obtaining export a Release Order from the Directorate of Sugar. Hence, the Act continues to be in force, although it is not implemented. The Act is not in tune with the policy of liberalising the sugar sector. The gradual liberalisation and de-licensing of the sugar industry from 1998 allowed investments to flow in, enabled increase in installed capacity and scale of operations, and made the sugar industry more competitive. The average annual growth rate of the installed capacity of the sugar industry increased from 3.3% between 1990-91 and 1997-98 to 6.9% between 1998-99 and 2011-12. However, the export policy, based on domestic availability, demand and price, continued to be heavily regulated and complicated. In 2011-2012, sugar exports were placed under the Open General License System (OGL). In May 2012, the Government further de-regulated sugar exports, by removing quantitative restrictions in order to expedite shipments. In October 2012, the Report of the Committee on the Regulation of Sugar Sector in India, under the chairmanship of the then Chairman of the Economic Advisory Council to the Prime Minister, Dr. C. Rangarajan, also recommended removal of all quantitative restrictions on trade in sugar and abolition of export licensing. It further stated that there are no legal issues that would impede repeal.

The aforesaid Act was repealed by the Sugar Export Promotion (Repeal) Ordinance, 1997 (4 of 1997). No information is available with the Committee as to whether the aforesaid Ordinance was replaced by an Act. Similarly, in the past, the Out of Turn Allotment of Government Residences (Validation) Ordinance, 1997 (14 of 1997) was promulgated, but no information is available as to whether the said Ordinance was replaced by an Act.

**A view would have to be taken by the administrative Ministry in consultation with the Department of Legal Affairs, Ministry of Law and Justice as to whether the Sugar Export Promotion Act, 1958 would stand revived or would be considered as repealed by the said Ordinance in view of the Out of Turn Allotment of Government Residences (Validation) Ordinance, 1997 (14 of 1997) which was not replaced by the Act and other legislative precedence and Constitutional provisions.**

### **13. The Legislative Assembly of Nagaland (Change in Representation) Act, 1968 (61 of 1968)**

The aforesaid Act was enacted to provide for a change in representation in the Legislative Assembly of Nagaland and for that purpose to make consequential amendments in the State of Nagaland Act, 1962 and the Representation of the People Act, 1950.

The Law Commission of India in its 249th Report at Sl. No. 75 under Chapter 2 of the Report recommended for repeal of the aforesaid Act without mentioning consultation with relevant State(s) and mentioning the earlier recommendations of the P.C Jain Commission. The Law Commission observed that the aforesaid Act provided for a change in representation in the Legislative Assembly of Nagaland, and made consequential amendments to the State of Nagaland Act, 1962 and the Representation of the People Act, 1950. The Act amended Section 11 of the State of Nagaland Act, 1962 and also, the proviso to Section 7(1) of the Representation of the People Act, 1950 along with the Second Schedule of the Act. Since the amendments have been duly made, the purpose of the Act has been fulfilled. Hence, the Central Government should repeal this Act with a suitable savings clause. This Act has also been recommended for review by the PC Jain Commission Report (Appendix B).

**The Committee feels that the aforesaid Act may not be repealed at present in the absence of views of the concerned Ministry and State Government.**

#### **14. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974)**

The aforesaid Act was enacted to provide for preventive detention in certain cases for the purposes of conservation and augmentation of Foreign Exchange and prevention of smuggling activities and for matters connected therewith.

The Centre for Civil Society at Sl. No.90 of its compendium of 100 laws to be repealed *inter alia* stated that the aforesaid Act is redundant in view of the Foreign Exchange Management Act, 1999 (FEMA). FEMA is the primary law relating to foreign exchange, which aims at facilitating external trade and payments, and promoting orderly development and maintenance of the foreign exchange market in India. It classifies any foreign exchange violation as a civil offence. FEMA replaced the Foreign Exchange Regulation Act under which foreign exchange violation was a criminal offence. However, COFEPOSA continues to criminalise (by providing for preventive detention) the aforesaid violations. Provisions related to smuggling under COFEPOSA are adequately covered under Chapter XVI of the Customs Act, 1962 (Section 115). The Customs Act has provisions for the confiscation (under Section 111, 113 and 118) and seizure of the smuggled goods (under Section 110) while also providing penal provisions. Apart from the wide interpretation of the word smuggling to include a range of activities, it also has penal provisions for non-accounting of goods (under Section 116). The aforesaid Act has increasingly become a source of harassment, manipulation and corruption. Stringent provisions of COFEPOSA are invoked to harass exporters against minor violations of foreign exchange regulations. Customs authorities resorted to COFEPOSA to detain exporters without any trial in cases where they had unintentionally violated foreign exchange regulations. It further stated that in Dropti Devi and Anr. Vs. Union of India, the constitutional validity of the Act was upheld. The Court highlighted the importance of the Act and the need to protect foreign exchange. Aside from this, there are no legal issues that would impede repeal.

**Having regard to the provisions of the Customs Act, 1962 and the Foreign Exchange Management Act, 1999, the Committee feels that the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 have not become redundant. At present, the Committee feels that the aforesaid Act may not be repealed. The issue of repealing the aforesaid Act can be considered having regard to the total amount of foreign exchange confiscated in violation of the law, the number of cases for prosecution initiated and the percentage of acquittal in such cases.**

#### **15. The Departmentalisation of Union Accounts (Transfer of Personnel) Act, 1976 (59 of 1976)**

The aforesaid Act was enacted to provide for the transfer of Officers serving in the Indian Audit and Accounts Department to any Ministry, Department or Office of the Central Government for facilitating the efficient discharge by such Ministry, Department or Office of the responsibility in connection with compiling the accounts thereof.

The Centre for Civil Society at Sl. No.92 of its compendium of 100 laws to be repealed *inter alia* stated that the aforesaid Act has served its purpose. The aforesaid Act led to the creation of Indian Civil Accounts Service(ICAS). The initial intake into the ICAS was by deputing and transferring personnel from the Indian Audit and Accounts Service (IAAS). This law facilitated the transfer of personnel from the IAAS to the ICAS. ICAS personnel

are now selected through the Civil Services Examination; hence there is no need for transfer of personnel from the IAAD to the ICAS as it has its own recruitment service. It further stated that there are no legal issues that would impede repeal.

Attention is invited to clause (5) of article 148 of the Constitution, which reads as under:—

**[148. Comptroller and Auditor-General of India.]**

[(5) Subject to the provisions of this Constitution and of any law made by Parliament, the conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the Comptroller and Auditor-General shall be such as may be prescribed by rules made by the President after consultation with the Comptroller and Auditor-General.]

There are separate rules for the conditions of the service of the persons serving in the Indian Audit and Accounts Department. The administrative powers of the Comptroller and Auditor-General are prescribed by the rules made by the President after consultation with the Comptroller and Auditor-General.

The Comptroller and Auditor-General is the appropriate Authority to take a view in the matter and recommend for the repeal of the aforesaid Act as the aforesaid Act relates to the administrative matter falling within the jurisdiction of the Comptroller and Auditor-General.

**In view of the above, the Committee feels that the aforesaid may not be repealed until the same is recommended for repeal by the Comptroller and Auditor-General.**

## **16. The Punjab Disturbed Areas Act, 1983 (32 of 1983)**

The aforesaid Act was enacted to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Punjab.

The P.C.Jain Commission in its Report at Sl. No. 108 (114 Central Acts recommended for repeal by the State Governments) had recommended for repeal of the aforesaid Act.

The Centre for Civil Society at Sl. No.95 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act was brought into force to curb militancy and public unrest in Punjab during the 1980s. It empowers the State Government to declare, by notification, any part or the whole of Punjab as a ‘disturbed area’, empowering any Magistrate or police officer not below the rank of a Sub-Inspector (or Havildar in the case of the Armed Branch of the police) to fire upon or use force (even if it leads to death), or prohibit the assembly of five or more persons or carrying of weapons, firearms, ammunition and explosive substances, where he considers necessary and after giving due warning. Therefore, the aforesaid Act is now redundant since militancy in the State has been wiped out and no major terrorist activity has taken place in the past two decades. In the absence of the threat of terrorist activity specifically within Punjab, the Act gives excessive power to the police force. The aforesaid Act is not being implemented in practice. Under the aforesaid Act, the whole of Punjab was declared as a disturbed area, by a notification dated the 16 November 1996, for a period of six months only, between 18 November 1996 and 17 May 1997. Prior to this, another notification, dated the 09 March 1989, declared Amritsar, Gurdaspur and Ferozepur as disturbed areas. The aforesaid 1989 notification was withdrawn on the 28 July 2008. Since then, no part of Punjab has been declared as a disturbed area. The law was enacted during President’s Rule in Punjab. There is an elected Government in place with powers under the Constitution to maintain law and order in the State.

