

Platforms for People's Participation – Deconstructing The National Advisory Council

A motley group has rushed to fill the leadership and governance vacuum at the political center. The pro-establishment group is up in arms about unelected persons "hijacking" policymaking from the government and the deleterious effects on democracy. Reflect for a minute on the irony of the privatization lobby, which has been relentlessly arguing for the rollback of the State (even for most impoverished) palpitating at the undermining of democracy! This emerging political dynamic has been variously traced to the National Advisory Council (NAC) where jholawalas et al hatch harebrained schemes guaranteed to run the government aground.

The link between Anna Hazare's and Ramdev's protests to the NAC is tenuous at best. The former are both forms of agitation politics - situated outside the government of the day, the modus operandi is to coerce the government based on the (real/perceived) strength of their mobilization. The NAC is a body constituted by the Prime Minister, the head of the government, with the Chairperson of the ruling party as its head. The Council is thus a government mandated and circumscribed (advisory powers only) platform. What is hailed, as a similarity -that they are all members of the "civil society"- is actually a catchall category that encompasses the universe of persons outside the government.

It is true that agitation politics runs the danger of being undemocratic. Democratic legitimacy of pressure politics is derived both from the methods and the demands. Methods must be ideologically cohesive and non-violent; demands must have democratic basis (Constitution, existing laws, judiciary). Thus all dharnas and fasts unto death are not alike; neither do all demands for equity and justice occupy the same moral high ground. There is a special danger when the demand doesn't have an existing democratic basis because disproportionate show of force by one group may usurp resources or ideological ground meant for the commons.

Some of the methods adopted and the naiveté of some suggestions in the recent events justifiably give pause. Worrying as some of these developments are, the strength of the mobilization reflects a failure of existing platforms to adequately reflect and respond to the aspirations of the public - not a "me too" phenomenon borne out of a (negative) precedent set by the NAC. The government has responded like a baffling Dr Jekyll and Hyde - embarrassingly obsequious one day, peremptory the next, ceding authority and moral high ground at all times. However surely a mark of a mature democracy is its ability to channel citizen engagement in meaningful ways as opposed to outright capitulation or constraining expression for manageability.

The way forward then must seek ways to institutionalize people's participation in policy-making and governance beyond just elections. The NAC already functions (patchily no doubt) as an interface between the government and the people, and is thus well positioned to be this platform. An attempt must be made to make it into a clearly

defined structure or facilitation. But first we must deconstruct the NAC and situate it in its political context to understand both its pitfalls and potential.

The National Advisory Council

The NAC is an *advisory* body, and in that capacity it is similar to any other Committee that the government constitutes by the dozens. While Committees often come under fire for being a dilatory tactic by the government – they do not undermine democratic precepts in any way. The NAC derives its power from the status of its Chairperson, Mrs Sonia Gandhi who is also the Chairperson of the UPA government. When Mrs Gandhi resigned after the office of profit controversy, the NAC quickly became defunct and was dissolved soon after.

It is obvious that the ruling government will induct individuals who subscribe to the ideology of the government. Thus we see in a growth-obsessed increasingly conservative government, lateral entries from the corporate sector straight into the Executive, such as in the Planning Commission, NATGRID, UID. Anyone who has ever adopted a contrarian stance to that of the government (say from the social sector or education) are recruited in an advisory capacity, where the purpose seems more to co-opt their credibility as opposed to put their experience and thoughts into execution.

Seen in this context, it is apparent that the NAC has relevance only in the bipolar nature of the ruling party, Congress. If there weren't two power/ ideological centers, there wouldn't need to be a NAC, since each member could be democratically inducted into the existing structure of the government. The NAC provides heft to a sensibility within the ruling party and thus impetus for action in the administration. This intra-party politics is within the democratic realm.

This leads to a related point: the NAC as a body is constituted for its usefulness to the party and/or the government, not to advance the agenda of its members. This is evident in the composition of the Council itself – the members are a disparate group without longstanding close associations or ideological overlap. Consensus is by no means given. And consensus within the group does not take precedence over the Chairperson's decision. The Chairperson's decisions do not take precedence over that of the Executive, nor the Parliament. This is an important distinction. The NAC is only an input into the deliberative process of the Executive. Its policy advice may or may not be accepted (as in the case of the need to pay minimum wages to NREGA workers) and its draft laws are routed through the Executive to the Parliament, where they are subject to the routine Parliamentary procedures.

