

Government of National Capital Territory of Delhi (Amendment) Act 2021

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Government of National Capital Territory of Delhi (Amendment) Act, 2021 is an important law that amended the **Government of National Capital Territory of Delhi Act, 1991**. It was enacted to clarify the powers and responsibilities of the **Lieutenant Governor (LG)** and the **elected Government of Delhi**. The Act became a subject of significant constitutional and political debate because it redefined the administrative relationship between the LG and the Council of Ministers.

Government of National Capital Territory of Delhi (Amendment) Act 2021

The **Government of National Capital Territory of Delhi (Amendment) Act, 2021** amended certain provisions of the **GNCTD Act, 1991**. The primary objective of the amendment was to define the role of the **Lieutenant Governor** in the administration of Delhi and to align the functioning of the government with the constitutional provisions under **Article 239AA**.

Background of the Act

Before the amendment, there were frequent disputes between the **Delhi Government** and the **Lieutenant Governor** regarding administrative powers and decision-making.

Some important developments that led to the amendment include:

- **Delhi** is a **Union Territory with a Legislative Assembly** under **Article 239AA**.
- The **69th Constitutional Amendment Act, 1991** granted Delhi a special status with an elected Assembly.
- Several disagreements arose over who had the authority to make executive decisions.
- In **2018**, the **Supreme Court** ruled that the **Lieutenant Governor** is generally bound by the **aid and advice of the Council of Ministers**, except in matters where the Constitution provides otherwise.
- The Union Government introduced the amendment in **2021** to clarify administrative procedures.

Key Provisions of Government of National Capital Territory of Delhi (Amendment) Act, 2021

The **Government of National Capital Territory of Delhi (Amendment) Act, 2021** introduced several changes to the **GNCTD Act, 1991** to clarify the powers of the **Lieutenant Governor (LG)** and regulate the functioning of the elected government in Delhi.

- **Definition of Government:** The term **“Government”** in laws made by the Delhi Legislative Assembly refers to the **Lieutenant Governor**.
- **Lieutenant Governor’s Opinion:** The **Council of Ministers** must obtain the **LG’s opinion** before implementing executive decisions in matters specified by the LG.
- **Executive Action Procedure:** All executive actions of the Delhi Government must be carried out in accordance with the **Rules of Business** framed under the Act.
- **Restrictions on Legislative Assembly:** The **Delhi Legislative Assembly** and its committees cannot make rules to consider day-to-day administrative decisions or conduct inquiries into administrative matters.
- **Invalidation of Inconsistent Rules:** Any Assembly rule that conflicts with these restrictions is deemed **void**.
- **Enhanced Administrative Role of the LG:** The Act strengthens the **Lieutenant Governor’s role** in the decision-making process by requiring consultation on specified matters.

Constitutional Provisions Related to Delhi

The governance of the **National Capital Territory (NCT) of Delhi** is governed by specific provisions of the **Constitution of India**, which define the powers of the **Union Government**, the **Lieutenant Governor (LG)**, and the **Legislative Assembly**.

Constitutional Provisions Related to Delhi	
Constitutional Provision	Description

Article 239	Provides that Union Territories are administered by the President through an Administrator (Lieutenant Governor in Delhi).
Article 239AA	Grants Delhi a special constitutional status with a Legislative Assembly, Council of Ministers , and Lieutenant Governor . It also excludes Public Order, Police, and Land from the Assembly's legislative powers.
Article 239AB	Allows the President to suspend the functioning of the Legislative Assembly or Council of Ministers if the constitutional machinery in Delhi fails.
Article 246	Defines the legislative powers of Parliament and State Legislatures . Parliament has overriding powers to legislate on matters concerning Delhi.
Article 73	Extends the executive power of the Union to matters on which Parliament has the authority to make laws, including Union Territories.
Article 162	Defines the executive powers of States; however, Delhi's executive powers are subject to the special provisions of Article 239AA .

NCTD (Amendment) Act, 2021 Significance

The **Government of National Capital Territory of Delhi (Amendment) Act, 2021** is significant because it reshaped the administrative framework of Delhi and clarified the relationship between the **Lieutenant Governor (LG)** and the elected government.

- **Clarifies Constitutional Roles:** Defines the respective roles of the **Lieutenant Governor** and the **Council of Ministers** under **Article 239AA**.
- **Strengthens Administrative Coordination:** Establishes a clearer framework for coordination between the **Union Government** and the **Delhi Government**.
- **Provides Legal Clarity:** Removes ambiguity regarding the interpretation of the term **"Government"** in laws enacted by the Delhi Legislative Assembly.
- **Standardizes Executive Procedures:** Prescribes a uniform process for executive decision-making by requiring consultation with the **Lieutenant Governor** in specified matters.
- **Highlights Delhi's Unique Constitutional Status:** Reinforces that Delhi is a **Union Territory with a Legislative Assembly**, rather than a full-fledged State.
- **Impacts Federal Governance:** Influences discussions on **cooperative federalism**, **executive authority**, and the distribution of powers between the Centre and the National Capital Territory.

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