



डा० संजय सिंह  
सचिव  
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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 (Pt.file.II)

24<sup>th</sup> October, 2014

Dear Shri Sanghi,

In continuation of my D.O. letter of even number dated 9<sup>th</sup> October, 2014 regarding reviewing of the obsolete and redundant laws in the country, this is to inform that the Law Commission of India has submitted its 249<sup>th</sup> Report on "Obsolete Laws: Warranting Immediate Repeal" (Second Interim Report), on 13<sup>th</sup> October, 2014 in which the Commission *inter-alia*, recommended repeal of 113 more obsolete laws. Out of these 113 laws, 9 enactments have been identified by this Department (List enclosed) for repeal by Parliament in consultation with the concerned State Government.

2. It is, therefore, requested that you may kindly get the enactments 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.

4. The enactments referred to in this letter and the earlier letter of even number dated 9<sup>th</sup> October, 2014 are available in the Ministry of Law and Justice, Legislative Department's website at <http://www.lawmin.nic.in/Legis.htm> (under the heading 'Repeal of redundant and obsolete laws').

With regards,

Yours sincerely,

(Dr. Sanjay Singh)

Encl. As above.

Shri Chetan B. Sanghi,  
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**III. ENACTMENTS/PERMANENT ORDINANCES TO BE REPEALED BY  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.	<b>Madras Forest (Validation) Act, Act 21 of 1882</b>	Environmental Law	<p><b>Recommendation:</b> Repeal after consultation with the State of Tamil Nadu.</p> <p>This Act was enacted to remove doubts regarding the Tamil Nadu Forest Act, also enacted in 1882. The purpose of this Act has been fulfilled. Since the subject-matter of forests falls in the Concurrent List (See, Entry 17A, List III, Seventh Schedule), the Central Government is competent to repeal this Act. Hence, the Central Government should repeal this Act after consultation with the State of Tamil Nadu, and after inserting a suitable savings clause. This Act has been recommended for repeal by the PC Jain Commission Report (Appendix A-1).</p>
2.	<b>Bikrama Singh's Estates Act, 1833 (10 of 1883)</b>	Land Laws	<p><b>Recommendation:</b> Repeal</p> <p>This Act gave effect to an award made by the Viceroy and the Governor-General-in-Council regarding certain matters in dispute between Raja Bikrama Singh and the Raja of Kapurthala State. By means of this settlement, he was instructed to leave Kapurthala and settle in Jalandhar. The Act also provided that if Bikrama Singh left behind a male heir, the proper law of inheritance would apply, otherwise the property would go to the Raja of Kapurthala. The purpose of this Act has been fulfilled. Any pending proceedings under the original Act will continue to be saved through a suitable savings clause.</p>

			Consequently, this Act must be repealed.
3.	<b>City of Bombay Municipal (Supplementary) Act, 1888 (12 of 1888)</b>	Administration of Justice	<p><b>Recommendation:</b> Repeal after consultation with relevant State(s)</p> <p>The Act was enacted to supplement certain provisions of the City of Bombay Municipal Act, 1888. The Act has provisions for appeal to the Bombay High Court from the decisions of the Court of Small Causes and Presidency Magistrates rendered under the provisions of chief Act. The chief Act has now been rechristened to Mumbai Municipal Corporation Act, 1888. The provisions of the supplementary act have also been incorporated into the chief act. Therefore, the law has now become redundant and must be repealed after consultation with the State of Maharashtra.</p>
4.	<b>Marriages Validation Act, 1892 (2 of 1892)</b>	Personal Laws	<p><b>Recommendation:</b> Repeal</p> <p>The Act was enacted to validate certain marriages solemnised under Part VI of the Indian Christian Marriage Act, 1872. The Act validated marriages between two persons of whom only one was an Indian Christian, and deemed them both to be Indian Christians. The purpose of this Act has now been fulfilled. A suitable savings clause must be added to the repealing Act so as to save the rights accrued under this Act.</p>
5.	<b>Lepers Act, 1898 (3 of 1898)</b>	Public Health	<p><b>Recommendation:</b> Repeal in consultation with relevant State(s)</p> <p>The Act provided for the segregation and medical treatment of pauper lepers. The Act established 'leper asylums' and conditions for employment of personnel to these asylums. Section 1(3) of this Act mandates that it shall not come</p>

