

## BEYOND NCTC

## India versus the Union of India

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SO THE STATES HAVE SPOKEN through Mamata Bandopadhyay. The chief ministers, the ones who at least publicly posture that they believe in the constitutionally mandated federal character of the Indian union, have opposed the proposed NCTC (National Counter-Terrorism Centre). Manmohan Singh has fired letters to chief ministers. It appears that those letters have neither pacified nor clarified. The chief ministers are more interested in the letters of the proposed draft legislation of the NCTC. This organism, a brainchild of P Chidambaram, is the latest in a series of initiatives (including the infamous UAPA) that have been chipping away the civil liberties and democratic fabric of the country. Sure, it is not Stasi-like times until now but the powers that have been accorded to the NCTC would make anyone who cares about basic human rights sit up. Not all the chief ministers who are in tow with Mamata opposing the NCTC, are champions of civil liberties, but their united stand in defence of federalism is to be commended.

The constitution of the Indian Union has powers laid out in different baskets. Some matters are for the union government to legislate upon (what one sometimes misleadingly calls the 'centre'), some matters are in the jurisdiction of the states. There are also matters that are concurrent to both centre and state governments. Law and order, where any matter about combat of terrorism would typically fall, is a state subject. The dangerously dismissive attitude of the union government towards state's rights and its intent and attitude towards the federal nature of the constitution is clear from the nature of the proposed powers of the NCTC - the police/enforcers under the NCTC can be a person from any state, without informing or consulting the state police agencies. This, in common parlance, is as glorious as unilateral kidnapping of private citizens without much accountability.

The union government at Delhi has, post partition, created through its policies a discourse of inevitable move towards a unitary super-strong centre like where states are reduced to dignified municipal corporations, forever standing with begging bowls, making depositions and cases in fronts of central government bureaucrats and ministers. Some 'states' in India are entities that existed even before the modern idea of India was conceived and will probably outlive the idea too. Some of them would have been among the top 20 entities in the whole world in terms of population. They are repositories of plural cultures that the myopic Delhi-based circus called *Dilli-haat* cannot even fathom, much less domesticate, package and consume—with a bit of 'central funding support' thrown in for window dressing. The union of India exists, but it is and never was an inevitable union. To take that myth seriously, for that matter to take foundational myths of any nation-state seriously, is a dangerous error—realities are glossed over by textbook manufactured pride. In 1946, when the Cabinet Mission plan was

proposed, the India that was conceived in it had provinces with powers that would put today's Kashmir's moth-eaten 'special' status to shame. This proposal enjoyed widespread support inside and outside the Indian National Congress, as Abul Kalam Azad's autobiography so clearly reveals. Scuttled by visions of a strong centre wielding a big stick to shape up the multitude into a 'modern India', the Nehruvian tendency prevailed. Post-partition, with an open field without serious political opposition, this political tendency took the idea of a strong centre to the extreme—essentially hollowing out the powers of states by serial violations of state rights, impositions of Article 356 and legislations rubber-stamped by huge unquestioning Congress majorities in the central and state legislative assemblies. The long practice of high-command 'appointments' of chief ministers in Congress ruled states, especially after the demise of the Congress Syndicate, have also contributed to the steady degradation of the power and prestige of that office. The Hindu Mahasabha-Jan Sangh-BJP formation relished the unitary monocultural homogeneous motherland idea and has always been big champions of a strong centre, draconian laws that suspend basic civil liberties and the like. Their opposition to the NCTC is supremely cynical, to say the least, given its sordid past of advocating very similar legislations like POTA which had provisions for federal policing and were as anti-federal any other.

Who would have thought that there is still life in the regional forces of India to stand up united against calculated attacks of India's federal character? Almost all regional parties, ruling and opposition, inside UPA or NDA or non-aligned, have made it known that they take serious exception to the NCTC, precisely because it encroaches on state's rights.

A supreme ignorance of the nature of the constitution and political evolution of the Union is apparent in the media coverage by photogenic faces who serve inanities by the mouthful. And why not? The media is an integral part of that Delhi-based elite circle who constitute the new mandarins of India - politicians, bureaucrats, professors, defence folks, hangers-on, policy wonks, civil society wallahs et al. This cancerous network of self-servers are curiously simply 'Indians'—largely devoid of the visceral rootedness that this large land provides to its billion. Their regional identity is hidden shamefully, displayed diplomatically, cashed cynically and forgotten immediately. This is a window to the mind of the deep state at Delhi. This deep state-eating away at our plural fabric, creaming at the thought of the Delhi-Mumbai urban corridor, holds a disproportionate sway over the billion who are not simply Indian. This unacknowledged billion comes with its proud identity and sense of autonomy. Its diversity is still a robust one, not a browbeaten domesticated version fit for IIC (Indian International Centre) consumption. □□□