

THE GENERAL CLAUSES ACT, 1897**CONTENTS****PRELIMINARY**

SECTIONS

1. Short title
2. [*Repealed*]

GENERAL DEFINITIONS

3. Definitions
4. Application of foregoing definitions to previous enactments
- 4A. Application of certain definitions to all Bangladesh laws

GENERAL RULES OF CONSTRUCTION

5. Coming into operation of enactments.
- 5A. [*Omitted*]
6. Effect of repeal
- 6A. Repeal of Act making textual amendment in Act or Regulation
7. Revival of repealed enactments
8. Construction of references to repealed enactments
9. Commencement and termination of time
10. Computation of time
11. Measurement of distances
12. Duty to be taken *pro rata in enactments*
13. Gender and number
- 13A. [*Omitted*]

POWERS AND FUNCTIONARIES

SECTIONS

14. Powers conferred to be exercisable from time to time
15. Power to appoint to include power to appoint *ex-officio*
16. Power to appoint to include power to suspend or dismiss
17. Substitution of functionaries
18. Successors
19. Official chiefs and subordinates

**PROVISION AS TO ORDERS, RULES, ETC., MADE
UNDER ENACTMENTS**

20. Construction of orders, etc., issued under enactments
21. Power to make to include power to add to, amend, vary or rescind, orders, rules or bye-laws
22. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment
23. Provisions applicable to making of rules or bye-laws after previous publication
24. Continuation of orders, etc., issued under enactments repealed and re-enacted

MISCELLANEOUS

25. Recovery of fines
26. Provision as to offences punishable under two or more enactments
27. Meaning of service by post
28. Citation of enactments
29. Saving for previous enactments, rules and bye-laws
30. Application of Act to Ordinances
- 30A. [*Repealed*]
31. Application of Act to Orders made by the President

THE SCHEDULE – [*Repealed*]

THE GENERAL CLAUSES ACT, 1897

ACT NO. X OF 1897

[11th March, 1897]

An Act to consolidate and extend the General Clauses Acts, 1868 and 1887.

WHEREAS it is expedient to consolidate and extend the General Clauses Acts, 1868 and 1887;

It is hereby enacted as follows:—

PRELIMINARY

Short title

1. This Act may be called the General Clauses Act, 1897.

2. [Repealed by the Repealing and Amending Act, 1903 (Act No. I of 1903), section 4 and Schedule III.]

GENERAL DEFINITIONS

Definitions

3. In this Act, and in all ¹[other Acts of Parliament] and Regulations made after the commencement of this Act, unless there is anything repugnant in the subject or context,—

"Abet"

(1) "abet", with its grammatical variations and cognate expressions, shall have the same meaning as in the ²[***] Penal Code:

"Act of Parliament"

³[(1a) "Act of Parliament" shall mean an Act passed by Parliament and shall include any Act passed or made by any legislature or any person having authority to legislate under any Constitutional instrument and in force in Bangladesh or any portion thereof:]

¹ The words "other Acts of Parliament" were substituted, for the words "Central Acts" by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The word "Pakistan" was omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ Clause (1a) was substituted, for clause (1a) by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

- (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: "Act"
- ¹[(2a) "Advocate" means a person enrolled as such under the Bangladesh Legal Practitioners and Bar Council Order, 1972 (P. O. No. 46 of 1972):] "Advocate"
- (3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing: "Affidavit"
- ²[(3a) "Appellate Division" means-
- (a) as respects the period before the 16th day of December, 1972, the Appellate Division of the High Court of Bangladesh; and
- (b) as respects any period thereafter the Appellate Division of the Supreme Court of Bangladesh constituted under the Constitution:] "Appellate Division"
- ³[* * *]
- ⁴[* * *]
- ⁵[(8aa) "Bangladesh Law" shall mean any Act, Ordinance, Regulation, rule, Order or bye-law in force in Bangladesh:] "Bangladesh Law"
- ⁶[* * *]
- (9) "Chapter" shall mean a Chapter of the Act or Regulation in which the word occurs: "Chapter"

¹ Clause (2a) was inserted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² Clause (3a) was substituted, for clause (3a) by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ Clauses (3b), (3c), (3d), (4), (5), (6), (7) and (8) were omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁴ Clause (8a) was repealed by section 3 and Schedule II of the Federal Laws (Revision and Declaration) Act, 1951 (Act No. XXVI of 1951).

