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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

Indiacode

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 11*th August*, 2023/*Sravana* 20, 1945 (*Saka*)

The following Act of Parliament received the assent of the President on the 11th August, 2023 and is hereby published for general information:—

THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (AMENDMENT) ACT, 2023

NO. 19 OF 2023

[11*th August*, 2023.]

An Act further to amend the Government of National Capital Territory of Delhi Act, 1991.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Government of National Capital Territory of Delhi (Amendment) Act, 2023.

(*2*) It shall be deemed to have come into force on the 19th day of May, 2023.

Amendment of section 2.

1 of 1992.

2. In the Government of National Capital Territory of Delhi Act, 1991 (hereinafter referred to as the principal Act), in section 2, after clause (*e*), the following clauses shall be inserted, namely:—

'(*ea*) "Lieutenant Governor" means the administrator appointed under article 239 of the Constitution for the National Capital Territory of Delhi and designated as Lieutenant Governor by the President;

(*eb*) "Minister" means a member of the Council of Ministers referred to in clause (4) of article 239AA of the Constitution, by whatever name called and includes a Deputy Minister;'.

Amendment of section 41.

3. In section 41 of the principal Act,—

(*A*) in the marginal heading, for the words "act in his discretion", the words "act in his sole discretion" shall be substituted;

(*B*) in sub-section (*1*),—

(*a*) in the opening paragraph, for the words "act in his discretion", the words "act in his sole discretion" shall be substituted;

(*b*) in clause (*ii*), the word "; or" shall be inserted at the end;

(*c*) after clause (*ii*), the following clause shall be inserted, namely:—

"(*iii*) in discharge of his functions under Part IV-A of this Act.";

(*C*) in sub-section (*2*), for the words "not a matter as respects", the words "not a matter in respect of " shall be substituted.

Insertion of new Part IV-A.

4. In the principal Act, after Part IV, the following Part shall be inserted, namely:—

'PART IV - A

PROVISIONS RELATING TO THE MAINTENANCE OF THE DEMOCRATIC AND ADMINISTRATIVE BALANCE IN THE GOVERNANCE OF NATIONAL CAPITAL TERRITORY OF DELHI

Definitions.

45A. In this Part, unless the context otherwise requires,—

(*a*) "All India Services" means any service created under the All India Services Act, 1951, except the Indian Police Service; 61 of 1951.

(*b*) "Authority" means the National Capital Civil Service Authority constituted under sub-section (*1*) of section 45E;

(*c*) "Chairperson" means the Chairperson of the Authority appointed under clause (*a*) of sub-section (*2*) of section 45E;

(*d*) "Chief Secretary" means the Chief Secretary of the Government of National Capital Territory of Delhi appointed by the Central Government;

(*e*) "Council" means the Council of Ministers referred to in clause (4) of article 239AA of the Constitution;

(*f*) "DANICS" means the Delhi, Andaman and Nicobar, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Civil) Services;

(*g*) "Delhi Subordinate Services Selection Board" means the Delhi Subordinate Services Selection Board constituted by the Government of National Capital Territory of Delhi through its Resolution No. F-3(7)/93-S.III, dated 4th October, 1996 read with Resolution F. 3(24)/DSSSB/2008-S.III/1764, dated 12th May, 2008;

(*h*) "Department" means a Department or office specified in the Schedule to the Business of Delhi (Allocation) Rules, 1993;

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(*i*) "Group 'A' officers" means the officers serving in the affairs of the Government of National Capital Territory of Delhi—

(*a*) belonging to All India Services, except the officers of the Indian Police Service;

(*b*) who are classified as Group 'A' officers, under rule 4 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965,

but shall not include the officers who are serving in connection with any subject matter, whether fully or in part connected with Entries 1, 2 and 18 of List II of the Seventh Schedule to the Constitution, and Entries 64, 65 and 66 of List II of the Seventh Schedule to the Constitution insofar as they relate to Entries 1, 2 and 18 or any other subject matter which is connected therewith or incidental thereto;

(*j*) "Group 'B' officials" means the Group 'B' officials, as such classified under rule 4 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, but shall not include the officials who are serving in connection with any subject matter, whether fully or in part connected with Entries 1, 2 and 18 of List II of the Seventh Schedule to the Constitution, and Entries 64, 65 and 66 of List II of the Seventh Schedule to the Constitution insofar as they relate to Entries 1, 2 and 18 or any other subject matter which is connected therewith or incidental thereto;

