



MAHARASHTRA

**REPEAL LAW
COMPENDIUM**

2017

MAHARASHTRA
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COMPENDIUM
2017

An initiative of



In collaboration with



and



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About Maharashtra National Law University Mumbai

The Maharashtra National Law University Act (ACT VI of 2014) was promulgated, after having received the assent of the Governor of Maharashtra, by a Notification in the Maharashtra Government Gazette, on 20 March 2014. Accordingly, the first of these Universities, namely Maharashtra National Law University Mumbai was established, and the founding Vice-Chancellor appointed, on 10 October 2014. The Universities at Nagpur and Aurangabad were also established thereafter on 15 May 2015 and 23 February 2017 respectively. Hon'ble Mr. Justice S.A. Bobbed, Judge, Supreme Court of India, is the Chancellor of the MNU at Mumbai and Nagpur. Professor (Dr.) Bhavani Prasad Panda is the first Vice Chancellor of MNU Mumbai

MNU's motto is **धर्मं तत्परता** which means 'Preparedness to Uphold Dharma'.



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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.

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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.

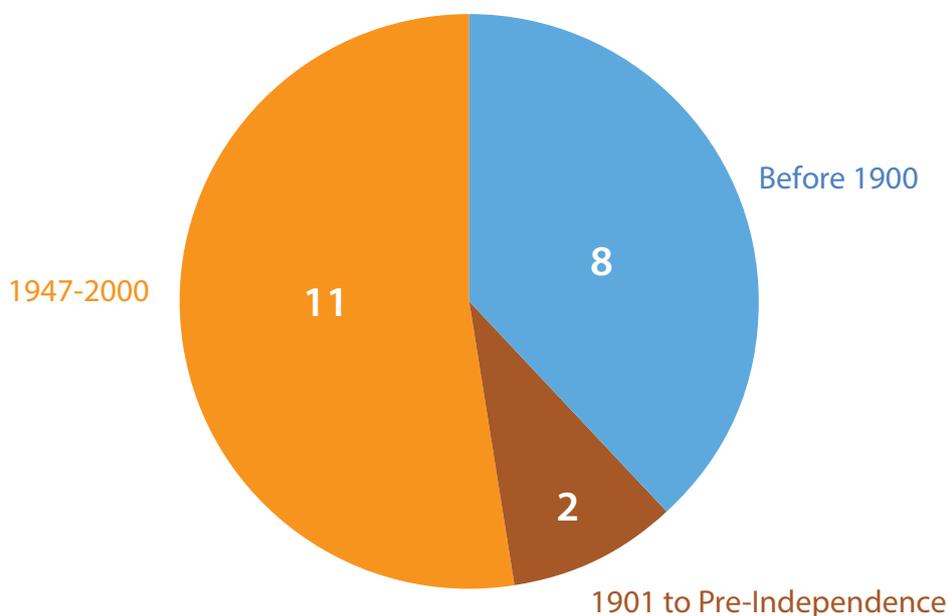
‘Grading’ of Cases for Repeal

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.

