



GOVERNMENT OF INDIA

**LAW COMMISSION
OF
INDIA**

Report No. 250

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

October, 2014

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D.O. No.6(3)211/2011-LC(LS)

29 October, 2014

Dear Mr. Ravi Shankar Prasad ji,

As you are aware, the Law Commission of India has undertaken a Study titled the **“Legal Enactments: Simplifications and Streamlining” (LESS)**. As part of this Study, the Commission submitted two interim reports (Report Nos.248 and 249) on Obsolete Laws on 12 September 2014 and 13 October 2014. Now the Commission has identified 73 more laws for complete repeal and has put together as Report No.250 with the title **“Obsolete Laws: Warranting Immediate Repeal” – Third Interim Report** and is submitted herewith for consideration of the Government. It is worth mentioning here that the Commission has in total recommended repeal of 258 archaic laws till date, through three of its interim reports.

With warm regards,

Yours sincerely,

A. Prakash
[Ajit Prakash Shah]

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

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CHAPTER 1

INTRODUCTION

This Report forms the third instalment of the study undertaken by the Law Commission titled ‘The Legal Enactments: Simplification and Streamlining’. For this report, a further 158 laws have been studied and 73 of these have been recommended for complete repeal in this Report.

1.2 In the first instalment of this study, titled “Obsolete Laws: Warranting Immediate Repeal” – An Interim Report No. 248, 72 laws were identified as having become obsolete, and were recommended for immediate repeal. In the second instalment of this study, which formed Report No. 249, 88 laws were recommended for wholesale repeal while 25 were recommended for partial repeal.

1.3 In the 248th Report, in addition, 261 laws were *prima facie* identified for repeal (listed in Appendix V of the 248th Report). With this third report, the Law Commission has studied all 261 laws, and also carried out a study of the laws recommended for repeal by the Report of the Commission on Review of Administrative Laws, 1998 (the PC Jain Commission Report) as well as earlier reports of the Law Commission. A study of 253 laws which were recommended for repeal by the PC Jain Commission Report, and the 96th Report on the Repeal on Certain Obsolete Laws (1984), 148th Report on the Repeal of Certain Pre-1947 Acts (1993) and the 159th Report on Repeal and Amendment of Laws (1998) of the Law Commission, but which have not yet been repealed was also conducted (these laws have been listed in Appendix II of the 248th Report). Thus, the third Interim Report marks the culmination of a study of the 261 laws *prima facie* identified for repeal as well as the 253 laws recommended for repeal by other Commission Reports.

1.4 Thus, Chapter 2 of this Report studies 73 laws recommended for complete repeal, and gives notes and

recommendations on each. 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. The Acts at serial numbers 73 and 74 have already been repealed. Therefore, the Central Government should remove these laws from its list of central Acts in force.

1.5 Chapter 3 contains a note on Mica Mines Labour Welfare Fund Act, Act 22 of 1946 and similar welfare fund Acts.

1.6 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

This Chapter lists 73 statutes that warrant complete repeal, with recommendations and notes on each:

1. Mussalman Wakf Validating Act, Act 6 of 1913 and the Mussalman Wakf Validating Act, Act 32 of 1930

Category: Charitable and Religious Institutions; Co-operative Societies

Recommendation: Repeal

The Mussalman Wakf Validating Act declared the rights of Mussalmans to make settlements of property by way of 'wakf' in favour of their families, children and descendants. The Act declared that no such wakf shall be deemed invalid merely because the benefit reserved therein for the poor or of other religious, pious or a permanent nature is postponed until after the extinction of the family, children or descendants of the person creating the wakf. This Act was enacted to statutorily supersede the position taken by the Privy Council in *Abdul Fata Mahomed Ishak v. Russomoy Dhur Chowdhry* [1894 (22) Cal 619 (PC)] that a wakf for the family members though coupled with a gift to charity on the failure of the line of descendants is not one substantially for charity and so was invalid. The Mussalman Wakf Validating Act, 1930 clarified that the Mussalman Wakf Validating Act, 1913 shall be deemed to apply to wakfs created before its commencement. Hence, the Validating Act of 1913 was given retrospective application by the 1930 Act. The Wakf Act, 1995 has now been enacted to provide for the better administration of wakfs and for matters connected therewith. The 1995 Act applies to all wakfs, whether created before or after the commencement of the Act. Private wakfs are considered valid by the Act of 1995. Hence, the purpose of the Validating Acts of 1913 and 1930 has been subsumed by the Act of 1995. Wakfs of a private nature created any time before 1995 are valid under the Wakf Act, 1995. The Central Government should repeal

both the 1913 and the 1930 Acts. However, since the Validating Acts of 1913 and 1930 are still used to validate wakfs created before 1913, a provision saving the wakfs validated by these Acts should be inserted into the 1995 Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and by the Ministry of Minority Affairs in its letter No. 12/10/2014-Wakf dated 9th September 2014 to the Member Secretary, Law Commission of India.

2. Post Office Cash Certificates Act, Act 18 of 1917

Category: Financial Laws

Recommendation: Repeal

The Act restricted the transfer of post office 5-year cash certificates and provided for the payment of certificates standing in the name of deceased persons. The Second Edition of the Post Office Savings Bank Manual (corrected up to 31st December 2006) specifies that 5-year post office cash certificates were discontinued from 14th June 1947. Consequently, this Act is now redundant. The Central Government should now repeal this Act. A suitable savings clause should be inserted in the repealing Act.

3. Local Authorities Pensions and Gratuities Act, Act 1 of 1919

Category: Government Employees

Recommendation: Repeal

The Act extended the powers of local authorities in regard to the granting of pensions and gratuities. The Act empowered local authorities to grant a pension or gratuity to any officer who may, since 4th August 1914, have been wounded or otherwise incapacitated in service under the Government, and to the widow or child of any such officer who may have died in consequence of injuries received or illness contracted

since 4th August 1914, in the course of such service. The Act has fallen into disuse. Most States now have their own Pension Rules and the purpose of this Act is subsumed by such rules. Therefore, this Act is now redundant and the Central Government should repeal it. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

4. Bengal Criminal Law (Amendment) Supplementary Act, Act 8 of 1925

Category: Criminal Justice

Recommendation: Repeal after consultation with the State of West Bengal

The Act supplemented the Bengal Criminal Law Amendment Act, 1925. The Act provided that any person convicted on a trial held by Commissioners under the Bengal Criminal Law Amendment Act, 1925 may appeal to the High Court of Judicature at Fort William in Bengal, and such appeal was to be disposed of by the High Court in the manner provided by the Code of Criminal Procedure, 1898. The 1898 Code has been repealed by the Code of Criminal Procedure, 1973 but corresponding amendments have not been made to this Supplementary Act. Consequently, the Act is now redundant. There is no evidence of recent use of this Act. Hence, the Central Government should repeal this Act after consultation with the State of West Bengal.

