



CHHATTISGARH

**REPEAL LAW
COMPENDIUM**



2017

CHHATTISGARH
REPEAL LAW
COMPENDIUM
2017

An initiative of



In collaboration with



and **kb. KÄDEN BORISS**
LAWYERS

First published in 2017 by
Centre for Civil Society

Cover design and layout by
Usha Sondhi Kundu, Centre for Civil Society

Design assistance by
Ayushi Jain, Centre for Civil Society

For more information and other requests, write to:
Centre for Civil Society
A-69 Hauz Khas, New Delhi – 110016
Phone: +91 11 26537456 | Email: ccs@ccs.in | Website: www.ccs.in

Right to quote, share and publish is granted with due
acknowledgement to the authors and Centre for Civil Society.

Printed at
Mehra Impressions, New Delhi

ISBN: 978-81-87984-32-0



Centre for Civil Society

Centre for Civil Society (CCS) advances social change through public policy. Its work in education, livelihood, and policy training promotes choice and accountability across private and public sectors. To translate policy into practice, CCS engages with policy and opinion leaders through research, pilot projects and advocacy.

CCS is India's leading liberal think tank, ranked 80 worldwide by the annual study conducted by the Think Tanks and Civil Society Program at the University of Pennsylvania.



Hidayatullah
National
Law University

About Hidayatullah National Law University

"Dharma Sansthanartham" (for the sake of establishing the primacy of the laws of eternal values) is the motto of Hidayatullah National Law University (HNLU), Raipur, established by the Government of Chhattisgarh under the Hidayatullah National University of Law, Chhattisgarh, Act, 2003. HNLU being one of the most prestigious center for legal education in India offers innumerable opportunities for the students to interact with academicians, lawyers, Judges, firms, banking and other related institutions.



About Kaden Boriss Partners

Kaden Boriss Partners is the lead law firm of Kaden Boriss Global, a worldwide network of full-service law offices specializing in legal, business strategy and tax advisory services. An Indian law firm, it is the outcome of an innovative thought process to establish a law firm with a global network of legal and business strategist firms across different continents. The concept and brand were founded on 26 September 2003 by the Delhi-based International Business Lawyer, Mr. Hemant K Batra and his spouse and International Financial Lawyer, Mrs. Preeti W. Batra.

With offices in Gurugram (National Capital Region of India), New Delhi, Dubai, Brisbane, Sydney, Melbourne, Seoul, Singapore, Bangkok, London and Kuwait, Kaden Boriss' professionals are uniquely positioned to offer bespoke legal and business advisory services to all businesses, private investors and Governments.

The founder, Hemant K Batra, believes in having a strong commitment towards the community. Hence, Kaden Boriss actively supports socio-economic, community & societal initiatives and non-profit organizations, providing them with pro bono legal services and financial support, when required.

Table of Contents

Introduction	7	
Research Methodology	8	
Compendium of Laws to be Repealed in Chhattisgarh		
1	Chhattisgarh Borstal Adhiniyam	11
2	Chhattisgarh Manyata Prapt Pariksha Adhiniyam	12
3	Chhattisgarh Goseva Ayog Adhiniyam	13
4	The Chhattisgarh Bhiksha Vritti Nivaran Adhiniyam	14
5	Chhattisgarh Dakaiti aur Vyaparahan Prabhavit Kshetra Adhiniyam	15
6	The Chhattisgarh Gram Nyayalaya Adhiniyam	16
7	Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Act	17
8	Chota Nagpur Encumbered Estates Act	18
9	Central Provinces Land Revenue Act	19
10	Central Provinces Tenancy Act	20
11	The Chhattisgarh Auxiliary Armed Police Force Act	21
12	Chhattisgarh Vishesh Jan Suraksha Adhiniyam	22
13	Central Provinces (Court of Wards) Act	23
14	Hackney-Carriage Act	24
15	Madhya Bharat Sinhastha Mela Act	25
16	Central Provinces Financial Commissioners Act	26
17	Central Provinces (laws) Act	27
18	Stage-Carriages Act	28
19	The Births, Deaths and Marriages Registration Act	29
20	Agriculturists' Loans Act	30
21	Sales of Land for Revenue Arrears	31
22	Improvement in Towns Act	32
23	The Waste-Lands (Claims) Act	33
24	Central Provinces Slaughter of Animals Act	34
25	Bhelsa Ramlila Fair Act	35

Authors and Contributors

AUTHORS

Kevin James

5th year, B.A.LL.B. (Hons.),
Hidayatullah National Law University, Raipur

Shreya Shrivastava

5th year, B.A.LL.B. (Hons.),
Hidayatullah National Law University, Raipur

Trishna Das

5th year, B.A.LL.B. (Hons.),
Hidayatullah National Law University, Raipur

Vijaya Nandini

5th year, B.A.LL.B. (Hons.),
Hidayatullah National Law University, Raipur

CONTRIBUTORS

Hemant K. Batra

Founder & Global Chairman,
Kaden Boriss Partners

Neeti Shikha

National Coordinator, Project Repeal of Laws, Centre for Civil Society
Associate Professor, Symbiosis Law School Noida

Nitesh Anand

Associate, Advocacy,
Centre for Civil Society

Swati Jha

Associate Advocate,
Kaden Boriss Partners

Introduction

The *Rule of Law* forms the very foundation of a modern democratic society- defining the functionality of its public administration as well as the behavior of the private agents that constitute it. The effective codification of such a rule of law, requires as its prerequisites, to be precise in enshrining the intrinsic attributes of the democracy it serves and ensuring that this is done in the simplest manner possible.

As one of the largest democracies in the world with an ever-rising population, India's enthusiasm for legislation has had, as a by- product, several statutes that with the advent of time have become obsolete, redundant or repetitive. In addition to this, there is the matter of inconsistent language and dissemination- making it difficult for an ordinary citizen to access and comprehend the plethora of legal information with ease.

This increased transaction cost coupled with glaring redundancies further breeds fertile grounds for corruption, discouraging individuals and firms to engage with the society/ economy at large. Distorting the competitive dynamics of the economy, it leaves only those producers in the market who have surplus capital to bear the costs of compliance. This, in effect, weakens the social fabric by incentivizing behavior such as corruption and cheating.

Faced with such unsettling eventualities, it is imperative that a strong movement is reckoned with the sole objective of reforming legal structures of the country through framing of sound laws and construction of State capacity to enable accountable enforcement.

To accomplish such a feat would require a ground- up hygiene check of existing laws, and the subsequent repealing of outdated laws, wherever necessary. This cleansing would yield a substantial impact in the functioning of the country- both in terms of a well- oiled economy as well as a stronger societal presence.

History of Repeal Laws in India

The last serious effort in cleaning up the statute books was in the year 2001, during the administration of the Bharatiya Janata Party (BJP) led National Democratic Alliance (NDA) Government. The then Government had acted swiftly and decisively in implementing some of the recommendations

put forward by the previous Law Commissions as well as the Report of the Commission on Review of Administrative Laws, 1998 by the PC Jain Commission), which vociferously advocated for statutory legal reform. Since then, however, there has been no systematic effort at weeding out dated and principally flawed laws.

