

[THE UTTAR PRADESH] GENERAL CLAUSES ACT, 1904

[U.P. ACT No. 1 OF 1904]

Amended by

U.P. Act No. V of 1957

U.P. Act No. 54 of 1975

*Adopted and modified by the Government of India (Adaptation of Indian Laws) Order, 1937**Adopted and modified by the Adaptation of Laws Order, 1950*

[Received the assent of the Lieutenant-Governor on the 28th November, 1903, and of the Governor-General on the 7th January, 1904, and was published under section 40 of the Indian Councils Act, 1861, on the 23rd January, 1904.]

AN

ACT

To consolidate and extend the

[Uttar Pradesh] General

Clauses Act, 1887 and 1896

Clauses Act, 1887 and 1896

WHEREAS it is expedient to consolidate and extend the

[Uttar Pradesh] General Clauses Acts, 1887 and 1896;

It is hereby enacted as follows:—

Preliminary

Short title and

1. (1) This Act may be called the
[Uttar Pradesh] General

commencement

Clauses Act, 1904, and

(2) It shall come into force at once.

2. [****]

[1. Subs. by S. 2 of U.P. Act No. 54 of 1975.](#)

2. For S.O.R., see Gazette. 1903 Pt. V, p. 46.

3. This Act has been extended to the areas mentioned in column 1 of this table under the Act or order mentioned in column 2 and enforced in such areas under notification if any, mentioned in column 3 with effect from the date mentioned in column 4 against such area;

	Area under which extended		Actor Order Notification under which which extended	Date from which forced	enforced
	1	2	3	4	
Act, 1950.	1. Rampur District	Rampur (Application of Laws) Order, 1949.	..	Dec. 30, 1949	
	2. Banaras District	Banaras (Application of Laws) Order, 1949.		No. 3262/XVII, Dt. Nov. 30, Nov. 30, 1949	
	3. Tehri-Garhwal District	Tehri-Garhwal (Application of Laws) Order, 1949.		Ditto.	Ditto.

4. Omit by section 3 of U.P. Act No. 54 of 1975.

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Application of

1. (3. (1) The provisions of this Act shall apply to this Act and to

the Act to other enactments all Uttar Pradesh Acts, whether made before or after the commencement of this Act.

(2) The provisions of this Act in their application to any enactment or statutory instrument shall be subject to any contrary requirements of the context of the enactment or instrument that is to be interpreted.]

General Definitions

Definition 4. In all 2 [Uttar Pradesh] Acts, unless there is anything repugnant in the subject or context;

“Abet” (1) “abet” with its grammatical variations and cognate

Act 45 of 1860 expressions, shall have the same meaning as in the Indian Penal Code.

“Act” (2) “act” used with reference to an offence or a civil wrong shall include a series of facts, and words which refer to acts done extend also to illegal omissions;

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

“Agra” (4) “Agra” shall mean the territories known as the 3 [North-Western Provinces] previously to the 22nd day of March, 1902; 4 [(4-A) “agricultural year” shall mean the year commencing on the first day of July] ;

“Assistant Collector” (5) “Assistant Collector” shall include an Assistant Commissioner;

“Barrister” (6) “barrister” shall mean barrister of England or Ireland, or a member of Faculty of Advocates in Scotland;

“Board of Revenue” (7) “Board of Revenue” shall mean the Board of Revenue for 2 [Uttar Pradesh];

5 [(7-A) “Central Act” shall have the same meaning as in the General Clauses Act, 1897;

[1. Subs. by section 4 of U.P. Act No. 54 of 1975.](#)

2. Subs. by the A.O. 1950 for (United Provinces) or (The United Provinces).

3. The words (North Western Provinces) shall stand unmodified by the A.O. 1950.

[4. Ins. by section 5 \(1\) of U.P. Act No. 54 of 1975.](#)

[5. Ins. by section 5 \(2\) of U.P. Act No. 54 of 1975.](#)

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1 (7-B) “Central Government” shall have the same meaning as in the General Clauses Act, 1897.];

“Chapter” (8) “Chapter” shall mean a chapter of the Act in which the word occurs;

2 [(8-A) “clause” shall mean a sub-division (not being a sub-section) of the section or sub-section in which the word occurs;]

“Collector” (9) “Collector” shall mean the chief officer in charge of the

revenue administration of a district, and shall include a Deputy Commissioner and the Superintendent, Dehra Dun;

“Commencement” (10) “Commencement”, used with reference to an Act, shall mean the day on which the Act comes into force;

“Commissioner” (11) “Commissioner” shall mean the chief officer in charge of the revenue administration of a division;

3[(11-A) “Constitution” shall mean the Constitution of India;

