

THE KERALA REPEALING AND SAVING BILL, 2021

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 Seventy second 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, 2021.
(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 **Repeal of certain enactments**.- The enactments specified in the Schedule to this Act are hereby repealed.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The repeal by this Act of any enactment specified in the Schedule shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to and this Act shall not affect the validity, invalidity, effect or consequences of anything already done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the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;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 course.

(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)

Sl.No. (1)	Act Number & Year (2)	Short Title (3)
	<u>Travancore Acts</u>	
1	1040	Enfranchisement of Sirkar Pattom Lands Proclamation, 1040 (Travancore)
2	1061	Revenue Settlement Proclamation 1061 (Travancore)
	<u>Cochin Acts</u>	
3	XII of 1118	The Pallippurath Pazhur Illam Assumption of Management Proclamation (Cochin), 1118
4	VIII of 1124	Paliam Proclamation (Cochin), 1124
5	XVIII of 1095	The Prevention of Cruelty to Animals Act, 1095 (Cochin)
6	I of 1109	The Cochin Amending Act, 1109
7	XXVI of 1111	The Prevention of Dedication Act, 1111
8	XXVI of 1112	The Cochin Debt Conciliation Act 1112
9	XV of 1118	Amending Proclamation, 1118
10	I of 1123	Proclamation extending the period of Management over Paliam Estate, 1123(Cochin)
	<u>Travancore-Cochin Act</u>	
11	XXVI of 1955	The Travancore-Cochin Entertainments Tax (Validation of Levy and Collection) Act, 1955
	<u>Madras Act and Regulations applicable to Malabar Area</u>	
12	III of 1802	The Madras Administration of Estates Regulation, 1802
13	IV of 1862	The Madras Enfranchised Inams Act 1862
14	I of 1867	The Madras General Clauses Act 1867
15	I of 1891	The Madras General Clauses Act 1891
16	VIII of 1914	The Madras Decentralisation Act, 1914
17	XXXI of 1947	The Madras Devadasis (Prevention of Dedication) Act 1947
18	VII of 1948	The Madras Re-enacting and Repealing (No.I) Act 1948
19	VIII of 1948	The Madras Re-enacting and Repealing (No.II) Act 1948
20	IX of 1948	The Madras Re-enacting and Repealing (No.III) Act 1948
21	X of 1949	The Madras Re-enacting Act 1949
22	XXIX of 1949	The Madras Essential Articles Control and

		Requisitioning (Temporary Powers) Act, 1949
23	III of 1950	The Madras Re-enacting Act, 1950
24	XIV of 1951	The Madras Repealing and Amending Act, 1951
25	XI of 1952	The Madras Repealing and Amending Act, 1952
26	XXIX of 1954	The Madras Electricity Supply Undertakings (Acquisition) Act, 1954
27	XXXVI of 1955	The Madras Repealing and Amending Act, 1955
	<u>KERALA ACTS</u>	
28	9 of 1963	The Suits for possession and Injunction (Re-transfer) Act, 1963
29	19 of 1969	The Thiruppuvaram payment (Abolition) Amendment Act, 1969
30	30 of 1975	The Kerala Debtors (Temporary Relief) Act, 1975
31	9 of 1976	The Kerala Municipal Councils (Extension of term of office of Councillors) Act, 1976
32	31 of 1976	The supply of paddy and rice to Travancore Palace (Extinguishment of rights and liabilities), Act, 1976
33	3 of 1977	The Calicut Municipal Corporation (Extension of time for re-constitution) Act, 1976
34	13 of 1988	The Gandhiji University (Dissolution of the Senate and the Syndicate), Act 1988
35	19 of 2001	The Kerala Agricultural Debtors (Temporary Relief) Act, 2001
36	3 of 2004	The Kerala Automobiles Limited (Validation of appointment of personnel), Act, 2004
37	8 of 2005	The Kerala Tourism (Conservation and Preservation of Areas) Act, 2005
	<u>Amendment Acts</u>	
38	4 of 2002	The Kerala General Sales Tax (Amendment) Act, 2002
39	5 of 2002	The Kerala Infrastructure Investment Fund (Amendment) Act, 2002
40	6 of 2002	The Kerala Women's' Commission (Amendment) Act, 2002
41	1 of 2003	The Abkari (Amendment) Act, 2003
42	2 of 2003	The Kerala Court Fees and Suits Valuation (Amendment) Act, 2003
43	3 of 2003	The Kerala General Sales Tax (Amendment) Act, 2003
44	4 of 2003	The Sree Sankaracharya University of Sanskrit (Amendment) Act, 2003
45	7 of 2003	The Kerala General Sales Tax (Third Amendment) Act, 2003

