

## THE KARNATAKA GENERAL CLAUSES ACT, 1899

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**STATEMENT OF OBJECTS AND REASONS****I**

**Amending Act 9 of 1985.-** As there is basically no difference between the repeal of a provision of law or the omission or deletion of such provision, during all these years, in all laws expression repeal or omit or delete were being used to repeal a provision of law.

The Karnataka High Court has, however, recently taken the view in R. Abdul Azeez Vs. Commissioner of Income-tax, Karnataka, reported in (1981) 128 ITR 547 that the expression repeal is different from the expression omit or delete. This has led to an anomalous situation which may result in some unintended consequences.

In order to resolve the said anomaly, it is proposed to specifically include omission and deletion within the ambit of repeal. Opportunity is taken to make a few other formal amendments.

Hence the Bill.

## II

**Amending Act 13 of 2003.-** It is considered necessary to prepare upto date Codal Volumes of the Karnataka Acts and to repeal all the spent Acts and amendment Acts from time to time.

The Government constituted One-man Committee for the above purpose. The Committee has reviewed the Karnataka Acts for the period from 1.11.1956 to 31.12.2000 and has proposed the "Repealing and Amending Bill, 2002" which seeks to repeal the following types of Acts,-

- (i) Acts which amended the Karnataka Acts whether they are now in force or not;
- (ii) Acts which amended regional Acts which are no longer in force;
- (iii) Appropriation Acts as they are spent Acts;
- (iv) Acts which have been struck down or by necessary implication struck down by the Courts;
- (v) Acts which are by implication repealed by Central Acts;
- (vi) Acts which are temporary and spent enactments; and
- (vii) Acts which amend the Central Acts and regional Acts which are in force.

The Bill does not include Acts which are already repealed expressly.

This Bill also seeks to amend certain Acts which are considered necessary.

Hence the Bill.

[L.C. BILL No. 4 OF 2002]

[Various entries of List II and III of the Seventh Schedule]

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**<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT No. III OF 1899**  
**THE <sup>1</sup>[KARNATAKA]<sup>1</sup> GENERAL CLAUSES ACT, 1899**

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

*(Passed on the 3rd day of July 1899)*

(As amended by Act XII of 1930, VII of 1949, X of 1950, 12 of 1953,  
Adaptations of Laws Orders 1956 and 1973, 9 of 1985 and 13 of 2003)

**An Act for further shortening the language used in <sup>1</sup>[Mysore Acts and Karnataka Acts]<sup>1</sup> and for other purposes.**

WHEREAS it is expedient further to shorten the language used in <sup>1</sup>[Mysore Acts and Karnataka Acts]<sup>1</sup>, and to make certain other provisions relating to those enactments, Her Highness the Maharani-Regent is pleased to enact as follows:-

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**PRELIMINARY**

**1. Short title <sup>1</sup>[commencement and extent]<sup>1</sup>.-** <sup>2</sup>[(1) This Act may be called the <sup>3</sup>[Karnataka]<sup>3</sup> General Clauses Act, 1899.]<sup>2</sup>

(2) It shall come into force at once.

<sup>1</sup>[(3) It extends to the whole of the State of Karnataka.]<sup>1</sup>

1. Substituted by Act 13 of 2003 w.e.f. 1.11.1956.

2. Substituted by Act X of 1950.

3. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

<sup>1</sup>[2. x x x]<sup>1</sup>

1. Section 2 and Schedule Omitted by Act 12 of 1953.

**GENERAL DEFINITIONS**

**3. Definitions.-** In this Act, and in all <sup>1</sup>[Mysore Acts and Karnataka Acts]<sup>1</sup> made after the commencement of this Act, unless there is anything repugnant in the subject or context,-

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code;

(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;

