

Opinion

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I USED THE phrase ‘cooperative federal polity’ in my Budget speech on February 28, 1997. I do not claim that I was the first to use that phrase, but I am happy that ‘cooperative federalism’ has been used repeatedly in Budget speeches and on other occasions.

States are sovereign

What does ‘cooperative federalism’ mean? The phrase recognises and affirms that India is a federal state. There is a Central government and there are state governments. Each government has areas of legislation reserved to it. The Central government (through Parliament) cannot encroach upon the territory reserved for the state government, the state government (through the Legislature) cannot encroach upon the territory reserved for the Central government. There are also some areas where both governments may legislate. The division of legislative fields is the essence of federalism. Respecting the constitutional scheme is cooperative federalism.

Nevertheless, the Constitution of India contains exceptional provisions authorising Parliament to make a law on any unenumerated matter (Article 248); on any matter included in the State List if it is “necessary or expedient in the national interest” for a limited period (Article 249); and on any matter “while a Proclamation of Emergency is in operation” (Article 250).

Article 252(2) is an interesting provision. A law made by Parliament may confer powers and impose duties upon a state government or its officers, but the Centre shall pay the state such sum of money as may be agreed. This provision is a strong affirmation of states’ sovereignty, rights and powers.

Pushing bills through

The BJP government is a government with a difference: it does not respect states’ rights nor does it observe constitutional limitations or niceties.

The BJP government’s commitment to federalism can be gauged by the manner in which Bills are passed in the Rajya Sabha. The Lok Sabha is the House of the People while the Rajya Sabha is the Council of States. The primary duty of the members of the Rajya Sabha is to protect and advance the interest of the states. As on August 2, the Lok Sabha has passed 28 Bills in this session and the Rajya Sabha has passed 26 Bills. Not one of them — repeat, not a single Bill — went through a process of consultation with the opposition parties. Not one Bill was referred to the Standing Committee or a Select Committee for detailed scrutiny. State governments were not consulted on any Bill, including Bills that were on subjects included in the Concurrent List (List III) of the Constitution and that affected the rights of states. Not one amendment proposed by the Opposition was accepted by the government.

A few examples would suffice. In *Justice Puttaswamy*, the Supreme Court explained the scope of Article 110 of the Constitution, and that judgment is binding on the government. The Rajya Sabha cannot amend a Money Bill or vote out the Bill; it can only make recommendations and return the Bill to the Lok Sabha, which may or may not accept the recommendations. The President cannot withhold assent to a Money Bill or return it to Parliament for reconsideration. Taking advantage of these limitations, but in

ACROSS THE AISLE

P Chidambaram



Coercive federalism



Muslim women in Varanasi celebrate after passing of the triple talaq Bill in the Rajya Sabha

brazen violation of Article 110, the government amended at least 10 non-financial laws through the *Finance (No. 2) Bill* and thus avoided scrutiny by the Rajya Sabha or a direction by the President to reconsider.

The Right to Information Act, 2005, has been hailed universally as a seminal legislation. Section 15 of the Act authorises the state government to constitute the State Information Commission. The state government will select and appoint the State Information Commissioners. The initial term of office was five years. Hitherto, the power to prescribe the salaries, allowances and other terms and conditions of their service was vested in the state government (Section 16). Now, the power to prescribe the initial term and the salaries, allowances and other terms and conditions has been taken

over by the Central government! We asked why? There was no answer.

The National Medical Commission Bill is the ultimate affront to the states. Every power of the state government to provide for and regulate medical education has been taken away leaving each state with only a two-year term as a member of the commission, *once in four years!* It is as good as transferring the subject of medical education from List III to List I. Yet it passed in the Council of States without a protest from the states!

Every trick in the bag

How does the government manage to win the vote on Bills in the Rajya Sabha? Take the Muslim Women (Protection of Rights on Marriage) Bill, otherwise known as the triple talaq Bill. The government won the vote by 99 to 84

because 46 members of the Opposition were absent at the time of voting! No member of the BSP was present, six SP members were absent, the NCP had two out of four members, one Congress member resigned on that very day (and joined the BJP the next day) and four Congress members were absent. The AIADMK, JD(U), TRS and PDP which had spoken against the Bill vanished at the time of voting!

Divide, cajole, intimidate, threaten or close deals, the BJP has used every trick in its bag to pass laws that will reduce states to municipal administrations and add one more dimension to the sinister idea of Oneness — One Government for everything.

