

Part
2

OTHER LAWS (30 MARKS)

CHAPTER - 13 to 15



13

CHAPTER

The General Clauses Act, 1897

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01.	Background with Object and Purpose of the Act
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■ BACKGROUND WITH OBJECT AND PURPOSE OF THE ACT

Basics	<ul style="list-style-type: none"> ❑ The General Clauses Act, 1897 (Act) was enacted on 11th March, 1897 ❑ Called as “Law of all the Laws” or “Interpretation Law of India”
Contents	<ol style="list-style-type: none"> 1. ‘definitions’ of certain terms and 2. general principles of interpretation
Applicability	<ul style="list-style-type: none"> ❑ applicable to all Central Acts and Regulations ❑ The Act does not define any “territorial extent” clause ❑ The Central Acts to which this Act apply are: — <ol style="list-style-type: none"> 1. Acts of the Indian Parliament (Central Act) along with the rules and regulations made under the Central Act; 2. Acts of the Dominion Legislature passed between the 15th August, 1947 and the 26th January, 1950; 3. Acts passed before the commencement of the Constitution by the Governor-General in Council or the Governor-General acting in a legislative capacity.
<ol style="list-style-type: none"> 1. No Explicit Definition of Territorial Extent in The General Clauses Act, 1897. 2. TGCA Territory extends to the territory of the Central Act hence provisions of TGCA will also be deemed to be applicable to such territory automatically. 3. TGCA is considered an integral part of every Central legislation, even if not expressly mentioned. 4. Applicability Even if No Section Specifically applies: Cases where no specific section of TGCA is applicable, the courts can still invoke its general principles for interpretation. 5. TGCA is applicable only to Central Acts: For the State laws, respective State General Clauses Acts are applicable and these Acts shall conform to the principles of TGCA. 6. Scope and Effect of sections of TGCA vary: <ul style="list-style-type: none"> ➤ Section 3 (Definitions) applies to Central Acts and Regulations made after 1897. ➤ Section 4 applies the definitions of TGCA to earlier enactments prior to 1897 - TGCA of 1868 and 1887, unless a contrary intention appears. 	
Object A.S.U.R.	<p>The objects of the Act are several, namely:</p> <ol style="list-style-type: none"> 1. to shorten the language of Central Acts; 2. to provide for uniformity of expression in Central Acts, by giving definitions of a series of terms in common use; 3. To state rules for the construction and interpretation of Central Acts; 4. To clear ambiguity when no clear definition is given for a particular term or when one word has different meanings
Note	Section 2 of the General Clauses Act, 1897 has been repealed.

<p>WHO HAS AUTHORISED this act TO BE USED FOR THE INTERPRETATION OF CONSTITUTION?</p>	<p>Article 367 states that:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Unless the context otherwise requires, <input type="checkbox"/> The General Clauses Act, 1897 shall subject to any adaptations and modifications that may be made therein under Article 372, <input type="checkbox"/> apply for the interpretation of this Constitution <input type="checkbox"/> as it applies for the interpretation of an Act of the Legislature of the Dominion of India”.
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MULTIPLE CHOICE QUESTIONS (MCQ)

1. Which of the following is not an object of General Clauses Act, 1897?
 - (a) To shorten the language of Central Acts.
 - (b) To provide for uniformity of expression in Central Acts.
 - (c) To avoid superfluity and repetition of language.
 - (d) To consolidate and amend laws for interpretation of State Acts.**
2. The General Clauses Act, 1897 is one of the oldest Acts, came into force on:
 - (a) 1st April, 1897
 - (b) 11th March, 1897**
 - (c) 11th March, 1887
 - (d) 1st April, 1868
3. The General Clauses Act, 1897 apply to:
 - (a) Central Acts
 - (b) State Acts
 - (c) Rules and regulations made under Central Acts
 - (d) Both (a) and (c)**
4. The General Clauses Act, 1897 intends to:
 - (a) Provide general definitions
 - (b) Applicable to all Central acts and regulations
 - (c) Applicable where there is no definition, unless there is anything repugnant in the subject or context
 - (d) All of the above**

■ SOME BASIC UNDERSTANDING OF LEGISLATION

<p>“Preamble”</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Every Act has a preamble which expresses the scope, object and purpose of the Act. <input type="checkbox"/> It is the main source for understanding the intention of lawmaker behind the Act. <input type="checkbox"/> Whenever there is ambiguity in understanding any provision of Act, Preamble is accepted as an aid to construction of the Act. <input type="checkbox"/> The Preamble to an Act discloses the primary intention of the legislature but can only be brought in as an aid to construction if the language of the statute is not clear. However, it cannot override the provisions of the enactment.
	<p>Example: Preamble of the Negotiable Instruments Act, 1881 states - “An Act to define and amend the law relating to Promissory Notes, Bills of Exchange and Cheque.”</p> <p>Example: Preamble of the Companies Act, 2013 states – “An Act to consolidate and amend the law relating to companies.”</p>

