

The Punjab General Clauses Act, 1898

Act 1 of 1898

Keyword(s):

Abet, Affidavit, Barrister, British Possession, Collector, Colony, Document, Enactment, Father, Financial Commissioner, Government, Immovable Property, Imprisonment, Local Authority, Magistrate, Master, Movable Property, Oath, Offence, Part, Person, Political Agent, Public Act, District, Section, Ship, Sign, Son, Swear, Vessel, Will

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'PUNJAB GENERAL CLAUSES ACT, 1898.

PUNJAB ACT I OF 1898.

[11th May, 1898, 15th July, 1898.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1898	1	The Punjab General Clauses Act, 1898	Amended, Punjab Act 6 of 1918 Amended, Government of India (Adaptation of Indian Laws) Order, 1937. Amended East Punjab Act, 40 of 1948 ² . The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948. The Adaptation of Laws Order, 1950. The Adaptation of Laws (Third Amendment) Order, 1951. The Haryana Adaptation of Laws (State and Concurrent Subjects) Orders, 1968 ³ .

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

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

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

Short title and commencement.

1. For Statement of Objects and Reasons, see *Punjab Gazette*, 1897, Pt. V, page 14; for Report of the Select Committee, see *ibid*, 1898, Pt. V-A, page 1; for Proceedings in Council, see *ibid*, 1897, Pt. VI, page 4, and 1898, Pt. VI, page 2.
2. For Statement of Objects and Reasons, see *East Punjab Gazette*, 1948, Extraordinary, page 531 pp; and for proceedings in Assembly see *East Punjab Legislative Assembly Debates*, 1948, Volume III, pages 96-97.
3. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extra.)*, dated the 29th October, 1968.
4. Substituted for the words "Punjab Acts" by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.

(2) It shall come into force at once.

GENERAL DEFINITIONS.

- Definitions. 2. In this Act and in ¹[all Punjab and Haryana Acts] ²[* * * *], unless there is anything repugnant in the subject or context, —
- Abct. (1) “abet”, with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code³: 45 of 1860.
- Act. (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 :
- Affidavit. (3) “affidavit” shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing :
- Barrister. (4) “barrister” shall mean a barrister of England or Ireland or member of the Faculty of Advocates in Scotland :
- (5) * * * * *
- British possession. (6) “British possession” shall mean any part of Her Majesty’s Dominions, exclusive of the United Kingdom, and where parts of those Dominions are under both a central and a local Legislature, all parts under the central Legislature shall, for the purposes of this definition, be deemed to be one British possession :
- Chapter. (7) “chapter” shall mean a Chapter of the ¹[Punjab or Haryana Act] ⁵[* * *] in which the word occurs ;
- (8) * * * * *

1. Substituted for the words “Punjab Acts” by the Haryana Adaptation of laws (State and Concurrent subjects) Order, 1968.
2. The words “and East Punjab Acts” inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
3. See India Code, Volume III.
4. The “definition of British India” was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.
5. The words “or East Punjab Act” inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
6. The definition of “Chief Court” was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

(9) "collector" shall mean the chief officer-in-charge of the revenue-administration of a district and shall include a Deputy Commissioner :

Collector.

¹[(10) "colony" ;

(a) in any Punjab Act passed after the commencement of Part III of the Government of India Act, 1935, ²[* * * *] shall mean any part of Her Majesty's Dominions exclusive of the British Islands, the Dominions of India and Pakistan (and before the establishment of those Dominions, British India), any Dominion as defined in the Statute of Westminster, 1931, any Province or State forming part of any of the said Dominions and British Burma; and

(b) in any Punjab Act passed before the commencement of Part III of the said Act, mean any part of Her Majesty's Dominions exclusive of the British Islands and of British India;

and in either case where parts of these Dominions are under both a central or local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony] :

(11) "commencement" used with reference to a "[Punjab or Haryana Act] ³[* * * *] shall mean the day on which the Act comes into force :

Commencement.

(12) "Commissioner" shall mean the chief officer-in-charge of the revenue and general administration of a division :

Commissioner.

(13) "Consular Officer" shall include consul-general, consul, vice-consul; consular agent, pro-consul, and any person for the time being authorised to perform the duties of consul-general, consul, vice-consul or consular agent :

Consular Officer.

