A stylized map of the state of Assam, India, is shown in a light grey color. The map is split horizontally by a dark blue band. The word "ASSAM" is written in orange, underlined, across the middle of the map. The title "REPEAL LAW COMPENDIUM" is written in white, serif font, below the map. The year "2018" is written in dark blue at the bottom of the page.

ASSAM

REPEAL LAW  
COMPENDIUM

2018

ASSAM

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REPEAL LAW  
COMPENDIUM  
2018

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Usha Sondhi Kundu, 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](mailto:ccs@ccs.in) | Website: [www.ccs.in](http://www.ccs.in)

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Symbiosis' was conceived by Dr. S. B. Mujumdar in the year 1971. Symbiosis is a family of 48 academic institutions, imparting quality education for over 45 years. It is host to over 34,000 Indian and International students on campus. The motto is Vasudev Kutumbakkam- World is One Family.



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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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# Authors and Contributors

## AUTHORS

**Alexandra Celestine**

5th Year Learner, Symbiosis Law School

**Anubhav Chakravorty**

4th Year Learner, Symbiosis Law School

**Maharishi Bharali**

2nd Year Learner, Symbiosis Law School

**Shristi Borthakur**

3rd Year Learner, Symbiosis Law School

**Utkarsa Kumar Gupta**

2nd Year Learner, Symbiosis Law School

## CONTRIBUTORS

**Ankur Sharma**

Faculty Coordinator, Symbiosis Law School

**Hemant K. Batra**

Founder & Global Chairman, Kaden Boriss Partners

**Akshay Luthra**

Associate, Kaden Boriss Partners

**Diksha Kaul**

Associate, Kaden Boriss Partners

**Karan Gulati**

Student Coordinator, Project Repeal of Laws

**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

# 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 100 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' Project.<sup>1</sup> 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'.

<sup>1</sup> The report can be accessed at [www.ccs.in/100laws.pdf](http://www.ccs.in/100laws.pdf)

# 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.

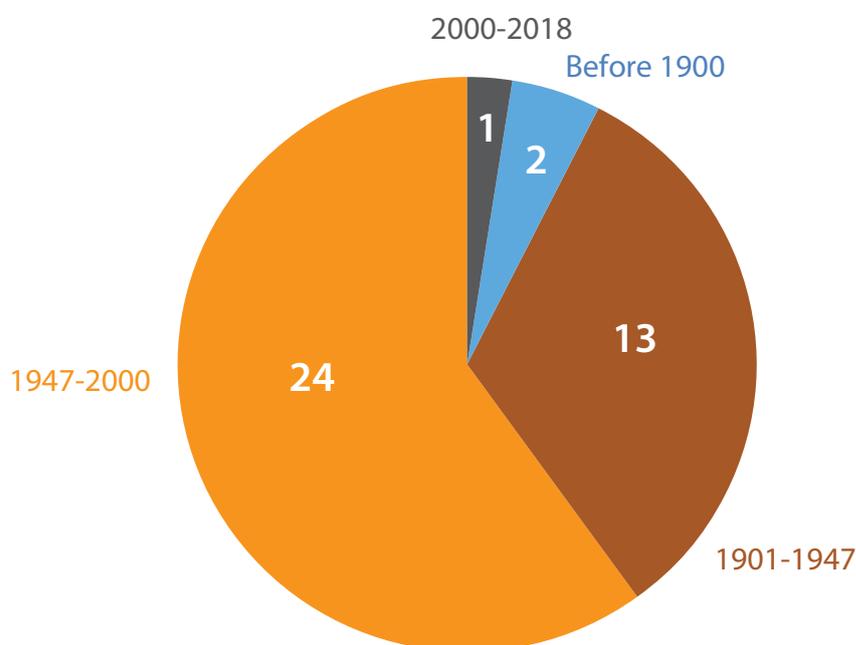
## ‘Grading’ of Cases for Repeal

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.

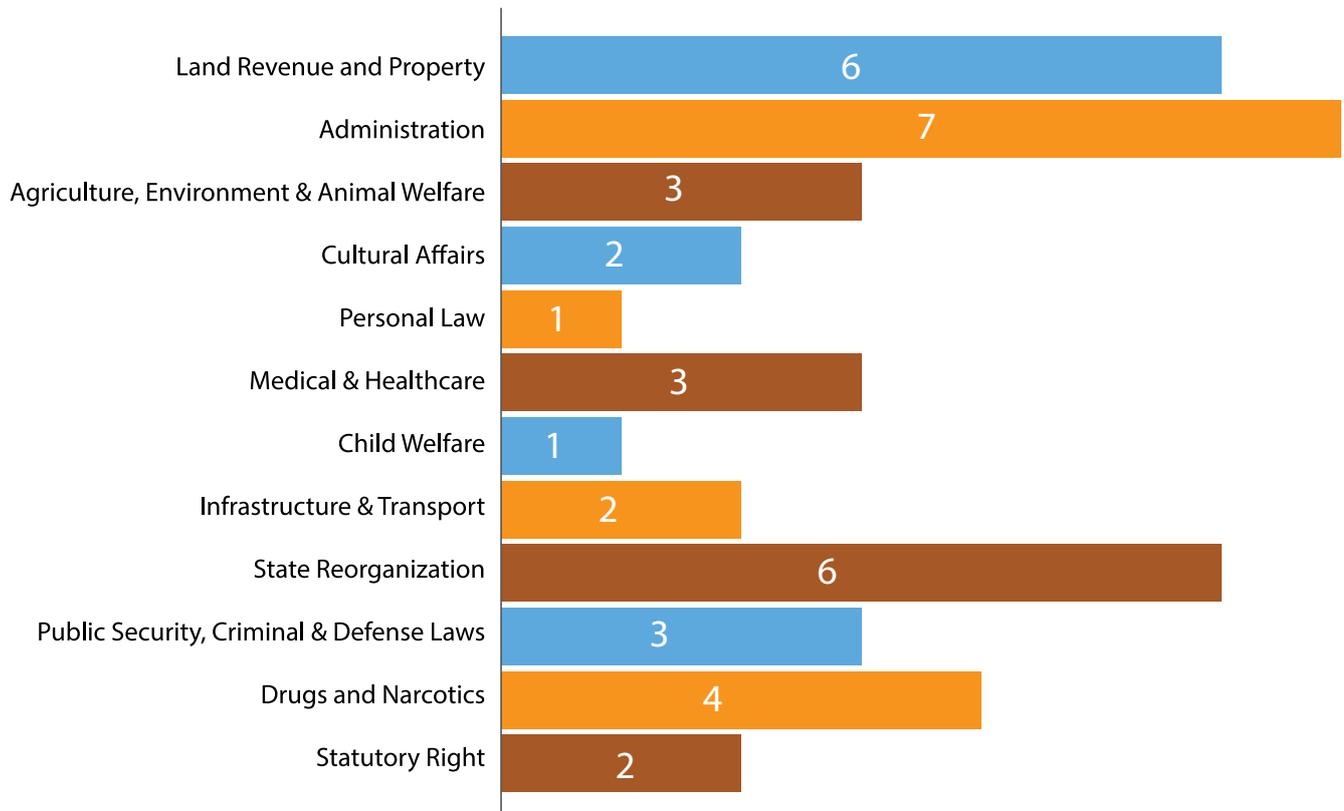
## Key Features

This compendium of “Recommended laws for Repeal in the state of Assam” has a total of 40 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:

