

THE GENERAL CLAUSES ACT, 1897

Learn about The General Clauses Act, 1897, a key legislation in India that helps interpret other laws

Summary

The General Clauses Act, 1897 is an important piece of legislation in India that provides a set of definitions and rules of interpretation that are applicable to all central government laws unless expressly excluded. The Act lays down the rules for interpreting words and phrases used in laws, as well as the principles of construction and other general rules that help resolve any doubts that arise during the interpretation of laws. The act has been amended multiple times and continues to play a critical role in helping judges and legal professionals interpret other laws.

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PRELIMINARY

Section 1: Short Title

(1) This Act may be called the General Clauses Act, 1897;

Simplified Act

This document is known as the General Clauses Act of 1897.

Section 2: [Repealed]

Repeal Rep by the Repealing and Amending Act, 1903 1 of 1903, s. 4 and the Third Schedule.

Simplified Act

The phrase "Repeal Rep by the Repealing and Amending Act, 1903" means that the specific section or provision of the law mentioned has been removed or cancelled by a law passed in 1903, known as the Repealing and Amending Act. This act, referenced as "1 of 1903," was the first act of that year, and the details of the repeal are found in section 4 and in the Third Schedule of that act.

GENERAL DEFINITIONS

Section 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,

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

"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;

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

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

"British India" shall mean, as respects the period before the commencement of Part III of the 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 the 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;

"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;

"Central Act" shall mean an Act of Parliament, and shall include -

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;

"Central Government" shall -

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, -

in relation to functions entrusted under sub - section (1) of section 124 of the Government 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 subsection; and

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

in relation to anything done or to be done after the commencement of the Constitution, mean the President; and shall include, -

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;

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

in relation to the administration of a Union territory, the administrator thereof acting within the scope of the authority given to him under article 239 of the Constitution;

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

"Chief Controlling Revenue Authority" or "Chief Revenue Authority" shall mean -

in a State where there is a Board of Revenue, that Board;

in a State where there is a Revenue Commissioner, that Commissioner;

in Punjab, the Financial Commissioner; and

elsewhere, such authority as, in relation to matters enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and in relation to other matters, the State Government, may by notification in the Official Gazette, appoint;

"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;

Simplified Act

Simplified Definitions - This section explains the meanings of certain words and phrases as they are used in this law and other laws and regulations made by the central government of India after this law came into effect, as long as the definitions fit the context they are used in:

"Abet" means encouraging or assisting someone to do something wrong, especially to commit a crime, as defined in the Indian Penal Code.

"Act", when it's about a crime or a legal wrong, includes a series of actions, and the term also covers not doing something that is legally required.

"Affidavit" includes any sworn statement, affirmation, or declaration made by people who are allowed by law to formally promise to tell the truth without swearing an oath.

"Barrister" refers to a lawyer qualified to represent clients in court in England, Ireland, or Scotland.

"British India" refers to the areas under British control through the Indian government before 1935 and certain territories up until the establishment of the Dominion of India, with some exceptions for laws made before 1935.

"British possession" means any area under British rule outside of the United Kingdom, and when there are both central and local governments, the areas under the central government are considered one possession.

"Central Act" means a law made by the Indian Parliament, which includes laws made by previous legislatures or by the Governor General before the Indian Constitution came into effect.

"Central Government" refers to the British authority in India before the Constitution, and after the Constitution, it refers to the President of India and includes state or local governments when they are carrying out certain central government functions.

"Chapter" refers to a section of the law where the term is used.

"Chief Controlling Revenue Authority" is the main tax authority in a region, which could be a Board of Revenue, a Revenue Commissioner, or another appointed authority depending on the location.

"Collector" is the top revenue official in a city or district, responsible for managing government income from taxes and other sources.

Section 4: Application Of Foregoing Definitions To Previous Enactments

(1) The definitions in section 3 of the following words and expressions, that is 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 Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth 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 fourteenth day of January, 1887.