The Law Commission of India in its 250<sup>th</sup> Report at Sl. No. 64 under Chapter 2 of the Report had recommended for repeal of the aforesaid Act referring to the earlier

recommendations of the P.C. Jain Commission. The Law Commission, *inter alia*, observed that the aforesaid Act provided for the suppression of disorder and for the restoration and maintenance of public order in the disturbed areas of Punjab. The Act empowered the State Government to declare the whole or any part of any district of Punjab as a disturbed area. This Act was enacted as a direct response to the rise of militancy in Punjab during the 1980s and gives extensive powers to police officers to use force in order to maintain peace and order. By virtue of a notification dated 16th November 1996, the whole State of Punjab was declared a disturbed area for a period of six months, i.e., from 18th November 1996 to 17th May 1997. Also, by a notification dated 9th March 1989, Amritsar, Gurdaspur and Ferozepur were declared as disturbed areas. However, this notification was withdrawn on 28th July 2008. *Prima facie*, there are no areas declared as disturbed in the State of Punjab and the need for this Act has been dispensed with. The Central Government should write to the Government of Punjab to ascertain the status of the Act and also, if any areas are still declared as disturbed areas within the State.

**The administrative Ministry has offered no comments in respect of the repeal of the aforesaid Act, which is of administrative in nature and related to the security of the State. The Committee has no views in respect of the repeal of the aforesaid Act, which may be considered in consultation with the concerned administrative Ministry and the concerned State Government.**

## **17. The Chandigarh Disturbed Areas Act, 1983 (33 of 1983)**

The aforesaid Act was enacted to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Chandigarh.

The Centre for Civil Society at Sl. No.96 of its compendium of 100 laws to be repealed inter alia stated that the aforesaid Act empowers the Administrator of the Union Territory of Chandigarh to declare, by notification, any part or the whole of Union Territory of Chandigarh as a 'disturbed area', empowering any Magistrate or police officer not below the rank of a Sub-Inspector (or Havildar in the case of the Armed Branch of the police) to fire upon or use force (even if it leads to death), or prohibit the assembly of five or more persons or carrying of weapons, firearms, ammunition and explosive substances, where he considers necessary and after giving due warning. The aforesaid Act also gives protection to persons acting in the exercise of powers under the Act. The aforesaid Act was brought into force to curb militancy and public unrest in Chandigarh during the 1980s and early 1990s, in wake of Operation Blue Star. Militancy in the Union Territory has been wiped out and no major terrorist activity has taken place since 1995. Under the aforesaid Act, Chandigarh was declared as 'disturbed area', through Notifications dated 2 December 1986 and 5 December 1991. In 2012, the Punjab and Haryana High Court quashed these notifications on the grounds that they were not justified because the government failed to reply as to when the powers under the Act were last invoked or place on record any specific instances of threat perception warranting continuance of notifications under the Act. The aforesaid Act gives excessive power and impunity to the police force. For these reasons, the aforesaid Act should be repealed. It further stated that there are no legal issues that would impede repeal.

**The administrative Ministry has offered no comments in respect of the repeal of the aforesaid Act, which is of administrative in nature and related to the security of the State. The Committee has no views in respect of the repeal of the aforesaid Act, which may be considered in consultation with the concerned administrative Ministry and the concerned Government of the Union territory of Chandigarh.**

## **18. The Illegal Migrants (Determination by Tribunals.) Act, 1983 (39 of 1983)**

The aforesaid Act was enacted to provide for the establishment of Tribunals for the determination, in a fair manner, of the question whether a person is an illegal migrant to enable the Central Government to expel illegal migrants from India and for matters connected therewith or incidental thereto.

The Centre for Civil Society at Sl. No.94 of its compendium of 100 laws to be repealed *inter alia* stated that the aforesaid Act instituted procedures to determine whether persons suspected to be illegal immigrants from Bangladesh did, in fact, fall under that category, and expel them from India. It was applicable only to the state of Assam (detection of foreigners in other states is done under The Foreigners Act, 1946). The aforesaid Act established Tribunals for determining whether a person is an illegal migrant. The constitutionality of this Act was challenged in Sarbananda Sonowal vs. Union of India. The Supreme Court declared that this Act was far less effective than the Foreigners Act in identifying and deporting illegal immigrants. It violated the duty of the Union, under Article 355 of the Constitution, to protect states from external aggression and internal disturbance. The Court struck down the aforesaid Act and Rules, ordered that the Tribunals under the aforesaid Act cease to function, and declared that the Foreigners Act and other related Acts would operate in Assam instead. The aforesaid Act, though inoperative, remains on the statute books, while a more effective system is in place in Assam as prescribed by the Foreigners Act, 1946. The aforesaid Act should therefore be formally repealed. It further stated that there are no legal issues that would impede repeal.

**The administrative Ministry has offered no comments in respect of the repeal of the aforesaid Act, which is of administrative in nature and related to the security of the State. The Committee has no views in respect of the repeal of the aforesaid Act, which may be considered in consultation with the concerned administrative Ministry and the concerned State Government.**

## **CHAPTER-12**

### **THE ACTS OR PROVISIONS THEREOF WHICH HAS NOT COME INTO FORCE**

#### **1. The Indian Trade Unions (Amendment) Act, 1947 (45 of 1947)**

The aforesaid Act was enacted further to amend the Trade Unions Act, 1926 (16 of 1926). The aforesaid Act was passed by the Dominion Legislature.

The aforesaid Act was enacted further to amend the Trade Unions Act, 1926 (16 of 1926). Sub-section (2) of section 1 provides that the aforesaid Act shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint. As per records made available with the Committee, no reference is available as to whether the provisions of the aforesaid Act have come into force or not. The aforesaid Act inter alia contains provisions for the recognition of the trade unions and unfair trade practices by trade unions.

In view of Report of the first National Commission on Labour in 1969, and the Report second National Commission on Labour in 2002 and expiry of 67 years since enactment of the Indian Trade Unions (Amendment) Act, 1947, the Committee feels that the aforesaid Act, notwithstanding whether the provisions of the same has come into force or not, have become obsolete and redundant in today's context and would require revisiting the same. The Ministry of Labour in its e-mail dated 12th September, 2014 sent to the office of the Committee is silent on the enforcement of the aforesaid Act.

**In view of above, the Committee feels that the aforesaid Act may be repealed in case it has not come into force.**

#### **2. The Insurance (Amendment) Act, 1968 (62 of 1968)**

The aforesaid Act was enacted to amend the Insurance Act, 1938 so as to provide for the extension of social control over insurers carrying on general insurance business and for matters connected therewith or incidental thereto, and also to amend the Payment of Bonus Act, 1965. Except sections 14 and 41, whole of the Act has come into force w.e.f. 01-06-1969 (S.O.2129 dated 26.05.1969), however, as per record available with the Committee no reference was found as to whether these two sections have come into force or not. Thereafter, all sections, except sections 1, 14 and 41, were repealed by Act 56 of 1974.

**The Committee feels that the aforesaid provisions of the Act can be repealed in case the aforesaid provisions have not been brought into force.**

#### **3. The Industrial Disputes (Amendment) Act, 1982 (46 of 1982)**

Sub section (2)of section I of the aforesaid Act provides that the provisions of that Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

From the records available to the Committee it is observed that all provisions of the aforesaid Act except clause (j) of section of the Industrial Dispute Act, 1947 [as inserted by clause 2 (c) of the aforesaid Act] has not been brought into force.

**In case, the aforesaid clause (j) of section of Industrial Dispute Act, 1947 has not been brought into force in view of the judgement of the Hon'ble Court in the Bangalore**

**Sewage Case, the administrative ministry may repeal the aforesaid Act or amend the definition of Industry and repeal the aforesaid Act in view of the preceding paragraphs.**

### **3. The Rubber (Amendment) Act, 1982 (54 of 1982)**

Sub section (2)of section I of the aforesaid Act provides that the provisions of that Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**From the records made available to the Committee, it is observed that the aforesaid Act has not been brought into force till date and, if so, the administrative may kindly either bring into force the provisions of the aforesaid Act or repeal the same.**

### **3.The Central Excises and Salt (Amendment) Act, 1985 (79 of 1985)**

The sections 2 to 7 of the aforesaid Act had been repealed by 30 of 2001. This Act could not be repealed in view of section 8 which provides for transfer of proceeding before the commencement of aforesaid Act i.e., 27th December, 1985..

**The Administrative Ministry may revisit the aforesaid section 8 and examine as to whether aforesaid Act can be repealed.**

### **4.The AIR (Prevention and Control of Pollution) Amendment Act, 1987 (47 of 1987)**

Sub section (2)of section 1 of the aforesaid Act provides that the provisions of that Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dated may be appointed for different States and for different provisions of this Act.

The aforesaid Act [except sections 2(ii), section 3, section 4(i) and section 15] has been repealed by Act 30 of 2001. From the records made available to the Committee, it is observed that sections 2(ii), section 3, section 4(i) and section 15 of the aforesaid Act not been brought into force till date and, if so, the administrative may kindly either bring into force the provisions of the aforesaid Act or repeal the same.

