

## **BOMBAY GENERAL CLAUSES ACT, 1904**

**1 of 1904**

**[30th May, 1904]**

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**SCHEDULE 1 :- Enactments Repealed**

**BOMBAY GENERAL CLAUSES ACT, 1904**

**1 of 1904**

**[30th May, 1904]**

An Act for further shortening the language used in Bombay Acts, and for other purposes. WHEREAS it is expedient further to shorten the language used in Bombay Acts. and to make certain other provisions relating to those Acts: It is hereby enacted as follows:-

**1. Short title :-**

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

**1A. Extension of application of Acts to Acts, rules, etc. made on or after the 1st day of November, 1956 :-**

The provisions of this Act which relate to Bombay Acts, Regulations and Ordinances shall apply also in relation to Acts, Regulations and Ordinances of the <sup>1</sup>State of Bombay passed, made or promulgated on or after the 1st day of November, 1946 and such provisions of this Act as relate to any notification, order, scheme, rule, bye-law, or form shall apply also In relation to any notification, order, scheme, rule, bye-law, or form issued under any Act, Regulation or Ordinance passed, made or promulgated on or after that date:

Provided that where any such Act, Regulation, Ordinance, notification, order, scheme, rule, bye-law or form passed, made or promulgated on or after the 1st day of November, 1956 amends any Act, Regulation, Ordinance, notification, order, scheme, rule, bye-law or form passed, made or promulgated before that date in relation to the <sup>2</sup> State of Bombay under clauses (b) to (e) of sub-section (1) of Section 8 of the States Reorganisation Act, 1956 (XXXVII of 1956), the law in force in these territories in respect of

the Interpretation of the law so amended shall apply to the amending law, and not the provisions hereinafter of this Act.]

1. This word stand unmodified by Gujarat A.O. 1960.

2. This word stand unmodified by Guj., A.O. 1960.

**1B. Extension of application of Acts to Acts, rules, etc. of State of Gujarat :-**

The provisions of this Act which relate to Bombay Acts, Regulations and Ordinances shall apply also in relation to Acts, Regulations and Ordinances of the #State of Gujarat passed, made or promulgated on or after the 1st day of May, 1960 and such provisions of this Act as relate to any notification, order, scheme, rule, bye-law, or form shall apply also in relation to any notification, order, scheme, rule, bye- law, or form Issued or made under any Act, Regulation or Ordinance passed, made or promulgated on or after that date:

Provided that where any such Act, Regulation, Ordinance, notification, order, scheme, rule, bye-law or form passed, made or promulgated on or after that date amends any Act. Regulation, Ordinance, notification, order, scheme, rule, bye-law or form passed, made or promulgated in relation to any territory of the State of Gujarat, not being the Bombay area of that State, the law in force In these territories in respect of the law so amended shall apply to the amending law, and the provisions hereinafter of this Act.

)

**2. Repeal :-**

The Bombay Acts mentioned in the Schedule are repealed to the extent specified in the column thereof.

**3. Definitions :-**

In this Act, and in all Bombay Acts<sup>1</sup>[or Gujarat Acts] 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, 1860 (Central Act XLV of 1860).

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

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

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

(5) "Bombay Act" shall, mean an Act made by the Governor of Bombay in Council under the Indian Councils Act, 1861, or the Indian Councils Act, 1861 and 1892 <sup>2</sup>[or the Indian Councils Acts, 1861 to 1909, or the Government of India Act, 1915, or made by local Legislature, or the Governor of the Presidency of Bombay under the Government of India Act, or by the Provincial Legislature, or the Governor of Bombay, under the Government of India Act, 1935], <sup>3</sup>[or <sup>4</sup>[Pre-Reorganisation or reorganised State of Bombay] under the Constitution):

<sup>5</sup>[(6) "Bombay area of the State of Gujarat" shall mean the area of the State of Gujarat excluding the Saurashtra area, and the Kutch area, of that State;]

(7) and (8) <sup>6</sup>[x xx].

