

ADVOCACY AND LOBBYING

Indian Context

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Growth with equity has been the core of Economic Development in India and of late the term inclusive growth has come in vogue within Government and academia. There would be competing demand on resources between the growth sector and social sector and within these sectors competition is expected to be intense. Stakeholders in the sub-sectors, to lay a claim on resources, would need their voice to be heard by the decision-makers for maximizing the allocations in their favour. To propel their respective causes, the stakeholders may get together and strive to develop an association which would take upon itself the task of articulation of their issues and do the networking with appropriate channels in presenting their case in an intelligible and convincing manner that their demands need support of the authorities and establish that their objectives are coherent with the overall objectives of the economic development. Some of the stakeholders, particularly those from amongst the unorganized sectors and lacking organizational skill may be supported by a set of organized volunteers to take up their causes to get their dues in the process of development. There would be, on the other side, a set of stakeholders who are endowed with resources, skills and networks to influence the decision-makers in their favour. This process of influencing the decision-makers through a variety of skills, networking and public sensitization would be advocacy of the cause towards maximizing the flow of resources in their favour. Articulation of causes by the stakeholders in a free and democratic country would be within the framework of the Constitution. In this framework, there is freedom even to espouse for one's causes with the legislatures and thereby influence the law making process to suit one's interest. Further, if some stakeholders feel discriminated against, there would be freedom to sensitize the public to create a favourable opinion bringing pressure on the legislature and decision-makers. In this age of internet, electronic and print media, unlimited scope would be available to influence public and authorities alike. Even the sensibilities of judiciary can and have been raised, compelling them to issue processes *suo moto*.

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Pluralistic societies have on occasions become stakeholders whose motivations and objectives would be completely at cross purposes with other stakeholders. Both sets of stakeholders can use all the channels referred to above to raise their respective issues to generate a debate at different levels when decision-makers can help make an informed decision.

It appears, therefore, that in a democratic set up where there is equality before law and equality of opportunity, the chances of allocation of resources are dependent upon the skill and capacity of getting a favourable decision.

In the Indian context where distribution of resources is highly skewed and widening diversities are a fact, a vast multitude of people would not be able to match the resources of the powerful and hope for an equitable deal in their favour. Recognizing the existence of social and economic disabilities with a large section of the people, constitution exhorted the Government to make provisions for positive discrimination in their favour and enabling provisions for such an action were built within the Constitution. Besides, the Constitution did not discriminate between the voting rights of the poor and the rich.

Theoretically, legislators, who get elected on the basis of universal adult franchise should, in their own interest of getting re-elected, be acting as the agents of their constituents and majority of whom in Indian scenario, irrespective of the constituency, would be from the lower ranks. However, at the state level and also at the Central level there are issues of security, trade, foreign relations, industrial development, etc., which are vital to the state as a whole and need to be addressed with wholesome resources leaving marginal resources for the segments of Constituents who elect them. Therefore, high words which are sounded for the poor end in schemes and programmes which are from the residual resources after meeting the essential functions of the state mentioned above. Those who have taken upon themselves the cause of doing advocacy are required to expand their network with those set of groups who pitch for advocacy for prevention of wasteful expenditure within the national schemes to ensure that residual resources get enhanced and social sector, for which they have been doing advocacy, get more allocations.

Wasteful expenditure referred to above would also include the increase in cost and quality of schemes because of skimming from the conception, implementation and up to the completion stage. There is no estimate of the quantum of skimming that has been taking place and thus there has been denial of unspecified but substantial resources which would

have been available for the social sector. Even within the schemes that are conceived for implementation for the poor after considerable efforts of the advocacy groups, there is skimming and that too substantial and then the beneficiaries are short changed. The groups who have taken upon themselves the cause of advocacy for such groups should include in their programmes an element of vigilance to minimize the pilferage. May be the advocacy groups may consider pitching for Regulatory bodies who, when approached, can pass judicial orders in favour of eligible beneficiaries.*

Most of the beneficiaries remain oblivious to the benefits that are available to them. There is no statutory provision which provides for mechanism of dissemination among the beneficiaries and also towards reorientation of those who administer such schemes. There is a need for advocacy for an enactment of a legislation encouraging advocacy of the schemes and programmes of the government for disadvantaged sections and necessary state funding allocated. In this connection, it may be noted that a provision for advocacy has been built within the Act for competition commission where stakeholders would generally be informed otherwise.