Simplified Act

(1) The meanings of certain words and phrases like "affidavit" (a written statement confirmed by oath), "barrister" (a type of lawyer), "District Judge" (a senior judge in a district), "father", "immovable property" (property that cannot be moved, like land or buildings), "imprisonment" (being put in jail), "Magistrate" (a type of lower court judge), "month", "movable property" (property that can be moved, like furniture or a car), "oath" (a promise often made in a legal setting), "person", "section" (a part of a legal document), "son", "swear" (to make a solemn promise or statement), "will" (a legal document stating what should happen to someone's property after they die), and "year" that are explained in section 3 of this law, are also used with the same meanings in all laws made by the central government after January 3, 1868, and in all government regulations made on or after January 14, 1887, unless the context requires a different meaning.

(2) Similarly, the meanings of other words and phrases like "abet" (to encourage or assist someone to do something wrong), "Chapter" (a division within a legal document), "commencement" (the beginning), "financial year" (the year used for accounting and financial statements), "local authority" (local government), "master", "offence" (a crime or illegal act), "part" (a division of a legal document), "public nuisance" (an act affecting the public), "registered" (officially recorded), "schedule" (a list or plan), "ship", "sign" (to write one's name), "sub-section" (a division of a section in a legal document), and "writing" that are explained in the same section 3, are also used with the same meanings in all laws and regulations made by the central government on or after January 14, 1887, unless the context requires a different meaning.

Section 4A: Application Of Certain Definitions To Indian Laws

The definitions in section 3 of the expressions British India, Central Act, Central Government, Chief Controlling Revenue Authority, Chief Revenue Authority, Constitution, Gazette, Government, Government securities, High Court, India, Indian Law, Indian State, merged territories, Official Gazette, Part A State, Part 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 Indian laws.

In any Indian law, references, by whatever form of words, to revenues of the Central Government or of any State Government shall, on and from 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.

Simplified Act

Simplified Explanation of Section 4A of The General Clauses Act, 1897

The meanings of specific terms listed in section 3, like "British India," "Central Government," and others, should be used when interpreting all laws in India, as long as they don't conflict with the subject or context of the law.

From April 1, 1950, any mention of the income of the Central or State Governments in Indian laws should be understood as referring to the main funds of India or the respective state, known as the Consolidated Funds.

GENERAL RULES OF CONSTRUCTION

Section 5: Coming Into Operation Of Enactments

(1) Where any Central Act is not expressed to come into operation on a particular day, then it shall come into operation on the day on which it receives the 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 of Parliament, of the President.

(3) Unless the contrary is expressed, a Central Act or Regulation shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

Simplified Act

(1) If a law made by the central government of India doesn't say when it starts to work, it begins on the day the top official approves it.

(a) For laws made before India's Constitution started, this top official is the Governor-General.

(b) For laws made after the Constitution started, this top official is the President.

(3) Unless a law says something different, it's understood to start working right after the day before it's supposed to start.

Section 5A: [Repealed]

Coming into operation of Governor General's Act

Rep by the AO 1947.

Earlier it was inserted by AO 1937.

Simplified Act

Starting Date of an Act Passed by the Governor General

This section was removed by the legislative changes made in 1947.

Originally, this section was added by legislative changes in 1937.

Section 6: Effect Of Repeal

Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not -

revive anything not in force or existing at the time at which the repeal takes effect; or

affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed.

Simplified Act

When a law (this Act, or any law or regulation made by the central government after this Act started) is cancelled, unless the law says otherwise, the cancellation does not:

Bring back any law or thing that was not in effect when the cancellation happened;

Change anything that was done or any situation that happened under the old law before it was cancelled;

Take away any rights, benefits, duties, or responsibilities that people got or had under the old law before it was cancelled;

Stop any punishments or consequences for breaking the old law from being applied, even after it's cancelled;

Prevent any ongoing or future investigations, legal actions, or ways to fix problems that involve the rights, duties, responsibilities, or punishments mentioned before. These can still go on or start as if the law that cancelled the old one was never made.

Section 6A: Repeal Of Act Making Textual Amendment In Act Or Regulation

Where any Central Act or Regulation made after the 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.

