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THE SCHEDULE.

An Act to consolidate and extend the General Clauses Act, 1868 and 1887. Whereas it is expedient to consolidate and extend the General Clauses Acts, 1868 (1 of 1868) and 1887 (1 of 1887), it is hereby enacted as follows:

PRELIMINARY

1. Short title. — (1) This Act may be called the General Clauses Act, 1897;

2. Repeal. — [Repealed by the Repealing and Amending Act, 1903 (1 of 1903)].

3. Definitions. — In this Act, and in all Central Acts and Regulations made after the commencement of this Act, unless there is anything repugnant in the subject or context, —

(1) "abet", with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code (45 of 1860);

(2) "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;

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;

(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland;

(5) "British India" shall mean, as respects the period before the commencement of Part III of Government of India Act, 1935, all territories and places within His Majesty's dominions which were for the time being governed by His Majesty through the Governor General of India or through any Governor or Officer subordinate to the Governor General of India, and as respects any period after that date and before the date of establishment of the Dominion of India means all territories for the time being comprised within the Governors' Provinces and the Chief Commissioners' Provinces, except that a reference to British India in an Indian law passed or made before the commencement of Part III of the Government of India Act, 1935, shall not include a reference to Berar;

(6) "British possession" shall mean any part of Her Majesty's dominions exclusive of the United Kingdom, and where parts of those dominions are under both a Central and a Local Legislature, all parts under the Central Legislature shall, for the purposes of this definition, be deemed to be one British possession;

(7) "Central Act" shall mean an Act of Parliament, and shall include —

(a) an Act of the Dominion Legislature or of the Indian Legislature passed before the commencement of the Constitution, and

(b) an Act made before such commencement by the Governor General in Council or the Governor General, acting in a legislature capacity;

(8) "Central Government" shall, —

(a) in relation to anything done before the commencement of the Constitution, mean the Governor General or the Governor General in Council, as the case may be; and shall include, —

(i) in relation to functions entrusted under sub-section (1) of Section 124 of the Governor of India Act, 1935, to the Government of a Province, the Provincial Government acting within the scope of the authority given to it under that sub-section; and

(ii) in relation to the administration of a Chief Commissioner's Province, the Chief Commissioner acting within the scope of the authority given to him under sub-section (3) of Section 94 of the said Act; and

(b) in relation to anything done or to be done after the commencement of the Constitution, mean the President; and shall include, —

(i) in relation to functions entrusted under clause (1) of article 258 of the Constitution, to the Government of a State, the State Government acting within the scope of the authority given to it under that clause;

(ii) in relation to the administration of a Part C State [before the commencement of the Constitution (Seventh Amendment) Act, 1956], the Chief Commissioner or the Lieutenant-Governor or the Government of a neighbouring State or other authority acting within the scope of the authority given to him or it under article 239 or article 243 of the Constitution, as the case may be; and
(iii) in relation to the administration of a Union territory, the administrator thereof acting within the scope of authority given to him under article 239 of the Constitution;

(9) "Chapter" shall mean a Chapter of the Act or Regulation in which the word occurs;

(10) "Chief Controlling Revenue Authority" or "Chief Revenue Authority" shall mean —
(a) in a State where there is a Board of Revenue, that Board;
(b) in a State where there is a Revenue Commissioner, that Commissioner;
(c) in Punjab, the Financial Commissioner; and
(d) elsewhere, such authority as, in relation to matters enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, by notification in the Official Gazette, appoint;

(11) "Collector" shall mean, in a Presidency-town, the Collector of Calcutta, Madras or Bombay, as the case may be, and elsewhere the chief officer-in-charge of the revenue administration of a district;

(12) "Colony" —
(a) in any Central Act passed after the commencement of Part III of the Government of India Act, 1935, shall mean any part of His Majesty's dominions exclusive of the British Islands, the Dominions of India and Pakistan (and before the establishment of those Dominions, British India), any Dominions as defined in the Statute of Westminster, 1931, any Province or State forming part of any of the said Dominions, and British Burma; and
(b) in any Central Act passed before the commencement of Part III of the said Act, mean any part of His Majesty's dominions exclusive of the British Islands and of British India;

and in each case where parts of those Dominions are under both a Central and Local Legislature, all parts under the Central Legislature shall, for the purpose of this definition, be deemed to be one colony.

