



TELANGANA

REPEAL LAW
COMPENDIUM

2017

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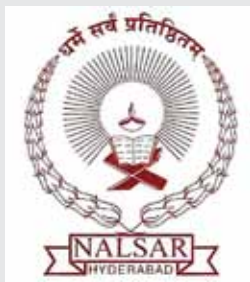
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With offices in Gurugram (National Capital Region of India), New Delhi, Dubai, Brisbane, Sydney, Melbourne, Seoul, Singapore, Bangkok, London and Kuwait, Kaden Boriss' professionals are uniquely positioned to offer bespoke legal and business advisory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

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

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Introduction

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

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

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

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

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

History of Repeal Laws in India

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

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

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

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

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

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

Research Methodology

The identification of laws recommended for repeal in this compendium has been done through a scientific 'grading' method.

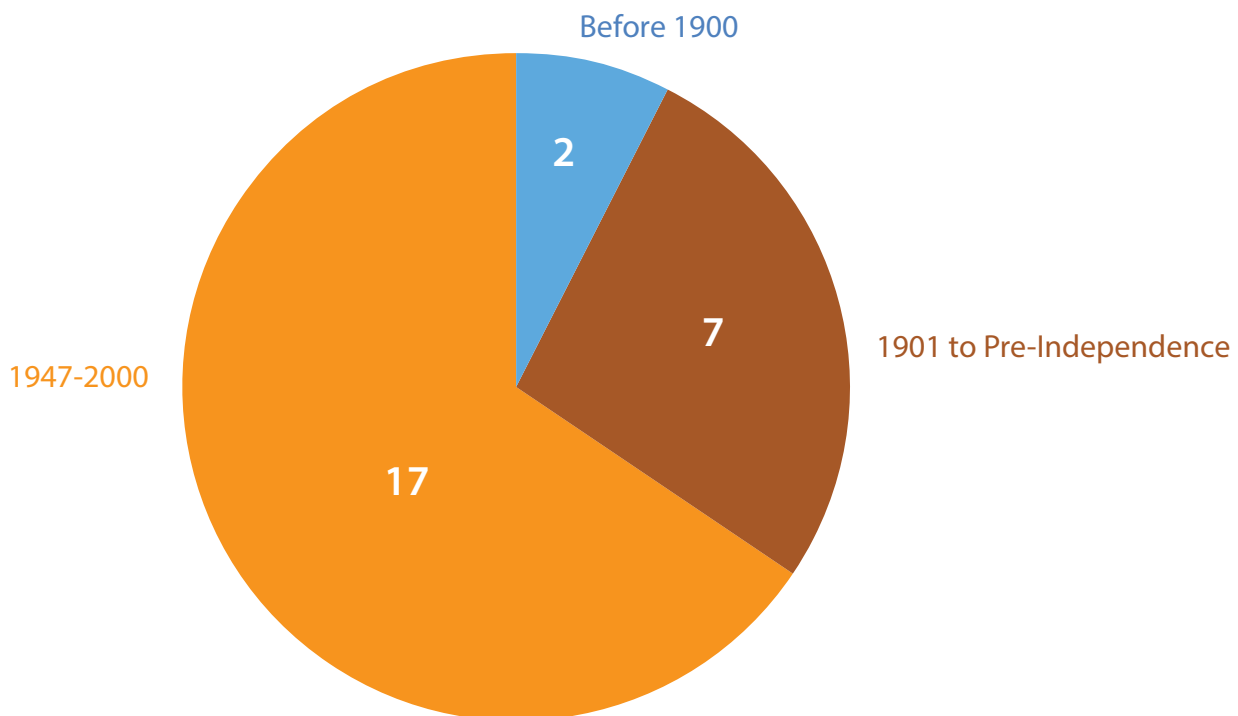
'Grading' of Cases for Repeal

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.

