

# 101 laws that need to go...

As part of its electoral promise, the Modi government is wielding the broom to weed out one obsolete law a day. The initial plan is to get rid of 300-odd such laws and hundreds of old appropriation bills choking the statute books.

To start with, the government has tabled *The Repealing and*

*Amending Bill (2014)* in the Lok Sabha, recommending revisions of 36 obsolete laws. In August, Prime Minister Narendra Modi appointed a committee to identify obsolete laws, which was to give its final report in three months.

The Law Commission of India in its report to the ministry of law & justice in September, identified 72 such obsolete laws that warrant immediate repeal. One study that

the Law Commission has acknowledged to be of great help in identifying the bulk of laws to be repealed was *The 100 Laws Project*, a joint initiative of Center for Civil Society, along with macro/finance group of National Institute of Public Finance & Policy and Vidhi Centre for Legal Policy.

*Business Standard* highlights some key observations and takeaways from *The 100 Laws Project*.

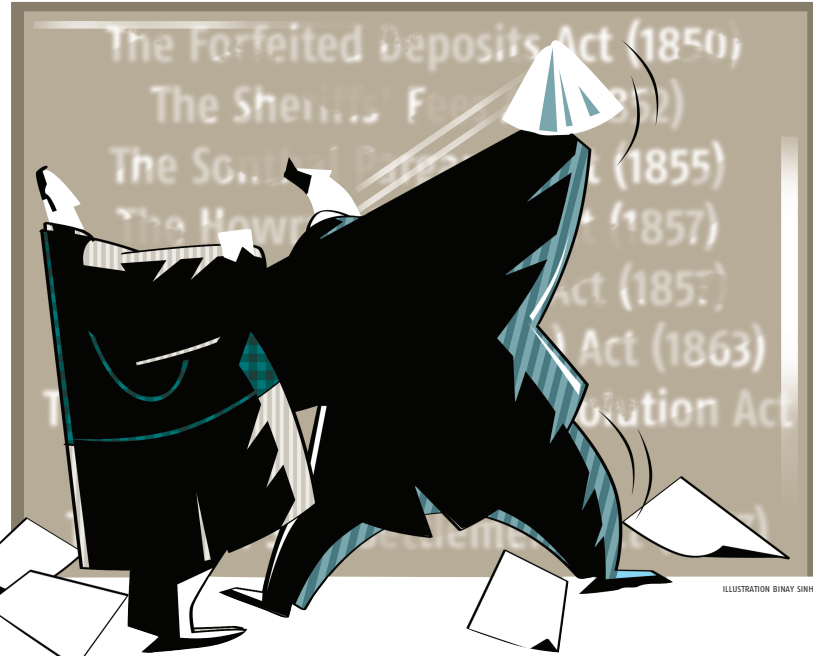


ILLUSTRATION BINAY SINHA

## Archaic British-era laws (25)\*

There are about 300 colonial-era enactments in force

- The Forfeited Deposits Act (1850)
- The Sheriff's Fees Act (1852)
- The Sonthal Parganas Act (1855)
- The Howrah Offences Act (1857)
- Oriental Gas Company Act (1857)
- The Waste-Lands (Claims) Act (1863)
- The Converts' Marriage Dissolution Act (1866)
- The Oudh Sub-Settlement Act (1867)
- The Oudh Estates Act (1869)
- The Oudh Taluqdars' Relief Act (1870)
- The Foreign Recruiting Act (1874)
- The Laws Local Extent Act (1874)
- The Oudh Laws Act (1876)
- The Hackney-Carrriage Act (1879)
- The Elephants Preservation Act (1879)
- The Fort William Act (1881)
- The Oudh Wasikas Act (1886)
- Reformatory Schools Act (1897)
- The Wild Birds and Animals (Protection) Act (1912)
- Emergency Legislation Continuance Act (1915)
- The Sheriff of Calcutta (Power of Custody) Act (1931)
- Bengal Suppression of Terrorist Outrages (Supplementary) Act (1932)
- The Assam Criminal Law Amendment (Supplementary) Act (1934)
- The Bangalore Marriages Validating Act (1934)
- The Arya Marriages Validation Act (1937)

