

# The Gujarat General Clauses Act, 1904

GUJARAT

India

## The Gujarat General Clauses Act, 1904

### Act 1 of 1904

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The Bombay General Clauses Act, 1904 Bombay Act No. 1 of 1904 [Dated 30th May 1904] For Statement of Objects and Reasons, see Bombay Government Gazette, 1903, Part VIII, pp. 5, 6; for Report of Select Committee, see Bombay Government Gazette, 1904., Part VII, p. 1, and for Proceedings in Council, see Bombay Government Gazette., 1903, Part VII, p. 130, Bombay Government Gazette, Part VII, p. 42. This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bombay 52 of 1947, section 2. An Act for further shortening the language used in Bombay Acts, and for other purposes. Whereas it is expedient further to shorten the language used in Bombay Acts, and to make certain other provisions relating to those Acts; It is hereby enacted as follows: - Preliminary

#### 1. Short title.

- This Act may be called the Bombay General Clauses Act. 1904.

#### **1A. [ Extension of application of Act to Acts, rules, etc. made on or after the 1st day of November, 1956. [Section 1A was inserted by Bombay 24 of 1957, section 2.]**

- The provisions of this Act which relate to Bombay Acts, Regulations and Ordinances of the [State of Bombay] passed, made or promulgated on or after the 1st day of November 1956 and such provisions of this Act as related to any notification order, scheme, rule, by-law, or form shall apply also in relation to any notification, order, scheme, rule, by-law or form issued or made under any Act, Regulation or Ordinance passed, made or promulgated on or after that date : Provided that where any such Act, Regulation, Ordinance notification, order, scheme, rule, by-law or form passed, made or promulgated on or after the 1st day of November 1956 amends any Act, Regulation, Ordinance, notification, order, scheme, rule, by law or form passed, made or promulgated before that date in relation to the territories transferred to the new 'State of Bombay under clauses (b) to (e) of sub-section (1) of section 8 of the States Reorganisation Act, 1956 (XXXVII of 1956), the law in

force of these territories in respect of the interpretation of the law so amended shall apply to the amending law, and not the provisions hereinafter of this Act.]

**1B. [ Extension of application of Act to Acts, rules, etc. of State of Gujarat.  
[Section 1B was inserted by the Gujarat Adaptation of Laws (State and  
Concurrent Subjects) Order, 1960.]**

- The provisions of this Act which relate to Bombay Acts, Regulations and Ordinances shall apply also in relation of Acts, Regulations and Ordinances of the State of Gujarat passed, made or promulgated on or after the 1st day of May 1960 and such provisions of this Act as relate to any notification, order scheme, rule, by-law or form shall apply also in relation to any notification, order, scheme, rule, by-law, or form issued or made under any Act, Regulation or Ordinance passed, made or promulgated on or after that date: Provided that, where any such Act, Regulation, Ordinance, notification, order, scheme, rule, by-law, or form passed, made or promulgated on or after that date amends any Act, Regulation, Ordinance, notification, order, scheme, rule, by-law or form passed, made or promulgated in relation to any territory of the State of Gujarat, not being the Bombay area of that State, the law in force in those territories in respect of the interpretation of the law so amended shall apply to the amending law, and not the provisions hereinafter of this Act.]

**2. Repeal.**

- The Bombay Acts mentioned in the Schedule are repealed to the extent specified in the fourth column thereof. General Definitions

**3. Definitions.**

- In this Act, and in all Bombay Acts [or Gujarat Acts] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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 (XLV 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 shall 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) "Bombay Act" shall mean an Act made by the [Governor of Bombay] [The words 'Governor of Bombay' and 'State of Bombay' stand unmodified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] in Council under the [Indian Councils Act, 1861] [See now the Government of India Act, 1935.] or the Indian Councils Acts, 1861 and 1892 [or the Indian Councils Acts 1861 to 1909, or the Government of India Act, 1915, or made by the local legislature, or the Governor of the Presidency of Bombay under the Government of India Act, or by the Provincial Legislature, or the Governor of Bombay, under the Government of India Act, 1935] [These words and figures were inserted by the Adaptation of Indian Laws Order in Council.], [or made by the Legislature of the [pre-Reorganisation or reorganised [State of Bombay] [This portion