During the 2014 General Election campaigns, BJP prime ministerial candidate Shri Narendra Modi promised the electorate that his administration, should they be elected, would make a sincere attempt at an extensive statutory legal clean up. He committed to the repeal of 10 redundant laws for every new law that was passed, and that in the first 100 days in office, he would undertake the task of repealing 100 archaic and burdensome laws. Keeping up with that promise, the BJP- led NDA Government tabled the 'Repealing and Amending Bill (2014)' in the Lok Sabha, recommending the revision of 36 obsolete laws. In his explanation of the exercise, the present Minister for Law & Justice, Shri Ravi Shankar Prasad, committed that the exercise of weeding out antiquated laws would be a continuous process – one that would help de-clog India's legal system. In addition to this, the Prime Minister has set up a special committee under his Office to oversee this exercise.

Centre of Civil Society, through its public interest litigation initiative 'iJustice', National Institute of Public Finance and Policy (NIPFP) Macro/Finance Group and Vidhi Legal Policy Centre, began what was called the 'Repeal of 100 laws' Project¹. This was an independent research and advocacy initiative to identify central laws that were either redundant or a material impediment to the lives of citizens, entrepreneurs and the Government. The results of the initiative were articulated in a report titled 100 Laws Repeal Project , which was further acknowledged by a Report on 'Obsolete Laws: Warranting Immediate Repeal', published by Law Commission of India in September 2014. Further, 23 of the suggested Central Laws were included in the 'Repealing and Amending (Third) Bill, 2015'.

For the current phase of the Repeal of Laws Project, a study has been conducted in 5 States namely, Maharashtra, Uttar Pradesh, Chattisgarh, Telangana and Karnataka. Kaden Borriss Partners, the legal partner for this phase, assisted in the studying and vetting of the recommendations from all the 5 States.

¹ The report can be accessed at www.ccs.in/100laws

Research Methodology

The identification of laws recommended for repeal in this compendium has been done through a scientific ‘grading’ method. The grading method has been explained below.

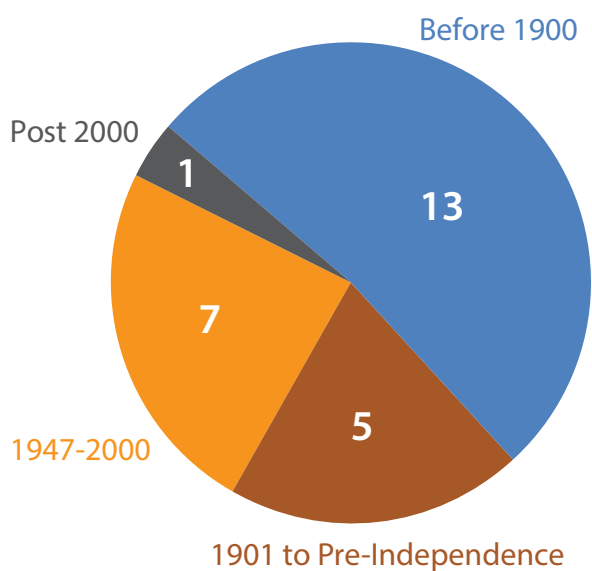
‘Grading’ of Cases for Repeal

All laws contained herein have been assigned a ‘grade point’, ranging from 1 to 5. A grade point of 5 indicates the strongest possible case for repeal, whereas 1 indicates a relatively weak case. In assigning grade points, the following factors, inter alia, have been considered: i) whether the law has been recommended for repeal by Law Commission Reports or other Government Reports, ii) whether there have been Judgements that have criticized the law and given a recommendation for repeal, iii) whether the law has become redundant due to reorganization of States or the law having outlived its purpose, iv) whether the law has been subsumed or superseded by a new, subsequent Central/State law.

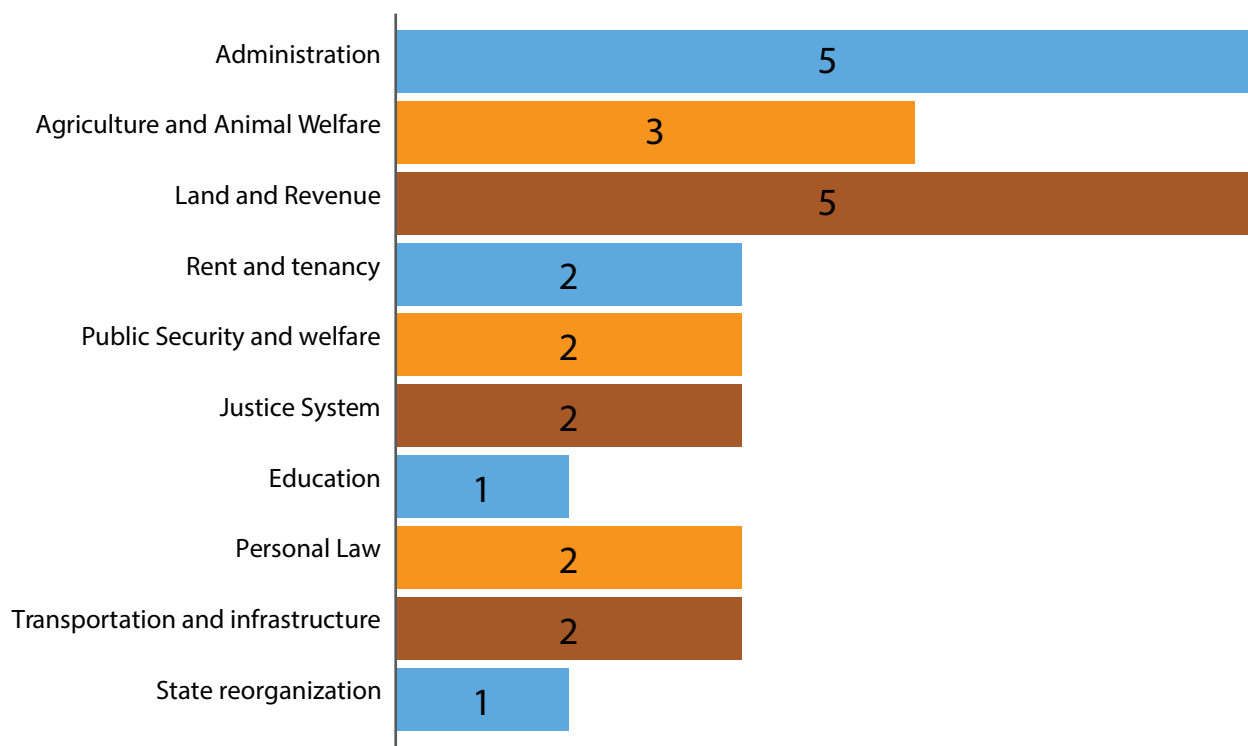
Key Features

This compendium of “Recommended laws for Repeal in the state of Chhattisgarh” has a total of 25 laws ranging from British to more recent laws. There are laws dealing with various subjects and the reasons for repeal are also very varied. Few of the key features are:

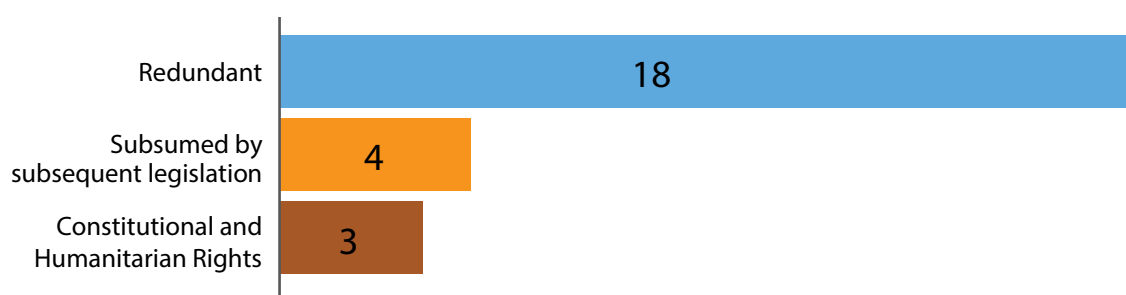
A. Law Enactment Year



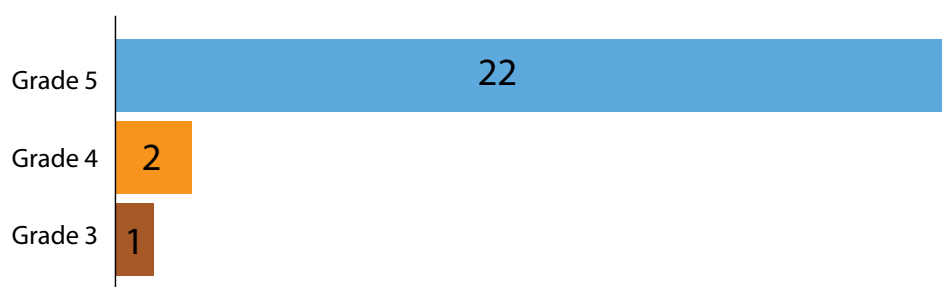
B. Themes



C. Reasons for repeal



D. Grading





COMPENDIUM OF LAWS
TO BE REPEALED IN
CHHATTISGARH

1

CHHATTISGARH BORSTAL ADHINIYAM, 1928

Subject:	CHILD WELFARE
Reason:	The Act has been subsumed by a subsequent Central legislation, namely the Juvenile Justice (Care and Protection of Children) Act, 2015
Grade:	5

What is the Law?

The purpose of this Act is to make provision for the establishment and regulation of Borstal Institutions in Chhattisgarh and/ or detention and training of adolescent offenders therein.

Key Features

- Establishment and regulation of Borstal Institutions.
- Detention/training of adolescent offenders between the age of 16 to 21, in a Borstal School for 2 to 5 years, liable to be sentenced to transportation or imprisonment.
- Special powers to District Magistrates with respect to detention of any male person, between the age of 16 to 21, who has been sentenced for an offence to rigorous imprisonment or transportation.
- License for discharging the offender from the institution before the expiration of the term of detention

Reasons for Repeal

- The Act has outlived its purpose as it had evolved based on the Reformatory Schools Act, 1897, provided for detention of youthful offenders. Section 63 of the Juvenile Justice Act (JJ Act), 1986, repealed any law in force in any State that corresponded to the JJ Act, on the date on which the Act came into force in the concerned State. The Reformatory Schools Act, 1897 was one of the legislations, which was still in force at that time, but has not been formally repealed. Thus, the Borstal Schools Act, being a parallel legislation, should also be repealed.
- It's redundant in the light of the reformatory provisions provided for offenders upto 18 years of age under the Juvenile Justice (Care and Protection of Children) Act, 2015 ("Juvenile Justice Act"). The latter Act targets two groups—children in need of care and protection, and

juveniles in conflict with law. It provides for setting up of observation homes and special homes for juveniles in conflict with law and children homes for children needing care and protection during the pendency of inquiry and subsequent rehabilitation. Since the Juvenile Justice Act 2015 is a special enactment for dealing with juveniles in conflict with law, it will eclipse a certain portion of the Borstal Schools Act. Thus, an offender, who is below the age of 18 years, can never fall within the purview of the Borstal Schools Act, because, he or she will automatically come under the protective umbrella of the Juvenile Justice Act.²

- The age limit of an adolescent or a child targeted by this Act is 16 to 21 years, which is in contravention to the definition of a child, to be a person below the 18 years of age, under the Juvenile Justice Act and other Indian statutes and International Conventions.
- The offenders above 18 years of age are already provided with the industrial training and other skill development measures, as per the National Policy on Prison Reforms and Correctional Administration,³ which makes the objective of this Act redundant for the offenders between 18-21 years of age.
- The High Court of Madras in N. Gowthaman's case also commented that the Borstal school concept has outlived its purpose and it suggested to the State Government to consider repealing the Tamil Nadu Borstal Schools Act, 1925, which is an Act based on the Reformatory Schools Act, 1897 and parallel to the Chhattisgarh Borstal Adhiniyam, 1928.⁴

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be subject to the repealing legislation.

² N. Gowthaman v. The Government of Tamil Nadu and Ors., <https://indiankanoon.org/doc/144219090/>

³ <http://www.bprd.nic.in/WriteReadData/userfiles/file/5261991522-Part%20I.pdf>

⁴ N. Gowthaman v. The Government of Tamil Nadu and Ors., <https://indiankanoon.org/doc/144219090/>

2

CHHATTISGARH MANYATAPRAPT PARIKSHA ADHINIYAM 1937

Subject:	EDUCATION
Reason:	The Act has been subsumed by a subsequent state legislation, namely the Chhattisgarh Public Examination (Prevention of Unfair Means) Act, 2008
Grade:	5

What is the Law?

This Act is to prevent leakage of question set for recognized examinations and to provide for penal actions for adoption of unfair means at such examinations and for matters connected therewith.

Key Features

- Prohibition of the use of unfair means
- Possession and disclosure of question paper
- Prohibition to give information, by such person to whom examination work is handed over
- Penalties

Reasons for Repeal

- The object and scope of this Act has been covered by a more recent State law i.e. the Chhattisgarh Public Examination (Prevention of Unfair Means) Act, 2008 which was passed with a similar objective- "An Act to prevent the leakage of question papers and use of unfair means in a public examination and to provide for matter connected therewith and incidental thereto". The latter Act is more comprehensive and detailed prohibits entry into an examination center, assistance to examinee by management, etc. unless authorized in that behalf. Hence, this Act has become redundant.

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be to subject to the repealing legislation.

3

CHHATTISGARH GOSEVA AYO ADHINIYAM, 1995

Subject:	ANIMAL-WELFARE
Reason:	The Act has been subsumed by a subsequent State legislation, namely the Madhya Pradesh State Reorganization Act, 2000.
Grade:	5

What is the Law?

This Act is to establish GosevaAyog for the preservation and welfare of cattle in the State, for supervision and control of Institutions and to provide for matters connected therewith and incidental thereto.

Key Features

- Constitution, functions, power and funds of the Ayog
- Terms and conditions of appointment of members of the Ayog, members of the Ayog to be public servants.
- Accounts and audit, annual report, returns etc.

