

## **Punjab General Clauses Act, 1956**

**6 of 1956**

**[30 June 1956]**

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**Punjab General Clauses Act, 1956**

[30 June 1956]

An Act to facilitate the interpretations of [3][the Punjab] Acts and to shorten the language used therein Preamble.- WHEREAS it is expedient to shorten the language used in the Acts passed by [4][the Provincial Legislature] and to make certain provisions for the construction of, and other matters relating to such Acts and certain other Acts in force in [5][the Punjab]; It is hereby enacted as follows:-

**1. Short Title And Commencement :-**

(1) This Act may be called the [6][Punjab] General Clauses Act, 1956.

[7][(2) It shall be deemed to have come into force on and from the 14th day of October, 1955.]

[8][(3) It extends to the whole of the Province of [9][Punjab], except the Tribal Areas].

**2. Definitions :-**

In this Act, and in all [10][the Punjab] Acts 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 Pakistan Penal Code[11];

(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) "Acceding State" shall mean any territory in the Indo-Pakistan sub-continent which the [12][Federal] Government recognizes as a State, whether described as a State or otherwise, and which has acceded to Pakistan, and

"non-Acceding State" shall mean any State so recognized which has not so acceded;

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

(4-a) to (4-c) [13][(\* \* \* \* \* )]

(5) "barrister" shall mean a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland;

(6) "British India" shall mean, as respects the period before the commencement of Part III of the Government of India Act, 1935, all territories and places within His Majestys Dominions which were

for the time being governed by His Majesty through the Governor-General of India or through any Governor or officer subordinate to the Governor-General of India, and as respects any period after that date and before the establishment of the Federation of Pakistan means all territories for the time being comprised within the Governors Provinces and the Chief Commissioners Provinces, except that a reference to British India in an Indian Law passed or made before the commencement of part III of the Government of India Act, 1935, shall not include a reference to Berar.

(7) [14][\* \* \* \* \*]

(8) [15][\* \* \* \* \*]

(9) [16]["Federal Act" means an Act of Parliament;]

(10) "[17]Central Government" shall-

(a) in relation to anything done before the commencement of Part III of the Government of India Act, 1935, mean the Governor-General in Council or the authority competent at the relevant date to exercise the functions corresponding to those subsequently exercised by the Governor-General;

(b) in relation to anything done after the commencement of Part III of the said Act, but before the establishment of the Federation of Pakistan mean, as respect matters with respect to which the Governor-General was by or under the provisions of the said Act then in force required to act in his discretion, the Governor-General and as respects other matters, the Governor-General in Council; and

(c) in relation to anything done [18][\* \* \*] after the establishment of the Federation of Pakistan, [19][but before the twenty-third day of March, 1956], mean the Governor-General; and shall include-

(i) in relation to functions entrusted under sub-section (1) of section 124 of the said Act to the Government of a Province, the Provincial Government acting within the scope of the authority given to it under that sub-section; and

(ii) in relation to the administration [20][before the fourteenth day of October, 1955] of a Chief Commissioners Province, the Chief Commissioner acting within the scope of the authority given to him under sub-section (3) of section 94 of the said Act;

[21][(d) in relation to anything done or to be done, after the twenty-third day of march 1956, [22][and before the 14th August, 1973] mean the President, and shall include in relation to functions entrusted to the Government of a Province, the Provincial Government within the scope of the authority given to it by the President.]

[23][(e) in relation to anything done or to be done after the 14th August 1973, mean the Federal Government;]

(11) [24]"Central Legislature" shall mean the Governor-general in Council acting in a legislative capacity under the Government of India Act, 1833, the Government of India Act, 1853, the Indian Councils Acts, 1861 to 1909; or any of those Acts, or the Government of India Act, 1915, the Indian Legislature acting under the Government of India Act or the Government of India Act, 1935, or the Federal Legislature acting under the Government of India Act, 1935 [25][or the Parliament under the Constitution of 1956 or the National Assembly acting under the Constitution of 1962] [26][or the Parliament under the Constitution of the Islamic Republic of Pakistan, 1973], as the case may require;

(12) "chapter" shall mean a chapter of [27][the Punjab Act] in which the word occurs;

[28][(13) "Chief Court" in relation to anything done before the fourteenth day of October, 1955, shall mean the highest Court of original, appellate or revisional jurisdiction (not including the Federal Court).]