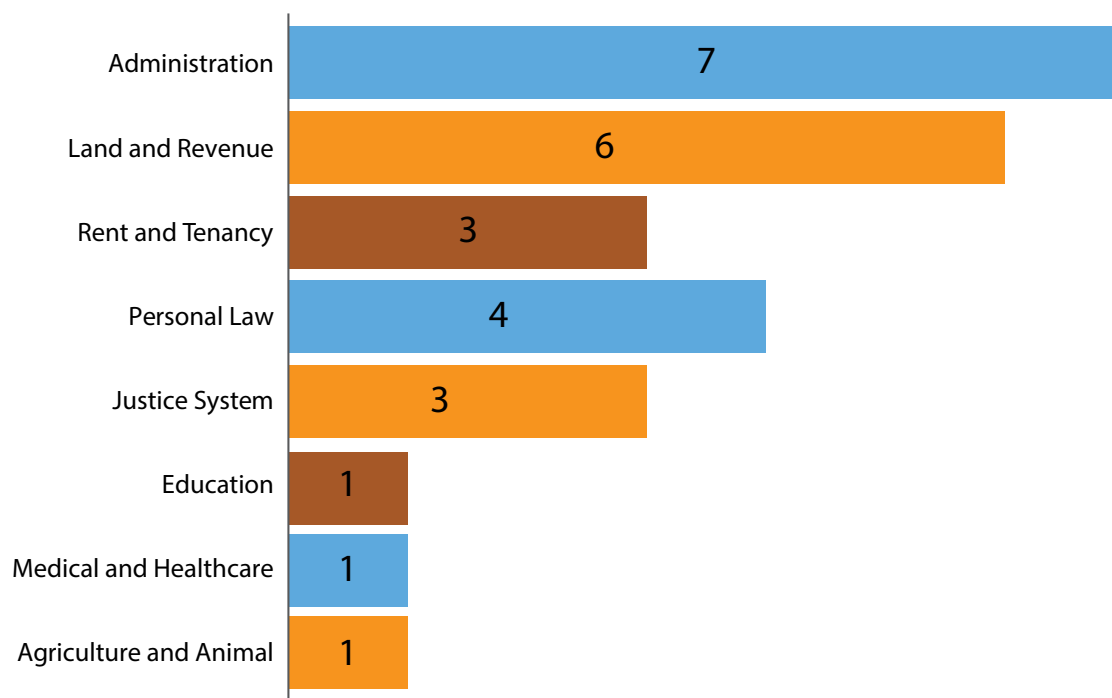
Key Features

This compendium of "Recommended Laws for Repeal in the State of Telangana" has a total of 26 laws ranging from the British period to the more recent laws. Few of the key features are:

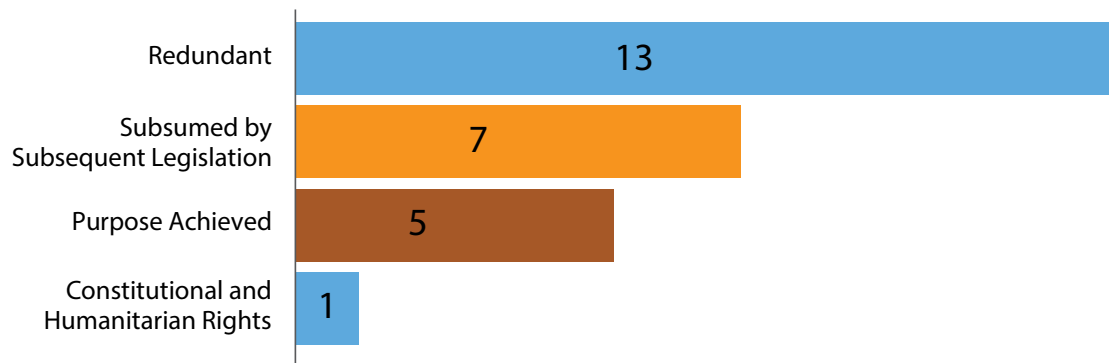
A. Law Enactment Year



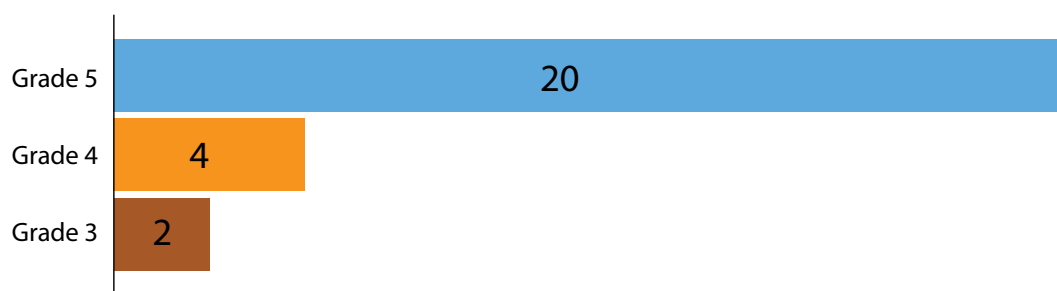
B. Themes



C. Reasons for Repeal



D. Grading





COMPENDIUM OF LAWS
TO BE REPEALED IN
TELANGANA

1 AGENCY TRACTS INTEREST AND LAND TRANSFER ACT, 1917

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

What is the Law?

The Act was enacted to limit the rate of interest and to check transfers of land in the Agency tracts of the Ganjam, Visakhapatnam and Godavari districts.

Key Features

Section 4 of the Act prohibits transfer of any immovable property from a member of a hill tribe to a non-member unless express consent was given by the Agent. "Agency tracts" means the scheduled districts as defined in Acts XIV and XV of 1847 and included within the districts of Ganjam, Vizagapatam and Godavari. The Act has been made applicable in the State of Telangana vide of Sub. Order 5 and 6 of Notification dated June 1, 2016, titled "Laws in the combined state of Andhra Pradesh as on 02-06-2014, the appointed day adaptation to the state of Telangana".

Reasons for Repeal

- The Act applies to 'agency tracts' situated near Visakhapatnam, Ganjam and Godavari districts. These regions are situated in the bifurcated State of Andhra Pradesh and hence out of the State boundaries of Telangana.
- Hence, the Act has become redundant.

Issues

There are no legal issues that would impede repeal.

2

ANAKAPALLE AND OTHER IMPARTIBLE ESTATES ACT, 1932

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

What is the Law?

The Act was enacted to declare the Anakapalle and other estates to be impartible within the meaning of the Andhra Pradesh (Andhra Area) Impartible Estates Act, 1904.

