



डा० संजय सिंह
सचिव
Dr. Sanjay Singh
Secretary



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

3rd November, 2014

Dear Sir,

Kindly refer to my d.o. letter of even number dated 9th October, 2014 forwarding a list of Acts identified by this Department for repeal by the respective State Legislature. The list of enactments have been reviewed and a revised list containing 20 enactments has been prepared and is hereby forwarded for considering repeal by the respective State Legislature (list enclosed). The list of Acts enclosed with the earlier letter dated 9th October, 2014 may be treated as withdrawn.

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 But after the Constitution came into force an existing law could be amended or repealed only by the legislature which would be competent to enact that law if it were to be newly enacted*".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 *Kanwar Lal v. IInd 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 necessary steps for repealing the same, as recommended by the Law Commission

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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,



(Dr. Sanjay Singh)

Encl. As above.

Shri I. Y. R. Krishna Rao,
Chief Secretary,
Government of Andhra Pradesh,
Secretariat,
Hyderabad-500 022

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ENACTMENTS TO BE REPEALED BY RESPECTIVE STATE LEGISLATURE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 of 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 for 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 Governments under their respective Revenue Codes, Bengal is a special case where it is still being done under the Central Act. This law may be repealed if the power to create districts is instead included in the relevant West Bengal statute. This Act has also been recommended for repeal by the PC Jain Commission Report in its Appendix A-5.</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, 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	<p>Repeal.</p> <p>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.</p>
5.	Oriental Gas Company Act, 1857 (5 of 1857)	Energy Laws	<p>Repeal, in consultation with relevant state(s).</p> <p>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.</p>
6.	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>
7.	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</p>

			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.
8.	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 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.</p>
9.	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>
10.	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>
11.	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</p>

			<p>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>
12.	Fort William Act, 1881 (13 of 1881)	Criminal Justice	<p>Repeal.</p> <p>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.</p>
13.	Sheriff of Calcutta (Power of Custody) Act, 1931 (20 of 1931)	Criminal Justice	<p>Repeal.</p> <p>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</p>

			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).
14.	Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932 (24 of 1932)	Criminal Justice	<p>Repeal.</p> <p>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.</p>
15.	Assam Criminal Law Amendment (Supplementary) Act, 1934 (27 of 1934)	Criminal Justice	<p>Repeal.</p> <p>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.</p>
16.	Bangalore Marriages Validating Act, 1936 (16 of 1936)	Personal Laws	<p>Repeal.</p> <p>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.</p>
17.	Junagadh Administration (Property) Act, 1948 (26 of 1948)	Land Laws	<p>Repeal.</p> <p>This Act was enacted for the vesting of certain property belonging to the State of Junagadh in an Administrator appointed by the Central Government. Junagarh was an erstwhile princely state in British India. Junagadh is now a district in Gujarat and is not administered under this law. Hence, this Act is now obsolete. The PC Jain Commission (Appendix A-5) has also recommended repeal of this Act.</p>

18.	Chandernagore (Merger) Act, 1954 (36 of 1954)	State Reorganisation and Extension of Laws	<p>Repeal.</p> <p>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.</p>
19.	Orissa Weights and Measures (Delhi Repeal) Act, 1958 (57 of 1958)	Consumer Affairs	<p>Repeal.</p> <p>This Act was enacted to repeal the Orissa Weights and Measures Act, 1943, in its application to the Union territory of Delhi. This Act provided that as soon as the Rajasthan Weights and Measures (Enforcement) Act, 1958 would come in force in the Union territory of Delhi, the Orissa Act would stand repealed. Since the purpose of this Act has been fulfilled, it should be repealed. The Act has been recommended for repeal by the PC Jain Commission Report in its Appendix A-5 as well.</p>
20.	Mahendra Pratap Singh Estates (Repeal) Act, 1960 (48 of 1960)	Land Laws	<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>