

Electricity Act, 1910

Section 39 - THEFT OF ENERGY Whoever dishonestly abstracts, consume: or uses any energy shall be punishable with imprisonment for a

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 mean 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 Sec. 39 or Sec. 44, shall, notwithstanding anything contained in Sec. 116 of the Indian Penal Code (45 of 1860), be punished with punishment provided for the offence". (T.N. Act 39 of 1980. Sec. 4). Uttar Pradesh.-Substitute the following for Sec. 39 of the Act 1910: "39. Penalty for theft of energy.-(1) Whoever dishonestly abstracts, consumes, uses or draws or abets or attempts such dishonest abstraction, consumption, use or drawly of any energy- (a) otherwise than through a meter referred to in Sec. 26; or (b) by tampering with such meter or its seals, or apparatus, or circuits; or (c) by obstructing or interfering in the functioning of such meter; or (d) by manipulating change of phase of the electric supply lines; or (e) by manipulating any meter, indicator or apparatus referred to in sub-section (7) of Sec. 26; or (f) from a disconnected connection; or (g) by any other means whatsoever shall be punished with fine and shall also be liable to imprisonment for a term which may extend to three years: Provided that in a case where the load abstracted, consumed, used or drawn or abetted or attempted to be abstracted, consumed, used or drawn- (a) does not exceed 7.46 kilowatt, the fine imposed on first conviction shall not be less than Rs. 500 and in the event of second or subsequent conviction the fine imposed shall not be less than Rs. 2,000; (b) exceeds 7.46 kilowatt, the fine imposed on first conviction shall not be less than Rs. 2,000 and in the event of second or subsequent conviction the sentence shall be imprisonment for a term not less than 6 months with fine not less than Rs. 10,000. (2) The existence of any means for such abstraction, consumption, use or drawal shall be prima facie evidence of such dishonest abstraction, consumption, use or drawal of energy or, as the case may be, an attempt therefore. (3) Without prejudice to the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure where a licensee or any person authorised by it has reason to believe that any offence under sub-section (1) has been, or is being or is about to be committed in any premises, vehicle, vessel or other place, he may with such assistance, if any, as he thinks fit, at any time: (a) enter, inspect and search such premises, vehicle, vessel or other place and may use such minimum force as may be necessary for the purpose; (b) seize any means referred to in sub-section (2) which may be found in such premises, vehicle, vessel or other place; (c) require the owner, occupier or any other person in charge of such premises, vehicle vessel or other place to produce any books of accounts or other document or furnish such information as may, in his opinion, be useful for or relevant to any proceedings in respect of the offence under sub-section (1); (d) examine or seize any books of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of the offence under sub-section (1) and allow the person from whose custody such books of account, or documents are seized to make copies thereof or take extracts there from in his presence." (U.P. Act 8 of 1986. Sec. 2. w.e.f. 4th January, 1986).