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**MAHARASHTRA STATE
LAW COMMISSION**

THIRD REPORT

ON

THE MAHARASHTRA CODE VOLUME NO.III

JUNE 2002

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MAHARASHTRA LAW COMMISSION

(Constituted under Government Resolution No. LAC-1093/566/(122)-19 dated 30.09.1996 and Resolution No.MLC-1400/P.K.39/DESK-19, dated 21.12.2001)

Shri B.G. More	...	Chairman
Shri A.S. Bobde	...	Member
Shri K.M. Dhakephalkar	...	Member
Shri Shrihari Aney	...	Member
Shri Vijay Savant	...	Member
Shri V.B. Bedre	...	Member
Shri J.D. Jaybhawe	...	Member
Shri V.G. Munshi	...	Principal Secretary & R.L.A. Law & Judiciary Dept. (Ex-officio Member)
Smt. P.M. Umarji	...	Principal Secretary (Legislation) Law & Judiciary Dept. (Ex-officio Member)

MAHARASHTRA LAW COMMISSION

The Commission has submitted its First Report on 07th of March, 2002 and the Second Report on 17th of April, 2002 on the Repeal of the Laws contained in Volume Nos. I and II of the Maharashtra Code respectively. This Report is now being submitted on the Repeal of the Laws contained in Volume No. III of the Maharashtra Code.

There are in all 67 enactments in this Volume. As is the practice adopted by the Commission, each of these enactments was carefully examined initially by the Office and thereafter, by the Hon'ble Members of the Commission in its various meetings held in the months of April and May 2002. Fortunately, the decisions taken by the Commission are unanimous. The method adopted for examining these enactments and drawing a final conclusion is the same as was adopted in the earlier Volumes.

One thing required to be noted is that while considering a particular enactment for repeal the Commission wants to take the view of the Government into consideration. For that purpose, a written reference is made to the Administrative Department of the Government, seeking the view of the Government as to whether that enactment should be repealed or retained. Unfortunately, it is the experience of the Commission that inspite of several written and oral reminders, not only to the lower officers but also to the Secretaries of the Departments, very few replies are received. The Commission found that waiting for the replies of these various Departments would certainly delay submission of the Reports to the Government. Therefore, in number of enactments without waiting for the opinion of the Departments, the Commission has considered them and formulated its views. In fact, it would be advisable for the Chief Secretary to issue a Circular to all the heads of the different Administrative Departments, directing them to respond to the request of the Commission in this regard, in a reasonable time.

In a decade starting from 1950s a number of enactments have been passed which abolished certain land tenures, inams, watans, jagirs, land revenue exemptions etc. As these enactments were passed more than half a century ago the Commission initially felt that all the proceedings under these Acts must have been finished, the purpose of these Acts must have been served and therefore, they could be safely repealed. However, on close examination of the provisions of these Abolition Acts, it is found that some of the rights conferred on the parties whose inams, watans etc. have been abolished have vested in them and these vested rights cannot be lightly interfered with without finding their consequences. In fact, in this respect the Commission wanted to take help of the experts and also formed a Committee of some of its Members to examine them closely and in detail. Their official Report is yet to be received. However, it appears that some of these Abolition Acts cannot be repealed. Eventhough the Administrative Departments, to which the references have been made, did not send their replies to the Commission, it is learnt from the Law Department that they are also of the view that some of these Abolition Acts are required to be continued. What the Commission found is that these Abolition Acts are many in number and having been passed at different times they find their places in the different Volumes of the Maharashtra Code.

We have adopted a method to send one Report for one Volume, but it appears now that a separate treatment is required to be given to these Abolition Acts contained in different Volumes and for these Acts, Report in a particular Volume need not be delayed. The Commission has tried to do so, but it is not

an independent and separate Report on all these Abolition enactments contained in different Volumes of the Maharashtra Code. Thus, in this Volume there are 11 enactments which abolish these different watan, inams etc. Therefore, they are kept back for separate consideration and they are mentioned in a separate additional annexure attached to this Report.

As aforesaid, there are in all 67 enactments in Volume No.III. The Commission found that 2 of them are already repealed and therefore, no separate legislation is required to repeal them. They just may be removed from the Statute Book. The Commission has suggested that out of these 67 enactments 14 enactments may be repealed by a Repealing Act of the Legislature. The Commission further found that out of these 67 enactments 40 enactments are required to be retained.

As already mentioned above, 11 enactments have been kept back for separate consideration.