Key Features

Section 2 of the Act was its key provision which declared certain estates in the Vizagapatnam district to be impartible and could only be transferred by the owner subject to the provisions of the Act. [Anakapalle, Bharinikam, Munagapaka, Godicherla Sriramapuram, Koruprolu & Nakkapalle Estates in the Vizagapatnam district]. The Act has been made applicable in the State of Telangana vide of Sub. Order 5 and 6 of Notification dated June 1, 2016, titled "Laws in the combined state of Andhra Pradesh as on 02-06-2014, the appointed day adaptation to the state of Telangana".

Reasons for Repeal

- The Act declared estates in certain areas to be impartible, but they were only applicable to regions in Andhra region of the combined state of Andhra Pradesh. Therefore, they have no applicability in the State of Telangana.

- Further, the Act was an amendment Act to the Andhra Pradesh (Andhra Area) Impartible Estates Act, 1904. The latter was repealed by Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948. Therefore, Anakapalle and other Impartible Estates Act, 1932 has become redundant its application.

Issues

There are no legal issues that would impede repeal.

3

ANDHRA PRADESH (ANDHRA AREA) ESTATES LAND (REDUCTION OF RENT) ACT, 1948

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

What is the Law?

The Act was an amendment Act enacted to provide for the reduction of rents payable by ryots in estates governed by the Madras Estates Land Act, 1908, approximately to the level of the assessments levied on lands in ryotwari areas in the neighborhood and for the collection of such rents exclusively by the State Government.

Key Features

The amendment inserts Section 3-A, 3-B and 3-C in the Principal Act (Madras Estates Land, 1908) which address the issue of cancellation and correction of orders given by the government for fixing the rent payable in an area. The Act has been made applicable in the State of Telangana vide of Sub. Order 5 and 6 of Notification dated June 1, 2016, titled "Laws in the combined state of Andhra Pradesh as on 02-06-2014, the appointed day adaptation to the state of Telangana".

Reasons for Repeal

- The Andhra Pradesh (Andhra Area) Estates Land (Reduction of Rent) Act was applicable only in Andhra Areas of the erstwhile combined state of Andhra Pradesh and the existing law won't have any applicability in Telangana.
- Hence, this Act shall be repealed.

Issues

There are no legal issues that would impede repeal.

4

ANDHRA PRADESH (KRISHNA AND GODAVARI DELTA AREA) DRAINAGE CESS ACT, 1968

Subject: TAXATION LAW
Reason: The Purpose has been Achieved
Grade: 5

What is the Law?

The object of the Act was to raise funds for implementation of schemes to secure protection of the lands in the deltaic area from ravages of the floods. As the Act was designed to benefit the land in the divisions of the deltaic area, a cess at uniform rate for each acre of the land in a division was levied.

Key Features

For levying cess for protection of areas in danger of being flooded, the Act defined the regions where cess would be levied. Section 2 of the Act defined the 'delta areas' as the area comprising all the lands in the deltas of the Krishna and Godavari rivers, irrigated whether by flow or lift, under the network of canals taking off from the barrage near Vijayawada on the Krishna river and the anicut near Dowlaishwaram on the Godavari river. Section 3 stated that for a period of eleven years, the State Government will levy a cess on every land in the delta area mentioned in the schedule.

Reasons for Repeal

- The Act was passed to levy an interim cess to raise funds for implementation of schemes to protect deltaic lands from floods. As the cess was to be levied for eleven years from the enforcement of Act, it fulfilled its purpose in 1981.
- Furthermore, the provisions of this Act have been subsumed by the Andhra Pradesh (Krishna, Godavari And Pennar Delta Area) Drainage Cess Act, 1985.

Issues

There are no legal issues that would impede repeal.

5

ANDHRA ABSORBED ENCLAVES (HYDERABAD JAGIRDARS COMMUTATION SUM AND ALLOWANCE) ACT, 1955

Subject: COMPENSATION TO JAGIRDARS
Reason: The Purpose has been Achieved
Grade: 5

What is the Law?

The Act was enacted to provide for the payment of interim allowance and commutation sum to certain 'Jagirdars' of the former State of Hyderabad whose villages have been absorbed in the Andhra area of the State of Andhra Pradesh because of the India and Hyderabad (Exchange of Enclaves) Order, 1950.

Key Features

Under the provisions of this Act, the State Government shall deposit cash in the Office of Tribunal constituted under Section 8 of the Andhra Pradesh (Andhra (Area) Estates (Abolition and Conversion into Ryotwari) Act, the interim allowance payable to Jagirs for the period from the 26th January, 1950 to the 31 March 1950 under the Andhra Pradesh (Telangana Area) (Abolition of Jagirs) Regulation, and the commutation sum payable under the Andhra Pradesh (Telangana Area) Jagirs (Commutation) Regulation. On making such payment, the State Government shall be discharged from its duty.

Reasons for Repeal

- The Act came into being for paying interim compensation to Jagirdars for absorption of their lands due to Exchange of Enclaves Order, 1950 between India and Hyderabad. The allowance to be paid was for a period from 26 January 1950 to 31 March 1950. After the state had deposited the money, it was discharged from its liability.
- The Act has fulfilled its purpose and has no relevance.

Issues

There are no legal issues that would impede repeal.

6

THE TELANGANA HINDU WIDOWS MARRIAGE ACT, 1347 F

Subject:	FAMILY LAW
Reason:	The Act has been subsumed by the Hindu Marriage Act, 1955 and Hindu Succession Act, 1956
Grade:	3

What is the Law?

This statute was passed for the validation of remarriage of Hindu widows .

