

LAW COMMISSION OF INDIA

ONE HUNDRED AND FIFTY NINTH REPORT

ON

REPEAL AND AMENDMENT OF LAWS : PART I

1998

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No. 6(3)(44)/98-LC(LS)



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Dated 28th July, 1998

Dear Dr. Thambidurai,

I am forwarding herewith the One Hundred Fifty Ninth Report on "Repeal and Amendment of Laws: Part I"

2. The subject was taken up by the Commission in pursuance of the terms of references of the Law Commission of India by which it was constituted. As a sequel to the said terms of reference, the Commission requested the various Ministries to send us the views of the expert groups/departmental committees constituted in the respective departments set up for the review of the enactments administered by the respective Ministries/Departments. The Commission received quite a few proposals/responses from various Ministries/Departments. Some have stated that their exercise is still to be completed. Since, there are large number of Ministries/Departments and hundreds of the Acts are being administered by them, waiting for all the proposals and making a comprehensive single report would involve substantial and uncalled-for delay. Accordingly, the Commission decided that it would send more than one Report on the issue of "Repeal and Amendment of Laws". This is the first such Report.

3. This Report focuses on the need for the Repeal of certain Central Acts which have become obsolete in view of enactments of subsequent legislation, or laws which have become anomalous or out-dated in view of changed conditions, which, therefore, need to be repealed.

With regards,

Yours sincerely,

(B.P. Jeevan Reddy)

Dr. M. Thambidurai,
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CHAPTER-I

INTRODUCTION

1.1 Scope

This report focusses on the need for the repeal of certain Central Acts which have become obsolete in view of enactment of subsequent legislation, or laws which have become anomalous or out-dated in view of changed conditions, which, therefore, need to be repealed. The Law Commission has taken up the subject in pursuance of the terms of reference of the Law Commission by which it was constituted. The relevant terms of reference are extracted below -

"The terms of reference of the Law Commission are as under:-

I. Review/Repeal of obsolete laws:

- a) To identify laws which are no longer needed or relevant and can be immediately repealed.
- b) To identify laws which are in harmony with the existing climate of economic liberalisation which need no change;

- c) To identify laws which require changes or amendments and to make suggestions for their amendment;
- d) To consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonising them;
- e) To consider references made to it by Ministries/Departments in respect of legislation having bearing on the working of more than one Ministry/Department;
- f) To suggest suitable measures for quick redressal of citizens grievances, in the field of law."

Besides one of the terms of reference of the Commission is:-

"VI. To recommend to the Government measure for bringing the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility."

It may be emphasised at the cost of repetition that the para I(d) of the aforequoted terms of reference of the present Law Commission of India, as set out in the Order of the Ministry of Law and Justice, Department of Legal Affairs dated 16.9.97, inter alia, expects the Commission -

"(d) To consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonising them."

1.2 As a sequel to the aforesaid terms and references, the Law Commission addressed letters dated 10.10.97, 23.2.98 and 5.3.98 (Annexures-I, II & III respectively) to various ministries to send us the views of the expert groups/departmental committees constituted in the respective departments set up for the review of the enactments administered by the respective ministries/departments. The Commission has received quite a few proposals/responses from various Ministries/Departments. While some of them have sent specific proposals, some others have stated that either they do not administer any Act or that the Acts administered by them do not require any amendment. Some have stated that their exercise is still to be completed. The Commission has considered all such responses/proposals.

In view of the large number of Ministries/Departments concerned and the hundreds of Acts being administered by them, the Commission was faced with the question how to go about

these several proposals. Waiting for all the proposals and making a comprehensive single report would involve substantial and uncalled-for delay. Accordingly, the Commission has decided that it would send more than one report on the issue of 'Repeal and Amendment of Laws'. This is the first such report.

1.3 Necessity for repealing obsolete enactments:-

The need for periodical review of the statute book is evident. Citizens of a country are expected to be familiar at least with the statutes relevant to their lives and affairs. Such familiarity cannot be satisfactorily acquired and properly maintained if the statute book contains statutes which are really "dead" though formally alive. Citizens are concerned with the living law. They should not be made to wade through a forest where obsolete or anachronistic statutes cloud the scenario. Such a situation is bound to confuse the vision, besides leading to a waste of energy, time and resources. The co-existence of dead law with living law creates confusion even in the understanding. (Law Commission of India, one hundred forty eighth report on Repeal of certain pre-1947 Central Acts, para 1.2).

1.4 Functions of statute law revision:-

The function of statute law revision and the principles on which its exercise should proceed have been lucidly put by Lord Westbury, Lord Chancellor, while speaking

in 1863 on the Statute Law Revision Bill. This is what he said: (Lord Westbury, "Parliamentary Debates" (1863) 3rd Series, Vol.171, col.775, quoted by Lord Simon of Glaisdale and Webb, "Consolidation and Statute Law Revision" (1975), Public Law 285. 291).

"The Statute Book should be revised and expurgated-weeding away all those enactments that no longer in force and arranging and classifying what is left under proper heads, bringing the dispersed statutes together, eliminating jarring and discordant provisions, and thus getting a harmonious whole instead of a chaos of inconsistent and contradictory enactments." (see Law Commission of India 96th report, para 1.4).

As envisaged by Lord Westbury, statute law revision is intended to achieve four main objectives:- (See Law Commission of India 148th report, para 1.8)

- (i) renovation - which is achieved by "weeding away" obsolete enactments;
- (ii) order and symmetry - which can be introduced by arranging and classifying the enactments really in force;
- (iii) easy access to legislation - promoted through consolidation by "bringing the dispersed

statutes together" and

- (iv) harmony - perfected by "eliminating discordant and jarring provisions."

These goals, pursued systematically, can obliterate so much of the past as is useless, organise the present and equip us for meeting the challenges of the future.

1.5 Need for formal repeal and law reform:-

As pointed out by the Law Commission in its earlier report, (Law Commission of India 148th report, para 1.6) statutes, unlike human beings, do not die a natural death, excepting in respect of statutes whose life is pre-determined by the legislature at the time of their enactment. A statute, unless it is expressly enacted for a temporary period, survives until it is killed by repealing it. To this extent, the statutes enjoy immortality.

This consequence flows from the well-established proposition that long desuetude of a statute does not amount to its repeal. (Perrin v. U.S.(1914) 58 L.Ed.69). Even where an earlier enactment relating to a particular subject matter is followed by a later enactment on the subject matter covering almost every inch of the area covered by the earlier enactment, the earlier enactment may still be held to retain its vitality because courts lean against implied repeal. Thus neither the obsolescence of an old enactment nor the fact that its content is substantially covered by a later enactment, has

the effect of robbing the old enactment of its vitality in law. That effect can be achieved only by a formal repealing Act.

