Polity & Governance · GS - II

Whether the Supreme Court Judgement (July 2018) can settle the political tussle between the Lt. Governor and elected government of Delhi? Examine.

EXAM YEAR	PAPER	SUBJECT
2018	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 239AA; representative government; constitutional morality; aid and advice; reserved subjects; Lieutenant Governor; cooperative governance; judicial interpretation

Model Answer

Introduction

In July 2018, a Constitution Bench of the Supreme Court clarified the constitutional relationship between Delhi's elected government and the Lieutenant Governor (LG), emphasising representative democracy and constitutional morality.

Key Principles of the Judgment

1. **Aid and advice:** The LG is generally bound by the aid and advice of the Council of Ministers on matters within its executive competence.
2. **Limited discretion:** The LG cannot act as an independent decision-making authority in every matter.
3. **Exceptional reference:** The LG may refer a genuine difference of opinion to the President, but this power should not be used routinely or mechanically.
4. **Constitutional limits:** Public order, police and land remain outside the Delhi government's legislative and executive domain under Article 239AA and the applicable constitutional framework.

5. **Cooperative governance:** Both institutions must respect constitutional boundaries and work together in the public interest.

Can It Settle the Tussle?

The judgment established important constitutional principles but could not eliminate all political disagreements. Disputes over services, administrative control and the interpretation of constitutional powers continued to require further judicial and legislative clarification.

Conclusion

The judgment provided a constitutional framework rather than a permanent political settlement. Durable resolution requires mutual respect, restraint, clear administrative procedures and fidelity to representative democracy.