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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March 1897:—

No. 7 of 1897.

A Bill to amend the Indian Stamp Act, 1897.

WHEREAS it is expedient to amend the Indian Stamp Act, 1879; It is hereby enacted as follows:—

1. After section 7A of the Indian Stamp Act, 1879, as amended by Act No. VI of 1894, section 2, the following section shall be added, namely:—

“7B. (1) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the Local Authorities Loan Act, 1879, or of any other law for the time being in force, by the issue of bonds, debentures or other certificates, shall, in respect of such loan, be chargeable with a duty of eight annas per centum on the total amount of the bonds, debentures or other certificates issued by it, and such bonds, debentures or other certificates need not be

stamped and shall not be chargeable with any further duty on renewal, consolidation, sub-division or otherwise.

“(2) The provisions of sub-section (1) exempting certain bonds, debentures or other certificates from being stamped and from being chargeable with certain further duty shall apply to the bonds, debentures or other certificates of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other certificates shall be valid, whether the same are stamped or not:

“Provided that nothing herein contained shall exempt the local authority which has issued such bonds, debentures or other certificates from the duty chargeable in respect thereof under the Indian Stamp Act, 1879, prior to its amendment by this Act, when such duty has not already been paid or remitted by order issued under that Act.”

2. In Schedule I, No. 60, of the said Act, the word “Lease” wherever it occurs, is hereby repealed; and after the said No. 60 the following shall be added, namely:—

“60A. **TRANSFER OF LEASE** by way of assignment and not by way of under-lease.” The same duty as a Conveyance (No. 21).”

I of 1879.

I of 1879.

XI of 1879.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill contemplates two small, but by no means unimportant, amendments in the Stamp Law, and it is, in the opinion of the Government of India, very desirable that they should be given effect to without delay.

2. The first clause purports to add a new section to the Indian Stamp Act, 1879, providing that the bonds or debentures issued by a local authority need not be separately stamped, either in the first instance or on renewal, sub-division, consolidation or otherwise, but that all that is necessary is for the local authority concerned to pay once for all the *ad valorem* stamp duty (eight annas per cent.) chargeable on the total amount covered by the bonds or debentures. It is further proposed to apply the same provisions to bonds or debentures already issued in respect of outstanding loans raised by local authorities, on the understanding that the full duty leviable under the Act as it now stands shall have been either paid or remitted by an order issued under section 8.

3. The object of the remaining clause is to remove a flaw in Act I of 1879, which has probably resulted in the loss of a considerable amount of stamp-revenue. The assignment of a lease is at present chargeable with the low rate of duty fixed by No. 60 in Schedule I to the Act, and this provision enables conveyances of large and valuable lease-hold estates to be transferred with a merely nominal stamp-duty. It is proposed to add to the schedule a separate No. (60A) expressly providing for this, the references to leases in No. 60 being at the same time repealed.

2nd March 1897.

(Signed) J. WESTLAND.

J. M. MACPHERSON,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the law relating to Government and other Provident Funds was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March 1897 :—

WE, the undersigned, Members of the Select Committee to which the Bill to amend the law relating

to Government and other Provident Funds was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

