



GUJARAT

**REPEAL LAW
COMPENDIUM**

2018

GUJARAT

REPEAL LAW
COMPENDIUM
2018

An initiative of



In collaboration with



and



First published in 2018 by
Centre for Civil Society

Cover design and layout by
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 | Website: www.ccs.in

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

Printed at
Mehra Impressions, New Delhi

ISBN: 978-81-87984-42-9



Centre for Civil Society

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

CCS is India's leading liberal think tank, ranked 81st worldwide by the annual study conducted by the Think Tanks and Civil Society Program at the University of Pennsylvania.



About Gujarat National Law University

Gujarat National Law University (GNLU) is a statutory university established by the Government of Gujarat under the Gujarat National Law University Act, 2003. The University is recognized by the Bar Council of India (BCI) and the University Grants Commission (UGC). The University is also a member of the Association of Indian Universities (AIU) and is presently accredited with an 'A' Grade by NAAC and functions as the nodal agency to uplift the legal education in the State of Gujarat. The GNLU Act, 2003 proclaims the objects of the University "shall be to advance and disseminate learning and knowledge of law and legal processes and their role in national development; to develop in the students and the research scholars a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, parliamentary practice, law reforms and such other matters; to make law and legal processes efficient instruments of social development; and to promote inter-disciplinary study of law in relation to management, technology, international cooperation and development."



About Kaden Boriss Partners

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

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

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

Table of Contents

Introduction	7
Research Methodology	8
Compendium of Laws to be Repealed in Gujarat	
1 Bombay Ferries and Inland Vehicles Act, 1868.	11
2 Pleaders Act, 1920 (Gujarat)	11
3 Trade Disputes Conciliation Act, 1934 (Bombay)	12
4 Provisional Collection of Taxes Act, 1938	12
5 Bombay Borstal Schools Act, 1929	13
6 Bombay Electricity (Special Powers) Act, 1946	14
7 Bombay Industrial Relations Act, 1946	14
8 Bombay Adjudication Proceedings (Transfer and Continuance) Act, 1947	15
9 The Bombay Secondary School Certificate Examination Act, 1948	15
10 Prevention of Excommunication Act, 1949	16
11 Repatriated Prisoners Act, 1949 (Gujarat)	16
12 Seals Act, 1949	17
13 The Indian Treasure-Trove (Extension to the Hyderabad and Saurashtra Areas of Bombay State) Act, 1957	17
14 Requisitioned Property (Continuance of Powers) (Saurashtra Area) Act, 1958 (Bombay)	18
15 Separation of Judicial and Executive Functions (Extension) and the Code of Criminal Procedure (Provision for Uniformity) Act, 1958 (Bombay)	18
16 Prevention of Begging Act, 1959 (Bombay)	19
17 The Indian Forest (Gujarat Unification and Amendment) Act, 1960	19
18 The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960	20
19 The Gujarat Compulsory Primary Education Act, 1961	21
20 The Gujarat Increase of Stamp Duties Act, 1961	22
21 The Bombay Motor Vehicles (Taxation of Passengers) (Gujarat Amendment) Act, 1961	22
22 The Inland Steam-Vessels (Gujarat Amendment) Act, 1961	23
23 The Press and Registration of Books (Extension of Bombay Amendments) Act, 1961	23
24 The Saurashtra Estates Acquisition (Gujarat Amendment) Act, 1961	24
25 The Payment of Wages (Gujarat Provision for Uniform Application and Amendment) Act, 1961	24
26 The Bombay Village Police (Gujarat Extension and Amendment) Act, 1961	25
27 The Gandhidham (Development and Control on Erection of Buildings) (Amendment) Act, 1961	26
28 The Bombay Personal Inams (Gujarat Amendment) Act, 1961	27
29 The Indian Lunacy (Gujarat Provision for Uniform Application) Act, 1961	28
30 The Gujarat Education Cess Act, 1962	28
31 The Saurashtra Local Development Fund and Bombay Local Boards Acts (Gujarat Amendment) Act, 1961	28

32	The Gujarat Legislative Assembly Proceedings (Protection of Publication) Act, 1961	30
33	The Gujarat Municipalities (Extension of Term) Act, 1962	31
34	The Gujarat Local Authorities Laws (Amendment) Act, 1962	32
35	The Gujarat Municipal Laws (Amendment) Act, 1962	33
36	The Bombay Execution of Decrees (Temporary Postponement) (Gujarat Amendment) Act, 1962	34
37	The Commercial Documents Evidence (Gujarat Extension and Amendment) Act, 1962	35
38	The Gujarat Panchayats (Suspension of Provisions and Reconversion of Certain Local Areas into Municipal Districts) Act, 1962	36
39	The Gujarat Court of Wards Act, 1963	37
40	The Gujarat Diseases of Animals (Control) Act, 1963	38
41	The Bombay Land Requisition (Gujarat Extension of Duration) Act, 1963	39
42	The Gujarat Local Authorities (Emergency Provisions) Act, 1965	40
43	The Gujarat Panchayats (Gramdan Provisions) Act, 1966	41
44	The Gujarat Contingency Fund (Temporary Increase) Act, 1972	42
45	The Indian Electricity (Gujarat Amendment) Act, 1973	43
46	The Gujarat Entertainments Tax Act, 1977	44
47	The Bombay Civil Courts (Gujarat Amendment) Act, 1982	44
48	The Gujarat Sick Textile Undertakings (Nationalisation) Act, 1986	45
49	The Gujarat Salaries and Allowances of Members and Speaker of Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Act, 1986	46
50	The Provincial Insolvency (Gujarat Amendment) Act, 1986	47
51	The Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Act, 1992	48
52	Gujarat Local Authorities (Temporary Postponement of Elections and Extension of Term) Act, 1993	49
53	Gujarat Contingency Fund (Temporary Increase) Act, 1993	49
54	Gujarat Appropriation (Excess Expenditure) Act, 1993	50
55	The Gujarat (Supplementary) Appropriation Act, 1994	51
56	The Gujarat Local Authorities (Temporary Postponement of Elections) Act, 1994	52
57	The Gujarat Appropriation Act, 1994	53
58	The Bombay Inams (Kutch Area) Abolition (Gujarat Amendment) Act, 1994	54
59	Gujarat Entertainments Tax (Amendment) Act, 1993	54
60	The Gujarat Appropriation (Vote on Account) Act, 1994	55
61	Gujarat Freedom of Religion Act, 2003	55
62	The Gujarat Taxation Laws (Amendment) Act, 2004	56
63	Gujarat Green Cess Act, 2011	56

Authors and Contributors

AUTHORS

Anushka Mittal

Student of Gujarat National Law University, Gandhinagar, currently working as an Associate at Cyril Amarchand Mangaldas, Delhi

Cheta Sheth

Fourth year B. A. LL.B. (Hons.) student, Gujarat National Law University, Gandhinagar

Samidha Mathur

Third year B. A. LL.B. (Hons.) student, Gujarat National Law University, Gandhinagar

Sruti Sivasubramanian

Fourth year B. A. LL.B. (Hons.) student, Gujarat National Law University, Gandhinagar

Swagat Baruah

Fourth year B. A. LL.B. (Hons.) student, Gujarat National Law University, Gandhinagar

Vishal Sinha

Fifth year B. A. LL.B. (Hons.) student, Gujarat National Law University, Gandhinagar

CONTRIBUTORS

Hemant K. Batra

Founder & Global Chairman, Kaden Boriss Partners

Akshay Luthra

Associate, Kaden Boriss Partners

Diksha Kaul

Associate, Kaden Boriss Partners

Neeti Shikha

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

Dr Garima Yadav

External Analyst, Project Repeal of Laws
Assistant Professor, Symbiosis Law School Noida

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

Bhartiya 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 . 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'.

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

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.

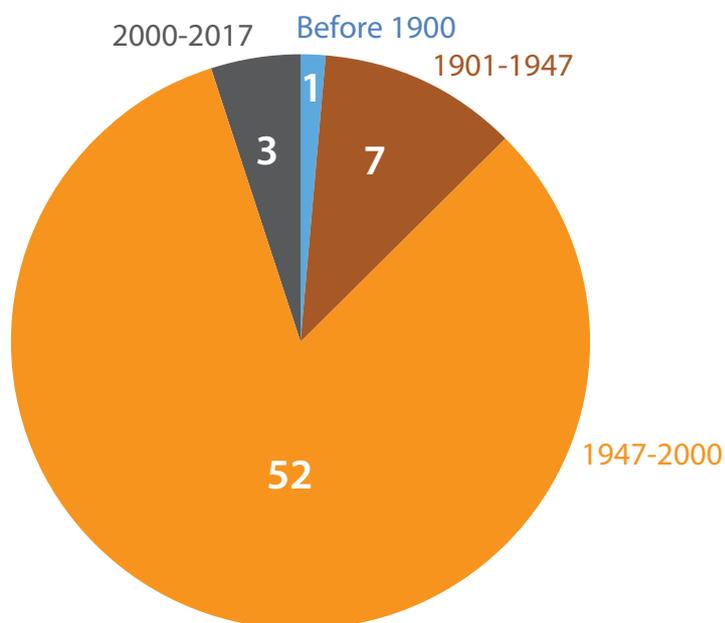
'Grading' of Cases for Repeal

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.