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INSIDE TRACK

COOMI KAPOOR

Indira’s example

Finance minister Nirmala Sitharaman is getting the rap for the high tax in this year’s Budget on the super rich. But Sitharaman may be merely a scapegoat for what was essentially a political decision. It is believed that the BJP top leadership pushed for the richest Indians to be taxed higher, even though finance ministry officials fought against the proposal, pointing out that this would send wrong signals to the business community and stall foreign and domestic investment. The leadership seems to have been inspired by Indira Gandhi, who, half a century ago, enforced bank nationalisation and abolished privy purses to demonstrate to the poor that the government would not spare the rich.

Rajasthan quartet

The government’s success in getting through amendments to the RTI Act and passing the triple talaq Bill, despite the BJP’s lack of a majority in the Rajya Sabha, is at least partly due to the tireless efforts of party general secretary Bhupendra Yadav, who is Amit Shah’s right-hand man for floor coordination. Yadav was in constant touch not just with BJP MPs but with parliamentarians from other parties. Which was why he displayed supreme confidence several days before the Bills were taken up in the House. Yadav, a Rajya Sabha MP from Rajasthan, is one of four MPs from the state who played an important role in the smooth functioning of Parliament this session. The others in the Rajasthan quartet are: Lok Sabha speaker Om Birla, BJP whip in the Upper House Narayan Lal Panchariya and MoS for Parliamentary Affairs Arjun Ram Meghwal.

Kashmir elections

The BJP is veering round to the view that to abrogate Article 35(A) of the Constitution, which allows the J&K Legislature to define permanent residents of the state, getting through an amendment in Parliament is not necessary. It can be done simply by an executive order by the Law Ministry, in conjunction with the Home Ministry. Even a Cabinet approval is not required. The legal opinion given to the Narendra Modi government is that the amendment itself is illegal since it was passed merely by a Presidential Order in 1954, when Jawaharlal Nehru was Prime Minister. (APIL has already been filed in the Supreme Court along these lines.) However, the government may delay taking any action on Article 35(A) until after the Jammu and Kashmir elections,

which could be held simultaneously with the Maharashtra and Haryana Assembly polls.

Moving on

Usually key jobs in the President’s secretariat are co-terminus with the President’s tenure. But in the case of the low-key Ram Nath Kovind, his press secretary Ashok Malik and his joint secretary Bharat Lal quit Rashtrapati Bhavan last month after two years in the job. Both men were reportedly handpicked by the PMO to assist Kovind at the start of his tenure. Malik is keen to return to journalism and work at the Observer Research Foundation, while Lal has already joined as additional secretary in the water ministry, a ministry in which the PM takes special interest. Lal was Modi’s point person in Delhi during his years as Gujarat chief minister.

Out of closet

The absence of so many opposition MPs during the passing of the triple talaq Bill in the Rajya Sabha was because of a secret understanding between the BJP and party bosses of allies AIADMK and JD(U) that their MPs would walk out of the House. While the BJD came out in support, parties such as the BSP, TDP and TRS did a no-show. Some degree of arm-twisting was evident in the exercise with most politicians apprehensive of Central government agencies. But the absence of six of the 12 Samajwadi Party MPs and both the PDP MPs was not because of a call from their leaders but because the BJP reached out to individual MPs directly. In fact, except for the BJP, Congress and Trinamool Congress, parties do not generally issue whips since they do not want to reveal the cracks in their camp. Sanjay Singh from the Congress came out of the closet on voting day and others could follow suit. The absence of four Congress MPs was also puzzling.

Pulling no punches

Mary Kom is an unattached nominated MP and hence under no obligation to follow any whip or support the government. Just before the triple talaq Bill was to be taken up in the Rajya Sabha, a senior Central minister spied the sportswoman, nominated by the Modi government, quietly leaving the House. He quickly stopped her and reminded her of the important vote ahead. Kom tried to excuse herself, explaining that she had a sports practice scheduled, but the minister was adamant and even made BJP office-bearers speak to her. In contrast, senior lawyer KT S Tulsı, nominated by the UPA government, was not present during voting.

New season, old rivalries

United have the squad to be back among the top four, although title challenge still looks far away

RINGSIDE VIEW

Shamik Chakrabarty



ON FRIDAY, HARRY Maguire became the top Twitter trend, because Manchester United reportedly agreed to sign the 26-year-old centre-half from Leicester City. At £80m, Maguire would be the world’s most expensive defender, eclipsing the £75m that Liverpool paid Southampton for Virgil van Dijk in January 2018. Van Dijk made Liverpool serious Premier League title contenders and they ran Manchester City agonisingly close last term. The Dutch centre-half was the reason why Liverpool went on to annex the Champions League. United badly needed a strong, allround player at the heart of their defence. Maguire could be the impact-player they have been looking for.