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

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

<sup>1</sup>[(5) "British India" shall mean, as respects the period before the commencement of Part III of the Government of India Act, 1935, all territories and places within His majesty's dominions which were for the time being governed by His Majesty through the Governor-General of India or through the Governor or Officer sub-ordinate to the Governor-General of India, and as respects any period after that date and before the date of the establishment of the Dominion of India means all territories for the time being comprised within the Governors' Provinces and the Chief Commissioner' Provinces;]<sup>1</sup>

1. Substituted by Act 12 of 1953.

<sup>2</sup>[(5a) "Central Act" shall means an Act of Parliament, and shall include,-

2. Inserted by Act 12 of 1953.

(a) an Act of the Dominion Legislature or of the Indian Legislature passed before commencement of the Constitution, and

(b) an Act made before such commencement by the Governor-General in Council or the Governor- General acting in a legislative capacity.

(5b)"Central Government" shall,-

(a) in relation to anything done before the commencement of the Constitution, means the Governor-General or the Governor General in Council, as the case may be; and shall include, (i) in relation to functions entrusted under sub-section (1) of section 124 of the Government of India Act, 1935, to the Government of a Province, the Provincial Government acting within the scope of the authority given to it under that sub-section; and (ii) in relation to the administration of a Chief Commissioner's Province,

the Chief Commissioner acting within the scope of the authority given to him under sub-section (3) of section 94 of the said Act; and

(b) in relation to anything done or to be done after the commencement of the Constitution, means the President; and shall include (i) in relation to functions entrusted under clause (1) of article 258 of the Constitution to the Government of a State, the State Government acting within the scope of the authority given to it under that clause; <sup>1</sup>[(ii) in relation to the administration of a Part C State before the commencement of the Constitution (Seventh Amendment) Act, 1956]<sup>1</sup> the Chief Commissioner or the Lieutenant-Governor or the Government of a neighbouring State or other authority acting within the scope of the authority given to him or it under article 239 or article 243 of the Constitution, as the case may be <sup>1</sup>[and (iii) in relation to the administration of a Union territory, the administrator thereof acting within the scope of the authority given to him under article 239 of the Constitution;]<sup>1</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

(6) "Chapter" shall mean a Chapter of the Act in which the word occurs;

<sup>1</sup>[(7) "Chief Controlling Revenue Authority" or "Chief Revenue Authority" shall mean such authority as the State Government may, by notification in the official Gazette, appoint;]<sup>1</sup>

1. Substituted by Act 12 of 1953.

<sup>1</sup>[(7a) "City of Bangalore" shall mean such local area as is declared from time to time to be the City of Bangalore under any Act for the time being in force relating to the Municipal affairs of such City;]<sup>1</sup>

1. Inserted by Act 12 of 1953.

(8) "Commencement," used with reference to an Act, shall mean the day on which the Act comes into force;

<sup>1</sup>[(8a) "Constitution" shall mean the Constitution of India;

(8b) "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;]<sup>1</sup>

1. Inserted by Act 12 of 1953.

(9) "Deputy Commissioner" shall mean the chief officer in charge of the revenue-administration of a district;

(10) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction <sup>3</sup>[but shall not include the High Court in the exercise of original civil jurisdiction;]<sup>1</sup>

1. Inserted by Act 12 of 1953.

<sup>1</sup>[(10A) "Divisional Commissioner" shall mean the Divisional Commissioner of a Division appointed under the <sup>2</sup>[Karnataka Land Revenue Act, 1964]<sup>2</sup>;]<sup>1</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(11) "Document" shall include any matter written, expressed or described upon any substance by means of letters, figures or makes, 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;

(12) "Enactment" shall include,-

(a) a <sup>1</sup>[Mysore Act]<sup>1</sup>,

1. Substituted by Act 12 of 1953.

<sup>1</sup>[(a1) a Karnataka Act,]<sup>1</sup>

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

(b) an Act of the Governor-General of India in Council or of a Local Legislature in India, introduced as law into <sup>1</sup>[Mysore Area]<sup>1</sup>,

