

JOINT SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1921

Indian Electricity Act, 1910

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1921.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks
1.	The Indian Limitation(Amendment) Bill.	17.3.21.	
2.	The Indian Penal Code(Amendment) Bill.	15.9.21.	
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LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Joint Committee to which the Bill further to amend the Indian Electricity Act, 1910, was referred, have considered the Bill and the paper noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Paper No. 1.

From Mr. J. W. Meares, Electrical Adviser to the Government of India, dated 11th May, 1921.

2. *Clause 7.*—We have made a drafting change in the new sub-section to be added to section 20 for the purpose of making it clear that the 24 hours' notice to be given to the consumer before his supply is cut off shall begin to run from the time of the service of the notice.

Clause 8.—We are of opinion that the Local Government's power to sanction the making or the revocation of conditions to be operative between the licensee and the consumer, and its power to cancel such conditions, provided for in section 21 as amended by the Bill, should be exercised after it has consulted the local authority in cases where the licensee is not the local authority. We have made certain amendments to give effect to this.

Clause 9.—The amendment we propose in new sub-section (4) to be added to section 23 has been made as the result of an opinion contained in a letter from Mr. J. W. Meares, Electrical Adviser to the Government of India, which has been printed as a paper to the Bill. In suggesting the addition of a new sub-clause (b) containing the words "the power factor of his load" Mr. Meares says: "In continuous current systems the power factor is unity and the words do not in any way affect the situation. In alternating current systems two consumers may use energy at the same rate for the same time, and yet one may have a power factor of unity and the other of 0.7. The cost of supplying the latter is very much higher as the idle or 'wattless' current involves larger mains, larger generators, and worse regulation."

Clause 12.—In the addition to be made to the third proviso to section 27, we have provided that the Local Government may make an inquiry before it comes to the conclusion that the consent referred to in the proviso has been unreasonably withheld.

Clause 17.—We have made a slight addition here to make it clear that the Government will have power to refer classes of appeal to an Advisory Board by a general order.

Clause 19.—We have given due consideration to representations laid before us that section 39 of the Act makes it very difficult to obtain convictions in cases of theft of energy, but by a majority we are of opinion that the amendment which clause 19 of the Bill would introduce goes too far, and we have, therefore, omitted this clause, and re-numbered the following clauses.

Clause 20.—We have substituted "five hundred" and "fifty" for "one thousand" and "one hundred", respectively, in the amounts of the fines which may be imposed under section 44. We consider that the fines proposed by the Bill were unnecessarily high.

Clause 25.—It has been pointed out that, under clause VI of the Schedule the licensee has to supply energy within one month or such longer period as the Electric Inspector may allow. Under clause VII as amended by clause 25 of the Bill, one month's notice must be given before a service line is laid in a street in which there is no distributing main. These two provisions are not entirely consistent. We have, therefore, substituted "twenty-one days" for "one month" in clause VII. We have also substituted "five or more" for "two or more" in the same clause of the Schedule in order to make it consistent with clause V.

We have made a few other changes of a purely drafting nature.

Mr. J. W. Meares, Electrical Adviser to the Government of India, attended the proceedings of the Committee throughout, and we should like to take this opportunity of acknowledging the great assistance we have received from his evidence on highly technical matters.

3. The Bill was published in the Gazette of India, dated the 19th March, 1921.

4. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

A. C. CHATTERJEE.

ALEXANDER R. MURRAY.

M. B. DADABHOY.

H. MONCRIEFF SMITH.

A. H. FROOM.*

JOGENDRA SINGH.

P. P. GINWALA.

T. RANGACHARIAR.

JOGENDRANATH MUKHERJEE.

VITHALDAS D. THACKERSEY.*

The 18th September 1921.

* Subject to my minute of dissent.

MINUTES OF DISSSENT.

I am of opinion that Section VI (1) of the Schedule should stand as in the existing Act. This Section is meant to apply to requisitions for supply to owners or occupiers within 100 yards of the distributing main of the Licensee, while Section V is meant for the owners of the premises where the distributing mains have not been laid. By substituting the words "within the area of supply" for the words "within 100 yards from any distributing main," the original object of Section VI disappears and its object becomes practically the same as of Section V, and inconsistencies arise, in the following respects.

Section V requires a requisition by six or more owners to compel the Licensee to take the main while Section VI would require only one owner to compel the Licensee to lay the main.

Section V gives six months' time while Section VI would give only one month's time.

Under Section V, no requisition can be made until after the expiration of 2½ years from the commencement of the License while under the amended Section VI, such application can be made by one owner even on the day of the commencement of the License.

All these inconsistencies arise because the original object of Section VI is done away with by the proposed amendment.

VITHALDAS D. THACKERSBY,—18-9-21.

In signing this report I reserve to myself the right to move an amendment with reference to the decision to omit clause 19 of the Bill as introduced.

A. H. FROOM,—18-9-21.

[Words printed in italics indicate the amendments suggested by the Joint Committee.]

