

Chap. 1 The General Clause Act, 1897

8-10 Marks

of other laws

↓
It contains the definition of certain words and general principles of interpretation

— Word $\left\{ \begin{array}{l} \text{defined in particular Act} \rightarrow \text{GCA } \times \\ \text{not defined in particular Act} \rightarrow \text{GCA } \checkmark \end{array} \right.$

— It applies on central Act and Regulation

— It resolves the conflict between pre constitutional and post constitutional laws

Imp purpose / object / importance of GCA

- ✓ to shorten the language of central Acts and Reg.
- ✓ to provide uniformity of expression in central Act and Reg by giving common definitions.
- ✓ to state rules for interpretation of central Acts and Reg.
- ✓ to guide against the slips by imposing common definition and clause

mcq "Right to catch fish" = Immovable Property

Normally sec 1 of every central Act : Defines the territorial extent

(GCA) → Territorial extent ×
↳ comes with all central Acts ✓

Applicability of GCA / central Acts of parliament
on or after 26th Jan, 1950

— Dominion legislature between 15th Aug, 1947 - 26th Jan, 1950

— By Governor General before 15th Aug, 1947

✓ Preamble → (105)

- States the purpose/object/intention of Law
- can be used in case ambiguity as tool for interpretation
- Preamble can not override the plain provision

✓ Act (Bill) in parliament → (Voting) → if passed
↓
The President of India
"Assent"
= Act

✓ Definition - every central Act → sec 2
"Definition"

(105)

means • exhaustive definition
• defines the word

includes • exhaustive definition x
inclusive definition / extensive definition

• define x

means and includes generally exhaustive definition

↳ may : not mandatory / choice

↳ shall : mandatory

generally

105

exceptional situation

may : shall

shall : may

GCA Definition

✓ Act offence / civil wrong / illegal omissions / crime

(Act) / +ve activity
- precluded by any decree

✓
m. imp

Affidavit

→ generally : written statement for confirmation of some facts as evidence in court / Legal Auth.

→ includes affirmation / declaration instead of swearing by person where law allows

"Oath / swear"

✓ Central Act → Act of Parliament
→ includes Acts of Dominion legislature / Governor General

✓ CG Before the constitution : Governor General
After the constitution : President of India

✓
m. imp

Commencement of Any Act / Reg
• when it comes into force / operation

✓
m. imp

Document / any matter
- written / expressed by means of fig. / text etc
- on any substance
- intended to be used for some purpose
eg. Books / painting etc

✓ enactment → includes regulations of Bengal / Madras / Bombay code
→ provisions of any act by parliament
→ part of Acts

✓ F.Y. 1st April - 31st Mar ≠ calendar year
1st Jan - 31st Dec

✓ Good Faith → thing done honestly | not mala fide
whether done negligently or not

→ question of fact / depends on circumstances

→ Authority has doubt → Proper inquiry ×
Decision ✓

→ Different definition in different Act
not Good Faith

↙ given = GCA ×
↘ = GCA ✓

→ Indian Contract Act, 1872 no applicability
of GCA

Contract ✓

✓ Govt < CG
SG] - Legislature : Parliament
executive : Govt wings
judiciary : Court

✓ Govt securities securities of < SG
CG

✓ Immovable Property includes / Land
- Benefits to arise of land
- things attached to earth
eg Tree
- things permanently fastened
with earth eg Buildings

✓ Imprisonment / rigorous hard work
IPC / simple

✓ Indian Law - Act / ordinance / Res / order etc which is
applicable in Province of India / Part A and
part C states
Does not include Acts of Parliament

Sec 5

Act comes into operation

Imp

- on the day on which it receives the assent of Governor General / President of India
- Court can not enforce the president to make the Act enforceable, however court can ask for the date of commencement

Date of applicability is mentioned in notification ✓

= Act will be in force from date specified in official gazette

x
= from the date of assent.

Sec 6

effect of repeal

eg The wealth tax Act
Repealed in 2015

m. Imp
5 marks

Central Law / Central Reg. repealed

↓
shall not affect

- ✓ Revive any thing not enforced during the period of repeal
- ✓ Affect the previous operation / any thing done
- ✓ Affect the right / liabilities accrued
- ✓ Affect the penalty / punishment
- ✓ Affect the inquiry / litigation