Key Features

The Act provides that any Hindu widow could remarry a Hindu male whom she could have married in the instance of her first marriage according to Hindu marriage laws. Further, upon remarriage, the statute holds that the widows' rights in her deceased husband's property would extinguish.

Reasons for Repeal

- Marriage is listed as Entry 5 in the Concurrent List of the Seventh Schedule of the Indian Constitution. Therefore,

both State and Center can make laws on the subject. The Centre enacted the Hindu Marriage Act in 1955 and Hindu Succession Act in 1956.

- Since the provisions of the Central Acts are inconsistent with the State Act, the former will prevail as per the law of repugnancy.

Issues

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

7

ANDHRA PRADESH (TELANGANA AREA) INSOLVENCY ACT, 1351 F

Subject:	INSOLVENCY LAW
Reason:	The Act has been subsumed by the Insolvency and Bankruptcy Code, 2016
Grade:	4

What is the Law?

The objective of the Act is to amend and consolidate insolvency laws in the state of Andhra Pradesh.

Key Features

Subject to the provisions of this Act, the Courts in the City of Hyderabad may decide any question which arises in any case of insolvency and matters which require the distribution of property. This Act specifically prevents a petition of insolvency against any corporate body.

Reasons for Repeal

- The provisions of this Act, especially Section 8 are inconsistent with the provisions of the Insolvency and Banking Code, 2016.
- Whereas the Andhra Pradesh Insolvency Act contains provisions only for individual insolvents, the Bankruptcy Code has well defined and substantive coverage of a Fresh Start Process and Insolvency of individuals and partnership firms.

- Under the Andhra Pradesh Code, the decision of the court is final and binding whereas the Bankruptcy Code allows the debtor or the creditor to challenge the decision of the Resolution Professional by appealing the Adjudicating authority under Section 87.

- Part II of the Insolvency Code is a complete code for insolvency process of an individual and partnership firms. As the central Bankruptcy Code substantively covers the whole insolvency process and overhauls many provisions of the Andhra Pradesh Code, the latter should be repealed for redundancy.

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.

8

TELANGANA NON-MULKI PROSTITUTES AND DANCING GIRLS ACT, 1350 F

Subject:	REGULATE ACTIVITIES OF NON-MULKI OR NON-RESIDENTIAL PROSTITUTES AND DANCERS
Reason:	The Act has been subsumed by The Immoral Traffic (Prevention) Act, 1986
Grade:	5

What is the Law?

The Act aims to regulate activities of non-Mulki or non-residential prostitutes and dancers. Non-mulki means a prostitute/dancer residing in an area where this legislation was enacted, for less than 15 years. Non-mulki prostitutes or dancing girls were not allowed to reside without obtaining a residence license.

Key Features

The statute provides that any non-Mulki prostitute or dancing girl desiring to carry on or continue her occupation within the city of Hyderabad or any district upto which this Act extends, should apply in writing to the Commissioner of City Police or Superintendent of Police, for a grant of residence license.

Reasons for Repeal

- The Act was enacted to determine the residence of women involved in prostitution. The unnatural discretion given to the police to regulate the residence of non-Mulki dancers seems to be an arbitrary conferring of power on the police.
- Further, India has a central legislation in lieu of its obligations vis-a-vis article 253 of the constitution

and the New York Convention i.e. The Immoral Traffic (Prevention) Act, 1986. Hence, there is no need for the current Act.

- Further, the act is unconstitutional inasmuch it infringes upon the right of residence under Article 19(1)(e) of the Constitution of India.
- In the case of *Budhadev Karmaskar v. State of West Bengal*,² the Supreme Court held that, "Sex workers are also human beings, and no one has a right to assault or murder them. A person becomes a prostitute not because she enjoys it but because of poverty. Society must have sympathy towards the sex workers and must not look down upon them. They are also entitled to a life of dignity in view of Article 21 of the Constitution."

In the case of *PUCL v. Union of India*,³ the SC referred to the Convention for Elimination of all forms of Discrimination Against women (CEDAW), to reiterate that "eradication of prostitution in any form is integral to social weal and glory of womanhood"

Issues

There are no legal issues that would impede repeal.

² *Budhadev Karmaskar v. State of West Bengal* (AIR2011SC2636)

³ *PUCL v. Union of India* (1982 AIR 1473)

9

THE TELANGANA DOWRY PROHIBITION ACT, 1958

Subject:	DOWRY PROHIBITION
Reason:	The Act has been subsumed by the Centre's Dowry Prohibition Act, 1961
Grade:	5

What is the Law?

The Act is a state legislation to prevent the practice of dowry within Andhra Pradesh. It aims to regulate the domiciles in the state of Andhra Pradesh regardless of where the marriage was performed.

Key Features

The Act identifies "dowry" to be any property or valuable security given or agreed to be given to one party to a marriage or to any other person on behalf of such party before or after the marriage as a consideration for betrothal or marriage between the said parties.

It does not include Dower or Mahr in the case of person to whom the Muslim Law applies. As per the case of *Maqsood Main and Anr. vs Rukhsana Tazeem*,⁴ dowry does not include Mehr.

