

THE INDIAN ELECTRICITY ACT (III OF 1903).

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THE SCHEDULE.

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ACT NO. III OF 1903.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th
March, 1903.)

An Act to make better provision for facilitating and regulating the supply and use of electrical energy for lighting and other purposes.

WHEREAS it is expedient to make better provision for facilitating and regulating the supply and use of electrical energy for lighting and other purposes ;
It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian Electricity Act, 1903.

(2) It extends to the whole of British India, inclusive of British Baluchistan and the Santhal Parganas ; and

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct in this behalf.

Definitions.

2. In this Act, expressions defined in the Indian Telegraph Act, 1885, have the meanings assigned to them in that Act, and, unless there is anything repugnant in the subject or context,—

(a) "aërial line" means any electric supply-line which is placed above ground and in the open air :

(b) the expression "area of supply" means the area within which alone a licensee is for the time being authorized to supply energy :

(c) "consumer"

(Part I.—Preliminary.—Section 2.)

- (c) "consumer" means any person supplied, or entitled to be supplied, with energy by a licensee:
- (d) the expression "consumer's terminals" means the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines:
- (e) "daily fine" means a fine for each day on which an offence is continued after conviction therefor:
- (f) "distributing main" means the portion of any main which is used for transmitting energy to service lines for the purposes of general supply:
- (g) "electric supply-line" means a wire, conductor or other means used for conveying, transmitting or distributing energy for any purpose, together with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of so conveying, transmitting or distributing such energy:
- (h) "electrical power" means the rate per unit of time at which energy is supplied:
- (i) "energy" means electrical energy expended at a rate greater than twenty-five watts:
- (j) "general supply" means the general supply of energy to ordinary consumers, and includes, in the absence of a special agreement to the contrary with the Government or with a local authority, the general supply of energy for public lamps, but does not include the supply of energy to particular consumers under special agreements:
- (k) "licensee" means any person licensed under Part II to supply energy:
- (l) "main"

(Part II.—Supply of Energy to the Public.—Section 3.)

- (l) "main" means any electric supply-line which is laid by a licensee in any street and through which energy may be supplied, or is intended to be supplied, by the licensee for the purpose of general supply :
- (m) "plan" includes a section :
- (n) "purpose" includes any purpose except the transmission of a message :
- (o) "service line" means any electric supply-line through which energy may be supplied, or is intended to be supplied, by a licensee to a consumer either from a main or directly from the licensee's premises :
- (p) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway : and
- (q) the expression "works" includes electric supply-lines and any buildings, machinery or apparatus required to supply energy and to carry into effect the objects of a licensee.

PART II.

SUPPLY OF ENERGY TO THE PUBLIC.

Supply of
energy for
traction or to
the public for
any purpose
to be licensed.

3. (1) No person shall supply energy for electric traction or to the public for any purpose except under, and in accordance with the terms and conditions of, a license granted by the Local Government under this Part :

Provided that nothing in this section shall apply to any railway or tramway subject to the provisions of the Indian Railways Act, 1890.

IX of 1890.

(2) Where any difference or dispute arises as to whether energy is or is not supplied or to be supplied for

(Part II.—Supply of Energy to the Public.—Section 4.)

for electric traction or to the public for any purpose within the meaning of sub-section (1), the matter shall be referred to the Local Government, and the decision of the Local Government thereon shall be final.

4. (1) The Local Government may grant a license to any person to supply energy for any purpose in any specified local area, and also to lay down electric supply-lines for the conveyance and transmission of energy from a generating station situated outside such specified local area to the boundary of such specified local area in any case in which the energy to be supplied is to be generated outside such specified local area; and in respect of every such license and the grant thereof the following provisions shall have effect, namely :—

Grant and
revocation
of licenses.

(a) Before granting a license under this Part the Local Government shall consult every local authority concerned, and, where such local authority advances any objection to the grant of a license, the Local Government shall take such objection into consideration and, if in its opinion it is insufficient, shall record in writing and communicate to such local authority its reasons for such opinion.

(b) Any person applying for a license under this Part shall publish a notice of his application in such manner and with such particulars as the Governor General in Council may by rule direct, and no such license shall be granted until three months from the date of the first publication of such notice as aforesaid have expired and until all representations or objections received by the Local Government within that period with reference thereto have been considered by it.

(c) No

(Part II.—Supply of Energy to the Public.—Section 4.)

- (c) No application for a license under this Part shall be made by any local authority except in pursuance of a resolution passed at a meeting of such authority held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given.
- (d) A license under this Part may prescribe such terms as to the limits within which, and the conditions under which, the supply of energy is to be compulsory or permissive, and as to the limits of price to be charged in respect of the supply of energy, and generally as to such other matters as the Local Government may think fit.
- (e) The grant of a license under this Part for any purpose shall not in any way hinder or restrict the grant of another license to another person within the same area of supply for a like purpose.
- (f) The provisions contained in the Schedule shall be deemed to be incorporated with, and to form part of, every license granted under this Part, save in so far as they are expressly added to, varied or excepted by the license, and shall, subject to such additions, variations or exceptions (if any) which the Local Government, with the previous sanction of the Governor General in Council, is hereby empowered to make, apply to the undertaking authorized by the license, and shall be binding in like manner and to the same extent as if enacted in this Act.
- (2) The Local Government may, if in its opinion the public interest so requires, revoke a license, as to the
- the

(Part II.—Supply of Energy to the Public.—Section 4.)

the whole or any part of the area of supply, in any of the following cases, namely:—

- (a) where the licensee, in the opinion of the Local Government, makes wilful and unreasonably prolonged default in doing anything required of him by or under this Act;
- (b) where the licensee breaks any of the terms or conditions of his license the breach of which is expressly declared by such license to render it liable to revocation;
- (c) where the licensee not being a local authority fails, within a period of six months after the date of his license or such further period as the Local Government may determine and before exercising any of the powers conferred on him thereby in relation to the execution of works, to show, to the satisfaction of the Local Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his license, or fails to make the deposit or furnish the security required by his license;
- (d) where the licensee is, in the opinion of the Local Government, unable, by reason of his insolvency, fully and efficiently to discharge the duties and obligations imposed on him by his license;
- (e) where the licensee, not being a local authority, shows, to the satisfaction of the Local Government, at any time after the commencement of his license, that his undertaking cannot be carried on with profit and ought to be abandoned;
- (f) where the licensee supplies energy by means of some system not approved by the Local Government;
- (g) in

(Part II.—Supply of Energy to the Public.—Section 5.)

- (g) in any other case, with the consent of the licensee and, if the licensee is not a local authority, with that of the local authority (if any) concerned, and upon such terms and conditions as it thinks just :

Provided that the Local Government shall not revoke the license as to part only of the area of supply if the licensee represents that he desires to be relieved of his liabilities in respect of the whole.

(3) Where the Local Government might, under sub-section (2), revoke a license, it may, instead of revoking the license, permit it to remain in force subject to such further terms and conditions as it thinks fit, and any further terms or conditions shall be binding upon, and be observed by, the licensee, and shall be of like force and effect as if they were contained in the license.

Provisions
where license
of licensee,
not being a
local authori-
ty, is revoked.

5. Where the Local Government revokes the license of any licensee, not being a local authority, as to the whole or any part of the area of supply, the following provisions shall have effect, namely :—

- (a) The Local Government shall serve a notice of the revocation upon the licensee and upon any local authority concerned, and shall in the notice fix a date on which the revocation shall take effect, and on and with effect from that date all the powers and liabilities of the licensee under this Act shall absolutely cease and determine.
- (b) Within one month after the service of such notice as aforesaid any local authority concerned may, if the Local Government has intimated to the local authority that it is at liberty so to do, by notice in writing, require the licensee to sell, and thereupon the licensee shall sell, to the local authority the undertaking or such part thereof as is carried on within the area for which

(Part II.—Supply of Energy to the Public.—Section 5.)

which it is constituted, on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purpose of the undertaking or such part thereof as aforesaid, such value to be, in case of difference or dispute, determined by arbitration :

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, and, where a part only of the undertaking is purchased, to any loss occasioned by severance, but without any addition in respect of compulsory purchase or of good will or of any profits which may be or might have been made from the undertaking, or of any similar considerations.

