

Should Delhi be given statehood?

This is no longer about a political party. It is about the democratic rights of citizens



The Aam Aadmi Party was born out of the historic 2011 anti-corruption movement that culminated with the party winning an unprecedented mandate of 67 out of 70 seats in the 2015 Delhi Assembly elections.

As soon as the AAP government in Delhi set about fulfilling its mandate, the BJP-ruled Central government started stripping it of its powers. Delhi's Anti Corruption Branch (ACB) had always functioned under the Delhi government, even during the rule of the previous 15-year Congress government in Delhi. Our strong push to curb corruption led to the arrest of many government officials. The Centre responded by passing orders, forcefully taking away control of Delhi's ACB by sending paramilitary forces.

It is not just the ACB. Even the Department of Services, which decides the appointments and transfers of all officers of the Delhi government, including Indian Administrative Service (IAS) officers, had also always functioned under the Delhi government. But an order issued by the Union Home Ministry in May 2015 ruled that the Lieutenant Governor would have complete control over this department. No other elected government anywhere in India, or even in Delhi for that matter, has seen such curtailment of its powers. Through this and many such incidents, it is clear that the Delhi government is not being allowed to operate by the will of the people, but is at the Centre's mercy.

So much so that a bureaucrat in Delhi thinks it is okay to tell his Education Minister that he cannot reveal the number of positions vacant in schools for teachers because that comes under the Department of Services, which is under the Centre's purview. For the last four months, IAS officers have not attended any meeting called by Ministers, or responded to phone calls or texts. It is in this context that the strike by IAS officers, orchestrated by the Centre, must be seen.

Whether to create schools, colleges or hospitals, many of our policy proposals are routinely returned. This is because we are not allowed to propose the number and type of staff to man the institutions we wish to create to serve the people of Delhi. Despite these obstructions, the AAP, through political will, has ensured a complete transformation in several sectors, particularly in education, health, water and electricity. Many of these steps have been lauded and are being emulated across the country.

In 1991, when the 69th Amendment to the Constitution created the Legislative Assembly of Delhi, the city's population was much smaller. Today, there are nearly two crore people in Delhi. Nowhere in any democracy are two crore people represented by a government with powers as restricted as ours. This is no longer an adequate system, because Delhi has outgrown it.

Nobody can disagree that the goal of the drafters of our Constitution was to create a democratic republic that confers equal rights to all citizens. This extends to the equal right of people for representation and self-governance. Even when the Union Territories were first created, the idea

was to provide a flexible yet transitional status to several territories that joined the Indian Union under different circumstances. With time, Goa, Manipur, Himachal Pradesh and Tripura have been granted statehood. The first stage of Delhi's evolution took place in 1991, when the Assembly was created. The time has come to enter the second and final stage to create the full State of Delhi.

This is no longer about a political party or a leader. It is about the democratic rights and aspirations of nearly two crore citizens. The sooner the Prime Minister understands this, the better it would be for Delhi and the project to make India a better, greater democracy.

Manish Sisodia is Deputy Chief Minister of Delhi

The current system works. If given full statehood, there will be too many conflicts



Delhi is where people from all over India come, where officials and people from the civil and uniformed forces from all national units work. It is the headquarters of intelligence and the security apparatus. It has a huge diplomatic core. It is where all State governments have a direct stake, whether in land, offices or officers.

This is not a city for the people who live in it alone, it's a city that houses the national government. Therefore, it has wisely been kept as a Union Territory with extraordinary powers to a subordinate State government. I say extraordinary, since in ordinary circumstances, these powers should remain with the Central government through its local political and administrative wings. This status has served the people of Delhi well – with the benefit of funds and a benevolent national government.

In Delhi, except for law and order and land, both of which due to the presence and needs of the Central government is within its purview, all other subjects are with the State government. However, through the Lieutenant Governor, the Government of India oversees matters regarding Central civil services, some crucial matters of finance, etc. While some of these controls maybe unnecessary, they very rarely come in the way of the State government doing what it thinks it should do.

From 1993 to 2013, this arrangement in Delhi worked, except when individuals wanted to play either politics or monopoly (the game). A quick review of the Lieutenant Governors in relevant periods — Vijai Kapoor was the best Delhi has had, Banwari Lal Joshi did his best to trouble the State government, and Tejendra Khanna was a blot on the role. Not just that, some of the Home Secretaries — R.K. Singh, for instance — acted as if Delhi was their fiefdom.