### **5. The Customs and Central Excises Laws (Amendment) Act, 1988 (29 of 1988)**

All provisions of the aforesaid Act have come into force (except sections 4, 5, 11, 12, and 16) vide Notification No. G.S.R. 752(E), dated 29-6-1988, Gazette of India, Extraordinary, 1988, Part II; Sect.3(i).

The aforesaid Act (except sections 1, 4, 5, 11, 12, and 16) has been repealed by Act 30 of 2001.

**From the records made available to the Committee, it is observed that sections 1, 4, 5, 11, 12, and 16 of the aforesaid Act have not been brought into force till date and, if so, the administrative may kindly either bring into force the provisions of the aforesaid Act or repeal the same.**

## **6.The Companies (Amendment) Act, 1988 (31 of 1988)**

All the provisions of the aforesaid Act (except sections 1, 2 and 53 and 68) have been repealed by Act 30 of 2001. From the records made available to the Committee, it is observed that sections 1, 2 and 53 and 68 of the Companies (Amendment) Act, 1988 have not been brought into force till date and, if so, the administrative may kindly either bring into force the provisions of the aforesaid Act or repeal the same. **The Committee feels in view of the repeal of Companies Act, 1956 by a new enactment i.e., Companies Act, 2013, urgent action would be required by the administrative Ministry in the matter.**

## **7. The Employees Provident Fund and Miscellaneous Provisions (Amendment) Act, 1988 (33 of 1988)**

All the provisions of aforesaid Act [except sections 1 and 22] have been repealed by Act 30 of 2001. Section 1 of the aforesaid Act relates to short title and commence and section 22 contains provisions for authorising certain employers to maintain provident fund accounts.

From the records made available to the Committee, it is observed that section 22 of the aforesaid Act have not been brought into force till date and, **if so, the administrative may kindly either bring into force the provision of the aforesaid Act or repeal the same.**

## **8. The Delhi High Court (Amendment) Act, 1991 (60 of 1991)**

The aforesaid Act contains 4 sections which came into force vide Notification S.O. 825(E) dated 9.11.1992. out of which section 3 has been repealed. Section 2 relates to amendment of sub-section 2 of section 5 of the Delhi High Court Act, 1966 which reads under:

**Jurisdiction of High Court of Delhi**—“(1) The High Court of Delhi shall have, in respect of the territories for the time being included in the Union territory of Delhi, all such original, appellate and other jurisdiction as, under the law in force immediately before the appointed day, is exercisable in respect of the territories by the High Court of Punjab.

(2) Notwithstanding anything contained in any law for the time being in force, the High Court of Delhi shall also have in respect of the said territories ordinary original civil jurisdiction in every suit the value of which exceeds rupees five lakhs.”.

The aforesaid sub-section 2 of the section 5 of the Delhi High Corut Act, 1966 has been further amended by Act 35 of 2003 the ordinary original civil jurisdiction in respect of the said territories in every suit from Rs. 5 lakhs to Rs. 25 lakhs.

In view of above, the Committee feels that section 2 of aforesaid Act has become redundant and can be repealed.

Section 4 of the aforesaid Act confers powers of Chief Justice to transfer pending suits and proceedings to subordinate courts. Similar provision has been incorporated in section 4 of Act 35 of 2003..

**The Committee feels that confirmation from the concerned Ministry may be obtained for repeal of aforesaid section 4 and in case said confirmation being affirmative the whole Act can be repealed.**

## **9.The Chit Funds (Amendment) Act, 2001 (10 of 2001)**

Sub-section (2) of section 1 provides that the provisions of the aforesaid Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States.

The provisions of this Act has come into force on 1.10.2001 in the States of Assam, Bihar, Goa, H.P., Karnataka, M.P., Manipur, Meghalaya, Orissa, Punjab, Rajasthan, Sikkim, T.N., Tripura, U.P., W.B., and Union Territories of Andaman & Nicobar Islands, Chandigarh, Dadar, & Nagar Haveli, Daman & Diu, Lakshadweep and Pondicherry vide Notification No. S.O. 980(E) dated 1.10.2001.

The aforesaid was enacted on the 9<sup>th</sup> May, 2001. The Committee could not find any information for bringing into force the provisions of the Act in the other than States mentioned in the preceding paragraphs. **The Administrative Ministry may either bring into force the provisions of the aforesaid Act in the remaining States (if the aforesaid Act not brought in force in such States) or in case the aforesaid Act cases has been brought into force, the same may be repealed as the Chit Funds (Amendment) Act, 2001 would become redundant after bringing into force in all the States.**

## **10.The Companies (Second Amendment) Act, 2002 (11 of 2003)**

The sections 2 and 6 have come into force with effect from 1<sup>st</sup> April, 2003. Vide S.O. No. 344(E) dated 31<sup>st</sup> March, 2003. No information is available for surviving the remaining sections of the aforesaid Act.

**After enactment of Companies Act, 2013, the aforesaid Act requires to be repealed in consultation with the Administrative Ministry.**

## **11.The Patents (Amendment) Act, 2002 (38 of 2002)**

Sub-clauses (ab) and (ac) of clause (a), clause (b), (c), (d), (e), (f), clause (g), (h) and sub-clause (A) and (C) of clause (i) of section 3, sections 4 to 34, clause (b) of section 36, sections 37 to 46, sections 48 to 63, clauses (a), (b), (c) and (e) of section 64 and sections 65 and 66 of the aforesaid Act came into force on 20<sup>th</sup> May, 2003 vide S.O. 561(E) dated 20.5.2003. Sub-clause (a) of clause (a) and item (b) of sub- clause (u) of clause (i) of section 3, sections, 35, clause (a) section 36, section 47 and clause (d) of section 64 of the aforesaid Act came into force on 2<sup>nd</sup> April, 2007 vide S.O. 510(E) dated 2<sup>nd</sup> April, 2007. The Committee could not find the commencement section 2 of the aforesaid Act.. Administrative Ministry may kindly examine as to whether section 2 of the aforesaid Act has come into force or not. If it has not come into force, the said may be brought into force or repealed. In the meanwhile the Committee has recommended that the aforesaid Act can be repealed partly in respect of aforesaid sections. **However, in case all the provisions of the aforesaid have come into force, then in that case, the whole Act can be repealed.**

## **12.The Prevention of Money-laundering Amendment Act, 2005 (20 of 2005)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. The Committee could not find the Notification

vide which the provisions of the aforesaid Act has been brought into force. The Legislative Department in the Ministry of Law and Justice vide their OM No. 1(1)/2012-Corr. Dated 12<sup>th</sup> September, 2014 informed the Committee that the copies of the notification bringing into force the aforesaid Act are not available with them. **The Administrative Ministry may confirm as to whether the aforesaid Act has been brought into force and if so, the aforesaid Act may be repealed after making savings in respect of section 14 of the aforesaid Act, if required. In case, the aforesaid Act has not been brought into force the administrative Ministry may take steps to bring into force.**

### **13. The Criminal Law (Amendment) Act, 2005 (2 of 2006)**

Sub-section (2) of section 1 of the aforesaid Act provides that it shall come into force on such date 16<sup>th</sup> April, 2006 vide Notification No. 523(E) dated 12<sup>th</sup> April, 2006 (except section 4) as the Central Government may, by notification in the Official Gazette, appoint; and different dates 5<sup>th</sup> July, 2006, with respect to section 4, vide Notification No. S.O. 990(E) dated 3<sup>rd</sup> July, 2006 may be appointed for different provisions of this Act.

The commencement clause of the aforesaid Act is not very clear. In case, all the provisions of the aforesaid Act, have come into force, then in that case, then the aforesaid Act can be repealed or **the administrative Ministry may take appropriate steps for early enforcement of the provisions of the aforesaid Act and thereafter the aforesaid Act may be repealed.**

### **14. The Code of Criminal Procedure (Amendment) Amending Act, 2006 (25 of 2006)**

The aforesaid Act received the assent of President on the 2<sup>nd</sup> June, 2006. The aforesaid Act does not contain any commencement clause and therefore it has come into force on the date of assent i.e. the 2<sup>nd</sup> June, 2006. It contains only 2 sections. Section 2 amends section 1 of the Code of Criminal Procedure (Amendment) Act, 2005. **The aforesaid Act does not contain any substantive provision or saving or validation provision and therefore repeal of this Act has to be examined with the enforcement of the Code of Criminal Procedure (Amendment) Act, 2005 in consultation with the administrative Department and Department of Legal Affairs.**

### **15. The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006 (40 of 2006).**

Sub-section (2) of section 1 of the aforesaid Act provides that it shall come into force on such date for sections 3, 4, 6, 7, 8 and 9 as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act. The aforesaid Act contains total 9 sections out of which sections 3, 4, 5, 6, 7, 8 and 9 have been brought into force on 15<sup>th</sup> September, 2006 vide notification No. G.S.R. 561(E) dated the 15<sup>th</sup> September, 2006. Section 5 of the aforesaid Act is deemed to have added with effect from the 17<sup>th</sup> day of May, 2004. Section 2 of the aforesaid Act does not mention date of bringing into force the said section. It can be construed that the aforesaid section 2 has come into force from date of assent of the President to the aforesaid Act. It is suggested that before repeal of aforesaid section 2, the administrative Ministry and Department of Legal Affairs may be consulted. In the meanwhile the Committee feels that sections 3 to 9 of the

aforesaid Act can be repealed.

