IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION
5-JUDGE CONSTITUTION BENCH (UNANIMOUS)

CIVIL APPEAL NO. 2357 OF 2017

GOVERNMENT OF NCT OF DELHI ... APPELLANT(S)

VERSUS

UNION OF INDIA & ORS. ... RESPONDENT(S)

Citation: (2018) 8 SCC 501 | 2018 INSC 572	**Decided On:** July 04, 2018
Coram: Dipak Misra (CJI), A.K. Sikri, A.M. Khanwilkar, D.Y. Chandrachud, Ashok Bhushan, JJ.	**Bench Strength:** 5-Judge Constitution Bench (Unanimous)

JUDICIAL SUMMARY & OPERATIVE RATIO DECIDENDI

1. Primacy of Council of Ministers under Article 239AA: The Lieutenant Governor is an administrative head bound by the aid and advice of the Council of Ministers in respect of all matters on which the Delhi Legislative Assembly has competence (State and Concurrent Lists), except public order, police, and land.

2. No Concurrence Required from LG: The scheme of Article 239AA does not require the prior concurrence of the Lieutenant Governor for decisions taken by the Council of Ministers; the LG must only be kept informed of administrative decisions.

3. Reference to President is an Exception, Not the Rule: The proviso to Article 239AA(4) allowing the LG to refer differences of opinion to the President cannot be used routinely or mechanically to undermine representative governance.

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