



UTTAR PRADESH

**REPEAL LAW
COMPENDIUM**

2017

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COMPENDIUM
2017**

An initiative of



In collaboration with



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

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Introduction

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

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

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

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

To accomplish such a feat would require a ground- up hygiene check of existing laws, and the subsequent repealing of outdated laws, wherever necessary.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

History of Repeal Laws in India

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

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

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

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

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

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

Research Methodology

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

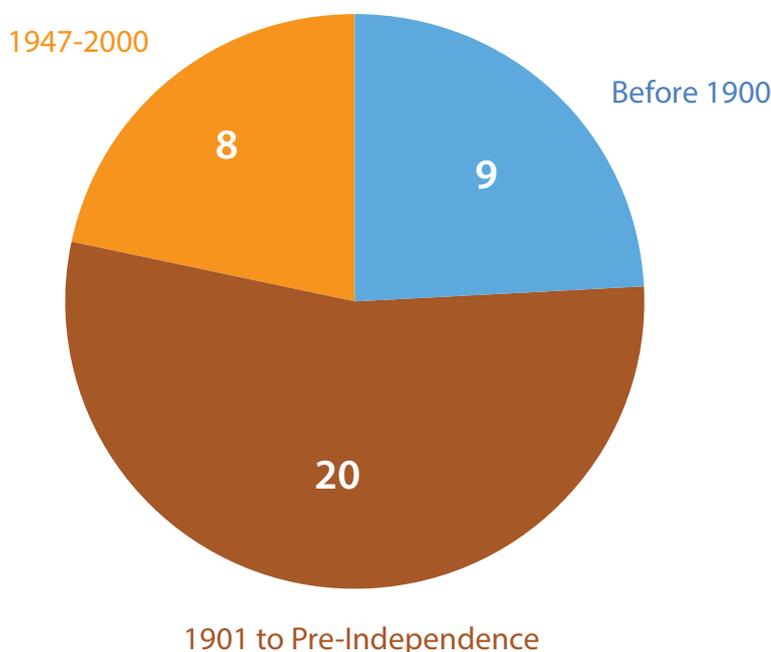
‘Grading’ of Cases for Repeal

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

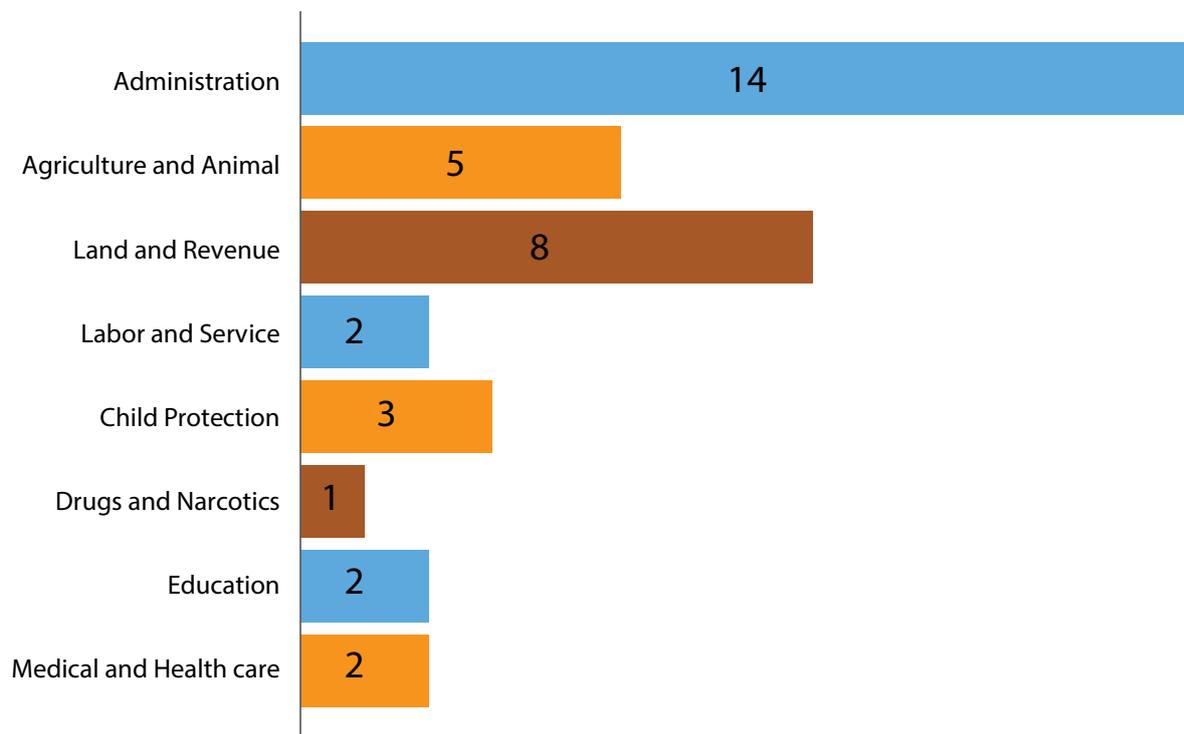
Key Features

This compendium of “Recommended laws for Repeal in the state of Uttar Pradesh” has a total of 37 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:

