

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 IV
(PART-II)**

**[COPIES OF LAW COMMISSION REPORT
CITED IN THE REPORT OF THIS
COMMITTEE]**

OCTOBER, 2014

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**LAW COMMISSION OF INDIA
NINETY-SIXTH REPORT
ON
REPEAL OF CERTAIN
OBSOLETE CENTRAL ACTS.**

MARCH 1984

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JUSTICE K. K. MATHEW.

D.O. No. 2(11)/83-L.C.

New Delhi,
Dated, the 19th March, 1984.

My dear Minister,

I am forwarding herewith the Ninety-Sixth Report of the Law Commission on "Repeal of Certain Obsolete Central Acts".

The subject was taken up by the Law Commission *suo motu*. The need for taking up the subject is explained in para 1.3 of the Report.

The Commission is indebted to Shri P. M. Bakshi, Part-time Member, and Shri A. K. Srinivasamurthy, Member-Secretary, for their valuable assistance in the preparation of the Report.

With regards,

Yours sincerely,

(Sd.)

(K. K. MATHEW)

Shri Jagannath Kaushal,
Minister of Law, Justice & Company Affairs.
New Delhi.

Encl: 96th Report.

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CHAPTER I

INTRODUCTORY

REPEAL OF CERTAIN OBSOLETE CENTRAL ACTS

1.1. This Report is concerned with the need for the repeal of certain Scope Central Acts which have become obsolete in view of subsequent legislation, or which have become anomalous in view of changed conditions, and which therefore need to be repealed.¹ The Law Commission has taken up the subject on its own. The reasons for taking up the matter for consideration will be apparent from what follows.

1.2. Every legislature is expected to undertake what may be called the Periodical revision and repeal of statute law. This process, which is important in itself, assumes still greater importance in modern times when statute law is growing in bulk and magnitude. The statutes that are not obsolete are formidable enough in size and number. In order that the statute book may not grow out of all proportion, it is desirable that statutes that are obsolete should be removed from the statute book.

1.3. At this stage, it may be useful to mention that a legislative enactment cannot be rendered ineffective by mere non-use or obsolescence. The long desuetude of a law does not amount to its repeal.² This itself is a consideration for undertaking from time to time measures for expressly repealing enactments that might have become obsolete or spent. Moreover, the continuance of such enactments clutters the statute book and tends to create confusion in the minds of those who have an occasion to consult statute law. It is for this reason that most countries, as stated above,³ effect a periodic revision of their laws, so that the statute book is cleared of laws which are obsolete, unconstitutional or spent.⁴

1.4. By tradition, such action, intended to revise the statute book, has come to be described as "statute law revision".⁵ The classical exposition of the function of Statute law revision is that of Lord Westbury, Lord Chancellor, law revision. In 1863, speaking in the debate on the Statute Law Revision Bill, Lord Westbury thus outlined the principles upon which statute law revision should be based:⁶

"The Statute Book should be revised and expurgated—weeding away all those enactments that are no longer in force and arranging and classifying what is left under proper heads, bringing the dispersed Statutes together, eliminating jarring and discordant provisions, and thus getting a harmonious whole instead of a chaos of inconsistent and contradictory enactments."

1.5. Students of statute law are well acquainted with Repealing and Amending Acts.⁷ In England, the first Statute Law Revision Act was passed in 1856. It repealed 120 obsolete statutes.⁸ Curiously, one of the Acts repealed by that Act was an Act of 1388 (12 Richard 2, c. 13), "for the punishment of them which caused corruption near a city or great town, to corrupt the air."⁹

1 *Perrin v. United States*, (1914) 58 Lawyers Ed. 691.

2 Paragraph 1.2, *supra*.

3 Note in (1930) 44 Harvard Law Review 1309.

4 Lord Westbury, Parliamentary Debates, 3rd Series, Vol. 1 71, Col. 775, quoted by Lord Simon of Glaisdale and Webb, "Constitution and Statute Law Revision" (1975) Public Law 285, 291.

5 Halsbury's Laws of England, 3rd Edition, Vol. 36, pages 461, 476.

6 Statute Law Revision Act, 1865 (19 & 20 Vict c. 6).

7 Lord Simon of Glaisdale and Webb, "Consolidation and Statute Law Revision" (1975) Public Law 285, 291.

Repealing
Acts in
India.

Need for
repealing
various
Acts dealt
with in the
Report.

Working
Paper
issued by
the Law
Commission.

1.6. Similar process has been undertaken from time to time in almost all countries. The introduction and initiation of repealing Acts at intervals is a process quite familiar to legislative draftsmen in most countries. In India, the first two such Acts were passed¹ in 1866 and 1870. The last such Act seems to have been passed in 1978.^{2,3}

1.7. However, notwithstanding the fact that this process has been undertaken periodically, there—still survive on the Indian Statute Book certain Central Acts which need to be looked into from the point of view of the removal of dead wood from the statute book. The present study is an attempt to examine Central Acts from the above angle. Such an examination accords with one of the tasks of the Law Commission, namely, to revise Central Acts of general importance so as to simplify them, to remove anomalies, ambiguities and irregularities and to bring them up-to-date.

1.8. Before concluding this introductory chapter, it may be mentioned that in order to invite informed opinion on the subject, the Law Commission had prepared a Working Paper inviting State Governments, High Courts, Bar Associations and other interested persons and bodies, including the Legislative Department of the Government of India in the Ministry of Law,⁴ to send their comments on the Working Paper. The Commission is glad to note that the views received on the Working Paper favour the repeal of the various Acts whose repeal is being recommended in this Report. A gist of the comments received will be found in a later chapter of this Report.⁵ The Commission is grateful to all those who have taken the trouble of sending their views.

1 Repealing Act (11 of 1866) and Repealing Act (14 of 1870).

2 Repealing and Amending Act (23 of 1978).

3 Last 3 repealing Acts prior to 1978 were Acts 58 of 1960, 52 of 1964 and 56 of 1974.

4 Law Commission of India, Working Paper on the Repeal of certain obsolete Central Acts, dated 30th September, 1983.

5 Chapter 4 *infra*.

CHAPTER 2

PRINCIPLES FOLLOWED IN RECOMMENDING REPEAL OF ENACTMENTS

2.1. In dealing with the question whether a particular Act should be repealed or should be allowed to continue on the statute book, we have kept before us certain considerations, which it would be useful to set out.

Considerations borne in mind.

In the first place, statutes which are no longer needed, should be repealed.

Secondly, statutes which have practically been superseded or covered by subsequent legislation should be repealed.

In the third place, statutes which, though not clearly conflicting with Fundamental Rights, are opposed to the Directive Principles of State Policy, should be carefully considered, and the question whether there are any weighty reasons for continuing them should be investigated.

2.2. The principles to be followed in the selection of enactments for inclusion in Statute Law Revision Acts afford an interesting topic for discussion. In England, these principles used to be set out in a memorandum that was prefixed to Statute Law Revision Bills.¹ The memorandum was in the following (or substantially similar) terms:²

Principles for Statute law revision in U.K.

"The first schedule is intended to comprise (as the preamble to the Bill states), besides superfluous words of enactment, enactments which have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, and also such parts of titles, preambles, recitals, and enacting words as are intended be omitted in future editions of the statutes under the authority of the Bill.

"I. For the purpose of the schedule, six different classes of enactments are considered as having ceased to be in force, although not expressly and specifically repealed: namely, such enactments as are:—

1. **Expired**—that is, enactments which having been originally limited to endure only for a specified period by a distinct provision, have not been either perpetuated or kept in force by continuance, or which have merely had for their object the continuance of previous temporary enactments for periods now gone by effluxion of time;
2. **Spent**—that is, enactments spent or exhausted in operation by the accomplishment of the purposes for which they were passed, either at the moment of their first taking effect or on the happening of some event or one the doing of some act authorised or required;
3. **Repealed in general terms**—that is, repealed by the operation of an enactment expressed only in general terms, as distinguished from an enactment specifying the Acts on which it is to operate;
4. **Virtually repealed**—Where an earlier enactment is inconsistent with, or is rendered nugatory by, a later one;
5. **Superseded**—Where a later enactment effects the same purposes as an earlier one by repetition of its terms or otherwise;
6. **Obsolete**—where the state of things contemplated by the enactment has ceased to exist, or the enactment is of such a nature as to be no longer capable of being put in force, regard being had to the alteration of political or social circumstances.

¹ See, for example, Statute Law Revision Acts, 1908, 1927, 1948, 1950 and 1953 (Eng.).

² Craies, Statute Law (1963), pages 356, 357.

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"II. For the purpose of the schedules, enactments are considered unnecessary where the provisions are of such a nature as not to require at the present day statutory authority.

"Where any enactment is comprised in the schedules on any ground not above explained, the ground of repeal sufficiently appears from the expression used in the third column of the schedule to the Bill, which is, however, not a matter for consideration by the courts."

Proposals
confined to
matters in
Union or
Concurrent
List.

Hindu Widows
Remarriage
Act, 1856.

Converts'
Marriage
Dissolution
Act, 1866.

2.3. Reverting to India, we may state here that in preparing the list of enactments to be repealed, we have excluded enactments whose subject matter clearly falls within the Constitution, Seventh Schedule, State List. Even as regards enactments relating to matters falling within the Union List or the Concurrent List, some of them have been excluded from consideration because of certain special reasons, which will be indicated at the appropriate place.

2.4. Special observations are necessary as regards one of the Central Acts, namely, the Hindu Widow's Remarriage Act, 1856. This is an enactment on which the Law Commission has already forwarded a report.¹ The Commission, after a detailed consideration of various relevant Central Acts, recommended repeal of the Act of 1857 in its Report on the subject. The Report has now been implemented. Hence, the Act need not be discussed.

2.5. Special mention is also required of the Converts' Marriage Dissolution Act, 1866. On this Act also, the law Commission forwarded long ago a Report to the Government, containing detailed recommendations for replacing this Act by a fresh legislative measure.² This Report awaits implementation. The reasons for the recommendation are set out in detail in the Report. We have considered it unnecessary to mention that Act while enumerating the various Acts that need to be considered for repeal.³

¹ Law Commission of India, 81st Report (Hindu Widows' Remarriage Act, 1856).

² Law Commission of India, 18th Report (Converts' Marriage Dissolution Act, 1866).

³ Chapter 3, *infra*.

CHAPTER 3

SPECIFIC CENTRAL ACTS CONSIDERED

It is now time to indicate the results of our examination of specific Central Acts. In the ensuing few paragraphs, we shall discuss not only the Central Acts that appear to require repeal as a result of our examination, but also certain other Central Acts which, at the first sight, may appear to be appropriate for repeal, but in respect of which repeal may create certain difficulties. Taking note of these difficulties, their repeal could not be recommended. Nevertheless it seemed to us desirable to record the conclusion (though negative) with regard to such Acts, alongwith the reasons for not recommending their repeal. Accordingly, the subsequent paragraphs of this Chapter cover not only Central Acts which are recommended for repeal, but also a few other Central Acts not recommended to be repealed, but examined for the purpose of the present Report.¹

1. Abolition of Privy Council Jurisdiction Act, 1949

The Act provides for the abolition of the appellate jurisdiction of the Privy Council and for connected matters. It was passed as *Constituent Assembly Act 5 of 1949*. *Prima facie*, it would appear that the Act, having no practical utility now, should be repealed. Article 395 of the Constitution, while repealing the Indian Independence Act, 1947 and the Government of India Act, 1947 and the Government of India Act, 1935 as well as enactments supplementing these enactments, expressly excludes from its scope the Abolition of Privy Council Jurisdiction Act, 1949. Probably, this was done at that time since appeals filed before the Privy Council before the commencement of the Constitution might (which were in some cases allowed to continue in the Privy Council by Section 4 of the Act) be pending before the Privy Council, and it was not considered proper to repeal the Act until disposal of the pending appeals. This is not the position now. The Act may be regarded as spent.

The subject matter of the Act falls within the Concurrent List, Entry 11A (Administration of Justice) and the residuary entry.

Reasons for recommending repeal.—As the Act is no longer required, it may be repealed, subject to what is stated in the next two sentences.

Before repealing the Act it should be ensured that its repeal does not revive the jurisdiction conferred on the Privy Council by any Act of the U.K. Parliament which itself might not yet have been formally repealed after independence. In this context, it will be particularly necessary to consider (a) enactments relating to the judicial Committee, passed by the U.K. Parliament between 1830 and 1850,² and (b) to consider and examine whether these enactments have not already been repealed by the Central Act of 1960³ that was enacted to repeal certain U.K. Acts.⁴

2. Continuance of Legal Proceedings Act, 1948 (38 of 1948)

This Act authorises the continuance of certain proceedings against the (newly created) Dominion of India or (newly created) Provinces.

Paragraph 12(3) of the Indian Independence (Rights, Property and Liabilities) Order, 1947, made a provision for the continuance of legal proceedings against the Government after the "appointed day" (15th August, 1947), but only in respect of any liability of undivided India or a part thereof. The paragraph did not cover proceedings in respect of any right of undivided India. Ordinance 12 of 1948 was promulgated to remove this defect. This Act replaces this Ordinance.

1 The Acts are dealt with in the alphabetical order.

2 See the Law Commission of India, 5th Report (British Statutes Applicable to India).

3 The British Statutes (Application to India) Act, 1960 (58 of 1960).

4 Repeal to be considered subject to verification of the aspects mentioned in the paragraph in the text.

It is enough to quote section 3 of the Act, which provides as follows:-

“3. Any legal proceedings which immediately before the appointed day,—

(a) were pending by or against the Secretary of State in any Court within the territories which as from the appointed day became the territories of India by virtue of sub-section (1) of section 2 of the Indian Independence Act, 1947 (10 and 11 Geo. Vi. c. 30), and “(b) were in respect of any right of India or any part of India, shall

- (i) If the right in question was that of the Governor-General-in-Council be continued by or against the Dominion of India;
- (ii) if the right in question was that of the former province of Bengal or the Punjab, be continued by or against the Province of West Bengal or East Punjab, as the case may be; and
- (iii) if the right in question was that of any Governor's Province other than Bengal, the Punjab, the North West Frontier Province, or Sind, be continued by or against that Province.”

The subject falls within Concurrent List Entry 13 (Civil Procedure).

Reasons for recommending repeal.—The proceedings to which section 3 of the Act (the operative part) applies must, by now, have been disposed of. Subject to verification of the factual position in this regard,¹ the Act should be repealed as spent.

3. Exchange of Prisoners Act, 1948 (58 of 1948)

The Exchange of Prisoners Act, 1948, provides for the transfer of prisoners from and to Pakistan to and from India, *in pursuance of any agreement with Pakistan*.² The Act was passed to deal with the situation arising from partition.

The heart of the Act is contained in section 3, and in the definition of the expression ‘transferable prisoner’ to be found in section 2(d). The definition reads as under:—

“2.(d) ‘transferable prisoner’ means—

- (i) in Province of East Punjab, any prisoner who, being a Muslim, is willing to be transferred to Pakistan under the provisions of this Act, and
- (ii) in any other part of India, any prisoner of such category as the Central Government may specify by notification in the official Gazette who, being a Muslim, is willing to be transferred to Pakistan under the provisions of this Act.”

Section 3 empowers the State Government to issue warrants for the transfer of transferable prisoners. Sections 4 to 7 make provisions connected with such a warrant. Section 8 prohibits the return to India of a transferred prisoner, except with the permission in writing of the Central Government. Section 9 provides for the reception in India of prisoners transferred from Pakistan.³

¹ Subject to verification.

² See the long title and preamble.

³ See statement of Object and Reasons Gazette of India, Part V 4th September, 1948.

The subject matter of the Act falls within Union List, entry 10 (foreign affairs) and Union List, entry 14 (entering into and implementation of treaties with foreign countries).

Reasons for recommending repeal.—Although the Act is widely worded so as to operate beyond the period of partition, presumably that was not the intention of the legislature. Having regard to the fact that the Act was passed only to deal with the situation that arose immediately on partition, the Act may now be repealed, subject to examination of the question if it is really needed at the present day.¹

4. Federal Court Act, 1937 (25 of 1937)

The Act deals with certain matters concerning the erstwhile Federal Court.

The entire Act reads as under:

“An Act to empower the Federal Court to make rules for regulating the service of processes issued by the Court.

“Whereas it is expedient to confer upon the Federal Court a supplemental power which is necessary for the purpose of enabling the Court more effectively to exercise the jurisdiction conferred upon it by or under the Government of India Act, 1935; it is hereby enacted as follows:

“1. This Act may be called the Federal Court Act, 1937.

Short title.

“2. The Federal Court may make rules for regulating the service of processes issued by the Court, including rules requiring a High Court from which an appeal has been preferred to the Federal Court to serve any process issued by the Federal Court in connection with that appeal.”

Power of
Federal
Court to
make
rules.

The subject matter of the Act falls within Union List, entry 11A, “Administration of Justice” and Union List, entry 97 (residuary).

Reasons for recommending repeal.—The Federal Court ceased to exist long ago. The Act should therefore be repealed now as totally spent. It may be noted that the Federal Court Act, 1941 (21 of 1941), which empowered the Federal Court to make rules, has been repealed by Act 48 of 1952. The Federal Court Supplemental Act, 1942 (26 of 1942), which authorised delegation of certain powers of the Federal Court to the Registrar, was also repealed by Act 48 of 1952.

5. Federal Court (Enlargement of Appellate Jurisdiction) Act, 1947 (1 of 1948)

The Act enlarges the appellate jurisdiction of the Federal Court to the fullest extent permissible under section 206 of the Government of India Act, 1935.

Section 3 of the Act reads thus—

“3. As from the appointed day,—

(a) an appeal shall lie to the Federal Court from any judgement to which this Act applies—

(i) without the special leave of the Federal Court, if an appeal could have been brought to His Majesty in Council without special leave under the provisions of the Code of Civil Procedure, 1908, or any other law in force immediately before the appointed day, and

(ii) with the special leave of the Federal Court in any other case;

¹ Subject to checking.

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(b) in any such appeal as aforesaid it shall be competent for the Federal Court to consider any question of the nature mentioned in sub-section (1) of section 205 of the Government of India Act, 1935; and

(c) no direct appeal shall lie to His Majesty in Council, either with or without special leave, from any such judgement."

The subject matter of the Act falls within Concurrent List, entry 11A, "Administration of Justice" and Union List, entry 97 (residuary entry).

Reasons for recommending repeal.—The Federal Court ceased to exist long ago. Pending appeals were transferred to the Supreme Court, and, by now, must have all been exhausted. The Act should, therefore, be repealed, as spent.

6. Goa, Daman and Diu (Opinion Poll) Act, 1966 (38 of 1966)

This Act makes provision for ascertaining the views of the electors in the territory of Goa, Daman and Diu on the future status of the territory. The subject matter of the Act falls within the Union List, entry 97 (residuary entry).

The opinion of the electors was duly ascertained by the Central Government and further action taken regarding the constitutional status of the territory.

Reasons for recommending repeal.—The object sought to be achieved by the Act has been already achieved and formal continuance of the Act on the statute book serves no useful purpose now. It can therefore be safely repealed.

7. General Insurance (Emergency Provisions) Act, 1971 (17 of 1971)

The Act makes provision for the immediate taking over of general insurance business, pending its nationalisation.

The Act is still in force though section 14 was omitted by the General Insurance Business (Nationalisation) Act, 1952 (57 of 1972).

The subject matter of this Act falls within the Union List, entry 47, "Insurance".

Reasons for recommending repeal.—General insurance business has now been nationalised and the Act under discussion seems to have outlived its utility. It should be repealed, subject to verification of the position as to continued need for the Act.¹

8. Indian Independence Pakistan Courts (Pending proceedings) Act, 1952 (9 of 1952).

This Act was passed to make certain legal provisions, in view of the partition of India and Pakistan.

The Act is still in force though section 5 was repealed by the Repealing and Amending Act, 1957 (36 of 1957).

Section 2 of the Act reads as under:

"2. *Definition.* In this Act, the expression 'decree to which this Act applies' means any such judgment, decree or order as is referred to in—

(i) clause (3) of article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or (ii) Paragraph (5) or paragraph (6) of article 13 of the High Courts (Bengal) Order, 1947, or (iii) paragraph (4) or paragraph (6) of the High Courts (Punjab) Order, 1947.

which has been or may hereafter be passed by a court in Pakistan and which imposes any liability or obligation on a Government of India."

Section 3 reads as under:

¹ Subject to verification.

or 1984]

"3. Certain Pakistan decrees not to be given effect to in India.—Notwithstanding anything contained in any of the Orders referred to in section 2, no decree to which this Act applies shall be given effect to by any court or authority in India in so far as such decree imposes any liability or obligation on any Government of India."

By section 4 of the Act, two modifications have been made in the law otherwise applicable to the proceedings in question, namely:—

- (i) the law of limitation; and
- (ii) the law regulating forum.

As to the point of limitation, section 4 allows a period of one year from the date of commencement of the Act or date of decree, whichever is later.

As to the question of forum, the section provides that the suit permitted by the Act can, notwithstanding section 20, Code of Civil Procedure, 1908, be instituted in a court (otherwise competent to try it), within whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.

The subject matter of the Act seems to fall within the Concurrent List, entry 13 (Civil procedure... Limitation) and Union List, entry 97 (residuary).

Action to be taken.—At the first sight, it may appear that after 30 years of independence, the need for the Act under discussion should no longer exist. However, 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. Disability, fraud or other special factors may extend the period of limitation for filing the proceedings in question. It does not, therefore, appear advisable to repeal the Act.

9. Indian Law Reports Act, 1875 (18 of 1875)

The Act, in effect, provides that courts are not bound to hear cited any unauthorised series of law reports. The Act is the first legislative measure restricting the citation of unofficial reports. The Act (so far as is material) provides that no court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case other than a report published under the authority of the government. The enactment of this Act, which can be described as an attempt at creating a partial monopoly in favour of official reports, was strongly opposed, Sir George Combell, the then Lt. Governor of Bengal, expressed his opposition in these words:

"If you put into the hands of any one authority the power of deciding which of these to be rejected and snuffed out, you give that authority an enormous power over the superior courts of the country."

Section 3 of the Act reads as follows:—

"3. No court shall be bound to hear cited or shall receive or treat as authority binding on it the report of any cases decided by any High Court.....other than a report published under the authority of any State Government."

Section 4 of the Act provides that nothing in the Act shall be construed to give any judicial decision any other authority than it would have had if the Act had not been passed.

The Act, if taken literally, could create certain anomalies. If a single judge, relying on section 3, refuses to look at an unofficial ruling of a division bench, then the position would be unsatisfactory. There would be a division bench ruling disregarded by a single judge. Of course, in practice, the single judge will consult the decision of the division bench, as reported in the unofficial series or—though this is rare—the original judgement from the records of the Court.¹ This itself shows that the Act has to be often disregarded if serious anomalies are to be avoided.

1 Law Commission of India, 14th Report, Reforms of Judicial Administration, Vol. I, page 631, para 19.

2 Compare discussion in *Vinayak v. Moreshwar*, AIR 1944, Nag. 44.

The subject matter of the Act seems to fall within the Concurrent List, Entry 11A, "Administration of justice". Concurrent List, entry 39, "Newspapers, Books and Printing Press" may not cover it. Nor would current list "recognition of laws, public acts and records and judicial proceedings" cover it.

Reasons for recommending repeal.—It is well known that notwithstanding the passage of the Act, unofficial law reports published in India have, for many years, been cited before the Judicial Committee of the Privy Council, the High Courts and the Supreme Court and have been referred to and relied on in their judgments. The Act has indeed been a dead letter.

The Law Commission, in its Report on the Reform of Judicial Administration,¹ observed with regard to this Act as follows:—

"42. In view of the recommendations made by us the Indian Law Reports Act (XVIII of 1875) will have to be repealed. As pointed out above, by reason perhaps of the delays in the publication of the Indian Law Reports series the provision of section 3 have not been observed by the courts. Indeed, the judgments of all courts, including those of the Judicial Committee of the Privy Council and the Supreme Court, have referred to decisions published in private series as authoritative and binding. Further our recommendations involve the cessation of the publication of the Indian Law Report series itself."

It has been held by one High Court² that all that the Indian Law Reports Act, 1875, ensures is that the Judges who have no access to the decisions themselves shall be provided with their accurate copies. Mere reporting of a ruling does not give any greater sanctity than it had before a court. A certified copy establishes its authenticity and correctness. On such a copy being produced, the lower courts are bound to treat the certified copy in the same way as reported judgments. Section 3 provides merely that the court should not look into unauthorised reports. What is binding is the decision of the High Court, and not a report.

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, second 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. Parliament has legislative competence to do so.³

10. Indian Rifles Act, 1920 (23 of 1920)

The Act provides for the better discipline of local police officers enrolled in Military Police or Rifle Battalions. The Act subjects those officers to the discipline and penalties prescribed under the local Act applicable to the area of service, i.e., the area in which they serve.

The subject matter of the Act falls within Union List, entry 1, relating to armed forces. Union List, entry 2A, quoted below may also be of interest:

"2A. Deployment of any armed force of the Union or any other force subject to control of Union....."

Reasons for recommending repeal.—It is not the practice now to enlist the local police in Military Police or in Rifle Battalions. The Act has therefore become obsolete, and should be repealed.

11. Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955)

The Act modifies the award of the labour Appellate Tribunal relating to employees of banking companies and (subject to that modification) makes provisions for enforcing the award.

1 Law Commission of India, 14th Report (Reform of Judicial Administration), Vol. 1, page 645, para 42.

2 *Tarok Prasad v. Shanti Lata*, (1975) 2 ALR 501 (as summarised in the Yearly Digest 1976, column 1509).

3 Concurrent List, Entry 11A, "Administration of Justice."

The subject matter of the Act falls within Union List, entry 45, "Banking" and Concurrent List, entry 22, "Trade Unions—Industrial and Labour Disputes".

Action to be taken.—The award was initially in force till 31-3-1959. However, it was extended to a later date. Hence, the Act cannot be repealed.

12. Kazis Act, 1880 (12 of 1880).

The Act appoints Kazis for certain areas, i.e., areas where Kazis are, by custom, required to perform marriage ceremonies and other rites between Muslims.

Section 2 of the Act provides that where a considerable number of Mohammedans reside in an area and desire the appointment of Kazis, the Government, after prior consultation with the residents, can appoint one or more Kazis for such area. The Government can also appoint Naib Kazis for whole or part of that area. The Government is further empowered by the Act to remove any such Kazi for his insolvency, misconduct or absence from the area for more than six months.

Section 4 provides that these Kazis have no judicial or administrative powers, and their presence in every marriage ceremony is not essential. The local Kazis (who are not so appointed) are allowed to function.

There seems to have been an impression prevailing at some time that the presence of a Government appointed officer was necessary at a Muslim marriage. It has, however, been pointed out¹ by a distinguished writer that this is not correct.

"The Kazi is ordinarily present. The Kazi in India is the mere keeper of a marriage register. His function is purely evidentiary. It is a mistake to suppose that he joins the couple in marriage; the marriage takes effect by operation of law on the contract being completed between the parties."

According to Tayabji,² there can be no monopoly in any person to officiate at marriages, since the law of Muslims does not require that function (officiating at marriages) to be performed by any special officer: "custom proved in such cases giving an exclusive right to "Cadies" to write and register marriage contracts is really meaningless.....in view of the fact that the marriage need not be written down or registered and no official is recognised as having exclusive privilege of performing this function."

The subject matter of the Act seems to fall within the Concurrent List, Entry 5, "Marriage and Divorce.....all matters in respect of which parties in judicial proceedings were, immediately before the commencement of the Constitution, subject to their personal law". Mention may also be made of Concurrent List, Entry 12, "Evidence and Oaths.....recognition of laws, public acts and records".

In one case³ from Karnataka, it was held that the previous approval of the State Government was not necessary for the appointment or removal of a Naib Kazi.

Action to be taken.—From the number of reported cases on the Act,⁴⁻⁶ some of which are fairly recent, it would appear that not infrequent use has been made of the Act. In the circumstances, it is not possible to recommend its repeal.

1 Fyzee, Outlines of Mohammedan Law (1974), page 92

2 Tayabji Muslim Law (1968) page 40, paragraph 15.

3 Wahab Siddiqui v. The Government of Karnataka A.I.R. 1975 Karnataka 133.

4 (1972) 2 Andhra Weekly Reports 327, summarised in (1971-75) Quinquennial Digest, Vol. 4, Col. 543.

5 Wahab Siddiqui v. The Government of Karnataka A.I.R. 1975 Karnataka 133.

6 Khazi Mohammed v. Andhra Pradesh Waqf Board. A.I.R. 1979 A.P. 116 (object of the Act discussed in detail).

13. Life Insurance (Emergency Provisions) Act, 1956 (9 of 1956)

The Act vests the management of insurance companies in a nominee of the Central Government, till the nationalisation of life insurance is completed.

The subject matter of the Act falls within the Union List, entry 47, "insurance". The Act is still in force, though section 18 was repealed by the Repealing and Amending Act, 1963 (58 of 1963).

Reasons for recommending repeal.—Life insurance business is now nationalised the process having been completed long ago. The Act is not needed at the present day. It should be repealed, subject to checking of the position whether the Act is needed at the present day.¹

14. Oriental Gas Company Act, 1857 (5 of 1857)

The Act creates a joint stock company with limited liability for certain gas undertakings. Limit of rupees fifty did not previously apply, thus establishing uniformity for all provinces in the matter.

The Act of 1949 amends and validates provisions of the Act of 1941.

Action to be taken.—The Act of 1941 has since been repealed. The question then arises whether the Act of 1949 should continue.

Now, it may be stated that while section 2 of the Act of 1949 merely amends the Schedule to the Act of 1941, it is section 3 which is more important for the present purpose. That section validates the imposition of tax on professions before the commencement of the Act and further provides that no court shall entertain any claim for the refund of any portion of the tax now validated. In essence, it is a validating provision.

Validating Acts—Legislative Practice.—In this context, it may be noted that the legislative practice in India in general has been not to repeal validating Acts. Some examples of validating Acts which are still in force are given below:—

- (1) The Marriages Validation Act, 1892 (2 of 1892).
- (2) The Arya Marriage Validation Act, 1937 (19 of 1937).
- (3) The Part B States Marriage Validation Act, 1952.
- (4) The Sales Tax Laws Validation Act, 1956 (7 of 1956).
- (5) The Hindu Marriages (Validation of Proceedings) Act, 1960 (19 of 1960).
- (6) The Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, 1958 (56 of 1958).

The subject matter of the Act does not fall within the State List, Entry 60, "Tax on Professions", but within Union List, Entry 97, (residuary entry), since the Act is intended to give protection against the supposed violation of an erstwhile prohibition of a constitutional character.

The subject matter of the Act falls within the Union List, Entry 43, "Incorporation, regulation and winding up of trading corporations.....". It may be stated that State List, Entry 25, "gas and gas works" would not be appropriate for this particular legislation, in which the focus is on the aspect of incorporation.

Reasons for recommending repeal.—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.²

¹ Subject to factual checking.

² This is subject to verification of the factual position.

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- 16 -**15. Oriental Gas Company Act, 1867 (11 of 1867)**

By this Act, the Central Government is empowered to allow the Oriental Gas Company to extend its area of operation beyond Calcutta.

Reasons for recommending repeal.—See above under the "Oriental Gas Company Act, 1857".

16. Payment of Taxes (Transfer of Property) Act, 1949 (22 of 1949)

The Act prohibits certain transactions by way of transfer without payment of taxes. Section 2(i) of the Act is limited to transactions entered into during a particular post partition period. But section 2(ii), taken literally, is not so confined, though perhaps that was the intention of the Legislature. Section 2(ii) leaves the decision (as to persons to whom the Act applies) to the Income Tax authority, the Custodian of Evacuee Property or other specified authority.

The subject matter of the Act mainly falls within Concurrent List, Entry 6, "Transfer of Property other than agricultural land; registration of deeds and documents".

Action to be taken.—Government may consider whether the Act is needed at the present day, in view of the presumably limited scope of the Act, as indicated by section 2.

17. Professions Tax Limitation (Amendment and Validation) Act, 1949 (61 of 1949).

By section 142(1) of the Government of India Act, 1935,¹ certain Provincial laws providing for the imposition of tax on professions etc., were saved, but it was provided that after 31st March, 1939 the tax payable in respect of any one person under any law (imposing such a tax) should not exceed rupees fifty per annum. At the same time, by section 142(2) and proviso, pre-existing taxes were to continue to be lawfully levied even on a higher rate than rupees fifty, unless a Provision to the contrary was made by the federal legislature.

There was a widespread demand in the erstwhile Madras Presidency that the professions tax, levied by municipalities and local boards under Provincial legislation and based solely on income, should be subject to the maximum of rupees fifty per annum. The Professions Tax Limitation Act, 1941 (120 of 1941) gave effect to that demand, and extended the limit laid down in sub-section (1) of section 142 of the Government of India Act, 1935 to those provinces in which, owing to the proviso to sub-section (2) of section 142, applied. If today such an Act were to be passed to save past violations of the Government of India Act, 1935, the proper legislative entry would be the Union List, Entry 97 (residuary).

Action to be taken.—In view of the legislative practice of retaining validating Acts on the statute book studied above, the Act will have to be allowed to continue.

18. Public Employment (Recruitment as to Residence) Act, 1957 (44 of 1957)

The operative provisions of the Act may be thus summarised: Section 2 repeals earlier laws imposing a requirement of residence in an area as a condition of employment in Government. Section 3 gives temporary protection to legislation imposing a requirement as to residence in a particular area as a condition of eligibility for public employment.² The protection was limited to a period of 15 years. That period has now expired. But section 2 of the Act is still of importance, since it repeals earlier laws.

¹ Compare article 276, Constitution of India.

² For case law on section 3, see

(a) *Rao v. State of Andhra Pradesh*. A.I.R. 1970 S.C. 422.

(b) *Government of A.P. v. Reddy*. A.I.R. 1973 S.C. 827.

The subject matter of the Act falls within the exclusive competence of Parliament, by virtue of article 35(a) (i) read with article 16(3) of the Constitution. Article 16(3) of the Constitution provides that nothing in that article shall prevent Parliament from making any law prescribing in regard to a class or classes of employment or appointment to an office under the Government or any local or other authority within a State or Union Territory, any requirement as to residence within that State or Union Territory prior to such employment or appointment. Under article 35(a) (i) of the Constitution (so far as is material)—“Notwithstanding anything in this Constitution, as—

- (a) Parliament shall have and the Legislature of a State shall not have power to make laws—
- (i) with respect to any of the matters which under clause (3) of article 16—may be provided for by law made by Parliament.”

The Supreme Court¹ has held that the Constitution in article 16(4), speak of a whole State as the venue for residential qualification and it is impossible to think that the Constituent Assembly was thinking of residence in Districts, Taluks, Cities, Towns or Villages.....Section 3 of the Public Employment (Requirement as to Residence) Act, 1957, in so far as it relates to Telengana and certain Rules made under the Act, was, therefore, held *ultra vires* the Constitution.

Action to be taken.—Since section 2 of the Act is still of importance (as stated above), it is not possible to recommend repeal of the Act.

19. Public Suits Validation Act, 1932 (4 of 1932)

By section 2 of the Public Suits Validation Act, 1932, it is provided that where a suit relating to any of the public matters specified in sections 91 and 92 of the Code of Civil Procedure, 1908 (these sections relate to suits regarding public nuisances and public trusts) is pending at the commencement of this Act, the institution of such a suit shall not be deemed to be invalidated on the ground that the previous sanction of the State Government in respect of such suit has not been obtained as required by section 93 of that Code.

The subject matter of the Act falls within Concurrent List, entry 13, civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution.....”

Action to be taken.—Most suits of the nature to which the Act applies, i.e., Suits pending in 1932 (when the Act was enacted) would have been disposed of by now. However, one cannot assert with positive certainty that all such suits must have been disposed of by now. Hence the Act may continue on the statute book for the present.

20. The Public Wakfs (Extension of Limitation) Act, 1959 (29 of 1959)

This Act extends the period of limitation in regard to suits to recover possession of immovable property forming part of public wakfs, where the dis-possession took place between 14th day of August, 1949 and 7th day of May, 1954. The period of limitation was originally extended upto 15th August, 1967, but the date has been successively extended. It may also be pointed out that there could, in effect, be further extension of the period of limitation by reason of disabilities or other special factors which have the effect of extending limitation under the general law of limitation.

The subject matter of the Act falls within Concurrent List, entry 10, “Trust and Trustees” and entry 13, “Civil Procedure.....Limitation.....”

Action to be taken.—It is possible that suits to which the Act applies can still be filed, or are pending. If so, its repeal may create avoidable controversies. Moreover, many States have (by local amendment) extended the period to a later date. In the circumstances, it is not advisable to repeal the Act.

21. Special Tribunals (Supplementary Provisions) Act, 1946 (26 of 1946)

This Act provides that where a special court established under the Criminal Law Amendment Ordinance, 1943 ceases to exist, it shall be deemed to be the Court of Session. Apparently, this technical provision was considered necessary to deal with appeal, execution return of property, etc., and other incidental matters in respect of proceedings of the special courts in question.

The subject matter of the Act seems to fall within Constitution, Concurrent List, entry 5, "Criminal Law and Procedure" and Concurrent List, entry 11A, "Administration of Justice".

Reasons for recommending repeal.—The Criminal Law Amendment Ordinance 1943 (with which the Act is linked) has been repealed¹. Moreover, matters arising out of decisions of special tribunals constituted under that Ordinance must, by now, have been practically exhausted. The Act now can be repealed, subject to verification of what has been stated just now.²

22. Transfer of Evacuee Deposits Act, 1954 (15 of 1954)

Consequent on the setting up of the Dominions of India and Pakistan, there was large scale migration of population between the two countries. The Governments of India and Pakistan entered into an agreement with each country regarding the manner of transfer of deposits belonging to displaced persons or evacuees. In pursuance of the aforesaid agreement, the Parliament enacted the legislation to provide for such transfer of deposits to Pakistan and reception of such deposits in India. The Act is still in force though section 18 was repealed by the Repealing and Amending Act (58 of 1963).

The term "deposit" has been defined in the Act as—

- (i) any movable property in the custody or under the control of any civil or Revenue Court in respect of any proceedings;
- (ii) any movable property under the superintendence or in the custody of a Court of Wards;
- (iii) any movable property in the custody or control of a manager;

and it includes any securities, insurance policies and negotiable instruments; "securities" covers shares, scripts, stocks, bonds, debentures, debentive stocks and like marketable securities. "Displaced person" is a person who has migrated from Pakistan to India on or after 1-3-47 and "evacuee" is one who has migrated from India to Pakistan on or after 1-3-47.

By the Act, the Central Government has taken power to appoint a Custodian of Deposits and also as many Assistant Custodians as required. The Custodian has power to transfer the deposits to an officer in Pakistan as the Central Government may specify by general or special order in this behalf. The Custodian has also power to transfer the records of the deposit to the officer in Pakistan so specified. If the transfer of the 'deposit' is prohibited under any other law, it is lawful for the Custodian to convert the deposit into money before the transfer.

The Act has also laid down the procedure for the converse situation, namely, the receipt of deposits from Pakistan, and the procedure to be subsequently followed by the Custodian in making payment of such deposits to the claimants. If there are more than one claimant and all of them do not agree for the method of payment or distribution, the Custodian has been empowered (i) to refer the matter to the principal Civil Court at Original Jurisdiction within whose jurisdiction the claimants, or at least the majority of them, reside and (ii) to transfer the deposits to such Court for disposal.

The subject matter of the Act falls within Concurrent list, entry 41, "Custody, management and disposal of property declared by law to be evacuee property", Union List, entry 10, "Foreign Affairs" all matters which bring the Union into relation with any foreign country", and Union List, entry 14 (Entering into and implementation of treaties).