Reasons for Repeal

- This Act was enacted by Madhya Pradesh and adopted by Chhattisgarh in the light of the MP State Reorganization Act, 2000. However, Chhattisgarh has passed its own legislation 'Chhattisgarh

GosevaAdhiniyam, 2004' with a similar objective and similar provisions – "An Act to establish a GosevaAyog for the preservation and welfare of cattle in the State, for supervision and control of institutions and to provide for matters connected therewith and incidental thereto", and hence the subject matter is sufficiently covered. Further section 11 of the Act of 1995, and 12 of the Act of 2004 deal with "functions of the Ayog" and cover the same areas/functions thereof.

- However, the Act does not have a repeal clause for the 1995 Act. Hence, the 1995 Act becomes redundant in the light of a more recent legislation.

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be to subject to the repealing legislation.

4

THE CHHATTISGARH BHIKSHA VRITTI NIVARAN ADHINIYAM, 1973

Subject:	PUBLIC-WELFARE
Reason:	Violative of Protection of Life & Liberty.
Grade:	5

What is the Law?

The Act has been copied from the Bombay Prevention of Begging Act, 1959. The Act is to consolidate the law relating to beggars and to provide for the prevention of begging, for the detention, training and employment of beggars and their dependents in certified institutions. The Act provides for the custody, trial and punishment of beggar offenders in the State of Chhattisgarh.

Key Features

- Power given to police officers or other person authorized in this behalf in accordance with rules made by the State Government to arrest without a warrant any person who is found begging.
- Summary enquiry in respect of persons found begging and their detention
- Penalty for begging after detention as beggar in a certified institution
- Detention of persons wholly dependent on beggar
- Conversion of the period of detention in a certified institution or part thereof into a term of imprisonment.
- Release on license and revocation of license
- Power given to District Magistrate to take fingerprints of detained beggars

Reasons for Repeal

- The Act treats beggars as criminals. If convicted under this law, a person can spend anything between 1 to 10 years in beggars' home.
- It imposes impediments to freedom of life and personal liberty guaranteed under the Constitution of India not just of the beggars, but also their dependents.

⁵ *Ram Lakhan vs. State (137 (2007) DLT 173)*

- The present Act gives discretionary and arbitrary powers to the police to pick up anyone on a hunch that the individual is a beggar or a destitute with no means of fending for himself.
- The Hon'ble Delhi High Court in *Ram Lakhan vs. State*⁵ held that the detention of persons begging because of poverty is dehumanizing to them, and is a disgrace and a failure of the State.
- There are no reported convictions under the Act.
- The Central Government has brought a draft bill "Persons in Destitution (Protection Care and Intervention)" Model Bill, 2016, to be implemented by all State Governments that will give rights to destitute to demand help from the states. It aims to do away with the laws that criminalize begging and to "provide protection, support training and other services to all persons in destitution."
- The model bill states that "Persons in destitution" refers to homeless persons, persons in begging, persons with physical and mental disabilities, the old, infirm and other such persons who are above 18 years of age and in a state of poverty or abandonment arising from economic or social deprivation and sustained unemployment." It further provides for "procedure for dealing with beggar offenders" and that the infrastructure, human resource and institutions established under the Beggary Prevention Legislation of a state, shall be utilized for purposes under the Bill.

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be subject to the repealing legislation.

5

CHHATTISGARH DAKAITIAUR VYAPARAHAN PRABHAVIT KSHETRA ADHINIYAM, 1981 - TRISHNA

Subject:	INEFFECTIVE GOVERNANCE AND ADMINISTRATION
Reason:	The Act is Redundant
Grade:	5

What is the Law?

This Act makes provisions for specifying certain offences in the dacoity and kidnapping affected areas of Chhattisgarh. It also provides for related punishments and speedy trial to curb effectively the commission of such specified offences and it also makes provisions for the attachment of properties acquired through the commission of specified offences.

Key Features

- Constitution of Special Courts for speedier trial
- Attachment of property obtained by the dacoity and kidnapping

Reasons for Repeal

- In the presence of Indian Penal Code and Code of Criminal Procedure which deal with the offences and

punishments for dacoity and kidnapping, it is redundant to have a separate Act that deals with dacoity and kidnapping in some specific areas of Chhattisgarh. Also, currently there are no areas in Chhattisgarh that have been declared by the State Government to be affected by dacoity or kidnapping. Therefore, there is no need for special laws for these offences.

- Further, as per the Madhya Pradesh Dakaiti Aur Vyapharan Prabhavit Kshetra Niyam 1984, this Act has been repealed in Madhya Pradesh. Hence, the same should be done for Chhattisgarh as well.

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be subject to the repealing legislation.

6

THE CHHATTISGARH GRAM NYAYALAYA ADHINIYAM, 1996 - TRISHNA

Subject:	INEFFECTIVE GOVERNANCE AND ADMINISTRATION
Reason:	The Act has been subsumed by a subsequent Central Act, namely the Gram Nyayalayas Act, 2008
Grade:	4

What is the Law?

This Act provides for the disposal of simple cases in rural areas by Gram Nyayalaya.

Key Features

- Establishment and Constitution of a Gram Nyayalaya
- Finality of decisions passed by the Gram Nyayalaya
- Jurisdiction of the Gram Nyayalaya is clearly laid out
- The rules with respect to Gram Nyayalayas are made by the State Government

Reasons for Repeal

The Gram Nyayalayas Act, 2008 is a Central Act which has a similar objective as the State Act. It is more comprehensive in nature and covers more aspects than the State Act. The provisions of the Central Act are precise, in the light of which the State Act appears redundant. Also, the Central Act includes all the provisions provided for in the State Act.

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be subject to the repealing legislation.

7

JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS VALIDATION) ACT, 1935

Subject:	PERSONAL LAWS
Reason:	The Act is Redundant
Grade:	5

What is the Law?

The purpose of this Act is to remove certain doubts and validate certain proceedings of the High Court of Judicature of Allahabad.

Key Features

- 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 Jabalpur and Chhattisgarh divisions of the Central Provinces.
- A validation Act for certain decisions taken by the High Court of Allahabad, deeming them to be valid in law as though taken by the Court of the Financial Commissioner.

Reasons for Repeal

- 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.⁶

- Chhattisgarh now has its own High Court at Bilaspur which is the appropriate authority for “jurisdiction of the High Court under the Indian Divorce Act, 1869”, and not the Judicial Commissioner of the Central Provinces.
- This Act was recommended for repeal by the Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal” (Third Interim Report; Report No. 250).⁷
- This Act has also been recommended for repeal by the PC Jain Commission Report.⁸
- This Act is included in the Repealing and Amending Bill, 2017, introduced in the Lok Sabha on February 9, 2017.⁹
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.¹⁰

Issues

There are no legal issues that would impede repeal.

⁶ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Third Interim Report, Report No. 250, p. 7, available at: http://lawcommissionofindia.nic.in/reports/Report_No.250_signed_copy.pdf

⁷ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Third Interim Report, Report No. 250, p. 7, available at: http://lawcommissionofindia.nic.in/reports/Report_No.250_signed_copy.pdf

⁸ PC Jain Commission Report, Appendix A-1, p. 79, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

⁹ Repealing and Amending Bill, 2017, First Schedule, available at: <http://www.prsindia.org/uploads/media/Repealing%20and%20amending/Repealing%20and%20Amending%20Bill,%202017.pdf>

¹⁰ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 54, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol-I-.pdf>



CHOTA NAGPUR ENCUMBERED ESTATES ACT, 1876

Subject: LAND LAWS
Reason: The Act is Redundant
Grade: 5

What is the Law?

