

## CORPORATE OFFICE

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# CURRENT AFFAIRS

**Date:** 10 August 2023

## GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (AMENDMENT) BILL, 2023

*This article covers "Daily Current Affairs" and the topic details "Government of National Capital Territory of Delhi (Amendment) Bill, 2023". The topic "Government of National Capital Territory of Delhi (Amendment) Bill, 2023" has relevance in the "Indian Polity" section of the UPSC CSE exam.*

### **For Prelims:**

*What is the Government of National Capital Territory of Delhi (Amendment) Bill, 2023? What are constitutional provisions related to National Capital Territory of Delhi?*

### **For Mains:**

*GS2: Indian Constitution*

### **Why in the news?**

The controversial Delhi Government of National Capital Territory (Amendment) Bill, 2023, was approved in Rajya Sabha, following its passage in Lok Sabha four days earlier.

### **Constitutional Background and Special Status**

- Article 239 AA was incorporated into the Constitution through the 69th Constitutional Amendment Act of 1991.
- Stemming from the recommendations of the S Balakrishnan Committee in 1987, it conferred special status upon Delhi.
- This provision outlines that the National Capital Territory (NCT) of Delhi will be administered by both an Administrator and a Legislative Assembly.
- The Legislative Assembly is endowed with the authority to enact laws for the entirety or any portion of the NCT concerning matters within the State List or Concurrent List, to the extent they are applicable to Union territories.
- The legislative assembly of Delhi is restricted from legislating on the subjects of Police, Public Order, and Land.
- Despite these constitutional arrangements, the governance of NCT has frequently encountered disputes between the Delhi government and the Lieutenant Governor in recent years.

## Central vs. Delhi Government Perspectives

- Delhi government argues for federalism, advocating elected representatives' power over transfers and postings.
- The Central Government asserts control due to Delhi's national capital status, focusing on administrative services including appointments and transfers.

## Chronology of Key Legislation and Judgments on Delhi



Year	Legislation/Judgment	Effect
1956	States Reorganisation Act	Delhi is classified as a Union Territory.
1991	69th Constitutional Amendment (Article 239AA)	Delhi granted Union Territory status with a legislature.
1991	Government of National Capital Territory of Delhi (GNCTD) Act, 1991	Established the GNCTD and defined its powers and functions.
1992	70th Constitutional Amendment	Certain Parliament laws (amending Article 239AA) will not be treated as constitutional amendments.
2015	Ministry of Home Affairs notification	Transferred control over services from the Delhi legislature to the LG.
2016	Delhi High Court	Services fall outside the scope of the Delhi legislative assembly and executive.
2018	Supreme Court	LG must act upon the "aid and advice" of the council of ministers of Delhi.
2019	Supreme Court	Divided verdict regarding services.
2021	Union government	Amended the GNCTD Act, 1991, expanding the list of matters mandating the LG's opinion and outlining the nature of Bills the LG could refer to the President.
2023	Supreme Court	Delhi government holds control over services in Delhi.
2023	Central government	Issued an Ordinance amending the GNCTD Act, 1991, excluding "services" from the jurisdiction of the Delhi legislature.
2023	GNCTD (Amendment) Bill, 2023	Introduced in Lok Sabha on August 1, 2023, aiming to replace the Ordinance.

## **Key Provisions of Government of National Capital Territory of Delhi (Amendment) Bill, 2023**

- **National Capital Civil Services Authority:**

- The Bill establishes the National Capital Civil Services Authority to offer recommendations to the Lieutenant Governor of Delhi (LG) on specific service-related issues.

- These include

- transfers, postings,
- vigilance matters,
- disciplinary proceedings,
- prosecution sanctions for Group A of All India Services (except Indian Police Service) and DANICS.

- **Composition:**

- Chief Minister of Delhi as the Chairperson,
- Principal Home Secretary of the Delhi government
- Chief Secretary of the Delhi government
- The central government will be the one to appoint the Principal Home Secretary and Chief Secretary.
- Decisions of the Authority will be determined by a majority vote of present and voting members.
- A minimum of two individuals is required to constitute a meeting.

- **Powers of the Lieutenant Governor:**

- The Act outlines matters where the LG can exercise discretionary authority.
- These encompass areas outside the legislative competence of the Delhi Legislative Assembly that have been delegated to the LG, or matters where a law necessitates his discretionary action or the exercise of judicial or quasi-judicial functions.
- The Bill amplifies the LG's discretionary role by granting him the power to approve the Authority's recommendations or return them for reconsideration.
- In situations of disagreement between the LG and the Authority, the LG's decision will be conclusive.