As usual, the Commission has prepared 5 annexures. Annexure - I contains all the enactments from Volume No.III of the Maharashtra Code considered by the Commission for repeal. Annexure - II contains enactments which are already repealed. Annexure - III contains enactments which are required to be repealed and Annexure - IV contains the enactments which are required to be retained. An additional Annexure - V is given which contains the enactments which have abolished certain rights and are required to be treated separately and therefore, kept back. As usual, in each annexure brief reasons are given as to why a particular enactment is required to be repealed or required to be retained.

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annexure

leg

(B.G.MORE)
CHAIRMAN

K.M. DHAKEPHALKAR
Member

VIJAY SAVANT
Member

J.D. JAYBHAVE
Member

SHRIHARI ANEY
Member

V.B. BEDRE
Member

V.G. MUNSHI
Ex-officio Member

P M UMARJI

NAMES OF THE ACTS AND REGULATIONS CONTAINED IN VOLUME- III OF THE MAHARASHTRA CODE CONSIDERED BY THE COMMISSION FOR REPEAL

<u>SR.NO.</u>	<u>NAME OF THE ACTS</u>
1.	AGRICULTURISTS' LOANS AND THE BOMBAY NON-AGRICULTURISTS' LOANS (AMENDMENT) ACT, 1949 (BOM. ACT NO. VI OF 1949)
2.	THE PRISONERS (BOMBAY AMENDMENT) ACT, 1949 (BOM. ACT NO. VII OF 1949)
3.	THE BOMBAY ANATOMY ACT, 1949 (BOM. ACT NO. XI OF 1949)
4.	THE BOMBAY NURSING HOMES REGISTRATION ACT, 1949 (BOM. ACT NO. XV OF 1949)
5.	THE BOMBAY SEALS ACT, 1949 (BOM. ACT NO. XXII OF 1949)
6.	THE BOMBAY PROHIBITION ACT, 1949 (BOM. ACT NO. XXV OF 1949)
7.	THE BOMBAY BHAGDARI & NARWADARI TENURES ABOLITION ACT, 1949 (BOM. ACT NO. XXXII OF 1949)
8.	THE BOMBAY LAND ACQUISITION OFFICERS PROCEEDINGS VALIDATION ACT, 1949 (BOM. ACT NO. XXXV OF 1949)
9.	THE BOMBAY PREVENTION OF EX-COMMUNICATION ACT, 1949 (BOM. ACT NO. XLII OF 1949)
10.	THE CITY OF BOMBAY (BUILDING WORKS RESTRICTIONS) ACT, 1949 (BOM. ACT NO. XLIV OF 1949)
11.	THE BOMBAY REPEALING AND AMENDING ACT, 1949 (BOM. ACT NO. LIII OF 1949)
12.	THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949 (BOM. ACT NO. LIX OF 1949)
13.	THE WEST KHANDESH MEHWASSI ESTATES REGULATION, 1949 (BOM. REGULATION NO. I OF 1949)
14.	THE BOMBAY MERGED STATES (LAWS) ACT, 1950 (BOM. ACT NO. IV OF 1950)
15.	THE BOMBAY KHOTI ABOLITION ACT, 1949 (BOM. ACT NO. VI OF 1950)
16.	THE BOMBAY MUNICIPAL (EXTENSION OF LIMITS) ACT, 1950 (BOM. ACT NO. VII OF 1950)
17.	THE GRATER BOMBAY LAWS AND THE BOMBAY HIGH COURT (DECLARATION OF LIMITS) (AMENDMENT) ACT, 1950 (BOM. ACT NO VIII OF 1950)
18.	THE BOMBAY MERGED AREAS, ENCLAVES AND SPECIFIED AREAS (AMENDMENT OF LAWS) ACT, 1950 (BOM. ACT NO. XXII OF 1950)
19.	THE BOMBAY LOCAL AUTHORITIES CENSUS EXPENSES CONTRIBUTION ACT, 1950 (BOM. ACT NO. XXIII OF 1950)
20.	THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1950 (BOM. ACT NO. XXIV OF 1950)

