



**LAW COMMISSION OF INDIA  
NINETY-SIXTH REPORT  
ON  
REPEAL OF CERTAIN  
OBSOLETE CENTRAL ACTS.**

**MARCH 1984**

JUSTICE K. K. MATHEW.

D.O. No. 2(11)/83-L.C.

New Delhi,  
Dated, the 19th March, 1984.

My dear Minister,

I am forwarding herewith the Ninety-Sixth Report of the Law Commission on "Repeal of Certain Obsolete Central Acts".

The subject was taken up by the Law Commission *suo motu*. The need for taking up the subject is explained in para 1.5 of the Report.

The Commission is indebted to Shri P. M. Bakshi, Part-time Member, and Shri A. K. Srinivasamurthy, Member-Secretary, for their valuable assistance in the preparation of the Report.

With regards,

Yours sincerely,

(Sd.)

(K. K. MATHEW)

Shri Jagannath Kaushal,  
Minister of Law, Justice & Company Affairs,  
New Delhi.

*Encl: 96th Report.*

## CONTENTS

	Page
CHAPTER 1 -- INTRODUCTORY . . . . .	1
CHAPTER 2 -- PRINCIPLES FOLLOWED IN RECOMMENDING REPEAL OF ENACTMENTS	3
CHAPTER 3 -- SPECIFIC CENTRAL ACTS CONSIDERED . . . . .	5
CHAPTER 4 -- COMMENTS RECEIVED ON THE WORKING PAPER	17
CHAPTER 5 -- CONCLUSION AND SUMMARY OF RECOMMEN- DATIONS.	19

CHAPTER I  
INTRODUCTORY  
REPEAL OF CERTAIN OBSOLETE CENTRAL ACTS

1.1. This Report is concerned with the need for the repeal of certain Central Acts which have become obsolete in view of subsequent legislation, or which have become anomalous in view of changed conditions, and which therefore need to be repealed. The Law Commission has taken up the subject on its own. The reasons for taking up the matter for consideration will be apparent from what follows.

1.2. Every legislature is expected to undertake what may be called the periodical spring-cleaning of the corpus of its statute law, in order that dead wood may be removed and citizens may be spared the inconvenience of taking notice of laws which have ceased to bear any relevance to current conditions. This process, which is important in itself, assumes still greater importance in modern times when statute law is growing in bulk and magnitude. The statutes that are not obsolete are formidable enough in size and number. In order that the statute book may not grow out of all proportion, it is desirable that statutes that are obsolete should be removed from the statute book.

1.3. At this stage, it may be useful to mention that a legislative enactment cannot be rendered ineffective by mere non-use or obsolescence. The long desuetude of a law does not amount to its repeal.<sup>1</sup> This itself is a consideration for undertaking from time to time measures for expressly repealing enactments that might have become obsolete or spent. Moreover, the continuance of such enactments clutters the statute book and tends to create confusion in the minds of those who have an occasion to consult statute law. It is for this reason that most countries, as stated above,<sup>2</sup> effect a periodic revision of their laws, so that the statute book is cleared of laws which are obsolete, unconstitutional or spent.<sup>3</sup>

1.4. By tradition, such action, intended to revise the statute book, has come to be described as "statute law revision".<sup>4</sup> The classical exposition of the function of Statute law revision is that of Lord Westbury, Lord Chancellor. In 1863, speaking in the debate on the Statute Law Revision Bill, Lord Westbury thus outlined the principles upon which statute law revision should be based:<sup>5</sup>

"The Statute Book should be revised and expurgated—weeding away all those enactments that are no longer in force and arranging and classifying what is left under proper heads, bringing the dispersed Statutes together, eliminating jarring and discordant provisions, and thus getting a harmonious whole instead of a chaos of inconsistent and contradictory enactments."

1.5. Students of statute law are well acquainted with Repealing and Amending Acts.<sup>6</sup> In England, the first statute Law Revision Act was passed in 1856. It repealed 120 obsolete statutes.<sup>6</sup> Curiously, one of the Acts repealed by that Act was an Act of 1388 (12 Richard 2, c. 13), "for the punishment of them which caused corruption near a city or great town, to corrupt the air."<sup>7</sup>

1 *Perrin v. United States*, (1914) 58 Lawyers Ed. 691.

2 Paragraph 1.2, *supra*.

3 Note in (1930) 44 Harvard Law Review 1309.

4 Lord Westbury, Parliamentary Debates, 3rd Series, Vol. 1 71, Col. 775, quoted by Lord Simon of Glaisdale and Webb, "Constitution and Statute Law Revision" (1975) Public Law 285, 291.

5 Halsbury's Laws of England, 3rd Edition, Vol. 36, pages 461, 476.

6 Statute Law Revision Act, 1865 (19 & 20) Vict c. 6.

7 Lord Simon of Glaisdale and Webb, "Consolidation and Statute Law Revision" (1975) Public Law 285, 291.

Repealing  
Acts in  
India.

1.6. Similar process has been undertaken from time to time in almost all countries. The introduction and initiation of repealing Acts at intervals is a process quite familiar to legislative draftsmen in most countries. In India, the first two such Acts were passed<sup>1</sup> in 1866 and 1870. The last such Act seems to have been passed in 1978.<sup>2-3</sup>

Need for  
repealing  
various  
Acts dealt  
with in the  
Report.

1.7. However, notwithstanding the fact that this process has been undertaken periodically, there—still survive on the Indian Statute Book certain Central Acts which need to be looked into from the point of view of the removal of dead wood from the statute book. The present study is an attempt to examine Central Acts from the above angle. Such an examination accords with one of the tasks of the Law Commission, namely, to revise Central Acts of general importance so as to simplify them, to remove anomalies, ambiguities and irregularities and to bring them up-to-date.

Working  
Paper  
issued by  
the Law  
Commission.

1.8. Before concluding this introductory chapter, it may be mentioned that in order to invite informed opinion on the subject, the Law Commission had prepared a Working Paper inviting State Governments, High Courts, Bar Associations and other interested persons and bodies, including the Legislative Department of the Government of India in the Ministry of Law,<sup>4</sup> to send their comments on the Working Paper. The Commission is glad to note that the views received on the Working Paper favour the repeal of the various Acts whose repeal is being recommended in this Report. A gist of the comments received will be found in a later chapter of this Report.<sup>5</sup> The Commission is grateful to all those who have taken the trouble of sending their views.