- (c) Where no purchase has been effected by a local authority under clause (b), and any other person is willing to purchase the undertaking or such part of it as aforesaid, the Local Government may, if it thinks fit, with the consent of the licensee, or without the consent of the licensee in case the price is not less than that for which the local authority might have purchased the same, require the licensee to sell, and thereupon the licensee shall sell, to such other person the undertaking or such part thereof as aforesaid.

(d) Where

(Part II.—Supply of Energy to the Public.—Section 5.)

- (d) Where a purchase has been effected under clause (b) or clause (c), the undertaking, or such part thereof as aforesaid, shall vest in the purchasers free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking; and the revocation of the license shall extend only to the revocation of the rights, powers, authorities, duties and obligations of the licensee from whom the undertaking, or such part thereof as aforesaid, is purchased, and, save as aforesaid, the license shall remain in full force, and the purchaser shall be deemed to be the licensee.
- (e) Where no purchase has been effected under clause (b) or clause (c), the Local Government shall have the option of purchasing the undertaking, or such part thereof as aforesaid, and, if the Local Government elects to purchase, the licensee shall sell the undertaking or part thereof to the Local Government upon terms and conditions similar to those set forth in clauses (b) and (d), save that where the Local Government is the purchaser the license shall, in so far as the Local Government is concerned, cease to have any further operation.
- (f) Where no purchase has been effected under any of the foregoing clauses, the Local Government may forthwith cause the works of the licensee to be removed and the street to be reinstated and recover the cost of such removal and reinstatement from the licensee.
- (g) If the licensee has been required to sell the undertaking or any part thereof, and if the sale has not been completed by the date
fixed

(Part II.—Supply of Energy to the Public.—Sections 6-7.)

fixed in the notice issued under clause (a), the purchaser may, with the previous sanction of the Local Government, work the undertaking or such part thereof pending the completion of the sale.

6. Where the Local Government revokes the license of a local authority as to the whole or any part of the area of supply, it may forthwith cause the works of the licensee to be removed and the street to be reinstated, and recover the cost of such removal and reinstatement from the licensee.

Provisions where license of local authority is revoked.

7. (1) Where a license has been granted, a local authority shall, on the expiration of such period, not exceeding forty-two years, and of every such subsequent period, not exceeding ten years, as shall be specified in this behalf in the license, have the option of purchasing such portion of the undertaking as is in the area for which it is constituted, and, if the local authority, with the previous sanction of the Local Government, elects to purchase, the licensee shall sell the undertaking or part thereof to it upon terms and conditions similar to those set forth in section 5, clauses (b) and (d).

Purchase of undertaking.

(2) In any such case as aforesaid, if a local authority does not elect to purchase, the Local Government shall have the like option upon the like terms and conditions save that where the Local Government purchases the undertaking or any part thereof under such option the license shall, in so far as the Local Government is concerned, cease to have any further operation.

(3) Where, in exercise of the option conferred by sub-section (1), a local authority has elected to purchase the portion of the undertaking which is within the area for which it is constituted, the Local Government shall have the like option upon the like terms and conditions in respect to any portion of the undertaking which is without such area.

(4) Not

(Part II.—*Supply of Energy to the Public.*—Sections 8-9.)

(4) Not less than twelve months' notice in writing of any election to purchase under this section shall be served upon the licensee by the local authority or the Local Government, as the case may be.

(5) Notwithstanding anything hereinbefore contained, the local authority may, with the previous sanction of the Local Government, waive its option of purchase and enter into an agreement with the licensee for the working by him of the undertaking, or such portion thereof as is in the area for which such authority is constituted, until the expiration of the next subsequent period referred to in sub-section (1), upon such terms and conditions as may be stated in such agreement.

Provisions where no purchase and license revoked with consent of licensee.

8. Where, on the expiration of any of the periods referred to in section 7, sub-section (1), neither the local authority nor the Local Government purchases the undertaking or any portion thereof, and the license is, with the consent of the licensee, revoked, the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit:

Provided that, if the licensee does not exercise such option within a period of six months, the Local Government may proceed to take action as provided in section 5, clause (f).

Licensee not to purchase, or associate himself with, other licensed undertakings or transfer his undertaking.

9. (1) The licensee shall not, at any time without the previous consent in writing of the Local Government, acquire, by purchase or otherwise, the undertaking of, or associate himself with, any person supplying, or intending to supply, energy under any other license, and, before applying for such consent, the licensee shall give not less than one month's notice of the application to every local authority, both in the licensee's area of supply, and also in the area or district in which such other person supplies, or intends to supply, energy.

(2) The

(Part II.—Supply of Energy to the Public.—Sections 10-12.)

(2) The licensee shall not at any time transfer his undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise without the previous consent in writing of the Local Government.

(3) Any agreement relating to any transaction of the nature described in sub-section (1) or sub-section (2) which may be made without such consent as aforesaid shall be void.

10. Notwithstanding anything in sections 5, 7 and 8, the Local Government, with the previous sanction of the Governor General in Council, may, in any license granted under this Act, vary the terms upon which a licensee shall be bound to sell his undertaking.

General power for Local Government to vary terms of purchase.

11. (1) Every licensee shall prepare and render to the Local Government, on or before such date in each year as the Local Government may by rule fix, an annual statement of accounts of his undertaking made up to such date, in such form, and containing such particulars, as may be prescribed by the said rule.

Annual accounts of licensee.

(2) The licensee shall keep copies of such annual statement at his office and sell the same to any applicant at a price not exceeding one rupee per copy.

12. (1) Any licensee may, from time to time but subject always to the terms and conditions of his license,—

Provisions as to the opening and breaking up of streets, railways and tramways.

(a) open and break up the soil and pavement of any street, railway or tramway within the area of supply;

(b) open and break up any sewer, drain or tunnel in or under any such street, railway or tramway;

(c) lay down and place within the area of supply electric supply-lines and other works;

(d) repair, alter or remove the same; and

(e) do

(Part II.—Supply of Energy to the Public.—Section 12.)

(e) do all other acts necessary for the due supply of energy within the area of supply.

(2) Nothing contained in sub-section (1) shall be deemed to authorize or empower a licensee, without the consent of the local authority or of the owner and occupier concerned, as the case may be, to lay down or place any electric supply-line or other work in, through or against any building, or on, over or under any land not dedicated to public use whereon, whereover or whereunder any electric supply-line or work has not already been lawfully laid down or placed by such licensee :

Provided that any stay or strut required for the sole purpose of securing in position any support of an aerial electric supply-line may be fixed, on any building or land or, having been so fixed, may be altered, notwithstanding the objection of the owner or occupier of such building or land, if the District Magistrate or, in a Presidency-town, the Commissioner of Police by order in writing so directs :

Provided also that if at any time the owner or occupier of any building or land on which any such stay or strut has been fixed shows sufficient cause, the District Magistrate or, in a Presidency-town, the Commissioner of Police may by order in writing direct any such stay or strut to be removed or altered.

(3) Every order made by a District Magistrate or a Commissioner of Police under sub-section (2) shall be subject to revision by the Local Government.

(4) Nothing contained in sub-section (1) shall be deemed to authorize or empower any licensee to open or break up any street not repairable by a local authority, or any railway or tramway, without the consent of the person by whom the same is repairable, unless with the written consent of the Local Government :

Provided that the Local Government shall not
give

(Part II.—Supply of Energy to the Public.—Section 13.)

give any such consent as aforesaid, until notice has been given, by advertisement or otherwise as the Local Government may direct, to the person by whom the street, railway or tramway concerned is repairable, and until all representations or objections received in accordance with the notice have been considered by the Local Government.

13. (1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works in, under, over, along or across any street, part of a street, railway, tramway, canal or waterway, the following provisions shall have effect, namely:—

Notice of
new works.

