

MEGHALAYA ACT 7 OF 1970

THE MEGHALAYA INTERPRETATION AND GENERAL CLAUSES ACT, 1970

(As passed by the Assembly)

[Received the assent of the Governor on the Twenty-fifth October, 1970]

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THE MEGHALAYA INTERPRETATION AND GENERAL CLAUSES ACT, 1970

An

Act

to provide for the interpretation of Meghalaya enactments and for shortening the language thereof.

Be it enacted by the Legislature of Meghalaya in the Twenty-first Year of the Republic of India as follows:-

CHAPTER I

Preliminary

Short title and commencement.

1. (1) This Act may be called the Meghalaya Interpretation and General Clauses Act, 1970.

(2) It shall come into force in such date as the Government of Meghalaya may by notification appoint.

Application of Act.

2. Save as otherwise expressly provided herein the provisions of this Act shall apply, unless the context otherwise requires, to this Act and to all other enactments, whether passed before or after the commencement of this Act.

CHAPTER

Definitions

Definitions.

3. In all enactments, unless the context otherwise requires-

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

Central Act
45 of 1860.

(2) "act" used with reference to an offence or a civil wrong denotes a series of acts as well as a single act, and words which refer to acts done extend also to illegal omissions.

(3) "affidavit" means a statement in writing, signed by the person making it and confirmed by oath.

(4) "Assam Act" means an Act made by the Chief Commissioner of Assam in Council under the Indian Councils Acts, 1861 to 1909 or any of those Acts, 1861 to 1909 or any of those Acts, or under the Government of India Act, 1915 or by the Local Legislature of Assam under the Government of India Act, or by the Provincial Legislature or the Governor of Assam under the Government of India Act, 1935, or by the Legislature of the State of Assam under the Constitution;

(5) “attested” in relation to a document means attested by a witness who has seen the executed sign the document, or has received from the executants a personal acknowledgement of his signature, and who has signed the document in the presence of the executants, but no particular form of attestation shall be necessary;

(6) “autonomous State” means the autonomous State of Meghalaya formed under Section 3 of the Assam Reorganisation (Meghalaya) Act, 1969;

(7) “Bengal Act” means an Act made by the Lieutenant Governor of Bengal in Council under the India Councils Act, 1961, or the Indian Councils Acts, 1861 and 1892 or the Indian Councils Acts, 1961, or the Indian Councils Acts, 1861, 1892 and 1909 or made by the Governor in Council of Fort William in Bengal under the Indian Councils Acts, 1861 1892 and 1909, or by the Local Legislature of Bengal under the Government of India Act;

Central Act
55 of 1969

(8) “Central Act” means an Act of Parliament, and includes an Act passed or made before the commencement of the Constitution;-

- (a) by the Dominion Legislature or the Indian Legislature, or,
- (b) by the Governor-General in Council or the Governor-General acting in a legislative capacity;

(9) “Central Government” in relation to anything done or to be done after the commencement of the Constitution, means the President, and includes in relation to functions entrusted under clause (1) of article 258 of the Constitution to the Government of Meghalaya the Government of Meghalaya acting within the scope of the authority given to it under that clause;

(10) “Chapter” means a Chapter of the enactment in which the word occurs;

(11) “Child”, in the case of any one whose personal law permits adoption, includes an adopted child;

(12) “clause” occurring in a section which has no sub-section, means a sub-division of that section, and occurring in a sub-section means a subdivision of that sub-section;

(13) “collector” means the chief officer in-charge of the revenue administration of district;

(14) “commencement” used with reference to an enactment, means the day on which the enactment comes into force;

(15) “commissioning” means the chief officer in-charge of the revenue administration of a division;

