

HARYANA VIDHAN SABHA

**THE INDIAN ELECTRICITY  
(HARYANA AMENDMENT)  
BILL, 1986.**

**(Report of the Select Committee)**



HARYANA VIDHAN SABHA SECRETARIAT,  
CHANDIGARH.

Presented on 23<sup>rd</sup> February, 1987

---

*Printed at :*  
The Haryana Government Press, Chandigarh,

## CONTENTS

	<i>Pages</i>
1. Composition of the Select Committee ..	(iii)
2. Report of the Select Committee ..	1
3. Bill as introduced in the Haryana Legislative Assembly (Vidhan Sabha) and the Bill as amended by the Select Committee ..	3—14

### APPENDIX I

Motion in the Haryana Legislative Assembly (Vidhan Sabha) for reference of the Bill to the Select Committee ..	15
--	----

### APPENDIX II

Proceedings of the meeting of the Select Committee ..	16—20
---	-------

**THE INDIAN ELECTRICITY (HARYANA AMENDMENT)  
BILL, 1986**

**COMPOSITION OF THE SELECT COMMITTEE**

*1. Shri Ved Pal, Deputy Speaker	Chairman
*2. Shri S.S. Surjewala, Irrigation and Power Minister (Member in-charge of the Bill)	Member
3. Rao Nihal Singh, M.L.A.	"
4. Shri Sahab Singh Sami, M.L.A.	"
5. Shri Bhalle Ram, M.L.A.	"
6. Shri Inder Singh Nain, M.L.A.	"
7. Ch. Kanwal Singh, M.L.A.	"
8. Shri Dharam Bir Gauba, M.L.A.	"
9. Shri Ishwar Singh, M.L.A.	"
10. Bahin Shanti Devi, M.L.A.	"
11. Shri Jagdish Nehra, M.L.A. (Now Minister)	"
12. Ch. Shakrulla Khan, M.L.A.	"
**13. The Advocate General	

**SECRETARIAT**

Shri G.L. Batra, Secretary

Shri Satvir Singh Ahlawat, Joint Secretary.

---

\*Ex-Officio Chairman vide rule 136 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

\*\*Ex-Officio Members vide rule 132(3) of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

**Report of the Select Committee on the Indian Electricity  
(Haryana Amendment Bill, 1986)**

1. The Select Committee to report on the Indian Electricity (Haryana Amendment) Bill, 1986, was appointed by the Haryana Legislative Assembly on the 2nd December, 1986, with a direction to submit its report thereon.

2. The Committee held only one sitting

3. The meeting of the Committee was held on the 29th December, 1986 for considering the Indian Electricity (Haryana Amendment) Bill, 1986. The Committee at this meeting was associated with the Joint Secretary, Irrigation and Power Department, Haryana, Chandigarh, the Chairman, Haryana State Electricity Board, Chandigarh, Under Secretary (Law), Haryana State Electricity Board, Chandigarh and Deputy Legal Remembrancer, Haryana, Law and Legislative Department, Chandigarh to clarify any points that may arise during the course of discussion/consideration of the Bill.

4. After considering the Bill clause by clause in the meeting held on the 29th December, 1986 the Committee suggested the following changes therein :—

**Enacting Formula**

In the Enacting Formula of the Bill for the word “Thirty-seventh”, the words “Thirty-eighth” be substituted.

*Clause 1*

In clause 1 for the figure “1986” substitute “1987”.

*Clause 2 to 5.*—Approved.

*Clause 6* —

*deleted*

Existing Clause 7	(renumbered clause 6).—Approved
Existing Clause 8	(renumbered clause 7).—Approved
Existing Clause 9	(renumbered clause 8).—Approved
Existing Clause 10	(renumbered clause 9).—Approved
Existing Clause 11	(renumbered clause 10).—Approved
Existing Clause 12	(renumbered clause 11).—Approved

Chandigarh  
The 19th February, 1987.

VED PAL,  
*Deputy Speaker,*  
Chairman.

## THE INDIAN ELECTRICITY (HARYANA AMENDMENT) BILL, 1986

(Bill as introduced in the Haryana Vidhan Sabha on the 25th November, 1986):

(Bill as amended by the Select Committee. The amendments are underlined. The brackets indicate omission).