Reasons for recommending repeal.—It is presumed that by now, deposits governed by the Act would all have been transferred or otherwise finally dealt with. The Act may therefore be repealed, subject to factual checking,³ as to whether any such deposits still remain undisposed of.

1 Repealing and Amending Act, 1957 (36 of 1957).

2 Subject to verification.

3 Subject to factual checking.

CHAPTER 4

COMMENTS RECEIVED ON THE WORKING PAPER

Comments
favouring the
proposals.

4.1. As already stated in the first chapter of this Report,¹ Law Commission had circulated a Working Paper on the subject matter of this Report for inviting informed comments as to the repeal of the Acts dealt with in this Report. The last date for forwarding the comments to the Commission was 30th November, 1983. The replies received upto the date of signing this Report are nine in number. Two are from High Courts, while the remaining seven are from Law Departments of State Governments.

Of the High Courts, one agrees with the need for repeal of all the Central Acts under consideration, while the other states that it has no comments to make². The comments received from the State Governments all agree with the proposal for repeal of these Acts³. Of these comments received from the State Governments, two have made certain additional suggestions or supplied additional information, which will be referred to presently.⁴

Unconstitu-
tional laws
(Suggestion
of the
Government
of Punjab).

4.2. In its reply sent to the Working Paper of the Law Commission, the Government of Punjab⁵ has suggested that those statutory provisions which have been declared by the Courts as unconstitutional should also be regarded as fit for repeal. The Commission is aware of this consideration and has taken it into account while preparing its list of enactments to be repealed. It may also be useful to mention that whenever the Commission takes up individual enactments for consideration, the constitutional aspect is also kept in mind, with a view to recommending the repeal or suitable amendment of statutory provisions that are found to be in conflict with the Constitution.

Kazis Act of
1880 (Material
sent to the
Government
of Mahara-
shtra).

4.3. The Government of Maharashtra, in its comment on the Working Paper of the Law Commission,⁶ has supplied useful material as to the Kazis Act, 1880 as in force in the State of Maharashtra. It may be mentioned that the Commission is not recommending repeal of this Act.⁷ The material forwarded by the State Government also shows that the Act cannot, in the present state of legislation, be repealed.

¹ Paragraph 1.8, *supra*.

² Law Commission File No. 2(11)/83-LC, Serial No. 7 and Serial No. 3 respectively.

³ Law Commission File No. F. 2(11)/83-LC, Serial No. 4, 5, 6, 8, 9, 10 and 11.

⁴ Paragraphs 4.2 and 4.3 *infra*.

⁵ Law Commission File No. F. 2(11)/83-LC, Serial No. 5.

⁶ Law Commission File No. 2(11)/83-LC, Serial No. 8.

⁷ Chapter 3, item 18, *supra* (Kazis Act, 1880).

CHAPTER 5
CONCLUSION AND SUMMARY OF RECOMMENDATIONS

4.1. On the basis of the discussion contained in the preceding Chapters, repeal of the Acts that we have identified as suitable for repeal appears to be desirable,¹ subject of course, to verification of certain aspects which have been mentioned in the discussion relating to each Act, wherever applicable. For convenience, we give below a list of the Acts examined, and the gist of our recommendation on each Act.

Acts to be examined and gist of action suggested to be taken on each Act.

List of Acts² examined and gist of proposal made with reference to each Act.³

1. The Abolition of Privy Council Act 1949 (Constituent Assembly Act 5 of 1949). Repeal of the Act is recommended, provided if it could be ensured that its repeal does not create any legal complications (such as revival of the jurisdiction conferred on the Privy Council by any Act of the U.K. Parliament etc.).
2. Continuance of Legal Proceedings Act, 1948 (38 of 1948). Repeal of the Act is recommended subject to verification of the factual position.
3. Exchange of Prisoners Act, 1948 (58 of 1948). Repeal of the Act is recommended, subject to examination of the question whether the Act is needed at the present day.
4. Federal Court Act, 1937 (25 of 1937). Repeal of the Act is recommended.
5. Federal Court (Enlargement of Appellate Jurisdiction) Act, 1947 (1 of 1948). Repeal of the Act is recommended.
6. Goa, Daman and Diu (Opinion Poll) Act, 1966 (38 of 1966). Repeal of the Act is recommended.
7. General Insurance (Emergency Provisions) Act, 1971 (17 of 1971). Repeal of the Act is recommended, subject to verification of the position as to whether there is continued need for the Act.
8. Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952 (9 of 1952). Repeal of the Act is not recommended.
9. Indian Law Reports Act, 1875 (18 of 1875). Repeal of the Act is recommended.
10. Indian Rifles Act, 1920 (23 of 1920). Repeal of the Act is recommended.
11. Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955). Repeal of the Act is not recommended.
12. Kazis Act, 1880 (12 of 1880). Repeal of the Act is not recommended.
13. Life Insurance (Emergency Provisions) Act, 1956 (9 of 1956). Repeal of the Act is recommended subject to verification of the position as to whether there is continued need for the Act.
14. Oriental Gas Company 1857 (5 of 1857). Government may consider of this Act, and the analogous later Act of 1867 relating to the same company (see below), are needed now. After verification of the factual position, further action may be taken.
15. Oriental Gas Company Act, 1867 (11 of 1867). See above under "Oriental Gas Company 1857".
16. Payment of Taxes (Transfer of Property) Act, 1949 (22 of 1949). Government may consider whether the Act is needed at the present day.

¹ Chapter 3 *supra*.

² The Acts are arranged alphabetically.

³ None of these Acts was repealed upto 15th February, 1984 according to checking done in office.

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17. Professions Tax Limitation (Amendment and Validation) Act, 1949 (61 of 1949).

The Act may continue on the statute book, having regard to the legislative practice adopted in the past, as regard validating Acts. (In the past validating Acts have been allowed to continue on the statute book).

18. Public Employment (Requirement as to Residence) Act, 1957 (44 of 1957).

The Act may continue on the statute book, as its repeal may create complications.

19. Public Suits Validation Act, 1932 (11 of 1932). The Act may, for the present, continue on the Statute book.

20. Public Wakfs (Extension of Limitation) Act, 1959 (29 of 1959). It is not advisable to repeal the Act.

21. Special Tribunals (Supplementary Provisions) Act, 1946 (29 of 1946).

The Act may be repealed, subject to verification of certain facts stated in the discussion about the Act.

22. Transfer of Evacuee Deposits Act, 1954.

The Act may be repealed, subject to factual checking.

(K. K. MATHEW),
Chairman.

(J. P. CHATURVEDI),
Member.

(DR. M. B. RAO),
Member.

(P. M. BAKSHI),
Part-time Member.

(VEPA P. SARATHI),
Part-Time Member.

(A. K. SRINIVASAMURTHY),
Member-Secretary.

DATED:



LAW COMMISSION
OF INDIA

ONE HUNDRED FORTY - EIGHTH
REPORT
ON
REPEAL OF CERTAIN
PRE - 1947 CENTRAL ACTS

1993

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CHAPTER I

INTRODUCTORY

1.1 Scope

The Law Commission of India has *suo motu* taken up for consideration the question of repeal of the Central Acts passed before 15th August 1947 and still formally in force. The subject appeared to be suitable for study, as a part of the function of the Law Commission of making recommendation for keeping the law up-to-date.

1.2 Need for study

The process of periodical spring-cleaning of the statute book has been familiar to Indian draftsmen since 1866 and to English draftsmen since 1856, these being the years in which the first repealing Act was passed in the respective countries. The need for such periodical review of the statute book is obvious. Citizens of a country are expected to be familiar at least with the statutes relevant to the lives and affairs. Such familiarity cannot be satisfactorily acquired and properly maintained if the statute book contains statutes which are really "dead" though formally alive. Citizens are concerned with the living law. They should not be made to wade through a forest where obsolete or anachronistic statutes corrupt the scenario. Such a situation is bound to cloud the vision, besides leading to a waste of energy, time and resources. The co-existence of dead law with living law creates confusion even in understanding.

1.3 Repealing Acts and the modern era.

The consideration mentioned above which is valid at all times, assumes still greater validity in modern times when statutes are being enacted in large numbers almost every year. Citizens find it difficult to cope with the statute book. So do many lawyers. If the dead wood can be cleared, the labour devoted to its identification would be worthwhile.

1.4 Identifying the dead wood.

The object of this Report is to identify the dead wood on the Indian Statute Book in regard to pre-1947 Central Acts. The date 15th August, 1947 has been chosen as the dividing line, mainly for the reason that enactments passed before the attainment of independence stand in a special class. In the case of such enactments the chances of their becoming wholly or partly obsolete are greater than in the case of other enactments. The attainment of independence may *conceivably* (though not necessarily) have some impact on the need for their retention. The new political status so acquired by a country may render irrelevant an Act enacted prior to independence, or at least reduce its importance.

There is another aspect of the matter, though it is incidental. The older an enactment, the more scope there may be for an examination of that Act from the point of view of the possibility of its obsolescence. Just as a child starts ageing as soon as it is born, so does an enactment.

1.5 Earlier Reports.

Of course, the present Report is not the first one of the Law Commission of India in the nature of such examination. The Law Commission has, in the past, had more than one occasion for such examination. In 1958, the Commission examined all the British statutes then in force as applicable to India, the Commission forwarded a Report recommending the repeal of the Converts Marriage Dissolution Act (18th Report). Thereafter, the Commission forwarded another Report recommending repeal of the Hindu Widows Remarriage Act (81st Report). Besides this, the Law Commission forwarded a comprehensive Report in 1984 on the repeal of certain obsolete Central Acts.¹ That Report, *inter alia*, incorporates certain important materials relating to the function and significance of repealing acts and we have, in this Report, made use of some of those materials, as these are not easily available and may, in course of time, become even more scarce than at present.

1.6 Need for formal repeal

Statutes, unlike human beings, do not die a natural death, with the possible exception of statute whose life is pre-determined by the legislature at the time of their enactment. A statute, unless it is expressly enacted for a temporary period, survives until it is killed by repeal. To this extent,

1. Law Commission of India, 96th Report (Repeal of Certain Obsolete Central Acts) (1984)

statutes enjoy immortality. This consequence flows from the well-established proposition that long desuetude of a statute does not amount to its repeal.¹ Even where an earlier enactment relating to a particular subject matter is followed by a latter enactment on the subject matter covering almost every inch of the area covered by the earlier enactment, the earlier enactment may still be held to retain its vitality because courts lean against implied repeal. Thus, neither the obsolescence of an old enactment for the fact that its content is substantially covered by a latter enactment, has the effect of robbing the old enactment of its vitality in law. That effect can be achieved only by a formal repealing Act.

1.7 Repeal and law reform.

The formal repeal of an obsolete Act achieved through a repealing Act is not to be viewed as a mere technical exercise. It has a wider role to perform and has a place of its own in the working of the legal system. Such a repealing Act is essentially a part of statute law revision, which, in its turn, is comprised within the concept of law reform in its totality. A repealing Act may appear to be a drop in the river of statute law revision and the vast expanse that law reform is, would need so many rivers to feed it. Nevertheless, each such river has a role to play and each such drop has a function to perform.

1.8 Statute law revision and its function

The function of statute law revision and the principles on which its exercise should proceed have been lucidly put by Lord Westbury, Lord Chancellor, while speaking in 1863 on the Statute Law Revision Bill. This is what he said² :

"The Statute Book should be revised and expurgated-weeding away all those enactments that no longer in force and arranging and classifying what is left under proper heads, bringing the dispersed statutes together, eliminating jarring and discordant provisions, and thus getting a harmonious whole instead of a chaos of inconsistent and contradictory enactments."

We have quoted this passage from the 96th Report of the Law Commission of India³ and would like to add our own analysis of the pithy but pregnant statement of Lord Westbury. It appears to us that as envisaged by Lord Westbury, statute law revision is intended to achieve four main objectives :

- (i) *renovation*—which is achieved by “weeding away” obsolete enactments;
- (ii) *order and symmetry*—which can be introduced by arranging and classifying the enactments really in force;
- (iii) *easy access to legislation*—promoted through consolidation by “bringing the dispersed statutes together” and
- (iv) *harmony*—perfected by “eliminating discordant and jarring provisions.”

These goals, pursued systematically, can obliterate so much of the past as is useless, organise the present and equip us for meeting the challenges of the future.

1.9 Scheme of discussion

With these introductory observations, we proceed to deal in the next Chapter with the principle to be followed in recommending the repeal of Central Acts. Thereafter we shall summarise the results of our examination of pre-1947 Central Acts and conclude our remarks.

1. Perrin v. U. S.(1914) 58 L. Ed. 69

2. Lord Westbury, “Parliamentary Debates” (1863) 3rd Series, Vol. 171, col. 775, quoted by Lord Simon of Glaisdale and Webb, “Consolidation and Statute Law Revision” (1975), Public Law 285, 291.

3. See Law Commission of India, 96th Report, Para 1.4 Page 11

CHAPTER 2

PRINCIPLES TO BE FOLLOWED IN RECOMMENDING REPEAL

2.1. Broad approach

In our examination of the pre-1947 Central Acts with a view to considering the question of their retention or repeal, we have borne in mind the main objectives of statute law revision,¹ namely,

- (i) keeping the statute book in repair;
- (ii) introduction of order and symmetry in the statute book;
- (iii) providing easy access to legislation; and
- (iv) maintaining and restoring harmony in the statute book.

2.2. Detailed examination

In our detailed examination of the various Acts, we have focussed our attention on enactments that are useless at the present day, superseded by subsequent legislation, overtaken by developments that have taken place since their passing or in obvious conflict with the Constitution.

2.3. Scope of the enquiry

(a) We should make it clear that our examination is confined to pre-1947 Central Acts relating to matters in the Union List or the Concurrent List. We have not touched enactments relating to matters in the State List. For example, the Dramatic Performances Act, 1876, which seems to fall within the State list, would be outside the scope of our inquiry.

(b) We should also mention that in the 96th Report, the Law Commission of India made detailed recommendations in regard to the repeal of twelve Central Acts.² Out of these, only three Acts have either fully or partially been repealed but the rest have yet not been repealed. We reiterate the recommendation as contained in the earlier report and recommend the repeal of the remaining Acts also. We have not considered it necessary in this Report to examine those Acts afresh, but would like to express our agreement with the recommendations made in the earlier Report.

1. cf. para 1.8 supra.

2. Law Commission of India, 96th Report (1984), pages 19-20.

CHAPTER 3

PRE-1947 CENTRAL ACT RECOMMENDED FOR REPEAL

3.1 Scope of the Chapter

We deal in this Chapter with some pre-1947 Central Acts that appear to be suitable for repeal.

3.2 The Forfeiture Act, 1859 (9 of 1859)

The Forfeiture Act, 1859 was enacted to provide for the adjudication of claims to property seized as forfeited. The Act was enacted to give validity to certain forfeitures or seizures of property which had been or were liable to be called in question on the ground of some irregularity of procedure or defect or infirmity in recording the convictions of the parties whose property had been forfeited or seized or of the absence of any adjudication of forfeiture as required by the Forfeiture Act, 1857 (Act 25 of 1857).

Sections 1—15, which dealt with constitution, procedure etc. of Special Commission Courts were repealed by the Repealing Act, 1868 (Act No. 8 of 1868).

Section 16 of the Act debars the questioning by any court in any suit or proceedings relating to forfeiture of property on convictions. Section 17 debars the questioning of any conviction on the ground that the capacity of the convicting officer is not shown in the record. Similarly, section 18 lays down that the attachment of property without adjudication of forfeiture by any officer of the Government cannot be questioned unless the offender be acquitted within one year etc. Section 18 made an exception in respect of persons entitled to pardon upon Her Majesty's proclamation to be published in Extraordinary Gazette of Calcutta.

The title of the Act is misleading as it gives the impression that the general criminal law of the country authorises forfeiture. The Act was meant only to validate certain forfeitures. It should be repealed.

3.3 Ganges Tolls Act, 1867 (1 of 1867)

The Ganges Tolls Act, 1867 was enacted to authorise the levy of tolls on certain steamers and boats plying on the river Ganges, to be applied for the improvement of the navigation of the said river between Allahabad and Dinapore. Section 2 of the Act provides that toll not exceeding 12 annas per hundred maunds shall be payable, at such place or at one of such places as the Government shall from time to time direct in respect of every steamer, flat and boat of the burden of 200 maunds and upwards, which shall pass up or down the Ganges by such place or any one of such places. Section 4 provides that the funds raised by the tolls payable under this Act shall be applicable towards defraying the expenses of improving and facilitating the navigation of the Ganges between Allahabad and Dinapore.

The Indian Parliament passed National Waterway (Allahabad-Haldia stretch of Ganga Bhagirathi-Hooghly River) Act, 1982 (49 of 1982) which declares the Allahabad Haldia stretch of the Ganga-Baghirathi-Hooghly River to be a National Waterway. The Act empowers the Government to provide for the regulation and development of that river for the purposes of shipping and development of that river for the purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto. Section 9 of the said Act empowers the Central Government to levy fees at such rates as may be laid down by rules made in this behalf for services or benefits rendered in relation to the use of the National Waterway for the purposes of navigation and infrastructural facilities, etc. Thus, the Allahabad-Dinapore sector which was covered under the Ganges Tolls Act, 1867 is also covered under the National Waterway (Allahabad-Haldia stretch of the Ganga-Baghirathi-Hooghly River) Act, 1982. Similarly, the object of the passage of Ganges Tolls Act was to levy tolls whereas the object of the 1982 Act is to levy fees for the services or benefits rendered in relation to use of the National Waterway.

There may not be direct contradictions or inconsistencies between the two Acts, but apparently there is a possibility of some double taxation. This may be not unconstitutional, but is likely to cause inconvenience. The subject matter of the Ganges Tolls Act seems to fall within Union List entry 89. We recommend repeal of the Act for the reasons stated above.

3.4 The Acting Judges Act, 1867 (16 of 1867)

We now come to the Acting Judges Act, 1867. The Governor-General of India in Council and the Local Governments were empowered by diverse enactments to appoint the judges of certain courts during the British rule in India. Doubts arose as to whether the power to appoint judges of the said courts also included the power to appoint persons to act temporarily as such judges. The Acting Judges Act, 1867 was passed with a view to removing such doubts. The Act was initially in force in the Districts of Hazaribagh, Lohardaga (now in Ranchi district) and Manbhumi and Paragnas Dhalbhum and the Kolhan in the district of Singbhum. By a notification under section 3(a) of the Scheduled Districts Act, 1874, the Act was subsequently extended to certain other provinces and territories of India.

Section 1 of the Act provides as follows :

"In every case in which the Central Government or the State Government, as the case may be, has power under *any Act or Regulation* to appoint a judge of any court, such power shall be taken to include the power to appoint any persons capable of being appointed a permanent judge of such court, to act as a judge of the same court for such time as the Central Government or the State Government, as the case may be, shall direct. Every person so appointed to act temporarily as a judge of any such court shall have the powers, and perform the duties which he would have had and be liable to perform in case he has been duly appointed a permanent judge of the same court."

Acting Judges in High Courts are governed by articles 224 and 224A of the Constitution of India in the post-independence era. Appointment of Judges to Subordinate Courts is governed by articles 233 to 237 of the Constitution.

It would appear that the Acting Judges Act, 1867 was primarily meant for subordinate civil courts. Whatever may have been the need for the Act in 1867, the present position in this regard is that the Civil Courts Acts of most States have already made appropriate provision (wherever considered necessary) on the subject of filling up temporary vacancies in the judicial cadre. We give below an illustrative list of provisions of this nature, in Civil Courts Acts :

(1) Sections 13 & 28	Andhra Pradesh Civil Courts Act, 1972.
(2) Sections 3 & 16	Assam Frontier (Administration of Justice) Regulation 1940.
(3) Sections 8, 10 & 36	Bengal Agra and Assam Civil Courts Act, 1867.
(4) Sections 35 to 37	Bombay Civil Courts Act, 1869.
(5) Sections 9, 19 & 28	Goa, Daman & Diu Courts Act, 1965.
(6) Sections 6 & 16	Kerala Civil Courts Act, 1957
(7) Sections 18 & 19	Madhya Pradesh Civil Courts Act, 1958.
(8) Sections 3 & 7	Orissa Civil Courts Act, 1986.
(9) Sections 7, 21 & 28	Punjab Courts Act, 1918.
(10) Sections 3A, 4, 4A & 25	Tamil Nadu Civil Courts Act, 1973.
(11) Paragraph 27 to 39	Tripura (Courts) Order 1950

In the circumstances, it seems proper to repeal the Acting Judges Act, 1867 and we recommend accordingly.

3.5 The Companies (Foreign Interests) Act, 1918 (20 of 1918)

The Companies (Foreign Interest) Act, 1918 was enacted to give power to the Government of India to prohibit the alteration, except with the sanction of Government of India, of Articles of Association which restrict foreign interest in certain companies and to provide for other purposes connected therewith. During the first World War, certain companies had been reconstituted in India on the lines approved by the Government of India. It was felt that new companies whose business was of importance to the security of India and of the British Empire as a whole should be restrained from altering their Articles of Association in such a way as to bring them under the control of foreign interest. The Act, therefore, restricts the shares or interests held or the powers exercised by the persons other than British subjects from being altered without the consent of Governor General-in-Council.

As far as can be ascertained, the subject matter of such regulation can (wherever necessary) be taken care of by appropriate measure taken under the Foreign Exchange Regulation Act, 1973. Subject to departmental checking in this regard, the Act may be repealed.

3.6 The Promissory Notes (Stamp) Act, 1926 (11 of 1926)

This Act was enacted with a view to providing for the validation of certain Promissory Notes executed after 30-9-1923 and before 5-1-1925, and stamped with adhesive stamp or adhesive stamps inscribed for postage and of the value required by the law enforced at the time the promissory note for an amount exceeding Rs. 250 was executed. The Act provides that a promissory note shall not by reason only of the fact that the stamp or the stamps or any of them is of a description otherwise than that required by law, be deemed, for any of the purposes of the Indian Stamp Act, 1899 or of the rules made thereunder, not to have been duly stamped.

Thus, the object of the Act is to validate certain promissory notes which would not have been otherwise lawful. After expiry of nearly 65 years, it may be safely presumed that the parties to the promissory notes must have acquired their respective rights. The Act, therefore, seems to have become obsolete, and we recommend its repeal. We are aware that the ordinary practice has been to repeal validating Acts. However, the Act under consideration addresses itself to a very short period and a departure can be made from the usual practice. Incidentally, the short title of this Act is misleading. At the first sight, it gives the impression that the Act contains a permanent law.

CHAPTER 4

SOME PRE-1947 ACTS CONSIDERED BUT NOT RECOMENDED FOR REPEAL

4.1 Scope of Chapter

In this chapter, we propose to examine certain Central Acts of the pre-1947 period in order to consider whether they need to be repealed.

4.2 The Berar Laws Act, 1941 (4 of 1941)

We begin with the Berar Laws Act, 1941. The provisions of many Central Acts were applicable to the erstwhile area then known as Berar. But such applicability did not flow from the Central Act itself as being *proprio vigore* operative in Berar. It was achieved by the application of such Acts by order made under the Indian (Foreign Jurisdiction) Order in Council, 1903 (often with certain modifications). Certain administrative inconvenience resulted from this. The Act as in force in British India was distinct from the Act as in force in Berar. Notifications and statutory rules issued under identical provisions operative, both in British India and in Berar, had to be issued separately for British India and for Berar.

Since the commencement of Part III of the Government of India Act, 1935 on the 1st April, 1937, Berar and Central Provinces were deemed to be one Governor's Province and an Act passed after that date and expressed to extend to the whole of British India extended *proprio vigore* to Berar.

The primary object of the Berar Laws Act, 1941 is to assimilate the provisions of the Central Acts passed before the first day of April, 1937 to those which were passed after that date and were automatically in force in Berar, as stated above.

Thus, by one comprehensive enactment, the *proprio vigore* operation in Berar of Central Acts passed before the commencement of Part III of the Government of India Act, 1935 was achieved, while simultaneously abrogating the orders under the Foreign Jurisdiction Order in Council by virtue of which those Acts are operative in Berar. The Berar Laws Act, 1941 is a small Act consisting of four sections and four schedules. The first schedule lists the Acts which are extended to Berar. The second schedule contains lists of Acts which are partially extended to Berar. The third schedule provides for amendments of the Code of Civil Procedure, 1908 and the Indian Limitation Act, 1908 (then in force). The fourth schedule sets out the list of enactments which have ceased to have effect and repealed in Berar.

With the re-organisation of States, Berar now forms part of the State of Maharashtra. However, this does not render the Act obsolete. The States Reorganisation Act, 1956 and the Bombay Reorganisation Act, 1960 (to mention two enactments of immediate relevance), the Adaptation of Laws and Orders issued thereunder have not repealed the Berar Laws Act for obvious reasons. Nor can we recommend its repeal.

4.3 Dehradun Act, 1871 (22 of 1871)

The tract of the country known as Dehradun had, on several occasions, been removed by legislative enactment from one jurisdiction to another. The final effect of these transfers was assumed to be that the Dehradun tract was subject to the operation of Central Regulations and Acts, and for many years past, the administration of justice had been conducted on that assumption. But in the case of *Dick v. Heseltine*, the High Court ruled that the General Regulations and Acts were not legally in force in Dehradun.¹ Hence legislation for the purpose of giving validity to the past proceedings of the local courts which by the decision in *Dick v. Heseltine* were in effect declared to have been illegal, became necessary. Accordingly, the Dehradun Act, 1871 was passed. The Act was intended to be only a temporary measure and was to be eventually absorbed in a more comprehensive legislation.

By the United Provinces High Courts (Amalgamation) Order, 1948, High Court of Judicature at Allahabad was invested with all original, appellate and other jurisdictions in respect of whole of the United Provinces under the law in force immediately before 19th July, 1948. The aforesaid Order of 1948 amended the Letters Patent establishing the High Court of Judicature for the North Western Provinces at Allahabad.

¹ See Gazette of India, 1871, Part V, page 221 and Supplement pages 907-908, 1050.

As far as we can see, the need for maintaining the Dehradun Act on the statute book has not disappeared. Territorial changes in one particular year do not necessarily render redundant all enactments passed earlier in order to deal with the legal consequences of any earlier territorial changes that may have raised legal issues. We are not, therefore, in a position to recommend repeal of the Dehradun Act.

4.4 The Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879)

The Dekkhan Agriculturists' Relief Act, 1879 was enacted to relieve the agricultural classes in certain parts of the Dekkhan from indebtedness. In regard to erstwhile Bombay State, the Act was repealed by the Bombay Agricultural Debtors Relief Act, 1939 (Bombay Act 28 of 1939). The Bombay Act No. 28 of 1947 repealed the Bombay Act No. 28 of 1939 and re-enacted this Act for three years. The Act as re-enacted expired on 26-5-1950.

It has been held¹ that the Dekkhan Agriculturists' Relief Act, as re-enacted by the amended section 56(1) of the Bombay Agricultural Debtors Relief Act 1947 (28 of 1947) for a period of three years, expired on the midnight of 26-5-1950 and was not in force in the State of Bombay after that date for any purpose whatsoever. However, the position as regards areas not comprised within the erstwhile Bombay State is not very certain. Besides this, the subject matter does not seem to fall within the Union List. Accordingly, we cannot recommend its repeal.

4.5 Fort William Act, 1881 (13 of 1881)

The Fort William Act, 1881 was enacted to give power to the Chief of Army Staff to make rules for the better Government of Fort William in Bengal and to provide for the establishment of a Court within Fort William for the trial of persons charged with breaches of such rules. According to section 3 of the Act, the Chief of the Army Staff was empowered to make rules from time to time, with the sanction of the Central Government, to be in force within the Fort William in respect of matters specified in the schedule annexed thereto and other matters of a like nature and to prescribe, by such rules, penalties for the infringement thereof. Section 4 of the Act empowered the Central Government to invest a Commissioned Officer in the Indian Army with power to try persons charged with infringement of the rules made under section 3 of the Act. The officer so invested was called the Fort Magistrate.

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 our Constitution and is opposed to the directive principle of separation of the judiciary from the executive. Under Section 6 of the Act, a police officer can detain any arrested person for an unlimited period until the detenu signs a bond of specific amount. This provision is contrary to the spirit of the Constitution.

In our opinion, these parts of the Fort William Act, 1881 (including the Schedule to the Act) should be examined by the competent authority and may have to be replaced by provisions of a different nature that harmonise with the Constitution. However, a total (or even partial) repeal of the Act without substituting the needed provisions would create a hiatus. We are not therefore, in a position to recommend its repeal.

4.6 The Government Seal Act, 1862 (8 of 1862)

The Government Seal Act, 1862 was enacted in order to remove the doubts about the use of seals for the certification of certain documents. Before the passage of the Act, certain enactments made provisions prescribing the affixation of seals to certain instruments and for connected matters. For instance, certificates of Registry under section 8 of the Coasting Vessels Act, 1838 were to be sealed with the seal of East India Company. It was also laid down that no other seal could properly be used for such certificates until the passage of some Act prescribing the seal to be used in lieu of the seal of the East India Company.

The Government Seal Act provides as under :

"Whenever it is required by any Regulation of a local Government or by any Act of the Central Legislature that the seal of the East India Company shall be affixed on behalf or by the authority of the Government to any instrument or document, it shall be lawful, if the seal is to be affixed on behalf or by the authority of a State Government to affix in lieu of the seal of the East India Company, a seal bearing the designation of such State Government or, if the seal is to be affixed on behalf or by the authority of the Central Government a seal bearing the inscription "Government of India" and such instrument or document so sealed shall to all intents and purposes be as valid and effectual as if the seal so used had been that of the East India Company."

¹ AIR 1953 Bom. 198. 200

The documents and instruments so sealed under the Act of 1862 might have given rise to certain rights and liabilities. Such liabilities, obligations, rights, succession to property etc. have been accepted and undertaken by the Government of India/State Governments under articles 294-295 of the Constitution of India. In the circumstances, repeal of the Act cannot be recommended.

4.7 The Maintenance Orders Enforcement Act, 1921 (18 of 1921)

The Maintenance Orders Enforcement Act, 1921 was enacted in order to do justice to, and provide protection for the wives deserted by their husbands (and children who had been neglected by their legal guardians) either in the United Kingdom or in any part of the British Dominions and to make reciprocal legal provisions in the constituent parts of the British Empire in the interests of such destitute and deserted persons. The Act enables the court in British India to make an order to be transmitted to the courts in every reciprocating part of the British Empire to be registered and enforced there (and vice versa). According to Section 3, if the Central Government is satisfied that legal provisions exist in any country or territory outside India for the enforcement within that country or territory of maintenance orders passed by the courts in India, the Central Government may, by notification in the Official Gazette, declare that this Act applies in respect of that country or territory and, thereupon the Act shall apply accordingly. The Act lays down the detailed procedure for achieving this object.

Maintenance of wife, children and parents is governed by Section 125 of the Code of Criminal Procedure, 1973 and by enactments or rules of personal law. But situations of a transnational nature, such as those dealt with by the Act under consideration, would need special legislation. Section 13 of the Code of Civil Procedure, 1908 would not meet the kind of situation for which the Act under consideration is intended. Section 13 is concerned with a suit on a foreign judgement and not with its immediate enforcement. Sections 44 and 44A of the Code also would not be adequate to provide for the enforcement of orders. Hence the Act cannot be repealed.

CHAPTER 5
CONCLUSION

On the basis of the discussions contained in the preceding chapters, we have identified the following Central Acts suitable for repeal¹, and accordingly recommend their repeal.

- (1) The Forfeiture Act, 1859 (9 of 1859).
- (2) The Ganges Tolls Act, 1867 (1 of 1867).
- (3) The Acting Judges Act, 1867 (16 of 1867).
- (4) The Companies (Foreign Interests) Act, 1918 (20 of 1918).
- (5) The Promissory Notes (Stamp) Act, 1926 (11 of 1926).

As regards other Central Acts examined in this Report², suitable action (as indicated in the relevant Chapters) may be taken.

(JUSTICE K. N. SINGH)

Chairman

(JUSTICE S. RANGANATHAN)

Member

(P.M. BAKSHI)

Part-time Member

(D.N. SANDANSHIV)

Member

(M. MARCUS)

Part-time Member

(CH. PRABHAKARA RAO)

Member-Secretary

Dated, the 26th November, 1993

1. Chapter 3, *supra*.

2. Chapter 4, *supra*.

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LAW COMMISSION OF INDIA

ONE HUNDRED AND FIFTY NINTH REPORT

ON

REPEAL AND AMENDMENT OF LAWS : PART I

1998

JUS CE
B. P. JEEVAN REDDY
Chairman, Law Commission of India

No. 6(3)(44)/98-LC(LS)



LAW COMMISSION OF INDIA
SHASTRI BHAWAN
NEW DELHI - 110 001
TEL. : 3384475

Residence :
1, JANPATH
NEW DELHI - 110 011
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Dated 28th July, 1978

Dear Dr. Thambidurai,

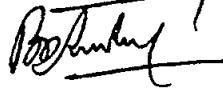
I am forwarding herewith the One Hundred Fifty Ninth Report on "Repeal and Amendment of Laws: Part I"

2. The subject was taken up by the Commission in pursuance of the terms of references of the Law Commission of India by which it was constituted. As a sequel to the said terms of reference, the Commission requested the various Ministries to send us the views of the expert groups/departmental committees constituted in the respective departments set up for the review of the enactments administered by the respective Ministries/Departments. The Commission received quite a few proposals/responses from various Ministries/Departments. Some have stated that their exercise is still to be completed. Since, there are large number of Ministries/Departments and hundreds of the Acts are being administered by them, waiting for all the proposals and making a comprehensive single report would involve substantial and uncalled-for delay. Accordingly, the Commission decided that it would send more than one Report on the issue of "Repeal and Amendment of Laws". This is the first such Report.

3. This Report focuses on the need for the Repeal of certain Central Acts which have become obsolete in view of enactments of subsequent legislation, or laws which have become anomalous or out-dated in view of changed conditions, which, therefore, need to be repealed.

With regards,

Yours sincerely,



(B.P. Jeevan Reddy)

Dr. M. Thambidurai,
Minister of Law, Justice
and Co. Affairs,
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CHAPTER-I

INTRODUCTION

1.1 Scope

This report focusses on the need for the repeal of certain Central Acts which have become obsolete in view of enactment of subsequent legislation, or laws which have become anomalous or out-dated in view of changed conditions, which, therefore, need to be repealed. The Law Commission has taken up the subject in pursuance of the terms of reference of the Law Commission by which it was constituted. The relevant terms of reference are extracted below -

"The terms of reference of the Law Commission are as under:-

I. Review/Repeal of obsolete laws:

- a) To identify laws which are no longer needed or relevant and can be immediately repealed.
- b) To identify laws which are in harmony with the existing climate of economic liberalisation which need no change;

- c) To identify laws which require changes or amendments and to make suggestions for their amendment;
- d) To consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonising them;
- e) To consider references made to it by Ministries/Departments in respect of legislation having bearing on the working of more than one Ministry/Department;
- f) To suggest suitable measures for quick redressal of citizens grievances, in the field of law."

Besides one of the terms of reference of the Commission is:-

"VI. To recommend to the Government measure for bringing the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility."

It may be emphasised at the cost of repetition that the para I(d) of the aforequoted terms of reference of the present Law Commission of India, as set out in the Order of the Ministry of Law and Justice, Department of Legal Affairs dated 16.9.97, inter alia, expects the Commission -

"(d) To consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonising them."

1.2 As a sequel to the aforesaid terms and references, the Law Commission addressed letters dated 10.10.97, 23.2.98 and 5.3.98 (Annexures-I, II & III respectively) to various ministries to send us the views of the expert groups/departmental committees constituted in the respective departments set up for the review of the enactments administered by the respective ministries/departments. The Commission has received quite a few proposals/responses from various Ministries/Departments. While some of them have sent specific proposals, some others have stated that either they do not administer any Act or that the Acts administered by them do not require any amendment. Some have stated that their exercise is still to be completed. The Commission has considered all such responses/proposals.

In view of the large number of Ministries/Departments concerned and the hundreds of Acts being administered by them, the Commission was faced with the question how to go about

these several proposals. Waiting for all the proposals and making a comprehensive single report would involve substantial and uncalled-for delay. Accordingly, the Commission has decided that it would send more than one report on the issue of 'Repeal and Amendment of Laws'. This is the first such report.

1.3 Necessity for repealing obsolete enactments:-

The need for periodical review of the statute book is evident. Citizens of a country are expected to be familiar at least with the statutes relevant to their lives and affairs. Such familiarity cannot be satisfactorily acquired and properly maintained if the statute book contains statutes which are really "dead" though formally alive. Citizens are concerned with the living law. They should not be made to wade through a forest where obsolete or anachronistic statutes cloud the scenario. Such a situation is bound to confuse the vision, besides leading to a waste of energy, time and resources. The co-existence of dead law with living law creates confusion even in the understanding. (Law Commission of India, one hundred forty eighth report on Repeal of certain pre-1947 Central Acts, para 1.2).

1.4 Functions of statute law revision:-

The function of statute law revision and the principles on which its exercise should proceed have been lucidly put by Lord Westbury, Lord Chancellor, while speaking

in 1863 on the Statute Law Revision Bill. This is what he said: (Lord Westbury, "Parliamentary Debates" (1863) 3rd Series, Vol.171, col.775, quoted by Lord Simon of Glaisdale and Webb, "Consolidation and Statute Law Revision" (1975), Public Law 285. 291).

"The Statute Book should be revised and expurgated-weeding away all those enactments that no longer in force and arranging and classifying what is left under proper heads, bringing the dispersed statutes together, eliminating jarring and discordant provisions, and thus getting a harmonious whole instead of a chaos of inconsistent and contradictory enactments." (see Law Commission of India 96th report, para 1.4).

As envisaged by Lord Westbury, statute law revision is intended to achieve four main objectives:- (See Law Commission of India 148th report, para 1.8)

- (i) renovation - which is achieved by "weeding away" obsolete enactments;
- (ii) order and symmetry - which can be introduced by arranging and classifying the enactments really in force;
- (iii) easy access to legislation - promoted through consolidation by "bringing the dispersed

- statutes together" and
(iv) harmony - perfected by "eliminating discordant
and jarring provisions."

These goals, pursued systematically, can obliterate so much of the past as is useless, organise the present and equip us for meeting the challenges of the future.

1.5 Need for formal repeal and law reform:-

As pointed out by the Law Commission in its earlier report, (Law Commission of India 148th report, para 1.6) statutes, unlike human beings, do not die a natural death, excepting in respect of statutes whose life is pre-determined by the legislature at the time of their enactment. A statute, unless it is expressly enacted for a temporary period, survives until it is killed by repealing it. To this extent, the statutes enjoy immortality.

This consequence flows from the well-established proposition that long desuetude of a statute does not amount to its repeal. (*Perrin v. U.S.* (1914) 58 L.Ed.69). Even where an earlier enactment relating to a particular subject matter is followed by a later enactment on the subject matter covering almost every inch of the area covered by the earlier enactment, the earlier enactment may still be held to retain its vitality because courts lean against implied repeal. Thus neither the obsolescence of an old enactment nor the fact that its content is substantially covered by a later enactment, has

the effect of robbing the old enactment of its vitality in law. That effect can be achieved only by a formal repealing Act.

Besides these objectives, the Law Commission is also required to see in wider perspective laws which do not comport with the existing climate of economic liberalisation according to the changing scenario of globalisation in economic sector. Thus change in conditions on political and economic front also necessitate the considering of changes in the relevant law when it was enacted.