- (a) Not less than one month before commencing the execution of the works (not being a house-service or the repair, renewal or amendment of existing works of which the character or position is not to be altered), the licensee shall serve upon the person or authority responsible for the repair of the street or part of a street (hereinafter in this section referred to as "the repairing authority") or upon the person or authority for the time being entitled to work the railway, tramway, canal or waterway (hereinafter in this section referred to as "the owner"), as the case may be, a notice in writing describing the proposed works, together with a detailed plan thereof, on a scale which shall not be smaller than eighty-eight feet to the inch, or such other scale as the Local Government may approve, and intimating the manner in which and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or owner, as the case may be, from time to

time

a

(Part II.—Supply of Energy to the Public.—Section 13.)

time give such further information in relation thereto as may be desired.

- (b) If the repairing authority intimates to the licensee that it disapproves of such works or plan, or approves thereof subject to amendment, the licensee may, within one week of receiving such intimation, appeal to the Local Government, whose decision, after considering the reasons given by the repairing authority for its action, shall be final.
- (c) If the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within one month, it shall be deemed to have approved of the works and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and plan served under clause (a).
- (d) If the owner disapproves of such works or plan, or approves thereof subject to amendment, he may, within three weeks after the service of the notice under clause (a), serve a requisition upon the licensee demanding that any question in relation to the works, or to compensation, or to his obligations to others in respect thereof, shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration.
- (e) Where no requisition has been served by the owner upon the licensee under clause (d), the owner shall be deemed to have approved of the works and plan, and in that case, or where after a requisition

(Part II.—Supply of Energy to the Public.—Section 13.)

tion for arbitration the matter has been determined by arbitration, the works may, upon payment or securing of compensation, be executed according to the notice and plan, subject to such modifications as may have been determined by arbitration or agreed upon between the parties.

(f) Where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in cases of emergency, give to the repairing authority, or to the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works, and, on the expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable despatch, and, if possible, both by day and by night until completed.

(2) Where the licensee makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

(3) Notwithstanding anything in this section, the licensee may, in case of emergency due to the breakdown of an underground electric supply-line, after giving notice in writing to the repairing authority or the owner, as the case may be, of his intention to do so, place an aerial line without complying with the provisions of sub-section (1) :

Provided that such aerial line shall be used only until the defect in the underground electric supply-line can be made good, and in no case for a period exceeding

(Part II.—Supply of Energy to the Public.—Section 14.)

exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

Alteration
of pipes or
wires.

14. (1) Any licensee may alter the position of any pipe (not forming, in a case where the licensee is not a local authority, part of a local authority's main sewer), or of any wire under or over any place which he is authorized to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under this Act; and any person may alter the position of any electric supply-lines or works of a licensee under or over any such place as aforesaid, if such electric supply-lines or works are likely to interfere with the lawful exercise of any powers vested in him.

(2) In any such case as aforesaid the following provisions shall, in the absence of an agreement to the contrary between the parties concerned, apply, namely:—

(a) Not less than one month before commencing any alteration, the licensee or other person desiring to make the same (hereinafter in this section referred to as "the operator") shall serve upon the person for the time being entitled to the pipe, wire, electric supply-lines or works, as the case may be (hereinafter in this section referred to as "the owner"), a notice in writing, together with a plan, on a scale which shall not be smaller than eighty-eight feet to the inch, or such other scale as the Local Government may approve, describing the proposed alteration, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire.

(b) Within fourteen days after the service of the notice and plan upon the owner, the owner may

(Part II.—Supply of Energy to the Public.—Section 14.)

may serve upon the operator a requisition to the effect that any question arising upon the notice or plan shall be settled by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration.

- (c) Every arbitrator to whom a reference is made under clause (b), shall have regard to any duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid as far as possible interference therewith.
- (d) Where no requisition is served upon the operator under clause (b), or where such a requisition has been served and the matter has been settled by agreement or determined by arbitration, the alteration may, upon payment or securing of any compensation accepted or determined by arbitration, be executed in accordance with the notice and plan and subject to such modifications as may have been determined by arbitration or agreed upon between the parties.
- (e) The owner may, at any time before the operator is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, in default of agreement, settled by arbitration.
- (f) Where a statement is served upon the operator under clause (e), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish

(Part II.—Supply of Energy to the Public.—Section 15.)

furnish such security and serve upon the owner a notification in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made; and thereupon the owner may proceed to execute the alteration as required by the operator.

(g) Where the owner declines to comply, or does not, within the time and in the manner prescribed by a notification served upon him under clause (f), comply with the notification, the operator may himself execute the alteration.

(h) All expenses properly incurred by the owner in complying with a notification served upon him by the operator under clause (f) may be recovered by him from the operator.

(i) Where the operator makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Laying of
electric
supply-lines
or other
works near
sewers,
pipes or
other elec-
tric supply-
lines or
works.

15. (1) Where a licensee requires to dig or sink any trench for laying down any new electric supply-lines (not being service-lines) or other works, near to which any sewer, drain, water-course or work under the control of the Local Government or of any local authority, or any main, pipe, syphon, electric supply-line or other work belonging to any duly authorized person, has been lawfully placed, or where any duly authorized person requires to dig or sink any trench for laying down or constructing any new mains or pipes (not being service-pipes) or other works, near to

which

(Part II.—Supply of Energy to the Public.—Section 15.)

which any electric supply-lines or works of a licensee have been lawfully placed, the licensee or such duly authorized person, as the case may be (hereinafter in this section referred to as "the operator"), shall, unless it is otherwise agreed upon between the parties interested or in case of sudden emergency, give to the Local Government or local authority, or to such duly authorized person, or to the licensee, as the case may be (hereinafter in this section referred to as "the owner"), not less than forty-eight hours' notice in writing before commencing to dig or sink the trench, and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

(2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall temporarily support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any mains, pipes, lines or service-pipes or lines belonging to any duly authorized person or to any person supplying or using energy under this Act, he shall not, except with the consent of such person and of the Local Government, lay his electric supply-lines so as to come into contact with any such mains, pipes, lines or service-pipes or lines, or, except with the like consent, employ any such mains, pipes, lines or service-pipes or lines as conductors for the purpose of supplying energy.

(4) Where the operator makes default in complying with any of the provisions of this section, he shall make full compensation for any loss or damage incurred by reason thereof.

(5) Where any difference or dispute arises under

this

(Part II.—Supply of Energy to the Public.—Section 16.)

this section, the matter shall be determined by arbitration.

(6) Where the licensee is a local authority, the references in this section to the local authority and to sewers, drains, water-courses or works under its control shall not apply.

Streets, railways, tramways, sewers, drains or tunnels broken up to be reinstated without delay.

16. (1) Where any person, in exercise of any of the powers conferred by or under this Act, opens or breaks up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel, he shall—

- (a) immediately cause the part opened or broken up to be fenced and guarded ;
- (b) before sunset cause a light, sufficient for the warning of passengers, to be set up and maintained until sunrise against or near the part opened or broken up ;
- (c) with all reasonable speed fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up, and carry away the rubbish occasioned by such opening or breaking up ; and,
- (d) after reinstating and making good the soil or pavement, or the sewer, drain or tunnel, broken or opened up, keep the same in good repair for three months and for any further period, not exceeding nine months, during which subsidence continues.

(2) Where any person fails to comply with any of the provisions of sub-section (1), the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution.

(3) Where

(Part II.—Supply of Energy to the Public.—Sections 17-18.)

(3) Where any difference or dispute arises as to the amount of the expenses incurred under sub-section (2), the matter shall be determined by arbitration.

17. (1) Nothing in this Part shall be deemed to authorize or empower a licensee to place any aerial line along or across any street unless and until the Local Government, after consulting the local authority, has communicated to him a general approval in writing of the methods of construction which he proposes to adopt: Aërial lines.

Provided that the communication of such approval shall in no way relieve the licensee of his obligations with respect to any other consent required by or under this Act.

(2) Where any aerial line has been placed or maintained by a licensee in breach of the provisions of sub-section (1), the Local Government may require the licensee forthwith to remove the same, or may cause the same to be removed and recover from the licensee the expenses incurred in such removal.

