LAW COMMISSION OF INDIA

ONE HUNDRED FORTY - EIGHTH

REPORT

ON

REPEAL OF CERTAIN PRE - 1947 CENTRAL ACTS

1993

CONTENTS

CHAPTER I

INTRODUCTORY

1.1 Scope

The Law Commission of India has *suo motu* taken up for consideration the question of repeal of the Central Acts passed before 15th August 1947 and still formally in force. The subject appeared to be suitable for study, as a part of the function of the Law Commission of making recommendation for keeping the law up-to-date.

1.2 Need for study

The process of periodical spring-cleaning of the statute book has been familiar to Indian draftsmen since 1866 and to English draftsmen since 1856, these being the years in which the first repealing Act was passed in the respective countries. The need for such periodical review of the statute book is obvious. Citizens of a country are expeced to be familiar at least with the statutes relevant to the lives and affairs. Such familiarity cannot be satisfactorily acquired and properly maintained if the statute book contains statutes which are really "dead" though formally alive. Citizens are concerned with the living law. They should not be made to wade through a forest where obsolete or anachronistic statutes corrupt the scenario. Such a situation is bound to cloud the vision, besides leading to a waste of energy, time and resources. The co-existence of dead law with living law creates confusion *even in understanding.*

1.3 Repealing Acts and the modern era.

The consideration mentioned above which is valid at all times, assumes still greater validity in modern times when statutes are being enacted in large numbers almost every year. Citizens find it difficult to cope with the statute book. So do many lawyers. If the dead wood can be cleared, the labour devoted to its identification would be worthwhile.

1.4 Identifying the dead wood.

The object of this Report is to identify the dead wood on the Indian statute Book in regard to pre-1947 Central Acts. The date 15th August, 1947 has been chosen as the dividing line, mainly forthe reason that enactments passed before the attainment of independence stand in a special class. In the case of such enactments the chances of their becoming wholly or partly obsolete are greater thanin the case of other enactments. The attainment of independence may *conceivably* (though not necessarilyhave some impact on the need for their retention. The new political status so acquired by a countrly) may render irrelevant an Act enacted prior to idndependence, or at least reduce its importance.

There is another aspect of the matter, though it is incidental. The older an enactment, the more scope there may be for an examination of that Act from the point of view of the possibility of its obsolescence. Just as a child starts ageing as soon as it is born, so does an enactment.

1.5 Earlier Reports.

Of course, the present Report is not the first one of the Law Commission of India in the nature of such examination. The Law Commission has, in the past, had more than one occasion for such examination. In 1958, the Commission examined all the British statutes then in force as applicable to India, the Commission forwarded a Report recommending the repeal of the Converts Marriage Dissolution Act (18th Report) Thereafter, the Commission forwarded another Report recommending repeal of the Hindu Widows Remarriage Act (81st Report). Besides this, the law Commission forawrded a comprehensive Report in 1984 on the repeal of certain obsolete Central Acts. [1]That Report, *inter alia,* incorporates certain important materials relating to the function and significance of repealing acts and we have, in this Report, made use of some of those materials, as these are not easily available and may, in course of time, become even more scarce than at present.

1.6 Need for formal repeal

Statutes, unlike human beings, do not die a natural death, with the possible exception of statute whose life is pre-determined by the legislature at the time of their enactment. A statute, unless it is expressly enacted for a temporary period, survives until it is killed by repeal. To this extent.

1. Law Commission of India, 96th Report (Repeal of Certain Obsolete Central Acts) (1984)

statues enjoy immoratality. This consequence flows from the well-established proposition that long desuetude of a statute does not amount to its repeal.[1] Even where an earlier enactment relating to a particular subject matter is followed by a latter enactment on the subject matter covering almost every inch of the area covered by the earlier enactment, the earlier enactment may still be held to retain its vitality because courts lean against implied repeal. Thus neither the obsolescence of an old enactment for the fact that its content is substantially covered by a latter enactment, has the effect of robbing the old enactment of its vitality in law. That effect can be achieved only by a formal repealing Act.

1.7 Repeal and law reform.

The formal repeal of an a obsolete Act achieved through a repealing Act is not to be viewed as a mere technical exercise. It has a wider role to perform and has a place of its own in the working of the legal system. Such a repealing Act is essentially a part of statute law revision, which, in its turn, is comprised within the concept of law reform in its totality. A repealng Act may appear to be a drop in the river of statute law revision and the vast expanse that law reform is, would need so many rivers to feed it. Nevertheless, each such river has a role to play and each such drop has a function to perform.