Besides these objectives, the Law Commission is also required to see in wider perspective laws which do not comport with the existing climate of economic liberalisation according to the changing scenario of globalisation in economic sector. Thus change in conditions on political and economic front also necessitate the considering of changes in the relevant law when it was enacted.

1.6 Earlier reports:-

The present report is not the first one of the Law Commission of India in the nature of such examination. The Law Commission has, in the past, had more than one occasion for such examination. In 1958, the Commission examined all the British statutes then in force as applicable to India, the Commission forwarded a Report recommending the repeal of the Converts Marriage Dissolution Act (18th Report). Thereafter, the Commission forwarded another Report recommending repeal of the Hindu Widows Remarriage Act (81st Report). Besides this, the Law Commission forwarded comprehensive Report in 1984 on the repeal of certain obsolete Central Acts. (Law Commission of India, 96th report on Repeal of Certain Obsolete Central Acts (1984). That Report, inter alia, incorporates certain important materials relating to the function and significance of repealing Acts and we made use of some of those materials.

The Commission again undertook the question of repeal of the Central Acts passed before 15th August, 1947, in its 148th report on Repeal of certain pre-1947 Central Acts, in 1993.

1.8 Scheme of the discussion:-

Having referred to these introductory observations, we proceed to deal, in the next chapter, with the principle to be followed in recommending the repeal of central Acts. Thereafter we shall summarise the results of our study and make our conclusions thereon.

CHAPTER-II

PRINCIPLES TO BE FOLLOWED IN RECOMMENDING REPEAL AND AMENDMENT OF LAWS

2.1 Broad Approach:-

In pursuance of the terms and reference constituting the Law Commission quoted in the previous chapter, the Commission addressed the letters to various ministries/departments of the Central Government vide our letters dated 10.10.97, 23.2.98 and 5.3.98 (Annexures I, II & III, respectively) to send us the suggestions for revision/amendment given by the Expert Groups set up in various ministries/departments with a view to coordinating and harmonising them.

The Expert Groups set up in the various ministries/departments of the Central Government have made recommendations which can be broadly categorised under four heads-

- (i) Acts which do not need any change;
- (ii) Acts which require to be repealed;
- (iii) Acts which require to be amalgamated and re-enacted as single enactment; and
- (iv) Acts, changes wherein are still under consideration.

In so far as the Acts mentioned in item (i) above are concerned, the Commission has obviously no comments to offer.

However, with regard to the other items stated above, the Commission has examined the recommendations of the Expert Groups and proposes to recommend for repeal, amalgamation or amendments, as the case may be, the Acts mentioned in the succeeding chapter of this report.

2.2 Scheme of the study:-

The Law Commission thought it convenient to take up the examination of the central laws falling under the respective ministries of the Central Government and the laws administered by them, department-wise. We shall take up the response of each department and offer our comments thereon. The Commission has perused the various Acts mentioned in the responses/reports of various departments and has come to its own conclusions which may not necessarily be identical with the views of the departments.

CHAPTER -III

CENTRAL ACTS RECOMMENDED FOR REPEAL/AMALGAMATION/AMENDMENT

3.1 Proposals received from the Ministry of Finance
(Department of Economic Affairs):-

We shall first take up the proposals received from the Department of Economic Affairs, Ministry of Finance in the shape of the "Report of the Expert Group for the Department of Economic Affairs", which were forwarded to the Commission under their letter dated 9.3.98. The said Report sets out, in the first instance, the role of the Department of Economic Affairs and its changed role in the current liberalised economic environment. Since the liberalisation of economic environment is a policy of the Government, the Law Commission has no comments to offer thereon. At the same time, it is necessary to mention that liberalisation should not and cannot involve a total withdrawal of the Government from the economic scene of the country. Until 1991-92 the Indian economy was, what may be called, a 'command economy' where the commanding heights were supposed to be occupied by the public sector. The private sector was closely regulated and had to operate subject to numerous restrictions contained in various enactments in force or enacted from time to time, as the case may be. Probably in the present day world economic scenario, India had no option but to adopt market-oriented or what may be called market-friendly economic policies. The shift was unavoidable. But, it must be said on the basis of experience

in this country as well as in the former communist States, that any such shift from a totally controlled and sheltered economy to a market-friendly and liberalised economy ought not to be achieved in a sudden lurch. It has to be a gradual process. The several large-scale financial irregularities which came to light during the years 1993 to 1997 are perhaps attributable to such an abrupt shift among other causes. While lifting of restrictions which operate as hurdles to increase in production and the growth of industries is welcome, the Government cannot abdicate its role as the regulator of the economy. In the matter of establishment of new industries and/or in the matter of maintaining the standards and qualities of industrial products too, its role is unique and can be performed by it alone. Import and export policies have to be kept under constant watch and closely monitored and regulated in the interest of a healthy economy and this can be done and ought to be done by the Government. Transparent economic laws and procedures are welcome, but at the same time the establishment of industries depending upon forest produce, non-renewable and irreplaceable natural resources and those giving rise to serious environmental and ecological problems have still to be regulated in the larger interest of the nation including sustainable development and inter-generational equity. Several decisions of the Supreme Court rendered during the years 1994 to 1997 amply bear out the above principles.

Now coming back to the proposals/responses of the Department of Economic Affairs, a reference is made to R.V.GUPTA COMMITTEE REPORT 1994 (Chapter V) which contains several recommendations to amend various provisions of the statutes administered by the Department. It is stated that "most of the recommendations of the Gupta Committee have already been implemented by the Department". In this view of the matter, no purpose will be served by offering any comments on the recommendations mentioned in Chapter V of R.V.GUPTA COMMITTEE REPORT.

The proposals sent by the Department then speak of the proposals made by the 'new Expert Group' constituted on 5th November 1997 under the Chairmanship of the Finance Secretary to review Acts, rules and regulations pertaining to the Department. It is stated that for expeditious completion of the work, the said new Expert Group constituted a sub-committee under the Chairmanship of Shri Vinod Dhall, Additional Secretary (Insurance) and comprising certain non-official members as well. It is stated that the said Committee submitted its Report on 18.12.1997 which was finalised by the Expert Group in its final meeting held on 29.12.97. The recommendations of the Expert Group can be broadly categorised under four heads as stated in the preceding chapter, pr.2.1, and are being repeated hereunder:-

- (i) Acts which do not need any change;
- (ii) Acts which require to be repealed;
- (iii) Acts which require to be amalgamated and re-enacted as single enactment; and
- (iv) Acts, changes wherein are still under consideration.

