

## **SAURASHTRA ACTS (INTERPRETATION) ACT, 1952**

**10 of 1952**

**[9th June 1952]**

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# **SAURASHTRA ACTS (INTERPRETATION) ACT, 1952**

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An Act to provide for the shortening of the language used in the Ordinances and Acts of the State of Saurashtra and for other purposes. Whereas it is expedient to provide for the shortening of the language used in the Ordinances and Acts of the State of Saurashtra, and to make certain other provisions relating to these Ordinances and-Acts; It is hereby enacted as follows:-

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

(1) This Act may be called the Saurashtra Acts (Interpretation) Act, 1952 .

(2) It shall extend to the whole of the State of Saurashtra.

(3) It shall come into force at once.

## **2. General Definition :-**

In this Act, and in all Saurashtra Ordinances and Acts made or enacted after 26th January, 1950, 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 shall extend also to illegal omissions;

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

(4) "barrister" shall mean a barrister of England or Ireland or a member of the Faculty of Advocates of 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 Acts, 1861 and 1892 or the Indian Councils Acts, 1861 to 1909, or the Government of India Act, 1915 or made by the local legislature or the Governor of the Presidency of Bombay under the Government of India Act, or by the Provincial Legislature or the Governor of Bombay, under Government of India Act, 1935, or by the Bombay State Legislature under the Constitution;

(6) "Central Act" shall mean an Act of the Parliament and shall include,

(a) an Act of the Dominion Legislature or of the Indian Legislature passed before the commencement of the Constitution, and

(b) an Act made before such commencement by the Governor General in Council or the Governor-General, acting in a legislative capacity,

(7) Central Government shall-

(a) in relation to anything done before the commencement of the Constitution, mean the Governor-General, or the Governor-General in Council, as the case may be;

(b) in relating to anything done or to be done after the commencement of the Constitution, mean the President of India; and shall include in relation to functions entrusted under clause (1) of Article 258 of the Constitution to the Government of a State, the State Government acting within the scope of the authority given to it under that clause;

(8) "Chapter" shall mean a chapter of the Ordinance, Act or Regulation in which the word occurs;

(9) "The Chief Controlling Revenue Authority" or "Chief Revenue Authority" shall mean such authority as the Government may by notification; in the Official Gazette appoint, as such;

(10) "Collector" shall mean the Chief Officer-in-charge of the revenue administration of a district;

(11) "Constitution" shall mean the Constitution of India;

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

(13) "Consular Officer" shall include Consular General, Consul, Vice-Consul, Consular Agent, Pre-Consul and any person for the time being authorised to perform the duties of Consul General, Vice Consul or Consular Agent;

(14) "Covenant" shall mean the Covenant entered into by the rules of Kathiawar for the formation of the United State of Saurashtra, and shall include any Supplementary Covenant;

(15) "District Judge" shall mean the Judge of a principal civil court of original 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 these 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 and shall also include any provision contained in any Ordinance, Act or Regulation;

(18) "Father" in case of any one those personal law permits adoption, shall include an adoptive father;

(19) "financial year" shall mean the year commencing on the 1st 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 mean the Government of the State of <sup>1</sup>(Gujarat).

(22) "Government Securities" shall mean securities of the Central or any State Government as the case may be, and shall include the securities of the Government of the State of 1(Gujarat).

(23) "High Court" shall mean the High Court of 1(Gujarat)

(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;

(26) "India" shall mean-

(a) as respects any period before the establishment of the Dominion of India, British India together with all territories of any Indian Rulers then under the suzerainty of His Majesty, all territories under the suzerainty of such an Indian Ruler, and the tribal areas, and

(b) as respects any period after the establishment of the Dominion of India, but before the commencement of the Constitution, all territories for the time being included in that Dominion, and

(c) as respects the period after the commencement of the Constitution, all the territories for the time being comprised in the territory of India;

(27) "Indian Law" shall mean any Act, Ordinance Regulation, Rule, Order or bye-law which before the commencement of the Constitution

