

The U.P. Electric Wire and Transformers (Prevention and Punishment of Theft) Act, 1976

UTTAR PRADESH

India

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Act 42 of 1976

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The U.P. Electric Wire and Transformers (Prevention and Punishment of Theft) Act, 1976 U.P. Act No. 42 of 1976 [Dated 19th November, 1976] Received the assent of the Governor on November 19, 1976, published in U P. Gazette (Extraordinary), dated 22nd November, 1976, pages 3-5. An Act to control the serious menace of theft of electric wires and transformers belonging to the Uttar Pradesh State Electricity Board by providing for punishment for unauthorised possession of the same or parts thereof or metals used in their manufacture and for matters connected therewith. It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Uttar Pradesh Electric Wire and Transformers (Prevention and Punishment of Theft) Act, 1976. (2) It extends to the whole of Uttar Pradesh. (3) It shall be deemed to have come into force on August 20, 1976.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "aluminium" includes every form of aluminium including ingot, melted or finished form; (b) "copper" includes every form of copper including ingot, melted or finished form; (c) "licensing authority" means the District Magistrate of the district or any other officer authorised by him to perform any of the functions of the District Magistrate under this Act.

3. Restrictions on sale and storage of aluminium and copper.

(1) No person shall carry on the business of purchase or sale of aluminium or copper or store it for carrying on such business except under a licence granted by the Licensing Authority of the district in which he ordinarily resides or carries on business. (2) The procedure for grant of such licence, its period of validity, for its suspension or cancellation, for appeals against refusal, suspension or cancellation of licence, the fees in respect thereof, the registers and accounts to be maintained by the licensee, and the returns to be furnished by him, shall be as may be prescribed. (3) Where at any time any person has in his stock aluminium or copper in any quantity exceeding the quantity prescribed, he shall, for the purposes of this section, be deemed to have stored it for carrying on the business of purchase or sale of such aluminium or copper.

4. Declaration of existing stocks.

- Any person who at the commencement of this Act, has in his stock aluminium or copper in a quantity exceeding the quantity prescribed under Section 3 shall declare such stock to the Licensing Authority within fifteen days from the date on which the quantity is first prescribed.

5. Penalty for unlawful possession of electric wire or transformers.

- Whoever is found or is proved to have been in possession of any electric wire or transformer or any part thereof or in possession (in a quantity exceeding that prescribed under Section 3) of any copper or aluminium, whether in the form of ingot or in melted, finished or any other form. -(i) which is reasonably suspected of having been stolen or unlawfully obtained, and in respect of which he fails to prove that it came into his possession lawfully; or (ii) which has not been declared by him under section 4 or, as the case may be, has not been shown in a register or return prescribed under Section 3, shall be punishable-(a) for the first offence, with imprisonment for a term which may extend to three years, and also with fine, and in the absence of special and adequate reasons to be mentioned in the judgment of the court, such imprisonment shall not be less than one year and such fine shall not be less than one thousand rupees; (b) for the second or a subsequent offence, with imprisonment for a term which may extend to five years and also with fine, and in the absence of special and adequate reasons to be mentioned in the judgment of the court, such imprisonment shall not be less than two years and such fine shall not be less than two thousand rupees.

6. Punishment for connivance at offence.

- Any owner or occupier of land or building or any agent of such owner or occupier in charge of the management of that land or building, who wilfully connives at contravention of the provision of this Act, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

7. Power of Court to order forfeiture of vehicles, etc.

- Any court trying an offence punishable under this Act may order the forfeiture to Government of any property in respect of which the Court is satisfied that an offence under this Act has been committed and may also order the forfeiture of any receptacles, packages or coverings in which such property is contained, and the animals, vehicles or other conveyances used in carrying the property.

8. Powers of the Licensing Authority.

- The Licensing Authority or any other officer authorised by the State Government in this behalf may, with such assistance, if any, as he thinks fit, - (a) require the owner, occupier or any person in charge of any place, premises, vehicle, or vessel in which he has reason to believe that any contravention of the provisions of this Act or of the conditions of any licence issued thereunder has been, is being or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contravention; (b) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Act or of the conditions of any licence issued thereunder, has been, is being or is about to be committed; (c) take or cause to be taken, extracts or copies of, any documents, showing transactions relating to such contravention; (d) search, seize, and remove stocks of aluminium and copper and the animals, vehicles, vessels or other conveyance used in carrying the same in contravention of the provisions of this Act. or of the conditions of the licence issued thereunder, and thereafter, take or authorise the taking of all measures necessary for securing the production of such stocks and the animals, vehicles, vessels or other conveyances so seized, in a court and for their safe custody pending such production.

9. Power to make rules.

- The State Government may by notification in the Gazette make rules to carry out the purposes of this Act.

10. Repeal and savings.

(1) The Uttar Pradesh Electric Wire and Transformers (Prevention and Punishment of Theft) Ordinance, 1976 (U.P. Ordinance No. 22 of 1976), is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act. Notifications Notification No. 1316-P-3/81-23, dated April 28, 1981, published in U.P. Gazette (Extraordinary), dated 28th April, 1981. - In exercise of the powers under Section 8 of the Uttar Pradesh Electric Wire and Transformers (Prevention and Punishment of Theft) Act, 1976 (U.P. Act No. 42 of 1976) the Governor is pleased to authorise all police officers, not below the rank of Sub-Inspector to take all actions mentioned in clauses (a) to (d) of that section.