1.6 Earlier reports:-

The present report is not the first one of the Law Commission of India in the nature of such examination. The Law Commission has, in the past, had more than one occasion for such examination. In 1958, the Commission examined all the British statutes then in force as applicable to India, the Commission forwarded a Report recommending the repeal of the Converts Marriage Dissolution Act (18th Report). Thereafter, the Commission forwarded another Report recommending repeal of the Hindu Widows Remarriage Act (81st Report). Besides this, the Law Commission forwarded comprehensive Report in 1984 on the repeal of certain obsolete Central Acts. (Law Commission of India, 96th report on Repeal of Certain Obsolete Central Acts (1984). That Report, inter alia, incorporates certain important materials relating to the function and significance of repealing Acts and we made use of some of those materials.

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The Commission again undertook the question of repeal of the Central Acts passed before 15th August, 1947, in its 148th report on Repeal of certain pre-1947 Central Acts, in 1993.

1.8 Scheme of the discussion:-

Having referred to these introductory observations, we proceed to deal, in the next chapter, with the principle to be followed in recommending the repeal of central Acts. Thereafter we shall summarise the results of our study and make our conclusions thereon.

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CHAPTER-II

PRINCIPLES TO BE FOLLOWED IN RECOMMENDING REPEAL AND AMENDMENT OF LAWS

2.1 Broad Approach:-

In pursuance of the terms and reference constituting the Law Commission quoted in the previous chapter, the Commission addresed the letters to various ministries/departments of the Central Government vide our letters dated 10.10.97, 23.2.98 and 5.3.98 (Annexures I, II & III, respectively) to send us the suggestions for revision/amendment given by the Expert Groups set up in various ministries/departments with a view to coordinating and harmonising them.

The Expert Groups set up in the various ministries/departments of the Central Government have made recommendations which can be broadly categorised under four heads-

- (i) Acts which do not need any change;
- (ii) Acts which require to be repealed;
- (iii) Acts which require to be amalgamated and re-enacted as single enactment; and
- (iv) Acts, changes wherein are still under consideration.

In so far as the Acts mentioned in item (i) above are concerned, the Commission has obviously no comments to offer.

However, with regard to the other items stated above, the Commission has examined the recommendations of the Expert Groups and proposes to recommend for repeal, amalgamation or amendments, as the case may be, the Acts mentioned in the succeeding chapter of this report.

2.2 Scheme of the study:-

The Law Commission thought it convenient to take up the examination of the central laws falling under the respective ministries of the Central Government and the laws administered by them, department-wise. We shall take up the response of each department and offer our comments thereon. The Commission has perused the various Acts mentioned in the responses/reports of various departments and has come to its own conclusions which may not necessarily be identical with the views of the departments.

CHAPTER -III

CENTRAL ACTS RECOMMENDED FOR REPEAL/AMALGAMATION/AMENDMENT

3.1 Proposals received from the Ministry of Finance (Department of Economic Affairs):-

We shall first take up the proposals received from the Department of Economic Affairs, Minsitry of Finance in the shape of the "Report of the Expert Group for the Department of Economic Affairs", which were forwarded to the Commission under their letter dated 9.3.98. The said Report sets out, in the first instance, the role of the Department of Economic Affairs and its changed role in the current liberalised economic environment. Since the liberalisation of economic environment is a policy of the Government, the Law Commission has no comments to offer thereon. At the same time, it is necessary to mention that liberalisation should not and cannot involve a total withdrawal of the Government from the economic scene of the country. Until 1991-92 the Indian economy was, what may be called, a 'command economy' where the commanding heights were supposed to be occupied by the public sector. The private sector was closely regulated and had to operate subject to numerous restrictions contained in various enactments in force or enacted from time to time, as the case may be. Probably in the present day world economic scenario, India had no option but to adopt market-oriented or what may be called market-friendly economic policies. The shift was unavoidable. But, it must be said on the basis of experience

in this country as well as in the former communist States, that any such shift from a totally controlled and sheltered economy to a market-friendly and liberalised economy ought not to be achieved in a sudden lurch. It has to be a gradual process. The several large-scale financial irregularities which came to light during the years 1993 to 1997 are perhaps attributable to such an abrupt shift among other causes. While lifting of restrictions which operate as hurdles to increase in production and the growth of industries is welcome, the Government cannot abdicate its role as the regulator of the economy. In the matter of establishment of new industries and/or in the matter of maintaining the standards and qualities of industrial products too, its role is unique and can be performed by it alone. Import and export policies have to be kept under constant watch and closely monitored and regulated in the interest of a healthy economy and this can be done and ought to be done by the Government. Transparent economic laws and procedures are welcome, but at the same time the establishment of industries depending upon forest produce, non-renewable and irreplaceable natural resources and those giving rise to serious environmental and ecological problems have still to be regulated in the larger interest of the nation including sustainable development and inter-generational equity. Several decisions of the Supreme Court rendered during the years 1994 to 1997 amply bear out the above principles.

Now coming back to the proposals/responses of the Department of Economic Affairs, a reference is made to R.V.GUPTA COMMITTEE REPORT 1994 (Chapter V) which contains several recommendations to amend various provisions of the statutes administered by the Department. It is stated that "most of the recommendations of the Gupta Committee have already been implemented by the Department". In this view of the matter, no purpose will be served by offering any comments on the recommendations mentioned in Chapter V of R.V.GUPTA COMMITTEE REPORT.

The proposals sent by the Department then speak of the proposals made by the 'new Expert Group' constituted on 5th November 1997 under the Chairmanship of the Finance Secretary to review Acts, rules and regulations pertaining to the Department. It is stated that for expeditious completion of the work, the said new Expert Group constituted a sub-committee under the Chairmanship of Shri Vinod Dhall, Additional Secretary (Insurance) and comprising certain non-official members as well. It is stated that the said Committee submitted its Report on 18.12.1997 which was finalised by the Expert Group in its final meeting held on 29.12.97. The recommendations of the Expert Group can be broadly categorised under four heads as stated in the preceding chapter, pr.2.1, and are being repeated hereunder:-

- (i) Acts which do not need any change;
- (ii) Acts which require to be repealed;
- (iii) Acts which require to be amalgamated and re-enacted as single enactment; and
- (iv) Acts, changes wherein are still under consideration.

(i) In so far as the Acts mentioned in item (i) above are concerned, the Commission has obviously no comments to offer.

(ii) Under this item, the following Acts are proposed to be repealed:-

(a) Banking Service Commission Act, 1984

It is stated that the Banking Service Commission contemplated by the Act was never constituted and that in view of the decision to enhance the functional autonomy of public sector banks, no such Commission is proposed to be constituted. The decision to repeal this Act being a policy decision, calls for no comments.

(b) Currency Ordinance 1940

It is stated that since the printing of one rupee denomination notes has been discontinued, this Ordinance is no longer required. The view of the Department appears unexceptionable.

(c) The Shipping Development Fund Committee (Abolition) Act, 1986

This Act was enacted "to abolish the Shipping Development Fund Committee constituted under the Merchant Shipping Act, 1958" and for disposal of its funds, assets and liabilities. Since the object of the Act has already been achieved, there is nothing further to be done under the Act and accordingly it is but proper that it is repealed.

(d) Compulsory Deposit Scheme Act, 1963 and Additional Emoluments (Compulsory Deposit) Act, 1974

The Compulsory Deposit Scheme was enacted requiring every person mentioned in Section 2 to make certain deposits compulsory every year. The Additional Emoluments (Compulsory Deposit) Act, 1974 provided for compulsory deposits into two separate accounts i.e., additional wages deposit account and additional dearness allowance deposit account into which the persons mentioned in Section 3 have to make the deposits. Actually, the deposits were to be made by the disbursing authority. No reasons are given in the proposals sent by the Department of Economic Affairs in support of the proposal to repeal these enactments. However, on being contacted, the Law Commission was told that the Department did not think that in future any occasion or necessity will arise for such compulsory deposits. It is for this reason, it was stated, the Acts were proposed to be repealed while no doubt making

provision for disposal of the amounts already in deposit under the respective enactments. Since it appears to be a matter of policy, more or less, to repeal these enactments, the Law Commission has no particular comments to offer.

(iii)(a) The proposal to amalgamate and enact a single Act in the place of Government Savings Bank Act, 1873, Government Savings Certificate Act, 1959 and Public Provident Fund Act, 1968 may be a welcome feature. The main purpose of the 1873 Act is to provide that the nomination made by the depositor should prevail notwithstanding any law being in force or any disposition whether testamentary or otherwise. A nominee is entitled to get amount on the death of the depositor. Similarly, the 1959 Act provides that nomination by a holder of certificate should prevail over any other circumstance. Of course, certain other provisions are also made. The 1968 Act, of course establishes the Public Provident Fund Scheme, the manner of subscription thereto and withdrawal therefrom as well as for the interest payable. This Act too provides that in the case of nomination, the nominee will get the amount on the death of the depositor notwithstanding any other circumstance. It would be appropriate that these enactments are repealed after enacting a consolidated Act providing for the subject-matters dealt with by these three enactments.

It is pertinent to mention that there was a difference of opinion between different High Courts as to whether the nominee was entitled to the amount payable under the policy as

a beneficiary in his own right to the exclusion of the heirs of the deceased assured or whether the nominee was merely a person authorised to make collection on behalf of the legal heirs of the deceased assured. This issue was settled by the decision of the Supreme Court in Sarbati Devi's case [AIR 1984 SC 346], which upheld the latter view that the nominee is merely empowered to collect the amount for the benefit of the legal heirs. In the context of this legal position, the Law Commission in its 137th report on 'Need for Creating Office of Ombudsman and for evolving Legislative-Administrative Measures inter-alia to relieve hardships caused by inordinate delays in settling provident fund claims of beneficiary, examined under Chapter V thereof the status of a nominee under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and the Schemes framed thereunder, and suggested three options by way of solution to the issue.

However, it preferred adoption of the third option as it appeared to be just and fair as the employee would be fully aware and conscious of what he is doing by making the 'nomination' and the consequences thereof. The said third option recommended by the Commission is quoted below:-

"Third course which commends itself is to make a statutory provision enabling an employee to clearly state in writing in the very application making nomination either that he wants that 'the nominee

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shall take the amount absolutely in his or her own right" or that the "nominee shall collect it and pay to my family members..."

We recommend that similar provision, should be adopted for the sake of clarity in the proposed enactment.

(iii)(b) Similarly, the proposal to amalgate and enact a consolidated Act in the place of the Indian Coinage Act, 1906, Metal Tokens Act, 1889 and Small Coins (Offences) Act, 1971 is a welcome proposal. The Indian Coinage Act prohibits the making of any piece of copper, bronze or any other metal to be used as money by any other person than the Government. The Indian Coinage Act provides for establishment of mints, coining of coins at such mints and other incidental matters. The Small Coins (Offences) Act was enacted to prevent melting or destruction of small coins as well as hoarding of small coins for the purpose of melting and destroying. This Act was made to meet the acute shortage of coins. These three Acts can be conveniently clubbed into one Act.

(iii)(c) So far as the Legal Tender (Inscribed Notes) Act, 1964 is concerned, it is proposed to be continued in the present form and the Law Commission has no comments to offer thereon.

(iv) Before considering the Trusts Act, amendments whereto are said to be still under consideration, the Law Commission may deal with the proposal to repeal clauses (a) to (e) of

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Section 20 of the [The Indian] Trusts Act, 1882. Section 20 provides for a situation where the trust property consists of money but cannot be applied immediately or at an early date to the purposes of the trust. In such a situation, the trustee is placed under an obligation to invest the money in any of the securities mentioned in clauses (a) to (f). Now, the Department of Economic Affairs says that clauses (a) to (e) have become redundant. At the same time, it says that they are concerned with the Law Department. The Law Commission is not able to appreciate as to why it can be said that clauses (a) to (e) have become redundant and require to be repealed. It is true that clause (a) of Section 20, to take an instance, speaks of investment "in promissory notes, debentures, stock or other securities, of any State Government or of the Central Government or of the United Kingdom of Great Britain and Ireland." It is not stated that no such promissory notes etc., were issued by the State Government or the Central Government. The promissory notes of the U.K. are referred to because the Act is of 1882. It is one thing to say that the references in these clauses to securities, bonds, stocks, etc., of the Government of U.K. or other foreign countries may be repealed but it is altogether a different thing to say that all the clauses (a) to (e) are to be repealed. In the absence of any further material, the Commission is not in a position to agree with the proposal to repeal clauses (a) to (e) of Section 20 altogether. Appropriate amendments thereto can, however, be considered, as mentioned above.

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It is also stated in the Report of the Department that necessary steps have already been taken to replace FERA with FEMA. Since the matter is closely connected with the policies of the Government and also because a copy of the FEMA has not been made available to the Commission, it is not possible to express any opinion.

The Report of the Department of the Economic Affairs, further, states that amendments to other Acts which are being implemented by the Department are under consideration of the Expert Group.

Among other matters, the Report states that in place of the existing Sick Industrial Companies (Special Provisions) Act, 1985, a new Bill called "Sick Industrial Companies (Special Provisions) Bill 1997" was introduced in the Lok Sabha on 16th May, 1997. It is stated that the said Bill was prepared taking into consideration the various suggestions received in the matter including the recommendations of the Goswami Committee. Though a copy of the Bill was not made available to the Law Commission, it has obtained a copy thereof and has perused the same. It is true that in certain respects the proposed Act is an improvement upon the present Act, yet the basic scheme remains the same. S.28 of the Bill, which corresponds to S.22 of the present Act does not provide

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for an automatic suspension of legal proceedings, recoveries and other contractual obligations (as is provided by S.22 of the present Act) and it empowers the Board to pass orders to the above effect after hearing the parties and if the circumstances of the case call for such an order. The Bill provides for a three-way solution viz., rehabilitation, sale (of industrial concern or a going concern) and winding up, as the case may be. There is another aspect requiring clarification: S.1(4) says that it (Act) shall apply, in the first instance to all the scheduled industries other than the scheduled industry relating to ships and other vessels drawn by power; there are two schedules to the Bill; the first schedule sets out the declaration of fidelity and secrecy while the second schedule sets out the matters which can be provided for while restructuring the industrial company; there is no other schedule mentioning the industries to which the Act is supposed to apply. Be that as it may, having regard to the provisions of the present Act and the Bill aforesaid, the Law Commission thinks it necessary to make the following observations:

Several private/public limited companies are started with the aid of and are sustained with the aid of public funds. It is immaterial whether the public funds flow from the banks (nationalised or otherwise), or from other financing bodies and public financial institutions. Experience shows that quite a few entrepreneurs exploit this situation. They start a company, mainly with the aid of public funds and then either by mis-management, inefficient management or rank

dishonesty, drive the company to sickness. The matter is reported to the BIFR with the result that all the recoveries against them are instantly stayed. Even the taxes due to the Government cannot be recovered let alone the debts due to the banks and others financial institutions. This kind of blanket immunity results in grave injustice to banks/financial institutions as well as to the Government and breeds financial indiscipline among the persons in charge of industrial companies. It is a serious matter to be examined by the Government whether in the light of the new liberalised economic policy, the Government should try to keep alive every sick industry. One of the underlying principles of a market economy is to allow inefficient and non-viable industries to die their natural death instead of seeking to sustain them by pumping in more and more public funds. The policy followed hitherto viz., keeping several central and State public sector undertakings afloat by pumping in huge amount of public funds every year has already come in for serious criticism by various economists. One can understand if a key industry, whose existence/continuance is crucial to the nation's economy, is sought to be revived and continued. But the policy of seeking to revive and rehabilitate every sick industry may not be consistent with the present day economic policy. The 1986 Act, it may be remembered, was enacted at a time when the reigning philosophy was altogether different. Today the ruling philosophy is not the same. Indeed, if one looks at the working of the nationalised banks and the extent of "non-performing assets" - an euphemism for bad debts - one is driven to the conclusion that sooner the public sector is

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privatised (barring some key defence and defence-related industries) the better it would be for the country and its economy. Some of the nationalised banks have run up bad debts in thousand of crores of rupees e.g., Indian Bank, whose bad debts are said to exceed Rs.2,000 crores. The Law Commission, therefore, recommends that before enacting a new Act in the place of the present Act, a policy decision may be taken on the subject as a whole and then steps should be taken to enact a necessary and appropriate enactment or put an end to the entire exercise as such.

3.2 MINISTRY OF FINANCE

(DEPARTMENT OF COMPANY AFFAIRS):-

In their letter dated 9th March, 1998, the Secretary of the Department has stated that they had not constituted any Expert Group for reviewing the enactments administered by their Department. They have only stated that they propose to repeal Companies (Donation to National Funds) Act, 1951 by incorporating the relevant provisions in the Companies Bill, 1997.

At the same time, it is stated in the brief note appended to the letter that certain amendments are being contemplated to MRTP Act, 1969; Chartered Accountants Act, 1949; Cost and Works Accountants Act, 1959. The proposed

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amendments are not forwarded to the Law Commission. No comments can, therefore, be offered so far as this Department is concerned.

3.3 MINISTRY OF FINANCE (E.Coord):-

This Department has indicated that they are not independently administering any Act and, therefore, there is no occasion for them to suggest any amendments to any enactment.

3.4 MINISTRY OF COMMERCE :-

The Ministry of Commerce, in their letter dated March 16, 1998 have stated that they are administering ten Acts, namely, -

1. The Spices Board Act, 1986 (No.10 of 1986)
2. The Rubber Act, 1947 (No.24 of 1947)
3. The Tea Act, 1953 (No.29 of 1953)
4. The Coffee ACT, 1942 (No.7 of 1942)
5. The Marine Products Export Development Authority Act, 1972 (No.13 of 1972)
6. The Tobacco Board Act, 1975 (No.4 of 1975)
7. The Agricultural and Processed Food Products Export Development Authority Act, 1985 (No.2 of 1986)
8. The Enemy Property Act, 1968 (No.34 of 1968)
9. The Export (Quality Control and Inspection) Act, 1963 (No.22 of 1963)

10. The Foreign Trade (Development and Regulation) Act, 1992 (No.22 of 1992)

Barring the last two enactments, extensive amendments to other enactments are said to have been suggested by the Expert Committee constituted by the Ministry under the Chairmanship of Shri D.P. Bagchi, Additional Secretary and Financial Advisor, Ministry of Commerce. It is also stated that the concerned administrative sections have been advised to prepare Cabinet Note in respect of the said proposals for amendment wherever required and take further necessary action. A copy of the amendments suggested by the Expert Committee has also been forwarded to the Commission with the said letter. As stated above, the amendments are extensive and wide-ranging. The amendments are mainly directed to achieve the goal of liberalised and market-friendly economy. The object is to remove all restrictions and allow the relevant industries to grow and function on their own. Neither is it possible nor desirable - much less the function of the Law Commission - to examine and pronounce upon the desirability of each and every amendment suggested by the Expert Committee. According to the terms of reference constituting the present Commission (15th Law Commission), it is required to examine proposals so received in a wider perspective. Para 4.1(d) of the Order constituting the present Law Commission, in so far as it is relevant, reads thus:-

"To consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonising them."

The wider perspective contemplated in the above clause, the Law Commission presumes is to be understood in the light of and on a comprehensive reading of its first term of reference quoted under pr.1.1, supra which means to examine the amendments in the light of the existing climate of economic liberalisation. Examined from the above standpoint, the Law Commission does not find any of the proposed amendments undesirable. The Commission, however, seeks to reiterate its comments (made under para 3.1, supra of this Report) that while the lifting of restrictions may be all right, regulation should continue. In other words, a distinction should be made between restrictions and regulation. Even in a market economy, the Government cannot afford to abdicate its function of regulating the economy. It may not impose restrictions but the overall control and regulation of the entire economy including industrial sector should be in the hands of the Government. To protect and promote the national interest, the Government ought to exercise overall control over industrial and commercial establishments, their establishment and functioning. This is what may be called the regulatory function of the Government.

The Law Commission, however, wishes to draw attention of Government of India to Section 19 of the Agricultural and Processed Food Products Export Development Authority Act, 1985 read with the items 1, 2, 4 and 9 of the Schedule to the Act. Section 19 and aforesaid items of the schedule read as follows:-

"19 (1) The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import or export of the Scheduled products, either generally or in specified classes of cases.

(2) All Scheduled products to which any order under sub-section (1) applies, shall be deemed to be goods of which the export has been prohibited under section 11 of the Customs Act, 1962, and all the provisions of that Act shall have effect accordingly.

(3) If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both."

1. Fruits, vegetables and their products.

.....

2. Meat and meat products

.....

4. Dairy products.

.....

9. Cereal products."

In view of the acute scarcity and sky-rocketing prices of vegetables, meat and fruits all over the country, driving away these products from the reach of the common man, it would be appropriate that the Government issues notification prohibiting the exports of vegetables, meat (excluding beef) and fruits altogether. Such prohibition would ensure availability of these products at reasonable rates which alone would enable the poorer sections of the society to purchase and consume them. A separate report on this subject will be submitted in due course.

3.5 MINISTRY OF FINANCE, DEPARTMENT OF REVENUE :-

Through their letter dated 21.10.1997, the Ministry had informed the Law Commission that the Department has constituted an Expert Group for the purpose of identifying the obsolete laws and the amendments needed in the existing enactments. It was stated that an interim Report would be sent to the Commission shortly. On 13.2.98, the Commission received a communication stating that the Expert Group is of

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the unanimous view that out of the said 30 Acts (being administered by the Department) the following six Acts can be abrogated:-

1. Benami Transactions (Prohibition) Act, 1988.
2. Central Excise Laws (Amendment & Validation) Act, 1982.
3. Sugar (Special Excise Duty) Act, 1959.
4. Mineral Products (Additional Duties of Excise & Customs) Act, 1958.
5. Central Duties of Excise (Retrospective Exemption) Act, 1986, and
6. Customs & Excise Revenue Appellate Tribunal Act, 1986.

Since no reasons were stated as to why aforesaid six Acts are required to be repealed, the Law Commission addressed a letter dated 4.3.98 asking the Department to state reasons for which the said Acts, in its opinion are to be repealed. By their letter dated April 8, 1998, the Ministry has informed the Commission that "the Benami Transactions (Prohibition) Act, 1988 was recommended to be abrogated since no notification bringing the Act into force has been issued so far." On verification, however, the Commission finds that the above ground is not correct. As a matter of fact, s.1(3) of the Act says that Sections 3, 5 and 8 will come into force at once and that the remaining provisions will be deemed to have come into force on 19th May, 1988. In fact, there have been two decisions of the Supreme Court on the provisions of this Act namely, Mithilesh Kumari (AIR 1989 SC 1247) and

R.Rajagopal Reddy (AIR 1996 SC 238) See para 5. The Commission, therefore, cannot agree that this Act requires to be repealed. Indeed, this Act serves a very laudable objective.

The Sugar (Special Excise Duty) Act, 1959 was confined to stocks which were available with the factories on the date of commencement of the Act. It has no further application. It can be repealed as suggested.

So far as the Central Excise Laws (Amendment and Validation) Act, 1982 is concerned, the Commission finds on a perusal of the provisions of the Act that it was enacted for the purpose of providing the manner in which exemption notifications should be issued under "every Central Law providing for the levy and collection of any duty of excise which makes the provisions of the Central Excise Act and Rules made thereunder applicable by reference to the levy and collection of the duty and excise under such Central Law." The Act further seeks to validate several exemption notifications issued earlier which may not have cited or referred to the relevant provisions of the Act or the Rules under which or with reference to which they were issued. It is not known whether any disputes are pending with respect to the exemption notifications which are validated by sub-section (4) of Section 2 of this Act. So far as the sub-sections (2) and (3) of Section 2 are concerned, they merely prescribe the mode and manner in which the exemption notifications under certain Central Laws [referred to in sub-section (2) of Section 2]

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shall be issued. In the circumstances, it is difficult to agree that this Act can be repealed without further verification. Only if it is found on due verification that no disputes or litigation is pending with respect to the notifications which were validated by sub-section (4) of section 2 that this Act can be repealed.

So far as the Mineral Products (Additional Duties of Excise and Customs) Act, 1958 is concerned, it appears that the said Act pertained to a limited period namely, the period commencing on 1.4.59 and ending on 31.10.59. This Act can, therefore, be repealed with a specific provision that anything done or any action taken thereunder shall continue to be good and valid. Similarly, the Central Duties of Excise (Retrospective Exemption) Act, 1986 appears to be confined to Notifications issued during a particular period (3.3.86 to 8.8.86) giving them retrospective effect. This Act can also be repealed subject to a specific provision that anything done thereunder or any action taken thereunder shall continue to be good and valid.

The Commission agrees with the reasons given for repealing the Customs and Excise Revenue Appellate Tribunal Act 1986. In view of the judgment of the Supreme Court in L.Chandra Kumar and also because an appeal is now provided directly to Supreme Court against the Orders of the CEGAT concerning matters of valuation and classification, this Act can be said to be unnecessary and may be repealed.

- 3.6 (i) DEPARTMENT OF SUPPLY
(ii) DEPARTMENT OF OCEAN DEVELOPMENT
(iii) MINISTRY OF NON-CONVENTIONAL ENERGY SOURCES

The above three Departments have stated that they are not administering any Acts and, therefore, no question arises of any proposals being formulated for repeal or amendment. The Department of Supply, however, expressed certain practical difficulties in the matter of conduct of arbitration of disputes arising out of contracts entered into by the DGS&D. Though the difficulties pointed out appear to be real and urgent, it is not a matter upon which this Commission is expected to offer any comments.

3.7 DEPARTMENT OF ELECTRONICS:-

The Department of Electronics has stated that "there is no specific statute which is being implemented" by the said Department apart from general rules and producers applicable to all the Government organisations. In their letter dated 26.11.97, they have, however, stated that the Department "has already identified in the National Information Infrastructure (NII) Plan-2000 of the Department with relation to the Cyber Laws and setting up of NII". It is stated that Inter-Ministerial Standing Committee is reviewing all the related aspects and that in addition thereto another high level Inter-Ministerial Sub-Group is also engaged in draft resolution on "Layout Design in respect of Integrated Circuits

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(ICs)". In the absence of any specific proposal being sent by this Department, no comments can be offered by the Law Commission.

3.8 MINISTRY OF FOOD PROCESSING INDUSTRIES:

In their letters dated 6th August, 1997 and 16th October, 1997, they have stated that they are administering four Acts/Orders, namely, out of which Rice Milling Industry (Regulation) Act, 1958 and Rice Milling Industry (Regulation & Licensing) Rules, 1959 have already been repealed. The third Act MZI Act, 1981 is stated to have been transferred to Animal Husbandry Department and the fourth one, namely Fruit Product Order (FPO) 1955 promulgated under the Essential Commodities Act has already been amended. Accordingly, it is stated that no proposals are called for from the said Department.

3.9 MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT,

DEPARTMENT OF URBAN EMPLOYMENT AND POVERTY ALLEVIATION

Though in their letter dated 27.10.1997, it was stated that they had constituted an Expert Group to review the existing laws and suggest modifications and that their proposals as and when finalised will be intimated to the Commission, in their subsequent letter dated 24.11.1997, the Department has stated: "On the subject mentioned above and to state that information may be treated as 'NIL' so far as this Department is concerned".

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3.10 MINISTRY OF CHEMICALS AND FERTILIZERS.

DEPARTMENT OF FERTILIZERS:-

The Department has stated that they are not administering any enactment except the Fertilizer Movement (Control) Order, 1973 and that no amendments are contemplated therein.

3.11 DEPARTMENT OF ATOMIC ENERGY :-

In their letter dated 10.11.1997, the Department has stated that they are administering the Atomic Energy Act, 1982 and the Rules and Regulations made thereunder. They have stated that they have periodically undertaken internal reviews and additional regulations framed as and when required. No proposals either for the repeal or amendment has been sent by the Department.

3.12 MINISTRY OF COMMUNICATIONS.

DEPARTMENT OF POSTS:-

In their letter dated 17.11.1997, the Department has stated that so far as the Indian Posts Office Act, 1898 is concerned, a review committee was set up in 1992 which submitted its report in January, 1993. It is then stated that it has been decided to retain the Act "with some amendments where required". No proposals, however, are communicated to us. It is also stated that the other two enactments are

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Government Savings Bank Act and the Government Savings Certificate Act but these enactments are dealt with in the communication received from the Department of Economic Affairs, Ministry of Finance which has proposed the merger of these two Acts with Public Provident Fund Act. This aspect has already been dealt with and commented elsewhere in this report.

3.13 MINISTRY OF SCIENCE AND TECHNOLOGY:-

In their letter dated 19.11.1997, the Ministry has stated that they are dealing with only two enactments, namely, Research & Development Cess Act, 1986 and Technology Development Board Act, 1995. It is stated that first of the two Acts have recently been amended in 1995 and because both the Acts are in harmony with the existing climate of economic liberalisation, no proposals of amendments are forwarded.

3.14 MINISTRY OF INFORMATION & BROADCASTING:-

According to their letter dated 28.11.97 of the Ministry, it is administering four Acts, namely, (i) Press and Registration of Books Act, 1867; (ii) Prasar Bharti Act, 1990; (iii) The Cinematograph Act, 1952; and (iv) The Press Council Act, 1978. So far as the 1867 Act is concerned, it is stated that amendments to the Act have been examined by the Law Ministry and that no further review of the Act is called for at this stage. Regarding the Cinematograph Act, 1952 it is

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stated that the amendments have already been introduced and are now pending in the Rajya Sabha. With respect to Press Council Act, 1978, it is stated that the Press Council of India has suggested some amendments and that the matter is under consideration and that proposals in that behalf will be sent to the Law Commission later. With respect to the Prasar Bharti Act, 1990, it is stated in the aforesaid letter that no further review of the Act is called for at the present juncture. But it appears that the present Government is contemplating a review of the Act. Be that as it may, no comments are called for from the Law Commission at this stage, except to say that while enacting any amendments to the Prasar Bharati Act, 1990 or while contemplating a new enactment on the subject, as the case may be, the concerned authorities will do well to study closely the two opinions in the judgment of the Supreme Court in The Secretary, Ministry of Information and Broadcasting, Government of India vs. Cricket Association of Bengal & Ors., AIR 1995 SC 1236. The said opinions refer to the Broadcasting Law obtaining in several countries of the world and lay down the basic concepts relevant to the subject in the light of the Indian Constitutional Law.

Conclusion

4.1 On the basis of the discussions contained in the preceding chapters, the Commission is of the considered opinion that the following central enactments falling under the administrative control of the respective ministries of the Central Government need changes; or require to be repealed; or require to be amalgamated and re-enacted as a single enactment; or no opinion can be given on enactments regarding changes which are still under consideration, by the concerned department, as the case may be.

4.2 Enactments falling under Ministry of Finance,
Department of Economic Affairs:

Repeal
(a) Banking Service Commission Act:- The decision to repeal this being a policy decision, calls for no comments. *Repealed*
(para 3.1 (ii)(a), supra)

Currency
(b) Currency Ordinance 1940:- The repeal of this *enactment is recommended.* *Re-enactment*
not repealed
(para 3.1 (ii)(b), supra)

Shipping Development Fund Committee
(c) The Shipping Development Fund Committee (Abolition) Act, 1986:- Repeal of this Act is recommended.
abolition
(Para 3.1 (ii)(c), supra)

*year 66
in a month*

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(d) Compulsory Deposit Scheme Act, 1963 and Additional Emoluments (Compulsory Deposit) Act, 1974:- On the basis of the policy decision of the Government, repeal of these enactments is recommended.

Repeal Recommended
(para 3.1 (ii)(d), supra)

(e) Government Savings Bank Act, 1873, Government Savings Certificate Act, 1959 and Public Provident Fund Act, 1968: Amalgamation of these Acts and enactment of consolidated single Act in the place of these Acts is recommended subject to the observations made in the relevant para.

Repeal Recommended
(para 3.1 (iii)(a), supra)

(f) Indian Coinage Act, 1906, Metal Tokens Act, 1889 and Small Coins (Offences) Act, 1971:- Amalgamation of these Acts and enactment of consolidated single Act in the place of these Acts is recommended.

Repeal Recommended
(para 3.1 (iii)(b), supra)

(g) Legal Tender (Inscribed Notes) Act, 1964:- Continuation of the Act is recommended by the Department and the Commission has no comments to offer thereon.

Not Repealed
(para 3.1 (iii)(c), supra)

(h) The Indian Trusts Act, 1882:- The amendments to the Act are said to be still under consideration by the Department. However, the Commission is not in a position to agree with the proposal of the Department to repeal clauses (a) to (e) of section 20 altogether, in the absence of any

See 2
1974

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further material. However, the reference in these clauses to securities, bonds, stocks, etc. of the Government of U.K. or other foreign countries may be repealed.

Since the replacement of FERA with FEMA is a matter of policy of the Government and also because a copy of the FEMA has not been made available to the Commission, it is not possible to express any opinion.

The report of the Department of Economic Affairs states that amendments to other Acts which are being implemented by the Department are under consideration of the expert group and that as and when suggestions are made, they will be communicated to the Commission.

Sick Industrial Companies (Special Provisions) Act, 1985:- The Law Commission, recommends that before enacting a new Act in the place of the present Act, a policy decision may be taken on the subject as a whole and then steps should be taken to enact a necessary and appropriate enactment or put an end to the entire exercise as such.

(para 3.1(iv), supra)

4.3 Minsitry of Finance, Department of Company Affairs: Companies (Donation to National Funds) Act, 1951:- The Department have only stated that they propose to repeal the Act by incorporating the relevant provisions in the Company's Bill, 1997.

(No.22 of 1963)

10. The Foreign Trade (Development and Regulation) ACT, 1992 (No.22 of 1992)

Barring the last two enactments, extensive amendments to other enactments are said to have been suggested by the Expert Committee constituted by the Ministry. The Commission does not find any of the proposed amendments undesirable. The Commission, however, seeks to reiterate its comments (made at the inception of this Report) that while the lifting of restrictions may be all right, regulation should continue. In other words, a distinction should be made between restrictions and regulation. Even in a market economy, the Government cannot afford to abdicate its function of regulating the economy. It may not impose restrictions but the overall control and regulation of the entire economy including industrial sector should be in the hands of the Government. To protect and promote the national interest, the Government ought to exercise overall control over industrial and commercial establishments, their establishment and functioning. This is what may be called the regulatory function of the Government.

The Law Commission, however, wishes to draw attention of Government of India to Section 19 of the Agricultural and Processed Food Products Export Development Authority Act, 1985 read with the items 1, 2, 4 and 9 of the Schedule to the Act. Section 19 and aforesaid items of the schedule read as follows:-

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"19 (1) The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import or export of the Scheduled products, either generally or in specified classes of cases.

(2) All Scheduled products to which any order under sub-section (1) applies, shall be deemed to be goods of which the export has been prohibited under section 11 of the Customs Act, 1962, and all the provisions of that Act shall have effect accordingly.

(3) If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both."

"THE SCHEDULE

1. Fruits, vegetables and their products.
.....
2. Meat and meat products
.....
4. Dairy products.
.....
9. Cereal products."

~~-28-~~

In view of the acute scarcity and sky-rocketing prices of vegetables, meat and fruits all over the country, driving away these products from the reach of the common man, it would be appropriate that the Government issues a notification prohibiting the export of vegetables, meat (excluding beef) and fruits altogether. Such prohibition would ensure availability of these products at reasonable rates which alone would enable the poorer sections of the society to purchase and consume them. A separate report on this subject will be submitted in due course.

(para 3.4, supra)

4.6 Ministry of Finance, Department of Revenue:-

Out of the 30 Acts (being administered by the Department), the Department viewed that the following six Acts can be abrogated:-

1. Benami Transactions (Prohibition) Act, 1988.
2. Central Excise Laws (Amendment & Validation) Act, 1982.
3. Sugar (Special Excise Duty) Act, 1959.
4. Mineral Products (Additional Duties of Excise & Customs) Act, 1958.
5. Central Duties of Excise (Retrospective Exemption) Act, 1986; and
6. Customs & Excise Revenue Appellate Tribunal Act, 1988.

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Benami Transactions (Prohibition) Act, 1988

The Ministry has informed the Commission by their letter dated April 8, 1988 that "the Benami Transactions (Prohibition) Act, 1988 was recommended to be abrogated since no notification bringing the Act into force has been issued so far." On verification, however, the Commission finds that the above ground is not correct. As a matter of fact, Section 1(3) of the Act says that sections 3, 5 and 8 will come into force at once and that the remaining provisions will be deemed to have come into force on 19th May, 1988. The Commission, therefore, cannot agree that this Act requires to be repealed.

(para 3.5, supra)

Central Excise Laws (Amendment & Validation) Act, 1982.

It is difficult to agree that this Act can be repealed without further verification. Only if it is found on due verification that no disputes or litigation is pending with respect to the notifications which were validated by sub-section (4) of Section 2 that this Act can be repealed.

(para 3.5, supra)

Sugar (Special Excise Duty) Act, 1959

TBR

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This Act was confined to stocks which were available with the factories on the date of commencement of the Act. It has no further application. It can be repealed as suggested by the Department.

(para 3.5, supra)

The Mineral Products (Additional Duties of Excise & Customs) Act, 1958.

This Act can be repealed with a specific provision that anything done or any action taken thereunder shall continue to be good and valid.

(para 3.5, supra)

TBR

Central Duties of Excise (Retrospective Exemption) Act, 1986

This Act can also be repealed subject to a specific provision that anything done thereunder or any action taken thereunder shall continue to be good and valid.

(para 3.5, supra)

TBR

Customs and Excise Revenue Appellate Tribunal Act, 1986

The Commission agrees with the reasons given for repealing the Act. In view of the judgment of the Supreme Court in L.Chandra Kumar and also because an appeal is now provided directly to Supreme Court against the orders of the

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CEGAT concerning matters of valuation and classification, this Act can be said to be unnecessary and may be repealed.

(para 3.5, supra)

4.7 DEPARTMENT OF SUPPLY; DEPARTMENT OF OCEAN DEVELOPMENT;
MINISTRY OF NON-CONVENTIONAL ENERGY SOURCES:-

These Departments have stated that they are not administering any Acts and, therefore, no question arises of any proposal being formulated for repeal or amendment.

(para 3.6, supra)

4.8 Department of Electronics:-

The Department has stated that there is no specific statute which is being implemented by the said Department. In the absence of any specific proposal being sent by this Department, no comments can be offered by the Law Commission.

(para 3.7, supra)

4.9 Ministry of Food Processing Industries:-

Rice Milling Industry (Regulation) Act, 1958 and Rice Milling Industry (Regulation & Licensing) Rules, 1959 :these have already been repealed. The third Act MZI Act, 1981 is stated to have been transferred to Animal Husbandry Department and the fourth one, namely Fruit Product Order (FPO) 1955

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promulgated under the Essential Commodities Act has already been amended. Accordingly it is stated that no proposals are called for from the said Department.

(para 3.8, supra)

4.10 Ministry of Urban Affairs and Employment, Department of Urban Employment and Poverty Alleviation:-

They have informed that there is no proposal to review the existing laws or suggest modifications.

(para 3.9, supra)

4.11 Ministry of Chemical and Fertilisers, Department of Fertilisers:-

The Fertiliser Movement (Control) Order, 1973:- No amendments are contemplated by the Department therein.

(para 3.10, supra)

4.12 Department of Atomic Energy:-

No proposal either for the repeal or amendment has been sent by the Department.

(para 3.11, supra)

4.13 Ministry of Communications, Department of Posts:-

The Department has decided to retain the Indian Post Office Act, 1898, with some amendments where required. However, no proposals regarding this are communicated to the Commission. Merger of the Government's Savings Bank Act and the Government's Savings Certificate Act with the Public Provident Fund Act has been agreed to in this report under para 3.1 (iii)(a), supra.