(28) "Indian State" shall, mean any territory which the Central Government recognised as such a State before the commencement of the Constitution whether described as a State, an Estate, a Jagir or otherwise;

(29) "Local authority" shall mean a municipal committee, 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;

(30) "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;

(31) "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;

(32) "Month" shall mean a month reckoned according to the British Calendar;

(33) "movable property" shall mean property of every description except immovable property;

(34) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;

(35) "offence" shall mean any act or omission made punishable by any law for the time being in force;

(36) "Official Gazette" or "Gazette" shall mean the Saurashtra Government Gazette;

(37) "part" shall mean a part of the Ordinance or Regulation in which the word occurs;

(38) "part A State" shall mean a State for the time being specified in Part A of the First Schedule to the Constitution; "Part B State" shall mean a State for the time being specified in Part B of that

Schedule; and "Part C State" shall mean a State for the time being specified in Part C of that Schedule or a territory for the time being administered by the President under the provisions of Article 243 of the Constitution;

(39) "person" shall include any company or association or body of individuals whether incorporated or not;

(40) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code;

(41) "Rajpramukh" shall mean the Rajpramukh of the State of Saurashtra;

(42) "registered" used with reference to a document shall mean registered in the State of Saurashtra under the law for the time being in force for the registration of documents;

(43) "regulation" shall mean a regulation made by the Government of the State of Saurashtra;

(44) "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;

(45) "Saurashtra Act" shall mean any Act passed by the Saurashtra Legislative Assembly and assented to by the Rajpramukh under Article 2/3 read with Article 238 of the Constitution or assented to by the President of India under Article 208; read with Article 238, of the Constitution after 26th January, 1950;

(46) "Saurashtra Ordinance" shall mean an Ordinance made and promulgated by the Rajpramukh after 26th January, 1950 in exercise of the powers conferred on him by Article 213, read with Article 238 of the Constitution;

(47) "Schedule" shall mean a schedule to the Ordinance, Act or Regulation in which the word occurs;

(48) "section" shall mean a section of the Ordinance, Act or Regulation in which the word occurs;

(49) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars;

(50) "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 variation and cognate expressions;

(51) "son" in the case of any one those personal law permits adoption, shall include an adopted son;

(52) "State" shall mean the State of Gujarat. <sup>2</sup>

(53) "State Government" shall mean the authority or person authorised at the relevant date to administer executive Government in any of the Part A or B States in question;

(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 or figures in a visible form or any substance; and

(59) "year" shall mean a year reckoned according to the British Calendar;

1. Substituted by Adaptations of Laws Order 1960.

2. Substituted by Gujarat Adaptation of Laws (State and concurrent Subjects) (Seventh Amendment) Order, 1961. See: Gujarat Government Gazette, Part IV-A, dated 4-5-61, Page 49.

### **3. References :-**

In any Saurashtra Act or Ordinance references to the Government in any provision, conferring power to make appointments to civil services or civil posts, include references to such person as the Government may direct and in any provision conferring power to make rules prescribing the conditions of service of persons serving the Government in a civil capacity, include references to any person authorised by the Government to make rules for the purpose.

### **4. Coming into operation of Act or Ordinance :-**

(1) Where any Saurashtra Act or Ordinance is not expressed to come into operation on a particular day then it shall come into operation on the day on which it is first published in the Official Gazette.

(2) Unless the contrary is expressed, a Saurashtra Act shall be construed as coming into operation immediately on the expiration of the day proceeding its commencement.

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

Where, any Saurashtra Act or Ordinance 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) effect 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) effect 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 Ordinance had not been passed.

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

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

#### **7. Construction of references to repealed enactments :-**

Where, any Saurashtra Act or Ordinance repeals and re-enacts with or without modifications, 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.



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

In any Saurashtra Act or Ordinance 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",

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

Where by any Saurashtra Act or Ordinance, any act or proceeding is directed or allowed to be done or taken in any court or office on a certain day or within the 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, 1908 applies.

