Government of NCT of Delhi (Amendment) Act, 2021

What is the issue?

- The Government of National Capital Territory of Delhi (GNCTD)(Amendment) Act, 2021 was passed recently.
- It has been extensively criticised as a retrograde law that backtracks on representative democracy.

What are the contentious provisions?

- The GNCTD (Amendment) Act prohibits the exercise of free speech in the Assembly and its committees.
- It reduces the autonomy of the elected government.
- Also, it vests several crucial powers in the unelected Lieutenant Governor (LG).
- The Act thus undermines the functioning of Delhi's Legislative Assembly, which has been sought to be reduced to a lame duck.
- The Assembly has no more functional independence worth its name.
- Its standards of procedure and conduct of business have been firmly tethered to that of the Lok Sabha.
- It deprives Delhi's elected MLAs of an effective say in how their Assembly should be run.
- The Act also prohibits the Assembly from making any rule enabling either itself or its committees -
    i. to consider any issue concerned with "the day-to-day administration of the capital" (or)
    ii. to "conduct inquiries in relation to administrative decisions"
- Also, any rule made before the Amendment Act came into effect that runs counter to this formulation shall be void.

How was it earlier?

- The Government of National Capital Territory of Delhi (GNCTD) Act was originally enacted in 1992.
- Under it, the Legislative Assembly was given the power to regulate its own procedure.
- It could as well regulate the conduct of its business.
- This was subject to very limited exceptions.

- The exceptions concerned financial matters and scrutiny over the LG's discretionary role.
- The Act thus sought to realise a delicate balance reflecting Delhi's unique constitutional position.
- [It was neither full state nor a centrally governed Union Territory.]

What are the implications of the amendments?

- The most dangerous impact could be to the exercise of free speech in the Assembly and its committees.
- The Assembly might fall short of performing its most basic legislative function of holding the executive to account.
- Because, it cannot guarantee itself the ability to freely discuss the happenings of the capital and articulate the concerns of the electorate.
- **Committees** - The deliberations and inputs of the Assembly committees often pave the way for intelligent legislative action.
- It would be impossible for committees to perform this function without the power to conduct inquiries.
- This negates the ability of committees to function effectively as the Assembly's advisors and agents.
- The quality of legislative work emanating from the Assembly is thus ultimately bound to suffer.

Source: The Hindu