## Tacky record in weeding out outdated laws

India's record in weeding out antiquated laws has been patchy, at best. In 1984, the Law Commission of India observed in its 96th report that:

*"Every legislature is expected to undertake what may be called the periodical spring-clearing of the corpus of its Statute Law, in order that dead wood may be removed and citizens may be spared of the inconvenience of taking notice of laws which have ceased to bear any relevance to current conditions. This process, in itself, assumes still greater importance in modern times when Statute Law is growing in bulk and magnitude...."*

Not much has changed in three decades. The 20th Law Commission's interim report on *"Obsolete Laws: Warranting Immediate Repeal"* (given to the government in September) notes an estimated 1,086 central laws and 5,000-odd state laws in India. The Commission has identified 1,445 laws which have the potential to be repealed, and recommended immediate repeal of 72. It also notes that 253 laws exist in the statute books despite having been recommended for repeal over the years. In fact, 34 repealed laws still figure on government websites, the Commission observed.

Of the hundreds of Appropriation Acts that clog the statute books, there is a strong case to repeal at least 700 of these whose terms have come to an end, the Commission said. In the United Kingdom all Appropriation Acts have a repealing provision, while Australia follows the route of automatic repeal. No such sunset provision exists in Indian laws.

India's laxity in weeding out outdated laws is highlighted by the PC Jain Commission on Review of Administrative Laws which identified 1300 in September 1998. Most of these still clog the statute books.



## ModiSpeak on obsolete laws

**"A law should be made which stipulates that a new law will come into force only when 10 old laws are scrapped"**  
(During his election campaign in February, while addressing traders)

**"Give me 10 laws each in your department which we can repeal"**  
(PM Modi's address to secretaries of all ministries and departments in June)

## Partition and post-independence reorganisation (6)\*

These laws were enacted to manage the issues that arose subsequent to partition of the nation, and for reorganising affairs in newly independent India

- Trading with the Enemy (Continuance of Emergency Powers) Act (1947)
- Exchange of Prisoners Act (1948)
- Imperial Library (Change of Name) Act (1948)
- The Resettlement of Displaced Persons (Land Acquisition) Act (1948)
- Indian Independence Pakistan Courts (Pending Proceedings) Act (1952)
- The Chandernagore (Merger) Act (1954)

- The Indian Iron and Steel Company (Acquisition of Shares) Act (1976)
- Burn Company and Indian Standard Wagon Company (Nationalisation) Act (1976)
- The Burmah Shell (Acquisition of Undertakings in India) Act (1976)
- Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Act (1976)
- Smith Stanistreet and Company Limited (Acquisition and Transfer of Undertakings) Act (1977)
- Caltex (Acquisition of Shares of Caltex Oil Refining (India) Limited) and of the Undertakings in India of Caltex (India) Limited) Act (1977)
- Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act (1978)
- Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Act (1978)
- Kossan Gas Company (Acquisition of Undertaking) Act (1979)
- Jute Companies (Nationalisation) Act (1979)
- Amritsar Oil Works (Acquisition and Transfer of Undertakings) Act (1982)
- Hooghly Docking and Engineering Company Limited (Acquisition and Transfer of Undertakings) Act (1984)
- Inchek Tyres Limited and National Rubber Manufacturers Limited (Nationalisation) Act (1984)
- Futwah Islampur Light Railway Line (Nationalisation) Act (1985)
- Swadeshi Cotton Mills Company Limited (Acquisition and Transfer of Undertakings) Act (1986)
- Conservation of Foreign Exchange and Prevention of Smuggling Act (1974)
- Indian Law Reports Act (1975)
- The Departmentalisation of Union Accounts (Transfer of Personnel) Act (1976)
- The Disputed Elections (Prime Minister and Speaker) Act (1977)
- Illegal Immigrants (Determination by Tribunals) Act (1983)
- Punjab Disturbed Areas Act (1983)
- Chandigarh Disturbed Areas Act (1983)
- Shipping Development Fund Committee (Abolition) Act (1986)
- Public Works Extension of Limitation Act (1959)
- The Companies (Donation to National Funds) Act (1951)
- The Requisitioning and Acquisition of Immovable Property Act (1952)
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## Unnecessary levies and taxes (7)\*