Simplified Act

Simplified Explanation of Section 6A - Continuation of Amendments After Repeal - If a new law or regulation cancels an older one that had changed the wording of another law or regulation (by removing, adding, or replacing parts of it), the changes made by the old law will usually stay in effect even after it is cancelled, unless the new law clearly indicates it wants to undo those changes.

Section 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.

Simplified Act

(1) If a new law or regulation is created after this law starts, and it wants to bring back an old law or part of an old law that was cancelled, it has to clearly say that it's doing this.

(2) This rule is also for all laws made after January 3, 1868, and all regulations from January 14, 1887, onwards.

Section 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) 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 reference 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.

Simplified Act

(1) If this law, or any law or regulation that comes after it, cancels an old law and replaces it, with changes or not, then any mention of the old law in other laws or documents should be understood to mean the new version, unless it's clear that this isn't what was meant.

(2) If, before August 15, 1947, a British law canceled an old law and replaced it, with changes or not, then any mention of the old law in Indian laws, regulations, or documents should be understood to mean the new version, unless it's clear that this wasn't the intention.

Section 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 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.

Simplified Act

Part 1: When a law or regulation is created by the central government after this law starts, if they want to say that a certain period of time begins on a certain day but that day itself is not included, they can simply use the word "from". And if they want to say a period ends on a certain day and that day is included, they can use the word "to".

Part 2: This rule about using the words "from" and "to" also applies to all laws made by the central government after January 3, 1868, and to all regulations created on or after January 14, 1887.

Section 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 Indian Limitation Act, 1877 (15 of 1877), applies.

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

Simplified Act

(1) If a law or regulation says you need to do something or start a legal action in court or at a government office on a specific day, or within a set time frame, and that place is closed on the deadline day, you're still okay as long as you do it on the next day that place is open. But this doesn't count for cases where the time limits are set by the Indian Limitation Act of 1877.

(2) This rule is for laws and regulations that started on or after January 14, 1887.

Section 11: Measurement Of Distances

11. In the measurement of any distance, for the purposes 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.

Simplified Act

When a law or regulation made by the central government mentions a distance, unless the law states otherwise, you should measure it in a straight line across a flat surface.

Section 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 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.

Simplified Act

If a law that is currently active or will be in the future says that a customs or excise tax (which are taxes on imports, exports, or certain goods) must be paid based on how much, how big, or how valuable a certain amount of goods is, then the same kind of tax must be paid on any amount of those goods, whether it's more or less than the original amount, at the same rate.

Section 13: Gender And Number

In all Central Acts and Regulations, unless there is anything repugnant in the subject or context,

words importing the masculine gender shall be taken to include females; and words in the singular shall include the plural, and vice versa.

Simplified Act

When you read laws and regulations made by the central government, keep in mind:

If a word is masculine (like 'he' or 'him'), it should be understood to include women too (like 'she' or 'her').

If a word is singular (refers to one thing or person), it should be read as if it can also mean multiple things or people, and the other way around: plural words can refer to just one thing or person too.

This is the general rule, but it doesn't apply if it doesn't make sense in the situation or goes against what the text is about.

Section 13A: [Repealed]

13A References to the Sovereign. Rep by the AO 1950

Simplified Act

Section 13A: References to the Sovereign - This section, which used to refer to the sovereign or ruling monarch, has been repealed (removed) by the Adaptation of Laws Order, 1950 following India's transition to a republic.

POWERS AND FUNCTIONARIES

Section 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 applies also to all Central Acts and Regulations made on or after the fourteenth day of January, 1887.

Simplified Act

(1) If a law or regulation passed by the central government after this Act starts allows for a certain action to be taken, it can be assumed that this action can be taken whenever it's needed, unless the law or regulation specifically says otherwise.

(2) This rule also applies to all laws and regulations passed by the central government from January 14, 1887, onward.

Section 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 after the commencement of this Act, may be made either by name or by virtue of office.

Simplified Act

If a law or regulation allows a government authority to choose someone for a job or to do a task, and it doesn't say otherwise, they can pick someone by name or because of the position they hold. This applies to choices made after this law started.

Section 16: Power To Appoint To Include Power To Suspend Or Dismiss

Where, by any Central Act or Regulation, a power to make any appointment 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.

