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ABOUT US

The **International Journal of Open Governments / Revue Internationale des Gouvernements ouverts (RIGO)** is an academic journal created and edited by Irène Bouhadana and William Gilles at IMODEV, the Institut du monde et du développement pour la bonne gouvernance publique.

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PUBLIC TOOLS FOR OPEN GOVERNANCE: REVIEW OF RIGHT TO INFORMATION ACT AND SOCIAL MEDIA IN INDIAN CONTEXT

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INTRODUCTION

As elsewhere in the world, in India too, serious questions are being raised about the capabilities and motivations of public-sector institutions in delivering effective and efficient governance. The new-found faith in liberal economic theories coupled with the emerging trends in technology has completely redefined citizens' expectations from governance. These developments have led to a gradual regeneration of governance paradigm in democratic countries like India, seeking to make its governance more 'open', 'good' and 'citizen-centric'. This, in return mandates design and use of several public tools, which could, for example be required for requesting public information, for organizing mass action or for undertaking collaborative decisions so that responsive eco-systems of participatory and transparent governance exist in the country. In India last two decades specifically saw a proliferation of public tools such as Citizens' Charters, Right to Information (RTI), Right to Education (RTE), Right to Hearing (RTH) , implementation of Information and Facilitation Counters (IFC) as well as creation of digital Open-government platform (http://www.ogpl.gov.in) to build collaborative knowledge bases for participatory governance. Even the use of social media for mobilizing mass movements on governance issues (corruption, violence against women and so on) has become popular in the country. The present study endeavors to first focus on understanding of the basic concepts and building blocks of 'open governance'. It further attempts to review the journey of open governance in a democratic country like India with special reference to status of implementation of RTI Act and issues assailing implementation of Social media. The paper concludes by suggesting a way forward so that the governance issues could be resolved in unison making this new multi-stakeholder synergy more productive, truly rewarding and of course aiming to advance citizen-centricity in the processes of governance.

§ 1 – GOVERNANCE: RELYING ON 'E' TO BECOME 'OPEN' FOR BEING 'GOOD'

The concept of governance has evolved over a period of time. A cardinal tenet in the traditional school of thought on Governance has been that the management of public affairs is best left to neutral professionals who are organized in public agencies, which in turn are arrayed in a hierarchical fashion. Implementation of such concepts leads to a surrender of *discretionary* authority over the exercise of *autocratic* public authority, resulting in a massive expenditure of public funds by the host of such public agencies and leaving little room for public participation or action. Unfortunately in such traditional arrangements of governance, the primary goal of the governance to be more responsive to the needs and aspirations of its citizens stands neglected, if not forgotten. Since governance is a complex phenomenon resulting from a continuous web of causal connections between and among *all* its stakeholders; therefore, the state policymaking process is prone to failure until it would not recognize the importance of interpersonal trust of its various stakeholders, especially the citizens (Jessop, 2005)[1]. To retain citizens as the core beneficiary of governance and to stem their popular frustrations with the cost and ineffectiveness of the traditional governance mechanisms, it was towards late 1990s that the basic characteristics of 'good governance' became important benchmark for gauging efficiency of public institutes (UNDP, 1997)[2]. These core characteristics include participation, transparency, responsiveness, consensual, effectiveness, efficiency, equitability and accountability. Good-governance means decisions, policies and actions of governance together aim at the *welfare of all* in a holistic manner. *"Empowering the people"* and *"Enhancing Local governance"* are the two major components of the feature model of high quality governance in democratic countries vouched by literature too (for instance, Dror, 1994[3]). Democracy relies on supposition that best way to make a decision is wider participation for all on its citizen having access to relevant information. The trend of all democratic countries worldwide is to spearhead towards good governance, which insists on citizen-oriented approach that requires transparent discussion forums, all-inclusive interfaces and impartial delivery mechanisms where the contending social interests are resolved through discussions and equal participation of all the stakeholders.This quest for good governance has rightfully paved way for a need to redesign governance instruments to empower citizens as well as to employ information communication technology (ICT) for creating more citizen-centric knowledge-

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[1] Jessop, B. (2005, September). *"The Governance of Complexity and the Complexity of Governance Revisited".* *Presented in Complexity, Science and Society Conference,* pp. 11-14, U.K.: Liverpool

[2] UNDP (1997). *UNDP Policy Document on Good Governance Practices for the Protection of Human Rights.* New-York & Geneva: UNDP.