46	8 of 2003	The Kerala Stay of Eviction Proceedings (Amendment) Act, 2003
47	9 of 2003	The Kerala Panchayat Raj (Amendment) Act, 2003
48	10 of 2003	The Kerala Municipality (Amendment) Act, 2003
49	11 of 2003	The Kerala General Sales Tax (Second Amendment) Act, 2003
50	16 of 2003	The Kerala Cashew Workers' Relief and Welfare Fund (Amendment) Act, 2003
51	28 of 2003	The Kerala Preservation of Trees (Amendment) Act, 2003
52	1 of 2004	The Kerala Stamp (Amendment) Act, 2004
53	4 of 2004	The Kerala Tolls (Amendment) Act, 2004
54	16 of 2004	The Kerala Co-operative Laws (Amendment) Act, 2004
55	1 of 2005	The Sree Sankaracharya University of Sanskrit (Amendment) Act, 2005
56	2 of 2005	The University Laws (Amendment) Act, 2005
57	3 of 2005	The Kerala Panchayat Raj (Amendment) Act, 2005
58	4 of 2005	The Kerala Municipality (Amendment) Act, 2005
59	5 of 2005	The Kerala Panchayat Raj (Second Amendment) Act, 2005
60	6 of 2005	The Kerala Municipality (Second Amendment) Act, 2005
61	7 of 2005	The Kerala Contingency Fund (Amendment) Act, 2005
62	19 of 2005	The Kerala Gaming (Amendment) Act, 2005
63	22 of 2005	The Kerala Ground Water (Control and Regulation) (Amendment) Act, 2005
64	23 of 2005	The Kerala Motor Transport Workers Welfare Fund (Amendment) Act, 2005
65	24 of 2005	The Kerala Motor Vehicle Taxation (Amendment) Act, 2005
66	26 of 2005	The Kerala Local Authorities Entertainments Tax (Amendment) Act, 2005
67	28 of 2005	The Kerala Self Financing Professional Colleges(Prohibition of Capitation Fee and Procedure for Admission and Fixation of Fess) (Amendment) Act, 2005
68	29 of 2005	The University Laws (Amendment) Amending Act, 2005
69	30 of 2005	The Kerala Panchayat Raj (Fifth Amendment) Act, 2005
70	31 of 2005	The Kerala Panchayat Raj (Third Amendment)