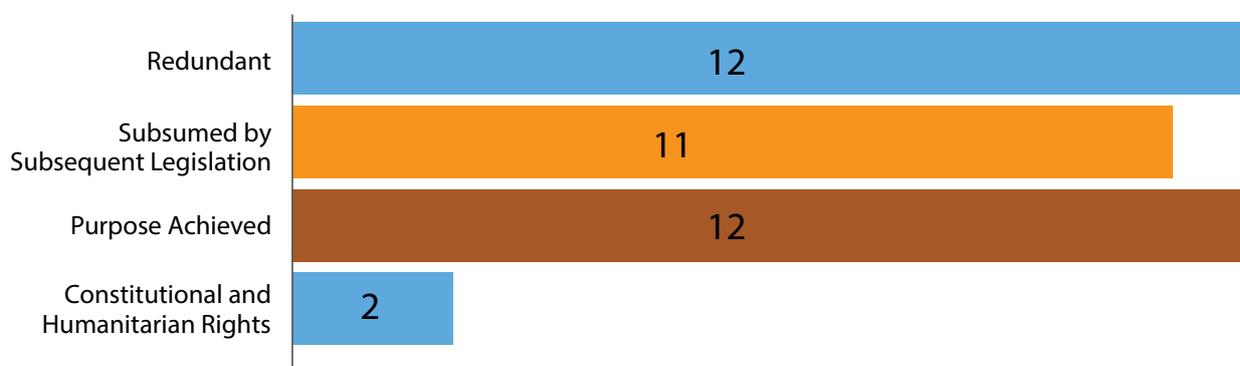
A. Law Enactment Year



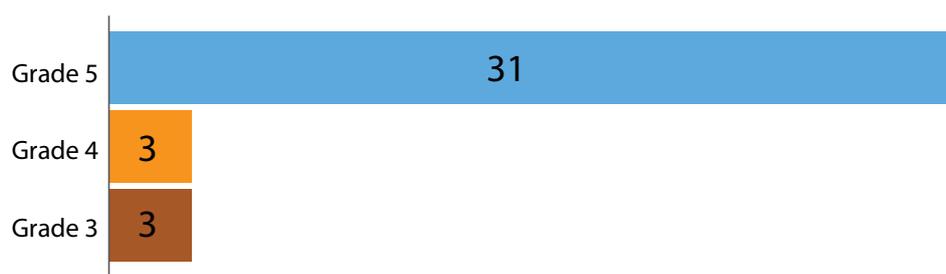
B. Themes



C. Reasons for repeal



D. Grading





COMPENDIUM OF LAWS TO
BE REPEALED IN
UTTAR PRADESH

1

GANGES TOLLS ACT, 1867

Subject:	TAX
Reason:	The Act has been subsumed by a more recent legislation, namely the National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi Hooghly River) Act, 1982
Grade:	5

What is the Law?

The Act authorizes the levy of Tolls for the improvement of the navigation of the Ganges. This was done with a view to collect revenue from merchant vessels traversing the course of the river.

Key Features

- Section 2 of the Act provides that a toll not exceeding twelve annas per one hundred mounds (unit of weight equivalent to 37 kgs) is chargeable on vessels ascending or descending Ganges, which shall be collected by any person appointed in this behalf by the State Government. Further, the master of any steamer or boat which shall be liable to pay tolls under the Act, shall, upon demand by any person authorized to collect or receive the tolls, specify whence he is come and whither he is bound.

Reasons for Repeal

- The Act became redundant when the National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi Hooghly River) Act, 1982 was enacted, which covers the scope of this Act.
- Further, enactments of legislations on the same subject matter may lead to double taxation in the form of overlapping cess.

- The purpose of the current Act is restricted only to levy tolls. On the other hand, the National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi Hooghly River) Act has a wider scope to levy fees for the services or benefits in relation to waterways across the length and breadth of our nation.

- There have been no recent cases of utilization of the Act.

- Furthermore, this Act has already been recommended for repeal by the 248th Law Commission Report.² The Report too is in consonance with the fact that the provisions are archaic and antiquated and cannot be applicable for governance in modern times.

- The aforesaid Act has been recommended for repeal by the PC Jain Commission at Sl. No. 34 in its Appendix A-1(166 Central Acts for repeal).³

Issues

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

² Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

³ PC Jain Commission Report, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_laws_Vol_1.pdf

2

ODUH ESTATES ACT, 1869

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

What is the Law?

The law sets out to define the rights of Talukdars over territorial estates and presides over the issue of their succession as well in Oudh.

Key Features

- After the reoccupation of Oudh by the British Government, the proprietary right in estates in the province was, conferred by the British government upon certain Talukdars and others. The Oudh Estates Act was enacted for the clarification of the nature of such rights.

Reasons for Repeal

- This is an archaic Act providing for relief to Talukdars appointed during Mughal era. Neither the princely state of Oudh nor the Talukdari System exists anymore. Thus, the provisions are obsolete.
- Recommended for repeal by 248th Law Commission report considering certain outdated provisions as mentioned above.⁴

Issues

There are no legal issues that would impede repeal.

⁴ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

3

3 OUDH TALUKDARS' RELIEF ACT, 1870

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

What is the Law?

The Act alleviates the debts accrued on the estates of Talukdars in Oudh. At the time of the enactment of the Act, Talukdars of Oudh were in debt and their immovable property was subject to mortgages, charges and liens; and it was expedient to provide relief for the same.

Key Features

- If any Talukdar applies in writing to the State Government, that he, or his immovable property is charge with debts or liabilities that are due, and requests that the provisions of this Act be applied in his case, the State Government may appoint an officer and vest in him the management of the immovable property. On such appointment, all proceedings in respect of such debts or liabilities which may be pending in any Civil Court shall be barred and all processes, attachments and executions in respect of such debts and liabilities shall become null and void. Further, the Talukdar and his heir shall be incompetent to mortgage, charge, lease or

alienate their immovable property, or to grant receipts for rents and profits arising or accruing thereof.

Reasons for Repeal

- Great Landholders were appointed as Talukdars during Mughal Era.
- This Act was aimed to provide relief to one who were once considered to be competent enough to help others in need.
- Neither the Princely State of Oudh nor the Talukdari System exists anymore. Thus, the provisions are obsolete.
- The law has been recommended for repeal by the 248th Law Commission Report.⁵

Issues

There are no legal issues that would impede repeal.

⁵ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

4

ODUH SUB-SETTLEMENT ACT, 1876

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

What is the Law?

The Act codifies rules for determination of claims of proprietors in Oudh by its Chief Commissioner.

Key Features

- The Act lays down the rules for determining the conditions under which a person possessed of a subordinate right of property in talukas shall be entitled to obtain a sub-settlement which he held under talukdars.
- When no rights are proved to have been exercised or enjoyed by an under-proprietor during the period of limitation, no sub-settlement can be made.

Reasons for Repeal

- The Act lays down the procedure for determining the authenticity of claims of persons claiming property in the Province of Oudh. The Princely State of Oudh does not exist anymore. Hence, the Act does not serve any discernible purpose anymore.
- Further, any claims to title/ property rights are adjudicated in terms of respective the Land Revenue Code/ Acts administered by the State governments and the Civil Procedure Code.
- It has been recommended for repeal by the 248th Law Commission Report because the Act is redundant as Oudh has ceased to exist as an administrative unit.⁶

Issues

There are no legal issues that would impede repeal.

⁶ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

5

ELEPHANTS PRESERVATION ACT, 1879

Subject:	WILDLIFE
Reason:	The Act has been subsumed by a Central Act, namely the Wildlife (Protection) Act, 1972
Grade:	5

What is the Law?

The Act ensures the preservation of wild elephants by prohibiting their hunting and killing. It further provides that every wild elephant captured, and the tusks of every wild elephant killed by any person not licensed under this Act, shall be the property of Government.

Key Features

- Under the provisions of this Act no person shall kill, injure or capture any wild elephant unless in self-defense, or granted license by the Collector or Deputy Commissioner of any district.
- Whoever violates the provisions of this Act shall be punished with a fine which may extend to five hundred rupees.
- Every wild elephant captured, and the tusks of every wild elephant killed by any person not licensed under this Act, shall be the property of the Government.

