

Chapter :- GENERAL CLAUSE ACT, 1897

• Enacted on 11th March 1897

• Objective of this Act:

- To shorten the language of Act
- Provide for uniformity
- State explicitly rules of interpretation
- Guard against slips or oversight

• Applicability:

Applies to all the Central Acts

Governor General	15.08.1947	1950	Parliament
	Domination Legislature	26.01.1950	

• Preamble:

Expresses $\left\{ \begin{array}{l} \text{scope} \\ \text{objective} \\ \text{purpose} \end{array} \right\}$ Act

In case of ambiguity (vague) in any provision of Act,
preamble act as an aid of interpretation

However, preamble cannot override the Act.

• Definitions:

- Defined in the Act
- Referred to other statutes
- If not defined or referred, GCA

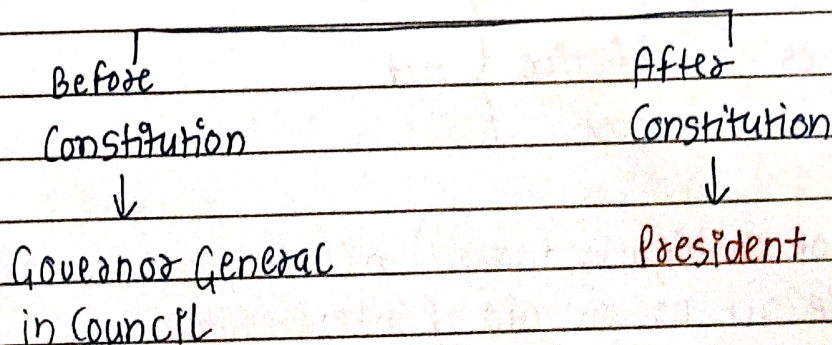
• Important definition: [Sec 3]

- act w.r.t offence or civil wrong includes a series of act. It also includes illegal omission.

gmp - Affidavit / oath / Swearing:

Includes
 affirmation
or
Declaration by
person allowed
by law to affirm/
declare instead
of swearing

- Central Government:



- Commencement:

Day on which act comes into force

Case law:

State of Orissa vs Chandrasekhar Singh & Bhoi

Law is in force only when brought in operation. Mere enactment shall not be considered as a commencement.

Document: Includes:

- Any matter written, expressed, and described
- upon any substance
- by means of
 - letters
 - figures
 - marks
- intended to be used for recording of matters

Except: Indian Currency Notes

Financial Year: means year commencing on 01.04

Year: shall be reckoned as per British Calendar

Good faith:

An act shall be deemed to be in good faith where it is done honestly, whether it is done negligently or not

Question of good faith depends on facts & circumstances of the case.

Moreover, good faith is differently defined in different enactments.

Case law:

Maung Aung Pu vs. Maung Si Maung

It was held that: Nothing is said to be done in

good faith if it is done without due care or attention as is expected from a man of ordinary prudence

- Government: includes both ^{CG} _{SG}

imp
- Immovable property: shall include

- Land
- Benefits arising out of land
- Things attached to earth
- Things permanently fastened to any thing attached to earth

Note: 1. Trees are immovable property but timber is movable property

2. Right of way to access = Immovable property
(i.e. access road)

3. Right to Drainage of water = ~~Immovable~~ property

4. Right to catch / carry fish = Immovable property
[Anand Behra Vs State of Orissa]

5. Machine permanently fixed to soil = Immovable property

6 Standing crops = Immovable property

6. Insurance Policy for immovable property = ~~Immovable~~ property

- Movable property: means property except Immovable property
eg:- shares, electricity, debts etc.

- Imprisonment: shall mean imprisonment of either description as per Indian Penal code

- ↓
- Simple
- Rigorous

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Section 5: Coming into operation of enactment

• An Act shall come into operation on a specified date as prescribed in official gazette

• where specific date is not mentioned - the date on which it is assented by President / Governor General in Council

Note:-

1. Court cannot issue mandamus compelling^{Gout.} to bring an Act into force on a particular day

2. If sufficient time has lapsed since Act has been passed and it is not yet brought into force, the court may direct Gout. to consider the same

(does not consider)
3. Law takes no cognizance of fraction of day. It comes into operation from midnight

4. Law is applicable prospectively unless otherwise specified

Section 6: Effect of repeal

where any Act is repealed, such repeal shall not:

- revive any thing that prevailed earlier
- Affect any rights, privilege or obligation under enactment so repealed
- Affect any penalty or punishment for offence committed under such repealed Act
- Affect any inquiry or investigation under such repealed Act

Relevant Case Law

Kolhapur Cane Sugar
Work Ltd.