		Act, 2005
71	33 of 2005	The Kerala Municipality (Third Amendment) Act, 2005
72	34 of 2005	The Kerala Municipality (Fourth Amendment) Act, 2005
73	35 of 2005	The Kerala Municipality (Fifth Amendment) Act, 2005
74	36 of 2005	The Kerala Municipality (Sixth Amendment) Act, 2005
75	37 of 2005	The Kerala Municipality (Seventh Amendment) Act, 2005
76	40 of 2005	The Kerala General Sales Tax (Amendment) Act, 2005
77	41 of 2005	The Kerala Tax on luxuries (Amendment) Act, 2005
78	42 of 2005	The Kerala Tax on entry of goods into local areas (Amendment) Act, 2005
79	43 of 2005	The Kerala Agricultural Income Tax (Amendment) Act, 2005
80	45 of 2005	The Kerala Water Supply and Sewerage (Amendment) Act, 2005
81	1 of 2006	The Kerala Land Reforms (Third Amendment) Act, 2005
82	4 of 2006	The Kerala Irrigation and Water Conservation (Amendment) Act, 2006
83	21 of 2006	The Kerala Land Reforms (Amendment) Act, 2005
84	5 of 2007	The Kerala Travancore – Cochin Hindu Religious Institution (Amendment) Act, 2007
85	Act 11 of 2007	The Kerala Panchayat Raj Act, 2007
86	Act 12 of 2007	The Kerala Municipality (Amendment) Act, 2007
87	Act 19 of 2007	The Kerala Promotion of Tree Growth in non-Forest Areas (Amendment) Act, 2007
88	Act 21 of 2007	The Kerala Police (Amendment) Act, 2007
89	Act 23 of 2007	The Mahatma Gandhi University (Amendment) Act, 2007
90	Act 24 of 2007	The University Laws (Amendment) Act, 2007
91	Act 25 of 2007	The Cochin University of Science and Technology (Amendment) Act, 2007
92	Act 26 of 2007	The Kerala Sports (Amendment) Act, 2007
93	Act 27 of 2007	The Kerala Women's' Commission (Amendment) Act 2007
94	Act 29 of 2007	The Kerala Survey and Boundaries (Amendment) Act, 2007
95	Act 31 of 2007	The Kerala Revenue Recovery (Amendment) Act, 2007

96	Act 33 of 2007	The Kerala Professional Colleges or Institution (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
97	Act 25 of 2008	The payment of Salaries and Allowances (Amendment) Act, 2008
98	Act 26 of 2008	The Kerala payment of pension to Members of Legislative (Amendment) Act, 2008
99	Act 27 of 2008	The Kerala Head load Workers (Amendment) Act, 2008
100	Act 30 of 2008	The Kerala Farmers' Debt Relief Commission (Amendment) Act, 2008
101	Act 31 of 2008	The Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2008
102	Act 32 of 2008	The Kerala Scheduled Castes and Scheduled Tribes Regulation of Issue of Community Certificates (Amendment) Act, 2008
103	Act 35 of 2008	The Kerala Tailoring Workers Welfare Fund (Amendment) Act, 2008
104	Act 1 of 2009	The Kerala Advocates' Clerks Welfare Fund (Amendment) Act, 2008
105	Act 4 of 2009	The Unregistered Cashew Nut Factories Prohibition (Amendment) Act, 2008
106	Act 5 of 2009	The Kerala Shops and Commercial Establishments Workers Welfare Fund (Amendment) Act, 2008
107	Act 6 of 2009	The National University of Advanced Legal Studies (Amendment) Act, 2008
108	Act 7 of 2009	The Sree Sankaracharya University of Sanskrit (Amendment) Act, 2008
109	Act 8 of 2009	The Kerala Water Supply and Sewerage (Amendment) Act, 2008
110	Act 9 of 2009	The Kerala Co-operative Societies (Amendment) Act, 2008
111	Act 28 of 2009	The Kerala Toddy Workers Welfare Fund (Amendment) Act, 2009
112	Act 29 of 2009	The Kerala Land Conservancy (Amendment) Act, 2009
113	Act 30 of 2009	The Kerala Municipality (Amendment) Act, 2009
114	Act 31 of 2009	The Kerala Panchayat Raj (Amendment) Act,

