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JAMMU AND KASHMIR

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**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR**

Law, Justice, Parliamentary Affairs and Human Rights

Department

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“Muzaffarabad”

Dated: 25.06.2019

No. LD/Legis-Act/221-34/2019. The following Act of Assembly received the assent of the President on the 19<sup>th</sup> day of June 2019, is hereby published for general information.

**[Act XVII of 2019]**

**An**

**Act**

further to amend the Azad Penal Code, 1860 and the Code of Criminal Procedure, 1898

**Whereas** it is expedient further to amend the Azad Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898), as adopted and enforced in Azad Jammu and Kashmir, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (1) This Act may be called the Criminal Law (Amendment) Act, 2019.  
(2) It shall come into force at once.
2. **Addition of a new Chapter XVII-A, Act XLV of 1860.**- In the Azad Penal Code, 1860 (Act XLV of 1860), as adopted and enforced in Azad Jammu and Kashmir, after Chapter XVII, the following new chapter shall be added, namely:-

**“CHAPTER XVII-A**

**OF OFFENCES RELATING TO ELECTRICITY**

**462-A. Definitions.**- In this Chapter, unless there is anything repugnant in the subject or context,-

- (a) “Court” means the court of sessions designated as Electricity Utilities Court empowered to take cognizance of an offence under this Chapter;
- (b) “Consumer” means a person or his successor in interest who purchases or receives electric power for consumption and not for delivery or resale to other, including a person who owns or occupies a premises where electric power is supplied;
- (c) “Distribution” means the ownership, operation, management or control of distribution facilities for the movement or delivery or sale to consumers of electric power but shall not include the ownership, operation, management and control of distribution facilities located on private property and used solely to move or deliver electric power to the person owning,

operating, managing and controlling those facilities or to tenants thereof;

- (d) “Distribution Facilities” means electrical facilities operating at the distribution voltage and used for the movement or delivery of electric power;
- (e) “Electric Meter” means an instrument which measures electricity delivered to the consumer for consumption including kilowatt meter, kilowatt hour meter; kilowatt ampere hour meter, kilowatt ampere reactive hour meter, current transformers, potential transformers, maximum demand indicator or any other measuring apparatus;
- (f) “Electric Supply-line” means a wire, conductor or other means used for conveying, transmitting, or distributing energy 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;
- (g) “Electric Power” means electrical energy or the capacity for the production of electrical power;
- (h) “Electric Power Services” means the generation, transmission or distribution of electric power and all other services incidental thereto;
- (i) “Energy” means electrical energy when generated, transmitted, distributed,

supplied or used for any purpose;

- (j) “Government” means the Azad Government of the State of Jammu and Kashmir;
- (k) “Licencee” means a holder of a licence;
- (l) “Person” includes any individual or any company, firm or corporation whether incorporated or not, or public servant or an employee of any company, licencee or electric power utility;
- (m) “Service Line” means any electric supply-line through which energy is, or is intended to be supplied by a Licencee,-
  - (i) to a single consumer either from a distributing main or immediately from the licencee’s premises; or
  - (ii) from a distributing main to a group of consumers on the same premises or on adjoining premises supplied from the same point of the distributing main;
- (n) “Tampering” or “Tamper” includes interfering or creating hindrance in flow or metering of electric power by unauthorized entry of access into metering system or transmission and distribution lines either by breaking the seals or damaging or destructing the same or in any manner interfering with the electric meter or transmission line or distribution line or interfering with its original condition;
- (o) “Tariff” means the rates, charges, terms and conditions for generation of electric power, transmission, inter-connection, distribution

services and sales of electric power to consumer's by a licencee;

- (p) "Transmission" means the ownership, operation, management or control of transmission facilities;
- (q) "Transmission Facilities" means electrical transmission facilities including electrical circuits, transformers and sub-stations operating at or above the minimum transmission voltage; and
- (r) "Works" includes electric supply-lines and any buildings, machinery or apparatus required to supply energy.

