



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक १९(२)]

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असाधारण क्रमांक ४०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Electricity (Maharashtra Amendment) Bill, 2018 (L. A. Bill No. XII of 2018), introduced in the Maharashtra Legislative Assembly on the 19th March 2018, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XII OF 2018.

A BILL

further to amend the Electricity Act, 2003, in its application to the State of Maharashtra.

36 of
2003.

WHEREAS it is expedient further to amend the Electricity Act, 2003, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Electricity (Maharashtra Amendment) Act, 2018. Short title.

Amendment
of section 168
of Act 36 of
2003.

2. Section 168 of the Electricity Act, 2003, in its application to the State of Maharashtra, shall be renumbered as sub-section (1) thereof; and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :—

“(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of an offence alleged to have been committed by an employee employed in connection with the affairs of the Maharashtra State Power Generation Company Limited, the Maharashtra State Electricity Transmission Company Limited or the Maharashtra State Electricity Distribution Company Limited, being the Government Companies, while acting or purporting to act in the discharge of his official duties under this Act or the rules or regulations made thereunder, without the previous sanction of an officer of the concerned Government Company duly authorised in this behalf by it.”.

STATEMENT OF OBJECTS AND REASONS.

The Electricity Act, 2003 (36 of 2003) has been enacted by the Parliament with a view to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry and for certain other matters connected therewith or incidental thereto.

2. By virtue of the provisions of sub-section (2) of section 131 of the said Act, the property, interest in property, rights and liabilities of the erstwhile Maharashtra State Electricity Board are now *inter alia* re-vested in the Government Companies *viz.* the Maharashtra State Power Generation Company Limited, the Maharashtra State Electricity Transmission Company Limited and the Maharashtra State Electricity Distribution Company Limited. Accordingly, the said companies are now engaged in the business of generation, transmission and distribution of electricity, respectively.

The officers and employees of these companies have to perform various functions and duties under the said Act or rules and regulations made thereunder. While discharging their official duties they come into direct contact with public at large. Many a times these employees are falsely or maliciously implicated in the criminal cases like assault, criminal trespass, criminal breach of trust, misappropriation, rash and negligent act causing culpable homicide not amounting to murder, outraging the modesty of women, etc., by the consumers or interested persons. In the absence of adequate statutory safeguards, upon such complaints, the Courts are required to take cognizance of such offences alleged to have been committed by such employees being public servants in discharge of their official duties.

3. Section 168 of the said Act *inter alia* provides that no suit, prosecution or other proceeding shall lie against any public servant for anything done or in good faith purporting to be done under this Act or the rules or regulations made thereunder. However, there is no provision in the said Act for taking previous sanction of the authorized officer of the said Government companies before taking cognizance of an offence alleged to have been committed by their employees while acting or purporting to act in the discharge of their official duties under the said Act or the rules and regulations made thereunder.

It is, therefore, considered expedient to suitably amend section 168 of the said Act for that purpose.

4. The Bill seeks to achieve the above objectives.

Mumbai,
dated the 16th March 2018.

CHANDRASHEKHAR BAVANKULE,
Minister for Energy.