⁵ Clause (8aa) was substituted, for Clause (8aa) by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁶ Clauses (8ab) and (8ac) were omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

"Chief Revenue Authority"	¹ [(9a) "Chief Revenue Authority" shall mean the National Board of Revenue constituted under the National Board of Revenue Order, 1972 (P. O. No. 76 of 1972:)]
"Chittagong Metropolitan Area"	² [(9aa) "Chittagong Metropolitan Area" means the Chittagong Metropolitan Area as defined in the Chittagong Metropolitan Police Ordinance, 1978 (Ord. XLVIII of 1978):]
"Collector"	(10) "Collector" shall mean the chief officer in charge of the revenue administration of a District and shall include a Deputy Commissioner, of such District: ³ [* * *]
"Commencement"	(12) "commencement", used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force:
"Commissioner"	(13) "Commissioner" shall mean the chief officer in charge of the revenue-administration of a division and shall include an Additional Commissioner of such division:
"Constitution"	⁴ [(13a) "Constitution" means the Constitution of the People's Republic of Bangladesh:]
"Consular Officer"	(14) "Consular officer" shall include consul-general, consul, vice-consul, consular agent, pro-consul and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent:

¹ Clause (9a) was substituted, for clause (9a) by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² Clause (9aa) was inserted by Schedule III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978).

³ Clause (11) was omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁴ Clause (13a) was substituted, for clause (13a) by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

- ¹[(14a) "Dhaka Metropolitan Area" means the Dacca Metropolitan Area as defined in the Dacca Metropolitan Police Ordinance, 1976 (Ord. III of 1976):] "Dhaka Metropolitan Area"
- (15) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include ²[the High Court Division] in the exercise of its ordinary or extraordinary original civil jurisdiction: "District Judge"
- (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: "Document"
- ³[* * *]
- (17) "enactment" shall include a Regulation (as hereinafter defined) ⁴[* * *] and shall also include any provision contained in any Act or in any such Regulation as aforesaid: "Enactment"
- (18) "father", in the case of any one whose personal law permits adoption, shall include an adoptive father: "Father"
- ⁵[(19) "financial year" shall mean the year commencing on the first day of July and ending on the 30th day of June:] "Financial year"

¹ Clause (14a) was inserted by Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976).

² The words "the High Court Division" were substituted, for the words "a High Court" by Article 4(l) of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ Clauses (16a), (16b) and (16c) were omitted by Article 4(m) of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁴ The words "and any Regulation of the Bengal, or Bombay Code" were omitted by Article 4(n) of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁵ Clause (19) was substituted, for clause (19), by Article 4(o) of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

"Good faith"	(20)	a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or no:
"Government"	¹ [(21)	"Government" or "the Government" shall mean— <ul style="list-style-type: none"> (a) in relation to anything done before the 26th day of March 1971, any Government which functioned within the territories now comprised in Bangladesh; and (b) in relation to anything done or to be done after the 25th day of March, 1971, the Government of the People's Republic of Bangladesh:]
"Government contracts"	² [(21a)	"Government contracts" and equivalent expressions shall include contracts made in the exercise of the executive authority of the People's Republic of Bangladesh:
"Government debts"	(21b)	"Government debts" and equivalent expressions shall include debts due to the Government of the People's Republic of Bangladesh and any debt due to any Government that functioned within the territories now comprised in Bangladesh:
"Government Grants"	(21c)	"Government Grants" shall include a grant (including a transfer of land or of any interest therein or a payment of any money) made by or on behalf of the Government of the People's Republic of Bangladesh and before the 26th day of March, 1971, by or on behalf of any Government that functioned within the territories now comprised in Bangladesh:
"Government liabilities"	(21d)	"Government liabilities" and equivalent expressions shall include the liabilities of the Government of the People's Republic of Bangladesh and only such liabilities incurred by any other Government that at any time functioned in the territories now comprised in Bangladesh, as have been expressly accepted by the People's Republic of Bangladesh:

¹ Clause (21) was substituted, for clause (21) by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² Clauses (21a), (21b), (21c), (21d), (21e) and (22) were substituted, for clauses (21a), (21b), (21c), (21d), (21e) and (22) by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