(i) In so far as the Acts mentioned in item (i) above are concerned, the Commission has obviously no comments to offer.

(ii) Under this item, the following Acts are proposed to be repealed:-

(a) Banking Service Commission Act, 1984

It is stated that the Banking Service Commission contemplated by the Act was never constituted and that in view of the decision to enhance the functional autonomy of public sector banks, no such Commission is proposed to be constituted. The decision to repeal this Act being a policy decision, calls for no comments.

(b) Currency Ordinance 1940

It is stated that since the printing of one rupee denomination notes has been discontinued, this Ordinance is no longer required. The view of the Department appears unexceptionable.

(c) The Shipping Development Fund Committee
(Abolition) Act, 1986

This Act was enacted "to abolish the Shipping Development Fund Committee constituted under the Merchant Shipping Act, 1958" and for disposal of its funds, assets and liabilities. Since the object of the Act has already been achieved, there is nothing further to be done under the Act and accordingly it is but proper that it is repealed.

(d) Compulsory Deposit Scheme Act, 1963 and
Additional Emoluments (Compulsory Deposit)
Act, 1974

The Compulsory Deposit Scheme was enacted requiring every person mentioned in Section 2 to make certain deposits compulsory every year. The Additional Emoluments (Compulsory Deposit) Act, 1974 provided for compulsory deposits into two separate accounts i.e., additional wages deposit account and additional dearness allowance deposit account into which the persons mentioned in Section 3 have to make the deposits. Actually, the deposits were to be made by the disbursing authority. No reasons are given in the proposals sent by the Department of Economic Affairs in support of the proposal to repeal these enactments. However, on being contacted, the Law Commission was told that the Department did not think that in future any occasion or necessity will arise for such compulsory deposits. It is for this reason, it was stated, the Acts were proposed to be repealed while no doubt making

provision for disposal of the amounts already in deposit under the respective enactments. Since it appears to be a matter of policy, more or less, to repeal these enactments, the Law Commission has no particular comments to offer.

(iii)(a) The proposal to amalgamate and enact a single Act in the place of Government Savings Bank Act, 1873, Government Savings Certificate Act, 1959 and Public Provident Fund Act, 1968 may be a welcome feature. The main purpose of the 1873 Act is to provide that the nomination made by the depositor should prevail notwithstanding any law being in force or any disposition whether testamentary or otherwise. A nominee is entitled to get amount on the death of the depositor. Similarly, the 1959 Act provides that nomination by a holder of certificate should prevail over any other circumstance. Of course, certain other provisions are also made. The 1968 Act, of course establishes the Public Provident Fund Scheme, the manner of subscription thereto and withdrawal therefrom as well as for the interest payable. This Act too provides that in the case of nomination, the nominee will get the amount on the death of the depositor notwithstanding any other circumstance. It would be appropriate that these enactments are repealed after enacting a consolidated Act providing for the subject-matters dealt with by these three enactments.

It is pertinent to mention that there was a difference of opinion between different High Courts as to whether the nominee was entitled to the amount payable under the policy as

a beneficiary in his own right to the exclusion of the heirs of the deceased assured or whether the nominee was merely a person authorised to make collection on behalf of the legal heirs of the deceased assured. This issue was settled by the decision of the Supreme Court in Sarbati Devi's case [AIR 1984 SC 346], which upheld the latter view that the nominee is merely empowered to collect the amount for the benefit of the legal heirs. In the context of this legal position, the Law Commission in its 137th report on 'Need for Creating Office of Ombudsman and for evolving legislative-Administrative Measures inter-alia to relieve hardships caused by inordinate delays in settling provident fund claims of beneficiary, examined under Chapter V thereof the status of a nominee under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and the Schemes framed thereunder, and suggested three options by way of solution to the issue.

However, it preferred adoption of the third option as it appeared to be just and fair as the employee would be fully aware and conscious of what he is doing by making the 'nomination' and the consequences thereof. The said third option recommended by the Commission is quoted below:-

"Third course which commends itself is to make a statutory provision enabling an employee to clearly state in writing in the very application making nomination either that he wants that 'the nominee

shall take the amount absolutely in his or her own right" or that the "nominee shall collect it and pay to my family members..."

We recommend that similar provision, should be adopted for the sake of clarity in the proposed enactment.

(iii)(b) Similarly, the proposal to amalgamate and enact a consolidated Act in the place of the Indian Coinage Act, 1906, Metal Tokens Act, 1889 and Small Coins (Offences) Act, 1971 is a welcome proposal. The Indian Coinage Act prohibits the making of any piece of copper, bronze or any other metal to be used as money by any other person than the Government. The Indian Coinage Act provides for establishment of mints, coining of coins at such mints and other incidental matters. The Small Coins (Offences) Act was enacted to prevent melting or destruction of small coins as well as hoarding of small coins for the purpose of melting and destroying. This Act was made to meet the acute shortage of coins. These three Acts can be conveniently clubbed into one Act.

(iii)(c) So far as the Legal Tender (Inscribed Notes) Act, 1964 is concerned, it is proposed to be continued in the present form and the Law Commission has no comments to offer thereon.

(iv) Before considering the Trusts Act, amendments whereto are said to be still under consideration, the Law Commission may deal with the proposal to repeal clauses (a) to (e) of

Section 20 of the [The Indian] Trusts Act, 1882. Section 20 provides for a situation where the trust property consists of money but cannot be applied immediately or at an early date to the purposes of the trust. In such a situation, the trustee is placed under an obligation to invest the money in any of the securities mentioned in clauses (a) to (f). Now, the Department of Economic Affairs says that clauses (a) to (e) have become redundant. At the same time, it says that they are concerned with the Law Department. The Law Commission is not able to appreciate as to why it can be said that clauses (a) to (e) have become redundant and require to be repealed. It is true that clause (a) of Section 20, to take an instance, speaks of investment "in promissory notes, debentures, stock or other securities, of any State Government or of the Central Government or of the United Kingdom of Great Britain and Ireland." It is not stated that no such promissory notes etc., were issued by the State Government or the Central Government. The promissory notes of the U.K. are referred to because the Act is of 1882. It is one thing to say that the references in these clauses to securities, bonds, stocks, etc., of the Government of U.K. or other foreign countries may be repealed but it is altogether a different thing to say that all the clauses (a) to (e) are to be repealed. In the absence of any further material, the Commission is not in a position to agree with the proposal to repeal clauses (a) to (e) of Section 20 altogether. Appropriate amendments thereto can, however, be considered, as mentioned above.