Reasons for Repeal

- The unamended Section 10 of the 1961 Central Act explicitly repealed the Andhra Pradesh Dowry Prohibition Act, 1958, (Andhra Pradesh Act 1 of 1958.) However, it continues to remain on the statute books of Andhra Pradesh.
- In *Sushil OKumar Sharma v. Union of India (2005)*,⁵ the Supreme Court upheld the constitutionality of dowry prohibition laws. In the recent 2016 judgment of *Bobbili Ramakrishna Raju Yadav v. State of Andhra Pradesh*,⁶ the Supreme Court reaffirmed its stand and held that dowry articles must be returned to the women.

Issues

There are no legal issues that would impede repeal.

⁴ *Maqsood Main and Anr. vs Rukhsana Tazeem (1999 CriLJ 681)*

⁵ *Sushil Kumar Sharma v. Union of India (AIR 2005 SC 3100)*

⁶ *Bobbili Ramakrishna Raju Yadav v. State of Andhra Pradesh (AIR2016SC442)*

10 THE TELANGANA GRAM PANCHAYATS (TRANSITIONAL ARRANGEMENTS) ACT, 1995

Subject: ADMINISTRATIVE LAW
Reason: The Purpose has been Achieved
Grade: 5

What is the Law?

This was an Act to Provide for the Administration of the Gram Panchayats in the State until the next Ordinary Elections were held in 1999.

Key Features

The Act was enacted for the transitional period. The statute holds that notwithstanding anything contained in the Andhra Pradesh Gram Panchayats Act, 1964 or in any notifications issued thereunder, every Sarpanch, Upa-Sarpanch and members of all Gram Panchayats in the State who completed the normal term of office of five years and are continuing in office after the expiry of their normal term of office on the date of commencement of this Act, shall be deemed to have ceased to hold office on the afternoon of the 23 April 1994.

Reasons for Repeal

- The Act was limited to provide ad-hoc administration in village panchayats until the ordinary elections were to be held.
- Post the election period, the impugned Act does not serve any person and has become redundant considering fresh elections and elected representatives thereof.

Issues

There are no legal issues that would impede repeal.

11

THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) ACT, 1949

Subject:	REAL ESTATE LAW, MUNICIPAL LAW
Reason:	The Act is Redundant
Grade:	4

What is the Law?

The objective of the Act was to regulate rents and leases in the region of Madras. The State of Andhra Pradesh came into existence on the 1st of October 1953 under the provisions of the Andhra State Act, 1953. By this Act, the Madras Act continued to be in operation in the State of Andhra Pradesh. By the States Reorganization Act, 1956 with the merger of the Telangana Area, the new state of Andhra Pradesh came into existence by the Notification dated 1st November 1956. By States Reorganization Act, the Hyderabad House (Rent, Eviction and Lease) Control Act, 1954 was in force in Telangana and in the Andhra Area, the Madras Act was in force. Both the Madras and the Hyderabad Act were replaced by the Andhra Pradesh Buildings Act (Lease, Rent and Eviction) 1960.

Key Features

The Act sets out to avoid collusion and works towards setting out controls on price ceilings and floors for house lease and rents. It provides for various definitions relating to time periods for leases, rents, notices of vacancies and determination of fair rent. It also provides for the terms and the conditions that the tenants and the landlords

must adhere to. Further, it describes for procedure eviction and immediate possession. The statute covers many general aspects regarding tenancy in the erstwhile state of Madras. The act has been made applicable in the State of Telangana vide of Sub. Order 5 and 6 of Notification dated June 1st, 2016, titled "Laws in the combined state of Andhra Pradesh as on 02-06-2014, the appointed day adaptation to the state of Telangana".

Reasons for Repeal

- The geographical area covered by this Act has changed multiple times since its enactment in 1955 in lieu of the reorganization of the state of Madras and the reorganization of the state of Andhra Pradesh.
- There are newer laws adopted on the same subject by the Andhra Pradesh legislature.
- Therefore, this statute has become redundant.

Issues

There are no legal issues that would impede repeal.

12

THE TELANGANA RINDERPEST ACT, 1940

Subject: ANIMALS/LIVESTOCK
Reason: The Act is Redundant
Grade: 4

What is the Law?

The Act was enacted in the erstwhile state of Madras for the purposes of dealing with cattle diseases. The Act provided for guidelines for the prevention of outbreak of cattle disease and what measures had to be taken in cases of such an outbreak.

Key Features

The Act prescribes certain rules for the treatment of cattle and cattle cadavers to prevent and control contagious diseases of livestock. The State Government may prohibit or regulate to such an extent the transport of any animal, or product thereof, which may in its opinion carry an infection.

Reasons for Repeal

- Scientific and technological advancements have defeated the purpose of this Act as Rinderpest is no longer an infection in circulation.
- This statute was enacted in 1940 to deal with a situation that can no longer arise.
- The purpose of the statute has been exhausted.

Issues

There are no legal issues that would impede repeal.

13

MIRZAPURAM AND PEDAGONNUR IMPARTIBLE ESTATES ACT, 1929

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

What is the Law?

The Mirzapuram and Pedagonnur Estates are in the Krishna and West Godavari districts. This Act designates that the said area would fall under the category of impartible estates within the meaning of the Andhra Pradesh Impartible Estates Act.