1.8 Statute law revision and its function

The function of statute law revision and the principles on which its exercise should proceed have been lucidly put by Lord Westbury, Lord Chancellor, while speaking in 1863 on the Statute Law Revision Bill. This is what he said[2] :

> "The Statute Book should be revised and expurgated-weeding away all those enactments that no longer in force and arranging and classifying what is left under proper heads, bringing the dispersed statutes together, eliminating jarring and discordant provisions, and thus getting a harmonious whole instead of a chaos of inconsistent and contradictory enactments."

We have quoted this passage from the 96th Report of the Law Commisson of India[3] and would like to add our own analysis of the pithy but pregnant statement of Lord Westbury. It appears to us that as envisaged by Lord Westbury, statute law revision is intended to achieve four main objectives :

(*i*) *renovation*—which is achieved by "weeding away" obsolete enactments;

(*ii*) *order and symmetry*—which can be introduced by arranging and classifying the enactments really in force;

(*iii*) *easy access to legislation*—promoted through consolidation by "bringing the dispersed statues together" and

(*iv*) *harmony*—perfected by "eliminating discordant and jarring provisions."

These goals, pursued systematically, can obliterate so much of the past as is useless, organise the present and equip us for meeting the chanllenges of the future.

1.9 Scheme of discussion

With these introductory observations, we proceed to deal in the next Chapter with the principle to be followed in recommending the repeal of Central Acts. Thereafter we shall summarise the results of our examinaton of pre-1947 Central Acts and conclude our remarks.

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1. Perrin v. U. S.(1914) 58 L. Ed. 69

2. Lord Westbury, "Parliamentary Debates" (1863) 3rd Series, Vol. 171, col. 775, quoted by Lord Simon of Glaisdale and Webb, "Consolidation and Statute Law Revision" (1975), Public Law 285. 291.

3. See Law Commission of India, 96th Repor , Para 1.4 Page 11

CHAPTER 2

PRINCIPLES TO BE FOLLOWED IN RECOMMENDING REPEAL

2.1. Broad approach

In our examination of the pre—1947 Central Acts with a view to considering the question of their retention or repeal, we have borne in mind the main objectives of statute law revision,[1] namely,

(*i*) keeping the s atute book in repair;

(*ii*) introduction of order and symmetry in the statute book;

(*iii*) providing easy access to legislation; and

(*iv*) maintaining and restoring harmony in the statute book.

2.2. Detailed examination

In our detailed examination of the various Acts, we have focussed our attention on enactments that are useless at the present day, superseded by subsequent legislation, overtaken by developments that have taken place since their passing or in obvious conflict with the Constitution.

2.3. Scope of the enquiry

(a) We should make it clear that our examination is confined to pre-1947 Central Acts relating to matters in the Union List or the Concurrent List. We have not touched enactments relating to matters in the State List. ForExample, the Dramatic Performances Act, 1876, which seems to far within the State list, would be outside the scope of our inquiry.

(b) We should also mention that in the 96th Report, the Law Commission of India made detailed recommendations in regard to the repeal of twelve Central Acts.[2] Out of these, only three Acts have either fully or partially been repealed but the rest have yet not been repealed. We reiterate the recommendation as contained in the earlier report and recommend the repeal of the remaining Acts also. We have not considered it necessary in this Report to examine those Acts. afresh, but would like to express our agreement with the recommendations made in the earlier Report

1. cf. para 1.8 supra.
2. Law Commission of India, 96th Report (1984), pages 19-20.

CHAPTER 3

PRE-1947 CENTRAL ACT RECOMMENDED FOR REPEAL

3.1 Scope of the Chapter

We deal in this Chapter with some pre-1947 Central Acts that appear to be suitable for repeal.

3.2 The Forfeiture Act, 1859 (9 of 1859)

The Forfeiture Act, 1859 was enacted to provide for the adjudication of claims to property seized as forfeited. The Act was enacted to give validity to certain forfeitures or seizures of property which head been or were liable to be called in question on the ground of some irregularity of procedure or defect or infirmity in recording the convictions of the parties whose property had been forfeited or seized or of the absence of any adjudicaton of forfeiture as required by the Forfeiture Act, 1857 (Act 25 of 1857).

Sections 1—15, which dealt with constitution, procedure etc. of Special Commission Courts were repealed by the Repealing Act, 1868 (Act No. 8 of 1868).

