

GENERAL CLAUSE ACT, 1897

21.1 DEFINITIONS (SECTION 3)

1. Act [Section 3(2)]	"Act", used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions,
2. Affidavit [Section 3(3)]	"Affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing
3. Central Act [Section 3(7)]	<p>"Central Act" shall means an Act of Parliament, and shall include-</p> <p>An Act of the Dominion Legislature or of the Indian Legislature passed before the commencement of the Constitution, and</p> <p>Act made before such commencement by the Governor General in Council or the Governor General, acting in a legislature capacity.</p>
4. Central Government [Section 3(8)]	<p>"Central Government" shall, -</p> <p>In relation to anything before the commencement of the Constitution, mean the Governor General or the Governor General in Council, as the case may be, and shall include,-</p> <p>1. in relation to functions entrusted under sub-section (1) of Section 124 of the Government of India Act, 1935, to the Government of a Province, the Provincial Government acting within the scope of the authority given to it under that sub-section,</p> <p>2. In relation to the administration of a Chief Commissioner's Province, the Chief Commissioner acting within the scope of the authority given to him under sub-section (3) of section 94 of the said Act, and</p> <p>In relation to anything done or to be done after the commencement of the Constitution, mean the President, and shall include-</p> <p>1. In relation to functions entrusted under clause (1) of article 258 of the Constitution, to the Government of a State, the State Government acting within the scope of the authority given to it under that clause,</p> <p>2. In relation to the administration of a Part C State (before the commencement of the Constitution (Seventh Amendment) Act, 1956, the Chief Commissioner or the Lieutenant - Governor or the Government of a neighboring State or other authority acting within the scope of the authority given to him r it under article 239 or article 243 of the Constitution, as the case may be, and</p> <p>3. In relation to the administration of a Union territory, the administrator thereof acting within the scope of the authority given to him under article 239 of the</p>

	Constitution.
5. Commencement [Section 3(13)]	"Commencement" used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force
6. Enactment [Section 2(19)]	"Enactment" shall include a Regulation (as hereinafter defined) and any Regulation of the Bengal, Madras or Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid.
7. Financial Year [Section 3(21)]	Financial year shall mean the year commencing on the first day of April. The term Year has been defined under Section 3(66) , which means calendar year which starts from January to December.
8. Good Faith [Section 3(22)]	A thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not; The question of good faith under the General Clauses Act is one of fact. It is to determine with reference to the circumstances of each case.
9. Government [Section 3(23)]	'Government' or 'the Government' shall include both the Central Government and State Government.
10. Government Securities [Section 3(24)]	'Government securities' shall mean securities of the Central Government or of any State Government, but in any Act or Regulation made before the commencement of the Constitution shall not include securities of the Government of any Part B state;
11. Immovable Property [Section 3(26)]	"Immovable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth.

21.2 COMING INTO OPERATION OF ENACTMENTS [SECTION 5]

Date of operation	Where any Central Act is not expressed to come into operation on particular day, then it shall come into operation on the day on which it receives the assent. In the case of a Central Act made before the commencement of the Constitution, of the governor general, and in the case of an Act of Parliament, of the President.
Examples	

21.3 EFFECT OF REPEAL [SECTION 6, 6A, 7 & 8]

Effect	Where this Act, or any (Central Act) or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then,
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21.3 EFFECT OF REPEAL [SECTION 6, 6A, 7 & 8]	
	<p>unless a different intention appears, the repeal shall not-</p> <ul style="list-style-type: none"> • Revive anything not in force or existing at the time at which the repeal takes effect, or • Affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder, or • Affect any right, privilege, obligation or liability acquired, accrued or incurrent under any enactment so repealed, or • Affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed, or • Affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.
Repeal of Act making textual amendment in Act or Regulation [Section 6A]	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.
Revival of repealed enactments [Section 7]	<p>In any (Central Act) or Regulations made after the commencement of this Act, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.</p> <p>This section applies also to all (Central Acts) made after the third day of January, 1968 and to all Regulations made on or after the fourteenth day of January, 1887.</p>
Construction of references to repealed enactments [section 8]	<p>(1) Where this Act, or any (Central Act) or regulation made after the commencement of this Act, repeals and re-enacts, with or without notification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.</p> <p>(Where before the fifteenth day of August, 1947, any Act of Parliament of the United Kingdom repealed and re-enacted, with or without modification, any provision of a former enactment, then references in any (Central Act) or in any Regulation or instrument to the provision so repealed shall, unless a different intention appears, be construed as reference to the provision so reenacted.)</p>
21.4 TIME & DISTANCE [SECTION 9 TO 13]	
Commencement and termination of time [Section 9]	In any, (Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word 'from', "and", for the purpose of including the last in a series of days or any other period of time, to use the word "to", This section applies also to all (Central Acts) made after the third day of January, 186, and to all Regulation made on after the fourteenth day of January, 1887.
Computation of time [section 10]	Where, by any (Central Act) or regulation made after the commencement of this Act, any act or proceeding is directed to allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or that day or the last day of the prescribed period, the act or

	<p>proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open.</p> <p>Provided that nothing in this section shall apply to any act or proceeding to which the (Indian Limitation Act, 1877 (15 of 1877)), applies.</p> <p>This section applies also to all (Central Acts) and Regulations made on or after the fourteenth day of January 1887</p>
Measurement of distance [Section 11]	In the measurement of any distance, for the purpose of any (Central Act) or Regulation made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.
Duty to be taken prorata in enactment [Section 12]	Where, by any enactment now in force or hereafter to be in force, any duty of customs or exercise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.
Gender and number [Section 13]	In all (Central Acts) and Regulations, unless there is anything repugnant in the subject or context - Words importing the masculine gender shall be taken to include females, and words in the singular shall include the plural, and vice versa.