(9) "Chapter" shall mean a Chapter of the Act in which the word occurs:

(10) <sup>4</sup>[x x x]

(11) "Collector" shall mean the <sup>8</sup>(x x x) the chief officer In charge of the revenue administration of a district:

(12) "Commencement" used with reference to an Act, shall mean the day on which the Act comes into force.

(13) <sup>9</sup>[x x x]

(14) "Consular Officer" shall Include consul-general, consul, vice consul, consular agent, pro-consul and any person for the time being authorised 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

(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 <sup>10</sup>[ x x x] any Regulation of the 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)"God faith" a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not;

<sup>11</sup>(21) "Gujarat Act" shall mean an act made on or after the 1st day of May, 1960 by the Legislature of the State of Gujarat under the Constitution:]

(22) "High Court", used with reference to civil proceedings shall mean the highest Civil Court of appeal in the part of the Bombay Presidency <sup>12</sup>and after he 1st day of May 1960 in the part of the State of Gujarat) in which the Act containing the expression operates;

(23)<sup>13</sup>[xxx].

(24) "Immovable property" shall Include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth:

(25) "Imprisonment" shall mean imprisonment of either description as defined In the Indian Penal Code, XLV of 1860 (Central Act).

<sup>14</sup>[(25A) "Kutch area of the <sup>15</sup>State of Bombay" shall mean the territories transferred to the new <sup>16</sup>State of Bombay under clause (e) of sub-section (1) of Section 8 of the States Reorganisation Act, 1956 (XXX VII of 1956) <sup>17</sup>[and after the 1st day of May 1960 the said territories which form part of the State of Gujarat shall be known as Kutch area of the State of Gujarat):

(26) "Local Authority" shall mean a municipal corporation, municipality, local board, body of port trustees or commissioners or other authority legally entitled to, or entrusted by the Government

with the control or management of a municipal or local fund:

(27) **18**[xxx].

(28) "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:

(29) "Master" (of a ship) used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship:

(30) "Month" shall mean a month reckoned according to the British calendar;

(31) "Moveable property" shall mean property of every description, except immoveable property;

(32) "Oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare Instead of swearings;

(33) "Offence" shall mean any act or omission made punishable by law for the time being in force:

(34) "Part" shall mean a part of the Act in which the word occurs:

(35) "Person" shall include any company or association or body of individuals, whether incorporated or not:

**19**[(35A) "pre-Re-organisatlon **20**State of Bombay" shall mean-

(a) as respects any period before the commencement of the Constitution; the area comprised In the Province of Bombay:

(b) as respects any period after the commencement of the Constitution, the territories of the State of Bombay as specified in the First Schedule to the Constitution before the commencement of the State Re-organisation Act, 1956;]

(36) "Public nuisance" shall mean a public nuisance as defined in the Indian Penal Code XLV of 1860:

**21**(37) "registered" used with reference to a document shall mean registered in a part A state or a C State under the law for the time being in force for the registration of documents:)

(38) "Regulation" **22**[x x x]

(39) "Rule" shall mean a rule made In exercise of a power

conferred by any enactment, and shall include a regulation made as a rule under any enactment.

**23**(39A) "Saurashtra area of the **24**State of Bombay" shall mean the territories transferred to the new State of Bombay under clause (d) of sub-section (1) of Section 8 of the States Reorganisation Act, 1956 (XXXVII of 1956) **25**[and after the 1st day of May, 1960 the said territories which form part of the State of Gujarat shall be known as the Saurashtra area of the State of Gujarat]:

(40) "Schedule" shall mean a schedule to the Act in which the word occurs:

(41) "Scheduled District" **26**[Scheduled District] shall mean a "Scheduled District" as defined in the **27**[Scheduled Districts] Act, 1874 (XII of 1874);

(42) "Section" shall mean a section of the Act in which the word occurs;

(43) "Ship" shall include every description of vessel used in navigation not exclusively propelled by oars:

(44) "Sign" with its grammatical variations and cognate expressions. shall with reference to a person who is unable, write his name. include "mark" with its grammatical variations and cognate expressions:

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

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

**18**(46A) **14**State of Bombay" shall mean-

(a) as respects any period before the 1st day of November, 1956 the pre-Reorganisation State of Bombay:

(b) as respects any period on and after that day the territories comprised in the new State of Bombay under Section 8 of the States Reorganisation Act, 1956 (XXXVII of 1956);](46AA)

**30**[(46AA) "State of Gujarat" shall mean the territories which on the 1st day of May, 1960 are comprised in the State of Gujarat under Section 3 OF THE BOMBAY REORGANISATION ACT, 1960 ;]

(46B) "transferred territories" shall mean the territories transferred from the pre-Re-organisation <sup>14</sup> State of Bombay to the new States of Mysore and Rajasthan under Section 8 of the States Reorganisation Act, 1956 and Section 10 of the States Reorganisation Act, 1956 of the State Re-organisation Act, 1956 (XXXVII of 1956)];

(47) "Swear" with its grammatical vacations and cognate expressions, shall include affirming in the case of persons by law allowed to affirm or declare instead of swearing:

(48) "Vessel" shall include any ship or boat or any other description of vessel used in navigation;

(49) "Will" shall include a codicil and every writing making a voluntary posthumous disposition of property;

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

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

1. Inserted by Gujarat A.O. 1960.

2. These words and figures were inserted by the Adaptation of Indian Laws Order in Council.

3. This portion was inserted by Adaptation of Laws Order, 1950,

4. These words were substituted for the words "State of Bombay" by the Bombay Adaptation of Laws (State and Concurrent Subject) Order. 1956.

5. Clause (6) were inserted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order. 1960.

6. Clauses (7) and (8) were omitted by the Adaptation of Indian Laws Order in Council.

8. Delete by Gujarat A. O, 1960.

9. Delete by Gujarat 15 of 1964.

10. Delete by explained.

11. Inserted by Gujarat A.O. 1960.

12. Inserted by Gujarat A.O. 1960.

13. Delete by Gujarat A.O. 1960.

14. Inserted by Born. A.O. 1956. as amended by Born. A.O. (Second Amendment) 1957.

15. These words stands unmodified by Gujarat A.O. 1960.

16. These words stands unmodified by Gujarat A.O. 1960.

17. Inserted by Gujarat A.O. 1960.

18. Delete by the Adaptation of Indian Laws Order in Council.

19. Inserted by Bombay A.O. 1956.
20. These words stand unmodified by Gujarat A.O. 1960.
21. Substituted by A.O. 1950.
22. Delete by Bombay 5 of 1948.
23. Inserted by Born. A.O. 1956. amended by Bombay A.O. (Second Amendment). 1957.
24. These words stand unmodified by Gujarat A.O.. 1960.
25. Inserted by Gujarat A.O. 1960.
26. This is the villages belonging to the following Mehwassi Chiefs:-  
(1) The Paivi of Kathi. (2) The Paivi of Nal, (3) The Paivi of Singpur,  
(4) The Waiwi of Gaohalli, (5) The Wassawa of Chikhli, (6) The  
Paivi of Nawalpur.
27. The Scheduled Districts Act ceases to have effect under the  
Adaptation of Indian Laws Order In Council.
30. Inserted by Gujarat A.O. 1960.

#### **4. Application of certain of the foregoing definitions to previous Bombay Acts :-**

The definitions in Section 3 of the following words -that is to say, "abet", "affidavit" <sup>1</sup>[Bombay area of the State of Gujarat] <sup>2</sup>[x x x] "Chapter" <sup>3</sup>[x x x], "Collector", "Commissioner", "good faith", <sup>4</sup>[Greater Bombay] <sup>5</sup>[x x x] <sup>6</sup>[x x x] Kutch area of the State of B o m b a y <sup>7</sup>[ S t a t e of Gujarat] "Immovable property", "Imprisonment", "Magistrate", 'month", "moveable property", "oath", "Part", "person", <sup>8</sup>[pre-Re-organisation State of Bombay), <sup>9</sup>[Saurashtra area of the State of Bombay), <sup>10</sup>[x x x], "Schedule", "section", <sup>11</sup>[State of Bombay], "swear", <sup>12</sup>[transferred territories], "vessel" <sup>13</sup> [x x x], "writing", and "year", apply also, unless there is anything repugnant in the subject or context to all Bombay Acts made before the commencement of this Act.