3(11-B) “daughter”, in the case of any person the law applicable to whom permits the adoption of a daughter, shall include an adopted daughter;

3 (11-C) “day” shall mean a period of twenty-four hours beginning at midnight];

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

4[(12-A) “District Magistrate” shall mean a person appointed as such under sub-section (1) of section 20 of the Code of Criminal Procedure, 1937 and shall include the Deputy Commissioner of a

District]

“Document” (13) “document” shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used or which may be used for the purpose of recording that matter;

“Enactment” (14) “enactment” shall include a Regulation (as hereinafter defined) and any Regulation of the Bengal, Madras or Bombay Code, and shall also include any provisions contained in any Act or in any such Regulation as aforesaid;

“Father” (15) “father”, in the case of any one whose person all law permits adoption, shall include an adoptive father ;

“Financial Year” (16) “financial year” shall mean the year commencing on the first day of April;

[1. Ins. by section 5\(ii\) of U.P. Act No. 54 of 1975.](#)

2. *Ins. by section 5(iii) ibid.*

[3. Inserted by section 5\(iv\) of U.P. Act No. 54 of 1975.](#)

4. Inserted and deemed always to have been inserted by section 5(v) *ibid.*

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“Good faith” (17) 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;

2[(19) “goods” shall include all materials, commodities and articles, and shall also include electricity;

(19-A) “Government” shall include the Central Government and any State Government;

(19-B) “Government securities” shall mean securities of the Central Government or of any State Government;

(19-C) “the Governor” shall mean the Governor of Uttar

Pradesh;]²

“Growing Crops”

(20) “growing crops” shall include crops of all sorts attached to

the soil, and leaves, flowers and fruits upon, and juice in trees and

shrubs;

³[(21) “the High Court” or “the High Court of Judicature at

Allahabad” shall mean the High Court for Uttar Pradesh;]

(22) ⁴[***]

“Immovable property”

(23) “immovable property” shall include land, benefit to arise

out of land, and things attached to the earth, or permanently fastened to

anything attached to the earth, but shall not include standing timber,

growing crops or grass;

“Imprisonment”

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

⁵[(24-A) “legal representative” shall have the same meaning as in the Code of Civil Procedure, 1908];

⁶[(25) “local authority” shall mean a municipal board or

nagar palika, Nagar Mahapalika, notified area committee, town area committee, zila Parishad, cantonment board, kshetrasamiti, gaon sabha or any other authority constituted for the purpose of local self-government or village administration or legally entitled to or entrusted by the State Government with the control or management of municipal

or local fund;

(26) “local fund” shall mean revenues administered by a body

which by law or rule having the force of law is controlled by the State

Government, whether in regard to the proceedings generally or to

specific matters such as the sanctioning of its budget, sanction to the

1. Subs. for the (the United Provinces) by the A.O. 1950.

2. Inserted by section 5(6) of U.P. Act No. 54 of 1975.

3. Inserted by section 5(7) *ibid*.

4. The definitions (His Majesty) or (the King) omit, by the A.O. 1950.

5. Inserted by section 5(8) of U.P. Act No. 54 of 1975.

6. Subs. by sec. 5(9) of U.P. Act No. 54 of 1975.

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creation or filling up of particular posts, the making of leave pension or other rules, regulations or bye-laws, and shall include the revenues or of

any other body which may be specifically notified by the State

Government as such;]¹

“Magistrate”

(27) “Magistrate” shall include every person exercising all or any

of the powers of Magistrate under the Code of Criminal Procedure for the

time being in force;

“Month”

(28) “month” shall mean a month reckoned according to the

British calendar;

²[(28-A) “Mother”, in the case of any person the law applicable to

whom permits adoption shall include an adoptive mother;]

“Movable

(29) “movable property” shall mean property of every description,

property”
except immovable property;

3 [(29-A) “notification” or “public notification” shall mean a notification published in the Gazette of the State and the word “notified” shall be construed accordingly;]

“oath” (30) “oath” shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;

“Offence” (31) “offence” shall mean an act or omission made punishable by any law for the time being in force;

“Part” (32) “part” shall mean a part of the Actor Regulation in which the word occurs;

“Persons” (33) “persons” shall include any company or association or body of individuals, whether incorporated or not;

4 [(33-A) “Prescribed” shall mean prescribed by rules made under the Act in which the word occurs;

(33-B) “public” shall include any class or section of the public,]

“Public nuisance” (34) “public nuisance” shall mean a public nuisance as defined in the Indian Penal Code;

“Registered” (35) “registered” used with reference to a document, shall mean registered in [a Part A State or a Part C State] under the law for the time being in force for the registration of documents;

“Regulation” (36) “regulation” shall mean a regulation made under the Government of India Act, 1870;

“Rule” (37) “rule” shall mean a rule made in exercise of a power conferred by any enactment and shall include a regulation made as a rule under any enactment;

[1. Inserted by section 5\(ix\) of U.P. Act No. 54 of 1975](#)

2. Inserted by section 5(x) *ibid.*

3. Inserted by section 5(xi) *ibid.*

[4. Inserted by section 5\(XII\) of U.P. Act No. 54 of 1975.](#)

5. *Subs.* by the A.O. 1950 for (the Province) which had been subs. by the A.O. 1948 (for British India).

