

ODISHA ELECTRIC SUPPLY (LINE MATERIALS UNLAWFUL POSSESSION) ACT, 1989

The Odisha . Gazette of Short title, extent and comLeDW- Definitlons EXTRAORDINARY PUBLISHED BY AUTHORITY ORISSA ACT 11 OF 1989 *ITHE ORISSA ELECTRIC SUPPLY-LINE MATERIAL (UAWFUL POSSESSION) ACT, 19871 [Received ihe assent of the President on the 13th June, 1989 fir" published in an extraordinary issue of the Orissa Gazette dated the 28th June. 1989.1 AN Acr To PROVIDE FOR PREVENTION OF THBFT AND UNLAWFUL POSSSION OF ELECTRIC sOPPLY-LINB MATERIALS AND MATrm..s CONNECTED THEREWITH. BB it enacted by the legislature of the State of Orissa in the Thirty-ninth Year the Republic of India as follows 1. (l) This Act may be called the Orissa Electric Supply-Line Matenal (Unlawfu Possession) Act, 1988. (2) It extends to the whole of the State of Orissa. (3) It shall come into force at once

2. In this Act, unless the context otherwise requires,—(a) ' Authorised Officer' means an Officer of the Orissa State Electricity Board not below the rank of a Superintending Engineer (Electrical) who has been authorisea by the Government by issued in this behalf to exer- cise the powers of confiscation under this Act for a particular area ; 1 (c) "Electric Supply-Line Material" means.— (i) ACC (All Aluminium Conductor) (ii) ACSR (Steel Cored, Aluminium Conductor) • (iii) High Voltage cable, 11 K. V. and above ; Insulator, 11 K. V. and above ; (v) Lighting Arrester, 11 K. V. and above ; (Yi) Support for Supply-Line and part thereof ; or (vii) Transformer belongng to Governl:ment or Board ; but shall not include— (1) PYC Cable (Service connection); (2) PVC Cable (Domestic wiring) 1 (d) "Government" means the State Government of Olissa ; '[(d-l)'t GRIDICO " means the Grid Corporation of Orissa Limited as orissa Aet reffered to in section 13 of the Orissa Electricity Reform Act, 19951.2 of 1993 (e) "Prescribed" means prescritxd by rules made under this Act ; and (f) Words and expresäons used but not defined in this Act and defined in the Indian Electricity Act, 1910 shall have the same meaning as assigned to 9 of them under that Act. I. For Statement or Objects and Reasons see Orissa Gazette Extraordinary, dated the 17th March 1987. (No. 402) and (he Select Committee report see Orissa Gazette Extraor dizaty, dated the 26th September, 1988 (No. 1385). Z. Omitted by Orissa Act 6 of 1997 s. 2 (i) 3. by Ibid s, 2 (El) 4, Inserted by ibld s. 2 (iii) 340 THE ORISSA ELÉCTk1C SdÉPLY'tliéE MATERIAL (UNLAWFUL POSSESSION) ACT; 1981 [Oti3é,a Acl 11 of 1989T (Secs. 3—6) Penalty f0E 3. Whoever i!found •to have beenin possessidfl of any electric supply-line materiales unlawful possession of reasonably suspected of having been stolen or unlawfully obtained oc retained shall, unless he ÉoV_eS_ that he yas 'in .lawfu! p'6ssésSi06• oP•such materials, shall be puni- electr ic supply-line material. Non-produce• tion of the material be. fore'.Court. Search place sus- Pmted to contain electric supply.l(ae material. Seizure 'of : shable,— (a) for the first offence, with imprisonment. of either description for a term which may extend to three years and with fine and- in. tfié abseilce. of special and adequate reasons to be recorded in the judgement of •the Court, such imprisonment shall not be less than two years and such fine shall not be less than one thousand rupees ; (b) for the second or subsequenc offence with imprisonment of either descrip- tion for a term' which may extend to five years and also with tilie! and in the absence of special and adequate reasons to be mentioned in judge- ment of the Court, such impri'gönmentl shall hot be •less than threk years and such fine shall not be less than two thousand rupees

