

Introducing Competition in the Indian Electricity: Is Micro-Privatisation a Possible Way?

Abstract: *Competition in the market place is regarded as a key to improve the performance of public utilities. This idea has prompted privatisation of public utilities world over, with a focus on competition. Enactment of the Electricity Act 2003 has set the tone for debate over introducing competition in Indian electricity. The Act seeks to promote competition in the sector through delicensed generation, open access, and multiple distribution licenses. Under the current state of Indian electricity, where half of the population do not have access to the service, the cost is unaffordable for many even though the price is subsidised, the loss is too high, and governance of the sector has hardly improved, it will not be so easy to introduce competition as assumed by Indian policy makers. At present, the challenge for India is not to design and establish a competitive electricity market, rather to have such an electricity market which is affordable and accessible to all, at the same time competitive, distributes the costs and benefits evenly among the consumers and takes care of the small consumers keeping with the social objective. Drawing on Indian political economic conditions and considering the challenges of having a competitive electricity market in India, the paper suggests micro-privatisation as a possible way for introducing competition and choice in retail electricity market. The model of micro-privatisation also exhibits potential to solve major problems in the sector like accessibility, subsidy, mismanagement, theft, loss, and lack of transparency and accountability, while providing choice for the users. Further, the paper suggests that participation of the users in the model will increase credibility of the system through monitoring at the local level and ensure a 'short-route' of accountability between the users and the service provider through promoting local entrepreneurship. Thus it will contribute to overall governance of the sector.*

Key Words: Competition, Electricity, India, Micro-Privatisation, Users' Participation

Introduction:

During the last decade of 20th century, many developed and developing countries started restructuring their electricity sectors to improve their performance. The restructuring programmes in most of these countries have included the separation of potentially competitive segments (generation, transmission and distribution), privatisation of the state-owned (public sector) enterprises, creation of ‘competitive’ wholesale and retail markets, and establishment of ‘independent’ regulatory mechanisms. Virtually many countries have decided to open up their electricity markets, at least to their big industrial consumers. In most of the countries electricity markets will be open to all users, including the household consumers. This is already the case in Finland, Germany, New Zealand, Norway, Sweden, England and Wales in United Kingdom, and several states of the United States and Australia. As a follower of the international currents, India has been strongly influenced by the international ‘standard model’ of electricity restructuring.

Restructuring in the electricity supply industry is driven by the idea of increasing competition and choice as the mechanism of coordination in the sector (Dubash and Singh 2005). Recently, of all the steps of restructuring, the idea of having a competitive electricity market has increasingly dominated the Indian debate over restructuring.¹ The debate over competition in Indian electricity is relatively new. During early 1990s, India started with liberalisation of investment in the sector, which marked the first phase of reforms in Indian electricity. By the mid 90s, it was realised that mere opening up of the generation segment to the private players is not sufficient to improve performance of the sector. In response, the second phase of reforms emphasised on separation of distribution from generation and transmission and privatisation of distribution (supply) business. However, there were hardly any private player willing to take over the loss-making business of electricity distribution and there was a little ‘political will’ in part of the state governments to go for privatisation of politically sensitive distribution segment. The result was that only two states, i.e. Orissa and Delhi have privatised their electricity distribution companies, while others have completely boycotted the idea now.

¹ The larger debate over electricity reforms in India includes other aspects like distribution reforms, subsidy removal, management practices, rural electrification, regulatory practice and so on.

Then came the third phase of reforms in Indian electricity with the passing of the Electricity Act, 2003; the preamble of which states that ‘promoting competition’ is a means for an efficient electricity sector. The Act has really started the debate over promoting competition in Indian electricity through its clear emphasis on the same and empowerment of the regulators to advise the governments on the matters of “promotion of competition, efficiency and economy in activities of the electricity industry” (GoI 2003). In recent years, both at the policy and academic arena, the debate is more focused on competition ignoring the other aspects and there is a kind of consensus that competitiveness is the short-cut to efficiency in the sector. Of course, some disagree with the emerging consensus.

The objective of the present paper is not to find out whether competitiveness is a short-cut to efficiency or not. Definitely, I agree, competition will enhance efficiency of the sector. Rather, the paper seeks to find out a suitable way to introduce competition in Indian electricity, which redistributes the costs and benefits evenly among the users and providers. Therefore, the paper will briefly assess the attempts in this regard. While there appears to be a demonstrated will to introduce competition, the approach and consequently attempts in introducing competition in Indian electricity has been limited from various aspects. At this point I would like to make it clear that the paper is more focused towards competition in retail electricity market. Although a condition for establishing a successful competitive retail electricity market is the existence of a competitive wholesale market, introducing competition in the retail segment would definitely improve the functioning and increase competitiveness of the wholesale market.

