

When there was no arrangement made for receipt of the compulsory deposit to accompany an election petition, during vacation, the election petition filed on the day the Court reopened, was held to have been filed within time: *D. Siddiah v. S. Rudrappa*, AIR 1954 Mys 49 : 33 Mys LJ 153.

Authority which is neither court nor office.— The section does not apply to the authority which is neither court nor officer such as the Committee of Management of college could have completed its enquiry even on holiday and it can not claim benefit of Section 10 of General Clauses Act. *Committee of Management, J. S. I. College v. D.I.O.S., Etawah*, 1986 AWC 422.

Power if court of extend period.— With reference to the power of the Court to extend a period originally fixed a liberal view should be taken. As adjournment had been allowed on the condition that costs be paid before the next date. The plaintiff offered costs on next date i. e. 5-12-1946 as 4-12-1946 happened to be a Sunday. Dismissal of the suit for non-payment of costs on the fixed date was illegal. Principles of S. 4, Limitation Act, and S. 10, General Clauses Act were applicable. The language of S. 148, Civil P C. 1908 is wide enough to vest the Court with undoubted jurisdiction to enlarge the time from time to time, and this jurisdiction extends even to a case where the period has already expired. A 1977 Madh Pra 1 (3, 4, 5, 7) ; 1978 MPLJ 734 (FB). (A 1962 MP 205.

Broadly stated, the object of the section is to enable a person to do what he could have done on a holiday, on the next working day. Where, therefore, a period is prescribed for the performance of an act in a court or office, and that period expires on a holiday, then according to the section the act should be considered to have been done within that period, if it is done on the next day on which the court or office is open. For the section to apply, therefore, all that is requisite is that there should be a period prescribed and that period should expire on a holiday. [(H. H. Raja) *Harinder Singh v. S. Karnail Singh*, 1957 SCR 208 : 1957 SCA 587 : 1957 SCJ 261 : 1957 SCC 112 : AIR 1957 SC 271.]

111. Measurement of distances.— *In the measurement of any distance, for the purposes of any ²[Act of Parliament] or Regulation made after the commencement of this act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.*

1. Cf. section 34 of the Interpretation act, 1889 (52 and 53 Vict., c. 63).
2. Subs. by P.O. No. 147 of 1972, Art. 7 for "Central Act".

Scope and applications

Shortest route along public road or public lane—Where there are four routes and routes I and IV exceed a mile in length and routes II and III are both less than a mile in length but are essentially amphibian in character it is impossible to consider the latter as routs along a public road or a public lane routes I and IV need not be considered. AIR 1953 Trav-Co 298 (DB).

Section 11 merely reproduces the commonsense view that should be adopted in measuring distances between two points and there is no reason why a different method should be adopted, while dealing with Act which came into force before the commencement of the General Clauses Act and to which the General Clauses Act does not apply. A 1948 All 299 (300) : 49 Cri LJ 378.

12. Duty to be taken pro rata 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 livable on any given quantity, by weight, measure or value of any goods or merchandise, then a like duty is livable according to the same rate on any greater or less quantity.*

Scope and applications

The object of S. 12 is to avoid the tortuous process of the draftsman of a statute having to spell out the amount of duty for each quantity of the goods or merchandise taxed. Two points concerning the section may be noted. In the first place, the section is applicable to past enactments as well as wider word than "central Act" and covers every enacted law. Secondly, the section applies to duties of customs or excise or "in the nature thereof". These words would seem to take in all indirect taxes to future enactments. Enactments is a levied on commodities.

Section 12 of the General Clauses Act, 1898, provides that where by any Act any power is conferred, then that power may be exercised from time to time as occasion requires. [*Sate of haryana v. Mohan Lal Gupta and others.* (1970) 2 SCJ 401 : AIR 1970 SC 1848.]

13. Gender and number.— *In all Acts of Parliament and Regulations, unless there is anything repugnant in the subject or context,-*

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

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

¹ 13A. [References to the Sovereign.] Omitted by A.O. 1961, art. 2 and Sch.

¹ Section 13A was inserted by the Repealing and Amending act, 1919 (XVIII of 1919), section 2 and Sch. 1, and then amended by A.O. 1937.

Scope and applications

"A person"-If includes one or more than one person.— The words "a person" may themselves mean, that the legislature intended to depart from the general rule laid down in Section 13 of the General Clauses Act. The presence of the words "a person" in singular therefore, cannot mean that the information should be by a single individual only. AIR 1958 Al 467 (DB).

Words "a Gaon Panchayat".— include plural. AIR 1956 All 133 (DB).

List includes plural- (Interpretation of Statutes). AIR 1957 Andh Pra 1007 (DB).

Obiter :-It may be reasonably contended that having regard to the context the word "parents" should necessarily mean male parent and will not include the mother. AIR 1958 Assam 128 (DB).

Criminal P. C. (1898), Section 411, 35 (3) and 362 (3)- Scope of-Two sentences on two counts-Quite apart from these Sections of Criminal P. C. a term might will be held to mean two or more terms under Section 13 of the General Clauses Act so that unless the aggregate of imprisonment inflicted exceeded six months no appeal would lie under Section 411. Similarly, unless the aggregate of fine imposed under two sections exceeded two hundred rupees on appeal would lie. AIR 1954 Cal 301 (DB).

The section does not mean that words in the singular shall exclude the singular. Even assuming the contrary, the section is subject to the words "unless there is anything repugnant in the subject or context". "A mortgagor" in T.P. Act Section 92 Para 3 does not necessarily mean all the mortgagors where there are more than one. 1951 Mad WN 396 : 1951-1 Mad LJ 596.

Person carrying on business.- Person included more than one person-Hindu joint family firm-Joint family carrying on business in name of firm-Family consisting of adults and minors-Suit can be brought against such firm. AIR 1962 Pat 360.

"Parcel or Package".- "Parcel or Package" means the singular and not plural. AIR 1957 Pat 231 (DB).

Election petition by more than one person.- Amount to be deposited for cost is only Rs 2,000-Each petitioner need not deposit full amount separately. ILR (1964) 1 Punj 418.