[3] Yehezkel Dror, 'The Capacity to Govern'; A Report to the club of Rome. Published by Frank Cass Publishers, 1994, pp 70-74

bases. As a result, massive proliferation has occurred in innovating newer tools of public action that can serve as the means to design governance systems to become more 'open'.

A) Design of Open Government System

Review of literature adequately reflects that the design of an open government system is based on inculcating three main features: "Transparency of public policies", "Participation of citizens and civil servants", and "Collaboration" of all the stakeholders of governance (Gilles, 2013)[4]. The first essential feature of 'Transparency' in public policies can best be implemented with the help of a national level legal framework that can facilitate its citizens to seek the desired public information. This information can be provided by designing adequate public tools for the masses that empower any citizen to access public information from a public agency without fearing any discrimination against the 'seeker' of the information or without any personal prejudices or official dominion of the 'provider' of the information. As per Salamon (2002)[5] the successful design and implementation of these public tools are based on three basic analytics that can be best understood by addressing these three fundamental questions *viz.:* what is meant by a "tool" of public participation/action? ; How such tools can be assessed? and, What dimensions of tools are consequently the most relevant? Salmon (2002), further moves on to emphasize that the efficacy of any tool of public participation/action can always be evaluated through five self-explanatory criteria that encompasses principles of *effectiveness, efficiency, equity, manageability* and *legitimacy* and also each tool can be examined for its outreach on four dimensions that are *coerciveness , directness ,* a*utomaticity and visibility.* The degree of c*oerciveness* measures the extent to which a tool restricts individual or group behavior; d*irectness* measures the extent to which the authorizing body of public activity is involved in its execution; a*utomaticity* measures the extent to which a tool utilizes an existing administrative structure, while degree of v*isibility* measures the extent to which the resources devoted to a tool show up in the normal government budgeting and policy review processes.

Instances of application of public tools for inculcation of 'transparency' feature may include requests made by citizens' with the help of an easily accessible information law, complaints and appeals made to an institution through robust grievance redressal system. It also refers to the mechanisms in which there is

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[4] Gilles, W. (2013). Open Government and Democracy In Proceedings of *The 4th International Conference on Democracy as Idea and Practice; The French Case,* 10 -11 January 2013 at the University of Oslo

[5] Salamon, Lester M. (2002). *The Tools of Governance: A Guide to the New Governance.*

acceptance of citizens' suggestions of public bodies to be audited by an independent and impartial audit institution or where there are collective citizens' submissions to policy consultations. Similarly, presence of government information centres or availability of informative government websites from where public documents can be accessed or downloaded easily without any barrier also help to (http://www.oecd.org/gov/46560184.pdf) ensure transparency in governance. Similarly the feature of openness that insists on stakeholder involvement especially the "citizens' participation" (Gilles, 2013) has also now been catalyzed by ICT based techniques. Examples for this include application of interactive and dynamics of social media as well as instances where public institutes seeking citizens' contributions on governance issues using online discussion forums and so on. In a similar fashion, the third feature of "multi-stakeholder collaboration", elaborated by Gilles (2013) has been introduced in several countries by creating open government portals that follow principles of interoperability and open-data implementation for creating holistic 'mashed-up' collaborative data views on issues related to public concern. However, as already cited in the previous section, gauging any of these public tools for their efficacy (measured through parameters of *effectiveness,* e*fficiency, equity, manageability* and *legitimacy (*Salmon ,2002)   and outreach (measure on degree of *coerciveness* , *directness* , a*utomaticity and visibility* Salmon, 2002),   is not bereft of implementation concerns and related deliberations. For instance, the core debate that surrounds the basic principle of 'transparency' in various South- Asian democratic countries is that the information pertaining to an individual without any relation to public activity or protected intellectual property rights or information that affects the security and sovereignty of a nation may be exempted from the information law in any country (Sharma, 2011)[6]. Similarly, iIn India, there have been several positive developments with regard to Right to Information Act in India; the most recent one in May 2013 insists that the political parties may also now be brought under RTI ambit based on the fact that they use Government facilities. However, in its wake, a parallel spate of deliberations have emerged that the private companies that are working on public private partnership projects, may also be mandated to be covered under the same (RTI Act). Undoubtedly, such issues surrounding implementation of public tools to usher openness in governance framework are not to be treated as stumbling blocks but as stepping stones to implementation of an ultimate utopian version of