5. Madras, Bengal and Bombay Children (Supplementary) Act, Act 35 of 1925

Category: Women and Child Development

Recommendation: Consider for repeal.

The Act supplemented certain provisions of the Madras Children Act, 1920 (which was rechristened as the Tamil Nadu Children Act, 1920 by the Tamil Nadu Adaptation of

Laws Order, 1969), the Bengal Children Act, 1922 and the Bombay Children Act, 1924. The Bengal Children Act has been repealed by Section 51 of the West Bengal Children Act, 1959. The Bombay Children Act, 1924 was repealed by the Bombay Children Act, 1948. Also, Section 63 of the Juvenile Justice Act, 1986 repealed all laws in force in any State which corresponded to the Juvenile Justice Act. By virtue of Section 63, the Tamil Nadu Children Act, 1920 should stand impliedly repealed. The Central Government should write to the State of Tamil Nadu and ascertain the status of the Tamil Nadu Children Act, 1920 and thereafter, consider the Supplementary Act for repeal. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and by the Ministry of Women and Child Development in its letter F. No. 22-22/2014-CW-I dated 30th September 2014 to the Member Secretary, Law Commission of India.

6. Hindu Inheritance (Removal of Disabilities) Act, Act 12 of 1928

Category: Personal Laws

Recommendation: Repeal

The Act provided that no person governed by Hindu law would be excluded from any right or share in joint family property by reason only of any disease, deformity, or physical or mental defect. However, the Act excluded a person who had been from birth a lunatic or an idiot. The purpose of the Act has now been subsumed by Section 28 of the Hindu Succession Act, 1956 which provides that no person shall be disqualified from succeeding to any property on the ground of any disease, defect or deformity. There are no instances of recent judgments rendered under this Act. The 1928 Act is now redundant. Hence, the Central Government should repeal this Act. A suitable savings clause needs to be inserted in the repealing Act.

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

Category: Labour Laws

Recommendation: Repeal

The Act prohibited the making of agreements to pledge the labour of children, and the employment of children whose labour had been pledged. However, the purpose of this Act is defeated by the proviso to the definition of 'agreement' under Section 2. While an agreement to pledge the labour of a child is prohibited, the said proviso says that 'an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's service' is not prohibited. This proviso would have the effect of approving child labour upon the payment of reasonable wages. For this reason, the Report of the Second Indian National Labour Commission, 2002 also recommended repeal of this Act. Also, the fines imposed under the Act are paltry and would hardly serve as a deterrent. Hence, the Central Government should repeal this Act. Simultaneously, amendments should be made to the Child Labour (Prohibition and Regulation) Act, 1986 to penalise agreements pledging the labour of children. The Ministry of Labour and Employment is also contemplating repeal of this Act.

8. Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings) Act, Act 13 of 1935

Category: Personal Laws

Recommendation: Repeal.

The Act removed certain doubts and validated certain proceedings of the High Court of Judicature of Allahabad. The Act declared that from 31st August 1923, the Court of the Judicial Commissioner of the Central Provinces alone would have the jurisdiction of the High Court under the Indian

Divorce Act, 1869 within the Jubbalpore and Chhattisgarh divisions of the Central Provinces. The Act also validated certain decisions taken by the High Court of Allahabad and deemed such decisions to be as good and valid in law as if such proceedings had been taken by the Court of the Financial Commissioner. The Central Provinces, as they existed prior to Independence, do not exist now. Jabalpur is now a district in the State of Madhya Pradesh. Chhattisgarh was an administrative division in erstwhile Central Provinces. The territory falling under this division is now a part of the modern-day State of Chhattisgarh. The purpose of the Act has therefore now been fulfilled. A suitable savings clause should be inserted in the repealing Act. The Central Government should repeal this law after consultation with the relevant State governments. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

9. Decrees and Orders Validating Act, Act 5 of 1936

Category: Administration of Justice

Recommendation: Repeal

The Act removed certain doubts as to the validity of certain proceedings in the High Courts of Judicature at Bengal, Madras and Bombay. The Act clarified that no decree passed or order made by any of these High Courts in the exercise of their ordinary original civil jurisdiction under Clause 12 of its Letters Patent, or by the High Court of Judicature at Rangoon under Clause 10 of its Letters Patent, shall be called in question on the ground that the High Court passing that decree or making the order had no jurisdiction to do so. The purpose of this Act has been served and the Central Government should now repeal this Act. A suitable savings clause should be inserted in the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

10. Criminal Law (Amendment) Act, Act 20 of 1938

Category: Criminal Justice

Recommendation: Repeal

The Act provided for punishment of certain acts prejudicial to the recruitment of persons to serve in the Armed Forces of the Union. This Act was enacted to punish persons who made public speeches to dissuade persons from enlisting in the Defence Forces and from taking part in any war in which the British Empire would be engaged. The punishment prescribed for such an act was imprisonment for a term extending to 1 year, or fine, or both. This Act was meant to serve the needs of the British Empire and is now redundant. There is no evidence of recent use of this Act. Hence, the Central Government should repeal this Act.

11. Delhi Restriction of Land Uses Act, Act 12 of 1941

Category: Land Law

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

The Act regulated in the province of Delhi the use of land for purposes other than agricultural purposes. The Act authorised the Chief Commissioner of Delhi to declare certain areas to be 'controlled'. Previous permission of the Chief Commissioner was required for undertaking construction in such areas. The office of the Chief Commissioner of Delhi has ceased to exist. Also, the purpose of this Act has been subsumed because restrictions on the use of agricultural land are now imposed under Section 81 of the Delhi Land Reforms Act, 1954. There is no evidence of recent use of this Act. Therefore, the Central Government should repeal this Act after consulting the State Governments.

12. Trading with the Enemy (Continuance of Emergency Provisions) Act, Act 16 of 1947

Category: Defence of India and Armed Forces

Recommendation: Repeal

This Act provided for the continuation of certain provisions of the Defence of India Rules, 1939 relating to the control of trading with States, and persons and firms belonging to States at war with the Government of India, and the custody of the property belonging to them. The purpose of this Act has been subsumed by the Enemy Property Act, 1968 which provides for the continuing of vesting of enemy property vested in the Custodian of Enemy Property for India under the Defence of India Rules, 1962 and the Defence on India Rules, 1971. Hence, this Act is now redundant and the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-4).