## **16.The Essential Commodities (Amendment) Act, 2006 (54 of 2006)**

The aforesaid Act has come into force with effect from 12<sup>th</sup> February, 2007 vide Notification No. S.O. 184(E) dated the 12<sup>th</sup> February, 2007. Section 6 of the aforesaid Act contains substantive provision i.e. saving of orders issued under section 3 of the Essential Commodities Act, 1955. The Committee was inclined to repeal the Essential Commodities (Amendment) Act, 2006 but it was not clear as to whether the Schedule mentioned in the Essential Commodities (Amendment) Act, 2006 is part of that Act or of the principal Act i.e. the Essential Commodities Act, 1955. The Committee feels that the **Essential Commodities (Amendment) Act, 2006 can be repealed by making a special provision for savings provided in the aforesaid section 6 after taking a view in the matter as to whether the Schedule is a part of the Amending Act i.e. the Essential Commodities (Amendment) Act, 2006 or the principal Act i.e. the Essential Commodities Act, 1955 as there is a reference of the aforesaid Schedule as saving clause 6 of the Essential Commodities (Amendment) Act, 2006.**

## **17. The Inland Vessels (Amendment) Act, 2007 (35 of 2007)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. The Committee could not find the Notification vide which the provisions of the aforesaid Act has been brought into force. The Legislative Department in the Ministry of Law and Justice vide their OM No. 1(1)/2012-Corr. Dated 12<sup>th</sup> September, 2014 (*Refer Vol. III, Part I*) informed the Committee that the copies of the notification bringing into force the aforesaid Act are not available with them. The Administrative Ministry may confirm as to whether the aforesaid Act has been brought into force and if so, the aforesaid Act may be repealed after making savings in respect of section 14 of the aforesaid Act, if required. **In case, the aforesaid Act has not been brought into force the administrative Ministry may take steps to bring into force or repeal the same.**

## **18.The Post-Graduate Institute of Medical Education and Research, Chandigarh (Amendment) Act, 2008 ( 3 of 2009)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. The Committee could not find the Notification vide which the provisions of the aforesaid Act has been brought into force. The Legislative Department in the Ministry of Law and Justice vide their OM No. 1(1)/2012-Corr. Dated 12<sup>th</sup> September, 2014 informed the Committee that the copies of the notification bringing into force the aforesaid Act are not available with them. The Administrative Ministry may confirm as to whether the aforesaid Act has been brought into force and if so, the aforesaid Act may be repealed. **In case, the aforesaid Act has not been brought into force the administrative Ministry may take steps to bring into force or repeal the same.**

## **19.The Rubber (Amendment) Act, 2009 (4 of 2010)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. The Committee could not find the Notification vide which the provisions of the aforesaid Act has been brought into force. The Legislative Department in the Ministry of Law and Justice vide their OM No. 1(1)/2012-Corr. Dated 12<sup>th</sup> September, 2014 informed the Committee that the copies of the notification bringing into force the aforesaid Act are not available with them. The Administrative Ministry may confirm as to whether the aforesaid Act has been brought into force and if so, the aforesaid Act may be repealed. **In case, the aforesaid Act has not been brought into force the administrative Ministry may take steps to bring into force or repeal the same.**

## **20.The North-Eastern Areas (Reorganisation) Amendment Act, 2012 (39 of 2012)**

Sub-section (2) of section 1 of the aforesaid Act provides that the provisions of the aforesaid Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. The Committee could not find the Notification vide which the provisions of the aforesaid Act has been brought into force. The Legislative Department in the Ministry of Law and Justice vide their OM No. 1(1)/2012-Corr. Dated 12<sup>th</sup> September, 2014 informed the Committee that the copies of the notification bringing into force the aforesaid Act are not available with them. The Administrative Ministry may confirm as to whether the aforesaid Act has been brought into force **and if so, the aforesaid Act may be repealed. In case, the aforesaid Act has not been brought into force the administrative Ministry may take steps to bring into force or repeal the same.**

## CHAPTER-13

### **CENTRAL ACTS UNDER WHICH TRIBUNALS/APPELLATE TRIBUNALS/BOARD HAVE BEEN ESTABLISHED FOR EXERCISING QUASI-JUDICIAL FUNCTIONS AND REQUIRED TO BE REPEALED OR MODIFIED IN THE LIGHT OF THE JUDICIAL PRONOUNCEMENTS.**

While perusing the Central Acts, it has been observed that Tribunal/Appellate Tribunals/Boards have been established under various enactments to adjudicate the matter specified under such Central Acts. The Committee identified the following Central Acts under which various Tribunal/Appellate Tribunals/Boards have been established, namely:—

S. No.	Tribunal/Appellate Tribunal/ Authority/Board/ Commission	Specified Acts
(1)	(2)	(3)
1.	The Company Law Board	The Companies Act, 1956(1 of 1956)
2.	The Cyber Appellate Tribunal	The Information Technology Act, 2000 (21 of 2000)
3.	The Central Administrative Tribunal	The Administrative Tribunals Act, 1985 (13 of 1985)
4.	The Joint Administrative Tribunal	The Administrative Tribunals Act, 1985 (13 of 1985)
5.	The Income-Tax Appellate Tribunal	The Income-tax Act, 1961 (43 of 1961)
6.	The Authority for Advance Rulings	The Income-tax Act, 1961 (43 of 1961)
8.	The Telecom dispute settlement and Appellate Tribunal	The Telecom Regulatory Authority of India Act, 1997 (24 of 1997)
9.	The Coastal Aquaculture Authority	The Coastal Aquaculture Authority Act, 2005 (24 of 2005)
7.	The Appellate Tribunal for Electricity	The Electricity Act, 2003 (36 of 2003)
8.	The Appellate Tribunal for Foreign Exchange	The Foreign Exchange Management Act, 1999 (42 of 1999)
9.	The Film Certification Appellate Tribunal	The Cinematograph Act, 1952 (37 of 1952)
10.	The National Green Tribunal	The National Green Tribunal Act, 2010 (19 of 2010)
11.	The Securities Appellate Tribunal	The Securities and Exchange Board of India Act, 1992 (15 of 1992)
12.	The Customs Excise and Service Tax Appellate Tribunal	The Customs Act, 1962 (52 of 1962)
13.	The Authority for Advance Rulings (Central Excise, Customs and Service Tax)	The Customs Act, 1962 (52 of 1962)
14.	The Armed Forces Tribunal	The Armed Forces Tribunal Act, 2007 (55 of 2007)
15.	The Competition Appellate Tribunal	The Competition Act, 2002 (12 of 2003)
16.	The National Consumer Disputes	The Consumer Protection Act, 1986

	Redressal Commission	(68 of 1986)
17.	The Debts Recovery Appellate Tribunal	The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993)
18.	The Intellectual Property Appellate Board	The Trade Marks Act, 1999 (47 of 1999)
19.	The Railways Claims Tribunal	The Railway Claims Tribunal Act, 1987 (54 of 1987)
20.	The National Industrial Tribunal	The Industrial Disputes Act, 1947 (14 of 1947)
21.	The National Highways Tribunal	The Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003)
22.	The Airports Economic Regulatory Authority Appellate Tribunal	The Airports Economic Regulatory Authority of India Act, 2008 (27 of 2008)
23.	The Debt Recovery Tribunal	The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993)
24.	The National Company Law Tribunal	The Companies Act 2013
25.	The National Company Law Appellate Tribunal	The Companies Act 2013
26.	The Adjudicating Authority	Prevention of Money Laundering Act, 2002
27.	The Appellate Tribunal	Prevention of Money Laundering Act, 2002

2. The Tribunal/Appellate Tribunals/Boards are established under the Central Acts enacted in pursuance of the provisions as contained in articles 323A and 323B of the Constitution, as amended by the Constitution (Forty-second Amendment) Act, 1976. The objects and reasons for setting up of tribunals for the aforesaid Constitution Amendment is under:-

*"To reduce the mounting arrears in High Courts and to secure the speedy disposal of service matters, revenue matters and certain other matters of special importance in the context of the socio-economic development and progress, it is considered expedient to provide for administrative and other tribunals for dealing with such matters while preserving the jurisdiction of the Supreme Court in regard to such matters under article 136 of the Constitution. It is also necessary to make certain modifications in the writ jurisdiction of the High Courts under article 226."*

3. In terms of articles 323A and 323B of the Constitution, the aforesaid Tribunals were constituted with a view to speedy disposal of the cases and at the same time reducing the burden of various courts and also to reduce pendency.

