OGD for Regulation of Energy Resources in India: Case of Coal and Oil & Gas

TERI Presentation
ODDC Research Network Meeting
24-26th April
London
# Structure of Presentation

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Project Objectives

• Overall goal
  ▫ To examine the availability and accessibility of OGD for improved governance of extractive energy industries in India and understand the issues therein

• Specific objectives
  ▫ Governance, performance and role of open data
  ▫ Data accessibility, gaps and outcomes
  ▫ Instruments, agents and impacts
  ▫ Suggest ways to enhance openness in government data
Governance issues in the Identified Sectors

1. Insufficient transparency in case of private participation in resource development – how players are chosen, who benefits, who losses
   - On allocation of coal – insufficient transparency in allocation of coal blocks, coal blocks awarded at less than competitive rates
   - Audit of PSC in hydrocarbons- excessive capital expenditure by Reliance

2. Adverse impacts on local communities (health, displacement, loss of livelihood or heritage)

3. Very little participation of communities directly impacted (and even the local governments) & compensation paid out

4. Centre- State Government tussle in sharing of benefits from resources
State of Supply of Government Data

Government data to address governance challenges

- **Not available**
- **Available** (may or may not be online)
  - **Proactive**: (published reports)
  - **Reactive**: (in response to RTI, parliamentary questions, requests to government departments)
  - **By invoking a right**
  - **By demanding (paid or free of charge)**

Published
RTI
NDSAP
Parliamentary Questions
CAG Reports
Research questions

1. Governance, performance and role of open data: Assess how governance affects the performance outcomes of the extractive energy resources sector and the role of greater data openness in improving the performance of the sector.
   ▫ How do principles of good governance and open government data principles interact with each other?
   ▫ To what extent can access to data address governance challenges in the extractive energy sector in India?

2. Data accessibility, gaps and sectoral outcomes: Assess the current state of data availability and identify the gaps where open data provision can influence the governance outcomes in the identified sectors
   ▫ What are the sectoral domains in which data are available? What are the sources? Is the data usable and useful? What are the legal frameworks for data provision and use?
   ▫ What are the domains of the extractive energy sector in India in which information accessibility gap exists? What are the constraints to making such data open?
   ▫ Are there any differences in the provisioning of data in the two selected sub sectors – coal and petroleum? For instance, has greater private investment in petroleum streamlined and improved data availability and accessibility in this sector as against coal which still primarily is a public monopoly?
Research Questions

3. Instruments, agents and impacts: Discuss the impact of existing instruments and initiatives for open government data that relate to coal and petroleum and natural gas
   ▫ Who uses these data (both proactive and reactive), how and for what purpose?
   ▫ What are the notable changes, if any, in the governance of identified sectors post instruments such as RTI?
   ▫ How does the impact vary at different levels of government?

4. Suggest ways to enhance openness in government data for the extractive resources sector in general, and coal and petroleum in particular
   ▫ What are the key indicators for assessing the status of open empirical based knowledge in the extractive resources sector?
   ▫ What guidelines can ensure that open data provided strengthens greater openness, participation and transparency for the extractive energy sector?
Context for Open Data

• Political Context

Passive
- Government Records either partially available or not available to public

Reactive
- RTI Act passed in 2005
- Parliamentary Q&A

Proactive
- NDSAP 2010
Organizational Context

Overall
- MSPI (NSO & PMC)
- DST - NDSAP
- NIC – ICT network, open data portal of GoI
- DoPT - RTI

Sector Specific
- Sector specific Ministries to have NDSAP cell & PIOs
- Coal Controller – nodal authority for coal data
- PPAC, Directorate of Hydrocarbons & PNGRB - P&G
## Legal Context

<table>
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<th>Key Acts and Policies</th>
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<td><strong>Article 19 (I) Constitution of India</strong></td>
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| Right to free speech and expression  
Right to Information an extension of this as information is a pre-requisite for exercising this right |
| **Right to Information Act, 2005** |
| Helps citizens access information under the control of government authorities  
Provides for setting of Central & State Information Commissions and PIOs |
| **Collection of Statistics Act, 2008** |
| Facilitates collection of statistics on economic, demographic, social, scientific and environmental aspects |
| **PNGRB, 2005** |
| PNDRB to maintain data bank on activities of different entities dealing with petroleum and natural gas |
| **National Data Sharing & Accessibility Policy 2012** |
| Aims to facilitate access to government data in human and machine readable forms  
Mandates government departments to proactively open up data ‘as is where is’ basis |
Benefits of Open Data for Extractive Industries:

Activities in extractive industries has financial, environmental and social implications. Governance benefits of ...

- **Financial transparency**: Transparency in revenue collection/sharing/distribution will help to improve public acceptability and investment climate by providing a clear signal to investors and also to the public that the government is committed to greater transparency, etc.

- **Transparency in environmental reporting**: Transparency in reporting environmental related information due to extraction activities will help in better monitoring and hence prevent any deterioration of environmental quality, measure benefits of projects against possible environment damage.

- **Transparency in reporting impacts on society**: Improved transparency will help in public acceptability of projects, monitor and promote social developmental goals, etc (compensation payment)
Possible indicators

- **Key financial indicators**: Quality and type of resources extracted, price, revenue collection, revenue distribution/transfers (government and non-government), financial benefits received by companies from the government (e.g. various tax benefits/incentives) and their compatibility with related existing regulation, etc.

- **Key environmental indicators**: Loss of forest cover, land degradation, water pollution, periodicity of reporting/monitoring, air pollution, sound pollution, audit reports of disaster management, democracy in appointment of regulators, etc.

- **Key social indicators**: People displaced/affected, accidents or deaths at work, health impacts, employment opportunities created in projects, etc, social infrastructure and beneficiaries, etc.

- **Other indicators**: Allocation of contracts, terms of contracts, monitoring compliance,
# Assessing Open Data Supply: Focus Sectors

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<th>Questions</th>
<th>Replies</th>
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<tr>
<td>Does the Data Exist?</td>
<td>Substantial data exists but not mostly human readable, machine readability relatively new</td>
</tr>
<tr>
<td>Is it available online?</td>
<td>Mostly industry related data available – production, consumption, availability, export and import Consumer and people related data much less available – social &amp; environmental aspects</td>
</tr>
<tr>
<td>Is dataset provided in machine readable form</td>
<td>Petroleum data is available (to an extent) Coal data unavailable (coal directories or PDFs)</td>
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<tr>
<td>Is the dataset free of charge?</td>
<td>Yes most data is</td>
</tr>
<tr>
<td>Is date openly licensed</td>
<td>Data property of government</td>
</tr>
<tr>
<td>Is the data upto date</td>
<td>No particularly environment and social aspects</td>
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THANK YOU