

Mian Zafar Iqbal Kalanauri Advocate Supreme Court of Pakistan Arbitrator, Mediator, White Collar Crime Investigator Cell # 0300-4511823 E-mail: <u>kalanauri@gmail.com</u> <u>http://www.zafar kalanauri.com</u>

APPLICATION OF THE TWO ACTS

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

SIMILAR LAWS IN INTERNATIONAL

IN INTERNATIONAL JURISDICTIONS SIMILAR STATUTES ARE ALSO AVAILABLE AND APPLIED. IN MOST OF COUNTRIES EXCEPT PAKISTAN AND A FEW OTHER COUNTRIES, IT IS NAMED AS "THE INTERPRETATION ACT".
THE PURPOSE IS ALMOST THE SAME. This act is not confined to a particular, branch of the law, but applies to all branches.

The General Clauses Act makes provisions as to the construction of General Acts and other laws of all Pakistani application

PURPOSE

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

PURPOSE

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

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- REVIVAL OF REPEALED ENACTMENTS AND REFERENCES AND CONSTRUCTION OF OF REFRENCENCES TO REPEALED ENACTMENTS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

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

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

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

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

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

CAUATION

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

CAUTION -2

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

The Objects of the Act are several

(1) to shorten the language of central Acts;

(2) to provide, as far as possible, for uniformity of expression in central Acts, by giving definitions of a series of terms in common use;

(3) to state explicitly certain convenient rules for the construction and interpretation of Central Acts; and

(4) to guard against slips and oversights by importing into every Act certain common form expressly in every Central /Federal Act.

- The General Clauses Act, or, for that matter, the Interpretation Act of any other country, codifies all the 'rules' of statutory interpretation.
- The so- called rules of interpretation are really in the nature of guide-lines, and are not to be treated as mathematical formula.
- In fact, even the definitions contained in the General Clauses Act apply only where the context does not otherwise require.

Every Province has its own General clauses Act, which applies to Provincial Acts.

The General Clauses Act of 1897 has stood the test of time. Its value in avoiding superfluity of language in statutes has been commended, by courts.

There can be no better testimony of its utility than the fact that courts have, on considerations of equity, justice and good conscience, thought fit to extend its principles not only to subordinate legislation, but also to private documents.

The Act has also served as a model for all Provincial General Clauses Acts.

The Act has been expressly applied to the interpretation of the Constitution by the Article the Constitution.

- Coming into operation of enactments Sections 5 to 13 Sections 5 to 13 of the Act contains, general rules of Construction, other than definitions. These sections fall under two broad groups. First, there are sections dealing with the commencement and repeal of enactments.
- Secondly, there are sections which provide for other general rules.
- The first group is the more important of the two, in point of quality, because it deals with the life of enactments. The second deals with certain matters of Tel: +91 80 6546 2400 detail, such as, time, distance, rate of duty, gender and number and the like. The Act does not contain any detailed provisions relating to the use in interpretation of marginal notes, headings, punctuations and the like.

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- OTHER PROVISIONS: Whenever an enactment has to incorporate a body of person, it has to expressly – provide, in a separate section, for many matters dealing with the effect of incorporation.
- POWERS AND FUNCTIONARIES: Provisions as to power and functionaries are contained in sections 14- 19 of the Act.
- Construction of notifications, etc., issued under enactments.
- Power to issue, to include power to add to, amend, vary or rescind notifications, orders, , rules, or bye-laws
- Making of rules or bye-laws and issuing of orders between passing and commencement of enactment • Provisions applicable to making of rules or bye-laws after previous publication Continuation of orders, etc, issued under enactments repealed and re- enacted.
- Provisions as to offences punishable under two or more enactments
- Saving for previous enactment, rules
- Application of Act to Ordinances
- Application of Act to Acts made by the governor-general
- Construction of references to Local Government of a Province

"24-A. Exercise of power under enactments. – (1) Where, by or under any enactment, a power to make any order or give any direction is conferred of any authority, office or person such power shall be exercised reasonably, fairly, justly and for the advancement of the purpose of the enactment. 2.The authority, office or person making any order or issuing any direction under the power conferred by or under any enactment shall, so far as necessary or appropriate, give reasons for making the order or, as the case may be, for issuing the direction. 3. Where any order made or any direction given in exercise of the powers conferred by or under an enactment affects any person prejudicially such person may require the authority, office, or person making the order or giving the direction to furnish the reasons for the order or, as the case may be, the direction and such authority, office or person shall, furnish the reasons to such person."

