

General Clauses Act 1897 s 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 Central Acts and Regulations made on or after the fourteenth day of January, 1887.

SYNOPSIS

Time to time

Time to time

Framing of rules as occasioned – Relying on the parallel provision contained in section 32 of the Interpretation Act, 1889, it was held that power conferred by section 108, Government of India Act, 1915, on the high court to frame rules to regulate the exercise of their jurisdiction by single judges or Division Courts could be exercised from time to time, and that the exercise of this power was not restricted to the jurisdiction existing at the coming into force of the Government of India Act, 1915, but was available to regulate any jurisdiction conferred by subsequent legislation.¹

Exercising of power as occasioned - Relying on section 14, the Supreme Court has held that the power under section 51(3) of the

¹ National Sewing Thread Co v James Chadwick & Brothers, AIR 1953 SC 357 cited in Singh 827

~~~~~  
States Reorganisation Act, 1956 can be exercised by the Chief Justice as and when the occasion arose for its exercise.<sup>^2</sup>

**Filling of vacancies as occasioned** - Section 8 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, which empowers the Central Government to constitute a Wage Board but which contains no provision to fill in vacancies, was construed to authorise reconstitution of a Board and nomination of another member in place of a previously nominated one who had resigned. This conclusion was arrived at by reading section 8 of the Act along with section 14 of the General Clauses Act.<sup>^3</sup>

**Fixing of rent as occasioned** - Relying upon section 14 of the Bombay General Clauses Act, 1904 which is analogous to section 14 of the Central Act, it has been held that power conferred by section 6(2) of Bombay Act 67 of 1948 to fix by notification a lower rate of rents payable by tenants in not exhausted on the issue of the first notification and can be exercised from time to time as occasion arises.<sup>^4</sup>

**Fixing of headquarter as occasioned** - The Deputy Commissioner who has the power under section 4 of Karnataka Zilla Parishads, Taluk Panchayat Samitis Mandal panchayats and Nyaya Panchayats Act, 1983 to fix headquarters of a Mandal Panchayat can change the same by recourse to section 14 of the Karnataka General Clauses Act which corresponds to section 14 of the Central Act.<sup>^5</sup>

---

<sup>2</sup> State of Maharashtra v Narayan, (1982) 3 SCC 519 cited in Singh 2021 p 827

<sup>3</sup> Express Newspapers Ltd v UOI, AIR 1958 SC 578 cited in Singh 2021 p 827

<sup>4</sup> Vasanlal v State of Bombay, AIR 1961 SC 4 cited in Singh 2021 p 827

<sup>5</sup> BN Shankarappa v Uthanur Srinivas, (1992) 2 SCC 6 cited in Singh 2021 p 827

~~~~~

Creation of trust as occasioned - And relying upon section 12 of the Punjab General Clauses Act, it was held that an improvement trust once created and dissolved under the Punjab Town Improvement Act, 1922 could again be recreated as a new trust under the Act by the State Government.⁶

Order is final - An order which under the terms of the Act under which it is made is final, cannot be revoked by recourse to section 14.⁷

Judgment is final - The section has generally no application to the exercise of judicial or quasi-judicial power and in the absence of any provision for review an order passed in the exercise of such a power cannot be modified by taking help of this section.

Issue and postponement of warrant – It was held by the House of Lords that the power conferred on a Magistrate by section 77(2) of the Magistrate's Act 1980 to postpone the issue of a warrant of commitment could be exercised from time to time having regard to section 12(1) of Interpretation Act, 1978 which corresponds to section 14 of the General Clauses Act. It was also held that the issue of a warrant was a judicial Act requiring observance of natural justice.⁸

Issue and revocation of permit - A power to regulate and in that context to grant permit or permission will include a power to suspend or cancel the permit or permission as incidental or supplementary to regulation.⁹

⁶ State of Haryana v Mohan Lal Gupta, (1969) 3 SCC 484 cited in Singh 2021 p 827

⁷ State of Madras v Melamatam, AIR 1965 SC 1570 cited in Singh 2021 p 827

⁸ Wilson v Colchester Justices, (1958) 2 All ER 97 cited in Singh 2021 p 827

⁹ State of Uttar Pradesh v Maharaja Dharmendra Prasad Singh SCC 1989 (2) 505 cited in Singh 2021 p 828

Contrary intention - The rule of construction in this section has no application when a different intention appears from the statutory language. Conferral of a power with an express authority to exercise it from time to time may show that another power conferred by the same section without any such authority cannot be exercised from time to time and the power is exhausted after it is once exercised.¹⁰

¹⁰ Nasiruddin v State Transport Appellate Tribunal, SCC 1975 (2) 671 cited in Singh 2021 p 828