

AS INTRODUCED IN THE RAJYA SABHA
ON 1ST APRIL, 2022

Bill No. XVII of 2022

THE RIGHT TO FREE ELECTRICITY BILL, 2022

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BILL

to provide for making consumption of free electricity a right for all citizens throughout India and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Free Electricity Act, 2022.

Short title and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. In this Act, unless the context otherwise requires,—

(a) "agriculture" includes poultry, dairy farming, orchards, rearing of animals and farming;

(b) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(c) "Captive power generation plant" means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such co-operative society or association;

(d) "co-generation" means a process which simultaneously produces two or more forms of useful energy including electricity;

(e) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under any law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person as the case may be;

(f) "notification" means notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(g) Words and expression used but not defined in this Act and defined in the Electricity Act, 2003 shall have the meanings assigned to them in that Act.

36 of 2003.

Right to free electricity.

3. (1) Notwithstanding anything contained in any other law, for the time being in force, every citizen shall have the right to consumption of free electricity.

(2) All the beneficiaries referred to under section 7 of this Act shall be entitled to consume free electricity under the provisions of this Act.

(3) In addition to the beneficiaries referred to under section 7 of this Act, all such households or entities shall also be eligible for consumption of free electricity, as already notified by the appropriate Government before the commencement of this Act or as may be notified by the appropriate Government from time to time.

Legal Protection.

4. All the rights pertaining to free electricity provided under this Act shall neither be nullified nor restricted except in accordance with the procedure established by law made by the appropriate Legislature.

Responsibilities of the Central Government.

5. Subject to the provisions of this Act, the Central Government shall:—

(i) compulsorily ensure the availability of free electricity.

(ii) encourage captive power generation plants and co-generation.

(iii) take measures against electricity losses incurred due to faulty electric meters or electrical wiring and inefficient distribution and power system and take all such steps including the use of modern technological systems as it may deem appropriate and effective for achieving this objective.

(iv) encourage power generation entities, companies and traders to generate electricity through non-conventional sources of energy to ensure the availability of free electricity and encourage production of electricity through renewable sources of energy like solar energy, wind energy, geothermal energy, biogas, tidal energy, wave energy and biomass energy by setting a target of generating the quantum of electricity necessary for domestic consumption and use in small scale industries entirely from renewable energy sources, as may be prescribed.

(v) encourage local generation of electricity by the appropriate Government.

(vi) fix the quantum of free electricity for all consumers after observing and taking into consideration the time and circumstances, in accordance with the provisions of this Act.

5 **6.** (1) Subject to the provisions of this Act, the State Government shall discharge all its responsibilities as mentioned under section 5 uniformly. Responsibilities of the State Government.

(2) The responsibility of making available all necessary means and facilities to the State Governments for providing free electricity to the consumers shall lie with the Central Government.

10 **7.** The beneficiaries to be covered under the ambit of right to free electricity under this Act shall include— Beneficiaries under the Act.

(i) domestic consumers consisting of individuals or households including joint families, nuclear families, tenants, labourers, farmers, widows, senior citizens and differently-abled people.

15 (ii) businesses wholly based on agriculture, businesses wholly managed by women, businesses having at least two-third of their employees as females and rural schools.

20 **8.** (1) The appropriate Government may make such rules and issue such guiding principles in public interest as may be necessary for the implementation of the provisions of this Act. Power to make rules and issue directions.

36 of 2003. (2) The appropriate Government may issue such guiding principles and such directions to local authority or power generation companies or licensees as referred to under section 14 of the Electricity Act, 2003, in public interest as may be necessary for implementation of the provisions of this Act.

25 (3) The local authority may issue such guiding principles and such directions to power generation companies and electricity traders, in public interest as may be necessary for implementation of the provisions of this Act.

(4) All rules made or guiding principles or directions issued under this section shall, as soon as possible after they are made or issued, be laid before the State Legislature or, where the appropriate Government is the Central Government, before both Houses of Parliament.

30 **9.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty: Power of the Central Government to remove difficulties.

35 Provided that no such order shall be made under this section that nullifies the right to free and compulsory electricity.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

The twenty-first century provides a new dimension to the needs and rights of the people. Now food, clothing and housing no longer remain the only basic necessity. Other factors related to education, medical treatment, electricity, road transport and personality development for people also come under the category of fundamental needs. Factors like electricity, internet, road transport that are essentially required in the lives of people in the modern world should also be included under essential rights. In present times, there is no factor more important than electricity for people to lead their lives efficiently, which is necessary for fulfilling the primary requirements and personality development of people. Electricity generation is wholly dependent on natural resources and every human being has equal rights over all the natural resources of nature. Therefore, power tariffs should never be under the control of power companies. Hence, it is essential that right to electricity should be made available to people compulsorily and free of cost.

2. The power policy of the Delhi Government has demonstrated that free electricity is not a mere imaginary fact but it can be made available even to the common man through diligent and honest policies of the concerned Government.

3. The possibility of the fulfillment of the objective of this Act and the objective of providing free electricity to people is reflected by the power policy of the Delhi Government, where due to continued cooperation between the Delhi Government and the power companies, the electricity bills of thirty five lakh households have been reduced to zero. There is a need to make consumption of free and cheap electricity throughout India a right of every citizen.

Hence, this Bill.

SANJAY SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that all the beneficiaries referred to under section 7 shall be entitled to consume free electricity. Clauses 5 and 6 makes the Central Government responsible for taking measures to provide free electricity to the beneficiaries under the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is, however, not possible at this stage to estimate the expenditure involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill *inter alia* empowers the appropriate Government to make rules for carrying out the purposes of this Act. Clause 9 empowers the Central Government to issue orders to remove difficulties which may arise in giving effect to the provisions of this Act. The rules or orders will relate to matter of detail only. The delegation of legislative powers is, therefore, of normal character.

RAJYA SABHA

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(Shri Sanjay Singh, M.P.)