

**ENABLING A PARTICIPATORY JUST ENERGY
TRANSITION IN INDIA: LEGAL AND POLICY
FRAMEWORK**

SUSHMITA PATEL

Supported By

JUST TRANSITION RESEARCH CENTRE, IIT KANPUR

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Introduction

At the 26th Conference of Parties (CoP) in Glasgow in 2021, India made a commitment to become a net zero country by 2070, while also updating its Nationally Determined Contributions (INDCs), one of which was to meet 50% of the country's energy requirements from renewable power by 2030. The net zero pledge and the updated INDCs include an ambitious renewable energy target which would require robust regulatory, policy and legal frameworks, which are currently not in place.

In this context, this paper argues for participatory institutional and policy frameworks in ensuring that India undergoes a just energy transition. The first section establishes the theoretical framework against which participation shall be evaluated. The second section breaks down the necessity for the participation of communities and affected stakeholders in energy justice decisions. The third section of the paper presents a brief overview of the existing legal, regulatory and policy frameworks in the country that currently govern the energy and associated sector. It is followed by the fourth and final section that proposes structural and legislative reforms, through examples across the world, that can aid in ensuring that the energy transition in India remains participatory and inclusive in nature.

Public Participation for a Just Energy Transition

Andrew R. summarizes the discourse development on political representation the best when he writes, "It entered pre-modernity with Magna Carta, was limited by Hobbes, extolled by Madison, repudiated by Rousseau, equalised by Cady Stanton, institutionalised by Mill, vitalised by Dewey, criticised by Schmitt and pluralised by Dahl. Contemporary accounts begin with Pitkin's analysis of this history establishing what I call the "standard account" of political representation: political representation purportedly involves, inter alia, authorisation, accountability, and the looking out for another's interests."¹ He himself uses Pitkin's analysis only for its usefulness in explaining the conditions under which political representation becomes legitimate, and offers a "general theory of representation" by reference to a relevant audience that accepts a person as its representative.² A similar version of this definition is suggested by Bennan and Hamlin where they build their definition on a broader interpretation of rational actor political theory by emphasising that the essential feature of representation is "... that a mediating assembly of some kind is set between the

¹ Andrew Rehfeld, 'Towards a General Theory of Political Representation' (2006) 68 (1) *The Journal of Politics* 1,2.

² *ibid*

citizenry and political decision making” and that “political outcomes are decided by some group of ‘representatives’”.³

Jane Mansbridge, on the other hand, acknowledges “promissory representation” as a “traditional” model that focuses on the idea that during campaigns representatives make promises to constituents, which are either kept or not. In addition to this, she emphasises on three “legitimate” forms of representation: a. Anticipatory representation (where representatives focus on what they think their constituents will approve at the next election, and not on what they promised to do at the last election b. Gyroscopic representation (where the representative looks within, as a basis for action, to conceptions of interest, “common sense” and principles derived in part from the representative’s own background. C. Surrogate representation (where legislators represent constituents outside their own districts).⁴

Lisa Disch borrows from Pitkins’s mobilisation representativeness and proposes a “mobilisation conception of democratic representation” wherein she uses reflexivity through citizen competency as a measure of its legitimacy.⁵ Similar to her, Saward also proposes a “constructivist turn” in political representation definitions and elements.⁶ In this continuing new wave of understanding political representation, Melissa Williams, in refashioning the works of Edmund Burke, brings in the claims of historically marginalised groups in contemporary liberal democratic societies and emphasises their need to enforce the deliberative nature of institutions.⁷

As an offshoot or a subset of deliberation, Dryzek and Niemeyer introduce the notion of “discursive representation”.⁸ They define a discourse “...as a set of categories and concepts embodying specific assumptions, judgements, contentions, dispositions and capabilities. It enables the mind to process sensory inputs into coherent accounts, which can then be shared in a subjectively meaningful fashion”.⁹ Discursive democracy finds itself in the roots of democracy, in providing various

³ Geoffrey Brennan and Alan Hamlin, ‘ On Political Representation’ (1999) 29 (1) British Journal of Political Science 109,110.

