



## The Bombay Repealing and Amending Act, 1959

Act 63 of 1959

Keyword(s):  
Repealing and Amending Act

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**THE BOMBAY REPEALING AND AMENDING ACT, 1959.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.
4. Savings and construction.

**FIRST SCHEDULE.**

**SECOND SCHEDULE.**

BOMBAY ACT No. LXIII OF 1959.<sup>1</sup>

[THE BOMBAY REPEALING AND AMENDING ACT, 1959.]

[29th October 1959]

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

WHEREAS it is expedient to repeal certain enactments which have ceased to be in force or have become unnecessary or obsolete and to amend certain other enactments for the purposes hereinafter appearing; It is hereby enacted in the Tenth year of the Republic of India as follows:—

1. This Act may be called the Bombay Repealing and Amending Act, 1959. Short title.
2. The enactments specified in the First Schedule hereto, in their application to the State of Bombay or any part thereof, as the case may be, are hereby repealed to the extent and in the manner mentioned in the fourth column thereof. Repeal of certain enactments.
3. The enactments specified in the Second Schedule hereto, are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.
4. (1) The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; Savings and construction.

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title or 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same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;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;

nor shall the repeal of the Saurashtra Seal Act, 1950 affect any instrument or document, sealed with a seal bearing designation of the Government of Saurashtra deemed valid and effectual under that Act.

(2) Notwithstanding the repeal of the Bombay Motor Vehicles Tax and the Motor Vehicles (Amendment) Act, 1956, by this Act, any reference to the State Transport Officer or the State Motor Transport Officer in the Bombay Motor Vehicles Tax Act, 1958 or the Motor Vehicles Act, 1939, or in any rule, notification or order issued or deemed to be issued under either of the last two Acts and for the time being in force, or in any other instrument or document, shall be construed as a reference to the Director of Transport.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1959, Part V, pages 550-551.

## FIRST SCHEDULE.

*Repeals.*

(See section 2.)

Year.	Number.	Short title.	Extent of repeal.
1	2	3	4
<i>I—Central enactments.</i>			
1878	I	.. The Opium Act, 1878, in its application to the Pre-Reorganisation State of Bombay (excluding the transferred territories).	The whole.
<i>II—Bombay enactments.</i>			
1827	Regulation XII.	A Regulation for the establishment of a system of Police throughout the zilas subordinate to Bombay, for providing rules for its administration, and for defining the duties and powers of all Police-authorities and servants.	The whole.
1827	Regulation XIII	A Regulation for defining the constitution of Courts of Criminal Justice and the functions and proceedings thereof.	The whole.
1956	XV	.. The Bombay Motor Vehicles Tax and the Motor Vehicles (Amendment) Act, 1956.	The whole.
<i>III—Hyderabad enactments.</i>			
1314 Faali.	I	.. The Conferring of Powers for Summoning Witnesses Act.	The whole.
1350 Faali.	XXI	.. The Non-Mulki Prostitutes and Dancing Girls Act.	So much as is not repealed.
1961	XXVIII	.. The Hyderabad Improved Seeds and Seedlings Act, 1961.	The whole.
<i>IV—Kutch enactment.</i>			
1949	XV	.. The East Punjab Conservation of Manure Act, 1949 as extended to the Kutch area of the State of Bombay.	The whole.
<i>V—Madhya Pradesh enactments.</i>			
1949	XX	.. The Central Provinces and Berar Resettlement and Rehabilitation of Displaced Persons (Land Acquisition) Act, 1949.	The whole.
1949	XLIII	.. The Central Provinces and Berar Resettlement and Rehabilitation of Displaced Persons (House Building Material Acquisition) Act, 1949.	The whole.
1953	X	.. The Madhya Pradesh Sale of Khaddar Act, 1953.	The whole.

FIRST SCHEDULE—*contd.*

Year.	Number.	Short title.	Extent of repeal.
1	2	3	4
<i>VI—Saurashtra enactments.</i>			
1927	Regulation XII	A Regulation for the establishment of a system of Police throughout the zilas subordinate to Bombay, for providing rules for its administration, and for defining the duties and powers of all Police-authorities and servants, as adapted and applied by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948.	The whole.
1927	XXV	.. A Regulation for the confinement of State Prisoners and for the attachment of the lands of Chieftains and others for reasons of State, as adapted and applied by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948.	The whole.
1867	XVI	.. The Acting Judges Act, 1867, as adapted and applied by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948.	The whole.
1949	XXII	.. The Saurashtra Political Struggles (Refund of Fines) Ordinance, 1949.	The whole.
1950	XIII	.. The Saurashtra Seal Act, 1950 . . . .	.. The whole.
1953	XXXIX	.. The Saurashtra Backward Class Board Act, 1953.	The whole.

## SECOND SCHEDULE.

*Amendments.*

(See section 3.)

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
<i>I—Central enactment.</i>			
1898	V	.. The Code of Criminal Procedure, 1898.	(1) In section 406B, the figures and word "406 or" shall be deleted. (2) In Schedule III, in Part IV, items (8) and (11) shall be deleted.
<i>II—Bombay enactments.</i>			
1923	VI	.. The Bombay Local Boards Act, 1923.	In the marginal note to section 118A, for the figures "15" the word "five" shall be substituted.

SECOND SCHEDULE—*contd.*

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1925	XVIII	.. The Bombay Municipal Boroughs Act, 1925.	In section 163, in sub-section (3), for the word "sublet" the word "let" shall be substituted.
1926	XX	.. The Bombay Opium Smoking Act, 1926.	In section 25, in clause (a), for the word "Commissioner" the word "Director" shall be substituted.
1947	LXII	.. The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.	In section 2, in clause (9b),— (1) in sub-clause (a), the words " and in the Kutch area of the State of Bombay, that Act as applied to that area " shall be deleted. (2) for sub-clause (c), the following shall be substituted, namely :— " (c) in the Vidarbha region and the Kutch area of the State of Bombay, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch area) Act, of 1958 ;"
1958	LXV	.. The Bombay Motor Vehicles Tax Act, 1958.	In the Third Schedule, the entries relating to the Hyderabad Municipal Corporations Act, 1955 (Hyd. Act II of 1956) occurring in columns 1 and 2 shall be deleted.
<i>III—Kutch enactment.</i>			
1923	VI	.. The Bombay Local Boards Act, 1923 as extended to the Kutch area of the State of Bombay.	In the marginal note to section 118A, for the figures " 15 " the word " five " shall be substituted.
<i>IV—Saurashtra enactments.</i>			
1952	X	.. The Saurashtra Acts (Interpretation) Act, 1952.	In section 2, after clause (12), the following shall be inserted, namely :— " (12A) ' Commissioner ' shall mean the Commissioner of a division appointed under the Bombay Land Revenue Code, 1879 ; "
1954	XXIII	.. The Saurashtra Agricultural Debtors' Relief Act, 1954.	In section 41, in clause (1), in sub-clause (v), for the word , brackets and figure " sub-section (1) " the word, brackets and figure " sub-section (2) " shall be substituted.

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