## **10. Measurement of distance :-**

In the measurement of any distance for the purpose of any Saurashtra Act or Ordinance, that distance shall unless a different intention appears be measured in a straight line on a horizontal plane.

## **11. Duty to be taken pro-rata in enactment :-**

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 or any greater or less quantity.

## **12. Gender and number :-**

In all Saurashtra Acts or Ordinances 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 singular shall include the plural, and vice-versa.

## **13. Powers conferred on the Government to be exercisable from time to time :-**

Where, by any Saurashtra Act or Ordinance any power is conferred on the Government, then that power may be exercised from time to time as occasion requires.

**14. Power to appoint to include power to appoint an officer**

**:-**

Where, by any Saurashtra Act or Ordinance a power to appoint any person to fill any office or execute any function is conferred, then unless it is otherwise expressly provided, any such appointment may be made either by name or by virtue of office.

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

Where, by any Saurashtra Act or Ordinance a power to make any appointment is conferred, then unless a different intention appears, the authority having for the time being power to make the appointment shall also have power to suspend or dismiss any person appointed whether by itself or any other authority in exercise of that power.

**16. Substitution of functionaries :-**

In any Saurashtra Act or Ordinance 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 or person executing the functions, or that of the officer by whom the functions are commonly executed.

**17. Successors :-**

in any Saurashtra Act or Ordinance, it shall be sufficient for the purpose of indicating the relation of a law to the successor of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

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

In any Saurashtra Act or Ordinance 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 of their superior, to prescribe the duty of the superior.

**19. Constructions of orders etc. issued under Saurashtra Act :-**

Where by any Saurashtra Act or Ordinance 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 have the same respective meanings as in the Act or Ordinance conferring the power.

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

Where by any Saurashtra Act or Ordinance a power to issue notifications, orders, rules or bye-law 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, order, rules or bye-laws to issued.

**21. Making of rules or bye-laws and issuing of orders between publication and commencement of Saurashtra Act :-**

Where by any Saurashtra Act or Ordinance 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 Act or Ordinance 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 Ordinance, 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 Act or Ordinance.

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

Where, in any Saurashtra Act or Ordinance or any rule passed under any such Act, it is directed that any orders, notifications or other matter shall be notified or published, then such notification or publication shall, unless the enactment or rule otherwise provides be deemed to be duly made if it is published in the Official Gazette.

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

Where by any Saurashtra Act or Ordinance a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely:-

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

(b) the publication shall be made in such manner as that authority deems to be sufficient or, if the condition with respect to previous

publication so requires, in such manner as the Government prescribe;

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

(d) the authority having power to make 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 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.

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

Where any enactment is, after the commencement of this Act, repealed and re-enacted 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 it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted unless and until it is superseded by any appointment, notification, order, scheme bye-law or form made or issued under the provision so re-enacted.

**25. Recovery of fines :-**

Section 63 of the Indian Penal Code, 1860 , and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and execution of warrants for the levy of fines, shall apply to all fines imposed under any Saurashtra Act or Ordinance or any rule or bye-law made under any Saurashtra Act or Ordinance unless the Act, Ordinance, rule or bye-law contains an express provision to the contrary.

**26. Provisions as to offences punishable under two or more enactments :-**

Where an act or omission constitutes an offence, under two or more enactments then the offender shall be liable to be prosecuted and punished under either or any of these enactments, but shall not be

liable to be punished twice for the same offence.

**27. Meaning of service by post :-**

Where any Saurashtra Act or Ordinance 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, pre-paying 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. Citation of enactments :-**

(1) In any Saurashtra Act or Ordinance and in any rule, bye-law, instrument or document made under, or with reference to any Saurashtra 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 Saurashtra 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 of citation.

**29. Saving for previous Ordinances, Acts, rules and bye-laws :-**

Where any Act, Ordinance, rule or bye-law continues or amends any Ordinances, 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 Ordinance, Acts, rules or bye-laws.