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Thirteenth Kerala Legislative Assembly

Bill No. 391

THE KERALA REPEALING AND SAVING BILL, 2016

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THE KERALA REPEALING AND SAVING BILL, 2016

A

BILL

to repeal certain enactments which are obsolete or no longer needed.

Preamble.—WHEREAS it is expedient to repeal certain enactments which are obsolete or no longer needed;

BE it enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Repealing and Saving Act, 2016.

(2) It shall come into force at once.

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 *Repeal of certain enactments.*—The enactments specified in the Schedule to this Act are hereby repealed.

3. *Saving.*—(1) The repeal by this Act of any enactment specified in the Schedule shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to and this Act shall not affect the validity, invalidity, effect or consequences of anything already done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the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;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.

(2) The provisions of section 4 of the Kerala Interpretation and General Clauses Act, 1125 (VII of 1125) shall be applicable in respect of repeal of an enactment by this Act.

THE SCHEDULE
(See section 2)

<i>Sl.No</i>	<i>Year & Act/ Regulation No.</i>	<i>Short title</i>
(1)	(2)	(3)
Travancore Acts		
1	1040	Enfranchisement of Sirkar Pattom Lands Proclamation, 1040 (Travancore)
2	1061	Revenue Settlement Proclamation, 1061 (Travancore)
Cochin Acts		
3	1118 XII	The Pallippurath Pazhur Illom Assumption of Management Proclamation (Cochin), 1118
4		Palam Proclamation (Cochin only)
5	1095 XVIII	The Prevention of Cruelty to Animals Act, 1095 (Cochin)
6	1109 1	The Cochin Amending Act, 1109
7	1111 XXVI	The Prevention of Dedication Act, 1111
8	1112 XXVI	The Cochin Debt Conciliation Act, 1112
9	1118 XV	Amending Proclamation of 1118
10	1123 1	Proclamation Extending the period of Management over Paliam Estate, 1123 (Cochin)
11	1124 VIII	Palam Proclamation of 1124
Travancore-Cochin Acts		
12	1955 XXVI	The Travancore Cochin Entertainments Tax (Validation of Levy and Collection) Act, 1955
Madras Acts and Regulations Applicable to Malabar Area		
13	1802	The Madras Administration of Estates Regulation, 1802

(1)	(2)	(3)
14	1862 IV	The Madras Enfranchised Inams Act, 1862
15	1867 I	The Madras General Clauses Act, 1867
16	1891 I	The Madras General Clauses Act, 1891
17	1914 VIII	The Madras Decentralisation Act, 1914
18	1947 XIV	The Madras Estates, Communal, Forest and Private Lands (Prohibition of Alienation) Act, 1947
19	1947 XXXI	The Madras Devadasis (Prevention of Dedication) Act, 1947
20	1948 VII	The Madras Re-enacting and Repealing (No.1) Act, 1948
21	1948 VIII	The Madras Re-enacting (No.II) Act, 1948
22	1948 IX	The Madras re-enacting (No.III) Act, 1948
23	1949 X	The Madras re-enacting Act, 1949
24	1949 XXIX	The Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1949
25	1950 III	The Madras Re-enacting Act, 1950
26	1951 XIV	The Madras Repealing and Amending Act, 1951
27	1952 XI	The Madras Repealing and Amending Act, 1952
28	1954 XXIX	The Madras Electricity Supply Undertakings (Acquisition) Act, 1954
29	1955 XXXVI	The Madras Repealing and Amending Act, 1955
Kerala Acts		
30	1961 21	The Pattazhi Devaswom Lands (Vesting and Enfranchisement) Act, 1961

(1)	(2)	(3)
31	1963 9	The Suits for Possession and Injunction (Re-transfer) Act, 1963
32	1969 19	The Thiruppuvaram Payment (Abolition) Act, 1969
33	1975 30	The Kerala Debtors (Temporary Relief) Act, 1975
34	1976 9	The Kerala Municipal Councils (Extension of Term of Office of Councillors) Act, 1976
35	1976 16	The Kanam Tenancy Abolition Act, 1976
36	1976 31	The Supply of Paddy and Rice to Travancore Palace (Extinguishment of Rights and Liabilities) Act, 1976
37	1977 3	The Calicut Municipal Corporation (Extension of Time for Reconstitution) Act, 1976
38	1988 13	The Gandhiji University (Dissolution of the Senate and the Syndicate) Act, 1988
39	2001 19	The Kerala Agricultural Debtors (Temporary Relief) Act, 2001
40	2004 3	The Kerala Automobiles Limited (Validation of Appointment of Personnel) Act, 2004
41	2005 8	The Kerala Tourism (Conservation and Preservation of Areas) Act, 2005
Amendment Acts		
42	2002 4	The Kerala General Sales Tax (Amendment) Act, 2002
43	2002 5	The Kerala Infrastructure Investment Fund (Amendment) Act, 2002
44	2002 6	The Kerala Women's Commission (Amendment) Act, 2002
45	2003 1	The Abkari (Amendment) Act, 2003

