

THE ELECTRICITY ACT, 1910

(ACT NO. IX OF 1910).

[18th March, 1910]

1 An Act to amend the law relating to the supply and use of electrical energy.

WHEREAS it is expedient to amend the law relating to the supply and use of electrical energy; It is hereby enacted as follows:-

PART I

PRELIMINARY

Short title, extent
and
commencement

1. (1) This Act may be called the Electricity Act, 1910.
- (2) It extends to the whole of Bangladesh.
- (3) It shall come into force on such date as the Government may, by notification in the official Gazette, direct in this behalf.

Definitions

2. In this Act, expressions defined in the Telegraph Act, 1885, have the meanings assigned to them in that Act, and, unless there is anything repugnant in the subject or context,-
 - (a) “aerial line” means any electric supply line which is placed above ground and in the open air:
 - (b) “area of supply” means the area within which alone a licensee is for the time being authorised by his license to supply energy:
 - (c) “consumer” means any person who is supplied with energy by a licensee, or 2[who is the owner or occupier of the premises which] are for the time being connected for the purposes of a supply of energy with the works of a licensee:
 - (d) “daily fine” means a fine for each day on which an offence is continued after conviction therefor:
 - (e) “distributing main” means the portion of any main with which a service line is, or is intended to be, immediately connected:
 - (f) “electric supply-line” means a wire, conductor or other means used for conveying, transmitting or distributing energy together with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected

therewith for the purpose of so conveying, transmitting or distributing such energy:

(g) “energy” means electrical energy when generated, transmitted, supplied or used for any purpose 3[* * *]:

(h) “licensee” means any person licensed under Part II to supply energy:

(i) “main” means any electric supply-line through which energy is, or is intended to be, supplied by a licensee to the public:

(j) “prescribed” means prescribed by rules made under this Act:

(k) “public lamp” means and electric-lamp used for the lighting of any street:

(l) “service line” means any electric supply-line through which energy is, or is –intended to be, supplied by a licensee

(i) to a single consumer either from a distributing main or immediately from the licensee's premises, or

(ii) from a distributing main to a group of consumers on the same premises or on adjoining premises supplied from the same point of the distributing main.

(m) “street” includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or cause-way: and

(n) “works” includes electric supply-lines and any buildings, machinery or apparatus required to supply energy and to carry into effect the objects of a license granted under Part II.

PART II

SUPPLY OF ENERGY

Licenses

Grant of Licenses

3. (1) The Government may, on application made in the prescribed form and on payment of the prescribed fee (if any), grant to any person a license to supply energy in any specified area, and also to lay down or place electric supply-lines for the conveyance and transmission of energy,-

(a) where the energy to be supplied is to be generated out-side such area from a generating station situated outside such area to the boundary of such area, or

(b) where energy is to be conveyed or transmitted from any place in such area to any other place therein, across an intervening area not included therein, across such area.

(2) In respect of every such license and the grant thereof the following provisions shall have effect, namely:-

(a) any person applying for a license under this Part shall publish a notice of his application in the prescribed

manner and with the prescribed particulars, and the license shall not be granted-

(i) until all objections received by the Government with reference thereto have been considered by it:

Provided that no objection shall be so considered unless it is received before the expiration of three months from the date of the first publication of such notice as aforesaid; and

(ii) until, in the case of an application for a license for an area including the whole or any part of any cantonment, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for naval or military purposes, the Government has ascertained that there is no objection to the grant of the license on the part of the Engineer-in-Chief, General Headquarters, Bangladesh;

(b) where an objection is received from any local authority concerned, the Government shall, if in its opinion the objection is insufficient, record in writing, and communicate to such local authority its reasons for such opinion;

(c) no application for a license under this Part shall be made by any local authority except in pursuance of a resolution passed at a meeting of such authority held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given;

(d) a license under this Part-

(i) may prescribe such terms as to the limits within which, and the conditions under which, the supply of energy is to be compulsory or permissive, and as to the limits of price to be charged in respect of the supply of energy, and generally as to such matters as the Government may think fit; and

(ii) save in cases in which under section 10, clause (b), the provisions of sections 5 and 7, or either of them, have been declared not to apply, every such license shall declare whether any generating station to be used in connection with the undertaking shall or shall not form part of the undertaking for the purpose of purchase under section 5 or section 7;

(e) the grant of a license under this Part for any purpose shall not in any way hinder or restrict the grant of a license to another person within the same area of supply for a like purpose;

(f) the provisions contained in the Schedule shall be deemed to be incorporated with, and to form part of, every license granted under this Part,

save in so far as they are expressly added to, varied or excepted by the license, and shall, subject to any such additions, variations or exceptions which the Government is hereby empowered to make, apply to the undertaking authorised by the license:

Provided that, where a license is granted in accordance with the provisions of clause IX of the Schedule for the supply of energy to other licensees for distribution by them, then, in so far as such license relates to such supply, the provisions of clauses IX, V, VI, VII, VIII and XII of the schedule shall not be deemed to be incorporated with the license.

Revocation or amendment of licenses

4. (1) The Government may, if in its opinion the public interest –so requires, revoke a license in any of the following cases, namely:

(a) where the licensee, in the opinion of the Government, makes wilful and unreasonably prolonged default in doing anything required of him by or under this Act;

(b) where the licensee breaks any of the terms or conditions of his license the breach of which is expressly declared by such license to render it liable to revocation;

(c) where the licensee fails, within the period fixed in this behalf by his license or any longer period which the Government may substitute therefor by order under sub-section (3), clause (b), and before exercising any of the powers conferred on him thereby in relation to the –execution of works,

(i) to show, to the satisfaction of the Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his license, or

(ii) to make the deposit or furnish the security required by his license;

(d) where the licensee is, in the opinion of the Government, unable, by reason of his insolvency, fully and efficiently to discharge the duties and obligations imposed on him by his license;

(e) where the licensee is, in the opinion of the Government, unable to supply energy to meet the requirements of the consumers in any area of supply.

(2) Where the Government might, under sub-section (1), revoke a license, it may, instead of revoking the license, impose on the licensee a penalty, not exceeding ten thousand taka, and permit the license to remain in force subject to such further terms or conditions as it thinks fit to impose, and any further terms or conditions so imposed shall be binding upon, and be observed by, the licensee, and shall be of like force and effect as if they were contained in the license.

(3) Where in its opinion the public interest so permits, the Government

may, on the application or with the consent of the licensee, and, if the licensee is not a local authority, after consulting the –local authority (if any) concerned,

(a) revoke a license as to the whole or any part of the area of supply upon such terms and conditions as it thinks fit, or

(b) make such alterations or amendments in the terms and conditions of a license, including the provisions specified in section 3, sub-section (2), clause (f), as it thinks fit.

Provisions where license of licensee, not being a local authority, is revoked

5. Where the Government revokes under section 4, sub-section (1), the license of a licensee, not being a local authority, the following provisions shall have effect, namely:-

(a) the Government shall serve a notice of the revocation upon the licensee, and, where the whole of the area of supply is included in the area for which a single local authority is constituted, upon that local authority also, and shall in the notice fix a date on which the revocation shall take effect; and on and with effect from that date, all the powers and liabilities of the licensee under this Act shall absolutely cease and determine;

(b) where a notice has been served on a local authority under clause (a), the local authority may, within three months after the service of the notice, and with the written consent of the Government, by notice in writing, require the licensee to sell, and thereupon the licensee shall sell, the undertaking to the local authority on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purposes of the undertaking, other than a generating station declared by the license not to form part of the undertaking for the purpose of purchase, such value to be, in case of difference or dispute, determined by arbitration:

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, but without any addition in respect of compulsory purchase or of goodwill or of any profits which may be or might have been made from the undertaking, or of any similar considerations:

Provided further that where a case has been referred to arbitration, the local authority shall subject to adjustment against the value that may be finally determined by Arbitration, make payment in advance of seventy five per cent. of the amount of such value estimated to be fair by such local authority:

Provided further that before making such payment, the local authority may,

after giving the licensee an opportunity of being heard, deduct from such sum any debts and dues payable to Government by such licensee.

(c) where the public interest so requires the Government may, if it thinks fit, elect to purchase the undertaking immediately after revoking the license of the licensee under section 4 and licensee shall sell the undertaking to the Government.

(d) where the Government elects to purchase the undertaking, it may take over work the undertaking pending completion of the sale upon terms and conditions similar to those set forth in clause (b) and the licensee shall make over the undertaking to the Government on the date and time fixed by it.