- (16) “Constitutes” means the Constitution of India;
- (17) “consular officer” includes consul-general, consul, vice-consul, consular agent pro-consul and any other person for the time being authorised to perform the duties of a consul-general, consul, vice-consul or consular agent;
- (18) “daughter” in the case of any one whose personal law permits adoption, includes an adopted daughter;
- (19) “day” means a period of twenty-four hours beginning at midnight ;
- (20) “deputy-commissioner” means the chief officer in-charge of the general administration of a district;
- (21) “district court” means the principal civil court of original jurisdiction but does not include the High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;
- (22) “district judge” means the judge of a district court, and includes an additional district judge;
- (23) “document” includes any matter written, expressed inscribed or described upon any substance by means of letters, figures or marks or by more than one of those means, intended to be used or which may be used as evidence of that matter;
- (24) “Eastern Bengal and Assam” means the territories which were under the administration of the Lieutenant Governor of Eastern Bengal and Assam immediately prior to the constitution of the Chief Commissionership of Assam in 1912;
- (25) “Eastern Bengal and Assam Act” means an Act made by the Lieutenant Governor of Eastern Bengal and Assam in Council under the Indian Council Acts, 1861 to 1909;
- (26) “enactment” means an Act of the Meghalaya Legislature, and includes an Ordinance and any provision contained in any Act or Ordinance as aforesaid;
- (27) “father”, in the case of any one whose personal law permits adoption, includes an adoptive father;
- (28) “financial year” means the year commencing on the first day of April;
- (29) “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 ;
- (30) “Government” or “the Government” includes the Government of Meghalaya, the Central Government and the Government of any State;

(31) “Governor” means the Governor of Assam exercising his functions as Governor in relation to Meghalaya by virtue of the Assam Reorganisation (Meghalaya) Act, 1969. Central Act 55 of 1969.

(32) “Government securities” mean securities of the Government of Meghalaya, the Central Government or of any other Government;

(33) “High Court” means the High Court of Assam;

(34) “immovable property” includes land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

(35) “imprisonment” means imprisonment of either description as defined in the Indian Penal Code; Central Act 45 of 1860.

(36) “judicial proceeding” means any proceeding in the course of which evidence is, or may be, legally taken;

(37) “local authority” means a municipal corporation, a municipality, a municipal committee, a local or district board or any other authority legally entitled to, or entrusted by the Government with, the control or management of, a municipal or local fund;

(38) “local law” means a law applicable to a part only of Meghalaya;

(39) “magistrate” includes every person exercising all or any of the powers of a magistrate under the Code of Criminal Procedure, 1898, or under any other law for the time being in force relating to criminal procedure; Central Act 5 of 1898.

(40) “master” used with reference to a ship, includes every person (except a pilot or harbour-master) having for the time being command or charge of the ship;

Central Act 5 of 1969.

(41) “Meghalaya” means the autonomous State of Meghalaya formed under section 3 of the Assam Reorganisation (Meghalaya) Act, 1969, and comprising the areas specified therein;

(42) “Meghalaya Act” means an Act passed by the Legislative of Meghalaya;

(43) “month” means a month reckoned according to the Gregorian Calendar;

(44) “movable property” means property of every description except immovable property;

(45) “notification” means notification in the official Gazette;

(46) “oath” includes an affirmation and a declaration in the case of persons by law allowed to affirm or declare instead of swearing;

(47) “offence” means any act or omission made punishable by any law for the time being in force;

(48) “official” means the official Gazette of Meghalaya;

(49) “Ordinance” means an Ordinance promulgated by the Governor under section 50 of the Assam Reorganisation (Meghalaya) Act, 1969. Central Act 55 1969.

(50) “Part” means a part of the enactment in which the word occurs;

(51) “person” includes any company or association or body of individuals, whether incorporated or not;

(52) “prescribed” means prescribed by rules made under an enactment in which the word occurs;

(53) “public” includes any class or section of the public;

(54) “public nuisance” means a public nuisance as defined in the Indian Penal Code; Central Act 45 of 1860.