1. Inserted by Gujarat A.O. 1960.
2. The words "British India". "Government of India" and "Presidency of Bombay" were omitted by A.O. in Council.
3. The words "City of Bombay" were omitted by Gujarat A.O. 1960.
4. Inserted by Bombay 17 of 1945.
5. The words "British India", "Government of India" and "Presidency of Bombay" were omitted by A.O. in Council.
6. Delete by Gujarat A.O. 1960.
7. Inserted by Gujarat A.O. 1960.
8. Inserted by Bombay A.O. 1956.
9. Inserted by Bombay A.O. 1956 amended by Bombay A.O. (Second Amendment) 1957.
10. The words -British India". "Government of India" and "Presidency of Bombay" were omitted by A.O. in Council.
11. Inserted by Bombay A.O. 1956.
12. Inserted by Bombay A.O. 1956.

13. Omitted by Gujarat A.O. 1960.

## **5. Coming Into operation of Bombay Acts :-**

**<sup>1</sup>**[

(1) Where any Bombay Act is not expressed to come into operation on a particular day then,

(i) in the case of a Bombay Act made before the commencement of the Constitution, it shall come into operation. If it is an Act of the Legislature, on the day on which the assent thereto of the Governor General or His Majesty, as the case may require, is first published in the Official Gazette, and, if is an Act of the Governor, on the day on which it is first published as an Act in the Official Gazette;

(ii) in the case of a Bombay Act **<sup>2</sup>**[or Gujarat Act] made after the commencement of the Constitution, It shall come into operation on the day on which the assent thereto of the Governor or President, as the case may require, is first published in the Official Gazette.]

(2) Unless the contrary is expressed, a Bombay Act shall **<sup>3</sup>** [or Gujarat Act] be construed as coming into operation immediately on the expiration of the day preceding its commencement.

1. Substituted by A.O. 1950.

2. Inserted by Gujarat A.O. 1960.

3. Inserted by Gujarat A.O. 1960.

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

In this Act, and in every Bombay Act, **<sup>1</sup>** [or Gujarat Act] made after the commencement of this Act, the date of such publication as is mentioned in Section 5 , sub-section (1), shall be printed above the title of the Act. and shall form part of the Act.

1. Inserted by Gujarat A.O. 1960.

## **7. Effect of repeal :-**

Where this Act, or any Bombay act **<sup>1</sup>** [or Gujarat Act] made after the commencement of this Act, repeals any enactment hitherto to be made, here after to be made, then, unless a different intention appears, the repeal shall not-

(a) revive anything 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 had not been passed.

1. Inserted by Gujarat A.O. 1960.

#### **7A. Repeal of enactment making textual amendment in any Act :-**

Where any Bombay Act<sup>1</sup> [or Gujarat Act] made after the commencement of this Act repeals any enactment by which the text of any previous enactment was amended by the express omission, insertion or substitution any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.]

1. Inserted by Gujarat Adaptation of Laws...Order, 1960.

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

(1) In any Bombay Act<sup>1</sup> [or Gujarat Act] made after the commencement of this Act it shall be necessary for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

1. Inserted by Gujarat A.O. 1960.

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

Where this Act, or any Bombay Act ^Gujarat Act] made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references to any other enactment or in any instrument to the provision so

repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

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

(1) In any Bombay Act<sup>1</sup> [or Gujarat Act] made after the commencement of this Act it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from" and, for the purpose of including the last in a series of days or any other period of time, to use the word "to".

