
Central Provinces And Berar General Clauses Act, 1914

1 of 1914

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Central Provinces And Berar General Clauses Act, 1914

1 of 1914

PREAMBLE

An Act for facilitating the interpretation of 2[Madhya Pradesh Acts] and for shortening the language used therein.

WHEREAS it is expedient to facilitate the interpretation of 2[Madhya Pradesh Acts] and to shorten the language used therein; It is hereby enacted as follows :-

1. For Statement of Objects and Reasons, see Central Provinces Gazette, 1914, Part VII, p. 1, and for Proceedings in Council, see ibid., 1914, Part VIII, pp. 6 and 15. A Legislative Council for the Central Provinces was constituted in November, 10, 1913 under the provisions of Section 3 of the Government of India Act, 1912 (2 & 3, Geo. 5, Ch. 5). see Proclamations published in Gazette of India, November, 1913, Part I, pp. 1068 and 1069.

2. Substituted by Adaptation Order, 1950, for "Central Provinces Acts and of Central Provinces and Berar Acts"

CHAPTER 1 Preliminary

1. Short Title And Commencement :-

(1) This Act may be called the Central Provinces and Berar General Clauses Act, 1914.

(2) It shall come into force at once.

2. Definitions :-

In this Act, and in all 1[Madhya Pradesh Acts] made after the commencement of this Act 2[but before the 1st day of November, 1956], 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, XLV of 1860;

(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 omission;

(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;

3[(4a) Berar shall have the same meaning as in the Government of India Act, 1935.]

4[(5) * * *]

(6) British possession shall mean any part of His Majestys dominions, exclusive of the United Kingdom, and, where parts of these 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;

3[(7) Central Provinces shall mean the territories, excluding Berar, 5[which before the 15th day of August, 1947 were] under the administration of the Chief Commissioner or the Governor of the Central Provinces or the Governor of the Central Provinces and Berar;]

6[(8) * * *]

6[(8a) * * *]

(9) Chapter shall mean a Chapter of the 7[Madhya Pradesh Act] or Regulation in which the word occurs;

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

8[(11) Colony,-

(a) in any Madhya Pradesh Act passed after the commencement of the Part III of the Government of India Act, 1935, shall mean any part of His Majestys dominions exclusive of the British Islands, the Dominions of India and Pakistan (and before the establishment of those Dominions, British India), any Dominion as defined in the Statute of Westminster, 1931, any Province or State forming part of any of the said Dominions, and British Burma; and

(b) in any Madhya Pradesh Act passed before the commencement of the Part III of the said Act, mean any part of His Majestys dominions exclusive of the British Islands and of British India; and in either case where parts of those dominions are under both

Central and 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, shall mean the day on which the Act comes into force;

(13) 9[Commissioner shall mean the Commissioner of a division appointed under the Madhya Pradesh Land Revenue Code, 1954];

(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 in a district;

(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 any provision contained in any 7[Madhya Pradesh Act] or Regulation;

(18) father, in the case of anyone whose personal law permits adoption, shall include an adoptive father;

7[(19) * * *]

(20) financial year shall mean the year commencing on the first day off April,

11[(21) Gazette shall mean the Official Gazette of the State];

(22) 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;

11[(23) * * *]

11[(24) * * *]

12[(24a)Governor shall mean before the commencement of Part III of the Government of India Act, 1935, the Governor of the Central Provinces 3[* * *] after the commencement of the said Part III 13[but before the commencement of the Constitution] the Governor of the Central Provinces and Berar]14[and after the commencement of the Constitution but before the first day of November, 1956 the Governor of the State of Madhya Pradesh as existing immediately before the said day and on and after that day the Governor of the State of Maharashtra15 as formed by the provisions of Part II of the States Reorganisation Act, 1956;]

16[(25) * * *]

(26) 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;

(27) imprisonment shall mean imprisonment of either description as defined in the Indian Penal Code, XLV of 1860.

