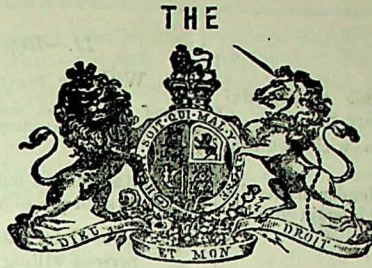


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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th March 1897, and is hereby promulgated for general information:—

Act No. VIII of 1897.

THE REFORMATORY SCHOOLS ACT, 1897.

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11. Preliminary enquiry and finding as to age of youthful offender.

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An Act to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders.

WHEREAS it is expedient to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders; It is hereby enacted as follows:—

I.—Preliminary.

Title, commencement and extent. I. (1) This Act may be called the Reformatory Schools Act, 1897, and

(2) It shall come into force at once.

(3) This section and section 2 shall extend to the whole of British India. The other sections shall extend in the first instance to the whole of British India except the territories for the time being administered by the Lieutenant-Governor of the Punjab and the Chief Commissioner of Coorg, but either of the said Local Governments may at any time, by notification in the local official Gazette, extend these sections to their territories from such day as may be fixed in any such notification.

2. (1) The Reformatory Schools Act, 1876, is hereby repealed.

(2) But all proceedings taken, orders passed, officers appointed or authorised and rules made under the said Act shall, as far as may be, be deemed to have been respectively passed, appointed or authorised and made under this Act.

(3) Any enactment or document referring to the said Act shall, as far as may be, be construed to refer to this Act, or to the corresponding portion thereof.

3. From the date fixed by any notification issued under section 1, sub-section (3), section 399 of the Code of Criminal Procedure, 1882, shall be repealed in the province to which the notification relates.

Section 399 of Act X of 1882 repealed on date fixed by a notification under section 1, sub-section (3).

4. In this Act, unless there is anything repugnant in the subject or context,—

(a) "youthful offender" means any boy who has been convicted of any offence punishable with transportation or imprisonment and who, at the time of such conviction, was under the age of fifteen years;

(b) "Inspector-General" includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector-General; and

(c) "District Magistrate" shall include a Chief Presidency Magistrate.

II.—Reformatory Schools.

5. With the previous sanction of the Governor-General in Council, the Local Government may—

(a) establish and maintain Reformatory Schools at such places as it may think fit;

(b) use as Reformatory Schools schools kept by persons willing to act in conformity with such rules, consistent with this Act, as the Local Government may prescribe in this behalf;

(c) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

6. Every school so established or used must provide—

(a) sufficient means of separating the inmates at night;

(b) proper sanitary arrangements, water-supply, food, clothing and bedding for the youthful offenders detained therein;

(c) the means of giving such youthful offenders industrial training;

(d) an infirmary or proper place for the reception of such youthful offenders when sick.

7. (1) Every school intended to be established or used as a Reformatory School shall, before being

used as such, be inspected by the Inspector-General, and if he finds that the requirements of section 6 have been complied with, and that, in his opinion, such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, together with an order of the Local Government establishing the school as a Reformatory School or directing that it shall be used as such, and the school shall thereupon be deemed to be a Reformatory School.

(2) Every such school shall, from time to time, and at least once in every year, be visited by the said Inspector-General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may prescribe.

8. (1) Whenever any youthful offender is sentenced to transportation or imprisonment, and is, in the judgment of the Court by which he is sentenced,

a proper person to be an inmate of a Reformatory School, the Court may, subject to any rules made by the Local Government, direct that, instead of undergoing his sentence, he shall be sent to such a school, and be there detained for a period which shall be not less than three or more than seven years.

(2) The powers so conferred on the Court by this section shall be exercised only by (a) the High Court, (b) a Court of Session, (c) a District Magistrate, and (d) any Magistrate specially empowered by the Local Government in this behalf,

and may be exercised by such Courts whether the case comes before them originally or on appeal.

(3) The Local Government may make rules for—

- (a) defining what youthful offenders should be sent to Reformatory Schools, having regard to the nature of their offences or other considerations, and
- (b) regulating the periods for which youthful offenders may be sent to such schools according to their ages or other considerations.

9. (1) When any Magistrate not empowered

Procedure where Magistrate is not empowered to pass an order under section 8.

to pass an order under the last foregoing section is of opinion that a youthful offender convicted by him is a proper person to be an inmate of a Reformatory School, he may without passing sentence, record such opinion and submit his proceedings and forward the youthful offender to the District Magistrate to whom he is subordinate.

