

Repealed by Act 48 of 1952
RECEIVED ASSENT ON 13 11 49

Act no XL of 1949.

[AS PASSED BY THE DOMINION LEGISLATURE.]

A
BILL

to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient that certain enactments 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or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;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 certain other enactments;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Repealing and Amending Act, 1949.

2. **Repeal of certain enactments.**—The enactments specified in the First Schedule are hereby repealed.

3. **Amendment of certain enactments.**—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. **Savings.**—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;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the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;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

Repeals

(See section 2)

Year	No.	Short title
1	2	3
<i>Acts of the Central Legislature</i>		
1923	XXV	The Moorshedabad (Amendment) Act, 1923.
1929	VIII	The Indian Soft Coke Cess Act, 1929.
1942	X	The Indian Patents and Designs (Extension of Time) Act, 1942.
1946	XXIII	The Reserve Bank of India (Amendment) Act, 1946.
1947	XI	The Reserve Bank of India (Amendment) Act, 1947.
1947	XXIII	The Reserve Bank of India (Second Amendment) Act, 1947.
1947	XXXVII	The Indian Patents and Designs (Extension of Time) Amendment Act, 1947.
<i>Ordinances made by the Governor-General</i>		
1942	V	The Motor Vehicles (Drivers) Ordinance, 1942.
1943	XX	The Reserve Bank of India (Limitation of Dividend) Ordinance, 1943.
1943	XLIII	The Penal Deductions Ordinance, 1943.
1945	XXXII	The Bengal Textiles Association Ordinance, 1945.
1947	XXVIII	The Cotton Textiles Equalisation Fund Ordinance, 1947.

THE SECOND SCHEDULE

Amendments

(See section 3)

Year	No.	Short title	Amendments
1	2	3	4
<i>Acts of the Central Legislature</i>			
1869	IV	The Indian Divorce Act, 1869.	In sub-section (1) of section 3, for clauses (a) to (h), the following clauses shall be substituted:— “(a) in a Governor's Province, the High Court of that Province; (b) in Delhi, the High Court of East Punjab; (c) in Ajmer-Merwara, the High Court at Allahabad; (d) in Coorg, the High Court at Madras; (e) in the Andaman and Nicobar Islands, the High Court at Calcutta; (f) in Panth Piploda the High Court at Bombay; and” and clause (i) shall be relettered as clause (g).

Year	No.	Short title	Amendments
1	2	3	4
1872	I	The Indian Evidences Act, 1872.	In section 83, for the words "any Government in the Provinces", the words "the Central Government or any Provincial Government" shall be substituted.
1878	VIII	The Sea Customs Act, 1878	In sub-section (3) of section 19A, for the words "British Burma", the word "Burma" shall be substituted.
1890	VIII	The Guardians and Wards Act, 1890.	In sub-section (2) of section 1, the word "and" at the end shall be omitted.
1923	XXI	The Indian Merchant Shipping Act, 1923.	(a) For clause (ii) of sub-section (1) of section 224, the following clause shall be substituted:— " (ii) in the case of any other ship, a certificate to be called 'an Indian load-line certificate'." (b) In clause (ii) of section 224G, for the words "British India load-line certificate," the words "Indian load-line certificate" shall be substituted. (c) In sub-section (1) of section 224K, for the words "British India load-line certificates", the words "Indian load-line certificates" shall be substituted. (d) In section 224L, for the words "a British India load-line certificate", the words "an Indian load-line certificate" shall be substituted.
1934	II	The Reserve Bank of India Act, 1934.	In sub-section (3) of section 17, for the words "share capital", wherever they occur, the word "capital" shall be substituted.
1938	XXVI	The Employment of Children Act, 1938.	In section 3C, for the words "as to whether any child has or has not completed his twelfth or fifteenth year, as the case may be", the words "as to the age of any child who is employed or is permitted to work by the employer" shall be substituted.
1940	V	The Trade Marks Act, 1940.	(a) In section 19, sub-section (3) of section 22, the <i>Explanation</i> to sub-section (2) of section 46 and sub-section (3) of section 58, for the words "Indian State", wherever they occur, the words "Acceding State or other Indian State" shall be substituted. (b) In clause (a) of sub-section (3) of section 68, for the words "a country outside the Provinces", the words "an Acceding State or of a country outside India" shall be substituted.
1940	XXIII	The Drugs Act, 1940	(a) In clause (d) of section 3 and in the Schedule, for the words "League of Nations", the words "World Health Organisation" shall be substituted. (b) In clause (i) of sub-section (2) of section 5, for the words "Director General, Indian Medical Service", the words "Director General of Health Services" shall be substituted.
1946	IX	The Indian Oilseeds Committee Act, 1946.	For the words "Indian Oilseeds Committee", wherever they occur, the words "Indian Central Oilseeds Committee" shall be substituted.

Year	No.	Short title	Amendments
1	2	3	4
1947	II	The Prevention of Corruption Act, 1947.	(a) In clause (a) of section 6, before the words " Central Government ", where they occur at the end, the words " of the " shall be inserted. (b) In clause (b) of the same section, before the words " Provincial Government " where they occur at the end, the words " of the " shall be inserted.
1947	XXXIV	The Indian Boilers (Amendment) Act, 1947.	In clause (ccc) of section 2, before the words " does not form ", the word " which " shall be inserted.
1948	X	The Insurance (Amendment) Act, 1948.	In section 2, after the words, figures and brackets " In sub-section (I) of section 4 " the words and figures " of the Insurance Act, 1938 " shall be inserted.
1948	XV	The Industrial Finance Corporation Act, 1948.	For sub-section (2) of section 1, the following sub-section shall be substituted, namely :— “(2) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State with respect to the matters dealt with in this Act.”
1948	XXXVII	The Census Act, 1948	Ditto.
1948	XLVI	The Coal Mines Provident Fund and Bonus Schemes Act, 1948.	Ditto.
1948	LIII	The Mines and Minerals (Regulation and Development) Act, 1948.	Ditto.
1948	LXI	The Central Silk Board Act, 1948.	Ditto.
1948	LXIII	The Factories Act, 1948	(a) For sub-section (2) of section 1, the following sub-section shall be substituted, namely :— “(2) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State with respect to the matters dealt with in this Act.” (b) In sub-section (3) of section 7, for the words " within thirty days ", the words " at least thirty days " shall be substituted. (c) In section 55, for the words " The period ", the words " The periods of work " shall be substituted. (d) In sub-section (4) of section 79, for the words " If, for the purpose ", the words " For the purpose " shall be substituted. (e) In section 82, for the word " workers ", the word " worker " shall be substituted.
<i>Act of the Bombay Legislature</i>			
1879	VI	The Bombay Port Trust Act, 1879.	In sub-section (1) of section 6, for the word " thirteen ", the word " fourteen " shall be substituted.