

**GOVERNMENT OF INDIA  
POWER  
LOK SABHA**

UNSTARRED QUESTION NO:1042  
ANSWERED ON:30.07.2010  
REVIEW OF ELECTRICITY ACT, 2003  
Jaiswal Shri Gorakh Prasad ;Sinh Dr. Sanjay

**Will the Minister of POWER be pleased to state:**

- (a) whether the Government has made any assessment/review of the successfulness of the Electricity Act, 2003 so far;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF POWER ( SHRI BHARATSINH SOLANKI )

(a) to (c) : Government has reviewed the Electricity Act, 2003 (36 of 2003) from time to time after its enactment in 2003 in view of the concerns expressed by a number of States and stakeholders of power sector. Government has made following amendments in the Electricity Act, 2003 so far :-

- (1) The Electricity (Amendment) Act, 2003 (57 of 2003)
- (2) The Electricity (Amendment) Act, 2007 (26 of 2007)

The salient features of the Electricity (Amendment) Act, 2003 and 2007 are mentioned as under:

(1) The Electricity (Amendment) Act, 2003

(i) A proviso has been inserted after fourth proviso in sub-section 2 of section 42 which provides that State Commission shall, not later than five years from the commencement of the Electricity (Amendment) Act, 2003 by regulation provide such open access to all consumers who require a supply of electricity exceeding 1 MW.

(ii) Section 121 of the principal Act has been substituted with a new section indicating powers of Appellate Tribunal.

(iii) Sections 139 and 140 of the principal Act has been substituted with new sections describing penalties for negligently breaking or damaging works and penalty for intentionally injuring works.

(2) The Electricity (Amendment) Act, 2007

(i) Section 6 of the principal Act has been substituted with a new section making joint responsibility of State Government and Central Government in rural electrification.

(ii) Section 9 of the principal Act has been amended which provides that no licence shall be required under this Act for supply of electricity generated from a captive generating plant to any licensee in accordance with the provisions of this Act and the rules & regulations made thereunder.

(iii) Section 42 (2) of the principal Act has been amended by deleting the words `eliminated` for cross subsidies in various provisions of this sub-section for introducing open access by State Commissions and providing for progressive reduction of surcharge and cross subsidies.

(iv) Section 50 of the principal Act has been substituted with a new section which provides that the State Commission shall specify an electricity supply code for distribution licensees.

(v) Section 126 of the principal Act describing procedure for investigation and assessment have been amended by substituting a new sub-section for sub-section 3 and sub- section 5 of section 126.

(vi) Section 135 of the principal Act has been amended to widen the scope of definition of theft of electricity.

(vii) Section 151 of the principal Act has been amended by inserting provisions that the court may also take cognizance of an offence punishable under this Act upon a report of a police officer filed under Section 173 of Code of Criminal Procedure, 1973. Provided further that a special court constituted under Section 153 shall be competent to take cognizance of an offence without the accused being committed to it for trial.

(vii) New Sections 151A and 151B has been inserted after Section 151 of the principal Act describing powers of police to investigate and theft of electricity has been made cognizable and non-bailable offence.