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How Participatory is My Government? A Closer Look at MyGov.in

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Delegates of street vendors participating in an all India public hearing of street vendors, organised by Manushi Sangathan and Nasvi, in New Delhi on July 26, 2006. File Photo: Shiv Kumar Pushpakar.

[The Hindu](#)

*In keeping with the spirit of the Right to Information (RTI) Act, 2005, the Union government had, in 2004, introduced a pre-legislative consultative policy for public policymaking. In July 2004, the BJP-led National Democratic Alliance (NDA) government, which rode to power on the twin slogans of development and good governance, launched a website, MyGov.in, to push forward its mandate of participatory governance. In this article, **Inayat Anaita Sabhikhi**, a practitioner of development economics, analyses how the website, albeit a limited platform that is available to only those having access to the internet, has been seldom utilised to its potential by the ministries for consultative policymaking.*

A common refrain one hears while speaking to people on matters of governance reform—whether it's asking people at a Public Distribution System (PDS) outlet about the introduction of biometric systems or an MGNREGS (Mahatma Gandhi National Rural Employment Guarantee Scheme) worker in a bank on demonetisation—is *"koi humsey poochey, toh phir na bataay"* (no one asks us, if they did, then we'd speak). It seems that the Government is unable to shake off the image of an unhearing, unapproachable monolith, especially for an average Indian citizen. Even so, over the past decade, the rights-based legislations have provided, at least, some platform for citizens in their claim-making to the state. These laws have been particularly important for the welfare of people as they have secured their "rights" and also initiated a change in culture on the discourse of citizen engagement in policy and law making.

The Right to Information Act 2005, for which India is lauded internationally, apart from its bedrock of mandated transparency, also has a key provision on consultative policy making ¹. This included the publication by every public authority of all relevant facts while formulating important policies or announcing the decisions that affect public, as well as providing reasons for its decisions to affected persons.

Building on this, in 2014, the Government of India brought out a Pre-Legislative Consultative Policy (PLCP) ². The eponymously titled policy lays out the process that is to be followed before a draft bill is placed in Parliament: it should be in public domain for a minimum of 30 days along with explanatory communication on its social and financial costs, benefits and key challenges. Specific groups who are likely to be affected by the legislation should be identified and consulted. All comments and feedback received on the draft bill are to be compiled by the Ministry concerned and also pro-actively disclosed on the website. To give it some teeth, the pre-legislative process followed and comments received is to be included along with the draft bill when it is forwarded to the Ministry of Law for vetting, to the Cabinet and to the Department-related Parliamentary Standing Committee, should the bill be referred to one. This process is intended to make the Government more transparent, informed and consensus-driven.

Initiative of MyGov.in

MyGov.in, launched in July 2014 by the NDA Government, announces itself as "an innovative platform to build a partnership between Citizens and Government", "a platform through which the Government aims to encourage citizen participation towards good governance", "a key part of the policy and decision making process of the country", "provide the citizens a voice in the governance process of the country and create grounds for the citizens to become stakeholders not only in policy formulation and recommendation [bit] but also implementation through actionable tasks", and finally, "for the very first time in the history of the country, makes you an agent of change and gives a golden opportunity to contribute in the journey towards nation building and towards attaining 'Surajya.'" This paper attempts to analyse to what extent MyGov.in can be seen in continuation with the broad ideals espoused in the Right to Information Act, the Pre-legislative Consultative Policy and how it performs versus its own stated aims.

The first caveat before any analysis is that the platform is only a website and not supplemented by any offline modes of providing grounds for citizens to become stakeholders in policy formulation. To truly include citizens in a "participatory governance initiative, which should culminate into a mass movement towards self-governance or 'surajya'" as claimed, we would have to do a lot more than a website in a country where 65 per cent are without access to the internet ³.

The website itself offers a host of services, including survey polls, activities, discussions, blogs, and talking directly to the Prime Minister. In search of “the citizens voice in governance”, I browsed through the website and found a lively ‘discussion’ section that claimed 3453.33 thousand comments in 620 discussions. Organised according to thematics and chronology, albeit undated, the section has brief descriptions of a discussion topic followed by comments by users. Anybody can form a user ID and log in to use this platform. You are also given the option to attach supporting material up to 10 MB.

The bulk of the discussion threads related to ‘Smart City’ proposals to the extent that it must have been mandatory to upload all the proposals online. The other large chunk relate to suggestions for various speeches and radio shows of the Prime Minister. The third category has open ended questions that read like the essay section of the UPSC: “How does the nation get rid of the menace of manual scavenging”, “what measures can be taken to increase popularity of khadi handlooms” and so on ⁴ .