Reasons for Repeal

- Elephants have been accorded the highest possible protection through its listing under Schedule 1 of the Wildlife (Protection) Act, 1972.

- The fine imposed under the Act is insignificant considering the underlying objective of the Act. On the other hand, the fine to be imposed under the 1972 Act is a sum of Rs. 25,000 and maximum imprisonment of up to 7 years in case of contraventions of any provisions.
- The Wildlife (Protection) Act has proved to be better equipped to govern the issue than the Act passed in the 19th century.
- Protection of wild animals and birds is covered under the Entry 17B, List III of the seventh schedule of the Constitution of India, and is hence regulated by the scheme of Article 246 of the same. Thus, the Central legislation will have an overriding effect.
- The Act has been recommended for repeal by the 248th Law Commission Report.⁷

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

6

AGRICULTURISTS' LOANS ACT, 1884

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

What is the Law?

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

Key Features

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

Reasons for Repeal

- This Act was enacted to amend and provide for the extension to certain territories of the Northern India Takkavi Act, 1879. The 1879 Act was enacted to provide for the recovery of certain advances made

to landholders in the territories administered by the Lieutenant-Governors of the North-Western Frontier Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer.

- The 1879 Act does not find mention in the Chronological List of Central Acts published by the Ministry of Law and Justice and hence, does not function now.
- The current Act is meant to be read with the 1879 Act and thus cannot exist independently.
- This Act was recommended for repeal in the Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal" (Sl. No. 32, Chapter 4, Interim Report; Report No. 248).⁸
- The P.C. Jain Commission has also recommended for its repeal at Sl. No. 1 of Appendix A-5 of its report (114 Central Acts relating to State subjects for repeal by State Governments).⁹

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.

⁸ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, p. 27, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>
⁹ PC Jain Commission Report, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

7

LOUDH WASIKAS ACT, 1886.

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

What is the Law?

The Act aims at bringing allowances as Oudh Wasikas under the ambit of Pensions Act, 1871.

Key Features

- The Act recognized Amanat, Zamanat and loan Wasikas, guaranteed to be paid to the Royal Family by the British Government, as pensions under provisions of the Pensions Act, 1871 and said the Act shall apply to them as if they were pensions of the classes referred to in sections 4 and 11 of the Act.

Reasons for Repeal

- The Princely State of Oudh does not exist and hence, the allowance payable to the Royal Family of Oudh has also ceased to exist. Thus, the provisions are obsolete.
- It has been recommended for repeal by the 248th Law Commission Report.¹⁰

Issues

There are no legal issues that would impede repeal.

¹⁰ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

8

MIRZAPUR STONE MAHAL ACT, 1887

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

What is the Law?

The Act provides for the formulation of law relating to the Stone Mahal in Mirzapur in the North-Western Provinces.

Key Features

- Under the provisions of this Act, the Government is entitled to levy duty on all the stone quarried in the district of Mirzapur, and no proprietor of any land is entitled to impose any prohibition or restriction in respect of the quarrying of stone or the transport of stone over his land, or to receive compensation in respect of any such matters.
- Further, the local Government is authorized makes such rules as are required for this purpose.
- Any person violating the provisions of this Act may be fined up to two hundred rupees and twenty times the duty payable by him.

Reasons for Repeal

- Under the Act, power is conferred upon the Board of Revenue of the North-Western Provinces to overturn decisions of the Collector of Mirzapur. The jurisdiction

over the lands formerly christened as the North-Western Provinces fall under the administrative purview of Agra. Agra constitutes a part of modern day Uttar Pradesh. As this Act was enacted prior to Independence, the relevant provisions are governed by the Government of Uttar Pradesh.

- The Board has ceased to exist after Mirzapur merged with Agra. Furthermore, the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 provides for a more contemporary approach to the issue of levying taxes etc. on quarries.
- The Act has been recommended for repeal by the 248th Law Commission Report.¹¹
- The Act has also been recommended for repeal by the PC Jain Commission Report.¹²

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.

¹¹ Law Commission of India Report on "Obsolete Laws: Warranting Immediate Repeal", Interim Report, Report No. 248, available at: <http://lawcommissionofindia.nic.in/reports/Report248.pdf>

¹² PC Jain Commission Report, available at: http://darpg.gov.in/sites/default/files/Review_Administrative_Laws_Vol_1.pdf

9

UTTAR PRADESH HONORARY MUNSIFS ACT, 1896

Subject:	LABOR/EMPLOYMENT
Reason:	The Act is Redundant
Grade:	4

What is the Law?

The law aims to provide for the appointment of Honorary Munsifs and for the constitution of benches of Honorary Munsifs in the United Provinces.

Key Features

- The Act empowers the State Government to appoint any person to be Honorary Munsif, and may, in like manner, cancel such appointment by notification in the Official Gazette.
- Every Honorary Munsif appointed under Section 4 of the Act shall be deemed to be a Munsif within the meaning of the Bengal, Agra and Assam Civil Courts Act 1872, or of the Oudh Civil Courts Act, 1879, and all the provisions of those Acts applicable to Munsifs shall apply, as far as may be, to all Honorary Munsifs.
- The courts of Honorary Munsifs shall be deemed to the Civil Courts, under the Bengal, Agra and Assam Civil

Courts Act, 1887, and the Oudh Civil Court Act, 1879, and all the provisions of the Code of Civil Procedure shall apply to suits tried by Honorary Munsifs.

Reasons for Repeal

- As per *All India Judges' Association v. Union of India*¹³ (paras 12 to 15) Civil Judge and Munsif have been re-designated as Civil Judge (Senior Division) and Civil Judge (Junior Division) respectively. The procedure for the appointment of the same is now laid down as per The Uttar Pradesh Judicial Service Rules, 2001¹⁴ (Rule 7).
- Thus, the provisions of the Act are obsolete in contemporary society.

Issues

There are no legal issues that would impede repeal.

¹³ AIR 1992 SC 165

¹⁴ <http://www.allahabadhighcourt.in/rules/TheUttarPradeshJudicialServiceRules2001.pdf>

10

PROVINCES PREVENTION OF ADULTERATION ACT, 1912

Subject: PUBLIC HEALTH
Reason: The Act is redundant
Grade: 4

What is the Law?

The Act aims to prevent adulteration in United Provinces.

Key Features

Bare text not available

Reasons for Repeal

- The text of the Act is unavailable on the online domain.
No cases have been reported so far on the issue of the

case's provisions. Furthermore, a Central Act, namely the Prevention of Food Adulteration Act 1954 has been passed, with a pertinent State Amendment of 1974 to regulate the subject matter in place in the State of Uttar Pradesh.

Issues

There are no legal issues that would impede repeal.

