

Punjab General Clauses Act, 1898

1 OF 1898

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short title and commencement

CHAPTER 2 :- GENERAL DEFINITIONS

2. Definitions

CHAPTER 3 :- GENERAL RULES FOR CONSTRUCTION

3. Coming into operation of enactments
4. Effect of repeal
- 4A. Repeal of Act making textual amendment in Act.
5. Revival of repealed enactments
6. Construction of references to repealed enactments
7. Commencement and termination of time
8. Computation of time
9. Measurement of distances
10. Duty to be taken pro rata in enactment
11. Gender and number

CHAPTER 4 :- POWERS AND FUNCTIONARIES

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

CHAPTER 5 :- PROVISIONS AS TO ORDERS, RULES, ETC., MADE UNDER ENACTMENTS

18. Construction, of orders, etc., issued under enactments
19. Power to make to include power to add to, amend, vary or rescind orders, rules or bye-laws
20. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment
21. Provisions applicable to making of rules or bye-laws after

previous publication

22. Continuation of orders, eta, issued under enactments repealed and re-enacted

CHAPTER 6 :- MISCELLANEOUS

23. Recovery of fines

24 . Provision as to offences punishable under two or more enactments

25. Manner of service by post

26. Citation of enactments

27. Application of Act to Ordinances and Regulations

Punjab General Clauses Act, 1898

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An Act to shorten the language of Acts and for other matters.

WHEREAS it is expedient to shorten the language used in ³[Punjab Acts] and to make certain provisions for the construction of, and other matters relating to such Acts; it is hereby enacted as follows:

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2 For Statement of Objects and Reasons, see East Punjab Gazette, 1948, Extraordinary, page 531 PP; and for proceedings in Assembly see East Punjab Legislative Assemble Debates, 1948, Volume III, pages 96-97.

3 Substituted for the words "Acts made by the Lieutenant-Governor of the Punjab in Council" by the Adaptation of Laws (Third Amendment) Order, 1951.

CHAPTER 1 PRELIMINARY

1. Short title and commencement :-

(1) This Act may be called the Punjab General Clauses Act, 1898; and

(2) It shall come into force at once.

CHAPTER 2 GENERAL DEFINITIONS

2. Definitions :-

In this Act and in ¹[all Punjab Acts] ²[* * *], 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 Code³ :

- (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 member of the Faculty of Advocates in Scotland :
- (5) ⁴XXX XXX XXX
- (6) "British possession" shall mean any part of Her Majestys 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 :
- (7) "chapter" shall mean a Chapter of the Punjab Act ⁵[* * *] in which the word occurs :
- (8) [¹]* * * * *
- (9) "collector" shall mean the chief officer-in-charge of the revenue-administration of a district and shall include a Deputy Commissioner :
- ²[(10) "colony"
- (a) In any Punjab Act passed after the commencement of Part III of the Government of India Act, 1935, ³[* * * *] shall mean any part of Her 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 Punjab Act passed before the commencement of Part III of the said Act, mean any part of Her Majestys Dominions exclusive of the British Islands and of British India ;
- And in either case where parts of these Dominions are under both a central or local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony] :
- (11) "commencement" used with reference to a Punjab Act [FOOTNOTE 4][* * * *] shall mean the day on which the Act comes into force ;
- (12) "Commissioner" shall mean the chief officer-in-charge of the revenue and general administration of a division :
- (13) "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 :

(14) "Deputy Commissioner" shall mean the chief officer-in-charge of the general administration of a District :

(15) ¹["District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction: but shall not include the 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 :

(16-a) ²* * * * *

(17) "enactment" shall include any provision contained in any Punjab Act ³[* * *] :

(18) "father" in the case of any one whose personal law admits adoption shall include an adoptive father :

(19) "Financial Commissioner" shall mean the Financial Commissioner of ⁴Punjab for the time being :

(20) "financial year" shall mean the year commencing on the first day of April :

