

State Commission means the State Electricity Regulatory Commission established under sub-section (1) of section 17 of the Electricity Regulatory Commissions Act, 1998 (14 of 1998).

Section 2(u) :

Words and expressions used and not defined in this Act but defined in the Indian Electricity Act, 1910 or the Electricity (Supply) Act, 1948 or the Electricity Regulatory Commissions Act, 1998 shall have the same meanings respectively assigned to them in those Acts.

CHAPTER II

BUREAU OF ENERGY EFFICIENCY

3. Establishment and incorporation of Bureau of Energy Efficiency

(1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, a Bureau to be called the Bureau of Energy Efficiency.

(2) The Bureau shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The head office of the Bureau shall be at Delhi.

(4) The Bureau may establish offices at other places in India.

COMMENT

The Bureau of Energy Efficiency was established with effect from 1st March, 2002 vide SO 269(E), dated 1st March, 2002. It is a body corporate having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued. The head office of the Bureau is located at Delhi.

4. Management of Bureau

(1) The general superintendence, direction and management of the affairs of the Bureau shall vest in the Governing Council which shall consist of not less than twenty, but not exceeding twenty six, members to be appointed by the Central Government.

(2) The Governing Council shall consist of the following members, namely:—

- (a) the Minister in charge of the Ministry or Department of the Central Government dealing with the Power —ex officio Chairperson;
- (b) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with Power —ex officio member;
- (c) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with the Petroleum and Natural Gas —ex officio member;
- (d) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with the Coal —ex officio member;
- (e) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with Non-conventional Energy Sources —ex officio member;

- (f) The Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with the Atomic Energy —ex officio member;
- (g) the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government dealing with Consumer Affairs —ex officio member;
- (h) Chairman of the Central Electricity Authority established under the Electricity (Supply) Act, 1948 (54 of 1948) —ex officio member;
- (i) Director-General of the Central Power Research Institute registered under the Karnataka Societies Act, 1960 (Karnataka Act 17 of 1960) —ex officio member;
- (j) Executive Director of the Petroleum Conservation Research Association, a society registered under the Societies Registration Act, 1860 (XXI of 1860) —ex officio member;
- (k) Chairman-cum-Managing Director of the Central Mine Planning and Design Institute Limited, a company incorporated under the Companies Act, 1956 (1 of 1956) —ex officio member;
- (l) Director-General of the Bureau of Indian Standards established under the Bureau of Indian Standards Act, 1986 (63 of 1986)—ex officio member;
- (m) Director-General of the National Test House, Department of Supply, Ministry of Commence and Industry, Koklata —ex officio member;
- (n) Managing Director of the Indian Renewable Energy Development Agency Limited, a company incorporated under the Companies Act, 1956 (1 of 1956) —ex officio member;
- (o) one member each from the five power regions representing the States of the region to be appointed by the Central Government —Member;
- (p) such number of persons, not exceeding four as may be prescribed, to be appointed by the Central Government as members from amongst persons who are in the opinion of the Central Government capable or representing industry, equipment and appliance manufacturers, architects and consumers —Members;
- (q) such number of persons, not exceeding two as may be nominated by the Governing Council as members —Members;
- (r) Director-General of Bureau —ex officio Member-Secretary

(3) The Governing Council may exercise all powers and do all acts and things which may be exercised or done by the Bureau.

(4) Every member referred to in clauses (o), (p) and (q) of sub-section (2) shall hold office for a term of three years from the date on which he enters upon his office.

(5) The fee and allowances to be paid to the members referred to in clauses (o), (p) and (q) of sub-section (2) and the manner of filling up of vacancies and the procedure to be followed in the discharge of their functions shall be such as may be prescribed.

COMMENT

The Governing Council which did superintendence, direction and management of the affairs of the Bureau, shall consists of not less than 20 (twenty) but not exceeding 26 (twenty six) members to be appointed by the Central Government. The Governing Council may exercise all powers and do all acts and things which may be exercised

or done by the Bureau.

5. Meetings of Governing Council

(1) The Governing Council shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations.