"pari materia"

The statutes are in pari material which relate to the same person or thing or to same class of persons or things. It is a phrase applicable to the statutes or general laws made at different times in reference to the same subject.

Preamble

- This act is to express the scope object of the act
- This main sourse for undestanding the intention of lawmaker behind the act
- Whenever there is a ambiguity in any provision of the act preamble is accepted as an aid to of the act.
- The preamble of a statute is a part of the enactment and can legitimately be used for Construing it.

Types of Statute | Law of Interpretation of Statutes

What is Statute -

A Statue means any Law, Act, Enactment. The Parliament is given authority of Lawmaking. According to Blacks Dictionary, "A Statute is a formal written enactment of Legislative authority that governs a country, state, city or county. In Simple words, it is the Law, Enactment, Act.

According to Gray, The process by which a Judge (or indeed any person, lawyer or layman who has occasion to search for the meaning of a statute) constructs from the words of Statute book a meaning which he either believes to be that of a legislature or which he proposes to attribute to it, is called interpretation.

What are Types of Statutes

There are Several Types of Statutes, Such as Temporary Statute, Perpetual Statute, Consolidating Statute, Codifying Status, Fiscal Statute, Remedial Statute, Penal Statute, Declaratory Statute. Generally, Statute can be classified with reference to its duration, Method, Object, and extent of Application.

- 3) Classification Of Statute/Types of Statutes are as follows -Statutes can be classified by object, by method, by reference to duration -
- 1) Classification by object -

a) Declaratory Statutes -

Declaratory Statute may be defined as an Act to remove doubts existing as to the common law, or the meaning or effect of any Statute such Acts are held to be retrospective. This may happen for, instance, where the courts have been interpreting a particular expression as connoting a specific meaning which in the opinion of the legislature is a wrong notion of the expression. In such case, the legislature may pass a declaratory statute declaring the correct meaning of that expression thereby setting aside the controversy regarding the correct meaning of the expression.meaning of the expression.meaning of the expression. b) Codifying and consolidating Statutes -

i) Codifying Statutes -

A Codifying Statute is a Statute which presents a detail authoritative statement of the rules of law on a given subject. The object is not merely to declare the law upon some particular subject but to declare it in the form of code.

Example - Civil Procedure Code 1908, Dissolution of Marriage act 1935.

ii) Consolidating Statutes -

Consolidating Statute it is a Statute which presents the whole body of statutory law on the subject in complete form repealing the former Statute. It is a Statute which consolidated laws on a particular subject at one place. The main purpose of the consolidating statute is to present the whole body of statutory law on a subject in complete form repealing the former statute.

Example -

Arbitration Act 1940,

c) Remedial statute -

Remedial Statutes are those statutes which provide the remedy for a wrongful act in the form of damages or compensation to the aggrieved party but do not make a wrongdoer liable for any penalty. This types of Statute are beneficial to the weaker section of the society. They are directed towards extending a certain benefit to the particular class of society... Therefore they are also called as welfare legislation, for example, Specific Relief Act , Consumer Protection Act.

Examples -

Workmen's Compensation Act 1923, Maternity Benefit Act 1961 Consumer Protection Act, Industrial Dispute Act 1947.

d) Enabling statute -

Enabling statute is a Statute Which enables something to be done. It basically gives the power to do something.

According to Craies, "many statutes have been passed to enable something to be done which was previously forbidden by law, with or without prescribing the way it is to be done.

e) Amending Statute -

As we all know, Amendment means a change in the existing law. A law is amended when it is in whole or in part permitted to remain and something is added to or taken away from it or it is some way changed or altered to make it more complete or perfect or make it suitable to accomplish the purpose for which it was made.

f) Repealing Statute -

Repealing Statute is a Statute which repeals Statute which already exists.

Example - The Code of Criminal Procedure, 1973 repealed and reenacted Criminal Procedure Code 1898.

g) Taxing Statute -

A tax is imposed for the public purpose for raising general revenue of the state. A taxing statute is to be strictly construed.

