

Constitutional Bench Update

Government of NCT of Delhi vs. Union of India

Distribution of power between LG and Government of NCT



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Bench:

**Justices DY Chandrachud, MR
Shah, Krishna Murari, Hima
Kohli and PS Narasimha**

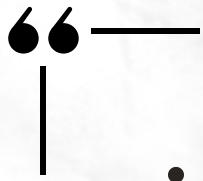
**Case Admitted on:
September 9, 2016**

**Last Date of Hearing:
September 27, 2022**

**Next Date of Hearing:
November 9, 2022**

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Background:



- Supreme Court in the case of Government of NCT of Delhi v Union of India (MANU/SC/0680/2018) held that LG is bound by the aid and advice of Council of Ministers for all matters in which the legislative assembly has power to make laws. The Court also ruled that that LG only need to be consulted by the Council and his concurrence is not required.
- Union Government enacted the Government of National Capital Territory (Amendment) Act, 2021 (the Amendment) which barred the Legislative Assembly from considering matters on the day-to-day administration of the NCT Delhi and from conducting any inquiries into administrative decisions.

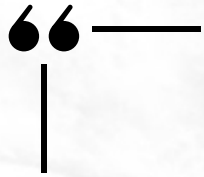


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- It also requires any bills passed by the Legislative Assembly to be reserved by the LG for consideration by the President if the bill ‘incidentally’ covers any matters outside the Assembly’s purview. It also mandates all executive actions of the government must first receive the opinion of the LG.
- The said Amendment was challenged by the Delhi Government on the grounds that it diminishes the powers of the elected legislative assembly and makes LG the default administrative head of the State in all matters.

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Issues under Consideration:



- Does the Government of National Capital Territory (Amendment) Act, 2021 violate the basic structure of the Constitution?



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