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23. THE PROVINCIAL SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1950 (BOM. ACT NO. LVII OF 1950)
24. THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) ACT, 1950 (BOM. ACT NO. LX OF 1950)
25. THE BOMBAY BUILDING (CONTROL ON ERRECTION) REGULATION, 1950 (BOM. REGULATION NO. I OF 1950)
26. THE PRESS AND REGISTRATION OF BOOKS (BOMBAY AMENDMENT) ACT, 1951 (BOM. ACT NO. OF 1951)
27. THE BOMBAY SPECIAL SUITS AND PROCEEDINGS VALIDATING ACT, 1951 (BOM. ACT NO. XV OF 1951)
28. THE BOMBAY POLICE ACT, 1951 (BOM. ACT NO. XXII OF 1951)
29. THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS ACT, 1951 (BOM. ACT NO. XXIII OF 1951)
30. THE BOMBAY WILD ANIMALS AND WILD BIRDS PROTECTION ACT, 1951 (BOM. ACT NO. XXIV OF 1951)
31. THE BOMBAY STATE RESERVE POLICE FORCE ACT, 1951 (BOM. ACT NO. XXXVIII OF 1951)
32. THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1951 (BOM. ACT NO. XXXIX OF 1951)
33. THE BOMBAY DISTRICT MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1951 (BOM. ACT NO. XLIV OF 1951)
34. THE SALSETTE ESTATES (LAND REVENUE EXEMPTION ABOLITION) ACT, 1951 (BOM. ACT NO. XLVII OF 1951)
35. THE BOMBAY SEALS ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1951 (BOM. REGULATION NO. I OF 1951)
36. THE BOMBAY SECONDARY SCHOOL CERTIFICATE EXAMINATION ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1951 (BOM. REGULATION NO. II OF 1951)
37. THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1952 (BOM. ACT NO. XVII OF 1952)
38. THE AKRANI MAHAL (APPLICATION OF LAWS) REGULATION, 1952 (BOM. REGULATION NO. I OF 1952)
39. THE BOMBAY AGRICULTURAL DEBTORS RELIEF (MEHWASSI ESTATES AND AKRANI MAHAL) (AMENDMENT) REGULATION, 1952 (BOM. REGULATION NO. II OF 1952)
40. THE BOMBAY CINEMAS (REGULATION) ACT, 1953 (BOM. ACT NO. XI OF 1953)
41. THE EPIDEMIC DISEASES (BOMBAY AMENDMENT) ACT, 1953 (BOM. ACT NO. XII OF 1953)
42. THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL (BOMBAY AMENDMENT)) ACT, 1953 (BOM. ACT NO. XIV OF 1953)

45. THE PRISONERS (BOMBAY AMENDMENT) ACT, 1953
(BOM. ACT NO. XXVII OF 1953)
46. THE BOMBAY EVACUEE INTEREST (SEPARATION) VALIDATING AND
SUPPLEMENTARY ACT, 1953 (BOM. ACT NO. XXIX OF 1953)
47. THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1953
(BOM. ACT NO. XXXV OF 1953)
48. THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1953
(BOM. ACT NO. XXXVIII OF 1953)
49. THE BOMBAY LABOUR WELFARE FUND ACT, 1953
(BOM. ACT NO. XL OF 1953)
50. THE BOMBAY PERSONAL INAMS ABOLITION ACT, 1952
(BOM. ACT NO. XLII OF 1953)
51. THE BOMBAY KAULI AND KATUBAN TENURES (ABOLITION) ACT, 1953
(BOM. ACT NO. XLIV OF 1953)
52. THE BOMBAY LAND TENURES ABOLITION (RECOVERY OF RECORDS)
ACT, 1953 (BOM. ACT NO. L OF 1953)
53. THE IDENTIFICATION OF PRISONERS (BOMBAY AMENDMENT) ACT, 1953
(BOM. ACT NO. LVIII OF 1953)
54. THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1953
(BOM. ACT NO. LXII OF 1953)
55. THE BOMBAY VETERINARY PRACTITIONERS ACT, 1953
(BOM. ACT NO. LXVIII OF 1953)
56. THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT,
1953 (BOM. ACT NO. LXX OF 1953)
57. THE BOMBAY MERGED TERRITORIES (JANJIRA AND BHOR) KHOTI
TENURE ABOLITION ACT, 1953 (BOM. ACT NO. LXXI OF 1953)
58. THE BOMBAY REGISTRATION OF MARRIAGES ACT, 1953
(BOM. ACT NO. V OF 1954)
59. THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS
(SUPPLEMENTARY) ACT, 1954 (BOM. ACT NO. VIII OF 1954)
60. THE BOMBAY REPEALING AND AMENDING ACT, 1954
(BOM. ACT NO. XXI OF 1954)
61. THE DEKKHAN AGRICULTURISTS' RELIEF (SUIT AND APPLICATIONS)
VALIDATION ACT, 1954 (BOM. ACT NO. XXXVIII OF 1954)
62. THE BOMBAY MERGED TERRITORIES AND AREAS JAGIRS ABOLITION
ACT, 1953 (BOM. ACT NO. XXXIX OF 1954)
63. THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) (BOMBAY
AMENDMENT) ACT, 1954 (BOM. ACT NO. LXV OF 1954)
64. THE BOMBAY EXTENSION OF LAWS TO NON-SCHEDULED (PARTIALLY
EXCLUDED) AREAS ACT, 1954 (BOM. ACT NO. LXVIII OF 1954)
65. THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1954
(BOM. ACT NO. LXX OF 1954)
66. THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1954
(BOM. ACT NO. LXXI OF 1954)

MAHARASHTRA LAW COMMISSIONANNEXURE - II

NAMES OF THE ACTS AND REGULATIONS FROM VOLUME NO. III OF THE MAHARASHTRA CODE WHICH ARE ALREADY REPEALED AND THEREFORE REQUIRED TO BE REMOVED FROM THE STATUTE BOOK.

