A CITIZENSHIP IN CRISIS: VOICE, WELFARE AND OTHER CONTESTATIONS IN THE DIGITAL STATE

RESEARCH BRIEF-II

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1. Overview

This issue brief comes in the wake of two important developments in the Indian polity. First, sweeping victories for the *Bharatiya Janata* Party – the ruling party at the centre – in the March 2017 state-level elections are being attributed, in no small modicum, to the role of Big Data analytics and targeted messaging[1,2].

Second, following a demonetisation drive[3] by the Government of India in November 2016, the push for cashless modes of transaction and delivery has manifested in multifarious ways – whether it is launch of the United Payments Interface application, the Bharat Interface for Money (BHIM) in December 2016[4], or various media campaigns for digital wallets and efforts to integrate the informal sector into the digital economy, or through the India Stack initiative[5] with its ambitious *"cashless, paperless, presence less[6]"* mandate, one that aspires to revolutionise public service delivery.

The reign of the digital is everywhere and more visible than before. Yet, the vision, design and implementation of e-governance in India with its attendant datafication brings in its wake, many pertinent questions about the changing nature of governance and state-citizen engagement. This issue brief first examines the nature of these shifts (Part 2), presents the implications of these shifts, particularly for groups at the margins (Part 3), and makes suggestions for a digitalisation that strengthens participatory democracy (Part 4).

2. Digitalisation and tectonic shifts in governance cultures – mapping the field

The transition to a 'digital by default' regime has seen foundational shifts in governance cultures – key among which are an increasing substitution of democratic deliberation with data-based decision-making; and the rise of network governance modalities in which public agencies increasingly replace traditional institutional structures of public administration with more fluid, contractual arrangements with private organisations with sectoral expertise.

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1 https://www.theguardian.com/world/2017/feb/16/india-big-data-election-pollsters-target-age-caste-religion-uttar-pradesh

2 http://www.hindustantimes.com/analysis/can-narendra-modi-win-elections-using-big-data-as-trump-did/story-enX2d675sYlGWBEurdmBpJ.html

3 On November 8, 2016, the government of India announced that the two largest denomination notes, Rs 500 and Rs 1000 would cease to be legal tender. According to the Economic Survey (2016), this rendered approximately 86 percent of the cash in circulation invalid. For more see: http://indiabudget.nic.in/es2016-17/echap03.pdf

4 Bharat Interface for Money (BHIM) allows users to make transactions using UPI. It links bank to bank payments through   Mobile number or Payment address. For more see; http://indiabudget.nic.in/es2016-17/echap03.pdf https://d2pv62lkmtdxww.cloudfront.net/npcipay/faq/faq/en_US/index.html

5 India Stack based on the Aadhaar payments bridge and payments enabled system created by the National Payments Corporation of India is a set of open APIs intended to develop the Financial Technology (Fin-Tech) sector.

6 https://www.slideshare.net/ProductNation/india-stack-towards-presenceless-paperless-and-cashless-service-delivery-an-ispirt-initiative

2.1 Big Data truths

As significant political events, including the US election and the Brexit mandate, carry the influence of data-based campaigning, targeting and messaging[7], theorists who have for long predicted that public sentiment is putty in the hands of Big Data strategists, seem vindicated[8].

The Indian state is certainly in tune with these trends, and a striking example of its forays into public opinion management through Big Data analytics is MyGov, a crowd-sourcing platform where citizens can interface with the government in a number of ways – participate in logo design contests, contribute to public consultations and opine on polls and discussion boards. Policy priorities in 19 areas will be identified through Big Data analysis of feedback received on this portal[9]. The National E-Governance Division is also rolling out a Rapid Assessment System (RAS) to enable individual departments to use the MyGov portal to mine feedback from citizens about the services they offer, and determine follow-up action[10]. However, the Indian state's Big Data capabilities are still nascent and inadequate to support a comprehensive study of these patterns.[11] A (2017) study by the Centre for Internet and Society[12] which surveyed current and proposed Big Data initiatives in India demonstrated that old social, political and economic exclusions and injustices can simply become recoded in data paradigms such as policing databases, smart city planning, and intelligent transport systems. Big Data is neither objective nor representative, when one takes into account the fact that often, it is old, deeply biased, knowledge systems that become data points in these new modes of analytics.

2.2 Network governance

There is an unseen crisis of statehood that lies hidden behind the layers of network governance – a policy response to state administration that advocates a move away from traditional, vertically integrated large public sector organisations to more fluid public-private contractual arrangements (Jessop 1994; Newman 2001 as cited in Ferlie et al 2011)[13]. We are witness to a "hollowing out" of the state and consequent "agentification" (Rhodes 1997)[14] in a globalist, techno-mediated world, whereby key public functions are diffused into outsourced services.