<p>“Definitions”</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Every Act contains a definition part for the purpose of that particular Act and that definition part is usually mentioned in Section 2 (or sometimes in Section 3 or other initial sections). <input type="checkbox"/> The object of the definition clause is to avoid the necessity of frequent repetitions in describing all the subject matter to which the word or expression so defined is intended to apply. <input type="checkbox"/> These definitions contain explanation of what a word means in the respective Act. Sometimes, it may refer to definition in any other statute. <input type="checkbox"/> However, if there may be words which are not defined in a particular Act, then the meaning of such words may be taken from General Clauses Act, 1897. 									
<p>Exhaustive vs. Inclusive Definitions</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #fff9c4;">Exhaustive Definitions</th> <th style="background-color: #fff9c4;">Inclusive Definitions</th> </tr> </thead> <tbody> <tr> <td>Some definitions use the word ‘means’ or ‘means and includes’ Such definitions are exhaustive definitions and exactly define the term.</td> <td>Some definitions use the word ‘include’. Such definitions do not define the word but are inclusive in nature.</td> </tr> <tr> <td>This definition is closed or interpretation</td> <td>This definition is open for interpretation</td> </tr> <tr> <td>Example: Definition of ‘Company’ as given in section 2(20) of the Companies Act, 2013. It states, “Company” means a company incorporated under this Act or under any previous company law.</td> <td>Example: “Body Corporate” or “Corporation” includes a company incorporated outside India. [Section 2(11) of the Companies Act, 2013]</td> </tr> </tbody> </table>	Exhaustive Definitions	Inclusive Definitions	Some definitions use the word ‘ means ’ or ‘ means and includes ’ Such definitions are exhaustive definitions and exactly define the term.	Some definitions use the word ‘ include ’. Such definitions do not define the word but are inclusive in nature.	This definition is closed or interpretation	This definition is open for interpretation	Example: Definition of ‘Company’ as given in section 2(20) of the Companies Act, 2013. It states, “Company” means a company incorporated under this Act or under any previous company law.	Example: “Body Corporate” or “Corporation” includes a company incorporated outside India. [Section 2(11) of the Companies Act, 2013]	
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<p>Shall and May</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The word ‘shall’ is used to raise a presumption of something which is mandatory or imperative. <input type="checkbox"/> The word ‘may’ is used to connote something which is not mandatory but is only directory or enabling. <input type="checkbox"/> While the word ‘shall’ is ordinarily mandatory, but it is sometimes not so interpreted if the context or the intention otherwise demands. <p>Example: Section 3 of the Companies Act, 2013 states that “A company may be formed for any lawful purpose by Here the word used “may” shall be read as “shall”. Usage of word ‘may’ here make it mandatory for a company for the compliance of section 3 for its formation.</p>									

MULTIPLE CHOICE QUESTIONS (MCQ)

5. Every Act has a _____ which expresses the scope, object and purpose of the Act. It is the main source for understanding the intention of lawmaker behind the Act.

- | | |
|----------------|--------------|
| (a) Definition | (b) Preamble |
| (c) Affidavit | (d) Document |



6. The Preamble is most important in any legislation, it: **(1 Mark) (MTP Oct. 23)**
- (a) Provides definitions in the Act.
- (b) Expresses scope, object and purpose of the Act.**

- (c) Provides explanation of all the sections of the entire Act.
- (d) Provides side notes often found at the side of a section.

■ [SECTION 3] DEFINITIONS

<p>“Act” [Section 3(2)]</p>	<ul style="list-style-type: none"> ❑ ‘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; ❑ An act required to be done cannot necessarily mean a positive act only and may also include acts which one is precluded from doing from decree. ❑ This definition applies to civil wrongs as well as crimes. ❑ ‘Act’ includes illegal omissions as well but it does not include an omission which is not illegal. <p>Example: Section 36 of the Indian Penal Code, the act by which A causes Z’s death consists of a series of acts, namely, the blows given in beating him, plus a series of illegal omissions, namely, wrongfully neglecting or refusing to supply him with food at proper times.</p> <p>Note: However, every omission is not an illegal omission. Failure of the municipality to discharge its liability under the provisions of the Ajmer-Merwara Municipalities Regulation 1925 will not ordinarily become an illegal omission as it does not entail penal consequences for the public official responsible for it. [Amalgamated Electricity Co. (Belgaum) Ltd., v. Municipal Committee — (SC) 1969]</p>
<p>“Affidavit” [Section 3(3)]</p>	<ul style="list-style-type: none"> ❑ ‘Affidavit’ shall include <ul style="list-style-type: none"> ○ affirmation and ○ declaration ○ in the case of persons by law allowed to affirm or declare instead of swearing. ❑ Generally, Affidavit is a <ul style="list-style-type: none"> ○ written statement ○ confirmed by oath or affirmation ○ for use as evidence ○ in Court or before any authority.

<p>“Central Act” [Section 3(7)]</p>	<ul style="list-style-type: none"> ❑ ‘Central Act’ shall mean an Act of Parliament, ❑ and shall include: <ul style="list-style-type: none"> ○ An Act of the Dominion Legislature or of the Indian Legislature passed before the commencement of the Constitution*, and ○ An Act made before such commencement by the Governor General in Council or the Governor General, acting in a legislative capacity; <p>Note: *The date of the commencement of the Constitution is 26th January, 1950.</p>
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<p>“Central Government” [Section 3(8)]</p>	<ul style="list-style-type: none"> ❑ Pre-Constitution: The term “Central Government” referred to the Governor-General in Council in relation to laws made prior to the Indian Independence Act, 1947. ❑ Post-Constitution: For laws enacted after the commencement of the Constitution of India (1950), the “Central Government” refers to the President of India acting under the Constitution. ❑ Key Point: It distinguishes between pre-independence and post-independence laws, ensuring the definition aligns with the governing authority at the time.
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Part	Description	Governance	Examples
Part A	Former Governor’s Provinces of British India	Governed by a Governor appointed by the President, with a legislature.	Assam, Bihar, Bombay, Madras, Punjab, Uttar Pradesh, etc.
Part B	Former Princely States or groups of princely states	Governed by a Rajpramukh (former ruler) and had a legislature.	Hyderabad, Jammu & Kashmir, Rajasthan, Mysore, etc.
Part C	Smaller Princely States and former Chief Commissioner’s Provinces	Administered by a Chief Commissioner or Lieutenant Governor appointed by the Central Government.	Delhi, Ajmer, Coorg, Himachal Pradesh, Manipur, etc.
Part D	Included only the Andaman and Nicobar Islands	Administered directly by the President through a Chief Commissioner.	Andaman and Nicobar Islands

