

ACT No. XXV OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st
October, 1942.)

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or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;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 Act, 1942. Short title.

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 The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.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,

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the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed ;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

REPEALS.

(See section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
<i>Acts of the Central Legislature.</i>			
1882	XII	The Indian Salt Act, 1882	Clause (c) in section 7.
1926	XVI	The Indian Trade Unions Act, 1926	Clauses (c) and (d) in section 14.
1937	II	The Indian Naval Armament (Amendment) Act, 1937.	The whole.
1937	III	The Land Customs (Amendment) Act, 1937.	Do.
1937	IV	The Indian Income-tax (Amendment) Act, 1937.	Do.
1937	V	The Indian Lac Cess (Amendment) Act, 1937.	Do.
1937	VII	The Workmen's Compensation (Amendment) Act, 1937.	Do.
1937	VIII	The Code of Civil Procedure (Amendment) Act, 1937.	Do.
1937	IX	The Code of Civil Procedure (Second Amendment) Act, 1937.	Do.
1937	X	The Indian Electricity (Amendment) Act, 1937.	Do.
1937	XI	The Indian Boilers (Amendment) Act, 1937.	Do.
1937	XII	The Contempt of Courts (Amendment) Act, 1937.	Do.
1937	XIII	The Indian Tea Cess (Amendment) Act, 1937.	Do.
1937	XIV	The Indian Limitation (Amendment) Act, 1937.	Do.
1937	XV	The Indian Army (Amendment) Act, 1937.	Do.
1937	XVI	The Code of Civil Procedure (Third Amendment) Act, 1937.	Do.
1937	XVII	The Indian Red Cross Society (Amendment) Act, 1937.	Do.
1937	XX	The Repealing and Amending Act, 1937.	Do.
1937	XXI	The Indian Tariff (Amendment) Act, 1937.	Do.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1937	XXII .	The Payment of Wages (Amendment) Act, 1937.	The whole.
1937	XXVII .	The Indian Tariff (Second Amendment) Act, 1937.	Do.
1937	XXVIII .	The Indian Securities (Amendment) Act, 1937.	Do.
1937	XXIX .	The Indian Mines (Amendment) Act, 1937.	Do.
1938	I .	The Repealing Act, 1938 .	Do .
1938	II .	The Indian Companies (Amendment) Act, 1938.	Do.
1938	III .	The Dangerous Drugs (Amendment) Act, 1938.	Do.
1938	VI .	The Destructive Insects and Pests (Amendment) Act, 1938.	Do.
1938	VII .	The Child Marriage Restraint (Amendment) Act, 1938.	Do.
1938	IX .	The Workmen's Compensation (Amendment) Act, 1938.	Do.
1938	X .	The Cutchi Memons Act, 1938 .	Section 4.
1938	XII .	The Durgah Khawaja Saheb (Amendment) Act, 1938.	The whole.
1938	XIV .	The Sugar Industry Protection (Temporary Extension) Act, 1938.	Do.
1938	XV .	The Indian Coffee Cess (Amendment) Act, 1938.	Do.
1938	XVI .	The Indian Tariff (Amendment) Act, 1938.	Do.
1938	XVII .	The Trade Disputes (Amendment) Act, 1938.	Do.
1938	XVIII .	The Delhi Joint Water Board (Amendment) Act, 1938.	Do.
1938	XIX .	The Child Marriage Restraint (Second Amendment) Act, 1938.	Do.
1938	XXI .	The Indian Emigration (Amendment) Act, 1938.	Do.
1938	XXII .	The Indian Aircraft (Amendment) Act, 1938.	Do.
1938	XXIII .	The Indian Tea Cess (Amendment) Act, 1938.	Do.
1938	XXV .	The Prevention of Cruelty to Animals (Amendment) Act, 1938.	Do.
1938	XXVI .	The Employment of Children Act, 1938	Section 8.
1939	I .	The Indian Tariff (Amendment) Act, 1939.	The whole.
1939	II .	The Ajmer-Merwara Municipalities Regulation (Amendment) Act, 1939.	Do.
1939	III .	The Destructive Insects and Pests (Amendment) Act, 1939.	Do.
1939	V .	The Indian Cotton Cess (Amendment) Act, 1939.	Do.
1939	VI .	The Indian Merchant Shipping (Amendment) Act, 1939.	Do.
