

THE GENERAL CLAUSES ACT, 1897

This Act Contains

- Definition of some words
- Some general principles of interpretation

This act is very effective in the absence of clear definition in the specific enactments /acts

Objectives of the Act are

- Shorten the language of the central acts, and
- To provide for uniformity of expression in Central Acts

Application of the General Clauses Act

- If the Central Act is extended to any territory, then the General Clauses Act would also be deemed to have been extended to the same territory
- Even if no section of the General Clauses Act apply to a particular case, the court may still apply the general principles of the General Clauses Act

Basic Understanding of Legislation

- Preamble
 - Expresses the scope, object and purpose of the act
 - Ambiguity in understanding any provision of act, preamble is accepted as an aid to construction of act
 - When the words or phrases has more than one meaning, then preamble can be referred to in order to arrive at the proper construction
- Definition
 - Every act contains definition part for the purpose of that act
 - Definitions are defined in the act itself, words which are not defined in the definitions of the act may be taken from General Clauses Act
- Means
 - Are exhaustive definitions and exactly define the term
- Includes

- Do not define the word but are inclusive in nature, it means that word defined is not restricted to meaning assigned to it but extensive meaning
- Shall
 - Used to indicate something which is mandatory or imperative
- May
 - Used to indicate something which is not mandatory but is only directing or enabling

Preliminary

- Short Title:- Preliminary is the introductory part of any act and contains Short Title, extent, commencement, application, etc.

Definition

Section 3 contains the definitions

Affidavit

- Include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing

Central Act

- Act of Parliament

Commencement

- Day on which the Act or Regulation comes into force

Document

- 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

Enactment

- Enactment include any act made by the Union Parliament or the State Legislature

Financial Year

- Year commencing on the first day of April

Good Faith

- 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

Government

- Shall include both Central Government and State Government

Government Securities

- Securities of the Central Government or of any State Government

Immovable Property

- Includes
 - Land
 - Benefits to arise out of land
 - Things attached to the earth
 - Permanently fastened to anything attached to the earth

Imprisonment

- Imprisonment as defined in the Indian Penal Code

General Rules of Construction

- Coming into operation of enactment
 - Central Act has not mentioned a particular date to come into force, implemented on day when it received the assent of the President

Effect of Repeal

- If a government repeals a law, it causes that law no longer to have any legal force
- If the law repeals any act made or yet to be made, unless another purpose exists, repeal shall not

- Revive anything not enforced or prevailed during period at which repeal is effected
- Affect the prior management of any legislation repealed
- Affect any claim, privilege or responsibility or debt obtained, ensued or sustained under any legislation so repealed
- Affect any Punishment. Forfeiture or penalty sustained with regard to any offence committed
- Affect any inquiry, litigation or remedy with regard to such claim. Privilege or debt or responsibility or inquiry, litigation or remedy which may be initiated, continued or insisted

Construction of References to repealed enactments

- Regulation made after the commencement of the act, repeals or re-enacts, any provision of a former enactment, then the references in any other enactment so repealed shall be construed as reference to provision so re-enacted

Commencement and termination of time

- In any legislation –sufficient to exclude the first from the first to last in a series

Computation of time

- Certain act or proceeding is to be done or taken in court or office on a certain day or within a prescribed period, court or office is closed on that day
- Proceeding shall be taken or done in due time if taken on next day afterwards

Measurement of Distances

- Unless act specifies- measured in straight line on a horizontal plane

Duty to be taken pro rata in enactments

- Duty to be levied based on quantity by weight, measure or value of any goods or merchandise, like duty is leviable according to the same rate on any greater or less quantity

Gender and Number

- Words importing the masculine gender shall be taken to include females
- Words in singular shall include the plural and vice versa

POWER AND FUNCTIONARIES

- A Power is conferred, then unless different intention appears, a power may be exercised from time to time
- Power to appoint-include power to appoint ex-officio-by virtue of one's position
- Power to appoint include the power to suspend or dismiss
- A Law relating to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in place of their superior, to prescribe the duty of the superior
- A Power to issue a notification include a power to add, amend or to vary or rescind notification also
- Central Act where power to issue bye-laws is notified , then such power also may be exercised
- Central Act or regulation, power to make bye –laws , shall before making them publish a draft of the proposed rules or bye-laws for the information of the persons likely to be affected thereby
- For Levy of fines, the provisions of Indian Penal Code and the Code of Criminal Procedure shall apply to the fines imposed under the act
- Act constitutes an offence under two or more enactments, offender shall be liable to be prosecuted and punished under either of two enactments but not punished twice for the same offence
- Service by post- law requires-then service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post