

THE RAJASTHAN GENERAL CLAUSES ACT, 1955

Act No. 8 of 1955

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CONTENTS

SECTION		PAGE
	<i>Preliminary</i>	
1. Short title and commencement	181
2. Repeal	181
3. References to General Clauses Act, 1897	181
4. Application	182
	<i>General Rules of Construction</i>	
5. Coming into operation of Rajasthan Laws	182
6. Effect of Repeal	183
7. Repeal of Laws making textual amendments	183
8. Revival of repealed enactments	183
9. Construction of references to repealed enactments	183
10. Commencement and termination of time	184
11. Computation of time	184
12. Measurement of distances	184
13. Duty to be taken <i>pro rata</i>	184
14. Gender and Number	184
	<i>Powers and Functionaries</i>	
15. Power or duty to be exercisable from time to time	184
16. Exercise of power and performance of duty by temporary holder of office	185
17. Power to appoint to include power to appoint <i>ex officio</i>	185
18. Power to appoint to include power to suspend, remove or dismiss	185
19. Substitution of functionaries	185
20. Successors	185
21. Official Chief and Subordinates	185

SECTION	PAGE
<i>Provisions as to Notifications, Orders, Rules, etc. made under enactments</i>	
22. Construction of notifications, orders, etc. issued or made under enactments	185
23. Power to make or issue to include power to add, to amend, vary or rescind orders, etc.	186
24. Making of rules, etc. and issuing of orders between passing and commencement of enactments	186
25. Publications of orders, etc. in Rajasthan Gazette to be deemed to be due publication	186
26. Provisions applicable to making of rules, etc. after previous publication	186
27. Continuation of orders, etc. issued under enactments repealed and re-enacted	187
<i>Miscellaneous</i>	
28. Recovery of fines	187
29. Provision as to offences punishable under two or more enactments	187
30. Meaning of Service by post	188
31. Citation of enactments	188
<i>General Definitions</i>	
32. Definitions	188

THE RAJASTHAN GENERAL CLAUSES ACT, 1955

Act No. 8 of 1955

[Received the assent of the President on the 5th day of August, 1955.]

An Act to provide for and facilitate the interpretation of Rajasthan laws and make other provisions relating thereto.

WHEREAS it is expedient to provide for and facilitate the interpretation of Rajasthan laws, to shorten the language used therein and to make certain other provisions relating to such laws;

BE it enacted by the Rajasthan State Legislature in the sixth year of the Republic of India as follows:—

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Rajasthan General Clauses Act, 1955.

(2) It shall come into force on the date of its first publication in the Rajasthan Gazette.

2. *Repeal.*—The Jaipur General Clauses Act, 1944, the Alwar State General Clauses Act, 1944, the Mewar General Clauses Act, 1945, the Marwar General Clauses Act, 1948 and other corresponding laws ¹[in force in the Covenanted States or in the Ajmer area or in the Abu area or in the Sunel area] are hereby repealed.

3. *References to General Clauses Act 1897.*—References made in any Rajasthan law to, or to the provisions of the General Clauses Act, 1897 (Act X of 1897) of the Central Legislature shall be deemed to be references to, or to the corresponding provisions of this Act:

Provided that nothing contained in this Act shall affect the operation of the General Clauses Act, 1897 (Act X of 1897) of the Central Legislature, with reference to such Rajasthan law, previously to the commencement of this Act ²[or in the case of laws in force in the Ajmer area or in the Abu area or in the Sunel area the commencement of the Rajasthan General Clauses (Amendment) Act, 1957].

1. Substituted by Section 2 of Rajasthan Act No. 45 of 1957, published in Rajasthan Gazette, Extraordinary, Part IV-A dated 24-12-1957.

