

UNDERSTANDING OF “ THE
GENERAL CLAUSES ACT 1897 AND
“THE WEST PAKISTAN GENERAL
CLAUSES ACT 1956”

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APPLICATION OF THE TWO ACTS

- THE GENERAL CLAUSES ACT 1897 IS TO BE APPLIED TO CENTRAL (FEDERAL) ACTS OR REGULATIONS
- THE WEST PAKISTAN GENERAL CLAUSES ACT 1956 IS TO BE APPLIED TO PROVINCIAL LAWS

SIMILAR LAWS IN INTERNATIONAL JURISDICTIONS

- IN INTERNATIONAL JURISDICTIONS SIMILAR STATUTES ARE ALSO AVAILABLE AND APPLIED. IN MOST OF COUNTRIES EXCEPT INDIA AND A FEW OTHER COUNTRIES, IT IS NAMED AS “”THE INTERPRETATION ACT””.
- THE PURPOSE IS ALMOST THE SAME.

PURPOSE

- THE PROVISIONS OF THESE ACTS ARE TO BE READ AS PART OF EVERY FEDERAL/ PROVINCIAL STATUTES (AS THE CASE MAY BE) FOR THE REASON TO ABRIDGE THE STATUTE AND MAINTAIN PRECISION AND TO AVOID VERBOSITY (USAGE OF MORE WORDS) IN ANY RESPECTIVE ENACTMENT.
- PLEASE SEE PLD 2013 SINDH 186.

PURPOSE

- THE ACT IS A CONSOLIDATING AND AMENDING ACT, THE PURPOSE IS TO AVOID SUPERFLUITY AND A REPETITION OF LANGUAGE AND TO PLACE IN A SINGLE ACT, PROVISIONS AS REGARDS DEFINATIONS OF WORDS AND LEGAL PRINCIPLES OF INTERPRETATION WHICH WOULD OTHERWISE HAVE TO BE INCORPORATED IN MANY DIFFERENT ACTS AND REGULATIONS.

WHAT THESE ACTS COVER

- PROVISIONS DEFINING CERTAIN WORDS
- REPEAL AND ITS EFFECT
- REVIVAL OF REPEALED ENACTMENTS AND CONSTRUCTION OF REFERENCES TO REPEALED ENACTMENTS
- COMMENCEMENT AND TERMINATION OF TIME
- COMPUTATION OF TIME
- MEASUREMENT OF DISTANCES

WHAT THESE ACTS COVER -2

- DUTY TO BE TAKEN PRORATA IN ENACTMENTS
- GENDER AND NUMBER
- POWER CONFERRED TO BE EXERCISABLE FROM TIME TO TIME
- POWER TO APPOINT TO INCLUDE POWER TO APPOINT EX OFFICIO
- POWER TO APPOINT TO INCLUDE POWER TO SUSPEND OR DISMISS

WHAT THESE ACTS COVER -3

- SUBSTITUTION OF FUNCTIONARIES
- SUCCESSORS
- OFFICAL CHIEFS AND SUBORDINATES
- CONSTRUCTION OF ORDERS, ETC. ISSUED UNDER ENACTMENTS
- POWER TO MAKE TO INCLUDE POWER TO ADD TO AMEND, VARY OR RESCIND, ORDERS, RULES OR BYE LAWS

WHAT THESE ACTS COVER - 4

- MAKING OF RULES OR BYE LAWS AND ISSUING OF ORDERS BETWEEN PASSING AND COMMENCEMENT OF ENACTMENTS
- PROVISIONS APPLICABLE TO MAKING OF RULES OR BYE LAWS AFTER PREVIOUS PUBLICATIONS
- CONTINUATION, OF ORDER, ETC, ISSUED UNDER ENACTMENTS REPEALED AND RE-ENACTED

