
(1978) 04 KAR CK 0036
In the Karnataka High Court
Case No : WP. 1473/74 expld

Venkataswamy K.R.

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 20-04-1978

Acts Referred:

Electricity Act, 1910 — Section 37

Citation : (1978) 2 KarLJ 441

Hon'ble Judges : Chandrashekhar, C.J.;Venkatesh, J

Judgement

Chandrashekhar, CJ.-This petition under Art. 226 of the Constitution, has been referred to a Division Bench by Malimath, J, as important questions as to the validity of the Karnataka (Licensing of Electrical Contractors and grant of Certificates and permits to Electrical Supervisors and Wiremen) Rules, 1976 (hereinafter referred to as the State Rules), arise in this petition.

2. The petitioner is an Electrical Contractor. In this petition he has challenged the validity of the Rules issued under the Notification of the Government dt. 28-5-1976. The preamble to the State Rules states that they have been made in exercise of the powers conferred by Rule 45 of the Indian Electricity Rules, 1956, (hereinafter referred to as the Electricity Rules),

3. In order to appreciate the contentions urged by Sri H.R. Venkataramaniah, learned Counsel for the petitioner it is necessary to set out the relevant provisions of the Indian Electricity Act, 1910 (hereinafter referred to as the Act) and the Rules made thereunder.

The preamble to the Act states that it is intended to regulate the supply and use of electrical energy.

5. Clause(h) of Sec. 2 defines "licensee" as any person licensed under Part II of the Act to supply energy.

6. Sec. 36A provides for the constitution of the Central Electricity Board.

7. The relevant parts of Section 37 read;

"37(1) The Central Electricity Board may make, rules, for the whole or any part of the territories to which this Act extends to regulate the generation, transmission, supply and use of energy and, generally to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may- (a) Prescribe the form of applications for licenses and the payments to be made in respect thereof;

* * * *

(f) Provide for the protection of persons and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of any appliance or apparatus used in the generation, transmission, supply, or use of energy

(l) provide for any matter which is to be or may be prescribed."

8. In exercise of the powers conferred by Sec. 37, the Central Electricity Board has made the Electricity Rules. The relevant portion of Rule 45 of the Electricity Rules reads as follows:

"45. Precautions to be adopted by consumers, owners, electrical contractors, electrical workmen and suppliers-(1) No electrical installation work, including additions, alterations, repairs and adjustments to existing installations, except such replacement of lamps, fans, fuses, switches, low voltage domestic appliances and fittings as in no way alters its capacity or character, shall be carried out upon the premises of or on behalf of any consumer or owner, for the purpose of supply to such consumer or owner, except by an electrical contractor licensed in this behalf by the State Govt, and under the direct supervision of a person holding a certificate of competency issued or recognised by the State Government."

(The proviso is omitted as it is not relevant)

10. In exercise of the powers conferred by Rule 45 of the Electricity Rules, the Govt of Karnataka had made rules regulating grant of licenses to electrical contractors, certificates of competency, and permits to electrical supervisors and to workmen for the entire State of Karnataka. Those rules were issued by the Notification of the State Govt, dt. 7-7-59. The validity of those rules was impugned in WP. 2473 of 1974 and connected petitions. A Division Bench of this Court (which consisted of one of us), by its order dt. 27-10-75, held that Rules 3 and 26 of those Rules were invalid and that in the absence of those two Rules the rest of those Rules lost all efficacy and could not survive. In supersession of those Rules, the present Rules (impugned herein) were made by the State Government.