(3) Where any tree, standing or lying near an aerial line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of energy, a Magistrate of the first class may, on the application of the licensee, cause the tree to be removed or otherwise dealt with as he thinks fit.

(4) When disposing of an application under sub-section (3), the Magistrate shall, in the case of any tree in existence before the placing of the aerial line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

18. (1) A licensee shall, in exercise of any of the powers conferred by or under this Act, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage caused by him or by any one employed by him. Compensation for damage.

(2) Where

(Part II.—Supply of Energy to the Public.—Sections 19-20.)

(2) Where any difference or dispute arises as to the amount or the application of such compensation, the matter shall be determined by arbitration.

Power for licensee to enter premises for ascertaining energy consumed, or to remove fittings or other apparatus of licensee.

19. (1) A licensee or any person duly authorized by a licensee may at any reasonable time, and on informing the occupier of his intention, enter any premises to which energy is or has been supplied by him, for the purpose of—

- (a) inspecting and testing the electric supply-lines, meters, fittings, works and apparatus for the supply of energy belonging to the licensee;
- (b) ascertaining the quantity of energy consumed or supplied; or
- (c) removing, where a supply of energy is no longer required, or where the licensee is authorized to take away and out off such supply, any electric supply-lines, fittings, works or apparatus belonging to the licensee.

(2) A licensee or any person authorized as aforesaid may also, in pursuance of a special order in this behalf made by the District Magistrate or, in a Presidency-town, by the Commissioner of Police, and after giving not less than twenty-four hours' notice in writing to the consumer, enter any premises to which energy is or has been supplied, or is to be supplied, by him, for the purpose of examining and testing the electric wires, fittings, works and apparatus for the use of energy belonging to the consumer.

Restrictions on licensee's controlling or interfering with use of energy.

20. (1) A licensee shall not be entitled to prescribe any special form of appliance for utilizing energy supplied by him, or, save as provided by section 23, sub-section (2), or by section 30, sub-section (6), in any way to control or interfere with the use of such energy:

Provided that no person may adopt any form of appliance

(Part II.—Supply of Energy to the Public.—Sections 21-22.)

appliance, or use the energy supplied to him, so as unduly or improperly to interfere with the supply by the licensee of energy to any other person.

(2) Where any difference or dispute arises under this section, the matter shall be determined by arbitration.

21. Where energy is supplied by a licensee, every person within the area of supply shall, except in so far as is otherwise provided by the terms and conditions of the license, be entitled, on application, to a supply on the same terms as those on which any other person in the same area is entitled in similar circumstances to a corresponding supply :

Obligation on licensee to supply energy.

Provided that no person having a private generating plant shall be entitled to demand a connection with the mains of the licensee in order to use the energy of the licensee only in the event of accident to the plant of such person.

22. (1) The electrical power at which any consumer shall be entitled to be supplied by a licensee, shall not exceed what is necessary for the maximum consumption of energy on his premises :

Maximum electrical power.

Provided that, where a consumer has required a licensee to supply him at a specified maximum power, he shall not be entitled to alter that maximum except after one month's notice in writing to the licensee, and the licensee may recover from the consumer any expenses incurred by him by reason of the alteration in respect of the service-lines by which energy is supplied to the consumer's premises, or of any fittings or apparatus of the licensee upon those premises.

(2) Where any difference or dispute arises between a consumer and a licensee as to the power at which energy is to be supplied under sub-section (1) or as to the amount of the expenses incurred under the proviso thereto, the matter shall be determined by arbitration.

(Part II.—Supply of Energy to the Public.—Sections 23-24.)

Charges for energy to be made without undue preference.

23. (1) A licensee shall not, in making any agreement for the supply of energy, show undue preference to any person, but may, save as aforesaid, make such charges for the supply of energy as may be agreed upon, not exceeding the limits imposed by his license, and may allow rebates thereon according to the quantity supplied, either in relation to the maximum power to which the consumer is entitled under section 22, or to the total quantity, or to the time at which the supply is needed.

(2) Notwithstanding anything in sub-section (1), the licensee may, with the consent of the Local Government, charge at one rate for the supply of energy for lighting purposes, and at other rates for the supply of energy for purposes other than lighting; and no person shall be entitled to utilize for one purpose energy supplied to him at a lower rate for any other purpose.

(3) Where any difference or dispute arises between a consumer and a licensee as to any matter provided for in sub-section (1) or sub-section (2), the matter shall be determined by arbitration.

Discontinuance of supply to consumer neglecting to pay charge.

24. Where any person neglects to pay any charge for energy or any other sum due from him to a licensee in respect of the supply of energy to him, the licensee may, after giving not less than seven clear days' notice in writing to such person and without prejudice to his right to recover such charge or other sum by suit, cut off the supply and for that purpose cut or disconnect any electric supply-line or other works through which energy may be supplied, and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and re-connecting the supply, are paid, but no longer:

Provided that the provisions of this section shall not apply in any case in which any difference or dispute

pute

(Part II.—Supply of Energy to the Public.—Sections 25-27.)

pute of the nature described in section 30, sub-section (7), has been referred for determination by an Electric Inspector or other person as therein provided until such Inspector or other person has given his decision.

25. Where any electric supply-lines, meters, fittings, works or apparatus belonging to a licensee are placed in or upon any premises, not being in the possession of the licensee, for the purpose of supplying energy, such electric supply-lines, meters, fittings, works and apparatus shall not be liable to be taken in execution under any process of any Civil Court or in any proceedings in insolvency against the person in whose possession the same may be.

Exemption of electric supply-lines or other apparatus from attachment in certain cases.

26. No licensee shall, in exercise of any of the powers conferred by or under this Act, in any way injure any railway, tramway or canal or (in cases where the licensee is not a local authority) any dock, wharf or pier vested in or controlled by a local authority or obstruct or interfere with the traffic on any railway, tramway or canal.

Protection of railways and canals, docks, wharves and piers.

27. (1) Nothing in this Act shall be deemed to authorize or empower any licensee to lay down any underground, or place any aerial, electric supply-line or other works, or to make any alterations in any telegraph-line, maintained or worked by the Government or by any person licensed under the Indian Telegraph Act, 1885, without the previous sanction of the telegraph-authority, to whom the licensee shall give not less than one month's notice in writing of his intention, specifying the course of the works or alterations proposed, the manner in which the works are to be utilized, the amount and nature of the energy to be transmitted, and the extent to, and manner in, which (if at all) earth returns are to be used; and the licensee shall conform with such reasonable requirements, either general or special, as may be laid down by the telegraph-authority for preventing

Protection of telegraphic, telephonic and electric signalling lines.

(Part II.—*Supply of Energy to the Public.*—Section 27.)

any telegraph-line from being injuriously affected by such works or alterations :

Provided that, in case of emergency (which shall be stated by the licensee in writing to the telegraph-authority) arising from defects in any of the electric supply-lines or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

(2) Every licensee shall take all reasonable precautions in constructing, laying down and placing his electric supply-lines and other works and in working his undertaking, so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephonic or electric-signalling communication, or the currents in such wire or line.

(3) Where any difference or dispute arises between the licensee and the telegraph-authority or any person licensed under the Indian Telegraph Act, 1885, as to whether the licensee has constructed, laid down or placed his electric supply-lines or other works, or made alterations in a telegraph-line, or worked his undertaking, in contravention of sub-section (1) or sub-section (2), or as to whether the working of any wire, line or current is or is not injuriously affected thereby, the matter shall be referred to the Governor General in Council ; and the Governor General in Council, unless he is of opinion that the wire or line has been placed in unreasonable proximity to the electric supply-lines or works of the licensee after the construction of such lines or works, may direct the licensee to make such alterations in, or additions to, his system as may be necessary in order to comply with the provisions of this section, and the licensee shall make such alterations or additions accordingly :

XIII of
1885.

Provided that nothing in this sub-section shall apply

(Part II.—Supply of Energy to the Public.—Section 28.)

apply to the repair, renewal or amendment of any electric supply-line so long as the course of the electric supply-line and the amount and nature of the current transmitted thereby are not altered.