1. Substitute for the old clause (10) by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.
2. The words "or in any East Punjab Act" omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
3. The words, "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws [Third Amendment] Order, 1951.
4. Substituted for the word "Punjab" by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.

- Deputy Commissioner. (14) "Deputy Commissioner" shall mean the chief officer-in-charge of the general administration of a District :
- District Judge. (15) ¹["District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction : but shall not include the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction] :
- Document. (16) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks or by more than one of those means which is intended to be used, or which may be used, for the purpose of recording that matter.
- (16-a) 2* * * * *
- Enactment. (17) "enactment" shall include any provision contained in any ³[Punjab or Haryana Act] ⁴[* * * * *].
- Father. (18) "father" in the case of any one whose personal law admits adoption shall include an adoptive father :
- Financial Commissioner. (19) "Financial Commissioner" shall mean the Financial Commissioner of ⁵[Haryana] for the time being;
- Financial year. (20) "financial year" shall mean the year commencing on the first day of April :
- (21) 6* * * * * *
- Good faith. (22) A thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not :

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1. Substituted for the old clause by Act 6 of 1918, section 50.
 2. Clause 16-A inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, was omitted by the Adaptation of Laws [Third Amendment] Order, 1951.
 3. Substituted for the words, "Punjab Act" by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
 4. The words, "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
 5. Substituted for the words, "Punjab" by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
 6. The definition of "Gazette" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.



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

³[(24) "Haryana Act" shall mean an Act made by the legislature of the State of Haryana under the Constitution on or after the 1st November, 1966].

(25) * * * * *

(26) "immovable property" shall include land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth : Immovable property.

(27) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code⁵. Imprisonment.

(28) * * * * *

(29) * * * * *

(30) "local authority" shall mean a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund : Local Authority.

(31) * * * * *

(32) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Magistrate.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
2. Substituted for the words "Government of India" by the Government of India (Adaptation of Indian Laws) Order, 1937.
3. Inserted by Haryana Adaptation of Laws (State and concurrent Subjects) Order, 1968.
4. The definition of "Her Majesty or the Queen" was omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
5. See India Code, Volume III.
6. The definition of "India" was omitted by the Government of India (Adptation of Indian Laws) Order, 1937.
7. The definition of "India Act" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.
8. The definition of "Local Government" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.



Procedure for the time being in force¹;

- Master (of a ship.) (33) "Master" used with reference to a ship shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship :
- Month. (34) "month" shall mean a month reckoned according to the British calendar :
- Movable property. (35) "movable property" shall mean property of every description except immovable property :
- Notification. (36) "notification" shall mean a notification published under proper authority in the ²[Official Gazette] ;
- Oath. (37) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing :
- Offence. (38) "offence" shall mean any act or omission made punishable by any law for the time being in force :
- Part. (39) "Part" shall mean a Part of the ³[Punjab or Haryana Act] ⁴[* * * * *] in which the word occurs;
- Person. (40) "person" shall include any company or association or body of individuals whether incorporated or not :
- Political Agent. ⁵[(41) "Political Agent" shall mean,—
- (a) in relation to any territory outside India, the principal officer, by whatever name called, representing the Central Government in such territory, and
 - (b) in relation to any territory in a Part B State, any officer appointed by the Central Government to exercise all or any of the powers of the Political Agent under the Act or

1. See India Code, Volume III.
2. Substituted for the word "Gazete" by the Government of India (Adaptation of Indian Laws) Order, 1937.
3. Substituted for the words "Punjab Act" by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
4. The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 were omitted by the Adaptation of Laws (Third Amendment) Order, 1950.
5. The old clause (41) was substituted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, and the clause so substituted was again substituted by the present clause by the Adaptation of Laws (Third Amendment) Order, 1951.

Regulation in which the expression occurs] :

(42) * * * * *

(43) * * * * *

45 of 1860. (44) "public nuisance" shall mean a public nuisance as defined in the ³Indian Penal Code; Public nuisance.

(45) * * * * *

⁵[(46) "Punjab Act", shall mean an Act made by the Lieutenant Governor of the Punjab in Council under the Indian Councils Acts, 1861 to 1909, or any of those Acts, or the Government of India Act, 1915, or by the Local Legislature or the Governor of the Punjab under the Government of India Act, or by the Provincial Legislature or the Governor of the Punjab ⁶[or by the Provincial Legislature or the Governor of East Punjab under the Government of India Act, 1935, or by the Legislature of Punjab under the Constitution] ⁷[before the 1st November, 1966.] Punjab Act.