11. We shall set out briefly the salient features of the impugned Rules.
12. Rule 3 provides for establishment of the Board called Electrical Contractors' Supervisors' and Wiremen's Advisory and Examinations Board (hereinafter referred to as the Board) and it consists, inter alia, of the Electrical Inspector and the Deputy Electrical Inspector of the Government of Karnataka.
13. Rule 4 which sets out the functions of the Board, reads:
- "(a) To receive and scrutinise applications for the grant of Electrical Contractors Licenses and make suitable recommendations to the State Government;
- (b) To receive and scrutinise the application for the grant of certificate of competency and permits to Electrical Supervisors and permits to wiremen and to make suitable recommendations to Government;
- (c) To conduct examination for purpose of grant of certificates and permits referred to in (b) above.
- (d) Generally to advise the State Govt, regarding all matters related to licences, certificates or permits."
14. Rule 8 provides that no electrical installation work shall be undertaken except by a Contractor licensed under these Rules.
15. Rule 9 provides for classification of Electrical Contractors into three categories according to the maximum value of the works they are permitted to undertake and fixes the minimum limits of solvency for these three classes.
16. Rule 10 provides that all applications for grant of Electrical Contractor's Licence, shall be addressed to the State Govt, and shall be sent to the Secretary of the Board.
17. Rule 11 provides for the licence fee to be paid by different classes of Contractors for applying for licences.
18. Rule 12 provides that all applications filed under Rule 10 shall be scrutinised by the Board, that applications satisfying the conditions specified in Rule 13, shall be recommended for grant of licence to the State Govt, and that applications of persons disqualified under Rule 14, shall not be so recommended.
19. Rule 15 sets out the conditions for grant of a Contractor's licence. Sub-rule(1) of that Rule provides that an electrical contractor shall himself hold an Electrical Supervisor's permit granted or recognised by the State Govt, and shall personally supervise the electrical contract works undertaken by him or maintain in his sole employ a full time electrical supervisor holding such permit.
- 19a. Sub-rule (2) of that Rule provides that a licensed electrical contractor shall always maintain the testing instruments specified therein.
20. Rule 15(1) which deals with disposal of applications reads:

"The State Govt, shall consider the applications and its enclosures and the recommendations of the Board and by order approve or reject the application for grant of the licence."

21. Rule 16 provides that every licence granted shall be valid for a period of one year ending on the 10th June, and that a licence may, subject to the same terms and conditions as are applicable to grant of licence, be renewed for a further like period.

22. Rule 18 provides that every work of electrical wiring and installation of low, medium, high and extra-high voltage, as defined in the Rule, shall be done only by persons holding certificate of competency and permits.

23. The schedule to the Rules contain the syllabi for Electrical Supervisor's Examination and Wiremen's Examination.

24. The principal contention urged by Sri Venkataramanaiah was that the State Govt, has no competence under Rule 45 of the Electricity Rules to make the impugned Rules. Elaborating his contention, he submitted that Rule 45 of Electricity Rules empowers the State Govt, only to grant licences and certificates of competency and does not empower the State Govt, to make any rules providing for conditions and restrictions subject to which the Govt may grant such licences and certificates of competency and permits. In support of his contention he relied on the following observations of this Court in K.R. Venkataswamy v. State of Karnataka, WP. 1473/74 and connected petitions.

"As seen earlier, Rule 45 of the Central Rules merely confer power on the State Govt, to issue licences, certificates of competency and permits. That Rule does not empower the State Govt to make rules, nor is there anything in the Act which so empowers the State Government."

25. Reliance was also placed on following observation of a Division Bench of the Andhra Pradesh High Court in Andhra Electrical Contractors' Association v. State of Andhra Pradesh, WP. 755/66:

"There are no words in the said rule (Rule 45 of the Indian Electricity Rules, 1956) which will indicate that the State Govt, can make such rules. That there is no express authorisation to make such rules. What was however argued was that the authority vested in the State Govt, to grant licences or issue certificates necessarily carries with it the power to make necessary rules in that behalf. We do not think that the argument is valid. To imply a power to make rules from the mere grant of power to issue licences or certificates would not be correct. It may be that it would be difficult for the State Govt., if not almost impossible, to grant licences or issue certificates without having a set of rules in that behalf. But the difficulty alone could not empower the State Govt, to make rules which would be binding upon the citizens as law. The Central Electricity Board, which is the competent authority to make rules, could itself have framed the rules for the grant of licences and certificates, which rules could have been followed by the

State Govt, to grant licences and issue certificates. It would not be proper to grant further power to the authority to make rules while the necessity for a set of rules under which licences and certificates can be granted cannot be doubted. We feel that such a necessity by itself would not confer power by necessary implication under Rule 45 upon the State Govt, to make such rules....."

26. After the above ruling of the AP High Court, the State of AP framed certain guide lines for grant of licences to electrical contractors and competency certificates and permits to superiors, electricians and wiremen. The validity of those guide lines was challenged in *Vijaya Stores v. State of AP*, WP. 5788/71. The Andhra Pradesh High Court held that those guide lines were really conditions which have to be fulfilled by those who desire to obtain licences and certificates and that by merely styling such conditions as guide lines the effect of the pronouncement of the Division Bench in the earlier decision could not be got over. In that view the Govt Order by which those guide lines were issued, was quashed.