According to Lord Halsbury and Lord Simonds stated, "The subject is not to be taxed without clear words for that purpose; and also that every Act of Parliament must be read according to the natural construction of its words."

h) Penal Statute -

A penal statute is one which Punishes certain acts or wrong. Such Statute may be in the form of a comprehensive criminal code or large number of sections providing punishment for different wrongs for example - Criminal Procedure Code, Pakistan Penal Code etc. The penalty for disobedience may be in the form of fine, forfeiture of property, imprisonment, death sentence etc. 2) Classification by method -

a) Mandatory or Directory Statute -

i) Mandatory Statute -

A Mandatory statute may be defined as one whose provisions or requirements, if not complied with, will render the proceedings to which it relates illegal and void.

ii) Directory Statute -

A directory statute is one where noncompliance will not invalidate the proceedings to which it relates. 3) Classification by reference to duration -

a) Temporary and Permanent/Perpetual Statute -

i) Temporary Statute -

This type of statutes are Statutes which are in existence for a known Period such Statutes are called Temporary Statute. Life period of Statute is Fixed. In simple words this type of Statute, the period of operation is fixed by the statute itself the statute is temporary in nature.

ii) Permanent/ Perpetual Statute -

When no time period is fixed the statute is permanent in nature. The dictionary meaning of the term 'perpetual' is forever. Therefore perpetual Statutes are those which remain in force forever.

These Statutes comes to an end only when they are abolished by the legislature itself by way of enacting another Statute.

Interpretation means

The term has been derived from the Latin term *interpretari*, which means > to explain,

- > expound,
- > understand, or
- > to translate.

Interpretation is the process of explaining, expounding and translating any text or anything in written form.

This basically involves an act of discovering the true meaning of the language which has been used in the statute. Various sources used are only limited to explore the written text and clarify what exactly has been indicated by the words used in the written text or the statutes.

Object of interpretation

When the language of the statute is clear, there is no need for the rules of interpretation.

But, in certain cases, more than one meaning may be derived from the same word or sentence. It is, therefore, necessary to interpret the statute to find out the real intention of the statute.

determine the intention of the legislature

conveyed expressly or impliedly in the language used.

In the process of interpretation, several aids are used.

They may be statutory or non-statutory.

Statutory aids may be illustrated by the General Clauses Act, 1897 and by specific definitions contained in individuals Acts.

Non-statutory aids are illustrated by common law rules of interpretation (including certain presumptions relating to interpretation) and also by case-laws relating to the interpretation of statutes.

Interpretation of Statutes is required for two basic reasons:-

Legislative Language – Legislative language may be complicated for a layman, and hence may require interpretation; and Legislative Intent – The intention of the legislature or Legislative intent assimilates two aspects:

a. the concept of 'meaning', i.e., what the word means;
and
b. the concept of 'purpose' and 'object' or the 'reason'
or 'spirit' pervading through the statute.

Principles of interpretation

The fundamental principle of statutory interpretation is that the words of a statute be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of the legislature.

Some Important points to be taken care of in the context of interpreting Statutes:

Intention of the legislature.

Statute must be read as a whole in its Context.

Statute should be Construed so as to make it Effective and Workable

- if statutory provision is ambiguous and capable of various constructions, then that construction must be adopted which will give meaning and effect to the other provisions of the enactment rather than that which will give none.

If meaning is plain, effect must be given to it irrespective of consequences.

The process of construction combines both the literal and purposive approaches.

The purposive construction rule highlights that you should shift from literal construction when it leads to absurdity.

Nature and Scope

Necessity of interpretation would arise only where the language of a statutory provision İS ambiguous, not clear or where two views are possible or where the provision gives a different meaning defeating the object of the statute. If the language is clear and unambiguous, no need of interpretation would arise.

Difference between Interpretation and Construction

"Interpretation differs from construction in the sense that the former is the art of finding out the true sense of any form of words; i.e. the sense that their author intended to convey. Construction on the other hand, is the drawing of conclusions, respecting the subjects that lie beyond the direct expression of the text.

SI. No.	Grammatical Interpretation	Logical Interpretation
1	Literal Interpretation	Functional Interpretation
2	Letter of Law	Spirit of Law
3	Looks at Verbal Expression of Law	Looks beyond Verbal Expression of Law
4	Tries to find meaning of words given in the legislature	Tries to find true intention of the legislature
5	The popular or dictionary meaning of the term is referred	Check the circumstances under which law was written
6	It gives the plain sense	It looks for inherent sense
7	Used frequently in courts	Used rarely in courts



Statute √ Constitution √ Central Acts √ State Acts **Ordinance √ Bye laws Rules Regulations Notifications √** Circulars $\sqrt{1}$ Instructions **√** Clarifications **√** Directions

Statute – classification Duration Perpetual statute – No duration for this statute unless repealed. Temporary statute – Only for a short period after this it will expire. Nature of operation Prospective Effect – effect from the notified date; Retrospective effect – effect from the previous period; Directory – A directory statute is generally affirmative in its terms, recommends a certain act or omissions, but imposes no penalty on non-observance of its provisions; Mandatory – one which compels performance of certain acts and directs that a certain thing must be done in a certain manner or form.

