

11th February, 2026

The Repealing and Amending Act, 2025: Legislative Streamlining and Procedural Reform in Indian Civil and Commercial Law

The Repealing and Amending Act, 2025 (Act No. 37 of 2025) ("R&A Act") represents Parliament's continued effort to simplify India's statutory framework by repealing obsolete enactments and modernising select procedural provisions. While largely technical in character, the R&A Act carries important implications for civil litigation, commercial dispute resolution, and regulatory clarity. This article analyses the scope and effect of the repeals under the First Schedule and evaluates the substantive significance of the amendments introduced under the Second Schedule, particularly in relation to service of process, succession law, and disaster governance.

I. Introduction

The Indian legislative landscape is marked by an accumulation of principal statutes, amending enactments, and sector-specific laws spanning over a century. To address statutory congestion and ensure legal clarity, Parliament periodically enacts Repealing and Amending Acts.

The R&A Act repeals a large number of obsolete and spent enactments while introducing targeted amendments to select statutes, including the Code of Civil Procedure, 1908 ("CPC"), the General Clauses Act, 1897 ("GC Act"), the Indian Succession Act, 1925 ("ISA"), and the Disaster Management Act, 2005 ("DMA").

Although such legislation does not usually attract significant public attention, its cumulative effect on the administration of civil justice and statutory interpretation is substantial.

II. Legislative Objective and Structure

The R&A Act comprises four substantive provisions:

- Section 2 repeals enactments specified in the First Schedule
- Section 3 amends enactments listed in the Second Schedule

- Section 4 contains an extensive savings clause preserving accrued rights and proceedings

The First Schedule lists over seventy enactments ranging from colonial-era statutes to recent amendment laws passed between 2015 and 2023. The Second Schedule introduces limited but meaningful textual changes to four key statutes. The Second Schedule introduces limited but meaningful textual changes to four key statutes.

III. Effect of Repeals under the First Schedule

A. Removal of Spent and Sector-Specific Enactments

Several repealed statutes relate to historical nationalisation and acquisition exercises, including:

- The Indian Tramways Act, 1886
- The Chaparmukh-Silghat Railway Line and Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982
- Various Acts acquiring specific industrial undertakings during the late twentieth century

These enactments had a limited operational lifespan, having fulfilled their legislative purpose upon completion of acquisitions or transfers. Their continued presence in the statute book served no substantive legal function.

The repeal of such laws reflects a shift away from sector-specific interventionist legislation towards consolidated regulatory frameworks.

B. Repeal of Amendment Acts and Consolidation of Laws

A significant portion of the First Schedule repeals Amendment Acts affecting major commercial and regulatory statutes, including:



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- Arbitration and Conciliation Act amendments (2015, 2021)
- Insolvency and Bankruptcy Code amendments (2020, 2021)
- Commercial Courts Act amendment (2018)
- Competition Act amendment (2023)
- Banking Regulation Act amendments (2017, 2020)

Importantly, these repeals do not undo substantive reforms introduced by these amendment laws. Instead, they signify that the changes have been fully incorporated into the parent statutes.

From a practitioner's perspective, this simplifies statutory interpretation by eliminating the need to consult multiple amending enactments.

C. The Savings Clause and Legal Continuity

Section 4 of the R&A Act safeguards:

- Existing rights and liabilities
- Ongoing proceedings
- Past actions taken under repealed laws
- Established procedural practices and legal principles

This provision prevents any retrospective disturbance of commercial transactions, civil disputes, or regulatory actions grounded in repealed enactments. The clause mirrors long-standing repeal jurisprudence under Indian law, ensuring continuity and certainty.

IV. Amendments under the Second Schedule

A. Modernisation of Service of Documents under the GC Act

Section 27 of the GC Act is amended by replacing the words "registered post" with "speed post with registration."

This provision creates a legal presumption of service when documents are dispatched by post. The substitution reflects the evolution of postal systems and recognises speed post as the primary reliable mode of official communication.

Implication: Statutory notices in commercial contracts, regulatory compliance, and civil disputes now align with contemporary postal practice, reducing evidentiary disputes regarding service.

B. Procedural Reforms in the CPC

Multiple CPC provisions are amended to standardise service through "speed post with registration and proof of delivery," including:

- Section 148A (caveat notices)
- Order V (service of summons)

- Order XXI (execution-related payments)
- Order XXXIX (communication of injunction orders)

Previously, references to "registered post acknowledgement due" often led to procedural delays and technical objections.

Significance in Commercial Litigation:

Given the emphasis on expeditious resolution under the Commercial Courts Act, 2015 service inefficiencies had become a practical bottleneck. The requirement of "proof of delivery" offers clearer evidentiary standards and promotes procedural efficiency.

C. Omission of Section 213 of the Indian Succession Act, 1925

The Act entirely omits Section 213 and consequential references thereto. Section 213 previously mandated that rights as executor or legatee could not be established without probate or letters of administration in certain jurisdictions.