Simplified Act

If a law or regulation made by the central government gives someone the authority to hire people, that same person or group can also suspend (temporarily remove from the job) or fire (permanently remove from the job) those employees, unless the law says something else. This applies even if the person or group didn't originally hire the employees, but has the power to do so now.

Section 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 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.

(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.

Simplified Act

(1) When a new law is made by the central government or a regulation is put in place after this law has started, to say that the law applies to any person or people currently in charge of an office, it's enough to just use the job title of the person who is doing the job now, or the job title that's usually associated with doing those tasks.

(2) This rule is also valid for all the laws made by the central government after January 3, 1868, and all regulations that were made on or after January 14, 1887.

Section 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 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.

Simplified Act

(1) When a new law is created by the central government or a new regulation is made after this law has started to work, if the law needs to mention how it affects the roles of officials or organizations that continue to exist over time, it's enough to just describe how the law relates to those officials or organizations. There's no need to mention their successors specifically.

(2) This rule is not just for future laws and regulations, but it also applies to all the central laws that were made after January 3, 1868, and all regulations made on or after January 14, 1887.

Section 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

lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

(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.

Simplified Act

(1) If a new law or regulation is created by the central government after this Act has started, and it needs to say that the rules for the head of an office should also apply to the people working under them (like assistants or deputies) when they are doing the head's job, it's enough to just state the rules for the head of the office.

(2) This rule is also valid for all laws made by the central government after January 3, 1868, and for all regulations created on or after January 14, 1887.

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

Section 20: Construction Of Orders, 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.

Simplified Act

When a law or regulation made by the central government gives someone the authority to create a notification, order, scheme, rule, form, or bye-law, any terms used in these documents will have the same meanings as they do in the original law or regulation that allowed them to be created. This applies as long as the document was made after this Act started and there's nothing in it that would suggest a different meaning is intended.

Section 21: Power To Issue, To Include Power To Add To, Amend, Vary Or Rescind Notifications, Orders, Rules Or Bye-Laws

Where, by any Central Act or Regulations 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.

Simplified Act

When a law or regulation made by the central government gives someone the authority to create official notices, orders, rules, or local laws, that same authority also allows them to change, update, alter, or cancel any of those notices, orders, rules, or local laws they've made before. This must be done in the same way and under the same rules and conditions as when they were first created, if any were specified.

Section 22: Making Of Rules Or Bye-Laws And Issuing Of Orders Between Passing And Commencement Of Enactment

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 office or the appointment of any Judge or officer thereunder, or 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, 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.

Simplified Act

When a law or regulation made by the central government is passed but is not meant to start working right away, and it gives the government the ability to set up detailed rules, local laws, or give instructions about how the law or regulation should be applied, or about starting courts or offices, or about choosing judges or other officials, or about who should do something, when and where they should do it, how they should do it, or what fees should be charged, then the government can start using this power to make those detailed rules or instructions right after the law is passed. However, these detailed rules or instructions won't actually be in effect until the law or regulation itself starts to apply.

Section 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:

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;

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;

There shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

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;

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.

Simplified Act

When a law or regulation from the central government mentions that certain rules or bye-laws can only be made after the public is informed about them beforehand, the following steps should be followed:

The organization that has the authority to create these rules or bye-laws must first share a draft version of them with the public, especially with those who might be impacted by them.

This draft must be shared in a way that the organization thinks is best, or if the law requires it, in the way the government specifies.

Along with the draft, there must be a notice that tells people the date from which the draft will be considered or discussed.

The organization that will finalize these rules or bye-laws, and any other organization that must agree or approve them, must look at any feedback or suggestions from the public about the draft before the date mentioned in the notice.

If the rules or bye-laws are published in the government's official journal (the Official Gazette) and it looks like all the proper steps for making them have been followed, then it's accepted as true that the rules or bye-laws have been made correctly.

Section 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.

Simplified Act

Simplified Explanation of Section 24 of The General Clauses Act, 1897

When an old law (Central Act or Regulation) is canceled and then replaced with a new version (with changes or not), anything that was established under the old law (like appointments, notifications, rules, etc.) will remain in effect. They will be considered as if they were made under the new law, as long as they

don't conflict with the new law. They will stay this way until new things are set up under the new law.

