

Ruling Delhi

Why in news?

\n\n

The Supreme Court has held that the Lieutenant-Governor (L-G) is bound by the “aid and advice” of the Government in Delhi.

\n\n

What is the case on?

\n\n

\n

- The judgment comes on appeals filed by the NCT government.
- The appeal was against a 2016 verdict of the Delhi High Court.
- It declared that the L-G has complete control of all matters regarding the NCT of Delhi.
- It said that nothing would happen without the concurrence of the L-G.

\n

\n\n

What is the tussle?

\n\n

\n

- Though seen as a Union Territory, Delhi was created as a separate category.
- It had an elected Assembly with powers to enact laws.
- It could legislate on matters falling under the State and Concurrent lists.
- However, public order, police and land were exceptions to the above.
- The provisions gave Delhi a status higher than other UTs.
- The demand for full statehood has been around for many years now. Click

[here](#) to know more on the issue

\n

\n\n

What is the present ruling?

\n\n

\n

- **Conflict** - In case of any dispute, the L-G should straightaway refer it to the President.

\n

- Clearly, L-G cannot delay, sitting over the dispute, for a final decision.

\n

- Also, it cannot be a reason to hamper the governance.

\n

- **L-G** - L-G has not been entrusted with any independent decision-making power.

\n

- The L-G must work harmoniously with the Ministers.

\n

- S/he has to act on the 'aid and advice' of the Council of Ministers.

\n

- Otherwise, s/he he is bound to implement the decision taken by the President.

\n

- **Reference** - SC cautioned the L-G against sending every "trivial" dispute to the President.

\n

- The power to refer "any matter" to the President no longer means "every matter".

\n

- It has indicated that it could encompass substantial issues of finance and policy.

\n

- Notably, this should have an impact upon the status of the national capital or implicate vital interests of the Union.

\n

\n\n

What is the rationale?

\n\n

\n

- SC followed the 1987 Balakrishnan Committee report to conclude that Delhi

is not a State.

\n

- The report said that Delhi as the national capital belonged to the nation as a whole.
- \n
- Delhi could not have a situation of having two Governments run by different political parties.
- \n
- Such conflicts may, at times, prejudice the national interest.
- \n
- The report said the control of the Union over Delhi was vital in the national interest.
- \n
- It said the 'aid and advice' concept cannot apply to any judicial or quasi judicial functions.
- \n
- It would apply only in matters where the Legislative Assembly has the powers to make laws.
- \n
- The L-G has a more active part in the administration than the Governor of any State.
- \n
- However, differences of opinion would be decided by the President.
- \n

\n\n

What is the significance?

\n\n

\n

- The controversies over the arbitrary withholding of Cabinet decisions may end.
- \n
- The verdict clarifies an elected government cannot be undermined by an unelected administrator.
- \n
- It restores the primary role played by the representative government in Delhi.
- \n
- The verdict establishes constitutional morality and trust among high functionaries.
- \n

\n\n

\n\n

Source: The Hindu

\n