⁴ Jane Mansbridge, ‘Rethinking Representation’ (2003) 97 (4) The American Political Science Review 515.

⁵ Lisa Disch, ‘Toward a Mobilisation Conception of Democratic Representation’ (2011) 105 (1) The American Political Science Review 100,102,104-105.

⁶ Micheal Saward, ‘ Shape-Shifting Representation’ (2014) 108 (4) The American Political Science Review 723.

⁷ Melissa S. Williams, ‘ Burkean “Descriptions” and Political Representation : A Reappraisal’ (1996) 29 (1) Canadian Journal of Political Science 23,25-29.

⁸ John S. Dryzek and Simon Niemeyer, ‘Discursive Representation’ (2008) 102 (4) The American Political Science Review 481.

⁹ *ibid.*

opportunities for policy proposals to be criticised from multiple sources and directions, thereby providing the perfect background for “systematic trial and error in policy making”.¹⁰ In this quest for representation, it is only logical to question the presence of only relevant discourses and possible absence of mechanisms to eliminate irrelevant discourse. Herein, the advantage that discursive representation holds over Young’s “communicative democracy”¹¹ is that not only is it measurable and describable unlike perspectives, interests, opinions etc., but is also conceptually simpler.

The idea of discursive representation also works in tackling the persistent problems that have arisen as a result of diffusion of political authority into informal networks (both governmental and non-governmental actors). By virtue of this diffusion of authority, it becomes almost impossible to render this networked governance as accountable in standard democratic terms predominantly because there might be no unique demos that are associated with a particular network.¹² Therefore, to bring in accountability in such instances and ensure that it is not dominated by a single discourse whose “terms are accepted uncritically by all involved actors in a way that marginalises other discourses that could claim relevance”,¹³ discourse needs to be encouraged.

Discursive representation has enabled democratic agenda from oppositional public spheres outside the formal institutions of state to seep into the same, such as environmentalism in the United States of America or feminism in the Scandinavian countries in the 1970s.¹⁴ Finally, Dryzek and Niemeyer put forth the need for understanding political representation through discourse as the following, “.. whether formal, informal, or an integrated mix of both, discursive representation can help render policy making more rational, respect individual autonomy by more fully representing diverse aspects of the self, assist in realising the promise of deliberative democracy...”¹⁵. However, the understanding and definitions of public participation do not see a large variation across scholars. They have definitions that are aligned with similar characteristics attributed to public participation. A recurring near identical definition has been that, “Public participation are forums for exchange that are organised for the purpose of facilitating communication among government, citizens, stakeholders and interest groups, and business groups regarding a specific decision or a problem.

¹⁰ ibid 482.

¹¹ ibid 483.

¹² John Parkinson, ‘Localism and Deliberative Democracy’ (2007) 16 (1) *The Good Society* 23,34.

¹³ Ibid 35.

¹⁴ Dryzek and Niemeyer (n 54) 490.

¹⁵ ibid 492.

so that the processes and outcomes of the decision are democratic, open, legitimate, technically competent and timely”.⁶⁷ In addition to this, Ajit Krishnaswamy adds that, “... and have the potential to influence decisions or the outcome of specific issues”.⁶⁸ Rowe and Frewer also stress on the contribution element of participation by defining it as “... a group of procedures designed to consult, involve, and inform the public to allow those affected by a decision to have an input into that decision”.⁶⁹ But there is an opposing camp lead by Day⁷⁰ that dismisses the idea that a contribution is a necessary element of participation, “...public participation does not necessarily mean influence; intrinsic values of participation and advocates that procedural aspects also need to be taken into consideration. For, influence has been referred to the effect of public in decision making and operates even when the public does not actually participate”.⁷¹

Herein, I shall use this type of political representation to justify and defend the need for effective public participation in environmental decision making, particularly that of an energy transition.