		2009
115	Act 32 of 2009	The Kerala Forest (Vesting and Management of Ecologically Fragile Lands) (Amendment) Act, 2009
116	Act 3 of 2010	The Kerala Abkari (Amendment) Act, 2010
117	Act 5 of 2010	The Kerala Diary Farmers' Welfare Fund (Amendment) Act, 2010
118	Act 7 of 2010	The Kerala Co-operative Societies (Amendment) Act, 2010
119	Act 8 of 2010	The Kerala Forest (Amendment) Act, 2010
120	Act 14 of 2010	The Kerala Cashew Factories (Acquisition) (Amendment) Act, 2010
121	Act 2 of 2011	The Kerala Advocates' Welfare Fund (Amendment) Act, 2010
122	Act 7 of 2011	The Kerala Agricultural Workers' (Amendment) Act, 2010
123	Act 12 of 2011	The Kerala Tax on Paper Lotteries (Amendment) Act, 2011
124	Act 17 of 2011	The Kerala Fiscal Responsibility (Amendment) Act, 2011
125	Act 3 of 2012	The Payment of Salaries and Allowances (Amendment) Act, 2012
126	Act 4 of 2012	The Payment of Salaries and Allowances (Second Amendment) Act, 2012
127	Act 5 of 2012	The Kerala Payment of Pension to Members of Legislature (Amendment) Act, 2012
128	Act 6 of 2012	The Kerala Land Reforms (Second Amendment) Act, 2005
129	Act 7 of 2012	The Legislative Assembly (Removal of Disqualifications (Amendment) Act, 2012
130	Act 1 of 2013	The Kerala Municipality (Amendment) Act, 2012
131	Act 4 of 2013	The Kerala Farmers Debt Relief Commission (Amendment) Act, 2012
132	Act 5 of 2013	The Kerala Panchayat Raj (Amendment) Act, 2012
133	Act 6 of 2013	The Kerala Local Authorities (Prohibition of Detection) (Amendment) Act, 2012
134	Act 8 of 2013	The Kerala Co-operative Societies (Amendment) Act, 2013
135	Act 10 of 2013	The Kerala Advocates' Clerks Welfare Fund (Amendment) Act, 2013
136	Act 11 of 2013	The Kerala Tolls (Amendment) Act, 2013
137	Act 12 of 2013	The Payment of Salaries and Allowances (Amendment) Act, 2013
138	Act 13 of 2013	The Kerala Head load Workers' (Amendment)

		Act, 2013
139	Act 14 of 2013	The Kerala Stamp (Amendment) Act, 2013
140	Act 16 of 2013	The Kerala Diary Farmers' Welfare Fund (Amendment) Act, 2013
141	Act 20 of 2013	The Kerala Veterinary and Animal Sciences University (Amendment) Act, 2013
142	Act 21 of 2013	The Kerala Local Authorities Entertainments Tax (Amendment) Act, 2013
143	Act 22 of 2013	The Kerala Co-operative Societies(Second Amendment) Act, 2013
144	Act 23 of 2013	The Kerala Panchayat Raj(Amendment) Act, 2013
145	Act 26 of 2013	The Kerala Civil Courts (Amendment) Act, 2013
146	Act 31 of 2013	The Registration (Kerala Amendment) Act, 2013
147	Act 32 of 2013	The Indian Partnership (Kerala Amendment) Act, 2013
148	Act 4 of 2014	The Kerala Fishermen Debt Relief Commission (Amendment) Act, 2014
149	Act 7 of 2014	The Abkari (Amendment) Act, 2014
150	Act 8 of 2014	The Kerala Municipality (Amendment) Act, 2014
151	Act 9 of 2014	The Kerala Municipality (Second Amendment) Act, 2014
152	Act 10 of 2014	The Payment of Salaries and Allowances (Amendment) Act, 2014
153	Act 24 of 2014	The Kerala Co-operative Societies (Amendment) Act, 2014
154	Act 25 of 2014	The University Laws (Third Amendment) Act, 2014
155	Act 32 of 2014	The University Laws (Third Amendment) Act, 2014
156	Act 40 of 2014	The Kerala Agricultural University (Amendment) Act, 2014
157	Act 41 of 2014	The Kerala Anti-Social Activities (Prevention) (Amendment) Act, 2014
158	Act 1 of 2015	The Kerala Taxation Laws (Amendment) Act, 2014
159	Act 2 of 2015	The Kerala Municipality (Third Amendment) Act, 2014
160	Act 3 of 2015	The Kerala Shops and Commercial Establishments (Amendment) Act, 2014
161	Act 6 of 2015	The Kerala Land Reforms (Amendment) Act, 2014
162	Act 13 of 2015	The Kerala Cashew Factories Acquisition (Amendment) Act, 2015
163	Act 15 of 2015	The Kerala Ceiling on Govt. Guarantees (Amendment) Act, 2015

