

THE ROPE OF FEDERALISM AND AN UNWANTED TUG-OF-WAR

Relevant for: Indian Polity | Topic: Issues and Challenges Pertaining to the Federal Structure, Dispute Redressal Mechanisms, and the Centre-State Relations

The Centre-West Bengal controversy on the conduct of Bengal's former Chief Secretary, Alapan Bandyopadhyay in the [final days of his tenure](#), in May, has thrown up several political and administrative issues that deserve our attention for the future health of our federal polity.

In the overall context, there are two elements which need to be kept in mind while discussing this subject. First, India is a 'union of states' and in this union, the State governments are not subordinate agencies of the central government. There are, no doubt, matters enunciated in our Constitution, where the Centre's decisions have primacy over those of the State governments, but this does not extend to holding of meetings, even if these are called by the Prime Minister. A State's functionaries — both political and administrative — are requested or advised to attend such meetings and this necessitates courtesy and consideration on the part of both sides. It is possible that due to the no-holds-barred electoral campaigns in the recently held Assembly elections, which included West Bengal, these considerations were given a go-by; the result is an unseemly controversy which is best avoided for healthy Centre-State relations.

Strong-arm tactics weaken democracy

Second, the meeting that became a flashpoint was the one called by the Prime Minister on May 28 to review cyclone relief work — in connection with cyclone Yaas — in West Bengal. The allegation is that Mr. Bandyopadhyay reached the meeting late and then left abruptly along with West Bengal Chief Minister, Mamata Banerjee, to visit the cyclone-affected areas in her State. In real life, most relief and rehabilitation work in the event of a natural calamity or management of a disaster is of a local nature and is carried out by the district, sub-divisional and village level officials working under the State governments. Over time, the States have conceded space to the Centre for disaster management for getting financial, technical and logistical support. Even then, the comprehensive framework under the [Disaster Management Act, 2005](#) operates mainly at the State, district and local levels.

The conduct of Mr. Bandyopadhyay, an Indian Administrative Service (IAS) officer, must be seen in this overall context along with the central government's reactions which together raise issues regarding the norms of civil service conduct, political and administrative arrogance and revengeful behaviour. New Delhi has sent showcause notices and a charge sheet for Mr. Bandyopadhyay's failure in fully and properly participating in the meeting called by the Prime Minister in West Bengal for cyclone relief review. He has since replied to the Centre.

The All-India Services, that includes the IAS, were conceived by the makers of our Constitution to provide uniformity and high standards of public service in both the Centre and the States, and to provide a measure of administrative unity in our diverse and plural society. The architecture has been exquisitely designed. To ensure quality and as a measure of convenience, IAS officers are recruited by the Union Public Service Commission and formally appointed by the President of India. But they are ultimately borne in State cadres which makes them subject to the control of the respective State governments as well, especially when they are in the employment of their States. To that extent their position is somewhat different from that of the central services who go through similar recruitment procedures but are under the Centre's total control.

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The IAS officers work for the central government on “deputation” from their respective State cadres and during their central deputation, their loyalty is of course to the central government. IAS officers will face acute trust-deficit, if while working for a State government, they show preferential allegiance or loyalty to central government functionaries by reason of the fact that they were initially appointed by the President of India.

As a measure of the vindictive assertion of its rights and power, Mr. Bandyopadhyay was initially called to the Centre on ‘deputation’ and asked to report in New Delhi on the day he was to superannuate. It is a different matter that he chose to retire on that day instead of availing himself of the three-month extension given to him earlier. Several commentators have pointed out that the “concurrence” of the relevant State government is required before an officer of its cadre is deputed to the Centre. Also, there must be prior consultation between the Centre and the State for the latter’s viewpoint to be overruled. The Central government did not exactly cover itself with glory by violating these requirements.

Further, action has been initiated against Mr. Bandyopadhyay under Section 51(b) of the Disaster Management Act for failing to comply with the Centre’s direction to attend the review meeting taken by the Prime Minister.

‘West Bengal Chief Secretary’s recall an attack on federalism’

This is an absurd interpretation of the provision that is meant to deal with cases of defiance of the lawful orders or action of the competent authorities (handling disaster management) under the Act. Besides, Mr. Bandyopadhyay was with the Chief Minister, his administrative boss. It is obvious that in the performance of his official duties, an All-India service officer, or any officer for that matter, will have to act under the direction of his official superior. Obviously, Mr. Bandyopadhyay listened to his boss; this is what it should be when IAS officers work for a State government or any other government; otherwise, there will be chaos and indiscipline in administration.

It is very unfortunate that for some inexplicable reasons, a mountain has been made of a molehill, as the cliché goes. In these circumstances one misses the sagacity, wisdom and sophistication of some of our tall political leaders who steered the destiny of our nation in the past.

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