(13) "commencement" used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force;

(14) "Commissioner" shall mean the chief officer-in-charge of the revenue administration of a division;

(15) "Constitution" shall mean the Constitution of India;

(16) "Consular officer" shall include consul-general, consul, vice-consul, consular agent, pro-consul and any person for the time being authorised to perform the duties of consul-general, consul, vice-consul or consular agent;

(17) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary civil jurisdiction;

(18) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by one of those means which is intended to be used, or which may be used, for the purpose of recording that matter;

(19) "Government" or "the Government" shall include any Government as defined in the Bengal, Madras or Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid;

(20) "father", in the case of any one whose personal law permits adoption, shall include an adoptive father;

(21) "financial year" shall mean the year commencing on the first day of April;

(22) 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;

(23) "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 B State or Part C State or Part of any Part thereof, but does not include any Act or Parliament of the United Kingdom or any Order in Council, rule or other instrument made under such Act;

(24) "Indian State" or "Indian States" shall mean any territory or territories which were组成部分 of British India before the commencement of the Constitution, but shall not include any State or Provinces of the United Kingdom or any Order in Council, rule or other instrument made under such Act;

(25) "Indian territory" shall mean any territory which, at any time after the commencement of the Constitution, was组成部分 of British India;

(26) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code;

(27) "improperty" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;

(28) "improperty" shall mean imprisonment of either description as defined in the Indian Penal Code;

(29) "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 B State or Part C State or Part of any Part thereof, but does not include any Act or Parliament of the United Kingdom or any Order in Council, rule or other instrument made under such Act;

(30) "Indian States" shall mean any territory which, at any time after the commencement of the Constitution, was组成部分 of British India;

(31) "Indian territory" shall mean any territory which, at any time after the commencement of the Constitution, was组成部分 of British India;

(32) "Indian territory" shall mean any territory which, at any time after the commencement of the Constitution, was组成部分 of British India;

(33) "Indian territory" shall mean any territory which, at any time after the commencement of the Constitution, was组成部分 of British India;

(34) "Indian territory" shall mean any territory which, at any time after the commencement of the Constitution, was组成部分 of British India;

(35) "Indian territory" shall mean any territory which, at any time after the commencement of the Constitution, was组成部分 of British India;

(36) "Indian territory" shall mean any territory which, at any time after the commencement of the Constitution, was组成部分 of British India;

(37) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of wearing;

(38) "offence" shall mean any act or omission made punishable by any law for the time being in force;

(39) "official Gazette" or "Gazette" shall mean the Gazette of India or the official Gazette of a State;

(40) "part" shall mean a part of the Act or Regulation in which the word occurs;

(41) "Part A State" shall mean a State for the time being specified in Part A of the First Schedule to the Constitution, as in force before the Constitution (Seventh Amendment) Act, 1956;

(42) "person" shall include any company or association or body of individuals, whether incorporated or not;

(43) "Political Agent" shall mean, —
(a) in relation to any territory outside India, the Principal Officer, by whatever name called, representing the Central Government in relation to other matters, and
(b) in relation to any territory within India to which the Act or Regulation containing the expression does not extend, any officer appointed by the Central Government to exercise all or any of the powers of a Political Agent under that Act or Regulation;

(44) "Presidency-town" shall mean the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Calcutta, Madras or Bombay, as the case may be;

(45) "Province" shall mean a Presidency, a Governor's Province, a Lieutenant Governor's Province or a Chief Commissioner's Province;

(46) "Provincial Act" shall mean an Act made by the Governor in Council, Lieutenant Governor in Council or Chief Commissioner in Council
of a Province under any of the Indian Councils Acts or the Government of India Act, 1915, or an Act made by the Local Legislature or the Governor of a Province under the Government of India Act, or an Act made by the Provincial Legislature or Governor of a Province or the Coorg Legislative Council under the Government of India Act, 1935;

(47) "Provincial Government" shall mean, as respects anything done before the commencement of the Constitution, the authority or person authorised at the relevant date to administer executive government in the Province in question;

(48) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code;

(49) "registered", used with reference to a document, shall mean registered in India under the law for the time being in force for the registration of documents;

(50) "Regulation" shall mean a Regulation made by the President under article 240 of the Constitution and shall include a Regulation made by the President under article 243 thereof and a Regulation made by the Central Government under the Government of India Act, 1870, or the Government of India Act, 1915, or the Government of India Act, 1935;

(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;

(52) "schedule" shall mean a schedule to the Act or Regulation in which the word occurs;