Drawing on Indian political economic conditions and considering the challenges of having a competitive electricity market in India, the paper suggests micro-privatisation as a possible way for introducing competition and choice in retail electricity market. The model of micro-privatisation exhibits potential to solve major problems in the sector like accessibility, subsidy, mismanagement, theft, loss, and lack of transparency and accountability, while providing choice for the users. Going further, the paper also suggests that participation of the users in the model will increase credibility of the system through monitoring at the local level and ensure a ‘short-route’ of accountability between the users and the service provider. Thus it will

contribute to overall governance of the sector. Finally, the state regulators will play a critical role of managing the emerging competition.

The paper is organised as follows. Section I tries to answer some general questions like what is competition, why it is necessary in electricity and also examines the barriers and challenges of having a competitive electricity market in India. Section II focuses on the state of Indian electricity and discusses political economy of policy shifts in Indian electricity to locate the context of present debate. In the section, the paper will discuss the various steps taken to introduce competition in the sector. Section III suggests micro-privatisation as a possible way in the direction and discusses the Orissa experience to substantiate the argument. Finally, section IV emphasises the role of regulators to manage the emerging competition and provides a few concluding thoughts to improve the provisions in RGGVY.

‘I’

Competition in Electricity

Before going into the debate on competition in electricity, we need to understand the meaning of competition, why it is important in electricity and what are the challenges of having a competitive electricity market. In the following few paragraphs, the paper will discuss these issues. Competition is not concerned with maximizing the number of firms, rather it is concerned with defending market competition in order to increase welfare, not defending competitors (Motta 2004). The basis of competition is the idea that monopolies are ‘bad’ and ‘inefficient’. It is well accepted that a monopoly causes a static inefficiency and for given technologies, monopoly pricing results in a welfare loss. The condition is worse when the monopolies are run by government. This argument is often substantiated by citing the case of public enterprises providing infrastructure services. A recent World Bank report on public services in India argues that the “model of monopoly service provision has failed to deliver acceptable outcomes.” It goes further to claim that “a government cannot run vast delivery systems by itself without provoking serious problem, ranging from politicisation and bureaucratisation to an entrenched culture of corruption and high prices for poor quality goods” (World Bank 2006: 07).

Then does the solution lie in privatisation of public service provisions? Many people believe that privatisation is a solution to the government failures encapsulated

in the notion of the ‘grabbing hand of government’.² Drawing on public choice theory, this idea indicated that the key problem of public enterprises was government interference in their management and activities, which lead them to pursue political rather than economic goals. Privatisation was considered as a policy solution that would restrict the future influence of the state/government on privatised units (Cook 2002). However, international experiences suggest that mere ownership transfers do not help in improving efficiency of public service provisions. Rather the solution lies in having several firms (both public and private) providing same service and ensuring a healthy competition among the players. It leads to think how competition is going to help in improving performance of public enterprises. There are two kind of argument in response to this question. While the first one focuses on efficiency enhancement, the second one deals with price reduction along with quality improvement. The supporters of competition in utility services argue that competition ensures operational as well as allocative efficiency in both the manufacturing and service sectors. Competition in the market place is regarded as a key to improve the performance of the public utilities. This idea has prompted privatisation of public enterprises world over, with a focus on introducing competition. As most of the public utilities (like telecom, electricity, gas and water) have been natural monopolies in their respective service areas, competition rather than ownership transfer will help in improving their efficiency (Gouri, Jayashankar and Fadahunsi 1993). In the presence of an effective competitive atmosphere, the managers and employees are expected to gain the necessary motivation to innovate, to improve work methods and introduce desirable and sustainable changes, to experiment with new ideas or increase productivity generally. It ultimately leads to an enhanced commercial as well as work culture in the utilities. The monopoly status (along with government ownership³) of public utilities leads to the emergence of ‘politically created’ pressure groups whose presence distorts the economic pricing policies in favour of the group. This leads to poor quality of service often at an artificially created low price. For example, subsidised electricity tariff for agricultural consumers in India has not really helped the farmers with poor quality supply (World Bank 2001). On the other hand if the monopolies are privatised, the incumbent company would continue to increase price,

² See Shleifer and Vishney (1999) for more details about grabbing hand view of government ownership.

³ Government ownership of monopolies is likely to be loss-making or too powerful, and likely to prolong the monopoly status, as always it is protected by the governments. Therefore, it is considered undesirable (Littlechild 2000).

at least for the first few years, in the absence of competition and regulation. The possible solution is regulation plus private ownership and competition which would lead to real price reductions (Littlechild 2000). Further in the absence of competition, the quality of service deteriorates and growth is stagnated. Public exploitation goes up as the consumers and clients are taken for granted. In this sense, it is well argued that inefficiency of the public utilities stems from their isolation from an effective competitive atmosphere.

The other group of proponents of competition claim that competition will reduce price of utility services while improving the quality. They very often refer to the classical economic argument that sees competition as a process of rivalry between players in the market who compete by changing prices in response to the market conditions, thereby eliminating excessive profits and unsatisfied demand.