<sup>1</sup> Repealing Act (11 of 1866) and Repealing Act (14 of 1870).

<sup>2</sup> Repealing and Amending Act (23 of 1978).

<sup>3</sup> Last 3 repealing Acts prior to 1978 were Acts 58 of 1960, 52 of 1964 and 56 of 1974.

<sup>4</sup> Law Commission of India, Working Paper on the Repeal of certain obsolete Central Acts, dated 30th September, 1983.

<sup>5</sup> Chapter 4 *infra*.

## CHAPTER 2

### PRINCIPLES FOLLOWED IN RECOMMENDING REPEAL OF ENACTMENTS

2.1. In dealing with the question whether a particular Act should be repealed or should be allowed to continue on the statute book, we have kept before us certain considerations, which it would be useful to set out.

Considerations borne in mind.

In the first place, statutes which are no longer needed, should be repealed.

Secondly, statutes which have practically been superseded or covered by subsequent legislation should be repealed.

In the third place, statutes which, though not clearly conflicting with Fundamental Rights, are opposed to the Directive Principles of State Policy, should be carefully considered, and the question whether there are any weighty reasons for continuing them should be investigated.

2.2. The principles to be followed in the selection of enactments for inclusion in Statute Law Revision Acts afford an interesting topic for discussion. In England, these principles used to be set out in a memorandum that was prefixed to Statute Law Revision Bills.<sup>1</sup> The memorandum was in the following (or substantially similar) terms:<sup>2</sup>

Principles for Statute Law Revision in U.K.

"The first schedule is intended to comprise (as the preamble to the Bill states), besides superfluous words of enactment, enactments which have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, and also such parts of titles, preambles, recitals, and enacting words as are intended be omitted in future editions of the statutes under the authority of the Bill.

"I. For the purpose of the schedule, six different classes of enactments are considered as having ceased to be in force, although not expressly and specifically repealed: namely, such enactments as are:—

1. **Expired**—that is, enactments which having been originally limited to endure only for a specified period by a distinct provision, have not been either perpetuated or kept in force by continuance, or which have merely had for their object the continuance of previous temporary enactments for periods now gone by effluxion of time:
2. **Spent**—that is, enactments spent or exhausted in operation by the accomplishment of the purposes for which they were passed, either at the moment of their first taking effect or on the happening of some event or one the doing of some act authorised or required:
3. **Repealed in general terms**—that is, repealed by the operation of an enactment expressed only in general terms, as distinguished from an enactment specifying the Acts on which it is to operate:
4. **Virtually repealed**—Where an earlier enactment is inconsistent with, or is rendered nugatory by, a later one:
5. **Superseded**—Where a later enactment effects the same purposes as an earlier one by repetition of its terms or otherwise:
6. **Obsolete**—where the state of things contemplated by the enactment has ceased to exist, or the enactment is of such a nature as to be no longer capable of being put in force, regard being had to the alteration of political or social circumstances.

1 See, for example, Statute Law Revision Acts, 1908, 1927, 1948, 1950 and 1953 (Eng.).

2 Craies, Statute Law (1963), pages 356, 357.

"II. For the purpose of the schedules, enactments are considered unnecessary where the provisions are of such a nature as not to require at the present day statutory authority.

"Where any enactment is comprised in the schedules on any ground not above explained, the ground of repeal sufficiently appears from the expression used in the third column of the schedule to the Bill, which is, however, not a matter for consideration by the courts."

Proposals  
confined to  
matters in  
Union or  
Concurrent  
List.

2.3. Reverting to India, we may state here that in preparing the list of enactments to be repealed, we have excluded enactments whose subject matter clearly falls within the Constitution, Seventh Schedule, State List. Even as regards enactments relating to matters falling within the Union List or the Concurrent List, some of them have been excluded from consideration because of certain special reasons, which will be indicated at the appropriate place.

Hindu Widows  
Remarriage  
Act, 1856.

2.4. Special observations are necessary as regards one of the Central Acts, namely, the Hindu Widow's Remarriage Act, 1856. This is an enactment on which the Law Commission has already forwarded a report.<sup>1</sup> The Commission, after a detailed consideration of various relevant Central Acts, recommended repeal of the Act of 1857 in its Report on the subject. The Report has now been implemented. Hence, the Act need not be discussed.

Converts'  
Marriage  
Dissolution  
Act, 1866.

2.5. Special mention is also required of the Converts' Marriage Dissolution Act, 1866. On this Act also, the Law Commission forwarded long ago a Report to the Government, containing detailed recommendations for replacing this Act by a fresh legislative measure.<sup>2</sup> This Report awaits implementation. The reasons for the recommendation are set out in detail in the Report. We have considered it unnecessary to mention that Act while enumerating the various Acts that need to be considered for repeal.<sup>3</sup>

1 Law Commission of India, 81st Report (Hindu Widows' Remarriage Act, 1856).

2 Law Commission of India, 18th Report (Converts' Marriage Dissolution Act, 1866).

3 Chapter 3, *infra*.

## CHAPTER 3

### SPECIFIC CENTRAL ACTS CONSIDERED

It is now time to indicate the results of our examination of specific Central Acts. In the ensuing few paragraphs, we shall discuss not only the Central Acts that appear to require repeal as a result of our examination, but also certain other Central Acts which, at the first sight, may appear to be appropriate for repeal, but in respect of which repeal may create certain difficulties. Taking note of these difficulties, their repeal could not be recommended. Nevertheless it seemed to us desirable to record the conclusion (though negative) with regard to such Acts, alongwith the reasons for not recommending their repeal. Accordingly, the subsequent paragraphs of this Chapter cover not only Central Acts which are recommended for repeal, but also a few other Central Acts not recommended to be repealed, but examined for the purpose of the present Report.<sup>1</sup>

#### 1. Abolition of Privy Council Jurisdiction Act, 1949

The Act provides for the abolition of the appellate jurisdiction of the Privy Council and for connected matters. It was passed as *Constituent Assembly Act 5 of 1949*. Prima facie, it would appear that the Act, having no practical utility now, should be repealed. Article 395 of the Constitution, while repealing the Indian Independence Act, 1947 and the Government of India Act, 1947 and the Government of India Act, 1935 as well as enactments supplementing these enactments, expressly excludes from its scope the Abolition of Privy Council Jurisdiction Act, 1949. Probably, this was done at that time since appeals filed before the Privy Council before the commencement of the Constitution might (which were in some cases allowed to continue in the Privy Council by Section 4 of the Act) be pending before the Privy Council, and it was not considered proper to repeal the Act until disposal of the pending appeals. This is not the position now. The Act may be regarded as spent.

