

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 III
(PART-II)**

**[COPIES OF COMMUNICATIONS
BETWEEN THE SECRETARIAT OF THE
COMMITTEE AND
THE MINISTRIES/ DEPARTMENTS OF
GOVERNMENT OF INDIA]
(OTHER THAN THOSE MENTIONED IN PART-I OF
VOLUME-III)**

(iv)

PART-II

COPIES OF COMMUNICATIONS BETWEEN THE SECRETARIAT OF THE COMMITTEE AND THE MINISTRIES/DEPARTMENTS OF GOVERNMENT OF INDIA (OTHER THAN THOSE MENTIONED IN PART-I OF VOLUME-III)			
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(v)

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31.	From D/o Legal Affairs to Committee (Dy. No.2691/LS/2014)	16.10.2014	576-581
32.	From Legislative Department to Committee (UO. No. 1(66)/14-L.I)	16.10.2014	582-613

Note-1: Communications sent and received upto 17.10.2014 have been placed in the volume-III of the report, being the date for sending for binding.

Note-2: Communications received from other Ministries/Departments after 17.10.2014 (though not included in the volume) have been considered by the Committee.

PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

No. CRA/1/2014/0

August 28, 2014

To

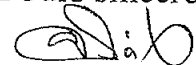
Secretary
Legislative Department
Ministry of Law and Justice
Shastri Bhavan, New Delhi

Sir,

Kindly provide us a one set of all Acts enacted w.e.f. year 1835 (or earlier years) to till date.

2. A list of all Acts in force as on date (including Appropriation Acts, Acts Amending Principal Act and Finance Acts).
3. List of all Acts which has not come into force till date.
4. List of all Acts recommended to be repealed by the PC Jain Commission but no repealed so far and reasons therefor.
5. This is required for the use of the Committee constituted to recommend the repeal of the obsolete and redundant laws. Soft copies of the aforementioned documents may also be made available by today itself.

Yours sincerely,



(Avinash Kumar Sinha)

Staff Officer to Member,

Committee on Review of Administrative Laws

Tel. No.2301 4547

PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

September 01, 2014

F.No.CRA-01/2014-PMC/01

To
The Secretary
Department of Administrative Reforms and Public Grievances
Ministry of Personnel, Public Grievances and Pensions
North Block, New Delhi

Sir,

The Commission on Review of Administrative Laws had given a report on 30th September, 1998 recommending repeal of certain Acts mentioned therein in its Report.

2. The Second Administrative Reforms Commission in its Report (in 15 volumes) had recommended amendment/repeal of certain Acts mentioned in its Report.

3. The Department of Administrative Reforms and Public Grievances (DARPG) may provide information as to how many number of Acts (along with the title and year of the Acts) recommended by the aforesaid Commissions are yet to be repealed along with reasons for not repealing the Acts so recommended by the aforesaid Commissions. The DARPG may also provide information in respect of the Acts, if any, recommended to be repealed by any other Commission or Committee or Authority.

4. This is required for the use of the Committee constituted inter alia to recommend the repeal of the obsolete and redundant laws. The requisite information may reach this office latest by 7.9.2014.

Yours sincerely,



(Avinash Kumar Sinha)
Staff Officer to Member,
Committee on Review of Administrative Laws
Tel. No.2301 4547

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PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

No. CRA/1/2014/5

September 9, 2014

To

The Secretary
D/o Legal Affairs
Shastri Bhavan, New Delhi

Sir,

Kindly make available the opinion of the Ld. Attorney General of India, if any, obtained in respect of repeal of 700 Appropriation Acts as recommended by the P.C. Jain Commission along with the opinion of the Department of Legal Affairs if any, on the repeal of Appropriation Acts.

2. This is required, urgently, for the use of the Committee constituted inter alia to recommend the repeal of the obsolete and redundant laws.

Yours sincerely,



(Avinash Kumar Sinha) *me*
Staff Officer to Member,
Committee on Review of Administrative Laws
Tel. No.2301 4547

2/3569134/2014

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PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

No. CRA/1/2014/6

September 9, 2014

To

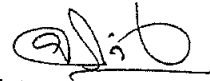
The Secretary
Legislative Department
Shastri Bhavan, New Delhi

Sir,

Kindly make available the copies of Gazette Notifications published under S.O. Nos. indicated in the Annexure to this letter.

2. Kindly also make available the copies of the notifications bringing into force the enactments specified in the Annexure.
3. This is required, urgently, for the use of the Committee constituted inter alia to recommend the repeal of the obsolete and redundant laws.

Yours sincerely,



(Avinash Kumar Sinha) *re*
Staff Officer to Member,
Committee on Review of Administrative Laws
Tel. No.2301 4547

Notification to be obtained from the Ministry of Law and Justice:

2000:	1. S.O.No. 567(E) dated 12.6.2000 2. S.O.No. 3480(E) dated 19.12.2003 3. S.O.No. 523(E) dated 15.6.2001 and 4. S.O.No. (E) dated 1.2.2001 bringing Act 49 of 2001 into force.
2001:	5. S.O.No. 957(E) dated 27.9.2001 6. S.O.No. 980(E) dated 1.10.2001 7. S.O.No.953(E) dated 26.9.2001 8. S.O.No.890(E) dated 17.9.2001 9. S.O.No. 322(E) dated 2.5.2002
2002:	10. S.O.No. 561(E) dated 20.5.2003 11. S.O.No.1058(E) dated 30.9.2002 12. S.O.No.996(E) dated 13.9.2002
2005:	13. S.O.No. (E) dated (bringing Act 20 of 2005 into force).
2006:	14. S.O.No's (E) dated (bringing Act 7 of 2006 into force). 15. S.O.No's (E) dated (bringing Act 8 of 2006 into force). 16. S.O.No's (E) dated (bringing Act 9 of 2006 into force).
2007:	17. Notification bringing Act No. 35 of 2007 into force. 18. Notificaiton bringing Act No. 44 of 2007 into force.
2009:	19. Notification bring Act No. 3 of 2009 into force.
2010:	20. S.O. 263(E) dated 5.2.10 21. Notification bringing Act No. 4 of 2010. 22. S.O.1296(E) dated 24.5.2010 23. S.O.2135(E) dated 1.9.2010 24. S.O.342(E) dated 01.3.2012 25. S.O.2278(E) dated 15.9.2010 26. S.O.2099(E) dated 27.8.2010 27. S.O.2286(E) dated 15.9.2010 28. S.O.263(E) dated 13.2.2012 29. S.O.312(E) dated 10.2.2012 30. S.O.2391(E) dated 1.10.2010 31. S.O.2072(E) dated 8.7.2013 32. S.O.2689(E) dated 2.11.2010 33. S.O.2802(E) dated 1.1.2012
2011:	34. S.O.2879(E) dated 1.1.2012
2012:	35. S.O.2496(E) dated 19.8.2013 36. S.O.190(E) dated 1.2.2012 37. S.O.192(E) dated 1.2.2012 38. S.O.191(E) dated 1.2.2012 39. S.O.733(E) dated 23.3.2013 40. S.O.3311(E) dated 1.1.2013 41. Notification bringing Act No. 39 of 2012 into force.
2013:	42. S.O.3292(E) dated 1.11.2013
2014:	43. Notification bringing Act. No. 9 of 2014 into force. 44. Notification bringing Act. No. 16 of 2014 into force.

PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

F.No.CRA-01/2014-PMC/07

September 09, 2014

To
The Secretary
Department of Administrative Reforms and Public Grievances
Ministry of Personnel, Public Grievances and Pensions
North Block, New Delhi

[Kind Attn: Anurag Srivastava, Deputy Secretary]

Subject: Review of Administrative Laws-reg.

Sir,

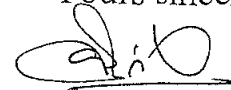
Please refer to the DoARPG OM No. K-11022/35/2014-ARC dated 8.9.2014 resting with this office communication dated 1.9.2014 requesting the Department to kindly provide the information regarding-

- (a) the details of the title and year of the Acts repealed on the recommendation of P.C. Jain Commission;
- (b) the details of the title and year of the Acts yet to be repealed alongwith reasons for not repealing the Acts as recommended by the Second Administrative Reforms Commission.

However, the requisite information is still awaited.

2. You are therefore once again requested to kindly provide the requisite information by 12.9.2014.

Yours sincerely,



(Avinash Kumar Sinha)
Staff Officer to Member,
Committee on Review of Administrative Laws
Tel. No.2301 4547

2/3589445/2014

No. CRA/1/2014/8

September 11, 2014

To

1. The Secretary
Department of Personnel Training
North Block,
New Delhi
2. The Secretary
Department of Administrative Reforms and Public Grievances
North Block, New Delhi
3. The Secretary
D/o Legal Affairs
Shastri Bhavan, New Delhi

Sir,

Please find enclosed, a copy of email dated 28.8.2014 of Shri Jitendra Nath Johri regarding not following the direction of the courts by the various Ministries for appropriate action.

Yours sincerely,



(Avinash Kumar Sinha)
Staff Officer to Member,
Committee on Review of Administrative Laws
Tel. No.2301 4547

Subject Fw: Deleting Archaic Rules as per advice of Honourable Prime Minister
From Jitendra Nath Johari <jnjohari@yahoo.in>
Date Friday, August 29, 2014 10:48 am
To "oo.ramanujam@gov.in" <oo.ramanujam@gov.in>

On Thursday, August 28, 2014 10:39 PM, Jitendra Nath Johari <jnjohari@yahoo.in> wrote:

On Thursday, August 28, 2014 10:32 PM, Jitendra Nath Johari <jnjohari@yahoo.in> wrote:

To, Shri R.Ramanujam,
Secretary PMO

Sir, Greetings.

I wish to draw attention to a self made Rule by various Ministries viz. not giving benefit to Similarly Placed Persons even when the Court(s) have given a ruling in a Policy Matter/Issue. This action by Ministries is not logical and just, specially in view of the fact that the Court(s) advise that Similarly Placed Persons need not again go to Court for the Issue already decided by them. In view of above, PMO may please suitably direct various Ministries to give benefit to all similarly placed persons where the Policy Matter/Issue has already been decided by the Court(s).

Regards.

J.N.Johari (74yrs.)
Mob. 08003188087

29/8/2014
2042843
29/8

PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

No. CRA/1/2014/.9

September 11, 2014

To

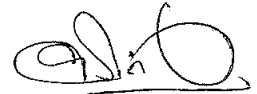
The Secretary
Ministry of Power
Sharmshakti Bhavan
New Delhi

Sir,

Please find enclosed, a copy of a letter dated 4.9.2014 along with annexure received from Association of Power Producers, New Delhi for doing needful in the matter.

2. The Ministry is requested that the aforesaid suggestions may be considered while forwarding the information as requested by this office vide its ID note of even number dated 3.9.2014.

Yours sincerely,



(Avinash Kumar Sinha)
Staff Officer to Member,
Committee on Review of Administrative Laws
Tel. No.2301 4547



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Association of Power Producers

Ref: APP/DG/2014-15/143

4th September, 2014

Sh R. Ramanujam,
Secretary to Govt of India,
Prime Minister's Office,
South Block, Raisina Hill, New Delhi - 110011

Subject: Review of legislations/regulations and underlying process of clearances governing electricity generation and transmission

Reference:

1. APP's representation dated 25th June, 2014 addressed to Principal Secretary to Hon'ble PM regarding proposed comprehensive review of legislations governing integrated electricity generation projects
2. Pursuant to S.No 1 above, JS (Thermal), MoP's representation to APP dated 9th July, 2014 informing of constitution of inter-ministerial committee (IMC) to take through review of legislations/regulations governing electricity generation and the first meeting of the IMC on 10th July, 2014
3. Pursuant to S.No. 2 above, APP's representation dated 6th August, 2014 addressed to JS (Thermal), MoP (Chairman, IMC) submitting inputs to the IMC

Sh. R. Ramanujam

At the outset, on behalf of APP, I would like to wholeheartedly welcome this step of the Govt to constitute a committee under the chairmanship of your good self to carry out a review to identify obsolete laws. Such measures will go a long way in enhancing ease of doing business in the country giving a major boost to investment in the economy as a whole and power sector in specific.

APP is the power sector's premier think-tank with membership representing over 90% of the existing and planned power capacity in the private power sector, aggregating to nearly 1,10,000 MW and also comprises the leading private players in the Transmission and Distribution segments.

As part of our regular policy advocacy initiatives in the power sector, APP had, pursuant to an interaction on 20th June, 2014 with the Hon'ble Minister of State (I/C) for Power, Coal and NRE, made a representation dated 25th June, 2014 to the Power Ministry as well as the Prime Minister's Office (Reference 1 - enclosed with annexures as Appendix 1) proposing a

comprehensive review of legislations/regulations governing integrated electricity generation projects through setting up of a Special Task Force. In this letter, we had highlighted how several key legislations governing such projects have not been reviewed or amended in the last fifty years. We also highlighted and detailed how a power plant requires around 150 clearances/approvals during the construction and operations phase and the fact that a plant is subject to around 2000 compliances on an annual basis. Since several of these processes are governed by archaic policies and are not relevant in the present day scenario, we requested for a review of the same.

The Govt made note of the points we had raised in the above captioned letter and decided to constitute an Inter Ministerial Committee in this regard under the Chairmanship of JS (Thermal), MoP to review legislations/regulations and underlying processes of clearances governing electricity generation and transmission projects (Reference 2). The first meeting of the IMC was held on 10th July, 2014 and APP's representatives participated in the same as Special Invitee to assist the IMC in achieving its targets. (The Minutes of the Meeting are enclosed as Appendix 2).

Subsequent to the foregoing, as was decided upon in the meeting, APP made a representation to the Chairman, IMC (Reference 3- enclosed with annexures as Appendix 3) submitting its inputs. Detailed comments and recommendations on the basis of feedback from members and detailed research were placed before the IMC for its consideration through this letter.

In light of this new development of constitution of the committee under your chairmanship, we enclose our recommendations made to the Govt through these captioned representations for a favorable consideration of the committee.

We would be happy to provide any further clarification as may be desired by the Committee.

With regards,
Yours sincerely,
For Association of Power Producers

(Ashok Khurana)

Enclosures: as above

Copy to:
Sh. V K Bhasin,
Former Secretary to Govt of India, Ministry of Law and Justice
E-4, Poorti Apartment, Vikas Puri, New Delhi 18

PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

F.No.CRA-01/2014-PMC/10

September 12, 2014

To

Home Secretary
North Block
New Delhi

Subject: Review of Administrative Laws-reg.

Sir,

Please find enclosed, a copy of the OM dated 11.9.2014 along with the Annexure received from the Department of Administrative Reform & Public Grievances (DoAR&PG) on the above subject.

2. The DoAR&PG has intimated that the details of Acts (giving short title and year), repealed on the recommendation of P. C. Jain Commission may be obtained from Ministries/Departments concerned and Legislative Department.
3. The Ministry of Home Affairs is, therefore, requested to kindly furnish the details of Acts (giving short title and year), not repealed on the recommendation of the P.C.Jain Commission to this Committee by 16.9.2014.

Yours sincerely,



(Avinash Kumar Sinha)

Staff Officer to Member,

Committee on Review of Administrative Laws

Tel. No.2301 4547



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IMMEDIATE

No. K-11022/35/2014-ARC

Government of India

Department of Administrative Reforms and Public Grievances

5th Floor, Sardar Patel Bhawan, Sansad Marg, New Delhi.

Dated the 11.09.2014

OFFICE MEMORANDUM

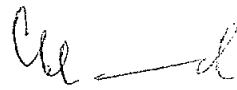
Subject : Reference from PMO regarding Review of Administrative Laws

The undersigned is directed to refer to PMO's reference No. CRA-01/2014-PMC/07 dated 09.09.2014 seeking the following information:

- (a) the details of the title and year of the Acts repealed on the recommendations of P.C.Jain Commission;
 - (b) the details of the title and year of the Acts yet to be repealed alongwith reasons for not repealing the Acts as recommended by the Second ARC.
2. With regard to (a) above, as already mentioned in this Departments OM dated 08.09.2014, it is stated that Out of 1382 Acts, recommended for repeal, this Department had been coordinating repeal of 166 Central Acts. Repeal of remaining 1216 Acts was being coordinated by the Legislative Department. From the records available with this Department it is seen that no compilation in terms of details of Acts repealed or to be repealed is available. The Department has been sending only a numerical status report to DoPT for onward transmission to the PMO.
 3. However, a copy of the reply to Ministry of Home Affairs dated 25.04.2005 giving details of status 150 Acts is available. a copy of this reply is enclosed for reference. PMO is requested to obtain the present status of the Acts from the Ministries/Departments concerned and Legislative Department, Ministry of Law.
 4. As regards 2nd Administrative Reforms Commission, the list of Acts recommended for repeal along with Governments decision on these has already been sent to the PMO, as Annexure II, vide this Departments OM dated 08.09.2014.
 5. This issues with the approval of Secretary (AR&PG).

Encl. As above

Committee on Review of Administrative Laws
(Shri Avinash Kumar Sinha, Staff Officer to Member)
Prime Minister's Office
South Block, New Delhi.


(Anurag Srivastava)
Deputy Secretary
Tel: 23360369

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PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

F.No.CRA-01/2014-PMC/11

September 12, 2014

To

The Secretary
Legislative Department
Shastri Bhavan, New Delhi

Subject: Review of Administrative Laws-reg.

Sir,

Please find enclosed, a copy of the OM dated 11.9.2014 along with the Annexure received from the Department of Administrative Reform & Public Grievances (DoAR&PG) on the above subject.

2. The DoAR&PG has intimated that the details of Acts (giving short title and year), repealed on the recommendation of P. C. Jain Commission may be obtained from Ministries/Departments concerned and Legislative Department.
3. The Legislative Department is, therefore, requested to kindly furnish the details of Acts (giving short title and year) not repealed on the recommendation of the P.C.Jain Commission to the Committee latest by 16.9.2014.

Yours sincerely,



(Avinash Kumar Sinha)

Staff Officer to Member,

Committee on Review of Administrative Laws

Tel. No.2301 4547



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I/3569662/2014

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PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

F.No.CRA-01/2014-PMC/12

September 16, 2014

To

The Secretary
Legislative Department
Shastri Bhavan, New Delhi

Subject: Review of Administrative Laws-reg.

Sir,

Please provide the copies of the following Acts which are not available in the Acts of Parliament provided to the Committee on Review of Administrative Laws, namely:-

- i. The Madras Public Property Malverasation Act, 1837 (36 of 1837)
- ii. The Bengal Bonded Warehouse Act, 1838 (5 of 1838)
- iii. The Coasting Vessels Act, 1838 (19 of 1938)
- iv. The Madras Rent and Revenue Sales Act, 1839 (7 of 1839)
- v. The Bengal Criminal Law Amendment Act, 1925

*No Act Number has given to the Act.

2. This may be given **Top Priority** and provide the requisite information by 18.9.2014.

Yours sincerely,



(Avinash Kumar Sinha) 92
Staff Officer to Member,
Committee on Review of Administrative Laws
Tel. No.2301 4547

3/3569980/2014

PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

F.No.CRA-01/2014-PMC/13

September 17, 2014

To

The Secretary
Legislative Department
Shastri Bhavan, New Delhi

Subject: Review of Administrative Laws-reg.

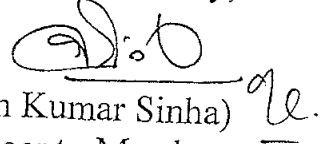
Sir,

In continuation of our earlier letter dated 12.9.2014, the Legislative Department is requested to kindly furnish the following information, namely:

- (i) Short title and the year of the Central Acts mentioned in the Appendix A-1 to the P.C. Jain Commission's Report which have been repealed and short title and the year of such Acts which have not been repealed.
- (ii) The British Statutes mentioned in Appendix A-3 to the P.C. Jain Commission's Report which have been repealed and which remain to be repealed.
- (iii) Ordinances mentioned in the Appendix A-4 to the P.C. Jain Commission's Report which have been repealed and which remain to be repealed.
- (iv) The State Subjects Laws mentioned in Appendix A-5 which have been repealed by the concerned State Legislature and such State Laws which have not been repealed.
- (v) The Reorganization Acts mentioned in Appendix-B to the P.C. Jain Commission's Report which have been repealed and which remain to be repealed.
- (vi) Laws applicable to High Courts mentioned in Appendix-C to the P.C. Jain Commission's Report which have been repealed and which remain to be repealed.
- (vii) Personal Law mentioned in Appendix-D to the P.C. Jain Commission's Report which have been repealed and which remain to be repealed.

2. The Department of Administrative and Public Grievances vide its OM dated 11.9.2014 (Copy enclosed) have stated that the present status of the above said Act may be obtained from the Legislative Department, Ministry of Law.
3. In view of the above, it is requested that the requisite information, as mentioned above, may kindly be provided to the Committee by 22.9.2014.

Yours sincerely,



(Avinash Kumar Sinha)

Staff Officer to Member,

Committee on Review of Administrative Laws

Tel. No.2301 4547


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PRIME MINISTER'S OFFICE

South Block, New Delhi.

The Central Board of Excise and Customs may kindly intimate to this Office before the 30th September, 2014 as to whether the Excise (Spirits) Act, 1863 (XVI of 1863) [copy of the said Act as made available by the Legislative Department is enclosed herewith] is in force and operational as on date.

2. If the aforesaid Act is in force, whether the aforesaid Act can be repealed in the light of Central Excise Act, 1944 and the Central Excise Tariff Act, 1985.



(Avinash Kumar Sinha)

Staff Officer to the
Committee on Review of Administrative Laws

Chairman, Central Board of Excise and Customs, Ministry of Finance, Department of Revenue, North Block, New Delhi. *ole*

PMO I.D. No. CRA/1/2014/15

Dated: 29.09.2014

44621126

B/3571250/2014

ACT No. XVI OF 1863.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 10th March 1863).

An Act to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.

Preamble. WHEREAS it is expedient to make special provision for the levy of the Excise Duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry; It is enacted as follows:—

I. Spirits intended to be used exclusively in Arts and Manufactures or in Chemistry may be removed from any licensed Distillery in any part of British India on payment of Duty calculated at ten per cent. on the value of the Spirits, provided that no Spirits shall be so removed until they have been effectually and permanently rendered unfit for human consumption.

Such spirits may be removed from Distillery on payment of Duty, on condition.

II. The Board of Revenue, or other Authority specially authorized in that behalf by the Local Government, shall prescribe from time to time, subject to the approval of the Local Government, rules for ascertaining and determining that Spirits proposed to be removed for the purposes aforesaid have been effectually and permanently rendered unfit for human consumption, as required by Section I of this Act; for causing such Spirits to be so rendered, if necessary, by its own Officers at the expense of the person who wishes to remove them; and for fixing the value of the Spirit on which the *ad valorem* Duty shall be levied.

Rules for ascertaining and determining that spirits to be removed have been rendered unfit for human consumption, &c.

III. Every

PRICE TWO ANNAS.

ACT No. XVI OF 1863.

III. Every person who shall wilfully contravene any rule prescribed by the Board of Revenue, or other Authority as aforesaid, under the last preceding Section of this Act, shall be liable on conviction before any Officer exercising the powers of a Magistrate to a penalty not exceeding five hundred Rupees for every such offence.

IV. Every person who shall attempt, or shall connive at an attempt, to render fit for human consumption, Spirits removed from a Distillery under the provisions of this Act, shall be liable to a penalty not exceeding one thousand Rupees; and the possessor of such Spirits on which such attempt has been made, or which may have been rendered fit for human consumption, shall be liable on conviction before any Officer exercising the powers of a Magistrate to a penalty not exceeding five hundred Rupees.

V. Any penalty imposed under either of the last two preceding Sections may in case of non-payment be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the Officer by whom such penalty was imposed.

VI. In case any such penalty shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody, until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time, as shall be appointed for the return of the warrant of distress.

VII. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the offender or otherwise that he has not sufficient goods and chattels whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may by warrant under his hand commit the offender to the Civil Jail, there to be imprisoned, according to the discretion of such Officer, for any term

ACT No. XVI OF 1863.

not exceeding two calendar months when the amount of penalty shall not exceed fifty Rupees, and for any term not exceeding four calendar months, when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

VIII. The prohibition contained in Section XI of Act III of 1852 (to amend the law relating to spirituous and intoxicating liquors, drugs, and preparations within the Territories subordinate to the Presidency of Bombay) against mixing any noxious drug or material in, or by other process adulterating Spirits manufactured under the provisions of Regulation XXI of 1827 of the Bombay Code, or of the said Act III of 1852, shall not apply to Spirits rendered unfit for human consumption under this Act.

IX. In every case of conviction under Section III or Section IV of this Act, the liquor or Spirits with the cask or vessel containing the same, and the cart, boat, and animal or animals employed in carrying such liquor or Spirit, shall be liable to confiscation.

Provisions of Section XI, Act III of 1852, relating to adulteration, not to apply to spirits rendered unfit for consumption under this Act.

Confiscation in cases of conviction under Section III or IV.

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PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

September 17, 2014
29

F.No.CRA-01/2014-PMC/14

To

The Secretary
Legislative Department
Shastri Bhavan, New Delhi

Subject: Review of Administrative Laws-reg.

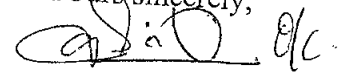
Sir,

Please refer to my letter dated 17.9.2014 requesting the Legislative Department to kindly furnish the following information, namely by 22.9.2014:

- (i) Short title and the year of the Central Acts mentioned in the Appendix A-1 to the P.C. Jain Commission's Report which have been repealed and short title and the year of such Acts which have not been repealed.
- (ii) The British Statutes mentioned in Appendix A-3 to the P.C. Jain Commission's Report which have been repealed and which remain to be repealed.
- (iii) Ordinances mentioned in the Appendix A-4 to the P.C. Jain Commission's Report which have been repealed and which remain to be repealed.
- (iv) The State Subjects Laws mentioned in Appendix A-5 which have been repealed by the concerned State Legislature and such State Laws which have not been repealed.
- (v) The Reorganization Acts mentioned in Appendix-B to the P.C. Jain Commission's Report which have been repealed and which remain to be repealed.
- (vi) Laws applicable to High Courts mentioned in Appendix-C to the P.C. Jain Commission's Report which have been repealed and which remain to be repealed.
- (vii) Personal Law mentioned in Appendix-D to the P.C. Jain Commission's Report which have been repealed and which remain to be repealed.

2. The requisite information is still awaited and may kindly be expedited and furnish the same to the Committee latest by **30.9.2014**.

Yours sincerely,



(Avinash Kumar Sinha)
Staff Officer to Member,
Committee on Review of Administrative Laws
Tel. No.2301 4547

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9/3571248/2014

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PRIME MINISTER'S OFFICE

South Block,
New Delhi-110 011

F.No.CRA-01/2014-PMC/18

October 10, 2014

To

Shri Manoj Kumar
Joint Secretary
Ministry of Corporate Affairs
Shastri Bhavan, New Delhi

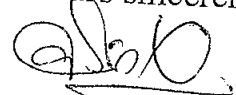
Subject: Review of Administrative Laws-reg.

Sir,

Please refer to the today telecon with Shri V.K. Bhasin, Member, Committee on Review of Administrative Laws on the above subject.

2. I am directed to request you to kindly confirm whether all the provisions of the Competition (Amendment) Act, 2007 (39 of 2007) have come into force.
3. The requisite information may kindly be furnished by today itself.

Yours sincerely,



(Avinash Kumar Sinha)
Staff Officer to Member,
Committee on Review of Administrative Laws
Tel. No.2301 4547

I/3571910/2014.



सत्यमेव जयते

Dr. G. Narayana Raju
Additional Secretary
Tel. 23384404

D.O. No. 11(29)/14-Leg. I

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भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
विधायी विभाग
(Legislative Department)
शास्त्री भवन, नई दिल्ली-११०००१
Shastri Bhawan, New Delhi-110001

तारीख

Dated..... the 29th August, 2014

Dear Sir,

Kindly refer to PMO's letter. No. nil dated 28th August, 2014 seeking copies of all Acts enacted from the year 1835 to till date. In this connection, office of the Committee on Review of Administrative Laws has also sought the list of Acts in force as on date, list of Acts which have not come into force till date and the list of Acts recommended to be repealed by Shri P.C. Jain Commission but not repealed so far and reasons therefor.

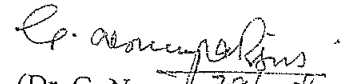
2. In this regard, it is important to mention that the Legislative Department maintains only two sets of master copies of the Acts enacted by Parliament and pre-independence Acts. One set of master copy of the Acts enacted from the year 1836 to till date is forwarded for the use of the Committee. The master copy is one of the precious reference set of books available in the Government of India which may please be returned to this Department after completion of the work by the Committee. The text of all the Acts enacted from the year 1836 is also available in the website of the Legislative Department in the Ministry of Law and Justice, which can be accessed at www.lawmin.nic.in

3. A copy of the index to the Central legislations (Chronological and Alphabetical) and a list containing the Acts which have not been brought into force is also enclosed herewith.

4. A copy of the report of the P.C. Jain Commission is enclosed herewith and the Jain Commission Report is also available in the website of Department of Administrative Reforms and Public Grievances. A copy of the status report regarding the recommendations of P.C. Jain Commission is enclosed. The details of retention of certain Acts recommended for repeal by the said Commission is available with the Department of Administrative Reforms and Public Grievances.

With kind regards,

Yours sincerely,


(Dr. G. Narayana Raju) 29/8/14

Shri R. Ramanujam,
Chairman,
Committee on Review of Administrative Laws,
Prime Minister's Officer,
South Block, New Delhi.

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Shri R. Ramanujam,
Secretary
Prime Minister's Office.
South Block,
Raisina Hill,
New Delhi-110011.

Auroville, 30-08-2014

Respected Mr. Ramanujam,

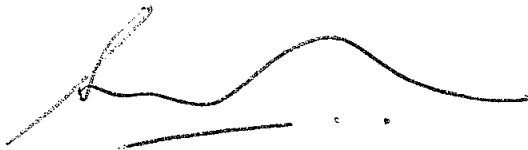
Sub: obsolete legislation

I read in the Indian Express that you have been appointed as chairperson of a Committee to identify Acts and Rules which may have become obsolete in the last 10 to 15 years.

I kindly request you to examine the Press and Registration of Books Act 1867 (Act no 25 of 1867) along with the Press and Registration Appellate Board (Practice and Procedure) Order, 1961, the Registration of Newspapers (Central) (Rules, 1956; and the Press Council Act, 1978 (Act no 37 of 1978).

It appears to me that in these acts have become obsolete in view of the spread of the internet.

Sincerely Yours,



Dr. Priya Sundaravalli Sudharsan
Samasti
Auroville 6705101
Tamil nadu
Email: sundaravalli@auroville.org.in



सत्यमेव जयते

डा० संजय सिंह
सचिव
Dr. Sanjay Singh
Secretary

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भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
विधायी विभाग
Legislative Department

4th September, 2014.

D.O. No. 1(66)/14-L.I

Dear Secretary,

In continuation of this Department's D.O. letters No.1 (26)/14-L.I dated the 23rd June, 2014 and 18th July, 2014 requesting to provide a list of Acts administered by your Ministry/Department, the retention whereof on the Statute Book has become unnecessary, I am forwarding herewith a draft of the Repealing and Amending (Second) Bill, 2014 for your perusal and comments, wherein 287 Amendment Acts have been identified for repeal as contained in the First Schedule to the said Bill. As you are aware of that the Government has taken the initiative to repeal obsolete laws, I request you to peruse the relevant Acts administered by your Ministry/Department out of those 287 Acts and confirm whether they can be repealed and also identify patent errors in other Acts administered by your Ministry/Department which can be rectified through this Bill.

2. The above mentioned process is a periodical exercise undertaken by this Department whereby the enactments, which have ceased to be in force or have become obsolete or the retention whereof is unnecessary, they are repealed by enacting the Repealing and Amending Acts. Since 1950, ten such Repealing and Amending Acts have been enacted by which 1290 Amending Acts have been repealed. The last Repealing and Amending Act was passed in the year 2001 covering Acts up to the year 1998. Recently, the Repealing and Amending Bill, 2014 has been introduced in Lok Sabha for repeal of 36 Acts and to rectify patent errors in 2 Central Acts, which is pending for consideration and passing by Parliament.
3. In this connection, attention of your Ministry/Department is invited to the provisions of section 6A of the General Clauses Act, 1897 (X of 1897) regarding the effect of repeal of an Amendment Act. In terms of section 6A of the said Act, amendments made in the parent/principal Acts by an Amendment Act are deemed to have been incorporated in the respective principal/parent Act immediately after its coming into force. Hence, the repeal of such Amendment Acts will not affect the continuance in force of the amendments which have already become part and parcel of the parent/principal Acts.
4. Presently around 1101 Central Acts are in operation which can be accessed in the website of this Department at <http://lawmin.nic.in/legislative.htm> under the caption "List of Central Acts". You may also examine the utility of continuing such unrepealed Central Acts administered by

your Ministry/Department and if you consider any law to be unnecessary or retention whereof is not necessary, then the same may be informed to this Department at the earliest.

5. An early reply on the subject is expected as we propose to introduce the said Repealing and Amending (Second) Bill, 2014 in the forthcoming session of Parliament.

With all regards

Sanjay Singh
4/9/14
(Dr.Sanjay Singh)

All Secretaries to the Government of India (As per the list)

Copy for kind information:

✓ Shri R.Ramanujam,
Secretary to Hon'ble Prime Minister,
Chairperson,
Committee on Review of Administrative Laws,
Prime Minister Office,
South Block, New Delhi,

Sh. Shrin
8/9/2014

THE REPEALING AND AMENDING (SECOND) BILL, 2014

A

BILL

to repeal certain enactments and to amend certain other enactments.

BE it enacted by Parliament in the Sixty-fifth year of the Republic of India as follows:-

1. This Act may be called the Repealing and Amending (Second) Act, 2014. Short title.
2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.
3. The enactments specified in the Second Schedule are hereby amended to the extent and the manner mentioned in the fourth column thereof. Amendment of certain enactments.
4. The repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied, incorporated or referred to; Savings.
and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;
nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;
nor shall the repeal by this Act of any enactment provide or restored any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

2000	35	The Border Security Force (Amendment) Act, 2000	The whole
2000	36	The Cable Television Networks (Regulations) Amendment Act, 2000	The whole
2000	38	The Rehabilitation Council of India (Amendment) Act, 2000	The whole
2000	39	The State Financial Corporations (Amendment) Act, 2000	The whole
2000	44	The Multimodal Transportation of Goods (Amendment) Act, 2000	The whole
2000	46	The Workmen's Compensation (Amendment) Act, 2000	The whole
2000	47	The Passport (Entry into India) Amendment Act, 2000	The whole
2000	49	The Protection of Human Rights (Amendment) Act, 2000	The whole
2000	50	The Punjab Municipal Corporation Law (Extension to Chandigarh) Amendment Act, 2000	The whole
2000	51	The Aircraft (Amendment) Act, 2000	The whole
2000	53	The Companies (Amendment) Act, 2000	The whole
2000	55	The National Bank for Agriculture and Rural Development (Amendment) Act, 2000	The whole
2001	1	The Taxation Laws (Amendment) Act, 2000	The whole
2001	4	The Taxation Laws (Amendment) Act, 2001	The whole
2001	9	The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2001	The whole
2001	10	The Chit Funds (Amendment) Act, 2001	The whole
2001	18	The Post-Graduate Institute of Medical Education and Research, Chandigarh (Amendment) Act, 2001	The whole
2001	21	The Electricity Regulatory Commissions (Amendment) Act, 2001	The whole
2001	23	The Warehousing Corporations (Amendment) Act, 2001	The whole
2001	27	The Food Corporations (Amendment) Act, 2001	The whole
2001	28	The Live-Stock Importation (Amendment) Act, 2001	The whole
2001	31	The Trade Unions (Amendment) Act, 2001	The whole
2001	32	The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2001	The whole
2001	34	The Indian Medical Council (Amendment) Act, 2001	The whole
2001	38	The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2001	The whole
2001	39	The Motor Vehicles Amendment Act, 2001	The whole
2001	40	The Inland Waterways Authority of India (Amendment) Act, 2001	The whole
2001	41	The Central Sales Tax (Amendment) Act, 2001	The whole
2001	44	The Salaries and Allowances of Ministers (Amendment) Act, 2001	The whole
2001	46	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2001	The whole
2001	48	The Registration and other Related Laws (Amendment) Act, 2001	The whole
2001	54	The Explosive Substance (Amendment) Act, 2001	The whole
2001	55	The National Commission for SafaiKaramcharis (Amendment) Act, 2001	The whole
2001	56	The Cine-Workers Welfare Fund (Amendment) Act, 2001	The whole
2001	57	The Companies (Amendment) Act, 2001	The whole
2002	13	The Jute Manufactures Cess (Amendment) Act, 2002	The whole
2002	14	The Inter-State Water Disputes (Amendment) Act, 2002	The whole
2002	16	The Institutes of Technology (Amendment) Act, 2002	The whole
2002	17	The Passports (Amendment) Act, 2002	The whole
2002	23	The Vice-President's Pension (Amendment) Act, 2002	The whole
2002	24	The All-India Institute of Medical Sciences (Amendment) Act, 2002	The whole
2002	25	The Constitution (Scheduled Castes) Order (Amendment) Act, 2002	The whole

2003	38	The Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Amendment Act, 2003	The whole
2003	43	The Airports Authority of India (Amendment) Act, 2003	The whole
2003	44	The Sixth Schedule to the Constitution (Amendment) Act, 2003	The whole
2003	47	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2003	The whole
2003	48	The National Bank for Agriculture and Rural Development (Amendment) Act, 2003	The whole
2003	51	The Railways (Second Amendment) Act, 2003	The whole
2003	52	The Railway Protection Force (Amendment) Act, 2003	The whole
2003	54	The Taxation Laws (Amendment) Act, 2003	The whole
2003	56	The Railways (Amendment) Act, 2003	The whole
2003	57	The Electricity (Amendment) Act, 2003	The whole
2003	58	The Indian Medicine Central Council (Amendment) Act, 2003	The whole
2003	59	The Merchant Shipping (Amendment) Act, 2003	The whole
2004	4	The Prevention of Terrorism (Amendment) Act, 2003	The whole
2004	5	The Indian Council of World Affairs (Amendment) Act, 2003	The whole
2004	6	The Citizenship (Amendment) Act, 2003	The whole
2004	7	The Uttar Pradesh Reorganisation (Amendment) Act, 2003	The whole
2004	8	The Indian Telegraph (Amendment) Act, 2003	The whole
2004	9	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003	The whole
2004	16	The Foreigners (Amendment) Act, 2004	The whole
2004	24	The Banking Regulation (Amendment) and Miscellaneous Provisions Act, 2004	The whole
2004	29	The Unlawful Activities (Prevention) Amendment Act, 2004	The whole
2004	30	The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2004	The whole
2005	1	The Securities Laws (Amendment) Act, 2004	The whole
2005	5	The Central Excise Tariff (Amendment) Act, 2004	The whole
2005	15	The Patents (Amendment) Act, 2005	The whole
2005	19	The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005	The whole
2005	20	The Prevention of Money-laundering (Amendment) Act, 2005	?
2005	23	The Navy (Amendment) Act, 2005	The whole
2005	25	The Code of Criminal Procedure (Amendment) Act, 2005	The whole
2005	32	The Citizenship (Amendment) Act, 2005	The whole
2005	40	The SreeChitraTirunal Institute for Medical Sciences and Technology, Tivandrum (Amendment) Act, 2005	The whole
2005	41	The Payment of Wages (Amendment) Act, 2005	The whole
2005	44	The Immigration (Carriers' Liability) Amendment Act, 2005	The whole
2005	45	The Warehousing Corporations (Amendment) Act, 2005	The whole
2005	46	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005	The whole
2005	47	The Railways (Amendment) Act, 2005	The whole
2005	51	The Prevention of Insults to National Honour (Amendment) Act, 2005	The whole
2005	55	The Taxation Laws (Amendment) Act, 2005	The whole
2006	2	The Criminal Law (Amendment) Act, 2005	The whole
2006	3	The Central Sales Tax (Amendment) Act, 2005	The whole

		Distribution) Amendment Act, 2007	
2007	39	The Competition (Amendment) Act, 2007	The whole
2007	40	The Merchant Shipping (Amendment) Act, 2007	The whole
2007	42	The All-India Institute of Medical Science and the Post-Graduate Institute of Medical Education and Research (Amendment) Act, 2007	The whole
2007	44	The Aircraft (Amendment) Act, 2007	The whole
2007	45	The Payment of Bonus (Amendment) Act, 2007	The whole
2007	49	The Indian Boilers (Amendment) Act, 2007	The whole
2008	4	The Sugar Development Fund (Amendment) Act, 2008	The whole
2008	11	The Railways (Amendment) Act, 2008	The whole
2008	12	The Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008	The whole
2008	13	The Food Safety and Standards (Amendment) Act, 2008	The whole
2008	14	The Constitution (Scheduled Tribes) Order Amendment Act, 2008	The whole
2008	15	The Maternity Benefit (Amendment) Act, 2008	The whole
2008	25	The Central Universities Laws (Amendment) Act, 2008	The whole
2008	26	The Drugs and Cosmetics (Amendment) Act, 2008	The whole
2008	28	The President's Emoluments and Pension (Amendment) Act, 2008	The whole
2008	29	The Vice-President's Pension (Amendment) Act, 2008	The whole
2008	30	The Salaries and Allowances of Officers of Parliament (Amendment) Act, 2008	The whole
2008	35	The Unlawful Activities (Prevention) Amendment Act, 2008	The whole
2009	1	The Governors (Emoluments, Allowances and Privileges) Amendment Act, 2008	The whole
2009	2	The Constitution (Scheduled Tribes) (Union territories) Order Amendment Act, 2008	The whole
2009	3	The Post-Graduate Institute of Medical Education and Research, Chandigarh (Amendment) Act, 2008	The whole
2009	5	The Code of Criminal Procedure (Amendment) Act, 2008	The whole
2009	10	The Information Technology (Amendment) Act, 2008	The whole
2009	11	The Supreme Court (Number of Judges) Amendment Act, 2008	The whole
2009	20	The Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009	The whole
2009	21	The Prevention of Money-laundering (Amendment) Act, 2009	The whole
2009	22	The Central Industrial Security Force (Amendment) Act, 2009	The whole
2009	23	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009	The whole
2009	28	The Carriage by Air (Amendment) Act, 2009	The whole
2009	34	The Metro Railways (Amendment) Act, 2009	The whole
2009	37	The Jharkhand Contingency Fund (Amendment) Act, 2009	The whole
2009	38	The Central Universities (Amendment) Act, 2009	The whole
2009	39	The Competition (Amendment) Act, 2009	The whole
2009	45	The Workmen's Compensation (Amendment) Act, 2009	The whole
2009	46	The National Rural Employment Guarantee (Amendment) Act, 2009	The whole
2009	47	The Payment of Gratuity (Amendment) Act, 2009	The whole
2009	48	The State Bank of Saurashtra (Repeal) and the State Bank of India Subsidiary Banks) Amendment Act, 2009	The whole
2010	2	The Salaries and Allowances of Ministers (Amendment) Act, 2009	The whole

2012	26	The North-Eastern Areas (Reorganisation) And Other Related Laws (Amendment) Act, 2012	The whole
2012	27	The Copyright (Amendment) Act, 2012	The whole
2012	28	The National Institutes of Technology (Amendment) Act, 2012	The whole
2012	30	The Right of Children to Free And Compulsory Education (Amendment) Act, 2012	The whole
2012	31	The Central Educational Institutions (Reservation in Admission) Amendment Act, 2012	The whole
2012	34	The Institutes of Technology (Amendment) Act, 2012	The whole
2012	36	The Chemical Weapons Convention (Amendment) Act, 2012	The whole
2012	37	The All-India Institute of Medical Sciences (Amendment) Act, 2012	The whole
2012	39	The North-Eastern Areas (Reorganisation) Amendment Act, 2012	The whole
2013	1	The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2012	The whole
2013	2	The Prevention of Money-Laundering (Amendment) Act, 2012	The whole
2013	3	The Unlawful Activities (Prevention) Amendment Act, 2012	The whole
2013	4	The Banking Laws (Amendment) Act, 2012	The whole
2013	13	The Criminal Law (Amendment) Act, 2013	The whole
2013	19	The National Highways Authority of India (Amendment) Act, 2013	The whole
2013	22	The Securities and Exchange Board of India (Amendment) Act, 2013	The whole
2013	24	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2013	The whole
2013	27	The Wakf (Amendment) Act, 2013	The whole

THE SECOND SCHEDULE

(See section 3)

AMENDMENTS

Year	No	Short title	Amendments

No. K-11022/35/2014-ARC
Government of India
Department of Administrative Reforms and Public Grievances
ARC Division

5th Floor, Sardar Patel Bhawan,
Sansad Marg, New Delhi.
Dated the 08.09.2014

OFFICE MEMORANDUM

Subject : Reference from PMO regarding Review of Administrative Laws

The undersigned is directed to refer to PMOs reference No. CRA-01/2014-PMC/01 dated 01.09.2014 regarding information in respect of the Acts recommended for repeal by the Commission on Review of Administrative Laws and the Second Administrative Reforms Commission.

2. The Commission to review the Administrative laws was set up on 8th May, 1998, under the Chairmanship of Shri P.C.Jain. The Commission recommended repeal of 1382 Central Laws of different categories on the ground that these Acts etc. have become either irrelevant or dysfunctional. A copy of the Report is available on the website of DARPG and a soft copy has also been sent to all the Secretaries of the Govt. of India on 08.07.2014.

3. Out of 1382 Acts, recommended for repeal, this Department had been coordinating repeal of 166 Central Acts including 11 Pre-Nationalisation Acts and 20 Validation Acts. Repeal of remaining 1216 Acts was being coordinated by the Legislative Department.

4. As per the instructions of the DoPT/ PMO a bi-monthly status report of 1382 Acts, identified by the Commission on Review of Administrative Laws, based on the feedback received from various concerned Ministries / Departments in respect of 166 Acts and from Legislative Department in respect of 1216 Acts was being furnished to DoPT for onward transmission to PMO. The last such report was sent to DoPT on 21.06.2013 which reported status as on 31.03.2013 and 31.05.2103 (**Annexure I**).

7. The 2nd Administrative Reforms Commission had presented 15 reports. The various recommendations contained in the 14 reports of 2nd ARC (Eighth Report on 'Combating Terrorism' has been handled by the Ministry of Home Affairs) were first considered by the concerned administrative Ministries/Departments. Their views were then considered by the Core Group on Administrative Reforms (CGAR). Subsequently, they were placed before the Group of Ministers (GoM) for its consideration. The decision of the GoM on each of these recommendations was communicated to the concerned Ministries / Departments for necessary action at their end. The ATR so furnished by the concerned Ministries / Departments has also been placed before the Cabinet.

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8. The 2nd ARC has recommended repeal of certain Acts. A list of the recommendations involving repeal of Acts, along with the decisions of the Government is enclosed (**Annexure II**).

9. This issues with the approval of Secretary(AR&PG)


(Anurag Srivastava)
Deputy Secretary
Tel: 23360369

ENCL: AS above

Committee on Review of Administrative Laws
(Shri Avinash Kumar Sinha, Staff Officer to Member)
Prime Minister's Office
South Block,
New Delhi.

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MINOR &
390

No. K. 11019/1/2005- IT (A)/AR
Government of India
Ministry of Personnel, PG & Pensions
Department of Administrative Reforms & Public Grievances

Sardar Patel Bhavan, Sansad Marg,
New Delhi, Dated: 21.06.2013

OFFICE MEMORANDUM

Subject: **Action Points arising out of the address of the Hon'ble President of India – Bi-monthly Status report**

Reference Department of Personnel & Training O.M.No.1-27011/3/05-Ad.III dated 07.12.2005 on the above mentioned subject.

2. The reports showing the status of the action taken on repeal of the dysfunctional laws (Action Point No.45) as on 31 March 2013 and 31 May 2013 are enclosed.


(Ritika Bhatia)
Director (AR)

Encl : a.a.

To

Department of Personnel & Training,
(Shri S.C.Sharu, US),
Ad.III Section,
North Block, New Delhi.