(*k*) "Group 'C' officials" means Group 'C' officials as such classified under rule 4 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, but shall not include the officials who are serving in connection with any subject matter, whether fully or in part connected with Entries 1, 2 and 18 of List II of the Seventh Schedule to the Constitution, and Entries 64, 65 and 66 of List II of the Seventh Schedule to the Constitution insofar as they relate to Entries 1, 2 and 18 or any other subject matter which is connected therewith or incidental thereto;

(*l*) "National Capital Territory of Delhi" means the Union territory of Delhi as defined in clause (1) of article 239AA of the Constitution;

(*m*) "Member" means a member of the Authority and includes the Chairperson;

(*n*) "Principal Home Secretary" means the Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, who is Head of the Home Department of the Government of National Capital Territory of Delhi; and

(*o*) "Secretary" means the Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, who is Head of the concerned Department of the Government of National Capital Territory of Delhi.

Public Service Commissions for National Capital Territory of Delhi.

45B. (*1*) The Union Public Service Commission shall be the Public Service Commission for Group 'A' and Group 'B' gazetted posts in the National Capital Territory of Delhi.

(*2*) The Delhi Subordinate Services Selection Board shall be the recruitment agency for appointment to the Group 'B' non-gazetted posts and Group 'C' posts in the National Capital Territory of Delhi.

Power of Central Government to make rules under this Part.

45C. The Central Government may make rules to provide for any one or more of the following matters, in connection with the affairs of the Government of National Capital Territory of Delhi under this Part, namely:—

(*a*) the tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence and other conditions of service of officers and other employees appointed or posted;

(*b*) the powers, duties and functions of officers and other employees appointed or posted;

(*c*) the qualifications of candidates for appointment to the posts and the manner of selection for the appointments;

(*d*) transfer or posting of the officers and other employees posted;

(*e*) the procedure to be followed in imposing any penalty, suspension pending departmental inquiries before the imposition of such penalty and the authority by whom such suspension or penalty may be ordered; and the officer or authority to whom an appeal or revision shall lie;

(*f*) any other matter which is incidental to or necessary for the purpose of regulating the appointment and conditions of service of persons appointed to services and posts; and

(*g*) any other matter for which, in the opinion of the Central Government, provisions are to be made by rules.

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Power to appoint authorities, boards, commissions or statutory bodies.

45D. Notwithstanding anything contained in any other law for the time being in force, any authority, board, commission or any statutory body, by whatever name it may be called, or any office bearer or member thereof, constituted or appointed by or under—

(*a*) any law made by the Parliament for the time being in force, applicable to the National Capital Territory of Delhi, shall be constituted or appointed or nominated by the President; and

(*b*) any law made by the Legislative Assembly of National Capital Territory of Delhi for the time being in force, the Authority shall recommend a panel of suitable persons for constitution or appointment or nomination by the Lieutenant Governor, in accordance with the provisions of section 45H.

Constitution of National Capital Civil Service Authority.

45E. (*1*) There shall be an Authority to be known as the National Capital Civil Service Authority to exercise the powers conferred on, and discharge the functions assigned to it under this Part.

(*2*) The Authority, referred to in sub-section (*1*), shall consist of the following Members, namely:—

(*a*) the Chief Minister of Government of National Capital Territory of Delhi, who shall be the Chairperson of the Authority, *ex officio*;

(*b*) the Chief Secretary of Government of National Capital Territory of Delhi, Member, *ex officio*; and

(*c*) the Principal Home Secretary, Government of National Capital Territory of Delhi, who shall be the Member-Secretary to the Authority, *ex officio.*

(*3*) All matters required to be decided by the Authority shall be decided by majority of votes of the Members present and voting.

(*4*) All recommendations of the Authority shall be authenticated by the Member-Secretary.

(*5*) The head office of the Authority shall be at Delhi.

Meetings of Authority.

45F. (*1*) The Authority shall meet at such time and place as the Member-Secretary may decide with approval of the Chairperson of the Authority, as and when so required.

(*2*) The Chairperson of the Authority shall preside over the meetings of the Authority.

(*3*) The quorum for the meeting of the Authority shall be of two Members.

Appointment of officers and other staff of Authority.

45G. (*1*) The Central Government, in consultation with the Authority, shall determine the nature and the categories of officers and other employees required to assist the Authority in the discharge of its functions and provide the Authority with such officers and employees, as it may deem fit.

