

FOREWORD

With the year 2020 behind us, we may hope that 2021 will see the last of the pandemic. With the efficient global rollout of several vaccines, one may hope that things will soon go back to normal and the world will not have to face a million more deaths due to the relentless coronavirus. The preparation of this issue has also been a personal challenge, which we hope we have overcome, as we took over the reins of the Journal from the outgoing Editor-in-Chief and his deputies.

Amidst such existential challenges, there have been evolutionary changes in the Indian Justice System. Court proceedings and even quasi-judicial have moved completely online, starting from filing submissions to making oral pleadings. It is often said that the evolution of constitutional law is deeply linked to the evolution of a country's political affairs. In this regard, India has seen a tumultuous political climate with regional elections across the country and the alleged use of federal agencies to suppress dissent. To this end, Edition XIII offers a critique on a bouquet of contemporary narratives ranging from a discussion on nominated MLAs in Puducherry to the controversial Government of NCT of Delhi Amendment Act.

In the paper titled *Nominated MLAs in the Union Territory of Puducherry Assembly: A Façade of Democracy*, Dr. S. Srinivasan and T.N. Thanaraman aim to discuss the democratic set up in Indian Union Territories. In this regard, they discuss whether an opposition party with nominated MLAs would be in a position to overthrow the ruling government. They go on to suggest that the present set-up lacks sufficient autonomy from the Union Government and a partly elected partly nominated legislature is bound to fail.

K J Chendhil Kumar, in the paper titled *Doctrine of Proportionality as a standard of review under Article 14*, attempts to discuss the judicial interpretation of the doctrine of proportionality. In doing so, the author argues that the inclusion of such doctrine under Article 14 jurisprudence has been a fallacy. To buttress such an argument, the author highlights the historical jurisprudence that has led to the present Article 14 jurisprudence.

Rishabh Joshi and Rishab Aggarwal, in the paper titled *The Constitutional Validity of a State Tax on consumption of electricity sourced from the outside the State*, aim to discuss the constitutionality of the Karnataka Electricity Amendment Act 2013, in light of the Supreme Court of India's decision in *State of AP v. NTPCL*. The authors contend that provisions concerning taxation on inter-state sale and consumption of electricity are unconstitutional and further argue that States lack legislative competence to enact such provisions. The authors also aim to establish that such provisions violate constitutional rights.

Through *Proviso to Section 44(2) of the Government of National Capital Territory of Delhi Act, 1991: A Constitutional Perspective*, Devansh Garg discusses the controversial 2021 Amendment, which enhances the powers of the Lieutenant Governor. The author, while conducting a detailed discussion on this issue, specifically delves into Article 239AA and the legal position before the 2021 Amendment. The author aims to establish that the 2021 Amendment is unconstitutional.

Finally, in *Government of NCT of Delhi v Union of India*, Aditya Anand examines the Supreme Court of India's constitutional bench and division bench decisions in *Government of NCT of Delhi v Union of India*. The author aims to contend that the division bench's decision affects the federal structure of the NCT, as it is tilted in favour of the Union Government.

Edition XIII thus engages in a wide array of themes, scrutinising recent contemporary developments through the lens of constitutionalism. As always, we are grateful to the Advisory Board, Publishing Team, Editors, Peer Reviewers and most importantly, our readers. We hope you enjoy reading this issue. We hope you find it insightful and engaging. We hope to hear your constructive criticism too! From us to you – Happy Reading!

Sincerely,

Syamantak Sen, ***Editor – in – Chief***

Tanya Agarwal, ***Editor – in – Chief (Designate)***

Eeshan Sonak, ***Deputy Editor – in – Chief***