Copy along with Encl. to:-

Ministry of Law, Justice
Legislative Department
Shastri Bhavan,
New Delhi

o/c


21/6/13

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**Status of repeal of outmoded and inessential laws recommended by
the Commission on Review of Administrative Laws (As on 31.03.2013)**

Sl. No.	Acts	Total number of Acts	Number of Acts decided to be repealed & at various stages of repeal	Number of Acts decided to be retained	Number of Acts under examination (Excluding col. 4 & 5)	Acts repealed (Action completed)	Remarks
1	2	3	4	5	6	7	8
1	Central Acts (including 11 Pre-Nationalisation Acts and 20 Validation Acts)	166	13	72	03	68	10 (Out of 166 Central Acts, 6 Acts pertains to State List and 4 Acts repealed in the list)
2	Amendment Acts	315	0	0	0	315	
3	British Statutes	11	3	0	0	8	
4	War-time permanent ordinances	17	1	6	5	5	
5	Central Acts relating State List	114	0	0	0	5	109 (Action is to be taken by State Govts.)
6	Appropriation Acts	700	0	700	0	0	
7	Reorgainsation Acts	35	0	27	1	7	
8	Laws applicable to High Courts	12	0	5	0	7	
9	Personal Laws	12	0	12	0	0	
Total		1382	17	822	09	415	119

Statistics of balance action pending for repeal

1. Acts recommended for repeal		1382
2. Acts repealed so far (col. 7)	(-)	415
3. Acts decided not to be repealed (Col. 5)	(-)	822
4. Action to be taken by State Govt. (109 + 6 out of 166 Central Acts)	(-)	115
5. Acts repealed in the list of 166 Central Acts	(-)	4
Balance action pending		26

**Position of the repeal of 166 Acts
As on 31st March, 2013**

S. No	Action taken	No. of Acts
1	2	3
1	Acts repealed	68
1a	Acts introduced in Parliament for repeal	03
2	<i>Acts agreed to be repealed</i>	10
3	Acts which are not to be repealed	72
4	Acts in respect of which consultations with the Ministry of Law are in progress	00
5	Acts in respect of which consultations with State Governments are in progress	00
6	Act in respect of which consultations with other Ministries/ Departments of the Central Government is in progress	02
7	Acts in respect of which review process is still underway within the Ministry or in the Task forces specially constituted for the purpose.	01
8	Acts pertaining to subjects in List II (State list) of Seventh Schedule to the Constitution	06
9	Repetitions	04
	Total	166

Status of repeal of outmoded and inessential laws recommended by
the Commission on Review of Administrative Laws (As on 31.05.2013)

Sl. No.	Acts	Total number of Acts	Number of Acts decided to be repealed & at various stages of repeal	Number of Acts decided to be retained	Number of Acts under examination (Excluding col. 4 & 5)	Acts repealed (Action completed)	Remarks
1	2	3	4	5	6	7	8
1	Central Acts (including 11 Pre-Nationalisation Acts and 20 Validation Acts)	166	13	72	03	68	10 (Out of 166 Central Acts, 6 Acts pertains to State List and 4 Acts repeated in the list)
2	Amendment Acts	315	0	0	0	315	
3	British Statutes	11	3	0	0	8	
4	War-time permanent ordinances	17	1	6	5	5	
5	Central Acts relating State List	114	0	0	0	5	109 (Action is to be taken by State Govts.)
6	Appropriation Acts	700	0	700	0	0	
7	Reorganisation Acts	35	0	27	1	7	
8	Laws applicable to High Courts	12	0	5	0	7	
9	Personal Laws	12	0	12	0	0	
Total		1382	17	822	09	415	119

Statistics of balance action pending for repeal

1. Acts recommended for repeal		1382
2. Acts repealed so far (col. 7)	(-)	415
3. Acts decided not to be repealed (Col. 5)	(-)	822
4. Action to be taken by State Govt. (109 + 6 out of 166 Central Acts)	(-)	115
5. Acts repeated in the list of 166 Central Acts	(-)	4
Balance action pending		26

Position of the repeal of 166 Acts
As on 31st May, 2013

S. No	Action taken	No. of Acts
1	2	3
1	Acts repealed	68
1a	Acts introduced in Parliament for repeal	03
2	<i>Acts agreed to be repealed</i>	10
3	Acts which are not to be repealed	72
4	Acts in respect of which consultations with the Ministry of Law are in progress	00
5	Acts in respect of which consultations with State Governments are in progress	00
6	Act in respect of which consultations with other Ministries/ Departments of the Central Government is in progress	02
7	Acts in respect of which review process is still underway within the Ministry or in the Task forces specially constituted for the purpose.	01
8	Acts pertaining to subjects in List II (State list) of Seventh Schedule to the Constitution	06
9	Repetitions	04
	Total	166

List of recommendations involving repeal of some Acts with Governments Decision thereon

S.No.	Report	Recommendation	Govt. Decision
1.	1 st Right to Information	<p>The Official Secrets Act (Para 2.2.12):</p> <p>(a) The Official Secrets Act, 1923 should be repealed, and substituted by a chapter in the National Security Act, containing provisions relating to official secrets.</p>	<p>The recommendation has not been accepted. OSA is the only law to deal with the cases of espionage, wrongful possession and communication of sensitive information detrimental to the security of the State. This law has stood the test of time and has a very high conviction rate.</p> <p>The National Security Act (NSA) provides for preventive powers to deal with likely threats to maintenance of public order and security of the country, maintenance of essential services etc. It provides for preventive detention but does not define any substantive offence. On the other hand, the OSA is a substantive law.</p>
2.	4 th - Ethics in Governance	<p>(Para 3.10.24)</p> <p>Constitutional Protection to Civil Servants – Article 311</p> <p>(a) Article 311 of the Constitution should be repealed.(56)</p> <p>(b) Simultaneously Article 310 of the Constitution should also be repealed.(57)</p> <p>(c) Suitable legislation to provide for all necessary terms and conditions of services should be provided under Article 309, to protect the bona fide action of public servants taken in public interest; this should be made applicable to the States.(58)</p> <p>(d) Necessary protection to</p>	(a) to (d): Not accepted

		public servants against arbitrary action should be provided through such legislation under Article 309.(59)	
3.	5th – Public Order – Justice for each peace for all	<p>(Para 8.5.17) Armed Forces (Special Powers) Act, 1958</p> <p>a) The Armed Forces (Special Powers) Act, 1958 should be repealed. To provide for an enabling legislation for deployment of Armed Forces of the Union in the North-Eastern states of the country, the Unlawful Activities (Prevention) Act, 1967 should be amended by inserting a new Chapter VI A as recommended by the Committee to Review the Armed Forces (Special Powers) Act, 1958. The new Chapter VI A would apply only to the North-Eastern states.</p>	a):The GoM had considered the recommendation in the 2 nd meeting held on 26.02.2013 and did not accept it.
4.	6th – Local Governance – An inspiring Journey to the Future	<p>(Para 3.1.3.11) Structure of Local Bodies</p> <p>a. Article 243B(1) should be amended to read as follows: “There shall be constituted in every State, as the State Legislature may by law provide, Panchayats at appropriate levels in accordance with the provisions of this part”.(4)</p> <p>c. Members of Parliament and State Legislatures should not become members of local bodies.(6)</p> <p>e. Article 243 C (2 & 3) should be repealed and supplanted by Article 243 C(2) as follows: <i>243 C(2) Subject to the</i></p>	<p>a): Not accepted.</p> <p>(c): Not accepted.</p> <p>(e) to (g): Not accepted .</p>

provisions of this part, the Legislature of a State may, by law, make provisions with respect to composition of Panchayats and the manner of elections provided that in any tier there shall be direct election of at least one of the two offices of Chairperson or members.

Provided that in case of direct elections of members in any tier, the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State. Also, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.(8)

f. There shall be a District Council in every district with representation from both urban and rural areas.(9)

g. 243 B (2) should be substituted by:

"There shall be constituted in every District, a District Council representing all rural and urban areas in the District and exercising powers and functions in accordance with the provisions of Articles 243 G and 243 W of the Constitution."(10)

5.	10th - Refurbishing of Personnel Administration - Scaling New Heights.	<p>(Para 14.6) Disciplinary Proceedings</p> <p>a. In the proposed Civil Services law, the minimum statutory disciplinary and dismissal procedures required to satisfy the criteria of natural justice should be spelt out leaving the details of the procedure to be followed to the respective government departments. The present oral inquiry process should be converted into a disciplinary meeting or interview to be conducted by a superior officer in a summary manner without the trappings and procedures borrowed from court trials. This would require that the CCS (CCA) Rules, 1965 be repealed and substituted by appropriate regulations.</p> <p>b. No penalty of removal and dismissal should be imposed, except by an Authority, which is at least three levels above the post which the government servant is holding. Other penalties - apart from dismissal and removal - may be imposed by an Authority which is at least two levels above the current post of the government servant. No penalty may be imposed, unless an inquiry is conducted and the accused government servant has been given an opportunity of being heard.</p> <p>c. The two-stage consultation with the CVC in cases involving a vigilance angle should be done away with and only the second stage advice after completion of the</p>	<p>GoM noted the orders issued by DoPT on 26.09.2011. In cases involving vigilance issues, the consultation with UPSC will continue while second stage consultation with CVC has been dispensed with. However, in those cases where consultation with UPSC is not required, the second stage consultation with CVC will continue.</p>
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		<p>disciplinary process, should be obtained. In addition, for cases involving a vigilance angle, no consultation with the UPSC should be required.</p> <p>d. Consultation with the UPSC should be mandatory only in cases leading to the proposed dismissal of government servants and all other types of disciplinary cases should be exempted from the UPSC's purview.</p>	
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IMMEDIATE

No. K-11022/35/2014-ARC
Government of India
Department of Administrative Reforms and Public Grievances

5th Floor, Sardar Patel Bhawan, Sansad Marg, New Delhi.
Dated the 11.09.2014

OFFICE MEMORANDUM

Subject : Reference from PMO regarding Review of Administrative Laws

The undersigned is directed to refer to PMO's reference No. CRA-01/2014-PMC/07 dated 09.09.2014 seeking the following information:

- (a) the details of the title and year of the Acts repealed on the recommendations of P.C.Jain Commission;
 - (b) the details of the title and year of the Acts yet to be repealed alongwith reasons for not repealing the Acts as recommended by the Second ARC.
2. With regard to (a) above, as already mentioned in this Departments OM dated 08.09.2014, it is stated that Out of 1382 Acts, recommended for repeal, this Department had been coordinating repeal of 166 Central Acts. Repeal of remaining 1216 Acts was being coordinated by the Legislative Department. From the records available with this Department it is seen that no compilation in terms of details of Acts repealed or to be repealed is available. The Department has been sending only a numerical status report to DoPT for onward transmission to the PMO.
 3. However, a copy of the reply to Ministry of Home Affairs dated 25.04.2005 giving details of status 150 Acts is available. a copy of this reply is enclosed for reference. PMO is requested to obtain the present status of the Acts from the Ministries/Departments concerned and Legislative Department, Ministry of Law.
 4. As regards 2nd Administrative Reforms Commission, the list of Acts recommended for repeal along with Governments decision on these has already been sent to the PMO, as Annexure II, vide this Departments OM dated 08.09.2014.
 5. This issues with the approval of Secretary (AR&PG).


(Anurag Srivastava)
Deputy Secretary
Tel: 23360369

Committee on Review of Administrative Laws
(Shri Avinash Kumar Sinha, Staff Officer to Member)
Prime Minister's Office
South Block, New Delhi.

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SECRET


No. K.11019/2/2004 RC & IT (A)
Government of India
Ministry of Personnel, PG and Pensions,
Department of Administrative Reforms & PG
Reforms Coordn. & IT Division

Sardar Patel Bhavan, Sansad Marg,
New Delhi, Dated the 25 April, 2004

Office Memorandum

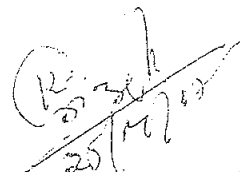
Subject : Review of implementation of Jain Commission's Recommendations
Empowered Monitoring Committee to examine the ATR pertaining to the
recommendations on internal security - regarding.

The undersigned is directed to refer to Ministry of Home Affairs OM no.
12/32/2004-Judl. Cell dated 13 April, 2005 on the above mentioned and to
enclose here with status of 150 Acts.


(R.H.H. Hmar)

Under Secretary to the Govt. of India
Telephone No. 23367966

Ministry of Home Affairs,
Judicial Cell,
[Smt. Rifa Chatterjee, Director (Judl.)].
Jaisalmer House, Man Singh Road,
New Delhi.


25/11/05
RECEIVED
12/32/2004

**STATUS OF 150 LAWS OUT OF THE 1382 ACTS
RECOMMENDED FOR REPEAL BY THE COMMISSION
ON REVIEW OF ADMINISTRATIVE LAWS**

(i) Acts decided to be repealed and at various stages of repeal:

Central Acts :

Sl. No.	Concerned Ministry/ Department	Name of the Act/Ordinance/ Statute	Present Status
1.	Deptt. of Consumer Affairs	The Essential Commodities (Special Provisions) Act, 1981.	After consultation with the Deptt. of Legal Affairs and the Legislative Department (Ministry of Law and Justice) has already been requested by the Department of Consumer Affairs to take necessary action to include the Essential Commodities (Special Provisions Act, 1981 in the next consolidated Repealing and Amending Bills of that Ministry
2.		The Spirituous Preparations (Inter-State Trade & Commerce) Act, 1955.	It has been decided at the level of Hon'ble Minister to repeal the Spirituous Preparations (Inter State Trade and Commerce) Control Act, 1955 as recommended by the Commission on Review of Administrative Laws. Necessary action for repeal of this Act is being taken.
3.	Department of Revenue	The Sugar (Special Excise Duty) Act, 1959.	All procedural requirements including consultation with concerned Ministries/ Departments have been completed, to repeal the Act. The proposal will be placed before the new Government.
4.		The Mineral Products (Additional Duties of Excise & Customs) Act, 1958.	All procedural requirements including consultation with concerned Ministries/ Departments have been completed, to repeal the Act. The proposal will be placed before the new Government.
5.		The Central Duties of Excise (Retrospective Exemption) Act, 1986.	All procedural requirements including consultation with concerned Ministries/ Departments

			have been completed, to repeal the Act. The proposal will be placed before the new Government.
6.		The Customs & Excise Revenue Appellate Tribunal Act, 1986.	All procedural requirements including consultation with concerned Ministries/ Departments have been completed, to repeal the Act. The proposal will be placed before the new Government.
7.		The Promissory Notes (Stamp) Act, 1926.	A draft for Cabinet to repeal the Act alongwith enactment of a new Indian Stamp Act in place of the existing one has been forwarded to the Ministry of Law for vetting. The ministry has desired further information on the issue of enactment of new Stamp Act, which is being collected from the States. As the process may take some more time, we are considering the possibility of separately moving a proposal to repeal the Promissory Notes (Stamp) Act, 1926. A proposal to this effect is being submitted for approval of the Finance Minister.
8.	Department of Expenditure	The Union Duties of Excise (Distribution) Act, 1979.	It has been decided to repeal these two Acts.
9.		The Union Duties of Excise (Electricity Distribution) Act, 1980	
10.	Department of Economic Affairs	The Reserve Bank of India (Amendment & Misc. Provisions) Act, 1953.	RBI has stated that all the Sections except Section 9 of the Act have already been repealed in 1958. There is no proposal to repeal Section 9 of the Act at Present. Standing Committee of the D/o AR&PG has accepted the action completed. (However Deptt. of AR&PG has sought some clarification on continuing of Section 9 of the Act vide OM

			dated 11.7.2000, 27.9.2001 and 6 September, 2002 and the reply is awaited). The information/clarification is being sought from Department of Currency and Management, Reserve Bank of India as Section 9 of the Act relates to non-application of the High Denomination of Bank Notes (Demonitization) Ordinance, 1946.
11.		The Deposit Insurance Corporation (Amendment & Miscellaneous Provisions) Act, 1978.	Presentation in respect of DICGC Amendment Bill was held in Banking Division. Spl. Secy (B) has suggested many issues, which are to be incorporated. The matter has been taken up with DICGC and their response is awaited.
12.	Department of Health	The Epidemic Diseases Act, 1897.	The draft Cabinet Note entitled "Public Health Emergencies Act Bill, 2004", which also suggests for repealing of Epidemic Diseases Act, 1897 has been approved by the Hon'ble Minister for Health & Family Welfare and is being circulated to the concerned authorities for obtaining their comments.
13.	Ministry of Home Affairs	The Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, 1958.	The matter has been reconsidered in consultation with Ministry of Law. Approval of Dy. PM has been obtained to repeal the Act. A draft note for the Cabinet has been prepared and sent to the Department of Legal Affairs and Legislative Department for their concurrence/views suggesting to repeal or modify the Act. Legislative Department has now advised that a fresh Cabinet Note may be prepared and sent to them with the approval of HM.
14.	Department of Legal Affairs	The Indian Bar Councils Act, 1926.	This Act will stand repealed on enforcement of Section 30 of the Advocates Act, 1961. A note was submitted to the Cabinet. The

			<p>received from the State Government are under examination. Special Secretary(CS), MHA took a meeting on 21/09/2001 with the Law Secretaries of the States which are yet to reply. For reply some states have requested for more time. The States asked for time till November, 2001 for sending a reply. Subsequently, some of the States had requested for more time e.g. Gujarat seeking time till 30.6.2002. The defaulting States have been reminded on 16.8.2002 to expedite their response. Meanwhile advice of Ministry of Law has been sought whether the Act could be repealed on the basis comments received from majority of States. Advice of Ministry of Law has been received and as per direction of HS, the Chief Secretaries of the defaulting States have been requested on 23.1.2003 to furnish the views/comments by 22.2.2003. The defaulting States have asked for some more time. A draft note for the Cabinet has been prepared and sent to the Deptt. of Legal Affairs and Legislative Department for their concurrence/views suggesting to repeal or modify the Act. Legislative Department has now advised that a fresh Cabinet Note may be prepared and sent to them with the approval of HM.</p>
2.		The Central Provinces (Laws) Act, 1875.	<p>As per advice of Deptt. of Legal Affairs and Legislative Department, views of 3 state Governments were sought in regard to repeal/retention of this Act. Reply from Govt. of Maharashtra is still awaited. The</p>

			<p>matter is being pursued with that Government. Special Secretary (CS), MHA took a meeting on 21.9.2001 with the Law Secretary of the State which is yet to reply. The State Govt. has been asked to expedite the matter and last reminded on 16.8.2002. Meanwhile advice of Ministry of Law has been sought whether the Act could be repealed on the basis comments received from majority of States. Advice of Law Ministry has been received and as per the direction of HS, the Chief Secretaries of the defaulting States have been requested on 23.1.2003 to furnish the views/comments by 22.2.2003. The defaulting States have asked for some more time. A draft note for the Cabinet has been prepared and sent to the Department of Legal Affairs and Legislative Department for their concurrence/views suggesting to repeal or modify the Act. Legislative Department has now advised that a fresh Cabinet Note may be prepared and sent to them with the approval of HM.</p>
3.		The Absorbed Areas (Laws) Act, 1954.	<p>As per advice of the Department of Legal Affairs and Legislative Department, views of the 7 State Governments, were sought in regard to repeal/retention of the Act. While replies from 3 States have been received, the remaining 4 State Governments are being reminded. Special Secretary (CS), MHA took a meeting with the Law Secretaries of the States, which are yet to reply. The matter is being pursued for early action in the matter. The States asked for time till November, 2001 for sending a reply. Subsequently, some of the</p>

			<p>States had requested for more time e.g. Gujarat seeking time till 30.6.2002. Bihar State has informed that the areas now falls in the Jharkhand State. The matter is being followed up with that State. The defaulting States have been reminded on 16.8.2002 to expedite their response. Meanwhile advice of Ministry of Law has been sought whether the Act could be repealed on the basis of comments received from majority of States. Advice of Ministry of Law has been received and as per the direction of HS, the Chief Secretaries of the defaulting States have been requested on 23.1.2003 to furnish the views/comments by 22.2.2003. The defaulting States have asked for some more time. A draft note for the Cabinet has been prepared and sent to the Department of Legal Affairs and Legislative Department for their concurrence/views suggesting to repeal or modify the Act. Legislative Department has now advised that a fresh Cabinet Note may be prepared and sent to them with the approval of HM.</p>
4.		The Cooch-Bihar Assimilation of Laws Act, 1950.	<p>As per advice of the Department of Legal Affairs and Legislative Department views of the West Bengal was sought in regard to repeal/retention of the Act, which is still awaited. The matter is being pursued with them. Special Secretary (CS), MHA took a meeting on 21/09/2001 with the State Law Secretary and asked for early action in the matter and last reminded on 16.8.2002. The Chief Secretaries has been requested on 23.1.2003 to expedite the views/comments by 22.2.2003.</p>

			<p>A draft note for the Cabinet has been prepared and sent to the Department of Legal Affairs and Legislative Department for their concurrence/views suggesting to repeal or modify the Act. Legislative Department has now advised that a fresh Cabinet Note may be prepared and sent to them with the approval of HM.</p>
5.		<p>The West Godavari District (Assimilation of Laws on Federal Subjects) Act, 1949.</p>	<p>As per the advice of Deptt. of Legal Affairs and Legislative Deptt., views of Govt. of Andhra Pradesh were sought in regard to repeal or retention of this Act. The reply of the State Govt. has been received. The matter is under examination. A draft note for the Cabinet has been prepared and sent to the Department of Legal Affairs and Legislative Department for their concurrence/views suggesting to repeal or modify the Act. Legislative Department has now advised that a fresh Cabinet Note may be prepared and sent to them with the approval of HM.</p>
6.		<p>The Laws Local Extent Act, 1874.</p>	<p>As per advice of Deptt. of Legal Affairs and Legislative Deptt., views of the 14 State Govts were sought in regard to repeal or retention of the Act. Replies from 10 States have been received and the remaining States are being reminded. Special Secretary (CS), MHA took a meeting on 21/09/2001 with the Law Secretaries of the States, which are yet to reply and asked for time till November, 2001 for sending a reply. Subsequently, some of the States had requested for more time, e.g. Gujarat seeking time till 30.6.2002. The defaulting States have been reminded on 16.8.2002</p>

			<p>to expedite their response. Meanwhile advice of Ministry of Law has been sought whether the Act could be repealed on the basis of comments received from majority of States. Advice of Ministry of Law has been received and as per the direction of HS, the Chief Secretaries of the defaulting States have been requested on 23.1.2003 to furnish the views/comments by 22.2.2003. The defaulting States have asked for some more time. A draft note for the Cabinet has been prepared and sent to the Department of Legal Affairs and Legislative Department for their concurrence/views suggesting to repeal or modify the Act. Legislative Department has now advised that a fresh Cabinet Note may be prepared and sent to them with the approval of HM.</p>
7.		The Special Courts (Repeal) Act, 1982.	The Act being a repeal Act no need to repeal this Act.
8.	Legislative Department	The Easements (Extending) Act, 1891.	The views of the Governments of the States of Maharashtra and Uttar Pradesh have been sought since this Act extended the Indian Easement Act, 1882 (Act No. V of 1882) to the territories respectively administered by the Governor of Bombay in Council and the Lt. Governor of the North Western Provinces of Chief Commissioner of Oudh. Comments of the Government of Uttar Pradesh have been received. A reminder to Chief Secretary to the Government of Maharashtra has been issued on 6 December, 2004 and their comments are still awaited.
9.	Ministry of Labour	The Foreign Recruitment Act, 1874	The Ministry of Law, Legislative Department has raised certain objection in repealment of the Foreign Recruiting Act, 1874,

			stating that it will require simultaneous amendment of the Emigration Act, 1983 in view of Section 42 (b) of the Emigration of Act. The matter is under examination in this Ministry of decide further course of action and to take up the matter with Ministry of Law again.
10.	Department of Revenue	The Opium and Revenue Laws (Extension of Application) Act, 1950.	A Task Force in the Department of Revenue has been constituted in order to suggest suitable amendments in the Revenue Recovery Act, 1890, so that the Opium and Revenue Laws Act, 1950 can be subsequently repealed by this Department.

War-time Ordinances :

11.	Ministry of Defence	Collective Fines Ordinance, 1942	Examining the proposal with all concerned
12.	Ministry of Defence	Military Nursing Services Ordinance, 1953	Under examination
13.	Deptt. of Health, Ministry of Health & FW	Public Health (Emergency Provisions) Ordinance, 1944..	Under examination
14.	Ministry of Defence	Termination of War (Definition) Ordinance, 1946	Examining the proposal with all concerned
15.	Ministry of Defence	War Gratuities (Income Tax Exemption) Ordinance, 1945	Examining the proposal with all concerned

Reorganisation Acts

16.	Ministry of Home Affairs	The Part B States (Laws) Act, 1951.	Only 6 State Governments out of 8 have so far responded. It was stated that while awaiting replies from the remaining State Governments, the matter should also be referred to the Legislative Department as Secretary, Legislative Department felt strongly that the Act should not be repealed. Based on available views from the States, a reference was
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			<p>proposed to be made to Ministry Law for their advice whether this Act can be repealed. However, it has now been decided to pursue the matter with remaining State Govts. to obtain their views. Special Secretary (CS), MHA took a meeting on 21 September, 2001 with the Law Secretary of the State which is yet to reply. The matter is being pursued for early action. The States asked for time till Nov., 2001 for sending their reply. Subsequently, some of the States had requested for more time, e.g., Gujarat seeking time till 30.6.02. The defaulting States have been reminded on 16.8.02 to expedite their response. Meanwhile advice of Ministry of Law has been sought whether the Act could be repealed on the basis of the comments received from majority of the States. Advice of Ministry of Law has been received and as per the direction of the HS, the Chief Secretaries of the defaulting States have been requested on 23.1.03 to furnish the views/comments by 22.2.03. The defaulting States have asked for some more time. A draft note for the Cabinet has been prepared and sent to Department of Legal Affairs and Legislative Department for their concurrence/views suggesting to repeal or modify the Act. Legislative Department has now advised that a fresh Cabinet Note may be prepared and sent to them with the approval of HM.</p>
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(iii) Central Acts relating to State List :
(Action to be taken by State Governments)

Acts included in Central Acts :

Sl. No.	Name of the Act/Ordinance/ Statute	Present Status
1.	The Ganges Tolls Act, 1857.	The views of Governments of various States/Union Territories Administrations have been sought since these Acts fall under List II (State List) of the Seventh Schedule, to the Constitution. In this connection DO Letter nos. 11(12)/1998-L.I and F.24(47).99-L.I dated 6/10 May, 1999 and 29 June, 1999, respectively from Dr. Raghubir Singh, former Secy., Legislative Deptt. and subsequent reminders dated 26 June 2000, 1 Feb., 2001, 26 September, 2003, 21.1.2004, 10 September, 2004 and 21 December 2004 have also been issued. Comments from some of the State Governments/Union Territory Administrations are still awaited.
2.	The Excise (Malt Liquors) Act, 1890.	
3.	The Rent Recovery Act, 1853.	
4.	The Professions Tax Limitation (Amendment & Validation) Act, 1949.	
5.	The Travancore Cochin Vehicles Taxation (Amendment & Validation) Act, 1959.	
6.	The Boundaries Act, 1847.	
7.	<p>Central Acts relating to State List (List II)</p> <p>The total list of 114 Central Acts relating to State Subjects for repela by State Governments is at <u>Appendix-I</u>.</p>	<p>Out of these 114 Acts, five Acts, namely, (1) the Civil Courts Amin Act, 1856; (2) the Presidency Magistrates (Court Fees) Act, 1877; (3) the Punjab Courts (Supplementing Act) 1919; (4) the Bhopal and Vindhya Pradesh (Courts) Act, 1950 and (5) the Manipur Court-fees (Amendment and Validation) Act, 1953 have interalia been repealed by enactment of the Judicial Administration Laws (Repeal) Act, 2001</p> <p>The State Governments have been apprised of the position in the matter by the Legislative Department and further action is required to be initiated by the respective State Governments.</p>

114 CENTRAL ACTS RELATING TO STATE SUBJECTS FOR REPEAL
BY STATE GOVERNMENTS

1. The Agriculturist Loans Act, 1884 (12 of 1884)
2. The Ajmer Tenancy and Land Records Act, 1950 (42 of 1950).
3. The Assam Municipal (Manipur Amendment) Act, 1961 (64 of 1961).
4. The Bengal, Agra and Assam Civil Courts Act, 1887 (12 of 1887).
5. The Bengal Alluvion and diluvion Act, 1847 (9 of 1847).
6. The Bengal, Bihar and Orissa and Assam Laws Act, 1912 (7 of 1912).
7. The Bengal Warehouse Association Act, 1838 (5 of 1838).
8. The Bengal Bonded Warehouse Association Act, 1854 (5 of 1854).
9. The Bengal Choukidari Act, 1856 (20 of 1856).
10. The Bengal Districts Act, 1836 (21 of 1836).
11. The Bengal Embankment Act, 1855 (32 of 1855).
12. The Bengal Ghatwali Laws Act, 1859 (5 of 1859).
13. The Bengal Indigo Contract Act, 1836 (16 of 1836).
14. The Bengal Land Holder's Attendance Act, 1848 (20 of 1848).
15. The Bengal Land Revenue Sales Act, 1841 (12 of 1841).
16. The Bengal Land Revenue Sales Act, 1859 (11 of 1859).
17. The Bengal Military Police Act, 1892 (5 of 1892)
18. The Bengal Rent Act, 1859 (10 of 1859).
19. The Bengal Suppression of Terrorist Outrages (Supplementary) Act, 193 (24 of 1932).
20. The Bengal Tenancy Act, 1885 (8 of 1885).
21. The Bhopal and Vindhya Pradesh (Courts) Act, 1950 (40 of 1950).
22. The Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act, 1969 (42 of 1969).
23. The Births, Deaths and Marriages Registration Act, 1886 (6 of 1886).
24. The Bombay Civil Courts Act, 1869 (14 of 1869).
25. The Bombay Municipal Debentures Act, 1876 (15 of 1876).

26. The Bombay Rent-free Estates Act, 1852 (11 of 1852).
27. The Bombay Revenue Jurisdiction Act, 1876 (10 of 1876).
28. The Boundary-marks, Bombay (3 of 1846).
29. The Broach and Kaira Incumbered Estates Act, 1877 (14 of 1877).
30. The Calcutta Land Revenue Act, 1850 (23 of 1850).
31. The Calcutta Land Revenue Act, 1856 (18 of 1856).
32. The Central Provinces (Courts of Wards) Act, 1899 (24 of 1899).
33. The Central Provinces Financial Commissioner's Act, 1908 (13 of 1908).
34. The Central Provinces Land Revenue Act, 1881 (18 of 1881).
35. The Central Provinces Tenancy Act, 1898 (11 of 1898).
36. The Chota Nagpur Encumbered Estates Act, 1876 (6 of 1876).
37. The City of Bombay Municipal (Supplementary) Act, 1888 (12 of 1888).
38. The Civil Courts Amins Act, 1856 (12 of 1856).
39. The Coroners Act, 1871 (4 of 1871).
40. The Dekkhan Agriculturists Relief Act, 1879 (17 of 1879).
41. The Disturbed Areas (Special Courts). Act, 1976 (77 of 1976).
42. The Essential Services Maintenance (Assam) Act, 1980 (41 of 1980).
43. The Fort William Act, 1881 (13 of 1881).
44. The Goa, Daman and Diu (Absorbed Employees) Act, 1956 (50 of 1956).
45. The Government Grants Act, 1895 (15 of 1895).
46. The Government Management of Private Estates Act, 1892 (10 of 1892).
47. The Hackney Carriage Act, 1879 (14 of 1879).
48. The Howrah offences Act, 1857 (21 of 1857).
49. The Improvement in Towns (26 of 1850).
50. The Indian Tramways Act, 1886 (11 of 1886).
51. The Indian Tramways Act, 1902 (4 of 1902).
52. The Junagarh Administration (Property) Act, 1948 (26 of 1948).
53. The Local Authorities (Loans) Act, 1948 (26 of 1948).
54. The Local Authorities Pensions and Gratuities Act, 1919 (1 of 1919).
55. The Madras, Bengal and Bombay Children (Supplementary) Act, 1925 (35 of 1925).

56. The Madras City Civil Court Act, 1892 (7 of 1892).
57. The Madras City Land Revenue Act, 1851 (12 of 1851).
58. The Madras Civil Courts Act, 1872 (3 of 1872).
59. The Madras Compulsory Labour Act, 1858 (1 of 1858).
60. The Madras District Police Act, 1859 (24 of 1859).
61. The Madras Forest (Validation) Act, 1882 (21 of 1882).
62. The Madras Public Property (Malversation) Act, 1837 (36 of 1837).
63. The Madras Rent and Revenue Sales Act, 1839 (7 of 1839).
64. The Madras Revenue Commission Act, 1849 (10 of 1849).
65. The Madras Uncovenanted Officers Act, 1857 (7 of 1857).
66. The Mangrol and Manavadar (Administration of Property) Act, 1949 (2 of 1949).
67. The Manipur and Tripura (Repeal of Laws) Act, 1958 (75 of 1958).
- ✓ 68. The Manipur Court-fees (Amendment and Validation) Act, 1953 (44 of 1953).
69. The Municipal Taxation Act, 1881 (11 of 1881).
70. The Murshidabad Act, 1891 (15 of 1891).
71. The Murshidabad Estates Administration Act, 1933 (13 of 1933).
72. The North-Eastern Provinces Village and Road Police Act, 1873 (16 of 1873).
73. The Orissa Weights and Measures (Delhi Repeal) Act, 1958 (57 of 1958).
74. The Partition Act, 1893 (4 of 1893).
75. The Partition of Revenue-paying Estates Act, 1863 (19 of 1863).
76. The Police Act, 1861 (5 of 1861).
77. The Police Act, 1888 (3 of 1888).
78. The Police Act, 1949 (64 of 1949).
79. The Police Agra Act, 1854 (16 of 1854).
80. The Presidency Magistrate (Court Fees) Act, 1877 (4 of 1877).
81. The Public Gambling Act, 1867 (3 of 1867).
82. The Public Suits Validation Act, 1932 (11 of 1932).
83. The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).
- ✓ 84. The Punjab Courts (Supplementing) Act, 1919 (9 of 1919).

86. The Punjab District Boards Act, 1883 (20 of 1883)
87. The Revenue Commissioners Bombay Act, 1842 (17 of 1842).
88. The Sales of Land for Revenue Arrears, 1845 (1 of 1845).
89. The Sarais Act, 1867 (22 of 1867).
90. The Scheduled Securities (Hyderabad) Act, 1949 (7 of 1949).
91. The Sheriff of Calcutta (Power of Custody) Act, 1931 (20 of 1931).
92. The Shore Nuisances (Bombay and Kolaba) Act, 1853 (11 of 1853).
93. Sir Dinshaw Maneekjee Petit Act, 1893 (6 of 1893).
94. Sir Jamsetjee Jejeebhoy Baronetcy Act, 1915 (10 of 1915).
95. The Sonthal Paraganas Act, 1855 (37 of 1855).
96. The Sonthal Paraganas Act, 1857 (10 of 1857).
97. The Stage Carriages Act, 1861 (16 of 1861).
98. The Tamil Nadu Agricultural Service Cooperatives Societies (Appointment of Special officers) Amendment Act, 1988 (22 of 1988).
99. The Tobacco Duty (Town of Bombay) Act, 1857 (4 of 1857).
100. The usurious Loans Act, 1918 (10 of 1918).
101. The Usury Laws Repeal Act, 1855 (20 of 1855).
102. The Waste Lands (Claims) Act, 1863 (23 of 1863).
103. The Eikrama Singh's Estates Act, 1883.
104. The King of Oudh's Estate Act, 1887.
105. The King of Oudh's Estate Act, 1888.
106. The King of Oudh's Estate Validation Act, 1917.
107. The Mahendra Pradap Singh (Repeal) Act, 1960.
108. The Mirzapur Stone Mahal Act, 1886 (5 of 1886).
109. The Punjab Disturbed Areas Act, 1983 (32 of 1983).
110. The Punjab Gram Panchayat Samithi and Zilla Parishad (Chandigarh) Repeal Act, 1994 (27 of 1994).
111. The Punjab Land Revenue Act, 1887 (17 of 1887).
112. The Punjab Laws Act, 1872 (4 of 1872).
113. Punjab pre-emption (Chandigarh and Delhi) Repeal Act, 1989 (22 of 1989).
114. The Punjab Tenancy Act, 1887 (16 of 1887).
115. The Government Buildings Act, 1899 (4 of 1899)

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No.1 (1)/2012-Corr.
Government of India
Ministry of Law and Justice
Legislative Department


4th Floor, Shastri Bhawan
New Delhi, the 12th September, 2014

OFFICE MEMORANDUM

Subject:-Supply of copies of the Gazette Notifications-regarding.

The undersigned is directed to refer to the Committee on Review of Administrative Laws, Prime Minister's Office letter No.CRA/1/2014/6, dated 9th September, 2014 regarding the subject cited above and forward herewith the copies of the Gazette Notifications published vide S.O. Nos. indicated in the Annexure and also the copies of the notifications bringing into force, the enactments specified in the Annexure, as requested by the said Committee. Information relating to notifications bringing into force Act No.20 of 2005, Act No.35 of 2007, Act No. 3 of 2009, Act No.4 of 2010, and Act No.39 of 2012, are not available in this Section. Same may be obtain from the concerned administrative Ministry/Department.

Encl.: As above.


(Akali V.Konghay)
Deputy Legislative Counsel
Tel: 23389687

Committee on Review of Administrative Laws,
(Kind Attn.: Shri Avinash Kumar Sinha, Staff Officer to Member),
Prime Minister's Office,
New Delhi-11001.

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Ministry of Law & Justice
Legislative Department

Sub: Information sought by PMO w.r.t. list of Acts recommended for repeal by the PC Jain Commission but not repealed so far. - reg.

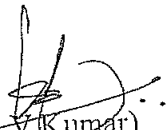
Please refer to the letter No. CRA-01/2014-PMC dated 12th September, 2014 regarding the subject stated above.

2. In this regard, it is to state that, the Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances and Pension had set up the P.C.Jain Committee on Review of Administrative Laws on 8th May, 1998, with the objective of examining the need of amendments in and repeal of laws, among others. The said Committee submitted its report to the Government on 30th September, 1998.

3. The Department of Administrative Reforms and Public Grievances, being nodal Department, has been monitoring the implementation of the recommendations of the P.C.Jain Committee. As the status report to this Department was last furnished by the Department of Administrative Reforms and Public Grievances on 31.05.2013, the requisite information sought by the PMO would be available with that department.

4. In this regard, it is to bring to your kind information that the Law Commission of India has recently submitted its 248th Report on the "Obsolete Laws: Warranting Immediate Repeal" (Interim Report), in which the Commission has identified the list of Acts recommended for repeal by the various Commissions/Committees, but not repealed (Appendix-II to the said Report). The said list contains 250 Acts recommended by P.C.Jain Commission for repeal, but not yet repealed.

5. In view of the above, the aforesaid information contained in Appendix-II of the Law Commission Report specifying the list of Acts recommended by P.C.Jain Commission for repeal, but not repealed is enclosed herewith.


(K.V. Kumar)

Deputy Legislative Counsel
Ph.23389687

Prime Minister's Office (Attn: Shri Avinash Kumar Sinha, Staff Officer to Member)
Committee on review of Administrative Laws

Ministry of Law & Justice, Legislative Department, U.O.No.11 (29)/14-L.I dt.16/9/14

**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 Cooh-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

59.	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 Mussalman Wakf Validating Act, 1913	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice
82.	The Mussalman Wakf Validating Act, 1930	PC Jain Commission Report (Appendix A-1)	Legislative Department, Ministry of Law and Justice

33.	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
129.	The Calcutta Land Revenue Act, 1856	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
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
131.	The Central Provinces Financial Commissioner's Act, 1908	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
132.	The Central Provinces Land Revenue Act, 1881	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
133.	The Central Provinces Tenancy Act, 1898	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
134.	The Chota Nagpur Incumbered 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
136.	The Coroners Act, 1871	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice
137.	The Dekkhan Agriculturists Relief Act, 1879	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
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 Junagadh 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
155.	The Madras Civil Courts Act, 1872	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice
156.	The Madras Compulsory Labour Act, 1858	PC Jain Commission Report (Appendix A-5)	Ministry of Labour and Employment
157.	The Madras District Police Act, 1859	PC Jain Commission Report (Appendix A-5)	Department of Internal Security, Ministry of Home Affairs
158.	The Madras Forest (Validation) Act, 1882	PC Jain Commission Report (Appendix A-5)	Ministry of Environment and Forests
159.	The Madras Public Property (Malversation) Act, 1837	PC Jain Commission Report (Appendix A-5)	Department of States, Ministry of Home Affairs
160.	The Madras Rent and Revenue Sales Act, 1839	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
161.	The Madras Revenue Commission Act, 1849	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
162.	The Madras Uncovenanted Officers Act, 1857	PC Jain Commission Report (Appendix A-5)	Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions
163.	The Mangrol and Manavadar (Administration of Property) Act, 1949	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
164.	The Municipal Taxation Act, 1881	PC Jain Commission Report (Appendix A-5)	Department of Revenue, Ministry of Finance
165.	The Murshidabad Act, 1891	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
166.	The Murshidabad Estates Administration Act, 1933	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
167.	The North-Eastern Provinces Village and Road Police Act, 1873 (Act 16 of 1873) [Error in the Jain Commission Report. Act 16 of 1873 is the North-	PC Jain Commission Report (Appendix A-5)	Department of Internal Security, Ministry of Home Affairs

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168.	The Orissa Weights and Measures (Delhi Repeal) Act, 1958	PC Jain Commission Report (Appendix A-5)	Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution
169.	The Partition Act, 1893	PC Jain Commission Report (Appendix A-5)	Legislative Department, Ministry of Law and Justice
170.	The Partition of Revenue-paying Estates Act, 1863	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
171.	The Police Act, 1861	PC Jain Commission Report (Appendix A-5)	Department of Internal Security, Ministry of Home Affairs
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174.	The Public Gambling Act, 1867	PC Jain Commission Report (Appendix A-5)	Ministry of Home Affairs
175.	The Public Suits Validation Act, 1932	PC Jain Commission Report (Appendix A-5) and 96 th LCI Report	Department of Justice, Ministry of Law and Justice
176.	The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996	PC Jain Commission Report (Appendix A-5)	Ministry of Panchayati Raj
177.	The Punjab District Boards Act, 1883	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
178.	The Revenue Commissioners Bombay Act, 1842	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
179.	The Sales of Land for Revenue Arrears, 1845	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
180.	The Sarais Act, 1867	PC Jain Commission Report (Appendix A-5)	Ministry of Tourism

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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 Maneckjee Petit Act, 1893	PC Jain Commission Report (Appendix A-5)	Legislative Department, Ministry of Law and Justice
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187.	The Sonthal Paraganas Act, 1857	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice
188.	The Stage Carriages Act, 1861	PC Jain Commission Report (Appendix A-5)	Ministry of Urban Development
189.	The Tobacco Duty (Town of Bombay) Act, 1857	PC Jain Commission Report (Appendix A-5)	Department of Revenue, Ministry of Finance
190.	The Usurious Loans Act, 1918	PC Jain Commission Report (Appendix A-5)	Department of Justice, Ministry of Law and Justice
191.	The Usury Laws Repeal Act, 1855	PC Jain Commission Report (Appendix A-5)	Legislative Department, Ministry of Law and Justice
192.	The Waste Lands (Claims) Act, 1863	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
193.	The Bikrama Singh's Estates Act, 1883	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
194.	The King of Oudh's Estate Act, 1887	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development

195.	The King of Oudh's Estate Act, 1888	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
196.	The King of Oudh's Estate Validation Act, 1917	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
197.	The Mahendra Pratap Singh Estate (Repeal) Act, 1960	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
198.	The Mirzapur Stone Mahal Act, 1886	PC Jain Commission Report (Appendix A-5)	Ministry of Mines
199.	The Punjab Disturbed Areas Act, 1983	PC Jain Commission Report (Appendix A-5)	Department of Internal Security, Ministry of Home Affairs
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203.	The Punjab Tenancy Act, 1887	PC Jain Commission Report (Appendix A-5)	Department of Land Resources, Ministry of Rural Development
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206.	The Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
207.	The Andhra Pradesh and Mysore (Transfer of Territory) Act, 1968	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
208.	The Andhra State Act, 1953	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
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212.	The Bihar and West Bengal (Transfer of Territories) Act, 1956	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
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215.	The Dadra and Nagar Haveli Act, 1961	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
216.	The Goa, Daman and Diu (Administration) Act, 1962	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
217.	The Goa, Daman and Diu Reorganisation Act, 1987	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
218.	The Haryana and Uttar Pradesh (Alteration of Boundaries) Act, 1978	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
219.	The Himachal Pradesh and Bilaspur (New State) Act, 1954	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
220.	The Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Act, 1973	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
221.	The Legislative Assembly of Nagaland (Change in Representation) Act, 1968	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
222.	The Lushai Hills District (Change of Name) Act, 1954	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
223.	The Naga Hills-Tuensang Areas Act, 1957	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs

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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233.	The States Reorganisation Act, 1956	PC Jain Commission Report (Appendix B)	Department of States, Ministry of Home Affairs
234.	The Calcutta High Court (Extension of Jurisdiction) Act, 1953	PC Jain Commission Report (Appendix C)	Department of Justice, Ministry of Law and Justice
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
237.	The High Court at Patna (Establishment of a Permanent Bench at Ranchi) Act, 1976	PC Jain Commission Report (Appendix C)	Department of Justice, Ministry of Law and Justice

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
240.	The Caste Disabilities Removal Act, 1850	PC Jain Commission Report (Appendix D)	Legislative Department, Ministry of Law and Justice
241.	The Cutchi Memons Act, 1938	PC Jain Commission Report (Appendix D)	Legislative Department, Ministry of Law and Justice
242.	The Dissolution of Muslim Marriages Act, 1939	PC Jain Commission Report (Appendix D)	Legislative Department, Ministry of Law and Justice
243.	The Hindu Disposition of Property Act, 1956	PC Jain Commission Report (Appendix D)	Legislative Department, Ministry of Law and Justice
244.	The Indian Christian Marriage Act, 1872	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	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

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No.1 (2)/2014-Corr.
Government of India
Ministry of Law and Justice
Legislative Department

4th Floor, Shastri Bhawan
New Delhi, the 18th September, 2014

OFFICE MEMORANDUM


Subject:-Review of Administrative Laws- regarding.

The undersigned is directed to refer to the Committee on Review of Administrative Laws, Prime Minister's Office letter No.CRA-01/2014-PMC/12 dated 16th September, 2014 regarding the subject cited above and to forward herewith the copies of the following Acts:

1. The Madras Public Property Malverasation Act, 1837 (36 of 1837)
2. The Bengal Bonded Warehouse Act, 1838 (5 of 1838)
3. The Coasting Vessels Act, 1838 (19 of 1938)
4. The Bengal Criminal Law Amendment Act, 1925

In this regard, it is to state that the Madras Rent and Revenue Sales Act, 1839 (07 of 1839) is not printed in the relevant book and therefore not available with the Correction Section. A copy of the Index indicating that the said Act is not printed is enclosed herewith.

Encl.: As above.


(Akali V.Konghay)
Deputy Legislative Counsel
Tel: 23389687

Committee on Review of Administrative Laws,
(Kind Attn.: Shri Avinash Kumar Sinha, Staff Officer to Member),
Prime Minister's Office,
New Delhi-110011.

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Madras Public Property Malversation. [1837: Act XXXVI.]

THE MADRAS PUBLIC PROPERTY
MALVERSION ACT, 1837.]

ACT No. XXXVI OF 1837.

See India Code Vol. V/A

[20th November, 1837.]

Extension of jurisdiction of Collectors and their subordinates in cases of embezzlement, etc., to similar offences by persons of certain classes.

1. * * * * The jurisdiction vested in Collectors, Subordinate Collectors and Assistant Collectors, by Regulation IX of 1822 and VII of 1828 of the Madras Code, in cases of embezzlement of public money, and of the falsification, destruction or concealment of any public account, record, voucher or document relating to public money, shall extend to cases of the embezzlement of any public property or the falsification, destruction or concealment of any public account, record, voucher or document, relating to any public property, by any person of any of the classes described in the third clause of section 2 of the said Regulation IX of 1822.

Extension of enactments relating to embezzlement, etc., to similar offences by persons of certain classes.

2. * * * * All provisions of either of the said Regulations IX of 1822 and VII of 1828, which apply to cases of the embezzling of public money, shall apply to cases of the embezzling of public property whatever, by persons of any of the classes described in the third clause of section 2 of the said Regulation IX of 1822: * * * all provisions of either of those Regulations, which apply to cases of the falsification, destruction or concealment of any public account, record, voucher or document relating to public money, shall apply to cases of the falsification, destruction or concealment of any public account, record, voucher or document, relating to any public property whatever, by persons of any of the said classes.

¹ Short title given by the Amending Act, 1901 (11 of 1901).
This Act was declared to be in force in the whole of the Madras Presidency, except the Scheduled Districts, by the Laws Local Extent Act, 1874 (15 of 1874), s. 4.

It has also been declared, under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the Scheduled Districts in Ganjam and Vizagapatam—see Gazette of India, 1898, Pt. I, p. 869, and Fort St. George Gazette, 1898, Pt. I, p. 666; in the Dutcharti and Guditeru Muttas of the Godavari Agency—see Fort St. George Gazette, 1930, Pt. I, p. 553.

It has been extended by a notification under s. 5 of the same Act to the Bhadrachalam and Nugur Taluqs of the Godavari Agency—see Fort St. George Gazette, 1930, Pt. I, p. 553.

² The words and figures "It is hereby enacted, that from the fifteenth day of December, 1837" rep. by the Repealing Act, 1870 (14 of 1870).

³ The words "It is hereby enacted that" were rep. by the Repealing Act, 1874 (16 of 1874).

⁴ The words "from the said day" were rep. by the Repealing Act, 1870 (14 of 1870).

⁵ The words "and that" were rep. by the Repealing Act, 1874 (16 of 1874).