Election petition-Presentation-Attestation of copies.- Joint petition by two or more electors-Presentation by one of them alone is valid-So also attestation of copies of petition by one of them alone is sufficient. AIR 1963 Raj 219 (DB).

The words "the list" mean all lists maintained. AIR 1954 Raj. 145 (DB).

"Laws in force" so as to include customs and usages. AIR 1954 Raj 100 (FB).

Government cannot review its own order passed in revision.- The revisional power of Government in the matter being only a statutory power, the limits of its extent must be sought in the statute that conferred the power itself. Admittedly no further power to review that order is provided for in the statute, or even in the rules. The contention that the Government can review or modify its prior decision must be overruled. 1961 Ker LT 728.

There cannot be industrial dispute between employer and single workman unless it is taken up by Union or a number of workmen-Dispute essentially individual in character does not become industrial dispute, because more than one person join in it. Support of Union must precede reference. (1962 1 Lab LJ 409 : (1962) Supp 3 SCR 589.

The use of the word "workmen" in the plural in the definition of Industrial Disputes Act does not by itself exclude the applicability of the Act to an industrial dispute because under Section 13 (2) of the General Clauses Act unless there is anything repugnant in the subject words in the singular shall include the plural and vice versa. AIR 1957 SC 532.

Arbitration Act (1940), Section 8-Power to appoint more than one arbitrator.— The use of word "an arbitrator or arbitrators in Section 8 (2), Arbitration Act, 1940 indicates that the Court can appoint as many arbitrators as may have refused to arbitrate regardless of their numbers. AIR 1956 All 431 (DB).

Word in singular-Interpretation.— It is not correct to say that for all words in the singular appearing in any Central Act the plural shall be substituted. A word in the singular may be interpreted in the singular number as well as in the plural number. ILR (1953) 1 All 930.

"District Judge" includes additional District Judge. AIR 1956 Bhopal 69.

Industrial Disputes Act 1947) Section 2 (k)-Individual dispute-Dispute not taken up by fellow workmen-Not an industrial dispute.— Workmen" in this section does not include the singular. AIR 1956 Ker LJ 1042.

Income-tax Act (1922), Sections 24-B (2), 34-Several legal representatives of deceased assesses-Notice issued to only one.— Income-tax Officer informed about others-No enquiry-Validity of assessment order passed against only one heir-Good faith- Liability imposed by Section 24-B (2) on the legal representative of a deceased attaches itself to all legal representatives of the deceased on whom notices are issued. AIR 1958 Mad 11 (DB).

Section 13, General Clauses Act, is an inclusive definition and, therefore, extends the meaning of the singular word so as to include the plural and is not a restrictive definition. *Mafzalar Rahman v. Sreejuka Karimannesa Begum*, AIR 1947 Cal 241 : 51 Cal WN 934. The definition applies only if there is nothing repugnant in the subject or context. See *K.L. Naidu v. Special Officer*, AIR 1960 AP 560.

In Section 13 of the General Clauses Act, the Words in the singular include the plural. It was said by S. M.N. Rania, J., that although Section 13 of the General clauses Act is applicable to Central Acts.

Section 13 (2) of the General Clauses Act, which mentions that words in the singular shall include the plural and vice versa cannot be made applicable for construing the words 'male heirs' occurring in section as to include "a single male heir". Section 13 opens with expression "unless there is anything repugnant in the subject or context".

The function of an interpretation clause is not, as is very often supposed, to substitute one set of words for another or to apply the meaning of the term under all circumstances, may be included in the term 'when the circumstances required' but

merely to declare what may be included in the term 'when the circumstances required' that it should be so interpreted. All that section 13 means is that the word need not be construed as singular under all circumstances but it merely indicates the intention of the legislature that the word may be interpreted in the plural wherever the circumstances required that it should be so construed. *Sambata v. Narayana*, AIR 1951 Mad 907 at p920. Determinable with reference to the context in which it may be used, the word "any may, thus, imply "all". *Chandi Prasad v. Rameshwar Prasad*, AIR 1967 Pat 41. The word "complaint: used in the singular may be construed in the plural also and as such a joint complaint by two persons is a valid complaint. *Sital Chandra v. Babu Ram Jadaun*, 1966 Al Cr R 197 : 1966 All WR (HC) 333. In order to get its true import, it is necessary to view the enactment in retrospect, the reasons for enacting it, the evils it was to end and the objects it was to sub serve. The Act has therefore to be viewed as a whole and its intention determined by construing all the constituent parts of the Act together and not by taking detached sections or to take one word here and another there.

Section 13 will apply to Article 62 of the Stamp Act in the case of transfer of several "bonds" for one lump sum. *Ram Swarup v. Joti*, AIR 1933 All 321 : 1933 All LJ 427 (FB).

Wile construing the expression "an arbitrator or arbitrators" in section 8 (2) of the Arbitration Act, 1940, the Court, in the context of Section 13 of the General Clauses Act, appoint such number of arbitrators as would have refused to arbitrate. *Kashi Prasad Singh v. Gupteshwar Singh*, AIR 1956 All 431 : 1956 All WR (HC) 58 (DB). The word "arbitrators", thus, includes also the singular in the context of Section 14 (2) of the Arbitration Act, in the matter of filing of the award. *Anandi Lal v. Keshav Deo*, AIR 1970 Raj 22 ; also *Shah Honsraj v. Shah Maganlal*, AIR 1980 Bom. 237.

The expression "term of imprisonment" would be virtue of section 13 of the General clauses Act, include two or more terms of imprisonment. *Md. Safi v. State of West Bengal*, AIR 1954 Cal 301 : 1954 Cri LJ 797.

The singular expression "complainant", in section 200 of Code of Criminal Procedure, can be construed as complainants and there can be more than one person as complainants in a single complaint. *Shital Chandra Dutta v. Balu Ram Jadaun*, AIR 1967 All 150 : 1967 Cri LJ 307.

The term "Judge" in Section 5 of the Court Fees Act implies "Judges". *Maharaj Dharmendra Pd. Singh v. State*, AIR 1969 All 484.

