

THE REPEALING AND AMENDING ACT, 1953

No. 42 OF 1953



[23rd December, 1953]

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

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Repealing and Amending Act, 1953.

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 **Repeal of certain enactments.**—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. **Declaration respecting certain enactments inapplicable to India.**—The enactments specified in the Second Schedule are hereby formally declared to be no part of the laws of India.

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

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 **Savings.**—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;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same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;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

REPEALS
(See section 2)

Year 1	No. 2	Short title 3	Extent of repeal 4
		<i>Acts of the Governor General of India in Council</i>	
1876	XX	The Bhavnagar Act, 1876	The whole.
1877	IX	The Punjab Murderous Outrages (Amendment) Act, 1877.	The whole.
1881	XXV	The Banki Laws Act, 1881	The whole.
1885	VII	The Panch Mahals Laws Act, 1885	The whole.
1886	XVI	The Jhansi and Morar Act, 1886	The whole.
1920	XXXV	The Basel Mission Trading Company Act, 1920	The whole.
		<i>Acts of the Indian Legislature</i>	
1921	IX	The Enemy Missions Act, 1921	The whole.
1923	XXII	The Malkharoda and Gaontia Villages Laws Act, 1923.	The whole.
1947	X	The Explosives (Temporary Provisions) Act, 1947	The whole.
		<i>Act of the Dominion Legislature</i>	
1949	LV	The Explosives (Temporary Provisions) Act, 1949	The whole.
		<i>Act of Parliament</i>	
1951	XLVI	The Punjab State Legislature (Delegation of Powers) Act, 1951.	The whole.

THE SECOND SCHEDULE

ENACTMENTS NO LONGER PART OF THE LAWS OF INDIA

(See section 3)

Year 1	No. 2	Short title 3	
		<i>Acts of the Governor General of India in Council</i>	
1876	II	The Burma Land and Revenue Act, 1876.	
1880	II	The Burma District Cesses and Rural Police Act, 1880.	
1880	V	The Burma Boundaries Act, 1880.	
1882	XIX	The Punjab University Act, 1882.	

Year	No.	Short title
1	2	3
		<i>Acts of the Governor General of India in Council—contd.</i>
1883	VIII	The Little Cocos and Preparis Islands Laws Act, 1883.
1883	XII	The British Burma Pilots Act, 1883.
1883	XIII	The Indus Valley State Railway Lands Act, 1883.
1884	XIX	The Rangoon Waterworks Act, 1884.
1887	XI	The Sindh-Pishin Railway Act, 1887.
1892	VIII	The Lansdowne Bridge Act, 1892.
1895	II	The Burma Boundaries Act Amendment Act, 1895.
1895	XI	The Pegu and Tenasserim Validation Act, 1895.
1896	XX	The Sind Incumbered Estates Act, 1896.
1898	XIII	The Burma Laws Act, 1898.
1915	XIII	The North-West Frontier Constabulary Act, 1915.
1920	XVI	The Jaggannath College Act, 1920.
1920	XVIII	The Dacca University Act, 1920.
		<i>Acts of the Indian Legislature</i>
1926	XXXIV	The Sind Courts (Supplementary) Act, 1926.
1928	I	The Burma Salt (Amendment) Act, 1928.
1929	XVI	The Burma Salt (Amendment) Act, 1929.

THE THIRD SCHEDULE

AMENDMENTS

(See section 4)

Year	No.	Short title	Amendments
1	2	3	4
		<i>Acts of the Governor General of India in Council</i>	
1860	XLV	The Indian Penal Code	<p>(i) In section 214, for the words "to restore or cause the restoration of", the words "restores or causes the restoration of" shall be substituted.</p> <p>(ii) In sub-section (2) of section 263A, for the words "may be seized and", the words "may be seized and, if seized" shall be substituted.</p> <p>(iii) In section 266, the word "and" before the word "intending" shall be omitted.</p>

Year	No.	Short title	Amendments
I	2	3	4
		<i>Acts of the Governor General of India in Council—contd.</i>	
1872	IV	The Punjab Laws Act, 1872	In Schedule I, all the entries relating to Reg. III of 1818 shall be omitted.
1888	IV	The Indian Reserve Forces Act, 1888.	In sub-section (1) (i) of section 6, for the words and figures "Indian Army Act, 1911", the words and figures "Army Act, 1950" shall be substituted.
1890	IX	The Indian Railways Act, 1890	In sub-section (4) of section 132 and in sub-section (2) of section 145, for the words and figures "Code of Criminal Procedure, 1882", the words and figures "Code of Criminal Procedure, 1898" shall be substituted.
1908	V	The Code of Civil Procedure, 1908.	In clause (7B) of section 2, after the figures "44", the figures and letter "44A" shall be inserted.
1914	III	The Indian Copyright Act, 1914	In the First Schedule, in section 4 of the Copyright Act, 1911, for the words "Judicial Committee of the Privy Council" and "Judicial Committee", the words "Supreme Court" shall be substituted.
1923	XXI	The Indian Merchant Shipping Act, 1923.	In sub-section (2) of section 224K,— (i) in clause (a), the words "outside India" shall be omitted; and (ii) for the words "British India Load Line Certificates" wherever they occur, the words "Indian Load Line Certificates" shall be substituted.
1925	XXXIX	The Indian Succession Act, 1925	In the last paragraph of section 273, the words "of India" shall be omitted.
		<i>Acts of Parliament</i>	
1951	LXIX	The Plantations Labour Act, 1951.	(i) In section 22, for the figures "19" the figures "21" shall be substituted; and (ii) In sub-section (2) of section 31, for the words "any period less than", the words "any period not less than" shall be substituted.

Year	No.	Short title	Amendments
1	2	3	4
<i>Acts of Parliament—contd.</i>			
1952	XXX	The Requisitioning and Acquisition of Immovable Property Act, 1952.	In sub-section (1) of section 17 the words "by or" shall be omitted and for the words "the State Government", the words "by the State Government or by an officer subordinate to the State Government" shall be substituted.
1952	XXXV	The Mines Act, 1952	<p>(i) In sub-section (1) of section 33, after the words "more than forty-eight hours" the words "in any week" shall be inserted; and</p> <p>(ii) In section 37, sub-section (1) of section 38 and section 39, for the words, figures and brackets "sub-section (4) of section 36", the words, brackets and figures "sub-section (5) of section 36" shall be substituted.</p>