This Act provides relief of certain landholders in Chota Nagpur who are in debt, and whose immovable property is subject to mortgages, charges and liens.

Key Features

- Providing various debt relief schemes for landholders in the Chota Nagpur area.
- Provisions for vesting order, duties of manager, settlement of debts, powers of manager, etc.

Reasons for Repeal

- 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.¹¹

- In view of the abolition of Estates, the aforesaid Act has become redundant and obsolete in the present-day scenario and needs to be repealed.¹²
- This Act was recommended for repeal by the Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal” (Second Interim Report; Report No. 249).¹³
- This Act has also been recommended for repeal by the PC Jain Commission Report.¹⁴
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.¹⁵

Issues

There are no legal issues that would impede repeal.

¹¹ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Second Interim Report, Report No. 249, p. 21, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

¹² Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister’s Office, Volume 1, part I, p. 317, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

¹³ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Second Interim Report, Report No. 249, p. 21, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

¹⁴ PC Jain Commission Report, Appendix A-5, p. 83, available at: http://darp.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

¹⁵ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister’s Office, Volume 1, part I, p. 317, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

9

CENTRAL PROVINCES LAND REVENUE ACT, 1881

Subject:	LAND REVENUE
Reason:	The Act is Redundant
Grade:	5

What is the Law?

This Act consolidates and amends the law relating to land revenue and the power of revenue officers in the Central Provinces.

Key Features

Provisions regarding:

- Powers and procedure of Revenue Officers
- Survey and settlement
- Demarcation of lands
- Assessment of land revenue
- Investigation and record-of-rights
- Collection of land revenue
- Village officers and patwaris

Reasons for Repeal

- The areas under the erstwhile Central Provinces 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.³⁰ In the case of Chhattisgarh, the Chhattisgarh Land Revenue Code, 1959, is applicable, and hence the subject matter is sufficiently covered. For instance,

section 27 of the act of 1881 is reads as “ wherever it appears to the Chief Commissioner that a revenue-survey should be made in any local areas, he shall publish a notification in the official gazette directing that such survey be made, and cause translations of such notification in the language of the district to be posted up in conspicuous places in such area, and thereupon all officers in charge of such survey”.

- Similarly section 67(1) of the Chhattisgarh Land Revenue Code, 1959 reads as “Whenever the State Government decides that a revenue survey should be made of any local area, it shall publish a notification to that effect, and such local area shall be held to be under such survey from the date of such notification until the issue of a notification declaring the operations to be closed.”
- This Act was recommended for repeal by the Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal” (Second Interim Report; Report No. 249).¹⁶
- This Act has also been recommended for repeal by the PC Jain Commission Report.¹⁷
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.

Issues

There are no legal issues that would impede repeal.

¹⁶ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Second Interim Report, Report No. 249, p. 24, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

¹⁷ PC Jain Commission Report, Appendix A-5, p. 83, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

10

CENTRAL PROVINCES TENANCY ACT, 1898

Subject: RENT AND TENANCY
Reason: The Act is Redundant
Grade: 5

What is the Law?

This Act consolidates and amends the law relating to agricultural tenancies in the Central Provinces.

Key Features

- Relating to agricultural tenancies in the Central Provinces.
- Consolidated and amended the law relating to the same.
- It divided tenants into five categories and made provisions relating to rent payable by the tenants

Reasons for Repeal

- 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 inapplicable.¹⁸ It must therefore be repealed. In the case of Chhattisgarh,

the Chhattisgarh Rent Control Act, 2011 with a similar objective that is “to provide for adjudication of matters relating to rent by a Tribunal and to promote leasing of accommodation by balancing the interests of landlords and tenants”, is applicable and hence the subject matter is sufficiently covered.

- This Act was recommended for repeal by the Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal” (IInd Report; Report No. 249).¹⁹
- This Act has been recommended for repeal by the PC Jain Commission Report.²⁰
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.²¹

Issues

There are no legal issues that would impede repeal.

¹⁸ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Second Interim Report, Report No. 249, p. 33, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

¹⁹ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Second Interim Report, Report No. 249, p. 33, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

²⁰ PC Jain Commission Report, Appendix A-5, p. 83, available at: http://darp.gov.in/sites/default/files/Review_Administrative_laws_Vol_1.pdf

²¹ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part 1, p. 324, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol1-.pdf>

11

THE CHHATTISGARH AUXILIARY ARMED POLICE FORCE ACT, 2011

Subject:	LAW AND ORDER
Reason:	The Act Circumvents Judicial Pronouncements
Grade:	4

What is the Law?

This Act provides for the constitution and regulation of an Auxiliary Armed Police Force in the State to aid and assist the security forces in the maintenance of public order, prevention, control and combating Maoist/naxal violence, insurgency, etc. and matters connected therewith and incidental thereto.

Key Features

Provisions regarding constitution and organization of the Force, and more specifically:

- Functions and duties
- Direction, supervision
- Appointment
- Training
- Remuneration and allowances
- Termination
- Protection for acts of Force

Reasons for Repeal

- The Supreme Court in *Nandini Sundar & Ors vs State of Chhattisgarh*²² (2011) held that “Given the number of civil society groups, and human rights activists, who have repeatedly been claiming that the appointment of tribal youths as SPOs... has led to increasing human rights violations, and further given that NHRC itself has found that many instances of looting, arson, and violence

can be attributed to the SPOs and the security forces, we cannot but apprehend that such incidents are on account of the lack of control, and in fact the lack of ability and moral authority to control, the activities of the SPOs. The appointment of tribal youth as SPOs, who are barely literate, for temporary periods, and armed with firearms, has endangered and will necessarily endanger the human rights of others in the society... both Article 21 and Article 14 of the Constitution of India have been violated, and will continue to be violated, by the appointment of tribal youth, with very little education, as SPOs engaged in counter-insurgency activities. The lack of adequate prior education incapacitates them with respect to acquisition of skills, knowledge and analytical tools to function effectively as SPOs engaged in any manner in counter-insurgency activities against the Maoists.”

- The Supreme Court directed that the SPOs be disarmed. This Act merely rebrands SPOs as Auxiliary Armed Police Force and is therefore a means of circumventing the Supreme Court’s directions.²³
- The Court in *Grand Kakatiya Sheraton Hotel and Towers Employees and Workers Union vs. Srinivasa Resorts Limited and others*²⁴ held that, in a situation where a Statute is held to be unconstitutional the offending provisions cannot be reintroduced with cosmetic changes.
- Hence the Act shall be repealed

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be to subject to the repealing legislation.

²² AIR 2011 SC 2839

²³ Universal Periodic Review (India), Working Group on Human Rights in India and the UN, United Nations Human Rights Council, 13th session of UPR Working Group, p. 10, available at: https://www.google.co.in/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=0ahUKEwi8rMy-yfvUAhXF48KHchtCIsQFggvMAM&url=http%3A%2F%2Flib.ohchr.org%2FHRBodies%2FUPR%2FDocuments%2Fsession13%2FIN%2FWGHR_UPR_IND_S13_2012_WGonHRinIndiaandtheUNcomprisingofActionAidIndia_E.doc&usq=AFQjCNE48rMKKtbWLPfqsG6bik-npzrJQw

²⁴ (2009) 5 SCC 342

12

CHHATTISGARH VISHESH JAN SURAKSHA ADHINIYAM, 2005

Subject:	PUBLIC SECURITY
Reason:	Violates human rights and restricts free speech
Grade:	3

What is the Law?