From Chief Commissioner, Coorg, No. 1686, dated 12th November 1896 [Paper No. 1].
 From Chief Commissioner, British Baluchistan, No. 3191, dated 14th November 1896, and enclosure [Papers No. 2].
 From Chief Commissioner, Assam, No. 192-L. & L.—1751.-J., dated 16th November 1896 [Paper No. 3].
 From Resident, Hyderabad, No. 357, dated 23rd November 1896, and enclosures [Papers No. 4].
 From High Court, Calcutta, No. 2739, dated 7th December 1896, [Paper No. 5].
 From Government, Bengal, No. 5861-F., dated 9th December 1896, and enclosures [Papers No. 6].
 From Chief Commissioner, Central Provinces, No. 8331, dated 3rd December 1896 [Paper No. 7].
 From Chief Commissioner, Ajmere-Merwara, No. 1166, dated 12th December 1896 [Paper No. 8].
 From Government, North-Western Provinces and Oudh, No. 1637, dated 12th December 1896, and enclosures [Papers No. 9].
 From Chief Commissioner, Burma, No. 507—2 P.-25, dated 11th December 1896, and enclosures [Papers No. 10].
 From President, Board of Directors, Punjab Mutual Hindu Family Relief Fund, Lahore, dated 10th December 1896 [Paper No. 11].
 From Government, Punjab and its Dependencies, No. 2363, dated 18th December 1896, and enclosures [Papers No. 12].
 From Government, Bombay, No. 4513, dated 23rd December 1896, and enclosures [Papers No. 13].
 From Government, Madras, No. 873, dated 14th December 1896, and enclosures [Papers No. 14].
 From Directors, North-Western Provinces and Oudh Mutual Hindu Family Relief Fund, Dehra Dun, dated 31st December 1896, and enclosures [Papers No. 15].
 From Honorary Secretary, Sind Mutual Hindu Family Relief Fund, dated 13th January 1897 [Paper o. 16].
 From Deputy Chairman, Mutual Hindu Family Pension Fund, Calcutta, dated 3rd February 1897 [Paper o. 17].
 From Chairman, Writers' Building Provident Benefit Fund, Calcutta, dated 4th February 1897 [Paper No. 18].
 From Directors, Muhammadan Mutual Family Relief Association, Lahore [Paper No. 19].

2. *Clause 1.*—The amendments in this clause are drafting amendments.

3. *Clause 2.*—In sub-clause (2) we have altered "Government of India" into "Government" in order to extend the benefit of the proposed Act to funds under provincial Governments.

Sub-clause (3).—We have inserted the words "or tramway" to make it clear that the definition applies to tramways as well as railway funds, and we have provided for railway companies who contract with the Secretary of State in Council as well as for those which contract with the Government of India.

Sub-clause (4).—We have added the words "or increment" after "interest" in consequence of a suggestion made to us.

4. *Clause 3.*—Following the analogy of the Friendly Societies Act, 1896 (59 and 60 Vict., c. 25), we have provided that payment is primarily to be made to the persons designated by the rules of the fund or to a nominee of the depositor and not to his personal representatives. This will facilitate the speedy distribution of small funds to the persons for whose benefit they are accumulated.

Sums above Rs. 2,000 are not dealt with by this Bill, but we have inserted a saving to show that we have no intention of interfering with rules covering larger sums so far as those rules may be consistent with the existing law.

5. *Clause 4.*—We have made some verbal amendments and further inserted provisions protecting compulsory deposits from the operation of the Insolvency laws. This is in accordance with a suggestion made by the Secretary of State.

6. We have been asked to extend the proposed Act to various Mutual Societies which have sprung up in different parts of the country, but we do not see our way to doing so, because the main principle of the Bill is to protect deposits which are compulsory under the terms of the depositor's service. Contributions to these societies, which are wholly uncontrolled, must be regarded as on the same footing as any other voluntary insurances.

7. The publication ordered by the Council has been made as follows :—

<i>Gazette.</i>	<i>In English.</i>	<i>Date.</i>
Gazette of India	3rd October 1896.
Fort Saint George Gazette	13th October 1896
Bombay Government Gazette	8th October 1896
Calcutta Gazette	14th October 18 6.
North-Western Provinces and Oudh Government Gazette	10th October 1896.
Punjab Government Gazette	8th October 1896.

Central Provinces Gazette	10th October 1896.
Burma Gazette	24th October 1896.
Assam Gazette	24th October 1896.
Coorg District Gazette	2nd November 1896.
Sind Official Gazette... ..	5th November 1896.

In the Vernaculars.

Province.				Language.	Date.
Madras	...	...	...	Telugu	13th October 1896.
				Hindustani	13th October 1896.
				Kanarese	13th October 1896.
				Malayalam... ..	13th October 1896.
Bombay	...	...	...	Tamil	3rd November 1896.
				Marathi	19th November 1896.
				Gujarati	19th November 1896.
				Kanarese	19th November 1896.
Bengal	...	...	...	Bengali	27th October 1896.
				Hindi	3rd November 1896.
				Uriya	12th November 1896.
North-Western	Provinces	and			
Oudh	...	...	...	Urdu	17th October 1896.
Punjab	...	...	...	Urdu	10th December 1896.
Burma	...	...	...	Burmese	31st October 1896.
Assam	...	...	...	Bengali	7th November 1896.
Coorg	...	...	...	Kanarese	2nd November 1896.
Sind	...	...	...	Sindhi	5th November 1896.

8. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) M. D. CHALMERS.
 (") J. WESTLAND.
 (") A. C. TREVOR.
 (") G. H. P. EVANS.
 (") J. D. REES.
 (") R. M. SAYANT.
 (") JOY GOBIND LAW.

The 26th February 1897.

No. II.

A Bill to amend the law relating to Government and other Provident Funds.

WHEREAS it is expedient to amend the law relating to Government and other Provident Funds; It is hereby enacted as follows:—

Title, extent and commencement.

1. (1) This Act may be called the Provident Funds Act, 1897.

(2) It extends to the whole of British India, including Upper Burma and British Baluchistan; and

(3) It shall come into force at once.

Definitions.

2. In this Act—

(1) "Provident Fund" means a fund in which the subscriptions or deposits of any class or classes of employes are received and held on their individual accounts, and includes any contributions credited in respect of, and any interest accruing on, such subscriptions or deposits under the rules of the Fund:

(2) "Government Provident Fund" means a Provident Fund constituted by the authority of the Government for any class or classes of its employes:

(3) "Railway Provident Fund" means a Provident Fund constituted by the authority of the Government of India or of any company which administers a railway or tramway in British India, either under a special Act of Parliament or under contract with the *Secretary of State in Council* or the Government of India, for any class or classes of the employes on, or in connection with, such railway or tramway; and

(4) "compulsory deposit" means a subscription or deposit which is not repayable on the demand, or at the option of the subscriber or depositor, and includes any contribution which may have been credited in respect of, and any interest or increment which may have accrued on, such subscription or deposit under the rules of the Fund.

3. (1) When a subscriber to, or depositor in, any Government or Railway Provident Fund dies and the sum standing to his credit in the books of the Fund does not exceed two thousand rupees, the officer or person whose duty it is to make payment of such sum may pay it as follows:—

(a) he may pay it to any person entitled to receive it according to the rules of the Fund or, in the absence of any rule of the Fund to the contrary, to any person nominated in writing by the deceased subscriber or depositor to receive it;

(b) in any case not hereinbefore provided for he may pay it to any person appearing to him to be entitled to receive it.

(2) The provisions of sub-section (1) shall apply to any such sum which, at the commencement of this Act, stands to the credit of any subscriber or depositor already deceased.

(3) *Nothing in this section shall affect the validity of the rules of any Fund in so far as such rules may provide for the disposal of sums exceeding two thousand rupees.*

4. After the commencement of this Act, the compulsory deposits in any Government or Railway Provident Fund shall not be liable to attachment under any decree or order of a Court of Justice in respect of any debt or liability incurred by a subscriber to, or depositor in, such Fund, and neither the Official Assignee, nor a Receiver appointed under Chapter XX of the Code of Civil Procedure, shall be entitled to, or have any claim on, any such compulsory deposit.

Government and Railway Provident Funds not to be attached.

5. No suit or other legal proceeding shall lie against any person in respect of anything done or in good faith intended to be done in pursuance of the provisions of this Act.

Protection for anything done in good faith under this Act.

6. The Governor General in Council may, in his discretion, by notification in the official Gazette, extend the provisions of this Act to any Provident Fund established for the benefit of its employes by any local authority within the meaning of the Local Authorities Loan Act, 1879.

Power to extend Act to other Provident Funds.

7. Nothing in section 3 shall apply to money belonging to the estate of any European officer, non-commissioned officer or soldier dying in Her Majesty's service in India, or of any European who at the time of his death was a deserter from such service.

Saving as to estates of soldiers.

J. M. MACPHERSON,
Secretary to the Government of India.

XI of 1879

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to consolidate and extend the General Clauses Acts, 1868 and 1887, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 4th March, 1897 :—

We, the undersigned, Members of the Select Committee to which the Bill to consolidate and extend the General Clauses Acts, 1868 and 1887, was referred, have considered the measure and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. The amendments which we have deemed it necessary to suggest are not numerous, and all are briefly explained by the following remarks :—

Clause 3 (16).—We have inserted the word “written” before the word “expressed” in the definition of a “document,” in order to draw the provisions of clause 3 (61) [clause 3 (58) of the amended Bill] and so to indicate that a photograph, for example, may fall within the meaning of the term. It will be observed that in Section 3 of the Indian Evidence Act, 1872, from which the definition has been taken, the addition of an illustration appears to have been thought desirable to make the intention clear.

