

**It is beyond any doubt that Energy plays a direct role in the economic growth of India?**

Since last more than eight years, although "Energy Conservation Act, 2001" is enacted for stopping waste & making efficient use of energy, there is considerable inaction of its implementation in the country, although singular state like Gujarat has made big strides through energy saving by enacting their own state energy saving act and implementing since 2000. If one Gujrat could do it, why not all the other states and the country as a whole. Maharashtra and Karnataka have done so in some spheres too.

An erroneous interpretation about the Act was created that it is not a law to be enforced and stress on voluntary compliance and market forces was given. The Act does have clauses on 'Ban on energy inefficient appliances', 'power of inspection', and 'penalty for non-compliance', 'power to issue directives' etc. But unless the Act is mandated, these provisions can not be effected.

The initial period of 5 years for capacity building has already expired in the year 2007.

Non-implementation of energy conservation act 2001 "to a large extent" is leading to heavy power cuts across the country.

This RTC is not meant for complementing a few selected, though isolated voluntary initiatives on energy efficiency front. The efforts made through incorporating the National Energy Conservation Awards have definitely had their own impact in raising the awareness levels about the subject and the agencies who initiated this activity must be complemented for this part.

We as a system, seem to be unprepared for reasons to justify non-implementation of EC Act and its negative impacts across the country. The basic question to ourselves is whether we, as a nation, can afford to underplay the real and serious energy threats with imminent disasters of added energy insecurity due to prolonged delay in EC Act implementation in it's true sense.

We could consider the following activities, related to EC Act, 2001:

1. Certificates & Identity cards given to CEAs and CEMs without accreditation of certified energy auditors and non-stop continuation of national certification examinations producing 4,462 CEAs who are being kept out of energy audit.
2. India's Energy Intensity" i.e. energy consumption per unit of GDP is 1.5 times world average.
3. After such a prolonged period, we could notify only a little over half of the Designated Consumers (9 Out of 15) without making "energy audit" as statutory for them at least, to start with.
4. It is an open question as to when will the provisions in the government notification on various clauses of EC Act, 2001 be given a statutory status for saving of energy and for imposing penalty due to its non-compliance?
5. The Standards and Labelling programme has been left to individual discretions instead of being mandated, as it was supposed to be. Although a considerable no. of electrical equipment manufacturers have started labelling their products, but for a common man it is impossible to assess or verify the facts, excepting that they are paying higher prices for star rated products.
6. ECBC, though has been designed with best of the intentions, could not be implemented yet.
7. Far too many Training Programmes have been conducted for implementing EC Act, 2001 but without ensuring that the SDAs do function as desired. In many of the states, the SDA's responsibility has been assigned to already overloaded group of executives of either the concerned Utilities or the NRE organizations. As a result, there is not much concrete out put from them. The structure of the SDAs is such that no one is in a position to take decisions for enforcing the Act. People are changing too frequently in these groups.
8. While we firmly believe in the "3L" i.e. "Life Long Learning" but unfortunately the natural resources are not going to last that long.

**Why it is necessary to mandate the ECAct2001?**

If some one commits a criminal or a civil offense then we have the IPC which provides for ways of prosecution, but when it comes to endless wastage of energy which is critical to nation development, there is no law as yet to force people to behave.

The E C Act,2001 was conceived when it was realized that appealing to the patriotic feeling doesn't succeed for long. As against TV ads, a thousand times more effective and ever lasting campaign on "Home Energy Management" for training of implementation agencies and incentive scheme could have been initiated.

- Out of total 62 sections in the EC Act, sections 30 to 45 (i.e.16 out of 62) pertaining to establishment of the Appellate Tribunal for Energy Conservation are still not notified while many other clauses are ineffective due to the absence of appellate.

It is being echoed that mandation of the Act may create an 'Inspector Raj'. There is no hiding the fact that every one of us knows that the inspectors are necessary in all walks of life. The industry already has several inspectors (Income tax, Sales tax, Excise, Service Tax, Boiler, Factory, Pollution Control, Health, Food, Safety etc. etc), each for a specific purpose. Then why not the Energy Auditors? There are black sheep in every walk of life. Many doctors give wrong medical certificates, many CAs certify wrong annual reports, many inspectors do use their powers wrongly. But no one suspects the whole profession. Then what can be wrong with qualified and certified energy management professionals?

### **The complex matrix of the ECAct-2001**

There are as many as 9 stake holders involved in the EC Act,2001:

- Central Government through MoP
- BEE
- State Governments through their Energy Departments (very few have used their power under section 18)
- SDAs
- DCs (Designated Consumers, Only 9 sectors with not more than 600 plus units notified so far)
- Accredited Energy Auditors (Not notified yet)

---

Introductory paper on  
Round Table Conference on 'Energy Conservation Act: Progress & the Way Forward"  
8<sup>th</sup> July 2009

---

- Designated Energy Manager( Not more than 200 are on the regular rolls. As on record, there are a total of 4,610 qualified and Certified Energy Managers available across the country)
- State Electricity Regulatory Commission (Not activated yet)
- Appellate Tribunal for Energy Conservation (No existence)

In the absence of the Appellate Tribunal, nothing worthwhile can be achieved since no Mandatory provisions can be enforced without a tribunal in place. There are no official statements on mandation of the ECBC or non-BEE Star Rated products to be taxed etc. However, this will not be possible in the absence of the proposed tribunal in place.

Formation of the tribunal SHOULD be the top most priority.

**Suggested: A Need for a public debate:**

In order to revive the lost spirit of energy efficiency improvement in the country, it is high time to have a public debate at National level or video-conference with the select participation of law makers, executives, planners, SDAs, CEAs & the target audience to produce meaningful outcome.