4. In any trial for qn.offence under section 3 of this-Act»— @ the of pcoofa _t_hät' the .accusöd •was' lawful possession of the .electric supply:liâé 'iiatefial shall , be ion ' him; (b) it shall not be necessary to produæ the seized materials in the Court for dentification. The production of the seizure list duly the purpo,, countersigned by the Authorised Officer of the area or the Investigating Officer, as the case may be, shall be Tonclusive. proof of such j identifi- cation. 5. (1) If any place including an enclosure, tank, well, geservoir or any premises is suspected to be used for the aeposit of stolen c ectric supply-liâe material, any OEccc of the ILGRIDICO], not below thé rank.ofa Subdivisional Officer (Electrical) with the written permission of the Authorised Officer may enter sÜch place for lhe purpose of search and may take the assistance of such sub-ordinates, assistants or other employees of the iCGRIDICO] as may be considered reasonable and necessary for conduc- ting the search and to make arrangementé for: guacdiag the place until arrangement is made for, the seizure and removal of the electric supply4ine material to some place of safety, (2) All persons in possession or occupation of the place, premisses, tank, reser- vojr or well. on disclosure_ of the identity of the omccr conducting the search, shall allow him free ingress therceto and

afford all reasonable facilities for a search therein. (3) Before making a search under this section, the officer about to make it shall call upon one or more respectable persons of the locality in which the offence is committed or of any other if no such inhabitant of the said locality is available or is willing to attend as a witness to the search and the search shall be made in the presence of such witness. (4) Any person obstructing the search conducted by an officer of the GRIDCO shall be punishable with imprisonment, which may extend to six months and fine. 6, (1) When it is reasonably suspected that an offence under this Act has been committed in respect of electric supply-line material, such supply-line material together with all tools, ropes, chains and any vehicles, vessels or other modes of conveyance used for transport of such supply-line material, may be seized by any officer of the GRIDCO, not below the rank of a Subdivisional Officer. (2) Every officer seizing any electric supply-line material or tools, chains, vehicles or other modes of conveyance under sub-section (1) shall, within seventy-two hours from the time of seizure, produce the property seized before the Authorised Officer of the area. All officers of the GRIDCO including the Authorised Officer when they seize any electric supply-line material shall furnish information with the Police along with copy of the seizure list duly countersigned by the Authorised Officer without producing the seized material, 1. Sections 4 and 5 of the Orissa Act 6 of 1997 s. 4. of seized materials. Vesting of property. 341 THE ORISSA ELECTRIC SUPPLY-LINE MATERIAL (UNLAWFUL POSSESSION) ACT, 1987 [Orissa Act 11 of 1987] (secs. 1—9) (3) Every Police Officer seizing electric supply-line material in connection with an offence suspected to have been committed under this Act shall notwithstanding anything contained in the Criminal Procedure Code, 1973 forward a copy of the seizure list to the Authorised Officer within twenty-four hours from the time of seizure of the said material. The seizure list shall include the property seized and shall include the tools, chains, ropes, vehicles, vessels and conveyances seized, for purposes of initiating confiscation proceedings under this Act. The tools, chains, vehicles and (4) The seizure list prepared of the materials and other modes of conveyance seized in course of seizure, shall be signed by the officer making the seizure and the witness present. A report or seizure along with a copy of the seizure list so made shall be sent to the nearest Magistrate having jurisdiction to try any offence under this Act. 7. (1) Where an Authorised Officer seizes any electric supply-line material or where any such electric supply-line material is produced before him or is made over to him by the Police, it shall, subject to that an offence under this Act has been committed in respect thereof, order the confiscation of the electric supply-line material together with all tools, ropes, chains, vehicles, vessels and other conveyance used in committing such offence within the prescribed time: Provided that no order confiscating any electric supply-line or any in committing the offence of tools, ropes, chains, vehicles, or other conveyances used shall be made, unless the person from whom the property is seized is given— (a) a notice in writing informing him of the grounds on which it is proposed to confiscate such property, tools, ropes, chains and vehicles, vessels and other conveyance; (b) an opportunity of making representation in writing within such reasonable time as may be specified in the notice against the order of confiscation; and (c) a reasonable opportunity of being heard in the matter. (2) Without prejudice to the provisions of sub-section (1) no order confiscating any vehicle, vessel or other conveyance shall be made, if the owner of such vehicle, vessel, or other conveyance proves to the satisfaction of the Authorised Officer that it was used in carrying the electric supply-line material without the knowledge or connivance of the owner himself and his agent, if any, and the person in charge of the vehicle, vessel or other conveyance had taken all reasonable and practicable precautions against such use. 8. (1) Any person aggrieved by an order of confiscation made under section 7 may within one month from the date of communication of the order to him or such order, appeal to the Director Transmission and Distribution of the GRIDCO and the appellate authority after giving an opportunity to the appellant to be heard, may pass such order as he may think fit, confirming, modifying or annulling the order appealed against. (2) The appellate order shall be final and notwithstanding the result of the criminal case confirmed by the appellate authority shall be a bar, if any, to the confiscation questioned in any Civil or Criminal Court or law. (1) Where an order of confiscation of any materials, tools and conveyance has become final such materials or a portion (hereinafter including the tools, vehicles, vessels and other conveyances, as the case may be, shall vest in the Board free from all the GRIDCO (or fixing a reasonable valuation or the property, encumbrances and may dispose of the same in such manner as it deems proper. (2) Where in a prosecution under section 3 of this Act, the person concerned is acquitted on finding that he was in lawful possession of the seized property, he will be entitled to be refunded the value or price fixed under sub-section (1) or the actual disposal price,