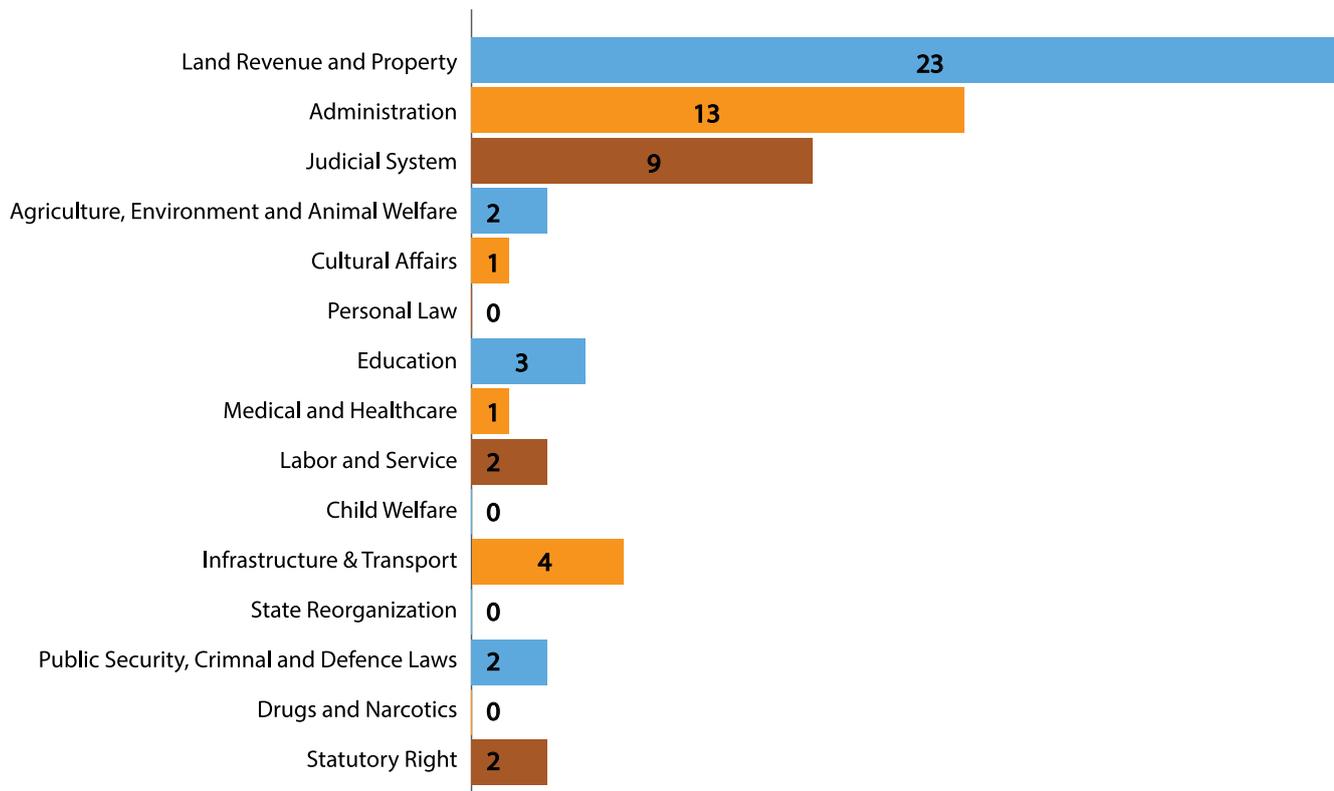
Key Features

This compendium of "Recommended laws for Repeal in the state of Gujarat" has a total of 63 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:

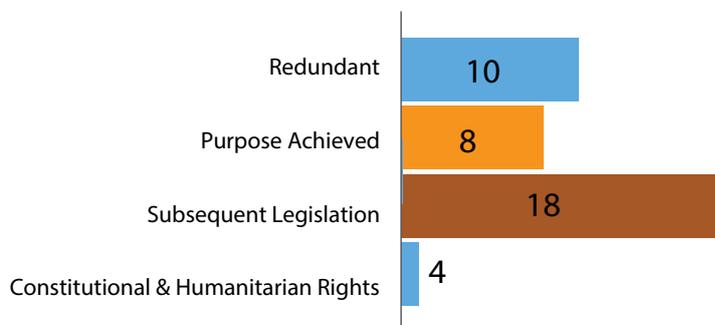
A. Law Enactment Year



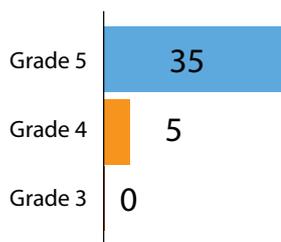
B. Themes



C. Reasons for Repeal



D. Grading





COMPENDIUM OF LAWS
TO BE REPEALED IN
GUJARAT

1

BOMBAY FERRIES AND INLAND VEHICLES ACT, 1868.

Subject:	TRANSPORT.
Reason:	The Act no longer serves any purpose
Grade:	4

What is the Law?

The law provides for the regulation and taxation of ferries and inland waterways.

Key Features

The law determines how toll is to be levied on ferries and inland waterways. It also describes the procedure for letting out of ferries and lays down the format which must be followed for a table of tolls.

Reasons for Repeal

- The powers given to the commissioner under the Act with regard to the levy of toll and the leasing of ferries now lie with the Gujarat Maritime Board under the Gujarat Maritime Board Act, 1981.
- The Act has not been in use since the entire responsibility relating to inland waterways has been given to the Maritime Board in Gujarat.

Issues

The act still covers ancillary requirements like requirement of hanging up tables of tolls, but these may be incorporated into the Maritime Board Act itself.

2

PLEADERS ACT, 1920 (GUJARAT)

Subject:	JUDICIAL
Reason:	Replaced by new Act.
Grade:	5

What is the Law?

The Act aimed to consolidate the law relating to pleading in the state of Gujarat.

Key Features

The Act restricted the right to plead in certain cases. It limited the power to plead and stated that a district pleader in one district cannot plead in another district. It laid down the qualifications and the requirements to be followed by pleaders to be allowed to appear before the court.

Reasons for Repeal

- The Act was already been repealed in part by the Advocates Act, 1960. The Bombay Act has also been suggested for repeal by the Maharashtra State Law Commission in 2002.
- The extent of practice of an advocate is now covered under the Advocates Act, 1960. The system envisaged under the Pleaders Act is no longer in practice.

Issues

There are no legal issues that would impede repeal.

3

TRADE DISPUTES CONCILIATION ACT, 1934 (BOMBAY)

Subject: JUDICIAL
Reason: Replaced by new Act.
Grade: 5

What is the Law?

The law lays down provisions relating to conciliation for the purpose of resolution of trade disputes. Act also provides for the jurisdiction of co-officers.

Key Features

It provides for the post of Labour Officer who is to ensure harmonious relations between the workmen and the employer. The Jurisdiction of Conciliators is determined. The Act also provides that parties to be represented by delegates and that Confidential Information cannot be disclosed.

Reasons for Repeal

- The Act has become redundant in light of the passing of the Industrial Disputes Act, 1947. Now, the conciliation procedure prescribed within the Industrial Disputes Act is followed to resolve trade disputes.

Issues

There are no legal issues that would impede repeal.

4

PROVISIONAL COLLECTION OF TAXES ACT, 1938

Subject: TAXATION
Reason: The Act no longer serves any purpose
Grade: 5

What is the Law?

This law was enacted for the purpose of refunds which were to be made to people based on changes in the rate of taxation between old acts and new acts.

Key Features

The Act confined refunds of duty to the difference between the rate in force when the Bill was introduced, and the rate proposed in that Bill, any further reduction imposed by the new Act taking effect only when that Act comes into operation.

Reasons for Repeal

- The Act was temporary in its nature, and it was limited only to the specific bills and acts which were mentioned therein. Therefore, it has already achieved its purpose.

Issues

There are no legal issues that would impede repeal.

5

BOMBAY BORSTAL SCHOOLS ACT, 1929.

Subject:	EDUCATION
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

The purpose of the act was to set up schools which would provide detention of juveniles who would contravene the law. Provisions of Police Act were also applied to these schools. The court could order for children to be detained in these schools.

Key Features

Schools set up to reform young offenders. The Act further applies the Prisons Act and the rules therein such schools as well. A court can order for detention in such a school.

Reasons for Repeal

- The provisions of this Act contravene the Juvenile Justice Act, which provides for rehabilitation centres for juveniles in conflict with the law.
- This Act is also not in use.
- The Madras High Court in the case of N. Gowthaman @ Babu v. State of Tamil Nadu (2016) 5 CTC 225 noted that only 10 states in India still have the Borstal Schools Act and recommended to the State Government that the act should be repealed as it has outlived its purpose.

Issues

There are no legal issues that would impede repeal.

6

BOMBAY ELECTRICITY (SPECIAL POWERS) ACT, 1946

Subject:	ADMINISTRATION
Reason:	The Act has been subsumed by a subsequent legislation
Grade:	5

What is the Law?

The purpose of the Act is to make special provisions for controlling the supply, consumption, distribution and use of electrical energy in the State of Bombay. It lays down situations in which the supply of electricity can be discontinued as well as cases wherein there is a prohibition on reconnection of supply.