Section 16 of the Act debars the questioning by any court in any suit or proceedings relating to forfeiture of property on convictions. Section 17 debars the questioning of any conviction on the ground that the capacity of the convicting officer is not shown in the record. Similarly, section 18 lays down that the attachment of property without adjudication of forfeiture by any officer of the Government cannot be questioned unless the offender be acquitted within one year etc. Section 18 made an exception in respect of persons entitled to pardon upon Her Mejesty's proclamation to be published in Extraordinary Gazette of Calcutta.

The title of the Act is misleading as it gives the impression that the general criminal law of the country authorises forfeiture. The Act was meant only to validate certain foreitures. It should be repealed.

3.3 Ganges Tolls Act, 1867 (1 of 1867)

The Ganges Tolls Act, 1867 was enacted to authorise the levy of tolls on certain steamers and boats plying on the river Ganges, to be applied for the improvement of the navigation of the said river between Allahabad and Dinapore. Section 2 of the Act provides that toll not exceeding 12 annas per hundred maunds shall be payable, at such place or at one of such places as the Government shall from time to time direct in respect of every steamer, flat and boat of the burden of 200 maunds and upwards, which shall pass up or down the Ganges by such place or any one of such places. Section 4 provides that the funds raised by the tolls payable under this Act shall be applicable towards defraying the expenses of improving and facilitating the navigation of the Ganges between Allahabad and Dinapore.

The Indian Parliament passed **National Waterway (Allahabad-Haldia stretch of Ganga Bhagirathi-Hooghly River) Act, 1982** (*49 of 1982*) which declares the Allahabad Haldia stretch of the Ganga-Bagirathi-Hooghly River to be a National Waterway. The Act empowers the Government to provide for the regulation and development of that river for the purposes of shipping and development of that river for the purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto. Section 9 of the said Act empowers the Central Government to levy fees at such rates as may be laid down by rules made in this behalf for services or benefits rendered in relation to the use of the National Waterway for the purposes of navigation and infrastructural facilities, etc. Thus, the Allahabad-Dinapore sector which was covered under the Ganges Tolls Act, 1867 is also covered under the National Waterway (Allahabad-Haldia stretch of the Ganga-Bhagirathi-Hooghly River) Act, 1982. Similarly, the object of the passage of Ganges Tolls Act was to levy tolls whereas the object of the 1982 Act is to levy fees for the services or benefits rendered in relation to use of the National Waterway.

There may not be direct contradictions or inconsistencies between the two Acts, but apparently there is a possibility of some double taxation. This may be not unconstitutional, but is likely to cause inconvenience. The subject matter of the Ganges Tolls Act seems to fall within Union List entry 89. We recommend repeal of the Act for there reasons stated above.

3.4 The Acting Judges Act, 1867 (16 of 1867)

We now come to the Acting Judges Act, 1867. The Governor-General of India in Council and the Local Governments were empowered by diverse enactments to appoint the judges of certain courts during the British rule in India. Doubts arose as to whether the power to appoint judges of the said courts also included the power to appoint persons to act temporarily as such judges. The Acting Judges Act, 1867 was passed with a view to removing such doubts. The Act was initially in force in the Districts of Hazaribagh, Lohardaga (now in Ranchi disrict) and Manbhum and Paragnas Dhalbhum and the Kolhan in the district of Singbhum. By a notification under section 3(a) of the Scheduled Districts Act, 1874, the Act was subsequently extended to certain other provinces and territories of India.

Section 1 of the Act provides as follows :

> "In every case in which the Central Govrnment or the State Governmnt, as the case may be, has power under *any Act or Regulation* to appoint a judge of any court, such power shall be taken to include the power to appoint any persons capable of being appointed a permanent judge of such court, to act as a judge of the same court for such time as the Central Government or the State Government, as the case may be, shall direct. Every person so appointed to act temporarily as a judge of any such court shall have the powers, and perform the duties which he would have had and be liable to perform in case he has been duly appointed a permanent judge of the same court."

Acting Judges in High Courts are governed by articles 224 and 224A of the Constitution of India in the post-independence era. Appointment of Judges to Subordinate Courts is governed by articles 233 to 237 of the Constitution.