2. Inserted by Section 3—*ibid.*

4. *Application*:— Unless otherwise expressly provided or unless the context otherwise requires, the provisions of this Act shall apply—

- (i) to this Act,
- (ii) to all Rajasthan laws ¹[in force in the pre-reorganisation State of Rajasthan] made after the commencement of this Act,
- (iii) to all Central Acts adapted to Rajasthan from time to time, by the Rajasthan State Legislature,
- (iv) where any such law or Act confers upon any authority a power to make rules, regulations or bye-laws, to such rules, regulations or bye-laws ²[× ×]
- (v) so far as may be, to all Rajasthan laws ³[in force in the pre-reorganisation State of Rajasthan] pertaining to Lists II and III of the Seventh Schedule to the Constitution made before the commencement of this Act and to any rules, regulations or bye-laws thereunder ³[and]
- ³[(vi) to all Rajasthan laws and to Rules, regulations and bye-laws thereunder made on or after the first day of November, 1956.]

GENERAL RULES OF CONSTRUCTION

5. *Coming into operation of Rajasthan laws*.—(1) Where any Rajasthan law made after the ⁴[first day of November, 1956] is not expressed to come into operation on a particular day, then it shall come into operation—

(a) if it is an Act of the State Legislative Assembly, on the day on which the assent thereto of the ⁴[Governor] or the President, as the case may require, is first published in the Rajasthan Gazette, and

(b) if it is an Act or Ordinance of the ⁴[Governor] or the President, on the day on which it is first published as such Act or Ordinance in the Rajasthan Gazette.

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

1. Inserted by section 4 of Rajasthan Act No. 45 of 1957, published in Rajasthan Gazette, Extraordinary, Part IV-A, dated 24-12-1957.

2. Omitted by section 4—*ibid.*

3. Inserted by section 4—*ibid.*

4. Substituted by section 4—*ibid.*

6. *Effect of Repeal.*—(1) Where any Rajasthan law repeals any enactment hitherto made or hereafter to be made, then unless a different intention appears the repeal shall not—

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of any 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 fine, 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, fine, penalty, forfeiture or punishment as aforesaid;

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

(2) The provisions of this section shall also apply upon the expiry or withdrawal of any Rajasthan law ¹[as if such law had not expired or, as the case may be, had not been withdrawn:]

Provided that the provision contained in clause (a) of sub-section (1) shall not so apply.

7. *Repeal of laws making textual amendments.*—Where any Rajasthan law repeals any enactment by which the text of any law 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.

8. *Revival of repealed enactment.*—In any Rajasthan law 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.

9. *Construction of references to repealed enactments.*—Where any Rajasthan law repeals and re-enacts, with or without modification, any former enact-

1. Substituted by section 2 of Rajasthan Act No. 49 of 1958, published in Rajasthan Gazette, Extraordinary, Part-IV-A, dated 30-12-1958.

2. Corrected vide Errata No. F. 1 (3) Law (codi.)/70, dated 26-10-1972, published in Rajasthan Gazette, part IV-C, Sub-part I, Ordinary, dated 14-12-1972.

ment or any provision thereof, then references in any other enactment or in any instrument to the enactment or provision so repealed shall, unless a different intention appears, be construed as references to the enactment or provision, as the case may be, so re-enacted

10. *Commencement and termination of time.*—In any Rajasthan law, 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”.

11. *Computation of time.*—Where, by any Rajasthan law, 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 India Limitation Act, 1908 (Central Act IX of 1908) applies.

12. *Measurement of distances.*—In the measurement of any distance for the purposes of any Rajasthan law, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

13. *Duty to be taken prorata.*—Where, by any Rajasthan law, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.

14. *Gender and number.*—In all Rajasthan laws, unless a different intention appears,—

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

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

POWERS AND FUNCTIONARIES

15. *Power or duty to be exercisable from time to time.*—Where, by any Rajasthan law, 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.

1. Inserted by section 6 of Rajasthan Act No. 45 of 1957, published in Rajasthan Gazette, Extraordinary, Part IV-A, dated 24-12-1957.

16. *Exercise of power and performance of duty by temporary holder of office.*—Where a Rajasthan law confers a power or imposes a duty on the holder of an office as such, then the power may, be exercised and the duty shall be performed by the holder for the time being of the office.