was inserted by Adaptation of Laws Order, 1950.] under the Constitution];[(6) "Bombay area of the State of Gujarat" shall mean the area of the State of Gujarat excluding the Saurashtra area, and the Kutch area of that State;] [Clauses (6), (7) and (8) were omitted by the Adaptation of India Laws Order in Council.]\*\*\*\*\*](9)"Chapter" shall mean a chapter of the Act in which the word occurs;[\* \* \* \*] [Clause (10) was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.](11)"Collector" shall mean, [\*\*\*] [The words 'in the City of Bombay, the Collector of Bombay and elsewhere' were omitted, by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] the chief officer in charge of the revenue administration of a district;(12)"Commencement" used with reference to an Act, shall mean the day on which the Act comes into force;[\*\*\*\*\*] [Clause (13) was deleted by Gujarat 15 of 1964, section 4. Schedule](14)"Consular Officer" shall include consul-general, consul, Vice-consul, consular agent, pro-consul and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent ;(15)"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 original civil jurisdiction;(16)"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;(17)"enactment" shall include [\*\*\*] [The words 'a Regulation (as hereinafter defined) and' were deleted by Bombay 5 of 1948 section 2.] any Regulation of the Elombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid ;(18)"father", in the case of any one whose personal law permits adoption, shall include an adoptive father ;(19)"financial year" shall mean the year commencing on the first day of April ;(20)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;(21)[ "Gujarat Act" shall mean an Act made on or after the 1st day of May, 1960, by the Legislature of the State of Gujarat under the Constitution;] [Clause (21) was substituted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.](22)"High Court" used with reference to civil proceedings shall mean the highest Civil Court of appeal in the part of the Bombay Presidency [and after the 1st day of May 1960 in the part of the State of the Gujarat] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] in which the Act containing the expression operates;[\*\*\*\*\*] [Clause (23) was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.](24)"immovable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth ;(25)"imprisonment" shall mean imprisonment of either description as defined in the [Indian Penal Code] (XLV of 1860);(25A)[ Kutch area of the "State of Bombay" shall mean the territories transferred to the new [State of Bombay] [Clause (25A) was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956, as amended by the Bombay Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1960.] under clause (e) of sub-section (1) of section 8 of the State Reorganisation Act, 1956 (XXXVII of 1956), [and after the 1st day of May 1960 the said territories which form part of the State of Gujarat shall be known as Kutch area of the State of Gujarat] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.];(26)"local authority" shall mean a municipal corporation, municipality, local board, body of port trustees or commissioners or other authority legally entitled to, or entrusted by the Government with the control or management of municipal or local fund ;[\*\*\*\*\*]

