

# **Arunachal Pradesh Interpretation and General Clauses Act, 1982**

ARUNACHAL PRADESH

India

## **Arunachal Pradesh Interpretation and General Clauses Act, 1982**

### **Act 3 of 1982**

- Published on 1 January 1983
- Commenced on 1 January 1983
- [This is the version of this document from 1 January 1983.]
- [Note: The original publication document is not available and this content could not be verified.]

Arunachal Pradesh Interpretation and General Clauses Act, 1982 Act No. 3 of 1982 Last Updated 8th February, 2020 Published in the Arunachal Pradesh Gazette No 225, dated 1-1-1983 vide Notification No. Law Legn. 1/80, dated 31-12-1982. An Act to provide for the interpretation of Arunachal Pradesh enactments and for shortening the language thereof Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Thirty-third Year of the Republic of India as follows :

## **Chapter I Preliminary**

### **1. Short title and commencement.**

(1) This Act may be called the Arunachal Pradesh Interpretation and General Clauses Act, 1982. (2) It shall come into force at once.

### **2. Application of Act.**

- Save as otherwise expressly provided herein, the provisions of this Act shall, unless the context otherwise requires, apply to this Act and to all other enactments, whether passed before or after the commencement of this Act.

## **Chapter II Definitions**

### 3. Definitions.

- In this Act and in all enactments, unless the context otherwise requires, - (1) "abet", with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code, 1860 (45 of 1860); (2) "act", used with reference to an offence or a civil wrong, shall include a series of acts as well as a single act, and words which refer to acts done extend also to illegal omissions; (3) "Administrator" means the Administrator of Arunachal Pradesh appointed by the President of India under the provisions of Article 239 of the Constitution; (4) "affidavit" means a statement in writing, signed by the person making it and confirmed by oath; (5) "Arunachal Pradesh" means the Union territory of Arunachal Pradesh as formed under Section 7 of the North-Eastern Areas (Re-organisation) Act, 1971; (6) "Arunachal Pradesh Act" means an Act passed by the Legislature of Arunachal Pradesh; (7) "Arunachal Pradesh enactment" means the Arunachal Pradesh Act and includes the Arunachal Pradesh Ordinance and Regulation as hereinafter defined; (8) "Arunachal Pradesh Ordinance" means an Ordinance promulgated by the Administrator under Art. 239-B of the Constitution; (9) "Attested" in relation to a document, means attested by a witness who has seen the executant sign the document or has received from the executant a personal acknowledgment of his signature, and who has signed the document in the presence of the executant, but no particular form of attestation shall be necessary; (10) "Central Act" means an Act of Parliament, and includes - (a) an Act of the Dominion Legislature or of the Indian Legislature passed before the commencement of the Constitution; and (b) an Act passed before such commencement, by the Governor-General-in-Council or the Governor-General, acting in a Legislative capacity; (11) "Central Government" - (a) in relation to anything done before the commencement of the Constitution, means the Governor-General-in-Council, as the case may be, and includes - (i) 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 sub-section; and (ii) in relation to the administration of a Chief Commissioner's Province, the Chief Commissioner acting within the scope of the authority given to him under sub-Section (3) of Section 94 of the said Act; and (b) in relation to anything done or to be done after the commencement of the Constitution, means the President, and includes, 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; (12) "Chapter" means a chapter of the enactment in which the word occurs; (13) "child" in the case of any one whose personal law permits adoption, includes an adopted child; (14) "clause" occurring in a section which has no sub-section, means a sub-division of that section, and occurring in a sub-section means a sub-division of that sub-section; (15) "Collector" means the Chief Officer in-charge of the revenue administration of a district and include a Deputy Commissioner; (16) "commencement" used with reference to an enactment, means the day on which the enactment comes into force; (17) "Commissioner" means the Chief Officer in-charge of the revenue administration of a division; (18) "Constitution" means the Constitution of India; (19) "Consular Officer" includes consul-general, consul, vice-consul, consular agent, pro-consul and any other person for the time being authorised to perform the duties of a consul-general, consul, vice-consul or consular agent; (20) "daughter" in the case of any one whose personal law permits adoption, includes an adopted daughter; (21) "day" means a period of twenty-four hours beginning at midnight; (22) "Deputy Commissioner" means the Chief Officer in-charge of the general administration of a district; (23) "District Court" or the principal

