

ACT No. XXXII OF 1940.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on
the 27th November, 1940.)

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

WHEREAS it is expedient that the enactments specified
in the First 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expressly and specifically repealed ;

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

It is hereby enacted as follows :—

1. This Act may be called the Repealing and Amending Short title,
Act, 1940.

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 The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.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

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment 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 ; Savings.

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the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed ;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.

Price anna 1 or 1½d.

THE FIRST SCHEDULE.

REPEALS.

(See section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
<i>Acts of the Governor General in Council.</i>			
1836	XX .	The Batwaras Act, 1836 . . .	The whole in any areas where not already specifically repealed.
1837	XXVII .	The Bombay Salt Works Act, 1837.	The whole in any areas where not already specifically repealed.
1838	XI .	The Bengal Ameens Act, 1838 .	The whole in any areas where not already specifically repealed.
1838	XVIII .	The Bombay Sureties Act, 1838	The whole.
1848	XVIII .	The Nawab of Surat Act, 1848	The whole in any areas where not already specifically repealed.
1858	XXXVII .	The Nawab of Carnatic Act, 1858.	The whole.
1859	XIV .	The Summary Dispossession Act, 1859.	The whole in any areas where not already specifically repealed.
1868	XIII .	The King of Oudh's Act, 1868 .	The whole.
1873	XVII .	The Nawab Nazim's Debts Act, 1873.	The whole.
1895	XX .	<i>Ex-King</i> Thebaw's Act, 1895 .	The whole.
<i>Acts of the Indian Legislature.</i>			
1931	I .	The Punjab Criminal Procedure Amendment (Supplementary) Act, 1931.	The whole.
1931	XIV .	The Salt (Additional Import Duty) Act, 1931.	The whole.
1933	XXIV .	The Indian Tea Control Act, 1933.	The whole.
1933	XVII .	The Indian Wireless Telegraphy Act, 1933.	Section 9, and in section 10 (2) the word "and" at the end of clause (v) and the whole of clause (vi).
1936	II .	The Salt Additional Import Duty (Extending) Act, 1936.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4

Acts of the Indian Legislature—contd.

1936	VI . . .	The Cochin Port Act, 1936 . . .	The whole.
1936	VII . . .	The Indian Aircraft (Amendment) Act, 1936.	The whole.
1936	VIII . . .	The Factories (Amendment) Act, 1936.	The whole.
1936	IX . . .	The Indian Lac Cess (Amendment) Act, 1936.	The whole.
1936	X . . .	The Indian Tariff (Amendment) Act, 1936.	The whole.
1936	XI . . .	The Indian Mines (Amendment) Act, 1936.	The whole.
1936	XII . . .	The Indian Tariff (Second Amendment) Act, 1936.	The whole.
1936	XIII . . .	The Indian Tea Cess (Amendment) Act, 1936.	The whole.
1936	XV . . .	The Indian Rubber Control (Amendment) Act, 1936.	The whole.
1936	XVII . . .	The Indian Tea Control (Amendment) Act, 1936.	The whole.
1936	XIX . . .	The General Clauses (Amendment) Act, 1936.	The whole.
1936	XX . . .	The Chittagong Port (Amendment) Act, 1936.	The whole.
1936	XXI . . .	The Code of Civil Procedure (Amendment) Act, 1936.	The whole.
1936	XXIV . . .	The Cantonments (Amendment) Act, 1936.	The whole.

Act of the Governor General.

1936		The Indian Finance Act, 1936 .	In the long title and preamble, the words and figures "to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and " Sections 2 and 3 and Schedule I.
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Year.	No.	Short title.	Extent of repeal.
1	2	3	4

Act of the Governor of Bombay in Council.

1867	VI . . .	The Bombay City Sanitary Regulation Act, 1867.	So much of the Act as relates to any matter included in the Federal Legislative List.
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Regulations made by the Governor General in Council.

1936	VIII . . .	The Andaman and Nicobar Islands Land-tenure (Amendment) Regulation, 1936.	The whole.
1936	IX . . .	The Sind Laws (Amendment) Regulation, 1936.	The whole.
1936	X . . .	The Sind Laws (Second Amendment) Regulation, 1936.	The whole.
1936	XI . . .	The Orissa Laws (Amendment) Regulation, 1936.	The whole.
1936	XV . . .	The British Baluchistan Laws (Amendment) Regulation, 1936.	The whole.