WHAT THESE ACTS COVER - 5

- EXERCISE OF POWER UNDER ENACTMENTS
- RECOVERY OF FINES
- PROVISIONS AS TO OFFENCES PUNISHABLE UNDER TWO OR MORE ENACTMENTS
- MEANING OF SERVICE BY POST
- CITATION OF ENACTMENTS
- SAVING FOR PREVIOUS ENACTMENTS, RULES AND BYE LAWS

WHAT THESE ACTS COVER - 6

- APPLICATION OF ACT TO ORDINANCES
- APPLICATION OF ACT TO ORDERS MADE BY THE PRESIDENT.
- AS PER INDIAN VIEW, THE ACT IS ALSO APPLICABLE FOR INTERPRETATION OF THE CONSTITUTION. SEE AIR 1956 SC 285.
- HOWEVER IT APPEARS THAT SUCH IS NOT THE CASE IN PAKISTAN.

CAUTION

- THE PROVISIONS OF THESE ACTS ARE TO BE APPLIED **UNLESS**
- THERE IS ANYTHING REPUGNANT (IN CONFLICT WITH / REPULSIVE) IN THE SUBJECT OR CONTEXT. SEE PLD 1976 SC 483
- UNLESS THE CONTRARY IS EXPRESSED IN A CENTRAL (FEDERAL) OR PROVINCIAL ACTS OR REGULATIONS

CAUTION -2

- UNLESS DIFFERENT INTENTION APPEARS IN THE CENTRAL (FEDERAL) OR PROVINCIAL ACTS OR REGULATIONS.
- UNLESS IT IS EXPRESSLY PROVIDED.
- SO FAR AS IT IS NOT INCONSISTENT WITH THE PROVISIONS.....
- AN EXPRESS PROVISION TO THE CONTRARY

SECTION WISE NOTES (SEC 1 TO 3)

- SECTION 1. SHORT TITLE
- SECTION 2. (REPEALED)
- SECTION 3. DEFINATIONS
- 3. Definitions.—In this Act, and in all **Central Acts** and **Regulations** made after the commencement of this Act, unless there is any thing repugnant in the subject or context, __

SECTION WISE NOTES (SEC 3)

- IT WILL BE SEEN THAT IT REFERS TO CENTRAL ACTS AND REGULATIONS.
- THE TERM “CENTRAL ACT” HAS BEEN DEFINED UNDER CLAUSE (8aa) OF SECTION 3 OF THIS ACT. SIMILARLY THE TERM “REGULATION” HAS BEEN DEFINED UNDER CLAUSE (46)
- (8aa) “Central Act”. "Central Act" shall mean an Act of the Central legislature, and shall include, except in section 5, an Act made by the Governor General under section 67 B of the Government of India Act,:].

SECTION WISE NOTES (SEC 3)

- THE HON'BLE SUPREME COURT IN THE CASE OF SUGNI CHAND DAYARAM JATWANI VS. PAKISTAN REPORTED IN PLD 1963 SC 523 AT PAGE 530 HAS HELD THAT SINCE IN CONSTITUTION OF 1956, THE CENTRAL LEGISLATURE OF PAKISTAN WAS DESCRIBED AS THE NATIONAL ASSEMBLY OR MORE BRIEFLY AS PARLIAMENT, THEREFORE, IN SUBSTANCE EQUIVALENT IN ALL RELEVANT RESPECTS TO 'ACTS OF PARLIAMENT.

SECTION WISE NOTES (SEC 3)

- (46) **“Regulation”**. “Regulation” shall mean a Regulation made by the Federal Government under the Government of India Act, 1870, or the Government of India Act, 1915, or the Government of India Act, or under section 95 or section 96 of the Government of India Act, 1935 or by the Governor under Article 103 or Article 104 of the Constitution of 1956, or by the President or by the Governor under Article 223 of the Constitution of 1962 or **by the President or by the Governor under Article 247 of the Constitution of 1973:]**

SECTION WISE NOTES (SEC 3)