The subject matter of the Act falls within the Concurrent List, Entry 11A (Administration of Justice) and the residuary entry.

**Reasons for recommending repeal.**—As the Act is no longer required, it may be repealed, subject to what is stated in the next two sentences.

**Before repealing the Act** it should be ensured that its repeal does not revive the jurisdiction conferred on the Privy Council by any Act of the U.K. Parliament which itself might not yet have been formally repealed after independence. In this context, it will be particularly necessary to consider (a) enactments relating to the judicial Committee, passed by the U.K. Parliament between 1830 and 1850,<sup>2</sup> and (b) to consider and examine whether these enactments have not already been repealed by the Central Act of 1960<sup>3</sup> that was enacted to repeal certain U.K. Acts.<sup>4</sup>

#### 2. Continuance of Legal Proceedings Act, 1948 (38 of 1948)

This Act authorises the continuance of certain proceedings against the (newly created) Dominion of Indian or (newly created) Provinces.

Paragraph 12(3) of the Indian Independence (Rights, Property and Liabilities) Order, 1947, made a provision for the continuance of legal proceedings against the Government after the "appointed day" (15th August, 1947), but only in respect of any liability of undivided India or a part thereof. The paragraph did not cover proceedings in respect of any right of undivided India. Ordinance 12 of 1948 was promulgated to remove this defect. This Act replaces this Ordinance.

<sup>1</sup> The Acts are dealt with in the alphabetical order.

<sup>2</sup> See the Law Commission of India, 5th Report (British Statutes Applicable to India).

<sup>3</sup> The British Statutes (Application to India) Act, 1960 (58 of 1960).

<sup>4</sup> Repeal to be considered subject to verification of the aspects mentioned in the paragraph in the text.



It is enough to quote section 3 of the Act, which provides as follows:—

“3. Any legal proceedings which immediately before the appointed day,—

(a) were pending by or against the Secretary of State in any Court within the territories which as from the appointed day became the territories of India by virtue of sub-section (1) of section 2 of the Indian Independence Act, 1947 (10 and 11 Geo. VI. c. 30), and “(b) were in respect of any right of India or any part of India, shall

- (i) If the right in question was that of the Governor-General-in-Council be continued by or against the Dominion of India :
- (ii) if the right in question was that of the former province of Bengal or the Punjab, be continued by or against the Province of West Bengal or East Punjab, as the case may be; and
- (iii) if the right in question was that of any Governor's Province other than Bengal, the Punjab, the North West Frontier Province, or Sind, be continued by or against that Province.”

The subject falls within Concurrent List Entry 13 (Civil Procedure).

**Reasons for recommending repeal.**—The proceedings to which section 3 of the Act (the operative part) applies must, by now, have been disposed of. Subject to verification of the factual position in this regard,<sup>1</sup> the Act should be repealed as spent.

### 3. Exchange of Prisoners Act, 1948 (58 of 1948)

The Exchange of Prisoners Act, 1948, provides for the transfer of prisoners from and to Pakistan to and from India, *in pursuance of any agreement with Pakistan.*<sup>2</sup> The Act was passed to deal with the situation arising from partition.

The heart of the Act is contained in section 3, and in the definition of the expression “transferable prisoner” to be found in section 2(d). The definition reads as under:—

“2.(d) ‘transferable prisoner’ means—

- (i) in Province of East Punjab, any prisoner who, being a Muslim, is willing to be transferred to Pakistan under the provisions of this Act, and
- (ii) in any other part of India, any prisoner of such category as the Central Government may specify by notification in the official Gazette who, being a Muslim, is willing to be transferred to Pakistan under the provisions of this Act.”

Section 3 empowers the State Government to issue warrants for the transfer of transferable prisoners. Sections 4 to 7 make provisions connected with such a warrant. Section 8 prohibits the return to India of a transferred prisoner, except with the permission in writing of the Central Government. Section 9 provides for the reception in India of prisoners transferred from Pakistan.<sup>3</sup>

<sup>1</sup> Subject to verification.

<sup>2</sup> See the long title and preamble.

<sup>3</sup> See statement of Object and Reasons Gazette of India, Part V 4th September, 1948.

The subject matter of the Act falls within Union List, entry 10 (foreign affairs) and Union List, entry 14 (entering into and implementation of treaties with foreign countries).

**Reasons for recommending repeal.**—Although the Act is widely worded so as to operate beyond the period of partition, presumably that was not the intention of the legislature. Having regard to the fact that the Act was passed 'only to deal with the situation that arose immediately on partition, the Act may now be repealed, subject to examination of the question if it is really needed at the present day.'

**4. Federal Court Act, 1937 (25 of 1937)**

The Act deals with certain matters concerning the erstwhile Federal Court.

The entire Act reads as under:

"An Act to empower the Federal Court to make rules for regulating the service of processes issued by the Court.

"Whereas it is expedient to confer upon the Federal Court a supplemental power which is necessary for the purpose of enabling the Court more effectively to exercise the jurisdiction conferred upon it by or under the Government of India Act, 1935; it is hereby enacted as follows:

"1. This Act may be called the Federal Court Act, 1937.

Short title.

"2. The Federal Court may make rules for regulating the service of processes issued by the Court, including rules requiring a High Court from which an appeal has been preferred to the Federal Court to serve any process issued by the Federal Court in connection with that appeal."

Power of Federal Court to make rules.

The subject matter of the Act falls within Union List, entry 11A, "Administration of Justice" and Union List, entry 97 (residuary).

**Reasons for recommending repeal.**—The Federal Court ceased to exist long ago. The Act should therefore be repealed now as totally spent. It may be noted that the Federal Court Act, 1941 (21 of 1941), which empowered the Federal Court to make rules, has been repealed by Act 48 of 1952. The Federal Court Supplemental Act, 1942 (26 of 1942), which authorised delegation of certain powers of the Federal Court to the Registrar, was also repealed by Act 48 of 1952.