(4) Where a licensee makes default in complying with the requirements of this section, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Explanation.—For the purposes of this section, a telegraph-line shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, prejudicially interfered with by such work or by any use made thereof.

28. (1) Every licensee shall, within twenty-four hours of the occurrence, send to the Local Government and to the District Magistrate or, in a Presidency-town, to the Commissioner of Police, notice in writing of any accident by explosion, fire, electric shock or fall of an aerial line and also of any other accident resulting or likely to have resulted in loss of life or personal injury in any part of the licensee's works or circuits, or in connection with the same, and also notice of any loss of life or personal injury actually occasioned by any such accident.

Notice of an inquiry into accidents.

(2) The Local Government may also, if it thinks fit, appoint any Electric Inspector or other competent person to inquire and report as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with a licensee's works, or as to the manner in, and extent to, which the provisions of the license and of this Act, so far as those provisions affect the safety of the public, have been complied with by the licensee.

29. If

(Part II.—Supply of Energy to the Public.—Sections 29-30.)

Power for
Local Gov-
ernment to
interfere in
certain cases
of default by
licensee.

29. If at any time it is established to the satisfaction of the Local Government,—

- (a) that a licensee is supplying energy otherwise than by means of a system which has been approved of by the Local Government or (except in accordance with the provisions of his license) has permitted any part of his circuits to be connected with earth, or
- (b) that any electric supply-lines or works of a licensee are defective; or
- (c) that any works of a licensee or his supply of energy are or is attended with danger to the public safety;

the Local Government may, by order in writing, specify the matter complained of and require the licensee to remedy it in such manner as shall be specified in the order, and may also in like manner forbid the use of any electric supply-line or works until the order is complied with or for such time as is specified in the order.

Meters.

30. (1) In the absence of an agreement to the contrary, the amount of energy supplied to a consumer or the electrical quantity contained in the supply (such amount or quantity being hereinafter referred to as "the value of the supply") shall be ascertained by means of a duly certified meter, and the licensee shall, if required by the consumer, cause the consumer to be supplied with such a meter:

Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter.

(2) Where the consumer so enters into an agreement for the hire of a meter, the licensee shall keep the meter in proper order for correctly registering the value of the supply, and, in default of his doing

so,

(Part II.—Supply of Energy to the Public.—Section 30.)

so, the consumer shall, for so long as the default continues, cease to be liable to pay for the hire of the meter.

(3) Where the meter is the property of the consumer, he shall keep the meter in proper order for correctly registering the value of the supply, and, in default of his doing so, the licensee may, for so long as the default continues, cease to supply energy through the meter.

(4) The licensee or any person duly authorized by the licensee shall, at any reasonable time and on informing the consumer of his intention, have access to, and be at liberty to take off, remove, test, inspect and replace, any meter whereby the value of the supply is ascertained or to be ascertained; and, except where the meter is so hired as aforesaid, all reasonable expenses of, and incidental to, such taking off, removing, testing, inspecting and replacing, and the procuring the meter to be again duly certified, where that is thereby rendered necessary, shall, if the meter is found to be otherwise than in proper order, be recovered from the consumer; and, where any difference or dispute arises as to the amount of such reasonable expenses, the matter shall be determined by arbitration:

Provided that the licensee shall not be at liberty to take off or remove any such meter if any difference or dispute of the nature described in sub-section (7) has arisen until the matter has been determined as therein provided.

(5) A consumer shall not connect any meter, whereby the value of the supply is ascertained or to be ascertained, with any electric supply-line through which energy is supplied by a licensee, or disconnect the same from any such electric supply-line, without giving to the licensee not less than forty-eight hours' notice in writing of his intention.

(6) In

(Part II.—Supply of Energy to the Public.—Section 30.)

(6) In addition to any meter which may be placed upon the premises of a consumer to ascertain the value of the supply, the licensee may place upon such premises such meter or other apparatus as he may think fit for the purpose of ascertaining or regulating either the amount of energy supplied to the consumer, or the number of hours during which the supply is given, or the maximum power taken by the consumer, or any other quantity or time connected with the supply :

Provided that the meter or apparatus shall be of a construction and pattern approved of by the Local Government, and shall be fixed and connected with the service-lines in a manner so approved, and shall be supplied and maintained entirely at the cost of the licensee, and shall not, in the absence of an agreement to the contrary, be placed otherwise than between the mains of the licensee and the consumer's terminals.

(7) Where any difference or dispute arises as to whether any meter, whereby the value of the supply as to pressure or quantity is ascertained or to be ascertained, is or is not in proper order for correctly registering the value of the supply, or as to whether such value has in any case been correctly registered by the meter, the matter shall be determined, upon the application of either party, by an Electric Inspector or by a competent person specially appointed by the Local Government in this behalf ; and, where the meter has, in the opinion of such Inspector or person, ceased to work for a period not exceeding one month, such Inspector or person shall estimate the value of the supply for such period on the basis of the value of the previous supply ; and the decision of such Inspector or person shall be final, and the costs of or incidental to such determination shall be recoverable as such Inspector or person may direct : but, save as aforesaid, the register of the meter, whereby

(Part III.—Restrictions on Use of Energy not supplied under Part II.—Section 31.)

whereby the value of the supply is ascertained, shall, in the absence of fraud, be conclusive proof of such value.

Explanation.—A meter shall be deemed to be “duly certified” if it is certified by an Electric Inspector or by a competent person appointed by the Local Government in this behalf to be a correct meter, and to be of a construction and pattern approved by the Local Government, and to have been fixed and connected with the electric supply-lines in a manner so approved :

Provided that, where any alteration is made in a duly certified meter, or where any such meter is unfixed or disconnected from the electric supply-lines, it shall cease to be a duly certified meter unless and until it is again duly certified as aforesaid.

PART III.

RESTRICTIONS ON USE OF ENERGY NOT SUPPLIED UNDER PART II.

31. (1) No person shall, for any purpose, in any street, or in any place in which one hundred or more persons are likely ordinarily to be assembled or which is a factory within the meaning of the Indian Factories Act, 1881, use energy which is not supplied to him under Part II, without giving not less than seven clear days' notice in writing of his intention to the District Magistrate or, in a Presidency-town, to the Commissioner of Police, and complying with such rules as may be made in this behalf under section 33:

Provided that nothing in this section shall apply to any railway or tramway subject to the provisions of the Indian Railways Act, 1890:

Provided also that the Local Government may, by general or special order and subject to such conditions and restrictions as may be specified therein,

exempt

H 2

Use of energy not supplied under Part II to be subject to rules.

XV of 1881.

IX of 1890.

(Part IV.—General.—Section 32.)

exempt any person or class of persons using energy on premises upon or in connection with which it is generated, from the application of this section or of any such rule as aforesaid.

(2) Where any difference or dispute arises as to whether a place is or is not one in which one hundred or more persons are likely ordinarily to be assembled, the matter shall be referred to the Local Government, and the decision of the Local Government thereon shall be final.

PART IV.

GENERAL.

Advisory
Boards.

32. (1) The Governor General in Council may, for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may, for the whole or any part of the Province, by notification in the Gazette of India or the local official Gazette, as the case may be, constitute an Advisory Board.

(2) Every such Board shall consist of—

(a) a Chairman and two other members, or, where the Board is to consist of only three members, one other member nominated by the Governor General in Council or the Local Government, as the case may be, and

(b) two members, or, where the Board is to consist of only three members, one member nominated by such local authorities, Chambers of Commerce or other Associations as the Governor General in Council or the Local Government, as the case may be, may by rule prescribe.

(3) The Governor General in Council or the Local Government, as the case may be, may give directions as to the payment of travelling expenses incurred by any member of an Advisory Board in the performance of his duty as such member.

33. (1) The

(Part IV.—General.—Section 33.)

33. (1) The Governor General in Council may, for the whole or any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may, for the whole or any part of the Province, make rules to regulate the generation, supply and use of energy, and, generally, to carry out the purposes and objects of this Act.