<p>“Commencement” [Section 3(13)]</p>	<ul style="list-style-type: none"> ❑ ‘Commencement’, used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force. ❑ A Law cannot be said to be in force unless it is brought into operation by legislative enactment, or by the exercise of authority by a delegate empowered to bring it into operation.
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<p>“Document” [Section 3(18)]</p>	<p>‘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 of recording that matter.</p>
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	<ul style="list-style-type: none"> <input type="checkbox"/> A book, file, painting, inscription and even computer files are all documents. <input type="checkbox"/> However, it does not include Indian currency notes.
<p>7. _____ is the first element of a document as dealt under the General Clauses Act, 1897. Its usage with the word 'any' shows that the definition of document is comprehensive.</p> <p>(a) Matter (b) Record (c) Substance (d) Means</p>	
<p>“Enactment” [Section 2(19)]</p>	<p>“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.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Normally, the Act is passed by the Legislature itself, but the power to enact rules and regulation are normally delegated to other persons. According to definition given in Section 3(19), whatever is enacted by the delegate of legislature is also enactment. <input type="checkbox"/> Since ‘enactment’ is defined to include not only the Act itself, but also any provision contained in the Act, Section 6 (Effect of repeal) would apply to a case where not only the entire Act is repealed, but also any provision of an Act is repealed. [State of Punjab v. Sukh Deo Sarup Gupta — (SC) 1970] <input type="checkbox"/> It has been held that an “enactment” would include any Act (or a provision contained therein) made by the Union Parliament or the State Legislature.
<p>“Financial Year” [Section 3(21)]</p>	<p>‘Financial year’ shall mean the year commencing on the first day of April.</p> <p>Note: Section 3(66) separately defines a year which means a calendar year starting from January to December.</p> <p>Difference between Financial Year and Calendar Year: Financial year starts from first day of April but Calendar Year starts from first day of January.</p>
<p>8. As per General Clauses Act, 1897, the term ‘year’</p> <p>(a) Financial year (b) Calendar year as per Hindu Calendar (c) Calendar year as per British Calendar (d) Any period of 12 months</p>	
<p>“Good Faith” [Section 3(22)]</p>	<ul style="list-style-type: none"> <input type="checkbox"/> 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; <input type="checkbox"/> The question of good faith under the General Clauses Act, 1897 is one of fact. <input type="checkbox"/> It is to determine with reference to the facts and circumstances of each case. <input type="checkbox"/> Thus, anything done with due care and attention, which is not malafide is presumed to have been done in good faith. For e.g.: An authority is not acting honestly where it had a suspicion that there was something wrong and did not make further enquiries

	<ul style="list-style-type: none"> ❑ In <i>Maung Aung Pu Vs. Maung Si Maung</i>, it was pointed out that the expression “good faith” is not defined in the Indian Contract Act, 1872 and the definition given here in the General Clauses Act, 1897 does not expressly apply the term on the Indian Contract Act. ❑ The definition of good faith as is generally understood in the civil law and which may be taken as a practical guide in understanding the expression in the contract Act is that nothing is said to be done in good faith which is done without due care and attention as is expected with a man of ordinary prudence. 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.
<p>“Government” [Section 3(23)]</p>	<p>‘Government’ or ‘the Government’ shall include both the Central Government and any State Government.</p> <ul style="list-style-type: none"> ❑ Government generally connotes three wings: the Legislature, the Executive and the Judiciary; but in a narrow sense it is used to connote the Executive only. Meaning to be assigned to that expression, therefore, depends on the context in which it is used.
<p>“Government Securities” [Section 3(24)]:</p>	<p>‘Government securities’ shall mean securities of the Central Government or of any State Government,</p>
<p>9. The Government shall include which of the following as per the General Clauses Act, 1897</p> <ul style="list-style-type: none"> (a) State Government only (b) Central Government only (c) Central Government and State Government (d) Union Territory Only 	
<p>“Immovable Property” [Section 3(26)]</p>	<p>‘Immovable property’ shall include:</p> <ol style="list-style-type: none"> 1. land, 2. benefits to arise out of land and 3. things attached to the earth, or permanently fastened to anything attached to the earth. <ul style="list-style-type: none"> ❑ Two tests are necessary to determine when things attached or annexed to the earth become immovable property under the Act: (1) the degree or mode of annexation and (2) the object of annexation and of these two, the latter, which is more important, depends upon the circumstances of each case. [<i>D.H. Subhiah v. Govindrao</i> — (Nagpur) 1953] ❑ ‘Immovable property’ is also defined in the Transfer of Property Act and the Registration Act. But in both Acts, the definitions are not exhaustive. They only specify what is included or not included therein. Where, in any enactment, the definition of immovable property is in the negative and not exhaustive, the definition as given in the General Clauses Act will apply to the expression given in that enactment.

Items	Immovable Property of Not?
Trees	Held as Immovable property because they are attached to or rooted in the earth.
Timber	A tree after it is cut down i.e. its trunk etc. can be used as timber. Trees that have been felled or cut down are no longer things attached to the earth and, therefore, would not be within the meaning of immovable property.
Forest Produced	An agreement to convey forest produce like tendu leaves, timber bamboos etc. the soil for making bricks, the right to build on and occupy the land for business purposes and the right to grow new trees and to get leaves from trees that grow in further are all included in the term immovable property.
Right to Catch and Carry Away Fish	A sale of right to catch and carry away fish, is a profit or benefit arising out of land, and so has to be regarded as immovable property
Right of Way vs. Right to Drain	Right of way to access from one place to another may come within the definition of Immovable property whereas the right to drain of water is not immovable property.
Machinery Fixed to Soil	Any machinery fixed to the soil can be held as immovable property according to the General Clauses Act, 1897.

MULTIPLE CHOICE QUESTIONS (MCQ)

- 10.** Mr. Z passed away at the age of 75 leaving behind some properties including both movable and immovable to be distributed between his two sons A & B, as per his registered will. According to the provisions of his duly registered will, Mr. Z specified that all immovable properties should go to A, while all the movable properties should go to B. Both the brothers divided the properties as per the will except for mentioned properties, because they could not establish which property should go to whom. Kindly help them by identifying the property which should go to B out of the followings, as per the provisions of the General Clauses Act, 1897: (Nov 23)
- (a) Standing crop in the fields
 (b) Tubewell in the agricultural land
(c) Cut crops, ready to sell
 (d) Sandalwood tree
- 11.** Which of the following is not an Immovable Property? **(module) (MTP M 21)**
- (a) Land
 (b) Building
(c) Timber
 (d) Machinery permanently attached to the land
- 12.** What among the following could be considered in the term 'Immovable Property' as defined under section 3(26) of the General Clauses Act, 1897? **(module) (2 Marks) (MTP Oct. 22)**