(e) where a purchase has been effected under any of the preceding clauses,-

(i) the undertaking shall vest in the purchasers free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking:

Provided that any such debts, mortgages or similar obligations shall attach to the purchase-money is substitution for the undertaking; and

(ii) the revocation of the license shall extend only to the revocation of the rights, powers, authorities, duties and obligations of the licensee from whom the undertaking is purchased, and, save as aforesaid, the license shall remain in full force, and the purchaser shall be deemed to be the licensee:

Provided that where the Government elects to purchase under clause (d), the license shall, after purchase, in so far as the Government is concerned, cease to have any further operation;

(f) where no purchase has been effected under any of the foregoing clauses, the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit:

Provided that, if the licensee does not exercise such option within a period of six months from the date on which the same became exercisable, the Government may forthwith cause the works of the licensee in, under, over, along or across any street to be removed and every such street to be reinstated, and recover the cost of such removal and reinstatement from the licensee;

(g) if the licensee has been required to sell the undertaking, and if the sale has not been completed by the date fixed in the notice issued under clause (a), the purchaser may, with the previous sanction of the Government, work the undertaking pending the completion of the sale.

license of local authority is revoked

section 4, sub-section (1), and any person is willing to purchase the undertaking the Government may, if it thinks fit, require the local authority to sell, and thereupon the local authority shall sell, the undertaking to such person on such terms as the Government thinks just:

(2) Where no purchase has been effected under sub-section (1), the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit:

Provided that, if the licensee does not exercise such option within a period of six months from the date on which the same became exercisable, the Government may forthwith cause the works of the licensee in, under, over, along or across any street to be removed and every such street to be reinstated, and recover the cost of such removal and reinstatement from the licensee.

Purchase of undertaking

7. (1) Where a license has been granted to any person not being a local authority, and the whole of the area of supply is included in the area for which a single local authority is constituted, the local authority shall, on the expiration of such period, not exceeding fifty years, and of every such subsequent period, not exceeding twenty years, as shall be specified in this behalf in the license, have the option of purchasing the undertaking, and, if the local authority, with the previous sanction of the Government, elects to purchase, the licensee shall sell the undertaking to the local authority on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purposes of the undertaking, other than a generating station declared by the license not to form part of the undertaking for the purpose of purchase, such value to be, in case of difference or dispute, determined by arbitration:

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking:

Provided also that there shall be added to such value as aforesaid such percentage, if any, not exceeding twenty per centum on that value as may be specified in the license, on account of compulsory purchase.

(2) Where-

(a) the local authority does not elect to purchase under sub-section (1), or

(b) the whole of the area of supply is not included in the area for which a single local authority is constituted, or

(c) a licensee supplies energy from the same generating station to two or

more areas of supply, each controlled by its own local authority, and has been granted a license in respect of each area of supply,

the Government shall have the like option upon the like terms and conditions.

(3) Where a purchase has been effected under sub-section (1) or sub-section (2),-

(a) the undertaking shall vest in the purchasers free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking:

Provided that any such debts, mortgages or similar obligations shall attach to the purchase-money in substitution for the undertaking; and

(b) save as aforesaid, the license shall remain in full force, and the purchaser shall be deemed to be the licensee:

Provided that where the Government elects to purchase under sub-section (2), the license shall, after purchase, in so far as the Government is concerned, cease to have any further operation.

(4) Not less than two years' notice in writing of any election to purchase under this section shall be served upon the licensee by the local authority or the Government, as the case may be.

(5) Notwithstanding anything hereinbefore contained, a local authority may, with the previous sanction of the Government, waive its option to purchase and enter into an agreement with the licensee for the working by him of the undertaking until the expiration of the next subsequent period referred to in sub-section (1), upon such terms and conditions as may be stated in such agreement.

Provisions where no purchase and license revoked with consent of licensee

8. Where, on the expiration of any of the periods referred to in section 7, sub-section (1), neither a local authority nor the Government purchases the undertaking, and the license is, on the application or with the consent of the licensee, revoked, the licensee shall have the option of disposing of all, lands, buildings, works, materials, and plant belonging to the undertaking in such manner as he may think fit:

Provided that, if the licensee does not exercise such option within a period of six months, the Government may proceed to take action as provided in section 5, clause (f), proviso.

Licensee not to

9. (1) The licensee shall not, at any time without the previous consent in

purchase, or
associate himself
with other licensed
undertakings or
transfer his
undertakings

writing of the Government, acquire, by purchase or otherwise, the license or the undertaking of, or associate himself so far as the business of supplying energy is concerned with, any person supplying, or intending to supply, energy under any other license, and, before applying for such consent, the licensee shall give not less than one month's notice of the application to every local authority, both in the licensee's area of supply, and also in the area or district in which such other person supplies, or intends to supply, energy:

Provided that nothing in this sub-section shall be construed to require the consent of the Government for the supply of energy by one licensee to another in accordance with the provisions of clause IX of the Schedule.

(2) The licensee shall not at any time assign his license or transfer his undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise without the previous consent in writing of the Government.

(3) Any agreement relating to any transaction of the nature described in sub-section (1) or sub-section (2), unless made with, or subject to such consent as aforesaid, shall be void.

General power for
Government to
vary terms of
purchase

10. Notwithstanding anything in sections 5, 7 and 8, the Government may, in any license to be granted under this Act,-

(a) vary the terms and conditions upon which, and the periods on the expiration of which, the licensee shall be bound to sell his undertaking, or

(b) direct that, subject to such conditions and restrictions (if any) as it may think fit to impose, the provisions of the said sections or any of them shall not apply.

Annual accounts of
licensee

11. (1) Every licensee shall, unless expressly exempted from the liability by his license, or by order in writing of the Government, prepare and render to the Government or to such authority as the Government may appoint in this behalf, on or before the prescribed date in each year an annual statement of accounts of his undertaking made up to such date, in such form, and containing such particulars, as may be prescribed in this behalf.

(2) The licensee shall keep copies of such annual statement at his office, and sell the same to any applicant at a price not exceeding 4[one hundred taka] per copy.

Works

Provisions as to the opening and breaking up of streets, railways and tramways

12. (1) Any licensee may, from time to time but subject always to the terms and conditions of his license, within the area of supply, or when permitted by the terms of his license to lay down or place electric supply-lines without the area of supply, without that area-

(a) open and break up the soil and pavement of any street, railway or tramway;

(b) open and break up any sewer, drain or tunnel in or under any street, railway or tramway;

(c) lay down and place electric supply-lines and other works;

(d) repair, alter or remove the same; and

(e) do all other acts necessary for the due supply of energy.

(2) Nothing contained in sub-section (1) shall be deemed to authorise or empower a licensee, 5[without intimation to the local authority or to the owner or] occupier concerned, as the case may be, to lay down or place any electric supply-line or other work in, through or against any building, or on, over or

under any land not dedicated to public use whereon, wherever or whereunder any electric supply-line or work has not already been lawful laid down or placed by such licensee:

Provided that any support of an aerial line or any stay or strut required for the sole purpose of securing in position any support of an aerial line may be fixed on any building or land or, having been so fixed, may be altered, notwithstanding the objection of the owner or occupier of such building or land, if the District Magistrate by order in writing so directs:

Provided, also, that, if at any time the owner or occupier of any building or land on which any such support, stay or strut has been fixed shows sufficient cause, the District Magistrate may by order in writing direct any such support, stay or strut to be removed or altered.

(3) When making an order under sub-section (2), the District Magistrate, shall fix the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier.

(4) Every order made by a District Magistrate under sub-section (2) shall be subject to revision by the Government.

(5) Nothing contained in sub-section (1) shall be deemed to authorise or empower any licensee to open or break up any street not repairable by the Government or a local authority, or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof, as he is specially authorised to break up by his license, without the written consent of the person by whom the street is repairable or of the person for the time being entitled to work the railway or tramway unless with the written consent of the Government:

Provided that the Government shall not give any such consent as aforesaid, until the licensee has given notice by advertisement or otherwise as the Government may direct, and within such period as the Government may fix in this behalf, to the person above referred to, and until all representations or objections received in accordance with the notice have been considered by the Government.

