

The Punjab Electricity (Emergency Powers) Act, 1941

Act 14 of 1941

hl140

Received the assent of His Excellency the Governor General on the 30th April, 1942, and was published in the Punjab Government Gazette Extraordinary, dated 6th May, 1962.

LEGISLATIVE HISTORY 6

Adaptation of Laws Order, 1950

An Act to provide for the protection of the public in cases of emergency.

It is hereby enacted as follows:-

1. Short title. - This Act may be called the Punjab Electricity (Emergency Powers) Act, 1941.

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Statement of Objects and Reasons. - "The object of the Bills is to provide against a situation in which, for one reason or another, the public may be put to grave inconvenience owing to the refusal of a licensee under the Indian Electricity Act, 1910, to maintain a continuous supply of electrical energy for street lighting purposes. A situation of this character arose in Lahore in May, 1934, when owing to a dispute between a private Electric Supply Company and the Municipal Committee, the former threatened to cut off the supply of energy necessary for lighting the streets of the town. Had effect been given to this threat, a serious situation would have arisen. The danger was averted by the issue by the District Magistrate of an order under section 144 of Code of Criminal Procedure; and shortly of the dispute was settled by the parties concerned by reference to arbitration. It is apparent, however, that section 144 of the Code of Criminal Procedure does not equip the authorities with power adequate to deal with situations of this kind in all cases. In the interest of the public it is most necessary that the Government, in the last resort, should be able to assume control of a licensed Electric Supply Undertaking and to provide for the continuance of public street lighting service for a period of six months at a time upto a maximum of two years. This period would be sufficient to enable Government, if necessary, to use its good officers to find a solution of the difficulties which had given rise to the situation on which action had been taken".

Published vide Punjab Government Gazette, Part I, dated the 4th April 1941, page 254.

2. Interpretation. - For the purposes of this Act the expression "public electricity service" shall mean an electric supply undertaking licensed under the provisions of the Indian Electricity Act, 1910, and shall include any establishment ancillary thereto and necessary for its working.

3. Exercise of emergency powers. - (1) If at any time it appears to [State] Government-

- (a) that there is any likelihood of a failure in the continuous supply of a public electricity service or a diminution of such supply and that such failure or diminution will be to the public disadvantage, or
- (b) that there is doubt as to whether the [State] Government or any other person is the owner of public electricity service, or
- (c) that it is expedient, during any period of the transfer of public electricity service to the [State] Government to assume possession and control of such service,

the [State] Government may by order in writing declare its intention of assuming possession and control thereof for and on behalf of such service.

(2) No such order shall be in force for more than six months, without prejudice to the issue of another such order at or before the end of that period:

Provided that the maximum period during which such orders may continue in force at any one time shall not exceed two years from the commencement of the first order.

4. Service. - A copy of the order, duly authenticated, shall be served on the owner or the person in charge for the public electricity service or on any person in charge of any property of which possession or control is to be assumed;

Provided that the [State] Government may, instead of effecting service as aforesaid, cause a copy of order to be posted on some conspicuous part of the registered office of the public electricity service or, if that be not practicable, in some conspicuous place in the area of supply.

5. Effect of service or posting. - When a copy of the order is served or posted in the manner provided by the last preceding section, the possession and control of such public electricity service shall be deemed to vest in the [State] Government notwithstanding any obligation or limitation imposed on such service by virtue of any Act or other instrument determining its functions.

6. Transfer of property. - As soon as may be after the issue of an order under sub-section (1) of section 3, the owner or person in charge of the public electricity service shall make over to the [State] Government or such person as it may direct, all books accounts, documents furniture and all other property, of whatsoever nature or kind, both movable and immovable, belonging to the said service and its possession or control considered necessary by the [State] Government for the purpose of carrying on the work of the company.

7. Power to contract. - (1) During such period as the public electricity service is in the possession and control of the [State] Government the [State] Government shall have power to acquire and hold property, both movable and immovable, and to transfer any property held by it for and on behalf of the public electricity service and to contract and to do all other things necessary for the purposes of its efficient management.

(2) All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by the [State] Government for and on behalf of the public electricity service shall be deemed to have been incurred, entered into or engaged to be done by the said public electricity service.

8. Conditions of service of employees. - (1) All officers and servants in the employment of the public electricity service on the issue of an order under sub-section (1) of section 3, shall subject to their conditions of service, continue to be officers and servants of such service during such period as it is in the possession and control of the [State] Government and the conditions of service, pay and allowances of such officers and servants shall be their existing conditions of service, pay and allowances.

(2) The [State] Government shall exercise all the powers of the public electricity service in respect of all such officers and servants.

9. Accounts. - The [State] Government, or such officer as it may direct, shall keep proper books of account and shall make therein full and proper entries relating to the business or undertaking during such period as the business or undertaking is in the possession and control of the [State] Government.

10. Compensation. - (1) The [State] Government shall award compensation if the public electricity service sustains by reason of the exercise or the failure to exercise any of the powers conferred by this Act.

(2) Any dispute as to whether compensation is payable or as to the amount of any compensation so payable, shall, in default of agreement, be determined by arbitration in accordance with the provisions of the Indian Arbitration Act, 1940.

11. Penalties. - Whoever disobeys or neglects to comply with order passed, direction given or condition prescribed in accordance with the provisions of this Act or impedes the lawful exercise of any power conferred by this Act,

shall be punishable with fine which may extend to one thousand rupees or with imprisonment which may extend to six months, or with both.

12. Bar of jurisdiction. - (1) No civil court shall have jurisdiction to settle, decide or deal with any matter which is by or under this Act, required to be settled, decided or dealt with by the [State] Government.

(2) No suit, prosecution, or other legal proceeding shall lie against any person for anything done or intended to be done under this Act in good faith and with due care and attention.

(3) Nothing in this Act shall be construed to exempt any public electricity service during such period as it is in the possession and control of the [State] Government from its liability on any contract entered into by the said service or by the [State] Government on its behalf.

13. Power to make rules. - (1) The [State] Government may, by notification in the official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

(2) The power to make rules conferred by this section shall, except, on the first occasion of the exercise thereof, be subject to the condition of previous publication.

(3) In making any rule under this section, the [State] Government may provide that a contravention of the rules shall be punishable with a fine which may extend to fifty rupees.