Clause 3 (20) of the Bill as introduced.—We have decided to recommend the omission of any definition of the expression “Gazette.” It will, we believe, always be found useful to indicate as precisely as possible the manner in which any publication required by an Act of the Legislature is to be made.

Clause 3 (25) of the Bill as introduced.—We have, in clause 3 (24) of the amended Bill, avoided all attempt at defining the expression “High Court” when used with reference to criminal proceedings, and confined the definition, as in Section 2 (11) of the General Clauses Act (I of 1868), to the expression in its relation to civil proceedings. The jurisdictional arrangements, especially in connection with the Court of the Recorder of Rangoon and the Criminal Courts in Burma generally, are in some respects extremely complicated, and we have, therefore, come to the conclusion that it is wiser to adopt this course.

Clause 3 (37) of the Bill as introduced.—The declaratory definition of the word “notice” we think it safer on the whole to omit, leaving it to be expressly provided on each occasion, if considered necessary, that a notice must be given in writing.

Clause 3 (42) of the Bill as introduced.—The change which we have made in the definition of “Political Agent” [clause 3 (40) of the revised Bill], is purely formal.

Clause 3 (55) of the Bill as introduced.—In the definition of “son” [clause 3 (53) of the amended Bill] we have merely transposed the words so as to make the form correspond exactly with that of the definition of “father.”

Clause 3 (58) of the Bill as introduced.—The expression “value” is used in varying senses and for various purposes, and we consider that neither the definition in Section 3 (13) of the General Clauses Act (I of 1887) nor yet that in the Bill is likely to serve any good purposes. We would not attempt any definition of the word, and have, therefore, omitted clause 3 (53) of the Bill as introduced in Council.

Clause 4.—The omission of the parenthesis (“used with reference to civil proceedings”) and the word “value” needs no further explanation.

Clause 6.—We propose to adhere more closely to the wording of the Interpretation Act, 1889, Section 38, by substituting the phrase “unless a different intention appears” for the phrase “unless the contrary is expressed” in the Bill as introduced. It is most desirable to have our law in this particular connection as much as possible in line with that approved in England, and we have, therefore, left the clause practically reproducing the whole of the English section; but we desire, at the same time, to take the opportunity to point out, with reference to the last sub-clause, that in this country it will probably be necessary in some cases expressly to lay down a rule differing from that recognized by the English Statute. Thus, in the present Code of Civil Procedure it is provided that certain proceedings taken in pursuance of a right accrued under the former Code shall be taken in accordance with the new provisions and not with those repealed and it will very likely be deemed expedient to reproduce that in revising and re-enacting Act XIV of 1882.

The second paragraph of this clause we have on further consideration thought it right to delete. It may be that, without any such provision, it would be held that the effect is the same when an enactment expires as when it is repealed; but on the other hand it is conceivable that there might be cases in which, for example, it would be better not to allow a person to be proceeded against after the expiry of a temporary; and possibly very stringent, enactment, although he acted in contravention of it during the period for which it was expressed to endure.

Clause 13.—The addition which we have here prefixed, will explain itself. It will be observed that we have deemed it unnecessary to place any limitation upon the application of the familiar rules laid down by the clause.

Clause 15.—We think that it will prove convenient, and is unobjectionable, to make this clause apply to appointments hereafter made, even if they be made under the provisions of enactments passed before the commencement of the proposed Act. We have, therefore, here slightly altered the language and arrangement.

Clause 20.—The presence of the word "warrant" in the Indian Statute-book might cause confusion in this connection. We have, therefore, struck it out, and at the same time inserted a reference to "forms."

Clause 24.—An amendment similar to that explained above in the case of clause 20 has been made here also. We have further suggested an addition towards the end of the clause to make the provision more comprehensive.

Clause 26.—We have left this standing, but we think that its proper place is in the Indian Penal Code, and we trust that, when that is consolidated, the provision here will be repealed and reproduced in the new Code.