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(38) “schedule” shall mean a schedule to the Actor Regulation
“Schedule” in which the word occurs;

1 [(39) “scheduled bank” shall mean a bank included in the Second Schedule to the Reserve Bank of India Act, 1934;

1 (39-A) “Scheduled Castes”, and “Scheduled Tribes” shall have the same meaning respectively as in the Constitution];

(40) “section” shall mean a section of the Actor Regulation in

“Section” which the word occurs;

(41) “sign” with the grammatical variations and cognate

“Sign”

expressions, shall, with reference to a person who is unable to write

his name, include “mark” with its grammatical variation and cognate expressions;

2[(42) “son” in the case of any one the law applicable to whom permits adoption, shall include an adopted son;

2(42-A) “the State” shall mean the State of Uttar Pradesh and as respects any period before the commencement of the Constitution, shall include the United Provinces;

2(42-B) “statutory instruments” shall mean any notification order, scheme, rule, form or bye-law issued under any enactment and having the force of law;

2(42-C) “the State Government” shall mean the Government of Uttar Pradesh, and as respects functions entrusted under Article 258-A of the Constitution to the Central Government shall include the Central Government acting within the scope of the authority given to it under that Article;]

(43) “sub-section” shall mean a sub-section of this section in “Sub-section” which the word occurs;

(44) “swear”, with its grammatical variations and cognate

“Swear” expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

3[(44-A) “temporary Act” shall mean an Act which is to cease to have effect or cease to operate on the expiration of a particular period or on the happening of a particular event or on a particular day;]

4[(45) “Uttar Pradesh” shall mean all territories for the time being comprised in the territories of Uttar Pradesh under the Constitution;]

5[(46) Uttar Pradesh Act shall mean —

[1. Subs. by section 5\(XIII\) of U.P. Act No. 54 of 1975.](#)

[2. Subs. by section 5\(XIV\) of U.P. Act No. 54 of 1975.](#)

3. Inserted by section 5(XV) *ibid.*

4. Subs. by section 5(XVI) *ibid.*

5. Subs. by section 5(xvii) *ibid.*

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(a) as respects any law made before the commencement of the Constitution, an Act made by the Lieutenant Governor of the North-Western Provinces and Oudh (or of the United Provinces of Agra and Oudh) in Council under the Indian Councils Act, 1861, or the Indian Council Acts, 1961 and 1892 or the Indian Councils Acts, 1861 to 1909, or the Government of India Act, 1915, or by the local Legislature or the Governor of the United Provinces under the Government of India Act, or by the Provincial Legislature or the Governor of the United Provinces under the Government of India Act, 1935; and

(b) as respects any law made after the commencement of the Constitution, an Act passed by the State Legislature, and shall include any law made in exercise of the powers of the State Legislature by the

President or other authority referred to in sub-clause (a) of clause (1) of Article 357 of the Constitution;]

“Vessel” (47) “vessel” shall include any ship or boat or any other description of vessel used in navigation;

“Will” (48) “will” shall include a codicil and every writing making a voluntary posthumous disposition of property;

“writing” (49) Expression 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; and

“Year” (50) “Year” shall mean a year according to the British calendar.

2[(51) any reference to a Central Act shall be construed as a reference to that Act as amended from time to time in its application to Uttar Pradesh and in the case of the Code of Civil Procedure, 1908, as a reference to that Code subject also to any annulments, alterations and additions to the rules contained in the First Schedule thereto made from time to time under section 122 thereof by the High

Court;

2(52) any reference to a revenue division, district or subdivision, or to a local area under the jurisdiction of a local authority, shall be construed as a reference to such revenue division, district or sub-division or to such local area with its limits as altered

from time to time;

2(53) any reference to the district judge, civil judge or Munsif shall be construed as including a reference to an additional district judge, an additional civil judge or, as the case may be, an additional Munsif to whom a case is assigned by the district judge (to whom such officer is administratively subordinate) for disposal.]²

Grammatical variations and cognate expressions 3[4-A. In every Uttar Pradesh Act, when a word is defined—

(a) the definitions shall apply unless to context of the Act otherwise require;