This Act provides for more effective prevention of certain unlawful activities of individuals and organizations and matters connected thereto.

Key Features

- Declaration of an organization as unlawful
- Advisory Board - Constitution, reference, procedure and action upon report
- Penalties
- Power to notify and take possession of places used for unlawful activities
- Power to forfeit funds of an unlawful organization

Reasons for Repeal

- The People's Union for Democratic Rights (PUDR) released a detailed critique of this statute when it was still a bill. Some of the objections they had were as follows:
 - Extremely broad ambit of definition of "unlawful activities", thus giving wide, unrestricted powers to the State and hence is contrary to the principles of natural justice.
 - Broad powers to the State Government to declare any organization as "unlawful" for a period of 1 year without specifying grounds.
 - An excessively harsh imprisonment term of 3 years for merely being a member of unlawful organisation.
 - Although this Act was ostensibly meant to combat growing Maoist violence, all the Maoist groups

operating in Chhattisgarh were already banned and declared unlawful organizations after the 2004 amendment to the Unlawful Activities - Act, 1967.

- It has been used to suppress political dissent by restricting free speech, and has resulted in human rights repression.
- The Act prescribes punishment with imprisonment for up to three years merely for being a member of an organization that has been declared unlawful. A person is liable to punishment even if s/he were a member, participated in its meetings or received contributions on its behalf before the organization was declared unlawful. This breaches the well-established principle of non-retroactivity of laws, which holds that a person cannot be punished for an act that was not illegal at the time it was committed, overlooking Article 21 of the Constitution that guarantees that no one shall be deprived of life or liberty except according to the procedure established by law

- In a report submitted by the Working Group on Human Rights in India and the UN in the 13th session of the UPR Working Group in the UN Human Rights Council, this statute was included in a group of laws which was collectively described as "which violate national and international human rights guarantees, provide extensive powers (to arrest, detain without trial and "shoot to kill" on suspicion) to security forces and exempt them from prosecution in absence of executive sanction, spawning a culture of impunity."²⁵

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be subject to the repealing legislation.

²⁵ Universal Periodic Review (India), Working Group on Human Rights in India and the UN, United Nations Human Rights Council, 13th session of UPR Working Group, p. 10, 12, available at: https://www.google.co.in/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=0ahUKewi8rMy-yfvUAhXF48KHchtCl5QFggvMAM&url=http%3A%2F%2Flib.ohchr.org%2FHRBodies%2FUPR%2FDocuments%2Fsession13%2FIN%2FWGHR_UPR_IND_S13_2012_WGonHRinIndiaandtheUNcomprisingofActionAidIndia_E.doc&usq=AFQjCNE48rMKKtbWLPfqsG6bik-npZrJQw

13

CENTRAL PROVINCES (COURT OF WARDS) ACT, 1899

Subject:	PROPERTY LAW
Reason:	The Act is Redundant
Grade:	5

What is the Law?

The Act consolidated and amended the law relating to the Court of Wards in the Central Provinces.

Key Features

- Commissioner to be Court of Wards
- Superintendence by Court of Wards of property of disqualified land-holder
- Temporary provisions for custody of heirs and property protection.
- Delegation of powers by Court of Wards
- Procedure when succession to Government ward's property is disputed

Reasons for Repeal

- The States which constituted the erstwhile Central Provinces – Madhya Pradesh, Maharashtra and Chhattisgarh- no longer exists as an administrative unit.
- This Act was recommended for repeal by the Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal” (Sl. No. 59, Chapter 2 of Second Interim Report; Report No. 249).²⁶
- The Act was also recommended for repeal by the PC Jain Commission Report (Entry 32, Appendix A-5).²⁷
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.

Issues

There are no legal issues that would impede repeal.

²⁶ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Second Interim Report, Report No. 249, p. 34, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

²⁷ PC Jain Commission Report, Appendix A-5, p. 83, available at: http://darp.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

14

HACKNEY-CARRIAGE ACT, 1879

Subject: TRANSPORTATION AND INFRASTRUCTURE
Reason: The Act is Redundant
Grade: 5

What is the Law?

The Act provides for the regulation, licensing of hackney carriages, defined as wheeled vehicles drawn by animals for the conveyance of passengers in certain Municipalities and Cantonments. It would only pertain to municipalities in which the State Government applied the Act by notification, and such states were limited to 'Uttar Pradesh, Punjab as it existed immediately before 1 November 1956, the Central Provinces, Assam, Ajmer or Coorg'.

Key Features

- Municipal Committees were given the power to make rules under the Act.
- Commissioner was given the power to confirm or rescind the rules framed.
- License to be provided driver upon paying certain fixed fees and under prescribed conditions under the Act for a limited period on completion of which it can be revoked.
- Disputes to be determined by a Magistrate after an application has been made in that regard within the local jurisdiction where the dispute arose.

Reasons for Repeal

- Animal-drawn carriages are licensed by police under

local laws, rather than under Central laws such as this one. For example, in Mumbai licensing of horse-drawn carriages is done under The Bombay Public Conveyance Act, 1920. This is a subject matter for local government, and in keeping with this principle, the Government should repeal this Act.²⁸

- There is no record of the Act being in use in any of the mentioned states since Independence.²⁹
- This Act was recommended for repeal by the Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal" (Sl. No. 37, Chapter 2 of Second Interim Report; Report No. 249).³⁰
- The Act was also recommended for repeal by the PC Jain Commission Report (Entry 47, Appendix A-5).³¹
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be to subject to the repealing legislation.

²⁸ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 33, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

²⁹ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Second Interim Report, Report No. 249, p. 23, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

³⁰ PC Jain Commission Report, Appendix A-5, p. 83, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

³¹ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 33, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

15

MADHYA BHARAT SINHASTHA MELA ACT, 1955

Subject: ADMINISTRATION
Reason: The Act is Redundant
Grade: 5

What is the Law?

An Act to provide for the proper management of the Sinhastha Mela at Ujjain.

Key Features

- Appointment of a Central Committee to formulate policy and guide and advise the District Magistrate and the Local Committee in the performance of their duties under the Act.
- District Magistrate given power to impose toll and fees within the Mela Area.

Reasons for Repeal

- The Act extends to such area as may from time to time be defined by the District Magistrate and notified in the Government Gazette as Sinhastha Mela Area in Ujjain which is in the State of Madhya Pradesh. Hence, this Act is inapplicable in the State of Chhattisgarh.
- There is no record of the Act being in use in Chhattisgarh since Independence.

Issues

There are no legal issues that would impede repeal.

16

CENTRAL PROVINCES FINANCIAL COMMISSIONERS ACT, 1908

Subject: LAND LAWS
Reason: The Act is Redundant
Grade: 5

What is the Law?

An Act to provide the appointment of the Financial Commissioner for the Central Provinces and further to amend the Central Provinces Land Revenue Act, 1881.

