

(7-Jan) Chapter-1 (Other laws) -
The general clauses Act, 1897.

G.C Act, 1868	→ 3rd Jan 1868	} 11th mar 1897 G.C Act, 1897
G.C Act, 1887	→ 14th Jan 1887	

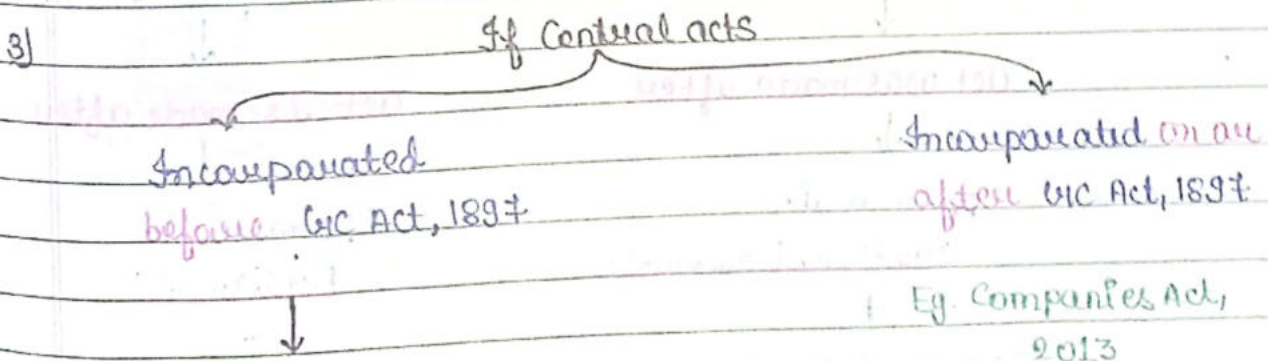
1) Purpose -

- To provide interpretation of various terms provided in statute/act/law → CENTRAL ACTS.
- Terms
 - ↳ not defined 'or'
 - ↳ where interpretation is 'contradictory' in nature.

2) Applicability -

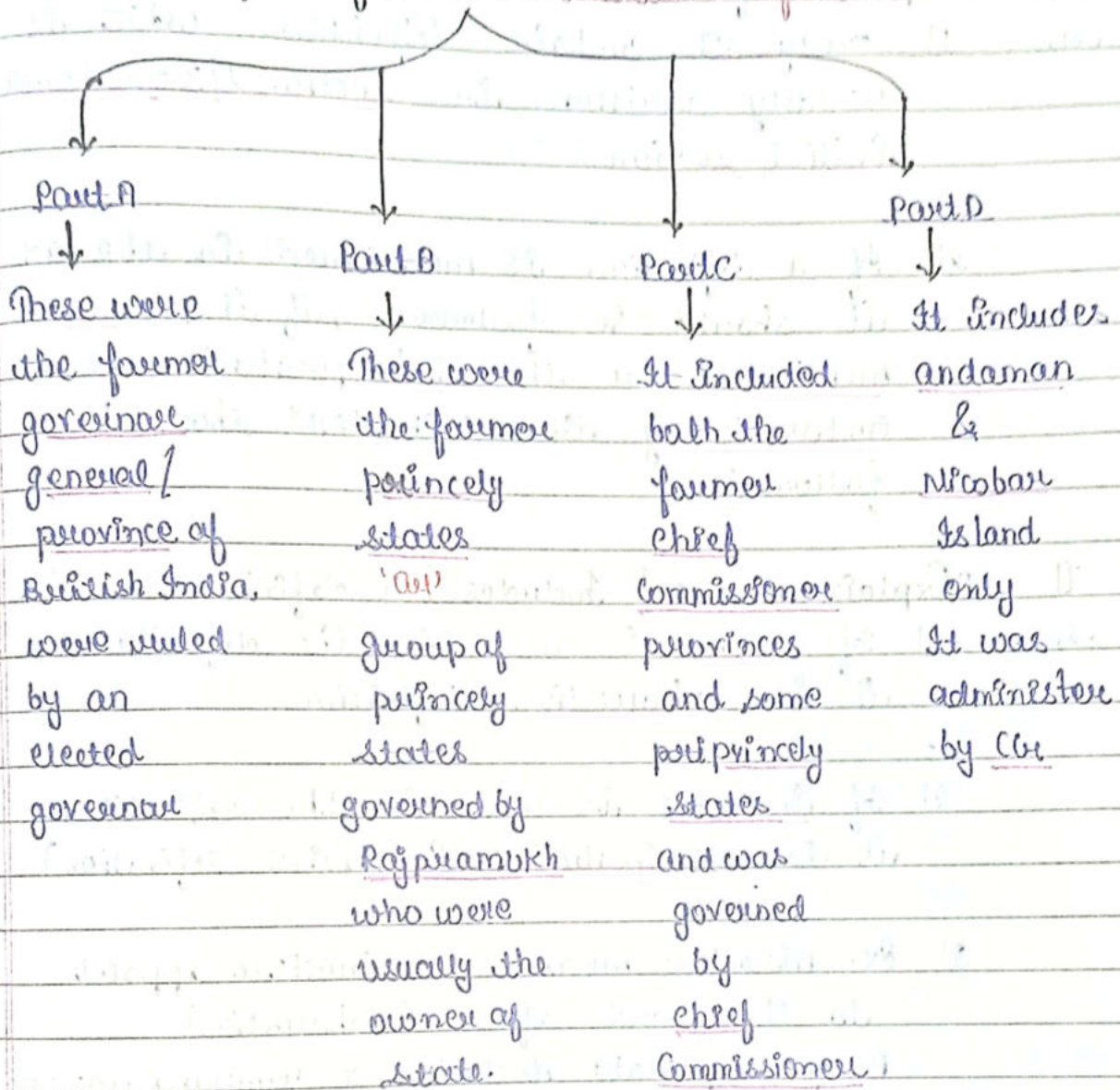
General clauses Act, 1897 is applicable on all the central acts framed by parliament with the assent of President of India or framed by the constituent assembly with the assent of governor general.