A  
BILL*to amend the Indian Electricity Act, 1910, in its application to the State of Haryana.*

BE it enacted by the Legislature of the State of Haryana in the Thirty-seventh Year of the Republic of India as follows :—

**1** This Act may be called the Indian Electricity (Haryana Amendment) Act, 1986.**2.** In sub-section (2) of section 5 of the Indian Electricity Act, 1910 (hereinafter referred to as the principal Act), for the words “provisions of sub-sections (1) and (2) of section 7-A, or as the case may be, sub-section (3) of that section”, the words “provisions of sections 7 and 7-A” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1960.**3** In sub-section (7) of section 6 of the principal Act, the words “of sub-section (4)” shall be omitted and shall be deemed to have been omitted with effect from the 1st day of April, 1960.**4.** For section 7-A of the principal Act, the following section shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April 1960 and any proceedings pending before any court or before the arbitrator or umpire shall cease and of no effect, namely :—**“7-A. Determination of purchase money.—(1)** Where an undertaking of a licensee is sold under sub-section (1) of section 5 or is purchased under section 6, the purchase-money therefor shall be determined as hereinafter provided.**(2)** The gross purchase-money to such licensee shall be the aggregate value of the amount specified below :—**(i)** the book value of all completed works in beneficial use pertaining to the undertaking and taken over by the Haryana State Electricity Board, the State Government or local authority, as the case may be (excluding works constructed at the costs of local bodies for street light and works paid for by consumers), less depreciation calculated in accordance with Sixth Schedule read with the Seventh Schedule to the Electricity (Supply) Act, 1948 ;A  
BILL*to amend the Indian Electricity Act, 1910, in its application to the State of Haryana.*

BE it enacted by the Legislature of the State of Haryana in the Thirty-eighth Year of the Republic of India as follows :—

**1.** This Act may be called the Indian Electricity (Haryana Amendment) Act, 1987**2.** In sub-section (2) of section 5 of the Indian Electricity Act, 1910 (hereinafter referred to as the principal Act), for the words “provisions of sub-sections (1) and (2) of section 7-A, or as the case may be, sub-section (3) of that section”, the words “provisions of sections 7 and 7-A” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1960.**3.** In sub-section (7) of section 6 of the principal Act, the words “of sub-section (4)” shall be omitted and shall be deemed to have been omitted with effect from the 1st day of April, 1960.**4.** For section 7-A of the principal Act, the following section shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1960 and any proceedings pending before any court or before the arbitrator or umpire shall cease and of no effect, namely :—**“7-A. Determination of purchase money.—(1)** Where an undertaking of a licensee is sold under sub-section (1) of section 5 or is purchased under section 6, the purchase-money therefor shall be determined as hereinafter provided.**(2)** The gross purchase-money to such licensee shall be the aggregate value of the amount specified below :—**(i)** the book value of all completed works in beneficial use pertaining to the undertaking and taken over by the Haryana State Electricity Board, the State Government or local authority, as the case may be (excluding works constructed at the costs of local bodies for street light and works paid for by consumers), less depreciation calculated in accordance with Sixth Schedule read with the Seventh Schedule to the Electricity (Supply) Act, 1948 ;

Short title.

Amendment of section 5 of Central Act 9 of 1910.

Amendment of section 6 of Central Act 9 of 1910.

Substitution of section 7-A of Central Act 9 of 1910.

Short title.

Amendment of section 5 of Central Act 9 of 1910.

Amendment of section 6 of Central Act 9 of 1910.

Substitution of section 7-A of Central Act 9 of 1910.

- (ii) the book value of all works in progress taken over excluding works paid for by the consumers or prospective consumers ;
- (iii) the book value of all stores, including spare parts taken over, and in the case of used stores and spare parts, if taken over, such sum as may be decided upon by the Special Officer ;
- (iv) the book value of all other fixed assets in use on the date of vesting (hereinafter referred to as 'the vesting date') and taken over under section 7 less depreciation calculated in accordance with the schedules referred to in clause (i) ;
- (v) the book value of all plants and equipments existing on the vesting date if taken over, but no longer in use owing to wear and tear or to obsolescence, to the extent such value has not been written off in the books of the licensee, less depreciation calculated in accordance with the schedules referred to in clause (i).

*Explanation.*—The book value of any fixed asset means its original cost, and shall comprise—

- (a) the purchase price paid in good faith by the licensee for the asset, including the cost of delivery and all charges properly incurred in erecting and bringing the asset into beneficial use as shown in the books of the undertaking ; and
- (b) the cost of supervision actually incurred, but not exceeding fifteen per cent of the amount referred to in paragraph (a) ;

Provided that before deciding the amounts under this sub-section, the licensee shall be given an opportunity by the Special Officer, of being heard, after giving him a notice of at least 15 days therefor.

(3) A sum equal to 10 per cent of the amounts assessed under clauses (i) to (v) of sub-section (2) shall be paid to the licensee in respect of compulsory purchase under section 6.

(4) When any asset is acquired by the Licensee after the expiry of the period to which the latest annual accounts relate, the book value of the asset shall be such as may be decided upon by the Special Officer :

Provided that before deciding the book value of any such asset, the licensee shall be given an opportunity by the Special Officer of being heard, after giving him a notice of at least 15 days therefor.

