

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 8 | Issue 1

2025

© 2025 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact support@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

The Constitutional Imperative of Energy Conservation in India

DR. PRATIMA PARIHAR¹

ABSTRACT

Energy conservation has emerged as a critical component of Sustainable Development Goals in India, a nation grappling with rapid industrialization, urbanization, and increasing energy demands. This paper explores the constitutional dimensions of energy conservation in India, focusing on the interplay between fundamental rights, Directive Principles of State Policy, and Fundamental Duties. Further, the research delves into the Federal structure under the Seventh Schedule, analyzing the distribution of legislative powers related to energy and environmental governance. However the researcher have not included the judicial interpretations and limited its study on constitutional provisions which led to the inception of Energy Conservation Law in India. The findings advocate for strengthening constitutional mechanisms to ensure equitable and efficient energy use, reinforcing the vision of sustainable development.

Keywords: Energy Conservation, Directive Principals of State Policy, Legislative federalism, Energy Conservation.

I. INTRODUCTION

Energy conservation has emerged as a critical concern in the contemporary world, given the increasing energy demands, depleting natural resources, and the pressing need for sustainable development. India, as one of the fastest-growing economies, faces the dual challenge of ensuring energy security while adhering to environmental sustainability. In this context, the Indian Constitution plays a pivotal role in shaping the legal and policy framework for energy conservation. The constitutional provisions, judicial interpretations, and legislative initiatives collectively contribute to the promotion of energy efficiency, environmental protection, and sustainable energy policies in the country.

The Indian Constitution, though not explicitly mentioning "energy conservation" as a fundamental right or duty, embeds its essence within various provisions, particularly under the Directive Principles of State Policy (DPSP), Fundamental Duties, and environmental jurisprudence. The directive principles enshrined in **Articles 39(b), 47, 48-A**, and the

¹ Author is an Assistant Professor at Oriental University, Indore, India.

fundamental duty under **Article 51-A(g)** establish a constitutional obligation on both the state and citizens to protect and improve the environment, which inherently includes responsible energy usage and conservation. Furthermore, judicial pronouncements have played a transformative role in interpreting these constitutional mandates, expanding their scope to incorporate sustainable energy principles and advocating for stringent regulatory mechanisms to promote energy conservation.

In addition to constitutional provisions, India has enacted various legislative measures, such as the **Energy Conservation Act, 2001**, and the **Electricity Act, 2003** to reinforce energy efficiency and conservation. These laws align with the constitutional principles of environmental protection and sustainable development, emphasizing the government's commitment to promoting energy security while mitigating climate change impacts. The role of the judiciary, particularly through landmark judgments, has further strengthened the constitutional mandate by ensuring that energy policies and regulations align with the broader environmental and developmental goals of the nation.

This research paper explores the **constitutional dimensions of energy conservation in India**. It aims to analyze how constitutional mandates influence energy conservation policies, the effectiveness of legal mechanisms in enforcing sustainable energy practices. By evaluating these aspects, the paper seeks to provide insights into the evolving constitutional and legal landscape of energy conservation in India, highlighting challenges and suggesting measures for a more robust policy framework.

Since we are dealing with the constitutional aspects of energy conservation, here it would be appropriate to discuss about the energy per se and energy conservation thereof. The word *energy* originates from the Greek term *energia*, which translates to “vigor of expression” or “activity.” The term was later conceptualized by the philosopher Aristotle, who combined the elements *en* (meaning “in”) and *ergon* (meaning “work”), thereby signifying “in work.” In the early 19th century, the poet Samuel Taylor Coleridge provided a psychological interpretation of energy, describing it as the vigor or intensity of action. In the modern context, energy refers to the capacity to perform work. Whether it involves the body, mind, or machines, all forms of work require energy. Once energy is depleted, the work ceases.²

The term “energy” encompasses diverse meanings and forms but, in simple terms, refers to the power generated through various processes, particularly for producing light, heat, or operating

² DR. PARAG DIWAN & DR. PRASOOM DWIVEDI, *ENERGY CONSERVATION* (2008).

machinery. As per the definition³ provided in the Energy Conservation Act, 2001, and its recent amendment⁴, energy includes “*any form of energy obtained from fossil fuels, non-fossil sources, or renewable sources.*”

The term “energy conservation” generally refers to reducing energy consumption by minimizing waste, optimizing energy use, or enhancing efficiency in generation, transmission, distribution, or end-use. This can help avoid energy waste, increase supply at the source, and reduce harmful emissions into the atmosphere by improving fuel combustion. Energy-related activities often contribute to pollution, contaminating air, water, or soil through the release of pollutants. Such pollution typically results from incomplete or inefficient combustion of energy resources, which alters the chemical, physical, biological, thermal, or aesthetic properties of the environment. Energy waste, caused by unused or discarded energy due to inefficient equipment, poor combustion, or suboptimal operation and maintenance, further exacerbates this issue.

