

If it wasn't so tragic it would almost be ironic.

The current government's brazen imposition of President's Rule in Uttarakhand (barely a few months after a similar power grab in Arunachal Pradesh) should be enough to alert the nation to the sinister designs of the Narendra Modi government and a brazen subversion of federalism by the Modi-Amit Shah duo.

It has barely been a few months since Prime Minister Modi pledged his support to the ideals of "cooperative federalism". It was to be the foundation of his vision of democracy. Alas, it is with a whimper that the ideal has been sacrificed – not once but twice - at the altar of his political avarice. This is not surprising, considering that this is a government whose actions have rung decibels louder than its words (of which too, there is no shortage).

But what is truly alarming is the scant disregard to established constitutional mores and traditions by the government with "power at all costs" being its sole guiding motto. We are also mindful that as an Opposition, we are responsible for bringing these issues to the knowledge of the public and make them aware of the heinous nature of what has occurred.

To this end, I seek to explain why what has occurred in Uttarakhand is a travesty, not just of simple notions of justice but also of the Constitution of India.

During the decade-long term of service of the Congress-led UPA government, power was never used in such a capricious and whimsical fashion. The Congress practised cooperative federalism in spirit and allowed states (several of them led by the BJP) to grow, with minimal interference and maximum support.

The timing of the imposition of President's Rule in Uttarakhand also gives rise to certain inferences which are not very flattering for the current government.

President's Rule was imposed hurriedly in the state, just a day prior to a trust vote (scheduled by the governor) in the state Assembly, for the ruling Congress government to prove its majority. It is our belief and the events lend themselves to the obvious implication that this was deliberate, as the Harish Rawat government would have come out winner in a floor test.

Prior to the imposition of President's Rule, the BJP had resorted to rampant misuse of muscle and money power to destabilise the Congress government with Union

ministers like Mahesh Sharma and Smriti Irani being used to fly out disgruntled legislators in charter flights at night from Dehradun and lavish feasts were thrown in five-star hotels in BJP-ruled Gurgaon (Haryana) and Jaipur (Rajasthan).

When these did not yield the desired result, the BJP sponsored a petition in the high court using disgruntled legislators as petitioners to prevent the speaker of Assembly from exercising his constitutional powers under the established law of anti-defection.

The Uttarakhand High Court, of course, saw through this and dismissed the petition. Undeterred and desperate for power, the BJP leadership then resorted to carrying out a hollow and fake sting operation against the sitting chief minister, Rawat and the Congress government. It did not have the impact that the BJP thought it would.

Its failed efforts being marked by ineptitude and desperation, the BJP resorted to a strategy which has now become all too familiar. Unmindful of the sacred duty to safeguard the Constitution against misuse, the prime minister invoked a provision which had fallen into disuse during the ten-year reign of the Congress-led UPA Government.

Here we must be mindful of the fact that the Supreme Court has already pronounced upon such a state of affairs and that there exists settled precedence against which such an action must be measured. In the landmark SR Bommai case judgment, the Supreme Court categorically held that once a floor test had been ordered (as in the instant case), the governor could not recommend President's Rule based on his subjective satisfaction. Since the declaration violates the spirit of Article 356 of the Constitution and the guidelines laid down by the Supreme Court, the Congress will invoke all judicial remedies at its disposal.

The use of this Article, when a governor has set a date for the floor test, smacks of an action that is by definition, ultra vires the Constitution and reflects political malice at its worst.

It must be understood why the BJP is doing this. A series of humiliating losses in the states of Delhi, Bihar and multiple by-elections have established that the Modi government is fast losing electoral acceptability on a national scale.

As a result, a creeping desperation has sunk in the minds of the BJP leadership, which in turn, has bred this philosophy of acquiring power at all costs. On the contrary, the fact that the BJP is conspiratorially asleep at the wheel in Haryana, where a genuine case could have been made for a total breakdown of Constitutional machinery during reservation riots, is left untouched.

Similar is the case of Punjab under the Akali Dal and BJP where the government has passed legislation in utter disregard of principles of federalism and is refusing to honour the Supreme Court's directions.

The problem is their complete lack of self-awareness. If Modi-Shah continue with this line of coercion and bullying to assume power at any cost, then come 2019, they will have no one to blame but themselves for their inevitable rout.

Perhaps then they will learn to honour the Constitution, not just in loud hollow words, but in steady and persistent action.