- (21e) "Government Property" and equivalent expressions shall include any property vested in, or otherwise held for the purposes of the Government of the People's Republic of Bangladesh and property which, before the 26th day of March, 1971, vested in any Government that functioned within the territories now comprised in Bangladesh: "Government Property"
- (22) "Government securities" shall mean securities of the Government of the People's Republic of Bangladesh:] "Government securities"
- (23) [*Repealed by the Repealing and Amending Act, 1919 (Act No. XVIII of 1919), section 3 and Schedule II.*]
- ¹[(24) "High Court" shall, as respect any period before the 16th day of December, 1972, mean the High Court of Bangladesh and as respect any period before the 26th day of March, 1971, the High Court that functioned within the territories now comprised in Bangladesh:] "High Court"
- ²[(24a) "High Court Division" shall mean the High Court Division of the Supreme Court of Bangladesh constituted under the Constitution:] "High Court Division"
- (25) "immoveable 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: "immoveable property"
- (26) "imprisonment" shall mean imprisonment of either description as defined in the ³[* * *] Penal Code: "Imprisonment"
- ⁴[(26a) "Khulna Metropolitan Area" means the Khulna Metropolitan Area as defined in the Khulna Metropolitan Police Ordinance, 1985 (Act No. LII of 1985):] "Khulna Metropolitan Area"

¹ Clause (24) was substituted, for clause (24) by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² Clause (24a) was inserted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ The word "Pakistan" was omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁴ Clause (26a) was inserted by Schedule II of the Khulna Metropolitan Police Ordinance, 1985 (Ordinance No. LII of 1985).

	¹ [* * *]
"Local authority"	² [(28) "Local authority" shall mean and include a Paura Shava, Zilla Board, Union Panchayet, Board of Trustees of a port or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund, or any corporation or other body or authority constituted or established by the Government under any law:]
"Magistrate"	(31) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force:
"Master" (of a ship)	(32) "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:
"Metropolitan Area"	³ [(32a) "Metropolitan Area" means any area declared as Metropolitan Area under any Act:]
"Month"	(33) "month" shall mean a month reckoned according to the British calendar:
"Moveable property"	(34) "moveable property" shall mean property of every description, except immoveable property:
	⁴ [* * *]

¹ Clauses (27), (27b) and (27c) were omitted by Article 4(u) of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² Clause (28) was substituted, for clause (28) by Article 4(v) of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ Clause (32a) was substituted by section 114 (a) of গাজীপুর মহানগরী পুলিশ আইন, ২০১৮ (২০১৮ সনের ১৯ নং আইন).

⁴ Clauses (34a1) and (34a) were omitted by Article 4(w) of the General clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

- (36) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing: "Oath"
- (37) "offence" shall mean any act or omission made punishable by any law for the time being in force: "Offence"
- ¹[(37a) "Official Gazette" or "Gazette" shall mean the Bangladesh Gazette: "Official Gazette"
- (37b) "Parliament" shall mean the Parliament for Bangladesh, known as the House of the Nation:] "Parliament"
- (38) "Part" shall mean a Part of the Act or Regulation in which the word occurs: "Part"
- (39) "person" shall include any company or association or body of individuals, whether incorporated or not: "Person"
- ²[(39a) "Police Commissioner" means the Police Commissioner appointed under any Act for any metropolitan area, and also includes an Additional Police Commissioner, a Joint Police Commissioner, a Deputy Police Commissioner, an Additional Deputy Police Commissioner, a Senior Assistant Police Commissioner and an Assistant Police Commissioner:] "Police Commissioner"

¹ Clauses (37a) and (37b) were substituted, for clauses (37a) and (37b) by Article 4(x) of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² Clause (39a) was substituted by section 114 (b) of গাজীপুর মহানগরী পুলিশ আইন, ২০১৮ (২০১৮ সনের ১৯ নং আইন).

	¹ [* * *]	
"Public nuisance"	(44)	"Public nuisance" shall mean a public nuisance as defined in the ² [* * *] Penal Code:
	³ [* * *]	
"President"	⁴ [(44b)]	"the President" means the President of Bangladesh elected under the Constitution or any person for the time being acting in that office:]
"Registered"	(45)	"registered", used with reference to a document, shall mean registered in ⁵ [* * *] under the law for the time being in force for the registration of documents:
"Regulation"	⁶ [(46)]	"Regulation" shall mean a Regulation made by any person or authority empowered under any constitutional instrument and in force in Bangladesh:]
"Republic"	⁷ [(46a)]	"the Republic" means the People's Republic of Bangladesh:]
"Rule"	(47)	"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:
"Schedule"	(48)	"schedule" shall mean a schedule to the Act or Regulation in which the word occurs:

¹ Clauses (40), (42), (43) (43ai) and (43a) were omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The word "Pakistan" was omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ Clauses (44a1) and (44a) were omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁴ Clause (44b) was inserted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁵ The words "a Province" were omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁶ Clause (46) was substituted, for clause (46), by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁷ Clause (46a) was inserted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- ¹[* * *]
- (50) "section" shall mean a section of the Act or Regulation in which the word occurs: "Section"
- ²[(50a) "the service of the Republic" means any service, post or office whether in a civil or military capacity, in respect of the Government of Bangladesh, and any other service declared by law to be a service of the Republic:] "Service of the Republic"
- (51) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars: "Ship"
- (52) "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: "Sign"
- ³[* * *]
- (53) "son" in the case of any one whose personal law permits adoption, shall include an adopted son: "Son"
- (54) "sub-section" shall mean a sub-section of the section in which the word occurs: "Sub-section"
- ⁴[(54a) "suits by or against the Government" and equivalent expressions shall include suits by or against Bangladesh:] "Suits by or against Government"
- (55) "swear", with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing: "Swear"

¹ Clause (49) was omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² Clause (50a) was inserted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Clauses (52a1) and (52a) were omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁴ Clause (54a) was substituted, for clause (54a) by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

¹[* * *]:

"Vessel"	(56) "vessel" shall include any ship or boat or any other description of vessel used in navigation:
"Will"	(57) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property:
"Writing"	(58) 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
"Year"	(59) "year" shall mean a year reckoned according to the British calendar.

Application of foregoing definitions to previous enactments

4. (1) The definitions in section 3 of the following words and expressions, that is to say, "affidavit", ²[advocate], "District Judge", "father", "immoveable property", "imprisonment", "Magistrate", "month", "moveable property", "oath", "person", "section", "son", "swear", "will" and "year" apply also, unless there is anything repugnant in the subject or context, to all ³[Acts of Parliament] made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

(2) The definitions in the said section of the following words and expressions, that is to say, "abet", "Chapter", "commencement", "financial year", "local authority", "master", "offence", "part", "public nuisance", "registered", "schedule", "ship", "sign", "sub-section" and "writing" apply also, unless there is anything repugnant in the subject or context, to all ³[Acts of Parliament] and Regulations made on or after the fourteenth day of January, 1887.

¹ Clauses (55a), (56a) and (56aa) were omitted by Article 4 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The word "advocate" was substituted, for the word "barrister", by Article 5 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ The words "Acts of Parliament" were substituted, for the words "Central Acts" by Article 5 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

¹[4A. (1) The definitions in section 3 of the expressions ²[* * *] ³[Act of Parliament] ²[* * *] "Chief Revenue Authority", "Gazette", "Government", "Government contracts", "Government debts", "Government grants", "Government liabilities", "Government property", "Government securities", "High Court", ⁴["High Court Division"] ⁵[* * *], "official Gazette", ⁶[Bangladesh laws] ⁵[* * *] and "suits by or against Government" apply also, unless there is anything repugnant in the subject or context, to all ⁶[Bangladesh laws].

Application of certain definitions to all Bangladesh laws

(2) In any ⁷[Bangladesh law], references to the ⁸[Government] in any provision conferring power to make appointments to the civil services of, or civil posts under, the ⁹[Government] include references to such person as the ¹⁰[Government] may direct, and in any provision conferring power to make rules prescribing the conditions of service of persons serving the ⁹[Government] in a civil capacity include references to any person authorized by the ¹⁰[Government] to make rules for the purpose.

¹ Article 4A was inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

² The words "British India", "Central Government", "Central Legislature" were omitted by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ The words "Act of Parliament" were substituted, for the words "Central Act" by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁴ The words "High Court Division" were inserted by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁵ The words "India", "Indian State", and "Provincial Government" were omitted by Article 6(a) of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁶ The words "Bangladesh Laws" were substituted, for the words "Pakistan laws" by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁷ The words "Bangladesh Law" were substituted, for the words "Pakistan law" by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁸ The word "Government" was substituted, for the words "Provincial Government or the Central Government" by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁹ The word "Government" was substituted, for the word "State" by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

¹⁰ The word "Government" was substituted, for the words and commas "Provincial Government or the Central Government, as the case may be," by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

(3) The references in any ¹[Bangladesh law] to servants of or under, or to service of or under, ²[the Government], to property of, or belonging to, or vested in, the ³[Government], and to forfeitures to ²[the Government] shall be construed as references respectively to persons in the service of the ⁴[Government], to the service of the Government, to property vested in the Government and to forfeitures to the Government.]