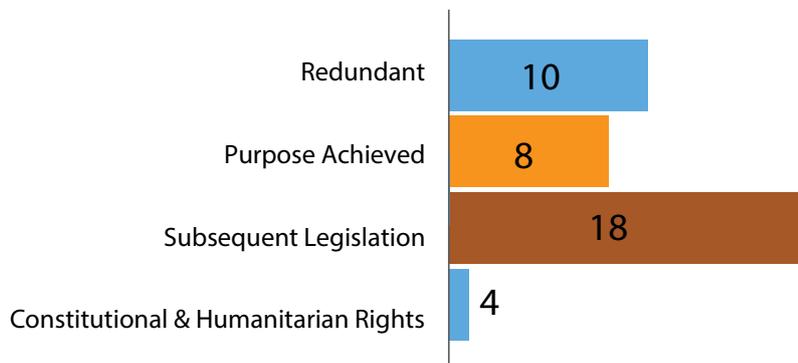
### A. Law Enactment Year



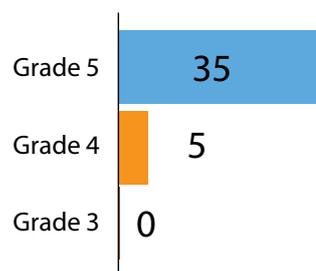
## B. Themes



## C. Reasons for repeal



## D. Grading





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COMPENDIUM OF LAWS  
TO BE REPEALED IN  
ASSAM

---

# 1

## HACKNEY CARRIAGE ACT, 1879

|                 |                                   |
|-----------------|-----------------------------------|
| <b>Subject:</b> | TRANSPORTATION AND INFRASTRUCTURE |
| <b>Reason:</b>  | The Act is Redundant              |
| <b>Grade:</b>   | 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

Under the said Act, Municipal Committees were given the power to make rules and the Commissioner was given the power to confirm or rescind the same. The drivers of the carriages were, upon paying of certain fixed fees, was issued a license under the Act for a limited period of time, which was revoked on completion of the stipulated time period. Any disputes arising thereof were to be determined by a Magistrate, under whose local jurisdiction the dispute arose, after an application regarding the same was made to that effect.

### 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.

- There is no record of the Act being in use in any of the mentioned states since Independence.
- 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).
- The Act was also recommended for repeal by the PC Jain Commission Report (Entry 47, Appendix A-5).
- 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/reenactment 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.

## 2

# 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 Punjab, and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer.

## Key Features

When a loan is made under this Act to the members of a village community on such terms that all of them are jointly and severally bound to the Government for the payment of the amount, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

## Reasons for Repeal

- The said Act is a subsidiary Act of the Northern India Takkavi Act, 1879. Now, since the Act of 1879 is not

listed in the Chronological List of Central Acts published by the Ministry of Law and Justice and hence, it does not function now. So, since the Agriculturists Loans Act, 1884, is to be read with the 1879 Act only, it cannot exist independently.

- This Act was recommended for repeal in the Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal" (Sl. No. 32, Chapter 4, Interim Report; Report No. 248).
- The P.C. Jain Commission has also recommended for its repeal at Sl. No. 1 of Appendix A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

## 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

## BENGAL, BIHAR AND ORISSA AND ASSAM LAWS ACT, 1912

|                 |  |
|-----------------|--|
| <b>Subject:</b> | STATE REORGANIZATION AND EXTENSION OF LAWS |
| <b>Reason:</b>  | The Act is Redundant                       |
| <b>Grade:</b>   | 5  |

### What is the Law?

The aforesaid Act has been enacted to make certain provisions regarding the application of the laws in force in the Presidency of Fort William in Bengal, the Province of Bihar and Orissa and the Province of Assam. The aforesaid Act was passed by the Governor General of India in Council and received the assent of the Governor General on the 26<sup>th</sup> March, 1912.

### Key Features

The Assam Valley Districts Division, comprising the districts of Darrang, Garo Hills, Goalpara, Kamrup, Lakhimpur, Nowgong and Sibsagar; and the Surma Valley and Hill Districts Division, comprising the districts of Cachar, Khasi and Jaintia Hills, Lushai Hills, Naga Hills and Sylhet, were made subject to the Act under Schedule C of the same.

### Reasons for Repeal

- The administrative units to which this law refers no longer exists, and therefore this law should be repealed.
- This law was enacted as a result of the administrative reorganization of the Provinces of Bengal, Bihar, Orissa and Assam. The construction of certain references in existing laws were altered as a result of this Act. The administrative needs of this Act have expired, and it may be repealed.
- This was also recommended by the PC Jain Commission in its Appendix A-5.
- The Act has also been recommended for repeal by the 248th and 249th Law Commission Reports.

### Issues

There are no legal issues that would impede repeal.

# 4

## ASSAM STUDENTS AND JUVENILE SMOKING ACT, 1923

|                 |  |
|-----------------|--|
| <b>Subject:</b> | JUVENILE CARE                              |
| <b>Reason:</b>  | Subsumed by subsequent Central legislation |
| <b>Grade:</b>   | 5  |

### What is the Law?

The Act aims to prevent smoking by students and any person apparently under the age of sixteen.

### Key Features

Under the Act, no person shall sell tobacco, cigarettes, etc., to any person under the age of sixteen, or any student under the age of seventeen. The Act, however, does-not apply when the person to whom such products are sold was at that time employed by manufacturer or dealer of such products.

### Reasons for Repeal

- Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is titled 'Penalty for giving intoxicating liquor or narcotic drug or psychotropic

substance to a child.' and provides that whoever provides a child any narcotic or tobacco products shall be punishable under such Act.

- The fine imposed under the Act is insignificant considering the underlying objective of the Act, i.e., not exceeding fifty rupees. On the other hand, the penalty to be imposed under the 2015 Act is a sum of Rs. One Lakh and maximum imprisonment of up to 7 years in case of contravention.
- The Act has hence been subsumed by the Juvenile Justice (Care and Protection of Children) Act, 2015 and does not serve any purpose.

### Issues

There are no legal issues that would impede repeal.

# 5

## ASSAM TEMPERANCE ACT, 1926

**Subject:** SALE OF LIQUOR  
**Reason:** Subsumed by subsequent Central legislation  
**Grade:** 5

### What is the Law?

The Act authorises the electors in selected areas to exercise the option of limiting the number of liquor shops in such areas.

### Key Features

Electors may submit to the Sub divisional Officer or the Deputy Commissioner a demand for adopting either a no-license resolution, a limiting resolution, or a no-change resolution, which may limit or restrict the liquor shops in an area.

### Reasons for Repeal

- Section 135C of the Representation of People Act, 1951 is titled 'Liquor not to be sold, given or distributed on polling day' and provides that no liquor or substances

of like nature shall be sold at any public or private place within a polling area forty-eight before the conclusion of the poll in that polling area.

- Under the 1951 Act, a person may be punishable with imprisonment upto six months or with fine which may extend to two thousand rupees, or both, whereas the present Act does not discuss penalties except for the restricted scope of fraud as defined under the Indian Penal Code.
- The Act has hence been subsumed by the Representation of People Act, 1951 and does not serve any purpose.

### Issues

There are no legal issues that would impede repeal.

# 6

## ASSAM OPIUM SMOKING ACT, 1927

|                 |   |
|-----------------|---|
| <b>Subject:</b> | DRUGS AND NARCOTICS   |
| <b>Reason:</b>  | The Act has been subsumed by a Central legislation, namely the Narcotic Drugs and Psychotropic Substances Act, 1985 |
| <b>Grade:</b>   | 5   |

### What is the Law?

The Act aims to prohibit the smoking of opium in the State of Assam by providing penalizing provisions for the same.

