

Other laws

Chapter 1: - The General Clauses Act, 1897 (Applicable to all central acts)

→ Any word used in the central act but not defined in such act (central act). we have to derive the definition of such word from general clauses act, 1897.

Section 5

1) If no date is specified for commencement of any act or coming into operation.

2) It shall come into force on date on which it receives assent of governor general or president as the case may be.

Section 6 - effect of Repeal

1) If any central act or regulation is made after the commencement of GCA, 1897, and such central act repeals any enactment

2) ^{then,} unless a different intention appears, the repeal shall not;

- i) revive anything not in force
- ii) affect any previous operation
- iii) affects any rights & liability
- iv) affect any penalty and punishment
- v) affect only enquiry, litigation or remedy.

of previous
enactment.

Section 7 - Revival of Repealed Enactment

- 1) If any central act or regulation is made after the commencement of GCA, 1897, and if such central act aims to revive any repealed provisions for the purpose of reviving the repealed provisions, such central act must state that purpose.

Section 8 - Construction of References to Repealed Enactments

- 1) where any central act made after the commencement of this act (GCA, 1897) and such central act repeals any previous enactments (1956)
- 2) any reference of the provisions of the repealed enactment in any other enactment (^{payment of bonus act.} POBA) or in any other instrument shall be read with the corresponding provisions so reenacted.

Section 9 -

'From' date - exclude } to calculate
'to' date - include } days.

Section 10 - Computation of time

- 1) where by any central act or regulation made after the commencement of this act (GCA, 1897) in such act any Act or
- 2) In such Act any act or proceedings is directed or allowed to be done in any court or office in any particular time or prescribed time (on a certain day or within the prescribed period)
- 3) and if the court or office is closed on such date
- 4) It shall be sufficient if such act or proceeding is undertaken next day on which court or office is open.

Coverage of today's section

- sec 1 - Short title
- sec 2 - Repealed
- sec 3 - Definitions
- sec 5 - Coming into operation of enactments
- sec 6 - effect of repeal
- sec 7 - Revival of repealed enactment
- sec 6A - Repeal of act making textual amendment in act.
- sec 8 - ~~Construction reference to repealed enactments~~
- sec 9 - Commencement & termination of time.

- sec 10 - Computation of time (Court or office)
- sec 11 - measurement of distances (airal distance within 90 km)
- sec 12 - proportionate duty
- sec 13 - Gender & Number
- sec 14 - power exercisable from time to time

→ Section 15 :- Power to appoint to include power to appoint Ex-officio.

- 1) where by any central act a power to appoint any person is conferred (given) then any such appointment may be made either by name or by virtue of office.
- 2) Such appointment can be made when the manner is not otherwise expressly provided

→ Section 16 :- Power to appoint to include power to suspend or dismiss

① where by any central act a power to make any appointment is conferred (given) then the authority having the power to make the appointment shall also have a power to suspend.

sec 16 shall not apply if different intention appears in such central act.

difference between

sec 17

(substitution of functioners)

Official title wala insaan available nahi hai to uski duty kon perform karega

- In any central act, any law is applicable to a particular person, then it shall be or sufficient to other persons for the time being executing the functions.
- It shall be sufficient to mention the official title of the particular person at present executing the function or that of the officer by whom the functions are commonly executed.

sec 18

(Successors)

Official title / specific position hold kare wala insaan agar wo title chodta hai to uski jagh, duty kon perform karega.

- In any central act if a particular any law is applicable to a particular functionary.
- and such law is also applicable to the successors of the functionary.
- It shall be sufficient to express that such law is applicable to present functionary and also to its successors in future.

sec 19

(Official chiefs of subordinates)

To duty superior ki hai wo duty subordinates ki bhi hai.

- In any central act any law is applicable to the chief or superior, such law is also applicable to its subordinates.

→ Section 20 :- Interpretation of Notification issued under any act.

Whereby any central Act a power to issue any notification is conferred then the expression used in the notification shall unless there is anything repugnant (inconsistent) have the same respective meaning as in the Act.

→ Section 22 :- Rules shall not take effect till commencement of the act.

Whereby any central act which is not to come into force immediately a power is conferred to make rules or with respect to;

- 1) The establishment of any court
 - 2) The person by whom
 - 3) The time when
 - 4) The place where
 - 5) The manner in which
 - 6) The fees for which
- } → anything is to be done under the Act or Regulation.