Measures to engage new actors in traditional policy arenas can potentially bring new gains for participatory democracy, when such efforts at 'boundary spanning' are designed and regulated for the larger public interest. India's governance system seems to have adopted a particular flavour of network governance that with its unshakable faith in data driven decision making presents a larger than life ambition to go 'digital' – from cradle to the grave[15], without the material and legal-

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7 https://www.theguardian.com/politics/2017/mar/04/nigel-oakes-cambridge-analytica-what-role-brexit-trump

8 http://www.vox.com/conversations/2017/3/16/14935336/big-data-politics-donald-trump-2016-elections-polarization

9 http://articles.economictimes.indiatimes.com/2014-11-26/news/56490626_1_mygov-digital-india-modi-   government

10 http://jan-sampark.nic.in/jansampark/images/campaign/2016/30-Jul/index.html; https://secure.mygov.in/task/logo-design-competition-rapid-assessment-system-ras/

11 Information based on key informant interviews with members of government.

12 CIS (2017). Big Data in Governance in India: Case Studies. See at http://cis-india.org/internet-governance/files/big-data-compilation.pdf

13 Ferlie, E., Fitzgerald, L., McGivern, G., Dopson, S., & Bennett, C. (2011). Public policy networks and 'wicked problems': a nascent solution? Public Administration, 89(2), 307-324.

14 Rhodes, R.A.W. (1997). Understanding governance. Buckingham: Open University Press.

15 A 'cradle to grave' trajectory underscores the 'Digital India' initiative, one of the most overarching and ambitious e-governance projects to date. This umbrella endeavor includes three broad goals; 1. High speed Internet infrastructure to all Gram Panchayats (village level local governing bodies) and measures to broaden financial inclusion through banking services, 2. E-governance and transaction services, 3. 'Digital empowerment' through making digital sources more accessible and taking steps towards universal digital literacy (Meity, 2015).

institutional means to protect and promote citizen interests. Private technocrats can today be encountered in every government office, confidently wearing the face of the Indian state without distinction[16]. The result is a neo-liberal approach to technological change that as Harvey (2005)[17] observed "becomes so deeply embedded in entrepreneurial common sense...it becomes a fetish belief: that there is a technological fix for each and every problem (p. 68)."

3. Subversion of the social contract – framing the issues

The notion of citizenship in the context of many countries of the global South needs to be understood for the specific histories through which rights have been claimed and crystallised (Chandhoke 2007)[18]. Political democracy that gives 'voice to the voiceless' cannot materialise unless social and economic rights of citizens are realised (Chandhoke 2014)[19]. Democracy presupposes the ability of the citizen to mobilise, channel, organise and demand action from the state, including to challenge the denial of basic income, food, shelter, and health.

A digital paradigm that weakens the capabilities to seek rights and demand answers of the state (including its welfare obligations) will undermine democracy. Giddens (1984)[20] notes how 'agency refers not to the intentions people have in doing things but to their capability of doing those things in the first place.' The rhetoric of 'controlling leakages', and 'improving efficiency,' the clarion call under which the promise of the digital has been sold en-mass, needs to be closely scrutinised in terms of citizen agency.

The biometric enabled unique identification number, *Aadhaar*, has been given pride of place in Digital India's attempts to move all public services and transactions to a digital platform. The *Jandhan Aadhaar Mobile* (JAM) platform that interlinks bank accounts of the poorest citizens with their respective *Aadhaar* and mobile numbers has been introduced as an instrument of financial inclusion for entitlements such as health insurance, government pensions, disability benefits and rations. As recently as February 2017, several schemes and benefits continue to not only be linked to *Aadhaar*/JAM, but *Aadhaar* has been deemed mandatory for accessing these benefits (despite a Supreme Court order that states the contrary[21]). This includes mid-day meals in schools, scholarships for students with disabilities, rehabilitation of trafficked women – schemes directed at some of the most vulnerable groups[22,23]. For instance, in Karnataka, a state in South India, citizens have been given a cut off date to link *Aadhaar* cards to their ration cards, failing which they will not be eligible for rations, and their accounts will be deemed "bogus"[24].

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16 Information based on interactions and field-work done in the course of Voice or Chatter project

17 Harvey, D. (2005). A brief history of neoliberalism. Oxford: Oxford University Press.

18 Chandhoke, N. (2007). Civil society. Development In Practice. Vol. 17 (4-5), 607-614.

19 Chandhoke, N. (2013) Realising justice. Third World Quarterly, Vol. 34 (2), 305–320.

20 Giddens, A. (1984). The constitution of society: Outline of the theory of structuration. Berkeley University of California Press.

