

ACT No. I OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd January 1868.)

An Act for shortening the language used in Acts of the Governor General of India in Council and for other purposes.

Preamble. WHEREAS it is expedient to shorten the language used in Acts made by the Governor General of India in Council, and to make certain provisions relating to such Acts; It is hereby enacted as follows:—

Short title. 1. This Act may be cited as "The General Clauses' Act, 1868."

Interpretation-
clause. 2. In this Act and in all Acts made by the Governor General of India in Council after this Act shall have come into operation,— unless there be something repugnant in the subject or context,—

Gender. (1.) Words importing the masculine gender shall be taken to include females;

Number. (2.) Words in the singular shall include the plural, and *vice versa*;

"Person." (3.) "Person" shall include any company, or association, or body of individuals whether incorporated or not;

"Year" and
"month." (4.) "Year" and "month" shall respectively mean a year and month reckoned according to the British calendar;

"Immoveable pro-
perty." (5.) "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;

(6.) "Moveable

“Moveable property.” (6.) “Moveable property” shall mean property of every description, except immoveable property ;

“Her Majesty.” (7.) “Her Majesty” shall include Her heirs and successors to the Crown ;

(8.) “British India” shall mean the territories for the time being vested in Her Majesty by the Statute 21 & 22 Vic., cap. 106 (*An Act for the better government of India*), other than the Settlement of Prince of Wales’ Island, Singapore and Malacca ;

(9.) “Government of India” shall denote the Governor General of India in Council, or, during the absence of the Governor General of India from his Council, the President in Council, or the Governor General of India alone, as regards the powers which may be lawfully exercised by them or him respectively ;

(10.) “Local Government” shall mean the person authorized by law to administer executive government in the part of British India in which the Act containing such expression shall operate, and shall include a Chief Commissioner ;

“High Court.” (11.) “High Court” shall mean the highest Civil Court of appeal in such part ;

(12.) “District Judge” shall mean the Judge of a principal Civil Court of original jurisdiction ; but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction ;

(13.) “Magistrate” shall include all persons exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure ;

“Barrister.” (14.) “Barrister” shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland ;

“Section.” (15.) “Section” shall denote a section of the Act in which the word occurs ;

(16.) “Will”

“ Will. ” (16.) “ Will ” shall include a codicil and every writing making a voluntary posthumous distribution of property ;

“ Oath, ” “ swear ” and “ affidavit ” shall include affirmation, declaration, affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing ;

“ Imprisonment. ” (18.) “ Imprisonment ” shall mean imprisonment of either description as defined in the Indian Penal Code ;

(19.) And in the case of any one whose personal law permits adoption, “ son ” shall include an adopted son, and “ father ” an adoptive father.

3. In all Acts made by the Governor General of India in Council after this Act shall have come into operation :—

Revival of repealed enactments. (1.) For the purpose of reviving, either wholly or partially, a Statute, Act or Regulation^{repealed}, it shall be necessary expressly to state such purpose ;

Commencement of time. (2.) For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word “ from ; ”

Termination of time. (3.) For the purpose of including the last in a series of days or any other period of time, it shall be sufficient to use the word “ to ” ;

Official chiefs and subordinates. (4.) 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 executing the duties of such office in the place of their superior, it shall be sufficient to prescribe the duty of the superior ;

Successors. (5.) For the purpose of indicating the relation of a law to the successors of any functionaries, or of corporations having perpetual succession, it shall be sufficient to express its relation to the functionaries or corporations ; and

Substitution of functionaries. (6.) 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, it shall be sufficient to mention the

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the official title of the officer at present executing such functions, or that of the officer by whom the functions are commonly executed.

4. Whenever by any Act or Regulation 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, a like duty shall be leviable according to the same rate on any greater or less quantity.

Duty may be taken
pro rata.

5. The provisions of sections sixty-three to seventy, both inclusive, of the Indian Penal Code, and of section sixty-one of the Code of Criminal Procedure, shall apply to all fines imposed under the authority of any Act hereafter to be passed, unless such Act shall contain an express provision to the contrary.

Recovery of fines.

6. The repeal of any Statute, Act or Regulation, shall not affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced before the repealing Act shall have come into operation.

Matters done under
an enactment before
its repeal to be un-
affected.

7. All Courts of Justice, whether exercising civil or any other jurisdiction, and all persons having by law or consent of parties authority to receive evidence, shall take judicial notice of all Acts and Regulations heretofore made, or hereafter to be made, by the Governor General of India in Council, the Governor of Madras in Council, the Governor of Bombay in Council and the Lieutenant Governor of Bengal in Council, or by the like authority in other parts of British India, whether the same be of a public or of a private nature.

Judicial notice to be
taken of Acts.

8. Any recital contained in any Act of the Governor General of India in Council heretofore made or hereafter to be made, shall be deemed by all such Courts and persons to be *prima facie* evidence of the truth of the fact recited.

Recital to be *prima*
facie evidence of truth
of fact recited.