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Can Online Public Participation Strengthen Direct, Deliberative, and Participatory Democracy in India?

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Introduction¹

Most modern constitutional democracies govern themselves through the representative form of democratic governance. This representation is determined by fair, regular, and competitive elections. However, over the decades, the limitations of representative democratic governance have been well-documented (Jayal 2009; Hirst 1988). To address these limitations, several innovations have been fostered by governments, civil society, and citizen associations and are variously known as direct, deliberative, and participatory democracy. Despite having the common goal of complementing representative democracy, the theoretical underpinnings, trajectories, and practices for direct, deliberative, and participatory democracy that has been elaborated elsewhere have been quite distinctive (Leib 2006; Carson and Elstub 2019).

Direct democracy is understood as describing those rules, institutions, and processes that enable the public to vote directly on a proposed constitutional amendment, law, treaty, or policy decision. The most important forms of direct democracy are referendums and initiatives (Bulmer 2017). In contrast, deliberative democracy considers the participation of the public in deliberations and decision-making to be the central element in democratic processes. In deliberative democracy, the public deliberation of free and equal citizens forms the basis of legitimate decision-making (Joseph and Joseph 2018). The emphasis in deliberative democracy is on deliberation as opposed to voting, which is the focus in direct democracy. In promoting participatory democracy, the participatory democrats prize public engagement in both formal activities such as consultations,

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committee hearings, and participatory budgeting sessions, as well as less obviously political actions such as spontaneous protests, volunteering, or involvement in decision-making (Dacombe and Parvin 2021). Many scholars have studied, critiqued, and questioned the efficacy of direct democracy (Lupia and Matsusaka 2004), deliberative democracy (Owen and Smith 2015), and participatory democracy (Parvin 2021) for their theoretical constructs as well as their practices.

A key expectation from a democratic governance regime is the formulation of policies that promote equity and ensure justice. Public participation in policymaking is the cornerstone of a mature and consolidated democracy. With growing public aspirations, public policymaking that affects millions of citizens cannot rely only on the representative and procedural democratic mechanisms. It must embrace direct, deliberative, and participatory democratic mechanisms and practices.

This paper lays out the practice of public participation to promote direct democracy and dives deeper into the question of potential and actual barriers to online public participation, especially for policymaking. It maps the existing interventions in online public participation and suggests good practices. Based on the gaps found in the existing discourse, recommendations are made for the most meaningful and inclusive ways to engage in online public consultation when making public laws and policies.

India, despite being the largest democracy in the world, has often relied more on procedural democracy and created very little space for direct public consultation in its national, sub-national, and local policymaking at a substantive scale. The emergence of local governance institutions in the early 1990s created some significant spaces for public participation in decision-making related to local development. The 73rd and 74th Constitutional Amendment Acts, enacted in 1992, made provisions for Gram Sabhas (an assembly of all the electorates within the territory of a Gram Panchayat²) and Ward Committees (elected or nominated members in a municipal ward to be constituted in municipalities with a population of more than 300,000). Both the Acts elaborated the functions of Gram Sabhas and Ward Committees respectively, which included participation in planning and monitoring of all local development work. Despite being the only institutionalized space for direct participation, the experience has been mixed as far as Gram Sabhas are concerned. However, the experience of Ward Committees has been disappointing as most state governments and municipalities have not formed or activated these committees.

In the last decade, many public programs have emphasized the importance of public participation in the effective implementation and monitoring of these programs. A few ministries and departments of

² The lowest level of governance structure within a three-tier governance structure of the Panchayati Raj Institutions (PRIs) in rural areas.

both the union and state governments have occasionally invited comments, suggestions, and objections to proposed policies or plans. However, in the absence of a robust mechanism and coherent laws requiring mandatory public consultations, such initiatives have often been short-lived and dissipated before they could accomplish their goals (Arora and Bandyopadhyay 2021).

In the absence of an institutionalized space for public participation in public policy planning and monitoring, several civil society organizations and citizen associations have used the social accountability approach and tools to promote public participation by engaging in participatory data gathering and analysis, sharing of findings with public authorities as well as the media, and negotiating with public institutions responsible for the implementation of a program or policy. They have used many tools including Citizen Report Cards, Community Score Cards, and Social Audits. Such initiatives have helped citizens amplify their voices, but have fallen short of institutionalization and scaling up public participation (Bandyopadhyay, 2015). In cases where Social Audits have been institutionalized, for example in the Mahatma Gandhi National Rural Employment Guarantee Scheme (NREGS), implementation has fallen far short of expectations due to the lackadaisical attitude of the public institutions and insufficient capacity of local governance institutions.