To be re-enacted

(para 3.12, supra)

4.14 Ministry of Science and Technology:-

No proposal of amendments to the Research and Development Cess Act, 1986 and Technology Development Board Act, 1995 have been received.

(para 3.13, supra)

4.15 Ministry of Information & Broadcasting:-

- (i) Regarding Press and Registration of Books Act, 1867, no further review of the Act is called for by the Department.
- (ii) As regards Cinematograph Act, 1952, amendments have already been introduced in the Act and are now pending in the Rajya Sabha.
- (iii) Pertaining to the Press Council Act, 1978, it is stated that the Press Council of India has suggested some amendments and the matter is under consideration and the proposals in that behalf will be sent to the Commission later.
- (iv) Regarding the Prasar Bharti Act, 1990 it is stated by the Department that no further review of the Act is called for

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at the present juncture. Since it appears that the new Government is contemplating a review of the Act, it is felt that while enacting any amendments to the Act or contemplating a new enactment on the subject, the opinions in the specified Supreme Court judgment should be closely observed.

(para 3.14, supra)

We recommend accordingly.

(JUSTICE B.P.JEEVAN REDDY) (RETD.)

CHAIRMAN

(MS.JUSTICE LEILA SETH)(RETD) (DR.N.M.GHATATE) (R.L.MEENA)

MEMBER

MEMBER

MEMBER SECRETARY

DATED: 2-1-⁹⁷

October 10, 19

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Dear ,

Pursuant to the Prime Minister's announcement on 15th August, 1997, one of the terms of reference set out by the Government of India for the Law Commission is 'review/repeal of obsolete laws', that is, -

- (a) to identify laws which are no longer needed or relevant and can be immediately repealed;
- (b) to identify laws which are in harmony with the existing climate of economic liberalisation which need no change;
- (c) to identify laws which require changes or amendments and to make suggestions for their amendment;
- (d) to consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonising them;
- (e) to consider references made to it by Ministries/ Departments in respect of legislation having bearing on the working of more than one Ministry/Department; and
- (f) to suggest suitable measures for quick redressal of citizens' grievances, in the field of law.

2. In pursuance of the above, the Law Commission has commenced the examination of laws, with special reference to the desirability or otherwise of repealing obsolete laws. You are, therefore, requested to prepare an exhaustive list of all the laws/Acts with which your Department is concerned and send the same to the Commission alongwith your comments thereon with particular reference to items (a), (b), (c) and (f) above so as to enable us to complete the task at the earliest. The Expert Group referred to at item (d) above, may also be advised to keep in touch with the Law Commission for necessary coordination for the purpose.

3. Since the Government has set out a time limit for the Law Commission to complete the task, you are requested to send the aforesaid material within a month positively.

With regards,

Yours sincerely,

(R.L. MEENA)

To
(As per list enclosed)

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R. L. MEENA
Member-Secretary &
Secretary to the Govt. of India
Tel. 3383382

LAW COMMISSION
भारत सरकार
GOVERNMENT OF INDIA
शास्त्री भवन
SHASTRI BHAWAN
नई दिल्ली
NEW DELHI-110 001

D.O.No.6(3)/41/97-LC(LS)

February 23, 1998.

Dear

Please refer to my D.O. letter No. 44(1)/97-LC dated the 10th October, 1997, regarding 'review/repeal of obsolete laws' (Copy enclosed).

2. The Law Commission has not received any reply/information from your Department till date. The study of the Commission is being held up for want of requisite information from your side.
3. You are requested to send the relevant information at the earliest.

With regards,

Yours faithfully,

(R.L. MEENA)



R. L. MEENA
Member-Secretary &
Secretary to the Govt. of India
Tel. 3383382

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ANNEXURE- III
विधि अंगठी
LAW COMMISSION
भारत सरकार
GOVERNMENT OF INDIA
शास्त्री भवन
SHASTRI BHAWAN
त्रै दिल्ली
NEW DELHI-110 001

D.O. No. 6(3)/41/97-LC(LS)

2 March 5, 1998

Dear

Please refer to D.O. letter No. Z-13023/1/97-Coord. (ii) dated October 29, 1997 wherein it has been stated that an Expert Group/Departmental Committee has been constituted to review the specific enactments. The Commission has been awaiting the views of the Expert Group/Departmental Committee constituted for the purpose.

2. The study of the Law Commission is being held up for want of requisite information from your side.

You are requested to send the detailed reply at the earliest.

With regards,

Yours sincerely,

(R.L. Meena)

(R.L. Meena)

**17. Professions Tax Limitation (Amendment and Validation) Act, 1949
(61 of 1949).**

The Act may continue on the statute book, having regard to the legislative practice adopted in the past, as regard validating Acts. (In the past validating Acts have been allowed to continue on the statute book).

18. Public Employment (Requirement as to Residence) Act, 1957 (44 of 1957).

The Act may continue on the statute book, as its repeal may create complications.

19. Public Suits Validation Act, 1932 (11 of 1932). The Act may, for the present, continue on the Statute book.

20. Public Wakfs (Extension of Limitation) Act, 1959 (29 of 1959). It is not advisable to repeal the Act.

21. Special Tribunals (Supplementary Provisions) Act, 1946 (29 of 1946).

The Act may be repealed, subject to verification of certain facts stated in the discussion about the Act.

22. Transfer of Evacuee Deposits Act, 1954.

The Act may be repealed, subject to factual checking.

(K. K. MATHEW),
Chairman.

(J. P. CHATURVEDI),
Member.

(DR. M. B. RAO),
Member.

(P. M. BAKSHI),
Part-time Member.

(VEPA P. SARATHI),
Part-Time Member.

(A. K. SRINIVASAMURTHY),
Member-Secretary.

DATED:



GOVERNMENT OF INDIA

**LAW COMMISSION
OF
INDIA**

**Proposal for enactment of new Coroners Act applicable to
the whole of India.**

Report No.206

JUNE 2008



**THE LAW COMMISSION OF INDIA
(REPORT NO. 206)**

Proposal for enactment of new Coroners Act applicable to the whole of India.

Presented to the Union Minister for Law and Justice, Ministry of Law and Justice, Government of India by Dr. Justice AR. Lakshmanan, Chairman, Law Commission of India, on the 10th day of June, 2008.

The 18th Law Commission was constituted for a period of three years from 1st September, 2006 by Order No. A.45012/1/2006-Admn.III(LA), dated the 16th October, 2006 of Government of India, Ministry of Law and Justice, Department of Legal Affairs, New Delhi.

The Law Commission consists of the Chairman, the Member-Secretary, one full-time Member and six part-time Members.

Chairman

The Hon'ble Dr. Justice AR. Lakshmanan

Member-Secretary

Dr. D.P. Sharma

Full-time Member

Prof. Dr. Tahir Mahmood

Part-time Members

Shri Justice I. Venkatanarayana

Shri O.P. Sharma

Dr. K.N. Chandrasekharan Pillai

Dr. Mrs. Devinder Kumari Raheja

Prof. Mrs. Lakshmi Jambholkar

Smt. Kirti Singh

The Law Commission is located at ILI Building,

**2nd Floor, Bhagwandas Road,
New Delhi-110 001.**

Law Commission Staff

**Dr. D.P. Sharma, Member-Secretary
Dr. Brahm Agrawal, Additional Secretary**

Research Staff

**Ms. Pawan Sharma : Addl. Law Officer
Shri J.T. Sulaxan Rao : Addl. Law Officer
Shri Sarwan Kumar : Deputy Law Officer
Shri A.K. Upadhyay : Deputy Law Officer
Dr. V.K. Singh : Assistant Law Officer
Shri C. Radha Krishna : Assistant Law Officer**

Administration Staff

**Shri D. Choudhury : Under Secretary
Shri S.K. Basu : Section Officer
Smt. Rajni Sharma : Assistant Library &
Information Officer**

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Law Commission of India
Government of India
Ministry of Law and Justice
Department of Legal Affairs
New Delhi-110 001
India

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Any enquiries relating to this Report should be addressed to the Member-Secretary, Law Commission of India, 2nd Floor, ILI Building, Bhagwandas Road, New Delhi-110001, India. Fax: 91-11-23388870 or E-Mail at: dr.dpsharma@nic.in

Dr. Justice AR. Lakshmanan
(Former Judge, Supreme Court of India)

ILI Building (2nd Floor),
Bhagwandas Road,

Chairman, Law Commission of India

New Delhi-110 001
Tel.: 91-11-23384475
Fax: 91-23383564

DO No.6 (3)/137/2007-LC(LS)

10th June, 2008

Dear Dr. Bhardwaj ji,

Sub: Proposal for enactment of new Coroners Act applicable to the whole of India.

I am forwarding herewith the 206th Report of the Law Commission of India on “Proposal for enactment of new Coroners Act applicable to the whole of India”.

The Delhi High Court in Writ Petition (C) No.6179/2007 between Social Jurist, a Civil Rights Group Vs. Union of India had recommended to the Law Commission of India to examine whether a legislation like the Coroners Act, 1988 prevalent in the United Kingdom is needed in this country and whether a suitable proposal for this purpose could be made to the Parliament in this regard.

In view of this, the Commission undertook this study. It examined the Coroners Act, 1988 (UK), the existing Coroners Act, 1871 which was a Central Act but

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E-mail:ch.lc@sb.nic.in

it has very narrow territorial limits in India, namely, the ordinary original civil jurisdiction of the High Courts of Calcutta and Bombay, along with the relevant provisions of the Code of Criminal Procedure, 1973 and the Indian Penal Code, 1860. The Commission is aware of the enormously expanded scope of Article 21 of the Constitution, viz., the right to know the correct cause of death of any person, especially when the death is unnatural or there are surrounding suspicious circumstances.

The Commission is of the view that there is a necessity of an independent authority to enquire into the true and real cause of death of a person, even if such person dies outside the territorial limits of the country.

Accordingly, a draft Bill has been appended and annexed to this Report as Annex.

The Commission places on record the able assistance rendered by Dr. R.G. Padia, Senior Advocate, Supreme Court, in preparing this Report.

With kind regards,

Yours sincerely,

(Dr. Justice AR. Lakshmanan)

Dr. H.R. Bhardwaj,
Hon'ble Minister of Law and Justice,
Government of India,
Shastri Bhawan,
New Delhi-110 001.

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LAW COMMISSION OF INDIA

**PROPOSAL FOR ENACTMENT OF NEW CORONERS
ACT APPLICABLE TO THE WHOLE OF INDIA**

CONTENTS

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Introduction

Serious concern has been expressed at various quarters on account of recent abnormal spurt in the unnatural deaths, especially at places like hospitals, police firings and police encounters, railways and other vehicles, and even in the household by way of dowry deaths, raising suspicions of adoption of illegal means with a strong possibility of the complicity of the officials of the State. It has also been found that in criminal cases, the divergent post-mortem reports and the statements of witnesses have led to an alarming rate of acquittal in criminal cases.

Moreover, scope of Article 21 has been enormously expanded by the Apex Court, so as to include the right to know or right to have the correct information and this will also include the right to know the correct cause of death of any person.

It is also clear that public interest will be greatly subserved and the moral fabric of our democratic government would be considerably strengthened, if the correct and true cause of the death of any person is known, especially when the death is unnatural or there are surrounding suspicious circumstances.

At present, in the entire country, the existing Coroners Act, 1871 applies only in respect of very limited territorial jurisdiction, namely, the ordinary original civil jurisdiction of the High Courts of Calcutta and Bombay and thus the entire territorial boundaries of even these two States have not been covered under the said Act.

Suggestions have also been made from many quarters, including by way of judicial decisions that such an Act should be framed for the entire country. In Writ Petition No. (C) 6179/2007 between Social jurist, a Civil Rights Group & Anr. Vs Union of India & Ors. , a Division Bench of Delhi High Court by its order dated 12.10.2007 has recommended to the Law Commission to examine whether a Legislation like the Coroners Act, 1988 prevalent in

United Kingdom is needed in this country and whether a suitable proposal for this purpose should be made to the Parliament in this regard. However, the observations of the Hon'ble Delhi High Court in the aforesaid case in paragraph 25 that "there is admittedly no comparable legislation in India nor has our attention been drawn to any by learned counsel for the parties" do not appear to be correct and it is clear that the learned counsel for either of the parties did not draw the attention of the Hon'ble Delhi High Court to the existing Coroners Act, 1871, which was a Central Act and it was already operating in India, although within very narrow territorial limits.

The cause for recommending a legislation like Coroners Act in the country had arisen before the Delhi High Court on account of the fact that a child of a tender age of five months had died in England, but in spite of the various valiant efforts taken by the parents of the child in England, the exact cause of death of the child could not be ascertained in England in spite of the two reports submitted in England – one based on post-mortem examination and another by Department of Forensic Medicine & Science, University of Glasgow, England. The parents were not

satisfied with the said report, but they could not prove the medical negligence of the doctors in the United Kingdom, because, according to them, the true cause of death could not be found out and after a lapse of long seven years, the parents had brought the body of the unfortunate child in India in the year 2007 and after making several correspondence with the governmental authorities, a Public Interest Litigation was filed in the Delhi High Court. However, the Delhi High Court after analyzing the existing provisions of the Indian Penal Code and the Code of Criminal Procedure came to the conclusion that if the death had occurred in England, unless there was any request made by the Government in England or by any authority in that country, a post-mortem examination of the dead body of the unfortunate child could not be conducted de hors an investigation into criminal offence under Section 174 of the Code of Criminal Procedure. It has been further held by the Delhi High Court that in cases involving offences committed outside India by Non-Indian citizens, such jurisdiction is limited to and dependent on whether the country of the authority competent in the country where the offence is committed has requested the Central Government to have the matter investigated under 166B of the Code of Criminal Procedure. If there is no such request, a police

officer in India cannot register a case or investigate the commission of any offence that has taken place outside India.

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. 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.

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. In order to attain this objective, we recommend a model Bill to the Government of India in the form given in the Annex.

(Dr. Justice AR. Lakshmanan)

Chairman

(Prof. Dr. Tahir Mahmood)

Member

Secretary

(Dr. D.P. Sharma)

Member-

Dated: June 10, 2008

ANNEX

THE CORONERS BILL, 2008

CHAPTER I

Preliminary

1. This Act may be called the Coroners Act, 2008.
2. It extends to the whole of India.

CHAPTER II

Appointment of Coroners

3. (1) Within the local limits of each district of a State and also for every Union Territory, there shall be a Coroner.

Provided that one Coroner may be appointed for more than one district by the concerned State Government.

4. Every such officer shall be appointed and may be suspended or removed by the State Government.
5. Every Coroner shall be deemed a public servant within the meaning of the Indian Penal Code.

6. There shall be a separate cadre of Coroners in each State. The Coroners shall be appointed by the State Government in accordance with the Rules laying down their qualifications, method of recruitment, terms and conditions of their service including their salaries and allowances payable by the concerned State and every such coroner will be a whole time employee of the State concerned. Services of the Coroners would be available during all times of a day throughout.

CHAPTER III

Duties and Powers of Coroners

7. (1) When the Coroner is informed that the dead body of a person is lying within his jurisdiction and there is reasonable cause to suspect that such person has died under any of the circumstances mentioned in section 11 or has died a sudden death of which the cause is unknown, the Coroner may proceed to hold a preliminary inquiry on the body.

Provided that if a Coroner is undertaking a journey outside his district and finds a dead body on the road or at

any other place lying unattended, and in his opinion immediate and urgent action is necessary to be taken, he will also have extra-territorial jurisdiction to take cognizance of that dead body.

(2) For the purpose of an inquiry under subsection (1), [the Coroner may], as soon as practicable, after receipt of the information proceed to view and examine the body. Such view and examination shall be held in the presence of the police officer to whose jurisdiction the case belongs and, if possible, in the presence of the relations or friends, if any, of the deceased and the Coroner may reduce to writing such observations as the appearances of the body requires. When the inquiry is concluded if the Coroner is satisfied as to the cause of death and if a post mortem examination is in his opinion not necessary, the Coroner may authorize the body to be disposed of.

8. Where the Coroner has reason to believe that death has occurred within his jurisdiction in any of the circumstances mentioned in section 11 or 12 and that owing to the destruction of the body by fire or otherwise, or disposal thereof in contravention of any law for the time being in force, or to the fact that the body is lying in a place from

which it cannot be recovered, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the State Government and the State Government may, if it considers desirable so to do, direct an inquest to be held touching the death. When such direction is given, an inquest shall be held accordingly by the Coroner and the provisions of this Act shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after view of the body.

9. "Exhumation of body for examination

23.- (1) A Coroner may order the exhumation of

which it cannot be recovered, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the State Government and the State Government may, if it considers desirable so to do, direct an inquest to be held touching the death. When such direction is given, an inquest shall be held accordingly by the Coroner and the provisions of this Act shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after view of the body.

9. "Exhumation of body for examination

23.- (1) A Coroner may order the exhumation of the body of a person buried within his district where it appears to him that it is necessary for the body to be examined –

- (a) for the purpose of his holding an inquest into that person's death or discharging any other function of his in relation to the body or the death; or
- (b) for the purposes of any criminal proceedings which have been instituted or are

contemplated in respect of the death of that person or of some other person who came by his death in circumstances connected with the death of the person whose body is needed for examination.

- (2) The power of a Coroner under this section shall be exercisable by warrant under his hand.
- (3) No body shall be ordered by a Coroner to be exhumed except under this Section."

10. A Coroner will have jurisdiction over a dead body found within his territorial jurisdiction whether the death has occurred in any part of the country or even abroad. The cause of action will not depend on the cause of the death which might be arisen at some other territorial jurisdiction like bullet injury or administration of poison in some other territory and the presence of the body will by itself determine the cause of action by a Coroner.

11. (1) If it appears to the Coroner either before or in the course of an inquiry under section 7 that there is reason to suspect –

- (a) that the deceased came by his death by homicide, suicide or infanticide; or
- (b) that the death was caused by an accident, or poison or machinery; or
- (c) that the death was caused by an occurrence arising out of the use of a vehicle in a street, public road or in a private place; or
- (d) that the death occurred in a prison in which the deceased was a prisoner or that it occurred whilst the deceased was in the custody of the police; or
- (e) that the death occurred –
 - in a leper asylum appointed under the Lepers Act, 1898;
- (f) in an asylum or mental hospital established or licensed under the Indian Lunacy Act, 1912;
- (g) in a Borstal School established under the Bombay Borstal Schools Act, 1929;
- (h) in a Receiving Centre or Certified Institution provided and maintained under the Bombay Beggars Act, 1945;
- (i) in any certified school, Remand Home or fit person institution or approved place, established, maintained, declared or recognized, as the case may be, under the Bombay Children Act, 1948;

- in which the deceased was received, detained, committed to, confined or kept, as the case may be, under the orders of any authority competent to pass such orders under the said Acts; or
- (j) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public:
- and in any other case, if it appears to the Coroner either before or in the course of the preliminary inquiry that there is reason for holding an inquest, he shall proceed to hold such inquest, whether or not the cause of death arose within his jurisdiction;
- (k) that the death is caused in a hospital/nursing home, whether run by Government, a trust – public or private, or a purely private hospital or nursing home;
- (l) death has occurred on the railways or tramways or airways or other vehicles, whether mechanically propelled or driven by hand;
- (m) death has occurred in a police firing;
- (n) death has occurred in a police encounter;

(o) death has occurred in public parks or at places of public resort;

(p) dowry deaths within the households where there is a complaint regarding the demand of dowry by any person;

Provided that a Coroner will have no jurisdiction in case of death of a person who is under detention or arrest of the defence forces under the command of an official of the defence forces.”

(2) Such inquest shall ordinarily be held in the Coroner's Court house.

(3) The Coroner may hold one inquest on the bodies of several persons provided that they all are believed to have come by their deaths, in or in consequence of one and the same incident.

(4) Every such inquest shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code and for the purpose of any such inquest the Coroner shall have and may exercise all the powers of a Criminal Court under section 340 and section 345 of the Code of Criminal Procedure, 1973.

12. (1) Where a person dies –

- (a) in a prison situate within the local limits of the Coroner's jurisdiction, the Superintendent of the prison,
- (b) while in the custody of the police, the police officer in charge of the station concerned,
- (c) in any of the places referred to in clause (e) to (j) of subsection (1) of section 11, the Superintendent where there is a Superintendent appointed for such place and elsewhere, the person in charge of the place,
- (d) in respect of the cases covered under clauses (k) to (p) of section 11 by the concerned authority or the individual, shall report the death to the Coroner and await his orders before the body is disposed of.

(2) Any Superintendent of prison, or any such police officer or any Superintendent or person in charge of the place referred to in clause (e) to (j) of subsection (1) of section 11, concerned authority or the individual under clauses (k) to (p), who fails to comply with the requirements in subsection (1)

shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

13. (1) Any person who, with the intention of preventing the holding of an inquest on a dead body which the Coroner is bound to hold under section 11, buries, cremates or otherwise disposes of it, and any person who with such intention abets such burial, cremation or disposal of a dead body shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

(2) Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased or under section 201 of the Indian Penal Code.

14. A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition is, in the opinion of the Coroner, necessary or desirable in the interests of justice.

15. The Coroner will conduct the inquest himself by calling such number of credible witnesses as he deems fit, but not less than three in number.

16. At or before the first sitting of an inquest on a body the Coroner shall view the body.

Provided that when a preliminary inquiry on the body has been held under section 7, or if from the medical evidence or from a medical certificate, the Coroner is satisfied that no advantage will result from such viewing, the Coroner may dispense with a view of the body at the inquest.

17. The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such person who knows anything concerning the death.

18. (1) It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses – The Coroner shall inquire of such circumstances and the cause of death, and if before or during the inquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence

or produce any document material thereto, may issue a summon requiring him to attend and give evidence or produce such document on the inquest.

(2) When any person so summoned fails to appear and the summons has been proved to be duly served on him in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure, the Coroner may, after recording his reasons in writing, issue a warrant for his arrest. Such warrant shall be executed as if it were issued under section 87 of the Code of Criminal Procedure, 1973.

(3) Any person disobeying a summons issued under subsection (1) shall be deemed to have committed an offence under section 174, section 175 or section 176 of the Indian Penal Code, as the case may be.

(4) For the purpose of causing prisoners to be brought up to give evidence the Coroner shall be deemed a Criminal Court within the meaning of Part IX of the Prisoner's Act, 1900.

19. (1) If before proceeding to view a body under section 7 or at the view or at any stage of an inquest by jury, it appears to the Coroner that a post mortem examination of the body is necessary to ascertain the cause of death, he may direct such examination to be held by the civil surgeon or by a duly qualified registered medical practitioner invited to attend as a witness. The Coroner may also direct an analysis of any of the organs or parts of the body or of their contents. Every medical witness other than the Chemical Examiner to Government and the Coroner's Surgeon shall be entitled to such reasonable remuneration as the Coroner thinks fit. For the purpose of such post mortem examination the Coroner may order the removal of the body to any place within his jurisdiction which may be provided for that purpose.

(2) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination, or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1973.

20. Notwithstanding anything contained in this Act, the Coroner may at any stage of the proceedings under this Act for the purposes of preservation of safe custody, order the removal of the body to any place within his jurisdiction which may have been provided for that purpose.

21. (1) All evidence given under this Act shall, except in the case provided in subsection (2), be on oath and the Coroner shall be bound to receive evidence on behalf of the person who is alleged to have caused or to be concerned in causing the death of the deceased person.

(2) If such person himself wishes to make a statement it shall be the duty of the Coroner to warn him that he is not bound to make any statement; but if such person persists, the Coroner shall, without administering him any oath, record his statement in full after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1973.

(3) For the purpose of section 26 of Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate.

(4) Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the question put to, and the answers given by each witness.

22. The Coroner may adjourn the inquest from time to time, and from place to place.

23. (1) If on an inquest touching a death, the Coroner is informed that criminal proceedings, have been instituted against some person before a Magistrate in respect of an offence touching the death of the deceased, he may adjourn the inquest and submit his proceedings to the Magistrate.

(2) For the purposes of this section, the expression "the criminal proceedings" means the proceedings before a Magistrate and before any court to which the accused person is committed for trial or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course thereof.

24. When all the witnesses have been examined, the Coroner shall sum up the evidence, the Coroner shall thereafter will submit his report with the necessary details and reasons to the Commissioner of Police. The report will be regarded as a material evidence in any Court or any other criminal proceedings.
25. The Coroner may also, where the report justifies him in taking the belief that the death of the deceased person was occasioned by an act which amounts to an offence under any law in force in India he may issue his warrant for the apprehension of the person who is found to have caused the death of the deceased person, and send him forthwith to a Magistrate empowered to commit him for trial.
26. When the proceedings are closed, or before, if it be necessary to adjourn the inquest, the Coroner shall give his warrant for the [disposal] of the body on which the inquest has been taken.
27. No inquest shall be quashed for any technical defect.

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In any case of technical defect, a Judge of the High court may, if he thinks fit, order the inquest to be amended, and the same shall forthwith be amended accordingly.

Provided that any person who is not satisfied with the report of the Coroner may approach the High Court by moving an application for appointment of another Coroner and for the submission of his report, and if the High Court is satisfied, it may direct accordingly. The High Court may also direct an inquest by a Coroner of a different district within its own jurisdiction.

28. It shall no longer be the duty of the Coroner to inquire whether any person dying by his own act was or was not *felo*

In any case of technical defect, a Judge of the High court may, if he thinks fit, order the inquest to be amended, and the same shall forthwith be amended accordingly.

Provided that any person who is not satisfied with the report of the Coroner may approach the High Court by moving an application for appointment of another Coroner and for the submission of his report, and if the High Court is satisfied, it may direct accordingly. The High Court may also direct an inquest by a Coroner of a different district within its own jurisdiction.

28. It shall no longer be the duty of the Coroner to inquire whether any person dying by his own act was or was not *felo de se*, to inquire of treasure trove or wrecks to seize any fugitive's goods, to execute process or to exercise as Coroner has no jurisdiction conferred by this Act.

CHAPTER IV

Rights and Liabilities of Coroners

29. All disbursements duly made by a Coroner for fees to medical witnesses and the like, shall be repaid to him by the State Government.

30. Every Coroner may from time to time, with the previous sanction of the State Government, appoint, by writing under his hand, a proper person to act for him as his deputy in the holding of inquests.

All inquests taken and other acts done by any such deputy, under or by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him:

Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause.

Every such appointment may at any time be cancelled and revoked by the Coroner by whom it was made.

31. Coroners and Deputy Coroners shall be privileged from arrest while engaged in the discharge of their official duty.

32. Any Coroner or Deputy Coroner failing to comply with the provisions of this Act, or otherwise misconducting himself in the execution of his office, shall be liable to such fine or simple imprisonment for a period not exceeding three months as the Chief Justice of the High Court, upon summary examination and proof of the failure or misconduct, thinks fit to impose.
33. The Chief Justice of the High Court may act *suo motu* or on the complaint of any person. However, no criminal proceedings would be initiated against any Coroner by any person or authority by reason of his failure to perform any part of his duty or for any misconduct.
34. The State Government shall have the power to make Rules in order to implement the provisions of the Act.

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GOVERNMENT OF INDIA

**LAW COMMISSION
OF
INDIA**

Report No. 248

**“Obsolete Laws : Warranting Immediate Repeal”
(Interim Report)**

September, 2014

न्यायमूर्ति अंजित प्रकाश शाह
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D.O. No.6(3)211/2011-LC(LS)

12th September, 2014

Dear Mr. Ravi Shankar Prasad ji,

A project "Identification of Obsolete Laws" was undertaken by the 19th Law Commission suo moto. No significant progress could be made as the term of the Commission ended.

The 20th Law Commission thus decided to continue with the project. Various Ministries were approached seeking relevant informations. In the meantime the Hon'ble Union Minister for Law and Justice wrote to the Commission (24th June, 2014) asking its suggestions and recommendations on same subject. Keeping above in view, the Commission decided to undertake a study "The Legal Enactments : Simplifications and Streamlining". As the study would be completed in instalments, the first of such instalment : "**Obsolete Laws : Warranting Immediate Repeal**" – An Interim Report No. 248 is being submitted to the Minister.

Hope the suggestions and recommendations contained would constitute a major step in the direction of simplifying the legal structure.

With warm regards,

Yours sincerely,

[Ajit Prakash Shah]

Mr. Ravi Shankar Prasad
Hon'ble Minister for Law and Justice
Government of India
Shastri Bhawan
New Delhi - 110115

“Obsolete Laws : Warranting Immediate Repeal”
(Interim Report)

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Chapter 1

INTRODUCTION & BACKGROUND

1.1 A project "Identification of Obsolete Laws" was undertaken by the 19th Law Commission. Ministries / Departments of the Government were approached (on 22.05.2012) seeking the list of such laws / Acts administratively concerned with them respectively. Subsequently after the constitution of the 20th Law Commission, a reminder was sent to these Ministries / Departments. Some responses though not very significant in number, were received. In the meantime, a letter from the Hon'ble Minister for Law and Justice dated 24 June 2014 asking the Commission to give its suggestions and recommendations on the same subject was received.

1.2 Keeping above in view, the Commission decided to pursue a study "**The Legal Enactments : Simplification and Streamlining**" and a Committee for the purpose comprising Justice S N Kapoor, Member, Law Commission, Prof. Mool Chand Sharma, Member, Law Commission, Prof. Yogesh Tyagi, Member (Part Time), Law Commission, Mr. Arghya Sengupta and Ms. Srijoni Sen, Advocates from Vidhi Centre for Legal Policy has been appointed.

1.3 The Study would be completed in instalments and accordingly a number of volumes of the reports will be submitted to the Government as the study proceeds. In a nutshell the Study will chart out a detailed roadmap and make suggestions for updating, simplifying, streamlining and rationalising, and amending laws and legal structures.

1.4 In the Commission's view a study like this has a holistic approach and long-term objectives to achieve including that of suggesting ways and steps for modernisation and reforms of laws and of legal structures. Such a study has to begin by identifying and recommending repealing of laws which are obsolete and have ceased to be relevant. More important. Such a study needs to identify laws which are inconsistent with modern and newer laws, with Supreme Court Judgements and international conventions signed and ratified by India. Also such a study is required to focus its efforts to cull out those laws that impose heavy burden and whose costs outweigh their benefits and are thus in need of simplification, amendments or repeal. The study also need to attend to crucial and consequential requirement of identifying and suggesting laws which need amendments so as to be relevant and in tune with the changing needs of the time.

1.5 As a first, and as a foundational step for accomplishing larger objectives of the study the Commission is required to begin by identifying laws which have become obsolete and thus to be recommended for immediate repeal. In making such a beginning of its study the Commission took special note of what was earlier observed in its 96th report : "Every legislature is expected to undertake what may be called the periodical spring-clearing of the corpus of its Statute Law, in order that dead wood may be removed and citizens may be spared of the inconvenience of taking notice of laws which have ceased to bear any relevance to current conditions. This process in itself, assumes still greater importance in modern times when Statue

Law is growing in bulk and magnitude....". One of the main reasons identified by the 96th report calling for repealing obsolete laws was the call of modern times. It is important to note that the 96th report was presented way back in the year 1984 and two decades since then have seen such fast changes which probably were never witnessed in the history so far. Thus, the force of the call for repeal of obsolete laws and need for modernisation gets reinforced.

1.6 In the course of the Commission's research, unpublished work by the 100 Laws Repeal Project, a citizens' coalition initiative comprising Centre for Civil Society, Macrofinance Group of NIPFP, amongst others was brought to our notice, together with several scholarly pieces and newspaper articles on this issue. The Commission would like to acknowledge these contributions which benefited its Report.

Chapter 2

METHODOLOGY:

SUBJECT-CATEGORISATION AND CLASSIFICATION

2.1 Before proceeding on the identification of obsolete laws, it would be relevant to say few words about the methodology adopted and its significance in accomplishing the study. It may be added here that the Commission was convinced that for any authentic and enduring approach to the study at hand devising a methodology that would help in collating, classifying and in grouping huge gamut of laws spread in vast corpus of enactments scientifically was crucial. The approach thus devised was to draw classification of various laws into groups and locate them under an assigned subject-category to which a class-group of laws ideally belongs. Based on detailed discussions and deliberations these 'subject-categories' were drawn and 'classification' of all the central laws into groups was done.

2.2 For drawing subject-categories, available existing literature was examined, especially relating to the US approach where what is called the 'title-method' has been adopted to bring respective classes of laws under an assigned title. Apart from US approach what proved very relevant was a closer look in the subject-classification adopted in the VIIth Schedule of the Constitution for allocating different subjects in three lists, Union/State/Concurrent for the purpose of law making by the Union, or the State Legislature accordingly and in certain situations empowering both to draw upon the same subject for making

laws of course subject to certain defined limitations in such situations. In addition to these two important sources, literature available in various journals too was reflected upon. All these three sources proved to be of great help in devising the methodology as described above.

2.3 By taking recourse to methodology of drawing subject-categories and mapping out classification into groups existing corpus of statutes, it became easier to organize all existing Central laws numbering 1086 into 49 carefully demarcated 'subject-categories'. (**Please see Appendix - I**)

2.4 It may not be out of context of the study undertaken that such classification and subject-categorisation would be of much help in developing an understanding as to how many laws in how many ways cut across or overlap or contradict amongst themselves or what can be described as suffering from problem of inconsistency and / or overlapping. Adoption of such methodology would make the task of the Commission easier in determining laws suffering from 'irrelevancy' or 'lacking nuances to meet the needs of times' thus demanding either amendments or introduction of new laws. Of course, the later two issues would form the subject matter for further course that the study would adopt.

Chapter 3

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

3.1 In the past the Commission has submitted various reports identifying number of laws as obsolete which demanded repeal (see Law Commission Report Nos 18, 81, 96, 148, 159). Commission's 18th and 81st Reports recommended the repeal of particular colonial law. The 18th Report sought to repeal of 'Converts Marriage Dissolution Act' and the 81st Report recommended the repeal of 'Hindu Widows Remarriage Act'. The 96th Report recommended repeal of the substantial number of obsolete laws. Once again the Commission in its 148th Report suggested repeal of a number of laws. Following the same path in its 159th Report submitted in the year 1998 the Commission recommended a substantial number of laws for repeal. Many of the laws identified as obsolete in these reports have been repealed. The Government also in 1998 appointed the P.C. Jain Commission which gave its report in September 1998 identifying a large body of laws for the purpose of repeal.

3.2 The Commission found that 253 laws despite having been recommended for repeal in above mentioned reports still exist on the statute-books (for details about these 253 laws please see **Appendix - II**). The Commission has already notified these laws to the concerned Ministries for their observations as to why these laws still continue to exist.

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.

3.5 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 statue-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.

3.7 It may be relevant to note that mechanisms exist in many other countries to systematically remove Appropriation Acts that have served their purpose. For example, in the United Kingdom (interestingly on whose Appropriation Acts we model our own), all Appropriation Acts usually contain a repealing provision which specifically repeals older Appropriation Acts. In Australia the route followed is that of automatic repeal for Appropriation Acts. Section 89 of Australian Legislation Act of 2001 mandates that certain Acts are automatically repealed and this includes "Appropriation Acts, on the last day of the Financial Year for which it makes appropriation" and thus in other words provisions in the nature of a sunset clause are read into every Appropriation Act by virtue of the Legislation of 2001.

3.8 In India, however, no such mechanism is in place and Appropriation Acts continue to sit on statute-books. The Law Commission recommends that a practice like the one of the United Kingdom to include a repeal clause in the Appropriation Act every year would serve a useful purpose, without necessitating major amendments or introduction of new laws.

3.9 In the process of categorisation of Central statutes, the Law Commission had occasion to examine the contents of more than a thousand statutes. This greatly facilitated the next stage in the process, that is, the determination of statutes *prima facie* identified as potential candidates for repeal.

3.10 Thus, after completion of the categorisation, the Law Commission proceeded to exhaustively study the statutes in each of the 49 established

categories to determine which statutes were fit for repeal. The process was greatly aided by the fact that all the laws governing one subject area had already been grouped together. This clarified the instances when a later law clearly conflicted with an archaic one, when the purpose of the law had already been fulfilled, or when the subject matter of a statute was so archaic as to no longer require legislation. Based on these parameters, the Law Commission identified 261 statutes that *prima facie* require further study with a view to providing a firm recommendation for repeal of obsolete statutes and those inconsistent with modern times. This study has been completed for 72 statutes which are discussed hereinbelow. It is our view that these statutes ought to be repealed according to the recommendations provided in this interim report.

3.11 The list of 261 statutes may be found in **Appendix - V**. Over the next month, the Law Commission intends to study the status and provisions of these statutes and arrive at recommendations on all relevant statutes that are fit for repeal.

Chapter 4

Laws recommended for Repeal

4.1 Of the 261 statutes identified in Appendix V for further study with a view to assess suitability for repeal, the following set of 72 statutes have been found by the Law Commission to be fit for repeal. They have been recommended for repeal because they fall into one or more of the following categories – *first*, the subject matter of the law in question is outdated, and a law is no longer needed to govern that subject; *second*, the purpose of the law in question has been fulfilled and it is no longer needed and *third*, there is newer law or regulation governing the same subject matter.

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. IInd 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.

4.5 A list of 72 statutes, with recommendations and notes on each, is given below:

1. Bengal Districts Act, Act 21 of 1836

Category: Laws Relating to Administration and Development of Local Areas

Recommendation: Recommend to State of West Bengal for repeal with suitable amendments.

This Act gives power to the State Government in Bengal to create new districts by notification in the Official Gazette. It is one of two of the oldest laws in the statute books. 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. This Act has also been recommended for repeal by the PC Jain Commission Report in its Appendix A-5.

2. Bengal Bonded Warehouse Association Act, Act 5 of 1838

Category: Trade and Commerce

Recommendation: Repeal

The 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 East India Company is no longer in existence, and the Presidency of Fort William has also ceased to exist as an administrative unit. Consequently, the Act is now redundant. This Act has been recommended for repeal by the PC Jain Commission in its Appendix A-5.

3. Bengal Bonded Warehouse Association Act, Act 5 of 1854

Category: Trade and Commerce

Recommendation: Repeal

The Act was enacted to amend the Bengal Bonded Warehouse Association Act, 1838. The reason for repeal for the 1838 Act applies to this Act as well.

4. Forfeited Deposits Act, Act 25 of 1850

Category: Land Laws

Recommendation: Repeal

This 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). Since tenure-holders or patnidars were taking fraudulent advantage of this Regulation, this Act was introduced to counter the situation. The Regulation allowed forfeited deposits at land sales to be applied as purchase-money. The Act instead provided that forfeited deposits were to be used towards the cost of sales, and the rest to be forfeited to Government. This Act is of no relevance after 1947.

5. Sheriffs' Fees Act, Act 8 of 1852

Category: Administration of Justice

Recommendation: Repeal

This 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 this 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.

6. Sonthal Parganas Act, Act 37 of 1855

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

The Act was enacted to remove, from the operation of the general laws and regulations, certain districts inhabited by persons belonging to the Sonthal tribe. 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'. The Act cites this as the reason for removing from the operation of such laws the district inhabited by this tribe. The Act employs language to describe the tribal population that has no place in the modern era. The language of the Act runs contrary to the spirit of the Constitution. Further, the Sonthal areas administration is now covered under the Fifth Schedule of the Constitution. Therefore, this Act should be repealed, as has also been recommended by the PC Jain Commission in its Appendix A-5.

7. Sonthal Parganas Act, Act 10 of 1857

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

The Act amended the Sonthal Parganas Act, 1855 and extended the application of the Act to certain other areas. The reason for repeal for the 1855 Act applies to this Act as well. This Act has been recommended for repeal by the PC Jain Commission in its Appendix A-5.