Rules of interpretation

The Court is not expected to interpret arbitrarily and therefore there have been certain principles which have evolved out of the continuous exercise by the Courts.

These principles are sometimes called 'rules of interpretation'

- **Rules of Interpretation**
- 1. Primary Rules –

Literal or Grammatical Rule

Important aspects of this rule

To construe the provisions literally and grammatically giving the words their ordinary and natural meaning;

Also known as plain meaning rule;

There should be no additions or substitution of words in the construction of statutes and its interpretation;

Only one meaning should be derived from the statute.

Literal meaning is subject to the following conditions-

Statute may itself provide for a special meaning for a term, which is usually to be found in the interpretation section.

Technical words are given ordinary technical meaning if the statute has not specified any other.

Words will not be inserted by implication.

Words may undergo shifting in the course of time.

It should be remembered that the words acquire significance from their context.

It is the first rule of interpretation.

According to this rule, the words used in this text are to be given or interpreted in their *natural or ordinary meaning*. After the interpretation, if the meaning is completely clear and unambiguous then the effect shall be given to a provision of a statute regardless of what may be the consequences.

The basic rule is that whatever the intention legislature had while making any provision it has been expressed through words and thus, are to be interpreted according to the <u>rules of grammar</u>.

It is the safest rule of interpretation of statutes because the intention of the legislature is <u>deduced</u> from the words and the language used.

According to this rule, the only duty of the court is to give effect if the language of the statute is plain and has no business to look into the consequences which might arise. The only obligation of the court is to expound the law <u>as it is</u> and if any harsh consequences arise then the remedy for it shall be sought and looked out by the legislature.

The Mischief Rule/Purposive construction

A rule of statutory interpretation that attempts to determine the legislator's intention – to determine the mischief and defect – to give ruling to implement the effective remedy.

Mischief Rule was originated in *Heydon's case* in 1584. It is the rule of purposive construction because the purpose of this statute is most important while applying this rule. It is known as Heydon's rule because it was given by Lord Poke in Heydon's case in 1584. It is called as mischief rule because the focus is on curing the mischief.

In the Heydon's case, it was held that there are four things which have to be followed for true and sure interpretation of all the statutes in general, which are as follows-

1. What was the common law before the making of an act.

2. What was the mischief for which the present statute was enacted.

3. What remedy did the Parliament sought or had resolved and appointed to cure the disease of the commonwealth.

4. The true reason of the remedy.

The purpose of this rule is to suppress the mischief and advance the remedy.



The Golden Rule

It is a form of statutory interpretation that allows a judge to depart from a word's normal meaning in order to avoid an absurd result.

It is a compromise between the rule of interpretation and the rule of mischief. To be used in two ways

It is applied most frequently in a narrow sense where there is some ambiguity or absurdity in the words themselves.

It is used in a wider sense to avoid a result that is obnoxious to the principles of public policy. It is known as the golden rule because it solves all the problems of interpretation. The rule says that to start with we shall go by the literal rule, however, if the interpretation given through the literal rule leads to some or any kind of ambiguity, injustice, inconvenience, hardship, inequity, then in all such events the literal meaning shall be discarded and <u>interpretation shall be done</u> in such a manner that the purpose of the legislation is fulfilled.

The literal rule follows the concept of interpreting the natural meaning of the words used in the statute. But if interpreting natural meaning leads to any sought of repugnance, absurdity or hardship, then the court must modify the meaning to the extent of injustice or absurdity caused and no further to prevent the consequence.

This rule suggests that the consequences and effects of interpretation deserve a lot more important because they are the clues of the true meaning of the words used by the legislature and its intention. At times, while applying this rule, the interpretation done may entirely be opposite of the literal rule, but it shall be justified because of the golden rule. The presumption here is that the legislature does not intend certain objects. Thus, any such interpretation which leads to unintended objects shall be rejected.

Important aspects of this rule

The court must construe the contradictory provisions so as to harmonize them.