THE BENGAL BONDED WAREHOUSE ASSOCIATION
ACT, 1838

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THE BENGAL BONDED WAREHOUSE ASSOCIATION ACT, 1838

ACT No. 5 OF 1838

[14th March, 1838.]

1. Incorporation.—It is hereby enacted, that the persons whose names appear in the Schedule No. 1, hereunto annexed, shall, from the 14th day of March, 1838, form a corporate body for the Warehousing of Goods, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association.

2. Power to sue and be sued, and to acquire, hold and transfer property.—¹* * * The said Association shall sue and be sued by its corporate name, and shall use such common seal as the Directors of the said Association shall from time to time appoint, and may acquire, may hold absolutely, may hold by way of pledge, and may transfer, any description of property whatever.

3. Capital Stock and shares.—¹* * * The sum of Rs. 10,00,000 subscribed for the purpose of the said Association by the persons hereby incorporated, shall be the Capital Stock of the said Association, and shall be divided into 2,000 shares of 500 Rupees each, and ²* * * every one of the persons hereby incorporated shall have one share of such Capital Stock for every 500 Rupees which such person shall have subscribed.

4. Registering of names of proprietors. Register to be open to inspection.—¹* * * The Directors of the said Association shall cause the names, additions, and places of residence of the proprietors of shares in the said Capital Stock, and the number of shares held by each proprietor, to be registered in a book, and the said shares shall in such book be numbered, beginning from No. 1, and such book shall be kept at the office of the said Association, and shall there be open to the inspection of all persons during the usual hours of business.

5. Share-certificates.—¹* * * A certificate signed by three Directors of the said Association shall be delivered to every proprietor of the said Capital Stock, and ²* * * it shall be at the option of every proprietor of several shares to receive one certificate for all the shares of such proprietor, or one certificate for each of those shares or several certificates, each of which may be for any number of those shares.

6. Transfer of shares.—¹* * * Any share or shares of the said Capital Stock may be transferred by endorsement made on the certificate for such share or shares by the proprietor of such share or shares, or by the Attorney of such proprietor duly authorized thereunto; provided always, that such endorsement shall specify the name of the party to whom the transfer is made; and provided also that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered in a Register to be kept for that purpose at the office of the said Association, and until a note of such registration, and of the date thereof, shall have been made on the back of the indorsed certificate under the hand of an officer appointed for that purpose by the Directors of the said Association.

7. Proprietors of shares to be members of Association.—¹* * * Every proprietor of a share of the said Capital Stock, who shall cease to be a proprietor of such Stock, shall cease to be a member of the corporation created by this Act; and ²* * * every person who shall become a proprietor of the said Capital Stock, shall become a member of the corporation created by this Act; and shall, in respect of his share or shares of the said Capital Stock, be under the same liabilities under which an original proprietor of the said Capital Stock would be.

8. First Directors of Association.—¹* * * The business of the said Association shall be managed by six Directors, and ²* * * Francis Macnaghten, Joseph Walker, Jasper Ouseley Richard Howe Cockerell, Alexander Colvin, Joseph Willis, and James Church, Esquires, shall be the first Directors of the said Association.

1. The words "And it is hereby enacted, that" omitted by Act 12 of 1891, s. 2 and Sch. I.

2. The word "that" omitted by s. 2 and Sch. I, *ibid*.

9. Removal and election of Directors.—1* * * Every Director of the said Association may be removed by a general meeting of the proprietors, and 2* * * every future Director of the said Association shall be elected by such a general meeting.

10. Directors to go out by rotation.—1* * * A rotation among the Directors of the said Association shall be settled by lot, so that two of the said Directors may go out of office on the Monday following the 15th day of May, in every year, and 1* * * on the Monday following the 15th day of May, in every year, a general meeting of proprietors shall be held, at which two Directors shall be chosen, and that no Director going out by such rotation shall be capable of being re-elected, till the Monday after the 15th of May in the year next following.

11. Election of successor, when Director ceases to be so, otherwise than by rotation.—1* * * If any Director of the said Association shall cease to be a Director, otherwise than by the operation of the rule of rotation aforesaid, the Directors of the said Association shall, with all convenient speed after such public notice as is hereinafter directed, call an extraordinary general meeting of the proprietors for the purpose of choosing a successor and such successor shall come into the same place in the rotation aforesaid in which the Director whom he has succeeded was.

12. [Qualifications of Directors.] Rep. by Act 5 of 1854, s. 1.

13. Directors to be residents of Bengal Presidency.—1* * * No person shall be capable of being a Director of the said Association, unless he be resident within the Territories subject to the Presidency of Fort William in Bengal.

14. [Ordinary meetings.] Rep. by Act 5 of 1854, s. 1.

15. Adjournment of ordinary meetings.—1* * * Any ordinary general meeting of the said Association may adjourn itself to a future day, and may, on the day to which it shall have so adjourned itself, resume its proceedings, and transact any business which it would have been competent to transact on the day when it originally assembled.

16. Extraordinary general meetings.—1* * * Extraordinary general meetings of the said Association shall be held according to such rules as may be made for that purpose, in the Bye-laws of the said Association; provided always, that no such extraordinary general meeting shall be held without a previous notice of not less than fourteen days, which notice shall be published in not less than two newspapers printed at Calcutta.

17. Voting at general meetings. Qualifications for voting.—1* * * At General Meetings of Proprietors, every election and question shall be decided by a majority of votes; and 2* * * no proprietor shall be allowed to vote unless he be possessed of two or more shares of the Capital Stock of the said Association, which shares shall have been registered in his name not less than three calendar months before.

18. Number of votes to which proprietors are entitled.—1* * * At such general meetings, no proprietor shall have more than eight votes, and 2* * * the proprietors shall vote according to the following scale:—

2 Shares shall entitle to	1 vote.
4 " " " "	2 votes.
6 " " " "	3 "
10 " " " "	4 "
20 " " " "	6 "
35 " " " "	7 "
50 " " " "	8 "

19. Votes of joint proprietors of shares.—1* * * If more persons than one, being partners in trade, shall be joint proprietors of two or more shares of the said Capital Stock, and shall agree to give a joint vote or joint votes, such joint vote or joint votes, shall be received in all respects as the vote or votes of a single proprietor would be received.

1. The words "And it is hereby enacted, that" omitted by Act 12 of 1891, s. 2 and Sch. I.
The word "that" omitted by s. 2 and Sch. I, *ibid*.

20. Voting by proxy.—¹* * * Every proprietor entitled to vote at any general meeting may give a proxy in writing, general or special, limited or unlimited, and signed by himself or by his attorney duly authorized thereunto, to any other proprietor; and ²* * * the proprietor to whom the proxy is given, may vote on behalf of the proprietor who had given the proxy, according to the terms of such proxy.

21. Authority of Directors.—¹* * * The Directors of the said Association shall have authority to expend the money of the said Association for the purpose of purchasing and erecting warehouses, and of warehousing and bonding goods therein, and to make and fulfil contracts for the said purpose, and to appoint and remove such servants as may be necessary for the said purpose and generally to manage all the concerns of the said Association, subject to such rules as may be laid down in the Bye-laws of the said Association, and to keep the seal of the said Association, and to use the said seal in the affairs of the said Association, provided always, that the said seal shall never be affixed to any instrument except in the presence and by the consent of three Directors, who shall sign their names on every such instrument in token of their presence and consent.

22. Calls for share money.—¹* * * The Directors of the said Association shall have authority to call on the proprietors to pay such instalment or instalments as shall, together with the instalments already paid, amount to a sum not exceeding 50 per cent. on each share; and ²* * * no further call shall be made, except in consequence of a vote of a general meeting of the proprietors, authorising such further call; provided always that no proprietor shall be called upon to pay more in proportion to his share in the Capital Stock than any other proprietor.

23. Interest to run on each call. Application of dividend in satisfaction of unpaid calls.—¹* * * If any proprietor shall not pay any instalment which he is lawfully called upon to pay, in the manner described in the last section, on the day appointed for such payment, the said Association shall have a claim against such proprietor for interest on the deficient sum, after the rate of 10 per cent. per annum; and ²* * * it shall be lawful for the Directors of the said Association to apply, in satisfaction of such instalment and of such interest, any dividend due to such proprietor, placing every dividend so applied to the credit of such proprietor with the said Association.

24. Power to refuse to register transfer by defaulting proprietor. Power to sell shares to satisfy calls, and issue fresh certificates.—¹* * * It shall be lawful for the Directors of the said Association to refuse to register the transfer of any share belonging to any proprietor who shall not have paid such instalment and interest as aforesaid; and ²* * * in case such instalment and interest shall not be paid within two months after notice to pay the same has been given by the said Directors to such proprietor, or to his attorney or attorneys duly authorised, it shall be lawful for the said Directors to sell by public sale the share or shares of such proprietor, to such an extent as may be sufficient to satisfy such instalment and interest, and to grant, upon such sale, a new certificate or new certificates to the purchaser of such share or shares whereupon the former certificate or certificates for such share or shares shall become void, and if there be any surplus after such instalment and interest have been satisfied, such surplus shall be paid on demand to the proprietor of such share or shares, and shall, till demand, be credited in the books of the said Association to such proprietor, but no interest shall run thereon.

25. Extension of Act No. 25 of 1836 to warehouses of Association.—¹* * * All the provisions of Act No. XXV of 1836, of the Governor General of India in Council, relating to private licensed Warehouses, shall be applicable to all Warehouses wherein the said Association shall receive bonded Goods.

26. Power to give general security for payment of import and export duties.—¹* * * It shall be lawful for the said Association to give general security, by bond, under the seal of the said Association, for payment of the full duties of importation on Goods, lodged in any Warehouse of the said Association, or for the due exportation of such Goods; and if the said Association shall give such bond, no security shall be required from any other party to the same effect.

27. Rates for warehousing.—¹* * * The Directors of the said Association shall, from time to time, fix the rates at which the said Association will warehouse Goods and receive Goods at its Wharfs, and ²* * * a table of such rates shall be placed at every Warehouse and Wharf of the said Association.

1. The words "And it is hereby enacted, that" omitted by Act 12 of 1891, s. 2 and Sch. I.

2. The word "that" omitted by s. 2 and Sch. I, *ibid.*

g. Rep. by the Repealing Act, 1873 (12 of 1873).

28. Certificates of deposit, transferable by endorsement.—1* * * As often as any Goods are lodged in any Warehouse of the said Association, the Secretary of the said Association shall deliver a warrant signed by him as such Secretary, to the person lodging such Goods, which warrant shall be, as nearly as possible, in the form set forth in Schedule II annexed to this Act, and such warrant shall be transferable by endorsement, and shall entitle any person to whom it may have been so transferred by endorsement, to receive the Goods specified in such warrant on the same terms on which the person who originally lodged those Goods would have been entitled to receive the same.

29. Suits against Association.—1* * * All suits brought against the said Association shall be brought in the Supreme Court of Judicature at Fort William in Bengal and not elsewhere.

30. Joint Stock of Association.—1* * * All the Joint Stock of the said Association of what kind or description soever, and all the Land, Warehouses, Messuages, Tenements, Hereditaments, Premises and Property acquired therewith, of which the said Association shall become, in any manner possessed, entitled to, or interested in, shall be held and enjoyed by the Proprietors thereof, and their successors respectively, as Personal Estate, or as in the nature of Chattel Interests, and not as, or in the nature of, Real Estate.

31. Individual members not to be liable.—1* * * In order to define the liability of Proprietors or shares, and to save harmless themselves and their respective Heirs, Executors, Administrators, Representatives and Assigns, no Proprietor, his Heirs, Executors, Administrators, Representatives or Assigns, shall be personally liable to any person or persons whatsoever by reason of being a Proprietor in any event, or for or on account of any acts, deeds, contracts or liabilities of the said Association, or of the Directors or Secretary thereof respectively, or under or by virtue of any judgment or decree in any action or suit, but 2* * * the party or parties having any legal or equitable demand or claim for or on the account last aforesaid, or having obtained such judgment or decree as last aforesaid, shall and may only recover the amount of such demand, claim, judgment or decree from and out of or to the whole extent of the paid up Capital, accumulated Funds, Lands, Messuages, Tenements, Hereditaments and Premises whatsoever and wheresoever, which may at the time belong to the said Association, or to which they may at the time be entitled.

32. [Bye-laws.] Rep. by Act 5 of 1854, s. 1.

33. Increase of Capital Stock.—1* * * It shall be lawful for the said Association to increase its Capital Stock; provided always that no such increase shall take place unless it be authorized by a vote of two extraordinary general meetings of Proprietors specially convened for that purpose, of which meetings the second shall be held not less than three calendar months after the first.

34. Option to original proprietors to subscribe in first instance.—1* * * In the event of such increase, the Proprietors of the original Stock shall not be bound to subscribe, but shall in the first instance have the option of subscribing for the increased Capital Stock in proportion to the share which each has of the original Capital Stock; and so much of the additional Capital Stock as shall not be subscribed for by the said Proprietors of the original stock, within one year after the passing of the final resolution for the increase, shall be open to the public, and be sold, for the benefit of the said Association, by public sale.

35. Provisions of Act to apply to additional Stock.—1* * * All the rules laid down in this Act respecting the original Capital Stock of the said Association, shall be applicable to any additional Stock which may be subscribed in the manner hereinbefore described.

36. East India Company to have right of pre-emption.—1* * * If the said Association shall be desirous to dispose of any premises purchased by the said Association from the East India Company, the said East India Company shall have the right of pre-emption, and the price shall be fixed by two appraisers, the one named on the part of the said East India Company, and the other by the Directors of the said Association; and if the said appraisers shall not agree on a price, the price shall be fixed by an umpire named by the said appraisers.

1. The words "And it is hereby enacted, that" omitted by Act 12 of 1891, s. 2. and Sch. I.
2. The word "that" omitted by Act 12 of 1891, s. 2 and Sch. I

37. [Dissolution of Association by order of the Governor General in Council.] Rep. by Act 5 of 1854, s. 1.

38. Dissolution of Association by resolution of proprietors.—¹* * * The said Association may at any time be dissolved by a resolution to that effect of two-thirds in number and value of the proprietors qualified to vote at two successive extraordinary meetings specially called for the purpose of taking into consideration the expediency of such dissolution; provided that not less than three months shall have elapsed between the first and second of such two extraordinary meetings.

39. Division of property on dissolution.—¹* * * Whenever the dissolution of the said Association shall be ordered either by the ²[Central Government], or by a vote of the said Association, the Directors of the said Association shall cause all the property of the said Association to be converted into money, and shall divide whatever surplus may remain after satisfying the debts of the said Association among the proprietors in proportion to the shares which the proprietors have in the Capital Stock of the said Association; and after such distribution the said Association shall forthwith be dissolved.

¹ The words "And it is hereby enacted, that" omitted by Act 12 of 1891, s. 2 and Sch. I.
² Subs. by the A. O. 1937, for "Governor General of India in Council".

SCHEDULE No. I

LIST OF PROPRIETORS OF SHARES

R. H. Cockere	W. Barrington, Captain.	W. Freeth, Captain
W. Speir.	T. C. Robertson.	James Colquhoun.
W. Martin.	Ramdas Dey.	James Church.
R. Speir.	Bonomalee Mullick.	Edward Harding.
T. Spier.	A. Muller.	Henry Moore.
J. S. Brownrigg.	Charles Trebeck.	R. Watson.
J. Cockerell.	T. Bowring.	Mrs. B. Betty.
G. G. de H. Larpent.	J. W. Alexander.	Henry Mackenzie.
J. St. Pourcain.	T. B. Swinhoe.	Adam Scott and Co.
J. M. Dove.	Robert Swinhoe.	Holodhur Chowdry
Gungapersaud Gossain.	A. Dobbs.	Charles S. Gover.
Ramchunder Seal.	John Watson.	K. B. Mackenzie.
J. Willis.	Taraneechurn.	S. R. Crawford.
W. Earle.	Chatterjee.	T. A. Shaw.
D. Willis.	G. Herklots, Junior.	W. A. Shaw.
T. Willis.	F. O. Wells.	H. Walters.
J. Master.	C. Lancaster.	J. Innes.
G. C. S. Master, Lieut.	C. Lancaster, Trustee.	W. Adam.
Trustees of Mrs.	for Mrs. Cornish's.	Joseph Worthington
Limond's Marriage	Marriage Settlement.	James Cullen.
Settlement.	George Dougal.	J. C. Palmer.
J. W. J. Ouseley,	John Richards.	A. Colvin.
Captain.	Bruce, Shand & Co.	W. Ainslie.
G. A. Prinsep.	G. W. A. Lloyd, Lt.-Col.	H. Cowie.
T. S. Anquetil, Lt.-Col.	J. Ranken, M.D.	Charles C. Bruce.
W. H. Martin.	Brijobullub Doss &	Debnarain Day.
A. Irvine, Major.	Gocul Doss.	William Bruce,
W. A. Peacock.	A. S. Stopford.	Trustee for Mrs.
		Col. Lloyd.
J. A. Moore, Major.	A. Beattie.	W. Ryland.
T. W. Burt.	Wilson Frith & Co.	M. Hughes, Captain.
William Braddon.	G. C. Arbuthnot.	Annundchunder
		Mitter.
Francis Macnaghten.	A. Jackson.	J. A. Walker.
Carr, Tagore and Co.	A. S. Gladstone.	T. Hyde Gardiner.
W. Carr, Trustee for	J. Craigie, Lieut.-Col.	J. C. Owen.
Mrs. Dick's Marriage	J. Williams.	Doorgachurn Bose.
Settlement.	J. B. Higginson.	Rajkissore Lahory.
Robert Lyall.	Megnarain Roy.	Gourmohun Coon-
		doo.
Moheshchunder Mitter.	Ramnarain Mookerjee.	S. Hornby.
Prawnkisfo Doss.	Doorgachurn Mookerjee.	Hurrischunder Bose.

SCHEDULE No. I—contd.

LIST OF PROPRIETORS OF SHARES—contd.

Conai Lal and Mukun Lal.	Gowrichurn Mookerjee.	Ramsoonder Mullick.
J. Rostan, Junior.	I. B. Biss.	Rajchunder Ghose.
J. H. Rostan.	J. S. Biss.	Radanauth Dutt.
Madobchunder Sandell.	Rogoonath Coonlo.	H. Barrow.
Dyalchaund Bysack.	W. F. Gibbon.	Godadhur Mitter.
Gopeekissen Paul.	J. Cock.	E. D'Cruz.
Ditto for Mrs. A.G. Glass.	H. F. King.	Goluckchunder Dur
Ditto for E.B. Squire, Junior.	James Hill.	Luckinarain Day.
Charles Lyall.	W. Rushton.	T. Blechynden.
John Lyall.	A. J. Sturmer.	W. Stacy.
David Lyall.	Boloram Day.	J. George.
W. T. Dawes.	Obhoychurn Mookerjee.	Mrs. C. Shelverton.
Colville, Gilmore & Co.	Bolychaund Bysack.	C. Shelverton.
Alexander Rogers.	Mrs. Sarah Moss.	
J. H. Crawford.	W. Barrett.	Cassinauth Banorjee
	Hurrimohun Mookerjee.	P. S. D'Rozario.
A. Porteous.	Mohunchunder Ghose.	J. D' M. Sinaes, in
J. Mackey & Co.	Horrिमohun Banorjee.	Trust for Miss J.F.
James Mackenzie.		Speed.
P. J. Sarkies.	Kistnomohun Seal.	Gorachaund Bose.
G. Collier.	Hurrochunder Bose.	J. E. Dunn.
R. Bird.	J. P. Marcus.	
	Mrs. Bruce.	D. W. H. Speed.
	Miss L. W. Bruce.	Rajkissen Dey.
	Joseph Bruce.	Jomejoy Bhose.

SCHEDULE No. II

CALCUTTA BENGAL BONDED WAREHOUSE ASSOCIATION

I do hereby certify thathave deposited in the Warehouse of the Association the undermentioned Goods.....which Goods, the Association engage on demand, after payment of rent and incidental charges and Government dues or customs chargeable thereon, to deliver to the said.....or their Assigns, or to the holder of this warrant to whom it may be transferred by indorsement.

Secretary.

[THE * * * COASTING-VESSELS ACT, 1838]

ACT No. 19 OF 1838

[27th August, 1838.]

³[1. Extent.—This Act extends in the first instance ⁴[to the territories which, immediately before the 1st November, 1956, were comprised in the States] of Bombay, Saurashtra and Kutch, but the Central Government may, by notification in the Official Gazette, extend it to any other State ⁵[or part of a State] which has a sea-coast.]

2. Rules as to coasting and other vessels belonging to any citizen of India.—⁶* * * The following rules shall be in force with respect to vessels belonging to ⁷[any citizen of India] ⁸* * * and employed on the coasts of ⁹[any State] ⁵[or part of a State] to which this Act extends] or in trading coastwise, as also with respect to fishing-vessels and harbour-craft belonging to ¹⁰[any such citizen].

3. Marking or branding vessels with name of place and number.—¹¹* * * Every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall be marked or branded with the name of the place to which she belongs; and also with a number assigned for the same by the officer authorised to make such registry as is hereinafter mentioned;

Owner to paint name and number—and the owner or owners of such vessel employed as aforesaid, fishing-vessel and harbour-craft shall cause such name and number to be painted in black paint upon a white ground on each quarter of such vessel employed as aforesaid, fishing-vessel and harbour-craft, in English figures and letters, each figure and letter being six inches in length.

4. Registry of name, number and burthen.—¹¹* * * The name and number of every such vessels employed as aforesaid, fishing-vessel and harbour-craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book to be kept for that purpose by the person hereinafter directed to make such registry.

Registry by whom to be made. Fresh registration.—At Bombay such registry shall be made ¹²by the [Principal Officer, Mercantile Marine Department], and at other places ¹³* * * by the Collector of Sea-customs at such places respectively, or by such other person as shall be appointed by the ¹⁴[Central Government] to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing-vessel or harbour-craft, or in the name or names of the owner or owners thereof, such registry shall be made again:

1. Short title given by the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921).
This Act was declared by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Bombay Presidency, except the Scheduled Districts.
This Act has been repealed in so far as it applies to sea-going ships fitted with mechanical means of propulsion and to sailing vessels by the Merchant Shipping Act, 1958 (44 of 1958), s. 461 and Sch.
The Act came into force in Pondicherry vide Reg. 7 of 1963, s. 3 and Sch. I (w.e.f. 1-10-1963).
The Act has been extended to Goa, Daman and Diu with modifications by Reg. 12 of 1962 and Sch. and to Laccadive, Minicoy and Amindivi Islands by Reg. 8 of 1965, s. 3 and Sch. (w.e.f. 1-10-1968).
2. The word "Bombay" omitted by Act 22 of 1952, s. 3.
3. Ins. by s. 4, *ibid.* Original s. 1 was rep. by Act 14 of 1870, s. 1 and Sch., Pt. II.
4. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "to the States".
5. Ins., *ibid.*
6. The words and figures "And it is hereby enacted, that from the said first day of November, 1838" rep. by Act 16 of 1874, s. 1 and Sch., Pt. I.
7. Subs. by the A. O. 1950, for "any of Her Majesty's subjects".
8. The words "residing within the State of Bombay" omitted by Act 22 of 1952, s. 5.
9. Subs. by s. 5, *ibid.*, for "the said State".
10. Subs. by the A. O. 1950, for "any of the same Her Majesty's subjects".
11. The words "And it is hereby enacted, that" rep. by Act. 16 of 1874, s. 1 and Sch., Pt. I.
12. Subs. by the A. O. 1950 (as amended by C. O. 29, dated 4-4-1951), for "Master-Attendant" (w.e.f. 26-1-1950)
13. The words "within the said State" omitted by Act 22 of 1952, s. 6.
14. Subs. by the A. O. 1937, for "Government of Bombay".

Provided, however, that it shall not be lawful to give any name to such vessel employed as aforesaid, fishing-vessel or harbour-craft, other than that by which she was first registered.

5. Owners to apply for registry.—¹* * * The owner or owners of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall apply to the person authorised to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid.

Information of registry at subordinate port.—And whenever such vessel employed as aforesaid, fishing-vessel or harbour-craft is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the ²[Principal Officer, Mercantile Marine Department] at Bombay.

6. Officers to perform duty of marking and branding.—¹* * * The duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft, at Bombay, shall be performed by the ²[Principal Officer, Mercantile Marine Department]; and at all other places ³* * * the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft shall be performed by the Collector of Sea-customs at such places respectively, or by such other persons as shall be appointed by the ⁴[Central Government] to act at such places respectively, in the execution of this Act.

7. Owner to obtain certificate of registry. Replacing lost certificate.—¹* * * The owner or owners of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall apply for and obtain a certificate of registry from the person authorised to make such registry as aforesaid, and such certificate shall be in the form specified in the Schedule appended to this Act; and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner and on payment of the fees hereinafter mentioned.

8. Sealing certificate.—¹* * * Such certificate of registry shall be sealed with the seal of the ⁵[Government of India], and shall be signed by the person authorised to make such registry.

9. [Dates for commencement of certificate and registration.] Rep. by the Repealing Act 876 (12 of 1876), s. 1 and Sch., Pt. I.

¶10. Fees for certificates.—The owner or owners of such vessels employed as aforesaid fishing-vessels and harbour-craft being excepted) on being registered as aforesaid, shall pay—

- for each certificate of registry for a vessel not exceeding 5 tons burthen, the fee of 1 rupee;
- for each certificate for a vessel exceeding 5 tons burthen and not exceeding 25 tons burthen, the fee of 5 rupees;
- for each certificate for a vessel exceeding 25 tons burthen and not exceeding 100 tons burthen, the fee of 7 rupees;
- and for each certificate for a vessel of 100 tons or greater burthen, per ton, the fee of 2 annas.]

11. Fees to be credited to Government.—¹* * * The person or persons so authorised to make such registry as aforesaid shall receive the fees payable for the same, and shall pay such fees to such officer as ⁷[the Central Government] shall appoint; the same to be carried to the credit of ⁸[the Central Government]:

⁹[Provided that any such fees as immediately before the commencement of ¹⁰[the Constitution] were, under this Act as then in force to be carried to the credit of the ¹¹[Provincial Government] shall be paid to such officer as the State Government may appoint and be carried to the credit of that Government.]

1. The words "And it is hereby enacted, that" rep. by Act 16 of 1874, s. 1 and Sch., Pt. I.
2. Subs. by A.O. 1950 (as amended by C. O. 29, dated 4-4-1951), for "Master-Attendant" (w.e.f.26-1-1952)
3. The words "within the State of Bombay" omitted by Act 22 of 1952, s. 7.
4. Subs. by the A. O. 1937, for "Government of Bombay".
5. Subs. by the A. O. 1950, for "East India Company".
6. Subs. by Act 22 of 1952, s. 8, for the original section.
7. Subs. by the A. O. 1937, for "the Governor of Bombay in Council".
8. Subs., *ibid.*, for "the Government of Bombay".
9. *Ins., ibid.*
10. Subs. by the A. O. 1950, for "Part III of the Government of India Act, 1935".
11. Subs. *ibid.*, for "Local Government".

12. Production of certificate on demand.—¹* * * The owner or owners or commander of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall produce, on demand thereof by any officer of the Customs ²* * * or by any officer of the ³* * * Navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid, fishing-vessel or harbour-craft, as above mentioned.

13. Penalty for neglect to comply with rules.—¹* * * In case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be so marked or branded in all respects as hereinbefore directed, or in case the name and number of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing-vessel or harbour-craft, in all respects as hereinbefore directed;

or in case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not produce such certificate on demand thereof as hereinbefore directed;

the owner or owners of every such vessel employed as aforesaid shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable; and the owner or owners of any such fishing-vessel or harbour-craft shall be subject to a fine of ten rupees;

Recovery of penalties—which fines may be recovered on conviction before any Magistrate ⁴* * * having jurisdiction, ²* * * by sale of such vessel, fishing-vessel or harbour-craft, her furniture, ammunition, tackle and apparel;

Penalty on repetition of default—and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall make such default as aforesaid: Provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

14. Power to direct compensation for trouble in seizing.—¹* * * The ⁵[Central Government] may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing-vessel or harbour-craft, guns, furniture, tackle, ammunition and apparel, as last mentioned, to be made, out of the proceeds of such seizure to the person or persons who shall have seized the same, to such amount, in such manner and in such shares or proportions, as to the said ⁶[Central Government] shall seem meet.

15. [Port-clearance.] Rep. partly by the Repealing Act, 1874 (16 of 1874), s. 1 and Sch., Pt. I, and partly by the Repealing Act, 1876 (12 of 1876), s. 1 and Sch., Pt. I.

SCHEDULE

This is to certify that (here insert the names, occupation and residence of the owners) having declared that (he or they) are sole owner or owners of the vessel (fishing-vessel or harbour-craft) called (the name) which is of the burthen of (number of ⁷[tons]) and that the said vessel (fishing-vessel or harbour-craft) was (where and when built), the said vessel (fishing-vessel or harbour-craft) has been duly registered at the port of (name of port).

Certified under my hand.

(Signature of Officer)

1. The words "And it is hereby enacted, that" rep. by Act 16 of 1874, s. 1 and Sch., Pt. I.
2. The words "within the said State" omitted by Act 22 of 1952, s. 6.
3. The word "Indian" rep. by Act 12 of 1876, s. 1 and Sch., Pt. I.
4. The words "Justice of the Peace, or person exercising the powers of a Magistrate" rep. by Act 12 of 1876, s. 1 and Sch., Pt. I.
5. Subs. by the A. O. 1937, for "Governor of Bombay in Council".
6. Subs., *ibid.*, for "Governor in Council".
7. Subs. by Act 22 of 1952, s. 9, for "Bombay khandis".

(45)

1925 : Act XII.] Cotton Ginning and Pressing Factories.

1925.] Bengal Criminal Law Amendment (Supplementary).

so require, no bale not so marked shall be tenderable in fulfilment of the contract

2[(2) Any bale marked in accordance with the provisions of section 4 shall, within the meaning of the Indian Evidence Act, 1872, be presumed for all purposes as between the parties to a contract for the purchase of baled cotton, to have been so marked before leaving the factory in which it was pressed.]

15. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

Protection for acts done under Act.

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) ACT, 1925.

[30th March, 1925.]

An Act to supplement the Bengal Criminal Law Amendment Act, 1925.

WHEREAS it is expedient to supplement the Bengal Criminal Law Amendment Act, 1925¹; It is hereby enacted as follows:—

1. This Act may be called the Bengal Criminal Law Amendment Act, 1925. Short title.

2. In this Act,— (a) "Code" means the Code of Criminal Procedure, 1898; and (b) "local Act" means the Bengal Criminal Law Amendment Act, 1925². Definitions.

3. (1) Any person convicted on a trial held by Commissioners under the local Act may appeal to the High Court of Judicature at Fort William in Bengal, and such appeal shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code. Appeals and confirmations.

(2) When the Commissioners pass a sentence of death the record of the proceedings before them shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court which shall exercise, in respect of such proceedings, all the powers conferred on the High Court by Chapter XXVII of the Code.

4 to 6. [Power to order custody in jail outside Bengal. Construction. Bar of certain legal proceedings.] Rep. by the Bengal Criminal Law Amendment (Supplementary) Act, 1932 (VIII of 1932), s. 5.

¹ The proviso was rep. by s. 3, of the Cotton Ginning and Pressing Factories (Amendment) Act, 1939 (14 of 1939).

² S. 14 was re-numbered as sub-section (1) of that section and sub-section (2) inserted by s. 3, *ibid*.

³ For Statement of Objects and Reasons see Gazette of India, 1925, Pt. V, p. 79. This Act was made by the Governor General under the provisions of s. 67B of the Government of India Act. No number was given.

⁴ This Act was made by the Governor of Bengal under the provisions of s. 72E of the Government of India Act.

1925 : Act XII.
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CHRONOLOGICAL TABLE OF UNREPEALED CENTRAL ACTS,
1835-1871.

1	2	3	4
Year.	No.	Short title or Subject.	Page.
1835	XIX	The Dekkhan Assistant Agent's Appointment Act, 1835.	1
1836	X	The Bengal Indigo Contracts Act, 1836	2
	XXI	The Bengal Districts Act, 1836	3
1837	XXXVI	The Madras Public Property Malversation Act, 1837	4
1838	V	Bengal Bonded Warehouse	5
	XVI	The Bombay Courts of Adalat Act, 1838	14
	XIX	The Bombay Coasting Vessels Act, 1838	15
1839	VII	The Madras Rent and Revenue Sales Act, 1839	Not printed. ^a
	XX	The Bombay Haqqa Prohibition Act, 1839	19
	XXIV	The Ganjam and Vizagapatam Act, 1839	20
	XXIX	The Dower Act, 1839	23
	XXXII	The Interest Act, 1839	26
1840	XV	The Bombay Regulation XIII of 1830 (Application) Act, 1840	28
1841	X	The Indian Registration of Ships Act, 1841	29
	XXII	The Bengal Land Revenue Sales Act, 1841	Not printed. ^b
	XXIV	The Illusory Appointments and Infants' Property Act, 1841	44
1842	XIII	Revenue, Bombay	Not printed. ^c
	XVII	Revenue Commissioners, Bombay	Not printed. ^c
1843	V	The Indian Slavery Act, 1843	48
1844	XIX	The Bombay Town-duties Abolition Act, 1844	49
1845	I	Sales of Land for Revenue-arrears	Not printed. ^d
1846	I	The Legal Practitioners Act, 1846	50
	III	Boundary-marks, Bombay	Not printed. ^e
1847	I	Boundaries	Not printed. ^e
	IX	The Bengal Alluvion and Diluvion Act, 1847	52
1848	XV	The Supreme Courts' Officers Trading Act, 1848	54
	XX	The Bengal Landholders' Attendance Act, 1848	56

^a Relates to land-revenue.

^b Relates to land-revenue.

^c Practically obsolete.

See Mad. Code, Vol. I.

See B. & O. Code, Vol. I.

MINISTRY OF LAW AND JUSTICE

Legislative Department

Subject: *Repeal of Appropriation Acts.*

The Commission on Review of Administrative Laws (P.C. Jain Commission) gave its Report in 1998 identifying large body of laws for the purposes of repeal. It has recommended the repeal of 700 Appropriation Acts passed by Parliament from time to time since 1950 as they are, in terms, temporary in nature. The Commission has recommended their repeal on the ground that these laws have become either irrelevant or dysfunctional.

2. Recently, the Law Commission of India in its 248th Report on "Obsolete Laws: Warranting Immediate Repeal" has observed that a large number of Appropriation Acts enacted during past several years, in reality have lost any meaning and are still shown on the Statue-Books. It has been further emphasized that repealing of 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, and importantly serve the purpose of clearing the Statue-Books and reducing the burden.

Constitutional provisions dealing with Appropriation Acts

3. Article 114 of the Constitution makes provision as to the contents of an Appropriation Bill, and provides that no money can be withdrawn from the Consolidated Fund of India except under appropriation made by Law. After the Demands for Grants are voted by the Lok Sabha under article 113, Parliament's approval to the withdrawal from the Consolidated Fund of the amounts so voted and of the amount required to meet the expenditure charged on the Consolidated Fund is sought through the Appropriation Bill.

4. In other words, as soon as the grants have been made by the Lok Sabha, a Bill is introduced to provide for the appropriation out of the Consolidated Fund of India of all moneys required to meet the grants made by the House and the expenditure charged on the Consolidated Fund of India [article 114, cl.(1)], but not exceeding in any case the amount shown in the statement previously laid before Parliament under article 112.

5. The whole process beginning with the presentation of the Budget and ending with discussions and voting on the Demands for Grants require time. The Lok Sabha is, therefore, empowered by the Constitution to make any grant in advance in respect of the estimated expenditure for a part of the financial year pending completion of procedure prescribed in article 113 for the voting of the Demands [article 116, clause (1)].

The purpose of the 'Vote on Account' is to keep the Government functioning pending voting of "final supply". The Vote on Account is obtained from Parliament through an Appropriation (Vote on Account) Bill.

...2/-

which they have been voted, and that the session should not be closed before this has been done. If at any time during a session after the Appropriation Act has been passed further grants of money are voted, a second or third Appropriation Act may become necessary.

12. The Appropriation Acts of 1992, 1997, 1998 and 2010 of the United Kingdom have been examined (Pl. see Annexures-A, B, C and D). The long title of the aforesaid Acts describe it as "An Act to apply a sum out of the Consolidated Fund to the service of the year ending on 31st March,; to appropriate the supplies granted in this Session of Parliament; and to repeal certain Consolidated Fund and Appropriation Acts." By section 3 or section 4 of the aforesaid Appropriation Acts, certain enactments mentioned in Schedule (C) annexed to those Acts, such as, the Consolidated Fund Acts and the Appropriation Acts were repealed. So, it may be seen that as an established practice, various Appropriation Acts repeal the spent Consolidated Fund and the Appropriation Acts, usually two sessions in arrears in the United Kingdom.

Summing up:

13. The object of an Appropriation Act in terms of article 114(3) and article 266(3) of the Constitution is to authorize the issue of money out of the Consolidated Fund to meet the grants made by Parliament and the expenditure charged on the Consolidated Fund. The Consolidated Fund under article 266 would be a reservoir of all the revenues of the Government of India. An Appropriation Act would be the only outlet from the reservoir. Article 266(3) also reiterates this Position.

14. According to D.D. Basu, the wording of article 114(3) and article 266(3) makes it clear that the Appropriation Act serves as an authority only for withdrawing money from the Consolidated Fund. Whether specific legislation is required to justify the activity for which the expenditure is authorized will depend on other considerations (*Commentary on the Constitution of India by D.D. Basu, Vol.G, P.97*). Under article 114(3) not only the annual Appropriation Act but also similar Acts passed to provide supplementary, excess or exceptional grants, votes on accounts or votes of credit, shall be authority for appropriation of money out of the Consolidated Fund.

15. On examination, it is clear that Resolutions of the Committee of Supply, voting the grants, are not sufficient to appropriate money for the purposes for which the grants have been made. For that a legislation is required. All public revenues, raised by taxation or otherwise, are carried into the Consolidated Fund. No money can issue out of this Fund without an Act of Parliament. It is the Annual Appropriation Act which authorizes in detail the application of the amounts voted to the purposes for which they have been granted, and the issue or 'appropriation' of money out of the Consolidated Fund for these purposes.

16. Since the specific purpose of the Appropriation Act relates only to withdrawal of money from the Consolidated Fund and is limited to taking out of money from the Fund as such, the spent Consolidated Fund and

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Appropriation Acts are repealed usually two sessions in arrears in the United Kingdom. Perhaps the practice of repealing the spent Appropriation Acts usually two sessions in arrears is to take into account the grants which remain undisposed of. In any case, the undisposed specific purpose grants are considered in the subsequent annual statement and the Appropriation Act that follows.

17. Further, it may be relevant to note that mechanism existing in United Kingdom to systematically remove Appropriation Acts (on whose Appropriation Acts we model our own) that have served their purpose. The Law Commission has observed that in India no such mechanism is in place and those Appropriation Acts continue to sit on Statute-Books. We may consider the United Kingdom practice in this regard as it supports the recommendations of the Law Commission of India made in its 248th Report for taking a view on the repeal of more than 700 Appropriation Acts continuing on the Statute-Books till date.

Sanjay Singh

(Dr. Sanjay Singh)

Secretary

17th September, 2014

Hon'ble MLJ

*The view of the dept of
Expenditure is taken
to the above proposal.
It will be followed up*

Sanjay Singh
22/9/14

सचिव, भारत सरकार (विधि विभाग)
Secretary, Govt. of India
Ministry of Law & Justice
No. 10/54-1
दिनांक/Date: 22/9/14

A.S.

*Please put up a letter to the Ministry of Finance
seeking their comments and also a separate
letter to the Committee on Review of Administrative
Laws, P.M.O for their information.*

Leg-I

Sanjay Singh
22/9/14
(Dr. Sanjay Singh)
सचिव, भारत सरकार
Secretary to the Govt. of India
विधि विभाग/Ministry of Law & Justice
(विधि विभाग/Legislative Deptt.)
नई दिल्ली/New Delhi

Leg. amendments
22/9/14

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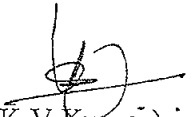
Ministry of Law & Justice

Legislative Department

Sub: Information sought by PMO w.r.t. status of the Acts recommended to repeal by the PC Jain Commission. - reg.

Please refer to the letter No. CRA-01/2014-PMC/13 dated 17th September, 2014 regarding the subject stated above.

2. The information sought by the Committee on Review of Administrative Laws vide the above referred letter is forwarded herewith.



(K.V.Kumar)

Deputy Legislative Counsel

Ph.23389687

Prime Minister's Office (Attn: Shri Avinash Kumar Sinha, Staff Officer to Member)
Committee on review of Administrative Laws

Ministry of Law & Justice, Legislative Department, U.O.No.11 (29)/14-L.I dt.26/9/14

**The status of the Acts recommended by the P.C.Jain Commission to
repeal (as reported by Correction Section on 23/09/2014)**

I. 166 Central Acts (including 11 pre-nationalisation Acts, and 20 Validation Acts)- not Repealed so far (85). (APPENDIX A-1)

1. The Livestock Importation Act, 1898
2. The Tobacco Board Act, 1975
3. The Finance Commission (Miscellaneous Provisions) Act, 1951
4. The Compulsory Deposit Scheme Act, 1963
5. The Additional Emoluments (Compulsory Deposit) Act, 1974
6. The Shipping Development Fund Committee (Abolition) Act, 1986
7. The Gift Tax Act, 1958
8. The Young Persons (Harmful Publications) Act, 1956
9. The Indian Law Reports Act, 1875
10. The Continuance of Legal Proceedings Act, 1948
11. The Oriental Gas Company (Act 5 of 1857)
12. The Oriental Gas Company Act, 1867
13. The Ganges Tolls Act, 1857
14. Amending Act, 1897
15. The Amending Act, 1901
16. The Amending Act, 1903
17. Boundaries, 1847
18. The Central Sales Tax (Amendment) Act, 1969
19. The Coasting Vessels Act, 1838
20. The Deposit Insurance Corporation (Amendment and Misc. Provisions) Act, 1978
21. The Lepers Act, 1894 (3 of 1898)
22. The Excise (Malt Liquors) Act, 1890
23. The Indian Bar Councils Act, 1926
24. The Indian Short Titles Act, 1897
25. The Industrial Disputes (Amendment and Misc. Provisions) Act, 1956
26. The Land Acquisition (Amendment and Validation) Act, 1967
27. The Laws Local Extent Act, 1874
28. The Legal Practitioner's Act, 1879

29. The Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976
30. The Railway Companies (Emergency Provisions) Act, 1951
31. The Rent Recovery Act, 1853
32. The Reserve Bank of India (Amendment and Miscellaneous Provisions) Act, 1953
33. The Tobacco Cess Act, 1975
34. The Easements (Extending) Act, 1891 (8 of 1891)
35. The Foreign Recruitment Act, 1874 (4 of 1874)
36. The Indian Railway Board Act, 1905 (4 of 1905)
37. The Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 (16 of 1947)
38. The Pondicherry (Extension of Laws) Act, 1968 (26 of 1968)
39. The Central Laws (Extension to Jammu and Kashmir) Act, 1968
40. The Central Labour Laws (Extension to Jammu and Kashmir) Act, 1970
41. The Central Laws (Extension to Arunachal Pradesh) Act, 1993 (44 of 1993)
42. The Diplomatic and Consular Officers (Oaths and Fees) (Extension to Jammu and Kashmir) Act, 1973 (2 of 1973)
43. The Goa, Daman and Diu (Extension of the Code of Civil Procedure and the Arbitration) Act, 1965 (30 of 1965)
44. The Miscellaneous Personal Laws (Extension) Act, 1959 (48 of 1959)
45. The Taxation Laws (Extension to Jammu and Kashmir) Act, 1954 (41 of 1954)
46. The Taxation Laws (Extension to Jammu and Kashmir) Act, 1972 (25 of 1972)
47. The Taxation Laws (Continuance and Validation of Pending Proceedings) Act, 1964 (11 of 1964)
48. The Scheduled Areas (Assimilation of Laws) Act, 1951 (37 of 1951)
49. The Scheduled Areas Act, 1953 (16 of 1953)
50. The Shillong (Rifle Range and Umlong) Cantonments Assimilation of Laws Act, 1954 (31 of 1954)
51. The West Godavari District (Assimilation of Laws on Federal Subjects) Acts, 1949 (20 of 1949)
52. The Union Territories (Laws) Act, 1950
53. The Absorbed Areas (Laws) Act, 1954 (20 of 1954)
54. The Central Provinces (Laws) Act, 1875 (20 of 1875)

55. The Cooch-Bihar Assimilation of Laws Act, 1950 (67 of 1950)
56. The Jammu and Kashmir (Extension of Laws) Act, 1956 (62 of 1956)
57. The Manipur and Tripura (Repeal of Laws) Act, 1958 (35 of 1958)
58. The Married Women's Property (Extension) Act, 1959 (61 of 1959)
59. The Opium and Revenue Laws (Extension of Application) Act, 1950 (33 of 1950)
60. The Merged States (Laws) Act, 1949 (59 of 1949)
61. The Union Duties of Excise (Distribution) Act, 1979 (24 of 1979)
62. The Company (Profits) Surtax Act, 1964 (7 of 1964)
63. The Epidemic Diseases Act, 1897 (3 of 1897)
64. The Hotel Receipts Tax Act, 1980 (54 of 1980)
65. The Delhi and Ajmer Rent Control (Nasirabad Cantonment Repeal) Act, 1968 (49 of 1968)
66. The Coking Coal Mines (Taking Over of Management) Act, 1973 (15 of 1973)
67. The Coking Coal Mines (Emergency Provisions) Act, 1971 (64 of 1971)
68. The Laxmi Rattan and Atherton West Cotton Mills (Taking over of Management) Act, 1976 (98 of 1976)
69. The Sick Textile Undertakings (Taking over of Management) Act, 1972 (72 of 1972)
70. The Sugar Undertakings (Taking over of Management) Act, 1978 (49 of 1978)
71. The Textile Undertakings (Taking over of Management) Act, 1983 (40 of 1983)
72. The Bangalore Marriage Validation Act, 1936 (36 of 1936)
73. The Bar Councils (Validation of State Laws) Act, 1956 (4 of 1956)
74. The Bengal Finance (Sales Tax) Delhi Validation of Appointments and Proceedings) Act, 1971 (20 of 1971)
75. The Decrees and orders Validating Act, 1936 (5 of 1936)
76. The Destructive Insects and Pests (Amendment and Validation) Act, 1992 (12 of 1992)
77. The Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, 1958 (56 of 1958)
78. The Hindu Marriage (Validation of Proceedings) Act, 1960 (19 of 1960)

79. The Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Act, 1935 (13 of 1935)
80. The Marriages Validation Act, 1892 (2 of 1892)
81. The Mussalman Wakf Validating Act, 1913 (6 of 1913)
82. The Mussalman Wakf Validating Act, 1930 (32 of 1930)
83. The Part B State Marriages Validating Act, 1952 (1 of 1952)
84. The Professions Tax Limitation (Amendment and Validation) Act, 1949 (61 of 1949)
85. The Travancore-Cochin Vehicles Taxation (Amendment and Validation) Act, 1959 (42 of 1959)

Acts repealed so far

1. The Glanders and Fancy Act, 1899
2. The Dourine Act, 1910
3. The Indian Power Alcohol Act, 1948
4. The Essential Commodities (Special Provisions) Act, 1981
5. The Spirituous Preparations (Inter-State Trade & Commerce) Act, 1955
6. The Banking Service Commission Act, 1984
7. The Central Excise Laws (Amendment and Validation) Act, 1982
8. The Sugar (Special Excise Duty) Act, 1959
9. The Mineral Products (Additional Duties of Excise and Customs) Act, 1958
10. The Central Duties of Excise (Retrospective Exemption) Act, 1986
11. The Customs and Excise Revenue Appellate Tribunal Act, 1986
12. The Federal Court Act, 1937
13. The Federal Court (Enlargement of Appellate Jurisdiction) Act, 1947
14. The Goa, Daman and Diu (Opinion Poll) Act, 1966
15. The Indian Rifles Act, 1920
16. The Abolition of Privy Council Jurisdiction Act, 1949
17. The Industrial Disputes (Banking Companies) Decision Act, 1955
18. The Payment of Taxes (Transfer of Property) Act, 1949
19. The Special Tribunals (Supplementary Provisions) Act, 1946
20. The Special Courts (Repeal) Act, 1982
21. The Forfeiture Act, 1859
22. The Acting Judges Act, 1867