**462-B. Abstraction or Tampering etc., with**

- Transmission**.- (1) Any person who,-
- a) dishonestly taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or Services Lines, electric supply-line or Transmission Facilities of a Licencee for Transmission of Electric Power Services, or any other related system and equipment, as the case may be, so as to abstract, use or consume electricity without passing through the Electric Meter is said to cause abstraction; or
  - b) willfully Tamper or attempts to Tamper with Service Line, electric supply-line or Transmission Facilities for Transmission of Electric Power, is said to cause Tampering.
- (2) Any person who causes or abets in causing abstraction or commits or abet in committing

Tampering with Transmission of Electric Power for the purpose of,-

- (a) theft of Electric Power; or
- (b) theft of transformer; or
- (c) disrupting supply of Electric Power; or
- (d) illegal Transmission of Electric Power Services,

shall be punishable with rigorous imprisonment which may extend to three years or with fine which may extend to three million rupees or with both.

**462-C. Abstraction or tempering etc., with distribution or auxiliary.**- (1) Any person who,-

- a) dishonestly taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or Services Lines, electric supply-line or Distribution Facilities of a Licencee for distribution of Electric Power Services, so as to abstract, use or consume electricity without passing through the Electric Meter is said to cause abstraction; or
- b) willfully tampers or attempts to tamper with service line, Electric Supply-line or Distribution Facilities for Distribution of Electric Power Services or any other related system and equipment, as the case may be, for Distribution of Electric Power Services is said to cause tempering with auxiliary or Distribution of Electric Power.

(2) Any person who causes or abets in causing abstraction or commits or abets in committing

Tampering with Distribution of Electric Power for the purposes of,-

- (a) theft of Electric Power; or
- (b) disrupting supply of Electric Power; or
- (c) illegal distribution of Electric Power Services,

shall be punishable with rigorous imprisonment which may extend to three years or with fine which may extend to one million rupees or with both.

**462-D. Interference, improper use or tampering with electric meter by domestic consumer, etc.**- Any

person being the domestic consumer who,-

- a) unauthorizedly connects any electric meter with any electric line through which electricity is supplied by a Licencee or disconnects the same from any such Electric Line without the consent of the Licencee; or
- b) unauthorizedly reconnects any Electric Meter with any Electric Line or other works being the property of a Licencee when the said Electric Line or other works has or have been cut or disconnected without the consent of the Licencee; or
- c) Tampers with an electric meter, install or uses a Tampered Electric Meter, current reversing transformer, loop connection or any other device or method, contrivance or artificial means which interferes with accurate or proper registration, calibration or metering of electric current or otherwise results in a manner where by electricity is stolen or wasted; or
- d) uses the Energy supplied by a licencee

under one method of tariff in a manner for which higher tariff is in force; or

- e) uses energy supplied by the Licencee in a manner prejudicial to the safety or efficient working of the Electric Supply-line or deals with it in a manner so as to interfere with efficient supply of Energy to other consumers, or persons; or
- f) abets in the commission or any of the acts mentioned in clauses (a) to (e),-

in order to commit theft of electric power, or dishonestly abstract, consume or use electric power or unauthorized distribution or supply of Electric Power shall be punishable with imprisonment for a term which may be extend to one year or with fine which may extend to fifty thousand rupees or with both.

**462-E. Interference, improper use or Tampering with Electric Meter by industrial or commercial consumer, etc.**- Any person being industrial or commercial consumer who,-

- a) unauthorizedly connects any electric meter with any electric line through which electricity is supplied by a licencee or disconnects the same from any such electric line without the consent of the Licencee; or
- b) unauthorizedly reconnects any Electric Meter with any Electric Line or other works being the property of a Licencee when the said-electric line or other works has or have been cut or disconnected without the



consent of the Licencee; or

- c) Tamper with an Electric Meter, installs or uses a tampered meter, current reversing transformer, loop connection or any other device or method, contrivance or artificial means which interferes with accurate or proper registration, calibration or metering of electric current or otherwise results in a manner whereby electricity is stolen or wasted; or
- d) uses the Energy supplied by a Licencee under one method of tariff in a manner for which higher tariff is in force; or
- e) lays, or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licencee without consent; or
- f) uses energy supplied by a Licencee in a manner prejudicial to the safety or efficient working of the Electric Supply-line or deals with it in a manner so as to interfere with efficient supply of Energy to other consumers, persons; or
- g) abets in the commission of any of the acts mentioned in clauses (a) to (f),

in order to commit theft of Electric Power, or dishonestly abstract, consume or use Electric Power or unauthorized distribution or supply of electric power shall be punished with imprisonment which may extend to three years or with fine which may extend to five million rupees or with both.