A

BILL

*Further to amend the Indian Electricity Act,
1910.*

WHEREAS it is expedient further to amend the Indian Electricity Act, 1910; It is hereby enacted **IX of 1910.**
as follows:—

1. This Act may be called the Indian Electricity (Amendment) Act, 1921.
Short title.

2. For clause (1) of section 2 of the Indian Electricity Act, 1910 **IX of 1910.**
Amendment of section 2, Act IX of 1910 (hereinafter referred to as the said Act), the following shall be substituted, namely:—

“(1) ‘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.”

3. In sub-clause (ii) of clause (a) of sub-section (2) of section 3 of the said Act, for the words “General Officer Commanding the Division,” the words “Director of Military Works” shall be substituted.
Amendment of section 3, Act IX of 1910.

4. In section 17 of the said Act,—

Amendment of section 17, Act IX of 1910.

(a) in sub-section (1), for the words “not being service lines immediately attached or intended to be immediately attached to a distributing main,” the words “not being either service lines” shall be substituted; and

(b) in sub-section (2), after the word “laying,” the words “or placing” shall be inserted, and the words “underground” and “immediately attached or intended to be immediately attached to a distributing main” shall be omitted.

5. In section 18 of the said Act,—

Amendment of section 18, Act IX of 1910.

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(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 or, in a Presidency-town or Rangoon, the Commissioner of Police, may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit"; and

(b) after sub-section (4), the following *Explanation* shall be added, namely:—

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

6. After section 19 of the said Act, the following section shall be inserted under the heading "*Supply*," namely:—

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."

7. In section 20 of the said Act, —

Amendment of section 20, Act IX of 1910.

(a) in clause (c) of sub-section (1), after the word "supply-lines," the word "meters," shall be inserted; and

(b) after sub-section (2), the following sub-section shall be added, namely:—

"(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."

8. In section 21 of the said Act, sub-section (2) shall be re-numbered (4), and after sub-section (1), the following sub-sections shall be inserted, namely:—

"(2) Subject to the provisions of sub-section (1), a licensee may, with the previous sanction of the Local 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 licence 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:

Provided that any such conditions made before the.....*day of192...shall, if sanctioned by the Local Government on application made by the licensee before such date as the Local Government may, by general or special order, fix in this behalf, be deemed to have been made in accordance with the provisions of this sub-section.

(3) The Local 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."

9. To section 23 of the said Act, the following Amendment of section 23, Act IX of 1910. sub-sections shall be added, namely :—

"(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
- (b) by the electrical quantity contained in the supply, or
- (c) by such other method as may be approved by the Local 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
- (d) the hours at which the supply of energy is required."

10. In section 24 of the said Act,—

Amendment of section 24, Act IX of 1910.

(a) the first paragraph ending with the words "but no longer" shall be re-numbered as sub-section (1), and, in that sub-section as re-numbered, for the words "other sum" *where they first occur*, the words "sum, other than a charge for energy," shall be substituted ; and

(b) the proviso shall be re-numbered sub-section (2), and, in that sub-section as re-numbered, the words "Provided that" shall be omitted, and to the sub-section the following proviso shall be added, namely :—

"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 further charges for energy as they accrue, and the consumer has failed to comply with such request."

* The date to be filled in will be the date of the passing of the Bill.

11. In sub-section (6) of section 26 of the said Amendment of section 26, Act IX of 1910. Act, the words "on the basis of the previous supply" shall be omitted, and to the sub-section the following proviso shall be added, namely :—

" 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."

12. To the third proviso to section 27 of the Amendment of section 27, Act IX of 1910. said Act, the following shall be added, namely :—

" unless the Local Government, *after such inquiry as it thinks fit*, considers that such consent has been unreasonably withheld "

13. In sub-section (1) of section 28 of the said Amendment of section 28, Act IX of 1910. Act, the first proviso and the word "also" in the second proviso shall be omitted.

14. In clause (b) of sub-section (1) of section 30 of the said Act,— Amendment of section 30, Act IX of 1910.

(a) in sub-clause (i) for the figures "1881" the figures "1911" shall be substituted; and

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

" or

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

15. For sub-section (1) of section 33 of the Amendment of section 33, Act IX of 1910. said Act, the following sub-section shall be substituted, namely :—

" (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 Local Government may, by general or special order, direct."

16. In section 35 of the said Act, sub-section Amendment of section 35, Act IX of 1910. (3) shall be omitted, and sub-section (4) shall be re-numbered (3), and in sub-section (3) as re-numbered, clauses (a), (b) and (c) shall be re-numbered (b), (c) and (d), respectively, and the following shall be inserted as clause (a), namely :—

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

17. To sub-section (5) of section 36 of the said Act, the words "or, if the Governor General in Council or the Local Government, as the case may be, by *general or special order*, so directs, to an Advisory Board" shall be added.

18. In section 37 of the said Act,—

Amendment of section 37, Act IX of 1910.

(a) in clause (j) of sub-section (2), the word "and" at the end shall be omitted, and after clause (k) of the same sub-section, the following shall be inserted, namely:—

"and

(l) provide for any matter which is to be or may be prescribed"; and

(b) sub-section (3) shall be re-numbered (4), and the following sub-section shall be inserted after sub-section (2), namely:—

"(3) Any rules made in pursuance of clause (f) or clause (k) of sub-section (2) shall be binding on the Crown."

