

# ACT No. XXXIV OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 28th September, 1939.)

An Act to amend certain enactments and to repeal certain other enactments.

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the First Schedule ;

AND WHEREAS it is also expedient that the enactments specified in the Second Schedule, which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed ;

It is hereby enacted as follows :—

1. This Act may be called the Repealing and Amending Act, 1939. Short title.

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to ; and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted, or the proof of any past act or thing ; nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

[ Price : Anna 1 or 1½d. ]

## THE FIRST SCHEDULE.

## AMENDMENTS.

(See section 2.)

Year.	No.	Short title.	Amendments.
1	2	3	4
			<i>Act of the Governor of Bombay in Council.</i>
1879	VI	The Bombay Port Trust Act, 1879.	In the second paragraph of section 39, for the words "the said purposes" the words "the general purposes of this Act" shall be substituted.
			<i>Acts of the Governor General in Council.</i>
1882	XIX	The Punjab University Act, 1882.	In sub-section (1) of section 2, for the words "Central Government for the time being" the words "Governor General" shall be substituted.
1890	IX	The Indian Railways Act, 1890.	In Chapter V,—  (i) for the heading "RAILWAY COMMISSIONS AND TRAFFIC FACILITIES" the following heading shall be substituted, namely :—  "TRAFFIC FACILITIES";  (ii) the sub-headings "Railway Commissions" and "Traffic Facilities" shall be omitted;  (iii) in section 98, for the words "in those provisions" the words "in the foregoing provisions of this Chapter" shall be substituted.
1903	X	The Victoria Memorial Act, 1903.	In clause (e) of sub-section (1) of section 2, for the words "the Secretary to the Government of India in the Foreign Department" the words "the Political Secretary" shall be substituted.
1903	XIV	The Indian Foreign Marriage Act, 1903.	In sub-section (2) of section 1, the words "the Shan States" shall be omitted.

amendments.

4

Council.

Paragraph of section 39, for the words "the said purposes" the words "the purposes of this Act" shall be substituted.

Council.

Paragraph of section 2, for the words "Central Government" the words "the Government of India" shall be substituted.

Paragraph "RAILWAY COMMISSIONS AND FACILITIES" the following heading shall be substituted, namely:—

"RAILWAY COMMISSIONS AND FACILITIES";

Paragraphs "Railway Commissions and Facilities" shall be omitted.

Paragraph 3, for the words "in those provisions" the words "in the foregoing provisions of this Chapter" shall be substituted.

Paragraph (1) of section 2, for the words "Secretary to the Government of the Foreign Department" the words "Secretary" shall be substituted.

Paragraph of section 1, the words "the said" shall be omitted.

1904.

Year.	No.	Short title.	Amendments.
1	2	3	4
		<i>Acts of the Governor General in Council—contd.</i>	
1904	VIII	The Indian Universities Act, 1904.	In sub-section (1) of section 6, for the words "Universities of Calcutta and" the words "University of Calcutta" shall be substituted.  In sub-section (1) of section 8, for the words "and by notification" the words "by notification" shall be substituted.  In the First Schedule, in the first entry under the heading " <i>The University of the Punjab</i> ", for the words "Chief Judge" the words "Chief Justice" shall be substituted.
1908	IX	The Indian Limitation Act, 1908.	In article 7 of the First Schedule, the words and figure "not provided for by this Schedule, article 4" shall be omitted.
1911	II	The Indian Patents and Designs Act, 1911.	In sub-section (12) of section 21A, the words "the Secretary of State for India in Council or", in both places where they occur, shall be omitted.
1913	VII	The Indian Companies Act, 1913.	In sub-section (6) of section 83, for the words "a further fine to twenty-five rupees" the words "a further fine not exceeding twenty-five rupees" shall be substituted.  In proviso (3) of section 107, for the words "such Central Government" the words "the Central Government" shall be substituted.  In sub-section (1) of section 207, the word "to" between the words "sent out" and "make a declaration" shall be omitted.
1920	V	The Provincial Insolvency Act, 1920.	In section 20, for the words "this sub-section" the words "this section" shall be substituted.
		<i>Acts of the Indian Legislature.</i>	
1922	XI	The Indian Income-tax Act, 1922.	In sub-section (1) of section 17, for the word and figures "section 17" the word and figures "section 27" shall be substituted.
1923	XIV	The Indian Cotton Cess Act, 1923.	In clause (ia) of section 4, for the words "Expert Adviser to the Imperial Council of Agricultural Research" the words "Agricultural Commissioner with the Government of India" shall be substituted.
			1924.