The provision of one section cannot be used to defeat the provisions in another unless the Court, despite all its efforts, is unable to find a way to reconcile their differences.

When it is impossible to reconcile the differences in contradictory provisions completely, the court must interpret them in such a way so as that effect is given to both the provisions as much as possible.

It is not a harmonious construction if the interpretation reduces one provisions to be useless and not to destroy it or render it to loose.

Harmonious Construction

When there is a conflict between two or more statutes or two or more parts of a statute then this rule is to be adopted.

If it is not possible to harmonize the two statutes, then the court is to decide the same and it shall prevail. There should be consistency.

According to this rule of interpretation, when two or more provisions of the same statute are repugnant to each other, then in such a situation the court, if possible, will try to construe the provisions in such a manner as to give effect to both the provisions by maintaining harmony between the two. The question that the two provisions of the same statute are overlapping or mutually exclusive may be difficult to determine.

The legislature clarifies its intention through the words used in the provision of the statute. So, here the <u>basic principle</u> of harmonious construction is that the legislature could not have tried to contradict itself. In the cases of interpretation of the Constitution, the rule of harmonious construction is applied many times.

It can be assumed that if the legislature has intended to give something by one, it would not intend to take it away with the other hand as both the provisions have been framed by the legislature and absorbed the equal force of law. One provision of the same act cannot make the other provision useless. Thus, in no circumstances, the legislature can be expected to contradict itself.

Rule of reasonable construction

This rule stresses upon the intention of the legislature to bring up the statute and sensible and not the prima facie meaning of the statute.

This helps to clear the error caused due to the faulty draftsmanship.

Rule of beneficial construction

Beneficial construction is a tendency and not a rule.

This principle is based on human tendency to be fair, accommodating and just.

In one case the Tribunal awarded more number of paid leaves to the workers than stated in section 79(1) of the Factories Act. This has been challenged. The Supreme Court held that the enactment being welfare legislation for the workers had to be beneficially constructed in favor of the workers.

Rule of exceptional construction

It stands for the elimination of statutes and words in a statute which defeats the real objective of the statute or makes no sense. 'and' 'or', 'may', 'shall', 'must'.

2. Secondary Rules –

1. Noscitur a sociis –

It can be used wherever a statutory provision contains a word or phrase that is capable of bearing more than one meaning.

Noscere means to know and sociis means association.

Thus, Noscitur a Sociis means knowing from association.

a doctrine or rule of construction: the meaning of an unclear or ambiguous word (as in a statute or contract) should be determined by considering the words with which it is associated in the context.

The meaning of an unclear word or phrase should be determined by the words immediately surrounding it.

In other words, the meaning of a word is to be judged by the company it keeps.

The questionable meaning of a doubtful word can be derived from its association with other words.

This rule is explained in Maxwell on the interpretation of statutes (12th edition) in following words – When two or more words susceptible of analogous meaning are coupled together, they are understood to be used in their cognate sense. The words take their colour from and are quantified by each other, the *meaning of the general words* being restricted to a sense analogous to that of the less general.

When a word is ambiguous, its meaning may be determined by reference to the rest of the statute.

Thus, under the doctrine of "noscitur a sociis" the questionable meaning of a word or doubtful words can be derived from its association with other words within the context of the phrase. **2. Ejusdem Generis** – When a list of two or more specific descriptors are followed by more general descriptors, the otherwise wide meaning of the general descriptors must be restricted to the same class, if any, of the specific words that precede them e.g. vehicles in "cars, motorbikes, motor powered vehicles" would be interpreted in a limited sense and therefore cannot be interpreted as including air planes.

The ejusdem generis, or 'of the same genus' rule, is similar though narrower than the more general rule of noscitur a sociis.

According to this rule, when particular words pertaining to a class or a genus are followed by general words, the general words are construed as limited to the things of the same kind as those specified by the class or the genus. The meaning of an expression with wider meaning is limited to the meaning of the preceeding specific expressions.

However, for this rule to apply, the preceeding words must for a specific class or genus.

Further, this rule cannot be applied in the words with a wider meaning appear before the words with specific or narrow meaning.

SC has held that the following conditions must exist for the application of this rule -

1. The statue contains an enumeration of specific words

2. The subject of the enumeration constitute a class or a category

3. The class or category is not exhausted by the enumeration

4. A general term is present at the end of the enumeration

5. There is no indication of a different legislative intent

Act

The act is passed by the both the house of the parliament and assented by the president.

Act is notified on the official gazzate in the india.