Civil court of original jurisdiction, means the court of Deputy Commissioner or Additional Deputy Commissioner ; but does not include the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction ;(24)"District judge" means the Judge of a District Court, and includes an Additional District Judge;(25)"document" includes any matter written, expressed, inscribed 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 ;(26)"enactment" means the Arunachal Pradesh enactment and includes any provision contained therein ;(27)"father" in the case of any one whose personal law permits adoption,includes an adoptive father;(28)"financial year" mean the year commencing on the first day of April ;(29)"good faith", a thing shall be deemed to be done in good faith, where it is in fact done honesty, whether it is done negligently or not ;(30)"Government" or "the Government" includes the State Government as well as the Central Government ;(31)"Government of Arunachal Pradesh" means the Administrator ;(32)"Government securities" means securities of the Central Government or of the Government of Arunachal Pradesh or of any State Government ;(33)"High Court" means the Gauhati High Court (The High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura);(34)"immovable property" includes land, benefits to arise out of land and things attached to the earth, or permanently fastened to anything attached to the earth ;(35)"imprisonment" means imprisonment of either description as defined in the Indian Penal Code, 1860 (45 of 1860);(36)"judicial proceeding" means any proceeding in the course of which evidence is, or may be, legally taken ;(37)"local authority" means a municipal corporation, a municipality, a municipal committee, a local or district board or any other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund ;(38)"local law" means a law applicable only to a particular part of Arunachal Pradesh ;(39)"Magistrate" includes every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974) or under any other law, for the time being in force, relating to criminal procedure;(40)"master" used with reference to a ship, means every person (except a pilot or harbourmaster) having, for the time being, control or charge of the ship ;(41)"month" means a month reckoned according to the British Calendar;(42)"movable property" means property of every description except immovable property ;(43)'notification' means a notification in the official Gazette ;(44)"oath" includes an affirmation and a declaration in the case of persons by law allowed to affirm or declare instead of swearing ;(45)"offence" means any act or omission made punishable by any law for the time being in force ;(46)"Official Gazette" means the official Gazette of Arunachal Pradesh ;(47)"Part", means a part of the enactment in which the word occurs ;(48)"person" includes any company or association or body of individuals, whether incorporated or not ;(49)"place" includes also a house, building, tent vehicle and vessel;(50)"prescribed" means prescribed by rules made under an enactment in which the word occurs ;(51)"public" includes any class or section of the public ;(52)"public nuisance" means a public nuisance as defined in the Indian Penal Code, 1860 (45 of 1860);(53)"registered" used with reference to a document, means registered in India under the law for the time being in force for the registration of documents;(54)"Regulation" means a Regulation made by the President under Article 240 of the Constitution and includes a Regulation made by the Central Government under the Government of India Act, 1870, or the Government of India Act, 1915, or the Government of India Act, 1935 ;(55)"rule" means a rule made in exercise of a power conferred by any enactment and includes a regulation made as a rule under any enactment;(56)"schedule" means a schedule to the enactment in which the word occurs ;(57)"section" means a section of the enactment in which the

word occurs ;(58)"ship" includes every description of vessel used in investigation not exclusively propelled by oars ;(59)"sign" with its grammatical variations and cognate expressions, used with reference to a person who is unable to write his name, includes marks" with its grammatical variations and cognate expressions ;(60)"son" in the case of any one whose personal law permits adoption, includes an adopted son ;(61)"special law" means a law applicable to a particular subject only ;(62)"State" means a State specified in the First Schedule to the Constitution, and includes a Union territory ;(63)"sub-section" means a sub-section of the section in which the word occurs ;(64)"swear" with its grammatical variations and cognate expressions, includes affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing ;(65)"Union territory" means any Union territory specified in the First Schedule to the Constitution and includes any other territory comprised within the territory of India but not specified in that Schedule ;(66)"vessel" includes any ship or boat or any other description of vessel used in navigation ;(67)"will" includes codicil and every writing making a voluntary posthumous disposition of property ;(68)"writing" expression referring to "writing" shall be construed as including reference to printing, lithography, photography and other modes of representing or reproducing words in a visible form ; and(69)"year" means a year reckoned according to the British Calendar.

## **Chapter III**

### **General Rules of Construction**

#### **4. Territorial extent of enactment.**

- Every enactment shall, unless the contrary is expressly provided therein, apply to the whole of Arunachal Pradesh.