It would appear that the Acting Judges Act, 1867 was primarily meant for subordinate civil courts. Whatever may have been the need for the Act in 1867, the present position in this regard is that the Civil Courts Acts of most States have already made appropriate provision (wherever considered necessary) on the subject of filling up temporary vacancies in the judicial cadre. We give below an illustrative list of provisions of this nature, in Civil Courts Acts :

(1) Sections 13 & 28	Andhra Pradesh Civil Courts Act, 1972.
(2) Sections 3 & 16	Assam Frontier (Administration of Justice) Regulation 1940.
(3) Sections 8, 10 & 36	Bengal Agra and Assam Civil Courts Act, 1867.
(4) Sections 35 to 37	Bombay Civil Courts Act, 1869.
(5) Sections 9, 19 & 28	Goa, Daman & Diu Courts Act, 1965.
(6) Sections 6 & 16	Kerala Civil Courts Act, 1957
(7) Sections 18 & 19	Madhya Pradesh Civil Courts Act, 1958.
(8) Sections 3 & 7	Orissa Civil Courts Act, 1986.
(9) Sectins 7, 21 & 28	Punjab Courts Act 1918.
(10) Sections 3A, 4, 4A & 25	Tamil Nadu Civil Courts Act, 1973.
(11) Paragraph 27 to 39	Tripura (Courts) Order 1950

In the circumstances, it seems proper to repeal the Acting Judges Act, 1867 and we recommend accordingly.

3.5 The Companies (Foreign Interests) Act, 1918 (20 of 1918)

The Companies (Foreign Interest) Act, 1918 was enacted to give power to the Government of India to prohibit the alteration, except with the sanction of Government of India, of Articles of Association which restrict foreign interest in certain companies and to provide for other purposes connected therewith. During the first World War, certain companies had been reconstituted in India on the lines approved by the Government of India. It was felt that new companies whose business was of importance to the security of India and of the British Empire as a whole should be restrained from altering their Articles of Association in such a way as to bring them under the control of foreign interest. The Act, therefore, restricts the shares or interests held or the powers exercised by the persons other than British subjects from being altered without the consent of Governor General-in-Council.

As far as can be ascertained, the subject matter of such regulation can (wherever necessary) be taken care of by appropriate measure taken under the Foreign Exchange Regulation Act, 1973. Subject to departmental checking in this regard, the Act may be repealed.

3.6 The Promissory Notes (Stamp) Act, 1926 (11 of 1926)

This Act was enacted with a view to providing for the validation of certain Promissory Notes executed after 30-9-1923 and before 5-1-1925, and stamped with adhesive stamp or adhesive stamps inscribed for postage and of the value required by the law enforced at the time the promissory note for an amount exceeding Rs. 250 was executed. The Act provides that a promissory note shall not by reason only of the fact that the stamp or the stamps or any of them is of a description otherwise than that required by law, be deemed, for any of the purposes of the Indian Stamp Act, 1899 or of the rules made thereunder, not to have been duly stamped.

Thus, the object of the Act is to validate certain promissory notes which would not have been otherwise lawful. After expiry of nearly 65 years, it may be safely presumed that the parties to the promissory notes must have acquied their respective rights. The Act, therefore, seems to have become obsolete and we recommend its repeal. We are aware that the ordinary practice has been to repeal validating Acts. However, the Act under consideration addresses itself to a very short period and a departure can be made from the usual practice. Incidentally, the short title of this Act is misleading. At the first sight, it gives the impression that the Act contains a permanent law.

CAHPTER 4

SOME PRE-1947 ACTS CONSIDERED BUT NOT RECOMENDED FOR REPEAL

4.1 Scope of Chapter

In this chapter, we propose to examine certain Central Acts of the pre-1947 period in order to consider whether they need to be repealed.

4.2 The Berar Laws Act, 1941 (4 of 1941)

We begin with the Berar Laws Act, 1941. The provisions of many Central Acts were applicable to the erstwhile area then known as Berar. But such applicability did not flow from the Central Act itself as being *proprio vigore* operative in Berar. It was achieved by the application of such Acts by order made under the Indian (Foreign Jurisdiction) Order in Council, 1903 (often with certain modifications). Certain administrative inconvenience resulted from this. The Act as in force in British India was distinct from the Act as in force in Berar. Notifications and statutory rules issued under identical provisions operative, both in British India and in Berar, had to be issued separately for British India and for Berar.

Since the commencement of Part III of the Government of India Act, 1935 on the 1st April, 1937, Berar and Central Provinces were deemed to be one Governor's Province and an Act passed after that date and expressed to extend to the whole of British India extended *proprio vigore* to Berar.

The primary object of the Berar Laws Act, 1941 is to assimilate the provisions of the Central Acts passed before the first day of April, 1937 to those which were passed after that date and were automatically in force in Berar, as stated above.