1939	VII .	The Indian Income-tax (Amendment) Act, 1939.	Do.
1939	VIII .	The Dissolution of Muslim Marriages Act, 1939.	Section 6.
1939	X .	The Indian Merchant Shipping (Second Amendment) Act, 1939.	The whole.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1939	XI	The Insurance (Amendment) Act, 1939	The whole.
1939	XII	The Indian Patents and Designs (Amendment) Act, 1939.	Do.
1939	XIII	The Workmen's Compensation (Amendment) Act, 1939.	The proviso to sub-section (2) of section 1 and section 2.
1939	XIV	The Cotton Ginning and Pressing Factories (Amendment) Act, 1939.	The whole.
1939	XV	The Employment of Children (Amendment) Act, 1939.	Do.
1939	XVII	The Indian Succession (Amendment) Act, 1939.	Do.
1939	XVIII	The Indian Tariff (Second Amendment) Act, 1939.	Do.
1939	XX	The Sugar Industry (Protection) Act, 1939.	Do.
1939	XXI	The Chittagong Port (Amendment) Act, 1939.	Do.
1939	XXII	The Criminal Law Amendment Act, 1939.	Do.
1939	XXV	The Indian Salt (Amendment) Act, 1939.	Do.
1939	XXVI	The Code of Civil Procedure (Amendment) Act, 1939.	Do.
1939	XXVII	The Indian Tea Cess (Amendment) Act, 1939.	Do.
1939	XXIX	The Indian Tariff (Fourth Amendment) Act, 1939.	Section 2.
1939	XXXI	The Indian Carriage by Air (Amendment) Act, 1939.	The whole.
1939	XXXII	The Indian Rubber Control (Amendment) Act, 1939.	Do.
1939	XXXIII	The Indian Railways (Amendment) Act, 1939.	Do.
1939	XXXIV	The Repealing and Amending Act, 1939.	Do.
1939	XXXVII	The Indian Aircraft (Amendment) Act, 1939.	Do.
1939	XXXVIII	The Panth Piploda Courts (Amendment) Act, 1939.	Do.
1939	XXXIX	The Indian Oaths (Amendment) Act, 1939.	Do.
1939	XL	The Motor Vehicles (Amendment) Act, 1939.	Do.
1939	XLI	The Insurance (Second Amendment) Act, 1939.	Do.
		<i>Acts of the Governor General.</i>	
1937		The Indian Finance Act, 1937 ..	In the long title and preamble, the words and figures commencing "to fix the duty on salt" and ending "Indian Post Office Act, 1898, and". Sections 2, 3, 4, 5 and 6 and the Schedule.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1938	..	The Indian Finance Act, 1938	In the long title and preamble, the words and figures commencing "to fix the duty on salt" and ending "Indian Post Office Act, 1898, and". Sections 2 and 3 and the Schedule.
1939	..	The Indian Finance Act, 1939	In the long title and preamble, the words and figures commencing "to fix the duty on salt" and ending "Indian Post Office Act, 1898, and". Sections 2, 3, 4 and 5 and Schedule I.
1939	..	The Indian Tariff (Third Amendment) Act, 1939.	The whole.
1939	..	The Indian Naval Reserve Forces (Discipline) Act, 1939.	Section 8.
		<i>Regulations made by the Governor General in Council.</i>	
1937	I	The Sonthal Parganas Justice (Amendment) Regulation, 1937.	The whole.
1937	II	The Sonthal Parganas Rent (Amendment) Regulation, 1937.	Do.
1937	III	The Sonthal Parganas Settlement (Amendment) Regulation, 1937.	Do.
1937	VI	The Orissa Laws (Amendment) Regulation, 1937.	Do.
1937	IX	The Khondmals Laws (Amendment) Regulation, 1937.	Do.
1937	X	The Angul Laws (Amendment) Regulation, 1937.	Do.
		<i>Regulations made by the Governor General.</i>	
1939	I	The Andaman and Nicobar Islands Fisheries (Amendment) Regulation, 1939.	The whole.
1939	III	The British Baluchistan Laws (First Amendment) Regulation, 1939.	Do.
1939	IV	The British Baluchistan Frontier Crossing Regulation, 1939.	Sub-section (1) of section 8.
1939	V	The British Baluchistan Laws (Second Amendment) Regulation, 1939.	The whole.
1939	VI	The British Baluchistan Criminal and Civil Justice and Laws Extension Regulation, 1939.	Sections 2, 3 and 4
1939	VII	The British Baluchistan Courts Regulation, 1939.	Section 40.