whichever is higher, from the I[GRIDICO]. 1, Substituted by 'The Orissa Act 6 of 1997 s. 4. •42 ORISSA BROADCAST SUPPLY-LINE MATERIAL (UNLAWFUL POSSESSION) 1937 [Orissa Act H 19891 (Sees. 10—15) Confiscation of IO. An order or contravention made under section 7 shall not act as a bar to it being no bar to the imposition of any other penalty to which it is liable under this Act. or any other penalty. It is hereby declared that any order made under this Act shall be cognizable and non-bailable. Where an order purports to have been made and signed by the authority in exercise of any power conferred by or under this Act, the Court shall presume that such order was so made by authority within the meaning of the Indian Evidence Act, 1872. 10 or 1812 13. No suit, prosecution or any legal proceeding shall lie against any person or the Board for anything done in good faith or in (to be done in pursuance of) (the Act. override other laws. Fewer than rules. the provisions of this Act

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any law for the time being in force.

15. The State Government may make rules for carrying out the provisions of this Act. For Rules See Orissa Gazet, Lqtaotdingry, dated 11th Nov. 1989 (No. 1530). 16 ORISSA ACT 6 OF 1997 THE ORISSA ELECTRIC SUPPLY-LINE MATERIAL (UNLAWFUL POSSESSION) AMENDMENT ACT, 1997 TABLE OF CONTENTS PR.BA.MDLB: L Short title 2. Amendment of section 2 Amendment of section 8 3. General amendment 4. Savings 5. ORISSA ACT 6 OF ' THE ORISSA ELECTRIC MATERIAL (UNLAWFUL POSSESSION) AMENDMENT ACT; 1997 [Received the assent of the Governor on the 24th May 1997, first published in an extraordinary issue of the Orissa Gazette, dated the 29th May 1997 | AN ACT to AMEND THE ORISSA ELECTRIC SUPPLY-LINE MATERIAL (UNLAWFUL POSSESSION) 1988 B E IL enacted by the Legislature of the State of Orissa in the Forty- eighth Year of the Republic of India as follows:— Short title. of section 2. Amendment of section 8. General amendment. savings.

1. This Act may be called the Orissa Electric Supply-Line Material (Unlawful Possession) Amendment Act, 1997. 2. In 2 of the Orissa Electric Supply-Line Material (Unlawful Possession) Act, 1988 (hereinafter referred to as the principal Act) of 1989. (t) clause (b) shall be omitted ; (i) In sub-clause (vii) of clause (c), the words, figures, brackets and letters "Every such material as included in section 2 (c) shall be the property of Orissa State Electricity Board in the prescribed form appearing after item (2) shall be omitted; and manner," (iii) after clause (d), the following clause shall be inserted— '(d-1) "GRIDCO" means the Grid Corporation Of Orissa Limited Orissa as referred to in section 13 of the Orissa Electricity Reform Act, 1995'; 3. In section 8 of the principal Act, in sub-section (t), for the words "Member, Administration of the Orissa State Electricity Board", the words "Director, Transmission and Distribution of the GRIDCO" shall be substituted, 4. In the principal Act, for the expression "Board" or "Orissa State Electricity Board" wherever it occurs, the expression "GRIDCO" shall be substituted

5. Notwithstanding the substitution of the functionaries made by this Act, any legal proceedings commenced or before any functionary under the principal Act prior to the commencement of this Act shall stand transferred to, and be deemed to be pending before, the functionary substituted by this Act on the date of such commencement. *For the Bill see Orissa Gazette, Extraordinary, dated the 17th March 1997 (No. 351)