

By Sidharth Mishra



With the passage of the MCD amendment act by both the houses of Parliament, MCD is all set to evolve into its new avatar. The new act would ensure that whosoever may win majority in the house, the command and control of the civic services in the national Capital would remain with the ruling party at the Centre.

With MCD gone, what remains in the name of Delhi government is a maimed and moth-eaten structure. In fact the unbundling of the MCD in 2012 was a major move forward in delegation of power to the local government including the responsibility to fund and finance the civic services.

With MCDs starved for funds by the state government, largely for political reasons, the Arvind Kejriwal government in a way lost the moral authority to oppose Centre's move to reunify the bodies. The Centre presumably made the move to 'save' the civic bodies going bankrupt and civic services in the national Capital coming to standstill.

The larger question following the move is whether it's now financially and structurally prudent to have a local assembly and a state government in the national Capital. With the Kejriwal government having used the floor of assembly to raise a banner against the Centre on several occasions, the Lieutenant Governor has issued a dictum for some time now, which puts an embargo on Assembly to ask questions and move motions, resolutions, etc., on subjects constitutionally reserved for him.

There is a 'Transaction of Business Rule' in place which delineates the separation of powers between the Centre's representative in Delhi -- the Lieutenant Governor and the state government. Though it's as per an arrangement in the Constitution, this rule is heavily prejudiced in the favour of the Centre. This condition has also been upheld by the judiciary.

With MCD too gone, lack of agenda now stares at both the Delhi assembly and the Delhi government. Even when Delhi assembly was re-launched in 1993, having been abandoned in 1956 on the recommendations of the States' Reorganisation Commission, it was pretty clear

With MCD gone, Assembly may be next on the guillotine

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that the Centre was not letting go its command and control over the national Capital. This was soon realized by Chief Ministers from both BJP (Madanlal Khurana and Sahib Singh Verma) and the Congress (Sheila Dikshit), and they worked to add teeth to the new setup through a dialogue with the Centre.

To the credit of these leaders, Municipal Corporation of Delhi was given a fresh lease of life under the 1996 act. This allowed some control of the state government over the municipal bodies. The 2012 act further delegated the power vis-à-vis civic governances to the state government. Now, however, we are back to not just pre-2012 but pre-1996 position, with state government having no control over the civic body.

This brings us back to the moot point whether a state assembly and a state government in Delhi is required as their bags have almost been emptied of all the agendas of governance. What's left with them is 'B-S-P' that is Bijli, Sadak and Paani (power, road and water supply).

However in case of governing these department too, the Lieutenant Governor has an overarching role. The constitutional arrangement is that in matters involving finance like supply of power and water and making of the roads, the state has to take a budgetary approval from the Centre, which ensures another channel of effective control.

Given the situation, where is the justification of running a 70-member assembly and a state government with a huge cost to the exchequer and with no work to do. Time to ponder!

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