Key Features

Section 2 of the Act declares that the Mirzapuram and Pedagonnur Estates, in the Krishna and West Godavari districts, shall be impartible estates within the meaning of the Andhra Pradesh (Andhra Area) Impartible Estates Act 1904. Their present owners as well as their heirs and successors shall be subject to the provisions of that Act. The act has been made applicable in the State

of Telangana vide of Sub. Order 5 and 6 of Notification dated June 1st, 2016, titled "Laws in the combined state of Andhra Pradesh as on 02-06-2014, the appointed day adaptation to the state of Telangana".

Reasons for Repeal

- The Act declared estates in certain areas to be impartible, but they were only applicable to regions in Andhra region of erstwhile Andhra Pradesh.
- Therefore, they have no applicability in the State of Telangana.

Issues

There are no legal issues that would impede repeal.

14

ELLAMARRU AND PENJENDRA IMPARTIBLE ESTATES ACT, 1929

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

What is the Law?

The Act declares the Ellamarru and Penjendra Estates to be impartible.

Key Features

Section 2 of the Act declares that the Ellamarru and Penjendra estates shall be impartible estates within the meaning of the Andhra Pradesh (Andhra Area) Impartible Estates Act 1904 their present owners as well as of their heirs and successors be subject to the provisions of that Act.

Reasons for Repeal

- The Act was an amendment Act to the Andhra Pradesh (Andhra Area) Impartible Estates Act, 1904. The latter was repealed by the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948.
- Therefore, the Ellamarru and Penjendra Impartible Estates Act, 1929 is redundant.

Issues

There are no legal issues that would impede repeal.

15

GAJAPATHINAGARAM TALUK AND ONGOLE DISTRICT (FORMATION) AMENDMENT ACT, 1972

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

What is the Law?

The Act amends the Gajapathinagaram Taluk and Ongole District (Formation) Act, 1970. It seeks to create districts in erstwhile Andhra Pradesh.

Key Features

Section 2 of the impugned Act provides for the creation of the two districts in the erstwhile Andhra Pradesh.

Reasons for Repeal

- The districts covered under the provisions of this Act are in territories that were allotted to the State of Andhra Pradesh post the bifurcation.
- Hence, the law is redundant in the State of Telangana.

Issues

There are no legal issues that would impede repeal.

16 CENTRAL PROVINCES TENANCY ACT, 1898

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

What is the Law?

It is an Act to consolidate and amend the Law relating to Agricultural Tenancies in the Central Provinces.

Key Features

The Act regulates the agricultural tenancies in the Central Provinces, and consolidates and amends the law relating to the same. It divides tenants into 5 categories and makes provisions relating to rent payable by the tenants.

Reasons for Repeal

- The States which constituted the erstwhile Central Provinces now have their own rent control and tenancy Acts making this Act irrelevant. It must therefore be repealed. The subject matter is sufficiently covered.

- The Act was recommended for repeal in the Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal” (IInd Report; Report No. 249).⁷

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

- This Act was recommended for repeal by the Report of the Committee to identify the Central Acts which are not relevant or no longer needed or require repeal/re-enactment in the present Socio-Economic context.⁹

- There are no pending issues that may impede its repeal.

Issues

There are no legal issues that would impede repeal.

⁷ Law Commission of India Report on “Obsolete Laws: Warranting Immediate Repeal”, Second Interim Report, Report No. 249, available at: <http://lawcommissionofindia.nic.in/reports/Second%20Interim%20Report%20on%20Obsolete%20Laws.pdf>

⁸ PC Jain Commission Report, available at: http://darp.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

⁹ Report of The Committee to Identify the Central Acts Which Are Not Relevant or No Longer Needed or Require Repeal/Re-Enactment in The Present Socio-Economic Context, available at: [http://lawmin.nic.in/ld/VOLUME-I\(PART-I\).pdf](http://lawmin.nic.in/ld/VOLUME-I(PART-I).pdf)

17

ANDHRA PRADESH INTEREST FREE SALES TAX LOANS FOR INDUSTRIES (IMPOSITION OF CEILING) ACT, 1987

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

What is the Law?

It is an Act to fix the maximum amount of Interest Free Sales Tax Loan to certain Industries in the State of Andhra Pradesh.

Key Features

Section 2 of the Act provides for sanction of Interest Free Sales Tax Loan subject to fact that the State Government may fix the maximum of the Interest Free Sales Tax Loan during the period from 1st January, 1976 to the 31st March, 1984 in respect of new industrial units which go into regular production on or after the 1st January, 1976 and such other industrial units going in for substantial expansion, situated in all the areas of the State of Andhra Pradesh excepting in the Municipal Corporation limits of Hyderabad, Vijayawada and Visakhapatnam, notwithstanding the limits specified in G.O. Ms. No. 224, Industries and Commerce Department, dated the 9th March, 1976 and as subsequently modified from time to time.

Reasons for Repeal

- The Act was aimed to regularize and fix the maximum Interest Free Sales Tax Loan during the period from 1st January 1976 to the 31st March 1984. Thereafter, the Andhra Pradesh Interest-free Sales Tax Loans for Industries (Imposition of Ceiling) Act, 1987 (Act 20 of 1987) was passed giving retrospectivity to the provisions of the Act with effect from January 1, 1976.
- Since the period fixed for the operation of this time has lapsed, it does not serve any purpose. It is hence redundant 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.

18

ANDHRA PRADESH PROBATION OF OFFENDERS ACT, 1936

Subject:	CRIMINAL LAW
Reason:	The Act has been subsumed by the Probation of Offenders Act, 1958
Grade:	5

What is the Law?