It is also stated in the Report of the Department that necessary steps have already been taken to replace FERA with FEMA. Since the matter is closely connected with the policies of the Government and also because a copy of the FEMA has not been made available to the Commission, it is not possible to express any opinion.

The Report of the Department of the Economic Affairs, further, states that amendments to other Acts which are being implemented by the Department are under consideration of the Expert Group.

Among other matters, the Report states that in place of the existing Sick Industrial Companies (Special Provisions) Act, 1985, a new Bill called "Sick Industrial Companies (Special Provisions) Bill 1997" was introduced in the Lok Sabha on 16th May, 1997. It is stated that the said Bill was prepared taking into consideration the various suggestions received in the matter including the recommendations of the Goswami Committee. Though a copy of the Bill was not made available to the Law Commission, it has obtained a copy thereof and has perused the same. It is true that in certain respects the proposed Act is an improvement upon the present Act, yet the basic scheme remains the same. S.28 of the Bill, which corresponds to S.22 of the present Act does not provide

for an automatic suspension of legal proceedings, recoveries and other contractual obligations (as is provided by S.22 of the present Act) and it empowers the Board to pass orders to the above effect after hearing the parties and if the circumstances of the case call for such an order. The Bill provides for a three-way solution viz., rehabilitation, sale (of industrial concern or a going concern) and winding up, as the case may be. There is another aspect requiring clarification: S.1(4) says that it (Act) shall apply, in the first instance to all the scheduled industries other than the scheduled industry relating to ships and other vessels drawn by power; there are two schedules to the Bill; the first schedule sets out the declaration of fidelity and secrecy while the second schedule sets out the matters which can be provided for while restructuring the industrial company; there is no other schedule mentioning the industries to which the Act is supposed to apply. Be that as it may, having regard to the provisions of the present Act and the Bill aforesaid, the Law Commission thinks it necessary to make the following observations:

Several private/public limited companies are started with the aid of and are sustained with the aid of public funds. It is immaterial whether the public funds flow from the banks (nationalised or otherwise), or from other financing bodies and public financial institutions. Experience shows that quite a few entrepreneurs exploit this situation. They start a company, mainly with the aid of public funds and then either by mis-management, inefficient management or rank

dishonesty, drive the company to sickness. The matter is reported to the BIFR with the result that all the recoveries against them are instantly stayed. Even the taxes due to the Government cannot be recovered let alone the debts due to the banks and others financial institutions. This kind of blanket immunity results in grave injustice to banks/financial institutions as well as to the Government and breeds financial indiscipline among the persons in charge of industrial companies. It is a serious matter to be examined by the Government whether in the light of the new liberalised economic policy, the Government should try to keep alive every sick industry. One of the underlying principles of a market economy is to allow inefficient and non-viable industries to die their natural death instead of seeking to sustain them by pumping in more and more public funds. The policy followed hitherto viz., keeping several central and State public sector undertakings afloat by pumping in huge amount of public funds every year has already come in for serious criticism by various economists. One can understand if a key industry, whose existence/continuance is crucial to the nation's economy, is sought to be revived and continued. But the policy of seeking to revive and rehabilitate every sick industry may not be consistent with the present day economic policy. The 1986 Act, it may be remembered, was enacted at a time when the reigning philosophy was altogether different. Today the ruling philosophy is not the same. Indeed, if one looks at the working of the nationalised banks and the extent of "non-performing assets" - an euphemism for bad debts - one is driven to the conclusion that sooner the public sector is

privatised (barring some key defence and defence-related industries) the better it would be for the country and its economy. Some of the nationalised banks have run up bad debts in thousand of crores of rupees e.g., Indian Bank, whose bad debts are said to exceed Rs.2,000 crores. The Law Commission, therefore, recommends that before enacting a new Act in the place of the present Act, a policy decision may be taken on the subject as a whole and then steps should be taken to enact a necessary and appropriate enactment or put an end to the entire exercise as such.

3.2 MINISTRY OF FINANCE

(DEPARTMENT OF COMPANY AFFAIRS):-

In their letter dated 9th March, 1998, the Secretary of the Department has stated that they had not constituted any Expert Group for reviewing the enactments administered by their Department. They have only stated that they propose to repeal Companies (Donation to National Funds) Act, 1951 by incorporating the relevant provisions in the Companies Bill, 1997.

At the same time, it is stated in the brief note appended to the letter that certain amendments are being contemplated to MRTTP Act, 1969; Chartered Accountants Act, 1949; Cost and Works Accountants Act, 1959. The proposed

amendments are not forwarded to the Law Commission. No comments can, therefore, be offered so far as this Department is concerned.

3.3 MINISTRY OF FINANCE (E.Coord):-

This Department has indicated that they are not independently administering any Act and, therefore, there is no occasion for them to suggest any amendments to any enactment.

3.4 MINISTRY OF COMMERCE :-

The Ministry of Commerce, in their letter dated March 16, 1998 have stated that they are administering ten Acts, namely, -

1. The Spices Board Act, 1986 (No.10 of 1986)
2. The Rubber Act, 1947 (No.24 of 1947)
3. The Tea Act, 1953 (No.29 of 1953)
4. The Coffee Act, 1942 (No.7 of 1942)
5. The Marine Products Export Development Authority Act, 1972 (No.13 of 1972)
6. The Tobacco Board Act, 1975 (No.4 of 1975)
7. The Agricultural and Processed Food Products Export Development Authority Act, 1985 (No.2 of 1986)
8. The Enemy Property Act, 1968 (No.34 of 1968)
9. The Export (Quality Control and Inspection) Act, 1963 (No.22 of 1963)

10. The Foreign Trade (Development and Regulation) Act,
1992 (No.22 of 1992)

Barring the last two enactments, extensive amendments to other enactments are said to have been suggested by the Expert Committee constituted by the Ministry under the Chairmanship of Shri D.P. Bagchi, Additional Secretary and Financial Advisor, Ministry of Commerce. It is also stated that the concerned administrative sections have been advised to prepare Cabinet Note in respect of the said proposals for amendment wherever required and take further necessary action. A copy of the amendments suggested by the Expert Committee has also been forwarded to the Commission with the said letter. As stated above, the amendments are extensive and wide-ranging. The amendments are mainly directed to achieve the goal of liberalised and market-friendly economy. The object is to remove all restrictions and allow the relevant industries to grow and function on their own. Neither is it possible nor desirable - much less the function of the Law Commission - to examine and pronounce upon the desirability of each and every amendment suggested by the Expert Committee. According to the terms of reference constituting the present Commission (15th Law Commission), it is required to examine proposals so received in a wider perspective. Para 4.1(d) of the Order constituting the present Law Commission, in so far as it is relevant, reads thus:-

"To consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonising them."