Energy conservation is essential not only to ensure a sustainable energy supply but also to prevent further environmental degradation. It offers numerous benefits, particularly in promoting energy efficiency, reducing CO₂ emissions, and improving energy security by lowering fuel consumption. In a country like India, where energy demand is rising rapidly and there remains significant scope for efficiency improvements, energy conservation becomes even more critical. Substituting fossil fuels with renewable energy sources further enhances energy security while reducing emissions. Additionally, the adoption of cleaner technologies, such as clean coal, and advanced innovations can foster technological progress, drive economic growth, and improve the environmental performance of the energy sector. These efforts collectively contribute to a sustainable energy future and a cleaner environment.⁵

II. ENERGY CONSERVATION UNDER THE CONSTITUTION OF INDIA

The Constitution of India does not explicitly mention the term “energy” or the phrase “energy conservation,” although it does address certain energy resources. At its inception, the supreme law of the land did not directly focus on this specific aspect. However, through various provisions, the Constitution underscores the significance of environmental protection and

³Energy Conservation Act, 2001, § 2(h) (India).

⁴ Subs by s. 2, for clause (h) by Energy Conservation (Amendment) Act, 2022 (w.e.f. 1-1-2023). The previous definition was “*any form of energy derived from fossil fuels, nuclear substances or materials, hydro-electricity and includes electrical energy or electricity generated from renewable sources of energy or bio-mass connected to the grid*”

⁵U.N. Dev. Programme, *Analysis of Existing Environmental Instruments in India*, Chapter 3: Energy - Environment - Issues and Concerns, at 24 (2024), https://www.undp.org/content/dam/india/docs/analysis_of_existing_environmental_instruments_in_india.pdf (last visited Nov. 28, 2024).

sustainable development, thereby establishing a foundational framework for energy conservation efforts.

However, the Non-conventional energy has now been placed in the Eleventh Schedule of the Constitution. Further the Seventh Schedule to the Constitution deals with some of the energy resources for example, Parliament has been given exclusive legislative power with respect to atomic energy, regulation and development of oil fields and mineral oil, mines and minerals. The State Legislature is also given legislative subjects, for example, regulation of mines and minerals subject to the concerned Entry in List I and gas. The concurrent legislative power has no reference to energy or its resources except the forest.

The inclusion of non-conventional energy in the Eleventh Schedule of the Constitution⁶ marks a significant, though limited, recognition of its importance in governance. While this step underscores the growing emphasis on decentralized energy solutions within the framework of Panchayati Raj institutions, it falls short of providing a comprehensive constitutional focus on energy conservation and management.

The Seventh Schedule further addresses certain energy resources but in a fragmented and resource-specific manner. For instance, the Union List entrusts Parliament with exclusive legislative authority over atomic energy⁷, the regulation and development of oilfields, mineral oil⁸, and mines and minerals⁹. This allocation underscores the centralization of legislative power over strategic and high-stakes energy sectors. However, it neglects a more integrative approach to energy conservation and sustainable energy management.

Conversely, the State List provides state legislatures with jurisdiction over regulatory aspects of mines, minerals¹⁰, and gas¹¹, subject to the overriding provisions of the Union List. This dual governance structure, while facilitating regional oversight, can lead to potential conflicts and inefficiencies, especially in the absence of a clear policy framework harmonizing energy governance between the Union and the states.

Notably, the Concurrent List, which could have served as a platform for collaborative governance on energy-related matters, remains largely silent on energy and its resources, except for forests.¹² This omission reflects a missed opportunity to institutionalize a cooperative

⁶ The Constitution (Seventy-third Amendment) Act, 1992, Item 15.

⁷ List I, Entry 6, Constitution of India

⁸ List I, Entry 53, Constitution of India

⁹ List I, Entry 54, Constitution of India

¹⁰ List II - Entry 23, Constitution of India

¹¹ List II - Entry 25, Constitution of India

¹² List III - Entry 17A - taken away from the exclusive subject of the State Legislature by the Constitution (Forty second Amendment) Act, 1976.

federal framework for energy conservation, where both the Union and states could address emerging challenges in a coordinated manner.