**5. Federal Court (Enlargement of Appellate Jurisdiction) Act, 1947 (1 of 1948)**

The Act enlarges the appellate jurisdiction of the Federal Court to the fullest extent permissible under section 206 of the Government of India Act, 1935.

Section 3 of the Act reads thus—

"3. As from the appointed day,—

(a) an appeal shall lie to the Federal Court from any judgement to which this Act applies—

(i) without the special leave of the Federal Court, if an appeal could have been brought to His Majesty in Council without special leave under the provisions of the Code of Civil Procedure, 1908, or any other law in force immediately before the appointed day, and

(ii) with the special leave of the Federal Court in any other case ;

---

1 Subject to checking.

(b) in any such appeal as aforesaid it shall be competent for the Federal Court to consider any question of the nature mentioned in sub-section (1) of section 205 of the Government of India Act, 1935; and

(c) no direct appeal shall lie to His Majesty in Council, either with or without special leave, from any such judgement."

The subject matter of the Act falls within Concurrent List, entry 11A, "Administration of Justice" and Union List, entry 97 (residuary entry).

**Reasons for recommending repeal.**—The Federal Court ceased to exist long ago. Pending appeals were transferred to the Supreme Court, and, by now, must have all been exhausted. The Act should, therefore, be repealed, as spent.

#### 6. Goa, Daman and Diu (Opinion Poll) Act, 1966 (38 of 1966)

This Act makes provision for ascertaining the views of the electors in the territory of Goa, Daman and Diu on the future status of the territory. The subject matter of the Act falls within the Union List, entry 97 (residuary entry).

The opinion of the electors was duly ascertained by the Central Government and further action taken regarding the constitutional status of the territory.

**Reasons for recommending repeal.**—The object sought to be achieved by the Act has been already achieved and formal continuance of the Act on the statute book serves no useful purpose now. It can therefore be safely repealed.

#### 7. General Insurance (Emergency Provisions) Act, 1971 (17 of 1971)

The Act makes provision for the immediate taking over of general insurance business, pending its nationalisation.

The Act is still in force though section 14 was omitted by the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972).

The subject matter of this Act falls within the Union List, entry 47, "Insurance".

**Reasons for recommending repeal.**—General insurance business has now been nationalised and the Act under discussion seems to have outlived its utility. It should be repealed, subject to verification of the position as to continued need for the Act.<sup>1</sup>

#### 8. Indian Independence Pakistan Courts (Pending proceedings) Act, 1952 (9 of 1952).

This Act was passed to make certain legal provisions, in view of the partition of India and Pakistan.

The Act is still in force though section 5 was repealed by the Repealing and Amending Act, 1957 (36 of 1957).

Section 2 of the Act reads as under:

"2. *Definition.* In this Act, the expression 'decree to which this Act applies' means any such judgment, decree or order as is referred to in—

(i) clause (3) of article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or (ii) Paragraph (5) or paragraph (6) of article 13 of the High Courts (Bengal) Order, 1947, or (iii) paragraph (4) or paragraph (6) of the High Courts (Punjab) Order, 1947.

which has been or may hereafter be passed by a court in Pakistan and which imposes any liability or obligation on a Government of India."

Section 3 reads as under:

---

<sup>1</sup> Subject to verification.

"3. *Certain Pakistan decrees not to be given effect to in India.*—Notwithstanding anything contained in any of the Orders referred to in section 2, no decree to which this Act applies shall be given effect to by any court or authority in India in so far as such decree imposes any liability or obligation on any Government of India."

By section 4 of the Act, two modifications have been made in the law otherwise applicable to the proceedings in question, namely:—

- (i) the law of limitation; and
- (ii) the law regulating forum.

As to the point of limitation, section 4 allows a period of one year from the date of commencement of the Act or date of decree, whichever is later.

As to the question of forum, the section provides that the suit permitted by the Act can, notwithstanding section 20, Code of Civil Procedure, 1908, be instituted in a court (otherwise competent to try it), within whose *jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.*

The subject matter of the Act seems to fall within the Concurrent List, entry 13 (Civil procedure.... Limitation) and Union List, entry 97 (residuary).

**Action to be taken.**—At the first sight, it may appear that after 30 years of independence, the need for the Act under discussion should no longer exist. However, 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. Disability, fraud or other special factors may extend the period of limitation for filing the proceedings in question. It does not, therefore, appear advisable to repeal the Act.

### 9. Indian Law Reports Act, 1875 (18 of 1875)

The Act, in effect, provides that courts are not bound to hear cited any unauthorised series of law reports. The Act is the first legislative measure restricting the citation of unofficial reports. The Act (so far as is material) provides that no court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case other than a report published under the authority of the government. The enactment of this Act, which can be described<sup>1</sup> as an attempt at creating a partial monopoly in favour of official reports, was strongly opposed, Sir George Combell, the then Lt. Governor of Bengal, expressed his opposition in these words:

"If you put into the hands of any one authority the power of deciding which of these to be rejected and snuffed out, you give that authority an enormous power over the superior courts of the country."

Section 3 of the Act reads as follows:—

"3. No court shall be bound to hear cited or shall receive or treat as authority binding on it the report of any cases decided by any High Court.....other than a report published under the authority of any State Government."

Section 4 of the Act provides that nothing in the Act shall be construed to give any judicial decision any other authority than it would have had if the Act had not been passed.

The Act, if taken literally, could create certain anomalies. If a single judge, relying on section 3, refuses to look at an unofficial ruling of a division bench, then the position would be unsatisfactory. There would be a division bench ruling disregarded by a single judge. Of course, in practice, the single judge will consult the decision of the division bench, an reported in the unofficial series or—though this is rare—the original judgement from the records of the Court.<sup>2</sup> This itself shows that the Act has to be often disregarded if serious anomalies are to be avoided.

<sup>1</sup> Law Commission of India, 14th Report, Reforms of Judicial Administration, Vol. 1, page 631, para 19.

<sup>2</sup> Compare discussion in *Vinayak v. Moreshwar*, AIR 1944, Nag. 44.

The subject matter of the Act seems to fall within the Concurrent List, Entry 11A, "Administration of justice". Concurrent List, entry 39, "Newspapers, Books and Printing Press" may not cover it. Nor would current list "recognition of laws, public acts and records and judicial proceedings" cover it.