13. Rehabilitation Finance Administration Act, Act 12 of 1948

Category: Social Welfare

Recommendation: Consider for repeal

The Act established a Rehabilitation Finance Administration, for the purpose of giving financial assistance on reasonable terms to displaced persons to enable them to settle in business and industry. 'Displaced person' was defined as - i) a person who, being displaced from any area outside India on account of civil disturbances or fear of such disturbances, has settled and is engaged or intends to engage in any business or industry in India, or ii) a person in India who, having had his business, industry or property, wholly or partially outside India, has lost, wholly or partially, such business, industry, or property on account of civil disturbances or the fear of such disturbances, and who is

engaged, or intends to engage in any business or industry in India. There is no evidence from readily available sources to suggest that the Rehabilitation Finance Administration rendered any assistance after the culmination of the 5th Five Year Plan (1974-1979). This Act has now fallen into disuse. Hence, the Central Government should ascertain the status of the Rehabilitation Finance Administration and consider repeal of this Act.

14. Indian Matrimonial Causes (War Marriages) Act, Act 40 of 1948

Category: Personal Laws

Recommendation: Repeal

The Act conferred upon courts temporary jurisdiction in certain matrimonial cases. It applies to marriages solemnized during the 'war period' where the husband was, at the time of the marriage, domiciled outside India and the wife was immediately before the marriage, domiciled in India. 'War period' was defined under the Act as the period commencing on 3rd September 1939 and ending on 31st March 1946. The Act conferred jurisdiction on the High Court to entertain proceedings for divorce or for nullity of marriage. The purpose of the Act has been served and it can be repealed. A suitable savings clause should be inserted in the repealing Act. This Act also finds mention in the PC Jain Commission Report (Appendix D).

15. Bombay Public Security Measures (Delhi Amendment) Act, Act 52 of 1948

Category: Criminal Justice

Recommendation: Repeal

The Act amended the Bombay Public Security Measures Act, 1947 as extended to the Province of Delhi. The text of the

Bombay Public Security Measures Act, 1947 is not available on the Law Ministry's website, or from any other readily available source, an indication that it is not in use. Neither are there any other documented instances where this Act has been used in the last few decades. The Delhi Amendment Act has also now fallen into disuse. Therefore, the Central Government should repeal this Act.

16. Exchange of Prisoners Act, Act 58 of 1948

Category: Citizenship; Admission into, Emigration to, and Expulsion from, India; and Cross-border Movement

Recommendation: Repeal

The Act provided, in pursuance of an agreement with Pakistan for the exchange of certain prisoners from India to Pakistan and also, the reception in India of certain prisoners from Pakistan. The Act defines 'prisoner' under Section 2(b) as 'any person committed to custody in a prison on or before 1st August 1948 under the writ, warrant or order of any court or authority other than a Civil Court or Court Martial'. The purpose of this Act has now been subsumed by the Consular Access Agreement signed between India and Pakistan in May 2008. Therefore, the Central Government should repeal this Act. This Act has also been recommended for repeal by the 96th Report of the Law Commission of India.

17. Scheduled Securities (Hyderabad) Act, Act 7 of 1949

Category: Corporate Laws

Recommendation: Repeal

This Act provided for the control of the transfer of certain securities and for the issue of duplicate securities in respect thereof. The Act provided that the Reserve Bank of India shall not, without the approval in writing of the Central Government, recognise for any purpose any transfer of a

scheduled security otherwise than to the Government of Hyderabad made or purported to have been made on or before 31st December 1948. Such security was deemed to have been vested in the Government of Hyderabad. This Act has served its purpose and the Central Government should now repeal this Act. A suitable savings clause should be inserted in the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

18. West Godavari District (Assimilation of Laws on Federal Subject) Act, Act 20 of 1949

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

The Act assimilated certain laws in force in different parts of the West Godavari district of the Province of Madras. The Act prescribed that, on the appointed day as specified under the Act, all laws in force in the Eluru Taluk (a taluk in the West Godavari district) would extend to the scheduled areas (this refers to areas which find mention in the Schedule appended to the Act, and not to Scheduled Areas under the Constitution). Simultaneously, all laws in force in the scheduled areas would cease to be in force. The purpose of this Act has now been fulfilled. Hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

19. Merged States (Laws) Act, Act 59 of 1949

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

The Act extended certain laws to certain areas administered as parts of Governor's Provinces or as Chief Commissioner's Provinces. The Act listed certain Acts in its Schedule and extended those Acts to the new provinces constituted by the

States' Merger (Chief Commissioner's Provinces) Order, 1949. The Act is now redundant as Governor's or Chief Commissioner's Provinces have ceased to exist. Hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

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

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

This Act amended the Professions Tax Limitation Act, 1941 and validated the imposition in the United Provinces of certain taxes on circumstances and property. The Act amended the Schedule appended to the Professions Tax Limitation Act, 1941. The Act also provided that taxes imposed under Section 128(1)(ix) of the United Provinces Municipalities Act, 1916 or Section 108(b) of the United Provinces District Boards Act, 1922 would not be invalid merely on the ground that the tax imposed exceeded the limit of Rs. 50 per annum. Both the United Provinces Acts have fallen into disuse and taxes are not imposed under these Acts. Also, the Professions Tax Limitation Act, 1941 was repealed by the Amending Order, 1950. Hence, this Act is now redundant and the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

21. State Bank of Samastha Act, 1950

Category: Banking and Insurance

Recommendation: Repeal after consultation with the State Bank of India.

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. Therefore, the Central Government should repeal this law after consultation with the State Bank of India.

22. Opium and Revenue Laws (Extension of Application) Act, Act 33 of 1950

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

The Act provided for the extension of certain opium and revenue laws to certain parts of India. By means of Section 2 of this Act, the Opium Act, 1857, Opium Act, 1878, Revenue Recovery Act, 1890, Government Trading Taxation Act, 1926, Dangerous Drugs Act, 1930, Taxation on Income (Investigation Commission) Act, 1947 and the Payment of Taxes (Transfer of Property) Act, 1949, and the rules and orders made thereunder which were in force immediately before the commencement of this Act in certain parts of India, were extended to the rest of India (except the State of Jammu and Kashmir). All these Acts so extended, except the Revenue Recovery Act, 1890, have now been repealed. Most States either have their own revenue recovery Acts or have introduced amendments to the Revenue Recovery Act, 1890 and consequently, this Act has fallen into disuse. Consequently, the Opium and Revenue Laws (Extension of Application) Act, 1950 has now become redundant. There is no evidence of recent use of this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1). Hence, the Central Government should repeal this Act.