**462-F. Interference, improper use or Tempering with Electric Meter by agricultural consumer, etc.-**

Any person being agricultural consumer who,-

- a) unauthorizedly connects any electric meter with any Electric Line through which electricity is supplied by a Licencee or disconnects the same from any such Electric Line without the consent of the Licencee; or
- b) unauthorizedly reconnects any Electric Meter with any Electric Line or other works being the property of a Licencee when the said Electric Line or other works has or have been cut or disconnected without the consent of the Licencee; or
- c) Tamper with an Electric Meter, install or uses a tampered meter, current reversing Transformer, loop connection or any other device or method, contrivance or artificial means which interferes with accurate or proper registration, calibration or metering of electric current or otherwise results in a manner whereby electricity is stolen or wasted; or
- d) uses the energy supplied by a Licencee under one method of Tariff in a manner for which higher Tariff is in force; or
- e) 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 consent; or
- f) uses energy supplied by a Licencee in a

manner prejudicial to the safety or efficient working of the Electric Supply-line or deals with in a manner so as to interfere with efficient supply of Energy to other consumers, persons; or

g)abets in the commission of any of the act mentioned in clauses (a) to (f),

in order to commit theft of electric power, or dishonestly abstract, consume or use Electric Power or unauthorized distribution or supply of Electric Power shall be punished with imprisonment which may extend to one year or with fine which may extend to one million rupees or with both.

**462-G. Damaging or destroying or destructing the transmission lines, distribution lines, electric**

**meter etc.**- Any person who damages, destroys or destruct any Transmission lines, distribution lines, Electric Meter, apparatus, equipment, or wire or causes or allows any of them to be so damaged, destroyed or destructed by an act of subversion by explosive material or in any other manner so as to disrupt the supply of Electric Power Services or maliciously causes Electric Power Services to be wasted or diverted or cuts off or injures or attempts to cut off or injure any Transmission Line or distribution line or a Service Line or Electric Supply line shall be punished with rigorous imprisonment which may extend to five years and with fine which shall not be less than five million rupees.

**462-H. Recovery of outstanding amounts from persons involved in offences under Section 462-B to 462-**

**G.**- Any person who has committed an offence under Section 462-B to 462-G shall also be liable to

pay an amount equivalent to the financial loss caused to the Government or the distribution companies concerned and any such outstanding amount of penalties or fines imposed under this Chapter shall be recoverable as arrears of land revenue.

**462-I. Cognizance.-** (1) The Court shall try an offence punishable under this Chapter.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 or any other law for the time being in force, the Court shall not take cognizance of an offence under this Chapter except on a complaint made, with reasons to be recorded in writing along with full particulars of the offence committed under this Chapter, by XEN of the concerned Division or the distribution company, as the case may be.

**462-J. Overriding effect.-** The provisions of this Chapter shall have effect notwithstanding anything contained in any other law for the use being in force”.

**3. Amendment of Schedule II, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (Act V of 1898),-

- (a) in Schedule-II, in column I, after Section 462 and the corresponding entries relating thereto to in columns, 1,2,3,4,5,6,7 and 8, the following shall be inserted, namely:-

- (b)

**CHAPTER XVII-A**

**OF OFFENCE RELATING TO ELECTRICITY**

462-B	Abstraction or tampering etc.,with	May arrest without warrant	A warrant shall not ordinarily issued in the	Not bail-able	Not compoundable	Rigorous imprisonment which may extend to three years or	Court of Session designated as Electricity
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	transmission		first instance			with fine which may extend to three million rupees or with both	Utilities Court
462-C	Abstraction or tampering etc., with distribution or auxiliary	Ditto	Ditto	Ditto	Ditto	Rigorous imprisonment which may extend to three years or with fine which may extend to one million rupees or with both	Ditto
462-D	Interference, improper use or tempering with electric meter by domestic consumer, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both	Ditto
462-E	Interference, improper use or tempering with electric meter by industrial or commercial consumer etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment which may extend to three years or with fine which may extend to five million rupees or with both	Ditto
462-F	Interference, improper use or tempering with electric meter by agricultural consumer etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment which may extend to one year or with fine which may extend to one million rupees or with both.	Ditto
462-G	Damaging or destroying or destructing the transmission lines, distribution lines, electric meter etc.	Ditto	Ditto	Ditto	Ditto	Rigorous Imprisonment which may extend to five years and with fine which shall not be less than five million rupees	Ditto

**(Gulfraz Ahmed Khan)**

Section Officer (Legislation)

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