- (17) “**Enactment**”. “enactment” shall include a Regulation (as hereinafter defined) and any Regulation of the Bengal, or Bombay Code, and **shall also include** any provision contained in any Act or in any such Regulation as aforesaid:

SECTION WISE NOTES (SEC 3)

- **WORDS DEFINED :-**
- **ABET** 3(1)
- **ACT** 3(2) “Act. "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.
- **AFFIDAVIT** 3 (3) “Affidavit”. "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare **instead of swearing:**

SECTION WISE NOTES (SEC 3)

- **BALUCHISTAN** (3c) “Baluchistan” shall mean the territories comprised in the Chief Commissioner's Province of Baluchistan immediately before the fourteenth day of October, 1955 and after the first day of July, 1970, the Province of Baluchistan, comprising the territories mentioned in the Schedule to the Province of West Pakistan (Dissolution) Order, 1970:

SECTION WISE NOTES (SEC 3)

- **BARRISTER** 3(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland.
- **BRITISH INDIA** 3(7)
- **BRITISH POSSESSION** 3(8)
- **FEDERAL GOVERNMENT** 3(8ab)

SECTION WISE NOTES (SEC 3)

- **CENTRAL LEGISLATURE** 3(8ac) PARLIAMENT AS PER THE CONSTITUTION OF 1973.
- **CHAPTER** 3(9)
- **CHIEF REVENUE AUTHORITY** 3(9a) "Chief Revenue Authority" shall mean the Board of Revenue of a Province.
- **DISTRICT OFFICER (REVENUE)** 3(10).
- **COMMENCEMENT** 3(12) "Commencement". used with reference to an Act or Regulation, shall mean the day on which the Act or Regulation comes into force

SECTION WISE NOTES (SEC 3)

- **CONSTITUTION** 3(13a)
- **CONSULAR OFFICER** 3(14) "Consular officer" shall include consul general, consul, vice consul, consular agent proconsul and any person for the time being authorized to perform the duties of Consul general, consul, vice consul or consular agent:

SECTION WISE NOTES (SEC 3)

- **DISTRICT JUDGE** 3(15) “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:
- **DOCUMENT** 3(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:

SECTION WISE NOTES (SEC 3)

- **FATHER 3(18)** father“, in the case of anyone whose personal law permits adoption, shall include an adoptive father:
- **FINANCIAL YEAR 3[(19)** “Financial year”. "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 ; and
 - **(c) thereafter, the year commencing on the first day of July and ending on the thirtieth day of June :]**

SECTION WISE NOTES (SEC 3)

- **GOOD FAITH 3 (20)** “Good faith”.—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.
- **GOVERNMENT 3(21)** “Government” or “the Government” shall include both the Federal Government and any Provincial Government:

SECTION WISE NOTES (SEC 3)

- **IMMOVABLE PROPERTY 3 (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: (THERE IS A JUDGMENT OF HON’BLE HIGH COURT OF SINDH ON THE DEFINATION OF IMMOVABLE PROPERTY.
- **IMPRISONMENT 3 (26)**
- **INDIA 3(27)**

SECTION WISE NOTES (SEC 3)

- **LOCAL AUTHORITY** 3(28) “ 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:
- FOLLOWING CASES MAY BE EXAMINED- PLD 1964 DACCA 721, PLD 1965 SC 201, AIR 1981 SC 951, PLD 1983 LAH 522, 1972 TAX LR 2051, 2005 PTD (TRIB) 174, 1990 PTD 580, 2004 PTD (TRIB) 147 .