23. Cooch-Bihar (Assimilation of Laws) Act, Act 67 of 1950

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

The Act assimilated certain laws in force in Cooch-Bihar to the laws in force in the rest of West Bengal. Cooch-Bihar was a princely state in British India which was, post-Independence, merged into the State of West Bengal by means of the States' Merger (West Bengal) Order, 1949. On the appointed day (as prescribed under this Act), all laws in force in the State of West Bengal were to come into force in Cooch-Bihar. Simultaneously, all laws in force in Cooch-Bihar were to cease to be in force. The purpose of this Act has 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).

24. Khaddar (Protection of Name) Act, Act 78 of 1950

Category: Intellectual Property Law

Recommendation: Repeal

This Act regulated the use of the words 'khaddar' and 'khadi' when applied as a trade description of woven materials. The Act mandated that the words 'khaddar' and 'khadi', whether in Hindi, English, or in any other language, when applied to any woven material, shall be deemed to be a trade description within the meaning of the Indian Merchandise Act, 1889. This was done to indicate that such material is cloth woven on handlooms in India from cotton, silk or woollen yarn or from a mixture of any two or all of such yarns. The Indian Merchandise Act, 1889 has been repealed but a corresponding amendment has not been made in this Act. In fact, 'khadi' was registered as a mark registered under the Trade Marks Act, 1999 and the Khadi Mark Regulations, 2013 were issued for the purpose of authentication of

genuine khadi. Hence, this Act is now redundant and can be repealed.

25. Part B States (Laws) Act, Act 3 of 1951

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

The Act provided for the extension of certain laws to the Part B States in India. The Acts and Ordinances so extended to the Part B States found mention in the Schedule appended to the Act. Part B States were former princely states which were governed by a Rajpramukh. However, Part B States as they existed immediately post-Independence, do not exist now. The purpose of this Act has been fulfilled. Hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

26. Part C States Miscellaneous Laws (Repealing) Act, Act 66 of 1951

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

The Act repealed certain laws that were in force in certain Part C states. The laws which were so repealed are mentioned in the Schedule appended to this Act. The purpose of this Act has been fulfilled. Hence, this Act must be repealed.

27. Part B States Marriages Validating Act, Act 1 of 1952

Category: Personal Laws

Recommendation: Repeal

This Act validated certain marriages solemnized in certain Part B states between 26th January 1950 and 31st March 1951, under the Indian Christian Marriage Act, 1872. All

these marriages were to be deemed to be good and valid in law as if such marriages had been solemnized by a person duly authorized to do so. The Act was clearly time-specific and has served its purpose. Hence, it should be repealed and a suitable savings clause should be inserted to the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

28. Delhi and Ajmer Rent Control Act, Act 38 of 1952

Category: Rent and Tenancy

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

The Act provided for the control of rents and evictions, and for the lease of vacant premises to the Government, in certain areas of Delhi and Ajmer. The Act was repealed in its application to Delhi by the Delhi Rent Control Act, 1958. The rent control law applicable to Ajmer is the Rajasthan Rent Control Act, 2001. There is no evidence of recent use of this Act and it is now redundant. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

29. Reserve Bank of India (Amendment and Miscellaneous Provisions) Act, Act 54 of 1953

Category: Banking and Insurance

Recommendation: Repeal

The Act was enacted to amend the Reserve Bank of India Act, 1934 and to add certain provisions with regard to high denomination notes. Most provisions of this Act have been repealed by the Repealing and Amending Act, 1957. Only Section 9 of this Act remains which prescribes that the High Denomination Bank Notes (Demonetisation) Ordinance, 1946

would not apply to any bank note of the denominational value of Rs. 500, Rs. 1000 or Rs. 10,000 issued after the commencement of this Act, but no such bank note issued before 13th January 1946 shall be legal tender in payment or on account of the amount expressed therein at any place in India. The Act has served its purpose. Hence, the Central Government should repeal this Act. The Ministry of Law and Justice should also ascertain the status of the High Denomination Bank Notes (Demonetisation) Ordinance, 1946 and if it is still in force, the Central Government should repeal this Ordinance as well. A suitable savings clause should be inserted in the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

30. State Acquisition of Lands for Union Purposes (Validation) Act, Act 23 of 1954

Category: Land Laws

Recommendation: Repeal

The Act validated the acquisition under the Land Acquisition Act, 1894 of lands by certain State Governments for the purposes of the Union and orders passed and proceedings held in connection therewith. The 1894 Act has now been repealed. The purpose of this Act has been fulfilled. Hence, it can be repealed after inserting a suitable savings clause in the repealing Act.

31. Taxation Laws (Extension to Jammu and Kashmir) Act, Act 41 of 1954

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

This Act provided for the extension of certain taxation laws to the State of Jammu and Kashmir. Section 2 of the Act extended the Sea Customs Act, 1878; the Indian Income-Tax

Act, 1922; the Land Customs Act, 1924; the Government Trading Taxation Act, 1926; the Indian Tariff Act, 1934; the Central Excises and Salt Act, 1944; the Payment of Taxes (Transfer of Property) Act, 1949 and the Estate Duty Act, 1953 to the State of Jammu and Kashmir. All these Acts, except the Central Excise and Salt Act, 1944 have been repealed. The Short Title, Extent and Commencement clause of the 1944 Act has been amended to extend this Act to the whole of India. Consequently, the Taxation Laws (Extension to Jammu and Kashmir) Act, 1954 has fulfilled its purpose and is now redundant. The Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

32. Bar Councils (Validation of State Laws) Act, Act 4 of 1956

Category: Legal, Medical and Other Professions

Recommendation: Repeal – savings clause

The Act validated certain State laws amending the Indian Bar Councils Act, 1926. The Act provided that the laws specified in the Schedule to the Act shall be deemed to always have been valid as if they had been enacted by the Parliament. The purpose of this Act has been fulfilled. Hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

33. Industrial Disputes (Amendment and Miscellaneous Provisions) Act, Act 36 of 1956

Category: Labour Laws

Recommendation: Repeal

This Act amended the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946. Also, this Act repealed the Industrial Disputes (Appellate Tribunal)

Act, 1950. The purpose of this Act has been served. Hence, this Act must be repealed.