SR.NO.1 THE BOMBAY VETERINARY PRACTITIONERS ACT, 1953
(BOM. ACT NO. LXVIII OF 1953)

This Act has been repealed by the Maharashtra Veterinary Practitioners Act, 1971 (Maharashtra Act No.XLIV of 1971) Section 39. Therefore, it may be removed from the Statute Book.

SR.NO.2 THE BOMBAY ANIMAL PRESERVATION ACT, 1954
(BOM. ACT NO. LXXII OF 1954)

This Act has been repealed by the Maharashtra Animal Preservation Act, 1976 (Maharashtra Act No.IX, 1977) Section 17 and therefore, it may be removed from the Statute Book.

NAMES OF THE ACTS AND REGULATIONS FROM VOLUME NO. III OF THE MAHARASHTRA CODE WHICH ARE REQUIRED TO BE REPEALED

SR.NO.1 AGRICULTURISTS' LOANS AND THE BOMBAY NON-AGRICULTURISTS' LOANS (AMENDMENT) ACT, 1949
(BOM. ACT NO. VI OF 1949)

This is an amending Act which amends two acts namely, Agriculturists' Loans Act, 1884 (Act No. XII of 1884) and Bombay Non-Agriculturists' Loans Act, 1928 (Act No. III of 1928). We have advised the State Government to repeal the Agriculturists' Loans Act, 1884 and the amendments made to the Bombay Non-Agriculturists' Loans Act, 1928 are incorporated in the Principal Act and therefore, the purpose of this Act is served. Hence, this Act may be repealed.

SR.NO.2 THE BOMBAY SEALS ACT, 1949
(BOM. ACT NO. XXII OF 1949)

The Act is for the alteration of seals of the High Court and Civil Court. As provided in Section 2 of this Act the words "the Asoka Capital Motif" have been incorporated in Clause 6 of the Letters Patent. Similarly, as provided in Section 3 and 4, corresponding amendments have been made in Sections 11 and 29 of Bombay Civil Courts Act, 1869 (Act No. XIV of 1869). The purpose of the Act is served and it may be repealed.

SR.NO.3 THE CITY OF BOMBAY (BUILDING WORKS RESTRICTION) ACT, 1949
(BOM. ACT NO. XLIV OF 1949)

Section 3 of this Act shows that the restriction on building works was intended to be kept only for two years from the date of commencement of this Act. Thus, this Act has spent itself and therefore, may be repealed.

SR.NO.4 THE WEST KHANDESH MEHWASSI ESTATES REGULATION, 1949
(BOM. REGULATION NO. I OF 1949)

It appears that the Mehwassi Estates were partially excluded area in the district of West Khandesh in the Province of Bombay and therefore, there was a doubt as to whether the laws applicable to the Province of Bombay were applicable to the Mehawassi Estates. Therefore, this regulation has been passed, by which that doubt was removed and it was made clear that all the Acts mentioned in Sections 2 to 4 and all rules and regulations mentioned in Section 5 were applicable to the Mehawassi Estates. They are now part of the State of Maharashtra and all the relevant laws apply to them. Therefore, there is no necessity now to keep this independent Regulation on the Statute Book. Hence, it may be repealed.

SR.NO.5 THE BOMBAY MUNICIPAL (EXTENSION OF LIMITS) ACT, 1950
(BOM. ACT NO. VII OF 1950)

By this Act, the limits of the Bombay Municipal Corporation have been enlarged by including the areas mentioned in the Schedule II of this Act. Such Limits of the Municipal Corporation have been extended from time to time by

SR. NO. 6 THE GREATER BOMBAY LAWS AND THE BOMBAY HIGH COURT (DECLARATION OF LIMITS) (AMENDMENT) ACT, 1950
(BOM. ACT NO. VIII OF 1950)

This Act extends the limits of Greater Bombay and also amends the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 (Bom. Act No. XVII of 1945). The Main Sections, namely, 2 to 6 which make the amendments, have not been printed in this Act, as the amendments suggested by them have been incorporated in the Principal Act. Section 7 makes provision for the pending proceeding and Sections 8 to 11 have not been printed in this Act because amendments made by them have been incorporated in the Principal Act. Thus, the purpose of this Act is fulfilled and therefore, it may be repealed.

