

# ELECTORAL VERDICT AND PRESIDENT’S RULE IN DELHI

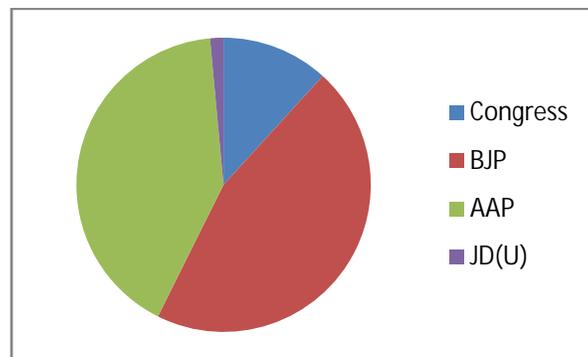
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The Indian political landscape has been re-shaped by the results of the recent assembly polls in India’s key states which pronounced an expected electoral victory of the Bhartiya Janta Party (BJP). However, the most astounding were the results of the assembly elections in Delhi, in which out of the three major parties –Congress, BJP and Aam Aadmi Party (AAP) –none of the two emergent contenders viz. BJP and AAP, could garner the requisite majority in the 70-member assembly. With the refusal of the BJP and the AAP to enter into post-poll alliances leading to a hung assembly, the immediate electoral issues have given way to a raging debate on the certainty of the President’s rule in Delhi.

## Electoral verdict –Hung assembly

The 2013 Delhi assembly elections marked a massive defeat of the 15-year-old reign of the Sheila Dixit-led Congress government. In a triangular contest, the Congress was pushed to the third position, with just 8 seats in the 70-member assembly. On the other hand, the BJP emerged with the single largest share of 31 seats, but fell short of the required number of 36 seats. Its Chief Ministerial candidate, Dr. Harsh Vardhan, won from East Delhi’s Krishna Nagar constituency by 5000 votes. Its ally SAD (Shiromani Akali Dal) bagged only one seat. Unexpectedly, the newbie Aam Aadmi Party (AAP) emerged as a resounding success with 28 seats. Its honcho Arvind Kejriwal defeated the three-time Congress Chief Minister by a margin of nearly 25,000 votes from the New Delhi constituency.

Other parties hardly made an electoral impact. The JD(U) (Janta Dal United) managed to secure one seat. Surprisingly, the BSP (Bahujan Samaj Party), which had emerged as the third largest party in the last assembly election, was completely pushed out of the race.



<b>Total seats</b>	<b>70</b>
<b>Seats required to form government</b>	<b>36</b>
<b>Seats acquired by BJP</b>	<b>31</b>
<b>Seats acquired by AAP</b>	<b>28</b>
<b>Seats acquired by Congress</b>	<b>8</b>

**AAP'S 18 conditions:**

1. The VIP culture should be stopped in Delhi. No MLA, minister or Delhi official will use a red beacon on their cars. Neither will they live in big bungalows nor take any special security.
2. Passing of the Janlokpal Bill, the same version for which Anna Hazare held fasts.
3. People will take decision directly in 'mohalla sabhas', which will be held in every locality and colony.
4. The AAP demanded complete statehood status for Delhi. Central government's hold on DDA and Police should end.
5. The party also demanded a special audit of all electricity companies in the national capital from the time these were privatised. The companies that refuse to participate, their licenses should be cancelled.
6. Electricity meters should be checked.
7. There is 220 litres of water available for every person daily. Where is it?
8. AAP wants unauthorized colonies should be regularized. Thirty percent of Delhi's population lives in such colonies and these should be regularized.
9. The party demanded to know if the Congress and the BJP will support its decision to give clean and affordable 'pakka houses' (built up houses) to those living in slums.
10. It also sought their support to give regular jobs to those working on contractual basis.
11. It wants to give infrastructural facilities like roads, electricity, water and basic facilities to the ordinary trader.
12. AAP said it is against FDI in retail.
13. The party wants to provide facilities and subsidies to farmers in the villages in the national capital.
14. The party also demanded to know the Congress and BJP's stand on opening 500 government schools, stopping donations in private schools and making the fee system transparent.
15. The party said it wanted to open new government hospitals with better facilities.
16. It also wants to have special security units for women and wants all harassment cases to be tackled within three months.
17. It wanted to set up enough courts and appoint judges so that all cases are dealt with within six months.
18. The AAP wanted to know whether the municipal corporations of Delhi will support them on these issues.