17[(28) * * *];

(29) local authority shall mean a Municipal Committee, District Council or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund;

4[(30) Madhya Pradesh Act shall mean an Act made by the Chief Commissioner of the Central Provinces in Council under any of the Indian Councils Acts or the Government of India Act, 1915, or an Act made by the Local Legislature or the Governor of the Central Provinces under the Government of India Act, or an Act made by the Provincial Legislature or the Governor of the Central Provinces and Berar under the Government of India Act, 1935, 18[or an Act made under the Constitution by the Legislature of the State of Madhya Pradesh as existing immediately before the 1st day of November, 1956;]

(31) Magistrate shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, V of 1898, for the time being in force;

15[(31a) Merged territories means the territories comprised within the State merged in Madhya Pradesh by virtue of the States Merger (Governors Provinces) Order, 1949, promulgated under section 290-A of the Government of India Act, 1935;]

(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) notification shall mean a notification published in the Gazette;

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

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

(37) Part shall mean a Part of the 19[Madhya Pradesh Act] or Regulation in which the word occurs;

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

23((39) * * *)

8[(39a)* * *]

23[(39b) * * *]

- (40) public nuisance shall mean a public nuisance as defined in the Indian Penal Code, XLV of 1860;
- (41) registered, used with reference to a document, shall mean registered in 15[India] under the law for the time being in force, for the registration of documents;
- (42) Regulation shall mean a regulation made 6[by the Governor of the Central Provinces and Berar under section 92 of the Government of India Act, 1935,] 16[or a regulation under paragraph 5 of the Fifth Schedule to the Constitution made before the 1 st day of November, by the Governor of the State of Madhya Pradesh as existing immediately before the said day and on and after that day by the Governor of the State of Maharashtra²⁶ as formed by the provisions of Part II of the States Reorganisation Act, 1956];
- (43) 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;
- (44) Schedule shall mean a Schedule to the 21[Madhya Pradesh Act] or Regulation in which the word occurs;
- (45) Scheduled District shall mean a Scheduled District as defined in the Scheduled Districts Act, 1874 (XIV of 1874);
- (46) Section shall mean a section of the 22[Madhya Pradesh Act] or Regulation in which the word occurs;
- (47) sign, with its grammatical variation 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;
- (48) son, in the case of any one whose personal law permits adoption, shall include an adopted son;
- 7[(48a) State Government shall mean the State Government (as defined in the General Clauses Act, 1897) of the Central Provinces or of the Central Provinces and Berar or of Madhya Pradesh 20[as existing immediately before the 1st day of November, 1956 or of the State of Maharashtra²³ as formed by the provisions of Part II of the States Reorganisation Act, 1956, as the case may be;]
- (49) sub-section shall mean a sub-section of the section in which the word occurs;
- (50) 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;
- (51) vessel shall include any ship or boat or any other description of vessel used in navigation;

(51a) Vidarbha Region shall mean the territories of the districts of Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda which are transferred to the new State of Maharashtra²⁴ under clause (c) of section 8 of the States Reorganization Act, 1956;

(52) will shall include a codicil and every writing making a voluntary posthumous disposition of property;

(53) 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

(54) year shall mean a year reckoned according to the British Calendar.

Analogous law.-The corresponding provisions in the Bombay General Clauses Act, 1904 are given in the table given below which may be referred for the purposes of detailed comments and case-law :

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TABLE

Analogous Provisions

Sub-section of C. P. Act-section ion 2	Sub-section of Bombay Act, section 3	Sub-section of C. P. Act, section 2	Sub-section of Bombay Act. section 3
1	1	26	24
2	2	27	25
3	3	29	26
4	4	31	28
9	9	32	30
10	11	33	31
12	12	35	32
13	13	36	33
14	14	37	34
15	15	38	35

16	16	40	36
17	17	41	37
18	18	43	39
20	19	44	40
22	20	45	41
-	-	46	42
-	-	47	44
-	-	48	45
-	-	50	47
-	-	51	48
-	-	52	49
-	-	53	50
-	-	54	51

1. Substituted by Adaptation Order, 1950, for "Provincial Acts".
2. Inserted by A. O., 1956.
3. This clause was inserted by Adaptation Order, 1937.
4. This clause was omitted by Adaptation Order, 1937.
5. Substituted for the words "for the time being" by Adaptation Order, 1950.
6. These clauses were omitted by Adaptation Order, 1950.
7. Substituted for the words "Provincial Act" by Adaptation Order, 1950.
8. Substituted by Adaptation Order, 1950.
9. Clause (13) was substituted by Bom. VIII of 1958.
10. Substituted for the words "Provincial Act" by Adaptation Order, 1950.
11. These clauses were omitted by Adaptation Order, 1937.
12. This clause was substituted by Adaptation Order, 1937.
13. The word "and" was omitted by Adaptation Order, 1950.
14. These words were inserted by Adaptation Order, 1950.
15. Sub. by A. O., 1956.
16. Sub. by A. O., 1960.
17. This clause was omitted by Adaptation Order, 1950.
18. This clause was inserted by Adaptation Order, 1950.
19. This clause was inserted by M. P. Act XII of 1950.
20. These words and figures were substituted for the words and figures "under the Government of India Act, 1870," by the Adaptation Order, 1937.
21. Added by A. O., 1956.
22. Sub. by A. O., 1960 in place of Bombay.
23. Inserted by Adaptation Order, 1950.
24. Substituted by A. O., 1960 in place of Bombay.