34. Jammu and Kashmir (Extension of Laws) Act, Act 62 of 1956

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The Act provided for the extension of certain laws to the State of Jammu and Kashmir. The Acts so extended found mention in the Schedule appended to the Act. Corresponding amendments have been made to the Short Title, Extent and Commencement clause of these Acts to provide for their extension to Jammu and Kashmir. This Act has now served its purpose and hence the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

35. Gift-Tax Act, Act 18 of 1958

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal and remove from the Law Ministry's lists of central Acts

This Act provided for the levy of gift-tax. The Act charged for every assessment year a tax referred to as gift-tax in respect of the gifts, if any, made by a person during the previous year at the rate(s) specified in the Schedule appended to the Act. However, gift-tax was abolished as per Section 75 of the Finance Act, 1998. Consequently, the Act ceased to have effect after 1st October 1998. Due to misuse of the abolition of gift-tax in the form of widespread transfer of insincere gifts from non-relatives, Section 56(2)(v) of the Income Tax Act, 1961 was enacted. According to Section 56(2)(v), any amount exceeding Rs. 25,000 obtained by a person or a Hindu Undivided Family (HUF) without any consideration from any

person on or after 1st September 2004 but before 1st April 2006 would be taxed. Since this amendment was made into the Income Tax Act, 1961, the Gift-Tax Act, 1958 is still not in force. The Act has been kept in abeyance and still remains on the statute book. The Central Government should formally repeal this Act. If the need to impose gift-tax arises, the same can be met with enacting a new law on gift-tax, whenever necessary. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

36. Manipur and Tripura (Repeal of Laws) Act, Act 35 of 1958

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

This Act was enacted to repeal certain laws in force in the Union territories of Manipur and Tripura (as these then were). The Act provided for:

Firstly, when the Assam Co-operative Societies Act, 1949 would be extended to the Union territory of Manipur, the Manipur Co-operative Societies Act, 1947 would be repealed. However, the Manipur Co-operative Societies Act, 1976 is now in force and has repealed Assam Co-operative Societies Act, 1949 in its operation to Manipur.

Secondly, when the Bombay Co-operative Societies Act, 1925 and the Bombay Money Lenders Act, 1946 would be extended to the Union territory of Tripura, the Tripura Co-operative Societies Act, 1958 would be repealed. However, the Tripura Co-operative Societies Act, 1974 repealed the two Bombay Acts as extended to the Union territory of Tripura.

Consequently, this Act has served its purpose and is now redundant. Hence, it should be repealed. This Act was also recommended for repeal by the PC Jain Commission Report (Appendix A-5).

37. Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, Act 56 of 1958

Category: President, Parliament and State Legislatures

Recommendation: Repeal

This Act was enacted to validate the constitution and proceedings of the Legislative Assembly of Himachal Pradesh which was formed under the Himachal Pradesh and Bilaspur (New State) Act, 1954. The Act prescribed that no court shall question any Act passed, or any grant, resolution, proceeding or thing made, passed, adopted, taken or done, by or before the new Legislative Assembly merely on the ground that the new Legislative Assembly had not been duly constituted. The Act was enacted specifically to validate the proceedings of the Assembly between 1st July 1954 and 31st October 1956. The Act was clearly time-specific and has now served its purpose. Hence, the Central Government should repeal this Act with a suitable savings clause. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

38. Miscellaneous Personal Laws (Extension) Act, Act 48 of 1959

Category: Personal Laws

Recommendation: Repeal

This Act was enacted to provide for the extension of certain personal laws to parts of India in which they were not in force then. The Acts so extended find mention in the Schedule appended to the Act. Corresponding amendments have been carried out in the Short Title, Extent and Commencement clause of these Acts. Hence, this Act has served its purpose and the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

39. Married Women's Property (Extension) Act, Act 61 of 1959

Category: Personal Laws

Recommendation: Repeal with an amendment to the Married Women's Property Act, 1874.

The Act provided for the extension of the Married Women's Property Act, 1874 to parts of India in which it was not in force. The Act amends the Extent clause of the Married Women's Property Act, 1874 to extend this Act to the whole of India except the State of Jammu and Kashmir. This Act also amends Section 6 of the Married Women's Property Act, 1874. Corresponding amendments have been carried out in the Short Title, Extent and Commencement clause and Section 6 of the Married Women's Property Act, 1874. Hence, this Act has served its purpose and the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

40. Hindu Marriage (Validation of Proceedings) Act, Act 19 of 1960

Category: Personal Laws

Recommendation: Repeal

This Act was enacted to validate certain proceedings under the Hindu Marriage Act, 1955. This Act validated all proceedings taken and decrees passed by a court purporting to exercise jurisdiction under the Hindu Marriage Act, 1955 before the commencement of this Act. The Act has served its purpose and the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act. This Act finds mention in Appendix D of the PC Jain Commission Report.

41. British Statutes (Application to India) Repeal Act, Act 57 of 1960

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal

This Act repealed 259 British statutes in their application to India. The purpose of this Act has been fulfilled and hence, it can be repealed.

42. Compulsory Deposit Scheme Act, Act 21 of 1963

Category: Financial Laws

Recommendation: Repeal

The Act made it compulsory for all categories of persons, as mentioned in Section 2 of the Act, to make certain deposits. According to Section 2, the Act was meant to be applicable to five different categories of persons viz., persons liable to payment of land revenue; persons liable to payment of tax under the Income-Tax Act, 1961; holders of immovable properties situated in urban areas assessed to tax; employees of the Government and local authorities, and dealers whose annual turnover is Rs. 15,000 or more and who are not liable to payment of income tax under the Income-Tax Act, 1961. The Act has gradually fallen into disuse because of the discontinuance of various sub-schemes. The sub-schemes which were to be implemented through the State Governments and local authorities concerned were dropped owing to considerable practical difficulties. The scheme relating to employees not taxable to income tax was withdrawn from 23rd September 1963. For the other categories, the Compulsory Deposit (Income Tax Payers) Act, 1974 was enacted (which was also discontinued with effect from 1st April 1985). The Law Commission of India in its 159th Report on Repeal and Amendment of Laws has documented the Department of Economic Affairs' proposal to repeal this Act. The reason furnished by the Department of Economic

Affairs for proposing repeal of this Act was that in future any occasion or necessity for such compulsory deposits will not arise. Hence, the Department proposed repeal of this Act while making provision for disposal of the amounts already in deposit under the respective enactments. Consequently, the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and the 159th Report of the Law Commission of India.

