



GOVERNMENT OF INDIA

**LAW COMMISSION
OF
INDIA**

Report No. 249

**“Obsolete Laws: Warranting Immediate Repeal”
(Second Interim Report)**

October, 2014

न्यायमूर्ति अजित प्रकाश शहा
भूतपूर्व मुख्य न्यायाधीश, दिल्ली उच्च न्यायालय
अध्यक्ष
भारत का विधि आयोग
भारत सरकार
हिन्दुस्तान टाइम्स हाउस
कस्तूरबा गान्धी मार्ग, नई दिल्ली - 110 001
दूरभाष : 23736758, फ़ैक्स/ Fax:23355741



Justice Ajit Prakash Shah
Former Chief Justice of Delhi High Court
Chairman
Law Commission of India
Government of India
Hindustan Times House
K.G. Marg, New Delhi - 110 001
Telephone : 23736758, Fax : 23355741

D.O. No.6(3)211/2011-LC(LS)

13 October, 2014

Dear Mr. Ravi Shankar Prasad ji,

You would kindly recall that the Law Commission of India has undertaken a study the **“Legal Enactments: Simplifications and Streamlining” (LESS)**. While this Study is underway, the Commission submitted an interim report (Report No.248) on Obsolete Laws on 12 September 2014. Taking the exercise a step further, the Commission has identified 77 more laws for complete repeal and individual recommendations for 11 permanent ordinances promulgated during World War II. Further, 25 State reorganization laws have been identified for partial repeal. Thus, a total of 113 laws have been identified, analysed, put together as Report No.249 with the title **“Obsolete Laws: Warranting Immediate Repeal” – Second Interim Report** and is submitted herewith for consideration of the Government.

With warm regards,

Yours sincerely,

A. Prakash
[Ajit Prakash Shah]

Mr. Ravi Shankar Prasad
Hon'ble Minister for Law and Justice
Government of India
Shastri Bhawan
New Delhi - 110115

**“Obsolete Laws : Warranting Immediate Repeal”
(Second Interim Report)**

Table of Contents

Chapter	Title	Page
1.	Introduction	1 – 2
2.	Laws Recommended for Complete Repeal	3 – 43
3.	Permanent Ordinances Recommended for Repeal	44 – 52
4.	State Reorganisation Laws Recommended for Partial Repeal	53 – 60

CHAPTER 1

INTRODUCTION

1.1 This Report forms the second instalment of the study undertaken by the Law Commission titled 'The Legal Enactments: Simplification and Streamlining'. It considers a further 113 laws and permanent ordinances, recommends 88 of these for wholesale repeal, and the remaining 25 for partial repeal.

1.2 In the first instalment of this study, i.e., Report No.248 titled "Obsolete Laws: Warranting Immediate Repeal (Interim Report)", 72 laws were identified as having become obsolete, and were recommended for immediate repeal. Repeal was recommended if the law satisfied one of the following conditions: if later law clearly conflicted with an archaic one, if the purpose of the law had already been fulfilled, or if the subject matter of a statute was so archaic as to no longer require legislation. Of the 261 laws *prima facie* identified for repeal based on these parameters (listed in Appendix V of the 248th Report), a study of 72 laws was completed in the first interim report. This second interim report studies a further 113 laws that satisfy these parameters, and gives notes and recommendations on each.

1.3 Thus, Chapter 2 of this Report studies 77 laws recommended for complete repeal. Chapter 3 considers the legal position of 11 permanent ordinances promulgated during World War II, and makes individual recommendations regarding each. Chapter 4 deals with 25 State reorganisation laws, which cannot be repealed in their entirety, but may be suitable for partial repeal.

1.4 It must be kept in mind that while recommending the repeal of these laws, the legislature competent to repeal the law must also be established in accordance

with Article 372(1) of the Constitution. As explained in Chapter 4 of the 248th Report, pre-Constitutional laws, even where they have been passed by the Centre, can only be repealed by the Centre if the subject matter of the law now falls within List I or III of the Seventh Schedule to the Constitution. Where a law falls within the domain of List II, it should be referred to the relevant State Governments for repeal. Accordingly, the competent legislature has been indicated in each of the laws being studied for repeal.

1.5 An additional point to be noted in the process of statutory simplification and streamlining is the need for easy access, by laypersons, to an updated set of Central laws in force. Accordingly, the Law Commission recommends that repealed laws, or laws that clearly pertain only to a single State be removed from the list of Central laws available on the Ministry's website. Further, a revised list of Central laws should be presented both chronologically, and in accordance with the subject-categories recommended in the 248th Report of the Law Commission (Appendix 1 of the 248th Report). This will ensure that members of the public who wish to know the entirety of laws governing a certain subject area will find this information readily – something that is not possible today.

The Commission acknowledges the efforts put in by the Sub-Committee comprising Justice S N Kapoor, Member, Law Commission, Prof. Mool Chand Sharma, Member, Law Commission, Prof. Yogesh Tyagi, Member (Part Time), Law Commission, Mr. Arghya Sengupta and Ms. Srijoni Sen, Advocates from Vidhi Centre for Legal Policy, and also that of two young researchers, Ms. Ritwika Sharma and Mr. Sameer Rohatgi in finalizing this Report.

CHAPTER 2

LAWS RECOMMENDED FOR COMPLETE REPEAL

2.1 This Chapter lists 77 statutes that warrant complete repeal, with recommendations and notes on each:

1. Bengal Indigo Contracts Act, Act 10 of 1836

Category: Laws Relating to Administration and Development of Local Areas

Recommendation: Repeal in consultation with relevant State(s)

Prior to independence, the British controlled the entire trade in indigo and this Act, which was enacted by the Governor-General-in-Council, helped consolidate British rule over indigo farming by enforcing its cultivation by farmers in the erstwhile Bengal province. This Act is in disuse and a remnant of colonialism, and should be repealed. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Governments recommending review of this law by the State with a view to repeal. The Central Government should also remove this law from its lists of Central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

2. Madras Public Property (Malversation) Act, Act 36 of 1837

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

This Act extended the jurisdiction of the Collectors, Subordinate Collectors and Assistant Collectors to cases of embezzlement of any public property or the falsification, destruction or concealment of any public account, record, voucher or document, relating to any public property. It is in force in the State of Tamil Nadu. Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government seeking its opinion in regard to this law. Thereafter, the Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

3. Madras Rent and Revenue Sales Act, Act 7 of 1839

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

The Act laid down the powers of the Tahsildar with respect to property distrained for arrears of rent or revenue. It is in force in the State of Tamil Nadu. Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

4. Bengal Land Revenue Sales Act, Act 12 of 1841

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

The text of this Act is not available on the Law Ministry's website, or from any other readily available source, an indication that it is not in use. Neither are there any other documented instances where this Act has been used in the last few decades. This Act should therefore be repealed. Since land revenue falls under List II of the Seventh Schedule (Entry 45), the State legislature is the competent legislature for repeal of this Act. Therefore, the Central Government should write to the concerned State Government recommending review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

5. Revenue, Bombay, Act 13 of 1842

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

In this case, as well, the text of the Act is not available on the Law Ministry's website, or from any other readily available source, an indication that it is not in use. As already mentioned, since land revenue falls under List II of the Seventh Schedule, the concerned State legislature is the competent legislature for repeal of this Act. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from

its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

6. Revenue Commissioners, Bombay, Act 17 of 1842

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

This is another law whose text is not readily available. Neither are there any other indications that the Act is in use. However, the competent legislature for repeal of this Act is the relevant State legislature. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

7. Sales of Land for Revenue Arrears, Act 1 of 1845

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

This is another law whose text is not readily available. Neither are there any other indications that the Act is in use. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

8. Boundary-marks, Bombay, Act 3 of 1846

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

This is another law whose text is not readily available. Neither are there any other indications that the Act is in use. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

9. Bengal Alluvion and Diluvion Act, Act 9 of 1847

Category: Land Revenue

Recommendation: Remove from Law Ministry's lists of central Acts

The Act laid down the procedure for assessment of lands gained from the sea or from rivers by alluvion within the provinces of Bengal, Bihar or Orissa (as they existed at the time). This Act has been repealed in its application to West Bengal by Section 59 of the West Bengal Land Reforms Act, 1955. The Act has also been repealed by the Government of Odisha. However, it may still be in force in the State of Bihar. Therefore, the Central Government should also write to the concerned State Government recommending the review of this law by the State, with a view to repeal. Also, Central

Government should remove this law from its lists of central Acts in force.