[Clause (27) was omitted by the Adaptation of Indian Laws Order in Council.](28)"Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure (V of 1898), for the time being in force ;(29)"master" used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship;(30)"month" shall mean a month reckoned according to the British calendar;(31)"movable property" shall mean property of every description, except immovable property;(32)"Oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;(33)"offence" shall mean any act or omission made punishable by any law for the time being in force;(34)"part" shall mean a part of the Act in which the word occurs ;(35)"person" shall include any company or association or body of individuals, whether incorporated or not ;(35A)[ "pre-Re-organisation" [State of Bombay] [Clause (35A) was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.] shall mean -(a)as respects any period before the commencement of the Constitution, the area comprised in the Province of Bombay;(b)as respects any period after the commencement of the Constitution, the territories of the State of Bombay as specified in the First Schedule to the Constitution before the commencement of the States Re-organisation Act, 1956 (XXXVII of 1956);](36)"public nuisance" shall mean a public nuisance as defined in the Indian Penal Code (XLV of 1860);(37)[ "registered" used with reference to a document, shall mean registered in a Part A State or a Part C State under the law for the time being in force for the registration of documents.] [Clause (37) was substituted for the original by the Adaptation of Laws, Order, 1950.][\* \* \* \* \*] [Clause (38) was deleted by Bombay 5 of 1948, section 2.](39)"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 ;(39A)[ "Saurashtra area of the [State of Bombay] [Clause (39A) was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956, as amended by the Bombay Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957.]" shall mean the territories transferred to the new State of Bombay under clause (d) of sub-section (1) of section 8 of the State Re-organisation Act, 1956 (XXXVII of 1956), [and after the 1st day of May 1960 the said territories which form part of the State of Gujarat shall be known as the Saurashtra area of the State of Gujarat] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.];](40)"schedule" shall mean a schedule to the Act in which the word occurs;(41)"[Scheduled District] [That is the Villages belonging to the following Mehwasssi Chiefs: - 1. The Parvi of Kathi. 2. The Parvi of Nal. 3. The Parvi of Singpur. 4. The Walwi of Gaohalli. 5. The Wassawa of Chikhli. 6. The Parvi of Nawalpur.]" shall mean a "Scheduled District" as defined in the [Scheduled District Acts 1874] [The Scheduled Districts Act ceases to have effect under the Adaptation of Indian Laws Order, in Council.] (XII of 1874);(42)"section" shall mean a section of the Act in which the word occurs;(43)"ship" shall include every description of vessel used in navigation not exclusively propelled by oars;(44)"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;(45)"son" in the case of any one whose personal law permits adoption, shall include an adopted son;(46)"sub-section" shall mean a sub-section of the Section in which the word occurs;(46A)[ ["State of Bombay"] [Clause (46A) and (46B) were inserted by the Bombay Adaptation of Laws (State and Concurrent Subject), Order, 1956.] shall mean -(a)as respects any period on and after the 1st day of November 1956 the [Bombay area of the State of Gujarat] [These words were substituted for the words 'Pre-reorganisation State of Bombay

excluding the transferred territories by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.];(b)as respects any period on and after that day the territories comprised in the new State of Bombay under section 8 of the Stages Re-organisation Act, 1956] (XXXVII of 1956);(46AA)[ "State of Gujarat" shall mean the territories which on the 1st day of May 1960 are comprised in the State of Gujarat under section 3 of the Bombay Reorganisation Act, 1960 (II of 1960);] [Clause (46AA) was inserted by Gujarat Adaptation of Laws Order, 1960.](46B)"transferred territories" shall mean the territories transferred from the pre-Re-organisation [State of Bombay] [The words 'State of Bombay' stand unmodified vide Gujarat Adaptation of Laws Order, 1960.] to the new States of Mysore and Rajasthan under section 7 and 10 or the States Re-organisation Act 1956 (XXXVII of 1956);](47)"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;(48)"vessel" shall include any ship or boat or any other description of vessel used in navigation;[\*\*\*\*\*] [Clause (48A) was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.](49)"will" shall include a codicil and every writing making a voluntary posthumous disposition of property;(50)expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words or figures in a visible form or any substance; and(51)"year" shall mean a year reckoned according to the British calendar.

#### 4. Application of certain of the foregoing definitions to previous Bombay Act.

- The definitions in section 3 of the following words - that is to say, "abet", "affidavit", [Bombay area of the State of Gujarat] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] [\*] **[The words 'British India', 'Government of India' and 'Presidency of Bombay' were omitted by the Adaptation of Indian Laws Order in Council.], "chapter", [] [These words 'City of Bombay' were omitted by Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], "Collector", "Commissioner", "good faith", [\*] [The words 'Greater Bombay' were omitted, by Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], [\*] **[The words 'British India', 'Government of India' and 'Presidency of Bombay' were omitted by the Adaptation of Indian Laws Order in Council.], [\*] [The words 'Hyderabad area of the State of Bombay' were omitted by the Adaptation of Indian Laws Order in Council.], Kutch area of the State of Bombay, "immovable property", "imprisonment", "Magistrate", "month", "moveable property", "oath" "part", "person", [pre-Re-organisation State of Bombay] [These words were inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.], [Saurashtra area of the [State of Bombay] [These words were inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956, as amended by the Bombay Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957.], [\*] **[The words 'British India', 'Government of India' and 'Presidency of Bombay' were omitted by the Adaptation of Indian Laws Order in Council.] "Schedule", "section, [[State of Bombay] [These words were inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.], [State of Gujarat] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], "swear", [transferred territories] [These words were inserted by the Bombay Adaptation of******