(2) The Magistrate to whom the proceedings are so submitted, may make such further inquiry (if any) as he may think fit and pass such sentence and order for the detention in a Reformatory School of the youthful offender, or otherwise, as he might have passed if such youthful offender had been originally tried by him.

10. The officer in charge of a prison in which

Power of Magistrates to direct boys under sixteen sentenced to imprisonment to be sent to Reformatory Schools.

a youthful offender is confined, in execution of a sentence of imprisonment, may bring him, if he has not then attained the age of fifteen years, before the District Magistrate within whose jurisdiction such prison is situate; and such Magistrate may, if such youthful offender appears to be a proper person to be an inmate of a Reformatory School, direct that, instead of undergoing the residue of his sentence, he shall be sent to a Reformatory School, and there detained for a period which shall be subject to the same limitations as are prescribed by or under section 8, with reference to the period of detention thereby authorised.

11. (1) Before directing any youthful offender

Preliminary enquiry and finding as to age of youthful offender.

to be sent to a Reformatory School under section 8, section 9 or section 10, the Court or Magistrate shall inquire into the question of his age and, after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon, stating his age as nearly as may be.

(2) A similar inquiry shall be made and finding recorded by every Magistrate not empowered to pass an order under section 8 before submitting his proceedings and forwarding the youthful offender to the District Magistrate as required by section 9, sub-section (1).

12. Every youthful offender directed by a

Government to determine Reformatory School to which such offenders shall be sent.

Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may by general or special order appoint for the

reception of youthful offenders so dealt with by such Court or Magistrate:

Provided that, if accommodation in a Reformatory School is not immediately available for such youthful offender, he may be detained in the juvenile ward or such other suitable part of a prison as the Local Government may direct—

- (a) until he can be sent to a Reformatory School, or
- (b) until the term of his original sentence expires,

whichever event may first happen. Should the term of his original sentence first expire, he shall thereupon be released, but, should he be sent to a Reformatory School, then the period of detention previously undergone shall be treated as detention in a Reformatory School.

13. (1) If at any time after a youthful offender

Persons found to be over eighteen years not to be detained in Reformatory Schools.

has been sent to a Reformatory School it appears to the Committee of Visitors or Board of Management, as the case may be, that the age of such youthful offender has been understated in the order for detention, and that he will attain the age of eighteen years before the expiration of the period for which he has been ordered to be detained, they shall report the case for the orders of the Local Government.

(2) No person shall be detained in a Reformatory School after he has been found by the Local Government to have attained the age of eighteen years.

Discharge or removal by order of Government.

14. The Local Government may at any time order any youthful offender—

- (a) to be discharged from a Reformatory School;
- (b) to be removed from one Reformatory School to another such school situate within the territories subject to such Government: Provided that the whole period of his detention in a Reformatory School shall not be increased by such removal.

15. (1). The Governor General in Council may

Power to Governor General in Council to direct use of Reformatories in one province for reception of youthful offenders from another.

by general or special order direct that any Reformatory School situated in one province shall be available for the reception of youthful offenders directed to be sent to any Reformatory School by any Court or Magistrate in any other province.

(2) Any such order may also provide for the removal of the youthful offender, and the cost of his maintenance, and may give any such further directions as may be necessary.

16. Nothing contained in the Code of Criminal Procedure, 1882,

Certain orders not subject to appeal or revision.

shall be construed to authorise any Court or Magistrate to alter or reverse in appeal or revision any order passed with respect to the age of a youthful offender or the substitution of an order for detention in a Reformatory School for transportation or imprisonment.

III—Management of Reformatory Schools.

17. () For the control and management of every Reformatory School, the Local Government shall appoint either (a) a Superintendent and a Committee of Visitors, or (b) a Board of Management.

Appointment of Superintendent and Committee of Visitors or Board of Management.

(2) Every Committee and every Board so appointed must consist of not less than five persons, of whom two at least shall be Natives of India.

(3) The Local Government may suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

18. (1) Every Superintendent so appointed may, with the sanction of the Committee, by license under his hand permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such youthful offender employed at some trade, occupation or calling.

(2) The license shall be in force for three months and no longer, but may, at any time and from time to time until the expiration of the period for which the youthful offender has been directed to be detained, be renewed for three months at a time.