SR. NO. 7 THE BOMBAY BUILDING (CONTROL ON ERECTION) REGULATION, 1950
(BOM. REGULATION NO. I OF 1950)

By Section 2 of this Regulation, Sections 2 to 14A of the Bombay Building (Control on Erection) Act, 1948 (Bom. Act No. XXXI of 1948), as amended, is made applicable to the scheduled areas in the State of Maharashtra. This Act itself has been repealed by the Bombay Building (Control on Erection Re-erection and Conversion) (Repeal) Act, 1971 and therefore, the provisions of this Regulation are redundant now and hence, it may be repealed.

SR. NO. 8 THE BOMBAY SPECIAL SUITS AND PROCEEDINGS VALIDATING ACT, 1951
(BOM. ACT NO. XV OF 1951)

This Act is passed to validate the Decrees and Orders which have been passed in certain suits by the Bombay High Court during the short interval. Those proceedings must have been finished by now. Therefore, having served the purpose, this Act may be repealed.

SR. NO. 9 THE BOMBAY SEALS ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1951
(BOM. REGULATION NO. I OF 1951)

This Regulation makes the Section 3 and 4 of the Bombay Seals Act, 1949 (Bom. XXII of 1949) applicable to the scheduled areas. The amendments made by Section 3 and 4 of the the Bombay Seals Act, 1949 have been incorporated in the Bombay Civil Courts Act, 1869 (Act No. XIV of 1869) and the provisions of the latter Act have been extended to the entire area of State of Maharashtra by Bombay Act No. XCIV of 1958. The scheduled areas now form the part of the State of Maharashtra and therefore, the provisions of the Civil Courts Act are applicable to them now. In the circumstances, there is no necessity of this Regulation to continue on the Statute Book and therefore, it may be repealed.

SR. NO. 10 THE BOMBAY SECONDARY SCHOOL CERTIFICATE EXAMINATION ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1951
(BOM. REGULATION NO. II OF 1951)

This Regulation makes the provisions of Bombay Secondary School Certificate Examination Act, 1948 (Bom. Act No. XLIX of 1948) applicable to the areas mentioned in its schedule. However, this Act is repealed and re-enacted by Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 (Bom. Act No. XLI of 1965) and the latter Act applies to the whole of State of Maharashtra which now includes these scheduled areas. Therefore this

SR.NO.11 THE AKRANI MAHAL (APPLICATION OF LAWS)
REGULATION, 1952
(BOM. REGULATION NO. I OF 1952)

By this Regulation the provisions of the Code of Civil Procedure, 1908 in its application to the State of Bombay are made applicable to the Akrani Mahal which was a scheduled area in the West Khandesh District. The Code of Civil Procedure now extends to the whole of India. It includes these areas in Maharashtra and therefore, the provisions of this Regulation are no longer necessary on the Statute Book. Therefore, this Regulation may safely be repealed.

SR.NO.12 THE BOMBAY AGRICULTURAL DEBTORS RELIEF
(MEHWASSI ESTATES AND AKRANI MAHAL)
(AMENDMENT) REGULATION, 1952
(BOM. REGULATION NO. II OF 1952)

By this Regulation the Government Notification in the Revenue Department No. LA-140/46 dated 21.04.1949 issued under Section 92 of the Government of India Act, 1935, amending the Bombay Agricultural Debtors Relief Act, 1947 (Bom. Act No.XXVIII of 1947) in its application to the Akrani Mahal and Mehwassai Estates is sought to be further amended. We have advised the Government the repeal of B.A.D.R. Act itself and therefore the Notification in question would cease to be in operation. Therefore, this Regulation may be repealed.

SR.NO.13 THE DEKKHAN AGRICULTURISTS' RELIEF (SUIT AND
APPLICATIONS) VALIDATION ACT, 1954
(BOM. ACT NO. XXXVIII OF 1954)

This Act is passed with sole purpose to validate the suits and proceedings taken under the Dekkhan Agriculturists' Relief Act, 1879 (Act No.XVII of 1879) on 27th day of May 1950. The Act has exhausted itself and therefore, it may be repealed.

SR.NO.14 THE BOMBAY EXTENSION OF LAWS TO NON-SCHEDULED
(PARTIALLY EXCLUDED) AREAS ACT, 1954
(BOM. ACT NO. LXVIII OF 1954)

This Act extends certain Acts to former partially excluded areas in the State of Bombay. The areas mentioned in the fourth Schedule, to which this Act applies, now form part of the State of Maharashtra and by subsequent amendment all these Acts have been made applicable to whole of Maharashtra and therefore, there is no use of this Act keeping on the Statute Book and hence it may be repealed.