A Closer Look

Sorting through these 620 discussions, however, I was able to identify 50 that actually relate to the Pre-legislative Consultative Policy wherein a document relating to a draft bill or a national policy had been placed for comments and feedback ⁵ . This is about 8 per cent of all the discussion, which is otherwise open ended and non-specific. It would not be incorrect to say that this minority was far more substantial in terms of both content and comments. The analysis of this is presented in two ways—the kind of document for which comments were sought and the Ministry/Department.

In terms of Ministries, just 11 out of the 60 Central Ministries/Departments have used this platform (Table 1) ⁶ . The three most pro-active Ministries are the Ministry of Finance (with 26 per cent of the 50 documents being put up by it), Telecom Regulatory Authority of India (22 per cent) and the Ministry of Electronics and Information Technology, the nodal ministry for the flagship programme of Digital India. Others that have put out documents for consultation and feedback are Ministry of Human Resource Development, Ministry of Health and Family Welfare and Ministry of Housing and Urban Poverty Alleviation, among others.

As for the categorisation, the bulk (40 per cent of the 50 documents) relate to draft policies (Table 2). These policies include a wide range of typologies, from draft frameworks, a draft bilateral treaty, a draft manual, draft schemes, draft proposals and so on. This is followed by consultation papers (26 per cent) that are at a more preliminary stage than draft policies, putting out intent rather than specifics. There were only seven draft bills put out for feedback and just one draft of subordinate legislation ⁷ . The rest consisted of committee reports.

The most popular by a long shot was the committee report on net neutrality, which was put out by Telecom Regulatory Authority of India (TRAI). This got about 73,000 comments, being about twelve times more than the second most popular, which is the New Education Policy by the Ministry of Human Resource Development (MHRD), which got about 6,000 comments.

Does this platform “leverage collective citizen feedback to improve policy change and implementation?”

First of all, it is commendable that there is a centralised portal where draft laws, subordinate legislation and policies are put up for consultation. Although the Pre-legislative Consultative Policy states that each Ministry/Department is to follow this process for their own proposed legislations’, cross referencing it with a central portal lends weight

to the concept. However, as per the Pre-legislative Consultative Policy, *all* proposed legislations are supposed to follow this process. None of the 48 bills passed by Parliament since 2014 have been put up on MyGov.in, except the Goods and Services Tax Bill ⁸. This betrays the arbitrariness of the platform, with important omissions (such as the Aadhaar Bill, 2016). Therefore, a governing policy or law for this platform itself is sorely needed and missing from its framework.

Secondly, soliciting feedback is only one part of a truly participatory process. There is no mention anywhere of what actually happens to the feedback provided. The Pre-Legislative Policy has detailed prescriptions on the need for the summary of the feedback/comments to be placed on the website of the department/ministry concerned. This is also to be placed on record in the note of the Cabinet and to the Parliamentary Standing Committee, if there is one. In fact, “if the department/ministry concerned is of the view that it is not feasible or desirable to hold pre-legislative consultation, it may record the reasons in the note for the Cabinet”. There is no indication that this is being followed for the draft bills put up on the platform of MyGov.in (and certainly not for the others that aren’t on this platform). While the compliance to this policy is expected to be done by the Ministry of Law and Justice at the time of examination of the draft legislation or rules, it would be useful if the summarisation is hosted both on department website and on MyGov.in.

Thirdly, although the scope of the Pre-Legislative Consultative Policy only specified draft bills and subordinate legislation, it is heartening to note that draft policies, committee reports and consultation papers are also being disclosed, which is more in line with what the Right to Information Act mandates. This is no doubt a good practice and should be encouraged by all governments—both central and state. A lot can be gained through consultation and feedback at the policy making stage itself.

Fourthly, there appears to be some amount of seriousness with which people are engaging in the platform (albeit the chunk of responses are irrelevant, but that will be the trade-off of any public platform). This is in spite of not following the Pre-Legislative Consultative Policy which states that at the time of placing the draft legislation in the public domain, “an explanatory note explaining key legal provisions in a simple language, [including a] brief justification for such legislation, its broad financial implications, and an estimated assessment of the impact of such legislation on environment, fundamental rights, lives and livelihoods of the concerned/affected people, etc.” should be put up as well. To enable a genuinely informed discourse on a proposed legislation, there is need for a much more thorough deconstruction of its implications to be communicated to people as is not the case currently.