GENERAL RULES OF CONSTRUCTION

Coming into operation of enactments

5. ⁵[(1) Where any Act of Parliament is not expressed to come into operation on any particular day, then it shall come into operation,—

- (a) in the case of an Act of Parliament to which this Act was applicable before the 26th day of March, 1971, on the date on which it receives the assent; and
- (b) in the case of any other Act of Parliament, the day on which the assent is first published in the official Gazette.]

(2) [Omitted by the Central Laws Order, 1961, Article 2 and Schedule.]

(3) Unless the contrary is expressed, ⁶[an Act of Parliament] or Regulation shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

¹ The words "Bangladesh Law" were substituted, for the words "Pakistan Law" by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The words "the Government" were substituted, for the words "a Government or a Province" by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ The word "Government" was substituted, for the words "Secretary of State in Council or a Government or a Province" by Article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁴ The word "Government" was substituted, for the word "State" by article 6 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁵ Sub-section (1) was substituted, for sub-section (1) by Article 7 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

⁶ The words "an Act of Parliament" were substituted, for the words "a Central Act" by Article 7 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

5A. [Omitted by the Pakistan (Adaptation of Existing Pakistan Laws) Order, 1947 (Governor General's Order 20 of 1947), Schedule.]

6. Where this Act, or any ¹[Act of Parliament] or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

Effect of Repeal

- (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) after any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed.

6A. Where any ¹[Act of Parliament] or Regulation made after the commencement of this Act repeals any enactment by which the text of any ¹[Act of Parliament] or Regulation 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 inoperation at the time of such repeal.

Repeal of Act making textual amendment in Act or Regulation

¹ The words "Act of Parliament" were substituted, for the words "Central Act" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

Revival of
repealed
enactments

7. (1) In any ¹[Act of Parliament] or Regulation made after the commencement of this Act, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

(2) This section applies also to all ²[Acts of Parliament] made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

Construction of
references to
repealed
enactments

8. (1) Where this Act, or any ¹[Act of Parliament] or Regulation made after the commencement of this 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.

(2) [Omitted by the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972), Article 9.]

Commencement
and termination
of time

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

(2) This section applies also to all ²[Acts of Parliament] made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

¹ The words "Act of Parliament" were substituted, for the words "Central Act" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The words "Acts of Parliament" were substituted, for the words "Central Acts" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

10. (1) Where, by any ¹[Act of Parliament] or Regulation made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open:

Computation of time

Provided that nothing in this section shall apply to any act or proceeding to which the ²[* * *] Limitation Act, 1877, applies.

(2) This section applies also to all ³[Acts of Parliament] and Regulations made on or after the fourteenth day of January, 1887.

11. In the measurement of any distance, for the purposes of any ¹[Act of Parliament] or Regulation 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.

Measurement of distances

12. 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 merchandize, then a like duty is leviable according to the same rate on any greater or less quantity.

Duty to be taken *pro rata* in enactments

13. In all ³[Acts of Parliament] and Regulations, unless there is anything repugnant in the subject or context,—

Gender and number

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

¹ The words "Act of Parliament" were substituted, for the words "Central Act" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The word "Indian" was omitted by Article 10 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ The words "Acts of Parliament" were substituted, for the words "Central Acts" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

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

13A. [Omitted by the Central Laws Order, 1961, Article 2 and Schedule.]

POWERS AND FUNCTIONARIES

Powers conferred to be exercisable from time to time

14. (1) Where, by any ¹[Act of Parliament] or Regulation made after the commencement of this Act, any power is conferred then, unless a different intention appears, that power may be exercised from time to time as occasion requires.

(2) This section applies also to all ²[Acts of Parliament] and Regulations made on or after the fourteenth day of January, 1887.

Power to appoint to include power to appoint *ex-officio*

15. Where, by any ¹[Act of Parliament] or Regulation, 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, if it is made after the commencement of this Act, may be made either by name or by virtue of office.

Power to appoint to include power to suspend or dismiss

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

¹ The words "Act of Parliament" were substituted, for the words "Central Act" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The words "Acts of Parliament" were substituted, for the words "Central Acts" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

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

Substitution of Functionaries

(2) This section applies also to all ²[Acts of Parliament] made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

18. (1) In any ¹[Act of Parliament] or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

Successors

(2) This section applies also to all ²[Acts of Parliament] made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

19. (1) In any ¹[Act of Parliament] or Regulation made after the commencement of this 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 superior, to prescribe the duty of the superior.

Official chiefs and subordinates

(2) This section applies also to all ²[Acts of Parliament] made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

¹ The words "Act of Parliament" were substituted, for the words "Central Act" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The words "Acts of Parliament" were substituted, for the words "Central Acts" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

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

Construction of orders etc., issued under enactments

20. Where, by any ¹[Act of Parliament] or Regulation, 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, 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 or Regulation conferring the power.