### Key Features

Under the Act, it is unlawful for any person to smoke opium. Any person smoking opium is punishable with fine upto fifty rupees and imprisonment upto one month. It further prohibits smoking of Opium in a company or as a part of an assembly.

### Reasons for Repeal

- The Narcotic Drugs and Psychotropic Substances Act, 1985 is more detailed in its definitions and comprehensive than the Assam Opium Smoking Act, 1927 and subsumes the purposes for which it was enacted.
- Further, cultivation and manufacture of opium is covered under the Entry 59, List I of the seventh schedule of the Constitution of India, and is hence regulated by the scheme of Article 246 of the same. Thus, the central legislation will have an overriding effect.

### Issues

There are no legal issues that would impede repeal.

# 7

## ASSAM HIGHWAYS ACT, 1928

**Subject:** TRANSPORTATION  
**Reason:** The Act is Redundant  
**Grade:** 5

### What is the Law?

The Act prescribes the regulation of traffic on government roads in Assam, for the prevention of obstruction and encroachments, and of nuisances on or near such roads.

### Key Features

Under the Act, the Government may declare any Government road to be closed temporarily for the purpose of repairing such road, or for any other similar public purpose. It may further, at any time, withdraw any Government road from the control of any local authority and resume the administration thereof itself.

### Reasons for Repeal

- The Assam Highways Act, 1989 was enacted to provide for the “regulation of road development and road transport so as secure for the public such conditions as will ensure the maximum efficiency of all means of road along roads, in the State of Assam.”
- The 1989 Act has subsumed the provisions of the Assam Highways Act, 1928 and hence, the same is redundant.

### Issues

There are no legal issues that would impede repeal.

# 8

## BIJNI SUCCESSION ACT, 1931

|                 |   |
|-----------------|---|
| <b>Subject:</b> | SUCCESSION  |
| <b>Reason:</b>  | The Act has been subsumed by the Hindu Marriage Act |
| <b>Grade:</b>   | 5   |

### What is the Law?

The Act demarcates a specific Bijni community/ family and its properties in the Schedule of the Act and seeks to supplement the customary law of that family in matters of succession.

### Key Features

The Act lays down the rights of a 'holder' referring to owner of the Bijni family as per the definition given in the Act. Section 3 of the Act declares that the Bijni Raj is an impartible estate descendible to a single male Holder. The Act expressly mentions the 'holder' of the family up to 2 generations, and thereafter provides that the succeeding holder will be determined by nomination/ appointment in accordance with the Act made under Section 5, which will consequently be confirmed by the Governor of Assam, under Section 6.

### Reasons for Repeal

- With the effect of Section 4 of the Hindu Succession

Act, 1956, the Bijni Succession Act of 1931 stands redundant. The latter Act provided for provisions relating to succession. Thus, the impugned Act fails under Section 4(1)(a) of the Hindu Act. The Hindu Act, under section 2, states that it applies to Hindus in "any of its forms or developments".

- Further, Section 4(1)(b) of the Hindu Act states that earlier laws inconsistent with the Act will cease to apply to Hindus. The Hindu Act provides for automatic succession by law, and the need of confirmation by the Governor of Assam is in contravention to this idea. Intervention of the State in personal laws was not the idea envisaged under the Hindu Succession Act.
- The Bijni Act restricts succession only to males. However, with the 2005 Amendment of the Hindu Succession Act that has given equal right of succession to females, the Act stands inconsistent with the Hindu Act.

### Issues

There are no legal issues that would impede repeal.

# 9

## ASSAM BIRTHS AND DEATHS REGISTRATION ACT, 1935

|                 |  |
|-----------------|--|
| <b>Subject:</b> | RECORDS AND STATISTICS   |
| <b>Reason:</b>  | The Act has been subsumed by the Registration of Births and Deaths Act, 1969 |
| <b>Grade:</b>   | 5  |

### What is the Law?

The Act provides for the registration of the births and deaths of persons and the appointment of registrars for such purpose. The District Magistrate may appoint one or more persons to be registrars of births or of deaths and may dismiss any such registrar and may fill up any vacancy in the office of the registrar.

### Key Features

Under the Assam Births and Deaths Registration Act, the father or mother of every child born shall within eight days after such birth, intimate to the registrar of the several particulars required under the Act. Further, the nearest male relative of the deceased present at the death shall within eight days after such death, intimate

to the registrar of the several particulars required under the Act.

### Reasons for Repeal

- Registration of births and deaths is already provided for under the Registration of Births and Deaths Act, 1969, which is “an Act to provide for the regulation of registration of births and deaths and for matters connected therewith”.
- Hence, this Act has become redundant in view of the Registration of Births and Deaths Act, 1969

### Issues

There are no legal issues that would impede repeal.

# 10

## ASSAM MOSLEM MARRIAGES AND DIVORCES REGISTRATION ACT, 1935

|                 |   |
|-----------------|---|
| <b>Subject:</b> | PERSONAL LAWS; REGISTRATION OF MARRIAGES AND DIVORCES                                   |
| <b>Reason:</b>  | Does not align with the present jurisprudence on registration of marriages and divorces |
| <b>Grade:</b>   | 5   |

### What is the Law?

The Act empowers the Local Government to grant license to a person of the Moslem community to function as Mohammedan Marriage/Divorce Registrars, akin to kazis under the Kazis Act, 1880, for registration of Moslem marriages and divorces which have been affected within specified limits, on application. Such person shall maintain 3 books, as specified under Section 6 of the Act.

### Key Features

The Registrar is required to maintain 3 books of registration; for marriages, for divorces other than khula, and khula divorces. The expenses of the office of registration are borne by the Government. Entry into the registration books are done by application, and such applications should be made by the concerned parties within one month of marriage or divorce, as the case may be; and payment of appropriate fee. The entries of the registration books are open for inspection, upon application. The Act provides for appeal by the concerned parties, if the Registrar refuses to register the marriage or divorce.

### Reasons for Repeal

- Report No. 270/2017 of the Law Commission of India emphasizes on the importance of compulsory registration marriages in accordance with the ration laid in the judgment of Seema v. Ashwani Kumar, consequently emphasizing on the need for a unified legislation to the effect. Legislation for voluntary legislation that has no bearing on the validity of registered or unregistered marriages and divorces is not appropriate in the given situation. Registration is a mere facility provided by law.
- The Law Commission in its Report No. 211 of 2008 has recommended the enactment of a centralized "Marriage and Divorce Registration Act" applicable to whole of India and its citizens, irrespective of religion and ceremonies. It further, emphasizes on registration being compulsory, which will attract penalty on non-compliance.
- In light of the above recommendation, the Law Commission has suggested the repeal of all pre-existing state laws relating to marriages in general, and registration, including the Assam Moslem Marriages and Divorces Registration Act.

### Issues

There are no legal issues that would impede repeal.

# 11

## ASSAM DISORDERLY HOUSES ACT, 1936

|                 |  |
|-----------------|--|
| <b>Subject:</b> | ADMINISTRATION                               |
| <b>Reason:</b>  | The Act is subsumed by a Central Legislation |
| <b>Grade:</b>   | 5  |

### What is the Law?

The Act prescribes that if the Magistrate is satisfied that a house is used as a brothel, he may direct the owner of such house to discontinue such use.