Notice of new works

13. (1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works in, under, over, along or across any street, part of a street, railway, tramway, canal or waterway, the following provisions shall have effect, namely:-

(a) not less than one month before commencing the execution of the works (not being a service line immediately attached, or intended to be immediately attached, to a distributing main, or the repair, renewal or amendment of existing works of which the character or position is not to be altered), the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter in this section referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, canal or waterway (hereinafter in this section referred to as "the owner"), as the case may be, a notice in writing describing the proposed works, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally and intimating the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or owner, as the case may be, from time to time give such further information in relation thereto as may be desired;

(b) if the repairing authority intimates to the licensee that it disapproves of such works, section or plan, or approves thereof subject to amendment, the licensee may, within one week of receiving such intimation, appeal to the Government, whose decision, after considering the reasons given by the repairing authority for its action, shall be final;

(c) if the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within one month, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and the section and plan served under clause (a);

(d) if the owner disapproves of such works, section or plan, or approves thereof subject to amendment, he may, within three weeks after the service of the notice under clause (a), serve a requisition upon the licensee demanding that any question in relation to the works or to compensation, or to the obligations of the owner to others in respect thereof, shall be determined by arbitration, and thereupon the matter shall, unless settled by

agreement, be determined by arbitration;

(e) where no requisition has been served by the owner upon the licensee under clause (d), within the time named, the owner shall be deemed to have approved of the works, section and plan, and in that case, or where after a requisition for arbitration the matter has been determined by arbitration, the works may, upon payment or securing of compensation, be executed according to the notice and the section and plan, subject to such modifications as may have been determined by arbitration or agreed upon between the parties;

(f) where the works to be executed consist of the laying of any underground service line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall give to the repairing authority or the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works;

(g) where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in cases of emergency, give to the repairing authority, or to the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works, and, on the expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable despatch, and, if possible, both by day and by night until completed.

(2) Where the licensee makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

(3) Notwithstanding anything in this section, the licensee may, in case of emergency due to the breakdown of an underground electric supply-line, after giving notice in writing to the repairing authority or the owner, as the case may be, of his intention to do so, place an aerial line without complying with the provisions of sub-section (1):

Provided that such aerial line shall be used only until the defect in the underground electric supply-line can be made good, and in no case unless with the written consent of the Government for a period exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

Alteration of pipes
or wires

14. (1) Any licensee may alter the position of any pipe (not forming, in a case where the licensee is not a local authority, part of a local authority's main sewer), or of any wire under or over any place which he is authorised to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under this Act; and any person may alter the position of any electric supply-lines or works of a licensee under or over any such

place as aforesaid, if such electric supply-lines or works are likely to interfere with the lawful exercise of any powers vested in him.

(2) In any such case as aforesaid the following provisions shall, in the absence of an agreement to the contrary between the parties concerned, apply, namely:-

(a) not less than one month before commencing any alteration, the licensee or other person desiring to make the same (hereinafter in this section referred to as "the operator") shall serve upon the person for the time being entitled to the pipe, wire, electric supply-lines or works as the case may be (hereinafter in this section referred to as "the owner"), a notice in writing, describing the proposed alteration, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire;

(b) within fourteen days after the service of the notice, section and plan upon the owner, the owner may serve upon the operator a requisition to the effect that any question arising upon the notice, section or plan shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration;

(c) every arbitrator to whom a reference is made under clause (b) shall have regard to any duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid, as far as possible, interference therewith;

(d) where no requisition is served upon the operator under clause (b) within the time named, or where such a requisition has been served and the matter has been settled by agreement or determined by arbitration, the alteration may, upon payment or securing of any compensation accepted for determined by arbitration, be executed in accordance with the notice, section and plan and subject to such modifications as may have been determined by arbitration or agreed upon between the parties;

(e) the owner may, at any time before the operator is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, in default of agreement, determined by arbitration;

(f) where a statement is served upon the operator under clause (e), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notice in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made; and thereupon the owner may proceed to execute the alteration as required by the operator;

(g) where the owner declines to comply, or does not, within the time and in the manner prescribed by a notice served upon him under clause (f), comply with the notice, the operator may himself execute the alteration;

(h) all expenses properly incurred by the owner in complying with a notice served upon him by the operator under clause (f) may be recovered by him from the operator.

(3) Where the licensee or other person desiring to make the alteration makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Laying of electric supply-lines or other works near sewers, pipes or other electric supply-lines or works

15. (1) Where-

(a) the licensee requires to dig or sink any trench for laying down any new electric supply-lines or other works, near to which any sewer, drain, water-course or work under the control of the Government or of any local authority, or any pipe, syphon, electric supply-line or other work belonging to any duly authorised person, has been lawfully placed, or

(b) any duly authorised person requires to dig or sink any trench for laying down or constructing any new pipes or other works, near to which any electric supply-lines or works of a licensee have been lawfully placed,

the licensee or such duly authorised person, as the case may be (hereinafter in this section referred to as "the operator"), shall, unless it is otherwise agreed upon between the parties interested or in case of sudden emergency, give to the Government or local authority, or to such duly authorised person or to the licensee, as the case may be (hereinafter in this section referred to as "the owner"), 6[immediate intimation in writing by special messenger or by telephonic message followed by written intimation] before commencing to dig or sink the trench and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

(2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any pipes, lines or service-pipes or service-lines belonging to any duly authorised person or to any person supplying, transmitting or using energy under this Act, he shall not, except with the written consent of such person and in accordance with section 34, sub-section (1), lay his electric supply-lines so as to come into contact with any such pipes, lines or service-pipes or service-lines.

(4) Where the operator makes default in complying with any of the provisions of this section, he shall make full compensation for any loss or damage incurred by reason thereof.

(5) Where any difference or dispute arises under this section, the matter shall be determined by arbitration.

(6) Where the licensee is a local authority, the references in this section to the local authority and to sewers, drains, water-courses or works under its control shall not apply.

Streets, railways, tramways, sewers, drains or tunnels broken up to be reinstated without delay

16. (1) Where any person, in exercise of any of the powers conferred by or under this Act, opens or breaks up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel, he shall-

(a) immediately cause the part opened or broken up to be fenced and guarded;

(b) before sunset cause a light or lights, sufficient for the warning of passengers, to be set up and maintained until sunrise against or near the part opened or broken up;

(c) with all reasonable speed fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up, and carry away the rubbish occasioned by such opening or breaking up; and

(d) after reinstating and making good the soil or pavement, or the sewer, drain or tunnel broken or opened up, keep the same in good repair for three months and for any further period, not exceeding nine months, during which subsidence continues.

(2) Where any person fails to comply with any of the provisions of sub-section (1), the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution.

(3) Where any difference or dispute arises as to the amount of the expenses incurred under sub-section (2), the matter shall be determined by arbitration.

Notice to telegraph authority

17. (1) A licensee shall, before laying down or placing, within ten yards of any part of any telegraph-line, any electric supply-line or other works (not being either service lines or electric supply-lines for the repair, renewal or amendment of existing works of which the character or position is not to be altered), give not less than ten days notice in writing to the telegraph-authority, specifying-

- (a) the course of the works or alteration proposed,
- (b) the manner in which the works are to be utilised,
- (c) the amount and nature of the energy to be transmitted, and
- (d) the extent to, and manner in, which (if at all) earth returns are to be used;

and the licensee shall conform with such reasonable requirements, either general or special, as may be laid down by the telegraph authority within that period for preventing any telegraph-line from being injuriously affected by such works or alterations:

Provided that, in case of emergency (which shall be stated by the licensee in writing to the telegraph-authority) arising from defects in any of the electric supply-lines or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

(2) Where the works to be executed consist of the laying or placing of any service line, the licensee shall, not less than forty-eight hours before commencing the work, serve upon the telegraph-authority a notice in writing of his intention to execute such works.

Aerial lines

18. (1) Save as provided in section 13, sub-section (3), nothing in this Part shall be deemed to authorise or empower a licensee to place any aerial line along or across any street, railway, tramway, canal or waterway unless and until the Government has communicated to him a general approval in writing of the methods of construction which he proposes to adopt:

Provided that the communication of such approval shall in no way relieve the licensee of his obligations with respect to any other consent required by or under this Act.

(2) Where any aerial line has been placed or maintained by a licensee in breach of the provisions of sub-section (1), the Government may require the licensee forthwith to remove the same, or may cause the same to be removed, and recover from the licensee the expenses incurred in such removal.

(3) Where any tree standing or lying near an aerial line, or where any structure or other object which has been placed or has fallen near an aerial line subsequently to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of energy or the accessibility of any works, a Magistrate of the first class may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit.

(4) When disposing of an application under sub-section (3), the Magistrate

shall, in the case of any tree in existence before the placing of the aerial line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

Explanation – For the purposes of this section, the expression “tree” shall be deemed to include any shrub, hedge, jungle-growth or other plant.

Compensation for damage

19. (1) A licensee shall, in exercise of any of the powers conferred by or under this Act, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him.

(2) Save in the case provided for in section 12, sub-section (3), where any difference or dispute arises as to the amount or the application of such compensation, the matter shall be determined by arbitration.