10. Madras Revenue Commissioner Act, Act 10 of 1849

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

This Act empowered the Governor of Fort St. George in Council to depute a Member of the Board of Revenue as the Revenue Commissioner for the districts of the Presidency of Madras. Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

11. Calcutta Land Revenue Act, Act 23 of 1850

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

The Act prescribes the procedure for ascertaining and collecting the land revenue accruing to the Government of India within Calcutta. Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned

State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

12. Improvement in Towns Act, Act 26 of 1850

Category: Law Relating to Administration and Development of Local Areas

Recommendation: Repeal in consultation with relevant State(s)

This Act authorised Provincial Governments to introduce provisions for constructing, repairing, cleaning, lighting or watering of any public streets, drains or tanks for the prevention of nuisances or for improving the town. Municipal regulations and urban local bodies of respective States adequately cover these matters now. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force ('local government' is Item 5 in List II of the Seventh Schedule). Therefore, the Central Government should write to the concerned State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

13. Madras City Land Revenue Act, Act 12 of 1851

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

The Act laid down the procedure for collecting revenue in the territories falling within the local limits of the jurisdiction of the High Court of Judicature at Madras. Although enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its list of Central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

14. Bombay Rent-free Estates Act, Act 11 of 1852

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

The Act was enacted to provide for adjudication of titles to certain estates in the territories of Dekkhan, Khandesh and Southern Maratha Country and certain other districts annexed to the Bombay Presidency. Although enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

15. Rent Recovery Act, Act 6 of 1853

Category: Administration of Justice

Recommendation: Repeal in consultation with relevant State(s)

The Act regulated the procedure to be followed in summary suits for arrears of rent, to sales of 'Putnee Talooks', and other saleable tenures, and to sales of land in satisfaction of summary decrees of rent. The Act vested jurisdiction in the Collector to conduct the sale, or to hear and decide the suit with respect to land which is the subject of such sale. Most States have now enacted their own rent recovery laws. Hence, the purpose of this Act has been subsumed by other laws. However, since the competent legislature for the subject of procedure in rent courts is that of the State, (See Item 3, List II, Seventh Schedule, Constitution of India), based on Article 372(1) of the Constitution, the repeal of this Act can only be done by the relevant States where it is still in operation. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

16. Shore Nuisances (Bombay and Kolaba) Act, Act 11 of 1853

Category: Maritime Law; Shipping and Inland Navigation

Recommendation: Repeal

The Act facilitated the removal of nuisances, obstructions and encroachments below high-water mark in the islands of Bombay and Kolaba for safe navigation in these harbours. The Collector was empowered, under this Act, to give notice for removal of any such nuisance from the sea-shore of the two islands. This is one of the earliest laws concerning water pollution and was meant to regulate the waste materials discharged in the coastal areas of Bombay and Kolaba, from various industries working in close vicinity of these

areas. The management of hazardous waste materials is now carried out under various rules framed under the Environment (Protection) Act, 1986 and the Water (Prevention and Control of Pollution) Act, 1974. The purpose of this Act has been subsumed by later enactments. There is no evidence of this Act being in use. Hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

17. Police (Agra) Act, Act 16 of 1854

Category: Criminal Justice

Recommendation: Repeal in consultation with relevant State(s)

The text of this law is not readily available. Neither are there any indications that the Act is in use. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

18. Bengal Embankment Act, Act 32 of 1855

Category: Transportation and Infrastructure

Recommendation: Repeal in consultation with relevant State(s)

This Act was enacted to provide for better supervision and protection of embankments in view of the fact that the existing Regulations were ineffectual for the maintenance of embankments. This Act was repealed in

its application to all territories except Orissa (as it existed at the time) and the Sunderbans by the Bengal Embankments Act, 1873. Its applicability is therefore limited. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Governments of West Bengal and Odisha recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

19. Calcutta Land Revenue Act, Act 18 of 1856

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

The Act prescribes the procedure for ascertaining and collecting the land revenue accruing to the Government of India within Calcutta. Although enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

20. Bengal Chaukidari Act, Act 20 of 1856

Category(s): Criminal Justice

Recommendation: Repeal in consultation with relevant State(s)

The Act provided for the appointment and maintenance of Police Chaukidars in cities, towns, stations, suburbs, and bazaars in the Presidency of Fort William in Bengal. Although enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State which also has the power to repeal or amend this law. However, according to Article 372(1), the competent legislature for repeal of this Act is that of the State where the Act is in force. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

21. Tobacco Duty (Town of Bombay) Act, Act 4 of 1857

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

The Act amended the law relating to the duties payable on, and the retail sale and warehousing of tobacco, in the town of Bombay. The Act has now fallen into disuse. Tobacco duties are imposed under the Central Excise Act, 1944, since 'duties of excise on tobacco manufactured or produced in India' falls under List I of the Seventh Schedule (See Item 84). Therefore, the 1857 Act may be repealed. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

22. Madras Compulsory Labour Act, Act 1 of 1858

Category: Labour Laws

Recommendation: Repeal

The Act made lawful to compel labourers to prevent and repair any mischief by inundations caused by sudden breach of embankments of tanks, rivers and canals in the Presidency of Fort St. George in Madras. Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal, particularly since it deals with compulsory labour which goes against rights guaranteed under the Constitution. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

23. Bengal Ghatwali Lands Act, Act 5 of 1859

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

The Act empowered the holders of ghatwali lands in the district of Birbhum in West Bengal to grant leases extending beyond the period of their own possession. The Act was enacted specifically for the benefit of ghatwals who paid the revenue of their lands directly to the Government under Regulation 29, 1814 of the Bengal Code. This system of land revenue administration no longer exists. However, the power to repeal or amend this law rests with the concerned State legislature. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also

remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

24. Bengal Rent Act, Act 10 of 1859

Category: Rent and Tenancy

Recommendation: Remove from the Law Ministry's lists of central Acts

The Act amended the existing Regulations and Acts relating to the recovery of rent in the Presidency of Fort William in Bengal. This Act has been repealed by Section 59 of the West Bengal Land Reforms Act, 1955. Therefore, the Central Government should remove this law from its lists of central Acts in force.

25. Bengal Land Revenue Sales Act, Act 11 of 1859

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

This Act was meant to improve the law relating to sales of land for arrears of revenue in the provinces of Bengal, Bihar and Orissa (as they existed at the time). Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. The Government of Odisha has already repealed the law. Therefore, the Central Government should write to the other concerned State Governments recommending the review of this law with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

26. Madras District Police Act, Act 24 of 1859

Category: Criminal Justice

Recommendation: Remove from the Law Ministry's lists of central Acts

The Act provided for reorganising the police force in the State of Tamil Nadu so as to make it a more efficient instrument for the prevention and detection of crime. The Act was rechristened the Tamil Nadu District Police Act, 1859 by means of the Adaptation Order of 1969 and the Act is still in use. Hence, the Central Government should remove this law from its lists of central Acts in force.