### Key Features

The Act criminalizes any house in the vicinity of any educational institution or of any boarding house, hostel or mess, to be used as a brothel, or any house being used as such to the annoyance of the inhabitants of the vicinity, or in the vicinity of Cantonment for such use or for the purpose of habitual prostitution.

### Reasons for Repeal

- India has enacted a central legislation in lieu of its obligations vis-a-vis article 253 of the constitution and the New York Convention, namely, The Immoral Traffic (Prevention) Act, 1956.

- Under the Under the 1936 Act, if a house is being used as a brothel even after an order of the Magistrate against said use, the person against whom the order has been passed shall be punishable with fine that may extend to twenty-five rupees per day of such use, whereas under the ITPA, any person who manages a brothel in contravention of the provision of the Act, shall be punishable u/s 3 of the Act with rigorous imprisonment for a term of not less than two years and not more than five years and also with fine which may extend to two thousand rupees.
- The Act has been subsumed by the Immoral Traffic (Prevention) Act, 1956 and is hence redundant.

### Issues

There are no legal issues that would impede repeal.

# 12

## GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE ACT, 1938

|                 |  |
|-----------------|--|
| <b>Subject:</b> | CRIMINAL LAW                                       |
| <b>Reason:</b>  | The Act has been subsumed by a Central Legislation |
| <b>Grade:</b>   | 4  |

### What is the Law?

The Act prescribes that it is expedient to provide for the conditional release from prison of good conduct prisoners in certain cases before the completion of the term of imprisonment to which they have been sentenced.

### Key Features

The State Government may grant leave by a License to a person who has been confined in prison under a sentence of imprisonment after taking into consideration his antecedents, conduct in prison, nature of the offence and the manner in which he committed it, that he is, if released from prison, not likely to commit a crime within the period of the leave.

### Reasons for Repeal

- The Probation of Offenders Act, 1958 prescribes the powers of court to release certain offenders after admonition and release certain offenders on probation of good conduct after considering a more objective criteria that mentioned in the present Act.
- The present Act has been subsumed by the 1958 Act, which prescribes more detailed and objective provisions and is a central legislation. Thus, the present Act does not serve any purpose and may 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.

# 13

## ASSAM HINDU WOMEN'S RIGHTS TO PROPERTY (EXTENSION TO AGRICULTURAL LAND) ACT, 1943

**Subject:** PROPERTY AND STATUTORY RIGHTS  
**Reason:** Purpose of the Act is served better by a central legislation  
**Grade:** 5

### What is the Law?

The Assam Hindu Women's Rights to Property (Extension to Agricultural Land) Act, 1943 was enacted to extend the operation of the Hindu Women's Rights to Property Act, 1937 and the Hindu Women's Rights to Property (Amendment) Act, 1938 to Agricultural Land in the Province of Assam.

### Key Features

Extended the application of the central acts to agricultural land for women in order to better the situation of women's rights in Assam.

### Reasons for Repeal

- The Hindu Succession (Amendment) Act, 2005 grants women rights over agricultural land and joint property in the Hindu Undivided Family - catering to the purpose of the Assam Hindu Women's Rights to Property (Extension to Agricultural Land) Act, 1943 entirely.
- So, as seen the purpose of the Act is better served by The Hindu Succession (Amendment) Act, 2005, thus, it can be concluded that act is redundant.

### Issues

There are no legal issues that would impede repeal.

# 14

## ASSAM ELECTRICITY CONTROL (EMERGENCY POWERS) ACT, 1947

|                 |  |
|-----------------|--|
| <b>Subject:</b> | ADMINISTRATION   |
| <b>Reason:</b>  | Purpose of the Act is served better by a central legislation |
| <b>Grade:</b>   | 5  |

### What is the Law?

The Assam Electricity Control (Emergency Powers) Act was enacted to provide for the continuance of control in respect of production, distribution, use and consumption of electrical energy.

### Key Features

The State Government, for maintaining supplies and services essential to the life of the community, may regulate or prohibit the production, distribution, use or consumption of electrical energy and if any person contravenes any order made in such regard shall be punishable with imprisonment upto three years.

### Reasons for Repeal

- The Act has been subsumed by a more recent Central Government legislation.
- The Electricity Act, 2003 is a central act to 'consolidate the laws relating to the generation, transmission, distribution, trading and use of electricity (...)' applying to the whole of India except the State of Jammu and Kashmir.
- Since the objective of The Assam Electricity Control (Emergency Powers) Act is met in entirety, it is redundant

### Issues

There are no legal issues that would impede repeal.

# 15

## ASSAM OPIUM PROHIBITION ACT, 1947

|                 |   |
|-----------------|---|
| <b>Subject:</b> | DRUGS AND NARCOTICS   |
| <b>Reason:</b>  | The purpose of the act is served better by a central legislation. |
| <b>Grade:</b>   | 4   |

### What is the Law?

The Assam Opium Prohibition Act, 1947 was enacted to prohibit the consumption (except for medicinal purposes) and smuggling of opium in the province of Assam.

### Key Features

The said Act enlisted non-official support to exercise an effective control over the smuggling of opium.

### Reasons for Repeal

- The Narcotic Drugs and Psychotropic Substances Act, 1985 was established as an umbrella law to 'consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control

and regulation of operations relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances (...)'.

- It specifically culls out powers of the Central Government to permit, control and regulate the sale, production and manufacture of opium - catering to the purpose of the Assam Opium Prohibition Act, 1947 entirely.
- So, as seen the purpose of the Act is better served by The Narcotic Drugs and Psychotropic Substances Act, 1985, thus, it can be concluded that act is redundant.

### Issues

There are no legal issues that would impede repeal.

# 16 ASSAM DRUGS (CONTROL) ACT, 1950

**Subject:** PUBLIC HEALTH  
**Reason:** Purpose of the Act is served better by a central legislation  
**Grade:** 5

## What is the Law?

An Act to provide for the control of the state, supply and distribution of drugs.

## Key Features

Under the Act, the State Government may fix the maximum price or rate which may be charged by a dealer or producer, the maximum quantity which may at any one time be possessed by a dealer or producer; and the maximum quantity which may in any one transaction be sold to any person in respect of any drug.

## Reasons for Repeal

- The said Act is similar to an Act enacted by the Centre

viz. Drugs (Control Act) 1950. The Central Act was recommended for repeal in the 251st report of Law Commission of India on "Obsolete Laws: Warranting Immediate Repeal" on 14th November 2014.

- Also, since "Drugs" have been listed as Essential Commodity under the Essential Commodities Act, 1955, so it can be concluded that the purpose of the said Act is being served by Essential Commodities Act, 1955.
- Hence the Act has become redundant and should be repealed.

## Issues

There are no legal issues that would impede repeal.

# 17 ASSAM ENHANCED POLICE DISCIPLINARY POWERS ACT, 1950

**Subject:** PUBLIC SECURITY  
**Reason:** The purpose of this act is better served by a state legislation  
**Grade:** 4

## What is the Law?

An Act to provide for the regulation and maintenance of discipline in the Assam Police Forces and the Assam Police Battalion.

## Key Features

The Act aims to enhance certain punishments provided for by the Police Act, 1861. Any Police Officer below the rank of Sub-Inspector who acts in a careless or negligent manner may be awarded with certain punishments notwithstanding the Police Act.

## Reasons for Repeal

- The Act has been subsumed by a more recent State Government Legislation – Assam Police Act, 2007
- The Assam Police Act and its legislation under State Police Accountability Commission is more relevant in present times and the Act enacted in 1950 has become redundant for the same reason

## Issues

There is no legal issue that would impede repeal.