1. Subs. by section 5 (XVII) of U.P. Act No. 54, 1975

2. Subs. by section 5 (xviii) of U.P. Act No. 54 of 1975.

3. Ins. by section 6 of U.P. Act No. 5 of 1975.

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(b) grammatical variations of that word and cognate expression shall have corresponding meaning.]¹

GENERAL RULES OF CONSTRUCTION

Coming into

5.

operation of enactments

2[(1) Where any Uttar Pradesh Act is not expressed to come

into force on a particular day, then,—

(a) in the case of an Uttar Pradesh Act made before the commencement of the Constitution, it shall come into operation, if it is an Act of the Legislature, on the day on which the assent thereof is given by the Governor, the Governor General or His Majesty, as the case may

require, is first published in the official *Gazette*, and, if it is an Act of the Governor, on the day on which it is first published as an Act in the official *Gazette*;

(b) in the case of an Uttar Pradesh Act made after the commencement of the Constitution, it shall come into operation on the day on which the assent thereto of the Governor or the President, as the case may require, is first published in the official *Gazette*.]

Effect of repeal

(2) Unless the contrary is expressed, an

3[Uttar Pradesh] Act shall become

6. Where any

3[Uttar Pradesh] Act repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

(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 enactments or repealed or anything duly done or suffered thereunder; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactments or repealed; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against enactments or repealed, or

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

Time of

4[6-A.

A temporary Uttar Pradesh Act, shall be construed as

expiration of
temporary Acts
which it expires.

ceasing to operate immediately at the end of the day on

[1. Inserted by section 6 of U.P. Act No. 54, 1975.](#)

2. *Subs.* by section 5 (XVII) *ibid.*

3. *Subs.* for (United Provinces) by the A.O. 1950.

[4. *Ins.* by section 7 of U.P. Act No. 54, 1975.](#)

[The Uttar Pradesh] General Clauses Act, 1904]

Effect of

1[6-B.

B. Where a temporary Uttar Pradesh Act, expires the expiration

provisions of sections 6 and 24 shall apply to it as they apply to

the

repeal of an enactment by an Uttar Pradesh Act.]

Repeal or **1[6-C.(1) Except as provided by sub-**
section(2) where any expiration of
lawmaking **Uttar Pradesh Act amends the text of any Uttar Pradesh Act or**
textual **regulation by the express omission, insertion or substitution**
of any amendments in
other laws **matter, and the amending enactments is subsequently repeal**
ed, the
repeal shall not affect the continuance of any such amendment made
by the enactments so repealed and in operation at the time of such
repeal.

(2) Where any such amendment of text is made by any temporary Uttar Pradesh Act or by an Ordinance or by any law made in exercise of the power of the State Legislature by the President or other authority referred to in sub-clause (a) of clause (1) of Article 357 of the Constitution, and such Act, Ordinance or other law ceases to operate without being re-enacted (with or without modifications) the amendment of text made thereby shall also cease to operate.]¹

Revival of **7. In any**
enactments **2[Uttar Pradesh] Act it shall be necessary, for the repealed**
wholly or **purpose of reviving, either wholly or partially any enactment**
partially repealed, expressly to state that purpose.

Construction of **8. [1]³ Where any 2[Uttar Pradesh] Act repeals and re-enacts,**
references to **with or without modification, any provision of a former enact**
repealed **ment,**
enactments **then references in any other enactment, or in any instrument to the**
provisions so repealed shall, unless a different intention appears, be
construed as references to the provisions so re-enacted.

3[(2) Where the short title of any enactment is amended by an
Uttar Pradesh Act, then, references to that enactment by its old short
title in any other enactments shall be construed as references to that
enactment by its new short title]

Commencement **9. In any**
and termination **2[Uttar Pradesh] Act it shall be sufficient for the**
of time **purpose of excluding the first in a series of days or any other pe**
riod 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”.

Compensation **10. Where, by any 2[Uttar Pradesh]**
Act, any actor proceeding time
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 actor
proceedings shall be considered as done or taken in due time if it is
done or taken on the next day afterward on which the court or office

is open;

[1.Insertedbysection7ofU.P.ActNo.54of1975.](#)

2.*Subs.*for(UnitedProvinces)bytheA.O.1950.

3.Section8re-numberedasub-section(1)thereofandsub-section(2)insertedbysection8ofU.P.ActNo. 54of1975.

[TheUttarPradesh]GeneralClausesAct,1904]

Providedthatnothinginthissectionshallapplytoanyactor proceedingtowhichtheIndianLimitationAct,1877,applies.