(*2*) The officers and other employees of the Authority shall discharge their duties and functions under the general superintendence and control of the Authority.

(*3*) The salaries, allowances and conditions of service of the officers and other employees appointed under sub-section (*1*) shall be by rules made by the Central Government.

Powers and functions of Authority.

45H. (*1*) Notwithstanding anything contained in any other law for the time being in force, the Authority shall have the responsibility to recommend the transfers and postings of all Group 'A' officers and officers of DANICS serving in the affairs of the Government of National Capital Territory of Delhi but not officers serving in connection with any subject matter, either fully or in part, connected with Entries 1, 2 and 18 of List II of the Seventh Schedule to the Constitution; and Entries 64, 65 and 66 of List II of the Seventh Schedule to the Constitution insofar as they relate to Entries 1, 2 and 18 or any other subject matter which is connected therewith or incidental thereto, to the Lieutenant Governor:

Provided that Authority may, if it deems appropriate, by way of a recommendation, delegate the responsibility to any other authority of the Government of National Capital Territory of Delhi.

(*2*) The Authority shall have the responsibility to recommend for all matters connected with and falling under the subject of vigilance and non-vigilance matters for the purpose of initiation of disciplinary proceedings and recommend for grant of prosecution sanctions to the Competent Authorities under the relevant Constitutional or statutory provisions against all the Group 'A' officers, including the officers of the All India Services and DANICS, serving in the affairs of the Government of National Capital Territory of Delhi but not officers serving in connection with any subject matter, either fully or in part, connected with Entries 1, 2 and 18 of List II of the Seventh Schedule to the Constitution, and Entries 64, 65 and 66 of List II of the Seventh Schedule to the Constitution insofar as they relate to Entries 1, 2 and 18 or any other subject matter which is connected therewith or incidental thereto, to the Lieutenant Governor:

Provided that the Authority may, if it deems appropriate, by way of a recommendation, delegate the responsibility in respect to such officers serving in the affairs of the Government of National Capital Territory of Delhi to an officer of All India Services.

(*3*) The Lieutenant Governor, after the receipt of such recommendation under sub-section (*1*) or sub-section (*2*) of this section, may pass appropriate orders giving effect to the recommendation made:

Provided that the Lieutenant Governor, before passing appropriate orders on such recommendation, may ask for any relevant material regarding the Group 'A' officers, including the officers of the All India Services and DANICS, serving in the affairs of the Government of National Capital Territory of Delhi:

Provided further that in case the Lieutenant Governor differs with the recommendation made, whether based upon the material so called for or otherwise, the Lieutenant Governor may, for reasons to be recorded in writing, return the recommendation to the Authority for reconsideration by the Authority:

Provided also that in case of difference of opinion, the decision of the Lieutenant Governor shall be final.

(*4*) Without prejudice to the generality of the provisions contained in sub-section (*1*), the Authority shall—

(*a*) make recommendations to the Lieutenant Governor for framing policies on—

(*i*) stability of tenure of posting of officers and other employees;

(*ii*) rotational transfers and postings from sensitive to non-sensitive posts and *vice-versa*;

(*iii*) determining suitability of officer for posting as Head of the Department;

(*iv*) transfers and postings of all officers and other employees serving in the affairs of the Government of National Capital Territory of Delhi;

(*b*) make policy insofar as it relates to—

(*i*) the capacity building of the officers and other employees serving in the affairs of the Government of National Capital Territory of Delhi;

(*ii*) ensuring effectiveness in public services delivery in the Government of National Capital Territory of Delhi;

(*iii*) ensuring good governance and e-governance in public administration in the Government of National Capital Territory of Delhi;

(*iv*) ensuring greater transparency in the administration of the Government of National Capital Territory of Delhi;

(*v*) ensuring the presence of a citizen centric administration in the Government of National Capital Territory of Delhi; and

(*vi*) any other matter connected therewith or incidental thereto.

Disposal of matters by Minister.

45-I. (*1*) The Minister in-charge may, by means of standing orders, give such directions as he deems fit for the disposal of proposals or matters in his Department:

Provided that no such standing order shall be issued in contravention of the provisions of the Constitution or any other law for the time being in force including the provisions of this Act or the rules made thereunder or the statutory powers conferred under any law upon the officials, and financial powers delegated under the Delegation of the Financial Powers Rules, 1978.