- | | |
|-------------------------------------|------------------------------------|
| (i) The soil for making bricks | (a) Only (i) and (iv) |
| (ii) Right to catch fish | (b) Only (i), (ii) and (iv) |
| (iii) Right to drain water | (c) Only (i) and (ii) |
| (iv) Doors and Windows of the house | (d) Only (ii), (iii) and (iv) |

<p>“Imprisonment” [Section 3(27)]</p>	<p>‘Imprisonment’ shall mean imprisonment of either description as defined in the Indian Penal Code (45 of 1860).</p> <p><input type="checkbox"/> By virtue of Section 53 of the Indian Penal Code, imprisonment can be of two descriptions, namely, rigorous, that is with hard labour and simple. So, when an Act provides that an offence is punishable with imprisonment, the Court may, in its discretion, make the imprisonment rigorous or simple.</p>
<p>“Indian law” [Section 3(29)]</p>	<p>‘Indian law’ shall mean any Act, Ordinance, Regulation, rule, order, bye law or other instrument which before the commencement of the Constitution, had the force of law in any Province of India or part thereof or thereafter has the force of law in any Part A or Part C State or part thereof, but does not include any Act of Parliament of the United Kingdom or any Order in Council, rule or other instrument made under such Act;</p>
<p>“Month” [Section 3(35)]</p>	<p>‘Month’ shall mean a month reckoned according to the British calendar.</p> <p>Note-1: This definition does not apply to contracts, nor to cases where the context shows a different meaning.</p> <p>Note-2: It may be noted that the word ‘month’ occurring in Section 271(1)(a)(i) of the Income-tax Act, 1961, was construed to mean a period of 30 days and not a month as defined in the General Clauses Act.</p>
<p>“Movable Property” [Section 3(36)]</p>	<p>Movable property’ shall mean property of every description, except immovable property.</p> <p><input type="checkbox"/> Any property which is not immovable property is movable property.</p> <p><input type="checkbox"/> Debts, share and electricity are moveable property.</p>
<p>“Oath” [Section 3(37)]</p>	<p>‘Oath’ shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing.</p>
<p>“Offence” [Section 3(38)]</p>	<p>‘Offence’ shall mean any act or omission made punishable by any law for the time being in force.</p> <p>Any act or omission which is if done, is punishable under any law for the time being in force, is called as offence.</p>
<p>“Official Gazette” [Section 3(39)]</p>	<p><input type="checkbox"/> ‘Official Gazette’ or ‘Gazette’ shall mean the Gazette of India or the Official Gazette of a State.</p> <p><input type="checkbox"/> The Gazette of India is a public journal and an authorised legal document of the Government of India, published by the Department of Publication, Ministry of Housing and Urban Affairs.</p> <p><input type="checkbox"/> As a public journal, the Gazette prints official notices from the government.</p>

	<ul style="list-style-type: none"> ❑ It is authentic in content, accurate and strictly in accordance with the Government policies and decisions. ❑ The gazette is printed by the Government of India Press.
“Person” [Section 3(42)]	<ul style="list-style-type: none"> ❑ “Person” shall include: <ul style="list-style-type: none"> ○ any company, or ○ association, or ○ body of individuals, whether incorporated or not
“Year” [Section 3(66)]	‘Year’ shall mean a year reckoned according to the British calendar .
Some Other Definitions	<ul style="list-style-type: none"> ❑ “Registered” [Section 3(49)]: ‘Registered’ used with reference to a document, shall mean registered in India under the law for the time being force for the registration of documents. ❑ “Rule” [Section 3(51)]: ‘Rule’ shall mean a rule made in exercise of a power conferred by any enactment, and shall include a Regulation made as a rule under any enactment; ❑ “Schedule” [Section 3(52)]: ‘Schedule’ shall mean a schedule to the Act or Regulation in which the word occurs; ❑ “Section” [Section 3(54)]: ‘Section’ shall mean a section of the Act or Regulation in which the word occurs; ❑ “Sub-section” [Section 3(61)]: ‘Sub-section’ shall mean a sub-section of the section in which the word occurs; ❑ “Swear” [Section 3(62)]: “Swear”, with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing.
	<p>Note: The terms “Affidavit”, “Oath” and “Swear” have the same definitions in the Act.</p> <ul style="list-style-type: none"> ❑ “Writing” [Section 3(65)]: Expressions referring to ‘writing’ shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a 2 visible forms.

■ APPLICATION TO FOREGOING DEFINITIONS SECTION [4 & 4A]

SECTION 4

Certain definitions applicable to all the Central Act and Regulations made prior to 1897 i.e. 1868 and 1887

After 1868 and 1887

- ❑ Affidavit, IP, Imprisonment, Month, MP, Oath, Person, Section & Year

After 1887

- ❑ Commencement, FY, Offence, Registered, Schedule, Sub-section & writing

- ❑ **Apply unless there is anything repugnant in the subject or context to the all Central Acts and Regulations.**

Section 4A

Application of certain definitions ONLY to Indian Laws -

- Central Act, CG,
- Gazette, Government,
- Gov securities, Indian Law
- And Official Gazette

■ [SECTION 5 TO 13] GENERAL RULES OF CONSTRUCTION

“Coming into operation of enactment” [Section 5]	When does a Central Act Come into Operation?	
	1. When there is no day specified in the published Act in Official Gazette	The day on which it receives the assent of the President of India*. (*For Acts made before commencement of Constitution of India — On the day of assent of the Governor-General).
	2. Where there is any particular day specified in the published Central Act or Regulation in Official Gazette	Immediately on the expiration of the day preceding its commencement (i.e. effectively on the day mentioned in the published Act in Official Gazette).
When do the Rules/regulations Come into Operation? <input type="checkbox"/> The effective date of Rules would be as mentioned but if nothing is mentioned then when the Rules are published vide Gazette notification and not from the date when the Rules were under preparation. Presumption Against Retrospectivity <input type="checkbox"/> All laws which affect substantive vested rights generally operate prospectively and there is a presumption against their retrospectivity till there are express words giving retrospective effect or where the language used necessarily implies that such retrospective operation is intended.		