(53) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled District Act, 1874;

(54) "section" shall mean a section of the Act or Regulation in which the word occurs;

(55) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars;

(56) "sign", with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark", with its grammatical variations and cognate expressions;

(57) "son", in the case of any one whose personal law permits adoption, shall include an adopted son;


(2) The definitions in the said section of the following words and expressions, that is to say, "abet", "Chapter", "commencement", "financial year", "local authority", "master", "offence", "part", "public nuisance", "registered", "schedule", "ship", "sign", "sub-section" and "writing" apply also, unless there is anything repugnant in the subject or context to all Central Acts made after the third day of January, 1868, and to Regulations made on or after the fourthteenth day of January, 1887.

(3) "year" shall mean a year reckoned according to the British calendar.

4. Application of foregoing definitions to previous enactments. — (1) The definitions in Section 3 of the following words and expressions, that it to say, "affidavit", "barrister", "District Judge", "father", "immovable property", "imprisonment", "Magistrate", "month", "movable property", "oath", "person", "section", "son", "swear", "will", and "year" apply also, unless there is anything repugnant in the subject or context, to all Indian Acts and Regulations made on or after the third day of January, 1868, and to Regulations made on or after the fourthteenth day of January, 1887.

(2) The definitions in the said section of the following words and expressions, that is to say, "abet", "Chapter", "commencement", "financial year", "local authority", "master", "offence", "part", "public nuisance", "registered", "schedule", "ship", "sign", "sub-section" and "writing" apply also, unless there is anything repugnant in the subject or context to all Central Acts and Regulations made on or after the fourthteenth day of January, 1887.

(3) "year" shall mean a year reckoned according to the British calendar.

GENERAL RULES OF CONSTRUCTION

5. Coming into operation of enactments. — (1) Where any Central Act is not expressed to come into operation on particular day, then it shall come into operation on the day on which it receives th assent, —

(a) in the case of a Central Act made before the commencement of the Constitution, of the Governor-General, and

(b) in the case of an Act made after the commencement of the Constitution, of the Governor, and in a Union territory, the Central Government;

(2) In any Indian law, references, by whatever form of words, to revenues of the Central Government or to any State Government shall, subject or context, to all Indian laws.

B State”, “Part C State”, Provincial Government”, “State” and “State Government” shall apply, unless there is anything repugnant in the subject or context to all Central Acts made after the third day of January, 1868, and to Regulations made on or after the fourthteenth day of January, 1887.


(2) In any Indian law, references, by whatever form of words, to revenues of the Central Government or to any State Government shall, on or after the first day of April, 1950, be construed as references to the Consolidated Fund of India or the Consolidated Fund of the State, as the case may be.]
commencement of this Act repeals any enactment by which the text of any Central Act or Regulation was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.

7. Revival of repealed enactments. — (1) In any Central Act or Regulation made after the commencement of this Act, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

(2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

8. Construction of references to repealed enactments. — (1) Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

(2) [11][Where before the fifteenth day of August, 1947, any Act of Parliament of the United Kingdom repealed and re-enacted, with or without modification, any provision of a former enactment, then references in any Central Act or in any Regulation or instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

9. Commencement and termination of time. — (1) In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from", and, for the purpose of including the last in a series of days or any other period of time, to use the word "to".

(2) This section also applies to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

10. Computation of time. — (1) Where, by any Central Act or regulation made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open:

Provided that nothing in this section shall apply to any act or proceeding to which the [12][Indian Limitation Act, 1877 (15 of 1877)] applies.

(2) This section also applies to all Central Acts and Regulations made on or after the fourteenth day of January, 1887.

11. Measurement of distances. — In the measurement of any distance, for the purpose of any Central Act or Regulation made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

12. Duty to be taken pro rata in enactments. — Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.

13. Powers conferred to include power to add to, amend, vary or rescind. — In all Central Acts and Regulations, unless there is anything repugnant in the subject or context, —

(1) words importing the masculine gender shall be taken to include females; and

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

13A. References to the Sovereign. — [Rep. by the A.O. 1950.]

POWERS AND FUNCTIONARIES

14. Powers conferred to be exercisable from time to time. — (1) Where, by any Central Act or Regulation made after the commencement of this Act, any power is conferred then unless a different intention appears that power may be exercised from time to time as occasion requires.

(2) This section also applies to all Central Acts and Regulations made on or after the fourteenth day of January, 1887.

