

~~~~~  
**General Clauses Act 1897 s 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 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- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or**
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or**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(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or**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.**

**SYNOPSIS**

GC 6: Effect of repeal

- Repeal
- Absence of saving clause
- Retrospectivity of Act / amendment

**GC 6: Effect of repeal**

~~~~~

Where any Central Act repeals any enactment 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or existing at the time at which the repeal takes effect; or (b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment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 had not been passed.

This is, however, subject to any contrary intention, expressed or implied.

Repeal: Whenever an Act is repealed, it must be considered as if it had never existed. The object of repeal is to obliterate the Act from the statutory books, except for certain purposes as provided under GC Sec 6 [State of U.P. v Hirendra Pal Singh (2011) 5 SCC 305]. Repeal include repeal of whole Act as well as omission, deletion, and substitution of enactments [Shree Bhagwati Steel Rolling Mills v CCE (2016) 3 SCC 643]

Absence of saving clause: GC Sec 6 will be applicable unless the new legislation manifests an intention incompatible with the section. Such incompatibility would have to be ascertained from a consideration of all the relevant provisions of the new statute and the mere absence of saving clause is by itself not material [T.S. Baliah v T.S. Rengachari AIR 1969 SC 701]

~~~~~

**Retrospectivity of Act / amendment:** GC Sec 6 saves a right accrued or a liability incurred, it does not create a right. So only existing rights are saved not the rights under the new Act [State of Punjab v Bhajan Kaur (2008) 12 SCC 112] / amendment [Government of Andhra Pradesh v Ch. Gandhi (2013) 5 SCC 111] unless clearly manifested.