Thus, by one comprehensive enactment, the *proprio vigore* operation in Berar of Central Acts passed before the commencement of Part III of the Government of India Act, 1935 was achieved, while simultaneously abrogating the orders under the Foreign Jurisdiction Order in Council by virtue of which those Acts are operative in Berar. The Berar Laws Act, 1941 is a small Act consisting of four sections and four schedules. The first schedule lists the Acts which are extended to Berar. The second schedule contains lists of Acts which are partially extended to Berar. The third schedule provides for amendments of the Code of Civil Procedure, 1908 and the Indian Limitation Act, 1908 (then in force). The fourth schedule sets out the list of enactments which have ceased to have effect and repealed in Berar.

With the re-organisation of States, Berar now forms part of the State of Maharashtra. However, this does not render the Act obsolete. The States Reorganisation Act, 1956 and the Bombay Reorganisation Act, 1960 (to mention two enactments of immediate relevance), the Adaptation of Laws and Orders issued thereunder have not repealed the Berar Laws Act for obvious reasons. Nor can we recommend its repeal.

4.3 Dehradun Act, 1871 (22 of 1871)

The tract of the-country known as Dehradun had, on several occasions, been removed by legislative enactment from one jurisdiction to another. The final effect of these transfers was assumed to be that the Dehradun tract was subject to the operation of Central Regulations and Acts, and for many years past, the administration of justice had been conducted on that assumption. But in the case of *Dick* v. *Heseltine,* the High Court ruled that the General Regulations and Acts were not legally in force in Dehradun.[1] Hence legislation for the purpose of giving validity to the past proceedings of the local courts which by the decision in *Dick* v. *Heseltine* were in effect declared to have been illegal, became necessary. Accordingly, the Dehradun Act, 1871 was passed. The Act was intended to be only a temporary measure and was to be eventually absorbed in a more comprehensive legislation.

By the United Provinces High Courts (Amalgamation) Order, 1948, High Court of Judicature at Allahabad was invested with all original, appellate and other jurisdictions in respect of whole of the United Provinces under the law in force immediately before 19th July, 1948. The aforesaid Order of 1948 amended the Letters Patent establishing the High Court of Judicature for the North Western Provinces at Allahabad.

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[1] See Gazette of India, 1871, Part V, page 221 and Supplement pages 907-908, 1050.

As far as we can see, the need for maintaining the Dehradun Act on the statute book has not disappeared. Territorial changes in one particular year do not necessarily render redundant all enactments passed earlier in order to deal with the legal consequences of any earlier territorial changes that may have raised legal issues. We are not, therefore, in a position to recommend repeal of the Dehradun Act.

4.4 The Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879)

The Dekkhan Agriculturists' Relief Act, 1879 was enacted to relieve the agricultural classes in certain parts of the Dekkhan from indebtedness. In regard to erstwhile Bombay State, the Act was repealed by the Bombay Agricultural Debtors Relief Act, 1939 (Bombay Act 28 of 1939). The Bombay Act No. 28 of 1947 repealed the Bombay Act No. 28 of 1939 and re-enacted this Act for three years. The Act as re-enacted expired on 26-5-1950.

It has been held[1] that the Dekkhan Agriculturists' Relief Act, as re-enacted by the amended section 56(1) of the Bombay Agricultural Debtors Relief Act 1947 (28 of 1947) for a period of three years, expired on the midnight of 26-5-1950 and was not in force in the State of Bombay after that date for any purpose whatsoever. However, the position as regards areas not comprised within the erstwhile Bombay State is not very certain. Besides this, the subject matter does not seem to fall within the Union List. Accordingly, we cannot recommend its repeal.

4.5 Fort William Act, 1881 (13 of 1881)

The Fort William Act, 1881 was enacted to give power to the Chief of Army Staff to make rules for the better Government of Fort William in Bengal and to provide for the establishment of a Court within Fort William for the trial of persons charged with breaches of such rules. According to section 3 of the Act, the Chief of the Army Staff was empowered to make rules from time to time, with the sanction of the Central Government, to be in force within the Fort William in respect of matters specified in the schedule annexed thereto and other matters of a like nature and to prescribe, by such rules, penalties for the infringement thereof. Section 4 of the Act empowered the Central Government to invest a Commissioned Officer in the Indian Army with power to try persons charged with infringement of the rules made under section 3 of the Act. The officer so invested was called the Fort Magistrate.

The delegation to a Commissioned Officer in the Indian Army of the power to try and punish persons charged with the violation of the rules framed under the Act is contrary to the general scheme of our Constitution and is opposed to the directive principle of separation of the judiciary from the executive. Under Section 6 of the Act, a police officer can detain any arrested person for an unlimited period until the detenue signs a bond of specific amount. This provision is contrary to the spirit of the Constitution.