21 See ruling here http://supremecourtofindia.nic.in/FileServer/2015-10-16_1444976434.pdf This was also reiterated in March 2017 by the Supreme Court through a circular to the Government where it emphasised that linking to welfare schemes cannot be made mandatory (though the court did clarify that the government could mandate in non-welfare governance functions)

22 https://scroll.in/pulse/831175/the-government-wants-pregnant-women-to-enroll-in-aadhaar-to-get-their-social-scheme-benefits

23 https://scroll.in/article/830946/not-just-mid-day-meals-aadhaar-made-mandatory-for-11-more-schemes-violating-supreme-court-ruling

24 http://www.thehindu.com/news/national/karnataka/No-PDS-supplies-if-you-don%E2%80%99t-link-Aadhaar-with-ration-card-by-April-1/article17378846.ece

In a nation that still struggles with many issues including critical gaps in the access architecture[25] and varying levels of digital literacies, the transitions are anything but smooth and seamless. The digital system ruptures the ways in which citizens know the state, ushering in a new institutional environment that citizens lack the capability to negotiate. The citizen agent who can seek her claims is reduced to a data subject who may be denied her rights at the will of a technocratic state. The Economic Survey of 2016 clearly indicates that the push to make JAM a default platform lacks institutional preparedness at a very basic level, given the paucity of bank branches at the last mile[26,27]. Further, errors in the seeding of beneficiary databases with *Aadhaar* numbers, as part of the switch to *Aadhaar*-authenticated service delivery, have led to unfair denial of benefits in many states including Delhi, Jharkhand and Rajasthan[28].

In a primary research, conducted by IT for Change in the state of Rajasthan, we witnessed first hand the devastating consequences of JAM based exclusions. Over 400,000 beneficiaries were struck off the pensions' list on various grounds – wrong *Aadhaar* seeding, linking defunct/wrong bank accounts with pension transfers and an innumerable number of failed biometric authentications. Instances of fraud and meddling by intermediaries were also reported in public hearings held by the *Mazdoor Kisan Shakti Sangathan* in Jaipur in July 2016.

JAM bank account holders are at a disadvantage when they have to rely on somebody else to help them access funds through an ATM card or biometric authentication at the Point of Service (POS). Even in cases where authentication may go through, POS persons can claim authentication failure while fraudulently using the approval for usurping benefits. A ration shop dealer for instance, can easily approve a family's monthly quota of food grains for himself while claiming to the beneficiary that the biometric authentication did not go through. The beneficiary has only the POS dealer's word to go by, given that he/she may have zero insight into the back-end of this process.

Further, the individuation of entitlements processing dislodges the idea of the active citizen agent who can mobilise and organise, and collectively make demands of the state. The work done by the Program for Liberation Technology[29] in Telengana has uncovered a misappropriation nexus between village community leaders and Banking Correspondents (BCs) – agencies authorised by nationalised banks for cash transactions at the last mile – in direct beneficiary transfers (DBTs). Funds credited to the BCs for channeling to beneficiaries, under schemes like National Rural Employment Guarantee Act (NREGA), are withheld and used for micro-lending, before they eventually make their way to the beneficiary (who often does not receive her full share)[30]. Questions about delays or denial of payments are dismissed under the obfuscating excuses of a remote, and hence 'uncontrollable', technology. The 'trouble makers' who demand answers to the delay are placated, as individuation of claims processes diminishes collective citizen agency.

In the emerging structures of digitalised access to benefits, exploitation is embedded into a mystified technology with no recourse for the marginalised to seek accountability. The reconfiguration of citizenship through digitalisation of welfare delivery comprises a subversion of the social contract. The transition to digital from legacy systems in the Indian case demonstrates a

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25 For example, recent data from ITU (2016) indicates that 40 per cent of Indians do not even own a basic cell phone, one of the constituent requirements to be on the JAM platform. Overall Internet penetration in the country remains at 21 per cent.

26 Even though 95 per cent of India's adult population has an *Aadhaar* card, and mobile penetration in rural households is over 67 per cent, according to the Economic Survey of 2015-16, hardly 27 per cent of villages have access to a bank within 5 kms.

27 http://www.thehindu.com/todays-paper/tp-business/dbt-jammed-by-lastmile-challenge/article8287095.ece

28 https://scroll.in/article/829071/in-jharkhand-compulsory-biometric-authentication-for-rations-sends-many-away-empty- handed

29 Information based on interview with Rajendran Narayanan from the Program for Liberation Technology

30 Ibid

coercive assimilation of the citizen, subject into a techno-managerial ideology. As a passive beneficiary, the citizen is rendered disenfranchised, divested of the capability to assert her rights. The state becomes more and more opaque and unaccountable.