27. Stage-Carriages Act, Act 16 of 1861

Category: Transportation and Infrastructure

Recommendation: Repeal in consultation with relevant State(s)

The Act made provided for the compulsory licensing of stage carriages by the Magistrate or the Commissioner of Police for their use in the Presidency Towns. Stage carriage, for the purposes of this Act, was defined as a carriage drawn by one or more horses ordinarily used for the purpose of conveying passengers for hire. States now have more modern rules to govern the licensing of stage carriages. In Mumbai, for example, carriages (as defined under this Act), known as Victorias, are licensed under the Bombay Public Conveyances Act, 1920, and not under this Act. Consequently, the Act has fallen into disuse. States such as Karnataka have already repealed this Act for the reason that this is a 'spent' Act. Therefore, the Central Government should write to the other concerned State Governments recommending the review of this law with a view to repeal. This Act has also

been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

28. Excise (Spirits) Act, Act 16 of 1863

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

The Act provided for the levy of excise duty payable on spirits used exclusively in 'arts and manufactures or in chemistry'. This now falls under the category of excise on industrial alcohol which is levied by the Central Government under the Central Excise Tariff Act, 1985. The 1863 Act is therefore redundant and should be repealed by the Central Government.

29. Partition of Revenue-paying Estates Act, Act 19 of 1863

Category: Land Laws

Recommendation: Repeal in consultation with relevant State Government(s)

The Act was enacted to consolidate and amend the law relating to partition of estates paying revenue to government in the North-Western Provinces of the Presidency of Fort William in Bengal (which lies in modern-day Uttar Pradesh). Although enacted by the Governor-General-in-Council prior to independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

30. Coroners Act, Act 4 of 1871

Category: Criminal Justice

Recommendation: Repeal and enact a new Coroners Act

This Act amended the law relating to coroners. However, this Act has a limited extent and provides for the appointment of coroners only within the local limits of the ordinary original civil jurisdiction of the High Courts of Bombay and Calcutta. The High Court of Delhi, in *Social Jurist, a Civil Rights Group v. Union of India* [WP (C) No. 6179/2007], recommended the Law Commission to examine whether a legislation like the Coroners Act, 1988 in force in the United Kingdom is needed in India. Consequently, the Law Commission, in its 206th Report (June 2008) carried a proposal for enactment of a new Coroners Act applicable to the whole of India. The Law Commission recommended repeal of the 1871 Act and the enactment of a new Coroners Act which extends to the whole of India. In this regard, the Law Commission proposed the Coroners Bill, 2008, the text of which is annexed to the 206th Report. Hence, the Central Government should repeal the 1871 Act and take up the Coroners Bill, 2008 (as recommended by the Law Commission) for consideration. This Act was also recommended for repeal by the PC Jain Commission Report (Appendix A-5).

31. Bengal Sessions Courts Act, Act 19 of 1871

Category: Administration of Justice

Recommendation: Repeal in consultation with relevant State Government(s)

The Act provided for the appointment of Sessions Judges for the territories respectively under the Governments of the Lieutenant-Governors of the Lower and North-Western Provinces of the Presidency of Fort

William in Bengal. Although enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State which also has the power to repeal or amend this law. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

32. North-Western Provinces Village and Road Police Act, Act 16 of 1873

Category: Criminal Justice

Recommendation: Repeal in consultation with the government of the State of Uttar Pradesh

The Act was enacted to consolidate and amend the law relating to village and road police in the North-Western Provinces of the Presidency of Fort William in Bengal. The Act contains provisions for the appointment, and duties and liabilities of village and road policemen in the said provinces. The erstwhile North-Western Provinces now constitute the administrative unit of Agra, which is in the modern-day State of Uttar Pradesh. Although this Act was enacted by the Governor-General-in-Council pre-independence, it is now administered by the relevant State, Uttar Pradesh, which also has the power to repeal or amend this law. Therefore, the Central Government should write to the State Government of Uttar Pradesh recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

33. Indian Law Reports Act, Act 18 of 1875

Category: Administration of Justice

Recommendation: Recommend for repeal with suitable amendments.

This Act mandates that no court of law in India shall hear the report of any case other than one cited in a law report published under the authority of the State Government. In effect, it provides that Courts are not bound to hear citations from any unauthorised series of law reports. The 96th LCI Report noted that it is well-known that notwithstanding the Act, unofficial law reports in India have been cited before the Supreme Court and the High Courts. Hence, the Act is a dead letter law and the Central Government should repeal this Act.

34. Chota Nagpur Encumbered Estates Act, Act 6 of 1876

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

The Act was enacted to provide for the relief of certain landholders in Chota Nagpur who were in debt, and whose immovable property was subject to mortgages, charges and liens. The group of princely States in Chota Nagpur fall in present-day Chhattisgarh, Jharkhand and Orissa, which have newer debt-relief laws and schemes. Consequently, the Act is now redundant. Therefore, the Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force. This Act has also been

recommended for repeal by the PC Jain Commission Report (Appendix A-5).

35. Bombay Municipal Debentures Act, Act 15 of 1876

Category: Financial Laws

Recommendation: Repeal in consultation with relevant State(s).

This Act amended the law relating to the transfer of Bombay municipal debentures, and to provide for their consolidation. Municipal debentures in Bombay are now dealt with in the Mumbai Municipal Corporation Act, 1888. This Act has fallen into disuse and is thus now redundant. Therefore, the Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

36. Broach and Kaira Incumbered Estates Act, Act 14 of 1877

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

This Act was enacted to relieve from encumbrances the Thakurs in the districts of Broach and Kaira who were in debt, and whose property was subject to mortgages, charges and liens. The Act laid down a procedure by which these Thakurs could make an application to the concerned authority for relief. Thakurs, for the purpose of this Act, meant taluqdars, jagirdars and kasbatis. The taluqdari and jagirdari systems do not exist now. Also, Broach and Kaira were districts in the erstwhile Presidency of Bombay. Broach

now exists as Bharuch in the State of Gujarat and Kaira is a district in present-day Maharashtra. This Act was largely repealed by the Broach and Kaira Incumbered Estates Act, 1881, but a few sections remain on the books. It is now in disuse, and the Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

37. Hackney Carriage Act, Act 14 of 1879

Category: Transportation and Infrastructure

Recommendation: Repeal in consultation with relevant State(s)

The Act provided for the regulation and control of hackney-carriages in certain Municipalities and Cantonments. 'Hackney carriage', for the purposes of the Act meant any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept or offered or plies for hire. There is no evidence of recent use of this Act. Therefore, the Central Government should write to the concerned State Governments recommending the review of this law with a view to repeal. The Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

38. Legal Practitioners' Act, Act 18 of 1879

Category: Legal, Medical and Other Professions

Recommendation: Repeal after making suitable amendments to the Advocates Act, 1961

This law was enacted to consolidate all the rules relating to the enrolment, conduct, and service of legal practitioners. However, after the coming into force of the Advocates Act, 1961, all the provisions of the Act stand

repealed with the exception of Sections 1, 3 and 36. While Sections 1 and 3 are the title clause and the interpretation clause respectively, Section 36 empowers the High Courts to frame a list of touts, and prescribes the punishment for touting. These provisions can be incorporated into the Advocates Act, 1961 by means of a suitable amendment, so that the entire law on this subject can be found in one place. After making amendments to the Advocates Act, 1961, this Act should be repealed. This Act has been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

39. Central Provinces Land Revenue Act, Act 18 of 1881

Category: Land Revenue

Recommendation: Repeal in consultation with relevant State(s)

The Act was enacted to consolidate and amend the law relating to land revenue and the power of revenue officers in the Central Provinces, which now fall in the States of Madhya Pradesh, Maharashtra and Chhattisgarh. All these States have their own revenue codes and hence this law is now redundant. The Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

40. Madras Forest (Validation) Act, Act 21 of 1882

Category: Environmental Law

Recommendation: Repeal after consultation with the State of Tamil Nadu.

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).