Key Features

- Lays down situations where electricity can be cut off.
- Also lays down the procedure and situations of reconnection.

Reasons for Repeal

- All those issues which came within the purview of the Bombay Act are now covered by the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003. Hence, this Act has been subsumed by a more recent legislation.

Issues

There are no legal issues that would impede repeal.

7

BOMBAY INDUSTRIAL RELATIONS ACT, 1946

Subject:	LABOUR
Reason:	The Act has been subsumed by a subsequent legislation
Grade:	3

What is the Law?

The law relates to regulation of relations between the employer and the employee and to provide for a mode for the redressal of labour related grievances.

Key Features

In order to provide for a mode for the redressal of labour related grievances between the employer and the employee, the Act establishes and defines the power of the Commissioner of Labor, Registrar and Additional Registrar, Conciliator, Labor Courts and Industrial Courts.

Reasons for Repeal

- The Act is now replaced by the Industrial Disputes

Act, 1947. While both the acts have been said to not be repugnant to each other, as the Central Act clearly accepts the authority of state legislations in some matters, and the state act only applies to selective industries, it would serve better to have one common uniform act relating to industrial disputes rather than multiple acts at the state as well as the central level.

Issues

There are no legal issues that would impede repeal. Some areas may be covered by the State Act which are not recognized in the Central Legislation, with regard to this, the issue of vested rights may arise, and the parties may be at liberty to demand rights conferred under the State legislation. This could, however, be dealt with by providing a saving clause to that effect.

8

BOMBAY ADJUDICATION PROCEEDINGS (TRANSFER AND CONTINUANCE) ACT, 1947

Subject: JUDICIAL
Reason: The Act no longer serves any purpose
Grade: 5

What is the Law?

The law related to the transfer and continuance of certain cases referred to the adjudicator under 81A of Defence of India Rules.

Key Features

The provision is made to enable the Provincial Government to transfer and continue disputes before the Tribunal constituted by the Provincial Government under the Industrial Disputes Act, 1947. The Provincial Government has power to make an order for the transfer

and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under Rule 81A of the Defence of India Rules and pending before such Adjudicator.

Reasons for Repeal

- This Act was temporary in its nature. The Act no longer serves any purpose.

Issues

There are no legal issues that would impede repeal.

9

THE BOMBAY SECONDARY SCHOOL CERTIFICATE EXAMINATION ACT, 1948.

Subject: EDUCATION
Reason: The Act has been subsumed by a subsequent legislation
Grade: 5

What is the Law?

The Act provides for rules to be followed for the purpose of conducting secondary school certificate examinations. It also sets up a board which is responsible for ensuring the proper conduct of the exams.

Key Features

A board was set up to deal with matters relating to secondary education.

Reasons for Repeal

- The Act is now replaced in Gujarat by the Gujarat Secondary Education Act, 1972 which provides for the conduct of secondary school certificate examinations and also sets up a board for prescribing rules for the same.
- The Act has not been in use and there are no instances of any cases filed with respect to it.

Issues

There are no legal issues that would impede repeal.

10

PREVENTION OF EXCOMMUNICATION ACT, 1949

Subject: SOCIAL WELFARE.
Reason: Unconstitutional
Grade: 5

What is the Law?

The Act prohibits the practice of ex-communication in the State of Gujarat. It also prescribes the mode of taking cognizance of actions of ex-communication.

Key Features

This act provides for penalty for excommunication and mode of taking cognizance.

Reasons for Repeal

- This law was held to be unconstitutional in the case of *Sardar Syedna Taher Saifuddin Saheb v. State of Bombay*

AIR 1962 SC 853 where it was held that the said law interfered with religious practices as religious sects should be allowed to excommunicate members as the same is an essential part of their religion.

Issues

There are no legal issues that would impede repeal. The repeal of this law could encourage communities to continue practices of excommunication, as these would also be protected under Article 25(2) of the Constitution. There must be a new law which prohibits excommunication unless it is an essential religious practice so that the law can ensure social welfare while being constitutionally valid.

11

REPATRIATED PRISONERS ACT, 1949 (GUJARAT)

Subject: JUDICIAL
Reason: The Act has been subsumed by a subsequent legislation
Grade: 5

What is the Law?

The purpose of the act was to provide for the reception, detention and trial of prisoners transferred from Pakistan to the Province of Bombay. It gave powers to the provincial government to give orders to the jails regarding the custody, trial and transfer of these prisoners.

Key Features

The law relates to the specific treatment of prisoners transferred from Pakistan and lays down the law relating to their custody.

Reasons for Repeal

- This act specifically relates only to prisoners transferred from Pakistan to the State of Bombay. The Act is not valid anymore as the State of Bombay does not exist any longer, and neither does the provincial government given powers under the act.
- Further, provisions regarding general transfer of prisoners are now found in the Repatriation of Prisoners Act, 2003.

Issues

There are no legal issues that would impede repeal.

12 SEALS ACT, 1949

Subject:	JUDICIAL
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

The purpose of the law was to provide for the alteration of seals prescribed in the Letters Patent of the High Court and certain enactments. It acted as an amendment to the Bombay Civil Courts Act, 1869.

Key Features

The Act made changes to the Bombay Civil Courts Act, 1869.

Reasons for Repeal

- The Bombay Civil Courts Act does not govern the system of courts in Gujarat today. Therefore, the amendment made by this Act to civil courts is not relevant.
- Further, the provisions regarding to seals used by public authorities can be found in the Gujarat Public Authorities Seals Act, 2004.

Issues

There are no legal issues that would impede repeal.

13 THE INDIAN TREASURE-TROVE (EXTENSION TO THE HYDERABAD AND SAURASHTRA AREAS OF BOMBAY STATE) ACT, 1957

Subject:	LAND.
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

The purpose of the Act was to extend the Indian Treasure-Trove Act, 1878 to the Hyderabad and Saurashtra areas of the State of Bombay.

Key Features

The purpose was to extend the act with amendments.

Reasons for Repeal

- This is one of the acts which was recommended by the Law Commission of India for repeal in 2014.
- In light of changed boundaries between Gujarat and Maharashtra, this act carries no significance.

Issues

There are no legal issues that would impede repeal.

14

REQUISITIONED PROPERTY (CONTINUANCE OF POWERS) (SAURASHTRA AREA) ACT, 1958 (BOMBAY)

Subject: LAND.
Reason: The Act no longer serves any purpose
Grade: 5

What is the Law?

The purpose of the act is to provide for the continuance of certain powers in relation to requisitioned property in the Saurashtra area of the State of Bombay.

Key Features

State government given power to acquire property under the Act.

Reasons for Repeal

- This act has become redundant in light of changed boundaries and the transfer of territories undertaken at the time of creation of Maharashtra and Gujarat.

Issues

There are no legal issues that would impede repeal.

15

SEPARATION OF JUDICIAL & EXECUTIVE FUNCTIONS (EXTENSION) AND THE CODE OF CRIMINAL PROCEDURE (PROVISION FOR UNIFORMITY) ACT, 1958 (BOMBAY)

Subject: JUDICIAL
Reason: The Act no longer serves any purpose.
Grade: 4

What is the Law?

The purpose of this law was to provide uniformity with the Code of Criminal Procedure, 1898. All amendments made to the Code before reorganisation were to be continued in the state of Bombay.

Key Features

The Act was passed in preparation for reorganisation, to ensure that amendments could be continued.

Reasons for Repeal

- This act had specific application only to Bombay and did not relate to Gujarat.

Issues

There are no legal issues that would impede repeal.

16

PREVENTION OF BEGGING ACT, 1959 (BOMBAY).

Subject:	SOCIAL WELFARE.
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

The purpose of the act was to prevent begging in the State of Bombay and its application was extended to various other states including NCT Delhi in 1960. It gives powers to police officers to arrest persons who enter the premises of another for the purpose of collecting alms.

Key Features

The act authorizes the police or other person authorised in this behalf in accordance with rules made by the State Government to arrest a person who enters a premise to receive alms upon a complaint by the occupier of the premises.

Reasons for Repeal

- The Act is extremely oppressive in its nature as it

criminalises the act of begging instead of providing for the rehabilitation of beggars.

- The Bombay High Court has also called for the release of persons detained under this Act as this Act was recognized as oppressive.
- In the case of *Harsh Mander & Anr. v. Union of India W.P(C) 10498/2009*, Delhi High Court decriminalised beggary by striking down, as unconstitutional, certain sections of the Bombay Prevention of Beggary Act, 1959, as extended to Delhi. Inter alia, it observed that the Prevention of Begging Act, 1959 (Bombay) provisions that treat begging as an offence, cannot sustain constitutional scrutiny.

Issues

There are no legal issues that would impede repeal.

17

THE INDIAN FOREST (GUJARAT UNIFICATION AND AMENDMENT) ACT, 1960

Subject:	ENVIRONMENT
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

This Act was passed to provide uniformity of laws relating to forests and transit of forest produce in the whole state of Gujarat. Its basic objective was to provide the uniformity of Indian Forest Act, 1927 in the areas of Kutch and Saurashtra.

Key Features

The Act extends the provision of the Indian Forest Act, 1927 to the Kutch and Saurashtra areas of Gujarat. It also modified the procedure of furnishing of order of the Forest Settlement Officer, the power of eviction after

conviction and the power to compound offences.