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[6] Sharma, P. (2011). *RTI in Bhutan: A Background Note* In Transparent Governance in South Asia. Background Papers and Proceedings of the Regional Workshop on 'Towards More Open and Transparent Governance in South Asia. (Ed). Indian Institute of Public Administration. New-Delhi. India.pp.39.

openness in democratic countries like India, where citizen-centricity remains the mainstay of governance.

B) The Journey of Open Governance in India: An Overview

India is a large and developing country with a robust democratic citizen-centric framework guiding its governance. The reflection of citizen-centricity and (implicit) citizen-participation in Indian governance has been always evident to common men of the country through the public protests that have been commonly enacted by masses, since times immemorial, against governance flaws in the country such as reservation issues, corruption, and violence against women and so on. The presence of a central pre-designated public place in the country's centre referred to as *Jantar Mantar* in New-Delhi has since long been used as a central platform to demonstrate *aam-aadmi's*[*] grievances to the political actors. As a result, the last two decades have specially witnessed a fundamental re-thinking in Indian governance scenario to resolve public problems such as unemployment, poverty, corruption, and nepotism at behest of such reactions by its citizens as well as through wide coverage in its media. In context of India, it won't be an exaggeration to state that citizens' participation in the public processes is now becoming an important characteristic of its public policy formulation strategies (Arora, 2013)[7]. The journey towards this present citizen-centric change in governance paradigm has been characterized by several remarkable related milestones, some of which have been chalked herewith, in chronological sequence.

Having achieved *independence from the British on August 15, 1947*, India became a sovereign democratic republic on January 26, 1950 and like any other democracy elsewhere in the world, it upheld 'openness' as the best way to govern wherein transparency, citizen-centricity and wider citizen-participation have been indoctrinated in its governance instruments. In general, Governance in India has been primarily mandated by *The Constitution of India (1950)* that insists it to be: "of the people, by the people and for the people". The fact that the Constitution of India, known to be the longest of any sovereign country in the world, has been itself written by collating people's opinion into it, clearly reflects strong collaborative and participative features , imbued in its design process itself right from its genesis. Further, in the year 1966, Government of India set up a committee, The *Administrative Reforms Commission (ARC)* for giving recommendations on reviewing and revamping the public

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[*] a very popular Hindi word designated to represent masses; literal meaning is 'common man'

[7] Arora,D. 2013. "Public Policy Processes and Citizen Participation in India" In Sabharwal,M. and Berman, E.M. (Eds.), Public Administration in South Asia: India, Bangladesh, Pakistan, and Sri Lanka, Boca Raton, FL: CRC Press, 2013.

administration system of the country so that highest standards of integrity are maintained in delivery of public services in the country. Meanwhile, with emerging global trends, the mandate and portfolio of its public activities also underwent a gradual transition. The earlier government activity in traditional forms of public administration had been primarily restricted to the direct delivery of goods or services; whereas, in its post-liberalisation form (after 1980s) government activities also expanded to include a dizzying fulfillment of array of contracts, social regulation, economic regulation, insurance, tax expenditures, and much more. With advent of phenomenon like liberalization, privatization and globalization catapulted by burgeoning developments in technology and public administration, a gradual increase in citizens' expectations started happening in India too. As a result of all this, serious questions were being raised about the effectiveness and capabilities of public-sector institutions in delivering effective and efficient governance in the country. To tackle these changes, *ARC recommendations in the year 1991* specifically addressed all public administration issues to put in place transparent, accountable, and efficient, citizen-centred public service systems in India.

