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ORDINANCE NO. X OF 2013

AN

ORDINANCE

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

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

AND WHEREAS the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement.**—This Ordinance may be called the Criminal Law (Amendment) Ordinance, 2013.

(2) It shall come into force at once.

2. **Addition of a new Chapter, Act XLV of 1860.**—In the Pakistan Penal Code, 1860 (XLV of 1860), after Chapter XVII A, the following new chapter shall be inserted, namely:—

**“CHAPTER XVII B”
OF OFFENCES RELATING TO ELECTRICITY**

462G. 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 re-sale to others, 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 Federal Government;
- (k) "licence" means a licence issued for generation, transmission or distribution under the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997);
- (l) "licensee" means a holder of a licence;
- (m) "person" includes any individual or any company, firm or corporation whether incorporated or not, or a public servant or an employee of any, company, licensee or electric power utility;
- (n) "service line" means any electric supply-line through which energy is, or is intended to be, supplied by a licensee:—
 - (i) to a single consumer either from a distributing main or immediately from the licensee'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;
- (o) "tampering" or "tamper" includes interfering or creating hindrance in flow or metering of electric power by unauthorized entry or 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;
- (p) "tariff" means the rates, charges terms and conditions for generation of electric power, transmission, inter-connection, distribution services and sales of electric power to consumers by a licensee;

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

462H. 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 service lines, electric supply-line or transmission facilities of a licensee 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 tampers 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 abets in committing tampering with transmission of electric power for the purpose of,—

- (a) theft of electric power; or
- (b) disrupting supply of electric power; or
- (c) 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 ten million rupees or with both.

462 I. Abstraction or tampering 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 service lines, electric supply-line or distribution facilities of a licensee 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 tampering 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 purpose 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 or may extend to three million rupees or with both.

462J. 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 licensee or disconnects the same from any such electric line without the consent of the licensee; or
- (b) unauthorizedly reconnects any electric meter with any electric line or other works being the property of a licensee when the said electric line or other works has or have been cut or disconnected without the consent of the licensee; or
- (c) tampers with an electric meter, installs 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 whereby electricity is stolen or wasted; or
- (d) uses the energy supplied by a licensee under one method of tariff in a manner for which higher tariff is in force; or
- (e) uses energy supplied by a licensee 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 of 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 two years or with fine which may extend to one million rupees or with both.

462K. Interference, improper use or tampering with electric meter by industrial or commercial, etc.—Any person being industrial or commercial who:

- (a) unauthorizedly connects any electric meter with any electric line through which electricity is supplied by a licensee or disconnects the same from any such electric line without the consent of the licensee; or
- (b) unauthorizedly reconnects any electric meter with any electric line or other works being the property of a licensee when the said electric line or other works has or have been cut or disconnected without the consent of the licensee; or
- (c) tampers 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 licensee 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 licensee 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 six million rupees or with both.

462L. Interference, improper use or tampering 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 licensee or disconnects the same from any such electric line without the consent of the licensee; or
- (b) unauthorizedly reconnects any electric meter with any electric line or other works being the property of a licensee when the said electric line or other works has or have been cut or disconnected without the consent of the licensee; or
- (c) tampers 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 licensee 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 licensee 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 two years or with fine which may extend to two and half million rupees or with both.

462M. Damaging or destroying or destructing the transmission lines, distribution lines, electric meters etc.—Any person who damages, destroys or destructs 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 seven years and with fine which shall not be less than three million rupees.

462N. Recovery of outstanding amounts from persons involved in section 462H to 462M offences.—Any person said to commit or to have committed the offence as mentioned in section 462H to 462M shall also be liable to pay an amount equivalent to the financial loss caused to the Government or the distribution companies concerned. Any such outstanding amount or penalties / fines imposed under this Chapter shall be recoverable as arrears of land revenue.

462O. 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 duly authorized officer (not below Grade 17) of the Government or the distribution company, as the case may be.

3. **Overriding effect.**—The provisions of this Chapter shall have effect notwithstanding anything contained in any other law for the time being in force.

4. **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 F and the corresponding entries relating thereto in columns 1,2,3,4,5,6,7 and 8, the following shall be inserted, namely:—

**"CHAPTER XVII B
OFFENCES RELATING TO ELECTRICITY**

		May arrest without warrant	A warrant shall not ordinarily issue in the first instance	Not Bailable	Not Compoundable	Rigorous imprisonment for three years or with fine upto ten million rupees or with both.	Court of Session designated as Electricity Utilities Court
462 H	Abstraction or tampering etc. with transmission						
462 I	Abstraction or tampering etc. with distribution or auxiliary	Ditto	Ditto	Ditto	Ditto	Rigorous imprisonment for three years or with fine upto three million rupees or with both.	Ditto.
462 J	Interference, improper use or tampering etc. with electric meter by domestic consumer, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment upto two year or fine upto one million rupees or with both.	Ditto.
462 K	Interference, improper use or tampering etc. with electric meter by industrial or commercial, etc.-	Ditto	Ditto	Ditto	Ditto	Imprisonment for three years or with fine upto six million rupees or with both.	Ditto.
462 L	Interference, improper use or tampering etc. with electric meter by agricultural consumer, etc.-	Ditto	Ditto	Ditto	Ditto	Imprisonment for two years or with fine upto two and half million rupees or with both.	Ditto.
462 M	Damaging or destroying the transmission lines, distribution lines, electric meters etc.	Ditto	Ditto	Ditto	Ditto	Rigorous imprisonment for seven years and with fine not less than three million rupees.	Ditto.

STATEMENT OF OBJECTS AND REASONS
OFFENCES & PENALTIES RELATING TO ELECTRICITY -
AMENDMENT IN THE PPC & CRPC

The Ministry of Water & Power is faced with the situation whereby the recoveries affected by the distribution companies (DISCOs) from the consumers are insufficient and inadequate to meet the cost of generated electricity. As a result, the GoP has to provide subsidy, especially to those DISCOs where leakage, pilferages and theft is rampant. Primarily, this phenomenon emanates from fragile legal and enforcement structure. In the FY 2012-13, the total number of occurrences registered in relation to theft of electricity were around 2 Million, against which 23000 FIRs were lodged and only three convictions were reported

2. Presently offenses, penalties and procedure in relation to the theft of electricity is provided in the Electricity Act, 1910. However, this mechanism is weak and has not resulted in any significant recoveries or deterrence. Moreover, against the total 7800 distribution feeders in the national grid (except KESC), as many as 4000 feeders have a loss of more than the standard figures (0-10%), which is a large percentage when seen in the context of the total 22 million consumer base. A situation has arisen where about 15 Billion units of electricity have been lost during FY 2012-13, out of which at least 25-40% is considered to be lost due to outright theft translating into loss of upto Rs. 90 Billion. There is thus an urgent need to rectify the present situation that the Ministry of Water & Power finds itself in. Accordingly, a draft **Bill** further to amend Pakistan Penal Code 1860 (PPC) and the Code of Criminal Procedure 1898 (CrPC) has been drafted. The draft **Bill** was also vetted by Law and Justice Division.

KHAWAJA MUHAMMAD ASIF
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Minister-in-Charge