164	Act 1 of 2016	The Kerala Sports (Amendment) Act, 2015
165	Act 8 of 2016	The Kerala Land Tax (Amendment) Act, 2016
166	Act 11 of 2016	The Payment of Wages (Kerala Amendment) Act, 2015
167	Act 13 of 2016	The Legislative Assembly (Removal of Disqualifications) (Amendment) Act, 2016
168	Act 15 of 2016	The Kerala Infrastructure Investment of Fund (Amendment) Act, 2016
169	Act 17 of 2016	The Hindu Succession (Kerala Amendment) Act, 2015
170	Act 20 of 2016	The Kerala Court Fees and Suits Valuation (Amendment) Act, 2016
171	Act 21 of 2016	The Kerala Advocates' Welfare Fund (Amendment) Act, 2016
172	Act 4 of 2017	The Payment of Salaries and Allowances (Amendment) Act, 2017
173	Act 5 of 2017	The Kerala State Commission for Minorities (Amendment) Act, 2017
174	Act 6 of 2017	The Kerala Shops and Commercial Establishments Workers' Welfare Fund (Amendment) Act, 2017
175	Act 12 of 2017	The Industrial Disputes (Kerala Amendment) Act, 2017
176	Act 13 of 2017	The Kerala Motor Vehicles Taxation (Amendment) Act, 2017
177	Act 18 of 2017	The Kerala Panchayat Raj (Amendment) Act, 2017
178	Act 19 of 2017	The Kerala Municipality (Amendment) Act, 2017
179	Act 22 of 2017	The Kerala Marine Fishing Regulation (Amendment) Act, 2017
180	Act 23 of 2017	The Minimum Wages (Kerala Amendment) Act, 2017
181	Act 7 of 2018	The Kerala Fiscal Responsibility (Amendment) Act, 2018
182	Act 8 of 2018	The Payment of Salaries and Allowances (Amendment) Act, 2018
183	Act 9 of 2018	The Kerala payment of pension to Members of Legislature (Amendment) Act, 2018
184	Act 10 of 2018	The Kerala Road Safety Authority (Amendment) Act, 2018
185	Act 11 of 2018	The Kerala Co-operative Societies (Amendment) Act, 2018

