



Alderman

For Prelims: Alderman, [Lieutenant-Governor](#), [MCD](#), [Delhi Municipal Corporation Act, 1957](#), [Article 239AA of the Constitution](#), [Transaction of Business Rules 1961](#).

For Mains: Issue over the appointment of Alderman in Delhi.

Why in News?

The Supreme Court, while considering the Delhi government's plea against the [Lieutenant-Governor's \(LG\)](#) appointment of Aldermen, observed that granting the LG the authority to nominate [MCD \(Municipal Corporation of Delhi\)](#) members could destabilize the Elected Civic Body.

What is Alderman?

▪ About:

- Etymologically, the word comes from the combination of “old” and “man”, meaning older man or experienced person.
- The word originally referred to **elders of a clan or tribe**, though soon it became a term for **king's viceroys, regardless of age**. Soon, it denoted a more specific title - “chief magistrate of a county,” having both civil and military duties.
- In the 12th century CE, as guilds became increasingly associated with municipal governments, the term **came to be used for officers of municipal bodies**. This is the sense **in which it is used till date**.

▪ Case of Delhi:

- As per the [Delhi Municipal Corporation Act, 1957](#), ten people, over the age of 25 can be nominated to the corporation by the administrator (the LG).
- These people are **expected to have special knowledge or experience** in municipal administration.
- They are meant to **assist the house in taking decisions** of public importance.

What are the Concerns Related to the Appointment of Aldermen?

- The first concern is related to the **suitability of the nominated individuals**. After the recommendations were submitted to LG, it was discovered that **two out of the 10 nominees were deemed technically unfit** for the position. This raises questions **about the thoroughness and transparency of the nomination process**, as individuals who are not qualified or suitable for the role should not be appointed.
- The second concern revolves around the perception that the appointment of aldermen by the LG is an attempt to maintain **control and influence within the Municipal Corporation of Delhi (MCD)** despite their electoral defeat. This raises concerns about the democratic principles of representation and the fairness of power dynamics within the MCD.

What is the SC's Observation?

- The Additional Solicitor General, representing LG argued that there is a distinction between the powers of the **L-G under [Article 239AA of the Constitution](#) and their role as an Administrator** of the national capital. He claimed that the L-G has an active role in the **nomination of aldermen based on the law**.
- However, the SC stated that by giving this power to the L-G, it could potentially destabilize the democratically elected MCD, as they **would have voting power**.
- The SC has clarified that the **L-G does not have extensive executive powers** in the national capital, which operates under a unique "**Asymmetric Federal Model**" of governance.
 - The term "Asymmetric Federal Model" refers to a system of governance in which different regions or components within a federation possess varying degrees of autonomy and powers.
- The court specified that the L-G can exercise **executive power at their discretion only in three specific areas**, under Article 239AA(3)(a).
 - Public order
 - Police
 - Land in Delhi.
- The court also stated that if the L-G disagrees with the Council of Ministers of the Government of the National Capital Territory of Delhi, they should follow the procedure outlined in the **Transaction of Business (ToB) Rules 1961**.
 - The ToB rules emerge from **Article 77(3) of the Constitution**, which provides a **framework for the allocation of work and responsibilities among various departments** and ministries of the government. They outline the procedures for the formulation, approval, and implementation of government policies, decisions, and actions.

What is the Tussle between Delhi Government and Centre?

- **Background:**
 - Due to the co-existence of [Article 239](#) and [239AA](#), there is a jurisdictional conflict between the **government of NCT and the Union Government** and its representative, the LG.
 - According to the Union government, New Delhi being a Union Territory **Article 239 empowers the LG to act independently** of its Council of Ministers.
 - However, the state government of Delhi held that **Article 239AA of the Constitution bestows special status** to Delhi of having its own legislatively elected government.
 - This creates a **tussle around the administrative powers of the LG and state government** of NCT of Delhi.
- **Centre and State Governments Arguments:**
 - The central government believes that as **Delhi is the national capital and represents the country**, it should have **authority over administrative services**, including appointments and transfers.
 - However, the Delhi government argues that in the spirit of [Federalism](#), **elected representatives should have the power to decide on transfers** and postings.
- **Legal Issues:**
 - The first issue emerged **from a two-judge Bench in February 2019** when deciding on the allocation of powers between the Delhi government and the center.
 - They left the **question of administrative service control to be decided by a larger Bench**.
 - In **May 2022**, a three-judge Bench had referred this case to a larger Bench on the Central government's plea.
 - The three-judge Bench had decided that the question of control over administrative services required "**further examination**".
 - The second issue involves the [Government of National Capital Territory of Delhi \(Amendment\) Act 2021](#), passed by Parliament.
 - The Act states that the term "**government**" mentioned in any law made by the **Delhi Legislative Assembly will refer to the Lieutenant Governor (L-G)**.

[Source: TH](#)

