

IMMEDIATE

No. 62/36/2014-6GS1

From

The Chief Secretary to Government Haryana,

To


1. All the Heads of Departments,
2. Commissioner, Ambala, Hisar, Gurgaon and Rohtak Divisions.

Dated Chandigarh, the 8th January, 2015

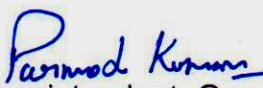
Subject:- 250th report of the Law Commission of India-Reviewing the obsolete and redundant laws in the country with a view to repeal such laws which are redundant and have lost their significance.

Sir/Madam

I am directed to refer the subject noted above and to forward a copy of D.O.Letter.No 1(66)14-L.I(Pt.File.II), dated 10.11.2014 received from Government of India, Ministry of Law and Justice, Legislative Department alongwith list of 20 enactments identified for repeal by Parliament in consultation with the concerned State Government. You are requested to get these enactments concerning examined with a view to repeal such laws which are redundant or have lost their significance and send your comments regarding review of obsolete and redundant laws to this office immediately even in Nil also, so that same could be supplied to Government of India, Ministry of Law and Justice, Legislative Department.


Superintendent, General Services-1,
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Additional Chief Secretaries/Principal Secretaries to Govt. Haryana for information and necessary action.


Superintendent, General Services-1,
for Chief Secretary to Government Haryana.

To

All the Additional Chief Secretaries/Principal Secretaries
to Government Haryana.



डा० संजय सिंह
सचिव
Dr. Sanjay Singh
Secretary



भारत सरकार
Government of India
विधि और न्याय मंत्रालय
Ministry of Law & Justice
विधायी विभाग
Legislative Department

10th November, 2014



D.O. No. 1(66)/14-L.I (Pt.File.II)

Dear Madam,

In continuation of my D.O. letters of even number dated 9th October, 2014 and 24th October, 2014 regarding reviewing of the obsolete and redundant laws in the country, this is to inform that the Law Commission of India has submitted its 250th Report on "Obsolete Laws: Warranting Immediate Repeal" (Third Interim Report), on 29th October, 2014 in which the Commission *inter-alia*, recommended repeal of 74 more obsolete Acts. Out of these 74 Acts, 20 enactments have been identified by this Department (List enclosed) for repeal by Parliament in consultation with the concerned State Government.

2. It is, therefore, requested that you may kindly get the enactments concerning your State examined with a view to repeal such laws, the utility and the need of which has served its purpose. This may be taken on priority so that the obsolete and redundant laws do not become impediment/hindrance in the progress of the country.

3. In view of the urgency and importance of the matter, I shall be grateful if you could kindly furnish your comments/concurrence within a period of three weeks. On receipt of your comments/concurrence, necessary steps will be taken for introduction of a Bill for repeal of all those Acts in the Winter session of Parliament. In case no comments/concurrence are received within the said period, it shall be presumed that your State Government supports the proposal for repeal of all those Acts.

The enactments referred to in this letter and the earlier letters of even number dated 9th October, 2014 and 24th October, 2014 are available in the Ministry of Law and Justice, Legislative Department's website at <http://www.lawmin.nic.in/Legis.htm> (under the heading 'Repeal of redundant and obsolete laws').

With kind regards,

Yours sincerely,

Sanjay Singh

(Dr. Sanjay Singh)



Encl. As above.

Ms. Shakuntala Jakhu,
Chief Secretary,
Government of Haryana,
Civil Secretariat,
Chandigarh-160 009

11. ENACTMENTS TO BE REPEALED BY PARLIAMENT IN CONSULTATION WITH CONCERNED STATE GOVERNMENTS

Sr. No.	Short title of the Act	Subject	Recommendation of Law Commission of India
1	Bengal Criminal Law (Amendment) Supplementary Act, 1925 (8 of 1925)	Criminal Justice	<p>Recommendation: Repeal after consultation with the State of West Bengal.</p> <p>The Act supplemented the Bengal Criminal Law Amendment Act, 1925. The Act provided that any person convicted on a trial held by Commissioners under the Bengal Criminal Law Amendment Act, 1925 may appeal to the High Court of Judicature at Fort William in Bengal, and such appeal was to be disposed of by the High Court in the manner provided by the Code of Criminal Procedure, 1898. The 1898 Code has been repealed by the Code of Criminal Procedure, 1973 but corresponding amendments have not been made to this Supplementary Act. Consequently, the Act is now redundant. There is no evidence of recent use of this Act. Hence, the Central Government should repeal this Act after consultation with the State of West Bengal.</p>
2.	Madras, Bengal and Bombay Children (Supplementary) Act, 1925 (35 of 1925)	Women and Child Development	<p>Recommendation: Consider for repeal.</p> <p>The Act supplemented certain provisions of the Madras Children Act, 1920 (which was rechristened as the Tamil Nadu Children Act, 1920 by the Tamil Nadu Adaptation of Laws Order, 1969), the Bengal Children Act, 1922 and the Bombay Children Act, 1924. The Bengal Children Act has been repealed by Section 51 of the West Bengal Children Act, 1959. The Bombay Children Act, 1924 was repealed by the Bombay Children Act, 1948. Also, Section 63 of the Juvenile Justice Act, 1986 repealed all laws in force in any State which corresponded to the Juvenile Justice Act. By virtue of Section 63, the Tamil Nadu Children Act, 1920 should stand impliedly repealed. The Central Government should write to the State of Tamil Nadu and ascertain the status of the Tamil Nadu Children Act, 1920 and thereafter, consider the Supplementary Act for repeal. This Act has also been recommended for repeal by the P C Jain Commission Report (Appendix A-I) and by the Ministry of Women and Child Development in its letter F. No. 22-22/2014-CW-I dated 30th September 2014 to the Member Secretary, Law Commission of India.</p>