Supply

Point where supply is delivered

7[19A. For the purposes of this Act, the point at which the supply of energy by a licensee to a consumer shall be deemed to commence shall be determined in such manner as may be prescribed.]

Power for licensee to enter premises and to remove fittings or other apparatus of licensee

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

(a) inspecting and testing the electric supply-lines, meters, fittings, works, and apparatus for the supply of energy belonging to the licensee; 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.

(2) A licensee or any person authorised as aforesaid may also, in pursuance of a special order in this behalf made by the 8[Magistrate of the 1st class], and after giving not less than twenty-four hours' notice in writing to the occupier, enter any premises to which energy is or has been supplied, or is to be supplied, by him for the purpose of examining and testing the electric

wires, fittings, works and apparatus for the use of energy belonging to the consumer.

(3) Where a consumer refuses to allow a licensee or any person authorised as aforesaid to enter his premises in pursuance of the provisions of sub-section (1) or sub-section (2), or, when such licensee or person has so entered, refuses to allow him to perform any act which he is authorised by those sub-sections to perform, or fails to give reasonable facilities for such entry or performance, the licensee may, after the expiry of twenty-four hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer.

Restrictions on licensee's controlling or interfering with use of energy

21. (1) A licensee shall not be entitled to prescribe any special form of appliance for utilising energy supplied by him, or, save as provided by section 23, sub-section (2), or by section 26, sub-section (7), in anyway to control or interfere with the use of such energy:

Provided that no person may adopt any form of appliance, or use the energy supplied to him, so as unduly or improperly to interfere with the supply by the licensee of energy to any other person.

(2) Subject to the provisions of sub-section (1), a licensee may, with the previous sanction of the Government, given after consulting the local authority, where the licensee is not the local authority, make conditions not inconsistent with this Act or with his license or with any rules made under this Act, to regulate his relations with persons who are or intend to become consumers, and may, with the like sanction given after the like consultation, add to or alter or amend any such conditions; and any conditions made by a licensee without such sanction shall be null and void:

9[* * *]

(3) The Government may, after the like consultation, cancel any condition or part of a condition previously sanctioned under sub-section (2) after giving to the licensee not less than one month's notice in writing of its intention so to do.

(4) Where any difference or dispute arises as to whether a licensee has prescribed any appliance or controlled or interfered with the use of energy in contravention of sub-section (1), the matter shall be either referred to an Electric Inspector and decided by him or, if the licensee or consumer so desires, determined by arbitration.

Obligation on licensee to supply

22. Where energy is supplied by a licensee, every person within the area of supply shall, except in so far as is otherwise provided by the terms and

energy

conditions of the license, be entitled, on application, to a supply on the same terms as those on which any other person in the same area is entitled in similar circumstances to a corresponding supply:

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of energy for any premises having a separate supply unless he has agreed with the licensee to pay to him such minimum annual sum as will give him a reasonable return on the capital expenditure, and will cover other standing charges incurred by him in order to meet the possible maximum demand for those premises, the sum payable to be determined in case of difference or dispute by arbitration.

Charges for energy to be made without undue preference

23. (1) A licensee shall not, in making any agreement for the supply of energy, show undue preference to any person, but may, save as aforesaid, make such charges for the supply of energy as may be agreed upon, not exceeding the limits imposed by his license.

(2) No consumer shall, except with the consent in writing of the licensee, use energy supplied to him under one method of charging in a manner for which a higher method of charging is in force.

(3) In the absence of an agreement to the contrary, a licensee may charge for energy supplied by him to any consumer-

(a) by the actual amount of energy so supplied, or

10[(b) by the connected load in the supply, or]

(c) by such other method as may be approved by the Government.

(4) Any charges made by a licensee under clause (c) of sub-section (3) may be based upon, and vary in accordance with, any one or more of the following considerations, namely:-

(a) the consumer's load factor, or

(b) the power factor of his load, or

(c) his total consumption of energy during any stated period, or

11[(cc) the maximum demand by the consumer, load sanctioned by the licensee or contracted load, or]

(d) the hours at which the supply of energy is required.

Discontinuance of

24. (1) Where any person neglects to pay 12[within the period stated

supply to
consumer
neglecting to pay
charge

therein in the bill] any charge for energy or any sum, other than a charge for energy, due from him to a licensee in respect of the supply of energy to him, the licensee may, after giving not less than 13[ten] clear days' notice in writing to such person and without prejudice to his right to recover such charge or other sum by suit, cut off the supply and for that purpose cut or disconnect any electric supply-line or other works, being the property of the licensee, through which energy may be supplied, and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and re-connecting the supply, are paid, but no longer.

(2) Where any difference or dispute has been referred under this Act to an Electric Inspector before notice as aforesaid has been given by the licensee, the licensee shall not exercise the powers conferred by this section until the Inspector has given his decision:

Provided that the prohibition contained in this sub-section shall not apply in any case in which the licensee has made a request in writing to the consumer for a deposit with the Electric Inspector of the amount of the licensee's charges or other sums in dispute or for the deposit of the licensee's charges or other sums in dispute or for the deposit of the licensee's further charges for energy as they accrue, and the consumer has failed to comply with such request.

Exemption of
electric supply-
lines or other
apparatus from
attachment in
certain cases

25. Where any electric supply-lines, meters, fittings, works or apparatus belonging to a licensee are placed in or upon any premises, not being in the possession of the licensee, for the purpose of supplying energy, such electric supply-lines, meters, fittings, works and apparatus shall not be liable to be taken in execution under any process of any Civil Court or in any proceedings in insolvency against the person in whose possession the same may be.

Meters

26. (1) In the absence of an agreement to the contrary, the amount of energy supplied to a consumer or the electrical quantity contained in the supply shall be ascertained by means of a correct meter, and the licensee shall 14[* * *] cause the consumer to be supplied with such a meter:

15[Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof:

Provided further that the licensee may allow the consumer to arrange his own meter subject to the conditions that the consumer must get the meter tested and sealed by the licensee.]

(2) Where the consumer so enters into an agreement for the hire of a meter, the licensee shall keep the meter correct, and, in default of his doing so, the

consumer shall, for so long as the default continues, cease to be liable to pay for the hire of the meter.

(3) Where the meter is the property of the consumer, he shall keep the meter correct, and, in default of his doing so, the licensee may, after giving him seven days' notice, for so long as the default continues, cease to supply energy through the meter.

(4) The licensee or any person duly authorised by the licensee shall, at any reasonable time and on informing the consumer of his intention, have access to, and be at liberty to inspect and test, and for that purpose, if he thinks fit, take off and remove, any meter referred to in sub-section (1); and, except where the meter is so hired as aforesaid, all reasonable expenses of, and incidental to, such inspecting, testing, taking off and removing shall, if the meter is found to be otherwise than correct, be recovered from the consumer; and, where any difference or dispute arises as to the amount of such reasonable expenses, the matter shall be referred to an Electric Inspector, and the decision of such Inspector shall be final:

Provided that the licensee shall not be at liberty to take off or remove any such meter if any difference or dispute of the nature described in sub-section (6) has arisen until the matter has been determined as therein provided.

(5) A consumer shall not connect any meter referred to in sub-section (1) with any electric supply-line through which energy is supplied by a licensee, or disconnect the same from any such electric supply-line, without giving to the licensee not less than forty-eight hour's notice in writing of his intention.

(6) Where any difference or dispute arises as to whether any meter referred to in sub-section (1) is or is not correct, the matter shall be decided, upon the application of either party, by an Electric Inspector, or by a competent person specially appointed by the Government 16[in this behalf within a period of ninety days from the date of receipt of such application and after affording the parties an opportunity of being heard]; and, where the meter has, in the opinion of such Inspector or person, ceased to be correct, such Inspector or person shall estimate the amount of the energy supplied to the consumer 17[or the connected load in the supply], during such time as the meter shall not, in the opinion of such Inspector or person, have been correct; and where the matter has been decided by any person other than the Electric Inspector, an appeal shall lie to the Inspector, whose decision shall in every case be final: but, save as aforesaid, the register of the meter shall, in the absence of fraud, be conclusive proof of such amount or quantity:

Provided that, before either a licensee or a consumer applies to the Electric Inspector under this sub-section, he shall give to the other party not less than seven days' notice of his intention so to do.