23. The Companies (Foreign Interests) Act, 1918
24. The Promissory Notes (Stamp) Act, 1926
25. The Allianz Und Stuttgarter Life Insurance Bank (Transfer) Act, 1959
26. The Banking Companies (Legal Practitioner's Clients Accounts) Act, 1949
27. The Companies (Surcharge on Income Tax) Act, 1971
28. The Companies (Temporary Restrictions on Dividends) Act, 1974
29. The Cotton Cloth Act, 1918
30. The Cotton Textiles Cess Act, 1948
31. The Cotton Ginning and Pressing Factories Act, 1925 (12 of 1925)
32. The Countess of Dufferin's Fund Act, 1957
33. The Delimitation Act, 1972
34. The Estate Duty Act, 1953
35. The Estate Duty (Distribution) Act, 1962
36. The Government Trading Taxation Act, 1926
37. The Imperial Library (Indentures Validation) Act, 1902
38. The Income Tax (Amendment) Act, 1965
39. The Indian Universities Act, 1904
40. The Influx From Pakistan (Control) Repealing Act, 1952
41. The Land Acquisition (Amendment) Act, 1962
42. The Railway Companies (Substitution of Parties in Civil Proceedings) Act, 1946
43. The Refugee Relief Taxes (Abolition) Act, 1973
44. The Special Bearer Bonds (Immunities and Exemptions) Act, 1981
45. St. John Ambulance Association (India) Transfer of Funds Act, 1956
46. The Sugarcane Control (Additional Powers) Act, 1962
47. The Taxation on Income (Investigation Commission) Act, 1947
48. The Tea Districts Emigrant Labour (Repeal) Act, 1970
49. The Voluntary Disclosure of Income and Wealth Act, 1976
50. The Voluntary Deposits (Immunities and Exemptions) Act, 1991
51. The Government Trading Taxation Act, 1926 (3 of 1926)
52. The Indian Railway Companies Act, 1895 (10 of 1895)
53. The Iron and Steel Companies (Amalgamation) Act, 1952 (79 of 1952)
54. The Promissory Notes (Stamp) Act, 1926 (11 of 1926)
55. The Refugee Relief Taxes (Abolition) Act, 1973 (13 of 1973)

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56. The Prevention of Food Adulteration (Extension to Kohima and Mokokchung Districts) Act, 1972 (24 of 1972)
57. The Taxation Laws (Extension to Merged States and Amendment) Act, 1949 (47 of 1949)
58. The Petroleum (Berar Extension) Act, 1937 (23 of 1937)
59. The Vaccination Act, 1880 (13 of 1880)
60. The Union Duties of Excise (Electricity Distribution) Act, 1980 (14 of 1980)
61. The Himachal Pradesh State Legislature (Delegation of Powers) Act, 1993 (5 of 1993)
62. The Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992 (21 of 1992)
63. The Mysore State Legislature (Delegation of Powers) Act, 1971 (23 of 1971)
64. The Punjab State Legislature (Delegation of Powers) Act, 1987 (24 of 1987)
65. The Tamil Nadu State Legislature (Delegation of Powers) Act, 1988 (21 of 1988)
66. The Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993 (8 of 1993)
67. The Uttar Pradesh State Legislature (Delegation of Powers) Act, 1996 (2 of 1996)
68. The Business Profits Tax Act, 1947 (21 of 1947)
69. The Business (Surcharge on Income Tax) Act, 1971 (62 of 1971)
70. The Excess Profits Tax Act, 1940 (15 of 1940)
71. The General Insurance (Emergency Provisions) Act, 1971 (17 of 1971)
72. The Auroville (Emergency Provisions) Act, 1980 (59 of 1980)
73. The Iron and Steel Company (Taking Over of Management) Act, 1972 (51 of 1972)
74. The Life Insurance (Emergency Provisions) Act, 1956 (9 of 1956)
75. The Parel Investment and Trading Pvt. Ltd. and Domestic works Pvt. Ltd. (Taking Over of Management) Act, 1979 (29 of 1979)
76. The Central Board of Direct Taxes (Validation of Proceedings) Act, 1971
77. The Delhi Municipal Corporation (Validation of Electricity Tax) Act, 1966 (35 of 1966)
78. The Hyderabad Export Duties (Validation) Act, 1955 (20 of 1955)
79. The Madhya Bharat Taxes on Income (Validation) Act, 1954 (38 of 1954)

80. The Sugar Cane Cess (Validation) Act, 1961 (38 of 1961)
81. The Uttar Pradesh Sugar Cane Cess (Validation) Act, 1961 (4 of 1961)

II. 11 BRITISH STATUTES STILL IN FORCE (APPENDIX A-3)

Not repealed so far

1. Admiralty Jurisdiction (India) Act, 1860 (23 & 24 Vict. C. 88)
2. Admiralty Offences (Colonial) Act, 1849 (12 & 13 Vict. C. 96)
3. Colonial Courts of Admiralty Act, 1890 (53 & 54 Vict. C. 27)

Repealed so far

1. British Law Ascertainment Act, 1859 (22 & 23 Vict. C. 63)
2. Colonial Prisoners Removal Act, 1884 (47 & 48 Vict. C. 31)
3. Colonial Probates Act, 1892 (55 & 56 Vict. C. 6)
4. Foreign Law Ascertainment Act, 1861 (24 & 25 Vict. C. 11)
5. India (Consequential Provisions) Act, 1949 (12, 13 & 14 Geor. VI C. 92)
6. Indian and Colonial Divorce Jurisdiction Act, 1926 (16 & 17 Geor. V C. 40)
7. Indian and Colonial Divorce Jurisdiction Act, 1940 (3 & 4 Geo. IV C. 35)
8. Indian Divorce Act, 1945 (9 Geo. VI. C. 51)

III 17 WAR-TIME PERMANENT ORDINANCES (APPENDIX A-4)

Not repealed so far

1. Armed Forces (Special Powers) Ordinance, 1942 (41 of 1942)
2. Bank Notes (Declaration of Holdings) Ordinance, 1946 (2 of 1946)
3. Collective Fines Ordinance, 1942 (20 of 1942)
4. Criminal Law Amendment Ordinance, 1944 (388 of 1944)
5. Criminal Law Amendment Ordinance, 1946 (6 of 1946)
6. Currency Ordinance, 1940 (4 of 1940)
7. Excess Profits Tax Ordinance, 1943 (16 of 1943)
8. Military Nursing Service Ordinance, 1943 (30 of 1943)
9. Public Health (Emergency Provisions) Ordinance, 1944 (21 of 1944)
10. Rajasthan High Court Ordinance, 1949 (15 of 1949)
11. Secunderabad Marriage Validating Ordinance, 1945 (30 of 1945)

12. Termination of War (Definition) Ordinance, 1946 (10 of 1946)
13. War Gratuities (Income-Tax Exemption) Ordinance, 1945 (24 of 1945)
14. War Injuries Ordinance, 1941 (7 of 1941)

Repealed so far

1. Essential Service (Maintenance) Ordinance, 1941 (11 of 1941)
2. Income Tax and Excess Profits Tax (Emergency) Ordinance, 1942 (60 of 1942)
3. Income Tax Proceedings Validity Ordinance, 1943 (4 of 1943)

IV 114 CENTRAL ACTS RELATING TO STATE SUBJECTS FOR REPEAL BY STATE GOVERNMENTS

Not repealed so far

1. The Agriculturist Loans Act, 1884 (12 of 1884)
2. The Ajmer Tenancy and Land Records Act, 1950 (42 of 1950)
3. The Assam Municipal (Manipur Amendment) Act, 1961 (49 of 1961)
4. The Bengal, Agra and Assam Civil Courts Act, 1887 (12 of 1887)
5. The Bengal Alluvion and diluvion Act, 1847 (9 of 1847)
6. The Bengal, Bihar and Orissa and Assam Laws Act, 1912 (7 of 1912)
7. The Bengal Bonded Warehouse Association Act, 1838 (5 of 1838)
8. The Bengal Bonded Warehouse Association Act, 1854 (5 of 1854)
9. The Bengal Choukidari Act, 1856 (20 of 1856)
10. The Bengal Districts Act, 1836 (21 of 1836)
11. The Bengal Embankment Act, 1855 (32 of 1855)
12. The Bengal Ghatwali Lands Act, 1859 (5 of 1859)
13. The Bengal Indigo Contract Act, 1836 (16 of 1836)
14. The Bengal Land Holder's Attendance Act, 1848 (20 of 1848)
15. The Bengal Land Revenue Sales Act, 1841 (12 of 1841)
16. The Bengal Land Revenue Sales Act, 1859 (11 of 1859)
17. The Bengal Military Police Act, 1892 (5 of 1892)
18. The Bengal Rent Act, 1859 (10 of 1859)

19. The Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932 (24 of 1932)
20. The Bengal Tenancy Act, 1885 (8 of 1885)
21. The Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Act, 1969 (42 of 1969)
22. The Births, Deaths and Marriages Registration Act, 1886 (6 of 1886)
23. The Bombay Civil Courts Act, 1869 (14 of 1869)
24. The Bombay Municipal Debentures Act, 1876 (15 of 1876)
25. The Bombay Rent-free Estates Act, 1852 (11 of 1852)
26. The Bombay Revenue Jurisdiction Act, 1876 (10 of 1876)
27. The Boundary-marks, Bombay (3 of 1846)
28. The Broach and Kaira Incumbered Estates Act, 1877 (14 of 1877)
29. The Calcutta Land Revenue Act, 1850 (23 of 1850)
30. The Calcutta Land Revenue Act, 1856 (18 of 1856)
31. The Central Provinces (Courts of Wards) Act, 1899 (24 of 1899)
32. The Central Provinces Financial Commissioner's Act, 1908 (13 of 1908)
33. The Central Provinces Land Revenue Act, 1881 (18 of 1881)
34. The Central Provinces Tenancy Act, 1898 (11 of 1898)
35. The Chota Nagpur Encumbered Estates Act, 1876 (6 of 1876)
36. The City of Bombay Municipal (Supplementary) Act, 1888 (12 of 1888)
37. The Coroners Act, 1871 (4 of 1871)
38. The Dekkhan Agriculturists Relief Act, 1879 (17 of 1879)
39. The Disturbed Areas (Special Courts) Act, 1976 (77 of 1976)
40. The Essential Services Maintenance (Assam) Act, 1980 (41 of 1980)
41. The Fort William Act, 1881 (13 of 1881)
42. The Goa, Daman and Diu (Absorbed Employees) Act, 1965 (50 of 1965)
43. The Government Grants Act, 1895 (15 of 1895)
44. The Government Management of Private Estates Act, 1892 (10 of 1892)
45. The Hackney Carriage Act, 1879 (14 of 1879)
46. The Howrah Offences Act, 1857 (21 of 1857)
47. The Improvement in Towns (26 of 1850)
48. The Indian Tramways Act, 1886 (11 of 1886)
49. The Indian Tramways Act, 1902 (4 of 1902)
50. The Junagarh Administration (Property) Act, 1948 (26 of 1948)
51. The Local Authorities (Loans) Act, 1914 (9 of 1914)

52. The Local Authorities Pensions and Gratuities Act, 1919 (1 of 1919)
53. The Madras, Bengal and Bombay Children (Supplementary) Act, 1925 (35 of 1925)
54. The Madras City Civil Court Act, 1892 (7 of 1892)
55. The Madras City Land Revenue Act, 1851 (12 of 1851)
56. The Madras Civil Courts Act, 1873 (3 of 1873)
57. The Madras Compulsory Labour Act, 1858 (1 of 1858)
58. The Madras District Police Act, 1859 (24 of 1859)
59. The Madras Forest (Validation) Act, 1882 (21 of 1882)
60. The Madras Public Property (Malversation) Act, 1837 (36 of 1837)
61. The Madras Rent and Revenue Sales Act, 1839 (7 of 1839)
62. The Madras Revenue Commission Act, 1849 (10 of 1849)
63. The Madras Uncovenanted Officers Act, 1857 (7 of 1857)
64. The Mangrol and Manavadar (Administration of Property) Act, 1949 (2 of 1949)
65. The Manipur and Tripura (Repeal of Laws) Act, 1958 (75 of 1958)
66. The Municipal Taxation Act, 1881 (11 of 1881)
67. The Murshidabad Act, 1891 (15 of 1891)
68. The Murshidabad Estates Administration Act, 1933 (23 of 1933)
69. The North-Eastern Provinces Village and Road Police Act, 1873 (16 of 1873)
70. The Orissa Weights and Measures (Delhi Repeal) Act, 1958 (57 of 1958)
71. The Partition Act, 1893 (4 of 1893)
72. The Partition of Revenue-paying Estates Act, 1863 (19 of 1863)
73. The Police Act, 1861 (5 of 1861)
74. The Police Act, 1888 (3 of 1888)
75. The Police Act, 1949 (64 of 1949)
76. The Police Agra Act, 1854 (16 of 1854)
77. The Public Gambling Act, 1867 (3 of 1867)
78. The Public Suits Validation Act, 1932 (11 of 1932)
79. The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996)
80. The Punjab District Boards Act, 1883 (20 of 1883)
81. The Revenue Commissioners Bombay Act, 1842 (17 of 1842)
82. The Sales of Land for Revenue Arrears, 1845 (1 of 1845)

83. The Sarais Act, 1867 (22 of 1867)
84. The Scheduled Securities (Hyderabad) Act, 1949 (7 of 1949)
85. The Sheriff of Calcutta (Power of Custody) Act, 1931 (20 of 1931)
86. The Shore Nuisances (Bombay and Kolaba) Act, 1853 (11 of 1853)
87. Sir Dinshaw Maneekjee Petit Act, 1893 (6 of 1893)
88. Sir Jamsetjee Jejeebhoy Baronetcy Act, 1915 (10 of 1915)
89. The Sonthal Paraganas Act, 1855 (37 of 1855)
90. The Sonthal Paraganas Act, 1857 (10 of 1857)
91. The Stage Carriages Act, 1861 (16 of 1861)
92. The Tamil Nadu Agricultural Service Cooperatives Societies (Appointment of Special Officers) Amendment Act, 1988 (22 of 1988)
93. The Tobacco Duty (Town of Bombay) Act, 1857 (4 of 1857)
94. The usurious Loans Act, 1918 (10 of 1918)
95. The Usury Laws Repeal Act, 1855 (28 of 1855)
96. The Waste Lands (Claims) Act, 1863 (23 of 1863)
97. The Vikrama Singh's Estates Act, 1883
98. The King of Oudh's Estate Act, 1887
99. The King of Oudh's Estate Act, 1888
100. The King of Oudh's Estate Validation Act, 1917
101. The Mahendra Pradap Singh (Repeal) Act, 1960
102. The Mirzapur Stone Mahal Act, 1886 (5 of 1886)
103. The Punjab Disturbed Areas Act, 1983 (32 of 1983)
104. The Punjab Gram Panchayat Samthi and Zilla Parishad (Chandigarh) Repeal Act, 1994 (27 of 1994)
105. The Punjab Land Revenue Act, 1887 (17 of 1887)
106. The Punjab Laws Act, 1872 (4 of 1872)
107. The Punjab Tenancy Act, 1887 (16 of 1887)
108. The Government Buildings Act, 1899 (4 of 1899)

Repealed so far

1. The Bhopal and Vindhya Pradesh (Courts) Act, 1950 (40 of 1950)
2. The Civil Courts Amins Act, 1856 (12 of 1856)
3. The Manipur Court Fees (Amendment and Validation) Act, 1953 (44 of 1953)

4. The Presidency Magistrate (Court Fees) Act, 1877 (4 of 1877)
5. The Punjab Courts (Supplementing) Act, 1919 (9 of 1919)
6. Punjab Pre-emption (Chandigarh and Delhi) Repeal Act, 1989 (22 of 1989)

V REORGANISATION ACTS (APPENDIX-B)

Not repealed so far

1. The Acquired Territories (Merger) Act, 1960 (64 of 1960)
2. The Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (56 of 1959)
3. The Andhra Pradesh and Mysore (Transfer of Territory) Act, 1968 (36 of 1968)
4. The Andhra State Act, 1953 (30 of 1953)
5. The Assam (Alteration of Boundaries) Act, 1951 (47 of 1951)
6. The Assam Reorganization (Meghalaya) Act, 1969 (55 of 1969)
7. The Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968 (24 of 1968)
8. The Bihar and West Bengal (Transfer of Territories) Act, 1956 (40 of 1956)
9. The Bombay Reorganization Act, 1960 (11 of 1960)
10. The Chandernagore (Merger) Act, 1954 (36 of 1954)
11. The Dadra and Nagar Haveli Act, 1961 (35 of 1961)
12. The Goa, Daman and Diu (Administration) Act, 1962 (1 of 1962)
13. The Goa, Daman and Diu Reorganization Act, 1987 (18 of 1987)
14. The Haryana and Uttar Pradesh (Alteration of Boundaries) Act, 1979 (31 of 1979)
15. The Himachal Pradesh and Bilaspur (New State) Act, 1954 (32 of 1954)
16. The Legislative Assembly of Nagaland (Change in Representation) Act, 1968 (61 of 1968)
17. The Lushai Hills District (Change of Name) Act, 1954 (18 of 1954)
18. The Naga Hills-Tuensang Areas Act, 1957 (42 of 1957)
19. The North-Eastern Areas (Reorganization) Act, 1971 (81 of 1971)
20. The Part B States (Laws) Act, 1951 (3 of 1951)
21. The Pondicherry (Administration) Act, 1962 (49 of 1962)
22. The Punjab Reorganization Act, 1966 (31 of 1966)

23. The Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959 (47 of 1959)
24. The State of Arunachal Pradesh Act, 1986 (69 of 1986)
25. The State of Himachal Pradesh Act, 1970 (53 of 1970)
26. The State of Mizoram Act, 1986 (34 of 1986)
27. The State of Nagaland Act, 1962 (27 of 1962)
28. The States Reorganization Act, 1956 (37 of 1956)

Repealed so far

1. The Andhra Pradesh Legislative Council (Abolition) Act, 1985 (34 of 1985)
2. The Laccadive, Minicoy and Amindivi Islands (Alteration of Name) Act, 1973 (34 of 1973)
3. The Madras State (Alteration of Name) Act, 1966 (53 of 1966)
4. The Mysore State (Alteration of Name) Act, 1973 (31 of 1973)
5. The Tamil Nadu Legislative Council (Abolition) Act, 1986 (40 of 1986)
6. The Two Member Constituencies (Abolition) Act, 1961 (1 of 1961)
7. The West Bengal Legislative Council (Abolition) Act, 1969 (20 of 1969)

VI LAWS APPLICABLE TO HIGH COURTS (APPENDIX-C)

Not repealed so far

1. The Calcutta High Court (Extension of Jurisdiction) Act, 1953 (41 of 1953)
2. The Calcutta High Court (Jurisdiction Limits) Act, 1919 (15 of 1919)
3. The High Court of Bombay (Extension of Jurisdiction to Goa, Daman and Diu) Act, 1981 (26 of 1981)
4. The High Court at Patna (Establishment of a Permanent Bench at Ranchi) Act, 1976 (57 of 1976)
5. The High Courts (Seals) Act, 1950 (7 of 1950)

Repealed so far

1. The Bombay High Court (Letter Patent) Act, 1866 (23 of 1866)

2. The Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Act, 1964 (16 of 1964)
3. The Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950 (15 of 1950)
4. The Mysore High Court (Extension of Jurisdiction to Coorg) Act, 1952 (72 of 1952)
5. The Procedure of High Court, Uttar Pradesh (13 of 1869)
6. The Unclaimed Deposits Act, 1866 (25 of 1866)
7. The Unclaimed Deposits Act, 1870 (5 of 1870)

VII PERSONAL LAWS (APPENDIX-D)

Not repealed so far

1. The Arya Marriages Validation Act, 1937 (19 of 1937)
2. The Caste Disabilities Removal Act, 1850 (21 of 1850)
3. The Cutchi Memons Act, 1938 (10 of 1938)
4. The Dissolution of Muslim Marriages Act, 1939 (8 of 1939)
5. The Hindu Disposition of Property Act, 1916 (15 of 1916)
6. The India Christian Marriage Act, 1872 (15 of 1872)
7. The Indian Divorce Act, 1869 (4 of 1869)
8. The Indian Matrimonial Causes (War Marriages) Act, 1948 (40 of 1948)
9. The Kazis Act, 1880 (12 of 1880)
10. The Married Women's Rights to Property Act, 1874 (3 of 1874)
11. The Muslim Law (Shariat) Application Act, 1937 (26 of 1937)
12. The Converts' Marriage Dissolution Act, 1866 (21 of 1866)

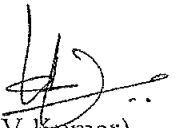
-440-

Legislative Department
Legislative -I Section

Subject:-248th Report on "Obsolete Laws: Warranting immediate Repeal"-An Interim Report-
regarding.

Attention is invited to the Law Commission of India, 248th Report on "Obsolete Laws: Warranting immediate Repeal"-An Interim Report. In the said Report the Commission has recommended to repeal 72 Acts in Chapter 4. A copy of the 248th Report on "Obsolete Laws: Warranting immediate Repeal"-An Interim Report is forwarded herewith.

2. A copy of the opinion dated the 13th December, 1999 given by the then Ld. Attorney General for India on the repeal of the Appropriation Acts is also enclosed.



(K.V.Kumar)

Deputy Legislative Counsel
Ph.23389687

Prime Minister's Offices, (kind Attn; Shri Avinash Kumar Sinha, Staff Officer to Member)
Committee on review of Administrative Laws

M/o Law and Justice, Legislative Department, ID No. No.1 (66)/2014-L.I dated 29/09/2014.

OPINION

Subject: *Whether it would be desirable or feasible to repeal about 700 Appropriation Acts passed by Parliament from time to time since 1950.*

....

The Government of India constituted a Commission on Review of Administrative Laws vide Office Memorandum dated 8th May 1998. Paragraph 16.4 of the Report of the Commission contains recommendations for repeal/amendments of laws and regulations. Paragraph 16.4.5 states as follows:

"The Commission also recommends the repeal of about 700 Appropriation Acts passed by Parliament from time to time Since 1950 as they are, in terms temporary in nature."

According to the instructions in the Statement of Case, this recommendation of the Commission has been examined by the Ministry of Finance and the Ministry of Law. The Ministry of Finance is not in favour of repeal of these Acts as, according to it, this will remove the legal cover to the disbursements made over the years under the authority of these Acts. The Legislative Department also supports this view. The Department of Legal Affairs, on the other hand, is of the opinion that even if these Appropriation Acts are repealed, acts done under them would be saved by virtue of Section 6 of the General Clauses Act.

The Case for Opinion is referred to me in the aforesaid circumstances.

The basic question to be determined is whether the Appropriation Acts are temporary statutes or permanent statutes.

On a plain reading of the Appropriation Acts it is clear that the same are not of a limited duration by the terms of the statute. There is no period prescribed for their operation whereafter they expire by efflux of time.

If one looks at the preamble and the purpose of the Appropriation Act, it is certainly arguable that one feature of these Acts is that their duration is expected to be temporary, in that, these Acts become spent when all the past circumstances with which they are designed to deal have been dealt with. See Francis Bennion: Statutory Interpretation (2nd edn) page 214.

However, the Supreme Court has taken the view that where no fixed duration of Act is specified it is impossible to hold that merely because of the preamble an Act becomes a temporary Act. See Maganti Subramanyam Vs. State of A.P. - 1969 (2) SCC 96 at 98 para 4.

More specifically, in the case of Finance Act the Supreme Court approved the judgement of a Division Bench of the Calcutta High Court in which it was observed that the Finance Acts though annual Acts are not necessarily temporary Acts for they may and often do contain provisions of a general character which are of a permanent operation. See Madurai District Central Co-op Bank Ltd. Vs. I.T.O. - 1975 (2) SCC 454 at 460. In this connection, attention is also invited to G.P. Singh's Principles of Statutory Interpretation (7th edn) page 458.

In view of these Supreme Court pronouncements, the Appropriation Acts cannot be regarded as temporary statutes. Consequently, the appropriate course open to the Government is to enact a comprehensive legislation repealing all Appropriation Acts placed in a schedule to the legislation with an express saving clause in the terms of Section 6 of the General Clauses Act. Such a saving clause would address the apprehensions expressed that the repeal of the Appropriation Acts will render all Finance Accounts/Appropriation Accounts and Audit Reports laid in both Houses of Parliament null and void.

Incidentally, I may mention that the Appropriation Acts do not belong to the category of those obsolete laws whose provisions may be invoked at any time and take a citizen by surprise and cause him hardship and harassment. The Appropriation Acts spend themselves after the particular financial year and the potential of any mischief by their enforcement against a citizen does not arise.

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Frankly I cannot see the utility of repealing all these Acts. However, that is a matter of policy for the Government. The legal course open to the Government has been indicated by me above.

In the light of the above, the questions posed for my opinion are answered as under:

Question No.(1) Whether an Appropriation Act will be regarded a temporary Act?

Answer : No.

Question No.(2) Whether the provisions of section 6 of the General Clauses Act would be applicable in case of repeal of an Appropriation Act?

Answer : Yes.

Question No.(3) Whether a simple repeal of the Appropriation Acts would render all the disbursements made and all other acts done under them as having been done without the authority of law or these will be saved by virtue of section 6 of the General Clauses Act?

Answer : An express saving clause would not affect the grants and disbursements and all other acts done under the Appropriation Acts.

Question No.(4) If it is decided to repeal the Appropriation Acts, will it be advisable to incorporate appropriate saving clause in the repealing Act to save the past transactions.

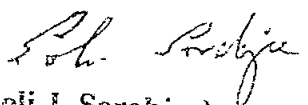
Answer : Yes.

Generally:

I have nothing further to say.

New Delhi

December 13, 1999.


(Soli J. Sorabjee)

Attorney General for India

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OUT TODAY

Dy. No.2739/LS/2014
Government of India
Ministry of Law & Justice
Department of Legal Affairs

Shastri Bhavan
Rajendra Prasad Road
New Delhi – 110 001

Date: 29 September, 2014

Ref. Prime Minister's Office ID No. CRA/1/2014/5 dated : 09.09.2014

As desired, a copy of opinion dated 13.12.1999 of Ld. Attorney General Notice in respect of repeal of 700 Appropriation Acts as recommended by the P.C. Jain Commission is enclosed. The said opinion was approved by the then Hon'ble MLJ. A copy of the said note is also enclosed.



(D. Bhardwaj)
Joint Secretary & Legal Adviser
Tel: 2338-4101
FAX: 2338-4505

Encls: As above.

Prime Minister's Office
South Block, New Delhi
[Shri Avinash Kumar Sinha, Staff Officer to Member,
Committee on Review of Administrative Laws]

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OPINION

Subject: *Whether it would be desirable or feasible to repeal about 700 Appropriation Acts passed by Parliament from time to time since 1950.*

....

The Government of India constituted a Commission on Review of Administrative Laws vide Office Memorandum dated 8th May 1998. Paragraph 15.4 of the Report of the Commission contains recommendations for repeal/amendments of laws and regulations. Paragraph 16.4.5 states as follows:

“The Commission also recommends the repeal of about 700 Appropriation Acts passed by Parliament from time to time Since 1950 as they are, in terms temporary in nature.”

According to the instructions in the Statement of Case, this recommendation of the Commission has been examined by the Ministry of Finance and the Ministry of Law. The Ministry of Finance is not in favour of repeal of these Acts as, according to it, this will remove the legal cover to the disbursements made over the years under the authority of these Acts. The Legislative Department also supports this view. The Department of Legal Affairs, on the other hand, is of the opinion that even if these Appropriation Acts are repealed, acts done under them would be saved by virtue of Section 6 of the General Clauses Act.

The Case for Opinion is referred to me in the aforesaid circumstances.

The basic question to be determined is whether the Appropriation Acts are temporary statutes or permanent statutes.

On a plain reading of the Appropriation Acts it is clear that the same are not of a limited duration by the terms of the statute. There is no period prescribed for their operation whereafter they expire by efflux of time.

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If one looks at the preamble and the purpose of the Appropriation Act, it is certainly arguable that one feature of these Acts is that their duration is expected to be temporary, in that, these Acts become spent when all the past circumstances with which they are designed to deal have been dealt with. See Francis Bennion: Statutory Interpretation (2nd edn) page 214.

However, the Supreme Court has taken the view that where no fixed duration of Act is specified it is impossible to hold that merely because of the preamble an Act becomes a temporary Act. See Maganti Subramanyam Vs. State of A.P. - 1969 (2) SCC 96 at 98 para 4.

More specifically, in the case of Finance Act the Supreme Court approved the judgement of a Division Bench of the Calcutta High Court in which it was observed that the Finance Acts though annual Acts are not necessarily temporary Acts for they may and often do contain provisions of a general character which are of a permanent operation. See Madurai District Central Co-op Bank Ltd. Vs. I.T.O. - 1975 (2) SCC 454 at 460. In this connection, attention is also invited to G.P. Singh's Principles of Statutory Interpretation (7th edn) page 458.

In view of these Supreme Court pronouncements, the Appropriation Acts cannot be regarded as temporary statutes. Consequently, the appropriate course open to the Government is to enact a comprehensive legislation repealing all Appropriation Acts placed in a schedule to the legislation with an express saving clause in the terms of Section 6 of the General Clauses Act. Such a saving clause would address the apprehensions expressed that the repeal of the Appropriation Acts will render all Finance Accounts/Appropriation Accounts and Audit Reports laid in both Houses of Parliament null and void.

Incidentally, I may mention that the Appropriation Acts do not belong to the category of those obsolete laws whose provisions may be invoked at any time and take a citizen by surprise and cause him hardship and harassment. The Appropriation Acts spend themselves after the particular financial year and the potential of any mischief by their enforcement against a citizen does not arise.

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Frankly I cannot see the utility of repealing all these Acts. However, that is a matter of policy for the Government. The legal course open to the Government has been indicated by me above.

In the light of the above, the questions posed for my opinion are answered as under:

Question No.(1) Whether an Appropriation Act will be regarded a temporary Act?

Answer : No.

Question No.(2) Whether the provisions of section 6 of the General Clauses Act would be applicable in case of repeal of an Appropriation Act?

Answer : Yes.

Question No.(3) Whether a simple repeal of the Appropriation Acts would render all the disbursements made and all other acts done under them as having been done without the authority of law or these will be saved by virtue of section 6 of the General Clauses Act?

Answer : An express saving clause would not affect the grants and disbursements and all other acts done under the Appropriation Acts.

Question No.(4) If it is decided to repeal the Appropriation Acts, will it be advisable to incorporate appropriate saving clause in the repealing Act to save the past transactions.

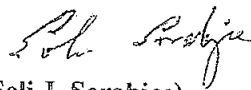
Answer : Yes.

Generally:

I have nothing further to say.

New Delhi

December 13, 1999.


(Soli J. Sorabjee)

Attorney General for India

(Ref. pre-page)

The Government of India is examining a proposal to repeal 700 Appropriation Acts passed by Parliament from time to time since 1950. It is a part of the larger exercise to repeal old and obsolete laws. An Appropriation Act is enacted to enable the Government to withdraw money from the Consolidated Fund of India for meeting various expenses in a particular financial year. After the moneys have been withdrawn and disbursed, the purpose of Appropriation Act is over. But, the Ministry of Finance is of the view that in the event of repeal of the Appropriation Acts, the legal cover to the expenditure incurred in the past years and the audit and other statutory reports in relation to them will become devoid of any legal cover. The Legislative Department supported the apprehension of the Ministry of Finance and felt, the Appropriation Acts being temporary Acts, Section 6 of the General Clauses Act would be inapplicable in the event of their repeal, to save past transactions.

2. The matter was, accordingly, referred to the Attorney General for his opinion vide Statement of Case, placed below. His opinion has since been received and is placed below. The AG is of the view that Appropriation Acts are not temporary Acts and, as such, the provisions of Section 6 of the General Clauses Act would be applicable in the event of their repeal. He has also expressed the view that the Appropriation Acts do not belong to the category of those obsolete laws whose provisions might be invoked to harass or to cause hardship to the citizens. He, therefore, does not see any utility in repealing those Acts. According to him, it is a matter of policy to be decided by the Government. He has further stated that, if those Acts are to be repealed, suitable saving clause may be incorporated to save past transactions.

3. If approved, we may forward the above opinion of the Attorney General to the Ministry of Finance.

A.Sinha
(A.SINHA)
JS(A) & LA
16.12.99

Law Secretary

Amecre
17/12

MLJ & CA

A. Anand
20/12

Law Secy

Amecre
20/12

J. S.

Supdt (L)

A.S.
20/12

Adv C = Opinion forwarded to finance ministry

A.S.
21.12.99

Min. of Law, Justice &
Dept. of Legal Affairs
J.S. & L.A.
DY No. 1772/A
Date: (17/12/99)

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F.No.296/146/2014-CX.9
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

New Delhi, dated the 1st of October, 2014

OFFICE MEMORANDUM


Sub: Identification, review and repeal of laws and rules/review of process-reg.

This is with reference to PMO ID No. CRA/1/2014 dated 20.09.2014 vide which it was requested to inform whether the Excise (Spirits) Act, 1863 (XVI of 1863) is in force and operation as on date. Further, it was also requested to submit whether the said Act can be repealed in the light of the Central Excise Act, 1944 and the Central Excise Tariff Act, 1985.

2. The matter has been examined. The Excise (Spirits) Act, 1863 (XVI of 1863), was enacted in order to provide for the levy of Excise Duty on spirits used exclusively in arts and manufactures or in Chemistry. However, with the enactment of the Central Excise and Salt Act, 1944, the law relating to Central duties of excise and on salt were consolidated through the Central Excises and Salt Act, 1944. In so far as excise duty on spirits used exclusively in arts and manufactures or in Chemistry, is concerned, the same would be covered under Central Excise Tariff under CETH 2207 20 00 (*Ethyl alcohol and other spirits, denatured, of any strength*) and attract Central Excise Duty at the rate of 12%/lt. under the Central Excise Act, 1944.

3. Therefore, since the levy of Central Excise duty on spirits used exclusively in arts and manufactures or in Chemistry is provided for under the first schedule to the Central Excise Tariff Act, 1985, a separate enactment is not required.

4. However, under the State List (List-II), Part XI of the Constitution of India. Duties of excise on alcoholic liquors for human consumption, manufactured or produced in the State are under the legislative competence of State Legislatures. Since the operation of this Act impacts the functioning of the State Excise Department also their view may be taken before the repeal of the said Act.


(Hemambika R. Priya) 1/x/14
Commissioner (Coord)
Tele: 2309 2038

To

The Prime Minister's Office,
(Attn. Shri Avinash Kumar Sinha, Staff Officer),
South Block, New Delhi.

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No.23011/1/2014-P.G.
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: 29th September, 2014

OFFICE MEMORANDUM


07 OCT 2014

Subject: Forwarding of representation/public grievance petition-reg.

The undersigned is directed to forward herewith grievance from Shri Jitendra Nath Johri received through e.mail from Shri Avinash Kumar Sinha, Staff Officer to Member, Committee on Review of Administrative Laws vide letter No. CRA/1/2/2014/8 dated 11/9/2014.

It is requested that appropriate action may be taken in the matter and/ a suitable reply may please be sent to the petitioner.

Encl.: As above.

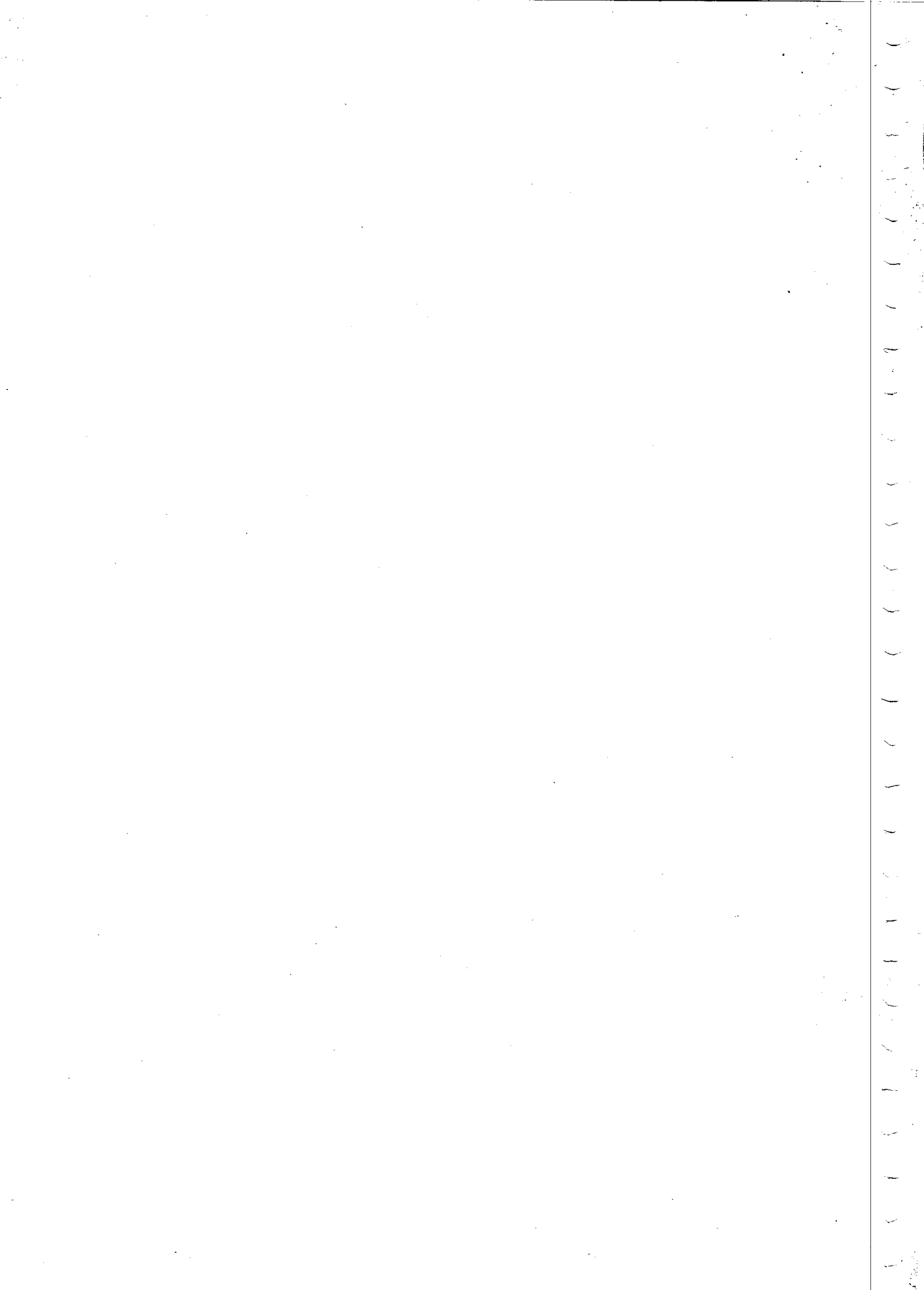

(D.K. Sengupta)
Under Secretary to the Govt. of India
Tel.No.23092982

To

Shri Harihar Sukla
Under Secretary
Deptt. of Administrative Reforms & P.G.
5th Floor, Sardar Patel Bhawan,
Sansad Marg, New Delhi.

Copy to:-

Shri Avinash Kumar Sinha, Staff Officer to Member, Committee on Review of Administrative Laws, PMO, South Block O/o Member Secretary.



The 100 Laws Project
Compendium of Laws to be Repealed

A COLLABORATIVE CIVIL SOCIETY INITIATIVE



CENTRE FOR CIVIL SOCIETY
Social Change Through Public Policy



 Vidhi
Centre for Legal Policy
BETTER LAWS. BETTER GOVERNANCE

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Introduction

Rule of law is the defining principle of a well-functioning modern democratic polity. Laws are the DNA of government—they define the foundations of public administration and they shape the incentives and behaviour of private agents. The essence of good governance is good laws; for rule of law to operate, laws must be well-written and well-coded. Laws must be precise, principles-based, and should stand the test of time.

The Indian approach has often run counter to the fundamentals of good law-making: we attempt to legislate our problems away, and we write laws to react to specific situations than to preempt them. We write new laws, often with insufficient consideration for old ones. We amend old laws to fit in new language, but we don't do this meticulously and patiently enough.

Our enthusiasm for legislation has left us with over an estimated 3000 central statutes, several of which are obsolete, redundant or repetitive. Even the government's attempt to publish a list of all central statutes in India Code has proven to be incomprehensive—the code misses laws, sometimes repeats listings, and often further research on whether the laws have indeed been taken off the books is inconclusive. Not just this, the final language of laws is often inconsistent—several versions of Acts are available, and for an ordinary citizen without significant legal wherewithal it is almost impossible to know for sure what language of what law he may have violated.

The results are an environment fraught with substantial legal risk and uncertainty, an overburdened judicial system, and pernicious rent seeking. Individuals and firms find themselves in a maze of laws, and find that many ordinary activities infringe on some law or another. Citizens and private agents then are left with two methods of navigating this minefield: the corrupt methods of buying off enforcement agencies, or the approach of engaging less with society and the economy. Big firms are more likely to be able to pay the fixed cost of compliance and of corrupt methods. Competitive dynamics is adversely affected when fewer persons choose to start firms, and when the firms that spring up are likely to have a weak compliance culture. Alongside, social fabric is weakened when bad laws incentivise illegality and discourage law abidance in everyday life; fairness, honesty and values then become secondary to envy, corruption and cheating.

The most important aspect of the Indian development project today is writing sound laws, and then constructing state capacity to enforce those laws. This requires large-scale changes in the laws. In some areas, there is a need for ground-up rewriting of laws and repealing all existing laws. In many other areas, patient and thorough cleaning can yield substantial impact.

The last serious concerted effort in cleaning up the statute books was in 2001, during the administration of the BJP-led NDA. The then government acted swiftly on some of the recommendations of previous Law Commissions and the Report of the Commission on Review of Administrative Laws,

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1998 (PC Jain Commission)^a, two sources that have argued vociferously for statutory legal reform. Since then however, there has been no systematic effort at weeding out dated and principally flawed laws.

During the campaigns for the 2014 General Elections, BJP candidate Shri Narendra Modi promised the electorate that his administration, should they be elected, would make a sincere attempt at statutory legal clean up. He made a commitment to the electorate that for every new law passed, the government would repeal 10 redundant ones, and that in his first 100 days in office he would undertake to repeal 100 old, burdensome laws. In keeping with that promise, the Bhartiya Janata Party led National Democratic Alliance Government tabled The Repealing and Amending Bill (2014) in the Lok Sabha, recommending revisions of 36 obsolete laws. In explaining the exercise, the present Minister for Law & Justice, Shri Ravi Shankar Prasad, committed that the exercise of weeding out antiquated laws would be a continuous process—one that would help de-clog India's legal system. Alongside, the Prime Minister has set up a special committee under his office to oversee this exercise.

To help the administration in their goal, we have drafted this compendium, identifying 100 laws for wholesale repeal. The laws in this compendium need to be repealed on account of any one of three reasons—they are either redundant (having outlived their purpose), they have been superseded or subsumed by newer, more current laws, or they pose a material impediment to growth, development, good governance and individual freedom. Most of the laws in this compendium would not invite substantial debate since they do not serve any meaningful purpose. In the case of other more controversial laws, few as they are in this compendium, our arguments for repeal have taken cognisance of the political realities surrounding legislation in India, particularly in the areas of business regulations and labour relations. Yet, we have included these to invite a discussion on the appropriate manner, scope and method of achieving the goals and intents of the laws in question.

We hope this compendium will help the administration deliver on a key election promise, and in the process, kick-start a serious and meaningful conversation on statutory legal reform. While statutory reform is only the beginning of a wider process of legal overhaul, it is perhaps the most important—without sound laws, India will not provide an enabling environment, neither for citizens, nor for entrepreneurs. Repealing pointless legislation is the first step in this direction.

^aCommission on Review of Administrative Laws, Report of the Commission on Review of Administrative Laws, Government of India, 1998-09,
[http://darpg.gov.in/darpgwebsite/cms/Document/file/Review Administrative laws](http://darpg.gov.in/darpgwebsite/cms/Document/file/Review%20Administrative%20laws)

Archaic British Era Laws

There are over 300 colonial-era enactments in force in India. Many of these laws are redundant and not implemented. For instance, The Bangalore Marriages Validation Act (1934) was enacted to validate marriages solemnised by a certain priest, Sir Walter James McDonald Redwood; several Acts related to the erstwhile princely state of Oudh are still in force even though Oudh is no longer in existence. These are merely clogging up the statute books and are sometimes even misused. For instance, under The Sarais Act (1867), a 'sarai' has to offer passersby free drinks of water and a Delhi five-star hotel was harassed under the clause, though not prosecuted, for not doing so.

The need for reviewing these old laws has been reiterated time and again. Civil law jurisdictions provide for the principle of *desuetude*, allowing for the repeal of non-enforceable or non-enforced legislation, even if not specifically repealed. This principle is not recognised under Common Law jurisdictions, and India is no exception.^b Several efforts have been made in the past for cleaning up the statute books. The Law Commission of India made recommendations for the repeal of archaic laws in 1957, 1984, 1993 and 1998. The PC Jain Commission on the Review of Administrative Laws also recommended repeal of 1,300 such central enactments. These led to sporadic legislative repeal efforts, such as The British Statutes (Application to India) Repeal Act (1960) and some minor efforts in the 1960s, 1970s and 2000s.

The Acts that follow were enacted specifically in response to situations that existed during British rule, or to cater to British administrative needs, or in relation to territorial areas or official positions of that period. The subject matter of these Acts is now governed by laws enacted post-Independence, which are much more in tune with contemporary realities. In fact, most of the parent statutes or regulations under which these laws were enacted have already been repealed.

It is with this background that we are recommending the repeal of twenty colonial era laws.

^bBibek Debroy, Usher in a New Order, India Today, 2009-05-06

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Name: Forfeited Deposits Act, 1850

Subject: Archaic British Law

Reason: Redundant law

What is the law?

This Act was enacted in response to a specific policy need arising out of the British Regulation VIII, 1819, of the Bengal Code. This Regulation was called the Bengal Patni Taluks Regulation, 1819. The Regulation declared the validity of certain tenures of land and defined the relative rights of Zamindars and Patni Talukdars. It also established a process for the sale of such taluks in satisfaction of the Zamindars demand of rent. Section 9 of this Regulation mandated that all sales of saleable tenures be done by a process of bidding and that 15% of the purchase money be paid immediately after a successful bid was made. If this amount of purchase money was not paid immediately, then the lot was to be re-sold on the same day. As a consequence, tenure-holders (or patnidars) fraudulently availed themselves to the provision under Section 9 that forfeited deposits at sales of land for arrears of rent and applied the same, as if it was the purchase money.

To counter this, the Act provided specific provision with regard to the application of forfeited deposits. Such deposits were to be applied to defray the expense of the sale and the surplus was to be forfeited to the Government.

Reasons for repeal

- The Act was enacted in response to the British Regulation VIII, 1819. As this Regulation is not in force any more, this Act is not required.
- This Act is redundant post-Independence, as it was enacted specifically in response to British administrative needs that no longer exist.

Issues

There are no legal issues that would impede repeal.

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5



Name: The Sheriffs' Fees Act, 1852

Subject: Archaic British Era Laws

Reason: The Act has outlived its purpose

What is the law?

The Sheriffs Fees Act, 1852 was enacted for remunerating the Sheriffs of the three erstwhile Presidency towns of Calcutta, Madras and Bombay. The Act made provisions for remunerating Sheriffs for the execution of legal processes issued by the Courts. Sheriffs performed the function of serving on the concerned people orders, writs and warrants issued by the High Court.

Reasons for repeal

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

Issues

There are no legal issues that would impede repeal.

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6



Name: The Sonthal Parganas Act, 1855

Subject: Archaic British Era Laws

Reason: Redundant British-era law that is derogatory to a particular group

What is the law?

This Act, introduced to serve the needs of the British colonial administration, exempted districts inhabited by the Sonthal tribe from the operation of general laws and regulations. The purpose was to curb tribal uprisings by isolating tribal populations. The areas inhabited by the Sonthal tribe were instead put under the superintendence of an officer specially appointed for the purpose, who would oversee civil and criminal justice as well as administer revenue collection.

Reasons for repeal

- The Act has been rendered redundant with the enactment of the Constitution of India, since the administration of the Sonthal areas is now dealt with by the Fifth Schedule to the Constitution. The last reported case under this Act was decided in 1936, and the Act has not been in use since Independence.
- The Act employs highly derogatory terms to describe the Sonthal tribe by calling them an uncivilised race of people. Such laws violate the principles of equality under law adopted by our Constitution and give legitimacy to discrimination and ill-treatment of tribal populations in India.

Issues

There are no legal issues that would impede repeal.

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7



Name: The Howrah Offences Act, 1857

Subject: Archaic British Era Laws

Reason: Colonial legislation superseded by modern laws

What is the law?

The Howrah Offences Act, 1857 was enacted to make better provision for order and good government in the suburbs of Calcutta and the Howrah station. The need for this Act was felt following the advent of the East India Railway in 1854. The law prescribes penalties for various offences including incidents of public nuisance. By an amendment in 1874, the application of the Act was limited to the Howrah station.^a

Reasons for repeal

- The offences mentioned in this Act are punishable under the Indian Penal Code, 1860 and other criminal laws. In fact, the punishments for these offences under this Act are paltry, while the IPC has relatively stricter penalties. For instance, possession of stolen property is punishable with imprisonment for three months under this Act, while the IPC stipulates imprisonment for three years along with a fine. Hence, the Act hardly serves as a deterrent.
- There is no indication of any recent use of this Act. However, the Act could be used as a legal loophole to escape the harsher penalties of the IPC (or some other law).
- The maintenance and safety of the Howrah station is now the function of the Indian Railways and falls under the Eastern Railway zone.
- The Report of the Commission on Review of Administrative Laws, 1998 (the PC Jain Commission Report) has also recommended repeal of this Act.

Issues

The Act is listed in the Adaptation of Laws Order, 1950 and will have to be deleted from this Order.