Reinforcing the earlier caveat of being just a website, the Right to Information and the Pre-Legislative Consultative Policy mandates identifying and reaching out to potential groups that are likely to be affected by draft legislations and decisions. The top ten most popular draft documents garnered 90 per cent of the total comments. These are invariably subjects on which there is already considerable public debate and discussion; whether it is net neutrality, the new education policy or the national health policy. In these cases, the task of reaching out to affected persons was clearly done through external agents and not through this platform. This strengthens the need for communication on the implications of a proposed policy or law and not just dumping it in the public domain to check a box.

The other good feature is that being a public platform, all comments and submissions are accessible to anyone, whether they’ve commented themselves or not. Also the diversity of the kinds of subjects for which feedback is sought through this platform is an encouraging sign of it becoming a universal practice across ministries and

departments. It is also gaining use as a platform. While in 2014, only three drafts were disclosed, this number increased to 25 in 2015 and is already at 22 in 2016.

Conclusion

Overall, while MyGov.in is a step in the right direction, it cannot be said to be a robust platform yet. Before progressing further, it must put in place a governance framework for itself and contextualise it to existing policies in place, such as the Pre-Legislative Consultative Policy, and comply with the Right to Information Act. The danger arises not in the functioning of such a platform but in its easy use of weighty terms to describe itself, such as “participatory governance initiative”, “revolutionalise the public service delivery and citizen engagement” and

S. No.	Ministry/Department	No.	Percentage
1	Dept. of Economic Affairs, Ministry of Finance	13	26
2	Telecom Regulatory Authority of India (TRAI)	11	22
3	Ministry of Electronics & Information Technology	10	20
4	Ministry of Human Resource Development	5	10
5	Ministry of Health and Family Welfare	2	4
6	Ministry of Housing and Urban Poverty Alleviation	2	4
7	Ministry of Women and Child Development	2	4
8	Ministry of Youth Affairs & Sports	1	2
9	Ministry of Defence	1	2
10	Ministry of Skill Development and Entrepreneurship	1	2
11	Niti Aayog	1	2
12	Open Forum	1	2
		50	

Table 1: Ministry wise proactive disclosure for pre-legislative policy
Source: mygov.in (upto 31st October 2016)

S. No.	Type of Document	No.	Percentage
1	Draft Policy	20	40
2	Consultation paper	13	26
3	Draft Bill	7	14
4	Draft Rules	1	2
5	Draft Scheme	1	2
6	Scheme	1	2
7	Committee report	7	14
	Total	50	

Table 2: Category wise proactive disclosure for pre-legislative policy
Source: mygov.in (upto 31st October 2016)

“leverage collective citizen feedback to improve policy change and implementation”. Having notionally gone through a motion, this could give the license for the Government of India to implement controversial and anti-people laws and policies. Thus, there is a need for these terms to be used with some restraint, for claims to be examined and validated, and for efforts of genuine consultation and participation to be made, such that all citizens feel like their Government is listening to them.

References:

- 1.^ Section 4 (1) (c) “every public authority shall publish all relevant facts while formulating important policies or announcing the decisions which affect public; and
Section 4 (1) (d) “every public authority shall provide reasons for its administrative or quasi-judicial decisions to affected persons.”
- 2.^ The National Advisory Council of the UPA Government, put forward recommendations to the Government of India in May 2013. This was subsequently formally communicated by the Ministry of Law to all Secretaries of Government of India in February 2014. However, it should be noted that it does not have the power of an executive order, as had been recommended by the National Advisory Council thus making it more suggestive in nature. <http://lawmin.nic.in/ld/plcp.pdf>. Last accessed on December 5, 2016. Last accessed on December 5, 2016.
- 3.^ *Internet Live Stats*, "[Internet Users by Country \(2016\)](#)". Last accessed on December 5, 2016.
- 4.^ The notable exceptions are suggestions for the Union Budget and Railway Budget, as well as a popular thread on replacing the Planning Commission. The flagship discussion in a sense seems to be one on “Simultaneous Elections” of Lok Sabha and Vidhan Sabhas with video clips of both the President and Prime Minister putting forward their views, a link to a Parliamentary Standing Committee report for information and feedback sought on five specific (but open ended) questions.
- 5.^ These figures while fairly accurate are subject to error on the author’s calculations. The two rules of thumb used were the necessity of [a document](#) for discussion and a [national](#) policy/draft bill, from initiation to 31st October 2016.
- 6.^ Right To Information, All Ministries/Independent Orgn. [list with Websites and their RTI links](#). Last accessed on December 5, 2016.
- 7.^ Another set of subordinate legislation, the amendment to MGNREGA schedules was sought in an open ended fashion without the draft/suggested amendments shared.
- 8.^ [Parliamentary Legislative Research](#). Last accessed on December 5, 2016.

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