



The Maharashtra Repealing and Amending Act, 1963

Act 26 of 1963

Keyword(s):
Repeal of Certain Enactments

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THE MAHARASHTRA REPEALING AND AMENDING ACT, 1963.

CONTENTS.

PREAMBLE.

SECTIONS.

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

FIRST SCHEDULE.

SECOND SCHEDULE.

MAHARASHTRA ACT No. XXVI OF 1963.¹

[THE MAHARASHTRA REPEALING AND AMENDING ACT, 1963.]

[4th June 1963]

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 Fourteenth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Repealing and Amending Act, 1963. Short title.
2. The enactments specified in the First Schedule hereto, in their application to the whole of the State of Maharashtra or as the case may be, to any part thereof, are hereby repealed to the extent and in the manner mentioned in the fourth column thereof.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. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to ; and this Act shall not affect the validity, invalidity, effect or consequences of anything already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 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same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed ; Savings and construction.
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.

FIRST SCHEDULE.

Repeals.

(See section 2.)

Year.	Number.	Short title.	Extent of repeal.
1	2	3	4
<i>I. Central enactment.</i>			
1872	IX	The Indian Contract Act, 1872 in its application to the Vidarbha area of the State of Maharashtra.	Sections 19B and 19C inserted by the Central Provinces and Berar Indian Contract (Amendment) Act, 1938 (C. P. and Berar Act XV of 1938).

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1963, Part V, pages 74—76.

Year. 1	Number. 2	Short title. 3	Extent of repeal. 4
<i>II. Bombay enactments.</i>			
1883	I	The Bombay Highway Act, 1883.	The whole.
1944	VIII	The Bombay Growth of Food-crops Act, 1944.	The whole.
1945	XXIII	The Bombay Beggars Act, 1945.	To the extent to which it does not stand repealed.
1949	XXVII	The Bombay Repatriated Prisoners Act, 1949.	The whole.
<i>III. Madhya Pradesh enactments.</i>			
1933	II	The Central Provinces and Berar Debt Conciliation Act, 1933.	The whole.
1938	XV	The Central Provinces and Berar Indian Contract (Amendment) Act, 1938.	The whole.
1947	XXVIII	The Central Provinces and Berar Prohibition of Objectionable Advertisements Act, 1947.	The whole.
1948	LXIV	The Central Provinces and Berar Regulation of Manufacture of Bidis (Agricultural Purposes) Act, 1948.	The whole.
1954	XXII	The Madhya Pradesh Resettlement of Displaced Landholders (Land Acquisition) Act, 1954.	The whole.
<i>IV. Hyderabad enactments.</i>			
1329F	XVI	The Hyderabad Eunuchs Act.	The whole.
1951	XXI	The Hyderabad Payment of Taxes (Transfer of Property) Act, 1951.	The whole.

SECOND SCHEDULE.

Amendments.

(See section 3.)

Year. 1	Number. 2	Short title. 3	Extent of amendment. 4
<i>Bombay and Maharashtra enactments.</i>			
1879	V	The Bombay Land Revenue Code 1879.	In section 1, in sub-section (2), for the words "the City of Bombay" the words "except the City of Bombay" shall be substituted.

Year. 1	Number. 2	Short title. 3	Extent of repeal. 4
1956	LVIII	The Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956.	In section 30, for the word and figure "section 6" the word and figure "section 7 shall" be substituted.
1958	XXXI	The Bombay Revenue Tribunal Act, 1957.	<p>(1) In the heading to Chapter II, for the word "Bombay" the word "Maharashtra" shall be substituted.</p> <p>(2) In the marginal note to section 3, for the word "Bombay" the word "Maharashtra" shall be substituted.</p>
1958	XCIX	The Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.	<p>(1) In the long title and preamble, for the words "Vidarbha Region and the Kutch area of the State of Bombay" the words "Vidarbha Region of the State of Maharashtra" shall be substituted.</p> <p>(2) In section 1, in sub-section (1), the words "and Kutch Area" shall be deleted.</p>
1959	III	The Bombay Village Panchayats Act, 1958.	<p>(1) In section 129, for sub-section (8), the following shall be substituted, namely :—</p> <p>"(8) (a) If a <i>panchayat</i> fails to recover any tax, fee or any sum due to it, or neglects to take action under sub-sections (2) and (4) of this section, or</p> <p>(b) if a <i>Nyaya Panchayat</i> fails or neglects to take action under sub-sections (2) and (3) of section 117, the <i>Panchayat Samiti</i> may apply to the Collector to recover the same as an arrear of land revenue."</p>

Year.	Number.	Short title.	Extent of repeal.
1	2	3	4
			(2) In section 130, in clause (a), for the words "any sum certified by a <i>panchayat</i> and recoverable by him" the words "any sum recoverable by him on an application by the <i>Panchayat Samiti</i> " shall be substituted.
1961	XLV	The Hyderabad Tenancy and Agricultural Lands (Re-enactment, Validation and Further Amendment) Act, 1961.	In the Second Schedule, in the Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1960 (Mah. XXVIII of 1960), in section 15, clause (a) shall be deleted.
1962	XXVII	The Maharashtra Education (Cess) Act, 1962.	(1) In section 9,— (a) in sub-section (1), for clause (a), the following shall be substituted, namely :— " (a) in Cantonments by the Collector of the district ; and " ; (b) in sub-section (2), in clause (a), the words " of Poona, Kirkee and Kamp-tee " shall be deleted. (2) In section 10, in sub-section (1), the words " of Poona or Nagpur " shall be deleted.