Yet some extraordinary work got done. It's true that some fantastic new schemes and projects could not get sanction due to the last two Lieutenant Governors but it's also true that much of the work gets done precisely because Delhi has the Central government playing a role. This system has worked well, but the problem with the current political leadership is that they are nervous and uncomfortable with the Central government's system of checks and balances. Taking a close look at the points of friction, you find that they are mostly in areas involving either funds or contracts. In

each case, the objections or reviews sought from the Lieutenant Governor are reasonable and exercise caution over proposals that on careful reading point to fishy deals.

Then, of course, is the episode of the “striking” bureaucracy. For the last three years, AAP Ministers and cadres have been abusing, misbehaving and threatening officials, and in collusion with some local and junior IAS officers are running Delhi government as though it’s their personal fiefdom. If there was truly such a commitment to democracy, how come the AAP is not enlarging and strengthening the Municipal Corporation? After all, local self-government is the democracy dream of these anti-corruption and democracy peddlers.

The current system works. If you ever have a full statehood, this city, given two governments, will enter into so many conflicts that you will then perhaps ask for just one more thing — full nationhood.

Sandeep Dikshit is from the Congress party

We have to continue to experiment, stumble from one set-up to another



The dramatic developments in Delhi, leading to the unprecedented ‘dharna’ by Chief Minister Arvind Kejriwal and half his Cabinet inside the Lieutenant Governor’s office, attracted nationwide attention. This posture suits Mr. Kejriwal: by emphasising his lack of power, he can advance his case for statehood, for which the Assembly has recently passed a resolution, and explain his failure to deliver on promises.

Whatever it may be, he succeeds in bringing an old issue to the fore: Should Delhi be given statehood? This issue was raised by the first time by Pattabhi Sitaramayya in 1947 in the Constituent Assembly. Though B.R. Ambedkar, Jawaharlal Nehru and others did not oblige, he did manage to get a Chief Minister with limited powers in a Part C State. This position was lost when the first Chief Minister, Brahm Prakash, clashed with the then Home Minister, Govind Ballabh Pant.

Delhi could again have a Chief Minister only in the early ’90s with the introduction of Articles 239AA and 239BB in the Constitution and with the passage of the Government of National Capital Territory of Delhi Act, 1991. It is against the present system that Mr. Kejriwal is agitating.

If Delhi has not been given the status of a full State despite persistent demands, there must be some major issues. The most intractable issue is the problem of having two governments in the same city-State. In the constitutional scheme, law and order, security and land are State subjects. No Central government can afford to leave these critical issues to someone else in a city from which it is also functioning.

The issue is not just egocentric. It involves the safety of the many entities organically linked to it, especially the embassies which are protected by treaties and conventions and are given immunity in various respects. There is also the issue of security of the visiting heads of states and other dignitaries. This is a major responsibility of the Centre and cannot be given to another entity.

Of course, security involves the Central government and its personnel but also various subordinate organisations like the Central police forces, offices of agencies like the Union Public Service Commission, the Comptroller and Auditor General of India and the Central Vigilance Commission. Not any less important is security to the Supreme Court and its judges. The two Houses of Parliament and MPs also look to the Central government.

Can these objections be met by carving out the New Delhi Municipal Council area and letting it remain a Union Territory? The problems then would be substantially resolved, but two issues will remain: the Red Fort, where the Prime Minister takes the Independence Day salute, and Palam, where most of the foreign dignitaries land. While Palam can arguably remain outside the Union Territory, Red Fort has to be included. If that happens, the major markets of Chandni Chowk and Daryaganj will be left out of the State. The bulk of the revenue collections are from these two and Connaught Place, which is in the NDMC area anyway. Without them the State will be left almost totally bereft of finances.

There are other problems too, mainly administrative, which will be difficult to resolve. The most important one is of policing and law and order: where do you stop processions going to Parliament or to the Prime Minister's house? It will have to be done outside the Union Territory and that will create numerous problems of coordination. So will other problems of division of water, power, and of drainage and roads. No, Delhi will have to remain as it is. As for statehood, we have to continue to experiment, stumble from one set-up to another.

Omesh Saigal is former Chief Secretary, Delhi, and Secretary to the Government of India

Why India is upset over the UN body's report

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