The term "certificate" referred to in Bengal Public Demands Recovery Act, 1913 includes certificates. *Mafzalar Rahman Choudhary v. Sreejukta Karimannessa Begum*, 51 CWN 934 : AIR 1947 Cal 241.

In the expression "person carrying on business", the word "person" includes more than one person. Accordingly, where

the members of a joint Hindu family carry on business in the name of firm, suit can be brought against such firm. *Rameshwar Prasad Golwara v. Keshab Prasad Bhagat*, AIR 1962 Pat 360 : 1962 BLJR 473. The expression "history-sheet" used in the Motor Vehicles Act includes the plural so as to empower the Licensing authority to examine all the history-sheets of the person applying for licence to drive. *J. C. Nagireddy. V. P. Nagamma* (1968) 2 Andh WR 234 : AIR 1968 Andh Pra 298.

"The words such and vice versa" in section 13 should be read as 'unless there is anything repugnant in the subject or context' and should not be differently construed unless circumstances so require.

It is correct that according to section 13(2) of the General Clauses Act, 1897 'the words in the singular shall include the plural, and vice versa', but this process does not always help in giving the proper construction to the language of a statute. Application of section 13 of the General Clauses Act is conditional. Sub-sections (1) and (2) of section 13 of the General Clauses Act will be applicable 'unless there is anything repugnant in the subject or context' of the Statute or regulation. Section 13 does not provide that a word in singular is to be read as plural under all circumstances, but it merely indicates the intention of the legislature that the word may be read in plural whenever the circumstances require that it should be so construed.

Section 13 begins with the words 'unless there is anything repugnant in the subject or context'. Therefore the statute as a whole is to be read to ascertain the scheme and object of the state before applying this section. 27 DLR 98.

Definition clause when could in a statute, should ordinarily be interpreted as bearing the meaning provided in the definition clause - Circumstances when an extended meaning can be applied to explain some sections of an act.

Definition clause is generally binding on the courts, provided that it is not at variance with the intention of the law makers as expressed in the plain language of the statute. However, the definition clause need not be in accord with the ordinary dictionary meaning. When a word or phrase is defined as having a particular meaning in an enactment it is that meaning alone which must be given to it in interpreting a section of the Act. Courts have no power to extend meaning of a provision of a statute.

Of course in a proper case when an expression used in the statute has a meaning different from that which the language used indicate, a court would not be exceeding its jurisdiction in putting an extended meaning to it. But before this is done the intention of the legislature must be clear on the point. It is an elementary rule of interpretation of statutes that in construing a statute, all the provisions should be considered together and the interpretation given must reconcile with the different provisions of the statute, if possible. The word 'context' occurring in section 13 of the General Clauses Act implies that

in construing a statute one should not isolate words or give them their abstract meaning or consider the different provisions separately and independently. Every part must be considered together and every part is to be considered as integral part of the whole and it should be kept subservient to the general intent of the whole enactment. 27 DLR (1975) 99.

"Hat" or "Bazar", definition of.— A hat or Bazar sitting once in a week is not uncommon in this country. If a hat sits once a week regularly then it will come under mischief of the SAT Act. The expression 'particular days' in the definition of 'hat or Bazar' if read together with necessary emphasis that the word 'particular' deserves, then it will be clear that the word 'days' will also include a day as well in view of the provision of the General Clauses Act and the history of relevant legislation. 45 DLR 23.

The section deals with expressions used in one particular gender or number and widens their scope so as to extend them to the other gender or number. It is a legal principle of interpretation that the words in the singular shall include the plural. A 1947 Cal 241 (243) : 51 Cal WN 934.

By virtue of Art. of the Constitution, this section would apply to the Constitution. A 1954 Raj 100 (102) : 1954 Raj LW 543 (FB).

The corresponding English provision is more comprehensive. Besides covering what is enacted in S. 13 specifically the English provision provides that (unless the contrary appears) "words importing the feminine gender include the masculine", - the converse of what is enacted in S. 13 (1). The provisions is intended for legislative contexts-e. g. nursing-Where in feminine gender might, with advantage; be used to include the masculine, instead of vice versa.

Gender.— In view of the context the expression "parent" may be construed as meaning only the male parent. A 1958 Assam 128 (137) : (1958-59) 14 ELR 480 (DB). (Word "parents" in Art. 366 (2) of Constitution will not include the mother-Obiter).

In an English case, the expression "person" in a statute relating to the admission of solicitors was held not to include women. (1914) 1 Ch 286 : 110 LT 353.

In view of S. 13 (2) of General Clauses Act though S. 23 of Hindu Succession Act speaks of male his it applies even if a Hindu intestate has left surviving him a male heir and a female heir. A 1982 Cal 222 (223) : (1982) 86 Cal WN 356 (DB).

The expression "his father or mother" in S. 125 Criminal P. C. must be taken to have the meaning "her father or mother" 1982 Ker LT 242 (245).

With reference to O. 30 R. 10, Civil P. C. 1908, a Hindu joint family firm carrying on business in the name of a firm, consisting of adults and minors, can be sued in the firm name. It is a "person carrying on business" within the rule, when construed with S. 13 of the General Clauses Act. A 1962 Pat 360 (363) : 1962 BLJR 473.

Singular as including plural.— The words "a person" used in S. 27 of the Evidence Act, 1872 it has been held, include the plural. A 1959 Pat 54 (57) : 1959 Cri LJ 219.

Since there is nothing repugnant in the subject or contest of S. 200, Criminal P. C. 1898, the word "complainant" in that section includes the plural also. A 1942 Oudh 407 (408) : 43 Cri LJ 731.

The true meaning and the correct interpretation of the words "parcel or package" occurring in S. 75 (1) of the Railways Act, 1890 is that the word "parcel" or "package" means the singular and not the plural, and it contemplates each individual parcel or package, and not the entire consignment of luggage consisting of several parcels or packages. A 1957 Pat 231 (233) : 1957 BLJR 183 (DB).

