

Enacted by the President of India on the 28th day of November, 1978.

THE REPEALING AND AMENDING ACT, 1978

No. 38 OF 1978

[26th November, 1978.]

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

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Repealing and Amending Act, 1978.

Repeal of certain enactments.

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 The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Explanation.—In this section and in section 4, "enactment" includes the Indian Union Police Force Regulation, 1358 Fasli.

Amendment 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.

Savings.

4. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

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;

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

Hyd. Reg. XXV of 1358F.

manner affirmed or recognised or derived by, in or from any enactment hereby repealed;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.

THE FIRST SCHEDULE

(See section 2)

REPEALS

| Year | No. | Short title | Extent of repeal |
|---------------------|-----|-----------------------------------------------------------------------------------------|----------------------|
| <i>Central Acts</i> | | | |
| 1970 | 41 | The Iron Ore Mines Labour Welfare Cess (Amendment) Act, 1970 | The whole. |
| 1971 | 7 | The Imports and Exports (Control) Amendment Act, 1971 | The whole. |
| 1971 | 15 | The State of Himachal Pradesh (Amendment) Act, 1971 | The whole. |
| 1971 | 16 | The Labour Provident Fund Laws (Amendment) Act, 1971 | The whole. |
| 1971 | 21 | The Gold (Control) Amendment Act, 1971 | Sections 2, 3 and 6. |
| 1971 | 22 | The Salaries and Allowances of Officers of Parliament (Amendment) Act, 1971 | The whole. |
| 1971 | 31 | The West Bengal State Legislature (Delegation of Powers) Act, 1971 | The whole. |
| 1971 | 33 | The Indian Telegraph (Amendment) Act, 1971 | The whole. |
| 1971 | 35 | The Gujarat State Legislature (Delegation of Powers) Act, 1971 | The whole. |
| 1971 | 36 | The Punjab State Legislature (Delegation of Powers) Act, 1971 | The whole. |
| 1971 | 39 | The Agricultural Refinance Corporation (Amendment) Act, 1971 | The whole. |
| 1971 | 41 | The Prevention of Food Adulteration (Amendment) Act, 1971 | Sections 2 and 3. |
| 1971 | 44 | The Stamp and Excise Duties (Amendment) Act, 1971 | The whole. |
| 1971 | 45 | The Industrial Disputes (Amendment) Act, 1971 | The whole. |
| 1971 | 49 | The Air Corporations (Amendment) Act, 1971 | The whole. |
| 1971 | 53 | The Forward Contracts (Regulation) Amendment Act, 1971 | The whole. |
| 1971 | 54 | The Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971 | Sections 2 to 7. |
| 1971 | 75 | The Arms (Amendment) Act, 1971 | The whole. |

