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## What if govt can't be formed?

### Under President's Rule, LG Jung Becomes Functional Head

Ambika Pandit | TNN

**New Delhi:** The election commission on Tuesday notified the results of the Delhi assembly polls, opening the door for government formation. If BJP, the single largest party, refuses to form the government, Lieutenant governor Najeeb Jung may call the second-largest Aam Aadmi Party.

However, if no party manages to form a government in Delhi, President's rule will be the only option, putting the reins of the Delhi government in the lieutenant governor's hand. The next step will be a fresh election, probably during the Lok Sabha polls, to get a clear mandate from the voters of Delhi. Under the Constitution, Parliament can impose President's rule for six months and, if necessary, may extend it by another six.

It may take a week to a fortnight for a final picture to emerge. The lieutenant governor's office received the official notification through chief secretary DMSpolia on Tuesday. If no party is able to form a government with the magic figure of 36 MLAs, Jung will use his discretionary powers to approach the President and seek imposition of President's rule under Article 356 of the Constitution of India. The President will then decide whether to dissolve the assembly or put it in suspended animation till a decision on declaration of fresh polls is taken.

Once President's rule is declared, the bureaucracy—led by chief secretary DMSpolia and all department

### HOW LG WILL EXERCISE HIS RIGHT TO GOVERN

► Once President's rule is declared, LG takes on the role of government with powers to clear all decisions linked to all departments

► LG can appoint retired IAS officers as advisers but may decide to run the show with the assistance of chief secretary and the secretaries heading the departments

► Law and order, policing and land already under LG as Centre holds the ultimate decision-making power on these subjects

► In municipal matters, director, local bodies, in charge of coordination among 3 corporations, will seek approvals from LG for any major decision

► Before 1993, when Delhi was just a Union territory

without a legislature, LG was the head of the state and the administration was run by the chief secretary and the secretaries of the departments

► All projects and policies cleared by the last government will continue till the new government is formed

► No fresh policies or projects will be approved or taken up unless there's an emergency. LG will use his discretion in such matters

► Delhi budget, once cleared by LG, will go to Parliament

► All works up to Rs 5 crore can be sanctioned by department heads

► Legislators elected to the 70-member assembly entitled to salaries and perks. However, development funds will be released only after they

take oath

► LG may administer oath to the senior-most MLA of the single largest party for appointment as pro-tem Speaker, who will administer oath to other legislators

► President's rule can be imposed for six months and then extended for another six months by Parliament. Fresh polls to be carried out within the extended period



With no House in session, Jung may administer oath to the senior-most MLA of the single-largest party for appointment as pro-tem Speaker, who will administer oath to other legislators.

With the Lok Sabha elections likely in April-May, the code of conduct, which will lapse on December 12 for the December 4 assembly polls, will come back into force again sometime in March, stalling all policy planning. If Delhi has to go for a fresh poll at the same time, there is not enough time to empower the new MLAs with development funds to execute works in their areas.

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heads—will drive the administration and go to Jung for all major decisions. The lieutenant governor will assume the role of a functional head of the state in the absence of the chief minister and the council of ministers.

Experts point out that imposition of President's rule is different for a state like Delhi which is a Union territory with a legislature. Before 1993, when Delhi was just a Union territory without a legislature, the lieutenant governor was the head of the state and the administration was run by the

chief secretary and the secretaries of the departments. Law and order, policing and land are still under LG as Centre holds the ultimate decision-making power on these subjects. All other administrative matters will now come under him. The 2014-15 budget will also have to be prepared under his supervision and tabled in Parliament for approval.

The legislators elected to the 70-member assembly, who will be entitled to salaries and perks, can get development funds only after taking oath as MLAs.



## Cong ready to back AAP in House

Subodh Ghildiyal | TNN

**New Delhi:** Congress on Tuesday roiled the uncertain Delhi politics by saying that sections of the party wanted to extend outside support to AAP.