The liability imposed by S. 24B (2) of the Income-tax Act, 1922 on the legal representative of a deceased attaches itself, by virtue of Section 13, to all legal representatives of the deceased on whom notices are issued under that section. A 1958 Mad 11 (13) : 1957 2 Mad LJ 290 (DB).

Consistent with the presumption contained in S. 13 (2) of General Clauses Act the expression "speculative transaction" in explain (2) to S. 28 of Income-tax Act should be read to mean "speculative transaction or speculative transactions". 1981 Tax LR 161 (163) : (1980) 59 Taxation 61 (DB) (Madh Pra), (1977) 106 ITR 465 (BOM).

With reference to the words "an arbitrator or arbitrators" in S. 8 (2) Arbitration Act, 1940, the Court can, by reason of Section 13 (2), General Clauses Act, appoint as many arbitrators as may have refused to arbitrate regardless of their number. A 1956 All 431 (432) : 1956 All WR (HC) 58 (DB).

Although the word "permit" is used in the singular in subsection (1-C) of S. 68-F of the Motor Vehicles Act, the Transport Authority will have jurisdiction to grant any number of temporary permits as and when the occasion for the grant arises. A 1975 Madh Pra 77 (83) : 1974 MPLJ 922 (DB).

The term "history-sheet" in R. 153-D of the Motor Vehicles Rules, 1940 (as amended) means all the history-sheets of the applicant, and not merely single history-sheet. A 1968 Andh Pra 298 (302) : (1988) 2 Andh WR 234.

There is nothing in the Succession Act, 1925 to suggest that the word "Judge" used in the definition of "District Judge" in S. 2 (bb) of that Act cannot include additional Judges. Consequently, the term "District Judge" would include an Additional District Judge. A 1956 Bhopal 69 (70).

A "term of imprisonment" might be held to mean two or more terms. A 1954 Cal 301 (302) : 1954 Cri LJ 797 (DB).

The word "Collector" in the Tenancy Act, 1939, Second Schedule List II item 11 includes all Assistant Collectors invested with the powers of the Collector. A 953 All 467 (469) : 1953 All LJ 213 (FB).

In Section 200, Criminal P. C. 1898, relating to the making of a complaint, the singular expression "complaint" includes "complaints", and a complaint can be made by more than one person. A 1967 All 150 (151) : 1967 Cril LJ 307.

The word "property" can be interpreted as plural. Thus where debt is secured by several items of property is secured by several items of property the disallowance can apply only in respect of those properties which are found to be exempted assets. 1982 Tax LR 1568 (1570) : (1982) 133 ITR 854 (DB) (Mad).

The term "The Trade Union" in Section 5 (1) of Industrial Employment (Standing Orders) Act "will" mean trade unions in case there are more than one trade union. 1977 Lab IC (NOC) 53 (All).

Singular as not including plural.— The words "the subordinate Judge" cannot be read in the plural sense, viz., "the subordinate Judges", as such a construction would lead to an absurd result. A 1968 Ker 240 (241) : 1968 Keker LT 8 (FB).

In Rules 65 and 57 of the Displaced Persons (compensation and Rehabilitation) Rules, the word "building" (in R. 65) cannot include the plural. If a displaced person leaves behind more than one rural building—each less than the prescribed limit—the value of the buildings cannot be totaled up for taking the case for compensation out of the ambit of Rule 65. A 1963 SC 181 (185) : 1963 1 SCJ 457.

Section 234 of the Criminal P. C. 1898 cannot, having regard to the subject and context be construed as permitting the trial at one trial of more than one person for several offenses not committed in the course of the same transaction. (1966) 3 Cri LJ 126 9127, 128) : (1906) 10 Cal WN 32 (DB).

In Section 27 of the Evidence Act, 1872, the singular "person" cannot be construed in the plural A 1945 Oudh 235 (240) : 46 Cri LJ 629 (DB).

With reference to an election petition under the Representation of the People Act. Where there is joint petition by two or more electors, presentation of the petition by one of them alone is valid. So also attestation of copies of the petition by one of them alone is sufficient. A 1963 Raj 219 (222, 223) : 1963 Raj LW 444 (DB).

The word "persons" in the Explanation to R. 30 of the Displaced Persons Compensation and Rehabilitation) Rules 1955 includes "a person". A 1964 Punj 87 (89) : 65 Pun LR 746 (DB).

Filing an award in Court is a ministerial act. An award made by more than one arbitrator can be filed, or caused to be filed by any one of them. The word "arbitrators" includes the singular also in this context. A 1980 Bom. 237 (243, 244) : 1979 Madh LJ 530.

Plural as not including singular.— There cannot, be an industrial dispute between an employer and a single workman, unless it is taken up by the Union or by a number of workmen. (1962) Supp 3 SCR 589 (601, 602).

The expression "workmen" in Section 2 (k), Industrial Disputes Act, does not include the singular. A 1956 Cal 545 (548) : 60 Cal WN 856.

In S. 13 of the Religious Endowments Act. 1863, the words "remaining members" would not include "a single member", having regard to the context and the entire provisions of the Act. A 1970 Cal 505 (510, 511) : (1971) 75 Cal WN 256 (DB).

Context to the contrary.— A word in the singular may be interpreted in the singular number as well as in the plural number, having regard to the context. A 1952 All 491 (494, 495.) : 1952 Cri LJ 910 (DB).

The words "The Honorable Judges of the High Court" used in the rules and the notification in issue, cannot be construed as "Honorable Chief Justice or any single Judge of the High Court", in view of the definite indication of the contrary intention evinced by the historical background and the context in which they were used. ILR (1974) 2 Delhi 450 (476) (DB).

The words "any judge" occurring in R. 28 of the Bombay High Court Original Side Rules include "any judges" whether two or more exercising original jurisdiction of the High Court. (1981) 83 Bom LR 75 : 1981 Mahd LJ 93 (112) (DB).

The word "person" in S. 234, Code of Criminal Procedure 1898 does not include persons. A 1921 All 246 (2) (247) : 22 Cri LJ 657.