Year.	No.	Short title.	Amendments.
1	2	3	4
<i>Acts of the Indian Legislature.—contd.</i>			
1924	II	The Cantonments Act, 1924.	<p>In Chapter III, for the heading "BOARDS AND CANTONMENT BOARDS" the following heading shall be substituted, namely :—</p> <p style="text-align: center;">"CANTONMENT BOARDS".</p> <p>In clause (a) of sub-section (3) of section 119, and in sub-section (1) of section 233, for the words "that Authority" the word "it" shall be substituted.</p> <p>In sub-section (2) of section 131, for the words "that Authority" the words "that Board" shall be substituted.</p> <p>In the second column of Schedule V, opposite the entry relating to section 126, after the words "Board's notice to" the word "remove," shall be inserted.</p>
1929	VII	The Trade Disputes Act, 1929.	<p>In sub-section (1) of section 18A,—</p> <p>(i) for the word "them" the word "it", for the word "their", where it first occurs, the word "its", and where it occurs for the second time, the word "the" shall be substituted; and</p> <p>(ii) for the words "or by a railway company" the words "or by the Federal Railway Authority or a railway company operating a Federal Railway" shall be substituted.</p>
<i>Acts of the Central Legislature.</i>			
1938	VIII	The Indian Tea Control Act, 1938.	In sub-section (4) of section 27, for the words, brackets and figure "upto a total area in each province as may be determined under sub-clause (3)" the words, brackets and figure "upto such total area in each province as may be notified under sub-section (3)" shall be substituted.
1939	VII c	The Indian Income-tax (Amendment) Act, 1939.	In sub-clause (iv) of clause (a) of section 36, for the words 'after the words "made by an Income-tax officer"' the words, figures and brackets 'after the word and figure "section 46" inserted by sub-clause (iii) of this clause' shall be substituted.

THE SECOND SCHEDULE

## THE SECOND SCHEDULE.

## REFEALS.

(See section 3.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
		<i>Act of the Governor General in Council.</i>	
1850	V	The Indian Coasting Trade Act, 1850.	The whole.
		<i>Acts of the Indian Legislature</i>	
1922	VII	The Indian Emigration Act, 1922.	Section 32.
1923	V	The Indian Boilers Act, 1923.	The second proviso to section 6.
1924	IV	The Central Board of Revenue Act, 1924.	Section 4 and the Schedule.
1929	XXI	The Transfer of Property (Amendment) Supplementary Act, 1929.	The Schedule.
1933	XIII	The Safeguarding of Industries Act, 1933.	The whole.

ments.

d.

the heading "BOARDS AND  
" the following heading  
namely:—

ARDS".

in (3) of section 119, and in  
in 233, for the words "that  
"it" shall be substituted.

section 131, for the words  
the words "that Board"

of Schedule V, opposite the  
section 120, after the words  
the word "remove,"

ion 18A,—

em" the word "it", for  
r", where it first occurs,  
, and where it occurs for  
the word "the" shall be

by a railway company"  
y the Federal Railway  
ilway company operating  
y" shall be substituted.

ction 27, for the words,  
upto a total area in each  
etermined under sub-clause  
ts and figure "upto such  
ince as may be notified  
shall be substituted.

e (a) of section 36, for the  
;" made by an Income-  
ls, figures and brackets  
re "section 46" inserted  
is clause' shall be sub-

COND SCHEDULE

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