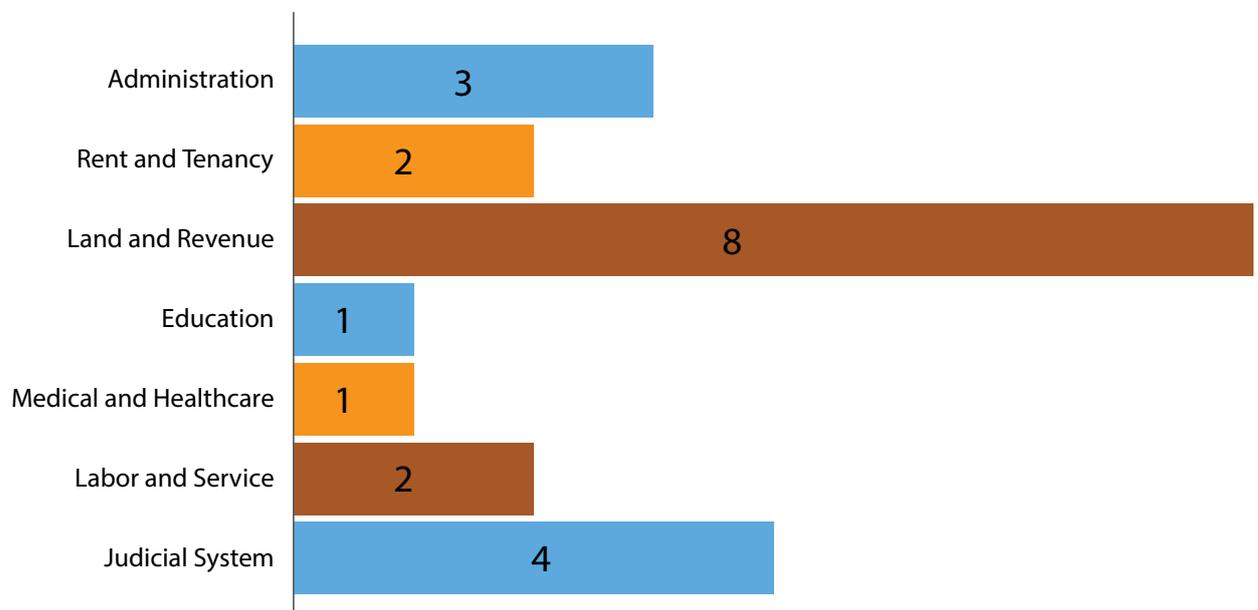
Key Features

This compendium of “Recommended laws for Repeal in the state of Maharashtra” has a total of 21 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:

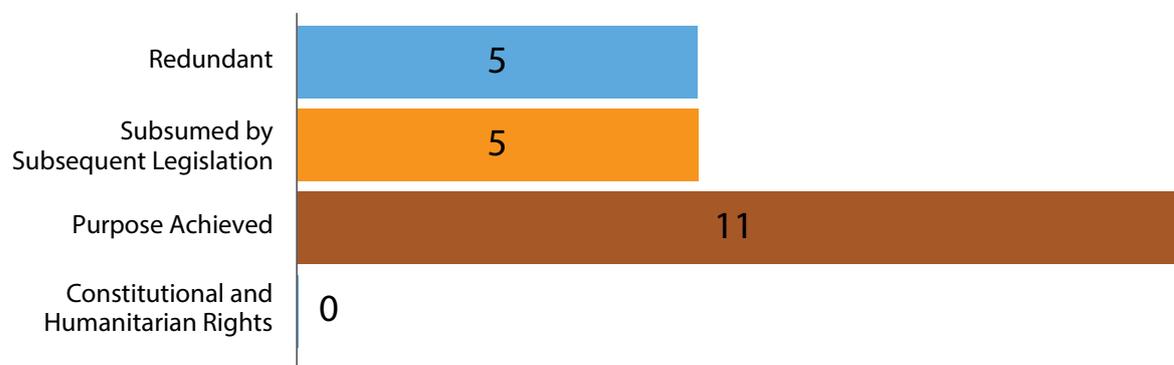
A. Law Enactment Year



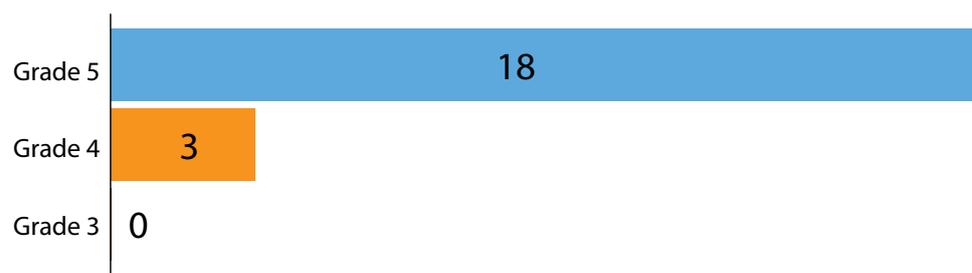
B. Themes



C. Reasons for repeal



D. Grading





COMPENDIUM OF LAWS TO
BE REPEALED IN
MAHARASHTRA

1

TOBACCO DUTY (TOWN OF BOMBAY) ACT, 1857

Subject:	TAXES
Reason:	The Act is subsumed by subsequent Central legislation, namely the Central Excise Act, 1944
Grade:	4

What is the Law?