(7) In addition to any meter which may be placed upon the premises of a consumer in pursuance of the provisions of sub-section (1), the licensee may place upon such premises such meter, maximum demand indicator or other apparatus as he may think fit for the purpose of ascertaining or regulating either the amount of energy supplied to the consumer, or the number of hours during which the supply is given, or the rate per unit of

time at which energy is supplied to the consumer, or any other quantity or time connected with the supply:

Provided that the meter, indicator or apparatus shall not, in the absence of an agreement to the contrary, be placed otherwise than between the distributing mains of the licensee and any meter referred to in sub-section (1):

Provided, also, that, where the charges for the supply of energy depend wholly or partly upon the reading or indication of any such meter, indicator or apparatus as aforesaid, the licensee shall, in the absence of an agreement to the contrary, keep the meter, indicator or apparatus correct; and the provisions of sub-sections (4), (5) and (6) shall in that case apply as though the meter, indicator or apparatus were a meter referred to in sub-section (1).

Explanation – A meter shall be deemed to be “correct” if it registers the amount of energy supplied, or the electrical quantity contained in the supply, within the prescribed limits of error, and a maximum demand indicator or other apparatus referred to in sub-section (7) shall be deemed to be “correct” if it complies with such conditions as may be prescribed in the case of any such indicator or other apparatus.

Supply of energy
outside area of
supply

27. Notwithstanding anything in this Act, the Government may, by order in writing, and subject to such conditions and restrictions, if any, as it thinks fit to impose, authorise any licensee to supply energy to any person outside the area of supply, and to lay down or place electric supply-lines for that purpose:

Provided, first, that no such authority shall be conferred on the licensee within the area of supply of another licensee without that licensee's consent, unless the Government considers that his consent has been unreasonably withheld:

Provided, secondly, that such authority shall not be conferred unless the person to whom the supply is to be given has entered into a specific agreement with the licensee for the taking of such supply:

Provided, thirdly, that a licensee on whom such authority has been conferred shall not be deemed to be empowered outside the area of supply to open or break up any street, or any sewer, drain or tunnel in or under any street, railway or tramway, or to interfere with any telegraph-line, without the written consent of the local authority or person by whom such street, sewer, drain or tunnel is repairable, or of the telegraph-authority, as the case may be, unless the Government, after such inquiry as it thinks fit, considers that such consent has been unreasonably withheld:

Provided, fourthly, that, save as aforesaid, the provisions of this Act shall apply in the case of any supply authorised under this section as if the said supply were made within the area of supply.

PART III

SUPPLY, TRANSMISSION AND USE OF ENERGY BY NON-LICENSEES

Sanction required by non-licensees in certain cases

28. (1) No person, other than a licensee, shall engage in the business of supplying energy except with the previous sanction of the Government and in accordance with such conditions as the Government may fix in this behalf, and any agreement to the contrary shall be void: Provided that such sanction shall not be given within the area for which a local authority is constituted, without that local authority's consent, or within the area of supply of any licensee, without that licensee's consent, unless the Government considers that consent has been unreasonably withheld.

(2) Where any difference or dispute arises as to whether any person is or is not engaging; or about to engage, in the business of supplying energy within the meaning of sub-section (1), the matter shall be referred to the Government, and the decision of the Government thereon shall be final.

(3) The Government may, if in its opinion the public interest so requires, cancel or discontinue, at any time, the sanction given under sub-section (1).

(4) Where the Government revokes, cancels or discontinues a sanction given under sub-section (1), the provisions of section 5 shall apply mutatis mutandis.

Power for non-licensees to break up streets

29. (1) The local authority may, by order in writing, confer and impose upon any person, who has obtained the sanction of the Government under section 28 to engage in the business of supplying energy, all or any of the powers and liabilities of a licensee under sections 12 to 19, both inclusive, and the provisions of the said sections shall thereupon apply as if such person were a licensee under Part II.

(2) A local authority, not being a licensee, shall, for the purpose of lighting any street, have the powers and be subject to the liabilities respectively conferred and imposed by sections 12 to 19, both inclusive, so far as applicable, as if it were a licensee under Part II.

(3) In cases other than those for which provision is made by sub-section (1), the person responsible for the repair of any street may, by order in writing, confer and impose upon any person who proposes to transmit energy in such street all or any of the powers and liabilities of a licensee under sections 12 to 19 (both inclusive), in so far as the same relate to-

(a) opening or breaking up of the soil or pavement of such street, or

(b) laying down or placing electric supply-lines in, under, along or across

such street, or

(c) repairing, altering or removing such electric supply-lines, and thereupon the provisions of the said sections shall, so far as aforesaid, apply to such person as if he were a licensee under Part II.

(4) If no order is made within fourteen days after the receipt of an application for the same under sub-section (1) or sub-section (3), the order so applied for shall be deemed to have been refused, and every order, and every refusal to make an order, under sub-section (1) or sub-section (3), shall be subject to revision by the Government.

Application of section 18 to aerial lines maintained by railways

18[29A. The provisions of sub-sections (3) and (4) of section 18 and of the Explanation thereto shall apply in the case of any aerial line placed by any railway administration as defined in section 3 of the Railways Act, 1890, as if references therein to the licensee were references to the railway administration.]

Control of transmission and use of energy

30. (1) No person, other than a licensee duly authorized under the terms of his license, shall transmit or use energy at a rate exceeding 19[one kilowatt],-

(a) in any street, or

(b) in any place,

(i) in which one hundred or more persons are likely ordinarily to be assembled, or

(ii) which is a factory within the meaning of the 20[Factories Act, 1965,] or

(iii) which is a mine within the meaning of the 21[Mines Act, 1923,] or

(iv) to which the Government, by general or special order, declares the provisions of this sub-section to apply,

22[without obtaining permission from the Government] and complying with such of the provisions of Part IV, and of the rules made thereunder, as may be applicable:

Provided that nothing in this section shall apply to energy used for the public carriage of passengers, animals or goods on, or for the lighting or ventilation of the rolling-stock of, any railway or tramway subject to the provisions of the Railways Act, 1890:

Provided, also, that the Government may, by general or special order and

subject to such conditions and restrictions as may be specified therein, exempt from the application of this section or of any such provision or rule as aforesaid any person or class of persons using energy on premises upon or in connection with which it is generated, or using energy supplied under Part II in any place specified in clause (b).

(2) Where any difference or dispute arises as to whether a place is or is not one in which one hundred or more persons are likely ordinarily to be assembled, the matter shall be referred to the Government, and the decision of the Government thereon shall be final.

(3) The provisions of this section shall be binding on the Government.

PART IV

GENERAL

Protective Clauses

Protection of
railways and
canals, docks,
wharves and piers

31. No person shall, in the generation, transmission, supply or use of energy, in any way injure any railway, tramway, canal or waterway or any dock, wharf or pier vested in or controlled by a local authority, or obstruct or interfere with the traffic on any railway, tramway, canal or water-way.

Protection of
telegraphic,
telephonic and
electric signalling
lines

32. (1) Every person generating, transmitting, supplying or using energy (hereinafter in this section referred to as the "operator") shall take all reasonable precautions in constructing, laying down and placing his electric supply-lines and other works and in working his system, so as not injuriously to affect, whether by induction, or otherwise, the working of any wire or line used for the purpose of telegraphic, telephonic or electric-signalling communication, or the currents in such wire or line.

(2) Where any difference or dispute arises between the operator and the telegraph-authority as to whether the operator has constructed, laid down or placed his electric supply-lines or other works, or worked his system, in contravention of sub-section (1), or as to whether the working of any wire, line or current is or is not injuriously affected thereby, the matter shall be referred to the Government; and the Government, unless it is of opinion that the wire or line has been placed in unreasonable proximity to the electric supply-lines or works of the operator after the construction of such lines or works, may direct the operator to make such alterations in, or additions to, his system as may be necessary in order to comply with the provisions of this section, and the operator shall make such alterations or additions accordingly:

Provided that nothing in this sub-section shall apply to the repair, renewal or amendment of any electric supply-line so long as the course of the electric supply-line and the amount and nature of the energy transmitted thereby are not altered.

(3) Where the operator makes default in complying with the requirements of this section, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Explanation – For the purposes of this section, a telegraph-line shall be deemed to be injuriously affected if telegraphic, telephonic or electric signalling communication by means of such line is, whether through induction or otherwise, prejudicially interfered with by an electric supply-line or work or by any use made thereof.

Notice of accidents and inquiries

33. (1) If any accident occurs in connection with the generation, transmission, supply or use of energy in, or in connection with, any part of the electric supply-lines or other works of any person, and the accident results or is likely to have resulted in loss of life or personal injury, such person shall give notice of the occurrence, and of any loss of life or personal injury actually occasioned by the accident, in such form and within such time and to such authorities as the Government may, by general or special order, direct.

(2) The Government may, if it thinks fit, require any Electric Inspector, or any other competent person appointed by it in this behalf, to inquire and report-

(a) as to the cause of any accident affecting the safety of the public, which may have been occasioned by, or in connection with, the generation, transmission, supply or use of energy, or

(b) as to the manner in, and extent to, which the provisions of this Act or of any license or rules thereunder, so far as those provisions affect the safety of any person, have been complied with.