The wider perspective contemplated in the above clause, the Law Commission presumes is to be understood in the light of and on a comprehensive reading of its first term of reference quoted under pr.1.1, supra which means to examine the amendments in the light of the existing climate of economic liberalisation. Examined from the above standpoint, the Law Commission does not find any of the proposed amendments undesirable. The Commission, however, seeks to reiterate its comments (made under para 3.1, supra of this Report) that while the lifting of restrictions may be all right, regulation should continue. In other words, a distinction should be made between restrictions and regulation. Even in a market economy, the Government cannot afford to abdicate its function of regulating the economy. It may not impose restrictions but the overall control and regulation of the entire economy including industrial sector should be in the hands of the Government. To protect and promote the national interest, the Government ought to exercise overall control over industrial and commercial establishments, their establishment and functioning This is what may be called the regulatory function of the Government.

The Law Commission, however, wishes to draw attention of Government of India to Section 19 of the Agricultural and Processed Food Products Export Development Authority Act, 1985 read with the items 1, 2, 4 and 9 of the Schedule to the Act. Section 19 and aforesaid items of the schedule read as follows:-

"19 (1) The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import or export of the Scheduled products, either generally or in specified classes of cases.

(2) All Scheduled products to which any order under sub-section (1) applies, shall be deemed to be goods of which the export has been prohibited under section 11 of the Customs Act, 1962, and all the provisions of that Act shall have effect accordingly.

(3) If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both."

"THE SCHEDULE

1. Fruits, vegetables and their products.
.....
2. Meat and meat products
.....
4. Dairy products.
.....
9. Cereal products."

In view of the acute scarcity and sky-rocketing prices of vegetables, meat and fruits all over the country, driving away these products from the reach of the common man, it would be appropriate that the Government issues notification prohibiting the exports of vegetables, meat (excluding beef) and fruits altogether. Such prohibition would ensure availability of these products at reasonable rates which alone would enable the poorer sections of the society to purchase and consume them. A separate report on this subject will be submitted in due course.

3.5 MINISTRY OF FINANCE, DEPARTMENT OF REVENUE :-

Through their letter dated 21.10.1997, the Ministry had informed the Law Commission that the Department has constituted an Expert Group for the purpose of identifying the obsolete laws and the amendments needed in the existing enactments. It was stated that an interim Report would be sent to the Commission shortly. On 13.2.98, the Commission received a communication stating that the Expert Group is of

the unanimous view that out of the said 30 Acts (being administered by the Department) the following six Acts can be abrogated:-

1. Benami Transactions (Prohibition) Act, 1988.
2. Central Excise Laws (Amendment & Validation) Act, 1982.
3. Sugar (Special Excise Duty) Act, 1959.
4. Mineral Products (Additional Duties of Excise & Customs) Act, 1958.
5. Central Duties of Excise (Retrospective Exemption) Act, 1986, and
6. Customs & Excise Revenue Appellate Tribunal Act, 1986.

Since no reasons were stated as to why aforesaid six Acts are required to be repealed, the Law Commission addressed a letter dated 4.3.98 asking the Department to state reasons for which the said Acts, in its opinion are to be repealed. By their letter dated April 8, 1998, the Ministry has informed the Commission that "the Benami Transactions (Prohibition) Act, 1988 was recommended to be abrogated since no notification bringing the Act into force has been issued so far." On verification, however, the Commission finds that the above ground is not correct. As a matter of fact, S.1(3) of the Act says that Sections 3, 5 and 8 will come into force at once and that the remaining provisions will be deemed to have come into force on 19th May, 1988. In fact, there have been two decisions of the Supreme Court on the provisions of this Act namely, Mithilesh Kumari (AIR 1989 SC 1247) and

R.Rajagopal Reddy (AIR 1996 SC 238) See para 5. The Commission, therefore, cannot agree that this Act requires to be repealed. Indeed, this Act serves a very laudable objective.

The Sugar (Special Excise Duty) Act, 1959 was confined to stocks which were available with the factories on the date of commencement of the Act. It has no further application. It can be repealed as suggested.

So far as the Central Excise Laws (Amendment and Validation) Act, 1982 is concerned, the Commission finds on a perusal of the provisions of the Act that it was enacted for the purpose of providing the manner in which exemption notifications should be issued under "every Central Law providing for the levy and collection of any duty of excise which makes the provisions of the Central Excise Act and Rules made thereunder applicable by reference to the levy and collection of the duty and excise under such Central Law." The Act further seeks to validate several exemption notifications issued earlier which may not have cited or referred to the relevant provisions of the Act or the Rules under which or with reference to which they were issued. It is not known whether any disputes are pending with respect to the exemption notifications which are validated by sub-section (4) of Section 2 of this Act. So far as the sub-sections (2) and (3) of Section 2 are concerned, they merely prescribe the mode and manner in which the exemption notifications under certain Central Laws [referred to in sub-section (2) of Section 2]

shall be issued. In the circumstances, it is difficult to agree that this Act can be repealed without further verification. Only if it is found on due verification that no disputes or litigation is pending with respect to the notifications which were validated by sub-section (4) of Section 2 that this Act can be repealed.

So far as the Mineral Products (Additional Duties of Excise and Customs) Act, 1958 is concerned, it appears that the said Act pertained to a limited period namely, the period commencing on 1.4.59 and ending on 31.10.59. This Act can, therefore, be repealed with a specific provision that anything done or any action taken thereunder shall continue to be good and valid. Similarly, the Central Duties of Excise (Retrospective Exemption) Act, 1986 appears to be confined to Notifications issued during a particular period (3.3.86 to 8.8.86) giving them retrospective effect. This Act can also be repealed subject to a specific provision that anything done thereunder or any action taken thereunder shall continue to be good and valid.

The Commission agrees with the reasons given for repealing the Customs and Excise Revenue Appellate Tribunal Act 1986. In view of the judgment of the Supreme Court in L.Chandra Kumar and also because an appeal is now provided directly to Supreme Court against the Orders of the CEGAT concerning matters of valuation and classification, this Act can be said to be unnecessary and may be repealed.