Power for
Government
to make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the form of applications for licenses and the payments to be made in respect thereof;
- (b) regulate the publication of notices;
- (c) prescribe the manner in which, and the time within which, representations or objections with reference to any application under Part II are to be made;
- (d) provide for the preparation and submission of accounts by licensees in a specified form;
- (e) provide for the securing of a regular, constant and sufficient supply of energy by licensees to consumers and for the testing at various parts of the system of the regularity and sufficiency of such supply, and for the examination of the records of such tests by consumers;
- (f) provide for the protection of persons and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, supply or use of energy;
- (g) for the purposes of any electric tramway, regulate the employment of insulated returns, or of uninsulated metallic returns of low resistance, in order to prevent fusion or injurious electrolytic action of or on gas or water

(Part IV.—General.—Section 33.)

water pipes, or other metallic pipes, structures or substances, and to minimise, as far as is reasonably practicable, injurious interference with the electric wires, supply-lines and apparatus of parties other than the owners of the tramway, or with the currents therein, whether the earth is used as a return or not; and for the like purposes apply or adapt any of the provisions of Part II;

- (h) provide for preventing telegraph lines and magnetic observatories or laboratories from being injuriously affected by any appliance or apparatus used in the generation, supply or use of energy;
- (i) provide for the appointment of Electric Inspectors by the Local Government, and, with the sanction of the Local Government, by local authorities, and prescribe the qualifications to be required of such Inspectors, and their remuneration and duties;
- (j) provide for the appointment of members of Advisory Boards and define the duties and regulate the procedure of such Boards;
- (k) authorize any Electric Inspector or other officer of a specified rank and class to enter, inspect and examine any place, carriage or vessel in which he has reason to believe any appliance or apparatus used in the generation, supply or use of energy to be, and to carry out tests therein, and to prescribe the facilities to be given to such Inspectors or officers for the purposes of such examinations and tests; and
- (l) authorize and regulate the levy of fees for any such testing or inspection and, generally, for the services of Electric Inspectors under this Act.

(3) In

(Part IV.—General.—Sections 34-35.)

(3) In making any rule under this Act, the Governor General in Council or the Local Government, as the case may be, may direct that every breach thereof shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing breach, with a further daily fine which may extend to fifty rupees.

34. (1) The power to make rules under section 33 shall be subject to the condition of the rules being made after previous publication. Further provisions respecting rules.

X of 1897.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under this section will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(3) Where an Advisory Board has been constituted under section 32 by the Governor General in Council or by the Local Government, any rule to be made under this Act shall, before it is published for criticism under sub-section (2), be referred, in the case of a rule to be made by the Governor General in Council, to the Advisory Board constituted by the Governor General in Council, and, in the case of a rule to be made by the Local Government, to an Advisory Board constituted by such Government, and the rule shall not be so published until such Board has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

(4) All rules made under section 33 shall be published in the Gazette of India or the local official Gazette, as the case may be, and on such publication shall have effect as if enacted in this Act.

35. Notwithstanding anything in sections 12 to 18, the Governor General in Council may, for the placing of appliances and apparatus for the transmission of energy for any purpose, confer upon any public Exercise in certain cases of powers of telegraph authority.

(Part IV.—General.—Sections 36-37.)

public officer or licensee any of the powers which the telegraph-authority possesses under, and subject to the provisions of, the Indian Telegraph Act, 1885, with respect to the placing of telegraph-lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

XIII of 1885.

Arbitration.

36. Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the license of a licensee, be determined by such person or persons as the Governor General in Council or the Local Government may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Indian Arbitration Act, 1899.

IX of 1899.

Service of notices, orders or documents.

37. (1) Every notice, order or document by or under this Act required or authorized to be addressed to any person may be served by post or left,—

- (a) where the Government is the addressee, at the office of the Secretary in the Public Works Department:
- (b) where a local authority is the addressee, at the office of the local authority:
- (c) where a company is the addressee, at the registered office of the company:
- (d) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(2) Every notice, order or document by or under this Act required or authorized to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises), and may be served by delivering it, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered,

(Part IV.—General.—Sections 38-39.)

delivered, by affixing it on some conspicuous part of the premises.

38. Every sum declared to be recoverable by section 5, clause (f), section 6, section 14, sub-section (2), clause (h), section 16, sub-section (2), section 17, sub-section (2) or sub-section (4), section 22, sub-section (1), or section 30, sub-section (4) or sub-section (7), and every fee leviable under this Act may be recovered, on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by the distress and sale of any moveable property belonging to such person.

Recovery of sums recoverable under certain provisions of Act.

39. (1) Whoever dishonestly abstracts, consumes or uses any energy, shall be deemed to have committed theft within the meaning of the Indian Penal Code.

Penalties.

(2) Whoever maliciously causes energy to be wasted or diverted, or, with intent to cut off the supply of energy, cuts or injures, or attempts to cut or injure, any electric supply-line or works, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(3) Whoever,—

- (a) being a licensee, without the previous sanction of the Local Government, supplies energy or lays down or places any electric supply-line or works outside the area of supply; or
- (b) fails to prevent any variation of pressure exceeding the limits of variation prescribed by the rules made under this Act; or
- (c) makes default in complying with any order issued to him by the Local Government under section 29;

shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing offence

(Part IV.—General.—Section 39.)

offence or default, with a daily fine which may extend to one hundred rupees.

(4) Whoever uses energy in contravention of the provisions of section 31 shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees.

(5) Whoever—

(a) connects any meter, whereby the value of the supply is ascertained or to be ascertained, with any electric supply-line through which energy is supplied by a licensee, or disconnects the same from any such electric supply-line, without giving to the licensee forty-eight hours' notice in writing of his intention; 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 licensee, without such licensee's consent; or

(c) maliciously injures any meter, whereby the value of the supply to a consumer by a licensee is ascertained; or

(d) improperly uses the energy of a licensee; shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees.

(6) Whoever maliciously extinguishes any electric light supplied for the public use, shall be punishable with fine which may extend to two hundred rupees.

(7) Whoever negligently causes energy to be wasted or diverted, or negligently breaks, throws down or damages any electric supply-line, post, pole or lamp or other apparatus connected with the supply of energy, shall be punishable with fine which may extend to fifty rupees.

(8) Whoever

(Part IV.—General.—Sections 40-41.)

(8) Whoever, in any case not already provided for by this section, makes default in complying with any of the provisions of this Act, or with any order issued under it, or, in the case of a licensee, with any of the conditions of his license, shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing default, with a daily fine which may extend to twenty rupees :

Provided that, where a person has made default in complying with any of the provisions of sections 13, 14, 15 and 27, as the case may be, he shall not be so punishable if the Court is of opinion that the case was one of emergency and that the offender complied with the said provisions as far as was reasonable in the circumstances.

(9) The penalties imposed by this section shall be in addition to, and not in derogation of, any liability in respect of the payment of compensation or, in the case of a licensee, the revocation of his license, which the offender may have incurred.

(10) The provisions of sub-sections (1), (2), (5), (6) and (7) shall, so far as they are applicable, be deemed to apply also when the acts made punishable thereunder are committed in the case of energy supplied by or of works belonging to the Government.

40. The powers and duties of the Local Government under Part II shall, when the energy is to be supplied within the limits of any cantonment or of any fortress, arsenal, factory, dockyard or camp or of any building or place in the occupation of Government for naval or military purposes, be exercised and performed by the Governor General in Council.

Functions of Local Government under Part II in certain places to be performed by Governor General in Council.

41. No suit, prosecution or other proceeding shall lie against any public officer, or any servant of a local authority, for anything done, or in good faith purporting to be done, under this Act.

Protection for acts done in good faith.

42. (1) The

(Part IV.—General.—Section 42. *The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

Repeals and savings.

42. (1) The Electricity Act, 1887, the Calcutta Electric Lighting Act, 1895, and the Howrah Bridge Electric Lighting Act, 1902, are hereby repealed :

XIII of 1887.
Ben. Act IX of 1895.
Ben. Act I of 1902.

Provided that nothing in the foregoing provisions of this section shall be deemed to affect the terms of any license granted before the commencement of this Act under the Calcutta Electric Lighting Act, 1895, or any provisions of that Act or any rule made thereunder having reference to any such license.