17. *Power to appoint to include power to appoint ex officio.*—Where by any Rajasthan law, 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.

18. *Power to appoint to include power to suspend, remove or dismiss.*—Where, by any Rajasthan law, a power to make any appointment is conferred, then, unless a different intention appears, the authority having for the time being power to make the appointment shall also have power to suspend, remove or dismiss any person appointed by itself or any other authority in exercise of that power.

19. *Substitution of functionaries.*—In any Rajasthan law, 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.

20. *Successors.*—In any Rajasthan law, 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.

21. *Official Chief and Subordinate.*—In any Rajasthan law, 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.

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

22. *Construction of notifications, Orders, etc. issued or made under enactments.*—Where, by any Rajasthan law, a power to issue or make any notification, order, scheme, rule, regulation, form or bye-law is conferred, then the expressions used in the notification, order, scheme, rule, regulation, form or bye-law shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Rajasthan law conferring the power.

23. *Power to make or issue to include power to add, to amend, vary or rescind orders, etc.*—Where, by any Rajasthan law, a power to make or issue orders, rules, regulations, schemes, forms, bye-laws or notifications 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 orders, rules, regulations, schemes, forms, bye-laws or notifications so made or issued.

24. *Making of rules, etc. and issuing of orders between passing and commencement of enactments.*—Where, by any Rajasthan law which is not to come into operation immediately on the passing thereof, a power is conferred to make rules, regulations or bye-laws or to issue orders with respect to the application of such law 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 such law, then that power may be exercised at any time after the passing of such law, but rules, regulation, bye-laws or orders so made or issued shall not take effect till the commencement of such law.

25. *Publications of orders, etc. in Rajasthan Gazette to be deemed to be due publication.*—Where, in any Rajasthan law or in any rule, regulation or bye-law made thereunder, it is directed that any rule, regulation, bye-law, notification, order, scheme, form or other matter shall be notified or published, then such notification or publication shall, unless such law, rule, regulation or bye-law otherwise provides, be deemed to be duly made if it is published in the Rajasthan Gazette.

26. *Provisions applicable to making of rules, etc. after previous publication.*—Where, by any Rajasthan law, a power to make rules, regulations or bye-laws is expressed to be given subject to the condition of the rules, regulations or bye-laws being made after previous publication, then unless such law otherwise provides, the following provisions shall apply, namely:—

- (1) the authority having power to make the rules, regulations or bye-laws shall, before making them, publish a draft of the proposed rules, regulations or bye-laws for the information of persons likely to be affected thereby;
- (2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Government prescribes;

- (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;
- (4) the authority having power to make the rules, regulations or bye-laws, and, where the rules, regulations 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, regulations or bye-laws from any person with respect to the draft before the date so specified;
- (5) the publication in the Rajasthan Gazette of a rule, regulation or bye-law purporting to have been made in exercise of a power to make rules, regulations or bye-laws after previous publication shall be conclusive proof that the rule, regulation or bye-law has been duly made.

27. *Continuation of orders, etc. issued under enactments repealed and re-enacted.*—Where, any enactment is repealed and re-enacted with or without modifications, then, unless it is otherwise expressly provided any appointment, notification, order, scheme, rule, regulation, form or bye-law made or issued and anything duly done or action taken under the repealed enactment shall, so far as it is not inconsistent with the provisions so re-enacted, continue in force, and be deemed to have been made or issued and done or taken under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, regulation, form or bye-law made or issued or anything done or action taken under the provisions so re-enacted,

MISCELLANEOUS

28. *Recovery of fines.*—Sections 63 to 70 of the Indian Penal Code, 1860 (¹[Central] Act XLV of 1860) and the provisions of the Code of Criminal Procedure, 1898 (¹[Central] Act V of 1898) in relation to the issue and execution of warrants for the levy of fines shall apply to all fines imposed under any Rajasthan law or any rule, regulation or bye-law made under any Rajasthan law unless such law, rule, regulation or bye law contains an express provision to the contrary.