(47) "registered" used with reference to a document, shall mean registered in ⁸[India] under the law for the time being in force for the registration of documents : Registered

(48) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment : Rule.

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1. The definition of "Privy Council" was omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
 2. The definition of "Privy Council" was omitted by the Adaptation Laws (Third Amendment), Order, 1951.
 3. See India Code, Volume III.
 4. The definition of "Punjab" was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.
 5. Substituted for the old-definition by the Government of India (Adaptation of Indian Laws) Order, 1937.
 6. Substituted for the words "under the Government of India Act, 1935" by the Adaptation of Laws (Third Amendment) Order, 1951.
 7. Added by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
 8. Substituted for the words "a Part A State or a Part C State" by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.

- Schedule.** (49) "schedule" shall mean a schedule to the ¹[Punjab or Haryana Act], ¹[* * * *] in which the word occurs :
- Schedule District.** (50) "scheduled district" shall mean a "scheduled district" as defined in the Scheduled Districts Act, 1874 : 45 of 1874.
- Section.** (51) "section" shall mean a section of the ¹[Punjab or Haryana Act], ²[* * * *] in which the word occurs;
- Ship.** (52) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars :
- Sign.** (53) "sign" with its grammatical variation 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 :
- Son.** (54) "son" in the case of any one whose personal law permits adoption, shall include an adopted son :
- Sub-section.** (55) "sub-section" shall mean a sub-section of the section in which the word occurs :
- Swear.** (56) "swear" with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing :
- Vessel.** (57) "vessel" shall include any ship or boat or any other description of vessel used in navigation :
- Will.** (58) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property :
- Writing.** (59) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form; and
- (60) "year" shall mean a year reckoned according to the British calendar.

1. Substituted for the words "Punjab Act" by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
2. The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948. were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.

GENERAL RULES FOR CONSTRUCTION.

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

Coming into
operation of
enactments.

- (a) in the case of a Punjab Act made before the commencement of the Constitution, it shall come into operation, if it is an Act of the Legislature on the day on which the assent thereto of the Governor, the Governor-General, or His Majesty, as the case may require, is first published in the Official Gazette and, if it is an Act of the Governor, on the day on which it is first published as an Act in the Official Gazette; and
- (b) in the case of a Punjab Act made after the commencement of the Constitution, it shall come into operation on the day on which the assent thereto of the Governor or the President, as the case may require, is first published in the Official Gazette;

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

4. Where this Act or any Punjab Act ²[* * *] repeals any enactment 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) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

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

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

- (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.

Repeal of Act making textual amendment in Act.

¹[4-A. Where any Punjab Act made after the commencement of this ²[* * *] repeals any amendment by which the text of any Punjab Act ²[* * *] was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.]

Revival of repealed enactments.

5. In any Punjab Act ²[* * *] it shall be necessary for the purpose of reviving either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

Construction of references to repealed enactments.

6. Where this Act or any other Punjab Act ²[* * *] repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed, shall unless a different intention appears, be construed as references to the provision so re-enacted.

Commencement and termination of time.

7. In any Punjab Act, ²[* * *] 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".

Computation of time.

8. Where, by any Punjab Act, ³[* * *] 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

1. Inserted by East Punjab Act 40 of 1948, section 2.
2. The words "or East Punjab Act" were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
3. The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.



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 :

15 of 1877. Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877¹ applies.

9. In the measurement of any distance, for the purposes of any Punjab Act, ²[* * *] that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Measurement of distances.

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

Duty to be taken pro rata in enactments.

11. In all Punjab Acts, ³[* * *] 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
- (2) words in the singular shall include the plural and *vice versa*.

POWER AND FUNCTIONARIES.

12. Where, by any Punjab Act, ²[* * *] any power is conferred ⁴[* * *] then that power may be exercised from time to time as occasion requires.

Powers conferred on the Government to be exercisable from time to time.

1. See now the Limitation Act, 1963 (Act 36 of 1963), India Code, Volume II.
2. The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
3. The words "or East Punjab Acts" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
4. The words "on the Provincial Government" were omitted by East Punjab Act 40 of 1948, section 3.