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Repealing and Amending

1971 to 82 [ACT 38

| Year | No. | Short title | Extent of repeal |
|------|-----|--------------------------------------------------------------------------------------------------|------------------------------------------------|
| 1 | 2 | 3 | 4 |
| 1971 | 57 | The Visva-Bharati (Amendment) Act, 1971 | Sections 2 to 12 and 14. |
| 1971 | 65 | The Essential Commodities (Amendment) Act, 1971 | Sections 2, 3 and 5. |
| 1971 | 67 | The Indian Tariff (Amendment) Act, 1971 | The whole. |
| 1971 | 71 | The Delhi Road Transport Laws (Amendment) Act, 1971 | Sections 2 and 3. |
| 1971 | 72 | The Industries (Development and Regulation) Amendment Act, 1971 | Sections 2 to 10. |
| 1971 | 74 | The Personal Injuries (Emergency Provisions) Amendment Act, 1971 | Sections 2 and 3. |
| 1971 | 75 | The Personal Injuries (Compensation Insurance) Amendment Act, 1971 | Sections 2, 3 and 4. |
| 1971 | 77 | The Supreme Court Judges (Conditions of Service) Amendment Act, 1971 | The whole. |
| 1971 | 78 | The High Court Judges (Conditions of Service) Amendment Act, 1971 | The whole. |
| 1971 | 79 | The Commissions of Inquiry (Amendment) Act, 1971 | Sections 2 to 14. |
| 1971 | 80 | The Companies (Amendment) Act, 1971 | The whole. |
| 1971 | 83 | The Government of Union Territories (Amendment) Act, 1971 | The whole. |
| 1972 | 7 | The Armed Forces (Assam and Manipur) Special Powers (Amendment) Act, 1972 | Sections 2 to 4. |
| 1972 | 8 | The Administrators General (Amendment) Act, 1972 | The whole. |
| 1972 | 10 | The Contingency Fund of India (Amendment) Act, 1972 | The whole. |
| 1972 | 12 | The Aircraft (Amendment) Act, 1972 | The whole. |
| 1972 | 21 | The Maternity Benefit (Amendment) Act, 1972 | The whole. |
| 1972 | 22 | The Cantonments (Extension of Rent Control Laws) Amendment Act, 1972 | The whole. |
| 1972 | 23 | The Secunderabad and Aurangabad Cantonments House Rent Control Law (Repeal) Act, 1972 | The whole. |
| 1972 | 25 | The Taxation Laws (Extension to Jammu and Kashmir) Act, 1972 | Sub-section (3) of section 2 and the Schedule. |
| 1972 | 27 | The General Insurance (Emergency Provisions) Amendment Act, 1972 | Sections 2 and 3. |
| 1972 | 29 | The Salaries and Allowances of Members of Parliament (Amendment) Act, 1972 | The whole. |
| 1972 | 31 | The Criminal Law (Amendment) Act, 1972 | The whole. |
| 1972 | 33 | The Industrial Disputes (Amendment) Act, 1972 | The whole. |
| 1972 | 33 | The University Grants Commission (Amendment) Act, 1972 | Sections 2 to 8 and 10 |
| 1972 | 34 | The Aligarh Muslim University (Amendment) Act, 1972 | Sections 2 to 32. |
| 1972 | 37 | The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Amendment Act, 1972 | The whole. |
| 1972 | 38 | The Indian Telegraph (Amendment) Act, 1972 | The whole. |
| 1972 | 40 | The Victoria Memorial (Amendment) Act, 1972 | The whole. |
| 1972 | 41 | The Income-tax (Amendment) Act, 1972 | Sections 2, 3 and 6. |
| 1972 | 42 | The Dentists (Amendment) Act, 1972 | The whole. |

