

Email: law-jk@nic.in

FAX: Jammu 0191-2546753 (Nov-April)

GOVERNMENT OF JAMMU AND KASHMIR
Department of Law, Justice and Parliamentary Affairs
(Legislation Section) Civil Secretariat -
Jammu/ Srinagar

CIRCULAR No. 02-JK(LD) 2020
Dated 24.01.2020

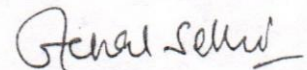
Clarifications are being sought on the effect of repeal of State Acts in such cases where investigating agencies had conducted verification/ inquiries/investigations pertaining to occurrences regarding commission of offences/crimes prior to 31st October, 2019.

The matter has been examined in detail keeping in view the provisions of the General Clauses Act, 1897 and also the case laws on the point. Sub-clause (c) of section 6 of the General Clauses Act, 1897 provides that if any Central Act repeals any enactment, the repeal shall not affect any right, privilege obligation or liability acquired, accrued or incurred under any enactment so repealed.

In "**M.C. Gupta Vs. Central Bureau of Investigation**" (2002) 8 **SCC 669**, the Hon'ble Supreme Court has held that the right of authorities concerned to investigate the crime, institute proceedings and prosecute appellants is saved and not affected by repeal of old Act.

Therefore, the right which had accrued to the investigating agency to investigate the crime which took place prior to coming into force of the Central Act and which was covered by the said Act remained unaffected by the reason of clause (c) of section 6 of the General Clauses Act, 1897.

The aforesaid legal position is accordingly brought to the notice of all concerned for their information and necessary action.



(Achal Sethi)
Secretary to Government

**Financial Commissioner/
Principal Secretary/
Commissioner Secretary/
Secretary to Government**

No: LD (Leg)2003/57-I

Dated 24.01.2020.

Copy for information to the :-

1. Director General of Police, J&K, Jammu.
2. Director, Anti Corruption Bureau, J&K, Jammu. --
3. Private Secretary to the Chief Secretary.
4. Private Secretary to the Secretary to Government, Department of Law, Justice and Parliamentary Affairs.