
Electricity Act (Punjab Amendment) Ordinance, 1971**29 of 1971****[23 December 1971]****CONTENTS**

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Electricity Act (Punjab Amendment) Ordinance, 1971**29 of 1971****[23 December 1971]**

An Ordinance further to amend the Electricity Act, 1910, in the manner hereinafter appearing Preamble.- WHEREAS it is expedient further to amend the Electricity Act, 1910, in the manner hereinafter appearing; NOW, THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the Governor of the Punjab is pleased to make and promulgate the following Ordinance:-

1. Short Title, Extent And Commencement :-

- (1) This Ordinance may be called the Electricity Act (Punjab Amendment) Ordinance, 1971.
- (2) It shall extend to whole of the Punjab.
- (3) It shall come into force at once.

2. Amendment Of Section 4 Of Act Ix Of 1910 :-

In the Electricity Act, 1910 (hereinafter referred to as the Act), in section 4, in sub-section (3), the full-stop appearing at the end of clause (b) shall be replaced by a semi-colon and thereafter the following proviso shall be added:-

"Provided that where the licensee, in the opinion of the Provincial Government, has unreasonably withheld the consent, action under clauses (a) or (b) may be taken without his consent and in that case it shall not be necessary to afford him an opportunity of showing cause against the proposed action."

3. Amendment Of Section 20 Of Act IX Of 1910 :-

In section 20 of the Act-

(i) for sub-sections (1) and (2), the following sub-section shall be substituted, namely:-

"(1) A licensee or any person duly authorised by him may, at any reasonable time after informing the occupier of the premises his intention, enter the premises to which energy, is, has been, or is to be supplied by him, for the purpose of-

(a) examining, inspecting and testing the electric supply lines, meters, electric wires, fittings, works, and apparatus for the supply or use of energy, whether belonging to the licensee or to the consumer; or

(b) ascertaining the amount of energy supplied or the electrical quantity contained in the supply; or

(c) removing, where a supply of energy is no longer required, or where the licensee is authorised to take away and cut off such supply, any electric supply-lines, meters, fittings, works or apparatus belonging to the licensee:

Provided that before entering such premises the licensee or any person duly authorised by him in this behalf, shall associate with him one or more persons who, in his opinion, may be the respectable residents of the area or locality in which the premises is situated."

(ii) sub-section (3) shall be re-numbered as sub-section (2); and

(iii) in sub-section (2), as so renumbered, the words, dash, brackets and figure "or sub-section (2)" shall be deleted.

4. Amendment Of Section 21 Of Act IX Of 1910 :-

In section 21 of the Act, in the proviso to sub-section (1), between the words "interfere with the" and the words "supply by the licensee", the words, comma and dash "safety, or efficient working

of electric supply-lines or works of the licensee or with the" shall be inserted.

5. Amendment Of Section 24 Of Act IX Of 1910 :-

In section 24 of the Act-

(i) in sub-section (1), for the words "seven days clear notice in writing to such person", the words, dashes and commas "ten days clear notice in writing to such person or his successor-in-interest, as the case may be," shall be substituted;

(ii) after sub-section (1), the following Explanation shall be added:-
"Explanation- For the purposes of this sub-section, "successor-in-interest" means a person who, either by inheritance or transfer by way of sale, gift, exchange, lease or any other mode of transfer, happens to succeed to or acquires any share or interest in the premises for which any charge for energy or any sum, other than such charge, was or becomes due; but does not include a person who occupies such premises merely as a tenant;." and

(iii) for sub-section (2), the following sub-sections shall be substituted:-

"(2) Any person aggrieved of the service of notice under sub-section (1) may, within ten days of the receipt of such notice, prefer an appeal to the Electric Inspector who shall, after affording the parties an opportunity of being heard, decide the appeal.

(3) When any difference or dispute has been referred to the Electric Inspector before notice under sub-section (1) has been given by the licensee or an appeal has been preferred under sub-section (2), and the consumer deposits with the inspector the amount of licensees charges or other sum to which such difference, dispute or appeal relates and also the licensees further charges for energy as they accrue, the licensee shall not exercise the powers conferred by sub-section (1) until the inspector has given the decision".