| Year | No. | Short title | Extent of repeal |
|--------|-----|-----------------------------------------------------------------------------------------------------------|-------------------|
| 1 | 2 | 3 | 4 |
| 1972 | 45 | The Taxation Laws (Amendment) Act, 1972 | Sections 2 to 24. |
| 1972 | 46 | The Insecticides (Amendment) Act, 1972 | The whole. |
| 1972 | 47 | The Rice-Milling Industry (Regulation) Amendment Act, 1972 | The whole. |
| 1972 | 48 | The Delhi University (Amendment) Act, 1972 | The whole. |
| 1972 | 49 | The Punjab New Capital (Periphery) Control (Chandigarh Amendment) Act, 1972 | The whole. |
| ✓ 1972 | 54 | The Rulers of Indian States (Abolition of Privileges) Act, 1972 | The whole. |
| 1972 | 55 | The Seeds (Amendment) Act, 1972 | The whole. |
| 1972 | 56 | The Mines and Minerals (Regulation and Development) Amendment Act, 1972 | The whole. |
| ✓ 1972 | 57 | The General Insurance Business (Nationalisation) Act, 1972 | Section 40. |
| ✓ 1972 | 58 | The Indian Copper Corporation (Acquisition of Undertaking) Act, 1972 | Section 19. |
| 1972 | 60 | The Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Amendment Act, 1972 | Sections 2 and 3. |
| 1972 | 61 | The Central Sales Tax (Amendment) Act, 1972 | Sections 2 to 13. |
| 1972 | 67 | The Food Corporations (Amendment) Act, 1972 | The whole. |
| 1972 | 68 | The Payment of Bonus (Amendment) Act, 1972 | The whole. |
| ✓ 1972 | 69 | The Carriage by Air Act, 1972 | Section 9. |
| 1972 | 70 | The Coal Mines Labour Welfare Fund (Amendment) Act, 1972 | The whole. |
| 1972 | 71 | The Indian Railways (Amendment) Act, 1972 | The whole. |
| 1972 | 73 | The Indian Tariff (Amendment) Act, 1972 | The whole. |
| 1972 | 74 | The Industrial Finance Corporation (Amendment) Act, 1972 | The whole. |
| 1972 | 75 | The Industrial Development Bank of India (Amendment) Act, 1972 | The whole. |
| 1972 | 77 | The State Financial Corporations (Amendment) Act, 1972 | The whole. |
| 1973 | 1 | The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1973 | The whole. |
| 1973 | 2 | The Diplomatic and Consular Officers (Oaths and Fees) (Extension to Jammu and Kashmir) Act, 1973 | Section 3. |
| 1973 | 3 | The Seaward Artillery Practice (Amendment) Act, 1973 | The whole. |
| ✓ 1973 | 8 | The Andhra Pradesh State Legislature (Delegation of Powers) Act, 1973 | The whole. |
| 1973 | 17 | The Capital of Punjab (Development and Regulation) (Chandigarh Amendment) Act, 1973 | Sections 2 to 6. |
| 1973 | 20 | The Orissa State Legislature (Delegation of Powers) Act, 1973 | The whole. |
| 1973 | 22 | The Central Excises and Salt (Amendment) Act, 1973 | The whole. |
| 1973 | 23 | The Manipur State Legislature (Delegation of Powers) Act, 1973 | The whole. |
| 1973 | 25 | The Cinematograph (Amendment) Act, 1973 | Sections 2 to 4. |
| 1973 | 27 | The Apprentices (Amendment) Act, 1973 | The whole. |

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Repealing and Amending

Part 38

| Year | No. | Short title | Extent of repeal |
|------|-----|-----------------------------------------------------------------------------------|-------------------|
| 1 | 2 | 3 | 4 |
| 1973 | 32 | The National Co-operative Development Corporation (Amendment) Act, 1973 | The whole. |
| 1973 | 33 | The Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973 | The whole. |
| 1973 | 36 | The Customs, Gold (Control) and Central Excises and Salt (Amendment) Act, 1973 | The whole. |
| 1973 | 37 | The Agricultural Refinance Corporation (Amendment) Act, 1973 | The whole. |
| 1973 | 39 | The Payment of Bonus (Amendment) Act, 1973 | The whole. |
| 1973 | 40 | The Employees' Provident Funds and Family Pension Fund (Amendment) Act, 1973 | The whole. |
| 1973 | 41 | The Coking and Non-coking Coal Mines (Nationalisation) Amendment Act, 1973 | The whole. |
| 1973 | 44 | The Reserve Bank of India (Amendment) Act, 1973 | The whole. |
| 1973 | 45 | The Indian Railways (Amendment) Act, 1973 | The whole. |
| 1973 | 47 | The Foreign Awards (Recognition and Enforcement) Amendment Act, 1973 | The whole. |
| 1973 | 48 | The State Bank Laws (Amendment) Act, 1973 | The whole. |
| 1973 | 49 | The Code of Civil Procedure (Amendment) Act, 1973 | The whole. |
| 1973 | 51 | The Textiles Committee (Amendment) Act, 1973 | The whole. |
| 1973 | 52 | The Maternity Benefit (Amendment) Act, 1973 | The whole. |
| 1973 | 54 | The Indian Railways (Second Amendment) Act, 1973 | The whole. |
| 1973 | 55 | The Payment of Bonus (Second Amendment) Act, 1973 | Section 2. |
| 1973 | 58 | The Central Excises and Salt (Second Amendment) Act, 1973 | The whole. |
| 1973 | 60 | The Advocates (Amendment) Act, 1973 | The whole. |
| 1973 | 66 | The Income-tax (Amendment) Act, 1973 | Section 2. |
| 1973 | 67 | The Industries (Development and Regulation) Amendment Act, 1973 | The whole. |
| 1974 | 3 | The National Co-operative Development Corporation (Amendment) Act, 1974 | The whole. |
| 1974 | 5 | The Presidential and Vice-Presidential Elections (Amendment) Act, 1974 | The whole. |
| 1974 | 8 | The North-Eastern Areas (Reorganisation) Amendment Act, 1974 | The whole. |
| 1974 | 11 | The Gujarat State Legislature (Delegation of Powers) Act, 1974 | The whole. |
| 1974 | 21 | The Estate Duty (Distribution) Amendment Act, 1974 | The whole. |
| 1974 | 22 | The Additional Duties of Excise (Goods of Special Importance) Amendment Act, 1974 | The whole. |
| 1974 | 23 | The Union Duties of Excise (Distribution) Amendment Act, 1974 | The whole. |
| 1974 | 26 | The Direct Taxes (Amendment) Act, 1974 | Sections 2 to 21. |
| 1974 | 28 | The Coal Mines (Conservation and Development) Act, 1974 | Section 19. |