(1)	(2)	(3)
46	2003 2	The Kerala Court Fees and Suits Valuation (Amendment) Act, 2003
47	2003 3	The Kerala General Sales Tax (Amendment) Act, 2003
48	2003 4	The Sree Sankaracharya University of Sanskrit (Amendment) Act, 2003
49	2003 7	The Kerala General Sales Tax (Third Amendment) Act, 2003
50	2003 8	The Kerala Stay of Eviction Proceedings (Amendment) Act, 2003
51	2003 9	The Kerala Panchayat Raj (Amendment) Act, 2003
52	2003 10	The Kerala Municipality (Amendment) Act, 2003
53	2003 11	The Kerala General Sales Tax (Second Amendment) Act, 2003
54	2003 16	The Kerala Cashew Workers' Relief and Welfare Fund (Amendment) Act, 2003
55	2003 28	The Kerala Preservation of Trees (Amendment) Act, 2003
56	2004 1	The Kerala Stamp (Amendment) Act, 2004
57	2004 4	The Kerala Tolls (Amendment) Act, 2004
58	2004 16	The Kerala Co-operative Laws (Amendment) Act, 2004
59	2005 1	The Sree Sankaracharya University of Sanskrit (Amendment) Act, 2005
60	2005 2	The University Laws (Amendment) Act, 2005
61	2005 3	The Kerala Panchayat Raj (Amendment) Act, 2005
62	2005 4	The Kerala Municipality (Amendment) Act, 2005

(1)	(2)	(3)
63	2005 5	The Kerala Panchayat Raj (Second Amendment) Act, 2005
64	2005 6	The Kerala Municipality (Second Amendment) Act, 2005
65	2005 7	The Kerala Contingency Fund (Amendment) Act, 2005
66	2005 19	The Kerala Gaming (Amendment) Act, 2005
67	2005 22	The Kerala Ground Water (Control and Regulation) Amendment Act, 2005
68	2005 23	The Kerala Motor Transport Workers Welfare Fund (Amendment) Act, 2005
69	2005 24	The Kerala Motor Vehicles Taxation (Amendment) Act, 2005
70	2005 26	The Kerala Local Authorities Entertainments Tax (Amendment) Act, 2005
71	2005 28	The Kerala Self Financing Professional Colleges (Prohibition of Capitation Fees and Procedure for Admission and Fixation of Fees) Amendment Act, 2005
72	2005 29	The University Laws (Amendment) Amending Act, 2005
73	2005 30	The Kerala Panchayat Raj (Fifth Amendment) Act, 2005
74	2005 31	The Kerala Panchayat Raj (Third Amendment) Act, 2005
75	2005 33	The Kerala Municipality (Third Amendment) Act, 2005
76	2005 34	The Kerala Municipality (Fourth Amendment) Act, 2005
77	2005 35	The Kerala Municipality (Fifth Amendment) Act, 2005

(1)	(2)	(3)
78	2005 36	The Kerala Municipality (Sixth Amendment) Act, 2005
79	2005 37	The Kerala Municipality (Seventh Amendment) Act, 2005
80	2005 40	The Kerala General Sales Tax (Amendment) Act, 2005
81	2005 41	The Kerala Tax on Luxuries (Amendment) Act, 2005
82	2005 42	The Kerala Tax on Entry of Goods into Local Areas (Amendment) Act, 2005
83	2005 43	The Kerala Agricultural Income Tax (Amendment) Act, 2005
84	2005 45	The Kerala Water Supply and Sewerage (Amendment) Act, 2005
85	2006 1	The Kerala Land Reforms (Third Amendment) Act, 2005
86	2006 4	The Kerala Irrigation and Water Conservation (Amendment) Act, 2006
87	2006 21	The Kerala Land Reforms (Amendment) Act, 2005
88	2007 5	The Travancore-Cochin Hindu Religious Institutions (Amendment) Act, 2007
89	2007 6	The Kerala Public Accountants (Amendment) Act, 2007
90	2007 11	The Kerala Panchayat Raj (Amendment) Act, 2007
91	2007 12	The Kerala Municipality (Amendment) Act, 2007
92	2007 19	The Kerala Promotion of Tree Growth in Non-Forest Areas (Amendment) Act, 2007
93	2007 21	The Kerala Police (Amendment) Act, 2007

(1)	(2)	(3)
94	2007 23	The Mahatma Gandhi University (Amendment) Act, 2007
95	2007 24	The University Laws (Amendment) Act, 2007
96	2007 25	The Cochin University of Science and Technology (Amendment) Act, 2007
97	2007 26	The Kerala Sports (Amendment) Act, 2007
98	2007 27	The Kerala Women's Commission (Amendment) Act, 2007
99	2007 29	The Kerala Survey and Boundaries (Amendment) Act, 2007
100	2007 31	The Kerala Revenue Recovery (Amendment) Act, 2007
101	2007 32	The Edavagai Rights Acquisition (Amendment) Act, 2007
102	2007 33	The Kerala Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-exploitative Fee and Other Measures to Ensure Equity and Excellence in Professional Education) Amendment Act, 2007.

STATEMENT OF OBJECTS AND REASONS

The periodical repealing of Acts help to remove from the Statute Book those laws which are obsolete or are no longer needed. Expired enactments having been limited to endure only for specified period or purpose or which had been enacted for the continuance of previous temporary enactments need not be kept alive in the Statute Book. Obsolete enactments which are no longer capable of being put into force which have exhausted its operation by the accomplishment of the objects also can be removed from the Statute Book.

2. Amendment Acts are not necessary to be retained in the Statute Book as separate Acts since they became part of their parent Acts.

3. The Law Reforms Commission under the Chairmanship of Justice V. R. Krishna Iyer (Rtd.) appointed by the State Government has recommended the Government to repeal such enactments which are obsolete or no longer needed. The Government have examined the matter and decided to repeal such enactments.

4. The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

OOMMEN CHANDY.