11

WILD BIRDS AND ANIMALS (PROTECTION) ACT, 1912

Subject:	WILDLIFE/ENVIRONMENT
Reason:	Subsumed by Newer Legislation, namely the Wildlife (Protection) Act, 1972
Grade:	5

What is the Law?

The Act aims to make better provision for the protection and preservation of certain wild birds and animals.

Key Features

- The Act empowers the State Government to declare close time for any scheduled wild bird or animal.
- During such time, it shall be unlawful to capture, sell or buy any such wild bird or animal.
- Section 4 of the Act imposes a penalty of only Rs. 50 for contravention of any of the rules provided.

Reasons for Repeal

- The purpose of the Act is now subsumed by the Wildlife (Protection) Act, 1972 which ensures the protection of wild animals, birds and plants with more stringent penalties.
- Further, protection of wild birds and animals is covered under the Entry 17B, List III of the Seventh Schedule of the Constitution of India, and is hence regulated by the scheme of Article 246 of the same. Thus, the Central legislation will have an overriding effect.

- The Act can be repealed since the objects and reasons of this legislation are being sufficiently met with by the Wildlife (Protection) Act, 1972 and the Rules framed there under. The Act of 1912 states that it is "An Act to make better provision for the protection and preservation of certain wild birds and animals"; and similarly the Act of 1972 is "An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country".
- The 1972 Act is wider in scope and provides for extended protection by declaring certain areas as national parks or 'sanctuaries' as well as their management. It further imposes a relatively harsher penalty of a fine of Rs. 25,000 or imprisonment for up to three years.
- The wild birds and animals under the Schedule annexed to the Act of 1912 which do not find mention in Schedule I of the Act of 1972 can be accommodated in the latter through a suitable amendment.

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.

12

BANARAS STATE CONSTITUTION LAWS AND PROCEDURE, 1915

Subject: STATE ADMINISTRATION
Reason: Provisions are violative of the Constitution of India
Grade: 5

What is the Law?

The Act lays down the procedure for the administration of a territory demarcated during colonial times.

Key Features

- It empowers the Crown to appoint Chief Secretary, Collector, Magistrate, and Tehsildar for administration of Banaras State consisting Bhadohi, Chakia, and Ram Nagar.
- Section 12 further provides for the appointment of a Resident Judge who is entitled to draw a salary of Rs. 500 rising to Rs. 600 by an annual increment of not less than Rs. 25.
- It also provides for the establishment of excise department and public works department.¹⁵

Reasons for Repeal

- A Constitution enshrines the principle that a government exists to protect the rights of all citizens. Benares no longer exists as a State by itself and has now merged with the State of Uttar Pradesh.
- Certain provisions intended to maintain procedure are archaic considering the principles provided for in the Constitution of India whose reach encompasses the length and breadth of our nation. For example, Judges are required to submit their applications for leave etc. to His Highness the Maharaja through the Chief Judge, who will submit them with such recommendations and remarks as he thinks fit.
- Furthermore, India does not recognize the existence of Rajas for the purposes of administration anymore therefore warranting the repeal.

Issues

There are no legal issues that would impede repeal.

¹⁵ <http://www.bareactslive.com/ALL/UP216.HTM>

13

OUDH SETTLED ESTATES ACT, 1917

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

What is the Law?

The Act aims to consolidate the law for preservation of the estates of the Talukdars of Oudh.

Key Features

- The Act provides the procedure for getting permission to add any immovable property to the settled estate of a Talukdar whose name is inserted in the second, third or fifth list prepared under section three or nine of the Oudh Estates Act.
- The application is adjudicated by the State Government after conducting due inquiry.

Reasons for Repeal

- This is an archaic Act providing for relief to Talukdars appointed during the Mughal era.
- Neither the princely state of Oudh nor the Talukdari System exists anymore. Thus, no application can be sought under the Act for declaration of Estate as “settled” or seek rights thereof.

Issues

There are no legal issues that would impede repeal.

14

CANNING COLLEGE ACT, 1922

Subject:	PROPERTY/EDUCATIONAL INSTITUTION
Reason:	The Act is Redundant
Grade:	5

What is the Law?

The Act provided for Canning College to be merged with Lucknow University, and all property and liabilities to be handed over to the latter.

Key Features

- Affiliation of Canning College shifted from Allahabad University to Lucknow University. From the commencement of this Act, all debts and liabilities of the Canning College have been transferred and attached to Lucknow University.
- The Act further provides that unless specifically mentioned all Professors and other members of and persons attached to or associated with the teaching

staff of the Canning College shall hold as nearly as practicable the same offices and places in the College after the change in affiliation.

Reasons for Repeal

- Canning College is no longer in existence or a constituent of Lucknow University.
- The Lucknow University is governed under the Lucknow University First Statute 1975, which does not recognize Canning College. hence, there is no subject matter for the current Act to regulate.

Issues

There are no legal issues that would impede repeal.

15

OUDH COURTS ACT, 1925

Subject:	STATE ADMINISTRATION
Reason:	The Act has been subsumed by subsequent legislation, namely the High Court Amalgamation Order, 1948
Grade:	5

What is the Law?

The Act aims to amend and consolidate the law relating to the establishment and functioning of Courts in Oudh.

Key Features

- The Act provides for the establishment of a Chief Court consisting of a Chief Judge and other judges as may be appointed under the Government of India Act, 1935.
- It further demarcates jurisdiction of the Chief Court and procedure to be followed in exercise of such jurisdiction. Section 20 empowers the Chief Court to make rules with respect to administrative function after the prior sanction of State Government.

Reasons for Repeal

- This Act ceased to have effect after the High Court Amalgamation Order 1948, except for the purposes of interpreting said order. However, there is no longer a need for this interpretation as the Court mentioned in the Order have now been successfully amalgamated and are governed by the High Court Charter.
- Further, the provisions of the Act have been subsumed by Part VI Chapter V of the Constitution of India that lays down powers and jurisdiction of high courts.

Issues

There are no legal issues that would impede repeal.

16

NAIK GIRLS' PROTECTION ACT, 1929

Subject:	CHILD PROTECTION
Reason:	The Act has been subsumed by a subsequent legislation, namely The Immoral Traffic (Prevention) Act
Grade:	5

What is the Law?

The Act aims to terminate the custom whereby minor girls of the Naik caste in the United Provinces are trained for prostitution. The Act was last amended in 1943.

Key Features

- The Act provides that if the District Magistrate is of the opinion that there is danger to a minor girl of the Naik caste he may order that she shall be sent to a settlement and there detained for such period as may be prescribed; call any member of the caste to present required information when necessary; order restriction or otherwise regulate the movements of such minor girl or girls.