Marginalnotes **1[10-A.** MarginalnotestoanyprovisionsofanUttarPradesh **notpartofAct**

Actandthereferencetothenumberandyearofanyformer enactment againstanysuchprovisionshallbedeemedtohavebeeninsertedfor convenienceofreferenceonlyandshallnotformpartoftheAct.

Effectof **1[10-B.** Where any Uttar Pradesh Act constitutes a **incorporation** body

corporatebyanyformofwords,thatbodycorporateshallhave perpetualsuccessionandacommonsealandmayenterintocontract byitscorporatename,acquire,holdanddisposeofproperty,whether movableorimmovable,andsueorbesuedbyitscorporatename.

Deviations **1[10-C.** Where,byanyUttarPradeshAct,aformisprescribed, **fromforms** slightdeviationstherefromnotaffectingthesubstanceorcalculatedto misleadshallnotinvalidateit.]1

Measurement **11.** Inthemeasurementofanydistanceforthepurposesofany **ofdistance** [UttarPradesh]2Act,thatdistanceshallunlessadifferentintention appears,bemeasuredinastraightlineonahorizontalplane.

Dutyto **12.** Where,byany[UttarPradesh]2Act,anydutyofcustomsor **takenprorate** excise,orinthenaturethereof,islivableonanygivenquantity,by **inenactments** weight,measureorvalueofanygoodsormerchandisethenalikeduty islivableaccordingtothesamerateonanygreaterorlessquantity.

Genderand **13.** Inall[UttarPradesh]2Acts,unlessthereisanything **number** repugnant inthesubjectorcontext,—

(1)wordsimportingthemasculinegender shallbetakento includefemales;and

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

POWERSANDFUNCTIONARIES

Powers **14.** WherebyanyActanypowerisconferred3[***]thenthat **conferredon** powermaybeexercisedfromtimetotimeasoccasionrequires. **theState** **Governmentto** **beexerci-** **sable** **fromtimeto** **time**

Powerto **15.** Wherebyany[UttarPradesh]2Act,apowertoappointany **appointto** person tofillanyofficeorexecuteanyfunctionisconferred,then, **includepower** unlessitisotherwiseexpresslyprovided,anysuchappointmentmay **toappointex** **officio** bemadeeitherbynameorbyvirtueoffice.

Powerto **4[16.** Where,byanyUttarPradeshAct,apowertomakeany **appointto** appointmentisconferredthen,unlessadifferent intentionappears,the **includepower**

to suspend, authority having for the time being power to make the appointment shall also have the power to suspend, dismiss, or otherwise

[1. Inserted by section 9 of U.P. Act No. 54, 1975.](#)

2. Subs. for (United Provinces) by the A.O. 1950.

[3. Omit by section 10 of U.P. Act No. 54 of 1975.](#)

4. Subs. by section 11 of *ibid*.

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Dismissor terminate the tenure of office of any person appointed, whether by itself
otherwise
terminate or any other authority, in exercise of that power.]¹
the tenure of
office

Substitution 17. In any ²[Uttar Pradesh] Act, it shall be sufficient, for the
of
functionaries purpose of indicating the application of a law to every person or number
of persons for the time being executing the function of an office, to
mention the official title of the officer at present executing the functions
or that of the officer by whom the functions are commonly executed.

Successors 18. In any ²[Uttar Pradesh] 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.

Official 19. In any ²[Uttar Pradesh] Act, it shall be sufficient for the
chiefs and
subordinates purposes of expressing that a law relative of the chief or superior of an
offices shall apply to the disputes or subordinates lawfully performing the
duties of that office in the place of their superior, to prescribe the duty of
the superior.

Ancillary ³19-A. Where by any Uttar Pradesh Act, a power is given to a
powers person, officer or functionary to do or enforce the doing of any actor
thing, all such powers shall be deemed also to be given as are necessary
to enable that person, officer or functionary to do or enforce the doing of
the actor thing.]

Provisions as to ⁴[statutory instruments] made under Enactments⁴

Construction 20. ⁵[(1)] Where, by any [Uttar Pradesh] ²Act, a power to issue
of orders etc,
issued under any ⁶[statutory instruments] is conferred, then the expressions used the
enactment ⁶[statutory instruments] shall, unless there is anything repugnant in the
subject or context, have the same respective meanings as in the Act
conferring the power.

⁷[(2)] The provisions of sections 4, 4-A, 6, 6-A, 6-B, 7, 8, 9, 10,
10-A, 10-C, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19-A and 28 shall *mutatis*
mutandis apply in relation to any statutory instrument issued under any
Uttar Pradesh Act as they apply in relation to any Uttar Pradesh Act.]