(2) The Chairperson or, if for any reason, he is unable to attend a meeting of the Governing Council, any other member chosen by the members present from amongst themselves at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Governing Council shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a second or casting vote.

COMMENT

The Chairperson preside over the Governing Council meetings. In the absence of the Chairperson, any other member chosen by the members present from amongst themselves at the meeting shall preside at the meeting. The all questions which come up before any meeting of the Governing Council shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a second or casting vote.

6. Vacancies, etc., not to invalidate proceedings of Bureau, Governing Council or Committee

No act or proceeding of the Bureau or the Governing Council or any Committee shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Bureau or the Governing Council or the Committee; or
- (b) any defect in the appointment of a person acting as a Director-General or Secretary of the Bureau or a member of the Governing Council or the Committee; or
- (c) any irregularity in the procedure of the Bureau or the Governing Council or the Committee and affecting the merits of the case.

7. Removal of member from office

The Central Government shall remove a member referred to in clauses (o), (p) and (q) of sub-section (2) of section 4 from office if he—

- (a) is, or at any time has been, adjudicated as insolvent;
- (b) is of unsound mind and stands so declared by a competent Court;
- (c) has been convicted of an offence which, in the opinion of the Central Government, involves a moral turpitude;
- (d) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest:

PROVIDED that no member shall be removed under this clause unless he has been given a reasonable opportunity of being heard in the matter.]

8. Constitution of Advisory Committees and other committees

(1) Subject to any regulations made in this behalf, the Bureau shall, within six months from the date of commencement of this Act, constitute Advisory Committees for the efficient discharge of its functions.

(2) Each Advisory Committee shall consist of a Chairperson and such other members as may be determined by regulations.

(3) Without prejudice to the powers contained in sub-section (1), the Bureau may constitute, such number of technical committees of experts for the formulation of energy consumption standards or norms in respect of equipment or processes, as it considers necessary.

COMMENT

The Bureau shall, within six months from the date of commencement of this Act, constitute Advisory Committees for the efficient discharge of its functions. Each Advisory Committee shall consist of a Chairperson and such other members as may be determined by regulations.

9. Director-General of Bureau

(1) The Central Government shall, by notification, appoint a Director-General from amongst persons of ability and standing, having adequate knowledge and experience in dealing with the matters relating to energy production, supply and energy management, standardization and efficient use of energy and its conservation.

(2) The Central Government shall, by notification, appoint any person not below the rank of Deputy Secretary to the Government of India as Secretary of the Bureau.

(3) The Director-General shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty years, whichever is earlier.

(4) The salary and allowances payable to the Director-General and other terms and conditions of his service and other terms and conditions of service of the Secretary of the Bureau shall be such as may be prescribed.

(5) Subject to general superintendence, direction and management of the affairs by the Governing Council, the Director-General of the Bureau shall be the Chief Executive Authority of the Bureau.

(6) The Director-General of the Bureau shall exercise and discharge such powers and duties of the Bureau as may be determined by regulations.

COMMENT

The Central Government appoint a Director-General from amongst persons of ability and standing, having adequate knowledge and experience in dealing with the matters relating to energy production, supply and energy management, standardisation and efficient use of energy and its conservation. The term of office of the Director-General is five years from the date on which he enters upon his office or until he attains the age of 60 years, whichever is earlier.

The Director-General of the Bureau is the Chief Executive Authority of the Bureau.

10. Officers and employees of Bureau

(1) The Bureau may appoint such other officers and employees in the Bureau as it considers necessary for the efficient discharge of its functions under this Act.

(2) The terms and conditions of service of officers and other employees of the Bureau appointed under sub-section (1) shall be such as may be prescribed.

11. Authentication of orders and decisions of Bureau

All orders and decisions of the Bureau shall be authenticated by the signature of the Director-General or any other officer of the Bureau authorised by the Director-General in this behalf.

CHAPTER III

TRANSFER OF ASSETS, LIABILITIES ETC., OF ENERGY MANAGEMENT CENTRE TO BUREAU