19. The license shall be cancelled at the desire of the employer named in the license.

20. If during the term of the license the employer named therein dies, or ceases from business, or to employ labour or the period for which the youthful offender has been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

21. If it appears to the Superintendent that the employer has ill-treated the youthful offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

22. (1) The Superintendent of a Reformatory School shall be deemed to be the guardian of every youthful offender detained in such school, within the meaning of Act No. XIX of 1850 (concerning the binding of apprentices).

(2) If it appears to the Superintendent that any youthful offender licensed under Section 18 has behaved well during one or more periods of his license, the Superintendent may with the sanction of the Committee apprentice him under the provisions of the said Act, and on such apprenticeship the right to detain such youthful offender in a Reformatory School shall cease and the unexpired term (if any) of his sentence shall be cancelled.

Superintendent to be deemed guardian of youthful offenders.

Power to apprentice youthful offender.

23. (1) Every Committee of Visitors appointed under Section 17 for a Reformatory School shall, at least once in every month,—

Duties of Committee of Visitors.

- (a) visit the school, to hear complaints and see that the requirements of Section 6 have been complied with, and that the management of the school is proper in all respects;
- (b) examine the punishment-book;
- (c) bring any special cases to the notice of the Inspector-General; and
- (d) see that no person is illegally detained in the school.

(2) If any member of a Committee of Visitors so appointed fails or neglects, during a period of six consecutive months, to visit the school and assist in the discharge of the duties aforesaid, he shall cease to be a member of such Committee.

24. If, in exercise of the power conferred by Section 17, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under Sections 18 to 22, both inclusive; and the license mentioned in Section 18 may be under the hand of their chairman; and they shall be deemed to be the guardians of the youthful offenders detained in such school.

25. The Local Government may declare any body of Trustees or Managers of a School, who are willing to act in conformity with the rules referred to in Section 5, clause (b), to be a Board of Management under this Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management.

Power to appoint Trustees or other Managers of a school to be a Board of Management.

26. (1) With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act—

Power of Board to make rules.

- (i) to prescribe the articles which are to be deemed to be "prohibited articles"; and
- (ii) to regulate—
 - (a) the conduct of business of the Board;
 - (b) the management of the school;
 - (c) the education and industrial training of youthful offenders;
 - (d) visits to, and communication with, youthful offenders;
 - (e) the terms and conditions under which any articles declared by the Board to be "prohibited articles" may be introduced into or removed out of the school;
 - (f) the manner in which such articles are to be removed when introduced without due authority;

- (g) the conditions and limitations under which such articles may be supplied outside the school to any youthful offender under order of detention therein;
- (h) the conditions on which the possession by any such youthful offender of such articles may be sanctioned;
- (i) the penalties to be imposed for the supply or possession of such articles when supplied or possessed without due authority;
- (j) the punishment of offences committed by youthful offenders; and
- (k) the granting of licenses for the employment of youthful offenders.

(2) In the absence of a Board of Management the Local Government may make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in any clause of sub-section (1), other than clause (i) (a), and also the mode in which the Committee of Visitors shall conduct their business.

IV.—Offences in relation to Reformatory Schools.

27. Whoever, contrary to any rule made under section 26, introduces or removes or attempts by any means whatever to introduce or remove into or from any Reformatory School, or supplies or attempts to supply outside the limits of any Reformatory School to any youthful offender under order of detention therein, any prohibited article,

and every officer or person in charge of a Reformatory School who contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any Reformatory School, to be possessed by any youthful offender detained therein, or to be supplied to any such youthful offender outside its limits,

and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender,

and whoever abets any offence made punishable under this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

28. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such youthful offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding two hundred rupees, or with both.

29. A Police-officer may, without orders from a Magistrate and without arrest of escaped youthful offender, arrest any youthful offender sent to

a Reformatory School under this Act, who has escaped from such school or from his employer, and take him back to such school or to his employer.

V.—Miscellaneous.

30. The provisions of the Prisoners' Testimony Act, 1869, shall be applied so far as they can be made applicable, to youthful offenders detained in Reformatory Schools as if they were persons confined in jail within the meaning of that Act.