Definition

Every act contain definition part usually mentioned in section 2 and sometime section 3.

Definition are defined in act itself .some time the definition are mentioned in another statute.

Words are generally defined in the respective acts. If words are not defined in the respective Acts such words are to be taken from general clause act.

- SECTION 1. SHORT TITLE
- SECTION 2.
- **SECTION 3.**

(REPEALED) DEFINATIONS

3. Definitions.-In this Act, and in all Central Acts and Regulations made after the commencement of this Act, unless there is any thing repugnant in the subject or context,

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

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

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



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

- WORDS DEFINED :-
- ABET

ACT

3(1)

3(2) "Act. "act", used with reference to an offence or a civil wrong, shall include a series of acts, and words which refer to acts done extend also to illegal omissions.

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

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

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

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

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

- **DISTRICT JUDGE** 3(15) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction:
- **DOCUMENT** 3(16) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means which is intended to be used, or which may be used, for the purpose of recording that matter:

- **FATHER 3(18)** father", in the case of anyone whose personal law permits adoption, shall include an adoptive father:
- **FINANCIAL YEAR** 3[(19) "Financial year". "financial year" means
 - (a)as respects the period before the first day of April, 1959, the year commencing on the first day of April and ending on the thirty first day of March;
- (b) as respects the period from the first day of April, 1959, to the thirtieth day of June, 1959, both days inclusive, that period ; and
- (c) thereafter, the year commencing on the first day of July and ending on the thirtieth day of June :]

- **GOOD FAITH 3 (20)** "Good faith".—a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not.
- **GOVERNMENT 3(21)** "Government" or "the Government" shall include both the Federal Government and any Provincial Government:

- IMMOVABLE PROPERTY 3 (25)"Immoveable property " shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth: (THERE IS JUDGMENT OF THE HON'BLE HIGH COURT OF SINDH ON THE DEFINATION OF IMMOVABLE PROPERTY
 - IMPRISONMENT 3 (26)
 - **INDIA** 3(27)

- LOCAL AUTHORITY 3(28) " local authority" shall mean a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:
- FOLLOWING CASES MAY BE EXAMINED-PLD 1964 DACCA 721, PLD 1965 SC 201, AIR 1981 SC 951, PLD 1983 LAH 522, 1972 TAX LR 2051, 2005 PTD (TRIB) 174, 1990 PTD 580, 2004 PTD (TRIB) 147.

- **MAGISTRATE** 3 (31) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force:
- **MASTER OF A SHIP** 3(32) "master", used with reference to a ship, shall mean any person (except a pilot or harbour- master) having for the time being control or charge of the ship:
- MONTH 3(33) "month" shall mean a month reckoned according to the British calendar:
- **MOVABLE PROPERTY** 3(34) "moveable property" shall mean property of every description, except immoveable property:

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

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

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

• PROVINCIAL GOVERNMENT 3(43a) "Provincial Government"

• (a) as respects anything done after the establishment of the Federation of Pakistan but before the Fourteenth day of October, 1955, shall mean in a Governor's Province, the Governor, and in a Chief Commissioner's Province, the Federal Government ;

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

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

- **PUBLIC NUISANCE** 3 (44) "public nuisance" shall mean a public nuisance as defined in the Pakistan Penal Code (Act XLV of 1860).
- **REGISTERED** "**Registered**", used with reference to a document, shall mean registered in a Province under the law for the time being in force for the registration of documents:
- **RULE** (47) "Rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment:

- **SEHEDULE** 3 (48) "Schedule" shall mean a schedule to the Act or Regulation in which the word occurs:
- SCHEDULED DISTRICT 3(49) "Scheduled District" shall mean a "Scheduled District" as defined in the Scheduled Districts Act, 1874 (XV of 1874):
- **SECTION 3** (50) "Section" shall mean a section of the Act or Regulation in which the word occurs:
- **SHIP** 3 (51) "Ship" shall include every description of vessel used in navigation not exclusively propelled by oars:
- **SIGN** 3 (52) "Sign" with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark", with its grammatical variations and cognate expressions:

• SON 3 (53) "Son" in the case of anyone whose personal law permits adoption, shall include an adopted son:

- **SUBSECTION** 3(54) "Subsection" shall mean a subsection of the section in which the word occurs:
- **SWEAR** 3 (55) "swear", with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare in stead of swearing:
- **TRIBALAREAS** 3 (55a) "Tribal Areas". "Tribal Areas" shall

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(i) as respects the period after the first day of July, 1970 mean the areas in Pakistan which immediately before that day were the Tribal Area and include

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

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

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

- **VESSEL** 3(56) "Vessel" shall include any ship or boat or any other description of vessel used in navigation :
- WILL 3 (57) "Will" shall include a codicil and every writing making a voluntary posthumous disposition of property:
- WRITING 3 (58) "Writing" expressions referring to writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form: and
 YEAR 3 (59) "Year" shall mean a year reckoned according to the British calendar.