Then that power may be exercised at any time after the passing of the act but rules shall not take effect till the commencement of the act or regulation.

→ Section 24 § - Continuation of rules of Repealed act unless it is expressly repealed

where any central act after the commencement of this act repealed and re-enacted then unless it is otherwise expressly provided any rule issued under the repealed act shall continue in force except in so far as it is not inconsistent with the provisions re-enacted

e.g. → repealed - Companies act, 1956
re-enacted - Companies act, 2013

→ Section 25 § - Recovery of fines

All fines imposed under any act shall be recovered in a manner provided under section 63 to 70 of the Indian penal code and provisions of code of criminal procedure unless the act contains an express provision for the recovery of fines.

Section 26 § -

No person shall be punishable twice for the same offence.

→ ~~Section 28 :- In any central act~~

→ Sec 28 :- Citation of Enactments

→ In any central Act, Reference is given of any other act, Section.

→ Such reference may be cited by reference to;

1) The title

2) Short title

3) Number and year of act

→ Any provision in an enactment may be cited by reference to the sections or subsection of the enactment in which the provision is contained.

→ Sec 29 :- Savings for previous Enactment

The provision of this Act (1897) which is made for the interpretation of such Act which is made after the commencement of this Act (1897) shall not affect the interpretation of the act made before the commencement of this Act.

• Section 29 - Saving for previous enactment

- i) The provision of this Act (GCA, 1897) which is made for the interpretation of such Act which for commencement of this Act (GCA, 1897) shall not affect the interpretation of the Act made before the commencement of this Act.

• Section 23 - Provision applicable to making of Rules & bye laws after making.

- i) whereby any central Act, a power to make rules is expressed to be given subject to the condition of the rules being made after previous publication the following provision shall apply

- a) The authority having power to make rules before making them shall publish a draft of the proposed rule for the persons likely to be affected.

b) Manner of Publication

- i) as the authority deems sufficient

- ii) or in such manner as govt. prescribes

- c) There shall be published with the draft a notice specifying a date on or after which the draft will take be taken into consideration

- d) The authority having power to make rules with the sanction, approval with another authority, that other authority shall also consider any objection or suggestion which may be received by the authority having power to make rules.

e) The publication in the official Gazette of a rule made in exercise of a power shall be conclusive evidence / proof that the rule has been duly made.

Defⁿ

- Immovable property [Section 3(26)]
- Good faith [Section 3(22)]
 - a) Honest Act
 - b) whether done negligent or not
- F. Year [Section 3(21)]
- Affidavit [Section 3(3)]
- Central Year^{Act} [Section 3(7)]
- Document [Section 3(18)]
- Oath [Section 3(37)]
- Rule [Section 3(51)]
- Swear [Section 3(62)]
- Year [Section 3(66)]

1) Document [Section 3(18)]

Document shall include

- a) Any matter written
- b) Expressed or Described
- c) Upon any substance (eg paper, paper napkin)
- d) by means of letters, figures or marks
- e) for the purpose or recording that matter.

2) Affidavit
[3(3)]

Shall include affirmation & declaration in the case of persons by law allowed to affirm or declare instead of swearing

3) Oath
[3(37)]

shall include affirmation & declaration in the case of persons by law allowed to affirm or declare instead of swearing

4) Swear
[3(62)]

Same as oath

Practically speaking there is very thin line difference between oath & affidavit;

1) Practically, affidavit is always in writing,

2) Oath is usually a oral statement

5) Central Act [Section 3(7)]

a) Act of Parliament

b) Includes;

i) Act of Dominion legislature passed before the commencement of OF Constitution;

ii) Act made by Governor General before such commencement

6) Rule [Section 3(51)]

Rule shall mean rule made in exercise of a power conferred by any enactment and shall include a regulation

Important

Section 5

Section 6

Section 9

Section 10

Section 11

Section 13

Section 22

Section 23

Section 26

Section 27

Section 3 (2)

Section 3 (3)

Section 3 (18)

Section 3 (26)

Section 3 (37)

Section 3 (42)

Section 3 (62)

Section 3 (66) - Year

Section 3 (22) - Good fa