

## SIND ACT No. XXXI OF 1952.

[THE SIND ELECTRICITY CONTROL ACT, 1952.]

[11th March, 1953].

An Act to provide for the continuance of powers to control the production, distribution, use and consumption of electrical energy in ~~(the Province of)~~ Sind.

WHEREAS it is expedient to provide for the continuance of powers to control the production, distribution, use and consumption of electrical energy in ~~(the Province of)~~ Sind;

AND WHEREAS the Governor of Sind has, in pursuance of a proclamation issued by the Governor-General of Pakistan under section 92-A of the Government of India Act, 1935, assumed, on behalf of the Governor-General all powers vested in or exercisable by the Provincial Legislature under the said Act;

NOW, THEREFORE, in exercise of the powers so assumed, the Governor is hereby pleased to enact as follows:—

1. (1) This Act may be called the Sind Electricity Control Act, 1952.

Short title, extent and commencement.

(2) It extend to the whole of ~~(the Province of)~~ Sind.

(3) It shall be deemed to have come into force from the 25th day of March 1948.

2. In this Act—

Definitions.

(a) "licensee" shall have the meaning assigned to it in section 2 (h) of the Electricity Act, 1910;

(b) "the original Act" means the Sind Electricity Control Act, 1947;

~~(c) "the Province" means the Province of Sind.~~

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

Control of production, distribution, etc. of electrical energy.

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

(b) regulating the rates which may be charged by any undertaking for supplying electrical energy and for relaxing any maximum or minimum limits otherwise, imposed on such rates;

For orders under Cl. (b) of s. 3 (1) see G. N., P.W.D., No. 5483/15-S., dated 29th August 1953, see S.G.G., 1953, Pt. I, page 674.

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1. Sub. by W. P. Law (Adap) order 1964  
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2. Clause (c) omitted, ibid.

(c) the levy by a licensee, notwithstanding any stipulation to the contrary contained in any agreement, of a surcharge under specified circumstances on the price charged in respect of the supply of electrical energy ;

(d) collecting any information or statistics for the purpose of any of the matters mentioned in the preceding clauses ;

(e) any incidental or supplementary matter for which it thinks expedient for the purpose of any such order to provide including in particular—

(i) the entering and inspection of premises to which the order relates with a view to securing compliance therewith ;

(ii) the grant or issue of a licence, permit, certificate or other documents and the charging of a fee therefor.

(2) An order made under sub-section (1) may apply either to persons or undertakings generally or to any particular person or undertaking or class or persons or undertakings and either to the whole or any part of any undertaking, and so as to have effect either generally or in any particular area.

(3) An order providing for the matter specified in clauses (b) and (c) of sub-section (1) shall not be made unless a draft of the order proposed to be made is first published for inviting objections from the public and a period of fifteen days is allowed for submitting such objections.

4. (1) The Provincial Government may by order direct that any power conferred on it by section 3 shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised by any officer or authority subordinate to it.

(2) All orders delegating any power or duty to any person or authority in the Province in respect of any of the matters specified in section 3 and in force immediately before the commencement of this Act shall continue in force and be deemed to be made under sub-section (1).

5. Every order made by the Central or Provincial Government or any other authority under rule 81 of the Defence of India Rules either in its original form or as continued in force by the Emergency Provisions (Continuance) Ordinance, 1946, in respect of any of the matters specified in section 3 and in force in any area in the Province immediately before the commencement of this Act shall, so

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1. subs. by W.P. Act of Laws Order, 1964, for the  
words "the Province".

far as consistent with this Act and subject to the orders made under the original Act, continue to be in force in such area and be deemed to be an order made under section 3 of this Act.

6. If any person contravenes any order made or deemed to be made under section 3, he shall be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

Penalty for contravention of order under section 3.

7. (1) No order made or deemed to be made under section 3 shall be called in question in any Court.

Saving as to orders.

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

I of 1872.

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

Protection of action under this Act.

(2) No suit or other legal proceeding shall lie against ~~the Crown~~ <sup>Provincial Government</sup> for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of an order made or deemed to have been made under this Act.

9. If the person referred to in section 6 is a company or other body corporate, the managing director, manager, secretary, or other principal officer managing its business shall be deemed to be guilty of such contravention.

Offence by corporation.

10. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by such public servant as may be authorised by the Provincial Government in this behalf.

Cognizance of offences.

11. The provisions of this Act or of any order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment or in any instrument having effect by virtue of any enactment other than this Act.

Effect of inconsistent provision with other enactment.

12. Every order made under this Act shall, so far as may be, be served in the manner prescribed under section 53 of the Electricity Act, 1910.

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Service of order.

1. Subs. by P. A. of Laws Order, 1964, for "the Crown"

13. The original Act is hereby repealed, but the repeal shall not affect—

(a) anything done, any obligation or liability incurred, any order passed or any notification issued thereunder and such act obligation, liability, order, or notification shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done, incurred, made or issued, as the case may be, under the provisions of this Act ;

(b) any penalty or punishment, in respect of any contravention of the original Act or any investigation or legal proceeding in respect of such obligation, liability, penalty or punishment as aforesaid and any such investigation or legal proceeding may be instituted or continued and any such penalty or punishment may be imposed as if this Act had commenced on the 25th day of March, 1947.