

**LG making mockery of democracy: Delhi govt.**

The AAP government on Thursday accused the Delhi Lieutenant Governor (LG) in the Supreme Court of making a “mockery of democracy”, saying he was either taking decisions of an elected government or substituting them without having any power.

A five-judge constitution bench headed by Chief Justice Dipak Misra, which is hearing pleas on who enjoys supremacy in governing the national capital, was told by the Delhi government that either the President, or the Chief Minister or the Council of Ministers had the power in event of difference of opinion between the government and the LG over an issue.

Referring to provisions of various statutes, senior advocate P. Chidambaram, appearing for the Delhi government said, “The LG is required to act as per aid and advice and, in case differences, the President will decide and there is no third way. The LG has no power.”

**‘Mockery of democracy’**

“But what is happening is that the Lieutenant Governor is taking decisions and substituting the decisions of the elected government...What the LG is doing is mockery of democracy,” he told the bench, which also comprised Justices A K Sikri, A M Khanwilkar, D Y Chandrachud and Ashok Bhushan.

On the issue of referring a matter to the President, he said only those matters, which deserved to be escalated to the President, should be referred, otherwise the President will be left with the administrative issues of Delhi only.

Mr. Chidambaram then dealt with the scenario following the Delhi High Court verdict that had held that the LG was the administrative head and said, “Now, in every matter, the LG is saying that you are denuded of power and I will decide”.

The policy decisions are the basis of an elected government and interference is “fine” if any decision is . “ultra—vires” of the Constitution or the Act, he said.

He also referred to the provisions of the Delhi Fire Services Act and said the vacancies in the department have to be filled by the State government.

“We do not have to understand the meaning of government from the statute. We will go back to the Constitution,” the bench said and enquired about who has been making appointments in schools run by the Delhi government.

It is Directorate of Education (DOE) of the Delhi government, Mr. Chidambaram replied, adding that there was 10,312 posts vacant in DoE presently.

So far as the issue of transfer, posting of IAS, IPS and IFS officers are concerned, the power of central government and the LG are already there, the senior lawyer said.

The Delhi government is not being allowed to do these functions with regard to other officers and staff, he said concluding his arguments.

The court would resume hearing on the petitions on November 14.

Earlier, the apex court had said there cannot be day—to— day impediments by LG in the elected

government's functioning as the responsibilities conferred on him are "not absolute".

It had also observed that the position of Delhi was different from other states and the elected government was under an obligation to apprise the LG about policy decisions.

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