CHAPTER 2 General Rules of Construction

3. Coming Into Operation Of Madhya Pradesh Act :-

Coming into operation of 1[Madhya Pradesh Act]

1[(1) Where"any Madhya Pradesh Act is not expressed to come into force on a particular day, then,-

(a) in the case of a Madhya Pradesh 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, the Governor-General or His Majesty, as the case may require, is first published in the Official Gazette, and, if it is an Act of the Governor, on the day on which it is first published as an Act in the Official Gazette;

(b) in the case of a Madhya Pradesh 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 the President, as the case may require, is first published in the Official Gazette.]

(2) Unless the contrary is expressed, a 1[Madhya Pradesh Act] shall be construed as coming into operation immediately on the expression of the day preceding its commencement.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 5.

4. Printing Of Date On Which Act Is Published After Having Received The Assent :-

In this Act and in every 1[Madhya Pradesh Act], the date of such publication as is mentioned in section 3, sub-section (1), shall be printed in above the title of the Act, and shall form part of the Act. Analogous law.-Section 6, Bombay General Clauses Act, 1904.

1. Substituted by Adaptation Order, 1950.

5. Effect Of Repeal :-

Where any 1[Madhya Pradesh 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) effect 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.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 7.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

5A. Effect Of Repeal Of Act Making Textual Amendment In Former Act :-

1[Where any 1[Madhya Pradesh Act] repeals any enactment by which the text of any former enactment was amended by the expression, omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.]

Analogous law.-Section 7A, Bombay General Clauses Act, 1904.

1. This section was inserted by C. P. and Berar Act No. IX of 1947, Section 2.

2. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

6. Revival Of Repealed Enactments :-

In any 1[Madhya Pradesh 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.

Analogous law.-Section 8, Bombay General Clauses Act, 1904.

1. This section was inserted by C. P. and Berar Act No. IX of 1947, Section 2

7. Construction Of References To Repealed Enactments :-

Where any 1[Madhya Pradesh 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.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 9.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

8. Commencement And Termination Of Time :-

In any 1[Madhya Pradesh 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.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 10.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

9. Computation Of Time :-

Where, by any 1[Madhya Pradesh 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 opened :

Provided that, nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1908 (IX of 1908), applies.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 11.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

10. Measurement Of Distances :-

In the measurement of any distance for the purposes of any 1[Madhya Pradesh 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.

Analogous law.-Section 12, Bombay General Clauses Act, 1904.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

11. Duty To Be Taken Pro Rata In Enactments :-

Where, by any enactment now in force or hereafter to be in force, any duty or customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure of value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.

12. Gender And Number :-

In all 1[Madhya Pradesh Act], 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.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 13.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

CHAPTER 3 Powers and Functionaries

13. Powers Conferred To Be Exercisable From Time To Time :-

1[Where, by any 2[Madhya Pradesh Act], any power is conferred then, unless a different intention appears, that power may be exercised from time to time as occasion requires.]

NOTES

For comments, see Bombay General Clauses Act, 1904, section 14.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

2. This section was substituted by the C. P. and Berar General Clauses (Amendment) Act, 1941 (I of 1941), Section 2.

14. Powers To Appoint To Include Power To Appoint Ex-Officio :-

Where, by any 1[Madhya Pradesh Act], 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.

Analogous law.-Section 15, Bombay General Clauses Act, 1904.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

15. Power To Appoint To Include Power To Suspend Or Dismiss :-

Where, by any 1[Madhya Pradesh Act], 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.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 16.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

16. Substitution Of Functionaries :-

In any 1[Madhya Pradesh 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.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 17.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

17. Successors :-

In any 1[Madhya Pradesh 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.

Analogous law.-Section 18, Bombay General Clauses Act, 1904.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

18. Official Chiefs And Subordinates :-

In any 1[Madhya Pradesh Act] it shall be sufficient, for the purpose of expressing that a law relating to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 19.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

18A. Substitution Of Certain Designations :-

1[Whenever an expression mentioned in column 1 of the table hereunder printed occurs in any law for the time being in force in the Vidarbha region of the State of Maharashtra² then, there shall be substituted therefor the expression set opposite to it in column 2 of the said table, and there shall also be made in any sentence in which the expression occurs such consequential amendments as the rules of grammar may require.