The Act amended the law relating to the duties payable on, and the retail sale and warehousing of tobacco, in the town of Bombay.

Key Features

Bare text not available.

Reasons for Repeal

- Tobacco duties are imposed under the Central Excise Act, 1944, since 'duties of excise on tobacco manufactured or produced in India' falls under List I, Entry 84 of the Seventh Schedule.
- The provisions of the current Act have been subsumed by the Central Excise Act.

- The P.C. Jain Commission has also recommended for its repeal at Sl. No. 98 of Annexure A-5.²
- The Law Commission of India in its 249th Report at Sl. No. 21 has also recommended the Act for repeal.³
- 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.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 cases pending under the Act, stating that the same shall not be subject to the repealing legislation.

² PC Jain Commission Report, Appendix A-5, available at: http://darp.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

³ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Second Interim Report, Report No. 249, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

⁴ 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,

2

EXEMPTION FROM LAND REVENUE (NO. 1) ACT, 1863

Subject:	LAND AND REVENUE
Reason:	The Act has achieved its Purpose/ Obsolete Law
Grade:	5

What is the Law?

This Act facilitates adjustment of unsettled claims to exemption from the payment of Government land revenue. It helps regulate the succession to, and transfer of, lands wholly or partially exempt from the payment of such revenue in those parts of the Bombay Presidency.

Key Features

The Act governs pending matters concerning specific claims of Land Revenue. It states the right of State Government to levy nazrana and quit rent, binding on holder and rightful owner and that lands held wholly or partially on behalf of religious or charitable institutions is exempt from the payment the land-revenue.

Reasons for Repeal

- It is clear from the reading of the Object Clause as well as the Preamble of the Acts that they were intended to govern pending matters concerning specific claims of Land Revenue. Furthermore, these Acts related to certain areas, which were earlier not in the erstwhile State of Bombay or in the present State of Maharashtra.
- It is highly improbable that any pending claims to which these Acts apply i.e., claims prior to 1863 yet

remain to be adjudicated or are pending any appeal, notwithstanding the fact that subsequent thereto by the abolition of Inams and Jagirs by various enactments they may not be of importance relating to payment of revenues of such personal grants.

- If any dispute relating to payment of revenue, including exemptions therefrom arises after coming into the force of Maharashtra Land Revenue Code, it shall necessarily be governed by the said Code and not the Exemption from Land Revenue Act. The Act has achieved its purpose and there are no pending claims to which this Act applies, i.e. claims prior to 1863.
- This Act has also been suggested for repeal by the Maharashtra State Law Commission in its First Report of the Maharashtra, Code Volume No. 1 (March 2002).

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

EXEMPTION FROM LAND REVENUE (NO. 2) ACT, 1863

Subject:	LAND AND REVENUE
Reason:	The Purpose has been Achieved
Grade:	5

What is the Law?

This Act provides for summary settlement of claims for exemption from the payment of Government land-revenue, and for regulating the terms upon which such exemption shall be recognized in future, in those parts of the Bombay Presidency which are not subject to the operation of Act XI of 1852 of the Council of India.

Key Features

The Act discusses the future of land held as Saranjam and Judi. It gives the power to authorize and guarantee continuance, in perpetuity of land in certain districts to holders on terms and conditions agreed to.

Reasons for Repeal

- It appears, from the reading of the Object Clause as well as the Preamble of the Act that it was intended to govern pending matters concerning claims of Land Revenue. Furthermore, these Acts are related to certain areas, which were not in the erstwhile State of Bombay or in the present State of Maharashtra.
- The First Law Commission had the view that it is highly improbable that any pending claims (to which these

Acts apply i.e., claims prior to 1852 or 1863) remained to be adjudicated or were pending any appeal. Notwithstanding the fact that subsequent thereto by the abolition of Inams and Jagirs by various enactments there may not be of importance relating to payment of revenues of such personal grants.

- If any dispute relating to payment of revenue, including exemptions therefrom, arises after coming into the force of Maharashtra Land Revenue Code, it shall necessarily be governed by the said Code and not the Exemption from Land Revenue Act. The purpose of the Act has achieved as there are no pending claims to which this Act applies, i.e. claims prior to 1863.
- This Act has also been suggested for repeal by the Maharashtra State Law Commission in its First Report of the Maharashtra, Code Volume No. 1 (March 2002).