In logical continuation to this, in a bid to bring process of decision making closer to the grass-roots, in the 43rd year of the Republic of India, *73rd and 74th amendments were enacted in the year 1992 to the Indian Constitution.* These amendments, added a third tier of local/ self-governance through "Panchayati Raj Institutions"[8] (PRIs) to the functioning of the existing two-tiers of centre and state in Indian setup. Prior to this, the states were the only sub- national units officially recognized by the Indian constitution but subsequent to this amendment, PRIs were also been vested with decision-making, financial powers and authority in preparing for plans for economic development, social justice. In its utopian version of implementation, these amendments have been expected to provide adequate representation of minority and marginalized groups in governance processes (for instance, the states of West Bengal and Kerala have commendable local governance), however, from a critical academic perspective, these success stories could be seen as sporadic success stories only (Narayana, 2005*)*[9].

Furthermore, the Action Plan for Effective and Responsive Administration, formulated after the Chief Ministers' Conference on May 24, 1997, convened by the Prime Minister, suggested the formulation of *Citizens' Charter in the year 1997* to empower citizens about awareness of their entitlements from public institutions as well as for assuring accountability of public officials to the citizens of the country. Citizen charters for public organizations are

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[8] A popular Hindi term meaning a 'village council' or 'local court'

[9] Narayana, D. (*2005*) *Local Governance Without Capacity Building* – Ten *Years of Panchayati. Raj*; Economic and Political Weekly, *June 25 – July 1*, pp. 28-32

expected to delineate reasonable standards of service and time limits, tools and means of public interface as well as provide list of code of ethics for its public officials. Government of India seems to be committed to the concept; 313 charters have been formulated by 68 Union Governments agencies and 19 by states and Union Territories' organizations; however, the review of literature also indicates a slow uptake of the same maybe because of laggard implementation issues (Sharma and Sharma, 2002)[10]. Concerns still assailed the citizens for their interaction in public offices. Therefore, , the Government of India decided to give a "human face to the citizen charters"[11] by setting up *Information and Facilitation Counters (IFC) in the year 199*, at the reception of all its ministries and departments. IFC were designated to disseminate information to the citizens regarding schemes and procedures of the organization as well as to provide them with documents as well as its status information on the relevant document including application forms and so on.

A positive trend towards regeneration of openness further got catalyzed with setting up of *Second Administrative Reforms Commission (2nd ARC) in the year 2005,* by Government of India for preparing a blueprint to supplement the existing efforts and provide further recommendations to revamp public administration systems in India. Several of its reports such as *report on Right to Information* (Report 1 of 2nd ARC), *report on e-Governance* (Report 11 of 2nd ARC) and *report on Citizen-centricity* (Report 12 of 2nd ARC) are some of very commendable recommendations in this direction that have ushered in a fresher citizen oriented perspective to the prevailing governance paradigm in India. In the similar vein**,** even *India's 10th Plan (2002-07)[12]* outlines all ingredients of good governance and underscored multi-layered adoption of various public programmes at federal, provisional and local levels to ensure a holistic adoption of openness in its governance mechanisms.

Government of India is indeed striving to be more approachable to its citizens through the use of public tools such as citizens' charter, *social media, open governance portal (http://www.ogpl.gov.in) and much more. Right to Information (RTI), Right to Education (RTE) and Right to Hearing*

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[10] Sharma, A.K. & Sharma, I. (2002). Inducing Client-Focus in Bureaucracy: The Citizen Charters in India, Kanisha Publishers, New-Delhi, 2002

[11] Arora, D. 2008. 'Effective Functioning of Information and Facilitation Counters' ; A Study conducted for the Department of Administrative Reforms and Public Grievances(DARPG), Government of India, Indian Institute of Public Administration, 2008. Available at http://darpg.nic.in/darpgwebsite_cms/Document/file/iipa_IFC_Report.pdf. Accessed in April, 2013.

[12] Approach Paper to the Tenth Five Year Plan, 2002-07, New-Delhi, Planning Commission, Para 1.9 , pp 2 and pp.49

(RTH) Acts have further empowered Indian citizens to 'seek' more replies from its government as well as have enhanced their awareness to participate more in the processes of governance. Based on author's experiences, coupled with learning of literature as well as through examination of popular media coverage, this study intends to review implementation of two such public tools. These two public tools to be reviewed in the Indian context include study of implementation of RTI Act in India (2005) and understanding of impact of Social media on governance in India.