The Act aims to provide for the release on probation of first offenders in certain cases and for other matters incidental thereto.

Key Features

Under the provisions of this Act, if it appears to the Court that any person found guilty of an offence punishable with imprisonment for not more than seven years and no previous conviction, that it is expedient that the offender should be released on probation of good conduct, the Court may; instead of sentencing them at once to any punishment, direct that they be released on them entering a bond, with or without sureties.

Reasons for Repeal

- In 1958, the Parliament enacted the Probation of Offenders Act, which prescribes that probation officers

shall be appointed and be responsible to give a pre-sentence report to the Magistrate and supervise the accused during the period of probation.

- The Act can be repealed since the objects and reasons of this legislation are being sufficiently met with by the Central Act. The Probation of Offenders Act is wider in scope and further imposes a relatively harsher penalty.
- The Telangana State Prisons Department does not mention the statute as a yardstick while detailing aspects relating to probation of offenders, and there are no reported cases of application of the said Act.

Issues

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

19 ANDHRA UNIVERSITY (EXTENSION OF TERM OF OFFICE OF VICE-CHANCELLOR) ACT, 1958

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

What is the Law?

This was an Act to extend the term of Office of the present Vice-Chancellor of the Andhra University for a very specific one-time instance.

Key Features

The Act had an overriding effect over the Andhra University Act, 1925 (Madras Act II of 1926), insofar as the term of office of the Vice-Chancellor which, under the said Act, extended upto the 8th December 1958. Overriding this operation, it extended the term of the then Vice-Chancellor upto the 8th April 1959.

Reasons for Repeal

- The Act was meant for extending the term of Vice-Chancellor at that point of time. The Act spoke to what now seems to be the urgent necessities and exigencies of that time (1958-1959) and is no more relevant as it laid down no general rule vis-a-vis the term of the Vice-Chancellor of Andhra University.
- Its continuance on the statute-book may cause confusion as that Act is not of any use anymore.

Issues

There are no legal issues that would impede repeal.

20

RANGARAYA MEDICAL COLLEGE (TAKING OVER OF MANAGEMENT) ACT, 1977

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

What is the Law?

The Act pertains to the management of a specific college that is in Kakinada in Andhra Pradesh now.

Key Features

The management of the Rangaraya Medical College at Kakinada shall vest, in the Government and shall continue to so vest for a period not exceeding 5 years, or until the Medical College is acquired, whichever is earlier. The Medical College shall be deemed to include all rights and interests arising out of such property as were, immediately before the appointed day, in the ownership possession, power or control of the private management, and all books of account, registers and all other documents whatever nature relating thereto.

Reasons for Repeal

- Since the Rangaraya Medical College is in Andhra Pradesh, the Act does not have relevance to the state of Telangana.
- There are no branches or centers of the College that function within the Telangana region, hence the Act does not serve any purpose in the state of Telangana.

Issues

There are no legal issues that would impede repeal.

21

GOVERNMENT PREMISES (EVICTION) ACT, 1955

Subject:	ADMINISTRATIVE LAW
Reason:	The Act has been subsumed by the Public Premises (Eviction of Unauthorized Occupants) Act 1971
Grade:	4

What is the Law?

The Act applies to the State of Hyderabad and was enacted in the year 1955, specifically relating to occupation of the premises of Osmania Medical College; Government Ayurvedic College; and The Government Unani College.

Key Features

The Act deals with the occupation of premises of the Osmania Medical College; Government Ayurvedic College; and The Government Unani College. The Act provides for procedure for eviction in cases of overstay or misuse of government premises in the erstwhile state of Hyderabad.

Reasons for Repeal

- The Act is subsumed by “Public Premises (Eviction of

Unauthorized Occupants) Act 1971”. Which is a more general law that has broader application.

- The Act can be repealed since the objects and reasons of this legislation are being sufficiently met with by the Central Act. The Public Premises (Eviction of Unauthorized Occupants) Act is wider in scope and further imposes a relatively harsher penalty.
- This Act is redundant, in the present scenario of state organization.

Issues

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

22

REMOVAL OF CIVIL DISABILITIES ACT, 1938

Subject:	CIVIL LAW
Reason:	Obsolete/Subsumed by new legislation
Grade:	3

What is the Law?

The Act provides for the removal of Civil disabilities among certain classes of Hindus, which are imposed by social custom and usage on certain classes of Hindus commonly known as Harijans, Untouchables, or Depressed Classes.

Key Features

No Hindu shall, by reason merely of his belonging to any particular community or class be prevented from being appointed to any public office or enjoying any means of transport or secular institution which the general public belonging to all other classes and communities have a right to enjoy; and no Civil, Criminal or Revenue Court in adjudicating any matter shall recognize any custom or usage under which it is sought to impose any civil disability on any person by reason of his belonging to any such class or community.

Reasons for Repeal

- The purposes of this Act seem to be subsumed by the granting of fundamental rights against discrimination based on caste, creed and race and the abolition of untouchability. For the non-state actors, the enforcement of SC/ST Act, 1989 has subsumed the purpose of the Act. To that extent, the state of Tamil Nadu, to which this law also applied, has already repealed it.
- Additionally, the Act seeks to impose disproportionate penalty for the offences it discusses. Current Legislations impose harsher penalty for same/ similar offences.