Also, if a law was applied to a specific area by announcement and then that application was later canceled or changed by another announcement, it's as if the law in that area was canceled and replaced too. This means everything set up under that law will continue as described above.

MISCELLANEOUS

Section 25: Recovery Of Fines

Sections 63 to 70 of the Indian Penal Code (45 of 1860) and the provisions of the Code of Criminal Procedure 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 an express provision to the contrary.

Simplified Act

In simple terms, this section means that the rules and procedures for handling fines as described in Sections 63 to 70 of the Indian Penal Code and the current Code of Criminal Procedure will also apply to fines given out under any law, regulation, rule, or bye-law. This is unless the specific law, regulation, rule, or bye-law says something different about how fines should be handled.

Section 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.

Simplified Act

If something you do or don't do breaks the law in more than one way, you can be taken to court and punished under any of those laws. However, you can't be punished more than once for the same wrongdoing.

Section 27: Meaning Of Service By Post

Where any Central Act or Regulation made after the commencement of this Act authorizes or requires any document to be served by post, whether 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.

Simplified Act

If a law or regulation that was created after this law started allows or requires you to deliver a document through the mail, it doesn't matter if they use the word "serve", "give", "send", or any other term. Unless the law indicates something else, you should assume that the document is considered delivered if you:

Put the correct address on it,

Pay for the postage in advance, and

Send it through registered mail.

Furthermore, it's assumed that the document was delivered when it would normally arrive by mail, unless there is evidence showing otherwise.

Section 28: Citation Of Enactments

(1) In any Central Act or Regulation, and in any rule, bye-law, instrument or 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 subsection 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 shall, unless a different intention appears, be construed as including the word, 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.

Simplified Act

(1) When referring to laws or regulations passed by the central government, or to any rules, by-laws, or documents created under these laws, you can mention them by their official title or short title, if they have one. You can also refer to them by their number and the year they were passed. If you need to talk about a specific part of a law, you can refer to the section or subsection where it's found.

(2) In this law and any laws or regulations passed by the central government after this law started, when you mention a part of another law, it's assumed that you are including everything from the start to the end of that part, unless it's clear that the intention was different. This means if you cite a word, section, or any other part of a law, it includes the full text from the beginning to the end of that cited part.

Section 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 made before the commencement of this Act, although the 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.

Simplified Act

This section means that the rules in this Act about how to interpret new laws, regulations, rules, or local laws (bye-laws) do not change how we understand older laws, regulations, rules, or local laws that were made before this Act started. This is true even if the old laws are still in use or have been changed by new laws made after this Act began.

Section 30: Application Of Act To Ordinances

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 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.

Simplified Act

Simplified Explanation of Section 30 - Application of Act to Ordinances:

This section explains that the term "Central Act" used in this law also includes any Ordinances. Ordinances are temporary laws made by the Governor General or the President of India under certain circumstances. However, this doesn't apply to a few specific parts of this Act, like section 5 and certain clauses in section 3 and section 25. So, whenever you read "Central Act" in this law, remember it generally includes Ordinances too, unless it's in the exceptions mentioned.

Section 30A: Repealed

Application of Act to Acts made by the Governor - General. Rep by the AO 1937. Earlier Inserted by Act 11 of 1923, s. 2 and the First Schedule.

Simplified Act

The section that described how this Act applies to laws made by the Governor-General was removed by the Adaptation Order of 1937. This section had been originally added by the 1923 amendment, specifically by section 2 and the First Schedule of Act 11 of 1923.

Section 31: [Repealed]

Construction of references to Local Government of a Province Rep by the AO 1937. Earlier Inserted by Act 31 of 1920, s. 2 and the First Schedule.

Simplified Act

This section used to explain how to understand references to the local government of a province. However, this part of the law was repealed (which means it was officially removed and is no longer in effect) by the Adaptation Order of 1937. Before it was repealed, this section was added by an amendment to the law, which was Act number 31 of 1920, specifically in section 2 and the First Schedule of that Act.