



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

9th October, 2014

Dear Sir,

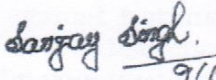
As you are aware that the Union Government is reviewing the obsolete and redundant laws in the country with a view to repeal such laws which are redundant or have lost their significance. The Law Commission of India, in its 248th Report on "Obsolete Laws: Warranting Immediate Repeal (Interim Report), *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repeal of 72 enactments, out of which 24 enactments have been identified by this Department (List enclosed) to be repealed by Parliament in consultation with the concerned Ministries/Departments.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,


(Dr. Sanjay Singh) 9/10/14

Encl. As above.

Shri Alok Rawat,
Secretary,
Ministry of Water Resources,
Room No. 412,
Shram Shakti Bhawan, Rafi Marg,
New Delhi - 110001.

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I. ENACTMENTS TO BE REPEALED BY PARLIAMENT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	Repeal. The Act was enacted to remove all doubts about the use of seals for certification of certain documents. It allowed the Seal of the local government to be used in place of the Seal of the East India Company. This Act was considered for repeal by the 148th Law Commission Report, 1993. The Report noted that documents and instruments sealed in accordance with this Act might have given rise to certain rights and liabilities which have been accepted and undertaken by the Government of India/State Government under Articles 294 and 295 of the Constitution. While the Law Commission did not recommend repeal of this Act, with a savings clause validating documents sealed under this Act, this Act may be validly repealed, since the situation of documents requiring seals of the East India Company can no longer arise.
2.	Foreign Recruiting Act, 1874 (4 of 1874).	International Relations	Consider for repeal. This Act empowered the Government to issue an order that prevented the recruitment of Indians by a foreign State. The Act confers a wide discretion on the Government to specify the conditions under which persons may be barred from being recruited by a foreign State. According to the Law Commission, in its 43rd Report on Offences against National Security (1971), such wide discretion might potentially violate the constitutional guarantee to freedom of occupation under Article 19. The 2nd Administrative Reforms Commission Report of 2006 has also observed that this Act is outdated.

			This Act has been recommended for repeal by the PC Jain Commission in its Appendix A-1.
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</p>

			law. In light of this, the Reformatory Schools Act, 1897 is in conflict with newer law.
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</p>

			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.
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</p>

			<p>wages' are paid to the child. Additionally, the fines imposed under the Act are paltry and hardly serve as a deterrent. The Report of the Second Indian National Labour Commission, 2002 has recommended repeal of the Act. The Report points out that provisions relating to pledging of child labour can be incorporated as part of the criminal law of the country. The provisions of this Act are not in sync with the Child Labour (Prohibition and Regulation) Act, 1986 which is now in place to determine where, and under what conditions children can be employed. In addition, proposed amendments to the Child Labour (Prohibition and Regulation) Act, 1986, in 2014, seek to outlaw all forms of child labour. The provisions of this Act will be in conflict with these progressive amendments.</p>
12.	Railways (Local Authorities' Taxation) Act, 1941 (25 of 1941)	Taxes, Tolls and Cess Laws	<p>Repeal.</p> <p>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.</p>
13.	War Injuries (Compensation Insurance) Act, 1943 (23 of 1943)	Labour Laws	<p>Repeal.</p> <p>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.</p>
14.	Continuance of Legal Proceedings Act, 1948 (38 of 1948)	Administration of Justice	<p>Repeal.</p> <p>This Act authorises the continuance of certain proceedings against the then</p>

			<p>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.</p>
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</p>

			Commission Report, 1984. The Report said that even though it may appear that the need for the Act does not exist anymore, 'it is not possible to say with absolute certainty that no such suit as is governed by the Act can be filed at the present day. However, another thirty years have passed since the 96th Law Commission Report arrived at this conclusion. Further, the limitation clause in the Act specifies that no suits may be instituted under this Act after one year from the date of enactment or the date of decree, whichever is later. Thus, any new proceedings are clearly barred by limitation, and any pending proceedings may be saved by a suitable savings clause.
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</p>

			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.
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 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</p>

			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.
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	<p>Repeal.</p> <p>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.</p>
24.	Shipping Development Fund Committee (Abolition) Act, 1986 (66 of 1986)	Maritime Law; Shipping and Inland Navigation	<p>Repeal.</p> <p>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.</p>