NAMES OF THE ACTS AND REGULATIONS FROM VOLUME NO. III OF THE MAHARASHTRA CODE WHICH ARE REQUIRED TO BE RETAINED

SR.NO.1 THE PRISONERS (BOMBAY AMENDMENT) ACT, 1949
(BOM. ACT NO. VII OF 1949)

This is an amending Act which amends the main Act, namely, The Prisoners Act, 1900 (Act No.III of 1900). By this Act various amendments were made to different sections of the Principal Act. The principal Act being the Central Act, the amendments made by the State cannot get automatically incorporated in the principal Act. Therefore, the amendments will have to be retained so that they could be read alongwith the principal Act.

SR.NO.2 THE BOMBAY ANATOMY ACT, 1949
(BOM. ACT NO. XI OF 1949)

The provisions of this Act show that it is useful even today and therefore, it will have to be retained. Various amendments have been incorporated in this Act from time to time, the last being of 1976 (Maharashtra Act No. 35 of 1975). However, it will have to be reviewed in order to amend it as it refers to certain authorities like Coroners, Additional Coroners etc., whose posts do not exist now as the Coroners Act has been repealed.

SR.NO.3 THE BOMBAY NURSING HOMES REGISTRATION ACT, 1949
(BOM. ACT NO. XV OF 1949)

The Act will have to be retained because it is not only useful but is necessary to have control on the Nursing Homes started in the State.

SR.NO.4 THE BOMBAY PROHIBITION ACT, 1949
(BOM. ACT NO. XXV OF 1949)

This Act is in force today. The provisions of this Act are necessary and therefore, this Act will have to be retained.

SR.NO.5 THE BOMBAY LAND ACQUISITION OFFICERS PROCEEDINGS
VALIDATION ACT, 1949
(BOM. ACT NO. XXXV OF 1949)

This Act has been passed to remove certain doubts and to establish the validity of certain proceedings taken for acquisition of land in the Province of Bombay. It appears that eventhough the provincial Government had appointed certain officers under clause (c) of Section 3 of the Land Acquisition Act, 1894 (Act No.1 of 1894), to perform the functions of the Collector and had directed, certain officers under section 7 of that Act to take order for the acquisition of the said lands under that Act, certain officers other than those who were so appointed or directed took proceedings under the said Act in respect of the acquisition of some of the said lands instead of the officers appointed or directed and therefore, this Act is passed to remove doubts raised as to the validity of the proceedings taken by such officers who had not been duly appointed or directed and validate the proceedings taken and acts done by the said officers. The provisions of Section 2 show that they apply only to the lands which were sought to be acquired before the commencement of this validation Act. The proceedings taken under that Act must have been completed by now and thus the purpose of the Act is served. It may be noted that Section 5 of this Act amends the Principal Act of 1894 by inserting a new Section 52 A. This amendment will have to be retained as it will not get automatically incorporated in the Principal Act of 1894. The Section 5 of the Act is also retained.

NAMES OF THE ACTS AND REGULATIONS FROM VOLUME NO. III OF THE MAHARASHTRA CODE WHICH ARE REQUIRED TO BE RETAINED

SR.NO.1 THE PRISONERS (BOMBAY AMENDMENT) ACT, 1949
(BOM. ACT NO. VII OF 1949)

This is an amending Act which amends the main Act, namely, The Prisoners Act, 1900 (Act No.III of 1900). By this Act various amendments were made to different sections of the Principal Act. The principal Act being the Central Act, the amendments made by the State cannot get automatically incorporated in the principal Act. Therefore, the amendments will have to be retained so that they could be read alongwith the principal Act.

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SR.NO. 6 THE BOMBAY PREVENTION OF EX-COMMUNICATION
ACT, 1949
(BOM. ACT NO. XLII OF 1949)

This Act is passed in keeping with the spirit of changing time and in public interest to stop the practice prevailing in certain communities of ex-communicating its members. Such practice of ex-communication appears to be prevalent in some communities even now. Therefore, the provisions of this Act are necessary. For this reason, this Act may be retained.

SR.NO.7 THE BOMBAY REPEALING AND AMENDING ACT, 1949
(BOM. ACT NO. LIII OF 1949)

This Act repeals certain provisions or the entire Act as mentioned in the First Schedule and makes amendments to certain Acts mentioned in the Second Schedule. The Law & Judiciary Department has recommended that this Act should not be repealed because, according to them, its continuance would be necessary for the reference in future. The Law Commission entirely agrees with this opinion and therefore, this Act should be retained.