§ 2 – IMPLEMENTATION OF RIGHT TO INFORMATION ACT IN INDIA

The National Act on Right to Information (RTI) in India had been established in the year 2005. RTI Act empowers Indian citizens to have access to information relating to any matter in respect of the affairs of the administration or decisions of public authority; and includes the citizen's right to: inspect works, documents, records; take notes, extracts or certified copies of documents or records; take certified samples of material; obtain information in form of printouts, diskettes, floppies, tapes; video cassettes or in any other electronic mode (http://persmin.nic.in/RTI/quest1RTI.htm#1). For central government of India, The Right to Information Act (India) had been enacted on 15th June 2005 and came into force on the 12th October 2005. With regard to its enforcement across the country, different states happen to be at varied stages of its implementation, which shall be discussed in the subsequently sections. Irrespective, some essential provisions in the Act came into force everywhere with immediate effect such as obligations of public authorities and the power to make rules to carry out the provisions of the Act across the region. The enactment of RTI Act is expected to serve as a step in right direction to promote openness, transparency and accountability in administration and ensures effective participation of people in the administration and thus makes democracy meaningful in India.

The detailed discussions on Indian experiences with RTI as a public tool (along with experiences of other countries in the region too) in a regional workshop[13] has confirmed that RTI has been a prime public tool for achieving democracy since it helped to build up informed

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[13] This workshop titled "Towards More Open and Transparent Governance in South Asia" was jointly organized by the Indian Institute of Public Administration (IIPA), New-Delhi & The World Bank in New-Delhi over 27-29 April 2010 at IIPA, New-Delhi, India. It was attended by over a hundred stakeholders from country representatives of main countries of South Asia, including Afghanistan, Bangladesh, Bhutan, India, Maldives ,Nepal ,Pakistan and Sri Lanka (and beyond) which included government officers, Information commissioners, civil society groups, academics, researchers, media practitioners and representatives of donor organizations. Since the author was also one of delegates of this workshop, therefore most of the data in the paper that refers to RTI status in India has been picked up from the discussions in this workshop. Henceforth in the paper it would be referred to as 'RTI workshop'.

citizenry and usher in transparency of information to its citizens. RTI is being used as a public tool of social cause and social audit that is helping its citizens to seek public information on issues that could range from knowing about the status of a pending file in a government institute to the amount of tax-payers money spent on building up public infrastructure. In context of India, Singh (2011)[14] confidently asserts that RTI movement is also being used "really as an alternative to the armed struggles" to make a state work in India. An instance was quoted to this effect in RTI workshop (Session 2C: State of Transparency Regimes in South Asia-India, RTI Workshop) about several *Sheikh Sarai*◦ slum women in New-Delhi who had used RTI for uplifting the road infrastructure of their area. They were aggrieved by the dilapidated condition of roads around their slum, and had therefore filed a RTI request seeking information on material used in building these roads. Before they could take any further step, the road was rebuilt with material adhering quality norms. This happens to be just one of many such several instances on usage of RTI as a public tool to openness that could be unraveled across various states of India.

Following a federal structure of governance, there are twenty eight states and seven union territories in India. Each state has its Information commissions, Public information officers (PIOs) and information commissioners headed by one chief information commissioner (CIC) at central information commission (http://www.cic.gov.in) at the centre (New Delhi). Each state in the country is at a different stage of advancement of its governance agenda and transparency level. For instance, much before the inception and implementation of the National Act on RTI, the state of Maharashtra already had its RTI Law implemented in the year 2000 and has Information commissioners situated at every divisional headquarter with 100% disposal rate of its RTI applications. In direct contrast to this stands the state of Bihar, where the implementation of RTI act has been abysmally low, may be because of weaker governance machinery or may be because of lack of will in government functionaries. In the state of Delhi, grievance redressal commission has been set up which is very popular. In the state of Odisha, the Odisha information commission (OIC), prioritize its cases into urgent and ordinary cases to help put public interest cases on the fast track. OIC has been hailed as one of the most grassroots friendly information commission of the country and is involved in several public-awareness campaigns to spread the culture of transparency in the

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[14] Singh, S. (2011). *RTI in Bhutan: A Background Note* In Transparent Governance in South Asia. Background Papers and Proceedings of the Regional Workshop on 'Towards More Open and Transparent Governance in South Asia. (Ed). Indian Institute of Public Administration. New-Delhi. India.pp.50

◦ A slum area in South Delhi

state. Understandably being one of the leader states in the usage of ICT and e-governance, Andhra Pradesh information commission (APIC) of southern state of India by the same name (Andhra Pradesh), relies on application of automated information systems, mobile technologies and a citizen-friendly website (http://www.apic.gov.in) to function as a responsive, transparent government to its citizens. Contrary to such successful instances of RTI implementation and generally more aware citizenry, the citizens in state of Karnataka have been reported to have low awareness levels about the application and basic modalities of the Act.

