

ASSAM ACT IX OF 1947

THE ASSAM ELECTRICITY CONTROL (EMERGENCY POWERS) ACT, 1947

(Passed by the Assam Legislature)

[Received the assent of the Governor General on the 11th April 1947.]

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An Act to provide for the continuance of control in respect of production, distribution, use and consumption of electrical energy

WHEREAS it is expedient to provide for the continuance of the control heretofore exercised in respect of production, distribution, use and consumption of electrical energy.

It is hereby enacted as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act shall be called the Assam Electricity Control (Emergency Powers) Act, 1947.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

Control of
production,
distribution,
use and con-
sumption of
electrical
energy.

2. The Provincial Government, so far as it appears to it to be necessary or expedient for maintaining supplies and services essential to the life of the community, may by order provide for—

(a) regulating or prohibiting the production, distribution, use or consumption of electrical energy ; and

(b) any incidental and supplementary matter which it thinks it expedient for the purposes of any such order to provide, including the grant of permits and other documents.

Continuance
of existing
orders.

3. Notwithstanding the expiry of sub-rule (2) of rule 81 of the Defence of India Rules, any order regulating or prohibiting the production, distribution, use or consumption of electrical energy issued under the aforesaid sub-rule before the commencement of this Act and in force in any area immediately before such commencement, shall continue to be in force in such area and be deemed to be an order made by the Provincial Government under section 2.

Penalty for
contraven-
tion of order.

4. If any person contravenes any order made or deemed to be made under section 2 he shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both.

Savings.

5. The expiration of rule 81 of the Defence of India Rules shall not affect anything done under that rule or any obligation or liability incurred under any order made under that rule, or affect any penalty or punishment in respect of any contravention of any such order or any investigation or legal proceeding in respect of any such obligation, liability, penalty or punishment as aforesaid ; and any such investigation or legal proceeding may be instituted or continued and any such penalty or punishment may be imposed as if the said rule 81 had not expired.

[Price 1 anna or 1d.]

Effect of order inconsistent with other enactments. 6. Any order made or deemed to be made under section 2 shall have effect notwithstanding anything inconsistent therewith contained in the Indian Electricity Act, 1910, or any other enactment (other than this Act) or in any instrument having effect by virtue of any enactment other than this Act. Act IX of 1910.

Delegation of powers. 7. The Provincial Government may by order direct that any power conferred on it by section 2 shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised by any officer or authority subordinate to it.

Saving as to orders. 8. (1) No order made or deemed to be made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority. Act I of 1872

Protection of action taken under this Act. 9. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made or deemed to be made thereunder.

(2) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made or deemed to be made thereunder.