Reasons for Repeal

- This is an archaic law, which sought to regulate the practices of the Naik Caste which were opposed to public policy, however goes beyond the necessary requirement to do so. For this purpose the Act mandates that the District Magistrate may call anyone of the Naik caste to furnish information when so sought by the same, order restriction of movement, girls belonging to the caste may be sent to settlement and there detained where in accordance with the procedure laid down in the Act the Manager of the settlement may solemnize

marriage, that the Guardianship and Wards Act does not apply, and that the courts shall have no jurisdiction to question the orders by the District Magistrate.

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (ratified by India on July 9, 1993) requires the consent of both parties and opposes the principle of forced marriage. 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. Hence, there is no need for the current act.
- Lastly, section 4B of the Act lays down that "All orders passed by the District Magistrate in accordance with the provisions of this Act or the rules made there under shall be final and not subject to appeal or revision in any court". Such finality of legislative/executive power has been held to be unconstitutional in *Minerva Mills v. UOI*.¹⁶

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.

¹⁶ AIR 1980 SC 1789

17

UNITED PROVINCES MINOR GIRLS PROTECTION ACT, 1929

Subject:	CHILD PROTECTION
Reason:	The Act has been subsumed by a subsequent legislation, namely The Immoral Traffic (Prevention) Act
Grade:	5

What is the Law?

The Act provides for a check on the practice whereby some minor girls in certain classes are devoted to prostitution and to put a stop to immoral traffic in females.

Key Features

- Under the provisions of this Act, if the State Government has reason to believe that any community, class or group of persons is in the habit of devoting its girls to prostitution, it may declare such community, class or group of persons to be a restricted class, whereby the provisions of the Naik Girls' Protection Act would be applicable to such community, class or group.
- It further provides that no such declaration shall be made until the State Government has published its intention of making such a declaration, and has considered any objections which it may receive regarding such intention within one month of such publication.

Reasons for Repeal

- The current Act gives the power to the Magistrate to declare any class which he seems necessary to be bound by the Naik Girl's Protection Act, which is an archaic law that sought to regulate the practices of the Naik Caste which were opposed to public policy,

however it goes beyond the necessary requirement to do so. For this purpose the Act mandates that the District Magistrate may call anyone of the Naik caste to furnish information when so sought by the same, order restriction of movement, girls belonging to the caste may be sent to settlement and there detained where in accordance with the procedure laid down in the Act the Manager of the settlement may solemnize marriage, that the Guardianship and Wards Act does not apply, and that the courts shall have no jurisdiction to question the orders by the District Magistrate.

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (ratified by India on July 9, 1993) requires the consent of both parties and opposes the principle of forced marriage. 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. Hence, there is no need for the current 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.

18

UNITED PROVINCES GOONDAS ACT, 1932

Subject:	LAW AND ORDER
Reason:	The Act has been held Unconstitutional
Grade:	3

What is the Law?

The law was enacted with the objective of overseeing the wiping out of hooligans from the district of Cawnpore

Key Features

Bare text of the Act is unavaliable.

Reasons for Repeal

- The object of this Act has been subsumed by Uttar Pradesh Control of Goondas Act, 1970 which provides for a more contemporary approach in dealing with the menace of hooligans.
- Similar Goonda Acts have been enacted across states in India. In some states, the Goonda Act has been repealed or found unconstitutional. For instance, the Supreme Court of India in *State of Madhya Pradesh v. Baldeo Prasad*¹⁷ AIR 1961 SC 293 found the Act

unconstitutional because adequate safeguards were not provided under the Act. It stated that a threshold test to pass an order under the Act is that the person must be a goonda (or one of the other offenders mentioned in the Act). However, the ambiguous definition of 'goonda' provided under the Act does not provide sufficient guidance to the Magistrate responsible for passing orders under the Act

- Further, the impugned Act has been held ultra vires to the constitution by Punjab & Haryana High Court being violative of Article 19 & 21 in the case of *Bakshi Inderjit Singh v. State of Delhi*.¹⁸

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.

¹⁷ AIR 1961 SC 293.

¹⁸ AIR 1953 Punj 52

19

UNITED PROVINCES TEMPORARY REGULATION OF EXECUTION ACT, 1934

Subject:	LOAN/AGRICULTURE
Reason:	The Purpose has been Achieved.
Grade:	5

What is the Law?

The Act aims at regulating the execution of Civil Court decrees for the debt of small agriculturists.

Key Features

- The Act provides procedure for small agriculturists to claim relief in execution of court decrees.
- Relief can be claimed by making an application to the trial court if the decree falls within any of the category provided under section 4.
- Section 9 of the Act invests the decree holder with the right to apply to the court for getting the order set aside in case of erroneous adjudication.

Reasons for Repeal

- As per Section 6 of the Act, an application for relief under the Act can only be instituted within a period of one year following commencement of the act. Hence, the provisions of this Act have become obsolete.

• The Act provided for the updated procedure of passing decrees with respect to providing loans for agriculturists. This was done considering the prevalent slump in the market, both of prices and demand for the goods. Examination of the provisions reveals an antiquated mindset with respect to the allowances accounted for.

• Paltry sums of Rs. 5, 10 and 1000 are cited as the ceiling for certain debts. Like the reasons mentioned for the “United Provinces Regulation of Agricultural Credit Act” the provisions of the Act in question are governed by more contemporary laws with respect to agricultural loans.

• Furthermore, as this a temporary Act, the purpose has been achieved

Issues

There are no legal issues that would impede repeal.

20

UTTAR PRADESH OPIUM SMOKING ACT 1934

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

What is the Law?

The Act aims to regulate the smoking of opium in the United Provinces by mandating registration of smokers.

Key Features

- The State Government shall authorize the preparation of a register of persons who are not under the age of twenty-five years and are in the habit of smoking prepared opium, and no person, not being a registered smoker, shall smoke or manufacture or possess prepared opium in any quantity whatsoever. Violation of such provisions shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.
- Further, no person shall sell, expose or offer for sale or attempt to sell, prepared opium. Violation of such provisions shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

Reasons for Repeal

- The Narcotic Drugs and Psychotropic Substances Act, 1985 is far more detailed in its definitions and comprehensive than the Uttar Pradesh Opium

Smoking Act and subsumes the purposes for which it was enacted.

- This Act is redundant since it has failed its objective of regulating opium smoking. The Opium Smokers Register, which is provided for in the Act, no longer serves any purpose.
- Further, the Act provides that the register be closed as per the notification by the Government, i.e. 30th September 1953 and hence the Act is outdated. Thus, the Act no longer regulates the people for whom it was enacted, and does not regulate present opium smokers.
- Further, cultivation and manufacture of opium is covered under the Entry 59, List I of the seventh schedule of the Constitution of India, and is hence regulated by the scheme of Article 246 of the same. Thus, the central legislation will have an overriding effect

Issues

There are no legal issues that would impede repeal. 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.