Impact: The omission simplifies succession processes by removing mandatory probate formalities in relevant cases, thereby:

- Reducing litigation costs
- Shortening dispute timelines
- Improving access to civil remedies in inheritance matters

D. Conceptual Clarification under the Disaster Management Act, 2005

In Section 30(2)(vi), the term "prevention" is replaced with "preparation." The amendment reflects contemporary disaster management principles which prioritise preparedness, capacity-building, and response planning over the unrealistic objective of complete risk prevention.

Implication: The shift emphasises resilience-based governance at the district administrative level.

V. Broader Implications for Civil and Commercial Law

A. Enhanced Statutory Clarity

The repeal of redundant amendment laws reduces interpretative complexity. Practitioners can now rely on consolidated principal statutes without navigating layers of historical amendments. This is particularly relevant in insolvency, arbitration, and competition law areas characterised by frequent legislative updates.

B. Procedural Efficiency in Courts

By modernising service provisions, the R&A Act addresses a recurring cause of delay in civil proceedings. Clear proof of delivery standards are likely to:

- Minimise service-related objections
- Improve case management
- Support the objectives of commercial courts

C. Rationalisation of Legacy Legal Formalities

The reform of succession law reflects a broader legislative trend toward reducing unnecessary procedural burdens that hinder access to justice.

VI. Conclusion

The R&A Act exemplifies Parliament's ongoing commitment to statutory housekeeping and procedural modernisation. While it does not introduce sweeping substantive reforms, its impact is institutionally important.

Through the repeal of obsolete enactments, the R&A Act declutters the statute book and enhances legal certainty. Through targeted amendments, it aligns procedural law with modern realities and removes outdated formalities.

For civil and commercial practitioners, the R&A Act contributes to:

- Simplified statutory research
- More efficient litigation processes
- Greater clarity in succession and regulatory matters

In sum, the R&A Act reinforces the foundational infrastructure of India's legal system, a quiet but essential exercise in legislative governance.



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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 61] नई दिल्ली, रविवार, दिसम्बर 21, 2025/अग्रहायण 30, 1947 (शक)

No. 61] NEW DELHI, SUNDAY, DECEMBER 21, 2025/AGRAHAYANA 30, 1947 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

**MINISTRY OF LAW AND JUSTICE
(Legislative Department)**

New Delhi, the 21st December, 2025/Agrahayana 30, 1947 (Saka)

The following Act of Parliament received the assent of the President on the 20th December, 2025 and is hereby published for general information:—

THE REPEALING AND AMENDING ACT, 2025

No. 37 OF 2025

[20th December, 2025.]

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

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

1. This Act may be called the Repealing and Amending Act, 2025.
2. The enactments specified in the First Schedule are hereby repealed.
3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Short title.

Repeal of certain enactments.

Amendment of certain enactments.

Savings.

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, 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.

THE FIRST SCHEDULE

(See section 2)

REPEALS

Year	Act No.	Short Title
1	2	3
1886	XI	The Indian Tramways Act, 1886.
1976	31	The Levy Sugar Price Equalisation Fund Act, 1976.
1978	41	The Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978.
1982	36	The Chaparmukh-Silghat Railway Line and the Katakhal-Lalabazar Railway Line (Nationalisation) Act, 1982.
1984	55	The Hooghly Docking and Engineering Company Limited (Acquisition and Transfer of Undertakings) Act, 1984.
1988	44	The Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Act, 1988.
2016	3	The Arbitration and Conciliation (Amendment) Act, 2015.
2017	1	The Payment of Wages (Amendment) Act, 2017.
2017	3	The Enemy Property (Amendment and Validation) Act, 2017.
2017	6	The Maternity Benefit (Amendment) Act, 2017.
2017	11	The Employee's Compensation (Amendment) Act, 2017.
2017	30	The Banking Regulation (Amendment) Act, 2017.
2018	7	The National Bank for Agriculture and Rural Development (Amendment) Act, 2018.
2018	10	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2018.
2018	12	The Payment of Gratuity (Amendment) Act, 2018.
2018	18	The Specific Relief (Amendment) Act, 2018.
2018	19	The State Banks (Repeal and Amendment) Act, 2018.
2018	20	The Negotiable Instruments (Amendment) Act, 2018.
2018	28	The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018.
2019	15	The Central Universities (Amendment) Act, 2019.
2019	19	The Protection of Human Rights (Amendment) Act, 2019.
2019	27	The Airports Economic Regulatory Authority of India (Amendment) Act, 2019.
2019	32	The Motor Vehicles (Amendment) Act, 2019.
2019	38	The National Institute of Design (Amendment) Act, 2019.
2019	41	The Chit Funds (Amendment) Act, 2019.
2019	43	The Special Protection Group (Amendment) Act, 2019.
2019	48	The Arms (Amendment) Act, 2019.
2020	1	The Insolvency and Bankruptcy Code (Amendment) Act, 2020.
2020	4	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2020.
2020	13	The Aircraft (Amendment) Act, 2020.