^aAnupam Mukherjee, The Dirtiest Since 1889, The Telegraph, 2013-11-23,
http://www.telegraphindia.com/1131122/jsp/howrah/story_17596813.jsp#.U-hPkuOSzDY, 2014-08-04

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8



Name: Oriental Gas Company Act, 1857

Subject: Archaic British Era Laws

Reason: Oriental Gas Company has ceased to exist

What is the law?

The Oriental Gas Company was a joint stock company constituted and registered in the United Kingdom for the manufacture, supply, distribution and sale of fuel gas in Calcutta. This legislation empowered the Company to lay pipes in Calcutta and to dig up streets for this purpose. An amendment in 1867 extended the powers of the Company to other towns and places.

Reasons for repeal

- The Oriental Gas Company has ceased to exist, making this legislation obsolete and irrelevant. After Independence, the West Bengal Government enacted the Oriental Gas Company Act, 1960, with the objective of taking over the Company on the grounds that the Company, which enjoyed a monopoly in the supply of gas in Calcutta, was not serving consumers properly. Under this Act, the state government took over the management of the Company for a period of five years. However, two years later, it was permanently acquired and renamed Oriental Gas Company Undertaking (OGCU). In 1990, OGCU was taken over by a public incorporated company called Greater Calcutta Gas Supply Corporation Limited (GCGSCL), which is fully owned by the West Bengal Government.
- The Law Commission in its 96th Report (1984) (Chapter 3, Page 12) recommended repeal of this Act on the grounds that it is redundant since the Company itself has ceased to exist.

Issues

There are no legal implications due to the repeal of the Act.

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9



Name: The Waste-Lands (Claims) Act, 1863

Subject: Archaic British Era Laws

Reason: The Governments approach to waste-lands has changed

What is this law?

The Act makes special provisions for the speedy adjudication of claims made with regard to waste-lands. Any claims made to waste-lands which were proposed to be sold, or otherwise dealt with, by the Provincial Government, were to be made under this Act. The Act envisages setting up of Special Courts by the state government for trial of claims relating to waste-lands.

Reason for repeal

- This Act is a remnant of the colonial discourse surrounding waste-lands. Prior to Independence, all lands that were not under cultivation were classified as waste-lands and the State asserted proprietary rights over them. The colonial government wanted to assert control over waste-lands to claim revenue from it. Such title was sold to the public by the government.
- Under the Seventh Schedule of the Constitution, all matters relating to land are within the exclusive legislative and administrative jurisdiction of state governments. Land classified as waste-land according to current government norms, whether under revenue land or forests, would fall within the jurisdiction of the state governments. Any claims relating to such land will follow the Revenue Code/ Acts administered by the State governments.
- Government's discourse regarding waste-lands has significantly changed post-Independence and the need to use such lands for agriculture has now assumed prominence.^a Waste-land management programmes now accord significance to the fact that waste-lands are the common property of village communities and the economic and ecological contributions of these lands are taken note of.^b The proprietary rights of the State have been replaced with a close relationship between the environment and the community living within that area as the community derives sustenance from it.^c The continuation of this Act under the changed legal and policy circumstances serves no purpose.
- The PC Jain Commission has recommended repeal of this Act (Appendix A-5, Entry 101).

Issues

There are no legal issues that would impede repeal.
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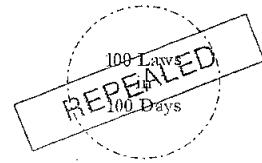
^aSaigal, Sushil, Greening the Wastelands: Evolving Discourse on Wastelands and its Impact on Community Rights in India, Digital Library of the Commons, 2011, 1-30. <http://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/7204/620.pdf?sequence=1>

^bJodha, NS, Waste Lands Management in India: Myths, Motives and Mechanisms, Economic and Political Weekly, 2010, 35, 5, 466-473, <http://www.jstor.org/stable/4408909>

^cDepartment of Land Resources, Integrated Wasteland Development Programme. <http://dolr.nic.in/iwdp1.htm>

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10



Name: The Converts' Marriage Dissolution Act; 1866

Subject: Archaic British Era Laws

Reason: The Act is redundant in view of the Hindu Marriage Act, 1955

What is the law?

The Act seeks to legalise the dissolution of marriages of converts to Christianity, who are deserted or repudiated on religious grounds by their wives or husbands.

Reasons for repeal

- The Act has very limited scope since it is not applicable to the personal laws of Christians, Mohammedans and Jews.^a In effect, it is only applicable to persons professing Hindu religion, who convert to Christianity.
- The Act is redundant. The procedure created under this law is repetitive and unnecessary, as the Hindu Marriage Act, 1955 provides for divorce or a judicial separation on the ground of change of religion of spouse.^b
- Repeal of this Act has been recommended by the Law Commission in its 18th Report (1961). The PC Jain Commission has also recommended due consideration on the law by all stakeholders (Vol.1, Appendix D, Entry 12).

Issues

The repeal of the Act will impact pending litigation, if any. These issues can be addressed by enacting a saving clause.

^aSection 3.

^bSection 13(1)(ii), Hindu Marriage Act, 1955



Name: The Oudh Sub-Settlement Act, 1867

Subject: Archaic British Era Laws

Reason: Redundant law that has now served its purpose

What is the law?

The Act was enacted to legalise the rules made by the Chief Commissioner of Oudh for the better determination of certain claims of persons having subordinate rights of property in that province. The rules were meant to determine the conditions under which persons who possessed subordinate rights of property in Taluqas in the territories under the administrative jurisdiction of the Chief Commissioner would be entitled to obtain a sub-settlement of lands. The Act gave these rules the force of law. The rules were called the Rules regarding sub-settlement and other subordinate rights of property in Oudh. The Rules were made by the Chief Commissioner and sanctioned by the Governor General of India in Council in 1866. The Rules find mention in the Schedule of the Act.

Reasons for repeal

- The princely state of Oudh does not exist anymore. Also, the Rules regarding sub-settlement and other subordinate rights of property in Oudh are not in force now. Hence, the Act does not serve any discernible purpose anymore.
- Under the Seventh Schedule of the Constitution, all matters relating to land are within the exclusive legislative and administrative jurisdiction of State governments. Any claims to title/ property rights are adjudicated in terms of respective the Land Revenue Code/ Acts administered by the State governments and the Civil Procedure Code.

Issues

There are no legal issues that would impede repeal.

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12



Name: The Oudh Estates Act, 1869

Subject: Archaic British Era Laws

Reason: Redundant law that has outlived its purpose

What is the law?

The Oudh Estates Act, 1869 was enacted to define the rights of Taluqdars and other landholders in certain estates in Oudh, and to regulate succession rights. Taluqdar was a term used in Mughal and British times for landholders who were responsible for collecting taxes from a district. The main purpose of the Act was to prevent doubts that may arise as to the nature of the rights of the Taluqdars and others in such estates.

Reasons for repeal

- Princely states, including Oudh, have ceased to exist in India. The Taluqdari system has also been abolished. Therefore, this Act is completely obsolete.
- The Minister of Law and Justice, Shri Ravi Shankar Prasad cited the Oudh Taluqdars' Relief Act, 1869, as being redundant but which remains alive even though the province of Oudh and Taluqdars do not exist anymore.^a
- Under the Seventh Schedule of the Constitution, all matters relating to land are within the exclusive legislative and administrative jurisdiction of state governments. Any claims to title and property rights are adjudicated in terms of respective the Land Revenue Code/Acts administered by the state governments and the Civil Procedure Code.

Issues

There are no legal issues that would impede repeal.

^aGovt to repeal 36 archaic laws following Modi's directive, Rediff.com, August 8, 2014, <http://www.rediff.com/news/report/govt-to-repeal-36-archaic-laws-following-modis-directive/20140808.htm>



Name: The Oudh Taluqdars' Relief Act, 1870

Subject: Archaic British Era Laws

Reason: Redundant law that has outlived its purpose

What is the law?

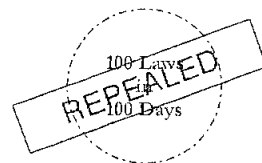
The Oudh Taluqdars' Relief Act, 1869 was enacted to relieve the estates of the Taluqdars in Oudh from encumbrances. Since many of the Taluqdars in Oudh were in debt, their immovable property was subject to mortgages, charges and liens and the Act provided relief to the Taluqdars by providing for a mechanism to settle these debts.

Reasons for repeal

- Princely states, including Oudh, have ceased to exist in India. The Taluqdari system has also been abolished. Therefore, this Act is completely obsolete.
- The Minister of Law and Justice, Shri Ravi Shankar Prasad cited the Oudh Taluqdars' Relief Act, 1869, as being redundant but which remains alive even though the province of Oudh and Taluqdars do not exist anymore.^a

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13



Name: The Oudh Taluqdars' Relief Act, 1870

Subject: Archaic British Era Laws

Reason: Redundant law that has outlived its purpose

What is the law?

The Oudh Taluqdars' Relief Act, 1869 was enacted to relieve the estates of the Taluqdars in Oudh from encumbrances. Since many of the Taluqdars in Oudh were in debt, their immovable property was subject to mortgages, charges and liens and the Act provided relief to the Taluqdars by providing for a mechanism to settle these debts.

Reasons for repeal

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- The Minister of Law and Justice, Shri Ravi Shankar Prasad cited the Oudh Taluqdars' Relief Act, 1869, as being redundant but which remains alive even though the province of Oudh and Taluqdars do not exist anymore.^a

Issues

There are no legal issues that would impede repeal.

^aGovt to Repeal 36 Archaic Laws Following Modi's Directive. <http://www.rediff.com/news/report/govt-to-repeal-36-archaic-laws-following-modis-directive/20140808.htm>

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Name: The Foreign Recruiting Act, 1874

Subject: Archaic British Era Laws

Reason: Out of date British era statute

What is the law?

This British-era statute provides Government of India with the power to prohibit any Foreign State from recruiting Indians. Under this Act, the government can issue an order preventing a Foreign State from hiring Indians in either a military or a non-military capacity. It also allows the government to impose conditions on foreign recruitment of Indians, and imposes penalties for violating any such conditions.

Reasons for repeal

- This greying law^a was enacted with the interests of the British Raj in mind, to prevent colonial subjects from serving any rival European power.
- Under this Act the central government is given unlimited power to prohibit recruiting to both military and non-military foreign service. It does not specify the conditions which must be satisfied before the government issues such an order, making the discretionary power extremely wide.^b The Law Commission in its 43rd Report (1971) has observed that such wide powers may run contrary to Constitutional guarantees under Article 19.
- The Second Administrative Reforms Commission Report of 2006 has also relied on the aforementioned report of the Law Commission to state that the Foreign Recruiting Act is out of date.^c
- Its provisions are not in sync with a modern globalised economy, and as a result it is not in use today.

Issues

There are no legal issues that would impede repeal. Additionally, to address possible national security concerns, the Territorial Army Act, 1948 could be amended to include a provision that prohibits the recruitment of Indians into foreign armies or grants powers to the government to oversee such recruitment, imposing conditions upon it where necessary.

^aShivani, The Greying Laws on India, The Financial Express, 1997-07-22

^bLaw Commission of India, Forty-Third Report on Offences against the National Security, Government of India, 1971-08, <http://lawcommissionofindia.nic.in/1-50/Report43.pdf>, 23

^cSecond Administrative Reforms Commission, Right to Information: Master Key to Good Governance, Government of India, 6 2006-06, <http://arc.gov.in/rtifinalreport.pdf>



Name: The Laws Local Extent Act, 1874

Subject: Archaic British Era Laws

Reason: The Act does not serve any meaningful purpose now

What is the law?

The Laws Local Extent Act, 1874 was enacted to declare the local extent of certain enactments passed by the Governor General of India in Council, the Legislative Council of India and the Council of the Governor General of India. Five Schedules are appended to the Act and each contains a list of laws. The provisions of this Act then lay down which of the Acts mentioned in the Schedules would be in force in which of the territories. For instance, Section 4 of the Act lays down that the Acts mentioned in the Second Schedule are in force in the territories subject to the Governor of St. Fort George in Council.

By the Adaptation of Laws Order, 1950, the statute was made applicable to the newly added territories to the Union of India.

Reasons for repeal

- The extent of local laws as mentioned under this Act envisages territorial divisions, as they existed prior to 1947. Provinces as they existed during the British era do not exist anymore. Also, the authorities that enacted the laws mentioned in this Act (the Governor General of India in Council, the Legislative Council of India and the Council of the Governor General of India) do not exist now.
- The territorial extents of various laws in force in India now find mention in the Act itself. Section 1 of every Act is called Short title, extent and commencement which indicates what the territorial extent of the law would be.
- The PC Jain Commission Report has also recommended repeal of this Act (Appendix A-1, Entry 68).

Issues

The territorial extent of existing pre-1950 laws provided under this Act will require to have territorial extent specified within the respective Acts.

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16



Name: The Oudh Laws Act, 1876

Subject: Archaic British Era Laws

Reason: Redundant law that does not serve any purpose

What is the law?

The Act declared and amended the laws to be administered in Oudh. The Act provided for the statutory laws that were to be administered by the courts in Oudh with regard to, inter alia, assessment and collection of land revenue, questions regarding succession, adoption, guardianship, and partition. This Act also recognised that the local customs and mercantile usages prevailing in Oudh would be valid unless they were contrary to justice, equity or good conscience.

Reasons for repeal

- Princely states have ceased to exist in India. The former princely state of Oudh now exists as Awadh in the state of Uttar Pradesh.
- The relevant laws and customs that are covered for administration by the courts of Oudh are now governed under respective statutes under the Constitution.

Issues

There are no legal issues that would impede repeal.

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17



Name: The Hackney-Carriage Act, 1879

Subject: Archaic British Era Laws

Reason: Subject matter should be regulated at the local level

What is the law?

The Act provides for the licensing of hackney carriages, defined as wheeled vehicles drawn by animals for the conveyance of passengers. It would only pertain to municipalities in which the State Government applied the Act by notification, and such states were limited to 'Uttar Pradesh, Punjab as it existed immediately before 1 November 1956, the Central Provinces, Assam, Ajmer or Coorg'.

Reasons for repeal

- Animal-drawn carriages are licensed by the police under local laws, rather than under Central laws such as this one. For example, in Mumbai licensing of horse-drawn carriages is done under The Bombay Public Conveyance Act, 1920. This is a subject matter for local government, and in keeping with this principle, the government should repeal this Act.
- There is no record of the Act being in use in any of the mentioned states since Independence.

Issues

There are no legal issues that would impede repeal.

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18



Name: The Elephants Preservation Act, 1879

Subject: Archaic British Era Laws

Reason: Colonial era legislation superseded by modern laws

What is the law?

The Act provides for the preservation of wild elephants. Section 3 prohibits the killing, injuring or capturing of wild elephants unless it is done in self-defence, or to prevent the elephant from injuring any house or cultivation, or under the terms of a licence granted under this Act.

Reasons for repeal

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

Issues

The Indian Forest Act, 1927 contains a reference to the Elephants Preservation Act, which will have to be removed. The repeal will not be material as the Wildlife (Protection) Act will still continue to apply.

^aCentre for the Study of Casteism, Communalism and the Law, Evaluation of the Protection of Civil Rights Act, 1955 and its Impact on the Eradication of Untouchability, National Law School of India University, 288, 2006, https://www.nls.ac.in/csseip/Files/Material%20for%20uploading/PCRA_report.II.from_intro%5B1%5D.pdf



Name: Fort William Act, 1881

Subject: Archaic British Era Laws

Reason: Army is now governed by the Army Act, 1950

What is the law?

The Act empowered the British Chief of Army staff to make rules within Fort William in Bengal on the subjects mentioned in the Schedule of the Act and prescribe penalties for the infringement of such rules.

Reasons for repeal

- The Act can be repealed as the Army is now governed by the Army Act, 1950, and the Armed Forces Tribunal Act, 2007. Fort William is the official Headquarter of the Eastern Command of the Indian Army.^a
- The Fort William Act is among the list of 114 Central Acts relating to State subjects that the PC Jain Commission recommended for repeal by state governments (Volume 1, Appendix A-5, Entry 43).
- Certain provisions of the Act are unconstitutional. The Law Commission in its 148th Report (1993) held that the delegation to a Commissioned Officer in the Indian Army of the power to try and punish persons charged with the violation of the rules framed under the Act is contrary to the general scheme of the Constitution and is opposed to the directive principle of separation of the judiciary from the executive. In addition, under Section 6 of the Act, a police officer can detain any arrested person for an unlimited period of time until the detenu signs a bond of a specific amount.

Issues

There are no legal issues that would impede repeal.

^aIndian Army, Eastern Command Home.
<http://indianarmy.nic.in/Site/FormTemplate/frmTempSimple.&ParentID=h7PStga2mWKAtumsPqvDw==&flag=W6fW89EXiYPapi/6ZdgOiQaspx?MnId=gmHOFXTSdBUP71y8Wmbu2w>

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Name: The Oudh Wasikas Act, 1886

Subject: Archaic British Era Laws

Reason: Redundant law that does not serve any purpose

What is the law?

The Act declared certain allowances, collectively known as Oudh Wasikas, to be pensions within the meaning of the Pensions Act, 1871. These allowances were the Amanat Wasikas, the Zamanat Wasikas and the Loan Wasikas. Wasikas were a legal inheritance that could be willed from generation to generation and were paid only to the heirs of the royal family of Oudh.^a This was a monthly allowance, the payment of which was monitored by the British Government.

Reasons for repeal

The princely state of Oudh does not exist and hence, the allowance payable to the royal family of Oudh has also ceased to exist. The Act is completely obsolete now.

Issues

There are no legal issues that would impede repeal.

^aShonali Ganguli, Bearing Fruits from the Family Tree, The Hindustan Times, 2008-03-09.
<http://www.hindustantimes.com/world-news/bearing-fruits-from-the-family-tree/article1-280775.aspx>



Name: Reformatory Schools Act, 1897

Subject: Archaic British Era Laws

Reason: Redundant in light of the Juvenile Justice (Care and Protection) Act, 2000

What is the law?

One of the earliest outcomes of the Reformatory Theory of Punishment is the Reformatory School Act, 1897. The Act sought to prevent first-time juvenile offenders, whose antecedents were not questionable, from being sent to ordinary jails, which may have the effect of turning them into hardened criminals. Under the law, first-time offenders were sent to Reformatory Schools run by the Government, where they were provided with basic facilities like food, clothing, education and the opportunity to understand what they wanted to do with their lives. All these measures were under government control and scrutiny of the head of the Reformatory School. Offenders were restricted within a particular boundary; this acted as punishment on them.

Reasons for Repeal

- The Juvenile Justice Act, 1986, has been repealed by the Juvenile Justice (Care and Protection of Children) Act, 2000. It targets two groups—children in need of care and protection, and juveniles in conflict with law. It provides for setting up of observation homes and special homes for juveniles in conflict with law and children homes for children needing care and protection during the pendency of inquiry and subsequent rehabilitation. These are under scrutiny of the Juvenile Justice Board.
- Section 63 of the Juvenile Justice Act, 1986, repealed any law in force in any State that corresponded to the Act, on the date on which the Act came into force in the concerned State. The Reformatory Schools Act, 1897 was one of the legislations, which was still in force at that time, but has not been formally repealed.
- Under the Constitution of India, the subject matter of any such legislation falls in the State List, but a Central law was enacted to fulfil India's international obligations.

Issues

There are no legal issues that would impede repeal.

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22



Name: The Wild Birds and Animals (Protection) Act, 1912

Subject: Archaic British Era Laws

Reason: Colonial legislation superseded by modern laws

What is the law?

The Act provides for the protection and preservation of certain wild birds and animals. Section 3 of the Act penalises the capturing, killing or trade of any such bird or animal mentioned in the Schedule annexed to the Act. Contravention of Section 3 attracts a penalty of Rs. 50, while a subsequent conviction warrants imprisonment for a period of one month along with a fine of Rs. 100.

Reasons for repeal

- The Act can be repealed since the objects and reasons of this legislation are being sufficiently met with by the Wild Life (Protection) Act, 1972 and the Rules framed thereunder. In fact, the Act of 1972 notes in its Statement of Objects and Reasons that the Act of 1912 has become completely outmoded.
- The Schedules to the 1972 Act includes comprehensive lists of protected birds, animals and endangered plants reflecting the current requirements for their protection. The 1972 Act is wider in scope and provides for extended protection by declaring certain areas as national parks or 'sanctuaries' and for their management.
- The 1912 Act imposes a paltry fine of Rs. 50 for violations. The Act of 1972 imposes a relatively harsher penalty of a fine of Rs. 25,000 or imprisonment for up to three years. The older Act is redundant and could be used as a legal loophole to escape the harsher penalties of the new law. The Act of 1912 should therefore be repealed.

Issues

The wild birds and animals under the Schedule annexed to the Act of 1912 which do not find mention in Schedule I of the Act of 1972 can be accommodated in the latter through a suitable amendment.



Name: Emergency Legislation Continuance Act, 1915

Subject: Archaic British Era Laws

Reason: The Act is redundant

What is the law?

This Act mandated the continuance of nine ordinances for the entire duration of World War I beyond six months allowed by the Indian Councils Act, 1861. These ordinances are:

1. The Indian Naval and Military News (Emergency) Ordinance, 1914
2. The Impressment of Vessels Ordinance, 1914
3. The Foreigners Ordinance, 1914
4. The Indian Volunteers Ordinance, 1914
5. The Ingress into India Ordinance, 1914
6. The Commercial Intercourse with Enemies Ordinance, 1914
7. The Foreigners (Amendment) Ordinance, 1914
8. The Foreigners (Further Amendment) Ordinance, 1914
9. The Articles of Commerce Ordinance, 1914

Reasons for Repeal

The Act is redundant. The ordinances covered under this Act have lapsed. The limitation on the tenure of ordinances stipulated in the Indian Councils Act, 1861 is also not relevant because the 1861 Act was repealed by the Government of India Act, 1915. The Constitution now provides for a specific procedure for ordinance making.

Issues

There are no legal issues that would impede repeal.

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Name: The Sheriff of Calcutta (Power of Custody) Act, 1931

Subject: Archaic British Era Laws

Reason: The Act has outlived its purpose

What is the law?

The Sheriff of Calcutta (Power of Custody) Act, 1931 extended the powers of the Sheriff to hold persons in lawful custody in Calcutta. The Act made provision for certain circumstances when the Sheriff of the High Court of Judicature of Bengal, while discharging his duties, had to take any person in his lawful custody to or from the Presidency Jail. Where circumstances made it unduly inconvenient to proceed by a route lying wholly within the local limits of the jurisdiction of the said High Court, the Act allowed the Sheriff to proceed by any other convenient route lying partly outside these local limits. In doing so, the custody of the person by the Sheriff would remain lawful.

Reasons for repeal

- Since, Sheriffs in Kolkata now hold an apolitical titular position, the powers granted under this Act are no longer relevant.
- There is no documented use of this Act.
- The PC Jain Commission has recommended repeal of this Act (Appendix A-5, Entry 90).

Issues

There are no legal issues that would impede repeal.

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25



Name: Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932

Subject: Archaic British Era Laws

Reason: Redundant law

What is the law?

The Bengal Suppression of Terrorist Outrage (Supplementary) Act, 1932 is a supplement to the main legislation, the Bengal Suppression of Terrorist Outrage Act, 1932. The main legislation was enacted to suppress the terrorist movement in Bengal before Independence, and for the speedy trial of related offences. It provided for special procedures for the trial of related offences and declared that ordinary criminal procedure would not apply in such cases.

Reasons for repeal

- The law was enacted to suppress the Indian freedom movement. The last reported cases under the Act date back to the 1930s and the law is no longer in use. Clearly, there is no need for such an Act now.
- The chief Act that this law supplemented, namely the Bengal Suppression of Terrorist Outrages Act, 1932, has been repealed.

Issues

There are no legal issues that would impede repeal.

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26



Name: The Assam Criminal Law Amendment (Supplementary) Act, 1934

Subject: Archaic British Era Laws

Reason: The Act that it intends to supplement has been repealed

What is the law?

The Act was enacted to supplement the Assam Criminal Law (Amendment) Act, 1934. This Act provided that a person convicted on a trial held by Commissioner could appeal to the High Court of Judicature at Fort William in Bengal, according to the procedure provided for by the Code of Criminal Procedure, 1898.

Reasons for repeal

The Act makes references to the Assam Criminal Law Amendment Act, 1934 and the Code of Criminal Procedure, 1898. Both these Acts are non-existent now. The Assam Criminal Law Amendment Act, 1934 does not find mention in the Chronological List of Central Acts published by the Ministry of Law and Justice, while the Code of Criminal Procedure, 1898, has been repealed by the Code of Criminal Procedure, 1973.

Issues

There are no legal issues that would impede repeal.

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27



Name: The Bangalore Marriages Validating Act, 1934

Subject: Archaic British Era Laws

Reason: The Act has outlived the purpose for which it was enacted

What is the law?

This Act was enacted to validate certain marriages in the civil and military station of Bangalore. The marriages to be validated by this Act were those solemnised by a certain priest, Mr. Walter James McDonald Redwood.

Reasons for repeal

- Mr. Walter James McDonald Redwood solemnised certain marriages in Bangalore mistakenly believing that he was duly authorised to do the same. The Act was enacted to validate these marriages. The Act has now served its purpose and hence, should be repealed.
- The PC Jain Commission has recommended repeal of this Act (Volume 1, Appendix A-1, Entry 147).

Issues

There are no legal issues that would impede repeal.

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Name: The Arya Marriages Validation Act, 1937

Subject: Archaic British Era Laws

Reason: The Acts purpose can be achieved through the Hindu Marriage Act, 1955

What is the law?

The Arya Marriage Validation Act, 1937 was passed to recognise and place beyond doubt the validity of inter-marriages of a sect of Hindus known as Arya Samajis.

Reasons for repeal

- The validity of marriages between Arya Samajis is recognised through the Hindu Marriage Act, 1955. Arya Samajis are specifically described under Section 2(1)(a) of the Hindu Marriage Act, 1955 as 'forms' or 'developments' of the Hindu religion and therefore their marriages fall within the scope of the Hindu Marriage Act. The present Act is merely repetitive and not required.
- The PC Jain Commission has also recommended due consideration on the law by all stakeholders (Vol.1, Appendix D, Entry 11).

Issues

There are no legal issues that would impede repeal.

Obsolete Partition and Post-Independence Reorganisation

The following set of 5 Laws comprises of two kinds of laws—laws that were enacted to manage the issues that arose subsequent to Partition of the nation, and laws for reorganising affairs in newly Independent India, including the redrawing of boundaries of territories in India to form states as they exist now or merger of certain territories with the newly formed states. We propose that the laws in this set be repealed since they no longer serve any discernible purpose.

The problems arising out of Partition have been largely resolved, and special laws to deal with the same are no longer needed. The Law Commission of India in its 96th Report (1984) recommended the repeal of the Exchange of Prisoners Act (1948) on the grounds that the Act was not enacted with the intention of operating beyond the period of Partition.^a The Indian Independence Pakistan Courts (Pending Proceedings) Act (1952) also came up for discussion and the LCI observed that after 30 years of independence (the Report dates back to 1984), the need for the Act under discussion should no longer exist. Recently, Minister for Law and Justice Shri. Ravi Shankar Prasad similarly reiterated that laws such as the Exchange of Prisoners Act (1948) and the Indian Independence Pakistan Courts (Pending Proceedings) Act (1952) are clearly of no use today.^b

In the Two Member Constituencies (Abolition) and Other Laws Repeal Act (2001), similar laws relating to alteration of state names were repealed. The Statement of Objects and Reasons of this Act argued that the seven Acts mentioned in the Repeal Act of 2001 had served their purpose and were no longer required to be retained on the statute book.^c Shri. ID Swami, member of the Bharatiya Janata Party (BJP) and former Union Minister of State in the NDA Government, introduced the Repeal Act of 2001 in the Lok Sabha, saying that the laws proposed for repeal were redundant, non-functional and ineffective, and have fulfilled their purpose'.^d The same can be said about other reorganisation and territories' merger Acts. In the same vein, the PC Jain Commission similarly recommended repeal of 35 State Reorganisation Acts because they have served their intended purpose. Of these, the Repeal Act of 2001 repealed only 7.

Repeal of these laws will not affect pending proceedings if a saving clause is added. While introducing a bill for repealing these Acts, Parliament can insert a savings clause to restrict the effect of the said repeal on any litigation (or any process of any kind) that exists/continues under these Acts. Repeal of these Acts will have the effect of clearing the statute books of redundant laws. This will contribute greatly to streamlining our laws and making them easier to use.

^aLaw Commission of India, Report on Repeal of Certain Obsolete Central Acts, Government of India, 1984-03

^bRediff.com, Govt to Repeal 36 archaic Laws Following Modi's Directive, 2014-08-08

^cStatement of Objects and Reasons of the Two Member Constituencies (Abolition) and Other Laws Repeal Act, 2001, 2001-09-14

^dLok Sabha, Consideration and Passing of the Two-Member Constituencies (Abolition) and Other Laws Repeal Bill, 2001, 2001-08-28

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Name: Trading with the Enemy (Continuance of Emergency Powers) Act, 1947

Subject: Obsolete Partition & Post-Independence Reorganisation

Reason: The Act is redundant in light of Enemy Property Act, 1968

What is the law?

This law was enacted for the continuance of certain provisions of the Defence of India Rules relating to control of trading with countries at war with India as well as persons and firms belonging to those countries, and custody of the property belonging to them. It is a relic of similar legislations passed in the United Kingdom and the United States during the Second World War. In India, the Act was enacted to empower the government to appropriate the property of Pakistani nationals.

Reasons for repeal

The 1947 Act is no longer in practical application. The objective of this legislation is now being fulfilled by the Enemy Property Act, 1968. The 1968 Act, provides a mechanism for divesting of enemy property, i.e., property belonging to nationals and firms of hostile countries, in the Custodian of Enemy Property for India. The Act contains provisions related to the appointment of the Custodian and divesting and management of 'enemy property'.

Issues

There are likely no legal implications since this legislation has not been in practical application and the 1968 Act has put in place a mechanism to deal with the provisions of the 1947 Act.



Name: Exchange of Prisoners Act, 1948

Subject: Obsolete Partition & Post-Independence Reorganisation

Reason: The Act has outlived its utility

What is the law?

This Act was passed to facilitate exchange of prisoners between India and Pakistan, in pursuance of an agreement between the two countries. Section 2(b) defines 'prisoner' as any person committed to custody in a prison on or before the 1st day of August 1948 under the writ, warrant or order of any Court or authority other than a civil Court or Court-martial.

Reasons for repeal

- The Act was passed to facilitate exchange of prisoners between India and Pakistan post partition. This is evident from the definition of 'prisoner', which refers to persons committed to custody on or before 1 August 1948. The situation of partition arose sixty seven years ago, and those circumstances have ceased to exist.
- The Act is not implemented. The exchange of prisoners between India and Pakistan is now governed by the terms of the Consular Access Agreement signed in May 2008.
- The Law Commission in its 96th Report (1984) recommended repeal of this Act, having regard to the fact that the Act was passed only to deal with the situation that arose immediately on partition.

Issues

A saving clause will have to be enacted along with the repeal. Besides this, there are no legal issues that would impede repeal.

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Name: Imperial Library (Change of Name) Act, 1948

Subject: Obsolete Partition & Post-Independence Reorganisation

Reason: The Act has served its purpose

What is the law?

This Act was passed to change the name of the Imperial Library to National Library.

Reasons for Repeal

The purpose of the Act has been achieved.

Issues

There are no legal issues that would impede repeal.



Name: The Resettlement of Displaced Persons (Land Acquisition) Act, 1948

Subject: Obsolete Partition & Post-Independence Reorganisation

Reason: The beneficiaries of the Act no longer exist

What is the law?

An Act was passed to provide for the speedy acquisition of land for the resettlement of displaced persons. It extends to the territories, which, immediately before 1 November 1956, were part of the states of Delhi and Ajmer.

Reasons for repeal

- The Act was enacted to provide relief to persons displaced from their place of residence (in areas now comprising of Pakistan) on account of the Partition, and subsequently residing in India. The beneficiaries of this law no longer exist^a as the law was specifically enacted to deal with the situation immediately post partition; hence the Act has outlived its utility.
- The repeal will not have any administrative repercussions. Unlike other resettlement/displacement legislations, the Act does not mention any intermediary holding company through which properties are allocated. It simply mentions a 'competent authority' as defined under section 2(a) as the Collector or any other person appointed by the state on this behalf.
- Other laws relating to persons displaced from Pakistan during the Partition have been repealed. The Displaced Persons Claims and Other Laws Repeal Act, 2005, repealed:
 - Administration of Evacuee Property Act, 1950.
 - Displaced Persons (Claims) Act, 1950.
 - Evacuee Interest (Separation) Act, 1951.
 - Displaced Persons (Claims) Supplementary Act 1954.
 - Displaced Persons (Compensation and Rehabilitation) Act, 1954.

Issues

There are no legal issues that would impede repeal.

^aThe latest case on the subject was a second appeal in 2002 from the impugned judgement in 1979. Smt Brij Rani vs Union of India, 99(2002) DLT 819.

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Name: Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952

Subject: Obsolete Partition & Post-Independence Reorganisation

Reason: The Act has achieved its purpose and is now redundant

What is the law?

This law was passed immediately after Independence to deal with the post partition situation. It sought to nullify the effect of certain decrees^a passed by the then British Indian Courts, falling under the jurisdiction of Pakistan after partition. It further provides the right to issue fresh legal proceeding to persons who had secured such decrees in pre-Independence India.

Reasons for repeal

- The Act was passed to address a situation peculiar to the post-partition period, in regard to obligations created on the government by decrees passed by British-Indian Courts now in Pakistan, and allowing institution of fresh proceedings to aggrieved persons. Sixty two years hence, these circumstances no longer exist.
- The issue expressed by the Law Commission in its 96th Report (1984), while recommending against repeal of the Act, can now be addressed, since an additional 30 years have passed. The Law Commission considered the Act and recommended against its repeal, on the sole ground that it might affect any pending litigation. Although there is no conclusive way of establishing whether there is any pending litigation, the problem can be resolved by enacting a saving clause, alongside repeal, protecting all action taken under the Act.

Issues

There is no conclusive way of finding the status of pending proceedings, if any, under the Act. Hence, a saving clause will have to be enacted along with the repeal. Aside from this, there are no legal issues that would impede repeal.

^aSection 2 defines the expression decree as any judgement, order or decree referred to under: Clause (3)(i) of Article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or Paragraph (5)(ii) or paragraph (6) of article 13 of the High Courts(Bengal) Order, 1947, or Paragraph (4)(iii) or paragraph (6) of article 13 of the High Courts (Punjab) Order, 1947.

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Name: The Chandernagore (Merger) Act, 1954

Subject: Obsolete Partition & Post-Independence Reorganisation

Reason: Purpose of the Act has been achieved

What is the law?

The Act provides for the merger of Chandernagore into the State of West Bengal and all other matters connected with it.

Reasons for repeal

- The objective of the Act has been achieved as the merger of territories has taken place.^a
- The PC Jain Commission has recommended repeal of this Act (Vol.1, Appendix B, Entry 11).

Issues

There are no legal issues that would impede repeal.

^aSachindra Mohan Nandy Vs. State of West Bengal, 1971 SCC (1) 688

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Unnecessary Levies and Taxes

The following set of 8 laws impose levies that are either completely redundant, or that bring little benefit despite adding significant administrative and collection costs. Five of these laws, enacted between 1953 and 1986, impose earmarked cesses, one imposes a travel toll, and the last is an indirect tax.

Cesses have been characterised by the Supreme Court as taxes imposed for 'special administrative expenses'.^a These cesses are typically imposed on the manufacturers of a particular commodity, or on the import of technology. The proceeds, after deducting the costs of administration, are channelled to a board set up for the development of production of that particular commodity. These Acts deal only with the collection of cess, while the Boards are created and managed under different Acts.

Small cesses and taxes are economically inefficient; they introduce budgetary distortions and have high administration and costs.^b They are all but forgotten, as they bring in negligible amounts of money, while adding significant collection costs on the government and imposing a regulatory burden on manufacturers. Economists have argued that doing away with these levies will have 'little revenue consequence'.^c Experts, including those within government, have recommended doing away with small cesses. Shri. NK Singh, who was the former Revenue Secretary and is currently member of the Bharatiya Janata Party (BJP), noted in one of his articles that the Acts in question have been characterised as laws that have outlived their utility, as they lead to 'persistent ambiguity'.^d

Product cesses such as The Agricultural and Processed Food Products Export Cess Act (1985) and The Spices Cess Act (1986) were done away with in 2006 by the Cess Laws (Repealing and Amending) Act. Discussions in the Lok Sabha on the consideration of Cess Laws (Repealing and Amending) Bill (2005) noted that the amount collected through these cesses was negligible, while the procedure for collection was a 'major irritant' to manufacturers, since it involved additional documentation and procedural formalities.^e Similarly, the Produce Cess Laws (Abolition) Act (2006) repealed the Agricultural Produce Act (1940) and the Produce Cess Act (1966) on the grounds they amounted to a tax on exports, adversely affecting the competitiveness of Indian goods in the global market.^f

In addition, other levies listed in this section, such as the Ganges Tolls Act (1867), have been replaced with newer laws imposing similar taxes, running the risk of double taxation. Besides raising negligible revenue, earmarked levies, such as those in segment, result in budgetary rigidity. From public finance standpoint, India must do away with inefficient and unsound revenue modalities.

^aShinde Bros. v. Commissioner, Raichur, AIR 1971 SC 1512

^bDeccan Herald, Interview with Arvind Virmani: Cess, Surcharge, Transaction Tax are Distortionary, 2009-07-05

^cNK Singh, Time to Repeal Small Cess Acts, The Indian Express, 2007-09-18

^did

^eLok Sabha, Discussion on the Motion for Consideration of the Cess Laws (Repealing and Amending) Bill, 2005, 2006-05-15

^fProduce Cess Laws (Abolition) Act, 2006, 2006-09-25



Name: The Ganges Tolls Act, 1867

Subject: Unnecessary Levies & Taxes

Reason: Archaic and redundant Act

What is the law?

The Act authorises the levy of tolls on boats plying on the river Ganga for the purpose of improving navigation and shipping facilities on the river. The funds so collected are to be used to meet the expenses of improving and facilitating the navigation of the Ganges between Allahabad and Dinapore.

Reasons for repeal

- The National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi Hooghly River) Act, 1982 was enacted, to authorise the levy of toll in the same region and for the same purpose.
- The Law Commission in its 148th Report (1993) recommended repealing this Act on the ground that even though there may not be any direct contradictions or inconsistencies between the two Acts (1867 and 1982), but there is a possibility of some double taxation.^a
- The language used in the Act is archaic as it stipulates that a toll not exceeding 12 annas per hundred maunds shall be payable. While this is not in itself sufficient ground for repeal, it makes the Act yet another example of a law behind the times.
- There is no evidence of any recent use of this Act.

Issues

There are no legal implications due to repeal of the Act.

^aLaw Commission of India, Report on Repeal of Certain Pre-1947 Acts, Government of India, 1993-11, <http://lawcommissionofindia.nic.in/101-169/Report148.pdf>

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Name: Salt Cess Act, 1953

Subject: Unnecessary Levies & Taxes

Reason: Amount of cess collected is negligible compared to administrative costs

What is the law?

The Act levies a cess on salt manufacturers at the rate of 14 paise per 40 kilograms on all salt manufactured in India in any salt factory, public or private. The proceeds of the cess, after deducting the cost of collection, are used to meet the expenses of salt administration by the government. This includes the costs of regulating salt manufacture, labour welfare, research etc.

Reasons for repeal

- The High Level Salt Enquiry Committee (1978) recommended that the cess be removed, since the annual collection was very small while the total annual cost of administering and controlling the release of salt was 55% of the total cess collected, at that time.^a Currently, the costs of administration far exceed the collected cess. In 2012-13, cess receipts amounted to Rs. 348.99 lakhs, or 14% of the Salt Department's expenditure on administration and labour welfare, which amounted to Rs. 2,611.80 lakhs. Given that collections are so low, abolition of the cess will not affect fund flow for GoI significantly.
- The Customs, Excise and Gold Tribunal in 1990 observed that "for all practical purposes, as an excisable commodity, [salt] is a non-existent item.^b", as the amounts collected are negligible. Earmarked taxes such as this cess are inefficient since they introduce distortions, lead to budgetary indiscipline, and typically have excessive administration and compliance costs.^c

Issues

There are no legal issues that would impede repeal.

^aHigh Level Salt Inquiry Committee, Report of the High Level Salt Enquiry Committee, Delhi Controller of Publications, 1978-11, <http://bit.ly/1qRH2WB>, 45

^bS. Kumar v. Collector of Central Excise, 1990 ECR 725 Tri Delhi

^cDeccan Herald, Interview with Arvind Virmani: Cess, Surcharge, Transaction Tax are Distortionary, 2009-07-05. <http://www.deccanherald.com/content/11922/cess-surcharge-transaction-tax-distortionary.html>

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Name: Wealth Tax Act, 1957

Subject: Unnecessary Levies & Taxes

Reason: Amount of tax collected is 1% of the total tax collected in a year

What is the law?

The Act imposes a tax in respect of the net wealth of every individual, Hindu undivided family (HUF) and company, at the rate of 1% of the amount by which the net wealth exceeds Rs. 30 lakhs.

Reasons for repeal

- The number of declared wealth taxpayers is too small to bring in massive revenue under this head. India has nearly 350 lakhs taxpayers, but only 17 lakhs have a declared income of more than Rs. 10 lakhs^a. As a result, the amount of wealth tax collected remains at abysmally low levels. In 2012, wealth tax collections were a mere Rs. 787 crores, as against the gross direct tax collection at Rs. 5,90,077 crores. In 2011, the amount of wealth tax collected was Rs. 687 crores, as against the total gross tax collection of Rs. 5,22,104 crores.^b
- The cost of collection of wealth tax is very high as compared to the actual collection. In 2009, India's total wealth tax receipts were Rs. 425 crores, while the Government spent Rs. 216.3 crores in collecting the tax. It is estimated that for every rupee spent, the Government collects only Rs. 1.97 in wealth tax, as compared to Rs. 60 in income tax.^c This was also one of the reasons for the abolition of the estate duty tax in 1985, as the cost of collection and administration of estate duty was too high.^d
- Per Section 2(ea) of the Act, the tax is only levied on assets like a house used for residential or commercial purposes, farm houses, motor cars, urban land [as defined under Explanation 1(b) to Section 2(ea) of the Act], jewellery, yachts, cash in hand in excess of Rs 50,000, etc. Imposition of tax on these assets pushes their ownership underground and gives rise to black money.

Issues

There are no legal issues that would impede repeal.

^aPunj Shweta, Skewed Priorities, The Business Standard, 2013-02-03, <http://businesstoday.intoday.in/story/more-taxes-on-the-super-rich-help-india-fiscal-health/1/191599.html>

^bBusiness Today, Direct Tax Collection Up 13% in FY12, 2012-06-06, <http://businesstoday.intoday.in/story/direct-corporate-income-tax/1/185192.html>

^cSikarwar Deepshikha, Taxing Trapping: Wealth Tax Collection Costs Half As Much, Economic Times, 2009-04-08, http://articles.economictimes.indiatimes.com/2009-04-08/news/28489370_1_wealth-tax-collection-receipts

^dEconomic Times, What if Inheritance is Taxed?, 2011-06-18, http://articles.economictimes.indiatimes.com/2011-07-18/news/29787590_1_inheritance-tax-gifts-property-estate-tax

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Name: The Tobacco Cess Act, 1975

Subject: Unnecessary Levies & Taxes

Reason: Cess collected is negligible

What is the law?

This Act provides for the levy and collection of an excise duty at the rate of 1 paisa per kilogram on all Virginia tobacco produced in India and sold at a registered auction platform. The funds collected are transferred to the Tobacco Board, after deducting the costs of collection, for use in the development of the tobacco industry.

Reasons for repeal

- In 2006, the Cess Laws (Repealing and Amending) Act removed a number of cesses on agricultural products (like the Agricultural Produce Cess Act and the Spices Cess Act) to increase the competitiveness of our agricultural exports. The Tobacco Cess Act was also considered in this process and Section 4 of this Act, which dealt with the levy of customs duty on tobacco exports, was repealed.
- The excise duty on tobacco under Section 3 of this Act, however, still operates. The cess collected is negligible.

Issues

There are no legal implications due to repeal of the Act.



Name: The Sugar Cess Act, 1982

Subject: Unnecessary Levies & Taxes

Reason: Amount of cess collected is negligible compared to administrative costs

What is the law?

This Act levies a cess on sugar produced and sold by any sugar factory in India, at the rate of Rs. 24 per quintal. The proceeds of the cess, after deducting the cost of collection, are credited to the Sugar Development Fund (SDF). The SDF renders financial assistance through loans at concessional rates for the rehabilitation and modernisation of sugar factories.

Reasons for repeal

- Between 1982-83 and 2008-09 the average cess collected per year was Rs. 207 crores, of which an average of Rs. 163 crores was transferred to the SDF.^a In 2008, the government estimated that the SDF would not have sufficient funds after March 2009 to meet the expected expenditure on financial assistance.^b The cess collected is therefore inadequate to meet the costs of the SDF.
- In the past, where cesses have been abolished, the costs of the relevant Board have been met through government grants. The Spices Board, for example, which used to receive the realisations from the spices cess^c, is now operating on government budget outlays. A similar solution can be introduced for the SDF.
- Earmarked taxes such as this cess are inefficient since they introduce distortions, lead to budgetary indiscipline, and typically have excessive administration and compliance costs.^d

Issues

The Rangarajan Committee report which laid down the road map for deregulation does not mention doing away with the cess; instead it recommends redeploying the cess money to offset the removal of levy sugar. There are however, no legal issues that would impede repeal.

^aDepartment of Food and Public Distribution, Status of Sugar Development Fund

^bBusiness Line, Bill for hiking cess on sugar introduced in Lok Sabha, 2008-03-12

^cJayathilak, Give Pepper Status of Focus Products, The New Indian Express, 2013-07-03.

<http://www.newindianexpress.com/business/news/Give-Pepper-Status-of-Focus-Products/2014/07/03/article2311326.ece>

^dDeccan Herald, Interview with Arvind Virmani: Cess, Surcharge, Transaction Tax are Distortionary, 2009-07-05

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Name: The Jute Manufactures Cess Act, 1983

Subject: Unnecessary Levies & Taxes

Reason: Cess collected is negligible

What is the law?

This Act levies a cess on jute manufacturers at the rate of 1ad valorem. The proceeds of the cess are used by the National Jute Board to take steps for the development of jute production. Cess proceeds are first credited to the Consolidated Fund of India from which a portion is given to the National Jute Board, after deducting the costs of collection.

Reasons for repeal

- The amounts collected under the cess are negligible, and only about half are transferred to the National Jute Board. In 2011-12, cess collected was Rs. 85 crores while the transfer to the Board only amounted to Rs. 34 crores.^a
- The Special Economic Zones Act, 2005 exempts goods in an SEZ from this cess. While this is not in itself a ground for repeal, perhaps it is an indication that this cess is a hindrance to economic activity and should not operate anywhere else in the country.
- In the past, where cesses have been abolished, the costs of the relevant Board have been met through government grants. The Spices Board, for example, which used to receive the realisations from the spices cess, is now operating on government budget outlays. A similar solution can be introduced for the National Jute Board.
- Earmarked taxes such as this cess are inefficient since they introduce distortions, lead to budgetary indiscipline, and typically have excessive administration and compliance costs.^b

Issues

There are no legal implications due to repeal of the Act.

^aLok Sabha, Need to Utilise the Amount of Cess Collected from Jute Manufacturing Companies for Development of Jute and Jute Products, 2013-03-19, <http://164.100.47.132/LssNew/psearch/Result15.aspx?dbsl=9772>

^bDeccan Herald, Interview with Arvind Virmani: Cess, Surcharge, Transaction Tax are Distortionary, 2009-07-05, <http://www.deccanherald.com/content/11922/cess-surcharge-transaction-tax-distortionary.html>



Name: The Research and Development Cess Act, 1986

Subject: Unnecessary Levies & Taxes

Reason: Impediment to technology companies in the import of technology

What is the law?

The Act levies a 5% cess on all technology imported from overseas and sets up a Fund under the Industrial Development Bank of India into which the money is directed. The Fund is used to encourage domestic technology development. The central government has the power to exempt any company from paying the cess.

Reasons for repeal

- This cess hinders the flow of technology into the nation and poses a barrier to trade. The Japanese Ministry of Economy, Trade and Industry complained about the tax in 2002 and characterised the Act as a hindrance.^a
- There are reports of industry complaints that the applications of this Act are discretionary and often ad hoc, leading to harassment. There is also lack of clarity on whether this cess and service tax amount to double taxation.^b
- The cess collected is too small to justify the restrictions caused by its imposition. In the 13-year period between 1997 and 2010, only Rs. 2,261 crores were collected under the Act. Of this, only 22% or Rs. 501 crores (or Rs. 36 crores annually) were channelled to the Technology Development Board during this period. This is a small amount that can easily be compensated, while achieving savings in administrative costs of the cess collection. Earmarked taxes such as this cess are inefficient since they introduce distortions, lead to budgetary indiscipline, and typically have excessive administration and compliance costs.