7. Oriental Gas Company Act, Act 5 of 1857

Category: Energy Laws

Recommendation: Repeal, in consultation with relevant state(s)

This 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. It was also recommended for repeal both by the PC Jain Commission in its Appendix A-1 and the 10th Law Commission in its 96th Report.

9. Oriental Gas Company, Act 11 of 1867

Category: Energy Laws

Recommendation: Repeal, in consultation with relevant state(s)

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.

10. Madras Uncovenanted Officers' Act, Act 7 of 1857

Category: Government Employees

Recommendation: Repeal

The 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. This Act has been recommended for repeal by the PC Jain Commission in its Appendix A-5.

11. Howrah Offences Act, Act 21 of 1857

Category: Criminal Justice

Recommendation: Repeal

This 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). This Act was recommended for repeal by the PC Jain Commission in its Appendix A-5.

12. Calcutta Pilots Act, Act 12 of 1859

Category: Criminal Justice

Recommendation: Repeal

The 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.

13. Government Seal Act, Act 3 of 1862

Category: Residuary Laws relating to Administration

Recommendation: Repeal

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. This 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.

14. Waste-Lands (Claims) Act, Act 23 of 1863

Category: Land Laws

Recommendation: Repeal, in consultation with relevant state(s)

The Act was enacted to establish the procedures for adjudication of claims made in relation to waste-lands. At the time of enactment, all land not used for agriculture as waste-lands, and the colonial State asserted control over these lands.

However, 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. Waste-land is now considered to be the common property of the village communities. The continuation of this Act would lead to perpetuation of the colonial mind-set surrounding management of waste-lands. This Act has also been recommended for repeal by the PC Jain Commission in its Appendix A-5.

15. Oudh Sub-Settlement Act, Act 26 of 1866

Category: Land Laws

Recommendation: Repeal in consultation with relevant state(s)

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. The Act is redundant as Oudh has ceased to exist as an administrative unit.

16. Converts' Marriage Dissolution Act, Act 21 of 1866

Category: Personal Laws

Recommendation: Repeal

This 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 v. 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.

17. Sarais Act, Act 22 of 1867

Category: Trade and Commerce

Recommendation: Repeal in consultation with state(s)

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. This 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. Hence, this Act should now be repealed. This Act has also been recommended for repeal by the PC Jain Commission in its Appendix A-5.

18. Ganges Tolls Act, Act 1 of 1867

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

This 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. This Act has been recommended for repeal by the PC Jain Commission in its Appendix A-1 and 148th Law Commission Report.

19. Oudh Estates Act, Act 1 of 1869

Category: Land Laws

Recommendation: Repeal in consultation with state(s)

This Act defines and regulates the succession rights of Taluqdars and other landholders in certain estates in Oudh. Both Oudh and the Taluqdari system no longer exist. Therefore, the provisions of this Act are redundant.

20. Oudh Taluqdars' Relief Act, Act 24 of 1870

Category: Land Laws

Recommendation: Repeal in consultation with state(s)

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. This Act provided a procedure to settle the debts of these Taluqdars and relieve them. As mentioned in the entry above, neither the princely state of Oudh nor the Taluqdari system exists today. Therefore, the provisions of this Act are redundant.

21. Dehra Dun Act, Act 21 of 1871

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal in consultation with state(s)

The Act was enacted to give validity within Dehradun to the operation of general Regulations and Acts in force in Saharanpur. This was done because the territory of Dehradun was on several occasions moved from one jurisdiction to another by various legislative enactments. 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. However, Dehradun is now the capital of the State of Uttarakhand and all laws enacted by the Uttarakhand Legislative Assembly would have application to Dehradun. Further, more than 140 years have passed since the enactment of this Statute, for the resolution of legal consequences. Hence, this Act can be repealed.

22. Punjab Laws Act, Act 4 of 1872

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

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. This Act has also been recommended for repeal by the PC Jain Commission in its Appendix A-5.

23. Foreign Recruiting Act, Act 4 of 1874

Category: International Relations

Recommendation: Consider for repeal

This 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.

24. Laws Local Extent Act, Act 15 of 1874

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal in consultation with relevant state(s)

The Act declares the territorial extent of certain laws passed by the Legislative Council of India and the Council of the Governor General of India. 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. The territorial divisions dealt with in this Act existed prior to 1947, and have no relevance to the modern day demarcation of States. The territorial applicability of laws is now determined under newer laws such as the State Reorganisation Acts. 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. This Act has also been recommended for repeal by the PC Jain Commission in its Appendix A-1.

25. Central Provinces Laws Act, Act 20 of 1875

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

This 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.

26. Oudh Laws Act, Act 18 of 1876

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal in consultation with relevant state(s)

The Act was enacted to amend and declare the laws to be administered in the princely state of Oudh. These laws dealt with matters such as issues related to land revenue, and questions regarding adoption, guardianship, succession, and partition. Oudh is now a region in Uttar Pradesh called Awadh and ceases to exist as a separate administrative unit. Hence, this law is redundant.

27. Dramatic Performances Act, Act 19 of 1876

Category: Criminal Justice

Recommendation: Consider for repeal

The 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.

28. Elephants' Preservation Act, Act 6 of 1879

Category: Environmental Law

Recommendation: Repeal

The Act makes it an offence to kill, injure or capture wild elephants except in cases of self-defence, or in accordance with a licence granted under the Act. However, the Act imposes only an insignificant fine of Rs. 500 for its contravention, while a subsequent conviction attracts imprisonment for 6 months along with the fine. The purpose of the Act is now subsumed by the Wildlife (Protection) Act, 1972 which has similar provisions on the prohibition of killing wild animals and on

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.

29. Dekkhan Agriculturists' Relief Act, Act 17 of 1879

Category: Agriculture and Animal Husbandry

Recommendation: Repeal in consultation with relevant state(s)

The Act was enacted to provide succour to indebted agriculturists in certain parts of the Deccan. 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. However, 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. The Act may be recommended for repeal to the States to which it has been extended by notification.

30. Raipur and Khattra Laws Act, Act 19 of 1879

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

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.

31. Fort William Act, Act 13 of 1881

Category: Criminal Justice

Recommendation: Repeal

The 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). The Act imposes light penalties, as little as a fine for Rs. 50 or imprisonment for 4 days, for infringement of these rules. The Act was considered for repeal by the 148th Law Commission Report, 1993 for being unconstitutional. It was 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." Even though the Law Commission did not recommend repeal of this Act, the PC Jain Commission in its Appendix A-5 did.

32. Agriculturists' Loans Act, Act 12 of 1884

Category: Agriculture and Animal Husbandry

Recommendation: Repeal

This Act was enacted to amend and provide for the extension to certain territories of the Northern

India Takkavi Act, 1879. The 1879 Act 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 1879 Act does not find mention in the Chronological List of Central Acts published by the Ministry of Law and Justice and hence, does not exist now. The 1884 Act is now obsolete and has been recommended for repeal by the PC Jain Commission Report in its Appendix A-5 as well.

33. Births, Deaths and Marriages Registration Act, Act 6 of 1886

Category: Symbols, Records and Statistics

Recommendation: Repeal

The Act provides for the voluntary registration of the births and deaths of certain classes of persons, mainly Christians and Parsis, along with those governed by the Indian Succession Act. The 211th Law Commission Report calls the title of this Act 'misleading' because the Act does not consist any provisions for registration of marriages, either voluntary or compulsory. Registration of only certain classes of people belonging to a specific religion is likely to fall foul of Article 14 of the Constitution. Further, registration of births and deaths is already provided for under the Registration of Births and Deaths Act, 1969, while marriage are registered under the Hindu Marriage Act, Special Marriage Act etc. The Act has also been recommended for repeal by the PC Jain Commission Report in its Appendix A-5 as well.

34. King of Oudh's Estate Act, Act 19 of 1887

Category: Land Laws

Recommendation: Repeal in consultation with relevant state(s)

The Act was enacted to provide for the administration of the estate of Wajid Ali Shah, the King of the erstwhile princely state of Oudh. The 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. 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

35. King of Oudh's Estate, Act 14 of 1888

Category: Land Laws

Recommendation: Repeal in consultation with relevant state(s)

This Act was enacted to make further provision for the administration of the estate of the King of Oudh. The reason for repeal for the 1887 Act applies to this Act as well. This Act has also been recommended for repeal by the PC Jain Commission in its Appendix A-5.

36. United Provinces Act, Act 20 of 1890

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

This Act was enacted for the purposes of administration of the Northwestern Provinces and Oudh. It repeals and extends certain laws in those areas, and deals with the establishment of a Board of Revenue in Oudh. Since neither of these entities are current administrative units, this Act may be repealed.

37. Reformatory Schools Act, Act 8 of 1897

Category: Woman and Child Development

Recommendation: Repeal

The 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. 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.

38. Live-stock Importation Act, Act 9 of 1898

Category: Public Health

Recommendation: Repeal with the introduction of new law

This Act was enacted to make provisions for the regulation of importation of live-stock which may be affected by infectious or contagious disorders. Since the provisions of the Act have not kept pace with modern developments, this Act was proposed to be repealed and replaced by the Agricultural Biosecurity Bill, 2013 (which lapsed in the Lok Sabha). The Statement of Objects and Reasons of the 2013 Bill specifically mentions that this Act and the Destructive Insects and Pests Act, 1914 are 'age-old legislations' and 'inadequate or obsolete definitions in these Acts need to be updated'. However, this Act cannot simply be repealed without new provisions to replace the ones being repealed.

39. Prevention of Seditious Meetings Act, Act 10 of 1911

Category: Criminal Justice

Recommendation: Repeal

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).

**40. Bengal, Bihar and Orissa and Assam Laws
Act, Act 7 of 1912**

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

This 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. This was also recommended by the PC Jain Commission in its Appendix A-5.

**41. Wild Birds and Animals Protection Act, Act
8 of 1912**

Category: Environmental Law

Recommendation: Repeal

The 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.

**42. Destructive Insects and Pests Act, Act 2 of
1914.**

Category: Agriculture and Animal Husbandry

Recommendation: Repeal with the introduction of new law

The 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 Biosecurity 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.

**43. King of Oudh's Estate Validation Act, Act
12 of 1917**

Category: Land Laws

Recommendation: Repeal with consultation of the state(s)

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. This Act has also been recommended for repeal by the PC Jain Commission in its Appendix A-5.

**44. Police (Incitement to Disaffection) Act, Act
22 of 1922**

Category: Criminal Justice

Recommendation: Repeal

This colonial Act introduced as a curb to nationalist activities made it an offence to spread disaffection among the police. The Act is loosely worded and prone to misuse. Also, the Act does not

describe what amounts to 'disaffection'. This law acts as a significant curb on the freedom of speech, though it is not an obsolete law given some documented uses. However, 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.

45. Sheriff of Calcutta (Power of Custody) Act, Act 20 of 1931

Category: Criminal Justice

Recommendation: Repeal

This Act extended the powers of the Sheriffs 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. This Act has been recommended for repeal by the PC Jain Commission (Appendix A-5).

46. Public Suits Validation Act, Act 11 of 1932

Category: Civil Procedure

Recommendation: Repeal

This Act was enacted to validate certain suits relating to public matters instituted under Sections 91 and 92 of the Code of Civil Procedure, 1908 which were pending in 1932, and where the previous sanction of the State Government had not been obtained. These suits dealt with public nuisance and public trusts. This Act was

recommended for repeal by the PC Jain Commission Report in its Appendix A-5. 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.

47. Bengal Suppression of Terrorist Outrages (Supplementary) Act, Act 24 of 1932

Category: Criminal Justice

Recommendation: Repeal

This Act was enacted to supplement the Bengal Suppression of Terrorist Outrages Act, 1932 (the chief Act). The Supplementary Act has no relevance since the chief Act has been repealed. Further, this Act has been recommended for repeal by the PC Jain Commission in its Appendix A-5.

48. Children (Pledging of Labour) Act, Act 2 of 1933

Category: Labour Laws

Recommendation: Repeal

The Act was enacted to prohibit the pledging of the labour of children. However, the purpose of the 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 amount to approving child labour if 'reasonable wages' are paid to the child.

Additionally, the fines imposed under the Act are paltry and hardly serve as a deterrent. The Report of the Second Indian National Labour Commission, 2002 has recommended repeal of the Act. The Report points out that provisions relating to pledging of child labour can be incorporated as part of the criminal law of the country. The provisions of this Act are not in sync with the Child Labour (Prohibition and Regulation) Act, 1986 which is now in place to determine where, and under what conditions children can be employed. In addition, proposed amendments to the Child Labour (Prohibition and Regulation) Act, 1986, in 2014, seek to outlaw all forms of child labour. The provisions of this Act will be in conflict with these progressive amendments.

49. Assam Criminal Law Amendment (Supplementary) Act, Act 27 of 1934

Category: Criminal Justice

Recommendation: Repeal

The purpose of this Act was to supplement the Assam Criminal Law Amendment Act, 1934 (the chief Act). The chief Act and the Code of Criminal Procedure, 1898 find mention in this Act. Neither of these legislations exist any more. Further, the Code of Criminal Procedure, 1973 has replaced the Cr.P.C., 1898. Hence, the Supplementary Act is redundant.

50. Bangalore Marriages Validating Act, Act 16 of 1936

Category: Personal Laws

Recommendation: Repeal

The purpose of this Act was to validate certain marriages solemnised by Mr. Walter James McDonald Redwood (a certain priest) in Bangalore. The Act has now served its purpose and hence, should be repealed. This Act has been recommended for repeal by the PC Jain Commission in its Appendix A-1.

51. Berar Laws Act, Act 4 of 1941

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

This Act was enacted to extend the application of certain Central laws to the erstwhile province of Berar. The object of this 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. The 148th Law Commission Report, 1993 considered this Act, and recommend its repeal for 'obvious reasons'.

52. Railways (Local Authorities' Taxation) Act, Act 25 of 1941

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

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.

53. War Injuries (Compensation Insurance) Act, Act 23 of 1943

Category: Labour Laws

Recommendation: Repeal

The Act was 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. There is no evidence of this Act being used in the last five decades. Further, the provisions of this Act may be validly covered under the Personal Injuries Compensation Insurance Act 1963.

54. Junagadh Administration (Property) Act, Act 26 of 1948

Category: Land Laws

Recommendation: Repeal

This Act was enacted for the vesting of certain property belonging to the State of Junagadh in an Administrator appointed by the Central Government. Junagarh was an erstwhile princely state in British India. Junagadh is now a district in Gujarat and is not administered under this law. Hence, this Act is now obsolete. The PC Jain Commission (Appendix A-5) has also recommended repeal of this Act.

55. Continuance of Legal Proceedings Act, Act 38 of 1948

Category: Administration of Justice

Recommendation: Repeal

This Act authorises the continuance of certain proceedings against the then newly-created Dominion of India or the Provinces which were pending immediately before August 15, 1947. This Act has been recommended for repeal by the 96th Law Commission Report, 1984. While recommending its repeal, the Report mentions that the proceedings to which the Act refers must have by now been disposed of and hence, the law should be repealed as spent, subject to verification of the factual position. By way of abundant caution, a suitable savings clause may be inserted in the repealing law so that any pending proceedings are unaffected by the repeal of the Act.

56. Mangrol and Manavadar (Administration of Property) Act, Act 2 of 1949

Category: Land Laws

Recommendation: Repeal in consultation with relevant state(s)

This Act was enacted to provide for the vesting of certain properties belonging to the States of Mangrol and Manavadar in the Managers of the said States. Mangrol and Manavadar were both erstwhile princely states in British India. 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. Since princely states do not exist in India now, these territories are not under the administration of these rulers. Mangrol and Manavadar are both municipalities in the district of Junagadh in Gujarat and hence, are administered by the State Government. This Act is

now obsolete. The PC Jain Commission (Appendix A-5) has also recommended repeal of this Act.

57. Delhi Hotels (Control of Accommodation) Act, Act 24 of 1949

Category: Laws Relating to Administration of Union Territories and Delhi

Recommendation: Pending Repeal Bill should be passed.

This 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 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.

58. Companies (Donations to National Funds) Act, Act 54 of 1951

Category: Corporate Laws

Recommendation: Repeal

This Act enable companies to make donations to certain national funds, or any other Central Government- approved charitable Funds. The

159th Law Commission Report recommended that this Act be repealed after incorporating relevant changes under the Companies Act, 1956. With the enactment of Companies Act, 2013, 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. Hence, the purpose of this Act has been subsumed by the 2013 Act. In July, 2014, the Ministry of Corporate Affairs confirmed that the relevant provisions of this Act has already been incorporated in the new Companies Act, 2013. This Act is therefore redundant.

59. Indian Independence Pakistan Courts (Pending Proceedings) Act, Act 9 of 1952.

Category: Administration of Justice

Recommendation: Repeal

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.

60. Chandernagore (Merger) Act, Act 36 of 1954

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

The Act was enacted to provide for the merging of the French territory of Chandernagore into the State of West Bengal. The merger of territories has been achieved and the purpose of the Act is fulfilled. 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. This Act has also been recommended for repeal by the PC Jain Commission in its Appendix B.

61. Newspaper (Price and Page) Act, Act 45 of 1956

Category: Media, Communications and Publishing

Recommendation: Repeal

This Act 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. Section 3 of the 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. Section 3 was struck down in *Sakal Papers Pvt. Ltd. v. Union of India* [AIR 1962 SC 305] for violating Article 19(1)(a). 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.

62. Newspaper (Price and Page) Continuance Act, Act 36 of 1961

Category: Media, Communications and Publishing

Recommendation: Repeal

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.

63. Young Persons (Harmful Publications) Act, Act 93 of 1956

Category: Media, Communications and Publishing

Recommendation: Consider for repeal

This Act was enacted to prevent the dissemination of certain publications considered harmful to young persons. 'Young person' has been defined under the Act as a person under the age of 21 years which is consonant with several other

legislations defining the age of majority. Moreover, multiple laws govern this area—The IPC penalises speech and publications in various forms. The Protection of Children from Sexual Offences Act, 2012 (POCSO) was enacted *inter alia* to protect children from analogous harmful publications. This Act has also been recommended for repeal by the PC Jain Commission in its Appendix A-1.

64. Women's and Children's Institutions (Licensing) Act, Act 105 of 1956

Category: Women and Child Development

Recommendation: Repeal with allied amendment of newer legislation

The Act provides for the licensing of institutions for women and children. Institution under the Act are established and maintained for the reception, care, protection and welfare of women and children. 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. This stand taken by the Ministry was also affirmed by the High Court of Delhi in 2014 in *Chhatravas, Chandra Arya Vidya Mandir v. The Director, Department of Women and Child Development and Anr.* [MANU/DE/0566/2014]. However, 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).

65. Orissa Weights and Measures (Delhi Repeal) Act, Act 57 of 1958

Category: Consumer Affairs

Recommendation: Repeal

This Act was enacted to repeal the Orissa Weights and Measures Act, 1943, in its application to the Union territory of Delhi. This 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. Since the purpose of this Act has been fulfilled, it should be repealed. The Act has been recommended for repeal by the PC Jain Commission Report in its Appendix A-5 as well.

66. Travancore-Cochin Vehicles Taxation (Amendment and Validation) Act, Act 42 of 1959

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal in consultation with relevant state(s)

The Act was enacted to amend the Travancore-Cochin Vehicles Taxation Act, 1950. Its purpose has been served, and it can now be repealed. The PC Jain Commission has also recommended repeal of this Act in its Appendix A-1.

67. Mahendra Pratap Singh Estates (Repeal) Act, Act 48 of 1960

Category: Land Laws

Recommendation: Repeal

This Act was enacted to repeal the Mahendra Pratap Singh Estates Act, 1923. 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). The Act provided for granting his estate to his son. The repeal Act has now served its purpose and the 1923 Act is not in force any more. Hence, this 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 PC Jain Commission has also recommended repeal of this Act (Appendix A-5).

68. Land Acquisition (Amendment) Act, Act 31 of 1962

Category: Land Laws

Recommendation: Repeal

The Act amended the Land Acquisition Act, 1894 and validated certain acquisitions under the 1894 Act made before July 20th, 1962. The purpose of the Act has been fulfilled. Also, the 1894 Act has been repealed by Section 114(1) of the Right to Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation (LARR) Act, 2013 and replaced by this new statute. Hence, this Act is now redundant. It has also been recommended for repeal by the PC Jain Commission Report in its Appendix A-1.

69. Land Acquisition (Amendment and Validation) Act, Act 13 of 1967

Category: Land Laws

Recommendation: Repeal

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. This Act has also been recommended for repeal by the PC Jain Commission Report in its Appendix A-1.

70. Delhi and Ajmer Rent Control (Nasirabad Cantonment Repeal) Act, Act 49 of 1968

Category: Rent and Tenancy

Recommendation: Repeal

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). This Act 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 purpose of this Act has been served. Additionally, 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. The PC Jain Commission has recommended repeal of this Act in its Appendix A-1.

71. Parliamentary Proceedings (Protection of Publication) Repeal Act, Act 28 of 1976

Category: Parliament and State Legislatures

Recommendation: Repeal

This Act was enacted to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956. The 1956 Act has been repealed and hence, the repealing Act of 1976 has served its purpose. It is

now redundant. A newer law on this subject, the Parliamentary Proceedings (Protection of Publication) Act, 1977 is now in force.

72. Shipping Development Fund Committee (Abolition) Act, Act 66 of 1986

Category: Maritime Law; Shipping and Inland Navigation

Recommendation: Repeal

The purpose of this Act was to abolish the Shipping Development Fund Committee ('the 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. Also, this Act has been recommended for repeal by the PC Jain Commission in its Appendix A-1 and the 159th Report of the Law Commission, 1998.

Summing-up

4.6 In today's times when national economies are increasingly becoming globally 'interdependent' and 'interconnected', ignoring to recognize the above symbiotic linkages between law and economy can prove very costly to the nation. As the economy gets liberalised and modernised encompassing phenomenal changes brought in almost every walk of life the need for laws to keep pace with changes thus occurring become fundamental requirement lest there should appear legal gaps, inconsistencies and contradictions causing serious impediments to the processes of 'growth' and of 'development'.

4.7 To conclude, it may not be out of place to remember what one of eminent scholar of jurisprudence Puchta long ago had to say : "Law grows with the growth and strengthens with the

strength of people.....". We wonder whether 'law' in our system is growing and gaining strength or in many respects, say for example in case of obsolete, irrelevant and archaic laws remaining on the statute books still remain muddled and outmoded. There is urgent need to ensure that laws and legal structures keep pace and are reflective and responsive to growing needs and challenges of the time. Commission hopes that the suggestions and recommendations made in the report constitute a step in that march of law.

[Justice A.P. Shah]
Chairman

[Justice S.N. Kapoor] [Prof. (Dr.) Mool Chand Sharma] [Justice Usha Mehta]
Member Member Member

[Dr. S.S. Chahar]
Member-Secretary

[P.K. Malhotra]
Ex-officio Member

[Dr. Sanjay Singh]
Ex-officio Member

Appendix - I

(refer para of the report)

CATEGORIES OF CENTRAL LAWS

Category Value	Category	Brief Description	Number of laws in this category
1	Administration of Justice	Laws relating to the establishment and jurisdiction of various courts and their functioning. Further, it also includes all laws related to judges and legal services.	38
2	Agriculture and Animal Husbandry	Laws relating to agriculture, such as boards set up for promotion of certain agricultural produce and dairy products, relief related to agricultural lands, and protection of farmers rights.	9
3	Alternative Dispute Resolution	Laws that provide for alternative dispute resolution mechanisms.	2
4	Banking and Insurance	Laws setting up, regulating, and nationalising banks and insurance corporations.	28
5	Charitable and Religious Institutions; Cooperative Societies	This category provides for the setting up and regulation of charitable and religious institutions as well as various co-operative societies.	21
6	Citizenship; Admission into, Emigration to, and Expulsion from, India; and Cross-border Movement	Laws relating to citizenship and determining the majority age in India; Laws relating to foreigners, immigration laws and extradition laws.	15
7	Civil Procedure	Laws that lay down the procedural aspects of any civil suit.	14
8	Consumer Affairs	Laws relating to metrology and consumer protection.	6
9	Contracts and Torts	Laws relating to contracts, sale of goods, and partnership. In addition, it includes the few laws related to tort.	7
10	Corporate Laws	Laws relating to companies, including limited liability partnerships, company securities, and competition law.	8
11	Criminal Justice	Laws relating to the criminal justice system, including laws related to substantive offences, laws dealing with criminal procedure, and laws setting up and regulating	62

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		various institutions involved in criminal justice, such as the police, prisons, and other enforcement bodies.
12	Defence of India and Armed Forces	Laws relating to the armed forces of India, including the army, navy and air forces. It further includes laws relating to cantonments and those in relation to war or use of force, such as weapons.
13	Delimitation and Elections	Laws relating to elections at various levels as well as delimitation for the purposes of elections
14	Education	Laws that govern the educational sector, such as right to education and laws setting up of various educational boards.
15	Energy Laws	Laws relating to petroleum, oil, coal, natural gas, electricity, and nuclear power.
16	Environmental Law	Laws that provide for the protection of the environment and prevention of pollution.
17	Financial Laws	Laws related to the financial sector in India, including various specialised institutions other than banks.
18	Food and Public Distribution	Laws relating to essential commodities, regulation of certain food products, warehousing, and the establishment of food corporation of India.
19	Government Employees	Laws relating to public servants, including their conditions of service and other related acts.
20	Industries	Laws providing for the general regulation of all industries as well as laws dealing with certain industries such as mines.
21	Institutions of National and Cultural Importance	Laws that deal with institutions that have been either declared as institutions of national importance, are monuments or have cultural significance.
22	Intellectual Property Law	Laws related to different types of intellectual property including trademarks, copyrights and patents.
23	International Relations	Laws relating to international bodies and international relations of India, including diplomatic and consular relations.
24	Labour Laws	General laws relating to labour welfare and protection as well as the laws providing for the regulation and safeguard of labour in specific industries.

25	Land Laws	Laws relating to land acquisition, land ceiling, land administration laws prior to independence, and other land related laws.	42
26	Land Revenue	This category deals exclusively with the imposition, and the mechanism for imposing, land revenue by the government. Most of these laws are pre-independence era and would now be administered by States.	20
27	Laws Relating to Administration and Development of Local Areas	Laws relating to setting up of local level bodies, such as municipal corporations and district boards.	12
28	Laws Relating to Administration of Union Territories and Delhi	Laws relating to the general administration of Union Territories, and to the National Capital Territory of Delhi	23
29	Legal, Medical and Other Professions	Laws that regulates various professions and professionals, such as lawyers, doctors, chartered accountants, etc.	19
30	Maritime Law: Shipping and Inland Navigation	Laws relating to various aspects of maritime law, shipping and inland navigation.	25
31	Media, Communications and Publishing	Laws related to various forms of media, including print, newspapers and television. It also includes laws regulating different modes of communication and the publishing of books and newspapers.	17
32	Nationalisation	Laws that enabled and dealt with the nationalisation of various industries and companies, other than banks.	59
33	Ombudsman and Monitoring Bodies	Laws relating to the monitoring of government functions, such as those relating to the CAG, CVC and the Lokpal	5
34	Personal Laws	Laws governing the personal relationships of an individual, such as marriage, divorce, succession, etc.	31
35	President, Parliament and State Legislatures	Laws related to the organisation of the parliament and various state legislatures. Further, it also includes laws relating to the President, Vice-President, Governors and ministers.	21
36	Property Law	Laws relating to private property, such as trusts, easements, transfer of property etc.	15
37	Public Health	Laws related to disease control, disabilities, and other public health related laws. It also includes laws that regulate the standards for food, medicines, cosmetics etc.	17
38	Rent and Tenancy	Rent control laws as well as laws regulating landlord and tenant relationships.	11

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39	Residuary laws relating to Administration	This is a residuary category, which includes laws relating to changing of name of a State or Union Territory, laws relating to the administration of Union Territories, and other general laws applicable to the administration and legislature.	6
40	Social Welfare	Laws protecting various disadvantaged groups, including laws setting up commissions for such groups.	14
41	State Re-organisation and Extension of Laws	Laws related to the administrative formation of states and transfer of land in relation to re-organisation of States. In addition, laws that have extended, repealed or assimilated central or state laws of a certain area to other States or areas.	58
42	Symbols, Records and Statistics	Laws relating to national and state emblems, public records, and statistics collected for different purposes.	9
43	Taxes, Tolls & Cess Laws	Laws related to taxes, custom duties, excise, cess etc.	68
44	Textiles	Laws regulating various specialised textile industries.	7
45	Trade and Commerce	Laws relating to inter-state and international trade, including SEZs and import and export. In addition, it also includes the formation of Boards for the promotion of trade of certain cash crops.	21
46	Transportation and Infrastructure	Laws governing various aspects of the different modes of transportation, including railways, aircrafts, motor vehicles, ferries etc. It also includes laws relating to infrastructure of the country, including roads, waterways and dams.	30
47	Tribunals	Laws that establish specialised tribunals.	8
48	Universities and Technical Institutions	Laws that establish various universities, scientific and technical institutions.	46
49	Woman and Child Development	This category includes all laws that relate to the welfare and protection of women and children, including laws setting up commissions in this regard.	14
	Total		1086

CENTRAL LAWS ARRANGED ACCORDING TO CATEGORY

Category Value	Category	Sl. No.	Year	Act. No.	Name
1	Administration of Justice	1.1	1850	18	Judicial Officers Protection Act
		1.2	1852	8	Sheriffs' Fees Act
		1.3	1869	14	Bombay Civil Courts Act
		1.4	1870	7	Court-fees Act
		1.5	1871	19	Bengal Sessions Courts Act
		1.6	1873	3	Madras Civil Courts Act
		1.7	1875	18	Indian Law Reports Act
		1.8	1882	15	Presidency Small Cause Courts Act
		1.9	1887	9	Provincial Small Cause Courts Act
		1.10	1887	12	Bengal, Agra and Assam Civil Courts Act
		1.11	1888	12	City of Bombay Municipal (Supplementary) Act
		1.12	1891	16	Colonial Courts of Admiralty (India) Act
		1.13	1892	7	Madras City Civil Court Act
		1.14	1919	15	Calcutta High Court (Jurisdictional Limits) Act
		1.15	1931	20	Sheriff of Calcutta (Power of Custody) Act
		1.16	1936	5	Decrees and Orders Validating Act
		1.17	1948	38	Continuance of Legal Proceedings Act

1.18	1950	7	High Courts (Seals) Act
1.19	1950	18	Special Criminal Courts (Jurisdiction) Act
1.20	1952	9	Indian Independence Pakistan Courts (Pending Proceedings) Act
1.21	1953	41	Calcutta High Court (Extension of Jurisdiction) Act
1.22	1954	28	High Court Judges (Salaries and Conditions of Service) Act
1.23	1955	56	Manipur (Courts) Act
1.24	1956	55	Supreme Court (Number of Judges) Act
1.25	1958	41	Supreme Court Judges (Salaries and Conditions of Service) Act
1.26	1966	26	Delhi High Court Act
1.27	1967	28	Court-fees (Delhi Amendment) Act
1.28	1968	51	Judges (Inquiry) Act
1.29	1970	28	Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act
1.30	1971	70	Contempt of Courts Act
1.31	1976	57	High Court at Patna (Establishment of a Permanent Bench at Ranchi) Act
1.32	1976	77	Disturbed Areas (Special Courts) Act
1.33	1981	26	High Court at Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Act
1.34	1984	61	Terrorist Affected Areas (Special Courts) Act
1.35	1984	66	Family Courts Act
1.36	1985	59	Judges (Protection) Act
1.37	1992	27	Special Court (Trial of Offences Relating to Transactions in Securities) Act

				Gram Nyayalayas Act
				<i>See Also,</i> Taxes, Tolls & Cess Laws: Union Territories (Stamp and Court-fees Laws) Act
2	Agriculture and Animal Husbandry			<i>180</i>
	2.1	1879	17	Dekkan Agriculturists' Relief Act
	2.2	1884	12	Agriculturists' Loans Act
	2.3	1962	26	National Co-operative Development Corporation Act
	2.4	1966	54	Seeds Act
	2.5	1983	29	National Oil Seeds and Vegetable Oils Development Board Act
	2.6	1987	37	National Dairy Development Board Act
	2.7	1992	12	Destructive Insects and Pests (Amendment and Validation) Act
	2.8	2001	53	Protection of Plant Varieties and Farmer's Right Act
	2.9	2005	24	Coastal Aquaculture Authority Act
				<i>See Also,</i> Trade and Commerce: Agricultural and Processed Food Products Export Development Authority Act, 1985 Taxes, Tolls & Cess Laws: Cotton Copra and Vegetable Oils Cess (Abolition) Act Produce Cess Laws (Abolition) Act

3 Alternative Dispute Resolution				
	3.1	1987	39	Legal Services Authorities Act
	3.2	1996	26	Arbitration and Conciliation Act
				See Also,
				Civil Procedure:
				Goa, Daman and Diu (Extension of the Code of Civil Procedure and the Arbitration Act) Act
4 Banking and Insurance	4.1	1873	5	Government Savings Banks Act
	4.2	1934	2	Reserve Bank of India Act
	4.3	1938	4	Insurance Act
	4.4	1948	62	Reserve Bank (Transfer of Public Ownership) Act
	4.5	1949	10	Banking Regulation Act
	4.6	1950	*	State Bank of (Samastha) Act
	4.7	1953	54	Reserve Bank of India (Amendment and Miscellaneous Provisions) Act
	4.8	1955	23	State Bank of India Act
	4.9	1956	31	Life Insurance Corporation Act
	4.10	1956	79	State Bank of Hyderabad Act
	4.11	1959	38	State Bank of India (Subsidiary Banks) Act
	4.12	1962	56	State Associated Banks (Miscellaneous Provisions) Act
	4.13	1965	23	Banking Laws (Application to Co-operative Societies) Act

4.14	1970	5	Banking Companies (Acquisition and Transfer of Undertakings) Act
4.15	1972	57	General Insurance Business (Nationalisation) Act
4.16	1976	21	Regional Rural Banks Act
4.17	1976	72	Life Insurance Corporation (Modification of Settlement) Act
4.18	1980	40	Banking Companies (Acquisition and Transfer of Undertakings) Act
4.19	1981	28	Export-Import Bank of India Act
4.20	1981	61	National Bank for Agriculture and Rural Development Act
4.21	1982	62	State Bank of Sikkim (Acquisition of Shares) and Miscellaneous Provisions Act
4.22	1985	3	General Insurance Business (Nationalisation) Amendment Act
4.23	1987	53	National Housing Bank Act
4.24	1989	39	Small Industries Development Bank of India Act
4.25	1997	7	Industrial Reconstruction Bank (Transfer of Undertakings and Repeal) Act 182
4.26	1999	41	Insurance Regulatory and Development Authority Act
4.27	2003	53	Industrial Development Bank (Transfer of Undertaking and Repeal) Act State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment
4.28	2009	48	Act, 2009
			See Also, Environmental Law: Public Liability Insurance Act

5 Charitable and Religious Institutions; Co-operative Societies	5.1	1860	21	Societies Registration Act
	5.2	1863	20	Religious Endowments Act
	5.3	1880	1	Religious Societies Act
	5.4	1890	6	Charitable Endowments Act
	5.5	1899	23	Church of Scotland Kirk Sessions Act
	5.6	1912	2	Co-operative Societies Act
	5.7	1913	6	Mussalman Wakf Validating Act
	5.8	1920	14	Charitable and Religious Trusts Act
	5.9	1920	15	Indian Red Cross Society Act
	5.10	1923	42	Mussalman Wakf Act
	5.11	1925	24	Sikh Gurdwaras (Supplementary) Act
	5.12	1930	32	Mussalman Wakf Validating Act
	5.13	1955	36	Durgah Khawaja Sahab Act
	5.14	1959	29	Public Wakfs (Extension of Limitation) Act
	5.15	1971	82	Delhi Sikh Gurdwaras Act
	5.16	1988	41	Religious Institutions (Prevention of Misuse) Act
	5.17	1988	54	Auroville Foundation Act
	5.18	1991	42	Places of Worship (Special Provisions) Act

	5.19	1995	43	Wakf Act
	5.20	2002	35	Haj Committee Act
	5.21	2002	39	Multi-State Co-operative Societies Act
6	Citizenship; Admission into, Emigration to, and Expulsion from, India; and Cross-border Movement			
6.1	1875	9	Majority Act	
6.2	1920	34	Passport (Entry into India) Act	
6.3	1939	16	Registration of Foreigners Act	
6.4	1946	31	Foreigners Act	
6.5	1948	58	Exchange of Prisoners Act	
6.6	1950	10	Immigrants (Expulsion from Assam) Act	
6.7	1955	57	Citizenship Act	
6.8	1962	34	Extradition Act	
6.9	1962	42	Foreigners Law (Application and Amendment) Act	
6.10	1967	15	Passports Act	
6.11	1983	31	Emigration Act	
6.12	1983	39	Illegal Migrants (Determination by Tribunals) Act	
6.13	2000	52	Immigration (Carriers' Liability) Act	
6.14	2003	49	Repatriation of Prisoners Act	
	6.15	2010	31	Land Ports Authority of India Act, 2010
7	Civil Procedure	7.1	1855	12 Legal Representatives' Suits Act

7.2	1872	1	Indian Evidence Act
7.3	1887	7	Suits Valuation Act
7.4	1891	18	Bankers' Books Evidence Act
7.5	1908	5	Code of Civil Procedure
7.6	1908	16	Registration Act
7.7	1921	18	Maintenance Orders Enforcement Act
7.8	1932	11	Public Suits Validation Act
7.9	1939	30	Commercial Documents Evidence Act
7.10	1963	36	Limitation Act
7.11	1965	30	Goa, Daman and Diu (Extension of the Code of Civil Procedure and the Arbitration Act) Act
7.12	1969	44	Oaths Act
7.13	1978	14	Interest Act
7.14	1985	21	Bhopal Gas Leak Disaster (Processing of Claims) Act
See Also,			
Media, Communications and Publishing: Information Technology Act			
8 Consumer Affairs	8.1	1937	1 Agricultural Produce (Grading and Marking) Act
	8.2	1951	39 Marking of Heavy Packages Act
	8.3	1958	57 Orissa Weights and Measures (Delhi Repeal) Act

				Standards of Weights and Measures (Extension to Kohima and Mokokchung Districts) Act
8.4	1967	25		
8.5	1986	68	Consumer Protection Act	
8.6	2010	1	Legal Metrology Act, 2009	
9 Contracts and Torts				
9.1	1855	13	Fatal Accidents Act	
9.2	1871	1	Cattle-trespass Act	
9.3	1872	9	Indian Contract Act	
9.4	1882	7	Powers-of-Attorney Act	
9.5	1930	3	Sale of Goods Act	
9.6	1932	9	Indian Partnership Act	
9.7	1963	47	Specific Relief Act	
10 Corporate Laws				
10.1	1949	7	Scheduled Securities (Hyderabad) Act	
10.2	1951	54	Companies (Donations to National Funds) Act	
10.3	1960	63	Preference Shares (Regulation of Dividends) Act	
10.4	2003	12	Competition Act, 2002	
10.5	2004	1	Sick Industrial Companies (Special Provisions) Repeal Act, 2003	
10.6	2007	50	Tyre Corporation of India Limited (Disinvestment of Ownership) Act	
10.7	2009	6	Limited Liability Partnership Act	
10.8	2013	18	Companies Act, 2013	
				<i>See Also,</i>
				Legal, Medical and Other Professionals:
				Company Secretaries Act