It can therefore be gauged that there are contextual and regional variations in implementation status of the RTI Act across various states of India. Vast differences in capabilities, capacities, structures, resources, political will, cultural and social values varying from state to state in India restrict an overall successful RTI implementation in Indian context. To bridge over these socio-cultural regional diversities, various stakeholders of RTI must be proactive to bring about systematic changes in its implementation. For instance, India Information Commissions everywhere must work like 'role models' by being more streamlined, ethical and responsible in its own functioning. They are expected to deal with RTI complaints and appeals in a timely and transparent manner. To strengthen the Act in India several other measures need to be inculcated such as Indian judiciary must be included under the ambit of the RTI Act and more powers could be devolved to its Information Commissions (Chaturvedi, 2011[15]). Grassroots awareness about the potential and application of the Act can be best augmented with the help of civil society organizations in the state, as indicated by Information Commissioner of state of Karnataka in the RTI workshop(Session 2C: State of Transparency Regimes in South Asia-India, RIT Workshop). Similarly the role of traditional and social media could be used better for undertaking public awareness campaigns including provision of legal information/aid/services to the marginalized communities. Such steps would not just ensure that justice prevails in the country through proper deployment of citizen-centric public tools as RTI Act but would also put forth a model of an exemplary transparency and open regime in governance structures for other democratic countries too.

Impact of Social Media on Governance in India

Different forms of traditional communication media such as television, movies, newspapers, or radio have been always used to

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[15] Chaturvedi, T.N.. (2011). Proceedings of the Regional Workshop, Summary Report In 'Towards More Open and Transparent Governance in South Asia. (Ed). Indian Institute of Public Administration. New-Delhi. India.pp.281; Also available at http://rtiworkshop.pbworks.com/Workshop-Documents.

raise public consciousness and awareness on varied governance issues of public interest. In addition to the prominent role played by the state level, regional, local and national television channels (for instance, *DoorDarshan*-DD National TV) and radio channels (for instance, All India radio), the Indian cinema too has played a crucial role in heightening the citizens' awareness and knowledge of governance issues. Since times immemorial, local movies run by the state cinemas as well as Hindi movies produced in Mumbai have managed to adequately highlight governance concerns assailing Indian masses. Some of the popular Hindi movies include *Mother India* (in the year 1957 on the theme of rural masses), *Rang De Basanti*[@] (in the year 2006 on the theme of corruption in politics), *Chakravyuh*[#] (in the year 2012 on the theme of Anti-Maoists) and *Wednesday* (in the year 2012 on the theme of plight of common man in wake of bomb blasts by the terrorists). The fact that media and movie-makers are free to express these concerns is testimony to open governance in India that upholds freedom of media as well as is open to public response and criticism. However, this category of media has proven to be only a uni-directional channel of information dissemination from government/ media related agencies to the citizens, considering latter more as passive recipients and not as active constituents of the process.

In a better distinction to this, the emerging version of digital communication media is quite bi-directional in nature, inclusive of collating collaborative reactions and participation of the users. This digital communication media is popularly referred to as Social Media[16] and includes the usage of Internet forums, weblogs, social blogs, micro blogging, social networks, podcasts, pictures, video, and social bookmarking. Social media is capable of providing collaborative and dynamic "*interactive platforms via which individuals and communities create and share user-generated content*" (Toni, Halonen, & Heinonen, 2008)[17]. Social media is even used to support traditional advocacy techniques such as organizing the routine public gatherings, street demonstrations and so on. This 'virtual' solidarity created in the cyberspace around specific issue(s) could be invoked for any purpose such as fundraising, lobbying, volunteering, community building. According to Carafano (2009)[18] "*social*

[-] Hindi word meaning "Distant seeing".