To read the expression a "previous year" as "previous years" in Stein 2 (11). Income-tax Act, 1922 would be to nullify the very definition of "previous year" enacted therein and such a construction must be rejected as repugnant to the context. A 1959 SC 219 (22) : 1959 SC 245.

The application of the section to the constitution and to the government.— The word "appeals" in Rule of the High Court Rules include any particular appeal or appeals and also any question arising in any appeal. (1981) Madh LJ 93 (113) (FB).

Rule in section 13 not applicable to the definition of "previous year" in section 2 (11) Income tax Act, 1922. - Section 13 only enacts a rule of construction which is to apply "unless there is anything repugnant in the subject or context", and to read a "previous year" as "previous years" in section 2 (11) would be to nullify the very definition of a "previous year" enacted therein, and such a construction must therefore be rejected as repugnant to the context. [M/s. Dhandhanja Kedia & Co. v. Commissioner of Income-tax, AIR 1959 SC 219 : 1959 SCJ 245 : (1959) 1 Andh WR (SC) 105 : (1959) 35 ITR 400 : (1959) 1 MLJ (SC) 109.]

POWERS AND FUNCTIONARIES

14. Powers conferred to be exercisable from time to time.— (1) Where, by any Act of Parliament or regulation made after the commencement of this act, any power is conferred ¹*****, the, ²[unless a different intention appears], that power may be exercised from time to time as occasion requires.

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

1. The words "on the Government" rep. by Act XVIII of 1919, s. 2 and Sch.

2. Ins. ibid.

Scope and applications

Singular includes plural.— It cannot be disputed a view of section 14(2) of the Bengal General Clauses Act 1899 that the words 'holding', 'portion', 'share' though used in the singular, should include the plural. 14 DLR (1962) 796.

Section deals with the exercise of a power successively and has no relevance to the question whether the power claimed can at all be conferred. *Gour Chandra Rout v. Public Prosecutor, Cuttack*, 1963 SCH 423 : AIR 1963 SC 1198 (1202, 1203) (Pt C) (Pr 6).

It is a well known rule of construction that when power is conferred by a statute that power may be exercised from time to time when occasion arises unless a contrary intention appears. AIR 1953 SC 357.

Act can be brought into force piecemeal by successive notifications—Interpretation of Statutes—Coherent meaning should be given. AIR 1963 Tripura 1.

When a power is conferred by a statute that power may be exercised from time to time when occasion arises, unless a contrary intention appears. A 1953 SC 357 (360) : 1953 SCJ 509.

On the High Court power to make rules. That Court could exercise the power from time to time with reference to matters within its jurisdiction, whether existing at the coming into force of the existing at the coming into force of the Government of India Act, 1915 or whether conferred on it by any subsequent legislation. A 1953 SC 357 (360) : 1953 SCJ 509.

The Government of India Act ; 1935 (as applicable to Pakistan) was construed as conferring larger jurisdiction on High Court in matters pertaining to issue of writ of mandamus. 1955 Pak LD (Lah) 215 : A 1955 NUC (Padk 5805).

Application of the section 10 subordinate legislation.— S 14 does not, in so many words, provide that it applies to statutory instruments, but its has been held to apply to them. A 1971 Mad 37 (39).

The rules made under a statute must be treated for all purposes of construction or obligation exactly as if they are contained in the Act and are to be judicially so noticed. A 1961 SC 751 (761) : (1961) 1 CriLJ 773 : (1961) 1 SCA 593.

The rules being part of the Act and in view of S. 14 (1) of the General Clauses Act, the tribunal constituted under the Motor Vehicles Act, 1939 has power under the second proviso to R. 147 and R. 148A of the Rule as framed under S. 68 (2) of the Motor Vehicles Act (1939), to grant extension of time as often as is necessary for the production of a copy. A 1971 Mad 37 (39).

Where a power to issue a notification is given by an Act it can be exercised from time to time and that if it is necessary to issue one notification, it follows by force of the same logic that circumstances may require of further notifications. A 1961 SC 4 (9, 10) : (1961) 1 SCJ 394.

Even where the words "from time to time", used in one sub-section of a section are not used in another sub-section of the same section, the latter sub-section can be construed as conferring a power exercisable from time to time where the subject-matter so requires. Thus the fixation of agricultural rents depends on so many uncertain factors varying from time to time and place to place that it would be idle to contend that the legislature wanted the power to fix maximum rent only once or twice. A 1961 SC 4 (9, 10) : 91961) 1 SCJ 394.

When a provision of land reforms statute is dictated by practical considerations such as administrative convenience and facilities for payment of compensation and by that provision itself the Government is empowered to appoint different dates by issue of notifications for resumption of different classes of jagir lands. Such a provision cannot be termed as discriminatory so as to be violative of Art. of the Constitution. A 1955 SC 504 (537) : 1955 SCJ 523.

Section 14 deals with the exercise of a power successively and has no relevance to the question whether the power claimed can at all be conferred. A 1963 SC 1198 (1202, 1203) : 1963 (2) Cri LJ 194.

When the State Government purports to Act under S. 43 (3) of the Motor Vehicles Act, 1939, it is necessary that the conditions precedent to the exercise of the power (as given in the section) must be satisfied. Since the power conferred by Section 43 (1) is itself conditional upon the fulfillment of the requirements of the provision to that sub-section, S. 14 of the General Clauses Act cannot be made use of in support of the argument that a subsequent notification can be issued under S. 43 (1) without complying with the conditions laid down in the provision to that subsection. A 1978 Gauhati 33 (47) (FB).

Delegated power and its exercise.— Powers under S. 5 of the Maintenance of Internal Security had been delegated to State Governments to regulate the place and conditions of detention. The State Government, could under the delegated powers, amend its own orders by virtue of S. 14 and 21 of the General Clauses Act. (1975) 2 Andh WR 437 (452) (DB).