The second argument in favour of competition in utility services is being criticized recently, particularly for its inapplicability in the electricity sector. In an introduction to a special issue of *Economic and Political Weekly* on global experience on electricity restructuring, Dubash and Singh (2005) have argued that “suitably designed, competition may be one element” in electricity restructuring “but it is not a short-cut to larger reforms.”⁴ Drawing on price record of some restructured electricity sectors, they claim that it is hard to establish a causal connection between the price trends and competition because of several intervening factors like increase in production, reduction in fuel price and regulatory mandate, etc. The papers in the issue, while supporting the argument, go further to claim that the benefits of restructuring and competition are unevenly distributed where the large consumers have gained, often at the cost of small consumers. Newbery and Pollitt (1997) doing a cost-benefit analysis of the UK experience found that privatisation and restructuring in United Kingdom’s electricity sector has substantial efficiency gains, but these gains have been unevenly distributed. Thomas (2002) argues that introduction of retail competition for small consumers has been an economic disaster for them in UK, as it has opened the way for their exploitation that would never have been tolerated under the old system. On the other hand, Apt (2005) comparing the retail electricity price data over a period from 1990 to 2003 claim that competition has not lowered US industrial electricity tariff.

⁴ For more details please see *Economic and Political Weekly*, 40(50), December 10, 2005.

However, there is less challenge to the efficiency based argument for introducing competition in electricity. On the other hand, it is also agreed that electricity restructuring (the ‘standard model’ based on competition and choice⁵) is far more challenging than it was imagined. Based on US experience, Lave, Apt and Blumsack (2004) argue that although creation of a ‘free’ market for electricity may be a relatively straightforward task, designing a ‘competitive’ market that meets the expected standards (and remedies the problems seen in restructured markets) is much more difficult. Although the problems can be overcome, the costs of doing so might make competition unattractive. The same argument applies to the Indian electricity market. Owing to the following factors, it may not be an easy task, as assumed by the Indian policy makers, to introduce competition (the way it has been debated and designed) in Indian electricity.

Firstly, the context under which competition and choice was introduced in electricity sectors of developed countries was quite different from India. The objective of restructuring and competition in developed countries was to squeeze greater efficiency out of essentially well-functioning electricity sectors. While developed countries, at the time of restructuring, had well functioning electricity systems providing reliable power to all on a financially viable basis (Dubash 2001), India is faced with capacity shortfall, low level of access, mismanagement, financial crisis, weak market institutions and many more problems. Subsidy to politically favoured consumers and cross-subsidisation from the industrial consumers is a distinct feature of Indian electricity market that may obstruct real competition, if the present pricing structure is to be maintained.

Secondly, as most part of the country had been served by the erstwhile SEBs, there are a very few private players in the sector. On the other hand, owing to the absence of a well-established electricity market, foreign players may not be interested in investing in Indian electricity. After more than 15 years, the generation segment is not able to attract too many private (domestic as well as foreign) investments. Absence of adequate number of players might result in concentration of market power with a few players, that won’t allow the real competition.

⁵ See Hunt and Suttleworth (1996) for a detailed discussion on the ‘standard model’.

Thirdly, proper management of a competitive market as well as to facilitate a healthy competition, there is a need for strong market institutions. Although ‘independent’ regulatory institutions have been established both at the state level as well as at the centre, their independence and efficiency is still doubted. As most of the regulators are drawn from bureaucracy, they have been sympathetic towards the government, while they need to be independent of the government. Absence of financial autonomy is a strong factor contributing to their dependence (Swain 2006).

Fourthly, the fact that competition policies are designed (by the government) and implemented (by the regulators, mostly drawn from government services) by the people, who have been pursued anticompetitive policies previously won’t help (CRC 2005). The extension of responsibility of regulators, by the Electricity Act 2003, to promote and maintain competition poses doubts about their implementation. As Kahn (1998) argues it may be dangerous for two reasons. Firstly, as “regulators tend to be hostile to competition”, it will be difficult to have effective competition under a regulated regime and vice versa. Secondly, confronted with political pressure the regulators might produce less efficient (than the existing ones) competitor.

Finally, absence of proper infrastructure facilities will be a major constrain for introducing competition. Establishing competitive retail markets (that is considered to be the final step towards a complete electricity market) will require more extensive network. And it will be expensive to expand the existing transmission network owing to the geographic factor. Absence and cost of other infrastructures like real-time meters might make competition an unattractive project.

‘II’

The State of Indian Electricity

After almost 60 years of independence and state led development, India has not achieved universal electrification. Although the total installed capacity has increased from 1,362 MW in 1947 to 1,28,182.47 MW in 2007 and the number of electrified villages grew from 1500 (0.25 %) in 1947 to 4,71,360 (79.4 %), there are huge disparities among the states as well as across districts within many states. While five states⁶ claim to have achieved 100 percent electrification, most of the

⁶ The five states which claim to have achieved 100 percent village electrification are Delhi, Goa, Haryana, Punjab, and Kerala.

unelectrified villages are located in the populous northern and central states. Despite repeated efforts, out of around 192 million households around 85 million do not have access to electricity, 78 million in rural India, while the remaining 7 million are urban households. In percentage terms, 56.6 percent of rural households and 12 percent of urban households do not have access to electricity (Bhattacharyya 2006). The problem is growing worse as new connections fail to keep pace with population growth. India houses the largest number of people in any country in the world without electricity.⁷ Most of the unelectrified households are poor and located in rural India, who are deprived of many social and economic benefits due to lack of access to electricity service. Finally, those who have access to the service are not satisfied with the poor quality.

