

Chapter 3 GENERAL CLAUSES ACT, 1897

BASICS

- The General Clauses Act, which was enacted on March 11, 1897, consolidated the two earlier enactments of 1868 and 1887. It is largely modeled on the (English) Interpretation Act 1889.
- This chapter deals with the study of meaning of few expressions as defined in the General Clauses Act, 1897. The significance of this Act was highlighted in the Sixtieth Law Commission Report.

OBJECT OF THE ACT

- Its object was simply to shorten the language of future statutory enactments and as far as possible, to provide for uniformity of expression where there was identity of subject matter
- In "The Chief Inspector of Mines v. Karam Chand Thapar", It was held by Supreme Court that the purpose of this Act is to place in one single Statute different provisions as regards interpretation of words and legal principles which would otherwise have to be specified separately in many different Acts and regulations

EFFECTIVE DATE OF ACT (SEC 5)

IF SPECIFIED:-From Specified Date

IF NOT SPECIFIED:-

- (a) in the case of a Central Act made before the commencement of the Constitution, The date of assent of the Governor-General, and
- (b) in the case of an Act of Parliament, The date of assent of the President.

"JIS DIN ACT APPROVE HOGA US DIN USKI EFFECTIVE DATE HOGI"

EFFECT OF REPEAL (SEC 6)

If any Act repeal the other Act, then it will not affect:-

- The previous operation of repealed Act
- Anything duly done under previous Act
- Rights, privileges under previous Act
- Liabilities incurred under previous Act
- Any penalty or punishment for offence committed under repealed Act
- Any Inquiry, Investigation pending under repealed Act

"NAYE ACT KE AANE SE PURANE LAW KI ACTIVITIES INVALID NAHI HONGI"

REVIVAL OF REPEALED ENACTMENTS (SEC 7)

In any ¹[Central Act] or Regulation 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Act, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

"SARKAR KHATAM KIYE ACT KO FIR ZINDA KAR SAKTI HAI LEKIN APNA INTENTION BATANA PADEGA"

CONSTRUCTION OF REFERENCES TO REPEALED ENACTMENTS (SECTION 8)

Where this Act, or any ²[Central Act] or Regulation made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

"KHATAM KIYE HUE ACT KA REFERENCE AGAR KISI AUR LAW ME DIYA HAI TOH USE NAYE ACT KA REFERENCE MANENGE"

