



## The Indian Electricity (Tamil Nadu Amendment) Act, 1980

Act 39 of 1980

**Keyword(s):**

Central Act Amendment, The Indian Electricity Act, 1910

Amendment appended: 33 of 1998

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TAMIL NADU ACT NO. 39 OF 1980.\*

THE INDIAN ELECTRICITY (TAMIL NADU  
AMENDMENT) ACT, 1980.

[Received the assent of the President on the 21st November 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 26th November 1980 (Karthigai 11, Rowthiri-2011-Thiruvalluvar Aandu).]

*An Act further to amend the Indian Electricity Act, 1910 in its application to the State of Tamil Nadu.*

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first year of the Republic of India as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Indian Electricity (Tamil Nadu Amendment) Act, 1980.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of section 20, Central Act IX of 1910.

2. In section 20 of the Indian Electricity Act, 1910 (Central Act IX of 1910) (hereinafter referred to as the principal Act), in sub-section (2),—

(i) in the opening paragraph, for the words “and after giving not less than twenty-four hours’ notice in writing to the occupier”, the words “at any reasonable time between sun rise and sun set, and on informing the occupier of his intention” shall be substituted ;

(ii) after clause (b), the following proviso shall be inserted, namely :—

“ Provided that sufficient notice shall in every case 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. ”

Amendment of section 24, Central Act IX of 1910.

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

“(1-A) Where an officer not lower in rank than a Divisional Engineer of the Tamil Nadu Electricity Board, on a personal inspection, is satisfied that any electric

\* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 1st August 1980, Part IV—Section 1, page 209.

supply line or other works 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 other penalty that may be imposed under section 44 or 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 making his representations.”.

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

Substitution of  
new section  
for section 39  
Central Act  
IX of 1910.

“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 if it is proved that any artificial means or means not authorised by the licensee exist for the abstraction, consumption or use of the energy by the consumer, it shall be presumed, until the contrary is proved, that such abstraction, consumption or use of energy has been dishonestly caused by such consumer.

(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. *Abetments.*—Whoever abets an offence, punishable under section 39 or section 44 shall, notwithstanding anything contained in section 116 of the Indian Penal Code (Central Act XLV of 1860), be punished with punishment provided for the offence.”.

Amendment of  
section 44,  
Central Act  
IX of 1910.

5. In section 44 of the principal Act,—

(1) the said section shall be renumbered as sub-section (1) of that section 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 works has been cut or disconnected under sub-section (1) of section 24 ; 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, alterations, 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 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.”

6. In section 47 of the principal Act, for the words and figures "sections 39 to 46", the words, figures and letter "section 39, section 39-A or sections 40 to 46" shall be substituted. Amendment section 47, Central Act IX of 1910.
7. In section 48 of the principal Act, for the words and figures "sections 39 to 47", the words, figures and letter "section 39, section 39-A or sections 40 to 47" shall be substituted. Amendment section 48, Central Act IX of 1910.
8. In section 49 of the principal Act, for the words and figures "sections 39, 44, 45 and 46", the words, figures and letter "sections 39, 39-A, 44, 45 and 46" shall be substituted. Amendment of section 49, Central Act IX of 1910.
9. After section 50 of the principal Act, the following section shall be inserted, namely :— Insertion of new section 50-A in Central Act IX of 1910.
- "50-A. *Certain offences under the Act to be cognizable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) any offence under section 39, section 39-A or section 44 of this Act shall be deemed to be a cognizable offence within the meaning of that Code."



# TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 614]

CHENNAI, WEDNESDAY, OCTOBER 28, 1998  
Aippasi 12, Vekuthaniya, Thiruvalluvar Aandu—2029

## Part IV — Section 2 Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 15th October 1998 and is hereby published for general information :—

ACT No. 33 OF 1998.

*An Act further to amend the Indian Electricity Act, 1910, in its application to the State of Tamil Nadu.*

Enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Electricity (Tamil Nadu Amendment) Act, 1998.

*Short title, extent and commencement.*

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

*Principal Act IX of 1910.*

2. In section 20 of the Indian Electricity Act, 1910 (hereinafter referred to as the principal Act),—

*Amendment of section 20.*

(1) in sub-section (1),—

(a) in the opening portion, for the expression "at any reasonable time and on informing the occupier of his intention", the expression "at any time between the hours of 6.00 a.m. and 8.00 p.m." shall be substituted;

(b) after clause (c), the following proviso shall be added, namely:—

"Provided that sufficient notice shall in every case 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."

(2) in sub-section (2), in the opening portion, for the expression "at any reasonable time between sun rise and sun set and on informing the occupier of his intention", the expression "at any time between the hours of 6.00 a.m. and 8 00 p.m." shall be substituted.

*Amendment of section 26.*

3. In section 26 of the principal Act, in sub-section (4),—

(1) for the expression “at any reasonable time and on informing the consumer of his intention”, the expression “at any time between the hours of 6.00 a.m. and 8.00 p.m.” shall be substituted;

(2) in the proviso, for the words “Provided that”, the following shall be substituted, namely:—

“Provided that sufficient notice shall in every case 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;

Provided further that”.

*Insertion of new section 50-B.*

4. After section 50-A of the principal Act, the following section shall be inserted, namely:—

“50-B. Power to compound offences.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the State Government or the Tamil Nadu Electricity Board or any other person who is competent to institute prosecution under this Act may accept from any person who has committed or is reasonably suspected of having committed an offence punishable under this Act or the rules made thereunder, by way of composition of such offence,—

(a) if such offence is punishable under section 39 or section 39-A or section 44, a sum of money not exceeding one thousand rupees or twice the rate of tariff payable in respect of the electrical energy involved in such offence, whichever is greater; and

(b) if such offence is punishable under any other provisions of this Act, a sum of money not exceeding one thousand rupees.

(2) On payment of the sum of money specified in sub-section (1), the person concerned, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.

*Explanation.*—For the purpose of this section, “tariff” means the rates of tariff payable to the Tamil Nadu Electricity Board under the Tamil Nadu Revision of Tariff Rates on Supply of Electrical Energy Act, 1978.” Tamil Nadu Act 1 of 1979.

(By order of the Governor)

A. K. RAJAN,  
Secretary to Government. Law Department.