

## In a federal system, states are partners, not subordinates

By Jawhar Sircar



PM Narendra Modi and Bengal CM Mamata Banerjee (Photos | PTI)

Like all federalisms, India's too is like a marriage between equals, the Centre and the states, and both thrive and prosper as they emerge stronger after each crisis. Though the 299 members of the Constituent Assembly did a commendable job in three and a half years, they could not provide for every foreseeable contingency. The Constitution is gently tilted in favour of the Centre, but a greater maturity has now evolved in the handling of the Brahmastras like President's Rule in states under Article 356 or in demanding secession. The federation has also learnt to accord greater respect to regional aspirations, cultures and pride.

The Constitution's federal characteristics must constantly pass tests and battles like the one we have at hand in the state of West Bengal. Its ultimate outcome will affect all other states and the Union as well. To cut through the clutter and controversies, let us come straight to May 24, when the Centre agreed to West Bengal Chief Minister Mamata Banerjee's proposal to extend the services of Alapan Bandyopadhyay, who was about to retire as chief secretary of the state on May 24. This was for three months - to provide continuity in COVID control in the state. Such short-tenure extensions are not usual. Thereafter, Cyclone Yaas devastated coastal Odisha and adjoining West Bengal, and on Friday (May 28), Prime Minister Narendra Modi decided to make an aerial survey. Though this programme clashed with the announced visit of Mamata to survey the coastal belt by helicopter, she altered her schedule to be present at Kalaikunda, the major air base of these parts in West Bengal. She promised to visit Digha, the state's most battered coastal town, only after attending the PM's meeting at 2:30 pm. Both the VIP air travellers were, however, cutting it too fine and Mamata's helicopter was not allowed to fly out of the Sagar Island by Air Traffic Control (ATC). Since the PM's craft had taken off from Odisha towards Kalaikunda, the skies were closed for 'VIP movement'. A state Cabinet minister received the PM at Kalaikunda and as soon as Air Traffic permitted, Mamata flew in and landed there. This is now severely criticised by a section as "having kept the PM waiting for 15 minutes". Though the CM had not "formally received the PM", she was well in time for the scheduled meeting. No fudging of these timings is possible by either party, as every minute of what happened has been logged and recorded by multiple agencies - the ATC, the PM's SPG (security), the Kalaikunda Air Force Station, the state police, East Medinipur Police Headquarters, etc.

It appears that the CM or chief secretary had corresponded with the PMO and conveyed her objection to the presence of Suvendu Adhikari, the Leader of the Opposition. Mamata had requested for a direct meeting between the PM and her and felt that if one MLA was invited, others from worse-affected areas could also have joined the meeting. Actually, Adhikari had been her own right hand before he defected to the BJP just before the elections. He had not only trounced her in his own traditional Assembly constituency, Nandigram, but has emerged thereafter as her *bête noire*. Since the prime minister was keen to include Adhikari in his meeting, she felt there was little point in these 'optics and politics'. She entered the meeting room on time, but declined to sit down and simply handed over a damage report to the PM. She said a few words and begged excuse to fly onward to Digha, along with her chief secretary - who was always at her side. He, too, left the meeting along with his boss, but while the prime minister did not object then, all hell broke loose over the next few days.

The Centre suddenly transferred Bandyopadhyay to Delhi, where he had never worked before - on the very last day of his service. The Bengal chief minister refused to release him, which they constantly do under the IAS Cadre Rules, including by the current prime minister when he was a chief minister. Mamata's refusal is, however, being condemned now by Modi supporters, well after Bandyopadhyay has retired. The state declined the 90 days' extension of service given by the Centre, and the CM issued an order giving him a three-year post-retirement term as her 'Adviser'.

The Centre retaliated immediately by issuing a notice under Section 51 of the Disaster Management Act on Bandyopadhyay for "refusing to comply with the direction given by or on behalf of the Central Government". This is unprecedented, as this provision to jail offenders for terms upto two years was never meant to spite ministers and officers. Incidentally, both the Central and state governments have exactly the same powers and the real disaster would have struck if the temperamental CM had issued a tit-for-tat order on some Central official or on Adhikari.

The interesting question we have now is whether the Centre expects IAS officers to defy the state government. The matter will soon

move to the courts and the federal Constitution looks forward eagerly to a direction. Should officers serving states continue to be loyal to them? Or is it now legitimate for them to undercut the latter - whenever Delhi gets miffed with a chief minister? That is the crux of this battle.

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