It is difficult to understand the criticism of the NAC when it comes to its conception and powers. For a body lamented as the "Notional" Advisory Council by a member (Jean Dreze) on the continued paring of the Food Security Bill by the Government, clearly the "super-cabinet" title has no basis. A side argument that the NAC is privy to government files also loses validity in light of the transparency regime established by the RTI Act. It is unclear if the NAC has asked for files, which would have

been legitimately exempt as per the RTI Act. Is the underlying principle then of its criticism that the only way to ensure democratic people's participation is through universal participation either directly (elections) or indirectly (representative democracy)? This then is an impossible hurdle designed to kill participation. A related criticism is the arbitrariness of membership of the NAC. This criticism is valid; however, executive privilege of the elected representatives is an essential feature of representative democracy. An elected government comes with people's mandate for its stated intent, and it is within its democratic powers to solicit opinion of any groups or individuals it desires to do so. Moreover NAC members receive no financial compensation, either in cash or kind (other than reimbursement for travel and Rs 2000 allowance for the day of the meeting). The real issue as always is in the transparency of these interactions in so far that they affect transparency and accountability of the State. It is thus in the functioning of the NAC (not its construct) wherein lie both its pitfalls and potential.

The Functioning of the NAC

The National Advisory Council (NAC) "has been set up as an interface with Civil Society [to] provide policy and legislative inputs to Government with special focus on social policy and the rights of the disadvantaged groups". The NAC is thus mandated to be a platform for State-citizen engagement on legislation and policy. Legislation and policy define the modes and process of engagement between (and intra) the State and the people. In a democracy where the State itself derives legitimacy from popular consent, the process of law making too must be transparent and consultative with active public engagement. Seen thus, the efficacy of the NAC must be evaluated on a single criterion: its ability to aggregate the plurality of viewpoints and aspirations inherent in a citizenry as large and diverse as ours.

The NAC thus far has had mixed innings with significant differences between NAC 1 and NAC 2. NAC 1 was mandated to monitor the implementation of the National Common Minimum Program (NCMP), a set of pre-poll promises made by all the constituent parties of the UPA coalition. The NCMP, positioned as an alternative to the India Shining rhetoric of the incumbent NDA, resonated demands of Bharat's masses – and was thus both a democratic and political mandate. Three of the most progressive legislative achievements attributed to the NAC 1 (RTI, NREGA and FRA) all find mention in the NCMP. These legislations also have a history of large protracted public campaigns where internal dissonance could be discussed and much of the collective thinking crystallized. NAC 1 thus despite being a nascent platform functioned with a fair degree of efficacy.

The NAC 2 on the other hand has been hobbled by multiple reasons. First it lacks a clear mandate, tasked mostly to "give attention to the priorities stated in the address of the President of India to Parliament on 4 June, 2009". Two of the legislations it is currently working on – the Food Security Bill and the Communal Violence Bill – highlight other impediments and underscores the need to develop comprehensive, transparent and inclusive processes for the functioning of the NAC.

The absence of well-defined collective thought on the State's role in situations of communal violence has illustrated the limits of the NAC as it stands now. The outrage on some provisions of the Bill reflects the difficulty of both defining the process of collection and aggregation of perspectives from all the stakeholders, and placing it within the Constitutional and legal paradigm. The Food Security Bill though built on the back of a strong public campaign with well-articulated demands demonstrates the other pitfalls in the current NAC set-up. The NAC 2 is working against a backdrop of changed political formulations (renewed and enhanced electoral mandate in 2009, absence of the Left) and the global financial meltdown. Consequently the conservative groups advocating capital led growth and rollback of the State have gained prominence (incidentally the mild impact on India of the financial meltdown is attributable in part to the resilience of the rural economy, which has some basis in the NREGA wages). Therefore the priorities of the current government have shifted towards the private sector even at the cost of the social sector. Thus even while generous subsidies are given to the corporate sector, the Food Security Bill has been subject to repeated pruning on account of rising fiscal deficit and fallacious supply constraints. These reductions have been achieved by the steady bureaucratizing of the NAC where the government actively monitors NAC proposals even during development in a bid to influence and constrain/manage the outcome. This transforms the NAC in to a negotiating body while undermining both its advisory (and hence implicitly independent) status and its potential as a platform for people's participation.

The way forward requires us to clarify our ideas of what entails a democracy and the modes of people's participation. We need also to introspect as to why we encourage private sector influence and control while meeting the expression of people's demands with disdain and alarmist predictions about our democratic future. Are these reactions based on democratic principles or elitism? People's mobilization, however absurd the issue, reflects a desire to participate in and influence society's trajectory, and must be treated separate from the leadership. It is for the State to provide democratic platforms for productive outcomes. The NAC could be one such platform for people's participation if its functioning is institutionalized and made transparent.

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With 78% of our GDP controlled by the private sector while 77% of the populace lives on less than Rs 20 per day, there is an urgent need to ensure people's participation