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.

4

CITY OF BOMBAY (BUILDING WORKS RESTRICTION) ACT, 1863

Subject:	LABOUR AND SERVICE
Reason:	The Purpose has been Achieved
Grade:	5

What is the Law?

This Act was passed to restrict the construction, alteration and repair of buildings in certain areas in the City of Bombay.

Key Features

The Act limits construction of any wall in the prescribed Area and vests the power in the Commissioner to ensure the enforcement of the same. The Commissioner, may by her discretion have any work done removed which is in contravention of such limits. Further, penalties may be imposed in cases of violation.

Reasons for Repeal

- It is evident from section 3 of the Act that the restriction on building works was intended to be enforced for two years from the date of commencement of the Act. It is hence evident that the purpose of this Act has been achieved, and that the Act may be repealed.
- This Act has also been suggested for repeal by the Maharashtra State Law Commission in its Third Report of the Maharashtra, Code Volume No. 3 (June 2002)

Issues

There are no legal issues that would impede repeal.

5

BOMBAY HIGH COURT (LETTERS PATENT) ACT, 1866

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

What is the Law?

The Act was enacted to rectify errors in the Letters Patent for High Court of Judicature for the Presidency of Bombay.

Key Features

The Act aimed to correct errors in the Letters Patent for the High Court of Judicature for the Presidency of Bombay.

Reasons for Repeal

- The amending Act was intended to correct the clerical errors by substituting the section itself and by coming into operation
- The substituted sections have become part and parcel

of the Parent Act and hence the amending Act has become obsolete.

- In the judgment pronounced in the case of Anilkumar Phoolchand Sanghvi and Ors. vs. Chandrakant P. Sanghvi and Ors.⁵ in 2016, the Appellant contended the Lower court order based on the Act. The High Court, dismissed the appeal and held that Clause XII of the Letters Patent Act does not affect the reasoned judgement.
- This Act has been suggested for repeal by the Maharashtra State Law Commission in its First Report of the Maharashtra, Code Volume No.1 (March 2002)

Issues

There are no legal issues that would impede repeal.

⁵ MANU/MH/0102/2016

6 TOLLS ON ROADS AND BRIDGES ACT, 1875

Subject:	MUNICIPAL CORPORATION AND PUBLIC WELFARE
Reason:	The Act has been subsumed by a subsequent legislation, namely the Bombay Motor Vehicles Tax Act, 1958
Grade:	5

What is the Law?

The Act was passed to enable the Government to levy tolls on public roads and bridges in the Presidency of Bombay.

Key Features

Section 3 of the Act enables the Provincial Government to fix the rates of tolls to be levied and prescribes that the rates shall not exceed those mentioned in the Schedule. which mentions the vehicles, animals or persons on which the toll is to be levied.

The Tolls on Roads and Bridges Act is an archaic law which empowered the officers to levy toll on road traffic. The rate ranged from Rs 1 for four-wheeled carriage on springs, to 12 annas for carts and hackery. Further, the 'foot-passengers' too needed to have special sanction from the Government to walk, use bridges or hill roads and had to pay a toll of three paises in some areas. The proceeds of the levy would go to construction, repair and maintenance of roads and bridges within the Presidency of Bombay.

Reasons for Repeal

- Section 20 of the Bombay Motor Vehicles Tax Act, 1958 lays down the provisions that bar the levying of any tolls on any vehicle, animal or person by the State Government or by any local board, and on any motor vehicle, by any other local authority subject to the provisions of subsection (1A), (1B), (1C), (1D), (1E) and (1F). The non-obstante clause under sub-section (1A) expressly renders the provisions of the Tolls on Roads and Bridges Act, 1875 inapplicable in the principal matters which were intended to be primarily governed by it further substantiates the stand that the Act is no longer of any use.
- The provisions of the Bombay Motor Vehicle Act, 1958 virtually subsume the provision of the Tolls of Roads and Bridges Act, 1875.
- This Act has also been suggested for repeal by the Maharashtra State Law Commission in its First Report of the Maharashtra, Code Volume No. 1 (March 2002).