The challenge for India is not to design and establish a competitive electricity market, rather to have such an electricity market which is affordable and accessible to all, at the same time competitive, distributes the costs and benefits evenly among the consumers and takes care of the small consumers keeping with the social objective. India needs to develop such a market structure in the electricity sector which provides certain amount of choice to the consumers, extends the service to everyone, and does so in a financially viable way. That will require not only more players in the sector but also strengthening of the market institutions- the existing regulatory commissions. To carry forward the discussion in that direction, in this section, the discussion will be focused on the political economy of policy shift in Indian electricity to contextualise the present debate.

Political Economy of Policy Shifts in Indian Electricity:

During past six decades, Indian electricity sector has passed through four phases of major policy changes. The first, following independence in 1947, established public-sector led electrification, which emphasised on two major objectives, viz. to power industrialisation in India (economic objective) and to provide electricity to all as a right, at affordable rates, and to the level required for ensuring adequate livelihoods (social objective). The second, beginning in the late 1960s and early 1970s, established an era of subsidisation and rural electrification, which ignored the economic objective by over concentrating on the social objective. The

⁷ According to 2001 census, an average household in India houses 5.3 persons. Accordingly, the size of population without access to electricity is more than 450 million.

third, beginning in the early 1990s, laid the ground work for an increasing private presence in the sector and is being criticised for ignoring the social objective of extending the service to everyone. And the fourth begins in 2003 with the passing of the Electricity Act 2003, which is more directed towards introducing a competitive market structure in the sector while giving importance to the other aspects of the sector including rural electrification (Swain 2006). For the purpose of this paper, the policy shifts will be discussed at two phases- the first beginning with enactment of the Electricity (Supply) Act 1948 which paved the way for nationalisation of the sector and the second beginning with the enactment of Electricity (Amendment) Act 1991 which opened up the sector for private players.

The first phase marked a shift to a public sector led development in the sector from an infant market, which was mostly dominated by small private players, recognising its inability to power the development and to electrify a vast country like India. The Electricity (Supply) Act 1948 had set the base for nationalisation of the electricity sector and established public institutions to carry forward the task of electrification. Although the Act set the base for public control of Indian electricity, it did not argue for complete state control over the sector. This is something that was advocated in the Industrial Policy Resolution 1956.⁸

The Act was drafted on the broad lines of the Electricity (Supply) Act 1922 in force in the United Kingdom. The model of nationalised electricity sector came from the centralised investment allocation and five-year plans of the Soviet Union, the United Kingdom's nationalised electricity system, and the massive public works of United States' Tennessee Valley Authority (Swain 2006). During the discussion over the Electricity (Supply) Bill, in the Constituent Assembly, two important issues were raised and discussed which has particular relevance to the current debate- viz. nationalisation of the sector and autonomy of proposed SEBs. While some members supported the nationalisation move citing the case of UK, some others opposed it on various grounds. The opponents of nationalisation favoured a healthy competition among the private players and the state to electrify and capture the market in a 'virgin field'. Advocating a competitive model between the public and private utilities, Constituent Assembly member M A Ayyangar said "let the three horses run side by

⁸ The resolution says that "all industries of basic and strategic importance, or in the nature of public utility services, should be in the public sector" and "all new units in these, save where their establishment in the private sector has already been approved, will set up only by the state" (GoI 1956).

side, private enterprise, work through corporation, and the state enterprise. Let us wait and see which one will prove ultimately beneficial to the public, let there be a kind of healthy cooperation and competition” (GoI 1948: 43-44).

The legislation that was passed fell short of full nationalisation and represented a compromise between the government and private operators. The legislation mandated that existing private licensees were to be honoured and allowed the state governments to decide about license extensions when they expired. While most of the states were quite aggressive in nationalising the sector fully, few others continued to the extent the license period of private operators for decades, including into the current period (Kale 2004). On other hand, the debate over autonomy of the SEBs raised the issue of political interference in the proposed boards. The basic objective of establishing autonomous Boards instead of Electricity Departments attached to the Ministry of Energy, was to free the Boards from the vagaries of ministerial change. In defence of autonomous boards, K Santhanam argued that “ministries may change, and changing ministries may have changing policies; but the day to day administration of industrial undertakings should be continuous and should not be disturbed by political considerations. It is on that sound principle that nationalisation in this country should proceed and unless that principle is adopted in this country all task of nationalisation will be moonshine. Industries will be started by one ministry and as soon as the ministry is changed it will be scraped by another ministry” (GoI 1948: 50). Although there was some opposition to the autonomous boards, the legislation mandated that all the states would eventually create autonomous corporations, but allowed states sufficient time- initially for two years from the passage of the Act, but with explicit promise of further extension if required. It shows that the debate over the Act anticipated the contemporary debates about political interference and failure of public service utilities.