Key Features

- To provide for the appointment of a Financial Commissioner for the Central Provinces.

Reasons for Repeal

- The States which constituted the erstwhile Central Provinces – Madhya Pradesh, Maharashtra and Chhattisgarh- no longer exists as an administrative unit. The Act is not in use.
- The Central Provinces Land-revenue Act, 1881 was enacted to consolidate and amend the law relating

to Land-revenue and the powers of Revenue-officers in the Central Provinces and it has become irrelevant and obsolete in the present-day scenario. The Central Provinces Financial Commissioner's Act, 1908 is in furtherance to Central Provinces Land-revenue Act, 1881 and it has also lost its relevance and needs to be repealed.³²

- The Act was recommended for repeal by the PC Jain Commission Report (Entry 33, Appendix A-5).³³
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.³⁴

Issues

There are no legal issues that would impede repeal.

³² Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 325, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

³³ PC Jain Commission Report, Appendix A-5, p. 83, available at: http://darp.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

³⁴ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 325, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

17

CENTRAL PROVINCES (LAWS) ACT, 1875

Subject:	STATE REORGANIZATION AND EXTENSION OF LAWS
Reason:	The Act is Redundant
Grade:	5

What is the Law?

An Act to declare and amend the law in force in the Central Provinces.

Key Features

- Repeal of certain enactments and rules
- Confirmation of existing Acts
- Penalties

Reasons for Repeal

- The States which constituted the erstwhile Central Provinces – Madhya Pradesh, Maharashtra and Chhattisgarh- no longer exists as an administrative unit. The Act is not in use.

- This Act was recommended for repeal by the Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal” (Sl. No 25, Chapter 4, Interim Report; Report No. 248).³⁵
- The Act was also recommended for repeal by the PC Jain Commission Report (Entry 111, Appendix A-1).³⁶
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.³⁷

Issues

There are no legal issues that would impede repeal.

³⁵ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Interim Report, Report No. 248, p. 24, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

³⁶ PC Jain Commission Report, Appendix A-1, p. 77, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

³⁷ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister’s Office, Volume 1, part I, p. 32, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

18 STAGE-CARRIAGES ACT, 1861

Subject: TRANSPORTATION AND INFRASTRUCTURE
Reason: The Act is Redundant
Grade: 5

What is the Law?

An Act for licensing and regulating Stage- Carriages. 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 conveying passengers for hire. The aforesaid Act provides for licensing of Stage Carriages in India which means it extended to whole of India and not to a particular State.

Key Features

- Power to provide or refuse license for a carriage to be used as stage-carriage.
- Penalties

Reasons for Repeal

- 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 and Madhya Pradesh have already repealed this Act because this is a 'spent' Act.³⁸

- Provisions that are specifically concerned with securing proper care of animals employed in drawing stage-carriages have been subsumed considering the Prevention of Cruelty to Animals Act 1960, which penalizes treating animals cruelly. The 1960 Act is wider in scope and provides for extended protection It further imposes a relatively harsher penalty.
- This Act was recommended for repeal by the Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal" (Entry 27, Second Interim Report; Report No. 249).³⁹
- The Act was also recommended for repeal by the PC Jain Commission Report (Entry 96, Appendix A-5).⁴⁰
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.⁴¹

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be to subject to the repealing legislation.

³⁸ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part 1, p. 26, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.1-.pdf>

³⁹ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Second Interim Report, Report No. 249, p. 17, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

⁴⁰ PC Jain Commission Report, Appendix A-5, p. 85, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

⁴¹ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part 1, p. 26, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.1-.pdf>

19

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886

Subject: RECORDS AND STATISTICS
Reason: The Act is Redundant
Grade: 5

What is the Law?

The Act provides for the voluntary registration of the births and deaths of certain classes of persons, mainly Christians and Parsis, along with those governed by the Indian Succession Act, for the establishment of General Registry Offices, for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

Key Features

- Voluntary registration of certain Births and Deaths
- Establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriage

Reasons for Repeal

- The 211th Law Commission Report calls the title of this Act 'misleading' because the Act does not consist any provisions for registration of marriages, either voluntary or compulsory.⁴²
- Further, registration of births and deaths is already provided for under the Registration of Births and Deaths Act, 1969, while the concept of marriage has been repealed from this act.
- Hence, this Act has become redundant in view of the Registration of Births and Deaths Act, 1969.

- The Act was recommended for repeal by the Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal" (Sl. No. 33, Chapter 4, Interim Report; Report No. 248).⁴³
- The Act was also recommended for repeal by the PC Jain Commission Report (Entry 23, Appendix A-5).⁴⁴
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.⁴⁵
- The concept of Registration of Births and Deaths is dealt by the Act of 1969, while registration of marriages take place under specialized laws; however, the Rules made under the Hindu Marriage Act generally mention the Registrar-General of Births, Deaths and Marriages appointed and working under the Births, Deaths and Marriages Registration Act 1886 as the supervisory and appellate authority in respect of Marriage Officers in the State, hence the Act may be repealed with necessary savings provisions in this regard.

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be to subject to the repealing legislation.

⁴² Law Commission of India Report on "Laws on Registration of Marriage and Divorce: A proposal for Consolidation and Reform", Report No. 211, p. 25, available at: <http://lawcommissionofindia.nic.in/reports/report211.pdf>

⁴³ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, p. 28, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

⁴⁴ PC Jain Commission Report, Appendix A-5, p. 82, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

⁴⁵ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 36, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

20

AGRICULTURISTS' LOANS ACT, 1884

Subject:	AGRICULTURE AND ANIMAL HUSBANDRY
Reason:	The Act is Redundant
Grade:	5

What is the Law?

This Act was enacted to amend and provide for the extension to certain territories of the Northern India Takkavi Act, 1879. The 1879 Act was enacted to provide for the recovery of certain advances made to landholders in the territories administered by the Lieutenant-Governors of the North-Western Frontier Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer.

Key Features

Provisions regarding:

- Recovery of loans
- Liability of joint borrowers as among themselves

Reasons for Repeal

- This Act was enacted to amend and provide for the extension to certain territories of the Northern India Takkavi Act, 1879. The 1879 Act was enacted to provide for the recovery of certain advances made to landholders in the territories administered by the Lieutenant-Governors of the North-Western Frontier Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer.

- The 1879 Act does not find mention in the Chronological List of Central Acts published by the Ministry of Law and Justice and hence, does not function now.
- The current Act is meant to be read with the 1879 act and thus cannot exist independently.
- This Act was recommended for repeal by the Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal" (Sl. No. 32, Chapter 4, Interim Report; Report No. 248).⁴⁶
- The Act was also recommended for repeal by the PC Jain Commission Report (Entry 1, Appendix A-5).⁴⁷
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.⁴⁸

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be to subject to the repealing legislation.

⁴⁶ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, p. 27, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

⁴⁷ PC Jain Commission Report, Appendix A-5, p. 82, available at: http://darp.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

⁴⁸ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 320, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

21

SALES OF LAND FOR REVENUE ARREARS, 1845

Subject: LAND REVENUE
Reason: The Act is Redundant
Grade: 5

What is the Law?