However, section 4 provides that provision of such shall also apply (particularly) on all the central acts which were incorporated during the applicability of general clauses Act, 1868 or general clauses Act, 1897.



4

Types of states (Constitution of India)



2m

5. Explain Preamble -

Ans. 1) Every act has preamble which expresses the scope, object and purpose of the act.

scope }
object }
purpose }
(SOP)

2) It acts as an aid to interpretation of the act.

3) Preamble does not over ride provisions of the act. but it can be used for interpretation of act.

Date / /

Q] Explain Definitions -

Ans- 1] Every act contain definitions which is usually written in section 2/3 or some initial section.

2] If a definition is mentioned in the act, it should be followed, if it is not mentioned in the interpretation is contradictory then GCA, 1897 should be followed.

Imp

Q] Explain means & Includes in definition.

Ans- 1] If means is used in the definition, it is exhaustive definition.

2] If Includes is used in the definition, it is ~~ex~~ Inclusive (extensive definition)

3] Ex- Director means a director appoints to the Board of Co. (Exhaustive)
Body corporate includes a company incorporated outside India (Inclusive)

Q] shall : mandatory force

may : directory force

shall can be used as may

may can be used as shall

9) Explain Act-
 Ans. 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.

10) Explain affidavit- 'Or' Netpage.
 Ans. 'Affidavit' shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing.

11) Explain Document- Section 3(13)
 Ans. 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 recouping that matter. Eg- Books, file, painting, inscription and even computer files.

12) meaning of enactment-
 Ans. 'Enactment' shall include a regulation and any regulation of Bengal, Madras or Bombay Code and shall also include any provision contained in any act or in any such regulation as aforesaid.

13) Define financial year-
 Ans. financial year shall mean the year commencing on the first day of April.
 The term year has been defined as a year reckoned according to British calendar.

Date _____

Thus, as per general clauses act, year means calendar year which starts from January to December.

Difference between financial year and calendar year-

financial year starts from first day of april but calendar year starts from first day of January.

2:30m
(P4Q)
Jan 25 mtp

Explain affidavit-

1) It includes

affirmation
&
declaration

In case of persons
allowed to affirm
or declare instead
of swearing.

2) The definition is inclusive in nature.

3) It is a written statement confirmed by oath or affirmation for use as an evidence in court or before any authority.

14) Meaning of Central Act - sec-3(f)

Ans- Central Act means an act of Parliament and shall include



An act passed before the commencement of constitution

An act made before commencement of constitution by governor general.

15] Define Central govt. - Sec. 3(1), V.P.

Before 26th Jan 1950

on or after 26th Jan 1950

governor general

President of India

Includes

Includes

① Govt. of province with laws of provinces.

① State govt. with laws of state govt.

② chief commissioner with state

② chief commissioner government of neighbouring state.

under control of chief commissioner

③ Administrators of U.P.

16] Explain good faith - Section 9(2)

1] 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.