Clause 27.—It seems to us that this had better be limited so as to apply only to Acts passed after the commencement of the proposed Act, and we have amended the clause accordingly.

3. The publication ordered by the Council has been made as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	6th February 1897.
Fort Saint George Gazette	16th February 1897.
Bombay Government Gazette	11th February 1897.
Calcutta Gazette	10th February 1897.
North-Western Provinces and Oudh Government Gazette	13th February 1897.
Punjab Government Gazette	18th February 1897.
Central Provinces Gazette	13th February 1897.
Burma Gazette	20th February 1897.
Assam Gazette	20th February 1897.
Coorg District Gazette	(not reported).
Sind Official Gazette	(")

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil	23rd February 1897.
	Telugu	23rd February 1897.
	Hindustani	23rd February 1897.
	Kanarese	23rd February 1897.
	Malayalam	23rd February 1897.
Bombay	Marathi	(not reported.)
	Gujarathi	"
Bengal	Kanarese	"
	Bengali	"
	Hindi	"
North-Western Provinces and Oudh	Uriya	"
	Urdu	"
Punjab	Urdu	"
	Marathi	"
Central Province	Hindi	"
	Kanarese	"
	Burmese	"
Burma	Burmese	"
Assam	Bengali	"
Coorg	Kanarese	"
	Marathi	"
Sindh	Marathi	"
	Sindhi	"

4. We consider that the measure has not been so altered as to require re-publication, and recommend that it be passed as now amended.

(Signed) M. D. CHALMERS.
 (") J. WESTLAND.
 (") H. E. M. JAMES.
 (") P. ANANDA CHARLU.
 (") G. H. P. EVANS.
 (") R. M. SAYANI.
 (") H. T. PRINSEP.

The 2nd March 1897.

I should like to record that I dissent from clause 3 (20) of the Bill annexed.

(Signed) H. E. M. JAMES.

No. II.

THE GENERAL CLAUSES BILL, 1897.

CONTENTS.

Preliminary.

SECTIONS.

1. Short title and commencement.
2. Repeal.

General Definitions.

3. Definitions.
4. Application of foregoing definitions to previous enactments.

General Rules of Construction.

5. Coming into operation of enactments.
6. Effect of repeal.
7. Revival of repealed enactments.
8. Construction of references to repealed enactments.
9. Commencement and termination of time.
10. Computation of time.
11. Measurement of distances.
12. Duty to be taken *pro rata* in enactments.
13. Gender and number.

Powers and Functionaries.

14. Powers conferred on the Government to be exercisable from time to time.
15. Power to appoint to include power to appoint *ex-officio*.
16. Power to appoint to include power to suspend or dismiss.
17. Substitution of functionaries.
18. Successors.
19. Official chiefs and subordinates.

Provisions as to Orders, Rules, &c., made under Enactments.

20. Construction of orders, &c., issued under enactments.
21. Power to make, to include power to add to, amend, vary or rescind, orders, rules or bye-laws.
22. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.
23. Provisions applicable to making of rules or bye-laws after previous publication.
24. Continuation of orders, &c., issued under enactments repealed and re-enacted.

Miscellaneous.

25. Recovery of fines.
26. Provision as to offences punishable under two or more enactments.
27. Meaning of service by post.
28. Citation of enactments.
29. Saving for previous enactments, rules and bye-laws.

THE SCHEDULE.

ENACTMENTS REPEALED.

A Bill to consolidate and extend the General Clauses Acts, 1868 and 1887.

WHEREAS it is expedient to consolidate and extend the General Clauses Acts, 1868 and 1887; I of 1887. it is hereby enacted as follows:—

Preliminary.

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

Short title and commencement.

(2) It shall come into force at once.

2. The Acts mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

Repeal.

General Definitions.

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

Definitions.

