

## **REPEALING AND AMENDING ACT, 1978**

**38 of 1978**

[ ]

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## **REPEALING AND AMENDING ACT, 1978**

**38 of 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 :-

### **1. Short title :-**

This Act may be called The Repealing and Amending Act, 1978.

### **2. Repeal of certain enactments :-**

The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.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

### **3. Amendment of certain enactments :-**

The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

### **4. Savings :-**

The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied,

incorporated or referred to: and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing; nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed: nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

## SCHEDULE 1

### REPEALS

<p>Year 1 \No. 2 \Short Title 3 \Extent of repeal 4 \ \Central Acts \ 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 .. \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 \55 \The Arms (Amendment) Act, 1971 \The whole. 1971 \57 \The Viswa-Bharati (Amendment) Act, 1971 \Sections 2 to 12 and 14. 1971 \66 \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 8 1971 \72 \The Industries (Development and Regulation) Amendment Act, 1971 ... \Sections 2 10. 1971 \74 \The Personal Injuries (Emergency Provisions) Amendment Act, 1971 \Sections 2 and 3, 1971 \75 \The Personal Injuries</p>
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(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 Cantonment (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 \32 \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 1972 45 The Taxation Laws (Amendment) Act, 1972 \ \The whole 1972 46 The Insecticides (Amendment) Act, 1972 \ \The whole 1972 47 The Rice-Miling 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 villeges) \ \ \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 Insuran Business Section 40 (Nationalisation ) Act, 1972 1972 58 The Indian Copper Corporation (Acquisition Section 19 of undertaking) Act, 1972 1972 60 The Khadi and other Handloom Industries Development Section 2 and 3 (Additional Excise duty on cloth)Amendment Act, 1972 1972 61 The Central Sales Tax (Amendmenen) Act, 1972 Section 2 and 3 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 Corporation (Amendment) Act, 1972 The whole 1973 1 The Requisitioning and Acquisition of Immoveable Property (Amendment) Act, 1973 The whole 1973 2 The Diplomatie and Consular Officers (Oaths and Fees)(Extension to Jammu and Kashmir) Act, 1973 Section 3 1973 3 The Seaward Artillery Practive (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 The whole 1973 20 The Orissa State Legislature (Delegation 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 Section 2 to 4 1973 27 The Apprentices (Amendment) Act, 1973 The whole 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 Cooking and Non-Cooking Coal Mines (Nationalisation )(Amendment) Act, 1973 The whole 1973 44 The Reserve bank of india (Amendment) Act, 1972 The whole 1973 45 The Indian Railway (Amendment) Act, 1972 The whole 1973 47 The Foreign Awards (Recognition and Enforcement (Amendment) Act, 1973 The whole 1973 48 The State Bank Laws (Amendment) Act, 1972 The whole 1973 49 The Code of Civil Procedure (Amendment) Act, 1973 The whole 1973 51 The Textile Committee (Amendment) Act, 1973 The whole 1973 52 The Maternity Benefit (Amendment) Act, 1973 The whole 1973 54 The Indian Railways (Amendment) Act, 1973 The whole 1973 55 The Payment of Bonus (Second Amendment) Act, 1973 Section 2 1973 58 The Central Excise 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 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, 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 section 2 to 21 1974 28 The Coal Mines (Conservation and Development) (Amendment) Act, 1974 section 19 1974 29 The Major Port Trusts (Amendment) Act, 1974 section 2 to 59 1974 30 The Essential Commodities (Amendment) Act, 1974 ss 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 Undertaking 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 (Amendment) Act, 1974 section 30 1974 46 The Delhi Sikh (Gurdwars 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 The Repealing and Amending Act, 1974 The whole 1974 59 The Punjab Municipal (Chandigarh Amendment) (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 Allowance 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) (Amendment) Act, 1975 section 3 1975 23 The All India Services (Amendment) Act, 1974 section 2 1975 24 The Former Secretary of State Service (Officers Conditions of Service) (Amendment) Act, 1974 The whole 1975 28 The Companies (Temporary Restrictions on Dividends ) (Amendment) Act, 1974 The whole 1975 31 The Nagaland State Legislature (Delegation of Powers) (Amendment) Act, 1974 The whole 1975 38 The Employees State Insurance (Amendment) Act, 1974 The whole 1975 39 The Maintenance of Internal Security (Amendment) Act, 1974 The whole 1975 44 The Telegraph Wires (Unlawful possession ) (Amendment) Act, 1974 Sub-section(1) of section 2 and sections 3 to 15 1975 45 The Agricultural Refinance Corporation (Amendment) Act, 1974 The whole 1975 46 The Provident Funds (Amendment) Act, 1974 The whole 1975 47 The Indian Coinage (Amendment) Act, 1974 The whole 1975 48 The Salaries and Allowances of Members of Parliament (Amendment) Act, 1974 The whole 1975 50 The National Cadet Corps, (Amendment) Act, 1974 The whole Year \No. \Short Title \Extent of repeal 1 2 3 4 1975 \52 \The Public Financial Institutions Laws (Amendment) Act, 1975 \Sections 2 to 20 and 22 to 51 Hyderabad Regulation The Indian Union Police Force Regulation, 1358 Fasli (Hyderabad Regulation No. XXV of 1358F.) .. ... .. The whole

**SCHEDULE 2**  
**AMENDMENTS**

Year \No. \Short title \ \ \ \ Amendments 1 2 3 \ \ \ \ 4 1908 \5 \The Code of Civil Procedure, 1908 \ (1) In sub-section (2) of \ \ \ \ \ \ \ \ section 123,-(i) in clause \ \ \ \ \ \ \ \ (c), the word "and" occurring at \ \ \ \ \ \ \ \ the end shall be omitted; \ \ \ \ \ \ \ \ (ii) clause (d) shall be \ \ \ \ \ \ \ \ omitted, (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. 1951 \43 The Representation of the People Act. 1951 \ (a) In sub-section (1) of \ \ \ \ \ \ \ \ section 11 A,- (i) the brackets \ \ \ \ \ \ \ \ and letter "(a)" occurring before \ \ \ \ \ \ \ \ the words "is convicted" shall be \ \ \ \ \ \ \ \ omitted. (ii) the word "or" occurring \ \ \ \ \ \ \ \ before the words "he shall" shall \ \ \ \ \ \ \ \ be omitted. (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. 1956 \74 The Central Sales Tax Act. 1956 \ \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. 1973 \26 The Coal Mines (Nationalisation) Act, 1973 \ \ \ \ \ \ \ \ 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. 1974 \4 The Esso (Acquisition of Undertaking \in India) Act, 1974 \ \ \ \ \ \ \ \ 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. 1975 \43 The Delhi Sales Tax Act, 1975 \ (i) In sub-section (3) of section 14, in the second proviso for the words "points of sale", the words "the point of sale" shall be substituted. \ (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. 1976 \2 The Burmah Shell (Acquisition of Undertakings in India) Act. 1976 \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.