Why is Public Participation Necessary in a Just Energy Transition?

On account of the need for the diversification of the Indian economy, and its subsequent impact on jobs, opportunity and livelihoods, the energy transition for India on its pathway to becoming a net zero country is going to be fraught with challenges. These challenges are only going to be exacerbated by the increased need for additional resources such as finances, natural resources such as land, water etc., and their subsequent paucity. While one of the democratic ideals is ensuring that citizens of the country are made participants in the decision-making processes, outside of elections, this participation becomes even more critical in the context of an energy transition and its qualification as a just energy transition.

And it is here that participatory approaches can improve decision-making processes associated with an energy transition since they aid in the achievement of a certain level of fairness and legitimacy while instilling a sense of satisfaction and trust that citizens indeed have had their voice heard. This in turn has proven to increase communities’ trust in the transition process¹⁶. The other advantages of participation in a just energy transition process include improved democratic legitimacy of

¹⁶ Shaw and Maguire, Fair Energy Transition for All - Literature Review, Climate Outreach, Oxford 2021.

transition policies since multiple viewpoints are taken into account¹⁷ while reducing the risk of counter-movements from radical or anti-democratic movements.¹⁸

Further, it can increase a buy-in on policy decisions, especially those centred around communities or those that have a potential impact on them, since those consulted can gain a sense of ownership through participation.¹⁹ Additionally, it also can help shape perceptions of trust, especially when related to procedural and distributive justice.²⁰ In light of the fact that the impacts of an energy transition are definitely beyond the scope of technological and political change or even resource availability, but instead transcend into significant social and behavioural transformations that question accepted understandings of democracy and economics,²¹ participation can significantly help promote greater levels of social acceptability.²²

With public opposition often being noted as a potential threat to realising the levels of renewable energy deployment foreseen in climate change mitigation policies, across the world, such mechanisms can reduce such risks.²³ Scholars have additionally noted that relationships between energy, justice and social inclusion are important factors for communities when supporting or opposing renewable energy projects in their area²⁴ and issues of procedural, distributional and substantive justice play a crucial role in determining the social acceptability or otherwise of energy projects.²⁵

A. Procedural Justice

Energy justice and energy transition has also conceptualised four vital pillars of the same namely: distributive (access to resources for all), procedural (participation in the decision-making process), cosmopolitan (human rights governed by moral values), and recognition (vulnerability due to

¹⁷ Francesca Colli, A transition for the citizens? Ensuring public participation in the European Green Deal, European Policy Brief, No. 68 April 2021

¹⁸ *ibid.*

¹⁹ *ibid.*

²⁰ Lennon, B., Dunphy, N.P. & Sanvicente, E. Community acceptability and the energy transition: a citizens' perspective. *Energy Sustain Soc* 9, 35 (2019).

²¹ *ibid.*

²² *ibid.*

²³ *ibid.*

²⁴ *ibid.*

²⁵ *ibid.*

socioeconomic status).²⁶ And it is in this procedural aspect of an energy transition that participation shall be used as a tool for achieving the larger goals of energy justice. The procedural justice component of energy justice also demands an “inclusive, non-discriminatory decision-making processes around energy, staking a claim for all the stakeholders involved or affected by energy decision making to be able to participate in the process and to be effectively listened to”.²⁷

Further, it is important to note that the procedural justice dimension of an energy transition must necessarily accommodate within it the consideration of interests, issues, transition planning, and who gets to participate and hold the power in decision-making forums. These stakeholders would essentially range from people working in related industries, households - communities that are dependent on fossil fuel revenues as well as those who will be adversely impacted by fluctuations in fossil fuel prices as a result of transition reforms, such as low-income households or those struggling to gain energy access.²⁸

In consideration of the fact that procedural justice of energy justice strongly advocates for ensuring that the affected parties are meaningfully and continually consulted,²⁹ using the theoretical framework of participation discussed earlier in the section, avenues for participation within India’s legal and policy framework shall be explored herein.