- 3.6 (i) DEPARTMENT OF SUPPLY
(ii) DEPARTMENT OF OCEAN DEVELOPMENT
(iii) MINISTRY OF NON-CONVENTIONAL ENERGY SOURCES

The above three Departments have stated that they are not administering any Acts and, therefore, no question arises of any proposals being formulated for repeal or amendment. The Department of Supply, however, expressed certain practical difficulties in the matter of conduct of arbitration of disputes arising out of contracts entered into by the DGS&D. Though the difficulties pointed out appear to be real and urgent, it is not a matter upon which this Commission is expected to offer any comments.

3.7 DEPARTMENT OF ELECTRONICS:-

The Department of Electronics has stated that "there is no specific statute which is being implemented" by the said Department apart from general rules and producers applicable to all the Government organisations. In their letter dated 26.11.97, they have, however, stated that the Department "has already identified in the National Information Infrastructure (NII) Plan-2000 of the Department with relation to the Cyber Laws and setting up of NII". It is stated that Inter-Ministerial Standing Committee is reviewing all the related aspects and that in addition thereto another high level Inter-Ministerial Sub-Group is also engaged in draft resolution on "Layout Design in respect of Integrated Circuits

(ICs)". In the absence of any specific proposal being sent by this Department, no comments can be offered by the Law Commission.

3.8 MINISTRY OF FOOD PROCESSING INDUSTRIES:

In their letters dated 6th August, 1997 and 16th October, 1997, they have stated that they are administering four Acts/Orders, namely, out of which Rice Milling Industry (Regulation) Act, 1958 and Rice Milling Industry (Regulation & Licensing) Rules, 1959 have already been repealed. The third Act MZI Act, 1981 is stated to have been transferred to Animal Husbandry Department and the fourth one, namely Fruit Product Order (FPO) 1955 promulgated under the Essential Commodities Act has already been amended. Accordingly, it is stated that no proposals are called for from the said Department.

3.9 MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT,
DEPARTMENT OF URBAN EMPLOYMENT AND POVERTY ALLEVIATION

Though in their letter dated 27.10.1997, it was stated that they had constituted an Expert Group to review the existing laws and suggest modifications and that their proposals as and when finalised will be intimated to the Commission, in their subsequent letter dated 24.11.1997, the Department has stated: "On the subject mentioned above and to state that information may be treated as 'NIL' so far as this Department is concerned".

3.10 MINISTRY OF CHEMICALS AND FERTILIZERS.

DEPARTMENT OF FERTILIZERS:-

The Department has stated that they are not administering any enactment except the Fertilizer Movement (Control) Order, 1973 and that no amendments are contemplated therein.

3.11 DEPARTMENT OF ATOMIC ENERGY :-

In their letter dated 10.11.1997, the Department has stated that they are administering the Atomic Energy Act, 1962 and the Rules and Regulations made thereunder. They have stated that they have periodically undertaken internal reviews and additional regulations framed as and when required. No proposals either for the repeal or amendment has been sent by the Department.

3.12 MINISTRY OF COMMUNICATIONS.

DEPARTMENT OF POSTS:-

In their letter dated 17.11.1997, the Department has stated that so far as the Indian Posts Office Act, 1898 is concerned, a review committee was set up in 1992 which submitted its report in January, 1993. It is then stated that it has been decided to retain the Act "with some amendments where required". No proposals, however, are communicated to us. It is also stated that the other two enactments are

Government Savings Bank Act and the Government Savings Certificate Act but these enactments are dealt with in the communication received from the Department of Economic Affairs, Ministry of Finance which has proposed the merger of these two Acts with Public Provident Fund Act. This aspect has already been dealt with and commented elsewhere in this report.

3.13 MINISTRY OF SCIENCE AND TECHNOLOGY:-

In their letter dated 19.11.1997, the Ministry has stated that they are dealing with only two enactments, namely, Research & Development Cess Act, 1986 and Technology Development Board Act, 1995. It is stated that first of the two Acts have recently been amended in 1995 and because both the Acts are in harmony with the existing climate of economic liberalisation, no proposals of amendments are forwarded.

3.14 MINISTRY OF INFORMATION & BROADCASTING:-

According to their letter dated 28.11.97 of the Ministry, it is administering four Acts, namely, (i) Press and Registration of Books Act, 1867; (ii) Prasar Bharti Act, 1990; (iii) The Cinematograph Act, 1952; and (iv) The Press Council Act, 1978. So far as the 1867 Act is concerned, it is stated that amendments to the Act have been examined by the Law Ministry and that no further review of the Act is called for at this stage. Regarding the Cinematograph Act, 1952 it is

stated that the amendments have already been introduced and are now pending in the Rajya Sabha. With respect to Press Council Act, 1978, it is stated that the Press Council of India has suggested some amendments and that the matter is under consideration and that proposals in that behalf will be sent to the Law Commission later. With respect to the Prasar Bharti Act, 1990, it is stated in the aforesaid letter that no further review of the Act is called for at the present juncture. But it appears that the present Government is contemplating a review of the Act. Be that as it may, no comments are called for from the Law Commission at this stage, except to say that while enacting any amendments to the Prasar Bharati Act, 1990 or while contemplating a new enactment on the subject, as the case may be, the concerned authorities will do well to study closely the two opinions in the judgment of the Supreme Court in The Secretary, Ministry of Information and Broadcasting, Government of India vs. Cricket Association of Bengal & Ors., AIR 1995 SC 1236. The said opinions refer to the Broadcasting Law obtaining in several countries of the world and lay down the basic concepts relevant to the subject in the light of the Indian Constitutional Law.

CHAPTER - IV

Conclusion

4.1 On the basis of the discussions contained in the preceding chapters, the Commission is of the considered opinion that the following central enactments falling under the administrative control of the respective ministries of the Central Government need changes; or require to be repealed; or require to be amalgamated and re-enacted as a single enactment; or no opinion can be given on enactments regarding changes which are still under consideration, by the concerned department, as the case may be.

4.2 Enactments falling under Ministry of Finance, Department of Economic Affairs:

(a) Banking Service Commission Act:- The decision to repeal this being a policy decision, calls for no comments.

(para 3.1 (ii)(a), supra)

(b) Currency Ordinance 1940:- The repeal of this enactment is recommended.

(para 3.1 (ii)(b), supra)

(c) The Shipping Development Fund Committee (Abolition) Act, 1986:- Repeal of this Act is recommended.