(1) "abet," with its grammatical variations [I of 1887, and cognate expressions, shall have the same meaning as in the Indian Penal Code:—

(2) "act," used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions:—

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

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

(5) "Bengal Act" shall mean an Act made by the Lieutenant-Governor of Bengal in Council under the Indian Councils Acts, 1861 and 1892:—

(6) "Bombay Act" shall mean an Act made by the Governor of Bombay in Council under the Indian Councils Acts, 1861 and 1892:—

- 52 & 53
Vict., c. 63,
s. 18 (4); of
1 of 1868
s. 2 (2).]
- (7) "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India:
- 52 & 53
Vict., c. 63,
s. 18 (2).]
- (8) "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:
- [1 of 1887,
s. 3 (2).]
- (9) "Chapter" shall mean a Chapter of the Act or Regulation in which the word occurs:
- [Cf. Bo. Act
II of 1886,
s. 3 (12), and
N.-W. P. & O.
Act I of 1887,
s. 2 (12).]
- (10) "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:
- 52 & 53
Vict., c. 63,
s. 18 (2).]
- (11) "Colony" shall mean any part of Her Majesty's dominions, exclusive of the British Islands and of British India, 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 colony:
- [1 of 1887,
s. 3 (4).]
- (12) "commencement," used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force:
- [N.-W. P. & O. Act I
of 1887,
s. 2 (11).]
- (13) "Commissioner" shall mean the chief officer in charge of the revenue administration of a division:
- [54 & 55
Vict., c. 36,
s. 3.]
- (14) "consular officer" shall include consular 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:
- [1 of 1868,
s. 2 (12).]
- (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:
- [1 of 1872,
s. 3.]
- (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 a Regulation (as hereinafter defined) and any Regulation of the Bengal, Madras or Bombay 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: [Cf. I of 1868,
law s. 2 (19).]
- "Father."
- (19) "financial year" shall mean the year commencing on the first day of April: [1 of 1887,
s. 3 (5).]
- "Financial year."
- (20) a thing shall be deemed to be done in "good faith," where it is done fact done honestly, whether it is done negligently or not: [45 & 46
Vict., c. 61,
s. 90; 56 & 57
Vict., c. 71,
s. 62.]
- "Good faith."
- (21) "Government" or "the Government" shall include the Local Government as well as the Government of India: [Cf. XIV of
1882, s. 2.]
- "Government."
- (22) "Government of India" shall mean the Government of India, or, during the absence of the Governor General from his Council, the President in Council, or the Governor General alone, as regards the powers which may be lawfully exercised by them or him respectively: [1 of 1868,
s. 2 (9).]
- "Government of India."
- (23) "Her Majesty" or "the Queen" shall include Her successors: [Cf. I of 1868,
s. 2 (7).]
- "Her Majesty" or "the Queen."
- (24) "High Court," used with reference to civil proceedings, shall mean the highest Civil Court of appeal in the part of British India in which the Act or Regulation containing the expression operates: [1 of 1868,
s. 2 (11).]
- "High Court."
- (25) "immoveable 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: [1 of 1868,
s. 2 (5).]
- "Immoveable property."
- (26) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code: [1 of 1868,
s. 2 (18).]
- "Imprisonment."
- (27) "India" shall mean British India, together with any territories of any Native Prince or Chief under the suzerainty of Her Majesty exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India: [Cf. 52 & 53
Vict., c. 63,
s. 18 (5).]
- "India."