Issues

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

23

NANDED SIKH GURUDWARA SACHKHAND SHRI HAZUR APCHALNAGAR SAHIB ACT, 1956

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

What is the Law?

The Act aims to provide for the proper administration of the Nanded Sikh Gurudwara Sachkhand Shri Hazur Apchalnagar Sahib.

Key Features

For the purposes of this Act there shall be constituted a Board and a Committee of Management and the affairs of the Gurudwara shall be administered by the Board constituted therefore. It shall be the duty of the Board to ensure that the Gurudwara and the Gurudwara endowments are properly maintained, controlled and administered and the income thereof is duly applied to the objects and for the purposes for which they were intended.

Reasons for Repeal

- In 1956 the Hyderabad Legislature made this law which still governs the Gurudwara, but the territorial juris now lies with Maharashtra.
- The Law was adopted by the State of Bombay in the year 1956 under the Bombay (Hyderabad Area) Adaptation of Laws (State and Concurrent Subjects) Order, 1956. This order was issued under the State Reorganization Act, 1956.
- Hence, the law has become redundant as it no longer serves a purpose.

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.

24

TUNGABHADRA PROJECT (PREVENTION OF SPECULATION IN LAND) ACT, 1947

Subject:	COMPENSATION LAW
Reason:	The Purpose has been Achieved
Grade:	5

What is the Law?

The Act aims to prevent speculation in land in the Tungabhadra Project Area. The State Government had commenced the execution of the Tungabhadra Project and considerable purchase of land which are of a speculative character have been made in the area which is likely to be irrigated when the Project is completed. To prevent such speculation in land in the area, the law was passed.

Key Features

Section 3 gave a right to the Government to acquire project land in certain cases and Section 10A gives a right to the State Government to acquire land the alienation or acquisition of which is null and void.

Reasons for Repeal

- The construction of the Dam under the provisions of this Act was completed in 1953.

- This Act was enforced for a smooth acquisition of land for the construction of the dam. This Act has been sans any activity after the construction of the dam.
- The State of Tamil Nadu (erstwhile Madras Presidency) has already repealed this Law in 1957, and it is evident that it does not serve any purpose in the State of Telangana.

Issues

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

25

MALABAR WILLS ACT, 1898

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

What is the Law?

The Act declares the testamentary power of persons governed by the Marumakkatayam of the Aliyasantana law of inheritance, and to provide rules for the execution, attestation, revocation and revival of the wills of such persons.

Key Features

The Act is based on a matrilineal system of testamentary succession. Every person of sound mind and not a minor may by will dispose of property which he could legally, alienate by gift inter vivos and shall be deemed to have been always competent so to dispose of such property. The Act has been made applicable in the State

of Telangana vide of Sub. Order 5 and 6 of Notification dated June 1st, 2016, titled "Laws in the combined state of Andhra Pradesh as on 02-06-2014, the appointed day adaptation to the state of Telangana".

Reasons for Repeal

- The Act did not apply to areas in erstwhile Andhra Pradesh that are now Telangana area.
- It hence, does not serve any purpose in the State of Telangana.

Issues

There are no legal issues that would impede repeal.

26

THE TELANGANA EUNUCHS ACT, 1329 F

Subject:	PENAL LAW
Reason:	The Act is against Constitutional and Humanitarian Rights
Grade:	4

What is the Law?

It is a law that seeks to regulate the behavior of eunuchs.

Key Features

Section 2 provides for maintaining a register of all Eunuchs residing within the city. Section 4 provides that registered Eunuchs in female/ornamented clothing may be arrested without warrant and shall be punished with Imprisonment for a term which may extend to two years or with fine or with both. Section 5 prohibits any registered eunuch from being guardian/ keeping in control a boy of less age. It declares that violations shall be punished with imprisonment for a term which may extend to two years or with fine or with both. Section 7 prohibits eunuchs from emasculating any person or abetting in such, declaring the punishment for the same shall be imprisonment for a term which may extend to seven years and shall also be liable to fine.

Reasons for Repeal

- With specific reference to the transgender community, the judges referred to NALSA v Union of India (2014)¹⁰ : *“NALSA indicates the rationale for grounding of a right to privacy in the protection of gender identity within Article 15. The intersection of Article 15 with Article 21 locates a constitutional right to privacy as an expression of individual autonomy, dignity and identity.”*

- Following the judgment in *K Puttaswamy v Union of India*,¹¹ privacy is a fundamental right.

- The NALSA Judgement holds that Transgender persons have available to themselves all the fundamental rights that are available to Indian citizens. The impugned law is a breach of the fundamental right to privacy. The NALSA Judgment holds that transgendered persons have a right to relationship, family and adoption of children. The impugned Act penalizes any eunuch who has/ keeps a boy below 16 years of age (no provision made to check whether the boy is an adoptive child or not). This breaches the essence of the judgment.

- The NALSA Judgment provides for the transgendered for formal identification in passports, rations etc. The impugned Act provides for registration of eunuchs to keep them under surveillance. These are contradictory ideas. The larger reason for repeal being breach of right to privacy. Hence, it fails to recognize the modern idea of a third gender.

- There is ample literature exhorting repeal of the Eunuchs Act.

Issues

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

¹⁰ NALSA v Union of India (2014) (AIR 2014 SC 1863)

¹¹ K Puttaswamy v Union of India (2017) (10) SCALE1)

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