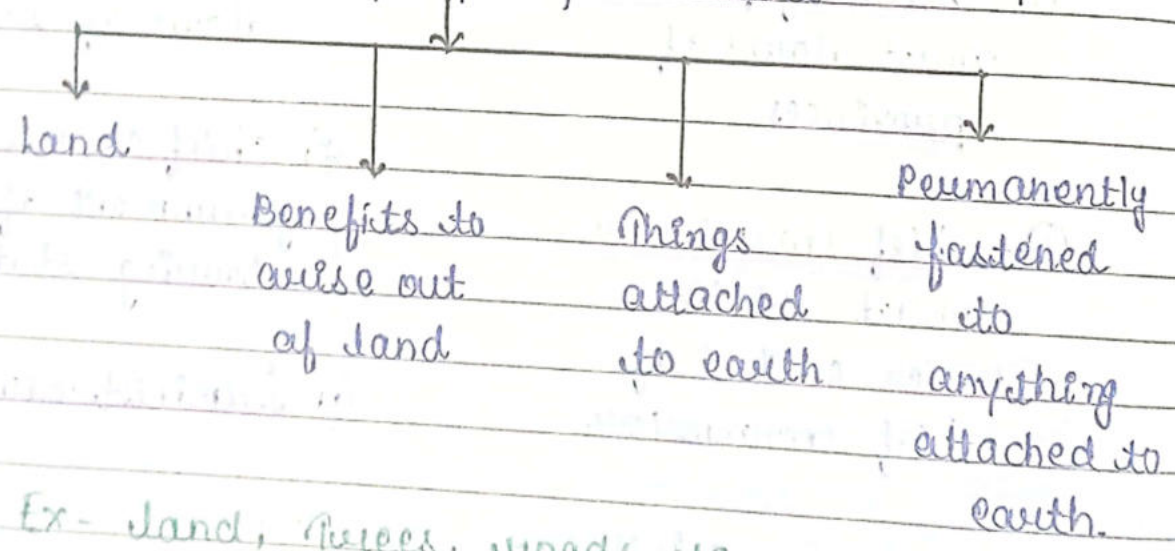
2] The term "good faith" has been defined differently in different enactments.

Q) An 'honest' purchase made carelessly without making proper enquiries cannot be said to have been made in good faith so as to convey good title.

11) government - sec. 3(23)
Ans. 1) 'Government' or 'the government' shall include both the central government and state government.

2) Hence, wherever, the word 'government' is used it will include central government and state government both.

12) Explain Immovable property - sec. 3(26)
Ans. 1) Immovable property includes



2) Ex - Land, trees, woods etc.

* Timber/weight to drain water is "NOT IMMovable PROPERTY"

19) Official gazette - Sec 8(39)
 Ans- 1) Official gazette or 'gazette' shall mean -
 (i) The gazette of India 'or'
 (ii) The official gazette of a state.

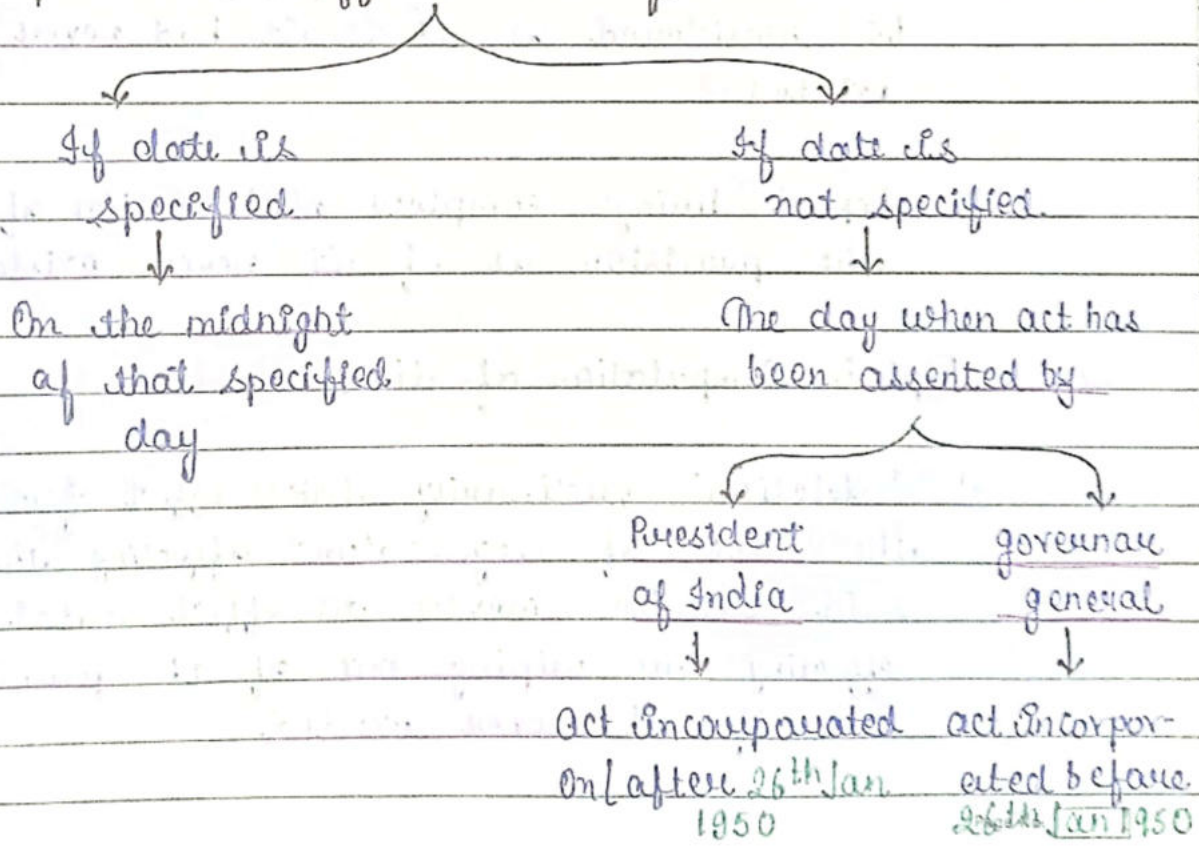
2) The gazette of India is a public journal and an authorised legal document of the government of India, published weekly by the Department of Publication, Ministry of Housing and Urban affairs.