27. The learned Govt Advocate contended that when Rule 45 of the Electricity Rules has conferred power on the State Govt to issue licences and certificates of competency such power carries with it the implied power to make rules to regulate the grant of such licences and certificates of competency. In support of his contentions, he relied on the observations of Somnath Iyer, J (as he then was) in *Vishu Sangeam v. President, Licensing Borad*, 1963 MysLJ. Suppl. 64. There the validity of the Electricity (Mysore) Rules, 1956, was challenged on the same ground, namely that the State Govt, was not authorised under Rule 45 of the Electricity Rules to frame rules. Repelling that contention this is what his Lordship observed:

"That Rule (Rule 45 of the Indian Electricity Rules) it is clear authorised the State Govt, to make rules although it does not state in so many words for the regulation of the grant of the competency certificate which may be issued to a Supervisor If an authority like the State Govt, is authorised by Rule 45 to grant a competency certificate, the question as to how that competency certificate should be granted, in what form it should be granted and whether that competency certificate would have operation only for a limited period are all matters in regard to which the State Govt, has clearly the power to make rule....."

A similar view was taken by a Division Bench of the Allahabad High Court in *Electric Inspector to Govt of U.P., Lucknow v. R.J. Singh*, AIR. 1966 All. 326. There also the rules framed by the U.P. Govt under Rule 45 of the Electricity Rules had been impugned. Desai, CJ, who spoke for the Bench said thus:

"The Rule (Rule 45 of the Electricity Rules) did not expressly authorise it. The State Govt, may make rules for its own guidance in the matter of granting and cancelling licences but this fact did not prevent its doing so. Any authority upon whom a power is conferred is competent to make rules for its own guidance in

the exercise of it."

28. The observation of this Court in K.R. Venkataswamy's case, WP. 1473/74 and connected petitions that Rule 45 of the Electricity Rules did not empower the State Government to make rule should, in our opinion be understood as saying that Rule 45 of the Electricity Rules did not expressly authorise the State Govt, to make Rules regulating granting of licences, certificates and permits. The decision in those petitions turned on the question whether the impugned rules constituted abdication of power conferred on the State Govt, under Rule 45 of the Electricity Rules and the Division Bench held that the rules impugned in that case were invalid on the ground of such abdication. The question of implied power to frame Rules regulating exercise of the discretion conferred on the State Govt,, did not arise for decision.

29. We are in respectful agreement with the view taken by Somnath Iyer, J (as he then was), that if an authority like the State Govt, is authorised by Rule 45 to grant a competency certificate, the question as to how that competency certificate should be granted, in what form it should be granted and whether that competency certificate would have operation only for a limited period, are all matters in regard to which the State Govt, has clearly the power to make rules. We are also in agreement with the enunciation by Desai, CJ, that any authority upon whom a power is conferred is competent to make rules for its own guidance in exercise of that power.

30. The view that we take receives support from the following pronouncement of the Supreme Court in State of U.P. v. Bituk Deo Pati Tripathi, 1978(2) SCC 102 at 110:

"The power to do a thing necessarily carries with it the power to regulate the manner in which the thing may be done. It is an incident of the power itself and indeed, without it, the exercise of the power may in practice be fraught with difficulties which will frustrate, rather than further, the object of the power. It is undoubtedly true that the rules framed for prescribing the manner in which a power may be exercised have to be truly regulatory in character."

31. Thus, the conferment of power under Rule 45 of the Electricity Rules on the State Govt, to issue licences and competency certificates carries with it the incidental and implied power to make rules to regulate or guide the exercise of such power.

32. However, Sri Venkataramaniam contended that under S. 37 the power to make rules regulating the grant of licences and issue of competency certificates has been conferred on the Central Electricity Board itself and that hence such power cannot be exercised by the State Govt,. Though such power is conferred on the Central Electricity Board, in the absence of any rules made by the Central Electricity Board, the State Govt, can in our opinion, make rules to regulate the exercise of the power conferred on it under Rule 45 of the Electricity Rules. If the Central Electricity Board frames rules in this behalf those rules will prevail over

the rules made by the State Govt., Until the Central Electricity Board makes such rules, the rules made by the State Govt, will, in our opinion, operate.