SECTION WISE NOTES (SEC 3)

- **MAGISTRATE** 3 (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** 3(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:
- **MONTH** 3(33) “month” shall mean a month reckoned according to the British calendar:
- **MOVABLE PROPERTY** 3(34) “moveable property” shall mean property of every description, except immoveable property:

SECTION WISE NOTES (SEC 3)

- **NORTH WEST FRONTIER** 3(34a1)
- **NORTH WEST FRONTIER PROVINCE ACT** 3(34a)
- **OATH 3(36)** “oath” shall include affirmation and declaration in the case of persons by law allowed *to affirm or declare instead of swearing*:
- **OFFENCE 3 (37)** “offence” shall mean any act *or omission made punish able by any law for the time* being in force:
- **OFFICAL GAZETTE 3 (37a)** “Official Gazette” or Gazette” shall mean the Gazette of Pakistan, or, as the case may be, the official gazette of a Province:

SECTION WISE NOTES (SEC 3)

- **PAKISTAN LAW 3(37b)** “Pakistan law” shall mean any Act, Ordinance, Regulation, rule, order, byelaw *or any other instrument which has or had the force of law in Pakistan or any part thereof*; but does not include an Act of Parliament of the United Kingdom or any Order in Council, rule or other instrument made thereunder;
- **Part 3 (38)** “Part” shall mean a Part of the Act or Regulation in which the word occurs:

SECTION WISE NOTES (SEC 3)

- **PERSON 3(39)** “person” shall include any company or association or body of individuals, whether incorporated or not:
- **POLITICAL AGENT 3 (40)**
- **PROVINCIAL ACT 3(43a1)** “Provincial Act” shall mean an Act made by the Governor in Council, or Chief Commissioner in Council, Lieutenant Governor in Council, or Chief Commissioner in Council of a Province under any of the Indian Councils Acts or the Government of India Act, 1915 or an Act made by the local Legislature or the Governor of a Province under the Government of India Act, or an Act made by the Provincial Legislature or Governor of a Province under the Government of India Act, 1935, or an Act made by the Provincial Legislature established or continued under the Constitution of 1956 or an Act made by the Provincial Legislature established under the Constitution of 1962 or an Act passed by a Provincial Assembly established under the Interim Constitution of 1972, or the Constitution of 1973]

SECTION WISE NOTES (SEC 3)

- **PROVINCIAL GOVERNMENT** 3(43a) “Provincial Government”—
- (a) as respects anything done after the establishment of the Federation of Pakistan but before the Fourteenth day of October, 1955, shall mean in a Governor's Province, the Governor, and in a Chief Commissioner's Province, the Federal Government ;

SECTION WISE NOTES (SEC 3)

- (aa) as respects anything done or to be done after the thirteenth day of October, 1955, shall mean the Governor, and where the administration of any area vested in the Governor General or vests in the President], the 2[Federal Government];
- (aaa) as respects any thing done or to be done after the fourteenth day of August, 1973, shall mean the Chief Ministers and the Provincial Ministers and shall include, in relation to functions entrusted to the Federal Government, the Federal Government acting within tile scope of authority given to it by the Provincial Government];
- (aaaa) as respects anything done or to be done after the thirtieth day of June, 1970, in relation to the Islamabad Capital Territory under any law coming into force after that day, shall mean the Federal Government;]

SECTION WISE NOTES (SEC 3)

- (b) as respects anything done before the establishment of the Federation of Pakistan, but after the commencement of Part III of the Government of India Act, 1935, shall mean In a Governor's Province, the Governor acting or not acting in his discretion, and exercising or not exercising his individual judgment, according to the provision in that behalf made by and under the said Act, and in a Chief Commissioner's Province, the Federal Government ; and
- (c) as respects anything done before the commencement of Part III of the said Act, shall mean the authority or person authorized at the relevant date to administer executive government in the Province in question:

SECTION WISE NOTES (SEC 3)

- **PUBLIC NUISANCE 3 (44)** “public nuisance” shall mean a public nuisance as defined in the Pakistan Penal Code (Act XLV of 1860).
- **REGISTERED “Registered”**, used with reference to a document, shall mean registered in a Province under the law for the time being in force for the registration of documents:
- **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:

SECTION WISE NOTES (SEC 3)

