

Electricity Act, 1910

Section 43 - PENALTY FOR ILLEGAL TRANSMISSION OR USE OF ENERGY -Whoever, in contravention of the provisions of Sec. 30-, transmits

a) connects any meter referred to in Sec. 26-, sub-section (1). or any meter, indicator or apparatus referred to in Sec. 26-. sub-section (7), with any electric supply-line through which energy is supplied by a licensee, or disconnects the same from any such electric supply-line¹⁵⁰ [* * *] ; or ¹⁵¹[(aa) unauthorisedly re-connect any meter referred to in sub- section (1) of Sec. 26-, or any meter, indicator or apparatus referred to in sub-section (7) of Sec. 26-, 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 or have been cut or disconnected under sub-section (1) of Sec. 24-; or]; (b) lays, or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licen- see¹⁵²[* * *]; or (c) maliciously injures any meter referred to in Sec. 26-, sub-section (1), or any meter, indicator or apparatus referred to in Sec. 26-, sub-section (7), or willfully or fraudulently alters the index of any such meter, indicator or apparatus, or prevents any such meter, indicator or apparatus from duly registering; or (d) improperly uses the energy of a licensee; ¹⁵³[shall be punishable with imprisonment for a term which extend to three years, or with fine which may extend to five thousand rupees, or with both], and, in the case of a continuing offence, with a daily fine which may extend to¹⁵⁴[fifty] rupees; and¹⁵⁵[if it is proved that any artificial means exist] for making such connection as is referred to in Cl. (a)¹⁵⁶[or such re-connection as is referred to in Cl. (aa),] or such communication as is referred to in Cl. (b), or for causing such alteration or prevention as is referred to in Cl. (c), or for facilitating such improper use as is referred to in Cl. (d),¹⁵⁵[and that] the meter, indicator or apparatus is under the custody or control of the consumer, whether it is his property or not,¹⁵⁷[it shall be presumed, until the contrary is proved,]¹⁵³[that such connection, reconnection. communication,] alteration, prevention or improper use, as the case may be, has been knowingly and willfully caused by such consumer. STATE AMENDMENTS Tamil Nadu.- In Sec. 44 of the Act of 1910: (1) the said section shall be re-numbered as sub-section (1) of that section and in sub-section (1) as so renumbered,- (i) after Cl. (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 Sec. 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 Cl. (a)", the words "or such reconnection as is referred to in Cl. (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 re-numbered, the following sub-section shall be inserted, namely: "(2) If any person having been convicted of an offence punish- able 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 be not be less than three months but which may extend to five years and shall also be liable to fine."-(T.N. Act 39 of 1980, Sec. 5.). Uttar Pradesh.-In Sec. 44 of the Act of 1910, insert the following after Cl. (d), namely: "(e) abets or attempts any of the Acts referred to in the preceding clause:"-[U.P. Act 8 of 1986, Sec. 4, w.e.f. 4th January, 1986.]