(Para 3.1 (ii)(c), supra)

(d) Compulsory Deposit Scheme Act, 1963 and Additional Emoluments (Compulsory Deposit) Act, 1974:- On the basis of the policy decision of the Government, repeal of these enactments is recommended.

(para 3.1 (ii)(d), supra)

(e) Government Savings Bank Act, 1873, Government Savings Certificate Act, 1959 and Public Provident Fund Act, 1968:Amalgamation of these Acts and enactment of consolidated single Act in the place of these Acts is recommended subject to the observations made in the relevant para.

(para 3.1 (iii)(a), supra)

(f) Indian Coinage Act, 1906, Metal Tokens Act, 1889 and Small Coins (Offences) Act, 1971:- Amalgamation of these Acts and enactment of consolidated single Act in the place of these Acts is recommended.

(para 3.1 (iii)(b), supra)

(g) Legal Tender (Inscribed Notes) Act, 1964:-Continuation of the Act is recommended by the Department and the Commission has no comments to offer thereon.

(para 3.1 (iii)(c), supra)

(h) The Indian Trusts Act, 1882:- The amendments to the Act are said to be still under consideration by the Department. However, the Commission is not in a position to agree with the proposal of the Department to repeal clauses (a) to (e) of section 20 altogether, in the absence of any

further material. However, the reference in these clauses to securities, bonds, stocks, etc. of the Government of U.K. or other foreign countries may be repealed.

Since the replacement of FERA with FEMA is a matter of policy of the Government and also because a copy of the FEMA has not been made available to the Commission, it is not possible to express any opinion.

The report of the Department of Economic Affairs states that amendments to other Acts which are being implemented by the Department are under consideration of the expert group and that as and when suggestions are made, they will be communicated to the Commission.

Sick Industrial Companies (Special Provisions) Act, 1985:- The Law Commission, recommends that before enacting a new Act in the place of the present Act, a policy decision may be taken on the subject as a whole and then steps should be taken to enact a necessary and appropriate enactment or put an end to the entire exercise as such.

(para 3.1(iv), supra)

4.3 Ministry of Finance, Department of Company Affairs: Companies (Donation to National Funds) Act, 1951:- The Department have only stated that they propose to repeal the Act by incorporating the relevant provisions in the Company's Bill, 1997.

(No.22 of 1963)

10. The Foreign Trade (Development and Regulation) Act, 1992 (No.22 of 1992)

Barring the last two enactments, extensive amendments to other enactments are said to have been suggested by the Expert Committee constituted by the Ministry. The Commission does not find any of the proposed amendments undesirable. The Commission, however, seeks to reiterate its comments (made at the inception of this Report) that while the lifting of restrictions may be all right, regulation should continue. In other words, a distinction should be made between restrictions and regulation. Even in a market economy, the Government cannot afford to abdicate its function of regulating the economy. It may not impose restrictions but the overall control and regulation of the entire economy including industrial sector should be in the hands of the Government. To protect and promote the national interest, the Government ought to exercise overall control over industrial and commercial establishments, their establishment and functioning. This is what may be called the regulatory function of the Government.

The Law Commission, however, wishes to draw attention of Government of India to Section 19 of the Agricultural and Processed Food Products Export Development Authority Act, 1985 read with the items 1, 2, 4 and 9 of the Schedule to the Act. Section 19 and aforesaid items of the schedule read as follows:-

"19 (1) The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import or export of the Scheduled products, either generally or in specified classes of cases.

(2) All Scheduled products to which any order under sub-section (1) applies, shall be deemed to be goods of which the export has been prohibited under section 11 of the Customs Act, 1962, and all the provisions of that Act shall have effect accordingly.

(3) If any person contravenes any order made under sub-section (1), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (2), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both."

"THE SCHEDULE

1. Fruits, vegetables and their products.
.....
2. Meat and meat products
.....
4. Dairy products.
.....
9. Cereal products."

In view of the acute scarcity and sky-rocketing prices of vegetables, meat and fruits all over the country, driving away these products from the reach of the common man, it would be appropriate that the Government issues a notification prohibiting the export of vegetables, meat (excluding beef) and fruits altogether. Such prohibition would ensure availability of these products at reasonable rates which alone would enable the poorer sections of the society to purchase and consume them. A separate report on this subject will be submitted in due course.

(para 3.4, supra)

4.6 Ministry of Finance, Department of Revenue:-

Out of the 30 Acts (being administered by the Department), the Department viewed that the following six Acts can be abrogated:-

1. Benami Transactions (Prohibition) Act, 1988.
2. Central Excise Laws (Amendment & Validation) Act, 1982.
3. Sugar (Special Excise Duty) Act, 1959.
4. Mineral Products (Additional Duties of Excise & Customs) Act, 1958.
5. Central Duties of Excise (Retrospective Exemption) Act, 1986; and
6. Customs & Excise Revenue Appellate Tribunal Act, 1986.

Benami Transactions (Prohibition) Act, 1988

The Ministry has informed the Commission by their letter dated April 8, 1988 that "the Benami Transactions (Prohibition) Act, 1988 was recommended to be abrogated since no notification bringing the Act into force has been issued so far." On verification, however, the Commission finds that the above ground is not correct. As a matter of fact, Section 1(3) of the Act says that sections 3, 5 and 8 will come into force at once and that the remaining provisions will be deemed to have come into force on 19th May, 1988. The Commission, therefore, cannot agree that this Act requires to be repealed.

(para 3.5, supra)

Central Excise Laws (Amendment & Validation) Act,
1982.

It is difficult to agree that this Act can be repealed without further verification. Only if it is found on due verification that no disputes or litigation is pending with respect to the notifications which were validated by sub-section (4) of Section 2 that this Act can be repealed.

(para 3.5, supra)

Sugar (Special Excise Duty) Act, 1959

This Act was confined to stocks which were available with the factories on the date of commencement of the Act. It has no further application. It can be repealed as suggested by the Department.

(para 3.5, supra)

The Mineral Products (Additional Duties of Excise & Customs) Act, 1958.

This Act can be repealed with a specific provision that anything done or any action taken thereunder shall continue to be good and valid.

(para 3.5, supra)

Central Duties of Excise (Retrospective Exemption) Act, 1986

This Act can also be repealed subject to a specific provision that anything done thereunder or any action taken thereunder shall continue to be good and valid.

(para 3.5, supra)

Customs and Excise Revenue Appellate Tribunal Act, 1986

The Commission agrees with the reasons given for repealing the Act. In view of the judgment of the Supreme Court in L.Chandra Kumar and also because an appeal is now provided directly to Supreme Court against the orders of the

CEGAT concerning matters of valuation and classification, this Act can be said to be unnecessary and may be repealed.