11.1	1854	16	Police, Agra
11.2	1856	20	Bengal Chaukidari Act
11.3	1857	21	Howrah Offences Act
11.4	1859	12	Calcutta Pilots Act
11.5	1859	24	Madras District Police Act
11.6	1860	45	Indian Penal Code
11.7	1861	5	Police Act
11.8	1867	3	Public Gambling Act
11.9	1871	4	Coroners Act
11.10	1873	16	North-Western Provinces Village and Road Police Act
11.11	1876	19	Dramatic Performances Act
11.12	1881	13	Fort William Act
11.13	1888	3	Police Act
11.14	1894	9	Prisons Act
11.15	1900	3	Prisoners Act
11.16	1908	6	Explosive Substances Act
11.17	1908	14	Indian Criminal Law Amendment Act
11.18	1911	10	Prevention of Seditious Meetings Act
11.19	1920	33	Identification of Prisoners Act
11.20	1922	22	Police (Incitement to Disaffection) Act
11.21	1923	19	Official Secrets Act

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11.22	1925	8	Bengal Criminal Law Amendment (Supplementary) Act
11.23	1932	23	Criminal Law (Amendment) Act
11.24	1932	24	Bengal Suppression of Terrorist Outrages (Supplementary) Act
11.25	1934	27	Assam Criminal Law Amendment (Supplementary) Act
11.26	1938	20	Criminal Law (Amendment) Act
11.27	1946	25	Delhi Special Police Establishment Act
11.28	1948	52	Bombay Public Security Measures (Delhi Amendment) Act
11.29	1949	64	Police Act
11.30	1949	66	Central Reserve Police Force Act
11.31	1950	29	Transfer of Prisoners Act
11.32	1952	60	Commissions of Inquiry Act
11.33	1952	63	State Armed Police Forces (Extension of Laws) Act
11.34	1955	32	Prisoners (Attendance in Courts) Act
11.35	1956	104	Immoral Traffic (Prevention) Act
11.36	1957	23	Railway Protection Force Act
11.37	1958	20	Probation of Offenders Act
11.38	1959	54	Arms Act (Reprint 1967).
11.39	1966	33	Police Forces (Restriction of Rights) Act
11.40	1967	16	Anti-Corruption Laws (Amendment) Act
11.41	1967	37	Unlawful Activities (Prevention) Act

11.42	1971	69	Prevention of Insults to National Honour Act
11.43	1974	2	Code of Criminal Procedure, 1973
11.44	1974	12	Economic Offences (Inapplicability of Limitation) Act
11.45	1976	106	Untouchability (Offences) Amendment and Miscellaneous Provision Act
11.46	1978	34	Delhi Police Act
11.47	1980	65	National Security Act
11.48	1983	32	Punjab Disturbed Areas Act
11.49	1983	33	Chandigarh Disturbed Areas Act
11.50	1984	3	Prevention of Damage to Public Property Act
11.51	1985	58	Intelligence Organisations (Restriction on Rights) Act
11.52	1985	61	Narcotic Drugs and Psychotropic Substances Act
11.53	1986	47	National Security Guard Act
11.54	1988	34	Special Protection Group Act
11.55	1988	46	Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act
11.56	1988	49	Prevention of Corruption Act
11.57	1989	33	Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act
11.58	1993	36	SAARC Convention (Suppression of Terrorism) Act
11.59	2004	26	Prevention of Terrorism (Repeal) Act
11.60	2006	49	Indian Rifles (Repeal) Act
11.61	2008	34	National Investigation Agency Act

11.62	2012	32	Protection of Children From Sexual Offences Act, 2012	
			<i>—180—</i>	
			See Also,	
			Civil Procedure:	
			Bankers' Books Evidence Act	
			Commercial Documents Evidence Act	
			Oaths Act	
			Indian Evidence Act	
			Financial Laws:	
			Benami Transactions (Prohibition) Act	
			Government Employees:	
			Central Vigilance Commission Act	
			Whistle Blowers Protection Act, 2011	
12	Defence of India and Armed Forces			
12.1	1888	4	Indian Reserve Forces Act	
12.2	1892	5	Bengal Military Police Act	
12.3	1903	7	Works of Defence Act	
12.4	1923	6	Cantonments (House Accommodation) Act	
12.5	1923	7	Indian Naval Armament Act	
12.6	1925	4	Indian Soldiers (Litigation) Act	
12.7	1938	5	Manoeuvres, Field Firing and Artillery Practice Act	
12.8	1947	15	Armed Forces (Emergency Duties) Act	
12.9	1947	16	Trading with the Enemy (Continuance of Emergency Provisions) Act	

12.10	1948	31	National Cadet Corps Act
12.11	1948	56	Territorial Army Act
12.12	1949	8	Seaward Artillery Practice Act
12.13	1950	40	Army and Air Force (Disposal of Private Property) Act
12.14	1950	45	Air Force Act
12.15	1950	46	Army Act
12.16	1952	62	Reserve and Auxiliary Air Forces Act
12.17	1954	31	Shillong (Rifle Range and Umlong) Cantonments Assimilation of Laws Act
12.18	1955	19	Commanders-in-Chief (Change in Designation) Act
12.19	1956	53	Lok Sahayak Sena Act (Reprint)
12.20	1957	46	Cantonments (Extension of Rent Control Laws) Act
12.21	1957	62	Navy Act
12.22	1958	28	Armed Forces (Special Powers) Act
12.23	1962	51	Defence of India Act
12.24	1968	27	Civil Defence Act
12.25	1968	34	Enemy Property Act
12.26	1968	47	Border Security Force Act
12.27	1971	59	Naval and Aircraft Prize Act
12.28	1972	28	National Service Act

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12.29	1983	34	Armed Forces (Punjab and Chandigarh) Special Powers Act
12.30	1990	21	Armed Forces (Jammu and Kashmir) Special Powers Act
12.31	1992	35	Indo-Tibetan Border Police Force Act
12.32	2006	41	Cantonments Act
12.33	2006	47	Assam Rifles Act
12.34	2007	53	Sashastra Seema Bal Act
			<i>See Also,</i>
			Government Employees:
			Railways Employment of Members of the Armed Forces Act
13	Delimitation and Elections		
13.1	1950	43	Representation of the People Act
13.2	1951	43	Representation of the People Act
13.3	1952	31	Presidential and Vice-Presidential Elections Act
13.4	1956	88	Representation of the People (Miscellaneous Provisions) Act
13.5	1959	10	Parliament (Prevention of Disqualification) Act
13.6	1965	49	Union Territories (Direct Election to the House of the People) Act
13.7	1968	3	Jammu and Kashmir Representation of the People (Supplementary) Act
13.8	1976	10	Election Laws (Extension to Sikkim) Act
13.9	1977	16	Disputed Elections (Prime Minister and Speaker) Act
13.10	1991	11	Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act

	13.11	2002	33	Delimitation Act
14 Education	14.1	1956	3	University Grants Commission Act
	14.2	1960	39	Delhi Primary Education Act
	14.3	1973	18	Delhi School Education Act
	14.4	1987	52	All India Council for Technical Education Act
	14.5	1993	73	National Council for Teacher Education Act
	14.6	2005	2	National Commission for Minority Educational Institutions Act, 2004
	14.7	2007	5	Central Educational Institutions (Reservation in Admission) Act
	14.8	2009	9	Science and Engineering Research Board Act
	14.9	2009	35	Right of Children to Free and Compulsory Education Act, 2009
	15 Energy Laws			
	15.1	1857	5	Oriental Gas Company
	15.2	1867	11	Oriental Gas Company
	15.3	1934	30	Petroleum Act
	15.4	1948	14	Damodar Valley Corporation Act
	15.5	1948	53	Oil Fields (Regulation and Development) Act
	15.6	1957	20	Coal Bearing Areas (Acquisition and Development) Act
	15.7	1962	33	Atomic Energy Act
	15.8	1962	50	Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act
	15.9	1971	54	Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act

15.10	1974	28	Coal Mines (Conservation and Development) Act
15.11	1974	47	Oil Industry (Development) Act
15.12	2000	45	Coal India (Regulation of Transfer and Validation) Act
15.13	2001	52	Energy Conservation Act
15.14	2003	36	Electricity Act
15.15	2006	19	Petroleum and Natural Gas Regulatory Board Act
15.16	2010	38	Civil Liability for Nuclear Damage Act, 2010
16 Environmental Law			
16.1	1879	6	Elephants' Preservation Act
16.2	1882	21	Madras Forest (Validation) Act
16.3	1897	4	Indian Fisheries Act
16.4	1912	8	Wild Birds and Animals Protection Act
16.5	1927	16	Indian Forest Act
16.6	1960	59	Prevention of Cruelty to Animals Act
16.7	1972	53	Wild Life (Protection) Act
16.8	1974	6	Water (Prevention and Control of Pollution) Act
16.9	1980	69	Forest (Conservation) Act
16.10	1981	14	Air (Prevention and Control of Pollution) Act
16.11	1986	29	Environment (Protection) Act
16.12	1991	6	Public Liability Insurance Act
16.13	2003	18	Biological Diversity Act, 2002

See Also,

Taxes, Tolls & Cess Laws:

Water (Prevention and Control of Pollution) Cess

Act Social Welfare:

Scheduled Tribes and other Traditional Forest Dwellers
(Recognition of Forest Rights) Act

17 Financial Laws		
17.1	1855	28 Usury Laws Repeal Act
17.2	1876	15 Bombay Municipal Debentures Act
17.3	1881	26 Negotiable Instruments Act
17.4	1909	3 Presidency-towns Insolvency Act
17.5	1914	9 Local Authorities Loans Act
17.6	1917	18 Post Office Cash Certificates Act
17.7	1918	10 Usurious Loans Act
17.8	1920	5 Provincial Insolvency Act
17.9	1944	18 Public Debt Act
17.10	1950	49 Contingency Fund of India Act
17.11	1951	33 Finance Commission (Miscellaneous Provisions) Act
17.12	1951	63 State Financial Corporations Act
17.13	1952	74 Forward Contracts (Regulation) Act
17.14	1956	42 Securities Contracts (Regulation) Act
17.15	1959	46 Government Savings Certificates Act (Reprint)
17.16	1961	47 Deposit Insurance and Credit Guarantee Corporation Act

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17.17	1963	21	Compulsory Deposit Scheme Act
17.18	1964	28	Legal Tender (Inscribed Notes) Act
17.19	1968	60	State Agricultural Credit Corporation Act
17.20	1974	37	Additional Emoluments (Compulsory Deposit) Act
17.21	1974	52	Conservation of Foreign Exchange and Prevention of Smuggling Activities Act
17.22	1976	13	Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act
17.23	1978	11	High Denomination Bank Notes (Demonetisation) Act
17.24	1978	21	Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Act
17.25	1978	43	Prize Chits and Money Circulation Scheme (Banning) Act
17.26	1979	24	Union Duties of Excise (Distribution) Act
17.27	1982	40	Chit Funds Act
17.28	1983	48	Public Financial Institutions (Obligation as to Fidelity and Secrecy) Act
17.29	1988	45	Benami Transactions (Prohibition) Act
17.30	1991	41	Remittances of Foreign Exchange and Investment in Foreign Exchange Bonds (Immunities and Exemptions) Act
17.31	1992	15	Securities and Exchange Board of India Act
17.32	1993	25	Gold Bonds (Immunities and Exemptions) Act
17.33	1996	22	Depositories Act
17.34	1999	42	Foreign Exchange Management Act

Enforcement of Financial Assets and Reconstruction of Financial Assets and Enforcement of

17.35	2002	54	Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act
17.36	2002	58	Unit Trust of India (Transfer of Undertaking and Repeal) Act
17.37	2003	15	Prevention of Money Laundering Act, 2002
17.38	2003	39	Fiscal Responsibility and Budget Management Act
17.39	2005	30	Credit Information Companies (Regulation) Act
17.40	2006	38	Government Securities Act
17.41	2007	51	Payment of Settlement Systems Act
17.42	2010	42	Foreign Contribution (Regulation) Act, 2010
17.43	2011	11	Coinage Act, 2011
17.44	2012	12	Factoring Regulation Act, 2011
17.45	2013	23	Pension Fund Regulatory and Development Authority Act, 2013
18 Food and Public Distribution	18.1	1934	15 Sugarcane Act
	18.2	1955	10 Essential Commodities Act
	18.3	1961	55 Sugar (Regulation of Production) Act
	18.4	1962	58 Warehousing Corporations Act
	18.5	1964	37 Food Corporations Act
	18.6	1965	20 Warehousing Corporations (Supplementary) Act
	18.7	1965	42 Cardamom Act

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18.8	1976	31	Levy Sugar Price Equalisation Fund Act
18.9	1980	7	Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act
18.10	1982	4	Sugar Development Fund Act
18.11	2007	37	Warehousing (Development and Regulation) Act
18.12	2013	20	National Food Security Act, 2013
			See Also,
			Taxes, Tolls & Cess Laws:
			U.P. Sugarcane Cess (Validation) Act
			Sugar Cess Act
19.1	1850	12	Public Accountants' Defaults Act
19.2	1850	37	Public Servants (Inquiries) Act
19.3	1857	7	Madras Uncovenanted Officers' Act
19.4	1871	23	Pensions Act
19.5	1919	1	Local Authorities Pensions and Gratuities Act
19.6	1951	61	All-India Services Act
19.7	1957	44	Public Employment (Requirement as to Residence) Act
19.8	1963	45	Administrators-General Act
19.9	1965	40	Railways Employment of Members of the Armed Forces Act
19.10	1965	50	Goa, Daman and Diu (Absorbed Employees) Act

**19
Government Employees**

				Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents)
19.11	1972	18	Act	
19.12	1972	59	Former Secretary of State Service Officers (Conditions of Service) Act	
19.13	1975	19	All-India Services Regulations (Indemnity) Act	
19.14	1976	59	Departmentalisation of Union Accounts (Transfer of Personnel) Act	
			Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees)	
19.15	1988	44	Act	
			See Also,	
			Criminal Justice:	
			Anti-Corruption Laws (Amendment) Act,	
			Prevention of Corruption Act	
20.1	1884	4	Explosives Act	
20.2	1886	5	Mirzapur Stone Mahal Act	
20.3	1913	5	White Phosphorus Matches Prohibition Act	
20.4	1923	5	Indian Boilers Act	
20.5	1951	65	Industries (Development and Regulation) Act	
20.6	1952	20	Inflammable Substances Act	
20.7	1953	45	Coir Industry Act	
20.8	1956	61	Khadi and Village Industries Commission Act	

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20.9	1957	67	Mines and Minerals (Development and Regulation) Act
20.10	1968	50	Central Industrial Security Force Act
20.11	1978	16	Public Sector Iron and Steel Companies (Restructuring) and Miscellaneous Provisions Act
20.12	1983	35	Dangerous Machines (Regulation) Act
20.13	1987	16	Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act
20.14	1995	44	Technology Development Board Act
20.15	1999	40	Central Industrial Security Force (Amendment and Validation) Act
20.16	2003	17	Offshore Areas Mineral (Development and Regulation) Act, 2002
20.17	2006	27	Micro, Small and Medium Enterprises Development Act, 2006
			<i>See Also,</i>
			Taxes, Tolls & Cess Laws:
			Cess and Other Taxes on Minerals (Validation) Act
21 Institutions of National and Cultural Importance	21.1	1903	10 Victoria Memorial Act
	21.2	1904	7 Ancient Monuments Preservation Act
	21.3	1910	10 Indian Museum Act
	21.4	1948	51 Imperial Library (Change of Name) Act
	21.5	1951	25 Jallianwala Bagh National Memorial Act
	21.6	1951	41 Rajghat Samadhi Act

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Ancient Monuments and Archaeological Sites and Remains Act

21.7	1958	24	Ancient Monuments and Archaeological Sites and Remains Act
21.8	1959	57	Indian Statistical Institute Act
21.9	1961	26	Salar Jung Museum Act
21.10	1962	13	Hindi Sahitya Sammelan Act
21.11	1964	14	Dakshina Bharat Hindi Prachar Sabha Act
21.12	1969	43	Khuda Bakhsh Oriental Public Library Act
21.13	1975	22	Rampur Raza Library Act
21.14	1976	76	National Library of India Act
21.15	1984	5	Asiatic Society Act
21.16	1994	6	Kalakshetra Foundation Act, 1993
21.17	2001	29	Indian Council of World Affairs Act
			Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010
21.18	2010	10	
22.1	1950	78	Khaddar (Protection of Name) Act
22.2	1957	14	Copyright Act
22.3	1970	39	Patents Act (Reprint)
22.4	1999	47	Trade Marks Act
22.5	1999	48	Geographical Indications of Goods (Registration and Protection) Act
22.6	2000	16	Designs Act
22.7	2000	37	Semiconductor Integrated Circuits Layout-Design Act

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23 International Relations

	23.1	1874	4	Foreign Recruiting Act
	23.2	1943	9	Reciprocity Act
	23.3	1945	47	International Monetary Fund and Bank Act
	23.4	1947	43	United Nations (Security Council) Act
	23.5	1947	46	United Nations (Privileges and Immunities) Act
	23.6	1947	47	Foreign Jurisdiction Act
	23.7	1948	41	Diplomatic and Consular Officers (Oaths and Fees) Act
	23.8	1958	42	International Finance Corporation (Status, Immunities and Privileges) Act
	23.9	1960	6	Geneva Conventions Act
	23.10	1960	32	International Development Association (Status, Immunities and Privileges) Act
	23.11	1966	18	Asian Development Bank Act
	23.12	1972	43	Diplomatic Relations (Vienna Convention) Act
	23.13	1973	2	Diplomatic and Consular Officers (Oaths and Fees) (Extension to Jammu and Kashmir) Act
	23.14	1975	20	Tokyo Convention Act
	23.15	1981	48	Anti-Apartheid (United Nations Convention) Act
	23.16	1982	1	African Development Fund Act
	23.17	1982	65	Anti-Hijacking Act

23.18	1982	66																	
23.19	1983	13	African Development Bank Act																
23.20	2000	34	Chemical Weapons Convention Act																
23.21	2005	21	The Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005																
24.1	1858	1	Madras Compulsory Labour Act																
24.2	1886	21	Oudh Wasikas Act																
24.3	1923	8	Workmen's Compensation Act																
24.4	1925	19	Provident Funds Act																
24.5	1926	16	Trade Unions Act																
24.6	1933	2	Children (Pledging of Labour) Act																
24.7	1936	4	Payment of Wages Act																
24.8	1938	24	Employers' Liability Act																
24.9	1942	18	Weekly Holidays Act																
24.10	1943	23	War Injuries (Compensation Insurance) Act																
24.11	1946	20	Industrial Employment (Standing Orders) Act																
24.12	1946	22	Mica Mines Labour Welfare Fund Act																
24.13	1947	14	Industrial Disputes Act																
24.14	1948	9	Dock Workers (Regulation of Employment) Act																
24.15	1948	11	Minimum Wages Act																

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24.16	1948	34	Employees' State Insurance Act
24.17	1948	46	Coal Mines Provident Fund and Miscellaneous Provisions Act
24.18	1948	63	Factories Act
24.19	1949	54	Industrial Disputes (Banking and Insurance Companies) Act
24.20	1951	69	Plantations Labour Act
24.21	1952	19	Employees' Provident Funds and Miscellaneous Provisions Act
24.22	1952	35	Mines Act
			Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act
24.23	1955	45	
24.24	1956	36	Industrial Disputes (Amendment and Miscellaneous Provisions) Act
24.25	1958	29	Working Journalists (Fixation of Rates of Wages) Act
24.26	1959	31	Employment Exchanges (Compulsory Notification of Vacancies) Act
24.27	1961	27	Motor Transport Workers Act
24.28	1961	52	Apprentices Act
24.29	1961	53	Maternity Benefit Act
24.30	1962	59	Personal Injuries (Emergency Provision) Act
24.31	1963	37	Personal Injuries (Compensation Insurance) Act
24.32	1965	21	Payment of Bonus Act
24.33	1966	32	Beedi and Cigar Workers (Conditions of Employment) Act

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24.34	1968	23	Public Provident Fund Act
24.35	1970	37	Contract Labour (Regulation and Abolition) Act
24.36	1970	51	Central Labour Laws (Extension to Jammu and Kashmir) Act
24.37	1972	39	Payment of Gratuity Act
24.38	1972	62	Limestone and Dolomite Mines Labour Welfare Fund Act
24.39	1976	11	Sales Promotion Employees (Conditions of Service) Act
24.40	1976	19	Bonded Labour System (Abolition) Act
24.41	1976	25	Equal Remuneration Act
24.42	1976	61	Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act
24.43	1976	62	Beedi Workers Welfare Fund Act
24.44	1979	30	Inter-State Migrant Workmen Regulation of Employment and Condition of Service) Act
24.45	1980	41	Essential Services Maintenance (Assam) Act
24.46	1981	33	Cine-Workers Welfare Fund Act
24.47	1981	50	Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act
24.48	1986	27	Coal Mines Labour Welfare Fund (Repeal) Act
24.49	1986	54	Dock Workers (Safety, Health and Welfare) Act
24.50	1986	61	Child Labour Prohibition and Regulation) Act
24.51	1988	51	Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act

24.52	1993	41	Beedi and Cigar Workers (Conditions of Employment) Amendment Act
24.53	1993	46	Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act
24.54	1996	27	Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act
24.55	1997	31	Dock Workers (Regulation of Employment) (Inapplicability to Major Ports) Act
24.56	2005	29	Private Security Agencies (Regulation) Act
24.57	2005	42	National Rural Employment Guarantee Act
24.58	2007	23	National Rural Employment Guarantee (Extension to Jammu And Kashmir) Act
24.59	2008	33	Unorganised Workers' Social Security Act
24.60	2014	7	The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 See Also, Taxes, Tolls & Cess Laws: Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Cess Act Beedi Workers Welfare Cess Act Cine-Workers Welfare Cess Act Building and Other Construction Workers' Welfare Cess Act Industries: Dangerous Machines (Regulation) Act Social Welfare:

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25	Land Laws			
25.1	1836	10	Bengal Indigo Contracts Act	
25.2	1837	36	Madras Public Property Malversation Act	
25.3	1850	25	Forfeited Deposits Act	
25.4	1852	11	Bombay Rent-free Estates Act	
25.5	1859	5	Bengal Ghatwali Lands Act	
25.6	1863	19	Partition of Revenue-paying Estates	
25.7	1863	23	Waste-Lands (Claims) Act	
25.8	1866	26	Oudh Sub-settlement Act	
25.9	1869	1	Oudh Estates Act	
25.10	1870	24	Oudh Taluqdars' Relief Act	
25.11	1876	6	Chota Nagpur Encumbered Estates Act	
25.12	1877	14	Brocach and Kaira Incumbered Estates Act	
25.13	1883	10	Bikrama Singh's Estates Act	

25.14	1883	19	Land Improvement Loans Act
25.15	1885	18	Land Acquisition (Mines) Act
25.16	1887	19	King of Oudh's Estate Act
25.17	1888	14	King of Oudh's Estate Act
25.18	1891	15	Murshidabad Act
25.19	1893	2	Porahat Estate Act
25.20	1917	12	King of Oudh's Estate Validation Act
25.21	1933	23	Murshidabad Estate Administration Act
25.22	1936	18	Red Cross Society (Allocation of Property) Act
25.23	1941	12	Delhi Restriction of Uses of Land Act
25.24	1948	26	Junagarh Administration (Property) Act
25.25	1948	60	Resettlement of Displaced Persons (Land Acquisition) Act
25.26	1948	66	Delhi and Ajmer-Merwara Land Development Act
25.27	1949	2	Mangrol and Manavadar (Administration of Property) Act
25.28	1949	51	Requisitioned Land (Apportionment of Compensation) Act
25.29	1952	30	Requisitioning and Acquisition of Immovable Property Act
25.30	1954	23	State Acquisition of Lands for Union Purposes (Validation) Act
25.31	1956	96	Slum Areas (Improvement and Clearance) Act
25.32	1960	24	Delhi Land Holdings (Ceiling) Act

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25.33	1960	33	Manipur Land Revenue and Land Reforms Act
25.34	1960	48	Mahendra Pratap Singh Estate (Repeal) Act
25.35	1962	31	Land Acquisition (Amendment) Act
25.36	1967	13	Land Acquisition (Amendment and Validation) Act
25.37	1969	42	Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act
25.38	1971	40	Public Premises (Eviction of Unauthorised Occupants) Act
25.39	1972	30	Delhi Lands (Restriction on Transfer) Act
25.40	1993	33	Acquisition of Certain Area at Ayodhya Act
25.41	1999	15	Urban Land (Ceiling and Regulation) Repeal Act
25.42	2013	30	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
26.1	1839	7	Madras Rent and Revenue Sales Act
26.2	1841	12	Bengal Land Revenue Sales Act
26.3	1842	13	Revenue, Bombay
26.4	1842	17	Revenue Commissioners, Bombay
26.5	1845	1	Sales of Land for Revenue Arrears
26.6	1847	9	Bengal Alluvion and Diluvion Act
26.7	1848	20	Bengal Landholders' Attendance Act
26.8	1849	10	Madras Revenue Commissioner Act
26.9	1850	23	Calcutta Land-revenue Act

26.10	1851	12	Madras City Land Revenue Act	
26.11	1853	6	Rent Recovery Act	
26.12	1856	18	Calcutta Land-revenue Act	
26.13	1859	11	Bengal Land-revenue Sales Act	
26.14	1876	10	Bombay Revenue Jurisdiction Act	
26.15	1881	18	Central Provinces Land-revenue Act	
26.16	1887	17	Punjab Land-revenue Act	
26.17	1890	1	Revenue Recovery Act	
26.18	1892	10	Government Management of Private Estates Act	
26.19	1908	13	Central Provinces Financial Commissioner's Act	
26.20	1960	43	Tripura Land Revenue and Land Reforms Act	
27 Laws Relating to Administration and Development of Local Areas	27.1	1836	21	Bengal Districts Act
	27.2	1850	26	Improvements in Towns
	27.3	1883	20	Punjab District Boards Act
	27.4	1899	4	Government Buildings Act
	27.5	1956	80	Manipur (Village Authorities in Hill Areas) Act
	27.6	1957	42	Naga Hills-Tuensang Area Act
	27.7	1961	49	Assam Municipal (Manipur Amendment) Act
	27.8	1971	76	Manipur (Hill Areas District Council) Act
	27.9	1971	84	North-Eastern Council Act
	27.10	1994	26	Manipur Panchayati Raj Act

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27.11	1994	43	Manipur Municipalities Act
27.12	1996	40	Provisions of the Panchayats (Extension to the Scheduled Areas) Act
28	Laws Relating to Administration of Union Territories and Delhi		
28.1	1949	24	Delhi Hotels (Control of Accommodation) Act
28.2	1957	61	Delhi Development Act
28.3	1957	66	Delhi Municipal Corporation Act
28.4	1961	35	Dadra and Nagar Haveli Act
28.5	1962	1	Goa, Daman and Diu (Administration) Act
28.6	1962	49	Pondicherry (Administration) Act
28.7	1964	23	Delhi Delegation of Powers Act
28.8	1969	19	Union Territories (Separation of Judicial and Executive Functions) Act
28.9	1973	17	Capital of Punjab Development and Regulation (Chandigarh Amendment) Act
28.10	1974	1	Delhi Urban Art Commission Act, 1973
28.11	1985	2	National Capital Region Planning Board Act
28.12	1988	2	Chandigarh (Delegation of Powers) Act, 1987
28.13	1994	27	Punjab Gram Panchayat, Samities and Zilla Parishad (Chandigarh Repeal) Act
28.14	1994	44	New Delhi Municipal Council Act
28.15	1994	45	Punjab Municipal Corporation Law (Extension to Chandigarh) Act
28.16	1999	6	Delhi Development Authority (Validation of Disciplinary Powers) Act, 1998
28.17	2006	22	Delhi Laws (Special Provisions) Act

28.18	2006	44	Pondicherry (Alteration of Name) Act
28.19	2007	43	National Capital Territory of Delhi Laws (Special Provisions) Act
28.20	2009	24	National Capital Territory of Delhi Laws (Special Provisions) Act
28.21	2009	40	National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2009
28.22	2011	5	National Capital Territory of Delhi Laws (Special Provisions) Act, 2011
28.23	2011	20	National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011
29 Legal, Medical and Other Professions	29.1	1879	Legal Practitioners Act
	29.2	1916	Indian Medical Degrees Act
	29.3	1926	Indian Bar Councils Act
	29.4	1947	Indian Nursing Council Act
	29.5	1948	Pharmacy Act
	29.6	1948	Dentists Act
	29.7	1949	Chartered Accountants Act
	29.8	1952	Notaries Act
	29.9	1956	Bar Councils (Validation of State Laws) Act
	29.10	1956	Indian Medical Council Act
	29.11	1959	Cost and Works Accountants Act
	29.12	1961	Advocates Act

29.13	1970	48	Indian Medicine Central Council Act
29.14	1972	20	Architects Act
29.15	1973	59	Homeopathy Central Council Act
29.16	1980	56	Company Secretaries Act
29.17	1984	52	Indian Veterinary Council Act
29.18	2001	45	Advocates' Welfare Fund Act
29.19	2006	35	Actuaries Act
30.1	1838	19	Coasting Vessels Act
30.2	1846	3	Boundary-marks, Bombay
30.3	1853	11	Shore Nuisances (Bombay and Kolaba) Act
30.4	1881	16	Obstructions in Fairways Act
30.5	1908	15	Indian Ports Act
30.6	1917	1	Inland Vessels Act
30.7	1925	26	Indian Carriage of Goods by Sea Act
30.8	1927	17	Light House Act
30.9	1948	33	Calcutta Port (Pilotage) Act
30.10	1958	44	Merchant Shipping Act
30.11	1963	11	Marine Insurance Act
30.12	1963	38	Major Port Trusts Act

30.13	1966	4	Seamen's Provident Fund Act
30.14	1973	62	Konkan Passenger Ships (Acquisition) Act
30.15	1976	80	Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act
30.16	1978	30	Coast Guard Act
30.17	1981	42	Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act
30.18	1982	49	National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi Hooghly River) Act
30.19	1985	82	Inland Waterways Authority of India Act
30.20	1986	33	Merchant Shipping (Amendment) Act
30.21	1986	66	Shipping Development Fund Committee (Abolition) Act
30.22	1988	40	National Waterway (Sadiya-Dhubri Stretch of the Brahmaputra River) Act
30.23	1992	25	National Waterway (Kollam-Kottapuram Stretch of West Coast Canal and Champakara and Udyognanda Canals) Act
30.24	2002	69	Suppression of Unlawful Acts against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act
30.25	2008	23	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
			See Also, Trade and Commerce: Marking of Heavy Packages Act.

			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
31 Media, Communications and Publishing	31.1	2008	24
	31.2	1867	25
			Press and Registration of Books Act
	31.3	1885	13
			Indian Telegraph Act
	31.4	1898	6
			Indian Post Office Act
	31.5	1933	17
			Indian Wireless Telegraphy Act
	31.6	1950	74
			Telegraph Wires (Unlawful Possession) Act
	31.7	1952	37
			Cinematograph Act
	31.8	1954	27
			Delivery of Books and Newspapers (Public Libraries) Act
	31.9	1956	45
			Newspaper (Price and Page) Act
	31.10	1956	93
			Young Persons (Harmful Publications) Act
	31.11	1961	36
			Newspaper (Price and Page Continuance) Act
	31.12	1978	37
			Press Council Act
	31.13	1990	25
			Prasar Bharati (Broadcasting Corporation of India) Act
	31.14	1995	7
			Cable Television Networks (Regulation) Act
	31.15	1997	24
			Telecom Regulatory Authority of India Act
	31.16	2000	21
			Information Technology Act
	31.17	2007	11
			Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharti) Act

32	Nationalisation	32.1	1971	63	Jayanti Shipping Company (Acquisition of Shares) Act
32.2		32.1	1971	64	Coking Coal Mines (Emergency Provisions) Act
32.3		32.2	1971	65	Asian Refractories Limited (Acquisition of Undertakings) Act
32.4		32.3	1972	36	Coking Coal Mines (Nationalisation) Act
32.5		32.4	1972	58	Indian Copper Corporation (Acquisition of Undertaking) Act
32.6		32.5	1972	72	Sick Textile Undertakings (Taking Over of Management) Act
32.7		32.6	1972	78	Richardson and Ruddas Limited (Acquisition and Transfer of Undertakings) Act
32.8		32.7	1973	15	Coal Mines (Taking Over of Management) Act
32.9		32.8	1973	26	Coal Mines (Nationalisation) Act
32.10		32.9	1973	56	Alcock Ashdown Company Limited (Acquisition of Undertakings) Act
32.11		32.10	1974	4	Esso (Acquisition of Undertakings in India) Act
32.12		32.11	1974	57	Sick Textile Undertakings (Nationalisation) Act
32.13		32.12	1976	2	Burmah Shell (Acquisition of Undertakings in India) Act
32.14		32.13	1976	22	Assam Sillimanite Limited (Acquisition and Transfer of Refractory Plant) Act
32.15		32.14	1976	89	Indian Iron and Steel Company (Acquisition of Shares) Act
32.16		32.15	1976	96	Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Act
32.17		32.16	1976	97	Burn Company and Indian Standard Wagon Company (Nationalisation) Act
32.18		32.17	1976	98	Laxmirattan and Atherton West Cotton Mills (Taking Over of Management) Act

32.19	1976	100	Metal Corporation (Nationalisation and Miscellaneous Provisions) Act
32.20	1977	17	Caltex [Acquisition of Shares of Caltex Oil Refining (India) Limited and of the Undertakings in India of Caltex (India) Limited] Act
32.21	1977	41	Smith, Stainstreet and Company Limited (Acquisition and Transfer of Undertakings) Act
32.22	1977	42	Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Act
32.23	1978	13	Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Act
32.24	1978	41	Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act
32.25	1978	42	Bolani Ores Limited (Acquisition of Shares) and Miscellaneous Provisions Act
32.26	1978	49	Sugar Undertakings (Taking Over of Management) Act
32.27	1979	28	Kosangas Company (Acquisition of Undertakings) Act
32.28	1980	42	National Company (Acquisition and Transfer of Undertakings) Act
32.29	1980	58	Bengal Chemical and Pharmaceutical Works Limited (Acquisition and Transfer of Undertakings) Act
32.30	1980	62	Jute Companies (Nationalisation) Act
32.31	1980	64	Maruti Limited (Acquisition and Transfer of Undertakings) Act
			Bird and Company Limited (Acquisition and Transfer of Undertakings and Other Properties)
32.32	1980	67	Act
32.33	1980	70	Hind Cycles Limited and Sen-Raleigh Limited (Nationalisation) Act

32.34	1981	29	British India Corporation Limited (Acquisition of Shares) Act
32.35	1981	31	Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) Act
			Burmah Oil Company [Acquisition of Shares of Oil India Limited and of the Undertakings in India of Assam Oil Company Limited and the Burmah Oil Company (India Trading) Limited]
32.36	1981	41	Act
			Chaparmukh Silghat Railway Line and the Katakhali Lalabazar Railway Line (Nationalisation)
32.37	1982	36	Act
32.38	1982	50	Amritsar Oil Works (Acquisition and Transfer of Undertakings) Act
32.39	1982	71	Andhra Scientific Company Limited (Acquisition and Transfer of Undertakings) Act
32.40	1983	40	Textile Undertakings (Taking Over of Management) Act
32.41	1983	41	Transformer and Switchgear Limited (Acquisition and Transfer of Undertakings) Act
32.42	1984	16	Ganesha Flour Mills Company Limited (Acquisition and Transfer of Undertakings) Act
32.43	1984	17	Incheek Tyres Limited and National Rubber Manufacturers Limited (Nationalisation) Act
32.44	1984	33	Mogul Line Limited (Acquisition of Shares) Act
			Aluminium Corporation of India Limited (Acquisition and Transfer of Aluminium Undertaking)
32.45	1984	43	Act

32.46	1984	55	Hooghly Docking and Engineering Company Limited (Acquisition and Transfer of Undertakings) Act
32.47	1984	57	Bengal Immunity Company Limited (Acquisition and Transfer of Undertakings) Act
32.48	1985	37	Tea Companies (Acquisition and Transfer of Sick Tea Units) Act
32.49	1985	83	Futwah-Islampur Light Railway Line (Nationalisation) Act
32.50	1986	30	Swadeshi Cotton Mills Company Limited (Acquisition and Transfer of Undertakings) Act
32.51	1987	36	Brentford Electric (India) Limited (Acquisition and Transfer of Undertakings) Act
32.52	1993	23	Industrial Finance Corporation (Transfer of Undertaking and Repeal) Act
			National Thermal Power Corporation Limited, the National Hydro-Electric Power Corporation
32.53	1993	24	Limited and the North-Eastern Electric Power Corporation Limited (Acquisition and Transfer of Power Transmission Systems) Act
32.54	1993	65	Oil and Natural Gas Commission (Transfer of Undertaking and Repeal) Act
32.55	1994	13	Air Corporations (Transfer of Undertakings and Repeal) Act
			Neyveli Lignite Corporation Limited (Acquisition and Transfer of Power Transmission System)
32.56	1994	56	Act
32.57	1995	39	Textile Undertakings (Nationalisation) Act
32.58	1997	17	Lalitkala Akademi (Taking Over of Management) Act
32.59	2005	14	Parel Investments and Trading Private Limited and Domestic Gas Private Limited (Taking over of Management) Repeal Act

33	Ombudsman and Monitoring Bodies	33.1 33.2 33.3 33.4 33.5	1971 2003 2005 2014 2014	56 45 22 1 17	Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act Central Vigilance Commission Act Right to Information Act Lokpal and Lokayuktas Act, 2013 Whistle Blowers Protection Act, 2011	
34	Personal Laws	34.1 34.2 34.3 34.4 34.5 34.6 34.7 34.8 34.9 34.10 34.11 34.12 34.13 34.14 34.15 34.16	1850 1866 1869 1872 1874 1880 1892 1909 1916 1925 1928 1930 1935 1936 1936 1937	21 21 4 15 3 12 2 7 15 39 12 30 13 3	Caste Disabilities Removal Act Converts' Marriage Dissolution Act Indian Divorce Act Indian Christian Marriage Act Married Women's Property Act Kazis Act Marriages Validation Act Anand Marriage Act Hindu Disposition of Property Act Indian Succession Act Hindu Inheritance (Removal of Disabilities) Act Hindu Gains of Learning Act Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Act Parsi Marriage and Divorce Act Bangalore Marriages Validating Act Arya Marriage Validation Act	1 2 3 4

34.17	1937	26	Muslim Personal Law (Shariat) Application Act
34.18	1938	10	Cutchi Memons Act
34.19	1939	8	Dissolution of Muslim Marriages Act
34.20	1948	40	Indian Matrimonial Causes (War Marriages) Act
34.21	1952	1	Part B States Marriages Validating Act
34.22	1954	43	Special Marriage Act
34.23	1955	25	Hindu Marriage Act
34.24	1956	30	Hindu Succession Act
34.25	1956	32	Hindu Minority and Guardianship Act
34.26	1956	78	Hindu Adoptions and Maintenance Act
34.27	1959	48	Miscellaneous Personal Laws (Extension) Act (Reprint 1976)
34.28	1959	61	Married Women's Property (Extension) Act
34.29	1960	19	Hindu Marriages (Validation of Proceedings) Act
34.30	1969	33	Foreign Marriage Act
34.31	1986	25	Muslim Women (Protection of Rights on Divorce) Act
			See Also,
			Women and Child Development:
			Dowry Prohibition Act
			Prohibition of Child Marriage Act
35 President, Parliament and State Legislatures	35.1	1951	30 President's Enoluments and Pension Act
	35.2	1952	58 Salaries and Allowances of Ministers Act