SR.NO.8 THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS
ACT, 1949
(BOM. ACT NO. LIX OF 1949)

The provisions of this Act are in force. They are useful and necessary. Therefore, this Act should be retained.

SR.NO.9 THE BOMBAY MERGED STATES (LAWS) ACT, 1950
(BOM. ACT NO. IV OF 1950)

By this Act all the Acts and the Regulations specified in the 1st Schedule and so much of the Acts and Ordinances specified in the 2nd Schedule as relates to matters with respect to which the State Legislature has power to make laws are extended to and brought in force in the Merged States and the Acts specified in the 1st Column of the 3rd Schedule are amended in their application to the Merged States specified in the 2nd Column in the manner set forth in the 3rd Column of that Schedule. Thus, after this Act all the laws, which were applicable to the State of Bombay, were made applicable to the Merged areas in the State of Bombay also. Thus, these Acts now uniformly apply to the entire area which forms part of the then State of Bombay and now the State of Maharashtra. Therefore, in fact, there is no necessity now to keep this Act on the Statute Book. However, it would be useful to keep it even hereafter for the purpose of record and reference in future.

SR.NO.10 THE BOMBAY MERGED AREAS, ENCLAVES AND SPECIFIED
AREAS (AMENDMENT OF LAWS) ACT, 1950
(BOM. ACT NO. XXII OF 1950)

The Act is not the usual amending Act, making certain amendments in the Principal Act. But it is an Act making certain special provisions and amendments in the Principal Act with reference to those specified areas. Therefore, the general provision applicable to other areas and this is a special provision applicable to this specified area will both stand together simultaneously. It is a case making the Act applicable to specified area with certain amendments which are not applicable to others. Both will stand together and hence need not be

SR.NO.24 THE BOMBAY THEATRES (REGULATION) ACT, 1953
(BOM. ACT NO. XI OF 1953)

This Act is in force and its provisions are necessary. Therefore it will have to be retained.

SR.NO.25 THE EPIDEMIC DISEASES (BOMBAY AMENDMENT) ACT, 1953
(BOM. ACT NO. XII OF 1953)

This Act amends the Epidemic Diseases Act, 1897 (Act No.III of 1897), in its application to the State of Bombay. The amendments made will have to be retained as they will not get automatically incorporated in the Principal Act. Therefore, this Act will have to be retained.

SR.NO.26 THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL)
(BOMBAY AMENDMENT) ACT, 1953
(BOM. ACT NO. XVI OF 1953)

The amendments made by this Act will have to be retained as they are made to the Central Act. Therefore, this Act may be retained.

SR.NO.27 THE GANDHI NATIONAL MEMORIAL FUND (LOCAL
AUTHORITIES' DONATIONS) ACT, 1953
(BOM. ACT NO. XVII OF 1953)

By this Act the contributions or donations made by Local Authorities to the Gandhi Memorial Fund outside their limits are made legally valid. This Act is useful even now and therefore, it will have to be retained.

SR.NO.28 THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1953
(BOM. ACT NO. XXV OF 1953)

This Act amends Sections 52, 53 and 55 of the Indian Forest Act, 1927 (Act No.XVI of 1927), in its application to the State of Bombay. The amendments will have to be retained as they will not get automatically incorporated in the Principal Act, it being a Central Act. Therefore, this Act will have to be retained.

SR.NO.29 THE PRISONS (BOMBAY AMENDMENT) ACT, 1953
(BOM. ACT NO. XXVII OF 1953)

This Act amends the Prisons Act, 1894 (Act No.IX of 1894), in its application to State of Bombay. The amendments will have to be retained as they will not get automatically incorporated in the Principal Act, it being Central Act. Therefore, this Act will have to be retained.

SR.NO.30 THE BOMBAY EVACUEE INTEREST (SEPARATION)
VALIDATING AND SUPPLEMENTARY ACT, 1953
(BOM. ACT NO. XXIX OF 1953)

This Act validates the orders made and the actions taken by Competent Authorities under the Evacuee Interest (Separation) Act, 1951 (Act No.LXIV of 1951). This is an independent addition to the Principal Act and therefore, it will have to be continued alongwith the Principal Act.

SR.NO.31 THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1953
(BOM. ACT NO. XXXV OF 1953)

This Act amends the Land Acquisition Act, 1894 (Act No.I of 1894) in its application to the State of Bombay. The amendments will have to be retained as they will not get automatically incorporated in the Principal Act, it being a Central Act. Therefore, this Act will have to be retained.

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SR.NO.32 THE BOMBAY LABOUR WELFARE FUND ACT, 1953
(BOM. ACT NO. XL OF 1953)

This Act is in force today and it is still useful. Therefore, the same will have to be retained.