(5) The purchaser shall be entitled to deduct the following sums from the gross purchase money under the foregoing sub-section—

- (a) the amount, if any, already paid in advance ;
- (b) Where the purchaser is the Haryana State Electricity Board, the amount due, if any, including interest thereon, from the

- (ii) the book value of all works in progress taken over excluding works paid for by the consumers or prospective consumers ;
- (iii) the book value of all stores, including spare parts taken over, and in the case of used stores and spare parts, if taken over, such sum as may be decided upon by the Special Officer ;
- (iv) the book value of all other fixed assets in use on the date of vesting (hereinafter referred to as 'the vesting date') and taken over under section 7 less depreciation calculated in accordance with the schedules referred to in clause (i) ;
- (v) the book value of all plants and equipments existing on the vesting date if taken over, but no longer in use owing to wear and tear or to obsolescence, to the extent such value has not been written off in the books of the licensee, less depreciation calculated in accordance with the schedules referred to in clause (i).

*Explanation.*—The book value of any fixed asset means its original cost, and shall comprise—

- (a) the purchase price paid in good faith by the licensee for the asset, including the cost of delivery and all charges properly incurred in erecting and bringing the asset into beneficial use as shown in the books of the undertaking ; and
- (b) the cost of supervision actually incurred, but not exceeding fifteen per cent of the amount referred to in paragraph (a) ;

Provided that before deciding the amounts under this sub-section, the licensee shall be given an opportunity by the Special Officer, of being heard, after giving him a notice of at least 15 days therefor.

(3) A sum equal to 10 per cent of the amounts assessed under clauses (i) to (v) of sub-section (2) shall be paid to the licensee in respect of compulsory purchase under section 6.

(4) When any asset is acquired by the licensee after the expiry of the period to which the latest annual accounts relate, the book value of the asset shall be such as may be decided upon by the Special Officer :

Provided that before deciding the book value of any such asset, the licensee shall be given an opportunity by the Special Officer of being heard, after giving him a notice of at least 15 days therefor.

(5) The purchaser shall be entitled to deduct the following sums from the gross purchase money under the foregoing sub-section—

- (a) the amount, if any, already paid in advance ;
- (b) Where the purchaser is the Haryana State Electricity Board, the amount due, if any, including interest thereon, from the

licensee to the Board, for energy supplied by the Board before the vesting date ;

- (c) all amounts and arrears of interest, if any, thereon due from the licensee to the State Government or the Haryana State Electricity Board ;
- (d) the amount, if any, equivalent to the loss sustained by the purchaser by reason of property or rights belonging to the undertaking not having been handed over to the purchaser, the amount of such loss being deemed to be the amount by which the market value of such property or rights exceeds the amount payable therefor under this section, together with any income which might have been realised by the purchaser, if the property or rights had been handed over on the vesting date ;
- (e) all sums paid by the consumers by way of security deposit and arrears of interest due thereon on the vesting date, in so far as they have not been paid over by the licensee to the purchaser, less the amounts which according to the books of the licensee are due from the respective consumers to the licensee for energy supplied by him before that date ;
- (f) all advances from consumers and prospective consumers, and sums which have been or ought to be set aside to the credit of the consumers, in so far as such advances or sums have not been paid over by the licensee to the purchaser ;
- (g) the amounts remaining in Tariffs and Dividends Control Reserve, Contingencies Reserve and the Development Reserve, in so far as such amounts have not been paid over by the licensee to the purchaser.

(6) The State Government shall appoint, by order in writing, a person having adequate knowledge and experience in matter relating to accounts, to be the Special Officer to assess the net purchase-money under this section to the licensee, after making the deductions mentioned in this section.

(7)(a) The Special Officer may call for the assistance of such officers and staff of the State Government or the Haryana State Electricity Board or the licensee, as he may deem fit, in assessing the net purchase-money.

(b) The Special Officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit, in respect of the following matters :—

- (i) enforcing the attendance of any person and examining him on oath ;
- (ii) compelling the production of documents ; and
- (iii) issuing commissions for the examination of witnesses.

licensee to the Board, for energy supplied by the Board before the vesting date ;

- (c) all amounts and arrears of interest, if any, thereon due from the licensee to the State Government or the Haryana State Electricity Board ;
- (d) the amount, if any, equivalent to the loss sustained by the purchaser by reason of property or rights belonging to the undertaking not having been handed over to the purchaser, the amount of such loss being deemed to be the amount by which the market value of such property or rights exceeds the amount payable therefor under this section, together with any income which might have been realised by the purchaser, if the property or rights had been handed over on the vesting date ;
- (e) all sums paid by the consumers by way of security deposit and arrears of interest due thereon on the vesting date, in so far as they have not been paid over by the licensee to the purchaser, less the amounts which according to the books of the licensee are due from the respective consumers to the licensee for energy supplied by him before that date ;
- (f) all advances from consumers and prospective consumers, and sums which have been or ought to be set aside to the credit of the consumers, in so far as such advances or sums have not been paid over by the licensee to the purchaser ;
- (g) the amounts remaining in Tariffs and Dividends Control Reserve, Contingencies Reserve and the Development Reserve, in so far as such amounts have not been paid over by the licensee to the purchaser.