31. (1) Notwithstanding anything contained in this Act or in any other enactment for the time being in force, any Court may, if it shall think fit, instead of sentencing any youthful offender to transportation or imprisonment or directing him to be detained in a Reformatory School, order him to be—

- (a) discharged after due admonition, or
- (b) delivered to his parent or to his guardian or nearest adult relative, on such parent, guardian or relative executing a bond, with or without sureties, as the Court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months.
- (2) For the purposes of this section the term "youthful offender" shall include a girl.
- (3) The powers conferred on the Court by this section shall be exercised only by Courts empowered by or under section 8.
- (4) When any youthful offender is convicted by a Court not empowered to act under this section and the Court is of opinion that the powers conferred by this section should be exercised in respect of such youthful offender, it may record such opinion and submit the proceedings and forward the youthful offender to the District Magistrate to whom such Court is subordinate.
- (5) The District Magistrate to whom the proceedings are so submitted may thereupon make such order or pass such sentence as he might have made or passed if the case had originally been tried by him.

32. When a youthful offender during his period of detention in a Reformatory School is again convicted by a Criminal Court, the sentence of such Court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1882, but the Court shall forthwith report the matter to the Local Government which shall have power to deal with the matter in any way in which it thinks fit.

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

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th March, 1897, and is hereby promulgated for general information:—

Act No. IX of 1897.

An Act 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 employees 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 employees:

(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 employees 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

Payment from Government or Railway Provident Fund on death of subscriber or depositor.

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 Government and Railway Provident Funds not to be attached. 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. XIV of 1892

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 employees by any local authority within the meaning of the Local Authorities Loan Act, 1879. XI of 1879.

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.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th March 1897, and is hereby promulgated for general information :—

Act No. X of 1897.

THE GENERAL CLAUSES ACT, 1897.

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THE SCHEDULE.

ENACTMENTS REPEALED.

An Act 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; it is hereby enacted as follows:—

Preliminary.

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

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,—
 - (1) "abet," with its grammatical variations 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:

24 & 25 Vict.,
c. 67; 55 & 56
Vict., c. 14.

24 & 25 Vict.,
c. 67; 55 & 56
Vict., c. 14.

- (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:
- (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:
- (9) "Chapter" shall mean a Chapter of the Act or Regulation in which the word occurs:
- (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:
- (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:
- (12) "Commencement," used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force:
- (13) "Commissioner" shall mean the chief officer in charge of the revenue administration of a division:
- (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 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:
- (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) "Government" or "the Government" shall include the Local Government as well as the Government of India:
- (22) "Government of India" shall mean the Governor General in Council 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:
- (23) "Her Majesty" or "the Queen," shall include Her successors:
- (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:
- (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:
- (26) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code:
- (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:

- (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."
- (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."
- (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."
- (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."
- (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).
- (33) "month" shall mean a month reckoned according to the British Calendar:
- "Month."
- (34) "moveable property" shall mean property of every description, except immoveable property:
- "Moveable property."
- (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."
- (36) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing:
- "Oath."
- (37) "offence" shall mean any act or omission made punishable by any law for the time being in force:
- "Offence."
- (38) "Part" shall mean a Part of the Act or Regulation in which the word occurs:
- "Part."
- (39) "person" shall include any company or association or body of individuals, whether incorporated or not:
- "Person."
- "Political Agent." (40) "Political Agent" shall 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:
- (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:
- "Presidency-town."
- (42) "Privy Council" shall mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council:
- "Privy Council."
- (43) "province" shall mean the territories for the time being administered by any Local Government:
- "Province."
- (44) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code:
- "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:
- "Registered."
- (46) "Regulation" shall mean a Regulation made under the Government of India Act, 1870:
- "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:
- "Schedule."
- (49) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874:
- "Scheduled District."
- (50) "section" shall mean a section of the Act or Regulation in which the word occurs:
- "Section."
- (51) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars:
- "Ship."

24 & 25
Vict., c. 67;
55 & 56 Vict.,
c. 14.

X of 1882.

24 & 25
Vict., c. 67;
55 & 56 Vict.,
c. 14.

XLV of

33 Vict

XIV of

(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,

Application of foregoing definitions to previous enactments.
 "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," "oath," "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-

Construction of references to repealed enactments.

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.

9. (1) In any Act of the Governor General in Council or Regulation made after the commencement and termination of time. 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.

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.

21 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.

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.

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.

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*.

IV—11

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.

(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.

16. Where, by any Act of the Governor General in Council or Regulation, 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. (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.

(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.

(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

Successors.
Official chiefs and subordinates.

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 XLV of 1860, and the provisions of the Recovery of fines. 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 punishable 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, 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.

28. (1) 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.

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.