3) The gazette is printed by the government of India Press.

Note- The term 'affidavit', 'oath' and 'swear' have the same definition/meaning.

20) Explain the effective date for an act - Sec 6

Ans-



Sep 24
21

Date: / /

Explain Effect of repeal : Sec 6 Imp.

Qns-

1) If Central legislation or regulation made repeals any act made or yet to be made, the repeal shall not-

- (a) Revive anything not enforced/prevalled during that period.
- (b) Affect the priva management of the law that is repealed.
- (c) Affect any claim, privilege, responsibility or debt obtained.
- (d) Affect any punishment, forfeiture or penalty
- (e) Affect any inquiry, litigation or remedy with regard to such claim, privilege, debt.

2) whenever the act is repealed, it must be considered as if it had never existed.

3) Repeal brings complete obliteration of the provision as if it never existed.

22

Explain Computation of time : Section 10

4) 'deletion' ordinarily takes effect from the date of legislature affecting the said deletion, never to effect total effecting or wiping out of the provision as if it never existed.

22) Explain Commencement and termination of time.
- section 9

Ans- For the purpose of law it shall be sufficient for excluding the first day and including the last day i.e. (from → excluded, to → included)

23) Explain computation of time - section 10

Ans- Time to take legal action

↓
within the time specified

↓
If that day, court is closed.

↓
Limitation act transaction

↓
Preceding day

↓
any other transaction

↓
Next working day on which court is open.

24) gender and number - section 13

Ans- (1) words importing the masculine gender shall be taken to include females, and

(2) words in singular shall include the plural and vice-versa.

The word "bullocks" could not be interpreted to include 'cows'.

25) What is the procedure to make rules or bye-laws? - Section 23

Ans- where by any central act, a power to make rules or bye laws is expressed to be given subject to the condition of previous publication then the procedure will be-

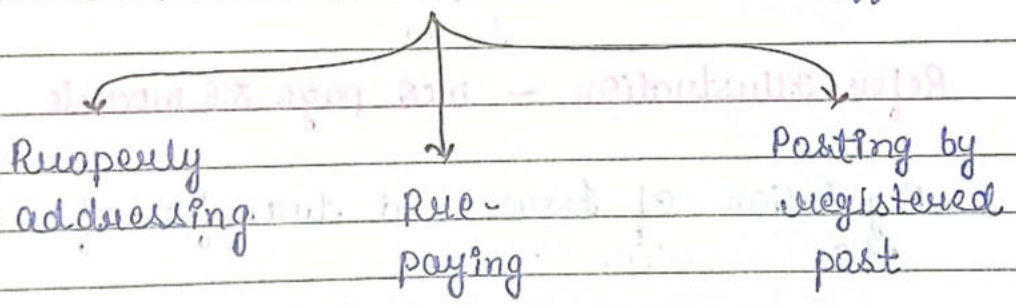
- (1) The authority who has the power shall publish draft of the proposed rules for the information of interested persons.
- (2) The publication shall be made in such manner as authority deems fit
- (3) The time period should be published in the draft published by authority
- (4) The interested persons will make recommendations to the authority.
- (5) The authority shall consider the recommendations and objections received from interested persons.

If the authority is in consultation with any other board or panel, then that board shall also consider recommendations of the interested persons.

6) Thereafter, authority shall publish the rules and bye laws and that publication shall be conclusive evidence of framing of that law/rule.

26) Ans- Punishments under two acts - 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, but shall not be punished twice for the same offence.

27) Ans- Meaning of service by post - Section 27
Where any legislation or regulation requires any document to be served by post, then unless a different intention appears, the service shall be deemed to be effected by -



2) If a notice is required to be sent by 'registered post acknowledgement due', is sent instead by registered post only then section 27 protection shall be not be available.

3) If the notice is refused / not claimed it shall be presumed that notice is served.