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

(c) a body of Rules (other than rules made in exercise of a power conferred by any Act or by any such Act as aforesaid) prescribed as law in <sup>1</sup>[Mysore Area]<sup>1</sup>, and

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

<sup>1</sup>[(c1) a Bombay Act as defined in clause (5) of section 3 of the Bombay General Clauses Act, 1904 (Bombay Act I of 1904);

(c2) a Coorg Act or Regulation as in force in the Coorg District;

(c3) a Hyderabad law as defined in clause (1a) of section 2 of the General Clauses Act, 1308 F (Hyderabad Act III of 1308 Fasli);

(c4) a Madras Act as defined in clause (17a) of section 3 of the Madras General Clauses Act, 1891 (Madras Act I of 1891); and]<sup>1</sup>

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

(d) any provision contained in <sup>1</sup>[any <sup>2</sup>[Mysore Act or Karnataka Act]<sup>2</sup>]<sup>1</sup> or in any such Act or body of Rules as aforesaid <sup>3</sup>[or in any Bombay Act, Coorg Act, Hyderabad Law or Madras Act]<sup>3</sup>;

1. Substituted by Act 12 of 1953.

2. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

3. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

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

<sup>1</sup>[(13A) "financial year" or "official year" shall mean the year commencing on the first day of April:

Provided that in respect of the financial or official year of 1949-50, "financial Year" or "Official year" shall mean the period commencing on the first day of July, 1949, and ending with the thirty-first day of March, 1950;]<sup>1</sup>

1. Inserted by Act X of 1950.

(14) "<sup>1</sup>[revenue year]<sup>1</sup>" shall mean the year commencing on the first day of July;

1. The words "revenue year" substituted for certain words by Act X of 1950.

(15) 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;

<sup>1</sup>[(16) "Government or "the Government" shall,-

(a) in relation to anything done before the commencement of the Constitution, means the authority or person authorised at the relevant date to administer executive Government in Mysore;

(b) in relation to anything done or to be done after the commencement of the Constitution, include both the Central Government and the State Government;]<sup>1</sup>

1. Substituted by Act 12 of 1953.

<sup>1</sup>[(16a) "Government securities" shall means securities of the Central Government or of any State Government, but in any Mysore Act made before the commencement of the Constitution shall not include securities of the Government of any State other than the State of Mysore;

(16b) "High Court" used with references to civil proceeding shall mean the highest civil court of appeal (not including the Supreme Court) in the <sup>2</sup>[State of Karnataka]<sup>2</sup>];]<sup>1</sup>

1. Inserted by Act 12 of 1953.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(17) "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;

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

<sup>1</sup>[(18a) "India" shall mean,-

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

(b) as respects any period after the establishment of the Dominion of India and before the commencement of the Constitution, all territories for the time being included in that Dominion; and

(c) as respects any period after the commencement of the Constitution, all territories for the time being comprised in the territory of India;]<sup>1</sup>

1. Inserted by Act 12 of 1953.

(19) "Judicial proceeding" shall mean any proceeding in the course of which evidence is, or may be, legally taken;

<sup>1</sup>[(19a) "Karnataka Act" shall mean an Act of the Legislature of the State of Karnataka passed under the Constitution after 1st November, 1973 and shall include,-

(i) an Act of the Legislature of the State of Mysore passed under the Constitution after 1st November 1956;

(ii) the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899);

(iii) the Karnataka High Court Act, 1884 (Karnataka Act I of 1884);

(19b) "Karnataka" shall mean all the territories for the time being comprised in the State of Karnataka;]<sup>1</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(20) "Local authority" shall mean a municipal committee, district board, <sup>1</sup>[body of port commissioners]<sup>1</sup> or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund;

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

(21) "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;

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

(23) "moveable property" shall mean property of every description, except immoveable property;

(24) "Mysore" shall mean <sup>3</sup>[<sup>2</sup>[all the territories]<sup>2</sup> for the time being comprised in the <sup>1</sup>[State of Mysore before 1st November, 1973;]<sup>1</sup>]<sup>3</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