21

UNITED PROVINCES MINISTRIES SALARIES ACT, 1937

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

What is the Law?

The Act was enacted with a view to provide for the salaries to be paid to Ministers chosen by the Governor of the United Provinces. The Act has been amended in 1946.

Key Features

- The Act consists of only 3 sections. Section 2 lays down that every Minister shall be entitled to a fixed payment of Rs. 500 per month. Further, every Minister shall be entitled to free residence maintained at public expense in Lucknow throughout the year.

Reasons for Repeal

- Salaries of Ministers are not the same any more as provided under the Act. Presently, it is fixed at Rs. 40,000 based on the Uttar Pradesh Ministers (Salaries, Allowances and Miscellaneous Provisions) Act, 1981 which was further amended in 2016 and it governs the aspect of salaries and allowances paid to the ministers.

Issues

There are no legal issues that would impede repeal.

22

UNITED PROVINCES BORSTAL ACT 1938

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

What is the Law?

The Act aims to establish and regulate Borstal Institutions in the United Provinces and for the detention and training of adolescent offenders therein.

Key Features

- Borstal Institutions are places in which young offenders whilst detained may be given such industrial training and other instructions, and be subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime.
- These institutions and the system of training carried out therein are not designed to deal with all youthful offenders.
- The Act further lays down special powers to District Magistrates with respect to detention of any male person, between the age of 15 to 21, who has been sentenced for an offence to rigorous imprisonment.

Reasons for Repeal

- The Act has outlived its purpose. Section 63 of the Juvenile Justice Act (JJ Act), 1986, repealed any law in force in any State that corresponded to the JJ Act, on the date on which the Act came into force in the concerned State. Thus, the United Provinces Borstal Act, should also be repealed.
- It's redundant in the light of the reformatory provisions provided for offenders upto 18 years of age under the Juvenile Justice (Care and Protection of Children) Act, 2015 ("Juvenile Justice Act"). The latter Act targets two groups—children in need of care and protection, and juveniles in conflict with law. It provides for setting up of observation homes and special homes for juveniles in conflict with law and children homes for children needing care and protection during the pendency of inquiry and subsequent rehabilitation.
- The age limit of an adolescent or a child targeted by this Act is 15 to 21 years, which is in contravention to the definition of a child, to be a person below the 18 years of age, under the Juvenile Justice Act and other Indian statutes and International Conventions.

Issues

There are no legal issues that would impede repeal.

23

UNITED PROVINCES STAYED ARREARS OF RENT (REMISSION) ACT 1939

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

What is the Law?

The Act give relief to a certain class of tenants having regard to their financial status and Remitted arrears of such rent proceedings for recovery of which were stayed under UP Stay of Proceedings (Revenue Courts) Act, 1937.

Key Features

- Under the provisions of this Act no court shall entertain any suits or application for recovery of arrears which if instituted, would have been stayed under the United Provinces Stay of Proceedings (Revenue Courts) Act, 1937.
- Further, the Act provides that a suit or application which is party maintainable and partly not maintainable due to

the provisions of this Act, shall be heard and determined so far as such suit or application is maintainable

Reasons for Repeal

- This Act was designed for the singular objective of dismissing certain legal proceedings that were stayed under the UP Stay of Proceedings (revenue courts) Act. This objective has been fulfilled, and the current Act has no goals independent of that, thus rendering it redundant.
- Further, no cases have been filed under the provisions of this Act since 1948

Issues

There are no legal issues that would impede repeal.

24

UNITED PROVINCES LEGISLATURE (SUSPENSION OF SALARIES AND EMOLUMENTS) ACT, 1940

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

What is the Law?

The Act prescribes non-payment of salaries to officers and members of the United Province legislature so long as the proclamation issued under s.93 of Government of India Act, 1935 remains in force.

Key Features

- Through this Act, the United Province Legislature (Officer's Salaries) Act 1937 and United Province Legislature Chambers (Member's Emoluments) Act 1938 were deemed to be repealed till the time the proclamation was in force.

Reasons for Repeal

- The Act consists of only two sections. Section 2 of the Act reads as: "So long as the Proclamation remains in force, the provisions of United Province Legislature (Officer's Salaries) Act 1937 and United Province Legislature Chambers (Member's Emoluments) Act 1938 shall be deemed have been repealed."
- Since the proclamation has ceased to have effect now, Act does not serve any purpose.
- Hence provisions have become obsolete.

Issues

There are no legal issues that would impede repeal.

25

UNITED PROVINCES POWER ALCOHOL ACT 1940

Subject:	REGULATION OF INDUSTRIES
Reason:	The Act has been subsumed by new legislation, namely the Indian Power Alcohol Act
Grade:	4

What is the Law?

The Act provides for the fostering, development and regulation of industry of power alcohol (Power alcohol is a mixture of alcohol and petrol in 20:80 ratio used for internal combustion in gas stoves etc.) industry.

Key Features

- The Act was passed in pursuance of the policy of industrial development and prohibited the sale of petroleum except with an admixture prescribed by the provincial government.
- However, the Act permitted such petrol to be used for motor vehicles in case such petrol was bought any place outside the United Provinces. The Act also prohibited the production of power alcohol from any substance other than molasses, and provided for details that shall be necessarily prescribed on a license to manufacture power alcohol.

Reasons for Repeal

- The provisions of this Act have been subsumed by the Indian Power Alcohol Act, 1948, which states “that it is expedient in the public interest that the Union should take under its control the power alcohol industry” and regulated said industry in a more stringent manner.
- The Act can be repealed since the objects and reasons of this legislation are being sufficiently met by the Indian Power Alcohol Act, 1948.

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

26

UNITED PROVINCES REGULATION OF AGRICULTURAL CREDIT ACT, 1940

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

What is the Law?

This Act provided for measures to prevent excessive borrowings by agriculturalists and for this purpose to limit the amount that can be obtained by execution of decrees against agricultural produce and land. The Act regulates execution of decrees & voluntary alienation related to protected land. Protected land as per the Act is one having local rate not exceeding Rs.25/- per annum.

Key Features

- The Act regulates execution of decrees & voluntary alienation related to protected land. Protected land as per the Act is one having local rate not exceeding Rs.25/- per annum.
- Further, a proprietor is liable to pay an amount exceeding twenty-five rupees per annum may apply to the Assistant Collector that the land be declared a protected land.

Reasons for Repeal

- This Act was enacted for the purposes of administration in the North-Western Provinces. Agriculture is a dominant sector of our economy and credit plays an important role in increasing agriculture production. Availability and access to adequate, timely and low-cost credit from institutional sources is of great

importance especially to small and marginal farmers. The Government of India has initiated several policy measures to improve the accessibility of farmers to the institutional sources of credit.

