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*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# Electricity Theft In India: An Analysis

Authored by- Pritee R. Deotale<sup>1</sup>

## Abstract

India stands third-largest in electricity production and second-largest in electricity consumption worldwide as of 2022. It is a backbone of Indian Economy as well as a prime mover of a modern economy. This backbone is hard hit by an offence called Electricity theft. This offence has an adverse effect not only socio-economic growth and development of the country, but also it has hindered the commercial, Industrial and financial sector with a greater magnitude. Human intelligence and need for free electricity has given birth to this offence. The electricity theft is being done in various ways since ages. The Statute Electricity Act 2003 deals with electricity theft and its punishment per se. This research paper will analyze the legal and regulatory framework for Electricity theft in India. Further the paper will analyze the issues and challenges in curbing this age old practice and lastly it will suggest the reforms needed to channelize the proper and legal use of electricity.

**Keywords:** Electricity Theft, Electricity Act 2003, Legal and Regulatory Framework.

## 1. Introduction

India is one of the fastest growing economies and yet crores of people eat hand to mouth here. The changing time has completely changed the dynamics of human life at par. Ever since the inception of electricity it has served mankind significantly and thus became the fourth pillar of life apart from food clothing and shelter. India is the third largest producer and second largest consumer of electricity worldwide with an installed capacity of 395.07 GW as of January 2022.<sup>2</sup> Still Indian Power Sector is facing a serious issue of lean revenue collection against the energy supplied and one of the major reasons behind the revenue losses is electricity theft. Electricity theft may seem like a petty offence at rural level but it is rampant at urban level and when looked at national level the impact of this offence magnifies and the financial loss it brings is beyond imagination.

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<sup>1</sup> Pritee R. Deotale, Ph.D. Research Scholar, Maharashtra National Law University, Nagpur, pritee.deotale@gmail.com.

<sup>2</sup> IBEF, <https://www.ibef.org/> (May 9, 2022).

## 2 Legal Position of Electricity in India

Electricity falls under concurrent list in schedule seven of the Constitution of India. Thus both center and state have the authority to make laws on this subject. The law which regulates Electricity is The Electricity Act 2003 and it is a Central Law. The act deals with all the major aspects of electricity like generation, transmission, distribution, trading, theft etc. The Electricity Act 2003 is the supreme law which deals comprehensively with electricity theft in India.<sup>3</sup>

## 3 Meaning of Electricity Theft

Electricity theft is a criminal practice of stealing electric power. Section 135(1) of the Electricity Act 2003 defines 'Theft of Electricity' which says a person is guilty of electricity theft if he dishonestly makes use of electricity in the following ways. Taps or makes any connection with overhead, underwater lines or cables. Tampers meters or uses current reversing transformer, or any device which interferes with accurate registration of electric current. Damage or destroy electric meter, equipment or wire so as to interfere with proper metering of electricity. Use of electricity for the purpose other than for which the usage of electricity was authorized. Irregularity in paying the bill by bribing the billing authority and record the meter at a lower number than what it is shown in real life.<sup>4</sup>

## 4 Kinds of Electricity Theft in India

Electricity losses are majorly divided into two main categories; technical losses and non-technical losses. Technical losses are the losses which are caused at the power stations or during transmission and distribution etc. But electricity theft falls under non-technical losses as they are caused by the actions of third party.<sup>5</sup> Further the Electricity theft can be categorized in different kinds as per the electrical equipment used to carry out this offence and they are:<sup>6</sup>

**4.1 Billing irregularity and Unpaid Bills:** Billing irregularity is a very common practice in electricity theft. Irregularity in paying the bill by bribing the billing authority and record the meter

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<sup>3</sup> The Electricity Act, 2003.

<sup>4</sup> Section 135(1) of The Electricity Act 2003.

<sup>5</sup> Ipleaders, "*Punishment for Electricity Theft in India*", <https://blog.ipleaders.in/electricity-theft-punishments-india/> (last visited June 18, 2022).

