

CWP No.3326 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3326 of 2016
Date of decision:22.04.2016

Punjab State Power Corporation Limited and another ...Petitioners

Versus

Permanent Lok Adalat and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Pawan Attri, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

This petition is directed against the order passed by the Permanent Lok Adalat (Public Utility Services), Jalandhar dated 01.08.2015 on the ground that the Legal Services Authorities (Amendment) Act, 2002 (hereinafter referred to as the "Amending Act") by which Chapter VI was inserted in the Legal Services Authorities Act, 1987 (hereinafter referred to as the "Act") has been repealed by the Repealing and Amending Act, 2015 (hereinafter referred to as the "Repealing Act") which received the assent of the President on 13.05.2015 and has been published in the Gazette of India (Extraordinary) on the same day.

I have heard learned counsel for the petitioners and examined the available record.

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No doubt that Chapter VI containing Section 22-C in the Act was inserted/introduced by the Amending Act, which has been repealed by the Repealing Act but whether the Repealing Act has repealed Chapter VI, inserted by the Amending Act in the Act, is the bone of contention.

Section 6A of the General Clauses Act, 1897 provides that *“Repeal of Act making textual amendment in Act or Regulation.-- Where any Central Act or Regulation made after the commencement of this Act repeals any enactment by which the text of any Central Act or Regulation was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal”*.

Section 4 of the Repealing Act provides that *“the repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied, incorporated or referred to”*.

Thus, the intention of the Parliament is apparent that the Repealing Act would not affect the Act in which Chapter VI of the Amending Act has been incorporated.

In the case of **Khuda Bux vs. Manager, Caledonian Press**, AIR 1954 Cal. 484, the Division Bench of the Calcutta High Court has considered this aspect and observed as under:-

“9. This contention was based, in my view, on a mistaken notice of the scope and effect of a repealing and amending Act. Such Acts have no legislative effect, but are

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designed for editorial revision, being intended only to excise dead matter from the statute book and to reduce its volume. Mostly, they expurgate amending Acts, because having imparted the amendments to the main Acts, those Acts have served their purpose and have no further reason for their existence. At times, inconsistencies are also removed by repealing and amending Acts. The only object of such Acts which in England, are called Statute Law Revision Acts, is legislative spring-cleaning and they are not intended to make any change in the law. Even so, they are guarded by saving clauses drawn with elaborate care, of which Section 3 of the Repealing and Amending Act of 1950 is itself an apt illustration. Besides providing for other savings, that section says that the Act shall not affect “any principle or rule of law notwithstanding that the same may have been derived by, in, or from any enactment hereby repealed.”

In the case of **Jethanand Betab vs. The State of Delhi**, 1960 AIR 89, the Supreme Court has held that the main object of a repealing and amending Act is only to strike out the unnecessary Act and excise dead matter from the statute book.

In the case of **Jaipal Singh vs. State of U.P.**, 1990 CriLJ 2504, the Allahabad High Court also took the similar view.

Thus, in view of the aforesaid discussion, it is held that Chapter VI, incorporated in the Act by the Amendment Act, has not been repealed by the Repealing Act in view of Section 6A of the General Clauses Act, 1897 and Section 4 of the Repealing Act and is still in existence.

Consequently, the present petition is hereby dismissed being denuded of any merit.

April 22, 2016
vinod*

(Rakesh Kumar Jain)
Judge