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

21. Where, by any ¹[Act of Parliament] or Regulation, a power to issue notifications, 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 notifications, orders, rules or bye-laws so issued.

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

22. Where, by any ¹[Act of Parliament] or Regulation 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 Regulation, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act or Regulation, then that power may be exercised at any time after the passing of the Act or Regulation; but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the Act or Regulation.

Provisions applicable to

23. Where, by any ¹[Act of Parliament] or Regulation, a power to make rules or bye-laws is expressed to be given

¹ The words "Act of Parliament" were substituted, for the words "Central Act" by the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972) Article 8.

subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely:—

making of rules or bye-laws after previous publication

- (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] 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 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 word "Government" was substituted, for the words "Central Government or the Provincial Government" by Article 11 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

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

24. Where any ¹[Act of Parliament] or Regulation is, after the commencement of this Act, repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, form or bye-law made or issued under the repealed Act or Regulation, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification], order, scheme, rule, form or bye-law made or issued under the provisions so re-enacted ²[* * *].

MISCELLANEOUS

Recovery of
fines

25. Sections 63 to 70 of the ³[* * *] Penal Code and the provisions of the Code of 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, Regulation, rule or bye-law unless the Act, Regulation, rule or bye-law contains an express provision to the contrary.

Provision as to
offences
punishable
under two or
more
enactments

26. 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.

¹ The words "Act of Parliament" were substituted, for the words "Central Act" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The words, commas, letters and figures "and when any Central Act or Regulation, which, by a notification under section 5 or 5A or the Scheduled Districts Act, 1874, or any like law, has been extended to any local area, has, by a subsequent notification, been withdrawn from and re-extended to such area or any part thereof, the provisions of such Act or Regulation shall be deemed to have been repealed and re-enacted in such area or part within the meaning of this section" were omitted by Article 12 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ The word "Pakistan" was omitted by Article 13 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

27. Where any ¹[Act of Parliament] or Regulation made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of service by post

28. (1) In any ¹[Act of Parliament] or Regulation, and in any rule, bye-law, instrument or document, made under, or with reference to, any such Act or Regulation, any enactment may be cited by reference to the ²[short title or Bengali translation thereof] 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.

Citation of enactments

(2) In this Act and in any ¹[Act of Parliament] or Regulation 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.

29. The provisions of this Act respecting the construction of Acts, Regulations, rules or bye-laws made after the commencement of this Act shall not affect the construction of any Act, Regulation, rule or bye-law made before the commencement of this Act, although the Act, Regulation, rule or bye-law is continued or amended by an Act, Regulation, rule or bye-law made after the commencement of this Act.

Saving for previous enactments, rules and bye-laws

¹ The words "Act of Parliament" were substituted, for the words "Central Act" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The words "short title or Bengali translation thereof" were substituted, for the words "title or short title (if any)" by Article 14 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

Application of
Act to
Ordinances

30. In this Act the expression ¹[Act of Parliament] wherever it occurs, except in section 5, and the word "Act" in clauses (9), (12), (38), (48) and (50) of section 3 and in section 25 shall be deemed to include an Ordinance made and promulgated by ²[any person having authority to legislate under any constitutional provision or by the President of Bangladesh under the Constitution].

30A. [*Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.*]

Application of
Act to Orders
made by the
President

³**31.** The provisions of this Act shall apply for the interpretation of any Order made by the President or acting President of Bangladesh, and for the interpretation of any Presidential Order made before the 26th day of March, 1971, and in force in Bangladesh, as they apply for the interpretation of an Act of Parliament, as if any such Order were an Act of Parliament.]

THE SCHEDULE – [*Repealed by the Amending Act, 1903 (Act No. I of 1903), section 4 and Schedule III.*]

¹ The words "Act of Parliament" were substituted, for the words "Central Act" by Article 8 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

² The words "any person having authority to legislate under any constitutional provision or by the President of Bangladesh under the Constitution" were substituted, for the words, commas and figures "the Governor-General under section 23 of the Indian Councils Act, 1861 or section 72 of the Government of India Act, 1915 or section 42 of the Government of India Act, 1935 or an Ordinance made and Promulgated by the President on or after the twenty-third day of March, 1956" by Article 15(b) of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).

³ Section 31 was substituted, for section 31 by Article 16 of the General Clauses (Amendment) Order, 1972 (President's Order No. 147 of 1972).