35.3	1953	20	Salaries and Allowances of Officers of Parliament Act
35.4	1954	30	Salary, Allowances and Pension of Members of Parliament Act
35.5	1957	37	Legislative Councils Act
35.6	1958	56	Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act
35.7	1963	20	Government of Union Territories Act
35.8	1968	61	Legislative Assembly of Nagaland (Change in Representation) Act
35.9	1969	16	President (Discharge of Functions) Act
35.10	1969	46	Punjab Legislative Council (Abolition) Act
35.11	1973	50	Authoritative Texts (Central Laws) Act
35.12	1975	33	Kerala Legislative Assembly (Extension of Duration) Act
35.13	1976	28	Parliamentary Proceedings (Protection of Publication) Repeal Act
35.14	1977	15	Parliamentary Proceedings (Protection of Publication) Act
35.15	1977	33	Salary and Allowances of Leaders of Opposition in Parliament Act
35.16	1982	43	Governors (Emoluments, Allowances and Privileges) Act
35.17	1992	1	Government of National Capital Territory of Delhi Act, 1991
35.18	1997	30	Vice-President's Pension Act
35.19	1999	5	Leaders of Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998
35.20	2006	1	Andhra Pradesh Legislative Council Act, 2005

	35.21	2010	16	Tamil Nadu Legislative Council Act, 2010
36 Property Law	36.1	1878	6	Indian Treasure-trove Act
	36.2	1882	2	Indian Trusts Act
	36.3	1882	4	Transfer of Property Act
	36.4	1882	5	Indian Easements Act
	36.5	1891	8	Easements (Extending Act 5 of 1882)
	36.6	1893	4	Partition Act
	36.7	1893	6	Sir Dinshaw Maneckjee Petit
	36.8	1895	15	Government Grants Act
	36.9	1899	24	Central Provinces Court of Wards Act
	36.10	1913	2	Official Trustees Act
	36.11	1915	10	Sir Jamsetjee Jejeebhoy Baronetcy Act
	36.12	1929	21	Transfer of Property (Amendment) Supplementary Act
	36.13	1951	70	Displaced Persons (Debts Adjustment) Act
	36.14	1954	15	Transfer of Evacuee Deposits Act
	36.15	1986	58	Delhi Apartment Ownership Act
37 Public Health	37.1	1897	3	Epidemic Diseases Act
	37.2	1898	3	Lepers Act
	37.3	1898	9	Live-stock Importation Act

37.4	1914	2	Destructive Insects and Pests Act
37.5	1919	12	Poisons Act
37.6	1940	23	Drugs and Cosmetics Act
37.7	1950	26	Drugs (Control) Act
37.8	1954	21	Drugs and Magic Remedies (Objectionable Advertisements) Act
37.9	1968	46	Insecticides Act
37.10	1971	34	Medical Termination of Pregnancy Act
			Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act
37.11	1992	41	
37.12	1994	42	Transplantation of Human Organs Act
37.13	1994	57	Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Selection) Act
37.14	2003	34	Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act
37.15	2006	34	Food Safety and Standards Act
37.16	2009	27	Prevention and Control of Infectious and Contagious Diseases in Animals Act
37.17	2010	23	Clinical Establishments (Registration and Regulation) Act, 2010
			See Also,
			Criminal Justice:
			Narcotic Drugs and Psychotropic Substances Act

38	Rent and Tenancy	38.1	1859	10	Bengal Rent Act
		38.2	1885	8	Bengal Tenancy Act
		38.3	1887	16	Punjab Tenancy Act
		38.4	1898	11	Central Provinces Tenancy Act
		38.5	1950	42	Ajmer Tenancy and Land Records Act
		38.6	1952	38	Delhi and Ajmer Rent Control Act
		38.7	1961	30	Delhi (Urban Areas) Tenants' Relief Act
		38.8	1968	49	Delhi and Ajmer Rent Control (Nasirabad Cantonment Repeal) Act
		38.9	1971	68	Uttar Pradesh Cantonments (Control of Rent and Eviction) Repeal Act
		38.10	1974	54	East-Punjab Urban Rent Restriction (Extension to Chandigarh) Act
39	Residuary Laws relating to Administration	38.11	1995	33	Delhi Rent Act
					See Also,
					Defence of India and Armed Forces:
					Cantonments (Extension of Rent Control Laws) Act
					- 225 -
		39.1	1862	3	Government Seal Act
		39.2	1897	5	Amending Act
		39.3	1897	10	General Clauses Act
		39.4	1897	14	Indian Short Titles Act
		39.5	1901	11	Amending Act

	39.6	1903	1	Amending Act
40 Social Welfare	40.1	1948	12	Rehabilitation Finance Administration Act
	40.2	1955	22	Protection of Civil Rights Act
	40.3	1956	63	Scheduled Castes and Scheduled Tribes Orders (Amendment) Act
	40.4	1992	19	National Commission for Minorities Act
	40.5	1992	34	Rehabilitation Council of India Act
	40.6	1993	27	National Commission for Backward Classes Act
	40.7	1993	64	National Commission for Safai Karamcharis Act
	40.8	1994	10	Protection of Human Rights Act, 1993
				Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation)
	40.9	1996	1	Act, 1995
	40.10	1999	44	National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act
	40.11	2005	53	Disaster Management Act
	40.12	2007	2	Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act
	40.13	2007	56	Maintenance and Welfare of Parents and Senior Citizens Act
	40.14	2013	25	Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013

See Also,

Criminal Justice:

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act

Financial Laws:

Pension Fund Regulatory and Development Authority Act, 2013

41 State Re-organisation and Extension of Laws	See Also,	See Also,	See Also,
41.1	1847	1	Boundaries
41.2	1855	37	Sonthal Parganas Act
41.3	1857	10	Sonthal Parganas Act
41.4	1871	21	Dehra Dun
41.5	1872	4	Punjab Laws Act
41.6	1874	15	Laws Local Extent Act
41.7	1875	20	Central Provinces Laws Act
41.8	1876	18	Oudh Laws Act
41.9	1879	19	Raipur and Khattria Laws Act
41.10	1890	20	United Provinces Act
41.11	1912	7	Bengal, Bihar and Orissa and Assam Laws Act
41.12	1912	13	Delhi Laws Act
41.13	1915	7	Delhi Laws Act
41.14	1941	4	Berar Laws Act

41.15	1949	20	West Godavari District (Assimilation of Laws on Federal Subjects) Act
41.16	1949	59	Merged States (Laws) Act
41.17	1950	30	Union Territories (Laws) Act
41.18	1950	67	Cooch-Behar (Assimilation of Laws) Act
41.19	1951	3	Part B States (Laws) Act
41.20	1951	37	Scheduled Areas (Assimilation of Laws) Act
41.21	1951	47	Assam (Alteration of Boundaries) Act
41.22	1951	66	Part C States Miscellaneous Laws (Repealing) Act
41.23	1953	16	Scheduled Areas (Assimilation of Laws) Act
41.24	1953	30	Andhra State Act
41.25	1954	18	Lushai Hills District (Change of Name) Act
41.26	1954	20	Absorbed Areas (Laws) Act
41.27	1954	32	Himachal Pradesh and Bilaspur (New State) Act
41.28	1954	36	Chandernagore (Merger) Act
41.29	1956	37	States Reorganisation Act
41.30	1956	40	Bihar and West Bengal (Transfer of Territories) Act
41.31	1956	62	Jammu and Kashmir (Extension of Laws) Act
41.32	1957	38	Inter-State Corporation Act
41.33	1958	35	Manipur and Tripura (Repeal of Laws) Act
41.34	1959	47	Rajasthan and Madhya Pradesh (Transfer of Territories) Act

41.35	1959	56	Andhra Pradesh and Madras (Alteration of Boundaries) Act
41.36	1960	11	Bombay Reorganisation Act
41.37	1960	57	British Statutes (Application to India) Repeal Act
41.38	1960	64	Acquired Territories (Merger) Act
41.39	1962	27	State of Nagaland Act
41.40	1966	31	Punjab Reorganisation Act
41.41	1968	24	Bihar and Uttar Pradesh (Alteration of Boundaries) Act
41.42	1968	25	Central Laws (Extension to Jammu and Kashmir) Act
41.43	1968	26	Pondicherry (Extension of Laws) Act
41.44	1968	36	Andhra Pradesh and Mysore (Transfer of Territory) Act
41.45	1969	55	Assam Reorganisation (Meghalaya) Act
41.46	1970	53	State of Himachal Pradesh Act
41.47	1971	81	North-Eastern Areas (Reorganisation) Act
41.48	1979	31	Haryana and Uttar Pradesh (Alteration of Boundaries) Act
41.49	1986	34	State of Mizoram Act
41.50	1986	69	State of Arunachal Pradesh Act
41.51	1987	18	Goa, Daman and Diu Reorganisation Act
41.52	1993	44	Central Laws (Extension to Arunachal Pradesh) Act
41.53	2000	28	Madhya Pradesh Reorganisation Act
41.54	2000	29	Uttar Pradesh Reorganisation Act

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41.55	2000	30	Bihar Reorganisation Act	
41.56	2006	52	Uttaranchal (Alteration of Name) Act	
41.57	2011	15	Orissa (Alteration of Name) Act, 2011	
41.58	2014	6	Andhra Pradesh Reorganisation Act, 2014	
42 Symbols, Records and Statistics	42.1	1886	6	Births, Deaths and Marriages Registration Act
	42.2	1917	5	Destruction of Records Act
	42.3	1948	37	Census Act
	42.4	1950	12	Emblems and Names (Prevention of Improper Use) Act
	42.5	1963	19	Official Languages Act
	42.6	1969	18	Registration of Births and Deaths Act
	42.7	1993	69	Public Records Act
	42.8	2005	50	State Emblems of India (Prohibition of Improper Use) Act
	42.9	2009	7	Collection of Statistics Act
	43.1	1851	8	Indian Tolls Act
43 Taxes, Tolls & Cess Laws	43.2	1857	4	Tobacco Duty (Town of Bombay) Act
	43.3	1863	16	Excise (Spirits) Act
	43.4	1864	15	Indian Tolls Act
	43.5	1867	1	Ganges Tolls
	43.6	1881	11	Municipal Taxation Act

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43.7	1888	8	Indian Tolls Act
43.8	1890	13	Excise (Malt Liquors) Act
43.9	1899	2	Indian Stamp Act
43.10	1901	2	Indian Tolls (Army and Air Force) Act
43.11	1931	16	Provisional Collection of Taxes Act
43.12	1941	25	Railways (Local Authorities' Taxation) Act
43.13	1944	1	Central Excises Act
43.14	1949	61	Professions Tax Limitation (Amendment and Validation) Act
43.15	1950	33	Opium and Revenue Laws (Extension of Application) Act
43.16	1953	49	Salt Cess Act
43.17	1954	41	Taxation Laws (Extension to Jammu and Kashmir) Act
43.18	1955	16	Medicinal and Toilet Preparations (Excise Duties) Act
43.19	1956	7	Sales Tax Laws Validation Act
43.20	1956	69	Terminal Tax on Railway Passengers Act
43.21	1956	74	Central Sales Tax Act
43.22	1957	27	Wealth-tax Act
43.23	1957	58	Additional Duties of Excise (Goods of Special Importance) Act
43.24	1958	18	Gift-tax Act
43.25	1959	42	Travancore-Cochin Vehicles Taxation (Amendment and Validation) Act

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43.26	1960	38	Central Excises (Conversion to Metric Units) Act
43.27	1960	40	Customs Duties and Cesses (Conversion to Metric Units) Act
43.28	1961	4	U.P. Sugarcane Cess (Validation) Act
43.29	1961	33	Union Territories (Stamp and Court-fees Laws) Act
43.30	1961	43	Income-tax Act
43.31	1961	46	Voluntary Surrender of Salaries (Exemption from Taxation) Act
43.32	1962	52	Customs Act
43.33	1962	55	Manipur (Sales of Motor Spirit and Lubricants) Taxation Act
43.34	1962	57	Delhi Motor Vehicles Taxation Act
43.35	1963	54	Central Boards of Revenue Act
43.36	1964	7	Companies (Profits) Surtax Act
43.37	1964	11	Taxation Laws (Continuation and Validation of Recovery Proceedings) Act
43.38	1965	41	Taxation Laws (Amendment and Miscellaneous Provisions) Act
43.39	1971	20	Bengal Finance (Sales Tax) (Delhi Validation of Appointments and Proceedings) Act
43.40	1972	25	Taxation Laws (Extension to Jammu and Kashmir) Act
43.41	1974	45	Interest-tax Act
43.42	1975	26	Tobacco Cess Act
43.43	1975	43	Delhi Sales Tax Act

43.44	1975	51	Customs Tariff Act
43.45	1976	55	Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Cess Act
43.46	1976	56	Beedi Workers Welfare Cess Act
43.47	1976	91	Delhi Sales Tax (Amendment and Validation) Act
43.48	1977	36	Water (Prevention and Control of Pollution) Cess Act
43.49	1978	40	Additional Duties of Excise (Textiles and Textile Articles) Act
43.50	1979	12	Punjab Excise (Delhi Amendment) Act
43.51	1980	54	Hotel-Receipts Tax Act
43.52	1981	30	Cine-Workers Welfare Cess Act
43.53	1982	3	Sugar Cess Act
43.54	1983	28	Jute Manufactures Cess Act
43.55	1986	5	Central Excise Tariff Act, 1985
43.56	1986	32	Research and Development Cess Act
43.57	1986	46	Taxation Laws (Amendment and Miscellaneous Provisions) Act
43.58	1987	4	Cotton Copra and Vegetable Oils Cess (Abolition) Act
43.59	1987	35	Expenditure-tax Act
43.60	1992	16	Cess and Other Taxes on Minerals (Validation) Act
43.61	1996	28	Building and Other Construction Workers' Welfare Cess Act
43.62	2000	20	Direct-Tax Laws (Miscellaneous) Repeal Act

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43.63	2002	36	Foreign Aircraft (Exemption from Taxes and Duties on Fuel and Lubricants) Act
43.64	2004	25	Customs and Central Excise Laws (Repeal) Act
43.65	2005	27	Bihar Value Added Tax Act
43.66	2006	24	Cess Laws (Repealing and Amending) Act
43.67	2006	30	Union Duties of Excise (Electricity) Distribution Repeal Act, 2006
43.68	2006	46	Produce Cess Laws (Abolition) Act
			See Also,
			Financial Laws:
			Union Duties of Excise (Distribution) Act
			Remittances of Foreign Exchange and Investment in Foreign Exchange Bonds (Immunities and Exemptions) Act
			Gold Bonds (Immunities and Exemptions) Act
44	Textiles	44.1	1948
			61 Central Silk Board Act
		44.2	1963
			41 Textiles Committee Act
		44.3	1983
			27 Jute Manufacturers Development Council Act
		44.4	1985
			22 Handlooms (Reservation of Articles for Production) Act
		44.5	1987
			10 Jute Packaging Materials (Compulsory Use in Packing Commodities) Act
		44.6	1987
			14 Mental Health Act
		44.7	2009
			12 National Jute Board Act
			See Also,
			Taxes, Tolls & Cess Laws:

Jute Manufactures Cess Act			
45.1	1838	5	Bengal Bonded Warehouse Association Act
45.2	1854	5	Bengal Bonded Warehouse Association Act
45.3	1856	9	Indian Bills of Lading Act
45.4	1867	22	Sarais Act
45.5	1942	7	Coffee Act
45.6	1947	24	Rubber Act
45.7	1953	29	Tea Act
45.8	1955	42	Prize Competitions Act
45.9	1956	90	Faridabad Development Corporation Act
45.10	1963	22	Export (Quality Control and Inspection) Act
45.11	1972	13	Marine Products Export Development Authority Act
45.12	1972	52	Antiquities and Art Treasures Act
45.13	1975	4	Tobacco Board Act
45.14	1979	5	Coconut Development Board Act
45.15	1986	2	Agricultural and Processed Food Products Export Development Authority Act, 1985
45.16	1986	10	Spices Board Act
45.17	1986	63	Bureau of Indian Standards Act

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45.18	1992	22	Foreign Trade (Development and Regulation) Act
45.19	1998	17	Lotteries (Regulation) Act
45.20	2005	28	Special Economic Zones Act
45.21	2006	32	Spirituous Preparations (Inter-State Trade and Commerce) Control (Repeal) Act
			See Also,
			Transportation and Infrastructure:
			Multimodal Transportation of Goods Act
			Admission into, Emigration to, and Expulsion from, India: Land Ports Authority of India Act, 2010
46	Transportation and Infrastructure		
46.1	1855	32	Bengal Embankment Act
46.2	1861	16	Stage-Carriages Act
46.3	1873	8	Northern India Canal and Drainage Act
46.4	1878	17	Northern India Ferries Act
46.5	1879	14	Hackney-carriage Act
46.6	1886	11	Indian Tramways Act
46.7	1902	4	Indian Tramways Act
46.8	1905	4	Indian Railway Board Act
46.9	1934	22	Aircraft Act
46.10	1950	64	Road Transport Corporations Act
46.11	1951	51	Railway Companies (Emergency Provisions) Act

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46.12	1956	48	National Highways Act
46.13	1956	49	River Boards Act
46.14	1966	29	Railway Property (Unlawful Possession) Act
46.15	1972	69	Carriage by Air Act
46.16	1976	63	Betwa River Board Act.
46.17	1978	33	Metro Railways (Construction of Works) Act
46.18	1980	46	Brahmaputra Board Act
46.19	1985	10	Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Act
46.20	1988	59	Motor Vehicles Act
46.21	1988	68	National Highways Authority of India Act
46.22	1989	24	Railways Act
46.23	1993	28	Multimodal Transportation of Goods Act
46.24	1993	49	Betwa River Board (Amendment) Act
46.25	1994	55	Airports Authority of India Act
46.26	2000	54	Central Road Fund Act
46.27	2002	60	Delhi Metro Railway (Operation and Maintenance) Act
46.28	2003	13	Control of National Highways (Land and Traffic) Act, 2002
46.29	2007	41	Carriage by Road Act
46.30	2008	27	Airports Economic Regulatory Authority of India Act
			See Also, Criminal Justice:

			Railway Protection Force Act, Tokyo Convention Act
47 Tribunals	47.1	1956	33 Inter-State River Water Disputes Act
	47.2	1985	13 Administrative Tribunals Act
	47.3	1986	19 Administrative Tribunals (Amendment) Act
	47.4	1987	54 Railway Claims Tribunal Act
	47.5	1993	51 Recovery of Debts Due to Banks and Financial Institutions Act
	47.6	2005	49 National Tax Tribunal Act
	47.7	2007	55 Armed Forces Tribunal Act
	47.8	2010	19 National Green Tribunal Act, 2010
	48 Universities and Technical Institutions	48.1	1915 16 Banaras Hindu University Act
		48.2	1920 40 Aligarh Muslim University Act
		48.3	1922 8 Delhi University Act
		48.4	1951 29 Visva-Bharati Act
		48.5	1956 25 All-India Institute of Medical Sciences Act
		48.6	1961 59 Institutes of Technology Act
		48.7	1966 51 Post-Graduate Institute of Medical Education and Research, Chandigarh, Act
		48.8	1966 53 Jawaharlal Nehru University Act
		48.9	1970 16 Haryana and Punjab Agricultural Universities Act
		48.10	1973 24 North-Eastern Hill University Act

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48.11	1974	39	University of Hyderabad Act
48.12	1977	34	Lady Hardinge Medical College and Hospital (Acquisition and Miscellaneous Provisions) Act
48.13	1980	52	Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, Act
48.14	1985	50	Indira Gandhi National Open University Act
48.15	1985	53	Pondicherry University Act
48.16	1988	58	Jamia Millia Islamia Act
48.17	1989	23	Assam University Act
48.18	1989	35	Nagaland University Act
48.19	1992	40	Central Agricultural University Act
48.20	1993	45	Tezpur University Act
48.21	1994	58	Babasaheb Bhimrao Ambedkar University Act
48.22	1997	2	Maulana Azad National Urdu University Act, 1996
48.23	1997	3	Mahatama Gandhi Antarakshriya Hindi Vishwavidyalaya Act, 1996
48.24	1998	13	National Institute of Pharmaceutical Education and Research Act
48.25	2000	8	Mizoram University Act
48.26	2005	26	University of Allahabad Act
48.27	2005	54	Manipur University Act
48.28	2006	28	National Institute of Fashion Technology Act

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48.29	2007	7	English and Foreign Languages University Act
48.30	2007	8	Rajiv Gandhi University Act
48.31	2007	9	Tripura University Act
48.32	2007	10	Sikkim University Act
48.33	2007	29	National Institutes of Technology Act
48.34*	2007	52	Indira Gandhi National Tribal University Act
48.35	2007	54	Rajiv Gandhi Institute of Petroleum Technology Act
			Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act
48.36	2008	19	
48.37	2008	22	Indian Maritime University Act
48.38	2009	8	South Asian University Act
48.39	2009	25	Central University Act
48.40	2010	39	Nalanda University Act, 2010
48.41	2012	13	Academy of Scientific and Innovative Research Act, 2011
48.42	2012	35	Rajiv Gandhi National Institutes of Youth Development Act, 2012
48.43	2012	38	National Institute of Mental Health and Neuro-Sciences, Bangalore Act, 2012
48.44	2013	26	The Rajiv Gandhi National Aviation University Act, 2013
48.45	2014	10	Rani Lakshmi Bai Central Agricultural University Act, 2014
48.46	2014	18	National Institute of Design Act, 2014

49. Woman and Child Development	49.1	1890	8	Guardians and Wards Act
	49.2	1897	8	Reformatory Schools Act
	49.3	1925	35	Madras, Bengal and Bombay Children (Supplementary) Act
	49.4	1956	105	Women's and Children's Institutions (Licensing) Act
	49.5	1960	10	Orphanages and Other Charitable Homes (Supervision and Control) Act
	49.6	1961	28	Dowry Prohibition Act
	49.7	1986	60	Indecent Representation of Women (Prohibition) Act
	49.8	1988	3	Commission of Sati (Prevention) Act, 1987
	49.9	1990	20	National Commission for Women Act
	49.10	2000	56	Juvenile Justice (Care and Protection of Children) Act
	49.11	2005	43	Protection of Women from Domestic Violence Act
	49.12	2006	4	Commissions for Protection of Child Rights Act, 2005
	49.13	2007	6	Prohibition of Child Marriage Act
	49.14	2013	14	Sexual Harassment of Women at Workplace (Prevention, Protection and Redressal) Act, 2013

See Also

Public Health:

Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act

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Labour:	
	<i>Children (Pledging of Labour) Act</i>
	<i>Child Labour (Prohibition and Regulation) Act</i>
	<i>Criminal Justice: Protection of Children From Sexual Offences Act, 2012</i>

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Appendix – II

(refer para of the report)

**LAWS RECOMMENDED FOR REPEAL BY VARIOUS COMMISSIONS BUT NOT UNDERTAKEN
FOR REPEAL BY GOVERNMENT**

S. No.	NAME OF THE LAW	NAME OF THE REPORT(S) WHICH RECOMMENDS REPEAL	NAME OF THE CONCERNED DEPARTMENT (TENTATIVE)
1.	The Livestock Importation Act, 1898	PC Jain Commission Report (Appendix A-1)	Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture
2.	The Tobacco Board Act, 1975	PC Jain Commission Report (Appendix A-1)	Department of Commerce, Ministry of Commerce and Industry
3.	The Finance Commission (Miscellaneous Provisions) Act, 1951	PC Jain Commission Report (Appendix A-1)	Department of Economic Affairs, Ministry of Finance
4.	The Compulsory Deposit Scheme Act, 1963	PC Jain Commission Report (Appendix A-1) and 159 th LCI Report	Department of Economic Affairs, Ministry of Finance
5.	The Additional Emoluments (Compulsory Deposit) Act, 1974	PC Jain Commission Report (Appendix A-1) and 159 th LCI Report	Department of Economic Affairs, Ministry of Finance
6.	The Shipping Development Fund Committee (Abolition) Act, 1986	PC Jain Commission Report (Appendix A-1) and 159 th LCI Report	Department of Financial Services, Ministry of Finance
7.	The Gift-Tax Act, 1958	PC Jain Commission Report (Appendix A-1)	Department of Revenue, Ministry of Finance
8.	The Central Excise Laws (Amendment and Validation) Act, 1982	PC Jain Commission Report (Appendix A-1) and 159 th LCI Report	Department of Revenue, Ministry of Finance
9.	The Mineral Products (Additional Duties of Excise and Customs) Act, 1958	PC Jain Commission Report (Appendix A-1) and 159 th LCI Report	Department of Revenue, Ministry of Finance
10.	The Young Persons (Harmful Publications) Act, 1956	PC Jain Commission Report (Appendix A-1)	Department of Internal Security, Ministry of Home Affairs

11.	The Indian Law Reports Act, 1875	PC Jain Commission Report (Appendix A-1) and 96 th LCI Report	Legislative Department, Ministry of Law and Justice
12.	The Continuance of Legal Proceedings Act, 1948	PC Jain Commission Report (Appendix A-1) and 96 th LCI Report	Department of Justice, Ministry of Law and Justice
13.	The Oriental Gas Company (Act 5 of 1857)	PC Jain Commission Report (Appendix A-1) and 96 th LCI Report	Ministry of Petroleum and Natural Gas
14.	The Oriental Gas Company, 1867	PC Jain Commission Report (Appendix A-1) and 96 th LCI Report	Ministry of Petroleum and Natural Gas
15.	The Ganges Tolls Act, 1857	PC Jain Commission Report (Appendix A-1) and 96 th LCI Report	Department of Revenue, Ministry of Finance
16.	Amending Act, 1897	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
17.	The Amending Act, 1901	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
18.	The Amending Act, 1903	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
19.	The Boundaries Act, 1847	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
20.	The Central Sales Tax (Amendment) Act, 1969	PC Jain Commission Report (Appendix A-1)	Department of Revenue, Ministry of Finance
21.	The Coasting Vessels Act, 1838	PC Jain Commission Report (Appendix A-1)	Ministry of Shipping
22.	The Deposit Insurance Corporation (Amendment and Misc. Provisions) Act, 1978	PC Jain Commission Report (Appendix A-1)	Department of Financial Services, Ministry of Finance
23.	The Excise (Malt Liquors) Act, 1890	PC Jain Commission Report (Appendix A-1)	Department of Revenue, Ministry of Finance
24.	The Indian Bar Councils Act, 1926	PC Jain Commission Report (Appendix A-1)	Department of Legal Affairs, Ministry of Law and Justice

25.	The Indian Short Titles Act, 1897	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
26.	The Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956	PC Jain Commission Report (Appendix A-1)	Ministry of Labour and Employment
27.	The Land Acquisition (Amendment) Act, 1962	PC Jain Commission Report (Appendix A-1)	Department of Land Resources, Ministry of Rural Development
28.	The Land Acquisition (Amendment and Validation) Act, 1967	PC Jain Commission Report (Appendix A-1)	Department of Land Resources, Ministry of Rural Development
29.	The Laws Local Extent Act, 1874	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
30.	The Legal Practitioner's Act, 1879	PC Jain Commission Report (Appendix A-1)	Department of Legal Affairs, Ministry of Law and Justice
31.	The Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
32.	The Railway Companies (Emergency Provisions) Act, 1951	PC Jain Commission Report (Appendix A-1)	Ministry of Railways
33.	The Rent Recovery Act, 1853	PC Jain Commission Report (Appendix A-1)	Department of Land Resources, Ministry of Rural Development
34.	The Reserve Bank of India (Amendment and Miscellaneous Provisions) Act, 1953	PC Jain Commission Report (Appendix A-1)	Department of Financial Services, Ministry of Finance
35.	The Tobacco Cess Act, 1975	PC Jain Commission Report (Appendix A-1)	Department of Revenue, Ministry of Finance
36.	The Easements (Extending) Act, 1891	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
37.	The Foreign Recruitment Act, 1874	PC Jain Commission Report (Appendix A-1)	Ministry of External Affairs
38.	The Indian Railway Board Act, 1905	PC Jain Commission Report (Appendix A-1)	Ministry of Railways
39.	The Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947	PC Jain Commission Report (Appendix A-1)	Department of Internal Security, Ministry of Home Affairs

40.	The Pondicherry (Extension Of Laws) Act, 1968	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
41.	The Central Laws (Extension to Jammu and Kashmir) Act, 1968	PC Jain Commission Report (Appendix A-1)	Department of Jammu and Kashmir, Ministry of Home Affairs
42.	The Central Labour Laws (Extension to Jammu and Kashmir) Act, 1970	PC Jain Commission Report (Appendix A-1)	Department of Jammu and Kashmir, Ministry of Home Affairs
43.	The Central Laws (Extension to Arunachal Pradesh) Act, 1993	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
44.	The Diplomatic and Consular Officers (Oaths and Fees) (Extension to Jammu and Kashmir) Act, 1973	PC Jain Commission Report (Appendix A-1)	Ministry of External Affairs
45.	The Goa, Daman and Diu (Extension of the Code of Civil Procedure and the Arbitration) Act, 1965	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
46.	The Miscellaneous Personal Laws (Extension) Act, 1959	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
47.	The Taxation Laws (Extension to Jammu and Kashmir) Act, 1954	PC Jain Commission Report (Appendix A-1)	Department of Jammu and Kashmir, Ministry of Home Affairs
48.	The Taxation Laws (Extension to Jammu and Kashmir) Act, 1972	PC Jain Commission Report (Appendix A-1)	Department of Jammu and Kashmir, Ministry of Home Affairs
49.	The Scheduled Areas (Assimilation of Laws) Act, 1951	PC Jain Commission Report (Appendix A-1)	Ministry of Tribal Affairs
50.	The Scheduled Areas Act, 1953	PC Jain Commission Report (Appendix A-1)	Ministry of Tribal Affairs
51.	The Shillong (Rifle Range Umlong) Cantonments Assimilation of Laws Act, 1954	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
52.	The West Godavari District (Assimilation of Laws on Federal Subjects) Acts, 1949	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
53.	The Union Territories (Laws) Act, 1950	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
54.	The Absorbed Areas (Laws) Act, 1954	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs

55.	The Central Provinces (Laws) Act, 1875	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
56.	The Cooch-Behar Assimilation of Laws Act, 1950	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
57.	The Jammu and Kashmir (Extension of Laws) Act, 1956	PC Jain Commission Report (Appendix A-1)	Department of Jammu and Kashmir, Ministry of Home Affairs
58.	The Manipur and Tripura (Repeal of Laws) Act, 1958	PC Jain Commission Report (Appendix A-1 and Appendix A-5)	Legislative Department, Ministry of Law and Justice
59.	The Married Women's Property (Extension) Act, 1959	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
60.	The Opium and Revenue Laws (Extension of Application) Act, 1950	PC Jain Commission Report (Appendix A-1)	Department of Revenue, Ministry of Finance
61.	The Merged States (Laws) Act, 1949	PC Jain Commission Report (Appendix A-1)	Department of States, Ministry of Home Affairs
62.	The Union Duties of Excise (Distribution) Act, 1979	PC Jain Commission Report (Appendix A-1)	Department of Revenue, Ministry of Finance
63.	The Companies (Profits) Surtax Act, 1964	PC Jain Commission Report (Appendix A-1)	Department of Revenue, Ministry of Finance
64.	The Epidemic Diseases Act, 1897	PC Jain Commission Report (Appendix A-1)	Department of Health Research, Ministry of Health and Family Welfare
65.	The Hotel Receipts Tax Act, 1980	PC Jain Commission Report (Appendix A-1)	Department of Revenue, Ministry of Finance
66.	The Delhi And Ajmer Rent Control (Nasirabad Cantonment Repeal) Act, 1968	PC Jain Commission Report (Appendix A-1)	Ministry of Urban Development
67.	The Coking Coal Mines (Taking Over of Management) Act, 1973	PC Jain Commission Report (Appendix A-1)	Ministry of Coal
68.	The Coal Mines (Emergency Provisions) Act, 1971	PC Jain Commission Report (Appendix A-1)	Ministry of Coal

69.	The Laxmi Ratan and Atherton West Cotton Mills (Taking over of Management) Act, 1976	PC Jain Commission Report (Appendix A-1)	Ministry of Textiles
70.	The Sick Textile Undertakings (Taking Over of Management) Act, 1972	PC Jain Commission Report (Appendix A-1)	Ministry of Textiles
71.	The Textiles Undertakings (Taking over of Management) Act, 1983	PC Jain Commission Report (Appendix A-1)	Ministry of Textiles
72.	The Bangalore Marriage Validation Act, 1936	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
73.	The Bar Councils (Validation of State Laws) Act, 1956	PC Jain Commission Report (Appendix A-1)	Department of Legal Affairs, Ministry of Law and Justice
74.	The Bengal Finance (Sales Tax) Delhi Validation of Appointments and Proceedings Act, 1971	PC Jain Commission Report (Appendix A-1)	Department of Revenue, Ministry of Finance
75.	The Decrees and Orders Validating Act, 1936	PC Jain Commission Report (Appendix A-1)	Department of Legal Affairs, Ministry of Law and Justice
76.	The Destructive Insects and Pests (Amendments and Validation) Act, 1992	PC Jain Commission Report (Appendix A-1)	Department of Agriculture and Cooperation, Ministry of Agriculture
77.	The Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, 1958	PC Jain Commission Report (Appendix A-1)	Department of State, Ministry of Law and Justice
78.	The Hindu Marriage (Validation of Proceedings) Act, 1960	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
79.	The Jubbalpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Act, 1935	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
80.	The Marriages Validation Act, 1892	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
81.	The Musselman Wakf Validating Act, 1913	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
82.	The Musselman Wakf Validating Act, 1930	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice

83.	The Part B State Marriages Validating Act, 1952	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
84.	The Professions Tax Limitation (Amendment and Validation) Act, 1949	PC Jain Commission Report (Appendix A-1) and 96 th LCI Report	Department of Revenue, Ministry of Finance
85.	The Travancore-Cochin Vehicles Taxation (Amendment and Validation) Act, 1959	PC Jain Commission Report (Appendix A-1)	Department of Revenue, Ministry of Finance
86.	Admiralty Jurisdiction (India) Act, 1860	PC Jain Commission Report (Appendix A-3)	Ministry of Shipping
87.	Admiralty Offences (Colonial) Act, 1849	PC Jain Commission Report (Appendix A-3)	Ministry of Shipping
88.	Colonial Courts of Admiralty Act, 1890	PC Jain Commission Report (Appendix A-3)	Ministry of Shipping
89.	Armed Forces (Special Powers) Ordinance, 1942	PC Jain Commission Report (Appendix A-4)	Department of Defence, Ministry of Defence
90.	Bank Notes (Declaration of Holdings) Ordinance, 1946	PC Jain Commission Report (Appendix A-4)	Department of Economic Affairs, Ministry of Finance
91.	Collective Fines Ordinance, 1942	PC Jain Commission Report (Appendix A-4)	Department of Home, Ministry of Home Affairs
92.	Criminal Law Amendment Ordinance, 1944	PC Jain Commission Report (Appendix A-4)	Department of Home, Ministry of Home Affairs
93.	Criminal Law Amendment Ordinance, 1946	PC Jain Commission Report (Appendix A-4)	Department of Home, Ministry of Home Affairs
94.	Military Nursing Service Ordinance, 1949	PC Jain Commission Report (Appendix A-4)	Department of Defence, Ministry of Defence
95.	Public Health (Emergency Provisions) Ordinance, 1944	PC Jain Commission Report (Appendix A-4)	Department of Home, Ministry of Home Affairs
96.	Secunderabad Marriage Validating Ordinance, 1945	PC Jain Commission Report (Appendix A-4)	Legislative Department, Ministry of Law and Justice

97.	Termination of War (Definition) Ordinance, 1946	PC Jain Commission Report (Appendix A-4)	Department of Defence, Ministry of Defence
98.	War Gratuities (Income-Tax Exemption) Ordinance, 1945	PC Jain Commission Report (Appendix A-4)	Ministry of Labour and Employment
99.	War Injuries Ordinance, 1941	PC Jain Commission Report (Appendix A-4)	Ministry of Labour and Employment
100.	The Agriculturist Loans Act, 1884	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
101.	The Ajmer Tenancy and Land Records Act, 1950	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
102.	The Assam Municipal (Manipur Amendment) Act, 1961	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
103.	The Bengal, Agra and Assam Civil Courts Act, 1887	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice
104.	The Bengal Alluvion and Diluvion Act, 1847	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
105.	The Bengal, Bihar and Orissa and Assam Laws Act, 1912	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
106.	The Bengal Bonded Warehouse Association Act, 1838	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
107.	The Bengal Bonded Warehouse Association Act, 1854	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
108.	The Bengal Choukidari Act, 1856	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
109.	The Bengal Districts Act, 1836	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
110.	The Bengal Embankment Act, 1855	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
111.	The Bengal Ghatwali Laws Act, 1859	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development

112.	The Bengal Indigo Contract Act, 1836	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
113.	The Bengal Land Holder's Attendance Act, 1848	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
114.	The Bengal Land Revenue Sales Act, 1841	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
115.	The Bengal Land Revenue Sales Act, 1859	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
116.	The Bengal Military Police Act, 1892	PC Jain Commission Report (Appendix A-5)	Department of Internal Security, Ministry of Home Affairs
117.	The Bengal Rent Act, 1859	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
118.	The Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932	PC Jain Commission Report (Appendix A-5)	Department of Internal Security, Ministry of Home Affairs
119.	The Bengal Tenancy Act, 1885	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Land Resources
120.	The Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act, 1969	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Land Resources
121.	The Births, Deaths and Marriages Registration Act, 1886	PC Jain Commission Report (Appendix A-5)	Department of Home, Ministry of Home Affairs
122.	The Bombay Civil Courts Act, 1869	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice
123.	The Bombay Municipal Debentures Act, 1876	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
124.	The Bombay Rent-Free Estates Act, 1852	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
125.	The Bombay Revenue Jurisdiction Act, 1876	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice

126.	The Boundary-marks, Bombay, 1846	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
127.	The Broach and Kaira Incumbered Estates Act, 1877	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
128.	The Calcutta Land Revenue Act, 1850	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
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130.	The Central Provinces (Courts of Wards) Act, 1895	PC Jain Commission Report (Appendix A-5)	Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture
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134.	The Chota Nagpur Encumbered Estates Act, 1876	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
135.	The City of Bombay Municipal (Supplementary) Act, 1888	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
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138.	The Disturbed Areas (Special Courts), Act, 1976	PC Jain Commission Report (Appendix A-5)	Department of Internal Security, Ministry of Home Affairs
139.	The Essential Services Maintenance (Assam) Act, 1980	PC Jain Commission Report (Appendix A-5)	Department of Internal Security, Ministry of Home Affairs

140.	The Fort William Act, 1881	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice
141.	The Goa, Daman and Diu (Absorbed Employees) Act, 1956	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
142.	The Government Grants Act, 1895	PC Jain Commission Report (Appendix A-5)	Legislative Department, Ministry of Law and Justice
143.	The Government Management of Private Estates Act, 1892	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
144.	The Hackney Carriage Act, 1879	PC Jain Commission Report (Appendix A-5)	Ministry of Urban Development
145.	The Howrah Offences Act, 1857	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice
146.	The Improvement in Towns Act, 1850	PC Jain Commission Report (Appendix A-5)	Ministry of Urban Development
147.	The Indian Tramways Act, 1886	PC Jain Commission Report (Appendix A-5)	Ministry of Urban Development
148.	The Indian Tramways Act, 1902	PC Jain Commission Report (Appendix A-5)	Ministry of Urban Development
149.	The Junagarh Administration (Property) Act, 1948	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
150.	The Local Authorities (Loans) Act, 1948	PC Jain Commission Report (Appendix A-5)	Department of Expenditure, Ministry of Finance
151.	The Local Authorities Pensions and Gratuities Act, 1919	PC Jain Commission Report (Appendix A-5)	Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions
152.	The Madras, Bengal and Bombay Children (Supplementary) Act, 1925	PC Jain Commission Report (Appendix A-5)	Ministry of Women and Child Development
153.	The Madras City Civil Court Act, 1892	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice

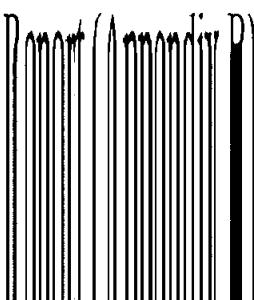
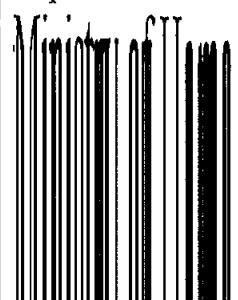
154.	The Madras City Land Revenue Act, 1851	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
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165.	The Murshidabad Act, 1891	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
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179.	The Sales of Land for Revenue Arrears, 1845	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
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181.	The Scheduled Securities (Hyderabad) Act, 1949	PC Jain Commission Report (Appendix A-5)	Department of Economic Affairs, Ministry of Finance
182.	The Sheriff of Calcutta (Power of Custody) Act, 1931	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice
183.	The Shore Nuisances (Bombay and Kolaba) Act, 1853	PC Jain Commission Report (Appendix A-5)	Ministry of Environment and Forests
184.	Sir Dinshaw Maneekjee Petit Act, 1893	PC Jain Commission Report (Appendix A-5)	Legislative Department, Ministry of Law and Justice
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181.	The Scheduled Securities (Hyderabad) Act, 1949	PC Jain Commission Report (Appendix A-5)	Department of Economic Affairs, Ministry of Finance
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184.	Sir Dinshaw Maneekjee Petit Act, 1893	PC Jain Commission Report (Appendix A-5)	Legislative Department, Ministry of Law and Justice
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195.	The King of Oudh's Estate Act, 1888	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
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224.	The North-Eastern Areas (Reorganisation) Act, 1971	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
225.	The Part B States (Laws) Act, 1951	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
226.	The Pondicherry (Extension) Act, 1962	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
227.	The Punjab Reorganisation Act, 1966	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
228.	The Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
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235.	The Calcutta High Court (Jurisdiction Limits) Act, 1919	PC Jain Commission Report (Appendix C)	Department of Justice, Ministry of Law and Justice
236.	The High Court of Bombay (Extension to Goa, Daman and Diu) Act, 1981	PC Jain Commission Report (Appendix C)	Department of Justice, Ministry of Law and Justice
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238.	The High Courts (Seals) Act, 1950	PC Jain Commission Report (Appendix C)	Department of Justice, Ministry of Law and Justice
239.	The Arya Marriages Validation Act, 1937	PC Jain Commission Report (Appendix D)	Legislative Department, Ministry of Law and Justice
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246.	The Indian Matrimonial Causes (War Marriages) Act, 1948	PC Jain Commission Report (Appendix D)	Legislative Department, Ministry of Law and Justice
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248.	The Married Women's Rights to Property Act, 1874	PC Jain Commission Report (Appendix D)	Legislative Department, Ministry of Law and Justice
249.	The Muslim Law (Shariat) Application Act, 1937	PC Jain Commission Report (Appendix D)	Legislative Department, Ministry of Law and Justice

250.	The Converts' Marriage Dissolution Act, 1866	PC Jain Commission Report (Appendix D)	Legislative Department, Ministry of Law and Justice
251	The Exchange of Prisoners Act, 1948 <i>(58 of 1961)</i>	96 th LCI Report	Department of Internal Security, Ministry of Home Affairs
252.	The Transfer of Evacuee Deposits Act, 1954	96 th LCI Report	Department of Internal Security, Ministry of Home Affairs
253.	The Benami Transactions (Prohibition) Act, 1988	159 th LCI Report	Department of Revenue, Ministry of Finance



GOVERNMENT OF INDIA

**LAW COMMISSION
OF
INDIA**

Report No. 249

**“Obsolete Laws: Warranting Immediate Repeal”
(Second Interim Report)**

October, 2014

न्यायमूर्ति अजित प्रकाश शहा
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D.O. No.6(3)211/2011-LC(LS)

13 October, 2014

Dear Mr. Ravi Shankar Prasad ji,

You would kindly recall that the Law Commission of India has undertaken a study the "**Legal Enactments: Simplifications and Streamlining**" (**LESS**). While this Study is underway, the Commission submitted an interim report (Report No.248) on Obsolete Laws on 12 September 2014. Taking the exercise a step further, the Commission has identified 77 more laws for complete repeal and individual recommendations for 11 permanent ordinances promulgated during World War II. Further, 25 State reorganization laws have been identified for partial repeal. Thus, a total of 113 laws have been identified, analysed, put together as Report No.249 with the title "**Obsolete Laws: Warranting Immediate Repeal**" – **Second Interim Report** and is submitted herewith for consideration of the Government.