1	2	3
2020	17	The Insolvency and Bankruptcy Code (Second Amendment) Act, 2020.
2020	18	The Salaries and Allowances of Ministers (Amendment) Act, 2020.
2020	24	The Homoeopathy Central Council (Amendment) Act, 2020.
2020	25	The Indian Medicine Central Council (Amendment) Act, 2020.
2020	39	The Banking Regulation (Amendment) Act, 2020.
2021	3	The Arbitration and Conciliation (Amendment) Act, 2021.
2021	6	The Insurance (Amendment) Act, 2021.
2021	8	The Medical Termination of Pregnancy (Amendment) Act, 2021.
2021	15	The Government of National Capital Territory of Delhi (Amendment) Act, 2021.
2021	21	The Factoring Regulation (Amendment) Act, 2021.
2021	22	The Coconut Development Board (Amendment) Act, 2021.
2021	26	The Insolvency and Bankruptcy Code (Amendment) Act, 2021.
2021	27	The Central Universities (Amendment) Act, 2021.
2021	28	The Airports Economic Regulatory Authority of India (Amendment) Act, 2021.
2021	30	The Deposit Insurance and Credit Guarantee Corporation (Amendment) Act, 2021.
2021	32	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2021.
2021	37	The General Insurance Business (Nationalisation) Amendment Act, 2021.
2021	38	The National Commission for Indian System of Medicine (Amendment) Act, 2021.
2021	39	The National Commission for Homoeopathy (Amendment) Act, 2021.
2021	43	The National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021.
2021	44	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2021.
2021	49	The Election Laws (Amendment) Act, 2021.
2022	8	The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2022.
2022	9	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2022.
2022	10	The Delhi Municipal Corporation (Amendment) Act, 2022.
2022	14	The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Amendment Act, 2022.
2022	19	The Energy Conservation (Amendment) Act, 2022.

1	2	3
2022	20	The Constitution (Scheduled Castes and Scheduled Tribes) Orders (Second Amendment) Act, 2022.
2022	23	The New Delhi International Arbitration Centre (Amendment) Act, 2022.
2023	1	The Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2022.
2023	2	The Constitution (Scheduled Tribes) Order (Fourth Amendment) Act, 2022.
2023	9	The Competition (Amendment) Act, 2023.
2023	11	The Multi-State Co-operative Societies (Amendment) Act, 2023.
2023	12	The Cinematograph (Amendment) Act, 2023.
2023	13	The Constitution (Scheduled Tribes) Order (Amendment) Act, 2023.
2023	14	The Constitution (Scheduled Tribes) Order (Second Amendment) Act, 2023.
2023	16	The Mines and Minerals (Development and Regulation) Amendment Act, 2023.
2023	17	The Offshore Areas Mineral (Development and Regulation) Amendment Act, 2023.
2023	19	The Government of National Capital Territory of Delhi (Amendment) Act, 2023.
2023	27	The Coastal Aquaculture Authority (Amendment) Act, 2023.
2023	36	The Central Universities (Amendment) Act, 2023.

THE SECOND SCHEDULE

(See section 3)

AMENDMENTS

Year	Act No.	Short Title	Amendments
1	2	3	4
1897	10	The General Clauses Act, 1897.	In section 27, for the words “registered post”, the words “speed post with registration” shall be substituted.
1908	5	The Code of Civil Procedure, 1908.	<p>(i) In section 148A, in sub-section (2), for the words “registered post, acknowledgement due”, the words “speed post with registration and proof of delivery” shall be substituted;</p> <p>(ii) In the First Schedule,—</p> <p>(a) in Order V, in rule 9,—</p> <p>(I) in sub-rule (3), for the words “registered post acknowledgement due, addressed to the defendant or his agent empowered to accept the service or by speed post”, the words “speed post with registration and proof of delivery addressed to the defendant or his agent empowered to accept the service” shall be substituted;</p> <p>(II) in sub-rule (4), the brackets and words “(except by registered post acknowledgment due)” shall be omitted;</p> <p>(III) in sub-rule (5), in the proviso, for the words “registered post acknowledgement due, the declaration referred to in this sub-rule shall be made notwithstanding the fact that the acknowledgement”, the words “speed post with registration and proof of delivery, the declaration referred to in this sub-rule shall be made notwithstanding the fact that the proof of delivery” shall be substituted;</p> <p>(b) in Order XXI, in rule 1, in sub-rule (2), for the words “registered post, acknowledgement due”, the words “speed post with registration and proof of delivery” shall be substituted; and</p> <p>(c) in Order XXXIX, in rule 3, in the proviso, in clause (a), for the words “registered post”, the words “speed post with registration” shall be substituted.</p>

1	2	3	4
1925	39	The Indian Succession Act, 1925.	<p>(i) In section 3, in sub-section (1), the figures “, 213” shall be omitted;</p> <p>(ii) section 213 shall be omitted;</p> <p>(iii) in section 370,—</p> <p>(a) in sub-section (1), for the words and figures “or section 213 to be established by letters of administration or probate”, the words “to be established by letters of administration” shall be substituted;</p> <p>(b) in sub-section (2), clause (b) shall be omitted.</p>
2005	53	The Disaster Management Act, 2005.	In section 30, in sub-section (2), in clause (vi), for the word “prevention”, the word “preparation” shall be substituted.

DR. RAJIV MANI,
Secretary to the Govt. of India.