(55) “registered” used with reference to a document, means registered in India under the law for the time being in force for the registration of documents;

(56) “rule” means rule made in exercise of a power conferred by any enactment, and includes a regulation made as a rule under any enactment;

(57) “schedule” means a schedule to the enactment in which the word occurs;

(58) “section” means a section of the enactment in which the word occurs;

(59) “Shillong” means so much of the area comprised within the municipality of Shillong as, immediately before the commencement of the Constitution, formed part of the Khasi State of Myllem;

(60) “ship” includes every description of vessel used in navigation not exclusively propelled by oars;

(61) “sign” with its grammatical variations and cognate expression, used with reference to a person who is unable to write his name, includes “mark” with its grammatical variations and cognate expressions;

(62) “son”, in the case of any one whose personal law permits adoption, includes an adopted son;

(63) “special law” means a law applicable to a particular subject;

(64) “State” means a State specified in the First Schedule to the Constitution, and includes a Union territory;

(65) “sub-section” means a sub-section of the section in which the word occurs;

(66) “swear” with its grammatical variations and cognate expressions, includes affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

(67) “vessel” with its grammatical variations and cognate expressions, includes affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

(68) “will” and “codicil” have the meanings respectively assigned to them in the Indian Succession Act, 1925; Central Act
30 of 1926.

(69) “writing” – expressions referring to writing shall be construed as including reference to printing, typewriting, photography and other modes of representing reproducing words in a visible form;

(70) “year” means a year reckoned according to the Gregorian Calendar.

Definition in enactments to apply unless the context otherwise requires.

4. In enactment, where a word is defined-
- (a) the definition shall apply unless the context of the enactment otherwise requires;
 - (b) grammatical variations of that word and cognate expression shall have corresponding meanings.

CHAPTER III

General Rules of Construction

Territorial extent of Meghalaya Acts.

5. Subject to the provisions of the Assam Re-organisation (Meghalaya) Act, 1969, every enactment shall, unless the contrary is expressly provided therein, apply to the whole of Meghalaya, excluding Shillong.

Central Act
55 of 1969

Coming into force of enactments.

6. (1) Where a Meghalaya Act is not expressed to come into force on a particular day, then, it shall come into force on the day on which the assent of the Governor is first published in the official Gazette.
- (2) Unless the contrary intention is expressed, an Ordinance shall come into force on the day on which it is promulgated by the Governor;

(3) Unless the contrary intention is expressed, every enactment shall be construed as coming into force immediately on the expiration of the day preceding the day on which it comes into force.

Expiry of temporary enactments.

7. Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, it shall unless the contrary intention is expressed, be construed as ceasing to have effect immediately on the commencement of the following day.

Marginal notes not part of enactments.

8. The marginal notes appearing against any provision of any enactment, and the reference to this number and date of any former law in the margin against any such provision, shall form no part of the said enactment and shall be deemed to have been inserted for the sake of convenience only.

Government to be bound by enactments.

9. In the absence of an express provision to the contrary, every enactment shall be binding on the Government.

Effect of incorporation.

10. Where any enactment constitutes a body corporate by any form of words, that body corporate shall have perpetual succession and a common seal and may enter into contracts by its corporate name, acquire, hold and dispose of property, whether movable or immovable, and sue or be sued by its corporate name.

Offences by companies.

11. (1) If a person committing an offence under any enactment is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Where an offence under any enactment has been committed by a company, any director, manager, secretary or order officer or the company, not being a person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence, shall, if it is his consent or convenience or that the commission of the offence is attributable to any neglect on his part, also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purpose of this section-

- (a) “company” means anybody corporate and includes firm or other association of person, and
- (b) “director”, in relation to a firm, means a partner in the firm.

Gender and number.

12. In all enactments unless a different intention appears-

- (a) words importing the masculine gender shall be taken to include females.
- (b) words in the singular shall be taken to include the plural and vice-versa.

Commencement and termination of time in any enactment.

13. In any enactment, it shall be sufficient-

- (a) to use the word “from” or the word “after” for the purpose of excluding the first in a series of days;
- (b) to use the word “to” for the purpose of including the last in a series of days;
- (c) to use the word “on” or the word “with” for the purpose of including the day on which the period is expressed to being or to end; and
- (d) in relation to the interval between two events, to use the words “clear days” or “at least” or “not less than” a number of days for the purpose of excluding the days on which the events happen and merely to specify the number of days for the purpose of excluding the day on which the first event happens and including the day on which the second event happens.