Reasons for Repeal

- Since now these both areas, Kutch and Saurashtra, are undisputed parts of Gujarat and whole territory of India is under the application of Union laws, this act in particular is not required validating it again.
- Therefore, this act is liable to be repealed.

Issues

There is no legal issue that would impede repeal.

18

THE GUJARAT LEGISLATIVE ASSEMBLY (SPEAKER AND DEPUTY SPEAKER) SALARIES AND ALLOWANCES ACT, 1960

Subject:	LAND
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

The Act provides for the salaries and allowances of Speaker and Deputy Speaker of the Gujarat Legislative Assembly.

Key Features

This act was made to affix the salaries and allowances of Speaker and Deputy Speaker of the Gujarat Legislative Assembly. It provides for residence, salaries, allowances to the Speaker, Deputy Speaker and their family members.

Reasons for Repeal

- Owing to such a dynamic subject matter, it got

practically overruled by The Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Act, 1992 and subsequent acts.

- Quantum of salaries and allowances as per this act stands too low in the present economy and this act is totally void of any applicability now.

Issues

There is no legal issue that would impede repeal.

19

THE GUJARAT COMPULSORY PRIMARY EDUCATION ACT, 1961

Subject:	EDUCATION
Reason:	Superseded by recent laws
Grade:	5

What is the Law?

The Act provides for free and compulsory primary education to children in Gujarat.

Key Features

It provides for establishment of educational institutions, free education in schools maintained by the State Government or local authority and the duty of parents to send children to school with a list of exceptional circumstances.

Reasons for Repeal

- Since Education is a matter of Concurrent list, Union of India also came up with such a law in the year 2009-

Right of Children to Free and Compulsory Education Act, 2009. As per the Constitution of India, Act of Parliament prevails over the Act of the State Assembly.

- Since we have a Union law on the subject matter, this state law becomes obsolete and is liable to be rendered as repealable.
- Hence, Purpose of this Act is now covered by Right to free and Compulsory Education Act 2009 and Right of Children to Free and Compulsory and Compulsory Education Act, Gujarat Rules 2012.

Issues

There is no legal issue that would impede repeal.

20

THE GUJARAT INCREASE OF STAMP DUTIES ACT, 1961

Subject:	REVENUE
Reason:	The Act no longer serves any purpose
Grade:	4

What is the Law?

This act was passed to increase the Stamp duty leviable under the Bombay Stamp Act, 1958 with respect to the instruments mentioned in its schedule 1 to 10 percent.

Key Features

It increased the scheduled duties by 10%.

Reasons for Repeal

- There were subsequent many amendments in

Bombay Stamp Act, 1958 by the Bombay Stamp (Gujarat Amendment) Act 1970, 1976, 2006, 2007, 2013, 2015 and 2016 which have increased the stamp duty further.

- Hence, this act does not have any relevance now, because already many amendments have changed and updated the duty.

Issues

There are no legal issues that would impede repeal.

21

THE BOMBAY MOTOR VEHICLES (TAXATION OF PASSENGERS) (GUJARAT AMENDMENT) ACT, 1961

Subject:	REVENUE
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

This act was passed to amend section 3 of Bombay Motor Vehicle (Taxation of Passengers) Act, 1958. The rate of taxation charged under section 3 was increased from 10 percent to 15 percent by this act.

Key Features

It increased the applicable tax from 10% to 15%.

Reasons for Repeal

- By the virtue of section 2 of Amendment Act no. 65 of 1975, it has been further increased to 20 percent. Therefore, the earlier increase of 15 percent is not in force now and is liable to be repealed.
- Further, this Act should be repealed post implementation of Goods and Services Act, 2017

Issues

There are no legal issues that would impede repeal.

22

THE INLAND STEAM-VESSELS (GUJARAT AMENDMENT) ACT, 1961

Subject: TRANSPORT
Reason: The Act no longer serves any purpose
Grade: 4

What is the Law?

This act was passed to amend the Inland Steam Vessels Act, 1917. It applied the provisions to vessels plying in the Saurashtra and Kutch areas of Gujarat. Under this Act instead of considering the eligibility period from 1st day of April 1890 it was considered from 1st day of November 1956 in the area of Saurashtra and Kutch for the issuance of Certificate of Competency.

Key Features

It applied the provisions to vessels plying in the Saurashtra and Kutch areas of Gujarat.

Reasons for Repeal

- All those who were beneficiary of this act, had already taken advantage of it considering the fact that 62 years have been passed after that. Hence, it needs to be repealed in light of its dormancy.
- The provision of the Central Act that this State Act seeks to amend has itself been amended and modified, thus the State Amendment is now meaningless. Hence, the Act no longer serves any purpose.

Issues

There is no legal issue that would impede repeal.

23

THE PRESS AND REGISTRATION OF BOOKS (EXTENSION OF BOMBAY AMENDMENTS) ACT, 1961

Subject: FREE SPEECH/CIVIL RIGHTS
Reason: The Act no longer serves any purpose
Grade: 5

What is the Law?

It is an act to extend the Bombay enactments which amend the Press and Registration of Books Act, 1867 throughout the State of Gujarat

Key Features

It extends verbatim the Press and Registration of Books (Bombay Amendment) Act, 1948 and 1951 to the state of Gujarat.

Reasons for Repeal

Now any law in force in Gujarat is applicable throughout the state, even in areas which were not completely/partially part of Bombay in 1961. These laws notwithstanding by these individual acts have uniform application in whole of Gujarat by the virtue of a general act.

Issues

There is no legal issue that would impede repeal.

24

THE SAURASHTRA ESTATES ACQUISITION (GUJARAT AMENDMENT) ACT, 1961

Subject:	LAND
Reason:	Purpose achieved
Grade:	4

What is the Law?

This act amends the Saurashtra Estates Acquisition Act, 1952 and inserted Section 4(c) in the Act. This section merely allows the tenant or mortgagee in possession to apply for acquisition of occupancy rights within a period of one year from the commencement of the amendment.

Key Features

It allows the tenant or mortgagee in possession to apply for acquisition of occupancy rights within a period of 1 year from the commencement of the amendment.

Reasons for Repeal

- The purpose of this Act is related to Estate Acquisition, whose application got over in the year of 1962 and now it is without any utility and liable to be repealed.
- The operation of the Act in present times cannot be traced. The latest judgment available is in the year 2004.

Issues

There are no legal issues that would impede repeal.

25

THE PAYMENT OF WAGES (GUJARAT PROVISION FOR UNIFORM APPLICATION AND AMENDMENT) ACT, 1961

Subject:	LABOUR
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

This act was passed to provide for uniformity in payment of wages under the Payment of Wages act, 1936 so as to uniformly apply it in the areas of Gujarat. It repeals the application of Payment of Wages (Bombay Amendment) Act, 1953 and Payment of Wages (Saurashtra Amendment) Act, 1955 and makes this Act applicable to regions of Kutch and Saurashtra.

Key Features

It repeals the application of Payment of Wages (Bombay Amendment) Act, 1953 and Payment of Wages (Saurashtra Amendment) Act, 1955.

Reasons for Repeal

- Since now these both areas, Kutch and Saurashtra, are undisputed parts of Gujarat and whole territory of India, they are under the application of Indian Union laws. This Act extends the operation of Payment of Wages Act, 1936 which became applicable in the targeted areas by virtue of their Inclusion in India. Thus, a separate act is not required for the same.

Issues

There are no legal issues that would impede repeal.

26

THE BOMBAY VILLAGE POLICE (GUJARAT EXTENSION AND AMENDMENT) ACT, 1961

Subject:	POLICE/SECURITY
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

This Act was passed to extend the application the Bombay Village Police Act, 1867 to the state of Gujarat and further amends certain provisions of said Bombay Village Police Act, 1867.

Key Features

It authorizes the Magistrate to perform the function of the State Government and appoint certain police personnel in certain villages

Reasons for Repeal

- The changes made under this Act were either reiterated or overruled by the Bombay Village Police (Gujarat Extension and Amendment) Act, 1964, after being passed by the newly legislative assembly of the newly created state.
- This makes the existence of this Act obsolete and worthy of repeal.

Issues

There are no legal issues that would impede repeal.

27

THE GANDHIDHAM (DEVELOPMENT AND CONTROL ON ERECTION OF BUILDINGS) (AMENDMENT) ACT, 1961

Subject:	LAND
Reason:	The Act no longer serves any purpose
Grade:	4

What is the Law?

It was an act to amend Gandhidham (Development and Control on Erection of Buildings) act, 1957.

Key Features

Under the Amendment Act, the Government is exempted from payment of fees along with the application when undertaking development work or construction. It also provided that the Board of Appeal shall be constituted by the District Judge, Kutch.

Reasons for Repeal

- Gujarat Legislative Assembly also came up with a subsequent amendment Act no. 12 of 1966 being the Gandhidham (Development and Control on Erection of Buildings) (Amendment) Act, 1966 which majorly covered all the changes appropriate with the Gandhidham Development Authority.
- The Act is operational, but it has not been in usage in the recent times.

Issues

There are no legal issues that would impede repeal.