29. *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

¹ Inserted by Section 6 of Rajasthan Act No. of 45 of 1957, published in Rajasthan Gazette, Extraordinary, Part IV-A, dated 24-12-1957.

either or any of those enactments, but shall not be liable to be punished twice for the same offence.

30. *Meaning of service by post.*—Where any Rajasthan law authorises 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 affected by properly addressing, preparing 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.

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

(2) In any Rajasthan law, 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.

GENERAL DEFINITIONS

32. *Definitions.*—(1) Unless there be anything repugnant in the subject or context or unless the contrary intention appears, the following expressions shall have the meanings respectively assigned to them hereby, namely:—

(1) “abet”, with its grammatical variations and cognate expressions shall have the same meaning as in the Indian Penal Code (¹[Central] Act XLV of 1860);

²[(1A) “Abu area” shall mean the territory comprised in the Abu Road taluka of Banaskantha district in the State of Bombay as it existed immediately before the first day of November, 1956;]

1. Inserted by section 7 of Rajasthan Act No. 45 of 1957, published in Rajasthan Gazette, Extraordinary, Part IV-A, dated 24-12-1957.

2. Inserted vide item No. (i) of Part 1 of the Fourth Schedule ^{of the} Rajasthan Adaptation of Laws (on State and Concurrent Subjects) Order, 1956, published in the Rajasthan Gazette, Part IV-C, Extraordinary, dated the 1st November, 1956, and subsequently substituted by section 7 of Rajasthan Act No. 45 of 1957, published in Rajasthan Gazette, Extraordinary Part IV-A, dated 24-12-1957.

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

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

¹[(3A) “Ajmer area” shall mean the territories of the State of Ajmer as it existed immediately before the first day of November, 1956;]

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

(5) “Board” or “the Board ” or “the Board of Revenue” or “the Revenue Board ” shall mean the Board of Revenue for Rajasthan established and constituted in accordance [with ²[any law for the time being in force]

(6) “British India” shall mean—

(i) as respects the period before the commencement of Part III of the Government of India Act, 1935, all territories and places within His Majesty’s Dominions which were being governed by His Majesty through the Governor General of India or through any Governor or officer subordinate to the Governor General of India, and

(ii) as respects any period after such commencement and before the establishment of the Dominion of India, all territories for the time being comprised within the Governors’ Provinces and the Chief Commissioners’ Provinces;

(7) “Central Act ” shall mean an Act of Parliament and shall include—

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

1. Inserted vide item No. (ii) of Part I of the Fourth Schedule of the Rajasthan Adaptation of Laws (on State and Concurrent subjects) Order, 1956, published in the Rajasthan Gazette, Part IV-C, Extraordinary, dated the 1st November, 1956, and subsequently substituted by section 7 of Rajasthan Act No. 45 of 1957, published in Rajasthan Gazette, Extraordinary, Part IV-A, dated 24-12-1957.

2. Substituted by section 7—*ibid.*

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

(8) "Central Government" shall—

(a) in relation to anything done before the commencement of the Constitution, mean the Governor General or the Governor General in Council, as the case may be,

(b) in relation to anything done or to be done after the commencement of the Constitution, mean the President,

and shall include, in relation to functions entrusted under clause (1) of Article 258 of the Constitution to the Government of a State, the State Government acting within the scope of the authority given to it under that clause;

(9) "Central Legislature" shall mean—

(i) as respects the period before the establishment of the Dominion of India;

(a) the Governor General in Council acting in a legislative capacity under the Government of India Act, 1833 or the Government of India Act, 1853 or the Indian Councils Acts, 1861 to 1909 or any of those Acts or the Government of India Act, 1915, or

(b) the Indian Legislature acting under the Government of India Act, 1919 or the Government of India Act, 1935, or

(c) the Federal Legislature acting under the Government of India Act, 1935

as the case may require;

(ii) as respects the period after such establishment and before the commencement of the Constitution, the Dominion Legislature; and

(iii) as respects the period after such commencement, the Parliament.