Successive amendments to the Electricity (Supply) Act eroded SEB autonomy by gradually diminishing the boards’ freedom to set tariffs and by imposing greater political oversight in personnel decision. The period of 1970s and 1980s is marked for decreasing autonomy of SEBs and increasing scope of political interference in their functioning. Over the period, the SEBs were being used for political considerations by governments and politicians. During 1980s, the boards plunged into financial crisis and their performance declined owing to several factors like political interference,

corruption, subsidy, mismanagement, etc. In the beginning of 1990s, a board consensus emerged that the Indian power sector was in 'dire straits', and a major policy changes are required to change its management. At the moment, the international current was in favour of restructuring and privatisation as many developed countries had started restructuring.

In the face of a severe crisis in the sector, the Central Government announced in 1991 that it would encourage private investment in the sector. This change altered the policies introduced in the Electricity (Supply) Act 1948 in favour of public sector led development in the sector. Reforms in electricity sector began in October 1991, when the Power Ministry of the Government of India began to publish a series of notifications seeking to encourage the entry of privately owned generating companies into the electricity sector, some of which were later enacted in parliament to become the Electricity Laws (Amendment) Act, 1991. This Act amending the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948 makes provision for: allowing private sector to set up local, gas or liquid fuel-based thermal projects, hydel projects and wind or solar projects of any size; allowing foreign investors up to 100 percent ownership of power projects subject to government approval; setting new price structure; new power projects are eligible for a five-year tax holiday; and duties on the import of equipment for power projects have been reduced considerably. To attract private investors, IPPs were provided with massive incentives.

But within a few years of its implementation, the IPP policy turned out to be a nightmare. For all the excitements with which it was launched, the IPP programme significantly under-performed. By the mid-1990s, it was clear that a focus on private investment in generation was an insufficient, and possibly counter-productive policy. Not all PPAs were controversial, nor did all fail as spectacularly as Enron's did. Nevertheless, the saga of Enron, clearly demonstrated the difficulties with expecting IPPs to solve the sector's problems. As long as private generating firms had to sell their power to insolvent SEBs, financial risks would remain intolerably high.

In response to the failure of IPP policy, the second phase of reform began with a focus on restructuring and privatisation of the loss making distribution business. These reforms were quite clearly drawn from the World Bank policies on private participation in electricity sector, which was rewritten in 1993. Its global reach and cheap capital made the Bank the primary vehicle for propagating the new

privatization paradigm. In 1993, the World Bank launched its policies in India, in a conference at Jaipur jointly convened by the Government of India and the Bank, where most of the state power ministers were invited. In response to these ideas, various states started experimenting reforms after the mid-1990s. While most of the states have unbundled the sector, only two have privatized the distribution business. Another important measure taken during the period was establishment of Central electricity Regulatory Commission and State Electricity Regulatory Commissions under the provisions of the Electricity Regulatory Commissions Act 1998. While the major objective of establishing the regulatory commissions was to depoliticise the sector by transferring the tariff setting power to the 'independent' regulators, it is still doubted whether the regulators are really independent or not. The relationship between the regulators and the government/politicians is considered to be cosy, as most of the regulators are drawn from among retired or nearly-retired bureaucrats, who usually have pre-existing relationship with the government. The states had established regulatory commissions within a few years, while restructuring and privatisation had proceeded very slowly, keeping the sector far from the expected result.

In response to the hesitant reforms at the state level, the Central Government passed the Electricity Act 2003 in May 2003, after a push and pull for two years among the policy makers on what to retain from the draft bill and what to change. However, the passing of the 2003 Act really started the debate over competition in Indian electricity. The Act replaced all the existing legislation in the sector and prepared a ground for fundamental restructuring of the sector on the basis of international 'standard model'. The Act has mandatory provisions for corporatisation of SEBs through restructuring and open access to the transmission and distribution networks, which has been drawn from the standard model of restructuring. It seeks to promote a competitive electricity market in India through these provisions.

The Electricity Act 2003: Provisions for Competition

The 2003 Act attempts to promote competition in the sector through delicensing generation, open access, and providing multiple licenses in one distribution area. It expects that investment in generation will be increased by delicensing the entry of players, while open access will increase the demand as the consumers can directly purchase from the generators. The Act also expects that open

access will stimulate the prospective generators to enter into the market as they are allowed to compete for large consumers. But the experience so far shows that there are a very few players who are interested to invest in generation owing to the financially unviable distribution market. After more than one and half decade of introduction of IPPs, private generation is limited to only 12 percent of the total generation. The Act also seeks to introduce competition in the retail market by allowing multiple distribution licensees in one distribution area. But multiple distribution license option is considered to be economically unviable owing to the cost of duplication of distribution lines (Sinha 2005). So the other option is open access that requires the transmission licensees to provide non-discriminatory open access to their transmission network by any licensee, generating company or a captive generating plant.