In the past few years, with the rise of technology innovations, several governmental initiatives have tried to leverage technology for soliciting public consultations in public policy planning and monitoring. On several occasions, ministries and departments have invited members of the public to share their concerns, comments, and suggestions online regarding a specific policy or program initiative. However, the absent legal framework for organizing online consultations with members of the public and “affected persons” in making public laws and policies belies the government’s efforts to put citizens at the center of policymaking. The practice of public consultation in making public laws and policies has been sporadic, whimsical, and inadequate. In several cases where suggestions, comments and feedback have been sought from citizens on draft bills or draft rules, there was no obligation on the part of the government to “close the feedback loop” by disclosing specifically what feedback from the public was considered, was or was not included, and why (Arora and Bandyopadhyay 2022). On the other hand, a few civil society groups have leveraged online technology to channel public concerns and suggestions in public policymaking processes.

This paper delves into the following research questions: What lessons can be drawn from the current online mechanisms and practices for consulting members of the public in making laws and policies by the governments? How have civil society organizations attempted to influence policymaking using online public participation? What principles can be suggested to make online public consultations reliable, inclusive, and ongoing?

To examine examples of governmental as well as civil society initiatives that promote online public participation, this paper uses a simple yet meaningful framework: Inform, Listen and Consult, Consolidate and Prioritize, and Feedback.

1) Inform

Communicate the details of the program or policy under consideration directly to the public. Make the public aware and educate them about the initiative. Prepare them to engage by conveying what the institution expects from them in developing a program or policy and why public participation is critical.

2) Listen and Consult

Engage with the public by asking questions and listening to their responses. Ask specific questions to get quality information on issues and ideas relevant to the program or policy under consideration.

3) Consolidate and Prioritize

Collect, analyze, and evaluate public responses on an ongoing basis. Different methods require the use of different tools, but the analysis will uncover important trends in various aspects of the program or policy.

4) Feedback

Communicate findings back to the public to keep them in the loop. This will ensure that the public is aware of how their participation has influenced the program or policy.

The Promises of Online Technology for Promoting Direct Democracy through Public Participation

In the last decade, with the emergence of digital and information technology in all spheres of human activities, copious efforts are being undertaken to make development, democracy, and governance more inclusive by using digital and information technology. The champions of the tech-driven development community often advocate a range of virtues associated with digital and information technology in promoting public participation, including:

1) Ease of participation

Online technology has enabled communication and participation between multiple actors, both state and non-state, in multiple arenas.

2) Scaled-up outreach despite limited resources

Constraints on the available resources to reach out to the people collectively en masse can be overcome using online platforms. Multiple social networking sites and online meeting platforms that the public and other non-state actors use for communication with each other across geographies, as well as in some cases with the state actors, allow for higher and scaled-up outreach.

3) Access to decision-makers

Multiple experiments and initiatives using online technology have provided members of the public with the ability to access decision-makers remotely, without having to physically encounter the bureaucratic hierarchy.

4) Integration of information from multiple ministries

Online portals have enabled the integration of information from multiple departments and ministries or the silos of domains and jurisdictions together, such that one does not have to spend time physically going to look for information from the right source or to meet the right government official from one department to another.

5) Artificial Intelligence (AI)-based labeling and sorting for ease of analysis and decision-making

AI technology has the potential to sort and analyze a vast and diverse quantity of information with predefined labeling which otherwise would have been cumbersome and daunting to handle manually.

Barriers to Online Public Participation

Online public participation, especially in the Indian context, is not without its share of limitations. The following are the most prominent barriers to scaling up online public participation.

1) Digital divide

The fundamental challenge in India remains access to the internet and technology for all. While access and inclusivity have improved enormously in recent years, continuous high-speed internet connectivity is still limited to pockets of the population. Many groups continue to face exclusion from high-speed internet access and technology, thereby impacting their access to technology-based services including the existing gender inequality (Sheriff 2020). Moreover, there are chronic inequalities based on other intersecting factors such as income, language, literacy, disability, caste, and religion. The infrastructural challenges at hand include the unstable supply of electricity or power cuts in many parts of the country, poor telecom service provider signals or networks, higher pricing of high-quality devices with higher storage capacities (pricing depends upon the device manufacturing companies), and higher pricing of high-speed internet broadband plans or mobile data plans (depends on the internet service provider), among others.