43. Goa, Daman and Diu (Extension of the Code of Civil Procedure and the Arbitration) Act, Act 30 of 1965

Category: Civil Procedure

Recommendation: Repeal

The Act provided for the extension of the Code of Civil Procedure, 1908 and the Arbitration Act, 1940, to the Union territory of Goa, Daman and Diu. The Act also repealed any law in force in Goa, Daman and Diu as corresponds to the Code of Civil Procedure, 1908 or the Arbitration Act, 1940. Consequently, this Act repealed the Portuguese Civil Procedure Code of 1939 which was in force in the Goa, Daman and Diu. The Short Title, Extent and Commencement clause of the Civil Procedure Code, 1908 has been amended to provide for its extension to the whole of India. The Arbitration Act, 1940 has been repealed by Section 85 of the Arbitration and Conciliation Act, 1996. The Arbitration and Conciliation Act, 1996 extends to the whole of India. Hence, the purpose of this Act has been served and the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

44. Goa, Daman and Diu (Absorbed Employees) Act, Act 50 of 1965

Category: Government Employees

Recommendation: Consider for repeal.

This Act was enacted to grant the Government power to frame rules of employment for those persons who were in the civil or administrative services under the Portuguese administration of Goa and Daman and Diu. 'Absorbed employee' was defined by the Act as a person who immediately before 20th December 1961 was holding an absorbed post and who on or after that date either served or has been serving in that or any other post in connection with the administration of the Union territory of Goa, Daman and Diu in any of the departments of the Central Government. Since a considerable period of time has elapsed since 20th December 1961, the possibility of litigation pending under this Act is low. However, as a matter of abundant caution, the Central Government should consult the Government of the State of Goa to ascertain the status of the Act and the matters pending under it and then repeal the law, if necessary, with a savings clause.

45. Anti-Corruption Laws (Amendment) Act, Act 16 of 1967

Category: Criminal Justice

Recommendation: Repeal

This Act made certain amendments to the Prevention of Corruption Act, 1947. The 1947 Act was itself repealed by the Prevention of Corruption Act, 1988. Hence, this law is redundant and can be repealed.

46. Standards of Weights and Measures (Extension to Kohima and Mokochung Districts) Act, Act 25 of 1967

Category: Consumer Affairs

Recommendation: Repeal

The Act extended the Standards of Weights and Measures Act, 1956 to the Kohima and Mokochung districts in the State of Nagaland. The Standards of Weights and Measures Act, 1956 was repealed by the Standards of Weights and Measures Act, 1976. This law is redundant and serves no purpose. Hence, it should be repealed.

47. Pondicherry (Extension of Laws) Act, Act 26 of 1968

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

This Act was enacted to provide for the extension of certain laws to the then newly formed Union territory of Pondicherry. The Acts so extended found mention in the Schedule appended to the Act. Corresponding amendments have been made to the Short Title, Extent and Commencement clause of these Acts to provide for their extension to Pondicherry. This Act has now served its purpose and hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

48. Central Sales Tax (Amendment) Act, Act 28 of 1969

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

The Act was enacted to amend the Central Sales Tax Act, 1956. The Act also validated all assessment, re-assessment, levy or collection of tax made before 9th June 1969. The Act also exempted from tax any sale of goods in the course on

inter-State trade or commerce effected during the period between 10th November 1964 and 9th June 1969. The amendments made by this Act have been effected in the Central Sales Tax Act, 1956. Hence, the purpose of this Act has been fulfilled and the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

49. Central Labour Laws (Extension to Jammu and Kashmir) Act, Act 51 of 1970

Category: Labour Laws

Recommendation: Repeal

The Act provided for the extension of certain central labour laws to the State of Jammu and Kashmir. The Acts which were so extended find mention in the Schedule appended to the Act. The Acts mentioned in the Schedule have been amended to provide for their extension to the State of Jammu and Kashmir. Hence, this Act has served its purpose and the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

50. Bengal Finance (Sales Tax) Delhi Validation of Appointments and Proceedings Act, Act 20 of 1971

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

This Act was enacted in order to validate the appointments of certain officers under the Bengal Finance (Sales Tax) Act, 1941 as in force in the Union territory of Delhi and to validate proceedings taken by such officers under that Act and the Central Sales Tax Act, 1956. Section 73 of the Delhi Sales Tax Act, 1975 repealed the Bengal Finance (Sales Tax) Act, 1941

in its application to Delhi. Hence, this Act is now redundant and the Central Government should repeal this Act. A suitable savings clause should be inserted into the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

51. Uttar Pradesh Cantonments (Control of Rent and Eviction) Repeal Act, Act 68 of 1971

Category: Rent and Tenancy

Recommendation: Repeal

The Act was enacted for the repeal of the Uttar Pradesh Cantonments (Control of Rent and Eviction) Act, 1952. The purpose of this Act has now been served and the Central Government should repeal this Act.

52. Coking Coal Mines (Emergency Provisions) Act, Act 64 of 1971

Category: Nationalisation

Recommendation: Repeal, subject to factual verification that this Act has served its purpose.

The Act provided for the taking over, in public interest, of the management of coking coal mines and coke oven plants, pending nationalisation of such mines and plants. It enabled the taking over of private coking companies pending nationalisation. The Coking Coal Mines (Nationalisation) Act was enacted in 1972. Consequently, the Coking Coal Mines (Emergency Provisions) Act, 1971 is now redundant. The Central Government should repeal this Act subject to factual verification that this Act has served its purpose. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

53. Taxation Laws (Extension to Jammu and Kashmir) Act, Act 25 of 1972

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

The Act provided for the extension of certain taxation laws to the State of Jammu and Kashmir. The Acts which were so extended found mention in the Schedule appended to the Act. The Acts mentioned in the Schedule have been amended to provide for their extension to the State of Jammu and Kashmir. Also, the Schedule itself was repealed by the Repealing and Amending Act, 1978. Hence, the Act has served its purpose and the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

54. Former Secretary of State Service Officers (Conditions of Service) Act, Act 59 of 1972

Category: Government Employees

Recommendation: Repeal

The Act provided for the variation or revocation of the conditions of service of former Secretary of Service officers in respect of certain matters. 'Former Secretary of State Service Officer' has been defined by the Act as a person referred to in sub-clause (a) or (b) of Article 312A(1) of the Constitution of India. This Act applies to persons appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India before the commencement of the Constitution. This class of officers are no longer in service since they were appointed prior to 1947 and 67 years have passed since then. Even with respect to officers of this service who retired on or before 1972 (as referred to in Article 312A(1)(b)), 42 years have passed since 1972. Hence, the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act as a

matter of abundant caution so as to protect any rights that may have accrued to any of these officers under this Act.