(21) ⁵* * * * *

(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 :

(23) "Government" or "the Government" shall include the ¹[State] Government as well as the ²[Central Government] :

(24) ³* * * * *

(25) ⁴* * * * *

(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[FOOTNOTE 5] :

(28) ⁶*****

(29) ⁷*****

(30) "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 :

(31) ⁸*****

(32) "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 force¹:

(33) "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 :

(34) "month" shall mean a month reckoned according to the British calendar :

(35) "movable property" shall mean property every description except immovable property :

(36) "notification" shall mean a notification published under proper authority in the ²[Official Gazette] :

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

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

(39) "Part" shall mean a Part of the Punjab Act ³[* * * *] in which the word occurs :

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

⁴[(41) "Political Agent" shall mean,-

(a) in relation to any territory outside India, the principal officer, by whatever name called, representing the Central Government in such territory ; and

(b) in relation to any territory in a Part B State, any officer appointed by the Central Government to exercise all or any of the powers of the Political Agent under the Act or Regulation in which the expression occurs] :

(42) ¹* * * * *.

(43) ²* * * * *.

(44) "public nuisance" shall mean a public nuisance as defined in the ³Indian Penal Code :

(45) ⁴*****.

⁵[(46) "Punjab Act", shall mean an Act made by the Lieutenant Governor of the Punjab in Council under the Indian Councils Acts, 1861 to 1909, or any of those Acts, or the Government of India Act, 1915, or by the Local Legislature or the Governor of the Punjab under the Government of India Act, or by the Provincial Legislature or the Governor of the Punjab [FOOTNOTE 6][or by the Provincial Legislature or the Governor of East Punjab under the Government of India Act, 1935, or by the Legislature of Punjab under the Constitution]] :

(47) "registered" used with reference to a document shall mean registered in ⁷[a Part A State or a Part C State] under the law for the time being in force for the registration of documents :

(48) "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 :

(49) "schedule" shall mean a schedule to the Punjab Act ¹[* * * *] in which the word occurs :

(50) "schedule district" shall mean a "scheduled district" as denned in the Scheduled Districts Act, 1874^[2] :

(52) "section", shall mean a section of the Punjab Act ¹[* * * *] in which the word occurs :

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

(53) "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 :

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

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

(56) "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 :

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

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

(59) 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

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

1 Substituted for the old clause by Act 6 of 1918, section 50.

2 Clause (16-a) inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, was omitted by the Adapta-ted by the Adaptation of Laws (Third Amendment) Order,

1951.

3 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Orders 1951.

4 Substituted for the words "East Punjab" (which had been inserted for the words "the Punjab" by the Indian Independence (Adaptation of Bengal and East Punjab Acts Order, 1948) by the Adaptation of Laws Order, 1950.

5 The definition of "Gazette" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

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

2 Substituted for the words "Government of India" by the Government of India (Adaptation of Indian Laws) Order, 1937.

3 The definition of "Government of India" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

4 The definition of "Her Majesty or the Queen" was omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

5 See unrepealed Central Acts, Volume I.

6 The definition of "India" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

7 The definition of "India Act" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

8 The definition of "Local Government" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

2 See unrepealed Central Acts, Volume II.

1 Substituted for the words "all Acts of the Lieutenant-Governor of the Punjab in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

2 The words "and East Punjab Acts" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948,

were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

3 See unrepealed Central Acts, Volume I.

4 The "definition of British India" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

5 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

1 The definition of "Chief Court" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

2 Substituted for the old clause (10) by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

3 The words "or in any East Punjab Act" omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

4 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) order, 1951.

1 Now Act 5 of 1898, see unrepealed Central Acts, Volume IV.

2 Substituted for the word "Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

3 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1950.

4 The old clause (41) was substituted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, and the clause so substituted was again substituted by the present clause by the Adaptation of Laws (Third Amendment) Order, 1951.