(6) The State Government shall appoint, by order in writing, a person having adequate knowledge and experience in matter relating to accounts, to be the Special Officer to assess the net purchase-money under this section to the licensee, after making the deductions mentioned in this section.

(7)(a) The Special Officer may call for the assistance of such officers and staff of the State Government or the Haryana State Electricity Board or the licensee, as he may deem fit, in assessing the net purchase-money.

(b) The Special Officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit, in respect of the following matters :—

- (i) enforcing the attendance of any person and examining him on oath ;
- (ii) compelling the production of documents ; and
- (iii) issuing commissions for the examination of witnesses.

(c) The Special Officer shall, also have such further powers as may be specified by the State Government by notification in the Official Gazette

(8) Where the gross purchase-money is :—

- (a) equal to the total amount to be deducted under this section, no payment shall be made to the licensee by the purchaser ;
- (b) less than the total amount to be deducted under this section, the difference between the gross purchase-money so payable and the total amount to be deducted shall on a certificate of the Special Officer be recoverable as arrears of land revenue.

(9) Where any amounts not belonging to it have been deducted by the purchaser under clause (c), clause (e), clause (f) or clause (g) of sub-section (5) or recovered under sub-section (8), the liability of the licensee towards the State Government or other bodies or consumers or prospective consumers, as the case may be, shall, to the extent of the deduction and recoveries so made, stand discharged and the purchaser shall in substitution of the licensee become liable towards them to that extent "

5. In section 20 of the principal Act,—

(i) in sub-section (2), for the words "and after giving not less than twenty-four hours notice in writing to the occupier", the words "at any time but in case of residential premises between sunrise and sunset and after informing the occupier of his intention" shall be substituted;

(ii) to sub-section (2), the following proviso shall be added, namely :—

"Provided that sufficient notice shall, in case of residential premises only be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved "

6. After sub-section (1) of section 24 of the principal Act, the following sub-section shall be inserted, namely :—

"(1-A) Where an officer not lower in rank than a Divisional Engineer of the Haryana State Electricity Board, on a personal inspection, is satisfied that any electric supply line or other work which has been cut or disconnected under sub-section (1) by the licensee has been reconnected unauthorisedly by any consumer, then, without prejudice to any action which may be taken under any other provisions of this Act, such officer may, for reasons to be recorded in writing, order that energy shall not be supplied to such consumer for a period, not exceeding one year, as may be specified in such order :

Provided that no such order shall be made unless the consumer has been given an opportunity of being heard against the proposed order."

Amendment of  
section 20 of  
Central Act 9  
of 1910.

Amendment of  
section 24 of  
Central Act 9  
of 1910.

(c) The Special Officer shall, also have such further powers as may be specified by the State Government by notification in the Official Gazette.

(8) Where the gross purchase-money is :—

- (a) equal to the total amount to be deducted under this section, no payment shall be made to the licensee by the purchaser ;
- (b) less than the total amount to be deducted under this section, the difference between the gross purchase-money so payable and the total amount to be deducted shall on a certificate of the Special Officer be recoverable as arrears of land revenue.

(9) Where any amounts not belonging to it have been deducted by the purchaser under clause (c), clause (e), clause (f) or clause (g) of sub-section (5) or recovered under sub-section (8), the liability of the licensee towards the State Government or other bodies or consumers or prospective consumers, as the case may be, shall, to the extent of the deduction and recoveries so made, stand discharged and the purchaser shall in substitution of the licensee become liable towards them to that extent."

5 In section 20 of the principal Act,—

(i) in sub-section (2), for the words "and after giving not less than twenty-four hours notice in writing to the occupier", the words "at any time but in case of residential premises between sunrise and sunset and after informing the occupier of his intention" shall be substituted,

(ii) to sub-section (2), the following proviso shall be added, namely :—

"Provided that sufficient notice shall, in case of residential premises only be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved "

6. After sub-section (1) of section 24 of the principal Act, the following sub-section shall be inserted, namely :—

"(1-A) Where an officer not lower in rank than a Divisional Engineer of the Haryana State Electricity Board, on a personal inspection, is satisfied that any electric supply line or other work which has been cut or disconnected under sub-section (1) by the licensee has been reconnected unauthorisedly by any consumer, then, without prejudice to any action which may be taken under any other provisions of this Act, such officer may, for reasons to be recorded in writing, order that energy shall not be supplied to such consumer for a period, not exceeding one year, as may be specified in such order :

Provided that no such order shall be made unless the consumer has been given an opportunity of being heard against the proposed order."

Amendment of  
section 20 of  
Central Act 9  
of 1910.