4. The Committee would like to draw attention to the Judgment of the Supreme Court given in *L. Chadra Kumar vs. Union of India* case, which *inter alia* observed as under:-

*"100. In view of the reasoning adopted by us, we hold that Clause 2(d) of Article 323A and Clause 3(d) of Article 323B, to the extent they exclude the jurisdiction of the High*

*Courts and the Supreme Court under Articles 226/227 and 32 of the Constitution, are unconstitutional. Section 28 of the Act and the "exclusion of jurisdiction" clauses in all other legislations enacted under the aegis of Articles 323A and 323B would, to the same extent, be unconstitutional. The jurisdiction conferred upon the High Courts under Articles 226/227 and upon the Supreme Court under Article 32 of the Constitution is part of the inviolable basic structure of our Constitution. While this jurisdiction cannot be ousted, other courts and Tribunals may perform a supplemental role in discharging the powers conferred by Articles 226/227 and 32 of the Constitution. The Tribunals created under Article 323A and Article 323B of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the concerned Tribunal falls. The Tribunals will, nevertheless, continue to act like Courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the concerned Tribunal. Section 5(6) of the Act is valid and constitutional and is to be interpreted in the manner we have indicated.".*

5. In view of the aforesaid judgement of the Supreme Court in L.Chandrakumar Vs Union of India an aggrieved party can move the Division Bench of the High Court against any judgement and order of this Tribunal by way of filing Writ Petition under article 226 of the Constitution.
6. The Committee would like to draw attention towards judgement of the Supreme Court given in Madras Bar Association vs. Union of India and anr. dated the 25<sup>th</sup> September, 2014 which may be read as under:-

*"41. Chandra Kumar and R. Gandhi have allowed tribunalization at the original stage subject to certain safeguards. The boundary has finally been crossed in this case. I would, therefore, hold that the National Tax Tribunals Act is unconstitutional, being the ultimate encroachment on the exclusive domain of the superior Courts of Record in India. "*

7. In view of the above, the Committee feels that the objects and reason for establishing the Tribunal/Appellate Tribunals/Boards needs to be re-visited and the other alternatives for constituting additional specialised benches of High Courts for the subjects or the matters adjudicated Tribunal/Appellate Tribunals/Boards may be explored.



## CHAPTER-14

### ENACTMENT OF A SEPARATE CENTRAL ACT FOR COMMON PROVISIONS APPLICABLE TO ALL EXISTING CENTRAL ACTS AND OTHER LAWS TO BE ENACTED IN FUTURE.

The Committee would like to draw attention to the fact that there are certain provisions repeated in the Central Acts as a verbatim or with slight modifications. Some of such provisions relate to laying of sub-ordinate legislations viz. rules and regulations before the Houses of Parliament, power to remove difficulty, etc. The repetitive inclusions of the same provisions make the legislation bulky, require more administrative efforts (printing, proof reading, etc. and spending of valuable time of legislatures when such clauses are put to vote). The Committee feels that keeping all provisions which are repetitive in nature can be included into a single umbrella legislation by either bringing amendments in the General Clauses Act, 1897 or a separate legislation which would be applicable to all existing legislations and also the legislations enacted in future. Further, wherever any variation from such common provisions is required and is necessary for under any Central Act, then, only a specific provision for such variation can be incorporated in such Central Acts. It will help in reducing the provisions of a Statute to minimum provisions and keep the Statutes Book and avoid repeated duplicity of provisions in the Central Acts.

2. The Committee has identified the following common provisions which can be included in the Common Provisions Act (to be enacted):—

(i) **Laying of rules made under any Act:**— Every rule made under any Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(ii) **Laying of Schemes:**—Every scheme framed under any Act or made otherwise shall be laid, as soon as may be after it is framed or made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme, or both Houses agree that the scheme should not be framed, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

(iii) **Laying of Regulation made in respect of Public Sector Undertaking and Autonomous bodies:**—Every regulation made under any Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or

more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

**(iv) Power to remove difficulties:**— If any difficulty arises in giving effect to the provisions of an Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of that Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of that Act under which order shall be issued.

Provided further that every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

**(v) Vacancy not to invalidate proceedings**—No act or proceeding of any Corporations or Board or Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the composition of the Board or any vacancy in the body of trustees composing it or any vacancy or defect in the constitution of the Authority.

**(vi) Bar of Jurisdiction:**— No court or other authority shall have, or be entitled to exercise, any jurisdiction, powers or authority (except the Supreme Court, and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) in relation to the matters which falls under specific jurisdiction of any Authority, Board or Tribunals in terms of provisions of any Act making specific jurisdiction to any such Authority, Board or Tribunal.

**(vii) Procedure and Powers of the Authority, Tribunal and the Appellate Tribunal:**— (A)The Authorities, Tribunals and the Appellate Tribunals discharging *quasi judicial* functions entrusted upon them by an Act, unless the context otherwise provides, shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and, subject to the other provisions of the Act and of any rules entrusted such functions, the Authorities, Tribunal and the Appellate Tribunal shall have powers to regulate their own procedure including the places at which they shall have their sittings.

(B) The Tribunal and the Appellate Tribunal shall have, for the purposes of discharging their functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing corn-missions for the examination of witnesses or documents;

- (e) reviewing its decisions;
- (f) dismissing an application for default or deciding it *ex parte*;
- (g) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;
- (h) any other matter which may be prescribed.

(C) Any proceeding before the Authority, Tribunal or the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860) and the Tribunal or the Appellate Tribunal shall be deemed to be a civil court for all the purposes, of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

**(viii) Provisions relating to person discharging certain function who are deemed to be a public servant.**

**(ix) Previous publication of rules made by Central and State Government:**—The power to make rules by the Central or State Government under any Act shall be subject to the condition of the rules, unless the context otherwise provides, being made after previous publication.

**(x) Power to levy fee:**—Any rule which the Central Government is empowered to make under any Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of documents, issue of certificates, licences, permits, tests, endorsements, badges, plates, countersignatures, authorisation, supply of statistics or copies of documents or orders or otherwise and for any other purpose or matter involving the rendering of any service by the officers or authorities under any Act or any rule made thereunder as may be considered necessary:

Provided that the Central Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full.

**(xi) Disqualification for holding office of the Central Government:**—The Chairperson or any whole time member of a Tribunal, Authority or Board, unless the provisions otherwise provides, after ceasing to hold office as such, shall be ineligible for a period of two years from the date on which they cease to hold office as such, except with the previous approval of the Central Government, to accept any employment either under the Central Government or under any State Government or any commercial appointment with any establishment (whether in India or outside India).

3. The other provisions which are repeated can be included in consultation with the Legislative Department and Administrative Ministries.

PRIME MINISTER'S OFFICE

No.A-50011/05/2014-PME

South Block  
New Delhi 110 011  
Dated: 1<sup>st</sup> September 2014

ORDER

Whereas the Central Government had been undertaking exercise to repeal Acts and rules made there-under which had outlived their relevance and ten Repealing and Amending Acts have been enacted since 1950 by such exercises for reviewing the irrelevant or obsolete Acts;

And whereas the last such Repealing and Amending Act was enacted in the year 2001 covering the reviews made till 1998;

And whereas the Committee on the Review of Administrative Laws constituted in 1998 had recommended that 1382 Acts should be repealed and the recommendations have not yet been fully implemented;

And whereas it has become necessary to also push the process for repealing Acts and Rules which may have become irrelevant or obsolete since then.

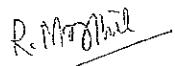
Now, therefore, the Competent Authority has approved for speedy implementation of Reports on the subject, the constitution of a two member Committee comprising the following, namely:-

- (1) Sh. R. Ramanujam, Secretary, Prime Minister's Office ---- Chairperson  
(2) Sh. V. K. Bhasin, Former Secretary, Legislative Department ---- Member

2. The Terms of Reference of the aforesaid Committee shall be as under:-

- (i) to further process the act of repealing the Central Acts which are not relevant or no longer needed as on date and can be repealed whole or in part immediately based on recommendation of various reports, departmental/ministry, the Law Commission and other Commissions and Committee;
- (ii) to identify the Acts amending the Central Acts which can be wholly or partially repealed in view of Section 6A of the General Clauses Act;
- (iii) to identify the Central Acts which would require revisiting in the present socio-economic context through appropriate amendments thereto or re-enactment thereof.

3. The Committee shall complete the task in three months beginning from the 1<sup>st</sup> September, 2014.
4. The appointment of Shri V. K. Bhasin shall be on contract basis. The terms and conditions of his engagement shall be in accordance with relevant orders of Department of Personnel and Training on the subject.