²⁶Swarnakar, Pradip and Mudit Kumar Singh, "Local Governance in Just Energy Transition: Towards a Community-Centric Framework" 2022 *Sustainability* 14, no. 11: 6495

²⁷ Shaw and Maguire, *Fair Energy Transition for All - Literature Review*, Climate Outreach, Oxford 2021.

²⁸Dr. Annabel Pinker, *Just Transitions: a Comparative Perspective*, The James Hutton Institute & SEFARI Gateway 22 April 2020.

²⁹Just Transition: Pathways to Socially Inclusive Decarbonisation, COP26 Universities Network Briefing / October 2020

Legal and Policy Frameworks for Energy Transition in India

At the 26th Conference of Parties in Glasgow, on November 21, 2021, India announced five ambitious targets to reduce emissions in the country including a net zero commitment by the year 2070. The other four commitments of the country include:

- a. Increasing non-fossil energy capacity to 500 gigawatts
- b. Fulfilling 50% of energy requirements from renewable sources
- c. Reducing carbon intensity of economy by 45%
- d. Reducing total projected carbon emissions by one billion tons³⁰

Subsequently, in November 2022, India also submitted its “Long Term Low Carbon Development Strategy” whose elements consist of Low Carbon Development of Electricity Systems Consistent with Development; Development of an Integrated, efficient, Inclusive low carbon transport system; Promotion and adaptation in urban design, energy and material efficiency in buildings and Sustainable urbanisation; Promotion of economy-wide decoupling of growth from emissions and development of efficient innovative low emission industries; Co2 removal and related engineering solutions; Enhancing forest and vegetation cover consistent with socio-economic and ecological consideration.³¹

Even though energy transition is at the core of these agendas, what remains missing is a robust framework to address the issue of a just energy transition.

Within the national governance structure, following are the institutions/ministries that would play a key role in enabling this energy transition to happen³²:

- a. Ministry of Environment, Forest and Climate Change
- b. Ministry of Power (PSUs: NTPC, REC, PowerGrid, PFC, PODOCO, NEEPCO; (Central Electricity Authority (CEA), Bureau of Energy Efficiency (BEE), Central Electricity Regulatory Commission, IEX - Power Trading)
- c. Ministry of Coal (3 PSUs)

³⁰ India Submits its Long-Term Low Emission Development Strategy to UNFCCC, *available at* <https://pib.gov.in/PressReleasePage.aspx?PRID=1875816>

³¹ MOEF&CC, India's Long Term Low Carbon Development Strategy, *available at* https://unfccc.int/sites/default/files/resource/India_LTLEDS.pdf

³² Bardhan R., Debnath R., Jana A., (2019) Evolution of sustainable energy policies in India since 1948: A review, Wiley Interdisciplinary Reviews: Energy and Environment

- d. Ministry of New and Renewable Energy
- e. Indian Renewable Energy Development Agency (IREDA), Solar Energy Corporation (SEC), Several Research institutions)
- f. Ministry of Petroleum and Natural Gas (15 PSUs, Directorate General of Hydrocarbon, Petroleum Planning and Analysis Cell, Petroleum Conservation and Research Association); Department of Atomic Energy (5 PSUs, Several research institutes,)
- g. NITI Aayog

In addition to these, Ministries such as External Affairs, Railways, Shipping, Transport and Highways, Ministry of Finance, Ministry of Science and Technology, Ministry of Commerce and Industry, Ministry of Statistics and Programme Implementation, Ministry of Heavy Industries and Public Enterprises, Ministry of Water, Ministry of Housing and Urban Affairs³³ etc., would continue to play a crucial role in ensuring that sectoral wise emissions are reduced and an energy transition could occur within these domains as well.