Amendment of  
section 24 of  
Central Act 9  
of 1910



7. For section 39 of the principal Act, the following sections shall be substituted, namely :—

“39. **Theft of energy.**—(1) Whoever dishonestly abstracts, consumes or uses any energy shall be punishable with imprisonment for a term which may extend to three years or with fine which shall not be less than five hundred rupees but which may extend to five thousand rupees, or with both and the existence of artificial means, for such abstraction, consumption or use shall be *prima facie* evidence of such dishonest abstraction, consumption or use.

(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of an offence punishable under that sub-section he shall be punishable with imprisonment for the second or subsequent offence for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.

39-A. **Abetment.**—Whoever abets an offence punishable under section 39 shall be punished with the punishment provided for the offence.”

7. (1) Section 44 of the principal Act shall be renumbered as sub-section (1) thereof and in sub-section (1) as so renumbered,—

(i) after clause (a), the following clause shall be inserted, namely :—

“(aa) unauthorisedly reconnects with any electric supply line or other works, being the property of the licensee, through which energy may be supplied, when the said electric supply line or other work has been cut or disconnected; or”;

(ii) for the words “shall be punishable with fine which may extend to five hundred rupees”, the words “shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both” shall be substituted;

(iii) after the words “such connection as is referred to in clause (a)”, the words “or such reconnection as is referred to in clause (aa)” shall be inserted;

(iv) the words “and that the meter, indicator or apparatus, is under the custody or control of the consumer, whether it is his property or not” shall be omitted;

(v) for the words “that such connection, communication, alteration, prevention or improper use”, the words “that such connection, reconnection, communication, alteration, prevention or improper use” shall be substituted.

(2) After sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

“(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of an offence punishable

Substitution of section 39 of Central Act 9 of 1910.

Amendment of section 44 of Central Act 9 of 1910

6. For section 39 of the principal Act, the following sections shall be substituted, namely :—

“39. **Theft of energy.**—(1) Whoever dishonestly abstracts, consumes or uses any energy shall be punishable with imprisonment for a term which may extend to three years or with fine which shall not be less than five hundred rupees but which may extend to five thousand rupees, or with both and the existence of artificial means, for such abstraction, consumption or use shall be *prima facie* evidence of such dishonest abstraction, consumption or use.

(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of an offence punishable under that sub-section he shall be punishable with imprisonment for the second or subsequent offence for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.

39-A. **Abetment.**—Whoever abets an offence punishable under section 39 shall be punished with the punishment provided for the offence.”

7. (1) Section 44 of the principal Act shall be renumbered as sub-section (1) thereof and in sub-section (1) as so renumbered,—

(i) after clause (a), the following clause shall be inserted, namely :—

“(aa) unauthorisedly reconnects with any electric supply line or other works, being the property of the licensee, through which energy may be supplied, when the said electric supply line or other work has been cut or disconnected; or”;

(ii) for the words “shall be punishable with fine which may extend to five hundred rupees”, the words “shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both” shall be substituted;

(iii) after the words “such connection as is referred to in clause (a)”, the words “or such reconnection as is referred to in clause (aa)” shall be inserted;

(iv) the words “and that the meter, indicator or apparatus, is under the custody or control of the consumer, whether it is his property or not” shall be omitted;

(v) for the words “that such connection, communication, alteration, prevention or improper use”, the words “that such connection, reconnection, communication, alteration, prevention or improper use” shall be substituted.

(2) After sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

“(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of an offence punishable

Substitution of section 39 of Central Act 9 of 1910.

Amendment of section 44 of Central Act 9 of 1910.

under that sub-section, he shall be punishable with imprisonment for the second or subsequent offence for a term which shall not be less than three months but which may extend to five years and shall also be liable to fine."

8. After section 44 of the principal Act, the following section shall be inserted, namely :—

"44-A. **Abetment.**—Whoever abets an offence punishable under section 44 shall be punished with the punishment provided for the offence."

9. In section 49 of the principal Act, for the words and figures "sections 39, 40, 44, 45 and 46", the words, figures and letters "sections 39, 39-A, 40, 44, 44-A, 45 and 46" shall be substituted.

10. After section 50 of the principal Act, the following sections shall be inserted, namely :—

"50-A. **Certain offences to be cognizable.**—Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 or section 50, offences under sections 39, 39-A, 44 and 44-A shall be cognizable and non-bailable.

50-B. **Summary trial.**—Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973, any Judicial Magistrate of the First Class, may, if he thinks fit, try any offence under this Act summarily, in accordance with the procedure contained in the said Code."

11. The Indian Electricity (Haryana Amendment) Ordinance, 1986 (Haryana Ordinance No. 7 of 1986), is hereby repealed.

Chandigarh :  
19th February, 1987.

G.L. BATRA,  
Secretary,  
Haryana Vidhan Sabha.

Insertion of section 44-A in Central Act 9 of 1910.

Amendment of section 49 of Central Act 9 of 1910.

Insertion of section 50-A and 50-B in Central Act 9 of 1910.