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

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

- **SECTION 6. Effect of repeal.** Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not-
- (a) revive anything not in force or existing at the time which the repeal takes effect; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed.

 SECTION 6A. Repeal of Act making textual amendment in Act or Regulation. Where any Central Act or Regulation made after the commencement of this Act repeals any enactment by which the text of any Central Act or Regulation was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.]

- **SECTION 7. Revival of repealed enactments.**(1) In any Central Act or Regulation made after the commencement of this Act, It shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.
- (2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

• **SECTION 8.** Construction of references to repealed enactments.(1)Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals and reenacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision SO repealed shall, unless a different intention appears, be construed as references to the provision so reenacted.

- SECTION 9. Commencement and termination of time.(1) In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from", and, for the purpose of including the last in a series of days or any other period of time, to use the word "to".
- (2) This section applies also to all Central Acts] made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

- **SECTION 10. Computation of time.**(1) Where, by any Central Act or Regulation made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open:
- Provided that nothing in this section shall apply to any act or proceeding to which the Limitation Act, 1908 (IX of 1908)], applies.
- (2) This section applies also to all 3[Central Acts] and Regulations made on or after the fourteenth day of January, 1887.

SECTION WISE NOTES (SEC 11 TO 13)

- **SECTION 11 Measurement of distances.** In the measurement of any distance, for the purposes of any Central Act or Regulation made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.
 - Section 12. Duty to be taken *pro rate in enactments*. *Where, by any enactment now in force or* hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity by weight, measure or value of any goods or merchandize then a like duty is leviable according to the same rate on any greater or less quantity.
- **13. Gender and number.** In all Central Acts and Regulations, unless there is anything repugnant in the subject or context,
- (1) words importing the masculine gender shall be taken to include
 F emales; and
- (2) words in the singular shall include the plural, and *vice versa*.

SECTION WISE NOTES (SEC 14-15)

- Section 14. Powers conferred to be exercisable from time to time. (1)Where, by any Central Act or Regulation made after the commencement of this Act, any power is conferred then, unless a different intention appears, that power may be exercised from time to time as occasion
- requires.
- (2) This section applies also to all 5[Central Acts] and Regulations made on or after the fourteenth day of January, 1887.
- Section 15. Power to appoint to include power to appoint *ex officio*. *Where, by any Central Act or* Regulation, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office.

SECTION WISE NOTES (SEC 16-17)

- **Section 16.** Power to appoint to include power to suspend or dismiss. Where, by any Central Act or Regulation, a power to make any appointment is conferred, then, unless a different intention appears, the authority having 6[for the time being] power to make the appointment shall also have power to suspend or dismiss any person appointed whether by itself or any other authority in exercise of that power.
 - **SECTION 17. Substitution of functionaries.**(1) In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

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(2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

- **SECTION 18. Successors.**(1) In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.
- (2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

- Section 19. Official chiefs and subordinates.(1) In any Central Act or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.
- (2) This section applies also to all Central Acts made after the third day of January, 1868, and to all Regulations made on or after the fourteenth day of January, 1887.

SECTION WISE NOTES (SEC 20 & 20A)

- SECTION 20. Construction of orders, etc., issued under enactments. Where, by any Central Act or Regulation, a power to issue any notification, order, scheme, rule, form or byelaw is conferred, then expressions used in the notification, order, scheme, rule, form or byelaw, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act or Regulation conferring the power.
- SECTION 20A. Rules and Order, etc., to be published. All rules, Orders, regulations and circulars having the effect of law made or issued under any enactment shall be published in the official Gazette.]

• SECTION 21. Power to make, to include power to add to, amend, vary or rescind, orders, rules or byelaws. Where, by any Central Act or Regulation, a power to issue notifications, orders, rules, or byelaws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or byelaws so issued.