3. Substituted by Act 12 of 1953.

<sup>2</sup>[(24a) "Mysore Act" shall mean <sup>1</sup>[x x x]<sup>1</sup>,-

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

(a) an Act of the Legislature of the State of Mysore passed under the Constitution before the commencement of the Constitution (Seventh Amendment) Act, 1956;

(b) an Act of the Legislature of the State of Mysore passed before the commencement of the Constitution; and

(c) an Act made before the commencement of the Constitution by the Maharaja of Mysore <sup>1</sup>[but does not include the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) and the Karnataka High Court Act, 1884 (Karnataka Act I of 1884)]<sup>1</sup><sup>2</sup>;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

<sup>1</sup>[(24b) "notification" means a notification published in the official Gazette;]<sup>1</sup>

1. Inserted by Act 9 of 1985 w.e.f. 1.11.1956.

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

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

<sup>2</sup>[(26a) "official Gazette" or "Gazette" shall mean the <sup>1</sup>[Karnataka Gazette]<sup>1</sup>];<sup>2</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Inserted by Act 12 of 1953.

(27) "part" shall mean a part of the Act in which the word occur;

<sup>2</sup>[(27a) "Part A State" shall mean a State for the time being specified in Part A of the First Schedule to the Constitution, <sup>1</sup>[as in force before the commencement of the Constitution (Seventh Amendment) Act, 1956]<sup>1</sup> "Part B State" shall mean a State for the time being specified in Part B of that Schedule and "Part C State" shall mean a State for the time being specified

in Part C of that Schedule or a territory for the time being administered by the President under the provisions of Article 243 of the Constitution;]<sup>2</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Inserted by Act 12 of 1953.

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

(29) "place" shall include also a house, building, tent and vessel;

<sup>2</sup>[(29a) "prescribed" means prescribed by rules made under the Act in which the word occurs;]<sup>2</sup>

2. Inserted by Act 9 of 1985 w.e.f. 1.11.1956.

(30) "public" shall include any class of the public or any community;

(31) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code;

<sup>1</sup>[(32) "registered" used with reference to a document shall,-

1. Substituted by Act 12 of 1953.

(a) as respect any period before the first day of April 1951, mean registered under the law for the time being in force in Mysore for the registration of documents;

(b) as respects any period from the first day of April 1951, mean registered in <sup>1</sup>[India]<sup>1</sup> under the law for the time being in force for the registration of documents;]<sup>4</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

<sup>1</sup>[(32a) "repeal" shall include deletion and omission;]<sup>1</sup>

1. Inserted by Act 9 of 1985 w.e.f. 1.11.1956.

<sup>1</sup>[(33) x x x]<sup>1</sup>

1. Clause 33 omitted by Act 12 of 1953.

(34) "rule" shall mean a rule made in exercise of power conferred by any enactment <sup>1</sup>[and shall include a regulation made as a rule under any enactment;]<sup>1</sup>

1. Added by Act 12 of 1953.

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

(36) "section" shall mean a section of the Act in which the word occurs;

(37) "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;

(38) "son" in case of any one whose personal law permits adoption, shall include an adopted son;

<sup>5</sup>[(38a) "State",-

(a) as respects any period before the commencement of the Constitution (Seventh Amendment) Act, 1956, shall mean a Part A State, a Part B State or a Part C State, and

(b) as respects any period after such commencement, shall mean a State specified in the First Schedule to the Constitution and shall include a Union territory;]<sup>1</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

5. Inserted by Act 12 of 1953.

(38b) "State Act" shall mean an Act passed by the Legislature of a State established or continued by the Constitution;

<sup>1</sup>[(38c) "State Government",-

(a) as respect anything done after the commencement of the Constitution and before the commencement of the Constitution (Seventh Amendment) Act, 1956, shall mean the Rajpramukh of the State of Mysore; and