41. Bikrama Singh's Estates Act, Act 10 of 1883

Category: Land Laws

Recommendation: Repeal

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. Consequently, this Act must be repealed.

42. Land Improvement Loans Act, Act 19 of 1883

Category: Land Laws

Recommendation: Repeal in consultation with relevant State(s)

The Act consolidated and amended the law relating to loans of money by the Government for agricultural

improvements. 'Improvement', for the purposes of this Act, meant construction of wells, preparation of land for irrigation, etc. The Act lays down the procedure for application for loans and also, for the recovery of loans. Land Improvement and agricultural loans is now a State subject (Entry 18, List II). Every State now has a Land Mortgage Bank Act which authorises the setting up of a land mortgage bank. One of the purposes of this Bank is to help carry out agricultural improvements. Hence this Act has lost its relevance and must be repealed. The Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

43. Punjab District Boards Act, Act 20 of 1883

Category: Laws Relating to Administration and Development of Local Areas

Recommendation: The Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use.

The Act made better provisions for the local self-government in the districts of Punjab. The Act envisaged District Boards for proper maintenance of the districts (construction of roads, management of property, registration of births and deaths, etc.). The Act also imposed a 'local rate' payable on all land in the district by the landholders. The revenue from this collection would go towards the maintenance of the district. Evidence of the fact that this might still be relevant is that the Punjab Land Revenue Act, 1967 defines 'rates and cesses' to include the local rate payable under the Punjab District Board Act, 1883. However, the Act seems to have otherwise fallen into disuse. The Central

Government should write to the Government of Punjab seeking clarification on whether this Act is still in use. The Central Government should also remove this law from its lists of central Acts in force.

44. Punjab Tenancy Act, Act 16 of 1887

Category: Rent and Tenancy

Recommendation: The Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use.

The Act was enacted to amend the law relating to tenancy in Punjab. It is still in use in Punjab but has been repealed in its application to Delhi by the Delhi Land Reforms Act, 1954. The Central Government should write to the Government of Punjab seeking clarification on whether this Act is still in use. The Central Government should also remove this law from its lists of central Acts in force.

45. Punjab Land Revenue Act, Act 17 of 1887

Category: Land Revenue

Recommendation: The Central Government should write to the State of Punjab seeking clarification on whether this Act is still in use.

The Act was enacted for the making and maintenance of records-of-rights in land, the assessment and collection of land-revenue and other matters relating to land and the liabilities incident thereto. It has been repealed in its application to Delhi by the Punjab Land Revenue Act, 1967, but is still in force in Punjab. The Central Government should write to the Government of Punjab seeking clarification on whether this Act is still in use. The Central Government should also remove this law from its lists of central Acts in force.

46. Police Act, Act 3 of 1888

Category: Criminal Justice

Recommendation: Repeal

The Act was enacted to relax those provisions of certain State Police Acts for the regulation of police which restricted the employment of police-officers to the presidency, province or place of the police-establishment of which they are members. This Act empowered the Central Government to create a special police district embracing parts of two or more States, and extend to every part of the said district the powers and jurisdiction of members of a police force belonging to the State specified in the notification. Police is now a State subject (See Entry 2, List II, Seventh Schedule) and hence, the Central Government cannot create special police districts and assign a police force to such districts. While Entry 80 of List I does empower the Parliament to make a law extending the jurisdiction of the police of one State to exercise jurisdiction in another State, the same cannot be done without the consent of the State Government in which such area is situated. This Act does not impose any such restrictions on the Central Government's power and hence, the constitutionality of this Act is suspect. This Act was recommended for repeal by the PC Jain Commission Report (Appendix A-5). There is no evidence of recent use of this Act. Hence, the Central Government should repeal this Act.

47. City of Bombay Municipal (Supplementary) Act, Act 12 of 1888

Category: Administration of Justice

Recommendation: Repeal after consultation with relevant State(s)

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.

48. Excise (Malt Liquors) Act, Act 13 of 1890

Category: Taxes, Tolls and Cess Laws

Recommendation: Repeal

This Act applied the provisions of the Sea Customs Act, 1878 to malt liquors. The Sea Customs Act has been repealed by the Customs Act of 1962. Hence this Act should also be repealed.

49. Easements (Extending) Act, Act 8 of 1891

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

This Act extended the Easements Act, 1882 to the territories administered by the Governor of Bombay in Council and the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh. This Act is now redundant as the territorial divisions that it describes do not exist now. The purpose of this Act has been fulfilled and hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

50. Murshidabad Act, Act 15 of 1891

Category: Land Laws

Recommendation: Remove from the Law Ministry's lists of central Acts.

This Act has been repealed by the West Bengal Murshidabad Estate (Trust) Act, 1963.

51. Marriages Validation Act, Act 2 of 1892

Category: Personal Laws

Recommendation: Repeal

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.

52. Bengal Military Police Act, Act 5 of 1892

Category: Defence of India and Armed Forces

Recommendation: Repeal, in consultation with relevant State(s)

This Act was enacted for the better regulation of the Bengal Military Police. It prescribed punishments for offences committed by members of the Police. The Bengal Military Police was renamed Eastern Frontier Rifles in 1920. In 1947, this Police force was divided between India and Pakistan. The Military Police now exists as the Eastern Frontier Rifles and is part of the Police force of the State of West Bengal. The West Bengal Police Act, 1952 deals with employment to the police

force in the State. Therefore, the Act is no longer applicable and must be repealed. The Central Government should write to the relevant State Government recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

53. Government Management of Private Estates Act, Act 10 of 1892

Category: Land Revenue

Recommendation: Repeal

The Act imposed a levy of a certain rate on private estates under the management of the Government to meet the costs of supervision and management. 'Estates' for the purpose of this Act meant estates under the Court of Wards; encumbered estates under Government management and estates attached for default of payment. It included management of estates belonging to landholders in princely States. Since this system of landholding, as it existed prior to independence does not exist now, this Act is redundant. It has been recommended for repeal by PC Jain Commission also in its Appendix A-5.

54. Porahat Estate Act, Act 2 of 1893

Category: Land Laws

Recommendation: Repeal after consultation with relevant State(s)

The Act annexed the estate of Porahat to the Singhbhum district. This Act brought Porahat under the jurisdiction of the Lieutenant Governor of Bengal. Singhbhum is a district in the present-day State of Jharkhand and thus, subject to the authority and

jurisdiction of the State Government. As its purpose has been fulfilled, the Act now needs to be repealed.

55. Amending Act, Act 5 of 1897

Category: Residuary Laws relating to Administration

Recommendation: Repeal

This Act was passed to repeal and amend certain laws. It also provided for the use of short titles to facilitate the citation of certain laws listed in the Third Schedule to the Act. Most of the laws listed have since been repealed, and a suitable savings clause may be drafted to address the remaining laws. This law can therefore be repealed.

56. Indian Short Titles Act, Act 14 of 1897

Category: Residuary Laws relating to Administration

Recommendation: Repeal

Similar to the Amending Act of 1897, this Act allowed the use of short titles to facilitate the citation of certain laws listed in the Schedule to the Act. The purpose of the Act has now been fulfilled and hence, it must now be repealed. Most of the laws listed have since been repealed, and a suitable savings clause may be drafted to address the remaining laws. This law can therefore be repealed.

57. Lepers Act, Act 3 of 1898

Category: Public Health

Recommendation: Repeal in consultation with relevant State(s)

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 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.