Prohibition of connection with earth, and power for Government to interfere in certain cases of default

34. (1) No person shall, in the generation, transmission, supply or use of energy, permit any part of his electric supply-lines to be connected with earth except so far as may be prescribed in this behalf or may be specially sanctioned by the Government.

(2) If at any time it is established to the satisfaction of the Government-

(a) that any part of an electric supply-line is connected with earth contrary to the provisions of sub-section (1), or

(b) that any electric supply-lines or other works for the generation, transmission, supply or use of energy are attended with danger to the public

safety or to human life or injuriously affect any telegraph-line, or

(c) that any electric supply-lines or other works are defective so as not to be in accordance with the provisions of this Act or of any rule thereunder,

the Government may, by order in writing, specify the matter complained of and require the owner or user of such electric supply-lines or other works to remedy it in such manner as shall be specified in the order, and may also in like manner forbid the use of any electric supply-line or works until the order is complied with or for such time as is specified in the order.

Administration and Rules

Advisory Board

35. (1) The Government may, for the whole or any part of 23[Bangladesh], by notification in the official Gazette, constitute an 24[Electricity Board].

(2) The Board shall consist of a chairman and not less than two other members.

(3) The Government may, by general or special order,-

(a) determine the number of members of which the Board shall be constituted and the manner in which such members shall be appointed,

(b) define the duties and regulate the procedure of the Board,

(c) determine the tenure of office of the members of the Board, and

(d) give directions as to the payment of fees to, and the travelling expenses incurred by, any member of the Board in the performance of his duty.

Appointment of Electric Inspectors

36. (1) 25[Omitted by Schedule of the Central Laws (Adaptation) Order, 1964.]

(2) The Government may, by notification in the official Gazette, appoint duly qualified persons to be Electric Inspectors within such areas as may be assigned to them respectively; and every Inspector so appointed shall exercise the powers and perform the functions of an Electric Inspector under this Act subject to such restrictions as the Government may direct.

(3) In the absence of express provision to the contrary in this Act, or any rule thereunder, an appeal shall lie from the decision of an Electric Inspector to the Government or, if the Government, by general or special order, so directs, to the [Electricity Board].

[Omitted]

36A. [Omitted by section 3 of the Electricity (East Pakistan Amendment) Ordinance, 1959 (Ordinance No. XVIII of 1959).]

Power for Board to make rules

37. (1) The Government may make rules for the whole of 26[Bangladesh] or any part thereof, to regulate the generation, transmission, supply and use of energy, and, generally, to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may-

(a) prescribe the form of applications for licenses and the payments to be made in respect thereof;

(b) regulate the publication of notices;

(c) prescribe the manner in which objections with reference to any application under Part II are to be made;

(d) provide for the preparation and submission of accounts by licensees in a specified form;

(e) provide for the securing of a regular, constant and sufficient supply of energy by licensees to consumers and for the testing at various parts of the system of the regularity and sufficiency of such supply and for the examination of the records of such tests by consumers;

(f) provide for the protection of persons and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, transmission, supply or use of energy;

(g) for the purposes of electric traction regulate the employment of insulated returns, or of uninsulated metallic returns of low resistance, in order to prevent fusion or injurious electrolytic action of or on metallic pipes, structures or substances, and to minimise, as far as is reasonably practicable, injurious interference with the electric wires, supply-lines and apparatus of parties other than the owners of the electric traction system, or with the currents therein, whether the earth is used as a return or not;

(h) provide for preventing telegraph-lines and magnetic observatories or laboratories from being injuriously affected by the generation, transmission, supply or use of energy;

(i) prescribe the qualifications to be required of Electric Inspectors;

(j) authorise any Electric Inspector or other officer of a specified rank and class to enter, inspect and examine any place, carriage or vessel in which he

has reason to believe any appliance or apparatus used in the generation, transmission, supply or use of energy to be, and to carry out tests therein, and to prescribe the facilities to be given to such Inspectors or officers for the purposes of such examinations and tests;

(k) authorise and regulate the levy of fees for any such testing or inspection and, generally, for the services of Electric Inspectors under this Act; and

(l) provide for any matter which is to be or may be prescribed.

(3) [Omitted by section 4 of the Electricity (East Pakistan Amendment) Ordinance, 1959 (Ordinance No. XVIII of 1959).]

(4) In making any rule under this Act, the Electricity Board may direct that every breach thereof shall be punishable with fine which may extend to 27[one thousand taka], and, in the case of a continuing breach, with a further daily fine which may extend to 28[one hundred taka].

Further provisions respecting rules

38. (1) The power to make rules under section 37 shall be subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under section 37 will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(3) All rules under section 37 shall be published in the official Gazette and, on such publication, shall have effect as if enacted in this Act.

Criminal Offences and Procedure

Penalty for dishonest abstraction, etc of energy

29[30[39. (1) Whoever dishonestly abstracts, consumes or uses energy shall be punishable with imprisonment of either description for a term which shall not be less than one year but which may extend to three years and shall also be liable to a fine of ten thousand taka.

Explanation 1.-The existence of any device, contrivance or artificial means for such abstraction, consumption or use shall be prima facie evidence of dishonest abstraction, consumption or use.

Explanation 2 - A person shall be deemed to have dishonestly abstracted, consumed or used energy, if he is found-

(a) to have tampered or interfered with the set order of wiring connection of any meter, measuring apparatus, including Kilowatt meter, Kilowatt hour meter, Kilowatt ampere hour meter, kilovolt ampere meter, kilovolt ampere

reactive hour meter, current transformers, potential transformers or their respective fuses installed by the licensee for the supply and registration of energy; or

(b) to have prevented by drilling hole in the casing, covering or glass, or by jamming the mechanism by mechanical, magnetic or by any other means, any meter, maximum demand indicator or other measuring apparatus from duly registering the amount of energy supplied or the electrical quantity contained in the supply; or

(c) to have connected, without written consent of the licensee, his installations, appliances, and apparatus for the consumption or use of energy with the licensee's work directly without passing through a meter, maximum demand indicator or other measuring apparatus.

(2) A person who after being convicted under sub-section (1), is convicted for the second or subsequent times, he shall, for every such second or subsequent conviction, be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to fine which may extend to twenty thousand taka.]

Penalty for installation of artificial means, etc

39A. Whoever installs or uses any device, contrivance or artificial means for dishonest abstraction, consumption or use of energy of a licensee, whether he derives any benefit therefrom or not, 31[shall be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to fine which may extend to twenty thousand taka] and if it is proved that any device, contrivance or artificial means for such abstraction, consumption or use exists or has existed on a premises, it shall be presumed, unless the contrary is proved, that such person has committed an offence under this section.

Explanation. – In this section, “artificial means” include-

(a) making of direct electrical connection from the aerial line through artificial jumper;

(b) making of direct electrical connection from transformers, cable, meter's main terminals and from consumer's installations through artificial wiring;

(c) disconnecting the potential link from the meter terminals by means of a plier, screw driver, cutter or any other instruments;

(d) breaking the glass cover of a meter or drilling hole in the casing or covering of a meter by any means;

(e) stopping or slowing the revolutions of a meter disc by artificial magnet; or

(f) stopping or slowing or reversing the revolutions of the meter disc by changing the phase sequence of meter through artificial electrical circuit.]

Penalty for maliciously wasting energy or injuring works

32[40. (1) Whoever maliciously causes energy to be wasted or diverted, or, with intent to cut off the supply of energy, cuts or injures, or attempts to cut or injure, any electric supply-line or works shall be punishable with imprisonment of either description for a term which shall not be less than one year but which may extend to five years and shall also be liable to a fine of ten thousand taka.

(2) A person who after being convicted under sub-section (1), is convicted for the second or subsequent times, he shall, for every such second or subsequent conviction be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to fine which may extend to twenty thousand taka.]

Penalty for the theft of line materials, tower members, equipments, etc, from any electric supply system

33[40A. Whoever dishonestly removes, dismantles, commits theft or wilfully damages any line materials such as, pole, tower parts, conductors, transformers from an electric supply-line belonging to a licensee 34[shall be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to fine which may extend to twenty five thousand taka.]]

Penalty for dishonestly receiving stolen property

35[40B. Whoever dishonestly receives or retains any stolen electric-line materials or sub-station materials or equipment knowing or having reasons to believe the same to be stolen property, shall be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to fine which may extend to twenty five thousand taka.]