Computation of time.

14. Where by any enactment 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 specified period, then , if the court or office is closed on that day or the last day of the specified 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, 1963 applies.

Central act
36 of 1963

Expression of time.

15. Where, in any enactment, any reference to a specified time of the day occurs, such time shall, unless it is otherwise specially stated, be deemed to mean the Indian Standard Time which is five and half hours ahead of the Greenwich Mean Time.

Duty to be taken *prorata*.

16. Where, by any enactment, and duty of customs or excise or in the nature thereof, is leviable on any given quantity by weight, measures or value of any goods and merchandise, then, a like duty is leviable according to the same rate on any greater or less quantity.

- Measurement of distances.
17. In the measurement of any distance for the purpose of and enactment, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.
- Penalties provided to be maximum penalties.
18. Whenever in any enactment a punishment is provided for an offence, such punishment shall, unless a different intention appears, be deemed to be the maximum punishment for that offence.
- Deviation from forms.
19. Save as otherwise expressly provided by any enactment, whenever a form is prescribed by any enactment, slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate it.
- Acts done on holidays.
20. Save as otherwise expressly provided by any enactment, no act done by any authority is judicial or executive, shall be invalid by reason only of its having been done on a public holiday.
- Provisions as to offences punishable under two or more enactments.
21. Where an act or omission constitutes an offence under two or more enactments, the offender shall be liable to be prosecuted or punished under either or any of them, but shall not be liable to be punished twice for the same offence.

CHAPTER IV

Repeal and expiry of enactments

22. Where a Meghalaya Act repeals any enactment, then, unless a different intention appears, the repeals 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 enactment so repealed or anything duly done or suffered thereunder or,
 - (c) affect any right, privilege, obligation or liability, acquired, accrued, 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 punishable as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the repealing Act had not been passed.

Repeal of law making textual amendment in other laws.

23. Where a Meghalaya Act (not being an Act which is to cease to have effect or to cease to operate on the expiry of a particular period or on the happening of a particular contingency) amends the text of any enactment by the express omission, insertion or substitution of any matter, and any such amending Act is subsequently repealed, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the amending act, if such amendment was in force at the time of the repeal.

Construction of reference to repealed enactments.

24. Where a Meghalaya Act repeals and re-enacts, with or without modification, and provision of a former enactment, then references in any other enactment to the provision so repealed, shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Revival of repealed enactment.

25. In any enactment, for the purpose of reviving either wholly or partially, any enactment wholly or partially repealed, it shall be necessary expressly to state that purpose.

Effect of expiration of enactment.

26. Where a Meghalaya Act ceases to have effect or ceases to operate on the expiration of a particular period or on the happening of a particular contingency, then, unless a different intention appears, the expiry shall not affect-

- (a) the previous operation of , or anything duly done or suffered under the enactment; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under that Act; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against that Act; or
- (d) 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 Act had not expired.

CHAPTER V

Power and Functionaries

Exercise of powers and performance of duties.

27. Where, by any enactment, any power is conferred or any duty is imposed, then, unless a different intention appears, that power may be exercised and that duty shall be performed from time to time as occasion requires.

Powers incidental for effective exercise of powers granted.

28. Where, by any enactment, any power is conferred on any person or functionary to do or enforce the doing of any act or thing, all such powers shall be deemed to be also conferred as are necessary to enable such person or functionary to do or enforce the doing of such act or thing.

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

29. Where, by any enactment, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment may be made either by name or by virtue of office.

Power to appoint to include power to suspend or dismiss.

30. Where, by any enactment, a power to make any appointment is conferred, then, unless a different intension appears, the authority having for the time being power to make the appointment shall also have power to suspend or dismiss any person appointed whether by itself or by any other authority in exercise of that power.

