

**THE KHYBER PAKHTUNKHWA
PUBLIC UTILITY SERVICES ACT, 1938.**

(Act, V of 1938)

CONTENTS.

Preamble.

SECTIONS.

1. Short title, extent and commencement.
2. Definition.
3. Power to control public utility services.
4. Order under section 3 not to restrict workmen from refusing to work.
5. Penalty for disobeying order.
6. Bar of jurisdiction.

**THE ¹[KHYBER PAKHTUNKHWA]
PUBLIC UTILITY SERVICES ACT, 1938.**

Act V of 1938.

AN
ACT.

**to empower the Government of the ²[Khyber Pakhtunkhwa] to
control public utility services.**

WHEREAS it is expedient that the Provincial Government should have power to control public utility services; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the ³[Khyber Pakhtunkhwa] Control of Public Utility Services Act, 1938. Short title, extent and commencement.

(2) It extends to the Province of the ⁴[Khyber Pakhtunkhwa].

(3) It shall come into force at once.

2. "Public Utility service" means— Definition.

(i) any industry, business or undertaking which supplies light or water to the public; or

(ii) any system of public conservancy or sanitation.

3. (1) If, in the opinion of the Provincial Government, it is necessary for the public advantage to secure the continuance of any public utility service, other than a public utility service, owned by Government, the Provincial Government, may— Power to control public utility services.

(a) by order in writing, require the owner or person incharge of the utility service or of anything ancillary thereto, or the person in control of any establishment ancillary thereto, to take or abstain from such action in respect of the supply of such service as may be specified in the order; or

(b) after giving notice in writing to the owner or person incharge of the utility service or of anything ancillary thereto or to the person in control of any establishment ancillary thereto, or, if such owner or person has disobeyed or neglected to comply with, an order made under clause (a), without such notice,

¹. Subs vide the Khyber Pakhtunkhwa Act IV of 2011.

². Subs by the Act *ibid*.

³. Subs by the Act *ibid*.

⁴. Subs by the Act *ibid*.

assume control of such service, thing or establishment, and take such order therewith as may, in the opinion of the Provincial Government, be necessary to secure the continuance of such service.

(2) Every order under this section shall specify the period for which it shall remain in force, and no order under this section shall remain in force for more than three months from the making thereof.

4. No order shall be made under Section 3 requiring persons employed by the owner or the person incharge of the public utility service to remain at work. Order under section 3 not to restrict workmen from refusing to work.

5. Whoever disobeys or neglects to comply with any order made, direction given or condition prescribed in accordance with the provisions of Section 3 or impedes the lawful exercise of any power referred to in that section, shall be punishable with imprisonment which may extend to six months or with fine or with both. Penalty for disobeying order.

6. No proceeding, direction or order purporting to be taken or made under this Act shall be called in question by any court, and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this Act. Bar of Jurisdiction.