Penalty for unauthorized supply of energy by non-licensees

36[41. (1) Whoever, in contravention of the provisions of section 28, engages in the business of supplying energy shall be punishable with imprisonment of either description for a term which shall not be less than one year but which may extend to five years and shall also be liable to fine which may extend to fifteen thousand taka.

(2) A person who after being convicted under sub-section (1), is convicted for the second or subsequent times, he shall, for every such-second or subsequent conviction, be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to a daily fine of one thousand taka.]

Penalty for illegal or defective supply or for non-compliance with order

37[42. (1) Whoever-

(a) being a licensee, save as permitted under section 27 or section 51 or by his license, supplies energy or lays down or places any electric supply-line or works outside the area of supply; or

(b) being a licensee, in contravention of the provisions of this Act or of the rules thereunder, or in breach of the conditions of his license, and without reasonable excuse, the burden of proving which shall lie on him, discontinues the supply of energy or fails to supply energy; or

(c) makes default in complying with any order issued to him under section 34, sub-section (2),

shall be punishable with imprisonment of either description for a term which shall not be less than one year but which may extend to five years and shall also be liable to a fine of ten thousand taka.

(2) A person who after being convicted under sub-section (1), is convicted for the second or subsequent times, he shall, for every such second or subsequent conviction, be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to a daily fine of one thousand taka.]

Penalty for illegal transmission or use of energy

38[43. (1) Whoever, in contravention of the provisions of section 30, transmits or uses energy without giving the notice required thereby, shall be punishable with imprisonment of either description for a term which shall not be less than one year but which may extend to three years and shall also be liable to a fine of ten thousand taka.

(2) A person who after being convicted under sub-section (1), is convicted for the second or subsequent times, he shall, for every such second or subsequent conviction, be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to a daily fine of one thousand taka.]

Penalty for interference with meters or licensee's works and for improper use of energy

39[44. (1) Whoever-

- (a) connects any meter, maximum demand indicator or other measuring apparatus referred to in section 26, with any electric supply-line through which energy is supplied by a licensee, or disconnects the same from any such electric supply-line, without the licensee's consent in writing; or
- (b) lays, or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee, without such licensee's consent in writing; or
- (c) uses the energy supplied to him by a licensee under one method of charging in a manner for which a higher method of charging is in force without the licensee's consent in writing, or adopts any appliance or increase load beyond sanction load, or use energy supplied to him by a licensee in a manner prejudicial to the safety or efficient working of the licensee's electric supply-line or works, or deals with it in a manner so as to interfere with the efficient supply of energy by the licensee to any other person,

shall be punishable with imprisonment of either description for a term which shall not be less than one year but which may extend to three years and shall also be liable to fine which may extend to thirty thousand taka.

(2) If in case of sub-section (1) it is proved that any artificial means exist or have existed for making such connection as is referred to in clause (a), or such communication as is referred to in clause (b), or for facilitating such improper use of energy as is referred to in clause (c), and that the meter, maximum demand indicator or other measuring apparatus is under the custody or control of the consumer, whether it is his property or not, it shall be presumed, until the contrary is proved, that such connection, communication or improper use, as the case may be, has been knowingly and willfully caused by such consumer.

(3) A person who after being convicted under sub-section (1), is convicted for the second or subsequent times, he shall, for every such second or subsequent conviction, be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to a daily fine which may extend to three thousand taka.]

Penalty for abettors in certain offences

40[44A. Whoever, including an officer or employee of the licensee, abets the commission of any offence under sections 39, 39A, 40, 40A, 40B, 41, 42, 43 and 44 of this act shall be punishable with the same penalties as have been provided in the said sections for the offences specified therein.

Explanation.-A person abets the commission of any offence, if he-

- (a) instigates any person to commit the offence;
- (b) engages with one or more other persons in conspiracy for committing the offence;
- (c) intentionally aids the commission of the offence; or
- (d) facilitates in any way the commission of the offence.]

Penalty for extinguishing public lamps

45. Whoever maliciously extinguishes any public lamp shall be punishable with imprisonment 41[of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to fine which may extend to ten thousand taka].

Penalty for negligently wasting energy or injuring works

46. Whoever negligently causes energy to be wasted or diverted, or negligently breaks, throws down or damages any electric supply-line, post, pole or lamp or other apparatus connected with the supply of energy, 42[or negligently throws, puts any articles on the electric supply-line or equipment to interrupt supply of energy] shall be punishable with 43[imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to a fine of ten thousand taka.]

Penalty for offences not otherwise provided for

44[47. (1) Whoever, in any case not already provided for by sections 39 to 46 (both inclusive), makes default in complying with any of the provisions of this Act, or with any order issued under it, or in the case of a licensee, with any of the conditions of his license, shall be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to a fine of five thousand taka:

Provided that, where a person has made default in complying with any of the provisions of sections 13, 14, 15, 17 and 32, as the case may be, he shall not be so punishable if the court is of opinion that the case was one of emergency and that the offender complied with the said provisions as far as was reasonable under the circumstances.

(2) A person who after being convicted under sub-section (1), is convicted for the second or subsequent times, he shall for every such second or

subsequent conviction, be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to a daily fine of five hundred taka.]

Penalties not to affect other liabilities

48. The penalties imposed by sections 39 to 47 (both inclusive) shall be in addition to, and not in derogation of, any liability in respect of the payment of compensation or, in the case of a licensee, the revocation of his license, or the payment of penalty in lieu thereof, which the offender may have incurred.

Penalties where works belong to Government

49. The provisions of sections 39, 40, 44, 45 and 46 shall, so far as they are applicable, be deemed to apply also when the acts made punishable thereunder are committed in the case of energy supplied by, or of works belonging to, the Government.

Offences by companies

45[49A. (1) if the person committing an offence under this Act is a company, every person who at the time the offence has been committed was incharge of, or was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under the Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to firm, means a partner in the firm.]

Institution of prosecutions

46[50. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) offences under sections 39, 39A, 40, 40A, 40B, 41, 42, 43, 44, 44A, 45, 46 and 47 of this Act shall be cognizable.

(2) No court shall take cognizance of any offence against an employee of the licensee for abetting the commission of any offence under this Act unless a report to that effect is filed by an officer not below the rank of an Assistant Engineer of the concerned licensee for the offence committed.

ExplanationA person is said— . —to abets the commission of any offence, if he

(a) instigates any person to commit the offence;

(b) engages with one or more other persons in conspiracy for committing the offence;

(c) Intentionally aids the commission of the offence; or

(d) facilitates in any way the commission of the offence.

(3) any officer not below the rank of an Assistant Engineer of the concerned licensees shall be competent of file cases for any offence under this Act or any rule, license of order made thereunder in the court taking cognizance of the offence.]

Power of Magistrate to pass sentence, impose fine

47[50A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. V of 1898) or in any other law for the time being in force, the Magistrate shall be competent to pass any sentence and impose any fine authorized by this Act.]

Supplementary

Exercise in certain cases of powers of telegraph-authority

51. Notwithstanding anything in sections 12 to 16 (both inclusive) and sections 18 and 19, the Government may, by order in writing, for the placing of appliances and apparatus for the transmission of energy, confer upon any public officer or licensee, subject to such conditions and restrictions (if any) as the Government may think fit to impose, and to the provisions of the Telegraph Act, 1885, any of the powers which the telegraph-authority possesses under that Act, with respect to the placing of

telegraph-lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

Arbitration

52. Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the license of a licensee, be determined by such person or persons as the Government may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Arbitration Act 1940.

Bar to jurisdiction of Civil Courts

52A. Notwithstanding anything contained in any other law for the time being in force, every order passed revoking a licence under section 4 or taking possession of any undertaking under section 5 or cancelling a sanction under section 28 shall, subject to the Provisions of arbitration provided in this Act, be final and shall not be called in question in any Court.

Service of notices, orders or documents

53. (1) Every notice, order or document by or under this Act required or authorised to be addressed to any person may be served by post or left,-

(a) where the Government is the addressee, at the office of such officer as the Government, 48[* * *] may designate in this behalf;

(b) where a local authority is the addressee, at the office of the local authority;

(c) where a company is the addressee, at the registered office of the Company or, in the event of the registered office of the Company or, in the event of the registered office of the Company not being in Bangladesh at the head office of the Company in Bangladesh;

(d) where any other person is the addressee, at the usual or last known place of adobe or business of the person.

(2) Every notice, order or document by or under this Act required or authorised to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises), and may be served by delivering it, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous

part of the premises.