(b) as respect anything done <sup>1</sup>[x x x]<sup>1</sup> after the commencement of the Constitution (Seventh Amendment) Act, 1956, <sup>1</sup>[and before 1st November, 1973]<sup>1</sup> shall mean the Governor of the State of Mysore;]<sup>1</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

<sup>1</sup>[(c) as respect anything done or to be done after 1st November, 1973 shall mean the Governor of the State of Karnataka;]<sup>5</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(39) "sub-section" shall mean a sub-section of the section in which the word occurs;

(40) "swear" with its grammatical variations and cognate expression, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

<sup>1</sup>[(40a) "Union territory" shall mean any Union territory specified in the First Schedule to the Constitution and shall include any other territory comprised within the territory of India but not specified in that Schedule;

(40b) "vessel" shall include any ship or boat or any other description of vessel used in navigation;]<sup>1</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

(41) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property;

(42) Expressions referring to "writing" shall be construed as including reference to printing, lithography, photography and other modes of representing or reproducing words in a visible form;

(43) "year" shall mean a year reckoned according to the British calendar;

<sup>2</sup>[(44) "<sup>1</sup>[Belguam Area]<sup>1</sup>" means the territory specified in clause (b) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

(45) "Coorg District" means the territory declared as such in sub-section (2) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

(46) "<sup>1</sup>[Gulburga Area]<sup>1</sup>" means the territory specified in clause (c) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(47) "[Mangalore and Kollegala Area]<sup>1</sup>" means the territory specified in clause (d) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(48) "Mysore Area" means the territory specified in clause (a) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);<sup>2</sup>

#### **4. Application for foregoing definitions to previous enactments.-**

The definitions in section 3 of the following words and expressions, that is to say, "affidavit," "barrister," "British India," <sup>1</sup>[High Court]<sup>1</sup> "District Judge," "father," "immovable property," "imprisonment," "Magistrate," "month," "movable property," "oath," "person," "section," "son," "swear," "will" and "year" apply also, unless there is anything repugnant in the subject or context, to all enactments made after the third day of January 1868.

1. The words "High Court" were substituted for the words "Chief Court" by Act XII of 1930.

<sup>1</sup>[4A. **Definition of the expressions 'State' and 'State of Mysore' in certain enactments.-** With effect from the first day of November 1956 <sup>2</sup>[and upto 1st day of November, 1973]<sup>2</sup>, in every enactment as defined in clause (12) of section 3, the expression 'State' and 'State of Mysore' (where those expressions refer to the territory or area), shall, unless the context otherwise requires, mean all the territories for the time being comprised in the State of Mysore.]<sup>1</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

<sup>1</sup>[4B. **Definition of the expressions 'State' and 'State of Karnataka' in certain enactments.-** With effect from the first day of November 1973, in every enactment as defined in clause (12) of section 3, the expressions 'State' and 'State of Karnataka' where they refer to the territory or area, shall, unless the context otherwise requires, mean all the territories for the time being comprised in the State of Karnataka.]<sup>1</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

### GENERAL RULES OF CONSTRUCTION

**5. Coming into operation of enactment.-** <sup>2</sup>[(1) <sup>1</sup>[ Where any Mysore Act or Karnataka Act]<sup>1</sup> is not expressed to come into operation on a particular day, then,

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Substituted by Act 12 of 1953.

(i) in case of a Mysore Act made before the commencement of the Constitution, it shall be deemed to have come into operation on the day on which it received the assent of the Maharaja;

(ii) in the case of a Mysore Act made after the commencement of the Constitution and before the commencement of the Mysore General Clauses (Amendment) Act, 1953, it shall be deemed to have come into operation on the day in which it received the assent of the Rajpramukh or the President, as the case may require;

(iii) in the case of the Mysore Act made after the commencement of the Mysore General Clauses (Amendment) Act, 1953, <sup>1</sup>[and before the commencement of the Constitution (Seventh Amendment) Act, 1956 shall be deemed to have come into operation]<sup>1</sup> on the date on which the assent thereto of the Rajpramukh or the President, as the case may require, is first published in the official Gazette.]<sup>2</sup>

