

'Delhi as capital belongs to the nation as a whole'

Time to rejoice: Aam Aadmi Party workers celebrating the Supreme Court verdict in Bhopal on Wednesday. PTI

The Supreme Court on Wednesday followed the 1987 Balakrishnan report to conclude that Delhi is not a State.

The report had envisaged that Delhi could not have a situation in which the national capital had "two governments run by different political parties. Such conflicts may, at times, prejudice the national interest."

Chief Justice Dipak Misra, in his leading opinion for the Bench, reproduced excerpts from the report, which said, "Delhi as the national capital belongs to the nation as a whole."

The report foresaw that if Delhi becomes a full-fledged State, there would be a constitutional division of sovereign, legislative and executive powers between the Union and the State of Delhi. Parliament would have limited legislative access and that too only in special and emergency situations. The Union would be unable to discharge its "special responsibilities in relation to the national capital as well as to the nation itself".

The report said the control of the Union over Delhi was vital in the national interest.

It dealt extensively with the modifications in the aid and advice given by the Council of Ministers to the L-G as the Administrator of Delhi.

'Aid and advice' concept

It pointed out that the "aid and advice" concept cannot apply to the exercise by the administrator of any judicial or quasi-judicial functions. The L-G is bound by the aid and advice of the Delhi Cabinet only in matters where the Assembly has the powers to make laws.

The report said the L-G's role was not that of a Constitutional figurehead, though the ultimate responsibility for good administration of Delhi was vested in the President acting through the Administrator.

However, the Administrator had to take a somewhat more active part in the administration than the Governor of a State.

Hence, differences of opinion would arise between the L-G and the elected government.

The report had recommended that the "best way" of doing this is to let the L-G refer such differences of opinion to the President for a final decision.

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