			<p>into force in any territory until the concerned State Government makes a declaration to that effect. The Act has already been repealed in the States of Gujarat, Assam, Nagaland, Meghalaya, West Bengal, Tamil Nadu, Tripura, Punjab, Karnataka, Orissa, Himachal Pradesh, and Maharashtra, and in the Union Territories of Delhi, Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Chandigarh. This law, which is completely out of sync with the modern understanding of the disease and its treatment, must be repealed. The Act is unconstitutional for being violative of Article 14 of the Constitution because it legalises forcible segregation of people affected with leprosy. India is a signatory to the United Nations Resolution on the Elimination of Discrimination against Persons Affected by Leprosy and their Family Members, 2011 (A/RES/65/215). This legislation goes against the spirit of this Resolution. Hence, the Central Government should inquire whether it is in force in any other State, and repeal this law in consultation with any such State.</p>
6.	<p><b>Bengal, Bihar and Orissa and Assam Laws Act, 1912 (7 of 1912)</b></p>	<p>State Reorganisation and Extension of Laws</p>	<p><b>Recommendation:</b> Repeal, in consultation with relevant State(s)</p> <p>The Act provided for the applicability of laws in the Presidency of Fort William in Bengal, the Province of Bihar and Orissa and the Province of Assam, following the creation of the Province of Bihar and Orissa. It also empowered the Governor-General-in-Council to extend the application of certain Acts to these territories. The administrative units to which this law refers no longer exists, and therefore this law should be repealed.</p>

7.	<b>Delhi Laws Act, 1912 (13 of 1912)</b>	State Reorganisation and Extension of Laws	<b>Recommendation:</b> Repeal, in consultation with relevant State(s)  This Act was enacted to declare the law in force in certain territories added to the province of Delhi, which were formerly in Punjab. The administration of the province of Delhi was also vested in a Chief Commissioner. This law is no longer relevant in the modern-day administration of these territories. Hence this law should be repealed.
8.	<b>Delhi Laws Act, 1915 (7 of 1915)</b>	State Reorganisation and Extension of Laws	<b>Recommendation:</b> Repeal, in consultation with relevant State(s)  This Act was enacted to declare the law in force in certain territories added to the province of Delhi, which were formerly included in the territory of Oudh and Agra. This law is no longer relevant in the modern-day administration of these territories. Hence this law should be repealed.
<b>PERMANENT ORDINANCE TO BE REPEALED BY PARLIAMENT AFTER CONSULTATION WITH STATES</b>			
9.	<b>Public Health (Emergency Provisions) Ordinance, 1944 (21 of 1944)</b>	Public Health	<b>Recommendation:</b> Repeal after consultation with States  This Ordinance made special provisions for preventing the spread of human disease, safeguarding the public health and providing and maintaining adequate medical services and other services essential to the health of the community. It empowered the appropriate Government to take such measures as may be necessary for the purpose of this Ordinance and placed an obligation on the local authority to comply with the orders of the Government in that regard. 'Appropriate Government', for the purposes of this Ordinance, meant

			<p>the Central Government, in relation to cantonment authorities, and the State Government, in relation to all other local authorities. There is no evidence of recent use of this Act. The Epidemic Diseases Act, 1897 addresses similar concerns and empowers the State Government and the Central Government to take special measures and prescribe regulations as to dangerous epidemic diseases. However, since public health and sanitation is now a State subject (See Entry 6, List II, Seventh Schedule of the Constitution), the Central Government should repeal this Ordinance after consultation with the States.</p>
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