

General Clauses Act 1897 s 7 - Revival of repealed enactments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Act, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.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.

SYNOPSIS

GC 7(1): Expressed revival of repealed enactment

- Repealed Act is not revived unless expressed
- Substituting Act declared invalid

GC 7(1): Expressed revival of repealed enactment

In any Central Act, it shall be necessary, for the purpose of reviving any enactment repealed, expressly to state that purpose.

In other words, for reviving any repealed enactment express provision shall be made.

Repealed Act is not revived unless expressed: If one Act is repealed by a second one which again is repealed by a third one, the first Act is not revived unless the third Act makes an express provision to that effect.¹

Substituting Act declared invalid: When a provision is repealed by substitution of another provision in its place and the Act making the substitution is declared invalid, the question of revival of the original provision requires consideration of

¹ Ameer-un-Nissar Begum v Mehboob Begum, AIR 1955 SC 352 cited in Singh 2021 p 534

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whether the Act has been declared invalid for want of legislative competence or on other grounds.<sup>2</sup>

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<sup>2</sup> Property Owners' Association v State of Maharashtra (2001) 4 SCC 455 cited in Singh 2021 p 534