15. Power to appoint to include power to appoint ex officio. — Where, by any Central Act or Regulation, 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, if it is made before the commencement of this Act, may be made either by name or by virtue of office.

16. Power to appoint to include power to suspend or dismiss. — Where, by any Central Act or Regulation, a power to make any appointments is conferred, then, unless a different intention appears, 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.

17. Substitution of functionaries. — (1) In any Central Act or Regulation made after the commencement of this Act, 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 function of an officer, 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.

(2) This section also applies to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

18. Successors. — (1) In any Central Act or Regulation made after the commencement of this Act, 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.

(2) This section also applies to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

19. Official chiefs and subordinates. — (1) In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates, to express, in a law relative to the chief or superior, that the same law shall apply to the deputies or subordinates of that office.

(2) This section also applies to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

PROVISIONS AS TO ORDERS, RULES, ETC., MADE UNDER ENACTMENTS

20. Construction of notifications, etc., issued under enactments. — Where, by any Central Act or Regulation, a power to issue any notification, order, scheme, rule, form, or bye-law is conferred, then expressions used in the notification order, scheme, rule, form or bye-law, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act or Regulation conferring the power.

21. Power to issue, to include power to add to, amend, vary or rescind. — Where, by any Central Act or Regulation, a power to issue notifications, orders, rules or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or bye-laws so issued.

22. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment. — Where, by any Central Act or Regulation, a power to issue notifications, orders, rules or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or bye-laws so issued.

23. Provisions applicable to making of rules or bye-laws after previous publication. — 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:
(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;
(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-laws has been duly made.

24. Continuation of orders, etc., issued under enactments repealed and re-enacted. — Where any Central Act or Regulation, is, after the commencement of this Act, repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided any appointment notification, order, scheme, rule, form or bye-law, made or issued under the repealed Act or Regulation, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, form or bye-law, made or issued under the provisions so re-enacted and when any Central Act or Regulation, which, by a notification under Section 5 or 5A of the Scheduled Districts Act, 1874, (14 of 1874) or any like law, has been extended to any local area, has, by a subsequent notification, been withdrawn from the re-extended to such area or any part thereof, the provisions of such Act or Regulation shall be deemed to have been repealed and re-enacted in such area or part within the meaning of this Section.

MISCELLANEOUS

25. Recovery of fines. — Sections 63 to 70 of the Indian Penal Code (45 of 1860) and the provisions of the [14][Code of Criminal Procedure (5 of 1898)] for the time being in force 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-law, unless the Act, Regulation, rule or bye-law contains and express provision to the contrary.

26. Provision as to offences punishable under two or more enactments. — 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 liable to be punished twice for the same offence.

27. Meaning of service of post. — Where any Central Act or Regulation made after the commencement of this Act authorizes or requires any “document to be served by post, where the expression “serve” or either of the expressions “give” or “send” or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Comments
Where addressee refused to accept letter, the presumption of due or proper service arises and knowledge of contents of letter is imputed to addressee. AIR 1981 S.C. 1284.
Notice sent per registered post — Refusal by addressee to accept notice must be presumed to have been served. Jagdish Singh v. Nathu Singh, AIR 1992 S.C. 1604.

28. Citation of enactments. — (1) In any Central Act or Regulation, and in any rule, bye-law, instrument of document, made under, or with reference to any such Act or Regulation, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.
(2) In this Act and in any Central Act or Regulation made after the commencement of this Act, a description or citation of a portion of another enactment, unless a different intention appears, be construed as including the number, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

29. Saving for previous enactments, rules and bye-laws. — The provisions of this Act respecting the construction of Acts, Regulations, rules or bye-laws made after the commencement of this Act shall not affect the construction of any Act, Regulation, rule or bye-law is continued or amended by an Act, Regulation, rule or bye-law made after the commencement of this Act.

30. Application of Act to Ordinances. — In this Act the expression Central Act, wherever it occurs, except in Section 5 and the word “Act” in (clauses (9), (13), (25), (40), (43), (52) and (54)) of Section 3 and in Section 25 shall be deemed to include an Ordinance made by the Governor General under Section 23 of the Indian Councils Act, 1861, or Section 2 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.

A Application of Act to Ordinances made by the Governor-General. — [Rep. by the A.O. 1937].


THE SCHEDULE. — Enactments repealed. — [Rep. by the Repealing and Amending Act, 1903 (1 of 1903).]