(para 3.5, supra)

4.7 DEPARTMENT OF SUPPLY; DEPARTMENT OF OCEAN DEVELOPMENT;
MINISTRY OF NON-CONVENTIONAL ENERGY SOURCES:-

These Departments have stated that they are not administering any Acts and, therefore, no question arises of any proposal being formulated for repeal or amendment.

(para 3.6, supra)

4.8 Department of Electronics:-

The Department has stated that there is no specific statute which is being implemented by the said Department. In the absence of any specific proposal being sent by this Department, no comments can be offered by the Law Commission.

(para 3.7, supra)

4.9 Ministry of Food Processing Industries:-

Rice Milling Industry (Regulation) Act, 1958 and Rice Milling Industry (Regulation & Licensing) Rules, 1959 :these have already been repealed. The third Act MZI Act, 1981 is stated to have been transferred to Animal Husbandry Department and the fourth ~~Act~~, namely Fruit Product Order (FPO) 1955

promulgated under the Essential Commodities Act has already been amended. Accordingly it is stated that no proposals are called for from the said Department.

(para 3.8, supra)

4.10 Ministry of Urban Affairs and Employment, Department of Urban Employment and Poverty Alleviation:-

They have informed that there is no proposal to review the existing laws or suggest modifications.

(para 3.9, supra)

4.11 Ministry of Chemical and Fertilisers, Department of Fertilisers:-

The Fertiliser Movement (Control) Order, 1973:- No amendments are contemplated by the Department therein.

(para 3.10, supra)

4.12 Department of Atomic Energy:-

No proposal either for the repeal or amendment has been sent by the Department.

(para 3.11, supra)

4.13 Ministry of Communications, Department of Posts:-

The Department has decided to retain the Indian Post Office Act, 1898, with some amendments where required. However, no proposals regarding this are communicated to the Commission. Merger of the Governments Savings Bank Act and the Governments Savings Certificate Act with the Public Provident Fund Act has been agreed to in this report under para 3.1 (iii)(a), supra.

(para 3.12, supra)

4.14 Ministry of Science and Technology:-

No proposal of amendments to the Research and Development Cess Act, 1986 and Technology Development Board Act, 1995 have been received.

(para 3.13, supra)

4.15 Ministry of Information & Broadcasting:-

(i) Regarding Press and Registration of Books Act, 1867, no further review of the Act is called for by the Department.

(ii) As regards Cinematograph Act, 1952, amendments have already been introduced in the Act and are now pending in the Rajya Sabha.

(iii) Pertaining to the Press Council Act, 1978, it is stated that the Press Council of India has suggested some amendments and the matter is under consideration and the proposals in that behalf will be sent to the Commission later.

(iv) Regarding the Prasar Bharti Act, 1990 it is stated by the Department that no further review of the Act is called for

at the present juncture. Since it appears that the new Government is contemplating a review of the Act, it is felt that while enacting any amendments to the Act or contemplating a new enactment on the subject, the opinions in the specified Supreme Court judgment should be closely observed.

(para 3.14, supra)

We recommend accordingly.



(JUSTICE B.P. JEEVAN REDDY) (RETD.)

CHAIRMAN



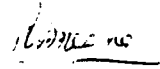
(MS. JUSTICE LEILA SETH) (RETD)

MEMBER



(DR. N.M. GHATATE)

MEMBER



(R.L. MEENA)

MEMBER SECRETARY

DATED: 21-11-78

October 10, 1997.

Dear ,

Pursuant to the Prime Minister's announcement on 15th August, 1997, one of the terms of reference set out by the Government of India for the Law Commission is 'review/repeal of obsolete laws', that is, -

- (a) to identify laws which are no longer needed or relevant and can be immediately repealed;
- (b) to identify laws which are in harmony with the existing climate of economic liberalisation which need no change;
- (c) to identify laws which require changes or amendments and to make suggestions for their amendment;
- (d) to consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonising them;
- (e) to consider references made to it by Ministries/ Departments in respect of legislation having bearing on the working of more than one Ministry/Department; and
- (f) to suggest suitable measures for quick redressal of citizens' grievances, in the field of law.

2. In pursuance of the above, the Law Commission has commenced the examination of laws, with special reference to the desirability or otherwise of repealing obsolete laws. You are, therefore, requested to prepare an exhaustive list of all the laws/Acts with which your Department is concerned and send the same to the Commission alongwith your comments thereon with particular reference to items (a), (b), (c) and (f) above so as to enable us to complete the task at the earliest. The Expert Group referred to at item (d) above, may also be advised to keep in touch with the Law Commission for necessary coordination for the purpose.

3. Since the Government has set out a time limit for the Law Commission to complete the task, you are requested to send the aforesaid material within a month positively.

With regards,

Yours sincerely,

(R.L. MEENA)

To
(As per list enclosed)



R. L. MEENA
Member - Secretary &
Secretary to the Govt. of India
Tel. 3383382

LAW COMMISSION
भारत सरकार
GOVERNMENT OF INDIA
शास्त्री भवन
SHASTRI BHAWAN
नई दिल्ली
NEW DELHI-110 001

D.O.No.6(3)/41/97-LC(LS)

February 23, 1998.

Dear

Please refer to my D.O. letter No. 44(1)/97-LC dated the 10th October, 1997, regarding 'review/repeal of obsolete laws' (Copy enclosed).

2. The Law Commission has not received any reply/information from your Department till date. The study of the Commission is being held up for want of requisite information from your side.

3. You are requested to send the relevant information at the earliest.

With regards,

Yours faithfully,

(R.L. MEENA)



R. L. MEENA
Member-Secretary &
Secretary to the Govt. of India
Tel. 3383382

विधि आयोग
LAW COMMISSION
भारत सरकार
GOVERNMENT OF INDIA
शास्त्री भवन
SHASTRI BHAWAN
नई दिल्ली
NEW DELHI-110 001

D.O. No. 6(3)/41/97-LC(LS)

7 March 5, 1998

Dear

Please refer to D.O. letter No. Z-13023/1/97-Coord. (ii) dated October 29, 1997 wherein it has been stated that an Expert Group/Departmental Committee has been constituted to review the specific enactments. The Commission has been awaiting the views of the Expert Group/Departmental Committee constituted for the purpose.

2. The study of the Law Commission is being held up for want of requisite information from your side.

You are requested to send the detailed reply at the earliest.

With regards,

Yours sincerely,

(R.L. Meena)