

ABSTRACT

This research critically investigates the role of electricity distribution utilities (DISCOMs) in achieving the goal of universal access to electricity in India, particularly within the legislative framework of the Electricity Act, 2003 (EA). Despite the near-universal household connectivity, challenges persist relating to reliability, continuous and affordable electricity for all. These problems require more than just technical or economic solutions, stemming instead from deeper institutional shortcomings that need to be addressed through legal and regulatory innovations that constructively influence both equitable access and sectoral sustainability.

The research is structured around three core objectives: to examine the evolving legal contours of the right to electricity access; to analyse the role of DISCOMs under the EA, in facilitating access; and the third, to propose legislative and regulatory reforms for bridging the access gap while maintaining the sectoral viability. The study largely employs doctrinal, analytical and comparative methodology, drawing upon primary legislations, policy documents, and judicial decisions, both at the domestic and international fora, to have a comprehensive perspective of the larger issue of access to electricity for all. This multi-dimensional approach allows for a nuanced understanding of how law, policy, and DISCOMs intersect in the context of electricity access.

The findings reveal significant gaps in how ‘electricity access’ is currently perceived and implemented. The EA, while transformative and encouraging competition, lacks adequate provisions to ensure that access is equitable, continuous, and inclusive. Regulatory inconsistencies, judicial internalism, and the absence of a comprehensive framework of access have weakened DISCOMs’ ability to fulfil their public service obligations. Additionally, the legal framework does not sufficiently guard against excessive governmental intervention that may compromise regulatory autonomy.

Based on these findings, the study offers targeted recommendations to reform the EA. These include re-examining and widening the contours of “access”; clarifying and harmonising the regulatory powers between central and state authorities, and exploring the legal feasibility of alternative business models within the present framework of the EA to empower consumers and enhance distributive equity. The study concludes that realising the right to electricity for all requires more than infrastructure; it needs a robust legal framework, effective regulation and inclusive energy justice-driven distribution.

Keywords: Access to Electricity, Distribution Utilities, Electricity Regulation, Electricity Act.