3.	Hindu Inheritance (Removal of Disabilities) Act, 1928 (12 of 1928)	Personal Law	<p>Recommendation: Repeal</p> <p>The Act provided that no person governed by Hindu law would be excluded from any right or share in joint family property by reason only of any disease, deformity, or physical or mental defect. However, the Act excluded a person who had been from birth a lunatic or an idiot. The purpose of the Act has now been subsumed by Section 28 of the Hindu Succession Act, 1956 which provides that no person shall be disqualified from succeeding to any property on the ground of any disease, defect or deformity. There are no instances of recent judgments rendered under this Act. The 1928 Act is now redundant. Hence, the Central Government should repeal this Act. A suitable savings clause needs to be inserted in the repealing Act.</p>
4.	Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings) Act, 1935 (13 of 1935)	Personal Law	<p>Recommendation: Repeal.</p> <p>The Act removed certain doubts and validated certain proceedings of the High Court of Judicature of Allahabad. The Act declared that from 31st August 1923, the Court of the Judicial Commissioner of the Central Provinces alone would have the jurisdiction of the High Court under the Indian Divorce Act, 1869 within the Jubbulpore and Chhattisgarh divisions of the Central Provinces. The Act also validated certain decisions taken by the High Court of Allahabad and deemed such decisions to be as good and valid in law as if such proceedings had been taken by the Court of the Financial Commissioner. The Central Provinces, as they existed prior to Independence, do not exist now. Jabalpur is now a district in the State of Madhya Pradesh. Chhattisgarh was an administrative division in erstwhile Central Provinces. The territory falling under this division is now a part of the modern-day State of Chhattisgarh. The purpose of the Act has therefore now been fulfilled. A suitable savings clause should be inserted in the repealing Act. The Central Government should repeal this law after consultation with the relevant State governments. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-I).</p>
5.	Indian Matrimonial Causes (War Marriages) Act, 1948 (40 of 1948)	Personal Laws	<p>Recommendation: Repeal</p> <p>The Act conferred upon courts temporary jurisdiction in certain matrimonial cases. It applies to marriages solemnized during the 'war period' where the husband was, at the time of marriage, domiciled outside India and the wife was immediately before the marriage, domiciled in India. 'War period' was defined under the Act as the period commencing on 3rd Sep 1939 and ending on 31st March 1946. The Act conferred jurisdiction on the High Court to entertain proceedings for divorce or for nullity of marriage. The purpose of the Act has been served and it can be repealed. A suitable savings clause should be inserted in the repealing Act. This Act also finds mention in the PC Jain Commission Report (Appendix D).</p>

6.	Bombay Public Security Measures (Delhi Amendment) Act, 1948 (52 of 1948)	Criminal Justice	<p>Recommendation: Repeal</p> <p>The Act amended the Bombay Public Security Measures Act, 1947 as extended to the Province of Delhi. The text of the Bombay Public Security Measures Act, 1947 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. The Delhi Amendment Act has also now fallen into disuse. Therefore, the Central Government should repeal this Act.</p>
7.	Scheduled Securities (Hyderabad) Act, 1949 (7 of 1949)	Corporate Laws	<p>Recommendation: Repeal</p> <p>This Act provided for the control of the transfer of certain securities and for the Issue of duplicate securities in respect thereof. The Act provided that the Reserve Bank of India shall not, without the approval in writing of the Central Government, recognise for any purpose any transfer of a scheduled security otherwise than to the Government of Hyderabad made or purported to have been made on or before 31st December 1948. Such security was deemed to have been vested In the Government of Hyderabad. This Act has served its purpose and the Central Government should now repeal this Act. A suitable savings clause should be inserted in the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).</p>
8.	West Godavari District (Assimilation of Laws on Federal Subject) Act, 1949 (20 of 1949)	State Reorganisation and Extension of Laws	<p>Recommendation: Repeal</p> <p>The Act assimilated certain laws in force in different parts of the West Godavari district of the Province of Madras. The Act prescribed that, on the appointed day as specified under the Act, all laws in force in the Eluru Taluk (a taluk in the West Godavari district) would extend to 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). Simultaneously, all laws in force in the scheduled areas would cease to be in force. The purpose of this Act has now been fulfilled. Hence, the Central Govt. should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-I).</p>
9.	Part B States Marriages Validating Act, 1952 (1 of 1952)	Personal Laws	<p>Recommendation: Repeal</p> <p>This Act validated certain marriages solemnized in certain Part B states between 26th January 1950 and 31st March 1951, under the Indian Christian Marriage Act, 1872. All these marriages were to be deemed to be good and valid in law as if such marriages had been</p>