# 18

## ASSAM EVACUEE PROPERTY ACT, 1951

|                 |   |
|-----------------|---|
| <b>Subject:</b> | SUCCESSION AND PROPERTY   |
| <b>Reason:</b>  | This Act is similar with a Central Act which has been repealed by the Repealing and Amendment Act, 2017 |
| <b>Grade:</b>   | 5   |

### What is the Law?

An Act to provide for certain matters relating to evacuee property.

### Key Features

Under the Act, if an authorized officer is satisfied that an evacuee property is lying un-occupied, uncultivated or uncared for, or has come to be wrongfully used or occupied by any person, may make an order in respect of such property. The Officer may further take measures as he considers necessary for managing, protecting and preserving such property.

### Reasons for Repeal

- The central legislation acts i.e. The Administration of Evacuee property Act, 1950 was repealed in the Repealing and Amendment Act, 2017. Though this act was applicable to the whole of India except the State of Assam, West Bengal, Tripura, Manipur and Jammu and Kashmir but its legislation is similar to the Assam Evacuee Property Act.
- Hence since the Central Legislation is repealed and the act doesn't serve any purpose now, the Assam Evacuee Property Act should be also recommended for repeal.

### Issues

There is no legal issue that would impede repeal.

# 19

## ASSAM DARRANG AND LAKHIMPUR DISTRICTS (ASSIMILATION OF LAWS ON THE STATE SUBJECTS) ACT, 1951

|                 |  |
|-----------------|--|
| <b>Subject:</b> | STATE REORGANIZATION AND EXTENSION OF LAWS |
| <b>Reason:</b>  | Purpose of this act as been fulfilled      |
| <b>Grade:</b>   | 5  |

### What is the Law?

An Act to cease all the laws in the Scheduled areas of Darrang and Lakhimpur Districts.

### Key Features

The Act aims to incorporate certain areas in the districts of Darrang and Lakhimpur and the laws in force in the said areas with respect to the matters enumerated in List II in the Seventh Schedule to the Constitution, shall be assimilated to the laws in the said districts.

### Reasons for Repeal

- This act falls under the Central Legislation Scheduled Areas (Assimilation of Laws) Act, 1951 which has

been already recommended for repeal by the Law Commission Report and PC Jain Commission Report.

- The act assimilated certain laws in force in the scheduled areas to the laws in force in the districts of Darrang and Lakhimpur in the State of Assam. Here the act stated that all the laws in the scheduled areas were to be ceased after the appointed date. Therefore, all the law in these two areas came into force after the appointed date.
- The purpose of this act has been fulfilled. Hence it should be recommended for repeal.

### Issues

There is no legal issue that would impede repeal.

# 20

## ASSAM PROHIBITION OF SMOKING IN SHOW HOUSES ACT, 1951

|                 |  |
|-----------------|--|
| <b>Subject:</b> | HEALTH AND FAMILY WELFARE                                      |
| <b>Reason:</b>  | Purposes of this Act is better served by a Central Legislation |
| <b>Grade:</b>   | 5  |

### What is the Law?

An Act to prohibit smoking in cinema halls and other show houses in Assam.

### Key Features

Under the Act, whoever smokes, during a demonstration, or exhibition, in any part of a show house reserved for the audience or the spectators shall be punishable with fine upto one hundred rupees. Further, any police officer not below the rank of Sub-Inspector may arrest without warrant any person committing an offence.

### Reasons for Repeal

- The Act has been subsumed by a more recent Central Government legislation.
- Cigarettes-and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and the

rules made there under are more comprehensive since the Act also covers various other offences.

- The COTPA, 2003 covers all the provisions of the Assam Prohibition of Smoking in Show Houses Act, 1951, thus making the 1951 Act redundant and causing an overlap in legislation.
- The COTPA, 2003 imposes a stringent penalty and imprisonment commission of any crime committed of this sort in the show houses meaning any building, tent, or any roofed and enclosed structure used for demonstration of exhibition to public. However, the penalties imposed by the Assam Prohibition of Smoking in Show Houses, 1951 are disparate and offenders may subvert the penalties of the Central legislation by invoking the Assam Prohibition of Smoking in Show Houses Act, 1951 which imposes lower penalties.

### Issues

There are no legal issues that would impede repeal.

# 21

## ASSAM (ALTERATION OF BOUNDARIES) ACT, 1951

**Subject:** POST-INDEPENDENCE REORGANIZATION  
**Reason:** The Act is Redundant  
**Grade:** 5

### What is the Law?

The Act was brought to alter the boundaries of the State of Assam consequent the cession of a strip of territory comprised in that State to the Government of Bhutan.

### Key Features

The boundaries of the Assam State were demarcated by a bilateral agreement concluded between the Bhutan Government and the Government of India. After the commencement of the Constitution, the alteration was affected after complying with the provisions of the Constitution.

### Reasons for Repeal

- The object of redrawing the boundaries of the state of Assam has been achieved and now stands as a newly formed State.
- The law is set to be repealed since they no longer serve any discernible purpose.

### Issues

There are no legal issues that would impede repeal.



# ASSAM CINEMAS (REGULATION) ACT, 1953

**Subject:** CULTURAL AFFAIRS  
**Reason:** The purpose of this act is better served by a state legislation.  
**Grade:** 5

## What is the Law?

An Act to make provision for regulating exhibitions by means of cinematograph and licensing of cinemas in the State of Assam.

## Key Features

No person shall exhibit in any cinematographic media except as per the license granted under this Act. The District Magistrate or any other authority constituted by the State Government by notification in the Official Gazette may grant such licenses under this Act.

## Reasons for Repeal

- The Act has been subsumed by a more recent State Government Legislation – Assam Cinemas (Regulation) Rules, 1960.
- The Assam Cinemas (Regulation) Act, 1953 has been amended in 1960 and is more relevant in present times and the Act enacted in 1953 has become redundant for the same reason.

## Issues

There is no legal issue 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.

# 23

## ASSAM NOWGONG AND SIBSAGAR (ASSIMILATION OF LAWS) ACT, 1953

|                 |  |
|-----------------|--|
| <b>Subject:</b> | STATE REORGANIZATION AND EXTENSION OF LAWS |
| <b>Reason:</b>  | Purpose of this act as been fulfilled      |
| <b>Grade:</b>   | 5  |

### What is the Law?

An Act to cease all the laws in the Scheduled areas of Nowgong and Sibsagar.

### Key Features

The Act aims to incorporate certain areas in the districts of Nowgong and Sibsagar and the laws in force in the said areas with respect to the matters enumerated in List II in the Seventh Schedule to the Constitution, shall be assimilated to the laws in the said districts.

### Reasons for Repeal

- This act falls under the Central Legislation Scheduled Areas (Assimilation of Laws) Act, 1953 which has

been already recommended for repeal by the Law Commission Report and PC Jain Commission Report.

- The act assimilated certain laws in force in the scheduled areas to the laws in force in the districts of Nowgong and Sibsagar in the State of Assam. Here the act stated that all the laws in the scheduled areas were to be ceased after the appointed date. Therefore, all the law in these two areas came into force after the appointed date.
- The purpose of this act has been fulfilled. Hence it should be recommended for repeal.

### Issues

There is no legal issue that would impede repeal.