**If mentioned in the ACT or Regulation
Then from the immediate date**



**If nothing is mentioned
then
From the date of Assent of PRESIDENT
or Governor General**



**(FOR RULES & REGULATIONS)
If nothing is mentioned then from the
date of published in Official Gazette**

MULTIPLE CHOICE QUESTIONS (MCQ)

- 13.** Where an act of parliament does not expressly specify any particular day as to the day of coming into operation of such Act, then it shall come into operation on the day on which: (module)
- (a) **It receives the assent of the President**
 - (b) It receives the assent of the Governor General
 - (c) It receives assent of both the houses of Parliament
 - (d) It receives assent of the Prime Minister
- 14.** Companies Act, 2013 came into force from which
- (a) **15th August, 2013**
 - (b) 30th August, 2013
 - (c) 18th August, 2013
 - (d) 1st April, 2014
- 15.** Regulations, 2015 was issued by SEBI vide notification dated 14th August, 2015 with effect from 1st January, 2016. What is the date of coming into force of these regulations
- (a) 1st January, 2017
 - (b) **14th August, 2015**
 - (c) 31st December, 2015
 - (d) 1st January, 2016
- 16.** The act by which the operation of a previous Act comes to an end, is called is
- (a) The Repealing Act
 - (b) The Consolidating Act
 - (c) The Amending Act
 - (d) **Analogous Act**
- 17.** If on the last date a Court is closed, an act or proceeding shall be considered as done if it is done on
- (a) the preceding day
 - (b) **the next day afterwards on which the Court is open**
 - (c) on the same day irrespective that the Court is closed
 - (d) next week, same day
- 18.** Where an act of parliament does not expressly specify any particular day as to the day of coming into operation of such Act, then it shall come into operation on the day on which
- (a) It receives the assent of the President
 - (b) It receives the assent of the Governor General
 - (c) **It is notified in the official gazette**
 - (d) None of these

“Effect of Repeal” [Section 6]

- When an Act is repealed, it is treated as if **it never existed**, except for the limited purposes protected under Section 6. The main object of repeal is to **remove the Act completely** from the statute books.
- There is an important difference between “repeal” and “deletion” of a provision:
 - Repeal wipes out the provision entirely, as if it never existed. It ends all rights, liabilities, and causes of action connected to that provision (unless saved under Section 6).
 - Deletion generally works from the date it is deleted. It does not mean the provision never existed - it only stops operating from that point onward.
- Since the definition of “enactment” in Section 3(19) includes both an Act and any provision within it, Section 6 applies not only when an entire Act is repealed, but also when a single provision is repealed.

	<ul style="list-style-type: none"> <input type="checkbox"/> However, a rule made under an Act is not a Central Act or Regulation. Therefore, if one rule repeals another, Section 6 does not apply. So, in the absence of a saving clause, prosecution cannot continue and punishment cannot be imposed for violations of a repealed rule.
The repeal shall not affect	<ol style="list-style-type: none"> 1. Anything not enforced or prevailed during the period at which repeal is affected 2. Affect the prior management of any legislation that is repealed, 3. Affect any claim, privilege, responsibility, debt obtained under legislation so repealed 4. Affect any punishment, forfeiture or penalty sustained with regard to any offence 5. Affect any inquiry, litigation or remedy which may be initiated, continued or insisted.
“Repeal of Act making textual amendment in Act or Regulation” [Section 6A]	<ul style="list-style-type: none"> <input type="checkbox"/> If a law (Central Act or Regulation) has made specific textual changes (like omissions, insertions, or substitutions) <input type="checkbox"/> to the text of another Act, <input type="checkbox"/> those changes become part of the earlier law. <p>Repeal of the Amending Act:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Later, if the law that introduced these textual changes <input type="checkbox"/> Means the amending Act <input type="checkbox"/> is repealed, <input type="checkbox"/> it will not affect the amended content of the original Act. <p>The amendments made by the repealed Act will continue to exist unless re-enacted. (Relate to Section 8)</p>
“Revival of repealed enactments” [Section 7]	<ul style="list-style-type: none"> <input type="checkbox"/> In any Central Act or Regulation made after the commencement of this Act, <input type="checkbox"/> it shall be necessary for the purpose of reviving, <input type="checkbox"/> either wholly or partially, <input type="checkbox"/> expressed to state that purpose. <input type="checkbox"/> Applies to all Central Acts and Regulations made after 3/01/1968 and 14/01/1887.
“Construction of references to repealed enactments” [Section 8]	<ul style="list-style-type: none"> <input type="checkbox"/> Where this Act or Central Act or Regulation made after the commencement of this Act, <input type="checkbox"/> repeals and re-enacts, with or without modification, <input type="checkbox"/> any provision of a former enactment, then <input type="checkbox"/> references in any other enactment or in any instrument to the provision so repealed

20. If on the last date a Court is closed, an act or proceeding shall be considered as done if it is done on

- (a) the preceding day
- (b) the next day afterwards on which the Court is open**
- (c) on the same day irrespective that the Court is closed
- (d) next week, same day