When the Governor in exercise of his powers under Art of the Constitution, appoints some person or persons as the persons before whom the members may make and subscribe their oath or affirmation he does not thereby abdicate his own power under the article, but the jurisdiction of both is concurrent and the option lies with the member to choose between the two and to select the person before whom he would like to make the oath or affirmation. This conclusion it was held, follows both from the construction of the constitutional provisions read with S. 14 to 16 of the General Clauses Act, 1897 and from the generally accepted theory that an authority which delegates its powers does not divest itself of its powers and can resume them in full or in part. A 1978 Mad 342 (350, 351).

In an old English case *Huth v. Clarke*, the duly appointed executive committee of a County Council which, by virtue of the local authority for the purpose of Contagious Diseases (Animals) Act, 1878 made an order delegating to local sub-committees its powers under that Act and under certain Orders in Council, including the Rabbits Order, 1887. Subsequent to such delegation, the executive committee, without expressly revoking the delegation, issued certain regulations under the Rabbits Order, 1887, as to the muzzling of dogs and keeping them under control. The validity of the executive committee's regulations was in question on the ground that they have already delegated their power to the local sub-committee. The Regulations were upheld but on inconsistent grounds. On the one hand Lord Coleridge, C. J. held that the executive committee had resumed its powers, on the other Willis, J. held that it had never parted with them. (1809) 25 QBD 391 (394, 395) : 59 LJQB 559. The Word "delegation" does not imply a parting with powers by the person who grants the delegation.

If the delegated authority had already exercised that power the question of the delegating authority's power would not arise because in such a case, whether the exercise by the delegated authority was right and within his jurisdiction would be the only question and it could not have been the subject-matter of the authority who delegated that power. So long as the authority delegated had not been exercised by the delegated authority, the power still remains with the original authority and no question of the jurisdiction of the original authority could arise at all) A 1978 Mad 342 (351).

Requisition of premises for the purpose-Delegation by competent authority of its powers not divest that authority of any of its powers. No fresh requisition is required on conclusion of one purpose. (1945) 2 All ER 616 (621, 622) : 62 TLR 29.

Delegation by Municipal Council of its power to hear tax appeals-Council does not denude itself of those powers during subsistence of delegation. A 196 Andh Pra 357 (359) : (1964) 1 Andh WR 29.

By leaving the decision of the question of the compulsory retirement of a District Judge to the Administrative Committee of Judges, the High Court has not abdicated its constitutional function. If some, but not all Judges, (constituting the Administrative Committee) participate in a decision relating to a matter which falls within the High Courts controlling jurisdiction over subordinate Court, the High Court does not efface itself by surrendering its power to an extraneous authority. 1978 Lab IC 839 (846) : 1978 UJ (SC) 237.

Duties performance of.— Section 14 is silent about the performance of "duties" and is confined to powers. The English Provision i. e. S. 12 (1) of the Interpretation Act, 1978 (C 30), is wider in this regard. It covers case where "an Act confers power or imposes a duty".

Different intention.— When a Legislature prescribes a mode for the exercise of certain power that power can be exercised in that manner alone. A 1969 SC 267 (268 to 270) : (1969) 1 SCJ 364.

Exemption, relaxation and extension.— Power to relax the requirements of a statute if conferred by the statute would seem to be exercisable from time to time. As to whether relaxation once granted can be modified or withdrawn the matter really falls within S. 21 and not within S 14 (2). A 190 Delhi 147 (152) (DB).

A tribunal has power to return a memorandum of appeal and to grant extension of time to produce copy of the impugned order along with the memorandum of appeal under Rule 147 proviso 2 read with Rule 148A of the Rules as framed under S. 68 (2) (j) of the Motor Vehicles Act, 1939. A 1971 Mad 37 (38, 39).

The exercise of a ministerial or discretionary power is not final in any sense. Firstly, the power can be exercised not only once and for all, but as often as it is required according to change in circumstances. Secondly the very fact that the exercise of power does not exhaust the power of the authority to exercise it again means that the power is revocable. The result of the exercise of the power on the second occasion may be different from the result of its exercise on the first occasion. This principle is embodied in S. 14. 1979 Lab IC 1294 (1300) : 1980 Serv LJ 77 (FB) (Delhi).

Unless a contrary intention appears, power under this section can be exercised from time to time. Himangshu Kumar v. L.I.C. of India, 1979 Lab IC 1417 (DB) (Cal). This section, thus, deals with the exercise of power from time to time as occasion arises. State of Maharashtra v. Narayan Sham Rao Puranki, AIR 1982 SC 1198 : 1982 UJ (SC) 368 : (1982) 2 SCC 4440 as continued in AIR 1983 SC 46.

Delegated powers.— When powers have been validly delegated to an authority, that authority can, in view of Sections 14 and 21 of the General Clauses Act, amend its orders passed in exercise of its delegated powers. Subbaryadu v. State, of A.P., (1975) 2 Andh WR 437 at p 452 (DB).

In cases of delegation of powers both the authority which delegates and the authority in whose favour the delegation is made, possess concurrent jurisdiction in the field of the particular powers; and delegation does not imply an abdication of powers on the part of the authority delegating its own powers. Vasantha pal v. C. K. Ramaswami, AIR 1978 Mad 342 at pp 350, 351. So long as the authority delegates had not been exercised by the delegated authority, the power still remains with the original authority and no question of jurisdiction of the original authority could at all arise. Ibid.

15. Power to appoint to include power to appoint ex officio.— Where, by any Act of Parliament or Regulation, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this act, may be made either by name or by virtue of office.

Scope and applications

Power of appointment under a Central Act can be exercised in the manner indicated in the section, that is to say, by name or by office. 1973 Cril LJ 1490 (1492) : 1973 Mah LJ 399.

Issue of search warrant by specially empowered officer-power conferred on person by virtue of office-Holder of office for the time being is empowered specially-A 1948 Bom. 156.

Appointment of person as Special Judge by virtue of office is valid. AIR 1965 And Pra 372 (DB).

Appointment of Sanitary Inspectors by their office as Food Inspector is valid. AIR 1960 Andh Pra 282.

The appointment of District Magistrate as Assistant Sessions Judge not by name, but by this designation is permissible in view of Section 15 of General Clauses Act. AIR 1957 Mad 351 (DB).