(14) "Collector" shall mean the Chief Officer-in-charge of the revenue administration of a District and shall include a Deputy Commissioner;

(15) "Colony"-

(a) in any Act passed after the commencement of Part III of the Government of India Act, 1935, shall mean any part of His Majesty's Dominions exclusive of the British Islands, [29][\* \* \*] of India and Pakistan (and before the [30][fifteenth day of August, 1947] British India) any Dominions 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 Act passed before the commencement of Part III of the said Act, shall mean any part of His Majesty's Dominions exclusive of the British Islands and of British India, and in either case where parts of those Dominions are under both a central and local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony;

(16) "Commencement" used with reference to [31][the Punjab] Act shall mean the day on which the Act comes into force;

[32][(17) "Commissioner" shall mean the Chief Officer-in-charge of the Revenue and General Administration of a Division and shall include an Additional Commissioner of sub-division;]

[33][(17-a) "Constitution" means the Constitution of the Islamic

Republic of Pakistan enforced on the fourteenth day of August, 1973;]

(18) "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;

(19) "Deputy Commissioner" shall mean the Chief Officer-in-charge of the General Administration of a District;

(20) "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;

(21) "District Court" shall mean the Principal Civil Court of original Civil Jurisdiction of a district but shall not include the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

(22) "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;

(23) "enactment" shall include an Ordinance and a Regulation and any provision contained in any [34][\* \* \*] Act, Ordinance or Regulation [35][,][36][applicable in the Punjab;]

(24) "father" in the case of any one whose personal law permits adoption, shall include an adoptive father;

[37][(25) "Financial year" means-

(a) as respects the period before the first day of April, 1959, the year commencing on the first day of April and ending on the thirty-first day of March;

(b) as respects the period from the first day of April, 1959, to the thirtieth day of June, 1959, both days inclusive, that period;

(c) thereafter, the year commencing on the first day of July and ending on the thirtieth day of June;]

(26) "Gazette" or "Official Gazette" shall mean the [38][Punjab Gazette] published under the authority of the [39][Governor of the Punjab];

(27) 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;

(28) "Government" or "the Government" shall mean the [40][Federal Government] or the Government of the Province of [41][the Punjab], as the case may be;

(29) [42][\* \* \* \* \*]

[43][(30) "High Court" shall mean High Court of the province;]

(31) "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;

(32) "imprisonment" shall mean imprisonment of either description as defined in the Pakistan Penal Code, 1860[44];

(33) "India" shall mean-

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

(b) as respect any period after the establishment of the Federation of Pakistan all territories for the time being included in the Dominion of India, excluding the territories of Jammu and Kashmir, Junagadh and Manavadar;

(34) "India Act" or "Indian Act" shall mean an Act made by the Governor-General of India in Council;

(34-a) to (34-b) [45][\* \* \* \* \*]

(35) "Local authority" shall mean a municipal corporation, municipal committee, district 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;

(36) "Magistrate" shall include every person exercising all or any of the powers of a magistrate under the Code of Criminal Procedure[46] for the time being in force;

(37) "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;

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

(39) "Movable property" shall mean property of every description except immovable property;

(39-a) [47][\* \* \* \* \*]

(40) [48][\* \* \* \* \*]

(41) "notification" shall mean a notification published under proper authority in the official Gazette;

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

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

[49][(44) "Pakistan" shall have the same meaning as in Article I of the Constitution;]