**Laws (State and Concurrent Subjects) Order, 1956.], "vessel", [\*\*\*]** [The words 'Vidarbha region or Madhya Pradesh area of the State of Bombay' were omitted, by Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] "writing", and "year", apply also, unless there is anything repugnant in the subject or context, to all Bombay Acts made before the commencement of this Act. General Rules of Construction

## **5. Coming in to operation of Bombay Act [or Gujarat Acts].**

- [(1) Where any Bombay Act [or Gujarat Act] [Sub-section (1) was substituted for the original by the Adaptation of Laws order, 1950.] is not expressed to come into operation on a particular day, then, (i) in the case of a Bombay Act made before the commencement of the Constitution, it shall come into operation, if it is an Act of the Legislature, on the day on which the assent thereto of the Governor, the Governor General or his Majesty, as the case may require, is first published in Official Gazette and, if it is an Act of the Governor, on the day on which it is first published as an Act in the Official Gazette; (ii) in the case of a Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] made after the commencement of the Constitution, it shall come into operation on the day on which the assent thereto of the Governor or the President, as the case may require, is first published in the Official Gazette.](2) Unless the contrary is expressed, a Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] shall be construed as coming into operation immediately on the expiration of the Day preceding in commencement.

## **6. Printing of date on which Act is published after having received the assent of the Governor, Governor General, or his Majesty, as the case may require.**

- In this Act, and in every Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], made after the commencement of this Act, the date of such publication as is mentioned in section 5, sub-section (1), shall be printed above the title of the Act, and shall form part of the Act.

## **7. Effect of repeal.**

- Where this Act, or any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], 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-(a) receive anything not in force or existing at the time at which the repeal takes effect; or (b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or (c) affect any right, privilege, obligation of liability acquired, accrued or incurred under any enactment so repealed; or (d) affect any penalty, forfeited or punishment incurred in respect of any offence committed against any enactment so repealed; or (e) 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 had not been passed.

## **7A. [ Repeal of enactment making textual amendment in any Act. [Section (7A) was inserted by Bombay 5 of 1948, section 3.]**

- Where any Bombay Act [or Gujarat Act] made after the commencement of this Act repeals any enactment by which the text of any previous enactment 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.]

## **8. Revival of repealed enactments.**

(1)In any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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 Bombay Acts made before the commencement of this Act.

## **9. Construction of references to repeal enactments.**

- Where this Act, or any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] made after the commencement of this Act, repeals and reenacts, with or without modification, any provision of a former enactment, then reference 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.

## **10. Commencement and termination of time.**

(1)In any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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 Bombay Acts made before the commencement of this Act.

## **11. Computation of time.**

- Where, by any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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 of proceeding to which the [Indian Limitation Act, 1877, applies.] [See now the Indian Limitation Act, 1908 (9 of 1908) Central Acts.]

## **12. Measurement of distances.**

- In the measurement of any distance for the purpose of any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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.

## **13. Gender and number.**

- In all Bombay Acts [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] unless there is anything repugnant in the subject or context -(a) words importing the masculine gender shall be taken to include females; and (b) words in the singular shall include the plural, and vice-versa. Powers and Functionaries

## **14. Powers conferred on any Government to be exercisable from time to time.**

- Where, by any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] made after the commencement of this Act any power is conferred on [any Government] [The words 'any Government' were substituted for the words 'the Government' by the Adaptation of Indian Laws Order in Council.], then that power may be exercised from time to time as occasion requires.

## **15. Powers to appoint to include power to appoint ex-officio.**

- Where, by any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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 the name or by virtue of office.

## **16. Power to appoint includes power to suspend or dismiss.**

- Where, by any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] a power to make any appointment is conferred, then, unless a different intention appears the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.



## **17. Substitution of functionaries.**

(1)In any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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 Bombay Acts made before the commencement of this Act.

## **18. Successors.**

(1)In any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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 of corporations having perpetual succession, to express its relation to the functionaries or corporations.(2)This section applies also to all Bombay Acts made before the commencement of this Act.