(10) "Chapter" shall mean a chapter of the enactment in which the word occurs;

(11) "Chief Controlling Revenue Authority" or "Chief Revenue Authority" shall mean the Board of Revenue;

(12) "Collector" shall mean the chief officer in charge of the revenue administration of a district;

(13) "Commencement" used with reference to an enactment, shall mean the day on which such enactment came or comes into force;

(14) ¹[× × ×]

(15) "Constitution" shall mean the Constitution of India;

(16) "Covenant" shall mean the Covenant entered into, with the concurrence and guarantee of the Central Government, by the Rulers of the Covenating States of Banswara, Bikaner, Bundi, Dungarpur, Jaipur, Jaisalmer, Jhalawar, Jodhpur, Kishangarh, Kotah, Mewar, Partabgarh, Shahpura and Tonk, thereby establishing the State of Rajasthan, as supplemented by the agreement made with the like concurrence and guarantee between the Rajpramukh of Rajasthan, Rajpramukh of the former Matsya State and the Rulers of the Covenating States of Alwar, Bharatpur, Dholpur and Karauli for the inclusion in and integration with the State of Rajasthan of the last mentioned Covenating States, and shall, include, where the context so requires, the Covenant establishing the former Rajasthan State or the Covenant establishing the former Matsya State;

(17) "Covenating State" shall mean and include any of the Indian States of Alwar, Banswara, Bharatpur, Bikaner, Bundi, Dholpur, Durgapur, Jaipur, Jaisalmer, Jhalawar, Jodhpur, Karauli, Kishangarh, Kotah, Mewar, Partabgarh, Shahpura, Sirohi and Tonk;

(18) "District" shall mean and include the territorial limits of a district in Rajasthan under the administrative charge of a Collector, formed or deemed to be formed under ²[any law for the time being in force];

(19) "District Court" shall mean the principal Civil Court of original jurisdiction of a district constituted for the purpose, but shall not include the High Court in the exercise of its ordinary or extraordinary original Civil Jurisdiction;

(20) "District Judge" shall mean the Judge of a District Court;

1. Omitted vide item 14 of the Schedule of the Rajasthan Act No. 8 of 1962, published in Rajasthan Rajpatra, Extraordinary, Part IV-A, dated 23-4-1962.

2. Substituted by section 7 of Rajasthan Act No. 45 of 1957 published in Rajasthan Gazette, Part IV-A, dated 24-12-1957.

(21) ¹[× × ×]

(22) "Document" shall include 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, which is intended to be used, or which may be used, for the purpose of recording that matter;

(23) "Dominion" or "Dominion of India" shall mean the Dominion of India established by the Indian Independence Act, 1947, of the British Parliament;

(24) "Dominion Government" shall mean the Government of the Dominion of India;

(25) "Dominion Legislature" shall mean the Legislature of the Dominion of India acting under the Government of India Act, 1935, as adopted by the Indian (Provisional Constitution) Order 1947;

(26) "enactment" shall mean any law and shall include any provision contained in any law;

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

(28) "financial year" shall mean the year commencing on the 1st day of April and ending on the thirty - first day of March next following;

(29) "former Matsya State" shall mean the United State of Matsya established by the Covenant entered into by the Rulers of the Covenanted States of Alwar, Bharatpur, Dholpur and Karauli;

(30) "former Rajasthan State" shall mean the United State of Rajasthan established by the Covenant entered into by the Rulers of the covenanting States of Banswara, Bundi, Dungarpur, Jhalawar, Kishangarh, Kota, Mewar, Partargarh, Shahpura and Tonk;

(31) "Gazette" or "Official Gazette" or "Rajasthan Gazette" or "Rajasthan Raj-Patra" shall mean the Rajasthan Gazette published in pursuance of ²[any law for the time being in force under the authority of the State Government];

1. Omitted vide item No. 14 of the Schedule of the Rajasthan Act No. 8 of 1962, published in Rajasthan Rajpatra, Extraordinary, Part IV-A, dated 23-4-62.