58. Central Provinces Tenancy Act, Act 11 of 1898

Category: Rent and Tenancy

Recommendation: Repeal, in consultation with relevant State(s)

The Act consolidated and amended the law relating to agricultural tenancies in the Central Provinces. It divided tenants into five categories and made provisions relating to rent payable by the tenants. The States which constituted the erstwhile Central Provinces – Madhya Pradesh, Maharashtra and Chhattisgarh – now have their own rent control and tenancy Acts making this Act irrelevant. It must therefore be repealed. The Central

Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

59. Central Provinces Court of Wards Act, Act 24 of 1899

Category: Property Law

Recommendation: Repeal

The Act consolidated and amended the law relating to the Court of Wards in the Central Provinces. The Act is not in use. The Central Provinces no longer exist as an administrative unit. This law should therefore be repealed by the Central Government, as it falls under the subject-matter of administration of justice. This Act has also been recommended for repeal by the PC Jain Commission Report in its Appendix A-5.

60. Amending Act, Act 11 of 1901

Category: Residuary Laws relating to Administration

Recommendation: Repeal

Similar to the Amending Act of 1897, this Act allowed the use of short titles to facilitate the citation of certain laws listed in the Schedule to the Act. The purpose of the Act has now been fulfilled and hence, it must now be repealed. Most of the laws listed have since been repealed, and a suitable savings clause may be drafted to address the remaining laws. This law can therefore be repealed.

61. Indian Tramways Act, Act 4 of 1902

Category: Transportation and Infrastructure

Recommendation: Repeal

The Act extended the application of the Indian Railway Companies Act, 1895 to certain tramway companies. The 1895 Act has been repealed by the Railway Companies Act, 2001. The 1902 law is now redundant. Therefore, it must be repealed.

62. Amending Act, Act 1 of 1903

Category: Residuary Laws relating to Administration

Recommendation: Repeal

Similar to the Amending Act of 1897, this Act allowed the use of short titles to facilitate the citation of certain laws listed in the Schedule to the Act. The purpose of the Act has now been fulfilled and hence, it must now be repealed. Most of the laws listed have since been repealed, and a suitable savings clause may be drafted to address the remaining laws. This law can therefore be repealed.

63. Indian Criminal Law Amendment Act, Act 14 of 1908

Category: Criminal Justice

Recommendation: Repeal

The Act provided for the speedy trial of certain offences, and for the prohibition of associations dangerous to the public peace. It was enacted to curb the growing nationalist movement in India. It in essence amends the law relating to public associations. However, as the law relating to associations is well defined under the Indian Penal Code, 1860, this law is not necessary. Neither is there any evidence of recent use. Hence, it should be repealed.

64. Co-operative Societies Act, Act 2 of 1912

Category: Charitable and Religious Institutions; Co-operative Societies

Recommendation: Repeal, in consultation with relevant State(s)

The Act facilitated the formation of co-operative Societies for the promotion of self-help among agriculturists, artisans and persons of limited means, and for that purpose to amend the law relating to co-operative Societies. Co-operative societies are now under List II, Entry 43, and most States have their own co-operative societies Acts now. Therefore, the Central Government should write to the concerned State Government recommending the review of this law by the State, with a view to repeal. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).

65. Bengal, Bihar and Orissa and Assam Laws Act, Act 7 of 1912

Category: State Reorganisation and Extension of Laws

Recommendation: Repeal, in consultation with relevant State(s)

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.

66. Delhi Laws Act, Act 13 of 1912

Category: State Reorganisation and Extension of Laws

Recommendation: 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.

67. Local Authorities Loans Act, Act 9 of 1914

Category: Financial Laws

Recommendation: Repeal, in consultation with relevant State(s).

The Act consolidated and amended the law relating to the grant of loans to local authorities. Local authorities are now a State subject and this law is not in use. The Central Government should write to the relevant State Governments recommending the review of this law by the State, with a view to repeal. The Central Government should also remove this law from its lists of central Acts in force.

68. Delhi Laws Act, Act 7 of 1915

Category: State Reorganisation and Extension of Laws

Recommendation: 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.

69. Scheduled Areas (Assimilation of Laws) Act, Act 37 of 1951

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The Act assimilated certain laws in force in the scheduled areas (this refers to areas which find mention in the Schedule appended to the Act, and not to Scheduled Areas under the Constitution) to the laws in force in the districts of Darrang and Lakhimpur of the State of Assam. The Act provided that all laws in force in the scheduled areas were to cease to be in force after the appointed day (as specified in the Act). After the appointed day, the laws in force in Darrang were to come into force in the areas mentioned in paragraph 1 of the Schedule and the laws in force in Lakhimpur would come into force in the areas specified in paragraphs 2 and 3. The purpose of this Act has now been fulfilled. Hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and by the Planning Commission in its letter No. 25/04/2014-OM&C dated 18th September 2014 to the Member Secretary, Law Commission of India.

70. Railway Companies (Emergency Provisions) Act, Act 51 of 1951

Category: Nationalisation

Recommendation: Repeal

The Act provided for the proper management and administration of railway companies in certain special cases. The Act empowered the Central Government to appoint a certain number of people for managing the affairs of any railway company in case that company prejudicially affects the convenience of the persons

using it or causes serious dislocation in any trade or industry using that railway. Railways in India was nationalised in 1951 and the law relating to railways has now been consolidated in the form of the Railways Act, 1989. There is no evidence of any recent use of this Act. Hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and by the Planning Commission in its letter No. 25/04/2014-OM&C dated 18th September 2014 to the Member Secretary, Law Commission of India.

71. Scheduled Areas (Assimilation of Laws) Act, Act 16 of 1953

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The Act assimilated certain laws in force in the scheduled areas (the areas mentioned in the Schedule to the Act) to the laws in force in the districts of Nowgong and Sibsagar in the State of Assam. The Act provided that all laws in force in the scheduled areas were to cease to be in force after the appointed day (as specified in the Act). After the appointed day, the laws in force in Nowgong would come into force in the areas mentioned in paragraph 1 of the Schedule and the laws in force in Sibsagar would come into force in the areas specified in paragraph 2. The purpose of this Act has now been fulfilled. Hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1) and by the Planning Commission in its letter No. 25/04/2014-OM&C dated 18th September 2014 to the Member Secretary, Law Commission of India.

72. Lushai Hills District (Change of Name) Act, Act 18 of 1954

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The Act changed the name of the Lushai Hills District (a tribal area in Assam). After the commencement of this Act, the Lushai Hills District came to be known as the Mizo District. The Act also made amendments to the Sixth Schedule so as to insert 'Mizo District' wherever 'Lushai Hills District' found a mention. The Act has now served its purpose. Hence, the Central Government should repeal this Act with a suitable savings clause. This Act has also been recommended for review by the PC Jain Commission Report (Appendix B).

73. Absorbed Areas (Laws) Act, Act 20 of 1954

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

This Act was enacted to extend certain laws to the areas which, prior to the commencement of the Constitution, were administered as excluded areas. The Act contains 5 Schedules, one each for the States of Bihar, Bombay, Orissa, Uttar Pradesh and West Bengal. The Acts mentioned in the first column of each of the Schedules were made applicable to the areas absorbed (mentioned in the second column). The purpose of this Act has now been fulfilled. The territorial extent of all laws in India now finds mention in the 'Short Title, Extent and Commencement' clause of each law. Hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

**74. Shillong (Rifle Range Umlong) Cantonments
Assimilation of Laws Act, Act 31 of 1954**

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The Act assimilated certain laws in force in the scheduled areas to the laws in force in the Khasi and Jaintia Hills district. The Act provided that all laws in force in the scheduled areas were to cease to be in force after the appointed day. After the appointed day, the laws in force in the Khasi and Jaintia Hills district were to come into force in the areas mentioned in the Schedule. The purpose of this Act has now been fulfilled. Hence, the Central Government should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).

**75. Legislative Assembly of Nagaland (Change in
Representation) Act, Act 61 of 1968**

Category: State Re-organisation and Extension of Laws

Recommendation: Repeal

The Act provided for a change in representation in the Legislative Assembly of Nagaland, and made consequential amendments to the State of Nagaland Act, 1962 and the Representation of the People Act, 1950. The Act amended Section 11 of the State of Nagaland Act, 1962 and also, the proviso to Section 7(1) of the Representation of the People Act, 1950 along with the Second Schedule of the Act. Since the amendments have been duly made, the purpose of the Act has been fulfilled. Hence, the Central Government should repeal this Act with a suitable savings clause. This Act has also been recommended for review by the PC Jain Commission Report (Appendix B).

