

The Orissa Electric Supply-line Material (Unlawful Possession) Rules, 1989

ODISHA

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Rule

THE-ORISSA-ELECTRIC-SUPPLY-LINE-MATERIAL-UNLAWFUL-POSSESSION of 1989

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The Orissa Electric Supply-line Material (Unlawful Possession) Rules, 1989Published vide Notification Orissa Gazette Extraordinary No. 1530/1.11.1989-SRO No. 758/89/31.10.1989S.R.O. No. 758/89. - In exercise of the powers conferred by Section 15 of the Orissa Electric Supply-line Material (Unlawful Possession) Act, 1988 (Orissa Act 11 of 1989), the State Government do hereby make the following rules, namely :

1. Short title and commencement.

- (i) These Rules may be called the Orissa Electric Supply-line Material (Unlawful Possession) Rules, 1989.(ii)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1)In these rules, unless the context otherwise requires-(a)"Act" means the Orissa Electric Supply-line Material (Unlawful Possession) Act, 1988;(b)"Accused" means any person who has committed or in respect of whom it may be reasonably suspected that he has committed an offence under the Act;(c)"Executive Engineer" means the Officer who holds the charge of an Electrical Division under the [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.];(d)"Form" means a form appended to these rules;(e)"Identity card" means a card issued by the [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.] to an authorised Officer(s) containing his name, designation, signature and photograph so as to establish his identity while exercising the powers under the Act;(f)"Mark" means the mark of the [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.]

as provided in the Schedule-i to these Rules;(g)"Director, Transmission and Distribution" means any of the members of the [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.] appointed as such by Government by notification to exercise powers of appellate authority under Section 8 (1) of the Act;(h)"Police Officer" means a Police Officer not below the rank of a Sub-Inspector;(i)"Sub-divisional Officer" means the Officer who has been posted to hold the charge of an Electrical Subdivision under the territorial jurisdiction of an Electrical Division;(j)"Schedule" means the Schedule appended to these Rules.(2)All other words and expressions used but not defined in these Rules, shall have the same meanings respectively assigned to them in the Act.

3. Maintenance of the case-records.

(1)When an offence under the Act is detected, it shall be dealt with in the manner hereinafter provided.(2)The Officer who detects any offence under any of the provisions of the Act, shall draw up a report in Form 'A' which shall form a part of the case-record.(3)A seizure list of the supply-line material shall be prepared in quadruplicate by the Officer detecting the same in Form 'B'. A copy of seizure list shall be made over to the accused in case the seizure has been made from any premises or any place under his possession and his signature in full shall be obtained in the duplicate copy of the said seizure list. If he declines to receive and/or put his signature, an endorsement to that effect shall be made on the seizure list. The duplicate copy of the seizure list shall form a part of the case-record.(4)The seizure when made shall be reported to the Authorised Officer in Form 'G' within 72 hours alongwith a duplicate copy of seizure list in Form 'B' and the said report shall form a part of the case-record.(5)The Officer who seizes the materials or the Authorised Officer, as the case may be, shall lodge the information with the police along with the seizure list duly countersigned by the Authorised Officer as early as possible in Form 'D' which shall form a part of the case-record.

4. Issue of written permission.

- For purposes of Sub-section (1) of Section 5 of the Act, the Authorised Officer shall accord permission for search in Form 'E'.

5. Seizure of unauthorised materials.

- Any Officer seizing electrical line materials or tools, ropes, chains, vehicles and other modes of conveyance used for transport of such supply-line materials, shall take immediate steps for guarding the same and ultimately remove the same to a place of safety at the expense of the [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.].

6. Police assistance.

- If the Officer conducting the search apprehends any resistance or any violence, he may take necessary police assistance.

7. Procedure of confiscation.

(1)The Authorised Officer after receiving the seized materials either from the Police Officer or from any Officer of the [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.] shall open a case-record and cause a notice to be served on the person concerned in Form 'F' giving him 15 days time to show cause as to why the materials seized shall not be confiscated.(2)The Authorised Officer on request by the person concerned, for reasons recorded, give him extension of time for a period not exceeding fifteen days to submit his reply to the show-cause notice.(3)An order of confiscation, if any, shall be passed in Form 'G' which shall be a speaking order setting forth the reasons why such, confiscation is necessary.

