



When the Centre takes over for the Uncommon Good!

By ALBERTINA ALMEIDA

Goa's location in the constellation of federalism - in fact, the very manner in which the concept of cooperative federalism is currently being constructed - was again on display on 18th December, 2017, the last day of the winter session of the Goa Legislative Assembly.

Chief Minister Parrikar had reportedly put a noting that Goan rivers could not be used as National Waterways, and this was intimated to the Inland Waterways Authority of India (IWAI). But the Captain of Ports kept on receiving letters from the Centre and the IWAI requesting Goa's views on the matter. Thereafter the Ministry of Shipping, Government of India, sought consent of the State Government for declaring certain waterways of Goa as National Waterways. The Captain of Ports rightly drew attention of the succeeding Chief Minister Laxmikant Parsekar to the earlier noting and the communication already made to IWAI.

The then Chief Minister Laxmikant Parsekar remarked in his noting in 2015 that he agreed with the view of his predecessors (apparently referring to Parrikar). He however remarked that this was befitting when the then Union Government was, according to him, biased against Goa. "With change in Govt in May 2014 at the center, the attitude of the Central Government towards states has changed due to "Federation" type of Governance being followed, whereby Central grant share of the states has increased and the powers also are decentralized".



This only indicates that decisions that can have irreversible implications are being taken based on who is ruling at the Centre and the States. Ironically, already the very Government enthroned in May 2014 at the Centre, is now reportedly seeking a roll back of the 42% share for States (which it itself had accepted), urging the 15<sup>th</sup> Finance Commission to finalise its tax-devolution formula after factoring in the impact on the Union's fiscal situation, keeping in mind "the continuing imperative of the national development programme including New India - 2022".

This roll back, that the Centre is indirectly seeking from the 15th Finance Commission, constituted this December 2017 itself, is further putting paid the claims of the Centre of affirming cooperative federalism, enshrined in the Constitution of India.

The Centre has in fact turned federalism into a weapon to appropriate powers for destructive development with the active abetment by State Governments, including the Goa Government. This unilateral power relation reproduces the colonial way of functioning - of an extremely centralized polity that has scant regard for the collective experiences of the peoples subject to it.

There have been various historical moments and political currents that have swept us together into one country. But a critical appraisal of these historical moments and currents is necessary to facilitate a real and true federalism, that will enable the States to have their autonomy without compromising on the common good of the people, now, and for generations to come. Critical to this process is a possibility of informed decision-making guided by basic principles of equality and sovereignty of peoples.



CM Parrikar misguidingly sought shelter of the Constitution of India to justify the declaration of rivers as national waterways, with a deft play of words, stating that shipping and navigation on inland waterways to be national waterways is a subject for the Centre to legislate on as per List I of the Constitution. He further went on to state that control of Central Government in the waterbodies which are declared as National Waterways is limited to promotion, development and regulation of shipping and navigation *only*, as per IWAI Act. All other powers, over usage of water, right over land, minerals, metals fisheries etc. on the river belt, continue to remain with the respective State Governments, he added, citing a written answer to unstarred question no. 2482 in Rajya Sabha on 15/12/2014, in his support.

What the CM cleverly sought to hide with the choice of words, is that the waterways come within the Central List only after the waterways are declared as National Waterways by Parliament by law, which the State Government need not have given its consent to, but did. What the CM's statement also effectively hides is what the National Waterways Act, read with the Inland Waterways Act, is setting out to do. These laws, in the name of regulating shipping and navigation, bestow the Centre (as in IWAI) with powers to do all that is necessary, including dredging, to upscale this shipping of cargo.

Already, the Goemchea Ramponkarancho Ekvott (GRE) has contended that 555 metres of beach area has been lost on account of the dredging associated with the berth expansion for the Mormugao Port Trust. Further, citizens whose houses were 600 metres from the Karewada bay, have faced the consequences of destabilisation of the Zuari River's geography due to illegal sans-environmental-clearance-dredging for berth expansion at the Mormugao Port.



So, even if fisheries is a state subject, this power available to States is being eroded and will be made redundant by the dredging and other related activities, such as construction of docks, wharves, jetties, godowns et al, for the upscaling of shipping and navigation. So, how will decision-making about fisheries, for instance, happen in the face of this destruction and this control of rivers?

A co-operative federalism requires democratic institutional set ups, through which federalism is to be operationalized. It cannot be reduced to the level of an election gimmick as is evidenced from the letter of Goa's Chief Minister, with regard to sharing of Mhadei waters, to the President of the Opposition BJP in that State, as opposed, as opposed to writing to the Chief Minister of Karnataka (simply because he is of the Congress party). Everyone must have drinking water. But who decides, for instance, from where and how and at whose cost water is to be shared with those who do not have drinking water? India or Goa are not private fiefdoms, where the heads of our families (read political parties) should take the decisions.

The emerging trajectories of federalism are indeed disturbing.

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