

Power Puzzle

THERE IS REALLY NO CLASH OF IDEOLOGIES BETWEEN THE congress-ruled Centre and some opposition states over the creation of controversial National Centre for Counter Terrorism (NCTC). Nor do they differ in their common security outlooks. What all they want from the Centre is a little bit of importance in decision-making. There are so many draconian laws, some of them having British legacy, to combat 'terrorists' and yet they need one more security establishment with arbitrary powers to arrest and search any person anywhere in the country while reserving exclusive rights to seek information, including documents, reports, transcripts from any agency which seems to cover the state government as well. American way of security management seems to have tempted Union Home Minister P Chidambaram to float the idea of NCTC much in the line of 'The National Defense Authorization Act' (NDAA). The NDAA mandates the military to arrest and indefinitely detain any person, including American citizens, anywhere in the world, who is accused by authorities as a terrorist or alleged to be providing support to terrorists and organisations designated as terrorist. It is now enough—de facto [in practice] and de jure [in law]—to be *merely accused*, for the sentence to be pronounced upon any person by virtue of the accusation. "First the sentence, then the trial!" This is an act of infamy for US Congress and for Obama.

Barack Hussein Obama, the man who campaigned on a platform of undoing the illegalities and gross injustices of the Bush regime, has thus affirmed in no uncertain terms which side of history he is on—the side Franz Kafka famously and graphically derided.

Mr Chidambaram may go down in history as the most ruthless home minister in independent India as he is the most hated person to millions of poor tribals and radicals who refuse to obey the diktats of the authoritarian regime. If some Opposition State Governments are opposing Mr Chidambaram's move raising hue and cry over further dilution of whatever remains of federalism, it is because Chidambaram is going to deprive their leverage in bargaining even in areas of internal security through NCTC. In truth the Centre is all set to run parallel administration bypassing the state, if NCTC gets operational in its present form, albeit law and order continues to be the state subject as per the constitution. No matter who rules the state, the Centre is now in a position to take military action against its own people without consulting the concerned states where they are going to execute their policies.

They no longer think India has any danger from external sources. This time a war with Pakistan may unleash a nuclear holocaust which even the hawks in New Delhi would like to avert despite their periodic jingoistic outbursts. And a rerun of 1962 in the Himalayas might pave the way for balkanisation of India's northeast. They don't see external threat but they are really worried about internal threat emanating from the deprived and aggrieved millions languishing in sub-human conditions for generations.

Not that states are not cooperating with the Centre in tackling maoist and other insurgencies growing in depth and breadth all the time across the country. The Centre's paramilitary units in league with different state police forces have been on the rampage for years in central India and elsewhere. They are liquidating the maoists with vengeance and now through NCTC they would like to terrorise people with liberal backgrounds. Essentially they are aiming at maintaining a perpetual emergency situation without officially proclaiming emergency as it always invokes nostalgia about the tyrannical regime of Indira Gandhi.

Besides West Bengal where an ally of Chidambaram's party rules, Odisha, Bihar, Tamil Nadu, Punjab, Gujarat, Madhya Pradesh, Karnataka and Jammu and Kashmir have opposed NCTC as they see in it a calculated and systematic move by the Centre to encroach upon their rights. In fact another ally of Congress—Nationalist Congress Party—is murmuring about the proposed NCTC, on technical grounds, albeit they too are not opposed to it in principle.

The moot question is whether opponents of NCTC are at all serious about the genuine review of Centre-State relations though the report of the Sarkaria Commission has been gathering dust for decades. Instead of decentralising power, the Centre looks hell bent on centralising every aspect of India's social life. In the sixties and early seventies the left, the parliamentary left to be precise, used to agitate over colonial mechanism operating between the Centre and States while demanding more autonomy in matters financial. For the reasons best known to them, they are no longer interested in pursuing the policy of pressing for more powers for state and restructuring of federal set up. The Centre's systematic usurption of power under one pretext or another has virtually reduced the states to the status of greater municipalities with some policing and judicial powers. Maybe, India's cumbersome written constitution is the root of all evils under the sun.

At the time of writing Chidam-baram's ministry didn't show any inclination to review NCTC, albeit Prime Minister intervened as he would ask disgruntled Chief Ministers to come to terms as NCTC was based on a report of a joint task force on intelligence in 2001 and the government of the day accepted it, while asking his Home Minister Chidambaram to take the concerns of the aggrieved states. In other words the implementation of NCTC may be delayed by a few weeks or months.

Ironically, the states that are opposing NCTC on the grounds of losing rights and powers, are no less authoritarian and myopic in granting limited linguistic cultural and administrative autonomy to ethnic and indigenous groups of people within their own boundaries of jurisdiction.

The essence of what exists in India is not democracy—or for that matter federalism—but autocracy and political structures to strengthen it. The constitution is federal in appearance but unitary in content. □□□

24-02-2012