"Person authorized".— Authorization by virtue of designation or officer-General authorization of all Food Inspectors in the from a resolution by municipal council is valid. AIR 1963 Mys 157 (DB).

Co-operative Societies Act (1912), Section 42 (1)-Appointment of liquidator by virtue of office is valid-Officer replaced by another-Succession takes place of liquidator. AIR 1955 Nag 262 (DB).

Appointment of Estate Officers by virtue of their office.— Appointment is valid by reason of Section 15, General Clauses Act, 1897. AIR 1864 Tripura 9.

Appointment of Authority under Minimum Wages Act need not be by name and may be by office. AIR 1959 Tripura 16.

Section 15 impliedly recognize two mode of appointment. "Person as designata" are persons selected to act in their private capacity, and not in their private capacity, and not in their capacity as Judges (or as holders of there office). In the case of "persona designata", the appointment is of a person who is pointed out, or described, as an individual, as opposed to a person ascertained as a member of a class or as filling a particular character. Principal subordinate Judges who were appointed to perform the functions of a "Court" under S. 3 (d) of the Lnd Acquisition act, 1894 Within the local limits of their respective jurisdiction, were not persona designata. A 1971 Orissa 71 (74) : (1970) 36 Cut LT 1063 (FB).

General and special authority of the section.— Provision of S. 15 of the General Clauses Act does not apply to an elected post. (1980) 2 And WR 320 : (1980) 2 And LT 261 (268) (DB).

The authorization to do an act under a statue must be in conformity with the statute. Thus. it has been held that in order that report made under S. 15 of the Rice Milling Industry (Regulation) Act, may be valid in law, the person making the report must be authorized in respect of the particular offence in view of the significant words "in this behalf". A 1965 Orissa 159 (159, 160) : 1965 (2) Cri LJ 234.

The general accepted theory in regard to delegation of an authority is that an authority which delegates its powers does not divest itself of its powers. A 1978 Mad 432 (350, 351).

Judicial and allied officers.— A sessions Judge, Additional Sessions Judge or Assistant Sessions Judge may be appointed by virtue of his office (and not necessarily by name) as a Special Judge to try an offence under S. 165A of the Penal Code, 1860. A 1967 Orissa 31 (36) : 1967 Cri LJ 388 : 32 Cut LT 917.

Appointment of a qualified person by virtue of office as Special Judge under S. 6 (1) of the Criminal Law Amendment Act, 1952 is valid. A 1965 Andh Pra 372 (380), 381).

It is competent under S. 9 (3) of the Criminal P. C. 1898 ; for the State Government to appoint a District Magistrate as an Assistant Sessions Judge, not by name, but by designation. A 1957 Mad 351 (352) : 1957 Cri LJ 642.

In Minimum Wage Act, the words "other officer with experience as a Judge of a Civil Court" only mean that the officer should be working or should have worked as a presiding Judge of a Civil Court. He need not be appointed by name. A 1959 Tripura 16 (18).

Appointment of an Additional District Judge as a Motor Accidents Claims Tribunal by official designation is not invalid in all cases. 1939. A 1969 Madh Pra 190 (192, 193, 194).

General scope and analogy of the section.— The general provision contained in this section is designed to empower the appointment of persons required to fill any office or execute any function under any Central Act to be made either by name or by virtue of office. Public Prosecutor v. Narkidimili, AIR 1960 AP 282. As per provisions of this section, there is no bar to the appointment of persona designata by official designation. Thus an appointment by official designation of certain categories of officers to function as Presiding Officers of the Motor Accidents Claims Tribunal in pursuance of a notification issued under the Motor Vehicles Act, 1939, is not invalid provided the persons falling in that category are qualified to be appointed as Presiding Officers of the Tribunals, and in case on or two persons out of that category appointed by designation be not qualified, the notification as a whole is not vitiated but only the appointment of any particular officer not holding the requisite qualification may be rendered invalid. New India Insurance Co. Ltd., Bombay v. Mall Devi, AIR 1969 MP 190 : 1969 Jab LJ 238 : 1969 MPLJ 237. The principle of section 15 of the General Clauses Act is helpful in holding that where there is a power to appoint a person to execute certain functions, such appointment may be made either by name or by virtue of office and the authority to a designated class of officers is not invalid. Thankappan Achari v. Union of India, 1972 KLT 456.

Appointment in anticipation of vacancy, as also appointment of one to exercise powers of another, are within purview of this section. Gulam Nabi v. A.N. Sonanki, (1968) 8 Guj LR 265.

Appointments in general.— A general authority to act in all cases or in a class of cases is a familiar form of authorization to an agent or an officer. *Subbayyan Muthukomaran v. Union of India*, AIR 1970 Guj 108 : 11 Guj LR 208. When power has been conferred to appoint a person to execute any function, such appointment can be made either by name or by virtue of office, though as a general rule, no person can be appointed by office unless express authority to that effect is conferred by the law under which the appointment is made. AIR 1960 AP 282 at p 285.

The Food Adulteration Act need not specifically authorize any person by virtue of his office as Food Inspector because in construing section 15 of the General Clauses Act, the Sanitary Inspectors would be deemed to be a class of officers generally by their official titles. AIR 1960 Andh Pra 282 ; 1983 Cr LJ 248 (AP).

When a statute merely prescribes an authority competent for purpose of filing a complaint or institution of a prosecution, a general authority in favour of an officer or class of officers with regard to offences covered by the same Act would be held valid. *Om Swarup v. State*, 1970 AWR 86 : 1970 All Cr R 57.

When a special Judge is appointed to try an offence under section 165 of the P. C., the Sessions Judge or Assistant Additional Judge or Assistant Sessions Judge may be appointed by virtue of his office and not necessarily by name as per section 15 of the General Clauses Act. *Adikand Statpathy v. State*, 1967 Cr LJ 388 : 82 Cut LT 917 : AIR 1967 . It provides that a power to appoint any person to fill any office or execute any function can be conferred either by name or by virtue of office and as such appointment of members of Claims Tribunal under Motor Vehicles Act conferring powers to all District Judges and Additional District Judges is valid. *Anirudh Pradkash Ambasta v. State of Bidhr*, AIR 1990 : AIR 1967 Mys 33.