SR.NO.33 THE IDENTIFICATION OF PRISONERS (BOMBAY
AMENDMENT) ACT, 1953
(BOM. ACT NO. LVIII OF 1953)

This Act amends the Identification of Prisoners Act, 1920 (Act No. XXXIII of 1920), in its application to the State of Bombay. The amendments will have to be retained as they are made to the Principal Act which is a Central Act. They do not get automatically incorporated in the Principal Act. Therefore, this Act will have to be retained.

SR.NO.34 THE PAYMENT OF WAGES (BOMBAY AMENDMENT)
ACT, 1953
(BOM. ACT NO. LXII OF 1953)

This Act amends the Payment of Wages Act, 1936 (Act No. IV of 1936), in its application to the State of Bombay. The amendments will have to be retained as they are made to the Principal Act which is a Central Act. They do not get automatically incorporated in the Principal Act. Therefore, this Act will have to be retained.

SR.NO.35 THE BOMBAY REGISTRATION OF MARRIAGES ACT, 1953
(BOM. ACT NO. V OF 1954)

This Act is in force and is useful even today. Therefore, it may be retained.

SR.NO.36 THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE
FUNCTIONS (SUPPLEMENTARY) ACT, 1954
(BOM. ACT NO. VIII OF 1954)

Certain provisions under this Act stand independently and simultaneously alongwith the Principal Act and therefore, it may not be advisable to repeal this Act.

SR.NO.37 THE BOMBAY REPEALING AND AMENDING ACT, 1954
(BOM. ACT NO. XXI OF 1954)

This Act repeals certain provisions of different Acts as mentioned in the first Schedule and amends certain Acts mentioned in the second Schedule. The Law and Judiciary Department has recommended to retain this Act on the Statute Book for the purpose of reference in future. The Law Commission agrees with the recommendation and therefore, this Act may be retained.

SR.NO.38 THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL)
(BOMBAY AMENDMENT) ACT, 1954
(BOM. ACT NO. LXV OF 1954)

The provisions of this Act and the provisions of the Industrial Disputes Appellate Tribunal Act, 1950 (Act No. XLVIII of 1950) both stand together simultaneously, and to some extent independently and therefore, this Act will be retained.

SR.NO.39 THE PAYMENT OF WAGES (BOMBAY AMENDMENT)
ACT, 1954
(BOM. ACT NO. LXX OF 1954)

Certain provisions under this Act stand independently and simultaneously alongwith the Principal Act and therefore, it may not be advisable to repeal this Act.

SR.NO.40 THE CODE OF CRIMINAL PROCEDURE (BOMBAY
AMENDMENT) ACT, 1954
(BOM. ACT NO. LXXI OF 1954)

Certain provisions under this Act stand independently and simultaneously alongwith the Principal Act and therefore, it may not be advisable to repeal this Act.

MAHARASHTRA LAW COMMISSION

ANNEXURE -V

NAMES OF THE WATANS AND INAMS ABOLITION ACTS FROM VOLUME NO. III OF THE MAHARASHTRA CODE WHICH ARE KEPT FOR SEPARATE CONSIDERATION.

1. THE BOMBAY BHAGDARI & NARWADARI TENURES ABOLITION ACT, 1949 (BOM. ACT NO. XXXII OF 1949)
2. THE BOMBAY KHOTI ABOLITION ACT, 1949 (BOM. ACT NO. VI OF 1950)
3. THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) ACT, 1950 (BOM. ACT NO. LX OF 1950)
4. THE SALSETTE ESTATES (LAND REVENUE EXEMPTION ABOLITION) ACT, 1951 (BOM. ACT NO. XLVII OF 1951)
5. THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1953 (BOM. ACT NO. XXXVIII OF 1953)
6. THE BOMBAY PERSONAL INAMS ABOLITION ACT, 1952 (BOM. ACT NO. XLII OF 1953)
7. THE BOMBAY KAULI AND KATUBAN TENURES (ABOLITION) ACT, 1953 (BOM. ACT NO. XLIV OF 1953)
8. THE BOMBAY LAND TENURES ABOLITION (RECOVERY OF RECORDS) ACT, 1953 (BOM. ACT NO. L OF 1953)
9. THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT, 1953 (BOM. ACT NO. LXX OF 1953)
10. THE BOMBAY MERGED TERRITORIES (JANJIRA AND BHOR) KHOTI TENURE ABOLITION ACT, 1953 (BOM. ACT NO. LXXI OF 1953)
11. THE BOMBAY MERGED TERRITORIES AND AREAS JAGIRS ABOLITION ACT, 1953 (BOM. ACT NO. XXXIX OF 1954)