With warm regards,

Yours sincerely,

[Ajit Prakash Shah]

Mr. Ravi Shankar Prasad
Hon'ble Minister for Law and Justice
Government of India
Shastri Bhawan
New Delhi - 110115

**"Obsolete Laws : Warranting Immediate Repeal"
(Second Interim Report)**

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CHAPTER 1

INTRODUCTION

1.1 This Report forms the second instalment of the study undertaken by the Law Commission titled 'The Legal Enactments: Simplification and Streamlining'. It considers a further 113 laws and permanent ordinances, recommends 88 of these for wholesale repeal, and the remaining 25 for partial repeal.

1.2 In the first instalment of this study, i.e., Report No.248 titled "Obsolete Laws: Warranting Immediate Repeal (Interim Report)", 72 laws were identified as having become obsolete, and were recommended for immediate repeal. Repeal was recommended if the law satisfied one of the following conditions: if later law clearly conflicted with an archaic one, if the purpose of the law had already been fulfilled, or if the subject matter of a statute was so archaic as to no longer require legislation. Of the 261 laws *prima facie* identified for repeal based on these parameters (listed in Appendix V of the 248th Report), a study of 72 laws was completed in the first interim report. This second interim report studies a further 113 laws that satisfy these parameters, and gives notes and recommendations on each.

1.3 Thus, Chapter 2 of this Report studies 77 laws recommended for complete repeal. Chapter 3 considers the legal position of 11 permanent ordinances promulgated during World War II, and makes individual recommendations regarding each. Chapter 4 deals with 25 State reorganisation laws, which cannot be repealed in their entirety, but may be suitable for partial repeal.

1.4 It must be kept in mind that while recommending the repeal of these laws, the legislature competent to repeal the law must also be established in accordance

with Article 372(1) of the Constitution. As explained in Chapter 4 of the 248th Report, pre-Constitutional laws, even where they have been passed by the Centre, can only be repealed by the Centre if the subject matter of the law now falls within List I or III of the Seventh Schedule to the Constitution. Where a law falls within the domain of List II, it should be referred to the relevant State Governments for repeal. Accordingly, the competent legislature has been indicated in each of the laws being studied for repeal.

1.5 An additional point to be noted in the process of statutory simplification and streamlining is the need for easy access, by laypersons, to an updated set of Central laws in force. Accordingly, the Law Commission recommends that repealed laws, or laws that clearly pertain only to a single State be removed from the list of Central laws available on the Ministry's website. Further, a revised list of Central laws should be presented both chronologically, and in accordance with the subject-categories recommended in the 248th Report of the Law Commission (Appendix 1 of the 248th Report). This will ensure that members of the public who wish to know the entirety of laws governing a certain subject area will find this information readily – something that is not possible today.

The Commission acknowledges the efforts put in by the Sub-Committee comprising Justice S N Kapoor, Member, Law Commission, Prof. Mool Chand Sharma, Member, Law Commission, Prof. Yogesh Tyagi, Member (Part Time), Law Commission, Mr. Arghya Sengupta and Ms. Srijoni Sen, Advocates from Vidhi Centre for Legal Policy, and also that of two young researchers, Ms. Ritwika Sharma and Mr. Sameer Rohatgi in finalizing this Report.

CHAPTER 2

LAWS RECOMMENDED FOR COMPLETE REPEAL

2.1 This Chapter lists 77 statutes that warrant complete repeal, with recommendations and notes on each:

1. Bengal Indigo Contracts Act, Act 10 of 1836

Category: Laws Relating to Administration and Development of Local Areas

Recommendation: Repeal in consultation with relevant State(s)

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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

2. Madras Public Property (Malversation) Act, Act 36 of 1837

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

This 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

3. Madras Rent and Revenue Sales Act, Act 7 of 1839

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

4. Bengal Land Revenue Sales Act, Act 12 of 1841

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

5. Revenue, Bombay, Act 13 of 1842

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

In this case, as well, 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

6. Revenue Commissioners, Bombay, Act 17 of 1842

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

7. Sales of Land for Revenue Arrears, Act 1 of 1845

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

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.

This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

8. Boundary-marks, Bombay, Act 3 of 1846

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

9. Bengal Alluvion and Diluvion Act, Act 9 of 1847

Category: Land Revenue

Recommendation: Remove from Law Ministry's lists of central Acts

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.

10. Madras Revenue Commissioner Act, Act 10 of 1849

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

This 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

11. Calcutta Land Revenue Act, Act 23 of 1850

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

12. Improvement in Towns Act, Act 26 of 1850

Category: Law Relating to Administration and Development of Local Areas

Recommendation: Repeal in consultation with relevant State(s)

This 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

13. Madras City Land Revenue Act, Act 12 of 1851

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

14. Bombay Rent-free Estates Act, Act 11 of 1852

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

15. Rent Recovery Act, Act 6 of 1853

Category: Administration of Justice

Recommendation: Repeal in consultation with relevant State(s)

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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

16. Shore Nuisances (Bombay and Kolaba) Act, Act 11 of 1853

Category: Maritime Law; Shipping and Inland Navigation

Recommendation: Repeal

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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

17. Police (Agra) Act, Act 16 of 1854

Category: Criminal Justice

Recommendation: Repeal in consultation with relevant State(s)

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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

18. Bengal Embankment Act, Act 32 of 1855

Category: Transportation and Infrastructure

Recommendation: Repeal in consultation with relevant State(s)

This 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 Central Government should also remove this law from its lists of central Acts in force.

19. Calcutta Land Revenue Act, Act 18 of 1856

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

20. Bengal Chaukidari Act, Act 20 of 1856

Category: Criminal Justice

Recommendation: Repeal in consultation with relevant State(s)

The 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 Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

21. Tobacco Duty (Town of Bombay) Act, Act 4 of 1857

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

22. Madras Compulsory Labour Act, Act 1 of 1858

Category: Labour Laws

Recommendation: Repeal

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

23. Bengal Ghatwali Lands Act, Act 5 of 1859

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

The 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 Central Government should also

remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

24. Bengal Rent Act, Act 10 of 1859

Category: Rent and Tenancy

Recommendation: Remove from the Law Ministry's lists of central Acts

The 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.

25. Bengal Land Revenue Sales Act, Act 11 of 1859

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

This 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

26. Madras District Police Act, Act 24 of 1859

Category: Criminal Justice

Recommendation: Remove from the Law Ministry's lists of central Acts

The 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.

27. Stage-Carriages Act, Act 16 of 1861

Category: Transportation and Infrastructure

Recommendation: Repeal in consultation with relevant State(s)

The Act made 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 Victorias, 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. This Act has also

been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

28. Excise (Spirits) Act, Act 16 of 1863

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

The 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.

29. Partition of Revenue-paying Estates Act, Act 19 of 1863

Category: Land Laws

Recommendation: Repeal in consultation with relevant State Government(s)

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

30. Coroners Act, Act 4 of 1871

Category: Criminal Justice

Recommendation: Repeal and enact a new Coroners Act

This 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. This Act was also recommended for repeal by the PC Jain Commission Report (Appendix A-5).

31. Bengal Sessions Courts Act, Act 19 of 1871

Category: Administration of Justice

Recommendation: Repeal in consultation with relevant State Government(s)

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.

32. North-Western Provinces Village and Road Police Act, Act 16 of 1873

Category: Criminal Justice

Recommendation: Repeal in consultation with the government of the State of Uttar Pradesh

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

33. Indian Law Reports Act, Act 18 of 1875

Category: Administration of Justice

Recommendation: Recommend for repeal with suitable amendments.

This 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.

34. Chota Nagpur Encumbered Estates Act, Act 6 of 1876

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

The 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. This Act has also been

recommended for repeal by the PC Jain Commission Report (Appendix A-5).

35. Bombay Municipal Debentures Act, Act 15 of 1876

Category: Financial Laws

Recommendation: Repeal in consultation with relevant State(s).

This 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.

36. Broach and Kaira Incumbered Estates Act, Act 14 of 1877

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

This 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.

37. Hackney Carriage Act, Act 14 of 1879

Category: Transportation and Infrastructure

Recommendation: Repeal in consultation with relevant State(s)

The 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 Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

38. Legal Practitioners' Act, Act 18 of 1879

Category: Legal, Medical and Other Professions

Recommendation: Repeal after making suitable amendments to the Advocates Act, 1961

This 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

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. This Act has been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

39. Central Provinces Land Revenue Act, Act 18 of 1881

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

The 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.

40. Madras Forest (Validation) Act, Act 21 of 1882

Category: Environmental Law

Recommendation: Repeal after consultation with the State of Tamil Nadu.

This 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. This Act has been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

41. Bikrama Singh's Estates Act, Act 10 of 1883

Category: Land Laws

Recommendation: Repeal

This 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.

42. Land Improvement Loans Act, Act 19 of 1883

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

The 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.

43. Punjab District Boards Act, Act 20 of 1883

Category: Laws Relating to Administration and Development of Local Areas

Recommendation: The Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use.

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.

44. Punjab Tenancy Act, Act 16 of 1887

Category: Rent and Tenancy

Recommendation: The Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use.

The 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.

45. Punjab Land Revenue Act, Act 17 of 1887

Category: Land Revenue

Recommendation: The Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use.

The 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.

46. Police Act, Act 3 of 1888

Category: Criminal Justice

Recommendation: Repeal

The 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.

47. City of Bombay Municipal (Supplementary) Act, Act 12 of 1888

Category: Administration of Justice

Recommendation: Repeal after consultation with relevant State(s)

The 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.

48. Excise (Malt Liquors) Act, Act 13 of 1890

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

This 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.

49. Easements (Extending) Act, Act 8 of 1891

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

This 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

50. Murshidabad Act, Act 15 of 1891

Category: Land Laws

Recommendation: Remove from the Law Ministry's lists of central Acts.

This Act has been repealed by the West Bengal Murshidabad Estate (Trust) Act, 1963.

51. Marriages Validation Act, Act 2 of 1892

Category: Personal Laws

Recommendation: Repeal

The 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.

52. Bengal Military Police Act, Act 5 of 1892

Category: Defence of India and Armed Forces

Recommendation: Repeal, in consultation with relevant State(s)

This 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.

53. Government Management of Private Estates Act, Act 10 of 1892

Category: Land Revenue

Recommendation: Repeal

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. It has been recommended for repeal by PC Jain Commission also in its Appendix A-5.

54. Porahat Estate Act, Act 2 of 1893

Category: Land Laws

Recommendation: Repeal after consultation with relevant State(s)

The 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.

55. Amending Act, Act 5 of 1897

Category: Residuary Laws relating to Administration

Recommendation: Repeal

This 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.

56. Indian Short Titles Act, Act 14 of 1897

Category: Residuary Laws relating to Administration

Recommendation: Repeal

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.

57. Lepers Act, Act 3 of 1898

Category: Public Health

Recommendation: Repeal in consultation with relevant State(s)

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. 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.

58. Central Provinces Tenancy Act, Act 11 of 1898

Category: Rent and Tenancy

Recommendation: Repeal, in consultation with relevant State(s)

The 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.

59. Central Provinces Court of Wards Act, Act 24 of 1899

Category: Property Law

Recommendation: Repeal

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. This Act has also been recommended for repeal by the PC Jain Commission Report in its Appendix A-5.

60. Amending Act, Act 11 of 1901

Category: Residuary Laws relating to Administration

Recommendation: Repeal

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.

61. Indian Tramways Act, Act 4 of 1902

Category: Transportation and Infrastructure

Recommendation: Repeal

The 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.

62. Amending Act, Act 1 of 1903

Category: Residuary Laws relating to Administration

Recommendation: Repeal

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.

63. Indian Criminal Law Amendment Act, Act 14 of 1908

Category: Criminal Justice

Recommendation: Repeal

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.

64. Co-operative Societies Act, Act 2 of 1912

Category: Charitable and Religious Institutions; Co-operative Societies

Recommendation: Repeal, in consultation with relevant State(s)

The Act facilitated the formation of co-operative Societies for the promotion of self-help among agriculturists, artisans and persons of limited means, and for that purpose to amend the law relating to co-operative Societies. Co-operative societies are now under List II, Entry 43, and most States have their own co-operative societies Acts now. 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

65. Bengal, Bihar and Orissa and Assam Laws Act, Act 7 of 1912

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal, in consultation with relevant State(s)

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.

66. Delhi Laws Act, Act 13 of 1912

Category: State Reorganisation and Extension of Laws

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.

67. Local Authorities Loans Act, Act 9 of 1914

Category: Financial Laws

Recommendation: Repeal, in consultation with relevant State(s).

The 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.

68. Delhi Laws Act, Act 7 of 1915

Category: State Reorganisation and Extension of Laws

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 included in the territory of Oudh and Agra. This law is no longer relevant in the modern-day administration of these territories. Hence this law should be repealed.

69. Scheduled Areas (Assimilation of Laws) Act, Act 37 of 1951

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and 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.

70. Railway Companies (Emergency Provisions) Act, Act 51 of 1951

Category: Nationalisation

Recommendation: Repeal

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and 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.

71. Scheduled Areas (Assimilation of Laws) Act, Act 16 of 1953

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and 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.

72. Lushai Hills District (Change of Name) Act, Act 18 of 1954

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The 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).

73. Absorbed Areas (Laws) Act, Act 20 of 1954

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

This 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

74. Shillong (Rifle Range Umlong) Cantonments Assimilation of Laws Act, Act 31 of 1954

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The 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. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

75. Legislative Assembly of Nagaland (Change in Representation) Act, Act 61 of 1968

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The 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).

**76. Levy Sugar Price Equalisation Fund Act, Act 31
of 1976**

Category: Food and Public Distribution

Recommendation: Repeal

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.

**77. Indian Iron and Steel Company (Acquisition of
Shares) Act, Act 89 of 1976**

Category: Nationalisation

Recommendation: Repeal

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. This 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.

CHAPTER 3

PERMANENT ORDINANCES RECOMMENDED FOR REPEAL

3.1 The PC Jain Commission Report recommended repeal of 17 permanent war-time ordinances in its Appendix A-4. These ordinances were promulgated under Section 72 of the Ninth Schedule of the Government of India Act, 1935 (the Ninth Schedule allowed for the continuation of certain sections of the Government of India Act, 1919). The section empowered the Governor-General-in-Council to promulgate ordinances in cases of emergency. Ordinarily, Section 72 provided that ordinances would be limited to a duration of six months. However, the operation of the six month clause was suspended by Section 1(3) of the India and Burma Emergency Provisions Act, 1940, and the 17 war-time ordinances were promulgated when the 1940 Act was in force.

3.2 These ordinances were later adapted as laws by the Presidential Adaptation of Laws Order, 1950. The nature of these ordinances was established by the Supreme Court in *Hansraj Moolji v. The State Of Bombay* [AIR 1957 SC 497]. In this case, the appellant was prosecuted in 1953 under the Denomination Bank Notes (Demonetisation) Ordinance, 1946. He argued that with the ending of the emergency under the India and Burma Emergency Provisions Act, 1940 in 1946, this Ordinance had lapsed. The crux of the appellant's argument was:

- Since the Ordinance had been promulgated in exercise of emergency powers, it lapsed ipso facto on April 1, 1946, when the declaration was made that the emergency was at an end;
- Section 72 of the 9th Schedule of the Government of India Act, 1935, having been restored with effect

from April 1, 1946, one must look to its terms as they originally stood, to justify the continuance of the Ordinance after April 1, 1946.

3.3 However, the Supreme Court, in a judgment delivered by Justice NH Bhagwati, held that:

If by the operation of Section 1(3) of the India and Burma (Emergency Provisions) Act, 1940, the words 'for the space of not more than six months from its promulgation' were omitted from Section 72 (of the Government of India Act, 1919) during the period specified in Section 3 of that Act, viz., June 27, 1940 to April 1, 1946, there was no limitation of the period of duration of the Ordinance in question and the Ordinance having the like force of law as an Act passed by the Indian Legislature without any limitation on its duration *was to continue in force until it was repealed.*'
(emphasis added)

3.4 These Ordinances have, therefore, been treated as statutes. For instance, the Currency Ordinance, 1940 was repealed finally by the Coinage Act, 2011. The Standing Committee on Finance (2009-10) in its Twenty Second Report, on the Coinage Bill, 2009, witnessed the following discussion on the repeal of the Currency Ordinance, 1940:

The Currency Ordinance, 1940 was promulgated after passing of the India and Burma (Emergency Provisions) Act, 1940 which provided that Ordinances made during the period of the emergency beginning June 27, 1940 would not lapse

within six months. This made the Currency Ordinance, 1940 of permanent nature like an Act of competent Legislature and continued to be in force. The Ordinance was continued and adopted by a Presidential promulgation, 'Adoption of Laws Order, 1950' issued under powers conferred by clause (2) of Article 372 of the Constitution.'

3.5 Under the scheme of the Constitution of India, the power to promulgate an Ordinance rests on the premise that since the Executive enjoys the confidence of the Legislature, it should be allowed to pass temporary laws which address unforeseen emergencies that may arise when the Parliament is not in session. The constitutional position with regard to promulgation of ordinances was established in *DC Wadhwa and Ors. v. State of Bihar and Ors.* [(1987) 1 SCC 378], where the Supreme Court held that it would be a colourable exercise of power on the part of the Executive to continue an Ordinance beyond the period limited by the Constitution. Permanent ordinances go against the scheme of the Constitution, since Article 123 mandates that every Ordinance shall cease to operate at the expiration of six weeks from the reassembly of Parliament. Hence, as a matter of principle, these wartime ordinances should be repealed, and replaced by a statute if necessary.

3.6 Of the 17 ordinances recommended for repeal by the PC Jain Commission, 6 have since been repealed by various laws. The following are recommendations made on the remaining 11 permanent ordinances:

1. War Injuries Ordinance, Ordinance 7 of 1941

Category: Labour Laws

Recommendation: Repeal

The Ordinance empowered the Central Government to make schemes providing for the grant of relief in respect of injuries sustained during the War. The purpose of this Ordinance was subsumed by the War Injuries (Compensation Insurance) Act, 1943 which imposes a liability on employers to pay compensation to workmen sustaining war injuries and provides for the insurance of employers against such liability. Therefore, the Central Government should repeal this Ordinance.

2. Collective Fines Ordinance, Ordinance 20 of 1942

Category: Criminal Justice

Recommendation: Repeal

The Ordinance provided for the imposition of collective fines. It empowered the State Government to impose collective fines on the inhabitants of an area if it appeared that the inhabitants are concerned in or abetting the commission of offences prejudicially affecting the defence of India, public safety, maintenance of public order, efficient prosecution of war, maintenance of supplies or services necessary to the life of the community, or are harbouring persons concerned in the commission of such offences. The imposition of collective fines may be in violation of Articles 14, 20 and 21. In *Lakhan Rai v. State of Bihar* [1992 (1) BLJR 38], the Patna High Court considered the Bihar Collective Fine (Imposition) Act, 1982, and upheld it on the ground that it contained adequate safeguards such as hearings and appeals related to the imposition of fines. No such safeguards exist in this Ordinance, which may render it unconstitutional. Further, there is

no evidence of reported use of this Ordinance. Hence it should be repealed.

**3. Armed Forces (Special Powers) Ordinance,
Ordinance 41 of 1942**

Category: Defence of India and Armed Forces

Recommendation: Repeal

The Ordinance conferred special powers upon certain ranks of officers of the armed forces. This Ordinance was promulgated by the Governor-General-in-Council on August 15th, 1942 to suppress the Quit India Movement. The provisions of the Armed Forces Special Powers Act, 1958 clearly overlap with the Ordinance. This Ordinance should therefore be repealed.

**4. Public Health (Emergency Provisions) Ordinance,
Ordinance 21 of 1944**

Category: Public Health

Recommendation: Repeal after consultation with States

This Ordinance made special provisions for preventing the spread of human disease, safeguarding the public health and providing and maintaining adequate medical services and other services essential to the health of the community. It empowered the appropriate Government to take such measures as may be necessary for the purpose of this Ordinance and placed an obligation on the local authority to comply with the orders of the Government in that regard. 'Appropriate Government', for the purposes of this Ordinance, meant the Central Government, in relation to cantonment authorities, and the State Government, in relation to all other local authorities. There is no evidence of recent use of this Act. The Epidemic Diseases Act, 1897 addresses similar concerns and

empowers the State Government and the Central Government to take special measures and prescribe regulations as to dangerous epidemic diseases. However, since public health and sanitation is now a State subject (See Entry 6, List II, Seventh Schedule of the Constitution), the Central Government should repeal this Ordinance after consultation with the States.

5. Criminal Law Amendment Ordinance, Ordinance 38 of 1944

Category: Criminal Justice

Recommendation: Repeal with amendments to the existing law.

This Ordinance, which was promulgated to prevent the disposal or concealment of property procured by means of certain offences, is used extensively in conjunction with the Prevention of Corruption Act, 1988 (POCA). It allows for application to attach property where the Government believed a scheduled offence had been committed. Scheduled offences under the ordinance include offences under the POCA. While this Ordinance cannot be simply repealed, suitable amendments should be brought to the POCA so that attachment of property under the circumstances outlined in the Ordinance takes place through statute rather than a permanent ordinance which goes against the constitutional scheme.

6. Secunderabad Marriage Validating Ordinance, Ordinance 30 of 1945

Category: Personal Laws

Recommendation: Repeal.

This Ordinance is similar to the Bangalore Marriage Validating Act, 1936. It was promulgated to validate a

single marriage conducted by a certain Reverend in Secunderabad in 1944. The Reverend mistakenly married a Christian, but not an Indian Christian under the Indian Christian Marriage Act, 1972. The need for this Ordinance has clearly expired. Therefore, the Central Government should repeal this Ordinance after introducing a suitable savings clause.

7. War Gratuities (Income Tax Exemption) Ordinance, Ordinance 24 of 1945

Category: Labour Laws

Recommendation: Repeal

This Ordinance was promulgated to ensure that any war gratuity paid shall not be included in the total income of a person for the purpose of income tax. There are no reported cases under this Ordinance. This Central Government should repeal this Ordinance since its purpose has been fulfilled, and a suitable savings clause should be introduced to adequately address any pending litigation.

8. Bank Notes (Declaration of Holdings) Ordinance, Ordinance 2 of 1946

Category: Financial Laws

Recommendation: Repeal

This Ordinance required banks and Governments treasuries to furnish information concerning certain bank notes held by them. The purpose of the Ordinance was to provide for the demonetisation of certain currency in India. The Ordinance required every bank and Government Treasury to prepare and send to the Reserve Bank of India details with regards to the total value of bank notes held by them by January 11th, 1946. The Ordinance was clearly time-bound and has now

become obsolete. Therefore, the Central Government should repeal this Ordinance.

9. Criminal Law Amendment Ordinance, Ordinance 6 of 1946

Category: Criminal Justice

Recommendation: Repeal

The purpose of this Ordinance was to prove as a deterrent to public servants indulging in corrupt practices and bribery. This is now governed under the Prevention of Corruption Act, 1988, and this Ordinance is not in use. Hence, the Central Government should repeal this Ordinance

10. Termination of War (Definition) Ordinance, Ordinance 10 of 1946

Category: Defence of India and Armed Forces

Recommendation: Repeal

This Ordinance determined the date of termination of the 'present war', i.e. the Second World War. The purpose of this Ordinance was to determine the exact date on which temporary war-time measures would end. The purpose of this Ordinance has been fulfilled and it should be repealed with a suitable savings clause.

11. Military Nursing Service Ordinance, Ordinance 30 of 1943

Category: Defence of India and Armed Forces

Recommendation: Repeal with amendments to the existing law.

The Ordinance constituted a force called the Indian Military Nursing Service (IMNS) as part of the armed forces of the Union. This Ordinance provides for matters

such as eligibility for appointment to the IMNS, procedure for dismissal and constitution of the IMNS. The IMNS is now an integral part of the Armed Forces Medical Services (AFMS). Post-independence, through a special Gazette of India notification, the Army Act, 1950 was subsequently made applicable to the Officers of the IMNS with suitable modification and adaptation. These adaptations and modifications are contained in Army Order (AO) 197/59. However, while amendments were made to the Ordinance so as to make the Army Act, 1950 applicable to the IMNS, corresponding amendments have not been made to the Army Act. Consequently, provisions of the Ordinance are still being used in adjudication of disputes relating to the terms and conditions of service of members of the IMNS. While this Ordinance cannot be simply repealed, suitable amendments should be brought to the Army Act, 1950 to incorporate provisions pertaining to members of the IMNS.

CHAPTER 4

STATE REORGANISATION LAWS RECOMMENDED FOR PARTIAL REPEAL

4.1 This Chapter looks at the status of certain State reorganisation laws, which were also considered by the PC Jain Commission Report. The PC Jain Commission Report listed 35 State reorganisation Acts in its Appendix B and recommended that these reorganisation Acts should be reviewed to consider repeal of some of them which are not relevant.

4.2 The Law Commission is of the opinion that not all these State reorganisation acts can be repealed in their entirety. State reorganisation acts were enacted not only to alter the boundaries of existing States but also to provide for various matters connected therewith. The Parliament was mindful of the fact that State reorganisation would give rise to numerous complex problems and therefore included provisions in these Acts to address these problems on an ongoing basis. In *State of Maharashtra v. Narayan Shamrao Puranik and Ors.* [(1982) 3 SCC 519], the Supreme Court held that the State Reorganisation Act, 1956 is a permanent piece of legislation on the statute book, the provisions of which, unless a different intention appears, may be used from time to time to address the problems that arose out of State reorganisation. The Supreme Court placed reliance on Section 14 of the General Clauses Act, 1897 which provides that where, by any Central Act or Regulation, any power is conferred, then that power may be exercised from time to time when occasion arises. The Supreme Court categorically dismissed the view that the State reorganisation acts are transitory in nature and held that the powers conferred by these Acts have not 'ebbed out' by lapse of time. Consequently, State reorganisation acts have been in use for matters

incidental to State reorganisation, long after the reorganisation was completed. For instance, in 2012, the power under the North-Eastern Areas (Reorganisation) Act, 1971 was exercised to establish the High Courts of Meghalaya, Manipur and Tripura.

4.3 Certain provisions of the State reorganisation acts, therefore, are still relevant and cannot be repealed, while others are transitory in nature and may be removed. This Chapter therefore makes recommendations on the partial repeal of State reorganisation acts, as detailed below.

4.4 Out of the 35 State reorganisation acts mentioned in Appendix of the PC Jain Commission Report, 7 were repealed in 2001 by the Two-Member Constituency (Abolition) and other Laws Repeal Act. The Repeal Act of 2001 only repealed those Acts which effected the alteration of names of certain States and those which abolished Legislative Councils in certain States. Out of the 28 that remain, one has been recommended for complete repeal in the 248th Report of the Law Commission on Obsolete Laws Repeal (Chapter 4, No. 60). Two more have been recommended for wholesale repeal in Chapter 2 of this interim report (Nos. 71 and 74). The following are the remaining State reorganisation acts listed in the PC Jain Commission Report, which in the view of the Law Commission of India are appropriate for partial repeal. This list only includes Acts which have been passed more than 25 years ago; State reorganisation acts of a more recent vintage have not been included in this study.

1. The Part B States (Laws) Act, Act 3 of 1951
2. The Assam (Alteration of Boundaries) Act, Act 47 of 1951
3. The Andhra State Act, Act 30 of 1953

4. The Acquired Territories (Merger) Act, Act 20 of 1954
5. The Himachal Pradesh and Bilaspur (New State) Act, Act 32 of 1954
6. The States Reorganisation Act, Act 37 of 1956
7. The Bihar and West Bengal (Transfer of Territories) Act, Act 40 of 1956
8. The Naga Hills-Tuensang Areas Act, Act 42 of 1957
9. The Rajasthan and Madhya Pradesh (Transfer of Territories) Act, Act 47 of 1959
10. The Andhra Pradesh and Madras (Alteration of Boundaries) Act, Act 56 of 1959
11. The Bombay Reorganisation Act, Act 11 of 1960
12. The Dadra and Nagar Haveli Act, Act 35 of 1961
13. The Goa, Daman and Diu (Administration) Act, Act 1 of 1962
14. The State of Nagaland Act, Act 27 of 1962
15. The Pondicherry (Administration) Act, Act 49 of 1962
16. The Punjab Reorganisation Act, Act 31 of 1966
17. The Bihar and Uttar Pradesh (Alteration of Boundaries) Act, Act 24 of 1968
18. The Andhra Pradesh and Mysore (Transfer of Territory) Act, Act 36 of 1968
19. The Assam Reorganisation (Meghalaya) Act, Act 55 of 1969
20. The State of Himachal Pradesh Act, Act 53 of 1970
21. The North-Eastern Areas (Reorganisation) Act, Act 81 of 1971
22. The Haryana and Uttar Pradesh (Alteration of Boundaries) Act, Act 31 of 1978
23. The State of Mizoram Act, Act 34 of 1986

24. The State of Arunachal Pradesh Act, Act 69 of 1986
 25. The Goa, Daman and Diu Reorganisation Act, Act 18 of 1987
- 4.5 Each of these statutes contain similar sets of provisions, which fall into certain categories. Some of these categories are suitable for repeal, while others cannot be done away with at present. Therefore, each of these categories have been studied below, to arrive at recommendations on whether they can be repealed:

1. Reorganisation of States/transfer of territories/alteration of boundaries

Each reorganisation law has provisions to amend Schedule I of the Constitution, which establishes the territories of each State. Schedule I, however, does not specify the territories which form part of a particular State. It instead refers to the relevant State reorganisation act where the territories are detailed. For instance, to describe the territories forming part of the State of Maharashtra, the Schedule mentions – ‘The territories specified in sub-section (1) of section 8 of the States Reorganisation Act, 1956...’. Since the State reorganisation acts are referred to in Schedule I of the Constitution the provisions relating to the formation of new States and specifying the boundaries of that new State cannot be repealed in the laws listed above.

2. Establishment of High Courts (of concerned States)

The High Courts of Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Kerala, Gauhati, Meghalaya, Manipur, Tripura and Uttarakhand have been established under the respective State reorganisation Acts. It is clear that the State Government’s power to establish High Courts

under the respective State reorganisation act is of a continuing nature. The power under the North-Eastern Areas (Reorganisation) Act, 1971 was exercised in 2012 to establish the new High Courts of Meghalaya, Manipur and Tripura. Hence, provisions empowering the State Government to establish High Courts cannot be repealed.

3. Representation in the Council of States

The reorganisation Acts also provide for the representation of the newly formed States in the Council of States and to that effect, amends Schedule IV of the Constitution. Schedule IV lists all the States and Union territories and specifies the number of seats allotted to each. Once the amendment is made to Schedule IV, the purpose of these provisions is fulfilled. Such provisions of the State reorganisation acts may therefore be repealed.

4. Allocation of Seats in the House of People and Strength of Legislative Assembly

The First Schedule to the Representation of the People Act, 1950 (RP Act) specifies the allocation of seats for every State in the House of the People. It mentions the total number of seats allotted to each State while also specifying the number of seats reserved for Scheduled Castes and Scheduled Tribes. The Second Schedule specifies the total number of seats in the Legislative Assembly of each State while again specifying the number of seats reserved for Scheduled Castes and Scheduled Tribes. The First and Second Schedules to the Representation of the People Act, 1950 have been amended in accordance with the reorganisation acts. Hence, the purpose of these provisions in the Acts, which deal with the allocation of seats in the House of People and strength of Legislative

have been fulfilled. The concerned provisions of the State reorganisation acts may be repealed.

5. Authorisation of expenditure

The reorganisation acts also empowered the President or the Governor of the concerned States to authorise such expenditure from the Consolidated Fund of the State, as deemed necessary, for a period of not more than a certain stipulated number of months from the appointed day of the formation of the State. These provisions were of a time-bound nature and are no longer required. After inserting a suitable savings provision, these provisions relating to authorisation of expenditure by the President/Governor can be repealed.

6. Apportionment of assets and liabilities

This part of the reorganisation acts provides for the passing on of goods and articles belonging to the existing States to the successor States. The total of the cash balances in all treasuries of the existing State and the credit balances of that State with the Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day (of reorganisation) was divided between the successor States according to the population ratio. Also, the right to recover arrears of any tax or duty on property, including arrears of land revenue, was to belong to the successor State in whose territories the property was situated, and the right to recover arrears of any other tax or duty belonged to the successor State in whose territories the place of assessment of that tax or duty was included.

The possibilities of disputes between States pertaining to the apportionment of assets and liabilities still persist. Hence, provisions of this nature cannot be repealed.

7. Provisions as to certain State corporations/boards and provisions as to employees in State services

These provisions State that State Electricity Boards and Warehousing Corporations were to continue to function in those areas where they were functioning immediately before reorganisation. The Inter-State Corporations Act, 1957 is now in force which provides for the reorganisation of certain State corporations functioning in two or more States by virtue of Section 109 of the States Reorganisation Act, 1956 or any other enactment relating to reorganisation of States. Provisions of both the reorganisation acts and the Inter-State Corporations Act are still invoked to settle disputes that arise with regard to corporations functioning in two or more States. Hence, these provisions cannot be repealed.

With regard to persons employed in State services, these Acts provided that persons employed in the services of the erstwhile State would, after reorganisation, come to be employed in the services of the newly formed State. While the purpose of the Act insofar this clause is concerned has been fulfilled, provisions of this nature are still invoked in the settlement of service disputes, and pending litigation would be affected by repeal of provisions of this nature. Hence, these provisions cannot be repealed.

8. Adaptation of laws

State Reorganisation Acts also provide for the application in newly formed States of any law made before reorganisation, once the appropriate Government makes such adaptations and modifications of the law as may be necessary or expedient. The process of adaptation of laws was to be completed within a certain period of time as specified in the respective State

Reorganisation Acts. Those reorganisation Acts where the time specified for adaptation has lapsed, the purpose of such provisions has been fulfilled. Hence, these provisions can be repealed with a suitable savings clause.

9. Delimitation of constituencies

The Reorganisation Acts amended the Delimitation of Parliamentary and Assembly Constituencies Order, 1976. The Delimitation Order of 1976 was replaced by the Delimitation of Parliamentary and Assembly Constituencies Order, 2008. The Delimitation Order of 2008 details the territories that fall into each Parliamentary and Assembly Constituency. The said Order suitably incorporates the provisions of the concerned Reorganisation Acts. Recently, the Andhra Pradesh Reorganisation Act, 2014 has been enacted creating the new State of Telengana by bifurcating the then existing State of Andhra Pradesh. The Delimitation Order of 2008 was suitably amended to provide for Parliamentary and Assembly Constituencies of the States of Andhra Pradesh and Telengana. Hence, the purpose of the Reorganisation Acts, in so far as delimitation of constituencies is concerned, has been fulfilled. The provisions relating to delimitation of constituencies can, therefore, be repealed.

**[Justice A.P. Shah]
Chairman**

[Justice S.N. Kapoor] [Prof. (Dr.) Mool Chand Sharma] [Justice Usha Mehra]
Member Member Member

**[Dr. S.S. Chahar]
Member-Secretary**

**[P.K. Malhotra]
Ex-officio Member**

**[Dr. Sanjay Singh]
Ex-officio Member**