<p>“Measurement of Distances” [Section 11]</p>	<ul style="list-style-type: none"><input type="checkbox"/> In the measurement of any distance, for the purposes of any Central Act or Regulation made after the commencement of this Act,<input type="checkbox"/> that distance shall, unless a different intention appears,<input type="checkbox"/> be measured in a straight line on a horizontal plane. <p>Illustration: If a law states that two towns are within 10 km for a specific purpose, the measurement is a straight line, not along winding roads.</p>
<p>“Duty to be taken pro rata in enactments” [Section 12]</p>	<ul style="list-style-type: none"><input type="checkbox"/> Where, by any enactment now in force or hereafter to be in force,<input type="checkbox"/> any duty of customs or excise or in the nature thereof, is leviable on<input type="checkbox"/> any given quantity, by weight, measure or value of any goods<input type="checkbox"/> then a like duty is leviable according to the same rate on any greater or less quantity. <p>Pro rata is a Latin term used to describe a proportionate.</p>
<p>“Gender and number” [Section 13]</p>	<ul style="list-style-type: none"><input type="checkbox"/> In all legislations and regulations,<input type="checkbox"/> unless there is anything repugnant in the subject or context-<input type="checkbox"/> Words importing the masculine gender shall be taken to include females, and<input type="checkbox"/> Words in singular shall include the plural and vice versa.
	<p>Note:</p> <ul style="list-style-type: none"><input type="checkbox"/> Where a word connoting a common gender is available, but the word used conveys a specific gender, there is a presumption that the provisions of the General Clauses Act do not apply. Therefore, the word ‘bullocks’ cannot be interpreted to include ‘cows’.<input type="checkbox"/> The pronoun ‘he’ and its derivatives may be construed to refer to any person whether male or female. So, the words ‘his father and mother’ as they occur in Section 125 (1)(d) of the Code of Criminal Procedure, 1973 has been construed to include ‘her father and mother’ and a daughter has been held to be liable to maintain her father unable to maintain himself.<input type="checkbox"/> However, it may be noted that the general rule in Section 13 has to be applied with circumspection for interpreting laws dealing with matter of succession. Thus, the words ‘male descendants’ occurring in Sections 7 and 8 of the Chota Nagpur Tenancy Act, 1908 were not interpreted to include female descendants.

However, it may be noted that the context may rule out the application of Section 13 in certain cases. For example, to construe 'previous year' in Section 2(11) of the Income-tax Act to include previous years would be to nullify the very definition of 'previous year' enacted therein.

MULTIPLE CHOICE QUESTIONS (MCQ)

- 21.** In all Central Acts and Regulations, unless there is anything repugnant in the subject or context, words importing the masculine gender shall be taken: **(1 Mark) (MTP Sep. 23)**
- (a) To exclude females
 - (b) To exclude girl child
 - (c) To include females**
 - (d) To exclude boy child

■ [SECTION 14 TO 19] POWER AND FUNCTIONARIES

Summary (Maggi Table) - Revise in 2 minutes Sections 14 to 19

Section	Power and Functionaries	Description
14	Powers Conferred to Be Exercised from Time to Time	When any Act grants a power, it can be exercised as often as required , unless explicitly restricted or cancelled.
15	Power to Appoint Includes ex-officio (Latin word which means by virtue of one's position or office)	If an Act gives the power to appoint someone, it also includes the power to appoint a person it may be made by name or ex-officio as well.
16	Power to Appoint Includes Power to Suspend or Dismiss	If the power to appoint someone is granted, it automatically includes the power to suspend or dismiss that person unless restricted.
17	Substitution of Functionaries	If an Act names an officer by designation, and that office is abolished, the powers are transferred to the successor or equivalent functionary.
18	Successors	When laws refer to certain authorities or bodies that are later restructured or replaced, their powers and functions are transferred to the successors .
19	Official Chiefs and Subordinates	Powers conferred on an official chief (e.g., head of a department) are deemed to also include their subordinates , subject to delegation.

<p>“Power conferred to be exercisable from time to time” [Section 14]</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Where, by any Central Act or Regulation made after the commencement of this Act, <input type="checkbox"/> Any power is conferred, then unless a different intention appears <input type="checkbox"/> That power may be exercised from time to time as occasion requires. <input type="checkbox"/> Till that power is not forfeited, restricted or cancelled.
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<p>“Power to appoint to include power to appoint ex-officio” [Section 15]</p>	<ul style="list-style-type: none"> ❑ Where by any legislation, 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, may be made either by name or by virtue of office. ❑ Ex-officio is a Latin word which means by virtue of one’s position or office. ❑ Provision says ex-officio can be appointed as well.
<p>“Power to appoint to include power to suspend or dismiss” [Section 16]</p>	<ul style="list-style-type: none"> ❑ 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. <p>Examples:</p> <ol style="list-style-type: none"> 1. Order 40, Rule 1(a) of CPC, 1908, which authorises a court to appoint a receiver, has been construed to embrace power of removing a receiver. 2. Article 229(1) of the Constitution which empowers the Chief Justice to make appointment of officers and servants of a High Court has been interpreted to include a power to suspend or dismiss. <p>Note: However, power to suspend or dismiss does not necessarily imply a power to make rules for dismissal.</p>
<p>“Substitution of functionaries” [Section 17]</p>	<ul style="list-style-type: none"> ❑ 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 functions 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>“Successors” [Section 18]</p>	<ul style="list-style-type: none"> ❑ It 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.
<p>“Official Chiefs and subordinates” [Section 19]</p>	<ul style="list-style-type: none"> ❑ A law relative to the chief or superior of an office ❑ 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. <p>Example: In case under the Preventive Detention Act, where there is a change in the Advisory Board after service of the detention order, the new Advisory Board can consider the case pending before the earlier board.</p>

■ [SECTION 20 TO 24] PROVISION AS TO ORDERS, RULES ETC. MADE UNDER ENACTMENTS

Summary (Maggi Table) - Revise in 2 minutes Sections 20 to 24

Section	Power and Functionaries	Description
20.	Construction of Orders, Notifications, etc.	Words or expressions used in notifications, orders, rules, etc., issued under an Act have the same meaning as defined in the Act unless stated otherwise.
21.	Power to Amend, Vary, or Rescind	If there is power to issue notifications, orders, rules, etc., it also includes the power to add, amend, vary, or cancel them, following the same process.
22.	Making Rules Before an Act Comes into Force	Rules, bye-laws, or orders required under an Act that is not yet effective can be made before its commencement , but they take effect after the Act starts .
23.	Procedure for Making Rules After Prior Publication	If rules or bye-laws require prior publication , drafts must be published for feedback, and affected persons must have the chance to raise objections/suggestions .
24.	Continuation of Rules After Repeal and Re-enactment	If an Act is repealed and re-enacted , any existing rules, orders, or notifications under the old Act continue to remain valid under the new Act unless stated otherwise.