Issues

There are no legal issues that would impede repeal.

7

CENTRAL PROVINCES LAND REVENUE ACT, 1881

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

What is the Law?

The Act aims to consolidate and amend the law relating to land revenue and the power of Revenue Officers in the Central Provinces.

Key Features

The Act prescribes the powers of the Revenue Officers and procedures related thereto. The Act further prescribes that the Settlement Officers shall make a list of lands which do not have owners, and shall demarcate such lands as Government property. Further, the Act provides for the maintenance of records of rights in relation to the lands surveyed under the Act.

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 redundant. In the case of Maharashtra, the Maharashtra Land Revenue Code, is applicable, and hence the subject matter is sufficiently covered.⁶

- 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).⁷
- This Act has also been recommended for repeal by the PC Jain Commission Report.⁸
- 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.⁹

Issues

There are no legal issues that would impede repeal.

⁶ 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>

⁷ 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>

⁸ PC Jain Commission Report, Appendix A-5, p. 83, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

⁹ 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. 319, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-Vol.I-.pdf>

8

CENTRAL PROVINCES TENANCY ACT, 1898

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

What is the Law?

This Act aims to consolidate and amend the law relating to agricultural tenancies in the Central Provinces.

Key Features

The Act prescribes regulation of agricultural tenancies in the Central Provinces. It further divides tenants into categories and makes provisions relating to rent payable by the same. The Act prescribes the rights and liabilities of an absolute occupancy tenant, and that such tenant shall not be ejected from her holding by the landlord for any cause.

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 inapplicable¹⁰. In the

case of Maharashtra, the Maharashtra Rent Control Act, 1999 provides a similar objective that is “to unify, consolidate and amend the law relating to the control of rent and repairs”

- This Act was recommended for repeal by the Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal” (IInd Report; Report No. 249).¹¹
- This Act has been recommended for repeal by the PC Jain Commission Report.¹²
- 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.¹³

Issues

There are no legal issues that would impede repeal.

¹⁰ 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>

¹¹ 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>

¹² PC Jain Commission Report, Appendix A-5, p. 83, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

¹³ 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. 324, available at: <http://www.pmindia.gov.in/wp-content/uploads/2015/01/Extracts-of-the-Committee-of-the-Report-VolI-.pdf>

9

BOMBAY PLEADERS ACT, 1920

Subject:	COURTS AND JURISDICTION
Reason:	The Act has been subsumed by the Centre's Dowry Prohibition Act, 1961
Grade:	5

What is the Law?

This Act was passed to consolidate and amend the law relating to pleaders in the Presidency of Bombay.

Key Features

The Act prescribes the extent and transfer of Sanads for district pleaders. It lays guidelines for the manner in which Vakils should practice and the entitlement of Vakils to practice in the High Court. The Act provides for a right to issue restricted Sanads to non-qualified pleaders practicing in Indian courts. Further, the provisions of the Act prescribe the fee structure and levy of taxes on the income of pleaders.

Reasons for Repeal

- The provisions of this Act have been subsumed by the Advocates Act, 1961.
- Further, there are no cases of recent usage of the Act. The last case contended on the Act was decided in 1956
- The purpose of this Act has been achieved
- The Act has also been suggested for repeal by the Maharashtra State Law Commission in its First Report of the Maharashtra, Code Volume No.1 (March 2002).

Issues

There are no legal issues that would impede repeal.

10

CITY OF BOMBAY PRIMARY EDUCATION ACT, 1920

Subject:	EDUCATION
Reason:	The Act has been subsumed by a subsequent Central Legislation, namely the Right to Education Act, 2009
Grade:	5

What is the Law?

This Act was passed to extend primary education to Greater Bombay.

Key Features

This Act exclusively extends to the City of Bombay and provides for primary education in Bombay and is to be construed as supplementary to the City of Bombay Municipal Act, 1888. It levies a duty on parents to ensure that children attend school, and prescribes penalty in cases of non-compliance.

Reasons for Repeal

- The Act has been subsumed by the Right to Education Act, 2009
- The Act has also been suggested for repeal by the Maharashtra State Law Commission in its First Report of the Maharashtra, Code Volume No.1 (March 2002).

Issues

There are no legal issues that would impede repeal.