| Year | No. | Short title | Extent of repeal |
|-------|-----|--------------------------------------------------------------------------------------------------------------|--------------------------|
| 1 | 2 | 3 | 4 |
| 1974 | 29 | The Major Port Trusts (Amendment) Act, 1974 | Sections 2 to 39. |
| 1974 | 30 | The Essential Commodities (Amendment) Act, 1974 | Sections 2 to 12 and 14. |
| 1974 | 32 | The Industries (Development and Regulation) Amendment Act, 1974 | The whole. |
| 1974 | 33 | The Alcock Ashdown Company Limited (Acquisition of Undertakings) Amendment Act, 1974 | The whole. |
| 1974 | 36 | The Indian Iron and Steel Company (Taking Over of Management) Amendment Act, 1974 | The whole. |
| 1974 | 40 | The Esso (Acquisition of Undertakings in India) Amendment Act, 1974 | The whole. |
| 1974 | 41 | The Companies (Amendment) Act, 1974 | The whole. |
| 1974 | 42 | The Payment of Bonus (Amendment) Act, 1974 | The whole. |
| 1974 | 45 | The Interest-tax Act, 1974 | Section 30. |
| 1974 | 46 | The Delhi Sikh Gurdwaras (Amendment) Act, 1974 | The whole. |
| 1974 | 48 | The Indian Telegraph (Amendment) Act, 1974 | Section 2. |
| 1974 | 49 | The Small Coins (Offences) Amendment Act, 1974 | The whole. |
| 1974 | 50 | The Indian Works of Defence (Amendment) Act, 1974 | The whole. |
| 1974 | 51 | The Reserve Bank of India (Amendment) Act, 1974 | The whole. |
| 1974 | 53 | The Navy (Amendment) Act, 1974 | The whole. |
| 1974 | 55 | The Delhi Municipal Corporation (Amendment) Act, 1974 | The whole. |
| ✓1974 | 56 | <u>The Repealing and Amending Act, 1974</u> | The whole. ✓ |
| 1974 | 59 | The Punjab Municipal (Chandigarh Amendment) Act, 1974 | The whole. |
| 1974 | 60 | The Working Journalists (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1974 | The whole. |
| 1974 | 65 | The Salaries and Allowances of Members of Parliament (Amendment) Act, 1974 | The whole. |
| 1975 | 1 | The Indian Tariff (Amendment) Act, 1975 | The whole. |
| 1975 | 2 | The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1975 | The whole. |
| 1975 | 3 | The North-Eastern Areas (Reorganisation) Amendment Act, 1975 | The whole. |
| 1975 | 13 | The Air Force and Army Laws (Amendment) Act, 1975 | The whole. |
| 1975 | 16 | The Trust Laws (Amendment) Act, 1975 | The whole. |
| 1975 | 19 | The All-India Services Regulations (Indemnity) Act, 1975 | Section 3. |
| 1975 | 23 | The All-India Services (Amendment) Act, 1975 | Section 2. |
| 1975 | 24 | The Former Secretary of State Service Officers (Conditions of Service) Amendment Act, 1975 | The whole. |
| 1975 | 28 | The Companies (Temporary Restrictions on Dividends) Amendment Act, 1975 | The whole. |
| 1975 | 31 | The Nagaland State Legislature (Delegation of Powers) Act, 1975 | The whole. |
| 1975 | 38 | The Employees' State Insurance (Amendment) Act, 1975 | The whole. |