1 The definition of "Privy Council" was omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

2 The definition of "Province" was omitted by the Adaptation of Laws (Third Amendment), Order, 1951.

3 See unrepealed Central Acts, Volume I.

4 The definition of "Punjab" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

5 Substituted for the old definition by the Government of India (Adaptation of Indian Laws) Order, 1937.

6 Substituted for the word "under the Government of India Act, 1935" by the Adaptation of Laws (Third Amendment) Order, 1951.

7 Substituted for the words "a Province of India" by the Adaptation of Laws (Third Amendment) Order, 1951. The words "a Province of India" had been substituted for the words "British India" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

CHAPTER 3 GENERAL RULES FOR CONSTRUCTION

3. Coming into operation of enactments :-

¹[Where any Punjab Act is not expressed to come into operation on a particular day, then,-

(a) in the case of a Punjab 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 ; and

(b) in the case of a Punjab 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 ;

and in every such Act the date of the first publication thereof shall be printed either above or below the title of the Act and shall form part of every such Act.]

1 Substituted for the old section by the Adaptation of Laws (Third Amendment) Order, 1951.

4. Effect of repeal :-

Where this Act or any Punjab Act ²[* * * *] repeals any enactment 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 had not been passed.

4A. Repeal of Act making textual amendment in Act. :-

¹[4-A. Where any Punjab Act made after the commencement of this Act ²[* * *] repeals any amendment by which the text of any Punjab Act ²[* * *] was amended by the express 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.]

2 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

1 Inserted by East Punjab Act 40 of 1948, section 2.

2 The words "or East Punjab Act" were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

5. Revival of repealed enactments :-

In any Punjab Act ²[* * *] 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 The words "or East Punjab Act" were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

6. Construction of references to repealed enactments :-

Where this Act or any other Punjab Act ²[* * *] 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.

2 The words "or East Punjab Act" were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

7. Commencement and termination of time :-

In any Punjab Act, ¹[* * *] 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".

1 The words "or East Punjab Act" were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

8. Computation of time :-

Where, by any Punjab Act ¹[* * *] 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 ², applies.

1 The words "or East Punjab Act" were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

2 See now the Indian Limitation Act (9 of 1908), repealed Central Acts, Volume V.

9. Measurement of distances :-

In the measurement of any distance, for the purposes of any Punjab Act ³[* * *] that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

3 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

10. Duty to be taken pro rata in enactment :-

Where, by any enactment now in force or hereafter put 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 of merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.

11. Gender and number :-

In all Punjab Acts, ³[* * *] unless there is anything repugnant in the subject or context,-

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

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

3 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

CHAPTER 4 POWERS AND FUNCTIONARIES

12. Powers conferred on the State Government to be exercisable from time to time :-

Where, by any Punjab Act, ¹[* * *] any power is conferred ²[* * *] then that power may be exercised from time to time as occasion requires.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

2 The words "on the Provincial Government" were omitted by East Punjab Act 40 of 1948, section 3.

13. Power to appoint to include power to appoint ex-officio :-

Where, by any Punjab Act, ¹[* * *] any 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.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

14. Power to appoint to include power to suspend or dismiss :-

Where, by any Punjab Act, ¹[* * *] a power to make any appointment is conferred, then, unless a different intention appears, the authority having ³[for the time being] power to make the appointment shall also have power to suspend or dismiss any person appointed ⁴[whether by itself or any other authority] by it in exercise of that power.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

3 Inserted by East Punjab Act 40 of 1948, section 4(i).

4 Inserted by East Punjab Act 40 of 1948, section 4(ii).

15. Substituted of functionaries :-

In any Punjab Act, ¹[* * *] it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

16. Successors :-

In any Punjab Act, ¹[***] it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

17. Official chiefs and subordinates :-

In any Punjab Act, ¹[* * *] 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.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