28

THE BOMBAY PERSONAL INAMS (GUJARAT AMENDMENT) ACT, 1961

Subject:	LAND
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

It was an Act to amend the Bombay Personal Inams Abolition Act, 1952

Key Features

The Act provided that reference to grant of land shall include share in the revenues of a village or portion of land. It also provided for compensation in cases of abolition of personal Inams consisting of share of revenue. An Inamdar entitled to compensation could make an application to the Collector in a prescribed form.

Reasons for Repeal

- The Parent act Bombay Personal Inams Abolition Act was adapted and amended by the Maharashtra Adaption of Laws (State and Concurrent Order, 1960) but was never adapted by State of Gujarat. When the parent act is not adapted by Gujarat state it is really worthless to have its amending act in force.
- Further, the Bombay Personal Inams Abolition Act, 1952 was repealed by the Gujarat Repealing Act, 2000. Hence, the amendment Act needs to be repealed as well.

Issues

There are no legal issues that would impede repeal.

29

THE INDIAN LUNACY (GUJARAT PROVISION FOR UNIFORM APPLICATION) ACT, 1961

Subject:	HEALTH
Reason:	The Act serves no longer serves any purpose
Grade:	5

What is the Law?

This was an act to extend the application of the Indian Lunacy Act, 1912 to the state of Gujarat. It repealed the district level acts of Gujarat and applies the Act uniformly throughout the region.

Key Features

It repeals the district level acts and applies the Act uniformly.

Reasons for Repeal

- The principal Act Indian Lunacy Act, 1912 whose application was extended to the state of Gujarat by this Act has been repealed by Section 98 of the Mental Health Act, 1987 (Which has been repealed by Section 126 of the Mental Healthcare Act, 2017).
- With the principal act no longer in operation, existence of this extension Act serves no purpose.

Issues

There are no legal issues that would impede repeal.

30

THE GUJARAT EDUCATION CESS ACT, 1962

Subject:	REVENUE
Reason:	Overlapping laws & the Act has been subsumed in Recent Legislation
Grade:	5

What is the Law?

The Act provides for creation of fund to promote education and levy education cess in Gujarat.

Key Features

In order to create a fund for promotion of education, the Act provides a tax to be levied on buildings and lands in urban areas and a surcharge on all lands.

Reasons for Repeal

- Overlapping Laws: Cess on Education is already levied by Central Authority under Ministry of Finance. At present (after 2018 Budget), a 4 per cent "Health and Education Cess", is levied on personal income tax and corporation tax. Also, tax rate needs regular updates,

this Act does not create any statutory body to regulate rates of these taxes.

- This Act includes Tax to be levied on Land and Buildings under section 12 and surcharge on them which makes the Title of the Act a misnomer.
- Gujarat Education Cess Amendment Act, 2006 has already made multiple changes in this act in the form of amendments which has rendered this act as practically redundant.
- The Act has been subsumed by the Goods and Services Act, 2017.

Issues

There are no legal issues that would impede repeal.

31

THE SAURASHTRA LOCAL DEVELOPMENT FUND AND BOMBAY LOCAL BOARDS ACTS (GUJARAT AMENDMENT) ACT, 1961

Subject: GOVERNANCE
Reason: The Act serves no purpose
Grade: 4

What is the Law?

An Act to amend The Saurashtra Local Development Fund Act, 1956 which was already substantially taken over by Bombay Local Boards (Extension to Saurashtra and Kutch areas and Amendment) Act, 1959.

Key Features

To amend the Saurashtra Local Development Fund Act, 1956 and the Bombay Local Boards Act, 1959.

Reasons for Repeal

- It was done to deal with a few cases of the contemporary times, but it is completely dormant now and serves no purpose.
- The Saurashtra Local Development Fund Act, 1956 has also been heavily overlapped by The Saurashtra Town Planning Act, 1961.

Issues

There are no legal issues that would impede repeal.

32

THE GUJARAT LEGISLATIVE ASSEMBLY PROCEEDINGS (PROTECTION OF PUBLICATION) ACT, 1961

Subject:	LEGISLATIVE AND PARLIAMENTARY AFFAIRS
Reason:	The Act serves no purpose
Grade:	5

What is the Law?

This single paged Act protects the publishers and prevents their personal liability for publication of any information or report related to Gujarat Legislative Assembly provided that it is made without malice for public good.

Key Features

It provides the newspapers the right to publish proceedings of the Assembly. Section 3 of the act states that no person shall be liable for civil or criminal proceeding in respect of publication of proceeding of Gujarat Legislative proceeding in the newspaper unless it's proved to have been made with malice.

Reasons for Repeal

- The actions against which this Act purports to provide protection is already protected and allowed under Freedom of Expression under Article 19 of the Indian Constitution.
- Further, live streaming of Proceedings of Legislative Assembly has also been permitted.

Issues

There are no legal issues that would impede repeal.

33

THE GUJARAT MUNICIPALITIES (EXTENSION OF TERM) ACT, 1962

Subject:	LOCAL AUTHORITIES
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

The Act was enacted with the objective of extending terms of office, on a one-time basis, of the Councillors of certain Municipalities in the State of Gujarat.

Key Features

Section 17 of the Bombay District Municipal Act, 1901 (as applicable in Bombay and Saurashtra area of Gujarat) provides for fixation of terms of Councillors. Under this Act, the terms of office in scheduled municipalities was extended till 31st March 1963, superseding the provisions of the Primary Act. This extension was

applicable in cases where terms of office were expiring before 31st March 1963.

Reasons for Repeal

- Temporary purpose of extension of term has been achieved, way back in 1963.
- The Bombay District Municipal Act, 1901 (the primary legislation) as applied to Saurashtra Area was repealed by The Gujarat Municipalities Act, 1963.

Issues

There is no legal issue that would impede repeal.

34

THE GUJARAT LOCAL AUTHORITIES LAWS (AMENDMENT) ACT, 1962

Subject:	LOCAL AUTHORITIES
Reason:	Superseded by more recent laws.
Grade:	4

What is the Law?

The Act provides for an extension to the terms of reservation of seats for women and for the Scheduled Castes and Scheduled Tribes in local authorities.

Key Features

It provides for an extension of eight years to the terms of seats reserved for women and for the Scheduled Castes and Scheduled Tribes in local authorities. To that effect, it amends the following legislations -

- Bombay District Municipal Act, 1901 (along with Saurashtra extension through the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948)
- Bombay Local Boards Act, 1923
- Bombay Municipal Boroughs Act, 1925 (along with Saurashtra extension through the State of Saurashtra (Application of Central and Bombay Acts) Ordinance,

1948 and Kutch extension through the Part C State Laws Act, 1950)

- Bombay Provincial Municipal Corporations Act, 1949
- Bombay Village Panchayats Act, 1958

Reasons for Repeal

- All legislations amended through the Amendment Act (except the Bombay Provincial Municipal Corporations Act, 1949) have been repealed by the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.
- The change made to the Bombay Provincial Municipal Corporations Act, 1949 can be made effective through an Amendment Act in the future.

Issues

There are no legal issues that would impede repeal.

35

THE GUJARAT MUNICIPAL LAWS (AMENDMENT) ACT, 1962

Subject:	LOCAL AUTHORITIES
Reason:	Subsumed by a more recent legislation.
Grade:	5

What is the Law?

To amend the Bombay District Municipal Act, 1901 as applied to Saurashtra Area and Bombay Municipal Boroughs Act, 1925 as applied to Saurashtra and Kutch Areas in Gujarat and enlarges the scope of the principal acts to include 'economic and industrial development' within its mandate.

Key Features

The act amended the Bombay District Municipal Act, 1901, Bombay Municipal Boroughs Act, 1925 as applied to Saurashtra Area and Saurashtra and Kutch Areas in Gujarat respectively. It enlarged the scope of the acts to vest Municipalities with powers and responsibilities

to promote 'economic and industrial development'. Its inserted clauses by way of which Municipalities were vested with discretionary powers to make expenditure for the purposes of 'promotion of economic and industrial development' (amended Section 56 and 71 respectively).

Reasons for Repeal

The Bombay District Municipal Act, 1901 as applied to Saurashtra Area and Bombay Municipal Boroughs Act, 1925 as applied to Saurashtra and Kutch Areas were repealed by The Gujarat Municipalities Act, 1963.

Issues

There are no legal issues that would impede repeal.

36

THE BOMBAY EXECUTION OF DECREES (TEMPORARY POSTPONEMENT) (GUJARAT AMENDMENT) ACT, 1962

Subject:	JUDICIAL MATTERS.
Reason:	Redundant law that has not been in use
Grade:	5

What is the Law?

This is an act to amend the Bombay Execution of Decrees (Temporary Postponement) Act, 1959. The principal act provided for relief to agriculturists by way of temporary postponement of institution of suits and execution of decrees passed by Civil courts in areas that have been affected by natural calamities. The Gujarat Amendment of 1962 made some administrative changes by allowing the State Govt. to authorize officers who could affect the operation of the act.