55. Sick Textile Undertakings (Taking Over of Management) Act, Act 72 of 1972

Category: Nationalisation

Recommendation: Repeal

The Act provided for the taking over, in public interest, of the management of the sick textile undertakings, pending nationalisation of such undertakings. This was done for the expeditious rehabilitation of such undertakings so as to serve the interests of the general public by the augmentation of the production and distribution, at fair prices, of cheaper varieties of cloth. The nationalisation of the sick textile undertakings was carried out by means of the Sick Textile Undertakings (Nationalisation) Act, 1974. Hence, the Taking over of Management Act has now served its purpose and the Central Government should repeal this Act. A suitable savings clause should be inserted into the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

56. Coal Mines (Taking Over of Management) Act, Act 15 of 1973

Category: Nationalisation

Recommendation: Repeal, subject to factual verification that this Act has served its purpose.

The Act provided for the taking over, in the public interest, of the management of coal mines pending nationalisation. The Coal Mines (Nationalisation) Act was passed in May, 1973 making the present act redundant. Hence, the Central Government should repeal this Act subject to factual verification that this Act has served its purpose. A suitable savings clause should be inserted in the repealing Act. The

Act has been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

57. Additional Emoluments (Compulsory Deposits) Act, Act 37 of 1974

Category: Financial Laws

Recommendation: Repeal

The Act provided for, in the interest of national economic development, for the compulsory deposit of additional emoluments and for the framing of a scheme in relation thereto. The Act provided for the compulsory deposit by all persons into two separate accounts – the additional wages deposit account and the additional dearness allowance deposit account. The Law Commission of India in its 159th Report on Repeal and Amendment of Laws has documented the Department of Economic Affairs' proposal to repeal this Act. The reason furnished by the Department of Economic Affairs for proposing repeal of this Act was that in future any occasion or necessity for such compulsory deposits will not arise. Hence, the Department proposed repeal of this Act while making provision for disposal of the amounts already in deposit under the respective enactments. As a result, the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act. This Act was also recommended for repeal in the PC Jain Commission Report (Appendix A-1) as well as in the 159th Report of the Law Commission of India.

58. Tobacco Cess Act, Act 26 of 1975

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

The Act provided for the levy and collection, by way of a cess, of a duty of excise on Virginia tobacco and a duty of customs on tobacco, for the development of the tobacco industry. The

Act imposes a duty of excise at the rate of one paisa per kilogram on Virginia tobacco which is produced in India. However, the objective of revenue generation for the development of the tobacco industry is not met through the proceeds of the cess which are negligible compared to the amount spent in the administration of the cess. In 2003-04, the cess collected under the Act was only Rs. 13,94,000. Therefore, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

59. Laxmi Ratan and Atherton West Cotton Mills (Taking Over of Management) Act, Act 98 of 1976

Category: Nationalisation

Recommendation: Repeal

The Act provided for the taking over, in the public interest, of the management of the undertaking of certain companies, pending nationalisation of such undertaking, with a view to ensuring the supply of certain varieties of cloth needed by the weaker sections of the community as well as the Department of Defence. This undertaking, the Laxmi Ratan and Atherton West Cotton Mills, was nationalised by the Textile Undertakings (Nationalisation) Act, 1995. Hence, this Act has served its purpose and the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

60. Untouchability (Offences) Amendment and Miscellaneous Provisions Act, Act 106 of 1976

Category: Criminal Justice

Recommendation: Repeal

The Act amends the Untouchability (Offences) Act, 1955 and also, the Representation of the People Act, 1951. Corresponding amendments have been carried out in both

the enactments. Hence, the purpose of this Act has been fulfilled and the Central Government should repeal this Act. The Act also saves the effect of the previous operation of the Untouchability (Offences) Act, 1955. However, since a considerable number of years of elapsed since the enactment of the Untouchability (Offences) Act, 1955 as well as this Amendment and Miscellaneous Provisions Act, it is safe to assume that no right, privilege, obligation or liability under the Untouchability (Offences) Act, 1955 as originally named still persists. Hence, the Central Government should repeal this Act.

61. Deposit Insurance Corporation (Amendment and Miscellaneous Provisions) Act, Act 21 of 1978

Category: Financial Laws

Recommendation: Consider for repeal.

This Act provided for the acquisition and transfer of the undertaking of the Credit Guarantee Corporation of India Limited in order to serve better the need for providing credit guarantee to commercial banks. The Act also amended the Deposit Insurance Corporation Act, 1961 and the Reserve Bank of India Act, 1934. Corresponding amendments have been carried out in both these Acts. However, since this Act also provides for the particulars of the merger of the Deposit Insurance Corporation and the Credit Guarantee Corporation of India Limited, the Central Government should consider repeal of this Act only after consultation with the Reserve Bank of India.

62. Hotel Receipts Tax Act, Act 54 of 1980

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

This Act provided for the levy of hotel receipts taxes on certain hotels. However, the levy of this tax was discontinued in the

year 1982 by virtue of Section 7 of the Finance Act, 1982. Thus, this Act is now redundant and the Central Government should repeal this Act. A suitable savings clause should also be inserted in the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

63. Central Excise Laws (Amendment and Validation) Act, Act 58 of 1982

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

This Act provided for the amendment of certain provisions of certain central excise laws and for the validation of duties collected under such laws. This Act has now served its purpose. The Law Commission of India in its 159th Report on Repeal and Amendment of Laws (1998) also recommended repeal of this law after verifying that no cases are pending under it. Hence, the Central Government should repeal this Act subject to factual verification. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

64. Punjab Disturbed Areas Act, Act 32 of 1983

Category: Criminal Justice

Recommendation: Consider for repeal.

This Act provided for the suppression of disorder and for the restoration and maintenance of public order in the disturbed areas of Punjab. The Act empowered the State Government to declare the whole or any part of any district of Punjab as a disturbed area. This Act was enacted as a direct response to the rise of militancy in Punjab during the 1980s and gives extensive powers to police officers to use force in order to maintain peace and order. By virtue of a notification dated 16th November 1996, the whole State of Punjab was declared

a disturbed area for a period of six months, i.e., from 18th November 1996 to 17th May 1997. Also, by a notification dated 9th March 1989, Amritsar, Gurdaspur and Ferozepur were declared as disturbed areas. However, this notification was withdrawn on 28th July 2008. *Prima facie*, there are no areas declared as disturbed in the State of Punjab and the need for this Act has been dispensed with. The Central Government should write to the Government of Punjab to ascertain the status of the Act and also, if any areas are still declared as disturbed areas within the State. This Act has been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

65. Textiles Undertakings (Taking Over of Management) Act, Act 40 of 1983

Category: Nationalisation

Recommendation: Repeal

The Act provided for the taking over, in the public interest, of the management of certain textile undertakings (which find mention in the Schedule appended to this Act) pending nationalisation. These undertakings were nationalised by means of the Textile Undertakings (Nationalisation) Act, 1995. Hence, this Act is now redundant and the Central Government must repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

66. General Insurance Business (Nationalisation) Amendment Act, Act 3 of 1985

Category: Banking and Insurance

Recommendation: Repeal

This Act was enacted to amend the General Insurance Business (Nationalisation) Act, 1972. The amendments made by this Act have been carried out in the General Insurance

Business (Nationalisation) Act, 1972. The purpose of this Act has been served and hence, the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act.