## **19. Official chiefs and subordinates.**

(1)In any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] made after the commencement of this Act it shall be sufficient for the purpose of expressing that 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 the place of their superior, to prescribe the duty of the superior.(2)This section applies also to all Bombay Acts made before the commencement of this Act.Provisions to Orders, Rules, Etc. Made under Enactments

## **20. Construction of orders, etc., issued under Bombay Acts [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.].**

- Where, by any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] a power to issue any notification, order, scheme, rule, by-law or form is conferred, then expressions used in the notification, order, scheme, rule, by-law or form, 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 conferring the power.

## **21. Power to make to include power to add to, amend, vary or rescind orders, etc.**

- Where, by any Bombay Act, [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] a power to issue notifications, orders, rules, or by-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanctions and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or by-laws, so issued.

## **22. Making of rules or by-laws and issuing or orders between publication and commencement of Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.].**

- Where, by any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], which is not to come into operation on [the passing thereof] [These words 'the passing thereof' were substituted for the words 'the day on which it is first published in the Bombay Government Gazette after having received the assent of the Governor General' and 'the Act has been published as aforesaid' respectively by the Adaptation of Indian Laws Order in Council.], a power is conferred to make rules or by-laws, or to issue orders with respect to the application of the Act, 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, then that power may be exercised at any time after [the passing thereof] [The words 'the passing thereof' were substituted for the words 'the day on which it is first published in the Bombay Government Gazette after having received the assent of the Governor General' and 'the Act has been published as aforesaid' respectively by the Adaptation of Indian Laws Order in Council.], but rules, by-laws or orders so made or issued shall not take effect till the commencement of the Act.

## **23. Publication of orders and notifications in the Official Gazette to be deemed to be due publication.**

- Where, in any Bombay Act [or Gujarat Act] [The words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], or in any rule passed under any such Act, it is directed that any order, notification or other matter shall be notified or published, then such notification or publication shall, unless the enactment or rule otherwise provides, be deemed to be duly made if it is published in the [Official Gazette] [The words 'Official Gazette' were substituted for the words 'Bombay Government Gazette' by Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.].

## **24. Provisions applicable to making of rules or by-laws after previous publications.**

- Where, by any Bombay Act [or Gujarat Act] [The words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws being made after previous publication, then the following provisions shall apply, namely (a) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby; (b) 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 [Central Government, or as the case may be, the [State] [The words 'Central Government, or as the case may be, the Provincial Government' were substituted for the words 'Local Government', by Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] Government] prescribes; (c) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration; (d) the authority having power to make the rules or by-laws, and, where the rules or by-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 by-laws from any person with respect to the draft before the date so specified; (e) the publication in the [Official Gazette] [These words 'Official Gazette' were substituted for the words 'Bombay Government Gazette' by the Adaptation of Laws Order, 1950.] of a rule or by-laws purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

## **25. Continuation of orders, etc. issued under enactments repealed and re-enacted.**

- Where any enactment is, after the commencement of this Act, repealed and reenacted by a Bombay Act [or Gujarat Act] [The words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, by-laws or form made or issued under the repealed enactment 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, by-law or form made or issued under the provisions so re-enacted. Miscellaneous

## **26. Recovery of fines.**

- Sections 63 to 70 of the [Indian Penal Code] [Central Acts.], and the provisions of the Code of Criminal Procedure (XIV of 1860), 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 Bombay Act, or any rule or by-law made under any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] unless the Act, rule or

by-law contains an express provision to the contrary.

## **27. 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.

## **28. Meaning of service by post.**

- Where any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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, preparing 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.

## **29. Citation of enactments.**

(1) In any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], and in any rule, by-law, instrument or document made under, or with reference to, any Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] 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 Bombay Act [or Gujarat Act] [These words were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] made after the commencement of this Act, a description or citation or 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 description or citation.

## **30. Saving for previous Acts rules and by-laws.**

- Where any Act, rule or by-law made after the commencement of this Act continues or amends any Acts, rules or by-laws made before the commencement of this Act, the foregoing sections of this Act shall not by reason merely of such continuance or amendment affect the construction of such Acts, rules or by-laws.