2) Polarization of information due to predesigned algorithms

Information and news that internet users receive online to read or hear are based on predesigned algorithms such that users receive information that is increasingly tailored to and influenced by their searches and browsing histories. This creates a cycle of polarized opinions as the multiplicity of voices and opinions are often less tolerated or accounted for. This has contributed to a deep-seated polarization of political views and opinions among India's residents. Thus, there is a growing phenomenon of echo chambers or information cocoons wherein similar views and opinions are recycled and thereby reinforced. These algorithms block out the diversity of perspectives.

3) The majority takes all

In a majoritarian democratic state and culture, there is a risk of important minority voices being overlooked or ignored. These could be the voices of marginalized people or unpopular opinions that do not gain enough traction or prioritization. Interaction to influence different interest groups or perspectives, and facilitation to coalesce around a shared agenda is not easy with online consultations alone. Trust in online consultations without an offline relationship is thereby obstructed.

4) Untrained staff

Efforts are underway to enhance individual and organizational capacities for using technology in the functioning of governance institutions. However, these capacities vary across levels of government machinery and are the weakest at the district, city, and block levels, at present. Most staff members are not trained to facilitate public participation using technology.

5) Sense of a safer space

Public policymaking is intrinsically political. Discussions on social media are often loaded with threats, trolling, and abuse, which may cause a sense of discomfort in engaging online. This poses a huge barrier to building a positive culture of participation and civic discourse. Safe space requires building mutual trust and respect, especially for marginalized people and groups to share and communicate their vulnerabilities and lived experiences. Online modalities may not enable deep listening to alternative points of view, which is an important aspect of creating a safe space.

6) Getting relevant responses can be difficult

Promoters of public participation may face the challenge of receiving mixed responses based on personal experiences, opinions, perceptions, evidence, etc. This may increase the difficulty of the task of finding relevant responses. A search for a pointed and objective response might also be prone to the existing biases of the institution that is seeking public participation. This is particularly relevant for online responses, where opportunities to probe deeper and seek further clarification are limited.

7) Extractive nature of information gathering

Information gathering exercises, even in non-digital modalities, have largely been extractive in nature where communities and respondents do not get to know how their data will be used. A similar trend is visible with digital modalities. A growing awareness of data privacy is also linked to this concern.

Use of Technology in Public Participation – A Typology of Purposes and Mechanisms

This section lays out the landscape of the civil society initiatives and government programs that use technology for public engagement in India. It elaborates on the emerging typology of purposes and mechanisms as evidenced by various Indian examples. These have been organized around the following five major purposes of public engagement.

1) Dissemination of information and online campaigns

Several civil society initiatives have tried to provide relevant information online in a language and manner that are accessible to ordinary citizens. Most government initiatives to provide information online have been focused on raising awareness and driving behavior changes.

2) Facilitating access to government schemes and programs

A few civil society organizations and social entrepreneurial initiatives have developed online platforms which not only provide information about government schemes and programs, but also allow members of the public to check their eligibility and enroll as beneficiaries.

3) Grievance redressal

Still other online platforms developed by civil society groups are for members of the public to register their grievances as well as share their experiences in accessing public services. The information collected through these platforms is collated and analyzed for advocacy and engagement with relevant public departments.

4) Highlighting policy issues through online petitioning

There are a few online platforms developed by other civil society groups which allow members of the public to initiate petitions either to change some policy provisions or to draw the attention of the policymakers to a defined policy gap. These platforms encourage citizens at large to support specific petitions.

5) Crowdsourcing ideas and suggestions for policymaking

A few government ministries and departments publish draft public policies or laws on their websites to solicit comments, suggestions, and objections from the public. This has largely been an ineffective way to promote public engagement, as in most cases the jargonistic legal language, lack of facilitation, and rigidity of the platforms do not allow for meaningful deliberations. In recent years, a few civil society organizations have developed online platforms that organize online deliberations and consultations with the public and especially with the “affected persons” by a specific law or policy. They collate responses from the public and share the consolidated findings with the concerned ministry or department.

A Framework for Effective Online Public Consultation

The foregoing context and analysis provide a sound basis for suggesting a framework for effective online consultation with the public in matters of public policymaking. The framework consists of four key phases as follows.

1) Inform the public

Information is power. The purpose of this step is to raise awareness about the governance systems, laws, policies, and entitlements that are important to the public. Unlike traditional ways where information sharing and mobilization of the public happened face-to-face, digital platforms are being explored for this today. Technology is being used to simplify knowledge dissemination, raise awareness, and create an informed public. Multiple types of platforms are being used for information dissemination. The focus is on simplifying and making information accessible, simpler, and contextual for a wider audience, in some cases in multiple languages or local dialects as well.