Repeal.

under that sub-section, he shall be punishable with imprisonment for the second or subsequent offence for a term which shall not be less than three months but which may extend to five years and shall also be liable to fine."

8. After section 44 of the principal Act, the following section shall be inserted, namely :—

"44-A. **Abetment.**—Whoever abets an offence punishable under section 44 shall be punished with the punishment provided for the offence."

9. In section 49 of the principal Act for the words and figures "sections 39, 40, 44, 45 and 46", the words, figures and letters "sections 39, 39-A, 40, 44, 44-A, 45 and 46" shall be substituted.

10. After section 50 of the principal Act, the following sections shall be inserted, namely :—

"50-A. **Certain offences to be cognizable.**—Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 or section 50, offences under sections 39, 39-A, 44 and 44-A shall be cognizable and non-bailable.

50-B. **Summary trial.**—Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973, any Judicial Magistrate of the First Class, may, if he thinks fit, try any offence under this Act summarily, in accordance with the procedure contained in the said Code."

11. The Indian Electricity (Haryana Amendment) Ordinance, 1986 (Haryana Ordinance No. 7 of 1986), is hereby repealed.

Chandigarh :  
19th February, 1987.

G.L. BATRA,  
Secretary,  
Haryana Vidhan Sabha.

Insertion of section 44-A in Central Act 9 of 1910.

Amendment of section 49 of Central Act 9 of 1910.

Insertion of section 50-A and 50-B in Central Act 9 of 1910.

Repeal.

## APPENDIX I

## MOTION IN THE HARYANA LEGISLATIVE ASSEMBLY

"That the Indian Electricity (Haryana Amendment) Bill, 1986 be referred to the Select Committee consisting of the following Members to submit its Report thereon :—

1. Shri Ved Pal, Deputy Speaker
2. Rao Nihal Singh
3. Shri S S. Saini
4. Shri Bhalle Ram
5. Shri Inder Singh Nain
6. Ch. Kanwal Singh
7. Shri Dharambir Gauba
8. Shri Ishwar Singh
9. Shri Jagdish Nehra
10. Bahin Shanti Devi
11. Ch. Shakrulla Khan

## APPENDIX II

**Proceedings of the meeting of the Select Committee on the Indian Electricity (Haryana Amendment) Bill, 1986, held on the 29th December, 1986 at 11 00 A.M. in the Committee Room of the Haryana Vidhan Sabha Secretariat, Chandigarh.**

## PRESENT

- |   |                    |
|---|--------------------|
| 1. Shri Ved Pal, Deputy Speaker   | . . . . . Chairman |
| 2. Shri S.S. Surjewala, Irrigation and Power Minister (Member incharge of the Bill) | Member             |
| 3. Shri S.S. Sami   | .. .. "            |
| 4. Shri Bhalu Ram   | .. .. "            |
| 5. Shri Indar Singh Nam   | .. .. "            |
| 6. Ch Kanwal Singh  | .. .. "            |
| 7. Bahin Shanti Devi  | .. .. "            |

## IRRIGATION AND POWER DEPARTMENT

Shri J P Narang, Joint Secretary

## HARYANA STATE ELECTRICITY BOARD

1. Shri G V Gupta, Chairman
2. Shri S S Dahiya, Under Secretary (Law)

## LAW AND LEGISLATIVE DEPARTMENT

Shri A N Aggarwal, Deputy Legal Remembrancer

## SECRETARIAT

Shri S S Ahlawat, Joint Secretary

**CONSIDERATION OF THE INDIAN ELECTRICITY  
(HARYANA AMENDMENT) BILL, 1986**

The Committee considered the Indian Electricity (Haryana Amendment) Bill, 1986 clause by clause and made the following observations :—

## CLAUSES 1 TO 4

Clauses 1 to 4 were approved without any amendment.

# CLAUSE 5

**SHRI SHAMSHER SINGH SURJEWALA :** This clause relates to inspection of the premises where the check meter is installed to avoid the theft of energy. Mr. Gupta, before we proceed further, would you kindly enlighten the members about the definition of 'theft of energy'.

**SHRI GUPTA :** Sir, Section 39 of the original Act of 1910 reads as under :—

“39. **Theft of Energy.**—Whoever dishonestly abstracts, consumes or uses any energy shall be deemed to have committed theft within the meaning of the Indian Penal Code, 1860 and the existence of artificial means for such abstraction shall be *prima facie* evidence of such dishonest abstraction.”