- **SEHEDULE 3 (48)** “Schedule” shall mean a schedule to the Act or Regulation in which the word occurs:
- **SCHEDULED DISTRICT 3(49)** “Scheduled District” shall mean a “Scheduled District” as defined in the Scheduled Districts Act, 1874 (XV of 1874):
- **SECTION 3 (50)** “Section” shall mean a section of the Act or Regulation in which the word occurs:
- **SHIP 3 (51)** “Ship” shall include every description of vessel used in navigation not exclusively propelled by oars:
- **SIGN 3 (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:

SECTION WISE NOTES (SEC 3)

- **SON 3 (53)** “Son” in the case of anyone whose personal law permits adoption, shall include an adopted son:
- **SUBSECTION 3(54)** “Subsection” shall mean a subsection of the section in which the word occurs:
- **SWEAR 3 (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 in stead of swearing:
- **TRIBAL AREAS 3 (55a)** “Tribal Areas”. “Tribal Areas” shall
- (i) as respects the period after the first day of July, 1970 mean the areas in Pakistan which immediately before that day were the Tribal Area and include ____

SECTION WISE NOTES (SEC 3)

- (a) the Tribal Areas of Baluchistan and the North West Frontier Province; and
- (b) the former States of Amb, Chitral, Dir and Swat;
- (ii) as respects the period on or after the tenth day of January 1964, and before the first day of July, 1970 mean, the areas in the Province of West Pakistan which, on the thirteenth day of October, 1955, were –

SECTION WISE NOTES (SEC 3)

- (a) the Tribal Areas of Baluchistan the Punjab and the North West Frontier; and
- (b) the States of Amb, Chitral, Dir and Swat;
- (iii) as respects the period on or after the eight day of June, 1962, and before the tenth day of January, 1964, mean the areas in the Province of West Pakistan which, on the thirteenth day of October, 1955, were –
- (a) the Tribal Areas of Baluchistan, the Punjab and the North West Frontier ; and
- (b) the States of Amb, Chitral, Dir and Swat and the area in the Province of EastPakistan known as Chittagong Hill Tract;
- (iv) as respects the period on or after the twenty third day of March, 1956, and before the eight day of June, 1962, mean the areas of the Province of West Pakistan which immediately before the commencement of the Establishment of West Pakistan Act, 1955, were –

SECTION WISE NOTES (SEC 3)

- (a) the Tribal Areas of Baluchistan, the Punjab and the North West Frontier; and
- (b) the States of Amb, Chitral, Dir and Swat; and
- (v) as respects the period before the twenty third day of March, 1956, mean the areas in
- Pakistan which immediately before that day were the Tribal Areas and include—
- (a) the Tribal Areas of Baluchistan, the Punjab and the North West Frontier Province; and
- (b) the States of Amb, Chitral, Dir and Swat]

SECTION WISE NOTES (SEC 3)

- **VESSEL 3(56)** “Vessel” shall include any ship or boat or any other description of vessel used in navigation :
- **WILL 3 (57)** “Will” shall include a codicil and every writing making a voluntary posthumous disposition of property:
- **WRITING 3 (58)** “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
- **YEAR 3 (59)** “Year” shall mean a year reckoned according to the British calendar.

SECTION WISE NOTES (SEC 4-4A)

- **SECTION 4. Application of foregoing definitions to previous enactments.**
- **SECTION 4A. Application of certain definitions to all Pakistan laws.** The definitions in section 3 of the expressions “British India” , “Central Act”, “Federal Government”, Central Legislature”, “Chief Revenue Authority”, “Gazette”, “High Court”, “India”, “Official Gazette”, “Pakistan law”, and “Provincial Government” apply also, unless there is anything repugnant in the subject or context, to all Pakistan laws..