REPEALED

| Year | No. | Short title | Extent of repeal |
|------|-----|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 1 | 2 | 3 | 4 |
| 1975 | 39 | The Maintenance of Internal Security (Amendment) Act, 1975 | The whole. |
| 1975 | 44 | The Telegraph Wires (Unlawful Possession) Amendment Act, 1975 | The whole. |
| 1975 | 45 | The Agricultural Refinance Corporation (Amendment) Act, 1975 | Sub-section (1) of section 2 and sections 3 to 15. |
| 1975 | 46 | The Provident Funds (Amendment) Act, 1975 | The whole. |
| 1975 | 47 | The Indian Coinage (Amendment) Act, 1975 | The whole. |
| 1975 | 48 | The Salaries and Allowances of Members of Parliament (Amendment) Act, 1975 | The whole. |
| 1975 | 50 | The National Cadet Corps (Amendment) Act, 1975 | The whole. |
| 1975 | 52 | The Public Financial Institutions Laws (Amendment) Act, 1975 | Sections 2 to 20 and 22 to 58. |
| | | <i>Hyderabad Regulation</i> | |
| | | The Indian Union Police Force Regulation, 1958 Fash (Hyderabad Regulation No. XXV of 1958F ₂) | The whole. |

THE SECOND SCHEDULE

(See section 3)

AMENDMENTS

| Year 1 | No. 2 | Short title 3 | Amendments 4 |
|-----------|----------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1908 | 5 | The Code of Civil Procedure, 1908 | <p>(1) In sub-section (2) of section 123,—</p> <p>(i) in clause (c), the word “and” occurring at the end shall be omitted;</p> <p>(ii) clause (d) shall be omitted.</p> <p>(2) In the First Schedule, in Order XXI, in rule 23, in sub-rule (1), for the words “the last preceding rule”, the words “and figures “rule 22” shall be substituted.</p> |
| 1951 | 43 | The Representation of the People Act, 1951. | <p>(a) In sub-section (1) of section 11A,—</p> <p>(i) the brackets and letter “(a)” occurring before the words “is convicted” shall be omitted;</p> <p>(ii) the word “or” occurring before the words “he, shall” shall be omitted.</p> <p>(b) In sub-section (3) of section 33, for the words, brackets, letter and figure “clause (f) of section 7”, the word and figure “section 9” shall be substituted.</p> |
| 1956 | 174 | The Central Sales Tax Act, 1956 | <p>In item (i) of clause (iv) of section 14, for the words “ingot moulds, bottom plates”, the words “ingot moulds, bottom plates” shall be substituted.</p> |
| 1973 | 26 | The Coal Mines (Nationalisation) Act, 1973. | <p>In clause (b) of sub-section (2) of section 22, for the word and figures “section 15”, the word and figures “section 14” shall be substituted.</p> |
| 1974 | 74 | The Esso (Acquisition of Undertakings in India) Act, 1974. | <p>In sub-section (4) of section 4, for the words “against the concerned Government company”, the words “by or against the concerned Government company” shall be substituted.</p> |
| 1975 | 43 | The Delhi Sales Tax Act, 1975 | <p>(i) In sub-section (3) of section 14, in the second proviso, for the words “points of sale”, the words “point of sale” shall be substituted.</p> <p>(ii) In sub-section (4) of section 19, for the words “the firm who changed constitution”, the words “the firm which changed the constitution” shall be substituted.</p> |
| 1976 | 2 | The Burmah Shell (Acquisition of Undertakings in India) Act, 1976 | <p>In sub-section (2) of section 15, after the words “secretary or other officer”, the words “of the company, such director, manager, secretary or other officer” shall be inserted.</p> |