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

<sup>1</sup>[(iv) <sup>2</sup>[in the case of a Karnataka Act]<sup>2</sup>, 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.]<sup>1</sup>

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

2. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

(2) Unless the contrary is expressed, an Act shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

<sup>2</sup>[(3) In every Act referred to in clause (iii) <sup>1</sup>[or clause (iv)]<sup>1</sup> of sub-section (1), the date of publication in the official Gazette shall be printed either above or below the title of the Act and shall form part of the Act.]<sup>2</sup>

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

2. Added by Act 12 of 1953.

**6. Effect of repeal.-** Where this Act or <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> 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,-

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

(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 enactments so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such, right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

<sup>1</sup>**[6A. Repeal of Act making textual amendment in an Act.-** Where <sup>2</sup>[any Mysore Act or Karnataka Act]<sup>2</sup> made after the commencement of this Act repeals any enactment by which the text of any Act 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.]<sup>1</sup>

1. Inserted by Act 12 of 1953

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**7. Revival of repealed enactments.-** (1) In <sup>2</sup>[any Mysore Act or Karnataka Act]<sup>2</sup> 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. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) This section applies also to all enactments made after the third day of January 1868.

**8. Construction of references to repealed enactments.-** Where this Act, or <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, repeals or re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed, shall, unless a different intention appears, be construed as references to the provisions so re-enacted.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**9. Commencement and termination of time.-** (1) In <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> 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".

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) This section applies also to all enactments made after the third day of January 1868.

**10. Computation of time.-** Where, by <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> 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:

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Provided that nothing in this section shall apply to any act or proceeding to which the <sup>1</sup>[Indian Limitation Act, 1908]<sup>1</sup> applies.

1. Substituted by Act 12 of 1953.

**11. Measurement of distances.-** In the measurement of any distance, for the purposes of <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> 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.

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

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

**13. Gender and number.-** In all enactments, 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*.

#### POWERS AND FUNCTIONARIES

**14. Powers conferred to be exercisable from time to time.-** Where, by <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, any power is conferred <sup>2</sup>[x x x]<sup>2</sup> then that power may be exercised from time to time as occasion requires.

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

2. The words "on the Government" omitted by Act 12 of 1953.

**15. Power to appoint to include power to appoint *ex-officio*.-** Where, by any enactment, 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.

**16. Power to appoint to include power to suspend or dismiss.-**

Where, by any enactment, a power to make any appointment is conferred, then, unless a different intention appears, the authority having <sup>1</sup>[for the time being]<sup>1</sup> power to make the appointment shall also have power to suspend or dismiss any <sup>2</sup>[person appointed whether by itself or any other authority]<sup>2</sup> in exercise of that power.

1. Inserted by Act 12 of 1953.

2. Substituted by Act 12 of 1953.

**17. Substitution of functionaries.-** (1) In <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> 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.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) This section applies also to all enactments made after the third day of January 1868.

**18. Successors.-** (1) In <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> 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.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) This section applies also to all enactments made after the third day of January 1868.

**19. Official chief and sub-ordinates.-** (1) In <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> 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 sub-ordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) This section applies also to all enactments made after the third day of January 1868.

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

**20. Construction of orders, etc., issued under enactments.-** Where, by any enactment, a power to issue any <sup>1</sup>[notification]<sup>1</sup>, order, scheme, rule, form or bye-law is conferred, then expressions used in the <sup>1</sup>[notification]<sup>1</sup>, 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 enactment conferring the power.