So far as the definition of 'theft of energy' is concerned we are not going to change this definition. The critical word about the theft of energy is whoever dishonestly abstracts, consumes or uses any energy, which means that the theft will cause wrongful loss to the Board and the wrongful gain to the consumer. I may quote some examples to illustrate the meaning of the word 'theft of energy' Suppose the sanction is for 10 horse power motor but the consumer has installed 15 horse power motor and he is paying only the flat rate. It is definitely theft but at the same time, if there is no flat rate system and the bill is being charged according to the meter, it will not be considered theft

Now take the example of the domestic consumers. The rate of energy for the first 100 units is 50 paise per unit and for another 100 units, it is 60 paise per unit. If the consumer is using energy and he is paying according to this rate, it will not be considered theft because he is not causing any wrongful loss to the Board. Then there will be another case. If you have got a domestic connection but you are running a factory in that premises, the consumer will be causing wrongful loss to the Board because the rate will be charged as per the domestic connection whereas the commercial rate has to be charged. Thus he will be causing wrongful loss to the Board and it will be wrongful gain to the consumer. Therefore, it will also be a theft.

**चौधरी इन्द्र सिंह नैन :** अगर कोई आदमी फैक्टरी में अपनी फैमिली बिठा दे तो रैजिडेंस की डेफिनिशन क्या होगी ?

**श्री गुप्ता :** अगर उसमें परिवार रहता है तो वह भी रैजिडेंस होगा ।

**चौधरी शमशेर सिंह सुरजेवाला :** होना तो यह चाहिए कि डोमेस्टिक कनेक्शन को ही रैजिडेंस माना जाए वरना तो फैक्टरी में परिवार रख कर उसे रैजिडेंस दिखाया जा सकता है ।

श्री गुप्ता : इसमें कोई कन्ट्राडिक्शन नहीं है । एक प्रिमसिज के एक हिस्से में इंडस्ट्री का कनेक्शन हो सकता है और दूसरे हिस्से में डोमैस्टिक कनेक्शन हो सकता है । अगर रैजीडेंस में कोई फैक्टरी चलाता है तब गलत है ।

The Committee approved Clause 5, without any amendment.

#### CLAUSE 6

चौधरी शमशेर सिंह सुरजेवाला : यह क्लॉज 1910 के सैट्रल एक्ट के सैक्शन 24 की सब सैक्शन एक को रिलेट करती है । इस क्लॉज की प्रोविजन इस प्रकार है

“Where an officer not lower in rank than a Divisional Engineer of the Haryana State Electricity Board, on a personal inspection, is satisfied that any electric supply line or other work which has been cut or disconnected under sub-section (1) by the licensee has been reconnected unauthorisedly by any consumer, then, without prejudice to any action which may be taken under any other provisions of this Act, such officer may, for reasons to be recorded in writing, order that energy shall not be supplied to such consumer for a period, not exceeding one year, as may be specified in such order :

Provided that no such order shall be made unless the consumer has been given an opportunity of being heard against the proposed order ”

इस क्लॉज में मेन बात यह है कि अगर कोई डिसकनेक्ट हुए कनेक्शन को बगैर अपने ड्यूज दिए अन-अथोराइज्डली कनेक्ट कर लेता है तो उसको एक साल के लिए दोबारा कनेक्शन नहीं दिया जाएगा ।

श्री कंबल सिंह : इससे पहले क्या प्रोविजन था ।

श्री गुप्ता : सर, अब तक तो प्रोसीजर यह है कि कंज्यूमर जब ड्यूज दे देता है तो उसका कनेक्शन रीकनेक्ट करने के लिए अथोरिटी इशू होती है और यह कनेक्शन बोर्ड के एम्पलाई के द्वारा ही रीकनेक्ट किया जाता है । अगर कोई अपने आप ऐसे कनेक्शन को रीकनेक्ट कर लेता है तो एक्सीयन के आर्डर से वह कनेक्शन कट भी सकता है ।

चौधरी शमशेर सिंह सुरजेवाला : इसमें रिलेवेंट बात तो यह है कि दोबारा कनेक्शन जब कनेक्ट होता है तो उस समय कंज्यूमर ने पेमेंट की होती है या नहीं । अगर पेमेंट हो गई होती है तो वह अपने आप बगैर बोर्ड के एम्पलाई की इन्तजार किए बिना कनेक्शन रीकनेक्ट कर लेता है तो उसमें कोई बड़ी बात नहीं है । लेकिन कंज्यूमर बगैर ड्यूज की पेमेंट के कनेक्शन रीकनेक्ट करता है तो यह आबर्जेशन वाली बात है और वह अन-अथोराइज्ड वे में कनेक्शन रीकनेक्ट करता है । इसमें यह लिखा है कि जहां अन-अथोराइज्ड वे में कनेक्शन रीकनेक्ट होता है वहां डिविजनल इंजीनियर

स्पेशल इन्स्पेक्शन के बाद राइटिंग में रीजंज रिकार्ड करके यह आर्डर कर सकता है कि इस कंज्यूमर को एक साल या उससे कम समय के लिए बिजली सप्लाई नहीं की जाएगी। यह आर्डर भी कंज्यूमर को सुनने के बाद ही पास किया जाएगा।

