



# IAS PARLIAMENT

*Information is Empowering*  
A Shankar IAS Academy Initiative

## 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.  
\n
- The appeal was against a 2016 verdict of the Delhi High Court.  
\n
- It declared that the L-G has complete control of all matters regarding the NCT of Delhi.  
\n
- 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.  
\n
- It had an elected Assembly with powers to enact laws.  
\n
- It could legislate on matters falling under the State and Concurrent lists.  
\n
- However, public order, police and land were exceptions to the above.  
\n

- The provisions gave Delhi a status higher than other UTs.  
\n
- 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.
- The report said that Delhi as the national capital belonged to the nation as a whole.
- Delhi could not have a situation of having two Governments run by different political parties.
- Such conflicts may, at times, prejudice the national interest.
- The report said the control of the Union over Delhi was vital in the national interest.
- It said the 'aid and advice' concept cannot apply to any judicial or quasi judicial functions.
- It would apply only in matters where the Legislative Assembly has the powers to make laws.
- The L-G has a more active part in the administration than the Governor of any State.
- 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.
- The verdict clarifies an elected government cannot be undermined by an unelected administrator.
- It restores the primary role played by the representative government in Delhi.
- The verdict establishes constitutional morality and trust among high functionaries.

\n

\n

\n\n

\n\n

**Source: The Hindu**

\n



**IAS PARLIAMENT**

*Information is Empowering*

A Shankar IAS Academy Initiative