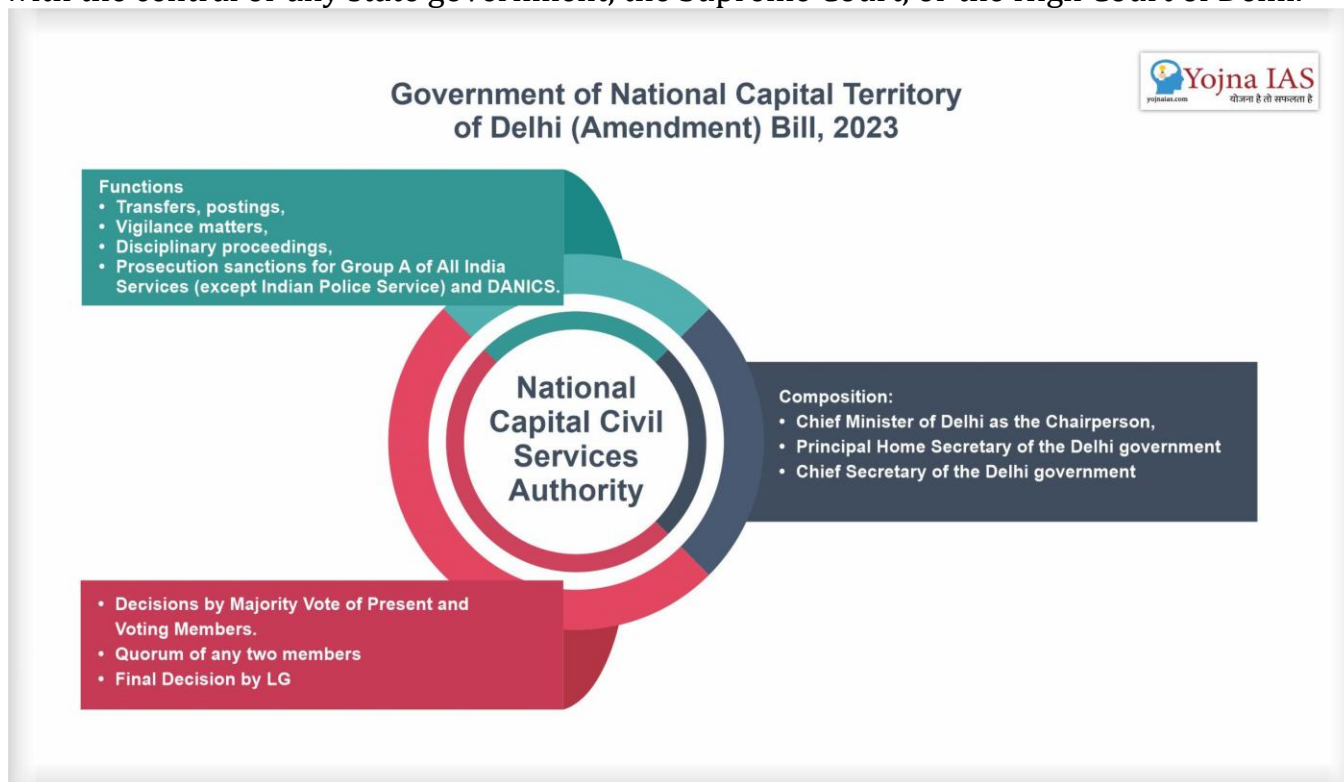
- **Handling of Matters by Ministers:**

- Ministers within the Delhi government can issue standing orders for addressing matters presented to them. Such orders should be issued in consultation with the relevant Department Secretary.
- Certain matters are required to be submitted to the LG for his opinion before issuing any orders, after consulting the Chief Minister and Chief Secretary. These matters encompass issues affecting the peace and tranquillity of Delhi, relationships between the Delhi government and the central government, Supreme Court, or other state governments, summoning, prorogation, and dissolution of the Legislative Assembly, and matters where the LG's sole discretion is required.

- **Duties of Secretaries:**

- Moreover, the Department Secretary is required to inform the LG, Chief Minister, and Chief Secretary about specific matters.

- These matters involve subjects that might involve the Delhi Government in controversies with the central or any state government, the Supreme Court, or the High Court of Delhi.



### Way Forward

- A collaborative approach between the Delhi government and the Central government is important, respecting both the democratic mandate of the elected representatives and the special status of the national capital.
- Establishing clear lines of communication and resolving disputes through dialogue and constitutional mechanisms is paramount.
- Upholding the principles of federalism while acknowledging Delhi's unique position is the key to effective governance and meeting the needs of the residents. This approach will uphold democratic values and ensure efficient administration in the capital city.

### Sources:

**Centre gets control of Delhi via L-G as Parliament stamps its approval to Bill | India News – The Indian Express**

### Q1. With reference to National Capital Territory of Delhi, consider the following statements:

1. The Chief Minister of Delhi is appointed by the President of India.
2. The 69th Constitutional Amendment granted Union Territory status with a legislature to Delhi.
3. The S Balakrishnan Committee was instrumental in granting this special status to Delhi.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 3 only
- (d) None

**Answer: (b)**

**Q2. Consider the following :**

1. National Capital Territory (NCT) of Delhi will be administered by both an Administrator and a Legislative Assembly.
2. The legislative assembly of Delhi is restricted from legislating on the subjects of Police, Education, Public Order, and Land.
3. The National Capital Civil Services Authority is constituted to offer recommendations to the President on specific service-related issues.

How many of the abovementioned statements are correct ?

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

**Answer: (a)**

**Q3. Discuss the key provisions and implications of the recently passed GNCTD (Amendment) Bill, 2023. How does it impact the distribution of powers and authority between the Delhi government and the Lieutenant Governor?**

**Gaurav Nikumbh**