2. Substituted by section 7 of Rajasthan Act No. 45 of 1957, published in Rajasthan Gazette, Extraordinary, Part IV-A, dated 24-12-1957.

(32) 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;

(33) "Government" or "the Government" shall include both the Central Government and any State Government;

(34) "Government securities" shall mean the securities of the Central Government or any State Government;

1[(34A) "Governor" means, as respects the period on or after the 1st day of November, 1956, the Governor of Rajasthan.];

(35) "growing crops" shall include crops of all sorts attached to the soil, and leaves, flowers, and fruits upon, and juice in, trees and shrubs;

(36) "High Court" shall mean the High Court of judicature for Rajasthan;

(37) "immovable property" shall include land, benefits to arise out of land and things attached to the earth, or permanently fastened to anything attached to the earth, but shall not include standing timber, growing crops or grass;

(38) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code (2[Central] Act XLV of 1860);

(39) "India" shall mean,—

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

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

1. Inserted vide item No. (iii) of Part I of the Fourth Schedule of the Rajasthan Adaptation of Laws (on State and Concurrent Subjects) Order, 1956, published in the Rajasthan Gazette, Part IV-C, Extraordinary, dated the 1st November, 1956.

2. Inserted by section 7 of Rajasthan Act No. 45 of 1957, published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 24-12-1957.

(c) as respects any period after the commencement of the Constitution, all territories for the time being comprised in the territories of India.

(40) "Indian State" shall mean any territory which the Central Government recognised as such before the commencement of the Constitution, whether described as a State, an Estate, a Jagir or otherwise, and shall include every covenanting State;

(41) "law" shall mean any law, act, ordinance, regulation, rule, notification, order, bye-law, scheme, or other instrument having for the time being the force of law;

(42) "Legislative Assembly" or "State Legislative Assembly" shall mean the Legislative Assembly formed for Rajasthan in accordance with the Constitution;

(43) "Local authority" shall mean a municipal board, committee, corporation or council, a district board, ³[a Zila Parishad, a Panchayat Samiti] a panchayat or other authority legally entitled to or entrusted by the Government with the control or management of a municipal or local fund;

(44) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1908 (²[Central] Act V of 1898);

(45) ⁴[× × ×];

(46) "Month" shall mean a month reckoned according to the British calendar;

(47) "movable property" shall mean property, of every description, except immovable property;

(48) "notification" or "public notification" shall mean a notification published under proper authority in the Gazette.

1. Omitted vide item No. (iv) of Part I of the Fourth Schedule of the Rajasthan Adaptation of Laws (On State and Concurrent Subjects) Order, 1956, published in the Rajasthan Gazette, Part IV-C, Extraordinary, dated the 1st November, 1956.

2. Inserted by item No. (vii) of Section 7 of Rajasthan Act No. 45 of 1957, published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 24-12-1957.

3. Inserted by section 3 of Rajasthan Act No. 37 of 1959, published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 9-9-1959.

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

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

(51) "Ordinance" shall mean and include—

(a) as respects any period before the commencement of the

(i) an Ordinance lawfully made and promulgated by the Ruler or the Government of a Covenanting State;

(ii) an Ordinance made and promulgated by the Rajpramukh of the former Rajasthan State in pursuance of the Covenant;

(iii) an Ordinance likewise made and promulgated by the Rajpramukh of the former Matsya State; and

(iv) an Ordinance likewise made and promulgated by the Rajpramukh of Rajasthan; and

¹[(b) as respects the period after such commencement, an Ordinance made and promulgated under and in accordance with the provisions of the Constitution—

(i) by the Rajpramukh upto the 31st day of October, 1956, or

(ii) by the Governor on or after the first day of November 1956;]

(52) "Parliament" shall mean the Parliament of India;

(53) "Part" shall mean a part of the enactment in which the word occurs;

(54) ²[× × ×]

(55) ²[× × ×]

(56) ²[× × ×]

1. Substituted by item No (viii) of sec. 7 of Rajasthan Act No. 45 of 1957, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 24-12-1957.