- Certain examples would be the Kisan Credit Card Scheme and the Agriculture Debt Waiver and Debt Relief Scheme. These schemes serve to prove that the archaic allowances provided for in this Act are in modern times inhumane to ensure the livelihood of our farmers. The emphasis of these policies has been on progressive institutionalization for providing timely and adequate credit support to all farmers with focus on small and marginal farmers and weaker sections of society to enable them to adopt modern technology and improved agricultural practices for increasing agricultural production and productivity.
- The parameter that protected land shall be one having local rate not exceeding Rs.25/- per annum, does not find application in the current societal structure and hence it is a redundant law

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.

27

UNITED PROVINCES WATER SUPPLY AND FIRE SERVICES (AIR RAID PRECAUTIONS) ACT, 1941

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

What is the Law?

The Act aims to make better provision for the creation and maintenance of water-supply and fire services for the protection of the public against air attacks.

Key Features

- The Act was enacted during warfare as a preventive measure to respond to air attack.
- The Act empowered the Provincial Government to instruct any local authority or company or appoint any officer for creation, maintenance or protection etc. of fire-service and water-supply in the area.
- The Act imposes criminal liability of imprisonment which may extend to three years for obstructing any officer authorized under the act.

Reasons for Repeal

- This was a temporary Act enacted during war times. Section 2(ii) of the Act reads as "It shall remain in force during the continuance of the present war and for a period of six months thereafter". Since purpose of the Act has been achieved and the Act is no longer in force, it has become obsolete now.
- The Civil Defence Act, 1958 empowers central government to make rules to ensure safety of water-supply & fire-services.
- The Central Government is competent authority for legislative and executive action since 'Defence' (Entry 1) is enumerated in List 1 of schedules 7 under constitutional scheme.

Issues

There are no legal issues that would impede repeal.

28

UNITED PROVINCES CIVIC GUARDS AND AIR RAID PRECAUTIONS EMPLOYEES INDEMNITY ACT, 1942

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

What is the Law?

The Act aims to indemnify such employees as members of Civic guards and air raid precaution service while they are absent from their work to perform civil defence duty.

Key Features

- The Act obligates employers to reinstate such employees, who had been called to perform civil defence duty, on termination of his duty under conditions no less favorable to him than that would be applicable if he had not been called out.
- The Act forbids arrangements contrary to the purpose of the act.

Reasons for Repeal

- The Act provides provisions for reinstatement & indemnification of civic guards who have been called upon to perform civil defence duty at the time of World War II.
- Further, similar provisions for reinstatement after military service are provided under Section 7A of Territorial Army Act 1940.
- Purpose has been achieved now.

Issues

There are no legal issues that would impede repeal.

29

UNITED PROVINCES SALES OF ELECTRICITY SURCHARGE ACT, 1942

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

What is the Law?

The Act aims to provide for the temporary imposition of surcharge on sales of electrical energy to finance the protection of electrical installations against enemy attacks.

Key Features

- The Act mandates imposition of a surcharge which can exceed to six and a quarter interest on the supply of electricity sold by licensee to every consumer on or after first date of month.
- Such surcharge collected is to be deposited with Government before the fifteenth day of the succeeding month after prior certification by approved auditor.

- The Act empowers the Court to impose penalty upon the default licensee to the extent of one thousand rupees

Reasons for Repeal

- The Act imposes surcharge on electricity sales to finance protection of electrical installations against enemy attacks. The purpose has been achieved now.
- Further, generation, distribution & supply of electricity is now regulated under Electricity Act, 2003 (Central Act).

Issues

There are no legal issues that would impede repeal.

30

UNITED PROVINCES (TEMPORARY) STORAGE REQUISITION ACT, 1947

Subject:	STATE ADMINISTRATION
Reason:	The Purpose has been achieved
Grade:	5

What is the Law?

The Act aims to provide power of requisition of buildings for storage of food grains.

Key Features

- The Act empowers the Collector to take over any storage accommodation under his control, if he feels it necessary to store food grains.
- The Collector can use such storage accommodation as expedient for storage of food grains. Section 7 further obligates the Collector to compensate the owner for such requisition.

Reasons for Repeal

- This is a temporary Act which ceased to have effect after 31st December 1948.
- Section 1(4) of the Act states that *"It shall cease to have effect after 31st day of December 1948."*
- The last case discussing this Act was decided in 1952 by the Allahabad High Court in the matter of Laxmi Talkies Ltd. Through Kashi vs Collector.¹⁹
- Further, the provisions of this Act are subsumed by the Uttar Pradesh Storage Requisition Act 1955.

Issues

There are no legal issues that would impede repeal.

¹⁹ AIR 1953 All 444

31

UTTAR PRADESH CONTROL OF SUPPLIES (TEMPORARY POWERS) ACT, 1953

Subject: ESSENTIAL COMMODITIES
Reason: The Purpose has been achieved
Grade: 5

What is the Law?

The Act aims to re-enact Uttar Pradesh Control of Supplies (Temporary Powers) Act, 1947 which was principally enacted to control certain essential commodities

Key Features

- The Act is aimed at re-enactment of Uttar Pradesh Control of Supplies (Temporary Powers) Act, 1947 empowering State Government to control any essential commodities through notified order to that regard.
- All appointments made, licenses or permits granted and directions issued under any order made or deemed to be made under the principal Act and in force immediately before the commencement of this Act, and in force immediately before such commencement shall likewise continue in force and be deemed or be made, granted or issued in pursuance of this Act.
- Presently, Schedule annexed to the Act has two entries.

Reasons for Repeal

- The Act re-enacted the principal Act till 25th January 1967.

- Section 2 reads as:

“Section 2 - Re-enactment of U.P. Control of Supplies (Temporary Powers) Act, 1947: The provisions of the UP Control of Supplies (Temporary Powers) Act, 1947 (hereinafter called the Principal Act) set out in the Schedule hereto are hereby re-enacted and shall remain in force until the twenty-fifth day of January, 1967...”

- The schedule annexed to the principal Act has only two entries 1. Bricks other than fire-brick; and 2. Fire-Wood which do not serve the purpose of the Act in contemporary society.
- Further, provisions of the Act are subsumed by Essential Commodities Act, 1955. The essential commodities are now notified by Central Government in consultation with State government by section 2A of Essential Commodities Act 1955.

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.

32

UNITED PROVINCES ELECTRICITY (TEMPORARY POWERS OF CONTROL) ACT, 1947

Subject:	ELECTRICITY
Reason:	The purpose has been achieved
Grade:	5

What is the Law?

The Act provides for the continuous exercise of powers during a limited period to control production, supply, distribution of, and trade and commerce in industry.