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

13. Where, by any Punjab Act, ¹[* * *] 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 may be made either by name or by virtue of office.

Power to appoint
to include power
to suspend or
dismiss.

14. Where, by any Punjab Act, ¹[* * *] a power to make any appointment is conferred, then, unless a different intention appears, the authority having ²[for the time being] power to make the appointment shall also have power to suspend or dismiss any person appointed ³[whether by itself or any other authority] by it in exercise of that power.

Substitution of
functionaries.

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

Successors.

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

Official chiefs
and subordinates.

17. In any Punjab Act, ¹[* * *] it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

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

Construction of
orders, etc.,
issued under
enactments.

18. Where, by any Punjab Act, ¹[* * *] a power to issue any ²[notification], order, scheme, rule, form, or bye-law is conferred, then expressions used in the ⁴[notification], order, scheme, rule, form or bye-law, shall unless there is anything repugnant in the subject or context, have the same respective meaning as in the Act, conferring the power.

1. The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
2. Inserted by East Punjab Act 40 of 1948, section 4 (i).
3. Inserted by *ibid.*, section 4 (ii).
4. Inserted by East Punjab Act 40 of 1948, section 5.



19. Where, by any Punjab Act, ¹[* * *] a power to ²[issue notifications or] make orders, rules or bye-laws is conferred, then that power includes a power exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any ³[notifications], orders, rules or bye-laws so ⁴[issued or] made.

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

20. Where, by any Punjab Act, ¹[* * *] which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the Act, or with respect of 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, 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.

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

21. Where, by any Punjab Act, ¹[* * *] a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, unless such Act, otherwise provides, the following provisions shall apply, namely :—

Provisions applicable to 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 ⁵[Government concerned] prescribes ;

1. The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
2. Inserted by East Punjab Act 40 of 1948, section 5.
3. Inserted by *ibid.*
4. Inserted by *ibid.*
5. Substituted for the words "Central Government or, as the case may be, the Provincial Government" by the Adaptation of Laws (Third Amendment) Order, 1951.

- (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 ¹[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.

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

22. Where any Punjab Act, ²[* * *] is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any ³[appointment notification], order, scheme, rule, form or bye-law, ⁴[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 ⁵[made or] issued under the provisions so re-enacted, unless and until it is superseded by any ⁶[appointment notification], order, superseded by any ⁶[appointment notification], order provisions so re-enacted.

MISCELLANEOUS

Recovery of fines.

23. Sections 63 to 70 of the Indian Penal Code and the 45 of provisions of the Code of Criminal Procedure for the time being 1860.

1. Substituted for the word "Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.
2. The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
3. Inserted by East Punjab Act, 40 of 1948, section 7(i).
4. Inserted by *ibid.* section 7(ii).
5. Inserted by East Punjab Act, 40 of 1948, section 7 (ii).
6. Inserted by *ibid.* section 7(i).

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 by-law, unless the Act, rule or bye-law contains an express provision to the contrary.

24. 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.

Provisions as to offences punishable under two or more enactments.

25. Where any 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 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.

Manner of service by post.

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

(2) In any Punjab Act, '[* * *] 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.

Citation of enactment.

³[27. (1) The provisions of this Act shall apply,—

Application of Act to Ordinances and regulations.

1. The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
2. The words "or East Punjab Act" inserted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, were omitted by the Adaptation of Laws (Third Amendment) Order, 1951.
3. Substituted for the old section [which had been amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, and by East Punjab Act 40 of 1948], by the Adaptation of Laws (Third Amendment) Order, 1951.



- (a) in relation to any Ordinance promulgated by the Governor of the Punjab under section 88 or section 89 of the Government of India Act, 1935, or by the Governor of East Punjab, under section 88 of the said Act, as they apply in relation to Punjab Acts made under the said Act by the Governor, and, in relation to any Regulation made by the Governor of Punjab, under section 92 of the said Act, as they apply in relation to Punjab Acts, made by the Provincial Legislature ; and
- (b) in relation to any Ordinance promulgated by the Governor of Punjab, under article 213 of the Constitution or any Regulation made by the Governor under paragraph 5 of the Fifth Schedule to the Constitution, as they apply in relation to Punjab Acts made by the State Legislature.

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

Application of
Act to Haryana
Acts and
Ordinances.

