Ruling Delhi

Why in news?

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

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What is the case on?

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

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

here to know more on the issue
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What is the present ruling?

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- **Conflict** - In case of any dispute, the L-G should straightaway refer it to the President.
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- Clearly, L-G cannot delay, sitting over the dispute, for a final decision.
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- Also, it cannot be a reason to hamper the governance.
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- **L-G** - L-G has not been entrusted with any independent decision-making power.
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- The L-G must work harmoniously with the Ministers.
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- S/he has to act on the 'aid and advice' of the Council of Ministers.
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- Otherwise, s/he he is bound to implement the decision taken by the President.
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- **Reference** - SC cautioned the L-G against sending every "trivial" dispute to the President.
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- The power to refer "any matter" to the President no longer means "every matter".
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- It has indicated that it could encompass substantial issues of finance and policy.
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- Notably, this should have an impact upon the status of the national capital or implicate vital interests of the Union.
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What is the rationale?

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

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

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

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