

Sponsored Supplement to *SSIR*
**India in Open Government and
Open Government in India**
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US President Lyndon Johnson and UK Prime Minister Tony Blair were not the only ones with strong regrets about the freedom of information legislation enacted when they were leaders of their democracies. The landmark Right to Information (RTI) law, enacted in 2005 in India, has been the cause of similar distress for the ruling class.

Beyond the rhetoric of transparency, accountability, and participation lies an uncomfortable adjustment to redrawing the fault lines of power. This discomfort perhaps explains why the Indian government passed a powerful RTI law and then made repeated attempts to amend and dilute it.

It also may explain why the government of India withdrew from the Open Government Partnership (OGP) after being part of its formative discussions. Indian bureaucrats raised valid concerns about the unconventional nature of OGP as a multilateral organization. They argued that it went beyond the norms of a voluntary partnership. It is

the Public Procurement Bill—all have been tabled in Parliament in the last year and are in various stages of enactment.

India owes many of these systemic reforms to a vibrant, bottom-up demand for opening up government. The RTI movement in India has changed the discourse of transparency and accountability by connecting these seemingly esoteric issues to basic entitlements, empowerment, and meaningful participation by ordinary citizens in the planning, monitoring, and decision-making processes of government. The Delhi High Court remarked in a recent landmark order that the Indian RTI movement has demonstrated that the Right to Information is not only part of Freedom of Expression under Article 19 of the fundamental rights enshrined in the Indian Constitution, but also a part of Article 21 (the Right to Life) and Article 14 (the Right to Equality). In countries where poverty and marginalization are important concerns, India's experience with the practical application of transparency and participatory em-

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nurtured and sustained?

Enforcing OGP standards will remain a big challenge. Even if there are gross and repeated failures by some countries, OGP can only name and shame, or threaten suspension. The threat of suspension is seen by many in civil society as an essential provision to enforce accountability. Yet as an enforcement mechanism it is at best a paper tiger. Suspending a country from a voluntary partnership like OGP is impractical and counterproductive.

There is also the tension of a suddenly powerful and increasingly influential international civil society. As civil society organizations become active within OGP to ensure compliance with commitments by governments, questions will arise about their own transparency and how they determine to whom and how they are accountable.

It remains to be seen whether a treaty-like approach to enforcement will work. The moral pressure of “practicing what you preach” might in fact prove to be OGP’s most useful aspect. Domestic groups can and will use their leaders’ OGP commitments to demand more openness at home. Even civil society organizations, including donors, will have to live up to the rhetoric and become more transparent, accountable, and democratic. The complexities of doing so should not be a deterrent.

Nevertheless, OGP leadership could concentrate more on fostering participation and consultation and leave enforcement of OGP commitments largely to domestic groups. The platform of mutual support offered by OGP for institutionalizing domestically driven transparency aspirations is itself of immense utility. The dialogue, debate, and interactions that OGP is generating are far too important to lose at the altar of impractical and unenforceable standards. ●

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equally probable that the Indian experience with RTI laws, and the subsequent anti-corruption movement, made the political establishment wary of any new “open government” commitments abroad for which it would be held accountable at home.

Ironically, just as India was withdrawing from the fledgling OGP, the Indian government and Parliament were actively considering a slew of new transparency and accountability legislation. The LokPal Bill (Anti-corruption Commission), the Grievance Redress Bill, the Whistle-blower Protection Bill, the Judicial Accountability Bill,

powerment has fundamental value.

Nevertheless, India’s absence underscores the larger challenges OGP may face in the months and years ahead. This tension is endemic to the OGP process. OGP defines itself as a “voluntary partnership” that attempts to push the envelope every year. It seeks to evaluate governments against their own standards, with equal participation from an increasingly demanding civil society. Opening up governments at home and abroad will often result in redistributing power. Hostility from the establishment is logical. How creatively can this tension be