Sec 7

Repealed Act → revival ✓ by giving reason

sec 8. Construction of reference to repealed Act → Co Act, 1956

example 20

re enacted → Co. Act, 2013

M. Imp

115 JB
of Income Tax
1961
(MAT)

Book Profit as per the provisions of ~~Co Act, 1956~~ Co Act, 2013
profit as per Income Tax Act, 1961

sec 9 Commencement and Termination of Time

15th July, 2025

Imp

Co. declared Dividend

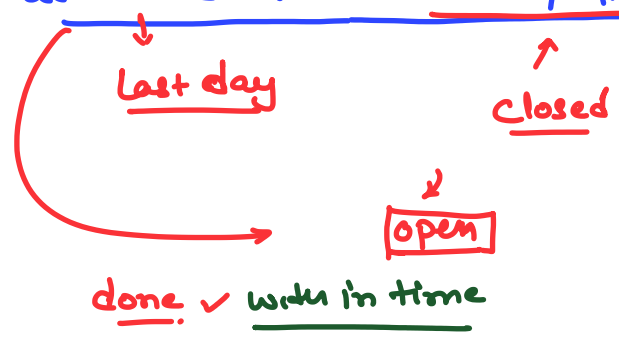
Distributed within 30 days → Members
include the last day

from declaration
↓
exclude the day 1st

Sec 10

Imp

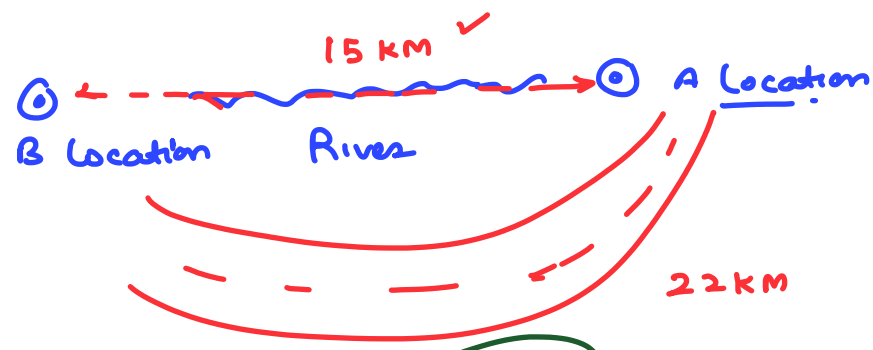
act to be done in court / office



Sec 11.

Imp.
MCC

measurement of distance straight line on horizontal plain.



Sec 12

Duty to be taken on pro rata proportionate ✓

MCC.

eg custom duty crude oil ₹ 13 / Lt2 special duty

1/2 Lt2 = ~~no duty~~ 13 1/2 ✓

Sec 13 Gender and number

He includes she
vice versa
ie she does not include he

He includes they
They include he

Sec 14-19 Power and functionaries

- ✓ power conferred to be exercised time to time
 - ✓ power to appoint → include power to remove / suspend
- eg chief justice has power to appoint officers for HC
remove
- ✓ power to appoint / By name
 - ex-office i.e. by virtue of position

↓
Sec 132 → NFRA

- Chairperson
- Full Time Members
- Part Time Members

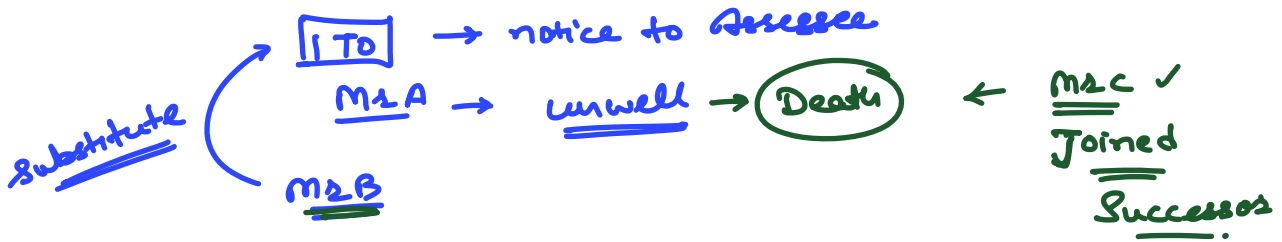
NFRA → Division

↑
Presiding officer
Full time members } appoint
otherwise chairperson is
deemed Presiding officer of
Division

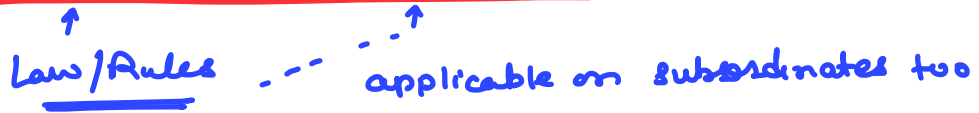
✓ Substitution of functionaries

Substitute → I To → notice issued to assesee on 13th Feb, 2025
↑
M2A on leave for 1 month
M2B all the power will be exercised by M2B