11

BOMBAY BHAGDARI AND NARWADARI TENURES ABOLITION ACT, 1949

Subject:	LAND AND TENANCY
Reason:	The Purpose has been Achieved
Grade:	4

What is the Law?

This Act was passed to abolish the Bhagdari and Narwadari Tenures in the province of Bombay

Key Features

This Act abolishes the Bhagdari and Narwadari tenure. It prescribes that the holder of land forming part of the Bhag, Narwa, etc. shall be an occupant within the meaning of the Bombay Land Revenue Code, 1879 and shall be entitled to all rights and obligations in respect of such land as an occupant. The Act states that all other majmun land and other property to be property of the Government. Any alienation, assignment, mortgage or any other encumbrance made shall not be invalid. The Act further states that the custom of female helm excluded by male heirs shall be void.

Reasons for Repeal

- It is apparent from Sections 2 and 3 of the Act that the person in lawful possession of the land is made Occupant Class-I and is made liable to the Government for payment of land revenue. In this case, the land is not resumed and therefore, there is no question of regranteeing it. Merely tenure is changed. The person in possession of the land is recognized as occupant and is made liable to pay land revenue and the provisions of the Land Revenue Code are made applicable. The procedures under this Act are to be completed in a prescribed time frame.
- This Act has also been suggested for repeal by Maharashtra State Law Commission in its Tenth Report on The Maharashtra Code.

Issues

There are no legal issues that would impede repeal.

12

KHOTI ABOLITION ACT, BOMBAY 1949

Subject:	LAND AND REVENUE
Reason:	The Purpose has been Achieved
Grade:	5

What is the Law?

The Act provides for the abolishment of the Khoti tenure in the State of Bombay

Key Features

The Act provides for the abolition of Khoti tenure. Under the provisions of this Act uncultivated and waste lands and all property of like nature vests in the Government. It further repeals Section 37 and 38 of The Khots Leases Act, 1865, Section 114 of The Bombay Land Revenue Code, 1879 and The Khoti Settlement Act, 1880

Reasons for Repeal

- The Act prescribes that the person in lawful possession of the land shall made Occupant and be liable to the Government for payment of land revenue. In this case, the land is not resumed and therefore, there is no question of regranteeing it. The procedures laid down under Act shall be completed in the prescribed time frame. Such time frame has lapsed and hence the Act may be deemed to have achieved its purpose.

Issues

There are no legal issues that would impede repeal.

13 SEALS ACT, BOMBAY 1949

Subject:	JUDICIAL ADMINISTRATION
Reason:	The Purpose has been Achieved
Grade:	5

What is the Law?

The Act aims to provide for the alteration of seals prescribed in the Letters Patent of the High Court and related enactments thereto.

Key Features

The Act prescribes an Amendment to clause 6 of the Letters Patent of the High Court of Judicature for the Presidency of Bombay, to substitute the "Our Royal Arms" for "the Ashoka Capital Motif".

Reasons for Repeal

- The Act prescribes the alteration of seals of the High

Court and Civil Court. As provided in Section 2 of the Act, the words "the Ashoka Capital Motif" have been incorporated in Clause 6 of the Letters Patent. Similarly, as provided in section 3 and 4, corresponding amendments have been made in sections 11 and 29 of Bombay Civil Courts Act, 1869 (Act No. XIV of 1869). The purpose of the Act has been achieved, and it may be repealed.

- The Act has also been suggested for repeal by Maharashtra State Law Commission in its Third Report on The Maharashtra Code Volume No. III June 2002

Issues

There are no legal issues that would impede repeal.

14

BUILDING (CONTROL ON ERECTION) REGULATION, 1950

Subject: LABOR AND SERVICE
Reason: The Act is Redundant
Grade: 5

What is the Law?

This Act was passed to provide for the control on erection and re-erection of buildings in certain prescribed areas in the State of Bombay.

Key Features

This Act is exclusively applicable to the areas specified under it in the State of Maharashtra and regulates buildings that are intended to be used for a theatre, a cinema or any other place of public amusement.