1. Inserted by Act 12 of 1953.

**21. Power to make to include power to add to, amend, vary or rescind notifications, order, rules or bye-laws.-** Where, by any enactment, a power to <sup>2</sup>[issue]<sup>2</sup> <sup>1</sup>[notifications]<sup>1</sup>, 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 condition (if any), to add to, amend, vary or rescind any <sup>1</sup>[notification]<sup>1</sup>, order, rules or bye-laws so <sup>2</sup>[issued].<sup>2</sup>

1. Inserted by Act 12 of 1953.

2. Substituted by Act 12 of 1953.

**22. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.-** Where, by any enactment 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 enactment, 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 enactment, then that power may be exercised at any time after the passing of the enactment; but rules bye-laws or orders so made or issued shall not take effect till the commencement of the enactment.

**23. Provisions applicable to making of rules or bye-laws after previous publication,-** Where, by any enactment, 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, the following provisions shall apply namely:-

(1) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-law 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 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 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.

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

1. Inserted by Act 12 of 1953.

**MISCELLANEOUS**

**25. Recovery of fines.-** Section 63 to 70 of the Indian 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 enactment, rule or bye-law, unless the enactments, rule or bye-law contains an express provision to the contrary.

**26. Provision as to offences punishable under two or more enactments.-** Where an act or omission constitute an offence under two or more enactments, then the offenders 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.

**27. Meaning of service by post.-** Where <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> 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 expression "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.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**28. Citation of enactments.-** (1) In any enactment, and in any rule, bye-law, instrument or document, made under, or with reference to, any enactment, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In this Act and in <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appear, be constructed 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.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**29. Saving for previous enactments, rules and bye-laws.-** The provisions of this Act respecting the construction of enactments, rules, or bye-laws made after the commencement of this Act, shall not affect the construction of any enactment, rule or bye-law made before the commencement of this Act, although the enactment, rule or bye-law is contained or amended by an enactment, rule or bye-law made after the commencement of this Act.

<sup>2</sup>**[30. Publication of orders and notification in the official Gazette.-** Where in <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup>, or in any rule made under <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup>, it is directed that any order, notification or other matter, shall be notified or published, such notification or publication shall, unless the Act otherwise provides, be deemed to be duly made if it is published in the Official Gazette.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Sections 30, 31 and 32 substituted by Act 12 of 1953.

**31. Determination of the times at which Acts or provisions of Acts extended or applied by Government to certain places shall come into force.-** When, by an Act, the Government is empowered to extend or apply an Act or any provision of an Act, to any place in, or to any portion of the State, the Government may, in any order extending or applying such Act or provision or in any subsequent order, notify the time or provision or in any subsequent order, notify the time at which the same shall come into force in the place or portion of the State to which it is so extended or applied; and unless it is otherwise provided in the Act, the Government may, by notification in the Official Gazette from time to time, postpone the time at which the Act or provision shall come into force in such place or portion of the State, to cancel the order for extending or applying the same to such place or portion of the State:

Provided that no order postponing the time at which an Act or provisions shall come into force or cancelling the order for extending or applying the same shall be made after the Act or provision has actually come into force in the place or portion of the State to which such order relates.

<sup>1</sup>[**31A. Construction of reference to certain laws.-** Any reference in any <sup>2</sup>[Karnataka Act]<sup>2</sup>, to a Mysore Act which is not in force in the Bombay Area, Hyderabad Area, Madras Area or Coorg District, shall, in relation to such Area or District, unless the context otherwise requires, be construed as a reference to the corresponding law, if any, in force in such Area or District.]<sup>1</sup>

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

2. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

**32. Application of Act to Ordinances.-** The provisions of this Act shall apply in relation to any Ordinance promulgated by the <sup>1</sup>[Governor]<sup>1</sup> under Article 213 of the Constitution in like manner as they apply in relation to <sup>2</sup>[Karnataka Acts]<sup>2</sup> made by the State legislature:

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

2. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

Provided that sub-section (1) of section 5 of this Act shall apply to any such Ordinance as if the reference in that sub-section to the day of the first publication of the assent to an Act in the Official Gazette were a reference instead to the day of the first publication of the Ordinance in that Gazette.]<sup>2</sup>

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