**Reasons for recommending repeal.**—It is well known that notwithstanding the passage of the Act, unofficial law reports published in India have, for many years, been cited before the Judicial Committee of the Privy Council, the High Courts and the Supreme Court and have been referred to and relied on in their judgments. The Act has indeed been a dead letter.

The Law Commission, in its Report on the Reform of Judicial Administration,<sup>1</sup> observed with regard to this Act as follows:—

"42. In view of the recommendations made by us the Indian Law Reports Act (XVIII of 1875) will have to be repealed. As pointed out above, by reason perhaps of the delays in the publication of the Indian Law Reports series the provision of section 3 have not been observed by the courts. Indeed, the judgments of all courts, including those of the Judicial Committee of the Privy Council and the Supreme Court, have referred to decisions published in private series as authoritative and binding. Further our recommendations involve the cessation of the publication of the Indian Law Report series itself."

It has been held by one High Court<sup>2</sup> that all that the Indian Law Reports Act, 1875, ensures is that the Judges who have no access to the decisions themselves shall be provided with their accurate copies. Mere reporting of a ruling does not give any greater sanctity than it had before a court. A certified copy establishes its authenticity and correctness. On such a copy being produced, the lower courts are bound to treat the certified copy in the same way as reported judgments. Section 3 provides merely that the court should not look into unauthorised reports. What is binding is the decision of the High Court, and not a report.

Incidentally, it may be mentioned that the Law Reports Act does not apply to the decisions of the Privy Council, the Federal Court or the Supreme Court, though section 84, second paragraph, Evidence Act, applies to them (as it applies to other judicial decisions of superior courts).

Because of these anomalies also, the Act should be repealed. Parliament has legislative competence to do so.<sup>3</sup>

#### 10. Indian Rifles Act, 1920 (23 of 1920)

The Act provides for the better discipline of local police officers enrolled in Military Police or Rifle Battalions. The Act subjects those officers to the discipline and penalties prescribed under the local Act applicable to the area of service, i.e., the area in which they serve.

The subject matter of the Act falls within Union List, entry 1, relating to armed forces. Union List, entry 2A, quoted below may also be of interest:

"2A. Deployment of any armed force of the Union or any other force subject to control of Union....."

**Reasons for recommending repeal.**—It is not the practice now to enlist the local police in Military Police or in Rifle Battalions. The Act has therefore become obsolete, and should be repealed.

#### 11. Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955)

The Act modifies the award of the labour Appellate Tribunal relating to employees of banking companies and (subject to that modification) makes provisions for enforcing the award.

<sup>1</sup> Law Commission of India, 14th Report (Reform of Judicial Administration), Vol. 1, page 645, para 42.

<sup>2</sup> *Tarok Prasad v. Shanti Lata*, (1975) 2 ALR 501 (as summarised in the Yearly Digest 1976, column 1509).

<sup>3</sup> Concurrent List, Entry 11A, "Administration of Justice."

The subject matter of the Act falls within Union List, entry 45, "Banking" and Concurrent List, entry 22, "Trade Unions—Industrial and Labour Disputes".

**Action to be taken.**—The award was initially in force till 31-3-1959. However, it was extended to a later date. Hence, the Act cannot be repealed.

## 12. Kazis Act, 1880 (12 of 1880).

The Act appoints Kazis for certain areas, i.e., areas where Kazis are, by custom, required to perform marriage ceremonies and other rites between Muslims.

Section 2 of the Act provides that where a considerable number of Mohammedans reside in an area and desire the appointment of Kazis, the Government, after prior consultation with the residents, can appoint one or more Kazis for such area. The Government can also appoint Naib Kazis for whole or part of that area. The Government is further empowered by the Act to remove any such Kazis for his insolvency, misconduct or absence from the area for more than six months.

Section 4 provides that these Kazis have no judicial or administrative powers, and their presence in every marriage ceremony is not essential. The local Kazis (who are not so appointed) are allowed to function.

There seems to have been an impression prevailing at some time that the presence of a Government appointed officer was necessary at a Muslim marriage. It has, however, been pointed out<sup>1</sup> by a distinguished writer that this is not correct.

"The Kazi is ordinarily present. The Kazi in India is the mere keeper of a marriage register. His function is purely evidentiary. It is a mistake to suppose that he joins the couple in marriage; the marriage takes effect by operation of law on the contract being completed between the parties."

According to Tayabji,<sup>2</sup> there can be no monopoly in any person to officiate at marriages, since the law of Muslims does not require that function (officiating at marriages) to be performed by any special officer: "custom proved in such cases giving an exclusive right to "Cadies" to write and register marriage contracts is really meaningless.....in view of the fact that the marriage need not be written down or registered and no official is recognised as having exclusive privilege of performing this function."

The subject matter of the Act seems to fall within the Concurrent List, Entry 5, "Marriage and Divorce.....all matters in respect of which parties in judicial proceedings were, immediately before the commencement of the Constitution, subject to their personal law". Mention may also be made of Concurrent List, Entry 12, "Evidence and Oaths.....recognition of laws, public acts and records".

In one case<sup>3</sup> from Karnataka, it was held that the previous approval of the State Government was not necessary for the appointment or removal of a Naib Kazi.

**Action to be taken.**—From the number of reported cases on the Act,<sup>4-6</sup> some of which are fairly recent, it would appear that not infrequent use has been made of the Act. In the circumstances, it is not possible to recommend its repeal.

1 Fysee, *Outlines of Mohammedan Law* (1974), page 92

2 Tayabji *Muslim Law* (1968) page 40, paragraph 15.

3 *Wahab Siddiqui v. The Government of Karnataka* A.I.R. 1975 Karnataka 133.

4 (1972) 2 *Andhra Weekly Reports* 327, summarised in (1971-75) *Quinquennial Digest*, Vol. 4, Col. 543.

5 *Wahab Siddiqui v. The Government of Karnataka* A.I.R. 1975 Karnataka 133.

6 *Khazi Mohammed v. Andhra Pradesh Waqf Board*, A.I.R. 1979 A.P. 116 (object of; the Act discussed in detail).