19. In section 44 of the said Act,—

Amendment of section 44, Act IX of 1910.

(a) for the words "three hundred" and "thirty," the words "*five hundred*" and "*fifty*," respectively, shall be substituted;

(b) for the words "the existence of artificial means," the words "if it is proved that any artificial means exist" shall be substituted;

(c) for the words "shall, where", the words "and that" shall be substituted; and

(d) for the words "be *prima facie* evidence," the words "it shall be presumed, until the contrary is proved," shall be substituted.

20. In section 51 of the said Act, for the words

Amendment of section 51, Act IX of 1910.

be substituted.

"Governor General in Council" in both places where they occur, the words "Local Government" shall

21. In clause (a) of sub-section (1) of section 53 of the said Act, for the words "the Secretary in the Public Works Department,"

Amendment of section 53, Act IX of 1910.

the words "such officer as the Governor General in Council or the Local Government, as the case may be, may designate in this behalf" shall be substituted.

22. In section 55 of the said Act, after the word and figures "section

Amendment of section 55, Act IX of 1910.

18," the words, figures and brackets "or section 34, sub-section (2)" shall be inserted.

23. In sub-clause (1) of clause VI of the Schedule to the said Act,—
 Amendment of clause VI of the Schedule to Act IX of 1910.

(a) for the words "one hundred yards from any distributing main," the words "the area of supply" shall be substituted;

(b) after the words "within one month from the making of the requisition," the words "or within such longer period as the Electric Inspector may allow" shall be inserted; and

(c) to clause (d) of the second proviso, the following words shall be added, namely:—

"but the licensee shall re-connect the supply with all reasonable speed on the cessation of the act or default or both, as the case may be, which entitled him to discontinue it."

24. For clause VII of the Schedule to the said Act, the following shall be substituted, namely:—
 Substitution of new clause VII of the Schedule to Act IX of 1910.

"VII. The licensee shall, before commencing to lay down or place a service line in any street in which a distributing main has not already been laid down or placed, serve upon the local authority (if any) and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the service line so to be laid down or placed *twenty-one days'* notice stating that the licensee intends to lay down or place a service line, and intimating that, if within the said period the local authority or any *five* or more of such owners or occupiers require, in accordance with the provisions of the licence, that a supply shall be given for any public lamps or to their premises, as the case may be, the necessary distributing main will be laid down or placed by the licensee at the same time as the service line."

25. In sub-clause (1) of clause VIII of the Schedule to the said Act, for the words "distance of one hundred yards from any distributing main," the words "area of supply" shall be substituted.
 Amendment of clause VIII of Schedule to Act IX of 1910.

26. In clause X of the Schedule to the said Act,—
 Amendment of clause X of Schedule to Act IX of 1910.

(a) the first part of the clause up to and including sub-clause (c) shall be omitted;

(b) the first proviso shall be re-numbered sub-clause (1), and in that sub-clause as re-numbered—

(i) the words "Provided, first, that" shall be omitted, and

(ii) for the words "so approved by the Local Government," the words, figures and brackets "approved by the Local Government in accordance

with section 23, sub-section (3), clause (c), of the Indian Electricity Act, 1910" shall be substituted; IX of 1910.

(c) the second proviso shall be re-numbered sub-clause (2), and from that sub-clause as re-numbered the words "Provided, secondly, that" shall be omitted; and

(d) the third proviso shall be re-numbered sub-clause (3), and from that sub-clause as re-numbered the words "Provided, thirdly, that," shall be omitted.

27. In the first proviso to clause XI of the Schedule to the said Act,—

Amendment of clause XI of Schedule to Act IX of 1910.

(a) the words "or is satisfied" shall be omitted; and

(b) for the words "may, after such inquiry (if any) as it thinks fit, make an order accordingly," the following shall be substituted, namely:—

"shall refer the matter to an Advisory Board and, if the Board recommends any alteration, may make an order in accordance with such recommendation."

28. After clause XI of the Schedule to the said Act, the following clause shall be inserted, namely:—

Insertion of new clause XIA in Schedule to Act IX of 1910.

"XIA. A licensee may charge a consumer a minimum charge for energy of such amount and determined in such manner as may be specified by his licence, and such minimum charge shall be payable notwithstanding that no energy has been used by the consumer during the period for which such minimum charge is made."

29. In clause XVI of the Schedule to the said Act,—

Amendment of clause XVI of Schedule to Act IX of 1910.

(a) in sub-clause (1) for the words "and the approximate height above or depth," the words "and, in the case of underground works, the approximate depth" shall be substituted;

(b) for sub-clause (2), the following shall be substituted, namely:—

"(2) Every such plan shall be drawn to such scale as the Local Government may require: provided that no scale shall be required unless maps of the locality on that scale are for the time being available to the public"; and

(c) for sub-clause (3), the following shall be substituted, namely:—

"(3) Every such section shall be drawn to horizontal and vertical scales which shall be such as the Local Government may require."

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT.

Report of the Joint Committee on the
Bill further to amend the Indian
Electricity Act, 1910.

(Bill as amended.)