# 24

## ASSAM REVENUE RECOVERY (EXTENSION TO LUSHAI HILLS) ACT, 1954

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

### What is the Law?

This Act was enacted to extend the provisions of Revenue Recovery Act 1890, which was further enacted to make better provision for recovering the Revenue from the public, to the Lushai Hills District of erstwhile Assam.

### Key Features

Any amendments made to the Revenue Recovery Act, 1890, which are applicable to Assam would also be extended to the region of Lushai Hills.

### Reasons for Repeal

- The Act applies to the region of Lushai Hills (named changed to the Mizo District after enactment of Lushai Hills District (Change of Name) Act, 1954) which according to The North-Eastern Areas (Reorganisation) Act, 1971, was transferred to Union Territory of Mizoram which after the enactment of the State of Mizoram Act, 1986, became the State of Mizoram, as listed in the First Schedule to the Constitution of India.
- Hence, the Act has become redundant.

### Issues

There are no legal issues that would impede repeal.



# ASSAM RHINOCEROS PRESERVATION ACT, 1954

|                 |  |
|-----------------|--|
| <b>Subject:</b> | ENVIRONMENTAL LAW  |
| <b>Reason:</b>  | Purpose of the Act is served better by a central legislation |
| <b>Grade:</b>   | 4  |

## What is the Law?

The Act ensures the preservation of the One-horned Rhinoceros by prohibiting their hunting and killing. It further provides that every One-horned Rhinoceros captured, and the horn of every One-horned Rhinoceros killed by any person not licensed under this Act, shall be the property of Government.

## Key Features

Under the provisions of this Act no person shall kill, injure or capture any one-horned Rhinoceros unless in private defense, or granted license by the State Government. Whoever violates the provisions of this Act shall be punished by imposition of a fine of Rs. 1000 and with imprisonment upto one year. Every one-horned Rhinoceros captured, and the horn of every one-horned Rhinoceros killed by any person not licensed under this Act, shall be the property of the Government.

## Reasons for Repeal

- According to the Wildlife Protection Act, 1872, the One-horned Rhinoceros has been accorded with the highest-level of possible protection.

- The Wildlife (Protection) Act, 1972 imposes a fine of Rs. 25,000 and maximum imprisonment of up to 7 years in case of contraventions of any provisions.. However, the penalties imposed by the Assam Rhinoceros Preservation Act, 1954 are disparate and offenders may subvert the penalties of the Central legislation by invoking the Assam Rhinoceros Preservation Act, 1954 which imposes lower penalties.

- After the enactment of 42nd Amendment, Protection of Wildlife has come under Entry 17B of the List III of the Seventh Schedule of the Constitution of India and is hence regulated by the scheme of Article 246 of the same. Thus, the Central legislation will have an overriding effect.

- Hence, the Act has become redundant.

## Issues

There are no legal issues that would impede repeal. However, a saving 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.

# 26

## PRESS AND REGISTRATION OF BOOKS (EXTENSION TO LUSHAI HILLS) ACT, 1954

|                 |  |
|-----------------|--|
| <b>Subject:</b> | ADMINISTRATION AND CULTURAL AFFAIRS  |
| <b>Reason:</b>  | The Act is Redundant since post reorganization the area became part of Mizoram state |
| <b>Grade:</b>   | 5  |

### What is the Law?

The said Act was enacted to extend the provisions of Press and Registration of Books Act, 1867 to which was further enacted to provide for the regulation of printing, for the preservation of copies of every book and newspaper printed in India and for the registration of such books and newspapers, to the Lushai Hills District of erstwhile Assam.

### Key Features

Any amendments made to the Press and Registration of Books Act, 1867, which are applicable to Assam would also be extended to the region of Lushai Hills.

### Reasons for Repeal

- The Act applies to the region of Lushai Hills (named changed to the Mizo District after enactment of Lushai Hills District (Change of Name) Act, 1954) which according to The North-Eastern Areas (Reorganization) Act, 1971, was transferred to Union Territory of Mizoram which after the enactment of the State of Mizoram Act, 1986, became the State of Mizoram, as listed in the First Schedule of the Constitution of India.
- Hence, the Act has become redundant

### Issues

There are no legal issues that would impede repeal.

# 27

## ASSAM LUSHAI HILLS DISTRICT (ACQUISITION OF CHIEFS' RIGHTS) ACT, 1954

**Subject:** ADMINISTRATION AND LAND REVENUE  
**Reason:** The Act is Redundant  
**Grade:** 5

### What is the Law?

The said Act was enacted to provide for the acquisition by the state of certain rights and interests of Chiefs in and over land in the Lushai Hills District.

### Key Features

Under the provisions of this Act, the state may, if it feels so, may by notification acquire the rights and interests of the Chief in his Ram (Area) free from all encumbrances. For the purpose of the said Acquisition, a Compensation Officer would be appointed by the State Government, who would on the basis of the Act would give the Chief the Compensation.

### Reasons for Repeal

- The Act applies to the region of Lushai Hills (named changed to the Mizo District after enactment of Lushai Hills District (Change of Name) Act, 1954) which according to The North-Eastern Areas (Reorganization) Act, 1971, was transferred to Union Territory of Mizoram which after the enactment of the State of Mizoram Act, 1986, became the State of Mizoram, as listed in the First Schedule of the Constitution of India.
- Hence, the Act has become redundant

### Issues

There are no legal issues that would impede repeal.

# 28

## ASSAM PROHIBITION OF SMOKING IN PASSENGER VEHICLES ACT, 1954

|                 |  |
|-----------------|--|
| <b>Subject:</b> | HEALTH AND FAMILY WELFARE                                    |
| <b>Reason:</b>  | Purpose of the Act is served better by a central legislation |
| <b>Grade:</b>   | 5  |

### What is the Law?

The Act was enacted to prohibit people from smoking in Passenger Vehicles in the interest of public welfare.

### Key Features

The most important feature of the Act is that it prohibits the act of smoking in public vehicles. It further provides that a person who smokes in a passenger vehicle can be removed should s/he refuse to desist from smoking after being asked by the conductor. Anyone found in contravention of the provision of the said Act shall be punishable with fine which for a first offence may extend to twenty rupees and for a second or subsequent offence to one hundred rupees.

### Reasons for Repeal

- The Act has been subsumed by a more recent Central Government legislation.
- Cigarettes-and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce,

Production, Supply and Distribution) Act, 2003 and the rules made there under are more comprehensive since the Act also covers various other offences.

- The COTPA, 2003 covers all the provisions of the Assam Prohibition of Smoking in Passenger Vehicles Act, 1954, thus making the 1954 Act redundant and causing an overlap in legislation.
- The COTPA, 2003 imposes a stringent penalty and imprisonment commission of any crime committed of this sort in the Passenger vehicles. However, the penalties imposed by the Assam Prohibition of Smoking in Passenger Vehicles Act, 1954 are disparate and offenders may subvert the penalties of the Central legislation by invoking the Assam Prohibition of Smoking in Passenger Vehicles Act, 1954 which imposes lower penalties.

- Hence, the Act has become redundant.

### Issues

There are no legal issues that would impede repeal.

# 29

## LUSHAI HILLS DISTRICT (CHANGE OF NAME) ACT, 1954

|                 |                                      |
|-----------------|--------------------------------------|
| <b>Subject:</b> | ADMINISTRATION                       |
| <b>Reason:</b>  | The Act no longer serves any purpose |
| <b>Grade:</b>   | 5                                    |

### What is the Law?

The said Act was enacted to change the name of the Lushai Hills District to Mizo Districts.