✓ Successor

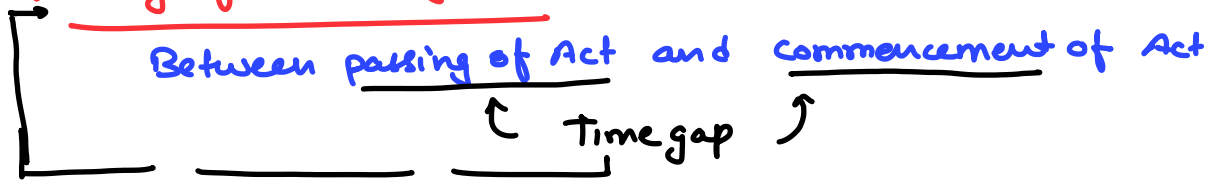


✓ Official chief and subordinates



sec 20 - 24 Provisions related to rules / orders / notification etc

- Rule / orders / notification → effect as Act
- power to issue includes the power to amend / rescind
- making of rules / bye laws

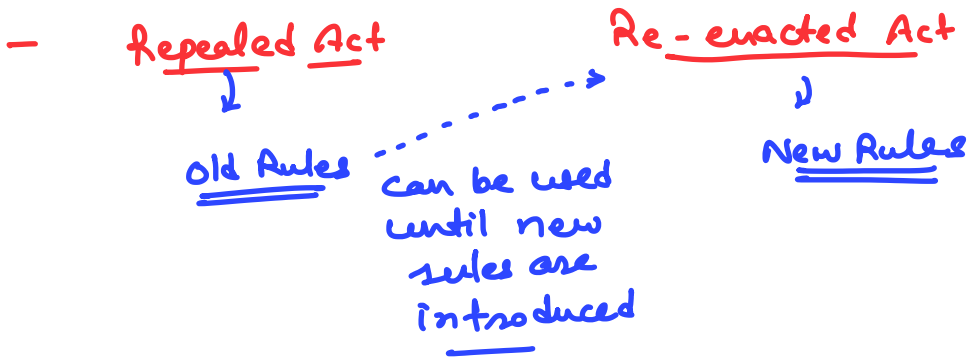


→ until the Act comes in operation rules is not applicable too

m. 21 p Provisions / Process for making bye laws / Rules

- authority to publish draft
↳ in manner which auth. thinks fit
- specify the date after which draft will be taken into consideration
- parties may give suggestion / objection upto this date and after the date authority shall consider all objections and suggestion

- publication in official gazette → conclusive proof.



Misc. sec 25-30

✓ recovery of fine ←

IPC/CrPC → recovery → warrant
sec 63-70

Ind
MCA

✓ offence punishable in more than one Act

Double / multiple punishment
for one offence x

one offence one punishment ✓

m. jup

✓ meaning of service by post

- ✉ Properly addressed
- prepaid
- posted by Reg. Post
- Deemed to be delivered

Act RPAD → [RP] ≠ Properly posted

Act RP → (RP) = Properly post ✓
(RPAD)

✓ Citation of enactment

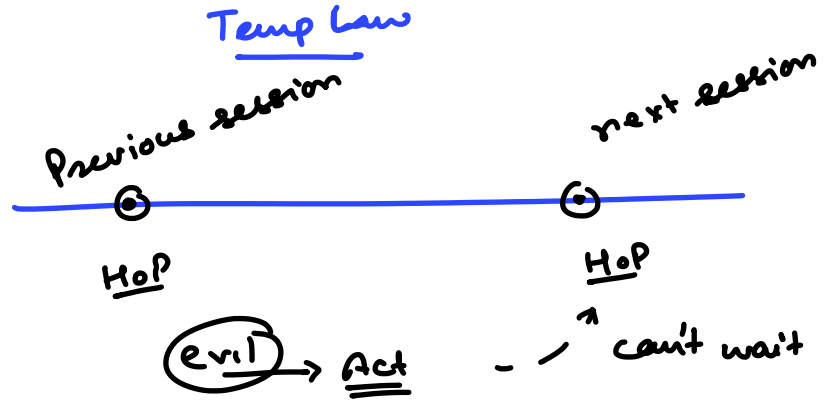
498 of the Co. Act, 2013 = NPO/NGO Co.

✓ GCA, 1897 11th Mar, 1897 ← existing Act = GCA x
← new Act = GCA ✓

✓

Ordinance

Temp Law



The President

"Ordinance pass" valid upto parliament session

↓
Like Act

↙ ↘

ordinance passed = Act	ordinance failed ≠ Act
---------------------------	---------------------------