[@] Hindi phrase meaning 'Çolor me Saffron'.

[#] Hindi word meaning 'Spiral trap'

[16] Social Media comprises of collection of tools for communication in cyberspace, using digital hardware (Internet and mobile networks, personal computers, mobiles, tablets) and related software platforms (Facebook, Twitter, MySpace, LinkedIn, YouTube).

[17] Ahlqvist, Toni; Bäck, A., Halonen, M., Heinonen, S (2008). "Social media roadmaps exploring the futures triggered by social media".

[18] Carafano J., (2009), *Social Networking and National Security: How to Harness Web 2.0 to Protect the Country*, Family Security Matters, Washington, DC, Backgrounder, published on National Security and Defence by The Heritage Foundation

networking is more than simply the sum of the attitudes or activities of its members. The system's complexity creates outcomes that are different than the sum of the group", that can drastically alter the emphasis on public interest issues, moving them from a territorial space to more informed democratic zones created in cyberspace. For this reason social media could be deemed to be an important medium of citizens' participation in democratic communication leading to a changed socio-political scenario in a country. A case to the point is the potential impact of social media going "viral" in the Arab Spring instance (Face Book and twitter Key to Arab spring Uprisings, The National, UAE News,06 Jun 2011) (details of the Arab Spring case, do not fall within the domain of this study).

Core governance issues assailing governance in India are now getting reflected on websites and blogs wherein either direct public support is being sought or public signatures are being requested on the online petitions. These concerns could be wide ranging from gender concerns to environmental issues to education reforms or about animal rights and so on. There are several online public forums to this effect such as Causes.com, *Avaaz*.org, iPetitions.com, PetitionsIndia.in. Innumerable features are even available on popular social networking sites including Facebook, Twitter, and Orkut, wherein the citizens share their ideas, thoughts, and views on issues of public interest.

The power of social media to facilitate collaborative opinion making among citizens at lightning speed had been first perceptibly felt in India when social activist *Anna Hazare* and his movement 'India against Corruption' (IAC) had invoked significant mass support on the social media in the year 2011. It could in fact mobilise Indian government to enact a stringent anti-corruption law, *The Lokpal*[£] Bill*, 2011* that insists institution of an impartial ombudsman to deal with corruption in public places. Similarly nationwide unprecedented youth protests were mobilized against ghastly gang rape in Delhi using mobile and various forms of social media in the month of December 2012.

India has also seen the more malign side of this media. The first of its sad experience had been the terrorist attacks in Mumbai in November 2008, wherein the criminals had widely resorted to use of social media for exchanging harmful information. Similarly in August 2012, there had been a spate of distorted, harassing and threatening messages, Web posts and SMSes resulting in mass exodus of NorthEast people from the southern states of the country. As a result the Government of India, for the sake of national security had to shut down several websites, micro blog and forwarding of bulk SMSes from the mobile phones. In another

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(http://www.heritage.org/research/reports/2009/05/social-networking-and-national-security-how-to-harness-web-2-0-to-protect-the-country)

[£] Hindi people's patron

incident in September 2012, in what seemed to be a move to prevent any unnecessary incidents in the country, the Home Ministry had to sent a request to Google on behalf of government of Jammu and Kashmir to remove the web pages containing the film "The Innocence of Muslims" for showing Islam and Prophet Mohammad in a bad light.

Thus at present there is a raging debate in the country about 'freedom of speech' versus the national security imperative. The debate is, should the social media and the Internet be subject to regulation and the Government affirming citing mandate of section 69 (a) of the Information Technology Act where rule 9 allows the government to block the internet on interim basis if there is an expedient situation affecting the sovereignty of the State or public order. There has also been a growing concern about efficacy of existing cyber laws in the country and effectiveness of agencies such as the Department of Electronics and Information Technology (DEIT), Computer Emergence Response Team (CERT), National Technical Research Organization (NTRO) in monitoring and intervening in the activities of social media in the country. The country and intelligentsia have also shown a great deal of interest in probing regulatory mechanisms of other countries to see how they are coping with the negative aspects of the social media.