Issues

There are no legal issues that would impede repeal.

^aMinistry of Economy, Trade and Industry, Barriers to Business in India, 2002-01-13.
http://www.meti.go.jp/policy/trade_policy/asia/sw_asia/data/Barriers%20to%20Business%20in%20India.pdf

^bR. Srivatsan, Some fuss about a cess, Business Line, 2004-04-17,
<http://www.thehindubusinessline.com/2004/04/17/stories/2004041700100900.htm>

Redundant Nationalisation

The following laws were passed between 1972-76, just before or during the proclamation of National Emergency in the country. This era saw the government take over 14 private banks, followed by the nationalisation of companies in the insurance, coal, iron and steel, and oil and gas sectors through Acts like the ones listed in this section.

These Acts followed a similar pattern—they provided for the transfer of all assets, rights and interests of a company to the central government, and fixed the compensation to be paid to the owners. By virtue of this transfer, the Acts declared the company property to be free of all mortgages, charges and other encumbrances. The Acts also provided for the transfer of services of employees, and usually barred the courts' jurisdiction in trying industrial disputes connected to such transfers. Finally, the Acts penalised actions such as withholding property that should have been transferred to the central government as part of the acquisition.

These Acts provided only for the transfer of assets of the company to the government. They are silent on the management and operations of the acquired company, which are largely conducted under the Companies Act and through directives issued by the government from time to time. Therefore, the objective of these Acts was fulfilled once the acquisition was completed, and they may now be repealed as they serve no further purpose.

Such repeal will not have any effect on the completed acquisitions. Section 6 of the General Clauses Act (1897), which deals with the Effect of Repeal, provides that repeal does not affect any action properly taken under an Act, or affect any rights, liabilities or legal proceedings under the Act. This is an accepted principle of statutory interpretation that will apply to the repeal of the following enactments.

No instances of pending litigation or other proceedings have been discovered under these Acts. Even if there is pending litigation, it will remain unaffected by the repeal if a standard "saving clause" is added to the repealing provisions, which provides that pending proceedings are to remain unaffected by the repeal.

The repeal of nationalisation acts will clear the path towards eventual disinvestment. Repeal will also address any apprehensions of litigation arising against closure of the undertakings nationalised by these Acts.

These laws are a representation of the Emergency era with widespread suppression of rights, and barring of recourse to courts. The abundant nationalisation Acts were an exercise in expanding the powers of the state by controlling greater portions of the national economy.^a They have no place in the statute books of a liberalised 21st century India.

^aSibal, D. Rajeev, *The Untold Story of India's Economy*, LSE IDEAS Reports, 2012-03, 1-22

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Name: Railway Companies (Emergency Provisions) Act, 1951

Subject: Redundant Nationalisation

Reason: The Act has outlived its utility

What is the law?

This Act was passed to make provisions for the proper management and administration of private railway companies. It paved the way for the nationalisation of railways in India.

Reasons for repeal

Since the entire railway system is now government owned, the purpose of the Act is spent. Presently, the Railways Act, 1989 comprehensively deals with the laws relating to railways.

Issues

There are no legal issues that would impede repeal.

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Name: The Coking Coal Mines (Emergency Provisions) Act, 1971

Subject: Redundant Nationalisation

Reason: The Act has outlived its utility

What is the law?

The Act provides for the takeover of the management of coking coal mines and coke oven plants by the Government, pending nationalisation. This was followed by the Coking Coal Mines (Nationalisation) Act, 1972 under which all coking coal mines and coke oven plants, other than those with the Tata Iron & Steel Company Limited and Indian Iron & Steel Company Limited, were nationalised and brought under Bharat Coking Coal Limited (BCCL), a new central government undertaking.

Reasons for repeal

The Act was enacted to provide for the temporary management of the mines and plants, pending nationalisation. Since the Coal Mines (Nationalisation) Act, 1972 came a year later, there remains no use for the previous legislation.

Issues

There are no legal issues that would impede repeal.



Name: The Indian Copper Corporation (Acquisition of Undertaking) Act, 1972

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into a new entity, making the acquisition act redundant

What is the law?

The Act enabled the acquisition of the Indian Copper Corporation Limited for the purpose of conserving and exploiting coal deposits in a manner that was of maximum advantage to the nation. It transferred all assets, rights, powers and properties of the company to the central government, and declared those assets to be free of all encumbrances or obligations. It also provided for compensation of Rs. 7.5 crores to be paid to the company in return of the transfer of assets.

Indian Copper was nationalised through this Act and merged with Hindustan Copper under the provisions of this Act.^a

Reasons for repeal

- The Act only provides for the acquisition of the undertaking of the Indian Copper Corporation, and has no provisions with respect to its management or operations. The Companies Act now governs the management of the company. The Act is no longer relevant to the present-day functioning of Hindustan Copper and may be repealed.
- No pending cases exist under the Act and therefore there is no obstacle to repeal.

Issues

The Act is listed in the 9th Schedule to the Constitution. While this does not affect the repeal process, an amendment to the Constitution will have to remove this Act from the list at a later date after its repeal.

^aHindustan Copper Limited, About HCL. <http://www.hindustancopper.com/ICCPlant.asp?lnk=1>

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Name: Richardson and Cruddas Limited (Acquisition and Transfer of Undertakings) Act, 1972

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into a new entity, making the acquisition act redundant

What is the law?

Richardson and Cruddas Limited was engaged in the production of goods needed by defence establishments, railways, steel plants and power projects. This Act enabled the acquisition of the company on the ground of mismanagement by its erstwhile management. This Act transferred all assets, rights, powers and properties of the company to the central government, and declared those assets to be free of all encumbrances or obligations. It also provided for compensation of Rs. 30 lakhs to be paid to the company in return of the transfer of assets.

The Company started incurring losses in 1990s, was declared sick in 1992 and has remained in a financial crisis ever since. The Ministry of Heavy Industries has identified Richardson and Cruddas as a terminally sick industry, which could be disinvested.^a

Reasons for repeal

The acquisition act has no role to play in the management and recovery attempts of the Richardson and Cruddas Company. Its repeal will not affect the process of recovery.

Issues

There are no legal issues that would impede repeal.

^aDheeraj Tiwari, Government plans to sell sick state-run companies, The Economic Times, 2014-06-11. http://articles.economictimes.indiatimes.com/2014-06-11/news/50508378_1_brpse-nclt-hmt-bearings



Name: The Esso (Acquisition Of Undertakings In India) Act, 1974

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into new entity, making the acquisition Act redundant

What is this law?

The Act provided for the acquisition of all rights, titles and interests of the Indian undertakings of Esso Eastern Inc. by the central government. The purpose of this acquisition was to ensure coordinated distribution and utilisation of petroleum products. The Act further gave the central government power to transfer these holdings to a government company. Rs. 2.59 crores was paid to Esso, the US parent company, as compensation.

The Indian undertakings of Esso, and another company called Lube India were merged to form the Hindustan Petroleum Corporation Limited (HPCL) under the Companies Act in 1974.

Reason for repeal

- This Act deals only with acquisition, and not management of the company, which now exists as HPCL, and is governed by the Companies Act. Repealing this Act will therefore not have any effect on the functioning of the company.
- In 2003, in the case of Centre for Public Interest Litigation v. Union of India,^a the Supreme Court held that the sale of shares of HPCL could not take place through executive order, since the formation of HPCL had taken place through acquisition statutes, including the Esso (Acquisition of Undertakings in India) Act, 1974. For sale of its shares, therefore, either Parliamentary approval would have to be obtained or the acquisition statutes (including this one) would have to be repealed.

Issues

The repeal of this Act might send out signals in the market of impending disinvestment in the oil and gas sector, which has remained a contentious issue.

^a(2003) 7 SCC 532.

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Name: The Indian Iron and Steel Company (Acquisition of Shares) Act, 1976

Subject: Redundant Nationalization

Reason: Nationalised company subsumed into a new entity, making the acquisition act redundant

What is the law?

This Act provided for the acquisition of shares of the Indian Iron and Steel Company Limited (IISCO), for the purpose of ensuring proper management of the affairs of the Company. It specified that on an appointed date, all shares of this company would be transferred to the central government. Compensation of more than Rs. 7.2 crores was to be paid to the shareholders, and a Commissioner of Payments was set up for this purpose under the Act to decide on claims for payment.

Later, under the Steel Companies (Restructuring) and Miscellaneous Provisions Act, 1978, IISCO was made a wholly owned subsidiary of the Steel Authority of India (SAIL). IISCO's shares were transferred to SAIL under the 1978 Act. In 2006, it was merged with SAIL to try and affect a revival of the company.^a

Reasons for repeal

The operation of IISCO takes place under the Companies Act. This Act is therefore not relevant to the functioning of the IISCO and may be repealed.

Issues

There are no legal issues that would impede repeal.

^aBusiness Line, IISCO-SAIL merger gets Cabinet nod,
<http://www.thehindubusinessline.in/bline/2005/06/17/stories/2005061702780300.htm>, 2005-06-17



Name: Burn Company and Indian Standard Wagon Company (Nationalisation) Act, 1976

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into new entity, making the acquisition Act redundant

What is the law?

The Burn Company and the Indian Standard Wagon Company produced railway wagons and other goods necessary to the iron and steel industry. In 1967, the production of the companies declined and they were on the verge of closure. Government of India took over the management of the company in 1973 on grounds that closure would adversely affect the production of vital commodities. The Statement of Objects and Reasons of the Act notes that the companies were subsequently nationalised due to the huge debts they had accumulated.

The Act provided that the titles, rights and interests of both these undertakings would vest in the Government on the appointed date, free of all encumbrances. The owners of the two companies would continue to remain liable for all existing liabilities, other than wages and government loans.

After acquisition, the two companies were amalgamated under the Companies Act and renamed Burn Standard Company Ltd. On account of consistent losses, the company was officially declared sick in 1995. The company has remained in financial crisis ever since.

Reasons for repeal

The acquisition act has no role to play in the management and recovery attempts of the Burn Standard Company, which is now managed by the Ministry of Railways.

Issues

There are no legal issues that would impede repeal.



Name: The Burmah Shell (Acquisition of Undertakings in India) Act, 1976

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into a new entity, making the acquisition act redundant

What is the law?

The Act provided for the acquisition of the Burmah Shell Oil Storage and Distributing Company of India Limited (BSD) to ensure coordinated distribution and utilisation of petroleum products. It provided that on the appointed date, the right, title and interest of Burmah Shell undertakings in India would be transferred to the central government. It further gave the power to the central government to transfer these holdings to a government company. The government paid Rs. 27.75 crores to the parent company Burmah Shell for this acquisition under the Act.

The government acquired at the same time the Burmah Shell Refineries Limited, and vested all assets of the BSD in this company, which was later renamed Bharat Petroleum Corporation Limited (BPCL) in 1977.

Reasons for repeal

- This Act deals with only the acquisition and not the management of the company, which has merged with BPCL. BPCL is managed by its Board of Directors constituted under the Companies Act, 1956, consisting of Government of India nominees and independent Directors. Repealing this Act will therefore not have an effect on the existence or functioning of the company.
- The plan for disinvestment in HPCL and BPCL was proposed by the Department of Disinvestment in 2002.^a In 2003, the Supreme Court (in the same judgment mentioned in the previous entry) stalled the sale of shares of BPCL saying that since the company had been acquired under the Burmah Shell (Acquisition of Undertakings in India) Act, privatisation could not proceed through executive order. According to the Court, the Act would either have to be repealed, or Parliamentary approval would have to be obtained for the privatisation to go ahead.^b

Issues

The repeal of this Act might send out signals in the market of impending disinvestment in the oil and gas sector, which has remained a contentious issue.

^aBusiness Standard, Divestment hopes lift BPCL, HPCL, 2002-08-29, <http://www.business-standard.com/article/markets/divestment-hopes-lift-bpcl-hpcl-102082901063-1.html>

^bCentre for Public Interest Litigation v. Union of India, (2003) 7 SCC 532.



Name: Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Act, 1976

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into new entity, making the acquisition Act redundant

What is the law?

The Act enabled the acquisition of Braithwaite and Company (India) Limited to undo the mismanagement by its erstwhile managing agents and Board of Directors, which had seriously affected the production and supply of goods. Braithwaite is engaged in the manufacture and production of railway wagons and intricate components required by the railway industry. The Act transferred all assets, rights, powers and properties of the company to the central government. It also provided for compensation of Rs. 16 crores to be paid to the company in return for the transfer of assets.

Currently, Braithwaite is a subsidiary to the Bharat Bhari Udyog Nigam Limited (BBUNL) and under the administrative control of the Department of Heavy Industries. Braithwaite was declared sick and referred to the BIFR in 1992.^a

The Government has been seeking to dis-invest Braithwaite since 2002-2003. In 2010, the Cabinet approved the financial restructuring of Braithwaite and transferred it to the Steel Authority of India Limited (SAIL). The Cabinet also plans to provide loans to Braithwaite for its revival.^b

Reasons for repeal

The acquisition act has no role to play in the management and recovery attempts of Braithwaite. Its repeal will not affect the process of recovery.

Issues

There are no legal issues that would impede repeal.

^aDepartment of Disinvestment, Preliminary Information Memorandum (PIM): Braithwaite & Co. Ltd., 2014-07-17. <http://www.divest.nic.in/braithwaite.asp>

^bThe Hindustan Times, Cabinet approves financial restructuring of BBUNL, 2010-06-10, 2014-07-17. <http://www.hindustantimes.com/business-news/cabinet-approves-financial-restructuring-of-bbunl/article1-555807.aspx>



Name: Smith, Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Act, 1977

Subject: Redundant Nationalisation

Reason: Nationalised company closed, making the acquisition act redundant

What is the law?

The Act enabled the acquisition of Smith, Stanistreet and Company Limited, engaged in the manufacture and distribution of pharmaceuticals and chemicals. The stated reason was that the company was being managed in a manner highly detrimental to public interest, and suffering from heavy losses. The Act transferred all assets, rights, powers and properties of the company to the central government, and declared those assets to be free of all encumbrances or obligations. It also provided for compensation of almost Rs. 4 crores to be paid to the company in return of the transfer of assets.

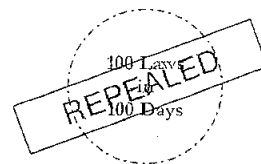
Reasons for repeal

- The Company had been incurring financial losses and was formally declared sick by the Board of Industrial and Financial Reconstruction (BIFR) in 1992. In 2001, the BIFR confirmed its opinion that it was just and equitable in public interest that the company should be wound up.^a The central government decided to close the Company and separated the employees by offering Voluntary Separation Scheme (VSS) to them. Consequently, this Company has been closed.
- Since the company has now been closed and is not operating currently, the acquisition act does not serve any purpose.

Issues

There are no legal issues that would impede repeal.

^aDepartment of Chemicals and Petrochemicals, Smith Stanistreet Pharmaceuticals Limited (SSPL), 2014-07-17.
http://chemicals.nic.in/pharma_sspl.htm



Name: Caltex [Acquisition of Shares of Caltex Oil Refining (India) Limited and of the Undertakings in India of Caltex (India) Limited] Act, 1977

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into a new entity, making the acquisition act redundant

What is the law?

The Act provided for the acquisition of all rights, titles and interests of the Indian undertakings of Caltex Oil Refining (India) Limited (CORIL) by the central government. The purpose of the acquisition was the implementation of the policy of progressively securing State ownership and control of the nation's petroleum resources. The Act gave the power to the central government to transfer these holdings to a Government Company. Rs. 13 crores was paid to Caltex Petroleum, the US parent company, as compensation.

By means of this acquisition act, CORIL was merged with the Hindustan Petroleum Corporation Limited (HPCL) in 1977.

Reasons for repeal

- CORIL now exists as only HPCL, which is governed by the Companies Act. Repealing this Act will therefore not have any effect on the functioning of the company.
- In 2003, in the case of Centre for Public Interest Litigation v. Union of India,^a the Supreme Court said that the sale of shares of HPCL could not take place through executive order, since the formation of HPCL had taken place through acquisition statutes, including the Caltex [Acquisition of Shares of Caltex Oil Refining (India) Limited and of the Undertakings in India of Caltex (India) Limited] Act, 1977. For the sale of its shares, either Parliamentary approval would have to be obtained, or the acquisition statutes, including this one, would have to be repealed.

Issues

There are no legal issues that would impede repeal.

^a(2003) 7 SCC 532.

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Name: Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into new entity, making the acquisition Act redundant

What is the law?

The Act enabled the nationalisation and subsequent amalgamation of two erstwhile companies, Arthur Butler & Co. located at Muzaffarpur, and Britannia Engineering Works located at Mokamah (both in Bihar). The decision of the Government was driven by the industrial sickness in both the companies. The Act transferred all assets, rights, powers and properties of both companies to the central government. It also provided for compensation of Rs. 152.85 lakhs to Britannia Engineering and Rs. 137.70 lakhs to Arthur Butler and Company in return for the transfer of assets.

Both the companies were amalgamated to form Bharat Wagon and Engineering Company Limited (BWEL) which is a 100% subsidiary of Bharat Bhari Udyog Nigam Limited (BBUNL). BWEL was declared sick and referred to the BIFR in 2000. In 2008, the Cabinet Committee on Economic Affairs (CCEA) approved the financial restructuring of BWEL and it was taken over by the Ministry of Railways.^a

Reasons for repeal

The acquisition Act has no role to play in the management and recovery attempts of BWEL. Its repeal will not affect the process of recovery.

Issues

There are no legal issues that would impede repeal.

^aDepartment of Disinvestment, Preliminary Information Memorandum (PIM): Braithwaite & Co. Ltd., 2014-07-17. <http://www.divest.nic.in/braithwaite.asp>



Name: Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Act, 1978

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into new entity, making the acquisition act redundant

What is the law?

The Act provided for the acquisition and transfer of the undertakings of Hindustan Tractors Limited. The stated reason was to ensure the continuity of production of goods, which were vital to meet the needs of the general public. It also provided for compensation of Rs. 150 lakhs to be paid by the central government to the company in return of the transfer of assets.

Under Section 6 of this Act, the central government transferred the undertakings of the Company to the Government of the state of Gujarat. Consequently, all assets, rights, powers and properties of the company were transferred to the Government of Gujarat.

In 1999, the Mahindra and Mahindra Group acquired 60% of Hindustan Tractors Limited, and by 2001 the rest of the company was also purchased. It was then renamed to Mahindra Gujarat Tractors Ltd., and is now a Mahindra and Mahindra enterprise.^a

Reasons for repeal

Since Hindustan Tractors Ltd. has been privatised, repeal of the acquisition act would not have any effect on its management.

Issues

There are no legal issues that would impede repeal.

^aDepartment of Disinvestment, Preliminary Information Memorandum (PIM): Braithwaite & Co. Ltd., 2014-07-17.
<http://www.divest.nic.in/braithwaite.asp>

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Name: Kosan Gas Company (Acquisition of Undertaking) Act, 1979

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into new entity, making the acquisition act redundant

What is the law?

The Act enabled the acquisition of the undertakings of the Kosan Gas Company so as to secure the ownership and control of the means and resources for bottling, transport, marketing and distribution of liquefied petroleum gas (LPG). This was done to ensure that distribution of LPG would sub-serve the common good. In 1979, Kosan Gas Company was merged with Hindustan Petroleum Corporation Limited (HPCL).^a Plans to privatise HPCL have been in the pipeline for a considerable period of time now.

Reasons for repeal

- The judgement in Centre for Public Interest Litigation v. Union of India^b dealing with the privatisation of HPCL holds relevance for Kosan Gas Company as well. The sale of shares of HPCL could not take place through executive order, since the formation of HPCL had taken place through acquisition statutes, including the Kosan Gas Company (Acquisition of Undertaking) Act, 1979. For sale of its shares, therefore, either Parliamentary approval would have to be obtained or the acquisition statutes, including this one, would have to be repealed.
- Even though this Act, does not find a mention in the Centre for Public Interest Litigation judgement, the privatisation of HPCL will likely entail repeal of this Act as well.

Issues

There are no legal issues that would impede repeal.

^aHindustan Petroleum Corporation Limited, Our Roots, 2014-06-17. <http://www.hindustanpetroleum.com/ourroot>

^b(2003) 7 SCC 532.

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Name: Jute Companies (Nationalisation) Act, 1980

Subject: Redundant Nationalisation

Reason: The Act has served its purpose

What is the law?

This Act was passed to acquire and transfer the undertaking of six jute companies, namely, National Company Limited, Alexandra Jute Mills Limited, Union Jute Company Limited, Khardah Company Limited, Kinnison Jute Mills Company Limited and RBHM Jute Mills Private Limited by the central government. The undertakings were vested in the National Jute Manufacturers Corporation Limited, a company incorporated under the Companies Act, 1956.

Reasons for Repeal

The process of acquisition is complete and assets of the aforesaid companies are now vested in the National Jute Manufacturers Corporation Limited (NJMC), with effect from June 1980. The NJMC is governed under the Companies Act, making this Act redundant.

Issues

There are no legal issues that would impede repeal.

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Name: Amritsar Oil Works (Acquisition and Transfer of Undertakings) Act, 1982

Subject: Redundant Nationalisation

Reason: Act has served its purpose

What is the law?

The Act enabled the complete nationalisation of Amritsar Oil Works. The management of this company was taken over by the central government under the Industries (Development and Regulation) Act, 1951. This was done to ensure supply of refined edible oils to the public at reasonable prices. The Act transferred all assets, rights, powers and properties of the Amritsar Oil Works to the central government. It also provided for compensation of about Rs. 65 lakhs to be paid to the company in return of the transfer of assets.

By virtue of this Act, the Hindustan Vegetable Oils Corporation Limited (HVOC) was formed which is a fully owned government company. Upon nationalisation, Amritsar Oil Works was taken over by HVOC. HVOC had been suffering severe financial losses and was declared sick by the BIFR in 1999. Pursuant to BIFR's order, the Government of India did not attempt revival and rehabilitation of the company and approved the introduction of VSS for their employees.^a

Reasons for repeal

- Currently, none of the units of the HVOC are operational except the Breakfast Foods manufacturing unit in Delhi (also loss-making). The government has advised the Central Warehousing Corporation and Food Corporation of India to carry out a due diligence exercise to ascertain if they can take over HVOC along with its assets, liabilities and remaining manpower.^b
- The acquisition act has served its purpose. It now has no role to play in the management and recovery attempts of the HVOC (of which the Amritsar Oil Works is a part).

Issues

There are no legal issues that would impede repeal.

^aDepartment of Food and Public Distribution, Background and History of Operations, 2014-07-18.
<http://dfpd.nic.in/?q=node/974>

^bid



Name: Hooghly Docking and Engineering Company Limited (Acquisition and Transfer of Undertakings) Act, 1984

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into new entity, making the acquisition Act redundant

What is the law?

The Act provides for the acquisition and transfer of the undertakings of the Hooghly Docking and Engineering Company Limited to the central government. The acquisition was brought about to better utilise and increase the capacity for shipbuilding and ship repairing.

In 2011, the Union Cabinet gave in-principle approval for the formation of a Joint Venture of Hooghly Dock and Port Engineers Limited (HDPEL) with a private sector player. HDPEL, India's oldest ship-builder, is reeling under severe financial losses. The Rehabilitation-cum-Restructuring Plan for HDPEL includes assistance of Rs. 21 crores for implementing a Voluntary Retirement Scheme for the employees.^a

Reasons for repeal

- Upon its privatisation, the management of the undertaking of HDPEL would not lie with the central government.
- The Act has served its purpose and is no longer necessary. The repeal of this Act would not have any effect on the management of the firm or in the formation of the Joint Venture with a private company.

Issues

There are no legal issues that would impede repeal.

^aCabinet Committee on Economic Affairs, CCEA, Rehabilitation-cum-Restructuring of Hooghly Dock & Port Engineers Limited (HDPEL), Kolkata, 2011-10-13, 2014-07-17. <http://pib.nic.in/newsite/erelease.aspx?relid=76624>

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Name: Inchek Tyres Limited and National Rubber Manufacturers Limited (Nationalisation) Act, 1984

Subject: Redundant Nationalisation

Reason: The Act has served its purpose

What is the law?

This Act was passed to acquire and transfer the undertaking of Inchek Tyres Limited and National Rubbers Manufacturers Limited.

Reasons for Repeal

The purpose of the Act has been achieved. The process of acquisition was completed in 1984, and the assets of the Company were vested in the Tyre Corporation of India Limited (TCIL), a Government of India enterprise. Subsequently, the Government has decided to dis-invest 100% equity shareholding in TCIL, pursuant to the TCIL (Disinvestment of Ownership) Act, 2007.^a

Issues

There are no legal issues that would impede repeal.

^aDepartment of Disinvestment, Preliminary Information Memorandum (PIM): Braithwaite & Co. Ltd. <http://www.divest.nic.in/braithwaite.asp>, 2014-07-17.

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Name: Futwah Islampur Light Railway Line (Nationalisation) Act, 1985

Subject: Redundant Nationalisation

Reason: The Act has served its purpose

What is the law?

This Act provided for the acquisition of the Futwah Islampur Light Railway Line, a narrow gauge railway line in Bihar, owned by the Futwah Islampur Light Railway Company, as it was considered to be hazardous and uneconomical for the company to manage.

Reasons for Repeal

The railway line was acquired by Indian Railways and then was closed in 1987. Assets, stocks and employees, etc. stood transferred to the government consequent to the nationalisation. The purpose of this Act is therefore spent.

Issues

There are no legal issues that would impede repeal.



Name: Swadeshi Cotton Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1986

Subject: Redundant Nationalisation

Reason: Nationalised company subsumed into a new entity, making the acquisition act redundant

What is the law?

The Act enabled the acquisition and transfer of certain textiles undertakings of the Swadeshi Cotton Mills Company Limited so as to ensure the continued manufacture, production and distribution of different varieties of cloth and yarn. The management of Swadeshi Cotton Mills was taken over by the central government and the National Textile Corporation (NTC) was appointed to manage the affairs of the Mill.

The Mill was working under the administrative control of the NTC and had been continuously incurring losses. Severe financial losses led to the Government of Puducherry extending assistance to the Mill. In 2005, the Government of Puducherry took over from the NTC and formed a company under the name of Swadeshee-Bharathee Textile Mills Ltd.. The Swadeshi Cotton Mill is now working with the active support of the Government of Puducherry and is not under the control of the NTC.^a Swadeshee-Bharathee Textile Mills Ltd is an amalgamation of the erstwhile Swadeshi Cotton Mills and Sri Bharathi Mills, which was also a NTC undertaking.

Reasons for repeal

- The nationalisation act vested the undertakings of the Mills in the NTC. Consequent to its takeover by the Government of Puducherry, the NTC does not exercise control the Mill. This Act thus, no longer serves any purpose.
- The repeal of this Act would not affect the management of the Swadeshee-Bharathee Textile Mills Ltd.

Issues

There are no legal issues that would impede repeal.

^aSwadeshee-Bharathee Textile Mills Limited, About Us, 2014-07-18. <http://sbtml.com/AboutUs.htm>

Outmoded Labour Relations

Economists, policy-makers and lawyers agree that prevalent labour market rigidities in India constrain growth in employment,^a particularly through onerous laws.^b Currently, there are 44 labour related statutes enacted by the central government dealing with wages, social security, welfare, occupational safety and health, and industrial relations.^c The obvious cost of Indias labour laws is corruption, since, 'it is impossible to comply with 100% of the laws without violating 10% of them.'^d

The following set comprises of such outdated labour laws, which constrain employment, burden employers, and produce sub-optimal welfare outcomes for workers. Several of these laws create a network of overlapping regulations, such as the Weekly Holidays Act (1942) vis--vis Shops and Establishments statutes in various states. Laws such as the Children (Pledging of Labour) Act (1933) are fraught with inconsistencies, have language that vitiates the purpose of the Act, and have been superseded by newer laws such as the Child Labour (Prohibition and Regulation) Act (1986). While labour regulations protect the interest of workers, they may also be too burdensome for employers.

In addition, laws pertaining to labour welfare cesses and funds create a low-level equilibrium, where their costs far outweigh their benefits. The concept of Labour Welfare Funds was evolved to extend a measure of social assistance to workers in the unorganized sector. Five separate legislations (related to Mica Mines, Limestone and Dolomite Mine, Iron Ore, Manganese Ore & Chrome Ore Mines, Beedi industry, and Cine industry) exist for the collection of five separate cesses, towards supporting five separate funds. These laws provide a separate, but identical, mechanism for raising funds to promote welfare of unorganized sector workers in each industry. This has resulted in administrative inefficiency, particularly very high transaction costs, and yet the amount ultimately available for worker welfare is negligible. A similar law, Coal Mines Labour Welfare Fund Act (1947) was repealed in 1986. The Report of the Second National Labor Commission (2002) recommended an umbrella legislation for all workers in the unorganized sector, ensuring minimum level of economic and social security, a finding echoed by other experts.^e Thereafter, additional Welfare Funds could be constituted by States based on the need of a particular sector (or be administered through sector specific cells within existing labour welfare funds in 15 states).^f The beneficiaries of the Welfare Funds could also be covered under the Unorganized Workers Social Security Act (2008).

Rationalisation, simplification, unification and harmonisation of labour laws are a necessity. Policy makers have long contemplated unified labour regulations for all provisions relating to specific aspects of labour relations. Repealing these laws would be the first step in this process.

^aDebroy, Bibek, Why we need law reform, Seminar, 2001, <http://www.india-seminar.com/2001/497/497%20bibek%20debroy.htm>.

^bDebroy, Bibek, Indias Segmented Labour Markets, Inter-State Differences, and the Scope for Labour Reforms, Economic Freedom of the States of India, 2012, 75-82, <http://www.cato.org/economic-freedom-india/Economic-Freedom-States-of-India-2012-Chapter-4.pdf>.

^cMinistry of Labour and Employment, Uniform Labour Laws, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=107950>.

^dManish Sabharwal, Lets photocopy Rajasthan, The Indian Express, 2014-06-19

^eDatta, RC and Sil, Milly, Contemporary Issues on Labour Law Reform in India: An Overview, Tata Institute of Social Sciences, 2007

^fSecond National Commission on Labor, Report of the National Commission on Labor, Government of India, 2002.

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Name: Children (Pledging of Labour) Act, 1933

Subject: Outmoded Labour Relations

Reason: The Act is obsolete

What is the law?

This Act renders void any agreement made by parents or guardians pledging the labour of a child. It penalises parents or guardians and other persons who enter into such an agreement as well as the employment of children in pursuance of the agreement.

Reasons for Repeal

- The Committee on Child Labour set up in 1979, headed by M S Gurupadaswamy found child labour legislations existing at the time to be inconsistent and recommended that a comprehensive legislation on prohibition and regulation of child labour be enacted instead.^a Following this, the Child Labour (Prohibition and Regulation) Act, 1986 was brought into force, outlining where and how children could work and where they could not. This renders the 1933 law obsolete.
- The Act, while declaring any such agreement to be void (Section 3), excludes those which were made without detriment to the child, or where reasonable wages were paid for the child's services and where the services of the child were terminable within a week's notice. In doing so, the law does not define what activity would be detrimental to the child and what would be considered to be a reasonable wage.
- The Report of the National Commission on Labour (2002) observes that this exception vitiates the purpose of the law and provides an easy way to wiggle out of the provisions of the Act.^b Based on a thorough analysis of the discrepancies in the Act, the Commission recommended the repeal of the Act, as it was inconsistent with the Convention on the Rights of Child.

Issues

There are no legal issues that would impede repeal.

^aCommittee on Child Labour, Committee on Child Labor 1979: Report, Government of India, Volumes 16 Nos. 2 and 3, 04-2004, 347-350. http://www.isepune.org.in/PDF%20ISSUE/2004/JISPE2304/2004_10DOCUM-2.PDF

^bSecond National Commission on Labour, Report of the National Commission on Labour, Government of India, 2002. <http://www.prsindia.org/uploads/media/1237548159/NLCIL-report.pdf>

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Name: Weekly Holidays Act, 1942

Subject: Outmoded Labour Relations

Reason: The Act is repetitive with the Shops and Establishment Acts

What is the law?

The Central Act known as the Weekly Holidays Act, 1942, provides for the grant of weekly holidays to persons employed in Shops and Commercial Establishments, etc., and is operative only in those States which notify its application to specified areas within their jurisdiction.

Reasons for Repeal

- The Act is repetitive with the Shop and Establishment Acts (of all States), which mandatorily prescribe a close day for all shops and establishments.
- It also only applies to specific areas notified by state governments. For example in 2008, the coverage of the Act was particular to 7 areas in Karnataka (Murnad, Bhagamandala, Napoklu, Ammathi, Ponnampet and Hudikeri in Kudagu District and Munirabad and Kinnal in Raichur District) in the Port Blair Municipal Areas of Andaman and Nicobar Islands.^a
- In principle, India should aim to move towards a system of employment solely governed by mutual contracts signed by employers and employees.

Issues

Notifications, if any, issued under the Weekly Holidays Act will have to be suitably modified to be made applicable under the Shops and Establishment Acts. In the alternative, fresh notification specifying close days may have to be issued under the Shops and Establishment Act, wherever applicable.

^aReport on the working of the legislation governing conditions of employment in shops, commercial establishments, theatres, hotels and restaurants during the year 2008. http://labourbureau.nic.in/Rep_Working_Shops_2008.pdf

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Name: Mica Mines Labour Welfare Fund Act, 1946

Subject: Outmoded Labour Relations

Reason: Amount of cess collected is negligible compared to administrative costs

What is the law?

This Act provides for financing of activities to promote welfare measures, such as health, recreational, and educational assistance, of persons employed in the Mica Mines. The corpus of the Fund is created out of a cess levied on the production, sale and export of these mines.

Reasons for repeal

- As per the receipt budget of 2013-14, in 2011-12, Rs. 2 crores were collected as cess under the Act.^a The estimates for collection in 2013-14 are Rs. 2.34 crores. The Welfare fund itself has very low balances as shown below:

Cumulative balance in Mica Labour Welfare Fund as on 31.12.2012^b (Rs. In Crores)

Fund	Opening Balance as on 01.04.2012	Receipts April-Dec 2012	Expenditure April-Dec 2012	Prov. Closing Balance as on 31.12.2012
Mica	6.63	2.15	1.67	7.11

- It is likely that as the fund amount travelled towards the beneficiaries, further delivery costs are incurred. Even with the Funds previous closing balance, the amount left for worker welfare is likely very low (approximately Rs. 1,000 per worker per year, assuming that there are about 10,000 registered mica mine workers).
- In fact, the National Commission on Labour itself notes, there is practically no demand for mica now because of the substitutes that are available. As of the early 2000s, mica mining has almost ended.^c
- While the intent of the Act is noteworthy, a requisite allocation should be made as part of the budget of Ministry of Labour, instead of the administrative processes of running a fund. As 9th Five Year Plan noted, given the large share of those employed in the primary industries, outside the organised sector, in very small establishments and at casual status of employment, the strategy for benefiting the workforce in general has to be based on an increase in productivity rather than on attempting labour welfare through a frame-work of multiple regulations.^d
- Finally, the mining industry is regulated by the Mines Act, 1952. Suitable amendments could be made to this act to include the broad contours of the mining welfare provisions under the welfare funds as they stand currently.

Issues

There are no legal issues that would impede repeal.

^a<http://indiabudget.nic.in/ub2013-14/rec/tr.pdf>

^bMinistry of Labour and Employment, Labour Welfare, http://labour.nic.in/content/dglw/rti/RTI_Headquarer.pdf, 2014-08-26.

^cSecond National Commission on Labor, Report of the National Commission on Labor, Government of India, 2002.

^d9th Five Year Plan (Vol-2), Human and Social Development <http://planningcommission.nic.in/plans/planrel/fiveyr/9th/vol2/v2c3-11.htm>



Name: Limestone and Dolomite Mines Labour Welfare Fund Act, 1972

Subject: Outmoded Labour Relations

Reason: Amount of cess collected is negligible compared to administrative costs

What is the law?

This Act provides for financing of activities to promote welfare measures, such as health, recreational, and educational assistance, of persons employed in the Limestone and Dolomite Mines. The corpus of the Fund is created out of a cess levied on the production, sale and export of these mines.

Reasons for repeal

- As per the Receipt Budget of 2013-14, in 2011-12, only Rs. 5 crores were collected as cess under the Act. The estimates for collection in 2013-14 are Rs. 14.25 crores. The Welfare fund itself has very low balances as shown below:

Cumulative balance in LSDM Welfare Fund as on 31.12.2012 (Rs. In Crores)

Fund	Opening Balance as on 01.04.2012	Receipts April-Dec 2012	Expenditure April-Dec 2012	Prov. Closing Balance as on 31.12.2012
LSDM	58.22	13.06	8.51	62.77

- Welfare schemes under the Act are largely limited to health schemes and a few educational and recreational schemes. The amount that is eventually allocated for the implementation of these schemes is very low. For instance, the budget allocation for this fund in Maharashtra in 2011-2012 was only Rs. 26.66 lakhs.
- While the intent of the Act is noteworthy, a requisite allocation should be made as part of the budget of Ministry of Labour, instead of the administrative processes of running a fund.
- Finally, the mining industry is regulated by the Mines Act, 1952. Suitable amendments could be made to this act to include the broad contours of the mining welfare provisions under the welfare funds as they stand currently. Alternatively, welfare of all mineworkers outside of coal mines could be managed under one Welfare fund, to which an annual allocation is made on a per worker basis from the Consolidated fund. The Coal Mines Welfare Fund was abolished in 1986 (through a repeal Act) on similar grounds.

Issues

There are no legal issues that would impede repeal.

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Name: Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Cess Act, 1976

Subject: Outmoded Labour Relations

Reason: Amount of cess collected is negligible compared to administrative costs

What is the law?

The Act provides for the levy and collection of a cess on all iron ore, all chrome ore and all manganese ore produced in any mine. A duty of custom is levied where such iron ore, manganese ore and chrome ore is to be exported and a duty of excise is levied otherwise. The duty is to be levied at a rate not exceeding Re. 1 per metric tonne of iron ore; Rs. 6 per metric tonne of manganese ore, and Rs. 6 per metric tonne of chrome ore. The proceeds of the cess are credited to the Consolidated Fund of India. The central government, after deducting the cost of collection, credits the proceeds to the Labour Welfare Fund. The amount credited in the said Fund provides for welfare amenities for the workers and their dependents.

Reasons for repeal

- As per the Receipt Budget of 2013-14, in 2011-12, only Rs. 12 crores were collected as cess under the Act. The estimates for collection in 2013-14 are Rs. 14.78 crores.
- As has been observed, laws pertaining to labour welfare cesses create a low-level equilibrium, where their costs far outweigh their benefits. This mechanism has resulted in administrative inefficiency, particularly very high transaction costs and costs of maintaining records. Cesses collected are inadequate, and the amount ultimately available for worker welfare is negligible. The needs for which the cess is collected can instead be met by funds from the Consolidated Fund of India. This would also reduce administrative costs for the government, and help direct administrative resources towards other purposes.
- We have argued before that earmarked cesses are inefficient and ineffective public finance. In keeping with the principles of sound public finance and administration, such welfare cesses must be done away with.

Issues

There are no legal issues that would impede repeal.

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Name: Iron Ore Mines, Manganese Ore Mines & Chrome Ore Mines Labour Welfare Labour Fund Act, 1976

Subject: Outmoded Labour Relations

Reason: Disproportionate administrative costs compared to welfare benefits

What is the law?

This Act provides for financing of activities to promote welfare measures, such as health, medical care, and educational assistance, of persons employed in Iron Ore, Manganese Ore or Chrome Ore Mines. The corpus of the Fund is created out of a cess levied on the production, sale and export of these mines, which is credited to the Consolidated Fund of India under Section 5 of the Iron Ore, Manganese Ore and Chrome Ore Mines Welfare Cess Act, 1976.

Reasons for repeal

- The Welfare fund itself has very low balances as shown below:

Cumulative balance in the different funds as on 31.12.2012 (Rs. In Crores)

Fund	Opening Balance as on 01.04.2012	Receipts April-Dec 2012	Expenditure April-Dec 2012	Prov. Closing Balance as on 31.12.2012
IOMC	165.19	13.57	9.37	169.39

- Welfare schemes under the Act are largely limited to health schemes and a few educational and recreational schemes. The amount that is eventually allocated for the implementation of these schemes is very low. For instance, the budget allocation for this fund in Maharashtra in 2011-2012 was only Rs. 86.68 lakhs.

Issues

There are no legal issues that would impede repeal.

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Name: The Beedi Workers Labour Welfare Cess Act, 1976

Subject: Outmoded Labour Relations

Reason: Amount of cess collected is negligible compared to administrative costs

What is the law?

This Act provides for the levy, by way of cess, of a duty of excise on manufactured beedis. The duty of excise levied should not be less than 10 paise or more than 50 paise per thousand manufactured beedis. The proceeds of the cess are credited to the Consolidated Fund of India. The central government, after deducting the cost of collection, credits the proceeds of the cess to the Beedi Workers Welfare Fund.

Reasons for repeal

- As per the Receipt Budget of 2013-14, in 2011-12, only Rs. 150 crores were collected as cess under the Act. The estimates for collection in 2013-14 are Rs. 160 crores. India has over 4 million beedi workers, most of whom are home based, and therefore in the unorganised sector. The amount collected as cess is inadequate to meaningfully provide welfare measures for such vast numbers.
- The cess collection merely adds to administrative costs. The needs for which the cess is collected can instead be met by funds from the Consolidated Fund of India. This would also reduce administrative costs for the government, and help direct administrative resources towards other purposes.
- We have argued before that earmarked cesses are inefficient and ineffective public finance. In keeping with the principles of sound public finance and administration, such welfare cesses must be done away with.

Issues

The Beedi Workers Welfare Cess is one of the small cesses that brings in negligible amounts of money even as it adds to the administrative costs for the Government. The repeal of this Act would not entail severe consequences for the revenue collected. Aside from this, there are no legal issues that would impede repeal.



Name: Beedi Workers Labour Welfare Fund Act, 1976

Subject: Outmoded Labour Relations

Reason: Disproportionate administrative costs compared to welfare benefits

What is the law?

Welfare funds were introduced to extend social assistance to workers in the unorganised sector, who did not enjoy the benefits available to the organised sector. While some of these funds are set up under State laws, Parliament has enacted laws setting up funds for five categories of workers, including beedi workers. This Act provides for financing of activities to promote welfare measures, such as health, recreational, and educational assistance, of persons engaged in beedi establishments. The corpus of the Fund is primarily formed by the amount the Central Government may provide out of the proceeds of cess credited under Section 4 of the Beedi Workers Welfare Cess Act, 1976.

Reasons for repeal

- The Welfare Fund has very low balances as shown below:

Cumulative balance in the Beedi Welfare Fund funds as on 31.12.2012 (Rs. In Crores)

Fund	Opening Balance as on 01.04.2012	Receipts April-Dec 2012	Expenditure April-Dec 2012	Prov. Closing Balance as on 31.12.2012
Beedi	-262.72	116.49	116.88	-263.11

- Even though there was a surplus in the fund up to 2006-07, it started showing a deficit from 2007-08.^a The expenditure from the Fund is huge and the amount credited by means of cess is insufficient to meet the expenditure. There has been a continuous adverse balance in the Fund during the period 2007-08 to 2011-12, which steadily increased from (-) Rs. 24.56 crores in 2007-08 to (-) Rs. 205.75 crores in 2011-12.
- A majority of beedi industry workers are home based, and typically fall in the unorganised sector. In a study conducted by the Sri Ram Centre for Industrial Relations and Research, it was found that those vested with the authority to issue identity cards had no mechanisms to verify the credentials of applicants either as those actively engaged in rolling beedis or as genuine workers in need of welfare. Moreover, identity cards issued decades back have never been reviewed, leading to redundancies, and likely duplicates.
- This is not an efficient or effective method to ensuring worker welfare. Social Security measures for these workers should be provided under the Unorganised Workers Act, and welfare should be promoted at the state level through local welfare funds.
- Welfare schemes under the Act are largely limited to health and educational schemes. The amount that is eventually allocated for the implementation of these schemes is very low. For instance, the budget allocation for this fund in Maharashtra in 2011-2012 was only Rs. 9.86 crores, while in Odisha it was Rs. 18 crores.

Issues

There are no legal issues that would impede repeal.

^aStanding Committee on Labour, Welfare of Beedi Workers, Ministry of Labour and Employment, 2011-03, 11, <http://164.100.47.134/lssccommittee/Labour/computer-17.pdf>, 2014-08-21.



Name: Cine-workers Labour Welfare Cess Act, 1976

Subject: Outmoded Labour Relations

Reason: Amount of cess collected is negligible compared to administrative costs.

What is the law?

This Act provides for the levy and collection of cess on feature films and the amount so collected is used to finance measures for the welfare of cine workers. The duty of excise levied should not be less than Rs. 1,000 and more than Rs. 20,000 on every feature film. The proceeds of the cess are credited to the Consolidated Fund of India. The central government, after deducting the cost of collection, credits the proceeds to the Cine-workers Welfare Fund.

Reasons for repeal

- As per the Receipt Budget of 2013-14, in 2011-12, only Rs. 1.5 crores were collected as cess under the Act. The estimates for collection in 2013-14 are Rs. 1.78 crores.
- Scrutiny of accounts of the Ministry of Labour and Employment revealed that the cess collected under this Act was not fully transferred to the Fund. In 2011-12, there was shortfall of approximately Rs. 0.81 crores and the same was not accounted for.
- The cess collected is inadequate and merely adds to administrative costs. The needs for which the cess is collected can instead be met by funds from the Consolidated Fund of India. This would prevent the huge administrative costs that go into collection of this cess.
- We have argued before that earmarked cesses are inefficient and ineffective public finance. In keeping with the principles of sound public finance and administration, such welfare cesses must be done away with.

Issues

The Cine Workers Welfare Cess is one of the small cesses that brings in negligible amounts of money even as it adds to the administrative costs for the Government. The repeal of this Act would not entail severe consequences for the revenue collected. Aside from this, there are no legal issues that would impede repeal.



Name: Cine Workers Labour Welfare Fund Act, 1981

Subject: Outmoded Labour Relations

Reason: Disproportionate administrative costs compared to welfare benefits

What is the law?

The Act provides for financing welfare measures, such as health, medical care, educational assistance, for cine-workers. The corpus of the Fund is created out of the duty of excise levied on feature films certified by the Central Board of Film Certification, which is credited to the Consolidated Fund of India under Section 5 of the Cine Workers Welfare Cess Act, 1981.

Reasons for repeal

- The Welfare Fund has very low balances as shown below:

Cumulative balance in the Cine workers Welfare funds as on 31.12.2012 (Rs. In Crores)

Fund	Opening Balance as on 01.04.2012	Receipts April-Dec 2012	Expenditure April-Dec 2012	Prov. Closing Balance as on 31.12.2012
Cine	1.12	1.63	1.04	1.71

- Welfare schemes under the Act are largely limited to health schemes and a few educational and recreational schemes. The amount that is eventually allocated for the implementation of these schemes is very low. For instance, the budget allocation for this fund in Maharashtra in 2011-2012 was only Rs. 36.30 lakhs, while in Odisha it was Rs. 3.9 lakhs.

Issues

There are no legal issues that would impede repeal.

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Restrictive Business and Economic Regulations

India ranked 134 out of 189 economies in the World Bank Ease of Doing Business 2014 data.^a It not only slipped 4 points in its ranking (down from 131 in 2013), but was also the least open among the BRICS countries, and below average among South Asian economies.^b Despite being liberalised in 1991, the Indian economy is still held back by the license-permit-quota raj. Big businesses have the resources and connections to get past legal requirements and bureaucratic red tape. But small and medium enterprises find themselves curtailed and constrained in navigating overlapping, archaic, and confusing laws.

In order to realise the current government's ambitious target of 8% growth, in this set, we present 13 regressive business and economic laws for repeal. These laws are among the many that stand in the way of India realising its economic potential, and run counter to the policy of liberalisation and deregulation, which has helped bring millions out of poverty. Repealing these laws is no silver bullet; in fact it may seem that some of these laws are minor irritants. But this will be a step in the right direction—signalling to the domestic and foreign market that Make in India is not just a sentiment, but an active and sincere policy stance.

Most of the laws in this segment are behind the times and no longer serve any conceivable purpose. Some of these are pre-Independence laws, while others were passed during the protectionist 70s. In other cases, the law has either served its purpose or the subject matter is now governed under another law or government policy. Many of these laws, such as those on sugar and land, impose excessive control on the production, export and sale of goods and resources. This control often has an adverse impact on the industry in question, creating artificial scarcity, limiting competition, and running counter to its aim of providing protection to some stakeholders, particularly in the case of rent control laws that we recommend for repeal.

These Acts give widespread discretionary powers to public officials, often breeding rent seeking behaviour. Laws like the Sarais Act (1867) and the Delhi Hotels (Control of Accommodation) Act (1949), although not in use for all practical purposes, have become tools of harassment. On the other hand, the Boilers Act (1923) has put in place a complicated system of Inspectors, Deputy Inspectors and Chief Inspectors, which have led to unnecessary extortion and harassment.