<p>“Construction of orders, etc., issued under enactments” [Section 20]</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Where by any legislation or regulation, <input type="checkbox"/> a power to issue any <input type="checkbox"/> notification, order, scheme, rule, form, or by-law is conferred, <input type="checkbox"/> then expression used in there <input type="checkbox"/> shall, unless there is anything repugnant in the subject or context, <input type="checkbox"/> have the same respective meaning as in the Act or regulation conferring power.
<p>“Power to issue, to include power to add to, amend, vary or rescind notifications, orders, rules or bye- laws” [Section 21]</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Where by any legislations or regulations <input type="checkbox"/> a power to issue notifications, orders, rules or bye-laws is conferred, then that power, <input type="checkbox"/> exercisable in the like manner and subject to the like sanction and conditions (if any), <input type="checkbox"/> to add, to amend, vary or rescind any notifications, orders, rules or bye laws so issued.
<p>22. The power to issue a notification includes a power to</p> <ul style="list-style-type: none"> (a) Rescind any notification (b) Amend any notification (c) Add any notification (d) All of the above 	

<p>“Making of rules or bye-laws and issuing of orders between passing and commencement of enactment” [Section 22]</p>	<p>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 the appointment of any Judge or officer thereunder; or with respect to the Where, by any Central Act or Regulation which is not to come into force immediately, on the passing thereof, a power is conferred:</p> <ul style="list-style-type: none"> <input type="checkbox"/> to make rules or bye-laws, <input type="checkbox"/> to issue orders with respect to the application of the Act or Regulation or <input type="checkbox"/> with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, 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, <p>then that power may be exercised at any time after the passing of the Act or Regulation; but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act or Regulation.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Section 22 is an enabling provision, and facilitates the making of rules, bye-laws and orders at any time after passing of the Act or Regulation but the rules will not take effect until the commencement of such Act or Regulation.
<p>“Provisions applicable to making of rules or bye-laws after previous publications” [Section 23]</p>	<p>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:</p> <ol style="list-style-type: none"> 1. 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 persons likely to be affected thereby; 2. 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 prescribes; 3. There shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration; 4. 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 be 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; and 5. 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.

	<ul style="list-style-type: none"> ❑ Section 23(5) raises a conclusive presumption that after the publication of the rules in the official Gazette, it is to be inferred that the procedure for making the rules had been followed and any irregularities in the publication of the draft cannot therefore be questioned. <p>Note: It is also open to the authority publishing the draft and entitled to make the rules to make suitable changes in the draft before finally publishing them.</p>
<p>“Continuation of orders etc., issued under enactments repealed and re-enacted” [Section 24]</p>	<ul style="list-style-type: none"> ❑ Where any Central Act or Regulation is repealed and re-enacted then unless it is otherwise expressly provided ❑ any appointment notification, order, scheme, rule, form, made or issued under the repealed Act, ❑ continue in force, ❑ and be deemed to have been made or issued under the provisions so re-enacted. <p>The Mines Act of 1923 was repealed and replaced by the Mines Act of 1952. Rules made under the repealed Act must be deemed to continue in force by virtue of this section until superseded.</p>

■ [SECTION 25 TO 30] MISCELLANEOUS

Section	Title	Simplified Summary	Example/Illustration
25	Recovery of fines	<ul style="list-style-type: none"> ❑ Rules from IPC & CrPC about issuing/ executing warrants & levying fines apply to all fines under any Act, rule, bye-law, etc., ❑ Unless the law says otherwise. 	If a municipal bye-law imposes a fine, the CrPC provisions will govern how that fine is collected, unless that bye-law explicitly says something different.
26	Offences under two or more enactments	<ul style="list-style-type: none"> ❑ If a single act or omission is an offence under multiple laws, ❑ the offender can be prosecuted under any one of them, ❑ but cannot be punished more than once for the same offence. 	Suppose someone’s conduct violates both a state law and a central law; they may be charged under either but not punished twice.
27	Meaning of service by post	<ul style="list-style-type: none"> ❑ If legislation requires or allows documents to be “served by post,” then, unless there is a clear contrary intention-service is valid if <ul style="list-style-type: none"> ○ the document is properly addressed, 	A notice to a person is sent via registered post; even if the person doesn’t physically collect it, it’s “served” if the registered post details show proper address & processing.

	<ul style="list-style-type: none"> ○ postage paid, ○ registered post is used; and ○ service is deemed to take effect when the letter would be delivered in the ordinary course.
<p>“Recovery of fines” [Section 25]</p>	<ul style="list-style-type: none"> □ Section 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure (CPC) □ in relation to the issue and the execution of warrants for the levy of fines □ shall apply to all fines imposed under any Act, Regulation, rule or bye-laws, □ Unless the Act, Regulation, rule or bye-law contains an express provision to the contrary. (MEANS IF SPECIFIED THEN FOLLOW THAT)
<p>“Provision as to offence punishable under two or more enactments” [Section 26]</p>	<ul style="list-style-type: none"> □ 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. <ul style="list-style-type: none"> ○ There is no bar to the trial or conviction of an offender under two enactments, but there is only a bar to the punishment of the offender twice for the same offence. ○ When there are two alternative charges in the same trial, the fact that the accused is acquitted of one of the charges will not bar his conviction on the other. ○ Provisions of Section 26 and Article 20(2) of the Constitution apply only when the two offences which form the subject of prosecution are the same, i.e. the ingredients which constitute the two offences are the same. If the offences under the two enactments are distinct and not identical, none of these provisions will apply.

MULTIPLE CHOICE QUESTIONS (MCQ)

23. An act or omission constitutes an offence under two enactments. Referring to the provisions of the General Clauses Act, 1897, state which among the following is correct in such a situation: **(module)**

(a) The offender shall be liable to be prosecuted and punished under that enactment only, which was enacted last

and not under the other enactment.

- (b) The offender shall be liable to be prosecuted and punished under that enactment only, which was enacted first and not under the other enactment.
- (c) The offender shall be liable to be prosecuted and punished under both the enactments.

(d) The offender shall be liable to be prosecuted and punished under that either or any of those enactments, but shall not be punished twice for the same offence.