In essence, while the constitutional framework acknowledges certain aspects of energy governance, it lacks a holistic and forward-looking approach necessary for addressing the multifaceted challenges of energy conservation in the modern era. This piecemeal allocation of legislative powers highlights the need for constitutional reforms or policy realignments to create a unified and sustainable energy framework

(A) Preamble:

The Preamble of the Indian Constitution embodies the objectives of justice, liberty, equality, and fraternity. Sustainable development, including energy conservation, is integral to achieving these objectives. The term “justice” encompasses social, economic, and environmental justice, emphasizing the need for a balanced approach to resource utilization. The Preamble read with provisions of part IV of the Constitution, i.e., the Directive Principles of State Policy, provide the obligations of the State viz-a-viz conservation of natural resources. It is pertinent to mention here that the natural resources, traditionally were property of the community (*res commune*) came to be vested with state to be regulated and managed in trust for the benefit of its people. The Constitution of India provides the obligation of the state, related and relevant to the present study, viz. the ownership and control of the material resources of the community are so distributed as best to sub serve the common good¹³; that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

(B) Fundamental Rights:

The Supreme Court of India has expanded the scope of Article 21 to include the right to a healthy environment. In *Subhash Kumar v. State of Bihar*¹⁴, the Court held that the right to life includes the right to enjoyment of pollution-free air and water. Energy conservation, as a means to reduce environmental degradation, is intrinsically linked to this right. Energy policies and regulations must balance economic growth with environmental sustainability. Restrictions on energy-intensive industries or mandates for energy efficiency standards have been upheld by courts, provided they meet the test of reasonableness, under Article 19(1)(g) i.e. Freedom of Trade and Business.

(C) Directive Principles of State Policy (DPSP):

The DPSPs under Part IV of the Constitution provide a framework for governance, emphasizing

¹³ For details please refer Article 39(b) of the Constitution

¹⁴ AIR 1991 SC 420

environmental protection and sustainable development. **Article 39(b)**: Directs the state to ensure equitable distribution of resources, including energy resources, to prevent their concentration in a few hands. **Article 47**: Mandates the state to improve public health, which is directly impacted by energy choices and environmental quality. While, **Article 48A**: Specifically requires the state to protect and improve the environment and safeguard forests and wildlife. This provision underscores the importance of energy conservation as a means to protect natural ecosystems. The Article reads as under:

“48A. Protection and improvement of environment and safeguarding of forests and wild life- *The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country*”¹⁵

This Article emphasizes upon the commitment of the State to prioritize the protection and improvement of the environment. It signifies the government’s responsibility to implement measures that preserve and enhance the natural environment and ensure the conservation of forests and wildlife across the nation. This constitutional directive guides the formulation and implementation of various policies, laws, and initiatives aimed at sustainable development, biodiversity conservation, and ecological balance. By adhering to this principle, the State seeks to address environmental challenges, combat deforestation, protect endangered species, and foster a harmonious coexistence between human activities and nature, ultimately working towards a more ecologically sustainable future for the country.

(D) Fundamental Duties:

Article 51A (g)¹⁶ of the Constitution imposes a duty on every citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife. It also encourages citizens to develop a scientific temper, which can foster awareness and adoption of energy-efficient technologies. This constitutional provision emphasizes the shared responsibility of individuals to safeguard the environment, aligning with the principles of sustainable development. When viewed through the lens of energy conservation, this Article serves as a moral and legal foundation for promoting actions that mitigate environmental degradation caused by excessive or inefficient energy consumption. Though it outlines a fundamental duty, its implementation is hindered by a lack of awareness and accountability mechanisms. Energy conservation requires consistent efforts to educate the public about its environmental benefits. It lays the groundwork for legal and social measures aimed at protecting the environment while ensuring

¹⁵ Ins. by the Constitution (Forty-second Amendment) Act, 1976, s. 10 (w.e.f. 3-1-1977)

¹⁶ Article 51A(g) provides: “to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.”

that energy use remains efficient and sustainable. However, for the duty enshrined in this article to be fully realized, there must be a concerted effort from citizens, policymakers, and industries to bridge gaps in awareness, policy, and implementation.¹⁷

(E) Federal Structure and Legislative Powers:

To fulfill the aforementioned obligations, the Constitution includes provisions under **Part XI, Chapter 1 (Articles 245 to 254)**, granting legislative authority to both the **Union Parliament and State Legislatures** to enact laws. These provisions hold significant relevance in the conservation of natural resources, including energy resources. Several key constitutional provisions contribute to this objective, some of which are discussed below.