<sup>6</sup> Vinay Kathera, "*Power Theft in India*", <https://energycentral.com/c/um/power-theft> (last visited June 18, 2022).

at a lower number than what it is shown in real life. Ineffective measuring mechanism of power consumption registration. Unpaid bills of domestic, business and industrial users result into heavy losses to electricity companies affecting the economy.<sup>7</sup>

**4.2 Meters:** This one meter can be used in different ways to carry out the electricity theft. Tampering of meters and preventing the mechanical disc from moving by sealing it. Next is to bypass the meter illegally by connecting it to the fuse which prevents the movement of rotating disc and the consumption of energy is not recorded. The other method includes opening of meter without damaging its seal and reversing the dials. Electronic meters can also be tampered by a sudden electrostatic discharge which causes latent or permanent damages.

**4.3 Wires and Cables:** Illegal tapping of bare wires or underground cables is another way of electricity theft. Even at times the circuit wire is disconnected or broken from the circuit terminal block and a triple breaker is inserted in the circuit to carry of theft.

**4.4 Phase-to-phase connection:** This is similar to using an alternate neutral line, except that the system voltage becomes the phase-to-phase voltage at 240 or 380 volts.

**4.5 Unauthorized Use:** If the consumer makes an unauthorized use of electricity, i.e., if the connection was given for domestic purpose and the consumer uses it for commercial purposes then also it falls in the ambit of electricity theft.<sup>8</sup>

**4.6 Transformers:** Illegal terminal tapping of overheads lines on the low voltage side of the transformer. This tapping is further done in two ways and they are fish pole connections and flying connections.

## 5 Reasons behind Electricity Theft in India

Electricity theft is an age-old practice and it is born out of certain ground level issues like lack of available capacity, corruption, higher electricity prices, weak infrastructure, poor enforcement of law against electricity theft etc. One of the strange reasons for electricity theft is election. It has seen that electricity theft increases during election which also means Political leaders earn votes by allowing electricity theft. As we know farmers form a huge part of total voters in India and political leaders often attract them with a promise of free or subsidized electricity to attract votes.<sup>9</sup> Furthermore most of the overhead electrical wires in India are still not insulated helping people to

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<sup>7</sup> Mohammad Irshad, “*Electricity Theft- A Primal Concern*”, <https://blog.ipleaders.in/electricity-theft-a-primal-concern> (last visited June 18, 2022).

<sup>8</sup> Section 126 (6) (b) of The Electricity Act 2003.

<sup>9</sup> Aritra Mitra, “*Power theft hits India’s GDP hard*”, BUSINESS ECONOMICS, (last visited June 19, 2022).



do illegal hookups and the law is not deterrent enough to create fear among the electricity thieves.<sup>10</sup>

## 6 Access to the Premises

Section 135(2) of the Electricity Act 2003 states that an authorized officer on behalf of the State government may enter, inspect, break open and search any place and premises and check the meter through which energy is supplied, where there is reason to believe that electricity has been, or is being drawn dishonestly. Any occupant of the place of search or any person on his behalf shall remain present during the search and the inspecting officer shall prepare a memorandum of inspection.<sup>11</sup>

## 7 Punishment for Electricity Theft in India

Section 135 to Section 150 of the Electricity Act 2003 talks about Offences and Penalties which comes under Part XIV of the act. Section 135 defines electricity theft and also talks about the various forms of electricity theft. This section also prescribes punishment for electricity theft depending upon the load abstracted; If the load abstracted is lesser than 10 watt then the first conviction will be not less than thrice of financial gain. If the conviction happens for the second time and subsequently then not less than six times of financial gain.<sup>12</sup> If the load abstracted is greater than 10 watt then the first conviction will be not less than thrice of financial gains and if the offence happens second time or subsequently then the punishment will be imprisonment not less than 6 months which can exceed to 5 years and fine not less than 6 times of financial gains.<sup>13</sup>

Section 136 deals with theft of electric lines and materials; it says whoever dishonestly cuts or removes or take away electric line, material or meter from a tower, pole, any other place of installation where it might be rightfully or lawfully stored or kept and whoever commits an offence of theft of electric lines and material, and shall be punishable with imprisonment for a term which may extends to three years or with fine or with both.<sup>14</sup> Section 137 of Electricity Act 2003 lays

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<sup>10</sup> Ankita Agarwal, "Power theft in India", <https://www.projectguru.in/power-theft-india> (last visited June 19, 2022).