THE SECOND SCHEDULE.

AMENDMENTS.

(See section 3.)

Year.	No.	Short title.	Amendments.
1	2	3	4

Acts of the Governor General in Council.

1897	X . . .	The General Clauses Act, 1897	For clause (27b) of section 3 the following clause shall be substituted, namely :— “(27b) ‘Indian State’ shall mean any territory, not being part of British India, which His Majesty recognises as being such a State whether described as a State, an Estate, a Jagir or otherwise ;”
1908	XVI . . .	Indian Registration Act, 1908.	In section 29 (1), for the words and figures “other than a document referred to in section 28, and a copy of a decree or order” the words and figures “not being a document referred to in section 28 or a copy of a decree or order” shall be substituted.

Year.	No.	Short title	Amendments.
1	2	3	4
<i>Acts of the Governor General in Council—contd.</i>			
1910	IX . . .	The Indian Electricity Act, 1910.	In section 52 the word "Indian" shall be omitted.
1913	III . . .	The Administrator General's Act, 1913.	In section 33, for the word "presidency" the word "division" shall be substituted.
1913	VII . . .	The Indian Companies Act, 1913.	In sub-sections (1) and (3) of section 152 the word "Indian" shall be omitted. In sub-section (6) of section 208C, for the words and figures "Indian Arbitration Act, 1899" the words and figures "Arbitration Act, 1940" shall be substituted.
<i>Acts of the Indian Legislature.</i>			
1922	VIII . . .	The Delhi University Act, 1922	In sub-section (2) of section 46, for the figures "1897" the figures "1925" shall be substituted.
1923	VI . . .	The Cantonments (House-Accommodation) Act, 1923.	In sub-section (3) of section 36, for the word "Authority" the word "Board" shall be substituted.
1923	XIV. . .	The Indian Cotton Cess Act, 1923.	In clause (1a) of section 4 the words "in agricultural matters" shall be omitted.
1924	II . . .	The Cantonments Act, 1924	In sub-section (5) of section 73, for the words "every transfer on devolution" the words "every transfer or devolution" shall be substituted. In clause (a) of sub-section (2) of section 254, for the words "on any one of them" the words "to any one of them" shall be substituted.
1937	VI . . .	The Arbitration (Protocol and Convention) Act, 1937.	In section 3, for the words and figures "Indian Arbitration Act, 1899" the words and figures "Arbitration Act, 1940" shall be substituted.
<i>Acts of the Central Legislature.</i>			
1937	XVIII . . .	The Hindu Women's Rights to Property Act, 1937.	In sub-section (2) of section 1, the words "including British Baluchistan and the Sonthal Parganas but excluding Burma" shall be omitted.
1937	XIX . . .	The Arya Marriage Validation Act, 1937.	In sub-section (2) of section 1, the words "including British Baluchistan and the Sonthal Parganas" shall be omitted.

Year.	No.	Short title.	Amendments.
1	2	3	4

Regulation made by the Governor General in Council.

1913	II	The British Baluchistan Laws Regulation, 1913.	In Schedule I, for the item— <table border="1"> <tr> <td>“1934</td> <td>xxxiv</td> <td>The Indian Tariff Act, 1932.</td> <td>Section 5 only.”</td> </tr> </table> <p>the following item shall be substituted, namely :—</p> <table border="1"> <tr> <td>“1934</td> <td>xxxii</td> <td>The Indian Tariff Act, 1934.</td> <td>Section 5 only.”</td> </tr> </table>	“1934	xxxiv	The Indian Tariff Act, 1932.	Section 5 only.”	“1934	xxxii	The Indian Tariff Act, 1934.	Section 5 only.”
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Regulation made by the Governor General.

1939	VI	The British Baluchistan Criminal and Civil Justice and Laws Extension Regulation, 1939.	In clause (c) of section 3, for the item— <table border="1"> <tr> <td>“1934</td> <td>xxxiv</td> <td>The Indian Tariff Act, 1932.</td> <td>Section 5 only.”</td> </tr> </table> <p>the following item shall be substituted, namely :—</p> <table border="1"> <tr> <td>“1934</td> <td>xxxii</td> <td>The Indian Tariff Act, 1934.</td> <td>Section 5 only.”</td> </tr> </table>	“1934	xxxiv	The Indian Tariff Act, 1932.	Section 5 only.”	“1934	xxxii	The Indian Tariff Act, 1934.	Section 5 only.”
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