VS

Union of India



- Sec 6 applies only to repeal and not to omission
- Moreover, it only applies to repeal of Act and not Rules

Navrangpura Gam
Tharamada Milk Trust

VS

Ramtugi Ramaji



- Repeal brings complete obliteration of a provision as if it never existed but
- Deletion takes effect prospectively never to wipe out the provision completely

Section 6A: Repeal of Act

- Where any central Act repeals any enactment,



Repeal shall not affect continuance of any amendment / insertion by the Act so repealed

Section 7: Revival of Repealed Act

For reviving a repealed Act, it is necessary to expressly state the purpose.

Section 8: Construction of reference to repealed Act

Reference in any Act to the provisions of repealed Act shall be construed as reference to provision of Act so re-enacted.

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Section 9: Commencement & termination of time

'from' - Exclude first day in the series of day.

'to' - Include ~~first~~ last day in the series of day.

Section 10: Computation of time

court/office → closed on that date (due date)



Next day afterwards on which it is open.

Section 11: Measurement of distance

straight line on a horizontal plane

Section 12: Duty to be

where duty is leviable on any given quantity or value of any goods



then a like duty is leviable according to the same rate on any greater or lesser value.

Section 13: Gender & number

- Masculine gender includes females
- Singular includes plural & vice-versa

Note: 1. Male decedent cannot be interpreted to include females
2. Bullocks cannot be interpreted to include "cows"

Section 15: Appointment to any office

whereby any act a power to appoint any person to any office is conferred, such appointment may be made either by ^{Name} or ^{or} virtue of office

Section 16: Power to Appoint includes power to suspend

Authority having power to make appointment, such authority shall also have power to suspend/dismiss the person so appointed appointment

Section 19: official chiefs & Subordinates:

A law relevant for chief or Superior of an office shall apply to deputies & sub-ordinates of that office.

Section 20: Construction of notification or rules under enactments:

whereby any Act, power to issue notification or rules etc. is conferred.



expressions used in such notification, rules, etc. shall have same meaning as in the Act conferring power.

Sec 21:

where any Act confers power to issue notification rules etc. it shall be deemed to include power to amend, vary or rescind such notification

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Section 22: Applicability of Rules etc.

whereby any act confers the power to make rules etc.
↓

such power may be exercised at any time AFTER passing of the Act
↓

But such rules shall not take effect UNTIL commencement of the Act.

Section 23: Publication for public comments

where rules are proposed to be amended,

a. publish a draft of the proposed rules for information of person likely to be affected

b. specify a date on or after which such draft will be taken into consideration

c. Consider any objection or suggestion received from any person before such date so specified

d. Publication in Official Gazette of such Rule shall be conclusive proof that rules has been duly made.

Note: It is open to authority to make suitable changes in draft before finally publishing them. It is not necessary to re-publish the amended form as long as the changes are ancillary to the earlier draft and not foreign to the subject matter

Section 24: Continuation of orders:

If an Act is repealed & re-enacted in:

↓
Same terms
↓

↓
Somewhat different terms
↓

The re-enactment
neutralizes the repeal
and the provision of
repealed Act which
are re-enacted shall
continue in force
without interruption

The amendments operate as
a repeal of provision of repealed
Act

Section 25: Recovery of fine:

↓
shall be as per 9PC
Code of Criminal procedure

Impo

Section 26: Provision with respect to offence punishable under 2 Acts:

where an act constitutes offence under 2 or more
Act

↓
offender shall be liable to be:

Prosecuted } under either of
Punished } those Acts

but shall not be punished twice for same offence

Note: There is no restriction on prosecution or conviction
under 2 Acts. Restriction is only on punishment.

MP VS VR. Agnihotri: Case law

where there are two alternative charges in same fact,
the fact that accused is acquitted of one charge will not
BAR conviction on the other

Section 27: Meaning of Service by Post

A service by post shall be deemed to be effected by:

- i) properly addressing
- ii) pre-paying
- iii) posting by registered post.

A letter containing the document shall be deemed to be served by post at the time at which letter would be delivered in ordinary course of Post.

United Commercial
Bank

VS

Bhim Sain
Makhija

↓

law required RPAD

↓

Person sent by RP

↓

NOT + enable

Jagdish
Singh

VS

Natthu
Singh

↓

notice returned
with endorsement
of refusal

↓

Presumed to be
served

Smt. Vandhana
Gulati

VS

Gurmeet Singh

↓

Endorse:

Not claimed or
Not met

↓

Presumed to be
Served