21.5 POWER AND FUNCTIONARIES [SECTION 14 TO 19]	
Powers conferred to be exercisable from time to time [Section 14]	<p>Where, by any (Central Act) or Regulation made after the commencement of this Act, any power is conferred then (unless a different intention appears) that power may be exercised from time to time as occasions requires.</p> <p>This section applies also to all (Central Acts) and Regulations made on or after the fourteenth day of January 1887.</p>
Power to appoint to include power to appoint ex officio - [section 15]	Power to appoint to include power to appoint ex officio. Where, by any Central Act or Regulation, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office
Power to appoint to include power to suspend or dismiss - [Section 16]	Where, by any (Central Act) or Regulation, a power to make any appointment is conferred, then, unless a different intention appears, the authority having (for the time being) power to make the appointment shall also have power to suspend or dismiss any person appointed (whether by itself or any other authority) in exercise of that power.
Substitution of functionaries - [Section 17]	<p>In any (Central Act) or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the function of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.</p> <p>This section applies also to all (Central Acts) made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.</p>
Successors [Section 18]	<p>Successors.</p> <p>(1) In any Central Act or Regulation made after the commencement of this Act, it</p>

	shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.
Official chiefs and subordinates - [Section 19]	In any (Central Act) or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an officer shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior. This section applies also to all (Central Act) made after the third day of January, 186, and to all Regulations made on or after the fourteenth day of January 1887.

21.6 ORDER, RULES ETC [SEC 20 TO 24]

Construction of notifications, etc., issued under enactments [Section 20]	Where, by any (Central Act) or Regulation, a power to issue any (notification), order, scheme, rule, form, or bye-law is conferred, then expressions used in the (notification), order, scheme, rule, form or bye-law, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meaning as in the Act or Regulation conferring the power.
Power to issue, to include power to add to, amend, vary or rescind notifications, orders, rules, or bye-laws - [section 21]	Where, by any (Central Act) or Regulations, a power to (issue notifications) orders, rules, or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and condition (if any), to add to, amend, vary or rescind any (notifications), orders, rules or bye-laws so (issued).
Making of rules or bye-laws and issuing of orders between passing and commencement of enactment - [Section 22]	Where, by any (Central Act) or Regulation which is not to come into force immediately, on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the Act or Regulation, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act or Regulation, then that power may be exercised at any time after the passing of the Act or Regulation, but rules, bye-laws or orders so make or issued shall not take effect till the commencement of the Act or Regulation
Provisions applicable to making of rules or bye-laws after previous publication - - [Section 23]	Where, by any (Central Act) or Regulation, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely:- The authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of person likely to be affected thereby. The publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the (Government concerned) prescribed.

	<p>There shall be published with the draft a notice specifying a date on after which the draft will be taken into consideration.</p> <p>The authority having power to make the rules or bye-laws , and where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may me received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified.</p> <p>The publication in the (Official Gazette) of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.</p>
Continuation of orders, etc, issued under enactments repealed and re-enacted - [Section 24]	<p>Where any (Central Act) or Regulation, is after the commencement of this Act, repealed and reenacted with or without modification, then, unless it is otherwise expressly provided</p> <p>any (appointment notification) order, scheme, rule, form or bye-law (made or) issued under the repealed Act or Regulation shall, so far as it is not inconsistent with the provisions re-enacted, continue in force and be deemed to have been (made or) issued under the provision s so reenacted, unless and until it is superseded by any (appointment, notification) order, scheme, rule, form or bye-law, (made or) issued under the provisions so re-enacted (and when any (Central Act) or Regulation, which, by a notification under Section 5 or 5A of the Scheduled Districts Act, 1874 or any like law, has been extended to any local area, has, by a subsequent notification, been withdrawn form the re-extended to such area or any part thereof, the provision s of such Act or Regulations shall be deemed to have been repealed and re-enacted in such area or part within the meaning of this Section.</p>

21.7 MISCELLANEOUS [SEC 25 TO 30]

Recovery of fines [Section 25]	<p>Sections 63 to 70 of the Indian Penal Code (45 of 1860) and the provision s of the Code of Criminal Procedure (5 of 1898) for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to al fines imposed under any Act, Regulation, rule or bye-law, unless the Act, Regulation, rule or bye-law contains and express provision to the contrary.</p>
Provisions as to offences punishable under two or more enactments - [section 26]	<p>Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.</p>
Meaning of service by post - [Section 27]	<p>Where any (Central Act) or Regulation made after the commencement of this Act authorizes of requires any document to be served by post, where the expression "serve" or either of the expressions "give" or "send" or any other expression in used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing pre-paying and posting by registered post, a letter containing the document, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.</p>

Citation of enactments - [Section 28]	(1) any (Central Act) or Regulation, and in any rule, bye-law, instrument or document, made under, or with reference to any such Act or Regulation, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.
Saving for previous enactment, rules any bye-laws - [Section 29]	The provisions of this Act respecting the construction of Acts, Regulations, rules or bye-laws made after the commencement of this Act shall not affect the construction of any Act, Regulation, rule or bye-law made before the commencement of this Act, although the Act, Regulation, rule or bye-law is continued or amended by an Act, Regulation, rule or bye-law made after the commencement of this Act.