6. Substitution Of Section 39 Of Act IX Of 1910 :-

For section 39 of the Act, the following section shall be substituted:-

"39. Theft of energy- Whoever dishonestly abstracts, consumes or uses any energy shall be deemed to have committed theft within the meaning of the Pakistan Penal Code; and the existence of any device, contrivance or artificial mean for such abstraction, consumption or use shall be prima facie evidence of such dishonest abstraction, consumption or use, as the case may be".

7. Addition Of New Section 39-A To Act IX Of 1910 :-

After section 39 of the Act the following new section shall be added:-

"39-A. Penalty for installation of artificial means, etc.- Whoever installs or uses any device, contrivance, or artificial means for dishonest abstraction, consumption or use of energy shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to five thousand rupees or with both; and if it is proved that any device, contrivance or artificial means for such abstraction, consumption or use exists or has existed on the premises of a person, it shall be presumed, unless the contrary is proved, that such person has committed an offence under this section".

8. Amendment Of Section 44 Of Act IX Of 1910 :-

In section 44 of the Act-

(i) for clause (c) the following clause shall be substituted:-

"(c) maliciously injures or otherwise tampers with any meter referred to in sub-section (1) of section 26, or any meter, maximum demand indicator or other apparatus referred to in sub-section (7) of section 26, or removes, breaks, tampers with or counterfeits any seal, casing or covering fixed or placed by the licensee to protect such meter, indicator or other apparatus or prevents the supply, consumption or use of energy from being duly registered by such meter, indicator or other apparatus; or"; and

(ii) after clause (d), between the words "any artificial means exist" and the words "for making such connection", the words "or have existed" shall be inserted.

9. Amendment Of Section 47 Of Act IX Of 1910 :-

In section 47 of the Act, for the words "one hundred rupees" and the words "twenty rupees", the words "two hundred rupees" and the words "fifty rupees", respectively, shall be substituted.

10. Amendment Of Schedule To Act IX Of 1910 :-

In clause VI of the Schedule appended to the Act-

(i) in the first line of the second proviso, after the words, "licensee shall" and before the words "be entitled", the commas, words and brackets ", subject to the provisions of clause (3),", shall be

inserted;

(ii) the colon appearing at the end of paragraph (d) of the second proviso shall be replaced by a comma and thereafter the word "or" shall be added;

(iii) after paragraph (d), the following new paragraph shall be added:-

"(e) if the owner or the occupier of the premises to which the energy is supplied, has-

(i) used it in a manner prejudicial to the safety or efficient working of the licensees electric supply-lines or works;

(ii) used it under one method of charging in a manner for which a higher method of charging is in force;

(iii) broken, tampered with or counterfeited the licensees seal, casing or covering affixed or placed to protect any meter, maximum demand indicator or other apparatus, referred to in section 26, from being tampered with;

(iv) altered the index of any such meter, maximum demand indicator or other apparatus;

(v) prevented any such meter, maximum demand indicator or other apparatus from duly registering the energy supplied or the electrical quantity contained in the supply; or

(vi) prevented the supply, consumption or use of energy from being duly registered by any such meter, maximum demand indicator or other apparatus;" and

(iv) for sub-clause (3), the following sub-clause shall be substituted:-

"(3) (i) Where any difference or dispute arises as to the amount of energy to be taken or guaranteed as aforesaid, or as to the cost of any service line, or as to the amount of the expenses incurred under the third proviso to sub-clause (1), the matter shall be referred to an Electric Inspector and decided by him.

(ii) The licensee shall, before discontinuing the supply of energy for any of the reasons enumerated in the second proviso to sub-clause (1), give not less than ten days notice in writing to the owner or occupier of the property, of his intention to do so.

(iii) Any person aggrieved of the service of the aforesaid notice may, within ten days of the receipt of such notice, prefer an appeal to the Electric Inspector, who shall, after affording the parties an opportunity of being heard, decide the appeal.

(iv) The licensee shall not discontinue the supply of energy till the disposal of appeal preferred under this sub-clause if the owner or occupier deposits with the Electric Inspector the amount demanded

of him in the notice on account of any of the acts or omissions specified in the second proviso to sub-clause (1)."