SECTION WISE NOTES (SEC 5)

- **SECTION 5. Coming into operation of enactments.** (1) Where any Central Act is not expressed to come into operation on any particular day, then it shall come into operation on the day on which it receives the assent, __
- (a) in the case of a Central Act made before the twenty third day of March, 1956, of the Governor General, and
- *(b)* in the case of a Central Act made after that date, of the President.
- (3) Unless the contrary is expressed, a Central Act] or Regulation shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

SECTION WISE NOTES (SEC 6)

- **SECTION 6. Effect of repeal.** Where this Act, or any Central Act 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—

SECTION WISE NOTES (SEC 6)

- (a) revive anything not in force or existing at the time 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 or Regulation had not been passed.

SECTION WISE NOTES (SEC 6A)

- **SECTION 6A. Repeal of Act making textual amendment in Act or Regulation.** Where any Central Act or Regulation made after the commencement of this Act repeals any enactment by which the text of any Central Act 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 in operation at the time of such repeal.]

SECTION WISE NOTES (SEC 7)

- **SECTION 7. Revival of repealed enactments.**(1)
In any Central Act 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 Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

SECTION WISE NOTES (SEC 8)

- **SECTION 8. Construction of references to repealed enactments.**(1)Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals and reenacts, 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 reenacted.

SECTION WISE NOTES (SEC 9)

- **SECTION 9. Commencement and termination of time.**(1) In any Central Act 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 Central Acts] made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

SECTION WISE NOTES (SEC 10)

- **SECTION 10. Computation of time.**(1) Where, by any Central Act 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:
- Provided that nothing in this section shall apply to any act or proceeding to which the Limitation Act, 1908 (IX of 1908)], applies.
- (2) This section applies also to all 3[Central Acts] and Regulations made on or after the fourteenth day of January, 1887.

SECTION WISE NOTES (SEC 11 TO 13)

- **SECTION 11 Measurement of distances.** In the measurement of any distance, for the purposes of any Central Act 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.
- **Section 12. Duty to be taken *pro rate 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 merchandize then a like duty is leviable according to the same rate on any greater or less quantity.*
- **13. Gender and number.** In all Central Acts and Regulations, unless there is anything repugnant in the subject or context,
 - (1) words importing the masculine gender shall be taken to include females; and
 - (2) words in the singular shall include the plural, and *vice versa*.

SECTION WISE NOTES (SEC 14-15)

- **Section 14. Powers conferred to be exercisable from time to time.**
(1) Where, by any Central Act 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 5[Central Acts] and Regulations made on or after the fourteenth day of January, 1887.
- **Section 15. Power to appoint to include power to appoint *ex officio*.** *Where, by any Central Act 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.*

SECTION WISE NOTES (SEC 16-17)

- **Section 16. Power to appoint to include power to suspend or dismiss.** Where, by any Central Act or Regulation, a power to make any appointment is conferred, then, unless a different intention appears, the authority having 6[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.
- **SECTION 17. Substitution of functionaries.**(1) In any Central Act 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. .
- (2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

SECTION WISE NOTES (SEC 18)

- **SECTION 18. Successors.**(1) In any Central Act 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.
- (2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

SECTION WISE NOTES (SEC 19)

- **Section 19. Official chiefs and subordinates.**(1) In any Central Act 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.
- (2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

SECTION WISE NOTES (SEC 20 & 20A)

- **SECTION 20. Construction of orders, etc.,** issued under enactments. Where, by any Central Act or Regulation, a power to issue any notification, order, scheme, rule, form or byelaw is conferred, then expressions used in the notification, order, scheme, rule, form or byelaw, 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.
- **SECTION 20A. Rules and Order, etc., to be published.** All rules, Orders, regulations and circulars having the effect of law made or issued under any enactment shall be published in the official Gazette.]

SECTION WISE NOTES (SEC 21)

- **SECTION 21. Power to make, to include power to add to, amend, vary or rescind, orders, rules or byelaws.** Where, by any Central Act or Regulation, a power to issue notifications, orders, rules, or byelaws 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 byelaws so issued.