These laws impose levies that are completely redundant, adding significant administrative and collection costs

- The Ganges Tolls Act (1867)
- Salt Cess Act (1953)
- Wealth Tax Act (1957)
- Tobacco Cess Act (1975)
- Sugar Cess Act (1953)
- The Jute Manufacturers Cess Act (1983)
- The Research and Development Cess Act (1986)
- The Indian Iron and Steel Company (Acquisition of Shares) Act (1976)
- Burn Company and Indian Standard Wagon Company (Nationalisation) Act (1976)
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## Outmoded labour laws (10)\*

- There are 44 labour-related statutes enacted by the central government, dealing with wages, social security, welfare, occupational safety and health, and industrial relations
- Children (Pledging of Labour) Act (1933)
- Weekly Holidays Act (1942)
- mica Mines Labour Welfare Fund Act (1946)
- Limestone and Dolomite Mines Labour Welfare Fund Act (1972)
- Iron Ore Mines/ Manganese Ore Mines and Chrome Ore Mines Labour Welfare Cess Act (1976)
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- Beedi Workers Labour Welfare Cess Act (1976)
- Beedi Workers Labour Welfare Fund Act (1976)
- One-workers Labour Welfare Cess Act (1976)
- One-workers Labour Welfare Fund Act (1981)

## Restrictive business and economic regulations (12)\*

These laws run counter to the policy of liberalisation and deregulation

- The Sarais Act (1867)
- Indian Boilers Act (1923)
- The Delhi Hotels (Control of Accommodation) Act (1949)
- Telegraph Wires (Unlawful Possession) Act (1950)
- Prize Competitions Act (1955)
- Sugar Export Promotion Act (1958)
- The Delhi Rent Control Act (1958)
- Delhi Land Holdings (Ceiling) Act (1960)
- The Sugar (Regulation of Production) Act (1961)
- East Punjab Urban Rent Restriction (Extension to Chandigarh) Act (1974)
- The Levy Sugar Price Equalisation Fund Act (1976)
- Semiconductor Integrated Circuits Layout Design Act (2000)

## Ineffective governance and administration (17)\*

Continuance of these laws in the legislative books results in the breakdown of the processes that define effective governance















- Dekkhans Agriculturists' Relief Act (1879)
- The Legal Practitioners Act (1879)
- Police (Incinement to Disaffection) Act (1922)
- Public Suits Validation Act (1932)
- The Registration of Foreigners Act (1939)
- The Drugs (Control) Act (1950)
- The Companies (Donation to National Funds) Act (1951)
- The Requisitioning and Acquisition of Immovable Property Act (1952)
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## Obstructive civil and personal interference (4)\*

- These laws, directly or indirectly, curtail freedom of speech, by either imposing a blanket prohibition on certain kinds of speech or restricting circulation of the same
- Dramatic Performances Act (1876)
- The Prevention of Seditious Meetings Act (1911)
- Young Persons (Harmful Publications) Act (1956)
- The Newspaper (Price and Page) Act (1956)