¹[28. The provisions of this Act shall, as far as may be, apply in relation to a Haryana Act or an Ordinance promulgated by the Governor of Haryana under article 213 of the Constitution as they apply respectively in relation to a Punjab Act or an Ordinance promulgated by the Governor of Punjab under that article.]

1. Added by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.

'THE PUNJAB RIVERAIN BOUNDARIES ACT, 1899

PUNJAB ACT 1 OF 1899.

PASSED BY THE LIEUTENANT-GOVERNOR OF THE PUNJAB IN COUNCIL.

[Received the assent of the Lieutenant-Governor on the 17th May, 1899, and that of the Governor-General on the 19th June, 1899, and was first published in the Punjab Government Gazette of the 3rd August, 1899]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1899	1	The Punjab Riverain Boundaries Act, 1899	Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act 23 of 1957. The Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.

An Act to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the ³[Haryana].

Whereas it is expedient to make better provision for the ascertainment and determination of the boundaries between estates which are subject to, or liable to be affected by, the action of a river, and to amend the law relating to the determination of claims to lands gained by alluvion and to prevent disputes as to such boundaries and lands. It is hereby enacted as follows :—

Preamble.

1. (1) This Act may be called the Punjab Riverain Boundaries Act, 1899.

Short title, extent and commencement.

1. For Statement of Objects and Reasons, see *Punjab Gazette*, 1898, Pt. V-A, page 20, for Report of the Select Committee, see *ibid.* Pt. V-A, pages 1 and 4, for Proceedings in Council, see *ibid.* 1898, Pt. VI, page 6, *ibid.* 1899, Pt. VI, pages 2 to 11.
2. See *Punjab Gazette*, 1899, Part IV-A, pages 1-3.
3. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1957, page 689.

(2) It extends to the whole of ¹[Haryana]; and

(3) It shall come into force at once ²[in the principal territories and on the 24th July, 1957, in the transferred territories].

Sections added
after section 101
of India Act 17 of
1887.

2. After section 101 of the Punjab Land-Revenue Act, 1887, the following sections shall be added, namely :— Act
17 of
1887.

Power to fix
boundary
between riverain
estates.

“101-A. (1) When any two or more estates are subject to river action and the limits of any such estates are, by any law, custom, decree or order applicable thereto, liable to vary according as variations may from time to time occur in the course or action of such river, the ³[State Government] may, ⁴[* * * *] order a permanent boundary line to be fixed between any such estates or such portions thereof as are liable to river action.

(2) Upon an order being made under sub-section (1), the Collector shall fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any)

1. Substituted for the word “Punjab” by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
2. Added by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
3. Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, and the Adaptation of Laws Order, 1950.
4. The words “in its discretion” were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

Note.—Para 3 (2) of the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968, defines the “principal territories” and “transferred territories” as follows :—

- (a) “principal territories” shall mean part of the territories which, immediately before the 1st November, 1956, were comprised in the State of Punjab and are included in the State of Haryana by the Punjab Reorganisation Act, 1966,
- (b) “transferred territories” shall mean part of the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Unions and are included in the State of Haryana by the Punjab Reorganisation Act, 1966.

made under section 100 and the provisions of section 101.

- (3) Every such boundary line shall be fixed with due regard to the history of the estates, and the interests of the persons respectively owning them or possessing rights therein, in such manner as may be just and equitable in the circumstances of each case.
- (4) No such boundary line shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner.

101-B (1) Every boundary line fixed in accordance with the provisions of section 101-A, shall, notwithstanding any law or custom, or any decree or order of any Court of law, to the contrary, be the fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights in every holding, field or other portion of an estate situate on each side of the boundary line so fixed, shall subject to the following proviso, vest in the land-owners of the estate which lies on that side of the boundary line on which such holding, field or other portion of an estate is situate :

Effect of fixing a boundary between riverain estates : proviso.

Provided that if, by the operation of this section, the proprietary or any other rights in any land which at the time a boundary line is fixed, is under cultivation or reasonable fit for cultivation or yields any produce of substantial value, would be transferred from the land-owners and other right-holders of any one estate to the land-owners of any other estate, the Collector shall, by written order, direct that the rights in such land shall, subject to the provisions of section 101-C and section 101-D, not be so transferred unless and until the land, in respect of which any such order is made, ceases to be reasonably fit for cultivation, or to yield any produce of substantial value, and, upon any such order being made the transfer of the rights in such land shall be suspended accordingly :

Provided further that when any portion of the land specified in any such order ceases to be reasonably fit for cultivation



or to yield any produce of substantial value, the order shall, when the Collector, in writing, so direct, cease to operate as to that portion.