### 31. [ Application of Act to Ordinances and Regulations. [Section 31 was substituted by the Adaptation of Laws Order, 1950.]

- The provisions of this Act shall apply -(a)in relation to any Ordinance promulgated by the [Governor of Bombay] under section 88 of the Government of India Act, 1935, as they apply in relation to Bombay Acts made under the said Act by the Governor and in relation to any Regulation made by the Governor under section 92 of the said Act as they apply in relation to Bombay Acts made by the Provisional Legislature; and(b)in relation to any Ordinance promulgated by the Governor under article 213 of the Constitution or any Regulation made by the Governor under paragraph 5 of the Fifth Schedule to the Constitution, as they apply in relation to Bombay Acts made by the State Legislature; Provided that clause (ii) of sub-section (1) of section 5 of this Act shall apply to any Ordinance referred to in clause (b) as if for the reference in said clause (ii) to the day the first publication of the assent to an Act in the Official Gazette there were substituted a reference to the day of the first publication of the Ordinance in that Gazette],The ScheduleEnactments Repealed(See Section 2)

Year	No.	Title or Subject	Extent of repeal
1886	III	The Bombay General Clauses Act, 1886	The whole[excePt so much of[Schedule B] [These words were inserted by section 2 of the Bombay Repealing and Amending Act, 1905 (Bombay 4 of 1905).]asrelates to unrepealed enactments].
1891	I	An Act to amend the Bombay General Clauses Act,1886.	So much as is unrepealed.
1896	I	--- do --- do ---	The whole.

Appendix[schedule B to The Bombay General Clauses Act, 1886] [This schedule so far as it affects unrepealed enactments has been reproduced here as an Appendix as the insertion of certain words in the Schedule to Bombay I or 1904 by Bombay 4 of 1905, has revived, it regards such enactments. Entries relating to sections which have been repealed or substituted after the passing of Bombay 4 of 1905, have also been omitted, a footnote explanation being given in each case.](Bombay Act III of 1886)Verbal Amendments made in The Regulations and Acts of The Governor of Bombay in Council Enactment

No. & Year	Section	Clause	Words repealed	Words, if any, substituted for the wordsrepealed
Regulations-[XII of 1827] [Bombay Reg. XII of 1827 section 19, els. 1, 6, 7 and 8 are	19	1	"Magistrate"	"District Magistrate".

repealed by the  
Bombay District  
Police Act, 1890  
(Bombay 4 of  
1890) wherever  
that Act extends.  
For the Regn. See  
Vol. I of Bombay  
Code.]

19	6	"The Magistrate" (the first time the words occur)...	"the district Magistrate".
19	6	"the Magistrate" (the second time the words occur)...	"any Magistrate".
19	6	"ordinary"..	"simple"
19	6	"without labour" ..	..
19	7	"Magistrate" (the first time word occurs). ..	"District Magistrate".
19	7	"Magistrate" (the second time the word occurs).	"Magistrate before whome proceedings against such individual are being held."
19	8	"the Magistrate shall also" ..	"any magistrate may"
[20] [On coming into force of Part VI of the Bombay Weights and Measures Act, 1932, (Bombay 15 of 1932) in any area the entry relating to section 20 of Bombay Regulation XII of 1827, shall be deemed o be repealed (vide Second Schedule,	...	3 "Magistrate" ...	3 "District Magistrate"

Part II and section 47 of Bombay 15 of 1932).]				
	27	2	"Magistrate" (each time the word occurs)	3 "District Magistrate"
	27	2	"Ordinary"	"simple"
	27	2	"without hard labour"...	
	37	1	"Magistrate"	District or sub-Divisional Magistrate".
[XXII of 1827] [See Supra]	40	..	"Magistrate"	"District or sub-Divisional Magistrate".
	41	1	"Local"	"District"
	42	1	"Local"	"District"
[XXII of 1827] [See Supra]	42	2,3,4	"Magistrate" (each time the word occurs)	"District Magistrate".
[XXV of 1827] [See Supra]	4	2	"Magistrate" (both times the word occurs)	"district Magistrate".
	7	...	"Magistrate" ...	"District Magistrate"
Acts.-				
[I of 1862] [Bombay I of 1862 has been repealed by Bombay 11 of 1928, section 3, Second Schedule.]				
	1	..	"Annexed to this Act"	..
IV of 1862	1	..	"the Magistrate" (the second time the words occur)...	"a Magistrate of the first class"
	1	..	"Calendar" ..	..
	6	..	"Magistrate" ..	"District Magistrate"
	6	"this Act"	"section 4"	
	6	"of Police"	..	
	7	"of either kind"	..	
	7	..	"calendar"	..