76. Levy Sugar Price Equalisation Fund Act, Act 31 of 1976

Category: Food and Public Distribution

Recommendation: Repeal

The Act provides for the establishment, in the interest of the general public, of a fund to ensure that the price of levy sugar may be uniform throughout India. 'Levy sugar' is the 10% of sugar output that every sugar manufacturer has to sell to the government at reduced rates for the Public Distribution System (PDS). In view of the ongoing process of deregulating sugar, the Union Cabinet in 2013 approved the removal of levy sugar, initially for a period of 2 years. The need for this Act is therefore being done away with. Hence, the Central Government should repeal this Act after introducing a suitable savings clause. This Act has been recommended for repeal by the Planning Commission in its letter No. 25/04/2014-OM&C dated 18th September 2014 to the Member Secretary, Law Commission of India.

77. Indian Iron and Steel Company (Acquisition of Shares) Act, Act 89 of 1976

Category: Nationalisation

Recommendation: Repeal

The Act provided for the acquisition of certain shares of the Indian Iron and Steel Company Limited (IISCO) with a view to securing the proper management of the affairs of the Company. By means of this Act, all shares of IISCO were transferred to the Central Government and a compensation of Rs. 7.2 crores was paid to the shareholders. Pursuant to the acquisition of shares under this Act in 1976, the Steel Companies (Restructuring) and Miscellaneous Provisions Act in

1978 made IISCO a wholly owned subsidiary of the Steel Authority of India Limited (SAIL). The purpose of the 1976 Act was only the transfer of shares of IISCO to the Central Government which has already been fulfilled and hence, the Act is now redundant. The Central Government should therefore repeal this Act. A suitable savings clause must be added to the repealing Act so as to save any right, privilege, obligation or liability accrued or incurred under this Act. This Act was also recommended for repeal by the Ministry of Steel in its letter No. 12(45)/2014-SAIL (OP) dated 20th August 2014 to the Cabinet Secretariat.

CHAPTER 3

PERMANENT ORDINANCES RECOMMENDED FOR REPEAL

3.1 The PC Jain Commission Report recommended repeal of 17 permanent war-time ordinances in its Appendix A-4. These ordinances were promulgated under Section 72 of the Ninth Schedule of the Government of India Act, 1935 (the Ninth Schedule allowed for the continuation of certain sections of the Government of India Act, 1919). The section empowered the Governor-General-in-Council to promulgate ordinances in cases of emergency. Ordinarily, Section 72 provided that ordinances would be limited to a duration of six months. However, the operation of the six month clause was suspended by Section 1(3) of the India and Burma Emergency Provisions Act, 1940, and the 17 war-time ordinances were promulgated when the 1940 Act was in force.

3.2 These ordinances were later adapted as laws by the Presidential Adaptation of Laws Order, 1950. The nature of these ordinances was established by the Supreme Court in *Hansraj Moolji v. The State Of Bombay* [AIR 1957 SC 497]. In this case, the appellant was prosecuted in 1953 under the Denomination Bank Notes (Demonetisation) Ordinance, 1946. He argued that with the ending of the emergency under the India and Burma Emergency Provisions Act, 1940 in 1946, this Ordinance had lapsed. The crux of the appellant's argument was:

- Since the Ordinance had been promulgated in exercise of emergency powers, it lapsed ipso facto on April 1, 1946, when the declaration was made that the emergency was at an end;
- Section 72 of the 9th Schedule of the Government of India Act, 1935, having been restored with effect

from April 1, 1946, one must look to its terms as they originally stood, to justify the continuance of the Ordinance after April 1, 1946.

3.3 However, the Supreme Court, in a judgment delivered by Justice NH Bhagwati, held that:

‘If by the operation of Section 1(3) of the India and Burma (Emergency Provisions) Act, 1940, the words ‘for the space of not more than six months from its promulgation’ were omitted from Section 72 (of the Government of India Act, 1919) during the period specified in Section 3 of that Act, viz., June 27, 1940 to April 1, 1946, there was no limitation of the period of duration of the Ordinance in question and the Ordinance having the like force of law as an Act passed by the Indian Legislature without any limitation on its duration *was to continue in force until it was repealed.*’
(emphasis added)

3.4 These Ordinances have, therefore, been treated as statutes. For instance, the Currency Ordinance, 1940 was repealed finally by the Coinage Act, 2011. The Standing Committee on Finance (2009-10) in its Twenty Second Report, on the Coinage Bill, 2009, witnessed the following discussion on the repeal of the Currency Ordinance, 1940:

‘The Currency Ordinance, 1940 was promulgated after passing of the India and Burma (Emergency Provisions) Act, 1940 which provided that Ordinances made during the period of the emergency beginning June 27, 1940 would not lapse

within six months. This made the Currency Ordinance, 1940 of permanent nature like an Act of competent Legislature and continued to be in force. The Ordinance was continued and adopted by a Presidential promulgation, 'Adoption of Laws Order, 1950' issued under powers conferred by clause (2) of Article 372 of the Constitution.'

3.5 Under the scheme of the Constitution of India, the power to promulgate an Ordinance rests on the premise that since the Executive enjoys the confidence of the Legislature, it should be allowed to pass temporary laws which address unforeseen emergencies that may arise when the Parliament is not in session. The constitutional position with regard to promulgation of ordinances was established in *DC Wadhwa and Ors. v. State of Bihar and Ors.* [(1987) 1 SCC 378], where the Supreme Court held that it would be a colourable exercise of power on the part of the Executive to continue an Ordinance beyond the period limited by the Constitution. Permanent ordinances go against the scheme of the Constitution, since Article 123 mandates that every Ordinance shall cease to operate at the expiration of six weeks from the reassembly of Parliament. Hence, as a matter of principle, these war-time ordinances should be repealed, and replaced by a statute if necessary.

3.6 Of the 17 ordinances recommended for repeal by the PC Jain Commission, 6 have since been repealed by various laws. The following are recommendations made on the remaining 11 permanent ordinances:

1. War Injuries Ordinance, Ordinance 7 of 1941

Category: Labour Laws

Recommendation: Repeal

The Ordinance empowered the Central Government to make schemes providing for the grant of relief in respect of injuries sustained during the War. The purpose of this Ordinance was subsumed by the War Injuries (Compensation Insurance) Act, 1943 which imposes a liability on employers to pay compensation to workmen sustaining war injuries and provides for the insurance of employers against such liability. Therefore, the Central Government should repeal this Ordinance.

2. Collective Fines Ordinance, Ordinance 20 of 1942

Category: Criminal Justice

Recommendation: Repeal

The Ordinance provided for the imposition of collective fines. It empowered the State Government to impose collective fines on the inhabitants of an area if it appeared that the inhabitants are concerned in or abetting the commission of offences prejudicially affecting the defence of India, public safety, maintenance of public order, efficient prosecution of war, maintenance of supplies or services necessary to the life of the community, or are harbouring persons concerned in the commission of such offences. The imposition of collective fines may be in violation of Articles 14, 20 and 21. In *Lakhan Rai v. State of Bihar* [1992 (1) BLJR 38], the Patna High Court considered the Bihar Collective Fine (Imposition) Act, 1982, and upheld it on the ground that it contained adequate safeguards such as hearings and appeals related to the imposition of fines. No such safeguards exist in this Ordinance, which may render it unconstitutional. Further, there is

no evidence of reported use of this Ordinance. Hence it should be repealed.

