

DELHI URBAN SHELTER IMPROVEMENT BOARD
GOVT OF NCT OF DELHI
ADMINISTRATION BRANCH

No: GA/1076/27/Admn./Misc/2020/D-472

Date: 21/6/23

ENDORSEMENT

The copy of under mentioned letter is circulated for information and necessary action:-

S. No	Name of the Deptt.	Letter No. and Date	Subject
1	Govt. of NCT of Delhi Department of Law, Justice and Legislative Affairs, 8 th Level, C- Wing, Delhi Secretariat	F.20(3)/LA/2023/ dsadvice/534/583 dated 20.06.2023	U.O. No 25(10)/2023/RN/336/A-1671 dated 19.03.2018 received from Principal Secretary to Hon'ble Lt. Governor on matters to 'Reserved Subjects'

Encl: As above

Dy. Director (Admn.)

Distribution:-

1. PS to CEO (DUSIB) for kind information of the latter
2. PS to Member (Admn) for kind information of the latter
3. Chief Engineer, DUSIB
4. All SEs/EEs/Coordn.
5. All Directors/Dy. Directors/AD (Estt.)
6. B&FO/DCA-I & II
7. Competent Authority, Tis Hazari Court
8. Dy. Director (System)-upload on DUSIB website portal.
9. Guard file.

SPM

19
21.6.23
pl. upload.

Programmer

SO
21/6/23

Diary No. 670
Date 21/6/23
Computer Division (DUSIB)
Govt. of NCT of Delhi

MOST URGENT

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS
8TH LEVEL, C-WING, DELHI SECRETARIAT, I.P. ESTATE
NEW DELHI-110002**

F. No. F.20(3)/LA/2023/dsadvic/ 534-583

Dated: 20.06.2023

To,

Addl. Chief Secretaries/ Pr. Secretaries/ Secretaries/ HODs of all
Departments/Autonomous bodies/Undertakings of GNCTD.

Subject: U.O. No 25(10)/2023/RN/336/A-1671 dated 19.03.2018 received
from Principal Secretary to Hon'ble Lt. Governor.

Sir/ Madam,

I am directed to forward herewith a copy of the U.O. No
25(10)/2023/RN/336/A-1671 dated 19.03.2018 of the Principal Secretary to Lt.
Governor, NCT of Delhi on the subject cited above .

The contents of the aforesaid U.O. letter are self-explanatory. The same is
being forwarded for information and necessary action.

This issues with the approval of Competent Authority.

Encl: As above.

Yours faithfully,

Puneet Nagpal
Puneet Nagpal

Additional Secretary (L,J&LA)

F. No. F.20(3)/LA/2023/dsadvic/ 534-583

Dated: 20.06.2023

Copy to:

1. Principal Secretary to Hon'ble Lt. Governor, Raj Niwas, Delhi w.r.t. U.O.
letter referred above.
2. Staff Officer to Chief Secretary, Delhi Secretariat, New Delhi.
3. Secretary to Hon'ble Minister (Law), Govt. of NCT of Delhi.

Dr. Anup
En. Raju, JLC

Puneet Nagpal
Additional Secretary (L,J&LA)

2/21/6

आजादी का
अमृत महोत्सव



सत्यमेव जयते

राज निवास
दिल्ली-११००५४
RAJ NIWAS
DELHI-110054

Office of Chief Secretary, Delhi
Diary No. 1528/75
C. D. No.
Date 15/6/23

MOST IMMEDIATE

The Government of National Capital Territory of Delhi (Amendment) Ordinance, 2023 was notified by the Ministry of Law & Justice, GoI on 19.05.2023.

2. In the above Ordinance, Section 3A has been inserted after section 3 of the Government of National Capital Territory of Delhi Act, 1991 which reads as under:


"...3A. Notwithstanding anything contained in any judgement, order or decree of any Court, the Legislative Assembly shall have the power to make laws as per Article 239AA except with respect to any matter enumerated in Entry 41 of List II of the Seventh Schedule of the Constitution of India or any matter connected therewith or incidental thereto..."

3. In this regard a reference is invited to the advice of the Department of Legal Affairs, GoI received through the MHA, GoI on the issue of questions being raised in Legislative Assembly of Delhi on matters related to "Reserved Subjects" which has been circulated by the Law Department, GNCTD to all Departments of GNCTD vide letter dated 19.03.2018 [copy attached]

4. The attention is also invited to the clarification provided by the MHA, GoI as communicated by this Secretariat's UO dated 02.04.2018 regarding the status of Vigilance Department to be treated as a part of "Services". [copy attached].

