

1. Critically analyze, whether the National Capital Territory of Delhi should be given statehood or not. (250 words)

Answer:

Background :-

Delhi enjoys the character of a special Union Territory, with a few unique institutions, like an elected Legislative Assembly and a High Court. It is, however, not a full state; a point also reiterated by the Delhi High Court recently. This implies that powers in Delhi are divided between the Chief Minister and the Centre, through the Lieutenant-Governor.

Structure of Delhi government at present:

- Political administration of the NCT of Delhi closely resembles that of a state of India, with its own legislature, high court and an executive council of ministers headed by a Chief Minister by Government of the National Capital Territory of Delhi (GNCT) Act passed in 1991.
- Assembly has all rights like all other states powers to govern and make laws except on three subjects like public order, police and land.
- The National Capital Territory of Delhi is divided in to three sub territories MCD, NDMC and NCT all of which are governed by separate bodies, some of who are elected, others are appointed by the central govt.
- **MCD:** Municipal Corporation of Delhi is an elected body with a mayor as its head.
- **NDMC:** New Delhi Municipal Corporation is governed by a council with a chairman appointed by the central government and includes the chief minister of Delhi.
- **NCT:** National Capital Territory is headed by the lieutenant governor who also happens to be the chairman of the Delhi Development Authority (DDA).
- Civic bodies and Delhi Police come under the Union home ministry.
- Delhi Development Authority reports to the Union urban development ministry

Why Delhi should be given statehood?

Lack of control over public order, police and land:-

- This hinders its ability to efficiently plan Delhi's development and inhibits its influence on decisions regarding the security of its electorate.
- A dual control system not only creates inherent tension, it is also grossly unfair on the elected government. When people vote for a government in the state, their concern is how matters of law and order are handled, and not how they are getting executed.
- Law and Order is a serious problem for which the elected minister can't be held responsible.
- The multiplicity of agencies makes it complex for citizens to hold the government accountable.
- Six different agencies handle drains, sewerage and water pipes. Five civic bodies and the PWD look after maintenance of the roads thereby leading to chaos of single work handled by too many bodies.

Accountable:-

Granting full statehood to Delhi would ensure that all agencies presently under Union control are answerable to the GNCTD and through them become directly accountable to people of Delhi.

Blame game will reduce:-

- Coordination is likely to improve and the constant blame game between Union and the state government would stop
- The reason why this is integral is because having two power centres in the same state is bound to create confusion and conflict, the burden of which at the end of the day falls on citizens.

The Chief Minister-Centre Tussle Creates Tension

- Presently, the Delhi government does not have control over three primary bodies :- the Delhi Development Authority (DDA), the Delhi Police and the trifurcated Municipal Corporation of Delhi (MCD).
- Controlling the DDA will mean the Delhi state government will then control land and housing, which are at the moment under the central government's prerogative.
- Controlling the Delhi Police which currently reports indirectly to the central government through the Lieutenant Governor, will mean the Delhi government will have more accountability in matters of law and order.
- Full statehood will also mean that the trifurcated MCD which reports to the Ministry of Home Affairs, will fall under the Delhi government's ambit.

Bureaucrats:-

- The tension arose because currently, Delhi cannot recruit its own cadre of officers to run the government's administration something other states in the country can through its own Public Service Commission
- The Centre exercises immense, authority in this sphere by controlling these cadres through the Home Ministry, instead of the Delhi government.

The World Example:-

- Global cases of governance can be a definitive argument in favour of considering Delhi's full statehood option.
- London, Paris or Washington DC might not be categorised as states, but they have a power system that permit the local government control over legislative, financial and administrative bodies.
- Applying the same to Delhi would ensure that the elected government is integral part of the decision-making processes.

Arguments against granting statehood to Delhi:-

- Being a national Capital, it is home to central ministry and a large number of administrative buildings.
- Delhi Hosts foreign dignitaries, guides foreign investments which are under the jurisdiction of Centre.
- Statehood will encourage regionalism in Delhi where people from all over India come and stay.
- Delhi police are responsible for VIP security which is huge task. Many of these VIPs being related to central government, their security can't be left to the state.
- **International examples:-**
- Washington DC is a well known federal district but it enjoys much less autonomy than the Delhi government. The citizens of DC do not have any representatives in the US senate and only one non-voting representative in the US House of Representatives. In this context Delhi has a better political structure so statehood is not needed.
- Although the demand for control over police and MCD is justified, if Delhi becomes a full state, the DDA would become defunct in the state's territory because under the 74th constitutional amendment, land use and urban planning is a mandate of the local government.
- Full statehood will have considerable impact on the finances of GNCTD:- While it would earn some through land revenues, the burden of financing large infrastructural projects and the police would fall on GNCTD. This could mean increased tax burden on the people of Delhi.

Way forward:-

- If the spirit of the Constitution and of democracy are respected, the Lt Governor of Delhi, or Puducherry should only have the power to refer disagreements between him and the chief minister to the President, as the 69th amendment permits him/her to do.
- Constitution makers incorporated Federal provisions not only to facilitate the governance of India but also to accommodate diversity. The governments ought to come together in the spirit of cooperative federalism and give priority to the welfare of people and governance.
- The aim should be to deepen democracy and provide for people centric governance

According to second ARC:-

- The Commission is of the view that since Delhi is the national capital with people from all parts of the country being its residents, some responsibility for its orderly growth and security must lie with the Union Government.
- At the same time, there is no reason to burden the Union Government with matters of local import which are best addressed by the elected government of the Territory and the elected Municipal Corporation. In other words, a balance has to be struck between the imperatives flowing from Delhi's status as the national capital and as the seat of its own elected government.
- The Commission has sought to restore a more workable balance on the principle of subsidiarity.
- The Municipal Corporation of Delhi (MCD), including appointment of the Commissioner and other functionaries should lie in the domain of the Government of the National Capital Territory

(GNCT). This can be done by way of a notification under Section 490A of the Act, issued by the Union Government. However, the appointment of the Commissioner should be made by the GNCT in consultation with the Union Government.

PRACTICE QUESTIONS

Answer the following Questions

1. Policies and politics of social justice have reached a dead end in contemporary India. This does not, however, mean a futile or wasted journey. Critically comment with respect to reservations as a policy for social justice. (250 words)
2. In light of the spate of lynchings in news in several parts of the country, critically examine the need of an anti lynching law? (250 words)