CHAPTER 5 PROVISIONS AS TO ORDERS, RULES, ETC., MADE UNDER ENACTMENTS

18. Construction, of orders, etc., issued under enactments :-

Where, by any Punjab Act, ¹[* * *] a power to issue any ²[notification], order, scheme, rule, form, or bye-law is conferred, then expressions used in the ²[notification], order, scheme, rule, form or bye-law, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act, conferring the power.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

2 Inserted by East Punjab Act 40 of 1948, section 5.

19. Power to make to include power to add to, amend, vary or rescind orders, rules or bye-laws :-

Where, by any Punjab Act, ¹[* * *] a power to ³[issue notifications or] 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 ⁴[notifications], orders, rules or bye-laws so ⁵[issued

or] made.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

3 Inserted by East Punjab Act 40 of 1948, section 6(i).

4 Inserted by East Punjab Act 40 of 1948, section 6(ii).

FOOTNOTE 5: Inserted by East Punjab Act 40 of 1948, section 6(iii).

20. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment :-

Where, by any Punjab Act, ¹[* * *] 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 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 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 of the Act, but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

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

Where, by any Punjab Act, ¹[* * *] 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, unless such Act, otherwise provides, 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 ¹[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 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 ²[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 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

1 Substituted for the words Central Government or, as the case may be, the Provincial Government" by the Adaptation of Laws (Third Amendment) Order, 1951.

2 Substituted for the word "Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

22. Continuation of orders, eta, issued under enactments repealed and re-enacted :-

Where any Punjab Act, ³[* * *] is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided any ⁴[appointment notification], order, scheme, rule, form or bye-law, ⁵[made or] issued under the repealed Act, shall,

3 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

4 Inserted by East Punjab Act, 40 of 1948, section 7(i).

5 Inserted by East Punjab Act, 40 of 1948, section 7(ii).

6 Inserted by East Punjab Act, 40 of 1948, section 7(ii).

7 Inserted by East Punjab Act, 40 of 1948, section 7(i).

CHAPTER 6 MISCELLANEOUS

23. Recovery of fines :-

Sections 63 to 70 of the ¹Indian Penal Code and the provisions of the [²]Code of the 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, rule or bye-law, unless the Act, rule or bye-law contains an express provision to the contrary.

1 See unrepealed Central Acts, Volume I.

2 See now Act 5 of 1898, unrepealed Central Acts, Volume IV.

24. 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.

25. Manner of service by post :-

Where any Punjab Act, ³[* * *] 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.

3 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

26. Citation of enactments :-

(1) In any Punjab Act, ³[* * *] and in any rule, bye-law instrument or document, made under, or with reference to any such Act, any

enactment may be cited by a reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in any enactment may be cited by a reference to the section or sub-section of the enactment in which the provision is contained.

(2) In any Punjab Act, ¹[** *] 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.

27. Application of Act to Ordinances and Regulations :-

²[27. (1) The provisions of this Act shall apply,-

(a) in relation to any Ordinance promulgated by the Governor of the Punjab under section 88 or section 89 of the Government of India Act, 1935, or by the Governor of East Punjab, under section 88 of the said Act, as they apply in relation to Punjab Acts made under the said Act by the Governor, and, in relation to any Regulation made by the Governor of Punjab, under section 92 of the said Act, as they apply in relation to Punjab Acts, made by the Provincial Legislature ; and

(b) in relation to any Ordinance promulgated by the Governor of Punjab, 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 Punjab Acts made by the State Legislature.

(2) The provisions of section 4 and section 4-A of this Act shall apply on the expiry, withdrawal or repeal of any Ordinance promulgated by the Governor of the Punjab, under section 88 or section 89 of the Government of India Act, 1935, or by the Governor of East Punjab, under section 88 of the said Act, or by the Governor of Punjab, under Article 213 of the Constitution, as if such Ordinance had been an enactment repealed by a Punjab Act.]

3 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

1 The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order,

1951.

2 Substituted for the old section [which had been amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, and by East Punjab Act 40 of 1948], by the Adaptation of Laws (Third Amendment) Order, 1951.