On supersession of a Municipality under the Bengal Municipal Act 1932 the administrator appointed a person as a Sanitary Inspector and empowered him to act as Food Inspector. When the Inspector was prosecuted for taking bribe, it was held that the Administrator was competent to give sanction under Section 6 (1) (c) of the Act. Under section 5 of the General Clauses Act, Sanitary Inspectors could be appointed by virtue of their office and it was not necessary that their appointments should be made by their names. The mere delegation of powers to the Sanitary Inspector to be exercised as Food Inspector does not take away the power of the Administrator to dismiss him. *State of Tripura v. Shri Ashu Ranjan Saha*, 1970 Cr. LJ 69 : AIR 1970 Tripura 1.

Special appointments.— A police officer in charge of a division can be appointed as a Special Police Officer for purposes of a special Act. *State of Gujarat v. Bai Radha*, (1968) 9 Guj LR 278 : ILR 1967 Guj 1046 at p 1054.

Executive offices concerns with law enforcement or general administration.— A notification appointing all Special Land Acquisition Officers to perform the functions of a Collector within their respective jurisdictions is valid. A 1968 SC 432 (436, 437) : (1968) 2 SCJ 425.

Where a statute merely prescribes the authority competent for the purpose of filing a complaint or instituting a prosecution, a general authorization in favour of an officer for class of officers in respect of offences punishable under the statute would be valid. 1970 All WR (HC) 86 (94, 95). (A 1965 Orissa 159).

General authorization of all Food Inspectors to institute prosecutions under the Prevention of Food Adulteration Act 1954 (by resolution by the municipal council) is valid. A 1963 Mys 157 (158, 159) : 1963 (1) Cri LJ 785.

Appointment of a Special Police Officer by designation is valid ; it need not be by name only. 1967 Cri LJ 1105 (1107, 1108) (Guj).

Appointment of a Sanitary Inspector (by virtue of his own office) as Food Inspector is also valid. The appointment need not be made by name. A 1970 Tripura 1 (9) : 1970 Cri LJ 60 ** A 1960 Andh Pra 282 (285) : 1960 Cri LJ 569.

A notification empowering listed Second Class Magistrates to try cases under the Opium Act is a "special" empowering of the persons within the meaning of S. 39 of the Criminal P. C. 1898. A 1924 Mad 256 (256) : 24 Cri LJ 846 (DB).

Where the appointment is by name, it comes to an end with the person holding the office. A 1941 Mad 681 (681).

Appointment of Sanitary Inspector (of the Municipal Council).— A Food Inspector under S. 9, Prevention of Food Adulteration Act, is valid. 1973 Cri LJ 1490 (1492).

Under the same act, a resolution passed by the Municipal Board authorizing certain municipal prosecutors to institute prosecutions is valid. It is not necessary to have a special or specify resolution under S. 20 of the Act authorizing prosecution in each case. A 1967 Mys 33 (35) : (166) 1 Mys LJ 569** A 1968 Ker 330 (332, 333).

Particular individuals mentioned by their names may be appointed by the State Government as Food Inspectors, or the Govt. may appoint incumbents, of particular offices like Sanitary Inspectors or health Inspectors to be Food Inspectors by virtue of their officer

The general provision is S. 15 is designed to empower the appointment of persons required to fill any office or execute any function under any Central Act to be made either by name or by virtue of office. The Prevention of Food Adulteration Act need not specifically authorise the appointment of any person by virtue of his office as Food Inspector. A 1960 Cri LJ 569 : (1960) Andh Pra 282 (285).

Under S. 3 (c) of Land Acquisition Act. 1894, a notification appointing all Special Land Acquisition Offices to perform the functions of Collector under the Act is valid. In that section

"specially appointed" means appointed specially to perform the functions of the Collector under the Act. The appointment need not be by name. A 1968 SC 432 (436, 437) : (1968) 2 SCJ 425.

Under S. 13 (1) of the Suppression of Immoral Traffic in Women and Girls Act, read with S. 15 of the General Clauses Act a Special Police Officer need not be appointed by name. A police officer in charge of a division can be appointed as a Special Police Officer for the purpose of the Act. (1968) 9 Guj LR 278 : ILR (1967) Guj 1046 (1054).

Where power is conferred on a person by name or by virtue of his office, the individual designated by name or as the holder of the office for the time being is empowered specially. A 1967 SC 1532 (1533, 1534).

Where a Superintendent of Police was appointed as Inquiry Officer to conduct departmental enquiry against petitioner, and another Police Officer continued the enquiry and submitted inquiry report, Held, S. 15 is not attracted and inquiry by another police Officer was without jurisdiction. 1978 Lab IC (NOC) 162 (Goa).

16. Power to appoint to include power to suspend or dismiss.— *Where, by any Act of Parliament or regulation, a power to make any appointment is conferred, then, unless a different intention appears, the authority having¹ [for the time being] power to make (the appointment shall also have power to suspend or dismiss any person appointed whether by itself or any other authority in exercise of that power.*

Scope and applications

In view of the fact that the order suspending the order of appointment is not a penalty and that the appropriate authority can not only suspend but also terminate the appointment of the petitioner, the Syndicate being the appointing authority has the authority to place the petitioner under suspension. Dr. Syed Mahabubur Rahman Vs. Buet 45 DLR 333.

Rights of Government in the matter of suspension of public servant. The authority entitled to appoint a public servant would be entitled to suspend him pending a departmental enquiry into his conduct or pending a criminal proceedings, which may eventually result in a departmental enquiry against him. This general principle is illustrated by provision in Section 16, General Clauses Act which is in consonance with general law of Master and Servant. AIR 1964 SC 787.

Member of High Court staff—Power to dismiss vests in Chief Justice. AIR 1956 SC 285.

Principle.— The General Clauses Act has been enacted so as to avoid superfluity of language in statutes wherever it is possible to do so.

Section 16 has codified the well-understood rule of general law that the power to terminate follows naturally and as a