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

1. Ins, by Gujarat A.O. 1960.

#### **11. Computation of time :-**

Where, by any Bombay Act<sup>1</sup> [or Gujarat Act] 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.

1. Inserted by Gujarat A.O. 1960.

#### **12. Measurement of distances :-**

In the measurement of any distance for the purpose of any Bombay Act<sup>1</sup> [or Gujarat Act] 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. Inserted by Gujarat A.O. 1960.

#### **13. Gender or number :-**

in all Bombay Acts,<sup>1</sup> [or Gujarat Acts] unless there is anything repugnant in the subject or context,-

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

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

1. Inserted by Gujarat A.O, 1960.

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

Where, by any Bombay Act<sup>1</sup> or Gujarat Act] made after the commencement of this Act power is conferred on<sup>2</sup> [any Government), then that power may be exercised from time to time as occasion requires.

1. Inserted by Gujarat A.O. 1960.

2. Substituted by Adaptation of Indian Laws Order in Council.

**15. Power to appoint to include power to appoint ex-officio :-**

Where by any Bombay Act<sup>1</sup> [or Gujarat Act) a power to appoint any person to fill 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.

1. Inserted by Gujarat A.O. 1960.

**16. Power to appoint include power to suspend or dismiss :-**

Where, by any Bombay Act<sup>1</sup> [Gujarat Act] a power to make any appointment is conferred, then, unless a different Intention appears, the authority having powers to make the appointment shall also have power to suspend or dismiss any person appointed by it In exercise of that power.

1. Inserted by Gujarat A.O. 1960.

**17. Substitution of functionaries :-**

(1) In any Bombay Act<sup>1</sup> [or Gujarat Act] made after the commencement of this Act It shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

1. Inserted by Gujarat A.O. 1960.

**18. Successors :-**

(1) In any Bombay Act<sup>1</sup> Gujarat Act] 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.

This section applies also to all Bombay Acts made before the commencement of this Act.

1. Inserted by Gujarat A.O. 1960.

**19. Official chiefs and subordinates :-**

(1) In any Bombay Act<sup>1</sup> [or Gujarat Act] made after the commencement of this Act It shall be sufficient, for the purpose of expressing that a law relative of the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior. This section applies also to all Bombay Acts made before the commencement of this Act.

1. Inserted by Gujarat A.O. 1960.

**20. Construction of orders, etc., issued under Bombay Acts 1[or Gujarat Acts] :-**

Where, by any Bombay Act, <sup>1</sup> [or Gujarat Act] a power to issue any notification, order, scheme, rule, bye-law or form is conferred, then expressions used In the notification, order, scheme, rule, bye-law or form. If it Is made after the commencement of this Act, shall, unless there is anything repugnant In the subject or context, have the same respective meanings as in the Act conferring the power.

1. Inserted by Gujarat A.O. 1960.

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

Where, by any Bombay Act, <sup>1</sup> Gujarat Act] a power to issue notifications, orders, rules, 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 notifications, orders, rules or bye-law, so Issued.

1. Inserted by Gujarat A.O. 1960.

**22. Making of rules or bye laws and issuing of orders between S.21 N.3 publication and commencement of Bombay Act S. 21 N.3 [or Gujarat Act] :-**

Where, by any Bombay Act <sup>1</sup> or Gujarat Act] which is not to come

into operation 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 with respect to the establishment of any Court or office, or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which anything is to be done under the Act, then that power may be exercised at any time after #the passing thereof), but rules, bye-laws, or orders so made or issued shall not take effect till the commencement of the Act.

1. Inserted by Gujarat A.O. 1960.

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

Where, in any Bombay Act, <sup>1</sup>[or In any rule passed under any such Act, it is directed that any order, notification or other matter shall be notified or published, then such notification or publication shall, unless the enactment or rule otherwise provides, be deemed to be duly made if it is published in the <sup>2</sup> "[Official Gazette].