Reasons for Repeal

- By Section 2 of this Regulation, Sections 2 to 14A of

the Bombay Building (Control on Erection) Act, 1948, as amended, are made applicable to the scheduled areas in the State of Maharashtra. This Act itself has been repealed by the Bombay Building --(Control on Erection Re-erection and Conversion) (Repeal) Act, 1971 and therefore, the provisions of this Regulation are redundant now and hence, it may be repealed.

- This Act has also been suggested for repeal by Maharashtra State Law Commission in its Third Report on The Maharashtra Code Volume No. III June 2002

Issues

There are no legal issues that would impede repeal.

15

SPECIAL SUITS AND PROCEEDINGS VALIDATING ACT, 1951

Subject:	COURTS AND JURISDICTION
Reason:	The Purpose has been Achieved
Grade:	5

What is the Law?

This Act was passed to validate the special jurisdiction suits and proceedings in the State of Bombay.

Key Features

Under the provisions of this Act, decrees and orders passed by the High Court in special jurisdiction suits and proceedings shall be deemed to have been validly passed by the High Court and shall not be deemed to be invalid merely because the notification conferring such powers upon the High Court was held to be ultra vires by the Bombay High Court, as the Hon'ble Apex Court in its wisdom, subsequently opined that such notification was intra vires.

Reasons for Repeal

- The Act served a restricted purpose of validating decrees and orders passed as per the special jurisdiction conferred by the State. in a limited time frame. the notification conferring such powers upon the High Court was held to be ultra vires by the Bombay High Court, as the Hon'ble Apex Court in its wisdom, subsequently opined that such notification was intra vires.
- The proceedings have been validated, and hence, the Act has achieved its purpose.
- This Act has also been suggested for repeal by the Maharashtra State Law Commission in its Third Report of the Maharashtra, Code Volume No.3 (June 2002)

Issues

There are no legal issues that would impede repeal.

16

DEKKAN AGRICULTURISTS' RELIEF (SUITS AND APPLICATIONS) VALIDATION ACT, 1954

Subject:	LAND AND REVENUE
Reason:	Purpose has been Achieved
Grade:	5

What is the Law?

This Act was passed to validate the special jurisdiction suits and proceedings in the State of Bombay.

Key Features

This Act was passed to validate certain suits and application that had been instituted under the re-enacted Dekkhan Agriculturists Relief Act, 1879, after such re-enactment had expired.

Reasons for Repeal

- The Act was passed with the sole purpose to validate the suits and proceedings instituted under the Dekkhan

Agriculturists' Relief Act, 1879. The Act has achieved its purpose, and hence, may be repealed.

- This law has also been suggested to be repealed as per the recommendation of the Report No. 248 of the Law Commission of India in 2014.¹⁴
- The law has been recommended for repeal by the Maharashtra State Law Commission - Third Report on The Maharashtra Code Volume No. III (June 2002).

Issues

There are no legal issues that would impede repeal.

¹⁴ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

17

ELECTRICITY (SPECIAL POWERS) ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1955

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

What is the Law?

This Act extend the application of the Bombay Electricity (Special Powers) Act, 1946, to certain scheduled Areas in the State of Bombay, for the peace and good governance of those areas.

Key Features

The Act prescribes that the Bombay Electricity (Special Powers) Act 1946, shall apply to Navapur Petha and Akrani Mahal in West Khandesh District, the Satpura Hills reserved forest areas in East Khandesh District, Kalvan Taluka and Peint Petha in Nasik District and Dahanu and Shahapur Talukas and Mokhada and Umergaon Pethas in Thana district.

Reasons for Repeal

- By this regulation the Bombay Electricity (Special Powers) Act, 1946 (Act No. XX of 1946) is made

applicable to the scheduled areas specified in the schedule annexed to the Regulation. These areas form part of State of Bombay. Subsequently, by amendment Act, namely, The Bombay Electricity (Special Powers) (Extension and Amendment) Act, 1958 the provisions of the Act of 1946 have been made applicable to the whole State of Bombay. Therefore, the continuance of this Regulation is no longer necessary and hence, it may be repealed.

- This Act has also been suggested for repeal by Maharashtra State Law Commission in its Fourth Report on The Maharashtra Code Volume No. IV June 2002.

Issues

There are no legal issues that would impede repeal.