Maguire’s signing is coming at a time, when the ‘Glazers Out’ movement has become a fad on social media. All said and done though, the United owners are backing the manager, Ole Gunnar Solskjær. The Norwegian, who took over

from Jose Mourinho in December last year, had a topsy-turvy six months in charge. After initial promise, he saw United’s campaign fall apart towards the back end of the last season. Out of the Champions League, he is starting with a clean slate. Solskjær is aiming to take England’s biggest club back to the Ferguson-way. If the Romelu Lukaku-Paulo Dybala swap deal eventually happens, United will have all the bases covered. Solskjær will then have no room for excuses.

It’s refreshing that United’s transfer policy has changed under Solskjær. Louis van Gaal was a misfit in English football. Mourinho searched for quick fixes, pretty akin to his managerial style. The Portuguese’s dated methods and approach saw him lose the dressing-room. He failed badly with regards to man-management.

Solskjær, notwithstanding his limited managerial experience at the top-level, so far has shown excellent man-management skills. Paul Pogba is a case in point. The Frenchman looked set to leave Old Trafford this season. Those Real Madrid overtures had been alarming. Also, Pogba’s agent, Mino Raiola, did his best to make life difficult for the United hier-



United have made two signings—Daniel James for £15m from Swansea City, Aaron Wan-Bissaka for close to £50m from Crystal Palace

archy. Solskjær’s ‘arm around the shoulder’ approach convinced Pogba to commit his immediate future to his boyhood club. A brownie point was won.

So far, United have made two signings—Daniel James for £15m from

Swansea City and Aaron Wan-Bissaka for close to £50m (including add-ons) from Crystal Palace. The team needed a right back and Wan-Bissaka is considered to be one of the most promising right backs in England at the moment. Both Wan-Bis-

saka and James are electric with and without the ball. Maguire’s impending arrival will make the defence meaty. Also, Solskjær’s United have a strong British core à la Ferguson’s sides. And like his mentor, the current United manager’s training method is also very British.

In all pre-season matches, Solskjær used a fluid 4-2-3-1 formation. They won all their tour games. This is going to be the manager’s preferred system in the Premier League as well, where they will begin their campaign against Chelsea on August 11. “We need to improve and we need to be better. The more we improve and the more we get better, the bigger the chance we can challenge for trophies at the end of the season. These boys have shown their capabilities. If we just stay level-headed, I can see us improving a lot,” Solskjær told talkSPORT.

After the new signings, United have the squad to be back among the top four, although title challenge still looks a little far away.

Last month, Arsenal fans penned an open letter to voice their discontent to the club chiefs. It came on the heels of their bitter rivals Tottenham Hotspur spending big, £63m, to sign midfielder Tanguy Ndombele. The Gunners under Unai Emery have since brought in Ivory Coast winger Nicolas Pepe from Lille for a club record fee of £72m. But they would yet again play catch-up, as the squad lacks depth.

All is not well at Spurs. “I’m not in

charge of this. I know nothing about the situation of my players, I’m only coaching them, trying to get the best from them.

“Things that may or may not happen — sell or buy players, extend contracts or not extend contracts — it’s not in my hands, it’s in the club’s hands and in Daniel Levy’s hands. At the moment, I’m just managing the team in the best way possible,” a seemingly frustrated Mauricio Pochettino said the other day. Pochettino’s genius have repeatedly helped the north London club punch well above their weight. He took Spurs to the Champions League final last season. Levy, the club chairman, must take note.

Chelsea are hit with a transfer ban and they have lost their only world-class footballer, Eden Hazard, to Real Madrid. The Blues’ new manager, club legend Frank Lampard, faces a baptism of fire. With a trigger-happy owner, Roman Abramovich, watching from afar, the feel-good factor that surrounded Lampard’s arrival at the Bridge, could evaporate by October-end.

Despite very little transfer activity during close season, the title race this time, too, is unlikely to go beyond Manchester City and Liverpool. They gave us one of the most extraordinary title races in the Premier League history last term. Pep Guardiola’s City won it on the final day. Fresh from their Champions League triumph, Jurgen Klopp’s Liverpool should be ready to respond.