			solemnized by a person duly authorized to do so. The Act was clearly time-specific and has served its purpose. Hence, it should be repealed and a suitable savings clause should be inserted to the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-I).
10.	Delhi and Ajmer Rent Control Act, 1952 (38 of 1952)	Rent and Tenancy	<p>Recommendation: Repeal, in consultation with relevant state(s)</p> <p>The Act provided for the control of rents and evictions and for the lease of vacant premises to the Government, in certain areas of Delhi and Ajmer. The Act was repealed in its application to Delhi by the Delhi Rent Control Act, 1958. The rent control law applicable to Ajmer is the Rajasthan Rent Control Act, 2001. There is no evidence of recent use of this Act and it is now redundant. 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.</p>
11.	Manipur and Tripura (Repeal of Laws) Act, 1958 (35 of 1958)	State Reorganization and Extension of Laws	<p>Recommendation: Repeal</p> <p>This act was enacted to repeal certain laws in force in the Union territories of Manipur and Tripura (as these then were). The Act Provided for:</p> <p>Firstly, when the Assam Co-operative Societies Act, 1949 would be extended to the Union Territory of Manipur, the Manipur Cooperative Societies Act, 1947 would be repealed. However, the Manipur Co-operative Societies Act, 1976 is now in force and has repealed Assam Co-operative Societies Act, 1949 in its operation to Manipur.</p> <p>Secondly, when the Bombay Co-operative Societies Act, 1925 and the Bombay Money Lenders Act, 1946 would be extended to the Union territory of Tripura, the Tripura Co-operative Societies Act 1858 would be repealed. However, the Tripura Co-operative Societies Act 1974 repealed the two Bombay Acts as extended to the Union territory of Tripura.</p> <p>Consequently, this Act has served its purpose and is now redundant. Hence, it should be repealed. This Act was also recommended for repeal by the PC Jain Commission Report (Appendix A-5).</p>
12.	Himachal Pradesh Legislative Assembly (Constitution and Proceedings) Validation Act, 1958 (56 of 1958)	President, Parliament and State Legislatures	<p>Recommendation: Repeal</p> <p>This Act was enacted to validate the constitution and proceedings of the Legislative Assembly of Himachal Pradesh which was formed under the Himachal Pradesh and Bilaspur (New State) Act, 1954. The Act prescribed that no court shall question any Act passed, or any grant, resolution, proceeding or thing made, passed, adopted, taken or done, by or before the new Legislative Assembly merely on the ground that the new Legislative Assembly had not been</p>