4. Democratic accountability as a necessary cornerstone in datafied governance – towards a road map

Data-based decision-making in India is part of a larger trend that seems to displace the complex ingredients of participatory governance – dialogue, deliberation, audit and answerability – in favour of a *fait accompli* that disempowers citizens. Whether it is biometric based authentication systems, online grievance mechanisms (see Box 1) or Big Data based beneficiary rationalisation, the absence of modes for a meaningful right to be heard, right to contest and seek accountability, decouple citizenship from rights and justice.

Box 1. What of the critical question of voice?

The case of *'Rajasthan Sampark'*, a grievance redressal portal of the state government of Rajasthan to manage citizen grievances across multiple departments and administrative branches, illustrates the many paradoxes of digitalised service delivery.

Under the programme, anyone can go online and log a complaint about a denial of service. Complaints can be about any grievance – poor street lighting in one's neighborhood or non-payment of pensions or denial of rations. The user can also upload supporting documentation. As a technological interface, the portal is designed to streamline the process of grievance redressal, allowing for escalation of views to higher levels of the bureaucracy. The plan is to eventually phase out or completely replace manual modes of grievance redress, such as the weekly public hearings at *panchayats* (local self government institutions), or paper records of complaints.

A tool like *Rajasthan Sampark* is potentially useful and could make the process of grievance redressal hassle free for the citizen. But where it falls short is in being able to capture the essence of state answerability and citizens' right to be heard in any grievance redressal process. Consider this: a woman registers a complaint about the lack of access to drinking water. The response: *there is a water pump in her village in working condition that she can use. Her grievance is therefore without grounds*. The architecture of the portal's interface is evidently unable to delve into the social context of the grievance. There may well be a larger systemic injustice that is underscored in her grievance: that as a *dalit*, she is barred access to the water point by the dominant communities of her village.

The case illustrates a vital lesson for ICT-mediated state-citizen interaction: that citizen voice risks losing its meaning, intent and potential in a democracy, if it is reduced to a decontextualised, cookie cutter approach. A portal such as *Sampark Rajasthan* can open up data to keep citizens informed about types of grievances received and their status. It can institutionalise social audits to determine citizen satisfaction with redress provided. Techno-centric solutionism can easily shortchange citizens' right to be heard and to seek answers. To be meaningful for local accountability, citizen-centricism needs to be a key design feature of e-governance platforms.

The primacy of the digital over the offline, in a scenario where digital access disparities are stark, has meant that traditional forms of collective representation and action fall by the wayside and are not given their fair due - to emerge, express or move to action. Voices that are already at the fringes are further marginalised, rendering them invisible, and by extension, irrelevant, in the eyes of the state. The digital has substantially changed the field in which citizenship is constructed and

legitimated. However, the capabilities required to negotiate these moments of liminality, when the citizen must muster new social capital for the changed terms of engagement with the state are not guaranteed by the state. This must include a range of strategies – continued investment in backup legacy systems, support and facilitation through public interest intermediaries, active information dissemination, creative partnerships for digital citizenship skill training – to tackle this crisis that undermines participatory democracy.

As the exclusion of minority and marginalised view-points becomes reified through technological processes, new institutional mechanisms that can protect and promote democratic values and center the rights of citizens in relation to digitalisation and datafication are the need of the hour. We require carefully thought out institutional norms, rules and practices that extend the guarantees of democratic accountability to the digital paradigm and approach digitalisation from a 'last person first' point of view that bridges rather than deepens the access divide.

Of course in stating all this, it needs to be added that one should not proceed with an unquestioned assumption that the digital has created an accountability deficit in an otherwise ideal state-citizen engagement.

In conclusion, we take the view that digital technologies in governance and data-based solutions need to be harnessed towards strengthening grassroots democracy rather than alienating it. We put forth the [Charter on Democratic Accountability in the Digital Age](#) as a step towards consolidating this emerging dialogue on data governance/ data in governance.

This document is part of our larger research and advocacy efforts through the Voice and Chatter project, co-created with our many partners and coalitions, and is informed by a year of sustained engagement with various aspects of citizen voice, technology and the larger question of the future of deliberative democracy and accountable governance. The civic-public value of the digital governance paradigm must be co-constructed by citizens; if the much acclaimed openness of the digital movement cannot be put to the service of participatory grassroots democracy, democracy itself runs the risk of being cannibalised.

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About the project

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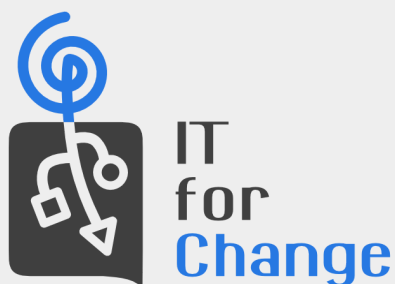
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