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TABLE

Col. 1	Col. 2
Deputy Commissioner	Collector
Assistant Commissioner or Assistant Commissioner of the first grade or second grade	Assistant or Deputy Collector]

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1. Added by Bom. VIII of 1958.
 2. Substituted by A.O., 1960 in place of Bombay.

CHAPTER 4 Provisions as to Orders, Rules, etc., made under Enactments

19. Construction Of Orders, Etc., Issued Under Madhya Pradesh Act :-

Construction of orders, etc., issued under 1[Madhya Pradesh Act]
Where, by any 1[Madhya Pradesh Act], a power to issue any order, scheme, rule, by-law, notification or form is conferred, then expressions used in the order, scheme, rule, by-law, notification 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.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 20.

-
1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

20. Power To Make To Include Power To Add, To, Amend, Vary Or Rescind Orders, Etc. :-

Where, by any 1[Madhya Pradesh Act], a power to issue orders, rules, by-laws or notifications 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, by-laws or notifications so issued.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 21.

-
1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

21. Making Of Rules Or By-Laws And Issuing Of Orders Between Publication And Commencement Of Madhya Pradesh Act :-

Making of rules or by-laws and issuing of orders between

publication and commencement of 1[Madhya Pradesh Act]

Where by any 1[Madhya Pradesh Act], which is not to come into operation 2[immediately on the passing thereof], a power is conferred to make rules or by-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 2[after the passing of the Act], but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 22.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

2. These words were substituted by Adaptation Order, 1937.

22. Provisions Applicable To Making Of Rules Or By Laws After Previous Publication :-

Where, by any 1[Madhya Pradesh Act], a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws being made after previous publication then the following provisions shall apply, namely, -

- (1) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-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 2[Government concerned], 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 by-laws; and, where the rules or by-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 by-laws from any person with respect to the draft before the date so specified;
- (5) the publication in the Gazette of a rule or by-law purporting to

have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 24.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

2. Substituted for the words "Central Government or, as the case may be, the Provincial Government" by Adaptation Order, 1950.

23. 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 by a 1[Madhya Pradesh Act], with or without modification, then, unless it is otherwise expressly provided, any appointment, order, scheme, rule, by-law, notification 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, order, scheme, rule, by-law, notification or form made or issued under the provisions so re-enacted.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 25.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

24. Recovery Of Fines :-

Sections 63 to 70 of the Indian Penal Code (XLV of 1860), and the provisions of the Code of Criminal Procedure, 1898 (V of 1898), 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 1[Madhya Pradesh Act] or any rule or by-law made under any 1[Madhya Pradesh Act], unless the Act, rule or by-law contains an express provision to the contrary.

Analogous law.-Section 26, Bombay General Clauses Act, 1904.

1. Substituted for the words Provincial Act by Adaptation Order,

1950.

CHAPTER 5 Miscellaneous

25. 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 enactments, but shall not be liable to be punished twice for the same offence.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 27.

26. Meaning Of Service By Post :-

Where any 1[Madhya Pradesh 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. Substituted for the words Provincial Act by Adaptation Order, 1950.

NOTES

For comments, see Bombay General Clauses Act, 1904, section 28.

27. Citation Of Enactments :-

(1) In any 1[Madhya Pradesh Act] and in any rule, bye-law, instrument or document made under, or with reference to, any 1[Madhya Pradesh 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 1[Madhya Pradesh 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.

Analogous law.-Section 29, Bombay General Clauses Act, 1904.

1. Substituted for the words "Provincial Act" by Adaptation Order, 1950.

28. Application Of Act To Ordinances And Regulations :-

1[The provisions of this Act shall apply :-

(a) in relation to any Ordinance promulgated by the Governor under section 88 of the Government of India Act, 1935, as they apply in relation to Madhya Pradesh Acts made under the said Act by the Governor and in relation to any Regulation made by the Governor under section 92 of the said Act as they apply in relation to Madhya Pradesh Acts made by the Provincial Legislature; and

(b) in relation to any Ordinance promulgated by the Governor under art. 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 Madhya Pradesh Acts made by the State Legislature :

Provided that, clause (b) of sub-section (1) of section 3 of this Act shall apply to any Ordinance referred to in clause (b) as if for the reference in the said clause (b) of sub-section (1) to the day of the 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.]

Analogous law.-Section 31, Bombay General Clauses Act, 1904.

1. Substituted by Adaptation Order, 1950.