2. Omitted by item No. (ix) of sec. 7—*ibid.*

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

¹[(57A) "pre-reorganisation State of Rajasthan" shall mean the State of Rajasthan as it existed in pursuance of the covenant or under the Constitution before the first day of November, 1956;]

(58) "Prescribed" shall mean prescribed by rules made under an enactment;

(59) "Province" shall mean a Presidency or a Province of British India or of the Dominion of India;

(60) "Provincial Act" or "Provincial Law" shall mean an Act or law duly made by the Legislature or other competent authority of a Province;

(61) "Provincial Government" shall mean, as respects anything done before the commencement of the Constitution, the authority or person authorised at the relevant date to administer executive Government in the Province in question;

(62) ²["Rajasthan" shall mean—

(i) as respects the period before the first day of November, 1956, the pre-reorganisation State of Rajasthan, and

(ii) as respects the period on and from the said day, the new State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Central Act 37 of 1956),

but shall not include the former Rajasthan State;

(63) "Rajasthan law" shall include—

(i) as respects the period prior to the 7th day of April, 1949—

(a) any law made by the Ruler or a competent Legislature or other competent authority or officer of a covenanting State, or

(b) an Ordinance made and promulgated by the Rajpramukh of the former Rajasthan State or of the former Matsya State in pursuance of the Covenant;

1. Inserted by item No. (x) of section 7 of Rajasthan Act No. 45 of 1957, published in Rajasthan Gazette, Extraordinary, Part IV-A, dated 24-12-1957.

2. Substituted by item No. (xi) of sec. 7—*ibid.*

(ii) as respects the period on and from the 7th day of April, 1949, and ending with the 17th day of March, 1952—

(a) an Ordinance made and promulgated by the Rajpramukh in pursuance of the Covenant, or

(b) an Act made in the exercise of the power conferred by article 385 of the Constitution by the Rajpramukh;

(iii) as respects the period on and from the 18th day of March, 1952 to the 31st day of October, 1956—

(a) an Ordinance made and promulgated by the Rajpramukh under article 213, read with article 238, of the Constitution, or

(b) an Act passed by the State Legislative Assembly and assented to by the Rajpramukh or the President of India, as the case may require ; and

(iv) as respects any later period—

(a) an Ordinance made and promulgated under and in accordance with the provisions of the Constitution by the Governor, or

(b) an Act passed by the State Legislative Assembly and assented to by the Governor or the President of India, as the case may require;

(64) “Rajasthan State Legislature” or “State Legislature” shall mean—

(i) as respects the period ending with the 17th day of March, 1952, the Rajpramukh acting under the covenant or under article 385 of the Constitution;

(ii) as from the said day till the 31st day of October, 1956, the Rajpramukh and the State Legislative Assembly; and

(iii) as respects any later period, the Governor and the State Legislative Assembly ;]

(65) ¹[“Rajpramukh ” shall, as respects any period before the 1st day of November, 1956, mean the person who is for the time being the Rajpramukh of Rajasthan;]

1. Substituted vide item No. (v) of Part I of the Fourth Schedule of the Rajasthan Adaptation of Laws (on State and Concurrent Subjects) Order, 1956, published in the Rajasthan Gazette, Part IV-C, Extraordinary, dated the 1st November, 1956.

(65) "registered" used with reference to a document shall mean registered in India under the law for the time being in force for the registration of document.

(67) "regulation" shall mean a regulation made in exercise of a power conferred by any enactment and shall include a non-statutory or other independent regulation having for the time being the force of law;

¹[(67A) "Revenue appellate authority" shall mean the Officer appointed as such authority under section 20A of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956.)]