			duly constituted. The Act was enacted specifically to validate the proceedings of the Assembly between 1st July 1954 and 31st October 1956. The Act was clearly time-specific and has now served its purpose. Hence, the Central Govt. Should repeal this Act with a suitable savings clause. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).
13	Married Women's Property (Extension) Act, 1959 (61 of 1959)	Personal Laws	<p>Recommendation: Repeal with an amendment to the Married Women's Property Act, 1874. The Act provided for the extension of the Married Women's Property Act, 1874 to parts of India in which it was not in force. The Act amends the Extent clause of the Married Women's Property Act, 1874 to extend this Act to the whole of India except the State of Jammu and Kashmir. This Act also amends Section 6 of the Married Women's Property Act, 1874. Corresponding amendments have been carried out in the Short Title, Extent and Commencement clause and Section 6 of the Married Women's Property Act, 1874. Hence, this Act has served its purpose and the Central Govt. should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).</p>
15.	Hindu Marriage (Validation of Proceedings) Act, 1960 (19 of 1960)	Personal Laws	<p>Recommendation: Repeal</p> <p>This Act was enacted to validate certain proceedings under the Hindu Marriage Act, 1955. This Act validated all proceedings taken and decrees passed by a court purporting to exercise jurisdiction under the Hindu Marriage Act, 1955 before the commencement of this Act. The Act has served its purpose and the Central Government should repeal this Act. A suitable savings clause should be inserted in the repealing Act. This Act finds mention in Appendix D of the PC Jain Commission Report.</p>
16.	Goa, Daman and Diu (Extension of the Code of Civil Procedure and the Arbitration) Act, 1965 (30 of 1965)	Civil Procedure	<p>Recommendation: Repeal</p> <p>The Act provided for the extension of the Code of Civil Procedure, 1908 and the Arbitration Act, 1940, to the Union territory of Goa, Daman and Diu. The Act also repealed any law in force in Goa, Daman and Diu as corresponds to the Code of Civil Procedure, 1908 or the Arbitration Act, 1940. Consequently, this Act repealed the Portuguese Civil Procedure Code of 1939 which was in force in the Goa, Daman and Diu. The Short Title, Extent and Commencement clause of the Civil Procedure Code, 1908 has been amended to provide for its extension to the whole of India. The Arbitration Act, 1940 has been repealed by Section 85 of the Arbitration and Conciliation Act, 1996. The Arbitration and Conciliation Act, 1996 extends to the whole of India. Hence, the purpose of this Act has been served and the Central Govt. should repeal this Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-1).</p>

17	Goa, Daman and Diu (Absorbed Employees) Act, 1965 (50 of 1965)	Government Employees	<p>Recommendation: Consider for repeal.</p> <p>This Act was enacted to grant the Government power to frame rules of employment for those persons who were in the civil or administrative services under the Portuguese administration of Goa and Daman and Diu. 'Absorbed employee' was defined by the Act as a person who immediately before 20th December 1961 was holding an absorbed post and who on or after that date either served or has been serving in that or any other post in connection with the administration of the Union territory of Goa, Daman and Diu in Central Government. Since a considerable period of time has elapsed since 20th December 1961, the possibility of litigation pending under this Act is low. However, as a matter of abundant caution, the Central Government should consult the Government of the State of Goa to ascertain the status of the Act and the matters pending under it and then repeal the law, if necessary, with a savings clause.</p>
18.	Bengal Finance (Sales Tax) Delhi Validation of Appointments and Proceedings Act, 1971 (20 of 1971)	Taxes, Tolls and Cess Laws	<p>Recommendation: Repeal</p> <p>This Act was enacted in order to validate the appointments of certain officers under the Bengal Finance. (Sales Tax) Act, 1941 as in force in the Union territory of Delhi and to validate proceedings taken by such officers under that Act and the Central Sales Tax Act, 1956. Section 73 of the Delhi Sales Tax Act, 1975 repealed the Bengal Finance (Sales Tax) Act, 1941 in its application to Delhi. Hence, this Act is now redundant and the Central Government should repeal this Act. A suitable savings clause should be inserted into the repealing Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-I).</p>
19.	Punjab Disturbed Areas Act, 1983 (32 of 1983)	Criminal law	<p>Recommendation: Consider for repeal</p> <p>This Act provided for the suppression of disorder and for the restoration and maintenance of public order in the disturbed areas of Punjab. The Act empowered the State Government to declare the whole or any part of any district of Punjab as a disturbed area. This Act was enacted as a direct response to the rise of militancy in Punjab during the 1980s and gives extensive powers to police officers to use force in order to maintain peace and order. By virtue of a notification dated 16th November 1996, the whole State of Punjab was declared a disturbed area for a period of six months, i.e., from 18th November 1996 to 17th May 1997. Also, by a notification dated 9th March 1989, Amritsar, Gurdaspur and Ferozepur were declared as disturbed areas. However, this notification was withdrawn on 28th July 2008. <i>Prima facie</i>, there are no areas declared as</p>

			<p>disturbed in the State of Punjab and the need for this Act has been dispensed with. The Central Government should write to the Government of Punjab to ascertain the status of the Act and also, if any areas are still declared as disturbed areas within the State. This Act has been recommended for repeal by the PC Jain Commission Report (Appendix A-I).</p>
20.	<p>Punjab Gram Panchayat Samithi and Zilla Parishad (Chandigarh) Repeal Act, 1994 (17 of 1994)</p>	<p>Law Relating to Administration of Union Territories and Delhi</p>	<p>Recommendation: Repeal</p> <p>This Act was enacted to repeal the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samities and Zilla Parishads Act, 1961 as in force the Union territory of Chandigarh. Both these Acts have been repealed by the Punjab Panchayati Raj Act, 1994 which extends to the whole State of Punjab. Hence, the Chandigarh Repeal Act of 1994 is now redundant. The Central Govt. should repeal the Act. This Act has also been recommended for repeal by the PC Jain Commission Report (Appendix A-5).</p>