COMMENCEMENT AND TERMINATION OF TIME (SECTION 9) <u>for the purpose of excluding</u> the first in a series of days or any other period of time, to use the word "from", and, <u>for the purpose of including</u> the last in a series of days or any other period of time, to use the word "to". 'FROM' SE LEKAR 'TO' TAK APPLY HOGA LAW	COMPUTATION OF TIME (SECTION 10) 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 proceeding shall be considered as done or taken in due time if it is done or taken <u>on the next day afterwards on which the Court or office is open. Except in case of Time Barred Debt</u> AGAR COURT BAND HAI LAST DAY JAB ACTION LENA HAI TOH NEXT WORKING DAY TAK CASE FILE HO SAKTA HAI
MEASUREMENT OF DISTANCE (SECTION 10) Distance shall be <u>measured in a straight line</u>	DUTY TO BE TAKEN PRORATE IN ENACTMENT (SECTION 12) If any Excise or Custom Duty is given for any particular Quantity, weight, length or value, <u>then it shall be calculated proportionately for any lesser item.</u>
GENDER AND NUMBER (SECTION 13) Words importing the masculine gender shall be taken <u>to include females</u> , and words in the singular <u>shall include the plural</u> , and vice versa. "HE INCLUDES SHE"	POWERS CONFERRED TO BE EXERCISABLE FROM TIME TO TIME (SECTION 14) If CG has been provided any power under any Law, then, <u>CG has the right to use that power from Time to Time.</u> "IN CASE OF NEED, CG CAN EXERCISE ITS POWER"
POWER TO APPOINT TO INCLUDE POWER TO APPOINT EX OFFICIO (SECTION 15) A power to appoint any person to fill any office any such appointment, if it is made after the commencement of this Act, <u>may be made either by name or by virtue of office</u> "APPOINTMENT YA TOH NAAM SE HO SAKTA HAI YA POSITION SE"	POWER TO APPOINT TO INCLUDE POWER TO SUSPEND OR DISMISS (SECTION 16) The authority having ² [for the time being] power to make the appointment <u>shall also have power to suspend or dismiss any person appointed</u> "JO LA SAKTA WOH HATA BHI SAKTA HAI"
SUBSTITUTION OF FUNCTIONARIES (SECTION 17) 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	OFFICIAL CHIEFS & SUBORDINATES (SECTION 19) 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, to mention the official title of the officer at present executing the functions. "TO APPLY LAW ON ANY PERSON, IT CAN BE APPLIED TO HIS OFFICIAL POSITION"	office in the place of their superior, to prescribe the duty of the superior. "LAW APPLICABLE ON ANY SENIOR OFFICER WILL APPLY TO A JUNIOR IF ANY JUNIOR IS EXERCISING THE FUNCTIONS OF SENIOR"
CONSTRUCTION OF NOTIFICATIONS, ETC., ISSUED UNDER ENACTMENTS (SECTION 20) 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, <u>have the same respective meaning as in the Act or Regulation conferring the power.</u> "THE MEANING OF ANY TERM PROVIDED IN THE ACT WILL BE SAME IN ANY RULE, ORDER PROVIDED UNDER THAT ACT"	MAKING OF RULES OR BYE-LAWS AND ISSUING OF ORDERS BETWEEN PASSING AND COMMENCEMENT OF ENACTMENT (SECTION 22) "IF ENACTMENT DATE AND EFFECTIVE DATES OF ANY ACT ARE DIFFERENT, THEN PROVISIONS OR ESTABLISHMENT OF OFFICE UNDER THAT ACT WILL BE ENFORCEABLE AT THE TIME OF EFFECTIVENESS NOT THE ENACTMENT"
CONTINUATION OF ORDERS, ETC., ISSUED UNDER ENACTMENTS REPEALED AND RE-ENACTED (SECTION 24) "THE PROVISIONS OF REPEALED ACT WILL BE EFFECTIVE UNTIL NEW ACT HAS SUPERSEDED OR WITHDRAWN OR MODIFIED IT"	RECOVERY OF FINES (SECTION 25) Sections 63 to 70 of the <u>Indian Penal Code (45 of 1860)</u> and the <u>provisions of the 'Code of Criminal Procedure</u> in relation to the issue and the execution of warrants for the levy of fines <u>shall apply</u> to all fines imposed under any Act, Regulation, rule or bye-law
PROVISIONS AS TO OFFENCES PUNISHABLE UNDER TWO OR MORE ENACTMENTS (SECTION 26) 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, <u>but shall not be liable to be punished twice for the same offence.</u> "EK APRADH KI SAZA EK HI BAAR MILEGI"	MEANING OF SERVICE BY POST (SECTION 27) Unless Otherwise specified, we will consider the following for any document which is to be send by post " MODE OF POST:-REGISTERED POST EFFECTIVE TIME:-DATE OF DELIVERY"
CITATION OF ENACTMENTS (SECTION 28) For referring any Enactment:-Title or short title (if any) can be mentioned or by reference to the number and	APPLICATION OF ACT TO ORDINANCES (SECTION 30) "THE WORD ACT INCLUDES ORDINANCE"

For referring any Provision:-By reference to the section or sub-section of the enactment in which the provision is contained

DEFINITIONS

"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,

"affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing,

"Central Act" shall mean an Act of Parliament, and shall include- An Act of the Dominion Legislature or of the Indian Legislature passed before the commencement of the Constitution, and Act made before such commencement by the Governor General in Council or the Governor General, acting in a legislature capacity.

"Document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means which is intended to be used, or which may be used, for the purpose or recording that matter.

"Financial year" shall mean the year commencing on the first day of April.

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.

"Government" or **"the Government"** shall include both the Central Government and any State Government.

"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.

"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.

"Month" shall mean a month reckoned according to the British calendar.

"Person" shall include any company or association or body of individuals, whether incorporated or not,