(*2*) The Minister, in consultation with the Secretary concerned, may issue standing orders, concerning the matters or classes of matters which are to be brought to the personal notice of the Minister:

Provided that no such standing order shall be issued in contravention of the provisions of the Constitution or any other law for the time being in force including the

provisions of this Act or the rules made thereunder or the statutory powers conferred under any law upon the officials, and financial powers delegated under the Delegation of the Financial Powers Rules, 1978.

(*3*) The copies of directions and standing orders shall be forwarded to the Lieutenant Governor and the Chief Minister.

(*4*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), in addition to the proposals or matters required to be placed before the Lieutenant Governor under any law for the time being in force, the following proposals or matters shall be submitted to the Lieutenant Governor for his opinion through the Chief Minister and the Chief Secretary, before issuing any orders thereon, namely:—

(*i*) matters which affect or are likely to affect the peace and tranquility of the National Capital Territory of Delhi;

(*ii*) matters which affect or are likely to affect the interest of any particular community, the Scheduled Castes, the Scheduled Tribes and the socially and educationally backward classes or any other class of persons;

(*iii*) matters which affect the relations of the Government of National Capital Territory of Delhi with the Central Government, or any State Government, the Supreme Court of India or the High Court of Delhi and such other authorities as may be determined;

(*iv*) matters pertaining to the Secretariat of the Lieutenant Governor and personnel establishment and other matters relating to his office;

(*v*) matters on which the Lieutenant Governor is required to make an order under any law or instrument in force in his sole discretion;

(*vi*) matters specified under general or special order issued by the Lieutenant Governor under proviso to sub-section (*2*) of section 44;

(*vii*) petitions for mercy from persons under sentence for death and other important cases in which it is proposed to recommend any revision of a judicial sentence;

(*viii*) matters relating to summoning, prorogation and dissolution of the Legislative Assembly, removal of disqualification of voters at elections to the Legislative Assembly, Local Self Government Institutions and other matters connected therewith; and

(*ix*) any other matter of administrative importance which the Chief Minister may consider necessary.

Duties of Secretaries.

45J. (*1*) The Secretary of the Department concerned shall be responsible for preparing and authenticating every memorandum including the Cabinet Notes, for consideration of the Council of Ministers and for obtaining approval of the Minister in-charge and the Chief Minister.

(*2*) In case of proposals involving more than one Department, the views of all concerned Secretaries and the Ministers of all Departments consulted on the proposal shall be clearly and separately reflected in writing and signed by the Minister and the Secretary in the memorandum so as to ensure that in case of disagreement, the Council of Ministers shall take a decision.

(*3*) In case the Secretary to the Council of Ministers is of the opinion that the proposal considered and decided by the Council of Ministers is not in accordance with the provisions of any law for the time being in force or any rules of procedure made under section 44, it shall be the duty of the Secretary to the Council of Ministers to bring it to the notice of the Lieutenant Governor for taking a decision thereon.

(*4*) Any matter which is likely to bring the Government of National Capital Territory of Delhi into controversy with the Central Government or with any State Government, the Supreme Court of India or the High Court of Delhi and such other authorities as may be determined, the Secretary to the Department concerned shall, as soon as possible, bring it to the notice of the Lieutenant Governor, the Chief Minister and the Chief Secretary in writing.

(*5*) The Chief Secretary and the Secretary to the Department concerned shall be responsible for compliance with the provisions of this Act and the rules made under section 44, and when either of them considers that there has been any material departure from the same, instead of giving effect to such departure, he shall personally bring it to the notice of the Minister in-charge, the Chief Minister and the Lieutenant Governor immediately in writing.

Power to make rules.

45K. (*1*) The Central Government may, by notification published in the Official Gazette, make rules for carrying out the provisions of this Part.

(*2*) Every rule made by the Central Government under this Part shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rules or both Houses agree that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.'.

Power to remove difficulties.

5. (*1*) If any difficulty arises in giving effect to the provisions of Part IV-A of the principal Act, as inserted by the Government of National Capital Territory of Delhi (Amendment) Act, 2023, the President may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of Part IV-A of the principal Act, as inserted by the Government of National Capital Territory of Delhi (Amendment) Act, 2023, as may appear to him to be necessary or expedient for the purposes of removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and savings.

6. (*1*) The Government of National Capital Territory of Delhi (Amendment) Ordinance, 2023 is hereby repealed. Ord. 1 of 2023.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

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DR. REETA VASISHTA,
Secretary to the Govt. of India.

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