Recovery of sums recoverable under certain provisions of Act

54. Any penalty imposed under section 4, sub-section (2), every sum declared to be recoverable by section 5, clause (f), section 6, sub-section (2), section 14, sub-section (2), clause (h), section 16, sub-section (2), section 18, sub-section (2) or sub-section (4), or section 26, sub-section(4), and every fee leviable under this Act, may be recovered, on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by the distress and sale of any moveable property belonging to such person.

Charges for supply of energy recoverable as arrears of land revenues

49[54A. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or in any instrument or agreement, the charges for supply of energy or any other sum outstanding against a consumer under this Act shall be recoverable as an arrear of land revenue.

(2) A licensee, or any person duly authorised by the licensee, may apply with a certificate showing the amount outstanding against a consumer to the Collector of the district concerned for the recovery of the said amount, and the Collector shall, thereupon proceed to recover the same from such consumer, or his sureties, or from all of them, as an arrear of land revenue.

Requisition of police assistance

50[54B. Where a licensee or any person duly authorised by him in this behalf, requires any police assistance for carrying out the purposes of this Act, he may make an application to the officer-in-charge of the Police Station of the concerned Thana:

Provided that a copy of the requisition letter will be sent to the Superintendent of Police of the concerned District, Metropolitan Police Commissioner in a Metropolitan Area, the Deputy Commissioner of the District or the Upazilla Nirbahi Officer of the Upazilla concerned as the case may be, who will ensure to render the police assistance required.]

Bar of Jurisdiction

54C. (1) Where a licensee gives a notice referred to in sub-section (1) of section 24 or discontinues supply of energy to premises under the provisions of this Act, no court shall make an order prohibiting the licensee from discontinuing supply of energy to the premise, or requiring him to

restore supply of energy to such premises:

Provided that nothing contained herein shall apply to a case in which the plaintiff, applicant or appellant within a period of thirty days of the aforesaid date or at the time of filing the suit, application or appeal, as the case may be, deposit with the court the amount assessed against him by the licensee and all further charges of the licensee as and when they become due; and in the event of his failing to do so, any order prohibiting the licensee from discontinuing the supply of energy to the premises, or requiring him to restore the supply of energy to the premises, if already made, shall cease to have effect.

(2) Where an amount has been deposited under sub-section (1), the court shall direct it to be deposited in a scheduled bank in the name of the licensee on an undertaking being furnished by the licensee to the effect that in case the suit, application or appeal is decided against him, he shall repay the said amount to the plaintiff, applicant or appellant, as the case may be, with such reasonable return as the court may determine.]

Delegation of certain functions of Government to Electric Inspectors

55. The Government may, by general or special order, authorise the discharge of any of its functions under section 13 or section 18 or section 34, sub-section (2), or clause V, sub-clause (2), or clause XIII of the Schedule by an Electric Inspector.

Protection for acts done in good faith

56. No suit, prosecution or other proceeding shall lie against any public officer, or any servant of a local authority, for anything done, or in good faith purporting to be done, under this Act.

[Omitted]

57. [Omitted by section 17 of the Electricity (Amendment) Act, 1993 (Act No. XXVIII of 1993).]

[Omitted]

58. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

1 Throughout this Act, except otherwise provided, the words “Bangladesh”, “Government” and “Taka” were substituted, for the words “Pakistan”, “Central Government” or “Provincial Government” or `Central Government or the Provincial Government` or “Central Government or any Provincial Government” and “rupees” respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

2 The words “who is the owner or occupier of the premises which” were substituted, for the words “whose premises” by section 2 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

3 The words `except the transmission of a message` were omitted by section 2 of the Electricity (Amendment) Act, 1993 (Act No. XXVIII of 1993).

4 The words “one hundred taka” were substituted, for the words “five taka” by section 3 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983)

5 The words “without intimation to the local authority or to the owner or” were substituted, for the words “without the consent of the local authority or of the owner and” by section 4 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983)

6 The words “immediate intimation in writing by special messenger or by telephonic message followed by written intimation” were substituted, for the words “not less than forty-eight hours' notice in writing” by section 5 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983)

7 Section 19A was inserted by section 5 of the Indian Electricity (Amendment) Act, 1922 (Act No. I of 1922)

8 The words “Magistrate of the 1st class” were substituted, for the words “District Magistrate” by section 3 of the Electricity (Amendment) Act, 1993 (Act No. XXVIII of 1993)

9 Proviso to sub-section (2) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

10 Clause (b) was substituted, for clause (b) by section 6 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983)

11 Clause (cc) was inserted by section 4 of the Electricity (Amendment) Act, 1993 (Act No. XXVIII of 1993)

12 The words “within the period stated therein in the bill” were inserted by section 7 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

13 The word “ten” was substituted, for the word “seven” by section 7 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

14 The commas and words “, if required by the consumer,” were omitted by section 5 of the Electricity (Amendment) Act, 1993 (Act No. XXVIII of 1993).

15 The provisos were substituted, for the proviso by section 5 of the Electricity (Amendment) Act, 1993 (Act No. XXVIII of 1993).

16 The words “in this behalf within a period of ninety days from the date of receipt of such application

and after affording the parties an opportunity of being heard” were substituted, for the words “in this behalf” by section 5 of the Electricity (Amendment) Act, 1993 (Act No. XXVIII of 1993).

17 The words “or the connected load in the supply” were substituted, for the words “or the electrical quantity contained in the supply” by section 8 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

18 Section 29A was inserted by section 2 of the Indian Electricity (Amendment) Act, 1923 (Act No. XL of 1923)

19 The words “one kilowatt” were substituted, for the words “two hundred and fifty watts” by section 9 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

20 The words, commas and figure “Factories Act, 1965,” were substituted, for the words, commas and figure “Indian Factories Act, 1911,” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

21 The words, commas and figures “Mines Act, 1923,” were substituted, for the words, commas and figure “Indian Mines Act, 1901,” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

22 The words “without obtaining permission from the Government” were substituted, for the words “without giving not less than seven clear days' notice in writing of his intension to the District Magistrate” by section 9 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

23 The word `Bangladesh` was substituted for the words `the Province` by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

24 The words “Electricity Board” were substituted, for the words “Advisory Board” by section 10 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

25 The words “Electricity Board” were substituted, for the words “Advisory Board” by section 11 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983)

26 The word `Bangladesh` was substituted for the words `East Pakistan` by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

27 The words “one thousand taka” and “one hundred taka” were substituted, for the words “three hundred taka” and “fifty taka” respectively by section 12 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983)

28 The words “one thousand taka” and “one hundred taka” were substituted, for the words “three hundred taka” and “fifty taka” respectively by section 12 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983)

29 Sections 39 and 39A were substituted, for section 39 by section 13 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

30 Section 39 was substituted, for section 39 by section 2 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006).

31 The words `shall be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to fine which may extend to twenty thousand taka` were substituted, for the words and commas `shall be punished with

imprisonment of either description for a term which may extend to five years, or with fine which may extend to ten thousand taka, or with both` by section 3 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

32 Section 40 was substituted, for the former section 40 by section 4 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

33 Section 40A was inserted by section 14 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

34 The words `shall be punishable with imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to fine which may extend to twenty five thousand taka` were substituted, for the words and commas `punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten thousand taka, or with both` by section 5 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006).

35 Section 40B was inserted by section 6 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

36 Section 41 was substituted, for the former section 41 by section 7 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

37 Section 42 was substituted, for the former section 42 by section 8 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

38 Section 43 was substituted, for the former section 43 by section 9 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

39 Section 44 was substituted, for the former section 44 by section 10 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

40 Section 44A was substituted, for the former section 44A by section 11 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

41 The words `of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to fine which may extend to ten thousand taka` were substituted, for the words and comma `for a term which may extend to six months, or with fine which may extend to five thousand taka, or with both` by section 12 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

42 The words and comma “or negligently throws, puts any articles on the electric supply-line or equipment to interrupt supply of energy” were inserted by section 18 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

43 The words `imprisonment of either description for a term which shall not be less than three years but which may extend to five years and shall also be liable to a fine of ten thousand taka` were substituted, for the words `fine which may extend to five thousand taka` by section 13 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006).

44 Section 47 was substituted, for the former section 47 by section 14 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

45 Section 49A was inserted by section 15 of the Electricity (Amendment) Act, 1993 (Act No. XXVIII of 1993)

46 Section 50 was substituted, for the former section 50 by section 15 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006).

47 Section 50A was inserted by section 16 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)

48 The words and comma `as the case may be,` were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

49 Sections 54A, 54B and 54C were inserted by section 21 of the Electricity (Amendment) Ordinance, 1983 (Ordinance No. XLII of 1983).

50 Section 54B was substituted, for the former section 54B by section 17 of the Electricity (Amendment) Act, 2006 (Act No. V of 2006)