#### **5. Coming into force of enactments.**

(1)Where any enactment is not expressed to come into force on a particular day, then, it shall come into force on the day on which the assent of the Administrator or the President, as the case may be, is first published in the Official Gazette.(2)Unless the contrary intention is expressed, an Arunachal Pradesh Ordinance shall come into force on the day on which it is promulgated by the Administrator.(3)Unless the contrary intention is expressed, every enactment shall be construed as coming into force immediately on the expiration of the day preceding the day on which it comes into force.

#### **6. Expiry of temporary enactments.**

- Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, it shall, unless the contrary intention is expressed, be construed as ceasing to have effect immediately on the commencement of the following day.

## **7. Marginal notes not part of enactment.**

- The marginal notes appearing against any provision of any enactment, and the reference to the number and date of any former law in the margin against any such provision, shall not form part of the said enactment and it shall be deemed to have been inserted for the sake of convenience only.

## **8. Government of be bound by enactments.**

- In the absence of an express provision to the contrary, every enactment shall be binding on the Government.

## **9. Effect of incorporation.**

- Where any enactment constitutes a body corporate by any form of words, that body corporate shall have perpetual succession and a common seal and may enter into contracts by its corporate name, acquire, hold and dispose of property, whether movable or immovable and may sued or be sue by its corporate name.

## **10. Offences by companies.**

(1) If a person committing an offence under any enactment is a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company at the time of commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-Section (1), where any offence under any enactment has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.-For the purposes of this section, -(a) "company" means any body corporate and includes a firm or other association of individuals ; and (b) "director, in relation to a firm, means a partner in the firm.

## **11. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceeding shall lie against the Government, any officer or other employee of the Government for anything which is in good faith done or intended to be done in pursuance of any enactment or any rule made thereunder.

## **12. Gender and number.**

- In all enactments, unless a different intention appears,-(a)words importing the masculine gender shall be taken to include females; and(b)words in the singular shall be taken to include the plural, and vice-versa.

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

- In any enactment, it shall be sufficient,-(a)to use the words "from" or the word "after for the purpose of excluding the first in a series of days or any other period of time ;(b)to use the word "to" for the purpose of including the last in a series of days or any other period of time ;(c)to use the word "on" or the word "with" for the purpose of including the day on which the periods is expressed to begin or to end ; and(d)in relation to the interval between two events, to use the words "clear days" or "at least" or "not less than" a number of days, for the purpose of excluding the days on which the events happen and merely to specify the number of days for the purpose of excluding the day on which the first event happens and including the day on which the second event happens.

## **14. Computation of time.**

- Where by any, enactment, 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 specified 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 Limitation Act 1963 (36 of 1963) applies.

## **15. Expression of time.**

- Where any expression of time occurs in any enactment, deed or other legal instrument, the time referred to shall, unless it is otherwise expressly provided be deemed to mean the Indian Standard time adopted by the Government of India.

## **16. Duty to be taken pro rata.**

- Where, by any enactment, any duty or custom 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.

## **17. Measurement of distances.**

- In the measurement of any distance, for the purposes of any enactment, that distance shall, unless a different, intention appears, be measured in a straight line on a horizontal plane.

## **18. Penalties provided to be maximum.**

- Where, in any enactment, a punishment is provided for an offence, such punishment shall, unless a different intention appears, be deemed to be the maximum punishment for that offence.

## **19. Deviation from forms.**

- Save as otherwise expressly provided by any enactment, wherever a form is prescribed by any enactment, slight deviations therefrom not affecting the substance or calculated to mislead, shall not invalidate it.

## **20. Acts done on holidays.**

- Save as otherwise expressly provided by any enactment no act done by any authority, whether such authority is judicial or executive shall be invalid by reason only of its having been done on a public holiday.

## **21. Provisions 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 prosecuted and punished twice for the same offence.

# **Chapter IV**

## **Repeal and Expiry of Enactments**

## **22. Effect of repeal.**

- Where any enactment repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not, -(a) revive 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 or liability acquired, accrued or incurred under any enactment so repealed; or (d) affect any penalty, forfeiture 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 that enactment had not been repealed.

### **23. Repeal of enactment making textual amendment in enactment.**

- Where any enactment made after the commencement of this Act repeals any enactment by which the text of any 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.

### **24. Construction of references to repealed enactments.**

- Where an enactment repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instruments to the provision so repealed, shall, unless a different intention appears, be construed as references to the provision so re-enacted.