The Act was enacted to amend the Bengal Land Revenue Sales Act, 1841. The Bengal Land Revenue Sales Act, 1841 was enacted to amend the Bengal Code relating to sales of land for arrears of Revenue.

Key Features

Bare text not available.

Reasons for Repeal

- This Act was enacted to amend the Bengal Land Revenue Sales Act, 1841 which has become redundant in the presence of Revenue Recovery Act, 1890. Moreover, there are no indications that the Act is being used presently. Hence, it has become redundant and obsolete and is liable to repeal.⁴⁹

- This Act was recommended for repeal by the Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal” (Sl. No. 7, Chapter 2, Second Interim Report; Report No. 249).⁵⁰
- The Act was also recommended for repeal by the PC Jain Commission Report (Entry 87, Appendix A-5).⁵¹
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.⁵²

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be to subject to the repealing legislation.

⁴⁹ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister’s Office, Volume 1, part I, p. 300, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

⁵⁰ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Second Interim Report, Report No. 249, p. 6, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

⁵¹ PC Jain Commission Report, Appendix A-5, p. 85, available at: http://darp.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

⁵² Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister’s Office, Volume 1, part I, p. 300, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

22

IMPROVEMENT IN TOWNS ACT, 1850

Subject: ADMINISTRATION AND DEVELOPMENT OF LOCAL AREAS
Reason: The Act is Redundant
Grade: 5

What is the Law?

This Act authorized 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.

Key Features

Provisions regarding:

- Maintenance of public streets, drain or tanks
- Penalties

Reasons for Repeal

- Municipal regulations and urban local bodies of respective States adequately cover these matters now. Moreover, according to Article 372(1), the competent legislature for repeal of this Act is the State where the Act is in force ('local government' is Item 5 in List II of the Seventh Schedule).⁵³
- The Act extended the local self-government to the whole country and authorized a system of administration by Councilors in the matters of construction, repairs, cleanliness, lighting, maintenance etc. However, at

present, administration of towns is governed by the respective State Acts in terms of provisions of the Constitution as amended by the Constitution (Seventy-Third Amendment) Act, 1992 and the Constitution (Seventy-Fourth Amendment) Act, 1992. Thus, the aforesaid Act has become redundant.⁵⁴

- This Act was recommended for repeal by the Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal" (Sl. No. 12, Chapter 2, Second Interim Report; Report No. 249).⁵⁵
- The Act was also recommended for repeal by the PC Jain Commission Report (Entry 49, Appendix A-5).⁵⁶
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.⁵⁷

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be subject to the repealing legislation.

⁵³ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 303, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

⁵⁴ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 304, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

⁵⁵ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Second Interim Report, Report No. 249, p. 9, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

⁵⁶ PC Jain Commission Report, Appendix A-5, p. 83, available at: http://darp.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

⁵⁷ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 303, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

23

THE WASTE-LANDS (CLAIMS) ACT, 1863

Subject: LAND AND DEVELOPMENT
Reason: The Act is Redundant
Grade: 5

What is the Law?

The Act makes special provisions for the speedy adjudication of claims made regarding waste-lands. Any claims made to waste-lands which were proposed to be sold, or otherwise dealt with, by the Provincial Government, were to be made under this Act. The Act envisages setting up of Special Courts by the state government for trial of claims relating to waste-lands.

Key Features

Provisions regarding:

- Enquiry in claims to land, or objection to sale of same
- Power to order suit to try claim admitted by Collector
- Special Court for trying claims
- Compensation for land sold

Reasons for Repeal

- This Act is a remnant of the colonial discourse surrounding waste-lands. Prior to Independence, all lands that were not under cultivation were classified as waste-lands and the State asserted proprietary rights over them. The Colonial Government wanted to assert control over waste-lands to claim revenue from it. Such title was sold to the public by the government.⁵⁸
- Under the Seventh Schedule of the Constitution, all matters relating to land are within the exclusive legislative and administrative jurisdiction of the State Governments. Land classified as waste-land according to current government norms, whether under revenue land or forests, would fall within the jurisdiction of the State Governments. Any claims relating to such land

will follow the Revenue Code/ Acts administered by the State Governments.⁵⁹

- Government's discourse regarding waste-lands has significantly changed post-independence and the need to use such lands for agriculture has now assumed prominence. Waste-land management programmes now accord significance to the fact that waste-lands are the common property of village communities and the economic and ecological contributions of these lands are taken note of. Further, the proprietary rights of the State have been replaced with a close relationship between the environment and the community living within that area as the community derives sustenance from it. The continuation of this Act under the changed legal and policy circumstances serves no purpose.⁶⁰
- This Act was recommended for repeal by the Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal" (Sl. No. 14, Chapter 4, Interim Report; Report No. 248).⁶¹
- The Act was also recommended for repeal by the PC Jain Commission Report (Entry 101, Appendix A-5).⁶²
- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.⁶³

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be to subject to the repealing legislation.

⁵⁸ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 312, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

⁵⁹ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 312, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

⁶⁰ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 312, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

⁶¹ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, p. 18, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

⁶² PC Jain Commission Report, Appendix A-5, p. 85, available at: http://darp.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

⁶³ Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context, Prime Minister's Office, Volume 1, part I, p. 312, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

24

CENTRAL PROVINCES SLAUGHTER OF ANIMALS ACT 1915

Subject: ANIMAL WELFARE
Reason: The Act is Redundant
Grade: 4

What is the Law?

An Act to make better provisions for the regulation of the slaughter of animals in the Central Provinces.

Key Features

The Government may appoint such persons as it thinks fit to be Inspectors of slaughter-houses. An Inspector of slaughter-houses may enter any place which is, or which he has reason to believe to be, used as a slaughter-house; and make examination of the premises and of the registers prescribed by rules made under this Act.

Reasons for Repeal

- The States which constituted the erstwhile Central Provinces – Madhya Pradesh, Maharashtra and Chhattisgarh- no longer exists as an administrative

unit. Hence the Act is inapplicable in the State of Chhattisgarh.

- The Act is redundant in the presence of Animal Welfare Act, 2011 which extends to the whole of India. Section 48(j) of the Act confers the power to make rules regarding the manner in which animals may be slaughtered upon the Central Government, in which regard the Center has also framed the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules 2017.

Issues

There are no legal issues that would impede repeal. However, a savings clause may be added in the repealing legislation with respect to any cases pending under the Act, stating that the same shall not be to subject to the repealing legislation.

25

BHELSA RAMLILA FAIR ACT, 1956

Subject: LAND AND DEVELOPMENT
Reason: The Act is Redundant
Grade: 5

What is the Law?

An Act to make provisions regarding development and management of the region called Vidisha.

Key Features

Bare text not available

Reasons for Repeal

- The Act applies to the city called Vidisha which is within the territory of Madhya Pradesh and therefore is inapplicable in Chhattisgarh.
- There is no record of the Act being in use in Chhattisgarh since its enactment.

Issues

There are no legal issues that would impede repeal.

Centre for Civil Society A-69, Hauz Khas, New Delhi - 110016
Tel.: +91 11 2653 7456 | 4160 7006 | 4162 9006 Fax: +91 11 2652 1882 Email: ccs@ccs.in
www.ccs.in • www.ijustice.in

 /ccsindia  /ccsindia

An initiative of



In collaboration with



Hidayatullah
National
Law University

and