Open access facility will also be extended to retail consumers as and when it is introduced in distribution. The Act requires that open access will be introduced in distribution in phases which will enable the consumers to obtain their supply of electricity from a generating company or any other licensee, other than the distribution licensee for that area. The distribution licensee operating in the area will be paid a wheeling charge, a surcharge to meet the current level of cross-subsidy and a surcharge to meet the fixed costs. In case of an open access consumer, the regulator is authorised to determine the wheeling charges and surcharge, not the tariff. The surcharge is not payable by a captive generation plant.

A later amendment to the Act, making a change in the Section 42 (2) requires that the state regulators shall provide open access within five years (from 27.01.2004) to all consumers who require a supply of electricity with a maximum demand of 1MW. At the same time the Act also requires that the cross-subsidy charge is to be 'progressively reduced and eliminated' in a manner determined by the state commissions. But it will be difficult to provide open access to the larger consumers and eliminate cross-subsidy surcharges, particularly when the distribution companies are not financially stable. The Act does not provide substantial guidance to the state commissions in regards of achieving both these tasks. The critics argue that open access is hardly the beginning for a restructured sector organised around competition and choice. Rather it is a political strategy to side-step the political challenges to

reform SEBs while increasing the pressure for internal reforms, as an efficiency enhancing economic strategy (Dubash and Singh 2005).

Implementation of the first phase of open access may lead the distribution companies into further financial crisis by withdrawing the large consumers from them. Singh (2005) provides two reasons for revenue loss when large consumers opt out of the distribution companies. Firstly, it will result in loss of cross-subsidy revenue that has been provided by the HT consumers to fund the subsidies to LT consumers; secondly, it will result in a change in consumer mix as the power that will be freed up will be supplied to the low paying LT consumers. Although the Act provides for cross-subsidy surcharge to the distribution companies, the magnitude of the surcharge will create political tensions. The methods provided for calculating the surcharge has been unsatisfactory so far. If the surcharge will be low enough to make open access economically viable, the revenue loss to the distribution companies will be enormous and if it will be too high, open access would not be implemented at all (Singh 2005).

From the discussion above, it could be concluded that open access and multiple distribution licensee policy will not be helpful to create the standard model competitive electricity market in India. It will repeat the global trend of uneven distribution of benefits in favour of the larger consumers or might be worse than that. The benefit that will come to the large consumers will be at the cost of small consumers. The Act has not been able to provide a framework to distribute the costs and benefits evenly among the consumers. Whatever may the consequences, it is clear that the small consumers are not going to benefit from the proposed model of competitive electricity market. And this might have serious political consequences.

‘III’

Micro-Privatisation: A Solution for India

Along with provisions for open access and multiple distribution licenses, the Electricity Act (in Section 5) recommends that “the Central Government shall also formulate a national policy, in consultation with the State Governments and the State Commissions, for rural electrification.....and management of local distribution in rural areas through Panchayat Institutions, users’ associations, co-operative societies, non-governmental organisations or franchisees” (GoI 2003). In response the National Electricity Policy has mandated that “Necessary institutional framework would need

to be put in place not only to ensure creation of rural electrification infrastructure but also to operate and maintain supply system for securing reliable power supply to consumers. Responsibility of operation & maintenance and cost recovery could be discharged by utilities through appropriate arrangements with Panchayats, local authorities, NGOs and other franchisees etc” (GoI 2005). Although this provision has significant implications for solving the problems in Indian electricity, both the Electricity Act and National Electricity Policy documents have made a passing reference to it. Both the documents are silent about how to manage local distribution in rural areas through Panchayat Institutions, users’ associations, co-operative societies, NGOs or franchisees and what would be the role of regulatory commissions in the process.

Probably realising the importance of local management of distribution resources and problems with the restructuring model under 2003 Act and its implications for household consumers, the Ministry of Power has introduced a new scheme for rural electricity infrastructure and household electrification in 2005 called Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY). Although the scheme has been focused on rural electrification, it has larger implications for the small consumers both at rural and urban areas. The scheme seeks, within five years, to electrify all villages and habitations, provide access to electricity to all households and give electricity connections to below poverty line families free of charge (MoP 2005). The scheme has been tied with the larger project of ‘Bharat Nirman’ which seeks to build infrastructure facilities in rural India.