Key Features

- The Act provides that the Government or any authorized subordinate, may for maintaining the supply of electricity regulate or prohibit the production and distribution of the same.
- The State Government may further regulate the hours of work of any power-house or generating plant, and order maintenance of books of accounts of any person engaged in the production or distribution of electricity.

Reasons for Repeal

- Section 1 (4) of the Act states that, "It shall cease to have effect after September 30th, 1948..."
- The initial objective of the Act has been accomplished. Furthermore, the Act contained an expiry of its provisions beyond 1948. Also, the provisions of this Act providing for the regulation of supply of electricity and maintenance of records are now covered under the scope of the current legislation titled, Electricity Act, 2003.

Issues

There are no legal issues that would impede repeal.

33

UNITED PROVINCES RESTORATION OF LANDS AND HOUSES ACT, 1947

Subject:	LAND
Reason:	The purpose has been achieved
Grade:	5

What is the Law?

The Act restores the lands and houses of certain persons which were sold in consequence of the political movement started in August 1942 and for the reinstatement of certain tenants who were ejected from their holdings in consequence of such movement.

Key Features

- Certain persons who were convicted and fined for the commission of offences connected with the political movement that started in August 1942, along with those who were absconding because their participation in said movement; were deprived of their lands and houses.
- This Act provided expedient relief to such persons by restoration their properties

Reasons for Repeal

- The Act provides for the expedient action of providing relief to certain persons who were deprived of their lands and houses in lieu of the political movement that started in August 1942.
- It has achieved its purpose and has no use anymore. That there will be no issue caused in the absence of this Act.

Issues

There are no legal issues that would impede repeal.

34

UNITED PROVINCES OBJECTIONABLE ADVERTISEMENTS CONTROL ACT, 1948

Subject:	HEALTHCARE
Reason:	The Act has been subsumed by subsequent Central legislation.
Grade:	5

What is the Law?

The Act provides for the control of objectionable advertisements relating to certain drugs and other matters.

It disallows publication, distribution, sale of advertisement in public space which is indecent, recommends drug to cure, prevent any venereal disease or ailment relating to sexual organs or drug for miscarriage (not for manufacturers who advertise with previous sanction); registered medical practitioners can advertise premises for treatment with license; drugs cannot be advertised without giving its formula, not applicable to State Government.

Key Features

- No person shall publish any indecent advertisement or distribute or sell the same or affix or inscribe any such advertisement on any public place.
- No person shall in any manner distribute, exhibit or publish any advertisement relating to any drug unless its true formula has been disclosed to the prescribed authority, who shall not disclose such formula to any person except with the permission of the person disclosing the formula.
- The Act permits an officer authorized by the state government to seize copies of any newspaper, periodicals, leaflet, pamphlet, handbill, label, book or picture or any notice board or other form of advertisement wherever found and obliterate any written or printed matter or pictorial representation

of signs in any public place if it appears to him that an advertisement contained therein contravenes the provisions of this Act.

Reasons for Repeal

- Provisions of this Act are subsumed by Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 which cover the subject matter, along with the Information Technology Act regulating indecency.
- India already has a variety of laws that penalize speech in various forms, like speech which is indecent (Section 153A, Indian Penal Code), and obscene (Section 292).
- Hence, this Act is repetitive and redundant.
- Indian law also provides for regulation of content on media. Under the Indian legal system, Cable Television Networks (Regulation) Act, 1955, the Press Council of India Act, 1978, and Cable Television Networks (Amendment) Rules, 2006 (Rules) are the principal legislations which control the content to ensure that they do not offend morality, decency and religious susceptibilities of the consumers. The Information Technology Act regulates content on the internet.

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.

35

UTTAR PRADESH EDUCATIONAL INSTITUTIONS (TAKING OVER OF MANAGEMENT) ACT 1976

Subject: EDUCATION
Reason: The purpose has been achieved.
Grade: 5

What is the Law?

The Act prescribes the taking over in the public interest of the management of educational institutions run directly or indirectly by unlawful organizations or by their members or sympathizers.

Key Features

- Under this Act, the State Governments were instructed to take over the management of those institutions that were run by any organization over which Rule 33 of the Defence and Internal Security Act was applied before or after the commencement of this Act.
- The State Government may authorize the District Inspector of Schools or any other officer to take over the management of any scheduled institution, and the officer so authorized shall, under the superintendence and directions of the State Government, carry on the management of such institution.

Reason for Repeal

- This Act was brought in place for a temporary period when the State Government believed certain radical organizations were in control of imparting education to impressionable minds. Ideals were propagated which would have been harmful for the secular fabric of our country and would have brought in deep divides in the various communities coexisting in our society.
- It has served its purpose as there are no current allegations against any such educational institutions.

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.



UTTAR PRADESH SAFAI MAZDOORS PROTECTION ACT, 1976

Subject:	LABOR
Reason:	Reason: The Act has been subsumed by subsequent Central legislation, namely the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
Grade:	3

What is the Law?

The Act prohibits the carriage of night soil and employment of children in house scavenging and to provide for matters connected therewith.

Key Features

- The Act prohibits engagement of any person to carry night soil on head or waist and employment of any children under the age of eighteen for house scavenging.
- The Court may impose penalty from twenty-five to two hundred rupees for contravention of the provisions based on complaint by officer authorized by state government.

Reasons for Repeal

- Provisions of this Act are subsumed by the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.
- The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Central Act) prohibits any form of manual scavenging however, this Act prohibits scavenging only if a person is below 18 years of age and even the penalties thereof are not severe.

Issues

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

37

UTTAR PRADESH STATE CEMENT CORPORATION LIMITED (ACQUISITION OF SHARES) ACT, 1992

Subject: INDUSTRIES
Reason: The Act is redundant
Grade: 5

What is the Law?

The State Government entered into an agreement with Dalmia Industries Ltd. to transfer certain shares, however in lieu of the Order passed by the High Court (only partial shares were transferred) and hence the purpose of the transfer could not be achieved. Thus, the shares were acquired back by this Act.

The Act provides for the acquisition of shares of the Uttar Pradesh State Cement Corporation Limited held by certain companies for public interest.

Key Features

- From the date of the commencement of this Act, all the shares held by the companies mentioned in the schedule of the Act in the share capital of the Uttar Pradesh Cement Corporation Limited stand transferred to, and shall vest in, the State Government.

- Under section 4 of the act the State Government is required to pay to the companies respectively the amounts specified in the Schedule against each of the companies within thirty days from the date of such transfer and vesting,

Reasons for Repeal

- The Act has achieved its purpose as it relates to the acquisition of shares from Dalmia Industries Ltd, which has successfully taken place. Further, the U.P. State Cement Corporation Limited was declared as a sick company and was wound up on 8th December 1999 and hence there is no subject matter for the current Act to regulate.

Issues

There are no legal issues that would impede repeal.

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