

The Government Seal Act, 1862
Act No. 3 of 1862

1866

[28th February, 1862.]

An Act to amend the law relating to the use of a Government Seal.

Preamble.

Object & Reasons ▼

Statement of Objects and Reasons. - "Legislation on this subject was originally suggested in order to meet a difficulty respecting the seal to be used under Act 19 of 1838 (for the registration of Coasting Vessels in the Bombay Presidency) Section 8 of that Act requires that Certificates of Registry "shall be sealed with the seal of the East India Company", and the Government of Bombay were advised by their Law Officers that no other seal could properly be used for such Certificates until some Act should be passed "prescribing the seal to be used in lieu of the seal of the East India Company."

Before the present Bill was drafted, a further reference was made on the general question by the Government of India to the Advocate-General of Bengal. That officer (Mr. Ritchie) expressed his concurrence in the opinion given in Bombay. He did not doubt that Certificates of Registry, for instance, would be valid; though sealed with the East India Company's seal subsequently to the transfer of the Government to the Crown. But it would, he observed, at all events be more seemly to substitute some other seal for the future. This could not, he added, be properly done without the authority of the Legislature; and he suggested that any enactment which might be drafted for the purpose should be so drawn as to have a general application, and should not be limited to the Government of Bombay alone.

The present Bill has, therefore, been made applicable to all cases in which the use of the seal of the East India Company is prescribed by any Indian Regulation or Act. But it does not affect the use of that seal or of the seal of the Secretary of State or of the Members of his Council under any English Statute." - Calcutta Gazette, 1862, page 466.

FACT SHEET ▼

Short title given by the Indian Short Titles Act, 1897 (14 of 1897).

The Act has been declared to be in force in the whole of India, except Part B States and the Scheduled Districts, by the Laws Local Extent Act, 1874 (15 of 1874), Section 3.

It has been declared, by notification under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely :-

West Jalpaiguri and the Western Davars. see Gazette of India, 1881, Part I, p.74.

The districts of Hazaribagh, Lohardaga (now the Ranchi District, see Calcutta Gazette, 1899, Pt. I, p.44) and Manbhum, and Pargana Dhalbhum and the Kolhan in the district of Singhbhum, see Gazette of India, 1881, Pt. I, p. 504. (All these are in Bihar State now).

The Scheduled Districts in Ganjam and Vizagapatam, see Gazette of India, 1898, Pt. I, p. 870. (Ganjam Districts forms part of Orissa State now and Vizagapatnam that of Andhra Pradesh.)

The Scheduled portion of the Mirzapur district, see Gazette of India, 1879, Pt. I. p. 383. Jaunsar Bawar, see Gazette of India, 1879, Pt. I, p. 383. (Now in U.P.)

Jaunsar Bawar - See Gazette of India, 1879, Part I, Page 382, (Now in U.P.)

Assam (except the North Lushai Hills), see Gazette of India, 1897, Pt. I, p. 299.

It has been extended, by notification under s. 5 of the last mentioned Act, to the Scheduled Districts of Kumaon and Garhwal, see Gazette of India, 1876, Pt. I, p. 606.

It has been declared, by notification under s. 3 (b) of the same Act, not to be in force in the Scheduled District of Lahaul, see Gazette of India, 1886, Pt. I, p. 306. (Now in Himachal Pradesh)

It has been extended to the new States and Merged States by the Merged States (Laws) Act, 1949 (59 of 1949), and to the Union Territories of Manipur, Tripura and Vindhya Pradesh by the Union Territories (Laws) Act, 1950 (30 of 1950), Section 3 (16-4-1950). Manipur and Tripura are States now while Vindhya Pradesh has merged with the State of Madhya Pradesh - See Acts 81 of 1971, Sections 4, 5 and 37 of 1956, Section 9(1)(e).

It has also been extended to the State Merged in the State of Bombay, see Bombay Act 4 of 1950 (Now divided into Gujarat and Maharashtra Act 11 of 1961).

Punjab, see Punjab Act 5 of 1950 (Punjab and Haryana now Act 31 of 1966.)

WHEREAS it is expedient to adapt the law relating to the use of a Government seal to the present form of the Government in India; It is enacted as follows :-

Seal to be used instead of seal of East India Company.

Whenever it is required by any Regulation of a Local Government or by [any Act of the Central Legislature] that the seal of the East India Company shall be affixed on behalf or by the authority of the Government to any instrument or document, it shall be lawful, if the seal is to be affixed on behalf or by the authority of a [State Government] to affix in lieu of the seal of the East India Company a seal bearing the designation of such [State Government] or, if the seal is to be affixed on behalf or by the authority of the [Central Government] a seal bearing [the inscription "Government of India" [***]] and such instrument or document so sealed shall to all intents and purposes be as valid and effectual as if the seal so used had been that of the East India Company.