Key Features

The Bombay Execution of Decrees (Temporary Postponement) Act, 1959 provides for application of the Act to areas where the State Government has granted remission or suspension of land revenue on account of failure of crops, famine, drought, flood, fire or such other natural calamities. In such areas, for the relief to agriculturists, the Act provides for temporary postponement of institution of suits and execution of decrees passed by Civil courts, till the Govt. notification for remission or suspension of land revenue is in operation. The agriculturists, who are judgment-debtors, are also exempted from arrest or detention in civil prison in case of default of execution of decree. All proceedings under the Provincial Insolvency Act, 1920 are also temporarily stayed under the Act. Even in cases where certain agriculturists are not covered by the Act, the act provides for a window of opportunity to defendants and judgment-debtors to make an application to the Civil court to postpone institution of suits and execution of

decrees on account of the natural calamities enumerated under the act. The Gujarat Amendment of 1962 made some administrative changes by allowing the State Govt. to authorize officers who could affect the operation of the act, by notifying areas where remission or suspension of land revenue were granted.

Reasons for Repeal

- This Act, particularly in terms of its application in Gujarat, is not in use. No cases have been filed under this Act. The last judgements available, for the Principal Bombay legislation, go way back to the 1970s.
- Similar state legislations on the subject, such as U.P Temporary Postponement of Execution of Decrees Act, 1937 and the Madhya Pradesh Temporary Postponement of Execution of Decrees Act, 1956, have been repealed or subsumed by general laws on the subject providing relief to agriculturists.
- Section 60 and 61 of the Code of Civil Procedure, 1908 provide the law on the subject to provide for properties which may be attached in execution of decree. Section 61 provides for partial exemption of attachment of agricultural produce, thus laying down the general law of the subject.

Issues

Though the law has not been used, there is no law in Gujarat covering the subject and the Code of Civil Procedure, 1908 doesn't cover this subject particularly.

37

THE COMMERCIAL DOCUMENTS EVIDENCE (GUJARAT EXTENSION AND AMENDMENT) ACT, 1962

Subject:	EVIDENCE
Reason:	Extension should be facilitated through a Central Amendment.
Grade:	3

What is the Law?

The Act extends the Commercial Documents Evidence Act, 1939 to the state of Gujarat.

Key Features

The Commercial Documents Evidence Act, 1939 is applicable to the whole of India "except the territories which, immediately before the 1st November 1956, were comprised in Part B States". The 1962 Gujarat Extension and Amendment Act extends the same to the Saurashtra Region as it was comprised in Part B states at the commencement of the Constitution.

Reasons for Repeal

The Commercial Documents Evidence Act, 1939 should be made applicable throughout India as there is no basis in reserving its application to Part B States.

Issues

The Amendment will have to be carried out by the Parliament, thus decision on the same needs to be taken by the State Legislature as well as the Central Legislature.

38

THE GUJARAT PANCHAYATS (SUSPENSION OF PROVISIONS AND RECONVERSION OF CERTAIN LOCAL AREAS INTO MUNICIPAL DISTRICTS) ACT, 1962

Subject:	LOCAL AUTHORITIES
Reason:	The Act no longer serves any purpose.
Grade:	5

What is the Law?

To suspend the operation of the Gujarat Panchayats Act, 1961 and reconvert certain local areas declared as grams and Nagars into municipal districts.

Key Features

It provided that during the period of Emergency, provisions under the Bombay District Municipal Act, 1901 and Gujarat Panchayats Act, 1961 would have no operation. It also reconverted certain local areas declared as grams and Nagars into municipal districts, while providing for consequential provisions.

Reasons for Repeal

- This particular enactment dealt with application of laws during the period of Emergency and hence had a short-lived purpose which no longer exists.
- The Gujarat Panchayats Act, 1993 has repealed all existing laws on Panchayats, including the Bombay District Municipal Act, 1901 and Gujarat Panchayats Act, 1961

Issues

There are no legal issues that would impede repeal.

39

THE GUJARAT COURT OF WARDS ACT, 1963

Subject:	JUDICIARY
Reason:	Redundant law that has not been in use.
Grade:	4

What is the Law?

To establish a Court of Wards in the state of Gujarat

Key Features

The Court of Wards was a legal body created by the colonial government on a model similar to the Court of Wards and Liveries that had existed in England from 1540 to 1660. Its purpose was to protect heirs and their estates when the heir was deemed to be a minor and therefore incapable of acting independently. Estates would be managed on behalf of the heir, who would also be educated and nurtured through the offices of the Court in order to ensure that he gained the necessary skills to manage his inheritance independently. It exercises jurisdiction over the disputes related to property held by Wards.

Reasons for Repeal

- Court of Wards are not operational after establishment of Civil courts.
- United Provinces Court of Wards Act, 1912 has been repealed by the United Provinces Court of Wards (Repeal) Act, 1967.

Issues

The Central Guardians and Wards Act, 1890 has not been repealed (in fact there is a pending amendment bill namely the 'Guardians and Wards (Amendment) Bill, 2016'), though its operation cannot be in terms of functioning of Court of Wards can't be located.

40

THE GUJARAT DISEASES OF ANIMALS (CONTROL) ACT, 1963

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

What is the Law?

An act to provide for prevention, eradication and control of diseases affecting animals.

Key Features

It provides for mandatory immunisation to affected animals in notified areas, establishment of quarantine stations, Cleansing and disinfection of vessels and vehicles and various other provisions to the control the spreading of diseases among animals. It also provides for Appointment of Veterinary Surgeons and Inspectors to implement the provisions of the Act.

Reasons for Repeal

- Operational, but its presence is difficult to measure.
- The object of the Act has been subsumed by a more recent Central Government legislation, namely the

Prevention and Control of Infectious and Contagious Diseases in Animals Act, 2009. The Central Legislation is more detailed, and the State Legislation only creates contradictions. Further, uniformity between the central and state act is more suited to the purpose behind the Act. The Central Act is more in consonance with international obligations as well.

- Though Section 38 of the vests rule-making powers with the State government, Rules cannot be located on the Website of the Directorate of animal husbandry. The Gujarat Prevention and Control of Infectious and Contagious Animals (Check Post and Quarantine Camp, Manner of Inspection, etc.) Rules, 2015 made under the Central Prevention and Control of Infectious and Contagious Diseases in Animals, 2009 can however be easily found.

Issues

There are no legal issues that would impede repeal.

41

THE BOMBAY LAND REQUISITION (GUJARAT EXTENSION OF DURATION) ACT, 1963

Subject:	LAND
Reason:	Act has outlived its purpose & superseded by more recent laws
Grade:	5

What is the Law?

The Act extends the duration of the Bombay Land Requisition Act, 1948 as applicable in Gujarat.

Key Features

The Bombay Land Requisition Act, 1948 was enacted to make provision for the requisition of land and for the continuance of requisition of land and for certain other purposes. The Bombay Land Requisition Act, 1948 as originally enacted was to remain in force up to 31-3-1950. The Act was amended from time to time extending its life. The Gujarat Assembly passed Bombay Land Requisition (Gujarat Extension of Duration) Act in 1963, 1966, 1970, 1972, 1976, 1978 extending its application time and time again till 31st December 1979.

Reasons for Repeal

- The Amendment Act, 1977 extended the Act till 1979 thus its purpose has been achieved.
- The objectives of the Act have been subsumed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the State Amendment Act, 2016.
- It requires clarity whether the Act is used in the state of Gujarat or not. The Act has not been specified in the list of Acts and Rules on the subject of Land acquisition in the website of the Revenue Department, Govt. of Gujarat. No Recent Judgments of the Gujarat High Court on the Act can be located. The last amendment by Gujarat legislature was in 1991.

Issues

The Bombay Land Requisition Act, 1948 is still applicable in the State of Maharashtra, the last judgment of the Bombay High Court on the legislation is on April 26, 2018.

42

THE GUJARAT LOCAL AUTHORITIES (EMERGENCY PROVISIONS) ACT, 1965

Subject:	LOCAL AUTHORITY
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

The Act makes emergency provisions for extension of terms of office of the councillors or members of a local authority (municipal corporations, municipalities, district local boards, village/gram panchayats) till 30 June 1967.

Key Features

The Act provides that if the terms of office of the councillors or members of a local authority expires after the commencement of this act but before the end of 30 June 1967, it will be deemed that such terms has not expired and has been extended up to 30 June 1967. The Act applied over councillors or members of –

- A municipal corporation, under the Bombay Provisional Municipal Corporation Act, 1949;
- A municipality, under the Gujarat Municipalities Act, 1963;
- A District Local Board, under the Bombay Local Boards Act, 1923;
- Panchayats Act, 1958;

- A Gram Panchayat, Nagar Panchayat, Taluka Panchayat or District Panchayat, under the Gujarat Panchayats Act, 1961.

It also provides for filling of casual vacancies and extension of term of supersession.

Reasons for Repeal

- The provisions of the Act extend the terms of office on a one-time basis till 30 June 1967, thus its purpose has been achieved.
- There is no rule making power provided to the State Government to amend the duration of application.
- Bombay Local Boards Act, 1923, Bombay Village Panchayats Act, 1958 and Gujarat Panchayats Act, 1961 have been subsequently repealed by the Gujarat Panchayats Act, 1993.

Issues

There are no legal issues that would impede repeal.

43

THE GUJARAT PANCHAYATS (GRAMDAN PROVISIONS) ACT, 1966

Subject:	LOCAL AUTHORITY
Reason:	Act has outlived its purpose
Grade:	3

What is the Law?

The act amends the Gujarat Panchayats Act, 1961 so as to make provisions regarding Gramdan in pursuance of Gramdan Movement initiated by Acharaya Vinoba Bhave.