### 13. Life Insurance (Emergency Provisions) Act, 1956 (9 of 1956)

The Act vests the management of insurance companies in a nominee of the Central Government, till the nationalisation of life insurance is completed.

The subject matter of the Act falls within the Union List, entry 47, "insurance". The Act is still in force, though section 18 was repealed by the Repealing and Amending Act, 1963 (58 of 1963).

**Reasons for recommending repeal.**—Life insurance business is now nationalised the process having been completed long ago. The Act is not needed at the present day. It should be repealed, subject to checking of the position whether the Act is needed at the present day.<sup>1</sup>

### 14. Oriental Gas Company Act, 1857 (5 of 1857)

The Act creates a joint stock company with limited liability for certain gas undertakings. limit of rupees fifty did not previously apply, thus establishing uniformity for all provinces in the matter.

The Act of 1949 amends and validates provisions of the Act of 1941.

**Action to be taken.**—The Act of 1941 has since been repealed. The question then arises whether the Act of 1949 should continue.

Now, it may be stated that while section 2 of the Act of 1949 merely amends the Schedule to the Act of 1941, it is section 3 which is more important for the present purpose. That section validates the imposition of tax on professions before the commencement of the Act and further provides that no court shall entertain any claim for the refund of any portion of the tax now validated. In essence, it is a validating provision.

**Validating Acts—Legislative Practice.**—In this context, it may be noted that the legislative practice in India in general has been not to repeal validating Acts. Some examples of validating Acts which are still in force are given below:—

- (1) The Marriages Validation Act, 1892 (2 of 1892).
- (2) The Arya Marriage Validation Act, 1937 (19 of 1937).
- (3) The Part B States Marriage Validation Act, 1952.
- (4) The Sales Tax Laws Validation Act, 1956 (7 of 1956).
- (5) The Hindu Marriages (Validation of Proceedings) Act, 1960 (19 of 1960).
- (6) The Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, 1958 (56 of 1958).

The subject matter of the Act does not fall within the State List, Entry 60, "Tax on Professions", but within Union List, Entry 97, (residuary entry), since the Act is intended to give protection against *the supposed violation of an erst-while prohibition of a constitutional character.*

The subject matter of the Act falls within the Union List, Entry 43, "Incorporation, regulation and winding up of trading corporations.....". It may be stated that State List, Entry 25, "gas and gas works" would not be appropriate for this particular legislation, in which the focus is on the aspect of incorporation.

**Reasons for recommending repeal.**—Government may consider if this Act, and also the analogous later Act of 1867, are needed at all. After verification of the factual position, further action may be taken.<sup>2</sup>

1 Subject to factual checking.

2 This is subject to verification of the factual position.

### 15. Oriental Gas Company Act, 1867 (11 of 1867)

By this Act, the Central Government is empowered to allow the Oriental Gas Company to extend its area of operation beyond Calcutta.

**Reasons for recommending repeal.**—See above under the “Oriental Gas Company Act, 1857”.

### 16. Payment of Taxes (Transfer of Property) Act, 1949 (22 of 1949)

The Act prohibits certain transactions by way of transfer without payment of taxes. Section 2(i) of the Act is limited to transactions entered into during a particular post partition period. But section 2(ii), taken literally, is not so confined, though perhaps that was the intention of the Legislature. Section 2(ii) leaves the decision (as to persons to whom the Act applies) to the Income Tax authority, the Custodian of Evacuee Property or other specified authority.

The subject matter of the Act mainly falls within Concurrent List, Entry 6, “Transfer of Property other than agricultural land: registration of deeds and documents”.

**Action to be taken.**—Government may consider whether the Act is needed, at the present day, in view of the presumably limited scope of the Act, as indicated by section 2.

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

By section 142(1) of the Government of India Act, 1935,<sup>1</sup> certain Provincial laws providing for the imposition of tax on professions etc., were saved, but it was provided that after 31st March, 1939 the tax payable in respect of any one person under any law (imposing such a tax) should not exceed rupees fifty per annum. At the same time, by section 142(2) and proviso, pre-existing taxes were to continue to be lawfully levied even on a higher rate than rupees fifty, unless a Provision to the contrary was made by the federal legislature.

There was a widespread demand in the erstwhile Madras Presidency that the professions tax, levied by municipalities and local boards under Provincial legislation and based solely on income, should be subject to the maximum of rupees fifty per annum. The Professions Tax Limitation Act, 1941 (120 of 1941) gave effect to that demand, and extended the limit laid down in sub-section (1) of section 142 of the Government of India Act, 1935 to those provinces in which, owing to the proviso to sub-section (2) of section 142, applied. If today such an Act were to be passed to save past violations of the Government of India Act, 1935, the proper legislative entry would be the Union List, Entry 97 (residuary).

**Action to be taken.**—In view of the legislative practice of retaining validating Acts on the statute book studied above, the Act will have to be allowed to continue.

### 18. Public Employment (Recruitment as to Residence) Act, 1957 (44 of 1957)

The operative provisions of the Act may be thus summarised: Section 2 repeals earlier laws imposing a requirement of residence in an area as a condition of employment in Government. Section 3 gives temporary protection to legislation imposing a requirement as to residence in a particular area as a condition of eligibility for public employment.<sup>2</sup> The protection was limited to a period of 15 years. That period has now expired. But section 2 of the Act is still of importance, since it repeals earlier laws.

<sup>1</sup> Compare article 276, Constitution of India.

<sup>2</sup> For case law on section 3, see

(a) *Rao v. State of Andhra Pradesh*. A.I.R. 1970 S.C. 422.

(b) *Government of A.P. v. Reddy*. A.I.R. 1973 S.C. 827.



The subject matter of the Act falls within the exclusive competence of Parliament, by virtue of article 35(a) (i) read with article 16(3) of the Constitution. Article 16(3) of the Constitution provides that nothing in that article shall prevent Parliament from making any law prescribing in regard to a class or classes of employment or appointment to an office under the Government or any local or other authority within a State or Union Territory, any requirement as to residence within that State or Union Territory prior to such employment or appointment. Under article 35(a) (i) of the Constitution (so far as is material)—“Notwithstanding anything in this Constitution, as—

(a) Parliament shall have and the Legislature of a State shall not have, power to make laws—

(i) with respect to any of the matters which under clause (3) of article 16—may be provided for by law made by Parliament.”