(2) Nothing in this Act shall be deemed to affect the terms of any other license which has been granted or of any agreement which has been made by or with the sanction of the Government for the supply or use of electricity before the commencement of this Act.

THE SCHEDULE.

PROVISIONS TO BE DEEMED TO BE INCORPORATED WITH, AND TO FORM PART OF, EVERY LICENSE GRANTED UNDER PART II.

[See section 4, sub-section (1), clause (f).]

Security and accounts.

Security for execution of works of licensee not being local authority.

I. Where the licensee is not a local authority, the following provisions as to giving security shall apply, namely :—

- (a) The licensee shall, within a period of six months after the commencement of the license and before exercising any of the powers by the license conferred on him in relation to the execution of works, show, to the satisfaction of the Local Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

posed upon him by the license throughout the area of supply.

(b) The licensee shall also, within six months after the commencement of the license or within such extended period as may be approved by the Local Government and before exercising any of the powers conferred on him in relation to the execution of works, deposit or secure, to the satisfaction of the Local Government, such sum (if any) as may be fixed by the license or, if not so fixed, by the Local Government.

(c) The said sum deposited or secured by the licensee under the provisions of this clause shall be repaid or released to him in equal moieties, when and so soon as it may be certified by an officer appointed by the Local Government in this behalf that amounts equal to the sums so to be repaid or released have been expended by the licensee upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down by the licensee in every street or part of a street in which he is required to lay them down within a limited time, or shall be repaid or released at such earlier dates, and by such instalments, as may be approved by the Local Government.

(d) Where the area of supply includes two or more local areas for which local authorities are constituted, the Local Government may require the deposit to be made or the security to be given in respect of such local areas severally, and in that case the deposit or security shall be repaid or released separately as to each local area.

II. Where

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

Audit of
accounts of
licensee not
being local
authority.

II. Where the licensee is not a local authority, the following provisions as to the audit of accounts shall apply, namely :—

- (a) The annual statement of accounts of the undertaking shall, before being rendered to the Local Government under section 11 of the Indian Electricity Act, 1903, be examined and audited by such person as the Local Government may appoint in this behalf, and the remuneration of the auditor shall be such as the Local Government may direct, and his remuneration and all expenses incurred by him in or about the execution of his duties, to such an amount as the Local Government shall approve, shall be paid by the licensee on demand.
- (b) The licensee shall afford to the auditor, his clerks and assistants, access to all such books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall, when required, furnish to him and them all vouchers and information requisite for that purpose, and afford to him and them all facilities for the proper execution of his and their duty.
- (c) The audit shall be made and conducted in such manner as the Local Government may direct.
- (d) Any report made by the auditor, or such portion thereof as the Local Government may direct, shall be appended to the annual statement of accounts of the licensee, and shall thenceforth form part thereof.

Separate
accounts.

III. The licensee shall, unless the Local Government otherwise directs, at all times keep the accounts of the capital employed for the purposes of the undertaking

(*The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.*)

taking distinct from the accounts kept by him of any other undertaking or business.

Nature and mode of supply.

IV. Energy shall be supplied by the licensee only by means of some system approved in writing by the Local Government, and save as otherwise provided by rules under the Indian Electricity Act, 1903, the licensee shall not permit any part of any circuit to be connected with earth unless the connection is for the time being approved by the Local Government, with the concurrence of the telegraph-authority.

Systems of supply.

V. Where and in so far as energy is supplied to a tramway for purposes of electric traction, the following provisions shall apply, namely:—

Provisions as to electric tramways.

- (a) The licensee shall employ either insulated metallic returns, or uninsulated metallic returns of low resistance, save in the case of vehicles in which the motive power is entirely self-contained.
- (b) The licensee shall take all reasonable precautions in constructing, placing and maintaining his electric supply-lines and circuits, and other works of all descriptions, and also in working his undertaking, so as not injuriously to affect, by fusion or electrolytic action, any gas or water pipes, or other metallic pipes, structures or substances.

Compulsory works.

VI. The licensee shall, within a period of two years after the commencement of his license, lay down suitable and sufficient distributing mains for the purposes of general supply throughout such streets or parts of streets as the Local Government may, by order

Power of Local Government to order licensee to lay down distributing mains.

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

order in writing issued within six months of the commencement of the license, direct.

Provisions as to laying electric supply-lines under special agreement.

VII. Every licensee shall, not less than one month before commencing to lay in any street any electric supply-line for the supply of energy to any particular consumer, and not for the purposes of general supply, 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 electric supply-line so to be laid, a notice stating that the licensee intends to lay the electric supply-line, and intimating that, if within the said period any two or more of such owners or occupiers require in accordance with the provisions of the license that a supply shall be given to their premises, the necessary distributing main will be laid by the licensee at the same time as the electric supply-line intended for the particular consumer.

Provisions as to laying down of further distributing mains.

VIII. (1) Where, after the expiration of eighteen months from the commencement of the license, a requisition is made by six or more owners or occupiers of premises in or upon any street or part of a street within the area of supply or by the Local Government or a local authority charged with the public lighting thereof, requiring the licensee to provide and lay down distributing mains for the purposes of general supply throughout such street or part thereof, the licensee shall comply within six months with the requisition, unless,—

(a) where it is made by such owners or occupiers as aforesaid, the owners or occupiers making it do not, within fourteen clear days after the service on them by the licensee of a notice in writing in this behalf, tender to the licensee a written contract, duly executed and with sufficient security, binding themselves to take, or guaranteeing that

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

that there shall be taken, a supply of energy for not less than three years to such amount as will in the aggregate produce annually, at the current rates charged by the licensee, a reasonable return to the licensee; or,

(b) where it is made by the Local Government or a local authority, the Local Government or local authority, as the case may be, does not, within the like period, tender a like agreement binding itself to take a supply of energy for not less than three years for the public lighting of such street or part thereof.

(2) Where any difference or dispute arises between the licensee and such owners, occupiers or local authority as to the sufficiency of the security offered under this clause, or as to the amount of energy to be taken or guaranteed as aforesaid, the matter shall be referred to the Local Government and either decided by it or, if the Local Government so directs, determined by arbitration.

(3) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(4) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1903; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

IX. (1) Where a requisition is made by the owners or occupiers of any premises situate within one hundred yards from any distributing main in which the licensee is required to maintain a supply of energy for the purposes of general supply, requiring the licensee to supply energy for such premises, the licensee

Requisition
for supply to
owners or
occupiers in
vicinity.

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

licensee shall supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy in accordance with the requisition, unless the person making it fails, within fourteen days after the service on him by the licensee of a notice in writing in this behalf, to tender to the licensee a written contract, duly executed and with sufficient security, binding himself to take a supply of energy for not less than two years to such amount as will produce, at current rates charged by the licensee, a reasonable return to the licensee:

Provided, first, that the cost of so much of any electric supply-line as may be laid for the purposes of the supply upon the property in respect of which the requisition is made, and of so much of any electric supply-line as it may be necessary for the said purposes to lay for a greater distance than one hundred feet from the licensee's distributing main, although not on that property, shall, if the licensee so requires, be paid by the owner or occupier making the requisition:

Provided, secondly, that the licensee may, after he has furnished a supply of energy for any premises, by notice in writing require the owner or occupier within seven days after the date of the service of the notice, to give him security for the payment of all money which may become due to him in respect of the supply, in case the owner or occupier has not already given that security, or in case any security given has become invalid or is insufficient; and, if the owner or occupier fails to comply with the terms of the notice, the licensee may discontinue to supply energy for such premises so long as such failure continues:

Provided, thirdly, that, if the owner or occupier of any such premises as aforesaid adopts any form of
lamp

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

lamp or burner, or uses the energy supplied to him by the licensee for any purposes, or deals with it in any manner, so as to interfere unduly or improperly with the efficient supply of energy to any other person by the licensee, or fails to keep his meter in proper order, the licensee may discontinue the supply of energy for such premises so long as such lamp or burner is so adopted, or the energy is so used or dealt with, or the meter is not kept in proper order, as the case may be:

Provided, fourthly, that the licensee shall not be bound to furnish a supply of energy to any premises if an Electric Inspector or other competent person appointed by the Local Government is satisfied that the electric line, fittings, works and apparatus therein are not in good order and condition, and are likely to affect injuriously the use of energy by the licensee, or by other persons:

Provided, fifthly, that in the event of any alterations of, or additions to, any electric wires, fittings, works or apparatus within such premises as aforesaid, all such alterations or additions shall be notified to the licensee by the owner or occupier before being connected to the source of supply, with a view to their being examined and tested; and

Provided, sixthly, that, in the event of any requisition being made for a supply of energy from any distributing main of which the licensee can prove, to the satisfaction of an officer appointed by the Local Government in this behalf,—

(a) that it is already loaded up to its full current-carrying capacity, or

(b) that, in case of a larger amount of current being transmitted by it, the loss of pressure will seriously affect the efficiency of the supply to other consumers in the vicinity,

the

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

the licensee may refuse to accede to the requisition for such reasonable period, not exceeding six months, as such officer may think sufficient for the purpose of amending the distributing main or laying down a further distributing main.