### **25. Revival of repealed enactment.**

- In any enactment, it shall be necessary, for the purpose of reviving either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

### **26. Effect of expiration of enactment.**

- Where any enactment ceases to have effect or ceases to operate on the expiration of a particular period or on the happening of a particular contingency, then, unless a different intention appears, the expiry shall not affect.-(a)the previous operation of any enactment so expired or anything duly done or suffered thereunder; or(b)any right, privilege, obligation or liability acquired, accrued or incurred under that enactment; or(c)any penalty, forfeiture or punishment incurred in respect of any offence committed against that enactment; or(d)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 such proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if that enactment had not been expired or ceased to operate.

## **Chapter V**

### **27. Powers conferred to be exerciseable from time to time.**

- Where, by any enactment, any power is conferred or any duty is imposed, then, unless a different intention appears, that power shall be exercised and that duty shall be performed from time to time as occasion requires.



## **28. Exercise of power performance of duty by temporary holder of office.**

- Where, any enactment confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appears that power may be exercised and the duty shall be performed by the holder of the office for the time being or by a person duly appointed to act for him or to be incharge of powers and duties of that office.

## **29. Power to appoint to include power to appoint ex-officio.**

- Where, by any enactment, 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 may be made either by name or any virtue of office.

## **30. Power to appoint to include power to suspend or dismiss.**

- Where, by any enactment, 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 by any other authority, in exercise of that power.

## **31. Substitution of functionaries.**

- In any enactment, it shall be sufficient, for the purpose of indicting 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.

## **32. Successors.**

- In any enactment, 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.

## **33. Official chiefs and subordinates.**

- In any enactment, 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 duties of the superior.

# **Chapter VI**

## **Subordinate Legislation**

### **34. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.**

- Where, by any enactment 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 or notifications with respect to the application of the enactment 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 enactment, then, unless a different intention appears, that power may be exercised at any time after the passing of the enactment, but rules, bye-laws or orders or notifications or issued shall not take effect till the commencement of the enactment.

### **35. Power to make or issue etc. includes power to add to amend, vary or rescind notifications, orders, rules, or bye-laws.**

- Where, by any enactment, a power to make or issue notifications, orders, schemes, rules, forms or bye-laws, is conferred, then, unless a different intention appears, that powers includes a power, exerciseable in the same manner and subject to the like sanction and conditions (if any) to add to, amend, vary or rescind those notifications, orders, schemes, rules, forms or bye-laws so made or issued.

### **36. Provisions applicable to making rules or bye-laws after previous publication.**

- Where, by any enactment, 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 : (a) 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; (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 Government may prescribe; (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 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 ; and (e) 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.

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

- Where any enactment is 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 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, form or bye-law, made or issued under the provisions so re-enacted.

### **38. Construction of notifications etc. issued under enactments.**

- Where, by any enactment, 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, shall, unless a different intention appears, have the same respective meanings as in the enactment conferring the power.

### **39. Publication and commencement of rules.**

- Every rule made under any enactment shall be published in the official Gazette, and shall, in the absence of an express provision to the contrary either in the rule or in the enactment under which it is made, come into force on the day on which it is published in the official Gazette.

### **40. Laying of rules before Legislative Assembly.**

(1) Every rule made by the Government of Arunachal Pradesh under any enactment shall be laid, as soon as may be after it is made, before the Legislative Assembly of Arunachal Pradesh, while it is in session, for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the session, or the successive sessions aforesaid, the Legislative Assembly makes any modification in the rule or resolves that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. (2) Where any Central Act in force or applicable to Arunachal Pradesh and relating to matters with respect to which the Arunachal Pradesh Legislature has power to make laws for Arunachal Pradesh, confers power on the Government of Arunachal Pradesh to make rules thereunder, then subject to any express provision to the contrary in such Act, the provision of sub-Section (1) shall, so far as may be, apply to the rules made by the Government of Arunachal Pradesh in exercise of that power.

## **Chapter VII**

### **Miscellaneous**

#### **41. Citation of enactments.**

(1) In any enactment, rule, bye-law instrument or document made under or with reference to any such enactment, 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. (2) 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. (3) In any enactment, 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.

#### **42. Recovery of fines.**

- The provisions of the Indian Penal Code, 1860 (45 of 1860) in relation to fines and the provisions of the Code of Criminal Procedure, 1973 (Act 2 of 1974) in relation to the issue and the execution of warrants for the levy of fines, shall apply to all fines imposed under any enactment or rule or bye-law made thereunder, unless the enactment, rule or bye-law contains an express provision to the contrary.

#### **43. Meaning of "service by post".**

- Where any enactment authorises or requires any document to be served by post, whether the expression 'serve' or either of the expression "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, prepaying, 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.