Key Features

The Act provides for provisions to make application before the Collector to declare that the land has been donated voluntarily and without any consideration. It provides for public meeting whereby the wishes of the villagers will be ascertained on the subject of declaring the village as a gramdan village. It provides for constitution of a land pool which shall be distributed among landless people and usage of the land for their interests.

Reasons for Repeal

- The repeal should be considered as there is no current practice of Gramdan and the prevalence of the Gramdan movement cannot be traced in today's world.
- There is no case law on the subject.
- Even if the practice has to be given continued legislative recognition, the law has to be revamped and the law, as it exists, should be replaced with more effective legislation.

Issues

There is no legal issue that would impede repeal.

44

THE GUJARAT CONTINGENCY FUND (TEMPORARY INCREASE) ACT, 1972

Subject:	FINANCE
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

The Act provides for temporary increase in the Contingency Fund of the State.

Key Features

Notwithstanding the provisions of the Gujarat Contingency Fund Act, 1960, the Act provides that a sum of thirty-five crores of rupees has to be paid into the Contingency Fund of the State from and out of the Consolidated Fund of the State of Gujarat.

Reasons for Repeal

- The Act provides for temporary increase of the contingency fund and serve a temporary purpose. Similar Acts have been passed in 1973, 1976, 1980, 1983, 1983, 1984, 1986, 1986, 1987, 1988, 1993, 1997, and 1998.
- If needed, the Gujarat Contingency Fund Act, 1960 should be amended to provide for temporary increase of the fund, in exceptional circumstances.

Issues

There are no legal issues that would impede repeal.

45

THE INDIAN ELECTRICITY (GUJARAT AMENDMENT) ACT, 1973

Subject:	ENERGY
Reason:	Purpose of the Act is served better by a central legislation
Grade:	4

What is the Law?

The act amends the Indian Electricity Act, 1910, in its application to the State of Gujarat.

Key Features

The Indian Electricity Act, 1910 was applicable throughout the State of Gujarat through an extension act. This extension act was amended in the years 1973, 1974, 1976, and 2003 to provide for sections, provisions, mechanisms and penalties over and above the ones specified under the central Act.

Reasons for Repeal

- The Indian Electricity Act, 1910 has been repealed by the Electricity Act, 2003 (Section 185). The new central act is applicable throughout India and provides States with the room to make rules for their implementation. Under Section 176 of the 2003 Act, Gujarat Electricity Rules, 2005 have been enacted. Thus, the old legislation is now redundant.
- Further, the Act is not mentioned in the Govt. website of the Chief Electrical Inspector and Collector, Electricity Duty.

Issues

There is no legal issue that would impede repeal.

46

THE GUJARAT ENTERTAINMENTS TAX ACT, 1977

Subject:	REVENUE
Reason:	The Act has been subsumed by subsequent legislation
Grade:	5

What is the Law?

This Act consolidates and amends the laws relating to imposition of a tax on entertainment in the State of Gujarat

Key Features

An act to consolidate and amend entertainment tax in the State of Gujarat.

Reasons for Repeal

The Gujarat Entertainment Tax Act, 1977 and amendments acts of it like this one, must be repealed in light of implementation of the Goods and Services Act, 2017.

Issues

There are no legal issues that would impede repeal.

47

THE BOMBAY CIVIL COURTS (GUJARAT AMENDMENT) ACT, 1982

Subject:	JUDICIAL
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

An Act to amend the Bombay Civil Courts Act, 1869 and provide for more holidays.

Key Features

The amendment act provides for more holidays on which the civil courts shall not function.

Reasons for Repeal

- The temporary purpose of the Act has been achieved.
- The Bombay Civil Courts Act, 1869, in its application to the State of Gujarat, stands repealed by the Gujarat Civil Courts Act, 2005.

Issues

There is no legal issue that would impede repeal.

48

THE GUJARAT SICK TEXTILE UNDERTAKINGS (NATIONALISATION) ACT, 1986

Subject:	INDUSTRIES
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

The act provides for Nationalisation of certain Sick Textile Undertakings.

Key Features

It provides for the acquisition and transfer of the sick textile undertakings, and the right, title and interest of the owners in respect of the sick textile undertakings. 4 Sick Industries are specified in the First Schedule. Nationalisation was being conducted with a view to "re-organising and rehabilitating such sick textile undertakings so as to subserve the interests of the

general public by the augmentation of the production and distribution, at fair prices, of different varieties of cloth and yarn".

Reasons for Repeal

The purpose of the Act has been long achieved with Nationalisation of the industries. In any case, the purpose of the legislation is now squarely covered by new bankruptcy laws.

Issues

There are no legal issues that would impede repeal.

49

THE GUJARAT SALARIES AND ALLOWANCES OF MEMBERS AND SPEAKER OF GUJARAT LEGISLATIVE ASSEMBLY, MINISTERS AND LEADER OF THE OPPOSITION LAWS (AMENDMENT) ACT, 1986

Subject: GOVERNANCE
Reason: The Act no longer serves any purpose
Grade: 5

What is the Law?

This act was made to amend and increase the salaries and allowances of Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Minister and Leader of Opposition.

Key Features

Section 2 provided for Salaries and allowances of Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Minister and Leader of Opposition to be enhanced as per the Schedule.

Reasons for Repeal

- The subsequent amendment to this Act increased the salaries further, rendering the utility of this Act of no value. Owing to such a dynamic subject matter, it got practically overruled by The Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Act, 1992 and subsequent acts.
- Quantum of salaries and allowances as per this act stands too low in the present economy and this act is totally void of any applicability now.

Issues

There is no legal issue that would impede repeal.

50

THE PROVINCIAL INSOLVENCY (GUJARAT AMENDMENT) ACT, 1986

Subject: FINANCIAL
Reason: The Act no longer serves any purpose
Grade: 5

What is the Law?

An Act to further to amend the Provincial Insolvency Act, 1920 in its application to the State of Gujarat for certain purposes. Amendment was made to the application of S.56 of this Act.

Key Features

Amendment was made applicable to Section 56 of this Act.

Reasons for Repeal

The Provisional Insolvency Act, 1920 was repealed by Section 243 of Insolvency and Bankruptcy Code, 2016. Hence, the Amendment Act serves no purpose, liable to be repealed.

Issues

There are no legal issues that would impede repeal.

51

THE GUJARAT SALARIES AND ALLOWANCES OF MEMBERS, SPEAKER AND DEPUTY SPEAKER OF THE GUJARAT LEGISLATIVE ASSEMBLY, MINISTERS AND LEADER OF THE OPPOSITION LAWS (AMENDMENT) ACT, 1992

Subject: LEGISLATIVE AFFAIRS
Reason: The Act no longer serves any purpose
Grade: 5

What is the Law?

An Act to further amend the laws relating to the salaries and allowances of members, speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leaders of Opposition. The Act further enhanced the Salaries.

Key Features

By way for Section 2 made changes and enhanced the salaries of members, speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leaders of Opposition. The Act further enhanced the Salaries.

Reasons for Repeal

Subsequent amendments to the principal Act enhanced the salary further inconsonance with contemporary economy. Hence, this amendment has no utility in the present economy the present.

Issues

There is no legal issue that would impede repeal.

52

GUJARAT LOCAL AUTHORITIES (TEMPORARY POSTPONEMENT OF ELECTIONS AND EXTENSION OF TERM) ACT, 1993

Subject:	GOVERNANCE
Reason:	The purpose of the Act has been achieved already
Grade:	5

What is the Law?

The Act provides for temporary postponement of elections and extension of term of office of councillors and members of local authorities, arrangement to made to constitute corporations, municipalities and panchayats in the said period.

Key Features

Provides for temporary postponement of elections and extension of term of office of councillors and members of local authorities, arrangement to made to constitute corporations, municipalities and panchayats.

Reasons for Repeal

The Act was temporary in nature and the purpose of the Act has already been achieved.

Issues

There are no legal issues that would impede repeal.

53

GUJARAT CONTINGENCY FUND (TEMPORARY INCREASE) ACT, 1993

Subject:	REVENUE
Reason:	The purpose of the Act has been achieved
Grade:	5

What is the Law?

The Act was implemented to further amend Gujarat Contingency Fund (Temporary Increase) Act to temporarily increase the contingency fund of state.

Key Features

It provided for temporary increase in contingency fund of state

Reasons for Repeal

The Act was temporary in nature and thereby its purpose has been achieved. Ministry of Law and Justice has repealed many such similar acts in the past.

Issues

There is no legal issue that would impede repeal.

54

GUJARAT APPROPRIATION (EXCESS EXPENDITURE) ACT, 1993

Subject:	FINANCE
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

To authorize payment and appropriation of certain further funds from and out of the consolidated funds of the State of Gujarat for the services of the financial year ending on 31st of March 1983

Key Features

The Act allowed for payment to be made out of the consolidated fund of Gujarat for the financial year 1982-1983.

Reasons for Repeal

- The purpose of the Appropriation Act has been achieved. Appropriation Acts which have outlived their purpose have been repealed by the Central Legislature as well, including various Gujarat Appropriation Acts.
- Further, Appropriation Acts (Repeal) Bill, 2015 while repealing various other Appropriation Acts had recommended inclusion of an automatic repeal clause for all Appropriation Acts. As per their suggestion, Appropriation Acts would be automatically be repealed two sessions in arrears, subject to saving clause if any. However, this suggestion was not incorporated when Appropriation Acts (Repeal) Act, 2016 was implemented.