5. Accordingly, Hon'ble Lt. Governor has desired that Chief Secretary may kindly bring the above provisions and clarifications to the notice of all Addl. Chief Secretaries/ Principal Secretaries/ Secretaries/ Head of Departments of all Departments/ Autonomous bodies/ undertakings of Govt. of NCT of Delhi for information and necessary action.

Encl.: As above.


(Chandra Bhushan Kumar)
Principal Secretary to Lt. Governor

~~Chief Secretary, Delhi~~

U.O. No. 25(10)/2023/RN/ 336/A-1671

Date: 14/06/23

A. Seey Law

18/6

Annexu

(26W)

Most Urgent

15/c

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS)
8th LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI

F.No. 16(11)/LA-2018 / 1720-1769

Dated: 19.03.2018

The Secretary,
Delhi Legislative Assembly,
Govt. of NCT of Delhi
Old Secretariat, Delhi.

Sub: U.O. No. 23/17-RN/329/A-1490 dated 19.03.2018 received from Joint Secretary to Hon'ble Lt. Governor.

Sir,

Please find enclosed herewith the copy of above mentioned UO received from Joint Secretary to Hon'ble Lt. Governor informing that on the issue of questions being raised in Legislative Assembly of Delhi on matters related to 'Reserved Subjects', the following advice of Department of Legal Affairs, Government of India has been received through the Ministry of Home Affairs, Government of India.

"As per Article 239AA (3)(a) of the constitution, the Legislative Assembly shall have power to make laws with respect to any of the matters enumerated in the State List, or in the Concurrent List except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they related to the said Entries 1, 2 and 18.

Further as per Article 239AA(4), the responsibility of Council of Ministers of NCT of Delhi to aid and advice to Lt. Governor is restricted to matter only on which the Legislative Assembly has power to make rule. Thus on reserved subject i.e. subject mentioned in Entry 1, 2 and 18, the State Government has no power either to make law or take an executive action.

Rule 29 of Procedure and Conduct of Business of the Legislative Assembly of National Capital Territory of Delhi states that the subject matter of Questions must relate to a matter of administration for which the Government is responsible. Its purpose shall be to elicit information or to give suggestion of action on a matter of public importance.

In view of the provision contained in Article 239AA(3) and (4) read with Rule 29 of the Procedure and Conduct of Business of Legislative Assembly of National Capital Territory of Delhi, legally the Speaker of the Legislative Assembly cannot admit any Question on any Reserved Subject."

The above legal position may kindly be brought to the notice of Hon'ble Speaker, Legislative Assembly, Delhi for kind information as requested in the aforesaid U.O.

A copy of the same is also being endorsed to all the Hon'ble Ministers and Departments for information and further necessary action.

(Anoop Kumar Mendiratta)
Pr. Secretary (Law, Justice & LA)
Government of National Capital Territory of Delhi

Encl: As above.

F.No. 16(11)/LA-2018

Date: 19.03.2018

Copy forwarded to the following for information and further necessary action:-

1. Joint Secretary to Hon'ble Lt. Governor for information.
2. Pr. Secretary to Hon'ble Chief Minister, Delhi.
3. Secretaries to all the Hon'ble Ministers of Government of NCT of Delhi.
4. Staff Officer to Chief Secretary for information.
5. All the Pr. Secretaries/Secretaries/Heads of Departments of GNCTD.
6. Website of Law, Justice & LA Department.

(Anoop Kumar Mendiratta)
Pr. Secretary (Law, Justice & LA)
Government of National Capital Territory of Delhi



सत्यमेव जयते


राज निवास
दिल्ली-११००५४
RAJ NIWAS
DELHI-110054

MOST URGENT

Please refer to this Secretariat's UONo.2(3)/17-RN/379/A-1490-92 dated 19.03.2018 communicating the advice of the Ministry of Home Affairs (MHA), Government of India (GoI) on the issue of questions in Legislative Assembly of Delhi on matters related to 'Reserved Subjects' (copy enclosed).

The matter was further taken up with the MHA, GoI regarding the status of Vigilance Department in this regard. The Ministry of Home Affairs has examined the matter in consultation with the Department of Personnel and Training, Government of India and has clarified that the Vigilance Department has to be treated as a part of "Services".

The above clarification may kindly be brought to the notice of the department concerned for necessary action, please.


(Ravi Dhawan)
Jt. Secretary to Lt. Governor

Chief Secretary, Delhi

U.O. No. 2(3)/18-RN/140/A-1783

Date- 02/04/18

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