The present National Democratic Alliance government has reportedly taken a number of measures to improve the business environment in the country, emphasising on simplification and rationalisation of the existing rules, timeliness for clearance of applications, and de-licensing manufacturing of many defence products. Notably, this includes simplification and digitisation of the process of applying for an Industrial License.^c Repealing the following laws will serve as an important part of this narrative.

^aWorld Bank, Report on Doing Business 2014, Doing Business Data 2014, 2014-10-29.

^bBusiness Standard, Why is India Slipping in Ease of Doing Business Rankings?, 2013-11-10.

^cIndia Tribune, Government Takes Measures to Improve Ease of Doing Business, 2014-08-16.



Name: The Sarais Act, 1867

Subject: Restrictive Business & Economic Regulations

Reason: Out-of-date law that is prone to misuse

What is the law?

This 145-year-old law deals with the regulation of public sarais by the District Magistrate, requiring registration of sarais, character certificates and written reports from the sarai keeper etc. It also imposes detailed duties on the sarai keeper including cleaning and repair, 'removal of noxious vegetation', appointing the prescribed number of watchmen and so on.

Reasons for repeal

- This Act is archaic and serves no useful purpose, since an adequate regulatory mechanism exists for the regulation of hotels by Tourism Departments in every state.
- The subject matter of this Act belongs to the State list, under 'inns and inn-keepers' in Entry 31 of the State List. Thus it is not an appropriate subject for a Central legislation.
- The Act is used to harass hotel owners, as indicated by recent news reports.^a For instance, a hotel in Delhi was harassed because it did not offer free drinking water to passers-by, as required under the Sarais Act.^b

Issues

There are no legal issues that would impede repeal.

^aLubna Kably, Statutory Warning: Old Laws Hurt Industry, The Times of India, 2012-11-28, <http://timesofindia.indiatimes.com/business/india-business/Statutory-warning-Old-laws-hurt-industry/articleshow/17406315.cms>, 2014-06-20.

^bBibek Debroy, Usher in a new order, India Today, 2009-05-01, <http://indiatoday.intoday.in/story/Usherinaneworder/1/39702.html>



Name: Indian Boilers Act, 1923

Subject: Restrictive Business & Economic Regulations

Reason: Encourages inspector raj and rampant corruption

What is the law?

This Act was formulated during British rule with the objective of providing mainly for the safety of life and property of persons from the danger of explosions of steam boilers and for achieving uniformity in registration and inspection during operation and maintenance of boilers in India. It creates a cumbersome procedure, requiring a boiler manufacturer to get approval from the Inspecting Authority, prior to the manufacture of a boiler, during erection and prior to repair of either the boiler or a boiler component. It also mandates registration of the boiler by the owner. The Inspecting Authority has been given wide-ranging powers to shut down a boiler unit for inspection and also to intervene in the appointment of agencies for repair and maintenance work of boilers.

Reasons for repeal

- The Act gives widespread powers to the inspectors, encouraging rent seeking. In order to avoid inspection, some industrial units resorted to using boilers with capacities below the regulatory limits. There was also reported to be a shortage of inspectors, due to which many boilers could not be registered, leading to the shutting down of many units. This led to an amendment in the law in 2007 (notified in 2010) providing for third party certification and audit, in order to ease the situation.
- Self-Certification Schemes could be a better alternative. In June 2014, the Commerce and Industry Ministry asked for a repeal of the Act and moving towards a system of self-certification. States like Gujarat, Madhya Pradesh and Rajasthan have already formulated Self-Certification cum Annual Consolidated Return Schemes, in order to curtail unnecessary inspections without compromising on the provisions of health, safety and welfare of the workers. Under the Scheme, an owner of a boiler unit may opt for self-certification by agreeing to abide by certain undertakings and filing of annual returns to the concerned authority; and giving a security deposit. Where the owner fails to file annual returns in time or fails to follow the terms and conditions of the Scheme, the security deposit is forfeited. The concerned authority randomly picks around 10% of the units enrolled under the Scheme for inspection once a year. Once inspected, the unit is not likely to be inspected in the same year or the next three years, unless specific violations are brought to the notice of the authorities.

Issues

This Act has created the posts of Inspectors, Deputy Chief Inspectors and Chief Inspectors to implement the provisions of the Act. There is also an Appellate Authority existing under the Act.



Name: The Delhi Hotels (Control of Accommodation) Act, 1949

Subject: Restrictive Business & Economic Regulations

Reason: The purpose for which this law was enacted no longer exists

What is the law?

This Act was enacted immediately after Independence to address the shortage of accommodation for government officials in Delhi at the time. The Act empowered the Director of Estates, attached to the Ministry of Urban Development, to reserve up to 25 accommodation in private hotels in Delhi for government officials.

Reasons for repeal

- This is an archaic law, which empowers the government to force bookings in hotels in Delhi for government employees.^a
- The Act serves no conceivable purpose now because arrangements for transit accommodation for government officials can be made through the India Tourism Development Corporation (ITDC) hotels and in State guesthouses.^b

Issues

The Delhi Hotel (Control of Accommodation) Repeal Bill, 2014, which seeks repeal of this Act for the above reasons, is pending in the Rajya Sabha. Instead of an individual repeal bill, however, this Act may be repealed through an omnibus repealing Act.

^aBusiness Standard, Cabinet approves repealing of Delhi Hotels Act, 2014-01-09, 2014-06-22.
http://www.business-standard.com/article/pti-stories/cabinet-approves-repealing-of-delhi-hotels-act-114010901172_1.html

^bPRS Legislative Research, Bill Summary, 2014-02-26,
<http://www.prsindia.org/uploads/media/Delhi%20Hotels/Bill%20Summary-Delhi%20Hotels%20Repeal%20Bill.pdf>, 2014-06-22.

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Name: Telegraph Wires (Unlawful Possession) Act, 1950

Subject: Restrictive Business & Economic Regulations

Reason: Telegraph wires are no longer in use

What is the law?

This Act provides for regulating possession of telegraph wires. A telegraph wire is defined as any copper wire the diameter of which in millimetres (mm) is between, (a) 2.43-2.53 mm, (b) 2.77-2.87 mm or (c) 3.42-3.52 mm.

Reasons for repeal

India sent out its last telegram on 15 July 2013, after which the telegraph services were permanently shut down. Hence, this Act has become obsolete.

Issues

There are no legal implications arising from the repeal of the Act.



Name: Prize Competitions Act, 1955

Subject: Restrictive Business & Economic Regulations

Reason: States where this Act is applicable have passed own legislations

What is the law?

This Act provides for the control and regulation of prize competitions in which prizes are offered for the solution of any puzzle based upon the building up, arrangement, combination or permutation, of letters, words or figures that do not involve the use of any skill[Section 2(d)]. It largely applied to competitions involving gambling and betting in the States of Bombay, Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Pradesh, Patiala and East Punjab and all Part C States.^a

Reasons for repeal

The Prize Competitions Act was passed by the Centre, on a resolution passed by the aforesaid States under Article 252 of the Constitution. However, each of these states has its own legislation pertaining to regulation of gambling and betting, namely,

- The Bombay Prevention of Gambling Act, 1887 (also applicable in Gujarat)
- Madras City Police Act, 1888
- Orissa Prevention of Gambling Act, 1955
- UP Public Gambling Act, 1867
- Andhra Pradesh Gaming Act, 1974
- Madhya Pradesh Gambling Act, 1949
- Punjab Public Gambling Act, 1961
- Rajasthan Public Gambling Ordinance, 1949
- Public Gambling Act, 1867
- Karnataka Gambling Law/Act
- The Delhi Public Gambling Act, 1955

Additionally, some of the states mentioned in Section 1(2) of the Act no longer exist.

Issues

Repeal will impact pending cases under the Act. Along with repeal, a saving clause can be enacted to save application of Act on pending cases.

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^aThough many of these states are now subsumed in other states, the Act continues to use these names.

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Name: Sugar Export Promotion Act, 1958

Subject: Restrictive Business & Economic Regulations

Reason: Not being implemented since deregulation of sugar began in 1997

What is the law?

This Act was passed to regulate and promote the export of sugar. It provides for setting up an export agency to manage all aspects of sugar export and empowers the government to fix the quantity of sugar permissible for export, apportion the quantity to be exported among owners of sugar factories, mandate owners of sugar factories to deliver fixed quantities to the export agency and impose additional excise duty on sugar (for consumption in India), where the factory owner fails to deliver the quantity of sugar fixed for export.

Reasons for repeal

- The Act is not being implemented. Up until 1997, exports of sugar were carried out under the provisions of the Sugar Export Promotion Act (1958), through the notified export agencies, i.e., Indian Sugar and General Industry Export Import Corporation Ltd. and State Trading Corporation of India. In a move to deregulate the sugar industry, the Act was repealed on 15 January 1997, through an ordinance by the United Front Government. However, the ordinance was never validated by legislation. Now, the export of sugar can be undertaken directly by various sugar mills after obtaining export a Release Order from the Directorate of Sugar. Hence, the Act continues to be in force, although it is not implemented.
- The Act is not in tune with the policy of liberalising the sugar sector. The gradual liberalisation and delicensing of the sugar industry from 1998 allowed investments to flow in, enabled increase in installed capacity and scale of operations, and made the sugar industry more competitive. The average annual growth rate of the installed capacity of the sugar industry increased from 3.3% between 1990-91 and 1997-98 to 6.9% between 1998-99 and 2011-12.^a However, the export policy, based on domestic availability, demand and price, continued to be heavily regulated and complicated. In 2011-2012, sugar exports were placed under the Open General License System (OGL). In May 2012, the Government further deregulated sugar exports, by removing quantitative restrictions in order to expedite shipments.^b In October 2012, the Report of the Committee on the Regulation of Sugar Sector in India: The Way Forward, under the chairmanship of the then Chairman of the Economic Advisory Council to the Prime Minister, Dr. C. Rangarajan, also recommended removal of all quantitative restrictions on trade in sugar and abolition of export licensing.^c

Issues

There are no legal issues that would impede repeal.

^aDr. Rangarajan C., Keynote Address: Improving the Economics of Sugar Sector, Economic Advisory Council, 2013-05-24. http://eac.gov.in/aboutus/sch_sugar3105.pdf

^bBusiness Today, Government Frees Sugar Exports, Scraps Onion Export Price, 2012-05-02. <http://businesstoday.intoday.in/story/sugar-exports-onion-export-price/1/24537.html>

^cCommittee on the Regulation of Sugar Sector in India, Report of the Committee on Regulation of Sugar Sector: The Way Forward, Government of India, 2012-10-05. http://eac.gov.in/reports/rep_sugar1210.pdf



Name: The Delhi Rent Control Act, 1958

Subject: Restrictive Business & Economic Regulations

Reason: Adversely impacts affordable housing, particularly for the poor

What is the law?

This Act, applicable in certain areas of the Union Territory of Delhi provides for the control of rent prices by fixing a standard rent and the protection of tenants from arbitrary evictions.

Reasons for repeal

- The Act has very limited scope in so far as it exempts government property, upper bracket housing where rent exceeds Rs. 3500 and slums. Hence, regulation is limited to rental spaces for lower income groups. Two, the Act fixes a standard rent (which is as low as Rs. 600 per month in certain cases), and permits revision of the standard rent by 10%. Eviction of tenants is stringent and strictly monitored, and rarely can landlords extricate their property from the grip of this rent policy. As a result, renting of property is a very low return business for landlords, discouraging them from repairing and maintaining their property. It also disincentivises prospective landlords from entering the rental market. Consequently, there is an artificial scarcity of rental housing. The difficulty that the Act poses in allowing landlords to get rented property vacated abet illegality and litigation and create a flourishing black market. In sum, the Act runs counter to its intentions and ends up being both anti-tenant and anti-landlord, adversely affecting accessibility and availability of affordable housing for lower income groups in urban areas.
- The Task Force on Rental Housing under the Ministry of Housing and Urban Poverty Alleviation, Government of India, in its Report on Policy and Interventions to Spur Growth of Rental Housing in India, March 2013, has recommended simple contract-based Lease/Rent agreements between willing renters and willing tenants, without the State imposing draconian price controls that in effect drive away legitimate renters and force tenants to enter into unrecorded and informal arrangements that are detrimental to their interests.

Issues

The Delhi Rent Act, 1995 (providing for repeal of the Delhi Rent Control Act, 1958), seeking to marginally ease rent control policy, was passed by Parliament (in 1995). However, the Act was never notified, due to severe resistance by tenancy groups. Consequently, the 1958 Act continues to operate, despite approval for its repeal by the Parliament. In 2013, the Government introduced the Delhi Rent Repeal Bill for repeal of the 1995 Act to bring about a more comprehensive law. The Bill is pending in Rajya Sabha. Repeal of the Act will impact pending litigation. This can be addressed by enacting a saving clause.

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Name: Delhi Land Holdings (Ceiling) Act, 1960

Subject: Restrictive Business & Economic Regulations

Reason: Repeal of similar legislations in other parts of India

What is the law?

The Act provides for the imposition of land ceilings, i.e. upper cap and limit, on the amount of land one can hold in the Lal Dora^a areas of the Union Territory of Delhi and for matters connected therewith.

Reasons for repeal

The Urban Land Ceiling Act, 1976, a similar central legislation, was repealed in 1999 on the ground that it created an artificial shortage in the supply of land, which resulted in a steep rise in land prices, adversely impacting accessibility and affordability of land, particularly for the poor. Similarly, this Act runs counter to the government's aim of providing cheap and affordable housing.^b

Issues

There are no legal issues that would impede repeal.

^aSumit Jha, Lal Dora Demystified, The Economic Times, 2006-11-12. http://articles.economictimes.indiatimes.com/2006-11-12/personal-finance/27467106_1_lal-dora-urban-villages-mcd-area

^bPrachi Bari, Repeal It!, The Economic Times, 2006-05-28. http://articles.economictimes.indiatimes.com/2006-05-28/news/27431735_1_land-prices-urban-land-ceiling-act-ulc



Name: The Sugar (Regulation of Production) Act, 1961

Subject: Restrictive Business & Economic Regulations

Reason: Provides for excessive regulation of the sugar industry

What is the law?

This law empowers the government to issue orders fixing the quantity of sugar that may be produced in any factory in a year. If the quantity of sugar produced exceeds the quota fixed, the excess amount attracts an additional excise duty under the Act.

Reasons for repeal

- This Act gives wide powers to control the production of sugar and is out of sync with the move towards deregulation of the sugar industry that has been taking place since 1997.^a

In any case, the Act has not been in use in the last few decades, even before the process of deregulation began. The sugar industry is instead regulated through Orders under the Essential Commodities Act, 1955.

- The Competition Commission of India (CCI) has characterised the many laws and rules governing the sugar industry as a regulatory stranglehold. The CCI observed that the sugar industry is controlled by various Acts, Rules and Orders, and this web of legislative provisions means that sugar prices are not free to be determined by the market forces of demand and supply.^b
- The Special Economic Zones Act, 2005 (SEZ Act) excludes the operation of this Act in a Special Economic Zone. While this is not in itself ground for repeal, perhaps it is an indication that this cess is a hindrance to economic activity and should not operate anywhere else in the country.

Issues

No rules or orders operate under the Act. There are no legal implications due to the repeal of the Act.

^aCommittee on the Regulation of the Sugar Sector in India, Report of the Committee on the Regulation of the Sugar Sector in India: The way forward, Economic Advisory Council to the Prime Minister, 2012-11, 16, http://eac.gov.in/reports/rep_sugar1210.pdf, 2014-06-24.

^bIn Re: Sugar Mills, Case No. 1 of 2010, decided on: 30.11.2011.

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Name: East Punjab Urban Rent Restriction (Extension to Chandigarh) Act, 1974

Subject: Restrictive Business & Economic Regulations

Reason: Imposes draconian price controls, promotes illegality and litigation

What is the law?

This Act provides for the extension of the East Punjab Urban Rent Restriction Act, 1949, to the Union Territory of Chandigarh. The 1949 Act provides for fixing of a fair rent by the Controller (appointed under the Act), prohibits taking of rent higher than the fair rent, sets limit on the maximum amount of rent in different areas, and prescribes eviction procedure. The landlord is allowed to increase the rent above the fair rent on very limited and specific grounds, namely, addition, improvement or alteration carried out on the rented premises at his expense, or when a fresh rate, cess or tax is levied on the rented premises, or there is an increase in the amount of an existing cess or tax. It prohibits the landlord from charging any premium for grant or renewal of tenancy and mandates him to make necessary repairs in the rented building.

Reasons for Repeal

- The Act is coercive and makes renting of property a low return business, disincentivising prospective landlords from entering the rental market. Consequently, there is an artificial scarcity of rental housing. The complicated machinery under the Act and difficulty faced in getting property vacated, abet illegality and litigation, and create a flourishing black market.
- The Task Force on Rental Housing under the Ministry of Housing and Urban Poverty Alleviation in its Report on Policy and Interventions to Spur Growth of Rental Housing in India submitted in March 2013, recommended simple contract-based lease/rent agreements between willing renters and willing tenants^a, without the State imposing draconian price controls that, in effect, drive away legitimate renters and forces tenants to enter into unrecorded and informal arrangements that are detrimental to their interests.
- Market-oriented rent control models in other Asian countries have shown a positive impact on the rental market. In 2004, Hong Kong enacted the Landlord and Tenant (Consolidation Amendment) Act, removing security provisions^b for tenants to resume free operation of the private rental market. The Legislative Council Panel on Housing, Government of Hong Kong, studied the impact of the Ordinance in 2006.^c The law resulted in a steady rise in rental levels, increased supply of private residential units, and reduced tenancy disputes. Other countries like Japan and Singapore have also eased rent control policies.^d

Issues

There are no legal issues that would impede repeal.

^aThe Rajasthan Rent Control Act, 2001, permits fixing of rent amount as agreed between the landlord and the tenant.

^bPreviously, Government of Hong Kong forbade landlords from not renewing tenancies upon expiry of tenancy period.

^cLegislative Council Panel on Housing, Impact of the Relaxation of Security of Tenure of Tenants, Government of Hong Kong, 2006-01

^dCruz Christian Prince, Housing Sales and Rental Markets in India, Global Property Guide, 2008-07-10



Name: The Levy Sugar Price Equalisation Fund Act, 1976

Subject: Restrictive Business & Economic Regulations

Reason: Provides for excessive regulation of the sugar industry

What is the law?

The Levy Sugar Price Equalisation Fund Act, 1976 (LSPEF) establishes a Fund to ensure that the price of levy sugar may be uniform throughout the country. Levy sugar is 10output that every sugar manufacturer has to sell to the government at reduced rates for the Public Distribution System. It was introduced in 1967-68. This system was challenged a number of times in the courts, and during the pendency of the judgements, levy sugar was sold at higher rates by manufacturers. The Supreme Court ultimately upheld the levy system, and the LSPEF Act was enacted to deal with the excess money manufacturers had made by selling levy sugar at higher rates while court cases were pending. This excess money was to be credited by manufacturers to the Fund set up under the Act, and used to reduce the retail price of levy sugar.

Reasons for repeal

- The government has moved towards doing away with the system of levy sugar. In 2013, the Union Cabinet approved the removal of levy sugar, first for a period of two years, with a view to making the removal permanent. As a result, this Act is no longer necessary.
- The deregulation of the sugar industry has been a longstanding demand.^a The system of levy sugar has cost the sugar industry an additional Rs. 3,000 crores a year, which is why the Indian Sugar Mills Association (ISMA) has been demanding its abolition.^b Acts like this one are remnants of the controls regime that should therefore be done away with.
- This Act has resulted in a great deal of burdensome and unnecessary litigation. The Department of Food and Public Distribution reported in 2012 that Rs. 26 crores in dues from 53 manufacturers was caught up in litigation. In some cases, dues are pending from the 1970s while in other cases, appeals have gone right up to the Supreme Court.^c

Issues

The Act is mentioned in the Ninth Schedule to the Constitution. However, this does not affect the power of Parliament to repeal the Act. Pending litigation under the Act will remain unaffected by the repeal if a standard saving clause is added to the repealing provisions. A saving clause prevents the repeal from affecting any litigation that continues under the Act being repealed, and is usually worded as 'the repeal shall not affect any legal proceeding continued under the Act'.

^aThe New Indian Express, Deregulate sugar sector without further delay, 2013-02-07

^bAjit S. Shriram, Sugar policy just turned sweeter, Business Line, 2013-04-07

^cDept. of Food and Public Distribution, Status of LSPEF Dues, 2012-15-05, <http://dfpd.nic.in/fcamin/sugar/LSPEF-dues.xls>

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Name: Semiconductor Integrated Circuits Layout Design Act, 2000

Subject: Restrictive Business & Economic Regulations

Reason: Duplicates government agencies

What is the law?

The purpose of the Act is to provide intellectual property protection to semiconductor integrated circuit (IC) layout designs, in compliance with India's obligations under TRIPS. Under the Act, original layout design, which is inherently distinctive, distinguishable from other designs, and not already in commercial use in India or another TRIPS-compliant country, can be registered under the Act. The Act provides for the setting up of a Registrar of Semi-Conductor Layout Design. Registration grants the owner the right to exclusively use the layout design registered, and also the right to institute proceedings for infringement. The Act also sets up a Layout Design Appellate Board, for appeals against the decisions of the Registrar, similar to the Intellectual Property Appellate Board under the Trademarks Act, 1999.

Reasons for repeal

- This enactment made a distinction between intellectual property protection for the layout-design of ICs, and protection for all other inventions related to semiconductors. The former is protected by the present Act while the latter falls under the Patents Act. Intellectual property experts have pointed out that only a small part of the possible protection for ICs is covered under the present Act.^a This leads to confusion regarding the suitable authority for registering intellectual property protection.
- The Act sets up parallel agencies for the sole purpose of registering IC designs, when this work can easily be carried out by the existing bodies for intellectual property protection, for example, through the Controller General of Patents, Designs & Trade Marks set up under the Trade Marks Act, 1999.
- Further, the parallel bodies set up are not actually in use. No design has been registered in the 14 years of the operation of the Registrar^b, and no cases have been filed under the Act.

Issues

In order to be TRIPS compliant, the protection under this Act can instead be granted under the Patents Act, which is already being used to protect all other aspects of semiconductors.

^aAfsar S. and Chinthan Japhet, Two lines of attack: protecting semiconductors in India, World Intellectual Property Review, 2013-09-01, <http://www.worldipreview.com/article/two-lines-of-attack-protecting-semiconductors-in-india>, 2014-08-01.

^bWhile nothing has been reported recently on the use of this law, it is difficult to say with absolute certainty without a further review by concerned departments.

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Ineffective Governance and Administration

Effective governance typically refers to processes and decisions that seek to define actions, grant power and verify performance. Ineffective governance occurs when there is breakdown in any or all of these three processes. The following set of 19 laws deal with certain governance and administrative aspects on wide range of subjects. These laws were enacted at different points in time with an intention to administer certain aspects of specific subject matters. However, the continuance of these laws in the legislative books is resulting in the breakdown of the processes that define effective governance.

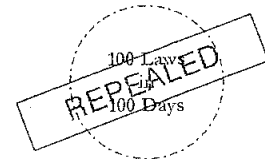
For example, the Conservation of Foreign Exchange and Prevention of Smuggling Act (1974) (COFEPOSA) was enacted to control the movement of goods and foreign exchange. Contemporaneously, the statute books also have the Customs Act (1962) and Foreign Exchange Management Act (1999). The Customs Act and the Foreign Exchange Management Act are specific laws that lay out the principles of effective governance with respect to the movement of goods and foreign exchange into and from the country. On the other hand, COFEPOSA legislates on the same subject matter, interfering with principles of governance by creating imprecise actions, power and measures of performance on the subject of movement of goods and foreign exchange.

Another example that presses this point is the Drugs (Control) Act (1950). This Act provides for the control of the sale, supply and distribution of drugs. It was enacted to ensure that certain essential imported drugs and medicines were sold at reasonable prices. However, the sale, supply and distribution of drugs is now controlled under the Essential Commodities Act (1955) (EC Act). The Drugs (Prices Control) Orders of 1995 and 2013 have both been issued by the central government in exercise of its powers under the EC Act, which in effect are the governing laws on the subject. In other words, the EC Act read with the (Prices Control) Orders of 1995 and 2013 set out the principles of effective governance i.e., the precise actions, power and verifiable performance for sale, supply and distribution of drugs. As in the case of COFEPOSA, the existence of Drugs (Control) Act, 1950, on the same subject of sale, supply and distribution of drugs, interferes and results in diluting these three principles of effective governance.

The recommendation to repeal the laws in this segment does not stem from an in-principle disagreement on the subject matter or the intentions of the laws. It arises from the poorly worded language, redundant or repetitive content, dated stance and administrative burdens contained in these laws. In the spirit of the current government's commitment to weeding out laws that hamper governance by creating avoidable confusion, we propose to repeal these nineteen laws.

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Name: Dekkhans Agriculturists' Relief Act, 1879
Subject: Ineffective Governance & Administration
Reason: States have their own Debt Relief Laws

What is the law?

The Act gave relief to indebted agriculturists in those parts of the Dekkhan (or Deccan) where it was in force. Presently, only Sections 11, 56, 60 & 62 are in force while the rest of the Act has been repealed.

Reasons for repeal

- Most States now have their own Debt Relief Laws. Additionally, the Centre has also introduced and implemented the Agriculture Debt Waiver and Debt Relief Scheme, 2008 to relieve agriculturists from indebtedness. In light of these legislations, this particular Act is unnecessary.
- The PC Jain Commission recommended repeal of this Act (Volume 1, Entry 40).

Issues

The subject matter of the Act does not fall within the Union List and that might offer a hindrance in recommending its repeal.

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Name: The Legal Practitioners Act, 1879

Subject: Ineffective Governance & Administration

Reason: Only three section remains in force, which may be incorporated into the Advocates Act, 1961

What is the law?

This law was enacted to consolidate all the rules relating to the enrolment, conduct, and service of legal practitioners. As the first modern legislation to govern the conduct of legal practitioners in India, this Act brought advocates, vakils, pleaders, mukhtars, munsifs and revenue agents under the jurisdiction of the concerned High Courts. It empowered High Courts to regulate the enrolment of a person as a legal practitioner, set conditions for suspension and dismissal of practitioners, and imposed penalties for persons illegally practising as mukhtars, pleaders, revenue agents, etc.

Reasons for repeal

- The Advocates Act, 1961 has almost entirely replaced this Act, doing away with all but three sections that together empower High Courts to deal with touts. It is now the 1961 Act that regulates legal practitioners in India, and sets up the Bar Council to regulate matters such as enrolment and disciplinary action.
- Over time, all the provisions of the 1879 law were repealed except Sections 1, 3 and 36. These sections consist of the title clause, interpretation clause, the power of High Courts to frame a list of touts, and the punishment for touting. These provisions can easily be incorporated into the 1961 Act, so that the entire law on this subject can be found in one place.

Issues

The provisions in the Legal Practitioners Act empowering courts to deal with touts can be moved to the Advocates Act in order to remove this law from the statute books.

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Name: Police (Incitement to Disaffection) Act, 1922

Subject: Ineffective Governance & Administration

Reason: The Act is vague, widely worded and gives excessive powers to the police

What is the law?

This is a colonial era legislation providing for a penalty for spreading disaffection towards the Government amongst the members of police force and kindred offences. This Act makes it an offence to withhold a member of the police force from the performance of his/her duty or to commit a breach of discipline. The penalty for causing disaffection is imprisonment or fine or both.

Reasons for repeal

- The Act is an archaic law passed by the British to suppress the freedom of speech and weaken the Independence movement. The law is widely worded to empower the government to take action against any person who intentionally causes or attempts to cause disaffection towards government amongst the member of police force.
- The Act is not in tune with the Code of Conduct for the Police in India, issued by the Ministry of Home Affairs on 4 July 1985. The Code of Conduct directs members of the police force to maintain high standards of discipline, faithful performance of duties in accordance with law, implicit obedience to the lawful directions of commanding ranks and absolute loyalty to the force. The police are required to maintain calm in the face of danger, scorn or ridicule and practice self-restraint in all circumstances. These guidelines indicate that the police force is required to be immune to the voices of disaffection.
- The Act is vague and loosely worded, and does not clearly explain what activity is regarded as spreading disaffection. Consequently, it is left to the arbitrary interpretation of enforcing authorities and is liable to be misused.
- The Act was first used against Lokmanya Tilak. Recently, in September 2013, the Andhra Pradesh Police filed a criminal case against the resident editor of Hindu for reporting the visit of a senior police officer to a local religious leader under IPC dealing with forgery, another dealing with inducing the commission of an offence against the State or another community, and also under this Act.^a

Issues

There are no legal issues that would impede repeal. The reference to the Act have to be removed from:

- Section 18 of the Railway Protection Force Act, 1957.
- Section 19 of the Central Industries Security Force Act, 1968.
- Schedule 1 Part 1 of the Delhi Police Act, 1978 at Point 5.
- Schedule to the Puducherry Extension of Laws Act, 1968.
- Schedule to the Merged State Laws Act, 1949.

^aSridhar Madabhushi, Disaffection Case Against Hindu Editor: We Are Like That Only, The Hoot, 2013-10-01. <http://www.thehoot.org/web/freetracker/storynew.php?storyid=527§ionId=14>

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Name: Public Suits Validation Act, 1932

Subject: Ineffective Governance & Administration

Reason: The Act is applicable to suits pending on or before 1932

What is the law?

The Act seeks to provide validation to public suits instituted under Sections 91 and 92 of the Civil Procedure Code 1908 (related to public nuisance and public trusts) which were pending in 1932.

Reasons for repeal

The Act is applicable to suits pending at the time of institution of the Act, i.e., in 1932. Since 82 years have passed since the Act came into force, any litigation ought to have been disposed off by now. The Law Commission in its 96th Report (1984) refused to recommend repeal of this Act, on the sole ground that whether all suits under the Act have been disposed off cannot be said with utter certainty. The problem can be resolved by enacting a saving clause, alongside repeal, protecting all action taken under the Act.

Issues

There is reference to the Act in First Schedule of the Berar Laws Act, 1941. With the saving clause, there are no legal issues that would impede repeal.



Name: The Registration of Foreigners Act, 1939

Subject: Ineffective Governance & Administration

Reason: Outdated, cumbersome and ineffective system of reporting by foreigners

What is the law?

This legislation, dating back to World War II, requires every foreigner staying in India for more than 180 days to report his/her entry, movement from one place to another and departure, to the Government of India. Additionally, it requires owners and managers of hotels, lodges and boarding houses, and aircrafts or vessels to report the presence of any foreigners. It was enacted by the British to regulate the entry and movement of foreigners in India, particularly of Indian revolutionaries from abroad.

Reasons for repeal

- This Act is largely ineffective since there is no fool proof way of tracking whether all foreigners entering India are reporting themselves at all the required points.
- The Act has become a tool for harassing foreigners, and is damaging India's reputation as a welcoming tourist destination. Anecdotal evidence and newspaper reports cite long waiting lines, unclear instructions and frustrating bureaucracy, demands for bribes, and sexual harassment on account of this Act.^a In addition, cases alleging harassment of persons living on the borders under this Act have been reported from time to time.^b
- The Foreigners Act, 1946 and the Passport Act, 1967 provide sufficient powers to keep track of foreigners. Section 3 of the Foreigners Act empowers the government to issue orders prohibiting, regulating and restricting the entry of foreigners into India. Section 12 of the Passport Act makes failure to produce travel documents on demand by prescribed authorities and to comply with the conditions laid down in these documents a criminal offence. The government is further empowered, under Section 10, of the Passport Act to vary, impound or revoke any travel document for conviction under any offence.
- While the Passport Act provides reasonable opportunity to an aggrieved person to seek relief through appeal and provides protection at the time of arrest, search and seizure, the 1939 Act provides no such relief. Instead, it reverses the burden of proof upon the accused instead of the prosecution, increasing chances of harassment.

Issues

There are no legal issues that would impede repeal.

^aLasania Y Yunus, It is a Pillar-to-Post Run for Them, The Hindu, 2013-12-28.
<http://www.thehindu.com/news/cities/Hyderabad/it-is-a-pillartopost-run-for-them/article5509216.ece>

^bPUCL Bulletin, The People Speak Out: Police Harassment of Bengali Speaking Muslims of Yamuna Pushta, PUCL, 2000-12.



Name: The Drugs (Control) Act, 1950

Subject: Ineffective Governance & Administration

Reason: Price control of drugs is carried out under Essential Commodities Act

What is the law?

The Act provides for the control of the sale, supply and distribution of drugs. It was enacted to ensure that certain essential imported drugs and medicines were sold at reasonable prices. It allowed the government to fix the maximum price that may be charged by a dealer or producer, maximum quantities that may be possessed by a dealer or producer, and the maximum quantity that may be sold to a person in one transaction. The Act also imposes penalties for the violation of these provisions.

Reasons for repeal

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

Issues

There are no legal issues that would impede repeal.

^aPRS Legislative Research, Bill Summary, 2006-11-07, 2014-07-18.
http://www.prsindia.org/uploads/media/1167468665/summary1197284590_Bill_Summary___Drug_Control_Repeal_Bill_2006.pdf



Name: The Companies (Donation to National Funds) Act, 1951

Subject: Ineffective Governance & Administration

Reason: The Act's purpose can be achieved through the Companies Act, 2013

What is the law?

The Act empowers any company to make donations to the Gandhi National Memorial Fund, the Sardar Vallabhbhai Memorial Fund or any other fund established for a charitable purpose and approved by the central government by reason of its national importance.^a The Company can make these donations notwithstanding anything contained in the Companies Act, or any other law, or its Memorandum or Articles of Association.^b

Reasons for repeal

- The Department of Company Affairs has proposed repeal of the Act by incorporating the relevant provisions under the Companies Act, 1956. The Law Commission in its 159th Report (1998) has noted this fact in Chapter 3 on Page 23.
- The Act is legally untenable, in so far as it empowers the Company to make donations irrespective of its Memorandum or Articles of Association, in view of Section 36 of the Companies Act, which makes the aforesaid documents binding not only on the Company but also its members.^c
- Section 135 of the Companies Act, 2013, read with, Schedule VII of the Act and the Companies (Corporate Social Responsibility) Rules, 2014, mandatorily requires companies to contribute a fixed percentage of profits, for a social and charitable purpose. The 2013 Act has application and scope wide enough to achieve the purpose that the Companies (Donation to National Funds) Act, sought to achieve.

Issues

There are no legal issues that would impede repeal.

^aA fund shall be considered to be of a national importance under section 3 of the Act, if the central government holds it to be. The term National Importance is serving the purpose of a guiding principle for the central government, that it must follow to determine whether a fund for a charitable purpose can be placed within the scope of the Act.

^bA Memorandum of Association contains certain fundamental clauses that describe the conditions of the company's incorporation, namely: Name Clause, Registered Office Clause, Objects Clause, Liability Clause and Capital Clause. The Articles of Association contains rules, regulations and bye-laws for the general administration of the company.

^cClaude-Lila Parulekar vs Sakal Papers (P) Ltd., (2005) 11 SCC 73.

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Name: The Requisitioning and Acquisition of Immovable Property Act, 1952

Subject: Ineffective Governance & Administration

Reason: The Land Acquisition, Rehabilitation and Resettlement Act, 2013 covers the subject matter

What is the law?

The Act provides a summary procedure for the requisition and acquisition of immovable property for the purposes of the Union, primarily for defence.

Reasons for repeal

- LARR Act, 2013 includes acquisition for strategic purposes. The provisions of the LARR Act relating to land acquisition, compensation, rehabilitation and resettlement apply when the appropriate government acquires land for its own use, to hold and control including for public sector undertakings and for public purpose.
- The LARR Act also includes the acquisition for strategic purposes relating to naval, military air force, and armed forces of the Union.^a
- The Act has to comply with provisions made relating to compensation, rehabilitation and resettlement of the LARR Act, within a year of commencement of the latter.^b This means that, if the central government directs, that the provisions of any other law for land acquisition as provided in the 4th schedule of the Act, must comply with the provisions of the LARR Act (as per section 105). Hence, the provisions of the Act will need to be amended to comply with the provisions of the LARR Act, which is far more humane in its provisions. We recommend repeal instead of this amendment, since the responsibilities of the Act can be executed under LARR Act 2013.

Issues

Repeal of this Act may entail amendment in the LARR Act to provide for temporary acquisition of immovable property for defence purposes in limited cases.

^aSection 2(1)(a), LARR Act 2013.

^bSection 105, LARR Act 2013.



Name: Public Wakfs Extension of Limitation Act, 1959

Subject: Ineffective Governance & Administration

Reason: Redundant as its period of operation has expired

What is the law?

The Act was passed with the objective of extending the limitation period for the institution of suits for the recovery of possession of immovable property forming part of public wakfs (the permanent dedication by a person professing Islam of any immovable property for any purpose recognised by Muslim law as a public purpose of a pious, religious or charitable nature), where the dispossession took place between 14 August 1949 and 7 May 1954.^a

Reasons for repeal

- The Act was only applicable to the period between 1949 and 1954. The Act sought to provide protection to property in the nature of public wakfs, which were dispossessed in the given period.
- As per Section 3 of the Act, the period of limitation for institution of suit extended only until 31 December 1970. Although the Government could further extend the limitation period through an amendment, it has not done so since 1970.

Issues

There are no legal issues that would impede repeal.

^aDuring the post-partition period, many public wakfs were encroached upon by dismantling of boundary walls and erecting new enclosures.

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Name: Conservation of Foreign Exchange and Prevention of Smuggling Act, 1974

Subject: Ineffective Governance & Administration

Reason: Redundant in view of the Customs Act, 1962 and Foreign Exchange Management Act, 1999

What is the law?

This Act provides for preventive detention for the purposes of conservation and augmentation of foreign exchange and prevention of smuggling activities. It provides wide powers to the executive to detain individuals on the mere apprehension of their involvement in smuggling activities.

Reasons for repeal

- The Act is redundant in view of the Foreign Exchange Management Act, 1999 (FEMA). FEMA is the primary law relating to foreign exchange, which aims at facilitating external trade and payments, and promoting orderly development and maintenance of the foreign exchange market in India. It classifies any foreign exchange violation as a civil offence.^a FEMA replaced the Foreign Exchange Regulation Act under which foreign exchange violation was a criminal offence. However, COFEPOSA continues to criminalise (by providing for preventive detention) the aforesaid violations.
- Provisions related to smuggling under COFEPOSA are adequately covered under Chapter XVI of the Customs Act, 1962 (Section 115). The Customs Act has provisions for the confiscation (under Section 111, 113 and 118) and seizure of the smuggled goods (under Section 110) while also providing penal provisions. Apart from the wide interpretation of the word smuggling to include a range of activities, it also has penal provisions for non-accounting of goods (under Section 116).
- The Act has increasingly become a source of harassment, manipulation and corruption.^b Stringent provisions of COFEPOSA are invoked to harass exporters against minor violations of foreign exchange regulations. Customs authorities resorted to COFEPSA to detain exporters without any trial in cases where they had unintentionally violated foreign exchange regulations.

Issues

In *Dropti Devi and Anr. Vs. Union of India*^c, the constitutional validity of the Act was upheld. The Court highlighted the importance of the Act and the need to protect foreign exchange. Aside from this, there are no legal issues that would impede repeal.

^aSection 13, Foreign Exchange Management Act, 1999.

^bThe Hindu, COFEPOSA Must Go: Assocham, 2005-05-03; <http://www.hindu.com/2005/05/03/stories/2005050301981900.htm>, The Hindu, Detention of Two COFEPOSA Accused Quashed, 2013-04-12, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/detention-of-two-cofeposa-accused-quashed/article4608819.ece>

^c*Dropti Devi vs Union of India*, [2012] 6 SCR 307.

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Name: Indian Law Reports Act, 1975

Subject: Ineffective Governance & Administration

Reason: The Act is redundant and unnecessary

What is the law?

Under this Act, an Indian Court of Law is not bound to hear the report of any case law other than ones published in a law report authorised by the State Government.

Reasons for repeal

- Today different types of law reports are cited and accepted in all the Courts. In fact, the Indian Law Reporter (ILR) is seldom used as a source of authority.
- This legislation was enacted at a time when ILR was the primary reporter for publishing case laws. Today, the Act is unnecessary since there are many good quality reporters like Supreme Court Cases, All India Reporters, Supreme Court Reporter, etc. Additionally, courts are also publishing their judgements and orders on their websites.
- The Act is prone to be abused and adversely impact administration of justice. By virtue of this statute, a lower judge bench can ignore the judgement of a higher bench solely because it was not reported in the official report.^a This anomaly was pointed out by the Law Commission in its 96th Report (1984), which recommended repeal of the Act.

Issues

There are no legal issues that would impede repeal.

^aLaw Commission 1984 96th Report.

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Name: The Departmentalisation of Union Accounts (Transfer of Personnel) Act, 1976

Subject: Ineffective Governance & Administration

Reason: The Act has served its purpose

What is the law?

The Act provided for the transfer of officers serving in the Indian Audit and Accounts Department (selected through the Indian Audit and Accounts Service) to any Ministry, Department or office of the Central Government for facilitating the efficient discharge of responsibilities related to compiling accounts within these offices.

Reasons for repeal

- The Act has served its purpose. This legislation led to the creation of Indian Civil Accounts Service (ICAS). The initial intake into the ICAS was by deputing and transferring personnel from the Indian Audit and Accounts Service (IAAS). This law facilitated the transfer of personnel from the IAAS to the ICAS.
- ICAS personnel are now selected through the Civil Services Examination; hence there is no need for transfer of personnel from the IAAD to the ICAS as it has its own recruitment service.^a

Issues

There are no legal issues that would impede repeal.

^aAdukia S. Rajkumar, A Study on Government of India Some Recent Developments.
<http://www.caaa.in/Image/51%20hbca.pdf>



Name: The Disputed Elections (Prime Minister and Speaker) Act, 1977

Subject: Ineffective Governance & Administration

Reason: Emergency-era law that is unconstitutional

What is the law?

This Act provided that the general procedure for disputing an election by way of presenting an election petition to the High Court, would not apply in cases where the elected representative went on to become the Prime Minister or Speaker of the Lok Sabha. In such cases, this special law would apply, and election petitions questioning their elections would be heard by a single judge of the Supreme Court as a separate authority set up under this Act. The decisions of the authority were deemed final. In order to permit the special treatment of these representatives, a Constitutional amendment, Article 329A, was introduced which allowed this distinction to be made. Both the amendment and this law were created during the time the Emergency proclamation was in place.

Reasons for repeal

- Article 329A, which made it possible for this law to exist, was subsequently removed through the 44th Amendment to the Constitution in 1978. Without Article 329A, this law stands unconstitutional, as the Constitution does not allow a distinction to be made between the election disputes of different types of elected representatives.^a
- This Act has been used only once in 1977, when an Authority was set up to try election petitions against Morarji Desai, who headed the Janata coalition government.^b Not only is it a redundant law, but also one that represents concentration of power, and the breakdown of the rule of law during the Emergency.

Issues

There are no legal issues that would impede repeal.

^aLily Thomas v. Union of India, (2013) 7 SCC 653.

^bDevi, V. R., and Mendiratta, S. K., How India votes: election laws, practice and procedure, 2007, 1054, LexisNexis Butterworths.



Name: Illegal Immigrants (Determination by Tribunals) Act, 1983

Subject: Ineffective Governance & Administration

Reason: Struck down by the Supreme Court

What is the law?

The Act instituted procedures to determine whether persons suspected to be illegal immigrants from Bangladesh did, in fact, fall under that category, and expel them from India. It was applicable only to the state of Assam (detection of foreigners in other states is done under The Foreigners Act, 1946). The Act established Tribunals for determining whether a person is an illegal migrant.

Reasons for repeal

- The constitutionality of this Act was challenged in *Sarbananda Sonowal v. Union of India*.^a The Supreme Court declared that this Act was far less effective than the Foreigners Act in identifying and deporting illegal immigrants. It violated the duty of the Union, under Article 355 of the Constitution, to protect states from external aggression and internal disturbance. The Court struck down the Act and Rules, ordered that the Tribunals under the Act cease to function, and declared that the Foreigners Act and other related Acts would operate in Assam instead.
- The Act, though inoperative, remains on the statute books, while a more effective system is in place in Assam as prescribed by the Foreigners Act, 1946. This Act should therefore be formally repealed.

Issues

There are no legal issues that would impede repeal.

^a(2005) 5 SCC 665.



Name: Punjab Disturbed Areas Act, 1983

Subject: Ineffective Governance & Administration

Reason: The Act has outlived its purpose

What is the law?

The Act was brought into force to curb militancy and public unrest in Punjab during the 1980s. It empowers the State Government to declare, by notification, any part or the whole of Punjab as a 'disturbed area', empowering any Magistrate or police officer not below the rank of a Sub-Inspector (or Havildar in the case of the Armed Branch of the police) to fire upon or use force (even if it leads to death), or prohibit the assembly of five or more persons or carrying of weapons, firearms, ammunition and explosive substances, where he considers necessary and after giving due warning.

Reasons for Repeal

- The Act is now redundant since militancy in the State has been wiped out and no major terrorist activity has taken place in the past two decades. In the absence of the threat of terrorist activity specifically within Punjab, the Act gives excessive power to the police force.
- The Act is not being implemented in practice. Under the Act, the whole of Punjab was declared as a disturbed area, by a notification dated 16 November 1996, for a period of six months only, between 18 November 1996 and 17 May 1997. Prior to this, another notification, dated 09 March 1989, declared Amritsar, Gurdaspur and Ferozepur as disturbed areas. The 1989 notification was withdrawn on 28 July 2008.^a Since then, no part of Punjab has been declared as a disturbed area.
- The law was enacted during President's Rule in Punjab. There is an elected government in place with powers under the Constitution to maintain law and order in the State.

Issues

There are no legal issues that would impede repeal.

^aSurinder Bhardwaj vs Union Territory of Chandigarh, CWP No. 499 of 2012, Punjab and Haryana High Court.
<http://indiankanoon.org/doc/154674474/?type=print>



Name: Chandigarh Disturbed Areas Act, 1983

Subject: Ineffective Governance & Administration

Reason: The Act has outlived its purpose

What is this law?

The Act empowers the Administrator of the Union Territory of Chandigarh to declare, by notification, any part or the whole of Union Territory of Chandigarh as a 'disturbed area', empowering any Magistrate or police officer not below the rank of a Sub-Inspector (or Havildar in the case of the Armed Branch of the police) to fire upon or use force (even if it leads to death), or prohibit the assembly of five or more persons or carrying of weapons, firearms, ammunition and explosive substances, where he considers necessary and after giving due warning. The Act also gives protection to persons acting in the exercise of powers under this Act.

Reasons for Repeal

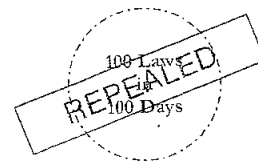
- The Act was brought into force to curb militancy and public unrest in Chandigarh during the 1980s and early 1990s, in wake of Operation Blue Star. Militancy in the Union Territory has been wiped out and no major terrorist activity has taken place since 1995.
- Under the Act, Chandigarh was declared as 'disturbed area', through Notifications dated 2 December 1986 and 5 December 1991. In 2012, the Punjab and Haryana High Court quashed these notifications on the grounds that they were not justified because the government failed to reply as to when the powers under the Act were last invoked or place on record any specific instances of threat perception warranting continuance of notifications under this Act.^a
- The Act gives excessive power and impunity to the police force. For these reasons, the Act should be repealed.

Issues

There are no legal issues that would impede repeal.

^aTbid.

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Name: Shipping Development Fund Committee (Abolition) Act, 1986

Subject: Ineffective Governance & Administration

Reason: The Act has achieved its purpose

What is the law?

The Act was passed to abolish the Shipping Development Fund Committee constituted under the Merchant Shipping Act, 1958.

Reasons for Repeal

The Act has achieved its purpose and is not needed any more. The Shipping Development Fund Committee has been abolished. All the assets and liabilities of the Committee were vested in the central government. In 1987, the Government delegated all the functions of the Committee to the Shipping Credit and Investment Company of India Limited.

Issues

There are no legal issues that would impede repeal.

Obstructive Civil and Personal Interference

Article 19(1)(a) of the Constitution of India accords to all citizens the fundamental right to freedom of speech and expression. This right, which lies at the foundation of all democratic organisations, includes the right to publicly discuss ideas and problems, religious, political, economic and social.

The freedom of speech is not absolute and can be curtailed, only under the authority of law, by imposing reasonable restrictions' under Article 19(2). The Supreme Court, in *S. Rangarajan vs. P. Jagjivan Ram* (1989),^a has held that "our commitment to freedom of expression demands that it cannot be suppressed unless the situations created by allowing the freedom are pressing and the community interest is endangered. The anticipated danger should not be remote, conjectural or far-fetched. It should have proximate and direct nexus with the expression. The expression of thought should be intrinsically dangerous to public interest".

It is with this in mind that we recommend the 4 laws in this category be repealed.

These laws directly or indirectly, curtail freedom of speech, by either imposing blanket prohibition on certain kinds of speech or restricting circulation of the same. These restrictions do not take into account the constitutionally permissible limits of curtailing freedom of speech.