Substitution of functionaries.

31. In any enactment, it shall be sufficient for the purpose of indicating the application of the 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 who is, at the time of the passing of the enactment, exercising the functions, or that of the officer by whom the functions are commonly exercised.

Successors.

32. In any enactment 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 Chief and subordinates.

33. In any enactment, it shall be sufficient, for the purpose of expressing that a law relating to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of the office in the place of their superior to specify the duties of the superior.

CHAPTER VI

Subordinate Legislation

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

34. Where, by any enactment which is not to come into force immediately on the passing thereof a power is conferred to make rules or bye-laws or to issue orders with respect to the application of the enactment or with respect to the establishment of any court or office or the appointment of any judge or officer thereunder or with respect to the person by whom, or the time when or the place where, or the manner in which, or the face for which, anything is to be done under the enactment, then, unless a different intention appears, that power may be exercised at any time after the passing of the enactment, but rules, bye-laws or orders so made or issued shall not take effect till the commencement of the enactment..

Power to make rules, etc., includes power to add, amend, vary or rescind rules, etc.

35. Where, by any enactment, a power to issue rules, notifications, orders, schemes, forms or bye laws is conferred, then, unless a different intention appears that power includes a power to add, to amend, vary or rescind any rules, notification, orders, schemes, forms or bye-laws so issued in the same manner and subject to the same sanction and condition (if any) as the power to issue the rules, notifications, orders, schemes, forms or bye-laws.

Provisions applicable to making of rules or bye-laws after previous publication.

36. Where, by any enactment, a power to make rules or bye-laws, is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, the following provisions shall apply; namely:-

(a) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;

(b) the publication shall be made in such manner as that authority deems to be sufficient, or if the condition with respect to previous publication so requires, in such manner as the Government may prescribe;

(c) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(d) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(e) the publication in the official Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rules or bye-laws has been duly made.

Continuation of appointments, rules, etc., issued under enactment repealed and re-enacted.

37. Where any enactment is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment, rule, notification, order, scheme, form or bye-law made or issued under the repealed enactment, shall so far as it is not inconsistent with the provisions re-enacted, continue in force and be deemed to have been made or issue under the provisions so re-enacted, unless and until it is superseded by any appointment, rule, notification, order, scheme, form or bye-law made or issued under the provisions so re-enacted.

Construction of rules, notifications, etc., issue under enactments.

38. Where, by any enactment, a power to issue any, rule notification, order, scheme, form or bye law is conferred, then, expressions used in the rule, notification, order, scheme, form or bye-law shall unless a different intention appears, have the same respective meanings as in the enactment conferring the power.

Publication and commencement rules.

39. Every rule made under any enactment shall be published in the Official Gazette and shall, in the absence of an express provision to the contrary either in the rule or in the enactment under which it is made, come into force on the day on which is publish in the official Gazette.

Laying rules before Legislative Assembly.

40. (1) Every rule made by the Government of Meghalaya under any enactment shall be laid as soon as may be after it is made before the Legislative Assembly of Meghalaya while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any notification in the rule or resolves that the rule should not be made, the rule shall thereafter have effect only in such modified form or be or no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) If any rule is not laid before the Legislative Assembly in accordance with the provisions of sub-section (1), it shall, not on the expiry of two successive sessions immediately following the publication of the rule, cease to have effect, without prejudice to the validity of anything previously done under that rule.

CHAPTER VII

Miscellaneous

Citation of enactments.

41. (1) any enactment may be cited by reference to the short title conferred thereon or by reference to the number and year thereof.

(2) Any provision in an enactment may be cited by reference to the section of the enactment in which the provision is contained.

42. Section 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure, 1898, in relation to the issue and execution of warrants for the levy of fines, shall apply to all fines imposed under any enactment, or under any rule or bye-law made thereunder, unless the enactment, rule or bye-law contains and express provision to the contrary.

Meaning of service by post.

43. Where, any enactment authorises or requires any document to be served 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.