3. Armed Forces (Special Powers) Ordinance, Ordinance 41 of 1942

Category: Defence of India and Armed Forces

Recommendation: Repeal

The Ordinance conferred special powers upon certain ranks of officers of the armed forces. This Ordinance was promulgated by the Governor-General-in-Council on August 15th, 1942 to suppress the Quit India Movement. The provisions of the Armed Forces Special Powers Act, 1958 clearly overlap with the Ordinance. This Ordinance should therefore be repealed.

4. Public Health (Emergency Provisions) Ordinance, Ordinance 21 of 1944

Category: Public Health

Recommendation: 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 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.

5. Criminal Law Amendment Ordinance, Ordinance 38 of 1944

Category: Criminal Justice

Recommendation: Repeal with amendments to the existing law.

This Ordinance, which was promulgated to prevent the disposal or concealment of property procured by means of certain offences, is used extensively in conjunction with the Prevention of Corruption Act, 1988 (POCA). It allows for application to attach property where the Government believed a scheduled offence had been committed. Scheduled offences under the ordinance include offences under the POCA. While this Ordinance cannot be simply repealed, suitable amendments should be brought to the POCA so that attachment of property under the circumstances outlined in the Ordinance takes place through statute rather than a permanent ordinance which goes against the constitutional scheme.

6. Secunderabad Marriage Validating Ordinance, Ordinance 30 of 1945

Category: Personal Laws

Recommendation: Repeal.

This Ordinance is similar to the Bangalore Marriage Validating Act, 1936. It was promulgated to validate a

single marriage conducted by a certain Reverend in Secunderabad in 1944. The Reverend mistakenly married a Christian, but not an Indian Christian under the Indian Christian Marriage Act, 1972. The need for this Ordinance has clearly expired. Therefore, the Central Government should repeal this Ordinance after introducing a suitable savings clause.

7. War Gratuities (Income Tax Exemption) Ordinance, Ordinance 24 of 1945

Category: Labour Laws

Recommendation: Repeal

This Ordinance was promulgated to ensure that any war gratuity paid shall not be included in the total income of a person for the purpose of income tax. There are no reported cases under this Ordinance. This Central Government should repeal this Ordinance since its purpose has been fulfilled, and a suitable savings clause should be introduced to adequately address any pending litigation.

8. Bank Notes (Declaration of Holdings) Ordinance, Ordinance 2 of 1946

Category: Financial Laws

Recommendation: Repeal

This Ordinance required banks and Governments treasuries to furnish information concerning certain bank notes held by them. The purpose of the Ordinance was to provide for the demonetisation of certain currency in India. The Ordinance required every bank and Government Treasury to prepare and send to the Reserve Bank of India details with regards to the total value of bank notes held by them by January 11th, 1946. The Ordinance was clearly time-bound and has now

become obsolete. Therefore, the Central Government should repeal this Ordinance.

9. Criminal Law Amendment Ordinance, Ordinance 6 of 1946

Category: Criminal Justice

Recommendation: Repeal

The purpose of this Ordinance was to prove as a deterrent to public servants indulging in corrupt practices and bribery. This is now governed under the Prevention of Corruption Act, 1988, and this Ordinance is not in use. Hence, the Central Government should repeal this Ordinance

10. Termination of War (Definition) Ordinance, Ordinance 10 of 1946

Category: Defence of India and Armed Forces

Recommendation: Repeal

This Ordinance determined the date of termination of the 'present war', i.e. the Second World War. The purpose of this Ordinance was to determine the exact date on which temporary war-time measures would end. The purpose of this Ordinance has been fulfilled and it should be repealed with a suitable savings clause.

11. Military Nursing Service Ordinance, Ordinance 30 of 1943

Category: Defence of India and Armed Forces

Recommendation: Repeal with amendments to the existing law.

The Ordinance constituted a force called the Indian Military Nursing Service (IMNS) as part of the armed forces of the Union. This Ordinance provides for matters

such as eligibility for appointment to the IMNS, procedure for dismissal and constitution of the IMNS. The IMNS is now an integral part of the Armed Forces Medical Services (AFMS). Post-independence, through a special Gazette of India notification, the Army Act, 1950 was subsequently made applicable to the Officers of the IMNS with suitable modification and adaptation. These adaptations and modifications are contained in Army Order (AO) 197/59. However, while amendments were made to the Ordinance so as to make the Army Act, 1950 applicable to the IMNS, corresponding amendments have not been made to the Army Act. Consequently, provisions of the Ordinance are still being used in adjudication of disputes relating to the terms and conditions of service of members of the IMNS. While this Ordinance cannot be simply repealed, suitable amendments should be brought to the Army Act, 1950 to incorporate provisions pertaining to members of the IMNS.

CHAPTER 4

STATE REORGANISATION LAWS RECOMMENDED FOR PARTIAL REPEAL

4.1 This Chapter looks at the status of certain State reorganisation laws, which were also considered by the PC Jain Commission Report. The PC Jain Commission Report listed 35 State reorganisation Acts in its Appendix B and recommended that these reorganisation Acts should be reviewed to consider repeal of some of them which are not relevant.

4.2 The Law Commission is of the opinion that not all these State reorganisation acts can be repealed in their entirety. State reorganisation acts were enacted not only to alter the boundaries of existing States but also to provide for various matters connected therewith. The Parliament was mindful of the fact that State reorganisation would give rise to numerous complex problems and therefore included provisions in these Acts to address these problems on an ongoing basis. In *State of Maharashtra v. Narayan Shamrao Puranik and Ors.* [(1982) 3 SCC 519], the Supreme Court held that the State Reorganisation Act, 1956 is a permanent piece of legislation on the statute book, the provisions of which, unless a different intention appears, may be used from time to time to address the problems that arose out of State reorganisation. The Supreme Court placed reliance on Section 14 of the General Clauses Act, 1897 which provides that where, by any Central Act or Regulation, any power is conferred, then that power may be exercised from time to time when occasion arises. The Supreme Court categorically dismissed the view that the State reorganisation acts are transitory in nature and held that the powers conferred by these Acts have not 'ebbed out' by lapse of time. Consequently, State reorganisation acts have been in use for matters

incidental to State reorganisation, long after the reorganisation was completed. For instance, in 2012, the power under the North-Eastern Areas (Reorganisation) Act, 1971 was exercised to establish the High Courts of Meghalaya, Manipur and Tripura.

4.3 Certain provisions of the State reorganisation acts, therefore, are still relevant and cannot be repealed, while others are transitory in nature and may be removed. This Chapter therefore makes recommendations on the partial repeal of State reorganisation acts, as detailed below.

4.4 Out of the 35 State reorganisation acts mentioned in Appendix of the PC Jain Commission Report, 7 were repealed in 2001 by the Two-Member Constituency (Abolition) and other Laws Repeal Act. The Repeal Act of 2001 only repealed those Acts which effected the alteration of names of certain States and those which abolished Legislative Councils in certain States. Out of the 28 that remain, one has been recommended for complete repeal in the 248th Report of the Law Commission on Obsolete Laws Repeal (Chapter 4, No. 60). Two more have been recommended for wholesale repeal in Chapter 2 of this interim report (Nos. 71 and 74). The following are the remaining State reorganisation acts listed in the PC Jain Commission Report, which in the view of the Law Commission of India are appropriate for partial repeal. This list only includes Acts which have been passed more than 25 years ago; State reorganisation acts of a more recent vintage have not been included in this study.