These laws define offences in widely worded and vague terms. European Union Law recognises legal certainty as a fundamental principle of the rule of law, i.e., the law must be known and understood and to be understood it must be sufficiently precise and foreseeable as to provide legal certainty to its recipients. In India, the Supreme Court has recognised the doctrine of legitimate expectation in public law requiring regularity, predictability and certainty in the government's dealings with the public.^b Contrary to these principles, these laws often use subjective words and phrases, such as, 'repulsive', 'horrible', 'offensive', leading to disturbance or public excitement', without providing adequate definitions or explanations of these terms. Consequently, they are left to the arbitrary interpretation of the public authorities, and are often misused to harass the media, artists and others.

These laws are repetitive as the offences listed in them are also a part of different criminal statutes. These laws largely contain offences related to sedition, obscenity, defamation and commission of offences. There are adequate provisions provided under the Indian Penal Code (1860), the Code of Criminal Procedure (1973) and other laws to prosecute these cases. It is imperative that such repetitive laws be repealed, as they merely perpetrate confusion and ambiguity, and are often used as a tool of harassment.

^a2 SCC 574

^bOfficial Liquidator vs Dayanand, (2008) 10 SCC 1

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Name: Dramatic Performances Act, 1876

Subject: Obstructive Civil & Personal Interference

Reason: British era law, violates Article 19(1) of the Constitution

What is the law?

The Act grants the State Government the power to prohibit scandalous, defamatory performances or performances likely to excite feelings of disaffection against the State Government, and prescribes penalties for not obeying said prohibitions. It allows the penalisation of performers, spectators, persons assisting the performance, or owners/occupiers who allow their premises to be used for the purpose. The State Government may under this Act prohibit future performances, and notify that certain areas be prevented from staging performances without a license.

Reasons for Repeal

- This is a British era law enacted to curb the nationalist movement, and is no longer relevant in light of modern constitutional principles of freedom of speech and expression.
- Adequate provisions already exist under the Indian Penal Code to prosecute cases of sedition, defamation or obscenity under Section 124A and others.
- The Constitutional validity of the Act is in doubt since the Madras High Court in 2012 struck down the Kerala Dramatic Performances Act, which contained similar provisions.^a
- In 1993, the India Code Compilation of Unrepealed Central Acts included this Act in its list of obsolete Acts.^b
- The Act gives wide and coercive powers to the government related to prohibition of present and future performances, arbitrary search and seizure procedures, allowing any area to be controlled, etc., that are unsuited to modern India.

Issues

There are no legal issues that would impede repeal.

^aN.V.Sankaran Alias Gnani v. The State Of Tamil Nadu, W.P.No.11311 of 2012 and M.P.No.1 of 2012

^bShivani, The greying laws on India, The Financial Express, 1997-07-22,
<http://www.financialexpress.com/old/ie/daily/19970722/20350553.html>, 2014-06-1

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Name: The Prevention of Seditious Meetings Act, 1911

Subject: Obstructive Civil & Personal Interference

Reason: British-era law, violates the right to freedom of speech and expression

What is the law?

The Act consolidated and amended the law relating to the prevention of public meetings likely to promote sedition or to cause a disturbance of public tranquillity. Section 5 of the Act empowers a District Magistrate or Commissioner of Police to prohibit a public meeting in a proclaimed area if, in his/her opinion, such meeting is likely to promote sedition or disaffection.

Reasons for Repeal

- This legislation was specifically enacted to curb meetings being held by Indian freedom fighters and those opposed to British rule of India. The law empowers the government to declare by notification, a proclaimed area in the whole or any part of a province where the Act is in force.
- The continuation of this law is unnecessary and undemocratic because the provisions of this Act pose unreasonable restrictions on the freedom of speech and expression.^a The law provides blanket provisions such as Section 4 which says that no public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement can be held unless written notice of the intention to hold such meeting and of the time and place of such meeting has been given to the District Magistrate or the Commissioner of Police at least three days before. The Act does not lay down any qualifications for determining what would constitute likely to cause disturbance or public excitement. The provisions of the Act are quite stringent considering that even private meetings have been brought under its purview by means of section 3(2). Such provisions give scope for abuse by security forces.
- Public meetings and assemblies that are likely to cause disturbance are now managed under Section 144 of the Code of Criminal Procedure, 1973. Under this section, the District Magistrate or the Sub-divisional Magistrate can prohibit an unlawful assembly of people in an area to prevent disturbance of the public tranquillity, or a riot, or an affray.^b Thus, there is no need for a law dealing specifically with seditious meetings.

Issues

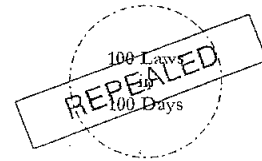
There are no legal issues that would impede repeal.

^aCentre for the Study of Social Exclusion and Inclusive Policy and Alternative Law Forum, Sedition Laws & the Death of Free Speech in India, National Law School of India University, 56, 2011-02, https://www.nls.ac.in/resources/csseip/Files/SeditionLaws.cover_Final.pdf, 2014-08-05.

^bSection 144 of the Code of Criminal Procedure, 1973 deals with the power to issue order in urgent cases of nuisance and apprehended danger. Code of Criminal Procedure, 1973, 1974-01-25, 2014-08-05.

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Name: Young Persons (Harmful Publications) Act, 1956

Subject: Obstructive Civil & Personal Interference

Reason: The law is repetitive and liable to be misused

What is the law?

This Act prohibits the dissemination and advertisement of certain publications considered harmful to young persons. A harmful publication is one that tends to corrupt young persons by depicting commission of offences, acts of cruelty or violence and incidents of a repulsive or horrible nature.

Reasons for Repeal

- Words such as repulsive and horrible contained in the definition of harmful publication are vague and subject to arbitrary interpretation, and consequently lead to widespread discretion and serve as an excuse for harassment. For instance, earlier this year Kerala Police raided shops that sold Bob Marley T-shirts, on the ground that these encourage youngsters to use drugs, and booked shopkeepers under the Act for promoting material that is harmful to youngsters.^a
- India already has a variety of laws that penalise speech in various forms, like speech which causes incitement to an offence (Section 504, Indian Penal Code (IPC) or leads to or has a tendency to cause violence like anti-national speech (Section 124A IPC), speech that is communal, racial, linguistic and indecent (Section 153A), anti-sovereignty speech (Section 153B), speech that outrages religious feelings (Section 295A), is obscene (Section 292), or is anti scheduled caste and scheduled tribe (SC and ST Act, 1989 and Protection of Human Rights Act, 1976). Recently, the Protection of Children from Sexual Offences Act, 2012 was brought into force to protect children from sexual assault, sexual harassment and pornography. Given the existence of all of these acts, this Act is repetitive and redundant.
- Indian law also provides for regulation of content on media. Under the Indian legal regime, Cable Television Networks (Regulation) Act, 1955, the Press Council of India Act, 1978, and Cable Television Networks (Amendment) Rules, 2006 (Rules) are the principal legislations which control the content on television to ensure that they do not offend morality, decency and religious susceptibilities of the consumers. The Information Technology Act regulates content on the internet, while the Censor Board for films.
- The Act does not seem to be implemented and appears to have a low rate of prosecution.

Issues

Repeal will impact pending cases instituted under the Act. Along with repeal, a clause can be enacted to save application of the Act on pending cases.

^aShahina KK, Kerala Police versus Bob Marley, The Open Magazine, 2014-03-15.
<http://www.openthemagazine.com/article/real-india/kerala-police-versus-bob-marley>



Name: The Newspaper (Price and Page) Act, 1956

Subject: Obstructive Civil & Personal Interference

Reason: Imposes excessive controls, partially struck down by the Supreme Court

What is the law?

The purpose of the Act was to prevent unfair competition among newspapers, where newspapers with better financial resources could potentially monopolise the print media industry to the detriment of smaller newspapers. For the benefit of newspapers with smaller resources and those published in Indian languages, Section 3 of the Act empowered the central government to issue an order to regulate the prices charged by bigger newspapers. Under this section, the central government could also regulate the number of pages and the amount of space a newspaper allotted for advertisements. Section 6 of the Act imposed a penalty of Rs. 1,000 on the publisher if a newspaper was published or sold in contravention of an order under Section 3.

Reasons for Repeal

- The main provision of this Act, Section 3, was struck down by the Supreme Court in *Sakal Papers Pvt. Ltd. and Ors. v. Union of India*,^a on the ground that it violated the freedom of speech and expression of the petitioners. The Supreme Court held that the State could not make laws which directly affected the circulation of a newspaper for that would amount to violation of freedom of speech. The right under Article 19(1)(a) of Constitution of India, extends not only to the matter which the citizens are entitled to circulate but to the volume of circulation.
- Though Section 3 was struck down, the rest of the Act continues to remain on the statute books. It is a dead letter for all purposes. The Supreme Court itself noted in *Sakal Papers* that if Section 3 of the Act is struck down, nothing remains in the Act.^b Since Section 3 of the Act has been done away with, the power of the central government to make an order under the Act no longer exists and provisions imposing penalties on the contravention of such orders are redundant.
- The print media has undergone a drastic transformation and the number of newspapers in circulation itself acts as a safeguard against unfair competition. The total number of registered newspapers in India till 2010-11 was 82,237.^c Powers granted by the Act restrict the freedom of occupation, trade and business, and have no place in a liberalised economy.

Issues

There are no legal issues that would impede repeal.

^aAIR 1962 SC 305.

^bAIR 1962 SC 305, at 52.

^cMinistry of Information and Broadcasting, MIB, Percentage of growth of registered publications increase by 6.25% over the previous year, 2011-12-29, <http://pib.nic.in/newsite/erelease.aspx?relid=79265>, 2014-06-22.

About The 100 Laws Project

Centre for Civil Society's iJustice, NIPFP Macro/Finance Group, and Vidhi Legal Centre, with the help of lawyers, legislative experts and economists have informally begun a project to help the administration live up to a key election message. During the campaigns, PM Narendra Modi had rightly proposed to clean up the statute books, by repealing 10 laws for each new one the government legislated, and to use his first 100 days to repeal 100 unnecessary laws. We picked up on this message, and invited some experts to brainstorm on how we might turn this promise into reality. The result is the 100 Laws Repeal Project.

The Project

This is a research and advocacy initiative to identify for complete repeal 100 laws that are redundant, or materially impede the lives of citizens, entrepreneurs and the government. Each organisation involved has lent staff to analyse laws passed over different time periods, review the recommendations of various expert committees. Since this was an experiment to explore how collaborative working may help achieve a common goal, we kept the contours of the project simple: laws that could be repealed wholesale, were not too controversial, were material enough to help initiate reforms, and would help sell the idea of a clean and effective legislative and legal system.

This Project is an experiment to demonstrate how external experts may be able to help the government on different issues, and how a thinking machine might further common ideals and help build state capacity. The Project does not aim to reinvent the wheel. It simply revisits the work and recommendations of several experts before, and provides a clean compendium of low-hanging fruit that can easily be executed with minimal discomfort or encumbrances.

The Process

- Three institutions involved in research and advocacy on legislative and economic policy reform came together for initial discussions around 22 May 2014. Each organisation committed 2-3 associates to analyse laws.
- The group invited experts including Supreme Court lawyers, economists, legal activists and legislative experts to join in weekly discussions on laws recommended for repeal.
- Each week the associates presented 10-20 laws and their reasons for recommending repeal. The group debates on the merit of repealing each law, and on fine-tuning the reasons.

- The associates drafted one-page cases, in a standard format. These were quality assured by senior members in the team, and whetted by the experts.
- At the end of 10 weeks (approximately 15 August 2014) the group produced an initial compendium of 100 Laws with cases outlining the repeal of each.
- The project took roughly 1,250 man-hours of public interest lawyers, economists, legislative experts and public policy specialists. The team combed through nearly a 1,000 laws to arrive at the shortlisted 100.
- We propose to present this compendium to the Prime Minister and Minister for Law, and initiate a discussion on broad based legislative reform.

The Product

The team used a three-fold strategy to identify suitable laws, and draft cases, based on:

- Years and periods: for example, pre-1900, near-Independence (1938-1947), Nehruvian socialism (1950-1960), period of nationalisation and emergency (1966-79);
- Categories of laws: for example, archaic and redundant British era laws, laws curbing business freedoms, laws affecting efficiency of government administration, laws affecting labour relations;
- Recommendations of commissions: Law Commissions, PC Jain Commission, and UNDP LARGE project. In addition, research included previous Parliamentary decisions, recommendations of previous administrations, analysis of previous similar repeals, and suggestions on public forums by opinion makers and reform champions.

The team created a simple excel-based format to record findings and discussions: The format is available to all members of the team and helps avoid overlaps. On each Tuesday, associates presented the findings to the group and made a 'case for repeal'. The group debated each case based on the quality of the argument, evidence that favoured repeal, materiality that the repeal presented, a simple stakeholder analysis to identify potential opposition, and ease of repeal. A consolidated master-sheet captures laws the entire group recommends for repeal.

The team developed a one page 'case' for each recommendation: The case includes the name of the legislation, Reasons for Repeal, and issues that may need to be taken into account during repeal. The language has been kept simple, avoiding legal jargon and focusing on the economic and administrative evidence for repeal. Data, testimony, expert recommendations, and previous legal opinion have been referenced and cited. Where possible, Government of India budget and census data and last recorded case filings under each law have been used to reinforce the recommendations. For each law, the team has identified the repeal process, where most laws can be taken off the books with a simple majority in Parliament.

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Across all laws, there are some common reasons for recommending repeal. These include:

- repetitions, redundancies and overlaps with other laws that add legal complications and often-times create loopholes;
- obsolescence that no longer matches India's current economic, political and social needs;
- rent-seeking and harassment opportunities created by complicated personal, economic and business regulations;
- red tape, inefficiencies and mis-governance generated on account of ill-advised legislations; and hindrances to further reform efforts.

We categorised the identified laws into 8 groups and scored them: The categories Archaic British Era Laws, obsolete partition and post-Independence reorganisation, unnecessary levies and taxes, restrictive business and economic regulations, redundant nationalisation, outmoded labour relations, ineffective governance and administration, and obstructive civil and personal interference. Each law has been scored on a 1-5 scale based on ease of repeal and impact of repeal.

Laws presented in this compendium range from high impact recommendations such as repeal of laws that constrain the business environment, to low impact such as repeal of the laws governing territorial organisation of provinces in the British era. The former set would help put India back on the growth track, and the latter would help clear the statute books of clutter. The spread of laws has been deliberately chosen to help demonstrate the range of possibilities for the administration to deliver on its promises, as also to show the extent of work that needs to be done. The list is not meant to be comprehensive: it aims to be a well-researched and demonstrative proof of concept on how such a goal can be accomplished over the next few years using a batch-process.

The Organisations

The three key organisations involved in this effort are:

- Centre for Civil Society: CCS is one of India's leading think tanks advancing social change through public policy. CCS' work in education, livelihood, and policy training promotes choice and accountability across the private and public sectors. iJustice is a public interest legal advocacy initiative of the Centre which supports and assists individuals and groups across India to challenge violations of fundamental rights and the rule of law.
- NIPFP Macro/Finance Group: The Macro group at NIPFP aspires to make a contribution to fiscal, financial and monetary policy reform, with a mix of quantitative research papers in academic journals, policy papers, ongoing analysis of macroeconomic policy. The group served as the secretariat for the Financial Sector Legislative Reforms Commission (FSLRC), providing economic, policy and legal inputs to the commission on a wide range of issues.
- Vidhi Centre for Legal Policy: Vidhi is an independent legal policy advisory group whose mission is to achieve good governance in India through impacting legislative and regulatory design. Vidhi engages with the Government of India, state governments, Standing Committees of Parliament, other agencies and instrumentalities of the state, advising on proposed legislation and regulation,

assisting in legislative drafting and providing independent critical analyses of existing law and policy with recommendations for reform.

Public interest lawyers and young researchers from India and the world's top law schools such as NLS (Bangalore), Amity Law School, NALSAR (Hyderabad), Harvard Law School, contributed over 1000 man-hours over 10 weeks to identifying, researching and analysing laws recommended in this compendium. In addition, experts such as Madhumita Mitra, Ravi Mantha, Nikhil Mehra, Seetha Parthasarathy, Dr Ajay Shah, Dr Parth Shah, and eminent Supreme Court lawyers contributed close to 150 man-hours on expert advice.

The Team

Anirudh Burman is a lawyer with an LL.M. from Harvard Law School. He has previously worked with PRS Legislative Research and Amarchand Mangaldas. He currently consults with NIPFP, the Centre for Policy Research, and works part-time with Indian Express. His interests lie in public institutions, institutional design of public institutions, constitutional and administrative law.

Ankita Srivastava is a legal consultant at NIPFP. She has graduated from the National Law Institute University, Bhopal and has also completed her LL.M in International Taxation from the Vienna University of Economics and Business Vienna, Austria. She has worked with law firms in India focusing on international tax, social sector and CSR.

Kushagra Priyadarshi is a lawyer with around six years in practice. He started his career at Amarchand & Mangaldas, country's leading law firm. During his stint at Amarchand, he advised several fortune 500 companies in multi-million dollar transactions. He graduated from NUJS, Kolkata at the top of his class and last year completed his masters from the Harvard Law School. He is currently working as a Consultant with NIPFP.

Pratik Datta did his BA LLB (Hons) from WBNUJS, Kolkata. After his stint as a law clerk to the Supreme Court of India, he worked as a litigation lawyer in Delhi. Currently, Pratik is a consultant at NIPFP and assists the Department of Economic Affairs on financial policy matters.

Ritwika Sharma graduated with a B.A. LL.B. (Hons.) from Amity Law School, Delhi (GGS Indraprastha University) in 2013. She went on to complete an LL.M. from the National Academy of Legal Studies and Research (NALSAR), Hyderabad in 2014 where her choice of subjects largely revolved around constitutional law, legal theory and environmental law. She is currently a Junior Research Fellow at the Vidhi Centre for Legal Policy.

Sanhita Sapatnekar joined NIPFP as a Consultant, in 2014. Prior to that, Sanhita worked at GIZ in Cambodia and the UN in Indonesia. Sanhita holds a Bachelors of Science in Mathematics, from the University of Bristol (UK), and a Masters in International Cooperation and Development from Universit Cattolica del Sacro Cuore in Milan (Italy).

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Shefali Malhotra is an Associate with iJustice. She graduated from the Symbiosis Law School, Pune in 2010. Previously, she has worked with the Lawyers Collective and Public Interest Legal Support and Research Centre (PILSARC). She was also attached with an Advocate on Record in the Supreme Court of India and worked extensively on contractual and property matters.

Shilpi S Kumar is a consultant at NIPFP. She received her M.S. in Economics from Indira Gandhi Institute of Development Research, Mumbai in year 2014 and her Bachelors in Economics from Hans Raj College, University of Delhi in 2012.

Srijoni Sen graduated with a B.A. LL.B (Hons.) from the National Law School of India University, Bangalore, in 2009. She subsequently worked with McKinsey & Company as a Business Analyst for two years. In 2013 she completed an LL.M from Columbia Law School, New York, and has also taught in NLSIU, Bangalore. She is currently Senior Resident Fellow at the Vidhi Centre for Legal Policy.

The Experts

Dr. Ajay Shah studied at IIT, Bombay and USC, Los Angeles. He has held positions at the Centre for Monitoring Indian Economy, Indira Gandhi Institute for Development Research and the Ministry of Finance, and now works at NIPFP where he co-leads the NIPFP-DEA Research Program. His research interests include policy issues on Indian economic growth, open economy macroeconomics, public finance, financial economics and pensions.

Madhumita Mitra is an independent legal consultant working on a variety of regulatory issues. Starting her career with the Government of India, she has worked as a legal practitioner with a corporate law firm and as a consultant for non-governmental and international organisations. She has wide experience in law and public policy analysis. Her areas of interest are anti-corruption and transparency, business regulations, labour laws, property rights, and legal reforms.

Dr. Parth Shah is the founder president of CCS. Parth taught economics at the University of Michigan before returning to India to start CCS. He has published academic articles in development economics, welfare economics, business-cycle theory, free or laissez-faire banking, and currency-board systems. He has edited *Morality of Markets*, *Friedman on India*, *Profiles in Courage: Dissent on Indian Socialism*, *Do Corporations have Social Responsibility?*, and co-edited *Law, Liberty, and Livelihood*, *The Terracotta Reader*, and *Agenda for Change*.

Ravi Mantha is an entrepreneur. He recently founded BOP Capital, which is working to set up a fund to invest in poverty reduction Asia. He is also a co-founder of BOP Hub, working to create Singapore as a hub for social impact in Asia. He is an angel investor and mentor to many start-ups and he has invested directly in 10 start-ups in Singapore and overseas, and indirectly in another 12 start-ups through JFDI Asia, an internet incubator.

Seetha Parthasarathy is a senior journalist who has worked in several leading publications and writes on political economy issues. She is the author of *The Backroom Brigade: how a few intrepid entrepreneurs brought the world to India* and co-author (along with R. C. Bhargava) of *The Maruti Story: how a public sector company put India on wheels*.

The Lessons

This project provided a forum for collaborative working. Word of mouth and simple invitations to join have helped build a committed team. The idea behind the project has served as its own reference letter, and brought us volunteer experts and quality assurers. Each group involved committed manpower, space and consultation to put the compendium together. It helped craft an effective working model that allowed each organisation's expertise to stand out, and for an assembly line to be built for efficient delivery.

For more information on the project please write to ajayshah@mayin.org or parth@ccs.in.

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Dear Avinash ji,

I am enclosing the report of the 100 laws repeal project for your kind attention.

Sincerely,

Ravi Mantha

Ravi Mantha

+91 99895 47411

From: osdittopm@gov.in [mailto:osdittopm@gov.in]

Sent: Monday, October 13, 2014 5:29 PM

To: Ravi Mantha

Subject: 100 laws

Dear Ravi,

Please share the document on laws that need to be repealed which your team has worked on with the committee formed for review of the laws. Please send a email with the same to avinash.sinha@nic.in & keep me in cc.

Regards,
Hiren

Note - (Enclosed the same report of 100 laws repeal as by
the Shri Guruscharan Das (Pg no. 452-574)).

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IMMEDIATE
BY HAND

2691
F.No:691/LS/2014
Government of India
Ministry of Law & Justice
Department of Legal Affairs

Sub: Repealing of certain Acts by the Parliament – opinion received from Ld. Attorney General.

Ref: Prime Minister's Office ID No. CRA/1/2014 dated 05.09.2014

PMO may refer to their I.D. Note referred to above wherein the opinion was sought on the Legislative competence of the Parliament for:-

- i) repealing the State Appropriation Acts enacted by Parliament in pursuance of Articles 204 (1) and 206 of the Constitution read with the proclamation issued under Article 356 in respect of that State;
- ii) repealing the other State laws made by Parliament under Article 250 of the Constitution after proclamation issued under Article 352/356 in respect of that State ceases to operate in that State; and
- iii) repealing the State laws enacted before the commencement of the Constitution and which are still in force.

2. These issues have been examined in this Department in consultation with Ld. Attorney General. A copy of the Note of this Department along with copy of the opinion of Ld. Attorney General (which has been accepted by Hon'ble MLJ) is sent herewith.



(D. Bhardwaj)
Joint Secretary & Legal Adviser

16.10.2014

Tel: 2338-4101

FAX: 2338-4505

Encl: As above.

Prime Minister's Office
South Block, New Delhi
[Shri R. Ramanujam, Secy. to PM]

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Ministry of Law and Justice
Department of Legal Affairs

FTS No. 2691/LS/2014

Sub: Repealing of certain Acts by the Parliament.

Ref: Prime Minister's Office ID No. CRA/1/2014
dt. 05.09.2014

*FIR
Prime Minister's Office vide their above mentioned ID Note has requested this Department to advice on the Legislative competence of Parliament for

(i) Repealing the State Appropriation Acts enacted by Parliament in pursuance of Articles 204 (1) and 206 of the Constitution read with the proclamation issued under Article 356 in respect of that State.

(ii) Repealing the other State laws made by Parliament under Article 250 of the Constitution after the proclamation issued under Article 356 in respect of that State ceases to operate in that State.

(iii) Repealing the State laws enacted before the commencement of the Constitution and which are still in force.

2. **Issue (i) & (ii) Repealing the State Appropriation Acts enacted by Parliament and other State laws made by Parliament under Article 250 of the Constitution enacted during the period when the proclamation under Article 356 was issued:**

As per Article 356 (1)(b) of the Constitution, the President may issue a proclamation declaring that the powers of the Legislature of a State shall be exercisable by or under the authority of Parliament. Duration of such proclamation is prescribed in clause (4) of Article 356. Therefore, during the period when the proclamation under Article 356 (1) is issued by the President in respect of a State, the Legislative functions for that State can be carried out by the Parliament. Article 357 specifically provides for exercise of Legislative powers under proclamation issued under Article 356. In Clause (2) of Article 357, it is provided that any law made by the Parliament in exercise of power of the Legislature of a State shall continue in force until altered or repealed or amended by the competent Legislature or other authority. Clause (2) of Article 357 reads as under:

357-Exercise of legislative power under proclamation issued under Article 356.-

- (1).....
- (2) Any law made in exercise of the power of the Legislature of the State by Parliament or the President or other authority referred to in sub-clause (a) of Clause (1) which Parliament or the President or such other authority would not but for the issue of Proclamation under Article 356 have been competent to make shall, after the Proclamation has ceased to operate, continue in force until altered or repealed or amended by a competent Legislature or other authority.

3. Clause (2) of Art. 357 provides that though the Parliament shall cease to have the power to legislate relating to State subject on the revocation of the proclamation, the laws made during the subsistence of the proclamation shall continue to be in force unless and until they are altered or repealed by the State Legislature. In other words, an express negative act from the State Legislature shall be necessary to put an end to the operation of laws made by the Parliament, the powers of a State Legislature relating to the State list in the 7th Schedule. As per Article 204 and 206 State Legislature is the competent Legislature to make Appropriate Acts and Acts relating to Vote on Accounts. Therefore, laws made by the Parliament relating to State Appropriation Acts during the period of Proclamation under Article 356 can only be repealed by a competent Legislature and competent Legislature in those matter is the State Legislature.

4. (ii) **Laws made by Parliament under Article 250:**

Article 250 empowers the Parliament to legislate with respect to any matter in the State List when a Proclamation of Emergency is under operation. Clause (2) of Article 250 provides for duration of such law made by the Parliament. Article 250 reads as under:

250. Power of Parliament to legislate with respect to any matter in the State list if a Proclamation of Emergency is in operation.-

- (1) Notwithstanding anything in this Chapter, Parliament shall, while a Proclamation of Emergency is in operation, have power to make laws for the whole or any part of territory of India with respect to any of the matters enumerated in the State list.
- (2) A law made by Parliament which Parliament would not but for the issue of a Proclamation of Emergency have been competent to make shall to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except

as respects things done or omitted to be done before the expiration of the said period.

5. The Proclamation of Emergency referred to in Article 250 is the Proclamation issued under Article 352 of the Constitution and not in respect of Article 356. As per Clause (2) of Article 250, the Act, so passed by the Parliament under Clause (1) shall die out with the revocation of Proclamation of Emergency except as things done or omitted to be done before the expiration of the said period. The law made by Parliament under Article 250 is a temporary Statute which expires on the expiry of a specified time. Therefore, the laws made by the Parliament on the State subject in terms of Article 250 automatically become ineffective after the expiry of period mentioned in Clause (2) of Article 250.

6. Issue (iii) **Repealing State laws enacted before the commencement of the Constitution and which are still in force:**

Article 372 of the Constitution provides for continuance of law which was in force before the commencement of the Constitution. As per Clause (1), these pre-Constitutional laws shall continue in force until altered or repealed or amended by the competent Legislature or other competent authority. Clause 1 of Article 372 reads as under:

372. Continuance in force of existing laws and their adaptation.

(1) *Notwithstanding the repeal by this Constitution of the enactments referred to in Article 395 but subject to the other provisions of this Constitution, all the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority."*

7. As provided in Article 372, any alteration or amendment in the pre-Constitutional laws can only be made by the Legislature competent to enact such a law in terms of 7th Schedule of the Constitution. If the subject matter of the pre-Constitutional State law falls under any entry of the State List then the competent Legislature to repeal the said law would be the State Legislature. Therefore, the power to repeal pre-Constitutional laws would depend upon the subject matter of such State law. This has been explained by the Supreme Court in *Kerala SEB v. Indian Aluminium Co. Ltd.*, (1976) 1 SCC 466 in following words:

"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."

8. The Law Commission in its recent Report No. 248 on "Obsolete Laws: Warranting Immediate Repeal" (Sep. 2014) has also discussed this aspect. The Law Commission, after considering provisions of Art. 372 and case laws has stated that if the subject of a pre-constitutional law falls within the Stare List, the State Legislature is the competent legislature repeal that Act.

9. However, since the issued raised by Prime Minister's Office are related to interpretation of Constitution and having far reaching consequences, if approved, we may request the Ld. Attorney General to give his considered opinion on the following issues:

(i) Whether Parliament can repeal the State Appropriation Acts enacted by Parliament in pursuance of Articles 204 (1) and 206 of the Constitution read with the proclamation issued under Article 356 in respect of that State.

(ii) Whether Parliament can repeal the other State laws made by Parliament under Article 250 of the Constitution after the proclamation issued under Article 352/356 in respect of that State ceases to operate in that State.

(iii) Whether Parliament can repeal the State laws enacted before the commencement of the Constitution and which are still in force.

(iv) Generally Submitted for kind approval pl.

MKH
24.9.14
(Mahendra Khandelwal)
Additional Govt. Advocate
Dated: 24.09.2014

JS & LA (Shri. D. Bhardwaj)

JS
25/9/14

JS
27/9/14

LS
MLJ
JS
Law Secretary JS/DB

2691
29-09-14

JS
29/9

Ref MLJ's minute at pre-page.

This may be placed before the Ld AG for his considered opinion.

Signed
30/09/2014

PPS to Ld AG

(Sd/- and Sign)
Officer in Charge
26/9/2014
28.9.14

I have seen the note dt
24/9/14 of Sr M. Khandekar Ashu.
I concur with his opinion on
laws made by Parliament during
proclamation of Emergency under
Art 352 as also in the fact
situation of Art 356. Even if
the constitution laws they can be
repealed or 372 by the
competent legislature.

Murali
8/11/14

JSS LA (Su - Bhandari)

AS
9/10/14
Adilga (M)

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Ministry of Law & Justice
Legislative Department

Sub: Action initiated on the 248th Report on the "Obsolete Laws: Warranting Immediate Repeal" (Interim Report)- reg.

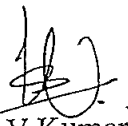
The Law Commission of India has submitted its 248th Report on the "Obsolete Laws: Warranting Immediate Repeal" (Interim Report), in which it recommended for repeal of 72 obsolete Acts. The Commission has, on the basis of rulings of the Supreme Court in Kerala State Electricity Board Vs. The Indian Aluminum Co. Ltd. (AIR 1976 SC 1031) and the Kanwar Lal Vs. IInd Additional District Judge, Nainital (AIR 1995 SC 2078) recommended for repeal of certain Acts pertaining to the matters of State List by the respective State Legislature.

2. The said recommendations of the Law Commission have been examined in this Department and broadly categorized as under:-

- (i) **Enactments to be repealed by Parliament** (*Enactments which Parliament is competent to repeal after consultation with the concerned Ministries/Departments*);
- (ii) **Enactments to be repealed by respective State Legislature** (*Enactments which the respective State Legislature is competent to repeal and includes certain per-independence laws which pertain to the affairs of a particular State*); and
- (iii) **Enactments to be repealed by Parliament in consultation with concerned State Governments** (*Enactments which Parliament is competent to repeal after consultation with the concerned State Governments*)

3. Accordingly, letters have been issued to all Ministries of Government of India for their comments with respect to enactments referred to in sub-para (i); to Chief Secretaries of all State Governments to repeal the enactments for which the State Legislatures are competent with respect to sub-para (ii); and for the comments/views of the State Governments with respect to sub-para (iii). (Copies of the aforesaid letters alongwith enclosures are enclosed for ready reference)

4. This is for kind information.


(K.V.Kumar)

Deputy Legislative Counsel
Ph.23389687

~~Encl:~~ As above.

Prime Minister's Office (Attn: Shri Avinash Kumar Sinha, Staff Officer to Member)
Committee on review of Administrative Laws

Ministry of Law & Justice, Legislative Department, U.O.No.1 (66)/14-L.I dt.16/10/14



डा० संजय सिंह
सचिव
Dr. Sanjay Singh
Secretary



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भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
विधायी विभाग
Legislative Department

D.O. No. 1(66)/14-L.I

9th October, 2014

Dear Sir,

As you are aware that the Union Government is reviewing the obsolete and redundant laws in the country with a view to repeal such laws which are redundant or have lost their significance. The Law Commission of India, in its 248th Report on "Obsolete Laws: Warranting Immediate Repeal (Interim Report), *inter-alia*, recommended repeal of 72 enactments, out of which 24 enactments have been identified by this Department (List enclosed) to be repealed by Parliament in consultation with the concerned Ministries/Departments.

2. It is, therefore, requested that you may kindly get the Acts concerning your Ministry/Department examined with a view to repeal such laws, the utility and the need of which has served its purpose. This may be taken on priority so that the obsolete and redundant laws do not become impediment/hindrance in the progress of the country.

3. In view of the urgency and importance of the matter, I shall be grateful if you could kindly furnish your comments/concurrence within a period of three weeks otherwise it shall be presumed that your Ministry/Department supports the proposal. On receipt of comments/concurrence, necessary steps will be taken for introduction of a Bill for repeal of those Acts in the Winter session of Parliament.

With kind regards,

Yours sincerely,

Sanjay Singh
9/10/14

(Dr. Sanjay Singh)

Encl. As above.

Shri Indrajit Pal,
Secretary,
Department of Chemicals and Petrochemicals
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Dr. Rajendra Prasad Road,
New Delhi-110 001

248TH Report of LAW COMMISSION OF INDIA

I. ENACTMENTS TO BE REPEALED BY PARLIAMENT

S.No.	Short title of the Act	Subject	Recommendation of Law Commission of India
1.	Government Seal Act, 1862 (3 of 1862)	Residuary Laws relating to Administration	<p>Repeal.</p> <p>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.</p>
2.	Foreign Recruiting Act, 1874 (4 of 1874).	International Relations	<p>Consider for repeal.</p> <p>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.</p>

3.	Central Provinces Laws Act, 1875 (20 of 1875)	State Reorganisation and Extension of Laws	<p>Repeal.</p> <p>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.</p>
4.	Elephants' Preservation Act, 1879 (6 of 1879)	Environmental Law	<p>Repeal.</p> <p>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.</p>
5.	Reformatory Schools Act, 1897 (8 of 1897)	Woman and Child Development	<p>Repeal.</p> <p>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.</p>

6.	Live-stock Importation Act, 1898 (9 of 1898)	Public Health	<p>Repeal with the introduction of new law.</p> <p>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.</p>
7.	Prevention of Seditious Meetings Act, 1911 (10 of 1911)	Criminal Justice	<p>Repeal.</p> <p>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 <i>ultra vires</i> Articles 19(1)(a) and (b).</p>
8.	Wild Birds and Animals Protection Act, 1912 (8 of 1912)	Environmental Law	<p>Repeal.</p> <p>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.</p>

9.	Destructive Insects and Pests Act, 1914 (2 of 1914)	Agriculture and Animal Husbandry	<p>Repeal with the introduction of new law.</p> <p>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.</p>
10.	Police (Incitement to Disaffection) Act, 1922 (22 of 1922)	Criminal Justice	<p>Repeal.</p> <p>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.</p>
11.	Children (Pledging of Labour) Act, 1933 (2 of 1933)	Labour Laws	<p>Repeal.</p> <p>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</p>

			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.
12.	Railways (Local Authorities' Taxation) Act, 1941 (25 of 1941)	Taxes, Tolls and Cess Laws	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.
13.	War Injuries (Compensation Insurance) Act, 1943 (23 of 1943)	Labour Laws	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.
14.	Continuance of Legal Proceedings Act, 1948 (38 of 1948)	Administration of Justice	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.
15.	Companies (Donations to National Funds) Act, 1951 (54 of 1951)	Corporate Laws	<p>Repeal.</p> <p>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.</p>
16.	Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952 (9 of 1952)	Administration of Justice	<p>Repeal.</p> <p>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.</p> <p>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.</p>

			Thus, any new proceedings are clearly barred by limitation, and any pending proceedings may be saved by a suitable savings clause.
17.	Newspaper (Price and Page) Act, 1956 (45 of 1956)	Media, Communications and Publishing	<p>Repeal.</p> <p>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 <i>Sakal Papers Pvt. Ltd. v. Union of India</i> [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.</p>
18.	Young Persons (Harmful Publications) Act, 1956 (93 of 1956)	Media, Communications and Publishing	<p>Consider for repeal.</p> <p>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 inconsonant 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 <i>inter alia</i> 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.</p>
19.	Women's and Children's Institutions (Licensing) Act, 1956 (105 of 1956)	Women and Child Development	<p>Repeal with allied amendment of newer legislation.</p> <p>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</p>

			<p>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 <i>Chhatravas, Chandra Arya Vidya Mandir v. The Director, Department of Women and Child Development and Anr.</i> [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).</p>
20.	Newspaper (Price and Page) Continuance Act, 1961 (36 of 1961)	Media, Communications and Publishing	<p>Repeal.</p> <p>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.</p>
21.	Land Acquisition (Amendment) Act, 1962 (31 of 1962)	Land Laws	<p>Repeal.</p> <p>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.</p>
22.	Land Acquisition (Amendment and Validation) Act, 1967 (13 of 1967)	Land Laws	<p>Repeal.</p> <p>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.</p>

23.	Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976 (28 of 1976)	Parliament and State Legislatures	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.
24.	Shipping Development Fund Committee (Abolition) Act, 1986 (66 of 1986)	Maritime Law; Shipping and Inland Navigation	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.



डा० संजय सिंह
सचिव
Dr. Sanjay Singh
Secretary



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भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
विधायी विभाग
Legislative Department

D.O. No. 1(66)/14-L.I

9th October, 2014

Dear Sir,

As you are aware that the Union Government is reviewing the obsolete and redundant laws in the country with a view to repeal such laws which are redundant or have lost their significance. The Law Commission of India, in its 248th Report on "Obsolete Laws: Warranting Immediate Repeal (Interim Report), *inter-alia*, recommended repeal of 72 enactments, out of which, 22 enactments have been identified by this Department (List enclosed) for repeal by the respective State Legislature.

2. In this regard, attention is drawn to the rulings given by Hon'ble Supreme Court in *Kerala State Electricity Board v. The Indian Aluminium Co. Ltd.* [AIR 1976 SC 1031] wherein it was held that "*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*". Similarly, in *Karwar Lal v. Ind Additional Distt. Judge, Nainital*, [AIR 1995 SC 2078] the Hon'ble 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*".

3. In view of the urgency and importance of the matter, it is requested that you may kindly identify the enactments concerning your State and take

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necessary steps for repealing the same, as recommended by the Law Commission of India. This may be taken on priority so that the obsolete and redundant laws do not become impediment/hindrance in the progress of the State.

With kind regards,

Yours sincerely,

Sanjay Singh
9/10/14

(Dr. Sanjay Singh)

Encl. As above.

Shri Chetan B. Sanghi,
Chief Secretary of Puducherry,
Chief Secretariat,
No.1 Beach Road,
Puducherry- 605 001.

248TH Report of LAW COMMISSION OF INDIA

ENACTMENTS TO BE REPEALED BY RESPECTIVE STATE LEGISLATURE

S.No.	Short title of the Act	Subject	Recommendation of Law Commission India
1.	Bengal Districts Act, 1836 (21 of 1836)	Laws Relating to Administration and Development of Local Areas	<p>Recommend to State of West Bengal to repeal with suitable amendments.</p> <p>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 Government 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.</p>
2.	Bengal Bonded Warehouse Association Act, 1838 (5 of 1838)	Trade and Commerce	<p>Repeal.</p> <p>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.</p>
3.	Forfeited Deposits Act, Ac, 1850 (25 of 1850)	Land Laws	<p>Repeal.</p> <p>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</p>

			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.
4.	Bengal Bonded Warehouse Association Act, 1854 (5 of 1854)	Trade and Commerce	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.
5.	Sonthal Parganas Act, 1855 (37 of 1855)	State Reorganisation and Extension of Laws	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.
6.	Oriental Gas Company Act, 1857 (5 of 1857)	Energy Laws	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.

7.	Madras Uncovenanted Officers' Act, 1857 (7 of 1857)	Government Employees	<p>Repeal.</p> <p>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.</p>
8.	Sonthal Parganas Act, 1857 (10 of 1857)	State Reorganisation and Extension of Laws	<p>Repeal.</p> <p>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.</p>
9.	Howrah Offences Act, 1857 (21 of 1857)	Criminal Justice	<p>Repeal.</p> <p>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.</p>
10.	Calcutta Pilots Act, 1859 (12 of 1859)	Criminal Justice	<p>Repeal.</p> <p>The Act envisages setting up a Court for the trial of pilots, who were employed in the Hooghly Pilot Service of the Port of</p>

			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.
11.	Travancore-Cochin Vehicles Taxation (Amendment and Validation) Act, 1959 (42 of 1959)	Taxes, Tolls and Cess Laws	<p>Repeal in consultation with relevant state(s).</p> <p>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.</p>
12.	Oriental Gas Company, Act, 1867 (11 of 1867)	Energy Laws	<p>Repeal, in consultation with relevant state(s)</p> <p>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.</p>
13.	Dehra Dun Act, 1871(21 of 1871)	State Reorganisation and Extension of Laws	<p>Repeal in consultation with state(s).</p> <p>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.</p>

14.	Fort William Act, 1881 (13 of 1881)	Criminal Justice	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.
15.	Sheriff of Calcutta (Power of Custody) Act, 1931 (20 of 1931)	Criminal Justice	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).
16.	Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932 (24 of 1932)	Criminal Justice	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.

17.	Assam Criminal Law Amendment (Supplementary) Act, 1934 (27 of 1934)	Criminal Justice	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.
18.	Bangalore Marriages Validating Act, 1936 (16 of 1936)	Personal Laws	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.
19.	Junagadh Administration (Property) Act, 1948 (26 of 1948)	Land Laws	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. Junagadh 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.
20.	Chandernagore (Merger) Act, 1954 (36 of 1954)	State Reorganisation and Extension of Laws	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.
21.	Orissa Weights and Measures (Delhi Repeal) Act, 1958 (57 of 1958)	Consumer Affairs	Repeal. This Act was enacted to repeal the Orissa Weights and Measures Act, 1943, in its application to the Union territory of Delhi.

			<p>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.</p>
22.	<p>Mahendra Pratap Singh Estates (Repeal) Act, 1960 (48 of 1960)</p>	<p>Land Laws</p>	<p>Repeal.</p> <p>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).</p>



डा० संजय सिंह
सचिव
Dr. Sanjay Singh
Secretary



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भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
विधायी विभाग
Legislative Department

9th October, 2014

D.O. No. 1(66)14-L.I

Dear Sir,

As you are aware that the Union Government is reviewing the obsolete and redundant laws in the country with a view to repeal such laws which are redundant or have lost their significance. The Law Commission of India, in its 248th Report on "Obsolete Laws: Warranting Immediate Repeal (Interim Report), inter-alia, recommended repeal of 72 enactments, out of which 26 enactments have been identified by this Department (List enclosed) for repeal by Parliament in consultation with the concerned State Governments.

2. It is, therefore, requested that you may kindly get the Acts concerning your State examined with a view to repeal such laws, the utility and the need of which has served its purpose. This may be taken on priority so that the obsolete and redundant laws do not become impediment/hindrance in the progress of the country.

3. In view of the urgency and importance of the matter, I shall be grateful if you could kindly furnish your comments/concurrence within a period of three weeks, otherwise it shall be presumed that your State Government supports the proposal. On receipt of your comments/concurrence, necessary steps will be taken for introduction of a Bill for repeal of those Acts in the Winter session of Parliament.

With kind regards,

Yours sincerely,

Sanjay Singh
9/10/14

(Dr. Sanjay Singh)

Encl. As above.

Shri S.K. Srivastava,
Chief Secretary of Delhi,
Delhi Secretariat,
I.P. Estate, New Delhi-2.

248TH Report of LAW COMMISSION OF INDIA

**ENACTMENTS TO BE REPEALED BY PARLIAMENT
IN CONSULTATION WITH CONCERNED STATE GOVERNMENTS**

S.No.	Short title of the Act	Subject	Recommendation of Law Commission of India
1.	Sheriffs' Fees Act, 1852 (8 of 1852)	Administration of Justice	<p>Repeal.</p> <p>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.</p>
2.	Waste-Lands (Claims) Act, 1863 (23 of 1863)	Land Laws	<p>Repeal, in consultation with relevant state(s).</p> <p>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.</p> <p>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.</p>

3.	Births, Deaths and Marriages Registration Act, 1866 (6 of 1886)	Symbols, Records and Statistics	<p>Repeal.</p> <p>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.</p>
4.	Converts' Marriage Dissolution Act, 1866 (21 of 1866)	Personal Laws	<p>Repeal.</p> <p>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 <i>Sarla Mudgal v. Union of India</i> [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.</p>

5.	Oudh Sub-Settlement Act, 1866 (26 of 1866)	Land Laws	<p>Repeal in consultation with relevant state(s).</p> <p>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.</p>
6.	Ganges Tolls Act, 1867 (1 of 1867)	Taxes, Tolls and Cess Laws	<p>Repeal.</p> <p>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.</p>
7.	Sarais Act, 1867 (22 of 1867)	Trade and Commerce	<p>Repeal in consultation with state(s).</p> <p>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.</p>

8.	Oudh Estates Act, 1869 (1 of 1869)	Land Laws	<p>Repeal in consultation with state(s).</p> <p>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.</p>
9.	Oudh Taluqdars' Relief Act, 1870 (24 of 1870)	Land Laws	<p>Repeal in consultation with state(s).</p> <p>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.</p>
10.	Punjab Laws Act, 1872 (4 of 1872)	State Reorganisation and Extension of Laws	<p>Repeal.</p> <p>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.</p>
11.	Laws Local Extent Act, 1874 (15 of 1874)	State Reorganisation and Extension of Laws	<p>Repeal in consultation with relevant state(s).</p> <p>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</p>

			<p>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.</p>
12.	Oudh Laws Act, 1876 (18 of 1876)	State Reorganisation and Extension of Laws	<p>Repeal in consultation with relevant state(s).</p> <p>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.</p>
13.	Dramatic Performances Act, 1876 (19 of 1876)	Criminal Justice	<p>Consider for repeal.</p> <p>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 <i>N. V. Sankaran alias Gnani v. The State Of Tamil Nadu</i> [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</p>

			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.
14.	Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879)	Agriculture and Animal Husbandry	<p>Repeal in consultation with relevant state(s).</p> <p>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.</p>
15.	Raipur and Khattra Laws Act, 1879 (19 of 1879)	State Reorganisation and Extension of Laws	<p>Repeal.</p> <p>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.</p>
16.	Agriculturists' Loans Act, 1884 (12 of 1884)	Agriculture and Animal Husbandry	<p>Repeal.</p> <p>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</p>

			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.
17.	King of Oudh's Estate Act, 1887 (19 of 1887)	Land Laws	<p>Repeal in consultation with relevant state(s).</p> <p>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).</p>
18.	King of Oudh's Estate, 1888 (14 of 1888)	Land Laws	<p>Repeal in consultation with relevant state(s).</p> <p>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.</p>
19.	United Provinces Act, 1890 (20 of 1890)	State Reorganisation and Extension of Laws	<p>Repeal.</p> <p>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.</p>

20.	Bengal, Bihar and Orissa and Assam Laws Act, 1912 (7 of 1912)	State Reorganisation and Extension of Laws	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.
21.	King of Oudh's Estate Validation Act, 1917 (12 of 1917)	Land Laws	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.
22.	Public Suits Validation Act, 1932 (11 of 1932)	Civil Procedure	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.
23.	Berar Laws Act, 1941 (4 of 1941)	State Reorganisation and Extension of Laws	Repeal. This Act was enacted to extend the application of certain Central laws to the erstwhile province of Berar. The

			<p>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'.</p>
24.	<p>Mangrol and Manavadar (Administration of Property) Act, 1949 (2 of 1949)</p>	<p>Land Laws</p>	<p>Repeal in consultation with relevant state(s).</p> <p>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.</p>
25.	<p>Delhi Hotels (Control of Accommodation) Act, 1949 (24 of 1949)</p>	<p>Laws Relating to Administration of Union Territories and Delhi</p>	<p>Pending Repeal Bill should be passed.</p> <p>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</p>

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

248TH Report of LAW COMMISSION OF INDIA

The Law Commission of India in its 248th report has recommended for repeal of 72 obsolete laws. The said Commission has, on the basis of rulings of the Supreme Court in *Kerala State Electricity Board v. The Indian Aluminium Co. Ltd.* [AIR 1976 SC 1031] and the *Kanwar Lal v. Ind. Additional Distt. Judge, Nairital*, [AIR 1995 SC 2078], has categorized and recommended the aforesaid Acts for repeal.

2. The said recommendations of the Law Commission have been examined and broadly categorised as under:

- I. Enactments to be repealed by Parliament
- II. Enactments to be repealed by respective State Legislature
- III. Enactments to be repealed by Parliament in consultation with concerned State Governments.

3.