§ 3 – LESSONS LEARNT FOR WAY FORWARD

A) *Empower and Enlighten the Citizens*

This macro overview of status of implementation of two public tools in India indicates some critical lessons about instilling openness in governance mechanisms of a country. It emerges very clearly from the afore mentioned details that if properly used, public tools such as RTI Act have the potential to help the Government by giving feedback and therefore successfully permeate an element of openness in its processes of governance. The varied degrees of RTI implementation in some of the states of India also indicate that the success of RTI usage is ultimately the responsibility of the citizens themselves. Therefore, in general, it remains to be understood by all the stakeholders of the governance that the success (or the failure) of any public tool, is lesser about the availability of the tool and more about its usage by its citizens. Further, the success of usage of any tool depends on ecosystem of facilitating and impeding factors in a country including extent of public awareness about the tool and extent of 'user-friendliness' imbued in the tool that aids or hampers the use of this tool by the citizens. For instance, the inconvenience of filing RTI in certain states of India, such as Bihar, due to lack of user friendly online systems and high costs of delivery of outcomes in terms of both

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time and money deter its citizens to use it meaningfully. Therefore, for overriding several such systemic constraints, communication media including community radios, television and social media could always play a stronger role in implementation of tools for public participation and public action.

B) Readdress the Design of Public Policies and the related Implementing Infrastructure

As further indicated in this study, India is still at an 'early adoption' stage with regard to the use of social media as a public tool to instill openness in governance. It therefore requires a suitable infrastructure as well as activist support to mobilize meaningful citizen participation in decision-making processes using digital collaborative options provided by social media. Time is also ripe for India to simultaneously initiate discussions and debates to evolve finer nuances of participation-limiting structures that are deemed to be a pre-requisite in using cyber public tools for multi-stakeholder collaboration in a diverse country like India. Governance needs to now focus on important socio-political questions such as what must be the relationship between the citizen and state. How must its citizen participate in the social discourses and then political processes required for more inclusive agenda-setting and decision making?

C) Holistic Concerns: National Security v/s Individual's Right to Privacy

The present influences of social media in India reaffirms its power and outreach in augmenting diverse citizen opinions for jointly addressing governance concerns assailing Indian federal structures, but it has simultaneously raised fundamental issues about the lines that a democratic country like India must draw between the collective right to security and individual's right to privacy. For instance, Indian experience has clearly elucidated that to avoid hijack of social media by a number of sectarian and criminal interests, a democratic country requires a mature and robust national 'Social Media Strategy'. Such a social media strategy could ideally concur prevision and analysis in suspicious circumstances (e.g. selective monitoring conversations and content shared on social media); it advocates essential use of effective methods to counter adversaries' interferences or disinformation campaigns and last but not the least it helps to augment performance of public institutes (e.g. more inter-institutional information-sharing and quicker decision-making by using customized social media).

It is presumed that if the above tri-pronged approach is factored in the overall governance set-up of the country, the citizens can

envision a (governance) system that is open and citizen-centric in true sense of the term.

CONCLUSION

The real challenge is not to create new legislation, but to develop instruments of open governance that are designed to protect and guarantee citizen's rights and that derive their power from the Constitution, not merely through rhetoric emotional claims. Indeed sharing of best practices and ensuring coordination between the "demand" and "supply" of good governance could be viewed as critical success factors to enhance transparent regimes that would pave way for both openness and rectitude in democratic countries like India. The mainstay of open governance should therefore be to empower citizens to improve their governance eco-system and respect their involvement in decision making. It would make government and citizens work together in unison to resolve governance issues and by all accounts, both would find this 'new' synergy more productive and rewarding.

ADDITIONAL REFERENCES

1.http://www.guardian.co.uk/public-leaders-network/2012/apr/18/data-transparency-open-value-money.

2. Blumner N, Burt L, Gans J, Lisa Goldberg, Kristin Guild, Young Sung Kim, Chang Kil Lee, Darth Vaughn, Mildred Warner *(1998).* Aspiring to Excellence: Comparative Case Studies of Public Sector Labor-Management Cooperation in New York State.

3. Sharma, Rajeev, "Investigating The Effect Of Participation-Limiting Structures On Outcomes Of E-Democracy Systems" (2011). PACIS 2011 Proceedings. Paper 174/ http://aisel.aisnet.org/pacis2011/174

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