### Key Features

The Act led to Amendment of the Sixth Schedule to the Constitution where all the references to Lushai Hills District were changed to the Mizo District.

### Reasons for Repeal

- The Act has become redundant as the area for more than 64 years has been a part of the state of Mizoram. And there has been no dispute as to that effect from either of the above-mentioned states.

- The Law Commission in its 249th Report at Sl. No 72 under Chapter 2 has categorized the aforesaid Act under the Category, namely the State Re-organization and Extension of Laws and recommended Repeal of the aforesaid Act without mentioning consultation with the stake holders.

- The Act has also been recommended for review in Appendix – B under S. No. 19 of the P. C. Jain Commission Report.

- Hence, the Act has become redundant.

### Issues

There are no legal issues that would impede repeal.

# 30

## ASSAM DISTURBED AREAS ACT, 1955

|                 |                                |
|-----------------|--------------------------------|
| <b>Subject:</b> | DEFENCE                        |
| <b>Reason:</b>  | Challenge to Constitutionality |
| <b>Grade:</b>   | 4                              |

### What is the Law?

The aforesaid Act has been enacted so as to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Assam.

### Key Features

The Act states that u/s 3 of the Act, State Government may, by notification in official Gazette, declare the whole or any part of any district of Assam to be a disturbed area. Further, the Act gives power to any Magistrate or Police Officer (not below rank of Havildar) or any officer of Assam Rifles (not below rank of Havildar) to shoot any person for maintenance of public order. Also no suit or legal proceedings would be instituted against any person in r/o anything under the powers conferred by Section 4 and 5.

### Reasons for Repeal

- The Act in question is similar to the Armed Forces (Special Powers) Act, 1958. The Armed Forces (Special Powers) Act, 1958 has been criticized nationally and internationally and has been recommended for repeal by various organizations and commissions.
- The Assam Disturbed Areas Act, 1955 clearly violates the "Right to Life" of the citizens as it grants power to a member of the armed forces or police to arbitrarily shoot a person found in contravention of the provisions of the Act. Also there have been widespread reports of the members of the Armed Forces misusing the powers conferred to them under this Act.

- The Central Act has been recommended for repeal by the Justice Jeevan Reddy Commission, which called the Act too sketchy, too bald and quite inadequate in several particulars.
- The Department of Administrative Reforms & Public Grievances in its Second Administrative Reforms Commission in its 5th Report on 'Public Order' called for AFSPA to be repealed.
- The Central Act has been termed as dated and colonial-era law that breach contemporary international human rights standards by the United Nations. Further, the Act has no justification as it clearly violates the Universal Declaration of Human Rights (the "UDHR"), the International Covenant on Civil and Political Rights (the "ICCPR"), the Convention Against Torture, the UN Code of Conduct for Law Enforcement Officials, the UN Body of Principles for Protection of All Persons Under any form of Detention, and the UN Principles on Effective Prevention and Investigation of Extra- legal and summary executions.
- So, as seen the like the Central Act, the State Act too violates the Rights of the Citizens of India and hence, has to 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.

# 31

## NAGA HILLS-TUENSANG AREA ACT, 1957

|                 |                                      |
|-----------------|--------------------------------------|
| <b>Subject:</b> | STATE-REORGANIZATION                 |
| <b>Reason:</b>  | The Act no longer serves any purpose |
| <b>Grade:</b>   | 5                                    |

### What is the Law?

The said Act was enacted to provide for the formation of the Naga Hills- Tuensang Area of Assam as an administrative unit.

### Key Features

After the commencement of the said Act there was a new Administrative unit State of Assam by the name of Naga Hills- Tuensang Area comprising the tribal areas which at such commencement were known as the Naga Hills District and Tuensang Frontier Division of the North East Frontier Agency.

### Reasons for Repeal

- The Act has become redundant as after the enactment of the State of Nagaland Act, 1962 , the area of Naga Hills-Tuensang has ceased to be part of Assam and is now a part of the state of Nagaland, a state of India as listed in Schedule I to the Constitution.
- Hence, the Act has become redundant.

### Issues

There are no legal issues that would impede repeal.

# 32

## ASSAM GANJA AND BHANG PROHIBITION ACT, 1958

|                 |  |
|-----------------|--|
| <b>Subject:</b> | HEALTH AND FAMILY WELFARE                                    |
| <b>Reason:</b>  | Purpose of the Act is served better by a central legislation |
| <b>Grade:</b>   | 5  |

### What is the Law?

The Act was enacted to prohibit cultivation, collection, possession, consumption, manufacture or sale of Narcotic Bhang and Ganja in and of smuggling thereof into the state of Assam.

### Key Features

Under the provisions of this Act, no person shall cultivate, collect, import, use or keep Ganja or Bhang. Whoever violates the provisions of this Act shall be punished with a fine of Rs. 1000 and imprisonment for a period which may extend up to two years.

### Reasons for Repeal

- The Narcotic Drugs and Psychotropic Substances Act, 1985 is far more detailed in its definitions and comprehensive than the Assam Act and subsumes the purposes for which it was enacted.

- The Narcotic Drugs and Psychotropic Substances Act, 1985 imposes a strict fine and imprisonment in case of contraventions of any provisions. However, the penalties imposed by the Assam Ganja and Bhang Prohibition Act, 1959 are disparate and offenders may subvert the penalties of the Central legislation by invoking the Assam Ganja and Bhang Prohibition Act, 1959 which imposes lower penalties.

- Further, cultivation and manufacture of opium is covered under the Entry 59, List I of the seventh schedule of the Constitution of India and is hence regulated by the scheme of Article 246 of the same. Thus, the central legislation will have an overriding effect.

- Hence, the Act has become redundant

### Issues

There are no legal issues that would impede repeal.

# 33

## ASSAM EMBANKMENT AND DRAINAGE VALIDATION ACT, 1960

**Subject:** VALIDATION OF EMBANKMENTS AND DRAINAGE SCHEMES  
**Reason:** The act has served its purpose  
**Grade:** 5

### What is the Law?

The Act validates any scheme for embankments and drainage in the state of Assam between the period of 1st February, 1955 and the date of commencement of the Act, and shall not be questioned on the grounds of certain procedural ultra vires.

### Key Features

Any claims with respect to schemes in the specified period will be decided in accordance with provisions of the Act of 1953. Any water rate, betterment cess or premium will also be determined in accordance with the 1953 Act, under Section 11, by the State Government.

### Reasons for Repeal

- The Act was only made for validating schemes within the specified time period. New schemes and policies have long replaced schemes within this time period, and hence, the Act has served its purpose.

### Issues

There is no legal issue that would impede repeal.

# 34

## LAND IMPROVEMENT LOANS (EXTENSION TO MIZO AND UNITED KHASI-JAINTIA HILLS DISTRICT) ACT, 1963

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

### What is the Law?

The Act Land Improvement Loans Act did not apply to the said regions before independence. With the inclusion of these regions into the territory of India. The said Act extends the force of the Land Improvement Loans Act to these regions.

### Key Features

The Act extended all the provisions of the Land Improvement Loans Act, 1883, as amended from time to time, to the Mizo And United Khasi-Jaintia Hills District.

### Reasons for Repeal

- The parent Act, Land Improvement Loans Act, 1883 has been recommended for repeal, time and again. The purpose of this Act has become redundant as its objective is replaced by Land Mortgage Bank Act, as opined by the Law Commission of Report No. 249 of 2014 (Second Interim Report).
- The extension of the said Act to the specified regions serves no purpose

### Issues

There are no legal issues that would impede repeal.