<sup>11</sup> Section 135(2) of The Electricity Act 2003.

<sup>12</sup> Section (135)(1)(e)(i) of The Electricity Act 2003.

<sup>13</sup> Section (135)(1)(e)(ii) of The Electricity Act 2003.

<sup>14</sup> Section 136(1) of The Electricity Act 2003.

down punishment for receiving stolen property.<sup>15</sup> Section 141 deals with extinguishing public lamps, it says whoever, maliciously extinguishes a public lamp shall be punishable with fine which may extend to two thousand rupees.

Electricity Act 2003 also talks about the offences by companies.<sup>16</sup> During a raid at industrial and commercial establishments in Haryana the authorities detected around 2500 cases of electricity theft.<sup>17</sup> This showed that 30-35% of electricity supplied was stolen. Then in 2007 Government made offences related to electricity theft cognizable and non-bailable.<sup>18</sup> Section 152 talks about compounding of offence but it is allowed once per consumer. Section 153 talks about creation of special courts for speedy disposal of offences covered under section 135-140 and 150. The Supreme Court held that clear cases of electricity theft could not be decided by Consumer Forum where special courts have constituted.<sup>19</sup> The Supreme Court held that when a service provider prima facie finds that the consumer has committed the offence of electricity theft and if the service provider disconnects the electricity line without giving an opportunity of being heard or without any proper notice, the electricity line can be restored only after the consumer compensates the service provider.<sup>20</sup>

## 8 Impact of Electricity Theft in India

Electricity theft has an adverse effect on the economy, as huge revenue losses owing to electricity theft amounts to billions annually. In developing countries like India around 50% of generated electricity is lost through theft which result in scarcity in electricity supply and unsatisfied

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<sup>15</sup> Section 137 of The Electricity Act 2003.

<sup>16</sup> Section 149 of The Electricity Act 2003.

<sup>17</sup> Sukhbir Siwach, "Power theft raids: How they happened, and why Haryana govt carried them out", INDIAN EXPRESS, <https://indianexpress.com/profile/author/sukhbir-siwach> (last visited June 20, 2022).

<sup>18</sup> Cabinet approves amendment to make power theft cognizable offence, THE ECONOMIC TIMES, <https://economictimes.indiatimes.com/industry/energy/power/cabinet-approves-amendment-to-make-power-theft-cognizable-offence/articleshow/843872.cms?from=mdr> (last visited June 20, 2022).

<sup>19</sup> *U.P. Power Corporation Ltd. & Ors. v. Anis Ahmad* 2013.

<sup>20</sup> *M.P. Electricity Board v. Harsh Wood Products* 1996.

consumers.<sup>21</sup> The AT&C (Aggregate Technical and commercial) losses ranges from 15% to 65% across India with an average of 34% annually.<sup>22</sup> Electricity theft disturbs the local area supply of electricity, leading to overloading of transformers creating blackouts or brownouts. It also leads to damage of property and utility and increases the transmission and distribution losses due to tampering of wires and cables.<sup>23</sup> Heavy losses due to electricity theft has prevented reduction of tariffs and subsidies provided for agriculture. Eliminating these losses are needed to improve the standard of living by allowing economically weaker section to access electricity.<sup>24</sup>