- [I of 1887, s. 3 (5).] (28) "local authority" shall mean a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund :
"Local authority."
- [I of 1868, s. 2 (10).] (29) "Local Government" shall mean the person authorized by law to administer executive government in the part of British India in which the Act or Regulation containing the expression operates, and shall include a Chief Commissioner :
"Local Government."
- 24 & 25 Vict., c. 67 ; 55 & 56 Vict., c. 14. (30) "Madras Act" shall mean an Act made by the Governor of Fort St. George in Council under the Indian Councils Acts, 1861 and 1892 :
"Madras Act."
- [I of 1868, s. 2 (13).] (31) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force :
"Magistrate."
- [I of 1887, s. 3 (8).] (32) "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 :
"Master" (of a ship).
- [I of 1868, s. 2 (4).] (33) "month" shall mean a month reckoned according to the British Calendar :
"Month."
- [I of 1868, s. (6).] (34) "moveable property" shall mean property of every description, except immoveable property :
"Moveable property."
- 24 & 25 Vict., c. 67 ; 55 & 56 Vict., c. 14. (35) "North-Western Provinces and Oudh Act" shall mean an Act made by the Lieutenant-Governor of the North-Western Provinces and Oudh in Council under the Indian Councils Acts, 1861 and 1892 :
"North-Western Provinces and Oudh Act."
- [I of 1868, s. 2 (17).] (36) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing :
"Oath."
- [I of 1887, s. 3 (9).] (37) "offence" shall mean any act or omission made punishable by any law for the time being in force :
"Offence."
- [I of 1887, s. 3 (2).] (38) "Part" shall mean a Part of the Act or Regulation in which the word occurs :
"Part."
- [I of 1868, s. 2 (3).] (39) "person" shall include any company or association or body of individuals, whether incorporated or not :
"Person."
- "Political Agent." (40) "Political Agent" shall [Cf. XXI of 1879, s. 3, and X of 1882, s. 190.]
include—
(a) the principal officer representing the Government in any territory or place beyond the limits of British India, and
(b) any officer of the Government of India or of any Local Government appointed by the Government of India or the Local Government to exercise all or any of the powers of a Political Agent for any place not forming part of British India under the law for the time being in force relating to foreign jurisdiction and extradition :
"Political Agent."
- (41) "Presidency-town" shall mean the local limits for the time being of the ordinary original civil judicature of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be : [X of 1882, s. 4 (h); of Mad. Act I of 1891, s. 3 (25).]
"Presidency-town."
- (42) "Privy Council" shall mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council : [52 & 53 Vict., c. 63, s. 12 (5).]
"Privy Council."
- (43) "province" shall mean the territories for the time being administered by any Local Government : [X of 1882, s. 4 (g).]
"Province."
- (44) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code : [I of 1887, s. 3 (10).]
"Public nuisance."
- (45) "registered," used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents : [I of 1887, s. 3 (11); of Mad. Act I of 1891, s. 3 (25).]
"Registered."
- (46) "Regulation" shall mean a Regulation made under the Government of India Act, 1870 : [33 Vict., c. 1].
"Regulation."
- (47) "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 :
"Rule."
- (48) "schedule" shall mean a schedule to the Act or Regulation in which the word occurs : [I of 1887, s. 3 (2).]
"Schedule."
- (49) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874 : [Vide XIV of 1874, s. 1, para 3.].
"Scheduled District."
- (50) "section" shall mean a section of the Act or Regulation in which the word occurs : [I of 1868, s. 2 (15).]
"Section."
- (51) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars : [I of 1887, s. 3 (7).]
"Ship."

(52) "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 :

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

(54) "sub-section" shall mean a sub-section of the section in which the word occurs :

(55) "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 :

(56) "vessel" shall include any ship or boat or any other description of vessel used in navigation :

(57) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property :

(58) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form : and

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

4. (1) The definitions in Section 3 of the following words and expressions, that is to say, "affidavit," "barrister," "British India," "District Judge," "father," "Government of India," "Her Majesty" or "the Queen," "High Court," "immoveable property," "imprisonment," "Local Government," "Magistrate," "month," "moveable property," "onth," "person," "section," "son," "swear," "will" and "year," apply also, unless there is anything repugnant in the subject or context, to all Acts of the Governor General in Council 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 Acts of the Governor General in Council and Regulations made on or after the fourteenth day of January 1887.

General Rules of Construction.

5. (1) Where any Act of the Governor General in Council is not expressed to come into operation on a particular day, then it shall come into operation on the day of which it receives the assent of the Governor General.

(2) Where any Act of the Governor General in Council is reserved under the Indian Councils Act, 1861, Section 20, for the signification of Her Majesty's pleasure thereon, then, if no later date is expressed, it shall come into operation, if assented to by Her Majesty, on the day on which the assent of Her Majesty is duly proclaimed.

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

6. (1) Where this Act, or any Act of the Governor General in Council 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—

(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 the repealing Act or Regulation had not been passed.

7. (1) In any Act of the Governor General in Council 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 Acts of the Governor General in Council made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

8. (1) Where this Act, or any Act of the Governor General in Council or Regulation made after the commence-

[Cf. Bo. Act III of 1886, s. 10.]

24 & 25 Vict., c. 67.

[52 & 53 Vict., c. 63, s. 36.]

52 & 53 Vict., c. 63, s. 38; cf. Mad. Act I of 1891, s. 3.]

[1 of 186 s. 3 (2).]