2) Listen to and consult with the public

This phase aims to listen to and consult with the public to facilitate the use of diverse perspectives in decision-making during policy planning. There are very limited initiatives with this goal this in the Indian context today. Consultation with the public has important considerations such as who is consulted, why are they consulted, what are they consulted for (evidence, lived experiences, opinions, ideas, perceptions etc.) and how they are consulted (digitally, online, face-to-face). In this process, it is important to consider primary stakeholders, but who else should be consulted on laws that are generic and not constituency-based? It is important to identify a pathway for intentionally reaching out to diverse caste groups, genders, religions, locations, levels of literacy, languages, and disability-based minority groups such that they are not disfavored, and to ensure that they have access to the technology necessary to enable their participation in the first place. In an online space, norms and ground rules need to be set for the consultation process to encourage engaging respectful interactions, acknowledge feedback received (administrators can do this), and encourage respondents to keep the conversation relevant.

3) Consolidate and prioritize responses

It is not very difficult to collect data and hold consultations, but it is not so easy to analyze and consolidate a vast amount of data. The steps in the process are making sense, identifying trends and patterns in the data using labels, consolidating it, and prioritizing the key ideas that emerge from the consultation. One must consider the heterogeneity of the group to obtain disaggregated data. Gender, age, caste, religion, ethnicity, and socio-economic disaggregation of data are important to hear and understand what different constituencies are saying. Technology must be designed to provide solutions to understand the data in a disaggregated manner. In the labeling system, technology must be able to consider minority or less popular opinions and views. There is always a chance that

breakthrough suggestions or recommendations may emerge from minority views. The data consolidation process and results need to be transparent for the members of the public who provide the feedback. The public must be made aware of the process of consolidation and prioritization to enhance trust in the process. At the same time, sensitive data cannot be given out to any institution, regardless of whether it is the government or private companies or civil society groups. The growing awareness and concerns about data privacy must be respected, and members of the public should not be discouraged from participating by requests for unnecessary identification.

4) Closing the feedback loop

This is an important phase where the government or the public participation promoter shows that it cares and is invested in the process. An exchange between the public and government is important for a meaningful dialogue. Feedback to the public is important to provide the rationale for the decisions taken, explain how the inputs were used, and close the feedback loop. This communication exchange between the government and the public is important to incrementally increase mutual trust and understanding. Feedback needs to showcase a long-term vision with the inputs received. Participation does not stop here. It is the cycle of participation that will improve the quality of input from the public and make the government more responsive.

Conclusion

This article highlights that in the absence of a robust legal framework for promoting public participation in public policymaking, civil society has created direct, deliberative, and participatory spaces to complement India's representative and procedural democracy mechanisms. The rise of online technology has opened new vistas for direct public participation in public policymaking processes. However, the impact, outreach, and institutionalization of such efforts require more investigation and interrogation. Nevertheless, some lessons could be used to scale up the use of online platforms to strengthen direct and deliberative participation.

Fully digital channels for information dissemination will not be effective in rural and other marginalized communities that do not have adequate access to the internet and other such technology. Online channels for information dissemination could be more effective if used in collaboration with organizations which have a physical presence in these communities. The people who will be directly impacted by a program or policy must be consulted. It is important to gather and provide relevant

budgetary information to the public to ensure transparency in fiscal policies. If the information is relevant, it can further influence budget planning in the future. Participatory budgeting has the potential to bring transparency, accountability, and effectiveness to local development.

Low digital penetration is one of the biggest challenges that members of the public face in accessing services through online systems. Multiple efforts are needed to increase the public's digital access, awareness, and literacy in linking them to government schemes and programs. Public application submissions still require an offline interface. It is mostly grievances from the public that can be resolved through online mediums. An effective grievance redressal mechanism is a good source of public feedback about government programs and policies. It is also important for local civil servants to be digitally trained to respond to online queries and grievances from the public.

Petition platforms are important models for civic education and citizen-led campaigning. Petition pathways directed towards the key decision-makers can be strengthened to increase direct public participation. Digital methods for crowdsourcing ideas, such as text messages, social media channels, and government discussion forums, can be leveraged to scale up public participation. Well-equipped systems and multi-sectoral partnerships between civil society groups, national, state, and local governments, and the private sector may be needed to scale up crowdsourcing ideas and suggestions for program planning. However, it must be considered who is being consulted and why. Such consultations also need to maintain the spirit of collective participation. While offline discussions can be shifted into the online sphere for public knowledge, adopting an effective hybrid model of consultations to encourage empathy, care, and trust is also critical to the continued promotion of direct, deliberative, and participatory democracy. ■

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