1. Inserted by Gujarat A.O. 1960.

2. Substituted by A.O. 1950.

**24. Provisions applicable to making of rules or bye-laws after previous publication :-**

Where, by any Bombay Act, <sup>1</sup>[or Gujarat Act] a power to make Rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely:-

(a) the authority having power to make the rules, or bye-laws shall, before making them, published a draft of the proposed rules or bye-laws for the Information of persons likely be affected thereby:

(b) the application shall be made In such manner as that authority deems to be sufficient or, if the condition with respect to previous publication so requires, in such manner as the (Central Government, or as the case may be, the (State Government) prescribes:

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

(d) the authority having power to make the rules or 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;

(e) the publication In the <sup>2</sup> Official Gazette] of a rule or bye-law purporting to have been made In exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

1. Inserted by Gujarat A.O. 1960.

2. Substituted by A.O. 1950.

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

Where any enactment is, after the commencement of this Acts repealed and re-enacted by a Bombay Act, <sup>1</sup> [or Gujarat Act) with or without modification then unless It Is otherwise expressly provided, any appointment, notification, order, scheme, rule, bye-law or form made or issued under the repealed enactment shall, so far as is not inconsistent with the provisions re- enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule. bye-law or form made or issued under the provisions so reenacted.

1. Inserted by Gujarat A. O . 1960.

### **26. Recovery of fines :-**

Section 63 of the Indian Penal Code, 1860 (Central Act), and the provisions of the Code of Criminal Procedure (XLV of 1860) for the time being In force In relation to the issue and the execution of warrants for the levy of fines, shall apply to all fines imposed under any Bombay Act (V of 1898) or any rule or bye-law made under any Bombay Act. <sup>1</sup> [or Gujarat Act unless the Act, rule or bye law contains an express provision to the contrary.

1. Inserted by Gujarat A.O. 1960.

### **27. Provision as to offences punishable under two or more enactments :-**

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

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

Where any Bombay Act.<sup>1</sup> [or Gujarat Act] made after the commencement of this Act authorises 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.

1. Inserted by Gujarat A.O. 1960.

## **29. Citation of enactments :-**

(1) In any Bombay Act<sup>1</sup> [or Gujarat Act] and in any rule, bye-law, instrument or document made under, or with reference to, any Bombay Act,<sup>2</sup> [or Gujarat Act] any enactment may be cited by reference to the title or short title (If any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In this Act, and In any Bombay Act for Gujarat Act] 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.

1. Inserted by Gujarat A.O. 1960.

2. Inserted by Gujarat A.O. 1960.

## **30. Saving previous Acts, rules and bye-laws :-**

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

## **31. Application of Act to Ordinances and Regulations :-**

The provisions of this Act shall apply-

(a) In relation to any Ordinance promulgated by the (Governor of Bombay] under Section 88 of the Government of India Act, 1935 , as they apply in relation to Bombay Acts made under the said Act

by the Governor and In relation to any Regulation made by the Governor under Section 88 of the Government of India Act, 1935 of the said Act as they apply in relation to Bombay Acts made by the Provincial Legislature: and

(b) In relation to any Ordinance promulgated by the Governor under Article 213 of the Constitution or any Regulation made by the Governor under paragraph 5 of the Fifth Schedule to the Constitution, as they apply in relation to Bombay Acts made by the State Legislature:

Provided that clause (ii) of sub-section (1) of Section 5 of this Act shall apply to any Ordinance referred to in clause (b) as if for the reference in the said clause (ii) to the day of first publication of the assent to an Act in the Official Gazette there were substituted a reference to the day of the first publication of the Ordinance in that Gazette.

#### SCHEDULE 1

##### Enactments Repealed

. (See Section 2 )			
Year	No.	Title or Subject	Extent of repeal
1886	III	The Bombay General	The whole [ <i>except so</i>
		Clauses Act, 1886.	much of [Schedule B as
			relates to unrepealed
			enactments.]
1891	I	An Act to amend the	So much as is unrepealed.
		Bombay General Clauses	
		Act, 1886	
1896	I	An Act to amend the	The whole.
		Bombay General Clauses	
		Act, 1886.	