• SECTION 22. Making of rules or byelaws and issuing or orders between passing and commencement of enactment. Where, by any Central Act or Regulation which is not to come into force immediately on the passing thereof, a power is conferred to make rules or byelaws, or to issue orders with respect to the application of the Act or Regulation, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act or Regulation, then that power may be exercised at any time after the passing of the Act or Regulation; but rules, byelaws or orders so made or issued shall not take effect till the commencement of the Act or Regulation.

- SECTION 23. Provisions applicable to making of rules or byelaws after previous publication. Where, by any Central Act] or Regulation, a power to make rules or byelaws is expressed to be given subject to the condition of the rules or byelaws being made after previous publication, then the following provisions shall apply, namely:
- (1) the authority having power to make the rules or bye laws shall, before making them, publish a draft of the proposed rules or byelaws for the information of persons likely to be affected thereby;
- (2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Federal Government] or the Provincial Government prescribes;
- (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

- (4) the authority having power to make the rules or byelaws, and, where the rules or byelaws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or byelaws from any person with respect to the draft before the date so specified;
- (5) the publication in the official Gazette of a rule or byelaw
- purporting to have been made in exercise of a power to make rules or byelaws after previous publication shall be conclusive proof that the rule or byelaw has been duly made.

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

-issued under the provisions so reenacted and when any Central Act or Regulation, which, by a notification under any law, has been extended to any local area, has, by a subsequent notification, been withdrawn from and re-extended to such area or any part thereof, the pro visions of such Act or **Regulation shall be deemed to have been** repealed and reenacted in such area or part within the meaning of this section.

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

• **SECTION 25. Recovery of fine.** Sections 63 to 70 of the Pakistan Penal Code (Act XLV of 1860) and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines Shall apply to all fines imposed under any Act, Regulation, rule or byelaw unless the Act, Regulation, rule or byelaw contains an express provision to the contrary.

• SECTION 26. Provision as to offences punishable under two or more enactments. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

• **SECTION 27. Meaning of service by post.** Where any Central Act or Regulation made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

- SECTION 28. Citation of enactments.(1) In any Central Act or Regulation, and in any rule, byelaw, instrument or document, made under, or with reference to, any such Act or Regulation, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or subsection of the enactment in which the provision is contained.
- (2) In this Act and in any Central Act or Regulation made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

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

• SECTION 30. Application of Act to Ordinances. In this Act the expression " Central Act" wherever itoccurs, except in section 5, and the word "Act" in clauses (9), (12), (38), (48) and (50) of section 3 and in section 25 shall be deemed to include an Ordinance made and promulgated by the Governor General] under section 23 of the Indian Councils Act, 1861 or section 72 of the Government of India Act, 1915 or section 42 of the Government of India Act, 1935 or an Ordinance made and promulgated by the President on or after the twenty third day of March, 1956.

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

Conclusion

Every nation has its own judicial system, the purpose of which to grant justice to all. The court aims to interpret the law in such a manner that every citizen is ensured justice to all. To ensure justice to all the concept of canons of interpretation was expounded. These are the rules which are evolved for determining the real intention of the legislature.

It is not necessary that the words used in a statute are always clear, explicit and unambiguous and thus, in such cases it is very essential for courts to determine a clear and explicit meaning of the words or phrases used by the legislature and at the same time remove all the doubts if any. Hence, all the rules mentioned in the article are important for providing justice

On the basis of the above description of the rules of interpretation, it can rightly be concluded that the above rules of interpretation are like the tools of carpenter or sculptor. To a great extent their value depends on the fact that with what care or skill they are used. Actually, it depends upon the wisdom and care which the judges take in interpreting the statutes by applying the above rules of interpretation. "May', 'shall' and 'must"

The words __may', __shall' and __must' should initially be deemed to have been used in their natural and ordinary sense.

May signifies permission and implies that the authority has been allowed discretion.

Specific Terminologies

99% of negative terms are mandatory; affirmative terms are mostly mandatory where guiding principle for vesting of powers depends on context. In procedural statutes both negative and affirmative are mandatory. Aids to construction for determination of the character of words can be used.

The object of the Act is to provide uniformity of expression by giving definitions of a series of terms in common use. The General Clauses Act functions as one of the statutory aids of interpretation. This Act indicates the meaning of an expression in a generic and not in a rigid or exhaustive sense. It serves to shorten the language of statutory enactments. The purpose of the Act is to place in one single statute different provisions as regards interpretation of words and legal principles which would otherwise have to be specified separately in many different acts and regulations.