The Supreme Court<sup>1</sup> has held that the Constitution in article 16(4), speak of a whole State as the venue for residential qualification and it is impossible to think that the Constituent Assembly was thinking of residence in Districts, Taluks, Cities, Towns or Villages.....Section 3 of the Public Employment (Requirement as to Residence) Act, 1957, in so far as it relates to Telengana and certain Rules made under the Act, was, therefore, held *ultra vires* the Constitution.

**Action to be taken.**—Since section 2 of the Act is still of importance (as stated above), it is not possible to recommend repeal of the Act.

#### **19. Public Suits Validation Act, 1932 (4 of 1932)**

By section 2 of the Public Suits Validation Act, 1932, it is provided that where a suit relating to any of the public matters specified in sections 91 and 92 of the Code of Civil Procedure, 1908 (these sections relate to suits regarding public nuisances and public trusts) is pending at the commencement of this Act, the institution of such a suit shall not be deemed to be invalidated on the ground that the previous sanction of the State Government in respect of such suit has not been obtained as required by section 93 of that Code.

The subject matter of the Act falls within Concurrent List, entry 13, civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution.....”

**Action to be taken.**—Most suits of the nature to which the Act applies, i.e., Suits pending in 1932 (when the Act was enacted) would have been disposed of by now. However, one cannot assert with positive certainty that all such suits must have been disposed of by now. Hence the Act may continue on the statute book for the present.

#### **20. The Public Wakfs (Extension of Limitation) Act, 1959 (29 of 1959)**

This Act extends the period of limitation in regard to suits to recover possession of immovable property forming part of public wakfs, where the dispossession took place between 14th day of August, 1949 and 7th day of May, 1954. The period of limitation was originally extended upto 15th August, 1967, but the date has been successively extended. It may also be pointed out that there could, in effect, be further extension of the period of limitation by reason of disabilities or other special factors which have the effect of extending limitation under the general law of limitation.

The subject matter of the Act falls within Concurrent List, entry 10, “Trust and Trustees” and entry 13, “Civil Procedure.....limitation.....”

**Action to be taken.**—It is possible that suits to which the Act applies can still be filed, or are pending. If so, its repeal may create avoidable controversies. Moreover, many States have (by local amendment) extended the period to a later date. In the circumstances, it is not advisable to repeal the Act.

#### **21. Special Tribunals (Supplementary Provisions) Act, 1946 (26 of 1946)**

This Act provides that where a special court established under the Criminal Law Amendment Ordinance, 1943 ceases to exist, it shall be deemed to be the Court of Session. Apparently, this technical provision was considered necessary to deal with appeal, execution return of property, etc., and other incidental matters in respect of proceedings of the special courts in question.

<sup>1</sup>Rao v. State of Andhra Pradesh, A.I.R. 1970 S.C. 422,

The subject matter of the Act seems to fall within Constitution, Concurrent List, entry 5, "Criminal Law and Procedure" and Concurrent List, entry 11A, "Administration of Justice".

**Reasons for recommending repeal.**—The Criminal Law Amendment Ordinance 1943 (with which the Act is linked) has been repealed<sup>1</sup>. Moreover, matters arising out of decisions of special tribunals constituted under that Ordinance must, by now, have been practically exhausted. The Act now can be repealed, subject to verification of what has been stated just now.<sup>2</sup>

## 22. Transfer of Evacuee Deposits Act, 1954 (15 of 1954)

Consequent on the setting up of the Dominions of India and Pakistan, there was large scale migration of population between the two countries. The Governments of India and Pakistan entered into an agreement with each country regarding the manner of transfer of deposits belonging to displaced persons or evacuees. In pursuance of the aforesaid agreement, the Parliament enacted the legislation to provide for such transfer of deposits to Pakistan and reception of such deposits in India. The Act is still in force though section 18 was repealed by the Repealing and Amending Act (58 of 1963).

The term "deposit" has been defined in the Act as—

- (i) any movable property in the custody or under the control of any civil or Revenue Court in respect of any proceedings;
- (ii) any movable property under the superintendence or in the custody of a Court of Wards;
- (iii) any movable property in the custody or control of a manager;

and it includes any securities, insurance policies and negotiable instruments; "securities" covers shares, scripts, stocks, bonds, debentures, debentive stocks and like marketable securities. "Displaced person" is a person who has migrated from Pakistan to India on or after 1-3-47 and "evacuee" is one who has migrated from India to Pakistan on or after 1-3-47.

By the Act, the Central Government has taken power to appoint a Custodian of Deposits and also as many Assistant Custodians as required. The Custodian has power to transfer the deposits to an officer in Pakistan as the Central Government may specify by general or special order in this behalf. The Custodian has also power to transfer the records of the deposit to the officer in Pakistan so specified. If the transfer of the 'deposit' is prohibited under any other law, it is lawful for the Custodian to convert the deposit into money before the transfer.

The Act has also laid down the procedure for the converse situation, namely, the receipt of deposits from Pakistan, and the procedure to be subsequently followed by the Custodian in making payment of such deposits to the claimants. If there are more than one claimant and all of them do not agree for the method of payment or distribution, the Custodian has been empowered (i) to refer the matter to the principal Civil Court at Original Jurisdiction within whose jurisdiction the claimants, or at least the majority of them, reside and (ii) to transfer the deposits to such Court for disposal.

The subject matter of the Act falls within Concurrent list, entry 41, "Custody, management and disposal of property declared by law to be evacuee property", Union List, entry 10, "Foreign Affairs" all matters which bring the Union into relation with any foreign country", and Union List, entry 14 (Entering into and implementation of treaties).

**Reasons for recommending repeal.**—It is presumed that by now, deposits governed by the Act would all have been transferred or otherwise finally dealt with. The Act may therefore be repealed, subject to factual checking,<sup>3</sup> as to whether any such deposits still remain undisposed of.

1 Repealing and Amending Act, 1957 (36 of 1957).

2 Subject to verification.

3 Subject to factual checking.

## CHAPTER 4

### COMMENTS RECEIVED ON THE WORKING PAPER

Comments favouring the proposals.