Post Independence, the energy regulatory regime of the country was predominantly focused on the development of electricity and the creation of a uniform national electricity policy. From the 1970s, the legislative and policy actions were focused on addressing an energy access crisis, streamlining national energy security and its modernisation. It was only in the 2000s that climate change was brought into the discourse of energy regulation with the institution of the Electricity Act, 2003, Energy Conservation Act, 2001, the National Action Plan for Climate Change, 2010, the National Mission for Enhanced Energy Efficiency, 2010 etc.,.

Of these, the National Action Plan on Climate Change was one of the first larger policy documents that introduced energy into sustainable energy policy pathways for the country. This document, while prioritising solar and wind energy measures for increasing the renewable energy share in the energy mix of the country, does not address the process of an energy transition or allow for a participatory dialogue in the process. In fact, none of the statutes listed above in the energy law and policy regulatory regime of the country find a mention of “just energy transition” or “engagement” or “participation”.

While there are no statutes or allied legally binding vision documents in the country, an attempt in that direction has been through the formation of the Inter-Ministerial Committee on Just Transition

³³International Energy Agency, India 2020: Energy Policy Review

From Coal. One of the goals of which was, “...(to) develop (an) actionable policy brief for India for the coal sector, which includes design and testing of policy frameworks that would offer economic opportunities from clean energy value chains to communities negatively impacted by the declining use of coal.”³⁴ In the institutional framework proposed under the same, a tier three of the “Just Transition Taskforce”, would consist of representatives from the affected communities, district authorities and project staff. This “tier 3” would be responsible for the development and implementation of closure plans and public consultations that are inclusive of the concerns and aspirations of the communities. The report also mentions that a “Regional Development Framework” by the coal-bearing States for a “Post Closure Future” must be prepared basis consultations with local communities,³⁵ However, this document too does not address the need to fill the vacuum for the necessary procedures that would enable these local communities and other citizens to be effective participants in the just transition process.

Towards a Participatory Just Energy Transition

Multilateral institutions such as the World Bank, ITUC, ILO, Climate Justice Alliance and other Civil Society Coalitions all advocate for, “social dialogues and strong and diverse coalition to support democratic decision making” as a part of the process to achieve a just transition. ³⁶ Similarly, the World Bank has specifically emphasised on an inclusive idea for a just transition through well-framed policies and strategies that can facilitate the transition process via engagement of local communities through social dialogue, alongside well-coordinated governance and administrative mechanisms.³⁷

However, it has been noted that up until recently, it has been believed that citizens’ role in decision-making in the energy domain has not been fulfilled only owing to information gaps or deficits only thereby feeding into the assumption that increasing or enabling access to information could be the predominant way to get them engaged in discourses around an energy transition³⁸. While access to demystified information is pivotal and often one of the important precursors to enabling participation, it is definitely not the lone leg ensuring that participation can happen.

³⁴ Report of the Inter-Ministerial Committee on Just Transition from Coal (Under Sustainable Growth Pillar of India-US Strategic Clean Energy Partnership)

³⁵ *ibid.*

³⁶ Srestha Banerjee, Defining and Framing Just Transition for India Just Transition Working Paper #1 November 2021

³⁷ *ibid.*

³⁸ Lennon, B., Dunphy, N.P. & Sanvicente, E. Community acceptability and the energy transition: a citizens’ perspective. *Energy Sustain Soc* 9, 35 (2019).