(2) The decision of the Collector, as to whether for the purposes of the proviso to sub-section (1) of this section any land is or is not reasonably fit for cultivation or does or does not yield any produce of substantial value, shall be final.

101-C. (1) When any order has been made under the proviso to sub-section (1) of section 101-B, the land-owners (or any of them) in whom, but for such order, the rights in the land specified therein, would vest, may apply, in writing, to the Collector to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

(2) When an application under sub-section (1) made, the Collector shall—

- (a) fix a day for the hearing of the application;
- (b) cause notice of the application, and of the day fixed for the hearing thereof, to be served on, or proclaimed for the information of all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of section 101-B, and all other persons interested or claiming to be interested therein ;
- (c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights found established therein, to the persons severally entitled thereto;
- (d) inform the applicant of the aggregate amount of compensation so awarded and required him to deposit the amount with the Collector on or before a day to be fixed by him in that behalf :

Provided that, notwithstanding anything in this sub-section contained, it shall be lawful for the Collector, in his discretion, and at any time before an award of compensation thereon has been made, to reject any application made under sub-section (1).

Application or immediate transfer of rights reserved under the proviso to sub-section (1) of section 101-B, upon payment of compensation and procedure thereupon. Award of compensation and extinguishment of rights thereby.

(3) In awarding compensation under sub-section (2), the Collector shall be guided by the provisions of section 23, and section 24 of the Land Acquisition Act, 1894, so far as the same may be applicable to circumstances of the case.

India Act I of
1894.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector, the order made under the proviso to sub-section (1) of section 101-B, shall cease to operate and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of section 101-B, notwithstanding anything in the proviso thereof contained, and the Collector shall proceed to tender the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the proviso to sub-section (1) of section 101-B, shall, under the provisions of sub-section (4) of this section, cease to operate and determine, all rights reserved to any person by such order, shall be extinguished.

101-D. When any person possessing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of section 101-B, voluntarily transfers such rights to any land-owner of the estate, in the land-owners of which, but for such order, such rights would vest under the operation of sub-section (1) of section 101-B, the rights so transferred shall forthwith cease to be subject to such order.

Order under the proviso to sub-section 101-B, to cease to apply to rights voluntarily transferred to a land-owner of the estate to which the land is transferred by fixing boundary. Rights transferred to be liable to all the incidents of tenure of the estate to which, the transfer is made.

101-E. In every case in which, by the operation of section 101-B, or section 101-C or section 101-D, proprietary or other rights in land or transferred from the land-owners and other right-holders of any one estate to the land-owners of any other estate, such rights shall be subject to all the incidents of tenure and liabilities, which, under any law or custom for the time being in force, apply to the rights of the land-owners of the estate to which such rights are so transferred.

101-F. For the purposes of sections 101-A, 101-B and 101-C, respectively, the expression "Collector" shall be deemed to include any Revenue Officer appointed by the [State Government] to perform

Meaning of the expression Collector in sections 101-A, 101-B and 101-C.

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



all or any of the functions of a Collector under any of the provisions thereof."

Clause added to sub-section (2) of section 158 of India Act 17 of 1887.

3. After clause (xviii) of sub-section (2) of section 158 of the Punjab Land-Revenue Act, 1887, the following clause shall be added, namely :—

"(xviii-a) Any question connected with or arising out of or relating to any proceeding for the determination of boundaries of estates subject to river action under sections 101-A, 101-B, 101-C and 101-D, respectively, of Chapter VIII."

Amendment of sections 2 and 3 of Bengal Regulation 11 of 1825.

4. (1) In section 2 of the Bengal Regulation No. XI of 1825¹ (*a Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion or by the dereliction of a river or the sea*) after the words "usage so established shall," the words following shall be inserted, namely :—

"unless and until a boundary is fixed under the provisions of section 101-A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899."

(2) In section 3 of the same Regulation, after the word "where" the words following shall be inserted, namely :—

"no boundary has been fixed under the provisions of section 101-A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899, and."

1. The Bengal Alluvion and Diluvion Regulation, 1825.