In our opinion, these parts of the Fort William Act, 1881 (including the Schedule to the Act) should be examined by the competent authority and may have to be replaced by provisions of a different nature that harmonise with the Constitution. However, a total (or even partial) repeal of the Act without substituting the needed provisions would create a hiatus. We are not therefore, in a position to recommend its repeal.

4.6 The Government Seal Act, 1862 (8 of 1862)

The Government Seal Act, 1862 was enacted in order to remove the doubts about the use of seals for the certification of certain documents. Before the passage of the Act, certain enactments made provisions prescribing the affixation of seals to certain instruments and for connected matters. For instance, certificates of Registry under section 8 of the Coasting Vessels Act, 1838 were to be sealed with the seal of East India Company. It was also laid down that no other seal could properly be used for such certificates until the passage of some Act prescribing the seal to be used in lieu of the seal of the East India Company.

The Government Seal Act provides as under :

> "Whenever it is required by any Regulation of a local Government or by any Act of the Central Legislature that the seal of the East India Company shall be affixed on behalf or by the authority of the Government to any instrument or document, it shall be lawful, if the seal is to be affixed on behalf or by the authority of a State Government to affix in lieu of the seal of the East India Company, a seal bearing the designation of such State Government or, if the seal is to be affixed on behalf or by the authority of the Central Government a seal bearing the inscription "Government of India" and such instrument or document so sealed shall to all intents and purposes be as valid and effectual as if the seal so used had been that of the East India Company."

[1] AIR 1953 Bom. 198, 200

The documents and instruments so sealed under the Act of 1862 might have given rise to certain rights and liabilities. Such liabilities, obligations, rights, succession to property etc. have been accepted and undertaken by the Government of India/State Governments under articles 294-295 of the Constitution of India. In the circumstances, repeal of the Act cannot be recommended.

4.7 The Maintenance Orders Enforcement Act, 1921 (18 of 1921)

The Maintenance Orders Enforcement Act, 1921 was enacted in order to do justice to, and provide protection for the wives deserted by their husbands (and children who had been neglected by their legal guardians) either in the United Kingdom or in any part of the British Dominions and to make reciprocal legal provisions in the constituent parts of the British Empire in the interests of such destitute and deserted persons. The Act enables the court in British India to make an order to be transmitted to the courts in every reciprocating part of the British Empire to be registered and enforced there (and *vice versa*). According to Section 3, if the Central Government is satisfied that legal provisions exist in any country or territory outside India for the enforcement within that country or territory of maintenance orders passed by the courts in India, the Central Government may, by notification in the Official Gazette, declare that this Act applies in respect of that country or territory and, thereupon the Act shall apply accordingly. The Act lays down the detailed procedure for achieving this object.

Maintenance of wife, children and parents is governed by Section 125 of the Code of Criminal Procedure, 1973 and by enactments or rules of personal law. But situations of a transnational nature, such as those dealt with by the Act under consideration, would need special legislation. Section 13 of the Code of Civil Procedure, 1908 would not meet the kind of situation for which the Act under consideration is intended. Section 13 is concerned with a suit on a foreign judgement and not with its immediate enforcement. Sections 44 and 44A of the Code also would not be adequate to provide for the enforcement of orders. Hence the Act cannot be repealed.

CHAPTER 5

CONCLUSION

On the basis of the discussions contained in the preceding chapters, we have identified the following Central Acts suitable for repeal[1], and accordingly recommend their repeal.

(1) The Forfeiture Act, 1859 (9 of 1859).

(2) The Ganges Tolls Act, 1867 (1 of 1867).

(3) The Acting Judges Act, 1867 (16 of 1867).

(4) The Companies (Foreign Interests) Act, 1918 (20 of 1918).

(5) The Promissory Notes (Stamp) Act, 1926 (11 of 1926).

As regards other Central Acts examined in this Report[2], suitable action (as indicated in the relevant Chapters) may be taken.

(JUSTICE K. N. SINGH)
Chairman

(JUSTICE S. RANGANATHAN)
Member

(D.N. SANDANSHIV)
Member

(P.M. BAKSHI)
Part-time Member

(M. MARCUS)
Part-time Member

(CH. PRABHAKARA RAO)
Member-Secretary

Dated, the 26th November, 1993

1. Chapter 3, *supra*.
2. Chapter 4, *supra*.

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