Polity & Governance · GS - II

Discuss the essentials of the 69th Constitutional Amendment Act and anomalies, if any, that have led to recent reported conflicts between the elected representatives and the institution of the Lieutenant Governor in the administration of Delhi. Do you think that this will give rise to a new trend in the functioning of the Indian federal politics?

EXAM YEAR	PAPER	SUBJECT
2016	GS - II	Polity & Governance

MARKS	WORD LIMIT
12.5	~200 words

Answer Hint

69th Constitutional Amendment; Article 239AA; National Capital Territory; Lieutenant Governor; elected government; division of powers; cooperative federalism

Model Answer

Introduction

The 69th Constitutional Amendment Act, 1991, gave Delhi special status as the National Capital Territory (NCT) and established a Legislative Assembly and Council of Ministers.

Essentials of the Amendment

- **Article 239AA:** Provides for an elected Assembly and Council of Ministers headed by the Chief Minister.
- **Legislative powers:** The Assembly can legislate on State List and Concurrent List subjects except public order, police and land, along with related entries.
- **Lieutenant Governor (LG):** The President appoints the LG, who administers Delhi under the constitutional framework.

- **Article 239AB:** Provides for action when constitutional machinery in Delhi fails.

Sources of Conflict

- Ambiguities regarding the respective authority of the elected government and the LG.
- Disputes over administrative appointments, control of services and decision-making.
- Delhi's unusual position as both a populous urban territory and the national capital, where Union interests are significant.

The Supreme Court's 2018 Constitution Bench judgment emphasised representative government, constitutional morality and the need for the LG to act on the aid and advice of the Council of Ministers in matters within its authority, subject to constitutional exceptions. Subsequent legal and legislative developments have also shaped the allocation of powers.

Implications for Federal Politics

Delhi illustrates the tensions that can arise when democratic mandates intersect with Union oversight. Similar debates may influence discussions on governors, elected state governments and cooperative federalism.

Conclusion

Clearer rules, institutional dialogue and respect for constitutional boundaries are essential to reconcile democratic accountability with the national capital's special status.

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