	10	..	"Magistrate"	"District Magistrate"
	10	..	`of Police" ...	..
V of 1862	3	..	"Calendar" ..	..
		.."Calendar"(each		
VI of 1862	8 and 9	time the word	..	
		occurs) ..		
		.."The following		
	21	words and	..	
		expressions" ..		
		.."shall have the		
	21	meanings hereby	..	
		assigned to them"		
	21	.."(that is say)"	..	
		.."Justice of the		
		Peace of person		
		exercising the		
I of 1863	6	powersof a	"of the first class".	
		Magistrate within		
		the province of		
		Sind". ..		
	12	..	-- Do --	-- Do --
	11	..	"of this Act"	..
		.."of this Act" (the		
II of 1863	2	first time the words	..	
		occur')		
	2,4,5,7,8,10,11 and	..	"of this Act" (each time	
	13		the words occur).	..
		.."calendar" (each		
	4,5 and 11	time the word	..	
		occurs).		
	5 and 11	..	"collectorate or" (each	
			time the words occur).	..
	11	4	"Collectorate"	"district"
	11	6	"collectorate" (each	"district"
			time the word occurs).	
		.."to this Act" (each		
III of 1863	1 and 2	time the words	..	
		occur).		
V of 1863	20	..	"of this Act"	..
	*****	***	*****	****]



[\*\*\*\* [The entry relating to Bombay 6 of 1863 is omitted as the Act has been repealed by Bombay 7 of 1920.]

VII of 1863	...	..	"of this Act" (the first time the words occur).	..
	7,8,9,11, 12, 13 and 26.	..	"of this Act" (each time the words occur).	
	9	1 and 2	"collectorate or" (each time the words occur)	..
		3,4, 6 and 7.	"collectorate" (each time the word occurs).	"district"
	9	8	"calendar"	..
	9	9	"Revenue"	..
	9	9	"of the division"	..
	12	..	"or Sub-Collector"	..
	20	2	"annexed"	..
VII of 1866	6	"of this Act"	..	
XII of 1866	15	"annexed to this Act"	..	

[\*\* [The entry relating to Bombay 13 of 1866 is omitted as that Act ceases to have effect under the Adaptation of Indian Laws Order in Council.]

VI of 1867	5,9 and 10	"of this Act" (each time the words occur)	..	
[VII of 1867] [During such time as Bombay 6	34	.. "Of this Act" (each time the words occur).	..	

to have effect      \*\*                      \*\*                      \*\*\*\*                      \*\*\*]

of 1933 and the  
rules and by-laws  
shall be in  
operation in any  
village, sections  
33 and 34 of  
Bombay 7 of 1867  
cease to have any  
operation in the  
said village, Sec  
section 115 of  
Bombay 6 of  
1933.]

	"	..	"full-power Magistrate"	"Magistrate of the first class"
VIII of 1807	[1 [Inserted by the Bombay General Clause Amendment Act, 1891 (Bombay 1 of 1891).]	..	"Commissioner of Police Act, 1861."	"Acts 1867 and 1890".]
	3, 4, 5, 15 and 18	.. "of Police" (wherever in the said sections those words follow the word "Commissioner").	..	
	5	..	"Police" (in each place in which the word precedes the word "Commissioner").	
II of 1868	18	"of this Act"	..	
[*** [The entry relating to Bombay 3 of 1869 is omitted as that Act has been repealed by Bombay 6 of 1933.]	17	..	"Revenue or Police"	..
	***	***	***	***]
1 of 1874	In the preamble	..	"to this Act"	..