18

TOWN PLANNING SCHEMES [BOMBAY CITY NOS. II, III AND IV (MAHIM AREA)], VALIDATION ACT, 1957

Subject:	ADMINISTRATION
Reason:	The Purpose has been Achieved
Grade:	5

What is the Law?

This Act was passed to remove doubts and to establish the validity of certain proceedings instituted under the Bombay Town Planning Act, 1915, in the City of Bombay.

Key Features

All acts done before the commencement of this Act by the State Government, the Municipal Corporation of the City of Bombay, any Authority or Officer, connected thereto, under the Bombay Town Planning Act, 1915 shall be deemed to have been, validly done.

Reasons for Repeal

- This Act had been passed to validate certain planning schemes being executed in the Mahim area under the provisions of Bombay Town Planning Act, 1915 (Act No. I of 1915) and Bombay Municipal Corporation Act, 1888 (Act No. III of 1888). The purpose has been achieved. Thus, it may be repealed.
- This Act has also been suggested for repeal by Maharashtra State Law Commission in its Fourth Report on The Maharashtra Code Volume No. IV July 2002.

Issues

There are no legal issues that would impede repeal.

19

STATUTORY CORPORATION (REGIONAL REORGANISATION) ACT, 1960

Subject:	PUBLIC WELFARE
Reason:	The Purpose has been Achieved
Grade:	5

What is the Law?

The Act was enacted to provide for the reorganization of corporations which has been established and were functioning in the pre-reorganized State of Bombay.

Key Features

The Act aims to reorganize certain corporations; and for matters connected therewith by setting up separate corporations for the Gujarat and Maharashtra regions of the State.

Reasons for Repeal

- This Act has been passed to take power for the reorganization of certain corporations; and for matters connected therewith. The main purpose of this Act is to reorganize the Corporations region wise, so that they are separately functioning Corporations in Maharashtra and Gujarat areas. Once this reorganization is complete, the purpose of this Act would be over. Such reorganization has been completed and therefore, this Act may be repealed.

Issues

There are no legal issues that would impede repeal.

20 INTEREST EXTENSION ACT, 1960

Subject:	REVENUE
Reason:	The Purpose has been Achieved
Grade:	5

What is the Law?

This is an Act to consolidate and amend the law relating to the allowance of interest in certain cases.

Key Features

The Act prescribes the power to allow interest by Court in any proceeding for the recovery of any debt or damage or in any proceedings in which a claim for interest in respect of any debt or damages already paid is made. The Court may, if it thinks fit, allow interest to the person entitled to the debt or damages or to the person making such claim.

Reasons for Repeal

- Since the Interest Act, 1839 (Act No. XXXII of 1839) has been replaced by the Interest Act, 1978 (Act No. 14 of 1978), the provisions of this Act are no longer necessary and therefore, it may be repealed.
- This Act is not in use in the State of Maharashtra. No cases have been filed under this Act, and further, the Act is not cited in any judgments.
- This Act has also been suggested for repeal by Maharashtra State Law Commission.

Issues

There are no legal issues that would impede repeal.

21

MAHARASHTRA KIDNEY TRANSPLANTATION ACT, 1983

Subject:	PUBLIC HEALTH
Reason:	This Act is subsumed by a subsequent legislation namely Transplantation of Human Organs Act, 1994.
Grade:	5

What is the Law?

This Act was passed to make provisions for use of kidneys of deceased persons, and for donation of kidneys, for therapeutic purposes.

Key Features

The Act provides that if any person has expressed a request that his kidneys can be used for therapeutic purpose after his death, the person lawfully in possession of the body after death can authorize removal of the kidneys unless a near relative of the deceased objects.

Reasons for Repeal

- This law was passed in the State in 1982 and was further amended in 1992. However, in 1994, the Central

Government passed a “Transplantation of Human Organs Act’ under Article 252 of the Constitution of India. The State Government of Maharashtra was party to make request to the Center to pass such a law which shall also be applicable to the State of Maharashtra, and hence this purpose does not warrant applicability considering the scheme of the Seventh Schedule of the Constitution.

- This Act has also been suggested for repeal by the Maharashtra State Law Commission in its Eighth Report of the Maharashtra, Code Volume No. 8 (November 2002).

Issues

There are no legal issues that would impede repeal.

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