[Cf. 52 & 53 Vict., c. 63, s. 38 (1).]

[1 of 1887, s. 3 (2).]

[Cf. I of 1868, s. 2 (19).]

[1 of 1887, s. 3 (3).]

[Cf. I of 1868, s. 2 (17).]

[57 & 58 Vict., c. 60, s. 742; cf. XLV of 1860, s. 48.]

[Cf. I of 1868, s. 2 (12).]

[52 & 53 Vict., c. 63, s. 20; cf. I of 1887, s. 3 (14).]

[1 of 186 s. 2 (4).]

[Vide I of 1868, s. 2, and I of 1887, s. 10.]

[Vide I of 1887.]

ment 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.

[1 of 1868, s. 3 (2) and s. 3 (3).]

9. (1) In any Act of the Governor General in Council 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 Acts of the Governor General in Council made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

[Madras Act I of 1891, s. 11; cf. 1 of 1887, s. 7 (1), and s. 7 (2).]

10. (1) Where, by any Act of the Governor General in Council 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, applies.

XV of 1877.

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

[Cf. 52 & 53 Vict., c. 63, s. 34, and Bo. Act III of 1888, s. 524.]

11. In the measurement of any distance, for the purposes of any Act of the Governor General in Council 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.

[1 of 1868, s. 4.]

12. 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.

[1 of 1868, s. (1) and (2).]

13. In all Acts of the Governor General in Council and Regulations, unless there is anything repugnant in the subject or context,—

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

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

VI—16

Powers and Functionaries.

14. (1) Where, by any Act of the Governor General in Council or Regulation made after the commencement of this Act, any power is conferred on the Government, then that power may be exercised from time to time as occasion requires.

[1 of 1887, s. 5.]
Powers conferred on the Government to be exercisable from time to time.

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

15. Where, by any Act of the Governor General in Council 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.

Power to appoint to include power to appoint *ex officio*.

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

16. Where, by any Act of the Governor General in Council or Regulation, a power to appoint any person to fill any office or execute any function 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.

Power to appoint to include power to suspend or dismiss.

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

17. (1) In any Act of the Governor General in Council 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.

[1 of 1868, s. 3 (2).]
Substitution of functionaries.

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

18. (1) In any Act of the Governor General in Council 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.

[1 of 1868, s. 3 (5).]
Successors.

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

19. (1) In any Act of the Governor General in Council 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

[1 of 1868, s. 3 (4).]
Official chiefs and subordinates.

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

of their superior, to prescribe the duty of the superior.

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

Provisions as to Orders, Rules, &c., made under Enactments.

20. Where, by any Act of the Governor General in Council or Regulation, a power to issue any order, scheme, rule, *form* or bye-law, is conferred, then expressions used in the *order, scheme, rule, form or bye-law* if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act or Regulation conferring the power.

21. Where, by any Act of the Governor General in Council or Regulation, a power to make 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 orders, rules or bye-laws so made.

22. Where, by any Act of the Governor General in Council 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.

23. Where, by any Act of the Governor General in Council or Regulation, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely:—

- (1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;
- (2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Governor General in

Council or the Local Government prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the 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.

24. Where any Act of the Governor General in Council 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 order, scheme, rule, *form* or bye-law, 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 issued under the provisions so re-enacted, unless and until it is superseded by any order, scheme, rule, *form* or bye-law issued under the provisions so re-enacted.

Miscellaneous.

25. Sections 63 to 70 of the Indian Penal Code 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.

26. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

27. Where any Act of the Governor General in Council 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, 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.

[Cf. 52 & 53
Vict., c. 63,
s. 35.]

28. (7) In any Act of the Governor General in Council 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 sub-section of the enactment in which the provision is contained.

(2) In this Act and in any Act of the Governor General in Council 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.

[Cf. 52 & 53
Vict., c. 63.]

29. 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.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See Section 2.)

Year.	No.	Title or subject.	Extent of repeal.
1868	I	The General Clauses Act, 1868.	The whole.
1872	I	The Indian Evidence Act, 1872.	So much as relates to Act I of 1868.
1887	I	The General Clauses Act, 1887.	The whole.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act I of 1868.

J. M. MACPHERSON,

Secretary to the Government of India.