For participation to indeed happen, the requirements encompass beyond the accessibility of information to those of requisite governance structures and organisational formats that are participatory and inclusive, thereby empowering citizens to become full stakeholders in the process.³⁹

A. Structural Reform

It has been rightly identified that one of the ideal forms of just transition is “structural reform” - which attempts to secure not only procedural justice but also distributive justice through institutional changes.⁴⁰ While a just energy transition undoubtedly has to be accompanied by market forces, and innovations in the fields of science and technology, they are also to be supported by modified governance structures.⁴¹

For example, whilst Chile was developing its E2050 Energy Policy⁴², it followed participatory measures in the design of the same, which though may not have been foolproof, were certainly an affirmative step towards ensuring that the process remained inclusive. As has been iterated in the sections above, the absence of a comprehensive policy in India that tackles the pathway to a net zero India via a just energy transition, the conceptualisation and formulation of the same could learn from Chile’s practices that could be broadly summarised as follows:

- a. The establishment of technical boards as deliberative spaces that were set up in different regions of the country under the direction of the Chilean Energy Ministry to generate participative diagnostics and identify areas of improvement related to key issues of energy policy.
- b. Deliberative polls combined deliberative forums with two opinion surveys (taking place before and after the deliberation) to characterise public perceptions on different strategic axes of the energy policy.
- c. An online based public consultation enabling citizens to provide feedback on a preliminary version of the final document.

³⁹ *ibid.*

⁴⁰ Dr. Annabel Pinker, *Just Transitions: a Comparative Perspective*, The James Hutton Institute & SEFARI Gateway 22 April 2020.

⁴¹ *ibid.*

⁴² Urquiza and others, *Participatory Energy Transitions as Boundary Objects: The Case of Chile's Energía2050* *Front. Energy Res.*, 06 December 2018 *Sec. Sustainable Energy Systems Volume 6 - 2018*

- d. The creation of a Consultative Committee: A team of 27 members handpicked by the President of the Chilean Republic and Energy Ministry - tasked with wiring a roadmap summing up the main priorities and guidelines for energy policy.
- e. After the subsequent enactment of the policy, a guidebook was also published containing standards and procedures for public and community participation in the environmental approval of energy projects.

While there has been a criticism directed towards the formulation of the policy, that the committees did indeed lack regulatory and coercive power, or that certain committees remained elitist in nature, it was however in fact able to set up and legitimise a general framework for the collaborative action of a wide variety of groups featuring diverse perspectives, regarding the energy future of the country, which indeed is the starting step for designing definitive action towards a just energy transition.

Similarly, in September 2020⁴³, South Africa established a 'Presidential Climate Commission' (a multi-stakeholder body), to "advise on the country's climate change response and pathways to a low-carbon climate-resilient economy and society" and was entrusted with the responsibility for facilitating "a common vision for a net-zero" by 2050, including those for supporting a just transition.⁴⁴

However, the establishment of task forces, committees, commissions and other allied regulatory and institutional bodies for an energy transition are only a precursory step for initiating a country-wide dialogue on how a just energy transition ought to take place. For instance, experience with the German Coal Commission has demonstrated that while "multi-stakeholder commissions can play a role in managing these sectoral transitions, (but) they are not a silver bullet to unlock transformative change". This is particularly since it must be borne in mind that commissions or such bodies cannot replace political leadership, with an additional risk that they also be misused to delegate political responsibility or delay climate action.⁴⁵

Therefore, the creation of an institutional body, under the Ministry of New and Renewable Energy of India that sees representation from all types of stakeholders to be affected by an energy transition,

⁴³ Presidential Climate Commission, South Africa , *available here*
<https://www.climatecommission.org.za/about>

⁴⁴ Srestha Banerjee, Defining and Framing Just Transition for India Just Transition Working Paper #1 November 2021

⁴⁵Dr. Annabel Pinker, Just Transitions: a Comparative Perspective, The James Hutton Institute & SEFARI Gateway 22 April 2020.

is necessary to streamline not only climate change action but also an energy transition as an essential prerequisite of climate policy design and action.

B. Policy and Legislative Reform

While institutional reform is the preliminary step for ensuring that an energy transition that is participatory in nature finds a place in the larger shaping of policy dialogue around climate change, it is critical that for it to remain coercive and binding in nature, legislative statutes are necessary. At the present moment, India does not have any statute that focuses on energy transition or even the broader realm of climate change. While private member bills focusing on net zero, climate migration etc., have been tabled in the Indian Parliament, they were unfortunately not even debated on the floor of the house, let alone converted into laws.