The significance of the scheme lies in the fact that it carries forward the social objective, set by the constitution makers of India, of making the service accessible to everyone. The scheme stresses that revenue sustainability of the programme, that has been ignored in earlier programmes of rural electrification, will be ensured through establishment of franchises, who could be NGOs, users’ associations, cooperatives or individual entrepreneurs with association of Panchayati Raj Institutions. RGGVY makes it mandatory to have franchisees in all newly electrified (under the scheme) areas and the franchisee model can also be extended to other areas including urban areas. The provision for having franchises is made keeping with the Section 5 of the Electricity Act which provides for local distribution in rural areas through Panchayat institutions, users’ associations, cooperative societies, NGOs, or franchisees. However,

neither the 2003 Act nor the RGGVY clearly mention how it is going to be implemented. And both of them are salient about the role of state regulatory commissions in the franchisee model. During last one year, Rural Electrification Corporation along with Ministry of Power has initiated debates over the issue with help from several consultants. So far no standard model has been emerged. Various models have been put forth and it is open to the state utilities which one they choose. The prospective franchises are provided with the choice to be treated as a separate licensee or to be linked to the distribution company of the area.⁹

Drawing on the experience of developing and underdeveloped countries, (DFID 2002) Claims that attempts for providing electricity to all (particularly to poor) have failed due to “lack of participatory planning to deliver what was appropriate to meet local demand, lack of understanding of the local context and situation,.....and lack of local capacity to install, operate and maintain systems” (p. 21). This problem could be overcome through involving the users in planning and maintenance, and promoting local entrepreneurs in the electricity market. Although RGGVY seeks to promote local entrepreneurs through the franchisee model, it has neglected users’ involvement. The franchisee model proposed under RGGVY could be more effective with an emphasis on users’ involvement in the process. Users’ participation could be ensured through establishment of local user committees. These committees will be responsible for monitoring of local service providers as well as planning for local distribution resources. The model which combines users’ involvement and local entrepreneurship for service provision is known as ‘micro-privatisation’.

In the next few paragraphs, the paper will argue that micro-privatisation will be helpful to establish a competitive retail electricity market in India, while taking care of the small consumers, distributing the benefits evenly among all consumers and to a certain extent it will solve some of the critical problems in Indian electricity. At this time it is necessary to remind that the main basis of the argument for competition and choice has been to transfer the power to the consumers. This objective could be achieved in the micro-privatisation of distribution along with consumer participation.

⁹ The Electricity Act 2003 treats franchisee as an agent of the distribution company and defines as “a person authorised by a distribution licensee to distribute electricity on its behalf in a particular area within his area of supply” (GoI 2003). However, the RGGVY allows for franchisees as separate licensees as well as agents of distribution companies.

Then the question arises what are the key features of the model and how it is going to address the issues? How to ensure consumer participation? Before going into these questions we need to look into the experience of Orissa in micro-privatisation and consumer participation, which was introduced much before the RGGVY. The model of micro-privatisation provides for improvement of quality of service and higher revenue collection simultaneously. A village is considered as a functional unit. An independent user group called 'Village Vidyut Sangh' (VBS) is created to manage the affairs in the village including billing, revenue collection and checking pilferages. The model envisages less managerial interventions on day to day basis by the distribution companies. Although the model received good response from the beneficiaries, it lost its momentum in few years of its implementation. However, the model is still existing in some parts of Orissa and producing a mixed result.

The first stage of the model was creation of village committees. VBS is a loose arrangement of few authorised consumers in a particular village, in some cases more than one village, which includes 8 to 15 members depending upon the total number of consumers. The members as well as the president and secretary of the VBS are chosen by the consumers. Usually the members and the office bearers are selected randomly or on the basis of social respect commanded by them in the village. The local lines man is the ex-officio member of the VBS to represent the distribution company. The members select a person to be designated as 'Village Contact person' (VCP) to do the job of meter reading and bill distribution. A limited honorarium is paid to the person by the distribution company. The VBSs are formally recognised through a letter from the distribution company, usually from the sub-division office. The prime responsibilities, along with other responsibilities, of the committees were to ensure proper revenue collection and prohibit theft in the respective villages.

In the second step of the process, micro-entrepreneurs or franchisees were appointed as an agent of the distribution company for ensuring quality of power and to handle the complains at local level. These franchisees performed their duties on the basis of inputs received from the VBSs. While the franchisees had their own supervisors, the VCPs operated as a link between the franchisee and the VBSs. In return of their efforts, they were paid some incentive by the distribution companies. This model has some remarkable achievements in terms of increased revenue collection, improved metering and reduction in theft. This ultimately had some direct

impact on quality improvement in terms of reliable power supply, stability in voltage and reduced cases of transformer burnings. Thousands of village committees are existing in Orissa and some of them are put under franchisees. Studies suggest that the system is working well when both the steps of micro-privatisation are implemented and producing a positive result (Dash 2006). However, in most of the cases the committees complain of lack of cooperation from the distribution companies and lack of resources to perform the committee functions.