SECTION WISE NOTES (SEC 22)

- **SECTION 22. Making of rules or byelaws and issuing or orders between passing and commencement of enactment.** Where, by any Central Act or Regulation which is not to come into force immediately on the passing thereof, a power is conferred to make rules or byelaws, 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, byelaws or orders so made or issued shall not take effect till the commencement of the Act or Regulation.

SECTION WISE NOTES (SEC 23)

- **SECTION 23. Provisions applicable to making of rules or byelaws after previous publication.** Where, by any Central Act] or Regulation, a power to make rules or byelaws is expressed to be given subject to the condition of the rules or byelaws being made after previous publication, then 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 byelaws 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 Federal Government] or 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;

SECTION WISE NOTES (SEC 23)

- (4) the authority having power to make the rules or byelaws, and, where the rules or byelaws 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 byelaws from any person with respect to the draft before the date so specified;
- (5) the publication in the official Gazette of a rule or byelaw
- purporting to have been made in exercise of a power to make rules or byelaws after previous publication shall be conclusive proof that the rule or byelaw has been duly made.

SECTION WISE NOTES (SEC 24)

- **24. Continuation, of orders, etc., issued under enactments repealed and reenacted.** Where any Central Act or Regulation is, after the commencement of this Act, repealed and reenacted with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, form or byelaw made or issued under the repealed Act or Regulation, shall, so far as it is not inconsistent with the provisions reenacted, continue in force, and be deemed to have been made or issued under the provisions so reenacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, form or byelaw made or

SECTION WISE NOTES (SEC 24)

- issued under the provisions so reenacted and when any Central Act or Regulation, which, by a notification under any 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 reenacted in such area or part within the meaning of this section .

SECTION WISE NOTES (SEC 24A)

- **SECTION 24A. Exercise of power under enactments.**(1) Where, by or under any enactment, a power to make any order or give any direction is conferred on any authority, office or person such power shall be exercised reasonably, fairly, justly and for the advancement of the purposes of the enactment.
- (2) The authority, office or person making any order or issuing any direction under the powers conferred by or under any enactment shall so far as necessary or appropriate, give reasons for making the order or as the case may be for issuing the direction and shall provide a copy of the order or, as the case may be, the direction to the person affected prejudicially.

SECTION WISE NOTES (SEC 25)

- **SECTION 25. Recovery of fine.** Sections 63 to 70 of the Pakistan Penal Code (Act XLV of 1860) 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 byelaw unless the Act, Regulation, rule or byelaw contains an express provision to the contrary.

SECTION WISE NOTES (SEC 26)

- **SECTION 26. 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.

SECTION WISE NOTES (SEC 27)

- **SECTION 27. Meaning of service by post.** Where any Central Act 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, 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.

SECTION WISE NOTES (SEC 28)

- **SECTION 28. Citation of enactments.**(1) In any Central Act or Regulation, and in any rule, byelaw, instrument or document, made under, or with reference to, any such Act or Regulation, 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 subsection of the enactment in which the provision is contained.
- (2) In this Act and in any Central Act 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.

SECTION WISE NOTES (SEC 29)

- **SECTION 29. Saving for previous enactments, rules and byelaws.** The provisions of this Act respecting the construction of Acts, Regulations, rules or byelaws made after the commencement of this Act shall not affect the construction of any Act, Regulation, rule or byelaw made before the commencement of by this Act, although the Act, Regulation, rule or byelaw is continued or amended by an Act, Regulation, rule or byelaw made after the commencement of this Act.

SECTION WISE NOTES (SEC 30)

- **SECTION 30. Application of Act to Ordinances.** In this Act the expression “ Central Act” 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 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.

SECTION WISE NOTES (SEC 31)

- **SECTION 31. Application of Act to Orders made by the President.** The provisions of this Act shall apply for the interpretation of any Order made by the President on or after the twenty third day of March, 1956, as they apply for the interpretation of a Central Act, as if every such Order were a Central Act.