इसमें पहली बात तो यह है कि जहां कहीं ऐसे अनअथोराइज्ड वे में कनेक्शन रीकनेक्ट हो जाता है तो उसके लिए डिवीजनल इंजीनियर ही क्यों जा कर इन्स्पेक्शन करे और ऐसा आर्डर पास करे। इससे लोअर रैंक का आफिसर भी तो जा कर ऐसे आर्डर पास कर सकता है। इसके अलावा इसमें यह है कि एक साल या उससे कम समय के लिए उसको बिजली सप्लाई नहीं की जाएगी। आजकल के हालात तो यह है कि हम नया कनेक्शन साल दो साल पहले तो दे ही नहीं पाते हैं। इससे अच्छा तो यही प्रोविजन है कि ऐसा डिफाल्टिंग कंज्यूमर दोबारा आ कर अप्लाई करे और अपनी टर्न पर कनेक्शन ले। तीसरी बात इस क्लॉज में यह भी है कि आर्डर पास करने से पहले कंज्यूमर को सुनने की अपचूनिटी दी है। ऐसे क्लियर केसिज में तो सुनने की अपचूनिटी देनी ही नहीं चाहिए।

**श्री गुप्ता :** सर, सबसे पहले मैं 1910 के ओरिजनल एक्ट की सब सैक्शन 1 को पढ़ना चाहूंगा।

It reads as under :—

“Where any person neglects to pay 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 seven 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 purposes 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 reconnecting the supply, are paid, but no longer.

इसमें यह है कि जहां कहीं ड्यूज की पेमेंट नहीं होती तो 7 दिन का क्लियर नोटिस हम लिखित रूप में ऐसे कंज्यूमर को दे कर उसका कनेक्शन डिस्कनेक्ट कर सकते हैं। वह कनेक्शन उतनी देर तक रीकनेक्ट नहीं किया जाता जब तक उसके सारे ड्यूज पेड न हो जाएं।

**चौधरी शमशेर सिंह सुरजेवाला :** बिजली की चोरी करने वाले को पकड़ने के लिए किसी नोटिस की जरूरत नहीं होनी चाहिए। जहां अनअथोराइज्ड वे में कनेक्शन रीकनेक्ट कर लिया जाता है तो वहां बोर्ड का डिवीजनल इंजीनियर या बोर्ड का दूसरा एम्पलाई ही क्यों कोई भी सीटिजन आ कर उसके खिलाफ शिकायत कर सकता है। जैसे किसी की चोरी हो जाए तो उसे एफ0 आई0 आर0 लिखवाने के लिए किसी

अथोरिटी की जरूरत नहीं होती और पुलिस को चोर से चोरी किया हुआ माल रिकवर करने के लिए भी किसी अथोरिटी की जरूरत नहीं होती वैसे ही अनअथोराइज्ड वे मे लिए गए कनेक्शन को काटने में मेरे ख्याल में किसी अथोरिटी की जरूरत नहीं है ,

श्री गुप्ता : सर, सबसे पहले मैं आपकी दो तीन बातों का जवाब देना चाहूंगा। डिबिजनल इंजीनियर की जगह हम सब डिबिजनल इंजीनियर कर सकते हैं। दूसरी बात आपने कही कि कज्यूमर को सुनने की अपचूनिटी नहीं दी जानी चाहिए। इसमें मेरी यह सबमिशन है कि ला आफ नैचुरल जस्टिस के अनुसार तो हमें कज्यूमर को ऐसे आर्डर पास करने से पहले सुनना ही चाहिए।

This is essential safeguard which should be kept. There are two situations. The first situation is where the connection is disconnected for the non-payment of dues. As soon as the dues are paid, the connection is reconnected. The other situation is where the person has reconnected the connection without authority. There are two stages of punishment also. One is plainly disconnecting the connection and after the payment of dues, the connection is reconnected. This relates to the first situation. The second stage of punishment is that even after the payment of dues, the connection is not reconnected for a specified period. This punishment relates to the second situation. Now for the second stage of punishment, an opportunity to represent as to why disconnection is being ordered for a specified period should be there.

After some discussion, the Committee decided to delete clause 6 of the Bill.

#### CLAUSE 7

After some discussion, the Committee approved clause 7 without any amendment.

#### CLAUSES 8 TO 10

Approved.

#### CLAUSE 11

After some discussion, the Committee approved clause 11, without any amendment.

#### CLAUSE 12

Approved.

The Chairman directed that the proceedings of the meeting of the Committee be circulated amongst the members of the Committee.

The Committee desired the Deputy Legal Remembrancer to redraft the bill in the light of the observations of the Committee in consultation with the administrative department to which the Deputy Legal Remembrancer agreed.

The Committee authorised the Chairman to draft, sign and present the Report to the House on its behalf.

(The Committee then adjourned)



1987

©Published under the authority of Haryana Vidhan Sabha and  
printed by the Controller, Printing and Stationery, Haryana Chandigarh.