While the creation of a new statutory instrument is critical for ensuring sustained institutional support and endorsement of a just energy transition, the shorter-term measures can also focus on leveraging existing statutes of energy conservation and renewable energy policies for increased community and stakeholder participation. For instance, in 2021, Canada passed its Net-Zero Emissions Accountability Act, whose preamble states that “... Whereas the Government of Canada has committed to developing a plan to set Canada on a path to achieve a prosperous net-zero-emissions future by 2050, *supported by public participation and expert advice*”⁴⁶ The Statute endorses via its objectives that public participation will remain a key element of its pathways to become a net zero country by 2050. The Act also, in its later section 13 reads the following:

“When setting or amending a national greenhouse gas emissions target or establishing or amending an emissions reduction plan, the Minister must, in the manner the Minister considers it appropriate, provide the governments of the provinces, Indigenous peoples of Canada, the advisory body established under section 20 and interested persons, including any expert the Minister considers appropriate to consult, with the opportunity to make submissions”.

Thereby, statutorily mandating that a consultation process is an essential prerequisite for the decision-making around net zero pathways of the country.

⁴⁶ Canadian Net-Zero Emissions Accountability Act, S.C. 2021, c. 22.

The Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization of the United States of America in its report in 2021 emphasised on social dialogue and community engagement. It also went on to lay emphasis on six key principles aligned with the Presidential Order for the economic revitalisation of coal-dependent livelihood communities, with one of the components being the “formalisation of stakeholder engagement measures”.⁴⁷

Incidentally, to translate international commitments into national action, Indonesia is one of the first countries to incorporate participatory action into its INDCs wherein it said, “Enhancing participatory public dialogue to support employment, ensure adequate social protection, labour standards and wellbeing of workers and their communities.”⁴⁸

However, there continue to be statutory instruments such as Germany’s Coal Phase-Out Act and The Structural Development Act which while focusing on a just energy transition process for the formal workforce in the coal industry, make no attempt to include procedural justice aspects such as participation in the statutes to ensure that the workers have a say.⁴⁹

The Canadian Task Force on Just Transition for Canadian Coal Power Workers and Communities, too in its report, included seven principles for a just transition: 1. Respect for workers, unions, communities, and families; 2. Worker participation at every stage of transition; 3. Transitioning to good jobs; 4. Sustainable and healthy communities; 5. Planning for the future, grounded in today’s reality; 6. Nationally coherent, regionally driven, locally delivered actions; 7. Immediate yet durable support.⁵⁰

In this context, existing statutes in India such as MNREGA, the Energy Conservation Act, 2003 the Pre-Legislative Consultation Policy, 2014 etc., can be utilised to reinforce the concepts of citizen participation till a comprehensive policy and law are evolved for the same.

⁴⁷ Srestha Banerjee, Defining and Framing Just Transition for India Just Transition Working Paper #1 November 2021

⁴⁸ibid.

⁴⁹ibid.

⁵⁰Dr. Annabel Pinker, Just Transitions: a Comparative Perspective, The James Hutton Institute & SEFARI Gateway 22 April 2020.

Conclusion

In light of the limited availability of statutory and policy documents across the world on tackling a just energy transition, while ensuring that it remains participatory and inclusive in nature, it is an uphill task to replicate best practices from across the world for a country like India. However, in consideration of the fact that India along with the major economies of the world have committed to becoming carbon-neutral economies in the future, it is essential that policy, statutory, regulatory and legal regimes are put in place to ensure that participation becomes a coercive feature of a just energy transition. Meanwhile, it is equally critical that existing instruments are tapped into or leveraged through the mechanisms detailed in the paper, before systems are put in place. This is essential to not only ensure that energy transitions remain “just”, but also to gain legitimacy for their sustained incorporation into policy decisions and actions.