When the phase for liberalization started in 1991, the emphasis decidedly shifted towards increasing the economic growth in the hope that increased growth would generate surplus resources which could be deployed for the anti poverty programmes. Thus, with the increased economic growth, there would be percolation effect in raising the standards of the poor. The market led economy was towards linking Indian Economy to World Economy and thus ensuring competition and induction of technology. Financial Markets were reoriented to develop with a view to larger investment from abroad and also from within. There has been significant growth in economic output and service sector has added to economic strength in a significant way generating employment for the youth. Real Estate and Infrastructure Development picked up momentum. However, while there has been bulging of middle class, the number of people living below poverty line has not come down. Strong advocacy measures have forced the Government to enact pro-poor legislation in the form of NREGA to guarantee employment, and, Food Security Act may be on the way to ensure food for the poor at reasonable rates and quantities.

In the liberalized economic period since 1991, the advocacy groups favouring industry growth, infrastructure and real estate development, have been having free run of the

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corridors of powers through their organized associations and otherwise government be persuaded to believe that development is synonymous with increased industrialization, intensified mining, generation of electricity and setting up of SEZ's and development of real estate and coming up of mall culture. The voice of the advocates for the poor and marginal groups who are dependent upon land and have very little scope of employment, in the near future, in the technology dominant industry got submerged in the din of growth.

More than Industry Association, who would have confined their activities to advocating their cause, the role of individuals, corporates and their middle men be dominant in engaging the legislatures and the government and its machinery. Such players, having global ambitions and with potential to make large bucks and capacity of choosing alternate destination were out to get a deal for them by encouraging the bending of rules in their favour excluding rivals and also disregarding individual environmental concerns. Such corporates, individuals and their middle men or fixers were willing to fork out considerable amount of money (a la Enron) towards 'educating' the different levels in government and outside to get the scarce resources like land and Telespectrum or overcoming the irritants like environmental issues. While legitimate advocacy for enabling the decision-maker to appreciate your product would be perfectly in order, transgressing the transparency by inducements would be unethical, if not a crime. Such set of operators, working on behalf of their clients, would call themselves as lobbyists as they are commonly called in US, Canada and Germany where influencing the legislatures by way of contribution is legal. In such countries there are appropriate legislations to regulate the conduct of the lobbyists by making registration compulsory and obligating declarations prescribed. In such countries, it is perceived that it would be for the voters to assess the conduct of the legislatures at the time of voting. However, in the context of India, the declaration made by lobbyists may not be comprehensible to our voters. Further, the laws which are already there needing corporates to make disclosure may be followed technically and not in spirit. In the Indian context, the conduct of the lobbyists which has come in public domain demonstrates that operators have been operating on a simple credo: rules exist to be bent, broken or unmade: transparency is a no-no; and the system needs to be rigged evening involving media.

Resultantly, there have been voices against wanton acquisition of private and public land; against environment violation; against violation of basic human rights of groups whose lands and areas are being taken. Such voices in a democratic milieu have even halted genuine projects and turned future infrastructure development into an uphill task. Besides,

allegations are floating around that scarce resources have been allocated at astronomical losses to the exchequer. More than warranted exemptions on Taxes and Duties have been exacted. There is empirical evidence of PR firms and lobbyists in such deals.

The activities of such lobbyists who have managed to get misallocated resources in their favour by way of extending favours are collaborators in undermining the economic development and are instrumental in creating scarcity of resources with the government and thus have ultimately hit the poor and put doubts in the minds of consumers in general if they would get quality service at reasonable costs.

It would be in the interest of groups doing advocacy for the poor that they lend their voices against such groups masquerading themselves as lobbyists so that increased residual resources flow the benefit of the poor and the envisioned percolation of benefits of increased economic growth flows to the poor. A distinction should be sought to be made by academics and media that Public Advocacy is reserved for non profit sectors and also other sectors who espouse their causes on broader policy issues and refrain from financial contributions. There would be a place for individuals, corporates and their allies to propel their causes and views. Their firms undertaking such a task in the narrow corporate interest should be termed as lobbyists and not be identified with Public Advocacy.

The conduct of Public Advocacy Groups and Lobbyists is to be done in an atmosphere of transparency and public gaze. Accordingly, their memoranda with the government and elsewhere should be in public knowledge on which public could freely comment to enable the policy maker to take well informed decisions. The schedule of meetings of the people in public affairs and public life when they meet the lobbyists as defined above should be available to public. A formal legislation for regulating the conduct of the lobbyists on the lines of US law would not be conducive at this stage and has the prospectus working against the spirit of growth with equity.