(45) "Pakistan Law" shall mean any Act, Ordinance, Regulation, Rule, Order, or Bye-Law which before the establishment of the Federation of Pakistan had the force of law in British India or any part thereof, or thereafter has the force of law in Pakistan or any part thereof, other than a Federated State [50][\* \* \*];

(46) "part" shall mean a part of [51][the Punjab] Act in which the word occurs;

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

(48) "political agent" shall mean the principal officer by whatever name called, representing the [52][Federal Government] in an Acceding State or group of Acceding States or in any territory or place in the tribal areas or leased areas;

(49) [53][\* \* \* \* \*]

(50) "Province" shall mean the province of [54][the Punjab];

(51) "Provincial Government" shall mean the Government of [55][the Punjab];

(52) "public nuisance" shall mean a public nuisance as defined in the Pakistan Penal Code[56];

[57][(52-a) "the Punjab" shall mean the territories comprised in the Province of the Punjab as set out in the schedule to the Province of West Pakistan (Dissolution Order), 1970;]

[58][(53) "Punjab Act," shall mean an Act or Ordinance made by the Lieutenant Governor of the Punjab in Council under the Indian Councils Act, 1861 and 1892 or the Indian Councils Act, 1861 to 1909 or the Government of India Act, 1915, or by the Local Legislature or the Governor of the Punjab under the Government of India Act, 1935, or under the Constitution of the Islamic Republic of Pakistan 1956, or the Constitution of the Islamic Republic of Pakistan, 1962, or the Interim Constitution of the Islamic Republic of Pakistan, 1972, or the Constitution of the Islamic Republic of Pakistan, 1973;]

(54) "registered" used with reference to a document shall mean registered in [59][the Punjab] under the law for the time being in force for the registration of documents;

(55) "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;

(56) "Schedule" shall mean a schedule to the Act in which the word occurs;

- (57) "scheduled district" shall mean a "scheduled district" as defined in the Scheduled Districts Act, 1874[60];
- (58) "section" shall mean a section of the Act in which the word occurs;
- (59) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars;
- (60) "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;
- (60-a) [61][\* \* \* \* \*]
- (61) [62][\* \* \* \* \*]
- (62) "son" in the case of any one whose personal law permits adoption, shall include an adopted son;
- (63) [63][\* \* \* \* \*]
- (64) "sub-section" shall mean a sub-section of the section in which the word occurs;
- (65) "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;
- [64][(65-a) "Tribal Areas" shall mean the Tribal Areas as defined in the Constitution;]
- (66) "vessel" shall include any ship or boat or any other description of vessel used in navigation;
- (67) [65][\* \* \* \* \*]
- (68) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property;
- (69) "writing" 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
- (70) "year" shall mean a year reckoned according to the Gregorian calendar.

#### GENERAL RULES FOR CONSTRUCTION

### **3. Coming Into Operation Of Enactments :-**

Where any Punjab Act is not expressed to come into operation on a particular day, then it shall come into operation on the day assent thereto by the Governor, whether the assent has been given or is deemed to have been given, 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.

#### **4. Effect Of Repeal :-**

(1) Where this Act or any other [67][Punjab Act] 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;

(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.

(2) The provisions of sub-section (1) shall apply on the expiry or withdrawal of any Ordinance promulgated by the Governor [68][\* \* \*] as if it had been repealed by a [69][Punjab Act].

#### **5. Repeal Of Act Making Textual Amendment In Act :-**

Where any [70][Punjab Act] repeals any enactment by which the text of any enactment 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.

#### **6. Revival Of Repealed Enactments :-**

In any [71][Punjab 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.

#### **7. Section 7 :-**

Where this Act or any other [73][Punjab 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 provisions so re-enacted.

[74][(2) Where any Federal Act [75][\* \* \*] repeals and re-enacts, with or without modifications, any provision of a former enactment, then references in any [76][Punjab enactment] or instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so enacted.

## **8. Commencement And Termination Of Time :-**

In any [77][Punjab 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".