"The leadership will decide the issue soon," Congress general secretary in-charge of Delhi Shakeel Ahmed said in the backdrop of AAP's steadfast refusal to take or offer support to either Congress or BJP.

With eight MLAs, Congress can help the 28-strong AAP cross over the hump.

According to sources, the eight Congress MLAs are wary of the prospect of having to face the electorate so soon after the party's sound drubbing. These legislators were lucky to have survived when the party's assembly strength of 43 was reduced to eight.

Ahmed's statement came after he had a meeting with the MLAs at the party headquar-

ters on Tuesday evening. MLA Asif Mohammed Khan told TOI, "We are clear about one thing—there should not be early polls."

The deadlock in the assembly with BJP and AAP falling short of the magic figure of 36, cannot be resolved without Congress hitching its wagons to either of the bigger blocs. The Congress move to state it is under pressure from within to help its nemesis form government appears designed to turn a necessity into a virtue.

Party managers feel Kejriwal's outfit will not accept support from any rival. He has repeatedly said he would neither accept nor give support to BJP or Congress and would prefer to play the opposition or go for mid-term polls. Congress has all along believed the debutant politician would not like to spoil his splash of "new politics" by appearing to be part of usual politicking.

By appearing to extend an

olive branch to AAP while knowing it would not come off, Congress is looking to make a political statement that it was working in conformity with its larger goal of keeping "communal forces" out.

AAP's reluctance to seize the opportunity, it is argued,

**Any 'unconditional support' to an AAP government could trap the Congress into backing policies and decisions that can embarrass it**

would gradually convey that Kejriwal is an anti-politician who is hesitant to take up the muddled task of governance.

The gambit was evident in Congress' caustic comment, egging on AAP to form the government instead of showing impatience to sit in the opposition. "They should fulfil the

promises we could not and for which they have the mandate. After all, what big achievement if the common man's electricity bill comes down by 30%-50% or if he gets 750 litres of water for free," AICC spokesman Raj Babbar said.

For all the posturing, Congress insiders said the idea of backing AAP was dangerous. It would not be easy to play second fiddle to the upstart "idealists" who have embarrassed the Congress and the UPA no end by painting them as corrupt, first through the Lokpal agitation and then an aggressive election campaign.

Any "unconditional support" to an AAP government could trap the Congress into backing policies and decisions that can embarrass it, like a stringent Lokpal bill or reduction in power and water tariff. It would only show that pro-people measures were possible but were ignored by the previous government.

## 'No word from LG on govt formation'

TIMES NEWS NETWORK

**New Delhi:** Union home minister Sushilkumar Shinde on Tuesday said the Centre was yet to hear from Delhi lieutenant-governor Najeeb Jung on government formation in the state after the hung assembly poll verdict. He said the Centre was watching the situation, and it was for the two largest parties, BJP and Aam Aadmi Party (AAP), to come forward and stake claim to power.

"Usually, the Centre does not interfere in such matters. The popular verdict is in fa-



Sushilkumar Shinde

vour of a hung House. What can we do? We must wait and watch...whatever is to be done, has to be done by the two parties," Shinde said during a press conference here to pre-

sent the home ministry's report card for November.

BJP and ally SAD have secured 32 seats in the newly-elected assembly, with AAP a close second with 28 seats. Congress could manage just eight seats. Both BJP and AAP have so far refused to stake claim.

Shinde said he was yet to receive any communication from the LG on the subject. "The LG's office has only sent the resignation of outgoing chief minister Shiela Dikshit," he said.

Commenting on the Congress' reverses in these as-

sembly polls, Shinde said victory and losses were part of electoral politics.

Pointing out that Congress too had earlier won the state polls in Karnataka, Himachal Pradesh and Uttarakhand, the home minister said that with the recent polls handing out a defeat, the party must learn from its mistakes. Asked about the status of the home ministry's probe into funding of AAP, Shinde said the investigation was still underway and, once completed, the Delhi High Court would be apprised of its findings.

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