(68) "rule" shall mean a rule made in exercise of a power conferred by any enactment and shall include a non-statutory or other independent rule having for the time being the force of law;

(69) "Ruler" in relation to an Indian State shall mean the Prince, Chief or other person by whom any such Covenant or agreement as is referred to in clause (1) of Article 291 of the Constitution was entered into and who for the time being is recognised by the President as the Ruler of the State, and includes any person who for the time being is recognised by the President as the successor of such Ruler;

(70) "Schedule" shall mean a Schedule to the enactment in which the word occurs;

(71) "section" shall mean a section of the enactment in which the word occurs;

(72) "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;

(73) "Sirohi" or "Sirohi State" shall mean such territories of the former Indian State of Sirohi as have not been merged in the State of Bombay under the States Merger (Bombay) Order, 1950 made by the Governor General of India in exercise of the power conferred by section 290-A of the Government of India Act, 1935, and the administration whereof, having been delegated to the Government of Rajasthan by means of notification No. 20/P dated the 24th day of January, 1950, issued by the Central Government in the Ministry of States in exercise of the power conferred on it by sub-section (2) of section 3 of the

1. Inserted vide item No. 14 of the Schedule of the Rajasthan Act No. 8 of 1962, published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 23-4-1962.

Extra Provincial Jurisdiction Act, 1947 of the Central legislature and of all other powers enabling it in that behalf, was taken over and assumed by the Government of Rajasthan in the afternoon of the 25th day of January, 1950;

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

¹[(74A) "State", used with reference to Rajasthan, shall mean the new State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);]

²[(75) "State Government" shall mean, in relation to anything done or to be done,—

(i) on and from the commencement of the Constitution until the first day of November, 1956, the Rajpramukh; and

(ii) on and from the first day of November, 1956 the Governor;]

(76) "State grant" shall mean a grant of land or of any interest therein made by the Ruler or the Government of a covenanting State or recognised as having been so made, and shall include every such grant by whatsoever name designated;

(77) "State grantee" shall mean the holder for the time being of a State grant;

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

³[(78A) "Sunel area" shall mean the territory comprised in the Sunel tappa of Bhanpura tehsil of Mandsaur district in the State of Madhya Bharat as it existed immediately before the first day of November, 1956;]

(79) "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 instead of swearing;

1. Inserted by item No. (xii) of section 7 of Rajasthan Act No. 45 of 1957, published in Rajasthan Gazette, Extraordinary, Part IV-A, dated 24-12-1957.

2. Substituted by item No. (xiii) of sec. 7—*ibid.*

3. Inserted vide item No. (vii) of Part I of the Fourth Schedule of the Rajasthan Adaptation of Laws (on State and Concurrent Subjects) Order, 1956, published in Rajasthan Gazette, Part IV-C, Extraordinary, dated 1-11-1956 and subsequently substituted by item (xiv) of section 7 of Rajasthan Act No. 45 of 1957 published in Rajasthan Gazette Extraordinary, Part IV-A, dated 24-12-1957.

(80) "Thikana" shall mean a State grant recognised as a Thikana;

(81) ¹[× ×]

(82) "vessel" shall include any boat or other description of vessel used in navigation ;

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

(84) "expressions" referring to "writing" shall be construed as including references to painting, lithography, photography, engraving, printing and other modes of representing or reproducing words in a visible form;

(85) "year" shall mean a year reckoned according to the British calendar.

(2) In the laws of each covenanting State for the time being in force, any reference to the Ruler or the Government thereof shall, as from the date on which the Rajpramukh has taken over the administration of such State, be construed as a reference to the Rajpramukh or, as the case may be, to the Government of Rajasthan :

²[Provided that such reference to the Ruler or Government of a covenanting State shall be construed as from the first day of November 1956, as a reference respectively to the Governor or the State Government.]

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1. Omitted by item No. (xv) of section 7 of Rajasthan Act No. 45 of 1957 published in Rajasthan Gazette Extraordinary, Part IV-A, dated 24-12-1957.

2. Added vide section 7 (b) of Rajasthan Act No. 45 of 1957—*ibid.*