## 9 Measures by Government to curb Electricity Theft

The Union Power Ministry came up with suggestions for the States that the power distribution companies should raise awareness among public about curbing electricity theft and irregularities and focus on quality, quantity, reliability and supply of electricity. The Ministry has also suggested 100 percent metering at all levels to facilitate energy audit and rationalization of cost of connection at rural level and improve energy efficiency and interventions which are made to reduce the AT&C (aggregate technical and commercial) losses.<sup>25</sup> Further schemes like Deen Dayal Upadhyaya Gram Jyoti Yojana (DDUGJY) where government of India is providing free electricity connections to households belonging to BPL (below poverty line).<sup>26</sup> States such as West Bengal and Bihar has removed applicable connection charges required to be paid by the prospective consumer in order to obtain electricity connection from a discom for households. However, the applicable connection charges are to recovered later from the consumer through the electricity bills in the form of installments. These initiatives were made to motivate the economically weaker households to avail the electricity connections.<sup>27</sup>

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<sup>21</sup> Thomas B. Smith, “*Electricity theft: a comparative analysis*”, <http://www.provedor.nuca.ie.ufrj.br/eletrobras/estudos/smith1.pdf>, (last visited June 21, 2022).

<sup>22</sup> Ibid.

<sup>23</sup> Bharath Ram, “*Power Theft*”, <https://www.cag.org.in/newsletters/public-newsense/power-theft> (last visited June 21, 2022).

<sup>24</sup> “*Anti-power theft campaign fetches Jaipur Discom Rs 91 crore*”, ECONOMIC TIMES, <https://energy.economictimes.indiatimes.com/news/power/anti-power-theft-campaign-fetches-jaipur-discom-rs-91-crore/71868097> (last visited June 21, 2022).

<sup>25</sup> Deepak Patel, “*Curb electricity theft and focus on quality: Power Ministry’s Suggestions to States on rural electrification*”, <https://indianexpress.com/article/india/curb-electricity-theft-and-focus-on-quality-power-ministrys-suggestions-to-states-on-rural-electrification-4636185> (last visited June 22, 2022).

<sup>26</sup> Ibid.

<sup>27</sup> Id.

Government of India has introduced smart meters as they are becoming extremely relevant in power saving and giving the exact bill. It can remotely control the electricity consumption and maximize the energy efficiency and load balancing. They are highly cost-effective and are capable of having one way communication. These smart meters are good for distribution companies which will help them detect unusual and heavy power demand. It's very useful in areas where the ratio of electricity theft is high and manually detecting it is difficult. The electricity service providers can further discontinue the services to domestic and commercial users which don't pay bills. One of the most important reasons to bring these smart meters to use is to prevent the technical and non-technical loss of electricity. Governments of New Delhi, Maharashtra, Andhra Pradesh, Puducherry and Karnataka have taken this initiative.<sup>28</sup>

Further to strengthen these measures the Ministry of Power has launched National Smart Grid Mission (NSGM), Integrated Power Development Scheme (IPDS) and Ujwal Discom Assurance Yojana (UDAY) with special focus on smart metering. Mandatory deployment of smart meters was included in the National Tariff policy of 2016.<sup>29</sup> Other measure taken by the State governments to curb electricity theft is by creating field vigilance team. The Gujarat Electricity Board has set up a vigilant department designated as the Director of Security and Chief Vigilance Officer (DSCVO). Separate Police Stations are set up under this to specifically deal with electricity theft cases.<sup>30</sup> A theft detective drive was launched by the Maharashtra State Electricity Distribution Company Limited (MSEDCL) after a massive spike of electricity theft cases. It was launched to improve its collection efficiency and handle corruption cases tightly. Six dedicated police stations were established under this to handle electricity theft cases. In November 2020, 728 consumers were found engaging in electricity theft with a total of 9 lakh units. Later on in 2021, MSEDCL has formed special squads in Pune to monitor residential, commercial and industrial areas and it found around 1096 cases of electricity theft in just 45 days indicating an

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<sup>28</sup> Usha Rama, "Solution to Control Power Theft in India", <https://usharama.edu.in/blogDetail/solution-to-control-power-theft-in-india> (last visited June 22, 2022).