Powerto 21. Where, by any ²[Uttar Pradesh] Act, a power to
maketo
include issue ⁸[statutory instruments] is conferred, then that power
powerto add includes

[1.Subs.bysection11ofU.P.ActNo.54,1975.](#)

2.*Subs.for(UnitedProvinces)bytheA.O.1950.*

[3.Ins.bysection12ofU.P.ActNo.54,1975.](#)

4.*Subs.bysection13ibid.*

5.*Section20re-numberedasub-section(1)thereofbysection14ibid.*

6.*Ins.bysection14(a)ibid.*

7.*Ins.bysection14(b)ibid.*

[8.Subs.bysection15ofU.P.ActNo.54of1975.](#)

[TheUttarPradesh]GeneralClausesAct,1904]

21—tgkafdfdlh₂[mRrjizns”k] vf/kfu;e}kjk₁[ifjfu;rlays[kksa]dkstkjh vkns”kksafu;eksa;k
djusdh“kfDriznRrdhx;hgks]ogkablizdkj₈[tkjhfd;sx;sifjfu;rlays[kksa]esa mifof/k;kasds
cukusdh'kfDr

toamend, andconditions(ifany),toadd,amend,varyorrescindany[statutory varyor
rescind instruments]soissued.

orders, rules
orbye-laws

Makingof

lawsand

notifications

and

enactment

22. WherebyanyUttarPradeshAct,whichisnottocomeinto rulesorbye-
forceonthedayonwhichitisfirstpublishedintheofficialGazettea issuingof
powerisconferred₃[toissuestatutoryinstruments]withrespecttothe ordersand
applicationoftheActorintheexerciseofanypowerexercisable between
thereunderorunderanyenactmenttherebyamended,orwithrespect publication
totheestablishmentofanycourtoroffice,ortheappointmentofany commence-
Judgeorofficerthereunder,orwithrespecttothepersonbywhom,or mentof
thetimewhen,orthetheplacewhere,orthemannerinwhich,orthefees,
taxes,cessorotherduesforwhich,anythingistobedoneunderthe
Act,thenthatpowermaybeexercisedatanytimeaftertheActhas beenpublishedasaforesaid;but
2[statutoryinstrumentsssoissued]
shallnottakeeffecttillthecom mencementoftheAct.]

Provision

makingof

lawsbeingmadeafterpreviouspublication,thenthe lawsafter

previous

publication

23. 4[(1)]Where,byanys[UttarPradesh]Act,apowertomake applicableto
rulesorbye-lawsisexpressed tobegivensubjecttotheconditionofthe rulesorbye- rulesorbye-
lawsbeingmadeafterpreviouspublication,thenthe lawsafter
followingprovisionsshallapply,namely;

3[(a)] theauthorityhavingpowertomaketherulesorbye-laws
shall,beforemakingthempublishadraftoftheproposedrulesorbye-
lawsfortheinformationofpersons likelytobeaffectedthereby;

3[(b)] thepublicationshallbemadainsuchmannerasthat
authoritydeemstobesufficient,or,iftheconditionwithrespectto
previouspublicationsorequires,insuchmanneras6[theGovernment concerned]prescribes;

3[(c)]thereshallbepublishedwiththedraftanoticespecifyinga dateon
orafterwhichthedraftwillbetakenintoconsideration;

3[(d)]theauthorityhavingpowertomaketherulesorbye-laws, and,wheretherulesorbye-
lawsaretobemadewiththesanction,
approvalorconcurrenceofanotherauthority,thatauthorityalso,shall
consideranyobjectionorsuggestionwhichmaybereceivedbythe
authorityhavingpowertomaketherulesorbye-lawsfromanyperson

mi;qZDr dh/kkjk15}kjkizfrLFkkfirA

[2.Subs.bysection15ofU.P.ActNo.54of1975.](#)

[3.Subs.bysection16ofU.P.ActNo.54of1975.](#)

4. Section23re-numberedasub-section(1)thereofanditsclauses(1)to(5)re-numberedasclauses(a)to
sections(2)and(3)insertedthereafter,bysection17*ibid.*

(c)respectivelyandsub-

5.*Subs.for(UnitedProvinces)bytheA.O.1950.*

6. Subs.for(CentralGovernmentor,asthecasemaybethetheProvincialGovernment)byA.O.1951,which
hadbeensubs.for(L.G.)byA.O.1957.

[TheUttarPradesh]GeneralClausesAct,1904]

cukbZtkuhgksaogkaogizkf/kdkjhHkh,slhfdlhvk
 ifRr;klq>koiifopkjdsxkts
 fu;eksa;kmifof/k;ksadkscukusdh“kfDrj[kusoky
 sizkf/kdkjhdksblizdkjofufnZ’V
 fnukadlsiwoZmlizk:idslEcU/kesafdlhO;fDrIsiz
 kIrgksa(

1[(e)]thepublicationinthe2[officialGazette]ofarul
 eorbye-law
 purportingtohavebeenmadeinexerciseofapowertomakerul
 esor bye-
 lawsafterpreviouspublicationshallbeconclusiveproofthath
 e ruleorbye-lawhasbeendulymade.