Benefits of Micro-Privatisation

Drawing on the Orissa experience, it could be argued that the micro-privatisation model could work in positive direction and would be helpful to establish a competitive retail market while extending the service to everyone. While doing so, in several ways, it will also enhance governance of the sector. This model is not only applicable to the rural areas, but also it can produce similar results in urban areas. The key to the model is micro-privatisation of the distribution and consumer participation through consumer committees or associations. Drawing on Hirschman's (1972) argument, the users will be more likely to participate (or use 'voice' option) as they do not have alternative providers (or 'exit' option) in the current setting. The model is going to enhance the performance of the sector in the following ways:

Firstly, using the open access facility, while it is implemented, the franchisees can purchase power directly from the generators, providing the benefits of open access to small consumers. For that purpose, the franchisees should be treated as separate licensees, not as an agent of the distribution companies. This will stimulate competition in generation as the franchisees will be smaller than the existing distribution companies and more financially viable, thus reliable consumers for the generators. By purchasing directly from the generators they will be able to provide electricity at a relatively low price.

Secondly, as the franchisees, along with the committees will be able to monitor at the local level, theft will be reduced. At the same time proper metering could be done. As theft constitutes a major part of the losses, reduction in theft will increase the revenue by saving electricity. Another impact of theft reduction will be reduced load on distribution transformers, which will minimize the cases of transfer burning. That will contribute to the reduction in fixed cost of distribution. Monitoring

at the local level will also contribute to increased bill collection. Ultimately all these will result in increased revenue for the franchisee, making the system financially viable.

Thirdly, as the franchisees will be issued short term licenses, there will be a fear of being thrown out if they do not perform well. The consumers (the committees) will monitor the performance of the franchisees and based on their recommendation further extension of the licenses will be considered. This will provide a choice for the consumers to decide whom they want as their service provider. When they will not be satisfied with the existing provider, they can change their provider. As the franchises will be small units covering a few hundreds of consumers, it is expected that there will be takers for them, unlike the present distribution companies. Although this will not provide individual choice to the consumers, but it will definitely provide collective choice.

Fourthly, as discussed earlier by making distribution a remunerative business it will stimulate the service providers to extend the service to unelectrified areas and capture more consumers. This will meet social objective of extending the services to everyone. And as the price is expected to go down, the poor can also access to the service.

Fifthly, this model also allows the consumers to own the franchisees through cooperatives. When the committees or user associations are strong enough, they can join together to take over the business of distribution in their respective areas.

Sixthly, even if this model does not provide for a real competition where multiple service providers operate in one area, it provides a possibility for benchmarking competition. The service providers will compete among each other to perform well in order to capture the unelectrified areas.

Seventhly, as it is accepted that the 'long-route' of accountability does not work in infrastructure service delivery system, there is a need to establish 'short-route' of accountability between the consumer and service provider. This model will be able to ensure the 'short-route' of accountability by establishing local service providers and monitoring them by local people. Unlike the earlier system, this model will also ensure transparency in the mechanisms.

Eighthly, the objective to devolve the power to the consumers will be met by this model, as the consumers, through the committees, will be able to decide on their local problems. They will have a control over the service provider.

Finally, by reducing thefts and losses the model is expected to save power, which will partially help the country to come out of the present electricity crisis. On the other hand, by making the distribution business financially viable it will stimulate investments in generation to meet the growing demand. This model will also require less investment in transmission network compared to other models. And it will reduce problems like mismanagement and corruption associated with large systems.

‘IV’

Conclusion

To summarise, the model of micro-privatisation and community participation is expected to provide the benefits of a competitive retail market while reducing the costs of doing so and also promotes a competitive wholesale market. This model will not only benefit the small consumers, but also help the large industrial consumers to enjoy the benefits of open access and might remove the burdens of cross-subsidy from them. As the revenue of suppliers goes up, the cross-subsidy amount or surcharge can be reduced and eventually eliminated. Thus the model removes the major barrier to implement open access. And finally, the model, unlike international experiences, distributes the benefits evenly among the consumers.

No system is free from flaws. Having said about the merits of micro-privatisation and consumer participation, now I will look into the problems with the model. Firstly, the model may not be free from political interferences as the local politicians might intervene in the process. Secondly, local elites may capture the committees as well as the franchisees and turn out it into ‘electricity zamindaars’. Thirdly, while there will be experienced and more takers for urban areas, the less profit-making rural areas might be left out or taken over by inexperienced players.

Although the RGGVY is still silent about the roles of state regulators in the process, the regulators have to perform some important functions. Firstly, the regulators will be responsible for providing licenses to the franchisees on the recommendation of the consumer committees. The franchisees will be selected on the basis of competitive bidding. Initially, lack of experience of new entrants may create

some problem for selection, which will be waived off gradually. However, the commissions will promote local entrepreneurs on the basis of recommendation from the local government institutions. Secondly, the regulators must perform their primary function of tariff setting. Although the franchisees will be allowed to have their own tariffs, they will be subject to a maximum tariff determined by the regulator. Unlike the present system, the franchisees should be allowed to have differential tariffs, as it will allow benchmarking competition possible. Thirdly, the regulators will be responsible to protect the system from political interference. They need to communicate with the committees regularly and get inputs from them. Finally, the regulatory commissions will make provisions to train newly formed franchisees and users committees.

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