24. As per the provisions of the General Clauses Act, 1897, 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:

(Mar 22) (1 Mark)

(a) Under either or any of those enactments

(b) Twice for the same offence

(c) Either (a) or (b) as per the discretion of the court

(d) Under the cumulative effect of both the enactments

25. A company enter into process of reducing capital. Mr. Shah is concerned officer designated for preparing the list of creditors to records their reservation and reach to a settlement under section 66 of the Companies Act, 2013. Mr. Shah while preparing such list deliberately conceal the name of Ms. Ramya who is one of the company's creditor and object to the reduction, whereas make misstatement in context of some other creditors' claims. The offence committed by Mr. Shah is punishable under; (i) Under section 447 of the Companies Act, 2013 and (ii) Also under sections 417 read with 415 of Indian Penal Code 1860 (as dishonest concealment is involved). You are required to select the most appropriate option out of given below in context of offence committed by Mr. Shah:

(RTP Nov 23)

(a) Mr. Shah shall be liable to be prosecuted under both of the Companies Act, 2013 and the Indian Penal Code 1860, but shall be punished under either of the Companies Act, 2013 or the Indian Penal Code, 1860.

(b) Mr. Shah shall be liable to be prosecuted under both of the Companies Act, 2013

and the Indian Penal Code, 1860, but shall be punished under the Companies Act, 2013 or the Indian Penal Code, 1860 where maximum punishment is lower.

(c) Mr. Shah shall be liable to be prosecuted and punished under either of the Companies Act, 2013 or the Indian Penal Code, 1860.

(d) Mr. Shah shall be liable to be prosecuted and punished under both of the Companies Act, 2013 and the Indian Penal Code, 1860.

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

(a) Under either or any of those enactments

(b) Twice for the same offence

(c) Either (a) or (b) as per the discretion of the court

(d) none of these

27. An oct or omission constitutes on offence under two enactments. Referring to the provisions of the General Clauses Act, 1897, state which among the following is correct in such a situation?

(a) The offender shall be liable to be prosecuted and punished under that enactment only, which was enacted last and not under the other enactment.

(b) The offender shall be liable to be prosecuted and punished under that enactment only, which was enacted first and not under the other enactment.

(c) The offender shall be liable to be prosecuted and punished under both the enactments

(d) 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.

<p>“Meaning of Service by post” [Section 27]</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Where any legislation or regulation requires any document to be served by post, then <input type="checkbox"/> unless a different intention appears, the service shall be deemed to be effected by: FULFILL THESE 3 CONDITIONS <ul style="list-style-type: none"> <input type="radio"/> A - Properly addressing <input type="radio"/> P - Pre-paying, and <input type="radio"/> R - Posting by registered post. <input type="checkbox"/> A letter containing the document to have been effected at the time at which <input type="checkbox"/> the letter would be delivered in the ordinary course of post. 						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;">United Commercial Bank v. Bhim Sain Makhija, AIR 1994 Del 181</td> <td style="padding: 5px;">A notice when required under the statutory rules to be sent by ‘registered post acknowledgement due’ is instead sent by ‘registered post’ only, the protection of presumption regarding serving of notice under ‘registered post’ under this section of the Act neither tenable not based upon sound exposition of law</td> </tr> <tr> <td style="padding: 5px;">Jagdish Singh.v Natthu Singh, AIR 1992 SC 1604</td> <td style="padding: 5px;">A notice is sent to the landlord by registered post and the same is returned by the tenant with an endorsement of refusal, it will be presumed that the notice has been served.</td> </tr> <tr> <td style="padding: 5px;">Smt. Vandana Gulati v. Gurmeet Singh alias Mangal Singh, AIR 2013 All 69</td> <td style="padding: 5px;">A notice sent by registered post to person concerned at proper address is deemed to be served upon him in due course unless contrary is proved. Endorsement ‘not claimed/not met’ is sufficient to prove deemed service of notice</td> </tr> </table>	United Commercial Bank v. Bhim Sain Makhija, AIR 1994 Del 181	A notice when required under the statutory rules to be sent by ‘ registered post acknowledgement due ’ is instead sent by ‘registered post’ only , the protection of presumption regarding serving of notice under ‘registered post’ under this section of the Act neither tenable not based upon sound exposition of law	Jagdish Singh.v Natthu Singh, AIR 1992 SC 1604	A notice is sent to the landlord by registered post and the same is returned by the tenant with an endorsement of refusal , it will be presumed that the notice has been served.	Smt. Vandana Gulati v. Gurmeet Singh alias Mangal Singh, AIR 2013 All 69	A notice sent by registered post to person concerned at proper address is deemed to be served upon him in due course unless contrary is proved. Endorsement ‘not claimed/not met’ is sufficient to prove deemed service of notice
United Commercial Bank v. Bhim Sain Makhija, AIR 1994 Del 181	A notice when required under the statutory rules to be sent by ‘ registered post acknowledgement due ’ is instead sent by ‘registered post’ only , the protection of presumption regarding serving of notice under ‘registered post’ under this section of the Act neither tenable not based upon sound exposition of law						
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	<p>28. Where a notice is sent to the landlord by registered post and the same is returned by the tenant with on endorsement of refusal, it will be presumed that</p> <ul style="list-style-type: none"> (a) notice is not served (b) notice is served (c) notice will be deemed to be served when once again the notice is served on tenant (d) notice will be deemed to be served when tenant will expressly give an endorsement of acceptance. 						
<p>“Saving for previous enactments, rules and bye laws” [Section 29]</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The provisions of this Act <input type="checkbox"/> respecting the construction of Acts, Regulations, rules or bye-laws made after commencement of this Act <input type="checkbox"/> shall not affect the construction of any Act, Regulation, rule or bye-law <input type="checkbox"/> is continued or amended by an Act, Regulation, rule or bye-law made after the commencement of this Act. 						

**“Application of
Act to
Ordinances”
[Section 30]**

- ❑ In this Act the expression Central Act, wherever it occurs, except in Sec 5 & the word ‘Act’ in clauses (9), (13), (25), (40), (43), (53) & (54) of sec 3 and 25.
- ❑ shall be deemed to include Ordinance made and promulgated by the Governor General
- ❑ under section 23 of the Indian Councils Act, 1861 or section 72 of the Government of India Act, 1915, or section 42 of the Government of India Act, 1935 and an Ordinance promulgated by the President under article 123 of the Constitution.