	4	..	The last three words	..
	13	..	"of this Act" (the first time the words occur).	
	14	..	"of this Act"	..
	29	..	"calendar"	..
II of 1874	15	..	"of this Act" (each time the words occur).	..
[II of 1874] [The entries relating to sections 44, 47, 50 and 59 of this Act are omitted as they have been repealed or substituted by Bombay 3 of 1910.]				
	3,4,6,7, 10,11, 12, 13, 21,31, 37, 39, 55,67, 73, 75, 76 and 83.	"of this Act" (each time the word occur).	..	
	6	1	"Revenue" (each time the word occurs)	..
	20		"of this Act" (the first time the words occur).	..
	40	1	The last three words.	..
	73	2	"thereof"	..
	74		"revenue"	..
	74		"appointed under Regulation V of 1830, or other law inforce for the lime being"	..
	77		"empowered under the provisions of Bombay Act, I of 1868".	..
	77		"so empowered"	..
	84		"Revenue"	..
III of 1875	7	..	"of either description	..
	7	"calendar"	..	
II of 1876	14, 16, 18 and 33.	..	"of this Act" (each time the words occur).	..
	16	..	"hereto annexed"	..
	31	.. "annexed to this Act"	..	

[\*\*\* [The entry relating to Bombay 3 of 1876 is omitted as the Act has been repealed by Bombay 2 of 1906.]

I of 1877	3, 9, 16, 17 and 25	.. "of this Act" (each time the words occur).	..
	9, 10, 11, 14, 15, 17 and 18	..	"hereto annexcd" (each time the words occur) ..
	12	(b)	"of this Act" ..
	19	..	"of this Act" (the first time the words occur). ..
	23	(b)	"of this Act" ..
	20 and 24.	..	"of either description within the meaning of the Indian Penal Code" (in each place in which these words occur). ..

	28	.. "The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code shall apply to".	
[V of 1978] [The entry relating to section 50 of this Act is omitted as the section has been subsequently substituted by 12 of 1912.]	3	3	"means in Sind, the [Provincial Government] [The words 'Provincial Government' were substituted for the words 'Commissioner in a Commissioner Sind' by the Adaptation of Indian Order in council.] and elsewhere a Commissioner of land revenue, or if Government appoints any other officer to be a Commissioner for the
			"includes an officer appointed by the Government to be a Commissioner for the purposes of this Act".

			purposes of this Act, such other officer.	
	3	4	"means a Collector of land-revenue or".	"includes"
	45	..	"of this Act" (each time the words occur)	..
IV of 1879	3	..	"The last three words"	..
	9, 10, 11, 14, 15, 17 and 18	..	"hereto annexed" (each time the words occur)	..
	9, 16, 17 and 25.	..	"of this Act" (each time the words occur).	..
IV of 1879 -	12	(b)	"of this Act"	..
Contd.	19	..	"of this Act" (the first time the words occur)	..
	20 and 24.	..	"of either description within the meaning of the Indian Penal Code" (in each place in which the words occur).	..
	23	(b)	"of this Act"	..
[V of 1879] [The entries relating to sections 2, 214, and 215 of this Act are omitted as these sections have been repealed or substituted by Bombay 4 of 1913.]				
	3	2	"of this Act"	..
	10, 13, 18, 38, 86, 87, 161 and 216	..	"of this Act" (each time the words occur).	..
	23	"to this Act"	..	
VI of 1879	21 and 34	..	"of this Act"	..
VII of 1879	3	5	"means the head revenue officer of a district and"	..
	57	..	"of this Act"	..
	61 and 62.	..	"of either description within the meaning of	..

			the saidCode" (in each place in which these words occur).	
	67	..	"of the division"	..
II of 1880	3	7	"hereto annexed"	..
	33	(b)	"hereto annexed"	..
II of 1883	3, 5 and 8	..	"of this Act" (each time the words occur).	..
	3	..	"annexed to this Act"	..
III of 1883	In the preamble	..	"to this Act"	..
	4	..	"to this Act"	..
	17	..	"of this Act" (the first time the words occur).	..
[** [The entry relating to Bombay I of 1884 is omitted as that Act has been repealed by Bombay 6 of 1933.]				
	**	**	**	**]