Article 245 of the Constitution, which defines the legislative competence of the States, states as follows:

“Article 245 - Extent of laws made by Parliament and by the Legislatures of States: (1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State

(2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extra territorial operation.”

This constitutional provision outlines the **territorial competence** of the Legislature in enacting laws. It grants Parliament the authority to legislate with applicability across the entire territory of India, while State Legislatures, deriving their powers from the same constitutional framework, are empowered to make laws for the whole or any part of their respective states. Consequently, this provision plays a crucial role in the **territorial distribution of legislative powers**.

Additionally, it is important to note that no law enacted by Parliament can be deemed invalid on the grounds of **extra-territorial applicability**. This reinforces the superior legislative authority of Parliament within the framework of territorial distribution of powers. The Hon’ble Supreme Court has also clarified that **Article 245 serves as the foundational source of legislative powers**, emphasizing that **greater power entails greater responsibility**. Accordingly, this responsibility extends to Parliament's role in ensuring the proper **regulation and management of natural resources, including energy conservation**.

¹⁷ DIVAN SHYAM & ROSENCRANZ ARMIN, ENVIRONMENTAL LAW AND POLICY IN INDIA: CASES, MATERIAL & STATUTES 86 (2nd edition ed. 2002).

Moreover, while States also possess the ability to enact laws with **extra-territorial application**, this power is subject to a crucial limitation—there must be a **territorial nexus** between the subject matter and the enacting State.

The distribution of legislative powers based on subject matter is further detailed in **Article 246**, which states:

“Article 246- Subject matter of laws made by Parliament and by the Legislatures of States:
(1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the Union List)
(2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the Concurrent List)
(3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the State List).
(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included (in a State) notwithstanding that such matter is a matter enumerated in the State List.”

A close examination of the above provision highlights the following key aspects:

1. These provisions must be interpreted in conjunction with the three legislative lists outlined in Schedule VII of the Constitution.
2. Parliament holds exclusive authority to legislate on subjects listed in the Union List (List I), including matters that are ancillary or incidental to those subjects.
3. State Legislatures have the competence to enact laws on matters specified in the State List (List II).
4. On subjects included in the Concurrent List (List III), both Parliament and State Legislatures share law-making powers. However, a constitutional safeguard is in place—if Parliament has already legislated on a subject in the Concurrent List, any law enacted by a State Legislature on the same subject must receive the President's assent to ensure both laws can coexist without conflict or overlap.

Before delving into the scope of legislative powers under Schedule VII and its three lists, it is

crucial to note that the residuary law-making powers are exclusively vested in Parliament under Article 248(1) of the Constitution.¹⁸

The division of legislative powers between the Union and State governments plays a crucial role in shaping energy conservation policies. While examining the three lists under Schedule VII, this study focuses specifically on legislative provisions related to resource conservation in general and energy resource conservation in particular, with a brief analysis of relevant provisions concerning environmental protection and management. It is also essential to highlight that natural resources form an integral part of the natural environment, and their overuse or mismanagement can have adverse effects on the country's ecological balance.

Under List I (Union List), where Parliament holds exclusive legislative authority, the regulation and development of mines and minerals take precedence over other natural resources such as water, forests, and wildlife. This legislative power is broadly framed to include the regulation and development of mines and minerals to the extent that such control by the Union government is deemed necessary in public interest, as declared by a law enacted by Parliament. Furthermore, Entry 53 of List I empowers Parliament to legislate on the regulation and development of oil fields and mineral oil resources, including petroleum and petroleum products.

Another significant domain of Parliament's legislative power pertains to inter-state rivers and river valleys, covering their regulation and development. It is important to note that, while Entry 17 of List II (State List) grants State Legislatures the authority to enact laws on water resources, this power is subject to the overriding authority of Parliament in matters related to inter-state rivers and their regulation and development.