33. It was next contended by Sri Venkataramanaiah that under the impugned rules the State Govt, has abdicated the power conferred on it under Rule 45 of the Electricity Rules inasmuch as Rule 13 of the State Rules provides that all applications made under Rule 10 of the State Rules which satisfy the conditions specified in Rule 13 of the State Rules, shall be recommended to the State Govt, for the grant of licences. He maintained that unless the Board makes a recommendation, the Govt cannot grant a licence. He pointed out that there is no provision in the State Rules for an appeal from the decision of the Board declining to recommend for granting licence to an applicant.

34. The above contention of Sri Venkataramanaiah overlooks the effect of Rule 15 of the State Rules which provides that the Govt, while considering the applications and its enclosure, and the recommendations of the Board shall approve or reject the application for grant of licence. Though the Board makes recommendations under Rule 12 of the State Rules, the ultimate decision to grant or refuse licence, will be that of the Govt and not of the Board. Under Rule 13 of the State Rules the Board has to forward the applications along with its recommendations to the Govt and the Govt has the power to grant such licence even if the Board has not recommended grant of such licence. We are unable to accept the contention of Sri Venkataramanaiah that under the State Rules the Govt has abdicated the power conferred, on it under Rule 45 of the Electricity Rules.

35. Sri Venkataramanaiah next contended that the State Rules-impose unreasonable restrictions on the right of electrical contractors to carry on their profession or business. He referred to R. 13(1) of the State Rule which imposes a condition that for grant of an electrical contractor's licence, he should himself be holder of an Electrical Supervisors permit granted or recognised by the State Govt, or he should, employ a full time Electrical Supervisor or holding such permit. Sri Venkataramanaiah maintained that several electrical contractors who do not possess Electrical Supervisor's permit, are carrying on their business satisfactorily since long and that it is unreasonable to require all of them to take the test held by the Board and to qualify themselves for the Electrical Supervisor's permit,

36. Rule 13 of the State Rules does not make it incumbent on every electrical contractor to possess Electrical Supervisor's permit. If he himself does not possess such certificate, it is open to him to employ a full time Electrical Supervisor holding such permit. Even so, Sri Venkataramanaiah contended that it would be a very heavy burden on the electrical contractor to employ a full time Electrical Supervisor holding a permit.

37. The requirement of the Rule 13 that an electrical contractor should, either himself hold an Electrical Supervisor's permit or maintain in his employ an

Electrical Supervisor holding such permit, undoubtedly places a burden on an electrical contractor. But; having regard to the danger to human life from electricity unless it is properly handled, such burden cannot be said to be unreasonable.

38. Even so, Sri Venkataramanaiah contended that the requirement in Rule 13 of the State Rules that an electrical contractor who does not himself possess an Electrical Supervisor's permit, should employ a full time electrical supervisor, goes beyond what is provided in Rule 45 of Central Rules and that hence to that extent Rule 13 of the State Rules is ultra vires of Rule 45 of Central Rules. Elaborating this contention, Sri Venkataramanaiah pointed out that in Central Rule 45 all that is provided is that an electrical installation work (including additions, alterations, repairs and adjustments to existing installations) shall be carried out by an electrical contractor licensed in this behalf by the state Govt, under the direct supervision of a person holding a certificate of competency issued or recognised by the State Govt, and that the Rule does not require that a contractor should maintain such person as a full time employee. Sri Venkataramanaiah submitted that under Central Rule 45 it would be sufficient for an electrical contractor to employ an electrical supervisor during the execution of an electrical installation and that such employment of the electrical supervisor need not be whole time.

39. On the other hand, the learned Govt Advocate relied on the following statement of law in *Matajog Dobey v. H.C. Bhari*, AIR. 1956 SC. 44 at 50:

"Where a power is conferred or a duty imposed by statute or otherwise, and there is nothing said expressly inhibiting the exercise of the power or the performance of the duty by any limitations or restrictions, it is reasonable to hold that it carries with it the power of doing all such acts or employing such means as are reasonably necessary for such execution."

On the basis of the above statement of law, the learned Govt Advocate maintained that when once Rule 45 of the Central Rules confers on the State Govt, the power to grant licence to electrical contractors, such power carries with it the power to do all acts which are necessary to make the exercise of such power effective and that the requirement that an electrical contractor should employ a full time electrical supervisor holding a valid permit, is a reasonable condition for granting licence to an electrical contractor.

40. We are unable to see why it is necessary for an electrical contractor not holding an Electrical Supervisor's permit, to maintain such supervisor in his sole employment and why such supervisor should not be employed just during the execution of an electrical installation. Executing such work may be during only a few days in a month or a few months in a year. It would, in our opinion, be unreasonable to insist that such contractor should employ such supervisor throughout the month or throughout the year though there may be no work for such supervisor throughout the month or throughout the year.