1. The Part B States (Laws) Act, Act 3 of 1951
2. The Assam (Alteration of Boundaries) Act, Act 47 of 1951
3. The Andhra State Act, Act 30 of 1953

4. The Acquired Territories (Merger) Act, Act 20 of 1954
5. The Himachal Pradesh and Bilaspur (New State) Act, Act 32 of 1954
6. The States Reorganisation Act, Act 37 of 1956
7. The Bihar and West Bengal (Transfer of Territories) Act, Act 40 of 1956
8. The Naga Hills-Tuensang Areas Act, Act 42 of 1957
9. The Rajasthan and Madhya Pradesh (Transfer of Territories) Act, Act 47 of 1959
10. The Andhra Pradesh and Madras (Alteration of Boundaries) Act, Act 56 of 1959
11. The Bombay Reorganisation Act, Act 11 of 1960
12. The Dadra and Nagar Haveli Act, Act 35 of 1961
13. The Goa, Daman and Diu (Administration) Act, Act 1 of 1962
14. The State of Nagaland Act, Act 27 of 1962
15. The Pondicherry (Administration) Act, Act 49 of 1962
16. The Punjab Reorganisation Act, Act 31 of 1966
17. The Bihar and Uttar Pradesh (Alteration of Boundaries) Act, Act 24 of 1968
18. The Andhra Pradesh and Mysore (Transfer of Territory) Act, Act 36 of 1968
19. The Assam Reorganisation (Meghalaya) Act, Act 55 of 1969
20. The State of Himachal Pradesh Act, Act 53 of 1970
21. The North-Eastern Areas (Reorganisation) Act, Act 81 of 1971
22. The Haryana and Uttar Pradesh (Alteration of Boundaries) Act, Act 31 of 1978
23. The State of Mizoram Act, Act 34 of 1986

24. The State of Arunachal Pradesh Act, Act 69 of 1986
25. The Goa, Daman and Diu Reorganisation Act, Act 18 of 1987

4.5 Each of these statutes contain similar sets of provisions, which fall into certain categories. Some of these categories are suitable for repeal, while others cannot be done away with at present. Therefore, each of these categories have been studied below, to arrive at recommendations on whether they can be repealed:

1. Reorganisation of States/transfer of territories/alteration of boundaries

Each reorganisation law has provisions to amend Schedule I of the Constitution, which establishes the territories of each State. Schedule I, however, does not specify the territories which form part of a particular State. It instead refers to the relevant State reorganisation act where the territories are detailed. For instance, to describe the territories forming part of the State of Maharashtra, the Schedule mentions – ‘The territories specified in sub-section (1) of section 8 of the States Reorganisation Act, 1956...’. Since the State reorganisation acts are referred to in Schedule I of the Constitution the provisions relating to the formation of new States and specifying the boundaries of that new State cannot be repealed in the laws listed above.

2. Establishment of High Courts (of concerned States)

The High Courts of Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Kerala, Gauhati, Meghalaya, Manipur, Tripura and Uttarakhand have been established under the respective State reorganisation Acts. It is clear that the State Government’s power to establish High Courts

under the respective State reorganisation act is of a continuing nature. The power under the North-Eastern Areas (Reorganisation) Act, 1971 was exercised in 2012 to establish the new High Courts of Meghalaya, Manipur and Tripura. Hence, provisions empowering the State Government to establish High Courts cannot be repealed.

3. Representation in the Council of States

The reorganisation Acts also provide for the representation of the newly formed States in the Council of States and to that effect, amends Schedule IV of the Constitution. Schedule IV lists all the States and Union territories and specifies the number of seats allotted to each. Once the amendment is made to Schedule IV, the purpose of these provisions is fulfilled. Such provisions of the State reorganisation acts may therefore be repealed.

4. Allocation of Seats in the House of People and Strength of Legislative Assembly

The First Schedule to the Representation of the People Act, 1950 (RP Act) specifies the allocation of seats for every State in the House of the People. It mentions the total number of seats allotted to each State while also specifying the number of seats reserved for Scheduled Castes and Scheduled Tribes. The Second Schedule specifies the total number of seats in the Legislative Assembly of each State while again specifying the number of seats reserved for Scheduled Castes and Scheduled Tribes. The First and Second Schedules to the Representation of the People Act, 1950 have been amended in accordance with the reorganisation acts. Hence, the purpose of these provisions in the Acts, which deal with the allocation of seats in the House of People and strength of Legislative

have been fulfilled. The concerned provisions of the State reorganisation acts may be repealed.

5. Authorisation of expenditure

The reorganisation acts also empowered the President or the Governor of the concerned States to authorise such expenditure from the Consolidated Fund of the State, as deemed necessary, for a period of not more than a certain stipulated number of months from the appointed day of the formation of the State. These provisions were of a time-bound nature and are no longer required. After inserting a suitable savings provision, these provisions relating to authorisation of expenditure by the President/Governor can be repealed.

6. Apportionment of assets and liabilities

This part of the reorganisation acts provides for the passing on of goods and articles belonging to the existing States to the successor States. The total of the cash balances in all treasuries of the existing State and the credit balances of that State with the Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day (of reorganisation) was divided between the successor States according to the population ratio. Also, the right to recover arrears of any tax or duty on property, including arrears of land revenue, was to belong to the successor State in whose territories the property was situated, and the right to recover arrears of any other tax or duty belonged to the successor State in whose territories the place of assessment of that tax or duty was included.

The possibilities of disputes between States pertaining to the apportionment of assets and liabilities still persist. Hence, provisions of this nature cannot be repealed.

7. Provisions as to certain State corporations/boards and provisions as to employees in State services

These provisions State that State Electricity Boards and Warehousing Corporations were to continue to function in those areas where they were functioning immediately before reorganisation. The Inter-State Corporations Act, 1957 is now in force which provides for the reorganisation of certain State corporations functioning in two or more States by virtue of Section 109 of the States Reorganisation Act, 1956 or any other enactment relating to reorganisation of States. Provisions of both the reorganisation acts and the Inter-State Corporations Act are still invoked to settle disputes that arise with regard to corporations functioning in two or more States. Hence, these provisions cannot be repealed.

With regard to persons employed in State services, these Acts provided that persons employed in the services of the erstwhile State would, after reorganisation, come to be employed in the services of the newly formed State. While the purpose of the Act insofar this clause is concerned has been fulfilled, provisions of this nature are still invoked in the settlement of service disputes, and pending litigation would be affected by repeal of provisions of this nature. Hence, these provisions cannot be repealed.

8. Adaptation of laws

State Reorganisation Acts also provide for the application in newly formed States of any law made before reorganisation, once the appropriate Government makes such adaptations and modifications of the law as may be necessary or expedient. The process of adaptation of laws was to be completed within a certain period of time as specified in the respective State

Reorganisation Acts. Those reorganisation Acts where the time specified for adaptation has lapsed, the purpose of such provisions has been fulfilled. Hence, these provisions can be repealed with a suitable savings clause.

9. Delimitation of constituencies

The Reorganisation Acts amended the Delimitation of Parliamentary and Assembly Constituencies Order, 1976. The Delimitation Order of 1976 was replaced by the Delimitation of Parliamentary and Assembly Constituencies Order, 2008. The Delimitation Order of 2008 details the territories that fall into each Parliamentary and Assembly Constituency. The said Order suitably incorporates the provisions of the concerned Reorganisation Acts. Recently, the Andhra Pradesh Reorganisation Act, 2014 has been enacted creating the new State of Telengana by bifurcating the then existing State of Andhra Pradesh. The Delimitation Order of 2008 was suitably amended to provide for Parliamentary and Assembly Constituencies of the States of Andhra Pradesh and Telengana. Hence, the purpose of the Reorganisation Acts, in so far as delimitation of constituencies is concerned, has been fulfilled. The provisions relating to delimitation of constituencies can, therefore, be repealed.

[Justice A.P. Shah]
Chairman

[Justice S.N. Kapoor]
Member

[Prof. (Dr.) Mool Chand Sharma]
Member

[Justice Usha Mehra]
Member

[Dr. S.S. Chahar]
Member-Secretary

[P.K. Malhotra]
Ex-officio Member

[Dr. Sanjay Singh]
Ex-officio Member