  
(R. Mythili)  
Under Secretary to the Govt. of India  
Tele.23018130

Copy to:

1. Principal Secretary to PM
2. Additional Principal Secretary to PM
3. Cabinet Secretary
4. Secretary, Department of Administrative Reforms and Public Grievance
5. Secretary, Legislative Department
6. PS to PM
7. Sh. R. Ramanujam, Secretary, Prime Minister's Office
8. Sh. V. K. Bhasin, Former Secretary, Legislative Department

## ANNEXURE-II

**COMPARATIVE STATEMENT OF THE CENTRAL ACTS RECOMMENDED FOR REPEAL BY THE 20<sup>TH</sup> LAW COMMISSION IN ITS 248<sup>TH</sup> REPORT (12<sup>TH</sup> SEPTEMBER, 2014), 249<sup>TH</sup> REPORT (13<sup>TH</sup> OCTOBER, 2014) AND 250<sup>TH</sup> REPORT (29<sup>TH</sup> OCTOBER, 2014) VIS-A-VIS P.C.JAIN COMMISSIONS (1998) RECOMMENDATION AND THE COMPENDIUM OF 101 LAWS TO BE REPEALED ISSUED BY THE CENTRE FOR CIVIL SOCIETY ON 2<sup>ND</sup> OCTOBER, 2014.**

Sl.No.	Laws recommended for repeal in Chapter 4 of the 248th Report of the Twentieth Law Commission	
1.	The Bengal Districts Act, 1836 (21 of 1836)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.10).
2.	The Bengal Bonded Warehouse Association Act, 1838 (5 of 1838)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No. 7).
3.	The Bengal Bonded Warehouse Association Act, 1854 (5 of 1854)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.8).
4.	The Forfeited Deposits Act, 1850 (25 of 1850)	The Centre for Civil Society at Sl. No. 1 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
5.	The Sheriffs' Fees Act, 1852 (8 of 1852)	The Centre for Civil Society at Sl. No. 2 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
6.	The Sonthal Parganas Act, 1855 (37 of 1855)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.94).
7.	The Sonthal Parganas Act, 1857 (10 of 1857)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.95).
8.	The Oriental Gas Company Act, 1857 (5 of 1857)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.28).
9.	The Oriental Gas Company, 1867 (11 of 1867)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.29).
10.	The Madras Uncovenanted Officers' Act, 1857 (7 of 1857)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.65).
11.	The Howrah Offences Act, 1857 (21 of 1857)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.48).
12.	The Calcutta Pilots Act, 1859 (12 of 1859)	
13.	The Government Seal Act, 1862 (3 of 1862)	
14.	The Waste-Lands (Claims) Act, 1863 (23 of 1863)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.101).
15.	The Oudh Sub-Settlement Act, 1866 (26 of 1866)	The Centre for Civil Society at Sl. No. 8 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
16.	The Converts' Marriage Dissolution Act, 1866 (21 of 1866)	This Act was recommended for review by the PC Jain Commission Report (Appendix-D, Sl. No.12).
17.	The Sarais Act, 1867 (22 of 1867)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.88).
18.	The Ganges Tolls Act, 1867 (1 of 1867)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.34).

19.	The Oudh Estates Act,1869 (1 of 1869)	The Centre for Civil Society at Sl. No. 9 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
20.	The Oudh Taluqdars' Relief Act,1870 (24 of 1870)	The Centre for Civil Society at Sl. No. 10 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
21.	The Dehra Dun Act,1871 (21 of 1871)	
22.	The Punjab Laws Act,1872 (4 of 1872)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.111).
23.	The Foreign Recruiting Act,1874 (4 of 1874)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.85).
24.	The Laws Local Extent Act,1874 (15 of 1874)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.68).
25.	The Central Provinces Laws Act,1875 (20 of 1875)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.111).
26.	The Oudh Laws Act,1876 (18 of 1876)	The Centre for Civil Society at Sl. No. 13 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
27.	The Dramatic Performances Act,1876 (19 of 1876)	The Centre for Civil Society at Sl. No. 98 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
28.	The Elephants' Preservation Act,1879 (6 of 1879)	The Centre for Civil Society at Sl. No. 15 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
29.	The Dekkhan Agriculturists' Relief Act,1879 Act, 17 of 1879	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.40).
30.	The Raipur and Khattra Laws Act,1879 (19 of 1879)	
31.	The Fort William Act,1881 (13 of 1881)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.43).
32.	The Agriculturists' Loans Act,1884 (12 of 1884)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.1).
33.	The Births, Deaths and Marriages Registration Act,1886 (6 of 1886)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.23).
34.	The King of Oudh's Estate Act,1887 (19 of 1887)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.103).
35.	The King of Oudh's Estate,1888 (14 of 1888)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.104).
36.	The United Provinces Act,1890 (20 of 1890)	
37.	The Reformatory Schools Act,1897 (8 of 1897)	The Centre for Civil Society at Sl. No. 18 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
38.	The Live-stock Importation Act,1898 (9 of 1898)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.1).
39.	The Prevention of Seditious Meetings Act,1911 (10 of 1911)	The Centre for Civil Society at Sl. No. 99 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
40.	The Bengal, Bihar and Orissa and Assam Laws Act,1912 (7 of 1912)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.6). <b>This Act has also been recommended for repeal in the 249<sup>th</sup> Report i.e. the Second interim Report.</b>

41.	The Wild Birds and Animals Protection Act,1912 (8 of 1912)	The Centre for Civil Society at Sl. No. 19 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
42.	The Destructive Insects and Pests Act, 1914 (2 of 1914).	
43.	The King of Oudh's Estate Validation Act, 1917 (12 of 1917)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.105).
44.	The Police (Incitement to Disaffection) Act,1922 (22 of 1922)	The Centre for Civil Society at Sl. No. 83 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
45.	The Sheriff of Calcutta (Power of Custody) Act,1931 ( 20 of 1931)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.90).
46.	The Public Suits Validation Act,1932 (11 of 1932)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.82).
47	The Bengal Suppression of Terrorist Outrages (Supplementary) Act,1932 (24 of 1932)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.19).
48	The Children (Pledging of Labour) Act,1933 (2 of 1933)	The Centre for Civil Society at Sl. No. 59 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
49	The Assam Criminal Law Amendment (Supplementary) Act,1934 (27 of 1934)	The Centre for Civil Society at Sl. No. 23 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
50	The Bangalore Marriages Validating Act,1936 (16 of 1936)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.147).
51.	The Berar Laws Act,1941 (4 of 1941)	This Act was recommended to be repealed by the Law Commission in its 148 <sup>th</sup> Report.
52.	The Railways (Local Authorities' Taxation) Act,1941 (25 of 1941)	
53.	The War Injuries (Compensation Insurance) Act,1943 (23 of 1943)	
54.	The Junagadh Administration (Property) Act,1948 (26 of 1948)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.52).
55.	The Continuance of Legal Proceedings Act,1948 (38 of 1948)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.26).
56.	The Mangrol and Manavadar (Administration of Property) Act,1949 (2 of 1949)	Law Commission also recommended for its repeal in its 96 <sup>th</sup> Report. This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.66).
57.	The Delhi Hotels (Control of Accommodation) Act,1949 (24 of 1949)	The Centre for Civil Society at Sl. No. 71 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act. Attention is also drawn to the fact that a Bill to repeal the said Act is pending in the Raja Sabha.
58.	The Companies (Donations to	This Act was recommended to be repealed by the Law

	National Funds) Act,1951 (54 of 1951)	Commission in its 159th Report.
59.	The Indian Independence Pakistan Courts (Pending Proceedings) Act,1952 (9 of 1952)	The Centre for Civil Society at Sl. No. 30 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
60.	The Chandernagore (Merger) Act,1954 (36 of 1954)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix B, Sl. No.11).
61.	The Newspaper (Price and Page) Act,1956 (45 of 1956)	The Centre for Civil Society at Sl. No. 101 of its compendium of 100 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
62.	The Newspaper (Price and Page) Continuance Act,1961 (36 of 1961)	
63.	The Young Persons (Harmful Publications) Act,1956 (93 of 1956)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.19).
64.	The Women's and Children's Institutions (Licensing) Act,1956 (105 of 1956)	
65.	The Orissa Weights and Measures (Delhi Repeal) Act,1958 (57 of 1958)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.73).
66.	The Travancore-Cochin Vehicles Taxation (Amendment and Validation) Act,1959 (42 of 1959)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.165).
67.	The Mahendra Pratap Singh Estates (Repeal) Act,1960 (48 of 1960)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.106).
68.	The Land Acquisition (Amendment) Act,1962 (31 of 1962)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.66).
69.	The Land Acquisition (Amendment and Validation) Act,1967 (13 of 1967)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.67).
70.	The Delhi and Ajmer Rent Control (Nasirabad Cantonment Repeal) Act,1968 (49 of 1968)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.135).
71.	The Parliamentary Proceedings (Protection of Publication) Repeal Act,1976 (28 of 1976)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.70).
72.	The Shipping Development Fund Committee (Abolition) Act,1986 (66 of 1986)	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.12).
Sl. No. of 249 <sup>th</sup> Report		Laws recommended for repeal in the 249th Report
73.	1.	The Bengal Indigo Contracts Act, Act 10 of 1836
74.	2.	Madras Public Property (Malversation) Act,