8. Procedure in Appeals.

(1)When any person is aggrieved by an order of confiscation passed by the Authorised Officer, an appeal, shall be preferred in writing under Sub-section (1) of Section 8 of the Act within one month from the date of communication to him of such order to the [Director, Transmission & Distribution] [Substituted vide O.G.E.No. 403, dated 3.4.1998.] of [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.] which shall consist of the grounds objection to the order appealed against and shall always be accompanied with a copy of the impugned order.(2)On receipt of the appeal, the [Director, Transmission & Distribution] [Substituted vide O.G.E.No. 403, dated 3.4.1998.] shall call for the case-record from the Authorised Officer and after persuing the case-records and the proceedings, fix a time and place for the hearing of the appeal and shall give notice in writing thereof to the appellant in Form 'H' The appellate authority shall offer all reasonable opportunity of hearing to the appellant and shall dispose of the appeal within a period of 3 (three) months. The appellate authority shall briefly record the reasons in support of the order passed by him.

9. Refund.

- Any person seeking refund under Sub-section (2) of Section 9 of the Act shall make an application to the Authorised Officer after the expiry of the time prescribed for appeal, alongwith a certified copy of the judgement relied upon.

I

Electric Supply-line Material

Electric Supply-line Materials	Identification Marks
(1)	(2)
(i) ACC (All Aluminium Conductor)/Conductor containing Aluminium	(i) One stripe of unwashable red paint over the conductor
(ii) ACSR (Steel Cored Aluminium Conductor)/Conductor	(ii) The steel core of the conductor is painted with unwashable red paint or One stripe of red paint

containingAluminium	over theconductororBoth
(iii) High Voltage Cable, 11 KV and above	(iii) [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.]marks engraved or embossed at an interval of 1(one) meter on the top cover of the cable
(iv) Insulator, 11 KV and above	(iv) [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.]marks embossed on any part of the insulators
(v) Lighting Arrestor 11 KV and above	(v) [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.]marks embossed on the metal or insulator part ofthe Lighting Arrestor
(vi) Support for Electric Supply-line and part thereof	(vi) [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.]marks engraved or embossed at an interval of 2(two) meters
Transformer belonging to Government	[GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.]marks engraved or embossed on four sides orTransformer Tank.
(vii) or[GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.]	(vii) dated 3.4.1998.]marks engraved or embossed on four sides orTransformer Tank.

II

Form 'A'[Vide Sub-rule (ii) of Rule 3]Investigating Report No.....Date.....

1. Name of the Officer detecting seizing the material :

2. Place of detection/seizure :

3. Date and hour of detection :

4. Full name(s) of person(s) from whom seized:

5. Father's name of the person(s) from whom seized :

6. Residential address of the person(s) from whom seized :

7. Property seized, if any, details :

8. Custody of seized property :

9. Name(s) of the witnesses :

10. Address of the witness(es) with father's name :

11. Facts of the case :

Place..... Authorised Officer

Date..... Investigating Officer

Police Officer

N.B. - This report is to be submitted within 72 hours of the detection along with the seizure list. Form 'B'[Vide Sub-rule (iii) of Rule 3] Seizure List

1. Date and time of seizure :

2. Place of seizure :

3. (i) Description of the line materials seized

(ii) Quantity of materials in weight/volume length/Nos. :

4. Description of tools and means used for stealing :

5. Description of vehicles, tools and implements used for commission of the offence and/or for transport or the stolen goods :

6. Name and address of the person(s) from whom materials seized :

7. Seizure mark(s) :

8. Custody of the seized line materials Sign:

Signature of the person from whom materials seized

Signature of Police/Investigating/ Authorised Officer seizing the materials

In presence of witnesses with name and address

1.2.

Form 'C'[Vide Sub-rule (iv) of Rule 3] To The Authorised Officer-cum-Superintending Engineer (Elec.), Electrical Circle Subject - Report of seizure Sir, I have the honour to report that on date I..... (name of the officer) seized the following line-materials from, (Place) and the seizure list of such materials are enclosed for your necessary action. Since unauthorised possession of the line-materials is an offence under the Orissa Electric Supply-line Materials (Unlawful Possession) Act, 1988, steps as deemed necessary may please be initiated.