67. Administrative Tribunals (Amendment) Act, Act 19 of 1986

Category: Tribunals

Recommendation: Repeal

This Act amended the Administrative Tribunals Act, 1985. Sections 2 to 23 of this Act have already been repealed by Repealing and Amending Act, 2001. Section 24 specifies that every person holding office as Chairman, Vice-Chairman or other Member of the Central Administrative Tribunal (CAT) immediately before the commencement of this Act shall be deemed to be either a Judicial Member (if he possesses any of the qualifications specified for appointment as a Judicial Member under the Administrative Tribunals Act, 1985) or an Administrative Member. Section 25 of this Act validates any action taken (including any applications admitted or orders passed) by the CAT before the coming into force of this Amendment Act. The purpose of this Act has been fulfilled and the Central Government should repeal this Act. To save the rights and privileges of the members specified under Section 24 and also, the action taken by the CAT as contemplated by Section 25, a suitable savings clause should be inserted in the repealing Act.

68. Destructive Insects and Pests (Amendment and Validation) Act, Act 12 of 1992

Category: Public Health

Recommendation: Repeal

The Act amended the Destructive Insects and Pests Act, 1914. The 1914 Act has been recommended for repeal by the

Law Commission of India in its 248th Report on Obsolete Laws: Warranting Immediate Repeal. This Act would no longer be relevant once the 1914 Act is repealed. Hence, the Central Government should repeal this Amendment and Validation Act of 1992 along with the 1914 Act.

69. Central Laws (Extension to Arunachal Pradesh) Act, Act 44 of 1993

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

This Act was enacted to provide for the extension of certain Central laws to the State of Arunachal Pradesh. The Act so extended find mention in the Schedule appended to the Act. Corresponding amendments have been made to the Short Title, Extent and Commencement clause of these Acts to provide for their extension to the State of Arunachal Pradesh. Hence, this Act has now served its purpose and the Central Government should now repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

70. Betwa River Board (Amendment) Act, Act 49 of 1993

Category: Transportation and Infrastructure

Recommendation: Repeal

The Act was enacted to amend the Betwa River Board Act, 1976. The purpose of this amendment was to change the name of the Rajghat Reservoir (an inter-state dam project of the Governments of Madhya Pradesh and Uttar Pradesh) to Rani Laxmibai Sagar and to bring into effect such change of name in the Betwa River Board Act, 1976. Corresponding amendments have been made to the Betwa River Board Act, 1976. This Act has now served its purpose and the Central Government should repeal this Act.

71. Punjab Gram Panchayat Samithi and Zilla Parishad (Chandigarh) Repeal Act, Act 17 of 1994

Category: Laws Relating to Administration of Union Territories and Delhi

Recommendation: Repeal

This Act was enacted to repeal the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samities and Zilla Parishads Act, 1961 as in force the Union territory of Chandigarh. Both these Acts have been repealed by the Punjab Panchayati Raj Act, 1994 which extends to the whole State of Punjab. Hence, the Chandigarh Repeal Act of 1994 is now redundant. The Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

72. Indian Rifles (Repeal) Act, Act 49 of 2006

Category: Criminal Justice

Recommendation: Repeal

This Act was enacted to repeal the Indian Rifles Act, 1920. The purpose of this Act has been served and the Central Government should repeal this Act.

73. Murshidabad Estate Administration Act, Act 23 of 1933

Category: Land Laws

Recommendation: Remove from the Law Ministry's lists of central Acts

The Act provided for the appointment of a Manager on behalf of the Secretary of State of the properties of the Nawab Bahadur of Murshidabad and defined the powers and duties of the Manager. This Act has been repealed by the

Murshidabad Estate (Trust) Act, 1963. Therefore, the Central Government should remove this law from its lists of central Acts in force.

74. Ajmer Tenancy and Land Records Act, Act 42 of 1950

Category: Rent and Tenancy

Recommendation: Remove from the Law Ministry's lists of central Acts

The Act declared and amended the law relating to agricultural tenancies, record-of-rights and certain other matters in Ajmer. This Act has been repealed by the Rajasthan Revenue Laws (Extension) Act, 1957. Therefore, the Central Government should remove this law from its lists of central Acts in force.

CHAPTER 3

A NOTE ON

MICA MINES LABOUR WELFARE FUND ACT, ACT 22 OF 1946

3.1 This Act falls under the category of Labour Laws. The Act was enacted to constitute a fund for the financing of activities to promote the welfare of labour employed in the mica mining industry. The Act contemplates the levy and collection of a cess on mica. However, statistics suggest that a substantial amount collected as cess is spent on maintaining the fund, instead of labour welfare. In addition to the Mica Mines Labour Welfare Fund, welfare funds also exist for other categories of workers such as limestone and dolomite mine workers, beedi workers, iron ore, manganese ore and chrome ore workers, and cine workers. The Central Government should review the functioning of the Mica Mines Labour Welfare Fund and other such welfare funds. Since such welfare funds exist for certain sectors, and not for others the Central Government should write to the concerned department about the functioning of such welfare funds. Thereafter, the Government may consider whether Act 22 of 1946 and other Welfare Fund Acts should be continued or not.

3.2 The Commission recommends that the Central Government should review the functioning of the Mica Mines Welfare Fund and other similar welfare funds Acts.

A. P. Shah

[Justice A.P. Shah]

Chairman

S. N. Kapoor
[Justice S.N. Kapoor]
Member

Mool Chand Sharma
[Prof. (Dr.) Mool Chand Sharma]
Member

Usha Mehra
[Justice Usha Mehra]
Member

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

P.K. Malhotra
[P.K. Malhotra]
Ex-officio Member

Sanjay Singh
[Dr. Sanjay Singh]
Ex-officio Member