1[(2)Thedatereferredtoinclause(c)ofsub-
 section(1)shallnot
 beadateearlierthanthedayofexpirationofaperiodofonemont
 h
 fromthedataofpublicationofthedraftoftheproposedrulesorb
 ye-laws underclause(a) ofthatsub-section.

(3)Notwithstandingtheprovisionsofsub-
 sections(1)and(2),
 wheretheStateGovernmentissatisfiedthatacircumstancesexi
 stwhich renderitnecessaryforittomakerulesorbye-
 lawswithimmediate
 effectorwiththeeffectfromadateearlierthanaperiodofonemont
 h,it maymakeanysuchrulesorbye-
 lawswithoutpreviouspublicationor,
 asthecasemaybe,fixadatereferredtoinclause(c)ofsub-
 section(1)
 earlierthanthedayofexpirationofaperiodofonemonthfromt
 he publicationofthedraftoftheproposedrulesorbye-laws.]1

Dateof 3[23-A.

effector (1)AllrulesmadebytheStateGovernmentunderan cominginto
aid rulesandthe UttarPradeshActshall,assoonasmaybeaftertheyaremade,bel
ora controlof beforeeachHouseoftheStateLegislature,whileitisinsession,f
Legislature totalperiodofnotlessthenthritydays,whichmaybecomprised
inone overthem sessionortwoormoresuccessivesessions,andshall,unlessso
melater dateisappointed,takeeffectfromthedateoftheirpublicationin
the Gazettesubjecttosuchmodificationsorannulmentsasthetwo
Houses oftheLegislaturemay,duringthesaidperiod,agreeotomake,so
ouses however,thatanysuchmodificationorannulmentsasthetwoH
out oftheLegislaturemay,duringthesaidperiod,agreeotomakeso
 however,thatanysuchmodificationorannulmentsshallbewith
 prejudicetothevalidityofanythingpreviouslydonethereunde
 r.

(2)WhereanyCentralAct,inforceinorapplicableto
 Uttar
 PradeshandrelatingtomatterswithrespecttowhichtheState
 LegislaturehaspowertomakelawsforUttarPradesh,confers

power on
the State Government to make rules thereunder then subject to a
ny
express provision to the contrary in such Act, the provision of
sub-
section (1) shall *mutatis mutandis* apply to the rules made by the
State Government in exercise of that power.]

1. Section 23 re-numbered as sub-
section (1) thereof and its clauses (1) to (5) re-numbered as clauses (a) to (e) respectively and sub-
sections (2) and (3) inserted thereafter, by section 17 *ibid*.

[3. Ins. by section 18 of U.P. Act No. 54 of 1975.](#)

[The Uttar Pradesh] General Clauses Act, 1904]

24—tgkafddksbZvf/kfu;fefrdlh i[mRrjizns”k]vf/kfu;e}kjkfujflr fujflrvkSjiqu%
vf/kfu;fer
vkSjijf’dkjksalfgr;kjfgriqu%vf/kfu;ferdhtk;]ogkatcrddhvfHkO;Dr vf/kfu;fefr;ksads :i
lsvU;FkkmicfU/kr u gks] fujflrvf/kfu;eds v/khu dhxbZdksbZ
v/khudhxbZ fu;qfDr]z[;ktkj hfd;kdkbsbZifjfu;rlays[k;kcuk;kx;kdkbsbZizi=tgk;rdd
fu;qfDr;ksa]tkjh

Notification otherwise expressly provided, any appointment 3[or statutory
orders, etc.
issued under instrument or form] made or issued under the repealed enactment enactments
shall, so far as it is not inconsistent with the provisions re-enacted, **repealed and**
re-enacted continue in force, and be deemed to have been made or issued under the provisions re-
enacted, unless and until it is superseded by any
appointment, 1[or statutory instrument or form] made or issued under the provisions re-
enacted.

Miscellaneous

Recovery of 25. Sections 63 to 70 of the Indian Penal Code and the fines
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 4[Uttar Pradesh] Act, or any rule or bye-
law made under any 2[Uttar Pradesh] Act, unless the Act, rule or bye-law contains an express provision to the contrary.

Provisions as 26. Where an act or omission constitutes an offence under two 2offences
punishable or more 2[Uttar Pradesh] Acts, then the offenders shall be liable to be **undertwoor**
prosecuted and punished under either or any of those enactments, but **more**
enactments shall not be liable to be punished twice for the same offence.