(2) Where any difference or dispute arises as to the sufficiency of the security offered by such owner or occupier, or as to the improper use of energy, or as to any alleged defect in any wires, fittings, works or apparatus, or as to any alleged excess or defect in the pressure or quantity of the energy supplied, the matter shall be referred to the Local Government and either decided by it or, if the Local Government so directs, determined by arbitration.

(3) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(4) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1903; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

Supply for
public lamps.

X. (1) Where a requisition is made by the Local Government or by a local authority requiring the licensee to supply for a period of not less than one year energy for any public lamps within the distance of one hundred yards from any distributing main in which the licensee is required to maintain a supply of energy for the purposes of general supply, the licensee shall supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy for such lamps in such quantities as the Local Government or the local authority, as the case may be, may require.

(2) The provisions contained in the first, fourth,
fifth

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

fifth and sixth provisos to sub-clause (1) and in sub-clause (2) of clause IX shall, so far as may be, apply to every case in which a requisition for the supply of energy is made under this clause as if the Local Government or local authority were an owner or occupier within the meaning of those provisions.

Charges.

XI. In the absence of an agreement to the contrary, the licensee may charge for energy supplied by him to any consumer—

Methods of charging.

- (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:

Provided, first, that, where the licensee charges by any method so approved by the Local Government, any consumer who objects to that method may, by not less than one month's notice in writing, require the licensee to charge him, at the licensee's option, either by the actual amount of energy supplied to him or by the electrical quantity contained in the supply, and thereafter the licensee shall not, except with the consent of the consumer, charge him by another method:

Provided, secondly, that, before commencing to supply energy through any distributing main for the purposes of general supply, the licensee shall give notice, by public advertisement, of the method by which he proposes to charge for energy so supplied; and, where the licensee has given such notice, he shall not be entitled to change that method of charging without giving not less than one month's notice in writing of such change to the Local Government, to the local authority (if any) concerned, and to every consumer

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consumer of energy who is supplied by him from such distributing main:

Provided, thirdly, that, if the consumer is provided with a duly certified meter for the purposes of ascertaining the value of the supply and the licensee changes the method of charging for the energy supplied by him from the distributing main, the licensee shall bear the expense of providing a new duly certified meter if such is necessary for the purpose of ascertaining the value of the supply according to the new method of charging.

Maximum
charges.

XII. The price charged by the licensee for energy supplied by him shall not exceed the maximum fixed by his license, or, in the case of a method of charge approved by the Local Government, such maximum as the Local Government shall fix on approving the method :

Provided that, if, at any time after the expiration of seven years from the commencement of the license, the Local Government considers or is satisfied that the maximum so fixed or approved as aforesaid should be altered, it may, after such inquiry (if any) as it thinks fit, make an order accordingly, which shall have effect from such date as may be mentioned therein :

Provided, also, that where an order in pursuance of the foregoing proviso has been made, no further order altering the maximum fixed thereby shall be made until the expiration of another period of seven years.

Charge for
supply for
public lamps.

XIII. The price to be charged by the licensee and to be paid to him for energy supplied for the public lamps, and the mode in which those charges are to be ascertained, shall be settled by agreement between the licensee and the Local Government or the local authority, as the case may be, and, where any difference

or

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

or dispute arises, the matter shall be determined by arbitration.

Testing and inspection.

XIV. The licensee shall, at any place within reasonable distance from any main, establish at his own cost and keep in proper condition such number of testing stations as the Local Government may direct for the purpose of testing the supply of energy in the main, and shall supply and keep in proper condition thereat, and on all premises from which he supplies energy, such instruments for testing as the Local Government may approve, and shall connect all such testing stations, by means of proper and sufficient electric supply-lines, with the distributing mains, and shall supply energy to each testing station for the purpose of testing.

Licensee to establish testing stations and keep instruments for testing.

XV. The licensee shall afford all facilities for inspection and testing of his generating, converting and testing stations and all other parts of his electric system and for the reading, testing and inspection of instruments.

Licensee to give facilities for testing.

XVI. The licensee may, on each occasion of the testing of any distributing main or electric supply-line or the testing or inspection of any instruments, be represented by an agent who may be present but shall not interfere with the testing or inspection.

Representation of licensee at testings.

XVII. On the occasion of the testing of any main of the licensee by an Electric Inspector, reasonable notice thereof shall be given to the licensee, and the testing shall be carried out at such suitable hours as, in the opinion of the Electric Inspector, will least interfere with the supply of energy by the licensee, and in such manner as the Electric Inspector may think fit; but, except under the provisions of an order made in each case in that behalf by the Local Government, the Electric Inspector shall not be entitled

Testing of mains.

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

entitled to have access to, or interfere with, the mains of the licensee at any points other than those at which the licensee has reserved for himself access to the same:

Provided that the licensee shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by the Electric Inspector for the purpose of any such testing as aforesaid:

Provided, also, that the testing shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of an order made in each case in that behalf by the Local Government.

Plans.

Plan of area of supply to be made and kept open for inspection.

XVIII. (1) The licensee shall, after commencing to supply energy, forthwith cause a plan to be made of the area of supply, and shall cause to be marked thereon the line and the height above or the depth below the surface of all his then existing mains, electric supply-lines, street distributing boxes and other works, and shall once in every year cause that plan to be duly corrected so as to show the mains, electric supply-lines, street distributing boxes and other works for the time being in existence. The licensee shall also, if so required by the Local Government, cause to be made sections showing the level of all his existing distributing mains and underground works other than service-lines.

(2) Every such plan shall be drawn to a scale which shall not be smaller than eighty-eight feet to the inch or to such other scale as may be approved by the Local Government.

(3) Every such section shall be drawn to a horizontal scale which shall not be smaller than eighty-eight feet to the inch and to a vertical scale which shall

(The Schedule.—Provisions to be deemed to be incorporated with, and to form part of, every license granted under Part II.)

shall not be smaller than eleven feet to an inch, or to such other horizontal and vertical scales as may be approved by the Local Government.

(4) Every plan and section so made or corrected, or a copy thereof, marked with the date when it was so made or corrected, shall be kept by the licensee at his principal office or place of business within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and copies thereof shall be supplied on such terms and conditions as may be prescribed by rules under the Indian Electricity Act, 1903.

(5) The licensee shall, if required by the Local Government, or, where the licensee is not a local authority, by the local authority (if any) concerned, supply to the Local Government or local authority, as the case may be, a copy of every such plan or section duly corrected so as to agree with the original kept at the principal office or place of business of the licensee.

Additional notice of certain works.

XIX. On the day next preceding the commencement of any such works as are referred to in section 13 of the Indian Electricity Act, 1903, the licensee shall, in addition to any other notices which he may be required to give, serve upon the Electric Inspector or such officer as the Local Government may appoint in this behalf for the area of supply a notice in writing stating that he is about to commence the works and the nature and position of the same.

Notice to
Electric
Inspector.