41. Hence, we hold that Rule 13(1) of the State Rules, in so far as it provides that an electrical contractor not holding an Electrical Supervisor's permit should maintain in his sole employ a full time electrical supervisor, is ultra vires of Central Rule 45 and hence invalid.

42. Sri Venkatararnanaiah next contended that sub-rule(2) of Rule 13 of the State Rules which provides that a licensed electrical contractor should always maintain the testing instruments specified in that sub-rule, imposes an unreasonable restriction on his carrying on business. Elaborating this contention, Sri Venkatararnanaiah submitted that before giving electricity supply to any new electrical installation the authorities of the Electricity Board are required to test such installation, that electricity will be supplied to such installation only after such authorities are satisfied about the soundness of such installation and that hence there is no need for an electrical contractor to maintain any testing instruments.

43. On the other hand, the learned Govt Advocate invited our attention to Regulation No. 15 of the Electricity Supply Regulations framed by the Karnataka State Electricity Board under Sec. 79(j) of the Electricity Supply Act, 1948. That Regulation provides, inter alia, that as soon as the consumer's installation is completed in all respects and tested by the consumer's contractor, the consumer should submit to the Electricity Board the contractor's completion and test report. The learned Govt Advocate argued that this Regulation makes it clear that even before the Electricity Board authorities test any new installation, the contractor who executed such installation should also test it and submit his test report and that hence it is necessary for an electrical contractor to maintain testing instrument.

44. The learned Government Advocate is right in contending that testing of a new installation by the Electricity Board authority will not dispense with the obligation of the electrical contractor to test such installation and to submit his test report and that hence it is necessary that he should also maintain testing instruments.

45. Even so, Sri Venkatanamanaiah contended that the requirement in Rule 13(2) of the State Rules that a licensed contractor should always maintain the testing instruments specified in that sub-rule, is unreasonable and that it would be sufficient for an electrical contractor to have those instrument, just when an electrical installation completed by him, has to be tested and that he can procure such instruments by borrowing or taking them on hire for the occasion. Sri Venkataramanaiah admitted that except Megger and Earth Tester (which is required to be maintained by Class-I contractors only), all the other testing instruments are not costly instruments. Hence, the requirement that a licenced contractor should always maintain the testing instruments other than the Megger and Earth Tester, cannot be unreasonable.

46. According to Sri Venkataramanaiah, the present price of a Megger of 1000

Volts is about Rs. 5,000 and that of 500 Volts, Rs. 900. But according to the learned Government Advocate, such prices are considerably less. Even if the prices of Meggers of these two Voltages, are half of what Sri Venkataramanaiah submitted, we do not see why a licensed contractor should always maintain that instrument and why it would not be sufficient if he procures it at the time of testing the new installation completed by him.

47. Sri Venkataramanaiah Submitted that Earh Tester with accessories, is also a very costly instrument and that its price is about Rs.3,000 This instrument is, no doubt, required to be maintained only by Class-I and not by Class-II or III contractors. Even so, there is no reason why a Class-I electrical contractor should be required to maintain it always and why it should not be sufficient if he procures it just when he has to test a new high voltage electrical installation completed by him.

48. Hence, we hold that sub-rule (2) of Rule 13 of the State Rules, in so far as it requires that an electrical contractor shall always; maintain a Megger and an Earth Tester with accessories, imposes aft unreasonable restriction and hence is invalid. In other respects, we uphold the validity of that sub-rule.

49. It was next contended by Sri Venkataramanaiah that Rule 18 of the State Rules, in so far as it provides that every work of electrical wiring and installation shall be done only by persons holding certificates of competency and permits, is ultra vires of Central Rule 45. Elaborating his contention, he submitted that all that Central Rule 45 requires is that an electrical installation shall be done by a licensed electrical contractor under the direct supervision of a person holding a certificate of competency issued or recognised by the State Govt, andthat that rule does not require that a workman employed by a licensed contractor to do such installation, should also be a person possessing certificate of competency and or permits.