35

# AGRICULTURISTS' LOANS (EXTENSION TO UNITED-KHASI-JAINTIA HILLS DISTRICT) ACT, 1963

**Subject:** AGRICULTURE  
**Reason:** The Act is Redundant  
**Grade:** 5

## What is the Law?

This Act was enacted to provide for the extension of the Agriculturists' Loans Act, 1884 (Central Act No. XII of 1884) to the United Khasi-Jaintia Hills District. The 1884 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 Punjab, and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer.

## Key Features

The Act extends the provisions of the Agriculturists' Loans Act to the United Khasi-Jaintia Hills District, which provides that when a loan is made under such Act to the members of a village community on such terms that all of them are jointly and severally bound to the Government for the payment of the amount, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

## Reasons for Repeal

- This Act was enacted to extend the applicability of the Agriculturists' Loans Act, which itself amended and provided for the extension of the Northern India Takkavi Act, 1879.
- 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.
- The current Act is meant to be read with the Agriculturists' Loans Act, which has been recommended for repeal in the Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal" (Sl. No. 32, Chapter 4, Interim Report; Report No. 248), and the P.C. Jain report at Sl. No. 1 of Appendix A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).

## 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.

# 36

# ASSAM PREVENTION OF BEGGING ACT, 1964

|                 |   |
|-----------------|---|
| <b>Subject:</b> | PUBLIC WELFARE                            |
| <b>Reason:</b>  | Violative of Protection of Life & Liberty |
| <b>Grade:</b>   | 5   |

## What is the Law?

The Act has been adapted 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 Assam.

## Key Features

Under the Act, the State is empowered to detain persons who are not engaged in begging, whether they are daily wagers, and/or having family members to support. The Act provides that 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.

## Reasons for Repeal

- The Act treats beggars as criminals. If convicted under this law, a person can spend anything between 1 to 3 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.
- 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* held that the detention of persons begging because of poverty is dehumanizing to them, and is a disgrace and a failure of the State.
- The Hon'ble High Court in the matter of *Harsh Mander*

v. Union of India struck down twenty-five sections of the Bombay Prevention of Begging Act, 1959, and held as under:

If we want to eradicate begging, artificial means to make beggars invisible will not suffice. A move to criminalize them will make them invisible without addressing the root cause of the problem. The root cause is poverty, which has many structural reasons: no access to education, social protection, discrimination based on caste and ethnicity, landlessness, physical and mental challenges, and isolation.

- 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 to subject to the repealing legislation.

# 37

## ASSAM REORGANIZATION (MEGHALAYA) ACT, 1969

|                 |   |
|-----------------|---|
| <b>Subject:</b> | REORGANIZATION OF STATES                  |
| <b>Reason:</b>  | The purpose of the Act has been fulfilled |
| <b>Grade:</b>   | 5   |

### What is the Law?

The Act creates an autonomous state of Meghalaya within the state of Assam reserving executive powers of Meghalaya to the Governor of Assam to subject-matters on which the state of Meghalaya does not have power to frame rules.

### Key Features

The Act prescribes that there shall an autonomous State of Meghalaya within the State of Assam. It further elucidates the functioning of such an autonomous State by providing for an executive, legislature, advocate general, etc.

### Reasons for Repeal

- The object of creating a self-governing state of Meghalaya has been achieved which has been going about with its administration in an effective manner.
- An act laying down the administrative set up for another state is no longer necessary and has served its purpose.

### Issues

There is no legal issue that would impede repeal.



# ARMED FORCES (ASSAM AND MANIPUR) SPECIAL POWERS (AMENDMENT) ACT, 1972

|                 |                                |
|-----------------|--------------------------------|
| <b>Subject:</b> | ARMED FORCES                   |
| <b>Reason:</b>  | Challenge of Constitutionality |
| <b>Grade:</b>   | 4                              |

## What is the Law?

The Act amends the Armed Forces (Assam and Manipur) Special Powers Act, 1958.

## Key Features

The Act substituted the words “Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura and the Union territory of Arunachal Pradesh” to “the Armed Forces (Assam and Manipur) Special Powers Act, 1958” from the title of the Principal Act which grants special powers to the armed forces.

## Reasons for Repeal

- Under relevant international human rights and humanitarian law standards there is no justification for such an act as the AFSPA. The AFSPA, by its form and in its application, violates the Universal Declaration of Human Rights (the “UDHR”), the International Covenant on Civil and Political Rights (the “ICCPR”), the Convention Against Torture, the UN Code of Conduct for Law Enforcement Officials, the UN Body of Principles for Protection of All Persons Under any form of Detention, and the UN Principles on Effective Prevention and Investigation of

Extra- legal and summary executions and the Justice Jeevan Reddy Commission recommended to repeal AFSPA as “the Act is a symbol of hate, oppression and instrument of high handedness” but Government of India has not taken any decision in this direction.

- The second Administratively Reforms Commission (ARC) in its fifth report on “Public Order,” recommended to repeal of Armed Forces Special Powers Act, 1958 commented that the repeal of the present Act would remove sentiments of discrimination and alienation among the people of North East India. The commission recommended amending the Unlawful Activities (Prevention) Act, 1967 inserting a new chapter to deploy the armed forces of the Union in the North eastern States. It supported a new doctrine of policing and criminal justice inherent in an inclusive approach to governance.

## 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.

39

## ASSAM SILLIMANITE LIMITED (ACQUISITION AND TRANSFER OF REFRACTORY PLANT) ACT, 1976

|                 |                                |
|-----------------|--------------------------------|
| <b>Subject:</b> | TRANSFER OF PROPERTY           |
| <b>Reason:</b>  | The act has served its purpose |
| <b>Grade:</b>   | 5                              |

### What is the Law?

The Act provides for the acquisition and transfer of the right, title and interest of the Assam Sillimanite Limited in respect of its Refractory Plant to the Central Government on the appointed day.

### Key Features

The Central Government will have the power to direct vesting of the Government Company and also control over management of the Refractory Plant. The Company will continue to be liable for certain prior liabilities.

### Reasons for Repeal

- The transfer of the said plant has taken place and there is no dispute on the rights of the Central Government over the plant.
- The Act has, thus, served its purpose.

### Issues

There is no legal issue that would impede repeal.

# 40

## ASSAM RIGHT TO INFORMATION ACT, 2001

|                 |  |
|-----------------|--|
| <b>Subject:</b> | STATUTORY RIGHT  |
| <b>Reason:</b>  | The Act has been subsumed by subsequent legislation, namely the Right to Information Act, 2005 |
| <b>Grade:</b>   | 5  |

### What is the Law?

The Act provides that public authorities in Assam must maintain records in the manner laid down. It further prescribes that citizens have a statutory Right to Information and may access the aforesaid records, subject to the exceptions laid down by the Act. This Act is a precursor to the Right to Information Act, 2005 enacted by the Central Government.

### Key Features

The Act acknowledges the necessity to have a legislation to provide the right of access to information to the citizens of the State which would promote openness, transparency and accountability in administration and ensure effective participation of people in the administration.

### Reasons for Repeal

- The subsequent Right to Information Act, 2005 enacted by the Central Government performs the same function as this Act. This is currently not used, as public authorities in Assam as well are governed by the Central Legislation. Applications to public authorities in Assam must be made as per the Central Legislation and not the present Act.
- The Act has thus been subsumed by a subsequent legislation, namely the Right to Information Act, 2005.

### 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.

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

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