<sup>29</sup> Deepak Patel, "Curb electricity theft and focus on quality: Power Ministry's Suggestions to States on rural electrification", <https://indianexpress.com/article/india/curb-electricity-theft-and-focus-on-quality-power-ministrys-suggestions-to-states-on-rural-electrification-4636185> (last visited June 22, 2022).

<sup>30</sup> GUVNL Vigilance Department, <https://www.guvnl.com/vigilance.html> (last visited June 22, 2022).

approximate loss of 3.99 crores.<sup>31</sup> The Feeder Franchise scheme of MSEDCL came to manage electricity theft as well as educate the consumers for payments of bills for the state's welfare.<sup>32</sup>

## 10 Issues and Challenges for curbing Electricity Theft

Electricity is the strongest pillar of all-round growth and development of any economy as it facilitates everything from domestic uses to education, from commercial uses to industrialization, from charging gadgets to charging electrical vehicle, to even connecting the world via internet. Nothing is left untouched by electricity and still availability of electricity is a dream for many till today. Electricity theft is a major reason for huge electricity losses in the country and it is backed by few other issue and challenges which makes it even worse. Government of India is providing free electricity to households of BPL (below poverty line) under the Deen Dayal Upadhyaya Gram Jyoti Yojana (DDUGJY) scheme but the BPL households are not willing to take this free electricity connections in fear of high amounting bills, this further highlights the other issue of unawareness among the people about electricity schemes.<sup>33</sup> Quality, reliability and timing of electricity supply are also considered as important reasons for not taking up electricity connections. Bigger states like Uttar Pradesh has a prevalent practice of 'katiya Connection' which is nothing but direct theft of electricity and this issues has to be monitored seriously by the discom staff of the respective state.<sup>34</sup> Furthermore some of the major challenges faced are invalid meter reading due to installation of meter at inaccessible places, absence in quality checks, errors in recording the electricity consumption, data tampering all these magnifies the non-technical losses to greater extent.<sup>35</sup>

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<sup>31</sup> Somit Sen, "Maharashtra: Power theft of more than 9 lakh units detected by MSEDCL", TIMES OF INDIA, <https://timesofindia.indiatimes.com/city/mumbai/maharashtra-power-theft-of-more-than-9-lakh-units-detected-by-mstedcl/articleshow/79570217.cms> (last visited June 22, 2022).

<sup>32</sup> *Ibid.*

<sup>33</sup> Deen Dayal Upadhyaya Gram Jyoti Yojana (DDUGJY) scheme, india.gov.in, <https://www.india.gov.in/spotlight/deen-dayal-upadhyaya-gram-jyoti-yojana> (last visited June 22, 2022).

<sup>34</sup> *Ibid.*

<sup>35</sup> Swarnendu Chatterjee and Hamna Viriyam, "Power Theft Management: The India Chapter- Is it Time for a Refurbishment", <https://ijpiel.com/index.php/2021/05/10/power-theft-management-the-india-chapter-is-it-time-for-a-refurbishment> (last visited June 22, 2022).



## **11 Conclusion**

Electricity theft has emerged out as a very serious problem and the cases of electricity theft are increasing gradually. This practice has led to electric scarcity with the increase in tariff. Providing electricity subsidies is getting difficult for the government. The power distribution companies are already facing huge losses and they are under debts. If the electricity theft continues then soon the discoms will go bankrupt. Electricity theft is an outcome of mal-governance hence in order to manage it the government needs to promote good governance in this sector. Setting up better infrastructure, implementing technologically advanced systems and proper implementation of the schemes launched by government will help in curbing electricity theft to a greater extent.

## **12 Suggestion**

The Central and State governments have laid down many schemes to curb this malpractice and some other measures which will altogether curb this are; taking stringent action against the accused and imposition of heavy penalty. Implementation of an efficient mechanism to monitor the total electricity consumption at every level i.e., from domestic to industrial. Statistical assessment of load dispatch centers should be done at regular intervals. Providing technical training to the operating personnel. Last but not least creating awareness among the consumers about the unauthorized use and electricity theft and motivating them to make use of ethical practices for electricity consumption.