## **9. Computation Of Time :-**

Where, by any [78][Punjab 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 Limitation Act, 1908[79], applies.

## **10. Measurement Of Distance :-**

In the measurement of any distance, for the purpose of any [80][Punjab Act], the distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

## **11. Duty To Be Taken Prorata In Enactments :-**

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

## **12. Gender And Number :-**

In all [81][Punjab Acts], unless there is anything repugnant in the subject or context-

(1) words importing the masculine gender shall be taken to include female; and

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

### **POWERS AND FUNCTIONARIES**

## **13. Power Conferred To Be Exercisable From Time To Time :-**

Where, by or under any [82][Punjab Act] any power is conferred upon any authority, then that power may be exercised by such authority, from time to time or as occasion requires.

## **14. Power To Appoint To Include Power To Appoint Ex-Officio :-**

Where by any [83][Punjab Act], 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.

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

Where, by any [84][Punjab Act,] a power to make any appointment is conferred, then, unless 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 [85][Punjab Act], it shall be sufficient, for the purpose of indicating the application of 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.

## **17. Successors :-**

In any [86][Punjab 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.

### **18. Officials, Chiefs And Subordinates :-**

In any [87][Punjab Act], it shall be sufficient for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superiors, to prescribe the duty of the superior.

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

### **19. Construction Of Orders To Issue Under Enactments :-**

Where, by any [88][Punjab Act], a power to issue any notification, order, scheme, rule, form , or bye-law is conferred, then, expressions used in the 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.

### **20. Power To Make To Include Power To Add To, Amend, Vary Or Rescind Orders, Rules Or Bye-Laws :-**

Where, by any [89][Punjab Act], a power to issue notifications, orders, rules, scheme, form 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 notifications, orders, rules, scheme, form, bye-laws so issued.

### **21. Making Of Rules Or Bye-Laws And Issuing Of Orders Between Passing And Commencement Of Enactments :-**

Where, by any [90][Punjab Act] 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 the time when, or the place where, or the manner in which, or whom, 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.

## **22. Provisions Applicable To Making Of Rules Or Bye-Laws After Previous Publication :-**

Where, by any [91][Punjab 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, 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 Provincial Government, prescribes;
- (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;
- (4) the authority having power to make the rules or bye-laws and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;
- (5) the publication in 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.

## **23. Continuation Of Appointment, Notification, Orders, Etc., Issued Under Enactments Repealed And Re-Enacted :-**

Where any [92][Punjab Act], is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, form or bye-law made or issued under the repealed Act, 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 or until it is superseded by any appointment, notification, order, scheme, rule, form or bye-law made or issued

under the provisions so re-enacted.

## MISCELLANEOUS

### **24. Recovery Of Fines :-**

Sections 63 to 70 of the Pakistan Penal Code[93] and the provisions of the Code of Criminal Procedure[94] 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.

### **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.

### **26. Meaning Of Service By Post :-**

Where any [95][Punjab 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, pre-paying and posting by registered post, a letter containing the documents, 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.

### **27. Citation Of Enactments :-**

(1) In any [96][Punjab Act] and in any rule, bye-law, instrument or document, made under, or with reference to, any such 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 any [97][Punjab 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.

## **28. Application To Ordinances And Regulations :-**

The provisions of this Act shall apply in relation to any Ordinance promulgated by the Governor as they apply in relation to Acts made by the Provincial Legislature of [99][West Pakistan.

## **29. Repeal :-**

The following enactments are hereby repealed:-

- (1) The Sind General Clauses Act, 1947[100];  
[101][(1a) The Sind General Clauses Act, 1947, as applicable in the District of Karachi;]
- (2) The Punjab General Clauses Act, 1898;
- (3) The Punjab General Clauses Act, 1898, as applicable to the Districts of Bahawalnagar, Bahawalpur and Rahimyar Khan; and
- (4) The North-West Frontier Province General Clauses Act, 1932[102].