		Act 36 of 1837	
75.	3.	Madras Rent and Revenue Sales Act, Act 7 of 1839	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.63).
76.	4.	Bengal Land Revenue Sales Act, Act 12 of 1841	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.15).
77.	5.	Revenue, Bombay, Act 13 of 1842	It was mentioned in the report that the said Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5), but the same was not recommended by the PC Jain Commission.
78.	6.	Revenue Commissioners, Bombay, Act 17 of 1842	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.86).
79.	7.	Sales of Land for Revenue Arrears, Act 1 of 1845	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.87).
80.	8.	Boundary-marks, Bombay, Act 3 of 1846	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.28).
81.	9.	Bengal Alluvion and Diluvion Act, Act 9 of 1847	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.5).
82.	10.	Madras Revenue Commissioner Act, Act 10 of 1849	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.64).
83.	11.	Calcutta Land Revenue Act, Act 23 of 1850	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.31).
84.	12.	Improvement in Towns Act, Act 26 of 1850	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.49).
85.	13.	Madras City Land Revenue Act, Act 12 of 1851	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.57).
86.	14.	Bombay Rent-free Estates Act, Act 11 of 1852	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.26).
87.	15.	Rent Recovery Act, Act 6 of 1853	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.74).
88.	16.	Shore Nuisances (Bombay and Kolaba) Act, Act 11 of 1853	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.91).
89.	17.	Police (Agra) Act, Act 16 of 1854	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.79).
90.	18.	Bengal Embankment Act, Act 32 of 1855	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.11).
91.	19.	Calcutta Land Revenue Act, Act 18 of 1856	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.31).

92.	20.	Bengal Chaukidari Act, Act 20 of 1856	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.9).
93.	21.	Tobacco Duty (Town of Bombay) Act, Act 4 of 1857	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.98).
94.	22.	Madras Compulsory Labour Act, Act 1 of 1858	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.59).
95.	23.	Bengal Ghatwali Lands Act, Act 5 of 1859	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.12).
96.	24.	Bengal Rent Act, Act 10 of 1859	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.18).
97.	25.	Bengal Land Revenue Sales Act, Act 11 of 1859	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.16).
98.	26.	Madras District Police Act, Act 24 of 1859	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.60).
99.	27.	Stage-Carriages Act, Act 16 of 1861	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.96).
100.	28.	Excise (Spirits) Act, Act 16 of 1863	
101.	29.	Partition of Revenue-paying Estates Act, Act 19 of 1863	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.75).
102.	30.	Coroners Act, Act 4 of 1871	This Act was also recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.39). Law Commission in its 206 <sup>th</sup> Report also recommended for repeal of this Act and re-enactment of a new legislation.
103.	31.	Bengal Sessions Courts Act, Act 19 of 1871	<b>This Act has already been repealed by the Repealing and Amending Act, 1903 (1 of 1903).</b>
104.	32.	North-Western Provinces Village and Road Police Act, Act 16 of 1873	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.72).
105.	33.	Indian Law Reports Act, Act 18 of 1875	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.23).
106.	34.	Chota Nagpur Encumbered Estates Act, Act 6 of 1876	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.36).
107.	35.	Bombay Municipal Debentures Act, Act 15 of 1876	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.25).
108.	36.	Broach and Kaira Incumbered Estates Act, Act 14 of 1877	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.29).
109.	37.	Hackney Carriage Act, Act 14 of 1879	The Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl.

			No.47).
110.	38.	Legal Practitioners' Act, Act 18 of 1879	This Act has been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.69).
111.	39.	Central Provinces Land Revenue Act, Act 18 of 1881	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.34).
112.	40.	Madras Forest (Validation) Act, Act 21 of 1882	This Act has been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.61).
113.	41.	Bikrama Singh's Estates Act, Act 10 of 1883	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.102).
114.	42.	Land Improvement Loans Act, Act 19 of 1883	
115.	43.	Punjab District Boards Act, Act 20 of 1883	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.85).  The Law Commission in its 249 <sup>th</sup> report has recommended that the Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use.
116.	44.	Punjab Tenancy Act, Act 16 of 1887	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.113).  The Law Commission in its 249th report has recommended that the Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use.
117.	45.	Punjab Land Revenue Act, Act 17 of 1887	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.110).  The Law Commission in its 249 <sup>th</sup> report has recommended that the Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use.
118.	46.	Police Act, Act 3 of 1888	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.77).
119.	47.	City of Bombay Municipal (Supplementary) Act, Act 12 of 1888	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.37).
120.	48.	Excise (Malt Liquors) Act, Act 13 of 1890	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.57).
121.	49.	Easements (Extending) Act, Act 8 of 1891	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.84).
122.	50.	Murshidabad Act, Act 15 of 1891	Recommended to be removed from the list of Acts in force as this Act has been repealed by the West Bengal Murshidabad Estate (Trust) Act, 1963
123.	51.	Marriages Validation Act, Act 2 of 1892	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.159).
124.	52.	Bengal Military Police	This Act was recommended for repeal by the PC Jain

		Act, Act 5 of 1892	Commission Report (Appendix A-5, Sl. No.17).
125.	53.	Government Management of Private Estates Act, Act 10 of 1892	It has been recommended for repeal by PC Jain Commission also in its Appendix A-5, Sl. No.46.
126.	54.	Porahat Estate Act, Act 2 of 1893	
127.	55.	Amending Act, Act 5 of 1897	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.39).
128.	56.	Indian Short Titles Act, Act 14 of 1897	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.62).
129.	57.	Lepers Act, Act 3 of 1898	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.56).
130.	58.	Central Provinces Tenancy Act, Act 11 of 1898	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.35).
131.	59.	Central Provinces Court of Wards Act, Act 24 of 1899	This Act has also been recommended for repeal by the PC Jain Commission Report in its Appendix A-5, Sl. No.32.
132.	60.	Amending Act, Act 11 of 1901	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.40).
133.	61.	Indian Tramways Act, Act 4 of 1902	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.51).
134.	62.	Amending Act, Act 1 of 1903	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.41).
135.	63.	Indian Criminal Law Amendment Act, Act 14 of 1908	
136.	64.	Co-operative Societies Act, Act 2 of 1912	
137.	65.	Bengal, Bihar and Orissa and Assam Laws Act, Act 7 of 1912	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.6).  This Act was recommended to be repealed in the Law Commission in its 248 <sup>th</sup> Report (1 <sup>st</sup> Interim Report) has recommended for repeal mentioning the category as State reorganisation and extension of laws. The Law Commission in its 249 <sup>th</sup> Report (2 <sup>nd</sup> Interim Report) again recommended this Act to be repealed in consultation with the State.
138.	66.	Delhi Laws Act, Act 13 of 1912	
139.	67.	Local Authorities Loans Act, Act 9 of 1914	This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.53).
140.	68.	Delhi Laws Act, Act 7 of 1915	

141.	69.	Scheduled Areas (Assimilation of Laws) Act, Act 37 of 1951	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.105).
142.	70.	Railway Companies (Emergency Provisions) Act, Act 51 of 1951	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.71).
143.	71.	Scheduled Areas (Assimilation of Laws) Act, Act 16 of 1953	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.106).
144.	72.	Lushai Hills District (Change of Name) Act, Act 18 of 1954	This Act has also been recommended for review by the PC Jain Commission Report (Appendix B, Sl. No.19).
145.	73.	Absorbed Areas (Laws) Act, Act 20 of 1954	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.110).
146.	74.	Shillong (Rifle Range Umlong) Cantonments Assimilation of Laws Act, Act 31 of 1954	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.107).
147.	75.	Legislative Assembly of Nagaland (Change in Representation) Act, Act 61 of 1968	This Act has also been recommended for review by the PC Jain Commission Report (Appendix B, Sl. No.18).
148.	76.	Levy Sugar Price Equalisation Fund Act, Act 31 of 1976	The Centre for Civil Society at Sl. No. 79 of its compendium of 101 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
149.	77.	Indian Iron and Steel Company (Acquisition of Shares) Act, Act 89 of 1976	The Centre for Civil Society at Sl. No. 44 of its compendium of 101 laws to be repealed <i>inter alia</i> suggested for repeal of this Act.
151.	Under Chapter 3 at Sl. Nos. 1 to 11	Recommended for repeal of 11 War Time Permanent Ordinances.	These Permanent War Time Ordinances were also been recommended for repeal by the PC Jain Commission Report (Appendix A-4).
	Sl. No. of 250 <sup>th</sup> Report	Laws recommended for repeal in the 250th Report	
152.	1.	Mussalman Wakf Validating Act, Act 6 of 1913 and the Mussalman Wakf Validating Act, Act 32 of 1930	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.160 and 161).
153.	2.	Post Office Cash Certificates Act, Act 18 of 1917	
154.	3.	Local Authorities Pensions and Gratuities Act, Act 1 of 1919	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.54)
155.	4.	Bengal Criminal Law (Amendment) Supplementary Act, Act 8 of 1925	
156.	5.	Madras, Bengal and Bombay Children (Supplementary) Act,	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix

		Act 35 of 1925	A-5, Sl. No.55)
157.	6.	Hindu Inheritance (Removal of Disabilities) Act, Act 12 of 1928	
158.	7.	Children (Pledging of Labour) Act, Act 2 of 1933	<b>It was also recommended at Sl. No.48 of 248<sup>th</sup> Report.</b>
159.	8.	Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings) Act, Act 13 of 1935	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.157)
160.	9.	Decrees and Orders Validating Act, Act 5 of 1936	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 151).
161.	10.	Criminal Law (Amendment) Act, Act 20 of 1938	
162.	11.	Delhi Restriction of Land Uses Act, Act 12 of 1941	
163.	12.	Trading with the Enemy (Continuance of Emergency Provisions) Act, Act 16 of 1947	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 92).
164.	13.	Rehabilitation Finance Administration Act, Act 12 of 1948	
165.	14.	Indian Matrimonial Causes (War Marriages) Act, Act 40 of 1948	This Act also recommended for review by the P.C. Jain Commission in its Report (Appendix D, Sl. No.8)
166.	15.	Bombay Public Security Measures (Delhi Amendment) Act, Act 52 of 1948	
167.	16.	Exchange of Prisoners Act, Act 58 of 1948	This Act has also been recommended for repeal by the 96 <sup>th</sup> Report of the Law Commission of India.
168.	17.	Scheduled Securities (Hyderabad) Act, Act 7 of 1949	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No. 89).
169.	18.	West Godavari District (Assimilation of Laws on Federal Subject) Act, Act 20 of 1949	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 108).
170.	19.	Merged States (Laws) Act, Act 59 of 1949	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 117).
171.	20.	Professions Tax Limitation (Amendment and Validation) Act, Act 61 of 1949	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 163).
172.	21.	State Bank of Samastha Act, 1950	No such Act with this title has been enacted. However, the State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiaries Banks) Amendment Act, 2009 (48 of 2009) has been enacted to repeal the State Bank of Saurashtra Act, 1950.
173.	22.	Opium and Revenue Laws (Extension of Application)	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix

		Act, Act 33 of 1950	A-1, Sl. No. 116).
174.	23.	Cooch-Behar (Assimilation of Laws) Act, Act 67 of 1950	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 112).
175.	24.	Khaddar (Protection of Name) Act, Act 78 of 1950	
176.	25.	Part B States (Laws) Act, Act 3 of 1951	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix B, Sl. 24).
178.	26.	Part C States Miscellaneous Laws (Repealing) Act, Act 66 of 1951	
179.	27.	Part B States Marriages Validating Act, Act 1 of 1952	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 162).
180.	28.	Delhi and Ajmer Rent Control Act, Act 38 of 1952	
181.	29.	Reserve Bank of India (Amendment and Miscellaneous Provisions) Act, Act 54 of 1953	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 75).
182.	30.	State Acquisition of Lands for Union Purposes (Validation) Act, Act 23 of 1954	
183.	31.	Taxation Laws (Extension to Jammu and Kashmir) Act, Act 41 of 1954	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 101).
184.	32.	Bar Councils (Validation of State Laws) Act, Act 4 of 1956	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 148).
186.	33.	Industrial Disputes (Amendment and Miscellaneous Provisions) Act, Act 36 of 1956	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 64).
187.	34.	Jammu and Kashmir (Extension of Laws) Act, Act 62 of 1956	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 113).
188.	35.	Gift-Tax Act, Act 18 of 1958	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 13).
189.	36.	Manipur and Tripura (Repeal of Laws) Act, Act 35 of 1958	This Act was also recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No. 67).
190.	37.	Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, Act 56 of 1958	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 154).
191.	38.	Miscellaneous Personal Laws (Extension) Act, Act 48 of 1959	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 100).
192.	39.	Married Women's Property (Extension) Act, Act 61 of 1959	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 115).
193.	40.	Hindu Marriage (Validation of	This Act has also been recommended for repeal

		Proceedings) Act, Act 19 of 1960	by the PC Jain Commission Report (Appendix A-1, Sl. No. 155).
194.	41.	British Statutes (Application to India) Repeal Act, Act 57 of 1960	
195.	42.	Compulsory Deposit Scheme Act, Act 21 of 1963	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 9) and the 159th Report of the Law Commission of India.
196.	43.	Goa, Daman and Diu (Extension of the Code of Civil Procedure and the Arbitration) Act, Act 30 of 1965	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.99).
197.	44.	Goa, Daman and Diu (Absorbed Employees) Act, Act 50 of 1965	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No.44).
198.	45.	Anti-Corruption Laws (Amendment) Act, Act 16 of 1967	
199.	46.	Standards of Weights and Measures (Extension to Kohima and Mokokchung Districts) Act, Act 25 of 1967	
200.	47.	Pondicherry (Extension of Laws) Act, Act 26 of 1968	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 93).
201.	48.	Central Sales Tax (Amendment) Act, Act 28 of 1969	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 44).
202.	49.	Central Labour Laws (Extension to Jammu and Kashmir) Act, Act 51 of 1970	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 96).
203.	50.	Bengal Finance (Sales Tax) Delhi Validation of Appointments and Proceedings Act, Act 20 of 1971	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.149).
204.	51.	Uttar Pradesh Cantonments (Control of Rent and Eviction) Repeal Act, Act 68 of 1971	
205.	52.	Coking Coal Mines (Emergency Provisions) Act, Act 64 of 1971	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 137).
206.	53.	Taxation Laws (Extension to Jammu and Kashmir) Act, Act 25 of 1972	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No.102).
207.	54.	Former Secretary of State Service Officers (Conditions of Service) Act, Act 59 of 1972	
208.	55.	Sick Textile Undertakings (Taking Over of Management) Act, Act 72 of 1972	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 144).
209.	56.	Coal Mines (Taking Over of	This Act has also been recommended for repeal

		Management) Act, Act 15 of 1973	by the PC Jain Commission Report (Appendix A-1, Sl. No. 136).
210.	57.	Additional Emoluments (Compulsory Deposits) Act, Act 37 of 1974	This Act was also recommended for repeal in the PC Jain Commission Report (Appendix A-1, Sl. No. 10) as well as in the 159th Report of the Law Commission of India.
211.	58.	Tobacco Cess Act, Act 26 of 1975	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 81).
212.	59.	Laxmi Ratan and Atherton West Cotton Mills (Taking Over of Management) Act, Act 98 of 1976	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 141).
213.	60.	Untouchability (Offences) Amendment and Miscellaneous Provisions Act, Act 106 of 1976	
214.	61.	Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Act, Act 21 of 1978	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 53).
215.	62.	Hotel Receipts Tax Act, Act 54 of 1980	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 134).
216.	63.	Central Excise Laws (Amendment and Validation) Act, Act 58 of 1982	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 14).
217.	64.	Punjab Disturbed Areas Act, Act 32 of 1983	This Act has been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No. 108).
218.	65.	Textiles Undertakings (Taking Over of Management) Act, Act 40 of 1983	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 146).
219.	66.	General Insurance Business (Nationalisation) Amendment Act, Act 3 of 1985	
220.	67.	Administrative Tribunals (Amendment) Act, Act 19 of 1986	
221.	68.	Destructive Insects and Pests (Amendment and Validation) Act, Act 12 of 1992	
222.	69.	Central Laws (Extension to Arunachal Pradesh) Act, Act 44 of 1993	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1, Sl. No. 97).
223.	70.	Betwa River Board (Amendment) Act, Act 49 of 1993	
224.	71.	Punjab Gram Panchayat Samithi and Zilla Parishad (Chandigarh) Repeal Act, Act 17 of 1994	This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5, Sl. No. 109).
225.	72.	Indian Rifles (Repeal) Act, Act 49 of 2006	

226.	73.	Murshidabad Estate Administration Act, Act 23 of 1933	This Act has been repealed by the Murshidabad Estate (Trust) Act, 1963 (West Bengal Act).
227.	74.	Ajmer Tenancy and Land Records Act, Act 42 of 1950	This Act has been repealed by the Rajasthan Revenue Laws (Extension) Act, 1957 (Rajasthan Act).

**Prime Minister's Office**

South Block,  
New Delhi

In continuation of this office I.D. Note of even number dated the 3<sup>rd</sup> September, 2014, the Department of Legal Affairs is requested to examine the issue as to whether the provisions of all the Constitution (Amendment) Acts (except those which are substantive in nature) can be repealed in the light of section 6A of the General Clauses Act, 1897, read with article 367 of the Constitution of India, and if so, indicate the Constitution (Amendment) Acts which can be repealed in whole or in part [specifying the sections in the case of partial repeal].

  
(R. Ramanujam)

Secretary to Prime Minister

Tel: 23010838

*O/C.*

Shri P.K. Malhotra, Secretary, Department of Legal Affairs, Shastri Bhawan  
PMO I.D. No. CRA/1/2014/2

Dated 03.09.2014