## Sweeping away some legal cobwebs

A selection of obsolete laws that need to be repealed and why

	What is the law?	Why it needs to be repealed	
	<b>Telegraph Wires (Unlawful Possession) Act, 1950</b>	This Act provides for regulating possession of telegraph wires. A telegraph wire is defined as any copper wire the diameter of which is between (a) 2.43-2.53mm, (b) 2.77-2.87mm or (c) 3.42-3.52mm	India sent out its last telegram on July 15, 2013, after which telegraph services were permanently shut down
	<b>Forfeited Deposits Act, 1850</b>	This Act was enacted in response to a specific policy need arising out of the British Regulation VIII, 1819, of the Bengal Code. The Regulation declared the validity of certain tenures of land and defined the relative rights of Zamindars and Patni Talukdars	This Act is redundant post-independence, as it was enacted specifically in response to British administrative needs that no longer exist
	<b>Hackney Carriages Act, 1879</b>	The Act provides for the licensing of hackney carriages, defined as wheeled vehicles drawn by animals for the conveyance of passengers	There is no record of the Act being in use in any state since independence
	<b>Elephants Preservation Act, 1879</b>	The Act provides for the preservation of wild elephants	The Wildlife (Protection) Act, 1972 deals with the same subject with wider and more updated provisions dealing with the protection of wild animals, including elephants
	<b>Fort Williams Act, 1881</b>	The Act empowered the British chief of army staff to make rules within Fort William in Bengal on the subjects mentioned in the Schedule of the Act and prescribe penalties for the infringement of such rules	The army is governed by the Army Act, 1950, and the Armed Forces Tribunal Act, 2007
	<b>Arya Marriages Validation Act, 1937</b>	The Arya Marriage Validation Act, 1937, was passed to recognise the validity of inter-marriages of a sect of Hindus known as Arya Samajis	The validity of marriages between Arya Samajis is recognised through the Hindu Marriage Act, 1955
	<b>Exchange of Prisoners Act, 1948</b>	This Act was passed to facilitate exchange of prisoners between India and Pakistan, in pursuance of an agreement between the two countries	The exchange of prisoners between India and Pakistan is now governed by the terms of the Consular Access Agreement signed in May 2008
	<b>Imperial Library Act, 1948</b>	This Act was passed to change the name of the Imperial Library to National Library	The Act has served its purpose
	<b>Ganges Tolls Act, 1867</b>	The Act authorises the levy of tolls on boats plying on the Ganga, for the purpose of improving navigation and shipping facilities on the river	The National Waterway (Allahabad-Haldia stretch of the Ganga-Bhagirathi Hooghly River) Act, 1982 was enacted, to authorise the levy of toll in the same region and for the same purpose
	<b>Railway Companies, (Emergency Provisions) Act, 1951</b>	The Act paved the way for the nationalisation of railways in India	The Railways Act, 1989, comprehensively deals with laws relating to railways
	<b>The Esso (Acquisition of Undertakings in India) Act, 1973</b>	The Act provided for the acquisition of all rights, titles and interests of the Indian undertakings of Esso Eastern Inc. by the central government to ensure coordinated distribution and utilisation of petroleum products	This Act deals only with acquisition, and not management of the company, which now exists as HPL, and is governed by the Companies Act
	<b>Weekly Holidays Act, 1942</b>	This central Act provides for the grant of weekly holidays to persons employed in shops and commercial establishments	The Act is repetitive with the Shop and Establishment Acts, which mandatorily prescribe a closed day for all shops and establishments
	<b>Sarais Act, 1867</b>	This 145-year-old law deals with the regulation of public sarais by the District Magistrate, requiring registration of sarais, character certificates, and written reports from the sarai keeper, etc.	The subject matter of the Act belongs to the State List. This Act is archaic and serves no useful purpose, as adequate regulatory mechanisms exist for regulation of hotels by tourism departments in every state
	<b>Indian Boilers Act, 1923</b>	This Act was formulated during British rule and requires a boiler manufacturer to get approval from the inspecting authority, prior to the manufacture of a boiler, during erection and prior to repair of either the boiler or a boiler component	In June 2014, the ministry of commerce and industry asked for a repeal of the Act and move towards a system of self-certification

\*Number of laws identified to be scrapped