Encl : As above Yours faithfully, Investigating Officer/Police Officer

Form 'D'[Vide Sub-rule (v) of Rule 3]FromThe Superintending Engineer (Elec.), Electrical CircleAuthorised Officer.ToThe Officer-in-charge(Name of the P.S.)Subject - Offence under the Orissa Electric Supply-line Material (Unlawful Possession) Act, 1988Sir,Under the provisions of the Orissa Electric Supply-line Material (Unlawful Possession) Act, 1988 and rules made thereunder, I have conducted a search of the following premises (description).....the premises belong to Shri..... S/o Shri..... Vill P.S..... Dist..... at..... hrs in the presence of Shri..... and Shri..... witnesses and have found the line-materials kept in unauthorised possession. The materials described in the enclosed seizure list, have been kept in the custody of have already been produced before the Authorised Officer as required under the Act.Necessary action in this regard may please be initiated as deemed proper in accordance with law.

Yours faithfullySd ./-Investigating Officer or Authorised Officer

Form 'E'[Vide Rule 4]Form of AuthorisationIn exercise of powers conferred on me under the Provisions of the Orissa Electric Supply-line Material (Unlawful Possession) Act, 1988 to act as an Authorised Officer for the area I, do hereby authorise..... to conduct a search on disclosure of his identity in the following place/premises/enclosure/tank, well, reservoir which is suspected to be used for storage/concealment of unauthorised electric supply material. The description of the place is as follows :

1. Name of the owner of the premises and father's name :

2. Address of the owner of the premises (in case the premises do not belong to any individual, the description of the same may be given). :

You may take the assistance of Police Officer (s) or such subordinates, assistants or other employees of the [GRIDCO] [Substituted vide O.G.E.No. 403, dated 3.4.1998.] as may be considered reasonable and necessary for conducting such search and make arrangement for guarding the places, until arrangement is made for the seizure and removal of all the Electric Supply-line materials to some place of safety.This is written permission in your favour as required under law.Authorised OfficerForm 'F'[Vide Sub-rule (i) of Rule 7]Before the Authorised OfficerCase Noof 20.....Notice to Show-CauseShri.....Vill.....P.O.....Dist.....On dated..... the Investigating/Police Officer has investigated the premises (description)and has found the following line-materials kept in your unauthorised possession. The materials which have been seized as per seizure list duly signed by you are required to be confiscated in accordance with law, since you have failed to submit any authority for having such property in lawful possession.I, therefore, call upon you to show-cause within 15 days from the date of receipt of this notice as to why the materials seized shall not be confiscated or such other order be passed as the undersigned may deem fit.You are also hereby required to present yourself before the undersigned in person or through duly authorised representative at the place, date and time given below :Place.....Date.....Time.....If you fail to show-cause or appear before the undersigned the matter shall proceed ex parte.Authorised OfficerForm 'G'[Vide Sub-rule (iii) of Rule 7]Order of Confiscation passed by the Authorised Officer

- 1. Name of Officer detecting the seized material**
- 2. Place of detection/seizure**
- 3. Date and hour of seizure**
- 4. Property seized if any with details**
- 5. Value of line materials as determined by the S.E. (Electrical) of the concerned Circle**
- 6. Name and address of person(s) from whom seized**
- 7. Names of witnesses**
- 8. Investigation Report NoDate.....**

Order Authorised Officer Form 'H' [Vide Sub-rule (ii) of Rule 8] Before the [Director, Transmission and Distribution, GRIDCO] [Substituted vide O.G.E.No. 430, dated 3.4.1998.] Appeal No of 20..... To Shri..... Vill..... AT/P.O..... Dist..... The above named appellant has preferred an appeal under Section 8 (i) of the O.E.S.L.W. (U.P.) Act, 1988. Please take notice that the aforesaid appeal has been posted for hearing to (Date)..... at 10.30 a. m. in the office of the [Director, Transmission & Distribution] [Substituted vide O.G.E.No. 430, dated 3.4.1998.] Headquarters Bhubaneswar. You are hereby directed to appear before the undersigned in person or through your authorised representative for hearing of the appeal at the above place, date and time failing which orders will be passed as the undersigned may deem fit.