Year	Total voter turnout (%)	Men voter turnout (%)	Women voter turnout (%)
2008	57.58	58.34	56.62
2013	65.13	65.48	64.68

Given that none of the parties managed to secure the requisite number of seats to form the government, the hung assembly that now faces the capital can only be resolved by willingness of BJP or AAP to enter into a coalition with each other or the Congress. The proposal was rejected outright by both the BJP and the AAP, with BJP's Harsh Vardhan refusing to form the government, when approached by the L-T Governor, as per the precedent of the President approaching the leader of the single largest party to stake claim to form the government and prove its majority on the floor of the House. BJP's Delhi President, Vijay Goel, refused both entering into post-poll alliances as well as trying to get AAP and Congress MLA's through 'horse-trading'. On the other hand, the AAP too is loath to enter into an alliance with either the BJP or the Congress, the two parties it has consistently campaigned against, despite Congress willing to pledge outside support to AAP to go ahead with the minority government. The AAP had generated a set of 18 conditions to seek the agreement of BJP and Congress before any proposition of alliance could be entertained. However, recently, in an apparent reversal of position, the AAP decided to seek for people's referendum on whether it should form a minority government with the aid of Congress, though opinions in party are divided on the issue. It is expected to announce its decision, after receiving SMS responses, distributing 25 lakh letters among people and conducting *jansabhas*, by 23<sup>rd</sup> December 2013.

### **President's rule?**

The logjam over the recent Delhi assembly election results has once again brought into prominence the role of the L-T Governor in mediating political decision-making, crystallizing the reality of the imposition of President's rule in the NCT (National Capital Territory) of Delhi, with the dissolution of the current assembly after a five year period, on December 18, 2013 – according to rule 5 of the Government of National Capital Territory of Delhi Act, 1991, the legislative assembly is appointed for a period of 5 years, unless earlier dissolved by the L-T Governor. The first legislative assembly of Delhi was formed in 1952, under the Government of Part C –States Act of 1951. Subsequently, as per the recommendations of the States Reorganisation Commission (1953), the earlier arrangement was abolished in 1956 to make Delhi a Union Territory administered directly by the President, and effectively subjecting it to the President's rule during this period. In 1993, it was finally designated the National Capital Territory (NCT).

In the situation of current electoral deadlock, the reality of President's rule is once again upon the city, with the L-T Governor, Najeeb Jung, submitting to the President of India the inevitability of President's rule, since none of the parties find themselves in a position to stake claim to form the government. While in the states, this corresponds to a situation where the Governor assumes the directing role, in case of Delhi, the corresponding powers would be vested with the L-T Governor, who becomes the constitutional as well as the executive head of the government and has the power to appoint his own advisory 'council of ministers'. The President's rule lasts for a period of 6 months, and can be extended up to one year, till fresh elections are held. Till then the legislative assembly will function in a mode of 'suspended animation'.

However, it is unlikely that President's rule will be imposed for full six months before fresh elections are convened, which would also coincide with the Lok Sabha 2014 elections. L-T Governor, Najeeb Jung, recently announced that President's rule will be lifted once any of the winning parties, able to garner the requisite majority through coalitions, in the House, stake claim to form the government. Thus, as of now,

given the current situation, it is very likely that the future political course will be determined by the AAP's decision, based on the people's verdict, on 23<sup>rd</sup> December.

However, what needs to be noted in the present context of the debate over President's rule is, not its imposition or non-imposition, but the fact of the numerous implications that its prolonged persistence is likely to generate.

### **Political implications**

The L-T Governor's announcement that the President's rule will be lifted once the party with the requisite majority stakes the claim to form the government has considerably minimized the controversial politics surrounding the President's rule. The last time the role of the L-T Governor in Delhi assumed controversy was in 2002, when the former NDA government at the Centre sought to empower the L-T Governor administratively at the alleged political cost of the Sheila Dixit-led Congress government in Delhi<sup>1</sup>, raising the familiar controversy of the political role of the L-T Governor –akin to that of the Governor in the states – as the representative of the Center, as opposed to the more democratic mandate vested with the Chief Minister and the members of the legislative assembly, both of which constitute directly elected representatives of the electorate. Such political implications have been raised only marginally in the context of the present logjam, pertaining more to the moral-democratic fact that, fundamentally, the citizens should not be deprived of a democratically elected and functioning government.

### **Economic and administrative implications**

Delhiites who favour immediate government formation instead of fresh elections, delayed by a six-month President's rule are of the view that the administrative deadlock resulting from the absence of a fully functional government will only exacerbate the economic woes of the consumers, leading to skyrocketing inflation, which will continue to persist without any effective government oversight.

It will also lead to a suspension of the decision-making process, not just in terms of big administrative decisions, but will also in terms of the everyday functioning of the government vis-à-vis the city.

### **Will we get there?**

While the unprecedented electoral verdict has been marked by the wave of anti-incumbent democratization, with the immediate question of who will form the government and when, holding sway, the other immediate issue that has gained leverage in public debate, is that of governance. Will the AAP actually deliver on the promises –such as those relating to a dramatic reduction of tariff rates and provision of water supply –made in its electoral campaign? Or will entering into post-poll alliances impact these promises? The near future is likely to be determined by AAP's decision, hinging on the results of the people's verdict.

**(Prepared by CPA Research Team)**

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<sup>1</sup>[http://articles.timesofindia.indiatimes.com/2002-09-05/delhi/27315463\\_1\\_l-g-order-and-land-sheila-dikshit](http://articles.timesofindia.indiatimes.com/2002-09-05/delhi/27315463_1_l-g-order-and-land-sheila-dikshit)