THE SECOND SCHEDULE.

AMENDMENTS.

(See section 3.)

Year.	No.	Short title.	Amendments.
1	2	3	4
		<i>Acts of the Central Legislature.</i>	
1908	V.	The Code of Civil Procedure, 1908.	<p>In the First Schedule, in rule 48 of Order XXI,—</p> <p>(a) in sub-rule (1), for the words "the Central Government or the Provincial Government may by notification in their official Gazette" the words "the appropriate Government may by notification in the official Gazette" shall be substituted;</p> <p>(b) in sub-rule (2), for the words "the Central Government or the Provincial Government, as the case may be" the words "the appropriate Government" shall be substituted;</p> <p>(c) in sub-rule (3), for the words "the Central Government or the Provincial Government", in both places where the words occur, the words "the appropriate Government" shall be substituted;</p> <p>(d) after sub-rule (3) the following Explanation shall be added, namely:—</p> <p><i>Explanation.</i>—In this rule "appropriate Government" means—</p> <p>(i) as respects any public officer in the service of the Central Government, or any servant of a Federal Railway or of a cantonment authority or of the port authority of a major port, the Central Government;</p> <p>(ii) as respects any public officer employed in connection with the exercise of the functions of the Crown in its relations with Indian States, the Crown Representative; and</p> <p>(iii) as respects any other public officer or a servant of any other railway or local authority, the Provincial Government.</p>
1922	XI	The Indian Income-tax Act, 1922.	At the end of clause (gg) in section 54 (3) the word "or" shall be inserted.

Year.	No.	Short title.	Amendments.
1	2	3	4
1925	XIX	The Provident Funds Act, 1925	In clause (d) of section 2, for the words "its employees" the words "persons in the service of the Crown" shall be substituted.
1934	XXXIV.	The Indian Navy (Discipline) Act, 1934.	In section 53 of the Naval Discipline Act as set out in the First Schedule to the Indian Navy (Discipline) Act, 1934,— (i) in clause (1), for the words "shall not be exercisable by the Provincial Government" the words "shall be exercisable by the Central Government and not by the Provincial Government" shall be substituted; (ii) in clause (9), the words "and hard labour, or either of them" shall be omitted.
1938	IV	The Insurance Act, 1938	In the heading preceding, the marginal note to, and sub-section (4) of, section 33, for the word "inspection" the word "investigation" shall be substituted. In sub-section (3) of section 82, for the words, brackets and figure "sub-section (1) of this sub-section" the words, brackets and figure "sub-section (1) of this section" shall be substituted.
1940	X	The Arbitration Act, 1940	In section 46, after the figure "12" the figure "36" shall be inserted.
1941	XII	The Delhi Restriction of Uses of Land Act, 1941.	In the proviso to sub-section (2) of section 8, for the brackets and figure "(4)" the brackets and figure "(7)" shall be substituted.
1942	XIX	The Industrial Statistics Act, 1942.	In section 8, for the words "to a further fine" the words "with a further fine" shall be substituted.
1890	III	<i>Act of the Lieutenant-Governor of Bengal in Council.</i> The Calcutta Port Act, 1890	In section 5, for clauses (v) and (vi) the following clauses shall be substituted, respectively, namely:— “(v) The General Manager, Bengal and Assam Railway, <i>ex-officio</i> ”; “(vi) The Principal Officer, Mercantile Marine Department, Calcutta District, <i>ex-officio</i> , and”.

Year.	No.	Short title.	Amendments.
1	2	3	4
1914	V	<i>Act of the Governor of Bengal in Council.</i> The Chittagong Port Act, 1914.	For the words " Assam-Bengal Railway " and " Assam-Bengal Railway Company ", wherever they occur, the words " Bengal and Assam Railway " shall be substituted.
1891	VII	<i>Regulation made by the Governor General in Council.</i> The Assam Forest Regulation, 1891.	In sub-section (3) of section 37, the words " in the province " shall be omitted.