The legislative competence of **State Legislatures** is outlined in **Article 246(3) of the Constitution**, in conjunction with the **State List (List II)**, which enumerates subjects under their jurisdiction. Accordingly, **State Legislatures** have the power to enact laws on **water resources**, as specified under **Entry 17 of the State List**. The provision reads as follows:

“Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of Entry 56 of List I”

The legislative competence over water as a subject is broadly defined to encompass water supply, irrigation, canals, drainage, embankments, water storage, and water power. However, these powers are subject to Parliament's legislative control under Entry 56 of the Union List. Similarly, while land-related legislation falls within the State Legislature's jurisdiction, the

¹⁸ Article 248 (1) of the Constitution provides – “Subject to article 246A, Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.”

regulation and development of mines and minerals is subject to Parliament's authority under Entry 54 of the Union List. This overlapping jurisdiction often results in legal ambiguity and conflicts between the Union and State Legislatures, both deriving their authority from the Constitution of India. The lack of a clear demarcation can lead to resource mismanagement, as both levels of government may assert control over the same resource.

In the case of Concurrent List (List III) subjects, where both Parliament and State Legislatures have legislative powers, Parliamentary law takes precedence, leaving the State Legislatures with minimal or no control over certain resources. The Concurrent List includes subjects such as forests and the protection of wildlife,¹⁹ where legislative authority is primarily exercised by Parliament. Regarding environmental protection and improvement, this subject is not explicitly mentioned in any of the three lists under Schedule VII. However, legislative authority in this domain is often derived from Article 248, which grants Parliament residuary law-making powers. Notably, Parliament has not enacted any environmental legislation under Article 248. Instead, laws on environmental protection, improvement, pollution control, and conservation have been enacted under Article 253²⁰ (relating to international treaties) or Article 252²¹ (enabling Parliament to legislate for two or more states with their consent). This fragmented legislative approach has resulted in a lack of a comprehensive framework for environmental conservation, posing challenges in resource management in a rapidly globalizing economy where governance is increasingly driven by ease-of-doing-business policies.

When it comes to energy resource management, various natural resources discussed above serve as direct or indirect sources of energy. However, like "environment," the term "energy" or "energy conservation" is not explicitly listed as a legislative subject under Schedule VII²² of the

¹⁹See, 'entry 17 and 17B of List III of Schedule VII of the Constitution of India.'

²⁰“Article 253 of the Constitution provides- - **Legislation for giving effect to international agreements** - Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body. The Parliament exercising of the powers vested in this Article has enacted the land marks environmental laws like, The Environment Protection Act, 1986 and the Air (Prevention and Control of Pollution) Act, 1981.”

²¹“Article 252 of the Constitution provides – **Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State.**—(1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State. The Water (Prevention and Control of Pollution) Act, 1974 was enacted by the Parliament using the power given under this Article.”

²² Entry 97 of List I of Schedule VII of the Constitution of India ‘any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists.’

²²See, entry 53 of List I of Schedule VII of the Constitution of India.

Constitution. Some energy-related resources—such as atomic energy, oil fields, mineral oils, mines, and minerals—are mentioned in different entries under the Union List. Similarly, State Legislatures have legislative authority over certain aspects of energy resources under Entries 23²³ and 25²⁴ of the State List. However, the Concurrent List does not contain a specific entry for "energy" or "energy conservation."

Legal scholars, such as Professor Jariwala²⁵, have analyzed this legislative gap. The Indian Law Institute's 1988 report on energy conservation legislation, submitted to the Advisory Board on Energy, suggested that Parliament is competent to enact energy conservation laws under either the Union or Concurrent List. However, since no specific entry on energy conservation exists in Schedule VII, Parliament enacted the Energy Conservation Act, 2001, by invoking its residuary legislative powers under Article 248, read with Entry 97 of the Union List.

Despite this legislative basis, the use of residuary powers to regulate energy conservation has been subject to legal challenges. Courts have often taken divergent approaches in interpreting these legislative conflicts. To eliminate ambiguity and provide a structured legal framework, it is recommended that Schedule VII be amended to include a new entry in the Union List explicitly dealing with "energy conservation." Additionally, a corresponding amendment in the State List could empower State Legislatures to enact supportive measures for energy conservation, subject to the overriding authority of the Union List. Such amendments would help establish a more balanced and effective legal framework for energy conservation in India.