Meaning of 27. Where any 2[Uttar Pradesh] Act authorizes or requires any service by post
document to be served by post whether the expression “serve” or either
of the expressions “give” or “send” or any other expression is used,
then, unless a different intention appears, the services shall be deemed
to be effected by properly addressing, pre-paying and posting by
registered post, a letter containing the document and, unless the
contrary is proved, to have been effected at the time at which the letter
would be delivered in the ordinary course of post.

Citation of 28. (1) In any 2[Uttar Pradesh] Act, and in any rule, bye-law, enactments
instrument or document, made under, or with reference to, any such
Act, 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, 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 citing any 2[Uttar Pradesh] Act, made previously to the
22nd day of May, 1902, the words 5 [United Provinces] may be

2-

mi;qZDr dh/kkjk19}kjkizfrLFkkfirA [3.Subs.bysection19ofU.P.ActNo.54of1975.](#)

4. Subs. for (United Provinces) by the A.O. 1950.

5. The expression (United Provinces) shall stand unmodified, vide the A.O., 1950.

[The Uttar Pradesh] General Clauses Act, 1904]

,s.Mvo/kβdsLFkkuij“kCn

₁[la;qDrizkUr]rFkk“k

CnPukFkZosLVuZizkfoUlstβds

LFkkuij“kCnPvkxjkβizfrLFkkfirfd;stkldsaxsA

¼3½fdlh

₂[mRrjizns”k]vf/kfu;eesa]fdlhnwlvjhvf/kfu;fefrdsfdlh

izHkkxdso.kZu;kizksn~/kj.kdk]tcrdfdfHkUuvk”k;uizrhrgks];

gvFkZyxk;k

mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Reference in

29. In all

enactments

₂[Central Acts or Regulations made by the Central existing

nd now in to North-Western

Government] and all ₃[Uttar Pradesh] Acts, heretofore passed a

force, and every appointment, ₄[or statutory instrument] made o

r issued

Provinces

thereunder, all references to the ₅[North-

Western Provinces and Oudh] and Oudh

shall be construed as referring to ₂[Uttar Pradesh] ₅[*

and all references to the Lieutenant-Governor of the

* * * *
₄[North-Western Provi

Application to ordinances and regulations under the

[30. The provisions of this Act shall apply—

(a) in relation to any Ordinance promulgated by the Governor

regulations under the

under section 38 of the Government of India Act, 1935, as they ap

ply in Government

relation to Uttar Pradesh Acts made under the said Act by the Go

vernor, of India Act, 1935

and in relation to any Regulation made by the Governor under se

ction

92 of the said Act as they apply in relation to Uttar Pradesh Acts,

made

by the Provincial Legislature; and

(b) in relation to any Ordinance promulgated by the G

overnor

under Article 213 of the Constitution or any Regulation made by

the

Governor under paragraph 5 of the Fifth Schedule to the Constit

ution as

they apply in relation to Uttar Pradesh Acts, made by the State

Legislature:

Provided that clause (b) of sub-

section (1) of section 5 of this Act

shall apply to an Ordinance referred to in clause (b) as if for the

reference in the said clause (b) of sub-

section(1)tothedayofthefirst
publicationoftheassenttoanActintheofficialGazette,therew
ere
substitutedareferencetothedayofthefirstpublicationofthe

1-

,MsIVs”kuvkQyktvkMZj]1950}kjin¼;qukbVsMizkfoUlstla;qDrizkUr½vi
fj’d`rjgsxkA

2.*Subs.* for (Acts or Regulations of the Governor General) by the A.O., 1950.

3.*Subs.* for (United Provinces) by the A.O. 1950.

[4.*Subs.* by section 20 of U.P. Act No. 54 of 1975.](#)

5. The expression (North-Western Provinces) and (Province of Oudh) shall unmodified by the A.O., 1950.

6. The words (of Agra and Oudh) omit, by the A.O. 1937.

7.*Subs.* by the A.O. 1950 for (Provincial Government).

[The Uttar Pradesh] General Clauses Act, 1904]

izdk”kudsfnudszifrfunsZ”kdsLFkkuijv/;kns”kds

mlxtVesaigyhckj

izdk”kudsfnudszifrfunsZ”kizfrLFkkfirgksA]₁

₂[****]

1-

,MsIVs”kuvkQyktvkMZj]1950}kjk/kkjk30dsLFkkuijizfrLFkkfirtks,MsIVs”

kuvkQyktvkMZj]1937}kjkvarfoZ’Vfd;k

x;kFkkA

[2-mRrijzns”kyf/kfu;ela\[;k54\]1975dh/kkjk21}kjkvuqlwphfudkyhx;hA](#)

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