186	Act 12 of 2018	The Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2018
187	Act 16 of 2018	The Kerala Irrigation and Water Conservation (Amendment) Act, 2018
188	Act 17 of 2018	The APJ Abdul Kalam Technological University (Amendment) Act, 2018
189	Act 19 of 2018	The Kerala State Higher Education Council (Amendment) Act, 2018
190	Act 20 of 2018	The Kerala University (Amendment) Act, 2018
191	Act 21 of 2018	The Sree Sankaracharya University of Sanskrit (Amendment) Act, 2018
192	Act 23 of 2018	The Kerala Panchayat Raj (Amendment) Act, 2018
193	Act 24 of 2018	The Kerala Municipality (Amendment) Act, 2018
194	Act 25 of 2018	The Abkari (Amendment) Act, 2018
195	Act 26 of 2018	The Travancore-Cochin Hindu Religious Institutions (Amendment) Act, 2018
196	Act 27 of 2018	The Kerala Panchayat Raj (Amendment) Act, 2018
197	Act 28 of 2018	The Kerala Municipality (Second Amendment) Act, 2018
198	Act 29 of 2018	The Kerala Conservation of Paddy Land and Wet Land (Amendment) Act, 2018
199	Act 32 of 2018	The Kerala Municipality (Third Amendment) Act, 2018
200	Act 33 of 2018	The Kerala Panchayat Raj (Third Amendment) Act, 2018
201	Act 34 of 2018	The Kerala Shops and Commercial Establishments (Amendment) Act, 2018
202	Act 36 of 2018	The Kerala State Goods and Services Tax (Amendment) Act, 2018
203	Act 38 of 2018	The Kerala Fishermen Debt Relief Commission (Amendment) Act, 2018
204	Act 39 of 2018	The Kerala Co-operative Societies (Second Amendment) Act, 2018
205	Act 1 of 2019	The Kerala Co-operative Societies (Amendment) Act, 2019
206	Act 4 of 2019	The Kerala Medical Education(Regulation and Control of Admission to Private Medical Educational Institutions (Amendment) Act, 2019
207	Act 8 of 2019	The Kerala Police (Amendment) Act, 2019

208	Act 10 of 2019	The Kerala Municipality (Amendment) Act, 2019
209	Act 11 of 2019	The Kerala Panchayat Raj (Amendment) Act, 2019
210	Act 12 of 2019	The Kerala Anganawadi Workers and Anganawadi Helpers Welfare Fund (Amendment) Act, 2019
211	Act 14 of 2019	The Kerala Veterinary & Animal Science University (Amendment) Act, 2019
212	Act 17 of 2019	The Kerala Jewelry Workers Welfare Fund (Amendment) Act, 2019
213	Act 19 of 2019	The Madras Hindu Religious and Charitable Endowments (Amendment) Act, 2019
214	Act 20 of 2019	The Kerala Farmers Debt Relief Commission (Amendment) Act, 2019
215	Act 22 of 2019	The Non Resident Keralites Welfare (Amendment) Act, 2019
216	Act 23 of 2019	The Kerala Industrial Single Window Clearance Board and Industrial Township Area Development (Amendment) Act, 2019
217	Act 2 of 2020	The Kerala Panchayat Raj (Amendment) Act, 2020
218	Act 3 of 2020	The Kerala Municipality (Amendment) Act, 2020

STATEMENT OF OBJECTS AND REASONS

One of the terms of reference indicated in the constitution of the Kerala Law reforms Commission is to identify and recommend the Laws which are obsolete or no longer needed and liable to be repealed.

Periodical repealing of such enactments is needed to remove the same from the Statute Book. On a careful study it is found that there are some enactments which have become obsolete or no longer in use and they need not be kept alive in the Statute Book. Obsolete Laws have accomplished their purpose and so they have to be deleted from the Statute Book. Since provisions of the Amendment Acts have become part of their respective Parent Acts, such Amendment Acts also are not necessary to remain in the Statute Book.

The Commission issued letters to the Secretaries of various Departments including Law Department for their suggestions and report in this regard. The Commission received a detailed report with copies of the Amendment Acts and the list of enactments which are liable to be repealed. From the report of the Law Department it is found that, even though a Bill as Bill No.34 of the Fourteenth Kerala Legislative Assembly was published for the purpose of repealing of some enactments, the same was not introduced and passed in the Legislative Assembly. The term of the Fourteenth Kerala Legislative Assembly would expire by May, 2021. In this circumstances the Commission has decided to include the enactments proposed to be repealed in the said Bill along with other obsolete or no longer needed enactments in this Bill.

The Commission now proposes to repeal 37 Laws applicable to Travancore, Cochin, Travancore -Cochin and Kerala Acts which are no longer needed in those areas and also proposes to repeal 181 Amendment Acts which need not be retained as separate Acts since they became part of their parent Acts.

The Bill seeks to achieve the above object.