26

III. THE ENERGY CONSERVATION ACT, 2001

The Energy Conservation Act, 2001 is a significant legislative step aimed at promoting energy efficiency and conservation, directly contributing to India's constitutional goals of environmental protection as enshrined in Article 48A (Directive Principles of State Policy) and Article 51A(g) (Fundamental Duties). This Act establishes a comprehensive framework to regulate and encourage energy conservation through various measures, including the identification of energy-intensive industries, the creation of energy efficiency standards, and the establishment of the Bureau of Energy Efficiency (BEE) as a nodal agency to implement its objectives. By mandating energy audits, prescribing energy-saving norms, and promoting energy-efficient appliances through labeling, the Act ensures a systematic approach to reducing

²³ For details see, List II - Entry 23. Constitution of India

²⁴ For details see, List II - Entry 25. Constitution of India

²⁵ ENERGY LAW AND POLICY, (Usha Tandon & Usha Tandon eds., 2018).

²⁶ Hannah J. Wiseman & Hari M. Osofsky, *Dynamic Energy Federalism*, 72 *Md. L. Rev.* 773 (2013).

energy waste and minimizing the carbon footprint. This aligns with the constitutional duty of citizens to protect and improve the natural environment, thereby fostering sustainable development. However, from a critical perspective, the Act's effectiveness is often challenged by issues such as inadequate enforcement mechanisms, limited public awareness, and a lack of integration with broader environmental and energy policies. Additionally, its focus on industrial and commercial sectors often sidelines smaller consumers and rural communities, which also play a vital role in energy conservation. Despite these shortcomings, the Act serves as a crucial legal instrument for achieving energy security, reducing dependence on fossil fuels, and mitigating climate change—objectives that resonate with the constitutional vision of a clean and healthy environment. Strengthening its implementation through stricter enforcement, widespread awareness programs, and technological innovation would help bridge existing gaps, ensuring that the Act achieves its intended goals while upholding constitutional mandates.²⁷

IV. CONCLUSION AND SUGGESTIONS

The discussion of the constitutional dimensions of energy conservation in India reveals a complex interplay between legislative frameworks, policy initiatives, and the overarching constitutional vision of sustainable development. The Indian Constitution provides a mere basic foundation for addressing energy conservation through various provisions, including Articles 48A and 51A (g), which emphasizes the state's responsibility to protect and improve the environment and the individual duty to safeguard natural resources. However, despite these constitutional directives, there remains a gap in effective implementation and enforcement of energy conservation measures across various sectors of the economy. This article has highlighted the need for a comprehensive constitutional approach to energy conservation, encompassing federal cooperation, the empowerment of local governments, and the integration of energy conservation into the Directive Principles of State Policy (DPSPs).

To address the challenges in achieving energy sustainability, several recommendations can be made. First, there is a need for strengthening federal cooperation through constitutional amendments or frameworks that ensure better coordination between central and state governments in energy policy and conservation efforts. This would enable a more unified approach to energy management, harmonize regulations, and facilitate the sharing of best practices across states. Empowering local governments under Part IX of the Constitution can also play a crucial role in promoting energy conservation at the grassroots level. Local bodies should be equipped with the authority and resources to implement energy efficiency programs,

²⁷ P. Leelakrishnan, *Environmental Law in India* 234 (2d ed. 2002).

conduct awareness campaigns, and monitor compliance with energy-saving norms. This decentralized approach can better cater to regional variations in energy needs and local environmental concerns, thereby enhancing the effectiveness of energy conservation initiatives. Furthermore, integrating energy conservation explicitly into the DPSPs would help institutionalize its importance in the country's policy framework. The DPSPs provide guidelines for state action, reflecting the constitutional aspiration for a sustainable and inclusive development model. Including energy conservation in these principles would mandate the state to pursue policies that promote efficient energy use, support the adoption of renewable energy, and reduce energy waste. This integration would also bolster the enforcement of energy conservation laws and provide a clear constitutional mandate for proactive measures to combat energy-related pollution and protect the environment.

In conclusion, the constitutional dimensions of energy conservation in India highlight the urgent need for a strategic approach that aligns developmental aspirations with environmental sustainability. The constitutional directives provide the necessary legal and moral framework for energy conservation efforts, but their implementation requires a multi-faceted approach. Strengthening federal and local cooperation, empowering local bodies, and integrating energy conservation into the DPSPs are crucial steps to bridge the gap between policy and practice. The suggestions outlined in this article aim to create a more coherent and effective legal landscape for energy conservation, ensuring that the constitutional goals of sustainable development are realized. This will not only safeguard natural resources for future generations but also position India as a leader in global efforts to combat climate change and promote environmental sustainability.