50. On the other hand, the learned Govt Advocate contended that this question, is no longer res integra in view of the following observations of a Bench of this Court in Vishnu Gangaram Lalge v. President of Electrical Contractors (supra):

"The submission made to us that petitioner-2 who is a workman can function as a wireman without obtaining a permit from any one, amounting as it does to the supersession of the provisions of Rule 45 of the Central Rules as amended by the State Govt, under Rule 133, has to be repelled as utterly devoid of substance. The submission made to us on behalf of the 2nd petitioner that those parts of the rules made by the State Govt, which have reference to a permit to be obtained by a wireman, including Rules 44 and 45, which provide for the renewal of that permit and Rule 24 which provides for the suspension or cancellation of that permit have to be declared as invalid, have to be negated for the same reasons for which we should negative that argument in the case of the first petitioner."

The aforesaid observation do not lay down that a wireman engaged by a licensed electrical contractor to do electric wiring, should possess certificate of

competency and permits even though the electrical contractor himself holds an Electrical Supervisor's permit or such wireman works under the direct supervision of such contractor or an electrical supervisor holding such permit. It is only when a wireman does wiring independently and not under the direct supervision of such contractor or electrical supervisor, the requirement that he should be holding certificate of competency and permit, would be valid. Hence, the aforesaid observations have no relevance for deciding the question whether a wireman employed by a licensed contractor and working under his direct supervision or that of a supervisor holding an Electrical Supervisor's permit should also possess a certificate of competency and permit. Sri Venkataramanaiah is right in his submission that Central Rule 45 does not provide that a wireman who does wiring work under the direct supervision of a person holding Electrical Supervisor's permit, should also hold a certificate of competency and or permit issued or recognised by the State Govt., Hence, Rule 18 of the State Rules which provides that every work of electrical wiring and installation should be done only by a person holding a certificate of competency or permit, is valid only in so far as it relates to electrical wiring and installation done by a wireman otherwise than under the direct Supervision of a person holding Electrical Supervisor's permit. That Rule is invalid in so far as it provides that a wireman who does electrical wiring and installation even under the direct supervision of a holder possessing an Electrical Supervisor's permit, should also hold certificates of competency and permits.

51. Sri Venkataramanaiah next contended that the requirement that every licensed contractor should get his licence renewed every year, is an unreasonable and needlessly onerous restriction. He submitted that once an electrical contractor is granted a licence, there is no reason to require him to get his licence renewed at such a short interval as one year.

52. The learned Govt Advocate contended that the above question is no longer res integra in view of the following observations of Somnath Iyer, J (as he then was), who spoke for the Division Bench in Vishnu Gangaram's case (Supra):

"It is, I think, clear that the power to make rules delimiting the period during which a competency certificate shall be in operation or force is within the orbit of the power conferred on the State Govt, by Rule 45 of the Central Rules. Rule 44 does no more than to say that the permit referred to therein which is really a competency certificate shall be in force for a period of a year to be renewed annually, and that if the Supervisor wishes to have a competency certificate beyond that period, he must obtain its renewal by making an application for that purpose.

I am unable to understand why we should hold that the State Govt, does not possess the power to grant a competency certificate which has operation only for a specified period, and if it does possess that power why it cannot make a rule directing the renewal of that competency certificate after the expiry of that period."

53. What has been upheld in Vishnu Gangaram's case (supra) is the competence of the State Govt, to require that a licence once granted should be renewed at periodical intervals. The question whether only one year would be a reasonable period for the duration of a licence, was not considered in that case. There is not enough material in this case to hold whether or not such period of one year would be a reasonable one or unduly short period. However, we suggest that the authorities may examine whether the period for which a licence granted to a contractor would be in force, should not be extended to a longer period like 3 years, because the position of a licensed electrical contractor is not likely to change materially year by year. Apart from making this suggestion, we do not strike down Rule 16 which provides for duration of a licence granted to an electrical contractor.

54. In the result, we allow this petition partly and hold as invalid- (a) Sub-rule(1) of Rule 13 of the State Rules, in so far as it provides that an electrical contractor shall maintain in his sole employ a full time electrical supervisor holding an Electrical Supervisor's permit granted or recognised by the State Government;

(b) Sub-rule(2) of Rule 13 of the State Rules, in so far as it provides that a licensed electrical contractor shall always maintain the testing instruments of Megger and Earth Tester with accessories;

(c) Rule 18 of the State Rules, in so far as it provides that every work of electrical wiring and installation shall be done only by a person holding certificate of competency and permits.

In other respects, we uphold the validity of those Rules. We further issue a mandamus directing the respondents to forbear from enforcing Rules 13 and 18 to the extent they are held as invalid.

55. In the circumstances of the case, we direct the parties to bear their own costs.