Issues

There are no legal issues that would impede repeal.

55

THE GUJARAT (SUPPLEMENTARY) APPROPRIATION ACT, 1994

Subject: FINANCE
Reason: Act has outlived its purpose
Grade: 5

What is the Law?

The act authorizes certain payments and appropriation of funds from and out of the consolidated funds of the State of Gujarat for the services of the financial year ending on 31st of March 1994.

Key Features

The Acts provides for withdrawal of funds from the Consolidated fund of Gujarat for services of financial year ending on 31st of March 1994. This is done on an extraordinary basis as the general law of Appropriation of Funds from the Consolidated Funds is outlined in another Act.

Reasons for Repeal

- As per section 2 of the Act, it provides for accounts for

the year ending on 31st March 1994 only. Hence, the purpose of the Act has been achieved.

- Appropriation Acts which have outlived their purpose have been repealed by the Central Legislature as well, including various Gujarat Appropriation Acts.
- Further, Appropriation Acts (Repeal) Bill, 2015 while repealing various other Appropriation Acts had recommended inclusion of an automatic repeal clause for all Appropriation Acts. As per their suggestion, Appropriation Acts would be automatically be repealed two sessions in arrears, subject to saving clause if any. However, this suggestion was not incorporated when Appropriation Acts (Repeal) Act, 2016 was implemented

Issues

There is no legal issue that would impede repeal.

56

THE GUJARAT LOCAL AUTHORITIES (TEMPORARY POSTPONEMENT OF ELECTIONS) ACT, 1994

Subject: ADMINISTRATIVE
Reason: Act has outlived its purpose
Grade: 5

What is the Law?

The Act provides for temporary postponement of elections of local authorities.

Key Features

Due to heavy rain in the State of Gujarat, the Election Commission had decided to postpone elections of local authorities to a later date. The Act provided for temporary postponement of elections to these posts and made other enacting provisions.

Reasons for Repeal

- The object provides that the law was enacted for a temporary postponement of elections to another date, hence it serves a temporary purpose.
- It has become redundant due to having outlived its purpose

Issues

There are no legal issues that would impede repeal.

57

THE GUJARAT APPROPRIATION ACT, 1994

Subject:	FINANCE
Reason:	The act has served its purpose
Grade:	5

What is the Law?

To authorize payment and appropriation of certain further funds from and out of the consolidated funds of the State of Gujarat for the services of the financial year ending on 31st of March 1995.

Key Features

The Acts provides for withdrawal of funds from the Consolidated fund of Gujarat for services of financial year ending on 31st of March 1995. This is done on an extraordinary basis as the General law of Appropriation of Funds from the Consolidated Funds is outlined in another Act.

Reasons for Repeal

- As per section 2 of the Act, it provides for accounts for the year ending on 31st March 1994 only. Hence, the

purpose of the Act has been achieved.

- Appropriation Acts which have outlived their purpose have been repealed by the Central Legislature as well, including various Gujarat Appropriation Acts.
- Further, Appropriation Acts (Repeal) Bill, 2015 while repealing various other Appropriation Acts had recommended inclusion of an automatic repeal clause for all Appropriation Acts. As per their suggestion, Appropriation Acts would be automatically be repealed two sessions in arrears, subject to saving clause if any. However, this suggestion was not incorporated when Appropriation Acts (Repeal) Act, 2016 was implemented.

Issues

There is no legal issue that would impede repeal.

58

THE BOMBAY INAMS (KUTCH AREA) ABOLITION (GUJARAT AMENDMENT) ACT, 1994

Subject:	LAND
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

It was an Act to amend the Bombay Inams (Kutch Area) Abolition Act, 1958 and its application to Kutch Areas.

Key Features

- Section 2 extended application time for making application for compensation. Under Section 14 of the principal Act, every creditor of an inamdar or holder of a sub-inam is required to claim payment of the secured debt, in whole or in part out of the amount due to the inamdar or holder of a sub-inam as compensation under section 12 or 13. All creditors were required to

notify such claims before the Collector by 31st March 1967.

- The Amendment Act extended the time frame to 31st December 1994.

Reasons for Repeal

Principal Act has been Repealed by The Bombay Inams (Kutch Area) Abolition (Repeal) Act, 2011. Hence, the existence of this Amendment Act serves no purpose.

Issues

There are no legal issues that would impede repeal.

59

GUJARAT ENTERTAINMENTS TAX (AMENDMENT) ACT, 1993

Subject:	REVENUE
Reason:	Subsumed by subsequent recent legislation
Grade:	5

What is the Law?

The Act stipulates amendment to various provisions of the Gujarat Entertainments Tax Act, 1977.

Key Features

Brought forth amendment to definitions clause. Imposed tax on exhibitions of any kind of entertainment by means of any type of antenna or cable television. Provided power to revoke/suspend certificate of registration, amendment to schedule I.

Reasons for Repeal

The Gujarat Entertainment Tax Act, 1977 and amendments acts of it like this one, must be repealed in light of implementation of the Goods and Services Act, 2017.

Issues

There are no issues that would impede repeal

60

THE GUJARAT APPROPRIATION (VOTE ON ACCOUNT) ACT, 1994

Subject:	FINANCE
Reason:	Act has outlived its purpose.
Grade:	5

What is the Law?

To authorize withdrawal of certain funds from and out of the consolidated funds of the State of Gujarat for the services of the financial year ending on 31st March 1995.

Key Features

The Acts provides for withdrawal of funds from the Consolidated fund of Gujarat for services of financial year ending on 31st of March 1995. This is done on an extraordinary basis as the General law of Appropriation of Funds from the Consolidated Funds is outlined in another Act.

Reasons for Repeal

- As per section 2 of the Act, it provides for accounts for the year ending on 31st March 1994 only. Hence, the purpose of the Act has been achieved.
- Appropriation Acts which have outlived their purpose have been repealed by the Central Legislature as well, including the Gujarat Appropriation (Vote on Account) Act, 1974, and Gujarat Appropriation (Vote on Account) Act, 1975.

Issues

There is no legal issue that would impede repeal.

61

GUJARAT FREEDOM OF RELIGION ACT, 2003

Subject:	CIVIL
Reason:	The Act is unconstitutional
Grade:	5

What is the Law?

The purpose of the act to provide for freedom of religion by prohibition of conversion from one religion to another by the use of force or allurement or by fraudulent means.

Key Features

It prohibits of forcible conversion, stipulates punishments for forcible conversions. Such Offences under the Act are cognizable. Permission to be taken from district magistrate for conversion, prosecution.

Reasons for Repeal

- The constitutional validity of this Act is currently under

challenge in the High Court as it infringes upon the right to propagate one's own religion.

- The provision of taking permission from the district magistrate attacks the right to privacy, similar legislation includes Orissa Freedom of Religion Act and the Madhya Pradesh Act which require prior intimation and not permission for conversion. Further, Arunachal Pradesh is planning to repeal their Freedom of Religion Act with an aim to promote secularism in the state.

Issues

Forced conversions can be prevented under this act. The legal vacuum resulting from repeal should be reviewed.

62

THE GUJARAT TAXATION LAWS (AMENDMENT) ACT, 2004

Subject:	FINANCE
Reason:	The Act no longer serves any purpose
Grade:	5

What is the Law?

The purpose of this act was to amend laws relating to taxation. It provided for an amendment to Schedule of Gujarat Sales Tax Act, 1969, Gujarat State Tax on Professions, Trades, Callings and Employment Act, 1976, Purchase Tax on Sugarcane Act, 1989, Tax on Luxury Commodities Act, 1995

Key Features

The Act brought forth amendment to Schedule of Gujarat Sales Tax Act, 1969, Gujarat State Tax on Professions, Trades, Callings and Employment Act, 1976, Purchase Tax on Sugarcane Act, 1989, Tax on Luxury

Commodities Act, 1995 making administrative changes to the implementation of the said acts, rearranging the enforcement authority among the Joint Commissioners, Deputy Commissioners and Assistant Commissioners.

Reasons for Repeal

- The required changes have already been made in the Principal Act, so this Act can be repealed. With the advent of GST, some of the Principal Acts have also become redundant.

Issues

There is no legal issue that would impede repeal.

63

GUJARAT GREEN CESS ACT, 2011

Subject:	TAXATION
Reason:	Constitutionality
Grade:	5

What is the Law?

The purpose of the law to provide for levy of cess on generation of electricity other than renewable energy for creation of a fund for protecting environment and promoting the generation of electricity through renewable sources in the State of Gujarat.

Key Features

The Act Establishes a Green Energy Fund, the Post of Collector of Green Cess, and provides for penalty for not keeping accounts as prescribed.

Reasons for Repeal

This act violates Article 14 of the Constitution, in terms of unequal treatment given to different types of energy. It has also been challenged in the Supreme Court, in pending appeals in Civil Appeals 5135-5157 of 2013, bearing the title 'State of Gujarat vs. Reliance Industries Ltd. & Anr'.

Issues

This Act could be repealed only after Supreme Court Verdict on the same is out.

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

 /ccsindia  /ccsindia

An initiative of



In collaboration with



and