4.1. As already stated in the first chapter of this Report,<sup>1</sup> Law Commission had circulated a Working Paper on the subject matter of this Report for inviting informed comments as to the repeal of the Acts dealt with in this Report. The last date for forwarding the comments to the Commission was 30th November, 1983. The replies received upto the date of signing this Report are nine in number. Two are from High Courts, while the remaining seven are from Law Departments of State Governments.

Of the High Courts, one agrees with the need for repeal of all the Central Acts under consideration, while the other states that it has no comments to make<sup>2</sup>. The comments received from the State Governments all agree with the proposal for repeal of these Acts<sup>3</sup>. Of these comments received from the State Governments, two have made certain additional suggestions or supplied additional information, which will be referred to presently.<sup>4</sup>

Unconstitutional laws (Suggestion of the Government of Punjab).

4.2. In its reply sent to the Working Paper of the Law Commission, the Government of Punjab<sup>5</sup> has suggested that those statutory provisions which have been declared by the Courts as unconstitutional should also be regarded as fit for repeal. The Commission is aware of this consideration and has taken it into account while preparing its list of enactments to be repealed. It may also be useful to mention that whenever the Commission takes up individual enactments for consideration, the constitutional aspect is also kept in mind, with a view to recommending the repeal or suitable amendment of statutory provisions that are found to be in conflict with the Constitution.

Kazis Act of 1880 (Material sent to the Government of Maharashtra).

4.3. The Government of Maharashtra, in its comment on the Working Paper of the Law Commission,<sup>6</sup> has supplied useful material as to the Kazis Act, 1880 as in force in the State of Maharashtra. It may be mentioned that the Commission is not recommending repeal of this Act.<sup>7</sup> The material forwarded by the State Government also shows that the Act cannot, in the present state of legislation, be repealed.

---

1 Paragraph 1.8, *supra*.

2 Law Commission File No. 2(11)/83-LC, Serial No. 7 and Serial No. 3 respectively.

3 Law Commission File No. F. 2(11)/83-LC, Serial No. 4, 5, 6, 8, 9, 10 and 11.

4 Paragraphs 4.2 and 4.3 *infra*.

5 Law Commission File No. F. 2(11)/83-LC, Serial No. 5.

6 Law Commission File No. 2(11)/83-LC, Serial No. 8.

7 Chapter 3, item 18, *supra* (Kazis Act, 1880).

## CHAPTER 5

### CONCLUSION AND SUMMARY OF RECOMMENDATIONS

4.1. On the basis of the discussion contained in the preceding Chapters, repeal of the Acts that we have identified as suitable for repeal appears to be desirable,<sup>1</sup> subject of course, to verification of certain aspects which have been mentioned in the discussion relating to each Act, wherever applicable. For convenience, we give below a list of the Acts examined, and the gist of our recommendation on each Act.

Acts to be examined and gist of action suggested to be taken on each Act.

*List of Acts<sup>2</sup> examined and gist of proposal made with reference to each Act.<sup>3</sup>*

1. The Abolition of Privy Council Act 1949 (Constituent Assembly Act 5 of 1949). Repeal of the Act is recommended, provided if it could be ensured that its repeal does not create any legal complications (such as revival of the jurisdiction conferred on the Privy Council by any Act of the U.K. Parliament etc.).
2. Continuance of Legal Proceedings Act, 1948 (38 of 1948). Repeal of the Act is recommended subject to verification of the factual position.
3. Exchange of Prisoners Act, 1948 (58 of 1948). Repeal of the Act is recommended, subject to examination of the question whether the Act is needed at the present day.
4. Federal Court Act, 1937 (25 of 1937). Repeal of the Act is recommended.
5. Federal Court (Enlargement of Appellate Jurisdiction) Act, 1947 (1 of 1948). Repeal of the Act is recommended.
6. Goa, Daman and Diu (Opinion Poll) Act, 1966 (38 of 1966). Repeal of the Act is recommended.
7. General Insurance (Emergency Provisions) Act, 1971 (17 of 1971). Repeal of the Act is recommended, subject to verification of the position as to whether there is continued need for the Act.
8. Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952 (9 of 1952). Repeal of the Act is not recommended.
9. Indian Law Reports Act, 1875 (18 of 1875). Repeal of the Act is recommended.
10. Indian Rifles Act, 1920 (23 of 1920). Repeal of the Act is recommended.
11. **Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955).** Repeal of the Act is not recommended.
12. Kazis Act, 1880 (12 of 1880). Repeal of the Act is not recommended.
13. Life Insurance (Emergency Provisions) Act, 1956 (9 of 1956). Repeal of the Act is recommended subject to verification of the position as to whether there is continued need for the Act.
14. Oriental Gas Company 1857 (5 of 1857). Government may consider of **this Act, and the analogous later Act of 1867 relating to the same company (see below), are needed now.** After verification of the **factual position,** further action may be taken.
15. Oriental Gas Company Act, 1867 (11 of 1867). See above under "Oriental Gas Company 1857".
16. **Payment of Taxes (Transfer of Property) Act, 1949 (22 of 1949).** Government may consider whether the Act is needed at the present day.

<sup>1</sup> Chapter 3 *supra*.

<sup>2</sup> The Acts are arranged alphabetically.

<sup>3</sup> None of these Acts was repealed upto 15th February, 1984 according to checking done in office.

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

The Act may continue on the statute book, having regard to the legislative practice adopted in the past, as regard validating Acts. (In the past validating Acts have been allowed to continue on the statute book).

18. Public Employment (Requirement as to Residence) Act, 1957 (44 of 1957).

The Act may continue on the statute book, as its repeal may create complications.

19. Public Suits Validation Act, 1932 (11 of 1932). The Act may, for the present, continue on the Statute book.

20. Public Wakfs (Extension of Limitation) Act, 1959 (29 of 1959). It is not advisable to repeal the Act.

21. Special Tribunals (Supplementary Provisions) Act, 1946 (29 of 1946).

The Act may be repealed, subject to verification of certain facts stated in the discussion about the Act.

22. Transfer of Evacuee Deposits Act, 1954.

The Act may be repealed, subject to factual checking.

(K. K. MATHEW),  
Chairman.

(J. P. CHATURVEDI),  
Member.

(DR. M. B. RAO),  
Member.

(P. M. BAKSHI),  
Part-time Member.

(VEPA P. SARATHI),  
Part-Time Member.

(A. K. SRINIVASAMURTHY),  
Member-Secretary.

DATED: